

1845-002 SOUTHAMPTON COUNTY
CHANCERY PAPERS

BRIGGS

Reese & al

VS.

WILLIAMS et al.

vs Williams & al

11/1845

See also. Denegre, Adm'r of Williams v. Williams et al. 1845

Other SURNAMES: Simmons, Hines,
Woodward, Woodard, Clements,

Briggs

in 3 Papers.

Williams

1833 Oct. Bill.

" Dec. O.P. - Spt. Spt. Williams

1834 Feb. Set for hearing on procs,

do

" July Cont.

" Oct. Leave to Spt Sp Williams to

amend bill -

" Nov. Leave to amend bill of

" Dec. Amend bill of

1836 Feb. Am Specimen Elements -

1837 - Apr. Cont.

" Oct. Cont.

1841 Apr Henry Jones & Nancy Rice

was

" Oct. Cont.

1842 Apr Cont.

" Oct. Cont.

1843 Apr Cont.

" Oct. Peff. Bonds

1845 May - Continued.

Briggs

Williams Jr

Williams' sons

Williams Jr

Papers

1844

May - Received in name of I y
Mason, wr. A. Briggs & Co.
New Court -

1845

May - Continued -

New Dispensing

To the Hon^d. Robert B. Taylor, Judge of the Circuit Superior Court
of Law and Chancery holden for the County of Southampton
Humbly Complaining sheweth to your Honor, your Orator
Alexander Briggs, that on the 17th day of Jan^y — in the
year 1825 — he as surety ~~for~~ ^{for E. W. Jones} one John Williams, executed
with him, a bond payable to Elley Butler — on the
25th Dec^r 1825, that suit was subsequently instituted on the
said bond, in the County Court of Southampton, Judgment was
— rendered, Execution was set out, & levied on your Orator's property, &
he compelled to give a forthcoming bond, which being for
— forfeited, and Execution awarded thereon, y^r. Orator was com-
— pelled to pay to the Sheriff of Southampton the sum
of _____ on the _____ day of _____ it being
the debt interest and Costs of suit — all which will more
fully appear by attested copies of the original bond, &
Judgments thereon and the delivery bond, and the receipt of
the Sheriff herewith exhibited as parts of this Bill —
That the said John Williams left this State some years since
— went, and now resides, in the State of North Carolina, beyond
the limits of this Commonwealth — that by the death of
his niece Caroline E. Williams, he has become entitled as
one of her heirs at law, to a distributive share of her
personal estate, now in the hands of Spratley Williams
her adm^r., and to a portion of a certain tract of land
situated in the County aforesaid, whereof she died
seized — That ordinary process of Law cannot be served
on the said John Williams, as he is a non-resident
and his interest in the property aforesaid, cannot be
subjected to the payment of your Orator's demand
but by the intervention of a Court of Equity, according
to the Act of the General Assembly in such case provided.

That the said Caroline E. Williams, died of tender years, an infant
 intestate, unmarried and without issue leaving, neither father, mother
 brother, nor sister, grandfather nor grandmother - that her nearest
 of kin were uncles and aunts, & the descendants of persons of that degree.
 that her paternal relations entitled to a moiety of her estate were
~~her uncles & aunts~~, to wit, the said John Williams, Spratly Williams
 her adm^r, Anne, wife of Thomas Semmons, Sarah wife of John
 Semmons, and Rebecca, Henry, ^{Benjaⁿ Sally} Reziaⁿ and Elizabeth, children of
 her aunt Elizabeth Annis dec^d. so that the said John is entitled to
 one fifth of one half of the said decedent's estate, & under consid-
 -ration of all which, and forasmuch as your Compt is remediable
 at Law, To the end that the said John Williams, and the said
 Spratly Williams adm^r of the said Caroline E. Williams may be
 made Defendants hereto and compelled to answer the allegations
 hereof, he prays the usual order of publication against the absent
 Defendants, and the writ of Sp^{ec} as to the other - that your ^{Honors} ~~Worships~~
 will direct a sale of so much of the said John's interest in the
 said estate as will be sufficient to pay his debt afores^d, with
 the interest & costs, and grant him general and special relief
 & as in duty bound, he will pray &c.

