1887 - 33 Southampton County - Chancery Vaughan, James M. et als vs Vaughan, Beverly B's Admr.

"Creditors Suit"

Creditors of
Vaughan, Beverly B. dec'd

Briggs, Wm W. Admr Est -
Vaughan, Beverly B. dec'd

Reely, R. J.
Reely, W.
Vaughan, Nelson
Vaughan, Bettie

A [illegible]

[illegible] 13

Vaughan

v } Papers

Vaughans adm[rs] &c

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

Humbly complaining your Orator James M Vaughan who sues for himself and all other creditors of Bently B. Vaughan dec'd who will come in and bear their share of the costs of this suit sheweth unto your Honor that at the June term 1872 of the county court of Southampton Francis Rose who sued for the benefit of Randal B Vaughan and James M Vaughan obtained a judgment against Bently B Vaughan in his lifetime on a bond for $ 142.00 & dec'd 9th of April 1861 which bond has been assigned to your orator as will appear by an indorsement thereon and the said judgment now belongs to your orator and that the said judgment has been docketed all of which will more fully appear by a certified copy of the said judgment and bond and certificate of its being docketed herewith filed marked A and prayed to be taken as a part of this bill. Your Orator charges that this judgment obtained against Bently B Vaughan in his lifetime and docketed is a lien on all the real estate whereof the said Vaughan died seized and possessed in Southampton County.

Your Orator states further that sometime in the year 1872 Bently B Vaughan died intestate leaving as his

as he can ascertain no personal estate but a lot of land lying in the Town of Franklin in Southampton worth some $500 or $800 he left two infant children to wit Nelson and Billie Vaughan his distributes and him at law and his estate has been committed to Wm W Briggs sheriff of Southampton for administration all of which more fully appear by a certified copy of the said order herewith filed marked B and prays to be taken as a part of this bill

So far as your Orator can ascertain all the estate of any kind which B.B. Vaughan owned was this lot in Franklin of which he died seized and possessed but to which he had no and

The said lot was sold to him by Mrs R.I. & W Nely they placed him in possession obtaining the title while all the purchase money should have been paid and your Orator states and charges that B.B. Vaughan has paid all to $212 and that he knows the Mrs R.I. & W Nely are willing and desirous that the said land should be sold to pay their debt and that the rest of the money may be applied first to debts and then to distribution

In Tender consideration whereof and inasmuch as your orator is without remedy at law and only entitled to relief in a court of equity where such matters are peculiarly cognizable he humbly prays that Wm W Briggs sheriff of Southampton and as such administrator of Benj B Vaughan R.I. Nely, W Nely, Nelson Vaughan and Billie Vaughan, the two last infants by some fit and proper person their guardian ad litem appointed for that purpose 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 them to more fully and specially interrogated and that Mrs R.I. & W Nely answer how much money is still due them from B.B. Vaughan for the said lot and whether they claim a sale to pay the residue of the purchase money if the heirs or creditors will not pay it And that the court would order W W Briggs to file an account of his transactions as administrator of B.B. Vaughan and directing the commissioner at the same time to take an account of all the debts outstanding against the estate of the said B.B. Vaughan stating their dignity and priorities and all the real estate whereof the said Vaughan died seized and possessed its actual and annual value, and if there should be no personal estate then that the court would decree the sale of the real estate to pay the debts; and that

the court would grant such other and general relief the premises considered as equity may dictate and the nature of his case may require and as in duty bound your orator will ever pray &c

Shands & Griffin S.C.

Bingham
vs
Bill
&c
Complt's Exhibits
Complt's Affidavit

1873 October Rules

"Exhibit A"

On demand we or either of us promise to pay or cause to be paid unto Francis Rose Guardian of James M. & Randal B. Vaughan his heirs or assigns, the just sum of One Hundred forty Nine dollars and fifty four Cents, for the payment of which we bind ourselves, our heirs & firmly by these presents. Given Under our hands and Seals this 9th Day of September 1861.

B.R. Vaughan (Seal)
W.H. Lawrence (Seal)

Teste
B.W. Spivey

Southampton County Court, June Term 1872.

Francis Rose Guardian who sues for the benefit of James M Vaughan and Randal B. Vaughan

against

B R Vaughan Dec'd himself and Wm. H. Lawrence

The Judgment obtained at the Rules not having been set aside, and the Plaintiff being now entitled to a final Judgment, it is therefore Considered that the Plaintiff recover against the Defendant One hundred and forty Nine dollars & fifty four Cents, the debt in the declaration Mentioned, with legal interest thereon from the 9th day of September 1861, till paid and his Costs by him about his Suit in this behalf expended.

A Copy Teste L R Edwards D C

Docketed June 11th 1872.

"Exhibit B"

Southampton County Court, January Term 1873.

