1836-001 Chancery Cases: James, Elizabeth Cobb + George Anna Cobb, by & c vs Sally N. Cobb & John B. Young's extor & al

Isle of Wright County

other SURNames: Bidgood, Thomas, Andrew

Cobb & G.ᵉ

vs

Bill Consent

Young.ᵉ adᵐ: Cotheal

February 2ⁿᵈ 1835 Bill filed Writ issued Returnable to the ensuing March Term of the Court

March 14th 1835 Petition of Wm. R Thomas & Jno. C. Thomas came to have their seal affixed

September 7th 1835 Salary decree rendered.

October 3th 1835 Exᵒ bond given according to the act of assembly

November 9th 1835 Report of Comrs returned with recording bond filed & final decree entered.

Cobb & others

agt. &c Bill &c

Jennings exor &c

Attachment &c

Filed [illegible] A. D. 183[illegible]

Affid. &c. as to leave to defend the action & the garnishee def't discharged.

To the County Court of Pike Night sitting in Chancery humbly complaining shew to the Court your complainants Sarah Cobb guardian to Mary Elizabeth Cobb & George and Cobb that one John B Young late of the County of Pike Night, departed this life on or about the day of December 1834, having first made his last will and testament which he has duly and legally admitted to record in the County Court aforesaid an office copy of which said will, marked A is hereto annexed, and prayed to be taken and considered part of this bill by the said complainants, the testator appoints N W Bigood his executor to whom he devises the plantation where he lived, called "Oyster Shell Neck" and empowers him thereunto by his said will among the following named persons to wit Willis, Ann Peter, Silvia and her children Cohen and the future issue of Cohen and her children forever. and he also directs that after the death of his wife, the remainder of his property be equally divided between Polly Ann Cobb, Elizabeth Georgiana, Mary Louisa and James L Cobb to them and their heirs forever.

Your complainant represents that one Richd. W Bicegood who was by the testator appoin-
-ted the executor has qualified to said probate before
the County Court of Blount County, a copy of
which said certificate is hereto exhibited and
prayed to be taken as part of this Bill, &
the said executor has recd. a large personal
estate consisting of Slaves and other estate
to the value of $ ——— or upwards. The
testator was considerably indebted and it
is believed and charged to be true, that
after discharging the amount arising from
sales of the chattel estate and the debts
due to the testator at the time of his death
the debts remaining unsatisfied will require
a sale of all or the better part of the Slaves
of the testator not specifically devised
to the minors of the testator and it is
believed to be the case of the lands that
the general legacies, should be taken
if necessary to pay the debts, before recourse
can be had to the specifick legacies
under that rule of law together with the
principle that the real estate can't be
taken to pay debts until the personalty
is absorbed although by a fair construc-
-tion of the testators will the lands is
ultimately liable, the slaves not specifi-
-cally devised, but which pass under the
general devise to Sally M Cobb, Maria Louisa
Cobb and the aforesaid Geo. Hen. Elizabeth & Henry Cobb
will be obliged to be sold should it please
the Court to interpose its authori-
-ty and decree a sale of the lands called
Freeny-ville, which the testator devised
title to by the title of Mulberry Land &c.
and direct so much of the proceeds of
the land sale to be applied as may be
necessary, in discharge of the legal liabi-
-lity of the slaves. - and your complain-
-ant represent that the estimated value of
the real estate devised to them by the said
John B Cobb is $2000 ——
that the 5 ——— parties, each, ~~equally~~ entitled
-tled to the same share, that is to say
Sally M Cobb, Maria Louisa Cobb,
both adults, Elizabeth Cobb, James J Cobb &
Georgiana R Cobb, the three last infants,
the said infants being above the age of 14
except Geo. Hen. Elizabeth Cobb
years - the estate of the said Elizabeth Cobb
James Cobb and Georgiana R Cobb is inde-
-pendently of their interest in the estate of

the aforsaid John B Young, ~~of which a~~
~~the said Elizabeth Cobb~~ ~~is entitled~~
~~to~~
~~is~~ is my small, unlaid out reversion
$ 20 ~ and that is an ascertained
interest in the estate of one James F Young
deceased