Mason. p. c.

Alon. Briggs.

Wenthampton County No. 10.

This day Alon. Briggs personally appeared before me
 a Justice of the peace for the County aforesaid, and made
 oath to the truth of the facts set forth in the foregoing bill of
 Complaint. Given under my hand and seal this 15th August
 1833.

J. C. Williams

Alon. Briggs
 a Justice of the Peace
 for the County of
 Wenthampton

Mason.

Aug. 23 1833

Briggs

m { amended bill.

Williams &

1835 Nov 18.

To The Hon^d. Richard H. Baker, Judge of the Circuit Sup^r.
Court L. of Southampton.

By leave of the Court, and
by way of amendment to his Bill heretofore filed
against John Williams and Spratley Williams Adm^{rs}.
d. Alexander Briggs respectfully states, that on the
Judgment ^{& Execⁿ} which issued on the bond which he and
the said John Williams executed as co-sureties for
E. W. Jones, a delivery bond was given and forfeited
and paid by your Orator —

He also states, that Caroline Williams died
of tender years, unmarried and without issue,
possessed of a tract of land derived by devise from her
grandfather, and of several negroes and other
personal estate, that adm^r on her estate was granted
to Spratley Williams — that her said grandfather Nicholas
Williams in his will a copy of which is exhibited
herewith, devised the lands mentioned to Nicholas L.
Williams, father of the said Caroline, which said Nicholas
Williams died in the lifetime of the said estate
leaving no other child than the said Caroline —
that she survived her grandfather aforesaid — that she
had, at the time of her death, no living brothers nor
sisters, father or mother, grand father or grand mother —
but her nearest relations living were brothers and sisters
of her dec^d. father, and the descendants of one in that degree,
and a sister and child of a dec^d. brother of her dec^d.
mother, both of the half blood — that is to say her

Paternal relations were,
the said John Williams, Spratley Williams, Anne Simmons
wife of Thomas Simmons, Sarah wife of John Simmons, &
Rebecca wife of Daniel W. Simmons, Henry Reeves, ^{Benjⁿ & Hines} Reziel

wife of Zebulon S. Simmons, Sarah wife of Samuel James, & Elizabeth
both wife of Jesse Woodward, children of Elizabeth Kiner late
Williams dec'd. which said John Williams, Spratley Williams,
Anne Simmons, Sarah Simmons, and Elizabeth Kiner were
the brother and sisters of the said Nicholas S. Williams dec'd.

That the Maternal Relations, were Nancy Reese widow
of Giles Reese dec'd. who was Nancy Clements, and Francis
G. and Ann infant children of Francis Clements dec'd.
which said Nancy, and Francis were the only sister and
brother of Elizabeth Williams, who was Elizabeth Clements
dec'd. widow of Nicholas S. Williams dec'd. and mother of the
said Caroline S. Williams dec'd.

That By an interlocutory order of Southampton County Court,
the said Spratley Williams as a Commr. was directed to sell
and did sell the said lands and negroes, and to divide the same with
any balance in his hands as admr. amongst the heirs
and distributees aforesaid, which will appear by reference
to a copy of the said ~~order~~ and proceedings in the County
Court herewith exhibited - That since the ~~said~~ said sale
under the decrees aforesaid, the said Anne Simmons
wife of Thomas Simmons has died, leaving four chil-
- dren and her said surviving, to wit, August J.,
William P. Martha J. and Ebtina Simmons all
infants - Your Compts pray that the said several
parties aforesaid may be made Defendants hereto
by proper process, and required to answer the
bill as amended, that your Honor will subject
the said John Williams, interest therein, to the
payment of his debt, interest and costs, and
grant general and special relief &c -

Mason for Compts.

