

1846-D11

SOUTHAMPTON COUNTY
CHANCERY PAPERS

WILLIAMS et al vs. WILLIAMS, ADMR et al

11/1846

other surnames: Simmons, Hines,
James, Butts, Sebrell

Williams Gal

v. } Papers

Williams Gal

Interlined

1826 Nov. Dismissed

11

Williams & Co.

v. } Stat. Rules & Co.

Williams & Co.

John Williams Thomas Simmons admor of Ann his wife who was Williams
 Sarah Simmons who was Williams Rebecca Simmons who was Williams Benjamin
 Hines Henry Hines Zebulon L Simmons and Sarah his wife who was Hines
 Samuel J James and Elizabeth his wife who was Hines
 against

Sprattley Williams in his own right and as administrator with the will annexed
 of Nicholas Williams dec^d. Nicholas M Sebrell admor: de bonis non with the will
 annexed of Peter Simmons dec^d. Benjamin Hines Executor of Benjamin Hines
 dec^d. and Edwards Butts admor: of John Simmons dec^d.

1845 January 1st. Subpoena & deere nisi awarded returnable to February Rules -

" Febry. Rules. Subp^a & retⁿ executed on Sprattley Williams - Will filed

" & new sp^a & deere awarded against Defts. Sebrell admor: of Peter Simmons.

Hines Exor: Hines & Butts admor: John Simmons dec^d - Deftle: to March Rules -

" March Rules. Subpoena returned Executed on Butts - Sebrell not found &

Hines no inhabitant - New sp^a awarded to Deft. Sebrell -

" April Rules. Sp^a retⁿ Executed on Deft. Sebrell - Cause set for hear-
 ing as to Deft. Sprattley Williams in his own right & as admor: Nicholas Williams -

" May. Cause set for hearing as to Deft. ^{Butts} ~~Sebrell~~ admor: of John Simmons dec^d

" June. Cause set for hearing as to Deft. Sebrell admor: Peter Simmons dec^d

" July Order of publication to Hines Exor:

" Nov. J. Leave to amend bill

1846 " " Dismissed

Williams Jas

v. { Bill

Williams ad. J

Williams &c

as {

Williams accont

Bill

1845 February Rules

To the Hon^{ble} Richard H Baker judge of the
circuit superior court of law and Chancery for
the county of Southampton

Humly complaining
your complainant John Williams Thomas
Simmons adm^r of estate his wife who was
Williams Sarah Simmons who was Williams
Rebecca Simmons who was Williams Benjamin
Hines Henry Hines Zebulon D Simmons and
Sarah his wife who was Hines Samuel T
James and Elizabeth his wife who was Hines
show unto your honor that Nicholas Williams
deceased this life sometime in the year
having first duly made his last will and
testament ^{as copy of which is herewith filed and prayed to be taken as a part of this will} bequeathing a small tract of land
marked Exhibit A
lying in this county to his son Nicholas D
Williams and dying intestate as to his other
property both real and personal which went
of course to his lawful heirs and distributees
who were his children and their descendants
to wit Spratley Williams one of the defendants who
qualifies as his administrator with the will
annexed on the 20th of December 1824 and
enters into bond in the penalty of Ten thousand
dollars giving Peter Simmons Benjamin Hines and
John Simmons as his securities Peter Simmons died
testate and Nicholas M Deble is administrator de
bonis non with the will annexed Benjamin Hines
died testate and his son Benjamin Hines qualifies
as his executor John Simmons has died
intestate and Edwards Watts qualifies as his
administrator Nicholas D Williams who died leaving
a daughter Caroline E Williams who has also
died under age unmarried and intestate John

