

1855-008 Chancery Causes: William H. Lawrence & ux vs William H. Vaughan, adm of Cherry Jane

Dale of Wight County

Darden, Louisa B Darden & James J. Purvis, by & c

other surnames: Hall

Coll. ... \$7.99
 Att. Fee 115.75
 Staff 2.50
 Com. fee 7.12
 Cash \$33.36

Refer. of?

Wm. M. Lawrence trustee

}
 } Chancery
 }
 } Papers

Wm. H. Vaughan adm. of
 Cherry Jane Dard under?
 Sothers.

Acquaintance 1853
 Bill of sale, good and
 true app. to infants,
 and filed sup. and
 some news in other
 dists.

Sept. 1854 bill of sale for

Oct. 1853. Bill of sale for

1854. Bill of sale for

(I. of W. Cir. et
 Oct. 19. 1851. Rpt. of J. C. M.
 filed & executed there
 also filed.
 - May 1855 paid down G. S. p. 38.

Graves Kelly Jr.

Wm Lawrence Surber

Bill &
N. Jeschitz

Wm H. Vaughan adm. of
Cherry Jane Warden dec'd
Sal.

S. of W. Cir. C.

the said Wm. H. Vaughan qualified as administrator of the said Cherry Jane Darden, as will appear by a copy of the order of court filed herewith as part of this Bill Smashed (A.) — That the said Cherry Jane Darden left as her heirs at law, your Complainant Alcinda Lawrence (now the wife of Wm. Lawrence, and who was the widow of — Purvis deceased, and who before her marriage with said Purvis was Alcinda Darden the widow of — Darden, & mother of said Lavinia B. & Cherry Jane Darden) and said Lavinia B. Darden, a sister of the whole blood and James J. Purvis a brother of the half blood — which said Lavinia B. Darden and James J. Purvis are infants, under twenty one years of age —

That the said Wm. H. Vaughan as admor. of said Cherry Jane and as her guardian received considerable money, (and other estate, which he has failed to pay over & distribute to those entitled — That as admor. aforesaid he is indebted to the estate of said Cherry Jane Darden the sum of \$106.45 with interest from the 1st day of June 1848 as appears by a settlement of his intestate's estate filed herewith Smashed (B.) —

That the said Wm. H. Vaughan made sale of the said negro Hannah as admor. of said Cherry Jane Darden for a large sum of money, to wit: seven hundred dollars (and has not accounted for the same or paid the same to the parties entitled — That there is error in his said administration account, in this, to wit: that the estate of his intestate is not credited with the one half of the sales of said Hannah, and that therefore said settlement is liable to be surcharged & falsified —

In consideration whereof, (and forasmuch as your Complainants can only have adequate remedy in a Court of Equity where such matters are cognizable —

To the end therefore your Complainants pray that William H. Vaughan as Administrator of Cherry Jane Darden dec'd, and also as guardian of the same, Lavinia B. Darden (and James J. Purvis (the last two being infants under twenty one years of age) may be made defendants, & be compelled to answer all (and singular the allegations herein, on oath — That an account of the transactions of Wm. H. Vaughan as admor. of Cherry Jane Darden dec'd, and also as her late guardian may be taken — That he may be charged with all sums of money which he may have received or ought by proper diligence to have received — That if necessary, an account of his transactions as guardian also of Lavinia B. Darden may be taken — That some proper person may be assigned to defend the infant defendants and that such relief as may be consistent with the premises may be granted to your Complainants & that such other & further relief may be granted as may be consistent with equity — May it please &c.

Graves & Kilby p. q.

To the Hon. Judge Richard N. Baker, Judge of the Circuit Court of Isle of Wight County — Humbly Com-
plaining, shew unto the Court, Your Complainants
William^H Lawrence and Alcinda his wife. —

Your Complainants respectfully shew unto the Court that one Samuel Vaughan died about the year 1845 in said County, having first duly made & executed his last will and testament, by which he gives One ninth of his estate, after the payment of his just debts, to his two grand daughters Cherry Jane and Lavinia B. Darden to them and their heirs forever — a duly certified copy of said will is filed herewith as part of this Bill & is marked (A.) — That at September term of the County Court of said County in the year 1845, by legal and proper proceedings had before said Court in a cause therein pending a decree was made for division of said Samuel Vaughan's estate & the Commissioners thereby appointed proceeded to discharge that duty and assigned in said division negro Hannah to Lavinia B. Darden (Cherry Jane being dead) — a duly certified ^{copy} of the commissioners' report is filed herewith as a part of this Bill marked (B.) — That previous to such division, to wit at February Court of Isle of Wight County in the year 1845, one Wm. H. Vaughan qualified as the guardian of said ^{Lavinia B. and} Cherry Jane Darden — a copy of the order of Court, shewing such qualification is filed herewith & marked (C.) — That the said negro Hannah was assigned to said Wm. H. Vaughan as guardian of the said Lavinia B. & Cherry Jane Darden & taken charge of, by him as such guardian — That soon after such division to wit about the first part of the year 1847 the said Cherry Jane Darden ^{died} under twenty one years of age, intestate & never having been married, and at the March term 1847 of Isle of Wight County Court

H. D. Lawrence ~~Truj~~

H. Ansens

W. H. D. Vaughan

Ans. of debt. W. H. Vaughan
filed 17th. May 1834 by
order of court.

