

1876 - 04

Santhamplor County Chancery - Butts, James J. vs Bishop, Still 21.
Exor

"to settle judgment"

James J. Butts
Exor of Estate of
Edward Butts
Est.

Butts' Adm

vs $\frac{2}{3}$ Bill
extensive
Bishop

1872 - September Rules

To the Honorable Joseph W. Mendenhall
Judge of the county court of Southampton
County in chancery sitting

Humbly complaining your Orator
Samuel Kells late sheriff of Southampton
and as such administrator ~~de bonis non~~
with the will annexed of James T. Butts
died sheweth unto your Honor that at
the November term 1859 of the circuit
court of Southampton James T. Butts
as the executor of Edwardes Butts obtained
a judgment for \$1600 against John
M. Gurley (long since dead and insolvent)
and still J. B. Bishop to be discharged by
the payment of \$765.94 with interest
from the 15th of August 1859 till paid
and that on this execution has been
issued and the sum of \$374 is still
due and unpaid all of which will
more fully appear by ~~the~~ ^{the} certified copies
of the said judgment herewith filed
marked A and of the execution thereon
and the sheriff's return of the payments
made marked B and prayed to be
taken as ~~a~~ parts of this bill. Your
Orator states and charges that James T.
Butts was the only legatee and devisee
of Edwardes Butts and that there is
still due the sum stated of \$374 with
interest to the said James T. Butts
estate who has been long dead and
that W. W. Cobb and Wm. A. Bell qualify

as his executor that they have been
displaced and the estate was committed
to his hands for further administration
Your Orator charges that by reason of
the said judgment and execution there
is a subsisting lien on all the real
and personal estate of the said Stith
Bishop. And as the said Bishop
has hitherto refused and still refuses
to pay the balance due on the said
judgment he now invokes the aid of
a court of equity to enforce his lien
on the real estate of the said Bishop.
In further consideration whereof and inasmuch
as your orator is without remedy at law and
only entitled to relief in a court of equity
where such matters are peculiarly cognizable
he therefore prays that Stith B. Bishop
may be made a party defendant to this
bill, and that the court would compel him
as full and perfect answerer to the
allegations therein contained as if he had
been thereto sworn fully and specially
interrogated and that the court would
direct one of its commissioners to ~~the~~ enquire
into and report the actual and annual
value of all the real estate whereof
Stith B. Bishop is now seized and
possessed and all the judgments that
have been obtained against him and
now unsatisfied and their priorities and
dignity and ^{the} upon the coming in of
the said report it should appear that

the rents and profits of the lands will
not pay the said judgments in five
years the court would decree the sale
of all or such part of the said real
estate as may be necessary for that purpose
and that the court would grant such other
and general relief ^{the principle considered} as the nature of
his case may require and as in duty
bound your orator will ever pray etc.
Shand p. 9.

6.41
1.75
680
1496

CA 413

B. M. S. adm

v } Ex. with bill

Bishop

Southampton Circuit Court. November Term 1859

James T Butts, Executor of Edwards Butts. Plaintiff.

against

John M Gurley and Seth H. Bishop Defendants

} A motion on a bond
Conditioned for the
forthcoming on the day of sale of property taken under execution.

This day came the plaintiff by his attorney and it appearing to the satisfaction of the Court that the defendants have had legal notice of this motion they were solemnly called but came not. Whereupon the execution and bond aforesaid being produced and inspected by the Court. It is considered by the Court that the plaintiff may have execution against the Defendants for Sixteen hundred dollars the penalty of the said bond and his costs by him in this behalf expended. And the said Defendants in Mercy &c.

But this judgment is to be discharged by the payment of Seven hundred and sixty five dollars and ninety four cents with legal interest thereon from the 15th day of August 1859, till payment and the costs.

Plffs Costs \$3.17.

A Copy

Teste, L. R. Edwards *clerk*

The Commonwealth of Virginia. To the Sheriff of Southampton County -
Greeting. We command you that of the goods and Chattels of John M Gurley & Seth
H. Bishop late in your bailiwick, you cause to be made the Sum of Sixteen hundred dollars
which James T Butts Exor. of Edwards Butts lately in our Circuit Court of
Southampton County hath recovered against them by motion on forthcoming bond. also the sum
of three dollars and Seventeen Cents which to the said Butts Exor. as aforesaid in the
Same Court were adjudged for his costs in that suit expended, whereof the said Gurley &
Bishop are convicted as appearances of record: and how you shall have executed this writ
make known at the Clerks Office of our said Court at the Rules to be holden for the said
Court on the first Monday in February next, and have then there this Writ.

Witness Littleton R Edwards, Clerk of our said Court, at the Courthouse this 15th day of November 1859. in the 84th year of the Commonwealth.

