

1846-014

SOUTHAMPTON COUNTY
CHANCERY PAPERS

CALAWAY et al vs. SIMMONS' ADM'R.

11/1846

Other SURNAMES: Sebrell,
Bramlett, Tyler, Calloway,
Bramlet

~~26~~ ~~25~~ ~~24~~ ~~23~~ ~~22~~ ~~21~~ ~~20~~ ~~19~~ ~~18~~ ~~17~~ ~~16~~ ~~15~~ ~~14~~ ~~13~~ ~~12~~ ~~11~~ ~~10~~ ~~9~~ ~~8~~ ~~7~~

Calaway 823

v. } Papers.

Simmons? adn:

To be continued

12.11.13

1846 Nov. - *Barus. dising.*

Calaway & Co

v. } Statement.

Simmons' com

1843.

July. R. Supa. Executed. Will filed.

Aug. " Answer. & Rep: &c

Oct. " Set for hearing &c

" 2. Continued.

1844

May. " Continued

Nov. " Continued

1845

May. Continued

Oct. Continued

So bir. et:

Calaway and others

re.

}

Bill

Simmons. a. & w.

Chas. J.

[1920 words]

To the honourable Richard D. Bates.
Judge of the Circuit Superior Court
of Law and Chancery for the County
of Southampton.

Humbly complaining

Shew unto your Honor your complainants
Jacob Calaway. Parker Calaway. Seaborn
Calaway, Barkum Calaway. Denny Calaway.
Larima Brumfield. Sells Calaway. and
Sarah Izew, formerly Calaway. That Lucy
Calaway, who died many years ago, was
the wife of your Orator Jacob. who survived
her and who is now living, and also
the mother of all your other complainants
who are residents of the State of Georgia.
That the said Lucy was one of the distributees
of Denny Parker's estate, she was -
That in the year 1831. Peter Simmons, qualified
as the adm. of Lucy Calaway, and rec'd of her
estate the sum of \$32.32. with interest thereon
from 1st Jan 1818. That he gave none and
nothing according Law. a copy of which
has been heretofore filed as a part of this
bill. That the said Peter Simmons reported
this up without settling his adm.
account on the estate of Lucy Calaway -
and Margaret Simmons qualified as his
adm. after the death of Margaret; Nicholas
M. Seabell qualified as administrator, as bonis
son of Peter Simmons, and rec'd the whole person-
al estate, which had come into the hands
of the previous administrators, amounting
to the sum of \$
which is still in his hands, and which

he has since administered your Compts. further
state, that the said ^{Peter Simmons} ~~estate~~, adms. of Lucy Calaway
s.c. for more, of the personal estate of his
intestate, than would pay all his liabilities
and that they, being the only distributees
of Lucy Calaway are entitled to receive the
share of his personal estate; that they
have frequently in a friendly manner
applied to Mr. Schell adms. of Peter
Simmons and not was adms. of Lucy Calaway
estate, to settle an account of Simmons
Transactions on s.c. Calaway estate, and
pay over to them the balance which
may be found due on said settlement
but he has always declining their request
without any good reason or sufficient
cause.

In further consideration of all
which, and in as much as your Compts.
are without remedy in the premises
except in a court of Equity. To the
end, therefore that Justice may be done
to all parties, your Compts. pray your
Honor, to make Nicholas M. Schell
adms. of Peter Simmons, and
not was adms. of Lucy Calaway, a defendant
to this bill, with apt. and proper words
to charge him. That he be compelled to
answer the allegations hereof. fully and
reversely. That he render before a Court
of this Court, an account of the Transactions
of Peter Simmons, as adms. of Lucy Calaway,
before a Court of this Court and that
the balance be decreed to be paid

to your Compts. - That s.c. Schell, has already
returned an account of his own Transactions
on adm. of Peter Simmons, deceased, he can
show to pay the said balance ^{against him} to your Compts.
in full satisfaction of this claim, against
the estate of Peter Simmons - That your
Honor, will grant such other and
general relief in the premises, as Equity
may dictate, as in and by Law &c. -
May it please your Honor

Charably for Compts.

