

1835-003

SOUTHAMPTON COUNTY
CHANCERY PAPERS

RANDOLPH EDWARDS VS TYLER EDWARDS et al ^{UX}
et al 1/1835

Plat

See also: Vaughan v. Edwards et al 1835-009
[Lawrence]

Other surnames: Cobb,
Vaughan, Lawrence, Moore
Gardner, Turner, Joyner,
Grimmer

To the worshipful the Justices of the County Court of Southampton in chancery sitting. Humbly complaining, shew unto your Worships your Orator Randolph Edwards, that sometime in the year seventeen hundred and ninety one Henry Cobb of the said County departed this life leaving a last will and testament, which was subsequently admitted to ~~record~~^{probate} by the County Court of said County, as both of which facts will more fully appear by reference to attested copies of the said will and certificate of probate herewith filed and prayed to be considered as ~~the~~ parts of this bill. And your Orator further shews that the said testator was, at the time of his death, seized and possessed of a tract or parcel of land containing by estimation two hundred acres; which tract or parcel of land the said testator devised, by his said last will and testament, to "his son in law Seymour Vaughan, during his natural life", without making any further disposition of it; of which said tract or parcel of land the said Seymour Vaughan, after the death of the said testator, seized and possessed himself, and retained possession thereof until his death, and then by his last will and testament (an attested copy whereof is herewith filed) devised the same to his wife Elizabeth Vaughan "during her natural life in widowhood", and afterwards to his "four sons, Mathew, Thomas, Seymour & William Vaughan" as will more fully appear by reference to the said will. And your Orator further shews that the said Henry Cobb at the last

Two children, to wit, Millie who inter-
married with Robert Greenman and died
leaving children, to wit,

who have subsequently
transformed their rights to in the said land
to William E. Lawrence, and Amy who in-
termarried with the said Seymour Vaughan,
that the said Amy departed this life in the
life time of her husband leaving six chil-
dren, that is to say, Clotilla Cobb (born before
their intermarriage and subsequently recog-
nized) Shadrach, Henry, Nancy, who in-
termarried with William Edwards, Elizabeth,
who intermarried with Isaac Gardner, and
Charlotte, who intermarried with Nedmond
Cobb; that the said Clotilla Cobb intermar-
ried with William Edwards of the said
County, both of whom have since died leaving
nine children, to wit, Isaac Dumphreys,
who intermarried Isaac Edwards, Delilah,
who intermarried with John Moore, Pris-
cilla, who intermarried with William Edwar-
dson, the latter of whom has since died
leaving three infant children, to wit, Wil-
liam, George and Margaret, Gray, Newitt,
Yon Orata Randolph, Matilda, Gillian
an infant, and Washington Edwards who
died under age; that the said Shadrach
Vaughan has also departed this life since
the death of the said intestate leaving three
children, to wit, Antony, Catherine, who in-
termarried with Colbrand Turner, and
Jane, who intermarried with Elisha Sey-
mour; that the said Henry Vaughan has
also died since the death of the said testa-
tor, leaving five children, to wit, Patsy,
who intermarried with Lebbeus Cobb, William

and Jamies, Peggy and Emma, infants;
that the said Nedmond Cobb who married
Charlotte has since departed this life, the
said Charlotte surviving him. And your Ora-
tor further shews that the said Seymour,
after the death of the said Amy Vaughan,
intermarried with his second wife Eliza-
beth, and has since died leaving several
children, ^{that is to say,} ~~among whom are~~ Matthew, Thomas,
Seymour, and William (^{among} ~~to~~ whom he devised
the said land as aforesaid) and Polly,
who intermarried with Harrison Cobb;
that the said Seymour and William have
both since died without issue, the latter
under age. And your Orator is advised
that in consequence of the death of the said
Seymour Vaughan the land devised to
him as aforesaid for life went back to the
heirs general of the said Henry Cobb, and
is liable to a division into two equal moi-
ties, to one of which the heirs of the said
Millie Greenman and those claiming
under them are entitled, and the heirs
of the said Amy Vaughan to the other.
And being so thereof advised your Orator
represents that he has made frequent ap-
plication to the above named parties and
urged them to make division of the said
land as in justice and equity they ought
to have done; and he well hoped that
they would have complied therewith;
but so it is they have hitherto wholly re-
fused to accede to such his reasonable
requests. In Tender Consideration whereof,
and for as much as your Orator is without
relief in the premises except by the assistance
of a Court of equity, where such matters

