

1814-065

SOUTHAMPTON COUNTY
CHANCERY PAPERS

JOINER'S EXECUTOR

VS.

SIMMONS' ADMINISTRATORS

5/1814

Other SURNAMES: Cook,
Robertson, Robinson,
Barnes, Joyner,
Birdsong, Everitt,
Bryant, Everitt

Blunt ex Giles Can

W. J. Pelly
my

Objection Time

July 1804 Bill Little

To the worshipful the county court of
Southampton in Chancery sitting respect-
fully concealing representing by your
worships your orator Richard Blunt Exe-
cutor of the last will and testament of

That the said your orator's ancestor
of a certain John Simmons some time in the
year purchased a still for their equal be-
-nefit & at their joint expense - That some
time afterwards the said Simmons died with the
said still in his possession, leaving Patience his
wife qualified as ^{and} ~~his~~ ^{administrix} ~~his~~ - That at the sale of the
said ~~estate~~ ^{estate} of the said Simmons the said
still was sold as his ~~personal~~ ^{paternal} property for a
considerable sum perhaps £25 or £30 at any rate
your orator believes & charges that the still was
worth at least £30 - That your orator's testator
purchased at the sale of the said Simmons pro-
-perty to the amount of £12 - or thereabouts for
which he was obliged to execute his bond not-
withstanding he was a creditor of the said
estate the said Simmons in a larger sum on
account of the still of aforesaid - That the said Patience
latterly lately intermarried with a certain Nathaniel
Robertson - That they whom your orator prays may
be made Defendants hereto have instituted suit

in this court on the bond executed by your
orator's testator as aforesaid, & that ~~the~~ term
last wrongfully obtained judgment thereon
against your orator in his absence, in the
absence of his witnesses who were subpoenaed & whom
he did not expect the cause to be tried - all which
is contrary to Equity in consideration whereof
& because your orator is remediless in the premises
without the interposition of this court: he prays
that both the Defendants may be compelled on
oath fully to answer this bill - that the judg-
ment aforesaid against your orator may be
injoined & all proceedings thereon arrested un-
till the final determination of this cause in
that respect - That your worship may grant
your orator the common wealth writ of Subpoena
commanding &c, & such further &
other relief in the premises as may be just
& applicable & your orator ever will be
Y^our orator for Cause

Mixed with
of Wines
in
Bottle
surface

Ans

The answers of Nathaniel Robinson and of Patience his wife, late
Patience Simmons, to the bill of separation against them
exhibited in the County Court of Southampton, by
Richard Hunt Esq of Gile, Trimmer and -

These debts concerning Mureto say -

That, is Patience, did qualify on the estate of
her late husband, as stated in the complete bill -

"That, a suit was prosecuted, and judgment rendered -

as stated - That these defendants most positively
denies That, as the state mentioned in the complete

bill, was the joint property of her late husband,

and of the complete testator, on the contrary, they

state, & ~~have~~ that the state in question, was

made for by John Simmons only, from whom

they believe, not one cent, was owing to

said Gile - They therefore, consider the account

set up on the part of his representatives, as stated in the ^{which}

highly unfounded - and disclaiming all

grace to pay, that the information may

be dispensed, they entitled to the benefit

of their judgment - True, always depts -

Southampton County for
15 July 1815
They say, that Robinson & Patience his wife late Patience Simmons
came before me a Magistrate for the County & made oath that they
believe the information are true so far as relates to them, and
know of no other, or believe the information of others, they believe them true -

Sampton May court 1814

Richard Blunt Esq. files fines - - - pl^t

as
Nathaniel Robertson and Patience his wife
advers of John Simmons - - - - - Def^t

