1842-027 SOUTHAMPTON COUNTY CHANCERY PAPERS

NICHOLSON vs. BRIGGS' ADMINISTRATOR et al

4/1842

other surnames: Boykin, Johnson

~~30. 25~~

Nicholson

v. } Papers

Briggs &c.

1840

Sept. Sp^a Ex^s on Ethelred & Sarah Briggs & F. M Boyken. Johnson & wife no inhabitants Bill filed.

Dec. New Sp^a. v Hester Boyken & O.P. v Johnson & wife.

1841

Jany. Sp^a v Hester Boyken not ret. Set for hearing as to Defts. Ethered & Sarah Briggs & F. M Boyken.

apl. P. Leave to amend bill &c.

May. R. amended bill & Sp^a ans.

June. Sp^a. Ex^s on all except Johnson & wife & Octavia V Boyken. Et Bills appt^d g^dn. of infants.

Aug. O.P. v Johnson & wife. Set for hearing as to F M Boyken & Ethelred & Sarah Briggs.

Oct. Order et Rules appt^g. Gen ad litem set aside & L R Edwards appt^d. gen ad litem in infant Defts.

1842

Feby. ans of Infants. G Rep &c

Apl. Set for hearing as to infants &c

4 Decree for pltff

Albert Nicholson
Dr
3 Bill
Boys Bits & others

1810 July 21.

To the Hon. Richard H. Baker Judge of the Circuit Sup. Court of Law & Chancery for the County of Southampton Humbly complaining your Orator Albert Nicholson sheweth unto your Honor, that on the year one Henry Briggs of the County of Southampton qualified as Guardian of your Orator and in that capacity purchased for and with the money belonging to your Orator, a certain tract or parcel of land, of lying in this county on Racoon Swamp and containing as estimated two hundred and fourteen acres and two thirds, and although said tract of land was purchased for your Orator, and paid for with his money, and although he has had, and has now quiet possession of the same, entitled to it legally and equitably yet through inadvertence or negligence he has never received a deed for it, the said Henry Briggs having departed this life, before making one, and the land is still held in the as belonging to Henry Briggs Estate, when it in reality belongs to Your Orator To the end therefore &c your Orator humbly prays that Francis M. Boykin admr of Henry Briggs dec. Ethelred E. Briggs, Francis M. Boykin and Hester his wife late ~~Boykin~~ Briggs, James Johnson and Susan his wife, late Briggs, and Sarah Briggs widow and relict of Henry Briggs dec. be made defts hereto, and full and true answers make to the allegations herein contained, and that your Honor would decree, that they the persons interested in the estate of Henry Briggs dec, or such of them as be proper, ~~be required to~~ do make a deed to your Orator for the land herein specified, and that your Honor would grant such further and general relief in the premises as to your may seem fit

and proper - That the Commonwealth's writ of Subpoena
may issue requiring them &c and as in duty bound
&c
Fuest

Amended Bill

Nicholson

vs

Briggs &c

1841 Apl. 24

To the Hon. Richd H. Baker Judge of the Cir. Sup. Ct. of Law & Chancy for the county of Southampton. Humbly complaining sheweth unto yr. Honor. yr. Complainant Albert Nicholson.

That in the year , one Henry Briggs of the County of Southampton qualified as guardn of yr. Complainant and in that capacity purchased for and with the money belonging to yr. Orator a certain tract or parcel of Land of one Cyprs. in this county on Raccoon Swamp, and containing as estimated 214⅔ acres, and although said tract of Land was purchased for yr. Orator and paid for with his money, and although he has had, and now has quiet possession of the same, entitled to it Legally & equitably yet through inadvertence or negligence he has never received a deed for the same. The sd. Henry Briggs having departed this life, before making one and the Land is still placed on the Land Books as belonging to sd. Briggs Est. when it in reality belongs to yr. Complainant. To the end therefore that yr. Complainant prays that Francis M. Boykin admr. of Henry Briggs dec'd Richard E. Briggs, James Harrison & Susan his wife, late Susan Briggs & Samuel, Nancy, Octavia Virginia, Francis M. & Sarah Francis, infants and heirs of Hester Briggs dec'd. who intermarried with Francis M. Boykin and has since departed this life, and Sarah Briggs widow & relict of Henry Briggs dec'd. be made defts hereto, and full & true answers make to all the allegations herein contained & that yr. Honor would decree that they the persons interested in the Estate of Henry Briggs dec'd, do make a deed to yr. complainant for the land herein specified & that yr. Honor would grant such further & General relief in the premises as to you may seem fit & proper. That the commonwealths writ of Subpoena may issue &c.