W. H. D. Vaughan
Debt
1834

warden, ~~etc~~ without a lawful heir, he gives the same, then
1/9th, to be equally divided between his, deceased, living children
who are, (or were), William, ^{of age} Albert Lawson, Beverly, Samuel, Elizabeth
Fowler, ^{with} Edith Holland, ^{with or with her husband,} Uriah Lawson, Alicia Lawrence &
Mr. A. Lawrence the plaintiffs & the respondent who ought to be made
parties defendant to this suit so he allowed to contest the matter
and this respondent having assumed from hence to be & sign

William H. Wareham

To the Honble J. R. D. K. Bohn Justice of the Circuit Court
of said county - The great anxiety of Mr. H
as adm. of Cherry Jane Borden & as being to Lavinia N. Borden
of a Bill filed against him & others, by Mr. H
Lawrence & Alvin his wife:

This respondent having & accepting of: for answer to do much
of said Bill, as he is advised it is material for him to answer
says that he was the guardian of Cherry Jane Borden & on her death
qualified as her administrator. and that now he is now the
guardian of Lavinia N. Borden. that he has returned acc
counts of his transactions in the above fiduciary relations just
mentioned. that he has settled his transactions as adminis
trator of Cherry J. Borden's estate, and paid over to the plaintiffs
their full share of the same as their receipt therefor, marked "A" ^{and}
filed with will show. so this respondent denies the allegation in
plaintiffs Bill, that he has not paid to her, their share in the said
estate. And for this respondent feels it due to himself to say that
the difficulty if any, exists in regard to the negro Hannah, it arose
altogether out of a misapprehension as to the ownership of Hannah
this respondent conceiving that Hannah was drawn by him, and
a woman Libert was assigned to his ward - & upon this idea he acted
until this suit. When on inspection of the report of the Commissioners,
by the Courts Court referred to in the Bill he perceived his error,
and respondent is clearly now under the conviction that Hannah
was assigned to him, and such is the decided conviction of Mr. W. J. Jones
the secretary to the Commissioners, however he is now aware that
it must so stand - & lie down under the injury. This respondent
states - that finding Hannah could not suit him, conceiving that she
belonged to him, ^{and if she had belonged to his ward, he should have been compelled to see her} he did take her about three years ago, for the sum of
\$100, and if the court shall determine that the sum is divisible as the
Bill states, the price must be first subject to a deduction of \$75:
which his said ward had to pay, as the report of the said Commissioners
will show - as he has paid the same - the said report was not. mat
tiled 1854 & then continued in the same year. ¹⁸⁵⁴ This respondent
states that he could not properly settle or pay over the value of
Hannah, unless by an order of the court, ascertaining to whom the
same belongs. By the 10th Section of Samuel Vaughs Bill, it is provided
that in the event of the death of either Cherry Jane, or Lavinia B

Lawrence Swibe

1811

Vaughan adw & tal

3 Answers of Infant
defendants - Savina
B. Darden and
James J. Purvis.

The Joint and separate answer of Lavinia B. Darden and James J. Purvis, infants under 21 years of age (by W. P. Young their guardian ad litem) to a bill in Chancery filed in the Circuit Court of Isle of Wight County by Wm^H.^A Lawrence & wife against Wm^H. Vaughan adw. &c. and these respondents —

These Respondents say, that the facts and charges in the bill may be true, but they do not know it & therefore they demand proof of the same — that they are ignorant of their rights in the premises and therefore submit the same to the Court & pray that no decree or order may be made in the premises contrary to their best interests — and thus having ans^d — &c. &c.

Signed.

W. P. Young jun. ad litem

William H. Lawrence
& wife.

7
3
27.)

W. H. Vaughan Solr.

To August 1853
cir. col. 1853.

James Kelly Sr

Executed by attorney
at two copies on
the 19th of July to Mrs
H. Vaughan

J. Hall atty

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Isle of Wight County, Greeting:

WE COMMAND YOU to summon William H. Vaughan as administrator of
Cherry J. Darden deceased, and also as late guardian of the
same - Lovina P. Darden and James J. Purvis, the last
two being infants

to appear at the Rules at the Clerk's Office of the *limited* Court of Isle of Wight
County, on the first Monday in *August* next, to answer a bill in Chancery
exhibited against them in said Court, by William H.
Lawrence and Alinda his wife

And have then there this writ.
Court, at the Courthouse, the
year of the Commonwealth.

