1879-04 Southampton County Chancery Cobb, Sarah James int. vs. Cobb, James Est

"To obtain infants share" in Estate, Dower after will written & death 7 dy.

rctp. same by Winborne S. D. for next friend

Winborne, S. D. Executor.

Henry Channel +
R Rada Channel
Joseph F. Channel
+
Susan F. Channel
William B. Channel
Addie Rebecca Channel
+
Martha Virginia Cobb

~~Chappell~~
Cobb as 3
~~Chappell~~ &c
Cobbs Exr &c
Bill & Exhibits

1875 October Rules

To the Hon George Blow, Judge of the Circuit Court of Southampton County —

[redacted]

Humbly Complaining sheweth unto your Honor your Oratrix Sarah James Cobb a minor who sues by S. D. Kimbrough her next friend, and respectfully represents as follows —

That her father James Cobb departed this life seized & possessed of considerable real & personal estate on the year 1871, having previously executed his last will & testament, that is to say, on the 8th day of January A.D. 1864, which said last will & testament was admitted to record in the Clerk's office of the County Court of Southampton County on the 18th day of September A.D. 1871, a copy of which is herewith filed (marked A) & prayed to be taken as a part of this bill *

That subsequent to the making & attesting the said last will & testament your oratrix was born & married in lawful wedlock unto the said James Cobb, but no provision whatever is made for her in the said last will & testament, nor is she excluded from participation in the estate of her said father by his said will, but is only pretermitted, unintentionally so pretermitted as your oratrix is well persuaded & believes —

Your Oratrix is advised that She has a legal & equitable right to come into this honorable Court of Equity where such things are properly cognizable as the law does & make her complaint ~~she~~ being without remedy in a court of law, and pray that Samuel D Winborne Executor of the said James Cobb deceased, Henry Channell & Rhoda R Channell his wife Joseph J. Channell, Susan J. Channell, William B. Channell, Addie Rebecca Channell and Martha Virginia Cobb, ~~Defendants the last four named~~ the five last named being minors

That the said S. D Winborne Executor aforesaid and the said last named parties may be made parties defendant to this bill and required to answer specially to allegations ~~for the purpose of some suitable person as guardian ad litem~~ ~~for the Court to appoint to represent said infant~~ & ~~defendants~~ Complainants

~~That this honorable Court may require the forgiving last named parties to be made parties~~ defendant to this bill & required ~~and grant to do other & general relief~~ equity may be & the nature of the case may require

That a Commissioner of this Court may be required to take an account of all of the real & personal estate of which the said James Cobb died seized & possessed and report to Court ~~That the forgiving parties may be made defendants to this bill & required to answer~~

May the Court grant ~~all~~ such general relief as equity may be & the nature of the case may require & grant Writs &c

That at at the time the said will was executed, viz: January 8th 1864, the said testator had a wife living, Rhoda R. Cobb, and two children, Nancy Channell, wife of Henry Channell, and Martha Virginia Cobb, to whom by the said last will & testament the said testator gave bequeathed, & devised his whole estate of every kind — the said Nancy Channell died after the death of the said testator, and since the death of the said testator the said Henry Channell has intermarried with Rhoda R. Cobb, widow of the said testator — and the said Nancy Channell left as her only heirs at law Joseph T. Channell Susan F. Channell, William B. Channell & Addie Rebecca Channell, all of whom are minors

That the said S. D. Newsome has qualified as executor of the said James Cobb

Personally appeared before me, a Justice of the peace Charles A Peterson and made oath that he delivered a copy of the within notice to Henry C Lawrence + Rhoda A Lawrence the parties named on the 4th day of October 1875.

Given under my hand this October 4th 1875.

J. J. Dwyer J.P.

Service of the within notice acknowledged — this 4th day of October 1875 S. D. Hubbard Esqr for Defts

Copy
Summons
Summons with 25 cts

1875 October 4th

# The Commonwealth of Virginia,

## To the Sheriff of Southampton County---Greeting:

WE COMMAND YOU TO SUMMON Henry Channell Rhoda A. Channell his wife Joseph F. Channell Susan F. Channell Williams B. Channell Addie Rebecca Channell and Ella Sarah Cobb (the last two named minors) and S. D. Vinborne Executor of James Cobb deceased

if they be found within your bailiwick, to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court on the first Monday in October 1875 to answer a certain bill in Chancery exhibited against them in our said Court by Sarah James Cobb a minor who sues by S. D. Vinborne her next friend.

And have then there this Writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this 2nd day of October A. D. 1875, in the 100th year of the Commonwealth.

