

John Summers

Circuit Court Judge of Warren County, New Jersey

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April 13, 2014

I'm having trouble with the part in the Macomb county history that claims Johannes Summers had a son John who settled in Warren county, New Jersey and became a circuit court judge for over 20 years.

First there is the claim that John was a son of Johannes. I have two major problems with that:

- We have a birth record of a son named Johannes born 1748 in Freistett. We assume that son died because a second son born in PHL in 1756 was named Johannes. However, there is also a death record for that child in 1774.
- We have a death record for Johannes in 1792, which states that he had only one surviving child. At the moment, we are presuming that was his youngest son, Jacob, born 1758.

Regarding the claim that this new John Summers came to settle in New Jersey, there is a marriage record for a John Summers to Mary Dillenhham in Sussex, New Jersey in 1802, which so far cannot be associate with our Summers family, and so might account for a second John Summers. Is this the "new" John Summers who is related to one of George Summers' brothers? If we presume (dangerous, I know) that this marriage record is for a first marriage, the birth year for the couple might be around 1780, which could make this John Summers also a son of Jacob, b. 1758 and a brother of Jacob who was the judge of records in PHL.

Another clue for a second John Summers is for a John Somers from New Jersey who was born about 1790 and who was captain in the War of 1812. This could make this John Somers possibly a brother of Jacob the Judge, but probably not a husband of Mary Dillenhham who married in 1802.

We have no census data in NJ before 1830, and it's interesting that 1830 census of Oxford, NJ shows only one John Summers in the area rather than two. The 1830 household might belong to either of the John Summers second cousins (one m. to Jane Garnder & the other to Mary Dillenhham), but the makeup of the household is very close to what we know of John Summers Jr., grandson of George Summers. Subsequent searches for a John Summers living in New Jersey after 1830 have not produced any evidence that helps us to understand if there were in fact two John Summers of roughly the same age in the same area at the same time!

Regarding the claim that John Summers was a circuit court judge in Warren county for 20 years, first it's important to note that Warren County was created from Sussex County in 1824. If this claim is fact, then it probably can't apply to any John Summers who descended from George Summers because the elder John Summers died in 1827, and his son, the junior John Summers was living in Michigan by 1835. It seems more likely to me that the reference probably includes years when the area was originally Sussex county and later became Warren county.

All references I've found regarding judgeship say that John Summers was a justice (not judge). See this link and the following excerpt:

<http://www.wisegeek.org/what-is-the-difference-between-a-justice-and-a-judge.htm#didyouknowout>

In most parts of the world, a judge is an appointed official of the court who also happens to hold a degree in law. Judges tend to be associated with legal functions that have to do with the enforcement of the laws of the land. As such, a judge will preside at a legal proceeding, such as a criminal hearing or a civil court case. He or she will render a verdict based on the legal procedures and precedents currently in force in the jurisdiction, including the deliverance of sentences for prison terms if the situation merits this course of action.

In contrast, justices will perform a different function within the judicial system. Also sworn to uphold the laws of the land, this person does not necessarily have to be an attorney or have any formal legal training. Instead, he or she will be empowered by the jurisdiction to perform such functions as the witnessing of legal documents, the performance of civil unions and marriages, and other similar duties as defined by the jurisdiction. In some parts of the world, local justice officials are elected rather than appointed.

What little information I find regarding any John Summers in the New Jersey legal system (not as a litigant) is sparse. The earliest reference is from Nov. 1810 where John Summers is listed as a Justice from Sussex County (Journal of the Proceedings of the Legislative-Council of the State of New-Jersey), and the latest is from 1826 where John Summers Esq. is listed as an associate judge in the June term of the Oyer and Terminer court in Hope township (History of Sussex and Warren Counties, New Jersey). The Court of Oyer and Terminer met on county circuit and was presided over by justices of the Supreme Court. It had jurisdiction (pre-1948) over crimes and offenses of an indictable or presentable nature, and over jail delivery. What's hard to fathom, however, is that John Summers, Esq. could perform as a justice when he was himself involved in many legal troubles, but that could well have been the case (sorry for the pun). The name of John Summers Esq. (including the Esquire title) was recorded in the court case that involved him and his sons, and which also records that when the court term of August 1827 started, John Summers Esq. had died and it was officially recorded that the court case then in progress would continue against his surviving sons.

Here is what I found regarding the term Esquire:

A member of the English gentry who ranks just below a knight. It also refers to a candidate for knighthood who serves as an attendant to a knight, and carries his arms, as opposed to an armiger, who is entitled to wear his own arms. Someone who holds an office from the crown such as a Justice of the Peace, a sheriff, or a judge. An attorney who has graduated from law school and passed the bar.(modern use) landed proprietor, or landed gentry.

from freepages.genealogy.rootsweb.com/~randyj2222/gendicte.html

Conclusion

It seems to me likely that the Macomb county history has facts from the line of two Summers brothers (George and Johannes) a bit mixed up. I am inclined to think that the reference to John Summers who was a circuit court judge in Warren, New Jersey refers to John Summers, Esq., son of George and Anna Barbara Summers. John Summers, Esq. was the father of 5 sons, the youngest of whom was named Jacob, and who I believe was confused in the Macomb county history with a different Jacob Summers, the grandson of Johannes Summers, brother of George. (And I am here struck with how can I possibly make this explanation any less confusing than the actual problem?)

However, in the effort to keep an open mind about the possibility of more than one John Summers in Sussex/Warren, New Jersey, I must admit that I still have to wonder who was the John Summers who married Mary Dillenham in 1802? If that marriage record is not for a second John Summers, then the only other explanation might be that there was a previous marriage for John Summers, Jr., one that occurred before his marriage to Jane Gardner in 1807. In that case, we have to wonder what happened to Mary Dillenham and whether that couple had children.

So the door of this mystery is still ajar. If there was a second John Summers in Sussex/Warren area, he might have been related to George Summer's other brother Martin, who had a son named Johannes born in Philadelphia in 1766. At the moment, we don't know what became of any of Martin's 10 children!