1771-002 SOUTHAMPTON COUNTY CHANCERY PAPERS BRYANT & wife VS. SIMONS' admr 2/1771

other SURNames: Simon

Bryant
Wife &
Simons
Bill
in
Can.

Sub Cr
Com from Exon Ct
Rebty 69
cont for ans
July Cont
Dhr.
21 Oct 69 Cq.
Ans for Am.
Jany 70
Ans filed & Sub
Feby. 1770
Order Continued
May. 70
Cont for Rej. ans
July
Ans & Rej. filed
Oct. 1770 Cont'd
Jany. 1771
Feby 1771
Dismissed

To the worshipfull Court of Southampton
County in Chancery

Humbly Complaining shewith unto your Worships your Orator & Oratrix Samuel Bryant and Joanna his Wife that your Oratrix is one of the Daughters of Augustine Simons late of Southampton County deceased that the said Augustine in his Lifetime that is to say on the sixth day of March 1756 made his last Will and Testament in Writing wherein amongst other things he devises as follows - "It is "my Will and Desire Sarah Simon my Wife should "enjoy all my Estate with the Cattle Hogs and "Sheep without Molestation during her Widowhood "after her Decease to be equally divided among my "Daughters." - after whose Death the said Will was duly proved and recorded in the Court of the said County according to Law and Administration on the s.d Augustine Simons Estate with the said Will annexed was in due form granted to Jacob Simons who your Orator & Oratrix further shew unto your Worships that after the Death of Sarah Simon the Widow and Relict of the s.d Augustine Simon the said Jacob Simon by Vertue of the Administration aforesaid possessed himself of all the s.d Augustines Estate, which amounted to forty two pounds fourteen shillings & three pence as by an Inventory and Appraisment thereof now in this worshipfull Court by the s.d Jacob Simon - Your Orator & Oratrix further shew unto your Worships that the s.d Augustine left five Daughters at the time of his Death to wit Your Oratrix Sarah, Ann, Mary, & Rachel so that your Oratrix is intitled to one fifth part of the s.d Estate, and that the s.d Jacob Simon hath never returned to this Court any Account of his Admon. and altogether refuses to pay to your Orator & Oratrix any Part of the said Estate. In tender Consideration whereof and for as much as your Orator are remidiless in the Premises by the

the Rules of the common Law, and properly to be
relieved only in this Court — To the End therefore
that the s.d Jacob Simon may in his corporal Oath
full true and perfect Answer make to all and
singular the Allegations of this Bill, as if herein
again set down and interrogated, and. Whether
the s.d Augustine Simon did not make such
Will and therein devise as is herein before set forth
Did not the s.d Jacob Administer on the s.d Estate and
and by Virtue thereof possess himself of all
the s.d Estate? How many Daughters did the said
Augustine Simon leave at the Time of his
Death? Is not your Orator one of the said
Daughters? How much does the said Estate amount
to? What is the Reason he hath not rendered
an Account of his Admon to the Court. —
And that the said Jacob Simon may by
Decree of this Worshipful Court be compelled
to make up a fair and just Account of
his Admon of the said Estate, and pay to your
Orator their proportion of the same together
with lawful Interest thereon, from the
Time such Part ought to have been paid
and that your Worships will make such
other order and Decree in the Premises as
shall be agreeable to Equity and good Conscience
May it please your Worships to grant
your Orator his Majestys most gracious
Writ or Writs of Subpœna &c

Baker for Pl.

Summons
ads
Bryant

Ans

L. Col Baker

The answer of Jacob Simons defendt. to the Bill of Complaint of Samuel Bryant & Joanah his wife Complt.