On an
Inj -

This cause this day came on to be heard upon
the bill, answer, depositions, exhibits, & arguments of Counsel,
the Court after mature deliberation thereupon doth decree &
and adjudge that the pl^ts injunction be made perpetual and it
is accordingly hereby made perpetual and it is further decreed &
ordered that the plaintiff recover of the defendants, his costs
by him ~~as well~~ ^{expended} in defending the the suit at common
law as in prosecuting this Injunction to be paid of the
goods & chattels of the s^d John Simmons in the hands of the
said Nathaniel & Patience to be administered if so much
they have if ^{not} then to be made of their own proper

goods & chattels

Teste Sam Killo

pl^ts Costs - Common law £ 1.78

Sh 13

With Ch. 1. 6

L. Fee - - - 250

pl^ts costs in Inj - - - £ 37.36

Sh 30

L. Fee 5.00

£ 48.63

Killo

Blunt En. Joiner
11 E. Bay Spa
Robertsonville

July 1864

Send

W. D. Moore & Son, Robertsonville, Md.

Blunt ex Joineo

W

Comm

Robertson wife

ex Summons

Hampton county Jct

The Commonwealth of Virginia to B. W.
Johnston & Ben. Blunt Gentlemen Greeting know ye that
we trusting to your provident circumspection in diligently
examining whatever Witnesses as well on behalf of Richard
Blunt ex Hiles Soines decd Comptll as on behalf Nathaniel
Robertson and Patience his wife adm^r of the Simmans decd Estate
and we do give power to you to call and cause to come before you
the Witnesses aforesd when and where you shall appoint and
diligently examine them in the holy Evangelist of Almighty
God and their examination so taken that you distinctly
Certify us thereof enclosed returning to us also this writ Witness
Sam Kello Clerk of our said Court at the Chancery the 2nd
day of May 1806 in the 30 year of the Commonwealth
Sam Kello

Blunt
in
Robertson } & son
June 1806 James
Barney depo. filio

Blunt on James
M. J. Corum
Robertson Jr & Co

May 1814 Inf. ~ perpetua
= auto =

fffa ifuat

Virginia, Nanpston County &c

The Commonwealth of Virginia to Richard
Harrison & Jos. Brady Gentlemen justices of the peace for
the County of Edgecombe and State of S. Carolina
greeting; Know ye that we trusting to your parental
considerations are desirously examining James Barnes
a ~~stripling~~ as well on behalf of Richard Robert Croft
of Hills Town Pitt as on behalf of Nathl. Hooker
of ~~South Carolina~~, and we do command you to cause
him to come before you the ~~stripling~~ aforesaid
where you shall appoint and diligently
hear on the fully Exigent bill of A. M. G. &c
his examination so taken into our said
Court you send without delay, return
also this writ Inclosed Wm. Sampson
of our said Court at the Chancery the 20 day of March 1866
and in the 30 year of the Commonwealth

Sam. P. &c

Mr Nathaniel Robertson

Sir,

Take notice that I shall proceed to take
the depositions of Simon Everitt John Vick Joseph Jozner &
Ephraim Bryant on Thursday the 15th Inst at the cross Keys
in Johnstons post office between the hours of nine in the
morning & four in the afternoon, on a suit in chancery
myself as Executor of Giles Jozner dec^d against you & wife
Executor or Executrix &c of John Simmons dec^d at that time
and place you may attend if you think proper.

Richard Blunt Ex^{or}

May 1st 1806

May the 1st 1806 I acknowledge that I then rec^d. a
true copy of the within notice
Test Nathaniel Robertson
Elias Atkinson

Mr Nathaniel Robertson

Sir

Take Notice that I shall proceed to
take the deposition of Charles Birdsong on Saturday the
15th Inst at the cross Keys between the hours of ten in
the morning & four in the afternoon on a suit in Chancery
you and wife Ex^{rs} & Executrix of John Simmons dec^d against
me Ex^{or} of Giles Joyner dec^d: at that time and place
you may attend if you think proper

Richard Blunt Ex^{or}

March 5th 1806

I acknowledge that I rec^d a true copy of the within
notice on the 5.th of March 1808 Nathaniel Robertson
Teste

Eliaz. Atkinson

Blunt ex Joiner

17

Robtson Swife } Comm
ad^m Simmons }

Sampton County Jct

The commonwealth of Virginia to ~~say~~
Jee W. Johnson Gentlemen greeting

Know ~~you~~ that we trusting to your provident
Circumspection in diligently examining

