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BY

NORTH CAROLINA STATE ARCHIVES

Rutherford County
Equity Docket
Orders and Decrees, 1839-1868
Estate of Charles Simmons, 1853
C. 086.30006

170 Orders & Decrees of the Court of Equity Fall Term 1851

John Barker Adm.

Moses Simmons Et al

In Rutherford Court of Equity

To the Honorable the Judge of the County
Court of Equity in & for the County of Rutherford and State
of North Carolina.

The Bill of Complaint of John Barker
Administrator de bonis non of Charles Simmons deceased,
and as Administrator de bonis non of James Simmons deceased
& as Administrator of G. W. Barker deceased, humbly Complaining
sheweth unto your Honor, that in May 1850 Charles Simmons
late of said County of Rutherford, died intestate leaving
the widow Simmons his widow, and James Simmons the
other intestate of your Orator and late of Hawkins County
Tennessee, and Moses Simmons now of the County of Rutherford
and Elisha Simmons, Joshua Simmons, Richard Simmons
& Elizabeth Simmons of Georgia. And Francis Wade wife of
David Wade of the State of Virginia his Brother & Sister,
and Holman Simmons, James Simmons & Moses Simmons
& Sarahah Richardson wife of John P. Richardson all
of Georgia & children of his deceased Brother John
Simmons, Spencer Breedlove, John Breedlove, James
Breedlove, Charles Breedlove, Elizabeth Breedlove, Betsy
Smith wife of Braxton Smith, Sally White wife of Thompson
White and Missouri Nightingale wife of Daniel Nightingale all
now of the State of Missouri, and Mary Weston the
wife of David Weston, now of the State of Tennessee
children of his deceased Sister Nancy Breedlove, and
John Patterson, Elisha Patterson, Charles Patterson, Polly
Puplin wife of Peter Puplin, Nancy Eppes now wife of
Minor Eppescombe, Sally Sheilds wife of Thomas Sheilds,
Betsey Morris wife of Samuel Morris and Christiana
Sheilds wife of Henry Sheilds, all now of the State of
South Carolina & children of his deceased Sister Hardy
Patterson, John Morris, Henry Morris, William Morris,
Rhoda Allen wife of Richard Allen, Elizabeth Jones
wife of Lewis Jones & Christiana Morris, children of
his deceased Sister Christiana, and all now of Georgia
and Benjamin Thompson & Christiana Kincaide the
wife of James Kincaide of the State of Illinois, and

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Orders & Decrees of the Court of Equity at Fall Term / 55

Fall Term / 55

& Equity

of the County
& State of North Carolina

See Basler
was deceased.
Simmons died.

By Complaining
Charles Simmons,
the leaving
Simmons the
in County
of Rutherford
Isaac Simmons
late wife of
two & Sisters,
Mrs. Simmons,
and son all

- John
Love, James
Love, Betsy
of Thompson
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after the
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late, and
Hanson, Polly
& wife of
was Shields,
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State of
Sister Hardy
in Morris,
the Jones
children of
of Georgia
made the
is, and

Wm H. Thompson of the State of Georgia and some others whose names are unknown to your Orator, the children of his deceased Sister Anna E. Thompson his only next of kin & distributees. Soon after his death his widow Adenica Simmons died by M. Basler took estate of said County of Rutherford Administrated on his Estate, and proceeded in conformity with law to sell & dispose of his personal property, and in due time collected all the debts due thru said Intestate and the proceeds of sale which amounted to the aggregate sum of £1708^{b. 25}. Out of this sum they distributed & retained for consumption of 5 per cent £10.99. 89/100 leaving for distribution among the heirs or next of kin £1598. 34/100 Of this sum the said Adenica Simmons as the widow of the said Charles was entitled to the one third £5328. 72/100 leaving for distribution among the Brothers & Sisters surviving and the children of the deceased Brothers & Sisters of the said Charles the sum of £10. b 57. Before long before the appts were collected & before any part of the fund was disbursed or distributed the said Adenica Simmons died intestate and Thomas McKinney & Miller McKinney Administrated on her estate in pursuance of law. In the month of April 1851 the said James Simmons died intestate and the said M. Basler duly Administrated on his estate in the State of North Carolina, and on the 1st Oct 1851 the said M. Basler departed this life intestate, and your Orator has been duly appointed Administrator on his estate, and also Administrator de bonis non on the estate of the said Charles & James Simmons deceased, and is now prepared & desirous of settling up the whole estate under the direction of this Honorable Court for his perfect & full protection.

