Chancery Record for the Estate of

Martin Miller (c.1782 – 10-30-1852)

 \mathbf{of}

Rockingham County, Virginia, 1852-1855

Executor, Samuel Miller (2-23-1815 – 1-31-1883)

Library of Virginia, Virginia Memory Collection, Chancery Records Index No. 1885-165-010 (Source of Original Scans)

Transcription, Annotations, and Analysis by Tyler M. Miller, 2019

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Library of Virginia, Chancery Record File Folder

1855-010 Chancery Causes: Exr. of Martin Miller vs. Heirs of Martin Miller

Rockingham Co. Wright, Roof, Early, Sanger, Norman, Brouse, Sprintal

Chancey Courses: Est of Martin Miller us. Heiss of Martin Miller	Wright, Root, Early, Surger, Norman, Browse, Sprinkel				
1955-010 Rockington G					

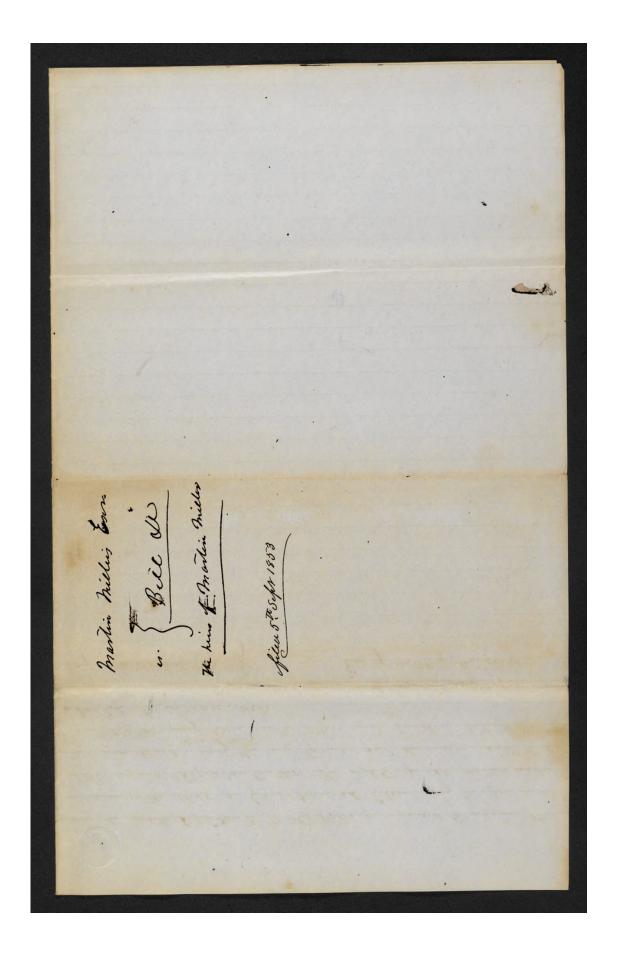
Chancery Filing by the Executor of Martin Miller's Estate (Samuel Miller) 9-5-1853

Martin Miller's Exr.

In - Bill of File

The heirs of Martin Miller

Filed 5th Sept 1853



(Continued: Chancery Filing by Samuel Miller, Executor (Martin Miller's Estate) 9-5-1853)

Embossed Seal in Top Left: GRAND

To the hon. John Henry [Kerney?], Judge of the Circuit Court of Rockingham County: Your orator Samuel Miller, of the County of Rockingham, humbly complaining, showeth unto your Honor that in the latter part of the year 1852, Martin Miller, the father of your orator departed this life in the County of Roanoke having been made and justified his last will and testament - which was duly admitted to District at a Court held for Roanoke County on the 20th of December in the year 1852 - an office copy of which is herewith

Court held for Roanoke County on the 20th of December in the year 1852 - an office copy of which is herewith filed as a part of this bill marked (A). and as the sun of the County Court of Roanoke in the year 1852 - your mater, who is named executor in the will of said Martin Miller duly qualified as such.

In proceeding to dis charge the duties of an executor under said will various difficulties have arisen as to the persons entitled under said will - item being competing claimants - when with your mater pays money is adjudicated by this Honorable Court - By the guidance of testature's will he directs that his daughter Betsy & her children are to have the sum of \$1500 - with what was charged [?] [?] law - the said Betsy was married to John Early of Rockingham [?] [?] wince - and they maid to Ohio when John Early now first his wife Betsy having died some years before testator, the following are the names of item: [?] Anna, Susan Elizabeth, Sally, Jacob, Martin, Lydia, Malinda, Noah, Joseph, & Catherine Early, all of ohio - and all claimants write two or three exceptions - Betsy has been enhanced \$700 or \$800 in the executor asks whether the husband of said Betsy is entitled to any portion of the land willed to Betsy & her children - either under to 30 clause or the 12th law of said will -

By the 6th law of said will testator stated that Susan & her children should have but \$800 - but our [?] in the lifetime of his father is Sept. 1A 184, and with the authorization of his father, paid out of his father's money \$1000 - on the purchase of a trust of land with which the said Susan 7 her husband & children now reside. Which was intended in the place of the \$800 - the said Susan was married to William Wright of [?] - who is now living and they have the following children - to-wit - Susanna, John, David, Elizabeth,

