

1852-005

SOUTHAMPTON COUNTY
CHANCERY PAPERS

INDIAN TRUSTEES VS. COBB et al.

INDIAN TRUSTEES VS EVERETT et al.

5/1852

other SURNAMES: Parker,
Newsom, Barham, TURNER,
Taylor, Fitzhugh, Blow,
Blunt, Welsh, Peete, Maget,
Nottoway and Nansemond Tribe of
Indians, Cary, Darden

Indian: Trustees

v } Papers.

Cobb &c

1852 May Dismissed

2 00
 1 05
 30
 30
 2 00
 50
 84

 7.19

1666
 75

 1741

Indian Trusts

& } Stat. Rules

Costs &c

Relks Costs	\$ 15.87
Ship's "	7.19
or Pub.	5.50
Com	12.50
Saw fee &c	17.41
	\$ 58.47

James W Parker, George A W Newson, and Jesse S Barham trustees of the
Achoomay & Chausimond Tribe of Indians and Edwin Turner, Robert Taylor and
William Taylor members of the said tribe on behalf of themselves and all other
members of the tribe
against

Jess. Cobb in his own right and as executor of Benjamin Cobb dec^d. George B
Cary administrator with the will annexed of Thomas Fitzhugh dec^d. Gilbert D
Barham and John T Blom administrators of John T Blom dec^d. Septha
Darden Sheriff and Committee of Richard Blunt dec^d. Alexander P Peete,
Henry Welsh and Henry T Magee.

1849 ^{Janry} ~~Janry~~ ^{Feb} ~~Feb~~ ^{March} ~~March~~ ^{April} ~~April~~ ^{May} ~~May~~ ^{June} ~~June~~ ^{July} ~~July~~ ^{Aug} ~~Aug~~ ^{Sept} ~~Sept~~ ^{Oct} ~~Oct~~ ^{Nov} ~~Nov ^{Dec} ~~Dec~~
Subpoena issued.~~

" Rules. Subp^a ret^d executed on Jess. Cobb. G. D. Barham & Septha
Darden Shff. - George B Cary not found - & John T Blom
Henry Welsh, Alexander P. Peete & Henry T Magee no Inhabit-
ants. Bill filed - then sp^a. T. Dft Cary & order publication
agst Dfts. Blom, Welsh, Peete & Magee.

" March. R. Subp^a ret^d executed on Dft. Cary

" Apr. " Cause set for hearing as to Dfts Cobb in his own right & as Exr.
Barham & Darden.

" May Term Ans of Dft. Cary now filed & Gen. Rep. thereto. Hearing granted
Dft. Cobb to answer.

1849 Oct. 13th Sa fa issued to Return to Wm. Cobb as Jess. Cobb. & Septha
Darden Shff & ad. Wm. Cobb -

" Nov. 5th Sub removed. Ans. of Cobb as & Darden ad. filed Gen. Rep.
& case continued.

1850 May. Continued.

" Sep. 20th Sa fa v. & t. Myrick shff & admr. of Tho^s Fitzhugh dec^d.

" Nov. 5th Decree for account

1851 Mar R. Amended Process issued

" 27th Report.

" Apr. R. Sp^a. Executed on Dfts. Cobb, Darden, Myrick, Barham & Everett. Other Dfts no
inhabitants - Decree nisi re Dfts on whom Sp^a Executed.

" " R (Last Monday). Bill taken for confessed as to Dfts Cobb as, Darden as, Myrick as,
Barham as & Everett

" May 5th Decree as filed &

Indian Trustees &
i } Bill
Cobb &c

1849 Feb, Rules

To The Hon. Richard H Baker judge of the Circuit Superior Court of law and chancery for the County of Southampton in chancery sitting:

Humbly complaining shew unto your Honor, your complainants James W Parker, George A W Newson and Jesse S Barkham of the county of Southampton, Trustees for the Nottaway & Nansamond Tribe of Indians and Edwin Turner, Robert Taylor, and William Taylor members of the said tribe on the behalf of themselves and all other members of the tribe;

That the Nottaway & Nansamond Tribe of Indians which is still very numerous, held and owned in the year 1820 a large body of land lying in the County of Southampton which had descended to them from their ancestors once a powerful nation: on the 12th day of the January of that year the General Assembly at the petition of the tribe passed an act entitled an act authorising the sale of a part of a tract of land belonging to the Nottaway Tribe of Indians in the County of Southampton and for other purposes: This act provided that the Trustees of the tribe, with the consent of the said tribe might sell 1124 $\frac{5}{8}$ acres of the said tract of land, provided the said Trustees or such of them as might agree to act should before they proceeded to make sale enter into a bond with good security, before the Court for the County of Southampton payable to the said Court, with condition well and faithfully to perform the duties assigned them by the act: It then proceeds to declare it to be the duty of the Trustees so soon as the purchase money shall be collected, to invest it in public securities or stock, and to draw the interest therefrom annually and apply it to support the Indians

all of which will fully appear from the said act to which your Honor is referred. Your complainants state that in pursuance of this act the said Trustees who were Benjamin Cobb, Lere Cobb, John T Blou, Henry Welsh and Thomas Fitzhugh on the 21st day of February 1820 entered into bond in the penalty of \$12000 conditioned as the act directs, with Richard Blunt Alexander P Peete and Henry T Magee their securities a copy of which is herewith filed marked (A) and prayed to be considered a part of this bill. The said Trustees then proceeded to sell the land mentioned in the act, and to collect the purchase money, but neglected to invest it in the public securities or stock and suffered it to remain in the hands of Lere Cobb without other security than the aforesaid bond. All of the said original Trustees except the said Lere Cobb have since died or removed from the Commonwealth and your complainants James W Parker George A W Newson and Jeph. T Barkham have been since appointed by The Governor of Virginia (according to the provisions of an act passed the 19th of December 1816 entitled an act to amend the several acts concerning the Hottentaw and Nansemond Tribe of Indians?) to fill the vacancies thus occasioned, and together with the said Lere Cobb are at this time the only Trustees for the said Tribe. Your complainants state that the said Lere Cobb has had possession of the money belonging to the Tribe ever since it was collected from the purchasers of the land sold under the act of 1820, and long before your complainants the said Parker Newson and Barkham were appointed Trustees. It amounts at this time to about \$1200. The interest on the money