L. R. Edwards C. C.

James Botts'

Bill

160 -
223
383

140
160
300

(A Copy)

I, James Cobb of the County of Southampton and State of Virginia, being of sound mind and disposing memory, but considering the uncertainty of my earthly existence, do make and declare this my last Will and Testament, in manner and form following, that is to say:-

Item. That my Executor (hereinafter named) shall provide for my body a decent burial, suitable to the wishes of my relations and friends, and pay all funeral expenses, together with my just debts however and to whomsoever owing, out of the money that may first come into his hands as a part or parts of my Estate.

Item. I give and devise my beloved wife during her life that part of the farm whereon I live bounded as follows- beginning in the path leading to A. Riddick on Bailes line; thence along Bailes line to Nottoway River; thence up the River to Johnsons line (formerly known as the Dr. Harrison Tract) thence along that line to the path or lane leading by my house; thence down the lane to the beginning including my Mansion House, all out houses and other improvements in satisfaction for and in lieu of her dower and thirds of and in all my real Estate - after her death I then give the said Tract of Land as above bounded to my youngest daughter Martha Virginia to have and to hold to her and her heirs in fee simple forever.

Item. I give and devise to my eldest daughter Nancy Chavel the remainder of the farm or tract of land whereon I now live, lying between the lane and lands of my house and the public road (known as the Sandy ridge road), to have and to hold to her and her heirs in fee simple for forever.

Item. I loan to my beloved wife my negro boy Edmund during her life or Widowhood and at her death or marriage I then give the said negro Edmund to my youngest daughter Martha Virginia to have and to hold to her and her heirs in fee simple forever.

Item. I give and bequeath to my said beloved wife one Sorrel mare, one buggy and harness, one Cart and wheels, and one

and Calf, one Sow and foigs, what Corn and fodder and Shucks on
on hand and eight hundred pounds of bacon if I have that much,
one Spining wheels and cards one loom and gear, and bed and
furniture her Choice - six Chairs, one rocking Chair and the Kitchen
furniture to have and to hold to her and her heirs for ever simple
forever.

Item. I give and bequeath to my youngest daughter Martha
Virginia the sum of five hundred dollars in money which I
think will make her equal with my other daughter taking in Consid-
eration that she is to raise.

Item. My will and desire is that all the residue of my Estate (if any
after taking out the devises and legacies above mentioned shall be sold
and the debts owing to me collected, and if there should be any
surplus over and above the payment of debts expenses and legacies
that such surplus shall be equally divided and paid over to my
two daughters Nancy Chanel and Martha Virginia in equal
portion, share and share alike to each of them their Executors,
Administrators and Assigns absolutely forever. And Lastly I do
hereby Constitute and appoint my trusty friend Daniel D. Pinchbeck
my lawful Executor to all intents and purposes to execute this
my last will and testament according to the true intent and meaning
of the same and every part and Clause thereof, hereby revoking and
declaring utterly void all other wills and testaments by me heretofore
made.

In Witness whereof I the said James Cobb do hereunto set my
hand and seal this the 8th day of January A.D. 1864.

James X his mark Cobb (Seal)

Signed, Sealed, published
and declared by the said Jas:
Cobb to be his last will and Tes-
tament in the presence of us
who at his request and in his
presence do subscribe our names

as Witnesses thereto.
Wm. D. Sayard
Wm. Scott
Samuel Pain

At a Court held for the County of Southampton on Monday the 18th day of September A.D. 1871. This last Will and Testament of James Cobb dec'd was proved by the oaths of Wm. D. Sayard and William Scott, two of the subscribing witnesses thereto and ordered to be recorded. And on the motion of Samuel D. Pinborne, the Executor therein named, who made oath according to law, and together with Joseph E. Warren and Wm. S. Daughtrey his securities, who justified on oath as to sufficiency, entered into and acknowledged a Bond in the penalty of Five Hundred Dollars, conditioned according to law, which bond having the requisite stamps of one dollar affixed thereto and duly cancelled, is Ordered to be recorded.
Certificate is granted the said Samuel D. Pinborne for obtaining a probate of the said Will in due form.

Teste, Osgin White C.C.

A Copy.

Teste, Wm. S. Parker D.C.

# Depositions

Cobb by &c.
vs } In Chancery.
Cobb's Exor &c.

The Depositions of Dr W^m H Daughtry and Capt. Jno W Beaton, taken on the 18th day of April, 1876 before John A. Sebrell, a Commissioner in Chancery of the Circuit Court, at his Office at the Court house, in pursuance of the annexed Decree, to be read in behalf of Sarah James Cobb, the plaintiff in above suit—

Dr. W^m H Daughtry, being duly sworn deposes & says as follows—

Ques— How old are you & where do you reside?

Ans: I am forty years of age & reside in Southampton County.

