

1861.05 Southampton County
Chancery

Crompton, Augustus vs Francis, Cecil C et al

Richard D. Vaughan

Maria J. Vaughan

L. R. Edwards - Edw.

Cecil C. Vaughan - infn

Cumple is wife
is 3 Bill is Exhibit
Vaughan is also

1857. October Rules

To Richard H. Baker judge of the circuit court of
Southampton County in chancery sitting

Humbly complaining your orators Augustus
Combs and Virginia T. his wife who before marriage
was Virginia T. Vaughan, shew unto your Honor that
in the year 1849 Thomas Vaughan of the county of
Southampton departed this life having first duly made
and published his last will and testament (A copy of
which is herewith filed marked A and prayed to be taken
as a part of this bill) leaving considerable real and
personal estate and leaving Maria his wife and
your Coatrix Virginia T. Cecil C, Francis M, Richard
C, and Maria T. Vaughan his children his devisees
and heirs at law, your orators shew further that by
his will Thomas Vaughan directs after the payment
of his debts that his wife Maria should retain all
his property in her possession during her widowhood
but in the event of her marriage she was to take
only the portion allotted by law to widows, sometime
after the death of Thomas Vaughan his widow
Maria married a Mr. Wiggins and was endowed
of Thomas Vaughan's estate according to its provisions
sometime in the early part of this year to wit 1857
the widow Maria died and her dower has reverted
back to Thomas Vaughan's estate, and all his real
estate now belongs to his children in fee simple

Your Coators further state that there is now
some good land and seventy seven acres (227) of
land more or less in Southampton County and worth
about two thousand dollars held in co-ownership
by the five children of Thomas Vaughan dead and
that the eldest Virginia one of your orators has
married and that either a sale or division of the land
must now be made, your Coators state that they
are unwilling to purchase the other shares but desire

a sale of the whole land unless the other applicants
will purchase their share as the land would bring
much more by a sale than by a division, and
your orators are of the opinion that all parties would
be benefited by a sale, all the children are infants
and therefore unable to contract with your orators
for their share even if they desired it and the probability
is that the land will depreciate much in value
during their long minority from being out of
and bad husbandry.

In tender consideration whereof and inasmuch as
your orators are without relief in a court of law and
only entitled to relief in a court of chancery where such
matters are cognizable they therefore pray that Cecil C,
Francis M, Richard L, and Maria Vaughan all of
whom are infants of tender years may by some fit and
proper person their guardian ad litem appointed for
that purpose by made parties defendant to this bill
and compel them as full and perfect answer make
to the allegations therein contained as if they had been
persons more fully and specially interrogated and that
your Honor would decree a sale of the lands above
mentioned on such terms as are proper and a
division of the purchase money according to the
rights of the parties and that the court should
grant such other and general relief the premises
considered as equity may dictate and the nature
of this case may require and as in duty bound
your complainant will ever pray &c

Shanas p. 7

^{of joint}
The answer of Cecil G. Francis M. Richards L. an
Maria Vaughan infants of tender years by L.R. |
Edwards their guardian ad litem to a bill in chancery
in the circuit court of Southampton by Augustus
Counsell and wife vs them

This defendant for answer to the said
bill or as much thereof as it is material for him to
answer, answering says that he knows nothing of
the allegations of the plaintiffs' bill, but places the
interests of his wards under the care of this court
whose guardian duty it is to protect the rights of
infants and having fully answered prays leave
to be dismissed with his costs &c.

L R Edwards for L.R.

This answer received by plaintiffs consent
Wm. B. Shanks attorney
for the plaintiffs

Crumpler & wife

to } Co: Dorset

Vaughan

Southampton Circuit Court, May 3rd 1858.