Charles Burroughs — a

Witness as well on behalf of Richard Blunt
or Giles Joiner dec'd as on behalf of Nathaniel
Robertson and Patience his wife adu^r Ho
Simmons dec'd and we do give you power
to call and cause the witnesses aforesaid to
come before you when and where you shall
appoint & diligently examine them on the
holy Evangelist of Almighty God and their
examination so taken that you distinctly certify ^{and} as
~~thence~~ under your hands enclosed as also this
Writ Witness Sam Kello Clerk of our said
Court at the Office the 4 day February 1806 And

Southampton St

By virtue of a commission to us.
directed bearing date the 11th day of February 1806.
We have proceeded to take the deposition of Charles
Browning at the Crisp Keys this 10th day of March
1806. a Witness as well on behalf of Richard Plant
executor of Giles Joyner dec^d as on behalf of
Nathaniel Robertson. and Patience his wife adm^{rs}
of John Simmons dec^d. Who. being examined
on the holy Evangelist of Almighty God. deposes
and sayth, — That he heard Giles Joyner say
in his life time, that he the said Joyner and
John Simmons did purchase a Still of James Barnes
and to the best of his Knowledge gave the sum of
£25. — which still was for their equal benefit
and the said Joyner sent word for the payment
of his part to the said Barnes, after this the
said Simmons died — the said Still to his
certain Knowledge was sold at the second sale
of said Simmons for the benefit of said Simmons
Estate. — Further this deponent sayth. that he
heard the said Joyner say that he attended the
first sale of said Simmons and did purchase
of sd. Estate to the amount of Forty dollars.
which he supposed to be discounted for his equal
part of said Still — further this deponent
sayth not.

Charles Browning

The foregoing deposition Signed & sworn
to before us 10. March 1806 James Lee
M. Johnston

Pursuant to the Annual Commission to us
to wit Richard Harrison & Job Brady, two of
the Justices of the Peace in & for the County of
Edgcombe and State North Carolina we have
proceeded to take the deposition of James Barnes
at his dwelling House in the County aforesaid be-
tween the Hours of nine & four O'clock - in a
certain matter of controversy depending in the County
Court of S. Ampton and Commonwealth of Virgi-
nia wherein Richard Blunt - executor of Giles
Joyner is Plaintiff and Nathl. Robertson
wife an defendants. After being duly sworn
on the Holy evangelists Depoeth he saith as
follows - That - sometimes about the year
one thousand seven hundred & ninety four or
five Giles Joyner and John Simmons purchas-
ed a still of him in partnership which

lived the County of S. Ampton and
of his knowledge gave him twenty five pounds
And further this Depoeth saith that the
said Joyner paid him his part in Pork.

Question by the executor
do you believe that this was the same still that
was sold at Simmons Sale

Answer I believe it was the same still

Further this Depoeth saith not
Given under our James + Barnes
Hand this 10th April mark

1806

R. Harrison J. P.

Job Brady

Southampton County Jct.

By virtue of a commission to us
dated bearing date the 2nd day of May 1806
We have this 15th day of May 1806. at the
key, in the County aforesaid proceeded to take
the deposition of Ephraim Bryant a witness
as well on behalf of Richard Blunt executor
of Giles Joyner dec^d Complainant as on behalf
of Nathaniel Robertson. and Paltance his wife
Adm^{rs} of John Simmons dec^d Def^s, in and now
depending in said County Court of Southampton.
Who being sworn on the Holy Evangelist of
almighty God. Deposeth & saith, that he heard
John Simmons. Giles Joyner, say in their lifetimes
that they had purchased a till jointly between
them, and that the till was set up at said
Simmons, because he had the largest orchard.
And that the day that Simmons departed
this life, he saw Giles Joyner, who says he
was going to Simmons to break up the till
because if Simmons should die, there might be
some difficulty about it after his death. — And
on the day of Simmons sale. — He heard Joyner
say that he had purchased a filley, to get the
money, that Simmons owed him. — Further this
deponent saith not. —

Ephraim Bryant

The foregoing deposition was Taken. Sworn
to, and Signed before us. this 15th day of May 1806

W. Johnston (Seal)

Sen. Blunt Secy

Southampton County, S.C.

