

1866 - 07

Santhampton County

Vaughan, Elizabeth et al
vs

Vaughan, Beverly R. etc

(Estate Settlement)

Nelson L. Vaughan, inf
suing by Neely, P. L.
his next friend

62 49.

Vaughans

ms. } Papers

Vaughans-Gardners

1867 May 25th

Kelly p. 10

Elizabeth Vaughan Jr.

n 3 Bill

Beverly R. Vaughan
Sal.

1866 Jan. Ruled

Cir. Ct. Southampton

Virginia -

To the Judge of the Circuit Court of Southampton County -

Complaining, shew unto the Court your Complainants Elizabeth Vaughan and Nelson L. Vaughan, infants suing by R. J. Stuby their next friend -

Your Complainants respectfully represent to the Court and say that their mother Mrs. Ellen B. Vaughan, died on the 8th day of April 1864, leaving her husband Beverly R. Vaughan, and four children to wit: your Complainants and Martha Alice & Sarah Catherine Vaughan, surviving, and entitled to the Land hereinafter referred to. That before the marriage of the said Ellen B, she was Ellen B. Gardner, and owned in fee simple as her maiden estate a tract of land in the County of Southampton aforesaid containing Two hundred and sixty acres, more or less & adjoining the lands of Thomas H. Croft, Jordan Edwards, Joshua Peltton & others and has on it very little improvements, & is mostly in woods and is about two and a half miles from Franklin, and worth about two thousand dollars.

That the said Beverly R. Vaughan the husband of said Ellen B, and the father of your Complainants is entitled to the said land for & during his natural life, by Curtsey, and that he is now thirty eight years old.

Your Complainants say that the said land is unproductive and likely so to be and that as they believe, a sale thereof would best promote the interests of all parties, that

if the said Beverly R. Vaughan were to surrender his life estate therein, that no partition could be made thereof so as to promote the welfare of those entitled, and as the said Beverly R. Vaughan is willing to consent that the said land should now be sold, and the proceeds thereof divided among the children of the said Ellen B. provided there is allowed to him in money a sum equivalent to his life estate therein, and which your Complainants are willing to do. Your Complainants pray that the said Beverly R. Vaughan may be called on to allow sale of said land, or allowing to him a sum in money equivalent to his life estate therein, and that the balance of the proceeds of sale may be divided among the children of said Ellen B.

In consideration whereof, and as this Court has jurisdiction to grant the relief prayed for. In the End your Complainants pray that ~~the~~ said Beverly R. Vaughan, and the said Martha Alice Vaughan and Sarah Catharine Vaughan, the last two being under twenty one years of age, may be made defendants hereto & be compelled to answer the several allegations herein, & that a sale of said land may be made and the proceeds divided among the parties in the manner as aforesaid, and that such other and further relief may be granted as may be consistent with equity &c.

John R. Kilby
p. 9.

Amendment to the foregoing Rice

The complainant says that in the foregoing Rice, the names of Martha Alice Vaughan & Sarah C. Vaughan, Infants, should have been Martha Alice Gardner & Sarah C. Gardner Infants and children of said Ellen B. Vaughan by her first husband, and your Complainant prays that said Martha Alice & Sarah C. Gardner Infants may be made defendants hereto & answer said Rice as though originally made parties thereto.

John R. Kilby, Jr.
Aug 20. 1866.

Vaughan &c

or

Vaughan & al

answer of

Beverly R. Vaughan

1866 February Rules

The Answer of Beverly R. Vaughan
to a Bill in Chancery exhibited against
him taken in the Circuit Court of the County
of Southampton, by Elizabeth Vaughan &c.

This Respondent saving &c. says that
the facts set forth in the said Bill are
true and that he is now thirty eight years
old, and is willing to surrender his
estate for life of said Land on the payment
of an equivalent in money, and to allow
a sale of said Land, and a distribution
of the balance of the proceeds among the
parties entitled as set forth in said bill.

That he believes a sale of said land
can now be made for its fair value &
that no partition could be made that
would be advantageous or desirable to
the parties - he therefore joins with the
plaintiffs and prays for such sale &c.

signed

Beverly R. Vaughan
By his atty.

Vaughan to
W.

Vaughan to

Care of Inf
ants. Martha
a Sarah L. Gardner
Infants.

The joint & separate answer of Martha
Alice & Sarah L. Gardner, Infants
by L. R. Edwards their guardian ad litem
to a Bill in Chancery filed in the
Circuit Court of Southampton County by
Elizabeth Vaughan & others.

These Respondents say that
the facts set forth are true, so far as
they know, but being Infants they
submit their rights to the Court &
pray that no order or decree may
be made inconsistent with their
rights.

