

1834-041 SOUTHAMPTON COUNTY
CHANCERY PAPERS

SIMMONS, WIDOW VS. SIMMONS' EXECUTORS et al

8/1934

other surnames: Rochelle

Simmons Meds & decr.

" } Bile am. & decr.

Simmons, En. L.

Mason

1830 June - heard and decr. as for
decr. filed & f

1834 Aug. Decr. final & f

To the worshipful the County Court of Southampton sitting
in Chancery:

Humbly complaining sheweth unto your
worships, your Oratrix Temperance Simmons widow of
William Simmons dec'd that the said W^m departed this
life sometime since, having first duly made and pub-
-lished his last will and testament, which was admitted
to record by this worshipful Court. an attested copy
whereof is herewith exhibited as a part of this Bill.
That, the Executors therein named, to wit, Daniel W.
Zebulon S. and Richard H. Simmons all duly qualified
as such. that the said Richard H. has departed
this life, and his Estate has been committed for adminis-
-tration to Clements Rochelle esq, Sheriff of this County.

That it is believed, that the said Executors have paid
off all debts, and that there is a balance of their hands
of which y^r Oratrix is entitled to one fourth. But
as it is, no account, or payment can be compelled
without the aid of this Court sitting in Chancery. In
tender consideration whereof, and forasmuch as y^r
Oratrix is remediless at law, and only relievable in
Equity. To the end that that the said Daniel W.
& Zebulon S. Simmons, and the said Clements Rochelle
as Sheriff and Committee of the said Richard's Estate
may be made Defendants hereto, and compelled
to answer its allegations, she prays the Court writ of
S^c^a directed &c. commanding &c. that your worships
will compel a settlement of the said Executorial
acc^ts and payment to your Oratrix of her proportion
of the balance, and grant her such other and
gen^t relief in the premises, as may be consistent

with equity & the nature of her case, and she will ever
pray &c.

The joint answer of Daniel W. Simmons, Zebulon D.
Simmons, and Clements Rockwell committed of the Estate
of Richard W. Simmons dec'd. to the foregoing bill of
complaint. These Respondents, saving & for answer
to the said Bill, say, that they cannot gainsay the
allegations of the p'tiff's bill, and have no objection
to the decree prayed for, and having answered,
they pray to be hence dismissed &c.

Simmons's widow & devise ——— Pl'tf.

or

Simmons's Ex'r ——— Def'ts.

} In Chy.

This cause was this day docketed by consent of parties,
with the assent of the Court, and came on to be heard,
on the Bill, answer, exhibit, and argument of
Counsel. On consideration whereof, the Court doth
adjudge, order, and decree, that the Def'ts do ~~not~~
before Master Comm'r. Briggs, a joint or separate
act as may be required, of their & the said Richard
W. Simmons's acting as Executors of the last will
of Wm Simmons dec'd. who will audit, state, and
report the same to Court, with any matter specially
stated, which he may deem pertinent, or which either
party may require to be so stated.

Simmons

as Geo deane

Simmons's Exor

Com Briggs

Southampton June Court 1830.

Temperance Simmons widow of William Simmons dec'd.
against.

Plaintiff

In Chancery

Daniel M. Simmons, Zebulon, & Simmons, & Clements Rochelle
Committee of the Estate of Richard A. Simmons dec'd.
Defts

This cause was this day docketed by consent of parties with the assent of the Court and came on to be heard on the bill, answer, exhibit, and argument of counsel. On consideration whereof the Court doth adjudge, order and decree that the defendants do render before Master Commissioner Briggs, a joint or separate account, as may be required, of their & the said Richard A. Simmons's actings as Executors of the last Will & Testament of William Simmons dec'd. who will audit, state and report the same to the Court with any matters specially stated, which he may deem pertinent or which either party may require to be so stated -

Attest Teste James Rochelle clk

Summons &c

~

Summons &c

} Chy

This day this cause came on to be heard on the papers formerly read together with the report of the Commissioner made pursuant to an order of the day of June 1830 and was argued by Counsel on consideration whereof the Court approving and confirming the said report to which there is no exception doth adjudge order and decree that the defendant

My Commissioners report
on the Estate of William Simmons
dec. Zebulon Simmons Exr.
1831

Reported May 16/1831

The Estate of William Simmons in acct. with Zebulon Simmons one of the Exr.

