1818-038 SOUTHAMPTON COUNTY CHANCERY PAPERS GRESSWIT VS. COBB & AL 9/1819

other SURNAMES: Hines, Lancaster, Best, Eley, Groswit, Creecy

To the worshipful court of Southampton County
in Chancery sitting - Humbly complaining sheweth
unto your worships your orator James Gresswit
that during the year a certain William
Gresswit departed this life after having duly made
and published his last will and testament in writing
in which he devised a tract or parcel of land
situate and being in the County of Southampton, con
taining one hundred and forty acres, to his two
children Thomas Gresswit and Sally Gresswit, after
the death of his wife Mary Gresswit that
the said Thomas Gresswit departed this life an
infant and during the life of the said Mary Gresswit.
and that the said Sally Gresswit intermarried
with a certain John Hines, both of whom, after
entering upon the possession of the said land, died
intestate, leaving no children nor their descendants -
so that the legal right in the said land has become
vested in the brothers and sisters and their descend-
ants of the first mentioned decedant William Gresswit
These were your orator, Mary Gresswit (who inter-
married with a certain Samuel Cobb and died leaving
four children - to wit - Samuel Cobb, who has departed
this life leaving one child Anthony Cobb, an infant, who
in this behalf will take per stirpes; Rhoda Cobb who

intermarried with Porter Eley, Elizabeth Cobb and Burgoine Cobb) Elizabeth Grapevit who intermarried with Etheldred Lancaster, who has departed this life leaving her a widow, Partheny Grapevit who died intestate leaving a (Certain) Child, Adolphus Grapevit who is of full age and Martha Grapevit who intermarried with a certain Junius Best and died leaving one child, Elizabeth Best now an infant, all of whom your orator prays may be made defendants to this bill, Now if full age in their proper persons and there under the age of twenty one years by their special guardian and next friends - to the end therefore that a decree the before mentioned land may be had for the purpose of distribution among those entitled, as your orator would not yield the sum of one hundred pounds to each distributee, may it please the Court to compel the said defendants to answer all distinctly the allegations of the same fully perfectly and unevasively to make such decree in the premises as may be consistent with law & good conscience & your orator will ever &c

Stith for Com.

The Answers of Anthony Cobb ~~an infant~~ heir at law of Jonad Cobb dec. an infant, by Obed Creecy his next friend, Rhoda ~~Cobb~~ & Porter Eley, Elizabeth Cobb and Burgoine Cobb. Distributees of Mary Cobb who was Mary Grapevit, ~~late of this City~~ Elizabeth Lancaster, widow & relict of Etheldred Lancaster, which said Elizabeth was Elizabeth Grapevit, Adolphus Grapevit, heir at law of Partheny Grapevit dec. and Elizabeth Best, an infant, heir at law of Martha Best who was Martha Grapevit by Obed Creecy her next friend - The said defendants saving & reserving to themselves every benefit & exception to the foregoing bill of complaint for answer thereto say, that they cannot gainsay the allegations therein contained & will acquiesce in the decree prayed for - Having &c they pray to be hence dismissed &c

Stith for Defts

James Gresswell — Compt.

v.

Anthony Cobb an infant heir at law of James Cobb dec.d who was Mary Gresswell dec.d who was a distributee of Mary Cobb dec.d who was Mary Gresswell Victor Eley and Rhoda Eley his wife, who was Rhoda Cobb, Elizabeth Cobb and Benjamin Cobb heirs and distributees of the said Mary Cobb, who was Mary Gresswell Adolphus Gresswell Adolphus Gresswell heir at Law of Anthony Gresswell dec.d and formerly of Lancaster widow and relict of Theodorus Lancaster dec.d and formerly and Elizabeth Best an infant, heir at Law of Martha Best dec.d who was Martha Gresswell Defendants

In Chancery

This cause being this day docketed by consent of parties and coming on to be heard on the bill answer and arguments of Counsel it is decreed by the Court that Isaac Cobb, Seymour Vaughan Shadrach Vaughan & Wm. Edwards of them proceed to sell at public auction and convey to the purchaser or purchasers the tract or parcel of land situate lying and being in the County of Southampton and containing by estimation one hundred & forty acres more or less, William Gresswell dec.d late of said County deceased, allowing to the purchaser or purchasers a credit of twelve months on giving bond with approved security for the payment of the purchase money, except as to the sum of Ten Dollars (the attorneys fee) and the sum of [illegible] the Clerks fee) which they are hereby directed to demand of the purchaser or purchasers in cash and to pay over Shadrach Vaughan & Wm. Edwards as directed by decree and the said Isaac Cobb, Seymour Vaughan Shadrach Vaughan & Wm. Edwards may three in the following manner — The first part they are to pay over the complainant James Gresswell — the second part they are to pay equally between Anthony Cobb, Victor Eley, Elizabeth Cobb and Benjamin Cobb — The third part they are to pay over to Elizabeth Lancaster — The fourth part they are to pay over to Adolphus Gresswell heir at law of Anthony Gresswell and the fifth part they are to pay over to Elizabeth Best — But if the said infant defendant Anthony Cobb and Elizabeth Best have no guardians who may receive their portions, then they are to retain them till a guardian or guardians shall be appointed or till the further order of this Court — It is also ordered that they make report to this Court [illegible] in order that [illegible] may be entered up between the parties —

