

1887-03

Southampton County Chancery - Barham, R. F. vs Simmons, August J. (dec)
etals

Sues for evaluation of real estate
then total debts, then land to be sold

Barham, R. F. (admin.)

Simmons, Elizabeth F.

Minors { " , Margaret T.
" , William B.
" , Leonard, A.

Briggs, Wm. W.
G. A. L.

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

Humbly Complaing Sheweth
unto your honor your orator, R.
F. Barham (who sues for the benefit
of himself & all other creditors
of Augustus J. Simmons, who will
contribute their ratable portion to the
expenses of this suit) and respect-
fully represents -

That in the year 1871 the
said Augustus J. Simmons departed
this life intestate, leaving as his
only heir at law his widow Eliza
both F. Simmons and his three chil-
dren Margaret J. Simmons William
B. Simmons & Leonard A. Simmons
(minors) to whom Wm W. Briggs, Sheriff
of said County, has been appointed ex
Ruler pro and in ad litem -

That the said Augustus J. Simmons
at the time of his death was pos-
sessed of no personal property be-
yond what is exempted under the
poor debtors' law, and was seized
of only a small tract or por-
cel of land, lying in said County,

supposed to contain about twenty
five acres, bounded by the lands
of Thomas Simmons, Wm. Nicholas,
Selwell & others - which is of small value
that the said Augustus I. Simmons
was, at the time of his said death,
justly indebted to divers persons,
among others to your orator in
the sum of about one hundred
dollars - which is still due

that your orator has ^{duly} qualified
as administrator of the said
Augustus I. Simmons, ~~as will ap-~~
~~pear by~~ in the County Court of said
County, as will appear by an
abstract from the records of said
Court & herewith filed (marked A)
as part of this bill -

As your orator has no ^{other} resource
from which to make the money
justly due to him from the said
Simmons except his said real estate,
he therefore prays that the said
R. F. Barkham administrator of
the said Augustus I. Simmons dec'd,
Elizabeth F. Simmons (his widow),
and ^{the said Margaret, William & Leonard Simmons} his three children ^(minors), by
their guardian ad litem, may be
made parties defendant to this
Bill, & required to answer all its

allegations specially -

that a Decree may be made directing the said Administrator to return an account of his transactions, as such administrator directing an account of all debt and demands ^{now outstanding} against the estate of the said ¹Simmons -

An account of the free - simple and annual value of all the real estate of which the said Arger, Thos J. Simmons, died seized & possessed - and grant such other & several relief as in equity, the nature of the case may require

And as in duty bound your orator will ever pray &c

May it please the Court &c.

R. F. Barker
By Thos J. Simonds
his Attorney

Barham

21

Simmons' Adm^r &c

Deepee

October term '74

To be entered

Y. S. & M. D.

Barham

21

Simmons' adm^r & other,

This Cause was this day
heard on the Complainant's Bill, ~~the~~
~~Answer thereto~~, the Answer of Defendant,
& Replication thereto & Exhibits filed.

The Consideration whereof the Court
doth adjudge, order & decree that
a Commission of this Court take
an account of the free simple and
annual value of all the real estate
of which Augustus J. Simmons died
seized & possessed - now outstanding

An account of all debts which
may be proved against him, disem-
powering their assignees -

An account of the Administration
of said Simmons's estate by R. Francis,
Barham his Administrator, together with
any matter deemed pertinent by himself
or which may be required by any party to
be specially stated, & report the same
to Court.

Barham

at {

Simmons' adm^r

Decree

May term '78^r
~~Notes for term 1777~~

To be entered

Geo. Blount..

Barham

²⁷
Simmons's adm^r & others

This cause was, this day again heard on the papers formerly read, together with the Report of Commissioner Tyler filed on the 22nd day of October 1877, and the Court, confirming said Report doth adjudge order and decree that Wm. W. Puggs, Sheriff of this County, proceed to sell at public Auction, at some suitable ^{place} in this County, after having properly advertised the same, the tract of land in the proceedings mentioned on a credit of twelve months, except enough in cash to defray the ^{legal} expenses of this suit, the purchaser giving bond with sufficient personal security for the deferred payment and the title to be retained till the whole purchase money is paid -

And the said Sheriff, acting as Commissioner as aforesaid, is directed to Report to this Court in order to a final decree and it is further ordered that a Commissioner of this Court take a further account of debts against the estate of the said Augustus J. Simmons & report to Court.