And on complainant upon oath and belief
it to be true, that the interest of the infants aforesaid
will be promoted by the sale of the real estate
aforesaid belong to them in order to pay debts
due from the decedent, and to exempt the
slaves of such decedent given to the said
infants, from being sold for that purpose;
and it is believed to be entirely consistent
with law, and neither the interest of
your Honors to decree the sale of the
infants to be sold in conformity to the
act of the general assembly in such case
made and provided, and the proceeds
of such sale be invested in the purchase of
such and so many of the slaves of
the deceased as to the Court may seem
proper, and advantageous to the infants
they therefore pray your Honors to make
such order and decree in the compltt.
upon that if the said infants were dead
their legal heirs would be Sally N Cobb
and Mary L Louisa Cobb who together
with Richard N Bisgood exor: of John
B Young, Fanny F Young widow &
devisee of the testator, ~~together~~ and the
aforsaid Elizabeth Cobb, Georgiana R
Cobb and James Cobb infants who are
above 14 years of age, shall be made
defendants to this bill, and required
on their corporal oaths to answer the
same fully and categorically, that
your worships, the premises considered will
decree that the land aforsaid be sold
upon such terms as to your Honors seem
fit and advantageous and that the
proceeds belonging to the infants shared
be laid out in the purchase of slaves
or in such other manner, as to your
worships may seem fit - that you will
appoint fit and proper person or persons
to carry the same into effect, and make
any other or further decree in the
premises, which may comport to equity
& good conscience the case
may be.

Sworn to

Sally N Cobb

Sworn, Elizabeth Geo. A Cobb

Exd of

Wright County Tel. This day came
before the subscriber who is a Justice for
said County, Sarah H. Cobb whose
name is above to the foregoing Bill
and she made oath that the facts
set out in the foregoing Bill are true
so far as they depend on her knowl-
-edge and that so far as they depend
on the knowledge of others, she believes
it to be true - given under my hand
and seal this 31st day of Jany: 1835.

Jas H. Jordan J.P.

Sarah & Louisa
Cobb —
and Thomas
Cobb Jrs.

February 7th 1835 Athens

The joint and separate answers of Sarah N Cobb & Mary Louisa Cobb to the Bill of complaint in the County Ct of Isle of Wight against them and others in said Court exhibited by Sally N Cobb pro ami -and Jas. Elliott and Geo. Anna Cobb

These defts. say for answer say they admit the statement in the complainants bill to be true - that the will of the late John B Young is therein properly described and set out and they hereby consent and unite in the prayer of the complt. that the Court will decree a sale of the lands devised to them and Elizabeth Geo. Anna, and James J. Cobb, by the late -tor John B Young - and they consent to any decree the Court may pronounce in the premises consistent with the prayer of the complt. and the principles of justice and Equity & law in the premises - they pray leave to be dismissed &c -

(sign) Sally N. Cobb
Mary L. Cobb

Isle of W. County Jct. This day came before the subscriber a Justice for said County Sarah N Cobb and Mary Louisa Cobb, who made oath that the foregoing answer is true to the best of their knowledge or belief. Given under my hand and seal this 31st day of Jany. 1853. —

Jas. C. Jordane J.P.

Dept. County ss. This day Richd M
Bigood made oath before me, that
the foregoing account is true so far as it
depends on his knowledge and that
so far as depends on the knowledge of
others, he believes it to be true - Sworn
and subscribed to before me this
this 7th day of July 1835 -

Jas A. C. Jordan J.P.

Young's exrs
vs
Bigood's exrs
Debt &c

Young's exrs:
vs
Bigood's exrs
Debt &c

Answer

To the County Court of Blg of Pig co sitting in Chy - The answer of Richard H Bidgood exor: of John B Tomp to the bill of compt. against him and others in the said Court exhibited by Sally et Cobbs and others - This defendant saving & reserving admits that he is the exor: of John B Tomp and that he made his will to the effect charged in the complainants Bill - this defendant is charged with the payt of the debts of his testator amounting as he is informed and believes the sum of three and four thousand dollars - that the chattle estate which came to his hands to be sold has been sold and produced about $1700 - he has no doubt that in order to pay the debts, it will be necessary to sell the whole real estate (part of the slaves not specifically given to the testators widow) unless the land is first to be sold - this to him a matter of no importance, out of which fund the debts are to be paid, but he claims the right to hold the slaves until the debts whose be paid in remainder that they shall be paid out of the sale of the land or slaves, is equally agreeable to him and his judgment leads him to say that the interest of those entitled to the land will be greatly promoted by a sale of it - he submits to any decree in the premises the Court may make, & hereby accepts such as is prayed for.