Beverly R. Vaughan having died more than three Months ago and no person having applied for administration on his Estate. On the Motion of James Vaughan, it is Ordered that Wm. H. Briggs Sheriff of this County, take the Estate of the said Beverly R. Vaughan, into his hands and administer the same according to law.

A Copy Teste, L R Edwards D C

Vaughan
vs
Vaughan adx

Com Report-

1846 May 5

To the Hon Gid Bland Judge of the Circuit Court of Southampton County

The undersigned, who was appointed a Special Commissioner by a decree entered at the May Term of said Court 1845 in the suit of Vaughan &c against Vaughan's administrator to withdraw from the papers in said suit the Bond of John H Bryant and L R Edwards for the sum $101.20 and due on the 1st day of April 1846 and collect the same, begs leave to report that in accordance with said decree he has done and collected said Bond with the sum of $6.15 interest on the same; and after deducting $22.30 Commissions on the amt of sales of lands, paid the residue $85.83 to John R Kelly Esq atty for mess Butchin & Lewis (as directed by aforesaid decree) for which amt his receipt is filed herewith as a Voucher

Respectfully
K R Griffin
Com

Vaughan & Cutchin Execs

vs

Vaughan's advrs

1. Judgment $30.40

Int from 1st Jany 1872

to 18 May 1875. 3 y. 4 m. 18 d. 6.14

Costs 7.40

$43.94

$34.35

Int from 1 Feb 1871

to 18 May 1875. 8.84

Costs 7.40 50.59

$94.53

85-85.

$8.70

36

$9.06

Int to 5 May 1876 - 11 m. 17 d

Wm Kelly

advrs

You will please
put here with Check in
Supt Banner for Eight five
85/100 dollars.

Then will be
a Bal due Cutchins on next
Collection of Eight 70/100 dollars

Yours &c

R. Griffin

Franklin Sept 1st

May 22nd 1875.

1871 May 22. Rec'd of K R Griffin
Cash in the sum of Vaughan vs Vaughan
adm. eight-five 85/100 Dollars on acc
of the claim of Catherine Lewis vs Vaughan
Dis'd
John R Kelly Atty.

Catherine Lewis
vs.
Vaughan

Jas. M. Vaughan

vs

B. R. Vaughan adm
&c.

Petition of
Catchim & Lewis

1873 Jany 9

Kelly J. C.

To the Circuit Court of Southampton Co. Va.

Your Petitioners, respectfully represent to the Court and say, That Critchens & Sons obtained a Judgment in Isle of Wight County Court June 5th 1872 against Beverly A. Vaughan (by the name of B. R. Vaughan) for $30.40, with Int. from the 1st Jany 1872 till paid & $7.40 Costs — which Judgment was duly docketed in the Clerk's Office of the County Court of Isle of Wight on the 8th June 1872, as will be seen by abstract from the Docket filed herewith marked "A" —

That at the said June Term 1872 of said County Court, Jesse H. Critchens who sues for the benefit of said Critchens Sons also obtained a Judgment against said Vaughan for $34.35 with Interest from the 1st day of February 1871, till paid & $7.40 Costs, which was also docketed in same Court on the said 8th June 1872 — abstract of which Judgment &c. is filed herewith marked "B" —

Your Petitioners say that the said B. R. Vaughan was at the time said Judgments were rendered against him, the owner of real estate in Southampton Co. Va which was subject to your Petitioners Judgments, & which has been sold under a Decree of this Court in the case of Jas. M. Vaughan &c. against said Vaughan's adm'r. & others —

That the said Vaughan is now dead & W. W. Briggs, his Personal Representative —

your Petitioners are advised say, that their Judgments are a Lien on the proceeds of said sale, being a Lien on the Land before sold, that their Judgments aforesaid are good Liens as said Vaughan, whether docketed or not, when there is no purchaser having an adverse Interest, and hence should be first paid out of the proceeds of said sale before any claim on which there was no Judgment or Judgment of a subsequent date, and your Petitioners pray that payment may be accordingly so ordered,

Collector of Taxes &c

by John R. Kilby, P. Q.

8 Jany 1870

Citations for "B"
Citations & Lewis

vs. { Copy of Judgmt. & Certificate of Docketing }

B. R. Vaughan

filed with petition
of Citations Rec'd

In Isle of Wight County Court, June 5th 1872

Joel H. Culchins and Salathiel Lewis merchants & partners doing business under the name and style of Culchins & Lewis Pltffs:

Against } In Debt

B. R. Vaughan Deft,

The judgment at rules in this suit, not having been set aside, and the plaintiffs being now entitled to a final judgment, it is considered by the court, that the plaintiffs recover against the defendant, the sum of thirty dollars and forty cents, the debt in the declaration mentioned, with interest thereon at six per centum per annum from the first day of January 1872, till paid, and their costs in this behalf expended, A Copy. Teste,

