

1887-31

Southampton County Chancery

Simmons, Corn. B.
et al

vs

Wilson, Saml. H.
inf

'Partition, or sell
real estate and divide proceeds'

Simmons, Mary J.

Children of
Wilson, Richard H.
decd

156

Simmons & wife

is 3 Bill
Wilson &
Simmons was

1874 May Rules

To the Honorable George B. Blow Judge of
the circuit court of Southampton County
in chancery sitting

Humbly complaining your
orators Wm B Simmons and Mary J Simmons
his wife who before marriage was Wilson
show unto your Honor that in the
year 1870 Martha Wilson died intestate
and owing no debts as far as your
orators know or believe that she left
Mary J Simmons ^{a child} and a grandson Samuel
B Wilson son of Samuel Wilson and
two grandsons Wilson and
Wilson whose Christian names are now
unknown sons of Richard B Wilson
her heirs and distributees

Your Orators show further that
she left a tract of land estimated to
contain two hundred acres lying in
Southampton County which they now
wish divided among her heirs and
distributees or as they prefer and desire
sold and the proceeds of sale divided
among them

In Tender consideration whereof
and inasmuch as your orators are
without remedy at law and only entitled
to relief in a court of equity where
such matters are peculiarly cognizable
they therefore pray that Samuel B Wilson
an infant by some fit and proper
his guardian ad litem may be made
a party defendant and that Wilson

and Wilson whose names are
unknown and who are said as persons
unknown may be made parties
defendant to this bill and that the
court would compel them as full
and proper answer make to the
allegations therein contained as if they
had been themselves sworn fully and
specially interrogated and that the
court would divide the said tract of
land according to the rights of the
parties or sell the same for division
among them as to the court may
seem right and that the court would
grant such other and general relief
the premises considered as equity may
dictate and the nature of their
case may require and as in duty
bound your orators will ever pray
Shenando P. 9.

Summers & wife
to } Or Pub
Wilson & H

Copied posted at G. H. door first
day May 6: 64. 1874

Virginia.

At Rules held in the Clerk's office of the Circuit Court
of Southampton County on the first Monday in May 1874.

Wm. B. Simmons and Mary J. his wife

Plaintiffs

against

In Chancery.

Samuel H. Wilson an infant and the two children of Richard H. Wilson dec.
The object of this suit is to effect a division of a tract of land of which Mordecai
Wilson died seized lying in Southampton County and estimated to contain 200 acres,
among those entitled. And affidavit being made that the names of the children of
Richard H. Wilson dec. who are defendants in this suit are unknown. It is ordered
that the said unknown defendants do appear within one month after due
publication of this order and do what is necessary to protect their interest.

Attest.

Teste, S. Edwards C. C.

Simmons is wife

is 3

Simmons is also

Author of same 26
Written by go and letter

1874 May Rules

The answer of Saml B Wilson
an infant by L. R. Edwards his
guardian ad litem to a bill in
chancery in the circuit court of
Southampton by Wm B Simmons and
wife vs him and others

This defendant for answer to
the said bill or as much thereof as
he is advised it is necessary for him
to answer answering says that he
knows nothing of the facts set forth
in the plaintiffs bill but submits
the interests of his ward to the care
of this court whose peculiar duty
it is to protect the rights of infants
and having fully answered prays hence
to be dismissed with his costs &c

recd by consent

Shenas atty
for plaintiffs

Simmons & Wife
- { Sum. Chy. is

Wilson

1874 May Rules

The Commonwealth of Virginia

To the Sheriff of Southampton County--Greeting :

WE COMMAND YOU to summon

Saml. W. Wilson

if *he* 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
May next to answer a bill in chancery exhibited against him & others in
our said Court by Wm. B. Simmons & Mary & his wife

And have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the
Court-house, this *24* day of *April* A. D. 187*4*, in the *98*
year of the Commonwealth.

S. R. Edwards

Simmons & wife
to { aff.

Simmons

Simmons vs
or
Simmons } Clerk's Office Southampton Vicar Court Apr. 24 1894
In Chy.

Wm B Simmons made oath before me Clerk of the said Court
that ~~the names of the~~ ^{the names of the} ~~two sons~~ ^{Richard A Wilson} who are defendants in said suit are unknown
to him.

