

1796-020

Southampton County

Chancery Papers : Bennett v W VS Simmons v d

1796

Bennet & Co. }
↳ } Bill &
Trimmen & Co } answer

(JH)

To the Wppd Court of Southampton County in Chancery
Selling. humbly complaining Shew unto your Wppd your orator
and oratrix James Bennet & Lucy his wife, formerly Lucy
Simmons widow & child of Thomas Simmons deceased.

That the said Thomas Simmons in his life time & at
the time of his decease was seized in fee of certain Lands &
appurtenances in the County aforesaid. departed this life
intestate on or about the day of _____ leaving
your oratrix his widow, & three infant children. That
the said infants also died in the year of our Lord 1799
upon which as your Complainants are informed that the
Lands of the said Thomas. your oratrix does excepted
is to be divided between Daniel Simmons, a Brother
of the said Thomas. & William Augustine, Ballard, Robert
Goodwin, & Patsy Simmons, children of John Simmons
decd. And because of the infancy of the said children
your Complainants are advised, that partition & division
of the said estate cannot be made according to Law
without the decree of this Wppd Court, In tender Consi-
deration whereof, and for as much as your Comptts.
are compelled as to their claims without the interposition
of your Wppd Court

To the end therefore that the said

Daniel Simmons, and William Augustine, Ballard, Robert Goodwin, & Patsy Simmons infants of John Simmons dec.
by. Their Guardian specially appointed
for this purpose (who your Compts may be made
defendants to this bill of Complaint, may upon their corporal
oath full true & perfect answer make to all & singular the
allegations in this bill contained, and that as especially as
if the same were again herein repeated & interrogated.

And that your H^{on} will appoint fit & able persons
to lay off and apportion your Compts. Their share in the
divides of which the said Thomas died seized, & divide
the residue between the Defendant D^{ts}. & the infant
defendants. Allowing to Daniel Simmons one moiety,
& to the infants the other moiety, and make any other
or further order or decree in the premises for the relief
of your Complainants, as may be consistent with equity
and the Laws of the Land.

May it please the.

Robert Goodwin for Compts

The answer of Daniel Simmons, & William Augustine,
Ballard, Robert Goodwin, & Patsy Simmons infants of John
Simmons dec. by their Guardian dec.
to the bill of Complaint of James Bennett & Lucy his wife
Complainants exhibited against them in Southampton
Court. These defendants saving & reserving to them-
selves all manner of exception to the uncertainties & imperfec-
tions in the Compts bill set forth. For answer thereto, as
to so much thereof as these defendants are advised is
material for them to make answer unto, they answer that
that true it is that Thomas Simmons died seized of Lands
& having a widow & children as in the bill mentioned
it is also true that the said children departed this life
as the Compts have stated. These infant defendants have
the utmost confidence in Mr. Court as the Guardian of
their rights, and trust that such decree may be
made in the premises as is equitable & just. These de-
fendants therefore pray to be none dissatisfied with
their reasonable costs in this behalf to be lawfully
sustained.

Witness

R. Goodwin. W. Hyman }
B. Kirby. S. Calvert. } Comrs.