To each Brother & Sister of the said Charles Simmons and to the children representing such there was due £880. 33. Moses Simmons, Eliha Simmons, Elizabeth Simmons, Richard Simmons, Joshua Simmons, the children wife of John Simmons deceased. The children aforesaid of Charity Patterson deceased, and the children aforesaid of Christiana Morris deceased have been fully paid & satisfied. Your Orator has retained the sum due him as the legal representative as James Simmons deceased, the most of which he has paid out to the proper parties; And he has also come to an account with the defendants Thomas & Miller McKinney

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to the Administration of Medina Simmonds and paid
them in full the portion which was due their intestate.
To Benjamin Thompson, Thomas H. Thompson, and James
Kincaid & his wife has been paid the sum of £ 522^m leaving
to this branch or to the children of Anna E. Thompson still
due the sum of £ 31. ³³ which your Orator is anxious
to pay & will do so to whomsoever this Court may direct.
To Brandon Smith & his wife, James Breedlove, David
Wester & wife, and Thompson White & wife, have been paid the
full amount due them respectively, leaving the shares
of Eliza Breedlove, John Breedlove, Spencer Breedlove and
Charles Breedlove and to his wife formerly Margaret Breedlove
& her husband a balance amounting to £ 98. ¹⁴ too each
or the aggregate of £ 490. ⁷ too which your Orator is also
anxious to pay under the direction of this Honorable Court, He
understands & charges that the said Eliza Breedlove is a
Punatic and prays that a guardian pro tempore may
be appointed for her by this Court.

After the whole estate stands
except the share of David & his wife Francis Wade, they
many years since removed to the State of Virginia according
to common report but have failed to keep up any correspond-
ence with their friends, or relatives and no reliable
information has been had concerning them for more than
Twenty years, and after the most diligent enquiry
your Orator has been unable to ascertain where they
reside, if still living, or if dead whether they left
surviving them any child or children, and if so,
when such child or children reside. His restricted
in his information in relation to these facts, your Orator
has retained the one twelve month book of said Aprils
£ 880. ³³ too for them; has always held it in readiness for
them at any moment when it might be called for &
is now desirous of bringing it into this Honorable Court
to be disposed of by a decree of the same; and with the
view of settling up the entire estate and obtaining a
conclusive adjudication of the matter for the protection of
all the parties concerned. Your Orator prays this Honorable
Court (he being remiss elsewhere) to grant unto
your Orator your States Writ of Subpoena & Copies of

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& his
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Orders & Decrees of the Court of Equity at Hall Term/57

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This bill of Complaint to be directed to & served on each of the persons aforesaid to wit; Moses Semmons, Elisha Semmons, Joshua Semmons, Richard Semmons, Elizabeth Semmons, David Trade & his wife Frances Trade, Holman Semmons, James Semmons, Moses Semmons Junr. John Richardson & his wife Susannah Richardson, Spencer Breedlow, John Breedlow, James Breedlow, Charles Breedlow, Eliza Breedlow, Braslow Smith, & wife Betsy Smith, Thompson White & his wife Sally White, and Daniel Hightow & wife Missouri Breedlow, & now the wife of someone whose name is unknown to your Orator, Daniel Weston & his wife Mary An Weston, John Patterson Elisha Patterson, Charles Patterson, Lewis Peoples & his wife Polly Peoples, Minor Lipscombe & his wife Nancy Lipscombe, Thomas Shields & his wife Sally Shields, Samuel Morris & his wife Betsy Morris, Henry Shields & his wife Christiana Shields, John Morris, Henry Morris, William Morris, Richard Allen & his wife Rhoda Allen, Lewis Jones & his wife Elizabeth Christiana Morris, Benajah Thompson, James Kincaid & his wife Christiana Kincaid, Thomas H. Thompson & the other children of Anna E. Thompson, late of the State of Illinois and Thomas M. Kinney & Miller M. Kinney Administrators of the Estate of Bedenia Semmons their Commanding them and each of them personally to be & appear before this Honorable Board at the next term to be held for said County at the Board House in Rutherfordton on the 9th Monday after the 14th Monday in March next, then & there upon them several corporal oaths full, true, direct & perfect answer make to each & all the allegations made in this bill of Complaint, in as full & ample a manner as if the same were here again repeated, and each of them severally & particularly interrogated in relation thereto, And may it please your Honor to order an account of the aforesaid receipt and disbursement made & the payment to the next of kin and of all other items necessary to a full understanding of the said estate & its administration and order adjudge & decree to whom & in what manner the money remaining in your Orator's hands shall be paid, and make a final & conclusive decree in the

