

Chancery Record for the Estate of

Martin Miller
(c.1782 – 10-30-1852)

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

Table of Contents

Library of Virginia, Chancery Record File Folder	3
Chancery Filing by the Executor of Martin Miller's Estate (Samuel Miller) 9-5-1853	5
Answer of the Infant Defendants of Miller's Legatees (Guardian ad Litem)	13
Answer of the Executor (Samuel Miller) to the Guardian Ad Litem	17
Publication Announcement of Papers in Chancery	23
Chancery Case: Martin Miller's Executor (Samuel Miller) vs. Joseph Miller et al.	25
Rockingham County Circuit Court - Record of Attendance for Samuel Miller, 2-28-1853	29
Executor (Samuel Miller) vs. Millers & Others, Affidavit as to Non-Residents, 3-5-1853	31
Object of Suit	33
Order of Publication, Affidavit, and Copy of Rockingham Register Publication	34
Listing of All Potentially Interested Parties and Last Known Location	39
Signed Receipt of Advancement by Susan Wright	41
Summons from Sheriff of Rockingham County to Miller Family, et al.	43
Acknowledgement of Summons by Joseph & Esther Early	45
Summons from Sheriff of Rockingham County to Miller Family, et al.	46
Acknowledgement of Summons by Daniel Miller	49
Summons from Sheriff of Rockingham County to Miller Family, et al.	51
Acknowledgement of Summons by Susan Wright	53

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

1055-010

Rockingham Co

Chemery Causes: Exe of Martin Miller vs. Heirs of Martin Miller

Wright, Root, Early, Sanger, Norman, Brown, Spindal

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

Martin Miller's Course

is } Bill W

The King 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 filed as a part of this bill marked (A). and as the son 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 discharge 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 Circuit Court of Bath-
ingham County:

By our brother Samuel Miller, of the County of Bathingham, humbly
complaining, sheweth unto your Honour - that in the latter part of
the year 1852, Martin Miller, the father of your brother de-
ceased this life in the County of Roanoke - having first made
and published his last Will and Testament - which was duly
admitted to Probate at a 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 at the

term of the County Court of Roanoke in the year 1852 - your
creator, who is named Executor in the Will of said Martin Miller,
duly qualified as such.

In proceeding to discharge the duties of an Executor under said Will -
various difficulties have arisen as to the persons entitled under said
Will - there being conflicting claimants - when might your brother's property
be adjudicated by this Honourable Court - By the 3^d clause of said Will
he directs that his daughter Betsey & her children are to have the
sum of \$1500 - with which was charged against her - the said Betsey was
married to John Early of Bathingham many years since - and they moved to
Ohio - where ^{John Early} ~~she~~ ^{his wife Betsey having died some years before her father's}
decease, she ^{leaves} the following in the names of their children:
Anna, Susan, Elizabeth, Sally, Jacoby Martin, Lydia, Melinda,
Noah, Joseph & Catherine Early, all of Ohio - and all infants with-
in two or three exceptions - Betsey has been advanced \$400 or \$500 - &
the question arises whether the husband of said Betsey is entitled to any
portion of the balance willed to Betsey & her children - either under the
3^d clause or the 12th clause of said Will -

By the 6th clause of said Will the testator directs that Susan &
her children should have but \$800 - But your creator in the
lifetime of his father, ^{viz. 8th Feb. 1st 1848.} and with the approbation of his father, paid
out of his father's money \$1000 - on the purchase of a tract of land
which was conveyed to said ^{son} ~~son~~ ^{by the vendor.}
upon which the said Susan & her husband & children now reside
which was intended in the place of the \$800 - the said Susan was
married to William Wright, of Ansonia - who is now living - and
they have the following children - to-wit - Susan, Sarah, Elizabeth,

(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, cousin'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, William, Nancy, Sarah, and Costantine Wright, all under
the age of 21 years - living in Augusta - and the question arises as
to the intent of the said William Wright in the bequest to be
distributed under the 12th clause of said Will - which need be
considerable - after paying the specific pecuniary sum to each of the children.

