1884-004 Chancery Causes. Irene Hayden & Louisiana C. Hayden vs John Cocke's extrs val
Isle of Wight County

other SURNAMES: Smith, Olivier Ashton, Maupin Kaufman, Windsor

Will: 1880, John Cocke, Portsmouth City

Richard S. Windsor and Annie W. his wife and John M. Cocke, the last two infants under twenty one years of age.

may be made parties defendant to this bill - and be required to answer the same - that guardian ad litem be assigned to the said infant defendants to defend their interest in this suit, that the will of the said Eliza W. Cocke be construed and that it may be adjudged and determined what estate your complainants took under said will, and that if it be adjudged and determined that the said John Cocke or his heirs at law, still held a contingent remainder or any other interest in the said lot of land in the Town of Smithfield that then the same may be decreed to be sold, and the proceeds be disposed of as may be just, that the aforesaid bonds executed to the plaintiffs respectively may be paid out of the estate of John Cocke - and for this purpose, when the said John C. Cocke the executor of the said John Cocke shall confess assets of his said decedent in his hands sufficient to pay the said bonds

and the costs of this suit, he may be required to render an account of his transactions as such executor - that an account of the real and personal estate of which the said John Crocker died seized and possessed may be taken, and that the said personal and real estate be subjected and applied to the satisfaction of the aforesaid debt - that all other proper accounts be taken, and that all further and general relief be granted to your complainants that the nature of their case may require or to Equity shall seem meet to grant, and they will ever pray &c.

Irene Hayden
Lb Hayden

J. F. Crocker
L. S

Virginia
Isle of Wight- County to-wit:

I. R. S. Thomas
a notary public for the county of Isle of Wright in the State of Virginia do certify that Irene Hayden & L. C. Hayden whose names are signed to the writing above this day appeared before me in my county aforesaid and made oath that the statements contained in the said answer so far as made on their own knowledge are true; & that such statements as are made therein from knowledge or information derived from others they believe to be true. Given under my hand this 1st Day of September A. D. 1883.

R. S. Thomas
N. Public

Hayden Dem & L. Co.

v. In Chy.

Cocke Dw's Exs. et als.

1883.

Sept. Rls. Bill & filed, sumns
issd. on adult defs. & summ
nisi v. them. N. P. Comy
d/d. 3 dys. ad litem to the
infr. defts. [illegible]

Octo. Re. 1883. Bill
taken for confs.d as to the
adult defs. set for
hearing.

Octo. ct. 1883. Ord. to
submit to court in vacation

July 18th 1884.
Decree in vacation for
pltffs.

Octo: ct: 1884. Dec. for
dft: to pay Pltf [illegible] $ & int.
& lien retained on land &c.

J. F. Cocke Esq.

exact amount they at this time, cannot state.

The said John Cocke by his deed bearing date on Dec^r 31^st 73 conveyed all his right title and interest in and to the above mentioned lot of land known as Sycamore Plains to your complainants, as will appear by his said deed herewith filed marked "B" as a part of this bill. So that, whatever construction may be given to the aforesaid provision of the said testator's will, your complainants hold an absolute, unconditional fee simple estate in the said tract of land.

The buildings on the aforesaid lot of land in Smithfield are in a state of dilapidation, and need extensive repairs. Your complainants desire to sell the said property, but they cannot advantageously do so on account of the doubts relative to the title held by them under the aforesaid will. They therefore desire the said will to be construed, and the extent of their title to said the property received under said will be adjudicated and determined; & the court shall hold that notwithstanding the

fact your complainants have arrived to the age of twenty one years, the limitation over to the named remaindermen, will hold good in the event of your complainants dying ~~before~~ without having married, then your complainants desire the said lot of land be sold under the direction of the court, and your complainants, allege that it would be to the interest of all concerned to have the said lot of land sold.

Col. Arthur Smith in said will mentioned departed this life many years ago.

Virginia J. Olivier mentioned in said will ~~has also departed this life intestate~~

The said John Cocke departed this life about January 1880, leaving as his next of kin and only heirs at law, the following children, Ellen T. E. Ashton, Anne Augusta Manpin wife of Gen. Geo. W. C. Manpin, and John N. Cocke. He left a will which was duly admitted to record in the Court of Hustings for the city of Portsmouth on the 10th day of January 1880, and John C. Ashton one of the Executors therein named, in

said day qualified as the executor thereof. A certified copy of said will, with the order of said qualification is herewith filed marked "C" as a part of this bill.

It will be seen by said will that the said testator died intestate as to his interest, if any, he had in the said estate devised and bequeathed by the said Elijah W. Cocke, and that his said children are entitled to the said interest, if any.

The said Jno. Cocke was at the time of his death seized and possessed of considerable real and personal estate. His personal estate went into the hands of Jno. C. Ashton his executor. That his said personal and real estate is liable to the payment of the aforesaid bonds of the said Jno. Cocke to your Complainants.

