

1819-002

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BARNES

VS. ROBERTSON et ux et al

5/1819

Plat

other surnames: Simmings

W. M.

Barnes
n { Bill
Simmons & Roberts
Bridgman.

Same 1898 no. of Pub.
to Sept. —

Oct-1898 Two
Acres —

To the worshipping the County Court of Southampton
sitting in Chancery, Humbly complaining sheweth
to your worship your orator Jacob Plummer that
a certain John Simmons since dec'd was in his
life time seized & possessed of a tract of land lying
in the County of Southampton containing
about 106 acres, that he died leaving a widow
Patience Simmons & an only child Mr. T. Sim-
mons who was of course legally entitled to the
said land except the said widow's right of dower
therein. that your orator has some time since
purchased of the said Mr. T. Simmons his
right to the said land & received a conveyance
whereby it is at present in possession of the land.
that the said widow dower has ^{been} allotted to
her but that she has since intermarried with
a certain Nathaniel Robinson who has depar-
ted out of this commonwealth some years
ago & has not been since heard from. that
your orator cannot improve the said land or
use it to any advantage until the allotment
of the said dower in as much as it is impossible
for him to know what part of it will be assigned
her. In tender consideration whereof & inasmuch
as your orator cannot have the said dower
assigned (the said Robinson not being an inhabi-
tant of this commonwealth) without the inter-
vention of this Court in Chancery; To the end

therefore that the said Nathaniel Watson Patena
his wife formerly Patena Severinus widow & child
of Mrs Severinus dec'd & the said John T. Sim-
mons all of whom are prayed to be made
defendants to this Bill of complaint may
be compelled to answer the premises in their
caporal oath & that your worship be pleased
to decree an allotment to the said Patena
of her dower in the said land according to
law & to grant your orator such other
& further relief in the premises as may be
consistent with equity & the rules of this wor-
shipful Court. May it please the Court
to grant the Com^r in this writ of Sp^{ec}ia^l de^{re}cto
he commanding he ^{do} as in duty bound
he will ever pray &c
Prodnax P.S.

Bauer & Heine
Adel's Wife

Barnes 2 The Chy.

Robert & wife & Simmons

The defendants in this cause not having appeared & filed their answer to the complainant's bill and it appearing to the satisfaction of the Court that the order of publication formerly made in this cause has been regularly inserted in a public news paper according to law for two months, the Bill of the complainant is taken for confessed; whereupon the Court proceeding to ~~decide~~ the matter thereof, on the motion of the said complainant, doth and judge order & decree that James Esq. Lawrence Cook William Phillips & Sewell Harris, ~~as~~ or any three of them proceed with the assent of the County ~~magistrate~~ to lay off & allot to Nath: Roberts & Patience his wife one third part of the tract of land of which John Simmons dec'd did seized & possessed in the County of Southampton to be holden by them in right of the said Patience during her natural life as her dower in the real estate of her said husband, and that they allot the remaining two thirds to Jacob Barnes to whom it appears to the court that Mr. J. Simmons the legal heir of the said John Simmons dec'd has conveyed his right & title & that having done so they report their proceedings in the premises to this court in order to a final decree.

Barnes }
at }
Resolution &c }
abdy

Came to hand 18th Jan. 1879

Exception filed 19th Jan. 1879

May 17th 1879 Reception
Sustained. Remanded
request for & approved -

Southampton Decr Court 1818

Jacob Barnes

Complainant

vs

Nathl. Robertmans Patience his wife formerly
Patience Simmons, widow and relict of John
Simmons deceased and John J. Simmons, Defendants.

In Chancery

The defendants in this case not having appeared and filed
their answer to the Complainant's bill, and it appearing to the Satisfaction
of the Court, that the order of publication formerly made in this
Cause has been regularly inserted in a public newspaper according
to law for two months - the bill of the Complainant is taken
for confessed whereupon the Court proceeding to decree the matter
thereof on motion of the said Complainant, doth adjudge order
and decree that James Gee, Lawrence Cook, William Phillips and
Clement Harrijs, or any three of them proceed with the assistance
of the County Surveyor, to lay off and allot to Nathl. Robertmans
Patience his wife one third part of the tract of land of which
John Simmons ~~was~~ seized and possessed in the County of
Southampton, to be taken by them in right of the said Patience
during her natural life as her dower in the real Estate of her
said husband and that they allot the remaining two thirds to Jacob
Barnes, to whom it appears to the Court that John J. Simmons the
legal heir of the said John Simmons deceased has conveyed his
right and title and that having done so, they report their proceedings
in the premises to this Court in order to a final decree.

At test

A. C. M. iddleton D.C.



The Court having considered the exceptions filed
by the complainant in this cause to the report
of the commissioners, is of opinion to sustain
the said exceptions so far as they relate to
that part of the said Report allotting to the
defendants power in Millroad or mill stream
mentioned & requiring them to contribute to the
expense of rebuilding the said Mill; and
approving the residue of the said Report
so far as a Division of the Land has been
affected thereby ~~and~~ confirm the same &
without adjournment order & decree that the defen-
dants pay to the complainant the costs
incurred in the prosecution of this suit.

Barnes } Spec. in
to } Chy.
Robert J. C.

To Invoice dated 1878

Executed on Patience
Simmons Nathaniel
Newsom of Rich.
P. Clements Shoff

The within named
Nathl. Robertson & Co
~~of Rich. not found~~
& M. J. Simmons
not found

Nathl. Newsom
of Rich. C.