(signed,

Rich. H. Bidgood

can be touches - And Lays amend,
the pleas seem to be dismissed -

(signed) Frances K Young

Dist Court to wit This day, came before the subscriber a Justice for said County, Fanny K Young who made oath that the foregoing amend is true so far as she knows or believes

January 29th 1835

(signed)
Jas C. Jordan J P

Young
vs
Robb & Gos
February 7th 1835 filed

Fanny K Young
vs
Robb

The separate answer of Fanny R Young to the Bill of complaint in the County ct. of Pitts of Wright exhibited by Sarah A Cobb & ~~James Young~~ Guardian of Georgeanna Cobb, James H Cobb, and Elizabeth A Cobb against her and others.

The defdt. for answer say, it is true that John B Young dec'd. late of Pitts Wright County made his last will and testament whereby he appointed Richd. M Bisgood his exor. and gave to your respondent the plantation whereon he lived, called "Poplar Neck", and every thing thereunto belonging including the following negroes to wit, Willis Ned, Peter, Sylvia, her child John and her future increase, to her and her heirs forever; and the testator gave the remainder of his property (after payment of his debts) he equally divided between Sally A Cobb Elizabeth Cobb, Georgeanna Cobb, Mary Louisa Cobb and James H Cobb to them & their heirs forever - she claims to be entitled to the property given as aforesaid to her, and has no objection to any disposition the parties or the Court may make about the real estate included in the residuary clause after the debts of the testator are paid - but she insists, that the said property included in the said residuary clause, is subject to the payt. of the debts of the testator, before any of the estate given to her

Indismissed &c

Sally & W. Cobb

County of Bladen Night fall. This day before the subscriber, ~~one~~ a Justice for said County came Lewis L Cobb, Elizabeth Cobb and George Anna Cobb the respondents aforesaid who swore that the foregoing answer is true so far as it depends on their knowledge, and that so far as it depends on the knowledge of others, they believe it to be true. - Given under my hand and seal this 2nd day of February 1835.

Jas. C. Jordan J.P. (L.S.)

Lewis Cobb &
others, vs Respondents
Bill &
Answer

Filed February 2nd 1835

The joint and separate answers of James Cobb, Elizabeth A Cobb and George Anna Cobb infants above the age of 14 years except the said George A. Cobb to the Bill of complaint against them & others in the County Court of Isle of Wight exhibited by Daniel A Cobb guardian of James, George Anna & Elizabeth Cobb

These respondents for answer say, that John B Tomplait of Isle of Wight County departed this life about the day of Dec. A.D. 1834 having made his last will and testament, which is of record in the County Ct. of Isle of Wight; that after devising to his wife Cynthia Hill Nick plantation and every thing thereunto belonging including slaves Milly, Ned, Peter, Sylvia, Lucy Alice Lohn and her future increase, to her and her heirs forever, the testator directs that after his just debts are paid the remainder of his property be Equally divided between Sally A Cobb, Mary Louisa Cobb, ~~Elizabeth Cobb~~ and your respondents to them and their heirs forever. and they admit that before the estate given to the widow can be taken, all the estate given to them is liable to the debts of the testator. - that so far as they know or are advised, they believe the land included in the devise to them and others, ought to be sold - they admit the truth of the allegation in the Bill and submit in as full such a decree as the Court may for, & having answered, they pray leave to

Cobb & al
infants
ads
Cobb - Hansen
& the Guardian
ad litem.

