

1837-028 Chancery Papers: Drewry, gdn of Simmons is Simmons' exte val

Southampton County

other surnames: Applewhite,
Westbrook

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2 } Bill in
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Simmons Exra

Circuit Court

(832 words) Aug-21-22
M-S-B

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To the Hon Judge of the Circuit Court of
Southampton County - In chancery sitting -

Humbly complaining sheweth your complainant
James Drury guardian at law of Eliza P. Linnom
an infant of tender years, that sometime since he qual-
ified as guardian of the said Eliza P. Linnom in the
County Court of the County aforesaid, and executed bond
with security as required by law - That sometime about
the year 1830 Edward L. Linnom, father of the said
Eliza, died, having previously executed his last will and
testament, in which he gives to his wife Martha Linnom
a specific legacy of \$750 - and directs the balance of his
property, after the payment of his debts, to be equally divi-
ded between his wife and two children, one of whom is the
said Eliza - Not long after the death of the said father,
one of the children dies a small infant, and the said
Eliza and her mother become entitled in equal propor-
tion to the interest of the deceased child, under the will
aforesaid - That Nathaniel Linnom the father of the
said E. L. Linnom and M. L. Peete qualified as Executors
under the will, and rendered separate accounts of this
transaction - that the account returned by the said Nathl.
Linnom (which is his final account) shows a balance
due the Estate of the 15th May 1852 of \$3203.61; of which
amount the said Eliza, the word of your complainant
is entitled to one half, after deducting the sum of
\$750 - the specific legacy before mentioned - making the
amount due her on the 15th May 1852, \$1227.80 - Your
complainant further shews that in March 1856, the
said Nathl. Linnom qualified as guardian of the said
Eliza and executed bond in the penalty of \$2500 - with
W.B. Westbrook and James Drury his securities (a copy
of which bond is herewith filed as part of this bill) - that
the said Nathl. Linnom rendered no account of his

transacting as guardian until the year 1856, when he returned an account which was duly confirmed, and a copy of which is herewith filed as part of this bill, which shows a balance due the ward on the 1st of January 1856 of \$1235.63 - that in the same year, 1856, or in the early part of the year 1857, the said Nathl. Simmons died, and that John E. Applewhite has qualified as his executor -

Your complaint further states that he believes and charges, that the said Nathl. Simmons, the former guardian of the said Mary, sometime previous to his death, had deposited in some of the Banks in the town of Petersburg, a sufficient sum of money to meet the payment of the balance due his ward, and for that express purpose - At understanding which your complaint has frequently applied to the said John E. Applewhite, his executor for a settlement and payment of the balance due, with which the said executor has not yet complied - In consideration of the facts before stated and in as much as your complaint has no adequate remedy at law, he prays that the said John E. Applewhite Executor of Nathl. Simmons, William B. Westbrook and James Drury be made defendants to this bill - that the said Applewhite be as aforesaid answer this bill, and be compelled to render an account of the transactions of his testator as guardian of the said Mary B. Simmons, before a Commissioner of this Court - and that the Court will grant him a decree for the balance found due, together with such other and general relief as he may be, in justice and equity, entitled to receive - And he will as in duty bound ever pray &c -

W. L. Goodenough
Atty for Pltff

THE COMMONWEALTH OF VIRGINIA :

To the Sheriff of Southampton County—GREETING

We command you to summon

*John E. Applewhite admr. with the will annexed of
Nathaniel Simmons def. William B. Westbrook & James Drury*

to appear at the Clerks office of our Circuit court of Southampton county at the Rules, to be
holden for the said court on the first Monday in *August next* — next, to answer a bill in
Chancery exhibited against *them* — in our said court by

James Drury guardian at law of May B. Simmons

And have then there this writ. WITNESS, LITTLETON R. EDWARDS, Clerk of our said
Court at the Courthouse, this *18* day of *June*. 185 *7* in the *81st*
year of the Commonwealth.

L R Edwards Clk

Executed by delivering a copy of this
Summons to each of within named parties
Geo Wicks Day for
Wm Driggs Shiff

Summons Gov

to } Saml. Chy.

Summons ad.

1857. August Rules

Not dispensed at rules and
papers with draw n.s. Goodmans
city

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ADVANCES OF PROPERTY STANDING IN WIFE'S
BOOK IN HUSBAND'S NAME ALSO.
BOOK AT INITIALS AS WELL AS FULL NAME.
AND INITIALS ARE SOMETIMES GROUPED, BUT IN
WAYS SHOWN ON MARGIN OF INDEX.

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FOR

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Chancery Causes
Decided
May term
1857

Chancery Causes Decided

May Term 1857.