The said Jno. Cocke at the time of his death owned the following real estate situated in the City of Portsmouth, to wit:

1. Lot of land with appurtenances situated at the south west intersection of Middle and Queen streets, devised to his daughter Mrs. Ann Augusta Maupin.

2. Lot of land with appurtenances on west side of Middle street between High and Queen streets, having thereon lots of Gr. No. 60.

Manpin and Thos. Gray running back 180 ft. devised to Mrs. Ellen T. E. Ashton.

3rd Lot of land with appurtenances in south side of High street, lying between lots of Gen. G. W. C. Manpin on the East and that of Jno. C. Kaufman on the west. devised to Jno N. Cocke during life and after his death to his children and their descendants.

The said Jno N. Cocke has two children, Ann W. now wife of Rich S. Windsor and John N. Cocke, both of whom are under the age of twenty one years.

The said Jno. C. Ashton has not so far as your complainants know rendered any account of his transactions as Executor of the said John Cocke.

In tender consideration of the foregoing premises, and inasmuch as your complainants are without remedy without the aid of a Court of Equity, and that justice may be done they pray that John C. Ashton Executor of John Cocke deceased, Gen. G. W. C. Manpin and Ann Augusta his wife Ellen T. E. Ashton, & John N. Cocke

To Hon. Geo. Blow, Judge of the Circuit Court of Isle of Wight County.

Irene Hayden and Louisiana C. Hayden humbly complaining show unto your honor the following case:

Their grand mother, Eliza W. Cocke, having first made and published her last will and testament, departed this life in May 1861, leaving your complainants as her next of kin and sole heirs at law.

Her will was duly admitted to record in the County Court of said County on the 3rd June 1861; and John Cocke on the same day qualified as Executor thereof. A certified copy of said will and order of qualification is herewith filed marked "A" and asked to be taken as a part of this bill.

The said testatrix after providing for the emancipation of her slaves, and giving to Amily Ann Turner $50. and some articles of furniture, disposed of the residue of her estate as follows: "I give and bequeath to my dear grand children, Irene Hayden and Louisiana C. Hayden all that I possess, consisting

of money, bonds, scrip, stock, Land, Houses, furniture &c to be equally divided between the two. Should one of the children die before she is married or shall have arrived at lawful age the surviving sister must heir her portion. Should both the children die before they are married or shall have arrived at lawful age, I wish my brother-in-law, Mr. John Cocke or his heirs to receive one half of their possessions, and the interest on the other half to be equally divided and annually paid, one half to my uncle Col. Arthur Smith and the other half annually paid to my Cousin Virginia I Oliveira during the term of his or her natural life, at his death and her death that half of the estate I also give to my brother-in-law, Mr. John Cocke or his heirs all of which will more fully appear by reference to said will.

Your complainants are advised and therefore claim that each of them under said will took an absolute and fee simple estate, subject to be divested only in the event that she should die unmarried under twenty one years of age

1 1

Neither of your complainants has ever married, but both of them have arrived at the age of twenty one years. And they claim that upon arriving respectively to the age of twenty one years, each of them, although unmarried, held an absolute and fee simple estate free from all limitations, conditions or contingencies whatsoever under said will, and that the limitation of said estate unto the said John Cook, within fee as Virginia I. Olivia were thereby repealed,

Your complainants have received under said will the following real and personal estate, and which constitute all the estate so received by them, to wit:

A tract of land in said County situated on the road leading from Smithfield to the Court house of said County, known as "Sycamore Plains" assessed as containing 429 Acres.

A lot of land with improvements thereon situated on Main Street in the town of Smithfield in said County well known as the "Cocke lot" lying on main street between the lots of C. C. Chalmers and Greenwood, and running back to "Little Creek".

~~Thirty five hundred dollars of the~~
~~said bonds, which were sold at~~
~~par.~~

One thousand dollars of Portsmouth City bonds, of which $500 is now held by the said Irene Hayden, and $500 is now held by the said L.C. Hayden.

A bond executed to the said Irene Hayden, by John Cocke Ex'r of Eliza W. Cocke bearing date on the 1st day of Feb: 1866 for $1822.00 with interest thereon from the 25th Jany 1866, which is now held by her, on which interest has been paid to day of , the principal which is due and unpaid.

A bond executed to your Complainant L.C. Hayden by John Cocke Ex'r of Eliza W. Cocke bearing date on 1st day of Feb: 1866 for $1832.00 payable on demand with interest from 25 Jany 1866, on which the interest has been paid to day of , the principal of which is due and unpaid.

A few hundred dollars has been paid to each of your complainants, the

To the Hon.ble George Blow Judge of the circuit court of Isle of Wight county.

The joint and several answers of Annie W. Winder and John M. Cocke infants by N.P. Young their guardian ad litem, to the Bill of complaint in said court exhibited by Isaac Hayden and Louisiana C. Hayden against them & others.

