

1821-001 Chancery Causes: William Cofer vs Benjamin Cofer & al, by & c
Isle of Wight County

other SURNames: Holliman

William Cofer Bill
vs B Ans.
John Cofer's heirs
Exhibits.

March 1819 Interd. decreed
January 1821 report returned
and decrees accordingly

(File of Wight.)

to the said John did not lapse, but the estate so devised to him was vested in his children, by reason of which several events, and circumstances, your orator is advised that he is entitled to one half of the said one hundred and sixty two acres, and the said infant children of John Cofer unto the other half.

That notwithstanding the facts and circumstances herein before set forth, your orator has been unable to procure a division of the said land, and the said infants refuse to do any thing in the premises. But now so it may it please your

Worships, the said Benjamin, Elizabeth, and John Cofer, have possessed themselves of the premises, and altho frequently requested have hitherto p[re]sumptuously refused, to come to any division of the land, and your orator is without remedy on the premises, but thro the intervention of a Court of equity (which Court this is) ^{wherein} ~~which~~ ~~at~~ ~~the~~ matters of this sort are cognizable and relievable.

To the End therefore he prays, that the said Benjamin, Elizabeth, and John Cofer be made defendants hereto, and be compelled to answer the same, (by a guardian to be appointed them, they being infants, under the age of twenty one years) as fully and particularly as if the same were here again repeated, and they thereunto interrogated. more especially that they by their said guardian set forth, discover and declare, whether the said Elder Cofer did not make such last will and testament, as hereinbefore set forth, have not the periods of the deaths of the said Dempsey and John Cofer been correctly set out,

Is not your complainant entitled to one moiety of the said land and they to the other. And are they willing that the land should now be divided, in conformity to these terms. — Your orator lastly prays that your worships will appoint fit and proper persons to divide the land upon the terms, and in the manner herein before set forth. and that your worships will make such other or further decree on the premises as shall be more consistent with equity and good conscience. — May it please ~~you~~ to grant the

To the Worshipful the Justices of Isle of Wight
county, in Chancery setting).

Humbly complaining, sheweth unto your Worships, your orator
William Cofer. That a certain Esther Cofer, your orator's late
mother, being in her life time, and at the time of her death, seized
and possessed of, and interested in a considerable estate, in lands:
and being minded to settle and dispose of the same, did on or about
the 16. day of January, in the year, one thousand eight hundred
and ~~thirteen~~ duly make, and publish her last will, and testament in writing,
and among other things, made the following devise, which will more fully
and at large appear, Reference being had to an office thereof, which is
prayed to be received and taken as a part of this Bill: viz. -

I give and bequeath to my three sons, John Cofer, William Cofer, and
Demsey Cofer, the land and plantation whereon I now live, containing
by estimation, two hundred and sixty two acres, be the same more or less, to
be equally divided between them in such a manner, as to give to my said
son John the part on which he has built a dwelling house: all of
which equal parts in the land above mentioned, I give to my sons John
William and Demsey and to their heirs for ever. but in case either of my
said sons should die ~~without~~ ^{without} issue, my will
and desire is, that the part or parts may be equally divided between
their surviving brother or brothers: my will and desire is, that each
of my said sons above named should have an equal right to the
timber happening or growing in black water swamp, any thing con-
tained to the contrary notwithstanding. " " "

and your orator further sheweth, that
after making, the said last will and testament, to wit, on the
day of January in the year one thousand eight hundred, and nineteen,
the said Esther Cofer departed this life, without, ~~without~~ ^{without} revoking or
making any alteration of the same, so seized and possessed as afore
said.

And your orator begs leave further to state to your Worships,
that Demsey Cofer, one of the said devisees, departed this life an infant,
and without issue, and during the life time of the said Esther Cofer
the testatrix, in consequence of which event, the devise aforesaid to
Demsey lapsed, and was determined. " " "

And your orator begs leave further
to state, that John Cofer one other of the said devisees, departed this life
leaving issue, Benjamin, Elizabeth, and John, who are infants, and
under the age of twenty one years. And moreover your orator
states, that he is advised, that at the ^{death of the} said John, one of the said
devisees, happened previous to the 15th day of January in
the year one thousand eight hundred and thirteen, the devise

Cofers Infants.
ad 2^o Aug
William Cofers.

