

1851-0/3

SOUTHAMPTON COUNTY
CHANCERY PAPERS

TAYLOR and Wife

VS. UROUHART, WIDOW etal.
11/1851

other SURNAMES: Summerell

Taylor & Pears
v. } Stat. Rules

Wright & Co

John R. Taylor and Nancy E. Taylor his wife formerly the widow of one Jno. C. Summerville
against

Louisa Urquhart, Whitmill Urquhart, James Urquhart, Fanny Urquhart & Margaret
Urquhart & Louisa Urquhart

1851 May 12th Summons issued.

" June R. Bill filed. DR Edwards appointed gen. ad litem to infant Defts. Answs.
of Defts filed. Gen. Rep. Jp.

" July " Cause set for hearing on bill, answers &c.

" Nov T. Decree

Taylor & Wife

to { Bell & P

Urquhart's Exr & P

1851 June Rules

Ident. the Hon. H. Baker Judge of the Circuit Court of Savoy
for the County of W. Hampshire. In my writing -

Humbly complaining sheweth unto your honor, your orator Jas. R. Taylor
and Nancy^E Taylor his wife. formerly the widow of one Jas. C. Summerville Esq.
who departed this life some time in the year 1849. '1850

without issue, after having made and published his last will and testament
a copy of which is here with ^{"marked it."} filed and ^{prayed} to be taken as a part of this Bill.
the original having been admitted to record in the Clerk's Office of the County of W.
Hampshire. Your orator further sheweth that by ^{his} said last will & testament, the
said Jas. C. Summerville bequeathed and devised unto his widow, the said
Nancy^E, now your said Oratrix Nancy Taylor, all of his estate, real & personal.
as will appear by reference to the said will. bearing date 11th day. 1849.

That some time before the death of the said Jas. C. Summerville, and during the
lifetime of the said the late James B. Loughart, brother-in-law of the County
of South Hampshire, the latter being seized in fee of a tract of land in the last
mentioned County - containing about one hundred and four acres, comprising
and made up of two parcels, called the Noble and Lestray tracts - sold the
same in fee, to the said Jas. C. Summerville at & for the sum and price of two
hundred and eight dollars, at the rate of two dollars per acre. The purchase
money of which was to be retained out of certain money in the hands of the said
James B. Loughart deposited by, and belonging to the said Summerville.
Some delay arose about the execution of the deed, and the mean time to guard
against misapprehension, the said Loughart secured his bond for the money so deposi-
ted with him. which has come to the hands of your Oratrix upon the death of
her late husband, Jas. C. Summerville, and is now held by your orator Jas
R. Taylor who has qualified as administrator of said Summerville Esq. No deed
therefore was ever given for the land, and no money was ever paid by the said
Summerville in consequence of the sickness and ultimate death of the
said James B. Loughart. Mention was the contract ever reduced to writing.

This omnifarious removal was of little moment, as the high, just & noble character
of the Vendor James B. Loughart, gave undoubted assurance that the contract
would be executed and deed given at any time, and so it would but for the
unfortunate decease of both of the parties. In consequence of the said
contract of purchase, and by the authority and request of the said Loughart,
in fulfilment of the contract, the said Geo. E. Sumner entered upon, and took
possession and lived for some time ~~but he~~ ^{he} and died on the said tract of land
so bought: and proceeded to improve, cultivate, ~~the~~ same, and build houses
and nearly completed a dwelling house thereon which has since been
finished by your Orator Nancy E. Taylor (formerly Sumner).
Your orator is advised, that the said James B. Loughart after the death of
Geo. E. Sumner, and up to his own, was anxious to execute the deed, and
desired that it be done certainly, that no loss might arise to the purchasers
in consequence of the omnifarious to reduce the contract to writing, and
the subsequent failure to execute the deed - a failure not attributable
to the said Loughart alone, but on arranging the payments as agreed upon.
that is the intention of the purchase money - or the same to be ~~put~~ ^{or said bond,} out of, and
against the claims, of the said Sumner & V. Mr. Loughart; And it
further believed that the heirs of James B. Loughart are desirous of completing
the contract, and carrying out ^{his} ~~the~~ wishes off. Such is the true statement of
the case. Your orator insists that on the payment of the purchase money
they are entitled, or rather the said Nancy E. Taylor is entitled to a
deed for a specific performance of the contract, and a deed bearing
the title: and as a condition for such a deed ~~for~~ with such a condition.
and that the assignor of said Sumner & V. the said Geo. E. Taylor has
authorized and compelled in the payment of said purchase money to offer
the bond aforesaid, executed by the said James B. Loughart. Your orator
is immediately seen in this honorable court, when matters of this are cognizable.
That Lucia Loughart the widow of the late James B. Loughart, and

