1908-032 Chancery Causes: William H. Vaughan's extor vs/ T. Carr, Martha A Carr's
Dsh of Wright County admrs &c

other surnames: Britt, Joyner, English

W. S. Holland & ux.

R. B. Vaughan Exlx. &c

vs. } In Chancy

J. T. Lowe et als.

Bill of Complaint

March rules 1889.

3rd. Monday.

Summs. exd. & duces issd. to adult defts. Qdm. ad litem appld. to infd. defts. Lis. ans. filed & ord. accdg.

Apl. Rs. 1. Monday,

Bill taken for confd. as to adult defs. & set for hearing.

April term 1892

Def. for Plaff to pay fee. appointing comrs to meet from &c.

Dismissed June 1, 1908

and the costs of this suit, then he prays that said land be sold and and the proceeds of sale be applied to the payment of said debt, he prays that all accounts may be taken and all enquiries directed that one or shall be necessary to the purposes of this suit, that said debt and the costs of this suit be paid, that all such other and further general relief (including the appointment of a receiver to collect said rent for the year 1889) be afforded your Complainant as the nature of his case may require or to equity shall seem meet. And he will ever pray &c.

W. S. Hallam p. q.

Your complainant is advised that he has a right to subject said land or the rents and profits thereon for five years to pay his debt and and the legal costs of this suit. Your complainant says that said land and house are rented out for this year and thinks a receiver or a commissioner ought to be appointed to collect the rent for this year and subject it to his debt.

For as much as your complainant is without remedy save in this Court of equity where such matters are alone and properly cognizable he prays that J. T. Carr and R. A. Edwards sheriff of Isle of Wight County and as such administrators of the estate of Martha A. Carr died; John A. Carr and Laa S. R. Carr, the last two being infants under the age of twenty one years, be made parties defendants to this bill and required to answer the same, but an answer on oath is hereby waived as provided by Statute; that said land be rented out and the rents and profits thereof be applied to your complainants debt, and if said rents and profits be not sufficient to pay said debt in full

said testator was justly worth the sum of one hundred and sixty dollars, and he says this sum of $160 nor any part thereof has been paid to his testator, nor to himself nor to any other person or persons for them or either of them but that the same is still due and unpaid:

Your complainant says that on the 4th day of February 1885 said Martha A. Low departed this life leaving her said husband and the two children following, John A. Low and Ida S. R. Low as her only heirs and distributees at law and she died possessed of no personal property at all but died seized and possessed of said tract of land, and your complainant says that he has been indulgent in the hope and under the promise that said husband would pay said debt and thereby save the property to himself for life and to his children in remainder. Your complainant says that while said Martha left no personal estate he has asked the County Court to ~~xxx~~ commit the said estate to the hands of the sheriff in order that the personal representative might be made a party to this suit.

1

To the Hon. L. W. Hill judge of the cir. court of Isle of wight County:

Your complainant R. B. Vaughan Executor of the last will and testament of W. H. Vaughan deceased humbly complaining doth represent to your honor:

That Martha A. Carr the wife of J. T. Carr owned in her own right a tract of land in Isle of wight County in the state of Virginia which she inherited from her father not for from Ducksville and so owning said land in November in the year 1884 your complainants testator made a contract with said Martha A. Carr to build her a dwelling house on said said land at the price of one hundred and sixty dollars and said W. H. Vaughan did build said house at the instance and request of said Martha and her said husband and did furnish the materials therefor except that said Carr boarded the carpenters who did the work:

Your complainant is of opinion and here alleges that the materials furnished for said house and the work done thereon by this

Com. to. als.

ads. } In chancy

Vaughan Exor. &c.

