

1843-007 SOUTHAMPTON COUNTY
CHANCERY PAPERS

PARKER et al VS. SIMMONS EXTX

Parker et al vs Simmons' admr val

4/1843

other surnames: Savage
Barnes, Simons, Sebrell

Parker &c
to. } Papers

Simmons &c &c

1843 April 1. Dismissed

Parkers & Bill
vs
Simmons

1824s Oct: bill filed & sp.
awarded
" Nov. Leave to amend bill, and
bill filed & sp. and?

1836 Aug: Decree for acct & sp.

1837 Aug: Rule for Sety for Costs -

Sturman

1838. May - ~~Removed to Assn Supr.~~
Court.

Copied

To the honorable the county court of Southampton in chancery
sitting—

Humbly complaining sheweth unto your worshipps
Your Complainants John Parker, Lemuel L Parker,
Alston Savage and Polly his wife formerly Parker and daughter
of William Parker Sr. decd and James Barnes and
Demprance his wife formerly Parker and daughter of
said William and John T. and William W. Parker
infant children of William Parker Sr. decd. who was
son of William aforesaid decd. by John Parker
their next friend that the the said William Parker
survivor deceased decd sometime about the year ^{entitled}
to a certain sum of money \$132-32 with interest thereon from
the ^{1st} day of January 1818 that Peter Simmons qualified
as the administrator of said William Parker Sr. decd. and
in that capacity possessed himself of the said sum of
money— Your compts state that the said sum of money
administration & will appear by reference to the records
of this court together with a certain receipt given by said
Simmons and filed in the office of this court all of
which are referred to and begged to be received as a
part of this Bill— Your compts further state that
the said sum of money has never yet been right
fully administered, but remains so far as they are
advised in the hands of Margaret Simmons ^{entitled} exec-
trix of said Simmons decd. Your complainants state
that they are the true and only heirs at Law to the
said William Parker decd. and are entitled to the
said sum of money with the interest as aforesaid
Your compts state that they have made frequent applications
for the said sum of money, and that the payment to
them as always been refused upon some trifling excuse
to the end therefore that your compts have justies done them
in this behalf and for as much as they are only entitled to
be heard in court of equity your compts ~~state~~ ^{beg} that

that the said Margaret should receive as aforesaid
be made deft to this Bill and be compelled to answer
all and singular the premises, and that she should
cause if any she can pay the said sum of money
as aforesaid shall not be paid to your Compts -
Your Compts to this end by the Commonwealths writ
of Superadirection & commanding & and that your
Majesties under the decree with such other further
relief as may be consistent with equity and the
rules of this court &c

Downman. P. L.

Parker & Bill
vs
Simmons' admr &

Lawman

Caped

demanded of comp^{ts}

To the worshipping the County Court of Southampton in chancery sitting

Humblly complaining sheweth unto your worships your compts John
Parker, Lemuel L. Parker, Alston Savage and Kelly his wife formerly
Parker and daughter of William Parker ~~an~~ deceased and James
Barnes and Temperance his wife formerly Parker and as aforesaid
And John T. and William W. Parker infant children of William
Parker ~~so~~ deceased who was son of said William ~~so~~ died by John
Parker their next friend that the said William Parker ~~so~~ died
died sometime about the year entitled to a certain sum
of money \$132.32 with interest thereon from the 1st day of Janu-
ary 1818 that Peter Simmons qualified as the administrator of
said Parker and in that capacity possessed himself of said sum
of money - your compts state that the said sum of money adminis-
tration & will appear by reference to the records of this court togeth-
er with certain receipt given by said Simmons and filed in the office
of this court all which are referred to and begged to be read as
a part of this bill, your compts further state that the said
sum of money has never yet been rightfully administered
nor paid to them the heirs at Law of said Parker but remains
so far as they are advised in the hands Nicholas M. Schrell
the administrator of said Simmons who died sometime about
the year 1834 the administration on whose estate will appear
by reference to the records of this court which is also begged to be
read as a part of this bill - your compts state that as the true
and only heirs at Law to said Parker and they are entitled the
said sum of money with interest thereon as aforesaid - your compts
state that they have made frequent applications for the said sum
of money of the said Simmons in his lifetime and of the said Schrell
since and that the payment to them hath always been refused
upon some trifling excuse to the end therefore that your compts
have justice done them in this behalf and for as much as your compts
are remediless at Law and only entitled to be heard in a court of equity
your compts beg that the said Schrell administrator as aforesaid
Margaret Simmons the widow of said Simmons - Wm. Peter. Simons
Sarah, Priscilla S. and Elizabeth C. Simons children of said Simmons be added
to this bill and be made to answer this bill and shew cause if any they
can why the said sum of money should not be paid as aforesaid.

and to this end your efforts by the communal the merit of subse-
na directed by commanding & and that your worship
render such a decree as is consistent with equity and
the rules of this court &c

Downman. P. Q.