Question Do you know anything of the real Estate of which James Cobb died seized & possessed the number of acres of land and its fee simple & annual value?

Ans— I have been informed & believe there are about 283 acres of land, the fee simple value of which is $5.00 per acre & the annual value about $75.00

Question. Did you often visit or meet with the family of James Cobb deceased, before his death, and do you know whether he was lawfully married to Rhoda Channell, formerly Rhoda Cobb the mother of the plaintiff or not.

Ans- I was frequently at his house being his regular Physician, I have every reason to believe he was lawfully married to the said Rhoda Channell formerly Cobb, who is the mother of Sarah James Cobb, they lived together as husband & wife were always reputed to be such.

Question. What, as near as you can state, is the age of the Plaintiff?

Ans- I should suppose she is about 6 or 7 years old - not to exceed 8 years old.

Question Did you ever hear the Testator James Cobb in any conversation with him after the execution of his last will, which has been admitted to record, express any wish as to the disposition of his property, especially with respect to the plaintiff, Sarah James Cobb

Ans I did, he requested me several times to

write him another will, in order that he might provide for his daughter, the said plaintiff, who was born after the execution of said will & who of course was unprovided for in the same. & further this deponent saith not.

Wm. H. Daughtry.

Capt. Jno. W. Beaton, being duly sworn deposes & saith as follows -

Question. How old are you and where do you reside

Ans. I am 36 years of age, & reside in Southampton Co: near the residence of the late James Cobb, dec'd, & am a merchant by occupation.

Question Have you ~~Dave~~ heard the Evidence of Dr Wm H Daughtry read, as above taken, & how far do you concur in such Evidence.

Ans- I agree with him as to the fee simple & annual value of the real Estate of which Jas. Cobb died seizd, and as to the said plaintiffs being born in lawful wedlock & after the execution of the last will of said Jas. Cobb dec'd, & further this deponent saith not. Jno. W. Beaton

1872 — The Estate of James Cobb, dec'd

In a/c with J. S. Winborne, his Executor

| | | | | | |
|---|---|---|---|---|---|
| January | By sales of Chattel property | | | 338 | 90 |
| | To Com'rs on same. | 16 | 95 | | |
| | " paid A. E. Hall, for coffin | 24 | 00 | | |
| | " " Dr W. H. Daughtry, Med. bill, | 12 | 00 | | |
| | " " Clerk & Appraisers, at sale, | 4 | 00 | | |
| | " " Taxes for 1871. | 15 | 26 | | |
| | " " Township Taxes for 1871. | 1 | 74 | | |
| | " " Clerk's Tickets | 1 | 80 | | |
| | " " School Tax for 1871 | 1 | 39 | | |
| | " " Clerk for recording this a/c. Appraisement, a/c of sales. Inventory &c. | 5 | 00 | | |
| | " " Commissioner for this a/c & Copy, examining & approving Inventory Appraisement a/c of sales &c. | 7 | 00 | | |
| | " " Jno. D Kinsaid, atty's fees | 40 | 00 | | |
| | " " Jno. N. Sebrell, Com'rs fee | 25 | 00 | | |
| | " amo: reserved to pay Clerks fees | 5 | 00 | | |
| | " " retained to pay future expenses | 10 | 00 | | |
| | " " " " " " Witnesses — | 1 | 00 | | |
| 1876 | " " Com'rs on $196.[00] at 5 pr ct. | | | | |
| May 1 | amo: of Daughtry's Bond — | 9 | 80 | | |
| | By int: on $238.[00] 4 yrs. & 4 mos. | | | 61 | 88 |
| | To Com'rs on $61.[88] 5 pr ct. | 3 | 09 | | |
| | Balance due Estate | 217 | 95 | | |
| | | $400 | 78 | $400 | 78 |
| 1876 May 1. | Balance due Est: brot down | | | $217 | 95 |

Respectfully submitted

Jno. N. Sebrell

Com'r in Chancery

An account of the value of the real and personal Estate of which Jas. Cobb died seized & possessed &c.

| | absolute value | annual value |
|---|---|---|
| **Real Estate** | | |
| 283 acres of Land with improvements &c. | $1415 00 | $75 00 |
| **Personal Estate** | | |
| Value of Chattel property recd on Janry. 1872 — as per a/c of sales $338.90 less Expenses of administration — Int = | 217 75 | |
| Value of personal property devised to wife as per Appraisement | 230 00 | |
| Bond due by M. E & W H Daugh. Ty — & Int = | 196.04 | |
| Total value of personal property — | $643 79 | |