are properly Cognizable; To The end therefore
that the said Tyler Edwards and his wife, John Moon & Delila his wife, Priscilla Lawrence, Gray Edwards, Merrill Edwards, Matilda Edwards, Antony Vaughan, Copeland Turner & Catharine his wife, Eliza Jozan & Jane his wife, Ichabod Cobb & Patsey his wife, Millary Vaughan, Nancy Edwards, Jeph Gardner & Elizabeth his wife, Charlotte Cobb, Matthew Vaughan, Thomas Vaughan, Harrison Cobb & Polly his wife, and Elizabeth Vaughan widow of Seymour Vaughan, and the infants Samer Vaughan, Peggy Vaughan, Emma Vaughan, William Lawrence, George Lawrence, Margaret Lawrence and Edith Edwards, by some known to be appointed their special guardians to defend them in this suit, (all of whom are prayed to be made defendants hereto) may upon their several corporal oaths, true and perfect answers made to all and singular the premises herein before contained, and that as fully and particularly as if the same were here again repeated and interrogated; that your worship will decree a division of the said land into two equal moieties pursuant to the suggestions before mentioned; and that such other and further relief may be extended to your orator as his case may seem to require, and to your worship shall seem meet.

May it please the

Wm. D. Roddy, Esq.

Copied

1132.

Randolph Edwards
W. { Chy^r

Tyler Edwards Bal
~~~~~  
Hodges  
~~~~~

1832, Oct. Debit as follows:

So. American Co. Co.

The Joint and separate answer of Dyke
Edwards & Tunkwana his wife, John Moore
& Delilah his wife, Priscilla Lawrence, Gray
Edwards, Nevitt Edwards, Matilda Edwards,
Antony Vaughan, Colcland Turner and
Catherine his wife, Eliza Logan & Lane his
wife, Iethus Cobb & Patey his wife, William
Vaughan, Nancy Edwards, Iose Gardner &
Elizabeth his wife, Charlotte Cobb, Matthew
Vaughan, Thomas Vaughan, Harrison Cobb
& Polly his wife, Elizabeth Vaughan, ^{James Vaughan,} Peggy
Vaughan, Emma Vaughan, William Law-
rence, George Lawrence, Margaret Lawrence
and Gilliam Edwards — the said Peggy Van-
ghan, James Vaughan, Emma Vaughan, Wil-
liam Lawrence, George Lawrence, Marg-
aret Lawrence and Gilliam Edwards defend-
ing by Thomas Vaughan their special guardian
appointed to defend them in this suit — to
a bill of complaint exhibited against them
in this worshipsful Court by Randolph Ed-
wards. Then respondents saving and reser-
ving to themselves all manner of advan-
tage ~~to~~ to the many errors and imperfec-
tions in the said bill of complaint contain-
ed, for answer thereto, or to ~~to~~ so much
thereof as they are advised it is material for
them to answer unto — They answer say, that
so far as they are advised the allegations
contained in the said bill of complaint
are true & correct; and they are willing
that such a decree may be rendered in
the premises as the complain^t requires, or
as to this worshipsful Court shall deem proper
under the circumstances of the case. And
then respondents having answered ~~to~~ pray
to be hence dismissed with their costs in this
behalf sustained.

Randolph Edwards

vs.

Tyla Edwards & al.

