

1813-001

SOUTHAMPTON COUNTY
CHANCERY PAPERS

CLEMENTS' EXECUTOR VS. SIMMONS
8/1813

other surnames: Urquhart

Fr^s Clements

Ex^{rs} v.

Fr^s Simmons

Bill in
Chancery.

June 1809 Bill filed
for sale to

August 1813 report on the
affairs.

1111 312
1248

NOT 4/10/92

DECLASSIFIED

To the worshipful court of Southampton
sitting in Chancery humbly complaining
sheweth unto your worships your orator
John Urquhart Esq^r of Francis Clements &c

That your orators testator Fr^s
Clements did on the 28th Day of February in
the year 1800 accept an order drawn by
for £503:4:4 which said sum was paid by
the said Fr^s Clements with interest thereon
to the representative of the said W^m Urquhart.

That the said Fr^s Clements at the request
of the said John Simmons did further pay
for him the sum of £150:15:0 which the
said Simmons owed to the commorwealth
in consideration whereof the said Fr^s Simmons
did on the 2nd Day of March following
convey by bargain & sale, as will appear
by this Indenture recorded in the said County
Court of Southampton, sundry Negroes.

To wit: Jeffrey, Peter, Jacob, (Jacob Black
Smith), Tony, Sarah, Jenny, Milly, ~~Patience~~
Patience, Rachell, Hagar, Lewis & Arney;
with a great variety of other property, as
stock furniture &c - for the purpose of
securing to the said Fr^s Clements the amount
paid for him John Simmons. -

That sundry other Negroes belonging
to the said John Simmons were sold by
the Commonwealths Agents To wit. Judy,
Isom, Esther, Abraham, Jim, Will and
Frank; which were afterwards conveyed
to the said Fr. Clements by the purchasers
in consequence of the undertaking by the
said Fr. Clements to discharge the Com-
monwealths demands which was accordingly
done, whereby the said Fr. Clements
became the sole owner, possessing all
right & Interest in the said Negroes.

That ^{all} the said property of every descrip-
tion, was suffered to remain in the hands
of the said John Simmons for several
years from the friendship & benevolence
of the said Fr. Clements. And now
may it please the Court so it is that
on demand of payment for the several
sums so paid by the said Fr. Clements
he was refused as well the money, as
the property in Negroes &c. - so conveyed
to him as security. - And your orator
having no redress at common law
solicits the interference of this court.
To the end therefore he prays the s.
John Simmons may be made defend

This Bill may be made to answer
the allegations therein contained on
oath. - And further that the Court
will order & decree that the said
property, or so much thereof as will
be sufficient may be sold and the
said several sums now justly due
be paid to the Complainant. - And for
such other and further relief as shall
be consistent with equity. - And
your orator shall ever pray &c.

For the Complainant
J. C. [Signature]
The Complainant

Waghart or. 179

Clements —

vs

Simmons

} Spain
Chancery

To March 1809

Cautioned.

Indictment Dwy

at

Gaw Calcutt & Co

The commonwealth of Virginia to the Sheriff
of Sampson county greeting you are hereby commanded
to Summon John Simmons. to appear before the
justices of our county Court ~~next~~ the 3 Monday in
March next to answer a bill in Chancery
exhibited Agt him by his Verghet executor
of Francis Clements decd & that he shall
en no wise bring under \$100
I have then there this writ Witness
Myself clerk of our Court at the Chancery
the 26 of July 1809 & 33 years of
the Commonwealth

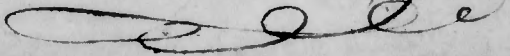
Sam Kello

I assign over to Mr. Francis Clements my
right to the within property

J^{no}. Arguehart
Jan^y 23. 1798.

J. H. Echote per
Regina Smith
to F. Clements

Oct. 4. 1797. Rec^d of M^r John Argyer
hath a promissory note for one hundred
and fifty pounds 15/- in consideration of
negroes Gudy, Tom, Esther, Abiam, Jim, Will & Frank
sold to him by me as Agent for the
Commonwealth.