Williams Thomas Simmons as administrator and
in right of his wife Anne who was Williams
Sarah Simmons who was Williams Rebecca
Simmons who was Williams which said Spratly
Nicholas D. John. Sarah. Anne and Rebecca.
were the sons and daughter of ^{the said} Nicholas William
Benjamin Hines. Henry Hines Zebulon D Simmons
and Sarah his wife who was Hines Samuel T
James and Elizabeth his wife who was Hines
the said Benjamin. Henry, Sarah. and Elizabeth
were the children of Elizabeth Hines formerly
Williams and another daughter of the said Nicholas
Williams which said children and grand children
are his sole heirs and distributees your
complainants shew further unto your honor that
Spratly Williams the administrator rendered an
account before the commissioners of the county court
of Southampton of his administration of the estate
of Nicholas Williams, ^{of which it appears the was} by which it appears the was
indebted the estate of the said Nicholas in the
sum of of \$157⁰⁰ 81/100 with interest \$6⁰⁰ 20/100 part
thereof from 31st of Dec 1833 until paid which
account your complainants pray may be taken as
prima facie evidence liable to be surcharged and
falsified by them In tender consideration whereof
and inasmuch as your complainants are wholly
without remedy except in a court of equity
they humbly pray that your honor would
make Spratly Williams in his own right and
as administrator with the will annexed of the
said Nicholas Williams Nicholas M Sebell ad-
de bonis non with the will annexed of Peter
Simmons Benjamin Hines executor of Henry
Hines decd and Edwards Watts administrator

of John Simmons decd parties defendant to this
bill and compel them full and perfect answer
make to the allegations herein contained as fully and
amercially as if they had been thereto more fully
and particularly interrogated and that your honor
would decree that the said Spratly Williams render
an account of his transactions as administrator of the
estate of the said Nicholas Williams before a
commissioners of this honorable court and that
whatever balance may be found due the estate of the
said Nicholas Williams be paid to your complainants
as his lawful heirs and distributees and that your
honor may grant such other and general relief
as equity may dictate and the nature of their
case may require and as in duty bound your
complainants will ever pray &c

Parker & Shandas J. G.

Williams
Answer of
Spratly Williams
Williams &c

1845. November 7th

Answer of Spratley Williams, in his own right and as adm: with
the will annexed of Nicholas Williams decd: to a bill of complaint exhibited
in the Cir. Sup: Court of Lancashire for the County of Southampton, against
him in favor of John Williams, Thomas Simmons and others. In Chancery

This respondent saying, and severing to himself as for answer to
the complainants, said bill of complaint, says - that it is true he qual-
ified as adm: with the will annexed of Nicholas Williams decd: and
returned the account current of said Williams estate, exhibited in the
bill, and that he believes, that he has long since, paid off and distributed
every cent of the balance found due the estate, ^{with the exception of a very} ~~small amount~~ ^{that he has frequently paid money to several, if not all, the complainants}
in the bill, or to those under whom the complainants claim, on ac-
count of the balance due said estate, and took receipts for the same
which, from the lapse of time, and from the impression that the whole
matter had been finally settled, have been mislaid or lost - that he
is uncertain whether he could produce any of those receipts at this late
day, should the matter again be carried before the Court: and that he
verily believes that if the matter could be fairly and justly settled, that he
would not be found indebted to the estate, ^{but in a very small amount} ~~much less than the balance found on the a/c. current~~ ^{for the reasons above stated}
this respondent relies upon the statute of Limitations as fully and effectually
as if it were here particularly and specially pleaded - And having,
answered prayer to be dismissed the Court with his reasonable
costs in this behalf expended -

Ridley, Solicitor
Atty

Southampton County Court

This day personally appeared before me a justice of the peace
for the County of said, Spratley Williams and made oath that the
facts stated in the above answer are true to the best of his knowl-
edge and belief - Given under my hand this ^{November} ~~10th~~ day of ~~October~~
1845 -

H. T. Ridley J.P.

Williams & Co

r. } Or. Pub:

Williams? or & Co

Copy posted at C. house door
July 11: 1845

At Rules holden in the Clerks Office of the Circuit Superior Court of Law and Chancery
for the County of Southampton on the first Monday in July 1845-

John Williams, Thomas Simmons admor. of Ann his wife who was Williams, Sarah Sim-
mons who was Williams, Rebecca Simmons who was Williams, Benjamin Hines, Henry Hines,
Zebulon L Simmons, and Sarah his wife who was Hines & Samuel & James & Elizabeth
his wife who was Hines Defts.

against

Spralley Williams in his own right and as administrator with the will annexed of
Nicholas Williams dec^d. Nicholas M Sebell admor. de bonis non with the will annexed
of Peter Simmons dec^d. Benjamin Hines Executor of Benjamin Hines dec^d. and Edwards
Bullo admor. John Simmons dec^d. Defts.

