

1866-016

SOUTHAMPTON COUNTY
CHANCERY PAPERS

WOOTON

VS.

WOOTON _{vs} al

8/1866

Horton Bill, answer
on 3 & license.
Horton dc

1858 June. Deed as filed &

1866 Aug. Rept confirm^d

To the worshipful County Court of Southampton County.
June term, 1888.

Humbly complaining therewith unto
your worships your complainant James Wootton
that his father Joshua Wootton departed this life
some years ago intestate in the County of
Southampton and leaving as his heirs at law
Matilda Wootton his widow, and two children
who are your complainant and John Wootton
that John Wootton is yet an infant of tender
years. That the said Joshua Wootton died seized
and possessed of a small tract of land lying
in the County aforesaid containing by estimation
nearly two acres, and valued at one dollar
per acre - that no dower in the said land
has ever been assigned to the widow, your complain-
ant desires that the said land should be
divided, but as that would be utterly impossible
from the smallness of the tract, and as it
would be to the interest of all concerned, he
asks that the said land should be sold in
order to effect a division. That it would also
be best for the parties interested that the said
land should be sold out and out, including
the dower interest of his widow Matilda Wootton.
That she is willing that this should be done -
In tender consideration of the premises, and in
as much as your complainant is without remedy
save in this worshipful court, he prays that
Matilda Wootton and John Wootton be made
parties defendants to this bill. That a guardian
ad litem be assigned to the infant defendant
John Wootton. That your worships will decree
a sale of the tract of land of which Joshua
Wootton died seized and possessed inclusion of
the ~~entire~~ interest of his widow Matilda Wootton.
That your worships will decree such further
and general relief as equity may dictate,
and he will ever pray &c.

Cobb J. G.

The answer of Matilda Wootton to the foregoing bill.

This defendant saving & reserving &c for answer to said bill, says that she has no objection to the decree prayed for, that she is willing that her dower interest in the land of which her husband Joshua Wootton died seized and possessed should be sold with the whole tract, and that such an amount as your worships may think proper shall be paid to her in lieu of her dower interest. That she believes it would be to the interest of all parties concerned that the said land should be sold. And having thus answered pray to be hence dismissed with costs &c

Matilda Wootton by
W. W. Cobb attorney.

The answer of John Wootton an infant by L. R. Edwards his guardian and claimant ^{in the foregoing bill} says that being an infant of tender years submits his interests to the care and protection of this worships Court, and pray to be hence dismissed with his costs &c

W. W. Cobb attorney.

James Wootton

Matilda Wootton and John Wootton by L. R. Edwards his guardian and claimant.

This day this cause was docketed by consent of parties and leave of the Court, and came on to be heard by the consent on the bill answers and general application thereto, and was agreed by counsel, on consideration whereof the Court doth adjudge, order and decree that William M. Cobb who is appointed a Commissioner for the purpose, after having given at least twenty ^{public} days notice of the time and place of sale, sell

to the highest bidder on a credit of six months, except so much as may be necessary to pay the costs of this decree and said sale, the land of which Joshua Wootton died seized and possessed lying in Southampton County and containing eighty two acres, including the dower interest of ~~Matilda~~ Matilda Wootton in the said land; that he take a bond for the balance from the purchaser with approved security and retain the title until the purchase money is paid; that he collect the same when due and pay one sixth of the amount to Matilda Wootton in lieu of her dower interest in the said land, and that he pay the balance in equal proportions to James Wootton and John Wootton, and that he make a report of his proceedings to this Court in order to a final decree. But the said Wm. M. Cobb shall not proceed to sell under this decree until he shall execute bond in the Clerk's Office of this Court before the said Clerk in the penalty of \$150, with approved security, ~~payable to the said Matilda Wootton~~ conditioned for the faithful performance of his trusts under this decree.

Wooton

n } Co. Dene

Wooton

sold in June 1859
M. W. Butler purchaser
at \$60 - Rec^d of
Dene \$350

Mar 19/1860. Rec^d
of M. W. Butler the
balance \$47.12
W. W. C. O. H.

Receipts L

Southampton County Court. June Term 1858.

