

1844-007 SOUTHAMPTON COUNTY COUNCIL and Wife VS. SUMMERELL'S ADM'R. et al
CHANCERY PAPERS 11/1844

Other Surnames: Counsel,
Summerill

Dfts books

telk	\$ 3.63
Comm	15.00
Law	16.66
	\$ 35.29

Council Office

v. } Statement.

Summerells Edm. J.

not ready as to any
of the vpts

1843-

Jan'y R. - Will filed wth a ret. Ex?

W^m J. Sebrill appointed guardian
ad litem to infant Deft.

Mar. R. Ans. of W^m H. Summrell. G. R.
Set for hearing as to Dft. Clayton.

Apr. J. Ans. of Clayton filed by leave
of Rep. thereto. Court.

May R. Set for hearing as to Dft.
W^m H. Summrell.

Oct. J. - Continued -

1844-

Jan'y R. Ans. of Infants. Gen. Rep.

Mar. J. Set for hearing as to infants

May J. - Order for account.

Oct. 2. Report -

Nov. J. - Decree dissolving bill of

U. Cir. Co.

Council & Mps

vs. } Bill.

Sumner, Adams, et al

Chambers for C

1844 Nov. Bill inserted

(1900 words)

To The Hon^{ble}. Richard H Baker, Judge
of The Circuit Superior Court of Law
and Chancery for The County of Southampton.
Sitting in Chancery.

Humbly Complaining

That your good Honor good Complainant's Joseph
H. Council and Sarah his wife late widow of Silas
Summerville are & that in the year 1834. Silas
Summerville departed. This left the owner of considerable
estate, consisting, of Land, Slaves and Chattels, greatly more than
sufficient to pay and satisfy, all his just debts, and previous
to his death, made and published, his last will and
testament, in writing, which was proved, ~~in~~, and admitted
to record by the county court of Southampton. an authen-
ticated copy of which, is herewith filed, and referred to
Ratified and considered as a part of this bill.

That the Executors named by the Testator in his will
refused to qualify, and James Clayton, qualified as a Dow-
ry with the will annexed, and took possession of his Testator's
property, by virtue of his said qualification. That he
permitted the property to be kept together, and your Compt. Sarah,
remaining, with the children on the plantation,
your Compt. further state. That Silas Summerville
left four children, William W. Richard S. Sarah
and Thomas Summerville, all of whom, were at the
time of his death, infants of tender years, requiring to
be raised, supported and educated. That in pursuance
of the wishes of her deceased husband, your Compt.
Sarah, did raise support. and educate, the children, but
in doing so, was compelled, to advance, her own funds
rather than, sell any of the property, as her husband
Summerville, has subjected his estate, to the fulfillment of
the said will, to have his children educated, in
a good manner. That your Compt. Sarah, was
compelled to advance considerable sums, particularly
for Wm H Summerville, who was educated, as a Physi-
-cian

and consequently, expended much more than his just proportion of the income of the estate. and so when your Compts. have frequently applied, to receive, the money thus expended, on him, but he has always refused - contending that, he was entitled to be educated out of the estate. Your Compts. further state that James Clayton the Adm. has never settled any account of his transactions, with the estate of Silas Sumner. and they desire, such settlement should take place, and what balance may be due from him may be paid over to your Compts. and to those entitled - Your Compts. further state with Honor. that a division of the Land and Slaves of the account, has been made under a decree of the County Court of Southampton, according to the directions of his will - upon the intermarriage of ~~Sarah~~ his widow - That there are various unsettled Accounts, between your Complainants, and the Adm. and Children of Silas Sumner, which, from their multiplicity and complexity, Character ^{can} not be properly and fairly adjusted with ^{out} a reference to a Court in Chancery.

That Richard J. Sarah and Thomas, Children of Silas Sumner are still infants, and unable to attend to their rights.

In Tender Consideration of all which and in as much as your Compts. are without remedy at Law. and only redressable in a Court of Equity.

To the End, Therefore that justice may be done.

They pray your Honor to make James Clayton adm. with the will annexed of Silas Sumner as?

William St. Sumner, and Richard J. Sarah & Thomas St. Children of Silas Sumner the last three of whom are infants, under the age of twenty one by some fit and proper persons to defend them - Defendants to this bill - and compel them to answer the allegations

thereof, - That the defendant. Clayton, be ordered to render before a Com. of this Court, an account of his Transactions, on the estate of his Testator. also that an account of all the unsettled Transactions, between your Compts. and the said Clayton, as adm. of said estate and between your Compts. and the Children of Silas Sumner. particularly an account of her advance monies, and disbursements for them - and that your Honor will decree, the settlements, and payment of the respective balances, according to the rights of the parties. and grant such other and general, relief in the premises as Equity may dictate -

That your Honor will grant -

What follows your Honor.

