1904-05 Southampton County Chancery- Dardens, R.E. Vs Bishop, T.L. et als

Sue to collect debt by rents; if this does not suffice, Then sell property to satisfy lein debts-

McLemore, James L. (Trustee)

Bishop, Mary W.
" T.A. (Trustee)

Darden for &c
v. { Bell &
Bishop J. L. &

1897. 1st Mch. Rules. Filing
L. H. Gay C. C.

Prince &
JAMES L. McLEMORE,
Attorney-at-Law,
COURTLAND, VIRGINIA.

Brevett Waddey Co., Stationers and Printers, Richmond, Va.

To the Honorable Robert R. Prentis, Judge of the Circuit Court of Southampton County.

In Chancery:

Complaining sheweth unto the Court, your complainant, R.E. Darden, who sues for the benefit of Jas. L. McLemore, his Trustee, that he recovered a judgment in the Circuit Court of Southampton County, at the Nov. term of the said Court in the year 1891, against J.L.Bishop, for the sum of $353.28, as will appear from extract of said judgment herewith filed, marked exhibit "A" and prayed to be read as apart of this bill. That no part of said judgment has been paid. That before the said judgment was obtained, the said J.L.Bishop was seized of a tract of land in the said County containing 136 acres more or less, bounded by the lands of Argil Whitehead, J.W.Ridley and others, upon which said Bishop resided and still resides; that some time prior to the said judgment he made a deed of trust to T.A.Bishop trustee to secure a debt or bond described as due to Mary W. Bishop his wife, as will appear from copy of said deed of trust herewith filed as exhibit "B"; that since said judgment was entered and duly docketd, the said J.L.Bishop and Mary W. Bishop, his wife by dedd duly recorded, has conveyed the said real estate to S.H.Bishop, now deceased for the sum of $? cash paid.

That by the last will and testament of the said S.H.Bishop, he devisdd to said J.L.Bishop, his son, for his life, a certain tract of land lying near the Seaboard Railroad, containing 136 acres, more or less, and bounded by the lands of Jos Whitehead Sarah A. Stephenson and others, as will appar from a copy of the said will herewith filed marked "C" as apart of this bill; that the said J.L.Bishop is also seized of an undivided interest in considerable real and personal estate, not disposdd of in the said last will of the decedent.

Your complainant avers and charges that the rents and profits of this land will not in five years satisfy the lien debts against the same, and that he is entitled to have his lien enforced by a sale of the said property.

In tender consideration whereof your complainant prays that J.L.Bishop,Mary W.Bishop,and T.A.Bishop,Trustee be made parties defendants to this bill,and rquirdd to answer the same, ,that all proper orders and decrees may be entered,enquiries directd and accounts taken,that if it shall appear that that the said rents and profits of the real estate will not in five yars pay the lien debts against the same,that said real estate be sold and the preceds thereof applied to the payment of said lien debts; that if such rats will thus suffice,that said lands be rented out and the rents and profits be applied to the payment of said judgment;that all such other,and further relief both general and special,may be given your complainant as the nature of his case may require or to equity shall seem meet. And your complainant will ever pray,&c.

Prince vdl & Kmore P.Q.

Dorchester for RC

RB Petition of J. D. Abbott

J. L. Bishop & Co
1901. 1st Jany. Fiends
L. a. Gay 4.4.

H Shands & C.

Decree for rc
vs 3 Petition of J. D. Obbitt.
Bishop J L &c

To the Hon R. R. Prentis Judge of the circuit Court of Southampton Co.

Your petitioner J. D. Obbitt respectfully shows unto your honor, that by virtue of a decree entered in above styled cause at the Oct Term 1900 of this Court. J B Pruett Jr Special Comr proceeded on Dec 24 1900 to sell on the premises the life right of J. L. Bishop in a certain tract of land upon which he lives containing 136 acres more or less. situated in Southampton Co & adjoining the lands of N. L. Story et als. That on day of sale very few persons were present. That your petitioner was unavoidably absent that day, that the property was sold to J. B. Pruett, ~~Special Comr~~ for the sum of $60.00 That said sale has not been confirmed. That your petitioner considers said price a totally inadequate one. That he will give at least the sum of $100.00 if the same is resold

and will enter into any such bond and security, to carry out said bid and pay same cash, should he become the purchaser of the said property, that the Court may require of him. And he prays that the Court would order a resale That there are a large number of liens against said J. L. Bishop and it is manifestly evident that it is greatly to the interest of all interested parties that of a resale will bring a much larger price, that the same should be so ordered. And your petitioner offers to bid at said resale nearly twice what it was sold for. all of which is

Respectfully submitted by

J. P. Abbett

Par from Shands his atty

Jany 1st, 1901

Dorden forte.
v. Report of
Special Comm.
Bishop. J.L.

1901. 29th March filed
L.A. Hay C.C.

1

COMMISSIONER'S SALE

-of a-

VALUABLE FARM IN SOUHAMPTON COUNTY, VIRGINIA.

By virtue of a decree of the Circuit Court of Southampton county, rendered at the October term, 1900, in the chancery suit styled Darden for &c. V. Bishop, J.L. et als., I will sell by public auction to the highest bidder, at the Home of J.L. Bishop, in Southampton county, near Sandsoms, on the 24th day of December, 1900, the LIFE RIGHT of which J.L. Bishop is now seized and possessed in the certain tract of land upon which he now lives, containing one hundred and twenty acres of land, more or less.

TERMS:- CASH.

J.B. Prince, jr.

Special Commissioner.

.....

I, L.A. Gay, Clerk of the Circuit Court of Southampton county, do certify that the bond required in the above ##### suit has been executed with security deemed sufficient by me.
Given under my hand December 5 1900.

L.A. Gay C.C.

1

Darden for &c.,

v. Report of Special Commissioner.