After a daughter of the Testator was married many years since to
George Roof of Richwood - 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 question arises as to the respective interests
of the said George Roof - and wife, and their children, in the dis-
tributable bequest under the 12th clause of said Will -

Magdalen a daughter of the Testator mentioned in the 2nd of the
12th clause of his Will, was married many years ago - to one Jer-
kin Norman, who now lives in Ohio - by whom she had the fol-
lowing children - to-wit - Esther married to Joseph Early - Susan mar-
ried to Samuel Sanger - of Richwood - and Costantine married to
William Brouse - & Joseph Norman of Ohio - the only remaining
children of the Testator, besides your brother - are Jacob Miller of
Ohio - Daniel Miller of Botetourt - and John and Joseph Miller
of Richwood - Magdalen was dead when the will of the Testator
was executed -

In consideration of the premises, and in order that the conflicting
pretensions of the said John Early & Betsey his wife & their children
& George Roof & Esther his wife and their children - and William
Wright & Susan his wife & their children, arising under the said
2nd & 12th clauses of said Will, may be adjudicated - and
whether the advancement of \$1,000, is to be regarded as a satis-
faction 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 above-named children
of Magdalen Norman - Joseph Early - Samuel Sanger - William
Brouse, - Jacob Miller, Daniel Miller, John and Joseph 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 Esterina Wright, all under the age of 21 years - being in Augusta - and the question arises as to the interest of the said William Wright in the surplus to be distributed under the 12th clause of said Will - which need be considerable - after paying the specific pecuniary devise to each of the children.

Esterina a daughter of the Testator was married many years since to George Roof of Richmon - 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 question arises as to the respective interests of the said George Roof - and wife, and their children, in the distributable surplus under the 12th clause of said Will -

Magdalen a daughter of the Testator mentioned in the 2nd of the 12th clause of his Will, was married many years ago - to one Jeremiah Norman, who now lives in Ohio - by whom she had the following children - to-wit - Esther married to Joseph Early - Susan married to Samuel Sanger - of Richmon - and Esterina married to William Bruce - & Joseph Norman of Ohio - the only remaining children of the Testator, besides your brother - are Jacob Miller of Ohio - Daniel Miller of Botetourt - and John and Joseph Miller of Richmon - Magdalen was dead when the will of the Testator was executed -

In consideration of the premises, and in order that the conflicting pretensions of the said John Early & Peter his wife & their children & George Roof & Esther his wife and their children - and William Wright & Susan his wife & their children, arising under the said 2nd & 12th clauses 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 above-named children of Magdalen Norman - Joseph Early - Samuel Sanger - William Bruce, - Jacob Miller, Daniel Miller, John and Joseph 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 Exec.

} Answer of the
} Infant Dependants
Miller's Legatees

(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 joint answer of the infant children of John Early and
Betty his wife & the infant children of William Wright and
Susan his wife - and the infant children of George Proof and
Esther his wife, by their Guardian ad litem, A. H. Sprinkel
to a Bill of Complaint exhibited against them and others in the
Solemn Court of Rockingham County, by Samuel Miller Execu-
tor of Martin Miller dec'd

These Respondents saving & reserving to themselves the benefit of
all proper exceptions to the complainants Bill, for answer
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 published his last
Will & Testament, a true copy of which they believe is
filed with Complainants Bill - they believe that under the
Will of the said Grandfather they are entitled as joint
tenants with their mothers in the estate devised by said
Will or a portion thereof and they submit their interests
arising under said Will to the protection of the Court
Having assured they pray they may be here dismissed with
their costs, &c.

A. H. Sprinkel
Guardian ad litem

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

Martin Millers Exr.

In.

Joseph Miller & Others.

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

Martin Miller's Exr.

v.

Emph Miller & others.

Answer of J. H. C. Spink, Guardian ad litem ^{for infant & etc} filed
& set for hearing on motion of P. C. T. J.

(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 caustruction of the will, to the decision of this honorable Court, and prays to be hence [?] with his costs.

His
William X 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 answer of William Wright to a bill in equity, exhibited by Samuel Miller executor of Martin Miller deceased, against the heirs and devisees of Martin Miller dec'd. in the Circuit Court of Rockingham County.

This respondent having & receiving the benefit of the usual exceptions to the complainant's bill, for answer to so much thereof as he deems it material 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. Saml. Miller, the executor, with the knowledge & consent & approbation of his father the testator, used one thousand and 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. Respondent's 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, ^{although the contract was made by Samuel.} Respondent having answered so far as facts within his own knowledge are concerned, submits the questions arising under the will, and the construction of the will, to the decision of this honorable Court, and prays to be hence dismissed with his costs &c.

Rockingham County, to wit:

William Wright
his
mark

This 27th day of September 1850, William Wright personally appeared before the undersigned a Justice 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.