Chas. B. for Compts

Johnson
+
Tanner }

Council & Wife

or
Clayton &c

= Answer of
W. H. Sumner

1843. March Rules

To The Hon. Richard H. Baker Judge of
the Circuit Superior Court of Law, and Chancery
for the County of Southampton, The Answer of
William H. Sumner to a Bill of Complaint exhibited
against him, James Clayton and others by this
Court by Joseph G. Council, and Sarah his Wife -

This Respondent saving &c for answer to so much of the
Complainant's Bill as he is advised it is material for
him to answer, says, - That the allegations of the Bill
are mostly true - That James Clayton did qualify, as
he is informed, and did act as he knows as Adm^r
with the will annexed of this Respondent's late Father
Silas Sumner decd, and it is also true that his
Administration Account has never been settled, and
this Respondent far from objecting to such settlement,
desires that it should be made as speedily as prac-
-ticable. It is also true that Sarah Council
who is the Mother of this Respondent and the infant
Defendants, did rear, and educate this Respondent
and his brothers & sisters so far as the infants have
been educated, and your Respondent feels the gratitude
and filial love which a son should feel to a kind
parent for the opportunity which she allowed him
to enjoy of improving himself, and acquiring an
useful profession - Yet your Respondent is
advised that under the will of his Father, the said
Sarah took the whole estate and the profits thereof,
charged with the education of the children, and that
she was only entitled to the surplus after this was
done. Your Respondent is advised that he
is in no way responsible to the Complainants for the
education which he received while under the care and
control of his Mother the Complainant Sarah, - that he is
not more responsible than any son, is, to his father or
mother for the education which he receives. The Compt^s
Sarah had the whole estate of Silas Sumner until her
marriage with the Compt^s Jos. G. Council - received the proceeds
of the farm &c - and while she may have been liberal
to this Respondent, yet he is sure that she never contemplated

(even were it according to principles of equity - that she should do so) charging this Respondent with any amount which she appropriated for his education - Indeed she had the whole estate or the profits of it at her absolute disposal. Your Respondent is willing to abide any settlement which this Court may deem just & equitable and having answered prays to be dismissed with costs.

Gibson & Torrey
for W. H. Sumner

Southampton County - To wit -

This day W. H. Sumner
personally appeared before me N. M. Selwell
a Justice of the Peace for the said County, and made
oath to the truth of the foregoing answer to the best
of knowledge & belief. Given under my hand this
20 day of February 1843.

N. M. Selwell J.P.

Cornwallis
vs
Sumrelli

Answer

The Answer of James Blayton adt. of

Silas Sumnerell decd.

To the Hon^{ble}. M. H. Baker Judge &c

This Respondent saving to himself all benefit of just exception that may hereafter arise to the bill of the Complainants, For answer thereto or unto so much thereof as he is advised it is at all material for him to answer, answering, says That it is true as set forth in the bill, That letters of administration were granted him on the estate of Silas Sumnerell decd, and that he has since been engaged in the settlement of sd estate. he represents, that there were a great many debts outstanding against the estate, some of which are still due and unpaid, that he has had great difficulties to encounter in the payment of debts, they amounting to a very large amount, & at the sale of the perishable property belonging to the estate, the widow, now the wife of the Complainant, became a purchaser to the amount of \$472.⁸⁹/₁₀₀ and executed to your Respondent. his bond for the amount. which is still due and unpaid, Your Respondent. alleges that he has frequently attempted to collect this bond in a friendly way. assuring the debtor that the amount was needed to pay the debts of the estate and that he could not close the settlement without that amount - he states this fact to show that he is not so much to blame for the tardiness of his settlement, and he here, formally alleges that he is ready & willing to settle his account finally: in a short time after the bond above referred to is paid - he has returned an account of his administration to the County Court, (which is here referred to and moved to be taken as a part of this answer) ~~which~~ which it appears, still - and having nothing

further to say - he prays he may be hence
dismissed, with his costs by him in
this behalf expended - and he will
so pray - R. F. G.

Southampton County to wit

This day James Clayton personally
appeared before me a (J.P.) and made
oath that the above answer contains the
truth to the best of his knowledge and
belief - Given under my hand & seal the
5th day of April 1843 -

Benj. Griffin J.P.

Wm. J. Griffin

Johnson
+
Furness }

Council & Wife

or
Blayton &c

Answer of Richards
Sarah A. & Thos. S. Sumner
By W. H. Sumner
Edw. Adkins

1824 January Rules

To The Hon Rich^d. H. Baker Judge of the Circuit
Superior Court of Law and Chancery for the
County of Southampton The separate & joint
answers of Richard J. Sarah A. and Thomas J.
Summerille by Wm^o ~~Summerille~~ ^{J. Seely} their Guardian
ad litem to a Bill of complaint exhibited
^{against} them James Clayton and others in this Court
by Joseph G. Council, and Sarah his wife.

