

1854-012

SOUTHAMPTON Co.
CHANCERY PAPERS

WIGGINS + al VS VAUGHAN + al

2/1854

other surnames: Vaughn

Higgins
 vs
 Vaughan's D
 Deere

1853. Deere Deere as filed

1854. Jan'y Report.

" Feb'y. " Confm^d.

Posthumous Maria Thomas Vaughan
To the Southampton County Court - In chancery

Humbly complaining show unto your wor-
ships your orator John Higgins and your oratrix Maria O.
Higgins that Thomas Vaughan departed this life in the year
1849, having previously executed his last will and testament
which was duly recorded in the clerk's office of the Coun-
ty Court of said County, and a copy of the same is herewith
filed (marked A) and prayed to be read as a part of this bill.

The said testator devised ^{Among other things} by the said will
that his wife who survived him, should retain the whole es-
tate of every kind whatsoever during her widow-hood, but that
in the event of her marriage she should "take what the law al-
lows her" — The ^{said} Maria O. Higgins your oratrix (who was Ma-
ria O. Vaughan) ~~has~~ since the death of the said testator,
her former husband, intermarried with John Higgins,
your orator — They therefore humbly pray that your wor-
ships would appoint proper persons as commissioners
to apportion or allot to our complainants one just third
in value of the real estate and negro slaves of which
the said Thomas Vaughan died seized and possessed, as the
dower of the said Maria O. Higgins — that your wor-
ships would make Cecil — Francis — Richard Leonard
and Maria Thomas Vaughan (who are infants of tender years)
parties dependant to this bill and compel them fully to answer
and grant such general relief as equity & justice may require.

Inol. Kinred per

The answer of Cecil - Francis - Richard
Leonard and Maria Thomas Vaughan (by L. R. Edwards
their guardian ad litem) to a bill against them in the County
Court of Southampton County, by John Higgins & Maria O. Higgins

These defendants for answer say that
being infants of tender years they know nothing of the
facts as stated in the said bill, and submit their inter-
est to the care of the Court. and having answer may be
dismissed &c.

Jud. Kindred
rd

Higgins
vs
Vaughan's } Decree.

This day this cause was docketed
by leave of Court and Consent of parties, and was heard on the bill,
the answer thereto, exhibits and the arguments of Counsel —
On consideration whereof the Court doth order, adjudge and decree
that Joseph E. Gillette, Warren Edwards, Seth D. Williams
and George Gardner be and they are hereby appointed Commissioners
for that purpose (any three of whom may act) — that they al-
lot or assign to Maria O. Higgins (who was formerly Ma-
ria O. Vaughan, widow of Thomas Vaughan deceased) one part
third, in value, of the real estate and negro slaves of which
the said decedent died seized and possessed, or which may now
belong to his estate.

And the said Commissioners are empowered to require
such reasonable sums of money to be paid by one party to another
as may be necessary to equalize the division in kind, or to arrive
at a just one.

And they are further ordered to report to this Court in
order to a final decree.

1897. 1st 1st

Wiggins

to } Co. D. 1st

Wangham

Southampton County Court December Term 1853

Wiggins
v

Vaughans

Plff

Dfts

In Chancery

This day this cause was docketed by leave of Court and consent of parties, and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that Joseph E Gillette Warren Edwards, Seth D Williams & George Gardner be and they are hereby appointed commissioners for that purpose (any three of whom may act) that they allot or assign to Mariam C Wiggins, who was formerly Mariam C Vaughan, widow of Thomas Vaughan deceased, one part third in value of the real estate and negro slaves of which the said decedent died seized and possessed, or which may now belong to his estate. And the said Commissioners are empowered to require such reasonable sums of money to be paid by one party to another as may be necessary to equalize the division in kind; or to arrive at a just one. And they are further ordered to report to this Court in order to a final decree.

Attesty

Teste. L R Edwards Ck

1854 Jan 1st

In obedience to a decree in Chancery 'Wiggins vs Vaeughn made and entered at a Monthly Court held for Southampton County the 19th day of December 1853, we the Commissioners therein named proceeded on Tuesday the 3rd day of January 1854 and set apart one third of the valuation of the negro slaves of which Thomas Vaeughn dies seized and possessed to Maria O. Wiggins as and for her dower for life; to wit. Saunders valued at \$800 - Jim \$1000 - Jacob \$700 \$2500.00
 John valued at \$500 - Ben \$400 - Aggy \$350 - Harry \$600 . . . 1850.00
 Eliza & two children. Anna & Taylor \$800 - Ellender \$650 - Cato \$400 . . . 1850.00
 Annis & child Sally \$750 - Betty \$700 - Agnes \$500 - Amanda \$300 . . . 2250.00
73 = 8450.00

One third of the valuation \$2816.66 $\frac{2}{3}$

We then places Saunders \$800 - Ben \$400 - Eliza & two children, Anna and Taylor \$800 - and Annis & child Sally \$750 amounting to . . . \$2750.00
 in a lot which we assigned to Maria O. Wiggins as her dower . . . 2750.00
 minus \$66.66 $\frac{2}{3}$

and as we could not allot, so as to get precisely one third in value, it was agreed that the guardian for the infant defendants (or some person for them) pay to Maria O. Wiggins, the legal interest on \$66.66 $\frac{2}{3}$ annually for life, the first payment to be made the 3rd day of January 1855.

We then set apart the dower of the said Maria O. Wiggins in the real estate of said dec^d, which is bounded as follows: Beginning at a stake on the lane, or road leading through the plantation, thence a South course to another stake in a large ditch, thence along said ditch, westerly to the Caesar swamp or out boundary line of the tract of land on the west; thence along the out boundary line a north course to the aforesaid road; thence along said road to the beginning: also that the said Maria O. Wiggins be at liberty to go on any part of the tract of land, as well out of the bounds of the dower as within, as may best suit her convenience, and take therefrom timber for rails or fuel, or any other timber she may need for the use of the plantation, building or repairing houses, gardens &c.

respectfully submitted.

Given under our hands the 3rd day of January 1854.

Geo. H. Gardner
 Jos. E. Gillette
 Warren Edwards