1858-010 SOUTHAMPTON COUNTY CHANCERY PAPERS HARDY and Wife vs. SIMMONS' EXECUTOR et al.

1858

other SURNames: Peete
Applewhite

Es 24

Hardy Yrnise

5 3 Papers

Simmons Eyre

Hardy Irwin
v. } Stat. Rules.
Simmons adv. Co

Clk.	$ 8.38
	30
	1.94
	$ 10.62
Sheff ———	2.00
Dr. Bab.	2.50
Com.	20.00
L. fee t. . .	16.50
	$ 51.62

Southampton Circuit Court

Humphrey H. Hardy and Martha T. his wife

against

John E. Applewhite adm of Nathaniel Simmons. Mark T. Peete & May R. Simmons

1858 Jany 23. Summons issued Returnable to March Rules

" Feby R. Summons ret. Executed

" Mar " Bill filed. L.R. Edwards appointed g.d. ad litem to infant Defts. Ans. of Infant. G. Rep. D. Nisi v. Dft Applewhite & O.P. v. Dft. Peete

" Apl. " Bill taken for confessed as to Dft. Applewhite adm.

" " " (Last Monday) Cause set for hearing as to Dft. Applewhite adr.

" May T. Decree for account

" Oct 6 Report.

" Nov T. Decree for pltff.

Harry's wife

vs

Appleman's Ex

1858 March Rules

To the Hon Richard H Baker Judge of the Circuit Court
for the County of Southampton

In Chancery

Humbly complaining sheweth unto your Honor
your complainant E Humphrey H Harry and
Martha T his wife that about the year 1849 Edward
L Simmons the former husband of your female
complainant departed this life seized and
possessed of considerable estate both real and
personal after having made and published
his last will and testament which was duly
admitted to probate at the term 18
of the County Court of Southampton and
Nathaniel Simmons and Mark T Peete the
Exors therein named qualified according
to law - That by the said will the said testator directed
all his estate both real & personal to be sold
and the proceeds to equally divided between
your female complainant and her two
children all of which will appear from a copy
of the said will herewith filed marked (A) and
prayed to be taken as a part of this bill -
That one of the said children died soon after the
testator under age and never married and that
the whole of the estate of the said testator now
belongs to your female complainant and
her infant daughter Mary R Simmons -
That the said Exors proceed to sell under
the said will, and have reported and returned
to the County Court of Southampton sepa-
rate accounts of their transactions -
That the account of Mark T Peete which your
complainant believes to be correct shows a
balance due the estate of about $63, and the
account of Nathaniel Simmons which

your Complainants charge to be incorrect and false shows a much larger balance due the estate, copies of which accounts are herewith filed marked (B) and prayed to be taken as parts of this bill. Your Complainants frequently applied to the said Nathaniel Simmons to make a fair and proper account of his transactions as Exor as aforesaid and to pay to your Complainants what was justly due them, but the said Nathaniel Simmons always refused so to do, pretending that the account already settled by him was correct though he well knew the contrary thereof to be true — That the said Nathaniel Simmons died sometime since after having made and published his last will and testament and at the term 185 of the County Court of Southampton John E Applewhite qualified as his executor with the will annexed — That your Complainants have often applied to the said Applewhite to settle a just and fair account of the transactions of his testator as the Exor of Edward L Simmons dec'd but that he has always refused so to do

In tender consideration of all which and in as much as your Complainants are without remedy in the premises except in a Court of Equity where matters of this kind are cognizable to the end therefore that justice may be done they pray that John E Applewhite Admr of Nathaniel Simmons, Mark T Pete and Mary N Simmons may be made Defendants to this bill and answer the allegations thereof that some fit & proper person may be appointed guardian ad litem to the infant Defendant

That the said John E Applewhite may be directed to settle an account of the transactions of Nathaniel Simmons as the Exor of Edward L Simmons dec'd, and that the said Applewhite and Pete may be ordered to pay to your Complainants whatever may be due them from the estate of the said Edward L Simmons dec'd, and that your Honor will grant such other & general relief in the premises as equity may dictate and as in duty bound they will ever pray &c

May it please the Court &c

Chamblis & Mosely p
pr Compt

The answer of Mary N Simmons & L N Edwards her guardian ad litem

This Defendant saving and reserving to herself all benefit and advantage of exception to the many errors and insufficiencies in the said bill contained for answer thereto or to so much thereof as she is advised it is material or necessary for her to make answer unto, answering saith that she believes the allegations of the said bill to be true, and being an infant she submits her rights to the protection of the Court

Chamblis & Mosely p
pr Deft

Southampton County to wit;
This day E W Massenburg appeared in the Clerks
Office of the Circuit Court for the County of
Southampton and made oath before me
the Clerk of the said Court that Mark T Peete
is a non resident of the State of Virginia
March 1st 1858

T R Edwards Clk

Navy Ships

25 } guns

Steamers

May June 1858

To be entered

R. H. Baker

Harvey Shipp
vs.
Applewhite &c.