J. M. Davies:


Francis Clements

To yf. Paid to Ben Elements due 11 Decr 1797.	£106. 13. 0	
To Interest from Decr 1797. to Aug ^r 1801	- - - - 23. 5. 8	129. 18. 8
To yf. Assuit to Rob Smith 5 Jan ^y 1800. for	60. 0. 0.	
To Int ^r from Jan ^y 1800 to Aug ^r 1801	- - - - 5. 14. 0	65. 14. 0.
To yf. Bond to Henry Arrington due Jan ^y 1797.	22. 0. 0	
To 1 Mo. Int ^r to July	- - - - 2. 2	
Then paid in part of four Dollars	22. 2. 2	
	1. 11. 0	
Int ^r from July 1797. to Aug ^r 1801.	£20. 18. 2	
	5. 2. -	26. 0. 2.
To yf. Assuit for Int ^r Semmons due		
28 Feb ^y 1800	503. 4. 4	
To Int ^r from Feb ^y 1800. to Aug ^r 1801.	45. 5. 10	548. 10. 2
	~~£770. 3. 0~~	
	117. 19. 8	
	<u>652. 3. 4</u>	

Wm Davis's

~~Paid to~~

John Urquhart

£150: 15: 0

paid by Tr's
Clements for

Geo. Simmons

These negroes were sold for the benefit of
the Commonwealth — not by John
Argueheart & by him paid to F^rs Clements
on the s^t Clements's undertaking to pay
the sum expressed in the inclosed Receipt.

John Simmons Jun.
Bill of Sale to
Francis Clements
July 1803 and VR

Reverend Page

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Spec in ch. 7 14th of Augt. 86.

At a court held ~~for~~ the county of Hampshire the 19th day
of July 1843 This Indenture was acknowledged
by John Simmons the party there named
it was to be recorded.

Samuel D.

R

This Indenture made this Second day of March in the
Year Eighteen Hundred between John Simmons of the
County of Southampton of the one part & Francis Clements
of the same County of the other part. Witnesseth that
the said John Simmons for & in consideration of the sum
of Six Hundred pounds Two Shillings — lawfull
Money of this Commonwealth to him in hand paid by the
said Francis Clements at or before the enscaling & delivery
of these presents the Receipt whereof is hereby acknow-
ledged, have bargained & sold unto the said Francis
Clements his Heirs & Assigns the following property to wit
One Negro Man Jeffery. Peter Jacob. (Jacob black Smith)
Tony, Sarah, Jinny, Milly, Patience, Rachel, Hagar, Lewis, &
Amy, also one grey Mare, bay Mare, two Saddle Mares, one bay
Horse, one bay filly, twenty five Cattle, Fourteen Sheep, Four
Feather Beds, & Furniture, One Walnut Desk, twelve flag & leather
Chairs, one looking glass, three Walnut, & two pine Tables, Four
Iron Pots, one Dutch Oven, one block, —

To have & to hold the aforesaid property unto the said
Francis Clements his Heirs & Assigns for ever. To & for the
only proper use & behoof of him the said Francis Clements.
his Heirs & Assigns forever. & the said John Simmons for him-
self & his Heirs, unto the s. Francis Clements his Heirs &
Assigns free from the claim of him the said John Simmons
or his Heirs, & of all & every Person or Persons whatsoever.
shall, will, & as Warrant & forever defend by these
presents, In Witness whereof the said John Simmons
hath hereunto set his Hand & affixed his Seal the
day & Year above Written.

Signed Sealed & delivered
in presence of —
Jno. Vagharsh
William Simmons
Benjamin Simmons

John Simmons Seal

1844. Aug. 21. Recd. payment in full
of the within J. M. Merganser

Ind. Simmons
Order on
Francis Clements
This Acceptance

N. A.

Sir

Please to pay Mr. William Arguham
the sum of five Hundred & three Pounds
four & 4. & you will oblige

To Mr. Francis Clements
Yr. Mo. ob. Lk
John Simmons, Jr.