Orders & Decrees of the Court of Equity at Fall Term,

premises, so as to protect all the parties interest and before
the Court, and make such orders & further orders as
may be necessary to carry out the purposes of this bill,
and grant unto your Orator such other & further
relief as the nature & equity of his case shall & may require
and as in duty bound will over pray the

J. P. Jordan plff
. Collector

John Braxton Adm^r. } In Equity
v. } Report of S. B. Bryan C. & M.
Moses Seimmon, Et al } To Fall Term / 5th

This case having been referred to the
undersigned Clerk & Master to enquire & report who are
the next of kin of Charles Seimmon, deceased; What amount of
affects, actual or ought to have gone into the hands of J. W. Braxton
as Administrator of the said Charles Seimmon, & also the amount
detained by him, & paid out made to the next of kin, & to whom paid;
What amount of affect, actual or ought to have gone into the hands
of Plaintiff as administrator de bonis non of said Charles, &
will as the amount detained by him or paid to the next of kin;
And also the amount remaining in Plaintiff's hands for
distribution, if any, & to whom, & in what proportion the
same is due, and to allow the Plaintiff fair & reasonable
commissions for himself & his intestine (J. W. Braxton for the
labour performed by them respectively as Administrator
and Administrator de bonis non of the said Charles
Seimmon, deceased. I respectfully report as follows:

By reference to Complainants bill it appears that Charles Seimmon
died in the month of May 1850 leaving Wiedenea Seimmon
his widow and James Seimmon, the other intestine of
Co-Administrator) and Moses Seimmon, Eliza Seimmon,
Joshua Seimmon, Richard Seimmon, Elizabeth Seimmon
& Frances wife of David Wade his Brother &
Sister () and Sarah Richardson wife of John Richardson,
Holman Seimmon, James Seimmon, & Moses Seimmon,
children of his deceased Brother John Seimmon, making four
in number who are entitled to one Twelfth part ($\frac{1}{12}$) of
the net proceeds of the said Charles Seimmon estate or $\frac{1}{12}$ of

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Orders & Decrees of the Court of Equity of Fall Term 54.

1/2 part each.

Spencer Breedlove, John Breedlove, Anna
Breedlove, Charles Breedlove, Elizabeth Breedlove, Betsy wife
of Brandon Smith, Sally wife of Thomas White, Hightwo
wife of Samuel Hightwo, & Mary An wife of Samuel Martin
(9) children of his deceased Sister Nancy Breedlove who
are entitled to $\frac{1}{12}$ part, or $\frac{1}{9}$ th of $\frac{1}{12}$ th part each.

Sophia Patterson, Eliza Patterson, Charles Patterson, Polly
wife of Lewis Peoples, Nancy wife of Oliver Phipps, Sally
wife of Thomas Shields, Helsy wife of Samuel Morris &
Christiana wife of Henry Shields, children of his deceased Sister
Charity Patterson, who are entitled to $\frac{1}{12}$ part of said
estate or the $\frac{1}{8}$ th of $\frac{1}{12}$ th part each.

John Morris, Henry Morris, William Morris, Richard
Allen wife of Richard Allen, Elizabeth wife of Lewis Jones &
Christiana Morris (5) children of his deceased Sister Christiana
Morris, who are entitled to her share $\frac{1}{12}$ th part or
the $\frac{1}{6}$ th of $\frac{1}{12}$ th part each.

Beverager Thompson, Christiana, wife of James Kennedy,
Thomas H. Thompson, and some others whose names & numbers
are unknown, children of his deceased Sister Anna E. Thompson
who are entitled to her share of $\frac{1}{12}$ th part and who are his
only next of kin & distributees.

