

1848-1/8

SOUTHAMPTON COUNTY
CHANCERY PAPERS

GURLEY VS. SIMMONS etal
5/1848

N.B. Sheets pasted together + folded.

other surnames: Woodard,
Bryant, Ridley + Goodwyn,
Ridley, Goodwyn, Tate

~~28~~ 17

Gurley

v. } Papers

Simmons &c

1891 8. May

Paid cash \$29.47.

Gurley
to } Stat. Rules

Simmons Jr

1848 May

Calks - -	\$ 6.34
Stiff - - -	1.42
Printer - -	5.50
Law - - -	16.41
	\$ 29.67

20

John M Gurley

^{against}
John T. Simmons, Exam Bryant & Robert Ridley & William I Goodwyn
were attorneys at law practicing under the firm style of Ridley &
Goodwyn -

1847 May 17. Sup^c. & Rest: order issued returnable to June Rules -

" June R. - Bill filed - Sp^c & ret^c. Executed on Ridley & Goodwyn
& Bryant - Simmons not found -

" July. R. Order publication to Dft Simmons.

" Aug. - Cause set for hearing as to Dfts Bryant & Ridley & Goodwyn

" Nov. T. - Cause to amended bill & cause remanded to Rules

1848 Jan. R. Amended bill

" ✓

Garley
v
Simmons & Co. Bill

1847 June Rules

To the Hon. Richard H. Baker judge of the Circuit
Superior Court of law & chancery for the County
of Southampton

Humbly complaining sheweth unto your
Honor your orator John M. Gurley of the County
of Southampton, that John T. Simmons is just-
ly indebted to him in the sum of six hundred
dollars due by bond bearing date the 20th day of
June 1825 payable on demand, and also in an-
other sum of seventeen dollars & eighty three cents
due by bond dated the day & year aforesaid and
payable on demand which bonds are herewith filed
& marked (A) and prayed to be considered a part
of this bill. Your orator would represent to your
Honor that the said John T. Simmons absconded from
the Commonwealth of Virginia some years since
without paying the debt due your orator & leaving
no effects out of which the same might be made
and is now a resident of the State of Alabama. And
by so absconding from the State of Virginia and by
evading the process of the Court has put it out
of the power of your orator to obtain a judgment
& satisfaction of his just claim & demand. Your
orator is advised that in consequence of the said John
T. Simmons so absconding & remaining out of the
State, his claim will not be barred by the lapse of
time since it was due. Your orator would shew
unto your Honor that the said John T. Simmons is en-
titled to a certain interest in the estate of Samuel B.
Woodard decd. which said estate was sold by Ennis
Bryant for a division among those interested un-
der a decree of the County Court of Southampton en-
tered at the January Term 1845 in the cause of
Benja. Woodard & Harney his wife & others against Ennis
Bryant administrator of Saml. B. Woodard decd. all
of which will more fully appear by a copy of the decree
herewith filed & prayed to be taken as a part of this bill

The interest of the said John Simmons under the decree
is now in the possession of the said Exum Bryant
& under his control. Your orator would also state that
Robert Ridley & Wm S Goodwyn attorneys at law prac-
ticing under the firm & style of Ridley & Goodwyn have
in their possession a bond for a considerable amount
belonging to the said John Simmons, which together
with the interest in the hands of Exum Bryant
he hopes & believes will be enough to pay & satisfy his
demand. Your orator prays therefore that the said John
Simmons, Exum Bryant, and Ridley & Goodwyn may
be made defendants hereto with apt & proper words
to charge them, & that they answer the premises,
that the said Exum Bryant and Ridley & Goodwyn may
truly set forth & declare what effects they hold in their
hands belonging to the said John Simmons.
And that the said defendants may be restrained from
paying away or parting with ^{the same} by sale conveyance or
otherwise, or from secreting, conveying, or disposing
of in any manner of the same or any part thereof
until the demand of your orator with legal in-
terest & the costs of this suit shall be satisfied & the
further order of this court, and that your Hon. will
be pleased to grant such other & further general
relief, touching the premises as may be equitable
& just, and that your Hon. will grant to your orator
the common writ of *sp. com.* commanding the defend-
ants to stand to & abide such order & decree as to your
Hon. may seem just & proper, & your orator will
ever pray &c.