James Wooton

against

Matilda Wooton. & John Wooton an infant 1st

Plff

Def

{ In Chancery }

This day this cause was docketed by consent of parties and leave of the Court and came on to be heard by like consent on the bill, answer and general replication thereto, and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that William W Cobb who is appointed a Commissioner for the purpose after having given at least twenty days public notice of the time and place of sale, sell to the highest bidder on a credit of six months except so much as may be necessary to pay the costs of this decree and said sale, the tract of land which Joshua Wooton died, seized and possessed lying in Southampton County and containing sixty two acres including the donor interest of Matilda Wooton in the said land, that he take a bond for the balance from the purchaser with approved security and retain the title until the purchase money is paid - that he collect the same when due and pay one sixth of the amount to Matilda Wooton in lieu of her donor interest in said land, and that he pay the balance in equal proportions to James Wooton and Joshua Wooton and that he make a report of his proceedings to this Court in order to a final decree. But the said Wm W Cobb shall not proceed to sell under this decree until he shall execute bond in the clerks Office of this Court before the said Clerk in the penalty of \$1.50, with approved security payable to the Commonwealth of Virginia and conditioned for the faithful performance of his trust under this decree.

clks fees \$3.50.

Attesty

Teste E R Edwards clk

June 22nd 1860. Recd. of Wm. W. Cobb
 Comm. ~~the~~ sum of ten dollars in full
 or in full payment of the amount due
 me under the within receipt -
 for the ~~the~~ sum of ~~the~~ money
 specified ~~the~~ money
 made

July 22nd 1860 - Recd. of Wm. W. Cobb \$1.04 balance
 John H. Morten - James E. Morten

amt of Sale of Land \$60
 Lawyers fee & Costs

13.50
 \$47.50

Commissions

3.00
 \$44.50

Widow's proportion 1/6

7.41 $\frac{2}{3}$
 \$37.08 $\frac{2}{3}$

Widow's Bond & Int

15.00
 \$22.08 $\frac{1}{3}$

James E. Morten's Proportion \$11.04

John H. Morten's .. 11.04

June 22/1860 - Recd. of Wm. W. Cobb
 the sum of \$11.04 in full of my
 proportion under the within sum
 & also \$7.75 due my mother
 Matilda Morten -

James E. Morten

Wooten

v

Wooten

Commons Report

1861

May 2^d 1861

Wooten
v
Wooten

In obedience to a decree of the County Court of Southampton County rendered in the above suit at June Term 1858, the undersigned Commissioner began to make the following report - That after giving the notice required by said decree he sold the land belonging to Joshua Wooten dec'd. containing sixty two acres, and that William D. Butler became the purchaser at the sum of sixty dollars - That there was a bond outstanding against the estate of the said Joshua Wooten dec'd same, \$13.50 and the said Commissioner has paid the said bond out of the amount rec'd for the sale of the said land James Wooten and John Wooten both of whom were of age at the time of payment and who were the only heirs of Joshua Wooten dec'd being perfectly willing and desirous that he should do so. The following statement will show the amount rec'd and paid out - Receipts of parties, herewith filed - That he has executed a deed for the said land to

By sale of land to Mr D Butler	\$ 60.00
Law fee & costs of decree & Commissioner	18.50
With sale of land	\$ 44.50
To paid Matilda Wooten, proportion $\frac{1}{3}$	7.41 $\frac{2}{3}$
	\$ 37.08 $\frac{1}{3}$
To paid B. Wells, bond in	15.00
	\$ 22.08 $\frac{1}{3}$
To paid James & John Wooten	22.08 $\frac{1}{3}$

Respectfully submitted
Wm L Cobb

Wooten

To { Note :

Stello .

On demand, this 22th day of January 1850,
Y. B. Kello
I promise to pay to ~~John B. Kello~~, his heirs
or assigns, for value received, the sum
of nine dollars and twenty five cents

For the payment of which I bind
myself, my heirs, Executors and
administrators. - Given under my hand
and seal, this the day and date above
named. -

Joshua Water Seal

Test,
O A Gardner

Notes
To Note
of the

Bond due Jan 22nd. 1850. \$9.25
Interest to July 22nd. 1860. 575
\$15.00

Oct. 15th. 1860. Recd.
of H. W. Cobb. the same
Amt. in full and
S. B. Keller

Know all Men by these Presents, That We *Wm W Cobb & John*
Cobb

are held firmly bound unto the Commonwealth of Virginia, in the just and full sum of

One hundred & fifty

Dollars, current money of Virginia, to the payment

whereof well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this *17* day of

October

A. D., 1859

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound

Wm W Cobb *commissary in the case of Norton &*
Norton 1st et June Court 1858.

shall faithfully discharge the duties of his said office or trust, according to law, then the above obligation to be void or else to remain in full force and virtue.

Signed, Sealed and delivered }
in the presence of the Court. }

Wm W Cobb { SEAL }

John Cobb { SEAL }

{ SEAL }

{ SEAL }