1877-09 Southampton County Chancery - Cutchins, Joel, et al vs Vaughan, Cecil C. et al

debt settlement of Cecil Joseph Gregory by Vaughan, who gained possessim of Gregory land & assests

Lewis, Salathial (merchants)

and Gregory, Joseph
Paterson - Wm.
" - Dosha

Scutchins v Lewis

Amended

v 3 Bill

Vaughan vals

1876 March 22

To the Honorable George Blow judge of the circuit court of Southampton County in chancery sitting

Humbly complaining your orators Joel Saulsbury and Salathiel Lewis shew unto your Honor by this their amended and supplemental bill that sometime since they filed their original bill against Cecil C Vaughan and Joseph Gregory for the settlement of the said Cecil C Vaughans' trustee account of William Pelham's trust dues and the payment of the balance in his hands after satisfying all the creditors thereon seems to them entitled according to the rights of them entitled thereto and it appearing that Wm Pelham and Dosha Pelham his wife are necessary parties to this suit your orators have filed this amended and supplemental bill in to make them such

In tender consideration whereof your Orators pray that Cecil C Vaughan, Joseph Gregory, Wm Pelham and Dosha Pelham defendant his wife may all be made parties both to the original and this amended and supplemental bill and that the court would compel them as fully and perfect answer make to the allegations therein contained as if they had been thereunto

more fully and specially interrogated and
that the court would grant your orators
such relief as they have prayed for in
their original bill and as in duty
bound your orators will ever pray
Thanks &c.

Sanderlin vs Lewis

Bill

vs 3 exhibits

Vaughan

~~Vaughan~~ vs Gregory

1874 October Rules

To the Honorable George Blow judge of the circuit court of Southampton County in chancery sitting

Humbly complaining your orators Joel Scutchins and Salathiel Lewis merchants and partners trading under the name firm and style of Scutchins & Lewis shew unto your Honor that at the July term of the county court of Southampton in the year 1874 they obtained a judgement (which has been assigned to them) on an attachment against William Pilson (colored) on which an execution issued as will more fully appear by a copy of the said judgement and execution herewith filed marked A and prayed to be taken as part of this bill and that but a small portion of the said judgement was paid but the larger portion of it is still unsatisfied.

Your Orators state further that Wm Pilson by a deed of trust dated the 29th of April 1874 to Caleb Vaughan as trustee and duly recorded and a copy of which is herewith filed marked B and prayed to be taken as a part of this bill conveyed a certain lot of land in Franklin and certain personal property to secure one Joseph Gregory from all loss which he might sustain by reason of being his bail on a certain charge of felony then pending in the court of Southampton And on the 8th of August 1872 by a certain power of attorney which has been duly

recorded and a copy of which is herewith
filed marked C and prayed to be taken
as a part of this bill he empowered
the said Cecil C Vaughan to sell all
his estate both real and personal and
after paying all debts for which the
said Joseph Gregory was bound for him
to pay other debts ratably

Your Orators show further that Cecil
C Vaughan the trustee acting under the
deed of trust has sold all the personal
and real estate of the said William
Peterson for cash and now holds the
funds in his hands Your Orators
claiming that by virtue of said
present exe
on the equity of redemption in the said
deed for there is a large surplus of
money after paying the debt for which
Gregory is bound have demanded of
Cecil C Vaughan that he should pay
off their execution but the said Vaughan
has refused saying that under the
power of attorney that after saving
Gregory harmless he must pay all the
debts ratably

In Tender consideration whereof and
inasmuch as your orators are without
remedy at law and only entitled to relief
in a court of equity where such matters
are properly cognizable they therefore pray
that Cecil C Vaughan and Joseph
Gregory may be made parties defendant
to this bill and that the court would
compel them as full and perfect answer
make to the allegations herein contained
as if they had been thereto particularly
fully and specially interrogated that
court would by its order direct the
said Cecil C Vaughan to settle an account
of his transactions before one of the
commissioners of this court as trustee of
Wm Peterson and also an account of any
other funds of the said Peterson that may
have come to his hands under the power
of attorney and if it should appear
from the said trustee account then is
any surplus after saving Gregory
harmless then that court would direct
the said Vaughan to pay off the
lien of your Orators execution, and
that the court would 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 Orators will ever pray &c

Chas Jno

Scutchins & Lewis

v. } Exhibit with bill

Vaughan &c

A.

Southampton County Court July Term 1874.

Crutchins & Davis having made complaint before a Justice of the Peace of this County William Peterson is justly indebted to them sum of Sixty seven dollars and fourteen cents which became payable on the first day of February 1874, and that the said William Peterson intends to remove his effects out of this State so that there will probably not be therein sufficient effects to satisfy said claim, when judgment is obtained therein, should only the ordinary process of law, be used to obtained such judgment, and the said judgment having issued an attachment against the Estate of the said William Peterson directed to D. H. Vaughan, Constable, who returned, that he had attached Forty seven cords of wood and about four hundred pounds of Oats.

