

1814-003

SOUTHAMPTON COUNTY
CHANCERY, PAPERS

APPLEWHITE & ux & al VS. SIMMONS' ADMINISTRATOR

5/1814

other surnames: Harrison,
Jarrel, Moore, Jarrell, more,
Mclemore, Westbrook

No. 158

Appelwhite & ²⁷ } Bill
Simmons }

Nov 1808 Bill

Filed for rule to answer

~~Dec~~ Rule to answer

Jan 4 1809 Rule to answer

April 1809 Answer filed

& Reps & commd -

Nov. 1809 Set for hearing

1814 may continued

To the Worshipful court of Southampton in chancery
sitting, humbly complaining shew to the court, your
orators and oratrices John Applewhite and Elizabeth
~~Rebecca~~ Rebecca his wife, Richard Harrison & Elizabeth
his wife, Sarah Jarrell, and Thomas, Henry, Sarah, Catey
and Richard Moore infants suing by Rebecca Moore
their next friend -

That John Simmons late of this
county as executor of Sarah Moore sold the estate
of the said Moore, and took a bond for articles
then sold from Howell McLamore and Thomas
Westbrook as his security - The amount of that bond
was £12 or £14 - That John Simmons died without
collecting this debt and a certain Peter Simmons
who administered upon his estate, found the
said bond among the papers of his intestate
John Simmons - That the said Peter Simmons
gave up this bond to Thomas Westbrook and
took a new bond from him in his own
name for principal and interest, and it is
believed that the new bond thus composed
of the principal and interest of the old, one
amounted to £17 or £18 - The said Peter Simmons
changed that bond aforesaid for the purpose
of defrauding your Compts. They believe he has
collected the amount of the last bond, but they
are that he refuses to account for the bond
with them as in justice he ought - Your Compts
Rebecca Applewhite, Elizabeth Harrison and Sarah
Jarrell are the daughters of the said Sarah Moore,
and your infant Compts Thomas, Henry, Sarah
Catey, and Richard are the children of John Moore

who was a son of the said Sarah Moore. They
are therefore the persons intitled to the aforesaid bond
and they believe that as John Simmons her
executor never settled her estate, that a great
deal more is due to them, but notwithstanding
this, they can obtain no relief without the aid
of this court, which they most earnestly
pray for -

To the end therefore they pray
that the said Peter Simmons be made a debt to
this bill of complaint, and that he may on
his corporal oath full, true and perfect answer
make to all and singular the allegations aforesaid
and as fully as if they were again repeated, and
be thereto particularly interrogated, and more
particularly that he state the amount and
dates of both bonds, and what has become
of the one last taken -

They lastly pray that yr
Worships will decree that the said ^{Peter Simmons} pay to them
the amount of the bond aforesaid, or make
any other order or decree in the premises for
their relief which may seem just -

May it please yr

Worships
P L

Peter Simmons's

Answer to
Applewhite's
Bill. —

April 18 09 Answer
Filed & Rep'd & Committ^d

The answer of Peter Simmons to a bill in Chancery, exhibited against him in the County Court of Southampton, by John Applegate and others; for answer thereto, or to so much thereof as he is advised is material, saving to himself all manner of exception &c.

Saith that the bond which is claimed by the complainants did come into his hands - but not as stated by them in their bill, to have been thro' his administration on his dec'd father's estate; but fairly, honestly, and free from every species of fraud whatever, was paid to him.

That the said John Simmons ex^r of Sarah Moore it is true did take such a bond on account of property sold at the sale of the said Sarah Moore; and that he being indebted to this respondent a considerable sum, for money advanced to assist the said John Simmons, in discharging a public debt then due and hanging over him, he the said John Simmons did in his life time pay to this respondent the said bond in part of his just demand, for money so advanced. — This respondent does not deny the justice of the complainants claim on John Simmons Ex^r of S. Moore

But most solemnly avers that their demand on himself individually is unjust and unreasonable; he having paid a full and valuable consideration for the Bonds, and is still a creditor to the Estate of the said John Simmons, whose estate has proven to be insolvent.

This respondent therefore denying all fraud - prays that he may be hence dismissed, with his costs so unjustly incurred.

For
the Defendant

Southampton

This day appeared before me Henry Blunt a Justice of the Peace for the said County of Southampton the said Peter Simmons and made oath to the truth of all matters contained in the foregoing answer given under my hand this 20th day of March 1809.

Henry Blunt

Applewhite Misses
W. } Spaw
Simmings ad.
b. h. y

To September 1806

Executed

Robt. H. H. H.

The Common wealth of Virginia to the Sheriff of Southampton
County greeting you are hereby Commanded to Summon
Peter Summers administrator of John Summers dec'd to
Appear before the Justices of our County Court of Sthton
at the Court house of the said County on the third Monday
in September next to Answer a bill in Chancery
returned against him by John Applewhite and
Rebecca his wife Richard Harrison and Elizabeth his
wife Sarah Sande and Thomas Henry Sarah Caty
and Richard Moore infants Suing by Rebecca
Moore their next friends and that they shall in no
wise answer under the Penalty of one hundred pounds
And have then there the Just- Witnesses Saml Letts
Clerk of our said Court at his office the 26th day
of Aug 1806 and in the 3rd Year of the Commonwealth
Saml Letts S