This defendant now & all times hereafter saving & reserving to himself all advantage of exception to the manifold insufficiencies therein Contained for answer thereto or to so much thereof as this defendant is advised is material for him to make answer unto he answereth & saith that he was always ready & willing to pay the complainant his proportionable part of the estate left by the Decd Augustine after deducting debts funeral Expences & other charges incident to the administration an account of which this defendt. is ready to make up before persons to be appointed by this Worshipful Court But the complainant being indebted to this defendt in the sum of twenty six shillings & Sixpence he hopes this worshipful Court will order the same to be deducted out of the balance which shall be due on settlement with the complainant

This Defendt. further saith that the estate left by the Decd Augustine to Sarah Simon at the death of the said Sarah was much expended that only seventeen pounds thereof came to the hands of this defendant Dureing the said Sarah having been obliged to have on Phay to the Doctor for attending her in her indisposition without that that he

Jacob Simon

The above answer sworn to before
me Ja: Bruce Coty. R Hall D

The Answer of Jacob Symons Defft to the bill of complaint of Samuel Bryant and Susanah his wife complainants

This defendant now and at all times hereafter saving & reserving to himself all advantage of exception to the manyfold imperfections therein contained for answer unto so much thereof as this Defft is advised is material for him to make answer unto he answereth and saith That he was always ready and willing to pay the complainants their proportionable part of the estate left by the said Augustin after deducting the debts funeral expences & other charges incident to the administration an account of which this Defft is ready to make up before persons to be appointed by this worshipful court but the complainant being indebted to this Defft in the sum of twenty six shillings & three pence which he hopes this worshipful court will order the same to be deducted out of the balance which shall be due on settlement with the complainants This Defft further saith that the estate left by the said Augustin to ~~left by~~ Sarah Symons at the death of the said Sarah was much lessened so that only fourteen pounds thereof came to the hands of this defendant the rest the said Sarah having been obliged to live on and pay away to Doctor for attendance her in her indisposition without that that the

Jacob Symons

The above answer Sworn to before me Cha. Bugg

Answer of Jacob Symons
to
Bryant
&
Wife
Bill
Chancery

Bryant &c
Simons (ad)
} Ad

At a court held for the county of Southampton the 9th day of February 1770

Samuel Bryant & Joanna his wife Pltfs
ag.
Jacob Simons admor &c of Augustine Simons
decd. Defts

In Chancery

By consent of the parties It is ordered that Henry Vaughan Benjamin Blunt David Edmunds and James Ridley gent or any three of them do examine state & settle the defendant Jacob's account of his administration of the intestates estate & make report thereof to the Court.

R Wells D

Bryan & Al
v.
Simons
Exon. & Writ

George the third by the grace of God of Great Brit[ain]
[Ire]land and Ireland King Defender of the faith &c To the S[heriff]
[Sou]thampton county greeting We command you that you
[Jac]ob Simons Senior Esq of Augustine Simons dece[ased]
[that] you have his body before our justices of our said co[unty]
[co]urt in chancery at the courthouse of our said county o[n]
the second Thursday in November next to answer us
as well of a certain contempt by him to us offered as it is
[said] as upon those things which to him then & there shall
[be] objected and further to do and receive what our said
[court] shall of him in this part consider and have then
[and] there this writ Witness Richard Ricks Clerk
[at] the Courthouse the twelfth day of October in the
[fif]teenth year of our reign

Richard Ricks

For not answering the bill of Complaint
of Sam[uel] Bryant & Joanna his wife

Bryant &c
v
Simon

Affi
Stan

Subp
Com Lo cons bill

Executed

Sho Ridley
Solr

Dec 1767
com for bill
Nov 60
Jan
cons

George the Third by the grace of god of Great Britain
France and Ireland King defender of the faith &c To the Sher
of Southampton county greeting. We command you that y
summon Jacob Simons if he be found within your bailiwick
to appear before our justices of our said county court at the
courthouse on the second Thursday in July next to answe
a bill in chancery exhibited against him by Samuel Bryan
and Joana his wife and this they shall in no wise omit under
the penalty of £100 and have then there this writ. witness
Richard Hills clerk of our said court at the courthouse the
22th day of June in the xlvi year of our reign

