

1830-111

SOUTHAMPTON COUNTY
CHANCERY PAPERS

HARCUM + ux + al VS. VAUGHAN et al

3/1830

Other SURNAMES: Holland, Cobb

James Harcum tal

v Bill to

H. Vaughan tal.

Baker.

1829 Nov. decreed as per decree filed
+ 1830 March Report not official
decree by consent of

" Aug. Jesse Gardner apppt. l. l. l. to
make conveyance for the land of

S. C. Amptor Co. Co.

To the worshipful Court of Southampton County in chj.
sitting Humbly complaining shew unto your worships
your Oator and Oatrix James Harcum and Topsy his
wife, and your Oatrix Patsy Vaughan an infant suing by
Mendith Holland her guardian & next friend, that some
years ago Henry Vaughan, late of the county aforesaid,
departed this life intestate seized & possessed of real ^{personal} estate.
He left a widow, namely your Oatrix Topsy, now the wife
of your Oator James Harcum, and five children, to wit,
Hillary, James, Peggy, Emma & your Oatrix Patsy, all of whom
are still in their minority: some time after the death
of the said Henry Vaughan, under an order or decree of
this Court drawn both in the lands & slaves of which the
said Henry died possessed, was duly & legally assigned to
your Oatrix Topsy, who with her said Husband, still
holds possession of the same: the balance of the said real
estate, consisting of one hundred & twenty or thirty acres, as
also the balance of the said slaves, namely, Jacob, Henry,
Bob, Eady & Abram, were assigned to ~~your Oatrix~~ the
said Topsy as the guardian of the said children - the
^{annual profits of the} real ~~personal~~ property to which the said children are
entitled as aforesaid being very small & entirely insuffi-
cient for their maintenance and support, & it being both
inexpedient & impracticable to bind out the said children
in consequence of their tender years, your Oator & Oatrix
James Harcum & Topsy his wife, were necessarily compelled
to make considerable advancements to their said wards-
~~part~~ of their own estate: afterwards the appointment of
guardian so as aforesaid given to the said Topsy was
vacated & annulled by an order of this Court, where-
upon Harmin Cobb was appointed guardian of the said
Hillary, James, Peggy & Emma Vaughan, & the said
Mendith Holland was appointed guardian of your Oatrix
Patsy Vaughan - Since the qualifications of the said
Harmin Cobb & Mendith Holland as guardians, as
above mentioned, the transactions of ~~your Oatrix~~ Topsy
as late guardian as aforesaid have been settled by Comers.

Cobb under an order of this worshipping court - a copy of
the said account is here referred to & prayed to be considered
as a part of this bill: and your orator & oratrix further
state that by the said settlement the said children are
indebted to the said James Harcum and Timothy his wife
in all the sum of \$_____ to be paid, with interest,
by them the said children, in the proportions stated
set forth in the said account: under these cir-
cumstances your orator & oratrix James Harcum & Timothy
his wife have made frequent demands upon the
said children & heirs of the said Murray Vaughan for
the payment of the said debt out of the said slaves
to which they are so entitled, & your oratrix Patsy has
in like manner frequently requested her said brothers
& sisters to make partition & division of the said real
& personal estate so that she might receive the share
thereof to which she is entitled: But these reasonable
requests have hitherto been refused, upon the pretext
that ~~such~~ the payment of the said debt could not ~~not~~
be made & such partition & division could not be effected
otherwise than by first making sale of the said real &
personal estate, to do which the interference of some
court of equity was necessary - In Tender considera-
tion whereof &c. To the end therefore that the said
~~Harrison~~ James, Peggy & Emma Vaughan by some person
to be appointed their guardian ad litem, may be made
deft. to this bill & may answer the several allegations
thereof & that as perfectly as if the same were here
again repeated & interrogated - your orator & oratrix James
Harcum & Timothy his wife pray your worship to decree
the payment of this said debt out of the said real
& personal estate or such part thereof as to the court
may seem right; and your oratrix Patsy Vaughan
prays the court to decree after the payment of the
debt aforesaid, ^{a sale} ~~partition & division~~ of the said land &
slaves & a division of the proceeds thereof: and finally
your orator & oratrix pray that your worship will
make such other or further order or decree in the

premises as may seem consistent with the principles of
equity & justice - may it please the court &c.

Meredith Hollander

The Joint and separate answer of William James, Peggy
and Emma Vaughan infants by Harrison Cobb their
guardian and next friend, to the bill of complaint
exhibited them by James Harcum & others complainants -

These respondents saving to themselves every
benefit of exception to the said bill, for answer should
say that the statements in the said bill set forth
so far as they are advised, are substantially true
& correct - They are, therefore, willing that the court
should make such decree as may seem right and
proper: and having answered they deny all fraud &c.
& pray to be dismissed with their costs in this behalf
sustained &c.

