

1873-18

Santhampton County - Chancery

Vaughan, Cecil v.

Edwards, Jordan et al

"Land sale and judgment
not satisfied"
2d settle judgment

Alexander Nugent &
Jordan Edwards

Luther R. Edwards

118 701 87 24/2

Vaughan
v } Papers

Edwards

Kelly for Swift

cd

Faughan
as { Bill
 " extinct
Edwards &c

1870 January Rules

To the Honorable E. P. Pitts Judge of the Circuit
Court of Southampton in chancery sitting

Humbly complaining your orator Cecil
C. Vaughan sheweth unto your Honor that
at the May term 1866 of the Circuit Court
of Southampton he obtained a judgment on
a promissory note for \$800 with interest from
August 3^d 1857 subject to certain credits therein
specified against Alexander Wofflet and Jordan
Edwards which judgment was docketed on the
4th of May 1866, all of which will more fully
appear by a certified copy of the said judgment
herewith filed marked exhibit A and prayed
to be taken as a part of this bill, your orator
sheweth further that Alexander Wofflet is
wholly insolvent having been declared a
Bankrupt and having obtained his discharge
that at the time this judgment was docketed
Jordan Edwards was seized and possessed of
a large landed estate situated near Franklin
in Southampton County to wit acres
on which your orators judgment became
a lien, that in 1868 subsequent to the
judgment of your orator Jordan Edwards
sold five hundred acres of land for \$1500
to Luther R Edwards on which land your
orators judgment was also a lien, your
orator states further that this judgment
has not been paid or satisfied and is still
a lien on the land of Jordan Edwards and
the land subsequently sold to L. R. Edwards
a copy of which said judgment is

him with files marked B and prayed to be taken
as a part of this bill and the object of this
suit is to charge these lands with the
payment of this judgment. In tender
consideration whereof and inasmuch as your
orator is without relief in a Court of Law and
only entitled to relief where such matters are
peculiarly cognizable he therefore prays that
Jordan Edwards and Luther R. Edwards may be
made parties defendant to this bill and
compel them as full and perfect answer-
makers to the allegations therein contained as
if they had been themselves more fully interrogated
that the Court would direct one of its commissioners
to ascertain the actual and annual value
of all the land including the number of acres
of which of Jordan Edwards was seized and
possessed at the time of your orator's judgment
and if upon the coming in of the said report
it should appear that the rents and profits
of the said land are not sufficient to pay
your orator's debt then that they may be sold
for that purpose, and that the Court would
grant such other and general relief the
princples considered as equity may dictate
and the nature of his case may require
and as in duty bound your orator will ever
pray me

Shames p. g.

This Indenture made this 30th day of January 1868, between Jordan Edwards of the County of Southampton State of Virginia of the first part and Luther R Edwards of the County and State aforesaid of the second part Witnesseth, that in consideration of the sum of one thousand five hundred dollars paid to the aforesaid Jordan Edwards he does bargain & sell to the aforesaid Luther R Edwards one certain tract of land lying in the County of Southampton State of Virginia bounded as follows, on the West by the lands of Timothy Langston, Deborah & Lizzie Bryant, Henry V Cobb George W Camp and that portion of the land owned by me lying directly on the East ~~side~~ ^{the} South east boundary of the path and lane leading from Jerusalem & Franklin road and running West and Southwest of the field known as the Fowler field, through the woodland on the Southeast side of the farm, to the Seaboard & Roanoke Rail Road - On the South by the lands of Thos. H. Croft and the Gardner tract - On the West by the lands of Jno. B Doughty, Benj Connell, John Williams & Wiley H & Samuel H Griffin and on the North by the land of Timothy Langston, it being the whole of the tract on which I now live except that portion lying South of the land of George W Camp - and East & South-east of the aforesaid path from the Jerusalem & Franklin road to the Seaboard & Roanoke Rail, road, containing five hundred acres more or less, to have and to hold forever - The aforesaid Jordan Edwards warranting the title generally - Given under my hand and seal this date and day above written.

Jordan Edwards (Seal)

State of Virginia. Southampton County to wit

I H. V. Cobb a justice of

the Peace for the County aforesaid in the State of Virginia, do certify that Jordan Edwards whose name is signed to the writing above bearing date on the 30th day of January 1868 has acknowledged the same before me in my County aforesaid - Given under my hand this 10th day of February 1868.

