1764-001 SOUTHAMPTON COUNTY CHANCERY PAPERS BARRETT, ux Vs. SIMONS, Extor 5/1764

other surnames: Bryant, Symons, Fowler, Faircloth, Joyner, Edmunds

Admon's

April 1763.

NOT DECLASSIFIED 1-13-92

To the Worshipful Court of the County of Southampton sitting in

Humbly Complaining

Sheweth unto your Worships your Orator and Orator Jacob Barrett & Mary his wife That one Augustine Simons late of this County deceased was in his life time and at the Time of his Death possessed of a very considerable Estate [redacted] consisting of Cattle Hoggs Sheep & Household Furniture [redacted] considerable Sum [redacted] of three hundred Pounds &c. Orators further shew that some time before his Death the said Augustine Simons made his last Will and Testament in Writing bearing Date 1st. Day of January 1760 wherein amongst other things the Testator did will and devise that his Wife should enjoy all his Estate with his Cattle Hoggs [redacted] during her Widowhood and [redacted] divided amongst his Daughters [redacted] Your Orator further shew that the said Augustine Simons departed this Life on or about the 3d. Day of September 1761 after which Death Administration of the Goods Chattels & Rights of the said Decedent with the Will annexed was duly granted to Jacob Simons who by Virtue thereof possessed himself of the Estate of the said [redacted] Your Orator further shew that some time after the Death of the said Augustine Simons viz. on or about the 6th Day of March 1761 the said Sarah Simons viz. Orators wife also departed this Life by means whereof your Orator in Right of your Orators Mary his Wife and one of the Daughters of the said Augustine Simons deceased made intitled to a distributive Part and Share of the Estate Cattle Hoggs and Sheep not specifically [redacted] and the said [redacted]

and discover whether the said Augustine Simon yr Oratrix's Father
did not die possessed of such Estate as before set forth particularly
whether there was any and what Sum and Sums of Money
of Gold Silver Paper or any other Species thereof Coin or Denomination
left by the Testor either in his House or elsewhere or did any
or what Sum or Sums of Money of any Denomination what
[redacted] knowledge of him the sd
Jacob Simon or to [redacted] possession or knowledge of any
other Person or Persons by his Consent Privity or procurement
that was the Estate of the Testor Augs. Simon in his Lifetime
and at the time of his Death & if any Such what is become of the
and whom bequeathed or otherwise set forth which the sd Jacob hath not since denyed this Oath
Same: Whether the sd Testor did not make such Last Will
and whether yr Oratrix is not one of the Daughters and residuary
Legatees of the sd Testor and intitled to a distributive Portion
[redacted] to this Worshipful Court contain a true and
perfect Inventory of all the Goods Chattels Money and Credits that
hath directly or indirectly come to the Hands possession or Knowledge
of him the sd Jacob Simon save the Same of the several Articles
mentioned in the Appr: aforesaid made without Fraud or collusion
the same that could then be had for the Same & whether there was any
what was the amount thereof
Stagg Park Beef Mare and what other Articles that
came to his Hands and possession that were neglected and omitted
to be inserted and never inventoried and appraised And that the sd
Jacob Simon may by Decree of this Court be compelled to make
upon due and faithful Account of his Actions of this said Testors Estate
and also pay and satisfy to yr Orators yr Oratrixs distributive
Share of the sd Testors Estate together with Interest

which yr Oratrix upon diligent Enquiry and Search
than hath been inventoried appraised or accounted for by the sd Jacob
Simon the Admor yr Orators particularly alledging that the said
Testator did die possessed of a very considerable Sum of Money amounting
as aforesd to the Sum of £300 several Stocks Beef the Sum of fifty Shillings which
was lent to Mr Hooker by the Testor in his Lifetime all which articles
and sundry others yr Orator alledges did come
to the Hands of the sd Jacob Simon the Admor and have been
concealed waited and embezzled by him yr Orators further shew
that the sd Jacob Simon hath returned an Appraisement to this
Worshipful Court contrary only to the Sum of £42. 12. 3.
and hath since fraudulently and collusively made Sale of the several
Articles mentioned in the sd Appraisement at an undervalue whereby
whereof amounting to no more than £25. 0. 0 or there about yr
Orator further shew that they have frequently applied to the sd
Simon and requested him in a friendly manner not only
inform your Orator of the true amount of the aforesd Sum of
but also to pay and satisfy unto your Orator yr Oratrix
distributive Part or Share of the Personal Estate of the sd
Augustine Simon which he hath utterly refused to do
all which Acts and doings of the sd Jacob Simon are contrary
to Equity and good Conscience and tend to the manifest injury
oppression of yr
yr Orator are remediless in the Premises by the strict Rules of the
Common Law and only and properly relievable in this Worshipful Court
To the End therefore that the sd Jacob Simon may upon his corporal
Oath full true and perfect Answer make to all and singular the Allegations
herein before set forth and more especially that he may

[illegible] otherwise settled in the premises as shall be agreeable to Equity & good Conscience

May it please Yr

[illegible] having returned & acted according to Law

NOT DEACIDIFIED 1-13-92

Simons
ads
Barnes & Wife } Ans.