Remond
N 3 Anscombe
Parker

1835 March 31st

Capool

(Gray)

To The worshipful The county court of Southamptown
in chancery sitting

The answer of Margaret Simmons
in her own right and as later, and ^{regard Samueled}
Executive of Peter Simmons, to the bills of complaints
or petitions against him in The county court of South
ampton by John Parker Samuel L Parker attons
Savage and Abby his wife formerly Parker and
daughter of William Parker Sen. decd. and James
Barnes and Temperance his wife formerly Parker and
daughter of said William Parker and John T
William W Parker infant children of William Parker
Sen. decd. who was son of William of said Sen. decd.
by John Parker their next friends, This respondent
raising to her self all right of exception to the errors
and misstatements of said bills of complaints -

answering says. That she was left Executive of her
husband (Peter Simmons) and qualified as such but
is not at this time The representative of said estate
that she is ignorant of The transactions alluded
to in the plaintiffs bill as to the amount of money
said to have been received by her deceased husband
Peter Simmons as The representative of William Parker
or in fact as to the circumstance of his coming
the said rep except from hear say or report as
at the time it is alleged that Peter Simmons
became the rep of said Parker (she presumes she
must have been then married to said Simmons (as
the time of his qualification is not set forth in
the said bill) and of course knew nothing of the
matter, This respondent says that Peter Simmons
departed this life some time in the year 1833.

having a small Personal estate ~~which has been~~
~~her own~~ ~~in payment of debts~~, and This respon-
dent denies most pointedly that any estate belonging
to the said plaintiffs in right of William Parker
deceased or as his heir at law ever came to or
is now in her hands nor is there any estate
in money or goods in her hands belonging to.
The estate of her deceased husband she bear-
ing administration there according to Law. It is
true that shortly after the death of her husband
Peter Simmons but not while any money remained
in her hands as executrix, (as the amount was small &
was almost immediately consumed) a number of
persons to her unknown and from parts unknown
made applications to her for payment of their
supposed pretended interests in a certain William
Parker's estate. to all of whom This respondent
replied that she was ignorant both of them & their
claim or claims, as also of what or how much
The said William Parker's estate consisted as
also of her deceased husband's responsibility for
any such estate, at the same time enjoining such
claimants that if their claims were just and
authenticated according to Law as that she would
be justifiable in paying them (which This respon-
dent says they could not do) set present their claims
authenticated) she had no money in her hands out
of which the same could be paid & satisfied, in
fact This respondent denies that the plaintiffs
are entitled as alleged in this bill as the heirs
and distributees of William Parker deceased, or
as the alleged debt the other allegations of

the said bill not being admitted and calls on them
to sustain the same according to Law and the rules
of this worshipful court and having answered she
prays to be dismissed hence with her costs in
and about this behalf of prayer &c & for which
she will in pray &c

Tray. p. D.

A. B. Since this answer was drawn, this respondent
has settled her Executorial proceedings on the estate of
Peter Simmons and referred to, and has paid the balance
found due thereon to St. all Lebrecht admr de Cone, now
see exhibit (A)

This day Margaret Simmons, personally appeared before
me Jeremiah Cobb a justice of the peace for
the county of Southampton and made made oath
to the truth of the above answer, ^{to the allegation of this bill} as far as is in
truth on her own knowledge and her belief of
the truth of them as set forth on the information of
others given under my hand & seal this 12th day of
March 1835.

Jer Cobb seal

Schell &c
R. } answer
Parker

1835 March 21st

Cope

(Gray)