so held by Lere Cobb was annually paid up by him and divided among the Tribe as directed by the act of 1820, until the year 1845, since that time he has neglected to pay any interest. Your complainants to the Trustees believing the bond executed by the former Trustees in the County Court of Southampton to be insufficient to secure the amount due from Lere Cobb in consequence of many of the obligors thereto having become insolvent, and considering it to be a duty to those they represent, that is your complainants the Indians who are very numerous and exceedingly ignorant of their rights, have often demanded of Lere Cobb the amount due from him to the trust fund in order that it might be invested as directed by the act of Assembly, but he has always declined payment under various pretences. Your complainants are advised that if Lere Cobb should prove unable to pay the amount due from him, that they can recover the same from the former Trustees and their securities in as much as they have failed to comply with the condition of the ^{said} bond entered into by them in the County Court of Southampton on the 21st of February 1820. Since the execution of the aforesaid bond four of the obligors thereto have died, to wit: Benjamin Cobb, John T Blou, Thomas Fitzhugh, and Richard Blunt, and three others have removed from the Commonwealth of Virginia: ^{to wit Alexander P Peete Henry Welsh & Henry T Magee} Benjamin Cobb died after publishing his last will & testament which was admitted to probate at the Term 18 of the County Court of Southampton and Lere Cobb the Executor therein named qualified according to law, Thomas Fitzhugh died having published his last will and testament which was

admitted to probate at the Term 18 of the said Court and the Executors therein named having refused to qualify administration with the will annexed was granted to George Barclay. Richard Blunt died after publishing his last will & testament which was admitted to probate at the Term 18 of the said Court and Jane Blunt the Executrix therein named qualified according to law, and the said Jane Blunt having since died intestate the estate of the said Richard Blunt has been committed to Jephtha Darden Sheriff of the County of Southampton. John T Blow died intestate and Cuthbert D Barham and John T Blow qualified as his administrators at the Term 18 of the said Court, all of which will fully appear from copies of the certificates of the qualification of the aforesaid Executors and Administrators herewith filed marked (B) and prayed to be considered a part of this bill. John T Blow one of the administrators of John T Blow died has removed from the Commonwealth of Virginia and is now a resident of some state unknown.

In Tender Consideration of all which and in as much as your complainants are without remedy save in a Court of Equity &c. To the end therefore that justice may be done, they pray that Jane Cobb in his own right and as Executrix of Benjamin Cobb died. George Barclay administrator with the will annexed of Thomas Fitzhugh, and Cuthbert D Barham and John T Blow administrators of John T Blow died. Jephtha Darden Sheriff and committee of Richard Blunt died. Alexander P Reese Henry Welch and Henry T Maquet may be made Defendants to this bill and time

answers make upon oath to the allegations thereof. That the said Jane Cobb may state what amount of money he has received belonging to the Nottaway & Mankerson Tribe of Indians, in what capacity he received the same and what part thereof if any he has legally expended, that he may state moreover up to what time he has paid ^{interest} on the sum due from him to the Tribe, and what was the amount on which the said interest was calculated at the date of his last annual payment. It sheweth that he may without evasion or equivocation, answer each and every allegation contained in this bill, that your Honor will order him to render an account of his transactions as Trustee and decree to your complainants whatever may be due from the said Jane Cobb on a full and fair settlement, and if he should be unable to pay the same grant a decree against his co-obligors in the aforesaid bond for whatever they may be bound, and grant unto your complainants such other and further relief as justice and equity may dictate, that an order of publication may be made against the absent Defendants, and that your Honor will grant to your complainants the common writ of subpoena commanding the Defendants to stand to and abide such order and decree as to your Honor may seem just and proper, and as in duty bound. They will ever pray &c. May it please your Honor &c

Chambliss Waplesburg pro Comps

Indian Trusts

~ { Amended Bill
Cobb &c

1857 March Rules

To the Hon. Richard H Baker Judge of The Circuit Court for the County of Southampton

In Chancery

Humbly complaining sheweth unto your Honor
your Complainants James W Parker George A
W Newsom and Leff S Barkham of the County
of Southampton Trustees for the Notoway and
Nassauwau Tribes of Indians, and Edwin Turner
Robert Taylor and William Taylor members of the
said Tribes on behalf of themselves and all other
members of said Tribes; That in February 1849
your Complainants exhibited their original
bill of Complaint in this Honorable Court against
Jesse Cobb in his own right and as Administrator
of Benjamin Cobb decd. George Barclay Administrator
with the will annexed of Thomas Fitzhugh decd. Cuth-
bert S Barkham & John T Blount Administrators
of John T Blount decd. Lefftha Sardon Sheriff and
committees of Richard Blunt decd. Alexander P Peete
Henry Welch and Henry T Magrath - That since the
filing of the said bill Jesse Cobb died intestate, and
at the Term 1849 of the Court of Southampton William W Cobb qualified as his Admin-
istrator, and at the Term of the said Court the
estate of the said Benjamin Cobb was committed
to Lefftha Sardon Sheriff &c; That soon after George
Barclay Administrator with the will annexed of Thom-
as Fitzhugh decd, and the estate of the said Fitzhugh
was committed to Alexander Myrick Sheriff &c;

