1867 - 12 Southampton Co

Borrett, Anna Lucas vs Swanwell, John W.

(Estate Settlement)

Miss B Borrett, Lee
Lockard

Killy p. d

Anna L. Barrett pfs

v. } Bill

Summerell's Exrs;

Sal:

1867 September Rules -

Cir: ct. Southa

To the Hon: Richard L. Baker, Judge of the Circuit Court of Southampton County —

Complaining, shew unto the Court your Complainant Mrs. Anna L. Barrett the wife of Miles B. Barrett suing in this behalf by said Miles B. her next friend.

Your Complainant Respectfully represents to the Court and says, That her late husband Jos. T. W. Summerell died in said County on the day of in the year 1858, having first duly executed his Last will & Testament, which was duly proved & ordered to be recorded, in the County Court of Southampton County, on the 20th day of December 1858 — a duly certified copy of which is filed herewith as part of this bill & marked (A).

That the Testator by his said will in the first clause thereof devises that "My "wife during her natural life I wish to "remain in possession of my Estate, and "at her death to dispose of Two thousand "dollars in any manner that she "may wish" —

The Testator then by his said will

says "Secondly, I give to Richard N.
"Branch's children Eight hundred dollars
"this to be paid by my Executor so soon
"as the money can be raised without the
"special sale of property for that purpose"
The Testator further says, "Thirdly, at the
"death of my wife I desire that two thirds
"of my estate should be divided between the
"children of my brother, Geo. C. Summerell,
"the remainder to be equally divided between
"the children of my two half sisters
"Julia Andrews wife of Stephen Andrews,
"and Caroline Branch wife of Richard
"Branch", and then appoints his brother
Geo. C. Summerell his Executor —

That the said Geo. C. Summerell
refused to qualify as such Executor
and thereupon Dr. Wm. N. Summerell
duly qualified as adm. with the will
annexed of said Testator in the County
Court of Southampton on the 20th day of
December 1858, as will be seen by the
order of Court copied on said will (see
Exhibit (A.)).

That the said Wm. N. Summerell as
such adm. proceeded to settle up the
Testator's estate and made sale of the

chattle estate, which amounted to #2644:96
as will be seen by a copy of the account of
sales filed herewith marked (B).

That your complainant says that her
said late husband Jn. J. W. Summerell was
not much indebted and that the debts
have been paid and the sum of #800.
duly retained is properly invested by said
Jn. H. Summerell as such adm'r. for
the children of Richard H. Branch.

That there were also a number of negro
slaves belonging to said deceased which
were hired out for several years by said
adm'r. and that by the operation of the
late war, the said negroes have all been
freed — That the said Testator died
possessed of two tracts of land in the
County of Southampton, to wit. one
tract called the old place, containing
three hundred and ninety acres, more
or less, and adjoining the lands of
Saml. Brittle, Robt. Nelson & others &
was purchased by said Jn. J. W. Summerell
of Irwin Gribbin — The other tract contains
Eight hundred acres, more or less, and
adjoins the lands of Benja. Brittle,
Augustus Brittle, Mrs. Mary Irwin &
others, was purchased by said Testator

of Richard A. Urquhart.

That the said Wm H. Summerell has also died, to wit: on the day of and Jordan Dennis Puttin and Saml B. Puttin have duly qualified as his Executors in the County Court of Southampton, as will be seen by the order of Court, duly copied, filed herewith marked (B.)

That your Complainant being the Legatee for life of the entire estate except to the $500. aforesaid, received from said Wm H. Summerell adm'r aforesaid the possession of the said Real estate, which she now has in possession — That she is also entitled to any surplus remaining in said Wm H. Summerell's hands as such adm'r. after the payment of debts and of the Legacy of $500 as aforesaid.

Your Complainant says that Richard H. Branch and Caroline Branch his wife resided in the state of Tennessee, and that the said Caroline Branch is dead, she left one child named Laura, now under 21. years of age, and also is the only child of said Richard H. Branch;

That Geo. G. Summerell also resides

beyond the limits (5) of Virginia, and your Complainant has heard that his wife and children, that were alive at the Testators death, are now all dead;

That Julia Andrews is dead & was a non resident of Virginia, leaving her husband Stephen Andrews surviving, but how many children, your Complainant does not know.

Your Complainant is advised and says, that the bequest to her of two thousand dollars by the Testator's will as aforesaid, to dispose of in any manner she might wish, is an <u>absolute present</u> gift of that much money to her, that the power of absolute disposition is, the eminent quality of absolute property, and that having the absolute property, has, the absolute power over it (Burwells Exrs. v. Anderson adms &c. 3 Leigh p. 356.) —

That there is now no estate left except the Lands aforesaid, and being deprived of the slaves, she is unable to keep up the said Lands and to make a living without great exertion, which she is unwilling to do — That the said two farms are now greatly out of repair and will require in the approaching season

at least ten thousand fence rails to put the same in reasonable repair – the County road running entirely through both places requiring fences on both sides thereof – That the houses are old and going to decay & need a great deal of repair – That to put up the fences and repair the houses pay Taxes & the like will about eat all she can make by her most constant and laborious exertions, so that she has no prospect before her, in pursuing this course, but to devote all the energies of her entire lifetime, simply to labor hard to keep only in ordinary repair these Lands for others to enjoy at her death, which she is unwilling to do, and which was not Contemplated by her late husband, whose will and wish was for her to live Comfortable & easy – having no Children to care for –

That she is advised that the said Two thousand dollars is a claim which she can now demand, and that as there is no estate out of which to pay the same, she prays that the Lands aforesaid may be sold for that purpose –

Your Complainant further says, that she desires to have in lieu of her life right

in the whole of said Land, the value thereof in fee simple, so that she may know what is her own, and that what Labor and means she may expend on the same (should her estate be in Land) may enure to her own benefit and to those she may think proper to bestow it —

Your Complainant says that in order to raise the said Two thousand dollars the Lands will necessarily have to be sold and in that event she prays that her life right in fee simple may be Commuted into money now —

Your Complainant says that she was married to Revd Miles B. Barrett on the day of 1863, and that a Marriage Contract was duly executed recorded by which all her estate is vested & her control as though she were a femesole — a copy of which said Contract is filed herewith Marked (D).

Your Complainant prays that the accounts of said Wm H. Summerell as adm. with the will annexed of M. J. W. Summerell dec'd. may be duly settled & that what Balance may be in his hands may be duly accounted for — That the Lands aforesaid may be sold & the

fee simple, present value, in lieu thereof,
and that all other (and proper relief
may be granted &c.

