

1888-11

Southampton County - Chancery

Prutland, John Jr vs
Eln

Cobb, J. Simon
et al

"Is all land to promote
interest of infants."

Cobb, J. Simon
Cobb, Ara & wife

Cobb, Ara &
Vaughan, Rosa +
Vaughan, James
son of Rosa

John. Pettow. Jr. Edie
as } Bill in Chauncy.
Cobb. J. S. & A. G. infants

Sept 5 - 1887

contained one hie.
Liam under my hand this 3rd day
of Sept- 1887

J. C. Parker. D. C.

To the Hon. C. W. Hill. Judge of the
Circuit Court of Southampton County.
Your orator, John Pettow, Jr.
Guardian of J. Lincoln Cobb & Ada
G. Cobb. two infants under twenty-one
years of age, complaining sheweth
to the court that the said J. Lincoln
Cobb & Ada G. Cobb. are entitled
jointly & in equal shares to the
fee simple estate in a certain
parcel of land, lying & situated in the
County of Southampton, on Hattaway
River, containing about 130 acres
more or less, about 40 of which is
cleared land, & bounded by the land
of John Pettow, Jr. & James Vaughan,
& the Hattaway River; and this is the
only real estate owned by the said
infants; the only personal property
owned by said infants consists of
about six hundred dollars to J. L. Cobb &
seven hundred dollars to Ada G. Cobb.
The said J. Lincoln Cobb is over
the age of 14 years. Rosa Vaughan
the wife of James Vaughan, & the
Aunt of these infants, would be
their sole heirs if they were dead.
Your orator states that a sale
of the aforesaid tract of land would

promote the interests of the said infants. for the following reasons: the land is in very bad order & is very poor. conceivably no good & reliable tenant that might improve it. can ~~not~~ be found to take hold of it as it is continually getting poorer & in worse order every year: also the buildings are in a very bad order, & it will take more than the rent of the land for several years to put them in order: also no tenant can be gotten who is responsible that will agree to give more than \$30.⁰⁰ per year. & this is not as much as the interest would be on what it ought to all for. Leaving out of account the constant depreciation in value.

Your order further states that the rights of no persons will be violated by a sale of said real estate.

To the end therefore that justice may be done, & forasmuch as your order is remedyless in the premises, save in a court of equity. he prays that the infants J. Simons, Cobb & Ava G. Cobb. & the adults.

Rosa Vaughan. & James Vaughan her husband. may be made parties defendants to this bill: that a proper guardian ad litem. may be appointed for said infants: that the said parties & the said guardian ad litem may be required to answer this bill on oath: that the said tract of land may be sold & the proceeds sold invested for the benefit of said infants as the court may direct: that all proper orders & decrees may be made & accounts & inquiries directed: & for such other further & general relief as the nature of the case may require. or as may be proper in the premises. And your orator will ever pray.

John Pettow Jr. guardian
J. C. Parker. p. q.

State of Virginia. Co of Southampton
This day personal appeared before me, the undersigned, a notary public for the county aforesaid, the above named John Pettow, Jr. guardian of J. Lincoln Cobb & Ann D. Cobb, plaintiffs in the foregoing bill, & made oath that he believes the statements therein

The respondent answers of J. Simon Cobb.
an infant under the age of twenty one, but
over fourteen years, to a bill of complaint
exhibited against him & others in the
Circuit Court for the County of Southampton
by John. Pettow, Jr. his Guardian.

The respondent, reserving to himself
the benefit of all just exceptions to
said bill, for answer thereto, answers
& says, that he is nearly 21 years old &
earnestly desires that the said land
be sold, but that being an infant
of under years he is incapable of
understanding or taking care of his
rights & interests. He therefore com-
mended himself & his rights to the
protection of the court & prays that
no decree may be pronounced that
will tend to his prejudice.

And having fully answered, the
said respondent prays to be hence
dismissed with his reasonable
costs in this behalf expended &
he will ever pray,

J. S. Cobb
J. C. Parker. f.d.

Virginia. Southampton County. to wit.

