

1908-030 Chancery Causes: R. B. Vaughan, adm of William H. Vaughan vs R. V. Vaughan &
Dsh of Wight County William H. Vaughan, by vc

other surnames: Gardner

No.

Vaughan's *Amurium*

VS.

Vaughan et. al.

1st Aug. Rules - 1897. Bill for
filed, Trans. & Div. in m.
adult deft.

2nd Aug. Re. Bill taken for comp.
as to adult deft - J. B. Keen & Co.
apptd. gov. ad return to just. def.
this was filed & paid sep. and
set for hearing.

Oct term 1890

de con. report, Moore
Contract for lumber etc.

Dismissed June 1, 1908

In the Circuit Court of Isle of Wight County:

7 August Rules, 1892.

Your orator, R.B. Vaughan, guardian of W.H. Vaughan, respectfully represents to the court:

That your orator's son and said ward is seized and possessed of a farm lying, being and situate in Isle of Wight County, in the state of Virginia, about five miles from Carrsville containing two hundred and fifty acres more or less, and that said ward owns no other property, which said property was devised to said ward by his uncle, W.H. Vaughan dec'd., that your orator qualified as guardian for his said son at the term of the County Court of Isle of Wight County as will more fully appear by a certified copy of the order of said court herewith filed as an exhibit marked "A" and prayed to be read as a part of this bill.

Your orator says that his said son and ward is ^{at his next birthday} ~~now~~ thirteen years old and that if he were dead your orator would be his heir and distributee.

Your orator says there is on said tract of land some pine timber which if nicely cut would make about one million feet, that John King is operating a steam saw-mill within a mile of said tract of land and offers to buy the timber if delivered at his mill or on his tram way, that George M. Gardner who is in the logging business offers to buy said timber at the price of one dollar per thousand feet standing in the wood provided he can get it before King's mill is moved. Your orator believes and here alleges that the interest of his said son and ward would be promoted by a sale of said timber to George M. Gardner or to some one else and have the proceeds thereof invested in other property. The reasons why your orator believes that a sale of said timber would promote

the interest of his said child and ward are: (1) The price offered is a good one; (2) The timber in the neighborhood has all been cut within the last few years, and no other saw-mill will be established in that neighborhood till the pine trees grow up again and if this timber is now cut it will make room for the smaller trees to grow and develop so that in fifteen or twenty years the timber on this particular tract of land will be almost as valuable as if this cutting had remained; (3) Because the proceeds of the sale of this timber if judiciously invested will bring to said ward an income annually almost if not quite as large as that now derived from the farm with the timber standing on it.

Your orator says that if sale is made of said timber he will carefully look after the cutting of the same and the measurement thereof so that his son's interest may be fully protected. Your orator thinks that a sale by the thousand will be better than a sale by the lot. F

For-as-much as your orator is remediless save in this honorable court where matters of this sort, are alone and properly cognizable, he prays that R.B.Vaughan ~~xxxxxx~~ and W.H.Vaughan, the last being an infant under the age of twenty one years, be made parties defendants to this bill of complaint and required to answer the same, an answer on oath is hereby expressly waived, that said timber may be sold, that the proposition of George N.Gardner be accepted and ratified, that the proceeds arising from the sale of said timber may be invested in land or otherwise as to the court shall seem best, that all such other, farther and general relief be afforded your orator as his case may require and to equity and good conscience shall seem meet. And your orator will ever pray &c

R. B. Vaughan

Virginia:

County of Southampton, to wit:

I, *L. R. Edwards* Notary Public in and for
the said county and state do certify that R.B. Vaughan personally
appeared before me in my said County and ^{*affirmed*} ~~made oath~~ in due form of
law that the statements contained in the foregoing bill in chancery
are true and correct to the best of his knowledge, information and
belief. Given under my hand this *6th* day of *August* 1892.

L. R. Edwards N.P.

Vaughan et. al.

ads.

Vaughan's guardian.

Answer of guardian ad litem.

Filed 2^d Aug. R. 1892

The answer of J.B.Prince, an attorney at law, guardian ad litem to W.H.Vaughan, an infant under the age of fourteen years, to a bill in chancery, exhibited against the said W.H.Vaughan and another in the Circuit Court of Isle of Wight County by R.B.Vaughan guardian.

For answer to the said bill, the said J.B.Prince, guardian ad litem to the said infant defendant, answers and says, that he knows nothing as to the truth or falsity of the statements in the bill contained. He prays full protection for the said infant defendant. And now having fully answered, this defendant prays to be hence dismissed with his costs in this behalf expended.

J.B. Prince
Guardian ad litem

Virginia:

County of Southampton, to wit:

I, B.F.McLemore, Clerk of the Circuit Court of the County of Southampton in the state of Virginia do certify that J.B. Prince came before me in my said County and made oath in due form of law that the statements contained in the foregoing answer are true to the best of his knowledge, information and belief.

Aug 16. 1892.