and the proper process issued to revive the said
suit against the said William W Cobb, Leffina
Dardan and Alexander Inghick. That the said
original bill, (which it is prayed may be herewith
read and considered a part of this amended bill),
amongst other things set forth a bond dated the
21st of February 1820 executed by the said Lewis Cobb,
Benjamin Cobb, John T Blow, Henry Welsh, Thom.
as Fitzpatrick, Richard Blunt, Henry T Inghet, and
Alexander P Peete, payable to John C Gray, William
Briggs, William Nichols, and William L Everett,
Justices, conditioned that the first first named
obligors who had been appointed trustees for
your Indian complainants, should well and
faithfully discharge the duties assigned them
by an act of Assembly entitled an act author-
izing the sale of a part of a tract of land belonging
to the Notowaun, Tribe of Indians in the County
of Southampton, and for other purposes passed
January the 19th 1820; and charges that the said first
first named obligors did not well and faithfully
discharge their said duties; and therefore prays re-
dress against all of the said obligors - Your
complainants are advised that it is proper the
said William L Everett who is the only survivor
of the said Justices to whom the said bond is
made payable, should be made a party to this
suit, and for that purpose it is necessary they
should file this this amended bill - In under

consideration of the premises and to the end there-
fore that justice may be done, your complainants
pray your Honor to make the said William L
Everett, as well as the said William W Cobb Admin-
istrators of Lewis Cobb, Leffina Dardan Sheriff & Coun-
smittes of Benjamin Cobb, Alexander Inghick, Sher-
riff & Committes of Thomas Fitzpatrick, Catherine D
Barham & John T Blow Administrators of John T
Blow ad. Leffina Dardan Sheriff & committes of Richard
Blunt, Alexander P Peete Henry Welsh and Henry
T Inghet ~~they are~~ Defendants to this suit,
and that they answer thereto: And as in duty bound
they will ever pray &c. May it please your Honor &c

Chambliss & Inghetburg p. 8

Indian Trustees

to } Ans of Dpt. Com

Cobb W

Filed in Court May 3 1849

Indian Trustees of

vs

Leff & c - - -

The Answer of G. B. Cary Adm^r of Thos Fitzhugh.

This Respondent saving to himself all benefit of first exception that may hereafter arise to the errors & uncertainties in the ~~Plffs~~ bill contained. For answer thereto or unto so much thereof as he is advised it is at all material for him to answer, answering, Says - That it is true as charged in the Bill that he qualified as administrator with the will annexed of Thomas Fitzhugh dec'd. who was one of the Indian Trustees, as Adm^r he proceeded to administer the estate according to Law. after the payment of debts he distributed the surplus amongst the heirs, taking refunding bond according to Law. - so that he has long since parted with the whole estate - He begs leave to further state, that he never and he believes that his testator, Thos Fitzhugh, never did receive any of the funds referred to in the Compt's bill, the whole of the funds as he is advised having passed into the hands of Levi Cobb the Treasurer -

He therefore submits that he ought to be discharged here with his costs &c. and he further submits, that the Act of Limitations is a complete bar to the Compt's claim, and having answered he prays to be heard dismissed &c -

George B. Cary

Sworn to in open Court May 3^d 1849 by George B. Cary
L R Edwards Clk

Indian Trustees
vs S. Auswer
Cobb &

1849 November Term

To the Hon. Rich^d. H. Baker, Judge of the Circuit
Superior Court of Law and Chancery for the County
of Southampton in Chancery sitting.

The answer of Lemuel Lobb Admr. of Luellobb dec^d. to
a bill of Complaint exhibited in this honorable Court
by James W. Parker, G. A. W. Hudsons and Lepe S.
Barham Trustees for the Stottaway and Stansumond
Tribe of Indians and others, against the said the said
Luellobb and others.

This defendant seeing to himself no benefit of great
exception to the errors and imperfections in the plaintiff's
bill contained, for answer thereto, or so much thereof as
he is advised it is material for him to answer, says,
That he is the administrator of the said Luellobb
but that no assets have come into his hands more
than sufficient ^{to pay} former expenses and debts of
like dignity. He admits that Luellobb was one
of the trustees of the Stottaway and Stansumond Tribe
of Indians, and that he entered into bond with the other
trustees and his securities, as charged in the plaintiff's bill.
It is true that the act of Assembly directed the purchase
money of the said land which was sold by the said
trustees, to be invested in public securities or stocks, but
the trustees so far as your orator understands and believes
acting under the advice of legal counsel, believed
it would be ^{being} for the interests of the Indians, and in
substantial compliance with the act of Assembly.

to loan the said purchase ^{money} out, and pay to the Indians the interest annually. Your orator denies that all the purchase money was suffered to remain in the hands of Luc. Cobb the Treasurer, but so far as he understands and believes, all of the said money with the exception of a small amount was loaned out as soon as it came into the hands of the Treasurer, and the interest collected and paid over to the Indians annually. That a small amount remained in the hands of the said Treasurer on which interest was paid annually. That a large proportion was loaned out to C. F. Leghart which was not paid to the said Treasurer until within the last few years when none of the ^{other} trustees who were appointed under the act of 1819 were acting. Your orator avers that the said Luc. Cobb, who, he admits was the Treasurer of the said board of Trustees, never received any commissions on the sums of money which passed through his hands as Treasurer, which he was entitled to not only by law, but by a special order of the board of Trustees, and your orator states that if the said commissions are allowed the said Treasurer, which in justice and equity should be done, there would be but a very small amount, if indeed any, due to the said Indians. It however it should be decided that he is not entitled to any commissions for failure to charge them at the proper time, there will not then be due the amount of \$1200, as charged in the Plaintiff's

bill, from the Treasurer. That the said Treasurer paid up to July 1828: interest on \$873.40. and that this is in fact all that is due from the said Treasurer, if his commissions should not be allowed. Your orator states that Giles Reese at the sale of the said lands directed to be sold, became the purchaser of Lot No. 6. and afterwards transferred the said land to Benj^a. Lamb, and that the said Benj^a. Lamb never paid the whole of the purchase money in his lifetime to the Treasurer, nor has it been paid since his death. That there is still due from his estate to the said Indians the sum of \$218.04 with interest from March 4th 1841, which sum is secured by a deed of trust on the said land. Your orator is advised that his intestate cannot be made responsible for this amount, as it never passed into his hands, and it is not in the power of his representative to collect it. Your orator having thus answered prayer to be hence dismissed with his costs D

Wm. W. Cobb

Southampton County Il.

