

1810-003

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BRIGGS

VS. NICHOLSON et ux et al.
5/1810

other SURNAMES: Calvert,
Cobb

Wm Briggs Billin

vs

Chas

Nicholson & wife

May 1800 Bill filed

rule to answer

Judge Rule for answer

July

settled

May 1810. Cook and

wifes & Polly & Sally

Briggs answer filed

To the worshipping Court of Southampton
County in Chancery setting humbly complain-
ing sheweth to your worships your orator
William Briggs: That Charles Briggs the father
of your orator departed this life in the year 1800
after having duly made his last will
and testament an attested copy whereof is
hereto annexed & prayed to be taken as
part of this bill - That by the said will
the testator devised to your orator "all
reversion of the remainder of his land on
the west side of the road, after the the
death of your orator's mother & the single
life of his sisters are determined - That
the land alluded to there are acres and
is extremely valuable being the plantation
whereon the s^d testator died - That the mother
of your orator ^{is} dead - That the s^d testator
left six daughters to wit, Sarah Briggs who mar-
ried a certain Samuel Nicholson & Francis Briggs who
married a certain Samuel Cabot - and Nancy Briggs
who married a certain Jeremiah Cobb - and three
who are yet single to wit, Mary Briggs Rebecca
Briggs & Dorothy Briggs - all of whom with the hus-
bands of those who are married as aforesaid
together

together with Henry Briggs ^{and the only other} one of the Sons of
the said testator, your orator prays may
be made Defendants to this bill - Your
orator further states that the said Defendants have
unjustly contended & still insist contrary
to the clear meaning & purpose provision of
the s.^d will that your orator is entitled to
no part of the said land until after the
single lives of all the s.^d testator's daughters
whereby your orator is deprived of the free
enjoyment of his three married Sisters por-
tions of the said land, ^{the right of} which by a notional
construction of the aforesaid clause of the
s.^d will vested in him as his said Sisters
married. Your orator further begs leave
to state to your worship that he is not
only deprived of this right which he
deems absolutely vested in Law, but the
extent of his interest in the residue of
the said land & in fact in the whole
thereof remains unsettled. In tender con-
sideration whereof & inasmuch as your
orator is remediless in the premises with-
out the aid & interposition of a court of
Chancery, he prays that all the aforesaid
Depts

Depts may on their corporal oaths full
true & unvarnished answers make to all
& singular the foregoing allegations, that
your worship's reader such decree in
the premises as may be just & right
& may please your orator general
relied, with the common wealths and
of subpoena commanding & your
orator ever will be
Thos. J. for Compt.

Briggs
ads. } Answer
Briggs }

May 1810
Answer filed

To the worshipful Court of Southampton County in Chancery
sitting - The Answer of Dorothy Briggs, an infant under
the age of twenty one years, by Jeremiah Cobb her guardian
specially appointed by the Court of Southampton County to defend
her in this behalf, to the bill of complaint exhibited in the said
Court against her and others by William Briggs.

The said defendant by her said guardian saving & reserving
to herself every benefit of exception to the said bill of complaint
for answer thereto saith - that her father Charles Briggs deceased
departed this life in the year having first duly made
and published his last will and testament in writing as is
stated in the complainant's bill - but she can never assent
to the construction given by the complainant to the said last
will and testament, as it relates to the devise to him of all
the reversion of the remainder of the testator's lands on
the west side of the road leading to Southampton Courthouse - being
convinced that the said testator never intended to give the
complainant the possession and enjoyment of any part of the said
land until the death of his wife and the single lives of all
his daughters were determined - Your respondent by her
said guardian begs leave here to aver that the lands on
the west side of the road leading to Southampton Courthouse,
the reversion in which is devised to the complainant as afore-
said, are the same lands on which the said testator lived
and died, and were devised to his wife and daughters
in the following words - "I give the use of my plantation
and lands on the west side of the main road leading

