

1796-015 SOUTHAMPTON COUNTY
CHANCERY PITERS

TURNER & BRANCH vs. SUMMERELL & AL 8/1796

other SURNAMES: Boykin,
Summerill

Stephen Dⁿ Summerell
to } Deed of.
Turner & Branch } trust

copied for Jacob Turner.

Summerell
to
Turner & Branch
[Signature]

[Signature]
Turner & Branch

Summerell

To the worshipful the court of Leathampton county in chancery
setting, Humbly complaining cheareth unto ~~your~~ ^{our} worshipful orators
Jacob Turner & Henry Branch that sometime on or about
the day of ~~the~~ ⁱⁿ the year of our Lord 1784 a certain
~~the~~ ^{the} ~~sum~~ ^{John Summerell} & one John Summerell ~~that~~ were owing
to your orators by means of their being security for the D. Stephen
Popple the sum of two hundred & fifty pounds, & being
willing & desirous to secure your orators from all danger
of loss by means of their securityship, did on the day
of ~~the~~ ⁱⁿ the year of our Lord 17 ~~the~~ ^{mortgage}

to your orators certain tracts or parcels of lands containing
by estimation one hundred & forty seven acres the one parcel,
& the other 54 acres, together with all singular the houses,
outhouses, edifices, buildings, yards, gardens, orchards, trees, ways,
waters, & water courses, profits, commonalties, hereditaments,
& appurtenances whatsoever, belonging or in any wise
appertaining, to the ~~the~~ ^{the} Jacob Turner & Henry Branch their
heirs & assigns for ever; which ~~the~~ ^{the} deed of mortgage, or
indenture hath been proven in this court, & ordered to
be recorded, & a copy of which ~~the~~ ^{the} deed being hereto
annexed, your orators pray may be made a part of
this their bill of complaint, & by which ~~the~~ ^{the} deed the inten-
tion of the parties will more fully appear. Your orators
further shew that they have ~~the~~ ^{already advanced &} paid a very several
sums of money, in consequence of their securityship, & have

often applied to the ~~1st~~ Stephen & John Sumnerell to
refund & pay to ~~them~~ the monies so advanced & paid away.
But so it is may it please your ~~excellency~~ ^{excellency} that since
the mortgage ~~of record~~ ^{of record} and one of the parties thereto have
deceased this life ^{intestate} ~~John Sumnerell~~ ^{John Sumnerell}
~~the~~ ^{administration} of his estate granted to
Arthur Raykin of Southampton county.

As to the ~~1st~~ Stephen Sumnerell he has hitherto refused to
comply with this ~~q^{ry}~~ ^{q^{ry}} or most reasonable request, pretending
that there never was such a mortgage, & if there was that
your orators have not advanced & paid away any monies,
nor are they liable so to do. — All which things, &
of the ~~1st~~ Stephen are contrary to justice. In tender
consideration whereof, & for as much as your orators are
properly relievable in a court of equity, where
matters of this nature ~~are~~ ^{are} properly & peculiarly
cognizable. To the end therefore that the ~~1st~~ ^{1st}
Stephen Sumnerell & Arthur Raykin
admit or be forced.

And that the ~~1st~~ Stephen Sumnerell ~~admit~~ ^{may} on their
corporate oaths full true & perfect answer
make to all & singular the allegations of this bill,
that more particularly may set forth & discover

whether there was not such a deed of mortgage as
is herein set forth, & whether the complainants
have not advanced & paid sundry sums of money
for the mortgagees. And that this court
may advise & decree that ~~1st~~ Stephen Sumnerell &
Arthur Raykin

to pay unto your orators all sums of monies by them
advanced & laid out, on account of their security &
ship to the ~~1st~~ Stephen & John Sumnerell. In
make any other decree as may seem just, in
the prayer of your orators, & they shall ever pray.
May it please the court to grant unto your orators
the commonwealth's most gracious writ or writs
of subpoena &c.

B. Drew
att^y for the plaintiffs
Ct

Turner & Brown

14.

Commercial Bank
Ct

August Term 1896

Aug: 1896. report ret^d.