An account showing the value of property real & personal bequeathed by Last will & Testament of Jas. Cobb dec'd & the names of the parties to whom it was bequeathed and devised —

| To Nancy Chaunell | absolute value | annual value |
|---|---|---|
| 100 acres of land | $640 00 | 33 90 |

| To Martha Virginia Cobb | value | |
|---|---|---|
| The whole of Personal Est. after deducting amo: | | |
| of property set apart for wife | 413 | 79 |
| Reversionary interest in Land be- | | |
| queathed to wife | 241 | 00 |
| Total | $654 | 79 |

| To Rhoda Channell formerly Cobb widow of said Jas. Cobb, dec'd. | | |
|---|---|---|
| 123 acres of land with improvements | value | |
| &c. (value of life Est) | $534 | 00 |
| Value of personal property | 230 | 00 |
| Total | $764 | 00 |

To account showing what amount the Plaintiff Sarah Jas. Cobb would have been entitled to, if Testator had died intestate

| | | |
|---|---|---|
| Amo: due Sarah J. Cobb — | $457 | 51 |
| Amo to be paid her by Nancy Channell — | $142.10 | |
| Amo to be paid by Martha V. Cobb | 145.13 | |
| Amo to be paid by Rhoda Channell | 170.28 | |
| | $457 51 | |

Respectfully submitted
D. M. Sebrell
Com'r in Chancery

Cobb by A.C.

vs Examiner's Report

Cobb's Exor

1876 May Term

Commissioner's Office
Jerusalem Va
May 2 1876

To the Circuit Court
of Southampton County.

Pursuant to a decree of the Circuit Court Southampton County, rendered at the November Term for 1875. in a suit in Chancery depending in the said Court between Sarah Jas. Cobb a minor who sues by S. D Winborne her next friend, plaintiffs a gainst Samuel D Winborne, Exor of Jas. Cobb & others defendants, The undersigned, One of the Commissioners of the said Court to whom was referred for settlement, by said Decree the following accounts, viz. 1st An ast of the transactions of S. D Winborne, Exor of Jas. Cobb deceased &c. 2nd An ast of all unsatisfied demands against the Estate of said James Cobb, if there be any. 3rd An ast of the value of the real & personal estate of which said Jas. Cobb died seized & possessed, stating names of parties &c & c. —— reports & Court

Report. That on the 13th day of March 1876 he issued notices against the several parties interested requiring them to attend the settlement of said accounts before him at his said Office on the 18th day of April which were returned by your Comr duly executed, That the parties appeared before your Comr in obedience to said notice & he thereupon examined the vouchers, stated & settled the foregoing accounts — and finds that

ans. due Est by Exor $217.70 S. D Winborne Exor of Jas. Cobb dec'd is indebted to the Estate of said Cobb, on the 1st day of May 1876 — in the sum of $217.70 with int from May 1st 1876 till paid

no outstanding debts —

That he ascertained for an account of all outstanding debts against said Est but none were reported and he was assured by the Exr that he was confident that none existed

That he took an asc of the annual & absolute value of the real Est & personal estate of said Jas. Cobb dec'd taken from late assessments and testimony of Dr W.H Daughtry & Capt. Jno. S. Beaton whose depositions are herewith filed. The absolute value of said real estate being $1415.00 & personal property $643.79 That of this amount the testator had devised & bequeathed real & personal estate to the amo: of $1640.00 to Nancy Channell his oldest daughter to Martha Virginia Cobb his second daughter real & personal property & the amo: of $654.79 & to Rhoda Channell formerly Cobb the testators widow real & personal property to the amo: of $764.00 as will be seen by reference to the will of said Jas. Cobb herewith filed. That he is satisfied from the evidence of parties before mentioned whose depositions are herewith filed as a part of this report that Sarah Jas. Cobb the plaintiff is the child of said testator, born in lawful wedlock after the execution of his last will & testament, & that had he died intestate she would have been entitled to the sum of $457.51 & that this sum she is now entitled to and should receive from said Est —

value of real Est. $1415.00
personal $643.79

amo. due Sarah Jane Cobb Pliff $457.51

That he thinks the Exr should collect a certain bond due Est by Dr M. E. Daugh

thy & others for $196.00 which your Comr has charged to Martha Virginia Cobb as a part of legacy of $500.00 bequeathed her by said Testator and after paying to the plaintiff $145.13 and due her by said Martha V. Cobb - pay balance to said Martha V. Cobb - that he should collect of said Nancy Channell $142.10 and due by her to said plaintiff & of Rhoda Channell formerly Cobb the sum of $170 2/100 Dollars due plaintiff by said Rhoda Channell formerly Cobb widow of the testator all of which with notices &c - is respectfully submitted.

D. M. Sebrell
Comr in Chancery

Cobb, by &c —
vs Executors
Cobb's Exor dat.