This day came the plaintiff by their Attorney and the defendant though solemnly called came not, it is therefore considered by the Court that the plaintiffs recover against the defendant Sixty seven dollars and fourteen cents, the amount of their claimed proved to be just with legal interest thereon from the first day of February 1874 till paid and their costs in this behalf expended. And it is ordered that the Constable make sale of the effects attached as aforesaid according to law and apply the money arising from such sale or so much thereof as is necessary to the satisfaction of the plaintiffs Judgment and the surplus if any restore to the Defendant and return account of sale to Court.

Teste,

Plaintiffs Costs $5.60

S. R. Edwards C.C.

A Copy

Docketed 1874 July 20th.

Teste, S. R. Edwards C.C.

This Deed, made this the 29th day of April 1874 between Wm Peterson and Dosha his wife of the one part and C. C. Vaughan Trustee of the other part, Witnesseth, that the said Wm Peterson & wife do grant unto the said C. C. Vaughan Trustee the following property to wit: one Lot in Franklin on which he now resides, five acres land more or less, adjoining the lands of Peter Cobb and others, lying near Franklin, All Household and Kitchen furniture, consisting of beds, chairs, tables, cooking utensils &c: Horses (three in number) Carts, buggys, Wagons and all farming implements such as plows hoes &c 4 tons Guano, All goods and Merchandize in store, consisting of liquors, sugar, coffee, shoes, Candy &c: and all goods in said Store house. In Trust to secure Joseph Gregory for signing a bail bond for Wm Peterson's appearance at Jerusalem next Circuit Court-day to answer a charge of felony against him and in case the said Peterson fails to attend said Court the first day of next term in June, the said property or enough thereof shall be sold at auction for cash to satisfy said bond and secure the said Gregory against said bond and all costs Witness My hand and seal this 29th day of April 1874.

Wm his X Peterson mark (Seal)

Dosha her X Peterson mark (Seal)

County of Southampton to wit:

I, C. C. Vaughan a Justice of the Peace for the County aforesaid in the State of Virginia do certify that Wm Peterson whose name is signed to the writing on the preceding page bearing date on the 29th day of April 1874, has acknowledged the same before me in My County aforesaid. Given under My hand this 29th day of April 1874.

C. C. Vaughan J. P.

State of Virginia
County of Southampton } to wit

We, W. B. Holland and C. C. Vaughan Justices of the Peace for the County of Southampton in the State of Virginia, do certify that Dosha Peterson the wife of Wm Peterson whose Names are signed to the writing on the preceding page bearing date on the 29th day of April 1874, personally appeared before us in the County aforesaid and being examined by us privily and apart from her husband and having the writing fully explained to her, she, the said Dosha Peterson acknowledged the said writing to be her act and declared that she had willingly executed the same and does not wish to retract it.

Given under our hands this 29th day of April 1874.

W. B. Holland J.P.
C. C. Vaughan J.P.

Southampton County - In the Clerk's Office June 15th 1874.
This Deed of Trust from Wm Peterson & wife to C. C. Vaughan Trustee for the benefit of Joseph Gregory, was this day received and together with the certificate thereto annexed, admitted to record.

Teste,
J. R. Edwards C.C.

A Copy
Teste, J. R. Edwards C.C.

Know all men by these presents, that I William Peterson of the State of New York, have made, constituted, authorized and appointed, and by these presents do make, authorize, constitute and appoint C. C. Vaughan my true and lawful attorney for me and in my name to take charge of by all lawful ways and means whatsoever all the personal Estate, lands, tenements, Messuages and other real Estate to which I am entitled in the County of Southampton and State of Virginia, and also in my name to sell and dispose of all the aforesaid personal and real estate, and to that end make and execute all necessary titles conveyances &c and the same as my act and deed deliver. And after paying of Joseph Gregory, reserved by Deed of Trust them out of the proceeds of said sale to pay rateably or according to their priority all of my debts satisfactorily proven to him to be just and due, and after paying all such debts and costs to deposit in some good and reliable Bank in the City of Norfolk, the residue subject to my order.

Given under my hand + seal this 8th day of August 1874.

Witness
John N. Craft

William his X mark Peterson (Seal)

State North Carolina
Washington County

Personally appeared before the undersigned Judge of Probate for said — William Peterson and acknowledged the due execution of the foregoing Power of Attorney to C. C. Vaughan of Franklin in Southampton County in the State of Virginia.

Given under my hand and the seal of my Office in the Town of Plymouth N. C. this 8th day of August 1874

J. A. Wilson Sup: Court Clerk
and Probate Judge.

Southampton County - In the Clerk's Office September 21st 1874.
This Power of Attorney from William Peters to C.C. Vaughan, was this day received and together with the certificate thereto annexed, admitted to record.

Teste, S.R. Edwards C.C.

A Copy

Teste, S.R. Edwards C.C.

Southern Lands
to
Exhibits with Bill
Vaughan &c
13 pp.