John R. Kelly S. C

~~77~~ 93 Kilh

Barrett pr fra

Amended
& Bill

Summons adw

Jac

1867 Sep. 17 filed Pro. Sp.

To the Hon. Richd. H. Baker Judge of the Circuit Court of Southampton —

Complaining shew unto the Court your Complainant, Anna L. Barrett the wife of Miles B. Barrett suing by her said husband & next friend

Your Complainant respectfully states to the Court that at the Sept. rules of said Court in this present year, she filed her Bill in this Court against Jno. W. Denson Patton, & Saml B. Patton Executors of Wm H. Summerell, Richard H. Branch and others, having such object, among other things the recovery of a Legacy of $ 2000, given under the will of Jn. J. W. Summerell dec'd — and your Complainant now says that she finds that other parties are necessary to be made defendants — That after the death of Wm H. Summerell who was the adm. ~~of Jn. J. W.~~ with the will annexed of said Jn. J. W. Summerell dec'd, Jno W. Patton qualified in the County Court of Southampton as the adm. de bonis non with the will annexed of said Jn. J. W. Summerell dec'd. as will be seen by a copy of the order of said Court filed herewith marked (K).

that Richard H. Branch also one of the said defendants was also at the time of Bringing said suit dead as she has since learned, having died several years ago, and that at July Court 1859 his estate was Committed to the hands of Wm W. Briggs then Sheriff of said County for administration — as will be seen by Ref. to the Order of Court filed herewith marked (J.)

Your Complainant therefore prays that J. D. Butler as adm. de bonis non with the will annexed of Wm. T. W. Summerell dec'd. and Wm. W. Briggs as Sh'ff. & Committee of Richard H. Branch dec'd, may be made defendants hereto and answer the allegations in the original and this amended Bill, & that accounts of their transactions as such Representatives may be ordered and &c. &c.

John R Kelly
S. C.

Barrett by Dº

2 Exhibits with amended bill

Summerville as Pº

J. J. K

Southampton County Court July 16 1866

On the motion of J. D. Pretlow who made oath and together with Samuel B. Pretlow his security (who justified on oath as to his sufficiency) entered into and acknowledged a bond in the penalty of two thousand dollars conditioned as the law directs – which bond having a stamp of the internal revenue of the United States of the amount of one dollar affixed thereto, is ordered to be recorded – Certificate is granted the said J. D. Pretlow for obtaining of letters of administration de bonis non on the estate of Joseph T. W. Summerell dec. with his will annexed in due form. a stamp of the internal revenue of the United States of the amount of one dollar being hereto affixed –

M Ospy

Teste. L R Edwards CC

Southampton County February Court 1859

Ordered that Wm W. Briggs Sheriff of this County take into his hands the estate of Richard H. Branch dec'd and administer the same according to law

M Ospy

Teste L R Edwards CC

Received of J D Prettow administrator of Joseph J W Summerell the sum of one hundred & seventy nine dollars it being amt in full due by the Administrator, which was collected on the bond of Daniel Vick, Polly Vick & Samuel Kello March 17th 1873

A. L. Barrett
Per M. B. Barrett

(Copy)

Dr. The Estate of Joseph T. W. Summerell decd.
In account with W. H. Summerell Exr. Cr.

1866					
May 1.	By Balance due Estate on last act. made up in a Chancery suit of Barrett wife against Summerell's Exr. &c. in the Circuit Court of Southampton County			℔ 501	00
	" Int. on ℔ 163.60 part thereof from 1 May 1866 to 1 Nov. 1869.			34	30
	To premium paid on ℔ 600 State Stock purchased to pay Legacy to Branch — omitted in last act.	℔ 186	00		
	" Interest on said legacy two months	2	17	00	
	" paid W. H. Britton, atto. fees	50	00		
1869	" clerks fees	4	40		
Nov 1.	" Balance due Estate	77	90		
		℔ 535.	30	℔ 535	30
1869					
Nov 1.	By Balance due Estate last a/c			℔ 77	90
	" Int. collected on the ℔ 600. Investment above			21	00
	To reserve to pay clerk & com.	4	00		
10	" paid Jno. R. Kelly atty. for Anna Barrett (late Summerell) Sole Legatee per act.	94.90			
		℔ 98	90	℔ 98	90

1869 Nov 10 Rec'd of Jno. R. Kelly Exr of W. H Summerell decd. the amount mutty from decease ℔ 359 ninety cents in full of Anna Bequest

John R. Kelly
Atty for Anna Barrett

memo. for
Clerk

Bartlett
v
Summerell &c

Oct Ct 1859 — W. W. Briggs &
Richd H. Branch

Spec. Sp. in Chy to Oct Rules, 1859 Cir. Ct
as follows

Anna L. Barrett wife of Miles D. Barrett
suing by herself husband & next friend

vs

D. D. Pullen admr. de bonis non with the will
annexed of Jno. T. W. Summerell dec'd.
and Wm W. Briggs Sheriff & Comr. of
Richard H. Branch dec'd

(Original & amended Bill

Kelly p. 5
17 Sept 1856)

Copy order of Ct. of D. D. Pullen qual.
as admr de bonis non of Jno. T. W. Summ.
Stle with amended Bill & mark (K)

also

Copy order of Ct. County Ct of Richard
Branch to W. W. Briggs & and abst Ct.
1859 & mark J.

deemed pertinent by himself, or that any of the parties may require to be so stated.—

A Copy

Teste D R Edwards Clk

Barrett

v } Co: Decree

Summerells adm'r

4

I

X

Southampton Circuit Court. November Term 1867.

Anna L. Barrett the wife of Mills B. Barrett, Suing in this behalf by the said Mills B. Barrett her next friend. — Plff.

against

Jordan Denson Pretlow and Samuel B. Pretlow, Executors of Wm H. Summerell decd. Richard H. Branch, Stephen Andrews, Geo. C. Summerell, Laura Branch, the unknown children of Geo. C. Summerell, and the unknown children of Julia Andrews, J. D. Pretlow, administrator de bonis non with the will annexed of Joseph T. W. Summerell and Wm W. Briggs, Sheriff and Commr. Richard H. Branch decd. — Defts.

In Chancery.

This Cause in which the Plaintiff has proceeded in the Mode prescribed by Law against absent Defendants, as to Stephen Andrews, George C. Summerell, the unknown children of George C. Summerell, and the unknown children of Julia Andrews, and they Still failing to appear and Make defence, came on to be heard, on the Original and amended Bills, taken pro confesso at Rules as to Jordan Denson Pretlow, and Samuel B. Pretlow, Executors of Wm H. Summerell decd. on whom process had been duly Served, and they Still failing to appear, and Make defence, and on the answers of the Infant Defendants, Laura Branch, by her Guardian ad litem and with replication to Said answers, and on Exhibits filed with the Said Bill and was argued by Counsel, On Consideration whereof the Court, doth adjudge, Order and Decree, that a Commissioner of this Court, Settle the transactions of Wm H. Summerell, as administrator of Joseph T.W. Summerell, decd. and that Said Commissioner ascertain the present Value of the life Estate of Said Anna L. in the entire Estate of Said Testator, that he also ascertain the fee Simple Value of the Real Estate of Said Testator, and whether there are any other Debts or demands due by Said Testator, or his Estate, and Make report with any Matters Specially Stated,

Barrett

vs. } Com. Notice

Summerell Ex. &c

Executed on Anna L. Barrett 11th March 1868 by delivering her a copy. Stephen Andrews, Sh.
C. Summerell & Louisa Branch not residents of my County

W. G. Holmes Dept.
for S. Kells Shff

Executed Mar. 12th 1868 on Wm. H. Briggs by delivering him a copy on S. B. Pretlow Mar. 11th 1868 by leaving a copy at his house with a white member of his family over 16 years old & explaining its purport he being from home and on J. D. Pretlow Mar. 14th 1868 by leaving a copy with his wife at his house and explaining its purport he being from home.