} Chy.

This cause came on this day to be heard,
by consent of parties, on the file, answer and
exhibits filed, and was argued by counsel;
on consideration whereof, the Court, being
of opinion that the land in the said file
mentioned is liable to division as therein
suggested, doth adjudge, order and decree
that David D. Savage, Jesse Parker & Abram L. Gardner
who are appointed commissioners for that
purpose, ^{any two of whom may act} ~~be~~ assisted by a competent survey-
or if needed, do divide the land in the
said file mentioned into two equal moieties,
and set apart and allot one moiety thereof
to the heirs of Amy Vaughan, ^{decd.} and the other
moiety thereof to the heirs of Millie Grim-
ma decd., & make up the

Edwards &

or { copy done

Edwards &

Dorchester October Court 1834 -

Randolph Edwards.

Plff. } In Chancery

against

Tyler Edwards, and Temperance his wife, John Moore and Delila his wife,
Priscilla Lawrence, Gray Edwards, Newell Edwards, Matilda Edwards,
Anthony Vaughan, Lepe and Turner, and Catharine his wife, Elisha Rogers
and Jane his wife, Sethus Cobb and Patsy his wife, Hillary Vaughan
Nancy Edwards, Jesse Gardner and Elizabeth his wife, Charlotte Cobb
Matthew Vaughan, Thomas Vaughan, Harrison Cobb, and Polly his
wife, Elizabeth Vaughan, James Vaughan, Peggy Vaughan, Emma
Vaughan, William Lawrence, George Lawrence, Margaret Lawrence
and Gilliam Edwards - the said Peggy Vaughan, James Vaughan,
Emma Vaughan, William Lawrence, George Lawrence, Margaret
Lawrence and Gilliam Edwards defended by Thomas Vaughan their
Special guardian appointed to defend them in this Suit - D^{ts}.

This cause came on this day to be heard, by consent of parties, on the bill, answer
and exhibits filed, and was argued by Counsel: On consideration whereof the Court
being of opinion that the land in the said bill mentioned is liable to division as
therein suggested, doth adjudge, order and decree that David D. Savage, Jesse
Parker and Abraham L. Gardner who are appointed Commissioners for that pur-
pose, any two of whom may act, assisted by a competent Surveyor if needfull, do
divide the land in the said bill mentioned into two equal moieties, and set apart
and allot one moiety thereof to the heirs of Amy Vaughan dec^d and the other moiety
to the heirs of William Grimmer dec^d and make report thereof to the Court in order
to a final decree.

Attest
Jesse James Rochelle Clk

Commissioners report

Commissioners report

Edwardes

in 3 lch

Edwardes

1835 Jan - 1841 & confirmed by court

more to 55 poles to a holly, thence due East 6 poles to a Cypress a
Corner in the Cedar swamp in Abram S. Garrison's line, thence
leaving the Cedar swamp and running along the run of the
Joining swamp the several Corners thereof and bounding thereby
192 poles to the Cypress swamp, thence down the Centre of the
Cypress swamp the several corners thereof and bounding thereby
240 poles to the beginning - Containing 243 acres more or less -
also one other ^{tract} lying on the East side of the Cedar swamp;
beginning at a gum in the run of said swamp Thomas Harrison's
corner, thence out N 85 E. 90 poles to a dead water Oak a
Corner on Josiah Cobb, thence N 15 E. 33 poles to a gum, thence
N 25 W. 57 poles to a post Oak a Corner on Nicholas Cobb,
thence N 72 W 60 poles, then N 77 W 27 poles to a pine, thence
S 57 W. 14 poles to the run of said swamp, thence down said
swamp the several Corners of the run and bounding thereby
106 poles, to the beginning. Containing 62 acres more or less as
represented in the annexed plat. We then proceeded to divide
the same into two equal moieties, which we did by running
a division line beginning at a black gum in the run of
the Cypress swamp and running thence N 68 E. 130 poles to a
stake in Thomas Vaughn's line, which leaves 163 acres in
lot no: 1 as represented in the annexed plat; and 80 acres
with the tract of 62 acres to be added to it, which leaves
142 acres in lot no: 2 as represented in the annexed plat.
Your Commissioners are moreover of Opinion that in order
to effect the division equal, having regard to quality as
well as quantity that lot no: 2 shall pay to lot no: 1 the
sum of Forty dollars on demand. all of which is submit-
ed.