February 2nd 1835 filed

To the County Court of Rhea/Might sitting in Chy- The joint and separate answer of Lyon Ann Cobb, James Cobb and Elizabeth Cobb by Nath'l Young ——— who is by the Court appointed guardian to defend them in the suit in said Court, against the said infants Dorothy, Archibald, by Sarah et Cobb guardian of James, Frederick and Elizabeth Cobb ——— The defendants say they are infants and incapable of protecting their rights which they submit to the care of the Court and call on the complainants for proof of the allegations in the Bill contained - and pray them to be dismissed &c —

(Signed) Nath'l Young

Rhea/Might to wit, This day came before the subscriber a justice for said County, the aforesaid Nathaniel Young guardian for the ——— aforesaid Lyon Ann, James, and Elizabeth Cobb who made oath to the truth of the aforegoing answer - Given under my hand and seal this 31st day of Jan'y. 1835 —

Jas C. Jordan J.P. [seal]

January 7th 1835 I acknowledge the service of the within subpoena — Frances K Young
Richd N. Bidgood Exr
of John B. Young
Sally N. Cobb
Mary L. Cobb

Cobb
vs.
Young
To Feby. Court 1835

1.
12½
75
13
25
5
12½
1.67½

The commonwealth of Virginia to the Sheriff of Isle of Wight County Greeting We command you to summon Richard W. Bidgood executor of John B. Young dec'd Fanny K. Young, Sarah A. Cobb, Mary Louisa Cobb, Jams Cobb, Elizabeth Cobb & George Anna Cobb to appear before the Justices of the county court of Isle of Wight at the court House on the first monday in February next to answer a bill in Chancery against them exhibited by Sarah A. Cobb guardian of Jams, Elizabeth, and George Anna Cobb infants of George Cobb dec'd and have then there this writ Witnes Nathaniel Young clerk of our said Court at the court House the 7th day of January 1835 in 59th Year of the commonwealth

Nath'l Young C.C.

Lyde remarks. —

Sign'd, —

Rich'd W. Bidgood

Sally A. Colby

George [illegible] Cobb

Elizabeth F Cobb

Frances H Young

Mary L Cobb.

Nath'l Young

James J Cobb

Cobb

vs

Bidgood

Cobb &c.

to 14 Feby

1835 —

Let Cobb amend

by inserting &c. & then

leave to answer.

Dorsey.

A. a

To Sally Cobb, Mary Louisa Cobb, Jam. L Cobb, Geo. Anna Cobb, Elizabeth Cobb & Nathl Young Jr. & Mariana Young & the said Jam. L Cobb & Nancy Cobb & Nancy K Young —

Take notice — that on the 14th day of the present month, at the office of and. Atkinson in the town of Smithfield and County of Isle of Wight, between the hours of 9 O'Clock AM & 10 O'Clock PM of the same day, I shall take the depositions of Charles Murphy, Thomas Leigh, and Nicho. L Thomas, and others, to be read as Evidence in the suit in the county Court of Isle of Wight on the Chancery side of the said Court, in which Sarah R Cobb complains of Jam. L Cobb, Elizabeth A Cobb and Geo. Anna Cobb is pltf: and you are defendants —

July 3d. 1845.

Yours &c.
Sarah R Cobb pltf.
&c

Cobb & Gee

vs Depositions

Cobb & others

February 14th: 1835 depositions
came to hand and ordered
filed.

Cobb Dr.

To Bigoods

In the Clerks Office of Bedford County &c.
Sept. 1st 1835

The depositions of John P. Thomas Jun. & Edmund Slatter at the office of Archd. Atkinson in the town of Smithfield and County of Isle of Wight on the 16th of February 1835, between the hours of 8 O'Clock A.M. & 6 O'Clock P.M. of same day, in the presence of Stathe. Young Guardian ad litem to James Cobb, George Anna Cobb, and Elizabeth Cobb, to be read as Evidence in the suit depending and undecided in the County Court of Isle of Wight in Chancery wherein Sally N. Cobb guardian of James Cobb, Elizabeth N. Cobb and George Ann Cobb is Pltf: and Sally N. Cobb, Mary Louisa Cobb, James J. Cobb, George Anna Cobb, Elizabeth Cobb, Stathe. Young guardian ad litem to said infant defendants, Richd. N. Bigood exor: of John B. Young and Francis K. Young are defendants. The said John P. Thomas having been sworn the truth to speak in the controversy aforesaid, deposeth and saith - that he has for many years known the plantation whereon Mechum Pearce resided at the time of his death & given by him to Jno. B. Young & which property he understands passed by the will of the said Jno. B. Young to Sally N. Cobb, Mary Louisa Cobb, James