LR Edwards

No Security to be taken -

LR Edwards

Memo:

This execution may be discharged by the payment of Seven hundred Sixty five dollars ninety four Cents with legal interest thereon from the 15th day of August 1859 till paid & the costs.

Teste

LR Edwards

October 15 1860 Rec^d of W. W. Briggs Sheriff two hundred dollars in part of within execution

W. W. Cobb

Sep. 20 1864 Rec^d of W. W. Briggs Sheriff two hundred and thirty dollars in part of within execution.

W. W. Cobb.

Ordered to be held up by the Plaintiff -

W. W. Briggs Shff.

Sheriff's Statement -

Debt due 15 August 1859.

\$765.94

Int till 15 Feby. 1860.

22.97

Costs

3.17

792.08

12.42

804.50

130.00

374.00

Feb. 15 1860 paid by Jno. M. Gurley

Sheriff's Statement.

W. W. Briggs Shff.

Copy -

Teste,

LR Edwards

Bell's am

v. { Sum. Chy

Bishop

1872 September Rules

Executed Aug
30th 1872 by delivering
a copy of within

J. E. Barham

Dep. Sheriff

The Commonwealth of Virginia

To the Sheriff of Southampton County, Greeting:

WE COMMAND YOU to summon

John H Bishop

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
September next to answer a bill in chancery exhibited against him in and
said Court by Saml. late Sheriff of said County de bonis non with will annexed
of James T. Bullock decd.

J. R. Edwards

And have then there this writ. Witness, ~~OSWIN WHITE~~, Clerk of our said Court, at the Court-
house, this *21* day of *August* A., D., 1872, in the *97* year of
the Commonwealth.

J. R. Edwards

1496
46
239
1851

5570
Butts' adm.
~ } Stat. Rules

Bishop

Received by Clerk Circuit
Court Aug: 13th 1873.

In Southampton County Court

Samuel Kello late Sheriff of Southampton County & ad. Exor. de
bonis non with the will annexed of James T. Kello dec^d.

against
Stith H. Bishop

1872

" Sep. R. Sum^s ret^d Executed - Bill filed - A Nisi & Deft.

" Oct. R. Bill taken for Confessed Cause Set for hearing 1st

" " Q^d Decree for auct.

1873 July 12 Rept.

" " T. Decree for Sale P.

1876 Nov. Removed from Docket.

Memorandum
for the Club

Memorandum for the clerk to papers to
be copied and filed

Copy judgment obtained in 1859 in Circuit
Court James T Butts ex- of Edwards Butts vs
John M Gurly and Stiles O C Bishop A

Copy execution on said judgment and Sheriff's
return thereon of payments IB

Balls Am

25.

Bishop

25. 25. 25.

Durham County Court. October Term 1872.

James Kello, late Sheriff and Adm^r de bonis non
with the will annexed of James D. Butts dec'd. Plff
against
Elisha H. Bishop } In Chancery
Deft.

This day this Cause came on to be heard on the Plaintiff's Bill
taken for Confess as to the Defendant Elisha H. Bishop and
the Exhibits herewith filed, and was argued by Counsel;
no Consideration whereby the Court doth adjudge Order and
decree, that one of the Jurisprudence of this Court take
an account of the actual and annual value of all the
real estate whereof Elisha H. Bishop is now seized and possessed,
and all the Judgments obtained against him and Heirs, or
which may be claimed on his Land, and other priorities,
and dignity, and report the same to the Court, together
with any matters Specially Stated, deemed pertinent
by himself, or which may be required to be so
Stated, by any of the parties interested?

Attest,
James D. Butts,
James D. Butts, J.C.

COMPTON PRINTING OFFICE

181

181

Bulls, dms
as
Bishop

Artin

Executed
W. W. Driggs

off to be the 1st of the month of the year
to be the 1st of the month of the year
to be the 1st of the month of the year

Comptons

Comptons

COMMISSIONER'S OFFICE,

Jerusalem Oct 28th 1872

TO *Same Kells. late Sheriff and Administrator of* *James T.*
Butts dec. *Plaintiff*
against *In Chancery*
Stish H. Bishop *Defendant*

You are hereby notified that I have fixed upon the 11th day of November 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 actual & assessed value of all the real Estate wherein Stish H. Bishop is now Lord & possessor, of all the judgments obtained against him & Incumber, in which may be a lien on his Land & their priorities & dignity!

required to be taken by a decree of Southampton ~~Circuit~~ ^{County} Court, rendered on the 21st day of October 1872, 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 Southampton County to execute.

James R. Tyler Commissioner.

Bell's adm

v { Com. Tyler's Report

Bishop

1873 July 12th

An Account of all judgments docketed against Seth H. Bishop
in the Clerk's Office of Southampton County as follows

Southampton Cir. Court Nov Term 1859.

