

1885-13

Southampton County Chancery

Daughtry, William W.

vs Ferguson, Josiah, (dec.)

Sues for deed to property
paid the assessed

Briggs, W. W. (admin)

Whitfield, Harriet

Worrell, James G.

" , Irena

Dan glitry

v { Sammons chy

Fergusons adm^r of

1882. August Rules

Sh

Executed by
R. Caroon
for W. W. Briggs
Shuff

The Commonwealth of Virginia,

To the Sheriff of Southampton County---Greeting:

WE COMMAND YOU TO SUMMON

Wm W Briggs Sheriff of Southampton
and as such administrator of Josiah Ferguson; Harriet Whitefield James G Worrell
of Irene & Whitefield Worrell

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 first
Monday in *August* next, to answer a bill in Chancery exhibited against in our
said Court by

William W Daughtry

And this

they

shall in no wise omit; and have then there this writ.

Witness, LITTLETON R EDWARDS, Clerk of our said Court this

5

day of

July

1882, in the

107

year of the Commonwealth.

L R Edwards cc

January 1st 1874 Received William W. Daughtry Thirty
Dollars in part payment for a certain piece of land
said to contain twelve and a half acres.
witness

E. C. Ferguson

Josiah ^{King} Ferguson

~~116~~ ~~113~~ ~~114~~
Daughtry

78

2 } Nat. Rules.

Fergusons adm: 80

Southampton Circuit Court 18

William W Daughtrey

Plaintiff

against
W W Briggs Sheriff and as such administrator of Josiah Ferguson dec'd
Harriet Whitfield, James G Worrell & Jarena et Worrell Defendants
In Chancery

1882 July 5 Summons issued

" Aug 18 Summons returned executed - Bill filed - D. Nisi on
Defts

" Sept 18 Bill taken for confessed as to Defts

" Oct " Cause set for hearing &c

" Nov 1 decree for deed

71
Dangle my

to $\frac{1}{2}$ Deers

Perguson's Adams

Now Lem

To be cut

Geo Blow

✓

Daghtrey

vs 3

Ferguson's admr

Decree

This day this cause came on again to be heard on the papers formerly made and the report of W. W. Briggs sheriff and a such commissioner in this case of the sale of a tract of twelve and a half acres of land to W. W. Daghtrey and the payment of the purchase money \$32,500 by him to W. W. Briggs and a conveyance of the said tract of land to the said Daghtrey and was argued by counsel. On consideration whereof the court doth adjudge order and decree that the same report be confirmed and it appearing to the court that there is nothing further to be done in this cause it is ordered that the same be removed from the docket.

Chd

Taughtrey

m 3 Decree

Ferguson's admt m.

Nov Term 1882

To be entered

Geo. Blow.

Daughtry
vs 3 Dece
Ferguson admr &c

This day This cause
came on to be heard on the plaintiffs bill Taken
for confessed as to all the defendants Wm W
Briggs administrator of Social Ferguson decd
Harriet Whitfield, James J Worrell and
Irene A Worrell and exhibit filed and was
argued by counsel on consideration whereof
the court doth advise, order and decree
That upon William W Daughtry's praying to
Wm W Briggs administrator of Social
Ferguson decd The bond of \$32,500 due to
the said Social Fergusons estate, Then the
said W. W. Briggs who is hereby appointed
a special commissioner for that purpose
shall make to the ^{said} William W Daughtry
a deed with special warranty for the
12 1/2 acres of land purchased by W. W.
Daughtry from Social Ferguson and now
held and occupied by W. W. Daughtry And
that the said W. W. Briggs commissioner as
aforesaid will report his proceedings to court
in order to a further ^{decree} And that the plaintiff
recover from the defendants his costs in this
suit in this behalf expended

Danforth

as 3

Ferguson's adms - re

Report of

Special Commissioner

Wm. W. Briggs

1884. May 7th Filed

D.B.P. cc

1884

Daugherty

v 3

Ferguson's adms

Deem Report

The undersigned commissioner
acting under the deem order in this cause
at the Moor Term 1882 begs leave to report
that William H Daugherty paid him the bond
of \$32,500 and interest due to Josiah
Ferguson estate and he made him a deed
with special warranty of the Twelve and a
half acres of land purchased by the said
W. H. Daugherty from Josiah Ferguson and
already sold and occupied by the said W. H.
Daugherty All of which is

Respectfully Submitted by

W. W. Dorey

Spence Commissioner

Daughtry

Exhibit

Ferguson adm y^r

Exhibit



In the name of God Amen, I Josiah Ferguson
of the County of Southampton and State of
Virginia do hereby make and publish this
my last will and Testament in manner
and form following that is to say.