These Respondents having & assuming to - for them-
selves to so much of the Compt's Bill as they
are advised it is material for them
to answer, say - that the allegations of
the Bill are mostly true - that James
Clayton did qualify as he is informed, and
did act as Admin^r with the will annexed
of Silas Summerille decd, and it is also
true that his Administration account has
never been settled and these Respondents
here declare that they are anxious it
should be settled as soon as possible.
It is also true that Sarah Council who
is the mother of these Respondents did
educate your Resp^{ts} as far as they
have been educated, and they feel for
it - great gratitude, yet your Resp^{ts} are
advised that under the will of their
father the said Sarah took the whole estate
and the profits thereof charged with the
education of the children, and that she was
only entitled to the surplus after this
was done. Your Resp^{ts} are advised
that they are in no way responsible to
the Compt^s for the education which they

received while under the care and control
of their Mother - that the Compt^y Sarah
had the whole estate of Sifas Sumner
until her marriage with Mr. G. Comrie -
received the proceeds of the farm &c and
while she may have been liable to their
Resps^y yet they are sure that she never
contemplated (even were it in accordance
with equitable principles that she should
do so) charging these Resps^y with any
amount which she appropriated for their edu-
-cation - indeed she had the whole estate
or the profits of it - at her absolute disposal

Your Resps^y are willing to abide any
settlement which the Court may think
just & equitable, and having answered
prays to be dismissed with costs

Wm. L. Bruce Esq. &c.

Johna. S. Jones
for the Resps^y

Council & wife
now for
W 3 Dec
sum mules: adw

To be entered

R. H. B.

1844 Mary Ford

Counsel & reply

v.

Summons. ad. }
ad. }
ad. }

This day this cause came on to be heard on the bill, answer of the defendants, replications, third and fourth, and was argued by counsel.

On consideration thereof the court with judge order and decree, that James Clayton ad. of the said defendants, do and cause to be done before William L. Goddard, one of the Com. of this Court, an account of his transactions, on the estate of his Testator - also the said Com. will state an account of all monies expended by the female Pepp for & on account of each of his children William H. Richd. J. Scrubs and Thomas. That the said Com. make report to this Court with every motion, specially made, and put in by himself or which, may be required, by either of the parties to be so stated.

1.
ad.
ad.
ad.

Cornel Ziefe

v } Co. Dene

Gunnwells cor.

Sept 18th - 1844 -

Southampton Circuit Superior Court May Term 1844

Joseph S. Council and Sarah his wife late widow of Silas Sumnerell dec'd Plff
against

James Clayton administrator with the will annexed of Silas Sumnerell dec'd
William H Sumnerell and Richard J. Sarah H & Thomas S children of
Silas Sumnerell by William J. Farrell their Guardian appointed to defend
them in this suit

Def
This day this cause came on to be heard on the bill answer of the defendants and
exhibits and was argued by counsel on consideration whereof the Court doth adjudge
order and decree that James Clayton administrator with the will annexed of Silas
Sumnerell dec'd render before William S. Goodwyn one of the Commissioners of this Court
an account of his transactions on the estate of his Testator also the said Commissioner
will state an account of all Monies expended by the female plaintiff for and
on account of each of her children William H Richard J. Sarah and Thomas S
and that the said Commissioner make report to this Court with any matters
specially stated deemed pertinent by himself or which may be required by either
of the parties to be so stated

Attesty Teste J. R. Edwards Clk

Council
in Dec
Sumner's adm.

to be entered

R. H. B.

1844 Nov Term

Cornhill
 or
 Intervenor's art. } decree

It appearing to the Court that since the
 last term of the Court, ~~the~~ the P^{er} Sarah Cornhill
 has departed this life, & that Jos G. Cornhill has
 qualified as her adm^r, upon motion of the said
 Jos. G. Cornhill adm^r of Sarah Cornhill & by consent
 of parties this cause is revived in his name
 as adm^r of the said Sarah, & thereupon this cause
 came on again to be heard on the papers
 formerly read, & on the report of Mr. Goodwyn
 in which report there is no exception - On consid-
 -eration whereof, the Court doth adjudge order
 & decree that the bill of the P^{er} be dismissed
 & that they pay to the defendants their costs in
 this suit expended - But this decree is made
 without prejudice to any suit which the
 defendants Clayton adm^r &c. may think proper
 to institute against the Executors & Legates
 of Elias Cornhill and

e

U.S. 10

Counsell Guise

~ } sp. in lch.