Executed by delivering Cecil C Vaughan & Joseph Gregory each a Copy of this Summons on the 5th day of October 1874.

W W Briggs Shff

Scutchins & Lewis
vs
Summons
Vaughan & Gregory

1874 Oct 5th Cotton Sales

The Commonwealth of Virginia

To the Sheriff of Southampton County Greeting

We command you to Summon Cicil C Vaughan & Joseph Gregory

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 Jacl Sentchins & Nathiel Lewis merchants & partners trading under firm Style of Sentchins & Lewis

And have then there this Writ Witness Littleton R Edwards Clerk of our said Court at the Courthouse this 25 day of September A D 1874 in the 99 year of the Commonwealth

L R Edwards Clk

Cutcheon & Lewis

B

Copy decree

vs.

Vaughan & ors

Report of C. C. Vaughan
Trustee

1877 March 19. Rec'd.

Clerk	$14.44	$5.00 of which is due clerk
Sheff	15.00 no woodbread	
Com Tyler	10.00 do	
Lawyer	16.00 do	
	55.44	

Jid	Cutcheon		83.80
"	Tyler		10.00
"	Sheriff		15.00
"	Tichenor		2.00
	Thomas		34.44
	Smith		13.16
	Northcutt		38.16
			192.56
	Due clerk		5.00
			197.56
			38.1.32
	Due 2nd class		183.81

Neely	166.57		42.24
Smith	198.28		72.89
Griffin	185.24		68.18
	549.129		183.81

Southampton Circuit Court, November Term 1876.

Pat Catchings & Sabastian Lewis Plffs.
against
Cecil C. Vaughan & Joseph Gregory Defts } In Chancery

This Cause Came on to be heard again on the papers formerly read and on the report of Comr. Tyler, Made Under the decree of this Court, Made at the May Term 1876, and no Exceptions filed to said Report & was argued by Counsel, On Consideration whereof and by Consent of parties, the Court doth Sustain said Exceptions, and doth adjudge, Order and decree, that Cecil C. Vaughan, (Trustee) pay Wm. Peterson, out of the Sum of $381.87 which appears to be in his hands by Comr. Tyler's Report Made Under decree of May Term 1876, pay the Costs of this Suit, and then pay the residue, as follows; First, To said Catchings & Lewis the Sum of Seventy Nine 25/100 dollars in full, with interest on $67.14 part thereof from 1st Oct. 1875, being the first Lein, Secondly To A. W. Norfleet & Co. Thirty Six 33/100 dollars, with interest on $28.15 part thereof from 1st Oct. 1875, being the Second lein, Third, To Charles Lewis Thirty three 15/100 dollars with interest on $25. part thereof from 1st Oct. 1875, being the third lein; Fourth, To R. J. & W. K. Nutt One hundred and two 99/100 dollars with interest on $81.19 part thereof from 1st Oct. 1875, and to John Lewis One hundred and Eighty Eight dollars, with Intrest on $162.84 part thereof from 1st Oct. 1875 & to K.K. Griffin atty for Newsom Councill One hundred and Seventy five 75/100 dollars, with interest on $153.72 from 1st Oct. 1875, being the three debts all of same dignity and the fourth lein, each lein to be paid in full before any payment to the next lein, But if the assets are not sufficient to pay any lein in full, then pay that Class ratably, and the said Cecil C. Vaughan, (Trustee) aforesaid, will Make report to Court of his proceedings hereunder, and return with his Report, the Evidence of his payments.

A Copy Teste, S R Edwards, C C

Pursuant to a decree of the Circuit Court of Southampton County made during the Nov Term for the distribution of the remainder of Wm Peterson's property in my hands as Trustee I beg leave to report the following.

Paid	Gwaltney & Lewis	83.80
"	James R Taylor	10.00
"	W W Briggs	15.00
"	Tickets	2.00
"	W B Shands	30.44
"	Charles Smith	13.16
"	A W Ashleet	38.16
"	R J & W Seely	42.70
"	Jno. Smith	72.89
"	E R Griffin	68.18
"	Clerk	5.00
		$381.33

March 19th 1877

C C Vaughan
Trustee for Wm Peterson

Tenterden vs Lewis

vs 3 Decem

Bingham &c

Mich Term 1875

I do not entend

Geo Bliss.