This Bill of the Plaintiffs, having been taken for confessed as to the defendant Jno. E. Applewhite, administrator with the will annexed of Nathaniel Simmons. This cause came on this day to be heard on the bill, answer of the infant defendant Mary R. Simmons by L. R. Edwards her Guar. adjudged to defend her in this suit, replication thereto, exhibits filed with the Plaintiffs bill, and was argued by Counsel. On consideration whereof, the Court doth adjudge, order and decree, that the defendant Jno E. Applewhite, make before a Comr. of this Court, an account of the transactions of his Testator Nathaniel Simmons, as One of the Executors of E. L. Simmons dec'd. and the Comr. is directed to take as the basis of said account the certain settlement of said transactions filed as an exhibit in this cause, subject to be surcharged and falsified, by the parties.

The Court doth further adjudge order & decree, that the same Comr. make the said John E Applewhite, shall admit such, sufficient to satisfy the Plaintiffs demands, belonging to the estate of Nathl Simmons dec'd. settle an account of the said Applewhites transactions with the estate of said Nathl. Simmons — and the Comr. is required to report said accounts to Court, together with any matters specially stated and pertinent by himself or required by either of the parties to be so stated — And liberty is reserved to the plaintiffs, to apply hereafter for such other relief against the Defts N. T. Peete, Exr of L. L. Simmons, as may be right in the premises

Hardy & Wife.

vs.

Simpson et al.

Nov. Term 1858.

To be entered

R. H. Baker

Haraday & wife

vs

Simmons Esq.

This day this cause came on to be further heard on the papers formerly read, on the report of Edward Howard, master in chancery of May Term, 1858, and on Statement Marked (W) - and the argument of Counsel - On consideration whereof the court confirming said report to which no exception has been filed and adopting Statement (W) & concurring with the opinion on law and decree, that Duo C. Appleton. admr of Nathaniel Simmons dec'd. pay to the Plaintiffs Humphrey H. Haraday & Martha T. his wife, the sum of Six hundred and Eighty Eight dollars and Eighty two cents, with interest thereon from November 10th 1858 till paid and their costs in this suit, expended -

But liberty is reserved to the Plaintiffs to apply for such further relief, as may be requisite in this cause -

Statement—

(W)

Statement of accounts between the Plaintiffs and Nath. Simmons Esq. of E° L. Simmons Ant. and the Estate her. Com. Howard. Referd. since in this cause. $3205.61.

Ant on 15th May 1852 -
Int to Nov 10th 1858 - on $
$3030.39 $ 1179.14
of this Ant. $4384.75

The Plffs. Jno Wray is entitled on an E L. Simmons bill to $750 - with int from Jany 1st 1850 to
Nov 10th 1858 $398.75 $ 1148.75
and to 1/2 of this balance - 1/2 $3236.00
1618.00

The Plaintiffs are therefore entitled to
The above sum of $1148.75
and to the sum of 1618.00
Total $2766.75

Subject to the following payments.
viz. Paid by Nat. Simmons on
30th Sept. 1851. $1015.75
Int - to Nov 10th 1858. 418.13
$1433.88

Paid by same on
17th May 1853. $684.75.
Int to Nov 10/58. 159.80 $ 644.05 $2077.93
$688.82

Balance due the Plffs. $688.82

The Commonwealth of Virginia: To the Sheriff of Southampton County Greeting. We command you to Summon Jno C Applewhite Exr. of Nath. Simmons

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 March next. to answer a bill in Chancery exhibited against him in our said Court by Humphrey H. Hardy & wife & Martha F late Widow of E.L. Simmons

And have then there this Writ Witness Littleton R Edwards Clerk of our said Court at the Courthouse this 23d day of January 1858 in the 82d year of the Commonwealth.

L R Edwards Clk

Executed on Dan E. Applewhite by delivering
him a copy of this Summons

Jno A Sleight DS for
Wm B Briggs Shff

Mar 29 1858
Edmund Clay
Summons &c

1858 March Rules

2 Pl. Sum

Southern Argus print, Norfolk.

Commissioner's Office,

Jerusalem, July 12th 1858

To Humphrey H. Handy and Martha S. his wife plaintiff
against
John E. Applewhite, admr of Nathaniel Simmons dec'd
M. F. Peete, and Mary R. Simmons by L. R. Edwards.
her guardian ad litem
Defendants -

YOU ARE HEREBY NOTIFIED, That I have fixed upon the 9th day of August 1858, to take and settle, at my Office, in the Town of JERUSALEM, the following accounts:
That John E. Applewhite render before a commissioner of this Court an account of the transactions of his testator Nathaniel Simmons as one of the executors of E. L. Simmons dec'd. And that in case the defendant John E. Applewhite shall admit a state sufficient to satisfy the plaintiffs' demand belonging to the estate of Nathaniel Simmons dec'd state an account of the said Applewhite's transactions with the estate of the said Nathaniel Simmons dec'd.