To the Hon John Kenney, Judge of The Virent Court of Rats = ingham lousty: I our Water Sumuel Miller, of the County of Bakingham, humly complaining though unto your Honour That in The latter part of The gran 1852, martin mieler, the father of sur brates de = parted this life in the Eventy of Roundhe - having bis made and published his last will and Testament - which was duly admitted to Is that at a Court heed be Reanche launt, on the 20th of becauter in The year 1852 - an office city of which is hemust filed as a part of This Bell marked (A). and as The Tun of the builty but of Reasone in the year 1852- your crutor, who is married Executor in the live of said martin miller duly qualified as with. I proceeding to dis horse The olution of an Executor winder said milecarriers difficulties have arisen as to the persons entitled ender said Will- Him him conflicting elemants when nights your bruter brugs may is adjudicated by This Honourable Lund - By The 3' dawn of Listato's Will be desect that his daughter Betsey & her children on to have the com of \$1500 - with whit was charried against live the said Betry was married to John Earling of Ruhers have many plans line - and the maid to this wife pitas having died some nears book tim toothers his wife pitas having died some nears book tim toothers. The following on the names of their checken: Anna, Suraw, Elyottu, Sely, Pacot, martin, Felia, molinda, Noah, Joseph & Castinine Early, all of this and all infants with two or three exceptions - Betry has been advanced \$ 900 or \$ 800-1 the suntime arises whiter the hurland of said Rety is catalled to any patron of the locand willed to Betry & her children - atter under the 30 claim or the 12th claim of said Hill -By The 6th clause of said Mile Testator durated That Susan of Les hildren should have but \$800 - But your Cratin in The lightime of his father, and with the approportion of his father, paid which was conveyed to said Amplique by the ounder to per show of a tract of land which was conveyed to said Amplique by the ounder to find the said tersue of her his land to Mildre now under which wer intended in the place of The 8800-the raid lurar was married to William Wright of Augusta- who is new living and They have the fore any Shildren- Tw-wit- Susanna, Ichi, David, Elizaletty

(Continued: Chancery Filing by Samuel Miller, Executor (Martin Miller's Estate) 9-5-1853)

Samuel, William, Nancy, Sarah, and Catherine Wright, all under the age of 21 years - being in [?] - and the executor was as to the intent of the said William Wright in the c[?] to be distributed under the 12th law of said will - which would be considerable -after paying the [?] [?] to each of the children.

Esther a daughter of the testator was married many years ago to George Roof of Rockingham - and they are both now alive, and have the following children, all infants to-wit - esther, joseph, Martin, Elizabeth, David, Daniel, John, Caroline, William, Mary Ann, and Susan Roof - and the executor asks as to the [?] intents of the said George Roof - and wife, and their children, in the dis[?] [?] under the 12th law of said will -

Magdalen a daughter of the testator mentioned in the 2nd [?] 12th laws of his will, was married many years ago to one Larkin Norman, who now lives in Ohio - by who she had the following children-to-wit Esther married to Joseph Early, Susan married to Samuel Sanger - of Rockingham - and Catherine married to William Bowman - & Joseph Norman of Ohio - the only remaining children of the testator, uncles of our orator - are Jacob Miller of Ohio - Daniel Miller of Botetourt - and John and Joseph Miller of Rockingham - Magdalen was dead when the will of the testator was enacted -

In consideration of the [?] and in order that the conflicting partissions of the said John Early & Betsy his wife & their children & George Roof & Esther his wife and their children and William Wright & Susan his wife & their children, cousan's under the said 2nd & 12th laws of said will, may be adjudicated - and whether the advancement of \$1,000, is to be regarded as a satisfaction or ademption of the legacy of \$800 - to the testator's daughter Susan - that the said John Early & wife & their children - George Roof & wife & their children - William Wright & wife & their children - the close-named children of Magdalen Norman - Joseph Early - Samuel Sanger- William Brouse, Jacob Miller, Daniel Miller, John and Joseph Miller -

Samuel, Williams, Nancy, Sarah, and Easternin Hright, all conders of the age of 21 years. being in Augusta- and the question arises as to the intrust of the said Williams Whips in the compless to he of distributed under the 12th Cause of said Will— which wied he considerable— for paging the specific petrois coin to early the sheetend. The said for of the testator was mained may years council to store the post of phehiphon—and they are letter naw alive, and have the foretaing shildren all infants to—wit— to their, maps, marting belighted, barries, shame, short for with forther, thank the said from and the guntain arises as to the reputies intents of the said Group Roof—and supe, and their shidren, in the disability and Confilers and the 12th claim of said Will—

magdalen a day, hter of the testolor mentioned in The 2. I the 12 the laws of his Mile, was married many man age-to me Lar-him Norman, who now lives in Thio-by when he had the fel-lowing shidow. To-int- to the married to Sumph Early Cusar, married to Samuel Sanger- of Robinshaw - and Costonia married to William Bruse- I suph Norman of thio- the only amaning hidren of the Intotor, besides your Brater- are lack thicker of thio- baniel thicker of Botetowst- and Joseph Thicker of this- baniel thicker of Botetowst- and Joseph Thicker of Rushingham. Magdala was dead when the since of the Testator was executed.

In consideration of the presences, and in meles That the conflicting protensions of the said tohn Early & Betsy his wife of their discher & Grorge Boof of Esther his wife and their hiddren and Williams Major of lusar his wife of their historia, arising under the raiso 2 d 12 to clauses of iard Will, may be acquiderated — and whether the advancement of \$1,000, is to be regarded as a satio = tention or ademption of the legacy of \$800-10 the Institute doughter Suran — Their the said tohn Early & wife at their chiedren - George Boof of mife of their historial Wright of anife of their chiedren - the close - named chiedren of Imag dalow Norman - I suph Early - Samue Sanger - William Browse, I aret Miller, banic Miller, John and tough Miller

(Continued: Chancery Filing by Samuel Miller, Executor (Martin Miller's Estate) 9-5-1853)

May be made defendants to this Bill 7 required to answer the same or rather that a Guardian ad Litem may be assigned to the infant dependants - that the rights of all parties under the said will may be ascertained and observed - and that our orator may have under other and further belief as is adopted to his case, etc.

Samuel Miller. Exr., of Martin Miller

Bryan S. Wilson, P.L. [?]