Scutchins vs Lewis

vs Z Deem

Vaughan &c

This day this cause came on to be heard on the plaintiffs bill taken for confesso as to both the defendants Cecil C Vaughan and Joseph Gregory and the exhibits thereto filed and was argued by counsel On Consideration whereof the court doth adjudge, order, and decree that Cecil C Vaughan settle an account of his transactions as trustee of William Pelham upon one of the commissioners of this court also to render an account of any other estate within his or possession of the said Wm Pelham which may have come into his hands and the said commissioner will also report all the judgements which have been obtained against the said Wm Pelham within the circuit or county court of Southampton and dockets, and when obtained and docketed, and report the said account, along with any matter specially stated deemed pertinent by himself or which shall be required to be so stated by any party interested

And this cause also coming on to be heard on the defendants Cecil C Vaughan & Joseph Gregory and Wm Pelham and Stella Pelham

Cutchin & Lewis

vs

Vaughan &c

This day this cause came on again to be heard on the papers formerly read and the report of Commissioner Tyler, and by consent of parties, the Court not deciding any matter before it, on the said report doth adjudge, order, and decree that it be again referred to Commissioner Tyler, who is hereby directed to take a further account of all the judgments which have been obtained against William Peterson as mentioned in Complainants bill, whether in the Circuit or County Courts of Southampton, when obtained and when docketed, And report particularly any lien or charge upon the estate of William Peterson (which is in the hands of C C Vaughan trustee or other party) whether by attachment or otherwise, if by attachment, then report the date then report the date when such estate was appointed such lien or charge, to gether

with the date of the levy of said attachments and the date of this record, along with any matter specially stated deemed pertinent by himself or which shall be required so to be stated by any party interested

Cutter & Johnson
vs
Vaughan et al

Nov 3rd 1874

Orem

Y & Entrikin
Lewis Bliss.

Cutchins Heirs

vs.

Vaughan &c.

This cause came on to be heard upon the papers formerly read on the Report of Comr. Tyler, made under the decree of this Court made at the November Term 1875, and on Exceptions filed to said report, and was argued by Counsel: On consideration whereof, by consent of Counsel pro forma the Court doth sustain said exceptions, and doth adjudge, order & decree that Cecil C. Vaughan Trustee for the Petitioners, out of the sum of $381.37 which appears to be in his hands by Comr. Tyler's report made under decree of May Term 1875 ~~of 22 Oct 1875~~, pay the costs of this suit: and then pay the Residue as follows: First - To said Cutchins & Heirs the sum of $79.45 in full with Interest on $67.14 part thereof from 1st Oct 1875, being the first lien: Secondly, To A.W. Norfleet $36.33 with Interest on $28.15 part thereof from 1st Oct. 1875, being the second lien: Thirdly, To Charles Smith $33.15 with Interest on $25. part thereof from 1st Oct. 1875, being the third lien: Fourthly, To R. J & W. Neely $110.99. with Interest on $84.19 part thereof from 1st Oct. 1875: ~~and fifthly~~, To John Smith $188, with Interest on $162.84 part thereof from 1st Oct. 1875 & To K.A. Griffin Atty for Stevens Connelee $195.76, with Interest on $153.72 from 1st Oct. 1875, being the three debts all of same dignity & the fourth lien, each lien to be paid in full before any payment to the next lien, if the assets are not sufficient to pay any lien in full, then pay that claim ratably, and the said Cecil C. Vaughan, Trustee aforesaid will

Cornelius Lewis

v

Cecil C. Vaughan

1876

Dem

Deem

To be entered

Geo Blow

We consent to this decree.

John R Kell, p.d.

R.R. Griffin pd

W.B. Blow

made report & Court of his proceedings

and returns with his report the evidence & depositions

Catchings vs Lewis

vs 3 Decree
Complaint

May Term 1877
Jr. Lee entered
Geo Blood.

Critchlow vs Lewis
vs 3 Defts
Vaughan vc

This day this cause came on again to be heard on the papers formerly read and the report of C. C. Vaughan Master of the payments made by him and the papers thereto filed in pursuance of a decree of this court made at the November term 1876 and to which report no exceptions have been filed and was argued by counsel on consideration whereof the court doth adjudge, order, and decree that the said report be confirmed and it appearing to the court that there is nothing further to be done in this cause it is ordered that the same be removed from the docket

Dutchins & Lewis

vs } Copy decree

Vaughan & Ux

Southampton Circuit Court. May Term 1875.

Joel Cutchins & Gabriel Lewis Merchants and partners trading under the Name form and Style of Cutchins & Lewis Pltffs.

against

Cecil C. Vaughan & Joseph Gregory and William Peterson and Wife Defts.

In Chancery.

This day this Cause came on to be heard on the Plaintiffs Bill taken for Confessed as to both the Defendants Cecil C. Vaughan and Joseph Gregory and this amended Bill taken for Confessed as to all the Defendants Cecil C. Vaughan, Joseph Gregory, Wm. Peterson and Dosha Peterson and the Exhibits therewith filed, and was argued by Counsel, On Consideration whereof the Court doth adjudge, Order and decree, that Cecil C. Vaughan Settle an account of his transactions as Trustee of Wm. Peterson before one of the Commissioners of this Court, also to render an account of any other Estate either real or personal of the said Wm. Peterson which may have come into his hands, and the said Comr will also report all the Judgments which have been obtained against the said Wm. Peterson either in the Circuit or County Courts of Southampton and docketed, and which remain unsatisfied, and docketed, and report the said accounts along with any matter Specially stated deemed pertinent by himself or which shall be required to be stated by any party interested.