Required to be taken by the decree of Southampton Circuit Court, rendered on the 3rd day of May 1858, in a Suit in Chancery depending in said Court, in which you are parties Plaintiff's and Defendants; at which time and place you are required to attend.

GIVEN UNDER MY HAND, as Commissioner in Chancery of the said Court, the day and year first aforesaid.

Henry S. Stevens, COMMISSIONER.

To the SHERIFF of Southampton County to Execute.

Executed on Dec 6 Appleton
M. L. Fuller & L. R. Edwards. & Simply
Starchy swift Not residents of
this County. Robt. L. Brown Dy for
L. W. Burgoyne

Starchy Fly
vs
E. Lewis Molloy

Summons, Com. &c.

Sept 6th August 17th 1858.

Hardy & wife

vs Z. Comm. report

Summons & answer &c.

1858 Oct. 6. Ret.

The Estate of Edward L. Simmons dec'd

In account with Nathaniel Simmons one of his executors

			D.		Co.		Int
1849							
		By Cash found in house			250	00	
		" " from Susan A Sams			3	50	
		" " " Thomas Britt			1	25	
		So Commissions on $259.75	12	98			
		" paid Wm G. Wilson account		63			
		" " Taxes	17	19			
		" " Clerks tickets	2	18			
		" " for copying property	3	00			
Dec	31	" balance due estate	221	77			
			259	75	259	75	
"	"	By balance brought down			221	77	
1850		" Cash from Jno. J. Crumpler			2	50	
		" " " David Price			9	00	
		" " " James Britt			1	00	
		" " " Nancy Worsard			3	50	
		" " " Nancy Miller			29	15	
		" " " Same			1	08	
		" " " Same			2	25	
		" " " Benja. A. Mynick			13	37	
		" " " Levi Sharp			1	00	
		" " " Wm Davis			3	50	
		" " " Jeptha Dawson			7	15	
		" " " John W. Turner			4	00	
		" " " Harbert L Lord			17	91	
		" " " Same			2	00	
		" " " Richard D. Clements				25	
		" " " Henry Moore			16	60	
		" " " Rebecca Turner			4	20	
		" " " James W Westbrook			6	71	
		" " " Same			2	25	
		" " " E. Goodwyn			28	88	
		" " " Stephen Goodwyn			7	50	
		" " " Ro. Ridley			34	00	
		" " " G.B. Cary's admr.			39	50	
		" " " Wm B. Goodwyn's estate			6	00	
		" " " Thos. B. Deuson			1	00	
		" " " Mary Kello			7	50	
		" " " S. J. Douglass			7	50	
		" " " James Davis			19	17	
August	15	" " " Sales of Chattel estate			213	49	
"	"	Amount Carried forward			1636	23	