L R Edwards Clk

Simmons & wife

as 2
3

Wilson & wife

Commissioner's Report

1874 Oct. 29

To The Honorable George Blount Judge of the
Circuit Court of Southampton

Your undersigned one of the commissioners
of this court to whom it was referred by
a decree of this court entered at this term
to enquire into and report whether partition
could conveniently be made of the two hundred
acres of land whereof Martha Wilson
dies seized and proposed by her to
report that he has enquired into the facts
enquired and that he does not think that
partition can be conveniently made but
thinks that the interests of all parties
would be promoted by a sale. That the
land is poor and of little value as it is
having no houses on it all of which
is Respectfully Submitted by
Carr's fee \$2.50.

Amos R. Tyler
Commissioner

In obedience to a Decree of the Circuit
Court of Southampton County in the Chancery
Suit of Simmons wife against Wilson & others
rendered at October Term 1854. I advertised
the Tract of Land described in said decree belonging
to ~~Maria Wilson &c.~~ ~~Containing Two Hundred~~
acres, according to the directions of said decree
and exposed the same at Public Auction in the
Town of Jerusalem on the 3rd Monday in Decem-
ber 1854. And at the said Sale the sum of
Fifty dollars was bid - which sum I did not
consider a fair price for said land, I therefore
refused to accept the bid. I advertised the
said Land according to directions of said
decree, and exposed the same at Public
Auction ~~a second time~~ in the Town of Jerusalem
on the 3rd Monday in January 1856. and at
that exposure of sale, the sum of fifty dollars
was again bid, which bid for same reason I
refused to accept; I advertised the said land
according to directions of said decree, and
exposed the same at Public Auction in the
Town of Jerusalem on the 3rd Monday in January
1856 a third time, and at this exposure of sale
Benjamin Ellorrell became the purchaser by
bidding therefor the sum of One Hundred
& Fifty one dollars which sum I considered
a fair price for said land; And the said
Benjamin Ellorrell paid in Cash the whole
purchase Money \$161.00. And out of that sum
I paid Costs of Suit & Sale as follows; Clerk's fees
\$5.36, Bond Tyler \$2.50 Ch. Sum \$6.50. Attorney's fee
\$31.50, Auctioneer \$5.00 Bond. Commis. \$8.05. for

Writing due to purchaser \$5.00 & retained \$5.00
to pay future costs. Making total costs \$69.31
leaving a balance in my hands of \$91.69 subject
to the order of the Court, & Executed to Benjamin
E. Worrell the purchaser of said land & deed
with Special Warranty

For Geo. B. Brown
In agent }

W. A. Maggi (w)

April 1st 1876

Garrison wife
agent } Report
Wilson &c

1876 May 4

Simmons vs

To { Refunding Bonds

Briggs

Know all men by These presents That we
Wm B Simmons and Charles Cook
are held and firmly bound unto W. W. Briggs
in the just and full sum of \$30.54 1/3 cts
good money of Virginia and we hereby waive
our homestead exemptions as to this bond
as writings on hands and seals This 15th day of
~~1884~~ December 1884

The condition of the above obligation is
that whereas the circuit court of Southampton
did by its decree entered at the May term 1884
order W. W. Briggs to pay to Wm B Simmons
and Mary I Simmons his wife the sum of
\$13.28 1/2 cts on condition of their executing a
refunding to him to return the sum of
\$13.28 1/2 cts should ~~the~~ Simmons and

Simmons return to Virginia and
raise or recover the said sum. Now
should the said Simmons and

Simmons return to Virginia
and recover the said sum of \$13.28 1/2 cts
from the said W. W. Briggs and the said
Wm B Simmons and Mary I Simmons
refused the same to Wm W Briggs then this
obligation to be void else to remain in
full force and effect

Witness

Wm B Simmons

Wm B Simmons

Charles Cook

seal

seal

Deare in favor of infant Samuel B. Wilson
for \$30.52 $\frac{1}{2}$ at 6% with interest from 1st May 1876
Int: 18. 33 To

Deare in favor of Wm B. Simmons and wife
Mary J. Simmons for \$15.28 $\frac{1}{2}$ at 6% with int
from 5th of May 1884 - 90 4

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Order of Publication

1874 Sept 6

VIRGINIA.—AT RULES HELD IN
the Clerk's office of the Circuit Court of
Southampton county, on the first Monday
in May, 1874.

Wm. B. Simmons and Mary J. his wife,
Plaintiffs.

Against
Samuel H. Wilson an infant and the two chil-
dren of Richard H. Wilson, dec'd.
Defendants.

IN CHANCERY.

