

1801-034

SOUTHAMPTON COUNTY
CHANCERY PAPERS

JONES' EXTOR vs JONES' ADMINISTRATRIX

6/1801

Other SUR names: Harris,
Westbrooke, Westbrook, Capel,
Fitzhugh, Simmons

Simmons

as
Jones adm.

}

Bill &
account

(P4)

To the W^{or}shipful Court of Southampton County sitting in chancery
- very humbly complaining sheweth unto your worships your
your orator John Simmons surviving executor of James
Jones the elder deceased of the county of said

That the said James Jones the elder in his lifetime
and at the time of his decease was among other things possessed
of a considerable personal estate, departed this life, on or
about the day of after having made his last
Will Testament, wherein he nominated and appointed your
orator, and James Jones the younger his executor, who
qualified in this Court according to Law, and took upon
him the burden of the execution thereof. That the said
James Jones the younger at the sale of the said testator's estate
to wit in December 1772 purchased of the said estate
to a considerable amount, to wit to the amount of
(with the interest included) of £120. 15. 02 besides his
proportion of the said testator's estate, as will fully appear
upon reference to the account of the said James Jones
which is hereto annexed and prayed to be considered as
part of this bill. your orator further sheweth to
the Court, that he hath been compelled to make up the full
account current of his said testator's estate, and is bound
for, and liable to pay, that balance which is still due from

The estate of James Jones the younger, to his testator's estate.

That the said James Jones the younger afterwards lived, on or about the day of departed his life intestate, and that Anna Jones his widow, now Anna Harris, administered upon the said James Jones the younger's estate, as will appear upon reference to the records of this Court.

But now so it is may it please the Court, that notwithstanding the premises, the said Anna Harris the administratrix aforesaid, refuses to pay to your orator out of her intestate's estate the balance due as aforesaid due, which your orator claims to be unjust & contrary to every principle of equity —

In tender consideration whereof,

and for as much as your orator is without remedy only in this worshipful Court,

To the end therefore that the said Anna Harris (who your orator prays may be considered as defendant in this bill of Complaint) may upon the Corporal oath, full true and perfect answer make to all and singular the allegations in this bill contained, and that as especially

as if the same were again inquired, repeated & interrogated, but especially that she do forth and discover whether the former husband James Jones the younger did not purchase the articles contained in the account books annexed, or some of them, & which he hath or ever made any payment thereof, when, and to whom,

And that your orator will decree that the said Anna Harris pay to your orator out of the estate of the said James Jones the younger the aforesaid sum of £120. 15. 0th, and what further interest may arise thereupon before the decree is entered up, and all costs of suit and make any other in further order as decreed in the premises for your orator to take as may be consistent with equity, and the rules of Courts of Chancery.

It may it please the Court.

Yours for Complaint
J. G. G.

the Answer of Ann Harris to the bill of ~~complaint~~
against her in this Court by James Jones John Simmons
alleging Error of James Jones the elder dec?

This defendant saving & reserving to herself, every manner
of benefit or exception to the manifold errors, uncertainties, &
imperfections in the s^d. Bill of Complaint contained; To so
much part thereof as she is advised, to Answer;
Answereth & saith, That the said Complaint is correct in
stating that the said James Jones the Elder, by his last
will & testament, constituted the said Complaint & James
the younger, the former husband of this defend^t
that the said John Simmons took upon
himself exclusively the burden of the will aforesaid, having
acted alone during the life of the s^d. James Jones
the younger now dec^d. and was since his death.

That this defend^t recollects, that the said
James Jones the younger purchased at the sale of
the said James Jones the Elder, the two negro slaves
the Account subjoined; but has no reason to believe
he purchased any other property. That as far as
her recollection serves she is fully confident that she
did not purchase the Articles mentioned in the
Account annexed to the said Bill of Complaint;

Chs. Caeser set for
hearing.

1790
Decr 18th
Attest
1790
Decr 18th

Attest
1790
Decr 18th

affidavit of the defendant
in the case of the
defendant
in the case of the
defendant

... have further to observe that even ~~the~~
the Account aforesaid to be correct; that the recovery
Amount of the money in the bill mentioned, is completely
barred by length of time; and that ~~the~~ the defend^t. consents
that Oppression is designed by the Asses^s. Bick, hopes at
this worshipful Court will extend to her, ^{the} relief of
benefit ^{afforded to her} by the Act made by the generally assembly
of Virginia, for the limitation of actions.

