

1909-38

Southampton County Chancery - Fergusson, C.C.

vs Bishop, W. S.

Sales to collect debt by
taking rent on real estate,
if not by this method, then
sell and apply to debts for
settlement.

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

In Chancery:

Complaining sheweth unto the Court, your Complainant, C. C. Ferguson, that he recovered a judgment for \$102.40 with interest thereon from April 14th. 1884, till paid and \$7.86 for his costs, against W.S. Bishop, in the Circuit Court of Southampton County, an extract of which is herewith filed marked "A" as apart of this bill. Of this judgment no part has been paid, though execution has issued thereon.

That said W.S. Bishop owns an interest in ^{the} tracts of land in the said County, containing ¹⁴⁰ acres more or less and bounded by the lands of Seaboard & Raleigh Co., same having been devised to him by the last will and testament of his father S.H. Bishop, for and during his natural life as will appear from a copy of the said will herewith filed as exhibit "B" and prayed to be made a part of this bill. That said W.S. Bishop also has an undivided interest in the chattel property of the decedent, and also in that portion of the real estate owned by said decedent and not disposed of in his said will, same being undivided, and being derived by descent, and therefore in fee simple.

Your complainant avers and charges that the rents and profits of this land will not in five years pay the lien debts against the same, and that he is therefore entitled to enforce the lien of the same by the sale of the said property, or such interest therein as said defendant owns, and that he is also entitled to have such amount as may be coming to defendant from his distributive share of the personal estate applied to the payment of his judgment.

In tender consideration whereof your complainant prays that the said W.S. Bishop may be made a party defendant to this bill and required to answer the same, that all proper orders may issue, decrees be entered and enquiries directed as may be necessary or expedient in ascertaining the interest of the

#2.
defendant in the said property, and the several debts of record against the same, and if it shall appear that the rents and profits arising from the said real estate will not in five years pay the lien debts reported against the same, then that the same be sold and the proceeds applied to the payment of your complainant's debt, and such others as may be liens against the same. That if said land will rent for sufficient in five years to pay for the said judgments that are liens against the same, then that same be done; and that all such other and further relief both general and special may be granted as the nature of the case may require or to equity may seem meet. And your complainant will ever pray.

Frederic W. Lyman

P.Q.

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^{fore} made by me.

Item 1st. In the event my wife Harret Bishop should be my survivor it is my will and desire that all my personal property of every kind should remain 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 debts I wish to be equally divided 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 Lydea A Saunders:

~~Item 2nd: My home tract containing 291 acres more or less and adjoining the lands of W F 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 Syppress Bridge and Mollie E Bishop to have the land on the East side of said road~~
Item 2nd: My home tract containing 291 acres more or less and adjoining the lands of ^{W F 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 Syppress 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 13 $\frac{1}{2}$ acres more or less and bounded on the East by the Countr road leading from Syppress ~~Stephenson~~ 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 Syppress 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 & RR Road and adjacent 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 children 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 160 acres more or less lying west East of the county Road leading from Syppress 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} children and their ~~heirs~~ ^{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 126 acres more or less and bounded on the west by County Road leading from Syppress Bridge to ~~Joynersville~~ Boons Bridge South by P D Story & chop line East by chop line commencing Glover Spring and running 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 children 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 Syprress Bridge to Joynersville ^{bounded} on West by W D Porter & P D Story North by Bettie E Hays Parker East by T A Bishop and County road ~~that certain tract or parcel of land containing 100 acres more or less lying on North side of County Road leading from Syprress 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 County Road leading~~ bounded on South by Beale tract East by T A Bishop North by Davis Vick Dempsey 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 chopped 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)

Patric W 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 and at his request and in the presence of each other have hereunto affixed our

names as witnesses:

In Southampton County Court November Term 1896: A writing purporting to be the last will and Testament of Stith H Bishop deed 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 dead 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 Testator whereupon the said writing is ordered to be recorded as the last will and Testament of the said Stith H Bishop deed 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 none 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 McLeunor lb

A Copy Teste

B F McLeunor lb

Ex. Ex. Ferguson Plaintiff

vs.

W. L. Bishop Defendant

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

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

Bill and Exhibits filed, Deceit

Nisi vs. Defendant.

1897. 2nd March Rules Bill taken for confession

and cause set for hearing

Form No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED
21,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission.

This is an UNREPEATED MESSAGE, and is delivered by request of the sender, under the conditions named above.

THOS. T. ECKERT, President and General Manager.