This day appeared before me, J. C. Parker

a notary public. for the county of Allegheny.
 J. Lincoln Cobb. whose answer is
 written above. & made oath that the
 statements contained in said answer
 so far as made of his own knowledge
 are true: & so far as derived from
 others, they are believed to be true.

GIVEN under my hand this 5th
 day of December 1847.

J. C. Parker H. P.

Patterson. Editor
 of } Answer of
 J. Lincoln Cobb
 Cobb. notary

Not to be
 11th

The joint separate answers of J.
Simon Cobb & Ana. S. Cobb,
infants, the former over 14 years of
age, by B. F. McLenore, their Guardian
ad Litem, to a bill of complaint exhib-
ited in the Circuit Court of South
ampton Co against them by John
Pattow, Jr. Esq

These respondents saving &
reserving, etc, for answer to said
bill, say that they are infants &
know nothing of their rights
They insist however as this is a
suit to sell their land, that this
Hon Court will see that every
provision of the statute is strictly
complied with & they submit their
rights to the protection of this
court. And having answered, they
may be hence dismissed, etc.

B. F. McLenore

Sworn to before me.

W. Shands

th
Nov 9, 1887

Clerk in Chancery

Pattard. Edin

vs

Cobbis. infants

Answer

Edin Ad Citum

Jno. Prettow Jr. Edw¹²⁰

Stat: Rules

Cobb.

Jno. Preston jr - Guardⁿ
vs

Pltff

J. Simeon Cobb - Ava G. Cobb.

Dr

infants - by B. F. M. Lemmon

Chancery

Gdn adlitem - and Jas Vaughan

+ Rosa, his wife.

Deflt

1887. Augt. 22. Sumv: to Sept. Rules.

" Sept. Rules: Sum rets Executis - Bill filed.

answer of infants, by Gdn adlitem.

Genl replication - Devere nisi v adult
Deflt.

" Oct. Rules: Bill taken for confound as to
adult. Deflt. and Cause set
for hearing.

Clerk's Office of the
Circuit and County Courts of Southampton County.

Jerusalem, Va., Dec 3 1887

Dear J. C.

Your letter of yesterday to hand.
I inclose Chancery Papers of Fulton Edin &
Cobb et. al.:. I fail to find the Will of Le-
onidas Williams. Will, however, make a
further investigation to day and report
by Monday mail.

Truly, Yr friend
B. F. McLeMore

Paid Sheriff	3.50,
" with ex. to J. C. Parker.	1.50 ✓
" for writing deed	2.50 ✓
" J. C. Parker. atty	25.00 ✓
" J. C. Cobb & balance	259.46 ✓
" Jas Puttaw & Edin for Ava G. Cobb	259.46 ✓

\$819 51.00 / \$819 51.00

Respectfully submitted,
J. C. Parker
Special Commissioner

Franklin, Va

Oct 23/88.

Paid to Edin 107

vs { Report of Commissioner

Cobb. & also

1888. Oct. 27. filed -

B. F. M. C. C.

To the Hon C. W. Hill, Judge of
the Circuit Court of Southampton
Co. Pa.

The undersigned, Special Commissioner,
directed by the decree of said
court, entered at the May Term
1888, thereof, in the suit of Pettow,
Edin. vs Cobb, et al, also, to collect
the balance of fundress money bid
for the piece of land mentioned
in, & give the fundresses a special
warranty deed therefor, & distribute
the money, after paying all
costs. Between J. Lincoln Cobb &
the Guardian of Abs. & Cobb,
reports that he on the 11th day
of August 1888, collected of J. S.
Cobb, the fundress, the balance
of the fundress money & gave him
a good sufficient deed therefor,
& distributed the total amount
as follows.

Total amount of cash received \$198.00
Cash on receipts @ 5% on 800.00

" 2% on balance	20.90
Paid Auctioneer	5.00
" For advertising	6.78
" Clerk of Court	6.98
" Commissioner B. F. McLenore	6.00

No. 24

Franklin, Va., Feb'y 18th 1888

Vaughan & Co., Bankers,

Pay to the order of Green & Gay for copying land
in civil Patton's, Edm's book.

