

1798-001

SOUTHAMPTON COUNTY  
CHANCERY PAPERS

SIMMONS VS. BLOW

3/1798

other SURNAMES : BRIGGS,  
BRIGGS + BLOW, MERCHANTS

To the worshipful court of Southampton County sitting in chancery humbly  
complaining sheweth unto your worships your orator John Simmons  
That some time in the year 1772 he gave his bond to Messrs  
Blow and Briggs, merchants, for the sum of £46..17.9  
for divers goods he had of the said Blow & Briggs. That some  
time afterwards, to wit, ~~in the year 1773 or~~ <sup>in the year 1773 or</sup> ~~the year~~ <sup>the year</sup> 1774  
he gave a bond which he had from Howell Briggs, for £7..0.6 or  
thereabouts, to the said Richard Blow towards discharging  
the said bond to the aforesaid Blow & Briggs. That your  
orator expected that his bond to Blow & Briggs had been  
credited with the amount of his bond from Howell Briggs,  
until one John Kee, who was an agent for the said Blow  
& Briggs, presented him with the bond for payment,  
which he then discharged. That some time afterwards, to  
wit, in the year your orator purchased of  
the said Richard Blow, some goods to the amount, as  
well as your orator recollects, of £7 or thereabouts, ex-  
pecting to be credited for the bond from ~~the said~~  
Howell Briggs to him, which was then unsatisfied &  
in the hands of the said Richard Blow, & was very  
much surprized when, some time afterwards, he was applied  
to, by Joshua Gort, agent for the said Richard Blow, for  
payment of the said account. That he then informed the  
said Gort that he should not pay him the account, as there  
was more money due on the aforesaid Bond from Howell Briggs  
to him than the account amounted to. That the said Gort  
frequently afterwards applied to your orator to discharge the  
said account but your orator always made him the same  
reply that he had done on the former application. That some  
time in the month of a suit was commenced on

the above account and in term 1791 a judgment was  
entered against your orator for the full amount of the  
account, in the absence of your orator and Howell Briggs,  
who was a material witness in the cause, ~~whom~~ <sup>Scots had been sum-</sup>  
~~moned~~ <sup>moned</sup> but was unable to attend by reason of sickness  
~~and directed to be summoned &c.~~ All which matters

Things are contrary to equity & good conscience, & tend to the  
injury & oppression of your orator. In tender consideration  
whereof, & for as much as your orator is remediless in the  
premises, by the strict rules of the Common Law, & only relie-  
vable in a court of equity where matters of this sort are  
properly cognizable To the end therefore that the said Richard  
Blow may be made a defendant to this his bill of complaint  
& may upon his corporal oath full, true & perfect answer  
make to all and singular the allegations in this his bill  
of complaint, as fully and truly in every respect as if the  
same were here again repeated & he there to ~~be~~ interro-

gated. And that your worships may perpetually injoin the  
aforesaid unjust judgment & make such other & further  
decree in the premises for the relief of your orator, as to  
your worships shall seem meet & agreeable to equity &  
good conscience. May it please your worships to grant  
unto your orator the Commonwealth's most gracious writs  
of Subpoena & injunction &c.

Robt. Paulson for complt.

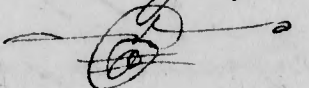
Sampton county, to wit.

John Simmons came before me this tenth day  
of Feby 1792 & made oath to the truth of  
the allegations contained in the above bill

Robt. Goodwyn

Linnæus

nr

Blom & Gyllen  




Norfolk County Sec.

Richard Blow personally appeared before me a  
Justice of the Peace for the County aforesaid, and made Oath on  
the holy Evangelis of Almighty God to the truth of all and singu-  
-lar the circumstances <sup>and facts</sup> contained in the within answer, so far  
as stated to be of his knowledge, to be true, Given under  
my hand this fourth day of April 1792.

J. Archer

Simmons  
or  
Blow & Co.  
C

The answer of Richard Blow a partner of the firm of Briggs & Blow to the bill of complaint exhibited against him in the worshipful Court of Southampton County by John Simmons Son of Charles.