Samuel, William, Nancy, Sarah, and Cortenine Wright, sel ander me the age of 21 years being in Augusta- and The question arises as in to the interest of the said William Wight in the compiles to be to distributed under the 12th lawre of said Will— whois and he sticentisted and from paging the specific petros cein to easy of the shelpend. It better a daughter of the Intotos was mained may grow coin to ad Scorp Broof of Rehighour and they are letter now alive, and have the following shildren all infants to-wir— Esther, Imph, Inarting, Brolighter, David, Daniel, Ishur, Caroline, William, Mary Ann and Susan Perof— and the gentin arises as to the respective intents of the said Group Roof— and sufe, and their shider, in the dio = will all Caroline ander the 12th Said Mill—

magdalen a daughter of the Testator mentionice in the 20 d The

12th clauses of his Will, was married many was agents one dark
him Norman, who now him in this - by whom she had the fellowing shildred. To-int- to the married to Just Early Cusair married to
wire to Samuel Sanger of Rehigham - and Costrain married to
William Brusse - & Isreph Norman of This. The ang umaning
Shidne of the Intotox, besides your Brater are lach hiller of
this - baniel miller of Botetourt and Isha and Just miller
of Rushingham. Magdalm was dead when the suce of the Instator
was encuted.

In consideration of the presences, and in order That the conflicting puterssins of the said when Early & Beteg his wife of their histories of the Start his wife and their histories and Milliams Major of wearn his wife of their histories, arising under the raise of 2 d 12 to clauses of iand Mill, may be acquiderated—and whether the advancement of \$1,000, is to be regarded as a sation touthing or advantage of \$800-10 the Instations of trustion or advantage of the legacy of \$800-10 the Instations of trustion of the said them Early & wife at their children. George Bearf of mife of Their children. William Wright of mife of their children. The close-named children of may dalen Norman- I wight Early—Samue Sanger-Milliam Browse, I and Miller, banish Miller, John and tenth Miller

Answer of the Infant Defendants of Miller's Legatees (Guardian ad Litem)
Miller Exr.
In
Answer of the infant dependants
Miller's Legatees

Miller Enr.

1. Answer of the hands before the miller's Legaters

(Continued: Answer of the Infant Dependents of [Martin] Miller's Legatees (Guardian ad Litem))

The grant answer of the infant children of John EArly and Betsy his wife & the infant children of William Wright and Susan his wife - and the infant children of George Roof and Esther his wife, by their Guardian ad Litem, A.H.C. Sprinkel [?, Sprinchel?] to a Bill of Complaint entitled [?] - there and others in the Circuit Court of Rockingham county, by Samuel Miller Executor of Martin Miller dec'd

The defendants saying & answering to interests the benefit of all proper exceptions to the complainants bill, for answering say that they are the grand children of Martin Miller dec'd - that the said Martin Miller dec'd departed this life in the year 1852, having first made and fullfilled his last will & testament, a true copy of which thy where is filed with Complainants Bill - thy believe that under the will of the said Grandfather thy are entitled as rent tenants with their mothers in the estate described by said will or a portion thereof and thy submit their interests arising under said will to the protection of the Court Having answered thy pray thy may be hence dis mised with their parts, etc.

A.S.H. Sprinkel Guardian ad Litem The smit Sommer of the infant cheldren of Fohn Early and Betsy his wife & the infant cheldren of William Mayte and Susan his wife - and the vitant cheldren of Grouse Roof and Earther his wife, by Their Gerardian ad letene, at St. & Sprinkel to a Bile of Complaint exhibited a paints - their and others in the levient Court of Rarhengham County, by Samuel Meler Bace - utor of martin miller be-

Then Perpendents sowing & reserving to themselves the length of all proper exceptions to the complainants Bell, for answer any that They are the grand cheldren of mortin meller bead that the said mortin miller bead deported this left in the gran 1852, having fent made and published his last will be the testiment, a true copy of which they bleve is filed with Complainants Bell - they believe that winder the Mile of their said Grandfatter they are intelle as great tenants with their mothers in the estate described by said while er a prestion thereof and they culms their intents arising under said they have the protection of the Court thair arrange answered they may be have the mixed with their exits, the

harcian ace titer

Answer of the Executor (Samuel Miller) to the Guardian Ad Litem

Martin Millers Exr.	
n.	
Joseph Miller & Others.	

Answer of A.S.H. Sprinkel Guardian Ad Litem for infant depts. Filed & wit. For Learing - on Martin of Pltff.

martin Millers Exs.

in.

length Miller & other.

Answer of it II. & Sprinker: Gerardian ad literary fals at d with for Learning in motion of Petfle.

(Continued: Answer of the Executor (Samuel Miller) to the Guardian Ad Litem)

The separate answer of William Wright to a bill in equity, exhibited by Samuel Miller executor of Martin Miller conceded, against the heirs and receivers of Martin Miller dec.'d in the Circuit Court of Rockingham County.

This respondent [?] answering the benefit of the usual exceptions to the complainants will for a [?] to so much therefore he deems it [?] for him to answer. Saith it is true that in 1848 this respondent was about making a purchase of a tract of land, which purchase was approved by the testator, and on the first of September 1848. Sam. Miller, the executor, with the knowledge & consent & approbation of his father the testator, used one thousand Dollars for of the testator's money for the purpose of making the down payment on the land, this being the full amount of the down, or cash payment, respondents wife, Susan Wright, at the request of her brother, Samuel, executed a receipt for the \$1000. Which has been filed by the plaintiff with the bill. The title to the land was made to this respondent, with the consent of the testator, Respondent having answered, so far as facts within his own knowledge are concerned, submits the questions arising under the will, and the caustruection of the will, to the decision of this honorable Court, and prays to be hence [?] with his costs.

His William <u>X</u> Wright¹ Mark

Rockingham County to Wit.

This 17th day of September 1853 William Wright personally appeared before the [?] a trustee of the

[CONTINUED ON NEXT PAGE]

_

¹ The 'X' used for William Wright's signature indicates that he was either illiterate or semi-literate and did not feel comfortable or indicated that he otherwise did not know how to sign to the court witness.

