

1893-31

Southampton County - Chancery

Gordon, Agnes *vs*
et al

Cobb, Julia
et al

"Division of land if possible,
if not sold and proceeds
divided among parties
entitled -

Cobb, Geo.

Cobb, Jas.

Cobb, Betta

minor Cobb, Sallie

Cobb, Julia

132
Gardner & others
vs G Bell
Cobb & others

1892 April Rules

J. B. Prince, J. C.

To the Hon Geo Blow Judge of the
Circuit Court of Southampton
— In Chancery —

Complaining sheweth unto your
Honor your Complainants Agnes
Garner, Eliza Cobb, Eli Bryant &
Margaret his wife, Jas. Edwards Rox
anna his wife, Sime Cobb, Wm E. Cam
cil & Rosa his wife, that during the
year 187 William Cobb departed
this life intestate leaving a widow
Julia Cobb Geo. Cobb, James Cobb
Bettie, Sallie & Julia Cobb, the last
three minors, and your complain
ants as his heirs at law and dis
tributees, That at the time of his
death the said Wm Cobb was seiz
ed and possessed of a valuable
Tract of Land in Southampton
County containing about 300
acres, That dower has been as
signed to said Julia Cobb widow
of said Wm Cobb in said Tract of
Land, That your complainants
believe that said Tract of land
is not susceptible of division
in kind among the several par
ties thereto entitled, but if it is they

desire it to be divided, and if not that
they desire it to be sold and the
proceeds properly distributed
In consideration of which, and in
as much as your Complainants
are without remedy save in a Court
of Equity where such matters are
peculiarly cognizable, to the end there-
fore that Justice may be done your
Complainants pray that Julia Cobb
widow of Wm Cobb dec'd, Geo Cobb,
Jas Cobb Bettie, Sallie & Julia Cobb
the last three minors may be made
parties defendant to this bill and com-
pelled to answer its allegations,
That some fit and proper person
may be assigned Guardian ad
litem to defend the interest of the
infant defendants, That your
Honor will appoint Commis-
sioners to inquire & report whether the
said land is susceptible of division
in kind or not, and if so that
it may be divided, but if not that
the same may be sold and
the proceeds may be divided
among the parties thereto entitled.
And that your Honor may grant
such other, further, general and

special relief, as the nature of the
case may require or to equity may
seem meet. And as in duty bound
&c, May it please the Court &c

J. B. Prince f.c.

The joint and several answer
of Bettie Sallie & Julia Cobb infant
defendants, ^{by L. R. Edwards their Guardian ad litem} to a certain Bill ex
hibited against them in the Circuit
Court of Southampton County by
Agnes Sanders & others.

These respondents for answer
to said Bill, or so much thereof
as it is material for them to an
swer, say, They are infants
and being such know nothing
of the facts alleged in said Bill
and submit their rights to this
Court, and having answered
pray hence to be dismissed,

L. R. Edwards.

Gd'n ad litem

Gardner
2as. 2
Cott
Repts of
Conception
= Mary &c.

1882 Oct. 26.
Returned.

Gardner & others
vs 3 Report of Comrs.
Cobb & others

In this Cause your Comrs beg leave
to submit the following report.

That they know the land in question
well, and they have no hesitation
in saying that it cannot be divided
in kind among the heirs. for this
reason. There are eleven shares.

the tract contains about 276 acres,
out of this eleven has been assigned
to the widows, and to divide it in
kind, would give some of the heirs
all cleared land, and some all
wood land, and the interests of all
would be greatly injured.

No one of the parties is willing to
accept the whole subject matter,
and pay therefor such a sum as
we think the interests are worth.

In our judgment, the whole tract
is worth subject to the dower, \$1500.

We recommend a sale of the land
and division of the proceeds of
sale. All of which is respectfully
submitted.

Oct 23, 1882.

To Judges of Circuit Ct.
Southampton

Gas H. Devany } Comrs
Geo. W. Lawrence }
W. C. Edwards }

of the Courtroom

March 1882

at

1882

and from the Courtroom

Gardner & Co

No.

2 Sams Chy

Cobb

1882. April Rules

Executed by delivering
Julia Cobb, George Cobb
& Julia Cobb each a copy
of the Summons on
the 30th day of March
1882.