Personally appeared before me a justice of the peace for the County aforesaid Wm. W. Cobb who made oath that the facts stated in the foregoing answer, so far as they are stated to be of his own knowledge are true, and so far as he has heard them from others, and expressed his belief of them, he does believe them to be true. Given under my hand and seal this 5th day of Nov^r. 1849.

Jos. Cobb J. P. Seal

Indian Trustees
vs. J. Assewer
Cobb &

1829 November Term

To the Hon. Rich^d. H. Baker Judge of the Circuit
Superior Court of Law and Chancery for the County
of Southampton, in chancery sitting.

The answer of Lepta Darden Sheriff and Com^{rs} of the
Estate of Benjamin Cobb dec^d. to a Bill
of Complaint exhibited against him and others,
by James W. Parker, George A. W. Newson
and Lepe S. Barkham Trustees for the Stollaway
& Stanswold Tribe of Indians, and others -
This Respondent saving and reserving to
himself all benefit of just exception to the
errors and imperfections in the said bill
contained, for answer thereto, or so much
thereof as he is advised it is material
for him to answer, says - That it is true
that the said Benjamin Cobb dec^d. was one
of the Trustees of The Stollaway & Stanswold
Tribe of Indians, and gave bond for
the performance of his duties, as set forth
in the plaintiffs bill - That it is also true that
The act of assembly directing the sale of the
lands belonging to the said Tribe of Indians,
required the purchased money to be invested
in public securities or stocks, but that the
Trustees as your respondent believes, acting
under the advice of legal counsel, believed
it to be better for the interests of the Indians
and a substantial compliance with the
act of assembly, to loan the said money
out, and pay to the Indians the

interest annually, which was accordingly done.
That your respondent believes that the whole of
the purchase money ^{was received} by Sue Cobb the Treasurer
and was by him loaned out; and the in-
-terest collected annually and paid over to
the Indians. That none of the said money
ever came into the hands of the said Benj.
Cobb so far as your respondent understands
and believes. Your respondent says that
the estate of the said Benjamin Cobb died.
has been committed to his hands as Sheriff,
but that no assets have ever been
received by him but he believes that the whole
estate of the said Benjamin was long ago
distributed by Sue Cobb who was his
Executor. Your respondent in view of
the above facts submits that he ought to
be discharged hence with his costs & and
he further submits that the act of Limitations
is a complete bar to the plaintiffs claim,
and having answered he prays to be hence
dismissed with his costs &

Southampton County N. C. wit:

^{a justice of the peace} Personally appeared before
me ^{on this day} Leptha Sander, who made oath that
the facts stated in the foregoing answer so far
as they are stated of his own knowledge are true,
and so far as he has heard them and expressed
his belief of them, he does believe them to
be true. Given under my hand and seal this
The 18th day of Oct. 1849
Ben S. Sander J. P. Seal

Indian Tract
i 3
Cobb Co. Ga.

To be entered

R H Baker

Nov. Co. 1850.

1850 November

Indian Trustees

i

Cobb &c

} November Term 1850

It appearing that the Plaintiffs have pursued the course prescribed by law against the absent Defendants John J. Blount administrators of John J. Blount and Alexander P. Peck Henry Welsh and Henry J. Maget, and the subpoena awarded in this case having been returned executed on Arthur J. Barclay administrators of John J. Blount and Septima Jordan Sheriff and Committee of Richard Blount and, and the said Defendants still failing to appear and answer although two months have elapsed since the Plaintiffs filed their bill, on motion of the Plaintiffs it is taken for confessed as to these Defendants. And the cause came on to be heard on the bill and exhibits answers of the Defendants to Cobb administrators of John Cobb, Septima Jordan Sheriff and Committee of the estate of Benjamin Cobb, and Percy B. Cary administrators of Thos. Fitzhugh and, and the replications thereto, and was argued by counsel on consideration whereof the Court doth adjudge order and decree that John W. Cobb render before a Commissioner of this Court an account of the transactions of his estate as trustee of the Nation and Nanamond tribe of Indians, and that the said Commissioner report the same to Court together with any matters specially stated which he may deem pertinent or which either of the parties may require him to so state.

x And Lane is granted the p^lys to amend their Bill
and make new Parties -

Indian Trustees &

vs } Copy Draw
Cobb & others

~~Jan. 24th 1851~~

March 18th

Comm. notice to be published

8 weeks -

In Southampton Circuit Court, November 8th, 1850:

James W. Parker, George A. W. Pearson, and Jesse S. Barham Trustees of
the Mattoway & Nansemond Tribe of Indians & others plaintiffs }
against } Defts
Jere: Cobb & others }

It appearing that the plaintiffs have pursued the course prescribed
by Law against the absent defendants John T. Blow administrator of John T.
Blow dec^d, Alexander P. Peete, Henry Welch, and Henry T. Maget,
and the subpoena awarded in this cause having been returned executed
on Cuthbert E. Barham, administrator of John T. Blow dec^d and Jephtha
Garden Sheriff and committee of Richard Blunt deceased, and this said
defendants still failing to appear and answer, although two months
have elapsed since the plaintiffs filed their bill, on motion of the
plaintiffs it is taken for confessed as to those defendants: and the
cause came on to be heard on the bill and exhibits, answers
of the defendants William W. Cobb administrator of Jere: Cobb,
Jephtha Garden, Sheriff and Committee of the estate of Benjamin
Cobb and George B. Cary, administrator of Thomas Fitzhugh dec^d:
and the replications thereto and was argued by Counsel: On
consideration whereof the Court doth adjudge, order and decree
that William W. Cobb render before a Commissioner of this
Court an account of the transactions of his intestate as Trustee
of the Mattoway and Nansemond Tribe of Indians and
that the said Commissioner report the same to Court
together with any matter specially stated deemed pertinent
by himself or which either of the parties may require to be
so stated. and leave is granted the plaintiffs to amend
their bill and make new parties.