Harrison Cobb

Harcum et al vs. Vaughan - Chy. This cause came on this day to be heard on the bill, answer & exhibit filed by consent of parties, and was argued by counsel: on consideration whereof the court doth adjudge order & decree that Jeph. Gadsden, Robert Williams, & Matthew W. Vaughan or any two of them, who are hereby appointed commissioners for that purpose, do sell on the premises at public auction upon a credit of twelve months, the tract or parcel of land in the proceedings mentioned, the same being part of the land whereof Henry Vaughan died possessed & containing by estimation one hundred & twenty acres, there with notice of the time & place of such sale having been given by advertisement in writing at one or more public places - and the said commissioners or such of them as may act are hereby directed to convey to the purchaser or purchasers the said tract or parcel of land hereby directed to be sold by a good & sufficient deed, and after dividing the proceeds into five equal parts, or shares, take a bond with good security for each of the said parts or shares, payable, one to Mendell Holland as guardian of the estate of Patsy Vaughan & the remaining four bonds payable to Harrison Cobb as guardian of the said William, James, Peggy & Emma Vaughan - and the court doth further adj: or: decree that the said commissioners or such of them as may act are hereby directed to sell at the same time and place & upon like notice, the slaves Jacob, Amy, Bob, Eady & Abram, and out of the proceeds pay first the costs of this suit & the expenses of the sale aforesaid and then divide the net balance into five equal parts: out of one of the said parts pay to the p^lff^s James Harcum the sum of \$71.37 with interest on \$31.70 from Dec^r 31st 1829 till paid, and take a bond with good security payable to Mendell Holland as guardian as aforesaid for the residue of that part giving credit thereon as above stated: out of one other of the said parts pay to the p^lff^s James Harcum the sum of \$186.59 with interest on \$139.11 from Dec^r 31st 1829 till paid and take a bond with good security payable to Harrison Cobb as guardian of William Vaughan for the residue of the same, giving credit thereon as above stated: out of one other of the said parts pay to the p^lff^s J. Harcum the sum of \$186.59 with interest on \$139.11 as aforesaid

and take a bond with good security payable to Harrison Cobb as guardian of James Vaughan for the residue of the same, giving credit thereon as above stated: out of one other of the said parts pay the p^{ty}. James Harcum the sum of \$186.59 with interest on \$139.11 as aforesaid.

and take a bond with good security payable to Harrison Cobb as guardian of Peggy Vaughan for the residue of the same, giving credit thereon as above stated: out of the remaining said part pay to the p^{ty}. James Harcum the sum of \$186.59 with interest on \$139.11 as aforesaid:

and take a bond ~~with~~ the like security payable also to Harrison Cobb as guardian of Emma Vaughan for the residue of the same, giving credit thereon as above stated: and make report &c

Decree.

Harcum &
in Exo: decree
Vaughan &

For Commissioners

Southampton November Court 1829

James Harcum & family his wife Patsy Vaughan an infant suing by Meredith Holland her Guardian & next friend
against
Hillery, James, Peggy, and Emma Vaughan infants by
Harrison Cobb their Guardian & next friend

Pliffs In Chancery

Defts

This cause came on this day to be heard on the bill, answer and exhibit filed by consent of parties and was argued by counsel. On consideration whereof the Court doth adjudge, order and decree that Jesse Gardner, Robert Williams, and Matthew W. Vaughan or any two of them who are hereby appointed Commissioners for that purpose do sell on the premises at public auction upon credit of twelve months three tract or parcel of land in the proceedings mentioned the same being part of the land whereof Henry Vaughan did possessed & containing by estimation one hundred and twenty acres, three weeks notice of the time and place of such sale having been given by advertisement in writing in one or more public places - and the said Commissioners or such of them as may act are hereby directed to convey to the purchaser or purchasers the said tract or parcel of land hereby directed to be sold by a good and sufficient Deed, and after dividing the proceeds into five equal parts or shares take a bond with good security for each of the said parts or shares, payable, and to Meredith Holland as Guardian of the complainant Patsy Vaughan & the remaining four bonds payable to Harrison Cobb as Guardian of the said Hilary, James, Peggy & Emma Vaughan, And the Court doth further adjudge order and decree that the said Commissioners or such of them as may act are hereby directed to sell at the same time and place and upon like notice, the slaves Jacob, Anney, Bob. Eady & Abram and out of the proceeds pay first the costs of this suit and the expenses of the sale aforesaid and then divide the net balance into five equal parts; out of one of the said parts pay to the pliff James Harcum the sum of \$71.37 with interest on \$31.70 from December 31st 1829 till paid, and take a bond with good security payable to Meredith Holland as Guardian as aforesaid for the residue of that part, giving credit thereon as above stated; out of one other of the said parts pay to the pliff James Harcum the sum of \$186.59 with interest on \$139.11 from December 31st 1829 till paid, and take a bond with good security payable to Harrison Cobb as Guardian of Hilary Vaughan for the residue of the same giving credit thereon as above stated; out of one other of the said parts pay to the pliff James Harcum the sum of \$186.59 with int. on \$139.11 as aforesaid and take a bond with good security payable to Harrison Cobb, as Guardian of James Vaughan for the residue of the same, giving credit thereon as above stated, out of one other of said parts pay the pliff James Harcum the sum of \$186.59 with interest on \$139.11 as aforesaid, and take a bond with good security payable to Harrison Cobb Guardian to Peggy Vaughan for the residue of the same, giving credit thereon as above stated, and out of the remaining