The separate energy of William thought to a will in Equity, exhibited by Vanuel Miller executor of Martin Willer see und, against the heir and devisees of Martin Milles del. in the Circuit out of to him ham County. This respected daving & no ewing the brought of tee usual exceptions to the confliments iel, for every too. much thereof no he deems it enatured for him to ende ,-Saith it is true That in 1848, this repondent was about making a perchase of a tract of land, which furchase weer affired by heele states, and on the first of deptember 1848. Van Miller, the executor, with the knowledge & con. ent & affrobation of his fetter the lestator, used one thous. and Rolling for of the lestators man y for her purpose of. making the down payment, on the land, This being the full amount of the down, or cash payment. Respondents wife Susan Might, at the request of her brother Samuel executed a receift for the \$ 1000, which has been filed by the plaintiff with the bill. The title to the land was made to this respondent, with the consent of the testator. A. Respondent having auswered so far as facts within his own knowledge are concerned, submits the questions ariging under the will, and The construction of the will, to the decision of this kon. ourable court, and prayer to be hence dismissed with his casts A. Rocking a am Carrety to wit: This by a day of Leftender 1853 William bright person ally appeared before the salver bes a custice of the

(Continued: Answer of the Executor (Samuel Miller) to the Guardian Ad Litem)

Peace for said County, and duly made oath to the true, as of true, facts contained in the forgoing answer in chancery, according to the best of his knowledge & belief. Given under my hand.

O.L. Stribling. J.D.

Sew for said Cant, and only made onthe to the facts con time and in the facts con time and in the facts of bit traveledge & belief. Given under my hand, Obstaling J.P.

Publication Announcement of Papers in Chancery

Acct of costs up to jany. 1st 1853 is \$38.53

Martin Miller's Exor

Agst Papers in Chancery

Joseph Miller & Others

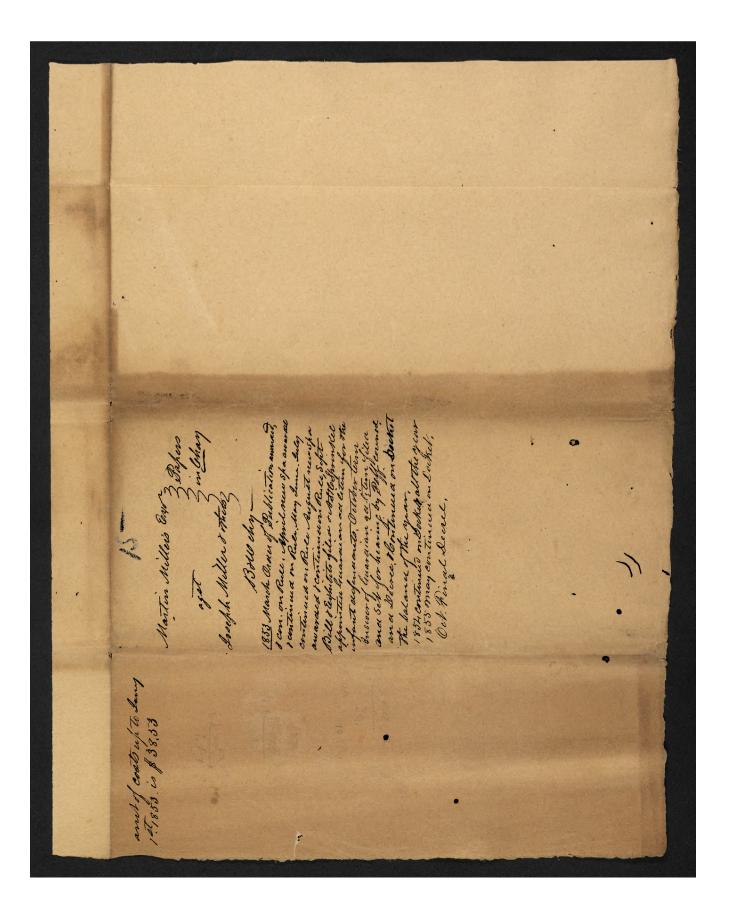
B&W Chancery

1853 March Order of Publication answered, & can on Recall. April news [?] awarded & continued on Rule. May June. July continued on Rule august news/a awarded & continued on Rule, Sept Bill & Exhibits filed & A.St. C. Sprinkel appointed Guardian ad Litem for the infant defendants. October term. Answer of Guardian ad Litem filed and set for hearing by Plff. Counsel and Decree & Continued on Docket the balance of the year.

1854 Continued on docket all the year

1855 May continued on Docket

Oct. Final Decree.



Final Sum to be used for 1853.^{2,3}

² Faint, near the bottom center of the page.

³ This is the Cover Page Side of Folded Document and indicates that the enclosed summary is to be the final version of record.



(Continued: Chancery Case: Martin Miller's Executor (Samuel Miller) vs. Joseph Miller et al.)

Martin Miller Exr.

Vs. In Chancery

Joseph Miller et al.

This cause came on to be heard this 14th day of October 1853 upon the Bill and Exhibits the answer of William Wright and of the infant dependants A. St. C. Sprinkel, their guardian ad Litem in this suit, and the [?] appeared in the cause, having been returned executed, more than one month upon the other [?] defendants; and the order of petition against the absent defendants, herewith filed, being duly executed the Bill as to the deed mentioned home defendant, and as to the absent defendants is taken for confessed: Whereupon, the argument of counsel being heard, the Court is of opinion, that the husband of Betsy Early is entitled to nothing under the 3rd and 12th clauses of the will of the testator Martin Miller - the said Betsy Early having died in the lifetime of her father - having children - but the children of the said Betsy Early - are entitled to receive the legacees given to their said mother in the said clauses of said will - the Court is further of opinion, that William Wright - the husband of testators daughter susan, is entitled to receive whatever may be coming to susan under the 12th clause of said will - and that the legacy in said clause to Susan & her children, was intended by the testator to go - and does so wholly to Susan, and no part send to her children - his that the distinction under the 12th clause of testators will - susan & her husband are to be charged with and account for two hundred dollars that being the amount advanced to them by the testator in his lifetime, one and more the legacy of \$800, given to Susan by the 6th clause of testators will.

