

1801-016

Chancery Papers Briggs' heirs vs Andrews' admr & al

7/1801

Southampton County

Other SURNAMES:

Rosser, Vick,
Hines

To the Justices of the said Court, in Chancery setting humbly Complain
Shew to your worshipps, your Orators Benjamin B. Koser, Henry Briggs,
Henry Briggs, and your Oratrices, Frances Briggs, Sarah Briggs,
Ann Briggs, Rebecca Briggs and Dolly Briggs, by Appearances
their next friend That on the day of 1881 a certain
Charles Briggs departed this life having duly made his last
Will and Testament, in which the said Benjamin was appointed Executor
and took on himself the burden of the Execution of the same
that your remaining P. Orators, and Oratrices are Inland Heirs and
devises of P. Charles and that in or about the 14th day of March
1796 a certain Benjamin Andrews of the County of Southampton
being seized in fee simple of a certain two tracts or parcels of
Land herein after mentioned, and being justly indebted to said
Charles in his lifetime, in the sum of £100 7 10 pence, the
P. Benjamin in order to secure to P. Charles, the payment of P.
sum of money, with legal int. and cost thereon, did propose to
mortgage to P. Charles the said tracts of Land, which he the
P. Benjamin warranted and affirmed to be free from all incum-
brances whatsoever. to which proposition the P. Charles did
assent, and your Orators and Oratrices state that by Indenture
bearing date the 14th day of March 1796, and which is hereto
annex'd and pray'd to be made a part of this Bill, made
between the P. Benjamin and P. Charles in their lifetime for
and in consideration of the sum of money aforesaid, as well
as the sum of £1 by P. Charles to the P. Benjamin in hand
paid, the receipt whereof is duly acknowledged, which said
first mentioned sum of money, your Orators & Oratrices aver
was really and truly due and owing from P. Benjamin to
P. Charles, did grant, bargain, sell and confirm to said
Charles Briggs his Heirs and assigns forever, two tracts or
parcels of Land, as is in the body of said Indenture express'd.

the boundaries whereof by reference thereto may be seen, the
fee simple title of which, with all and singular, the appur-
tenances belonging to which the ^d Benjamin, for himself
his heirs &c. conveyed by Indenture bearing date to the ^d
Charles his heirs and assigns forever, subject nevertheless to
a proviso in the ^d said Indenture, that the ^d Charles his
heirs Executors or assigns, shall after the 1st day of March
1801. sell for the best price that can be obtained at auction
after giving ten days public notice thereof, the said two
tracts of land, or so much thereof as shall be sufficient to
discharge to the ^d Charles the above sum of \$117.10 with
lawful interest thereon, from the date of the ^d said deed, and all
costs and expenses attending the same, and that the said
Charles his heirs and assigns shall pay the same to be paid
the Executor, and the ^d Benjamin his heirs and assigns, and your
Orators & Councillors.

The ^d Benjamin departed this life without having
discharged any part of the ^d debt, to the ^d Charles or his
representatives, and your Orators and Councillors further state
that a certain Joseph Vick, took on himself the trusteeship
of the ^d Benjamin who duly qualified himself, and
that the ^d Benjamin left behind him the following issue
to wit Joseph Vick, Polly Andrews Sarah Andrews and
James Andrews which ^d Joseph Vick and the Plaintiffs
by their Guardians for them, by this Worshipful Court
to be appointed. your Orators & Councillors, pray may be
made def. to the their Bill of Complaint, and
your Orators & Councillors well hope that the ^d debt
knowing the premises, that the time for the payment
of ^d money, agreeable to the tenor and condition of said

Indenture, has elapsed; would have before this time have
rendered ^d money to the ^d Charles the ^d sum of money with
the interest & cost as aforesaid. but as it is, the said
debt have ^d refused to pay to your Orators and
Councillors, or to the ^d Charles in his lifetime, the ^d sum
aforesaid with ^d cost, or any part thereof, and
totally refused to sell or give up the land for the pay-
ment of ^d debt - all which doing & acting your
Orators & Councillors consider contrary to equity and good
conscience, and to the ^d manifest injury.
In tender consideration whereof & in as much as your
Orators & Councillors are reminded except by the interposition
of your worshipful Court, and therefore that the ^d debt may
be paid as fully as may be repeated. ^d particularly say if the
decedent ^d was not indebted to ^d Charles & whether
for the securing of the same, the land in question was
not incumbered as aforesaid. and your Orators and
Councillors further pray that the ^d his tracts of land as
aforesaid, may be by decree publicly sold ^d for ^d money
after giving ten days notice thereof, after the expiration
of one month hereafter, and before the end of three months
from this date ^d subject nevertheless to the
signature of the dowry belonging to the Widow and
relatives of ^d Benjamin, unless the ^d debt shall well
and truly on or before the end of ^d months discharge
to your Orators & Councillors the amount aforesaid mentioned

and contained in the ... and cost re-
 -cruciating from ... and your Orders & Prayers
 pray that Consequences may be appointed to
 to purpose of the same agreeable to the prayer of the Compt
 I make report that the ... may be ...
 said their equity of redemption in ...

James
 17

Miss, sent -
 in
 Medway, 17th

1081
 Dec. 1801
 Dec. 1801

175
 175

The said ...
 Sarah Andrew, James, Andrew, ...
 & the bill of Compt ... against them by ...
 Charles Briggs, ... Briggs, Henry Briggs, Sarah Briggs, James Briggs, Ann Briggs
 Polly Briggs, Rebecca Briggs & Sally Briggs ...
 by ... their ... - These defend ...
 say, that the contents of ... bill are true ...
 the allegations therein contained. That they have no objection
 that the land therein mentioned may be expos'd to sale
 on the terms & for the purposes therein expressed
 & that they will further consent & agree to such order be
 as their worshipful Court may seem equitable
 proper -

James

~~33~~ ~~33~~
Briggs ex. & heirs }
vs } Spa
Andrews & F. Thiers } in
Ch 9.

To June 1801
June the 9th Ex. D
by Howel Beale & J
for
Jesse Browne Shff.

The Commonwealth of Virginia to the sheriff of Southampton
county greeting You are hereby commanded to summon Joseph
Vick adm. &c of Benj^a Andrews died. Polly Andrews. Sarah
Andrews & James Andrews infants & Coheirs of Benj^a Andrews
to appear before the justices of our S^d county court of Southampton
at the courthouse of the S^d county on the 3^d monday in June next
to answer a bill in chancery exhibited against them by Benj^a
B. Roper exor &c of Ch^s Briggs died & Wm Briggs Henry Briggs
Sarah Briggs Francis Briggs Ann Briggs Polly Briggs Rebecca
Briggs & Molly Briggs infants heirs & devisees of Charles Briggs
by Wm Hines their next friend & this they are in no wise to omit
under the penalty of £100 each I have then there this word witness

Sam Wells clerk of our S^d court at the Shrore the 25th april
1801 & in the 25th Year of the Commonwealth

Shells. B
J. E.

I. Kicks out in suit
Briggs vs Andrews &

Gent.

Southampton July 18th 1802

I hereby certify that I have no objections to
my name being subscribed to the answer drawn to
the Bill in Chancery exhibited against ^{me} (as adm^r of
Benj. Andrews dec^d) by the executor and heirs of Charles
Briggs dec^d for the sale of certain lands in the said
Bill mentioned which was given in trust by the said
Andrews to the said Briggs and I do hereby relinquish
all right of redemption to the said lands

To the Gentlemen Justices
of Southampton Court

Wm C