

1861-020 Chancery Causes: James M. Vaughan, by v c vs R. B. Vaughn, by v c

Isle of Wight County

other SURNAMES: Rose,
Vaughan

Vaughn if such partition can be
conveniently made without injury to
the interest of the parties & in that event
that the said land may be sold
& the proceeds equally divided between
your Complainant & the said R.
B. Vaughn & that such further &
other relief may be granted con-
sistent with the equity of the case & to
the Court may seem meet & your
complainant will ever pray &c

Hayden pg

Vaughn 3
" 3
Vaughn 3

Complainant B. B.

To the worshipful County Court of Isle of
Wight County in Chancery sitting; hum-
bly complaining sheweth to the court
your complainant James M.
Vaughn infant ^{orphan} of Solomon Vaughn
dece^d being by Francis Rose as his
next friend — that your said com-
plainant this ^{infant} brother R. B. Vaughn
are equally interested as joint ten-
ants in fee simple of a tract of land
devised to them by the will of Geo-
rge Vaughn dece^d lying in the County
of Isle of Wight adjacent to the lands
of Uriah Vaughn. Francis Rose &
James M. Council containing by
estimation eighty acres that your
complainant & the said R. B.
Vaughn are entitled to have parti-
tion in equal moieties made between
them of the said land as will ap-
pear from a copy of said will marked
A & herewith filed as a part of this bill
in due consideration whereof
for as much as your complainant
are without remedy at law & can
only be relieved by the aid of this
worshipful court of Chancery where
matters of this sort are cognizable to
this end your complainant prays
that the said R. B. Vaughn by some
person appointed his guardian ad litem
to defend him in the suit made
a party defendant to this bill & by a
decre^e of this worshipful Court com-
missioners may be appointed to make
partition of said land in equal moieties
between your complainant & the said R. B.

1
Vaughn }
as } Dr Chancery
Vaughn }

Infants Answer

To the Worshipful County Court of Isle of
Wight, in Chancery sitting; The Answer of
R. B. Daughn by A. P. Young his guardian
ad litem, to the Bill of Complaint in said
court exhibited by James M. Daughn suing by
Frances Rose, as his next friend against him.
This Defendant answering says, he is an in-
fant under twenty one years of age, & submits
his interest in the premises to the protection
of this worshipful court & prays hence to
be dismissed with his costs in this behalf
and unreasonably expended &c

Signed -

A. P. Young junr,
ad litem

they will make report to Court of their proceedings
under this decree,

A. Copy

Test. H. C. Salmer D.C.

Judge of Right County, to wit;

James Gray

~~I, Joseph H. Salmer~~

justice of the peace for the county aforesaid, hereby
certify that Ulrich Vaughan, A. Fowler & Wm H
Lawrence this day personally appeared before
me & made oath that would faithfully execute
the within decree according to the best of their
ability, given under my hand this 3^d day of April 1837

James Gray J.P.

J. P. Vaughan

Mealy Decem

Wm. M. Vaughan Sub.

At a quarterly Court held for Isle of Wight County
On the 2^d day of March 1857.
James M. Vaughan an infant suing by Francis Rose
his next friend. Plff
against In Chancery
R. B. Vaughan. Deft.

This day came the plaintiff by Francis
Rose his next friend. He filed his Bill, & on his Motion
A. P. Young is appointed guardian ad litem to the
infant defendant R. B. Vaughan & thereupon the said
guardian ad litem filed the answer of said infant defendant,
to which the plaintiff replied generally, & the cause came
on to be heard on the plaintiffs Bill, the said answer, &
general replications, & was argued by Counsel, on Consider-
ation, whereof the Court doth adjudge order & decree
that Uriah Vaughan, A. Fowler, D. Bradshaw &
William H. Lawrence who are hereby appointed Special
Commissioners for that purpose, any three of whom
may act, do proceed after being sworn according to
law - to make partition of the land in these proceedings
mentioned belonging jointly to the aforesaid James M.
Vaughan & R. B. Vaughan - under the will of Samuel
Vaughan, lying in the County of Isle of Wight, adjacent
to the lands of Uriah Vaughan, Francis Rose and
James H. Cornhill, containing by estimation 80 acres,
and divide the same into ~~three~~^{two} equal Moieties,
having regard to quantity & quality, & allot one of
said parts to James M. Vaughan & the other to R. B.
Vaughan; But if the said Commissioners shall be
of opinion that said division would be impracticable
or inconvenient or injurious to the interest of said
parties, & that a Sale would most promote the interest
of the parties, then they will so report, with any
the facts upon which their opinion is founded.
with the present value of the land, and in either