Summersalls adm Guise

1843 January Rules

Executed

William A. Bell Dy of
William L. Corvitt Siff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *James Clayton a son: with the will annexed of Silas Summerville dec^d. William A Summerville Richard J Summerville Sarah A Summerville & Thomas J Summerville*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *January* next, to answer a Bill in Chancery exhibited against *them* in the said Court by *Joseph B Connell & Sarah his wife*

And unless *they* shall answer the said Bill within ^{*two*} ~~four~~ months thereafter, the Court will take the same for confessed, and decree accordingly. And this *they* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *23^d* day of *November* 1842, in the *67th* year of the Commonwealth.

L R Edwards

[One Copy to be delivered each Defendant.]

Council & wife
to 3 Commrs:
Report
Clayton & c

1844 October 2.^d

Account of monies expended by Sarah Summell -
 late widow of Silas Summell on account of her
 children, William A. Richard J. Sarah & Thomas S. Summell
 On account of William A. Summell

1840

Feb. 1.	Paid R. Murray for 18 months board -	\$	105. 00
1842.	Do do. for money borrowed	"	468. 29
		"	563. 29

On account of Richard J. Summell

1839. Decr: 24 -	Tuition and books furnished by A. Richards	\$	20. 53
1840.	Paid R. Murray for board & books -	"	42. 01
		"	62. 54

On account of William A. Richard J. Sarah & Thos S. Summell

1838 -	Paid Thomas & Silas.	act.	\$	12. 51
" -	" J. Urquhart	"	"	50. 00
1839 -	" John Urquhart	bond	"	8. 79
" -	" A. Stephenson	act.	"	1. 83
1840 -	" Lushall & Jordan	"	"	84. 90
" -	" Benj. Griffin	"	"	9. 48
" -	" S. G. Baynard	bond	"	4. 82
" -	" J. B. Urquhart	act.	"	45. 76
1841 -	" J. M. Emley - execution for money borrowed -	"	"	141. 44
1842 -	" Wilson & Son	act.	"	63. 02
" -	" E. S. Walther	note	"	21. 96
1843 -	" Milt Briggs	act.	"	5. 89
1840 -	" R. Murray -	"	"	29. 04
				479. 44

The Commissioner found it impossible to state a separate account of monies expended by Sarah Summell for each one of her children, as no such account was kept by her. The Commissioner could ascertain in only two instances, what amt. was expended for any particular child which are above stated. He then states one general account against all the children -

From: fu. 2. 30. chd. to
 J. G. Council

Respectfully Submitted
 W. S. Gooding of Commr.

Council & wife
to } Commr.
 } Report
Clayton et al.

1842 October 2^d

1838		Amount brok. forward					127.41
1839							
Feb:	18	To paid J. B. Lanthall bond in part	200	00			
		" " Cary. Gay act.	15	48			
		" " Ditto "	27	76			
		" " R. Musgroves adm: "	24	80			
	19	" " E. Eley Indget.	17	20			
			285	24			127.41
			127	41			
Decr:	31	To balance due the Adm: —	\$	157	83.		
1840							
April	20	To paid Taxes & tickets for 1839	27	06			
		" " J. E. Hayton act.	7	50			
June	14	" " George Gay 181 "	27	57			
		" " J. S. French for J. Y. Mason.	83	37			
		" " Sheriff. execution for O. A. Brown	5	16			
		" " Ditto do. for J. B. Hunt Exor.	518	33			
		" " Ditto - do for J. W. Spralley	171	22			
			998	04			
		To Interest on \$998.04	59	88			
Decr:	31	To balance due the Adm. —	1057	92			
1841							
March	10	To paid Taxes & tickets for 1840	35	16			
Apr:	15	" " W. A. Day atty	15	00			
		" " Thomas Nall Cris —	8	00			
Jan:	1	By amt sales due this day			1426	65 ^p	
		" " Recd. of J. S. Council for corn			150	00	
May	27	" " Sale of bacon			221	46	
		" " At 500 hives			156	31	
			1116	08	1954	42	
					1116	08	
Decr:	31	By balance the Estate			838	34	
1842							
July	27	To paid W. O. Bailey note	7	92			
		" " John Vietr "	82	42			
		" " A. Atkinson atty	10	00			
Sept:		" " Sheriff two executions	96	10			
		" " Sundry tickets	15	69			
		Amts car. forward	212	13	838	34	

1842		Amts brought forward	212	13	838	34	
		Comm: on 1954. 22. recd. in 1841	97	72			
					309	83	
Decr: 31	1843	By balance the Estate			528	49	
		" Interest on bal: of 1841					30.30
June 8		To paid W. Ponds act	27	00			
19		" " W. B. Whitehead bal: due C. Kirby Est:	761	63			
Sept		" " J. Bayliss act	30	00			
		Interest on bal: of 1842					31.70
			818	63	528	49	82.00
		Interest brought down			82	00	
			610	49	610	49	
Decr: 31	1844	To bal: due the adm:	208	14			
May 4		To paid J. B. Lushall in full. bond.	559	70			
"		" paid J. J. French atty	49	50			
"		To bal: due the Administrator	817	34			

97.72 with int found

In the above account, no commissions are allowed the adm: except on the receipts of 1841. Some of the parties objected to allowing him commissions, because he had not rendered an account within the time prescribed by law.

