

1870 - 15

Southampton County - Chancery

Cornel, Mary Ann W. vs

Cox, Isaac's Adm't

"
In Little agreement
Agreement incite

Cox, Virginia, Adm't
Estate of Isaac Cox
decd

Children

William W. Cox

Charles E. Cox

Rebecca W. Cox

Mary E. Cox

Clara Cox

~~40 41 42 43 44 45 46 47 48 49 50~~

Carnes

v { Papers

Box^s arm 1^o

Case
To $\sum$ apt?
Carmus

(A)

of
This agreement entered into this the 8th day
of January 1861 between Isaac Cox of the one part
and Mary Ann W. Barnes of the other part. Witnessed
that for and in consideration of the sum of two thousand
dollars (\$2000.00) the said Isaac Cox hath sold
to the said Mary Ann W. Barnes his house and lot
situate in Franklin together with a store and
some lumber now on hand upon the
following terms and conditions

The said Mary Ann W. Barnes agrees to pay to the said
Isaac Cox the sum of five hundred dollars cash down
or within ten days. Five hundred dollars on the
first of July 1861 five hundred dollars on the first
of January 1862 and five hundred dollars on
the first of July 1862 That is to say five
hundred dollars every six months ~~in three~~
installments with interest from the date
of the Bonds which are to be given in
payment of these installments. The
deed of said lot to be reserved in possession
of said Isaac Cox as security until all the
purchase money is paid. Then the said
Isaac Cox is to convey to the said Mary
Ann W. Barnes such title as is vested in
him in writing whereof we have hereto
set our hands and seals this the 8th day
of January 1861

Witnessed by
A. W. Hooper

Signed
Mary

10th

Carmes
to Bill
Cox 2c

1867 Oct. Rules

To The Hon Richard H Baker Judge of the
Circuit Court for the County of Southampton
Humbly complaining sheweth unto
your Honor your Grantee Mary Ann W Carmo
that on the 8th day of January 1861 she
purchased from Isaac Cox a house & lot
situated at Franklin for which she was to
pay to the said Cox \$500 within ten days \$500
on the 1st of July 1861, \$500 on the 1st of January
1862 and \$500 on the 1st of July 1862 the said
Cox to retain the title until the purchase
money was all paid which will fully appear
from a copy of the written agreement entered
into by the parties herewith filed marked (A) and
prayed to be considered a part of this bill - That
your Grantee paid the first installment & entered
into possession of the said lot and has continued in
such possession ever since except on intervals
during the war when she was driven out by the
advance of the public enemy - That the said Isaac
Cox died intestate leaving a widow Virginia Cox
and w^{rs} W; Ch^l E; Ida V; Rebecca W; Mary E, & Charles his children
& heirs at law infants under the age of twenty
one years and that the said Virginia Cox qual-
ified as his administratrix at the August term
1864 of the County Court of Southampton
as will appear from a copy of the certificate
of qualification herewith filed marked (B)
That your Grantee has since paid to the said Virginia
Cox as administratrix as aforesaid large sums of
money amounting to about \$200. in part li-
quidation of the remainder of the purchase money
for the said lot, leaving notwithstanding a

considerable balance due them which she desires
to pay & perfect her title as soon as possible
your Grace further sheweth that by reason
of the infancy of the heirs at law of the said Anne
Cox she is unable to acquire a title to the said
house & lot without the aid of this honorable court

In tender consideration of all which & in as
much as your Grace is without remedy in
the premises except in a court of equity to
the end therefore that justice may be done
she prays that Virginia Cox administration
of Isaac Cox and in her own right, & said W. W.
Ch. E. Hall; Rebecca W. Mary Edland Cox ^(the last by infants) may be made defendants
to this bill and answering the allegations thereof
that some fit & proper person may be ap-
pointed guardian ad litem to defend the
infant defendants, that a deed may be directed
to be executed to your Grace conveying to her
the said house & lot as soon as she shall pay the
balance of the purchase money now due thereon
and that your Honor will grant such other &
several relief in the premises as equity may
dictate and as in duty bound she will ever pray
&c may it please the Court &c

Proscribed by
pro Comp. A. T.

Box 4.

at.

Carnes

answer of
va. box

1867 Oct Rules

The answer of Virginia Cox as adm^t
of Isaac Cox & in her own right, to a
Bill in Chancery Exhibited against
her father by Mary Ann Barnes in
the Circuit Court of Southampton
County.

This Respondent says That
the facts set forth in the said
Bill are true as she verily
believes, and has no objection to a
decree to make such deed as may
be proper under the circumstances
and having answered &c.

Virginia Cox
by John R. Kilgatt.

Barnes

$\bar{u}$ } Coy. with little

Box's nr. g'

- B -

Carney

by

Cox

Statement

X

Accepted as correct

by John R. Kelly p. d.
E W Moberly p. d.