James F. Butts Exor. Edwards Butts. against

John M. Gurley & Seth H. Bishop. Judge for

Int from 15th Aug 1859. to 15th Feb 1860

Costs

Shff. Corn:

715 94

22 97

3 17

792 88

12 42

804 80

Paid 15th Feb. 1860. by Jas M. Gurley

Bal.

430 00

374 80

Int on bal. to 1st July 1873

308 52

675 04

Southampton Cir. Ct May 3rd 1861

Docketed

May 7th 1861

James F. Hill. Indgt. & J. R. Rochelle. E. F. Hill

& S. H. Bishop

for

200 00

Int. from 16th Aug 1859. to 1st July 1873

166 80

Costs

8 15

374 95

Southampton Cir. Ct. 1867

Docketed

Dec 23/67

Cordy Whitfield v. James L. Bishop & S. H.

Bishop Judge for

101 56

Int from 2nd April 1863 to 1st July 1873

62 46

Costs

8 11

172 13

221 82

over

Docketed
apl 10/68

To am' b'rt over
S^o ampton Civ. Ct. Mar Term 1868.
J. M. Butter Judgt. v S. H. Bishop for
Int. fr 14th Nov 1866 to 1st July 1873
Costs

86 50
34 38
5 88

1221 82

Docketed
June 1/68

S^o ampton Civ. Ct. May Term 1868
Kadev Biggs of v Stith & Bishop Judgt for
Int fr 20 March 1866 to 1 July 1873.
Costs

346 26
275 91
8 15

126 76

Docketed
May 7/69

S^o ampton Civ. Ct. March Term 1869
J. Do Joshua Prudden sq. p't of Prudden Vick
v S. H. Bishop Judgt for
Int fr 22nd Augt 1866 to 1 July 1873
Costs

122 72
94 67
5 88

630 32

S^o ampton Civ. Ct. Augt Term 1869
W. S. Goodwyn v S. H. Bishop Judgt for
Int. fr Augt. 1st 1869. to 1st July 1873
Costs

59 10
49 20
6 96

223 27

Docketed
Jan'y 5/70

S^o ampton Civ. Ct. Nov Term 1869
B. E. Worrell sq. obligee & v S. H. Bishop
& J. M. Gurley Judgt for
Int fr 25th Dec 1867. to 1 July 1873
Costs

194 96
181 39
7 67

11526

384 02

~~11526~~
11526

Am. Prot up
 S. Compton Co. Ct. Nov. Term 1869
 E. R. Story v S. H. Bishop Judgt for 80 00
 Docketed Int. from 1 Sep 1861 to 1 July 1873 61 60
 Jan'y 5/70 141 60
 By Cash paid 18th Oct 1869 5 00
 136 60
 Costs 63 2
 142 92

S. Compton Co. Ct. July Term 1871
 Janol. Artes. v S. H. Bishop Judgt for 58 60
 Int. from 25th Dec 1863 to 1 July 1873 33 40
 Costs 7 40
 99 40

S. Compton Co. Ct. July Term 1871
 Janol. Artes. v S. H. Bishop Judgt for 97 50
 Int. from 1 June 1863 to 1 July 1873 58 99
 Costs 7 40
 163 89
 2107 66

Respectfully Submitted
 James R. Tyler

Southampton Cir Ct Nov Term 1867
 Docketed Lucy W. Kindred v S. H. Bishop & J. L. Kindred 125 00
 23 Dec 1867 Int. from 25 Dec 1861 to 1 July 1873 86 25
 Costs 6 57
 217 82
 39 36
 Paid \$24. + \$15.36 178 46

Southampton Cir Ct. Novemb Term 1867
 Docketed Lucy W. Kindred v S. H. Bishop Judgt for 237 00
 Dec 23 Int. on \$107. from 25 Dec 1860 to 1 July 1873 80 33
 1867 Int. on \$130.51 from 1 Jan'y 1863 to 1 July 1873 81 90
 Costs 6 07
 405 30
 Paid 26 61
 378 69
 2664 81

Respectfully Submitted
 Jas R. Tyler
 Com.

