

1814-100

SOUTHAMPTON COUNTY
CHANCERY PAPERS

PIERCE & UX VS LEE

5/1814

Other SURNAMES: Briggs,
Fowler

No 3
Purcell

Lee } Bill

Apr 1811

Bill filed rule
to answer

Rule to Answer

Rule to Answer

Sept 1811 Answer filed
rule to dispose

Rule to dispose monthly
till March 1814

Apr 1814 Rule to dispose

to May

To the worshipful Court of Lanthampten in shire
Litting. Humbly complaining sheweth unto your
worships your complainants ^{and Emily his wife late Emily Briggs} ~~Henry~~ ^{Piercy} that
a certain John Lee hath lately intitled unto
against your complainant and Emily his wife
on a writing under seal for the payment of money
executed by the said Emily whilst a feme sole
for the sum of ^{which will more}
fully appear reference being had to the said
writing. An attested copy of which is hereto
annexed and prayed to be taken as part of this
bill, and that the said John Lee at Maids
term 1844 recover a judgment against your
complainant and his wife Emily for the sum
of ^{which will also appear}
by reference to an attested copy of said judgment
which is hereto annexed and prayed to be taken
as part of this bill. Your complainants here
before leave to state that the bond above referred
to was executed by the said Emily upon a
settlement of said Lee's accounts against the
estate of a certain Henry Briggs and of whom
the said Emily whilst a feme sole qualified
as executrix and as far as your complainant
can be informed ~~was~~ two accounts marked A
and B and hereto annexed and prayed to be

taken as part of this bill together with the
recruits on the back of each of them, the one
against a certain Henry Fowler and the other
against the said Henry Briggs were the only
accounts which the said Lee had against the
said Briggs. The first of which was finally
settled with the said Henry Briggs in his lifetime
as will more fully appear by a receipt
thence attached served by the said John
Lee and the second ~~was~~ settled by the said
Emily since the death of the said Henry
and at the time of the execution of the
bonds above referred to by an inspection
of the latter account it will appear that
the amount against the said Henry Fowler
which had been settled in the lifetime
of the said Henry Briggs amounting
to £12. 19. 7 with interest amounting to £8. 8. 0
is charged to the said Henry Briggs in his account
settled by the said Emily since the death
of the said Henry Briggs which is unjust
and inequitable. In tender consideration whereof
and in as much as your ^{complaints} ~~complaints~~ ^{and evidence}
in the premises ~~enable~~ by the intervention of a
Court of Equity they pray that your worships
would make the said John Lee a debt

hunts and compel him to answer all and
singular the allegations herein said and fully
and universally and more especially that he
set forth and say whether the bond above
referred to was not founded upon the accounts
thence annexed and whether there is not a mistake
in the same as set forth by your complainant
and your complainants further pray that
your worships would enjoin the said John
Lee his agent and all others concerned from
any further proceedings upon said judgment
until the matter can be fully heard in this
Court and your complainant prays for
general relief and that the Commonwealth
sub-pena may issue commanding &c and
your complainant will &c.

Southampton 1st

April 15. 1811 I Henry Pious this day personally
appeared before me a justice of the peace for said
County and made oath to the truth of the above
allegations as far as they depend on his own
knowledge and as far as they depend on the
knowledge of others he believes them to be
true.

William Blount Pious

Lee
ad. } answer -
Pierce et al.

Sept 11 - 1871 - J. Lee

To the worshipful Court of Southampton County, in chancery sitting -
The answer of John Lee to the bill of Injunction exhibited in this
Court against him by Spencer Pierce & Emily Pierce his wife, late Emily
Briggs. The said defendant saving and reserving to himself every
benefit of exception to the said bill, for answer thereto saith, that the
note or specialty upon which his Judgment against the Complainants
on the Common law side of this Court was founded, was executed
to him by the Complainant Emily, whilst Emily Briggs for the time
and just sum due to him from the estate of Henry Briggs deceased
and no more. Your respondent begs leave to detail to your
worships the particulars of this transaction. He applied to the said
Henry Briggs in his lifetime for a settlement of his account
and also for a settlement of the account marked A in the
Complainants' bill against Henry Fowler, which the said Henry
Briggs had told your respondent he would pay. The said
Henry Briggs examined the accounts and made no objection to
them, saying he would pay your respondent the amount thereof
with interest as soon as he could get his tar kiln burnt and
that he was only waiting for barrels. He since Henry Briggs at the
same time requested your respondent to give him a receipt for
the amount of the above mentioned account against Henry
Fowler, stating that he wanted it as a voucher when he settled
with the said Fowler, which your respondent very readily did,
not calculating that any difficulty would ever grow out of such
an act of friendship and believing from the assurances of the
said Briggs that the tar kiln would be burnt in a few days
and the accounts between them finally closed. Your respondent
at the time of giving the said receipt, would have taken the said
Briggs's bond for the amount due to him, but the state of the said
Briggs's health was so very low and his promises of speedy