Respectfully submitted
W. S. Goodwyns
Comms.

Comms: fee - \$15.00 - charged to
the adm:
W. S. Goodwyns Comms.

Estate of Silas Summrell decd.

In account with James Clayton adm.

1835			Dr.	Cr.	Ret
June 20 th	To paid S. H. Holmes act:		3 15		
"	" Auditor of Public accounts -		10 35		
"	" A Denson act:		4 44		
"	" Ditto "		9 14		
"	" James Jeyner "		108 33		
"	" A. Atkinson for Partm.		27 44		
"	" W. C. Clarke "		47 00		
Oct. 19	" " S. Holmes, Treasurer, School Comm.		414 88		
"	" J. B. Southall, med. act:		1 00		
	By R. A. Urquhart, bond			1500 00	
"	" L. A. Branch. do			65 00	
"	" Thos. A. Piers do			57 98	
"	" Joel Phipps do			134 25	
"	" John Baykin do			237 39	
"	" Benje. Crompton do			191 65	
"	" L. M. Pond do			114 09	
			625 73	2314 36	
				625 73	
Decr. 31	By bal. due the Estate	\$		1688 63	
1836					
Feb. 4	To paid J. H. Hawkins act:		7 50		
"	" Taxes & tickets for 1835		125 04		
"	" D. A. Baykin. bal. bond		97 23		
"	" J. Lenow act:		3 95		
27	" " P. Bailey "		11 87		
"	" " J. Lenow bond		66 13		
"	" " D. A. Baykin "		45 92		
"	" " J. Anclous. props: R. Anclous est.		48 36		
"	" " R. H. Baker atty.		34 50		
June 18	" " C. J. Stephenson bond		24 95		
"	" " A. G. Council appraiser		1 00		
"	" " J. I. Guarnsey do		1 00		
"	" " Gray Barton act:		1 59		
"	" " B. Crompton "		25 96		
Nov. 10	" " Taxes & tickets		56 46		
	amts cur. found		551 46	1688 63	

1836

crd:	10	Amts brought forward —	\$	551	46	1688	63	
		To paid J. Luter est: bond.		39	27			
		" " E. Whitehead act:		5	75			
		" " A. Luter "		50	00			
		" " W. J. Nottingham "		10	00			
		" " J. Crumpler "		7	30			
		" " D. Pond "		12	06			
		" " J. Crumpler "		64	13			
Decls:	4	" " E. Branch "		49	61			
		" " Benton & Mieddick "		9	00			
		" " W. G. Stephenson "		5	00			
		" " Coroner for inquest "		5	00			
		" " S. Holmes, treasurer school Comm:		160	02			
		" " B. Daniel act:		30	00			
		" " A. Stephenson "		20	87			
		" " J. Barham, in full bal. due Est:		417	21			
31		By John Bayliss bond & int.				130	57	
		" " E. Dales " "				319	05	
		" " P. Dales " "				209	00	
		" " Amount found in house "				120	00	
		" " P. Pond bond & int.				39	26	
		" " H. Pond " "				34	33	
		" " J. P. Bayliss " "				106	00	
		" " J. Love " "				14	80	
		" " J. B. Verghert " "				848	00	
		" " Mary Vick " "				39	20	
		" " G. Johnson " "				98	10	
		" " B. Branch " "				7	96	
		" " F. M. Bayliss " "				34	91	
		" " John Harris " "				202	44	
		" " A. Chapman " "				16	85	
		" " R. Menden " "				23	99	
		" " M. D. Stringfield " "				28	96	
		" " J. Bayliss " "				4	53	
		" " B. Daniel " "				16	88	
		" " J. Shepherd " "				49	81	
		" " R. Hart " "				4	34	
		" " E. Bayliss " "				34	44	
		Amts car: forward —		1436	88	4072	08	