Costs $7.40

C. H. Hart, Deputy for
N. P. Young, Clk.

I certify that the original judgment of which the above is a true copy, was duly docketed in the Clerk's office of Isle of Wight County Court, on the Judgment Docket of said County Court, the 8th day of June 1872, Given under my hand this 26th day of December 1874,

C. H. Hart, Deputy for
(N. P. Young Clerk of Isle of Wight County Court)

In Isle of Wight County Court, June the 5th 1872,

Joel A. Cutchins who sues for the benefit of Cutchins & Lewis Pltff:

Against } In Debt

B. R. Vaughan Deft,

The judgment at rules in this suit not having been set aside, and the plaintiffs being now entitled to a final judgment, it is considered by the court that the plaintiffs recover against the defendant the sum of Thirty four dollars and thirty five cents, the debt in the declaration mentioned with interest thereon at the rate of Nine per centum per annum from the 1st day of February 1871. till paid, and his costs in this behalf expended,

Costs $7.40

A Copy Teste, Ca. H. Hart, Depty. for
N. P. Young, Clk.

I hereby certify that the original judgment of which the above is a true copy, was duly docketed in the Clerk's office of Isle of Wight County Court, in the judgment docket of said County Court, on the 8th day of June 1872 Given under my hand this 26th day of December 1874,

Ca. H. Hart, Deputy for
N. P. Young Clerk of Isle of
Wight County Court

COMMISSIONER'S OFFICE,

JERUSALEM, Jany 14th 1874

To the *Creditors* of the Estate of
Beverly B. Vaughan
deceased, and all others concerned.

YOU ARE HEREBY NOTIFIED, that ~~at the request of~~ by a decree of circuit Court of S. County
~~Administrator of the estate of the said~~ Beverly deceased, I have
appointed the 18th day of February next, at my Office, for receiving proof of debts or demands, against the said decedent or his estate, at which time and place you are required to attend.

Given under my hand, as a Commissioner ~~of the County~~ Circuit Court of Southampton County, the day and year first aforesaid.

James R Tyler *Commissioner.*

Vaughan
vs.
Vaughan's adm'r

3 Spc in Chancery

1873 Oct. Rules Cir. Ct.

"

Executed by delivering
to the within named
William Vaughan
a true Copy of the
within Summons
8. Sept. 1873

R. A. Edwards D.C.
For L. B. Edwards

Sheff

William Vaughan's adm'r
vs.
R. A. Edwards D.C.
For L. B. Edwards Sheff

The Commonwealth of Virginia

To the Sheriff of Isle of Wight & Southampton County--Greeting:

WE COMMAND YOU to summon Wm. W. Briggs Sheriff and admr of Bunly B. Vaughan dec'd. R. J. Seely & Wm. Seely, Nelson Vaughan & Bettie Vaughan, the last two Infants

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 October next to answer a bill in Chancery exhibited against them in our said Court by James M. Vaughan who sues for the benefit of himself and all other creditors of Bunly B. Vaughan dec'd who will come in and bear their share of the costs of this suit.

And have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, this 26th day of August A. D. 1873, in the 98th year of the Commonwealth.

L. R. Edwards CC

Sun Job Print, Suffolk, Va.

Vaughan
Leo
3 Sfo in
Chancery

To
Vaughan's admr Jenkins

1873 Oct. Rule
Circuit Court

Executed
W. W. Wright & Staff

The Commonwealth of Virginia

To the Sheriff of Southampton County--Greeting:

WE COMMAND YOU to summon Wm W. Briggs Sheriff and as such admr of Beverly B. Vaughan dec- R.J. Neely, Wm Neely and Nelson Vaughan, and Bettie Vaughan the last two Infants—

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 October next to answer a bill in Chancery exhibited against them in our said Court by James M. Vaughan who sues for himself & all other Creditors of Beverly B. Vaughan dec- who will come in and bear their shares of the Costs of this Suit.

And have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, this 26th day of August A. D. 1873, in the 98th year of the Commonwealth.

L R Edwards Clk

Sun Job Print, Suffolk, Va.

Vaughan
vs
Shea in
Chancery
&
Vaughan's admrs &c

1873 Oct. Rules —
Cir. Ct.
"

Exceptions Sept: 5th 73
by serving a true
copy hereof on
R. J. Hoeg in person.

Jno. O'Connor
... Sh'ff.

The Commonwealth of Virginia:

Sergeant of the City of Portsmouth—

To the Sheriff of Southampton County--Greeting:

WE COMMAND YOU to summon Wm W. Briggs Sheriff and as such admin of Beverly B. Vaughan dec- R. L. Neely, Wm Neely and Nelson Vaughan and Bettie Vaughan the last two Infants—

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 October next to answer a bill in Chancery exhibited against them in our said Court by James M. Vaughan, Sues for himself and all other Creditors of Beverly B. Vaughan dec- who will come in and bear their shares of the Costs of this Suit.