Witness,

8th

day of

July

1853, and in the

7th

W. H. Young
Clerk of our said

The deposition of Thomas Hall, taken before George
A. Atkinson a commissioner of the Circuit Court of
Salem of Wright County on the 7th day of February 1852. As be-
ing in name in a suit in chancery depending in
said Court between William H. Sumner and Alice
as his wife, Complainants and William H. Vaughan
as defendant and guardian of Cherry Jane Dorr
an accused, and Lorrain J. Darrin and James
J. Harris the last two Infants.

Thomas Hall ^{having} first duly ^{affirmed} ~~sworn~~ deposed and
said. I bought a negro woman from William H. Vaughan
for Thomas D. Ripley for the sum of seven hundred dollars
I think, but am not certain about the price. I think
the sale took place within the last five years, and
further this deposition with not

sworn to and subscribed before me

T. Hall
Geo. A. Atkinson Comm^r

dollars and fifty eight cents for balance due on administra-
tion account, your Commissioner finding that the
deceit for the diversion of negroes in County Court of said
County Caswell said Vaughan as guardian of Lavinia
P Baran to pay the said balance from the sum
of thirty dollars, he has therefore credited the surplus
money dollar in the administration account, your
Commissioner may have as Commissioner of said Court
the day and year past specified

Geo A. Atkinson

Have employed in examining vouchers and in stating
and reporting said account, I have to say, 17/12/18
The Charges to William H. Lawrence

Geo A. Atkinson

Lawrence & Wife

Com Report

Vaughan & als

Filed 19th. Oct. 1837 &

except from filed same term

By att.

William H. Lawrence

Dr Cherry Lane Garden In account with

1845	Augt 31 To Distancements	31 63
	" Commissions	7 04
	" Balance due the Ward of contra	102 14
		<u>140 81</u>

1846	Augt 31 To Distancements	55 33
	" Commissions	2 52
	" Balance due the Ward of contra	94 81
		<u>152 56</u>

1847	March 1 To Distancements	110 47
	" Commissions	3 88
	" Balance due the Ward of contra	127 10
		<u>171 92</u>

The Estate of Cherry Lane Garden deceased In account

1848	March 1 To Distancements	11 80
	" Commissions	19 50
	" Balance due the Estate of contra	359 10
		<u>390 10</u>

William H Lawrence in right of his wife Maria (late Purvis)

1848	June 1 To paid Maria Purvis	132 58
	" Balance due.	13 21
		<u>145 79</u>

William H Vaughan Sur Guardian Cr

1845	Augt 31 By Receipts this year	140 81
		<u>140 81</u>

1845	Augt 31 By Balance due the Ward of debt	102 14
	Dec 31 " Receipts - Rent & Hous	44 30
1846	Augt 31 " Interest on Balance	4 12
		<u>150 56</u>

1846	Augt 31 By Balance due the Ward of debt	94 81
	Dec 31 " Receipts - Rent & Hous	74 27
1847	March 1 " Interest on Balance	2 84
		<u>171 92</u>

In account with William H Vaughan Sur administrator Cr

1847	March 1 By amount received from late guardian	127 10
1848	July 1 " Crd Wardens portion of proceeds Sale of Hawaiiak Solu in 1847	212 50
		<u>390 10</u>