A Copy

Teste. James R. Tyler D.C

Cutchins & Lewis

v } Com. Tylers Repr.

Vaughan &c

1875 October 27th

Executed
W W Briggs Shff

COMMISSIONER'S OFFICE,

Jerusalem, Va., June 1st 1875.

To Joel H. Cutchins & Sabastick Lewis Merchants and partners trading under the name, firm & Style of Cutchins & Lewis —

against

Cecil C. Vaughan & Joseph Gregory and

William Peterson & Wife —

You are hereby notified that I have fixed upon the 28th day of June 1875 ~~next~~; if fair; if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to-wit:

"That Cecil C. Vaughan Settle an account of his transactions as Trustee of Wm. Peterson before one of the Commissioners of this Court, also to render an account of any other Estate, either real or personal of the said William Peterson, which may have come into his hands. And the said Commissioner will also report all the Judgments which have been obtained against the said William Peterson either in the Circuit or County Court of Southampton, and docketed, and when obtained and docketed, and report the said accounts along with any Matter Specially stated, deemed pertinent by himself, or which shall be required to be so stated, by any of the parties interested"

required to be taken by a decree of Southampton ~~County~~ Circuit Court, rendered ~~on the~~ at the ~~day~~ of May Term 1875, 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.

William Peterson,

In account with Cecil C. Vaughan, his Trustee

1874

July	By gross proceeds for Sale of property real and personal				$ 771	78
	To 5 per Cent Commissions on $300.00	$ 15.00				
	" 2 " " 471.78	9.44	24	44		
	" paid Fred Peterson for taking Care of property	3	12	50		
	" paid K.R. Griffin for writing Deed of Trust and deed of Sale	3	10	00		
	" paid for recording Deed of Trust & release		3	25		
	" paid J.R. Kelby Attorney (for Counsel)		5	00		
	" Expenses of Sale including Crier's fee		12	00		
Dec.	" paid Wm. W. Briggs Sheriff Fa. Fa. against Joseph Gregory		274	22		
	" paid Commissioners of Accounts. Mr. Kinsella, for Making up Trustee account & for Copying and Certifying account of Sales	3	10	00		
	" paid Clerk for recording Trustee account, and account of Sales		4	00		
	" amt retained to pay John R. Kelby, Attorney for		20	00		
	" Commissioners fee for this Report (retained)		16	00		
	" Balance		381	37		
			$ 771	78	$ 771	78
1875 June 28	By Balance due this day, to William Peterson,				$ 381	37

Respectfully Submitted,

James R Tyler,

Commissioner.

The Commissioner States Specially that no interest has been charged to the Trustee on the above balance, found to be due by them, for the reason that it is in Controversy between the Creditors and the said Peterson, liable to be adjudged to be paid out at anytime, and therefore an investment for interest is impracticable. The Deed of Trust was recorded in the Clerk's Office of this County on the 26th day of June 1874.

James R Tyler,

Commissioner.

An Account of all Judgments obtained against William Peterson in the Circuit and County Courts of Southampton County, and when obtained & Docketed, as following:

	1st.	The Commonwealth of Virginia.			
Docketed March 31st 1875		Judgment for	$ 250 00		
		~~Int. from the 1st Sept 1874 to~~	13 62		
		Costs		2 163	62
(Trehew)	Atty	Obtained Feby Term 1874. Circuit Court.			
Docketed July 20th 1874 (Stevens)	2d.	Catching & Lewis.			
		Judgment for	67 14		
		Int. from 1st Feby 1874 to 1st Oct. 1875	6 71		
		Costs	5 60	79 45	
		Obtained July Term 1874, County Court.			
Docketed Aug. 29th 1874. (Griffin)	3d	A. W. Norfleet & Co.			
		Judgment for	28 15		
		Int. from 1st Aug. 1874 to 1 Oct. 1875.	1 97		
		Costs	6 21		
		Obtained August Term 1874 County Court		36 33	
Docketed Aug. 29th 1874. (Griffin)	4th	Charles Smith.			
		Judgment for	25 00		
		Int. from 17th Aug. 1874 to 1st Oct. 1875	1 70		
		Costs	6 21		
		Obtained August Term 1874, County Court		33 15	
Docketed Nov. 25th 1874. (Griffin)	5th	Wm. Neely for R. J. & W. Neely			
		Judgment for	116 57		
		Int. from 27th day of Aug 1871 at the			
		rate of 12 per Cent to 1st January 1874,	32 76		
			149 33		
		Paid January 1st 1874.	65 14		
			84 19		
		Int to 1st Oct 1875.	17 68		
			101 87		
		Costs	9 12		
		Obtained Nov. Term 1874 County Court		110 99	
Docketed Nov. 25th 1874.	6th	John Smith.			
		Judgment for	162 84		
		Int. from 10th Feby 1874 to 1st Oct. 1875	16 04		
(Griffin)	Atty	Costs		9 12	
		Obtained Nov. County Court 1874.			188 00
Docketed Nov. 25th 1874. (Griffin)	7th	Newsom Council.			
		Judgment for	153 72		
		Int. from 28th April 1874. to 1st Oct. 1875	13 12		
		Costs	9 12		
		Obtained Nov. County Court 1874.			175 96
		Total amount of Judgments			$ 887 50

Respectfully Submitted,

James K Tyler,
Commissioner

Commissioner's Office,
Jerusalem, Oct. 1st 1875.