Bisnop, J.L.,

Pursuant to a decree of tne Circuit Court of Southampton county in tne above styled cause, I, as special commissioner, have the following to report:-

After advertising in a number of places in tne county, tne time and place of the sale of tne life right of J.L.Bishop was seized and possessed, I proceeded on$ the 24th day of December, 1900, at tne nome of J.L.Bisnop, to sell at public auction, for cash, to tne highest bidder, said life right of J.L.Bisnop.

Tnat J.B.Prince and J.L.Barnam bid sixty dollars, wnicn being tne nighest bid, tne property was cried out to tnem. They have not complied with tne terms of tne sale, because they neard tnere was to be a petition for an upset bid, but they are ready to comply at any time.

All of wnicn is

Respectfully submitted,

Jos. B. Prince, Jr.
Spec. Cmmr.

To the Judge of the
Circuit Court of Southampton Co.

Darden, Jan etc-

vs. } Report.

Bis[illegible], J. L.

March, 18th, 1904

Files - B. F. M. cc

J. B. PRINCE

J. B. PRINCE [illegible]
Attorneys & Counsellors at Law
Courtland, Va.

Darden for &c.,

vs. Report of Special Commissioner Joseph B.Prince, jr.

Bishop, J.L., et als.

To the Honorable Robert R.Prentis, Judge of the Circuit Court of Southampton County, Va.

In this cause your commissioner begs to report that he received from the sale of the life right of J.L.Bishop in the tract of land in the bill and proceedings in this cause mentioned the sum of $500.00, as shown by his report of date Decr. 18th,1902, which sum he has distributed as follows:-

Amount received:----------		$500.00
Paid J.D.Abbitt, Assne. of A.D.Bryant, (judgments).....	$93.10	
J.D.Darden's Estate, , compromised	25.00	
J.L.Barham, assne. of judgment Darden for &c. vs. J.L.Bishop,.....	313.36	
Costs of suit, including coms. and costs of advertising &c.....	68.54	
	$500.00	$500.00

The vouchers are herewith filed as a part of this report.

Your commissioner begs further to report that there is nothing further to be done in this cause and he prays that a decree may be entered dismissing same from the docket.

Respectfully submitted,

Joseph B.Prince Jr

Special Commissioner.

R. E. Darden for re.
vs } Statement of costs
Bishop et als

1897		
July 9th.	Sum. 25. exp 39. recpt 18, atty. 10, Dom. 18=	1.10
	Recd 1.00, Entering return 35. fil. bill 15=	1.50
	Do Ent 1.5. Do. Answer 15. copy Ent. 1.85=	2.15
	1 Decree 36. 4 continuances 1.00 =	1.36
1899		
Aug. 17th.	Tax costs 40 =	.40
1900	Comm's bond 1.40, fil. Robbills petition 15	1.55
	Do. Report of Comr in chy. 25. Do report of Spl Comr. 25=	50
	2 Decrees 1.00 copy 4 Continuances 1.00 =	2.08
	Tax costs 4 years at 10 cts	40
1901. Aug 23	Further costs	2.00
	6/26/1903 Pd by J.B. Prince Z. A. Gay Clerk	$13.04
	Pd Jno W — Shff.	1.50
	Paid J&PrS Lawre.	16.50
		$31.04
	Fee of J.B. Prince Jr. Comr in chy, pd-gn.	10.00
		$41.04

COURTLAND, VA., 190

Received June 12th, 1903, of J. K. Prince, Spl. Comm. to
secure the life right of J. L. Bishop in 126 acres of land
the sum of Ninety-Three and 10/100 Dollars, same
being in full of said mentioned assigned me by C. D. Bryant.

$93.10

Jno. D. Abbitt

..R. HOWARD & CO..

.. General :: Merchants ..

NEWSOMS, VA.,_____190_

Received January 16th 1904 of J B Prince Agt
Comm'l the Chancery suit Darden &c
Vs J.K. Bishop the sum of Twenty Five
Dollars ($25.00) in full for Judgment
in favor of Jas D Darden Exr

Richard Howard Exor
Jas D Darden Dec'd

Received, March 4th,1904, of Joseph B.Prince, special commissioner the sum of in the chancery suit Darden for &c. vs. J.L.Bishop the sum of $65.32 , (Sixty-five and 32/100 Dollars) it being balance from judgment in favor of J.D.Darden's estate, which was compromised, and being in part of judgment assigned J.B.Prince and myself by J.L.McLemore, Attorney.

J.L. Barham

65.32
212.73
35.31
313.36

JUDGE
SOUTHAMPTON COUNTY COURT.

J. B. PRINCE,
ATTORNEY AND COUNSELLOR AT LAW.

COURTLAND, VA., 190

Received Jan. 16th 1903, of J B Prince, Spl. Comr. in the Chancery suit Borden &c vs. J. L Bishop the sum of Two hundred and Twelve and 43/100 Dollars, in part of Judgment R. E. Borden, who sues &c vs. J. L. Bishop - assigned to J. B Prince and myself by J. L. McLemore, Att'y -

J. L. Barham

90.32
25.00
115.32

Received, May 29th, 1903, of J.B.Prince, Special Commissioner to sell the life right of J.L.Bishop in 126 acres of land near Handsoms, Va., Sixty-five and 24/100 Dollars, in full of my account against said Bishop.

J.S. Barham

Thanks for the
Bishop E

The answer of J.L.Bishop one of the defendants to the bill of complaint exhibited against him and others in the Circuit Court of the county of Southampton, by R.E.Darden who sues for the benefit of Jas. L.McLemore his trustee.

