

1873-028

SOUTHAMPTON COUNTY
CHANCERY PAPERS

FERGUSSON and Wife vs. DILLARD et al

7/1873

other surnames; Mitchell, Mangum,
Moyler, Bryant, Fergusson,
Ferguson

Ferguson & Wife

v } Stat: Rules

Dillard & Co

2.44
18¹¹/₁₆
21.63

In Southampton County Court

Samuel Ferguson & Victoria his wife
against

R. F. Dillard Hm H Mitchell personal representative of James H Mangum dec'd
Henry L Moyler.

1871. Jan 17 Summons Issued

" Feb 18 " Ret. Executed Bill filed. D. Nisi & Deft's

" Mar " Bill taken for Confessed.

" Apr " Cause set for hearing &c

" " 6th Decree for Acct &c

1873 July. Bill dismissed with Costs &c

Kelly p. 8

Sam. Fergusson wife

as } Bill &c

Richmond J. Dillard
others.

1871 February Rules

Co. C. 1. South

To the Hon. J. W. Vaguehart, Judge of the
County Court of Southampton County

Complaining, show unto the Court
your Complainants Samuel Fergusson &
Victoria his wife.

Your complainants respectfully
represent to the Court and say:

That on the 19th day of April 1858
Richmond F. Dillard duly qualified in the
County Court of Southampton, as the guardian
of you Complainant, Victoria then Victoria
Bryant and now the wife of said Samuel
Fergusson - and entered into & executed a
Bond as such guardian according to Law
in the penalty of Ten thousand dollars,
with Jas H. Mangum and Henry D. Moyler as
his sureties to said Bond - a duly certified
copy of said Bond is filed herewith as part
of this Bill & marked "A"

That the said Richmond F. Dillard
as such guardian returned an account of
his transactions, to said County Court, which
was ordered to be recorded on the 19th of
January 1860 - a copy of which is filed here-
with & marked "B" - By which said
account there was due by said Richmond
F. Dillard to your Complainants Victoria
(his ward) the sum of Two hundred and

forty six dollars and twenty nine cents
with Interest thereon from the 31st of Dec.
1859, which has never been paid.

That your ^{female} Complainant was twenty one
years of age on the 31st of December 1864
and that said sum of \$246.29 should
be paid with Compound Interest from the
31st Decd. 1859 to 31st Dec. 1864 & simple
Interest since then

Your Complainants say that the
said guardian account is erroneous & prays
to surcharge and falsify the same and
have the same corrected ~ Your
complainants say that the said Richmond
F. Dillard received a large sum for the hires
of said Victoria's negroes for 1860, 1861, & 1862
which have not been accounted for ~ That
he received from sales of Bailey Bryant slaves
(of which said Bailey Bryant the said Victoria
was an heiress) a large sum of money for said
Victoria not accounted for, That he received a
large sum from the Chattel estate of Jacob
Bryant (of whom said Victoria was an heiress)
not accounted for, That he received a large sum
from the sales of Jacob, Bryants Lands (of
which said Jacob, the said Victoria was an heiress)
not accounted for, & also other sums.

Your Complainants also say ~ That James

A. Mangum one of said sureties on said guardian bond is dead and that Wm. H. Mitchell of Sussex County is his Personal representative -

Your Complainants pray that the accounts of said Richmond F. Dillard as guardian of said Victoria may be properly stated, and that the accounts returned by said guardian as aforesaid may be surcharged & falsified & corrected, and that whatever amount of money, may be found due by said Richmond F. Dillard to said Victoria may be paid, and that should any Decree therefor against the said Richmond F. Dillard prove unavailing, that then the said sureties may be compelled to pay the same.

In Consideration whereof & as this Court has jurisdiction to grant all adequate relief. To the end your Complainants pray that Richmond F. Dillard aforesaid, Wm. H. Mitchell Personal representative of James H. Mangum decd. & Henry D. Moyler, may be made Defendants hereto and that the prayers of your Complainants may be granted & that all other and further relief may be granted consistent with equity &c.

John R. Kelly p. v.

