

1769-002

SOUTHAMPTON COUNTY  
CHANCERY PAPERS

as SIMMONS et al vs. SIMMONS, 2/1769

To the worshipful Court of Common Council sitting in Charleston

Charles Simmons

Thumbrly Complaising shew unto your worshipps your  
widow Mary Simmons. Widow and Relict of Charles Simmons  
late of the said County deceased, Mary Simmons. Ann Simmons  
Sarah Simmons. Charles Simmons. Catherine Simmons  
Mason Simmons. William Simmons. Edwin Simmons  
& Jane Simmons. younger Children of the said Charles  
Simmons. That the said Charles in his lifetime was  
possessed of sundry Negro Slaves to wit. Harry. Jacob  
Roger. Jipery. Dick. Sam. Peter Jane. Catherine Sarah. Charles  
Johnny. Ned. Aggrey. Mulday. Thos. George. Robin. Douglas  
Mingo. Tom. Mingo. Doll. Abram. Rachel. Hagar & Doll  
and being so possessed departed this life intestate  
so that the said Negro Slaves ascended to one John  
Simmons Deed Son & heir at Law of the said Charles  
Your Orators further shew unto your Worshipps that  
your Oratrix Mary as Widow & Relict of the said Charles is  
entitled to her Dower in the said Slaves, and your  
other Orators to a proportionable part of the appraised  
Value thereof. which by an Appraisal thereof  
legally made amounted to the sum of One Thousand  
Seventy Eight pounds

And that your Oratrix Mary hath applied to the  
said John to set apart & assign her Dower in  
the said Slaves according to Law, and your other  
Orators to the said John requesting him to pay to  
your Orators their respective parts of the  
appraised Value, together with Interest thereon  
But the said John refuses to comply with this reasonable  
request. In tender consideration whereof and so much  
as your Orators are remediless in the premises by the  
Rules of the common Law. To the End therefore that  
the said John Simmons may on his corporal & the  
full true and perfect Answer make to all and  
every the allegations of this Bill as if herein again  
set down and interrogated. And that he may be  
compelled by Decree of this worshipful Court either  
to allot and assign your Oratrix Mary her Dower  
in the said Slaves, or suffer the same to be equitably done  
by Prorogation

this Court. and that the  
either pay or, on the other hand, their respective  
of the appraised value of the slaves together with  
lawful interest thereon or suffer the same to  
be equitably divided between him and your brother  
by decree to be app. by this Court, and that your  
brother may be further and otherwise relieved on the  
Premises according to Equity and Good Conscience  
May I please your worshipps &c

Baker for the

Simmons &c }  
vs } Bile  
Simmons } in  
Can

Jan'y 69  
int. Cause  
Feb'y 69  
Caus. 99

Ammon  
ad } Amm  
Ammon &c }

The Answer of John Simmons, Deft to  
the Bill of Complaint of Mary Simmons  
Widow & Relict of Charles Simmons Deceased -  
Mary Simmons, Sarah Simmons & Anna  
Simmons, and Catherine Simmons, Mason  
Simmons, William Simmons, Edwin Simmons  
& Jane Simmons Infants, by their Mother Mary  
their next Friend -

This Deft saving and reserving to himself all  
manner of Advantage & Benefit of Exception both  
said Complaint to Bill of Complaint. For answer  
thence or to so much thereof as this Deft is advised  
concerns him to answer unto, he answereth and  
saith. That it is true your orators Father Charles  
Simmons was possessed of the Negro Slaves in the  
Bills mentioned and that the Compt. Mary is  
intituled to her Power therein, and that the Compt.  
to their proportionable part of the Appraised  
Value of the said Slaves. If this Deft is willing that  
Orders may be appointed by this Court to lay off  
and assign the said Mary her Power therein -  
This Deft further answering saith that ~~she~~ has  
not got Money enough to pay the said Compts their  
said Parts. but is willing the said Negro Slaves  
may be divided ~~amongst~~ <sup>between</sup> this Deft & the said  
Compts. by Orders to be app. by the worshipful  
Court. as without that that &c

John Simmons jr

Simmons & Co. The  
2<sup>d</sup> Floor  
Simmons  
John

Copy left

George the third By the Grace of god of Great Britain  
Kings and Ireland King defender of the faith &c To the  
sherrif of Southampton counties greeting we command  
you to summon John Simmons son and heir  
and admor of ~~the~~ Charles Simmons died to  
appear before bar justies of our said county  
court in chancery on the second Tuesday in  
January next to answer a bill in chancery exhibited  
against him by Mary Simmons widow & executrix of  
Charles Simmons died Mary Simmons Sarah  
Simmons Charles Simmons Ann Simmons  
Catherine Simmons Mason Simmons William  
Simmons Edwin Simmons & Jane Simmons  
infants by the said Mary their next friend  
and this ye shall in no wise omit under  
the penalty of Loss and have than there  
This writ Witness Richard Wells clerk of our said  
court at the court house the tenth day of  
December in the <sup>ninth</sup> ~~eight~~ year of our reign

R Wells  
Clerk

To the worshipfull Court of Southampton —

Benj<sup>r</sup> Clements William Andrews & Benj<sup>r</sup> Clements L<sup>rs</sup>  
Humbly sheweth that we were as we were appointed by an Order  
of this Worshipfull Court dated Jan<sup>r</sup> 12. 1769 to Set a part  
and assign M<sup>rs</sup> Mary Simmons Dovers in and to all the  
Slaves of Charles Simmons Deceft. Also to make partition  
of the Remainder of the Slaves of the Deceft Charles Simmons  
between John Simmons and the Other Children of the Deceft  
wee agreeable to Order met on the 14<sup>th</sup> day of the aforesaid  
month and Did set a part and assign her Nine of her Deceft  
Husbands Slaves: to wit Jacob Abraham Jeff Sam Patience  
Hagar Charlot Agnis & Tom we also proceeded to make  
partition of the Remainder of the Slaves of the Deceft  
between John Simmons and the Other Children of  
Charles Simmons but finding it not in our power  
to Do it with any justice or Equality Submit it to  
your worships further Instructions —

Benj<sup>r</sup> Clements  
W Andrews  
Ben Clements