Cobb Eliz.a Cobb & Georgianna R.: Cobb. That on the s.d plantation is a water grist & saw mill and a large orchard; The improvements are of wood, and going rapidly to decay - the land of itself is poor and unproductive, the value of the said plantation consisting mainly in the orchard and mills: The orchard is fast depreciating - has depreciated already since the death of B.W. Fearn which occurred in Apl. 1833 to the value of Twenty five P cent.um; according to system of usual cultivation of farms rented out in that section of country, before the youngest child can arrive to the age of Twenty one years, the property will have so depreciated, that in all probability it will not sell for more than one half of what it will command at present. To devide the property in kind even at this time, would destroy the interest of each party in a great degree, & this deponent verily believes, that the interest of the parties concerned will be greatly promoted by the sale of the said real estate, and in fact, the interest of the infants manifestly requires such sale. The property at present in the opinion of this deponent is probably worth from fifteen to eighteen hundred dollars - & further saith not.

Jno. D. Thomas

The deposition of George C. F. Andrews taken as aforesaid
The deponent being duly sworn the truth to speak in the controversy in
the foregoing deposition of Jno. P. Thomas alluded to, says, that
for many years passed he has known the plantation whereon
Mechum Dearn lived; which he gave to Jno. B. Young which
this deponent was given by the s.d Jno. B Young to Sally N. Cobb,
Mary Louisa Cobb, Jane Cobb, Elizabeth Cobb, & George Anna
Cobb - That on the plantation aforesaid there is a main grist & saw
Mill & very extensive orchards which constitute mainly the
value of the property aforesaid divised, if the plantation shall
be rented out till the youngest child shall arrive to the
age of Twenty one years on usual terms that farms are
let, in that section of country the property will depreciate
at least one half; the orchards must necessarily go to decay as
will as the houses, the property at this time, as far as the depo-
nent is informed will command & sold from two thousand
to Twenty five hundred dollars: were it offered upon lease until
the youngest child arrived to the age of Twenty one years he
thinks it would not command more than one hundred
dollars per annum - to divide the property in kind now, or
when the youngest child shall be of age will do a manifest injury to
each of the parties - and he believes the interest of the parties
will be greatly promoted by a sale of the property.

G. C. F. Andrews

Isle of Wight County Court The foregoing depositions of Jno. P
Thomas and George C. F. Andrews were taken on oath before
me, a Justice of the Peace for the s.d County at the office of Mr. Atkinson
in the Town of Smithfield between the hours of 8 in the morning &
5 in the evening of the same day: in the presence of Nath.l Young Gen.r
Feby. 14th 1835

W. T. Jordan J.P.

Cobb for Gov
vs
Young's exor: Pettus
November 3rd 1835 Report rec'd
& final decree entered thereon

Cobb for Gov
vs
Young's exor: Pettus
November 3rd 1835 Report rec'd
& final decree entered thereon

each bond being in the sum of three
hundred & fifty Dollars —
one payable to Sarah M Cobb, one payable
to Mary Louisa Cobb, one payable to
James — Cobb, one payable to
Elizabeth Ann Cobb and one other to
Eugenia M Cobb each payable
on the 5th of October next — which bonds
are herewith returned to the Court —
Your Commissioners, after the execution
of the said bonds do has made a good
and sufficient deed to the purchaser
for the land aforesaid — he has paid
the expenses of suit of the sale and
herewith returns five bonds each for
three hundred and fifty Dollars,
as aforesaid — all which is respect-
fully submitted. — Given under
my hand this 6th of October 1835 —

Signed
Richard W Bidgood
Commissioner

Statement of the sales of land made at the
Isle of Wight Court House on the fifth of
October 1835 under the decree of the
County Court of Isle of Wight at September
term 1835 in the suit of Sarah R Cobb
&c. &c. for James, Elizabeth and George Ann Nicholls
&c. &c. and Richd W Bidgood and others &c.