Ferguson & Wife
to } Ans. of Dillard
Dillard & Co

1871 April 17th by leave

The answer of Richmond F. Bellard to a Bill in Chancery exhibited against him and others, in the County Court of Southampton County Virginia, by Samuel Ferguson & Victoria his wife;

This defendant for answer to the said Bill or so much thereof as he is advised it is material he should, says that ~~the allegations of said Bill are untrue~~; it is true he qualified as the guardian of Victoria Bryant (now the wife of Samuel Ferguson) on the 19th April 1858 in Southampton County Court but that in July 1858, he settled with J M Gurley the former guardian of Victoria Bryant and rec^d. of him \$529.04 for which he gave her credit in settlement of his account as her guardian made by Com. W W Shands of Southampton County Court; which account was filed in the Clerk's Office of said County on 17th January 1860 and laid for exceptions till the 20th day of February 1860 (more than 30 days) and none being filed was confirmed and ordered to be recorded. The said Comm. Shands by said account (a copy of which is herewith filed and prayed to be taken as a part of this answer) reported a balance due ^{by the debt} of \$246.29 on 31st December 1859 to ~~his~~ said ward, and in the Office of the said Comm. in Chy: on the 17th Jan^y 1860, he paid to Samuel Ferguson then husband of Victoria Bryant the said balance of \$246.29 so reported by the Com^d. & took from him a receipt in full (a copy of which is herewith filed) he then had more than 30 days to file exceptions to ~~the~~ said account, before the 20th Feby: 1860, but filing none it was ordered to be recorded; and your respondent never expected to hear of the matter again, and hence denies the allegation of the said Bill that the said balance of \$246.29 has not been paid.

The defendant for further answer says that it is not true that he received large sums of money for the hire of the said Victoria's negro for the

years 1860, 61, & 62 ~~that he~~ but that ^{he} ~~delivered~~ to Samuel ^{Ferguson} ~~the~~ husband of said Victoria in January 1860 all the slaves which ever came into ^{his} possession belonging to her the said Victoria and that for the years 1860, and 2^d she was married to the said ^{Ferguson} ~~husband~~, and he was of course no longer her guardian.

This defendant also denies that he ever received one cent from the sale of Bailey Bryants slaves or from the Chattle Estate of Jacob Bryant or from the sales of Jacob Bryants land or from any any other source whatever unless included in the \$539.04 paid him by the former guardian which was credited as before stated in his account stated by Comr. Shaudt — indeed this defendant ~~never knew~~ ^{did not} heard of till the filing of the said Bill against him by the said ~~Ferguson~~ ^{Ferguson's} wife that his the said ~~Ferguson's~~ ^{Ferguson's} wife was ever entitled to any portion of the Estates of Bailey Bryant or Jacob Bryant, and having answered prays to be dismissed with his costs.

R. F. Dillard

Shaudt J. G.

Virginia

Northway County ³⁵

This day Richmond F. Dillard personally appeared before me R. W. Juggle a Justice of the peace in and for the County and State aforesaid and made oath that the foregoing answer contains the truth to the best of his knowledge and belief.

Given under my hand the 30th day of March 1871

W. W. Juggle J. P.

The following is an exact copy of Fergusons receipt which I have, R. F. D.

Jan'y 17th 1860 Rec^d from Richmond F. Dillard Guardian for Martha V Bryant the sum of Two hundred & forty Six Dollars and Twenty nine cents in full of balance due my wife Martha V Ferguson formerly Bryant, by last account, this is paid by an order on Seth N Bishop & recourse to proceed vs R. F. Dillard in event Bishop fails to pay in a reasonable time
Samuel Ferguson

Northway Co State of Va To wit

I R. W. Juggle a Justice of the ^{peace} in the County & State aforesaid do hereby certify that the above receipt is an exact copy of a paper exhibited to me & signed by Saml. Ferguson Given under my hand this the 30th day of March 1871.

W. W. Juggle J. P.

Dillard

ad ³ Answer
Ferguson wife

Ferguson wife

as. } 

Dillard Jr

Decree
ape county. Ct.

1871

To be entered.