NUMBER	SENT BY	RECD BY	CHECK
105	10	10	10
RECEIVED at 302 PM Nov 1st 1899			
Dated Portland Me			
To J. G. McInerney City at San Francisco			
Take No Deceit in Ferguson			
V.S. Bishop to day Will Write			
J. H. Miller			

...in the vicinity of the property, selling same for cash, and report
same for at least fifteen days by posters in three or more places
the tract of land aforesaid, after due and legal advertisement of

Ferguson & Co.
Deer

W. S. Bishop

Notary Public
Sept. 4th 1899

Robert H. Hunt

Robert H. Hunt

VIRGINIA,

IN VACATION, IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, NOVEMBER
4th. 1899.

C. C. Ferguson

vs.

W. S. Bishop.

This day, this cause came on again to be heard in vacation, upon the papers formerly read upon the report of Commissioner J.B. Prince Jr., filed October 17th. 1899, to which no exceptions have been taken, upon reasonable notice given to the defendant of plaintiff's intention to apply for this decree, and was argued by Counsel.

On consideration whereof, the Court doth adjudge, order and decree that the said report be and is hereby confirmed, and it appearing to the Court from said report that the defendant, W. S. Bishop, has a life estate or interest in a tract of land containing one hundred and forty (140) acres, lying in the County of Southampton and along the line of the Seaboard and Roanoke Rail Road Co. about one and one half miles North of Handsoms, Virginia,, doth adjudge, order and decree, that unless the said W. S. Bishop or some one for him, shall, within thirty days after the entering of this decree, pay off the debts reported by said Commissioner Prince, then, that J. L. McLeMore and J. B. Prince, who are hereby appointed Special Commissioners, (either of whom may act) with direction to make sale of the said life interest of W. S. Bishop, in

the tract of land aforesaid, after due and legal advertisement of same for at least fifteen days by posters in three or more places in the vicinity of the property, selling same for cash, and report to Court. But before the said Commissioners shall proceed to act hereunder, they shall enter into bond before the Clerk of the Circuit Court of Southampton County, in the penalty of \$500.00 and with approved security conditioned for the faithful performance of this or any future decree that may be entered herein.

To the Clerk of the Circuit
Court of Southampton County.

Robert H. Smith

Angerone L.L.

Stat. of Costa

Bishop W.S.

C.C. Ferguson,

Vs.

W.S. Bishop,

This cause, which has regularly matured at rules, came on to be heard upon the bill and exhibits filed, bill taken for confessed, and was argued by Counsel. On consideration whereof, the court doth, adjudge, order and decree, that this cause be referred to one of the Commissioners of this Court who will report the following accounts, to-wit:

1st. An account of the lien debts against the defendant with their priorities and dignities.

2nd. An account of the real estate of which the said defendant is possessed, and the nature of the estate held by him.

3rd. Whether or not the rents and profits arising therefrom will in five years pay the lien debts against the same.

4th. The annual and feesimple value of the said real estate together with any other matter specially stated, deemed pertinent by the Commissioner, or required to be stated by any party in interest.

party in interest.

finement by the Commissioner, or required to be stated by any party together with any other matter specially stated, deemed pertinent. The sum and testamentary value of the said real estate will in five years pay the lien debts against the same.

3rd. Whether or not the rents and profits arising therefrom have been paid to the possessor and the nature of the estate held by him. 4th. An account of the real estate of which the said estate is comprised and its dignities.

5th. An account of the lien debts against the defendant and the court who report the following accounts, to-wit:

This cause is referred to one of the Commissioners of this

station whereof the court took, and in order and decree, that taken for confessed, and was argued by Counsel. On consideration came on to be heard upon the bill and exhibits filed, bill

This cause, which has regularly matured at rules,

W.S. Bishop,

As.

C.O. Johnson,

C. O. Johnson
W. S. Bishop
C. O. Johnson

Freeman
W. Notice

Bishop W.D.

shall through

~~Take notice that~~
Counsel, apply to the Judge of the Circuit Court of South-
ampton County at his office in Suffolk Va., on the day of
1899, for a decree to be entered in vacation in

Specified Oct. 30th 1899

by delivering a copy of this
Notice to W.D. Bishop the
defendant in this cause

J.P. Whitley left

for Mr. Williams

W.D.

Mr. W. S. Bishop

Take notice that ~~we~~ shall through
our Counsel, apply to the Judge of the Circuit Court of South-
ampton County at his office in Suffolk Va., on the ~~4th~~ day of
~~November~~...1899, for a decree to be entered in vacation in
the chancery cause of

Le Ferguson

vs. W. S. Bishop.

Your obedient servant,

Le Ferguson
by Counsel

Octo. 25. 1899

B. B. Ferguson

r.