It appears that soon after the
death of said Charles, his widow Adeline Simmons, &
G. W. Basler Administered upon his estate & proceeded to
despose of his personal property, and collected in debt
due from the same amounting in the aggregate of \$17,000.
Dong before the effects were collected & before any part
were disturbed, the said Adeline Simmons died
intestate & Thomas & Millard McHenry Administrated
on her estate, and in the month of April 1857. the said
James Simmons died intestate and G. W. Basler Administrated
on his estate in the State of North Carolina. And on the
1st of October 1854 the said G. W. Basler died also intestate
and the Complainant John Basler Administrated on
his estate, and Administrated the sum now on the estate of
the said Charles Simmons & James Simmons.
The whole amount of assets it appears was of \$17,000.00
all of which it appears went into the hands of G. W. Basler &

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also the amount
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of Charles, as
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Administrator
Charles
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1 Charles Simmons
& Simmons
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Simmons,
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her Richardson
, Simmons,
making four
and $\frac{1}{2}$ (1/2) of
estate or $\frac{1}{4}$ of

Orders & Decrees of The Board of Equity Fall Term 1856

of this sum he disbursed in payment of debts & expenses of administration & commissions it accrued, the sum of \$1099.89 leaving for distribution among the executors of his estate the sum of \$15944.88 of this sum Adelicia Stevens, the widow of the testator sole Charles Stevens was entitled to \$38.94 equal to \$5333.13 leaving for the other executors of his estate the sum of \$10,643.24 which divided into twelve parts given to each of the brothers & sisters of the said Charles, or to their representatives if those dead the sum of ~~Eight~~^{Eight} hundred & ~~Twenty~~^{Twenty} dollars (\$884.98) $\frac{9}{10}$ of 100 dollars (\$884.98)

Plaintiff has retained as the administrator de bonis mortuorum of James Stevens deceased, the said James Share & the distributable shares of Maria, Eliza, Barbara, Meharry, & Elizabeth Stevens, & John McCardigan & wife Adriana Stevens, James Stevens & more Stevens, children of John Stevens deceased. And Braxton Smith & wife, James Breedlove & Daniel Weston & wife, Thompson White & wife, John, Eliza & Charles Patterson, James Peoples & wife, Minor Lipscomb & wife, Thomas Shields & wife, Henry Morris, William Morris, Richard Allen & wife, Lewis Jones, & wife & Christiana Morris were all paid off in full before the filing of plaintiff's bill. John Morris was indebted to the said Charles Stevens due to a greater amount than his distributable share & being regarded as insolvent his share was detained & ought to be regarded as paid.

There was also paid before the filing of plaintiff's bill to Benjamin Thompson, Thomas H. Thompson & James & Christiana Kincaid, children of Anna E. Thompson the sum of Five Hundred & Twenty two dollars (\$532.11) Since the filing of plaintiff's bill he has paid to John & Spencer Breedlove in full of their shares.

All the assets went into the hands of G. M. Baxter who distributed in his lifetime the sum of \$13,299.15 and plaintiff has distributed since his death the sum of \$32.15 There still appears to remain due from the plaintiff to

David Wade & wife the sum of \$883.33

To Charles Breedlove the sum of \$98.14

" Eliza Breedlove " " " \$98.14 per

" Mayall Bright & wife " " " \$98.14

and to the children of Anna E. Thompson who have not \$361.33 apiece or been deducted from the sum of \$13,299.15

Orders & de
making a/c
A/c of exec

To Fall Term
this authority subsisting
on \$1539.88 to be taken
at rate of costs \$4 per

Decrees paid
as per Receipt
Sept 12th /56

- 1 Thomas & Mr
- 2 do
- 3 Moses Jennings
- 4 Richard Bur
- 5 do
- 6 Elizabeth Se
- 7 do
- 8 Joshua Se
- 9 do
- 10 E. Stevens
- 11 H. H. Herald
- 12 Christiana & Daniel O.
- 13 formerly E. Minor Lips
- 14 formerly E. Stevens People
- 15 formerly for Alfred Tol
- 16 November 9
- 17 Alfred Tolman
- 18 C. J. Patterson
- 19 E. Stevens
- 20 in full of
- 21 H. J. Stevens
- 22 Isaac B.
People 30:

Orders & Decrees of the Court of Equity at Fall Term 1858

specie of
£1099.89
and 159 h. 88
the total
to £5323.12
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Elizabeth
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Making a total account due from plaintiff of £1539.08
A list of bidders. Accompanies this report marked A. & B.

