

1834-040 SOUTHAMPTON COUNTY
CHANCERY PAPERS

SIMMONS VS. SIMMONS v al

2/1834

Copy Bill 1104.
Summary 24a
✓ }
Summary

1833. Dec. Decree as filed &

1834 Feb. decree amended

To The worshipful court of Southampton in
chancery sitting - Yr. Orator Zebulon Simmons respec-
tfully complaining sheweth unto yr. worships That
his Father William Simmons died sometime in
the year having first made & published his
last will & testament & signed & so signed at the
time of his death of Real & personal estate in
in the county aforesaid which was distributed
according to law & agreeable to the last will
& testament of said, deceased, in which distri-
bution a certain tract of land & sundry
slaves were assigned The Widow of said
decd. (he leaving at his death a widow & sev-
eral children) yr. Orator sheweth to yr. worships
that by the said will of their Father The Land
which was assigned his widow as ^{directed by the will of her decd} ~~was~~ was
Husband
& to be awarded to them yr. Orator & his Brother
Daniel W. Simmons at the death of said
widow, & The slaves to be awarded to them
his children the heirs &c & yr. Orator says that
since the death of said testator and of his son
Richard Simmons has supported this life bear-
ing a child an infant, of tender years named
Rachel Simmons & that The widow Temper-
ance Simmons is allas lately dead. for & in con-
sideration of the premises he prays That Daniel
W. Simmons in his own Right & as guardian ad
interim of the court appointed of the orphan
of Rachel Simmons decd. be made defendant

to this bill to answer & for such further & general
relief as to this court may seem expedient in
this behalf & for which he will now pray &c
Gray P. 7

The answer of Daniel M. Simmons in his own
right & as Guardian ad litem of Editha
Simmons This respondent saving & reserving
all right of exceptions to the bill of complaints
above exhibited & him admits the facts thereof
and has no objection to such decree in this
cause as to the court may seem fit & proper
& having cause and prays to be dismissed &c

This day This cause ~~came on to be heard~~
was docketed by consent of parties & came
on to be heard on the bill answer & exhibits
whereon the court doth adjudge and
decree That the Land which was assigned
the widow of William Simmons be equally divided
between Daniel M. Simmons & Zetulon Simmons if the
same can be done with equal regard to the
interests of the said Daniel & Zetulon & if it
cannot be so divided then the commissioners
above named may disregard the distribution here
before made & divide the said Land of which
William Simmons dec. possessed between the said
Zetulon & Daniel Simmons agreeable to the will
of said Testator with regard to the quality &
quantity of said portions & that the said commis-
sioners divide the slaves & him in case Lettices

loaned to Impersonate Simmons under of
William Simmons &c by the will of said Leon
in to their portions assigning on them to
Zetulon Simmons on them to same as
Simmons & the remaining thereof to Editha
Simmons orphans of Richard Simmons dec.
& report to this court &c and that Edwardas
Butts Nicholas on behalf James Bell & M. Gray
or any three of them proceed to execute the property
pursuant to this decree & report to this court
&c

Simmons 2 of Southampton Co. Court 17th Feb'y
Simmons 1833. Leave granted to —

Answered & verified in the follow-
ing manner viz. That the said commissioners (Set
Edwardas Butts Nicholas on behalf James Bell
& M. Gray be sworn & they are hereby directed
if necessary to sell a negro woman named
Rhody belonging to the estate of William Simmons
deceased for the purpose of making dis-
tribution of said estate according to law
and Report to this court of all & singular
the transactions &c —