Answer of
Dr. M. Seabury

Callaway had
to } answer

Summons ad

1843 August Rules.

This Answer of Nicholas M. Sebrell admt. D. R. N. of Peter Simmons dec. to a Bill of complaint exhibited in this honorable against him by the said Jacob Calloway and others.

This respondent reserving to himself all manner of benefit, and advantage of exception to the manifold errors, uncertainties, and insufficiencies in the said Bill contained, for answer therunto on to so much, and such parts thereof as he is advised it is material for him to make answer unto - answering says - that it is true, he is the admt. De bonis non of Peter Simmons dec., and in that character has proposed him self of a small amount of assets, ~~assets~~ appear as will appear by an account of his transactions referred to in Complainant's Bill, a copy of which is filed and exhibited as a part of said Bill. This Respondent also admits that ~~he is qualified~~ ~~as~~ Peter Simmons his intestate qualified as the Administrator of Lucy Calloway, but of his transactions on her estate he knows nothing, nor has he any reason whatever to believe that his intestate is indebted to the estate of Lucy Calloway, ^{in the smallest amount} and therefore calls for strict proof of the same, and also calls upon the complainants for proof of every allegation not herein distinctly admitted - This Respondent has been called upon by numerous persons, of different families representing themselves as ~~the~~ exclusively entitled to the entire estate of Peter Simmons, and he therefore calls for strict proof of ~~the~~ every allegation in Complainant's Bill tending to charge in any way the estate of his intestate, - and having answered fully prays to be never dismissed with his costs, in this behalf most unjustly expended -

Southampton County to wit:

Personally appeared before me a Justice of the Peace, in and for the County aforesaid Nicholas M. Sebrell, and made oath that the facts stated in the above answer upon his knowledge are true and those stated upon the information of others he believes to be true.

Given under my hand and seal this
2 day of ~~August~~ ^{August} 1843

Wm Aspark ~~220~~

Calaway &c

v. 2 pp. in lth

Seminars admod

1840 July Rules

Execution

Mr. Seabell &c

Mr. Everts &c

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Nicholas M. Sebrill admor: de bonis*
non *vs. of Peter Simmons ad. who was admor of Lucy Calaway ad.?*

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

July next, to answer a Bill in Chancery exhibited against *him* in
the said Court by *Jacob Calaway. Parker Calaway. Sealorn Calaway.*
Barham Calaway. Drury Calaway. Lavinia Bramlet late Calaway
and Sarah Tyler formerly Calaway

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 *29th* day of
June. 1843, in the *67th* year of the Commonwealth.

R R Edwards

[One Copy to be delivered each Defendant.]

Glennville, Ga.

Callaway Co.
Ga. 3 Expts with bill

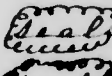
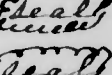
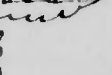
Callaway advices
to 3 Co: Bond
Justices

Know all men by these presents that we Peter Simmons,
Robert G. Simmons and James W. Beale are held and firmly
bound unto Alexander P. Peck, James Ingham, Orrin A. Brown
and Joseph Darden Gentlemen, Justices of the Peace for the
County of Southampton now sitting in the sum of One thousand
dollars dollars; to the payment whereof well and truly to be
made unto the said Justices and their successors we bind
ourselves and each of us our and each of our heirs, Executors and
administrators jointly and severally, firmly by these presents
Sealed with our seals and dated this 18th day of April 1831