Barham
4 1/2 Report
Simmons

In obedience to a decree of the Circuit Court of
Southampton County in the Chancery Suit of Barham
against Simmons &c. I advertised the Tract of
land in the Proceedings mentioned belonging to
the Estate of A. J. Simmons &c. containing about
~~thirty five~~ ^{thirty five} acres, and sold the same at Public
Auction in the Town of Jerusalem on the 3rd Monday
in December 1878; and at the Sale so made John
Simmons became the Purchaser by bidding therefor
the sum of twenty five dollars; which amount is
not $\frac{3}{4}$ the appraised value; the appraised value being \$25.50
the said John Simmons paid in full the Purchase
Money; and Wm. H. Schell the Next Court, after the
Sale, made an offer ^{to the Privately} of thirty five dollars for said
land.

Respectfully Submitted

W. W. Briggs Comy

May 1st 1879.

259
12.95

Barham's Adm^r

vs

Simmons &c

Decree

May term 1880

To be entered

Geo. B. Low,

Barham's Admⁿ.

vs
Simmons

Decease

This cause was this day again heard
on the papers formerly read and the Report
of W^m W. Briggs Commissioner, this day
filed by leave of Court, and the Court
confirming said Report, doth adjudge,
order and decree That the said Commis-
sioner proceed to collect the bond executed
by Thomas Simmons & others, for the purchase
of the real estate in the proceeding men-
tioned, so soon as the said bond may fall
due — And that immediately on the
payment in full of said bond the
said Commissioner execute to the said
Thomas Simmons, purchaser as aforesaid,
or to any other person to whom said
Simmons may direct the said ~~Deed~~
~~and~~ to be made a Deed with
special warranty conveying the
said real estate.

And that the said Commissioner
Report to Court.

The Commonwealth of Virginia

To the Sheriff of Southampton County Greeting:

We command you to summon R. F. Parkham administrator of
Augustus J. Simmons, Elizabeth F. Simmons, Maryonice F. Simmons
Wm. F. Simmons and Leonard A. Simmons the three last named infants
by W. H. Briggs Guardian ad litem —
if they be found within your bailiwick to appear at the Clerk's Office
of our Circuit Court of Southampton County, at the Rules to be holden
for the said Court on the first Monday in September ¹⁸⁷⁴ ~~next~~ to answer
a bill in chancery exhibited against them in our said Court by
R. F. Parkham who suey for himself and other
creditors of Augustus J. Simmons who will contribute
to the costs of this suit

And have them there this writ. Witness Lileston R. Edwards,
Clerk of our said Court. At the ^{Court at the} Court this 5th day of September
A.D. 1874 in the 99th year of the Commonwealth.
R. Edwards C.C.



Service acknowledged for Elizabeth F. Simmons
W F Basham adm^r of 3 B. Inc I kindred
A J Simmons 3. For Attorney

I acknowledge Service for the Infants
W W Briggs

1894. Sept. 18th
Geo. C. Smith

W F Basham
adm^r of 3 B. Inc
I kindred
A J Simmons

1
Stanhams Account
in { Report
Simmons

1880 May 6th County

By virtue of a decree of the Circuit Court of Southampton
County in the Chancery suit Parham admt of Simmons
against Simmons &c, The undersigned Commissioner
after advertising according to the directions of said
decree, The Tract of land belonging to A J Simmons
died containing about thirty acres, did sell on the
20th day of October 1879 to the highest bidder in
the Town of Jerusalem, The said Tract of land,
and at the Sale so made Thomas Simmons became
the Purchaser, by bidding, therefor the Sum of one
Hundred & Ten dollars; And the said Thomas Simmons
paid Twenty five dollars in Cash, and executed his
bond ^{with security} for Eighty five dollars Payable the 20th day
of October 1880) A Out of the Cash Payment I paid
Costs of Suit & Sale as follows; For Printing advertise-
ments \$1.00 Auctioneer \$5.00 Commission \$5.50 Making
\$11.50 Clerk of Court \$10.72 Making Total Costs \$22.22
leaving a balance in my hands \$2.78

W W Gregg, Shff & Comr

We acknowledge Service of the within Notice.

R F Barham Admr
Elizabeth F. Simmons
for R F Barham

R F Barham
vs.
Elizabeth F. Simmons Admr.

COMMISSIONER'S OFFICE,

Jerusalem, Va., Oct 7th 1877

To R. F. Berkham administrator of Augustus J. Simmons dec.
Elizabeth J. Simmons his widow & Margaret, William &
Levi as minors by Wm. W. Briggs their Guardian ad litem

You are hereby notified that I have fixed upon the 17th day of October next, if fair, if not, the next fair day thereafter (Sunday excepted) to take and settle, at my office, the following accounts, to-wit:

- 1st An account of the few simple of annual value of all the real estate of which Augustus J. Simmons dec. seized & possessed -
- 2^d An account of all debts and intencings which may be proved against him, distinguishing their dignity.
- 3^d An account of the administration of said Simmons's estate by R. Francis Berkham his Administrator, together with any matter deemed pertinent by himself, or which may be required to be so stated by any of the parties."

required to be taken by a decree of Southampton County Court, rendered on the 17th day of October 1877, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs 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.