Five & no/100 x Dollars,

100

\$ 5.00

W. T. Barron's Print. Norfolk, Va.

J. C. Parker, atty

Franklin Pa.,

188

Mr. J. C. Parker, Special Commr. Putnam question Is. Cobb

To Southampton Democrat, Dr.

W. H. STROUD, Proprietor.

Job Printing Done with Neatness and Dispatch at Low Prices.

Dec	17	to 100 1/8 bills of exchange	1	25
-----	----	------------------------------	---	----

paid Feb 7 88

W. H. Stroud

Franklin Pa.,

188

Mr J. C. Parker for buttons & 2
watches

To Southampton Democrat, Dr.

W. H. STROUD, Proprietor.

Job Printing Done with Neatness and Dispatch at Low Prices.

Dec 26	20 5 inch ad two times	7 50
	2 ad 7ct 7 88	1 25
	W. H. Stroud	6 76

Johnson & Johnson is all
OK. S. M.

9/1/23 Continued On Oct 10th 1888
Received of J. C. Parker.
Special Census in suit of Pullman
Edin vs Cobb & others. Six & 3/100
dollars total clerks fees & final
dollars. Census fee in said suit
D. F. McLeone C. C.
- Census in Chancery
Thanks

3.50 Franklin Co. Oct 23/88

Received of J. C. Porter. Special
Lease, Three + 50/100 dollars in
full of Sheriff's fee in suit of
Pettaw. Edw as Capt. et. al.

J. H. Williams Shff.

~~Franklin Co.~~ Franklin Co. Oct 23/88

Received of J. C. Parker, Special
Carrs, the sum of Twenty Five
Dollars, atty fee, two & 50/100 dollars
for writing deed & one & 50/100

Dollars will Cox Jr. in recd
of Putlow Guardian or Cobb. it als

29.50

J. C. Parker, atty

\$259.⁴⁶/₁₀₀

Franklin Pa. Aug 11th 1888

Received of J. C. Porter. Special
Comis in suit of Puttows. Edis vs
Cobb & others. The sum of Two
Hundred & fifty-nine & ⁴⁶/₁₀₀ dollars
in full of my one half share of
the proceeds of place sold by
said Comis as directed, after
deducting the expenses of suit
and sale as directed, as per
statement rendered by said
Comis to me today.

J. S. Clark

\$269.⁴⁶/₁₀₀ Franklin, Pa. Aug 30th 88

Received of J. C. Porter, Special
Commissioner, the sum of of Two
Hundred & fifty-nine & ⁴⁶/₁₀₀ dollars, the
full one-half share of A. G. Cobb in
the proceeds of the sale of the piece
of land formerly belonging to Geo
Cobb, & sold in aid of Pottow. Edw
or Cobb & others, after deducting
costs of said sale.

John Pottow Jr
Guardian of A. G. Cobb

Please sign this & send to me.
JCP

Pittman, Edie
as { Depositions
Cobb. infants

Depositions of E. S. Cobb & W. M. Cobb
taken in the suit of Mrs. Pettow, Jr. Et al
as J. S. & Ada S. Cobb, infants, by their
guardian ad litem, in the office of
J. C. Parker, in the town of Franklin
Va. before J. C. Parker, a notary public
in & for the County of Southampton, Va.
Present J. C. Parker, s.g. & s.d.

The witness E. S. Cobb, being duly
sworn, deposes as follows:

No 1. What relation are you to the defendants
in this suit. J. Lincoln & Ada S. Cobb.

Ans I am their Uncle

" 2. Are you well acquainted with the
location, extent, & condition of the
tract of land mentioned in said bill
belonging to said defendants, & adjoining
the lands of Mrs. Pettow, Jr. & James Vaughan
lying on ^{Norfolk} ~~the~~ River in this County.

Ans Yes

" 3 Is the tract of land in good condition
& improving or is it in bad condition
& depreciating?

Ans I have not been there lately, but from
all that I can understand I am sure
it is depreciating

No 4. What buildings are upon said tract & what is their condition?

Ans. I think the foregoing answer covers that

" 5" Do you think it would be to the best interest of these children to sell said tract of land & invest the proceeds in some other property that will not naturally depreciate so rapidly in value?

Ans. I do.