This defendant, now and at all times hereafter, saving and reserving to himself all benefits and advantage of exceptions which can or may be had or taken to the many errors, uncertainties and insufficiencies in the said bill contained, for answer thereto, or to so much thereof as he is advised it is material or necessary for him to answer, this defendant answering, saith:-

This respondent does not admit that the complainant has obtained a judgment against him as alleged but prays that the evidence of the same may be carefully examined, that the complainant be required to show the regularity and validity of the same by record evidence, that the tract of land alleged to be owned by him at the time of the recovery of the said alleged judgment was fully covered by a prior lien and was conveyed to satisfy the said lien, and that said alleged judgment can be no lien on it.

This respondent admits the death of his father S.H.Bishop leaving a will, a copy of which is filed with the bill but denies that he left undisposed of any considerable real and personal estate of which this respondent is seized as alleged, on the contrary, he avers that the said S.H.Bishop has been dead only a short time, for a long time thereafter there was no qualification on the estate, that no account of debts has been taken and as to what will be left of the very small personal estate is as yet but a matter of conjecture.

This respondent further avers that the said testator left a widow, who under the law, may renounce the said will withing one year, and in that event, would be entitled to dower in all the lands of her late husband even before the payment of his debts.

It was not the intention of the said testator, S.H.Bishop, to devise to this respondent any estate which could be taken for the debts of the devisee, J.L.Bishop, but it was the purpose of the testator to devise said tract of land containing 136 acres and bounded by the lands of Whitehead and others to the children of this respondent who were the grand-children of the testator, with direction that this respondent, the father,

manage and coltrol the same for said children during his natural life. This was the frequently expressed will and desire of the said testator, and he had no doubt but what the same idea was expressed beyond cail in his will.

This respondent is advised and respectfully submits for the consideration of the court that said will on its face devises said land in trust to J.L.Bishop as trustee for the use and benefit of said dhildren and graddchildren during his natural life, and at his death when he could no longer serve the said children and grand-children as trustee or manager, it is given to those of said children who might survive their said father.

And now having fully answe red, this respondent prays to be hence dismissed with his costs in this behalf so unreasonably expended. And he will ever pray &c.

W.J. Debree.
Wm S. Hall and
p.d.

J. L. Bishop

COMMISSIONER'S BOND.

Darden for pl.

vs.

J. L. Bishop et als.

J. B. Priem Jr.

to

Commonwealth.

1900. 5th Dec. Filed

Recorded page 120

Know All Men by These Presents, That we, J. B. Prince Jr.

and J. B. Prince

are held and firmly bound unto the Commonwealth of Virginia in the sum of ($250.)

Two Hundred and Fifty ~~Dollars~~ no/100 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 5th day of December one thousand ~~eight hundred and ninety~~ 900

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound

J. B. Prince Jr.

shall faithfully perform the duties of his office or trust, as Special Commissioner

under a decree of the Circuit Court of the County of Southampton

pronounced on the 5th day of Oct. 1900, ~~189~~, in the suit therein depending

under the name and style of Dardin Jor ~~va~~, vs J. L. Bishop et als.

or any other decree that may be entered in this cause

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

Signed, sealed and acknowledged in the presence of

J. B. Prince Jr. SEAL

J. B. Prince SEAL

SEAL

In the Clerk's Office of the Circuit Court of the County of Southampton.

This day J. B. Prince

surety on the above bond, made oath before me, L. A. Gay Clerk

of the Circuit Court of the county of Southampton, and State of Virginia, 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

Hundred & Fifty & Dollars.

Given under my hand this 5th day of Dec. 1900, ~~189~~

Teste: L. A. Gay, Clerk.

Deed from &c.
vs } D. I. L. to T. K. Bishop Trustee
Bishop J. L.
Ext. "B"

This deed of trust made and entered into this 23rd. Day of October 1891 between James L. Bishop, grantor of the 1st part and Thomas A. Bishop Trustee and grantee of the second part witnesseth: that for and in consideration of the sum of five dollars to the said James L. Bishop, in hand paid by the said Thomas A. Bishop before the signing and sealing of this and the receipt whereof is hereby acknowledged, The said James L. Bishop has given, granted, bargained and sold and by these presents does give, grant, bargain and sells unto the said Thomas A. Bishop the following real and personal estate to wit: One tract of land lying in the County of Southampton containing one hundred and twenty seven acres more or less it being a tract of land purchased from Wm. B. Shands as Commissioner and bounded on the north by the lands of J. H. Ridley, East by the land of J. H. Ridley, South by the lands of Miss Sarah Stephenson, and West by the lands of Argill Whitehead, One Sorrel Colt, one Phaeton, one Cart, all his household and kitchen furniture, all his farming implements and one silver Watch: and the said James L. Bishop doth warrant the title to the said real and personal estate unto the said Thomas A. Bishop generally, the title to the said real and personal estate is a fee simple one, and the said real and personal

estate is Covered to the said Thomas A. Bishop, in Trust to secure the payment of one bond for the sum of nine hundred and ninety two dollars and forty cents due to Mary H. Bishop and dated the 13th day of March 1886 and it is hereby Covenanted, stipulated, and agreed between all the parties to this deed that the said James L. Bishop shall be permitted to remain in quiet and peaceable possession of the above said real and personal estate for twelve months from this date, then upon request of the said Mary L. Bishop, should the said James L. Bishop not have paid the above bond. The said Thomas A Bishop shall after having given at least thirty days notice of the time and place of sale by public advertisement proceed to sell on the premises for cash the above said real and personal estate, and after paying the costs of executing this trust pay to Mary H. Bishop the above said bond and the balance if any, pay over to James L. Bishop. As witness the following signatures and seals.

J. L Bishop. (Seal.)

Note the interlineations in this deed were made before its being signed sealed, delivered.

Southampton County, In the Clerks office
Oct 23" 1891. The foregoing Deed of Trust
from J. L. Bishop to J. A. Bishop, Trustee,
was this day received, acknowledged in
in this by said J. L. Bishop to be his
act and deed, and admitted to record.

