

In Equity 243
AP R 1

Mrs. Hilda Davis (Plaintiff)
and others

v

Middletown Union & others (Defendants)
Executors of
Thurston Union
and

Carte
Comp. Sol.

Filed May 6th 1825.

4

Copy

South Carolina }
San caster District } In Equity }
Humbly complaining sheweth unto your Honors your Orators and Oratrix
- as William Hise and Sarah Hise his wife, John and Sally his
wife, and John W. C. and Thirza his wife, that Frederick
Somier late of San caster District in the State aforesaid departed
this life some time in the year of our Lord One thousand eight
hundred and that the said Frederick some time before
his death made and executed his last will, and Testament, and
appointed in Middleton Somier, Daniel Somier, and Frederick
Executors of his said last will and Testament. and your Orators and
Oratrixes further sheweth unto your Honors that the said Frederick Somier
left at the time of his death a considerable Real and personal estate
and which went unto the hand of his said Executors; that the said
Frederick Somier by his said last will and Testament, ordered and devised
is the whole of his estate to be sold by his said Executors, and the
proceeds thereof (after the payment of his debts to be equally divided
between Ruth Somier the widow of the said Frederick Somier deceased Middleton
Somier, Daniel Somier, Frederick Somier, Green Somier, William Somier and the
Heirs of John Somier - at the time she arrives at the age of twenty one year,
that the said Frederick Somier also devised and bequeathed a share of
his estate equal to that he devised and bequeathed to his widow and
Children above mentioned to wit one tenth part thereof to the
legal of his daughter Sarah Hise, Sarah Somier, one tenth part thereof
to the legal Heirs of his daughter Rebecca Wallis formerly Rebecca
Somier, and one tenth part thereof to the legal Heirs of Ruth Somier
formerly Ruth Somier at the time they should arrive at the age of
twenty one year and that the said Frederick Somier by his said last will
and Testament also made the following bequests to wit he bequeathed
to James Wallis five shillings, five shillings to Sarah Hise and five shillings
to Phoby Somier; as will more fully appear by a Reference to the said
last will & Testament of the said Frederick Somier a Copy of which
is herewith filed, and marked Exhibit A - And your Orators and
Oratrixes further sheweth unto your Honors that your Oratrixes and
the Children and the only legal Heirs of the said Sarah Hise
who is mentioned in the Will of their grand Father Frederick
Somier, and that they are entitled under the will of the said will
of the said Frederick Somier to one tenth part of the whole of his
Real & personal Estate except twenty dollars with the payment
of which they have been charged by the said Frederick Somier -

And your Orators and Oratrices further sheweth unto your Honors
that the said Middleton Senior, Daniel Senior, and Frederick Senior
immediately after the death of the said Frederick Senior took upon
themselves the execution of his last will and Testament; that they
sold the whole or the greater part of his Real and Personal
estate: that the amount of the sale was five thousand and eight
dollars and ninety five cents; that the said Frederick had in
his possession at the time of his death the sum of two hundred
and thirty two dollars and forty three cents and there was due
to him by notes and accounts forty three dollars and seventy five
cents, which has been received, as your Orators and Oratrices have
heard and believe. — And your Orators and Oratrices further
sheweth to your Honors that it appears by the Returns of the said
Executors of the said Frederick Senior, that they have not paid out
to the Creditors of the said Frederick Senior but a very small sum
of money, and that after paying the whole of debts which were
due from the Estate of the said Frederick Senior, and deducting
the Commissions which his Executors are entitled to; there remaining
in the hands of his said Executors the sum of four thousand

eight hundred and seventy dollars & twenty seven cents, subject
to be divided between the legacies of the said Frederick Senior, beside
other property yet unknown to your Orators and Oratrices, and that
your Orators & Oratrices are entitled to one tenth part of that
amount and of the whole of the other which belonged to the said
Frederick Senior — And your Orators and Oratrices further sheweth
unto your Honors that they have frequently called on the said
Executors of the said Frederick Senior in a friendly manner and
Requested them to settle with your Orators and Oratrices and pay
over to the amount of money which is due them under the will
of their grand father the said Frederick Senior — But so it is,
may it please your Honor, the said Middleton Senior, Daniel Senior, and
Frederick Senior, combining and confederating themselves to with divers
other persons at present unknown to your Orators and Oratrices
whose names when discovered, your Orators and Oratrices pray may
be herein inserted with apt and fit words to charge them as parties
attempting to defraud your Orators & Oratrices out of their just right
which they acquired under the will of the said Frederick Senior
d. c. do Refuse to settle with and pay to them the amount of money
which is due to them under avery pretences, sometimes alledging

that your Oratrixes are not the legal heirs of the said Sarah
Nicks; and at other times that they acquired no right under the
will of the said Frederick Jones, and were not entitled to the
legacy which was left them under said will; though they well
know that they are entitled to said legacy. All of which acting
and doing are contrary and good conscience and to the manifest
injury of your Orators in the premises —

