1827-023 SOUTHAMPTON COUNTY CHANCERY PAPERS

JOYNER and Wife VS. COBB'S COMMITTEE

7/1827

other SURNames. Clayton

845

Joyner & wife.

a 2/3 Dile. ann. &c

Redmond Cobbs Commr

Mason

1827 July decree as pr decree
filed Copy

To the worshipfull, the County Court of Southampton sitting in Chancery:

Humbly complaining sheweth unto yr worships, your Compltt, Jere. Joyner, and Charlotte his wife, late, Charlotte Cobb, widow & relict of Redmond Cobb, dec.d That the said Redmond departed this life sometime since in this County, having first duly made & published his last will, and testament, which was duly admitted to probat by this worshipfull Court, an attested copy of which is hereto annexed as a part hereof, by which he bequeathed his negro slaves, by name, Stancy and Sharper, with other property, to be by her held during her widowhood, but that your Compltt sh.d be thirded if she sh.d marry - your Compltt further state, that they have recently intermarried, and have surrendered the said negro slaves aforesd. to James Clayton esq. Sheriff of Southampton; to whose hands the estate of the said Redmond was committed for administration, for the purpose of having an allotment of the one third part, to which your Compltt are entitled. But so it is, may it please the Court, from the nature of the property aforesd. no division and allotment can be made without a sale of the property, and an allotment of such part of the proceed of sale, as in the opinion of your worships your Compltt shall be intitled to, in lieu of the life interest in one third thereof. In under consideration whereof, and inasmuch, as they are remediless at Law, and only relievable in Equity, where such

matters are peculiarly cognizable. to the end that the said James Clayton, Sheriff & Committee of the estate of the said Redmond Cobb dec'd be made Defdt hereto. and compelled to answer the allegations herein they pray the Commonwealth's writ of Subp'a directed &c. that your worships will thereupon decree a sale of the said slaves, and an assignment of such part of the purchase money, as shall be just & proper to them. and as in duty bound, they will ever pray &c.

The answer of James Clayton Sheriff & Committee of the estate of Redmond Cobb dec'd to the foregoing bill of complaint. This Respondent, having & for answer to the said Bill says, that he admits the allegation that the estate of the decedent was committed to his hands for administration, & the other allegations of the Complts' bill, and has no objection to the decree asked for. and having answered, he prays to be hence dismissed &c.

Joyner & wife. Plaffs.
Cobb's Committee. Defdts. Pr Plff.

This cause was this docketed by consent. and with the assent of Court, was heard on the bill, answer, exhibit, & argument of counsel. On consideration whereof, the Court doth adjudge, order, and decree, that James Clayton Shiff &c— do sell the negro slaves. Nancy & Sharper in the Bill mentioned, at public auction, on a credit of nine months, and take from the purchaser, bond with good security. one for one 1/7th part. thereof, after deducting expences of this suit, and another bond for the residue — and assign the 1st to the Complt in full satisfaction of the claim of the said Plaffs for the use of one third of the negro slaves aforesaid during the life of the Plaintiff — and hold the other as Committee of the estate of Redmond Cobb's estate — and report to this Court, in order to a final decree —

Reamun de Cobbs

1816

Copy

1826

I Redmund Cobb of the County of Southampton do make and ordain this my last Will and testament in manner and form as follows Viz

First I give and bequeath to my wife one negro woman and Child namely Nancy and Sharper also I give unto my wife her choice of a Cow & Yearling also one Heifer with a white spot in her face also I give unto my wife two large Shoats one Spotted one Sutty also I give unto my wife four Shoats one Sooty Sow and four pigs and one mare also I give unto my wife all the house hold and Kitchen furniture during her widowhood but if she should get married again it is my wish and desire that She should be thirded as the law directs also I give unto my wife one plough and ploughing Gear two weeding Hoes one Grubbing hoe and all the land that I am possessed with in the Same way that I have above named also I give unto my wife all the Corn and fodder

Secondly It is my Will and desire that if my wife should get married again that She should be thirded as I have above named And my Land rented out And the residue of my property Sold for the maintenance of my Six Children

I have one negro Girl Matilda one Cow and Yearling one Heifer with Calf seven Shoats five large ones and two Small ones one white Sow & pigs, one Sooty Sow & pigs one Colt one Gun one half of Cider Casks to be Sold to pay my just debts

I do hereby constitute and appoint Shadrach Vaughan my Executor to this my last Will and testament

In Witness whereof I have hereunto set my hand & affixed my seal this 14th day of April 1823

Redmund Cobb Seal

A Copy Teste

James Rochelle

Witness
Richd Williams
Lazarus his + Cobb mark
William his + Cobb mark