payment so partial, that he thought it unnecessary to wound
his feelings by pressing the subject to that extent - But your
respondent most positively avers that his receipt given at the foot
of the account against the said Henry Fowler was given under
the circumstances before mentioned, that no part of the said
amount was ever paid to him by the said Henry Briggs and that
the note executed to him by the complainant Emily, whilst Emily Briggs,
and upon which his judgment was founded as aforesaid, was for the
true & just sum due to him from the estate of the said Henry Briggs dec'd.
and your respondent has no doubt but that if the said Henry
Briggs had have lived a few days longer, the accounts between
them would have been settled by a sale of the tax amounting
to his account before mentioned. As to the interest which was
calculated at the time of the execution of the said Emily's note,
it was done in consequence of the said Henry Briggs's express
promise to pay the interest; and your respondent regrets that
after the thorough & full examination of the accounts before the
execution of the said note, made by a certain Lewis St. Paulam
at the request of the said Emily, any difficulty should now be enter-
tained to the recovery of a claim which is justly due to him and has
been already very long withheld from him.

Having thus answered & denying all paid &c. your
respondent prays that the injunction awarded in behalf of the
Complainants in this case may be totally dissolved & that he may be
restored to his estate with his costs in this behalf most unjustly expended.

To John Lee

Southampton County to wit - John Lee this day
personally appeared before me William Blow Justice
of the peace for the County of Southampton aforesaid and
made oath that the foregoing answer contains the
truth - Given under my hand this 16th day of
September 1811.

Wm Blow J Peace

Pierces } 366
MS } Sp. 2
See } Sp. 2

Sept. 9. 1811
presented
Pambalout
of James G. 1811

The Commonwealth of Virginia to the Sheriff of Southampton
County and to John Lee, his cancellors, attorneys, solicitors and agents
and every of them greeting whereas it hath been represented unto
the county court of Southampton in chancery on the part of Spencer
Pierces who hath prayed that he may have our writ or writs
of injunctions subpoenas for stay of all further proceedings at
Common Law untill hearing of the cause, we therefore in con-
sideration of the premises aforesaid, do strictly enjoin and command
you the said Sheriff and all and every this persons before mentioned
that you and every of you do absolutely desist all further proceedings
against the said Spencer Pierces on the judgement and execution
obtaind in our said county court of Southampton against him
the said Spencer Pierces, by the said John Lee, untill the
hearing of the said cause ^{under the penalty of £100} in chancery. Witness Samuel Kello
Clerk of our said court at his office the 17th day
of April 1811 in the 35th years of the Commonwealth

Samuel Kello

Henry Fowler,

Nich.

A

Mr Henry Fowler To John Lee Esq.

1804								
June	7	To 1 pr. Stockings 5/6	To 1 pen knife 1/6	0	7	3		
June	23	To 1 Vest pattern 6/-	To Buttons 4/2	0	6	4 1/2		
Decer.	7	To Cottons 2/3	To Thred 4/2	0	2	7 1/2		
1805	19	To 1/2 lb Tobacco 9/-	To 1/2 lb Soap 9/-	0	1	6		
January	16	To 1 Bandana Handkerchief 6/6	To Hank Silk 9/-	0	7	6		
Feb.	3	To 1 Bridle 7/6	To 1 pr. Stockings 10/6	0	18	0		
		To 3 3/4 Yds Dymity 2 3/4	To 4 Yds Brown Holland 3/6	0	8	0		
		To 2 1/2 Yds Cottons 2 3/4	To 1 pr. pattern Stockings 12/-	0	19	6		
		To 1 Yds Cambrick 5/3	To 3/4 Yds Calico 2 3/4	0	7	6		
		To Silk & Twist 1/6	To Thred 9/-	0	3	10 1/2		
		To 2 3/4 Yds Cottons 2 3/4	To 1 Yds Tape 3/-	0	8	3		
		To 1 pr. Suspenders 4/6	To 3 Yds Calico 4/6	"	18	0		
		To 1 Yds Calico 3/6	To 1 Yds Cottons 3/-	0	8	3		
August	22	To 1 Yds Thatt 15/-		0	15	0		
	24	To 1 pr. Stockings 7/6		0	7	6		
Octob.	26	To 1 pr. Ditto 6/6	To 1 lb Tobacco 1/6	0	8	3		
Nov.	4	To 1 3/4 Yds Cloth 2 9/-	To 2 Yds Casimere 2 10/6	1	18	9		
		To 1 Yds Brown Holland 3/-	To Thred 4/2	0	3	4 1/2		
		To 1/2 Yds Casimere 2 14/-	To 3 Yds Linen 2 4/3	0	19	9		
		To 2 Hanks Silk 5/9	To 2 Sticks Twist 2 9/-	0	3	0		
		To 3 Doz Buttons 2 1/6	To 1 Yds Thatt 18/-	1	2	6		
Decer.	23	To 1 pr. Morocco Shoes 8/3		0	8	3		
1806	30	To 1 1/2 Doz Buttons 2 13/2	To 14 Buttons Molds 2 7/2	0	2	4 1/2		
January		To 1 Hank Silk 9/-	To 1 Stick Twist 9/-	0	1	6		
		To 1/4 Yds India Cottons 2 2/3	To 1 Yds Ribbon 9/-	0	1	4 1/2		
				£	13	8	2 1/2	
1804								
June	23	To Cash 2 17 1/2		0	2	7 1/2		
August	25	To Ditto 1/6		0	1	6		
Decer.	24	To Ditto 4/6		0	4	6		
		Balance Due John Lee		"	8	7 1/2		
1806				12	19	7		
April		Recd of Henry Briggs the above		13	8	2 1/2		
		Balance of £12-19-7 in full						
		John Lee						