E. L. Story Dept
for S. Kells Shff

COMMISSIONER'S OFFICE,

Jerusalem, Feby 6 1868

To Anna L. Barrett the wife of Mills B. Barrett suing in this behalf by the said Mills B. Barrett her next friend

Plff

Against

Jordan Denson Prettos and Samuel B. Prettos executors of Wm C. Summerell decd Richard H. Branch, Stephen Andrews, Geo C. Summerell, Laura Branch the unknown children of Geo C. Summerell and the unknown children of Julia Andrews, J. D. Prettos administrator de bonis non with the will annexed of Jos T. W. Summerell & Wm H. Biggs Sheriff & Commr of Richard H Branch decd

Defts

You are hereby notified that I have fixed upon the 19 day of March 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: That a commissiones of this Court settle the transactions of Wm H Summerell as administrator of Jos T. W. Summerell decd & that Sd Commissiones ascertain the present value of the life estate of Sd Anna L. in the entire estate of Sd testator, that he also ascertain the fee simple value of the Real estate of Sd testator & whether there are any other debts or demands due by Sd testator or his estate & make report with any matters Specially stated deemed pertinent by himself or that any of the parties may require to be so stated,

required to be taken by a decree of Southampton Circuit Court, rendered on the day of November Term 1867, 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.

Henry J Howard Commissioner.

To the Sheriff of Southampton County to execute.

Barrett by P

~ 3 Prest Pub:

Bentinwell Exr: P

AT RULES HELD IN THE CLERK'S OFFICE of the Circuit Court of Southampton County, on the first Monday in September, 1867.

Anna E. Barrett, the wife of Mills B. Barrett, sues in this behalf by the said Mills, her next friend.

Plaintiff,

In Chancery.

Against,

Jordan Denson Pretlow, and Samuel B. Pretlow, Executors of W. H. Summerell, dec'd., Richard H. Branch, Stephen Andrews, George C. Summerell, Laura Branch, the unknown children of George C. Summerell and the unknown children of Julia Andrews,

Defendants.

This day came the Plaintiff by her Counsel and filed her Bill against the Defendants in this suit, the object of which is to have the accounts of Wm. H. Summerell's administration with the will annexed, on the estate of Jos. T. W. Summerell, dec'd., duly settled, to have the lands of which the said Jos. T. W. Summerell, died seized sold, and the legacy of $2,000 to the Plaintiff paid her, and that in lieu of her life estate in the lands she may be paid a fee simple, present value, and affidavit being made and filed, that the Defendants Richard H. Branch, Stephen Andrews, George C. Summerell, the unknown children of George C. Summerell and the unknown children of Julia Andrews, are non residents of the State of Virginia, it is ordered that they do appear within one month after due publication of this order and do what is necessary to protect their interest. A Copy—Teste

se6-4t L. R. EDWARDS, C. C.

John R. Kilby, p. q.

Price of Adv'tg $9.50

Suffolk, Va. Oct. 15th. 1867

I do hereby certify that the annexed notice has been published in the "Christian Sun" for four successive weeks, and that the price charged is according to our regular advertising rates.

W. B. Wellons

Editor & Proprietor

Barrett & wife

v. } Sums Chy.

Summons &c. &c.

1867 October Rules

Executed Sept. 25th. 1867
on J. D. Pittow and
Oct. 3rd. 1867 on Wm. H.
Briggs by delivering to
each one of them a copy.

E. L. Story Dept
for S. Fiello Shff

A copy Summons &c. &c. with Rules
attached
Filed 4th Nov. 1867
Wm. H. Briggs Clk

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU to summon J. D. Pretlow admr. de bonis non with the will annexed of Jos. T. W. Summerell dec'd. & Wm W Briggs Shff & Comm'r of Richard H. Branch

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 October next to answer the original and amended bills in chancery exhibited against them & others in our said Court by Anna L. Barrett wife of Willis B. Barrett suing by her said husband & next friend

and have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Courthouse, this 17 day of September 1867, in the 92 year of the Commonwealth.

L R Edwards cc

Barrett by &c
v. } Sum. Chy.
Summerills Exr
1867 September Rules

Executed Aug. 26th. 1867 on
J. D. Pittlow by leaving a
copy at his house with a white
person over 16 years old and
explaining its purport, he being
from home and on Sumd.
B. Pittlow Aug. 30th. 1867
by posting a copy at the
front door of his dwelling
he being from home and
there being no white person there with
whom a [illegible] copy could be left
for C. Kelly Shff

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU to summon Jordan Denson Pretlow, & Sam: B. Pretlow Executors of Wm. H. Summerell. Richard H. Branch. Stephen Andrews. George C. Summerell Laura Branch

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 September next. to answer a bill in Chancery exhibited against them & others in our said Court by Anna L. Barrett suing in this behalf by Mills B. Barrett her husband & next friend

and have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, this 21st day of August 1867, in the 92 year of the Commonwealth.

L R Edwards Clk

Barrett &c
vs.

Summerlee's admr
&al.

affidavit, to
have ord. Pub. issued

Anna L. Barrett pr. fd
v.
Summerell's admrs. &c.

I do solemnly swear that I have understood and verily believe that Richard H Branch, Stephen Andrews, Geo C. Summerell, The Unknown children of Geo B. Summerell; The Unknown children of Julia Andrews, are non residents of Virginia

John R. Kelly
atty. for pltf

Sworn to before me
this 19th day of
August 1867.
L.R. Edwards clk

Send ord. pub. to "Christian Sun"

Kaffe costi 2.45
12.43
alt 15.03
Sukk. 4.00
Saw V° 15.50
Bom 30.00
₰ 69.03
Pab 1.50
₰ 70.53

Ost Prestlew: adr. J.T.W.S.

Kaffe. ₰ 4.40
Saw fa 15.00
₰ 19.40

Barrels by ₰°

= 3 Stal: Rocks

Summalls Cwt: ₰°

In Southampton Circuit Court.