In Chancery-

The defendant Benjamin Hines Executor of Benjamin Hines dec^d. not having entered
his appearance and given security according to the Act of Assembly and the Rules of this
Court and it appearing by satisfactory evidence that he is not an inhabitant of this
County it is ordered that the said defendant do appear here on the first day of the next Term
and answer the bill of the plaintiffs and that a copy of this order be forthwith inserted
in some newspaper published in the town of Petersburg for two months successively &
posted at the front door of the Courthouse of this County-

Williams &c

2 3 Decree

Williams &c

no fr. prob. and R. Henry

consequences of the party

right not to pay for

act since you not

apply because the act

amount independent

Williams et al:

i

Williams et al:

Decree

At or Term 1846

The defendant Benjamin Hines Exor: of Benjamin Hines decd; who is out of the County and against whom the plaintiffs appear to have proceeded in the mode prescribed against absent defendants, still failing to appear and answer, and it appearing to the Court that more than two months have elapsed as well since the filing of the bill as service of the subpoena on the defendants Nicholas M. Seabell adm: de bonis non with the will annexed of Peter Simmons and Edwards Seabolt adm: of John Simmons who still fail to appear and answer, on motion of the plaintiffs by Counsel, their bill is taken for confessed as to those defendants. And the cause coming on to be heard on the bill and exhibits filed & the answer of the defendant Spratley Williams, was argued by Counsel, on considerations whereof the Court doth order, that the defendant Spratley Williams render an account of his transactions as adm: with the will annexed of Nicholas Williams before Comm: Goodenough of this Court, who is directed to state, examine and report the same to Court (Taking the account on oath & and filed in this cause as the basis of said account) together with any matters required to be specially stated by either of the parties, or which may be deemed pertinent by himself. The Court doth further order that said Comm: state and report an account showing what amount is due each of the plaintiffs as heirs and distributees of said Nicholas Williams by the said Spratley Williams adm:

10.2.6

Williams & Co

Spa in Chancery

Williams' assn & Co

1844 August Rules

Executed on John Sum-
mers

Williams & Bell Deputy of

Saml. B. Hines Sheriff

Executed on Grattley

Williams 15th July 1844

Wm. J. J. D. Deftor
Saml. B. Hines. shff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Sprattley Williams admor. with the will annexed of Nicholas Williams dec^d. John Simmons, Nicholas & H. Sebrill admor. de bonis non with the will annexed of Peter Simmons dec^d. & Benjamin Hines Exor. of Benjamin Hines dec^d*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *August* next, to answer a Bill in Chancery exhibited against *them* in the said Court by *John Williams. Thomas Simmons admor. of his wife Anne dec^d. Daniel W. Simmons & Rebecca his wife. Benjamin Hines. Mary Hines, Reuben L. Simmons & Sarah his wife. Samuel & James & Elizabeth his wife & John Gilliam & Elizabeth his wife*

And unless *they* shall answer the said Bill within ^{*Two*} ~~four~~ months thereafter, the Court will take the same for confessed, and decree accordingly. And this *They* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *10th* day of *June* 18*64*, in the *68th* year of the Commonwealth.

L R Edwards Clk

[One Copy to be delivered each Defendant.]

8

10.86

Williams & Co

v. 2 Sp^a in Chy

Williams' adv. & Co

1845 February Rules

Executed on Wrotty
Williams

B. W. Gwynn deputy of
Saml B. Hines Sheriff

at f

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Spradley Williams admor. with the will annexed of Nicholas Williams dec^d. Edwards Butts admor. of John Simmons dec^d. Nicholas M. Seville admor. de bonis non with the will annexed of Peter Simmons dec^d. & Benjamin Hines Esq^r of Benjamin Hines dec^d.*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in

February - next, to answer a Bill in Chancery exhibited against *them* in the said Court by *John Williams. Thomas Simmons admor. of his wife Anne. Sarah Simmons. Rebecca Simmons. Benjamin Hines. Henry Hines. Zebulon S. Simmons & Sarah his wife. Samuel & James & Elizabeth his wife*

And unless *they* shall answer the said Bill within ^{*three*} ~~four~~ months thereafter, the Court will take the same for confessed, and decree accordingly. And this *they* shall in no wise

omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON

R. EDWARDS, Clerk of our said Court, at the Court-house, the *1st* day of

January - 1845, in the *69th* year of the Commonwealth.