Augustus Crumpler Virginia, his wife, who before her marriage was
Virginia T. Vaughan. Plaintiff }

against

Cecil C., Francis M., Richard M. & Maria T. Vaughan defendants

This cause came on this day again to be heard on the papers formerly read
and the report of Commissioners James W. Munfer, Jacob Leno and Mat-
thew W. Vaughan three of the Commissioners appointed under the decree
of the November Term 1857, to which there is no exception, and was
argued by counsel, On consideration whereof the Court doth, ad-
judge, read and decree that Daniel W. Cobb, Leonard C. Cobb,
and Augustus Crumpler who are appointed special Commissioners
for that purpose any two of whom may act, do proceed after having
advertized the time, place and terms of sale by posting at the Court
House door and one or more public places in the vicinity of the real
estate to be sold for at least twenty days to sell on the premises
the tract of land whereof, Thomas Vaughan died seized and possessed
containing by estimation Two hundred and thirty acres on the following
terms, To wit; Sufficient of the purchase money in cash to defray the
expenses of this suit and of the sale, the residue in a credit of Twelve
months and take from the purchase money with good and approved
Security carrying interest from the date; and the title to be retained until
the further order of this Court; and the said Commissioners are directed
to return the said bond together with a report of their proceedings
to the Court in order to a further decree. But the said Commissioners
are not to proceed to act under this decree until they shall have
executed in the Clerk's Office of this Court a bond in the penalty of
Five thousand dollars with good and sufficient Security and conditions
as the law directs.

Attest,

Henry S. Howard, D.C.

clerk	17.39
Shiff	2.00
Law r.	31.50
	\$ 40.89

Cum gratia et wife
is 3 Decem
Pangham ne
Nov. Count 1859
To be entered
A. H. Baker

1859 November Term

Cornmple is wife
as 3 Deane
Vaughan we

This day This cause came again to
be heard on the papers formerly made and the report of
Commissioners D. W. Cobb, E. C. Cobb, and Augustus Cornmple
made pursuant to a decree of This court entered at the
May term 1858 and to which no exceptions have been filed
and the court confirming the said report doth further
adjudge, order, and decree That Daniel W. Cobb, E. C. Cobb
and Augustus Cornmple, shall proceed to collect the bond
for \$2413.98^{cts} executed by Sethus Cobb and others to them
over deposits in the papers in this cause, and after
paying the additional costs of this suit allot one fifth
part thereof to Augustus Cornmple and Virginia his wife
and allot one fifth part thereof respectively to the lawful
guardians of Cecil L. Vaughan, Francis M. Vaughan
Richard L. Vaughan, and Maria T. Vaughan, and the
said commissioners are further directed to make a
claim to the said Sethus Cobb for the land sold
upon his payment of the said bond and report to
this court in order to a further decree, but the
said D. W. Cobb, E. C. Cobb, and Augustus Cornmple
shall not proceed to act under this decree until
they or some one for them shall have executed in the
clerk's office of this court a bond in the penalty of
four thousand dollars conditioned as the law directs
with good and sufficient security
for the performance of this decree

Crumpler Yacht

to { Come. Bond

Vaughan & Co

Know all men by these presents that we Daniel W Cobb, Leonard C Cobb & Augustus Crumpler and Jesse Little & Joe J Kindred are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Four thousand Dollars good and lawful money of the Commonwealth of Virginia 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. Sealed with our Seals and dated this 22^d day of October 1858.

The condition of the above obligation is such that whereas by a decree of the Circuit Court of Southampton County entered on the 5th day of May 1858 in a suit in chancery therein depending between Augustus Crumpler of Virginia his wife plaintiffs and Cecil C Vaughan & others defendants the above bound Daniel W Cobb, Leonard C Cobb & Augustus Crumpler were appointed Commissioners for certain purposes therein mentioned Now if the said Daniel W Cobb, Leonard C Cobb & Augustus Crumpler shall faithfully discharge the duties of their trust under the said decree then the above obligation to be void or else to remain in full force and virtue.

Signed Sealed & delivered
in presence of 3

I am Mr. Cobb Seal
Leonard C Cobb Seal
Augustus Crumpler Seal
Joseph C. Crumpler Seal
Jesse Little Seal
Joe J. Kindred Seal

Drumpler & Wife

v { Stat. Rules

Vaughan

In Southampton Circuit Court.