W W Briggs Siff

THE COURTROOM

IN THE COURTROOM

THE COURTROOM

The Commonwealth of Virginia,

To the Sheriff of Southampton County - GREETING

WE COMMAND YOU TO SUMMON

Julius C. C. Gen. C. C. James C. C. Bessie, Sallie & Julius C. C. the said three persons

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 *them* in our

said Court by *Agnes Gardner, Eliza C. C. Eley Bryant, &*

Margaret his wife, James Edwards & Rebecca his wife,

Sue C. C. & Wm. E. Counce & Rosa his wife

and have then there this writ.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court at the Court House, this *27th* day of *March* 1882, in the *106th* year of the Commonwealth.

L. R. Edwards

Garden 4 al
D 3

Cott 4 al

Pla of Suba Cott

The plea of Julia Cobb widow of Wm Cobb to a bill in chancery by the Circuit court of Southampton by Agnes Gardner and others against her and others

This defendant for plea to the said bill doth plead and aver that there is now pending in the Circuit Court of Southampton in chancery a suit instituted by her and the infant children of Wm Cobb dec'd for an allotment of the homestead in this very tract of 300 acres to be held for her benefit and that of the infant children. This defendant avers that she has been allotted her in the said land but as yet no homestead but that she has been awaiting the payment of debts contracts prior to the passage of the homestead law and when those are paid then she claims the homestead in this said land and she avers that there can be no distribution among the heirs until the homestead is assigned. Wherefore the defendant prays judgment of this honorable court whether she shall be compelled to make any further answer to the said bill that she be hence discharged with her reasonable costs and charges in this behalf most wrongfully sustained

Julia Cobb by
Wm B. Shand, P. G.

~~118~~ ~~117~~ ~~111~~ ~~109~~
~~54~~ ~~10~~ ~~64~~
Gardner Jr ~~37~~
v } Stat. Rules 36

Cobb Jr

In Southampton Circuit Court

Agnes Gardner, Eliza Cobb, Eli Bryant & Margaret his wife,
Jas. Edwards & Rosanna his wife, Sue Cobb, Wm E. Leonard & Rosa
his wife Plaintiffs.

against

Julia Cobb, widow of Wm Cobb dec'd, Geo. Cobb, Jas. Cobb, Bettie,
Fannie, & Julia Cobb. the last three minors Defendants.

1882. March 27th Summons issued

" Apr. 10th Summons returned Executed. Bill filed - L.R.
Edwards assigned Geo. ad litem to infant Defts. Answer
of infants filed Geo. Rep. thereto. Decree nisi to adult
Defendants.

" May - " Bill taken for confessed as to adult Defendants & cause
set for hearing as all Defts. &c.

" " Decree for partition

* or the
entire subject
matter may
be allotted to
any party who
will accept
it and pay
therefor to
the other
party ^{such}
as their
interests
therein may
entitle
them to.

by metes and bounds* but if in their
opinion such partition of the real es-
tate cannot be made in kind without
loss to the parties, then the said Com-
missioners will report that fact to
the Court and the reasons upon which
their opinion is founded, together with
the real value of the estate, and the
said Commissioners will make report
to Court.

For dues to others
is M. De Cree
Leobbs to others

May Term 1882.

To be entered

Geo. V. Brown

Gardner v others
vs 3 Acres,
Lebb v others

This day this cause came in to be heard on the Bill of Complainants which was sworn for confessed as to the adult defendants, the answer of the infant defendants by L.R. Edwards their guardian ad litem, general replication thereto, and was argued by Counsel. On consideration whereof, the Court doth adjudge, order and decree that partition be made of the tract of land in the Bill mentioned, to wit: $\frac{1}{11}$ to Agnes Gardner, $\frac{1}{11}$ to Eliza Lebb, $\frac{1}{11}$ to Eli Bryant and Margaret, his wife, $\frac{1}{11}$ to James Edwards and Rosanna, his wife, $\frac{1}{11}$ to Sam. Lebb, $\frac{1}{11}$ to Wm E. Leunweill and Rosa, his wife, $\frac{1}{11}$ to Geo. Lebb, $\frac{1}{11}$ to James Lebb, $\frac{1}{11}$ to Bettie Lebb, $\frac{1}{11}$ to Palle Lebb, $\frac{1}{11}$ to July Lebb. and for the purpose of effecting such partition, the Court doth order that James H. Devany, Wm E. Edwards and Geo. W. Lawrence who are hereby appointed Commissioners for that purpose do assign and allot to the several persons before mentioned the respective shares