The object of this suit is to effect a division of
a tract of land of which Martha Wilson died
seized, lying in Southampton county, and esti-
mated to contain 200 acres, among those entitled.
And affidavit being made that the names of the
children of Richard H. Wilson, dec'd, who are
Defendants in this suit are unknown, it is order-
ed that the said unknown Defendants do appear
within one month after due publication of this
order and do what is necessary to protect their
interest.

A Copy—Teste:

L. R. EDWARDS,
Clerk.

mys-4t
Shands p.q.

AND ORNAMENTAL PRINTING EXECUTED WITH DISPATCH.

Suffolk, Va., Oct- 1st- 1874

B. Shands



W. B. WELLONS, Jr.

KILBY STREET.

Simmons & Wife vs Wilson 246646/ 6.50

BOOK, JOB AND ORNAMENTAL PRINTING EXECUTED WITH DISPATCH.

Suffolk, Pa., Oct 10th 1874

General Mrs. Sharras

W. B. WELLONS, Jr.

TERMS CASH ON DELIVERY.

KILBY STREET.

1874
May 8 To Advg Luminous in wife Vs Wilson 2 yds 4c of 6.50

Oct 10th 74 Recd. Payment
W. B. Wellons
per Waver

Receipt
from
Christian Sum
6.50

To
Wm B Sumner

Petition of Simmons
vs. Corp and Wilson

To The Honorable George Blow judge of The circuit
Court of Southampton County in chancery sitting

Respectfully petitioning your Petitioners W. B. Simmons
and Mary J. Simmons ^{Samuel G. Wilson} shew unto your Honor
that in the case of Simmons & wife vs Wilson was
There was a decree entered at May Term 1874 for W. W.
Briggs sheriff of Southampton to pay to your
orators the sum of \$30.57 1/3 to Samuel G. Wilson
and to Wilson and Wilson who had left the
some children of Richard G. Wilson who had left
the state long before the filing of this bill and
who have not been heard from for upwards of
twenty years and against whom they have proceeded
as an absent defendant by order of publication

Your petitioners shew and state further to
your Honor that they have now applied to Mr
Briggs for this money and it is still in his hands
they state that the presumption death has
long since arisen and they ask the court that
an order may be entered directing Mr Briggs to
pay to them this sum of \$30.57 1/3 on upon their
executing a proper refunding bond to be filed in
this cause viz \$15.28 1/2 to Simmons & wife and
\$15.28 1/2 to Samuel G. Wilson and your
petitioners will ever pray &c

Wilson & wife vs G. Wilson
By Thomas L. Loe their
attorney

Simmons wife
n } Stat Rules
Wilson H^d

In Southampton Circuit Court.

Wm B. Simmons & Mary J. Simmons his wife

against.

Samuel H. Wilson an infant and the two children of
Richard H. Wilson dec^d }
Defts. }

1874 April 24. Sum^s issued - affidavit filed &

" May 10. Sum^s ret^d. Executed. Bill filed S. R. Edwards
assigned Gov. ad litem to infant Deft Samuel H. Wilson. Ans^r of infant
Gov. Rep^r. Or. Pub. to unknown Deft^s

" June 10. Set for hearing as to infant Deft. &

" Oct. 29. Report

" " T Decree for Sale

1876 May 4. Report

" " T Decree

Simmons & wife

as 3 Decr

Wilson is als

Oct Term 1874

to be entered

Geo Bond

Simmons & wife

vs 3

Deene

Wilson and

This day this cause came on to be heard on the plaintiffs bill the answer of the infant defendant Samuel B Wilson by his guardian ad litem general replication stands and it appearing to the court that the plaintiffs have proceeded in the mode prescribed by law against Wilson and Wilson whose Christian names and whose residences are unknown by order of publication the plaintiffs bill is taken for confessed as to these two defendants and was argued by counsel On consideration whereof the court doth adjudge order and decree that one of the commissioners of this court enquire if partition can be conveniently made of the two hundred acres of land whereof Martha Wilson died seized and possessed and if not if the interests of those who are entitled will be promoted by a sale of the entire tract and report to court together with any matter specially stated which may be deemed pertinent by himself or which may be required to be ^{so} stated by any of the parties interested

Sumner & Co

3 Dec

Wilson & Co

\$

Oct. Term 1874

To the amount

Geo. B. Shaw

Simmons & wife

vs 3 Decem

Wilson & als

This day this cause came on again to be heard on the papers formerly read and the report of Commissioner Tyler made pursuant to a decree entered at this term and to which report no exceptions have been filed and was argued by counsel On consideration whereof the court doth adjudge order and decree that Mr W Briggs Sheriff of Southampton shall after having given at least twenty days notice of the time and place of sale by public advertisement at Falmouth and at least two public places in the immediate vicinity of the land proposed to sell at Falmouth on some county court day at public auction to the highest bidder a tract of land containing two hundred acres of land whereof Martha Wilson died seized and possessed on the following terms to wit sufficient cash to pay the costs of this suit and sale including a fee of thirty dollars