Augustus Crumpler & Virginia T. his wife who before marriage was Virginia
J. Vaughan

against
Oral C. Francis M. Richard L. & Maria T. Vaughan

1857 August 18. Sum. issued to October Rules

" Oct. R. " 18th Ex^{pt} Bill filed. L.R. Edwards assigned for. and return
to Dft. and Infnt. G. Rept.

" Nov. R. Cause set for hearing 8th

" " J. Decree

1858 May " Decree for Sale 4th

" Nov 15 Rept.

1859 Nov J. Decree 1st

1860 June 2nd Rept.

1861 Nov. Report confirmed

Oranpiter & wife
~ } Sum. Chy.

Vaughan

1857 October Rules

Executed Sept
1st 1857 by delivering
them a copy of the
within

Wm W Vick Deputy
for Wm W Briggs Sh

THE COMMONWEALTH OF VIRGINIA :

To the Sheriff of Southampton County—GREETING

We command you to summon *Cecil B. Francis W. Richard & Maria F*
Vaughan

to appear at the Clerks office of our Circuit court of Southampton county at the Rules, to be
holden for the said court on the first Monday in *October* — next, to answer a bill in
Chancery exhibited against *them* — in our said court by —

Augustus Crumpler & Virginia F. Crumpler his wife

And have then there this writ. WITNESS, LITTLETON R. EDWARDS, Clerk of our said
Court at the Courthouse, this *18* day of *August* 185 *7* in the *81st*
year of the Commonwealth.

L. R. Edwards

(Copy)

Thomas Vaughans

Will

Compter self

to } Ex: with Bill

Vaughan &

In the name of God, Amen. I Thomas Vaughan being
of infirm body but of sound ~~mind~~ disposing mind do ~~now~~ declare this
to be my last Will and Testament as follows. to wit. After the payment
of all my just debts I wish my wife to retain all of the property in her
possession during her Widowhood. Should she marry again the property
must be divided and she must take what the law allows her. During
the time the property is held in the possession of my wife, I do not wish
my children charged any thing for board. As soon as any of my
children marry or arrive respectively to the ages of twenty one I wish
each of them to have a negro girl - to my daughter Virginia I give
a girl by the name of Bettie - To Cecil, my eldest son, a girl by the
name of Agnes - Francis my next eldest son I wish him to have a girl
by the name of Kate - To my son Richard Leonard I give a negro girl
by the name of Amanda - Should either of the negroes die as ordered
above, their place I wish supplied by another to be given in place of
such an one dying. Should my wife have a posthumous child I wish
that child to share as my other children and also to take a negro -
I wish my Wife Maria O. Vaughan and Leonard Cobb to administer
upon and take charge of my estate. In Witness of above I hereunto
affix my hand and seal this 29th day of July 1849.

Write.

Thomas Vaughan (Seal)

M. W. Vaughan

Henry Fowler

W. A. Maspenburg

At a Court held for the County of Southampton on the 20th day of
August 1849. This last Will and Testament of Thomas Vaughan dec^d
was proved by the oaths of M. W. Vaughan, Henry Fowler and W. A.
Maspenburg the subscribing witnesses thereto and ordered to be recorded. And
Mariah O. Vaughan and Leonard Cobb the Executors therein named
in said Will appeared in Court and refused to take upon themselves
the burden of the execution of said Will. Whereupon on the motion of the
said Mariah O. Vaughan who made oath and together with Leonard O.
Cobb, Leonard Cobb and Daniel W. Cobb her securities entered into and

acknowledged a bond in the penalty of eight thousand dollars conditioned
as the law directs, Certificate is granted her for obtaining letters of adminis-
tration with the will annexed of the said Thomas Vaughan dead
in due form

Teste

L R Edwards Clk

A Copy

Teste

L R Edwards Clk

Crumpler's wife

vs. } Depositions.

Vaughan's Heirs.

1857. Sept. 21st handed in by Jas. E.

Billie, J.D.

Henry S. Howard, D.C.