To the Circuit Court of Southampton County.

Pursuant to a decree of Southampton Circuit Court rendered at the May Term 1875, in a Suit in Chancery depending in said Court between Joel H. Cutchins & Salathiel Lewis Merchants and partners under the name, firm and Style of Cutchins & Lewis against Cecil C. Vaughan (Trustee) & Joseph Gregory &c the Undersigned, one of the Commissioners of the said Court, to whom was referred for Settlement, by said decree, That Cecil C. Vaughan Settle an account of his transactions as Trustee of William Peterson, bond one of the Commissioners of this Court, and the said Commissioner will also report on the Judgments which have been obtained against the said William Peterson either in the Circuit or County Court of Southampton, and Docketed, and when obtained, and Docketed: reports to the Court that on the 1st day of June 1875, he issued Notices against the several parties aforesaid, requiring them to attend the Settlement of the said account before him at his said Office on the 28th day of June 1875, which was returned to your Commissioner duly executed. That Cecil C. Vaughan the Trustee of William Peterson, appeared before your Commissioner in obedience to the said Notice, and he thereupon Examined the Vouchers Stated and Settled the foregoing account of the said

Vaughan's transacting as Trustee of William Peterson, up to the 28th day of June 1875, and on that day finds a balance due the said Peterson of Three hundred and Eighty ~~99~~ dollars and Thirty Seven Cents. ~~Your Commissioner has also presented the Judgments~~ obtained against the said William Peterson, in the Circuit and County Courts of Southampton, and Docketed, which including interest up to the 1st day of October 1875, amount to $887.50. The Commissioner further reports to the Court, that after the completion of the said account, he retained the same in his Office ten days for the Examination of the parties, which with the decree and Notices aforesaid, are herewith returned. Given Under my hand as Commissioner aforesaid, the day and year first aforesaid.

James R Tyler,
Commissioner.

Scudelius z Lewis

Copy Leese

Waughan z c

Affidavit

Dirk Schuiler &c.

Afe 15 ct.

Southampton Circuit Court November Term 1875.

Joel Scutchins and Zabathiel Lewis merchants & partners trading under the name, firm and style of Scutchins & Lewis Plaintiffs

against

Cecil C. Vaughan and Joseph Gregory Defendants } In Chancery

This day this cause came on again to be heard on the papers formerly read and the report of Commissioner Tyler, and by consent of parties, the Court not deciding any matter before it under said report, doth adjudge, order and decree that it be again referred to Commissioner Tyler, who is hereby directed to take a further account of all the judgments which have been obtained against William Peterson as mentioned in Complainants bill, whether in the Circuit or County Court of Southampton, when obtained and when docketed, and report particularly any lien or charges upon the estate of the said William Peterson (which is in the hands of C. C. Vaughan trustee or other party) whether by attachment or otherwise, if by attachment, when report the date, when report the date when such estate or was affected, such lien or charges, together with the date of the levy of said attachments and when the date of record, along with any matters specially stated deemed pertinent by himself or which shall be required to be so stated by any party interested.

Memorandum

for

Club

Memorandum for the Clerk.

Copy Fin judgment of July term 1824 of Southern
D Lewis vs Peterson and note of being docketed
and copy of the execution on same A

Copy deed of trust Peterson to Earl & Vaughan
B

Copy Power of attorney Wm Peterson to
Earl & Vaughan C
and file with papers

Shaw J.J.

Received Nov. 22nd 1876 from B. C. Vaughan Esqr Trustee for Wm Peterson Eighty three dollars and Eighty cents ($83.80/100) in full of Claim against said Peterson ex

Jos. N. Catchin

Franklin Co

Nov. 22nd 1876

for Catchin & Lewis

Recd of L & L Vaughan Trustee
for Wm Peterson thirteen 16/100 dollars
in full of all claims against
said Wm Peterson
Nov 29th 1876 Chas L Smith

1877. Feby 26th Recd of Cole Vaughan
Peterson Trustee, the sum of Seventy
two & 100 dollars, the amt ascertained
by Sale to Dec John Smith
under a decree in the Suit
of Cutchens & Lewis agst Vaughan
& Gregory

R. R. Griffin
Atty for Smith

1877. July 26th Rec'd of L. L. Vaughan
Peterson's Trustee, the sum of Sixty Eight
18/100 Dollars, and acknowledged to
be due Mr. Atty per R. C. Duncan
L. Cale under a decree
in the suit of Cutcheon Howes vs Vaughan
and Guernsey

H. R. Griffin

Recd of L. L. Vaughan
Trustee for Wm Peterson thirty
eight 16/100 dollars in full
for amount ordered by the Court
Dec 14th 1876

Wm Peterson

C. C. Vaughan, Trustee, for William Peterson

1874

To James R Tyler, Commissioner &c.