These defendants, jointly and severally answering say that they are infants under fourteen years of age and submit their interests in the premises to the protection of this honorable court, and having answered pray hence to be dismissed with their costs in this behalf expended, and they will ever pray &c.

(Signed)

N.P. Young gdn. ad litem

Hayden et al.
v. Inclu.
Cockes Ex. et als.

Answer of the infant defendants.

Filed Sept. Re. 1883.

State of New York
City and County of New York } ss.

On this 26th day of May 1884
before me personally came John N. Cocke
who being by me duly sworn doth depose
and say that the facts above stated are
true to the best of his knowledge and
belief

In Witness Whereof I have hereunto
set my hand and seal 26th day of
May 1884

John N. Harrington
Notary public
New York City & Co.

In the Circuit Court
of Isle of Wight Co.

Hayden &c
vs
Cocke's Exr &c

Answer of Geo. W. C.
Manspin & wife, Ellen
T. E. Ashton, & John
N. Cocke

Holladay & Gayle
Walke & Old
p_d

In the Circuit Court of Isle of Wight County:

Hayden &c.
vs
Cocke's Exr. &c.

The joint and several Answer of Geo. W. O. Maupin and Ann Augusta his wife, Ellen T. E. Ashton, and John N. Cocke, to the bill of complaint exhibited against them and others, by Irene Hayden and Louisiana C. Hayden, in the said Circuit Court of Isle of Wight County.

These Respondents reserving to themselves all right of exception to the said bill, for answer thereto or to so much thereof, as they are advised it is material for them to answer, answering say:

They admit that Eliza W. Cocke departed this life in May 1861, having, as alleged in the said bill, made and published her last will and testament, which was admitted to probat in the County Court of Isle of Wight County on the 3rd day of June 1861; and that the residuary clause of the said will is correctly set out in the said bill.

But your Respondents deny the construction placed upon said residuary clause by the Complainants, and they deny that the Complainants took such an estate in the property in question, as is claimed by them; on the contrary your Respondents are advised and there

-fore claim, that the estate held by each of the Complainants is a fee simple estate, but subject to be defeated by her dying before being married (the other alternative under the will, which was to defeat their estate not now being operative, inasmuch as they have both arrived at lawful age); and in the event one should hereafter die before marriage, the other will take her interest; and in the event both should hereafter die, before marriage, both their interests, or in other words, the whole property, will go to the heirs of John Cocke — Col. Arthur Smith and Virginia J. Olivier, to whom was devised a contingent interest for life in one-half, being both dead.

Your Respondents, Ellen T.E. Ashton, Ann Augusta Maupin, and John N. Cocke, as the heirs of John Cocke, therefore claim a contingent estate in all the property devised under the said residuary clause of the will of Eliza W. Cocke, deceased, contingent upon the said Irene Hayden and Louisiana C. Hayden dying unmarried; but not including in said claim any interest in the tract of land in Isle of Wight County called Sycamore Plains, as to which the said John Cocke in his life time conveyed all his "interest under the will of Eliza W. Cocke, dec'd", to the said Irene Hayden and Louisiana C. Hayden, as appears by his deed filed as "Exhibit B.," with the bill in this cause.

In response to the statement of the said bill as to what property, real and personal, the complainants have received, or come into possession of, under the will of Eliza W. Cocke, deceased, your Respondents say, that they have no knowledge of their own on the subject, but they are informed that the Complainants have come into possession of other property besides that set out in the said bill; and as before stated, they claim a contingent estate in all of said property, except in the land called Sycamore Plains.

In response to that clause of the said bill, asking that the lot of land, and buildings thereon, in Smithfield, be sold under the direction of the Court, your Respondents are willing that such sale should be made, but desire that the proceeds should be so invested or applied, as to protect their interests.

Your Respondents further answering admit, that the said Col. Arthur Smith, and Virginia J. Olivier, have both departed this life.

Your Respondents further answering admit, that the said John Cocke departed this life ~~on the last January 1880, as alleged in the said bill~~ in September 1879; that the said Ella T.E. Ashton, Ann Augusta Maupin, and John N. Cocke are his heirs at law; that he left a will, as stated; that John C. Ashton, one of the Executors therein named, qualified as such; and that said John Cocke died intestate

as to his interest in the said Eliza W. Cocke's estate.

Your Respondents further answering admit, that the said John Cocke was at the time of his death seized and possessed of real and personal estate, and they believe that the real estate is correctly set out in the said bill; of the amount of the personal estate which went into the hands of his said Executor, they cannot speak of their own knowledge, and are not accurately informed in regard thereto.

Your Respondents admit that the said John N. Cocke has two children, Annie W., the wife of Richard S. Windsor, and John M. Cocke, both of whom are under (21) twenty-one years of age.

And your Respondents are informed that the said John C. Ashton, Executor of John Cocke, deceased, has not rendered any account of his transactions as such.