Test: B. F. McLemore, C.C.

A Copy

Test: B. F. McLemore, C.C.

Darden for re

v. } Report.

Bishop. J. L.

1900. 21st. Sept. filed

L. A. Gay b.b

1904

Virginia. In the Circuit Court of Southampton County. March Term 1897

R. E. Darden for &c.

vs.

J. L. Bishop. Mary W. Bishop & R. A. Bishop

This day came the defendant J. L. Bishop and filed a general demurrer to the complainants bill, in which demurrer the complainant joined; and the same being argued is over-ruled. Thereupon this cause came on to be heard upon the bill and exhibits filed, bill taken for confessed as to the defendants, same having regularly matured at rules, 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 Court.

1st. An account of the lien debts of record against the real estate held by the said defendant, with their priorities.

2nd An account of the real estate belonging to said defendant, or which has belonged to him since the existence of any liens that may be of record,

Whether or not the rents and profits arising from same will in five years pay the debts that are liens against same, together with the value of the said real estate.

4th. Any other matter deemed pertinent by the Commissioner, or required to be stated by any party

in interest.

On the motion of the defendant J. L. Bishop leave is given him to file his answer to the complainants bill within Sixty days from this date.

A Copy.

Teste: L. A. Gay b.c.

OFFICE OF JOS. B. PRINCE, JR.,

Commissioner in Chancery for the Circuit Court of Southampton County, Virginia.

Courtland, Va., Ocrober 9th. 189 9

To

R.E.Darden,who sues for the benefit of J.L.McLemore,his Trustee.

J.L.Bishop, Mary W.Bishop and T.A.Bishop, Trustee.

You are hereby notified that I have fixed upon the 14th day of October 1899 if fair, if not the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to-wit:

1st,-An account of the real estate belonging to said defendant,J.L.Bishop,or which has belonged to him since the existence of any liens that may be of record.

2nd,-An account of the liens debts of record against the real estate held by said defendant,with their priorities.

3rd,-Whether or not the rents and profits arising from same will in five years pay the debts that are liens against same,together with value of said real estate.

4th,-Any other matter deemed pertinent by the commissioner,or required to be stated by any party in interest.

required to be taken by a decree of Southampton Circuit Court, rendered at the March term, 189[illegible], in a suit in Chancery, depending in 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 in Chancery of said Court the day and year first aforesaid.

J.B.Prince, Jr., Commissioner.

To the Sheriff of Southampton County to execute.

not in five years satisfy the debts that are liens against same.

Commissioners Office.

Courtland, Va. Sept. 1st, 1900.

To the Circuit Court of Southampton County:-

Pursuant to a decree of the Circuit Court of Southampton county, entered at the March Term, 1897, in a suit in Chancery depending in the said Court, Darden et als. V. J.L. Bishop et als., the undersigned one of the Commissioners of said Court to whom was referred for settlement the account called for by said decree, reports to Court that on the 9th day of October, 1899, he issued notices against the several parties hereto requiring them to attend the settlement of said account at his office in Courtland, Va., on the 14th day of October, which were returned to your Commissioner duly executed.

That none of the parties having appeared in obedience to said notices your commissioner proceeded to take the following account:-

1st:- Your Commissioner finds that J.L. Bishop is seized and possessed of a life interest in one hundred and thirty six acres of land near [redacted] Handsoms, Va., devised to him by his father, S.H. Bishop.

That since the existence of ~~of~~ any liens of record he has owned one hundred and twenty seven acres of another tract, known as a part of the "Amos Stephenson" land, but that he had disposed of said land before the time of taking this decree.

2nd:-That an account of the lien debts of record is filed herewith Marked "A".

3rd:- That the annual [redacted] value of said land is about fifty dollars, and the fee simple value is about five hundred dollars. Your Commissioner is satisfied that the rents and profits arising therefrom will

not in five years satisfy the debts that are liens against same.

Respectfully submitted,

Jos. B. Bruce, Jr.
Comr. in Eq.

Commissioner's fee $10.

1st from Nov. 21st 1887 to
Oct 7—th, 1899 Pd $ 66.64
~~Cost~~

#) Judgment from U.S. Circuit Court for the benefit of Joel M Lemon & Co. Trustees, recovered Nov. Term Cir. Ct. 1891 Limited Warrd- $353.38
Interest on $201.73 from Jan 1st 1887 to
from Feby 22nd 1889 to Oct 1st 1899
with payments
Jan 1st 1887 - $13.67
Feby 22-1887 - .60
Aug 4th-1887 - 19.99
May 9th-1890 - 17.77
which leaves with interest & payments
including Costs $37.45 to Oct 1st 1899 $37.45

Recount of the Judgment lien debts against J.L. Bishop. Priorities stated by figures 1, 2, 3, etc –

(1) Judgment favor A.D. Bryant
Recovered Feby. 14th, 1889 Justice Ct. $42.00
Int. from Dec. 21st. 1889 to
Oct. 1st, 1899 Pd 24.64
~~Costs~~ $66.64

(2) Judgment favor A.D. Bryant
Recov. May Term Cir. Ct 1890 Pd – $77.38
~~Int. from June 1st 1890 to Oct 1st 1899~~ ~~2.68~~
~~$80.06~~

3) Judgment favor R.E. Dorsey, who sues for the benefit of Jas L. McLemore, his trustee, recovered
Nov. Term Cir. Ct. 1891 – Homestead waived – $353.28
Interest on $205.43 from Jan. 1st 1887 & on
$147.85 from Feby. 14th, 1889 to Oct. 1st. 1899
with following payments –
Jan. 1st – 1887 – $13.67
~~May~~ 23 – 1887 – .60
Aug. 4th – 1887 – 109.99
May 9th – 1890 – 17.77
Which leaves with interest & payments
including Costs $7.65 to Oct. 1st 1899 $374.17