1850

August	15		Amount brought forward				2636	23		1851			Amounts brought forward				3205	78	13.30
		By Cash from	Alice Reese				12	17			By Cash from		Allen Harrison				2	50	
		" " "	Willis Barham				2	50			" " "		Charlotte Leigh				16	07	
		" " "	Ethelred Drake				5	00			" " "		Saml A. Barham				3	50	
		" " "	Wm Jenkins				8	06			" " "		John Taylor				3	00	
		" " "	Lucy Parker				3	50			" " "		Joseph A. Barham				25	50	
		" " "	Eliza Wrenn				10	00			" " "		Allen Murfee				1	00	
		" " "	Benja. Ellis				6	80			" " "		Jno W. Turner				4	00	
		" " "	Richard C. Gray				11	70			" " "		James McGlamery				4	36	
		" " "	Micajah B. Cole				1	75			" " "		James Harrison				1	50	
		" " "	B. Murrell				3	80			To Commissions on $1067.37				53	36			
		" " "	Bradley Williams				11	77			" paid	Jos. W. Ward	bond		14	55			
		" " "	Hudson Pope				3	14			" "		Nancy Myrick	"		86	02		
		To Commissions on $2500.70			125	03					" "		Patterson Cooper & Co	account		13	79		
		" paid	Jno. W. Turner	account	35	00					" "		Edwin Harris	bond		42	42		
		" "	Simpson C. Reese	"	17	00					" "		Joseph A. Barham	account		5	16		
		" "	Same	"	76	94					" "		Dr. Macklin	bond	10	11	25		
		" "	Same	bond	22	25					" "		James Drury	"		87	59		
		" "	M. L. Pond	account	42	23					" "		Jos. A. Barham	account		1	00		
		" "	Ashly F. Browne	"	12	83					" "		Jos. A. Turner	attorney fee		3	00		
		" "	Same	"	4	00					" "		B. E. & A. S. Pope	account		10	30		
		" "	Richmond Enquirer	"	5	00				May	15	By interest on $3197.88-4 ½ months							494.83
		" "	L. A. Wyan	"	4	00				"	"	To paid Wm. Shands				10	00		
		" "	Jno. M. Gurley	bond	39	15				"	"	" balance due estate			1874	37			
		" "	D. D. Beckman	account	3	30									3265	15	3265	15	62.75
		" "	Augustus Simmons	"	2	00				"	"	By balance brought down					1874	51	62.75
		" "	Pope & Dawson	"	43	31				1852		" Cash received					10	00	
		" "	Same	"	3	91					" "	of	F. F. Bibby	bond			111	87	
		" "	James Dawson	"		88					" "	"	E. Watts				31	78	
		" "	Mark Simmons	bond	32	80					" "	"	Elvira Myrick				11	72	
		" "	Same	account	2	98					" "	"	James M. Benson				1	90	
		" "	F. H. Robertson	"	31	04					" "	"	Peter Edwards				2	80	
		" "	Pennington's estate	note	12	76					" "	"	Wm M. Everett				40	17	
		" "	James Conally	account	1	88					" "	"	Henry L. Turner				17	00	
		" "	S. Williams	"	2	88					" "	"	S. C. Reese's	executors			169	61	
		" "	Jno. M. Gurley	"		75					" "	"	C. F. Urquhart	for land			1017	66	
Dec	31	By interest on last year balance							13.30		" "	"	D. L. Turner	on bond			15	50	
"	"	To balance due the estate			3197	85					" "	"	Constable	on account			15	00	
					2722	47	2722	47	13.30		" "	"	Dr Pennington's	estate			3	12	
"	"	By balance brought down					3197	88	13.30		" "	"	Nathan Spence				7	00	
1851		" Cash from C. F. Urquhart		for land			1000	00			" "	"	Benja Applewhite				30	50	
		" " "	Julia Joyner				4	80			To Commissions on $1477.63				73	88			
		" " "	John Booth				3	10			" paid	Albert Fitch	Constable		5	09			
		Amounts Carried forward					3205	78	13.30			Amounts Carried forward			78	97	3352	14	62.75

1853

	Amounts brought forward	78	97	3332	14	6275	
To paid	Henry L. Turner account	4	00				
" "	Norfleet L. Pond "	10	00				
" "	Clerks tickets	3	50				
" "	Wm. D. Machin account	57	29				
" "	Norfleet L. Pond	16	27				
" "	Henry L. Turner	1	50				
" "	Albert G. Reves	15	00				
" "	Taxes & tickets	3	44				
" "	Commissioner	2	00				
" "	Clerk	1	00				
" "	Taxes	3	00				
" "	Carter Sam	12	07				
" "	Elvira Myrick	3	09				
" "	Taxes and tickets	10	06				
" "	Michael Davis account	3	81				
" "	Abrahams & Davis "		75				
" "	Bevis Wright & Sharp	23	00				
" "	Nathl. Simmons for bond of Edward S Simmons 3	1	00				
" "	Wm. Shands	10	00				
" "	Clerks ticket	2	00				
May 15	By Interest on last years balance					112	17
" "	To balance due estate	3030	39				
		3332	14	3332	14	175	22
" "	By balance brought down			3030	39	175	22
" "	" Interest brought in			175	22		
" "	" Balance due estate			3205	61		

with Interest on $3030.39 part thereof from this day unpaid

Respectfully Submitted

Henry L. Howard, Comr.

The Estate of Nathaniel Simmons dec'd
In account with John E. Applewhite his administrator

			D.		C.		Int:
1857 March 16	By Cash found in hand				293	90	
" "	" " of Benj^a B. Kindred bond				141	75	
" "	" " " Thos Myrick bal: bond				61	98	
" "	" " " Nancy Miller "				87	28	
" "	" " " Same "				17	51	
"	" " " Benj^a Sims account				19	12	
"	" " " E. C. Bricelle "				13	00	
"	To paid Wm^a B. Shands atty		10	00			
"	" " for labour done on farm during dependents lifetime 3		10	00			
"	" " for hauling Staves						
" "	24 By nett amount of Sales of Cotton				508	01	
"	To paid Sy Wm. H. Drury acct			63			
"	" " H. L. Myrick "		25	00			
"	" " Richard Bondell "		3	75			
" April 10	By nett amt of Sales of 4 Brandy				91	07	
"	" Amount of Cash in Savings Bank in Petersburg 3				2262	35	
"	" Sale of Yoke of Oxen				32	00	
"	" " " Sack of Salt				1	75	
" "	15 To paid B. J. Barrett account		8	00			
" "	20 " " James & Miles Worrell "		13	75			
" Jan	16 " " Riddick Stokes "		7	25			
" Sept	21 " " J. C. Drum "		3	10			
" "	24 " " R. B. Biggs & Co		53	09			
" "	24 By nett amount of Sales of Staves				41	85	
" "	15 " " " " " "				49	42	
1858 Jany	1st To paid Geo. C. Pope account		21	77			
" "	" " " Pope & Mudge "		20	86			
" "	3 " " Thos Blount & Graham "		7	95			
" March	16 " Commissions on $3620.99		181	04			
" "	" Balance due estate		3269	80			
			3620	99	3620	99	
" "	" By balance brought down				3269	80	
" August	18 To paid Jas. J. Dawson acct & Int		14	04			
" Septr	20 " " D. G. M. Musgrave "		69	00			
" "	21 " " Jos. H. Graham "		8	62			
" "	" " " Same "		24	12			
" "	" " " Same "		10	70			
	Amounts Carried forward		126	48	3269	80	