Attest

Teste. J. R. Edwards Clk

Indian Hunter
" }
Cobb & Co } Order

To be Entered
R. H. Baker
May. 6. 51.

1851 May Term

Indian Trustees

2

Cobb

3 May Term 1851

The subpoena awarded in this cause
~~this day this cause came on~~
on the 3^d of March 1851 having been returned executed on the
agreed to be heard on the papers ^{as presented}
of Wm L. Everett and other Defendants and the ^{Defendants} Plaintiffs
the ~~award~~ ^{award} ~~with which is taken for costs for~~
been filed the sum is taken for costs as to the Defs on
the Defendant's failing to appear on ~~an~~ ^{an} ~~and~~
wherein the said subpoena was executed. and the cause coming
the report of Commissioners ~~to be heard~~ ^{to be heard}
on to be heard on the papers ~~presented~~ ^{presented} and the report of the Com.
of the ~~order~~ ^{order} of November 1850
1850 to which there is no exception, and the
Court confirming the same doth adjudge & decree
and decree that the Plaintiffs recover of William
W Cobb administrator of Jesse Cobb and the sum
of \$818.43 with interest from Dec. by the 1st 1848
to be paid out of the effects of his intestate in his
hands to be administered, and that the Plaintiffs
have executions for the same; And leave is reserved
for the Plaintiffs to apply for further relief in
case this decree should prove unavailing, and
the Court doth further ~~and~~ ^{and} adjudge & decree that
the Commissioners take an account of the transac-
tions of Wm W Cobb as administrator of Jesse Cobb
and report the same to Court with any mat-
ters specially stated deemed pertinent of himself
or which he may be required to so state of any
of the parties

Indian Trustees

to } Co. David
Cobb & Co

Aug: 19th 1851

Southampton Circuit Court May 3rd 1851.

James W Parker. Geo. A. W. Newson. and Jose S Barham trustees of the Nottoway
and Nansimond Tribe of Indians & others

Pliffs

against

In Chancery

Jos. Cobb in his own right and as Executor of Benjamin Cobb dec^d & others & fto.

The Subpoena awarded in this cause on the 3rd day of March 1851 having been
returned executed on the defendants William L Overth and other defendants. and the
supplemental bill having been filed, the same is taken for confessed as to the De-
fendants on whom the said Subpoena has been executed and the cause coming on to
be heard on the papers formerly read and the report of the Commissioners made by
order of November 8th 1830 to which there is no exceptions and the Court confirming
the same doth adjudge, order and decree that the plaintiffs recover of Wm W. Cobb
administrator of Jos. Cobb dec^d the sum of \$818. 83 with interest from July the
1st 1845. to be paid out of the effects of his intestate in his hands to be administered, and
that the plaintiff have execution for the sum. And leave is reserved for the plaintiffs to
apply for further relief in case this decree should prove unavailing. And the Court doth
further order, adjudge and decree that the Commissioner take an account of the transac-
tions of Wm W. Cobb. as administrator of Jos. Cobb and report the same to Court
with any matters specially stated deemed pertinent by himself or which ^{he} may be
required to so state by any of the parties.

A Copy

Teste J R Edwards Clk

Executed on Jennie's last will & testament D Barham by
Septua Dardard 1849 by delivering a copy to each

George B. Leary, not found.

John T. Blow, Henry Welsh, & Alexander P. Pate and
Henry T. Maget no inhabitants.

Jas. H. Seville Coroner

Indian Trustees

to 3 days.

Robert & John

1849 February 18th

1849

THE COMMONWEALTH OF VIRGINIA,

To the ^{Coroner} Sheriff of Southampton County, Greeting:

We command you that you summon *Jeremiah Cobb in his own right & as*
Executor of Benjamin Cobb dec^d. George B. Berry adm^r. With the
will annexed of Thomas Fitzhugh dec^d. Guilbert D. Warman & John F. How
adm^r. of John F. Wilson dec^d. Septha Darden Sheriff the committee of Richard
Blunt dec^d. Henry Welsh, Alexander D. Pate, Henry F. Magit.

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the
County of Southampton, at the Rules to be holden for the said Court on the first Monday in

February next, to answer a Bill in Chancery exhibited against *them* in
the said Court by *James W. Parker. E. A. W. Newson & Jesse S. Burkham*
trustees of the Northway & Transmont Tribe of Indians, & Edwin
Turner. Robert Taylor & William Taylor members of the said Tribe
who sue on behalf of themselves and all the other members of the said
Tribe.

And unless *they* shall answer the said Bill within ^{*two*} ~~four~~ months thereafter, the Court will
take the same for confessed, and decree accordingly. And this *they* shall in no wise
omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON
R. EDWARDS, Clerk of our said Court, at the Court-house, the *4th* day of
January 1849, in the *73rd* year of the Commonwealth.

L. R. Edwards Clk

[One Copy to be delivered each Defendant.]