(4) Judgment favor Wm A. Myrick
Recov. Nov. Term Cir. Ct 1892. Homestead waived $8.00
Int. from Nov. 5th, 1892 to Oct. 1st-1899 .33
Costs 40.75
$49.08

(5) Judgment favor Jos. J. Dorden
Recov. Sept. Term Cir. Ct. 1895 (Homestead waived) $105.89
Int. from Jan. 1st, 1893 to Oct. 1st. 1899 42.87
Costs 7.70
$156.46

(5) Judg. favor Jos J. Dorden, record. Sept.
Term Cir. Ct. 1895. Homestead waived $325.07
Int. from May 13th, 1892 to Oct. 1st, 1889
with following payments credited
Sept. 16th, 1892 - $153.45
Feby. 18th, 1893 - 21.91
Which leaves Oct. 1st 1899, including
Costs $8.45 $235.17

(6) Judg. favor Abbitt Bros - record. Apl. Term
Cir. Ct. 1900 $198.67
Int. from Mch. 15th, 1899 to Oct. 1st, 1899 6.37
Costs 8.40
$213.44

Respectfully Submitted,
Jos. B. Prince, Jr

In The Name of God Amen. I S. H. Bishop of the County of Southampton and State of Virginia, being of sound and disposing mind , but Impressed with the uncertainty of human existence, do make this my last will and testament hereby revoking all others hereto made by me.

Item 1st. In the event my wife Harriet Bishop should be my surviver it is my will and desire that all my personal property of every kind should remain in kind for her use and benefit and under her control and management during her natural life, and after her death should she survive me or after my death should I survive her as soon as may seem judicious and best to my executors hereinafter named I desire my executors to make sale of all my personal property of every kind upon such terms as to them may seem best in the interest of my estate, and the proceeds of such sale after paying all my honest depts I wish to be equally devided among my children, J. L. Bishop, Bettie. E. Parker, the wife of Jas. A. Parker Thomas A Bishop, Walter S Bishop Sarah A Blow the wife of Jas T Blow, Mollie E Bishop Lewis W Bishop Miles H Bishop and Robt H Bishop and my grand daughter Madora Saunders the daughter of my deceased daughter Lyden A Saunders:

~~The lands of My home tract deeded to me by W E Beale and others and adjoining~~

Item 2nd: My home tract containing 291 acres more or less and adjoining the lands of W E Beale decd W D Porter W S Bishop and others, I give to my son R H Bishop in fee simple tital R H Bishop to have the land on the west side of the County road leading from Joynersville to Sypress Bridge and Mollie E Bishop to have the land on the East side of said road

Item 3rd: I loan to my son J L Bishop during his natural life a tract or parcel of land known as the Blow tract containing 13½ acres more or less and bounded on the East by the Countr road leading from Sypress Bridge to Boons Bridge, on the West by Joe Whitehead and Miss Sarah A S Stephenson on the South by P D Story on the North by a new line to be chopped between J L Bishop & Sarah A Blow the wife of J T Blow and at the death of said J L Bishop I give and devise the same to his surviving children and there heirs forever.

Item 4th: I loan to my son W S Bishop during his natural life a tract or parcel of land upon which he now resides containing 40 acres more or less lying on the East side of County Road leading from Sypress Bridge to Joynersville and on the South side of S & R Rail Road also 100 acres on East side of said County Road on the North side of said S & R R Road and ajacent to the 40 acres just mentioned and described and at the death of W S Bishop I give and devise the same to his surviving childre and their heirs forever

Item 5th: I loan to my son Thomas A Bishop during his natural life that tract or parcel of land containing 150 acres more or less lying East of the county Road leading from Sypress Bridge to Joynersville bounded on North by Davis Vick and others East by S T Hand South by chopped line at the death of said T A Bishop I give and devise the same to his Children and their heirs forever.

Item 6th: I loan to my daughter Bettie E Parker the wife of Jas A Parker during her natural life that certain tract or parcel of land known as the Edwards tract containing 125 acres more or less and bounded on the west by County Road leading from Sypress Bridge to Boons Bridge South by P D Story & chop line East by chop line commencing Glover Spring and runing North to Blow's line and on North by Blow's line, and at the death of the said Bettie E Parker I give and devise the same to her surviving Childrtn and their heirs forever.

Item 7th: I give to my sons Miles H Bishop and Lewis W Bishop jointly together one tract or parcel of land of 300 acres more or less commencing at the S & R R Road and running back North and West of the County Road leading from Sypress Bridge to Joynersville, on West by W D Porter & P D Story North by Bettie E Pope Parker East by T A Bishop and County road [illegible] the wife of J T Blow that certain tract or parcel of land containing 100 acres more or less lying on North side of County Road leading from Sypress Bridge to Boons Bridge & bounded on west by J L Bishop North by J W Ridley East by Davis Vick also 50 acres on south side of said [illegible] bounded on South by Beale tract East by T A Bishop North by Davis Vick Dempsy Johnson & County road and at the death of said Sarah A Blo I give and devise the same to her surviving children and their heirs forever

Item 9th: I loan to my grand daughter Madora Saunders the daughter of my deceased daughter Lyda A Saunders during her natural life that certain tract or parcel of land containing 100 acres bounded on the North South and East by T A Bishop North by J T Blow,s line west by choped line and at the death of said Madora A Saunders I give and devise the same to her surviving children and there heirs forever; If she should die without lawfull issue the said land shall be divided among her nearest Bishop relation,s.