1858								
Sept	22	Amounts brought Forward		126	18	3269	80	
"	"	By Interest on $3269.80 from 16th March to this day						101.36
"	"	To balance due estate		3143	32			
				3269	80	3269	80	101.36
"	"	By balance brought down				3143	32	101 36
"	"	Interest brought in				101	36	
"	"	By balance due estate with Int: in $3143.32 part thereof from this day				3244	68	
						fully paid		

Respectfully Submitted
Henry S. Howard Comr.

Commissioners Office
Jerusalem, October 6th 1858.

To the Circuit Court of Southampton County:

Pursuant to a decree of the Circuit Court of Southampton County rendered on the 3rd day of May 1858, in a suit in Chancery depending in the said court, between Humphrey H. Hardy & Martha H. his wife, plaintiff and John E. Applewhite admr. of Nathaniel Summons dec'd. & others defendants, the undersigned, one of the Commissioners of the said Court to whom was referred for settlement by said Decree, the account of the transactions of Nathaniel Summons as one of the executors of E. L. Summons dec'd and that unless the Defendant John E. Applewhite shall admit assets sufficient to satisfy the plaintiffs demand belonging to the estate of Nathaniel Summons dec'd. state an account of the said Applewhites transactions with the estate of the said Nathaniel Summons dec'd. reports to the Court that on the 12th day of July 1858 he issued notices against the several parties aforesaid requiring them to attend the settlement of the said accounts, before him, at his said office, on the 9th day of August 1858 which were returned to my Commissioner duly executed. At which time the accounts were adjourned to the 16th day of August 1858 when they were again adjourned to the 20th day of September 1858 when they were again adjourned to the 22d day of September 1858, when John E. Applewhite appeared before the Commissioner and thereupon made up and completed the foregoing accounts. The Commissioner further reports to the Court that after the completion of the said accounts, he retained the same in his office ten days for the examination of the parties, which with the decree and notice aforesaid are herewith filed.

Given under my Hand, as Commissioner aforesaid the day and year first aforesaid.

Henry S. Howard Comr.

Commissioners fee $20.00
Charges plaintiffs 3

Hardy Wright

& 3 Or. Pub.

Summons ass Pl

Copy posted at the front door of H.
March 6. 1858.

At Rules held in the Clerks Office of the Circuit Court of Southampton County on the 1st day of March 1858.

Humphrey H. Hardy and Martha J his wife Plffs.

against

John C. Applewhite admr: with the will annexed of Nathaniel Simmons dec'd. Mark T. Peete & May R Simmons Defts } In Chancery

The object of this suit is to obtain a settlement of the transactions of Nathaniel Simmons as Executor of Edward L. Simmons and a decree for the payment of the balance due thereon to the plaintiffs. and affidavit being made that the defendant Mark T. Peete is not a resident of the State of Virginia. on the motion of the plaintiffs by their attorney it is ordered that the said defendant Peete do appear within one month after due publication of this order and do what is necessary to protect his interest and that a copy of this order be published once a week for four weeks successively in some newspaper published in the City of Norfolk and posted at the front door of the Courthouse of this County on the first day of the next County Court thereof.

A Copy

Teste L R Edwards Cc

Hardy & Wise

v. 3 Prospect

Applewhite

AT Rules held in the Clerks Office of the Circuit Court of Southampton County on the 1st day of March, 1858—

Humprey H Hardy and Martha T his wife, Pl'ffs,
against,
John E Applewhite, adm'r, with the will annexed of Nathaniel Simmons dec'd Mark T Peete and May R Simmons, Defl's. } IN CHANCERY

The object of this suit is to obtain a settlement of the transactions of Nathaniel Simmons as Executor of Edward L Simmons, and a decree for the payment of the balance due thereon to the plaintiffs. And affidavit being made that the defendant Mark T Peete, is not a resident of the State of Virginia, on the motion of the plaintiffs by their attorney it is ordered that the said defendant Peete do appear within one month after due publication of this order and do what is necessary to protect his interest, and that a copy of this order be published once a week for four weeks successively in some newspaper published in the City of Norfolk and posted at the front door of the Courthouse of this County on the first day of the next County Courthouse of this County on the first day of the next Court thereof.

