1868-007 Chancery Causes: Exum L. Eley, admr of Charles T. Vaughan vs Thomas Hall's extors

Isle of Wight County

other surnames: Chapman, Young, Hayden

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Isle of Wight County, Greeting:

WHEREAS by the judgment of a Justice of the Peace for the County of Isle of Wight, ha lately recovered against

with interest thereon, to be computed after the rate of six per centum per annum, from the day of 18 , till payment, and also costs by in that behalf expended; and the Constable to whom execution upon the said judgment was directed by a Justice of the Peace, not being able to find goods and chattels to satisfy the same, has made return thereof to the Clerk of our said County, who has docketed the same according to law: Therefore, at the instance of the said we command you that you take the said if be found within your bailiwick, and safely keep, so that you have bod before the Justices of our said County at the Courthouse, on Monday in to satisfy the said the sum of with interest thereon as aforesaid, and for costs aforesaid; and also dollars and cents, the costs of this execution. And have then there this Writ. *Witness*, NATHANIEL P. YOUNG, Clerk of our said Court, at the Courthouse, this day of 18 , and in the year of the Commonwealth.

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16 Bland & Gerdes by.

Vaughan & adm.

vs. } Bly. Reps.

Halls' Exors. &c.

1866.

Sept. Rules 1866 – Bill & subd. & amd. Exd. & dem. nisi.

Octo. Rules 1866. Bill taken for confsd & set for hearing.

Octo. Term 1866. Decree for accts.

May 1867. cond.

Octo. " cond.

May 1868 – amd.

Octo. " Decree final

To The Hon R. H Baker Judge of the Circuit Court
of Isle of Wight County.
Humbly complaining sheweth unto your Honor
your Orator. E. S. Eley, That on the 6th day of June
in the year 1853, Thomas Hall late of the said
County qualified as the Guardian of Charles
T Vaughan infant son of Benjamin Vaughan
and Elizabeth Vaughan and gave bond according
to law with Hardy Chapman as his Security
That the said Thomas Hall departed this life
on the day of in the year 1863, having
first made and published his last will
and testament in which Hardy Chapman
and A. P. Young were nominated and
appointed as his Executors who qualified
as such on the day of in the year
1863. That the said Charles T. Vaughan
has also departed this life and on the
day of January 1865 his estate was committed
to the hands of your orator as Sheriff of Isle
of Wight County to be administered according
to law. Your orator represents that before
the death of the said Thomas Hall there had
been no final settlement of his accounts
as the Guardian of the said Charles T. Vaughan
and on the 21st of March 1864, A. P. Young &
Hardy Chapman Executors of Thomas Hall.
laid before C. B. Hayden a commissioner
of this Court a statement of monies
received and disbursed by the said
Thomas Hall as Guardian of the said
Charles T Vaughan, a duly certified copy
of which statement is herewith filed
marked "A" and prayed to be taken as a

part of this Bill. That in the ~~Statement~~ Settlement of said account; the said Guardian was credited with the sum of Three hundred and fifty dollars which was paid to the said Charles T Vaughan in Confederate States Treasury notes. Your Orator is advised and believes that the said account is erroneous in the particulars referred to and that the said Guardian should only be credited by the True Value of said Confederate States Treasury notes at the time the same were paid to the said Charles. T. Vaughan. To the end therefore that justice may be done and inasmuch as your Orator is without remedy in a Court of Law and relievable only in a Court of Equity where such matters are properly Cognizable, he prays that the said Hardy Chapman and A. P. Young Executors of Thomas Hall dec'd may by proper process be made parties defendant to this Bill, and compelled to answer its allegations as fully as if they were herein repeated and they thereupon Specially interrogated That your Honor will make a decree directing an account to be taken of the transactions of the said Thomas Hall as Guardian of the said Charles T. Vaughan and the payment to your Orator as administrator as aforesaid of the amount which appears to be due upon a proper Settlement of said Guardianship accounts. Grant to your Orator the Commonwealths writ of subpoena commanding &c and all such other and further aid and relief as Equity and good Conscience may dictate and the nature of the case requires and as in duty bound he will ever pray &c

Blow & Goode
P. Q.

Blow Hood

Vaughan's Sh. Sadler

vs Bill

Halls Exrs &c

Vaughan's admr.

vs Bill &c

Halls Exrs.