To Mr B Shanes the plaintiffs
concede and the balance of the
purchase money on a credit of
six and eighteen months falling
from the purchase bonds with
approved ^{security} ~~interest~~ carrying interest
from the day of sale and return
the said bonds along with his
report in order to a further decree

Simmons & wife

or 3/4 Diner

Wilson & als

May Term 1876

To be entered

Geo. B. Lord.

Simmons & wife
vs M Deere
Wilson & als

This day This cause
came on again to
be heard on the

papers formerly read and the report of W
W Briggs sheriff of the sale of the land
made in pursuance of a decree of this
court rendered at the October term 1874
and to which report no exceptions have
been filed and was argued by counsel

On consideration whereof the court doth
adjudge, order, and decree, that the said
report be confirmed and that Mr W
Briggs sheriff pay out the sum of
\$21.69 cts in his hand as follows to

Mr B Simmons and Mary J Simmons
his wife \$30.54 $\frac{1}{2}$ cts to the lawful
guardian of Samuel B Wilson \$30.54 $\frac{1}{2}$ cts
to Wilson and Wilson

whose christian names are unknown
The sum \$15.28 $\frac{1}{2}$ cts each and report
his proceedings to court filing his
receipts along with his report

~~23 4 18~~
Simmons & Co

Copy Done

Wilson & Co

\$50. - Geo Stray

\$161 - Geo Stray

Southampton Circuit Court, Oct. Term 1874.

Simmons vs
Wells & others

Plff vs
Def

This day the Cause came on again to be heard on the papers formerly read and the report of Commissioner Tyler, made pursuant to a decree entered at this term and to which report of exceptions have been filed, and was argued by counsel; on consideration whereof the Court doth adjudge, order and decree, that Wm. H. Briggs, Sheriff of Southampton shall having given at least twenty days notice of the time & place of sale, by public advertisement at several

Costs

Chk \$5.76

Sh. pay

Com. S. 250.

Chk Sum 650

Law N. 3150

\$38.00

Recd of Wm Briggs

Thirty eight dollars

in full of the costs

on 23 March

at the Court

places and at least two public places in the immediate vicinity of the land, proceed to sell at Jerusalem, in said County Court day at public auction, to the highest bidder, a tract of land, containing two hundred acres of land, whereof Martha Nelson, dec'd seized & possessed, on the following terms to wit, Sufficient cash to pay the costs of this suit and sale, including a fee of thirty dollars to Wm. H. Briggs the Plaintiff's Counsel, and the balance of the purchase money on a credit of six and eighteen months, taking from the purchaser bond with approved security, carrying interest from the day of sale, and return the said Bond along with his report in order to a further decree.

Attest, James R. Tyler, C.

26

Simmons & wife

or 3 Decree

Wilson & als

To be entered

May term 1884

Geo. B. Brown.

✓

✓

Simmons & wife

vs 3

Decree

Wilson & als

This day This cause came on again to be heard on the papers formerly made and the petition of Mr B Simmons and his wife Mary J Simmons and Samuel B Wilson and was argued by counsel On consideration whereof the court doth adjudge order and decree, That upon the petitioners executing to W. W. Briggs refunding bonds with good security in double ^{the} amounts paid their conditions to refund to Wilson and Wilson the sum of \$15.28 1/2 each should they demand the same on their return to Virginia he pay to Mr B Simmons and his wife Mary J Simmons the sum of \$15.28 1/2 etc and to Samuel B Wilson the sum of \$15.28 1/2 etc and return their receipts along with their refunding bonds with his report to court in order to a further decree

Simmons¹⁸ + wife

do 3 Dorse

Hilson et. als

To be entered
May Term 1887
C. M. H. C.

✓

Simmons + wife

vs 3 Decece

Hilson et als

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
amounts directed by a decree entered
in this cause at the May Term 1884 of
this court, to be paid by H. H. Briggs
to H. B. Simmons + wife and Samuel H.
Hilson have been paid as ~~was~~ duly
appears from receipts filed in the
creditors suit of Barham vs Briggs
(and which suit is filed away the clerk's
office of this county) and it being
also shown unto 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
person interested to reinstate the
same upon motion