The Court is further of opinion that as George Roof & his wife Esther, both [?] the testator and are now alive - the said George Roof is entitled to demand and receive, whatever may be due under the 12th clause of testators will, to Esther & her children the language used, in the opinion of the Court, nothing on the children of said Esther - the Court is further of opinion that as Magdalen Norman, a daughter of the testator, departed this life before her father, and indeed was dead when his will was executed, the children of the said Magdalen are entitled to demand and receive - whatever is derived to the said magdalen in the 2nd clause.

mertin milles tax. & for Chancery:

Tough hiller it Al.

This cause came on to be heard This 14 day of letoler 185-3 - whom the Bill and Enhibits - The Answer of William Wight and of the infant defendant y et St. E. Sprinkel, Her Guardian ad liter in this suit, and the Selfrend found in The cause, having been returned executed, more Than one month upon the other home defendants; and the order of feetleection against the absent befindents, beremithe black, big duly executive The Riel as To The last mentioned home beforeaut, and as to The absent befindents is There for confession: Whereupon, The argument of lowns sel being heard, the Event is of opinion, that The husband of Betry barty is intitled to nothing under the 3° and 12h clairs of the will of the Istator martin hiller - The said Betry Early having chil in the lifetime of her farther leaving children-but the children of the said Betsy Early- are catilled to recen the tegacies series To Their raise mother in The said clauses of said Will - The East is forther of opinion, That William Wight - The husband of Testatus doughter Suran, is enlitted to recine whatever may be coming to husan under The 12th clause of said Will- and that The leguey in said clause to his an & her children, was intended by The Testator to go - and does go wholly to Eusain, and no port Thereof to her cheldren - but that in The distribution under The 12th clause of Testatas will - Susan & her husland are to be charged with and acrount for two hundred bollars - that ling the amount advanced to Them Guette Testator our in his lifetime, over and done The lesay of \$800, siren to Suran by The 6th clares of Letter Mel.

The bunt is further of opinion that as Grosse Roof d his rife letter, both curried the Testator and are new abice - The said Ernese Roof is entitled to demand and received, whatever may be due under the 12th claim of two letters the forther d his dischar the language used in the opinion of the Court, ruting mothing in the chile drew of said Esther - The Court is further of opinion that as magdalen of orman, a dairy hter of the Testator, defraited this life lefere her father, and include was dead when his will was executed. The children of the said may dalen an entitled to clenand and receive whatier is derived to the said magdalen, in the 2 clause

Rockingham County Circuit Court - Record of Attendance for Samuel Miller, 2-28-1853

Rockingham County to Wit:

This day Samuel Miller personally appeared before the subscriber a Justice of the Peace for said County and solemnly affirmed that William Brouse & Catharine his wife, Joseph Norman, Anna Early, Susan Early, Elizabeth Early, Sally Early, Jacob Early, Martin Early, Lydia Early, Malinda Early, Noah Early, Joseph Early, Catharine Early, Jacob Miller who will be made defendants to a dec'd in Chancery which the officiant intends to bring as executor of Martin Miller dec'd in the Circuit Court of Rockingham are all non residents of the State of Virginia. Given under my hand, February 28, 1853.

O.G. Staling, J.P.

Rocking learn County to wit:

This day Canned Miller ferronally affection before the budshirts a Switter of the Prace for said County and solumnly affirmed that William Browne Heatharine his wife sough some that William Swally Saily Sacot Sear. by Martin Barly, Bligateth Barly, Sally Early, Sacot Sear. by Martin Barly, Sydia Barly, Malinga Early, Soach Sear, Sarly, Soliff Barly, Catharine Barly, Sacot Hilly who will be made defendant to a shirt in Chancey which the afficient intends to bong as executor of Martin Milly and in the Circuit Court of Pock. are all you resoluted of the States of Tryinia in Josephum, From under my hand February 28 mg. 16 Stating J.P.

Executor (Samuel Miller) vs. Millers & Others, Affidavit as to Non-Residents, 3-5-1853

Miller Exr. Affidavit as Vs. to non-residants

Millers & Others

Filed 5th March 1853

Filee 5 March 1853

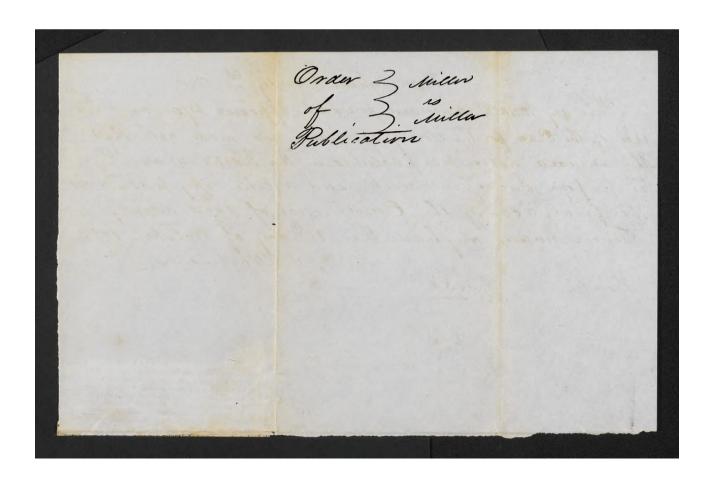
Object of Suit

The object of this suit is to ask the Court to construe certain portions of the will of Martin Miller dec'd. And the clauses in which the testator devises to his daughters Elizabeth, Esther, and Susanna & their children.

Two object of this suit is to ash the Court to contrue certain portions of the will of Martin Milles del vig. The clauses in which the test tator devises to his daughters Elizabeth, Esther, and Susuma & Their children.

Order of Publication, Affidavit, and Copy of Rockingham Register Publication

Order Miller
Of vs.
Publication Miller



(Continued: Order of Publication, Affidavit, and Copy of Rockingham Register Publication)

Rockingham County, To Wit:

This day Mr. Michael Wastmann personally appeared before me a Justice of the Peace for the county aforesaid and made oath that the annexed notice was published in The Rockingham Register for four successive weeks, and a like copy posted at the front door of the Courthouse of said county. -

Given under my hand this 11th day of October, 1853.