E. J. Cobb

And further this deponent says that

The witness W. M. Cobb being duly sworn deposes as follows:

No 1. Same as No 1 above

Ans. I am their Uncle

2. Same as No 2 above

Ans. I am

" 3 Same as No 3 above

Ans. In bad condition & depreciating

" 4" Same as No 4 above
ans I think that caused by other questions

" 5" Same as No 5 above
I think it would.

W. M. Cobb.

and further this defendant saith that

Virginia, Southampton Co., Va.

The above depositions of E. J. Cobb
& Wm M. Cobb, were signed & sworn
to before me in my county and
the 5th day of November 1887.

J. C. Parker, N. P.

①

Southampton Circuit Court. Nov. Term 1887

John Petlow jr. Edr.

Against

J. S. Cobb & others

Deceit

This day this cause came on to be heard upon ~~the bill and exhibits filed & taken for answer~~ as to Rosa & James Vaughan & upon the answers of J. S. Cobb, one of the defendants & an infant over 14 years of age, & of B. F. M. Lemond Edr. & litem for J. S. & Ava G. Cobb infants, & was argued by Counsel.

In Consideration Whereof the Court doth adjudge, order and decree that this cause be referred to one of the Commissioners of this Court, to enquire if it will be to the best interest of the infants in this suit, to sell their land as described in the said bill, & if it can be sold at present without sacrificing it. And any other matter that any party interested may deem pertinent. And he shall take this account immediately or as soon as practicable & shall report to this Court in vacation as soon as the report is made up. And it is ordered that this be made a vacation cause.

A Copy-

Testo: B. F. M. Lemond Clk.

Putlow, Guard

Notice

Cobb et. al:

1887. Nov. 30-

Executed Nov. 2nd

1887 A. F. Cobb - Left for

J. W. Williams Siff

Commissioner's Office,

Jerusalem, Va., Nov 23 1887

To Jas. Pritchett Jr. - Edm of J. S. and Ara G.
Leobb. James Vaughan & Rosa his
wife -

You are hereby notified that I have fixed upon the 30 day of November next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit: If it will be to the interest of the infants - J. S. and Ara G. Leobb. - to sell the tract of land in the proceedings mentioned - and if it can be sold at present without sacrificing it.

required to be taken by a decree of Southampton Circuit Court, rendered at the November term, 1887, in a suit in chancery depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

Given under my hand, as Commissioner in Chancery of said Court, the day and year first aforesaid.

B. F. M. Leonard

Commissioner.

To the Sheriff of Southampton County to execute.

Pettow Gov
H¹¹ Report

Cobb + als:

1887. Dec 1. filed -

Commissioner's Office
Jerusalem, Va.
Nov 30th 1887

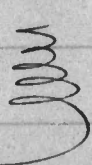
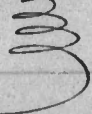
To the Hon. C. H. Hill, Judge of the
Circuit Court of Southampton County:
In obedience to a decree of the
Circuit Court of Southampton County,
entered at the November Term
1887, in the Chancery Cause of
Pettow, Gov. v. Cobb & als: the un-
designated, one of the Commissioners
of said Court to whom said decree
was referred, reports to Court:
That on the 23rd day of November
1887, he issued Notices against the
several parties, Plaintiff and De-
fendants, requiring them to appear
before him, at his Office, in Jeru-
salem, on the 30th day of November
1887, to attend the settlement of the
Accounts called for in the aforesaid
decree; that said Notice has been
returned to the Commissioner duly
executed; that none of the parties
appeared in obedience thereto.
The Commissioner, therefore, in the
absence of other testimony touching
the subject matter, proceeded to

Examine the papers of this Cause, including the Plaintiff's Bill and the depositions of witnesses filed therewith, from which it appears that it will be to the interest of the minors, J. Simeon ^{and} Ara G. Cobb, to sell the tract of land in the proceedings mentioned, and consider the present a favorable time to sell the same. Your Commissioner respectfully recommends the sale of said land provided it does not sell for less than its appraised value, to wit: \$532.⁰⁰. From the location of the land and the neighborhood in which it lies, the Commissioner is satisfied that it is worth more than its appraised value, and in the event it sells for less than the abovesaid sum of \$532.⁰⁰, would suggest that said sale be not confirmed. A copy of the decree and notice under which this report is made, are herewith filed.