Signed



Vaughan I:

v3

Vaughan Ial

Answer of
Infant repts. by
Dr. ad titum

1866 Feby Rules

The Joint and separate answer of Martha
Alice Vaughan and Sarah Catherine Vaughan
infants under 21 years old, by J R Edwards
their guardian ad litem, to a Bill in Chancery
exhibited in the Circuit Court of Southampton
County by Elizabeth Vaughan &c. against
Beverly R. Vaughan & al.

These Respondents saying &c. say
That so far as they know or believe the
facts set forth in the Complainant's bill
are true and that a sale as prayed for
would be promotive of the interests of all
parties; but being infants, they are
ignorant of their rights in the premises
and hence submit the same to the Court &
ask that no order or decree may be made
in the case, inconsistent with their just rights.

Signed,

J R Edwards for &c.

Issue sp. m. Martha Alice & Sarah
C. Gardner Infants - appoint yourself
pro ad litem at Sep rule, & file their
answer I put case on Docket -

The Comm. report is also filed
herewith

Kelly
21 Aug 1866.

In this case of Vaughan v Vaughan
Major Edwards will please
file ~~a final~~ an answer of
Infant's depts answer - also B. B. Vaughan
ans. now left - last cause for hearing
Kelly

Parties
Elizabeth Vaughan and Nelson L. Vaughan
infants under 21 years of age, suing by
R. J. Kelly their next friend

m.
Martha Alice Vaughan & Sarah
Leatherine Vaughan, infants under
21 years of age.

OATH & C.

I, *B. B. Vaughan* of *Isle of Wight* County,
and State of Virginia, do solemnly swear, that I will support the Constitution of the United States, and the Laws
made in pursuance thereof, as the supreme law of the land, anything in the Constitution and Laws of the State of
Virginia, or in the Oordinance of the Convention which assembled at Richmond on the 13th of February, 1861, to
the contrary notwithstanding; and that I will uphold and defend the Government of Virginia, as vindicated and
restored by the Convention which assembled at Wheeling, on the 11th day of June, 1861.

(Signed,)

B. B. Vaughan

of the County of Southampton
Subscribed and sworn to before me, a ~~Notary~~
Public, for ~~Nansemond~~ *Southampton* County, Va., on this
20 day of *Nov.* 1865.

Notary Public.

William Gifford

THE COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF SOUTHAMPTON COUNTY---GREETING.

WE COMMAND YOU to summon *Martha Alice Gardner & Sarah C Gardner*

to appear at the Clerk's office of our *Lowest* Court of Southampton County, at
the Rules to be holden for the said Court on the first Monday in *September next to answer an*
amended bill in Chancery exhibited against them in our said Court by Elizabeth
Vaughan & Nelson S. Vaughan infants suing by R. J. Staley their next
friend

and have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the
Courthouse this *20th* day of *August* 1866, in the *91st* year of the Commonwealth.

L. R. Edwards

Vancouver

to { Sum. by to answer
amended bill

Gardner

1866 September Rules

Vaughan

Sum. Chs

Vaughan

1866. January Rules

All of the within
are non-residents
of this county:

E. L. Story Dept.
for S. Kello shff.



The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

*Beverly R Vaughan, Martha Alice &
Sarah Catharine Vaughan*

to appear ^{at} ~~before~~ the *Clarks office* of our *Sheriff* Court of Southampton County,
at the Court House, on the first day of ~~Term next, to~~

*Rules to be holden for the said Court on the first Monday in January next
to answer a bill in Chancery exhibited against them in your said Court
by Elizabeth Vaughan & Nelson L Vaughan infants Duing by R. I.
Heely their next friend*

and have then and there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court
House, this *19th* day of *December* 18*65*, in the *90th* year of the
Commonwealth.

L. R. Edwards *bb*

Vaughan

& } Sum. Chy.

Vaughan

1866 February Rules

Executed Jan'y 6th.

1866 by delivering
a copy of within.

E. L. Story, Dep't.

for S. Wells clerk

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

Beverly R. Vaughan

to appear ^{at} before the *Clarks office* of our *Circuit* Court of Southampton County,

at the Court House, on the first day of

Rules to be holden for the said Court on the first Monday in February next
to answer a bill in Chancery exhibited against him & then in our said Court by
Elizabeth Vaughan & Nelson S. Vaughan infants Duly by R. J. Nelly their
next friends

and have then and there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court
House, this *1st* day of *January* 18*66*, in the *90th* year of the
Commonwealth.

L. R. Edwards

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

*Berish R Vaughan. Martha Alice &
Sarah Catharine Vaughan*

to appear ^{at} before the *Clerks Office* of our *Circuit* — Court of Southampton County,
at the Court House, on the first day of *January* Term next, to

*Rules to be holden for the said Court on the first Monday in January next
to answer a bill in chancery exhibited against them by Elizabeth Vaughan
& Nelson L. Vaughan infants suing by R. I. Kelly their next friend.*

and have then and there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court
House, this *19th* day of *December* 1866, in the *90th* year of the
Commonwealth.