And now having fully answered, your Respondents pray &c.

Geo. W. O. Maupin
Ann Augusta Maupin
Ellen T. E. Ashton
John N. Cocke

In the Circuit Court of Isle of Wight County.

Hayden &c
vs
Cooke's Ex'r &c

The answer of John C. Ashton, Executor of John Cooke, deceased, to the bill of complaint exhibited against him & others, by Irene Hayden & Louisiana C. Hayden, in the said Circuit Court of Isle of Wight County:

This Respondent reserving to himself all right of exception to the said bill, for answer thereto, or to so much thereof, as he is advised it is material for him to answer, answering, says:

It is true, as stated in said bill, that he qualified as Executor of John Cooke, deceased, on the 10th day of January, 1880; he has not yet rendered his account as Executor, but is ready & willing at any time to do so. The personal property, which came into his hands as Executor, except the household & kitchen furniture, has been applied to the payment of the debts of the testator; the said household & kitchen furniture

was divided up among the children of the testator, the estate being insolvent. As to the real estate left by the testator, your Respondent believes that the same is correctly except those which have been sold & Deeds applied for by purchasers & set out in the said bill & that the same constitutes the whole estate now remaining of the testator.

And for further answer the said bill, your Respondent having read the joint & several answer of Geo. W. McManipson, Ellen T. E. Ashton & John R. Cocke, adopts the same as a part of his answer.

And now having fully answered, your Respondent prays &c

Jno C. Ashton
Ex'r Jno Cocke deceased

State of Virginia
City of Portsmouth, to wit: I James G. Holladay a justice of the Peace for the City of State aforesaid do certify Jno C Ashton Ex'r of the last will & testament of Jno Cocke dec'd whose name is signed to the foregoing answer, has made oath before me that the matters & things therein set forth are true to the best of his knowledge & belief. Given under my hand this 16th July 1854

James G. Holladay J.P.

Hayden &c
vs
Cooke's Ex'd &c

Answer of John
C. Ashton, Ex'd &c

Holladay & Gayle
Wacke & Ord
Sp-d

City of New York, ss:

On this 20th day of August, 1883, before me W. DeL. Boughton a Notary Public in and for the said City, personally appeared Thomas H. Baskerville and made oath in due form, that on the 18th day of August, 1883, he delivered to Edward T. Cooke, who is a duly resident of the State of Virginia, and a resident of the said City of New York, a true copy of the written instrument, in said affidavit

Thomas H. Baskerville

subscribed and sworn to before me in the said instrument, the day and year first above written.

W DeL Boughton
Notary Public City & Co. N.Y.

Fee $1.50

Aug 20th 1883
Baskerville
vs.
Cooke Exhibit
Affidavit
Filed Aug 20th 1883
L. F. Crocker
Clerk

The Commonwealth of Virginia,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY, GREETING

WE COMMAND YOU TO SUMMON John C. Ashton Executor of John Cocke dec'd. George W. D. Mansfield and Ann Augusta his wife, Elizabeth E. Ashton, John N. Cocke, Richard S. Weisiger & Anna W. his wife and John N. Cocke, the last five being infants under twenty one years of age

to appear at the Clerk's Office of the Circuit Court of Isle of Wight County, at Rules to be holden for the said Court, on the first Monday in September next to answer the Bill in Chancery of Jane Hayden and Louisiana C. Hayden.

~~of a plea of~~ ~~for $~~ ~~Damages $~~ And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court at the Court House, the 16th day of August 1883, in the 108th year of the Commonwealth.

N. P. Young clk

Hayden Dem d
Louisiana &c.

vs. Demurrer to ans
& Bill.

Jno. C. Ashton Exr.
of Jno. Cocke dec d
et als.

//

To Sept. Rls. 1883.
Isle of Wight cir ct.
J. F. Cocke esq

1883. August 25th
Executed by delivering a
copy of the within to Mrs Ellen
T Ashton. Jno C Ashton Exr
W Marmion and Ann Augusta
his wife - each in person
Etr Marmion
Sqr

The Commonwealth of Virginia,

TO THE ~~SHERIFF~~ Sergeant OF ~~ISLE OF WIGHT COUNTY~~ City of Portsmouth, GREETING

WE COMMAND YOU TO SUMMON John C. Ashton Executor of John Cocke dec'd, George W. T. Brewer and Ann Eliza his wife, Ellen E. Cocke, John R. Cocke Richard S. Meador and Annie H. his wife and John H. Cocke, the same two being infants under fourteen years of age

to appear at the Clerk's Office of the Circuit Court of Isle of Wight County, at Rules to be holden for the said Court, on the first Monday in September next to answer the Bill in Chancery of Isaac Hayden and Louisiana C. Hayden.

~~of a plea of~~ ~~for $~~ ~~Damages $~~ And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court at the Court House, the 16th day of August 1883, in the 108th year of the Commonwealth.

