1871-059 SOUTHAMPTON COUNTY CHANCERY PAPERS

URQUHART vs. URQUHART'S EXTOR, et al
2/1871

Ungehorsam gegen Befehle

Verletzung Pflicht.

Verletzung Dienstpflicht.

1871 Januar. Diener Verschiedener

To the Hon. Judges of the County Court of Southampton, In Chancery.

Humbly complaining shew unto your Hons. your Orator's Eliza A. Urquhart wife of A B Urquhart, by William Urquhart her next friend, That some months ago Wm. Eliza B. Urquhart executed his Will, duly attested and published his last Will and Testament in writing which has been admitted to probate by the County Court of this County, as a Will of Personal Estate, which is herewith filed as a part of this bill.

That the testator by his Will, bequeathed one fourth of his estate to your Orator's Wife and appointed the defendant Joseph W Urquhart executor thereof.

That the testator named in the Will, leaves at the time of making and executing the same, and ever since hath continued to reside and now doth reside in the County of Southampton aforesaid.

That the said Joseph W Urquhart has duly qualified as executor of the said Will and has taken upon himself the burden of the execution thereof, and has possession of the estate of the said testator, and has collected a large amount of money belonging to the said estate.

That your Orator is informed and believes that the said Joseph W Urquhart has in his hands and under his control about $2000 belonging to the said estate.

That your Orator has applied to the said Joseph W Urquhart for a settlement of the estate of the said testator, and for payment to him of his share of the same, but the said Joseph W Urquhart refuses to make any settlement with your Orator or to pay him his share of the said estate.

In tender consideration of all which and as your Orator can have full relief only in a Court of Equity. To the End therefore that the said Joseph W Urquhart may be compelled to make a full and perfect discovery of the estate of the said testator, and account for the same, and pay your Orator his share thereof, and that your Orator may have such other and further relief in the premises as the nature of his case may require and to your Honors shall seem meet.

May it please the Court to grant unto your Orator the writ of subpoena to be directed to the said Joseph W Urquhart commanding him to appear before this Court on the first day of the next term thereof, then and there to answer the premises and abide such order and decree therein as to your Honors shall seem meet.

And your Orator will ever pray &c.

Chas. Urquhart

for Plaintiff

Answer of Eds. W Longhurst as Executor of
Eliza B. Longhurst & as trustee for Eliza M.
Longhurst to the forgoing bill.

This defdt. saving &c. for answer
to said bill. Says he admits he is Exor. of Eliza
B. Longhurst & has under his control as such
about $2000. which belongs to the trust fund
alluded to in the bill. That is willing and
desirous to be relieved from the burden of the
Executorship of the trust, imposed by his Testatrix.
and unites with the Defts. in the suggestion
of the person, suggested in the bill, as the one
may the proper one. and praying &c.
prays that bill may be dismissed &c.

Augustus Hyde
vs
Thomas
J. W. Augustus.

Jany. Court 1871.

To be entered
Chas. L. Cocke

Elijah A. Longstreet by his next-friend ... Pltff

vs.

Joseph W. Longstreet, Exr. of Elijah B. Longstreet. Deft.

This day this cause was docketed by consent of parties, and came on to be heard on the motion and on the defendant's application thereto filed, and was argued by Counsel.

On consideration whereof the Court doth adjudge and decree that the bill of complaint be dismissed, as to the defendant Joseph W. Longstreet in his capacity as Executor of Elijah B. Longstreet, ~~as Executor of Elijah B. Longstreet~~ and that he recover and have the costs by him about his defence in this behalf expended to be taxed by the Master of this Court.

Urquhart and wife
vs.
Urquhart's Trustee

Southampton County Court. December Term 1871

Eliza A. Urquhart wife of the said A. B. Urquhart
by the said A. B. Urquhart her next friend Plffs.
Against
A. B. Urquhart, Trustee, for Eliza A. Urquhart
Defts

This cause was this day docketed by leave of Court and consent of parties, and was heard on the Bill and answer and replication thereto, with exhibits filed, and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree, that A. B. Urquhart, Trustee for his wife Eliza A. Urquhart, invest so much of the funds in his hands as such Trustee as may be necessary to pay in full for the tract of Land in the proceedings mentioned, to be held by him for the seperate use and benefit of his said Wife, and report to this Court.

A Copy Teste,

James R Sykes, D. C