The Conditions of the above obligation is, that if the
above bound Peter Simmons administrator of all the goods
and chattels of Lucy Calaway deceased, do make a true
and perfect inventory of all and singular the goods chattels
and credits of the said deceased which have or shall come to
the hands possession or knowledge of him the said Peter
Simmons or in the hands or possession of any other person
or persons, for him and the same so made, do exhibit into
the County Court of Southampton when he shall be thereto
required by the said Court and such goods, chattels and credits
do well and truly administer according to Law, and further do
make a just and true account of his actings and doings
therein when thereto required by the said Court, and all the
rest of the said goods chattels and credits which shall be
found remaining upon the account of the said administrator,
the same being first examined and allowed by the Justices
of the said Court for the time being; shall deliver and pay
unto such persons respectively as are entitled to the
same by Law; and if it shall hereafter appear that any
Last will and testament was made by the deceased, and
the same be proved in Court, and the Executor obtain a
Certificate of the probat thereof and the said Peter Simmons
do in such case being required, render and deliver up
his letters of administration then the above obligation to
be void or else to remain in full force

Signed Sealed and delivered in
the presence of the Court

Copy Teste

Peter Simmons 
Robt. G. Simmons 
Jas. W. Beale 
J. R. Edwards 

Collanay & ad

Ex^t. with Bill

Guinness ad

Robert Guinness
of West Brunswick

Adelphi

The Estate of Peter Simmons dec
In account with Nicholas M. Schrell adm de bonis mori

1833			Dr	Cr	
March 16	By sum recd of Margaret Simmons adm of her report to her on ditto			142 19	
	.. paid Sunday tickets	7 10			
	.. paid Sunday tickets	3 33	10 63		
Decr 31	By balance due the estate	" \$	131 56		
1834	To Thos R Gray atty	10 00			
	" Paid J. L. Jones copy	3 00	13 00		
Decr 31	By balance due the estate	\$ "	118 56		
	" Interest on the bal of 1833	" "	" "	7 89	
	" Interest \$ 118.56 for 1837	" "	" "	7 11	
1838	To paid J. L. Jones ticket	2 50			
	" .. J. L. Jones atty	23 50			
	" .. Clerk ticket	18			
	" .. Clerk fees retained	1 50			
	" .. paid Court for former report	1 00			
	" .. ditto for this do	1 00	28 68		
Decr 31	By balance due the estate	\$	89 88	15 00	
	" Int on \$ 118.56 one year	" "	" "	7 11	
	By Interest acct		22 11		
	By balance due the estate	\$ "	111 99		with
	Int on \$ 89.88 past due of from this date till paid				

Respectfully Submitted
Jere Robb Court

At a Court held for the County of Southampton the 13th day of March 1839 This account submitted by Nicholas M. Schrell administration on Peter Simmons Estate was returned and ordered to lie on record for exceptions And at a Court held for the said County on the 20th day of May 1839 the said account having lain on record and no exceptions being filed was confirmed and ordered to be Recorded

Teste L. R. Edwards Clk
At Copy
Teste L. R. Edwards Clk

Clulaway Jar

7 3

Diminms' aom

Filed by plffs with their bill

Received April 22/1831 of James Rochelle Clerk Southampton County Court
the following Bonds to wit: one Bond for the sum of \$132.32 Cents payable
the 1st day of January 1818 executed by Matthew Parker Walter Myrick
& Jesse Fort to the Commissioners appointed to sell the Estate of Drury
Parker dec^d one other Bond for the like sum of \$132.32 Cents payable the
day above executed by the above named Matthew Parker Walter Myrick
& Jesse Fort to the said Com^{rs} and one other Bond for the sum of \$33.08
Cents payable at the time above executed & made payable to the parties
above the first named Bond being the proportion to which Lucy Salaway
or her representative is entitled to as her proportion of the sale of the land
of Drury Parker dec^d the second Bond being the proportion to which
William Parker or his representative is entitled to as his proportion of the sale
of the land of Drury Parker dec^d and the third being the proportion
to which Norris Drown or his representative is entitled as his proportion of the
sale of the land of Drury Parker dec^d

Peter Simmons
admlt^{rs} L^c

The original is filed in the Clerk's Office of Southampton County in a suit in Chancery
to wit depending between Mays J^c v Parker J^c

L R Edwards Secy

July 1840-