I. The Washpett The county Court of South
ampton in chancery sitting 7/8 Joznt & small Nichols

The answer of Nicholas
 as Mr. Schell against of Peter Simmons deceased W^m
 D. Peter, jurgmeak, Sarah Pipeella & Elizabeth b. Sim
 many children of Peter Simmons deceased to the bill
 of complaints exhibited v. them by John Parker Samuel
 Parker atston Savage & Lolly his wife formerly
 Parker and daughter of William Parker son
 deceased and James Barnes & Temperance his
 wife formerly Parker and John J. & William W
 Parker infant children of William Parker
 Jr. deceased by John Parker their next
 friends. These respondents saving and reserving
 to themselves each and all, all manner and right
 of exceptions to the errors in accuracy & falacious
 charges of the plaintiffs bill for as much as it
 is necessary for them to answer answering say
 That is the said Nicholas Mr. Schell against
 of Peter Simmons decd. says he true as alleged
 by the plaintiffs that he is the agent for
 Peter Simmons, but this respondent denies that as
 administrator or executor that any property of any
 kind ever came to his hands belonging to the
 estate of William Parker nor is there in
 his hands as administrator or executor of Peter Simmons
 any property whatever, nor does this respondent
 know any thing of his own knowledge or as admin
 istrator or executor of any just demand that the

plaintiffs have against the estate of Peter Simmons
it is true as this respondent believes that Peter
Simmons was the representative of a certain William
Parker but of what that estate consisted or
how much this respondent is ignorant it is also
true that this respondent has found among
the papers of said Simmons receipts for money
paid to some persons of the name of Parker
it is also true that persons unknown to this
respondent have since his qualification on
Peter Simmons estate demanded of him
money, stating that they are the heirs of Mr.
Parker but as that fact was not made
apparent to this respondent, nor did they
attempt to do so, nor did the claimants offer
any proof of the justice of their claims
nor offer to indemnify him for all the rea-
sons of said any one of which this respon-
dent is advised would have been sufficient
not to be refused to make any arrangement
with the claimants, and he further says
having all these objections there was no state
of a more insurmountable ^{nature} difficulty, he had
no funds in his hands out of which the same
could have been paid, if in justice, and
this respondent says that one of the claim-
ants to him unknown offered to take half
the amount in satisfaction for his claim
which this respondent informed him he could
not pay. This respondent denying that there is
in his hands any money, belonging either to Peter

or Parker or Peter Simmons estate nor any
knowledge of the plaintiffs or their claim against
him as the wife of Peter Simmons or all the
fact of the allegations of their bill not here in-
fully admitted and calls on them for proof
he denying on his part all fraud cover or
vice and the respondents Mrs. L. Peter Jones
mesd. Sarah Priscilla S. & Elizabeth C. Simmons
answering say that it is true they are the chil-
dren of Peter Simmons deceased but as to the bill
of the plaintiffs and the allegations therein
in they know nothing whatever and these
respondent denying all fraud concealment
or cover of any kind and having answered
as fully as they are able the prayers
of the plaintiffs bill denying all & saying
for the allegations thereof not here in-
admitted & calling on the said plaintiffs
for full & satisfactory proof according
to law & the rules of this court pray
to be dismissed since with them
cost &c & for which they will
pray &c —

Gray. J. q.

This day came the respondents Set N. M. Schell &
Richard Priscilla Peter Sally & Elizabeth C. Simmons
before me Sen. Cobb a justice of the peace for the
County of Southampton &c. &c. made oath that the above
statements of the above answer refer to its facts on their own state-
ment in law & as to the statements made on the authority of
others they believe to be true given under my hand & seal
this 12th day of March 1835.

Sen. Cobb. Secy.

Parker & Co

at } Deane

Simmons' & Co

Atty
For Commissioners.

At a Court held for the County of Southampton on the 15th day of August
1836.

John Parker¹, Lemuel Parker², Alston Parage, and Dolly his wife formerly
Parker, and daughter of William Parker, Sr. dec^d and James Barnes and Temperance⁴
his wife formerly Parker and daughter of said William, and John T and William W
Parker infant children of William Parker⁵ Jr. dec^d who was son of William aforesaid Sr.
dec^d by John Parker their next friend
against
Plffs.

In Chancery

Nicholas M Sebell administrator de bonis non with the will
annexed of Peter Simmons dec^d, Margaret Simmons the widow,
and William D, Peter, Jeremiah, Sarah, Priscilla S. and
Elizabeth C Simmons children of Peter Simmons dec^d. Dfts.

On the motion of the plaintiffs it is decreed and ordered that the defendants
Nicholas M Sebell render before Commissioner Cobb an account of Peter
Simmons's administration on the estate of William Parker dec^d, which the said
Commissioner is directed to examine State and settle and report to this Court
with any matters specially stated deemed pertinent by himself or which he may
be required to state.

A Copy. Teste L R Edwards Cbb

Order of
Simpson

Southampton Circuit Superior Court April the 9th 1843.

John Parker & others

against

Nicholas M Gibell admor. of Peter Sumner dec^d. & others

Plffs

Def^s

The plaintiffs by their Counsel say they will not further prosecute this suit. Therefore on the motion of the Defendants by their Counsel it is decreed that this suit be dismissed and that the plaintiffs pay to the Defendants their costs.