A Copy—Teste:

L R EDWARDS, C C.

CHAMBLISS & MASSENBURG, P Q.

mh 8—m4w

Charge of pub'n $5.=

OFFICE OF THE SOUTHERN ARGUS,
NORFOLK, VA., 8 apl 1858.

I Abra'm F. Leonard, editors and one of the publishers of the Southern Argus, a newspaper published daily in the City of Norfolk, State of Virginia, do certify that the annexed Legal Notice in the case of Humphrey H. Hardy & wife vs. John E Applewhite adm of Nath: Simmons dec. & others

pending in the Circuit Court of the County of Southampton has been published once a week for four successive weeks in the said newspaper, commencing on the 8th day of March 1858.

A. F. Leonard

Hardy Swift

v } Exhibit with Bill

Summons &c

(A.)

307

In the name of God. Amen. I Edward L Simmons now residing in Southampton County State of Virginia do make and constitute this my last Will and Testament in manner and form as follows.

Item. I wish my just debts paid.

First I wish the whole of my estate both real and personal to be sold the regulations of which sale I leave to the discretion of my executors –

Second. I give my wife Martha J. Simmons the sum of Seven hundred and fifty dollars provided she relinquish her right to my estate of her interest in the land which formerly belonged to her father.

Third I wish the balance of my estate to be equally divided between my wife Martha J Simmons and my children –

Lastly I nominate my Father Nat. Simmons and my friend Mark J. Pete Executors of this my last Will and Testament hereby revoking all former Wills heretofore made by me. In Witness whereof I have hereto set my hand and seal, this twelfth day of October eighteen hundred and forty nine

Witness

Wm M Everett

A. G. Neves

Allen B. Murfee

Edward L Simmons (Seal)

At a Court held for the County of Southampton on the day of November 1849. This last Will and Testament of Edward L Simmons dec'd was proved by the oath of Wm M Everett A. G Neves and Allen B. Murfee the subscribing witnesses thereto and ordered to be recorded. And on the motion of Nathaniel Simmons and Mark J Pete the executors therein named who made oath and together with S. C. Reese and Jo. H. Prince their securities entered into and acknowledged a bond in the penalty of twenty thousand dollars conditioned as the law directs certificate is granted them for obtaining a probat of the said Will in due form.

Teste

L R Edwards Clk

A Copy

Teste L R Edwards Clk

Hardy Jones

v } Exhi. with Bill

Summons &c.

(B)

3205
750
3452
1225

$ 1.95

The Estate of Edward L Simmons dec'd

In account with Nathaniel Simmons one of his Executors.

			Dr		Cr		Int	
1849			$	cts	$	cts	$	cts
		By cash found in the house			250	00		
		" Cash from Susan Adams			3	30		
		" Cash from Thomas Bittle			6	25		
		To Commissions on $259.75 at 5 pr cent	12	98				
		" Cash paid Wm G. Wilson account		63				
		" Cash paid taxes	17	19				
		" Cash paid Clerks tickets	2	18				
		" Cash paid for Crying Property	3	00				
		" balance	221	77				
			259	75	259	75		
Dec	31	By balance due the estate			221	77		
1850		By cash from Jno I. Crumpe			2	30		
		" Cash from David Prince			9	00		
		" Cash from James Britt			1	00		
		" Cash from Nancy Mordard			3	30		
		" Cash from Nancy Miller			2	25		
		" Cash from Nancy Miller			29	15		
		" Cash from Nancy Miller			19	08		
		" Cash Benj C Myrick			15	37		
		" Cash of Lewis Thorp			1	00		
		" Cash of William Prince			3	30		
		" Cash of Jeptho Darden			7	15		
		" Cash of John C Turner			4	00		
		" Cash of Norfleet L Pond			17	91		
		" Cash of Norfleet L Pond			2	00		
		" Cash of Richard P. Clements				25		
		" Cash of Henry Moore			16	60		
		" Cash from Rebecca Turner			4	20		
		" Cash from James Westbrook			6	71		
		" Cash from James Westbrook			2	25		
		Amount carried over			369	19		