French

Nicholson

v. } Answer Injunct

Briggs &c

1842 February Rules.

The answer of Samuel, Nancy, Octavia Virginia, Frances M & Sarah Frances Boykin infants of tender years by Tilleton R Edwards their Guardian ad litem appointed to defend them in this suit, to a bill of Complaint exhibited against them and others in the Circuit Superior Court of Law & Chancery for the County of Southampton by Albert Nicholson.

These defendants saving to themselves all manner of advantage of exceptions to the many errors, uncertainties & other imperfections in the said bill of complaint contained for answer thereto, or to so much thereof as these defendants are advised is material for them to answer, answering by their said Guardian say. That they are strangers to all and singular the matters and things in the said Bill of Complaint contained; and these defendants being infants of tender years put out themselves to the judgment of this Hon: Court and humbly hope that their rights whatever they may be, may be protected in this suit - and having answered pray to be dismissed &c

T R Edwards

Southampton County towit

This day personally appeared before me a Justice of the peace for the County aforesaid Tilleton R Edwards and made oath that the above answer contains the truth to the best of his knowledge & belief -

Given under my hand this 7th day of February 1842

Wm A Spark J.P.

Nicholson
vs
Briggs & others } assn

Apl. Term 1842.

Nicholson
vs
Briggs

The defendants, James Johnson and Susan his wife who are out of this country, and against whom the Plaintiff appears to have proceeded in the mode prescribed by Law, against absent defendants. Still failing to appear and answer, and the Subpa having been executed more than two months on the defendant Ethelred Briggs, who still failing to appear Answer- On motion of the Pltff- his bill is taken for confessed as to these defendants- and the cause coming on to be heard on the bill answer of the infants Defts- by their Guar. ad litem, and general replication, thereto and was argued by Counsel- On consideration, whereof the court doth draw and direct, that Alth[d] E Briggs ~~who is appointed a Comr for that purpose- do convey~~ ~~to the Pltff. Albert Nicholson a conveyance with special~~ ~~warranty~~ for ~~James Johnson~~ himself. ~~James Johnson~~ ~~and Susan Nicholson~~ his wife ~~by her to be executed for~~ and for the infants Samuel, Nancy, Octavia, Francis M and Sarah F. Boykin- and for James Johnson and Susan his wife, & make a conveyance, with special warranty, to the Pltff. Albert Nicholson- for the real estate in the Bill mentioned being the same purchased by Henry Briggs- in his lifetime for the Pltff- and that each party pay his own costs.

Decree

Albert Nicholson
v. 3
Boykin & others.

This cause came on this day to be heard on the bill of the complainant - and was argued by counsel - on consideration whereof, and it appearing to the Court that the regular order of publication against the absent defendants has been duly had, and they still failing to appear and answer to the bill of the plaintiff, the Court doth take the same for confessed, and doth further adjudge order, and decree that Francis M. Boykin Ethel Ard. E. Briggs and Sarah Briggs, James Johnson & Susan his wife do convey by good and sufficient deed with special warranty the land in the bill mentioned, to the plaintiff -

Nicholson

& } Ors Pub:

Briggs &c &c

Copy posted at front door of
C. House Dec: 10 1840

At Rules holden in the Clerks Office of the Circuit Superior Court of Law and Chancery for Southampton County on the first Monday in December 1840

Albert Nicholson — Plff. — In Chancery

against

Francis M Boykin admor: of Henry Briggs dec'd. Ethelbred E. Briggs. James Johnson & Susan his wife, Francis M Boykin and Hester his wife & Sarah Briggs. — Defts.