Answer of Infants &c
by R.S. Thomas gdn
ad litem ——

Filed March 8th,
1889 - 3 P. M. Monday,
"

The joint and seperate answer of Jno A. Low and Ida S. R. Low infants under the age of twenty one years, by R. S. Thomas an attorney at Law, their guardian ad litem assigned to defend them, to a bill of complaint exhibited against them and others by R. R. Vaughan Executor of W. H. Vaughan dec'd. in the Circuit Court of Isle of Wight County:

These respondents reserving to themselves the benefit of all just exceptions to said bill of complaint, for answer thereto or to so much thereof as they are advised it is material they should answer, by their said guardian ad litem, answer and say:

That they are infants under the age of twenty one years, and by reason of their infancy they are incapable of understanding their rights and interests; and by their said guardian ad litem, they recommend themselves and their interests to the protection of the Court and pray that no decree be pronounced tending to prejudice their rights and interests:

And having fully answered these respondents pray to be hence dismissed with their costs in this behalf expended: and they will ever pray &c.

R. S. Thomas
Guard'n. ad litem for
Jno. A. and Ida S. Low
infants &c

Executed by delivering to the within
named J. T. Cain a true copy of the within
Summons March 15th 1889 G. L. Mumford Dep. Sh'ff for
R. A. Edwards Sh'ff

I accept service of this Summons
March 15. 1889. R. A. Edwards Sh'ff &
Admr.

Vaughan R. B. Co.
vs. C. O. & Va. Navigation
Co. Sum. to
Dam. & Sale.
Pl's Mandate Rules, 1889.
3d. Monday.
C. O. S. Holland Sec.

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County, Greeting:

WE COMMAND YOU TO SUMMON J. T. Carr, R. A. Edwards sheriff & administrator of Martha A. Carr decd; and John A. Carr & Ida R. Carr, the last two of whom are infants under twenty one years of age

to appear at the Clerk's Office of the Circuit Court of Isle of Wight county, at Rules to be holden for the said Court, on the ~~first~~ third Monday in March 1889 next, to answer the Bill in Chancery of R. B. Vaughan Executor of the last will & testament of W. A. Vaughan decd.

~~of a plea of~~ ~~for $~~ ~~Damages $~~ And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, at the Courthouse, the 8th day of March, 1889, in the 113th year of the Commonwealth.

N. P. Young Clk.

Vaughans Expr.

vs. { WITNESS' SUBPŒNA.

Carr et als.

To the 10. day of Aug.
1889.

Executed in the
within Mentioned
Portsm. Aug 8th 1889
Jno A. Edwards
Shff

Everett Waddey, Stationer and Printer, Richmond, Va. } Form No. 401.

The Commonwealth of Virginia,

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

You are hereby commanded to summon Mills Britt, J. E. T. Joyner and Jos. H. English

personally to appear before the undersigned, one of the commissioners in chancery of the Circuit Court of the County of Isle of Wight, at his office, at the court-house of said county, on the 10th day of August next, to testify and the truth to say in behalf of R. B. Vaughan Extor. of W. H. Vaughan dec'd

in a certain matter of enquiry & account

referred to the said commissioner for report, by a decree of the said court in a suit in chancery therein pending between said Extor. Pltff: and J. T. Carr etc:

And this ~~they~~ shall in no wise omit, under the penalty of £100. And have then there this writ.

Witness, N. P. Young, Commissioner of the said court, at the court-house of said county, the 6th day of August 1889, and in the 114th year of the Commonwealth.

N. P. Young clk.

August 10. 1886.

Mills Britt witness for pltff.

Helped to build a house on the land of Martha A. Corr in the fall of 1884. Thinks the house was about 16 x 24 feet eight story. was employed by W.O. Stevens who contracted with W. N. Vaughan to build the house. Heard Mr. Corr say that he had contracted with W. N. Vaughan to have said house built by him for him. Did not hear how much he was to give Vaughan for the building. Thinks the house was worth $150.00

1 day 8 min. Does not know what the board of the workmen was worth. Mr. Corr boarded himself.