Executed on all
Parties except Sd
Wickham who is not
a resident of this
County
W W Boggs Shff

# COMMISSIONER'S OFFICE,

Jerusalem, March 13 1876

TO Sarah James Cobb a minor who sues by S. L. Winborne, her next friend- Plff

against

S. L. Winborne, Exor of James Cobb dec'd Henry Channell & Rhoda Channell his wife, Wm. F. Channell, Wm. S. Channell, Addie Rebecca Channell, and Martha Virginia Cobb, the last five being minors by Wm. H. Briggs, their Gdn ad litem Defts

You are hereby notified that I have fixed upon the 18 day of April next, if fair, if not, on the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to-wit: An account of the transactions of S. L. Winborne Executor of Jas. Cobb dec'd taking any exparte ofs heretofore returned, as prima facie correct- An account of all unsatisfied demands against the Estate of said James Cobb if there be- An account of the value of the Real & Personal Estate of which said Jas. Cobb died seized & possessed, stating the names of the parties to whom the same was devised & bequeathed by the last will & testament of said James Cobb and the value of the whole Estate so devised & bequeathed to each one- Whether or not the said Plaintiff Sarah James Cobb is a child of the said Testator born in lawful wedlock and whether she was born after the execution of the said will and testament What should have been the portion to which the said plaintiff would have been entitled of the estate of her said father, the said testator if he had died intestate- In what manner and what amounts it would be most judicious that the devisees in said will should contribute to make up the amounts to which the said plaintiff would be entitled- together with any other matter & specially stated which may be deemed pertinent &c &c

required to be taken by a decree of Southampton Circuit Court, rendered on the 1st day of November Term 1875, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year first aforesaid.

J. H. Sebrell Commissioner.

*To the Sheriff of Southampton County to execute.*

Southampton Circuit Court November Term 1875.

Sarah James Cobb, a minor who sues by L.D. Kinborne her next friend

Plaintiff

against

In Chancery

Samuel D. Kinborne Executor of James Cobb dec'd, Henry Channell & Rhoda R. Channell his wife, Joseph D. Channell, Susan F. Channell, William S. Channell, Addie Rebecca Channell & Martha Virginia Cobb the last 5 being minors by Thos. R. Briggs their guardian ad litem, Defendants

This cause was this day heard on the Complainant's Bill, Exhibits filed therewith, the answer of defendants, replication thereto, and was argued by Counsel: On Consideration whereof the Court adjudges, orders and decrees, that one of the Commissioners of this Court take the following accounts: An account of the transactions of L.D. Kinborne Executor of James Cobb deceased taking any exparte account heretofore rendered by the said Executor as prima facie correct - An account of all unsatisfied demands against the estate of the said James Cobb, if any there be - An account of the value of the real and personal estate of which the said James Cobb died, seized and possessed, stating the names of the parties to whom the same was devised and bequeathed by the last Will and testament of the said James Cobb, and the value of the whole estate so devised and bequeathed to each one -

Whether or not the said plaintiff, Sarah Dames Cobb, is a child of the said testator born in lawful wedlock and whether she was born after the execution of the said Will and testament - What would have been the portion to which the said plaintiff would have been entitled of the estate of her said father, the said testator if he had died intestate -

IV What manner and what amounts it would be most judicious that the devisees in the said Will should contribute to make up the amounts to which the said plaintiff would be entitled - together with any other matters specially stated which may be deemed pertinents by the Commissioners or which may be required to be stated by any party.

A Copy -

Dietz, Henry & Parker D. C.

I, James Cobb of the County of Southampton and State of Virginia, being of sound mind and memory, but considering the uncertainty of my earthly existence, do make and declare this my last Will and Testament, in manner and form following, that is to say:-

First, That my Executor (hereinafter named) shall provide for my body a decent burial, suitable to the wishes of my relations and friends, and pay all funeral expenses, together with my just debts, whatever, and to whomsoever owing, out of the moneys that may first come into his hands as a part or parcel of my Estate.

Item- I give and devise to my beloved wife during her life that part of the farm wherein I live bounded as follows- beginning in the path leading to A. Riddick on Baule's line; thence along Baule's line to Nottoway River; thence up the River to Johnston's line (formerly known as the Dr. Harris and Trust) thence along that line to the path or lane leading by my house; thence down the lane to the beginning, including my Mansion House all out houses and other improvements in satisfaction for and in lieu of her dower and thirds of and in all my real estate- after her death I then give the said Tract of land as above bounded to my youngest daughter Martha Virginia

to have and to hold to her and her heirs in fee simple forever.