In tender consideration whereof, and forasmuch as your
Orators and Oratrixes are wholly without relief in the Court
of Common Pleas and can only be relieved in this Honorable
Court of Equity — to the intent therefore that the Middleton
Jones Daniel Jones and Frederick Jones on their Oaths my true
and perfect answer make, to all such matters and things as are
contained in this your Orators & Oratrixes Bill of Complaint and
fully as if the Charges & allegations were again repeated, and
they thereon interrogated, and that they may discover what pro-
perty the said Frederick Jones left at the time of his death
whether the whole of the said property has been sold: and if so,
for what amount of money: and in what way they have appro-
priated the money arising from the sale of the said sale: and
also to the intent that your honors may order and decree
the said Middleton, Daniel, and Frederick Jones to account
equally for the whole of the property and effects of which the
said Frederick Jones died seized and possessed: and also that your
Honors may order and decree them to pay over to your Orators
and Oratrixes the proportion of money which they are entitled under
the will of the said Frederick Jones to wit one tenth part
of the whole of his estate; and grant to your Orators & Oratrixes
all such further relief in the premises as in Equity and good
conscience they are entitled — Your Orators & Oratrixes therefore
do pray that your honors may grant them a writ of
Subpoena to be issued and directed to the said Middleton
Jones Daniel Jones & Frederick Jones, and your Orators
and Oratrixes will ever pray and do for it —

South Carolina & The Answer of Middleton Jones, Frederick
Lancaster District 3 Janer, Daniel, Jones Executors of Frederick
Janer to the Bill of Complaint of William Hide & others.
These Defendants, having & desiring now and at all times
hereafter all manner of benefit of exception to the many
errors contained in the said will contained for answer
say — They say it is true Frederick Jones had departed
this life having first made his will and appointed these
defendants, ^{his} Executors, who have qualified on his will &
sold the same both Real & personal estate the account
of which is correctly stated in the exhibit & filed
with Complainant's will — there was no other property
which remained unsold and the balance stated in the
said Exhibit is the whole estate subject to division
according to the direction of the will & subject to a
deduction according to the expenses of a suit at Law
brought by Mrs Easton to recover a tract of land
sold by Defendants as Executors to Suckey Perry, who
has not yet paid the purchase money, and has ratched
these defendants to support their title — and should
the heirs of Mrs Easton ^{succeed} in establishing their rights
it will considerably lessen the balance contained in
Complainant's exhibit for the fees & consideration money
will amount to a large sum — They further say
they cannot consent to a division of said estate
until the determination of said suit — they have
ratched the latter to their father or his representative, and expect
in the event of a loss of the said land to have a suit with Col
Parber whose father sold to their testator: all which litigation
will have to be supported by the said estate — They
are perfectly willing to pay over to Complainant all
they are entitled provided they can show that they are
the legal heirs of Sarah Hide & relieve them from any
liability on account of said land sold, and the price
of which they have charged themselves in their account
to the Ordinary — These Defendants further say William
Hide & Sarah Hide have no interest in their father's
estate except a nominal legacy of five shillings, and
they submit that such an interest would not authorize

their filing a Bill in Equity — These defendants further
say the Compts live out of the State and are the
Children of the Daughters of the testator, with whom
they they have no personal acquaintance and cannot
either admit or deny their Right to an account
of Partition of said estate, but they require proof
that they are the Children & only Children of their
Respective ~~Children~~ parents — They deny all
Combination, and without that any other matter
stated may be true, and pray hence to be dis-
missed with costs — Alfred Miller

State of South Carolina Personally appeared before me Middleton
Lancaster District John, Frederick James and Daniel James Esqs
of Frederick James dec'd and made oath that the matters
and things contained in their foregoing answer, so far
as they relate to their own knowledge are true, and so
far as they relate to information derived from others they
believed them to be true
I am Subscribed before me
this 5th June 1824.

John McTear
Jw &
Com. Esq.

Middleton James
Frederic James
Daniel James

Lancaster

Frederick James
& others
answ
John McTear &
others

John McTear

John & Daniel James

Copy

I do certify this
Lancaster District Paper containing a
true copy taken from the original
will of Frederick Sumner (d.c.)
25 February 1825.