In account with Wm H Vaughan administrator of C J Dardam deceased

1848	March 1 By Maria Purvis portion of C J Dardam Estate	143 14
	June 1 " Interest on Balance	2 15
		<u>145 79</u>

1848	June 1 By Balance due	13 21
1849	Oct 18 " Interest on Balance	5 12
		<u>18 23</u>

Commissaries Office Oct 3rd 1857

Present to a decree of the Circuit Court of the County
of St. Louis, rendered on the 18th day of October 1853 in
a suit in Chancery depending in said Court between Will-
iam H. Lawrence and Amanda his wife Plaintiffs and
William H. Vaughan as administrator and guardian of
Cherry Jane Barden and Lavinia S. Barden
and Samuel S. Puras, the last two Infants by et al. Pleading
their guardian and tutor, Defendants, the undersigned
one of the Commissioners of said Court to whom were
referred for settlement by said decree, an account of
the transactions of William H. Vaughan as guardian
of Cherry Jane Barden, and an account of the trans-
actions of said Vaughan as administrator of the said
Cherry Jane Barden deceased. Reports that on the 27th day
of December 1855 he issued notices against the several
parties aforesaid (which notices were returned to your
Commissaries duly executed) fixing on the 6th day of
February 1857, at the courthouse of said County at the
time and place for stating said accounts, that the
parties aforesaid appeared pursuant to said but not being
wary with or the evidence necessary to enable me to state
the said accounts the stating of the same was adjourned
from time to time, that your Commissaries finally on the
date of this report stated the foregoing account of the trans-
actions of said William H. Vaughan as guardian of the
~~Cherry Jane Barden~~
~~William H. Vaughan~~ and finds a balance of \$127⁶⁹ for due
by the said guardian to his said ward on the 1st day of
March 1857, which balance was transferred on the same
day to said William H. Vaughan as administrator of
said Cherry Jane Barden, your Commissaries has
also stated an account of said Vaughan as adminis-
trator of said Barden deceased, and finds a balance
of \$339¹⁰ for due by the said administrator to the said
estate, on the 1st day of March 1858, your Commissaries in said
administration account has entered the proceeds of sale
of some Hannah, mentioned in the proceedings, on the 1st
day of January 1858, because the said Vaughan was
accounted for the loss of said Negro though she was
not sold until some time during the year 1850, and
by executing the sale on the day aforesaid the interest
will be some people an offset for such time. Your
Commissaries has also stated an account showing
the amount due the said William H. Lawrence in
right of his wife and finds a balance of \$8³⁵ for due
by the said administrator on the 18th October 1852. In the
month March of said year he received from Amanda Puras
to William H. Vaughan the amount of one hundred and
twenty dollars as stated to have been paid for amount
due in division of Negroes, and the sum of forty and

Mowman's Survey

1837

Naughton

Exceptions
to
Comr's Report,
Filed Octo. 19. 1837

15.207

1837
654.46
130.89
523.57

Exceptions filed by ptts: attorney to Comr's Report
in the suit of Lawrence Swibe vs. Wm H. Vaughan
admt. of Cherry Jane Darden & -

1st That the item charged as paid to
Alinda Purvis (who is now wife of the plt.
Wm H. Lawrence), of \$132.58, should not have been
allowed by said Comr. because such payment was
not for difference in division of Sewl. Vaughan's
negroes, of whom Cherry Jane Darden was a legatee
but was in fact in difference ⁱⁿ of division of negroes
of ~~Cherry Jane Darden~~ ~~father~~ of said Cherry Jane,
~~otherwise~~ - which she did prospered otherwise.

2^d, That the Comr. has allowed the adm
of Cherry Jane Darden Comr. on receipt
which should not have been allowed
Graves & Kilby p. 9

2028
405

202 1/2

Laurence Swift

v.

Vaughan Sal.

Oct. 21. 1853

Dear Sir,

I have the honor

to acknowledge

the receipt of your

kind letter of the

21st inst. in relation

to the matter of

the purchase of

the land of the

Government of

the State of

Virginia, and in

reply to inform

you that the same

has been approved

by the Board of

the Commissioners

of the Land Office

and that the same

is now being

Yours
L. Swift

Wm H. Lawrence & Alcinda his wife plt.

vs.

Wm H. Vaughan as administrator, ^{and guardian} of Cherry Jane Darden deceased, and Lavinia B. Darden and James J. Purvis, the last two infants, by A. P. Young, their guardian ad litem - defts.

~~This cause came on this day to be heard on the Bill,~~ - The procep in this cause having been duly executed, (and the Bill ~~being~~ of the Comptt. having been taken for condeped, at the rules, against the defts. ~~to wit~~ ^{Wm H. Vaughan} Lawrence as adm. & guardian of Cherry Jane Darden decd. - This cause came on this day to be heard on the Bill exhibits filed, answers of the Infant defendants, replications to said answers, and was argued by Counsel; on consideration whereof the Court doth adjudge, order (and decree that a Com. of this Court, take the following accounts 1st an account of the transactions of Wm H. ~~Lawrence~~ ^{Vaughan} as guardian of Cherry Jane Darden & 2^d an account of the transactions of said ~~Wm H. Lawrence~~ ^{Wm H. Vaughan} as adm. of said Cherry Jane Darden deceased - ~~according to said account, & the value of~~ ~~the~~ ~~same~~ ~~as~~ ~~per~~ ~~doct~~ ~~ment~~ ~~referred~~ ~~to,~~ ~~in~~ ~~the~~ ~~proceedings;~~ ~~if~~ ~~sold,~~ ~~and~~ ~~if~~ ~~not~~ ~~sold,~~ ~~then~~ ~~if~~ ~~not~~ ~~the~~ ~~bid,~~ ~~of~~ ~~said~~ ~~doct~~ ~~ment,~~ ~~and~~ ~~also~~ ~~in~~ ~~whose~~ ~~possession~~ -

all of which, the said Com. will report to Court with any matters specially stated, deemed pertinent by himself, or specially requested by any of the said parties to be so stated.

and the defendant ^{Vaughan} Lawrence as guardian & adm. aforesaid has liberty to file his answer on or before the next term of this Court.