Whitwell Arguehart, James Arguehart, Harry Arguehart & Margaret Arguehart;
^{the only & issue of Arguehart}
 their children, & heirs at law of the said James B. Arguehart ^{and issue of Arguehart} do, be made parties defendant
 to this bill, and be compelled to answer the same. The said children and
 heirs at law to Whitwell, James, Harry & Margaret, are all minors, under
 the age of twenty one years - the two former are over 14 years of age.
 and also, Nathl. H. Arguehart, and Charles Arguehart Executors of the last
 will & testament of James B. Arguehart ^{do}, and Mrs. R. Taylor ^{do} admin-
 of the E. Commonwealth ^{do}, be also made parties defendant. That
 this honorable Court will decree a specific execution of the contract aforesaid,
 and appoint some to execute a deed conveying the title to the said
 premises to said Orator Nancy E. Taylor; and grant all other &
 necessary relief which may be meet and fit in the premises and grant the com. sh.
help the.

Jno. R. Taylor and
 Nancy E. Taylor.

Compt. &c.

Wm. Whitfield P. R.

Taylor & Taylor
 W. R.
 James B. Arguehart & Co.

Day in Day } ^{Infants} ~~Armen~~
 v } ~~Armen~~
 My white kids } ~~My white kids~~

7851 June Rules

The answer of Littleton R. Edwards appointed guardian ad litem to defend
the infant defendants: Whitwell, James, Fanny & Margaret ^{Daughter} ~~Daughter~~ ^{of} ~~of~~ ^{of}
James B. Argueant dec. Is a bill filed by Mrs. R. Longton and wife v. ~~them~~ ^{the} & als:

This respondent saving and reserving all manner of benefit of exception
to the many imperfections of said Bill &c. for answer to as much thereof as he is advised
it is material to answer &c. says, that the facts in said Bill may or may not be true, that
proof is required of the same, and begs leave to submit the interests of the said Infant
Defendants, to the protection of this Hon^{ble} Court: and having answered says hereunto
SR Edwards ②

— 10 —

Jay Lee & wife
N. } the joint and separate account of Whitcomb, Sumner, Frisney and
Mergent Burschhart, who are infants, heirs of James Burschhart dec.
Burschhart heirs & as } My Littleton M. Edwards, then S. C. at Litch appointed to defend them
to a Bill filed by Mrs. M. Jay Lee and wife N. Thorne & alias &c.

These several respondents, Whitwell, Larney, Framy & Magrant Leguabart,
by their said Guardian ad Litem, in this joint & several answer, saving & reserving &c.
for answer to so much of said bill as they are advised it is material for them to answer,
say, that it is true they are the only children and heirs at law of their late father, as
is alleged in said bill. But as to the other matters of said bill, the contract of sale
&c; they know and admit nothing, and call for due and requisite proof;
and being under a poor and wanting discretion, beg leave to submit themselves,
and their joint and several interest to the protection of this Honble Court:
and having answered they hence retire &c.

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an }
Lenghardt's }
Lenghardt's }

Handwritten text, possibly a signature or name, written in cursive script.

1837 June 18th

^{Joint answer,}
We, answer of Rich^d. A. Argus and Charles Argus, Executors of the
last will & testament of James B. Argus - Dec^d. to a will filed by Geo. W.
Taylour vs. W. H. H. & Co.