Sept. 11th To Repl. Notices &c in the Chancery Suit of

Cutchins & Lewis vs. Vaughan &c. $ 10.00

James R Tyler,

Commissioner.

1877. July 26th Recd. of C. C. Vaughan Petitioners Trustee, the sum of Forty Two 74/100 dollars, the Amt. ascertained by Scale to be due Resp R. J. O'Neely under a decree in the suit of Crutchfield & Lewis against Vaughan & Gregory

K. R. Griffin atty
for R. J. O'Neely

Rec'd of Le le Vaughan
thirty & no dollars in part payment
for the cost of Chancy suit
of Culchin & Lewis against
Vaughan

Nov 27th 1876

Wm B Sheard
Atty for pl'ffs

I acknowledge Service of this Summons
for Wm Peterson & Dosia his wife
March 26th 1875

C. C. Vaughan Atty
for Wm Peterson

Executed by delivering C. C Vaughan
& Joseph Gregory each a copy of this Summons
on the 26th day of March 1875

W. H. Driggs Shff

Southern Lewis
vs
Sum Chy.
Gregory &c
1875 April Rules

The Commonwealth of Virginia,

To the Sheriff of Southampton County---Greeting:

WE COMMAND YOU TO SUMMON Joseph Gregory, Cecil G Vaughan
Wm Peterson & Dolia Peterson his wife.

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 April next to answer the original & Amended & Supplemental bills in Chancery exhibited against them in our said Court by Joel Pentecost & Salathiel Lewis

And have then there this Writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this 22d day of March A. D. 1875, in the 99th year of the Commonwealth.

L R Edwards Clk

Executed by delivering C. C. Vaughan & Joseph Gregory each a copy of this Summons on the 26th. day of March 1895

W. W. Driggers Sheff

Deutchman & Lewis

vs.

Gregory & al

1895 April Rules

The Commonwealth of Virginia,

To the Sheriff of Southampton County---Greeting:

WE COMMAND YOU TO SUMMON Joseph Gregory Cecil C. Vaughan Wm Peterson & Dosha Peterson his wife

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 April next to answer the original amended & supplemental bills in chancery exhibited exhibited against them in our said Court by Jack Scutchins & Solathiel Lewis

And have then there this Writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this 22 day of March A. D. 187 5, in the 99 year of the Commonwealth.

L R Edwards Clk

COMMISSIONER'S OFFICE,

Jerusalem, Va., April 15th 1876

To Joel H. Cutchins & Salathiel Lewis Merchants and partners trading under the Name and Style of Cutchins & Lewis & Cecil C. Vaughan Trustee of Joseph Gregory

You are hereby notified that I have fixed upon the 25th day of May next, if fair; if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to-wit: "An account of all the Judgments which have been obtained against Wm Peterson as mentioned in complainants bill, whether in the Circuit or County Courts of Southampton, when obtained, and docketed, and report any lien or charge upon the Estate of the said Wm Peterson, which is in the hands of C. C. Vaughan, (Trustee) or any other party, whether by attachment or otherwise, if by attachment, then report the date when such attachment effected such lien, together with the date of the levy of said attachments and the date of their record &c."

Circuit

required to be taken by a decree of Southampton ~~County~~ Court, rendered ~~on~~ the at the ~~day~~ of November Term 1876, 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.

Commissioner's Office,

Jerusalem, Va.

September 11th 1876.

To the Circuit Court of Southampton County.

Pursuant to a decree of the Circuit Court of Southampton County, rendered at the November Term 1876, in a Suit in Chancery depending in the said Court between Joel H. Cutchins & Malachi Lewis Merchants and partners trading under the Name and Style of Cutchins & Lewis Plaintiffs and C. C. Vaughan (Trustee) and Joseph Gregory Defendants, the Undersigned, one of the Commissioners of the said Court, to whom was referred for Settlement by the said decree, "An account of and the Judgments which have been obtained against Wm Peterson as mentioned in Complainants bill, whether in the Circuit or County Court of Southampton, when obtained and docketed, and also reports any lien or charge upon the Estate of the said Wm Peterson, which is in the hands of C. C. Vaughan (Trustee) or any other party, whether by attachments or otherwise, and if by attachments, then report the date when such attachments affected such lien, together with the date of the levy of said attachments, and the date of their return" do Report to the Court that on the 15th day of April last he issued Notices against the several parties aforesaid, requiring them to attend the Settlement of the said accounts before him at his said Office, on the 26th day of May last, which were returned to your Commissioner duly executed. That the parties aforesaid, appeared before your Commissioner (by attorney) in obedience to said Notices, and he thereupon Stated and Settled the foregoing accounts

Outchinz Lewis

vs.

Comm. Tyler's Repl.