Gusler { Amended
2 { Bills
Simmons

1848 February Rules

To The Hon. Richard H Baker judge of The Circuit
Superior Court of law & chancery for the County of
Southampton

Humbly complaining sheweth
unto your Honor, your orator Geo M Gales
That sometime since he filed a bill in
chancery against John T Simmons, Enam
Bryant, and Ridley & Goodwyn attorneys,
setting forth the following facts "That John
T Simmons is justly indebted to him in
the sum of sixteen dollars due by bond bear-
ing date the 20th day of June 1825 payable
on demand, and also in another sum
of seven teen dollars & eighty three cents
due by bond dated the day & year afore said
and payable on demand which bonds are
herewith filed marked (A) and prayed to
be considered a part of this bill, That the
said Simmons absconded from the com-
monwealth of Virginia some years since
leaving no effects out of which the debt
might be made, and by so absconding
placed it out of the power of your orator
to obtain satisfaction of his demand -
That the said Simmons is entitled to an
interest in the estate of Saml B Woodward decd.
which said estate was sold by Enam Bryant
under a decree of the County Court of South-
ampton, and the said Bryant still retains
the interest of said Simmons, and the said
Ridley & Goodwyn have now in their prep-
erious & bond believing, to said Simmons
your Honor is respectfully referred to the
original bill and prayed to take it as a
part of this in all its particulars, By

way of amendment thereto. Your orator
states that one J. S. Tate claims in his own
right the interest of the said Simmons
in Waudward's estate and also the benefit
in the possession of Ridley & Guadagnoli.
Your orator prays therefore that the said
John J. Simmons, Emma Bryant, Ridley &
Guadagnoli and Thomas J. Tate may be
made defendants to this suit with apt
and proper words to charge them and
that they answer the premises, that
the said Emma Bryant & Ridley & Guadagnoli
may truly set forth & declare what efforts
they may have been making to the said
Simmons, And that the said defendants
may be restrained from paying away or
parting with the same by sale conveyance
or otherwise, or from secreting conveying
or disposing of in any manner of the
same or any part thereof until the demand
of your orator with legal interest & the
costs of this suit shall be satisfied & the
further orders of this court, and that
orders of publication may ~~be made~~
"against the said Thomas J. Tate who is a non resident of this Commonwealth."
And that your Honor will grant such
other further & general relief touching
the premises as may be equitable, and
that the usual writ of subpoena may
issue &c and as in duty bound he
will ever pray &c

Gurley

i

Simmons

~

On petition of Thomas S Tate this
day filed it is ordered That he be made a party-
defendant to this suit.

Gurley Petition of

i } T. S. Tate

Simmons

No Bill of interpleader
is necessary, but as
Tate shows himself
to be interested, he must
be made a party def.

R. H. B.

To the Hon. Judge of the Circuit Sup: court of law and
Chancery for the County of Southampton - In Chancery
Respectfully sheweth your petitioner Thomas S Tate of the
State of Alabama, that sometime since ^{on the 6th October} in the year 1846,
John S Simmons of said State being justly indebted to your
petitioner in the sum of one hundred and five dollars
for moneys furnished, money lawfully executed to your
petitioner a transfer of his interests in the estates of Samuel
and John Woodward formerly of the County of Southamp-
ton, in satisfaction and discharge thereof, which said
transfer under the hand and seal of said Simmons, is
herewith filed as part of this petition - Your petitioner
further shews that sometime in the year 1847, after
the execution of said assignment and transfer, one John
Mc Gurley instituted a suit of Foreign Attachment against
said Simmons and attached the aforesaid interest of the
said Simmons in the above named estates, in the hands
of the home dependants, Messrs. Pridley & Goodwyn and Esq.
Bryant; by reason whereof your petitioner has been prevented
from receiving the amount in the hands of said home
dependants, to which he is justly entitled - Your petitioner
not being a party to said suit of Foreign Attachment; and
being advised that he is justly entitled to receive the aforesaid
interest of said Simmons, prays that he may be
made a party to said suit and permitted to interplead
and that your Honor will grant him a decree for the amt.
in the hands of said home dependants, due from the
aforesaid estates of the said Saml. & John Woodward
and he will as in duty bound can pray &c -

Pridley & Goodwyn

att^y

Gusby Answer of
i } J. J. Simmons
Simmons & c

This answer not received

Answer of John T. Simmons to a bill of Complaint exhibited against him, Ridley & Goodwin attys and Execut Bryant, by John M Gentry in the Circ Superior Court of law and Chancery for the County of Southampton & State of Virginia In Chancery.

This defendant saving & reserving to himself all benefit of exception H. in answer to the said Bill of Complaint, or to so much thereof as he deems it material to answer, says that on the 6th day of Oct. 1846 he made executed & delivered to Thomas J. Tate of Russell County, Alabama, a Transfer of his interest as one of the heirs or legates of the Estate of Samuel Woodruff and John Woodruff late of the County of Southampton & State of Virginia, dec^d. for a valuable consideration, which was the purchase of goods & provisions by the said Tate for my use and also for money loaned & advanced by him to me & for liabilities incurred by him for & on my acct. for necessaries of life at & from the execution & delivery of said Transfer all of which in the aggregate made the amount of the consideration named in the transfer aforesaid.