B. F. McLemore Ck.

I Acknowledge legal Service of the
within Notice. Augt. 1st/892,

I acknowledge legal Service of the
within Notice. August 1st/892.

R. B. Vaughan

Executed by taking the acknowledgment
of R. B. Vaughan hereon Augt. 1st/892

A. A. Brown
Stk

Form No 300

Vaughan R. B. genl.
of W. St. Vaughan

SUBPOENA
IN
CHANCERY.

vs.

R. B. Vaughan, and
W. St. Vaughan an inf.

Est. Holland

p. q.

To 1st Augt.

Rules.

1892. Circuit Court.

The Commonwealth of Virginia,

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

WE COMMAND YOU, that you summon *R. B. Vaughan and W. H. Vaughan*, the latter being an infant under fourteen years of age.

to appear at the Clerk's Office of the *Circuit* Court of the County of Isle of Wight,
at the rules to be held for the said Court on the *first* Monday in *August*, 189*7*,
to answer a bill in Chancery, exhibited against *them* in our said court by *R. B. Vaughan guardian of W. H. Vaughan*

And have then there this writ. Witness, N. P. YOUNG, Clerk of our said Court, at the court-house, the
29th day of *July*, 189*7*, and in the *117th* year of the Commonwealth.

N. P. Young clk.

Vaughan gdw.
or, $\frac{2}{3}$ In clay.

Vaughan et al.

Report of comor,
Young under,
decree of Sept. 26,
1892.

Filed at, Octo. 1892

and that the rights of respondent
will be violated thereby.

Given under my hand as a
commissary in Chancery of said
circuit court, the day and year
first aforesaid.

N. P. Updegraff Commr,

Commiss. for
exp. & ref. at \$ 3/5.00

deemed pertinent by the Commissioner
or required by any party interested,
on the 28th day of Sept. 1892, he issued
notice to the parties interested, the plain-
tiffs and defendant; and also C. J. B.
Prince the guardian ad litem of the
infant defendant, W. H. Vaughan,
that he had fixed upon the 5th day of
October 1892, to make, at his office,
the said enquiry and report and re-
quiring them to attend. That ser-
vice of said notice was duly acknowl-
edged. That on the day so fixed
upon, your Commissioner made the
necessary enquiries and finds, and so
reports that the sale of the said tim-
ber to George W. Gardner at the price
of \$1.50 per thousand, would be a fair
sale and at the price such timber,
in that neighborhood usually sells
for, and, in the opinion of your
Commissioner, is as much as could
be obtained for it if sold publicly.
That knowing the financial condition
of the said infant and his great need
of money to aid in his education, I
am of opinion that such sale would
promote the interest of said infant,

Commissaries Office, Isle of Wight
Court House, October 5th 1892.

R. B. Vaughan guardian of William
H. Vaughan Plaintiff
against ^{1/2} In Chancery.
William H. Vaughan, a infant,
and R. B. Vaughan Defendants.
To the Circuit Court of Isle of Wight
County.

Your commissioner reports to the
Court that, pursuant to a decree
of the said Circuit Court, rendered
in the above named cause, on the
26th. day of September 1892, directing
a commissioner of the said court to
enquire and report to the court whether
the sale of the timber, in the Bell men-
tioned, to George A. Gardner at the
price of one dollar per thousand feet
standing, is a fair and reasonable
price, and whether it could be sold
for a better price; and whether
such sale would promote the in-
terest of the ward and infant
defendant; and whether such a sale
would violate the rights of any party
concerned, with any other matters

Vaughan gd m

45

Vaughan et al.

In vacation

Deer

Sept 26 1892

To be entered

C. W. H.

Received & admitted
to record Sep 28 1892

Entered

we waive notice and assent to
the entering of this decree
W. S. Hallam
counsel for
petitioner & defendants

Vaughan & Co

vs

Vaughan et al.

This cause came on this day to be heard in vacation by consent of parties on the bill of Complaint sworn to, on the answer of the infant defendant by his guardian ad litem and was argued by Counsel; on consideration whereof the Court doth adjudge, order and decree that one of the Commissioners of this Court enquire and report to this Court ^{at its next term} whether the sale of the timber in the bill mentioned to George M. Gardner at the price of one dollar per thousand feet standing is a fair and reasonable price and whether it could be sold for a better price, and whether such a sale would promote the interest of the word and infant defendant, and whether such a sale would violate the rights of any party concerned with any ^{other} matter deemed pertinent by the said Commissioners by any party in interest

C. W. Stearns

Feb 26, 1892

Vaughan G, d, n.

Vs.

Vaughan et. als.

Decree

To be entered

Cmt

Nov 1. 1892

Entered #17

Vaughan G, d, n.

~~Vaughan G, d, n.~~

Vs.