Item 10th: I appoint my son,s J L Bishop T A Bishop and R H Bishop as executors of this my last Will and Testament and I hereby request that they be allowed to qualify as such without security

Given under my hand and seal this 7th day of January 1889

Stith H Bishop (seal)
John R Porter (seal)
Patrick H Sykes (seal)

Signed and published by S H Bishop as and
for his last Will and Testament in the
presence of us who in his presence of [illegible] at his request
and in the presence of
each other have hereunto affixed our
names as witnesse'

In Southampton County Court November Term 1896: A writing purporting to be the last will and Testament of Stith H Bishop decd was produced in Court and proved by the oaths of John R Porter one of the subscribing witnesses thereto and P H Sykes the other subscribing witness being and the said J R Porter was sworn and deposed that the said P H Sykes and himself signed the said writing at the same time and place in the presence of each other and in the presence and at the request of the t estator whereupon the said writing is ordered to be recorded as the last will and Testament of the said Stith H Bishop decd And T A Bishop and R H Bishop two of the executors therein named who made oath according to law entered into and acknowledged a bond in the penalty of two thousand dollars, conditioned as the law directs but without security, the will directing that none be required and the Court requiring one which bond is ordered to be recorded Certificate is granted the said T A Bishop and R H Bishop for obtaining a probate of the said will in due form

Teste: B. F. McLemore, C.C.

A Copy Teste: B. F. McLemore, C.C.

$1.50

Executed by delivering a copy of the "Summons" to J. E. Bishop also a copy to J. H. Baker. Mary W. Bishop not being found at her usual place of abode I delivered a copy of the Summons to Minnie Bishop a member of her family over the age of sixteen years and explained its purport to her.

Feb. 26th 1897

Geo. D. Whitehead Deputy.
for J. W. Williams Sheriff.

(3)

Indorsed for Pltf.
Vs. } Summons.
Bishop et als.
1897. 1st Mich. Rules.
Lis. Pend.

(3)

Prince & McKinnon N. B.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON J. L. Bishop, Mary W. Bishop & T. A. Bishop Trustee.

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 1st. Monday in Mch. 1897 ~~next~~, to answer a Bill in Chancery exhibited against them in our said Court by R. L. Darden who sues for the benefit of J. L. McLemore his Trustee

And this thing 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 February, 1897, in the 121 year of the Commonwealth.

TESTE: L. A. Gay, C. C.

List of Judgments in favor of Jas. J. Darden.

1877 Sept	15.	Robt. S. Howell Int from Jany 1/77.		$ 12	48	1878
"	"	Richard Carr Int from Jany 1/76.		11	25	1879
Jany	22	Waverly Barham Int from Jany 1/76		13	90	1883
Nov		J. J. Westbrook Int from Jany 1/76		54	00	1884
1878 April	13	N. B. Ridley Int from Jany 1/78		38	62	"
"		H. J. Barham Int from Jany 1/76	Pd	13	14	1885
"		H. J. Barham Int from Feb. 2/76	Pd	48	00	1886
		H. J. Barham Int from Feb 1/78	Pd	45	00	"
		H. J. Barham Int from Jany 1/79	Pd	27	37	"
		H. J. Barham Int: from Feb. 3/78	Pd	40	00	"
		H. J. Barham Int from Jany 1/77	Pd	37	15	1887

docketed in the Clerks Office of Southampton Co.

Apr	13	N. J. Basham Int from Apr 16/78.	Pd	~~25~~ 30	
Jany	26	Geo. Story Int. from Oct. 16/58.	"	~~30~~ 61	
Nov		Miles Sykes Int from Dec 1/80 (Costs		40 00 29 66	
Dec	20	J. J. Channell Int from Dec 20/84		68 68	
"	"	J. J. Channell Int from Dec 20/85		68 18	
Feb	2	W. J. Williams Int. from Feb 2/85 $32.60 paid Oct 22/88.	Ng.	54 06	
May		A. D. Bryant Int from Jany 1/86		758 05	Settled
"		Jno. H. Pope Int from Feb 19/84	Dy	18 70	
Apr	28	N. J. Basham Int from Feb 22/86	Pd	~~24~~ 68	
Nov	20	Geo. T. Worrell Int. from Feb. 15/86.	Pd	~~33~~ 72	
Feb		W. H. Daughtry Int. from Jany 1/85.	Pd	67 11	

Mr. Wingfield's lands sold under Decree of Circuit Court of Southampton Co. Va. 1888 & divided between Channell 224 acres

1887				
Feb.	1	M. H. Miles Int: from Feb 19/83.	79 45	
"	10	M. H. Miles Int. from Jany 1/84	63 90	
"		M. H. Miles Int from Jany 1/85	41 30	
1892 May		B. G. Ferguson Int from Jany 1/83	128 75	
		J. F. Fowler Int from Jany 1/85 $166.00 paid on this.	~~282 54~~	
1894 Mch	17	J. H. Bowles Int from Jany 1/86	13 14	
		J. H. Bowles Int from Jany 1/85	7 35	
		E. M. Dandee Int: from Apl 23/94. Sept 17th 1894	~~93 66~~	
X 150		Jas. R. Erangor Int from Jany 1/94	16 76	
		H. T. Norsworthy Int. from Mch 17/84	51 47	
		Bow W. Pulley Int: from Mch 28/82	10 80	
		Harrell Land & Lumber Co. Int. from Feb. 10/93	~~79 83~~	

1895			
	J. L. Bishop & M. H. Bishop Int from May 13/92 $153.45 + $21.91 paid on this	325 07	
1896			
	Jas. D. Ferguson Int: on $155.61 from Jany 26/81 " " 104.90 " June 28/83. + Costs $40.34 paid June 25/85.	261 51	
	Richard C. Ferguson New Bryleus Int from July 1/87	40 46	
	S. J. Glover Int. from Jany 1/84	60 63	
	G. H. Bradshaw Int. from Jany 1/96 Pd. and Mr. Bradshaw has receipt.	~~Pd~~ 43 14	
	Harriett Whitfield Int from Jany 1/95	~~57 20~~	
	Harriett Whitfield Int. from Jany 1/96.	~~6 72~~	
1898.			
	L. W. Bishop Int. from Mch 18/82	8 51	
	J. H. Pope Int. from Jany 1/98.	~~4 91~~	
	E. D. & W. R. Watson Jany 1/99. Int:	(89 82)	Pd