Wm. L. (In
as Chancery
Wm. L.

Commissioner
of the Pub. -

Wm. L.

Pursuant to the annexed decree in Vaughan's
Vaughan, the undersigned commissioners appointed
by said decree proceeded on the 3^d day of
April 1837 after having been duly sworn, to divide
the land in said decree mentioned according
to the directions of said decree, but did not
make partition of the same, as owing to the
small quantity of water of said land, such a
division would be inconvenient & injurious to
the interests of the parties, whose interest would
be most promoted by a sale thereof & a division
of the proceeds among the parties. In our
judgment the fee simple value of said
land is \$20000.

All of which is respectfully submitted -

April 4th 1837

Signed -

Arch. D. Fowler
W. H. Lawrence
Levi W. Vaughan

Received of A. Fowler Five dollars my fees in the within suit.

A. P. Younger

Received of A. Fowler Ten dollars my Fees in the within suit

W. B. Hayden

W. B. Hayden

W. B. Hayden

W. B. Hayden

W. B. Hayden

W. B. Hayden

W. B. Hayden

W. B. Hayden

W. B. Hayden

To the county court of Isadore Wright county
The undersigned Special commissioner appointed by the within decree reports to Court that after advertising as directed he proceeded to sell at public auction on the premises in said county on the 25th day of April 1857 the land in the decree mentioned at which sale Daniel Bradshaw being the highest bidder became the purchaser at the Sum of \$175.50

For which be deducted all fees

clerk's

Comissions

\$10.00	\$175.50
5.00	23.77
8.77	151.73
<u>23.77</u>	

Leaving a ballance nett of \$151.73
for which he has taken two bonds of Daniel Bradshaw & William H Lawrence payable to James M Vaughan and Kendal B Vaughan of 75 dollars and 87 cents each which is herewith reported to court Arch. D. Fowler

At a County Court held for Isle of Wight County
On the 6th day of April 1857 —

James Vaughan

Att.

vs.
R. B. Vaughan

In chancery.

Deft.

This cause this day came on to be again heard on the papers formerly read, and on the report of Commissioners Archibald Fowler, M^{rs}. H. Lawrence, and Uriah Vaughan. Made pursuant to a decree herein of March term 1857. And was argued by Counsel, On Consideration whereof the Court, Confirming said report — to which no exceptions was filed, doth adjudge order and decree — that, A. Fowler who is hereby appointed Special Commissioner for that purpose, proceed to sell at public auction on the premises, On a Credit of Six Months except so much for Cash as will pay the costs of this suit and of said sales, the land in the proceedings mentioned, devised by Lemuel Vaughan — to James M. Vaughan & R. B. Vaughan, lying in the County of Isle of Wight, Containing by estimation 80 acres, lying adjacent to the land of Uriah Vaughan, Francis Rose & James W. Conncill, after having given at least twenty days Notice of the time and place of Sale by advertisement at the Court house door of said County, On some Court day previous to the day of Sale, And at other public places in said County for the portion sold on credit, the said Commissioner shall take from the purchaser two bonds, in equal amounts — with sufficient security, payable respectively to James M. Vaughan and R. B. Vaughan, which bonds the said Commissioner shall return with his report to Court. with his proceedings under this decree. But the effect of this decree shall be suspended until the said Commissioner shall execute in the Clerks office of this Court, a bond with sufficient security — payable to the Commonwealth of Virginia — in a penalty of \$400.00. Conditioned for the faithful performance of this decree.

att. for \$100.00
clerk \$5.00
\$105.00

a copy.

