

1829-143 SOUTHAMPTON COUNTY
CHANCERY PAPERS

SIMMONS and Wife et al VS. WILLIAMS' ADM'R etal

5/1829

other surnames: Hines

Simon Duise

3 Bile d.

William L.

Marion. f. p.

Nov. 1826 Int. J. Deere

Pierre. C. p.

To the worshipping the County Court of Southampton
sitting in Chancery. Humbly complaining, shew unto
Your worship, your Compts. Thomas Simmons and Ann
his wife, late Ann Williams. John Simmons and Sally
his wife, late Sally Williams. which said Ann & Sally
were children of Nicholas Williams, late of this County
de: - That their said father, departed this life, some
time, in the year 1825, possessed of a small parcel of
land, and a considerable number of negroes, & other
personal estate - that he some years before his death,
executed his last will, which was admitted to record by
this worshipping Court, an attested copy of which, is hereto
annexed, and prayed to be taken as a part of this bill.
That the said Testator, in the said will, devised his lands
to his son Nicholas L. Williams (who departed this life
before his said father, by whose death, his only child
Caroline who is of tender years, became entitled to the same)
and died intestate as to his negro slaves, and personal
estate - your Compts aver, that this intestacy was intentional
on the part of the said Decedent - that the will was proved,
and letters testamentary were granted to Sprattley Williams
who, your Compts are induced to believe, has closed the
said adm: - there is certainly no necessity of retaining
the said slaves in his hands - that they are now to be distrib-
uted amongst his children and their descendants - that
these distributees are your Compts. The said Sprattley Wms
the said Caroline Williams, as heir of Nicholas L. Williams
de: - John Williams, and Benj^a Henes, as surviving
husband of ~~his wife~~ Betsey his late wife de: - who was
Betsey Williams daughter of the said Nicholas Williams
de: - Your Compts, further state, that in his lifetime,
the said Nicholas Williams, made several & large advance-
ments to each of his children, excepting your Compts, of
both land, & negroes, money &c. that your Compts contend and

are advised, that these advancements must be brought into Hotchpot, in the distribution of ~~the~~ much of the decedent's estate, as to which he died intestate. and that they are anxious, that distribution should be had on this principle but as it is, may it please the court, no such distribution can be had, without the interposition of this court. In tender consideration whereof, and forasmuch as your Compts are remediless at law, and only relievable in this Court, where such matters are peculiarly cognizable

To the end that the said Spratley Williams as well in his own right, as Ex. of his dec'd father, the said John Williams, the said Caroline Williams who is an infant by some fit person as her Guardian ad litem, and the said Benjⁿ Hines, as surviving Heirs, &c. may be made Defendants hereto, and compelled to answer the allegations thereof, they pray the Court's writ of Sp^{ec} directed &c. commanding &c. that your worship will thereupon decree a distribution of the said estate unquested amongst the parties entitled thereto, according to the rights of the parties, and grant them such other and gen^l relief, as may be consistent with Equity, and the rights of the parties, and as in duty bound they will ever pray &c.

The ~~joint~~ Answers of Spratley Williams in his own right & as admin with the will annexed of the s^d Nicholas Williams dec'd and of the s^d Caroline Williams an infant by the s^d Spratley Williams her guardian to the foregoing Bill of Complaint; These respondents saving to for answer to the s^d Bill say that they admit the death of the said testator the execution & probat of the

Will exhibited by the complainant - and that the respective distributees have no advancements as the bill alleges. That they ~~submit nothing~~ of the motives which influenced the testator to procure ~~any~~ disposition of part of his estate in his will other than they are legally inferable from the face of the will & the facts afores^d. It is admitted that the circumstances of the estate do not oppose an immediate distribution of the s^d Assets equally to the rights of the parties respectively, as the facts afores^d - & they submit to the Court the decision of those rights - & ~~or~~ and having now answered they pray to be hence dismissed &c.
Pro duce P. J.

The answers of John Williams and Benjamin Hines to the foregoing Bill of Complaint -

These Respondents, saving &c. rely on the answer of Spratley Williams filed in this cause, & will submit to any decree, which the court may think proper to pronounce in the premises, & having answered, they pray to be hence dismissed &c.

Simmons & Co

n 3 Decr.

Williams & Co

Simmons & wife d.

against

William, d.

} In Chy.

This cause this day came on by consent of parties, with the assent of parties, and came on to be heard, on the Pile, answer, exhibit, and was argued by Counsel. On consideration whereof, the Court doth adjudge, order and decree, that Edward M. St. Nicholas

William, d. and Thomas, d. Gray—

or any ~~two~~ ^{two} of them, do enquire, and receive evidence of all advancements made to any and each of his children, of a personal nature, by the said Nicholas Williams d. in his lifetime, and charge the said children, with the same, according to their respective values, or the respective amounts, if in money, as at the time when they were delivered or paid, without interest thereon - and then divide the negro slaves ~~belonging to the estate of the said Nicholas Williams d.~~ amongst the ~~said~~ distributees, namely, Thomas Simmons wife, in right of his wife, John Simmons wife in right of his wife, Spratley Williams, Caroline ~~Wm~~ as heir of Nicholas L. Williams d. John Williams and Benja. Niles, as surviving husband of his d. wife Betsey Niles - & such of them, as shall choose

to come into distribution and to bring their advancements
into stock pot - by allotting to each of the said distributees
so coming into distribution, an equal share in value
of the whole valuation as well of slaves, as of advancements
made - and deducting ^{from the share} ~~the share~~ of each distributee
the value of the advancements made to him or her,
respectively - And how they shall have acted in the
premises, make report, to this Court, in order to a
final decree -

Simon Lupton

n 3 Decr.