J. W. Wyndhart Judge

(July)

Ferguson wife n. Dillard & al

This cause came on to be heard on the
Bill of the Complainants taken for confessed as to
Wm. H. Mitchell, Personal Representative of James H.
Mangum dec'd, and Henry D. Mozler, on whom
process had been duly executed and they still
failing to appear and make defence, and on the
answer of Richmond J. Dillard, this day filed &
on general replication to said answer & on exhibits
filed with said Bill and answer, and was
argued by Counsel; On consideration whereof the
Court doth adjudge, order and decree that a Comr.
of this Court, Take and settle the following accounts.
^{to wit.}
~~Take~~ an account of the transactions of said Richmond
J. Dillard as late guardian of the female Com-
plainant, Victoria, late Victoria Bryant - Taking
the accounts returned by said Richmond J. Dillard
guardian as aforesaid, to Southampton County Court
as prima facie correct, subject to be surcharged &
falsified. (and report to Court with any matters
specially stated deemed pertinent by himself
or that any of the parties may require to
be so stated.

Ferguson & Wife

2nd.

Villard & Co -

Rept of Comm. Sybr,

1873 July 15th

Dunkampton County Court, April Term 1871.

Samuel Ferguson and wife
against

Defts.

R. F. Dillard, W^m St. Mitchell personal representatives of
of James St. Mangum decd. and Henry D. Myler? Defts.

This Cause came on to be heard on the Bill of the Complainants taken for Comp^d ass^t W^m St. Mitchell, Personal representatives of James St. Mangum decd. and Henry D. Myler, on whose process had been duly executed, and they still failing to appear and make defense; and on the answer of Richmond F. Dillard, this day filed, and in general replication to said answer, and no exhibits filed with said Bill and answer, and was argued by counsel, on consideration whereof the Court doth adjudge, order and decree, that a commission of this Court take and settle the following accounts, to wit; 1st; An account of the transactions of said Richmond F. Dillard as late Guardian of the female Complainant, Victoria, late Victoria Bryant, taking the accounts returned by said Richmond F. Dillard, Guardian as aforesaid, to Dunkampton County Court as prima facie correct, Subject to be surcharged and falsified, and report to Court, with any matters specially stated, deemed pertinent by himself or that any of the parties may require to be so stated.

Attest
Teste.

James H. Tyler, J.C.

Ferguson & wife

vs } Decur

Dillard

vs re entered

~~J. W. Magdon~~
Judge

July Term 1873

Ferguson vs wife
or 3 Decree
Dillard

This day this cause
came on again to be

heard on the papers formerly read and
the report of Commissioner Tyler made
present to a decree of this court
entered at the April term 1871 of this
and the whole report no exceptions have
been filed and was argued by counsel
On consideration of the same the court
confirming the said report doth
adjudge order and decree that the
plaintiffs bill be dismissed and that
the plaintiff pay to the defendant
his costs by him about his suit
in this behalf expended

Ferguson & Wife
} Sum. Chy

Dillard &

1871 February Rules

Executed Jan 20th 1871 by
delivering a true Copy to
Richmond, T. Dillard, he
being the only one of the
parties named herein
who resides in this Co
H. F. Dyson Shff

Not how ay

THE COMMONWEALTH OF VIRGINIA,

Not today
To the Sheriff of ~~Southampton~~ County, Greeting:

We command you to summon *Richmond F. Dillard & Mrs. H. Mitchell personal repre-*
sentative of James H. Mangum dec'd & Henry D. Moyler dec'd

if *they* be found within your bailiwick, to appear at the Clerk's Office of our *County*
Court of Southampton County, at the Rules to be holden for the said Court, on the first
Monday in *February next to answer a bill in chancery exhibited against them in our said*
Court by Samuel Ferguson & Victoria his wife

And have then there this writ.
Courthouse, this *17* day of
the Commonwealth.

Witness, OSWIN WHITE, Clerk of our said Court, at the
January A. D., 1871, in the *95th* year of

O. White

THE COMMONWEALTH OF VIRGINIA,

Subs
To the Sheriff of ~~Southampton~~ County, Greeting:

We command you to summon *Richmond F. Dillard, Wm H. Mitchell personal*
representative of James H Mangum dec'd of Henry Q Moyer..

if *he* be found within your bailiwick, to appear at the Clerk's Office of our *County*
Court of Southampton County, at the Rules to be holden for the said Court, on the first
Monday in *February next* to answer a bill in chancery exhibited against them in
our said Court by Samuel Ferguson & Victoria his wife

And have then there this writ.
Courthouse, this *17* day of
the Commonwealth.