Prospectfully Submitted

To Fall Term 1858)

S. B. Bryant Compt

This Report his duty to a division of 4½ per cent
on £539.08 to be retained by Compt in case of any money
in his hands & a Spring balance for no 5
in his hands & accompanying report marked A. T. T.

Debts paid out by G. W. Basler Adm'r & to whom paid
as per Receipts herewith filed (Enclosed).

Sept 12th /58.

1	Moses J. Muller M. Kenney Adm'r of Wm. Simmon's Estate	£1600.00
2	do do do " " " Sept 22/58	£800.00
3	Moses J. Simmon's Receipt in full for the sum of	883.55
4	Richard Simmon's Receipt 4 th March /58 for the sum of	818.00
5	do do " 16 th Dec 3 /58 balance in full	55.55
6	Elizabeth Simmon's " 4 th March /58 for the sum of	818.00
7	do do " 16 th Dec 3 " Balance in full	55.55
8	Torah Simmon's " 1 st Sept /52	£700.00
9	do do " 12 th Dec 3 /58	157.18
10	E. Simmon's " 30 th Sept " in full	£883.55
11	H. H. Herald, Receipt for his wife Christina formerly	
12	Christina Patterson Oct 3 rd /52 for the sum of £103.25	
13	Daniel O. Morris Receipt for his wife Elizabeth	
14	formerly Elizabeth Morris Nov 3 rd /52	£103.25
15	Henry Sep 2 nd Receipt for his wife Mary Jane	
16	formerly Nancy Patterson (3 rd Oct /52	£103.25
17	Lewis Peoples Receipt for his wife Polly S. Peoples	
18	formerly Polly S. Patterson Oct 3 rd /52	£103.25
19	Alfred Tolson's Receipt a sum of £1.00 of J. C. Patterson	
20	November 9 th /52 for the sum of	£103.25
21	Alfred Tolson Receipt of J. C. Patterson 24 th Jan /53	8.10
22	C. J. Patterson Receipt Nov 3 rd /52	£103.25
23	E. J. Patterson " 28 th Oct /53	110.87
24	E. J. Simmon's & M. Simmon's Receipt 30 th Sept /53 being	
25	in full of James Simmon's share in full	£221.75
26	H. J. Simmon's Receipt 30 th Sept /53 in full	£220.75
27	Isaac Beard Guard of Moses M. Simmon's	
28	Receipt 30 th Sept /53 in full	£220.75

Amount paid £817.71

Cost

Orders & Decrees of the Court of Equity Fall Term 136

Ord.

Archibald Conlin Esq.

			Amount of Receipts paid £	Date
22	Wm H. Sauer	Receipt Oct 30 th 53 in full	105 11	G. S.
23	Wm Patterson & wife Francis	Receipt paid in		ab
	Andrea Spears & wife Rachel	in full Dec 15 th 53		i
	John Gallowater & wife Matilda	in all	£ 245 11	Joe
	Benjamin Thompson, Francis Thompson,			John
	James Keecade & Christiana Keecade her			Jes.
	Benjamin Thompson Attorney Receipt in full			Mc
24	Fancy 4 th 54 making in all the sum of		£ 522 11	Ed
	James Preedlace's Receipt in full for his own &			John
25	Manuel Weston Shans Oct 28 th 54		£ 188 88	Wm
	Braxton P. Smith Receipt for himself & wife			Gen
26	Elizabeth, formerly Elizabeth Preedlace		£ 102 35	£ 10.
27	Thomas Shields Receipt for himself & wife		110 37	See i
	John Morris, Henry Morris, Peter Jones,			Wm
28	Christian Morris Receipt 21 st Oct 52 and			John
	Richard Stevens making in all the sum of		£ 181 17	See e
	Allors Receipt in full for Morris coming to James			John
29	Seminons Children Fancy 14 th 54		£ 115 00	See f
30	Thompson White Receipt 20 th Sept 54		32 17	See g
			£ 101 10 11 15	See h