The defendants James Johnson and Susan his wife not having entered their appearance and given security according to the act of Assembly and the rules of this Court and it appearing by satisfactory evidence that they are not inhabitants of this Country it is ordered that they do appear here on ~~or before~~ 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 newspaper published in the Town of Petersburg for two months successively and posted at the front door of the Courthouse of this County.

C

Nicholson

To } Br. appy. gen.

Briggs &c.

Executed by
delivering a copy
to E Butler

Sd. Holbrook D. Sh
Thos. Portlow Dpty

Southampton Circuit Superior Court June Rules 1841

Albert C Nicholson Pff } In Chancery

against

Francis M Boykin's admr: Henry Briggs dec'd & others Dfts }

On motion of plaintiff by Counsel Edwards Butts is assigned guardian to the infant defendants to defend them in this suit.

A Copy

Teste J R Edwards Cle

Nicholson

To } Or. appg. Gen.

Brigg &c

Southampton Circuit Superior Court - June Rules 1841

Albert Nicholson Pltff } In Chancery

against

Francis M Boykin administrator of Henry Briggs dec'd & others Defts }

On motion of pltff by Counsel Edwards Bulle is assigned guardian to the infant defendants to defend them in this suit

Teste. L R Edwards Clk

Nicholson

To } Or. Pub:
Briggs &c.

Copy posted at the front door of the
Ct House Aug 5th 1841

L R Edwards

At Rules holden in the Clerks Office of the Circuit Superior Court of Law and Chancery for Southampton County on the first monday in August 1841.

Albert Nicholson Pltff.

against

Francis M Boykin in his own right and as administrator of Henry Briggs dec'd Ethelbred E Briggs James Johnson and Susan his wife late Briggs & Samuel Nancy Octavia Virginia Frances M & Sarah Frances Boykin infants by Edwards Butts their guardian assigned them to defend them in this suit & Sarah Briggs Defts.

The defendants James Johnson and Susan his wife not having entered their appearance and given security according to the Act of Assembly and the Rules of this Court and it appearing by satisfactory evidence that they are not inhabitants of this country it is ordered that the said defendants 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 newspaper published in the Town of Petersburg for two months successively and posted at the front door of the Courthouse of this County

C

6 S. 6

Nicholson

vs } Spa. in Chy

Briggs &c &c

1840 September Rules

Executed on

E. E. Briggs & Sarah

Briggs by delivering a true copy

Test. J. Hoffman Dept

Tho. S. Pattison Shff

Executed by delivering a true

copy to Frances ell Boykin

August. 17/1840

Peter Drewry ass Shff

Tho. S. Pattison Shff

James Johnson and

Susan his Wife no Inhabitants

Peter Drewry Dr

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon Francis M Boykin admr of Henry Briggs dec'd Ethelred E Briggs James Johnson & Susan his wife late Briggs. Francis M Boykin and Hester his wife and Sarah Briggs widow and relict of Henry Briggs dec'd

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 September next, to answer a Bill in Chancery exhibited against them in the said Court by

Albert Nicholson

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 25 day of July 1840, in the 65 year of the Commonwealth.