Q56

Indian Trustees

to { Sp^r ch^y

Cobb & P

1849 March Rules

February 14/1849

Executed by ^{delivering} leaving
a copy of the notice

Edward P. Turner
Capt of Inf. the
Barren M^t

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *George B. Leary* administrator with
the will annexed of *Thomas Fitzhugh* dec'd

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the
County of Southampton, at the Rules to be holden for the said Court on the first Monday in

March.

next, to answer a Bill in Chancery exhibited against *him & others* in
the said Court by *James W. Parker, G. A. W. Newsum & Jesse S. Burham*
trustees of the Nottoway & Stansemond tribe of Indians & Edwin
Turner. Robert Taylor & William Taylor members of the said tribe
who sue on behalf of themselves & all the other members of the said
tribe

And unless *he* shall answer the said Bill within ^{*two*} ~~four~~ months thereafter, the Court will
take the same for confessed, and decree accordingly. And this *he* shall in no wise
omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON
R. EDWARDS, Clerk of our said Court, at the Court-house, the *5th* day of

February

1849, in the

730

year of the Commonwealth.

J. R. Edwards

[One Copy to be delivered each Defendant.]

Executed on Wm W Cobb adm^r of the Darden
Ships on Alexander Lynch Shiff on Southbrook & Barkham
by delivering a copy to each on 17th day of March and
William L E write April 4th 1851.

John T Bhow, Alex^r. P Pute Henry Welsh and
Henry Schagete no inhabitants

J. A. H. Sebolt Coroner

Indian Trustees

2 { Dep^y Chy.

Cobb vs

1851 April Rules

THE COMMONWEALTH OF VIRGINIA,

To the ^{Clerk} Sheriff of Southampton County, Greeting:

We command you that you summon *William L. Everett, Wm W Cobb* administrators of *John Cobb*. *Septua Darden Shiff* & Committee of *Benjamin Cobb*. *Alexander Myrick Shiff* & Committee of *Thomas Fitzhugh dec.* *Garthbert D. Barkum & John F. Blair* administrators of *John F. Blair dec.* *Septua Darden Shiff* & Committee of *Richard Blair dec.* *Alexander J. Peck*. *Henry Welsh* & *Henry J. Magy* -

to appear at the Clerk's Office of our Circuit ~~Superior Court of Law and Chancery~~ for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *April* next, to answer ^{an amended} Bill in Chancery exhibited against *them* in the said Court by

James W. Parker. George A. W. Newson & Jesse S. Barkum
Trustees for the Attorney & Newson and Tribe of Indians &
others

And unless ~~shall answer the said Bill within four months thereafter, the Court will take~~
~~the same for confessed, and decree accordingly.~~ And this *they* shall in no wise omit, under
the penalty of £ 100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk
of our said Court, at the Court-house, the *3rd* day of *March* 1851, in the
45th year of the Commonwealth.

L. R. Edwards

[One Copy to be delivered each Defendant.]

Indian Trustees

& } Cr. Pub:

Cobb & Co

A Copy posted at the front door of
the C. House Feb'y 10. 1849

L.R.C.

At Rules held in the Clerks Office of the Circuit Superior Court of Law and Chancery for the County of Southampton on Monday the 5 day of February 1849.

James W Parker, George A W. Newsom, and Jesse S. Barham trustees for the Nottoway and Nausemond tribe of Indians and Edwin Turner, Robert Taylor and William Taylor members of the said tribe on behalf of themselves and all other members of the said tribe.

Pliffs:

against.

} In Chancery

Jess: Cobb in his own right and as executor of Benjamin Cobb dec^d. George B Cary administrator with the will of Thomas Fitzhugh dec^d. Calhoun D Barham and John T Blow administrators of John T Blow dec^d. Simeon Darden Sheriff and committee of Richard Blunt dec^d. Alexander S. Peete. Henry Welsh and Henry J. Maget. Defts.

The defendants John T Blow administrator of John T Blow dec^d. Alexander S. Peete. Henry Welsh, and Henry J. Maget not having entered their appearance and given security according to the act of Assembly and the rules of this Court and it appearing by satisfactory evidence that they are not inhabitants of this country: it is ordered that the said defendants do appear here on the first day of the next term and answer the bill of the plaintiffs, and that a copy of this order be forthwith inserted in some newspaper published in the town of Petersburg for two months successively and posted at the front door of the courthouse of this county-

VIRGINIA—IN CHANCERY.—At Rules held in the Clerk's office of the Circuit Superior Court of Law and Chancery for the county of Southampton, on Monday, the 5th day of February, 1849:

James W. Parker, George N. W. Newsom and Jesse S. Parham, trustees of the Nottoway and Nausemound tribe of Indians, and Edwin Turner, Robert Taylor and William Taylor, members of the said tribe, on behalf of themselves and all other members of the said tribe,
Plffs,
against

Jere. Cobb, in his own right, and as executor of Benjamin Cobb, dec'd, George B. Cary, administrator with the will annexed of Thomas Fitzhugh, dec'd, Cuthbert D. Barham and John T. Blow, administrators of John T. Blow, dec'd, Jephtha Darden, Sheriff and committee of Richard Blunt, dec'd, Alexander P. Peete, Henry Welsh and Henry T. Maget.
Defts.

The defendants, John T. Blow, administrator of John T. Blow, dec'd, Alexander P. Peete, Henry Welsh and Henry T. Maget, not having entered their appearance and given security according to the Act of Assembly and the rules of this Court, and it appearing by satisfactory evidence that they are not inhabitants of this country, it is ordered that the said defendants do appear here on the first day of the next term, and answer the bill of the plaintiffs, and that a copy of this order be forthwith inserted in some newspaper published in the Town of Petersburg for two months successively, and posted at the front door of the Courthouse of this county.

A Copy—Teste,
fe 15—w8w L. R. EDWARDS, C. C.

Printed for 5.50

TOWN OF PETERSBURG, TO-WIT:

Personally appeared before me, an Alderman of said Town, John D. Harwood, Clerk of the Intelligencer Office, and made oath that the annexed Order of Publication has been published weekly for eight weeks, successively. Given under my hand, this 12th day of May 1849.