N. P. Young clk.

Executed August 25/83 By delivering copy of the within Summons on R S Minditor and By leaving a copy with R S Minditor for annie his wife he excepting the same for. Hir.

W W Smith
Sh'ff

Hayden Bros & C.

vs.

Same.

Sum. Debt

Circ Ct Jeff. Co. Ky. 1883

To Sheriff. Return, 1883.

Let Sheriff exe. &c.

L. F. Crockett Clk

The Commonwealth of Virginia,

Sergeant the City of Alexandria
TO THE ~~SHERIFF~~ OF ~~ISLE OF WIGHT COUNTY~~, GREETING

WE COMMAND YOU TO SUMMON Wm C. Ashton Executor of Wm Cooke dec'd; George W. C. Marye Jun and Annie Maria his wife, Ellen T. C. Ashton, John A. Cooke, Richard L. Winder and Annie W. his wife & John M. Cooke the last two being infants under twenty one years of age,

to appear at the Clerk's Office of the Circuit Court of Isle of Wight County, at Rules to be holden for the said Court, on the first Monday in September next to answer the Bill in Chancery of Jane Hayden and Louisa C. Hayden.

~~of a plea of~~ ~~for $~~ ~~Damages $~~ And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court at the Court House, the 16th day of August 1883, in the 108th year of the Commonwealth.

N. P. Young Clk.

J. Hayden dah. Plfs.

v. In chy.

Jno. C. Ashton Exs. Jno. Cock dah Defs.

Bill of costs to including decree of July 18/54.

Atto. fee & tax on suit . . .	16.50
Clk. cir. ct. fees	11.47
Do. County ct. copy writ	1.20
Do. Hustings ct. Posts. Do.	1.50
Fee. in Work city for serving subs. of N. Cock	1.50
" Sergt. Portsmouth executing Do.	2.00
" Sergt. Alexandria " "	1.00
Total costs - - - -	$35.17

Teste,

N. L. Young clk.

Hayden et al
v. In Chy.
Cocks Exr. et al.

Bill of costs

Irene Hayden et Louisiana
C. Hayden.

vs

Jno. C Carlton, Sh'ff of Jno. Conkle
Geo. W. O. Mauppin et uxor Eugenia his wife
Ellen J. C Carlton, Jno. H. Conkle,
Richard S. Windsor et Annie W his wife,
John M. Conkle, Carl Tros. infants

By consent of parties
given in open court and here entered of record, it is ordered that
this cause be submitted to the judge
of this court for decision or decree, to
be made therein in vacation, with
leave to the parties to file such evidence
or thereon may be advised, which is
submission be made

J. H. Cutler
for Defts

Holladay & Boyle
Pl'ts.

vs.

J. T. Lambert

Oct. Term 1883

To be entered

Geo. Rew.

Entered Oct 10

Irene Hayden and Louisiana C. Hayden — Plaintiffs

v

John C. Ashton executor of John Cocke deceased, George W. O. Maupin and Ann Augusta his wife, Ellen T. E. Ashton, John M. Cocke, Richard S. Windsor and Annie W. his wife and John M. Cocke, the last two infants under twenty one years of age — Defendants.

This cause being submitted to the judge of the Circuit Court of Isle of Wight County for decision ~~or~~ the case in vacation, ~~pursuant~~ to the order of said Court entered herein at its October Term 1883, came on this day to be heard upon the bill taken for confessed by the defendant Richard S. Windsor, on whom process appears to have been duly served, and he still failing to appear, answer or demur. The joint and separate answers of George W. O. Maupin, Ann Augusta Maupin, Ellen T. E. Ashton and John M. Cocke, The joint and separate answers of the infant defendants, Annie W. Windsor and John M. Cocke by R. P. Young their guardian ad litem assigned to defend their interest in this suit. The answer of John C. Ashton

executor of John Cocke deceased, which said answers have been filed by leave of the Court, with general replications to said answers, and the Exhibits filed with said bill, and was argued by Counsel: On Consideration whereof the Court is of the opinion that under the will of Eliza W. Cocke in the proceedings mentioned the plaintiffs Irene Hayden and Louisiana C. Hayden took a fee simple and absolute estate in the property devised and bequeathed to them by said will, subject to be defeated and divested only by the concurrence of both of the contingencies therein mentioned to wit, of their dying before marrying and arriving at lawful age, and doth so adjudge, order and decree accordingly. And it appearing that both of said plaintiffs have arrived at the age of twenty one years, the Court doth further adjudge, order and decree that each of them now holds the property devised and bequeathed to them respecting under said will in absolute right free from all conditions, contingencies or limitations whatever, and that neither of the said plaintiffs has any interest in the estate devised and bequeathed to the other, nor have the heirs at law of John Cocke deceased, his devisees, legatees or personal representatives

any interest whatever in the estate so devised and bequeathed to the said plaintiffs as aforesaid.