Anna L Barrett the wife of Mills B. Barrett suing in this behalf by the said Mills her next friend

against

Jordan Denson Pretlow & Samuel B Pretlow Executors of Wm H. Summerell dec'd, Richard H. Branch, Stephen Andrews, George C. Summerell, Laura Branch, the unknown children of George C. Summerell & the unknown Children of Julia Andrews

J. D. Pretlow adm. D.B.N. with will annexed of Jo. T. W. Summerell & Wm W. Briggs Shff. & Com'r Richard H. Branch dec'd.

1867 Aug. 21. Summons issued

" Sep. Rules - Sum. Ret. Executed on J.D. & S.B. Pretlow. Bill filed. L.W. Edwards assigned guardian ad litem to infant Dft. Laura Branch. Ans. of Infant. Gen. Rep. thereto. Decree Nisi - Dfts J.D. & S.B. Pretlow Exr's &c. & Order. Pub. vs the other Dfts.

" Sep. 17. Amended bill filed making J.D. Pretlow adm. de bonis non with the Will annexed of Jo. T. W. Summerell dec'd & Wm W. Briggs Sheriff & Committee of Richard H. Branch dec'd Defendants. Summons issued &c.

" Oct. R. Summons ret'd Executed. Original bill taken for confessed as to Dfts J.D. & S.B. Pretlow Exr's of Wm H. Summerell. Decree Nisi vs Dfts J.D. Pretlow adm. D.B.N. &c. Jo. T. W. Summerell & Wm W. Briggs Shff & Com'r. Rich'd H. Branch dec'd

" Nov. R. Bills taken for confessed as to Dfts. J.D. & S.B. Pretlow. Exr's Wm H. Summerell Wm W. Briggs Shff & Com'r of R. H. Branch. Cause set for hearing as to Infant Defts. on her answer &c. as to Dfts. J.D. & S.B. Pretlow Exr's. J.D. Pretlow adm. D.B.N. &c. & Wm W. Briggs Shff & Com'r. of R.H. Branch dec'd.

1867 Nov T. Decree for account.

1868 Apl. 1. Report

" May T. Cause dismissed &c

Barrett Prof

v

Summerell, Exr &c

(4) 3 Exhibits filed

with Bill

Jos. F. W. Summerell

Will

"

(A)

Copy

Copy Will & exct Sales 140
Bill & decree 140
Postage 12
$ 3.12

Lunac. Exam. p. 140
2 vol.
3 L. 356 —
2 Wash. 74
5 Cases 180
4 Cases 865

Mr Chairman Reed
Mr Ahearn Asks
leave to extend
my remarks
in the R.C.

Mr Speaker Ahearn
Mr Chairman Extension
Asks leave to extend
Remarks

I Joseph T. W. Summerell of the County of Southampton State of Virginia being perfectly aware of the Uncertainty of life, do hereby Make and declare this my last Will and Testament. My Wife during her Natural life I Wish to remain in possession of my Estate and at her death to dispose of Two Thousand dollars in any Manner that she may Wish: I also give her One Hundred & fifty dollars to purchase a riding Carriage. Secondly I give to Richard H. Branch's Children Eight Hundred dollars this to be paid by my Executor so Soon as the Money Can be raid without the Special Sale of property for that purpose.

Thirdly: At the death of my Wife I desire that two thirds of my Estate Should be divided between the Children of my Brother George C. Summerell. the remainder to be equally divided between the Children of my two half Sisters Julia Andrews Wife of Stephen Andrews and Caroline Branch Wife of Richard Branch. I leave my Brother George C. Summerell my Executor desiring him after the Settlement of my Estate to Superintend the farm with a Salary of Five Hundred dollars per Annum after the Money has been Made from the Estate. I also give him full powers to Sell any One of my Negroes Should they prove refractory, also any Stock that may not be Needed and deposit the Money in some bank. I also give to S. B. Kello Ten dollars. I hereunto affix my Hand and Seal this 28th day of June A. D. 1856.

Jos. T. W. Summerell (Seal)

Signed in the presence of
A. S. H. Burgess
E. S. Holliman
S. B. Kello

All interlineations and erasures Made previous to Signing the Will.

At a Court held for the County of Southampton, August 16th 1858.
This Last Will and testament of Jos. F. W. Summerell dec'd.
was this day proved by the Oaths of A. S. St. Burgis and E. S.
Holleman, two of the Subscribing Witnesses thereto, and was
thereupon Ordered to be Recorded.

Test;

S. R. Edwards, Clk

At a Court held for the County of Southampton on the 20th
day of December 1858. Geo. C. Summerell, the Executor
named in the last Will and Testament of Joseph F. W. Sum-
merell dec'd. this day refused to take upon himself the burthen
of the execution thereof, & the Motion of Wm H. Summerell
who made Oath and together with Saml. B. Kello and Joshua
Pitchlow, his Securities (who justified on Oath as to their
Sufficiency) entered into and acknowledged a bond in the
penalty of Ten Thousand dollars Conditioned according to
Law, Certificate is granted him for obtaining letters
of administration on the Estate of Joseph F. W.
Summerell dec'd. in due form.

Copies

Test S R Edwards Clk

Copy

Dr. J. W. Summerlin's

Acct. of Sales

(B)

having qualified under his Will acted as Superintendant or Overseer. 4th. That the Administrator has the same and equal power to dispose of the Negroes as is Conferred by the Will on the executor and that the Costs of this Suit be paid out of the assets of the Testator. —

An amt. and accounts of Sales of the Estate of Joseph T. W. Summerell Decd. Sold by Dr. Wm H. Summerell admr. this 4th day of January 1859. —

1	Waggon & Harnis	Do	Widow	50	00
1	Cart & Wheels	"	Widow	35	00
1	Cart & Wheels	"	Widow	8	00
1	Ox Cart & Wheels	"	Widow	5	00
2	Ploughs	"	Widow	2	00
1	Black Sow & pigs	"	John Brittle	4	65
1	Blue Sow	"	Richard Stephenson	3	00
1	Yellow Sow & 7 Pigs	"	Widow	7	50
2	Large Shotes	"	John Pritlow	6	90
1	Sandy Sow & 5 pigs	"	Peter J. Holmes	6	00
1	Red Sow & Six Pigs	"	Widow	8	00
1	Blue Sow & 3 Pigs	"	Saml B. Kellow		75
1	Black Sow & 5 pigs	"	Widow	8	00
1	Red Sow & 4 Pigs	"	Peter J. Holmes	4	20
1	Spotted Sow & 7 Pigs	"	Widow	8	00
25	Shotes @ $2.50	"	Widow	62	50
10	Shotes @ $2.55	"	John Pritlow	25	50
10	Shotes @ $2.20	"	Saml B. Kellow	22	00
4	do @ $1.95	"	do. do.	7	80
1	Sow	"	Widow	4	00
1	Black Sow & 3 pigs	"	Goodman Horn	2	50
15	Sheep @ $1.25	"	Widow	18	75
10	Sheep @ $1.40	"	A. L. Sand	14	00
10	Sheep @ $1.45		do. do.	14	50

