

1884-19

Southampton County - Chancery

Gillette, J. S. & wife vs Cobb, Major G.

Partition Suit -
to divide real Estate

Gillette, J. S. &
Gillette, Rebecca F. his
Wife

Cobb, Jesse S. & J.

Cobb, Major G.
a co-respondent

Plat inside

Gillette ¹¹²⁷ wife & others

vs { Bill⁷⁷
Cobb }

1881 April Rules

J. B. Prince f.c.

To the Hon: Geo. Blow, Judge of the
Circuit Court of Southampton County
~ In Chancery

Humblly complaining sheweth unto your
Honor your complainants, J. S. Gillette
& Rebecca F. his wife, Jesse S. Cobb & V. H.
Cobb, That during the year 1881 Mary
Jane Cobb, departed this life intestate leav-
ing the following parties as her heirs at law
to wit: Rebecca F. Gillette ~~formerly~~ Cobb
who is the wife of J. S. Gillette, Jesse
S. V. H. & Major G. Cobb, the last a
minor, that the said Mary Jane Cobb was
at the time of her death, seized & possessed
of large real Estate lying in Southamp-
ton County Va. Containing 800 acres more
or less, Your complainants further state that
the said Real Estate is in their opinion, susceptible
of partition among the parties entitled thereto
and if it be not, then your complainants
desire the same to be sold & the proceeds
distributed among the parties according
to their respective interest. In tender
consideration whereof, and inasmuch
as your complainants are without
remedy save in a Court of Equity
where such matters are peculiarly
cognizable, your complainants

pray that Major G. Cobb be made a party defendant to this suit and compelled to answer its allegations. That some fit & proper person be appointed Guardian ad litem to defend the interest of said minor, That the said Real Estate may be divided among the parties aforesaid, and your Complainants portion allotted to them, and in case it be not susceptible of division, the same ^{may} be sold & proceeds properly divided, and that your Honor will grant such other ^{further} general & special relief in the premises as the nature of this case may demand or to Equity may seem meet.

And as in duty bound your Complainants will ever pray to
may it please the Court &c.

J. B. Prince f.c.

The answer of Major G. Cobb an infant by W. W. ~~Cobb~~ his son ad litem to a bill in Chancery exhibited against him in the Circuit Court of Southampton by J. S. Gillette & others;

This respondent saving and

Scientific notes 9.
in Report
Cobb

To the Hon: Judge of the Circuit Court of Southampton County.

We the Commissioners appointed by the Circuit Court of Southampton County to lay off and divide the real Estate, of which Mary Jane Cobb died, seized and possessed, beg leave to make the following report: That we have divided the said lands as per accompanying Plat, and that we have assigned to Major G. Cobb Lot Cho. 1. valued at One Thousand Five Hundred and Fifty Dollars. In consideration of his being a minor, and it having been agreed to by all of the other heirs, he shall not pay over to the other heirs any part of the seven hundred and fifty Dollars, which this tract was valued more than the other lots. Lot Cho. 2. was allotted to J. L. Gillette & Rebecca his wife valued at Eight Hundred Dollars. Lot Cho. 3. was allotted to Virginia H. Cobb valued at Eight Hundred Dollars. Lot Cho. 4. was allotted to Jesse L. Cobb valued at Eight Hundred Dollars. All of which is respectfully submitted this 26th day of April 1881.

James R. Kelto }
George W. Williams } Commissioners
J. E. Gillette }

Surveyor's fee \$20.00 }
Chgs to the Plaintiffs }

~~127~~ ~~77~~ ~~94~~ ~~95~~ ~~96~~
Gillette yule of ~~92~~

22 } Stat. Rules

Cobb

In Southampton Circuit Court

J L Gillette & Rebecca F his wife, Jesse S Cobb & V H Cobb
Plaintiffs

against
Major G Cobb

Defendant

1881 March 24 Summons issued

" April 18 Summons returned. Bill filed. W. W. Briggs
assigned Guardian ad litem to Defendant. Answer of
Deft. Gen. Rep thereto.

" " Cause set for hearing

" May 1. Report

" Nov " Decree 36. Co 20 cost 36

1882 May Report & Decree confirming same

2 } Sum Chy

Cobb

1881 April Rules

The Commonwealth of Virginia,

To the Sheriff of Southampton County - GREETING:

WE COMMAND YOU TO SUMMON *Major & Cobb*

to appear at the Clerks Office of our Circuit Court of Southampton County at the Rules to be holden for the said Court on the first Monday in *April* ~~next~~ to answer a bill in chancery exhibited against *him* in our said Court by *J G Gicutt & Rebecca his wife. Jesse & Cobb and V N Cobb.*

and have then there this writ.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court at the Court House, this *24* day of *March* 188*1*, in the *105* year of the Commonwealth.