Gresswell
v.
Cobb
Bill
Answer
Exhibits
Depositions
Decree
Report
Exceptions

Gnesuit
vs
Gnesuit

Report
in
chancery

Sept. 1809 Return &
Decree final

Exam'd
Vs 3 Rec'd
Bill Answer Exhibits
Aug. 1808 Depositions
Sept. 1809 Exhibits Schedule

In Obedience to an interlocutory decree of the County Court of Southampton, together with a supplement to (both of which are hereto annexed) we [illegible] and Carr Darden, two of the commissioners mentioned in the said supplement did on the 15th day of June 1808 set up the land in the said decree mentioned, for sale to the highest bidder on a credit of 12 Months, and the same was bid off by Benjamin Cobb for the sum of Two hundred and fifty Dollars 25 Cents out of which amount we have caused to be paid to Griffin Keith the sum of Ten Dollars (his fee) and to Samuel Hallo, the further sum of three Dollars 63 Cents (his fee) as by the said decree we are directed and the balance we have divided, amongst the several distributees mentioned in the said decree, by taking a Bond (with security) to each for his proper share as designated in the said decree; which bonds we have ready to be delivered to the [illegible] when applied for. We have also conveyed the said land to the purchaser, as we are required to do. Given under our hands this 15th July 1808

John Lee

Carr Darden

Order for Sale
of Land

Sept Court 1808

James Gresnet Compt

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Anthony Cobb an infant & others ——— defts } In chancery

This cause was this day, heard on the bill and answer and arguments of counsel, (by consent of parties and apent of the court) whereupon it is decreed and ordered that John Lee, Isaac Daden and Josiah Mundaugh be added to the commissioners appointed by an Interlocutary decree of this court to sell the land of which William Gresnit died possesed and that the commissioners aforesd in conjunction with the commissioners formerly appointed or any two of them sell the said land, anording to the directions of the said Interlocutory decree and make report in order to a final decree

Jam Kello

Southampton February Court 1808

James Greswit - - - - - - - - - - - - - - - Complainant

Ag[ainst]

Anthony Cobb an infant heir of Samuel Cobb decd who was a distributee of Mary Cobb decd who was Mary Greswit, Victor Eley and Rhoda Eley his wife who was Rhoda Cobb, Elizabeth Cobb and Burgoine Cobb heirs and distributees of said Mary Cobb who was Mary Greswit, Elizabeth Lancaster widow and relict of Etheldred Lancaster decd and formerly Eliz[a] Greswit Adolphus Greswit heir at law of Parthena Greswit decd and Eliz[a] Best an infant heir at law of Martha Best decd who was Martha Greswit - - - - Defendants

This cause was this day docketed by Consent of parties and coming on to be heard on the Bill, answer, and arguments of counsel it is decreed and ordered that Frederick Cobb Seymour Vaughan Shadrach Vaughan and James Edwards or any three of them proceed to sell at public auction and convey to the purchaser or purchasers the tract or parcel of land lying and being in the county of Southampton and containing by estimation One hundred and forty acres whereof a certain Wm Greswit died seized and possessed allowing to the purchaser a credit of twelve months on giving bond with approved security for the payment of the purchase money (except as to the sum of ten dollar the lawyers fee and the further sum of three dollar & sixty three cents (the clerks fee) which they are hereby directed to demand of the purchaser or purchasers in Cash and to pay over as respectively due and the said Frederick Cobb Seymour Vaughan Shadrach Vaughan and James Edwards or any three of them are further directed to divide the said purchase money into five equal parts

parts and apply them in the following manner, The first part they are to pay over to the Complainant James Grenvit, the second part they are to divide equally between Anthony Cobb Victor Eley, (in right of his wife Rhoda Eley) Elizabeth Cobb & Burgoine Cobb, The third part they are to pay over to Elizabeth Lancaster The fourth part they are to pay over to Adolphus Grenvit heir at law of Parthena Grenvit And the fifth part they are to pay over to Elizabeth Best. But if the two infant defendants Anthony Cobb and Elizabeth Best have no guardians who may receive their proportions then they are to retain them till a guardian or guardians shall be appointed or untill the further Order of this court, It is also ordered that the Commissioner aforesaid make to the Court a report of their actings and doings in this behalf in order that a final decree may be made between the parties

Sam Hella

Report for Wm
Greenleaf Lands

Decr. 1818 Rpt. rect. & Decree final by consent

In obedience to a decree of the Worshipfull Court of Southampton County bearing date the 15th day of July 1808 directed to us, commanding us to make sale of a certain tract or parcel of land which a ~~Edmund~~ William Gwinn of said county died seized and possessed, and after advertising the said tract of land agreeable to law we exposed it to public sale, to the highest bidder on a credit of 12 months and obtained the sum of One hundred & seventy nine Dollars which said sum we have allotted and paid over to the complainants ~~James~~ Gwinn, Adolphus Gwinn in right of his mother, Elizabeth Bett in right of her mother Burgoine Cobb Eliz.a Cobb and Victor Eley in right of his Wife Rhoda Eley formerly Rhoda Cobb and Anthony Cobb in right of their mother, each their respective parts of the said sale, agreeable to the said decree given under our hands & seals this 15th day of September 1818

Barr Darden (Seal)

John Lee (Seal)

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915
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