Attest.

Teste. L R Edwards Ck

Parker &c

or 3 Sp. in bag

Timmons

December 1st 1834

For

Continued

W. J. Schell &c

By: Drawing stuff

THE COMMONWEALTH OF VIRGINIA:

To the Sheriff of Southampton County--Greeting:

We command you that you summon

*Margaret Summers widow and Executrix of
Peter Summers dec'd*

to appear ^{*before the Justice*} at the ~~Clerk's Office~~ of our ~~Circuit Superior Court of Law and Chancery~~, for the
County of Southampton, at the ^{*Court*} ~~Places~~ to be holden for said ^{*County*} ~~Court~~, on the ^{*third*} ~~first~~ Monday in
November next to answer a bill in Chancery, exhibited against *her*

in the said Court, by *John Parker, Samuel S Parker, Elston Savage
& Dolly his wife formerly Parker, James Barnes & Temperance his wife formerly Parker
and John & William W Parker infant children of William Parker jr dec'd by John
Parker their next friend.*

And unless the said Defendant shall answer the said bill within four months thereafter, the
Court will take the same for confessed, and decree the matter thereof accordingly; and this
she shall in no wise omit under the penalty of 100l.

And have then there this writ: Witness, JAMES ROCHELLE, Clerk of our said Court, at
the Courthouse, this *25th* day of *October* 1834, and in the
59th year of the Commonwealth.

James Rochelle Clk.

Parker & Co.

3 Spanish

Simmons & Co.

January Pals 1835

Received on Nicholas
 St. Petrell. Margaret
 Simmons. Jeremiah
 Sarah. Presella S. and
 Elizabeth C. Simmons
 on the 10th day of
 December 1834 and
 on Peter Simmons the
 13th day of Decr. 1834
 on William Simmons
 the 2nd day of January
 1835 by delivering a
 true Copy to each
 William Strell & J.
 Bory. Douray & Co.

THE COMMONWEALTH OF VIRGINIA:

You are hereby commanded to To the Sheriff of Southampton County--Greeting:

We command you that you summon *Nicholas M. Sebrell* ~~adversely~~ *adversely* ~~to~~ *to* ~~summon~~ *summon* ~~the~~ *the* ~~will annexed of~~ *of* ~~Peter Simmons and Margaret Simmons the Widow and William D. Peter, Son-in-law, Sarah, Pricilla and Elizabeth C. Simmons children of Peter Simmons and~~ *Peter Simmons and*

to appear at the Clerk's Office of our ~~Circuit Superior Court of Law and Chancery~~ ^{Court} for the County of Southampton, at the Rules ~~to be holden~~ ^{that being a holiday} for said Court, on the first Monday in ~~the first~~ ^{an original & amended} ~~January next~~ to answer a bill in Chancery, exhibited against them

in the said Court, by *John Parker, Samuel L. Parker, Alston Savage and Dolly his wife, James Barnes and Temperance his wife and John & William W. Parker, infant children of William Parker ad. by John Parker their next friends;*

And unless the said Defendant shall answer the said bill within four months thereafter, the Court will take the same for confessed, and decree the matter thereof accordingly; and this ~~they~~ shall in no wise omit under the penalty of 100l.

And have then there this writ: Witness, JAMES ROCHELLE, Clerk of our said Court, at the Courthouse, this 19 day November 1834, and in the 39th year of the Commonwealth.

James Rochelle clc

Nov 4. 1835 I acknowledge due
and legal service of the within notice

J. V. Gray Atto

Wm. H. H. H. H. H.

To Thomas R Gray Atty. for Nicholas M. Seville
administrator with the will annexed of Peter Sim-
mons decd. Margaret Simmons widow and executrix of
said Peter. decd. William D. Jeremiah. Peter
Elizabeth. Sarah and Prescilla Simmons

please to take notice that on wed-
nesday the 11th Inst I shall by attorney
at the House of Solomon D. Parker, ^{in the county of Southampton} between
the hours 9 o'clock A.M. and 5 o'clock P.M.
proceed to take the depositions of Solomon D.
Parker and others to be read as evidence
in a certain suit now depending and
undetermined in the County Court of Law
and Chancery for the county of Southamp-
ton in which I and others are plaintiffs and
you are ~~Attorney~~ for defendants.

Novr. 4th 1835.

Solm. Parker et. al.