Briggs

23rd and Infants

Williams &

1837 Jan 16th

To the Honorable Richard H Baker Judge of the Circuit Superior Court of
Law and Chancery for the County of Southampton, in Chancery sitting-

The joint and separate answer of Frances G Elements, Ann Elements, Augustus
J. Simmons, Vellroy P. Simmons, Martha J Simmons and Evelina Simmons
the infant defendants in this cause by Littleton R Edwards their guardian appoin-
ted to defend them in this suit, to the original and amended bills of Complaint of
Alexander Briggs against John Williams, these defendants and others, in this
Honorable Court exhibited.

These defendants now and at all times hereafter saving and reserving to them-
selves all benefit and advantage of exception, to the many errors, uncertainties and
misrepresentations in the Complainers said bill of Complaint contained, for
answer thereto, or to so much thereof as they are advised it is necessary for them
to make answer unto, answer and say - That they have no personal knowledge
of the facts and circumstances stated and charged in the Complainers said
bill of Complaint, and therefore so far as the same are intended to effect their
rights, these defendants deny the truth of the facts and circumstances and
require strict legal proof thereof. And these defendants being infants of
very tender years submit themselves to the judgment of this Honorable Court
and humbly pray that their rights and interest shall be saved and protected
to them - Without that, that &c.

LR Edwards

Southampton County Court:

This day Littleton R Edwards who hath
signed the foregoing answer personally appeared before the subscriber a Justice
of the Peace, in and for the County aforesaid and made oath, that the facts
contained in the foregoing Answer are ^{true} so far as he knows and believed
Given under my hand Seal this 14 day of January 1857

N. de. Pelree N. Seal

Prosser

vs

Wetmore -

order for an
account

there can be no decree because

1. there is still no proof to establish the fact of the securityship.
2. there is no evidence proving the insolvency of Jones, the principal obligor - see Tate 512 n.c.

Briggs

17

Williams —

This cause came on this day to be heard on the bill exhibits, and answers of all the defendants except John Williams against whom it appears that an order of publication has been duly executed and was argued by counsel for consideration whereof the Court doth adjudge order and decree that Spratly Williams widow of Caroline Williams, doth render before the commissary of this Court, on account of his connections upon the estate of the said Caroline, and the said commissary is directed to assist her, and settle the same, with a special statement of any matters deemed pertinent in which may be required by the parties to be so stated.

3 Apr 9

C of C.S.B

Briggs

Spain Chy-

Williams

To October Rules 1833-

Executed by delivering
a true copy Sept. 9 1833
Jepa Drawing out of
Carr Bowens 5/11

It will be the opinion, that the effect of the Defendant's action will
be to cause the hands of the other defendant to be restored
to the Defendant, conveying away, or destroying the title by them owned
to or the effects in the hands of the said other defendant's estate
the further order of the Court.

Done
At New York
the 9th of April 1833

THE COMMONWEALTH OF VIRGINIA:

To the Sheriff of Southampton County--Greeting:

We command you that you summon *John Williams and Spratley Williams admors*
of Caroline & Williams 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 said Court, on the first Monday in
October next to answer a bill in Chancery, exhibited against *them*
in the said Court, by *Alexander Briggs*

And unless the said Defendant *s* shall answer the said bill within four months thereafter, the
Court will take the same for confessed, and decree the matter thereof accordingly; and this
they shall in no wise omit under the penalty of 100l.

And have then there this writ: Witness, JAMES ROCHELLE, Clerk of our said Court, at
the Courthouse, this *23^d* day of *August* 1833, and in the
58th year of the Commonwealth.