Lawrence Swift

(2/2)

3: Holy day

Vaughan Sol.

Octo. ct. 1853

William H. Sumner & Heinda his wife Plffs.

Against

William H. Vaughan as adm. & Gard. of Cherry Jane Darden
Terd. (and Lavinia B. Darden & James S. Purvis the last
two infants, by A. P. Young their guardian ad litem. Defs.

The process in this cause having been duly executed, and
The Bill of the complainant having been taken for confessed at
The rules, against the Def^t. William H. Vaughan as adm. (and
Guardian of Cherry Jane Darden Terd., This cause came on
this day to be heard on the Bill & exhibits filed, answers of the
Infant defendants, replications to said answers and was argued
by Counsel: On consideration whereof the Court doth adjudge,
order and decree that a Commissioner of this Court take the following
accounts, 1st - An account of the transactions of Wm. H. Vaughan
as guardian of Cherry Jane Darden, 2nd - An account of the
transactions of said Wm. H. Vaughan as adm. of said Cherry Jane
Darden deceased. All of which the said Com^r. will report to Court
with any matters specially stated, deemed pertinent by himself
or specially requested by any of the said parties to be so stated,
and the defendant Vaughan - as guardian and adm. aforesaid,
has liberty to file his answer on or before the next term of this
Court.

A copy.

Teste A. P. Young co.

Commissioner of the Court

Laurence Swift

m. 3 July.

Worcester 1891.

Copy from the records
of County Court in
suits of Vaughan & Co.
Vaughan and Exor. 1891.
Filed Sep. 4. 1891,
by J. P. H. S.

At a Court held for Isle of Wight County on Monday
the 5th day of March 1854.

Elizabeth Vaughan

Plff.

against

Wm Leby.

William H. Vaughan Esq. of Lemd Vaughan dec. Beverly N. Vaughan
Edith Vaughan Others. Defts.

This Cause came on this day to be heard upon the papers formerly
read, the report of the Com.^{rs} made pursuant to the decree of the 1st
day of September 1845. And the exception thereto filed, and perole testa-
-mony introduced by Counsel, and was argued by Counsel; on
Consideration whereof the Court, overruling the said exceptions,
doth confirm the ~~and~~ report of said Com.^{rs} (and that the said divisi-
-sion shall be binding among the parties thereto, and that
the costs be mutually borne by the parties.

A Copy.

Teste

A. P. Younger.

Lawrence &

v

Vaughan &

Deere
May et. 1855.

To be entered

B. H. B.

+

Laurence & wife

^{27.}
Vaughan & al.

This cause came on this day to be again heard on the papers formerly read from the Report of Comr. Atkinson, made pursuant to the decree of October term 1853, ~~to which~~, and on the exception filed thereto, and was argued by counsel; ~~whereupon~~ by consent of parties, statement marked (A) filed in the cause is agreed to be taken in lieu of said Comr. Report, as a correct statement of the matter therein referred to, on consideration whereof the Court doth adjudge order & decree that William H. Laurence and Alcinda his wife recover of the defendant William H. Vaughan ~~an administrator of Cheryl Jane Darden deceased~~ the sum of ~~\$100.00~~ \$105. with legal interest thereon from 1st January 1848. till paid. That Lavinia B. Darden recover of the same defendant \$100. with like interest and that James J. Purvis recover of the same defendant \$52.50 with like interest — and that the plaintiffs recover of said defendant Wm H. Vaughan the costs expended by them in prosecuting this suit

5
Exhibits
filed with the Bill

Laurence Turbe
v.

Vaughan adm & al.

Samuel Vaughan
Will

A copy for Mrs. H. Kelly

(A.)

To the Darden land, thence along the Darden line to the Moses
Scott land as aforesaid, to him and to his heirs forever

7th: I give to my son Samuel Vaughan all the residue of my home
tract of land with the appurtenances thereto belonging to him
and to his heirs forever.

8th: I give to my two grand sons Beverly R. Vaughan and James
M. Vaughan, the tract of land called the John Roe tract, to
be equally divided between them, and to their heirs forever.

9th: I give to my daughter Edith Vaughan one Negro Girl named
affo I give to my daughter Elizabeth one Negro girl named Mary the future increase
Sammy, and her future increase, to them and to their heirs forever.

10th: All the residue of my estate of what nature or kind soever it may
be, I give to be divided among the following persons and in
the following proportions, to Wm. H. Vaughan one ninth, to Uriah
Vaughan one ninth, to Lawson Vaughan one ninth, to
Beverly Vaughan one ninth, to Samuel Vaughan one ninth
to my daughter Edith Vaughan one ninth, to my daughter
Elizabeth Vaughan one ninth, and one ninth to my two grand
daughters Cherry Jane and Levina B. Darden, one ninth
to my two grand sons Beverly R. and James M. Vaughan to
them and to their heirs forever.