Miller
General
M
John
H. D.
R. D.
W. D.
D. D.

Parker 40
in 30 minutes

Summons com. 40

The Commonwealth of Virginia: To

To a Justice of the Peace for Southampton County —

Greeting;

Know ye that we trusting in your fidelity and provident circumspection in diligently examining whatsoever witnesses as well on behalf of John Parker, Lemuel L Parker & others plaintiffs as of Nicholas M Sebrill admsr de bonis non with the well advised of Peter Summers & others Defendants, in a suit in Chancery depending in the County Court of Southampton

command you, or ~~any~~ ^{one} ~~two~~ or more if you, that at such day and pl. ce as you shall appoint, you assemble yourself, and the witnesses ~~afresuit~~ before you, you call and cause to come, and diligently examine on the Holy Evangelist of Almighty God, and their examination into our said Court distinctly and plainly without delay you send and certify enclosed returning also this writ. Witness, ^{L. R. Edwards} James Rochelle, Clerk of our said Court, at the Courthouse this 10th day of November 1835 in the 60th year of the Commonwealth.

L. R. Edwards Clk

Parker &

v { Depo

Swimmon & ||

Came to hand Seals Nov. 9th 1835

Seals cancelled

To the Clerk of the County Court of

Copied



Seals cancelled

Seals cancelled

Southampton County to wit:

Depositions taken before me George A. C. Basham
a Justice of the Peace for the County of Southampton,
and hereby appointed to take the same by a Commission
hereto annexed and bearing date the 10th day of November
1835 and signed Littleton R. Edwards C. C. the said
deposition taken pursuant to a notice hereto annexed,
to be read as evidenced in a certain suit now depen-
ding and undetermined in the County Court of Law
and Chancery for the county of Southampton in
which Samuel D. Parker and others are Defts and
Nicholas M. Sebrell Admr. with the Will annexed
of Peter Simmons decd. Margaret Simmons widow
and Relict of Peter Simmons aforesaid decd. William
D, Jeremiah F, Peter, Elizabeth, Sarah, and
Prissilla Simmons are Defts.

Nov. 11th 1835.

The deposition of Solomon D. Parker who being first
duly sworn on the holy evangelist of Almighty
God deposeth and saith as follows—

Question by Defts Attorney

Do you know any thing of the relationship
existing between the Defts in the case and William
Parker Jr. decd. and if so what that relationship
was.

Answer It is said and generally believed that the
Defts in this case are the children (& grand
children) of William Parker Jr. decd. who was a
son of Drury Parker decd. so considered, recognized
and acknowledged by their relatives here, of whom
I am one

Question Is William Parker Jr. and his son Wm Parker Jr.
dead.

Answer It has been so paid and generally believed -
And further this deponent saith not

Sworn to and subscribed
before me a Justice of the
peace for the County of Southampton
Solomon D. Parker
Geo. F. Parkham J.P. Seal

The deposition of Temperance Parker who being first
duly sworn on the Holy Evangelist of Almighty God deposes
and saith as follows

Question by Plffs Attorney

Do you know how many children William Parker
Jr. had and their names -

Answer I have always understood, and believe it was
generally understood, that he had eight, six sons
and two daughters, namely Willie, Samuel, William,
John, Frederick, Richard, Temperance and Dorothy.

Question Do you know which of those children are dead.

Answer I have heard & believe that William, Frederick,
and Richard are dead. And further this deponent
saith not

Sworn to and subscribed before Temperance Parker
me a Justice of the peace }
for the County of Southampton } Geo. F. Parkham J.P. Seal

The deposition of Lucy Parker who being first duly
sworn on the Holy Evangelist of Almighty God deposes
and saith as follows

Question by Plffs Attorney

Do you know whether any sum or sums of money were
due to William Parker from Drury Parker or
his estate, after his death.

Answer I do. I paid to Peter Simmons the amount of a
Bond, One hundred and thirty three dollars & thirty three cents
with interest on the same, The principal and interest and
costs amounting to Two hundred and forty five dollars or there
abouts, as well as I now recollect, to my William Parker
proportionable part of Drury Parker estate. I paid the
same to Peter Simmons as the Representative of William
Parker decd. I being the Representative of Matthew Parker
decd.

Question Do you know the names of any of the children
of William Parker Jr. decd. and if so name them.

