

1894-036
Nansemond Co. (Suffolk)

Chancery Causes: W. J. Morgan & wife vs Edward W. Savage

Weatherly

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *E. W. Savage,*

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the first Monday in *February, 1888, (this month)* ~~next~~, to answer

Bill in Chancery, exhibited against him
in the said Court by *W. J. Morgan and Margaret, his wife.*

and have then and there this summons.

Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this *3rd* day of *February* 1888, in the 112th year of the Commonwealth.

Teste:

Peter B. Prentis. Clerk.

I have this the 4th day of February 1888. Sent a copy
of this process in writing upon the within named
Edward W. Savage.

Wm. H. Howell
Shff-

Wright p. 2

W. J. Morgan and Margaret
his wife

vs
Sams: in Chy:

E. W. Savage

vs
February Rules, 1888.

No. 13. No. 1. page
Civ. Co.

W J Morgan & wife
vs

E W Savage

It appearing that there has been
no order or proceeding for five years
in this cause it is ordered that it
be stricken from the docket with
leave to re-instate within one
year from this date.

10 of Morgan's
28

Elw Savage

Dismissed under
the 5 Year Rule

April 13th 1894

He entered.

Q. M. A.

Entered in Chancery
Order Book
No. 2. Page 558.

To Hon. C. W. Hill, Judge of the Circuit Court of
Haustrand County:

Complaining Show
unto Your Honor, Your Orator W. J. Morgan and
Margaret, his wife, who sue for themselves and
all other heirs of Matilda Weatherly Dead, who
may make themselves parties hereto on the usu-
al terms; That Washington Weatherly, the uncle
of Your Orator Margaret Morgan, and his two Sis-
ters Nancy and Matilda Weatherly lived together
in the said County, and accumulated a consid-
erable Estate, neither of them ever marrying.
The said Nancy departed this life, intestate, many
years ago, and the property which she had
accumulated, chiefly money, was distributed
between her Brother Washington and Sister
Matilda Weatherly. Soon thereafter the said
Washington died, leaving some Real and very
little personal Estate, and a Will, whereby he
bequeathed to his Sister Matilda, during her
life-time, all his Estate, and after her death,
to one E. W. Savage, ^{a copy of said will is filed as part of this Bill, marked} The said Matilda con-
tinued to live on the land for a number of
years, and departed this life intestate some time
in the year 1887, about the month of July. That
said Matilda lived in a very economical way
and by her labors, and saving, and inheritance
from her Sister, she had accumulated, as Your

Orator is advised and believes, about Twelve Hundred Dollars in money and some Chattel property. That upon the death of said Matilda Weatherly in July 1887, the said E. W. Savage took charge of all her effects, but did not administer upon the Estate, and no letters of administration have been granted to any person; but as your Orator is advised & believe and therefore allege, the said E. W. Savage did find among the effects of said Matilda a large sum of money, which he has appropriated to his own use, and for which he has refused to account to any of the heirs of said Matilda. That the heirs of said Matilda Weatherly so far as your Orator can ascertain, are your Orator W. J. Morgan & Margaret his wife; R. J. Hanell and Olive his wife; Eliza Hanell, Mrs. W. Hanell, Simon Savage & Jane his wife. Your Orator have frequently called upon the said E. W. Savage for an account of all the property of said Matilda Weatherly, and a distribution of the same among the parties entitled thereto, but he has persistently refused to render any account or make any distribution, and without denying the charge that he did take possession of said effects, forces the heirs, of said Matilda, or those of them who insist upon their rights in the premises to

seek the same through a Court of Equity. And as your Orators are without remedy, save in a Court of Equity where matters of this kind are properly cognizable and relievable, they pray that the said E. M. Savage may be made a party defendant and be required to answer the allegations of this bill, fully and particularly (answer under oath being waived); that the said defendant may be required to render an account of all money, chattels or other property forced by him, after the death of said Matilda among her effects, or upon the premises where she lived and died, and be required to show how he has disposed of the same; that an account may be taken showing who are the heirs and distributees of the Estate of the said Matilda Weatherly with their respective interests or distributive shares therein; and that your Orators may have such other and general relief in the premises, as the nature of their cause may require, or to Equity may seem meet; and your Orators will ever pray &c.

Jno H Wright Esq.

Naumond County, to wit:

I Jno. H. Wright, a Notary Public for said County in the State of Virginia do Certify that M. J. Morgan, one of the Complainants in the foregoing Bill of Complaint, personally appeared before me in my said County & made oath that the statements therein

contained are true, to the best of his knowledge, information & belief.

Given under my hand this 4th day of Feb 1888.

John H. Wright U. S.

Wright & Co.
W. J. Morgan & Margaret
his wife

vs J. Bell

E. W. Savage

Wasson and Co: Co:

W. J. Morgan & wife

vs } Chy: Notes

E. W. Savage.

1888. Feby: 3rd: Sum. in Chy. issued to Feby. Rules, 1888

" " 6th: Bill filed - Dece n: Li. 115th defn

" March 5th: Dece n: Li. Confid & cause set for
hearing on mo: of pl'tff's Counsel.

Chy. Notes