Kenny J. Wartmans J.T.

[?] Fee. \$5.50

VIRGINIA, To Wit:

At Rules held in the Clerk's Office of the Circuit Court of Rockingham County, on Monday the 7th day of March, 1853, (it being the first Monday in the month,)

Samuel Miller, Executor of Martin Miller, Dec'd. - Plaintiff,

AGAINST

Joseph Miller, John Miller, Susanna Wright, Susannah Wright, John Wright, David Wright, Elizabeth Wright, Samuel Wright, William Wright, Nancy Wright, Sarah Wright, Catharine Wright, Esther Roof, Esther Roof, Joseph Roof, Martin Roof, Elizabeth Roof, David Roof, Daniel Roof, Caroline Roof, John Roof, William Roof. Mary Ann Roof, Susan Roof, Joseph Early and Esther, his wife, Samuel Sanger and Susan, his wife, Daniel Miller, William Brouse and Catharine, his Wife, Joseph Norman, Anna Early Susan Early, Elizabeth Early, Sally Early, Jacob Early, Martin Early, Lydia Early, Malinda Early, Noah Early, Joseph Early, Catharine Early, and Jacob Miller - Defendants.

IN CHANCERY

THE object of this suit is, to ask the Court to construe certain portions of the will of Martin Miller, Dec'd., viz: The clause in which the testator devised to his daughters, Elizabeth, Esther, and Susanna, and their children. An it appearing by an affidavit filed in this cause, that the defendants William Brouse and Catharine, his wife, Joseph Norman, Anna Early, Susan Early, Elizabeth Early, Sally Early, Jacob Early, Martin Early, Lydia Early, Malinda Early, Noah Early, Joseph Early Catharine Early, and Jacob Miller, are not residents of this state; it is ordered, that the said defendants do appear here within one month after due publication of this order, and do what is necessary to protect their interests; and that this order be published once a week for four consecutive weeks, in the Rockingham Register, a newspaper published in Harrisonburg, and posted at the front door of the Court-house of this county, on the first day of the next County Court.

A copy-Teste, A. ST. C. SPRINKEL, Clerk.

March 12, 1853. - 4w

Rockingham County, to Wit: This day M. Mc. Wartmann personally appeared before one a Tus-Tice of The Peace for The country aforesaid and made outh That The annexed notice was published in the It for four Succepive weeks, and a like of the Court house of said county Siven under my hand this 11 th day Sneiter Tier \$5.50. VIRGINIA, To Wit: AT Rules held in the Clerk's Office of the Circut Court of Rockingham county, on Monday the 7th day of March, 1853, (it being the first Monday in the month,)

Samuel Miller, Executor of Martin Miller, Joseph Miller, John Miller, Susanna Wright,
Susannah Wright, John Wright, David
Wright, Elizabeth Wright, Sanuel Wright,
William Wright, Nancy Wright, Sarah
Wright, Catharine Wright, Esther Roof,
Esther Roof, Joseph Roof, Martin Roof,
Elizabeth Roof, David Roof, David Roof,
Caroline Roof, John Roof, William Roof,
Mary Ann Roof, Susan Roof, Joseph Early and Esther, his wife, Samuel Sanger and
Susan, his wife, Daniel Miller, William
Brouse and Catharine, his wife, Joseph
Norman, Anna Early, Susan Early, Elizabeth Early, Sally Early, Jacob Early,
Martin Early, Lydia Early, Malinda Early, Noah Early, Joseph Early, Catharine
Early, and Jacob Mitter—Defendants,
IN CHANCERY. dec'd .- Plaintiff, AGAINST IN CHANCERY.

IN CHANCERY.

IN CHANCERY.

IN CHANCERY.

IN CHANCERY.

IN Construe certain portions of the will of Martin Miller, &cd.d., viz: The clause in which the testator devised te his daughters, Elizabeth, Esther and Susasaa, and their children. And it appearing by an affidavit filed in this cause, that the defendants, William Brouse and Catharine, his wife, Joseph Norman, Anna Early, Susan Early, Elizabeth Early, Sally Early, Jacob Early, Martin Early, Lydia Early, Malinda Early, Noah Early, Joseph Early, Catharine Early, and Jacob Miller, are not residents of this State; it is ordered, that the said defendants do appear here within one month after due publication of this order, and do what is necessary to protect their interests; and that this order be published once a week for four successive weeks, in the Rockingham Register, a newspaper published in Harrisonburg, and posted at the front door of the Court-house of this county, on the first day of the next County Court.

A copy—Teste, A copy—Teste, A. ST. C. SPRINKEL, Clerk. March 12, 1853.—4w

Listing of All Potentially Interested Parties and Last Known Location

Magdalin's children: (Joseph Early & Esther his wife, Samuel Sanger & Susan his wife of Rockingham) William Brouse & Catharine his wife, & Joseph Norman of Ohio.

Elizabeth's Children: Anna Early, Susan Early, Elizabeth Early, Sally Early, Jacob Early, Martin Early, Lydia Early, Malinda Early, Noah Early, Joseph Early, Catharine Early of Ohio. Two or three of the Early children of age.

Esther Roof's Children: Esther Roof, Joseph Roof, Martin Roof, Elizabeth Roof, David Roof, Daniel Roof, John roof, Caroline Roof, William Roof, Mary Ann Roof, Susan Roof. All under 21. & of Rockingham. Jacomb Millers of Ohio.

Susanna Wrights children: Susanna Wright, John Wright, David Wright, Elizabeth Wright, Samuel Wright, William Wright, Nancy Wright, Sarah Wright, Catharine Wright, all under 21 & of Rockingham Cty. Samuel Miller of Rockingham of Rockingham Exr.

Daniel Miller of Botetourt.

John Miller of Rockingham.

Joseph Miller of Rockingham.