Item. I give and devise to my eldest daughter Nancy Chanel the remainder of the farm or track of land wherein I now live, lying between the land in front of my house and the public road (known as the Sandy ridge road) to have and to hold to her and her heirs in fee-simple forever.

Item I loan to my beloved wife my negro boy Edmund during her life or widowhood and at her death or marriage I then give the said negro Edmund to my youngest daughter Martha Virginia to have and to hold to her and heirs in fee-simple forever

Item I give and bequeath to my beloved wife one sorrel mare, one buggy and harness, one cart and wheels, one cow and calf, one sow and pigs what corn and fodder and shucks are on hand and eight hundred pounds of bacon if I have that much: and bed
1 spining wheel and cards, one loom and gear; and one furniture her Chairs - six chairs one Rocking Chair and the kitchen furniture to have and to hold to her and her heirs in-fee simple forever.

Item I give and bequeath to my youngest daughter Martha Virginia the sum of five hundred dollars in money which I think will make her equal with my other daughter taking in consideration that she is to raise.

Item. My will and desire is that all the residue of my Estate (if any) after taking out the devises and legacies above mentioned, shall be sold and the debts owing to me collected; and if there should be any surplus over and above the payments of debts expenses and legacies that such surplus shall be equally divided and paid over to my two daughters Nancy Chanel and Martha Virginia in equal portions, share and share alike to each of them their Executors, Administrators and assigns absolutely forever. And lastly I do hereby constitute and appoint my trusty friend Saml D. Kinborne my lawful Executor to all intents and purposes, to Execute this my last will and testament according to the true intent and meaning of the same and every part and clause thereof, hereby revoking and declaring utterly void all other Wills and testaments by me heretofore made. In Witness whereof whereof I the said James Cobb do hereunto set my hand and seal this the 8th day of January A.D. 1864.

James his X mark Cobb (Seal)

Signed, sealed, published and declared by the said Jas. Cobb to be his last Will and Testament in the presence of us who at his request and in his presence do subscribe our names as witnesses thereto.

James Scott's
Will
"

(A Copy 65 cts)

Wm D. Bryant
Wm Scott
Samuel Bill.

At a Court held for the County of Southampton on Monday the 18th day of September A.D. 1871.

This last Will and Testament of James Scott dec'd was proved by the oaths of Wm D. Bryant and William Scott, two of the subscribing witnesses thereto and ordered to be recorded. And on the motion of Samuel D. Kinborne, the Executor therein named, who made oath according to law, and together with Joseph E. Warren and Wm H. Daughtrey his Securities, (who justified on oath as to their sufficiency,) entered into and acknowledged a Bond in the penalty Five Hundred Dollars, Conditioned according to law, which Bond having the required Stamps of one dollar, affixed thereto and duly Cancelled, is ordered to be recorded.

Certificate is granted the said Samuel D. Kinborne for obtaining a probate of the said Will in due form.

Test, Owen White C.C.

A Copy

Test, Wm H. Parker D.C.

Copy bill of James Cobb & file with the bill as Exhibit (A) —

The bill was received September 18th 71 —

, See page 545 —

To the Hon George Blow,
Judge of the Circuit Court of Southampton County -

The undersigned respectfully reports that, in pursuance of a Decree of said Court, rendered at the May term 1875, in the suit of Sarah I. Cobb vs S. D Winborne, Exor of James Cobb, & others, he has paid over to Henry Channell, (who has duly qualified, in the County Court of said County, as Guardian of Sarah I. Cobb and Martha V. Cobb, minor children of James Cobb deceased) the sum of three hundred
($301.69 Cts) and one dollars and sixty nine cents as Guardian for the said Martha V. Cobb -

And the further sum of one hundred and forty two
($142.59 Cts) dollars and fifty nine cents as Guardian for the said Sarah I. Cobb -

That Rhoda Channell, in obedience to said Decree, has paid to the said Henry Channell, as Guardian for the said Sarah I. Cobb, the sum of One hundred and ninety
($195 81 Cts) five dollars & eighty one cents -

And the said Henry Channell holds in his own hands the further sum of one hundred & sixty three dollars
($163.41 Cts) & forty one cents, due from himself & his children, to the said Sarah I. Cobb as her Guardian, in pursuance of said Decree; thus making the whole amount in his hands as Guardian for the said Sarah I. Cobb, the sum of $501.81 cents -

And the whole amount in his hands, as Guardian for

the said Martha V. Cobb, the sum of $301.69 Cents
The receipts executed by the said Henry Channell to the
undersigned and to the said Rhoda Channell, for the
said several amounts, are herewith filed, and are
marked "X" and "Y" respectively.

All of which is respectfully submitted

S. D. Wilborne
Exr of James Cobb dec'd

Cobb vs Cobb's Exrs dat

Report of Executor.