The Answer of Jacob Simons Exor de Son of August
Simons died to the Bill of Complaint of Jacob
Simons & Mary his Wife Compls

This Defendant saving to himself all manner of benefit
that true it is that the s.d Augt. Simons died
died made a Will as in Bill that this Defr.
was Executor thereof & proved the same and returned
an Inventory & Appraisement of all the Estate of
the s.d Testator that came to his Hands which Court
he hath he refers And said several of the
Legatees claiming under the s.d Will their
Legacies due thereby and offered & was de
now ready & willing to pay the Compls accord
to the Appraisem.t of the Estate & Sales but
the Compls refuse & to accept of the Sum due
alledging this Defr had embezzled part
the Estate which this Defr flatly denies &
all Confederacy Combination &c
Without that &c

Jacob Simons

15th Apr. 1763 Sworn before

Henry Taylor

Barrett &c
v
Simonton &c

Nov. 1761
Time to Ans.
April 62.
Cont.
Sent.
Cont.

Copy Lett.
Copy Lett.
Copy Lett.
Copy Bill

George ... the third by the Grace of God of Great ... Britain France
and Ire... and King Defend... of the Faith &c ... To the Sheriff
of South... hampton Coun... Greeting We ... mand you
that ... ou Summon ... Simon Poteat ... g. Simands to
appear ... before our Justi... our said Coun... our at the
Courthou... use of our said C... on the secon... rsdayin
Novem... ber — — — nex... answer a Bill in C... ery
exhibited ... against him by ... Barnett & Wi... wife —
— ... and this he shall ... otherwise omit un... the Penalty
of £100 ... and have ther... this Writ Witne... ichard Wells
Clerk of ... of our said Court ... the Courthouse ... tenth
Day of O... tober In the Fif... year of our Reign

R Wells

Barnett &c
v
Simmons &c

Dec
costs

Southampton County ss.

George the third by the grace of god of great Britain France and Ireland King defender of the faith &c To Howell Edmunds Nicholas Maggett John Vickers & Henry Taylor gent. Greeting Know ye that we trusting to your fidelity & provident circumspection in diligently examining whatsoever witnesses as well on behalf of Jacob Barnett as on behalf of Jacob Simons exor of Augustin Simons dcsd Command you or any two or more of you that at such certain days and places as you shall appoint you assemble your selves and the witnesses aforesaid before you or any two or more of you you call and cause to come and diligently examine in the holy evangelists of almighty god and their examinations into the court of our said county of Southampton without delay you shall send and certifie enclosed returning also to us this writ witness Richard Hellen Clk of our said court at the courthouse the eighteenth day of June in the thirty ear of our reign.

Richd Hellen Clk

Bunch
v
Simons

Attd
for Pltf

No bail is to be
taken on this Attd
RK

Pltf's Atty

George the third by the grace of god of Great Britain &c
To the Sheriff of Southampton County greeting we
command you that you attach Abigail Edmunds &
Rachal Simons so that you have their body's before
our justices of our court of the said county on the
second Thursday in February next to answer us as well
of a certain contempt by the said Abigal & Rachal
to us offered as it is said as upon those things which
to them then and there shall be objected & further to do &
receive what our said court shall in this part consider
And have then there this writ witness R. Nicholls Clk
of our said court at the courthouse the sixteenth day
of January in the fourth year of our reign

For not appearing before Commissioners to examine
Witnesses between Jacob Bamble Plt & Jacob Simons
Def

