

1869- 16

Santhampton County

Branch, Laura vs. Summerville, John St.
by Exor.

(Settlement of Debt)

William L. Shippen Esq

J. B. Prithard
Esq

40 72 67 63 35

Branches 62

2. } Papers

Summeralls 2000

Branch to
M.

Summerville to

1869

Mr. Collet

Secree

To be returned.

E. P. Pitts

where name block
in

Branch for

in.

Summerville, N.C.

In the Circuit Court of South-
ampton County.

I, Wm H. Putton the
attorney for the plaintiff in this
case do certify that, I have rec^d of
J. H. Putton & S. B. Putton Exors. of W.
H. Summerville decd who was son of J. J. W.
Summerville decd. one Virginia state

Bond (or stock) for \$600.00

and Int: amounting to 217.00

In discharge of the plaintiff's claim as
set forth in the proceedings, which state
Bond cost \$186 premium when purchased
by said W. H. Summerville.

and I certify that nothing further
is claimed in this cause, and am
willing for a decree to be entered con-
firming said settlement.

Wm Wilson Atty,
for Plaintiff

Branch to V Summerville, Ex or

This cause came on this day to be heard on the Bill of the Complainant taken for contempt as D. S. B. Pulton one of the Exors. of W. H. ~~Pulton~~^{Summerville} Decd, on whom process had been served and he failing to make defence, I on the answer of J. D. Pulton admr Debonis nom of J. J. W. Summerville Decd & as one of the Exors. of W. H. Summerville Decd & on replication to said answer and on exhibit filed with said Bill and on Statement marked "X" this day filed & and was argued by Counsel on Consideration whereof the Court doth Confirm the settlement as made and as set forth in said Statement "X" & doth order that the costs of this suit be paid out of the estate of said W. H. ~~Decd~~^{Summerville} Decd, and nothing more remaining to be done in the cause the same is ordered to be removed from the docket.

87 88 76 55

Branches Gov.

Stat. Rules

Summerello adm. 10

letks boats

Ship

San

10

1604

150

1350

In Southampton Circuit Court

William L Ship the legally qualified guardian of Laura Branch &
against

Jordan D Preble admor. de bonis non with the will annexed of J. T. W. Summerville
de. & Jordan D Preble & Samuel B. Preble Executors of W. H. Summerville de.

1867. March 9. Summons issued.

" April Rules. Summons returned Executed. Bill filed & Decree nisi in.
" Defs.

" May. R. Bill taken for confessed & Cause set for hearing &c.

" " I Ans. of J. D. Preble as Ex. of W. H. Summerville & as ad. Adm. of
J. T. W. Summerville. G. Rep.

1869 Nov. Final decree

Branches Gov

~ { Sums. Chy.

Sumner's admrs

1867 April Rules

Executed on S. B. Patton
March. 13th. 1867 by
leaving a copy at his house
with a white person over
16 years old he being from
home. & on J. D. Patton
March 15th. 1867 by
delivering him a copy.

E. L. Story dep
for S. H. Clough

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY--GREETING:

WE COMMAND YOU to summon

Jordan D Partlow admor. de bonis non with the will annexed of J. F. W. Summerville decd and Jordan D Partlow & Samuel B. Partlow Executors of Wm H. Summerville decd

to appear at the Clerk's office of our

Orphans

Court of Southampton County, at the Rules

to be holden for the said Court on the first Monday in

April next to answer a bill in Chancery exhibited against them in our said Court by William L. Shipps Guardian of Laura Branch

and have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, this *9* day of *March* 186*7*, in the *9th* year of the Commonwealth.

L R Edwards

Southampton County Court. February 16 1863

On the motion of Wm. St. Summerell admor. & of Joseph T. W. Summerell
ad. he is authorized to invest the amount of a legacy in his hands given by the
will of the said Summerell to the children of Richard A. Branch in
Virginia Six Percent State Stock or Confederate Stock at the discretion
of the said administrators.

A Copy

Juste J. R. Edwards

Branch Sud
to Zassen
Lanman is a son

1867 May Term

^{John B. Patton}
The answer of J. D. Patton, as Esq. of Wm H Sum-
mers and as Adm^r of his now ~~with~~ ^{will} annexed
of J. D. Summers to the bill of complaint filed against
him &c by William L Shipp guardian of Laura Branch