I accept the above order for five Hundred
& three pounds 4/4 this 28. Feby. 1800
F. Clements

Mk.
William Simmons

Wm. Clements

John Simmons
A/C to St. Clements
£119. 14. 10

Mr. John Simmons To J. Clements Dr

1800	Sept 20	To 87 ^{lb} Bacon at 9/-	3 5 8
		To 3 bushels of Wheat at 9/-	1 7 0
		To 1 Bushel of Salt at 6/-	1 6 0
		To 4 Barrels of Fish at 38/-	6 12 0
		To 1 Barrel Corn at 24/-	1 4 0
		To Cash lent	9 0 0
		To 15 Barrels Fish at	11 5 0
		To 15 Barrels at	1 10 0
		To 1 Midlin Bacon at 9/-	2 5 0
		To 3 Barrels fish at 3/6	4 14 0
		To Cash lent at your house to pay the Constables	9 0
		To 4 3/4 bushells Wheat at 9/-	2 2 9
		To Cash p. ^d Willis Kelley	3 18 10
		To Cash lent	8 3
		To 12 Barrels Corn at 24/-	14 8 0
		To Cash lent at Cost	1 4 0
		to ditto at ditto	22 10 0
		to ditto at ditto	1 16 0
		to Cash p. ^d James Sebull	22 17 9
1800		to Cash p. ^d Bony Kirby	1 4 0
Aug. 10		to Cash p. ^d James Folk	2 8 0
Oct. 29		to ditto £1. 4-0 To 3 bushells Wheat at 12/-	3 0 0
March 1		to ditto £1. 4-0 To 5 gallons brandy 6/-	2 14 0
1802		to 280 Bacon at 9/-	8 12 6
July 1		To 180 ditto at 9/-	6 15 0
Aug. 11		To	
Oct. 3		To	
1804		To	
Aug. 20		To 2 barrels at 5/- To 1 kagg 4 To cash 3/-	17 0
			<u>£135 13 10</u>

Contra

Cr

1898	Apr 10	By Cash by J. C.	3 12 0
		By Cash	1 4 0
		By 30 gallons brandy - 4/-	6 0 0
		By hire of J. C.	4 10 0
		By Cash	0 18 0
		By ditto	<u>£16 18 0</u>
			<u>£119 16 10</u>
		add, items brought herein & charged in Dr. Simmons	<u>7 6 10</u>
			<u>£126 15 10</u>

18

18

18

18

[Faint, mostly illegible handwritten text, likely bleed-through from the reverse side of the page.]

France
Clements

Account

[Faint handwritten text at the bottom of the page, possibly a signature or date.]

1800 Mr. Frances Clements To John Simmons Dr.

	To Smith Work		1	19	3
	To paid Little Fort		10	19	6
	To 1 Negro Wench & Child		95	00	0
	To 1 Negro Wench Sarah		95	00	0
	To 1 Negro Boy Frank		80	00	0
	To 1 Barrel of Brandy		6	00	0
	To 1 Bag of R		3	00	0
	To Cash Lent at the X Roads		2	00	0
	To Cash Lent at Home		0	60	
	To 4 cattle		12	00	0
	To Cash Lent at Sussex Courthouse		3	18	0
1801	To Boarding Henry Simmons	x	6	00	0
1802	To Boarding R R	x	6	00	0
1803	To Boarding R R	x	6	00	0
1804	To Boarding R R	x	6	00	0
	To Cash Lent		1	40	
	To paid pomper		0	60	
	To paid Silas Hobbs for yew		0	120	
	To paid Simmons Butte		7	2	10 1/2
	To 7 Barrels of Corn at 4 Dollars pr Barrel		8	80	
	To 8 Bushels of Salt at 7/6 pr Bushel		2	12	6
	To 22 of Tean at 6 pr pound		0	110	
1801	To Smith Work		14	19	5
1802	To Smith Work		7	13	9
1803	To R R		9	26	5
1804	To R R		9	16	5
	To My Wife		10	80	
1805	To Smith Work		6	3	9
1805	To Boarding Henry Simmons	x	6	00	0
1805	To Boarding Thomas Simmons	x	12	00	0
	To 16 Barrels of Fish at 5 Dollars pr B		24	00	0
	To paid Edmond Parkes for TB		2	00	0
	To Boarding Army & Lid		12	00	0
1806	To Smith Work		2	00	9
1806	To Boarding Henry Simmons	x	6	00	0
			498	17	