Respectfully Submitted

B. F. McLeod

Comr in Chancery

Commissioner's fee 
\$5 - ch Plff 

Peterson Jon & Cobb - Costs.

Spa 20. Cof: 40. Noting 35. Atty 10. filing pap.
25. Rules 1.00. 2 devers & Cof. 1.44. Lasting & exam.
Crim's bond 1.74. filing answers 50. Dr's Comm's.
report 25. Costs & Cof. 40. Entering on process book
18. filing deposition 25

lcllc	\$ 6.98
shff	3.50
Law &	16.50
Comm B Fm	5.00
	\$ 31.93

Pettow Lin

~ 3 Costs

Cobh

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON

J. Simon Lebb + Ava G. Lebb infants - by B. F. M. Lemure, their Guardian ad litem. and James Vaughan + Rosa Vaughan, his wife

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 *September* next, to answer a bill in chancery exhibited against *them* in our said Court by

John Prettow Jr - Guardian -

And this *they* shall in no wise omit; and have then there this writ.

B. F. M. Lemure
Witness, ~~J. B. PRINCE~~, Clerk of our said Court, this *22nd* day of *August*

188*7*, in the *112* year of the Commonwealth.

Teste: B. F. M. Lemure

C. C.

To the Hon. C. W. Kiel, Judge of the Cir.
Ct. of Southampton Co.

Pursuant to a decree of the
Judge of said court, entered in
vacation on December 7th 1887, in
the Chancery cause of Pellow, Edin
or Cobb et. al., the undersigned
who was appointed by that decree
as Special Commissioner, begs leave to
report to the Court what he
has done, as follows: that on the
7th day of January 1888, after having
advertised the sale in manner &
form for the time, directed by
said decree, your Commissioner did ex-
pose for sale in the town of Frank-
lin, to the highest bidder, upon
the terms stated in said decree,
the land directed by said decree to
be sold: that at that sale, J. Lincoln
Cobb, being the highest bidder,
became the purchaser of said
land, for the sum of five hun-
dred & ninety-five dollars: that
your Commissioner at once of
said J. Lincoln Cobb, the sum
of one hundred & ninety-eight & $\frac{3}{100}$
dollars, which is one third of the
sum bid for the land, which sum

your Commissioner now holds in his possession, subject to the further order of this Court. Your Commissioner would further state that the said J. Lincoln Cobb, is desirous anxious to pay the balance of the purchase money & take a deed for the land. Your Commissioner further states that so far as he can ascertain, the price paid for the land is a fair one, & would recommend that the sale be confirmed, & that a deed be ordered to be given to J. Lincoln Cobb at once, & the balance of the purchase money be collected paid out as may seem just & right.

Respectfully Submitted,

J. C. Parker

Special Commissioner.

Franklin, Pa.

April 25th 1888.

Pa. L. & C. Co. 1888

107 } Commissioner's Report.

Cobb, et al.

1888. April 25. filed.

B. F. M. cc.

Pretlow, John

4 3/4 Comm's Bond

Lobb et. als:

1887. Dec 19. find

B. F. M.

Know all men by these Presents, That we *Jno. C. Parker and*
Jos. Pettow Jr

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

one thousand Dollars, 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. And we, the obligors herein, hereby waive the benefit of our homestead exemption as to this obligation, and also waive any claim, right or privilege to discharge any liability arising under said bond in any currency, funds, counter-claims or offsets other than legal tender currency of the United States.

Sealed with our seals and dated this *19* day of *December* A. D. 18*87*

THE CONDITION of the above obligation is such that if the above bound

Jno. C. Parker
who was appointed a Special Commissioner
by decree of the Circuit Court of Southampton County-
entered in vacation, on the 4th day of December
1887. in the chancery cause of Pettow Jr vs
Cobb et als: to sell the real Estate in the bill and
proceedings mentioned - shall faithfully perform
the duties required of him by said decree, and
those of any other decree which may be entered
in this cause.

