

1819-31

SOUTHAMPTON COUNTY
CHANCERY PAPERS

KELLO'S + KELLO, VS. SIMMONS + al
by ROCHELL 1/1819

other SURNAMES : Rochell,
Rochelle

Benja Cobb
Peter Pierce
Thos Jones
John Denegre

Kelios by Rochelle

vs 3 Jno

Limington & Chancery

Bill returned.

Dec^r 16th 1816 order of
Publication to February 16

March 1817 - Int^y Decree

May 19th 1817 Int^y Decree

To the worshipful Court of Southampton in Chancery
sitting - Humbly complaining shew unto your
wishes your mother and father Samuel Kells and
Martha Kells infant children of Samuel Kells and
and his late wife Martha said, formerly Martha
Simmons by their Guardian and next friend James
Rochelle. That John Simmons the grand father
of your complainants on the part of their deceased
mother, did many years ago purchased, seized
of a tract of land lying in this County, and
leaving a widow Ann. That the tract of land
of which the said John Simmons did seized
after assigning one third thereof to the said
Ann as her dower was equally divided between
the mother of your complainants, and her three
brothers Robert G. Simmons Augustus B. Simmons
and William Simmons. That Ann the widow
of the said John Simmons departed this ^{life} sometime
during the last year, and consequently her dower
in said tract of land has terminated. That the whole
portion of the said land which was assigned to
the said Ann as her dower and which contains
seventy five acres your complainants are
entitled to one fourth and the said Robert
G. Augustus B. and William Simmons equally
to the other three fourths. Your complainants
beg leave to represent that Augustus B.
Simmons and William ~~the~~ Simmons are not
inhabitants of this Commonwealth but have
for several years past resided in some of the

Southern States and that it is extremely doubtful
whether the said twenty five acres of land
is worth one hundred dollars to each of
the parties entitled, and that they are compelled
to resort to this Court obtain a division of
the said land. In tender consideration whereof
and in as much as your complainants are
in the premises, exhibit in a Court
of Chancery when matters of this kind are
exclusively cognizable they pray that the
said Robert G. Simmons, and the said Augustus
B. Simmons, and William Simmons by the proper
order in such cases provided be made parties
defendants to this suit, and that they be com-
pelled to answer all and singular the
allegations herein contained fully and truly.
They further pray that the aforesaid land
may be either divided in kind or sold and
divided among the parties entitled according
to their several rights as herein before set
forth. and your complainants pray that
your worships would make any other or further
order or decree in the premises which be
consistent with justice and Equity, and they
will ever pray &c. *Roche*

To the worshipful Court of Southampton in Chancery
sitting. The signed answer of Robert G. Simmons
to the bill of complaint exhibited against himself
and Augustus B. Simmons and William Simmons
by Samuel Kello and Martha Kello infants
children of Samuel Kello dead and his late wife
Martha and formerly Martha Simmons, by their
Guardian and next friend James Roche
This Respondent saving and
reserving to himself all benefit of exception
to any error or imperfections in the bill of
complaints; for answer sheweth, that
he cannot gainsay the allegations therein
contained, and that he is willing to submit
to such decree as the wisdom of this Court
may pronounce. And he prays the same
dismissed &c. *Robt. G. Simmons*

Henry Briggs
Benjamin

John Devere

Kellogg Heirs
vs
Simmons & Co.

Int. & Series
D

Agreeable to the within Order to us directed
we have taken into consideration the matters
therein mentioned and are of opinion that
the said land is not worth \$100 P^r share
to the said parties given under our this 14th day of April 1877

Southampton March Court 1817-

Samuel Kello and Martha Kello Infant
children of Samuel Kello dec^d and his late
wife Martha dec^d formerly Martha
Simmons by their guardians & next friends
James Rockelle Plts

vs

Robert S. Simmons, Augustin B. Simmons,
(and William Simmons Dfts

In Chancery

This cause this day came on to be heard upon the bill
of the complainants answer of the defendants Robert S. Simmons
and it appearing to the satisfaction of the court that due
publication hath been made as to the other defendants and
no answer being filed. It is considered by the court ^{that} the complaint
said bill be taken for confessed as to them and it is decreed
and ordered that Benjamin Cobb Henry Briggs, John Denegree &
Peter Pierce or any three of them view the land containing 75 whose
John Simmons dies seized and possessed and which was allotted to
the said Ann as and for her dower in the land of her said
husband and report to this court whether in their opinions the
said land is worth one hundred dollars per share to the
complainants and defendants -

Attest
James Rockelle C.