L R Edwards Clk

[One Copy to be delivered each Defendant.]

C.S.Q

Williams vs. [unclear]

vs. [unclear] on Chy

Williams vs. [unclear]

1845, March, Rules

Executed on Edward's Rules

Nicholas M. Sebell not found
by Benjamin Hines no inhabitant

William A. Bell, Deputy of
Samuel B. Hines Sheriff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Edwards Butts admor. of John Simmons de^t Nicholas M. Lebrill admor. de bonis homⁱ with the well assured of Peter Simmons de^t Benjamin Hines Exor. of Benjamin Hines de^t*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the

County of Southampton, at the Rules to be holden for the said Court on the first Monday in *March* ^{*another*} next, to answer a Bill in Chancery exhibited against *them* in

the said Court by *John Williams, Thomas Simmons admor. of his wife Anne, Sarah Simmons, Rebecca Simmons, Benjamin Hines, Henry Hines, & Abalon S. Simmons & Sarah, his wife, Samuel S. James & Elizabeth, his wife.*

And unless *they* shall answer the said Bill within ^{*two*} ~~two~~ months thereafter, the Court will take the same for confessed, and decree accordingly. And this *they* shall in no wise

omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON

R. EDWARDS, Clerk of our said Court, at the Court-house, the *3^d* day of

February 1845, in the *69th* year of the Commonwealth.

J. R. Edwards Clk

[One Copy to be delivered each Defendant.]

65.6

Williams gad

to 2 Sp. in chr

Williams adr ge

1845 April Rules

Exicuted

Massenburg DS

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Nicholas M. DeBrell* ~~adversus~~ *de bonis*
non with the will annexed of Peter Sumner dec^d

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the
County of Southampton, at the Rules to be holden for the said Court on the first Monday in
April next, to answer a Bill in Chancery exhibited against *him* ^{*dothers*} in
the said Court by *John Williams dothers*

And unless *he* shall answer the said Bill within ^{*two*} ~~four~~ months thereafter, the Court will
take the same for confessed, and decree accordingly. And this *he* shall in no wise
omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON
R. EDWARDS, Clerk of our said Court, at the Court-house, the *3^d* day of
March 1845, in the *69th* year of the Commonwealth.

L. R. Edwards

[One Copy to be delivered each Defendant.]

Nicholas Williams

Will

Acpt^y

Williams Geo

Ex: with Bill

Williams? ad Geo

A.

Nicholas Williams of Southampton County do Make and ordains this
My last will and testament, in manner and form following (Viz)
I Give and bequeath to My son Nicholas Lewis Williams at and after
My death all the tract or parcel of land whereon I now live containing two hundred
and twenty six acres be the same more or less I Give the said land to him and
his heirs forever" And Lastly" It is My will and desire that My son Nicholas
shall keep My daughter Sally Williams with him until her death or Marriage
I do Witness whereof I have hereunto set My hand and seal this 11th day of
November in the year of our Lord A D one thousand eight hundred and twelve

signed sealed and delivered

in presence of

John Williams

Edwin Council

Chas W Hobbs

Nicholas Williams

At a Court held for the County of Southampton on the 30th December 1821 This
Will was presented in Court proved by the oath of John Williams one of the witnesses
thereto And on the Motion of Spratley Williams for letters of admⁿ with
the will annexed (The will leaving no Representative) The same is granted for
obtain^g probat^h thereof in due form" on his giving bond & security whereupon
the said Spratley Williams together with Peter Simmons B Hines and John Simmons
his security entered into and took their bond in the penalty of Ten thousand
dollars conditional as the law directs And at a Court held for the County
aforesaid the 19th day of December 1821 the said will was proved by the oath
of Edwin Council also a witness thereto and ordered to be Recorded

Teste James Rochelle Clk

Attest

Teste JH Edwards Clk

Nicholas Wilham

Account Current

A copy

Williams & Co

Ex. with bill

Williams & Co

B.