Given under our hands the 1st day of December
a. d. 1834.

J. B. Parker
David Dwyer.

A Court held for the County of Southampton the 10th day of December 1795
This Will was presented in Court and proved by the oaths of Asa Beale Josiah Munn and
Francis Sturt as the 1st witnesses, thereunto and Ordered to be recorded And at a Court continued
and held for the County of Southampton on Friday the 11th day of December 1795 And on
the motion of Sargents Macgahan Counsel of the last Will and Testament of Henry Cobb
deceased who made oath according to Law Certificate is granted him for obtaining a probate
thereof in due form, giving Security Whereupon
Sam^l Hall. C^l

A. Copy Teste James Rochell C^l

Henry Cobb's
Will

A copy

~~Teste~~
~~Witness~~
~~Witness~~

In the name of God Amen I Henry Cobb of the County of Southampton and Parish of Norton being sick and weak in body and of perfect sound sense and memory and calling to mind the uncertainty of this mortal body do make constitute and ordain this and no other to be my last will and Testament and first and principally I desire that all my lawful debts and funeral charges be paid out of my estate.

Item. I give and bequeath to my five Grand children Amy Grimmer, Robert Grimmer, Ann Grimmer, Betsy Grimmer, and Henry Grimmer the sum of twenty five pound lawful money of Virginia to be equally divided amongst my said five Grand Children. Item. I also give to my daughter Nellie Grimmer the first sum of five Shillings of lawful money of Virginia and no more.

Item. I also give and bequeath to my son in Law Seymour Vaughan my negro boy Tom, one boy, Jacob also my negro girl Nell, and also my land whereon I now live. Containing Two hundred acres be the same more or less, and all my moveable Estate, real and personal. I give and bequeath to my son in Law Seymour Vaughan during his natural life except two negroes Ned and Kate. I give and bequeath to my Grand daughter Charlotte Cobb. - Item I also give and bequeath to my Grand daughter Betsy Vaughan my negro girl Kate's first child if she ever has any issue and also at the death of my son in Law Seymour Vaughan and Amy Vaughan I give my three negroes, Tom, Jacob, and Nell as follows to my Grand son Henry Vaughan. I give and bequeath my negro boy Jacob to him and his heirs forever. I also give to my Grand son Thaddeus Vaughan my negro boy Tom to him and his heirs forever. I also give and bequeath to my Grand daughter Ann Vaughan my negro girl Nell to her and her heirs forever. I also in case of the death of my son in Law Seymour Vaughan or the death of my daughter Amy Vaughan do desire that if either of them die and the other should marry again that they should not dispose of the said negro after their marriage again. - I likewise constitute and ordain this to be my last will and Testament and I do appoint my son in Law Seymour Vaughan to be my whole and sole Executor to this my last will and Testament. - In Witness whereof I have hereunto set my hand and seal this fifth day of January One thousand seven hundred and ninety One.