1826			Dr	Cr	Ints
Octr. 26	Pay one half amt. of Sales due this day.			372 37	
" "	Pay one half of Geo. Hines note & Ints to this day			95 93 1/2	
" "	Pay one half of Thos. Simmons note & Ints do.			5 36	
" "	Pay 1/2 of John Williams acct.			11 84	
" "	Pay 1/2 of Amos Drakes acct.			6 68	
" "	Pay 1/2 of Thos. E. Hilledays do.			7 47	
" "	Pay 1/2 of Etheldene Drakes do.			3 68 1/2	
" "	Pay 1/2 H. J. P. Westbrook do.			13 00	
" "	Pay 1/2 Edwin Simonons do.			50	
" "	Pay 1/2 William Felce do.			12 00	
" "	Pay 1/2 Miles Scarborough do.			25	
" "	Pay 1/2 Michael Ellis do.			8 83	
" "	Pay 1/2 Geo. Hines do.			12 94	
" "	Pay 1/2 Thos. Simmons do.			3 91	
" "	Pay 1/2 Jesse Drewry do.			13 57	
" "	Pay 1/2 Joseph Drewry do.			84	
" "	Pay 1/2 William Drewry do.			18 1/2	
" "	Pay 1/2 Benj. Simmons do.			18 1/2	
" "	Pay 1/2 Susan Annis do.			50	
" "	Pay 1/2 William Parker do.			40	
" "	Pay 1/2 Robert Hunt do.			16	
" "	Pay 1/2 William Lebracks do.			11 02	
" "	Pay 1/2 Peter Simonons do.			2 16	
" "	Pay 1/2 William D. Simonons do.			7 00	
" "	Pay 1/2 Mason Simonons do.			1 88	
	To Commissions on \$609.87 @ 5 p ct.	30 49			
	To paid Richard H. Simonons one half of his acct.	150 00			
	Carried over . \$180.49	180 49		609 87	

1826

Oct 26 amt brought over 180 49 609 87

To amt of note & Interest due my wife 178 56

To amt of acct due my self 39 37 1/2

Jun 26 To paid 1/2 of Geo. Gray, act. 12 02 1/2

1826
Oct 26 To amt due the Estate this day 199 42

609 87 609 87

" 27 By amt due the Estate for down 199 42

1827

Aug 1 To paid Mason Sammons 1/2 of his act. 8 00

" " To pd William Sebrice 1/2 of his act. 3 30

" " To pd Joshua Lawrence 1/2 of his act. 1 41 1/2

To pd Samson Little 1/2 of his act. 1 00

To pd John Davis 1/2 of his act. 3 00

To pd Amos Drake 1/2 of his act. 12 96

To pd William Parker 1/2 of his act. 7 00

To pd Daniel Butts 1/2 of his act. 2 12 1/2

To pd Geo. Harris in part of his act. 12 00

To pd Asa T. F. Williams 1/2 of his act. 5 75

Oct 26 To amt due the Estate this day 141 87

199 42 199 42

1827

Oct 27 By amt due the Estate on this act 141 87

Interest on \$141.87 from 26th Oct 1826 toMar 26th Oct 1830 34 4

175 91

M. Comrie fees for this act \$5.00
Charged to the Ex. Gd.

The sum of one hundred & seventy five dollars
& 91 Cts is due the Estate from Zebulon Sammons
one of the Exrs on this act with Interest on one
hundred & forty one dollars & 87 Cts from the
26th Oct 1830 till paid

Respectfully submitted to the
Court

William Briggs M Comr

Ab Commissioners report
on the Estate of William
Simmons, dec. Daniel W
Simmons Exr.
1831