And have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, this 26th day of August A. D. 1873, in the 98th year of the Commonwealth.

L. R. Edwards Cl

Sun Job Print, Suffolk, Va.

Vaughan

v. } Copy decree

Vaughans adv ⅋

Copy for all the parties
18th Feby 1874

Southampton Circuit Court November Term 1853.

James M. Vaughan who sues for himself & all other creditors of Beverly B Vaughan dec'd, who will come in and bear their share of the costs of this suit.

Plaintiff } Bill Chancery

against

Wm H. Briggs Sheriff of Southampton & as such administrator of Beverly B. Vaughan, R. J. Neely, W. Neely Nelson Vaughan and Bettie Vaughan two last infants. Defendants }

This day this cause came on to be heard on the plaintiffs bill taken for confessed as to the defendant W. H. Briggs Sheriff and as such administrator of Beverly B. Vaughan dec'd, the answer of the two infant defendants Nelson and Bettie Vaughan by their guardian ad litem, The answer of R. J. & Wm Neely and the general replication to the said answers and exhibits filed and was argued by Counsel. On consideration whereof the Court doth adjudge, order, and decree, that Wm H. Briggs Sheriff &c. settle an account of his transactions as administrator of Beverly B. Vaughan dec'd before one of the Commissioners of this Court who will also take an account of all the debts outstanding against the estate of the said Vaughan and also an account of the actual and annual value of all the real estate of which the said Vaughan died seized and possessed and the said Commissioner will also ascertain and report what is the amount still due from Beverly B. Vaughan to R. J. & Wm Neely on a lot of land sold by the said Neelys to Vaughan lying in Franklin and report the said accounts together with any matter specially stated deemed pertinent by himself or which he may be so required to state by any of the parties interested.

A Copy—

Test, S. R. Edwards Clk

Isle of Wight County, October 31st 1861.

First Battalion Court of Enquiry for the 29th Regiment.

Ordered that Beverly R. Vaughan fifty eight dollars fined for not attending Muster on the 13th 27th April 8th 13th 15th 20th 22nd 29th June 4th 6th 7th 13th 18th 20th 25th 27th July 1st 3rd 8th 10th 17th 21st 24th 30th August 7th 14th 21st September 4th 14th October 1861

Jennings Bell Clerk.

9

Mr. Beverly R. Vaughan

1862. **To T. J. CLEMENTS, Sheriff of Isle of Wight County, Dr.**

To tax on	230	acres land, value $ 1070	$ 6	42
" "	1	white males over 21, $	1	20
" "		free negroes, $		
" "	11	slaves, value $		
" "		personal property, moneys, &c., value $ 6310	37	86
" "	1	county levies, at $ 1.27 (white)		27
" "		do. do. at $ (F. N.)		
" "	6	do. do. at $ 1.27 (slaves)	7	62
" "	clerk's fees,			
" "	commissioner's fees,			82
" "	militia fines,		58	00
			$ 112	87

Received payment,

Sheriff.

Deputy.

Beverly R. Van

$112.87

By cash 10.00

Sealed 2t

Beverly R Vaughan, To the Com'rs of Rev. Int. Virginia Co
1812 Valuation in land by Sale of 20 acres to Mr Vaughan .50
B J Spratley Com'r Rev.

Executed by delivering R. I. & W. Neely each a copy of this Summons on the 16th day of January 1874 – Nelson & Belle Vaughan are not residents of My County

W. L. Briggs Shff

Vaughan
vs.
Vaughan ad

Com.'s
Notice

COMMISSIONER'S OFFICE.

Jerusalem, Va., Jany 15th 1874

To James M Vaughan who sues for himself & all other creditors of Beverly B. Vaughan decd who will come in & bear Shaw of the costs of suit Plff

against

Wm H. Briggs sheriff of Southampton as such administrator of Beverly B. Vaughan, R. J. Healy. H. Healy. Nelson Vaughan & Bettie Vaughan two last infants.

Defts

You are hereby notified that I have fixed upon the 18th day of February 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 Wm H. Briggs Shff &c settle an account of his transactions as administrator of Beverly B. Vaughan decd before one of the commissioners of this court, who will also take an account of all the debts outstanding against the estate of the said Vaughan and also an account of the actual & annual value of all the real est. of which the sd Vaughan died seized & possessed and the said Commissioner will also ascertain and report what is the amount still due from Beverly B. Vaughan to R. J. & H. Healy. in a lot of land sold by the sd Healy to Vaughan lying in Franklin and report &c Cent &c &c

required to be taken by a decree of Southampton County Circuit Court, rendered on the _____ day of November Term 1873, 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 } Comm. Tylers Rep.

