

1893-17

Santhampton County Chancery

Butcher, Samuel vs Warrell, Irene A

"To prove Will of"
Josiah Ferguson

Ferguson's Will

Butcher ¹³³
vs J. Bill &
Worrell Exhibits

1882. April Rules

A. B. Prince & Co.

The bond exhibit "B" not filed with the Bill -

To The Hon. Geo. Blow. Judge of the Cir-
cuit Court of Southampton, In Chancery

Complaining sheweth unto your Honor
Samuel Butcher as follows. That during
the year 1874 Josiah Ferguson, departed
this life after having made and publish-
ed his last will & testament which was du-
ly admitted to probate at the October term
1874 of the County Court of Southampton.

as will more fully appear by a certified
Copy of said will, herewith filed, mark-
ed "A" as an exhibit in this cause.

That the fourth item of said will
is as follows, viz. "I give and be-
queath my part of land in the
James G. Worrell Tract of Land to
my grand daughter Irena A. Wor-
rell. I also give and bequeath her
the money for the land sold Sam-
uel Butcher, Col'd, if he should pay
for it, if he should not pay for it
I give the land to her". That your
complainant agreed to pay the
said Ferguson the sum of Five
Hundred and one $7\frac{5}{100}$ dollars for said Tract
of Land as will more fully ap-
pear from the bond herewith filed
as an exhibit in this cause, marked

* Notice is hereby given that application
will be made to the Court for a reasonable
allowance to J.B. Prince atty out of any fund
that may be under control of the Court.

"B", That your Complainant is now
and has been for some time ready
to pay off said Bond, but no one
is authorized under the will of said
Ferguson to execute to him a
Deed for said Land. In considera-
tion of which, and inasmuch as
your Complainant is without
remedy save in a Court of
Equity where such matters are peculiar-
ly cognizable, and to the end that jus-
tice may be done, your Complain-
ant prays that Irena A Worrell
may be made a party to this bill
& compelled to answer its allegations.

That your Honor will appoint
some person a Comth to receive
the money for said Tract of Land
& when the same is fully paid
to execute a Deed therefor with
Special warranty, and your
Honor will grant such other
further, general & Special relief
as the nature of this case may re-
quire, or to Equity may seem
meet. And as in duty bound
may, it please the Court &c,

J.B. Prince f.c

of the Commonwealth

Honorable

1882

128

These are the names of the persons who have been appointed to the office of

Batcher
Painstaking
W. L. Drugg

1882 April Raley

Executed by delivering
Irene A. Drugg a
Copy of this Summons
on the 29th day of
March 1882

Deleg. Carrow by
for W. L. Drugg, St. J.

The Commonwealth of Virginia,

To the Sheriff of Southampton County - GREETING!

WE COMMAND YOU TO SUMMON

James J. W. Correll

to appear at the Clerks Office of our Circuit Court of Southampton County
at the Rules to be holden for the said Court on the first Monday in *April*
Next to answer a bill in chancery exhibited against *him* in our
said Court by

Samuel Butcher

and have then there this writ.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court at the Court
House, this *27th* day of *March* 1882, in the *104th* year
of the Commonwealth.

L. R. Edwards

~~119~~

~~111~~

~~112~~

~~110~~

Butcher

~~65~~

~~65~~

o }

Stat. Rules

Worrell

~~111~~

In Southampton Circuit Court.

Samuel Butcher

Plaintiff

against

Irena A. Morrell

Defendant.

1882. March 27th Summons issued.

" April 12th " returned Executed - Bill filed &
Decree nisi v. Deft.

" May " Bill taken for confessed & Cause set for
hearing.

" " Decree to collect bond &c

(Whitely)
"8"

In the name of God, amen, I, Josiah Ferguson of
the County of Southampton, and State of Virginia, do
hereby Make and publish this my last will and
Testament, in Writings and form following, that is
to say,

Item 1st, After my decease I desire that all my just
debts and funeral expenses be paid out of my Estate,
by my Executor herein after named.