			Dr $	Dr cts	Cr $	Cr cts	Int $	Int cts
1830		Amount brought forward			369	19		
	By cash from E Goodwyn				28	88		
	" Cash from Stephen Goodwyn				7	50		
	" Cash from Robert Ridley				34	00		
	" Cash from Geo. B. Carys ac.				29	50		
	" Cash from Wm B. Goodwyns est				6	00		
	" Cash from Thos B Parsons				1	00		
	" Cash from Mary Mills				9	50		
	" Cash from E J. Douglas				7	50		
	" Cash from James Harris				19	67		
Aug	15	" Cash received this day from sale of the chattel estate			2123	49		
		" Cash from Olive Reese			12	17		
		" Cash from Willis Barham			2	50		
		" Cash from Ethelbert Drake			5	00		
		" Cash of Wm Judkins			8	06		
		" Cash from Lucy Parker			3	50		
		" Cash from Eliza Wreen			10	00		
		" Cash from Benj Ellis			6	80		
		" Cash from Richard C Gray			11	70		
		" Cash from Micajah B Cole			1	75		
		" Cash from B Murrell			5	80		
		" Cash from Spratley Williams			11	77		
		" Cash from Anderson Pope			5	19		
		To Commissions on $2500 70 at 5 pr Cent	125	03				
		" Cash paid Jno W Turner Account	35	00				
		" Cash paid Sampson C Reese "	17	00				
		" Cash paid Sampson C Reese bond	22	25				
		" Cash paid Sampson C Reese Account	16	94				
		" Cash paid Norfleet L Pond "	12	23				
		" Cash paid C A & W T Browne "	12	83				
		" Cash paid C A & W T Browne "	4	00				
		Amount Carried forward	305	28	2722	47		

			Dr $	Dr cts	Cr $	Cr cts	Int $	Int cts
1830		Amounts brought over	305	28	2722	47		
	To cash paid Richmond Enquirer		5	00				
	" Cash paid L F Wyatt Account		4	00				
	" Cash paid Jno. M Gurley bond		39	15				
	" Cash paid Peter D Buckner Account		5	30				
	" Cash paid Augustus Simmons "		2	00				
	" Cash paid Pope & Barden "		45	31				
	" Cash paid Pope & Barden "		5	91				
	" Cash paid James Barden "			88				
	" bond due Nath Simmons retained		32	80				
	" Account due Nath Simmons "		29	68				
	" Cash paid F M Robertson Account		31	04				
	" Cash paid Penningtons estate Note		12	76				
	" Cash paid James Connelly Account		1	88				
	" Cash paid S Williams "		2	88				
	" Cash paid Jno. M Gurley "			75				
	By interest on balance due last year							13.30
	To Balance		2197	85				
			2722	47	2722	47		13.30
Dec 31	By balance due the Estate				2197	85		13.30
1831	" Cash from C F Urquhart for land				1000	00		
	" Cash from Julia Joyner				4	80		
	" Cash from John Booth				3	10		
	" Cash from Allen Harrison				2	50		
	" Cash from Charlotte Leigh				16	01		
	" Cash from Sam H Barham				2	50		
	" Cash from John Taylor				2	00		
	" Cash from Joseph H Barham				23	50		
	" Cash from Allen B Murfee				1	00		
	" Cash from Jno W Turner				4	00		
	" Cash from James McGlenery				4	36		
	" Cash from James Harrison				1	50		
	Amounts Carried Over				3265	15		13.30

The Estate of Edward L Simmons

In account with Mark T Pate Executor

			Dr		Cr		Int
1851			$	cts	$	cts	$ cts
		Amounts brought forward			3265	15	13.31
		To Commissions on $1047.27 at 5 per Cent	53	36			
		" Cash paid Joseph W Claud bond	64	35			
		" Cash paid Nancy Myrick "	86	02			
		" Cash paid Patterson Cooper & Co account	13	79			
		" Cash paid Edwin Harris bond	42	42			
		" Cash paid Joseph H Barham account	5	16			
		" Cash paid D. Maclin bond	1011	25			
		" Cash paid James Drewry "	87	39			
		" Cash paid Joseph H Barham account	1	00			
		" Cash paid Joseph H Prince Attorney fee	5	00			
		" Cash paid B.C. & H.P. Pope account	10	50			
		By Interest on $2147.88 2 5/12 Months					49.45
		To Commissions fee returned	10	00			
		" balance	1874	31			
			3265	15	3265	15	62.75
		By balance			1874	31	
		" Interest brought			62	75	
May	15	By balance due the estate with interest on			1937	26	
		$1874.31 cts from this day till paid					

The Commissioner reports further that he has examined the bond of Nathaniel Simmons and Mark T Pate executors of Edward L Simmons and find it to be in the penalty of twenty thousand dollars with Sampson C Rose and Joseph H Prince their Securities all of which is respectfully Submitted by

Wm B. Rhands Commissioner.

At a Court held for the County of Southampton on the 21st day of July 1851

This account of Nathaniel Simmons executorial proceedings on the Estate of Ed[ward] L Simmons dec[ease]d having lain one month and upwards in the Clerks Office and there being no exceptions thereto was examined, confirmed and ordered to be recorded.