L R Edwards

Gillette's wife &c.

or 3 Decree
Cobb

~~~~~

May 1882  
~~Apr 1881~~

To be entered.

Geo. Brown.

Gillette wife &  
vs 3 decees.

lobb.

This day this cause came on to be further heard on the papers formerly read and the report of Commissioners appointed by decree herein entered of the partition in the proceedings mentioned among the several parties entitled thereto, and was argued by Counsel. On consideration whereof, it appearing to the Court, that in the partition made by the Commissioners, lot no: 1. fell to the share of Major G. Cobb - lot no 2. fell to the share of J. A. Gillette & Rebecca his wife, lot no: 3. to Virginia H. Cobb, and lot no: 4 to Jesse L. Cobb, it is adjudged ordered and decreed ~~it is adjudged ordered and decreed~~ that the said report of the said Commissioners be confirmed and that the partition in manner and form aforesaid made be held firm & stable. And it is ordered that the costs of this suit be proportionably borne by the parties thereto.

Gillette & wife & others  
vs  
Cobb } Decree

This day this cause came on to be heard on the Bill of the Complainants the answer of the infant Defendant by W.W. Briggs his Guardian ad Litem, with general replication thereto and was argued by Counsel, on Consideration whereof the Court doth a Judge order and decree, that C. W. Nicholson, J. E. Gillette, George Williams, J. R. Kello and W. C. Sebell, who are hereby appointed Commissioners for that purpose, any three of whom may act, after having been first duly sworn do proceed to lay off and divide the Real Estate of which Mary Jane Cobb died seized & possessed, consisting of one tract of Land situated in Southampton County, containing about 800 acres into four equal parts, having regard to quality and quantity, and assign one of four said parts to each of the Children of said Mary Jane Cobb, to wit To J. L. Gillette & Rebecca F. his wife  $\frac{1}{4}$  part, to Jesse L. Cobb  $\frac{1}{4}$  part, to W. H. Cobb  $\frac{1}{4}$  part and to Major G. Cobb  $\frac{1}{4}$  part

and if it should be necessary to effect such partition, the said Commissioners are authorized to employ the services of a competent surveyor & the said Court will make report to Court of their proceedings under this order.

Gillette & wife & others  
vs 3 Decease  
Cobb

Nov. 4  
~~Atty~~ Gen  
1881.

To be entered.

Geo. B. Burt.

Gilman wife  
or. 3 Decees.  
Cobb 3

Nov. Term 1864.

To be entered.

Gen. & Son,

Entered

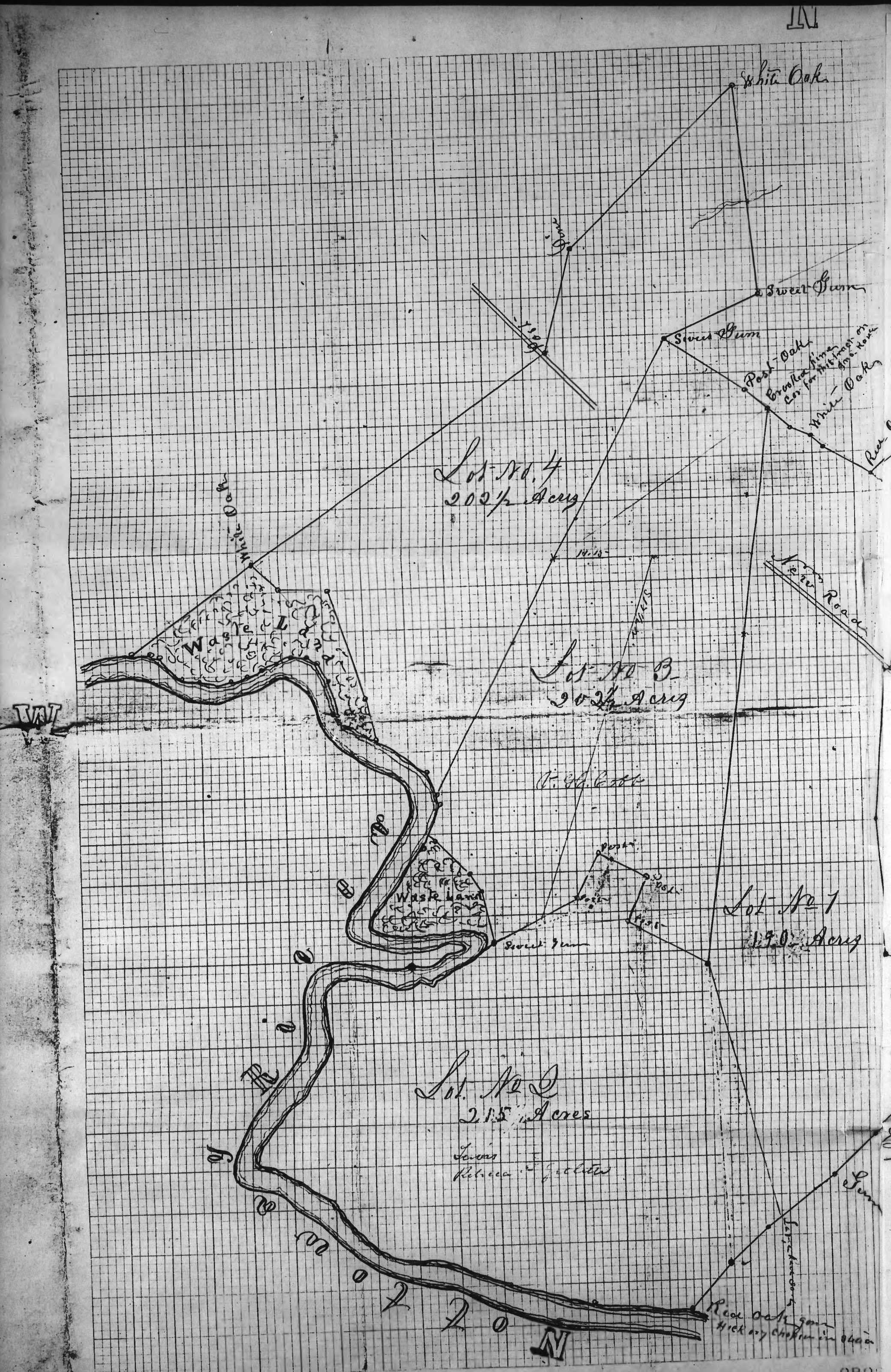
101

Done in this cause it is ordered that the  
same be removed from the docket.

Gillie's wife

Cobb  $\frac{5}{2}$  Decree.

This cause came on this day to be heard upon the papers formerly read and upon the report of Jas. R. Kells, Geo. W. Williams and J. E. Gillie, three of the Commissioners appointed by decree herein entered, to which report there are no exceptions, and was argued by counsel. On consideration whereof, it appearing to the Court that in the partition made by the said Commissioners, lot No. 1 bounded as will appear by plat herein filed fell to the share of Major G. Cobb; lot No. 2 bounded as will appear in said plat, fell to the share