D Henry Briggs

a/c

£23..15..2

Rec'd July the 10th - 1809 of Mrs Emily Briggs
Note for the amount of Seventy Three
Dollars & twelve & half cents in full of the
within acct.

John See

Dr Henry Briggs in ac with John See

1805 august 5	To 40 th sugar a 13 ^h	2	5	0	1806 March 31	By Richard Hines's acct	4	10	0
	To 13 y ^d Callico a 5 ^h 1 ^h y ^d do a 4 ^h	3	11	0	1807 January 26	By Cash of Alexander Valentine	4	10	0
	To 1 y ^d Cambrick a 5 ^h 1 ^h y ^d lace a 3 ^h 9	0	10	10 ^h		By Intrist on the above to the	1	9	2
	To 1 paper pins 1 ^h 6 2 o ^h do a 9	0	3	0		Twentieth day of May 1809			
	To 4 doz needles a 9 2 doz segars a 9	0	4	6	1809 May 20	Balance due John See this day	23	15	2
	To 1 th powder 4 ^h 6 4 th shott a 1 ^h	0	8	6					
	To 1 bunch of red Garnet 2 ^h 3 Thread	0	4	3					
Dec ^r	To 1 dutch blanket 13 ^h 6	0	13	6					
23	To 1 ^h powder a 4 ^h 6 2 th shott a 1 ^h	0	4	3					
	To 1 p ^r Rose blankets 4 ^h 2	2	2	0					
	To 2 h y ^d Callico a 4 ^h 6 16 ttle snuf 2 ^h 6	0	13	6					
	To 6 y ^d Kendal Cottons a 3 ^h 9 J ^r W ^r Parker	1	2	6					
	To 3 y ^d brow root a 1 ^h 10 ^h J ^r do	0	5	7 ^h					
	To 1 hat 8 ^h 3 J ^r do	0	8	3					
	To Henry Jewlers acct Principles	12	19	7					
	March 31 st 1805								
	Intrist on the above acct to this	8	8	0					
	Twentieth day of May 1809	34	14	4					
1809 May 20	To a Balance due John See this day	23	15	2		By W ^r Parham	34	14	4
							1	16	4 ^h

C C

sub.

Know all men by these presents that we Spencer Perce &
Wm Woodard _____ are held and firmly bound
unto John Lee
in the sum of One hundred and thirty dollars
to which payments well and truly to be made unto the said John
Lee his heirs Executors & assigns
we bind ourselves our heirs executors & administrators jointly and severally
firmly by these presents sealed with our seals and dated this 15th
day of April _____ 1811-

The condition of this obligation is such that whereas the said
John Lee hath obtained an Judgment at Common
law against the said Spencer Perce & Emily his wife
for the sum of £21.15.9 & costs and
whereas the above bound Spencer Perce & wife
~~misceaneous persons~~ 7/7 part of the said Judgment & Int. he
hath obtained an Injunction to stay the proceedings on the said
Judgment ~~and~~ untill the matter thereof in equity on a bill
filed for that purpose can be heard now if the said Spencer
Perce & wife shall well & truly pay

or cause to be paid unto the said John Lee the said £21.15.9 & 7/7 part
of the aforesaid Judgment ~~and costs~~ and all damages and cost
that can or may arise in case the said Injunction shall
be dissolved then this obligation to be void or else to remain
in full force and virtue

Signed sealed & acknowledged
in presence of
H. Stanton

Spencer Perce

Wm Woodard

Sealed
with