This defend^t. feels a strong Conviction on her own mind
that this debt ~~could~~ not have existed, ~~if~~
of her former husband, James Jones the younger,
she well recollects that, John Simmons the
borrowed money of the s^r. James Jones the younger
and repaid it. This would hardly have ^{been} done, if
acting Ex^{or}. Money was due to him upon the ~~the~~
Act. & This defendant desiring all combination
to pray, to be hence dismissed with her costs
wrongfully sustained, Without. That Ann Harris.

on the 6th Oct.
Anne Harris personally appeared before
20th of June 1798, and swore that the foregoing
Answer is true as far as it depends upon her
own knowledge & as far as it depends upon the
information of others, she believes it to be true
Given under my hand the day & year above
Written.
Sam^l Albert

20

Sta: in
Lk 4

25

to Novbr. 1795

1. *Marine*
 June
 Rep'd & Comm.

June

Revd W. Linn.

THE Commonwealth of Virginia to the Sheriff of *Southampton*
County greeting: We command you to summon *Ann Harris formerly*
Ann Jones ex. &c. of James Jones the younger decd. who was one of the
Exors. &c. of James Jones the elder decd.

to appear before our Justices of our County Court of *Southampton*
at the courthouse, on the *2nd Thursday in November next* to testify and the truth
~~to say in behalf of~~ answer a bill in chancery exhibited against her by *John*
Simmons surviving exor. &c. of James Jones the elder decd. — *W* —
~~a certain matter of controversy, in our said Court, before our said Justices~~
~~pending, and undetermined between~~

And this *she* shall in no wise omit, under the penalty of 100l. — And have
then there this writ. Witness, *Samuel Kello* — Clerk of our said
court, at the courthouse, the *17th* — day of *October* — 1795⁵
in the *20th* — year of the Commonwealth.

Jno. D. Hausmann D.C.C.

Jones ed.

vs.

Yount.

Jones ap.

B

Southampton County Secy

The Commonwealth of Virginia to

Benjamin Blount Lewis Secy

Gentlemen Greeting, know ye that we trusting to your fidelity & provident circumspection in diligently examining Margaret Westbrook & Mary Scott, witnesses as well on behalf of Ann Harris es^q James Jones jr^{es} of Jas^{es} Scott as on behalf of McKinnons es^q of James Jones Sen^r & ff. and we commend you or any two of you to call and cause to come before you the witnesses aforesaid when and where you shall appoint and examine them on the holy evangelist of almighty God, and their examination into our Court of our s^d County you send and certify inclosed, returning to us also this writ witness Sam^l Kello clerk of our said Court at the Courthouse the 18th day of September 1798 and in the 23rd year of the Commonwealth —

Sam^l Kello & Co

Simmons & Jones
vs
Harris & Jones } *Common*

The Commonwealth of Virginia to James Mellar &
William Camunas

Gentlemen greeting Know ye that we trusting to your fidelity & provident
circumspection in diligently examining Thomas Fitzhugh &

Storling Capell witnesses as well on behalf of John Simmons ex: James
Jones: and as on behalf of Ann Harris ex: L^{ts}. Jones v. who was ex: James
Jones s: Command You or any two of You that You call and cause to come
before You when & where You may appoint the witnesses afores: to examine
them on the holy Evangelists of Almighty God & then examination in to our
Court of our S^d County you shall send without delay under Your hand &
enclosed returning to us this writ witness Samuel Kello clerk of our S^d
Court at the House the 3^d day of April 1799 & in the 20th Year of the
Commonwealth

Sam^l Kello
(A)