10	Sheep @ $1.35	Do	A. L. Land	13	50
21	Sheep @ $1.05	"	do do	22	05
3300	R. O. Staves $5. pr 1200	"	M. D. Butler	13	75
1088	W. O. Staves do pr 1200	"	G. Brittle	4	53
1	Lot Shucks	"	Widow	2	00
1159	lbs Pork Sides a $8.37½ pr 100	"	Widow	97	06
838	lbs do hams $5. pr 100	"	Widow	41	90
696	lbs do Shoulders $4.75 pr do	"	Widow	33	75
152	lbs do Jowls $1.00 pr do	"	Widow	1	52
	Amounts Carried over			$538	01
	Amounts Brought over			$538	01
132	lbs Pork heads a $1. pr 100	"	Widow	1	32
121	lbs do Bones a $1. pr do	"	Widow	1	21
34	Gallons apple Brandy @ $1. pr. Gal	"	John Brittle	33	50
18	do. do. do. @ 95c " do	"	Daniel Vick	17	00
71	lbs Lard @ 10c	"	Wm H. Summerell	7	10
77	lbs do @ 10c	"	Simon Branch	7	70
101	1st Choice Fat Hogs @ $8.05	"	Richard Stephenson	80	50
102	2d Choice Fat do @ $6.25	"	do do	62	50
7	Fat Hogs at $4.35	"	Widow	30	45
6	Shotes @ $1.30	"	G. Brittle	7	80
1	Young Sorrel Mare	"	Widow	140	00
1	Sorrel horse	"	Jeremiah D. Ellis	71	00
1	Light Sorrel Mare	"	Widow	100	00
1	Sorrel Colt	"	Widow	30	00
1	Sorrel Mare	"	John Brittle	70	00
1	Sorrel Colt	"	Samel B Kellen	35	00
1	Mule	"	William Cobb	63	00
1	Bull Cow & calf	"	Widow	12	00
1	Steer	"	A. L. Brittle	13	50
1	Yoke Oxen	"	Widow	35	00
1	Buffalow Steer	"	A. L. Land	7	00
1	Red Cow & Calf	"	Widow	12	00
1	Light red Cow & Calf	"	Widow	12	00
1	Red Cow & Calf	"	Thos Williams	12	00
1	Clay heifer. White face	"	Widow	7	00
1	Dark Red Cow & Calf	"	A. L. Land	8	75
1	Yearling	"	Thos Williams	4	00
1	Clay Heifer	"	Widow	3	00
55	lbs White Corn a $3.50	"	Widow	192	50
27	bus Pea Nuts @ $1.00	"	Widow	27	00
9	bus White Peas at $1.00	"	Widow	9	00
	Straw Cutter	"	Widow	4	00
1	Crop Cut Saw	"	Widow	1	00
1	Bed & furniture	"	Widow	25	00
	Contents of Seller	"	Widow	10	00
	Amount Carried forward			$1592	94
	Amount brought forward			$1592	94
1	Cotton Carpet	"	Widow	4	50
9	prs. Window Curtains	"	Widow	4	00
5	lbs Yellow Corn $3.35	"	Wm H. Summerell	16	75
20	lbs: Yellow Corn a $3.67	"	Robert Rants	73	40
10	lbs: do. do. a $3.69	"	do. do.	36	90
10	lbs: do do a $3.65	"	Thomas Williams	36	50
10	lbs: do do a $3.68	"	A. & A. Brittle	36	80
10	lbs: do do a $3.37	"	John P. Boykin	33	70
10	lbs: do do a $3.34	"	J. J. Branch	33	40
6½	lbs: do do a $3.60	"	Thos. Williams	23	40
10	lbs: do do a $3.33	"	John P. Boykin	33	30
7½	lbs: do do a $3.28	"	do. do.	24	60
	Rocking Chair & Pictures	"	Widow	2	00
	& Irons	"	Widow		75
1	Bed & Furniture	"	Widow	20	00
1000	lbs: Blade fodder a 60c per c	"	Jesse P. Pope	6	00
1000	lbs: do. do. a 50c per c	"	J. J. Branch	5	00
3	pr Dog Chairs	"	Widow	3	00
1	Lot Crockery & Tin	"	Widow	5	50
	& Irons, Shovel & Tongs	"	Widow		50

	Bed Stead & Wash Stand	"	Widow	3	75
	Looking Glass, Table & Toilet	"	Widow	1	75
	Carpet, Table, & Toilet	"	Widow	2	50
	Bed clothes & Chest	"	Widow	9	00
1	Stack Oats	"	John P. Boykin	8	90
1	do do	"	H. B. Urquhart	9	10
1	do do	"	M. D. Butler	8	70
1	Sandy Saw & 5 pigs	"	Robt. Rawls	6	10
1	Small do & 3 ds	"	John Brittle	2	30
1	Lot Shucks	"	Wm H. Summerell	8	00
700 lbs: Blade fodder a 75 pr c		"	Widow	52	50
	Pots, pans, Tubs, Table & baskets	"	Widow	8	00
80	Cyder barrels a 10c	"	Widow	8	00
7	Stands & 2 pr pins	"	Widow	2	75
	& Apple Mill	"	Widow	5	00
	Amount Carried forward			$2238	89
	Amount Brought forward			$2238	89
1	Pair Shucks	"	Robt. Rawls	2	30
1	Pair do	"	G. Brittle	1	30
9½	bus: Black Peas a 75c	"	Widow	7	12
1	Bus. Beans	"	Widow		75
6½	bus: Red Peas a 65c	"	Widow	4	23
	Plough hoes & Cyathe blades	"	Widow		50
	Fan Mill	"	Widow	10	00
	Pea hulls	"	Widow		25
1	Still Tub & Worm	"	Widow	30	00
10	bus. New Beans a 70c	"	H. B. Urquhart	7	00
29	bus. old Beans a 15c	"	do " do	4	12
1	Stallion	"	H. B. Urquhart	200	00
1	Still Cap & Worm	"	Widow	23	00
1	do. do. do	"	Watt Stephenson	19	00
1	Small Gun	"	Widow	10	00
1	Double Gun	"	Wm H. Summerell	10	00
	Corn Sheller	"	Widow	2	00
	Grind Stone	"	Widow	3	00
	Water Cooler	"	Widow	2	00
1	Wheel barrow	"	Widow		50
24 lbs: Short Corn a $1.75		"	Widow	42	00
10 bus: of Sweet & Irish Potatoes a 50c		"	Widow	5	00
	Small Bed	"	Widow	12	00
				$2544	95

Wm H. Summerell adm. of
J. F. A. Summerell

Southampton County: In the Clerk's Office, February 20th 1860.
This account of Sales was returned and admitted to record.

Test,

L. R. Edwards, Clk

"

Copies

Teste

L R Edwards Clk

At a Court held for the County of Southampton on the 19th day of December 1864.

