

1893-030

Chancery causes:

E. C. Ferguson & wife vs/ Exr. of John Ferguson & c

Southampton Co.

C.O.A: Estate

TOPICS: Property

Whitfield Vick

Will: 1864, John Hargrove, Southampton Co, VA

To the Hon: Geo: Blod - Judge of the Circuit Court of
Southampton - In Chancery.

Humblly Complaining, sheweth unto
your Honor, your Complainants, E. C. Ferguson and Margaret,
his wife, that during the year 1864, John Hargrove died, after
having made and published his last Will and Testament, which was
duly admitted to probate at the Feb'y Term 1864, of the County
Court of Southampton and R. S. Bryant, the Ex'r therein named,
qualified as such - all of which will more full appear from copies of
the orders of probate and qualification herewith filed, marked 1 & 2,
and prayed to be taken as part of this bill - That the said R. S.
Bryant, by virtue of his Office took possession of the personal Estate of
his testator, which was considerable and much more than enough
to have paid all his just debts - That by his will, the said
Jno: Hargrove bequeathed to your Complainants wife, Margaret Ferguson,
one fourth of his Estate during her life, as will be seen from a
copy of the said Will herewith filed, marked (3) and prayed
to be taken as part of this bill - That your Complainants have
repeatedly requested and urged said R. S. Bryant to render an
account of his transactions as Ex'r of said Hargrove and to make
an exhibit of what was due your Complainants wife - but he has

refused so to do. That your Complainants know that said Bryant had had in his possession solvent bonds belonging to the Estate of said Hengrave sufficient to pay what is due your Complainants, but he would not pay them, and has transferred the bonds to Geo: A. Whitfield, who will be entitled to a part of the loan to Margaret Ferguson, in the event she should die childless: as will be seen by reference to the Will of said Hengrave. That Mary Whitfield and Lydia Whitfield are the other parties who will be entitled to the loan to Margaret Ferguson, should she die childless.

That your Complainants are advised, that their remedy for the recovery of the amount due them is to this Court. In Consideration Whereof, and that justice may be done, your Complainants pray that R. S. Bryant, Exor of Jno: Hengrave decd. Mary Whitfield, Geo: A. Whitfield and Lydia Whitfield may be made parties defendant to this bill and compelled to answer its allegations. That an order may be entered directing R. S. Bryant to settle an account of his transactions as Exor of Jno: Hengrave, and an account showing the true amount due his devisees. That the parties who have the bonds due the Estate of Jno: Hengrave may be compelled, upon proper proof being adduced, to surrender the same the same into the custody of their Court and that they may be collected and invested in some safe security, so that your Complainants may receive promptly the interest on the same.

which they are entitled to receive absolutely. and that Honor will grant such other further and general relief as Equity may dictate and the nature of this case may require - and as in duty bound bound your Complainants will ever pray &c: May it please the Court &c:.

J. P. Prince p.g.

("Exhibit 1 & 2 & 3")

In the name of God, Amen, I John Hengrave of the County of Southampton and State of Virginia do hereby make and publish this my last Will and Testament in manner 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.
- 2nd I give and bequeath to my daughter Mary Whitfield all my tract of land whereon I reside with its appurtenances thereto belonging to her and her heirs forever. I ~~also~~ give her my white mare, four first choice cows, six first choice shoats, five first choice sheep, twenty two barrels corn, eighteen hundred pounds fodder six hundred pounds salt pork or bacon, all my potatoes, and all my farming implements and tools including my carts, cart wheels &c.
- 3rd I leave to my grand daughter Margaret Ferguson during the term

of her natural life, my tract of land which I purchased of Alfred Story, and if she dies leaving a child or children I give and bequeath the same to them and their heirs forever.

4th I give and bequeath to my grand daughter Lydia Whitfield my tract of land which I purchased of William Story, formerly owned by Pilgrim Vick, to her and her heirs forever. I also give her one feather bed, bedstead and furniture.