11th: I hereby appoint my son Albert Vaughan to be the lawful
guardian of my grand daughter Jane Vaughan, with a
request that the court take his bond, as such, without being
required to give any security.

Lastly: I hereby nominate and appoint my friend William M. Jones
and my son Wm. H. Vaughan the lawful Executors of this my
last will and testament, hereby revoking and annulling all
other or former wills and testaments by me heretofore made.

In witness whereof the said Samuel Vaughan hath hereunto
set his hand and seal the Eleventh day of July A.D. 1845.

Signed, Sealed and acknowledged to be the last will and
testament in the presence of

Archibid Fowler
William G. Bradshaw
Henry M. Daughtery

Samuel Vaughan (Seal)

In Isle of Wight County Court September 1st. 1845.

The foregoing last will and testament of Samuel Vaughan
decd. was proved by the oaths of Archibid Fowler,
William G. Bradshaw and Henry M. Daughtery the witnesses
thereunto, and ordered to be recorded. and on the motion
of William H. Vaughan who made oath as the law directs,
and with Irvin W. Duck and Tho. Hoall his securities who
sworn, entered into and acknowledged a bond in the penalty
of \$10000. conditioned as the law directs, and certificate of
probate is granted him on said will in due form.

Teste A. J. Younger.

Attest Teste
(W. J. Younger)

I Samuel Vaughan a native of the State of Virginia and an inhabitant of of the County of Gileswright in said State, being weak in body, but of sound mind and memory, do make and ordain this to be my last will and testament, in manner and form as follows
viz: After the payment of my just debts, I lend to my wife Elizabeth Vaughan, one third part of all my estate for, and during her natural life or widowhood, and after her death or marriage, I give the same to be divided among the following persons and in the following portions, To William S. Vaughan one ninth, To Wm Vaughan one ninth, To Lawson Vaughan one ninth, To Beverly Vaughan one ninth, To Samuel Vaughan one ninth, To my daughter Bethe Vaughan one ninth, To Elizabeth Vaughan one ninth, and to my two grand daughters Cherry Jane Darden and Lerina B. Darden one ninth, and to my two grandsons Beverly R. Vaughan and James M. Vaughan, ^{one ninth} to them and their heirs forever —

2nd I give to my daughter Alcinda Purvis one dollar to her and her heirs forever.

3rd I give to my grand daughter Jane Vaughan the daughter of Albert Vaughan the John Carr tract of land, with the appurtenances thereunto belonging also two negroes namely Nelly and her child named Milly, also all the stock of house hold and kitchen furniture of every description which I purchased at the sale of Albert Vaughan's property, also one hundred dollars in cash to her and to her heirs forever.

4th I give to my son Uriah Vaughan the Jarvis Bradshaw plantation containing one hundred and twenty five acres more or less, to him and to his heirs forever —

5th I give to my son Lawson Vaughan, the whole of the Army Carr tract of land also a part of the Home tract called the Buzzard pond running from the main road along the old path way to the Moses Scott tract of land to him and to his heirs forever.

6th I give to my son Beverly Vaughan, the Moses Scott tract of land also a part of the Home tract, to be cut off by running from the old path way at Lawson Vaughan's, come along the main road to the corner of my fence, thence along the old Darden path, so called,

and Lawson Vaughan receives 25.
 Wm. Vaughan " 25.
 Beverly R. Vaughan & James M. Vaughan 75.
 William H. Vaughan " 25.
 Samuel Vaughan 50.
 Elizabeth Vaughan 75.
 Beverly R. Vaughan " 75

\$ 350

All with interest thereon from the first day of January 1848
 until paid

Jacob H. Duck
 A. R. Butler
 Francis M. Boykin

In the County Court of Isle of Wight County June 6th. 1853.
 This report was returned by the Commissioners & ordered to be filed.

Teste A. P. Gourgeon
 A copy Teste A. P. Gourgeon

Commissioners (Boyer)
 of the Division of
 Samuel Neufelding est.

A copy

(13.)

Wm. Vaughan fac.
 Wm. H. Vaughan
 Beverly R. Vaughan
 fac.

In obedience to an interlocutory decree Vaughan vs. Vaughan and others pronounced the first day of September A. D. 1845. by the County Court of Isle of Wight. Your commission proceeded on the first day of January 1848. to divide the Slaves in the bill mentioned as by said decree directed. The valuation of the Slaves are as follows.

Woman Jenny	\$400	} Allotted to the widows Elizabeth Vaughan
Boy Daniel	" 300	
old Jacob	" 125	
Army (Child)	" 100	
	<u>\$925</u>	

We thus place the remaining Slaves in nine lots as follows

Goodman in lot No. 1. valued at \$200.

which was drawn by Lawson Vaughan

Elizabeth in lot No. 2. valued at 200.

which was drawn by Uriah Vaughan

Hannah in lot No. 3. valued at 400

which was drawn by Levina B Darden: Cherry Lane is dead.