Vaughans adm ⁊

1874. Feby 23

The Estate of Beverly B. Vaughan Decd
In a/c with W.O. Bigg his admnistrator

1874

Jany 1	No assts Received	℔	℔	

Respectfully Submitted
James R Tyler
Com

An Account of the outstanding debts against Beverly B. Vaughan decd proved before me James R. Tyler one of the Commissioners in Chancery. and classified as follows

1st Class

Debt due W.H. Vaughan for Coffin &c	20	00	
Int from 1 Sept 1873 to 1 Feby 1874		50	20 50

4th Class

Docketed Judgment due Francis Rives, Guardian			
June 26 Jas M & R B Vaughan for	149	54	
1872 Int: from 9 Sept. 1861. to 1st Feby 1874	120	18	269 72
Bond due W.H. Vaughan 27th April 1868	100	00	
Int: to 1 Feby 1874	34	50	134 50
Bond due R.P. & H. Neely for	212	00	
Int: from 1 Jany 1870 to 1 Feby 1874	50	98	262 98
Account due W. H. Vaughan	51	00	
Int: from 1 Jany 1870 to 1 Feby 1874	12	26	63 26
Account due T.J. Clements. for Taxes 102.87	84	29	
scage @ 8 p Cent for	22	68	107 97
Int: from 1 Jany 1863. to 1 Feby 1874			
Bond due T.J. Clements "assn" A. Laurence			
for ℔10. sealed at ℔20. for ℔1.		50	
Int: from 25 Dec 1864 to 1 Feb 1874		27	77
Carried forward			℔788 77

amt. brt forwd 788 15

Bond due W.H. Vaughan Archbat Fowler & Lawson Vaughan for

In: from 3rd March 1833 to 20 Mar 1833	57 72	
	16	
	57 88	
Paid 20 March 1833	1 72	
In: to 10 Feb 1839	50 16	
Paid 10 Feb 1839	11 70	
In: to 28 Jany 1861	61 86	
Paid 28 Jany 1861	20 50	
In: to 1 Feby 1874	41 36	
	4 86	
	46 22	
	9 00	
	37 22	
	29 03	66 25
		854 40

Respectfully Submitted

James R. Fyler

Com

Commissioners Office
Jerusalem 18 Feby 1874

To the Circuit Court of Southampton County

Pursuant to a decree of the circuit court of Southampton county rendered at the November Term 1873 in a suit in chancery pending in said court between James M. Vaughan & and W.W. Briggs shff & as such adm of Beverly B Vaughan R.J. Neely. H. Neely. Nelson Vaughan & Bettie Vaughan. two last infants. the Undersigned one of the Commissioners of the said court to whom was referred for settlement, the following accounts.

That W.W. Briggs shff & settle an account of his transactions as adm of Beverly B. Vaughan dec'd before one of the commissioners of this Court. who will also take an account of all the debts outstanding against the est. of the said Vaughan and also an account of the actual and annual Value of all the real est. of which the said Vaughan died seized & possessed and the said commissioner will also ascertain and report what is the amount still due from Beverly B Vaughan to R.J. & H. Neely in a lot of Land sold by the said Neely's to Vaughan lying in Franklin and report &c reports to the court that on the 15 day of last. he issued notice against the several parties aforesaid requiring them to attend the settlement of the said account on the 18th day of February last. which were returned to your commissioner duly executed That the parties aforesaid appeared before the commissioner in obedience to said Notice "by atto &c. and he thereupon examined stated & settled the foregoing account up to the 1st February 1874 and classified the debts as 1st & 4th Class and finds the amount of first Class to be $20.50 :: and the fourth Class debts to be $854.40 with interest added I have not made up an account of the actual and annual Value but report the actual Value $700 the annual Value $75; The Commissioner reports to the court specially. That W.W. Briggs adm of the said Vaughan never received any assets, and therefore cannot make up an account. and reports further that B B Vaughan died possessed of a lot of Land in the Town of Franklin Valued at $700. the said lot was sold to him by R.J. & H. Neely retaining the title until all the purchase money should have been paid there is still due to R.J. & H. Neely the sum of $262 98/100 with interest included. on said Land the annual Value of said Land is about $75.

The commissioner further reports to the court that after the completion of the said accounts he retained the same in his office ten days for the examination of the parties, which with the decree and notices are herewith returned Given Under My hand as Commissioner aforesaid the day & year first aforesaid

Jas R. Fyler

Com

Com: fee $10

Vaughan

vs 3

Vaughan's Admrs &c

Answer of Nelson

vs Bettie Vaughan

by guardian

1873 October Rules

The answer of Nelson and Betsie Vaughan two infants by L. R Edwards their guardian ad litem appointed for that purpose to a bill in chancery in the circuit court of Southampton by James M Vaughan against them and others

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

This answer received by consent

Thomas H Griffin J.C.

Vaughan
vs
Vaughan adm.