H. V. Cobb J.P.

Southampton County In the Clerks Office February 17th 1868
This deed of bargain & Sale from Jordan Edwards to Luther R Edwards was this
received and together with the certificate thereto annexed of the acknowledgment of the
said Jordan Edwards before a Justice, admitted to record. Stamps of the internal
revenue of the United States to the amount of One dollar fifty cents being affixed
thereto and duly cancelled.

Teste, L.R. Edwards Cky

At Copy -

Teste, L.R. Edwards D.C.

Edwards J^r

Wm. Graham
Ex. with L.R.

"B"

354

Vaughan

is

Edward Jr

Arms of
Sutter R. Edward

1870 July 18th

Ex. 271

To the Circuit Court of Southampton County.

The answer of Luther R. Edwards
to a Bill in Chancery exhibited in
the Circuit Court of said County by
Cecil C. Vaughan against Jordan
Edwards & the said Luther R. Edwards.

This Respondent says, that so
far as he knows the facts are correctly
stated in said Bill as to said plaintiffs'
Judgment against Alexander Moffitt
and Jordan Edwards, and as to said
Moffitt's Bankruptcy, and as to the
sale of a part of his land by said Jordan
Edwards to said Luther R. Edwards.

Your Respondent however says that
the land purchased by your Respondent
of said Jordan Edwards ought not to be
first held subject to said Judgment, because
your Respondent says that the land con-
veyed by said Jordan Edwards to your
Respondent was a bona fide sale & the
consideration duly paid. Because the

said Jordan Edwards ^{retained his own} ~~had by deed dated~~
~~given real estate - to wit: about 192 acres,~~
~~the said land, being part of his home tract,~~
~~Daughter of Mr. Moffitt the~~
~~wife of Alexander W. Moffitt, a part~~
~~of his land, to wit~~
~~acres more or less, which being voluntary~~

should be first held liable to said
Judgment - ~~your Respondent further~~
~~says that the parties should be~~
~~made said Rice to wit~~

Your Respondent further says that
he demurs to said vice as insufficient
in Law, because it is not alleged therein
in that the said Land if rented out, would
not in five years pay your Complainants
demand; That no sale of said Land
can be made or should be made until
it appear that the rents thereof will
not in five years pay said demand.

Your Respondent further says
that he as Trustee in a deed of Trust
executed by said A. W. Norfleet
to secure his creditors, has paid to said
Cecil C. Vaughan a large portion of
his debt & that a further payment
from that source will be made, and
an every effort is being made to close
the said Trust, that no sale or renting
of said Land should take place until
said Trust has been closed, & the exact
balance due on said plaintiff's demand,
(and that as it does not appear how
much has been paid on said Judgment

or how much is yet due, your Res-
pondent prays that a Commissioner
of this Court may be directed to ascertain
how much is due on said judgment.

and having answered, prays to
be signed

John R. Kelly, p. v.

Luther R. Edwards

Dorchester County, In the Clerk's Office, July
18th 1870, Luther R. Edwards this day
appeared before me James R. Tyler Deputy
Clerk, and made oath to the truth of
the facts set forth in foregoing answer.

James R. Tyler, D.C.
11

Vaughan

& } Sum. Chs

Edwards

1840 January Rules

Executed by deliver-
ing Jordan Edwards
& Luther Edwards
each a copy of this
Summons on the
22^d day of December
1869 W W Gregg, by
for D. L. Dole, Shff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of the County of Southampton---Greeting:

We command you to summon

Jordan Edwards & Luther R Edwards

if *they* be found within your bailiwick, 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 *January next to answer a bill in* Chancery exhibited against them in our said Court by *Wesley C. Vaughan*

And have then there this writ.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-House, this *4* day of *December* A. D., 186*9*, in the *94*^{*th*} year of the Commonwealth.

O. White *cl*

Memorandum
for
Clark

$$\begin{array}{r} 403 \\ \hline 1213 \\ \hline 40 \end{array}$$

15

$$\begin{array}{r} 24 \\ 14 \\ \hline 135 \\ 27 \\ \hline 403 \\ 13 \\ \hline 26 \\ \hline 7.8 \end{array}$$

Memorandum for the Club

Copy the judgement obtained at the May term
1866 of the Circuit Court of Southampton

Sullivan Cobb for Cecil C. Bargainier

vs 3 Debt on promissory note

A. Wofflet vs Jordan Edwards

Also certificate of its being docketed file in papers
marked exhibit A

Also copy deed of Bargainier's sale from Jordan
Edwards to Sullivan R. Edwards in 1868 Exhibit B

Vaughan
vs
Edwards & Co
Com. Notice

Exempted

W W Wright
Att.