Items marked thus x not allowed.

1801	To Boarding Nancy Simmons	x	9	00	0
1802	To Boarding R R	x	9	00	0
1803	To Boarding R R	x	9	00	0
1804	To Boarding R R	x	9	00	0
1805	To Boarding R R	x	9	00	0
1806	To Ingey Cotton for Nancy Simmons	x	0	80	
1807	To Henry Simmons Board	x	6	00	0
1807	To Smith Work		3	12	0
1806	To paid for Henry Simmons Schooling	x	1	18	0
1807	To 3 Hurgins		2	00	6
1807	To Boarding Frances Clements 18 Months		30	00	0
1808	To Boarding Tom Jacob 18 Months which he was to have		20	00	0
	To Boarding 3 Horses at 9 a piece		27	00	00
1808	To Boarding Henry Simmons	x	6	00	0
January 18/1808	To paid for Henry Schooling	x	1	10	0
	To Smith Work		1	20	

amt. other side

debit items marked thus +

debit F. Clements of

due F. C. for bal. of Negro's purchase of W. Davis and for b. wealth

144	10	0
498	17	4
643	8	1
108	16	4
534	12	1
126	18	6
407	13	2
600	2	5
200	15	3
192	8	19
30		
222	8	19

As the undersigned to whom has been referred by

The Worshipful Court
of Southampton County

We the undersigned to whom has been referred by
rule of Southampton county entered by consent of
parties the ^{decision} of a suit in chancery between John
Viguhart executor of Francis Clements ^{est} and
John Simmons, ^{deft} depending in the said court ~~do make~~
~~the following award~~ - after examining the bill ^{of the parties} ~~of the parties~~
the Bill of Sale and other exhibits & the amounts ^{of the parties} ~~of the parties~~
& the ~~parties~~ ^{parties} allegations and proofs of the parties
afores^d do make the following award: first that
John Simmons pay to John Viguhart. Executor
of Francis Clements two hundred and twenty two
pounds eight Shillings and ten pence with
Int thereon from the 2nd of March 1800 till paid
and the legal costs incurred in this Suit and that
after payment of the s^d Sum of £222. 8^s/10 with
Int & costs that then and in that case the bill of Sale
executed by Jno Simmons to Francis Clements the
deft^r testator for negroes Jeffery Peter Jacob (Jacob
Blacksmith) Toney Sarah, Jimmy Milly Patience
Rachael Nagar Lewis & Ann and all the other
property therein mentioned be void and null and
that the ^{right title & interest of the} ~~negroes~~ Jeffery, Peter, Jacob (Jacob Black Smith),
Toney Jimmy Milly Patience Rachael Nagar and
Lewis and all the other property conveyed by the
afores^d bill of Sale now remaining in the possession
of the s^d Jno Simmons revert and lie in the
the s^d Jno Simmons & his heirs forever and that

the said Jos Vreghart ex. of the 1st Francis Clements
upon the receipt of the money afores^d with interest
costs execute a release to the 1st Sirrmons for the
negroes last ment^d and all the other property now
in the possession of the 1st John - In testimony whereof
we have hereunto set our hands and seals this
24th day of September 1811

Sam^l Wells Seal
Sam^l Calvert Seal
J^o Fort Seal