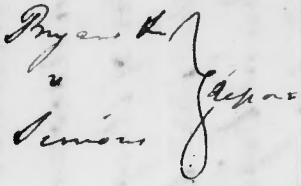
Affid.
Paul Simons
for Contempt

George the third by the grace of God of Great Britain France and Ireland king defender of the faith &c. To the Sheriff of Southampton county greeting We command you that you attach Jacob Simons Admor & of Augustine Simon decd so that you have his body before our justices of our said county court in chancery at the courthouse on the second thursday in August next to answer a certain contempt by the said Jacob to us offered as it is said as upon those things which to him then & there shall be objected and further to do & receive what our said court of him in this part shall consider. and have then there this writ Witness Richard Kello Clerk of our said court at the courthouse the twelfth day of July in the tenth year of our reign

R. Kello C.

For not making up & returning an Account of his administration of the estate of Augustine Simons decd.

Atk



May 29th 1770

In Obedience to an Order of the Worshipfull Court of Southampton bearing date Feby 9th 1770

We the Subscribers have attended at Jacob Simons in Order to Settle an account between Samuel Bryant and Jacob Simons Administrator of Augustine Simons Decd but there is no other account of the said Estate only a Receipt from one of the Legatees for three Pound Eight Shillings and a penny. which he says is the ~~whole~~ of the Legacy of one part of the said Estate

David Edmunds
Henry Vaughan
Benj. Blunt

Copy Augustin
Simons will

Col Reddick

In the name of God Amen I Augustin Simon
of the Isle of Wight county being by the grace of God of a perfect bodi
ly health and of a perfect mind & sound memory acknowleging
the fraility of this transitory life & for the settlements of peace
among my children, after my decease do make these presents
to be my last will & testament

1. First I give thanks to God for his great mercies towards me of whom
I have been born brought up & educated in the purity of Christian
reformd religion such as it is taught by the church of England

2. Secondly my precious & immortal soul I recommend & return into
the hands of mine everlasting lord God & Saviour Jesus Christ
who hath pardoned me & redeemed me by his most precious
blood. & am in hope & full assurance through his great mer
cies of an eternal glory & my body after my decease I com-
mit to the Earth in hope of a happy & glorious resurrec
tion Amen.

3 Thirdly I pray the almighty God through his great mercies
& the merits of our Saviour Jesus Christ to defend & keep my
children & family & theirs for ever in the pure knowledge of
his holy gospel & likewise to bestow all his blessing both
spiritual & temporal upon them & theirs for ever Amen

And in regard of what concerns my worldly estate

1 First I render & give thanks to the Almighty God in that of what he
hath bestowed me far above my deserts

2 Secondly it is my desire that all my debts be truly paid

3 Thirdly I give unto my son John Simon a parcell of land and
plantation containing about one hundred & fifty acres of land
which lyeth in Nansemond county bounded by a line or a row of
marked trees on the north side of a branch known & common-
by
call'd the Wolf Pitt branch & likewise south bounded by the north
side of a main swamp commonly known & called the head
of the Southern branch of Nansemond the same being part
of a pattens formerly granted to Thomas Mason bearing
date 1666 The same being also a part of two hundred acres
of the s[aid] pattens which the s[aid] Tho[s] Mason formerly did
sell to Can[t] Thelwell, which s[aid] land after my decease I

I give unto my son John Simon his heirs & assigns forever

4 Fourthly I give unto my son Jacob Simon ~~[illegible]~~ smith[illegible] tools consisting in one pair of bellows one anvil, sledges & hammers tools vice & hand vices screw platts rubbers & files steel & Iron & in general all what is belonging & appertaining unto the said tools. I give unto my son Jacob Simon with three guns & one pair of spoon moulds I said I give unto my son Jacob Simon & to his disposing after my decease. ——

5 Fifthly. It is my will & desire Sarah Simon my wife should enjoy all my estate with the cattle hogs & sheep without molestation during her widowhood & after her decease to be equally divided among my daughters

6 Sixthly This is my last will & testament in witness where of I the s.d Augustin Simon have set my hand & seal this twenty first day of May one thousand seven hund.d & forty five