JAMES R. TYLER, COMMISSIONER.

To the Sheriff of Southampton County to execute.

Barham } Repub. D.
20.

Pennington Adams 1st

Constitution Tyler,

1877 Oct. 22nd

The Estate of A. J. Winnebag, decd.

In account with R. F. Burbank, Administrator

W. B. 1872

[illegible]

An account of all debts & demands against Augustus J. Simmons died in his estate, proved before me, James R. Tyler, One of the Commissioners in Chancery for Southampton County, in General Court.

4th Clasp

1871
Sept. 15

Received due R. T. Barham
Administration as per app. of \$52.74
Paid thereon from 15 Sept. 1871, to
the 15th of September 1871,
to heirs, at 6 per cent. 18 96

\$ 71 70

Respectfully Submitted,

James R. Tyler,
Commissioner

An account of the full simple & annual value of all the real estate of which Augustus J. Simmons died & report of appraisers.

A tract of 55 acres of Land
lying in Appomattox Swamp,
Full simple annual value
\$ 42.50 of 10 00

Respectfully Submitted,

James R. Tyler,
Commissioner

Commissioner's Office,
Charlottesville, Va.
October 20th 1871

To the General Court of Southampton County, Pursuant
to a decree of the General Court of Southampton
County, entered at the October Term 1871, in a suit in Chancery
pending in the said Court between R. T. Barham, Plaintiff,
against R. T. Barham and of Augustus J. Simmons, deceased,
Elizabeth S. Simmons, his widow, & others, Defendants,
the undersigned one of the Commissioners of the
said County, to whom was referred for settlement by
said decree, "1st An app. of the full simple & annual
value of all the real estate of which Augustus J.
Simmons died seized & possessed 2^d An app. of all
debts and demands, which may be proved against
him, distinguishing their date, to 3^d An app. of
the administration of said Simmons' estate by
R. T. Barham his Administrator." Reports to
the Court that on the 9th day of October he issued
process to the several parties aforesaid, requiring
them to attend the settlement of the said app's
before him at his said office, on the 17th day of October
1871. That R. T. Barham, one of the parties aforesaid
did appear before your Commissioner, and he
thereupon examined the vouchers on file and attested
the foregoing accounts of the said Barham's admin-
istration in the said estate and finds a balance
due the Administrator from the said estate
of \$52.74 with interest from the 15th day of September
1871. That the annual value of the tract of
Land in said 1st app. full simple value (\$42.50.)
has been duly heard as Commissioner aforesaid,
the day and year first aforesaid.

James R. Tyler

Commissioner for \$5.00
Charged to R. T. Barham

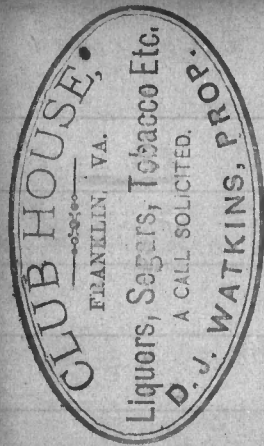
Cum in Chancery

W. W. Briggs Esq., Com^r.

I hereby request and authorize you as Commissioner to execute to Mrs. W. Simmons a Deed for the land sold by you as Com^r. in the suit of Barham v. Simmons &c., and purchased by me at said sale -

Dec 20th 1884. }

Thomas Simmons



Rec^d Dec. 17th 1849
of W. L. Briggs
Shff. Five dollars for selling. Lard
belonging to A. J. Simmons do
T. D. Bordenack.

20

~~21~~ ~~22~~

Barham

on 3 June

Summons advised

May Lee in 1885

To be used

Geo. B. Snow.

Endured

Barham

vs 3

Decece

Simmons aduise

This day This cause came on again to be heard on the papers formerly made the petition of R. F. Barham, and was argued by counsel on consideration whereof The court doth adjudge, order, and decree, That W. W. Biggs former Sheriff of Southampton pay to R. F. Barham the sum of eighty five dollars with interest from the 20th of October 1879 until paid as appears by the report of W. W. Biggs Commissioner returned in May 1880

Barham
vs 3 Deane
Simmons admr &c

To be entered
May term 1817
C. W. Allen

✓

Barham

vs 3 Decree

Simmons adm'r &c.