James Rochelle Clk

Executed in John Simmons large Decree W. Simmons
Wife, John & Simmons large Sumner James and wife
Augustus & Victory D. Martha J. and Eveline Simmons
on the 1st day of January 1836 by delivering to each a
true copy

William Schellberg
Benjamin Duray self

Briggs

" 3 Apr. m. Lehy

Williams &

1836 January Rules-

Executed by delivering a
true copy to Sprague

Williams & wife Woodard
and wife December 26th

and to Nancy Kase
Dec. 26, and to Francis
G. Clements Dec. 29/36
Ann Clements self joint

Self Drawing self
Benj. Duray self

656

Every thing Benjamin & wife and other with
and no substitutes

Wm. Schellberg self
Benj. Duray self

The Commonwealth of Virginia:

To the SHERIFF of *Southampton* County.—GREETING:

You are hereby commanded to summon *John Williams* *vs* *Caroline Williams* *deceased* and in his own right, *John Simmons* *vs* *Sarah his wife* *Benjamin Ames* *vs* *Rebecca his wife* *Henry Hines* *vs* *Rebecca L. Simmons* and *Rebecca his wife* *Samuel James* and *Sarah his wife* *Jesse Woodard* and *Elizabeth his wife* *Henry Reese* *vs* *Frances G. & Ann* infant children of *Frances Clements* *deceased* *Augustus J. Villeroy* *vs* *Martha J. & Evelyn Simmons* infant children of *Anne Simmons* *deceased* late wife of *Thomas Simmons* *deceased*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, on the first Monday of *January* next, that being rule

day, to answer a *remanded & original* Bill exhibited against *them* —
in the said Court by *Alexander Briggs* —

And unless the said defendants shall answer the said bill, within four months thereafter, the Court will take the same for confessed, and decree the matter thereof accordingly.

And this *they* shall in no wise omit, under the penalty of 100%. And have then there this writ.

Witness—*John R. Edwards*
JAMES ROCKWELL, Clerk of our said Court at the Court House, the *7th*
day of *December* 183*5*, and in the *60th* year of the Commonwealth.

J. R. Edwards (cl)

c 6.56

Briggs

in paper in box

William: Gads

1835 March Rules-

Executed by deliver-
ing a true copy
March 3/1836

Wm. Drury affd
Wm. Drury sff

The Commonwealth of Virginia :

To the SHERIFF of

Southampton

County.—GREETING:

You are hereby commanded to summon

Ann Clements infant child of
Francis Clements &c.

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the
County of Southampton, on the first Monday of *March* next, that being rule
day, to answer an *amended* ~~original~~ Bill exhibited against *herself & others*
in the said Court by *Alexander Briggs*

And unless the said defendants shall answer the said bill, within four months thereafter, the
Court will take the same for confessed, and decree the matter thereof accordingly.

And this *She* shall in no wise omit, under the penalty of 100%. And have
then there this writ.

Witness—*Littleton R Edwards*
~~JAMES ROCHELLE~~, Clerk of our said Court at the Court House, the *12*
day of *February* 183*6*, and in the *66* year of the Commonwealth.

L. R. Edwards

[One copy to be delivered to each defendant.]

Bragg

~ {Proof of pub:

Williams &

VIRGINIA:

At Rules held in the Clerk's Office of the Circuit Superior Court of Law and Chancery for the County of Southampton, on Monday, Dec. 3, 1833:

Alexander Briggs,

Pliff.

AGAINST,

John Williams and Spratley Williams, Adm'r. of Caroline E. Williams, dec'd,

Defts.

IN CHANCERY.

The defendant John Williams, not having entered his appearance and given security according to the Act of Assembly and the rules of this Court, and it appearing by satisfactory evidence that he is not an inhabitant of this country: It is ordered, That the said defendant do appear before the Judge of our said Court 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.

A Copy—Teste,

Dec. 12—2m

L. R. EDWARDS, D. C.

Town of Petersburg, Va wit

This day T. L. Wilson, of the Petersburg Intelligencer appeared before me and made oath that the annexed order of Southampton Circuit Superior Court of Law and Chancery in the case of Briggs vs Williams &c. was published in said newspaper for two months successively. Given under my hand this 4th day of July, 1834

Charles F. Stone
S. C. Wm

[Printer's fee \$5.50]

^{copy}
Nicholas Williams
Will
A Copy

Briggs

Ex: am? bld

Williams &

(1800)