Wm. A. Adams
Feb 20 May 1899

Deposition of
Sterling Capell

The Deposition of Sterling Capel in a Suite in
Chancery John Simmonds Exor^r of James Jones
Sen^r Comp^t vs Ann Harris Executrix of James
Jones Jun^r ^{who was Exor^r of James Jones Sen^r} Defendant, taken at the House of
Cheesman Nicholson this 4th day of May 1799
^{the parties being present}
Sterling Capel being of full age, after being sworn
on the holy evangelist of almighty God Deposeth
and Sayeth that he this Deponent was at the
sale of James Jones Sen^r & recollects that
James Jones Jun^r did purchase at the S.^r
Sale 2 Negroes & one Horse, but at what price
this Deponent does not recollect —
I further this Deponent Sayeth not
Given under our hands they say 8 year first
first above written

James Millar

Will. Edwards

Deposition of
~~Healing the Fall~~
Thos. Fitzhugh

The Deposition of Thomas Fitzhugh Senr. in a
Sute in Chancery John Simmons Esq. of James Jones
Senr. vs Ann Harris's Executrix of James Jones Junr.
who was Exor. of James Jones Senr.
Defendant, taken at the House of Chrusman Nicholas
this 4th day of May 1799 ~~The parties being present~~

Thomas Fitzhugh being of full age after being
sworn on the Holy Evangelist of Almighty God
deposeth & sayeth that he this Deponent was at
the sale of James Jones Senr. which was about
the year 1772. I recollects that James Jones
Jnr. did purchase property at the S^d Sale to
wit, One Negro at £40. One Other Negro at or about
£43. One Horse ~~at~~ ~~the price not recollect~~ also one Desk
the price of which this Deponent does not
recollect & further this Deponent sayeth
not Given under our Hands the day & year
first above written —

James Miller

Will. Edwards

Samuel Tello Esq.
Clerk of
Southampton Court.

Apns for
Sept.

22nd May 1799.

Southampton April 25th 1799

By Virtue of the enclosed Commission to us Directed
we the Subscribers have proceeded at the House of
Theophilus Scott ^{in presence of the parties} to take the Depositions of
Margaret Westbrooke & Mary Scott Witnesses
as well on behalf of Ann Harris ex^{tr} James
Jones Jun^r ex^{tr} of James Jones Sen^r Ref^d as
on behalf of John Simmons ex^{tr} of James
Jones Sen^r Plaintiff. Mary Scott being of
full age after being sworn on the holy evangelists
of almighty God. Deposeth & sayeth That a very Consider-
able time after the Sale of James Jones Sen^r
this Dependant went to live at the house of
James Jones Sen^r and saw James Jones Sen^r
lend a sum of money to John Simmons ex^{tr} of
James Jones Sen^r & further this Dependant
sayeth not — Given under our hands the day
and year first above Written.

Mary Scott

Benjamin
Lewis Fort

Margaret Westbrooke being of full age after being
sworn on the holy evangelists of almighty God. Deposeth
& sayeth That after the Death of James Jones
Jun^r at the request of Ann Harris his ex^{tr} John
Simmons the plaintiff was taking an inventory
of the Estate of said James Jones Jun^r. This Dependant
heard the said Ann Harris ask the said John
Simmons how much her husband's Estate —
was indebted his answer was trifling this —
Dependant thinks he said not over ten pounds
but that she heard nothing said about the Estate
of James Jones Sen^r any Mention made —
whether any balance was due to that Estate
from the Estate of James Jones Jun^r and —
further this Dependant sayeth —

Done before us —
the day above Written

Benjamin
Lewis Fort

Margaret Westbrooke

The Clerk of Southampton Court

Exr. Simmons vs Harris

Brunswick County to Wit.

In obedience to a subpoena from the
worshipped Court of Southampton to us directed
in the underwritten have proceeded to take the
deposition of Elizabeth Jones. In a suit now de-
-pending ⁱⁿ the Court of Southampton between John
Ammons exor. of James Jones dec. Compt.
against Ann Harris exor. of James Jones jnr.
who was Exor of James Jones dec. in Chancery.
Who being first sworn upon the holy evange-
-list of Almighty God deposeth and saith
that she, this deponent, was present at the sale of
James Jones dec. when James Jones jnr. purchased
two negroes (the property of the estate of the said Jas.
Jones dec.) anegro man by the name of Bristol
& anegro woman named Ruth. But this Deponent does
not charge her memory ^{with} the price - That she
said Jas. Jones jnr. also purchased a quantity of Corn
which she thinks was either forty or fifty barrels. also
a horse, some Young Cattle & a desk - This deponent fur-
-ther saith that she frequently was at the house of
James Jones jnr. after the sale of the estate of the
aforesaid Jas. Jones dec. and well recollects to have
seen sundry other articles of house-hold furniture
which formerly belonged to Jas. Jones dec. which
she supposes he purchased on the second day of the
sale, at which time she was absent. And further
this deponent saith n^ot.