Mills Britt

J. E. Spencer witness for the pltff.

Heard Mr. Corr & Mr. Corr say that they had got Mr. W. N. Vaughan to build a house on their land. Heard that the house was built. Does not know what he was to pay for the same. Heard W. N. Vaughan say the house was worth $150.00 and that the board of the two workmen, also cook

1 day 1½ min. boarded by Mrs. Corr was worth $10.00 Thinks the amount value $50.00 fee reasonable $240.00

J. E. Spencer

Jos. H. English called for stuff:
Knows nothing except that he heard
Mr. Vaughan or Taylor was going to build
Mr. Coe a house, & that a house was
built on his land = don't know the cost
of the house, but think it could [illegible] $150
1 day 1/2 mile. Thinks the land worth in fee $200.00
and annually, $50.00

J. H. English

August, 10. 1889.

Wells Britt witness for plaff.

Helped to build a house on the land of Martha A. Carr in the fall of 1884. Thinks the house was about 16 x 24 feet & eight steps. was employed by W. W. Stafford, who contracted with W. H. Vaughan to build the house. Heard Mr. Carr say that he had contracted with W. H. Vaughan to have said house built by Carr for him. Did not hear Carr say that he was to give Vaughan for the building. Thinks the house was worth $150.00

1 day 8 miles. Does not know what the board of the workmen was worth. Mr. Carr boarded himself.

Wells Britt

J. E. Sizemore witness for the plaff.

Heard Mr. Carr & Mr. Carr say that they had got W. H. Vaughan to build a house on their land. Heard that the house was built. Heard that the men to pay for the carpenter work was W. H. Vaughan had the house built. Thinks the house was worth $150.00 and that the board of the two workmen, who were hired by Mr. Carr for a month $10.00 Mr. Carr boarded himself

1 day 17 miles. Thinks the board was $30.00 fee paid $240.00

J. E. Haynes

Vaughan Exr. &c
vs
Low et. als.

April Term 1889.

Rough draft

To be entered

Entered #5

Vaughans Executrix &c
vs
Conn et al.

This cause come on this day to be heard on the bill of complaint taken for confessed as to the adult defendants and the answer of the infants by R. S. Thomas an attorney at law their guardian ad litem and was argued by counsel on consideration whereof the court doth adjudge, order and decree that one of the commissioners in chancery of this court take and report the following enquiries and reports:

(1) Enquire and report the amount of the debt due to the plaintiff from the defendants or their intestate:

(2) Enquire and report the fee simple and annual value of the land in the bill mentioned, and whether or not the same will rent for enough in five years to pay said debt and the costs of this suit:

(3) whether or not there is anything in the hands of the Administrator of Martha A. Conn dec'd, and if any thing how much.

(4)

Vaughan's Exors.
to.
Hendley.

Carr costs.

Decree of April
1889.

For accts.

Notice. ifp. 10. July
for 10. Augt. 1889.
11

B-H. Feeding
S-n Augt. 10

and audit and the cost of this suit
3) Which is not otherwise provided for
herein or by the Decree of Reference
of the 28th day of March A.D. 1889
4. And also, the cost of carrying this decree
into effect.

A.D. Pearson Clk

In the circuit court of Isle of Wight county
April term 1889.

R. B. Vaughan Executor of the last
will and testament of W. A. Vaughan
deceased. Pltf

vs.

E. T. Carr, R. A. Edwards sheriff and
administrator of Martha A. Carr
decd. and John A. Carr & Ida S. R. Carr
the last two of whom are infants under
twenty one years of age Defts.

This cause came on this day to be heard on
the bill of complaint taken for confessed as
to the adult defendants and the answer
of the infant by R. T. Thomas an attorney
at law their guardian ad litem, and was
argued by counsel, on consideration whereof
the court doth adjudge order and decree, that
one of the commissioners in chancery
of this court, take and report the following
enquiries and reports.

(1) Enquire and report the amount of the
debt due to the plaintiff from the defendant
or their intestate.