Wm H. Witherspoon
Clerk

Copy of the
Lancaster will

Exhibit A

In the name of God, Amen: I, Frederick
Sumner of the State of Pennsylvania Lancaster
District, being very sick and weak in body
but perfect in mind and memory, thank
be given unto God. Calling unto mind
the mortality of my body; and knowing that
it is appointed for all men once to die;
do make Ordain this my last Will &
Testament; that is to say principally &
first of all I give and recommend my
Soul into the hands of almighty God
that gave it; and my Body I recommend
to the Earth to be buried in decent Chris-
tian burial at the discretion of my
Executors nothing doubting but at the
general Resurrection I shall receive the
same again by the mighty power of God!!
And as touching such worldly estate
wherewith it hath pleased God to bless me
in this life; I give devise and dispose
of in the same following manner and form.
1st I wish all my Estate to be sold
on such a credit as my Executors shall
and may think most advantageous
to the Legatees, and the proceeds (after
paying my just debts to be equally divi-
ded between my beloved wife Ruth Sumner
Middleton Sumner, Daniel Sumner, Francis
Sumner, Green Sumner, William Sumner
and I wish the legal heirs of my

son John Souier to receive as they arrive
to the age of twenty one year their
proportionate share of their Father John
Souiers legacy and Equie and bequeath
to the legal heirs of my daughter Sarah
Hild their proportionate share of their
mothers Sarah Hild legacy as they
arrive to the age of twenty one. previous
to their receiving their legacy they must
pay into the hand of the Executors the
sum of seventy dollars as they are in
debted to the estate the said sum of
seventy dollars - I also give to the
legal heirs of Rebecca Wallis as they
arrive to the age of twenty one, their
proportionate share of their mother
Rebecca Wallis legacy - I also give
to my daughter Ruth Parret legal
heirs their share of the Estate to be
to be given to them as they arrive
to the age of twenty one year I
also give and bequeath to my son
in law James Wallis five shillings
sterling and no more - I also give and be-
queath to my daughter Sarah Hild
five shillings sterling and no more.
I also leave my daughter in law
Phoebe Souier five shillings sterling
and no more - I also give to my

daughter Ruth Parret five shillings
sterling and no more - Lastly I
nominate and appoint my son
Middleton Souier, Daniel Souier &
Frederic Souier my whole and Execu-
tors of this my last will & Testament
revoking all other wills by me here-
before made - In witness whereof
I have hereunto set my hand
& seal this twenty eighth day of
August One thousand eight
hundred & eighteen - and in
the forty third year of the sover-
ignity & independence of the United
State of America
Signed sealed published pronounced
and declared by the said Frederic
Souier as his last will and Tes-
tament in the presence of us who
in the presence in the presence of
each other have hereunto subscri-
bed our names
Jachy Perry
John Baker
Barley & Baker
Frederic Souier
his
mark.

Dr The Executors of Frederick Spence in Account with the Estate

1818
 Dec 18 To the Amt of sale Price \$500895
 " Sales Accounts 4375
 " Cash on hand 22243
 Cr of amt of the Estate \$527513
 Amt of debts & Commissions 40486
 Still bal in favor of the Estate \$487027
 Sept 20th 1820

1818
 By Fees to the Ordinary 10
 " Charles M. King, render mustered 4
 " John Gibson, Blacksmith acct 2 9/2
 1818 Albin County, Rec. 4 2 7/8
 Taxes for 1818 5 7 29/2
 1817 Jas C. Mappay Rec fees 6 5
 1818 Albin County attested acct 7 16 96 1/2
 1818 Reuben Patterson's attested acct 8 15 53
 1818 Jane J. Bartlett's acct 9 12 57 1/2
 1818 William McWilliam 10 5 00
 1820 Jas Bain acct as shff 12 7
 1820 Wm McHanna Rec. 11 5 00
 Stephen D. Mullin do 13 8
 Green Wallingford negro shuff 1 50
 Luke Harrison for Rec 1 00
 1820 Ordinary for Exam return for
 making a description & Copy 5 00
 Add short acct on Jas Gibson's acct 1 81
 By amount for Coffin 1 00
 " Sum money acct left to
 an Arbitration for the price of
 a Cow 30 25
 Commissions to Executors 253 75 1/2
 Sept 20th 1820 full Com. 404 86 1/2

Amount made out as
 the law directs
 Jas H. Thompson
 Adm.

Amt of debts & Com paid

Copy of Return
Filed of Fred K
Lambert

Charles C. (C.)