Signd & seald in the presence of us
William Bynum
Simon Everis
Joseph Everis

Augustin Simon
(Seal)

In the name of God amen I Augustin Simon by the grace of God of perfect health & sound memory acknowledging the frailty of this transitory life have made a revisal of this present ~~my last~~ will & testament & have found nothing in it contrary to equity & my conscience do by these presents inspect & ratify the same as good & lawful in witness where of I Augustin Simon have set my hand & seal my seal this six day of march one thousand seven hundred & fifty six

Augustin Simon

Ratified signed & seald in presence of us
Rich.d Vick Jr.
Wm Simmons
Benj.a Williams

At a court held for the county of Southampton the 13 day of Nov.r 1760

This will was presented in court proved by the oaths of Rich.d Vick Jr. & Benj.a Williams two of the witnesses thereto & ordered to be recorded & on the motion of Jacob Simon who made oath according to law the within named Sarah Simon refusing to take the execution thereof certificate is granted him for obtaining letters of admiston on the estate of the s.d Augustine Simon with the will annexed giving security &c

Rich.d Bellis

Cop. [illegible]

In obedience to a order of court granted the 13th of November 1760
We the subscribers being first sworn have appraised all the estate
of Augustine Simon that was brought to our view by the executors
February ss 1761

4 Cows	£4.	15	—
2 heifers 28/. & 4 yearlings 30/.	2.	18	—
2 pr cart wheals 2/6 & 2 pr of hand mill stones 12/6		15	—
2 linnen wheal 17/6 & 2 woolen wheal 8/.	1.	2	6
2 whip saw & 2 X saw & 1 Spade & iron spitt 2/6		15	—
2 pr stilards 2/6. 1 hackle 1/. and 1 Saddle 1/3	1.	2	6
3 pr bullet and shot moulds 1/6 & 2 bowrin & pr 2/6		4	—
2 candle sticks 1/6 & 3 rat and mouse traps 6/.		7	6
2 pipe mould and 1 punter weight		2	—
2 steer trap 10/. & 1 sun dial 1/3		11	3
2 tubs 1 pail & 2 trays		5	6
2 butter pott 1/8. & 2 brass kittle 5/.		6	8
4 iron potts 16/. & 2 copper skillet 4/	1		
3 puggins 2/. 1 old table 1/3		3	3
2 morter and pestle 2/. & 2 pot racks & frying pan		4	—
2 pr pot hooks 2/. & 1 rost meat hook 2/.		4	—
2 skimmer 1 iron spoon & flesh fork		3	9
1 pr fire tongs 2/. & 2 knives & 2 forks 4/.		2	9
3 chests & 2 box		17	6
7 punter dishes 20/. & 2 basons 3/9	1	3	9
33 spoons 5/. & 2 candle mould 1/3		6	3
5 plates 7/. & 2 salt sifter 8d		7	8
1 punter bottle 6d & 2 silver bodkin 1/.		1	6
2 punch pot & 2 jilt 2d 3/9.		3	9
1 tankard & 2 chamber pot		2	—
2 skimmers & 2 starch pan		4	—
13 bottles 4/10 & 2 jugs & 3 pr cards 8/.		12	10
1 Waistcoat & 1 pr trowzes		13	2
apparel & old books and money scales	1.	5	—
1 lumber in the chest		1	3
1 worsted cap 1/. & 2 pocket compass 5/.		6	—
1 stone 2/6		2	6
To Cash	13.	10	8
1 bed bolster & bedstead	2.	5	—
1 D. D. with rugg blanket & sheet	3.	15	—
	£42.	14	3

John Wilkinson
Benjamin Crocker
John Edwards

	8.	10. 10
	1.	6. 3
	7	4. 7

At a Court held for the county of Southampton the 12 day of February 1761

This inventory and appraisement of the estate of Augustine Simons dcsd was returned and ordered to be recorded

Test R Kello D

Cpy. R Kello D

Ex inv & Ap
Augustine
Simons
Exr
Del Biddick