True for said County, and duly made oath to the ^{truth of the} facts contain-
ed in the foregoing answer in Chancery, according to the best of
his knowledge & belief. Given under my hand.

O. C. Stuling J.P.

Answer of
John H. St. J.

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.

amount of credit up to Jan'y
1st 1853 is \$38,53

15
Martin Miller's Exp^{ts} }
} Depens }
} in Chary }
} agst }
Joseph Miller & others }

1853 March Order of Publication issued
& com. on Reel. April new spa awarded
& continued on Reel. May June. July
continued on Reel. August new spa
awarded & continued on Reel. Sept
Bill & Exhibits filed on 10th of month
appropriate Guaranties as letters for the
infant defendants, October term
briever of Guaranties set to term of plea
and set for hearing by Prof. course
on a Seize. & continued on Booklet
The balance of the year.
1854 continued on Booklet all the year
1855 may continued on Booklet,
Oct. Final Decret.

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

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.



final seen to be
with 1935

(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 legacies 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.

Martin Miller's Exr.

J. Chanury:

Joseph Miller et Al.

This cause came on to be heard the 14th day of October 1853 - upon the Bill and Exhibits - the Answer of William Wright - and of the infant defendants by A. St. G. Sprinkel, their Guardian ad Litem in this suit, and the Self-same papers in the cause, having been returned executed, more than one month upon the other home defendants; and the order of publication against the absent defendants, herewith filed, being duly executed the Bill as to the last 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 3^d and 12th clauses of the will of the Testator Martin Miller - the said Betsy Early having died in the life-time of her father leaving children - but the children of the said Betsy Early - are entitled to receive the legacies given to their said mother in the said clauses of said Will - the Court is further of opinion, that William Wright - the husband of Testator's 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 go wholly to Susan, and no part thereof to her children - but that in the distribution under the 12th clause of Testator's 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, ~~was~~ in his lifetime, over and above the legacy of \$800, given to Susan by the 6th clause of Testator's Will.

The Court is further of opinion that as George Roof & his wife Esther, both survived 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 Testator's Will, to Esther & her children - the language used, in the opinion of the Court, relating nothing in 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 devised to the said Magdalen, in the 2^d 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.

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 Browne & 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 suit in Chancery which the affiant intends to bring as executor of Martin Miller ^{decd.} in the Circuit Court of Rockingham, ^{are all non-residents of the State of Virginia} given under my hand February 28 1853.

J. G. Stulings J.P.

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

Miller Exr.

Vs.

Millers & Others

Affidavit as

to non-residants

Filed 5th March 1853

Miller's Cove *Stipicavit as*
10 *to nuncupatio*
Miller's Cove

Filed 5th 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.

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

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

Order	Miller
Of	vs.
Publication	Miller

Order 3 million
of 3¹⁰ million
Publications

(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, Va Wit:

This day Am. M. K. Martmann 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 Court-house of said County. —

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

Henry J. Martmann J.P.

Printed 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. 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. 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.

Magdalen's children } (Joseph Early & Esther his wife, Samuel
Sauger & Susan his wife, of Rockingham.) William
Brawse & Catharine his wife, & Joseph Norman of Ohio.

Elizabeth's children: } Anna Early, Susan Early, ~~Elizabeth~~
Abitha 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 ~~Ohio~~.

Esther Roof's children: } Esther Roof, Joseph Roof, Mar-
tin Roof, Elizabeth Roof, David Roof, Daniel Roof, John
Roof, Caroline Roof, William Roof, Mary Ann Roof, Susan
Roof, all under 21. & of Rockingham.

Jacob Miller of Ohio.

Susanna Wright's children: } Susanna Wright, John
Wright, David Wright, Elizabeth Wright, Samuel Wright,
William Wright, Nancy Wright, Sarah Wright, Catharine
Wright, all under 21 & of Rockingham City.

Samuel Miller of Rockingham, of Rockingham, Esq.

Daniel Miller of Botetourt.

John Miller of Rockingham.