Answer I have seen two Willie, & Samuel also a
man by the name of Barnes who said he married
a sister of Willie and Samuel Parker, by the name
of Temperance - And further this deponent saith not

Sworn to and subscribed
before me a Justice of the peace
for the County of Southampton

Geo. F. Parkham J.P. Seal

Lucy Parker

April 2nd 1832 Rec^d of Peter Simmons Adm^r of
William Parker Acc^d County five dollars it being
in full of my part in a bond Due William
Parker and Rec^d by me - Willie Parker

Edwin Gray

Parker & Co. Comd.
As } Report
Comm. on adm. &c.

1838 Dec. 18th

John Parker & others
against

Nicholas M. Lebrill admr. & others

} In Chancery
} Southampton County
} Court.

It appears from the receipt of Peter Simmons admr.,
given to James Rockelle Clerk of Southampton County
Court April 22nd 1832, that he Simmons received a
bond from the said Clerk for \$132.32 executed by Matthew
Parker & others, Commissioners appointed by the County Court
of Southampton to sell the Estate of Drewry Parker decd.
and which said bond, on the same day, with the interest
thereon, was paid to the said Peter Simmons admr. of
William Parker decd by Lucy Parker the representative
of William Parker decd. These facts by reference to
Lucy Parker, and the Receipt to the said James
Rockelle, filed in this Cause will fully appear.

Statement by the Comrs.

The above bond was due January 1st 1818 for } \$132.32
Interest on ditto to April 2^d 1832. at -
which time Lucy Parker the representative
of Wm Parker decd paid it to Peter
Simmons admr. of Wm Parker. 14 yrs 3. mos 1 day } 113.19

nett amount recd on this bond \$245.51

The distributees entitled, and who are claiming
it, are, John Parker, Lem^l Parker, Alston Savage and Polly his
wife, James Barnes & Temperance his wife, and John T.
and Wm^l Parker, infant Children of Wm Parker decd
who was the son of William a foresaid sent decd. by John
Parker their next friend. It further appears that
Peter Simmons admr. he paid to Willie Parker \$45.00
on the said 3rd day of April 1832 as his proportion of this
bond, as one of the distributees of the said Wm Parker decd.
and who is not a party in this suit; if he is
one of the distributees entitled; there is then ^{are} six

in the whole, which ^{will give} each, the sum of \$40.90³/₄ as ^{their} proportion
with interest on each distribution from the 2nd day April 1832
till paid, Willie Parker will then have to refund to the
estate of Peter Simmons adm^r de dec^d \$4.18¹/₂ with
interest from the said 2^d April 1832 till paid he
having received that amount more than his proportion

Williamson atty for the plaintiffs, and Nicholas
M. Abbott adm^r de of Peter Simmons attended before
Cm^r in the investigation of this account

Cm^r fees \$5. Charged to
the plaintiffs

Respectfully Submitted
Sen Jell Corman

Parker &c
& } Exhibit
Simmons &c &c

Received April 22/1831 of James Rockwell Clerk Southampton County Court the following bond to wit. One bond for the sum of \$132.32 cents payable the 1st day of January 1835 executed by Matthew Parker belatter Ellynick of Jesse Fort to the commissioners appointed to settle the estate of Dorey Parker decd. one other bond for the like sum of \$132.32 cents payable the day above executed by the above named Matthew Parker belatter Ellynick of Jesse Fort, to the said Court and one other bond for the sum of \$33.88 cents payable at the time above executed & made payable to the parties above: the first named bond being the proportion to which Lucy Cataway or her representative is entitled to as her proportion of the sale of the Land of Dorey Parker decd. The second bond being the proportion to which William Parker or his representation is entitled to as his proportion of the sale of the Land of Dorey Parker decd. And the third being the proportion to which Newt Drow or his representative is entitled to as his proportion of the sale of the Land of Dorey Parker decd.

Peter Simmons
Admors H^{rs}

Attest

Jesse L. R. Edwards Clk.

Parker &

to } Exhibit

Summers &

• At a Court held for the County of Southampton on the 18th day of November 1833.

This last Will and Testament of Peter Simmons dec^d was proved by the oath of Albert G Mabry, Joshua Harrod and John W Thomas the Witnesses thereto and ordered to be recorded. And on the motion of Margaret Simmons the Executrix therein named who made oath and together with Nathaniel Simmons and Nicholas M Sebell her Securus entered into and acknowledged a bond in the penalty of five hundred dollars conditioned as the law directs, certificate is granted her for obtaining a Probat of the said Will in due form.

Teste L R Edwards C. C.