& drawn accordingly

Ct

This Indenture made this 12th day of November in the year of our Lord one thousand seven hundred and eighty four between Stephen and John Sumnerell of the parish of Rottonway & county of Southampton of the one part and Jacob Turner & Henry Branch of the said county of Southampton of the other part. Whereas the said Stephen and John Sumnerells stand justly indebted to the said Jacob Turner and Henry Branch in the sum of two hundred and fifty pounds. Now this Indenture therefore witnesseth that as well for securing the payment of the said sum as also for and in consideration of the sum of five shillings to them the said Jacob Turner and Henry Branch in hand paid at or before the making and delivery hereof the receipt whereof they the said Stephen and John Sumnerell doth hereby acknowledge. ~~That~~ granted bargained and sold, aliened, enfeoffed and confirmed, and by these presents we do grant, bargain sell, alien enfeoff and confirm unto them the said Jacob Turner and Henry Branch their heirs and assigns for ever, all those tracts, plantations or parcels of land now in sure and quiet possession of the said Stephen and John Sumnerell situate lying and being in the aforesaid parish of Rottonway & county of Southampton. I Stephen do for myself by these presents deliver my land and premises according to the most known, ancient & reputed bounds thereof, and as for me John Sumnerell I do grant, bargain and sell my property of land under the tenure or nature of my father John Sumnerell died last will and testament, the result of which number of acres of land now possessed by us Stephen and John Sumnerell being one hundred and forty seven acres, John Sumnerell's land containing fifty seven acres, and all & singular houses, outhouses, edifices, buildings, yards, gardens, orchards, trees, ways, waters and water courses, profits, commodities, hereditaments and appurtenances whatsoever to the said tracts or parcels of land belonging or in any wise appertaining & the reversion and reversions, remainder & remainders, rents dues and profits thereof, & all the estate, right, title, property claim and demand of them the said Stephen and John Sumnerells of on and to the same and every part thereof to have and to hold the said one hundred & forty seven acres of land and appurtenances to the said Jacob Turner & Henry Branch their heirs & assigns to the only proper use and behoof of them the said Jacob Turner & Henry Branch their heirs & assigns for ever. & the said Stephen & John Sumnerells do for themselves their heirs & hereby covenant to and with the said Jacob Turner & Henry Branch their heirs & assigns by these presents in manner following that is to say that the said Stephen and John Sumnerells their heirs & shall & will pay or cause to be paid unto the said Jacob Turner and Henry Branch their heirs & assigns the aforesaid sum of Two hundred and fifty pounds without fraud or delay provided always and by these presents are upon this condition that if the said Stephen and John Sumnerells their heirs & assigns shall well & truly pay or cause to be paid unto the said Jacob Turner & Henry Branch their heirs & assigns the aforesaid sum of Two hundred and fifty pounds, that then & from thenceforth this present indenture and every thing therein contained, shall cease determine & be utterly void to all intents and purposes, & lastly it is hereby covenanted and agreed by and between the parties to these presents that untill default shall be made of the condition herein before mentioned that it shall be lawfull to & for the said Stephen and John Sumnerells their heirs & assigns peaceably and quietly to have hold, possess and enjoy all & singular the before granted lands & premises & every part thereof without the molestation or interruption of the said Jacob Turner & Henry Branch their heirs and assigns. In Witness whereof the parties to these presents have interchangeably to these presents put their hands and seals the day & year above written

Seal & delivered in presence of
James Sumnerell
John Purcell
Jeremiah Sumnerell

A true copy
Teste
J^r: D. Hausmann
Stephen Sumnerell
John Sumnerell
Jacob Turner
Henry Branch

James Summerell
 Esq.
 of the County of Southampton
 Esq.
 Aug. 1796. refut. not.
 Deposited - June 1793

At a court held for the county of Southampton the 12th day of May 1785. This deed of trust was proved by the oaths of James Summerell & John Purcell two of the witnesses thereto. And at a court held for the said county the 9th day of June 1785 the said indenture was fully proved by the oath of James Summerell another witness thereto and ordered to be recorded.

Attest
 John Tello Esq.
 J. D. Hausmann Esq.

James Summerell
 to
 Turner & Branch } trust
 copied for Jacob Turner

James Summerell
 to
 Turner & Branch

James Summerell
 to
 Turner & Branch

Sammerell

W. J. Aud. D.

Paykin adm. D.



The answer of Arthur Boykin adm^r of John Summerell
de^d to the bill of complaint of Jacob Turner & Henry Branch
exhibited against him. This defendant now & at all times
hereafter saving to himself all & all manner of exception
to the many untruths contained in the complainants' bill,
for answer thereto or to so much as this defendant is
advised is material for him to make answer unto,
answers & says — That true it is he believes that John
Summerell (in the complainants' bill mentioned) did
mortgage a tract or parcel of land to the com^{pt}, containing
by estimation somewhere about 57 — acres, in consequence
of their being his security for his executorship to his father's
estate. This respondent further believes that there
is a balance due from the estate of the said John to
the com^{pt} of a bout nine pounds nineteen shillings & 3 —
This respondent denies all combination or that he
has any objection to the sale of the ^{land} & so a decree be
made for the purpose by this court, for his justifica-
tion. This respondent prays to be hence dismissed
with reasonable cost &c —