Said part pay to the plaintiff James Harcum the sum of \$186.59 with
Interest on \$139.59 with interest on \$139.11 as aforesaid and take a bond
with the like security payable also to Harrison Cobb as Guardian to Edmund
Vaughan for the residue of the same giving credit thereon as above stated
And make report thereof to Court in order to a final decree -

Attest

James Cahelle

Harcum J^d
vs E. Co: deced
Vaughan J^d

For Commissioners

In obedience to an interlocutory decree Harcum &c vs Vaughan,
pronounced by the County Court of Southampton at November term
1829. Your Commissioners having advertised the time and place
of sale of the lands and slaves in the bill mentioned by four
several advertisements which were posted up, at the most public
places, upwards of three weeks previous to the day of sale; and
your Commissioners then met on the premises the 26th day of
December, 1829 and sold the lands in the bill mentioning to the
highest bidder on a Credit of twelve months, when Matthew W
Vaughan became the last bidder and purchaser for the sum of

----- \$146.⁵⁰
Your Comm^r then deducted 3rd Cent Commissions ----- 7.³²
leaving a balance of ----- \$139.¹⁸

Your Comm^r then divided the balance into 5 equal shares thus
5: 139.¹⁸ is equal to \$27.⁸³³/₅.

We then took five separate bonds from Matthew W. Vaughan with
John Cobb security each for the afore^d sum of \$27.⁸³³/₅; and
delivered the same to the persons entitled to receive them under
the direction of this decree and took receipts for the same;
which will account for the purchase money afore^d.

Your Commissioners then proceeded to sell the slaves in the
bill mentioned as follows

1st Jacob, when Robert Goodwin became the purchaser for \$376.⁰⁰

2nd Amy & Child Abram, when Anthony Vaughn became bidder for \$204.⁰⁰

3rd Bob when Jas. H. Edwards became bidder for \$282.²⁵

4th Edy when Jas. Harcum became bidder for \$100.⁸⁵

making the sum total of ----- \$963.¹⁰

Your Commissioners then deducted \$48.¹⁵ the 5th Cent Comm^r }
and \$14.⁵⁰ the Costs of the suit ----- \$62.⁶⁵

leaving a balance to be divided of ----- \$900.⁴⁵

We then divided the balance into 5 equal parts making to each
part \$180.⁰⁹ Cents.

We then paid first to James Harcum the sum of \$71.³⁷ Cents out
of one of those shares, which left a balance of \$108.⁷² for

which we took a bond payable to Meredith Holland as guardian
for Patsy Vaughn, and delivered the same to him and took a
receipt for the same.

We then paid James Harcum the sum of \$186.59 by deducting
\$6.50 from the sale of the land to make the sum due him from
Harrison Cobb as guardian of Hillary Vaughn.

and 2ndly we paid James Harcum the sum of \$186.59 by deducting
\$6.50 from the sale of the land to make the sum due him from
Harrison Cobb as guardian of James Vaughn.

and 3rdly we paid James Harcum the sum of \$186.59 by deducting
\$6.50 from the sale of the land to make the sum due him from
Harrison Cobb as guardian of Peggy Vaughn.

and 4thly and lastly we paid James Harcum the sum of \$186.59
by deducting \$6.50 from the sale of the land to make the sum
due him from Harrison Cobb as guardian of Emma Vaughn.

which will account for the purchase money of said all of
which is submitted.

Given under our hands the 26th day of
December 1829.

Jeffre Gardner
W. W. Vaughn

Memo for Mr.
Cobb for review

Estate of Henry Vaughan's estate to be divided -
He died about 12 years ago intestate, leaving a widow named
Purphy, now the wife of James Harcourt - and five children
under age to wit: Patsey, Hillary, James, Peggy, & Emma.
Land about 120 or 130 - the down has been assigned - names
of the slaves, to wit: Jacob, Amy, Bob, Fady & Abram.
The widow's down in the slaves has been assigned - Purphy
Vaughan, widow, qualified as guardian of said
children & her? the said land & slaves - the acc^t of s^r.
Purphy has been made up by Cornet Cobb & a large
balance is found due her from each child - the said
guardian has been removed, & Harrison Cobb is now
guardian of said Hillary, James, Peggy & Emma - Meredith
Holland is guardian of s^r. Patsey - land & slaves to be
sold first for payment of the s^r. Debt due s^r. Purphy
& secondly for division of balance among the children.
Comrs. to wit: Jesse Gardner, Robert Williams &
Matthew H. Vaughan or any two of them -