Reported May 16/1831

The Estate of William Simmons in acct with Daniel
W Simmons one of the Exrs

1826

Oct 26

	Dr	Cr	Fmts
By one half amt of Sals due this day		372 37	
By one half of Geo. Hines note & Interest to this day		95 93 1/2	
By one half of Thos. Simmons note & Ints. do		5 50	
By 1/2 John Williams acct.		11 84	
By 1/2 Anna Drakes acct.		6 68	
By 1/2 Thos E. Holliday do		7 47	
By 1/2 Ethelred Drakes do		3 68 1/2	
By 1/2 H.P. Westbrook do		13 00	
By 1/2 Edwin Simmons do		50	
By 1/2 William Felce do		12 00	
By 1/2 Melis Scarborough do		25	
By 1/2 Mke ^c Ellis do		8 83	
By 1/2 Geo. Hines do		12 94	
By 1/2 Thos Simmons do		3 91	
By 1/2 Jeph DREWY do		13 57	
By 1/2 Joseph DREWY do		84	
By 1/2 William DREWY do		18 1/2	
By 1/2 Benj ^t Simmons do		18 1/2	
By 1/2 Susan Hines do		50	
By 1/2 William Parker do		40	
By 1/2 Ross Hunt do		16	
By 1/2 William Seabell do		11 02	
By 1/2 Peter Simmons do		2 16	
By 1/2 William D. Simmons do		7 00	
By 1/2 Mason Simmons do		1 88	
To Commissions on \$592.87 1/2 @ 5 1/2 %	29 64		
By Cash in the house for half -		17 00	
To Commissions on \$17.00 @ 5 1/2 %	85		
To paid Richard H. Simmons on half of his claim \$300.	150 00		
Carried Over	180 49	609 87	

1826	Oct 26	amt brought over	180	49	609	87
		To amt of note & int due myself	131	59		
		To amt of do do do 2 nd note	25	60		
		To pd James Rochelle tided	1	34		
		To pd Peyton Green tided		18		
April 22		To Henry J. P. Westbrook act.	25	00		
June 26		To paid Geo. Gray surveying act - am half pd by me	12	2 1/2		
Oct 26		To paid James Muelikin act.	22	00		
"		To pd Amos Drake		12 1/2		
"		To balance due the Estate this day	211	92		
			600	87	609	87

1826	Oct 27	By amt due the Estate this day & down 20 years Interest on the same			211	32
1829		To paid John Williams	21	31 1/4		
		To pd Levi Joy act.	15	00		
Feb 24		To paid William D. Simmons act.	36	53		
"		To pd Doth T. Galliam act.	5	75		
March 21		To pd Saml James in pt of note	20	00		
Aug 1		To pd Mason Simmons for his act.	8	00		
"		To pd William Sebree for his act.	3	30		
"		To pd Joshua Lawrence for his act.	1	41 1/2		
Sept 19		To pd Samson Little for his acct.	1	00		
		To board of Commissioners & surveyors 4 days in dividing property	15	00		
Oct 26		amt due the Estate this day	84	02		
			211	32	211	32

1829	27	By amt due the Estate but down 1 year Interest on the same			84	02
		To paid John Davis for his act.	3	00		
Oct 26		To balance due the Estate this day	81	02		
			84	02	84	02
27		1 year To amt due the Estate but down 1 year Interest on the same			81	02
1828	Feb 1	To paid Amos Drake for his acct 12/25/28	12	96		
Apr 21		To paid Will Parker for his act.	7	00		
Oct 26		To balance due the Estate this day	61	06		
			81	02	81	02

12.67

5.04

4.86

22.57

1828	Oct 27	By amt due the Estate this day but over Interest to 26 th Oct 1829. 2 year			61	06
1829						22.57
1830						7.32
						29.89
Jan 18		To paid Henry B. Naughton for note	100	00		
Feb 15		To paid do in full of P. note	88	71		
May 11		To pd Daniel Butts for his act.	2	12 1/2		
Aug 10		To pd Geo. Hines in part of his act	8	00		
"		To pd Ely M. Collier note	40	84		
"		To pd S. R. Strong do	14	44		
		amt of Interest but down			29	89
Oct 26		To amt due the Est. this day			163	16
			254	11	254	11

Attest
M. Commissioners for this act \$5.00
Charged to the Est.

The sum of one Hundred & Sixty three dollars & sixteen Cents is due the Est. Daniel W. Simmons on this acct. with Interest on the same from the 26th Oct 1830. also the sum of twelve dollars & 69 cts. being a mistake on the first item of Interest in this act.

Respectfully submitted to the Court

William Briggs M. Comm.

*M. Commissioners report
on the Estate of William Simmons
and R. H. Simmons Esq.
1831*

Reported May 11/1831

The Estate of William Simmons in account with
Richard H. Simmons one of the Exrs.

1829

Febry. To paid Geo. Hines note . . . \$56.05

The above sum of fifty six dollars & 5 Cts
is due Richard H. Simmons on this ac-
count Interest there on from the 20th Febry.
1829 till paid

Respectfully Submitted to the
Court -

William Briggs M. Comr.