And the Court doth further adjudge, order and decree that one of the Commissioners of this Court do take, state and report the following accounts:

1. An account of the plaintiffs' claims and the claims of all other creditors of John Cocke deceased.

2. An account of the transactions of John C. Cocke executor of John Cocke deceased.

3. An account of the real and personal estate of which the said John Cocke died seized and possessed, together with fee simple and annual values of said real estate.

And it is ordered that notice of the time and place of taking the said accounts be published once a week for four successive weeks in some newspaper published in the City of Portsmouth, and that such publication shall be equivalent to personal service of such notice on the parties or any of them.

Irene Hayden et al

v

John Codd's Exrs et al

Decree in Vacation

To be entered

18th July 1884.

Geo. Black.

Judge

July 19th 1884.

Received and

entered of record.

Test, J.P. Gormley c.

J. Clerk & Circuit Ct

John Exrs et al C.

Entered page 468.

It is agreed that the indebtedness of the Estate of John Cook deceased to Jonathan C. Hayden is the sum of Sixteen hundred and Sixty one dollars and ten cents ($1661.10) with interest thereon from 13th August 1864 and that the indebtedness of the said estate to Jesse Hayden is the sum of Sixteen hundred and fifty dollars and seventy eight cents ($1650.78) with interest from 13 August 1864 and it is further agreed that a decree for said amounts may be entered in the said cause against John C. Arbuckle Executor of John Cook deceased. Oct. 18th 1864

J. T. Holladay, atty for defendants
J. T. Crockett atty for plaintiffs

Jean Snyder

v

Jas Carter Lee

&c -

Agreement

"X" -

Tues Octo: 20th 1884

Irene Hayden and Lawrence C Hayden

vs

John C. Corbin Exr of John Cocke dec'd
and others.

This cause came on
this day to be again heard upon
the papers formerly read, and upon
agreement between the parties made &
made a part of these proceedings, agreeing
to the amount of the indebtedness due the
plaintiffs - as was argued by Counsel:
On Consideration whereof the Court
doth adjudge order and decree that John
C. Corbin, Executor of John Cocke de-
ceased do pay out of the estate of his
decedent to be administered by him to Lawrence
C. Hayden the sum of sixteen hundred
and sixty one dollars and ten cents ($1661.10)
with interest from the 13th day of ~~October~~ August
1884, and to Irene Hayden the sum
of sixteen hundred and fifty dollars
and seventy eight cents ($1650.78) with
interest from 13th August 1884; and that
a lien on the real estate of which John
Cocke died seized and possessed in the proceedings
mentioned for the foregoing indebtedness is hereby

Jesse Hayden &c

v

Jno. Curtis Exr &c

Decree

Dated Oct 25 1884

Geo. V. Blow,

Appeal this day

Issued to Exrs

J. H. Holladay atty

for defendants

J. Crosby

for Plffs

Entered No. 5

In the name of God amen, I, Eliza W. Cocke of the State of Virginia and county of Isle of Wight, do make this my last will and Testament.

Should I die before having emancipated all my slaves, I give them each and all their freedom from the new years day next succeeding my death - Ony old cook Jennet being aged and sickly, must be supported by my grand children, to whom I commend her - They must always remember Jennet and attend to her wants.

I give and bequeath to my dear grand children, Irene Hayden and Louisiana C. Hayden, all that I possess, consisting of money, Bonds, Scrip, Stock, Lands, Horses, Furniture &c to be equally divided between the two; should one of the children die before she is married or shall have arrived at Lawful age, the surviving sister must have her portion, should both the children die before they are married or shall have arrived at lawful age, I wish my brother in law Mr. John Cocke or his heirs to receive one half of their possessions, and the interest on the other half to be divided equally and annually paid, one half to my uncle Col. Arthur Smith, and the other

half annually paid to my cousin Virginia I. Olivier during the term of his and her natural life; at his death and her death, that half of the estate, I also give to my brother in law Mr. John Cocke or his heirs.

As witness my hand and seal this thirteenth day of October eighteen hundred and fifty two.

Eliza W. Cocke (seal)

I hereby nominate and appoint Mr. John Cocke of Portsmouth Virginia, Executor of this my last Will, and in the event of his death before mine, I then nominate and appoint Mr. Archibald Atkinson, Mr. Henry Day and B. Washington Manson executors of this my will.

Eliza W. Cocke (seal)

Directions to my Executor.

I part by this fifty dollars of my cash in hand, to be given at my death to Marley Ann Turner, and at the same time, wish to give her the Bed stead in my guest chamber which stands behind the door; also the Bed, Bolster & Pillows, blankets, comforts, Bedquilt, 2 pair of sheets, Pillow cases, the Bureau in guest chamber with locks in order; the small wash stand, bowl & pitcher & Dozen towels; also the

summer carpet to my dining room.
April 8th 1861.