1836

Decls:	31	Amounts brought forward —	1436	88	4072	08	Int-
		By E. Branch. bond & int.			4	46	
		" " H. Pond " "			35	00	
		" " J. J. Guarkney " "			8	79	
		" " J. G. Counce " "			4	38	
		" " E. Jagger " "			22	00	
		" " J. Barham " "			225	00	
		" " N. Harris " "			101	00	
		" " D. Bittle " "			49	63	
		" " Bittle & Simmons " "			59	75	
		" " N. Harris bal: " "			22	81	
		" " A. Holleman " "			8	14	
		" " S. Holmes Prct "			29	61	
		" " J. Crumpler " "			86	88	
		" " E. Branch " "			3	56	
		" " A. Claitorne " "			162	18	
			1436	88	4895	26	
					1436	88	
					3458	38	
Decls:	31	To balance due estate					101.31
1837		" " Interest on bal: of 1836 "					
Jan:	25	To paid M. J. Crumpler act	25	97			
		" " N. B. Vaughan " "	7	33			
Feb:	8	" " W. Folk " "	2	38			
		" " R. L. Thomas " "	8	98			
		" " P. Dales note "	65	26			
		" " B. Griffin " "	102	25			
		" " W. Womble " "	12	24			
		" " J. Womble " "	34	78			
		" " J. Baines act "	1	46			
		" " A. Atkinson atty "	5	00			
		" " B. Lightfoot act "	7	50			
		" " E. Ballard bond "	300	62			
April	10	" " J. Laine act: "	1	00			
		" " J. Laine curator of J. Laine est.	164	60			
		" " P. Dales in full of est. Dales est:	4	41			
		" " J. Laine act: "	2	50			
		" " P. Dales in full of J. Dales est:	460	05			
		" " Ditto. his act: "	35	12			
		Amts car: forward —	1240	22	3458	38	101.31

1837

April	10	Amounts car. forward -	1240	22	3458	38	101.31
		To paid P. Dales in full of C. Dales est.	55	43			
		" " M. A. Summrell act	1	47			
		" " J. Jackson "	25	00			
		" " B. L. Drew. "	41	19			
		" " J. Lyner "	70	83			
May	1	" " P. Brown Judgt	16	53			
		" " C. J. Stephenson act.	44	07			
		" " J. W. Mansford "	4	00			
		" " Mordaugh & Tregant "	9	45			
		" " J. Mordaugh - "	10	00			
Oct	14	" " P. M. Bailey "	14	96			
		" " Taxes & Tithes	40	46			
		" " J. Cobb - sundry tithes	133	26			
Decr.	22	" " W. Stephenson act:	7	50			
		By sundry small bonds & Int			576	00	
			1714	38	3974	38	101.31
					1714	38	
Decr.	31	By balance due Estate			2260	00	
1838		" Interest on bal. of 1836					207.50
Jan:	15	To paid W. C. Parton atty	50	75			
		" " M. Dyer act.	15	00			
		" " P. Edwards "	25	00			
		" " W. H. Day "	5	75			
		" " M. Hancock Judgt:	13	97			
		" " J. Pruden & wife "	5	28			
		" " W. H. Linn act-	45	93			
		" " B. M. Hancock, amt due on 2 ^d report	2563	86			
June	17	" " Taxes & Tithes	39	55			
		By amt for corn sold			60	00	
Decr.		" Sundry small bonds.			128	09	
			2765	09	2448	09	
		By Interest on bal. of 1837					135.60
		Interest & c. added -			444	41	444.41
					2892	50	
					2765	09	
Decr.	31	By balance due Estate					127.41
1839							

Account Current of

Silas Sumner's Est.

Council Office

to } Exhibit with answer of
 } Off. Clayton

Sumner's ad of

The Estate of Silas Sumnerdell dec.
In Account with James Clayton admr.

			Dr.	Cr.	Int.
1835					
June	20	To J. S. Holmes acct.	8 15		
Aug	4	" " Auditor of Public accounts	10 35		
Nov	21	" " A. Denson "	4 44		
		" " Ditto "	9 14		
		" " James Dwyer "	108 33		
		" " A. Atkinson for Parker	27 43		
Dec	23	" " W. C. Clarke acct.	47 00		
		" " Taxes & tickets "	125 04		
		By R. A. Urquhart's bond	" "	1500 00	
		" L. N. Branch do	" "	65 00	
		" Tho. Atkins do	" "	57 98	
		" Joel Prepon do	" "	134 25	
		" John Boykin do	" "	251 39	
		" Benj. Crumpler do	" "	191 65	
		" S. M. Pond do	" "	114 09	
		To Com. on J2314.36	115 71		
				2314 36	
				450 59	
				1863 77	
1836					
Jan	31	By Balance due the Estate			
	4	To paid J. H. Hankins acct.	7 50		
		" " D. A. Boykin lat Bond	97 23		
		" " J. Lemon acct.	3 95		
		" " J. Lemon bond	66 13		
	27	" " P. Bailey acct.	11 87		
		" " D. A. Boykin bond	45 92		
		" " J. Anderson vs proportion R. Anderson est.	48 36		
		" " R. H. Baker atts.	34 50		
June	18	" " G. J. Stephenson bond	24 95		
		" " J. G. Council appraiser.	1 00		
		" " Gray Barker acct.	1 59		
		" " W. Crumpler	25 96		
		Amounts carried forward.	368 96	1863 77	