"to Southampton but house to my beloved wife Sarah during her natural life, as also to all my daughters had by her during their single lives"; as will fully appear by an attested copy of his last will and testament ^{heretofore} ~~heretofore~~ and prayed to be taken and considered as a part of this answer - from a fair construction of which, made upon the whole will, it most plainly appears that the pretensions of the complainant are mistaken and unfounded. But notwithstanding this plain expression of the said testator's intention, the complainant has enjoyed the possession and profits of the said lands ever since the death of her and your respondent's mother, Sarah Briggs, without having accounted with your respondent for any part thereof. And since your respondent is clearly entitled to live on the said lands whilst she remains a feme sole, and of course to her proportion of the rents and profits since the same has been in the possession of the complainant, she, by her guardian aforesaid, prays that an account of the said rents and profits may be taken in such mode as this Court may deem proper and expedient, that your worships will distribute the said rents and profits among the defendants in this cause, as law and Equity may require, that the said defendants, or such of them as are entitled, may by the decree of this Court, be put in possession of the said Land according

to the will and intention of the said testator, Charles Briggs deceased, and that any other decree may be rendered and any other and general relief granted in the premises which may be meet and applicable - it being in the power of a Court of Chancery, having all proper parties before it, to render any decree, consistent with law and Equity, which may be necessary to attain the Justice of the Case - Having answered D.^c and denying all fraud, combination &c, your respondent prays to be hence dismissed with her costs in this behalf expended -

(Signed) *Thos Briggs*
Thos Briggs

expended - (Signed) *Thy In Cobb*
 Sampson City to wit Dorothy Briggs, her Guardian
 this day personally appeared before me James Jones a
 Justice of the Peace for said County of Sampson &
 made Oath to the truth of the foregoing answer
 given under my hand this 23rd day of May 1870
 James Jones

Briggs
ad. Infwa

Briggs

May 1810

Amwa files

To the worshipful court of Southampton County in
Chancery sitting. The answer of Polly Briggs, daughter
of Charles Briggs dec'd, to the bill of complaint exhibited
against her and others in this worshipful court by
William Briggs - The said defendant saving and
reserving to herself every benefit of exception to the
said bill of complaint, for answer thereto saith -
that the said Charles Briggs departed this life in the
year , having first duly made and
published his last will and testament in writing,
as is stated in the complainant's bill - but she can
never assent to the construction given by the complainant
to the said last will and testament as it relates to the
devise to him of all the reversion of the remainder
of the testator's lands on the west side of the road leading
to Southampton Court house - Being convinced that the
testator never intended to give the complainant the pos-
session and enjoyment of the said lands until the death
of his wife and the single lives of all his daughters
were determined - Your respondent begs leave
here to add that the lands on the west side of the
road leading to Southampton Court house, the reversion
in which is devised to the complainant as aforesaid, are
the same lands on which the testator lived and died,
and were devised to his wife and daughters in the

following words, "I give the use of my plantation and
lands on the west side of the main road leading to South-
ampton Court house to my beloved wife Sarah during her
natural life, as also to all my daughters had by her
during their single lives" as will fully appear
on ~~attached~~ copy of
by ~~her~~ last will and testament filed in this cause.

from a fair construction of which, made upon the
whole will, it most plainly appears that the pretensions
of the complainant are mistaken and unfounded.
But notwithstanding this plain expression of the
testator's intention, the complainant has enjoyed the possession
- on and profits of the said land ever since the death of
his and your respondent's mother, Sarah Briggs, without
accounting with your respondent for any part thereof.

And since your respondent is clearly entitled to live on the
said land, ^{while she remains a feme sole} and of course to her proportion of the rents
and profits since the same has been in the possession of
the complainant, she prays that an account of the said
rents and profits since the death of her said mother, Sarah
Briggs, may be taken, in such mode as this Court
may deem proper and expedient, that your worships
will distribute the said rents and profits among
the defendants in this cause as law and Equity
may require, that the said defendants or such

of them as are entitled, may, by the decree of this
Court, be put in possession of the said land, according
to the intention of the said testator, Charles Briggs dec'd,
and that any other decree may be rendered and any
other & general relief granted, in the premises,
which may be meet and applicable - it being
in the power of a Court of Chancery, having all
proper parties before it, to render any decree,
consistent with law and the principles of Equity,
which may be necessary to attain the justice of the case.

Having answered &c. and denying all fraud, Com-
- ination &c, your respondent prays the same
dismissed with her costs in this behalf expended.

(Signed) Mary Briggs

Southampton To wit -

Polly Briggs this day personally appeared before
me James Jones - a Justice of the peace for the
County of Southampton aforesaid and made oath to
the truth of the foregoing answer - Given under my
hand this 23rd day of May 1810.

James Jones

Cobb Range

ads.