The land to divit Wade for $1840
from which amount expenses
as follow to wit,

To attorney his a/c	$36.00
To Clerks fees	4.63
Commissions on sale	45.80
for advertising	3.50
	89.93 — 89.93
	$1750.07

In obedience to the decree aforesaid, I advertised the time and place of sale of the land therein named & aforesaid to at the Court House of Isle of Wight, in the Norfolk Beacon, in conformity to the law for the time therein specified; and on the fifth day of October 1835 at Isle of Wight Court House being Court day I sold to the said land to the highest bidder at public auction, when Elvira Nicholls became the purchaser, being the highest bidder at the price of One thousand, eight hundred and forty ——— dollars. — Whereof in Cash the sum of eighty nine dollars & ninety three cents — which was necessary to my disbursements, and executed three bonds with Reuben Nicholls & Caleb — his securities,

All Available Text Successfully Captured

Cobb

vs

Joseph. Cobb
and others —

John Ewd.

the Evidence in this cause, that the interest
of the infant manifestly requires a sale
of the said land and that thereby
will be greatly promoted by such sale
and that the rights of others will not
be thereby violated; with the consent of
the adult parties, the Ct doth adj. ord &
direct that Richard N Bidgood (who is to
that purpose hereby appointed Commissioner)
(having published notice of the time & place
of sale for at least twenty five days by
advertisement in one of the Newspapers pub-
-lished in the Boro. of Norfolk & by
advertising the same at the door of the Ct.
House of this County) proceed to sell to the
highest bidder on a credit of twelve
months (except for so much as may be
necessary to pay the expenses of the sale,
the costs of suit &c. which with be for cash)
the lands and appurtenances in the
Bill mentioned and alluded to which
lands were devised by the last will and
testament of John B Young to the said
Sally, Louisa, Jane, Elizabeth &
Georgiana N Cobb and which
lands lie in Isle of Wight County
except the grave yard to the plantation
which is expressly to be reserved in the sale
and is no way to pass from the defendants

And the Court doth also adj. ord. and
direct that the Com. take from the purchas-
-er the credit part, five bonds with good secu-
-rity, each bond in a like sum and payable
-ble to each of the said Sally N Cobb, Louisa
-a Louisa Cobb, Jane, Geo. Cobb & Elizabeth
A Cobb and Georgiana N Cobb, and
that the said Com. retain a lien on the
land to secure the payt. of the purchas
money and that the Com. bring the said
bonds into Court to be filed subject to the
future order of said Court and that the
report his proceedings to this Court in order
to a final decree —

Sarah A Cobb guardian of Fanny, Elizabeth and George Anna Cobb infants of George Cobb dec'd. — Petition

vs

Richd. B Bidgood exr. of John B Young, Fanny K Young, Sally A Cobb ~~Louisa~~ Louisa A Cobb, James J Cobb, Elizabeth A Cobb, and George and N Cobb the 3 last under the age of 21 years. defendants —

By consent of parties, this cause came on this day to be heard on the Bill of the complainant, the answers of Richard B Bidgood exr. of John B Young, Fanny K Young, Sally A Cobb, Louisa A Cobb, James J Cobb, Elizabeth A Cobb and George Anna N Cobb the 3 last infants, applications thereto, exhibits filed and the depositions of John P Thomas and George A. F Andrews; On consideration whereof, the Court entertain-ing the opinion that to divide the land in the County of Talbot, might accrue to the defendants Sally Cobb, Louisa A Cobb, Elizabeth A Cobb, James J Cobb and George Anna N Cobb in kind and so as to allot to each his part thereof, would materially injure & prejudice the rights of the infant defendants, and that the same ought to be sold; and the Court having also the opinion from

Recht
$1.50

1.50

Mr. Richard N. Bidgood, Commissioner,

TO SHIELDS, ASHBURN & GRIGSBY,

OFFICE OF THE "*American Beacon and Norfolk and Portsmouth Daily Advertiser,*" } Dr.