Teste. J. C. Salmer Dec

64 (said suit)
Vaughn }
" }
Vaughn } In Chancey

Rough decree.

March Term 1837

To be entered -

Geo. W. Carroll

ap. 6. 1837 not filed

Oct. 5th 1837

decreed to collect the

James M Vaughn
an infant suing by
Frances Rose as
his next friend

vs.

R. B. Vaughn.

Thursday came the Plaintiff by Frances Rose, his next friend & filed his Bill, & on motion R. P. Young is appointed guardian ad litem to the infant defendant R. B. Vaughn, & thereupon the said guardian ad litem filed the answer of said infant defendant, to which the Plaintiff replied generally, & the cause came on to be heard on the Plaintiff's Bill, the said answer, & general replications & was argued by counsel, on consideration whereof the court doth adjudge order & decree, that Ulrich Vaughn, A. Fowler, S. Bradshaw, & Wm H Lawrence, who are hereby appointed special commissioners for that purpose any three of whom may act - do proceed ^{after being sworn} to make partition of the land in these proceedings mentioned, belonging jointly to the aforesaid James M Vaughn, & R. B. Vaughn under the will of Samuel Vaughn, lying in the County of Isle of Wight, adjacent to the lands of Ulrich Vaughn, Frances Rose, & James H Council, containing by estimation 80 acres & divide the same into two equal moities, having regard to quantity & quality & allot one of said parts to James M Vaughn & the other to R. B. Vaughn; but if the said commissioners shall be of opinion that said division would be impracticable, or inconvenient, or injurious to the ~~ends~~ interest of said parties & that a sale would not promote the interest of the parties, then they will so report on the facts as far as high their opinion is founded ^{with the possible value of the land} on either case they will make report to court of their proceedings under this decree.

of Virginia, in a penalty of \$40,000, conditioned for
the faithful performance of this decree.

Dauphin }
Dauphin } H. C. C. C. C.

Rough decree

April - Dec 1837

W. H. C. C. C.

Vaughn

vs

Vaughn

This cause this day came on to be again heard on the papers formerly read on the report of Commissioner Archibald Fowler, M.H. Lawrence, Ulrich Vaughn, made pursuant to a decree herein of March Term 1857 & was argued by Counsel, on consideration whereof, the court confirming said report, to which no exception was filed, doth adjudge order & decree that A. Fowler ——— who is here appointed special commissioner for that purpose proceed to sell at public auction on the premises, on a credit of six months except so much for cash as will pay the costs of this suit & of said sale, the land in these proceedings mentioned, devised by Samuel Vaughn to James M. Vaughn & R. B. Vaughn, lying in the County of Isle of Wight, containing by estimation 80 acres lying adjacent to the lands of Ulrich Vaughn, Frances Rue, & James H. Coanville, after having given at least twenty days notice of the time & place of sale by advertisement at the C.H. doors of said County on some court day previous to the day of sale & at other public places in said County; for the portion sold on credit, the said Commissioner shall take from the purchaser, two bonds, in equal amount with sufficient security, payable respectively to James M. Vaughn, & R. B. Vaughn, which bonds the said Commissioner shall return with his report to court with his proceedings under this decree: But the effect of this decree shall be suspended until the said Commissioner shall execute in the Clerk's office of this court a bond with sufficient security payable to the Commonwealth

of \$151.75. payable to the Commonwealth of Virginia,
in, conditional for the faithful performance of this
deed.