Witness, OSWIN WHITE, Clerk of our said Court, at the

January A. D., 1871, in the *95* year of

O. White *bb*

Superior County, 27th April

This day Geo B. Christophers

personally appeared before me in my County of course
and made Oath that he delivered a copy of the petition
to Henry A. Mayson on Jan'y 30th 1871
Given under my hand this 31st day 1871.

J. P. Ashman Jr.

Ferguson & Wife
} Sum. Chy

Dillard &

1871 February Rules

I acknowledge legal
service of the within
Wm H. Kitchel was
Shiff & Admr

Super

Richmond A. Dillard

Commissioner, Notice

COMMISSIONER'S OFFICE,

Jerusalem April 29th 187

TO

Richmond F. Hillard & James Ferguson

You are hereby notified that I have fixed upon the 20th day of June next, if fair, if not, on the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:

An Account of the transactions of ^{said} Richmond F. Hillard as the late guardian of the female complainant Victoria late Victoria Bryant. Taking the account returned by said Richmond F. Hillard. Guardian as aforesaid, to Southampton County Court as prima facie correct subject to be recharged and falsified and report to court. with any matters specially stated &c.

required to be taken by a decree of Southampton ^{County} Circuit Court, rendered on the April Ten day of 1871, 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 the said Court, the day and year first aforesaid.

To the Sheriff of ^{Hottoway} ~~Southampton~~ County to execute.

James R. Tyler

Commissioner.

Fergusons Wife

"
"

Com. Police

Dillard & Co.

COMMISSIONER'S OFFICE,

Jerusalem April 29 1871

TO

Samuel Ferguson & wife
against

Richmond F. Dillard, Wm. H. Mitchell, personal
representative of James H. Mangum Decd and
Henry G. Myler.

Defts

In Chancery

Deft

You are hereby notified that I have fixed upon the 20th day of June next, if fair, if not, on the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:

An account of the transactions of said Richmond F. Dillard as the late guardian of the female complainant Victoria late Victoria Bryant. taking the account returned by said Richmond F. Dillard guardian as aforesaid to Southampton County Court as prima facie correct subject to be surcharged and falsified, and report to Court with any matters specially stated
P.P.C

required to be taken by a decree of Southampton ^{County} Circuit Court, rendered on the April day of June 1871, 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 the said Court, the day and year first aforesaid.

Supex.
To the Sheriff of ~~Southampton~~ County to execute.

James R. Tyler

Commissioner.

I acknowledge legal service of this
within

Wm H Mitchell Clerk Ship

1871 May 4th Delivered a copy of the within to N. D. Maylor

R. L. Dobie Dry for
R. M. Dobie Ship

Commissary's Office,

Jerusalem, July 4th 1873.

To the County Court of Southampton;

Pursuant to a Decree

of the County Court of Southampton rendered on the 17th day of April 1871, in a Suit in Chancery depending in the said Court between Samuel Ferguson and Wife Plaintiffs vs. R. T. Villard & others Defendants, the Undersigned one of the Commissioners of the said Court, ~~therein~~ was referred for settlement by said decree, "An account of the transactions of R. T. Villard as the late Guardian of the female Complainant Victoria late Victoria Bryant," reports to the Court that on the 29th day of April 1871, he issued Notices against the several parties aforesaid, requiring them to attend the Settlement of the said account, before him at his said Office, on the 20th day of June 1871, which were returned to your Commission duly executed. Your Commission learned State Specially that R. T. Villard has filed in the papers of the Cause a receipt in full for the balance of \$244.29 found to be due the said Victoria Bryant by his last Guardian account which is filed as an Exhibit in this Cause marked "B." Therefore your Commission does not

done it I suppose to make up my former account.
Given Under my hand as Commissioner aforesaid, the
day and year first aforesaid.