W. E. Martin M^o

Please send the fee by first good opportunity, yours Respectfully,
John H. Chynoweth
By John D. Harwood

Crown 14
Publications

Indianaustus

2 } Comm. Report

Coffin

1857 March 27th Returned

Get Metcalf, J. L. Barlow and James M. Poston - Indian trustees
 In account with Jere Cobb, former treasurer

1845-		Dr.	Cr.
July 1	By amt due from Jere Cobb to Indians	1091 44	
	To Commission on same		54 57
	" Amt paid due from Benj. Lamb, estate		218 04
	By bal. due Trustees		818 83
		1091 44	1091 44

" " By bal. due Trustees but down \$ 818 83

with but from this day are paid

Respectfully submitted

M. S. Goodwyn Comm

Indian Trustees

Cobb's order

Commissioners office - March 18th 1851

The undersigned Comm. beg leave to report the above account
 pursuant to the order of Nov. Term 1850 - And to state specifically that the above
 amt. of \$1091.44 was taken from an old book, in which Jere Cobb, the
 Secretary and Treasurer of the former trustees, kept his accounts - the amt.
 on said amt. was paid up by said Cobb, to the 7th Aug. 1845 -

William M. Cobb admr of Jere Cobb appeared before the Comm
 and excepted to the above act. for the following reason to wit: That the
 said Jere Cobb, his intestate as Treasurer for the former trustees of the
 Indians, received a large amount of money (including the above amt.)
 and disbursed the same without deducting commission; and that
 the Comm. ought to have allowed him, in the above act, commission
 on the whole amt. so received, which would have nothing due from
 said Cobb.

M. S. Goodwyn Comm

Comm. fee \$7.50

Printers fee

charged to Trustees

Comm

The exceptions to the above account are withdrawn

W. M. Cobb

Indian Trustees

& } Exh^o. with Will

Cobb

(et. ,

Know all men by these presents that we Benjamin Cobb, Jeremiah Cobb, John T Blon, Henry Welsh & Thomas Fitzhugh, Richard Blunt, Henry T Maget and Alexander P. Pratt are held and firmly bound unto John C Gray, Wm L Everett, Wm Briggs & Wm Hicks Gentlemen Justices of the Peace for the County of Southampton now sitting in the sum of twelve thousand dollars - To which payment well and truly to be made to the said Justices and their Successors in office for the time being we bind ourselves and each of us, our and each of our heirs, executors & administrators jointly and severally, firmly by these presents - Sealed with our seals and dated this 21st day of Feby. 1820 & 1st year of the Count.

The Condition of the above obligation is such that whereas the above bound Benj^a Cobb, Jeremiah Cobb, John T Blon, Henry Welsh & Thomas Fitzhugh have been duly appointed one of the trustees for the Nottoway & Hanswound tribe of Indians in pursuance of the laws of this Commonwealth and have taken upon himself to act as such - Now therefore if the said Benj^a Cobb, Jer^e Cobb, John T Blon, Hy. Welsh, & Thomas Fitzhugh shall well and faithfully discharge the duties assign-
-ed him by an act of Assembly entitled "An act authorizing the sale of a part of ~~the~~ tract of land belonging to the Nottoway tribe of Indians in the County of Southampton and for other purposes" passed January 12th 1820 then this obligation to be void else remain in full force & virtue.

Signed, Sealed and acknowledged

in presence of

Teste

James Rochelle

Benj Cobb

Seal

Jer^e Cobb

Seal

John T Blon

Seal

Henry Welsh

Seal

Thomas Fitzhugh

Seal

Rich^d Blunt

Seal

Henry T Maget

Seal

Alex^r P. Pratt

Seal

A Copy

Teste

J R Edwards

Indian Meters
vs { Homer's Report
Cobb & al.

1857 Sept. 22

The Estate of Jeremiah Cobb dec^d.

In account with W^m. W. Cobb Administrator

1849			Dr.		Cr.	
		By cash found in the house			30	00
		" amount received from E. Butler			9	50
		" " " " W ^m . J. Goudreau			2	50
		" " " " L ^o . A. Prince			9	00
		To Commissions on \$57.00	2	55		
		" paid Collier & ~~Chenut~~ for Coffin	20	00		
Decr 21		By Balance due The Estate	28	45		
			57	00	57	00
1850		By Balance brought down			28	45
		" cash from M. B. Rochelle			9	40
		To cash paid Sheriff taxes	29	77		
		" " " Clerk's tickets	3	10		
		" " " W ^m . D. Clarke	1	00		
		" Commissions on \$9.40		47		
		" Commissions fee retained	1	00		
June 20		By Balance due The estate	2	57		
			37	85	37	85
" "		By balance due brot. down			2	57
Commissions fee \$5.00 charged to the Indian makes						
Comr						

Respectfully submitted

W^m. W. Cobb Comr.

The Commissioner begs leave to report That W^m. W. Cobb's account as administrator of Jere. Cobb dec^d was reported to the County Court of Southampton by W^m. B. Phander Comr. on the 21st day of October 1850, and that The above account is an exact copy of The Same —

W^m. W. Cobb Comr.