Teste

J R Edwards Clk

A Copy

Teste J R Edwards Clk

			Dr		Cr		Int
1849			$	cts	$	cts	$ cts
Nov.	30	To amt. Cash found in the house			250	00	
Dec	14	" " rec[eive]d first payment for land			1000	00	
	25	" " " for land sold in Gruensville			750	00	
	31	" " " of Anderson Pope rent of land			40	00	
		To amt paid Executors act returned	13	37			
		" " " Sheriff of Gruensville tax on land for 1848 & 49	4	95			
		" " " E J Turner dec[ease]d	5	00			
		" " " L W Mason bond &c	27	12			
		" " " W T Maclin bond & Int	1001	16			
		" " " Henry Moore "	362	50			
		" " " N D Bird act	2	50			
		" " " Sam[ue]l Drewry bond & Int	221	42			
		" " " D[itt]o "	43	51			
		" " " D[itt]o " "	12	11			
		" " " " " act	3	75			
		" Commissions on $2040.00	102	00			
		" By bal. due Estate	430	41			
			2040	00	2040	00	
1850							
Jany	1	By bal due estate brot down			430	41	
		" amt rec[eive]d of James Jordan rent of land			37	50	
Feby		" " " R Read & Co hire of negro			130	00	
July		" " " Exor rec[eive]d for 1848 & 49			163	74	
Aug	15	" " " Portion rent Sales due this day			166	31	
		" " " I R Gillium 1/2 note			3	34	
Nov		" " " W R Hays & John Boykin rent of land in Gruensville			49	30	
		" " " Benj F Jordan Court in N.C.			41	02	
Oct	15	" " " John Eelles Note & Int.			3	30	
		" " " N N Thomas "			38	00	
		" " " Hartwell Pate act			13	75	
		" " " Thomas Felts "			7	75	
		Amt[s] car[ried] forward			1089	22	

1850											
Oct	15	Amt brot forward						1089	22		
		By amt rec? of Sam? Ellis		act.				1	00		
		" " " " Nancy Woodard		"				7	00		
		" " " " Jn? F Powell		"				10	25		
		" " " " Mary Moss		"				2	50		
		" " " " Benj. Turner		"				5	00		
		" " " " Elizabeth K Turner		"				5	25		
		" " " " Mark A James		"				2	50		
		" " " " Edwin Felts		"				1	75		
		" " " " W. A. Jones		"				16	25		
		" " " " W. F. Turner		"				1	50		
		" " " " Sale of negro Buck						800	00		
Nov		To amt paid Hartwell Bates				11	15				
		" Commissions on $1337.92				66	89				
Dec	31	By Balance bal of 1849								25	82
		" Balance due the Estate				1867	18				
						1945	22	1945	22		
1851											
Jany.		By balance due Estate b/f down						1867	18		
		" amt rec? of J. A. Person		bond & Mtge				50	30		
		" " " James Harrison		"				2	85		
		To amt paid James H Person land rent				40	00				
Sept.	1	" " " Executors bond & Int. retained				1135	00				
		" " " do "				78	23				
		" " " J. A Person		due bill		22	70				
		" " " Same		acct		7	95				
		" " " Same		note & Int.		62	73				
May		" " " W.B. Shands		atty fee		123	05				
		" " " Peter Edwards		note &		121	15				
		" " " Same		"		30	82				
June	1	" Commissions on $2.85					14				
"	"	By interest on bal of 1850. to this day								46	68
		To amt Commrs fee for acct retained				6	00				
		Amts Carr: forward				1927	77	1920	33	72	50

1851											
June	1	Amounts brought forward						1927	77	1920	33	72	50
		By int act brot down								72	50		
		" Bal due estate						63	26				
								1993	03	1993	03		
"	"	By bal due estate all interest								63	26		

Respectfully Submitted

W. F. Goodwyn Comr.

Comm fee $6.00
included in acct. ?

The Comr begs leave to state specially that in the above account it will be found that the Exor. is charged with certain amounts due the estate from himself J. A. Person & H. Bates all of whom are creditors of the estate. The Comr did not allow the Exor Commissions on those amts. which make together the sum of $176.89 in 1850 and $50.30 in 1851 which ought to have been deducted by the Exor and the balance charged in order to show the estate from an excess of Commissions. The error however is credited in the above account as stated and the several amts were included only to shew the complete transactions of the Exor.

W. F. Goodwyn Comr.

At a Court held for the County of Southampton on the 15 day of December 1851.

This account of Mark T Bates executorial proceedings on the estate of Edward L Simmons having been one month and upwards in the Clerks Office and there being no exceptions thereto, was examined confirmed and ordered to be recorded

Teste

L R Edwards CC

A Copy

Teste L R Edwards CC