Deduction Seminars receipt or obligation for
property purchased at date amounting to £ 3289 00

£ 13449 15

Deduct from the above one hundred & fifty
dollars refunded to the Adm Raving been
over paid the said Deduction amount,

£ 150 -

£ 13299 15

balance due
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See
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by Will Sum/55

3rd part of \$8017.71

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1st in
15th Oct/53

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for
" "

\$522.00

2d
wife
\$188.88

\$102.25

110.07

"
and
\$681.57

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\$10150.05

\$3289.00

1st
part
\$13449.05

\$150.00

\$13299.05

for
" "

\$3289.00

\$13449.05

\$150.00

\$13299.05

119

Orders & Decrees of the Court of Equity Will Sum/55

Exhibit B. Report Continues

Summons paid out by John Baxter Adm'r. to heirs
of Estate of Charles Simmons dec'd as follows (Total):

1	John Suff & David Byars & wife, Receipt per John M. Morgan Jan'y 1 st /54 for the sum of \$18.45	
2	John D. Peckard, draw in receipt of his wife Susan Receipt Nov 29 th /54 \$202.00	
3	J. T. Richardson, Receipt Oct 8 th /55 \$18.75	
4	Charles J. Patterson, Receipt in full Dec 3 1 st /54 \$8.12	
5	Wm. P. Morris, Henry Morris, Richard Allen & wife, Peter Jones & wife & Charles Morris Receipt it being \$11.89 each making in all the sum of \$54.48 Dec 27 th /55	
b	Wm. J. Patterson, Receipt of James H. Simmons, Receipt Jan'y 1 st /54 \$104.88	
7	John Breedlove & Spencer Breedlove per James Breedlove Attorney Receipt April 5 th /54 in full \$191.00	
		\$552.68

Commissioner's Report Exhibit C.

State of North Carolina June 27th/55

Nashville County

By a commission to us directed by the
Court of said County Spring Term 1953 we have proceeded
to settle with the Administrator of Charles Simmons Estate
and report as follows.

Cash on hand	\$326.40
Sale Bill	\$150.00
Second Sale bill	15.80
Interest on Sale bill	171.95
Notes coming into the hands of Adm'r.	199.91
which on the above Notes collected by the Administrator	\$133.75
Judg'd against W. P. Morris	62.75
Hicks sold F. M. Waddell	6.50
whole and which came into the hands of the Adm'r.	\$170.00
	25

Cont'd

Orders & Decrees of the Court of Equity Fall Term 155

Order

Exhibit A continued.

	Amount of Receipts from 2d of Aug to 2d of Sept 17. 71	Sect
22. <i>Hn N. Lewis Receipt Nov 30th 53 in full</i>	105 10	
23. <i>Hn Patterson & wife Frances Receipt filed in Andrew Spear's & wife Rachel face Recd 15th 53</i>	245 10	
	John Hollenwater & wife Matilda in all	
	Beazier Thompson, Thomas Thompson, James Kneade & Christiana Kneade her Bouages Thompson Attorney Receipt in full	
24. <i>Fancy 4th 54 making in all the sum of</i>	\$ 522 10	3
	James Reedlow's Receipt in full for his own &	
25. <i>Manuel Weston Shans July 28th 54</i>	\$ 188 88	
	Broxton P. Smith Receipt for himself & wife	
26. <i>Elizabeth, formerly Elizabeth Reedlow</i>	\$ 102 35	
27. <i>Thomas Shields Receipt for himself & wife</i>	110 87	
	John Morris, Henry Morris, Peter Jones,	
28. <i>Christian Morris Receipt 21st Oct 52 and</i>	\$ 181 17	
	Richard Allen making in all the sum of	
	Collins Receipt in full for Morris coming to James	
29. <i>3 Semmons children Fancy 14th 54</i>	\$ 105 10	
30. <i>Thompson White Receipt 20th Sept 54</i>	82 17	
	\$ 1015 00 15	

Alleged common receipt or obligation for
property purchased at Sale amounting to \$ 3289 00

Deducted from the above one hundred & fifty
dollars refundable to the Admin having been
over paid the said Edmund Semmons