R. Nicholls CC

Barrett } Depos
v
Simons
filed March Cons 64
Unpublished

The deposition of Abigal Simonds aged about Sixty years being
First sworn on the holy Evangelist of almighty god in a Suit
Depending between Jacob Barrott and Mary his wife Plaintiffs
and Jacob Simons Ex.rs of Augustus Simons D.d Defend.ts
Saith that about seven years before the death of Augustus
Simons that she saw him take Eleven or Twelve Pounds
and twenty one Pistoles out of his Chest and Shod them
to her and then ordered them to his Chest again
and further this Deponent Saith that she was at the
Dwelling house of Augustus Simons Dec.d and then Saw
a Son to the said and what Mrs Simons Claimed as his
own Property but very often after Jacob Simons was the
said Son of Mrs Simons and believe the s.d Son was Delivered
to the said Jacob and further saith not

her
Abigal Simonds
mark

Rachel Simons aged twenty Eight years being also
Sworn in the above cause saith that the Spring before
the death of the s.d Augustus Simons that She saw
him have a Stand full of Paper money but the Sum
She knows not and further saith that she doth not
know of any more money that the s.d Augustus left
then what Jacob Simons brought to the appraisers at
the apraisment of the s.d Augustus Estate and further
Saith not

her
Rachel Simons
mark

Sarah Bryant aged 28 years being sworn in the same
Cause saith: that any that Augustus Simons was put in
Irons and She heard Anne Faircloath wife of Benjo Faircloath
Say there was two hundred Pounds to her knowledge carried
out of the s.d Augustus house two or three days before he
Died and further saith not

her
Sarah Bryant
mark

The Depositions of Abigal Edmonds Rachel Simons and Sarah Bryant were taken at the House of Howell Edmonds in the Presence of the Partys and Defendant this 31st Day of January 1764 Before us

H Edmunds

Nathl Maget

Barnett
v
Simons
filed March Court 64
Published

Depos

Benjamin

that the a

Symons at

this deponent

mark of the

to trouble

employed a

Tamlock being also from to the above cause saith

were hogs, upon the plantation of the said Augustine

the time of his decease but who they belonged to

he does not know but believes they were the same

of the cattle that the said Augustine used

himself but little about the Stock being mostly

bout his Shop business & further saith not

Benjamin B his Tamlock

Mark

The Depos

Tamlock w

Parish of

Sept.r 176

The Deposition

was also Take

John Edward

taken at the House of Hosea Edmonds in the

the plaintiff and Defendant this 1st. Day of

before us

H Edmonds

John Wilkinson

of John Edwards & Israel Joyner

before us the 8. Day Octob.r 1763

being Sworn In the same cause

Three or four Years before the

death of Augustine Simons, he heard the

S.r Symons say he had not any living

Stock, nor dare not cawle any his.

by reason he believed he was under an Evil Sentence

and if he sold, or claimed any of the Stock they

died Soon after, and further Sayeth not.

John Edwards

Israel Joyner being of full Ages being Sworn In the same cause saith

about six or Seven Years before the death of Augustine Simons he went

to the S.r Simons to borrow £10 — the S.r Augustine told him he had lost

and the Deponant further sayeth, some time after the death of

the S.r Augustine he heard Sarah Mcneal Daughter of the S.r Augus=

=tine say she was their In the time of her Fathers Sickness, and

her Father told her to look In a Chest of Drawers & fetch

him his money, which was In a bagg about five or six Inches

long, out of which he gave her Three pounds Sixty Shillings and

the Deponant further sayeth not.

Israel his + Joyner

mark

Lewis Bryant of Stock aged 53 years being first sworn on the holy
evangelist of almighty god in a suit in Chancery depending in
Southampton court between Jacob Barrett & Ma his wife Plt
and Jacob Symons exor of Augustine Symons dec. Deft. Saith
That about Six or seven years ago he was at the dec. being house of Augustine
Symons dec. in his lifetime and he this deponent saw in
the possession of the said Augustine three heaps of money viz.
one of gold more than this deponent could hold in his hand that
other two of Silver each as much or more than this deponent could
hold in his two hands. This deponent further saith that he was present
when the estate of the said Augustine was sold that the Cryer cryed the
things forth much sooner than usual at other sales that there
were some hoggs on the plantation at the time of the sd. Augustine's
decease but whether they belonged to the estate or not this deponent does
not know but the hoggs were of the same mark of the cattle
this deponent supposes that there might be twenty in the whole that
the hoggs were fed sometimes by the wife of the said augustine the
time by Jacob Symons and at other by the said augustine Symons
this deponent
were the produce of a couple of Sows this deponent sold the said
Jacob about five or six years ago further this deponent saith not

his
Lewis ⊢ Bryans
Mark

Ann Fowler aged upwards of Sixty years being also sworn in the
above cause saith that the Summer before the said
Augustin Symons died Sarah Symons told this deponent that
she saw in this possession as much paper money as she could
hold in her two hands besides Doubloons upon doubloons that there
were hoggs upon the plantation when the said Augustine died
that the hoggs were called Sarah Symons's the wife to the sd Augustine
but the reason this deponent believes was that the old woman did not
trouble herself about Stock of any kind & further this deponent
saith not

her
Ann ⊢ Fowler
mark