1835.			$	Cts.
Sept.	11.	To Advertising Property belonging to Estates of Mackem Fearn and John B. Young, dec'd. for Sale under decree of Isle of Wight County Court, 3 times, 1½ sq. —	1	20

Rec'd. Payment, 10th Sept. 1835.

$1.50

Shields, Ashburn & Grigsby

bring the said bonds into court to be filed subject to the further order of said court and that he report his proceedings to this court in order to a final decree.

A Copy Teste Nath.l Young Clk.

Clerks fees . . $4 63
~~St. tax . . .~~ ~~50~~
~~$5 13~~

Costs P. Gov.
vs
Z. Dicus
Consp &c

In Isle of Wight County Court — September Term 1835

Sarah A. Cobb Guardian of James, Elizabeth, and George Anna Cobb infants of George Cobb dec'd — plaintiff

against

Richard N. Bagwood exor: of John B. Young, Fanny K. Young, Sally A. Cobb, Mary Louisa Cobb, James I. Cobb, Elizabeth A. Cobb and George Anna R Cobb the three last under the age of 21 years — Defendants

In Chancery

By consent of parties, this cause came on this day to be heard on the bill of the complainant, the answers of Richard N. Bagwood exor: of John B. Young, Fanny K. Young, Sally A. Cobb, Mary Louisa Cobb, James I. Cobb, Elizabeth A. Cobb, and George Anna R. Cobb the three last infants, replications thereto, exhibits filed, and the depositions of John P. Thomas, and George O. P. Anderson: On consideration whereof, the court entertaining the opinion that to divide the lands in the county of Isle of Wight devised to the defendants Sally Cobb, Mary Louisa Cobb, Elizabeth A. Cobb, James I. Cobb, and George Anna Cobb in kind, and so as to allot to each 1/5 part thereof, would materially injure & prejudice the rights of the infant defendants, and that the same ought to be sold, and the court being also of opinion from the evidence in this cause, that the interest of the infants manifestly requires a sale of the said lands, and that their good will be greatly promoted by such sale, and that the rights of others will not be thereby violated: with the consent of the adult parties, the court doth adjudge, order and decree, that Richard N. Bagwood who is for that purpose hereby appointed commissioner, having published notice of the time and place of sale for at least twenty five days by advertisement in one of the News papers published in the Borough of Norfolk & by advertising the same at the door of the courthouse of this county, proceed to sell to the highest bidder on a credit of twelve months, except for so much as may be necessary to pay the expenses of the sale, the costs of suit &c which will be for cash, the lands and appurtenances in the bill mentioned and alluded to, and which lands were devised by the last will and testament of John B. Young to the said Sally, Mary Louisa, James, Elizabeth and George Anna R. Cobb, and which lands lie in Isle of Wight county, except the grave yard to the plantation, which is expressly to be reserved in the sale, and in no way to pass from the defendants. And the court doth also adjudge, order and decree that the commissioner take from the purchaser for the credit part, five bonds, with good security, each bond in a like sum, and one payable to each of the said Sally A. Cobb, Mary Louisa Cobb, James Geo: Cobb, Elizabeth A. Cobb and George Anna R. Cobb, and that the said commissioner retain a lien on the land to secure the payment of the purchase money, and that the commissioner

the d. & Ct also order that the Clk. of this Court advise Lavinia A Cobb and Mary Louisa Cobb thereof & like with the report of the Com. and that the bond on the injunction be retained subject to the further order of this Ct. and this cause is retained to ag for the reason which the Ct may see fit to recognize. and the

Cobb
vs
Young et al Exr.
Com. Ct. 1855

Sarah A Cobb for James, Elizabeth
and Georgiana Cobb & Richard
W Bigood exor: & John B Young,
Fanny K Young, Sally A Cobb, Mary
Louisa Cobb, James J Cobb, Elizabeth
A Cobb and Georgiana Cobb—

This cause came on again to be heard on the papers formerly read, & the report of the Com. made pursuant to the order of the last April term 1835, to which no exception was filed, and was argued by Counsel; On consideration whereof the Court doth adj. rd. and decree that the report and sale be confirmed, & that the Com. make a deed conveying the land to the purchaser, and that Sally A Cobb and Mary Louisa Cobb the adult defendants convey to the purchaser their interest in the said land, and the said infants & the like when they shall respectively arrive to the age of 21 years, and liberty is reserved to the infant defts. to shew cause if any they can against this decree within one year after they shall respectively arrive to the age of 21 years, and

John B Young

Will

Exhibit

Congress

Exhibit

A.