1879 April 25th

Cobb vs Cobb's Exr et al

Receipt

To/ Rhoda Channell

"Y"

Filed with report of S. D. Winbor
ne Com: April 25 1879

Received, November 1st. 1878, of Rhoda Channell the sum of One hundred and ninety five dollars and eighty one cents ($195.81 cents) in full of amount ordered to be paid by her to the Guardian of Sarah J. Cobb, by a decree of the Circuit Court of Southampton County, rendered at the May Term 1876, in the suit of Cobb vs Cobb's Executor & others.

Witness Leo. E. Travers

his
Henry X Channell
mark

Guardian of Sarah J. Cobb

Statement showing amount due to each of the minor children of James Cobb deceased, and from whom due, with interest thereon from May 1st 76 to November 1st 78, prepared in accordance with Decree of May term 76 Circ Ct Southampton Co

| | | | | |
|---|---|---|---|---|
| **Due Sarah I. Cobb** | | | | |
| From S. D Winborne Exr of James Cobb | $145 | 13 | | |
| Interest on same | 21 | 76 | $166 | 89 |
| From Henry C Channell & children | 142 | 10 | | |
| Int on same | 21 | 31 | $163 | 41 |
| From Rhoda Channell | 170 | 28 | | |
| Int on same | 25 | 53 | $195 | 81 |
| | | | $526 | 11 |
| Deduct 5 p.r ct Com.s on $380.98 | $ 19 | 05 | | |
| " 1/2 of Clerk's & Sheriff's fees | 5 | 25 | 24 | 30 |
| | | | $501 | 81 |
| Nett amount due Sarah I. Cobb | | | 501 | 81 |
| Of which — | | | | |
| S. D. Winborne Exr pays | $142 | 59 | | |
| Henry C Channell & children pay | 163 | 41 | | |
| Rhoda C Channell pays | 195 | 81 | $501 | 81 |
| **Due Martha T. Cobb** | | | | |
| From S. D Winborne Exr (bal due on Account) | $ 72 | 62 | | |
| Int on same | 10 | 88 | | |
| From same for Daughtrey's bond | 196 | 04 | | |
| Int on same | 29 | 40 | $308 | 94 |
| Deduct — 5 p.r ct Com.s on $40.28 | 2 | 00 | | |
| " 1/2 of Clerk's & Sheriff's fees | 5 | 25 | 7 | 25 |
| Nett amount due Martha T. Cobb | | | $301 | 69 |
| all of which is to be paid by S. D Winborne Exr | | | | |

Received, November 1st 1878 of Sam'l D. Winborne, Exr of James Cobb deceased, the sum of One hundred and forty two dollars and fifty nine cents ($142.59 cents) in full of amount due to Sarah J. Cobb, from said Executor - also the sum of three hundred and one dollars and sixty nine cents ($301.69 cents) in full of amount due from said Winborne as said Executor, to Martha V. Cobb - both minor Children of the said James Cobb deceased. Which said sums of money are paid to me, as the Guardian of the said minors, in pursuance of a Decree of the Circuit Court of Southampton County, rendered at the May term 1876, in the suit of Cobb vs Cobb's Exr & others.

$142.59
301.69
$444.28

Witness
Jos. E. Warren

his
Henry X Channell
mark

Cobb's Adm'r, Exr & al
Receipt
to
S. D. Winborne Exr

"K"

Filed with Report of S. D. Winborne Com. April 25 1879

~~94: 64~~

Cobb by &c

v. } Stat: Rules

Cobbs Exor &c

1879 May. Dismissed from the Docket

# In Southampton Circuit Court

Sarah James Cobb. a minor who sues by S. D. Winborne her next friend against.

Samuel D Winborne Executor of James Cobb dec'd Henry Channell & Rhoda R. Channell his wife. Joseph F. Channell, Susan F. Channell. William B Channell. Addie Rebecca Channell & Martha Virginia Cobb. the last 5 being minors by Wm W. Briggs, their Guardian ad litem.

1875 Oct 2° Summons issued

" " R. Sum: Ret'd Executed on Dfts S. D Winborne Exor: & Henry Channell & Rhoda R Channell — Bill filed. D. Nisi v Dfts. S. D Winborne Et: & Henry Channell & Rhoda his wife. ~~Rear Pro~~

Nov. R Wm W. Briggs. Signed Gdn. ad litem to infant Dfts Ans. of infants C. Rep.

" Nov. R (Taken last Monday in Oct). Bill taken for confessed as to Defts. Winborne Exor. & Henry Channell & Wife & Cause set for hearing as to ~~them~~ all Defendants &c.