1836
June

Nov

Dec

1836
Dec

18	Accounts brought forward		368	96	1863	77
	To paid tickets		2	11		
	" " J. Luter Exch. bond		39	27		
	" " O. Whitehead acct.		5	75		
	" " Isaac V. Nichols		54	35		
	" " N. Luter acct.		50	00		
	" " W. J. Nottingham do.		10	00		
	" " Mrs. Crumpler do.		64	13		
4	" " E. Branch do.		49	61		
19	" " Benton & Riddick do.		9	00		
26	" " W. G. Stephenson do.		5	00		
	" " Coroner for inquest		5	00		
	" " S. Holmes treasurer of School Comm. in full		574	90		
31	By John Boykins bond & Int.				130	57
	" E. D. Des ditto				319	05
	" P. D. Des ditto				209	00
	" P. Bond ditto				39	26
	" H. Bond ditto				34	33
	" J. P. Boykin ditto				106	00
	" J. Love ditto				14	80
	" J. B. Varguhart ditto				848	00
	" Mary Wick ditto				39	20
	" G. Johnson ditto				98	10
	" B. Branch ditto				7	96
	" F. M. Boykin do.				34	91
	" John Harris do.				202	46
	" A. Chapman do.				16	85
	" Rob. Mercer do.				23	99
	" M. D. Stringfield do.				28	95
	" Mrs. Boykin do.				4	53
	" Berbin Daniel do.				16	88
			1257	64	4038	53
31	Accounts Brought forward		1257	64	4038	53
	By John Shepherd bond & Int.				49	81
	" Rob. Hart do.				4	36
	" E. Boykin do.				34	44
	" E. Branch do.				4	45

"	H. Bond	do	35	00
"	J. S. Gwaltney	do	8	79
"	J. G. Council	do	4	38
"	E. Jagers	do	22	00
"	Mrs. Mercer	do	4	09
"	Mrs. Barham	do	225	00
"	Horrell Harris	do	101	66
"	D. Bittle	do	49	63
"	Bittle & Simmons	do	59	75
"	Horrell Harris	bal. do	22	81
"	A. Holliman	do	8	14
"	S. Holmes	acct.	29	61
"	Mrs. Crumpler	do	86	88
"	E. Branch	do	3	56
"	A. Blackburne	do	162	18
	To Comm. on \$3091.28.		154	56
			4955	05
			1412	20

"	By Balance due the Estate		3542	85
1837	Interest on the balance of 1835			111.82
Jan	25 To paid M. Crumpler acct.		25	97
"	" H. B. Vaughan		7	33
"	" W. Folk		2	28
"	" R. L. Thomas		8	98
"	" P. D. Des note		65	26
"	" W. Griffin do		102	25
"	" W. Womble do		12	24
"	" J. Womble do		34	78
"	" S. Barnes acct.		1	45
	Acct. Carried forward		260	64
1837	Accounts Brought forward		260	64
Feb	8 To paid A. Atkinson acct.		5	00
"	" B. Lightfoot acct.		7	50
"	" O. Ballard bond		308	62
"	" S. Lane acct.		1	00
"	" Mrs. Barham in full bal. due Mrs. Barham's acct.		417	21
"	" S. Love Curator in of Spence Loves acct.		164	60

		P. Dole in full A. Dole est.		4 41		
Apr.	"	I Lane acct.		2 50		
"	"	P. Dole in full of James Dole est.		460 05		
"	"	Ditto his acct.		35 12		
"	"	Ditto in full Q. Dole est.		55 43		
"	"	M. A. Summerville acct.		1 47		
"	"	J. Jackson do		25 00		
"	"	B. L. Drew do		21 19		
"	"	James Joyner acct.		70 83		
May	1	P. Brown judgment		16 55		
"	"	B. J. Stephenson acct.		44 07		
"	"	J. W. Hansford "		4 00		
"	"	Murdough & Frequent "		9 45		
"	"	J. Murdough "		10 00		
Oct.	14	P. M. Bailey "		14 95		
"	"	Taxes & tickets		40 46		
"	"	Gen. Cobb Sundry tickets &c		133 26		
Dec.	22	W. Stephenson acct.		7 50		
		By Sundry small bonds & Int.		" "	516 00	
		To Commissions on ditto.		25 80		
					4058 85	
					2158 61	
	31	By balance due the estate			29 00 24	
	"	Interest on the balance of 1836				212.57
		Am't. Carried forward				324.39
1837	Dec	31 By Balances brought forward			29 00 24	324.39
1838		To paid William O. Parker atty.		58 75		
"	"	M. Diggs acct.		15 00		
"	"	P. Edwards		25 00		
"	"	W. H. Day		5 75		
"	"	M. Hancock Judge.		13 97		
"	"	London & Wife.		3 28		
"	"	W. H. Lane acct.		45 93		
"	"	B. M. Hancock in full due on his acct. as Guard.		2563 86		
		for Com. Repor.				
Dec		By Sundry small bonds			128 09	
		To Comm. on ditto		6 40		