Eliza W. Cocke

In the County Court of Isle of Wight County.
The 3rd. day of June, 1861.
Two papers writing purporting to be the last will and testament of Eliza W. Cocke dec'd: were presented in court for probate, and their being no subscribing witnesses thereto, C. B. Hayden, A. D. Young and A. A. Whitehead were sworn and severally deposed that they are well acquainted with the hand writing of the testatrix and verily believe the said papers writing and the name thereto subscribed are in the hand writing of the said testatrix. And thereupon, the said papers writing, dated, respectively, on the 15th day of October, 1857, and the 8th day of April, 1861, are ordered to be recorded as the true last will and testament of the said Eliza W. Cocke deceased.
And on the motion of John Cocke, the Executor named in the said will, who made oath, and together with Charles B. Hayden and John E. Adams, his securities (who justified) entered into and acknowledged a bond in the penalty of $20,000. 00 with

condition according to law, certificate of
probate is granted him on the will of the
said Eliza W. Cocke dec'd: in due form.

Teste,

N.P. Young clk.

Acopy.

Teste,

N.P. Young clk

Hayden Adm.
vs
Cocke's Exs. etals.

Copy of Eliza W. Cocke's
Will, filed with
Compl't. Bill &c
Exhibit A.

Know all men by these presents, that I John Cocke of the City of Portsmouth in the State of Virginia, for and in consideration of natural affection, and the further consideration of five dollars to me in hand paid by my nieces Irene Hayden and Louisiana C Hayden of the County of Isle of Wight in the State aforesaid do hereby grant unto the said Irene Hayden and Louisiana C Hayden all my interest under the will of Eliza H Cocke dec'd late of said County, in and to the Plantation in said County whereof said Eliza H Cocke died seized known as Sycamore Plains.
In testimony whereof I have hereunto set my hand & seal this Thirty first day of December Eighteen Hundred & Seventy Three.

John Cocke (Seal)

State of Virginia
Corporation of Portsmouth, to wit:

I W.H. Stewart, a notary public for the Corporation aforesaid in the State of Virginia do certify that John Cocke, whose name is signed to the writing above bearing date on the 31st day of December 1873, has acknowledged the same before me in my corporation aforesaid Given under my hand this 5th day of Jan. 1874 W.H. Stewart Notary Public

City of Portsmouth: to wit:

I

a Notary Public for the City aforesaid in the State of Virginia do certify that John Cocke whose name is signed unto the writing hereunto annexed bearing date on the 31st day of December 1873 has acknowledged the same before me in my said City. Given under my hand this day of 1874.

In the Clerk's office of the county court of Isle of Wight county, the 5th day of March, 1883. This deed from John Cocke to Jesse S. Louisiana Hayden was viewed and admitted to record upon the certificate hereon of W. H. Stewart, a notary public.

Teste, N. B. Young clk.

Hayden v.
Cocke's Exr. etals.
Deed. To be filed with complt. Rec'd.

Deed of Bargain & Sale from John Cocke & Jerene S. C. Hayden

Recorded Book 41 Page 419

In the name of God Amen! I John Cocke, of the City of Portsmouth, State of Virginia, being of sound and disposing mind and memory, do make this as and for my last Will and testament, hereby revoking all other and former wills by me made.

First I desire all my legal debts to be paid as soon after my decease as may be consistent with the interests of my Estate and to effect this purpose, full power and authority is hereby vested in the Executors, hereinafter named, to sell and convey so much of my real and personal Estate as may be requisite: but in the Exercise of this authority unless they deem it unavoidable, I wish them not to sell the following lots, viz: 1st The lot on the South west corner of Middle and Queen Streets running back from Middle St. to a stable on Queen St. 2nd The lot on Middle St. at present occupied by Mrs. John A. Ashton, lying between the lots of D. G. W. O. Maupin and Thomas Guy, lying between the lots of D. G. W. O. Maupin and Thomas Guy running back one hundred and Eighty feet and 3rd The lot on the south side of High St. lying between the lots of D. G. W. O. Maupin, on the East and that of

Jno. C. Kaufman, on the west.

Second The first named lot and the buildings thereon, on the corner of Middle and Queen St. I give in fee simple to my daughter Ann Augusta Maupin, but in consequence of having heretofore given to my said daughter Ann Augusta Maupin or to her husband Dr. G. W. D. Maupin, the lot on which she now resides and from a desire to equalize the value of the devises to her and her sister Mrs Ashton, I require the said Ann Augusta Maupin, shall pay to her said sister the sum of three hundred dollars, the said sum to remain a lien and charge upon said lot until paid by the said Ann Augusta Maupin or her children.

Third The lot on Middle Street, between Guys and Maupin's, the buildings thereupon together with the three hundred dollars to be paid by my daughter Ann Augusta Maupin and all the household furniture belonging to me, and now in use in the house where she now resides, I give in fee simple to my daughter Ellen T. E. Ashton.