Elizabeth Jones

Brunswick County J^t.

Taken at the house of ~~James Jones jnr.~~ in Brunswick County
on Thursday the 15 of ~~March~~ ^{November} before us.

James Cuff
Presiders

Col. Samuel Wells

St. Louis
Court

The deposition of Mrs Elizabeth Jones, of full
age, taken before us, in a suit now depending
& unsettled in the Worshipful Court of South
ampton - between John Simmons Esq^r of Sa^s
Jones, ^{decd} & Ann Harris Executrix of Sa^s
Jones ^{decd}, being first duly sworn upon
the Holy Evangelists of Almighty God, deposeth
and saith that - J^s Jones ^{decd} was a brother
of this dep^t and that he the said J^s Jones ^{decd}
did purchase of the late of J^s Jones ^{decd} sundry
articles of Property, such as a Negro Man
by the name of Bristol, & a woman by the
name of Neek - also a bay horse, sundry Colli
but the number this dep^t cannot ascertain, &
sundry articles of household furniture, among
which was a Dish, a Walnut Table, a looking
Glass and sundry articles of Crochery ware in a
basket - but the prices which were to be paid
for the aforesaid property this dep^t does not re-
collect - And further this dep^t saith not

Elizabeth Jones

This deposition taken before us, at the house of Mr.
Mord^r Jones in the County of Brunswick, on Friday
15 Aug^t 1800. Notice being served - Given under our
hands the day & year above written

William Puffin
Thomas Saunders

Mrs. Ann Harris Madam you'll be pleased to take notice
that on Friday the fifteenth day of this present month
August, I shall proceed to take the deposition of Mrs.
Elizabeth Jones at the House of M^r. Mordica Jones on Ready
Creek in Brunswick County, between the hours of
Nine in the Morning and Six in the Evening; in a certain
matter of Controversy now depending and undetermined
in the County Court of Southampton in Chancery.
between John Simmons Ex^{or} of James Jones Sen^r dec^d.
Pl^{ff}. and Yourself (Ann Harris) Ex^{tr} of James Jones
Jun^r dec^d who was Ex^{or} of James Jones Sen^r Dec^d.
at which time and place you may attend and cross-
examine the aforesaid Witness if you please

John Simmons Ex^{or} of
James Jones Sen^r dec^d

The Commonwealth of Virginia to the William Ruffin Thomas
Jr. and William Edw. Brodnax
Gentlemen greeting Know ye that We trusting to your fidelity
and precedent circumspection in diligently examining what
- sworn witnesses as well on behalf of John Simmons ex^{or} of
James Jones s^r dec^d complainant as on behalf of Ann Harris
ex^{tr} of James Jones s^r dec^d who was ex^{or} of James Jones sen^r dec^d Com-
- mand You or any two or more of you that you assemble your-
- selves and the witnesses afores^d when & where You shall appoint
- and examine them diligently on the holy evangelists of Almighty
God and then examination into our court of our s^c county without
delay You send inclosed, returning to us also this said copy
of said bill of our s^c Court at the Courthouse the 28th day
of March 1800 in the 24th Year of our s^c Independence

Thelo. B.
11

Southampton County Va

John Capell, personally appeared before me James Miller, a Justice of the peace for the said County of Southampton and made oath that he delivered a copy of the within notice to Mrs. Ann Harriss on Tuesday the 5th day of this Instant Aug. 1800 which under my hand this 5th day of Aug.

James Miller J.P.

Mrs. Ann Harriss

in
Southampton Co. Va.