		3028	33	
		2731	94	
		296	39	324.39
				174.00
		498	39	
31	By Balance due the Estate	794	78	with
	Interest on \$296.39 paid thereof from this day till paid			

Respectfully Submitted

Comm. fee \$12. charged to the admn-

J. R. Cobb Comr

At a court held for the County of Southampton the 20th day of May 1839.
 This Account Current of James Claytons administration on the said Sumner's estate was
 returned and ordered to lie on the Term for exceptions And at a Court held for the said County
 the 17th day of June 1839 the said account having been on the Term and no exceptions being
 filed was confirmed and ordered to be recorded

Teste J. R. Edwards Secy

Attest

Teste J. R. Edwards Secy

Council Wife

to } Record

Sumner's ad X^o

At a Circuit Superior Court of Law and Chancery for South-
ampton County holden at the Courthouse of said County on the
eighth day of November 1844.

Be it remembered, that heretofore to wit. on the 23^d day of November 1842
Joseph B Counsel and Sarah his wife by their Counsel sued out of the Clerks
Office of the said Circuit Superior Court a Subpoena and decree nisi against
James Clayton admor. with the will annexed of Silas Summerell de? William
H Summerell, Richard J Summerell, Sarah A Summerell and Thomas J
Summerell which Subpoena and decree nisi together with the return
made thereon is in the words and figures following to wit. (here insert)
And afterwards to wit At Rules held in the Clerks Office of the said Court on
the first Monday in January 1843 came the plaintiffs by their Counsel and
filed their bill against the defendants in the following words to wit. (here insert it)

Exhibit filed with the bill. (here insert it)

And on the motion of the plaintiffs by Counsel William J. Sebrill was ap-
pointed guardian ad litem to the infant defendants to defend them in this suit.
And afterwards to wit. At Rules held in the Clerks Office aforesaid on
the first Monday in March 1843 came the defendant William H. Summerell
by his Counsel and filed his answer to the plaintiffs bill in these words -
(here insert it)

To the answer aforesaid the plaintiffs by their Counsel replied generally -
And two months having elapsed as well since the filing of the bill as since
the service of the subpoena on the defendant Clayton and he failing to
appear and plead, answer or demur, on the motion of the plaintiffs by their
Counsel this cause was set for hearing as to that defendant.

And afterwards, to wit. At a Circuit Superior Court of Law & Chancery
held for the County aforesaid on the 5th day of April 1843 on the motion
of James Clayton admor. with the will annexed of Silas Summerell de?
by Counsel leave was granted him to file his answer in this cause.
whereupon the said defendant filed his answer in the following words
(here insert it)

Exhibit filed with the foregoing answer. (here insert it)

To the foregoing answer the plaintiffs replied generally -
And afterwards to wit. At a Circuit Superior Court of Law & Chancery held
for the County aforesaid on the 11th day of April 1843 this cause was continued

till the next term

And afterwards to wit. At Rules held in the Clerks Office aforesaid on the first Monday in May 1843. On the motion of the plaintiffs by Counsel this cause was set for hearing as to the defendant William H. Sumnerell

And afterwards to wit. At a Circuit Superior Court of Law & Chancery held for the County aforesaid on the 30th day of October 1843 this cause was continued till the next term.

And afterwards to wit. At Rules held in the Clerks Office aforesaid on the first Monday in January 1844 the defendants Richard J. Sarah A & Thos. J. Sumnerell by William J. Sebrill their guardians and attorneys filed their answer to the plaintiffs bill in the following words to wit: (here insert it)

To the foregoing answer the plaintiffs by their Counsel replied generally - And afterwards to wit. At Rules held in the Clerks Office aforesaid on the first Monday in March 1844 on the motion of the plaintiffs by their Counsel this cause was set for hearing as to the Defts. Richard J. Sarah A & Thomas J. Sumnerell.

And afterwards to wit. At a Circuit Superior Court of Law & Chancery held for the County of Southampton on the 4th day of May 1844 - This day this cause came on &c. (here insert decree)

Commissioners Report.

(here insert it)

And now at this day to wit. At a Circuit Superior Court of Law & Chancery held for the County aforesaid on the day & year first herein aforesaid. to wit. the 8th day of November 1844. (here insert decree) -

Clerks fee for transcripts of Records \$5.48.