This Deft denies & reserves all benefit & excep-
tion to the many errors & imperfections of the said
bill &c for answer thereto or unto so much
thereof as he is advised it is material or necessary
to make answer unto answering said
That it is true J. D. Summers bequeathed by his
last will the sum of \$800 to the children of R. H.
Branch and that he has heard that the said Laura
Branch was the only child of the said R. H. Branch
and would be entitled to receive the said legacy
and that it is true his testator Wm H Summers paid
find as the adm^r with the will annexed of the said
J. D. Summers before the County Court of the
County of Southampton before which tribunal
he reported an account of his transactions as
adm^r with the will annexed of the said J. D. Summers
showing a balance in his hands sufficient
to pay the said legacy. But this Deft denies
that there is now anything due on account of
the said legacy either from the estate of J. D.
Summers or of Wm H Summers for the
reason that the County Court of Southampton
having jurisdiction at its Feb. term 1863
made an order directing the said Wm H Summers
to invest the amount of said legacy in Virginia
six per cent state stock and that he did so

the value of the said crop purchased a bond of the kind
mentioned herein for the sum of \$600 which is hereinafter
paid as a part of this account and that this Dept
believes and therefore asserts that the expenses of the
whole amount of the said crop in the purchase of the
said bond is as much as they are then selling
at a considerable price and having
estimated the proper amount to be dismissed &c

Respectfully for Dept

Southampton County to wit

This day I B. P. Prescott appeared before me
a Justice of the said County and made oath
that the allegations in the foregoing account
are true. Signed under my hand this
2d day of May 1867

J. B. P. Prescott J. P.

- A -

To the Hon. Richard H Baker. Judge of the Circuit Court of Southampton County.
In Chancery Sitting.

Your petitioner William L Ship respectfully represents to your Honor. That he has been lawfully appointed and qualified in the County Court of Fayette County, State of Tennessee, as the guardian of Laura Branch, minor orphan of R. H & V. C. Branch deceased -

That he executed bond and security sufficient to insure his accountability, for the whole amount of his said wards estate, which may probably come to his hands or be received by him - and he herewith files a transcript of the record of his qualification, marked "A" as a part of this petition. That your petitioner and his said ward are both residents of Fayette County, Tennessee in which County he qualified as guardian aforesaid.

That the removal of the property of his said Ward from this State will not impair the rights, or be prejudicial to the interest either of the ward or of any other person.

That the said Ward is entitled, under the will of Joseph E. W. Summerville, to a legacy of \$800. 00. which sum is now in the hands of William H. Summerville administrator with the will annexed of Joseph E. W. Summerville -

Your petitioner further states that he files this petition under the provisions of the 129th Chapter of the Code of Virginia in reference to foreign guardians -

To the end therefore he prays your Honor to make an order authorizing your petitioner, to sue for, recover, and receive all the money and other personal property, which may belong to his said ward, as if he were appointed a guardian to the said ward in this State, and remove the same to the County of Fayette in the State of Tennessee, and all such other orders as the nature of the case may require -
As in duty bound &c.

Wm. L. Ship for plaintiff

At a Circuit Court held for the County of Southampton on the 7th day of November 1862.

William L Ship guardian of Laura Branch
against
Laura Branch

} On Petition.

This day this cause came on to be heard on the petition of William L Ship guardian

of Laura Branch, on the production of satisfactory proof according to the provisions of the Act of Assembly concerning non resident guardians and Wards - permissions and authority are hereby given to William Q Ship guardian of Laura Branch, both residents of Fayette County, Tennessee, to demand, receive, sue for and recover and remove any money or other personal property to the said Ward due and belonging within the jurisdiction of this Court, from the State of Virginia to the said County of Fayette, State of Tennessee, the place of residence of the said William Q Ship and his aforesaid Ward

Copies
Teste J. R. Edwards Clk

At a Court held for the County of Southampton the 16th July 1866
On the motion of J. B. Pritlow, who made oath and together with Samuel B. Pritlow 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. B. Pritlow for obtaining letters of administration de bonis non on the estate of Joseph T. W. Summerville dec^d with this will annexed in due form, a stamp of the internal revenue of the United States of the amount of one dollar being affixed hereto

Attest
J. R. Edwards Clk

- B -

I Joseph T. W. Summerville 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 and fifty dollars to purchase a carriage - Secondly I give to Richard H. Branches children Eight hundred dollars, this to be paid by my Executor so soon as the money can be made 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 B. Summerville, the remaining 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 B. Summerville my Executor desiring him after the settlement of my estate to superintend the farm with a salary of two 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 and deposit the money in some bank. Also any stock that may not be needed. I also give to S. B. Kello ten dollars

I seal this 28th day of June A. D. 1858. my hand and

Signed in the presence of
A. S. H. Burges
E. S. Holliman
S. B. Kello.
Jos. T. W. Summerville Dec^d

At a Court held for the County of Southampton August 16. 1858.
This last Will and testament of Jos. T. W. Summerville dec^d was proved by the oaths of A. S. H. Burges and E. S. Holliman two of the subscribing witnesses thereto, and was therefore ordered to be recorded.