Joseph Miller 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 Father Martin Miller one
thousand Dollars of my legisee
September 1th 1848

Levin W. Wright

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 *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.*

To appear at the Clerk's Office of our Circuit Court holden for Rockingham County, on the *1st Monday in April* next, to answer a bill in Chancery exhibited against *them* by *Samuel Miller executor of Martin Miller dec'd.*

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

A.S.C. Sprinkel

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

GREETING :

YOU are hereby commanded to summon *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 Brown & 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* to appear at the Clerk's Office of our Circuit Court holden for Rockingham County, on the *1st* Monday in *April* next, to answer a bill in Chancery exhibited against *them* by *Samuel Miller Executor of Martin Miller ad.*

and you are also hereby required to notify the said Defendants that unless *they* shall answer the said bill, within ~~two~~^{one} month 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.^{each} And have then there this writ. Witness ARTHUR ST. C. SPRINKEL, Clerk of our said Court at the Court-House the *5th* day of *March* 1853 and in the *47th* year of the Commonwealth.

A. St. C. Sprinkel

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 & legal service of this within Subpoena in
Chancery-

Joseph Early
Esther ^{his} + Early
mothers

M. Miller Esq
w }
J. Miller Esq

Roll copy-

April 1840

Copy sent to Douglas & John Miller, Esther Esq Cotton Esq
Joseph Graham Esq, John W. Miller, Carlton Esq
William, George, Thomas Esq, Samuel Esq, John Esq
and George Esq, John Esq, John Esq, John Esq
John Esq, John Esq, John Esq, John Esq, John Esq

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 Daniel Miller

To appear at the Clerk's Office of our Circuit Court holden for Rockingham County, on the 1st Monday in September next, to answer a bill in Chancery exhibited against him & others by Samuel Miller executor of Martin Miller dec'd,

And you are also hereby required to notify the said Defendants that unless he shall answer the said bill, within ~~two~~ one months thereafter, the Court will take the same for confessed, and decree accordingly; and this he 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 24th day of August 1853 and in the 78th year of the Commonwealth.

A.S.C. Sprinkel

THE COMMONWEALTH OF VIRGINIA TO THE SHERIFF OF ^{Rockingham} ~~ROCKING-~~
~~HAM~~ COUNTY,—GREETING:

YOU are hereby commanded to summon *Daniel 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 Chan-
cery exhibited against *him & others* by *Samuel Miller Executor*
of Martin Miller decd.

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
24th day of *August* 1853 and in the *78th* year of the Commonwealth.

A. St. C. 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 subpoenaed
Daniel Miller

M. Miller Esq
}
} She in
} chy
J. Miller of }
} Worcester

Sept 21 1860

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 Joseph Miller, John Miller, Susanna Wright, Susanna Wright, John Wright, Daniel 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 his wife, Susan Early Elizabeth Early, Sally Early, Jacob Early, Martin Early, Livia Early, Malinda Early, Noah Early, Joseph Early, Catharine Early, Jacob Miller, George Roof & Wright.

To appear at the Clerk's Office of our Circuit Court holden for Rockingham County, on the 1st Monday in May----- next, to answer a bill in Chancery exhibited against them by Samuel Miller executor of Martin Miller dec'd.

And you are also hereby required to notify the said Defendants that unless they shall answer the said bill, within ~~two~~ one months thereafter, the Court will take the same for confessed, and decree accordingly; and this thy shall in now wise omit under the penalty of £100 each And have then there this writ. Witness ARTHUR ST. C. SPRINKEL, Clerk of our said Court at the Court-House the 5th day of April 1855 and in the 77th year of the Commonwealth.

A.S.C. Sprinkel

Augusta

THE COMMONWEALTH OF VIRGINIA, TO THE SHERIFF OF ~~ROCKINGHAM~~ COUNTY,

GREETING.

YOU are hereby commanded to summon *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 his wife Susan Early, Elizabeth Early, Sally Early, Jacob Early, Martin Early, Lucia Early, Malinan Early, Noah Early, Joseph Early, Catharine Early, Jacob Miller, George Roof & Wright* to appear at the Clerk's Office of our Circuit Court holden for Rockingham County, on the *1st* Monday in *May* next, to answer a bill in Chancery exhibited against *them* by *Samuel Miller Executor of Martin Miller decd,*

and you are also hereby required to notify the said Defendantsthat unless *they* shall answer the said bill, within ~~two~~ ^{*one*} 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. ^{*each*} And have then there this writ. Witness AR-

THUR ST. C. SPRINKEL, Clerk of our said Court at the Court-House the *5th* day of *April* 1853 and in the *7th* year of the Commonwealth.

A. St. C. Sprinkel

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 Mrs Susanna
Might copy of this met
26 April 1853

Deramford Bgm
M 14 M C 125

Augusta

M. Miller Esq

3 Apr 1853

3 May 1853

@

J. Miller Esq

Bowling Green

May Rules