Answer of R J Taylor
W Chesley

Taken by Consent

Thomas & Griffin
for plaintiffs

1873 Nov.

The joint-answer of R J Neely and W Neely to a bill in chancery in the Circuit Court of Southampton County by James M Vaughan against them and others

These defendants for answer to the said bill or as much thereof as they are advised it is material for them to answer, answering say that they did sell to Beverly B Vaughan in his life time the lot of land mentioned in Complainants bill, lying in Franklin, of which they placed him in possession retaining the title until all the purchase money was paid, That he now owes them the sum of $21⅞ from 31st Jany 1870 dollars on the bond, and on the payment of the bond they are willing to make a deed to the parties entitled, or they are, if that cannot be done by the heirs, desirous that the Court would decree a sale of the land, pay what may be due them and apply the residue of the money first to the payment of B B Vaughans debts and then to the distributees, And having fully answered they pray hence to be dismissed with their Cost &c

R J Neely
W Neely

Suffolk, Va., Mar 14th 1874

R P Griffin Commissioner

To Suffolk Herald, Dr.

NEWSPAPER AND JOB PRINTING OFFICE,

Washington Square, over Commercial Bank.

	To 50 Bills Sale of Lot in Franklin	2 00
	Delivered to Mr Fuller Friday evening with the request that he send up by first train	
	T. & P. R.R.	

Sam Byrne & Sons

Rec'd July 20th 1874 of K R Griffin
fifteen dollars & seventy five cents in full for taxes on
the late B R Vaughans Land for year 1870

W W Driggs Sh'ff

Memorandum
for
C Clark

Memorandum for clerk

Copy judgment of Francis Rose for Randall and James Vaughan and bond at June Term 1872 Co Court

Also certificate of its being docketed A

Copy order committing W. W Vaughans ~~est~~ to W. W Briggs sheff for Administration B

Vaughan Esq
v } Combat
Vaughans adv Esq

Know all men by these Presents, That we

Kenneth R. Griffin & Wm. Neely

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

One thousand dollars

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 16 day of March A. D. 1874

The condition of the above obligation is such that ~~if the above bound~~ whereas by a decree of the Circuit Court of Southampton County rendered at its February Term 1874 in a suit in Chancery therein pending James M Vaughan who sues for &c plaintiff & Wm W Briggs Sheriff of Southampton and as such admr of Beverly B. Vaughan & others Defendants the above bound Kenneth R Griffin was appointed Commissioner for Certain purposes therein named. Now if the said Kenneth R Griffin

shall faithfully discharge the duties of his said office or trust, according to law, then the above obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and delivered in presence of ~~the Court~~.

K. R. Griffin (Seal.)

Neely (Seal.)

(Seal.)

(Seal.)

Stand Receipt

April 20th 1874 Received from R. R. Griffin $25 - in full of fee directed to be paid me in the Chancery case of Vaughan vs Vaughans admrs &c

Wm B Shanks
Atty at Law

April 4th 1874 Received of R R Griffin Commissioner in the suit of Vaughan Tuley and others five dollars for services rendered as Auctioneer at the sale of the lots mentioned in the decree rendered in said suit

Jas. B. Vick
Auct'r

Journal
Ledger
Cash
Receipts

$262.98

August 13th 1874. Received of R R Griffin Commissioner in the suit of Vaughan against Vaughans administrators the sum of Two hundred and sixty two dollars and ninety Eight cents Ont of the proceeds of the sale of a lot of Land in the Town of Franklin belonging to the Estate of B R Vaughan deced

R. F. W. Neely
12

Vaughan
vs
Vaughans adm.

Report
of
Commissioner
Oct. 26. 1674

To the Hon Geo Blow Judge of the Circuit Court of Southampton County.

The undersigned who was appointed a Special Commissioner by a decree made by the Circuit Court of said County at the February Term 1874. to sell a certain house and lot mentioned and described in the suit of Vaughan against Vaughan's administrator as belonging to the estate of B R Vaughan deceased and lying in the Town of Franklin Southampton County, did on the 4th day of April 1874. after due publication of time and place of sale, sell on the premises the house and lot aforesaid, at public auction, L R Edwards and John A Bogart bidding the sum of Six hundred and sixty five dollars, which bid being the highest bid made and more than the three fourth value of the property sold, was accepted by your Commissioner.

Your Commissioner reports further that the purchasers were required to pay $351.25 in Cash, $98.25 of which to pay Cost of suit, Expenses of sale, & unpaid Taxes, and $262.98 directed by the said decree in said suit to be paid to Mrs R A Vaughan. For the remaining sum of $303.75 Your Commissioner

required the said purchaser to execute their Three Annual Bonds, payable as follows, One for the sum of $101.25 payable on the 4th day of April 1875. One for the sum of $101.26 payable on the 4th day of April 1876. And One for the sum of $101.26 payable on the 24th day of April 1877. The said Three Annual Bonds are filed herewith as Exhibit. And your Commissioners produce the following Statement of the Amounts paid out under the decree as aforesaid & a pair-up hereof with accompanying Vouchers as Exhibits.

