1862 006 SOUTHAMPTON COUNTY CHANCERY PAPERS RICKS and Wife vs. VAUGHAN 5/1862

45. ~~4 25~~ 31.

Ricks Lewis

v. } Papers.

Vaughan

1862 May

~~45~~ 38.

Ricks Gwise

v. } Stat: Rules

Vaughan

1859 Nov. Cop. £3 95
Stff 50
Lour 40.

In Southampton Circuit Court.

Collin et al Ricks & Louisa J his wife — Pffs

against

William S Vaughan — Dft

1859 Jany 18 Summons issued retble to Feby Rules
" Feby R Summ ret'd Ex'd Court for Bill
" Mar " Bill filed L R Edwards assigned gdn to Dft ans of Dft G Resp
" Apl " Cause set for hearing on Bill & ans &c
" May 5 Decree &c
" Oct 17 Rep't
" Nov 5 Decree for Sale
1860 Nov Decree to collect bonds &c

Ricks & wife
v 3 Bill.
Vaughan

1859 March Rules

To the Honorable Richard H. Baker Judge of the Circuit Court of Southampton County March Rules, 1869.

Humbly complaining sheweth unto your ~~Honor~~ your complainants Collin A. Nicks and Louisa J. his wife. that Anthony Vaughan departed this life intestate some years ago in the County of Southampton leaving as his heirs at law your orator and her brother William ~~C.~~ Vaughan ~~&~~ who is now an infant — That the said Anthony Vaughan died seized and possessed of the following tracts of land, all of which adjoin each other, viz, one containing forty acres, one containing one hundred acres and another about three hundred acres. That the said tracts of land are worth one thousand dollars or more — Your complainants desire that the said land should be divided amongst those entitled as aforementioned, but from the situation of the land believe that could not be done without serious injuries to the parties interested — Indeed they believe that a division in kind would be almost impracticable — and that to effect an equitable division it will be best that it should be sold — In tender consideration of the premises, and in as much as your

Complainants are without remedy save in this honorable court, they pray that William S. Vaughan be made a party defendant to this bill — That a guardian ad litem may be appointed him who shall answer all the allegations of this bill — That your Honor will direct that the land of which Anthony Vaughan died seized and possessed may be divided amongst the parties entitled, or if that cannot be done in kind without injury to their interests that your Honor will decree a sale of the said land, and a division of the proceeds of sale amongst those entitled, and that your Honor will decree such further and general relief as equity may dictate, and the nature of their case may require, & they will ever pray &c

Cobb p.q.

Ricky d case
v
Vaughan

Answer of Wm S.
Vaughan by his
guardian ad litem.

1859 March Rules

To the Honorable Richard H. Baker, judge of the Circuit Court of Southampton County, March Rules 1859.

The answer of William S. Vaughan to a bill of complaint exhibited in this Court against him by Collin A. Nicks & Louisa J. his wife, by L. R. Edwards his guardian ad litem —

This defendant saving & reserving to himself all benefit & just exception to said bill answer and say, that being an infant of tender years, he submits his interests to the care and protection of this honorable Court, and having answered prays to be hence dismissed with his costs &c

L R Edwards G.D. ad litem

Ricks
vs
Dean
Dunham

May Court 1859.
Enter this decree
first filling up
the blank.
R. H. Baker

Ricks & als
vs
Vaughan

This cause came on this day to be heard on the bill, answer of the infant defendant William S. Vaughan by L. R. Edwards his guardian ad litem, general replication thereto, and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that Joshua Patton, Saml. B. Patton, Benj^a Deveny and James Deveny, who are hereby appointed commissioners for the purpose, any three of whom may act having been first duly sworn, proceed to make partition of the land in the proceedings mentioned in two equal parts, having regard to quantity and value, and assign one part to the plaintiffs, and one part to the defendant, and if partition cannot be conveniently made the said Commissioners, or such of them as may act are required to ascertain whether the entire subject may be allotted to any one of the parties who will accept the same and pay therefor to the other party such sum of money as their interest therein may entitle them to receive, or if the interest of the parties will be promoted by a sale of the entire subject or allotment of part and sale of the residue then the said Commissioners will act and report accordingly, and in either case will report the absolute and annual value of the said real estate. And the said Commissioners are directed to report their proceedings to the Court and any other matter deemed pertinent by themselves or required by the parties.