Complainant as 3 depositions
Vaughan's heirs

Southampton County to wit

Mathathew W. Vaughan of said County this day personally appeared before me a justice of the peace for the said County and being duly sworn made the following affidavit to wit

That he is well acquainted with the land belonging to the Heirs of Thos. Vaughan dec. and that he believes it will be to the interest of said Heirs to sell the land, that he lives near them and is well acquainted with the estate and that no one of the Heirs will receive a sufficient sum from the estate to purchase the land and that the land will depreciate in value from being set out. he therefore thinks it is the interest of the Children to sell the land as soon as possible, he is the uncle of the children.

The above was sworn to and subscribed before me this the 21st day of Sept-1837.

Southampton County to wit. Jos. I. Darden J. C.

This day Joseph Darden of said County personally appeared before Jos. I. Darden a justice of said County and after being duly sworn made the following affidavit to wit

That he is well acquainted with the land belonging to the Heirs of Thos. Vaughan dec. and thinking the land will greatly depreciate in value by being set out. he thinks it will be to the interest of the Children to sell the land, no one of the Children being able to pay the land.

The above was taken before me this 21st day of Sept-1837

Jos. I. Darden
Jos. I. Darden J. C.

Compton is wife
" 3 Deane
Vaughan is also

To be entered
R. H. B.

Nov. Co. 1857.

Comptroller vs wife
as 3 Dean
Vaughan & als by me

This day this cause came on to be heard on the plaintiffs bill the joint answer of the infant defendants Cecil C. Francis M. Richard L. and Maria T. Vaughan by G. R. Edwards their guardian ad litem, ~~trustee~~ and general replication ~~to the~~ exhibits filed and depositions of witnesses, and was argued by counsel on the hearing whereof the court doth adjudge, order, and decree, that James W. Munroe, Leonard C. Cobb, Daniel W. Cobb, Math. W. Vaughan & Joseph Lingard who are hereby appointed commissioners for the purpose any three of whom may act having been first duly sworn, do proceed to lay off and divide ^{the said estate} of which Thomas Vaughan died seized and possessed lying in the county of Southampton supposed to be about two hundred and thirty acres more or less into five equal shares, having regard to quality and quantity, and assign one fifth part thereof to Augustus Comptroller and Virginia his wife, one fifth part thereof to Cecil C. Vaughan, one fifth part thereof to Francis M. Vaughan one fifth part thereof to Richard L. Vaughan and one fifth part thereof to Maria T. Vaughan.

But if the said commissioners should find it impracticable to divide ~~the said~~ the said land among the several parties or should be of the opinion that the interest of the said parties would be promoted by a sale of the same, in such case they are required to report the facts upon which their opinion is based to the court, and also what in their opinion is the proper value of the whole of the said estate of which Thomas Vaughan died seized and possessed, and in either case they are required to report ~~the~~ proceedings under this decree to the court.

Compl. wife
is 3. Quin
Vaughan is

May Court 1858
To be entered
R. H. Baker

Crumpler vs wife
or 3 Decree
Vaughan

This cause came on this day again to be heard on the papers formerly read and the report of commissioners James W. Murphy, Jacob Linn and Matthew W. Vaughan, three of the commissioners appointed under the decree of the November Term 1857 to which there is no exception and was argued by counsel. On consideration whereof the court doth approve and confirm this said report and doth adjudge order and decree, that Daniel W. Cobb, Leonard S. Cobb and Augustus Crumpler who are jointly appointed special commissioners for that purpose and any two of whom may act, do proceed after having advertised the time, place, and terms of sale by posting a notice at the court house door, and one or more public places in the vicinity of the real estate to be sold for at least twenty days to sell on the premises the tract of land whereof Thomas Vaughan once owned and possessed containing by estimation two hundred and thirty acres on the following terms to wit sufficient of the purchase money, in cash to defray the expenses of this suit and of the sale, the residue on a credit of twelve months and take from the purchaser a bond with good and approved security, carrying interest from the date, and the sale to be retained until the further order of the court, and the said commissioners are directed to return the said bond together with a report of their proceedings, in order to a further decree, But the said commissioners are not to proceed to act under this decree until they shall have executed in the clerk's office of this court a bond in the penalty of four thousand dollars with good and sufficient security, conditioned as the law directs