" " J. Decree for account

"76. May " Report

Cobb, Ly &c

vs

Cobb's Exer &c

Answer of Infants

1875 November Rules

The Joint & several answer of
Joseph F. Channell - Susan F. Channell
Wm B. Channell - Addie Rebecca Channell
& Martha Virginia Cobb, minors,
by Wm W Boyce appointed this day as
Guds their guardian ad litem
to a Bill filed against them
in the Circuit Court of Southamp-
ton County, by Sarah James Cobb,
a minor who sues by S. D. Wim-
berne her next friend. -

These Respondents for
answer say that they are infants
of tender years & ignorant of their
interests & submit them to the
protection of the Court.
And having answered this say to
the bill exhibited -

Jno D Rid[illegible] pd

Cobb, by &c
vs
Cobb's Exr & al

This Cause was again heard ~~the~~ Day on the papers formerly read together with the Report of Commissioner Sebrell this day filed by leave of Court — and the Court Confirming said Report doth adjudge order and decree that Samuel D Winborne Executor of James Cobb deceased pay over to Sarah James Cobb the legally appointed guardian of minor child of the said James Cobb deceased, out of any monies in his hands belonging to the estate of said deceased the sum of $145.13 cents — That the said Executor proceed to collect the bond due to said estate from Mills E. Daughtrey & others and pay the same together with the whole of the balance of said decedent's personal estate now in his hands ~~according to said Report~~ to the legally appointed guardian of Martha Virginia Cobb minor child of said deceased — That the said Henry Channell and the Children of Nancy Channell deceased (formerly wife of Henry Channell & daughter of the said James Cobb dec'd) to wit Hugh T. Channell Joseph T. Channell Wm B. Channell & Addie Rebecca Channell pay to the said Sarah J Cobb $142.10 cents, ~~as Law of the three last named paying one Third of the said $142.10 cents~~ — and until the said sum is so paid by them or by some one for them within one year from this day it shall be a charge upon the real estate devised by the said James Cobb in his will to the said Nancy Channell — and that the said Rhoda Channell (formerly Cobb) pay to the said Sarah J. Cobb the legally appointed guardian of the $170.28 cents — and until the said sum is so paid by the said Rhoda Channell or by some one for her within one year from this day the same shall remain a charge upon the real estate devised to her by the said James Cobb

and the said S D Winborne Exr as aforesaid is

hereby directed to require the said last two sums
of money to be paid to the said Sarah J. Cobb legally entitled thereto
and report to Court.

Cobb, by &c
vs
Cobb's Exr &al

Allowed
May Term 1870
by Reuben Reid
Judge Presiding

Cobb by &c
vs 3 decree
Cobbs Exor &c

May Term 1879

To be entered

Geo. R. Blow.

Cobb by &c
vs
Cobb's Ex'or &c

Decree

This Cause came on again this day to be heard on the papers formerly read and the report of S. D. Winborne Ex'or of Jas. Cobb dec'd which was duly filed, and was argued by Counsel. On consideration whereof, the Court confirming said report, doth adjudge order & decree that the titles respectively acquired by the parties to the real Estate in the proceedings mentioned be declared firm stable and binding.

And there being nothing further necessary to be done in this Cause the same is ordered to be dismissed from the docket.

Cobb vs Cobb's Exrs &c

This Cause was this day heard on the Complainant's Bill & Exhibits filed therein the Answer of Defendants, Replication thereto, and was argued by Counsel: On Consideration whereof the Court doth adjudge, order & decree that One of the Commissioners of this Court take the following accounts

an account of the transactions of S. D. Winborne Executor of James Cobb deceased taking any ex parte account heretofore rendered by the said Executor as prima facie correct -

an account ~~An account~~ of all unsatisfied demands ~~against the estate~~ of the said James Cobb, if any there be -

An account of the value of the real and personal estate of which the said James Cobb died seized & possessed, stating the names of the parties to whom the same was devised and bequeathed by the last Will & Testament of the said James Cobb, & the value of the whole estate so devised & bequeathed to each one -

Whether or not the said Plaintiff, Sarah James Cobb, is a child of the said testator born in lawful wedlock & whether She was born after the execution of the said Will & testament -

What would have been the portion to which the said Plaintiff would have been entitled of the estate of her said Father, the said

testator if he had died intestate -

In what manner, & what amounts respectively ~~the devisees in said~~ it would be most judicious that the said devisees in the said will should contribute to make up the amount to which the said plaintiff would be entitled -

Together with any other matter specially stated which may be deemed pertinent by the Commissioner or which may be required to be stated by any party -

Scott
vs
Scott's Exrs &c

Decree
To be entered -
Nov 6th 75 -

Gus V Bloss