Briggs

Johnson

May 1810

anna file

To the worshipful Court of Southampton County
in chancery sitting - The Joint and separate
answer of Jeremiah Jobb and Ann Jobb his wife,
who was Ann Briggs, daughter of Charles Briggs
decd, to the bill of complaint exhibited against them
doth in this worshipful Court by William Briggs -
The said defendants, jointly & severally, saving & reserving
to themselves every benefit of exception, to the said bill of
complaint, for answer thereto say - that the said
Charles Briggs departed this life in the year
having first duly made and published his last will
and testament in writing, as is stated in the com-
plainant's bill - but they can never assent to the con-
struction given to the said last will and testament by
the complainant, as it relates to the devise to him of all
the reversion of the remainder of the testator's lands on
the west side of the road leading to Southampton Courthouse
being convinced that the said testator never intended
to give the complainant the possession and enjoyment
of any part of the said lands until the death of his
wife and the single lives of all his daughters were
determined - Your respondents beg leave here to add
that the lands on the west side of the road leading
to Southampton Courthouse, the reversion of which is
deviseed to the complainant as aforesaid, are the
same lands on which the said testator lived and died,

and were devised to his wife and daughters, in the following words. "I give the use of my plantation and lands on the west side of the main road leading to Southampton Courthouse, to my beloved wife, Sarah, during her natural life, as also to all my daughters ^{an attested copy of} share by her during their single lives" as will fully appear by his last will & testament filed in this cause - from a fair construction of which made upon the whole will, it most plainly appears that the pretensions of the complainant are mistaken and unfounded. But notwithstanding this plain expression of the said testator's intention, the complainant has enjoyed the possession and profits of the said land, ever since the death of his and your respondent Ann Cobb's mother, Sarah Briggs, without accounting with your respondents or either of them for any part thereof. And since your respondent Ann Cobb was clearly entitled to live on the said land prior to her marriage and is of course, as clearly entitled to her proportion of the ^{and profits} rents from the commencement of the complainant's possession until that time, your respondents pray that an account of the said rents and profits, since the death of the said Sarah Briggs, may be taken in such mode

as this Court may deem proper and expedient, that your worship will distribute the said rents and profits among the defendants in this cause as law and Equity may require, that the said defendants or such of them as are entitled, may, by the decree of this Court, be put in possession of the said land, according to the intention of the said testator Charles Briggs Esq. and that any other decree may be rendered and ~~that~~ any other & general relief granted, in the premises which may be meet and applicable - it being in the power of a Court of Chancery, having all proper parties before it, to render any decree, consistent with law and the principles of Equity, which may be necessary to attain the Justice of the case. Having answered V. & denying all fraud, combination &c. your respondents pray to be hence ~~discharged~~ with their costs in this behalf expended.

(Signed)

Ann Cobb

Ann Cobb

Southampton To wit. Jeremiah Cobb and Ann Cobb his wife, this day personally appeared before me James Jones — a Justice of the Peace for the said County of Southampton and made oath to the truth of the foregoing answer, as it relates to them respectively. Given under my hand this 23rd day of May, 1810.

James Jones

Shampton Sct.

The Commonwealth of Virginia to the Sheriff of
Superior County greeting. ^{as before your honor command} you are hereby commanded to
summon ~~George~~ Nicholas and Sally his wife and
Dolly Briggs and infant of Charles Briggs etc. to appear
before the justices of our said Court at the Court house
on the 3rd Monday in April next to answer a
bill in Chancery exhibited against them by William
Briggs and that they shall in nowise under the
penalty of £100 each and have them show this
Writ, Writup Summe Writs clerk of our said
Court at the Court the 17th day of March 1806
and in the 30th Year of the Commonwealth

Samuel Hill

The within Supa. fully executed
Wm. Harrison & Co. Agents
for Benja. Oute Ship

Chicago } Open in
178 & Company
Michigan Ave.
Nov. 1866

Briggs
by } Stra
Calvert & Chy

Feb 26 1806

Created on Land about ~~with~~
~~land~~ Francis his wife, H Briggs &
copy left for R Briggs. But Journal
Cobb & Nancy his wife & R Briggs
no inhabitants —

William Adams Deputy
for
Robert Adams, Esq

The Commonwealth of Virginia to the Sheriff of
Giles County Greeting You are hereby Commanded
to Summon Sam Calvert and Frances his wife
Jeremiah Cobb and Nancy his wife Polly Briggs
and Rebecca Briggs and Henry Briggs to appear
before the justices of our County Court at the
house of the said County on the 3 Monday in
February next to answer a bill in Chancery
of them by Wm Briggs and this they shall not
omit under +100 each I have given thee this
my Wit Witness Sam Kello Clerk of our said
Court at the Chamber the 12 day January
1866 and in 30 Year of the Commonwealth

Sam Kelloe