These respondents having and assuming to: for answer to do much of said
will as they are advised it is material for them to answer; say that they are executors
of the last will and testament of their late brother, Jas. B. Argus - Dec^d, as is alleged
in said will: but as to the contract mentioned in all of its circumstances, they have
no personal ~~and~~ certain and accurate knowledge; but they have no doubt
the statement in reference thereto is true, and believe as far they are advised,
that the decree prayed for would be just & proper, and in accordance with
the intention and wish of the parties to the said contract. and having answered
prayer hence to be dismissed with their costs in this behalf expended.

R. A. Argus
C. F. Argus Exors

Summer of 1851

Madison Avenue

1851 June Rocks

Nancy E. Summerville

vs.

Morganthaus heirs & als.

The answer of Louisa Morganthaus widow of
James B. Morganthaus ad to a bill filed by her & als. By

Nancy E. Summerville, in the Circuit Ct. of So. Hampton County, to wit.

This respondent saving and reserving all manner of exception
which at any time may be made and taken to the imperfections &c. of said bill, and for
answer to so much of said bill as she is advised it is material for her to answer, says that your
respondent as stated in said bill is the widow of the late James B. Morganthaus &c, and as such at law
may be entitled to certain dower rights in & to the parcels of land in the bill mentioned, as having
been sold by her late husband, in his lifetime, to the said Geo. E. Summerville the decisor and testator
of the complainant; That she cannot say of her own personal knowledge, that all the circumstances
detailed in reference to the purchase of the said land - to wit, the payment of the money, the paid agreement,
and the non-execution of a deed therefor exist; but if duly proved, and admitted to by the executor, or
either of them, of her late husband, this respondent will entertain no doubt of the truth: that she is
not only willing, but prepared to carry out the bargain made by her late husband; and does hereby relin-
quish, or offer to relinquish in any form, ~~which the court~~, according to the justice & equity of the case
all dower interest or right, to whomsoever the court shall direct, and will, cheerfully unite in giving
and executing all such assurances of title which will perfect the contemplated arrangement, intended
to be made by the parties in their lifetime; and having assumed pay, hence to be ascertained
with her costs, in this behalf expended.

Louisa Morganthaus *(Signed)*

It amply represents that to your honor, your orator Taylor, and orator
Nancy Taylor his wife - that your orator has recently intermarried with
the said Taylor, and was united with intermarriage, was the witness

Sumner's son's

as a witness

Taylor's wife

1857 June 18th

The answer of Geo. R. Taylor to answer of Geo. C. Hummerick &
to a bill filed by Taylor (Geo. R.) and Nancy E. his wife & als.

This respondent saving and reserving all manner of exception to the
imperfections in said bill &c. and for answer to so much thereof as he is advised
it is material for him to answer, says that he is, as is alleged in said bill answer
with the bill annexed of the late Geo. C. Hummerick, and has also lately intermarried
with the said Nancy E. the Compt. but he has no personal knowledge of the other
facts relating to the contract of purchase of the land in the bill mentioned,
yet does not doubt the entire accuracy of the same as is therein set forth;
and he has no objection to the decree proposed for; and on the condition & terms
proposed: and having asserted prays leave to be so advised.

Geo. R. Taylor adv.
of Geo. C. Hummerick
R. L. H. Whitford Esq.

^x
by

To be entered

R. H. Baker

Nov. 20. 51

1851 November Term

Taylor & wife
vs.

Deceit on ches.