Parker &
2 } Exhibit
Simmons &

At a Court held for the County of Southampton on the 19th day of May 1834 -

On the motion of Nicholas M Sebrill one of the securities of Margaret Simmons as Executrix of Peter Simmons dec^d. setting forth that he conceives himself in danger of suffering damages by reason of his Securityship and praying the Court for relief It is therefore ordered that the said Margaret Simmons be summoned to give the said Sebrill good counter security or execute a new bond with security as the law directs. And the said Margaret Simmons by her attorney here in Court acknowledged legal notice of this motion, and by consent it is ordered that the said Margaret give the said Sebrill good Counter Security, the bond for which purpose is to be in the penalty of the bond executed by the said Margaret as executrix aforesaid and conditioned according to Law. And the said Margaret Simmons refusing to give the said bond and security it is ordered that her persons and debts as Executrix aforesaid be revoked. And in the motion of the said Nicholas M Sebrill who made oath and together with William J Sebrill and Nathaniel Simmons his securities entered into and acknowledged a bond in the penalty of five hundred dollars conditioned as the law directs. Certificate is granted him for obtaining letters of administration de bonis non in the said Peter Simmons estate with his will annexed in due form.

Teste L R Edwards. C. C.
L 1

Parker &

& } Copy Proceedings

Summons &

At a Court held for the County of Southampton on the 20th day of October 1834 came John Parker, Lemuel S. Parker, Maria Savage and Dolly his wife formerly Parker and daughter of William Parker *de. dec.* and James Barnes & Temperance his wife formerly Parker and daughter of said William and John T and William W. Parker infant children of William Parker *pr. dec.* who was son of William aforesaid *de. dec.* by John Parker their next friend, by their Counsel and filed their bill against Margaret Simmons widow and Executrix of Peter Simmons *de. dec.* Whereupon it was ordered that a Subpoena be awarded against the said Margaret Simmons widow & Executrix of the said Peter Simmons to answer the said bill returnable to November Court next.

Afterwards At a Court held as aforesaid on the 18th day of November 1834 On the motion of the plaintiffs leave was given them to amend their bill, and thereupon they immediately filed their amended bill, and a Subpoena was awarded against the Defendants therein named to answer the same, returnable to the first Monday in January next.

Afterwards At Rules held in the Clerks Office of the Court aforesaid on the first Monday in April in the year 1835 came the Defendants by their Counsel and filed their answers to the plaintiffs bills, and the Plffs by their Counsel instantly replied generally thereto.

Afterwards At a Court held for the County aforesaid on the 15th day of August 1836 On motion of the plaintiffs, it was decreed and Ordered that the defendant Nicholas M. Sebell render before Commissioners Cobb an account of Peter Simmons' administration on the estate of William Parker *de. dec.* which the said Commissioners as directed to examine Stata and settle and report to this Court with any matters specially stated deemed pertinent by himself or which he may be required to state.

Afterwards At a Court held for the County aforesaid on the 29th day of August 1837 It appearing to the satisfaction of the Court that the plaintiffs are not residents of this State, on the motion of the Defendants by their ^{Counsel} attorney, it was ordered that this suit be dismissed, unless security for the payment of such costs and damages as may be awarded the Defendants and also the fees which will become due from the plaintiffs to the Officers of this Court be given with the bills within sixty days from this time.

Afterwards At a Court held for the County aforesaid on the 21st day of May 1838. On the motion of the plaintiffs by Counsel it was ordered that this

Cause be removed to the Circuit Superior Court of Law & Chancery for this
County for trial.

Clarks costs \$3.90. of Peffs
Dfs costs. belk. 1.24.

Parker & ad

" } Copy Proceedings

Simmons & ad

Received by Clerk: of the Circuit
Sup. Court May 29th 1838.

At a Court held for the County of Southampton on the 20th day of October 1834 came John Parker, Samuel Parker, Alston Savage and Dolly his wife formerly Parker and daughter of William Parker deceased and James Barnes and Temperance his wife formerly Parker and daughter of said Williams, and John S and O Williams St Parker infant children of William Parker deceased who was son of William aforesaid deceased by John Parker their next friend by their Counsel and filed their bill against Margaret Simmons, widow and Executrix of Peter Simmons deceased. Whereupon it was ordered that a Subpoena be awarded against the said Margaret Simmons widow and Executrix of the said Peter Simmons to answer the said bill returnable to November Court next.

Afterwards At a Court held as aforesaid on the 18th day of November 1834. On the motion of the plaintiffs by Counsel, leave was given them to amend their bill, and thereupon they immediately filed their amended bill, and a Subpoena was awarded against the defendants therein named to answer the same returnable to the first Monday in January next.