1866

Sept. rules filed

The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight, Greeting:

We command you to summon Hardy Chapman & N. P. Young Exrs. of Thos. Holt dec'd. and Hardy Chapman

to appear on the first Monday in September next, (being Rule day), at the Clerk's office, of the Circuit Court for the County of Isle of Wight, directed to be holden at the Courthouse thereof, to answer the Bill in Chancy of E. L. Edwards & Comr. of Chas. T. Vaughan dec'd

I have then and there this writ.

Witness, Nathaniel P. Young, Clerk of our said Court, this 31st day of August 1866, and in the 91st year of the Commonwealth.

N. P. Young clk

[A copy to be delivered to each defendant.]

Vaughans acct.

E. Sweet
U. S. in Chy.

Holt's Exrs. vols.

To Supt. Cemetery Hill
Cir. A.
Bloodgood
Pvt.

Sept. 3. 1866 - Examined & Approved.
R. Wheeler for Assistant
Qr. Mr. Chesapeake Exps
Balto. Md.

Charles T Vaughn a/c Ben Vaughn
In account with Thomas Hall his late Guardian

1863					
Aug	5	To this amt paid under order of County Court of Isle of Wight of Augt 3rd 1863, as per order filed with a/c Resolved detained to satisfy part of Hire & equipment of Hand who was in the Cavalry service of the C.S. $350.00 equal when paid in			
		per cent to		63	64
		Clerks Commissioners Ticket		5	20
		Retained to pay Taxes for 1862 -		7	81
		Clerks Commissioners fees incident to a/c -		2	50
		Commissioners fee $152.07 -		7	60
		Collectors fee for this a/c -		3	00
Oct	19	Balance due ward as per Contra		493	74	$584 79
1863					
Jany	1	By Balance due ward. per last a/c.		432	72	
April	1	" Interest on do to date when the per share of Hire & equipment was really made		16	49	
Oct	19	" Interest on $369.08 Balance of $432.72 after above payment of $63.64 from April 1st to date.		12	18	
"		" Amount of Negro Hires as per last report		84	00	
"		" do of Rent per do -		49	40	$584 79
1863					
Oct	19	Balance due by Guardian to Ward on this date as per above a/c	$	493	74	

Commissioners Office
Smithfield August 31. 1868

To the Circuit Court
of Isle of Wight County,

Pursuant to a decree of the Court aforesaid rendered on the day of Oct 1866 in a suit in Chancery depending in the said Court between Lyman L Ely Administrator of Charles T Vaughan decd, as Plaintiff & Hardy Chapman & P Young Executors of Thomas Hall decd, Chapman as Defendants, the undersigned one of the Commissioners of said Court, to whom was referred for Settlement, by said decree, the account of the transactions of Thomas Hall as guardian of said Charles T Vaughan reports to the Court that on the 1st day of August 1868, he issued Notices against the said parties, requiring them to attend the Settlement of the said account, before him, at his said office, on the 15th day of August 1868, which were returned to your Commissioner duly executed - That the said Plaintiff appeared before your Commissioner, in obedience to said Notice & thereupon stated & settled the foregoing account of the transactions of said Thomas Hall as Guardian of the said Charles T Vaughan, to the 19th day of October 1863 when the said guardianship terminated by the death of said guardian, & on that day finds a balance of $93.71 due from said Guardian to said Ward, which amount is principal entitled to bear interest from that date - That in making said a/c the a/c filed with the Bill was taken as correct except as to the item of $350.00 charged as paid on Aug 5th 1863 under an order of Court of that date, which having been paid in Confederate Money, as was in proof before your Commissioner, it was scaled as of the value of Confederate Money on April 1st 1863, when it was in proof before your Commissioner by the testimony of Lyman L Ely the Admr & Distributee of said Charles T Vaughan the purchase of the Horse was actually made, the order of Court having been subsequently made to justify such disbursement -

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, during which time no exceptions were filed to said report - The said Decree & Notices are herewith returned -

Given under my hand, as commissioner aforesaid the day & year first aforesaid -

Time employed 4 hours
Fee 3.00 Ch & d J Hall Exr

C B Hayden

Dauphin Admlt -

v

Halls Es. -

Commissions Hydes
Report -

Vaughan adm

vs

Hall's Exor. In Chancery

This day this cause which appears to have been regularly matured at rules as to all the Defendants came on to be heard upon the bill of the Plaintiff which has been taken for confessed. Upon consideration whereof the Court doth adjudge, order and decree that one of the Commissioners of this Court take an account of the transactions of Thomas Hall dec'd as Guardian of Charles S. Vaughan and that in taking said account he shall assume as prima facie correct the account settled by Commissioner Hayden and returned to the County Court of Isle of Wight County on the 21st of March 1864, subject however to be discharged and falsified And that he report the same to this Court with any other matters specially stated deemed pertinent by himself or required by any of the parties to be so stated.