And this defendant having answered prays hence to be dismissed the Court with his Costs in this behalf expended.

Answered sworn to & subscribed

Given me this 19th day of June John T^h Simmons
A.D. 1847.

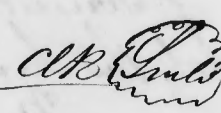
Eli C. Sainer J.P. *E.C.S.*

The State of Alabama
Russell County

I Simon Chal Clerk of the
County Court of the County State

aforsaid, do certify that Eli C. Lewis whose name & signature
appears to the above foregoing answer & affidavit is true at the
date thereof an Acting Justice of the Peace in & for said County
duly commissioned & qualified as such that the said signature
purporting to be his is genuine in due form & by the proper officer
& that full faith & credit are due & given his official acts as
such.

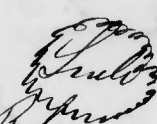
Given under my hand & private seal, there being no public
seal of office, at office this 19th day of June A.D.
1847.

Simon Chal 

The State of Alabama
Russell County

I Ulysses Lewis Judge of the County
Court of the County State aforsaid, do
certify that Simon Chal whose signature appears to the
above foregoing Certificate is true at the date thereof the Clerk
of the County Court of said County, duly commissioned & qualified
as such, that the said signature is genuine & the Certificate in
due form & by the proper officer.

Given under my hand & seal this 21st day of
June A.D. 1847.

Ulysses Lewis 
Judge C.C. R.C.

Guides
 { Annan of
 { Bidby Shroder
Simmons

To the Hon^{ble} Judge of the Circ. Sup. Court of Law & Chancery
for the County of Southampton - In Chancery

The joint and separate answer of Robert Ridley and William
S. Goodwyn attorneys under the style of Ridley & Goodwyn
to a bill in Chancery exhibited against them & others by John
M. Simms -

These defendants saying and reserving to themselves & e
for answer to the said bill or so much thereof as they deem it
material to answer - say that sometime since they received a letter
from one Thomas S. Tate of the state of Alabama enclosing a
power of attorney executed by John S. Simmons, authorizing
these defendants to collect and receive the interest of the said
Simmons in the Estate of Saml. Woodward decd: and subsequently
they received another letter from the said Tate enclosing another
power of attorney executed by the said Simmons authorizing
these defendants to collect his interest in John Woodward's est:
and requesting that the money when collected should be forwarded
to him the said Tate, who as it is stated, had advanced money to the
said Simmons. These defendants received the interest of the said Sim-
mons in the estate of Saml. Woodward, which consisted of a bond
in the sum of \$32.67, due March 16th 1846, and had collected the
same, principal & int^{er} \$36.75, and intended enclosing the sum of \$30 -
(the amt remaining after deducting expenses) to the said Tate on the
day the restraining order was served upon them - It that the amt:
in the bonds of these defendants belonging to the said Tate or said
Simmons as the Court may decide is \$30 - These defendants
have not recd: the interest of the said Simmons in John Woodward's
estate and being answered pray to be dismissed the Court
with their costs in this behalf expended.

W. S. Goodwyn
R. S. Ridley

Southampton County to wit -

This day personally appeared before me W. S. Goodwyn & Ridley
and made oath that the facts above stated are true to the best
of their knowledge and belief - Given under my hand this 20th day of
September 1847 -
J. S. Ridley J. P.

Gurley

n } Cr. Pub.

Simmons & Co

Copy posted at the front
door of the Lathouse July
5. 1847

Virginia. At Rules holden in the Clerks Office of the Circuit Superior
Court of Law and Chancery for Southampton County on the first Monday
in July 1847.

John M Gurley

Plff:

against

John T Simmons. Exum Bryant, and Robert Ridley and
William S Goodwyn attorneys at law practicing under the firm
and style of Ridley and Goodwyn

Defts

In Chancery

The defendant John T Simmons not having entered his appearance
and given security according to the act of assembly and the rules of this court and
it appearing by satisfactory evidence that he is not an inhabitant of this country
it is ordered that the said defendant do appear here on the first day of
the next term and answer the bill of the plaintiff and that a copy of this
order be forthwith inserted in some news paper published in the town of
Petersburg for two months successively and posted at the front door of the
courthouse of this County.

Gusby } Secrecy
1 }
Simmons &c

1/2 or: Pub or other
prouph & tale & can
therefore not ready.