This Deponent now and at all times hereafter, saving and reserving to himself, all manner of benefit and advantage of exception to the manifold errors, imperfections, and untruths, in said Bill of complaint, — in answer thereto, or to so much thereof, as this Defendant is advised is requisite and material for answer to the same, doth say. — That he was a partner in a Store kept by Charles Briggs & himself at the dwelling place of said Briggs in the County of Southampton in the year 1772. under the firm of Briggs & Blow, and that the above named John Simmons had dealings with them for Goods wares and Merchandise sold to him, and was indebted to them at the dissolution of said concern, and gave a bond or bonds for the balance he did owe to them. — This deponent further declareth and saith that he never did receive from the said John Simmons a bond of Howell Briggs's for £70.6 or thereabouts, in behalf of Briggs & Blow, or for himself, or any other payment or payments but what he gave just and fair credits for, to the said Simmons. — This deponent further declareth and saith, that he kept a Store at a place called Town Hill in Sussex County, which was under the management and direction of John Key & Joshua Fort, and when the said John Simmons became indebted to him between the years 1779 & 1790 — which he never has paid, and a suit has been instituted in the said Court of Southampton, and a Judgment obtained for the same. — He therefore humbly prays that the Orators Injunction may be dissolved, and he permitted to enjoy the benefits of said Judgment at common law obtained, with costs of this bill and answer.

Rich. Blow

Simmons

17

Dedimus

Blow

Notestatem

July 1792

to Jas: Simmons jr.

Southampton County. J.

The commonwealth of Virginia to Edmund Tyler & Rob: Goodwyn  
Gentlemen justices of the Peace of the county of Southampton greeting:  
Know ye that we trusting to your fidelity and provident Administration  
in diligently examining Howell Briggs a witness as well on behalf  
of John Simmons of Charles / Plaintiff as on behalf of Richard  
Blow defendant. Command you or any two or more of you that at  
such time and place as you shall appoint you assemble yourselves and  
the said Howell Briggs and diligently examine him on the holy  
Evangelist of Almighty God and his examination into our court of  
our county of Southampton without delay you shall send and certify  
inclos'd, returning also to us this writ. Witness Samuel Telle clerk of  
our said court at the courthouse the 17<sup>th</sup> day of July 1792 in the  
17<sup>th</sup> year of the commonwealth

Jn: D. Kaufmann Clk



Howell Briggs of full age and being first sworn  
on the Holy Evangelist of Almighty God -  
depoeth and saith, that some time in the  
year of      he this deponent paid to Richard  
Blow the sum of seven pound six pence, for  
John Simmons (of Chualu) which sum of Money  
he this deponent owed this s<sup>d</sup> Simmons as Executor  
of James Speed, & this deponent further saith  
that at the time he paid the above sum of  
Money, that Rich<sup>d</sup>. Blow then observed that  
he would go in to his Comptingroom and give  
the s<sup>d</sup> Simmons Account ~~credit~~ or bonds, which  
he does not well recollect, Credit, and further  
this deponent saith not,      Howell Briggs

Taken at Joseph Vicks the  
25<sup>th</sup> of July

Eda Gho

Robt Goodwyn  
Ed

<sup>Inf.</sup>  
John Simmons to  
R. Blossingford

Jan<sup>y</sup> 1792.

J.B.

March 98

Injunction dis-


solved & Bill

dismiss'd —

Know all men by these presents that we John Simmons  
& Wm Simmons  
are held and firmly bound unto Richard Blow  
in the sum of Fifteen pounds  
current money of Virginia to the which payment well and  
truly to be made unto the said Rich<sup>d</sup> Blow  
and his heirs and assigns we bind ourselves our heirs, executors  
and administrators jointly and severally firmly by these  
presents. Sealed with our seals and dated this 10<sup>th</sup> day of  
January 1792

The condition of this obligation is such that whereas  
the said Rich<sup>d</sup> Blow hath obtained  
a judgment at common law against the said John Simmons  
in the county court of Southampton  
for seven pounds seven shillings nine pence half penny  
and costs and the said John Simmons  
hath obtained an injunction staying the execution of the said  
Judgment untill the matter in equity upon a Bill for that  
purpose filed can be heard. If therefore the said J<sup>n</sup> Simmons  
shall satisfy and pay the said Judgment at common law  
and all costs and damages that shall be awarded to the  
said Rich<sup>d</sup> Blow in case the said Injunc-  
tion shall be dissolved then the above obligation to be void or  
also to remain in full force and virtue

Sealed & delivered  
in the presence of  
J<sup>n</sup> D Kaufmann

John Simmons   
William Simmons 