

1872 - 073 Chancery Causes, William H. Vaughan & al vs Samia B. Darden & al

54

Dele of Wright County

other surnames: Vaughn, Fowler, Duck,
Holland, Lawrence, Purvis, Pervis,
Rose, Fowlow, Lawrence

To the worshipful justices of the County Court of Isle of Wight
in Chancery sitting humbly complaining sheweth unto your
worships your orator William H. Urish, Lawson, Beverly, and
Lemuel Vaughan, Archibald Fowler and Elizabeth his wife for
merly Vaughan, Irvine W. Smith the assignee of George Holland
and Edith his wife formerly Edith Vaughan, And the said
parties in the life & Wm. H. Vaughan as at & by the said will and

That as will appear by the first clause or Item of the last will
and testament of Lemuel Vaughan decd, a copy of which is herewith
filed as a part of this Bill, that on the death of his wife Elizabeth Van-
ghan, the one third of his estate therein bequeathed to her, consisting
of negroes worth about \$34,000. was to be divided into nine parts which
he disposed of as follows - $\frac{1}{9}^{\text{th}}$ to the said William H. Urish, Lawson,
Beverly & Lemuel Vaughan, to Edith who has since intermarried
with Geo. Holland, to Elizabeth who has since intermarried with
Archibald Fowler each of them to have one ninth:
and $\frac{1}{9}^{\text{th}}$ to Cherry Lane & Larimer B. Darden, and $\frac{1}{9}^{\text{th}}$ to Beverly and
James H. Vaughan, the four last being the testator's grand children &
he has also bequeathed to them and the all the rest above
mentioned his children. That the said Geo. Holland and Edith
have transferred their share $\frac{1}{9}^{\text{th}}$ to Irvine W. Smith: and since the
death of said testator, Cherry Lane Darden has departed this life, leaving
as her heir, her daughter the said Larimer B. Darden, her father
Larimer B. Darden of the said County, and his half brother James
J. Darden, who are now the assignees to Cherry Lane
Darden of the said $\frac{1}{9}^{\text{th}}$.

That Elizabeth Vaughan the widow of your orator's testator
has since died about 31st Decr 1854. ^{jointly and}
event has happened for the division of the estate bequeathed to her as aforesaid
and the negroes held by her under the said will, subject to be divided
in the nine parts & amongst the parties as above stated, are as
follows, Ben, Jacob, Lindsey, Daniel, Amy, Isham or Isam, Bob, Hal &
Ben Jr., your orator
state that an equal, or a, division in kind, cannot be made of the

said negroes, in consequence of the inequality of value among the same and from the number of parties entitled, wherefore, your oratory prays, in as much as they are without adequate remedy save in a court of Equity, that this honorable Court will decree a sale of the said negroes and a division of the proceeds of sale among the said parties according to their several interests and rights.

To the end they pray that Messrs B. Swick, James P. Powers &
George E. Vaughan & Son, the Party who are all living
may be made parties defendant to this Bill and be compelled
to answer the same.. That the said Messrs here before men-
tioned may be also process served during their
absence or let forth by this Bill, if found
necessary by the Court.

Vaughn & Co.

APB

SECRET.

Wright.

Vaughan 3 On Motion N. P. Young is appointed guardian
ad litem to defend the infant defendants. James B. Carter, Lewis
J. Davis, George H. Vaughan & Henry A. Grant and by like motion & consent
of parties this cause was this day docketed, and came on to be heard on
the Bill, Answer & Replication thereto, and was argued by counsel: On
consideration whereof, the Court with order adjudge and decree
that William H. Vaughan, ^{Lauron Vaughan} ~~Lauron Vaughan~~ ^{1 appointed Guardian} ~~Archibald A. Grant~~,
who are hereby appointed commissioners for such purpose, after
having given ten - days notice by public advertisement at the door
of the C. House, & other public places of the time and place of sale
sell at public auction to the highest bidder, on a credit of

[illegible]

to this Court, in order to a final decree in the
premises. That this decree is to be entered
suspended, until the same is performed & executed
by bond on the Clerk's office of this Court, in the penalty
of \$5,000, conditioned according to Law.

William H. Vaughan Esq.

VS:
The People

Vaughan vs. P. & C.