To Reps R & P R'd	$262.98
" Chas Southampton County	11.50
" Shands & Griffin Attys	5.00
" Sheriff Southampton Co	15.00
" Commissioner Tyler	10.00
" Jas B Vicks Auctioneer	5.00
" Sheriff Boyd Taxes	15.75
" Suffolk Herald Printing	2.00
" Sheriff Isle of Wight County	1.00
" Sergeant Portsmouth City	.50
	$361.23

Respectfully Submitted

R R Ruffin

Com

Vaughan
vs
Vaughans adm.

Report
of
Commissioner

Octo 26- 1872

Vaughan
to 3 Stat. Rules
Vaughan adm ff

In Circuit Court. Southampton County.

James M Vaughan who sues for himself & all other creditors of Beverly B Vaughan dec'd who will come in and bear their share of the costs of this suit

against

Wm M Briggs Sheriff of Southampton & as such administrator of Beverly B Vaughan, R. J. Neely, M Neely, Nelson Vaughan & Bettie Vaughan two last infants.

1873 Aug. 26 Summons issued.

" Oct 10 Summons Ret'd Executed. Bill filed. SR Edwards assigned Gr. ad litem infant Defts. Ans'r of infants. G Rep'd. Nisi to adult Defts.

" Nov 10 - Bill Taken for Confessed as to adult Defts & Cause Set for hearing &c.

" Nov 7. Decree for acct.

1874 Feby 23. Report

" " F. Decree for Sale &c.

1875 Feby 7. Petition of Lewis & Hutchins.

" May. Decree to collect &c.

1876 Mar - Report & decree to enforce bond &c.

Vaughan

v } Copy decree

Vaughans dower &c

Southampton Circuit Court, February Term 1874.

James M. Vaughan, who sues for himself and all other Creditors of Beverly B. Vaughan dec'd. Pltff.
against
Wm. M. Briggs Sheriff of Southampton and as such admr of Beverly B. Vaughan dec'd — R.J. and W. Neely, Nelson and Bettie Vaughan, the two last Infants. Defts.

In Chancery

This day this cause came on again to be heard on the papers formerly read, and the Report of Commissioner Tyler, made pursuant to a decree of this Court entered at the November Term 1873, and to which Report no Excepting had been filed, and was argued by Counsel. On consideration whereof, and it appearing from the said Report, that there are no assets in the hands of the administrator, and that the rents and profits of the real Estate, will not pay the debts in five years, therefore the Court doth adjudge, Order and decree, that the said Report be Confirmed, and by Consent of R.J. and W. Neely by their Counsel R.A. Griffin, the Court doth further adjudge, Order and decree, that R. Emmet R. Griffin Esq. who is hereby appointed a Special Commissioner for that purpose, who shall after having given at least twenty days Notice of the time and place of Sale, by public advertisement at Franklin and Jerusalem, proceed to sell at Franklin, at public auction, to the highest bidder, the

lot of land, whereof Beverly B. Vaughan, died seized and possessed, lying in the Town of Franklin, on the following terms, to wit, Sufficient Cash to pay the expenses of Sale and the Costs of this Suit, including a fee of Fifty dollars to Wm B Shands and K R Griffin, the Plaintiffs Counsel, and the debt of Two hundred and Sixty two dollars and Ninety Eight Cents, due Messrs A.J. and W. Neely and the balance of the purchase Money on a Credit of One, two, and three years, taking from the purchaser for the deferred payments, Bonds with approved Security, Carrying interest from the day of Sale, and return the Bonds to this Court, along with his Report in order to further decree. But the said Kenneth R Griffin, Shall not proceed to act under this decree, Until he shall have executed in the Clerk's Office of this Court, a Bond with good and Sufficient Security, in the Sum of One Thousand Dollars, for the faithful performance of this and and other decree, which may be entered in this Cause.

A Copy

Sept

James R Lyles D.C

Clk fees $11.50 paid S R Edwards

Sheriff Hampton $1.50 W

Com. Lyles fee $10- paid J R Lyles

Clk $11 50
Sh 50 on 1 50
" J.O.W. 1 00
" Post. ma. 50
Com Tyler 10 00
Exo 50 00

J. 75 50
[illegible] 5 00
Ad 2 00
Sat 15 75
D 98 25

~~54~~ 145

Vaughan

vs 3 Defts

Vaughan's Admrs

Nov. Term 1873

to be entered

Geo. T. Bond.