Davy in lot No. 4. valued at 150

which was drawn by Ber: R Vaughan & James M Vaughan

Edna in lot No. 5. valued at 400

which was drawn by Geo: W Holland in sight of his wife Cecily.

Lisby in lot No. 6 valued at 200

which was drawn by Wm: H. Vaughan

Peter in lot No. 7 valued at 175

which was drawn by Samuel Vaughan

Aggy in lot No. 8. valued at 150

which was drawn by Elizabeth Vaughan

Ann Eliza in lot No. 9. valued at 150

which was drawn by Beverly R Vaughan.

which disposes of all the Slaves except young Jacob who was sold by the executor.

9 ÷ 2025
\$225.

Therefore Levina B. Darden pays \$175.

Also George W Holland pays \$175
\$350

Wm. D. Vaughan esq.
of Cherry I. Darden

(D. 1)

At a quarterly Court held for the term of Ass. of Nigth on the
first day of March 1847.

On the motion of William A. Vaughan. who made oath. and
with Thomas Hall his security, entered into and acknowledged
their bond in the penalty of \$2500. conditions according to
law. administration is granted him on the estate of Cherry
Jane Darden decd.

Attest

John A. Young, C.

On Mr. Vaughan's Return
as aort. of Cherry & Standen

A. Cooper.

(E.)

The Estate of Cherry J Darden
 In acct. with Wm. H. Vaughan adm.

1847. May 13. Is paid for coffin		4	50
" " " " for burial expenses		3	00
1848 June 1 st " " Commissioners		5	76
" " " " Clerk's fees (estimated)		3	00
" " " " Commissioners fee		1	00
		\$	17 26
1847. June 1 st . By balance due for return	115	38	
	17	26	
	98	12	
1848 June 1 st . By interest on \$98.12 for 1 of 5 months.	8	33	
	106	45	

Respectfully submitted
 Wm. M. Jones.

In Isle of Wight County Court June 5th 1848
 the foregoing account was filed for exceptions, and in the
 same Court August the 7th 1848. the said account
 having been filed two terms and no exceptions taken thereto,
 the same is confirmed, and ordered to be recorded.

Teste A. P. Young cc.

e. J. Esq.

Teste A. P. Young cc.

Laurence

or Statement,

Vaughan adv &

Statement,

(A)

Hannah was assigned to Lavinia B. Darden
 & Cherry Jane Darden - was sold
 by Wm. H. Vaughan for $\$700.00$
 secret amt. to be paid to
 other parties in division $\$175.00$

$\$525.00$
 Cherry Jane is entitled to one half or $\$262.50$
 int. from 1 Jan 1848 to
 16 May 1854 - 6 y. 4 m. 16 d } 97.77
 $\$360.27$

To be distributed as follows

To Wm. H. Lawrence trustee $\frac{2}{5}$ $\$144.11$
 To Lavinia B. Darden $\frac{2}{5}$ 144.11
 To Jas. J. Purvis $\frac{1}{5}$ $72.05 = \underline{\$360.27}$

~~1848 June 1 Bal. due on last at $\$106.45$~~

Balance above Brought on $\$262.50$
 To Wm. H. Lawrence trustee $\frac{2}{5}$ $\$105.00$
 " Lavinia B. Darden $\frac{2}{5}$ $\$105.00$
 " Jas. J. Purvis $\frac{1}{5}$ $\$52.50$ $\underline{\$262.50}$

Alcinda Pereira
act

I delivered a true copy to Wm H Chesnut
and one to Wm H Lawrence & wife on
4th of January 1854

Edward D
Hosier Sheriff

I acknowledge service of this notice on me
by J. Hall Sheriff.

W. P. Conway
of Joanna B. Barber

Received by
Wm H Chesnut & Wm H Lawrence & wife
on 4th of January 1854

Commissioner of the Court of Probates
November 21st 1853

To William H Lawrence, Abner Lawrence, William
H Vaughan administrators and guardians of Cherry
Jane Dardan deceased, and A J Young guardian ad
litem of Lucretia B Dardan and James J Piers.