Vaughan et. als:

This cause came on this day to be again heard on the papers formerly read and on the report of Comr. Young filed in this cause on the 5th day of October 1892 and was argued by counsel, on consideration whereof the court doth adjudge order and decree that the said report of Comr. Young be and the same is hereby ratified and confirmed, and that the sale of the timber to Geo. A. Gardener be ratified, and that R.B. Vaughan who is hereby appointed a special commissioner for that purpose do make with the said Gardener a contract in writing for the sale of said timber at the price in said report named, specifying that the timber shall not be cut below twelve inches in diameter on the stump and that the same be paid for monthly as cut and that a lien be reserved on the said timber to secure the payment of stumpage;

But before the said Vaughan shall enter upon his duties under this decree he shall enter into bond before the clerk of this court in the penalty of two thousand dollars conditioned for the faithful performance of his duties under this and all subsequent decrees in this cause, that surety be given by said clerk deemed sufficient that ~~the~~ same be payable and otherwise conditioned as the law directs. And that the said special commissioner make report to court.

Juror in acknowledged for plaintiff,
and defendant, . Sept. 1892

R. B. Vaughan & son

R. B. Vaughan

by W. S. Hall and their
attorneys.

Wm. Vaughan an infant
by J. B. Prue his guardian
litum & J. B. Prue & son
as litum for said Wm. Vaughan.

Form No. 400.

Vaughan & son,

vs. } COMMISSIONER'S NOTICE.

vs. }

Vaughan et al.

Do. Ct. 1892

Commissioner's Office, Isle of Wight

Court house, Sept. 28th 1892

To R. B. Vaughan guardian of W. H. Vaughan
and to William H. Vaughan an infant
by J. B. Prince his guardian ad litem, and
said R. B. Vaughan

You are hereby notified that I have fixed upon the 5th day of October 1892 ~~next~~
recognition report

if fair, if not, on the next fair day thereafter (Sunday excepted), to take and settle at my office, the account
whether the sale of the timber in the bill mentioned
& to Geo. W. Gardner at the price of one dollar
per thousand feet standing is a fair and reasonable
price, and whether it could be sold for a better
price, and whether such a sale would promote
the interest of the ward and infant defendant
and whether such a sale would violate the rights of
any party concerned; with any other matters
deemed pertinent by said Commissioner, or by
any party concerned.

required to be taken by a decree of the Circuit Court of the County of Isle of Wight

rendered on the 26th day of Sept., 1892, in a suit in chancery depending in said

Court between R. B. Vaughan guardian of W. H. Vaughan
plaintiff, and W. H. Vaughan and
R. B. Vaughan Defendants: said William
H. Vaughan being an infant,

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.

A. P. Young Com.
in ch.

Vaughan R.B.

Cofey

to } COMMISSIONER'S
BOND.

Commonwealth.

Feb. 1. 1893,
Specified & acknowledged
by the
obligor & O.K.

Filed Feb. 1. 1893

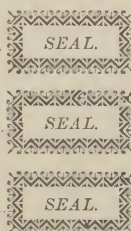
Know all men by these Presents, That we, R. B. Vaughan
and George A. Gardner
are held and firmly bound unto the Commonwealth of Virginia, in the sum of Two
Thousand Dollars,
to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind
ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally,
firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligation,
and any claim or right to discharge any liability to the Commonwealth arising under this bond, or by
virtue of said office, post or trust, with coupons detached from bonds of this State. Sealed with our
seals, and dated this 1st day of February one thousand
eight hundred and ninety three

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound R. B.
Vaughan Com. of Contract & sale
shall faithfully perform the duties of his office or trust, as Com. of
Contract and sale
under a decree of the Circuit Court of the County of Isle of Wight
pronounced on the first day of Nov., 1892, in the suit therein
depending under the name and style of R. B. Vaughan vs. W. H. Vaughan
et al.

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in
the presence of

R. B. Vaughan
Geo. W. Gardner



In the Clerk's Office of the Circuit Court of the County of Isle of Wight
This day George A. Gardner
surety on the above bond, made oath before me, N. P. Young Clerk
of the Circuit Court of the County of Isle of Wight
that his estate, after the payment of all his just debts, and those for which he is bound as
security for others and expect to have to pay, is worth the sum of Two
Thousand dollars.

Given under my hand this 1st day of Feb 1893.

A copy.

Teste:

N. P. Young Clerk.

Teste, N. P. Young

Vaughan R. R. gon,
Mr. E. Chy

Vaughanston

Paper sent to Mr. O

Admiral W. 22

Sept. 1892,

ack

COURTS:

Isle of Wight, Nansemond,
and Southampton.

OFFICE OF

W. S. HOLLAND,

Attorney at Law and Commissioner in Chancery,

Windsor Station, Va, Sept 2, st 92

Mr. H. P. Gauncey, C. C.

Dear Sir,

Please send me by mail driver
the papers in new suits of Vaughan's guardian vs
Vaughan & (Randall Vaughan) and Jones vs. Jones
(Divorce) I have not as yet received any bill
for the order publication. Has the newspaper
man sent it to you? Please give these papers
to Mr. Reynolds this afternoon and ask him to
hand them to mail carrier tomorrow and tell
him to bring to me and I will pay him
his charges for bringing.

Yours Truly

W. S. Holland