William L.

Southampton. Haverhill County Court 1826

Thomas Simmonds and Ann his wife late Ann Williams
John Simmonds and Sally his wife late Sally Williams widow
Ann and Sally were children of Nicholas Williams late
of this county decd.

Complainants

against

Spradley Williams in his own right and as administrator
with the will annexed of the said Nicholas Williams decd
and of the said Leonore Williams an infant by the
said Spradley Williams her Guardian and John
Williams and Benjamin Hines Defendants

This Cause this day came on by consent of parties
with the agent of the Court and came on to be heard on the
Bill annexed exhibit and was argued by Counsel. On consideration
whereof the Court doth adjudge order and decree that Edward
Butts William Jackson and Thomas P. Gray or any two
of them do enquire and receive evidence of all advancements
made to any and each of his children of a personal nature
by the said Nicholas Williams decd in his lifetime and
charge the said children with the same according to their
respective values or the respective amounts of monies as at the
time when they were delivered or paid without interest thereon &
then divide the negro slaves belonging to the estate of the said
Nicholas Williams decd amongst the six distributees namely
Thomas Simmonds and wife in right of his wife John Simmonds
and wife in right of his wife Spradley Williams Caroline
Williams as heir of Nicholas L. Williams decd John Will-
iams and Benjamin Hines as surviving husband of his
decd wife Pelsy Hines or such of them as shall choose to
come into distribution and to bring their advancements into
Hotchpot by allotting to each of the said distributees so
coming into distribution an equal share in value of
the whole valuation as well of slaves as of advancements

In Manery

Made - And deducting from the Share of each disburse the value
of the advancements to him or her respectively and how they shall
have acted in the premises make report to this Court in order to
a final decree.

Wm. James Rochelle &

Simmons & Co.

Wm. & Pierre
Williams & Co.

Copy

1826

1829 May. report returned
after al decree by consent.

3825

370

4195

William Lullington
Edw & Bates Comrs

In Obedience to a decree of the County Court of South Carolina bearing date November Court 1826. which is hereto annexed. do make the following Report.

Advancements made by Nicholas Williams senior in his lifetime to Thomas Simmons and wife in right of his wife, Grattly Williams. Nicholas L. Williams decd John Williams and Benjamin Hines as surviving husband of his decd wife Betty Hines as follows. -

Thomas Simmons in right of his wife

To Nicholas Williams decd		
1820. To 1 Negro girl Matilda	120	
" 1 Bed Furniture	15	
" hire of Ester 1 year	20	155

John Simmons in right of his wife

no advancement.

" "

~~Benjamin Williams~~ as heir of Nicholas L. Williams decd

To Nicholas Williams decd

1820-7	To a note executed by N. L. Williams decd to John J. Poirce & paid by Grattly Williams exec or admt of N. Williams The elder, ~~senior~~ who was security	316.88	
	" Aaron hire 2 years @ \$45.	90.00	
	" Bob's hire 2 years @ "45	90.00	
	" difference in the valuation of a negro named Bob which N. Williams The elder executed a Bill of sale to the said N. L. Williams for the consideration of \$100 we have ascertained his value to be \$400 (difference).		
	amt. carried over	\$300.00	\$796.88
			\$155.00

Amount not over \$796.88 \$155.00 No 1

To 1 Bed Furniture 25 821.88

Sprattley Williams

To Nicholas Williams decd

1816 To 1 Negro Boy Acute value 2 150

1 Feather Bed 25 175.00

John Williams

To Nicholas Williams decd

1808 To 1 Negro boy named Gabriel 225

1 Feather bed Furniture 25

1822 & 3. Harris him 2 years @ 50\$ 100 352.00

Benjamin Ames in sum of his wife

To Nicholas Williams decd

1804 To 1 Negro girl Jimmy 200

" 1 Negro Boy Jacob 125

1799 1 Negro girl Lily 100

1 Bed Furniture 25

Wife of Sarah 14 years @ \$5. 20 470.00

amt of advancements \$1971.88

valuation of slaves Sam \$275

Harris 325

Barnwell 400

Alfred 400

Abilly 445

Edith & 2 children Mary & Maggie 375

Barbary 225

Belia & child Minerva 375

Betty \$150. Sydice \$200 330

Jimmy \$175. Nancy \$150 325

Maria \$100. Louisa \$75 175

Lewis \$175. Sarah \$125 300

B. 3570.00

advancements & valuation slaves \$5541.88

to be divided between six distributees as follows. -

Thomas Simmons in right of his wife

amount of advancements \$155

Garn \$275. Barbary \$225 500

Betty \$150. Sarah \$125 275

By 1/6 part of \$5541.88 930

923.64

\$6.36

No 2. John Simmons in right of his wife

Harris \$325. Belia & child 375 700

Sy dice \$200. Betty \$45 245

By 1/6 part of \$5541.88 945

923.64

\$21.36

No 3. Caroline Williams heir of St. Williams decd

amount of advancements 821.88

Maria 100.00

By 1/6 part of \$5541.88 921.88

923.64

\$1.76

No 4. Sprattley Williams

amount of advancements 175

Barnwell \$400. Jimmy \$175 575

Lewis 175

By 1/6 part of \$5541.88 925

923.64

\$1.36

No 5. John Williams

amount of advancements 350

Edith & 2 children Mary & Maggie 375

Nancy 150

By 1/6 part of \$5541.88 875

923.64

\$48.64

No 6. Benjamin Ames in right of his wife

amount of advancements 470

Alfred \$400 Louisa \$75 475

By 1/6 part of \$5541.88 945

923.64

\$21.36