Received }
" }
Receipt }
Receipt }
Receipt }

Received from
Oct Term 1837 -

To be entered
in the Court

Vaughn

11

Vaughn

This cause this day came on to be again heard on the papers forming and on the report of A. Fowler Commissioner of the Court made pursuant to a decree here of April Term 1857, It was argued by counsel, in consideration whereof the court confirming said report to which no exception was filed, doth adjudge order & decree that the clerk of this court deliver to said A. Fowler, on his filing his receipt therefor the Bonds of Daniel Bradshaw & William H. Lawrence for \$75.00, each payable respectively to James M. Vaughn & R. B. Vaughn, which bonds the said A. Fowler is hereby authorized & required to collect & pay the proceeds thereof to the legal guardians of the parties to whom they are respectively payable taking their receipt therefor & return the same with this report to court of his proceedings under this decree & the court doth further adjudge order & decree that said A. Fowler on the payment of said Bonds, shall execute & deliver to the said Daniel Bradshaw a good & sufficient deed in fee simple with special warranty for the land in these proceedings mentioned claimed by Samuel Vaughn, to James M. Vaughn & R. B. Vaughn, lying in the county of Isle of Wight, containing by estimation 40 acres, lying adjacent to the land of Eliza Vaughn, Fanny Huey & James H. Lawrence - But the effect of this decree shall be suspended until the said A. Fowler shall execute & deliver in the clerk's office of this court a bond with sufficient security, in a penalty

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PRESS

Vaughan

n. 3 Cent. bond

Vaughan

24th April 22nd 1870

24th April 22nd 1870

24th April 22nd 1870



KNOW ALL MEN BY THESE PRESENTS, That we, *Archibald Fowler*
and *Dempsey D. Watkins*

are held and firmly bound unto the Commonwealth of Virginia in the sum of *Four hundred*
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. As witness our Hands and Seals, this *22nd* day of *April*, in
the year of our Lord, one thousand eight hundred and *fifty seven*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas by a Decree of the
Circuit Court of Isle of Wight county pronounced on the *6th* day of *April 1857*
in a cause depending in the said Court in which *Jamies Vaughan* is

plaintiff, and

R. B. Vaughan is

defendant, the

above bound *Archibald Fowler*

was appointed a special Com-

missioner to "proceed to sell at public auction, on the premises, on a credit
of six months, as much for cash as will pay the costs of this suit & of sale, the
land in the proceedings mentioned, owned by James M. Vaughan & R. B.
Vaughan, lying in the County of Isle of Wight, containing by estimation 80 acres, lying
adjacent to the lands of James Vaughan, James Ross & Co. Council after having given
at least twenty days notice of the time & place of sale by advertisement at the Court house
door of said County, or some Court day previous to the day of sale, and at other public
places in said County. For the purchase sold on credit, the said Commissioner shall take
from the purchaser two bonds, in equal amounts, with sufficient security, payable respectively
to James M. Vaughan and R. B. Vaughan - which bond the said Commissioner shall
return with his report to Court. when his proceedings under this decree."

Now if the above bound *Archibald Fowler* shall faithfully discharge
his duties as Commissioner under the said Decree, then the above Obligation to be void, otherwise to
remain in full force and virtue.

Signed, sealed, and delivered }
in the presence of

A. D. Young & Co.

A. Fowler



D. D. Watkins



KNOW ALL MEN BY THESE PRESENTS, That we, *Arch^d*
Fowler and Wm. H. Lawrence
are held and firmly bound unto the Commonwealth of Virginia in the sum of *One hundred*
and fifty one dollar & 75¢ 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. As witness our Hands and Seals, this *4th* day of *January*, in
the year of our Lord, one thousand eight hundred and *fifty eight*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas by a Decree of the
Circuit Court of Isle of Wight county pronounced on the *day of October 1837*
in a cause depending in the said Court in which *Jam^s M. Vaughan*

is — plaintiff, and

R. B. Vaughan is
above bound *Arch^d Fowler* defendant, the
missioner to *receive for the clk. the bond of*
David Bradshaw & W^m H. Lawrence filed
in the upst. said Court made on 4th May
1837 - and collect the same and disburse
of the proceeds as directed by said decree
and make report.

Now if the above bound *Arch^d Fowler* shall faithfully discharge
his duties as Commissioner under the said Decree, then the above Obligation to be void, otherwise to
remain in full force and virtue.

Signed, sealed, and delivered }
in the presence of

A. P. Youngd.

A. Fowler 

W. H. Lawrence 