5th I give and bequeath to my daughter Mary Whitfield and to my grand children George H. Whitfield and Lydia Whitfield three fourths of the balance of lands lying adjoining Samuel Vick and others, to them and their heirs forever, and I leave the other fourth part of the balance of my lands to my grand daughter Margaret Ferguson during the term of her natural life and if she dies leaving a child or children, I give and bequeath the same to them and their heirs forever.

6th I give and bequeath to my grand daughters Christiana and Ruth Vick of the State of Ohio Three hundred dollars a piece.

Item 7th I give and bequeath to my daughter Lydia Vick's children of the State of Tennessee my tract of land lying in the Counties of Hardeman and Haywood Tenn: to them and their heirs forever.

8th I give and bequeath to my daughter Mary Whitfield and to my Grand

Children George H. Whitfield and Lydia Whitfield three fourths of the balance of my Estate and I leave the other fourth part of the balance of my Estate to my grand daughter Margaret Ferguson during the term of her natural life, and if she dies leaving a child or children, I give and bequeath the same to them.

9th In case that my grand daughter Margaret Ferguson should die childless, I then give and bequeath the foregoing lands of land and money made to her, to my daughter Margaret Whitfield and to my grand children George H. Whitfield and Lydia Whitfield and to their heirs forever.

10th and lastly, I hereby nominate and appoint my friend Richard S. Bryant Executor of this my last Will and Testament hereby revoking and annulling all other or former Wills or Testaments by me heretofore made. In Witness whereof I have hereunto set my hand and seal this 30th day of January in the year of our Lord, Eighteen hundred and sixty four.

Signed, sealed and acknowledged to be
the last Will and Testament of Testator
in presence of us -

John ^{his} X _{mark} Hengrave

Seal

Wm. B. Thorne

Samuel Vick -

At a Court held for the County of Southampton on the 15th day of February 1864.

This last Will and Testament of John Hargrave dec^d, was proved by the oaths of Thomas B. Norrell and Samuel Vick the subscribing witnesses thereto and ordered to be recorded. and on the motion of Richard G. Bryant the Executor therein named who made oath and together with Davis Corbett, Thos G. Bryant and Charles Bryant his security (who justified on oath as to their sufficiency) entered into and acknowledged a bond in the sum of sixteen thousand dollars, conditioned according to law, Certificate is granted him for obtaining a probate of the said Will in due form.

Teste,

L. M. Edwards Clk.

Attest-

Teste, L. M. Edwards Clk.

Attest-

Teste, L. M. Edwards Clk.

10176

J. M. J. & wife
to } Bill & Exhibits
Hengrave's Cair & others

(Copy)

Durham County Court, March Term 1877

E. C. Ferguson of Margaret his wife, Plaintiff

vs
R. L. Bryant Ex'r of John Hargrave dec. Deft.

This day this Cause came on to be further heard on the papers, formerly read of the Report of Commissioner Tyler, filed November 3rd 1877, & was argued by Counsel, No Consideration whereof or exceptions being filed to said report, the same is hereby confirmed, and it appearing from the said Report that there is due from R. L. Bryant Ex'r of John Hargrave dec. to Margaret Ferguson, the wife of E. C. Ferguson, the Sum of Three hundred & ninety $70\frac{1}{4}$ / 100 dollars, as of June 1st 1870, the Court doth adjudge, Order & decree that the said R. L. Bryant pay to E. C. Ferguson & wife the Sum of (\$390.70 $\frac{1}{4}$) Same being the interest on the said Sum of \$390.70 $\frac{1}{4}$ from January 1st 1870, to November 1st 1877, & the Court doth further decree, that the said R. L. Bryant deposit the said Sum of \$390.70 $\frac{1}{4}$ with the banking house of Bain & Bro., take a Certificate of deposit therefor in his name as Ex'r of John Hargrave dec. for the benefit of E. C. Ferguson & Margaret his wife, & return the said Certificate with his report to Court. And the Court doth further decree that R. L. Bryant pay the Costs of this suit. A Copy

Jas R. Tyler, D.C.

Ferguson & Co. 20 June
Hargrove's Exr.