Magdalinis children & Joseph Carly V Esther his wife, Som wel Langes & Susan his wife of Rocking haw. William Browse Hatharine his wife, toseph torman of This Elizabettis children: & Anna Coarly, Susan Carly, Selig aboth Early, Sally Early, Jacob Ecoly, Martin Early Lydia Early Malinda Early Noch Early Joseph Early & Catharine Rearly of Ohio two or three of the Book children of sep. Esther Roofs children. & tother Roof, Joseph Roof, Mar. tin Roof, Elizabethe Roof, David Roof, Daniel Roof, John Roof, Caroline Roof, William Roof, May Sun Roof, Justen Roff. all under 21. & of Rocking ham. Jacob Milles of Olio. Susanna Mrights children & Susanna Mright, Solw Mright David Wright Elizabeth Wright Samuel Mright William Mright Nancy Wright Sarah Might Conthorino Might all under 21 & of Rockingham Cty. Samuel Meller of Rockingham of Rockingham Er. Daniel Miller of Botelourt. John Melles of Rocking have -Joseph Milles of Rockingham. -

Signed Receipt of Advancement by Susan Wright

Received of my Father Martin Miller one thousand Dollars of my legisee September 4th 1848 Susan Wright Received of my Farther Martin Miller and thousand Dollars of My legisee September 1 # 1848 Serun Millight

Summons from Sheriff of Rockingham County to Miller Family, et al.

[NOTE: Italicized/underlined portions indicate handwritten text]

THE COMMONWEALTH OF VIRGINIA, TO THE SHERIFF OF ROCKINGHAM Botetourt COUNTY, GREETING.

YOU, are hereby commanded to summon <u>Joseph Miller, John Miller, Susanna Wright, Susanna Wright, John Wright, David Wright, Elizabeth Wright, Samuel Wright, William Wright, Nancy Wright, Sarah wright, Catharine Wright, Esther Roof, Esther Roof, Joseph Roof, Martin Roof, Elizabeth Roof, David Roof, Daniel Roof, Caroline Roof, John Roof, William Roof, Mary Ann roof, Susan Roof, Joseph Early & Esther his wife, Samuel Sanger & Susan his wife, Daniel Miller, William Brouse & Catharine his wife, Joseph Norman, Anna Early, Susan Early, Elizabeth Early, Sally Early, Jacob Early, Martin Early, Lydia Early, Malinda Early, Noah Early, Joseph Early, Catharine Early & Jacob Miller. - Wright and George Roof.</u>

To appear at the Clerk's Office of our Circuit Court holden for Rockingham County, on the <u>Ist Mon</u>day in <u>April</u> next, to answer a bill in Chancery exhibited against <u>them</u> by <u>Samuel Miller executor of Martin Miller dec'd</u>,

And you are also hereby required to notify the said Defendants that unless \underline{they} shall answer the said bill, within two one months thereafter, the Court will take the same for confessed, and decree accordingly; and this \underline{they} shall in now wise omit under the penalty of £100 \underline{each} And have then there this writ. Witness ARTHUR ST. C. SPRINKEL, Clerk of our said Court at the Court-House the $\underline{5th}$ day of \underline{March} 1853 and in the $\underline{77th}$ year of the Commonwealth.

A.S.C. Sprinkel

THE COMMONWEALTH OF YIRGINIA, TO THE SHERIFF OF ROCKINGHAM COUNTY,-

GREETING

YOU are hereby commanded to summon Joseph Miller. Ichn Miller, Susanna Wright, Schow Wright, Warrier Wright. Elizabeth Wright, Sand Wright, Sand Wright, Sand Wright, Sand Wright, Sand Wright, Cabharne Wright. Cother Morf. Eather Roof, Soseph Bloof, Martin Roof. Elizabeth Roof, Warrier Roof, Warrier Roof, Susan Roof, Sandine Roof, Joseph Carly & Esther his wife, Sanuel Sanger & Susan hos wife, Warrier Miller, william Browner & Catharine his wife, Soseph Sonnan, Anna Eatly, Susan Early, Elizabeth Early, Sally Carly, Sacob Carly, Martin Early, Lain Early, Susan Early, Elizabeth Early, South Early, South Early, Jacob Carly, Martin Early, Lain Early, Susan Early, Malinda Cerrly, Noah Early, South Early, Jacob Carly, Martin Early, Lain Early, Susan Early, Maller, — Dright and George Roof, on the Part Monday in Sprice of our Circuit Court holden for Rockingham County, on the 1st Monday in Sprice by Samuel Miller Expected of Martin Miller act,

and you are also hereby required to notify the said Defendants that unless they shall answer the said bill, within the 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 ARTHUR ST. C. SPRINKEL, Clerk of our said Court at the Court-House the day of March _______ 1853 and in the 1854 wear of the Commonwealth.

Asttesphinktel.

44

Acknowledgement of Summons by Joseph & Esther Early

M. Miller's Exr.

Vs. [?] in J.Miller & Others Chancery

[?] Chancery

Executed on Joseph & John Miller, Esther Roof, esther Roof, Joseph Martin, elizabeth David, Daniel, Caroline, John, William, Mary A., Susan Roof, Samuel Sanger & Susan Sanger,

William & Susanna Wright live in Augusta

William R. Reparren Rep. for A.S. Byrd S.R.G.

We, Joseph Early - and Esther Early - Acknowledge we & legal service of the within Subponea in Chancery.

Joseph Early

Her

Esther X Early

Mark

We, Joseph Early- and Esther Early-acknowledge due o legal service of the within Subpoend in Chancery les e culted ou dosyon I doku miller, leaker those less to the do do do the down that down the of the down the of the down down down and house the down danger of down down down

Summons from Sheriff of Rockingham County to Miller Family, et al.