- Item 1 After my decease I desire that all my just
debts and funeral expences be paid out
of my Estate by my executor herein after
named.
- Item 2 I loan to my daughter Harriet A Whitfield
all of my tract of land where on I now reside
I also loan her all my personal estate dur-
ing her life and at her death to her three
last children and their heirs forever I
also loan her during her life a piece
of land over the Road said to contain 88-
acres more or less and at her death to
the three ^{said} children and their heirs forever
- Item 3 I give and bequeath my tract of land ad-
joining Mary Whitfield and others lands
to my grand son John B Worrell by his pay-
ing his sister Irene A. Worrell one hundred
and fifty Dollars to him and his heirs forever
he is not to claim no Guardian money.
- Item 4 I give and bequeath my part of land in
the James J Worrell tract of land to my
grand daughter Irene A. Worrell I also
give and bequeath her the money for the
land I have sold to Saml Butcher Col^d if
he the said Butcher should pay for it and
in case the said Butcher does not pay
for the said one hundred and thirteen Acres

of land I give and bequeath the same to her
and her heirs forever she is not to claim
no guardian money.

Item 5 And lastly I hereby nominate and appoint
my friend Elliott, C. Ferguson executor
of this my last will and Testament hereby
annulling all others by me heretofore made
in witness whereof I hereunto set my hand
and affixed my seal this 27th day of February
1874.

Signed sealed and acknowledged, Joseph ^{Wm} Ferguson 
to be the last will and Testament,
of the Testator in presence of us,
E. C. Ferguson,
C. H. Bailey,
Samuel Vick.

At a Court held for the County of Southampton
on the 19th day of October 1874. The last Will &
Testament of Joseph Ferguson dec'd was
produced by the oath of C. H. Bailey E. C. Ferguson
and Samuel Vick the subscribing witnesses
thereto and ordered to be recorded. And
Elliott, C. Ferguson the Executor therein
named refusing to take upon himself the
burden of the execution thereof, on the
motion of Argil Whitfield, it is ordered that
Wm. W. Briggs sheriff of this County take
into his hands the Estate of the said Joseph
Ferguson dec'd and administer the same
as the law directs.

Teste L. R. Edwards & C

Dan Gleason

Bill
in ¹⁰ minutes

Ferguson's address
Nov 1882
To be entered

Levi B. Bond,

August
1882 ~~July~~ Rules

To the Honorable George B. Low judge of
The circuit court of Southampton in
chancery sitting

Humbly complaining your Orator
William W. Daughtry sheweth unto your
Honor that in the year 1874 (January 1st)
he purchased from Josiah Ferguson a certain
tract or parcel of land containing twelve and
one half acres lying in Southampton County
for the sum of \$22.50cts that he paid the
said Josiah Ferguson at the time of purchase
the sum of \$30 in part payment for the
said land as will more fully appear by the
said Josiah Ferguson's receipt hereunto filed
marked A and prayed to be taken as a part of
this bill and gave his bond for \$32.50cts minus
the purchase money payable the 25th of
December 1874. Your Orator sheweth further
that he was placed at once in possession
of the said land and has continued in
possession of the same up to this time
but that not very long afterwards in the
same year 1874 the said Josiah
Ferguson died without ever having made
him a deed for the same.

Your Orator states that his estate
was committed to W. W. Briggs sheriff of

Southampton for administration, that he
left a will a copy of which is herewith
marked B and prayed to be taken as a part
of this bill, but it is unnecessary to notice
the said will further here as no disposition
of this $12\frac{1}{2}$ acres was made therein nor
did the said will have any residuary
clause and that he left a child Harriet
Whitfield and two grand children James G
Worrell and Irene A Worrell his heirs at law
Your Orator states further that W. W. Briggs
the administrator has applied to him to pay
the bond of \$32,000 with interest due the estate
of Josiah Ferguson which he has offered to do
but there was no one who would or could
make him a proper surety

In such 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 W. W. Briggs
Shiriff and as such administrator of
Josiah Ferguson dec'd Harriet Whitfield, James
G Worrell and Irene A Worrell may be made
parties defendant to this bill and that the
court would compel them as full and
perfect answer make to the allegations
therein contained as if they had been themselves

more fully and specially interrogated and that
the court would by its decree direct upon
your Orator's praying the said bond of
and such legal interest as may be due thereon
\$32,000 to the said Josiah Ferguson's
administrator the said administrator be
being appointed a special commissioner
for that purpose to make a good and
sufficient deed for the said $12\frac{1}{2}$ acres of
land to your Orator and that the court
would grant such other and general relief
the premises considered as equity may
dictate and the nature of his case may
require And notice is hereby given to the
defendants that the court will be asked
to tax a fee of thirty dollars to Mr
B Shanas the plaintiff's counsel in
the costs of this suit And as in duty
bound your Orator will ever pray me

Shanas pr.