Vaughans adv

v

Hall's Exrs

1866

Oct. Ct. Decree

To be entered

R. M. B.

Vaughans adm
of
Halls Executors

Decree.
October Term 1868
To be entered
R. H. Baker

No 3

Vaughans adm

vs In chancery

Halls Exrs & others

This day this cause came on to be again heard upon the papers formerly read and upon the report of Commissioner Hayden made in pursuance of the decree rendered at the October term 1866 to which report no exceptions have been filed and was argued by counsel. Upon consideration whereof the Court doth confirm the said report and doth adjudge. order and decree that the Defendants Hardy Chapman and N. P. Young as Executors of Thomas Hall deceased do pay to the Plaintiff D. L. Clay as Administrator of Charles T. Vaughan deceased the sum of four hundred and fifty one dollars and seventy four cents ($451.74) with legal interest thereon from the 19th day of October 1863 - That being the balance found to be due on that day from the said Thomas Hall as Guardian of the said Charles T Vaughan after deducting the sum of forty two dollars one half of the wages hire charged against the said Guardian for the year 1863 - Said deduction being made by agreement between the parties and on account of the loss of the services of said negro during a portion of the said year And the Court doth further adjudge order and decree that the Defendants pay the costs of this suit and that the same be stricken from the docket with leave to the parties to apply hereafter for further relief against the securities of the said Thomas Hall if the decree should prove unavailing

Charles T Vaughn of Benjamin Vaughn

In acct. with Thomas Hall his late Guardian

1863						
August	5	To paid under order of County Court of Isle of Wight of August 3rd 1863. as per Order herewith filed for hand & equipments of ward who had entered Cavalry Service of C. S.	350	00		
		Clerks & Commissioners fee	5	20		
		Retained to pay taxes for 1862	8	81		
		" do Clerk for recording this a/c	1	30		
		" do Commissioner for do	1	50		
		" Commissions on $149.92	7	50		
Octr.	19	Balance due ward as per Contra	208	33	$582	64
1863		Cr.				
Jany	1	By Balance due ward per last a/c	432	72		
Aug.	5	" Interest on to date	15	43		
Octr.	19	" do on $82.72 balance of $432.72 after deducting above payment of $350.00 Made under Order of Court) to date	1	09		
		present Value of $85.00 Rent to hires due December 31st 1863.	84	00		
		" present Value of $50.00 Rent of land for 1863. due December 31st	49	40	$582	64

Commissioners Office

Smithfield March 21st 1864

To the County Court of

Isle of Wight

Your Commissioner reports to Court that N. P. Young & Hardy Chapman the executors of Thomas Hall late Guardian of Charles T Vaughn Orphan of Benjamin Vaughn

has laid before him a Statement of all Moneys Received by said Guardian on account of said ward, or with which he had become chargable or disbursed during the periods embraced in the foregoing account, together with the Vouchers in Support of the disbursements, That on the 19th of October 1863, The date of the death of said Guardian, he finds a balance due from him to said Charles J Vaughn of $208.33 With interest thereon from that date, That the account is Supported by Satisfactory Vouchers, That the said guardian was embraced in the list of Fiduciaries whose accounts were before him for Settlement, posted by him at the front door of the Court house of said County, on the first day of December Court last, & on the date of this report the foregoing account was made up & Completed. Given under my hand as Commissioner aforesaid the day and year first aforesaid.

Charles B Hayden Commissioner

Charles J Vaughn
Ex a/c with
Thomas Hall his guard.

June 6th 1864. Confirmed and
Recorded & the Seconds
Teste W.H. Young Clk.

Vaughan Admtr

vs

Halls Exrs &c.

Commissioners Notice

Commissioners Office
Smithfield Aug 15th 1868

To Eppes & Eley Administrators of Charles T Baughan
Hardy Chapman & N P Young Executors of Thomas Hall
& Hardy Chapman in his own right

You are hereby notified that I have fixed upon the 15th day of August 1868 to take & settle at my office, the account of the transactions of Thomas Hall required to be taken by the decree of the Circuit Court of Isle of Wight County, rendered at the Oct Term 1866, in a suit in Chancery depending in said court, in which you are parties Plaintiffs & Defendants - at which time & place you are required to attend -

Given under My Hand, as commissioner in Chancery of the said court, the day & year first aforesaid -

C. B. Hayden

Service acknowledged -
Inv Goode for Counsel
for Defts.
N. P. Young Exor.