Obtaining 3rd 1835 \$1000
to file & over costs: shown.

June 4th 1835. report of Sec. As
returned W. C. C. Esq. of Sec.

Infants Books

Vaughans & al The Joint and Separate Answer of Seneca
Vaughans & al } D. Garrison, James S. Parker, James et al Vaughans
3 }
Vaughans & al } 34 Percy H. Vaughan } by their guardian

By Nathaniel P. Young their
Guardian ad litem appointed to defend them, in a suit
brought by William H. Lusk, Lanson, Nevins & Lemuel Camp
& others in the County Court of One of us at against them.

These respondents, by their said Gd ad litem, for answer to
so much of said Bill, as they are advised it is material
for them to answer, say, that they are entitled, they expect
to the a portion of said Negro, as in the said Complainant's
Bill is set out, but being infants they neither admit or
deny the facts therein, & beg leave to submit their true
interest to the protection of this honorable Court. & having
answer in prayer to W. Lusk & al.

N. P. Young
Gd. ad litem

Chapd

In Obedience to a decree of the County Court
of Jefferson County pronounced the 5th day of May
1855. We the undersigned Commissioners beg
leave to report as follows, after giving ten
days notice of the time and place of sale, we
proceeded to sell the following slaves (to wit),
Jacob, Lucy & Child, Daniel, Arny, Isham, Bob. Hal,
and Ben. Jr., they being the Dower negroes of Eliza
Vaughan. Dec., for the sum of thirty four hundred
and eighty five dollars, We then offered Ben. Sr.
who would not sell, and was afterward ^{kept} for the
sum of sixty nine dollars for keeping. We next
proceeded to pay over to the heirs their respective
equal parts as follows after deducting the
expenses of decree which is \$15. dollars, deducting
Commissions which amounts to \$44.62 cents then
deduct sixty nine dollars for keeping Ben. Sr.
which leaves a neat proceed of \$3306.38 cents
We then proceeded and paid over to each party our
equal 1/9 part viz to Wm. H. Vaughan \$367.37 cts.
it being one equal ninth part, to Frank Vaughan
\$367.37 cts it being one equal ninth part, to Lawson
Vaughan \$367.37 cts it being one equal ninth part,
to Beverly Vaughan \$367.37 cts it being one equal ninth
part, to Linnel Vaughan \$367.37 cts it being one equal
ninth part,

Then to divide the sum of \$367.37 it being our equal ninth part, to Arch.
Towson in right of this wife Eliza \$367.37 it
being our equal ninth part, to Wm H Vaughan
Adm of Cherry I (Darden \$183.68 it being one half
of one ninth, to Wm H Vaughan guardian for
Lavinia B (Darden \$183.68 it being one half of
one ninth of a share. next to Francis Ross Guardian
of Beverly R Vaughan and James M Vaughan the
sum of \$367.37 it being our equal ninth
part, to be divided between them, and took
receipts from each of the parties for bond and money
paid over to them respectively, And further
more your Commissioners report not, All of
which is most respectfully tendered to
your worship. 3 day of May 1855-

W. H. Vaughan
Arch. Towson
Lawson ^{his} Vaughan
mark

Comrs Report

Read & ordered
to be filed

Entd.

At a Court held for Isle of Wight County on
Monday the 5th of February 1853.

William H. Vaughan, Uriah, Larson, Beverly, and
Lemuel Vaughan, Archibald Fowler wife, Irvin W.
Duck, agent of Geo. W. Holland & Edith his wife and
Wm. H. Lawrence and Alcinda his wife and Wm. H.
Vaughan agent of Henry J. Darden &.

Against $\frac{3}{4}$ M. Channing.

Larima B. Darden, James J. Purvis, Beverly R. Vaughan
and James M. Vaughan - infants Defts.