Ricks & wife
v 3 Brown
Vaughan

Nov. Co. 1859.
To be entered.
R. H. Baker

1859 November Term

Ricks & wife

v

Vaughan

This cause came on this day to be again heard on the papers formerly read and upon the report of Joshua Pullen, S. B. Pullen and James H. Savage, three of the Commissioners appointed under the decree of May term 1859, to which report there is no exception and was argued by Counsel for the plaintiff: On consideration whereof, the Court confirming the said report, doth adjudge, order and decree that Wm. H. Cobb who is appointed a Commissioner for the purpose, do proceed after having advertised the time and place of sale at one or more public places in the neighbourhood of said land, and also posted notice thereof at the door of the Courthouse of Southampton County, on some Court day previous to the day of sale, sell to the highest bidder at public auction, in seperate tracts, the real estate in the bill and proceedings mentioned, belonging to Collin A. Ricks & Louisa J. his wife and Wm. S. Vaughan, on a credit of twelve months, except so much as may be necessary to defray the expenses of this decree and said sale - That he take bonds from the purchasers with good personal security bearing interest from this date, and return them to this Court with his report - And retain the title to the said land until the further order of this Court. But the said Wm. H. Cobb shall not execute this decree until he shall execute bond in the clerk's office of this Court in the penalty of $3000. payable to the Commonwealth of Virginia, and conditioned for the faithful performance of his trust under this decree -

Ricks & wife

vs 3 Copy Deeds

Vaughan

Southampton Circuit Court, November 9th, 1859.

Collin A. Ricks and Louisa his wife Defts

against

William A. Vaughan. Pltff

This cause came on this day to be again heard on the papers formerly read and upon the report of Joshua Pitchie, S. B. Pitchie, and James H. Dromy, three of the Commissioners appointed under the decree of May Term 1859, to which report there is no exception and was argued by Counsel for the plaintiffs: On consideration whereof, the Court, confirming the said report doth adjudge, order and decree that Wm W. Webb who is appointed a Commissioner for the purpose, do proceed after having advertized the time and place of sale at one or more public places in the neighborhood of said land, and also posted notice thereof at the door of the Courthouse of Southampton County, on some Court day previous to the day of sale, sell to the highest bidder at public auction in separate tracts the real estate in the bill and proceedings mentioned belonging to Collin A. Ricks and Louisa his wife and Wm A. Vaughan on a credit of twelve months except so much as may be necessary to pay the expenses of this decree and said sale, that he take bonds from the purchasers with good personal security bearing interest from the date and return them to this Court. But the said Wm W. Webb shall not execute this decree until he shall execute bond in the Clerk's office of this Court in the penalty of $3000. payable to the Commonwealth of Virginia, and conditioned for the faithful performance of his trust under this decree and any subsequent decree that may be made in this cause

Clk. $5.95

Sh'ff 50

Teste,

L. R. Edwards, C.C.

House tract 315 acres Albert H Cobb $899.

22 acres adjoining the House tract being the land bought from Edwin Daughtry – S. B. Pullen $81.75

tract of 106 acres below Hilary Vaughan & Julius Cobb $227.

Hilary Vaughan

Ricks & wife
v 3 deeds
Vaughan
Ctor. Dec. 1868

To be entered
R. H. B.

Ricks & wife

v 3 Decree

Vaughan

This day this cause came on to be again heard on the papers formerly read and on the report of Commissioner Cobb made in pursuance of a decree rendered in this cause at Nov. term 1859, to which report no exceptions have been filed and the Court confirming the same doth adjudge, order and decree that the clerk of this Court deliver To Wm W. Cobb who is appointed a Commissioner for the purpose the bonds returned by him with his report To this Court, and that he collect the same and after paying the expenses of this decree pay one half of the balance to Collin A. Ricks and Louisa his wife, and the other half to Gilliam Edwards guardian to William S. Vaughan, and that on the payment of the said bonds that the said Wm W. Cobb Commissioner aforesaid execute to the several parties deeds with special warranty for the lands respectively purchased by them under a former decree in this cause, and that he make report of all his proceedings to this Court in order to a final decree

Ricks Lucile
vs 3 others
Dunham
May Term 1862
To be entered
R. H. Baker

Ricks & wife

vs 3

Vaughan

This day this cause came on to be again heard on the papers formerly read, and on the report of Commissioner Cobb made in pursuance of a decree rendered in this cause at Nov. term 1860, to which report no exceptions have been filed, and on consideration whereof the Court doth adjudge, order and decree that the said report be confirmed —

Ricks & wife
v } Sum. Chy.
Vaughan

1859 February Rules

I went to the residence of Wm Vaughan, he being
Feby 1st 1859
from home I left a copy
with Gilliam Edwards
who is a white member
of the family in which
said Vaughan resides
and explained its
purport

G W Vick Dep'y
for Wm W Boggs Sh'ff

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON William S Vaughan

to appear at the Clerk's office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in February next, to answer a bill in chancery exhibited against him in our said Court by Collin A Ricks & Louisa J. his wife

and have then and there this writ. *Witness*, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this 18 day of January 1859, in the 83 year of the Commonwealth.