L R Edwards C C

[*One Copy to be delivered each Defendant.*]

Executed on Samuel, Nancy, Frances M & Sarah Frances Boykin and Sarah Briggs by delivering a copy of the within to each of them on the 25th day of May 1841 and on Ethelind E Briggs by delivering a copy of the within to him on the 29th day of May 1841, Francis M Boykin, James Johnson & Sarah his wife late Sarah Briggs and Octavia Virginia Boykin now inhabitants

Jas. Hasbrouck D. of
Thos. Poetlow Shff

Co. S.C

Nicholson
vs
Briggs &c

Briggs &c
1841 June Rules

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon Frances M Boykin in his own right and as admor: of Henry Briggs dec^d Ethelbird E. Briggs, James Johnson & Susan his wife, late Susan Briggs, & Samuel, Nancy, Octavia Virginia, Frances M & Sarah Frances infants & heirs of Hester Briggs dec^d who intermarried with Frances M Boykin & has since departed this life & Sarah Briggs widow & relict of Henry Briggs dec^d

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~~ an amended Bill in Chancery exhibited against them in the said Court by

Albert Nicholson

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 3^d day of May 1841, in the 65^th year of the Commonwealth.

L R Edwards clk

[*One Copy to be delivered each Defendant.*]

Executed May 27th 1841 by delivering a true Copy to Frances M Boykin

Jos. Ds Butt Deputy for Gray Carroll & Huff.

S. D. K. Gibbs

Nicholson
vs.
Boykins Exrs
1841 June Rules

Exrs &c. in Chy.

S. D. K. G.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of ~~Southampton~~ I of Wight County, Greeting:

We command you that you summon Francis M Boykin in his own right & as administrator of Henry Briggs dec^d

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 an amended Bill in Chancery exhibited against him & others in the said Court by

Albert Nicholson

And unless he shall answer the said Bill within ~~four~~ two months thereafter, the Court will take the same for confessed, and decree accordingly. And this he 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 3^d day of May 1841, in the 65^th year of the Commonwealth.

L R Edwards Clk

[*One Copy to be delivered each Defendant.*]

656

Nicholson

Spa in Lehy

Briggs Pat

1821 July Rules—

Not from
Jas Hebble D. of
Ind Pittsburgh Aff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of ~~Southampton~~ I. of Wight County, Greeting:

We command you that you summon Frances M Boykin in her own right and as admrx Henry Briggs dec^d

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 July next, to answer a Bill in Chancery exhibited against her & others in the said Court by

Albert Nicholson

And unless she shall answer the said Bill within ~~four~~ two months thereafter, the Court will take the same for confessed, and decree accordingly. And this she 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 7 day of June 1841, in the 65 year of the Commonwealth.

L R Edwards Clk

[*One Copy to be delivered each Defendant.*]

Chancery Notice

Nicholson

v 3

Briggs &c

1841 March 15th

VIRGINIA:—At Rules holden in the clerk's office of the Circuit Superior Court of Law and Chancery for the county of Southampton, on the first Monday in December, 1840,

Albert Nicholson, Plaintiff,

against

Francis M. Boykin, administ'r of Henry Briggs, dec'd, Etheldred E. Briggs, James Johnson, and Susan his wife, Francis M. Boykin and Hester his wife, and Sarah Briggs, Defendants,

IN CHANCERY.

The Defendants, James Johnson, and Susan his wife, not having entered their appearance and given security according to the act of Assembly and the rules of this Court—and it appearing by satisfactory evidence that they are not inhabitants of this Commonwealth: It is ordered, that they 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 newspaper published in the town of Petersburg, for two months successively, and posted at the front door of the court house of this county.

A copy—Teste

jan 12 2m L. R. EDWARDS, Clerk.

Town of Petersburg, Town.

This day Benjamin L. Taylor, personally appeared before me, an alderman of the said Town, and made oath that the above Chancery notice, was inserted in the Statesman news paper published in the said Town, for two months successively ending this day

Given under my hand this 12th day of March 1841.

John Tallard Ald.

Mr. Albert Nicholson

1841 To Statesman ——— Dr.

March 12. To publishing the above Chancery notice two months according to law ending this day ——— $5.00

Nicholson vs Boykin

a decree may be prepared directing Frances M. Boykin & Hester his wife, Eth.ª E. Briggs and Sarah Briggs for the estates and James Johnson & Susan his wife to convey the land in the Bill mentioned to the pltff by a good & sufficient deed without warranty except as against themselves and their heirs

R. H. B

Nob
Nicholas
&
Brigg.