The last will and testament of Wm. H. Summerell dec'd was proved by the oath of S. B. Kello one of the subscribing witnesses thereto. And at a Court held for the said County on the 16th day of January 1865 the said will was fully proved by the oath Sam'l H. Holmes one of the subscribing witnesses, and there being no subscribing witness to the codicil to the said Will Sam'l B Kello & Sam'l H Holmes being sworn and examined as witnesses, the Court after hearing the testimony are of opinion that the said Codicil and the signature are wholly in the hand writing of the said William H. Summerell dec'd. Therefore it is ordered that the said Will & Codicil be recorded as the last Will & testament and Codicil thereto of the said Wm H. Summerell dec'd and on the motion of Samuel B. Pretlow and Jordan D Pretlow the executors named in the said Will, who made oath and solemn affirmation as the law directs, and together with Thomas J Pretlow, James H. Judkins, John Pretlow and Willis Bradshaw their Securities (who justified on oath as to their sufficiency) entered into and acknowledged a bond in the penalty of fifty thousand dollars conditioned as the law directs, Certificate is granted them for obtaining a Probat of the said Will and Codicil in due form.

A Copy

Teste L R Edwards CC

Oath of George G. G. Boittle, the other witness thereto and admitted to accord as to the said A. L. Summerell.

Teste

L. R. Edwards, bb

"

A Copy

Teste L. R. Edwards bb

(D.)

13 Bond & Mar. Agreement & Summerell

This Deed made this 2d day of March 1863, between Mills B. Barrett of the City of Petersburg of the first part and A.L. Summerell of the County of Southampton of the other part. Witnesseth that whereas a Marriage is intended shortly to be had and Solemnized between the said two parties, and the said A.L. Summerell is possessed of certain Estate real & personal which the said Mills B. Barrett is desirous should be settled upon the said A.L. Summerell for her own Separate use and benefit, it is therefore agreed by the said Barrett that he shall have no portion or interest whatever in any estate of any kind of which the said Summerell may be seized or possessed. But it is agreed and bargained by and between the said parties that notwithstanding any thing herein contained the said Summerell shall and does retain the power and privilege to dispose of any property and all the property of every kind of which she may be possessed by her last Will & Testament as if she were a feme Sole to any person whomsoever without any exception intended by this agreement. Witness our hands and seals, the day & year first above written.

Mills B. Barrett (L.S.)
A.L. Summerell (L.S.)

Witnesses
George G.G. Brittle,
Robt. Rawls

Southampton County, In the Clerks Office the 10th day of March 1863. This Marriage agreement between Mills B. Barrett & A.L. Summerell was acknowledged by the said Barrett and admitted to record as to him, & at the same time the same was proved as to A.L. Summerell by the Solemn affirmation of Robt. Rawls one of the witnesses thereto, and on the 2d day of May 1863. the said Marriage agreement was proved as to A.L. Summerell by the

joint & several [redacted]

The answers of J S Preston admr de bonis non with the will annexed of J W Summers dcsd & of W W Briggs. Sheff & Committee of Richard Beard dcsd, two of the defendants to a bill of complaint filed against them and others in the Circuit Court of Southampton County, by Anna L Barnes wife of Milly B Barnes, suing through him as her next friend.

These defendants, saving & reserving to themselves the benefit of exception to the said bill, or to so much thereof as they are advised it is material for them to answer answering, say

That it is true as alleged in the plaintiffs bill that the sum of $2000.00 was given the plaintiff by the last will and testament of J W Summers, to be disposed of by her at her death, but that now to allow the plaintiff to use the principal to raise the said $2000.00 would be virtually defeating the great object of the will, and making the other legacies worthless as a part of the property at this time would scarcely do, as it would be done on a losing condition; for the land bought to be sold by the plaintiff is worth not worth less than $4000.00 but if sold now would not bring probably more than $1500. or $2000.00. And these defendants further say that the plaintiff now lives on and enjoys this property, just as much so, as if it were sold, and she stood to the fortunate pur-

claim, which the defendants think is the
great object of petition for sale at this time
and the defendants further say, that there
are other legatees under the will, whose rights
and interests under the said will would be
totally destroyed, by this summary sale of
the land at this time, and plainly contrary
to the intention of the testator -

And having answered, the
defendants pray to be dismissed with
their costs in this behalf expended

Sheldon J. d

The answer of Launa Branch an Infant, by L. R. Edwards her next friend to a Bill in Chancery exhibited in the Circuit Court of Southampton County by Anna L. Barrett &c. against Wm H. Summerell's adms. and others.

This Respondent, says that being an Infant and ignorant of her just rights in the premises respectfully submits the same to the Court, and prays that no order or decree may be made inconsistent therewith.

signed,

Barrett &
Al

Summerell's admr &c

answer of
Infant Defts:
by gdn. ad litem.

1867 September Rules

Barrett

v. } Or. Pub.

Summerville Exor.



Copy Posted at front door Ct. Ho.
Sept. 6th day 1867

SR C

At Rules held in the Clerks Office of the Circuit Court of Southampton County on the first monday in September 1867.

Anna L. Barrett the wife of Mills B. Barrett suing in this behalf by the said Mills her next friend. Pff.

against

Jordan Denson Pretlow & Samuel B. Pretlow executors of Wm H. Summerell dec'd. Richard H. Branch. Stephen Andrews. George C. Summerell. Laura V. Branch & the unknown children of George C. Summerell and the unknown children of Julia Andrews. Dfts.

} In Chancery

This day came the plaintiff by her Counsel and filed her bill against the defendants in this suit - the object of which is to have the accounts of Wm H. Summerells administration with the will annexed on the estate of Jo. F. W. Summerell dec'd duly settled - to have the lands of which the said Jo. F. W. Summerell died seized sold and the legacy of $2000. to the plaintiff paid her and that in lieu of her life estate in the lands she may be paid a fee simple present value, and affidavit being made and filed that the defendants Richard H. Branch, Stephen Andrews, George C. Summerell the unknown children of George C. Summerell and the unknown children of Julia Andrews are non residents of the State of Virginia it is ordered that they do appear within one month after due publication of this order and do what is necessary to protect their interest.

A Copy.