\$ 150 -

\$ 13299 05

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dy Hall Term /58

Bills paid up to 8/17/71	\$ 115 00
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	\$ 245 00
her bill	\$ 522 00
x	\$ 188 88
wife	\$ 102 25
	110 37
loues, and	\$ 681 67
Janet,	\$ 105 00
	32 17
	\$ 101 50 15
up to	
to	\$ 3289 00
left	\$ 13449 15
acc.	\$ 150 -
	\$ 13299 15

119

Orders & Decrees of the Court of Equity Hall Term /58

Exhibit "B. Report Continuing

Sums paid out by John Baxter Adm'r. to heirs
of Estate of Charles Seminour deceased as follows (Total):

1	Isaac Suff & David Byars & wife Neffs per John Morgan Jan'y 1 st to /54 for the sum of	\$ 18 45
2	John D. Neffs, down in right of his wife Sarah Neffs Dec'd 29 th /54	\$ 20 2 00
3	J. D. Richardson, Deed Oct 8 th /55	18 75
4	Charles J. Patterson, Deed in full Dec 3 10/54	8 12
5	Mary Morris, Henry Morris, Richard Allens wife, Peter Jones & wife & Charles Morris Neffs it being \$ 11.89 each making in all the sum of	\$ 54 45
	Dec'd 27 th /55	
b	Wm J. Patterson by grace of James H. Seminour, Deed Jan'y 1 st /54	\$ 104 88
7	John Breedlove & Spencer Breedlove per James Breedlove attorney Deed April 5 th /54 in full \$ 196 00	\$ 196 00
		\$ 152 66

Commissioners Report Exhibit "C.

State of North Carolina } June 27th /58
Rutherford County }

By a commission to us directed by the
Court of said County Spring Term 1858 we have proceeded
to settle with the Administrator of Charles Seminour deceased
and report as follows.

Cash on Hand	\$ 336 40
Sale Bill	\$ 15005 41
Second Sale bill	15 80
Interest on Sale bill	171 95
Notes coming into the hands of Adm'	777 71
On the above Notes collected by the Administrator	\$ 133 75
Judg against B. P. Henderson	626 75
Hicks sold F. M. Davidson	6 50
whole and which came into the hands of the Adm'	\$ 17063 25

Orders & Decrees of the Court of Equity at Fall Term 1777.

Exhibit C. Cont'd. Am't Broth forw'd. £1714hh.35^c
 We allow the Adm'r as paid by them as peroucher
 Filed in the report from No 1 to No 15 inclusive of 1b7.17
 Medows, Years Allowance as paid 121.40
 We allow one per cent on the am't of £10710.08 take
 paid to the literary fund of the State £107.10
 We allow Commissions on the aggregate Adm'r
 of 4 per cent Making £62.65
 We further allow Considerments of 5 per cent 14.43
 for recording this Settlement 1.13
 For making this Settlement £.00 of £1099.89
 which leaves in the hands of the Administrators - £159hh.31

J. 10 Robert H. Wilson { Upon Motion it is ordered by
 No 28 the Court that process issue
 Robert Magnus & others { against the deft Mr. Chelwood
 & wife Sarah Chelwood, William
 McArthur & wife Eliza & Benjamin
 Magnus. Further ordered by
 the Court that Wm. McArthur & P. H. Wilson Adm'r of the
 Complainant Robert H. Wilson be made parties to this Suit

J. 10 - John B. Miller & others { Ordered & decreed by the Court
 No 30 that the Clerk & Master take an
 Robert & Furtly & al { Account of the wood used from
 the land by any of the parties and
 Report the value thereof to the next term of
 the Court.
 Decree of Sale

This cause being heard, by
 consent of parties, plaintiffs & defendants and by J. B. Miller Esq.
 of John B. Miller. It is ordered that a sale of the premises divided
 in the pleadings be made by the Clerk & Master upon a credit of one
 & two years with interest from the date. It is further ordered
 that the land be sold in lots of Twenty Acres, or as nearly so
 as practicable, and that the Clerk employ a competent Surveyor
 to divide the land into said lots. It is further ordered by the Court
 by consent of parties that a road be laid off from the Furtly's
 Road to the east end of said land, so as conveniently to divide

Orders

The same
 decree'd
 said Com
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Add. C
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