The joint and several answer of Benjamin Cofer, Elizabeth Cofer, and John Cofer infant children of John Cofer decd. by Josiah Holliman, their guardian specially assigned, to defend them in this suit, to the Bill of Complaint of William Cofer, complainant in this Worshipful Court against them exhibited. —

These defendants, saving to themselves, and each of them, all, and all manner of advantage of exception to the many untruths, errors, uncertainties, and other imperfections, in the said bill of complaint contained, for answer thereto, or unto so much thereof, as these defendants are advised is material for them, or either of them, to make answer to, they answering by their said guardian, severally say.

That they are strangers to all and singular the matters and things, in the said bill of complaint contained, otherwise than that these defendants ^{have heard} that Esther Cofer, their grand mother in the Bill named, was seized of and entitled to lands, and also have heard that these defendants father was a devisee under the will of their said grand mother, and that their uncle Demsey Cofer was dead —

And these defendants being infants of very tender years, submit themselves to the judgment of this Worshipful Court, and humbly hope that what right or title, they or either of them have to the land, or any part thereof in the said Bill set forth, shall be protected and saved to them respectively. —

Without that, that &c.

Josiah Holliman

Ist of Wright County March term 1819 -
William Copher

Compt.

against
Benjamin Copher Elizabeth Copher Thos. Copher
infant children of John Copher Test by Josiah
Keddesman their guardian Specially assigned to
defend them in their behalf in this suit.

In Chancery -

Deft

By consent of the parties and with the assent of the court, this cause came
on to be heard, on the bill and answer filed therein and was argued by
Counsel - on consideration whereof the court doth adjudge order and decree
that Josiah Cook Joel Cook and William Keddesman or any two of
them to be attended by the county surveyor if necessary. do divide the
land in the bill mentioned which is said to contain two hundred &
sixty two acres more or less and bounded by the lands of Moreland
Delt and Black water Swamp and is the land which formerly belong
ed to Esther Copher into two moieties one of which the said com-
plainers or such of them as may act will assign unto the complain-
ant and the other moiety they will assign unto the infants defend-
ants and make report of their proceedings to this court in order to
a final decree - liberty is reserved to the infant defendants in this
suit to show cause if any they can against this decree at any

tenis within one year after they shall severally arrive at the
age of twenty one years -

Attest Teste David Dick D.C.

Copier
as
Copier
Copy deuces

168.4
72.3
260.7

In obedience to a decree of the Honourable Court of
Windsor County hereto annexed, We the undersigned
have divided the land mentioned in said decree, with the
assistance of the County Surveyor and have assigned one
moiety to the defendants, Benjamin, Elizabeth and John
Coker Infant children of John Coker dec'd which is bounded
as follows, To wit, beginning at a Spanish Gum near the
Main road of Black Water Swamp in Montague Wells line
thence along S. 20° E. to line to a Maple in the mouth of a
small Branch thence along S. 20° E. to line to a White Oak
a Corner tree, thence nearly as North course by a line of
marked trees to a Dogwood a corner tree, adjoining Sena's
Coker's land, thence near a West course by a line of marked
trees adjoining Montague Wells land to a black Gum near
a Ground Bridge, thence down as a Branch to a Spanish Gum
and a small Ash in the mouth of said Branch, thence
by a line of marked trees through the flats of Black
Water Swamp to a small cypress at the main road near
the first Station - Containing one hundred and thirty one
acres - the other moiety containing one hundred and thirty
one acres we have assigned to the complainant William
Coker - Given under our hands this 15th day of
November, One thousand eight hundred and twenty

Josiah Cook
Joel Cook

William Cofer
at 3 Dec 1860
Ben. Cofer to him

William Cofer
against

Compt.

Benjamin Cofer, Elizabeth Cofer,
and John Cofer, infant children } In Case.
of John Cofer dec^d by Josiah Holliman
their guardian specially assigned to
defend them, in their behalf in this suit. Defts

By Consent of the parties, and with the assent of the
Court, this cause came on to be heard, on the bill and
answer filed therein and was argued by Counsel, on
consideration whereof the Court doth adjudge
order and decree, that Josiah Cook, Joel Cook,
and William Holliman, or any two of them,
to be attended by the county Surveyor, if necessary,
do divide the land in the bill mentioned, which
said to contain Two hundred and fifty two acres
more or less and bounded by the lands of Morland
Delt and Black water swamps and is the land which
formerly ^{belonged} to Esther Cofer into two moieties one of
which they said Commissioners, or such of them as
may act will assign unto the complainant and
the other moiety they will assign unto the infant
defendants, and make report of their proceedings
to this Court in order to a final decree. Liberty is
reserved to the infant defendants, in this suit, to shew
cause, if any they can, against this decree, at any time
within one year, after they shall severally arrive at the