Signed sealed published and declared
to be the last will and Testament of
Henry Cobb in presence of
Asa Beale

Joseph Murfu
Francis Murfu

Henry Cobb (seal)
Henry Cobb

Symon. Vaughan's

Wrote

A copy

~~Wrote a copy~~

In the name of God Amen, I, Seymour Vaughan of Smithampton County Virginia being in a low state of health but thanks be to Almighty God, of sound and disposing mind and memory, do make and Ordain this my last Will and Testament in manner and form following (to wit)

First I leave to the use and occupancy of my beloved wife Elizabeth Vaughan, for and during the term of her natural life in widowhood, the following ~~tracts or~~ parcels of Land ~~in~~ life in ~~widowhood~~, the following tracts or parcels of land to wit that I now live on and is bounded as follows, Beginning at a Cypress Corner tree standing the Cypress Swamp running thence an Eastwardly Course to a black gum in the Centre of ^{the} Cedar Swamp, thence up the Centre of said Cedar Swamp to a black gum, thence a Westwardly direction to a Cypress standing in the joining's Swamp thence a long a line of marked trees to a gum in the Cypress Swamp, thence down the Cypress Swamp to the first Station, Containing by estimation two hundred acres. also one other tract of land bounded as follows Viz Beginning at a Cypress a Corner tree in the Cedar Swamp, running thence and East Course to a Water oak in the gum pond, thence a Northwardly Course to a red oak standing near Nicholas Kolb's fence and in this line thence a West Course to a pine standing in the Cedar Swamp, thence down the Centre of the said Cedar Swamp to the beginning Containing by estimation seventy five acres to her and her own proper use and benefit during her life in widowhood and at her death or marriage I give the said tract or tracts of Land in equal distribution between and amongst my four sons, to wit Matthew, Thomas, Seymour, and William Vaughan to them and their heirs and assigns forever, I also give to my said four sons to be equally divided amongst them at my death One Bed and furniture, One Chest and One Trunk -

Item I give to my son Henry Vaughan One negro man Jacob to him and his heirs ^{assigns} forever -

Item I give to my daughter Nancy Edwards One negro Elender, with her increase to her and her heirs and assigns forever -

Item I give to my daughter Charlotte Vaughan One negro woman Marney together with her increase to her and her heirs and assigns forever -

Item I give to my daughter Elizabeth Gardner One negro woman Ophe and increase to her and her heirs and assigns forever -

Item I give to my son Shadrach Vaughan One negro boy Tom to him and his heirs and assigns forever -

Item I give to my daughter Polly Vaughan One negro girl Annab and increase to her and her heirs and assigns forever -

Item I give to my son Matthew Vaughan One negro boy Sam to him and his heirs and assigns forever -

I give to my son Thomas Vaughan, One negro boy Saunders to him and his heirs and assigns forever.

I give to my son Seymour Vaughan One negro girl Peggy and her increase to him and his heirs forever.

I give to my son Vaughan one negro boy Dick to him and his heirs and assigns forever.
I leave to the use of my beloved wife Elizabeth Vaughan during her life in widowhood One negro boy Harry and two women Betty and Hannah and it is my intention and I do hereby devise that in case my wife should marry that then she shall be entitled to receive, the same portion of my Estate both real and personal, as she by law would have been entitled to if I had died sequeint Alice.

I leave all the residue of my Estate of every nature or kind what so ever to be sold in clearing the three negroes left to the use of my wife at her death or marriage and the amount thereof. I give to be equally divided amongst all my children then living or their descendants.

Lastly, I hereby nominate and appoint my two sons Shadrach Vaughan and Harry Vaughan to be the Executors of this my last Will and Testament.

In Testimony whereof I the said Seymour Vaughan have hereunto set my hand and seal this 22nd Day of October 1814.

Signed Sealed

Published & pronounced in presence of

Seymour Vaughan

Jacob Warden

Kinchin Cobb

Conling Cooper

At a Court held for the County of Southampton the 21st Day of November 1814
This Will was presented in Court by the Executors, proved by the oaths of Kinchen Cobb, and Conling Cooper two of the Witnesses thereto and Ordered to be recorded. And On the motion of Shadrach Vaughan One of the Executors named (the other refusing to qualify) who made oath according to Law. Certificate is granted him for obtaining a probate thereof in due form, who gave bond and Security as hereupon.

A Copy
Teste

James Rochelle