Nov. 1867.

Amos. due by Mary A. Barnes to.
 Isaac Cox for House & Lot at Franklin
 1 Bond for \$500.00
 Int. from 22^d. Jan. 1861
 to 31 July 1867 - 6 y. 6 m. 21 d }
 cr. 31 July 1867 -

197.50
<u>\$697.50</u>
240.00
<u>\$457.50</u>

Int. from 31 July 1867

20 1 other Bond for \$500.00
 Int from 22 Jan 1861 to 31 July 1867 197.50

1 other Bond for \$500.00
 Int. as above 197.50
 Total amos. due \$1852.50

Int. on \$1457.50 from 31 July 1867.

Co. &c.

at.

Carnes

Answer of
Infants.

1867 Nov. Rules.

The joint and separate answer of
Wm W. ^{Charles E.} Ida V; Rebecca W; Mary E
& Clara, Cox; ^{by Virginia Cox their Guardian ad litem} Infants; to a Bill
in chancery exhibited in the Circuit
Court of Southampton by Mary Ann
Learner, against Virginia Cox & others

These Respondents say, That they are
Infants and ignorant of their rights &
hence submit the same to the Court
and pray that no order or decree may
be made in the cause inconsistent
with their rights —

(Signed)

Barnes

Σ Sum. Chy.

Box' or

1864 October Rules.

161
36
40
237
50
300
587
498
1085

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU to summon

*Virginia Cox as adm^y of Isaac Cox dec^d and in her
own right*

to appear at the Clerk's office of our

Circuit

Court of Southampton County, at the Rules

to be holden for the said Court on the first Monday in

*October Inst. 15 answer a bill in Chancery
Exhibited against her & others in our said Court by Mary Ann W. Barnes*

and have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-

house, this

1st

day of

October

1867, in the

92nd

year of the Commonwealth.

L R Edwards

69 70

Carnes

in

Co.

Report.

Recd 20 June
1870

Southampton Circuit Court, November Term 1867

Mary Ann W. Carnes

Plff.

against

Virginia Cow administratrix of Isaac Cow dec.
and in her own right and W^m W. Charles E. Ada
V. Rebecca W. Mary E. and Clara Cow the
last Six Infants -

Defts.

Virginia Cow is assigned Guardian ad litem to the Infant Defendants
W^m W. Charles E. Ada V. Rebecca W. Mary E. and Clara Cow,
to defend their interest in this Suit, and there upon the said
Virginia Cow, as such Guardian filed her answer to the Bill
of the Plaintiff, to which answer the Plaintiff by Counsel,
replied generally, and the Cause coming on to be heard on
the Bill, the answer of the Defendant Virginia Cow, in her
own right and as the administratrix of Isaac Cow and of the said
Guardian ad litem with general replications thereto, and on the
Exhibits was argued by Counsel, on Consideration whereof the Court
doth adjudge, Order and Decree, that John R. Kilby, who is
hitherto appointed a Special Commissioner for that purpose, execute
a Deed with Special Warranty conveying to the Plaintiff all the
right title and interest of the Defendants in the house and lot
in the Bill mentioned, so soon as the said Plaintiff shall pay
the remainder of the purchase Money, now unpaid, with interest
thereon, which is as appears by paper filed herewith this day and
marked (X.) and which the parties agreed to be a correct
Statement, the Sum of Eighteen hundred and Fifty two dollars
and fifty Cents, with interest in Fourteen hundred and Fifty
Seven dollars and fifty Cents past thereof from 31st July
1867 - and that unless the said Mary Ann Carnes shall
pay the said Sum of Money, and all interest thereon in
Ninety days, that then the said John R. Kilby, who is also
appointed ~~appointed~~ Commissioner for that purpose, proceed
to sell the real Estate above referred to, at auction before
the Court House door of Southampton County, on some
Court day, on Six Months Credit, except for a Sum

Sufficient to pay Costs of Suit and expenses of Sale, which he
will receive in Cash and pay to those entitled, taking from
the purchaser bond and good Security, for the deferred
payments, with interest from day of Sale, retaining the title
till the further Order of the Court, having first advertised
the time, and place of Sale for twenty days at the Court
House door and at Frontlin, and several other public places
in said County, and in some Newspaper published nearest
the premises. But no Sale shall be Made under this
Decree, until the said John R. Wilby, Commissioner as aforesaid
shall execute a Bond before the Clerk of this Court, in the
penalty of Three Thousand dollars, payable to the Commonwealth
of Virginia, and Conditioned for the faithful execution of this
Decree, and any other that he may be required to execute
in this Cause, and this Decree is Made Subject to the
Stay Law of 2^d March 1866.

Attest

Teste

J R Edwards Clk

To the Circuit Court of Southampton.