Jones ex^{pt}

vs

Jones ex^{pt}

Comm^r

For Geo. Simmons

Col^d John Simmons
S^rlon —

I Herby Certify that William Newsome this day
personally appeared before me, & made Oath that he
~~and~~ on the 29th day of Oct^r left a true Copy of
the within notice at the House of M^{rs} Ann
Harris given under my Hand this 12th day of Nov^r
1798.

James Millar J^r

M^{rs} Ann Harris Madam, please to take notice
that on Thursday the Fifteenth of November next
ensuing the date here of, between the hours of
Ten in the Morning and Six in the evening; I shall
proceed at the house of M^r Mordica Jones in
the County of Brunswick; to take the depo-
sition of M^{rs} Elizabeth Jones to be read in
evidence in a certain matter of controvery
depending in Southampton County Court,
where in John Simmons Ex^r of James Jones
Sen^r dec^d is Ex^r and you as Ex^r of James
Jones J^r dec^d who was Ex^r of James Jones Sen^r
dec^d are Ex^r, at which time and place you may
attend & cross examine the said witness if you
think proper.

John Simmons Sen^r
October 27th 1798

Virginia Southampton County To wit,

The commonwealth of Virginia To James
Millar & Lewis Forts Gentlemen, greeting
Know ye that we in confidence of your pru-
dence and circumspection, do impower you
to call & cause to come before you when & where
you shall appoint, Thomas Fitzhew Guttering
Capell. Witness, as well on behalf of John Simmons
Ex^{or} of Jas. Jones sen^t. Dec^d plaintiff as on behalf
of Ann Harris Ex^{or} of Jas. Jones Jun^r. Dec^d who was
Ex^{or} of Jas. Jones sen^t. Dec^d. and diligently to
examine them on the holy Evangelist of Almighty
God, what they may know concerning the
controversy now depending in the Court of our
County of Southampton between parties
afore said & their examination into our said
County you are to send & certify under your
hands & seals enclosed, returning to us this
writ witness Samuel Kello Clerk of our said
Court at the Courthouse the 10th day of Sept^r
1799 & in the Year of our foundation
of 1799.

New Hampshire &c, By Virtue of the annexed Commission to us directed, we the Subscribers have taken the Depositions of Thomas Fitzhugh & Sterling Caspell in ~~and~~ Witnesses as well on behalf of John Simmons Esq. of S^t. Jones Isnd. Sec^y Plaintiff, as on behalf of Ann Harris Executrix of S^t. Jones Isnd. Sec^y who was Esq. of S^t. Jones Isnd. Defen^t. ~~the~~

Thomas Fitzhugh being of full age after being sworn on the Holy Evangelist of almighty God Deposeth & Sayeth, That he, this Deponent was at the sale of James Jones Sec^y. I saw two negroes sold, & purchased by James Jones Isnd. namely Brister for forty Pounds & Nutt, for the sum of about forty two, or there pound. also One Horse & one Cask but at what price this Deponent does not recollect, also a number of other small Articles, the price of which this Deponent cannot charge his memory & further this Deponent Sayeth not Given under our Hands & Seals this 15th day of March 1800

Thos. Fitzhugh James Mullar Seal

Lewis Ford Seal

Sterling Caspell being of full age and sworn as above Written, Deposeth & Sayeth That he this Deponent was at the Sale of James Jones Sec^y. I saw the above Negroes To wit Brister & Nutt sold & purchased by James Jones Isnd. But at what price this Deponent does not recollect, also One Horse, one Cask & many other small Articles, The price, of which this Deponent does not, nor can not charge his Memory & further this Deponent Sayeth not Given under our Hands & Seals this 18th day of March 1800

his James Mullar Seal
Sterling Caspell Lewis Ford Seal
Mark

James Jones acct
Cement

Copy

At a Court held for the County of South
ampton the 10th day of July 1794 This account
✓ Current of the estate of James Jones died was
This day reported & ordered to be recorded

A true copy test
Jam Thello
Jam Thello Sec^{se}

Dr The estate of James Jones died in account cur^t with Anna Harris Ent^{ro} — On

To paid Theophilus Stow a judgment obtained
by him & Mary his wife in the Court of Southampton $\$13^117^6$
agst^d the ent^{ro} — — — — —

