

1899-32

Southampton County Chancery - Vaughan, C. C. vs Council, W. E. et al

Sues to collect debt from Rent
of land, if not enough, then sell
land.

Council, Rosa B.
Gardner, A. L. (Trustee)
Gray, Joseph H.

1 To the Honorable Robert R. Prentiss, Judge of
2 the Circuit Court of Southampton County;
3 Your orator W. Vaughan of the said county of
4 Southampton, humbly complaining sheweth to your
5 Honor;

6 That he recovered a judgment containing a
7 sum of money, as follows: \$72⁰⁰ with interest there-
8 on from the 25th day of March 1889, subject to
9 a credit of \$11⁰⁰ with interest thereon from the
10 30th day of December 1892; Also \$52⁴⁰ with interest
11 thereon from the 1st day of January 1890, subject to
12 a credit of \$27⁰⁰ with interest thereon from the
13 1st day of April 1894, and \$1⁵⁰ cost, against N. E.
14 Kinnick in a justice Court of said county of
15 Southampton, an extract of which judgment sheweth
16 Exhibit "A" is herewith filed and referred to.
17 He read as a part of this list, of this judgment
18 through execution issued thereon, no part has
19 been paid; the execution was returned "no effects"
20 and your orator does not believe any part
21 of it came for money from the personalty of
22 the said N. E. Kinnick. The said N. E. Kinnick is
23 dead and possessed in his own right of the
24 following tract of land lying and situated
25 in Town line Magistrate District in the county of
26 Southampton State of Virginia, containing 169³/₄ acres
27 more or less and adjoining the lands of John
28 Smith, Estate of David Daniel Joseph H. Gray, The
29 W. Vaughan and others your orator is informed
30 that the said N. E. Kinnick and Rosa J. his
31 wife have executed and there is recorded
32 in the clerk's office of the county court of
33 Southampton County Virginia, a deed of trust

1 now the said trust of land to A. E. Gaudner
2 trustee to secure a debt to Joseph H. Gray
3 for \$150⁰⁰/₁₀₀ dollars dated the 21st day of August
4 1889 recorded. Your orator avers and charges
5 that the rents and profits will not in
6 your satisfaction the said deed of trust, to Joseph
7 H. Gray and your orator's judgment, and that he
8 is therefore entitled to have the said land
9 sold to satisfy his judgment, subject to the
10 said deed of trust, as mentioned. In con-
11 sideration whereof he prays that the said
12 H. E. Cunniff, Rosa B. Cunniff, A. E. Gaudner trustee
13 and Joseph H. Gray be made parties defendant
14 to this bill and be required to answer the
15 same, though answer thereto is hereby
16 expressly waived, that all proper process issue,
17 that all proper orders and decrees may be made
18 and inquiries be directed, that if it should
19 appear that the said rents and profits of
20 said real estate will not in your satisfaction
21 said deed of trust and your satisfaction
22 judgment, that it may be sold under and
23 by direction of the Court and after paying
24 the cost of this suit and what may be
25 ascertained to be due said Joseph H. Gray by
26 virtue of his deed of trust, then that your
27 orator's judgment may be paid to him out
28 of the remaining proceeds of sale, that if such
29 rents and profits will so suffice the said
30 lands be rented out and the rents and profits
31 be applied to the said him until they
32 are fully satisfied; and that all such other
33 and further, general and special relief may

1 In given your complaint as the nature
2 of the case may require or to equity
3 shall seem most,
4 Notice is hereby given that the Court will
5 be asked to allow reasonable fees to plaintiffs
6 attorney out of any funds coming under
7 the control of the Court, and your orator will
8 was pray to.

9
10 *James Henry p.g.*

G. C. Kington
11 by *James Henry* his Atty.

Vaughan & Co.

vs. } Statement of Rules

Council et al.

L. L. Vaughan

Plaintiff

vs.

W. E. Council, Rosa D. Council, }

Jos. H. Gray, and A. L. Gardner, Trustees } Defendants

1899. 9th. March. Process issued to 2nd. March. Rules

1899. 2nd. March Rules, ^{- Process} returned executed.

Bill and exhibits filed

Decree nisi vs. the defendants

1899. 3rd. March Rules. Bill taken for confession

and Cause set for hearing

Decree.

1900.

O. C. Vaughan,
Clerk of the Court,
County of Cook,
Ill.
In the case of
O. C. Vaughan,
Plaintiff,
vs.
W. H. Connolly,
Defendant,
this Court doth hereby decree that the matter in dispute in this case be referred to the consideration of a jury, and it appearing to the Court from the evidence and the arguments of the parties that the same be removed to the County of Cook, Illinois, and that nothing further remains to be done in the premises.

This day's case was on to be heard upon p. 111

Gray,
W. H. Connolly, Rose Connolly, A. L. Gardner, Francis, and Joseph H.
O. C. Vaughan,
- - - - -

Entered 328

C. C. Vaughan,

-- 73 --

W. E. Council, Ross Council, A. L. Gardner, trustee, and Joseph H. Gray.

This day, this ~~will~~ cause came on to be heard upon bill and exhibits, and was argued by Counsel.

On consideration whereof, and it appearing to the Court from statement of Plaintiff's Counsel, that the matters in dispute in this cause have been settled, and that nothing further remains to be done thereon, on motion of Plaintiffs it is ordered that same be removed from docket.

C. C. Vaughan,

Deputy.

1800

Continued 757

Vaughan

2" } Spain Chy

Council, et. als:

1899. 2" Mich Rules

Dir. let:

Executed Mich. 17/99
by delivering a copy of
this Spain Chy, to
each of the within
named parties defendant

J. Williams
Clyf.

(4)

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

We command you to summon *W. E. Council, Rosa B. Council,*
Jos. H. Gray and A. L. Gardner, Trustees,

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 *3^d* Monday in *March 1899* ~~next~~, to answer a bill in Chancery
exhibited against *them* in our said Court by *L. L. Vaughan*

And this ~~They~~ shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, L. A. GAY, Clerk of our said Court, at the Courthouse, this *9th* day of
March, 18*99*, in the 12*3* year of the Commonwealth.

Teste: *L. A. Gay* C. C.

A Copy—Teste: C. C.

C. C. Vaughan

vs:

W^m E. Council

1899

\$72.⁰⁴ with interest thereon from Mch 25th 1889 -

Jan'y 28 -

Subject to credit of \$11.⁵⁰ with interest thereon

W. H. Jenkins

from the 30th day of Decr 1892. Also \$53.⁴⁰ with

interest thereon from Jan'y 1st 1890 - subject to

credit of \$27.²⁴ with interest from April 4th 1894

and \$1.⁵⁰ costs

Date of Docketing: 1899 - Feb. 1st 4: P.M.

A Copy

Teste. B F M Lemore Sec.

By B F M Lemore DC

Vaughan L. L.

vs { Statement of costs
Council W. & et al

L. L. Vaughan

vs. } Stat: of costs

1899

H. E. Lunnell et al.

Mar. 9th

Sum. 25, 4 exp. 52. receipt 18. atty. 10. Dock. 18 = 1.23

Railroad 1.00, Entry return 55. Fil. bill 15. Dr. exp. 15 = 1.65

Copy. Exp. 25, 1 Dece. 36. 3 continuances 75 = 1.36

Law costs & copy 40. Fil. away papers 25 = 65

10/8/1900 Paid L. A. Gay book \$4.89

shd 2.00

Law ra. 16.50

\$23.39

Resto: L. A. Gay L. L.