July 29. 1899 — (Acclation Cert 1899

#736

1899 Jas. R. Granger 27 69 Pd

Cert. from Jacksy 1./98 #117 Case

1894	Jas. T. Worrell Int. from Jany 1/84	Pd	1 28
	Jas. T. Worrell Int. from Jany 1/83	Pd	1 07
	Jas T. Worrell Int from Jany 1/85	Pd	4 53
	Jas. T. Worrell Int. from Jany 1/92	Pd	91
	Jas. T. Worrell Int. from Jany 2/90	Pd	9 79
1895	Harrison Freeman Executor Copied Int. from Jany 1/92		25 78
	R. H. Barnes Int. from Feb. 16-/87	Pd	17 30
	John H. Hasty Int: from Nov 3-/94	Pd	21 36
	F. J. Steel Judgement Mch 6, 1895 Int from March 18/91 $53.00 paid on this		131 76
No 250			
	Edward L. Story Int. from Jany 1/94	Pd	73 19
No 325	F. A. Bishop Homestead waived Int. from Feb. 21-93- R #780 Cost		576 25
Obtained Sept 1 of 1895			
	J. L. Bishop Int. from Jany 1/93		105 89

Docket for vs -

vs. } Decree

Bishop J. L.

Entered

June 7 1903

Robert C. Ellis

Enter this -

Adamson & Corbitt.

" Atty. for Plaintiffs -

J B Pounce Jr

Atty. for Defendants.

Entered

Page No. 2.

~~Circuit Court of Southampton County, in term, April , 1903.~~

Darden for &c.,

vs. Decree.

Bishop, J.L.

This day this cause came on to be further heard on the papers formerly read and the report of J.B.Prince, jr., special commissioner, reporting a sale of the life right of J.L.Bishop in the bill and proceedings mentioned to Alma G.Bolton, Minnie P.Bishop, Nannie D.Ballard and B.Oggie Baughan for the sum of $500.00.

On consideration whereof the court doth confirm the said report, and doth adjudge, order and decree that when the purchase price shall be fully paid and the costs of this suit that the said J.B.Prince, jr., spl. Comr. as aforesaid make to the said Alma G.Bolton, Minnie P.Bishop, Nannie D.Ballrd and Ogie Baughan a deed of bargain and sale with special warranty for the life right of the said J.L.Bishop.

And by consent of parties ~~****~~ entered of record, in term it is ordered that ~~the judge of this court enter such orders or decrees in this cause~~ this cause may be submitted to the judge of this court for such decisions and decrees herein in vacation, as ~~may be entered in term~~ might.

And the said special commissioner will make further report to court.

~~To the Clerk of the Circuit Court of Southampton County, Va.~~

Bishop Worden for re
— & Reports
Bishop et als

1902 - Dec. 18th, filed -
L. A. Gay C.C.

Darden for &c.,

vs. Report of Special Commissioner J.B.Prince, Jr.

Bishop et als.

To the Honorable Robert R.Prentis, Judge of the Circuit Court of Southhampton County, Va.

Pursuant to a decree of the Circuit Court of Southampton county entered on the 4th day of April, 1901, in the chancery suit therein depending, styled Darden for &c., vs. J.L.Bishop et als, your commissioner after duly advertising the time and place of sale, sold at public auction the Life Right of J.L.Bishop in the tract of land containing 126 acres, upon which he formerly lived, starting the same at the unset bid of J.D.Abbitt of $100, and at the sale so had Alma G.Bolton, Minnie P.Bishop, Nannie D.Ballard and B. Ogie Baughan became the purchasers by bidding therefor the sum of Five hundred Dollars.

Your commissioner is informed they are ready to pay the money as soon as the sale is confirmed, and a deed ordered. The sale is a most excellant one and I would recommend that it be confirmed.

Respectfully submitted,

J B Prince Jr Spl. Comr.

COMMISSIONER'S SALE

-of a-

VALUABLE FARM IN SOUTHAMPTON COUNTY, VIRGINIA.

By virtue of a decree of the Circuit Court of Southampton county, rendered at the October term, 1900, in the chancery suit styled Barden for &c. V. Bishop, J.L. et als., I will sell by public auction to the highest bidder, at the home of J.L. Bishop, in Southampton county, near [illegible], on the 24th day of December, 1900, the LIFE RIGHT of which J.L. Bishop is now seized and possessed in the certain tract of land upon which he now lives, containing one hundred and twenty acres of land, more or less.

Terms:-CASH.

J.B. Prince, jr.

Special Commissioner

I, L.A. Gay, Clerk of the Circuit Court of Southampton county, do certify that bond required in the above suit has been executed, with security deemed sufficient by me.

Given under my hand December 5, 1900. L.A. Gay, C.C.

Dearden for &c.

vs. } Copy Judgment

Bishop J. L.

Ex. "A"

In Southampton Circuit Court,

April Term, 1891

R. E. Vaden, who sues for the benefit of Jas L. McLemore, his Trustee Pltff.

Against

Jas. L. Bishop, Deft.

In

Judgment for the Plaintiff against the Defendant for $ 353.28 with legal interest thereon from 14th day of February, 1889, till paid, on $205.43 1st day Jan 1887 & $147.85 and costs, $ 7.65

Extract.

Teste: B. F. McLemore, C. C.

Dardan for pl'

Plaintiff.s

AGAINST

J. L. Bishop et als

L. A. Gay

Defendant.s

IN CHANCERY.