To paid James McTiels account. — — — — — $7^11^3\frac{1}{2}$

To paid Wm Ridley his account. — — — — — 3^8^6

To paid John Wright his acct. — — — — — $2^6^11\frac{1}{2}$

To paid Arthur Turner as for acct. — — — — — 10^5

127^14^8

113^16^4

Ball due $\$13^18^4$

By sale of Negroe Ned — — — — — $\$5^11^6$

By do of Negroe Brister — — — — — 2^2^1

By do of Negroe Peter — — — — — 6^0^0

By do of Negroe Cherry — — — — — 20^4^11

By do of do Suedy — — — — — 30^0^0

By do of do Beck — — — — — 30^0^0

By do of do Nut — — — — — 0^1^3

By do of one feather bed & furniture — — — — — 3^11^11

By do of Two do. — — — — — 10^8

By do of one — do — — — — — 5^3^6

$\$13^16^4$

July 10th 1794 we have examined this acct
and find the ballance to be $\$13^18^4$
given under our hands as above mentioned

Wm Thomas
Thos Fitzhugh
no Genly

© A True copy teste

Samuel Kellogg Dec 8th 94

Tourenet
vs
Tourenet
Sep

Simmons -
vs
Jones's b. p. } a/c

£128.15.02

£128.15.02

Ann Harris formerly Ann Jones
of Jones Jones Jones Ann. Chy.

1772 Dr. J^d. Jones Jun^r. died who was Ex^r of J^d. Jones Sen^r. died To In^r Simmons
 Dec^r. Surviving Ex^r of J^d. Jones Sen^r. died C^r.

To 1 Mortar & pestle --- £ 6. 6
 To 1 howel 1/8. 2 Chairs 6 --- 2. 2
 To 1 ap & 1 Table --- 5. 10
 To 1 Bay horse --- 11. 10.
 To 2 pewter Basons & 2 Dishes --- 6. 3
 To 1 funnel 3^d. 1 Bole 1/ --- 1. 3
 To 1 spinning wheel --- 2. 9
 To 1 Cow & calf --- 2. 10.
 To 2 heffers of a Bull --- 3. 10.
 To 1 Sow with piggs --- 2.
 To 4 Narr^r. hoes 9/6. 2 grub & D^r. 8/6 --- 18.
 To 1 Walnut Desk --- 5. 5.
 To 1 Negro Woman (Mutt). --- 43. 11.
 To 1. Dr. man Bristol --- 40.
 To 1 Glass 5/1. 1 Brush 1/1 --- 6.
 To 1 Lathing hammer --- 1.
 To plates &c. --- 6. 2
 To 3 Chairs 3/7. 1. Hhd 3/10 --- 7. 5
 To 6 old Casks --- 11. 1
 To 5 hoes 5/1. 2 Iron potts 2/6. --- 7. 7
 To 3 Barrels 4/6 1 plow hoe 3/ --- 7. 6
 To 1 Tub & Hum 1/1. 1 Stone Jug 1/3. --- 2. 3
 To 1 p^r. fire Tongs 2/1. 2 sheets 7/0. --- 9. 0
 To 1 handle stick & snuffers --- 4
 To 1 butter pott 4/1. --- 4.
 To 1 Still --- 5. 5. 6
 118. 17. 3

1773
 Dec^r.

By your proportion of --- 40. 19. 7
 your Fathers Estate ---
 By Cash p^d for a B. & V. furn^r. --- 10. 0. 0
 for David Jones ---
 By Ball^r. as p^r. D^r. 120. 15. 0
 To Ball^r. the Acco^r. --- 120. 15. 0
 127. 14. 7

1700
 Dec^r. To Int^r. on £ 69. 17. 0 from --- 24. 17. 8
 Dec^r. 1773 till Dec^r. 1700 --- 24. 17. 8
 To Int^r. on £ 9. 17. 0 from Dec^r. 1700 till Oct^r. 1795 --- 44. 0. 3
 185. 10. 0
 1795
 Dec^r. To Ball^r. as p^r. C^r. 120. 15. 0
 due this day --- 125. 5. 2
 197. 14. 72

118. 17. 3
 58 14. 7 1/2
 60. 2. 8 1/2

Ex^r. J^d. In^r Simmons Ex^r