An Account of the actual and annual value of the
real Est: now owned by Stith & Bishop as follows

	actual Value	annual Value
1 Tract of 122 Acres	\$ 349 00	\$ 35 -
1 " " 68 ³ / ₄ "	137 50	10 -
1 " " 27 ¹ / ₂ "	55 00	5 00
1 " " 136 "	309 14	30 00
1 " " 238 "	238 -	15 00
1 " " 161 ¹ / ₂ "	384 60	40 -
1 " " 166 "	332 -	20 -
1 " " 220 ¹ / ₂ "	661 50	50 -
1 " " 139 ¹ / ₂ "	279 00	15 00
1 " " 87 "	87 00	5 00
1 " " 20 "	200 -	15 00
1 " " 132 "	644 16	50 -
1518 ³ / ₄	\$ 4676 90	\$ 290 00

Respectfully Submitted
James R. Fyles
Comr:

Commissioners Office

Jerusalem. June 20th 1873

To the County Court of Southampton County

Pursuant to a decree of the County Court of Southampton County rendered at the October Term 1872. in a suit in chancery pending in the said court between Saml. Kelso late shff & adm de bonis now of James T Butts dec^d and Seth H. Bishop &c. The undersigned one of the commissioners of the said court to whom was referred for settlement the following account to wit,

An account of the actual and annual value of all the real Estate whereof Seth H Bishop is now seized & possessed and all the judgments obtained against him and docketed, or which may be a lien on his Land, & their priorities and dignity reports to the court that on the 28th day of October he issued notices against the several parties aforesaid requiring them to attend the settlement of the said accounts before him at his said office on the 11th day of November last, which were returned to your Commissioners duly executed. That the parties did not appear, and your Commissioners obtained from the clerk Office what judgments are reported and thereupon have made up the foregoing account of judgments, interest & costs, up to the 1st day of July 1873 and on that day find the amount to be \$2664.88 ^{2664.88} and also made up an account of the real Est- of said S. H. Bishop and find the actual value to be \$4676.80 and the annual value to be \$290.4

The Commissioner respectfully states specially that he
summoned S. St. Bishop before him for the purpose,
to find out ~~which~~ ^{which} judgments had been paid, but the
said Bishop failed to appear. Therefore your Com-
missioner reports such judgments as he finds in the
Clerk's office unpaid; The Commissioner reports further
to the Court that after the completion of the said of-
fe he retained the same in his said office ten days
for the examination of the parties. which with the
decrees and notices are herewith returned

Given under my hand as Commissioner aforesaid
said the day & year first aforesaid

James R. Tyler
Com:

Com: fee \$20.⁰⁰
clerk's fee 6,80

Butts adm-
vs 3 Deem
Bishop

This day This cause came on again to be heard on the papers formerly made and the report of commissioner Tyler made pursuant to a decree entered at the October term 1872 of this court and to which report no exceptions have been filed and was argued by counsel. On consideration whereof the court doth adjudge, order, and decree that the said report be confirmed and it appearing to the court that the rents and profits of the lands belonging to the said Stith & Bishop as reported will not pay the judgments in five years, the court doth further adjudge, order and decree that Wm W Briggs ~~be~~ is sheriff of Southampton shass after having given at least thirty days notice of the time and place of sale by public advertisement at Jerusalem, Newsons and in the immediate vicinity of the lands proceed to sell at public auction at Jerusalem on some county court day to the highest bidder 15-18 $\frac{3}{4}$ acres of land belonging to Stith & Bishop or so much thereof as may be necessary to raise the sum of ~~7000~~ ^{2111.47} on the following terms to wit sufficient cash to pay the costs of this suit and sale including a fee of fifty dollars to Wm B Shands and John K Kilby the plaintiffs counsel and the balance of the purchase money on a credit

of one, two, and three years, equal annual
instalments taking from the purchase bond
with approved security carrying interest
from the day of sale and retaining
the title until the further order of this
court and return the bonds to court
along with his report in order to a further
decree. But the said Wm W Briggs shall
not sell the said lands or any part
thereof before November county court 1873

Bills Adams

as 3 Decem

Bishop

to be entered

J. W. W. W. W.

July 1873

Butts Column

as 3 Decem

Bishop.

To be entered

Wm. Phast

J. Dudge

Oct. Term 1892

Butt adm
is 3 Dec
Bishop

This day this course
came on to hand on

The plaintiffs also taken for confessed
and the defendant still B. Bishop and
he exhibits the same files and was
argued by counsel on consideration where
the court doth adjudge order and decree
that one of the commissioners of this
court take an account of the actual
and annual value of all the real
estate whereof still B. Bishop is now
seized and possessed and all the judgments
obtained ^{or which may be obtained on his licence} against him and debts
and their priorities and dignity and
report the same to the court together
with any matter specially stated demanded
pertinent by himself or which may be
required to be so stated by any of the
parties interested

Bulls column

as } Decree

Bishop

New Term 1876

To be entered

Geo. Blom

Butts adm-

vs 3 Decem

Bishop

This day This cause
came on again to be
heard on the papers
formerly made and on motion of the plaintiffs
~~This cause~~ is removed from the docket
with leave to any of the parties interested
to reinstall the same after twenty days
notice to the defendant