by cons. of the parties withdrawn

Vaughan
vs
Z Dean
Vaughans Admrs

This day this cause came on to be heard on the plaintiffs bill taken for confessed as to the defendant W. W. Biggs sheriff and as such administrator of Beverly B Vaughan dec'd the answer of the two infant defendants Nelson & Bettie Vaughan by their guardian ad litem, the answer of R. C. & Wm Nuly and the general replication to the said answers and exhibits files and was argued by counsel On consideration whereof the court doth adjudge, order, and decree, that Wm W Biggs sheriff &c settle an account of his transactions as administrator of Beverly B Vaughan dec'd before one of the commissioners of this court who will also take an account of all the debts outstanding against the estate of the said Vaughan and also an account of the actual and annual value of all the real estate of which the said Vaughan died seized and possessed and the said commissioner will also ascertain and report what is the amount still due from Beverly B Vaughan to R. C. & Wm Nuly on a lot of land sold by the said Nulys to Vaughan lying in Franklin and report the said accounts together with any matter specially stated deemed pertinent by himself or which he may be required to state

Vaughan

v 3 Deem

Vaughan's Admrs

Ja. Term 1874

to be entered

Geo Blow,

Vaughan
vs Z Dicus
Vaughans adm-rals

This day this cause came on again to be heard on the papers formerly read and the report of Commissioner Tyler made pursuant to a decree of this court entered at the November term 1873 and to which report no exceptions have been filed and was argued by counsel on consideration whereof and it appearing from the said report that there are assets in the hands of the administrator and that the rents and profits of the real estate will not pay the debts in five years. Whereupon the court doth adjudge, order, and decree that the said report be confirmed and by consent of R J & W Neely by their counsel K. K. Griffin the court doth further adjudge order and decree that Kenneth K Griffin who is hereby appointed a special commissioner for that purpose who shall after having given at least twenty days notice of the time and place of sale by public advertisement at Franklin and Jamesalem proceed to sell at Franklin at public auction to the highest bidder

the lot of Land whereof Beverly B
Vaughan died seized and possessed
lying in the Town of Franklin on
the following terms to wit sufficient
cash to pay the expenses of sale and
costs of this suit including a fee
of fifty dollars to Wm B Shands and
K. K. Griffin the Plaintiffs counsel and
the dividend of $2162..98cts due Myra R. J.
W Neely and the balance of the purchase
money on a credit of one ~~and~~ two and
three years taking from the purchaser for the
deferred payments bonds with approved
security carrying interest from the day
of sale and return the bonds to this
court along with his report in order to
a further decree

But the said Kenneth R Griffin
shall not proceed to act under this
decree until he shall have executed
in the clerks office of this court a
bond with good and sufficient security
in the sum of one thousand dollars
for the faithful performance of this and
any other decree which ~~he~~ may be
entered in this cause

Complainant
vs
Decree
Defendants Solicitors

Fa. June 1874
to be entered
Geo T Shands

Vaughan
vs Z Weeks
Vaughans adr.

To be entered

Geo Wood

May Term.
1875

Vaughan
vs
Vaughans adm's } decree

This day this Cause came on again to be heard on the papers formerly read, and on the report of R. R. Griffin made pursuant to an order of this Court and to which report and Exceptions thereto & on the petition of Catchings & Davis filed herein have been filed; And was Argued by Counsel. On Consideration whereof the Court, Confirming said report doth adjudge, order, and decree that the Clerk of this Court deliver unto the said R. R. Griffin upon his filing a receipt for the same with the papers in this Cause, the Bond of L. R. Edwards & John H. Bowyer which was due and payable on the 4th day of April 1875 who being appointed a Commissioner for that purpose, shall pass and to collect said Bond and pay over to Messrs Catchings & Davis the amount of their judgment as set forth in their said petition & balance of same, and apply the proceeds thereof to the payment of the judgment of James M. Randal & B. Vaughan, and make his report to this Court.

Vaughan
v.
Vaughan

1875
Set ct.
order
to be entered
Geo. I Blow.

Vaughan v

Vaughan v. On the motion of Cutler & Lewis, leave is given them to file their petition in this case, which is filed accordingly.

1876 Pursuant to the within decree I have received of the Clerk of the Circuit Court of Southampton County the two bonds of Bogart & Edwards for $104.26/100 dollars the first due 4th April 1876 and the other due April 4th 1877 both Carrying interest from 4th day of April 1874

Vaughan 2 leaves
" 3 "
Vaughan adm.

May Term 1876

Is. Re Enrolled

Geo. Stevens

Vaughan
vs.
Vaughans adm } Decree

This day this Cause came on again to be heard on the papers formerly read, and the report of K R Griffin Special Commissioner to which report no exceptions have been filed, and was argued by Counsel. On Consideration whereof the Court: Confirming said report doth adjudge order and decree that the said K R Griffin withdraw from the ~~Clerks office~~ papers in this cause after filing his receipt for the same with the Clerk of this Court: the other two Bonds of Mrs Bryant & Edwards as they become due for Collection and after paying the unpaid costs of this suit: he is directed to pay the residue to the parties entitled under the Report of Commissioner J R Taylor according to their respective and priority And Make a report of his transactions under this decree to this Court.