The Undersigned reports to Court that pursuant to the decree made on the day of November Term 1867, of said Court in the cause therein pending, wherein Mary A. W. Learner is plaintiff and Virginia Cox others, defendants, he has collected from time to time of said Mary A. W. Learner the amount decreed to be paid by her, as follows.

1869	Aug 7.	Amount paid by Miss M. A. W. Learner	\$ 240.00
1868	Jan. 21.	Dr. Do.	100.00
"	Mar. 17	Dr. Do.	50.00
1869	Jan 19	Dr. Do.	337.25
"	Aug 7	Dr. Do.	100.00
"	Oct. 9	Dr. Do.	50.00
"	Oct. 21	Dr. Do.	50.00
1870	Jan 1.	Dr. Do.	568.16

\$1495.41

1870 May 15 } Balance Dr. & prnts 789.50

Anty. Total received & paid over \$2284.91
 cel. \$ 10.00 to V. A. Learner admt. of Virginia Cox decd. by her heirs.
 sh. .50 I have made a receipt for the said Miss
 decd & 5.00 Mary A. W. Learner for the real estate
 \$20.50 referred to in the proceedings as directed
 by said decree

Respectfully submitted

The above sums I have
 recd. as attorney for
 Mrs Cox John R. Kelly

John R. Kelly
 Cmr.

Barnes

to } Stat. Rules

Cox' army of

In Southampton Circuit Court.

Mary Ann W. Barnes

against

Virginia Cox administratrix of Isaac Cox dec. and in her own right Wm W. Charles
E. Ida V. Rebecca W. Mary E. & Clara Cox the last six infants.

1867 Oct. 1st Summons issued

" Rules - Bill filed - ^{answer of} Virginia Cox ^{as administratrix in her own right} assigned ~~to~~ ^{as administratrix in her own right} addition to infant Deft^s

" Nov. " Virginia Cox assigned for addition to infant Deft^s answer of Infants
G. Rep thereto - Cause set for hearing &c

" J. Decree is vacated & set aside.

1870 Nov. Decree final

expirer of sale which ~~will~~ ^{he} ~~can~~ ^{he} receive in
cash and pay to, then entitled; taking from the purchaser
and giving security for the deferred payment with interest
from day of sale, retaining the title till the further
order of the Court - having first advertised the time &
place of sale for twenty days ^{at the Court house door &} at Franklin & Dorcas
other public places in said County in some news-
paper, published ~~through~~ the premises - But
no sale shall be made under this decree until
the said John R. Kelly, Com. or, after said shall
execute a bond before the Clerk of this Court in
the penalty of \$3000. ~~conditioned as the law~~

Carroll
in
Docket
Case

John R. Kelly, Com.
1867

~~deeds~~ and payable to the Comth. of Virginia
and conditioned for the faithful execution of this
decree saying that he may be required to
execute ~~deeds~~ ^{for} in this cause - and
~~no sale is to be made under this decree~~ this
decree is made subject to the Stay Law of 2d
March 1866.

Came

is

Decr

Cose &c

Virginia Cose is assigned guardian ad
litam to the infant defendants Wm W, Charles E, Isaac A,
Matsasa W, Mary E, & Clara Cose to defend their
interest in this suit and thereupon the said Virginia
Cose as such guardian filed her answer to the
bill of the Plaintiff to which answer the Plaintiff
by counsel replied generally and the cause
coming on to be heard on the 21st the answer of
the defendant Virginia Cose in her own right &
as the administratrix of Isaac Cose and of the
said guardian ad litam with several replications
thereto and on the exhibits was argued by counsel
on consideration whereof the Court doth adjudge
over and decree that John R Kilby who is hereby
appointed a special Commissioner for that purpose
execute a deed with special warranty conveying
to the Plaintiff all the right title & interest of the
defendants in the house & lot in the bill men-
tioned so soon as the said Plaintiff shall pay
the remainder of the purchase money now unpaid
with interest thereon, which is as appears by paper
filed herewith this day marked (X) In which the
parties agree to be a correct statement, and
that unless the said Mary Ann Cosey shall
pay the said sum of money ^{interest} due thereon
in Ninety days, that then the said John R.
Kilby who is also appointed Comr. for that purpose
proceed to sell the Real estate above referred to, at
auction before the Court House door of Southampton
County on some lawful day, on six months credit
except for a sum sufficient to pay cuts of rent &

Looney

"

Coat

1870

Mrs. C. Deane

26. m. l. l.

W. J. Deane

Cause,

2

Leaf 2

This cause came on this day to be again heard on the papers formerly read & on the report of John D. Kilby, Comr. made pursuant to the decree of Nov. Term 1867 - to which report there is no exception, and was argued by counsel. On consideration whereof, the Court doth confirm the said report and doth adjudge, order and decree that the proceedings had in this cause be confirmed. made final (and binding between the parties & nothing more remaining to be done in this cause, it is ordered that the same be removed from the docket.