In Conformity to the within decree to us directed, we
 the undersigned have (after giving due notice) made sale
 of the tracts of land in the said decree mentioned & Joseph
 Wick became the purchaser for the sum of Four Hun-
 dred; & after deducting thirty dollars for costs & comm^{ts}
 have taken his bonds & assigned the same in the within
 decree directly - Given under our hands this 5th

day of Jan^y 1819 -

Henry Briggs

Per Able -

January 18th 1819 Reg^d & R^d
 Official record by court -

As Ent^d

Heads here
 as
 Dimmock & Co
 Clerk of the Court

Southampton May Court 1817

Samuel Kelloff Martha Kello Infant children of
Samuel Kello decd. and his late wife Martha decd.
formerly Martha Simmons by their Guardian
and next friends James Rochelle Compts.
against

Robert S. Simmons, Augustin B. Simmons and
William Simmons Defendants

In Chancery

This cause this day came on again by consent of the parties
and report of the court to be heard upon the bill of the Compts.
answer of the defendant Robert S. Simmons, the other heretofore pro-
mised in this cause (and the report of the commissioners thereupon
and arguments of counsel, (and it appearing to the satisfaction of the
court that due publication hath been made as to the ^{about} defendants
Augustin B. Simmons and William Simmons who failed to appear
and answer the complainants bill or give security according to the act
of assembly in such case made ^{and provided} ^{and rules of this court} therefore it is considered
by the court that the complainants said bill be taken as
confessed as to them. whereupon it is decreed ordered and adjudged
that Henry Briggs, Benjamin Cobb and John Denegree or any two
of them do make Sale of the tract or parcel of land mentioned in the
complainants said bill containing seventy five acres (more or less)
whereof John Simmons was seized and possessed and which was
deceded to his widow Ann as and for her dower in the land
of her said husband, on a credit of nine months next
somewhat as will be sufficient to defray the expense of this suit
(which will be cash) after first giving due notice of the time
and place of Sale, that they take divide the proceeds of said
Sale into ^{four} ~~five~~ equal parts, taking bond and security for each
respective part and that they assign one of the said bonds to the

complainants, and one of the said bonds to each of the defendants,
and make a report thereof to this court in order to a final decree

Filed

James Rochelle & Co.

47365
9/1.25

Rochelle Guardian

or } Spa in
 Simmons } Chy

To November Count 1876

Acknowledged by R. G.
 Simmons, William
 Simmons and Augusta
 Simmons no inher
 titants

Edw. & Pratts Esq
 of Ky Wm. H. H. Esq

October 28th 1816

I acknowledge due Service of the within
Subpoena - Rob^t Simmons

The Commonwealth of Virginia to the Sheriff of Southampton
County Greeting, you are hereby commanded to summon
Augustus B. Simmons, William Simmons and Robert E. Simmons
to appear before the Justices of our County Court of S. for
at the courthouse on the third Monday in November next
to answer a bill in chancery exhibited against them
by James Rochelle guardian and next friend to Saml.
Southa Kello orphan of Samuel Kello decd and
that they shall in no wise omit under the penalty
of \$100 each and have then there this writ -
Witness James Rochelle clerk of our said court at
his office the 28th of October 1816 and 4th year
of the Commonwealth

James Rochelle

*At a Court held for Southampton county the
16th day of December 1816.*

Samuel Kello, and Martha Kello, infant children of Samuel Kello deceased, and his late wife Martha, dec'd formerly Martha Simmons, by their guardian and next friend, James Rochelle

Compl'ts

vs

Robert G. Simmons, Augustin G. Simmons and William Simmons

Def.

The defendants, Augustino G. Simmons and William Simmons, not having entered their appearance and given security, according to the act of Assembly and the rules of this court; and it appearing to the satisfaction of the court, that they are not inhabitants of this commonwealth, It is therefore ordered that the said defendants, do appear here, on or before the third Monday in February next, and answer the bill of the complainants, and that a copy of this order be forthwith inserted in the Petersburg Intelligencer for two months successively, and posted at the front door of the Court House in this county, on two several Court days.

A copy—test:

A. MIDDLETON, C.

January 7—1817