The Estate of Nicholas Williams decd
An account with Spradley Williams admr

1824									
Dec	31	By James Wells Note due this day	"	"	58	00			
		To Coms on ditto		2	90				
		" paid for 1/2 doz 30c cotton bagging at 1/6		1	62 1/2				
		" " " " " " " " " "		2	67				
		" " " " " " " " " "		7	00				
		" " " " " " " " " "		18	16	11			
	31	Balance due this Estate					41	89	
1825		To Paid T Simmons acct		7	35				
		" " John Williams do		9	74				
		" " ditto do		14	00				
Feb	9	" " Peter Matthews & Co for Haps Cotton		10	50				
Sept	24	" " Wm Simmons acct		1	00				
	3	" " R. H. Simmons Note		1	55				
		" " Doct J. T. Williams acct		20	00				
Oct	3	By acct sales due this day		"	"	343	34		
		" Cash found in the house		"	"	7	00		
		" Negro hires due this day		"	"	279	84		
		" Net proceeds of 1 bale cotton		"	"	12	90		
		To Coms on \$673.08		33	63				
							714	97	
							100	69	
Dec	31	By Balance due this Estate					614	28	
		" Sub on last balance one year \$2.51							
		To paid for Gold shiff taxes		26	76				
		" " Doct Edmunds acct		7	50				
		" " T. B. Briggs "		26	67				
		" " Wm Schell Note		5	50				
		" " Geo. W. Hargraves ditto		3	68				
		" " W. H. Broadnax atty		20	00				
		" " Clerks tickets		1	74				
		" " Doct Moyer acct		12	50				
		Carried forward							
							103	37	614 28
1826		amb brought forward							
							2	51	
Dec	26	To paid for Simmons hiring Negroes		19	99				

Date		Description	Dr	Cr	Balance
		" " five Withams do	9	79	
		" " To Drury do		39	
		" " Amos Drake acct	18	94	
		By Mrs Negroes this year			282 26
		etc Comd on ditto	14	11	
				896	34
				166	73
	31	By Balance due the Estate		729	77 2 51
		" On our last balance			36 83
1827		To paid T Simmons acct	28	25	
March	18	" " P S Pierce acct	7	50	
		" " ditto AR	34	68	70 43
Dec	31	By Balance due the Estate		659	34 39 31
		" On the balance of 1826			43 7
1828		To Paid ship super tickets	1	63	
		" " Paid of Burrow in part bond	536	91	538 54
Dec	31	By Balance due the Estate		120	88 53 12
		" On the balance of 1827			39 36
1829		To paid sundry clerk tickets		9	60
Dec	31	By balance due the Estate		111	20 128 70
		" On the balance of 1828			7 24
1830		To paid J L Monche acct		10	00
Dec	31	By Balance due the Estate		101	20 129 94
		" On the balance of 1829			6 67
		" On the balance of 1830			6 07
1831		To paid H H Simmons Note		53	50
Dec	31	By Balance due the Estate		47	70 132 68
		" On the balance of 1831			6 07
1832		To paid P Simmons for coffin		8	00
Dec	31	By Balance due the Estate		39	70 148 73
		" On the balance of 1832			3 56
1833		By On acct brought down		157	61
		amount lead forward			171 31
Dec	31	By amount brought forward			39 70 151 61
		To paid for execution notices	8	00	
		" " Comd for returned	3	00	
		" " Clerk ditto	1	00	

Inv Simons accy.
 19 50 33 50 1

 6 20 157 6/

By Int. acc. Int. down.

1853

Dec 31 By Balance and the Estate, 157.81 with interest on \$4.20

part thereof from this date till paid

Com: fr \$3.00 charge 4
to the adm^y 3.

Respectfully Submitted

Wm Cobb Jun

At a Court held for the County of Southampton, the 17th day of April 1837
This account, Current, and Commissioners Report, of Esquire William administration
on the Estate of Nicholas William, was returned and ordered to lie on the table
for Exception. And at a Court held for the County aforesaid the 15th day of
May 1837 The same was confirmed and ordered to be Recorded.

Text: J. H. Edwards telg.

Аббасъ)

Leah P. Edwards, 66y.