And by like motions and consent of parties this cause
was this day docketed, and came on to be heard on the Bill,
Answers and Replikations thereto, And was argued by
Counsel, On Consideration whereof the Court took order—
adjudge and decree That William H. Vaughan, Larson
Vaughan and Archibald Fowler who are hereby appointed
Commissioners for such purpose, After having given
ten days notice Notice by public advertisement at the door
of the Courthouse & other public places—of the time & place
of Sale, Sell at public Auction to the highest bidder—on
a credit of six months with interest from day of Sale
or not as the said Commissioner may deem advisable—
Save so much as may be necessary to pay expenses of ^{the} suit
and sale—which may be in Cash, The negroes in the
proceeding mentioned viz. Ben, Jacob, Jimmy & Child,
Daniel, Amy, Isham, Bob, Neal, and Ben jr. being
the dower Negroes of the late Elizabeth Vaughan dec. and
the nett proceeds will divide as follows, taking bond
with approved security for each of said parts, & payable to
each of said parties, And pay over to each party one ninth,
viz, to W. H. Vaughan $\frac{1}{9}^{th}$ Uriah Vaughan $\frac{1}{9}^{th}$, Larson
Vaughan $\frac{1}{9}^{th}$, Beverly Vaughan $\frac{1}{9}^{th}$, Lemuel Vaughan $\frac{1}{9}^{th}$ to
Irvin W. Duck being agent of Geo. Holland & Edith his
wife $\frac{1}{9}^{th}$, Archibald Fowler in right of his wife Elizabeth $\frac{1}{9}^{th}$

half of 17th, to Wm. H. Vaughan agent of Henry J. Darden
half of 17th, to the guardian of Lavinia B Darden, and
to the guardian of Beverly R. Vaughan and James M.
Vaughan One Ninth between them - taking receipts
from each of the said parties, for Bond there paid over
to them respectively - and return the same to this Court
with a report of his proceedings to this Court. in order to a final
decree in the premises. But this decree is to be suspended until
the Commissioner execute his bond in the Clerk's office of this County
in the penalty of \$3000, Conditioned according to law.

A copy
Filed

Cost of Court \$15.

N. P. Young cc

Vaughan
vs. Copy Decree
Vaughan vs.

Dec. 4. 1880 apt. of
Bond filed.

I Lemuel Vaughan a native of the State of Virginia and an inhabitant of the County of Isle of Wight 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 & 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 D. Vaughan one ninth, to Uriah Vaughan one ninth, to Lawson Vaughan one ninth, to Beverly Vaughan one ninth, to Lemuel Vaughan one ninth, to my daughter Edith Vaughan one ninth, to Elizabeth Vaughan one ninth, and to my two grand daughters Cherry Jane Darden & Levina B. Darden one ninth, and to my two grand sons Beverly R. Vaughan and James M. Vaughan One ninth - to them and to their heirs forever.

2nd I give to my daughter Alcinda Parris one Dollar to her & 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, house hold & kitchen furniture of every description which I purchased at the sale of Albert Vaughan's property, also one hundred Dollars in cash, to her & to her heirs forever.

4th. I Give to my son Uriah Vaughan the Amos Bradshaw plantation containing one hundred and twenty five more or less, to him and his heirs forever.

5th. I Give to my son Lawson Vaughan the whole of the Amy 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 Mapes 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 Vaughans corner along the main road to the corner of my fence, thence along the old Darden path, so called, 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 Lemuel 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. Vaughton 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 Fanny & her future increase, also I Give to my daughter Elizabeth One Negro Girl named Ailey & her future increase to them & 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 portions, to Wm. N. Vaughan one ninth, to Uriah Vaughan one ninth, to Lawson Vaughan one ninth, to Beverly Vaughan one ninth, to Lemuel Vaughan one ninth, to my daughter Edith Vaughan one ninth, to my daughter Elizabeth Vaughan one ninth, Four ninths to my two grand daughters Cherry Lane and Lavina B Darden (and 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 Vanzan to be the lawful guardian of my grand daughter Lane 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 friends William M. Jones, and my son Wm. N. Vaughan the lawful

Executors of this my last will & testament, hereby revoking and annulling all other or former wills and testaments by me heretofore made, In witness whereof the said Lemuel 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
Archibird Fowler
William G. Bradshaw
Henry M. Daughtry

Lemuel Vaughan Seal

Wm. N. Vaughan
In the presence of
Archibird Fowler
William G. Bradshaw
Henry M. Daughtry
The foregoing last will and testament of Lemuel Vaughan died is approved by the oaths of Archibird Fowler, William G. Bradshaw and Henry M. Daughtry the witnesses thereto, and ordered to be recorded. Wm. N. Vaughan qualified as Executor