Executed on Patience
Robertson, Nathl.
Robertson & M. J.
Simmons no copy
Nathl. Newsom
copy of Rich. P. Clements Shoff

The Commonwealth of Virginia,

To the Sheriff of Southampton County, greeting:

YOU are commanded to summon Nathl. Robertson and Patience
his wife late Patience Simmons, widow of Jas
Simmons decd and Jas T Simmons

to appear before the Justices of our County Court of ~~Seton~~ ^{at the}
~~on the~~ ^{on the} ~~Third Monday~~ ^{Third Monday} of ~~in June~~ ^{in June} next, to testify and the truth to say
in behalf of
in a certain matter of controversy in our said Court, before our said
~~depending and undetermined between~~ to answer a bill in Chancery
exhibited against them by Jacob Barnes —

And this ~~they~~ ^{each} shall in no wise omit, under the penalty of 100 l. ^{each} And have
then there this Writ.—Witness JAMES ROCHELLE, Clerk of our said Court, at
his Office, the 29th day of May 1818, in the 42nd
Year of the Commonwealth.

James Rochelle

Jacob Barnes

1877

3rd Dec. 1877

Wachtel Rebutron & Patience his wife
formerly Patience Simmons widow and executrix of John
Simmons decd and John T. Simmons Defts

The Complainant Jacob Barnes by his counsel
excepts to the report of the Commissioners made
in this case. for the following reasons

- 1st Because the Commissioners have proceeded to
divide its apron dower in a water pump mill
and mill seat, and to divide the same without
being instructed by the decd to do any such
thing
 2. Because the subject of the mill and mill
seat mentioned in the report has not been
(as appears from the papers filed in the suit)
a subject of dispute or controversy between
the parties
 - 3 Because if the Commissioners had authority to
act in relation to the mill, they could not
compel the defendant Patience who is a
married woman to pay a proportionable
part of the expense in repairing the mill
Neither would the plaintiff have the means
of compelling her to do so.
- For these and other reasons apparent upon
the face of the report the plaintiff depts

except to the same, and herewith filed.

This exception -

I have also for P. H. P.

Col. W^m H. Broonax

now at S^oampton
C. C. House

The Pamunkey and Mattaponi Indians
It is well known, that the only remnant
of the Indian tribes, which composed the
confederacy of Powhatan, are settled be-
tween the rivers Pamunkey and Mattapo-
ny. But the present state and govern-
ment of these Indians are not so gen-

TUESDAY, AUGUST 12.

PETERSBURG.

means of social happiness. Philad. Insh.

Virginia:

At a Court continued and held for the county of South-
ampton, the 10th day of June, 1813.

Jacob Barnes,

Complainant,

Against

Nathaniel Roberts and Patience his wife, formerly
Patience Simmons, widow and relict of John Sim-
mons, deed, and John S. Simmons, Defendants,

THE defendants Nathaniel Roberts and
and John S. Simmons, not having entered their appear-
ance and given security according to the act of assembly
and the rules of this court, and it appearing to the satis-
faction of the court that they are not inhabitants of this
county, whereas it is therefore decreed and ordered that
the said Nathaniel Roberts and John S. Simmons do ap-
pear here on or before the third Monday in September
next, and answer the complainant's bill; and that a copy
of this order be forthwith inserted in some newspaper
published in the town of Petersburg for two months suc-
cessively, and posted at the front door of the courthouse
of this county on two several court days.

A copy, teste,

A. MIDDLETON, D. C.

March 10

This day personally appeared before me the
Magistrate of the town of Petersburg J. G.
Vernoy one of the proprietors of the Intelligencer
Newspaper, and made oath that the above
order of Southampton court hath been
regularly inserted in said paper for two
months successively. Given under my hand
this 29th day of September 1818

Nathaniel Bernard

Dimensions
of
Mr. Robertson's
Dance right
36 acres

Dimensions of the closed right of Patience
Robertson in the lands of Nathaniel Robertson
Taken this 28th day of Oct. 1818. (L.M.) Beginning
at a Pine a new C. made in Lawrence Cook's line
thence along his line S. 42. E. 28 pole Perimeter
on the line; thence N. 7. E. 58 Pole to Mrs. Evans
fence; thence along her line S. 66. W. 60 pole
to a Pine a new C. made in the Widow Evans
line and in Mrs. Robertson's closed: thence along a
new marked line: N. 36. W. 47 Pole to a Pole
a new C. made in the closed standing in the
cornfield. thence N. 28. E. 52 pole to a Suet
Tree near the mill path a C. of the closed.
thence N. 68. E. 31 pole to the first Station contains
36 Acres. Given Under my hand this 28th day
of Oct. 1818. James Jones, Clerk

By Virtue of a decree of Southampton Court bearing date
October. Court 1818. and hereto annex'd, we have allotted
and assigned, to Nathaniel Robertson, in right of his
Wife Patience Robertson; late Widow and relict of
John Simmons dec'd. one third part of all the Lands
which the said John Simmons died seized and
possessed and also one third part of the mill &
mill seat belonging to the same; the said Nathaniel
and Patience paying one third part of the
expense attending the Repairs of the same; as her
former right of all the Lands &c. belonging to the said
John Simmons. dec'd. reference being had to the
Survey enclosed will make the bounds; more fully
appear ~~and~~ the remaining part of the said lands
together with ^{the} remaining two thirds of the mill & mill
seat we allot to Jacob Barnes born under our hands
This 21 day of Oct. 1818

James Lee
Laurence Cook
J. W. Phillips

Plat of the Lands of
 Jacobs Barnes formerly
 Robertsons Land

130 $\frac{3}{4}$ Acres



47.2
 1
 44.8
 4.25
 69.1

69.8
 4
 69.2
 34
 10
 5.25