Commissioner's Office,

JERUSALEM,

May 24th

1870

To

Cecil C. Vaughan

Against

Jordan Edwards & Luther R. Edwards

Plffs

In Chancery

Defts

You are hereby notified that I have fixed upon the 15th day of June next, if fair, if not, on the next fair day thereafter, (Sunday excepted,) to take and settle, at my office, the following accounts, to-wit:

That one of the Commissioners of this Court enquire into (and report to this Court, the number of Acres of Land whereof Jordan Edwards was seized and possessed on the 2^d of May 1866: and its actual and annual value; also the quantity and value of the Land Jordan Edwards sold to L.R. Edwards in 1863.

The said Commissioner is also directed to enquire into and report the Judgments, which have been obtained in the Courts of Southampton against Jordan Edwards & docketed, and the order of time in which they were docketed, and report the same to the Court, together with any matter specially stated deemed pertinent by himself or which may be required to be so stated by any of the parties interested, And leave is granted the Defendants to file their Answer within ninety day from this time

required to be taken by a decree of Southampton Circuit Court, rendered on the day of at May Term 1870, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs, and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year first aforesaid.

James R. Tyler

Commissioner.

To the Sheriff of Southampton County to execute.

Vaughan
v } Copy Decree

Edwards &

(Jan 15th 1875)

Dorchester County Court, May Term 1870

Lucas C. Vaughan
against
Jordan Edwards and Luther A. Edwards

Self
Subsidiary
Self

This day this Cause came on to be heard on the Plaintiff's Bill taken for Complaint as to both the defendants Jordan Edwards and L. A. Edwards and the Exhibits therewith filed and was argued by Counsel; the Court thereupon doth adjudge, Order and decree, That one of the Commissioners of this Court enquire into and report to this Court the Number of acres of Land whereof Jordan Edwards was Seized and possessed on the 2^d of May 1866, and its actual and annual Value, also the quantity and Value of the Land Jordan Edwards Sold to L. A. Edwards in 1868; The said Commissioner is also directed to enquire into and report the Judgments which have been obtained in the Courts of Dorchester against Jordan Edwards and Seized, and the Order of time in which they were docketed, and report the same to the Court, together with any Matter Specious stated deemed pertinent by himself, or which may be required to be so stated by any of the parties interested; and leave is granted the Defendants to file their answer within thirty days from this time.

Attest
T. J. S.

James R. Tyler, S.C.

June 15th 1870

Vaughan

v } Com. Tylers Rept.

Edwards

1870 June 28th

An Account of Judgments debts against Jordan Edwards &c. obtained in Southampton Court & docketed as follows

Docketed	Spikes Beale. Judgment v. At. Norfleet & Jordan Edwards for	\$ 836 20	
May 15 1866	Int. from 17th Feb'y 1861 to 1st June 1870	477 18	
	Costs	7 42	
			1330 80
Docketed	Isaiah Cobb. for the benefit of Genl C. Vaughan Judgment against At. Norfleet & Jordan Edwards for	\$ 800 00	
May 15 1866	Int. from 3 ^d Augt 1857 to Jan'y 16. 1860.	117 73	
		\$ 917 73	
	Or Paid 16 Jan'y 1860	145 40	
		\$ 772 33	
	Int. from 16 Jan'y 1860 to 16 Jan'y 1861. 1 yr.	16 33	
		\$ 818 66	
	Or Paid 16 Jan'y 1861.	48 00	
		770 66	
	Int. from 16 Jan'y 61 to 16 Jan'y 1862. 1 yr.	42 23	
		\$ 816 89	
	Or Paid 16 Jan'y 1862	48 00	
		\$ 768 89	
	Int. from 16 Jan'y 1862 to 16 Jan'y 1863 (1 yr)	40 13	
		815 02	
	Or Paid 16 Jan'y 1863	48 00	
		\$ 767 02	
	Int. from 16 Jan'y 1863 to 1st June 1870. 7 yr. 4 mo. 13	339 40	
	Costs	7 42	
	Sum of the first debt		1113 84
Docketed	J. Hall & or Harrison Ingers for the benefit of Elisha Cross, Judgment v. Jordan Edwards for	\$ 1310 64	
June 1st 1868	Int. from 18 th November 1861 to 1 June 1870 (8 y. 6 m. 13)	671 26	
	Costs	7 03	
			1988 93
	Am't Car'd for D		\$ 1443 357

Amt Brought over \$4433 57
 Docketed Patrick Doles. Judgment vs Jordan Edwards for \$1233 53
 June 1st Int. for 1st Jan'y 1862 to 1 June 1870. 8 yrs 5 m 623 95
 1868 Costs 667

1866 17
 Docketed Patrick Doles. Judgment vs Jordan Edwards for \$1260 00
 June 1st Int. for 5th Jan'y 1862 to 1 June 1870. 8 yrs 4 m 653 46
 1868 Costs 667

Lien of the Second debt
 Total 1922 13
 \$8221 87

Respectfully Submitted
 James R. Tyler
 Com.