You are hereby notified that I have filed on the 1st day
of February 1854 at my office at Isle of Wight County
to state the following accounts to wit 1st an account of
the transactions of William H Vaughan as guardian of
Cherry Jane Dardan, 2nd an account of the transactions
of said William H Vaughan as administrator of said Cherry
Jane Dardan deceased, require to be taken by a decree of
the Circuit Court of Isle of Wight County, rendered at its
October Term 1853 in a suit in chancery depending in
said Court between William H Lawrence & Abner Lawrence his wife
plaintiffs and William H Vaughan as administrator and
guardian of Cherry Jane Dardan deceased and Lucretia
B Dardan and James J Piers the last two infants by A
J Young their guardian ad litem; at which time and place
you are required to attend Given under my hand as
Commissioner of said Court the day and year last aforesaid

Geo R Stephens

5th question by same. Has any account of the profits of the wood and mercantile business ever been settled by you with Smith & Wimsatt?

page 39 } Answer. There has never been such a settlement made, although I have attempted to do so; but Boyd M. Smith, planting himself upon the finality of the \$1,000 arrangement as to all matters between us, has been in courts upon that question. I stand ready to make that statement at proper time.

6th question by same. On the 28th of November, 1878, you made affidavit of the non-residence of the defendant in this suit as agent of the plaintiff: please state how that agency commenced, and how it terminated?

Answer. I had agreed to sell my claim to Chilton, as stated in examination-in-chief, and it was understood that an attachment should at once be issued for benefit of Wm. Chilton inasmuch as it was known that Smith & Wimsatt had failed, and it was feared some one else might take such action; I had agreed to get out the attachment, and had come here for that purpose to consult George Walker, and have it issued, and though a lawyer, I had at that time little experience of what was necessary to be done in order to issue it; George told me that affidavit would have to be made, and that as I had agreed to have attachment issued, and page 40 } had come for that purpose, and with that understanding, I could, knowing all the facts, and being as he thought sufficiently authorized, be such an agent, and make such affidavit as the law required, in order to have attachment issued, and acting under his advice I made the affidavit referred to.

7th question. Did the attachments issued cover all the property of Boyd M. Smith and Smith & Wimsatt in your hands as agent?

Answer. I understood that it did cover all interest of Smith & Wimsatt and Boyd M. Smith in all property in my hands, not bound by liens and other rights of mine.

And further, this deponent sayeth not.

LLOYD T. SMITH.

Exhibit (A) referred to in foregoing deposition of Lloyd T. Smith in answer to question 6th.

This is to certify that if Boyd M. Smith writes his consent across the face of the certificate, that I, as commissioner upon receipt of this certificate so endorsed by Boyd M. Smith, will, so far as I am concerned, deduct twenty-five dollars from the bonds given me by A. M. Maynard for purchase from me as commissioner Chilton, assignee, vs. Smith & Wimsatt.

LLOYD T. SMITH, Commissioner.

This deposition was sworn to by Lloyd T. Smith, but the certificate excluded from this copy. (See Code 1873, chapter 178, section 6.)

Upon the face of this certificate, or exhibit "A," is the endorsement, "May 13th. I agree to consent to a deduction of \$25.00 by L. T. Smith, as commissioner, on the bond of A. M. Maynard.

BOYD M. SMITH."

Depositions of Boyd M. Smith, Samuel H. Wimsatt, and A. G. Uhler, taken in the city of Washington, D. C., on the 26th day of June, A. D. 1885, before Oscar Nauck, U. S. commissioner for D. C.

Present—Messrs. W. A. Jones and Lloyd T. Smith, for the complainant, and General Beale for the defendants.

On the 26th day of June, 1885, Boyd M. Smith, a witness on behalf of the defendants, being duly sworn, testified as follows:

By Mr. Beale:

Q. 1. Had you any business connection with Lloyd T. Smith prior to 1878; and if so, please state what those business connections were?

A. I had; he was the agent of Smith and Wimsatt in the lumber manufacturing business, of attending to the shipment of lumber and cutting of cord wood, and for Boyd M. Smith, looking after his page 42 } individual interest, and farming in Northumberland county, Virginia.

Q. 2. How long did those business connections continue?

A. From first to last, with Boyd Smith first, and Smith & Wimsatt afterwards, somewhere about six or seven years.

Q. 3. How was Smith compensated for his agency?

A. At first with Boyd Smith by a salary, afterwards with Smith & Wimsatt by a salary and an interest in the store that was on the place.

Q. 4. Were the accounts between Lloyd T. Smith and Smith & Wimsatt, and Lloyd T. Smith and B. M. Smith ever adjusted; and if they were, state how, when, and where?

A. They were adjusted by a settlement with our book-keeper, A. G. Uhler, with Mr. Lloyd Smith, and finally by concession and compromise and by a final adjustment, and Mr. Lloyd T. Smith gave Smith & Wimsatt and Boyd M. Smith a paper for our protection, agreeing to take page 43 } \$1,000 upon settlement of accounts between Smith & Wimsatt and Boyd Smith, barring his individual rights, and Lloyd T. Smith surrendering all interest above and aforesaid, the aforesaid interest amounting at that time, he claimed, to over \$1,600.00, as shown by books and accounts rendered to that date, which settlement included all and every matter or business transaction had, or that then ex-