Argueharts Exor & als

This cause came on this day to be heard on
the ~~pleas~~ ^{of the depts}, answers, ^{re} plications thereto, and the examination of witnesses, and
was argued by counsel. On consideration whereof, the court doth order, adjudge and
decree, that Richard A. Arguehart, who is hereby appointed a commissioner of
such purpose, execute a deed of conveying, ~~the title, vesting in the heirs of the late~~
~~James A. Arguehart, &c. and intended to be conveyed by the said James A. Arguehart~~
~~in the contract of sale of the land in the title mentioned, to wit, on the two parcels~~
of land, called the Womble or Mowbray tract, ^{in the Bill referred to} ^{together} ~~together~~ containing about one hundred
and a few acres, and all the appurtenances thereto belonging, to the complainant
Nancy E. Taylor, formerly Nancy E. Summerville: in which deed of conveyance
the said Louisa Arguehart widow of the late James Arguehart, is directed
to unite, conveying any interest which she may have at law in the same.
but the execution of the said deed is to the said Nancy E. Taylor or to her executor
until the bond in the title mentioned is given up by the said Taylor or her executor
The C. Summerville & ~~secured for the~~, or the partnership with interest is
paid to the said Executor of the said James A. Arguehart. The said
pleas or some one of them, as a consideration of the
said lands, pay to Richard A. Arguehart & Charles F.
Arguehart exors of James B. Arguehart decd. in cash
or in the bond of the said James B. Arguehart the said
said sum of two hundred and eight dollars,
And the court doth further ad: or:
and decree that each party pay his own
costs of this case.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Louisa Urquhart, Whitwell Urquhart, James Urquhart, Fanny Urquhart, & Margaret Urquhart, & Louisa Urquhart, R. E. Urquhart & Charles Urquhart (ex of James R. Urquhart & Louisa R. Urquhart) of the County of Southampton.*

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 *June* next, to answer a Bill in Chancery exhibited against *them* in the said Court by

Geo. R. Taylor & Nancy E. his wife formerly the widow of one Geo. E. Summerville dec'd

And ~~unless~~ shall answer the said Bill within four months thereafter, the Court will take the same for confessed, and decree accordingly. And this 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 *12th* day of *May* 1851, in the *75th* year of the Commonwealth.

L. R. Edwards

[One Copy to be delivered each Defendant.]

Taylor & wife }
Merchant's heirs } Deposition

Came to hand sealed Oct 20th 1857

The deposition of William H. Summrell taken to be read as evidence in a suit depending in the circuit ~~inferior~~ court of Southampton county in which Laylor and wife are plaintiffs and James B. Ingubart & heirs are defendants. The deponent being duly sworn says as follows, that the land in the bill mentioned was sold by James B. Ingubart in his life time to John C. Summrell in his life time for the sum of two dollars pr. acre there being about 104 acres. that no money was paid ~~paid~~ for it, that John C. Summrell took possession of it by virtue of the sale and held possession until his death with the permission of Jas. B. Ingubart, and that he went on to improve it, by building on it. that Mr. Ingubart in his life time requested me to prepare the deed for it. he being anxious to give the title to it, I neglected to write the deed and the subsequent feeble health and ultimately death of Mr. Ingubart prevented the execution of the deed.

W. H. Summrell J.P.

The foregoing deposition was taken at May Branch on the 1st of Oct. and sworn to before me a justice of the peace for the County of Southampton

S. B. Kello Tre

Mill of Geo. C. Sumner

3

"A" Bluestone with Bell

In the name of God, Amen! I, John E. Summrell of the County and State of Virginia do make, constitute and ordain this piece of writing to be my last will and testament in manner and form following, to wit:

1. It is my will and desire at my death that my just debts should be paid.

Item. I then give to my wife Nancy E. Summrell all of my estate to her and her heirs and assigns forever.

In evidence whereof, I have hereunto set my hand and affixed my seal this 15th day of January in the year of our Lord one thousand eight hundred and forty nine

Signed, Sealed and acknowledged } John E. Summrell Seal
in the presence of us }
Nelson ^{this} Branch }
mark }

William C. Wrenn. }

At a Court held for the County of Southampton on the 21st day of January 1850. This last will and Testament of John E. Summrell was proved by the oath of William C. Wrenn one of the subscribing witnesses thereto, and Nelson Branch the other subscribing witness to said will being dead Jos. S. Kewaltney being sworn deposes and saith that the said Nelson Branch signed his name as a witness to said will in the presence of the Testator and at his request. Whereupon it is ordered that the said will be recorded.

Teste. J. R. Edwards, C.C.

Attest. J. R. Edwards, C.C.