

1832-016

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BARNES & al

VS. ROBERTSON et ux
et al

6/1832

other SURNames: Simmons,
Cook, Phillips

Parus to
y & Bile.
Tobacco to

Produce.

Nov. 1818 Bill filed

1819 ~~May~~ Sept 4th

Cent. Dec. 1830 for un...

1832 June Dumped

To the worshipful the County Court of Southampton
sitting in Chancery

Humly complaining shew to your
worships your orator Jacob Barnes & Mr T. Simmons
that a certain Mr Simmons the father of your orator
Mr T. departed this life about the year ~~intestate~~
leaving a widow Patience Simmons & two children your
orator Mr T. and Benjamin Simmons (and also died seized
& possessed of a considerable estate real & personal. That
the said Patience the widow of the said intestate was appointed
by the County Court of Southampton his administratrix
and duly qualified according to law, giving a bond for
her correct administration of the said estate together
with a certain Lazarus Cook & Thomas Phe her
securites (an authenticated copy of which bond is hereto
annexed & prayed to be taken as a part of this Bill)
That subsequent to these transactions the said Patience
intermarried with a certain Nathaniel Abbot who
was qualified as the guardian of your orator Mr T. Sim-
mons, and in the respective capacities of tutor & guardian
received into his possession the whole estate real & personal
of the said intestate. That the qualification of the said
Abbot as the guardian of your orator Mr T. occurred
in the year 1802 & that he continued to act in that capa-
city until the year 1805 when a certain Wm Phillips
was regularly appointed & qualified as the guardian of
your said orator. And here your orator has further to
shew to your worships that in the intervening time
between the death of the said testator, and the mar-
riage of the said Patience, the said Benjamin Simmons
departed this life under a will & intestate in consequence
of which your orator ~~Mr T. Simmons~~ as he is advised

entitled to one half of the personal estate which the said Benjamin had acquired by the death of ~~the said~~ ~~Benjamin~~ ~~Simmons~~, and the whole of his real estate the same having been acquired by the said Benjamin exclusively on the part of his said father. That the said Robert during his guardianship aforesaid would not annul the real estate of your orator Geo: T. for a considerable sum & receive the profits of his proportion of the personal estate to which he was entitled to a large amount, ~~in part~~ of which he has never accounted for. That the said Robt. Robert has some time since removed himself out of this Commonwealth to some place unknown to your orator, and has left no visible estate in this Commonwealth. That he has never returned any account of the administration of himself & wife in the estate of the said intestate or paid over to your orator Geo: T. any part whatever of the personal estate of the said dec'd. father, tho' as your orator expressly charges he received as the representative of the said estate property to a considerable value. That your orator Geo: T. Simmons has for a valuable consideration transferred his entire interest in the estate of the said ~~the~~ ~~Simmons~~ dec'd. and every claim & demand against the said Robert & wife as the representatives of the estate of the said intestate & against the said Robert as his former guardian to your orator Jacob Barnes, to whom he wishes this honorable Court to decree such sum as may appear justly due him ~~from~~ the said defendants. Your orator further states that the said Lazarus Cook has since deceased this life intestate & that a certain Elizabeth Cook has qualified as his administratrix according to law. In tender consideration whereof & inasmuch as your complainant cannot otherwise show

in the premises at law. To the end therefore that the said Nathaniel Robert and Patience his wife as administrators of the said ~~the~~ ~~Simmons~~ dec'd. & the said Elizabeth Cook as administratrix of Lazarus Cook dec'd. & the said Thomas Pope securing for the administration of the said Patience and the said Nathl. Robert as former guardian of the said Geo: T. Simmons, may be compelled in their several oaths to answer the premises & every part thereof as fully as if the names were here repeated & they interrogated to each distinct allegation and that your orator was happy to please to order & decree a settlement of the account current of the said defts Robert & wife as administrators of the said intestate and of the said Robert as guardian of ~~your~~ ~~orator~~ Geo: T. before some Master Commissioner of this Court, and the payment to your orator Barnes of such sum as may appear due on a settlement of said accounts, by the said defendants & their securities as aforesaid, and furthermore to grant your orator such other & general relief in the premises as may be deemed consistent with equity & the rules of this honorable Court. May it please your worship to grant your orator the Commonwealth the writ of Sp. R. ~~and~~ as in duty bound they will ever pray to
Ordered P. L.

Simmons
for Barnes
Robertson &
Simmons

Go
in
Chy.

To Nov. Count 1898

Executed on Patience
Robertson Elizabeth
Cook Nathaniel
Newson & Jy of Dick?
P. Clements Ship
Thomas Pope &
Nathaniel Robertson
no inhabitants Nath
& Newson & Jy of Dick?
P. Clements Ship

THE COMMONWEALTH OF VIRGINIA, to the Sheriff of Southampton

County Greeting: We command you to summon ^{his wife} Nathl. Robertson & Patience ~~formerly~~
formerly Patience Simmons ^{wife of} John Simmons ^{decd.} Elizabeth
book administrator of Legans ^{decd.} and Thomas Pope

~~County~~ Court of Southampton on the 3rd ^{in November next} day of the ~~next~~ Court, to be
held at the Courthouse, in the said County, to ~~testify and the truth to speak in~~
answer as ~~was in chancery exhibition a certain matter of Controversy in our said~~
~~Court depending and undetermined, between~~ ^{in this case against} ~~Plaintiff,~~
~~and~~ ^{Simmons for the benefit of} John T. ^{Barne} Defendant, and this they shall in no wise omit under the
penalty of 100l. ^{each} and have then there this Writ: Witness, James Rochelle
Clerk of our said Court, the 8th day of Oct 1818 In the
43rd year of the Commonwealth.

James Rochelle C.