Jarley

Simmons &c

This day this cause came on to be heard on the bill & answer & exhibits and was argued by counsel, On consideration whereof the court doth order that the Bills be dismissed

The question as to who is to pay the costs is submitted to the court, The counsel having agreed to ~~dismiss~~ dismiss the suit.

Gentry
i } Decree
Simmons

To be entered

R. H. B.

1845 May

Gentry & Simmons

May Term 1848.

This day this cause came on to be heard
by consent of parties on the bill exhibits and answer
of the defendant Bridget O'Grady, and was argued
by counsel. On consideration whereof the Court, by
consent of parties doth, adjudge order and decree
that the defendant John S. Simmons pay to the
plaintiff the sum of thirty four dollars and 83/100
with int steno from the 20th June 1825, together with
the costs of this suit, and that said bill be dismissed
as to all other parties.

To Attach the monies debts & effects of the defendant John
T. Simmons in the hands of the other defendants, so that they
be restrained from paying, conveying or secreting the debts by
them owing or the effects in their hands of the said John T.
Simmons until the further order of the Court

Chambliss & Mapentburg P. 9

Teste J R Edwards 66

C. 36

Barley
to
Sp. in Chy

Simmons

1867 June Rules

Execution
Maget
Deputy for Jacob
Barnes Sheriff

Executed on Ridley & Goodwin and
Bryant - Simmons not found
William Maget Deputy
for Jacob Barnes Sheriff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon

*John T. Simmons, Robert Rieley
& Wm. J. Gordonyn partners practicing law in the name
of Rieley & Gordonyn & Co. as Defendants.*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the
County of Southampton, at the Rules to be holden for the said Court on the first Monday in

June

next, to answer a Bill in Chancery exhibited against *them* in

the said Court by

John M. Gurley

And unless *they* shall answer the said Bill within ~~four~~ ^{two} months thereafter, the Court will
take the same for confessed, and decree accordingly. And this *they* shall in no wise

omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON

R. EDWARDS, Clerk of our said Court, at the Court-house, the *17th* day of

May

1847, in the *7th*

year of the Commonwealth.

R. Edwards

[One Copy to be delivered each Defendant.]

Mr. J. Simmons
To 3 Notes
Mr. McQuilley

16
17. 53
33. 53

(70)

#16/ On dem and I Mo. J. Simmons do promise
to pay or cause to be paid unto Mr. M.
Quincy the just and full of fifteen dollars
for value recd as witness my hand and seal
this 20th day of June 1825
Teste

William Bowers

John T. Simmons

17. 83/100. On or before the 1st day of ~~the~~
~~the~~ August, ^{next} I Mo. J. Simmons do pro-
mise to pay or cause to be paid unto Mr.
M. Quincy the just and full sum of seventeen
dollars and 83 cents for value recd as witness
my hand and seal this 20th day of June
1825
Teste

William Bowers

John T. Simmons

The State of Alabama }
Russell County }

Rec^d of Thomas S. Tate Orr
Hundred & five dollars in full

Satisfaction for my interest in the Estates of Samuel and
John Woodward late of the State of Virginia & County of
Southampton, & I hereby transfer aforesaid over to the
said Thomas S. Tate all my right title interest claim
& demands of whatsoever kind or nature, which I have or
claim in the estates aforesaid for the consideration above
mentioned, as one of the legates or heirs of said estates.

In testimony whereof I have hereunto set my
hand & seal this 6th day of Oct^r A.D. 1846
signed in the presence of

Eli C. Sinner & L.B.

John T. Sinner

The State of Alabama }
Russell County }

I Simon O'Neal clerk of the County
Court of the County State of aforesaid
do hereby certify that Eli C. Sinner whose signature & attestation
appears to the above foregoing transfer is & was at the date
thereof an acting Justice of the Peace in & for said County duly
commissioned & qualified as such, that the said signature is
genuine only the proper officer & that full faith & credit be given
to his official acts as such

Given under my hand & private seal having no
public seal of office, at office this 19th day of
June A.D. 1847.

Simon O'Neal

clerk Seal

The State of Alabama }
Russell County }

I Wysses Lewis Judge of the
County Court of said County & State
aforesaid do hereby certify that Simon O'Neal whose name
& signature appear to the above foregoing Certificate is &
was at the time the same was date the Clerk of the County
Court of the County & State aforesaid, duly commissioned and
qualified as such, that the said signature is genuine,
in the form of law & by the proper officer.

Given under my hand & seal this 21st day of
June A.D. 1847.

Wysses Lewis J. C. C. R. 