Afterwards At Rules held in the Clerks Office of the Court aforesaid on the first Monday in April in the year 1835, came the Defendants by their Counsel and filed their answers to the plaintiffs bills, and the plaintiffs bills, and the plaintiffs by their Counsel instantly replied generally thereto.

Afterwards At a Court held for the County aforesaid on the 15th day of August 1836. On motion of the plaintiffs, it was decreed and ordered that the defendant Nicholas M Sebrill render before Commissioner Cobb an account of Peter Simmons administration on the estate of William Parker deceased which the said Commissioner was directed to examine, state and settle and report to this Court with any matters specially stated deemed pertinent by himself or which he may be required to state.

Afterwards At a Court held for the County aforesaid on the 21st day of August 1837. It appearing to the Satisfaction of the Court that the plaintiffs are not residents of this State. On the motion of the Defendants by their Counsel it was ordered that this suit be dismissed unless security for the payment of such costs and damages as may be awarded the Defendants and also the fees which will become due from the plaintiffs to the Officers of this Court be given with the Clerk within sixty days from this time.

Afterwards At a Court held for the County aforesaid on the 21st day of May 1838. On the motion of the plaintiffs by Counsel it was Ordered that this cause

be removed to the Circuit Superior Court of Law and Chancery for this County
for trial-

Plaintiffs Costs -	clks.	\$3.90	}	\$ 11.80.
	Shffs.	2.40		
	Law fee	<u>5.50</u>		

Defendants Costs -	clks.	\$1.24	
	Law fee	<u>5.00</u>	

\$6.24.

Copy Teste

L R Edwards clke

This case is not in a situation for the action of the court. The looseness of the pleadings, with the consequent confusion as to parties, keep the merits entirely out of view. The property sued for consists probably of converted assets, in which case Wm. Parker's representatives sh. be before the court - nor does the court perceive clearly who is now the representative of Peter Simmons who was or who is, sh. to have been the ex. of Wm. Parker. If Wm. Simmons or Wm. Selwell the representatives of Peter Simmons? the pleadings should be amended to enable the court to act understandingly

R. H. B.

Oct. Term 1841. If the distributors of Wm. Parker are all before the court, a decree might be entered ag. Selwell against the Simmons de bonis testatoris - but the report of the court shows that all the parties are not before the court - the case then for this reason is not ready: and moreover a decree de bonis n. probably avail nothing, and no other can be obtained without having first a settlement of the transactions

x of Mr. Simmons and of Cibrill ~~on~~ respectively
on the estate of Peter Simmons. R.H.B.

Note.

x

Know all men by these presents that I James W. Parker
am held and firmly bound unto Nicholas M. Sebell administrator de bonis
with the will annexed of Peter Simmons dec^d. Margaret Simmons.
William D. Peter. Jeremiah. Sarah. Priscilla & and Elizabeth L. Simmons
in the just and full sum of Fifty dollars
to be paid unto the said Nicholas M. Sebell admor: de bonis now with
the will annexed of Peter Simmons dec^d. Margaret Simmons. William
D. Peter. Jeremiah. Sarah. Priscilla & and Elizabeth L. Simmons their
certain attorneys their Executors, administrators or assigns; for which
payment well and truly to be made, I bind myself my heirs, Executors
and administrators, firmly by these presents. Sealed with my seal and
dated the 18th day of December 1857.

The Condition of the above obligation is such that whereas a Suit
hath been instituted in the County Court of Southampton by John Parker
Gerrard & Parker. Alston Savage & Dolly his wife, James Barnes & Temperance
his wife, & John J. & William W. Parker infant children of William Parker dec^d
by John Parker their next friend against the above named Nicholas
M. Sebell admor: de bonis now with the will annexed of Peter Simmons dec^d.
Margaret Simmons and William D. Peter. Jeremiah. Sarah. Priscilla & and
Elizabeth L. Simmons, and on the day of August last, an
order was made by the said Court that the said Suit should be dismissed
unless security for the payment of such costs and damages, as might be
awarded the defendant, and also of the fees which would become due from
the plaintiff to the officers of the said Court, should be given with the
clerks thereof within sixty days from that time - Now if the above bound
James W. Parker shall well and truly pay all such fees as may be
- come due from the plaintiffs to the officers of the said Court, in the
prosecution of the said Suit, and moreover shall well and truly pay to
the said defendants, all such costs and damages as may be awarded
to them in case the said plaintiffs shall be cast thereon and condemned
to pay the same, then the above obligation to be void, or else to remain in
full force and virtue.

Witness
B

James W. Parker. Seal