~~shall faithfully discharge the duties of~~
or else to remain in full force and virtue.

~~office or trust~~ according to law, then the above obligation to be void,

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

J. C. Parker
Jos. Pettow Jr
SEAL
SEAL
SEAL
SEAL

John. Puttard. Jr. Esq.

as } Secree
Cabb. rather

To be entered

Nov 20, 1887

C. W. Shue

Entered 269

John. Pattaw. Jr. Edin. }
as } Decree.
J. S. Cobb & others }

This day this cause came on to be heard, upon the bill & exhibits filed, & taken for confessed as to Rosa & James Vaughan, & upon the answers of J. S. Cobb one of the defendants & an infant over 14 years of age, & of B. F. McLenore. Edin ad litem for J. S. & Ada. G. Cobb, infants, & was argued by counsel.

In consideration whereof, the Court doth adjudge, order, & decree, that this cause be referred to one of the Commissioners of this Court to enquire if it will be to the best interests of the infants in this suit, to sell their land as described in the said bill & if it can be sold at present without sacrificing it, & any other matter that any party interested may deem pertinent, & he shall take this account immediately or as soon as practical, & shall report to this Court in vacation as soon as the report is made up. And it is ordered that this be made a vacation cause

Pattow, Edin.

Plif

Cobb et al

diff

Decree

This day this cause came on to be heard, in vacation, upon the papers formerly read upon the report of Lewis M'Limore, and was argued by counsel.

Upon consideration thereof, the Court doth adjudge order & decree that J. B. Parker, who is hereby appointed a special Commissioner for that purpose, proceed at once to expose for sale the said tract of land, in the Bill mentioned, to the highest bidder at public auction in the Town of Franklin upon the following terms, to wit: ^{third} ~~second~~ cash, the balance in one & two years, till received until all purchase money paid, but with privilege to purchaser to pay all cash & take deed as soon as the sale is confirmed. And he shall advertise the time & place of sale in the country newspapers & in two or more public places for at least three weeks before selling. And said Parker

Patterson. Clerk

as } Decree
Cott it also

To be entered

Dec 7th 1887.

Office

To the Clerk
of the Circuit
Court of South
Carolina

Entered

Page 284

before entering upon the discharge
of his duties under this decree shall
execute a bond with security deemed
sufficient by the Clerk of this Court.
in the penalty of \$1000.⁰⁰ conditioned
to faithfully discharge his duties
as such Clerk; he shall collect the
cash payment & hold subject to the
order of this Court, & he shall make
report at the next term.

Pullio Edin

or } Decur
Cobb. il als

May June 1888

To be entered

C. M. Rice

Nov. 9th 1888

Putland, Edin

vs

Secur

Cobb. et al

This day this cause came on
to be heard upon the paper &
formerly read - upon the report
of J. C. Parker, Special Commissioner
to which report no excep-
tions or cross, or was argued
by counsel.

In consideration whereof
the court hath examined said
report & it appearing that there
is nothing further to be done
in this case, it is ordered that
the same be dismissed from
the docket

Pettaw. Edw }
as }
Cobb. et. als. }

This day this cause came on to be heard, upon the papers formerly read & upon the report of Special Commissioner J. C. Parker, to which report no exceptions have been filed, & was argued by counsel.

In consideration whereof, the Court doth affirm the said report, & said sale, & doth adjudge, order, & decree, that the same Commissioner J. C. Parker, cashier of the said J. Lincoln Cobb, the balance of the purchase money for said land, & execute to him a good sufficient deed, with special warranty, for the land in the bill proceedings mentioned. And the said Commissioner, out of the money now in his hands, & the balance of the purchase money thus collected, shall pay, first - all the expenses of this suit, including an attorney's fee of twenty-five dollars - second - he shall pay one half of

the balance to Geo. Puttard, Jr. as
guardian for Ada G. Cobb, & the
other one-half to J. Lincoln
Cobb. And said Lewis shall
make report to this court at
the next term thereof, what
he has done.

Puttard, Edwin
or } Decree
Cobb, J. L. also

To be returned
May Term 1888.
C. W. H. H.