In the name of God Amen I John B Young of the County of of Isle of wight and State of Virginia do make and ordain this my last will and testament in manner and form following to wit first. I nominate and appoint R W Bidgood my whole and sole executor,
2nd. I give and bequeathe unto my beloved the plantation I now live on. Known by the name of Oyster shell neck and every thing thereunto belonging including the following negros. to wit (Miles Ned Peter Selina and her child John and her future increase to her and their heirs forever
3rd. It is my desire after my just debts are paid that the remainder of my property be equally devided between Sally A Cobb Elizabeth George anna mary Louisa and James I Cobb to them and their heirs forever in testimony where of I hereunto set my hand and affixed my seal this 19th day of March 1854

John B Young (Seal)

Cobb &c.
v. 3 Cby.
Dower words
Lacey, Bill filed
- notice to take
depositions &c 4
July 1835 —

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answers of the
defts. filed at
July &c ——
Mem. that the depositions
filed of Robin P Thos.
Hea &c. & Edwards

Cobb v. Tompkins &c

1 R. Code

Supplement to vol. 136. 223. 224.—

vally & Cobb Esq. of Lucy
against Cobb, Elizabeth Cobb
and James Cobb as
Exrs and Louisa
Cobb, Tacy & Tompkins
& R. B. Bigood exrs
&c

Cobb

&

Cobb

We the undersigned, parties in a suit
in the County Court of Isle of Wight
seeking a sale of the lands whereof
Mecklem Fearn died possessed, hereby
request the County Court of Isle
of Wight to appoint Richard M
Briggs or a Commissioner to sell
the said lands on a credit of
[illegible] on the bonds to those
entitled. — Given under our
hands this [illegible] day of August 1835.

(Signed)

James I Cobb
Mary L. Cobb
Sally J Cobb
Elizabeth A Cobb, Georgeanna R Cobb

Know all men by these presents, That we Sarah H. Cobb, Richd. W. Bridgwood and Charles Murphey are held and firmly bound unto Parker Tidby James C. Jordan, Hezekiah Pair and David Roberts Gentlemen, justices of the county of Bladen Bill County, in the sum of three thousand dollars - to which payment well and truly to be made to the said justices and their successors, we bind ourselves and each of us, our and each of our heirs, executors and administrators jointly and severally, firmly by these presents - Sealed with our seals and dated this 5th of October 1835.

The condition of the above obligation is such, that if the said Sarah H. Cobb Executrix of Georgeanna Cobb, James Cobb and Elizabeth H. Cobb orphans of George Cobb

shall invest the proceeds of the sale of the land to be sold under a decree of the County Court of Bladen Night County at September Court of this present year, and account for the same in the case of Cobb & Jordan vs Cobb & c. according to law, then the above obligation to be void, else to remain in full force and virtue -

Signed, Sealed & Delivered
before

Sally N. Cobb (Seal)
Chd. Murphey (Seal)
Richd. W. Bridgwood (Seal)

Rec.d this 17th of March 1836 of Nathaniel Young Clerk of Isle of Wight County Court ~~three~~ bonds, of Michl Womble, Henry Calcott and Edwin Womble, each for $350 that sum being the next proportion due each of us for ~~three~~ our proportions of the nett proceeds of the sale of Jno B. Young's Lands called Jamesville which bonds was returned to court by Richd W. Bidgood the commissioner who sold the s.d Land bare this day rec.d by us

Sarah N Cobb
Mary L Cobb

October 10th: 1836. Recd: of Nath[l] Young clerk of Isle of Wight county three bonds filed in office in a suit in chancery of ~~Geo. Cobb~~ Cobbs &c vs Young's &c &c, the bonds alluded to above are in favour of Lewis Elizabeth and Georgeanna Cobb

Sally N. Cobb
Gd for the above orphans