An Account of the Number of Acres of Land belonging to
 Jordan Edwards & its actual & Annual Value.

	Actual Value	Annual Value
One Tract of Land on Black Water River 615 1/2 Acres	3077 50	150 00
One Tract of Land on Black Water River 77 acres	385 10	25 00
	\$3462 50	\$175 00

Respectfully Submitted
 James R. Tyler
 Com.

Number of Acres of Land Jordan Edwards sold
 to Luther R. Edwards in 1868

One Tract of Land Containing 500 Acres
 more or less by bargain & sale for \$1500 00

Respectfully Submitted
 James R. Tyler
 Com.

Commissioners Office
Jerusalem June 27th 1870

In the Circuit Court of Southampton County
Pursuant to a decree of the Circuit Court of Southampton County
rendered at the May Term 1870 in a suit in Chancery depending
in the said court between Cecil C. Vaughan plaintiff
and Jordan Edwards & Luther R. Edwards defendants, the undersigned,
one of the Commissioners of the said Court, to whom
was referred for settlement by said decree ^{the following account} That one of the
Commissioners of this Court enquire into and report to the Court
the number of Acres of Land whereof Jordan Edwards was seized
and possessed on the 2nd of May 1866, and its actual and Annual
value, also the quantity and value of the Land Jordan Edwards
sold to Luther R. Edwards in 1868. The said Commissioner is
also directed to enquire into and report the judgments which
have been obtained in the Court of Southampton against
Jordan Edwards & docketed, and the order of time in which
they were docketed, and report the same to Court together
with any matter specially stated deemed pertinent by himself or which
may be required to be so stated by any of the parties interested. And
leave is granted the Defendants to file their Answer within
Ninety days from this time. Reports to the Court, that on the 24th
day of May last he issued notice against the several parties aforesaid
requiring them to attend the settlement of the said accounts be-
fore him at his said office on the 15th day of June, which were
returned to your Commissioner duly executed. The parties appearing
by their attorneys before the Commissioner in obedience to the said
notice, and he thereupon stated & settled the foregoing accounts
up to the 1st June 1870 on that day finds a balance against
Jordan Edwards of \$8221.87 including interest. Your Commissioner
has made up an account of the number of Acres of Land belonging
to Jordan Edwards in the year 1866, and the actual & Annual value
thereof, also an account of the Land sold to L. R. Edwards in 1868.
The Commissioner further reports to the Court that after the completion
of the said accounts, he retained them in his office.

Five days for the examination of the parties, and no ^{filed} replies, hence
the decree & notice are herewith returned.

James A. Tyler
Com.

Amount in fee ch
to plaintiff \$15.00

7
Bangham

v 3 Decm

Edwards re

May Term 1870

To be entered

Geo. B. Low. Jr.

Taughan

vs 3 Decr

Edwards vs

This day this cause came on to be heard on the plaintiffs' bill taken for confessed as to ~~both~~ ^{both} the defendants Jordan Edwards and G. R. Edwards and the exhibits therewith filed and was argued by counsel on consideration whereof the court doth adjudge order and decree that one of the commissioners of this ^{Court} enquire into and report to this court the number of acres of land whereof Jordan Edwards was seized and possessed on the 2nd of May 1866 and its actual and annual value also the quantity and value of the land Jordan Edwards sold to G. R. Edwards in 1868 the said commissioner is also directed to enquire into and report the judgments which have been obtained in the courts of Southampton against Jordan Edwards and decretals and the order of time in which they were decretal and and report the same to the court together with any matter specially stated deemed pertinent by himself or which may be required to be so stated by any of the parties interested and leave is granted the defendants to file their answer within ninety days from this time

Vaughan

v } Stat. Rules

Edwards

6/2 -

5/11

born

Law

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13.00

16.00

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In Southampton Circuit Court.

Oecil C Vaughan

against

Jordan Edwards & Luther R Edwards

1869 Decr 4th Summons f^o issued
1870 Jan'y Rules Bill filed. & Nisi in Defts.
" Feby " Bill taken for confessed.
" Mar " Cause set for hearing f^o
" May T. Decree for acct f^o
" June " Report

1873 May Dismissed