I, ~~T. M. HOWARD~~, Clerk of the Circuit Court of Southampton County, Virginia, do certify that bond as required under a decree of sale in the above style cause, entered on the 5th day of October, 1900 ~~189~~, has been executed with security deemed sufficient by me.

Given under my hand this 5th day of December ~~189~~ 1900

L. A. Gay C. C.

Darden for &c.

vs. } Statement of Rules

Bishop et als.

R. L. Darden. Who sues for the benefit of J. L. McLemore his Trustee. } Plaintiff

vs.

J. L. Bishop. Mary W. Bishop and T. A. Bishop Trustee } Defendants

1897. February 9th. Process Sfd. to 1st March Rules.

1897. 1st. Mch. Rules. Process returned executed.

Bill & Exhibits Filed. Decree Nisi vs the defendants

1897. 2nd. Mch. Rules. Bill taken for confessed and Cause set for hearing.

Dardenfort
&
Bishop
} Stat: Costs -

~~1897 Feb 9~~ Sperm 25 - Copies 39 -
rec't 18. atty 10 clerk 18 - ~~Subp~~ Subp 1.00
Enter return 35 filing bond 15 - Do Exhibits -
15 - filing answer 15 - filing petition 20
filing 3 Reports @ 20 - 60. taking bond 50
recording bond 35 - 4 decrees - @ ~~36~~ 44
pd L. A. Gay $ 5.94
Decree & 36 - filing report 20
Copy Exhibits - ~~1.85~~ - Cert Costs 40
filing away papers - 25
paid - 3.06
B. F. M. ~~4.96~~
pd Shelf 1.50
pd - Lowe Jr. 16.50

13.00

1' 10

Darden for &c.,

v. Decree.

J. L. Bishop et als.

October 5th, 1900,

Enter this

Robert R. Prentis

Entered

838

R.E.Dardan for &c.

Vs.

J.L.Bishop, Mary W. Bishop & Ia Bishop

~~This day this~~ cause came on to be heard upon the bill and exhibits filed, bill taken for confessed as to the defendants, same having regularly matured at rules, 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 Court, 1st. An account of the lien debts of record against the real estate held by the said defendant, with their priorities.

2nd. An account of the real estate belonging to said defendant, or which has belonged to him since the existence of any liens that may be of record.

Whether or not the rents and profits arising from same will in five years pay the debts that are liens against same, together with the value of the said real estate.

4th. Any other matter deemed pertinent by ~~any party in~~ the ~~interest~~ Commissioner, or required to be stated by any party in interest.-

On the motion of the defendant J. L. Bishop leave is given him to file his answer to the complainants bill within sixty days from this date.-

⊗ This day came the defendant J. L. Bishop and filed a general demurrer to complainants bill, & motion to dismiss the complainants bill, and the same being argued it is overruled, to which ruling defendant excepts.

Darden for
J. L. Bishop and others

This day this cause came on to be further heard upon the papers formerly read and the report of J.B.Prince, jr., commissioner, to which report there is no exception, and was argued by counsel. On consideration whereof the Court doth adjudge, order and decree that said report be confirmed. And the Court doth further adjudge, order and decree that J.B.Prince, jr., who is hereby appointed a special commissioner for the purpose, after giving twenty days notice of the time and place, sell by public auction, to the higest bidder, for cash, the life right of which J.L.Bishop is now seized and possessed in the tract of land upon which he now lives, containing 120 acres, more or less, But before the said commissioner shall proceed to act under this order he shall give a bond before the Clerk of this Court in the penalty of $250.— with security to be approved by said Clerk, conditioned for the faithful performance of his duties under this, or any other decree in this cause. And said commissioner will also before acting under this decree attach a certificate from the Clerk of this Court to the notices of sale that the bond required by this decree has been properly executed.

And the said commissioner will report his proceedings to Court, with a statement of whether there are any delinquent taxes against said land.

Davenport Ia
vs 3 Days
H L Bishop Pr

1901. Apl 4

Entered.
Robert Stevens

Entered 36 51

Decree for Pl.

Ct & Decree

Bishop J.L.

This day this cause came on to be again heard on the papers formerly read, the report of Special Commissioner J.W. Bruce Jr. filed March 29. 1901. and the petition of J.D. Abbitt filed June 1. 1901. and was argued by Counsel. Whereupon the Court doth decree that the report of Special Commissioner J.W. Bruce Jr. be not confirmed. and the petition filed by J.D. Abbitt being an upset bid and being a material advance upon the sale reported, and the Court being satisfied that is made in good faith and by a responsible party, and no objection being urged against the same, it is further decreed that the life right of J.L. Bishop in the 136 acres of land in the proceeding mentioned be again offered for sale by said Special Comr. J.W. Bruce Jr., and that it be started at the upset bid made by the said J.D. Abbitt. after giving at least twenty days public notice of time and place of sale for Cash. and said Commissioner will make report to Court.

1904

Darden for &c.,

vs. Last Degree.

Bishop, J.L., et als.

Circuit Court of Southampton County. In term. On the 21 day of March, 1904.

Enter

Robert P. Dennis

Entered

P. O. B. 57.

Darden for &c.,

vs. Last Decree.

Bishop, J.L., et als.

This day this cause came on to be further heard on the Papers formerly read and the report of Jospph B.Prince, jr., special commissioner, filed March 18th,1904, to which report there is no exception, and was argued by counsel.

On consideration whereof, it appearing from the said report of Joseph B.Prince, jr., and the vouchers therewith filed that the full amount of money in his hands as special commissioner from the sale of the life right of J.L.Bishop in the tract of land in the bill and proceedings in this cause mentioned has been distributed according to law, ~~and that further~~ it is ordered that the said report be, and the same is hereby confirmed.

It further appearing that the object of this suit has been accomplished, there being nothing further to be done, it is ordered that it be removed from the docket.