Item 2^d, I leave to my Daughter Harriet A. White
fields all of my tract of land wherein I now
reside, I also leave her all my personal Estate during
her life, and at her death to her three last
Children, and their heirs forever; I also leave
her during her life, a piece of land near the Road,
said to contain 88 acres More or less, and at her death
to the three said Children and their heirs forever, she is
not to claim any Guardian Money.

Item 3^d, I give and bequeath my tract of land
adjoining Mary Whitfield and others land to my
grandson John B. Womel, by his paying his Sister
Irene of Womel two hundred and fifty Dollars,
to him and his heirs forever, he is not to
claim no guardian money.

Item 4th, I give and bequeath my part of Land
in the James G. Womel tract of land to my grand-
daughter Irene of Womel, I also give and bequeath
her the Money for the land I have sold to Samuel
Butcher, (Colored) if he the said Butcher should
pay for it, and in case the said Butcher does
not pay for the said ^{land} ~~land~~ and thirteen acres of

Said, I give and bequeath the same to her and
 her heirs forever, she is not to claim no quarterly money
 \$100⁰⁰; And lastly I hereby nominate and appoint
 my friend Elliott C. Ferguson, Executor of this
 my last will & Testament, hereby annulling all
 action by me heretofore made; In witness
 Whereof, I hereunto set my hand and affix
 my seal this 27th day of February, 1874.
 Signed, Sealed and acknowledged
 to be the last will & Testament
 of the Testator, in presence of Jas. ^{his}
 C. C. Ferguson, Josiah X Ferguson (Red)
 C. H. Bailey, Mark
 Samuel Vick,

At a Court held for the County of Southampton, on
 the 19th day of October 1874. The last will & Testament
 of Josiah Ferguson dec. was proved by the Oaths of
 C. H. Bailey, E. C. Ferguson, and Samuel Vick, the
 subscribing witnesses thereto, and ordered to be recorded.
 And Elliott C. Ferguson the Executor therein named,
 refusing to take upon himself the burden & the
 execution thereof, in the Writ of Abjice
 Whisticed, it is ordered that Wm. W. Briggs,
 Sheriff of this County, take into his hands
 the Estate of the said Josiah Ferguson dec.
 and administer the same in the law direct.

Test. L. R. Edwards Clk

At Copy, Test. L. R. Edwards Clk

Exhibit C.

Over 500

Butcher

vs. 3. Deere.

Warrell

This day this cause which has been taken for confessed as to the defendant, came on to be heard on the Complainants bill, the exhibits filed and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree that W. W. Briggs, who is hereby appointed special Comr. for the purpose receive from said Butcher the sum of \$581.⁷⁵ with interest thereon from Jan'y 1. 1874, till paid; Subject to following credits to-wit, March 12, 1874 \$31.⁰⁰, Dec'r 29. 1874. \$52.⁰⁰. Jan'y 17. 1876. \$50.⁰⁰ Jan'y 5. 1877. \$53.⁰⁰ Jan'y 5. 1878. for \$115.⁰⁰. and when the whole of the balance now due on said bond shall have been fully paid by said Butcher or some one for him, that he execute to said Butcher or to such party as he may desire a deed with special warranty for said land. The Court doth further decree that not after the collection of said money, the said Comr. will pay the costs of this suit including an attorneys fee of \$25. to J. B. Riney, and the balance, he will pay to L. E. R. A. Warrell, take her receipt therefor, and make report to Court of his proceedings. Leave is granted to said Comr. to withdraw the bond of said Butcher filed with his bill from the papers in this cause, after

receiving to the clerk for the same. But the
said Comr will not proceed to execute this
decree until he shall have entered into
bond before the clerk of this Court in the penalty
of \$1000 with security to be approved by him,
conditioned to faithfully execute this and any
further decree in this cause.

Rec'd May 21st 1882 of the Clerk of the Circuit
Court, the bond due by Saml Butcher filed in
this suit.

W L Briggs Comr

Butcher
vs 3 Decree
Warrell

To be entered.
May Term 1882

Geo. Blod.