[NOTE: Italicized/underlined portions indicate handwritten text]

THE COMMONWEALTH OF VIRGINIA, TO THE SHERIFF OF ROCKINGHAM Botetourt COUNTY, GREETING,

YOU, are hereby commanded to summon <u>Daniel Miller</u>

To appear at the Clerk's Office of our Circuit Court holden for Rockingham County, on the <u>Ist</u> Monday in <u>September</u> next, to answer a bill in Chancery exhibited against <u>him & others</u> by <u>Samuel Miller executor of Martin Miller dec'd</u>,

And you are also hereby required to notify the said Defendants that unless <u>he</u> shall answer the said bill, within two <u>one</u> months thereafter, the Court will take the same for confessed, and decree accordingly; and this <u>he</u> shall in now wise omit under the penalty of £100 And have then there this writ. Witness ARTHUR ST. C. SPRINKEL, Clerk of our said Court at the Court-House the <u>24th</u> day of <u>August</u> 185<u>3</u> and in the <u>78th</u> year of the Commonwealth.

A.S.C. Sprinkel

THE COMMONWEALTH OF VIRGINIA TO THE SHERIFF OF ROCKING.

YOU are hereby commanded to summon Laniel Miller

to appear at the Clerk's Office of our Circuit Court holden for Rockingham County, on the first Monday in September ______ next, to answer a bill in Chancery exhibited against him rothers by Samuel Miller Executor of Martin Miller acct.

and you are also hereby required to notify the said Defendants that unless he shall answer the said bill, within one month thereafter, the Court will take the same for confessed, and decree accordingly; and this he shall in no wise omit under the penalty of £100. And have then there this writ. Witness ARTHUR ST. C. SPRINKEL, Clerk of our said Court at the Court-House the 24Fday of August 1853 and in the 78Th year of the Commonwealth.

A Stole Sprinkel

Acknowledgement of Summons by Daniel Miller

M. Miller Exr.

Vs. [?] in J. Miller & Chancery

[?] Chancery

Sept. Rules

I acknowledge the service of the within subpoena Daniel Miller

I acknowledge the service of the within subposence Daniel Milley

Summons from Sheriff of Rockingham County to Miller Family, et al.

[NOTE: Italicized/underlined portions indicate handwritten text]

THE COMMONWEALTH OF VIRGINIA, TO THE SHERIFF OF ROCKINGHAM Augusta COUNTY, GREETING.

YOU, are hereby commanded to summon <u>Joseph Miller</u>, <u>John Miller</u>, <u>Susanna Wright</u>, <u>Susanna Wright</u>, <u>John Wright</u>, <u>Daniel Wright</u>, <u>Elizabeth Wright</u>, <u>Samuel Wright</u>, <u>William Wright</u>, <u>Nancy Wright</u>, <u>Sarah Wright</u>, <u>Catharine Wright</u>, <u>Esther Roof</u>, <u>Esther Roof</u>, <u>Joseph Roof</u>, <u>Martin Roof</u>, <u>Elizabeth Roof</u>, <u>David Roof</u>, <u>Daniel Roof</u>, <u>Caroline Roof</u>, <u>John Roof</u>, <u>William Roof</u>, <u>Mary Ann Roof</u>, <u>Susan Roof</u>, <u>Joseph Early</u>, <u>& Esther his wife</u>, <u>Samuel Sanger & Susan his wife</u>, <u>Daniel Miller</u>, <u>William Brouse & Catharine his wife</u>, <u>Joseph Norman & Anna his wife</u>, <u>Susan Early Elizabeth Early</u>, <u>Sally Early</u>, <u>Jacob Early</u>, <u>Martin Early</u>, <u>Livia Early</u>, <u>Malinda Early</u>, <u>Noah Early</u>, <u>Joseph Early</u>, <u>Catharine Early</u>, <u>Jacob Miller</u>, <u>George Roof & Wright</u>.

To appear at the Clerk's Office of our Circuit Court holden for Rockingham County, on the <u>Ist Mon</u>day in <u>May-----</u> next, to answer a bill in Chancery exhibited against <u>them</u> by <u>Samuel Miller executor of Martin Miller dec'd</u>.

And you are also hereby required to notify the said Defendants that unless \underline{they} shall answer the said bill, within two one months thereafter, the Court will take the same for confessed, and decree accordingly; and this \underline{thy} shall in now wise omit under the penalty of £100 \underline{each} And have then there this writ. Witness ARTHUR ST. C. SPRINKEL, Clerk of our said Court at the Court-House the $\underline{5th}$ day of \underline{April} 185 $\underline{5}$ and in the $\underline{77th}$ year of the Commonwealth.

A.S.C. Sprinkel

Augusta

THE COMMONWEALTH OF VIRGINIA, TO THE SHERIFF OF ROCKHTCHAM COUNTY.

GREETE.VG.

Wright Susanmallight, John Wright Davice Wright, Elizabeth Unight, Samuel Wright, William Wright, Namey Wright, Sarah Wright, Catharine Wright, Esther Roof, Esther Roof, Loseph Roof, Martin Roof, Eigabeth Proof, Navia Roof, Warriel Roof, Caroline Roof, Sohn Roof, William Strof, Nang Ann Proof, Susan Proof, Isseph Early, & Ether his wife Samuel Sange & Susan his wife, Daniel Miller, William Browner of Catharine his wife, Isseph Norman & Anna his wife Susan Early, Eigabeth Erly, Solly Early, I acob Early, Martin Carly, Livin Early, Malina Early, Solly Early, I acob Early, Martin Carly, Livin Early, Malina Early, Solly Early, I acob Early, Martin Carly, Livin Early, Front of wright the Clerk's Office of our Circuit Court holden for Rockingham County, on the 1th Monday in May next, to answer a bill in Chancery exhibited against Them by Samuel Miller Equentor of Martin Miller acol,

shall answer the said bill, within 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 ARTHUR ST. C. SPRINKEL, Clerk of our said Court at the Court-House the standard of April 1855 and in the 1976 year of the

Commonwealth:

ASTESpinkel

Acknowledgement of Summons by Susan Wright

Augusta

M. Miller Exr.

Vs. Shown in I. Millers Chancery

[?]

May Rules

Ex. & humbly to Ms. Susan Wright [?] of this and 26 April 1853

[?, Signature?]

Exd by handing to mot Susan 26 April 1853 Moramper By m 14 m & wedde