Teste L. R. Edwards clk

Barrett }
V } Commrs Report
Summerell adm

1868 April 1st

The Estate of J. T. H. Summerell dec'd

In account with Wm N. Summerell, his administrator with the will annexed

1859			Dr		Cr	
Feby	1	By cash of Branch T Hunt for sales of produce			145	76
		" " " Leonard Cobb[2]			100	50
		" " " Overseers of Poor			25	00
		" " " I R. Kelly			5	00
		" " " I. I Branch			7	30
		" " " I. P. Boykin for oats			8	25
		" " " P W. Rollings administrator			6	53
		" " " Levi Stephenson for oats			3	12
		" " " M D. Butler due bill			2	58
		" " " Rich[d] Williams			10	00
		To paid A S & A. Burgess mdse bill	44	75		
		" " W. W. Cobb account	25	00		
		" " Mary M Brittle bond & int	106	23		
		" " Timothy Atkinson acct		50		
		" " Tax account	34	02		
		" " I I. Branch	80	07		
		" " James Preston	10	00		
		" " James Gay		62		
		" " B L Drew a/c	9	38		
		" " Eli W. Davis buyer	5	00		
		" " Wm Ely acct		38		
		" " M E Tosworthy "	5	00		
		" " James B Urquhart. in part payment for Stno plantation	333	00		
		" " Robt Bailey acct	2	66		
		" " H Bradshaw "	8	50		
Sep	4	By amount of account Sales due this day			2644	96
		To Commissions on $2959.20 at 5%	147	96		
		" paid Tom Pitman acct	3	50		
		" " R H Whitfield atty	46	50		
		" " S A. White a/c	4	25		
		Amt Carried over	890	32	2939	20

1859		To Amounts brot Over		890 32	2959 20		
Sept	4	" paid Alexr Faison acct		88 55			
1860		" " G. G. Bittle "		2 00			
		" " Stephen Andrews note & int		85 72			
		" " Clerks tickets		3 81			
		" " Shff		30			
		" " Shff Execution		27 44			
		" " Saml Denny acct		32 15			
		" " M D Butler "		33 23			
		" " Clerks tickets		1 30			
		" " G. W. Scott		3 50			
		" " Wm H. Preston Atty		20 00			
		" " Commrs fee for this acct advertising for debts & Copy		15 00			
		" Bal due Estate		1756 48			
				2959 20	2959 20		
1860							
Feby	1	By balance due Estate brot down			1756 48		
"	9	To paid W B & A B Urquhart acct		46 64			
"	17	" " Thomas Pitman "		3 50			
"	"	" " Wm Folk "		4 00			
"	"	" " Geo W. Lawrence "		30 00			
"	"	" " R. M. Doles bond & interest		45 65			
Mar	19	" " Wm S Goodwyn for Saml Denny "		32 15			
"	"	" " Geo W. Vick Amount of costs of a Fifa in favor of Anne Summerell		27 44			
"	"	" " A. Faison Store a/c		47 61			
May	24	" " Thomas & Adams		5 65			
		" " I. F. Boykin a/c		3 50			
		" " G. G. G. Bittle "		2 00			
		" " Mansfield Hines "		1 00			
		" " Jno P Boykin assignee of Walter Bradshaw a/c		8 50			
		" " Solomon Fletcher		3 92			
		" " S & N. White "		4 25			
		Amount Carried Over		265 81	1756 48		

				Dr	Cr	Int
1860						
May	24	To Amounts brot over		265 81	1756 48	
"	"	" paid Geo W. Scott	acct	3 50		
"	"	" " S B Kello for Stephen Andrews bond & interest		85 72		
1861						
Feby	1	By interest on last years balance				105 38
		To bal due Estate		1405 46		
				1756 48	1756 48	105 38
Feby	1	By balance due Est brought down			1405 46	105 38
"	"	To paid G. G. G Bittle	acct	30		
"	"	" " A Faison	"	3 92		
May	15	" " R A Urquhart Executor for Urquharts Store		317 36		
		" " R A Urquhart Executor bond & int		300 62		
		" interest on $617.98 for eight Months		24 71		
1862		By Cash from Daniel Vicke in part			100 00	
		To Commissions on Same		5 00		
		By interest on last years balance				84 32
Feby	1	To Bal due Est		853 35		
				1305 46	1505 46	189 70
"	"	By Bal. Bal due Est brot down			853 35	189 70
1863		" interest on last years balance				51 20
		To Balance due Est		853 35		
				853 35	853 35	240 90
Feb	1	By bal due brot down			853 35	240 90
July	1	To amount invested in Va State bond for R H Branchs children it being a portion of his legacy		600 00		
		" Seven months interest on Same		21 00		
1864		By interest on last years bal				51 20
Feby	1	To Bal due Est		232 35		
		Amt carried forward		853 35	853 35	291 10

1864		By amt balance brot over			232	35	292	16
		" interest on $232.35 from Feby 1. 1863 to Feby 1st 1866					41	82
1866 Feby	1	To Bal due Est	232	35				
			232	35	232	35	333	98
"	"	By Bal due Est brot down			232	35	333	98
"	"	To amount retained to pay Wm H. Patton Atty fee in case of petition to remove funds from this State to Tennessee	40	00				
		To Commissioners fee for this account & Copy retained	30	00				
		" Clerks fee for recording same	3	00				
May	1	By three months interest on $232.35					3	48
		" error in this account in allowing S & A. White's acct			4	25		
		To Bal due Est	163	60				
			236	60	236	60	337	40
1866 May	1	By Bal due brot down			163	60	337	40
"	"	" Interest brot in			337	40		
"	"	" Balance due estate			$501	00		

with interest on $163.60 part thereof from the 1st day of May 1866 till paid.

Respectfully Submitted.

Henry S. Howard.

Comr.

Your Commissioner here States Specially that J. D. Pretlow one of the Exrs of Wm H. Summerell that there is still due the estate of J. T. W. Summerell a Judgment in the Circuit Court of this County against Daniel Vick, Polly Vick & Saml. Kello for $175.87 with interest from 1st March 1853 subject to Credit of $150.00 July 29th 1861. me allowed & that he knows of no debt against J. T. W. Summerell except that of C. F. Urquhart guardian of F. N. & M. N. Urquhart here reported.

Henry S. Howard, Comr.

An Account shewing the present value of the life estate of Anna L. Barrett formerly Summerell in the entire estate of said testator. J. T. W. Summerell dec'd

Your Commissioner reports upon the evidence of D. L. Doles & John R. Brittle who were duly sworn to give evidence in this cause, that he ascertains the entire real estate of the testator Jos. T. W. Summerell consisting of two tracts of land known as the Stephenson or Sea Cock tract & the Urquhart Store tract lying in the County of Southampton to be jointly worth the sum of $3750.00 in fee simple and the said Anna L. Barrett being entitled under the first clause of the testator Jos T. W. Summerell's will to the whole of the same during her natural life & she being 41 years of age only, her expectation of life is 26.04 years & consequently the present value of her life estate in the said value of the said real estate is $2950.00. Your Commissioner reports that there appears to be due the estate of Jos. T. W. Summerell from Wm H. Summerell his admor on a settlement of the transactions of the said Wm H. Summerell as admor of the said Jos T. W. Summerell the sum of $501.00 on the first of May 1866. but as there is still due from the estate of the said Jos T. W. Summerell to C. F. Urquhart Guardian of F. N. & M. N. Urquhart on the first May 1868. the sum of $185.62 & ands as it does not appear in the settlement of Jos T. W. Summerell administration account that the legacy left by the said Jos T. W. Summerell by his will of $600.00 to Richard H Branch's children has been paid or invested for them they thus appearing to have been only $400.00 invested for them in Virginia State bonds as of the first of January 1863. Your said Commissioner does not deem it necessary to ascertain the present value of the life estate of the said Anna L. Barrett in the said balance of $501.00. but that she is also entitled to the sum of $150.00 now and the further sum of $2000.00 at her death to dispose off in any manner she may wish by the first clause of the last will & testament of her late husband Jos T. W. Summerell dec'd

Respectfully Submitted

Henry S Howard

Commis

An Account Shewing the fee Simple Value of the real ~~Estate~~ of the said testator Jos. T. W. Summerell died

		Fee Simple Value	
The Stephenson or Sea Cock tract of Land lying in Southampton County.	1/3	1250	00
" Urquhart Store tract of Land lying in Southampton County	2/3	2500	00
Total fee simple Value		$ 3750	00

Respectfully Submitted
Henry S Howard - Comrs

An Account of debts or demands due by the said testator Jos T. W. Summerell died or his estate.