Commissioners for \$5.00

Charge to Plaintiff -

James R. Tyler
Commissioner

For your wife

W

Dillard & Co

2 Envelopes with Bee

"A"

(Ten Shells)

Now all men by these presents - That we Richmond Tiltan
James St. Mangum & Henry S. Mayler are held and firmly bound
unto the Commonwealth of Virginia in the just and full sum
of Ten Thousand Dollars, Current Money of Virginia, to the pay-
ment whereof well & truly to be made we bind ourselves, our
heirs Executors and Administrators, jointly & severally, firmly
by these presents - Sealed with our Seals and dated this
19th day of April A.D. 1858.

The Condition of the above obligation is Such, that if
the above bound Richmond Tiltan as Guardian of
Albert Bryant & Victoria Bryant Orphans of Jacob
B. Bryant do - Shall faithfully discharge the duties
of his said Office or trust according to law, then
the above obligation to be void, or else to remain
in full force & Virtue -

Signed, Sealed and delivered R. T. Tiltan, Seal
in the presence of the Court. Jas St. Mangum, Seal
Henry S. Mayler, Seal



A Copy

Teste,

James R. Taylor J.C.

"B"

Martha V Bryant

Guardian's Account

Martha V Bryant a minor

In account with Richmond F. Dillard her Guardian

1855			\$	cts	\$	cts
July	1 st	By amount rec ^d from Geo. M. Gurley former Gr.			529	04
		To Commissions on \$529. 04 ^{cts} at 5/100 Cent	26	45		
		" expenses about wards estate		75		
		" Cash sent ward by George Rives	10	00		
		" Cash sent ward by George Rives	10	00		
		" Paid your part of expense of sick negro	7	75		
		" Paid L. F. Wyar Account	4	00		
		" Paid L. F. Wyar do	1	00		
		" Cash sent Ward by Wm Story	5	00		
		" Paid Clerks ticket		47		
		" Paid Wm R Parker Med. bill		5 25		
		" Paid George Rives board & tuition	101	76		
		" Paid Wm D Taylor Son acct	31	66		
		" Paid Same do	27	74		
		" Paid Eliza Fries do	5	00		
1859		" Paid Wm B Shands fees	7	50		
		By interest on last years balance			29	09
		To Commissions on \$29. 09 ^{cts} at 5/100 Cent	1	45		
		" Balance	318	35		
			558	13	558	13
July	1	By balance due Ward			318	35
1859		" hire of negroes for 1859			92	50
		" Interest on last years balance 6 Mo ^s			9	35
		To Commissions on \$102. 05 ^{cts} at 5/100 Cent	5	10		
		" Paid A. Bryant Account	1	87		
		" Paid Mrs E. H. Moore board & tuition	112	37		
		Amounts carried over -	119	54	420	45

		Dr		Cr	
		¢	¢	¢	¢
	Amounts brot over	119	34	420	45
	To Wm R Parker Med bill	17	50		
	" paid M Harris Med bill	19	22		
	" paid Tho ^s Brown Med bill	1	50		
	" paid Wm A Maysburg Med bill	5	30		
	" paid Taxes	2	10		
	" Commissioners fee retained	2	50		
	" Clerks fee retained	1	50		
	" paid Wm B Shands for duce - your part	5	00		
	" balance	246	29		
		420	45	420	45
Dec	31 By balance due the Ward with interest from this day			246	29

Respectfully Submitted

Wm B Shands Comm

Southampton County In the Clerks Office Jan^y 17th 1860

This account of Richmond F Dillards Guardianship of Martha B Bryant was returned and filed for exceptions and at a Court held for the said County on the 20th day of February 1860 the said account having lain one month and upwards in the Clerks Office and there being no exception thereto, was examined, confirmed and ordered to be recorded

Teste

L R Edwards Clk

A Copy -

Teste

Edwin White Clk



Saml. Fergusson
Recd in full for
M. V. Bryant
Jan'y 1860

Jan'y 17th 1860 Received from Richmond, L Dillard
guardian for Martha & Bryant the sum of
two hundred and forty six dollars and twenty
nine cents in full of balance due my wife
Martha & Ferguson formerly Bryant by last
account, This is paid by an order on Little
& Bishop and recourse is reserved to proceed
vs R. F. Dillard in court. Bishop fails to
pay in a reasonable time Samuel Ferguson

Bishop has paid this amount

D^d 23 Saml Ferguson
Jan 23 1860