W. S. Bishop

Specified by delivering
a copy of this notice to
W. S. Bishop on Oct. 9th
1899. B. B. Ferguson not
being found at his usual
place of abode. I left a copy
here of with Mrs. J. J. Ogden
who is a member of the family
in which he lives and upon
receiving news of his
departure is kept to her
J. S. Bishop
Left for Mr. Williams

Left.

(2)

OFFICE OF JOS. B. PRINCE, JR.,

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

Courtland, Va., Oct 6th — 1899

To

C. C. Ferguson Plaintiff

and

W. S. Bishop Defendant —

You are hereby notified that I have fixed upon the 11th day of October 1899 ~~next~~, if fair, if not the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to-wit:

- 1) An account of the liens debts against the defendant with their priorities and dignities,
- 2) An account of the real estate of which the defendant is possessed and the nature of the estate held by him —
- 3) Whether or not the rents and profits arising therefrom will in five years pay the liens debts against the same
- 4) The annual and true simple value of the said real estate —
- 5) Any matter specially stated deemed pertinent by the Court as regards to be so stated by any interested party

required to be taken by a decree of Southampton Circuit Court, rendered at the March term, 1897, 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.

Jos. B. Prince, Jr., Commissioner.

To the Sheriff of Southampton County to execute.

L. G. Ferguson

TS. } Decree.

H. L. Bishop

10
Virginia: In the Circuit Court of Southampton
County. March Term 1897.

W. L. Ferguson.

vs.

W. L. Bishop.

This cause, which has regularly matured
at rules, came on to be heard upon the bill and
exhibits filed. bill taken for confession, and was
argued by counsel. On consideration whereof, the
Court doth, adjudge, order and decree, that this
cause be referred to one of the Commissioners
of this Court who will report the following accounts,
to-wit:

1st. An account of the lien debts against the
defendant with their priorities and dignities,

2nd. An account of the real estate of which the
said defendant is possessed, and the nature of the
estate held by him.

3rd. Whether or not the rents and profits arising
therefrom will in five years pay the lien debts
against the same.

4th. The annual and full value of the said
real estate together with any other matter specially
stated, deemed pertinent by the Commissioner, or required
to be stated by any party in interest,

A Copy.

Teste: L. A. Gay C. C.

"A"

An account of the lien debts against W.S. Bishop

which are liens on the real estate belonging to him, and described in the account hereto annexed, showing their dignities and priorities Taken before me, Jas. B. Prince Jr. a Commissioner in Chancery for the Circuit Court of Southampton County, Va. - on the 12th day of October, 1899

(1)	Judgment favor P. O. Story assignee of Chas. Smith -	\$ 18 75
	Interest from July 19th, 1884	21 28
	Costs	1 00

{	<u>Damns</u> <u>borrowed</u> <u>by</u> <u>Statute</u> -	\$ 41 93
	Obtained May 11th Justice Ct. Doct Dec. 7th - 1893	
	Execution issued August 1895 -	

(1)	Judgment favor C. C. Ferguson	\$ 102 40
	Int from Apr. 14 - '84	95 23
	Costs	7 80

	Obtained May - Cir. Ct. - Doct. May 20, 1885 - Return of Execution August 1885 "his property" -	\$ 205 49
--	---	-----------

(1)	Judgment Cir. Ct. May term 1885 favor R. J. Piers - Doct May 20, 1885 - Execution issued & returned in 1885 - - -	119
	Interest Jan 1st - 1884	112 44
	Costs	7 86
		\$ 239 30

(2)	Judgment Justice Court, obtained Nov. 19th 1887 doct. Dec. 23, 1887 - favor Beaton v Boone	
	Execution issued and returned within -	68 77
	year - Costs	1 80
	Interest from Nov. 1st 1884 -	61 80
		\$ 132 37

Q

Account of his debts against W.B. Bishop - Continued -

(3)	Judgment favor R.E. Dorden - October 15th 1888 Cir. Ct. - Doct. October 25 - 1888	
	Execution issued & returned "no effects"	300
	Interest from Nov. 4th - 1884	265.50
	Costs	6.29
		\$571.79

(3)	Judgment for R.E. Dorden - October 15th 1888 - Cir. Ct. - Doct October 25th '88	
	Execution issued and returned "no effects"	514.06
	Interest from Oct. 13, 1888 -	332.24
	Costs	6.29
		\$852.59

(4)	Judgment favor W.A. Myrick Justice Ct. Sept. 24 - 1892 - Doct - Oct - 18th '92	12.52
	Interest from Jan 1st - 1888	12.56
	Costs	1.00
		\$26.08