L. R. Edwards

(Copy)

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

*Beverly R. Vaughan. Martha Alice &
Sarah Catharine Vaughan*

to appear ^{at.} before the *Clerks office* of our *Circuit* Court of Southampton County,
at the ~~Court House~~, on the first day of ~~Term next, to~~

*Rule to be holden for the said Court on the first Monday in January next.
to answer a bill in Chancery exhibited against them in our said Court by
Elizabeth Vaughan & Nelson L Vaughan infants suing by R.I.
Nichy their next friend*

and have then and there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court
House, this *19th* day of *December* 18*95*, in the *90th* year of the
Commonwealth.

L.R. Edwards Clk

(Copy)

Vaughan

n. } Co. Dene

Vaughan

Southampton County, Circuit Court. May 2^d 1866.

Elizabeth Vaughan and Nelson L. Vaughan suing by R. S. Keely, next friend Jeff
against

Beverly R. Vaughan & Martha Alice Vaughan & Sarah Catharine Vaughan } In Chancery
Defts

This cause came on this day to be heard on the bill of the Complainants, & on the answer of B. B. Vaughan of the infant defendants, by L. R. Edwards their guardian ad litem, with general replication to said answer, and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree, that Nelson Gardner, Joshua Preble, Wm. Keely & A. W. Norfleet, be and they are hereby appointed Comms. for that purpose (any three of whom may act) to ascertain and report to Court whether in their opinion a sale of the land referred to in the proceedings would be best for all parties, on the giving up by Beverly R. Vaughan of his wife's right therein, and make report to Court.

At Copy

Teste L. R. Edwards Clk.

We the Commissioners appointed to
ascertain and report to the Court
whether it would be best to sell the land as there
can be no satisfaction otherwise
made

A. W. Norfleet
Wm. Keely
Nelson L. Gardner

Martin Alice Gardner Sarah & Gardner

Vaughan &c

73 Cowy Refm

Vaughan &c

Southampton County State of Va July 4th 1866
We the Commissioners appointed to examine the
Land belonging to B R Vaughan Elizabeth Vaughan
Nelson & Vaughan Martha Alice Gardner and Sarah
Bethanne Gardner

Do hereby agree and report that it
would be to the Interest of all parties concerned to sell
the Land: as there could not be any satisfactory
division made

Two of the names mentioned in the Deed
are wrong they should be Martha Alice Gardner and
Sarah Bethanne Gardner in place of Vaughan

Respectfully Submitted to the Court

A. W. Norfleet
William A. Norfleet
Nelson B Gardner

Vaughans

to. } Stat: Rules

Vaughans
r

In Southampton Circuit Court

Elizabeth Vaughan & Nelson S. Vaughan infants suing by R. J. Staley their next friend
against
Beverly R. Vaughan, and Martha Alice Vaughan & Sarah Catharine Vaughan

1865. Dec. 19. Summons issued returnable to January Rules 1866.

1866 Jan. R. Sum. Ret. that the Dfts are now residents. d. Bill filed - New Sum. d.

Dft Beverly R. Vaughan retble. to Feby Rules

Feby R. Sum. & B. R. Vaughan ret. Executed. L. R. Edwards assigned Guardian
ad litem to infant Dfts Martha Alice & Sarah Catharine Vaughan. Ans. of adult Dft.
& of infants by L. R. addition filed. G. Rep.

Mar. R. Cause set for hearing d.

May R. Decree d.

Aug. 20. Amended bill of process issued d.

Sep. R. L. R. Edwards assigned L. R. addition to infant Dfts in amended bill.
Ans. of infants to amended bill G. Rep. thereto.

Oct. - Cause set for hearing d.

1867 May. Dismissed.

Vaughan R

v

B. B. Vaughan R

1866

May 4. Secured

to be entered

R. H. B.

Vaughan &

v

Vaughan &

This cause came on this day
to be heard on the Bill of the Complainants
and on the answer ^{of B. B. Vaughan &} of the Defendants
servants by L. R. Edrins, their
guardian ad litem, with general
replication to said answer and
was argued by counsel; On conside-
ration whereof, the Court doth adjudge
order and decree that, Nelson Gardner,
Joshua Pittow, Wm. Kelly, &c. w.
Probert, be and they are hereby appointed
Commissioners for that purpose (any three of
whom may act,) ~~proceeds to~~ to
ascertain and report to Court whether
in their opinion a sale of the Land
referred to in the proceedings would
be best for all parties, on the giving
up by Emily R. Vaughan of his life
right therein, and make report to Court.