Report

Crumpler tulips

2

Vaughan

1958 Nov 15th

The undersigned beg leave to report that in obedience
to the decree of the May term 1858 made in
this cause they after having given the premises
noted proceeded to sell the land whereof Thomas
Vernon died dies seized and disposed in the
manner. Their duties and Father Cobb became
the purchaser for the sum of twenty five hundred
and twenty five dollars and fifty ^{cents} ~~cents~~ and the
costs of suit and commissions amounting to the
sum of one hundred and seven dollars and
fifty cents, they took a bond for the sum of
twenty four hundred and ^{dollars} ~~thirteen~~ and ninety
~~eight~~ ^{cents} payable the 13th of Nov 1853 with good
security and which is herewith returned all
of which is respectfully submitted by

Daniel W. Cobb
L. B. Cobb, } Commissioners
Augustus Crumpler }

1860 Jan'y 16th Rec^d of the Clerk the bond referred to in the
above report for collection not obedient to Decree of the Court &c

Daniel W. Cobb
L. B. Cobb
Augustus Crumpler

Crumpet

vs { Copy Dance

Vaughans

Southampton Circuit Court, November 7th 1859.
Augustus Crumpler & Virginia F. his wife, who before marriage was
Virginia F. Vaughan Defts

against

Leitch, Francis M. Richard L. & Maria F. Vaughan Defts

This day this cause came on again to be heard in the papers formerly read
and the report of Commissioners D. W. Cobb, and Augustus Crumpler
made pursuant to a decree of this Court entered at the May term 1859
and to which no exceptions have been filed and the Court confirming
the said report, doth as judge, order and decree that Daniel W.
Cobb, L. W. Cobb and Augustus Crumpler shall proceed to collect
the bond for \$2413.98 cents executed by Jethro Cobb and others
to them now deposited in the papers in this cause and after paying
the additional costs of this suit allot one fifth part thereof to Augustus
Crumpler and Virginia, his wife, and allot one fifth part thereof
respectively to the lawful guardians of Leitch, Francis M.
Vaughan, Richard L. Vaughan, and Maria F. Vaughan, and the said
Commissioners are further directed to make deed to the said Jethro
Cobb, for the Land sold upon his payment of the said bond, and
report to this Court in order to a further decree.

But the said D. W. Cobb, L. W. Cobb and Augustus Crumpler,
shall not proceed to act under this decree until they or some one for
them shall have executed in the Clerk's Office of this Court a bond in
the penalty of four thousand dollars conditioned as the law directs
with good and sufficient security for the performance of this decree.

Test,

Henry S. Howard, D.C.

March 19th 1860 Received from Daniel W. Cobb
Leonard Cobb and Augustus Crumpler
commissioners acting decree of the court the
sum of one thousand five hundred fifty dollars $\frac{89}{100}$ or
in full of my share of money arising from
sale of tract of land belonging to the estate of
Thomas Vaughan of whom I am one of
this distributee and heirs at law
of Francis W. Richard & Maria J. Vaughan
L. A. Cobb as Guardian

March 18th 1860 Received from Daniel W. Cobb
Leonard Cobb and Augustus Crumpler commis-
sioners acting decree of the court the sum
of five hundred & sixteen dollars and $\frac{96}{100}$ or
in full of my share of money arising from
sale of tract of land belonging to the estate
of Thomas Vaughan of whom I am
one of this distributee and heirs at law
Daniel W. Cobb as guardian
of Cecil de Vaughan

March 18th 1860 Received from Daniel W. Cobb
Leonard W. Cobb and Augustus Crumplers Commis-
sioners acting decree of the court the sum of
five hundred & sixteen dollars and $\frac{96}{100}$ or
in full of my share of money arising from sale
of tract of land belonging to the estate of Thomas
Vaughan of whom I am one of this distrib-
utee and heirs at law.
Augustus Crumpler