(4)	Judgment for Musgrave and Pope Justice Court Obtained September 24 - 1892 - Doct - Oct 17 - 1892 -	60
	Interest from Nov. 1st - 1883	60.30
	Costs	1.00
		\$121.30

Respect fully Submitted
Jas B. Prince, Jr

R. C. Ferguson

v. { Report

W. S. Bishop -

1899. 17th Oct. filed

L. A. Hay b. b.

Commissioner's Office

County land, Va

Oct - 12, 1899 -

To the Circuit Court of Southampton Co.,
Pursuant to a decree of the Circuit Court
of said county, rendered at the March
term 1897, in a suit in Chancery depending in
said Court, under the style of C.C. Ferguson v. W.S.
Bishop, 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 6th October 1899
he issued notices against the parties hereto,
requiring them to attend the settlement of said
accounts - which notices were returned to your
Commissioner duly executed - and are filed
herewith -

That your Commissioner proceeded to take the
said account and reports the following
to the Court:

An account of the lien debts against defendant is
filed herewith and marked "A" showing their priorities
and dignities.

The said defendant has a life interest in 140 acres
of land, near Hansons, Virginia - six miles from the
Court House.

Said real estate is valued at \$4700 for simple
property - and your Commissioner is of opinion
that the rents and profits arising therefrom
will not in five years pay the lien debts.

The annual value of said real estate is
about \$2000.

In September - 1892 W. S. Bishop made a deed of trust
to J. F. Bishop, trustee to secure a debt due Mrs
Geo. A. Bishop - conveying certain personal property
viz: one Rock away & horses - 1 clock - other in the house gun
one brood sow & in crease house hold and kitchen
furniture to secure bond of \$290.⁰⁰

Respect fully Submitted

Geo B Price Jr

Coun. in Chy.

Coun's fees \$10.⁰⁰

- 1909 -

Ferguson b.b.

W. ~~W.~~ Deere

W.S. Bishop

1900. April

Enter.

VIRGINIA,

IN VACATION, IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, NOVEMBER
4th. 1899.

G. C. Ferguson

vs.

W. S. Bishop.

This day, this cause came on again to be heard in vacation, upon the papers formerly read upon the report of Commissioner J.B. Prince Jr., filed October 17th. 1899, to which no exceptions have been taken, upon reasonable notice given to the defendants of plaintiff's intention to apply for this decree, and was argued by Counsel.

On consideration whereof, the Court doth adjudge, order and decree that the said report be and is hereby confirmed, and it appearing to the Court from said report that the defendant, W. S. Bishop, has a life estate or interest in a tract of land containing one hundred and forty (140) acres, lying in the County of Southampton and along the line of the Seaboard and Roanoke Rail Road Co. about one and one half miles North of Handsoms, Virginia,, doth adjudge, order and decree, that unless the said W. S. Bishop or some one for him, shall, within thirty days after the entering of this decree, pay off the debts reported by said Commissioner Prince, then, that J. L. McLeMore and J. B. Prince, who are hereby appointed Special Commissioners, either of whom may act with direction to make sale of the said life interest of W. S. Bishop, in

the tract of land aforesaid, after due and legal advertisement of same for at least fifteen days by posters in three or more places in the vicinity of the property, selling same for cash, and report to Court. But before the said Commissioners shall proceed to act hereunder, they shall enter into bond before the Clerk of the Circuit Court of Southampton County, in the penalty of \$300.00 and with approved security conditioned for the faithful performance of this or any future decree that may be entered herein.

To the Clerk of the Circuit
Court of Southampton County.

h. h. Ferguson

vs. } Copy Judgment

H. B. Bishop

Est. "A"

In Southampton Circuit Court,

May Term, 1885

L. L. Ferguson Plff.
Against

In

W. S. Bishop Deft.

Judgment for the Plaintiff against the Defendant for \$ 102.⁴⁰ with
legal interest thereon from 14th day of April, 1884, till paid,
and costs, \$ 7.⁸⁶

Extract.

Teste: B. F. McLennan, C. C.

Ferguson B. G.

VS } Sum. In chgo.

Bishop H. S.

1897. 1st. Mech. Rules
lev. let.

Specimen Feb. 27th
1897 by delivering a
copy of this 'Sum' to
H. S. Bishop

Geo. H. Hitchcock
for Provisional Off.

W. H. Bishop

(1)

Prince & McLenore p. 9.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON *H. S. Bishop.*

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 *March* *1897* next, to answer a Bill in Chancery exhibited against *him* in our said Court by

G. L. Ferguson

And this *he* 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*, 189*7*, in the 12*th* year of the Commonwealth.

TESTE:

L. A. Gay., C. C.