L R Edwards cc

Ricks d Wise

~ } Rep.

Vaughan

1859 Oct. 17th

To the Circuit ~~Court~~ Court of Southampton

We the Commissioners appointed at the May term of Circuit Court to divide the lands of C & Rich'd Vaiper and William S Vaughn ~~Do~~ report as the Order directs

By leave to submit the following report - After having been duly sworn and examining the said land, they came to the following Conclusion.

1st, The land cannot be equitably divided

2d Neither of the parties are willing to take their proportion or over proportion and pay the other any money

3d ~~one~~ neither party wish or are willing to have the entire subject allotted to them.

4th - that it would be to their interest to sell the entire subject.

5th, We estimate the annual value of the farm at fifty dollars and the entire subject at fifteen hundred dollars All of which is most respectfully submitted

Sep 27th 1853

Joshua Prestow
S. B. Prestow.
Sol H Devany

Ricketts Estate

v

Vaughan

Comm. Appeals

1861 Feby 20

The undersigned appointed a Commissioner by a decree of the Circuit Court of Southampton County rendered at Nov^r term 1859 in the suit of Hicks & wife v Vaughan, to make sale of the real estate belonging to Collin A. Hicks & Louisa his wife and Wm. S. Vaughan, reports that after having advertised the said land for sale as required by said decree he sold the same in seperate tracts at public auction on the premises on Tuesday the 20th day of Dec^r 1859 - That Albert H. Cobb became the purchaser of the House tract containing 315 acres at the sum of $899 - L. B. Patton became the purchaser of twenty two acres adjoinging the house tract being land purchased from Davis in Bankruptcy at the sum of $81.75 - and that Hillary Vaughan became the purchaser of the tract lying between Jethro Cobb and Hillary Vaughan containing 105 acres at the sum of $227. the whole sale amounted to $1207.75 - That he received in cash the sum of $72.12/100 to pay expenses of sale and decree, and that he took bonds from the purchasers with good security for the balance payable twelve months after date & bearing interest from that date, and retained the title to the said land until the further order of the Court. The bonds are here with returned returned.

Respectfully Submitted
W. W. Cobb Com

Augs 24 1861, Rec'd of J N Conner Clerk
the bonds returned with this receipt
W R Cobb

C A Nichols

Receipt

January 21/1861, Recd. of Wm W Cobb Comm, the sum of $60 in full of proportion due Wm Vaughan in suit of Nicks & wife v Vaughan

Gillum Edwards.
Dep. for W S Vaughn

January 21/1861, Recd. of Wm W Cobb Comm the sum of $60- in full of amt due me & wife in suit of Nicks & wife v Vaughan

Collin A. Nicks

Richardson

v

Vaughan

Common Pleas

1861

May 2d Rec'd

In obedience to a decree of the Circuit Court of Southampton County rendered at Nov Term 1866, in the Case of Ricks and wife & Vaughan the undersigned Commissioner appointed for the purpose reports that he has collected the bonds required by said decree and paid them amount collected as required by the said decree, and which will be seen by the statement below. He has also executed deeds with Special Warranty for the several tracts of land to the several purchasers

By Hilary Vaughan's note & Int	$236.89
S. B. Butler's note & Int.	77.38
Jethro Cobb note & Int	895.15
	$1209.42
To paid Clerks Costs	7.42
	$1202.00

To paid Colin A. Ricks & wife $601.00
" " Wm S Vaughan $601
$1202 $1202.00

The receipts are herewith filed

Respectfully submitted

Riches & Wife

& Thomas Lord

Vaughan

Know all Men by these Presents, *That We* Wm W Cobb Jn Cobb &

Wm H Nicholson

are held firmly bound unto the Commonwealth of Virginia, in the just and full sum of

Three 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 21st day of November A. D., 1859.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound Wm W Cobb Commissioner appointed by a decree of the Circuit Court of Southampton County pronounced on the 17th day of November 1859 in a Suit in Chancery therein pending between Collin A Ricks & Susan his wife Pltffs. against William S Vaughan Deft. for certain purposes in said decree expressed shall faithfully perform his trust under the said decree and any subsequent decree that may be made in the said Cause

shall faithfully discharge the duties of 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.~~ Clerks Office
In presence of
L R Edwards Clk

Wm W Cobb {SEAL}

Jn o Cobb {SEAL}

Wm H Nicholson {SEAL}

{SEAL}