By virtue of a commission to us directed bearing date the 2nd day of May, 1806. We have this 15 day of May. 1806. at the Cross Keys in the County aforesaid. Proceeded to take the depositions of Simon Everitt a Witness as well as behalf of Richard Clunty executor of Giles Joyner dec^d. Complainant as on behalf of Nathaniel Robertson and Patience his wife, adm^{rs} of John Simmons dec^d. Depts in a suit now depending in said County Court of Southampton; who being sworn on the Holy Evangelists of almighty God, deposes & sayth that he heard John Simmons & Giles Joyner in their life time say - that they had jointly Purchased a still of James Barnes, and gave him for it the sum of Twenty five Pounds; and that he well knows that Giles Joyner had his Crop of Brandy distilled Two years in said still, free of Toll, and that on the day that John Simmons departed this life, - Giles Joyner was at J^r. Simmons house; and Took down the still, for the reason of its being their joint Property - Further he sayth not.

Simon Everitt

The foregoing deposition was Taken, Sworne to and signed, before us this 15 day of May 1806

W. Johnston, J. P.

B. J. & B. J.

Southampton County Sep

By consent of Parties. we have
this 15th day of May 1868. at the Crop Key.
in the County. aforesaid. Proceeded to take the
deposition of Lazarus Cook a Witness as well
on behalf of Nathaniel Robertson & Patience
his Wife admrs of John Simmons dec^d. Depts
as on behalf of Richard Blunt executor of Giles
Joyner dec^d. Complainant, in a suit now
depending in said County Court of Southampton
who being sworn on the holy Evangelist of
almighty God. Deposeth & says That
Patience Simmons after the death of John
Simmons. applied to the deponent to make
Application to Giles Joyner. to know
what Proportion of the first bond was paid
Joyner's reply was. that he did not know.
He then asked him. if he did not know
what quantity of Pork, he had delivered
to James Barnes. on account of that bond.
His reply was. that he did not know. that
he had no Memorandum of it. and that
he had not the bond — — —

Question by Richard Blunt. to Lazarus Cook
do you know, who was Principal in
the first bond — no. I do not —

Question by the same to the same. did you
never hear James Barnes. say that he had.

received Pork of Giles Fogner, in Amount of
that bond. — Yes. I did — But Barnes said.
He did not recollect the quantity — neither
did he recollect who had taken in the bond.

~~Questioned upon Deposition~~
Questions by the same, to the same, do you know, whether there were?
True bond, or not, — Ans: no. I do not Lezarus Cook

The foregoing Deposition was Taken, sworn
to, and signed before us this 15 day of
May 1866

Wm Johnston J. P. Mag.
Ben. Blunt J. P. Seal

James Barnes depon

Blunt

²¹
Robertson

Pursuant to the annexed commission to the under
signed directed, we have proceeded to take the depo-
sition of James Barnes of the County of Edgecombe and
State N. Carolina at the Store of MacMain & Co. on
Fishing Creek wherein Nathl. Robertson & wife are
plffs and Richard Blunt - executor of Giles Loyner
de. is defendant - both parties being present - and
consenting to the taking of the said deposition at this
time & place.

The said Barnes deposes as follows that about
the years 1794 or 1795 or well as he can recollect John
Simmons and Giles Loyner of L. Ampton and State
of Virgi^a purchased a bill of him the said Barnes
jointly for the sum of twenty five pounds and gave
their notes to him for twelve pounds ten shillings each
on being security for the other - this deponent fur-
ther saith that the said Loyner paid him off in
part for his part of the aforementioned bill fur-
ther this deponent saith Given under our
hand & seal this the 9th day of June 1806

Whitmill Bell J.P. James D. Barnes
D. Harrison J.P. make

(Seal)

Commission to
Take James Barnes
Deposition

Virginia Summers etc

The Commencement of Virginia the Whitmill
Bell & Richard Harrison Gentlemen justices of the
peace for the County of Edge Com. & state
of No Carolina greeting know ye that we trusting
to your prudent circumspection and diligently
examining what sworn witnesses as well on behalf
of Rich^d. Blunt ex^r of Giles Joyner dec^d as
on behalf of Math^s. Robertson and Patience
his wife p^{ff} and we do give to you power to
call and cause to come before you the witnesses
aforesaid when and where you shall appoint &
diligently examine them on the holy Ev-
gelist of Almighty God and their examination so
taken in to our said Court that you send without
delay returning to us also this writ Witness
our hand this 20th day of June 1781