of D. L. Gillie & Rebecca L. his wife, formerly Cobb; lot No. 3, bounded as will appear in said plat fell to the share of Virginia H. Cobb and lot No. 4, bounded as will appear in said plat fell to the share of Jesse L. Cobb, it is adjudged, ordered & decreed that the said report of said Commissioners be confirmed & that the partition in manner & form aforesaid made be held firm and stable. And it is ordered that the costs of this suit be proportionally borne by the parties thereto. And it appearing that nothing further remains to be



This Survey represents the division of the lands of which Mrs Mary Jones  
 both died single and possessed. Said survey & division was made  
 by order of County Court March Term 1881. as follows.  
 Lot No 1. 190. Acres. Beginning at a large red oak  
 a corner of the land on Henry's line, thence along Henry's line  
 to a black gum across for this tract and Henry's line was  
 Red Philhuc, thence Red Philhuc's line to a pine as our road from  
 Henry's corner, thence said line to a Red Oak across for the  
 tract thence S 71° W 68.50 chains to a post on east side of the tract  
 thence S 14 E 32.50 ch to the large Red oak the beginning. Containing  
 Lot No 2. Beginning at large Red oak on Henry's line  
 thence said line to Henry's River thence up the river  
 course of said river to a Sweet Gum a corner line thence N 62 E 10.30  
 ch to a post, thence N 31 E 6 ch to a post, thence S 60 1/2 E 6 3/4 ch to a post, thence S 31 W  
 6 ch to a post, thence S 60 1/2 E 12.00 ch to the post on the tract, thence S 14 E  
 32.50 chains to the Red oak the beginning. Containing 215 Acres.  
 Lot No 3. Beginning at the Sweet Gum mentioned in Lot No 2. thence  
 along the line mentioned for Lot No 2. to post on the tract thence  
 N 7 E 68.50 ch to another pine a cor on the river, thence said  
 corner line to a Sweet Gum a cor thence S 28 1/2 E 63.00 ch to  
 Henry's River thence down said river to Sweet Gum the beginning  
 containing 20 3/4 Acres.  
 Lot No 4. Beginning at the river in the line for Lot No 3 thence  
 the said line to Sweet Gum a cor for Lot 3. thence a line of  
 thence said line to White Oak a cor on the river, thence S 41 W 10.00 ch to  
 post, thence S 13 W 13.25 ch to a post, thence S 13 W 10.00 ch to  
 S 55 W 44.00 ch to White Oak as waste land thence same  
 corner to Henry's River thence the River to the beginning  
 containing 2 1/2 Acres.

Lot No 1. Value at \$1500 (one thousand five hundred  
 and fifty dollars) was drawn by Major S. C. C. being a  
 minor it is given by all the other heirs that he shall not pay  
 over to the other heirs any part of the same hundred and  
 fifty dollars, which this tract was valued more than the  
 other tracts.  
 Lot No 2. Value at \$800 (eight hundred dollars) was  
 drawn by J. C. C. & Rebecca his wife.  
 Lot No 3. Value at \$800 (eight hundred dollars) was  
 drawn by Virginia & C. C.  
 Lot No 4. Value at \$800 (eight hundred dollars)  
 was drawn by Daniel C. C.  
 Done by order of Court meeting this 26<sup>th</sup> day of  
 April 1881.

A. C. C. Surveyor  
 James R. Kella  
 George W. Williams } Com  
 James E. C. C. }