Complan
to 3 Commissions Report
Vaughan

1860
Jan 2^d Report returned

Crumpler

vs 3 Commissioners Report
Vaughans

The undersigned commissioners beg leave to report, that in obedience to the decree rendered at the November Term 1839 of this court they proceeded to collect the bond due by Jethro Cobb and others, and gave to Leonard C. Cobb guardian of Francis M., Richard L., and Maria T. Vaughan the sum of \$1530.⁸⁸/₁₀₀ or \$516.⁹⁶/₁₀₀ to each, and to Daniel W. Cobb guardian of Cecil C. Vaughan the sum of \$516.⁹⁶/₁₀₀ and to Augustus Crumpler and Virginia his wife the sum of \$516.⁹⁶/₁₀₀ as will appear by the receipts herewith returned and that the said Jethro Cobb having paid for the land they made to him a deed with official warranty all of which is respectfully submitted by

L. C. Cobb }
Augustus Crumpler } Commissioners
Daniel W. Cobb }

Crumpler & Wife

to } Comd bond

Vaughan

Know all Men by these Presents, That We *D. W. Cobb, L. C. Cobb*
Augustus Crumpler, Geo H. Gardner, Richard J. Darden, & Joseph
G. Crumpler

are held firmly bound unto the Commonwealth of Virginia, in the just and full sum of
four thousand Dollars, current money of Virginia, 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. Sealed with our seals, and dated this *16th* day of

January A. D., 18 *60*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound

D. W. Cobb, L. C. Cobb & Augustus Crumpler Commissioners appointed by a decree
of the Circuit Court of Southampton County pronounced on the *27th* day of November
1859 in a suit in Chancery then pending between Augustus Crumpler & Virginia his wife &
Suffs: and Cecil C. Frances W. Richard L. & Martha J. Vaughan Defts: for certain
purposes in said decree mentioned

shall faithfully discharge the duties of ^{their} ~~his~~ said ~~office or~~ trust, according to law, then the above obligation
to be void or else to remain in full force and virtue.

Signed, Sealed and delivered }
in the presence of the Court. }
Marked off as
in presence of }

Daniel W. Cobb { SEAL }
L. C. Cobb { SEAL }
Augustus Crumpler { SEAL }
Geo. H. Gardner { SEAL }
R. J. Darden { SEAL }
Joe G. Crumpler { SEAL }

Cum gratia et
3 Commisarius Report
Vaughan was

1855 April 19th

Compln is wife
as 3
Vaughan re

Commissioners Report

The undersigned commissioners appointed by a decree of the circuit court of Southampton at the November Term 1857 in the above case, beg leave to report that after having been duly sworn they proceeded to act in the premises and they found it impracticable to divide the tract of land whereof Thomas Vaughan died seized and possessed supposed to contain about two hundred and thirty acres more or less for the reason that they could not so divide it as to allot the houses to any one of the parties the houses themselves constituting a large portion of the value of the farm, they are also of the opinion that it would be to the interest of all the parties to sell the said lands as they would depreciate very soon in value if rented out, and they consider the fair simple value of the real estate of Thomas Vaughan died about two thousand dollars, all of which is respectfully submitted, This 19th of April 1858

J. W. Mearse }
Jacob Senow } Commissioners
W. H. Vaughan }

Rec'd of G. C. Cobb. re. Comm. for sale of
Thomas Vaughan's, Land. Two Dollars.
in full of 24 fr

Sept 11, 1858

Paul W. Cobb, Susanna C. Cobb and Augt. Campbell Commissioners
To William B. Shanks Dr

1858 To amt for and obtaining deem for sale of
Land belonging to Thomas Vaughan's wt
for division among the heirs

\$38.00

paid in full

Wm B. Shanks

1858 Nov. 15 Received of the Commissioners \$7.39 cents bills lost on acct of
Comptrolr Wolfe in Vausham taxed in Decree -

LR Edwards

Cumple & wife
as 3 Decm
Vaughan

Nov. Co. 1861
To be entered
R. H. B.

1861. Novmber Term

Crompler vs wife
vs 3 Deane
Vaughans

This day this cause came on
again to be heard on the papers formerly made and the report
of Commissioners L. C. Cobb, Augustus Crompler and Daniel
W. Cobb made June the 2nd 1860 and to which no exceptions
have been filed and was argued by counsel on the hearing
whereby the court doth adjudge order and decree that
the said report be confirmed