4th Class

Bond due C. T. Urquhart Guardian of T. N. & M. N. Urquhart	1/3	103	20
interest from 1st Apl 1858. to 1st Apl 1859		6	19
Amt due 1st Apl 1859		109	39
int fr 1 Apl 1859. to 1 Apl 1860		6	56
Amt due 1st Apl 1860		115	95
int fr 1st Apl 1860 to 1st Apl 1861		6	95
Amt due Apl 1st 1861.		122	90
int fr 1st Apl 1861 to Apl 1st 1862		7	37
Amt due Apl 1st 1862		130	27
int fr Apl 1st 1862 to Apl 1st 1863		7	81
Amt due Apl 1st 1863		138	08
int fr Apl 1st 1863 to Apl 1st 1864		8	28
Amt due Apl 1. 1864		146	36
int fr Apl 1st 1864 to Apl 1st 1865		8	78
Amt due Apl 1. 1865.		155	14

Carried on

Amt brot up	155	14
int fr Apl 1st 1865 to Apl 1. 1866	9	30
Amt due Apl 1. 1866	164	44
int fr Apl 1st 1866 to Apl 1. 1867	9	86
Amt due Apl 1. 1867	174	30
int fr Apl 1 1867 to Apl May 1. 1868	11	32
Amt due May 1. A 1868.	$ 185	62
Total Amt debts reported to the Commissioner		185 62

Respectfully Submitted
Henry S. Howard
Comrs

Commissioners Office
Jerusalem March 31. 1868

To the circuit court of Southampton County

Pursuant to a decree of the circuit court of Southampton county rendered at the November Term 1867 in a said in chancery pending in the said court between Anna L Barrett by &c Plff and Jordan D Pretlow & Saml B Pretlow Extor of Wm H. Summerell dcd & Others Defts. the undersigned one of the Commrs of the said court. to whom was referred for settlement by said decree the following account. That a Commissioner of this court. settle the transactions of Wm H Summerell as administrator of Jos F. W. Summerell dcd & that said Commr ascertain the present Value of the life estate of said Anna L. in the entire estate of said testator, that he also ascertain the fee simple Value of the real estate of said testator & whether there are any other debts or demands due by said testator or his estate & make report with any matter specially stated deemed pertinent by himself or that any of the parties may require to be so stated. he reports to the court that on the 6 day of February 1868. 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 19th day of March 1868. which were returned to your Commrs duly executed. on all the parties. except Stephen Andrews. Gwl Summerell & Laura Branch, absent defendants against whom there was an order of publication in this cause in the proceedings, and that he also posted at the same time a copy of the said notices at the front door of the Court house of said County as required by law. That J. D. Pretlow, Anna L. Barrett & Mills B. Barrett appeared before the Commissioner in obedience of said notices & he there upon made up & settled the foregoing accounts, as required by the said decree. he having examined D. L. Doles & John Bittle on oath. as to the fee simple Value of the real estate of the testator. Jos F. W. Summerell dcd, The Commissioner further reports to the court that after the Completion of the said accounts he retained the same in his office ten days for the examination of the parties. which with the decree and notices aforesaid are herewith returned,

Given under my hand as Commissioner aforesaid the day and year first aforesaid

Henry S. Howard Commr

Commrs fee $30.00
Shff fee 2.50

Barret p fiind v. Summerell's Exrs &

This cause, in which the plaintiff has proceeded in the mode prescribed by Law against absent Defendants, as to Stephen Andrews, Geo. C. Summerell, The Unknown children of Geo. C. Summerell, and The Unknown children of Julia Andrews, and they still failing to appear & make defence, Came on to be heard on the Original & amended Bills taken for confessed, at rules, as to Jordan Denson Pattlow & Sam'l B. Pattlow Exrs. of Wm H. Summerell dec'd on whom proces had been duly served & they still failing to appear and make defence; and on the answer of the Infant Defendants, Laura Brandon by her Guardian ad litem & with replication to said answer & on exhibits filed with the said Bill & was argued by Counsel: On consideration whereof the Court doth ~~decide that the bequest to the said female Complainant Emma L Barrett late Emma L. Summerell late the wife of~~ W. F. W. Summerell dec'd, the said Testator, ~~as absolute pecuniary gift of~~ of $2000, by said Testator, to dispose of in any manner that she may wish, is an absolute pecuniary gift of that much money to her, and that the estate of said Testator ought now to pay the same, and the Court doth~~ adjudge order & decree that a Com'r of this Court settle the transactions of Wm H. Summerell as adm'r of W. F. W. Summerell dec'd: and

that said Comr. ascertain the present value of the life estate of said Anna L. in the entire estate of said Testator — That he also ascertain the fee simple value of the Real estate of said Testator: and whether there are any other debts or demands due by said Testator or his estate, and make report with any matter specially stated deemed pertinent by himself or that any of the parties may require to be so stated

Bank Note

Summons &c

1867

Com. of Decree

To be entered

L. H. Baker

Barrett &
Co

Summerville

1868

May 21

Deeds

To be entered

R. H. B.

Barrett &c. vs. Summerell &c.

This cause came on this day to be again heard on the papers formerly read, and on the report of Com. Howard made pursuant to the decree of November Term 1867, to which report there is no exception and on the answer of J. D. Butler adm de bonis non with the will annexed of J. J. W. Summerell dec'd, & of Wm W. Briggs Sheff. & Committee of Richard Branch dec'd, & on application to said answer, and was argued by Counsel. On Consideration whereof the Court doth confirm the said report and doth decide that the gift of $2000. by the Testator Jn. J. W. Summerell to his wife to dispose of in any manner that she may wish, is a legacy payable at her death subject to her disposal as she may then think proper, and therefore not now recoverable out of the estate of said Testator; and the Court without deciding on any other question presented in the case doth order that the plaintiff's bill be dismissed but without prejudice to her rights in other respects or of any other party — and it is ordered that each party pay his or her own costs, and that the cause be removed from the Docket.

~~94~~ 90.

Kilby p. q

Anna L. Barrett
Pl. pa.

vs

Summerell, Exr; &c.

Cir. Ct. Southy