(2) Enquire and report the fee simple
and annual value of the land in the bill
mentioned, and whether or not the same
will rent for enough in five years to pay

Vaughan's Ex. &c.
)
Vs.)) In vacation.
)
Carr et.als.

.....

D E C R E E .

April 20th 1892.

Clerk of Cir. Court will
enter this decree.

CMH

Entered #5

We agree to this decree.
W. S. Holland p.q.
R. E. Boykin p.q

Vaughan's Executor &c.

Vs.

Carr J.T.et.als.

This cause came on this day to be heard ~~in vacation by consent of the parties~~ on the papers formerly read and upon a compromise made out of court and was argued by counsel, on consideration whereof the court doth adjudge, order and decree that the defendants pay to the plaintiffs or to his attorney the sum of eighty-seven dollars and fifty cents with interest from the 22nd day of October 1890 till paid in full satisfaction of the claim in the bill made and set up and that the defendants pay the costs of this suit, and that R.A.Edwards, sheriff of Isle of Wight County, and who as such officer is hereby appointed a receiver for that purpose, collect the rent for the lands in the bill and proceedings mentioned for the year 1892 and proceed to rent said farm publicly or privately from year to year till said debt and said costs are paid, and that said receiver pay out the money thus collected as fast as it is collected first to the parties entitled to said costs and then to said debt taking receipts for his payments and report to court his doings under this decree.

Memo. for Levitt

To the clerk cir. Ct. of I. of W. County:

R. B. Vaughan Executor of the last will and testament of W. A. Vaughan dec'd. vs. J. T. Lowe, R. A. Edwards Sheriff of Isle of Wight County and as such administrator of the estate of Martha A. Lowe dec'd. and Johan A. Lowe and Ida S. R. Lowe. the last two one infant under the age of 21 years. Summon in Chancy

to March (3rd Monday) Rules 1889.

W. S. Holland p.q.

(Exhibited 28 Nov 1888)

Vaughan's exp.
Sr. & Cly
Garrett &

17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

Cly under county:
Martha A Garrett

In the county court of Isle of Wight county
March 4th 1889
On the motion of W. L. Holland attorney for
R. B. Vaughan executor of W. L.
Vaughan dec'd. It appearing to the court
that Martha A Carr late of this county
has been dead more than two months
it is ordered that the estate of said
Martha A Carr dec'd. be committed
to the hands of R. A. Edwards sheriff
of this county for administration.

A copy
Teste,
J. P. Young clk.

Vaughans' Exo.
vs. Exors. Notts
Carretals.

To 80. augt. 1889.
W. S. Holland Esq

Executed
augt. 18 1889
Jno. A. Edwards
Sheff

Jack Rawnsley Esqre returned Writ & notes
Edwd. A. Latimer Exors.

Commissioner's Office,

Isle of Wight Courthouse, July 16th 1889.

To R. B. Vaughan Executor of William H. Vaughan dec'd.

Plaintiffs,

And to J. T. Carr, R. A. Edwards adm'r. & adm'r. of Martha A. Carr dec'd; and Jno. A. Carr & Ida S. R. Carr, last two infants; and R. S. Thomas guardian ad litem to infants Defendants:

You are Hereby Notified that I have fixed upon the 10th day of August next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, aforesaid, the following accounts: 1st. Enquire and report the amount of the debt due to the plaintiff from the defendant, or their intestate.

2nd: Enquire and report the fair cash and annual value of the land in the bill mentioned, and whether or not the same will rent for enough in five years to pay said debt and the costs of this suit.

3rd: Whether or not there is anything in the hands of the administrator of Martha A. Carr dec'd: and if any thing, how much.

Required to be taken by decree of Isle of Wight Circuit Court, rendered on the day of April, 1889, in a suit in chancery depending in the 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 of the said Court, the day and year first aforesaid.

A. P. Spencer

Commissioner.