Teste
J. R. Edwards Clk
Attest
Teste J. R. Edwards Clk

-B-

At a Court held for the County of Southampton the 20th day of December 1858.
Geo. W. Summerell the Executor named in the last Will and testament of Joseph T. W.
Summerell dec^d, this day refused to take upon himself the burthen of the execution thereof -

On the motion of Wm St Summerell who made oath, and together with Samuel B
Kello and Joshua Pritlow, 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 T. W. Summerell dec^d in due form -

Attest

L. R. Edwards Clk

, D ,

At a Court held for the County of Southampton the 16th day of January 1865 -

The last Will and testament of William St Summerell dec^d was fully proved by the oath
of Saml St Holmes one of the subscribing witnesses thereto - and there being no subscribing
witness to the codicil to said will. Samuel B Kello & Saml St Holmes being sworn and
examined as witnesses - the Court, after hearing the testimony, are of opinion that the said Codicil
and signature thereto, are wholly in the hand writing of the said William St Summerell dec^d
therefore it is ordered that the said Will and Codicil be recorded as the last will and testament
and Codicil thereto, of the said Wm St Summerell dec^d and on the motion of Samuel B
Pritlow & Jordan D Pritlow, the executors named in the said will, who made oath and
solemn affirmation as the law directs and together with Thomas J Pritlow, James St.
Jenkins, John Pritlow & 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

Attest

Teste

L. R. Edwards Clk

Stirling John
Birds
As
Bill
Bridges
Summerly, adm. &c

1867 April Rules

2000 words

To the Hon. Richard H Baker, Judge of the
Circuit Court of Southampton County. In
Chancery sitting -

Humbly complaining
sheweth unto your Honor, your Oration William
L. Smith the legally qualified guardian of Laura
Branch in the State of Tennessee, ~~the~~ who came
by virtue of a decree of this Court entered at
term 1866 in a petition to transfer the care
of his ward in the State of Tennessee, a copy of which
petition and decree are herewith filed marked "A"
and prayed to be taken as a part of this Bill, that by
the last will and Testament of J. T. W. Sumner
proved and admitted to record in the County Court
of Southampton County, Tennessee, in the year
a specific legacy of \$800. was left to Laura
Branch the ward of your orator, as will appear
by a copy of said will herewith filed marked
"B" and prayed to be taken as a part of this Bill
that Wm. H. Sumner qualified as Administrator with
the will annexed of the Estate of J. T. W. Sumner
some time in the year 1858, as will appear by
reference to a certificate of his qualification herewith
filed marked "C" and prayed to be taken as a
part of this Bill, that the said Wm. H. Sumner died
some time in the year 1864 not having paid your
Orator the aforesaid legacy, & that at the January
Term of the County Court 1865 J. D. Pullen and
S. B. Pullen ^{as will appear by reference to a certificate of their qualification herewith filed marked "D"} qualified as his Executors, and
that J. D. Pullen at the July Term of the County Court
1866, qualified as Administrator with
the will annexed of the Estate of J. T. W. Sumner
as will appear by reference to a certificate of his qualification herewith filed marked "E"
and your Oration further charges that neither
Wm. H. Sumner Administrator as aforesaid, in his life-
time, nor J. D. Pullen and S. B. Pullen his Executors

now J D Pullen Adm^r de bonis non of J W Sumner as executor
have paid the aforesaid legacy to your Orator as guardian
as aforesaid. Your Orator further charges that there
are now sufficient assets in the hands of J D Pullen
Adm^r de bonis non of J W Sumner as executor
with which to satisfy the same, and your Orator
desires the aid of this court to enforce the payment
of the same. In further consideration of the prem-
ises and inasmuch as your Orator is unwilling
adversely to leave in a court of Equity, where
such matters are peculiarly cognizable and reliev-
able to it and therefore that justice may be done
your Orator prays that J D Pullen and S B
Pullen Executors of W H Sumner and J
D Pullen Adm^r de bonis non with the will
annexed of J W Sumner decd, may be made
parties defendant in this Bill, and then answers
to the allegations thereof compelled to make
that your Honor will grant a decree compelling
J D Pullen Adm^r de bonis non as aforesaid to
pay the aforesaid legacy of \$800. with interest thereon
from 1st day of July 1859. to your Orator guardian
of Laura Brand as aforesaid. That your Honor will
decree all proper accounts to be taken, and
grant such other and general relief as the
nature of the case may require, or as the Equity
may seem meet, and as is duly claimed your
Orator will ever pray &

Pullen J D