Dⁿ J. New p^r. dep^t.
E

Turner & Co
vs
Boykin & Co } First
Deuce

March 1794

Southampton March Session 1794

Jacob Turner & Henry Branch Complainants

Arthur Boykin adm^r of John Summerville dec^d def^t } Chancery

This cause was this day heard on the bill of the Complainants ^{& the answer filed &} and the answer of the defendant on consideration whereof it is decreed and ordered that Wm Boykin Simon Boykin & Joel Boykin or any two of them make sale of so much of the lands mortgaged by M^r Summerville in his life time to the complainants at public auction for ready money as will discharge the complainants demand of Nine pounds nine shillings & three pence with interest thereon from Feb 9 12th 1789 till payment and the costs of this suit and it is further decreed and ordered that the defendant and all other persons claiming by from or under him be forever foreclosed of ~~and~~ from all equity of redemption or claim in or to the said land and that the estate of the complainants and the purchaser may become absolute therein. And that the persons appointed to make sale of the lands return a report of their proceedings therein to this Court in order to a final decree.

Kello B

Alks fees 180th Feb^r 2 1/4 . 1.. 7.. 1

Do. 4 doll^s 60 Cents . 1. 7.. 7 1/4

Sh^d 60th Feb^r 1 1/2 . 7.. 6

Do. 63 3. 9 1/4

Lawyers fees 3.. . . .

£ 6.. 5.. 11 1/4

Turner

vs

Sumner

} Spec. in
(6h7

D

to March 1792

Executed

Charles Diggins

The commonwealth of Virginia to the sheriff of Southampton
county greeting: You are hereby commanded to summon Stephen
Summerville to appear before the justices of our said county court
at the courthouse of the said county on the second thursday next
March next to answer a bill in chancery exhibited against him
by Jacob Turner. And this he shall not omit under the penalty
of £100. And have then there this writ. Witness Sam. Fuller
clerk of our said court at the courthouses the 18th day of Februa-
ry: 1792. & in the 16th year of the commonwealth.

Jn: D. Haupmann D.C.

The commonwealth of Virginia to the sheriff of Southampton county greeting
We command you that you attach Stephen Summrell so that you have
his body before the justices of our said court at the courthouse on the second
thursday in July next; to answer us as well of a certain contempt to ~~us~~ ~~as~~
~~as it is said~~ by the Stephen Summrell to us offered as it is said as above
those things which to him then and there shall be objected, and further to
do and receive what our said court shall in this part consider. And have
then there this writ. Witness Sam: Wells clerk of our said court the 11th
day of June 1792 in the 16th year of the commonwealth

Jn: D. Hausmann D.C.

For not appearing to answer the bill of
complaint exhibited against him by
Jacob Turner.

By rule of court

Jn^o. D. Haupmann Abt
H^o

Turner

vs

Summerville

} attn

for

} contempt

to July 1792

Executed

Charles Briggs M^g

The commonwealth of Virginia to the Sheriff of Southampton county
greeting: We command you that you attach Stephen Summerell so that
you have his body before the justices of our said court at the courthouse of
this county on the second Thursday in November next to answer us as well
of a certain contempt by the said Stephen Summerell to us offered as
it is said as upon those things which to him then and there be objected
and further to do and receive what our said court shall in this part
consider. And have then there this writ. Witness Samuel Tillo clerk,
of our said court at the courthouse the 22nd day of August 1793 in
the 18th year of our foundation

In^c D. Haussmanor D. C. C.
J^{ud}

For not answering the bill of complaint of Jacob Turner & Henry Branch exhibited against Shinn

By rule of court

J. D. Hausmann D.C.

Turner & Branch

vs

Shinn

Attorneys

contempt

Le Roster. 1793

Executed

Henry Branch & Co

Turner & Branch

or

Report

Sumnerell's adm.

In obedience to an interlocutory decree made at Southampton March court 1794
We the subscribers have sold Fifty three acres of the lands mortgaged by John Sum-
merell to Jacob Turner and Henry Branch at public auction for ready money to
Simon Boykin for Twenty pounds one shilling and eleven pence which in our opinion
is sufficient to discharge the demand of the said Turner and Branch against
the estate of the said John Summerell decd. Given under our hands this 6th day
of June 1794.

William Boykin
Simon Boykin

20. 1. 11
19. 12. 10
9 - 1

4 7 3.

4 14 72

50

7.7

9.52

350

25

3-6-2 2

137.5

9-9-3

10.15

1.6

12 15 52

20-1

7.5 10 1/2

20 1/4

7-7

22.9

4.2

16 11

53

7

371

26.6

45

401.4

20.1.11

1794 Sold by a Decree of the court of Southampt^{sh}
June 6th 53 acres of land Mortgaged by Jⁿ Summerville to
Jacob Turner & Henry Branch 2 1/2 £20 1-11

Sold by Joel & Simon Boykin to Jⁿ Boykin
Turner & Branch to Make a Right

Persu