Vaughan &c.

1876 September 11th

This report is excepted to for the following reason- the Comr. has allowed the Judgment in favor of the Comth. as a debt of superior dignity, whereas the said Jud. was not rendered till after Comth 1875 & the attachment debts were all issued before that time.

Because the Comr should have allowed the attachment debts as of prior dignity to the debt of said Comth.

Griffith & Griffith Atty

and finds the sum of $ 1,000.00 to be due the Commissioner for his services in the premises, which amount is reported to the Court, and the said account, and the exceptions thereto, and the attorneys fee of the Plaintiffs, filed in the cause, and the Exceptions thereto, all coming on to be heard upon the evidence relating thereto, and upon the report of the Commissioner and upon the argument of counsel, it is ordered, adjudged and decreed that the said report be confirmed, and that the Commissioner's fee of $ 1,000.00 be allowed and paid out of the funds in the hands of the Clerk of this Court arising from the sale of the property in this cause.

James A Taylor
Commissioner.

A further account of all the Judgments obtained against William Peterson in the Circuit and County Courts of Southampton, when obtained, when docketed, and also the date of the levy of the attachment, if by attachment.

	$	cts	$	cts
(1st)				
The Commonwealth of Virginia				
Judgment for	250	00		
Costs	13	62		
Obtained February Term 1875 (Circuit Ct)			263	62
(Friend) Docketed March 31st 1875.				
(2d)				
Cutchins & Lewis,				
Judgment for	67	14		
Int from 1st Augt 1874, to 1st Oct 1875	6	71		
Costs	5	60		
Obtained July Term 1874, (County Ct.)			79	45
Docketed July 20th 1874,				
(Shands) Date of levy attachment, 2 July 1874.				
(3rd)				
A. W. Norfleet & Co.				
2d dep Judgment for	28	15		
Int from 1st Augt 1874, to 1st Oct 1875,	1	97		
Costs	6	21		
Obtained Aug. Term 1874, (County Ct.)			36	33
Docketed August 29th 1874,				
(Griffin) Date of levy attachment, 7th July 1874,				
(4th)				
Charles Smith,				
3d dep Judgment for	25	00		
Int from 17th day of Augt 1874, to 1st Oct 1875,	1	70		
Costs	6	21	33	15

	Obtained August Term 1874, (County Ct.)				
	Docketed Aug. 29th 1874,				
(Griffin)	Date of levying attachment, 9th July 1874, (5th)				
	Wm. Neely for R.J. & W. Neely Judgment for	116	57		
	Int. from 27th Aug 1871 to 1st of Janry 1874, (at the rate of 12 per Cent.)	32	76		
		149	83		
	Paid January 1st 1874,	65	14		
		84	19		
	Int to 1st Oct 1875	17	68		
		101	87		
	Costs	9	12		
4 Class	Obtained Nov. Term 1874, (County Ct.)			110	99
	Docketed November 26th 1874,				
(Griffin)	Date of levying attachment, 25th Sept. 1874, (at 8 O'clock A.M.)				
	John Smith, Judgment for	162	84		
	Int. from 10th Feby 1874, to 1st Oct. 1875)	16	04		
	Costs	9	12		
4 Class	Obtained August Term 1874, (County Ct.)			188	00
	Docketed November 26th 1874,				
(Griffin)	Date of levying attachment, 26th Sept 1874, (at 8 O'clock A.M.)				
	Newsom Council, Judgment for	153	72		
4 Class	Int. from 28th Sept 1874, to 1st Oct. 1875,	13	12		
	Costs	9	12		
	Obtained November Term 1874, (County Ct.)			175	76
	Docketed November 26th 1874,				
(Griffin)	Date of levying attachment, 26th Sept 1874, (at 8 O'clock A.M.)				
	Total amount of Judgments &c.			$	887.60

Respectfully Submitted,

James K Tyler, Commissioner

~~95~~ 89

Scutchins & Lewis

v } Stat. Rules

[redacted]

1877 May. Dismissed

1876. Nov

clk —	$12.04
retained clk —	9 50
	2 1 55
	1.30
	50
	$ 2 3 34
Sh —	15.00
Com. I.R.T.	10-00
Saw Mar	16 00
	$ 64,34

In Southampton Circuit Court

Joel Scutchins and Salathiel Lewis merchants & partners trading under the name firm & Style of Scutchins & Lewis

against

Cecil C Vaughan & Joseph Gregory

1874 Sep. 25. Summons issued.
" Oct. 8. Sum. ret'd Executed. Bill filed. D Nisi v Defts
" Nov. " Bill taken for Confessed, cause set for hearing &c.

1875 Mar 22 Ammended bill filed. process issued
" Ap. 8. process returned executed D. Nisi v Defts.
" May " Bill taken for Confessed & cause set for hearing
" " 7. Decree to Settle acct. &c
Oct 7. Com's Report.
" Nov 7. Decree recommitting rep't 86: ~~54~~

1877 May. Dismissed