

Richmond County, North Carolina
Estate Settlements 1772-1933. Adams-Harbert. Book 1.

WILLIAM T. ELLERBE
1869

State of North Carolina, County of **Richmond**. Petition to make real estate assets before the Clerk of the Superior Court as Judge of Probate.

John W. **Cole**, Adm'r of William T. Ellerbe, deceased, vs. W.L.T.E. Prince, Zack E. Powe, Thomas W. Powe, Ellerbe F. Powe, A. E. Drake, A. E. Ellerbe, G. W. Duvall and wife Sarah, William Powe, Madora Powe, Walker Powe, Catherine Powe, Charles Powe, Josephine Powe, Walker Powe, Thomas E. Powe, and the other heirs of Esther Powe, deceased,

John McIver & wife Margaret, Zack Ellerbe, B. F. Ellerbe and the heirs of John F. Ellerbe, deceased, Washington Ellerbe, Thomas Ellerbe, Neill Nicholson and wife Hannah, Henry Smith and wife Ann, John P. McQueen and Peter W. Stansill and wife Eliza. The petition of John W. Cole as adm'r of William T. Ellerbe, deceased, shows:

1. That Wm. T. Ellerbe, late of the State of South Carolina, County of Marlborough, died intestate leaving no wife or lineal descendants in A.D. **186-**, possessed of an estate of considerable value in South Carolina, and seized and possessed of an estate also situated in **Richmond County, North Carolina**. consisting entirely of lands.
2. That administration was taken out upon his estate in South Carolina when it was found to be insolvent and a Bill to Marshal the assets of the estate of the said William T. Ellerbe for Marlborough County against his heirs at law and creditors by his administrator in that State, J. H. Gooch, complainants. A Decree of said Court was issued that all the assets, both real and personal, should be turned over to the Commissioner in Equity for Marlborough County; that he should sell such assets and apply the proceeds to the payment of the debts of said intestate.
3. That it appears from certified statements of the records of the Court of Common Pleas for the County of Marlborough and State of South Carolina dated March 29th 1870, which is herewith filed, marked 'A', that of the claims proven against the estate of the said Wm. T. Ellerbe before the Commissioner of Equity for the State of South Carolina, County of Marlborough of about seven thousand seven hundred and fifty seven dollars remain unpaid.
4. That letters of administration upon the estate of the said Wm. T. Ellerbe situated in Richmond County, North Carolina were granted to your petitioner by the Judge of Probate for said County on the 23rd day of August, AD 1869.
5. That no personal property whatever came into his hands as such administrator.

6. That no debts have been presented to your petitioner or administrator of the said William T. Ellerbe in this State for payment, but he supposed the cost and charges of administration will amount to about two hundred and fifty dollars.

7. That said William T. Ellerbe at his death was seized and possessed of about three hundred acres of land adjoining the lands of the estate of Malcom Nicholson, deceased, and others situated in Richmond County, No. Carolina, and known as the 'Spring tract', of the value of one dollar and a half per ac., which descended at his death. as he is advised, to the representatives of Zack Ellerbe, Elizabeth Ellerbe, wife of Joseph Ellerbe, Thomas F. Ellerbe, Esther Powe, wife fo _____Powe and

Martha Powe. wife of - Powe, his uncles and aunts and his collateral relations of the blood of his father, W. F. Ellerbe.

8. That his said uncles and aunts are all dead and the names and residences of their representatives, as far as your petitioner has been able to ascertain them, after long and diligent inquiry are as follows, to wit.,

Zack E. Powe
Thomas W. Powe
Ellerbe F. Powe
A. E. Drake
A. E. Ellerbe
Madora Powe
G. W. Duvall and wife Sarah
William Powe
James Powe
Catherine Powe
Charles Powe
Walker Powe
Josephine Powe
Thomas E. Powe
and other heirs of Esther Powe

John **Mclver** and wife Margaret, whose P. Office address is Cash Depot, S. C.
Thomas Ellerbe, Washington Ellerbe, Neill Nicholson and wife Hannah, Henry Smith and wife Ann, John P. McQueen, whose Post Office address is DeKalb, Mississippi, and Peter Stansill and wife Eliza who reside in Rockingham, N. C.

9. That said W. T. Ellerbe at his death was seized and possessed of about one thousand acres of land adjoining the lands of David Sedberry and others comprised in various tracts, and also situated in Richmond County, North Carolina of the value of forty cents per acre, which descended as he is advised, to L. D. Prince, his brother of the half blood.

10. That L. D. Prince is dead leaving him surviving W.L.T.E. Prince, his only child and heir at law.

11. That W. L. T. E. Prince is an infant of tender years whose Post Office address is Bennettsville, S.C., and your petitioner believes has no guardian.

12. That a sale of the whole of said land is necessary to enable your petitioner to pay the cost and charges of the administration of the estate of said Ellerbe in this State, and to enable the Commissioner in Equity, or other proper Court or office having jurisdiction and control of the matter, to pay the debts proved against his estate in the action or proceeding to Marshal the assets of said estate instituted in the Court of Equity for Marlborough County, South Carolina by J. H. Gooch, Administrator of W. T. Ellerbe, dec'd, complainant.

13. Wherefore to the end that the above described lands may be sold upon such terms as to the Court may seem fit and proper and that proceeds may constitute assets in the hands of your petitioner for the payment of the cost and charges of the administration in this State. and that the residue or balance may be paid to the officer or other person entitled by the laws of South Carolina to receive it. May it please the Court to cause copies of the summons and petition in this proceeding to be served personally upon P. W. Stansill and wife Eliza, and that service be made on each of the other defendants, who reside beyond the limits of this State, by mailing copies of summons and petition to their post office addresses, and by publication for six consecutive weeks in the North Carolina Argus commanding them to be and appear before John A. Long, Clerk of the Superior Court and Judge of Probate for Richmond County at his Office in Rockingham on or before the fifth day of November next (1870) and demur or answer this petition, or plaintiff will demand the relief asked for. Giles Leitch, Attorney for Petitioner

FOOTNOTES:

(1-7 above)

1. February 3, 1846 Issue Fayetteville Observer: Married in Richmond County on the 22'd, at the residence of A G. Nicholson. Dr. P W. Stansill of Rockingham to Miss Eliza E. McQueen of Cheraw, South Carolina. *Tyner*

2. February 15. 1843 Issue Fayetteville Observer: Married at the residence of Mr. Joseph Ellerbe, near Cheraw. SC., on the 26th, Capt. Alexander G. Nicholson of Richmond County to Miss Anna M. McQueen, of Chesterfield, SC. *M&D Abstracts, 1841-1850 – Tyner*

(8-13 above)

1. May 11, 1842 Issue Fayetteville Observer: Died in Cheraw on the 1st, Mrs. Caroline C. Duvall,, daughter of Mr. Thomas Powe, Sen. July12, **1843** Issue: Died near Cheraw on the 14th, Mr. **Thomas Powe, aged 65**. *M&D Abstracts, 1841-1850 – Tyner*