Teste

A. P. Young & Co

A Copy

Teste

J. C. Latimer & Co

Lew. Vaughan
Will

A. Copy

Know all men by these presents that we George W
Holland, and Edith -- Holland, wife of the
said George W Holland, of the county of Isle of Wight &
state of Virginia, in consideration of the sum of
Ninety dollars — — — — — to us
in hand paid by Saml W Duck of the said county
the receipt whereof we do hereby acknowledge, do
by these presents grant, sell & convey unto the said
Saml W Duck with general warranty all the right
title & interest of the said George W Holland, and

Edith Holland his wife in the following slaves,
to wit: Ben, Jake, Daniel, Amy, Sam, Bob, & Jincy
together with the future increase of said females' slaves,
being the slaves now in the possession of Eliza Vaughn
widow of Lemuel Vaughn died in which slaves
the said grantors have an absolute title subject to
the life, & dower estate therein of the said widow
Eliza Vaughn

In testimony whereof the said George W Holland &
Edith -- Holland have hereunto set their
hands & seals this 29th day of Novr. Eighteen
Hundred & Fifty One

G W Holland

George W Holland Seal
Edith ^{my} Holland Seal
witness

County of Isle of Wight, to wit:

J Jos F. Holland

a justice of the Peace for the county aforesaid in the
State of Virginia do certify that George W Holland, whose
name is signed to the writing hereunto annexed bearing
date on the 29 day of Novr. 1851, has acknowledged the
same before me in my county aforesaid -

Given under my hand this 29th day of Novr. 1851 -

J F Holland JP

County of Isle of Wight; to wit;
We Jos. A. Holland and
justices of the peace for the county aforesaid
in the state of Virginia do certify that Edith
Holland, the wife of George W. Holland whose names
are signed to the writing herunto annexed bearing
date on the 29th day of Nov. 1837, personally ap-
peared before us in the county aforesaid & being
examined by us privately & apart from her husband
& having the writing aforesaid fully explained to
her, she the said Edith Holland acknowl-
edged the said writing to be her act & declared
that she had willingly executed the same & does
not wish to retract it.
Given under our hands this 29th day of Nov. 1837 -
J. A. Holland J. P.

KNOW ALL MEN BY THESE PRESENTS, That we, *William H. Vaughan and John W. Duck* Lawson Vaughan, Archibol Fowler and John W. Duck are held and firmly bound unto the Commonwealth of Virginia in the sum of *Eight* *Thousand Dollars* to the payment whereof, well and truly

to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents. As witness our Hands and Seals, this *5th* day of *February*, in the year of our Lord, one thousand eight hundred and *fifty five*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas by a Decree of the Circuit Court of Isle of Wight county pronounced on the *5th* day of *February 1855* in a cause depending in the said Court in which *Wm. H. Vaughan, Michl. Dawson, Beverly, Harriett Vaughan, Arch. Fowler wife, J. W. Duck ap. Wm. H. Dawson wife Wm. H. Vaughan ad. of C. J. Dawson* plaintiff, and *Samuel B. Dawson, James L. Perwin, Beverly B. Vaughan and James M. Vaughan* infants defendant, the

above bound *Wm. H. Vaughan, Dawson Vaughan Arch. Fowler* ~~was~~ appointed a special Commissioner to sell certain slaves in the proceedings mentioned *Wm. Ben, Jacob, David, Lucy, Child, Amy, Isbaw, Bob, & Hall* belonging to the estate of *Samuel Vaughan* and *and a wife* ~~was~~ *by C. J. Dawson* ~~or her~~ *slaves* and dispose of the proceeds as in the said decree is required, having first given ten days notice of the time & place of sale by advertisement at the door of the Court house & other public places, for ten days previous to the day of sale.

Now if the above bound *W. H. Vaughan, Dawson Vaughan Arch. Fowler* shall faithfully discharge their ~~the~~ duties as Commissioners under the said Decree, then the above Obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed, and delivered }

in the presence of }

A. P. Conway

W. H. Vaughan



his
Lawson & Vaughan
mark



Arch. Fowler



J. W. Duck



Vaughan Obs.

n: $\frac{2}{3}$ Comm^d Bond

Vaughan Obs.

February 5th 1855. Executed
and filed.