This day this cause came on again to be heard on the papers formerly read and was argued by counsel and it being shown to the court that the amount directed by a decree entered in this cause at the May Term 1885, to be paid by H. H. Briggs to R. F. Barham has been paid as duly appears from receipts filed in the creditors suit of Barham &c vs Briggs (and which suit is filed away in the clerk's office of this county) and it also being shown to the court that there is nothing further to be done in this cause. On consideration whereof the court doth adjudge, order and decree that the same be removed from the docket with leave to any party interested to reinstate the same upon motion.

Barham
VI { Decree
Simmons

May Term 1879

To be entered

Geo: Brown.

Barham

17th

3

Decree

Simmons

This day this cause came on again, to be heard on the papers formerly read and the report of Leonor Briggs, this day filed by leave of Court, and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree that the sale of the Real Estate reported by said Leonor Briggs, be not confirmed but set aside, and the said Commissioner shall proceed after duly advertising the same to sell ^{again} at public outcry, at Jerusalem ^{on some Court-day}, the Real Estate in the proceedings mentioned, on the following terms to wit = \$25⁰⁰ in cash & the balance on a credit of 12 months, with interest from day of sale. Bond with approved security and title retained till whole of purchase money is paid, and ~~make report to Court~~. And the said Court is hereby directed to return to Jno Simmons the ~~former~~ purchaser, ^{at} the former sale the \$25⁰⁰, the purchase money paid by said Simmons, ^{with interest from time said payment was made} - & make report to Court.

Petition of
R. F. Barham

Barham

vs ³

Summons ad locum

To His Honorable George B. Low Judge of The
Circuit Court of Southampton in
Chancery sitting

Respectfully petitioning your petitioner
R. F. Barham sheweth unto your Honor
that in the year 1874 there was a creditor's
bill filed against the estate of Augustus I
Simmons died to subject both his personal
and real estate to the payment of his debts
that at the October Term 1874 there was
a decree for the proper accounts viz
settlement of his administration accounts
an account of debts due and an account of
the actual and assessed value of
A. I. Simmons' real estate, and in
October 1877 Commissioner Tyler reported
the estate in debt to the administrator
\$52 a debt of \$71.70 due R. F. Barham
and 25 acres of swamp land worth
\$12,500. That subsequently the court ordered
a sale of the said land by W. W. Briggs
Sheriff of Southampton that the said
W. W. Briggs in May 1880 reported that he
had sold the said land in October 1879
for \$110 and after paying all costs of suit
and taxes from the purchase
returned a bond for \$85 - to court with his
report which he never returned to court

That at the May Term 1880 there was a decree directing the said W. W. Briggs to collect the said bond and make a deed to the purchaser Thomas Simmons or to any one whom he might direct it to be made, Your Petitioner states further that the said William W. Briggs collected the said bond ~~into~~ \$85 with interest from the 20th of October 1879 and by order of Thomas Simmons made a deed to John W. Simmons

Your Petitioner states further that all this money belongs to him that there is \$52 due him as administrator of A. J. Simmons dec'd and he is the only creditor who provided a deed to wit one for \$71.70 as in other words the estate of A. J. Simmons, owes only the two debts above named and both to the your petitioner

Your petitioner states further, and charges that though the said W. W. Briggs has collected the said bond four years ago he has failed to pay the same to him and though often requested still refuses so to do, In such consideration whereof and inasmuch as your Petitioner is without relief elsewhere he asks that the court

would by its decree order the said
W. W. Briggs to pay to him the sum of
\$85 - with interest from the 20th of October
1874 the said and as in duty bound
your petitioners will ever pray we

Shames to Low for
petitioners R. F. Basham

~~215~~ ~~173~~ ~~29~~
29

Barham

} Stat. Rules

Simmons' adm of

In Southampton Circuit Court.

R. F. Barham, who does for the benefit of himself & all other
creditors of Augustus J. Simmons who will contribute their ratable
portion to the expenses of this suit.

against

R. F. Barham administrator of Augustus J. Simmons dec'd Elizabeth
F. Simmons his widow, and Margaret William & Leonidas minors by
Wm W. Briggs their Guardian ad litem.

1874
Sept 5

Summons in Chancery issued

" R

returned acknowledged Bill filed Wm W. Briggs assigned
Gov ad litem infant Sept. Decree nisi to Sept Elizabeth F. Simmons

Oct "

Bill taken for Confessed as to Sept Elizabeth F. Simmons & Cause set for
hearing as to her.

" F

Decree for account &c

1878

May

Decree for sale & for further act.

" 79 May

Rept of Comr Briggs - Decree to set aside said report & resale ordered

" 80 "

Decree confrm report - \$250 collected