Indian Trustees

to { Exhbt. with bills

Cobb

(P)

"1.94 etc

At a Court held for the County of Southampton the 20 day of November 1826.
 The will and codicil of Benjamin Cobb dec^d was presented in Court by Jere.
 Cobb the executor therein named, and it appearing to the satisfaction of the Court
 that as well the body of the said writing as the signature thereto is in the proper
 hand writing of the said Benjamin Cobb. Therefore it is ordered that the
 same be established as and for his last Will and testament of said Benjamin
 Cobb. and ordered to be recorded. And on the motion of the said executor who
 made oath according to law certificate is granted him for obtaining a probat
 thereof in due form on his giving bond and Security. Whereupon the said
 Jere. Cobb with Henry Briggs & William Briggs his Securities entered into
 and acknowledged a bond in the penalty of thirty thousand dollars conditioned
 as the law directs -

A Copy

Teste

L R Edwards Clk

At a Court held for the County of Southampton on the 20 day of December
 1824. The will of Richard Blunt was presented in Court by Jane Blunt, Rich-
 ard Coker & Benjamin Blunt Jr. the executor & executors therein named, when
 Richard Coker & Benjamin Blunt refused to take upon themselves any part
 of the burden of the execution thereof - proved by the oath of Collin W Barnes
 and James Taylor two of the witnesses thereto, and ordered to be recorded also the
 Codicil thereto annexed was proved by the oath of Elizabeth Fawcett, William B
 Pope and Francis Briggs the witnesses thereto and ordered to be recorded
 And on the motion of the said Executor who made oath according to law
 certificate is granted her for obtaining a probat thereof in due form on her
 giving bond and Security. Whereupon the said Jane Blunt together with
 William F. Coker, Richard St. Edwards & Benjamin Blunt her Securities
 entered into and acknowledged a bond in the penalty of twenty thousand
 dollars conditioned as the law directs.

A Copy

Teste

L R Edwards Clk

Southampton County Court. January 15 1849.

Ordered that the estate
 of Richard Blunt dec^d be committed to the hands of Jephthah Darden Sheriff
 for administration according to law

A Copy

Teste

L R Edwards Clk

Southampton County Court - January 21st 1828.
The last will and testament of Thomas Fitzhugh dec^d. was proved by the oath
of George A. C. Barham and Peter Simmons two of the witnesses thereto & ordered
to be recorded - and the executor and executors therein named refusing to take
upon themselves the burthen of the execution thereof on the motion of. On the motion
of George B. Cary who made oath and together with William B. Goodwyn and
Thomas Ridley his securities entered into and acknowledged a bond in the
penalty of Twenty thousand dollars conditioned as the law directs, certificate is
granted him for obtaining letters of administration on the estate of the said Thomas
Fitzhugh, ^{with his will annexed} dec^d in due form.

Attest
Teste L. R. Edwards C. C.

Southampton County Court. November the 18th 1833.
On the motion of Gilbert D. Barham and John T. Blow who made oath and together
with Samuel Barham and Sampson BeRess their securities entered into
and acknowledged a bond in the penalty of two thousand dollars conditioned as
the law directs. Certificate is granted them for obtaining letters of administration
on the estate of John T. Blow dec^d in due form.

Attest
Teste L. R. Edwards C. C.

Executed by delivering a copy to Alex. Myrick
Sheriff on October 21st 1850

Geo. H. Bell corner

Indian Printing

at 3 D. J.

1850

1850 & 1851

The Commonwealth of Virginia. To the ^{Coroner} Sheriff of Southampton County.
Greeting. Whereas in a suit in Chancery lately depending in our Circuit Court of
said County between James W. Parker, G. A. W. Stinson and Jesse S. Burham Trustees
of the Stationary and Annamoud Tribe of Indians & others plaintiffs against
Jeremiah Cobb in his own right and as executor of Benjamin Cobb dec^d George B
Cary administrator with the will annexed of Thomas Fitzhugh dec^d & others Defendants
and sundry proceedings have been had as appears from the records and files of the said
Court, but before a final decree could be pronounced in the case George B Cary died
and the plaintiffs have applied for a writ facias against Alexander Myrick
Sheriff of the County of Southampton to whom the estate of the said Thomas Fitzhugh
was administered by the said George B. Cary has been committed for administration.
Therefore we command you that you make known to the said Alexander Myrick
that he be before the Judge of our said Court at the Courthouse on the first day of the
next Term of the said Court to show cause, if any he can, why the said writ should
not be proceeded in against him in his character aforesaid to a final decree, and
be in all things in the same plight and condition as it was at the time of the
death of the said George B Cary and further to do and receive what our said
Court shall in that part consider. And have them there this writ. Witnesses Littleton
R. Edwards Clerk of our said Court at the Courthouse the 20th day of September 1859
in the 75th year of the Commonwealth.

L. R. Edwards Cky

256

Indian Trusts

or } Sci. fa.

Cobb & Co

1849 November Term

Executed

Jas. H. Seabell Commr.

Coroner

The Commonwealth of Virginia: To the ~~Sheriff~~ Sheriff of Southampton County
Greeting. Whereas in a suit in Chancery lately depending in our Circuit
Superior Court of Law and Chancery for Southampton County between James
W. Parker, G. A. W. Newsom & Jesse S. Parkman trustees of the Nottoway
and Nansemond tribes of Indians & others plaintiffs against Jeremiah
Cobb in his own right and as executor of Benjamin Cobb dec'd and others
Defendants. sundry proceedings were had as appears from the records &
files of the said Court, but before a final decree could be pronounced in
the cause Jeremiah Cobb died and the plaintiffs have applied for a
per se facias against William W Cobb administrator of the said Benjamin
Cobb and against Septha Darden Sheriff of Southampton County and as
such administrator de bonis non with the Will annexed of Benjamin
Cobb dec'd. Therefore we command you that you make known to the
said William W Cobb & Septha Darden that they be before the Judges
of our Circuit Superior Court of Law & Chancery aforesaid at the Courthouse
on the first day of the next Term, to show cause if any they can why
the said Suit should not be proceeded on against them in their charac-
ters aforesaid to a final decree, and be in the same plight & condition as
it was at the time of the death of the said Jeremiah Cobb. and further to do
and receive what our said Court shall in that part consider. And have there
this writ. Witness Sallston R. Edwards clerk of our said Court at the
Courthouse the 13th day of October 1849. in the 7th year of the Commonwealth.
S. R. Edwards clk