Fourth The other and remaining lot on High St. between Maupin's and Kaufman's lots

I give to my son John N. Locke, together with the buildings thereon, for and during his natural life, and at his death I give the same to the surviving Executors herein named, to be held by them in trust for the equal benefit of my said sons children and the issue of such children as may have died before him; the latter in per stirpes proportions, during the minority of my said sons youngest child and upon my said sons youngest child arriving to the age of twenty one years, or dying before that period, leaving the other children of my said son of full age. I give the said property in fee simple to my said sons children, and to the decedants of such children, as may have died as aforesaid, and in as much as the property herein named and given to my son Jno. N. Locke, I consider to be more valuable than that named for his sister Ellen T. E. Ashton, and in order to equalize the value as near as I can, I require and direct that the annual rent of said property over and above the sum of four hundred dollars, shall be divided equally between

the said John N. Cocke and Ellen T. E. Ashton, during her lifetime.

Fifth It is my will and desire that the above specified and devised property shall be held and managed as a whole by my Executors until after the death of my sister-in-law Aurelia J. Webb, and that the issues and rents arising therefrom after the payment of taxes and other legal charges be subject first to the payment of three hundred dollars annually to the said Aurelia J. Webb, during her life, to be paid her at such periods in each year as she may desire and second, that the balance of such rents and issues be applied in liquidation of my debts, if any, and if none, paid over annually to my said three children, Ann Augusta Maupin, Ellen T. E. Ashton and Jno. N. Cocke.

Sixth To my grand daughters Ellen V. M. Ashton, Ann Winnifred Maupin, Ida Augusta Maupin and Ann Webb Cocke I give fifty dollars each, to purchase such a piece of silver therewith, for each, as may be most appropriate and desirable with there names thereon,

the same to be held by them as memo-
-rials of their grandfather.

Seventh My watch I give to my son Jno. N. Locke, also a silver sugar dish, cream pot, two salt spoons and plated castors and at his death- I give the same to his two children Ann Webb Locke and John Maupin Locke, Except the watch which I give solely to the latter.

Eighth All my other silver and plated ware I give to be equally divided between my two daughters, Ellen D. Ashton. and Ann Augusta Maupin.

Ninth And lastly, I nominate and appoint as the Executors of this my last will and testament, my son-in-law Dr. Geo. W. C. Maupin, my son Jno. N. Locke and my grandson John C. Ashton, and as I have full confidence in their rectitude and ability, I request the proper Court to permit them to qualify without security.

In Witness whereof, I, the said John Locke, have to this my last will and testament set my hand and seal, this second day of October in the year Eighteen hundred and seventy six.

John Locke Seal

Signed, sealed, published and declared by the testator John Cocke, as and for his last will and testament in the presence of us, who in his presence at his request and in the presence of each other have hereunto subscribed our names as witnesses

James W. Brown
J. C. Kaufman
I. I. Anderson

At the Court of Hustings for the City of Portsmouth, held on the 10th day of January 1880. × × ×

The last will and testament of John Cocke, late of this City deceased was this day proved by the oaths of James W. Brown and J. C. Kaufman, two of the subscribing witnesses thereto and ordered to be recorded, and on the motion of John L. Ashton, one of the Executors therein named, who appeared in Court made oath as the law directs and Entered into and acknowledged a bond in the penalty of Forty

thousand Dollars (without security by request of the said testator) which bond being conditioned according to law is ordered to be recorded, Certificate is granted the said John B. Ashton, for obtaining a probat of the said will in due form.

Teste: A. W. Harvey, D.C.,
for Geo. O. N. Palmer, C.C.

A Copy, Teste:

C. T. Phillips C.C

Hayden
v.
Jn. Cocke Exr &c

Copy of Will of John Cocke

Will of Jn. Cocke
filed with bill

ROBERT L. HARRISON,
Attorney and Counsellor,
Notary Public.

38 Pine Street, New York,

August 20th 1883

Dear Sir:

Your favor of 16th inst. duly received.

Mr. Harrison is at present out of town and I have taken the liberty, in his absence, of serving the enclosed process.

I enclose herewith the original process with affidavit of service.

Fee $1.50.

Respectfully
Thomas H. Baskerville
Managing Clerk

R. S. Thomas Esq.
Smithfield Va.

ROBERT L. HARRISON,
ATTORNEY AND COUNSELLOR AT LAW,
38 PINE STREET,
NEW YORK.

R. L. Thomas Esq.
Smithfield
Virginia

Portmarnock 5 July 1884

H. P. Young Esq
Clerk of Court.

My dear Friend

Please find the accompanying deed under seal of J. Hayden & V. Carbery K.C. This deed is eminently right and I do not understand why Mr. Hayden should have delayed the matter so long in doubt. I have written to the defendants solicitor to the effect that unless the deed is executed, and then will probably be no need to take the accounts directed.

Yours truly

J. F. Gorman