I Nicholas Williams of Southampton County do make and ordain this
my last Will and Testament in manner and form following (Yez)
In presence, I give and bequeath to my son Nicholas Lewis Williams at and
after my death all the tract or parcel of land whereon I now live, containing
two hundred and twenty six acres, be the same more or less. I give the said land
to him and his heirs forever. And lastly. It is will and desire that my son
Nicholas shall keep my daughter Sally Williams with him untill her death
or marriage - In Witness whereof I have hereunto set my hand and seal
This 11th day of November, in the year of our Lord 1824 One thousand Eight
hundred and twenty -

Signed sealed & delivered

In presence of
John Williams
Edwin Council
Chas A. Holtz -

Nicholas Williams Seal

At a Court held for the County of Southampton on the 20th December 1824.

This Will was presented in Court, proved by the oath of John Williams one of
the Witnesses thereto, and ~~admitted to be valid~~. On the motion of Spalding Williams
for letters of admission with the Will annexed (The Will having no representation ~~where~~) the
Court granted him for obtaining probat, thereof in due form, on his giving bond
and security; whereupon the said Spalding Williams together with Peter Simmons,
Barnes and John Simmons his securities entered into and acknowledged their
bond in the penalty of Ten thousand dollars, conditioned as the Law directs. And
at a Court held for the County of Southampton the 15th day of Decr 1825 The said Will was proved by the oath of
Edwin Council also a Witness thereto & ordered to be recorded -

Teste James Rockwell Ck

Attest

Teste L R Edwards Ck

copy

Briggs

as { Ex. w^t. Bill

Williams &^o

On demand the twenty fifth of December next we E.W. Jones, John Williams and Ellick Briggs do promise to pay or cause to be paid unto Elly Butts her heirs Executors administrators or assigns the full and Just sum of fifty five dollars Virginia currency for the buyer of negro man Peter For the true payment whereof we bind ourselves our heirs and assigns in the special sum of One hundred and ten dollars like money. Witness our hands and seals this seventeenth day of January one thousand eight hundred and twenty five -

E.W. Jones (Seal)

John Williams (Seal)

Alexander + Briggs (Seal)
his mark

Witness
Jasper Drury.

Endorsement) I assign the within Bond to George Blom Elly Butts.

The original is on file in the Clerk's office of the Circuit Superior Court of Law & Chancery for Southampton County, in a Suit lately depending in the former Superior Court of Law of said County between Elly Butts for George Blom plaintiff and Edward W. Jones & others defendants -

Teste James Rochelle Ck. S. Ct.

Copy

Briggs

to { Ext. w. Bill.

Williams & Co

Southampton May Superior Court 1826.
Elley Butts who sues for George Blow.

Plff } In Debt

against
Edward W Jones, John Williams and Alexander Briggs Dfts

The defendants not appearing on the motion of the plaintiff by her Attorney it is considered by the Court that the plaintiff recover against the defendants and Cooper Williams their appearance bail the sum of One hundred and ten dollars the debt in the declaration mentioned and her costs by her about her suit in this behalf expended. And the said defendants in mercy &c.
But this judgment is to be discharged by the payment of fifty five dollars with legal interest thereon from the 25th day of December 1825 till paid & the costs.

Plaintiffs Costs \$ 8.88 Cents. Attest Jests James Rochelle Clk

Southampton Superior Court October Term 1826.
Ella Butts for the benefit of George Blow.

Plff } Upon a bond for the
forthcoming of property
taken upon the service
Dfts of a writ of Fieri Facias

against
Edward W Jones, Alexander Briggs, Cooper Williams and
Gobulow L. Simmons.

Sued out of this Court by the plaintiff against the Defendants
Edward W Jones, John Williams, Alexander Briggs and
Cooper Williams Security for their appearance.

This day came the plaintiff by her Attorney and it appearing to the Court that the defendants have had legal notice of this motion they were solemnly called but cannot. Therefore it is considered by the Court that the plaintiff may have Execution against the defendants for the sum of One hundred and thirty nine dollars and twenty eight cents the penalty of the said bond and her costs by her in this behalf expended. And the said defendants in Mercy &c.

But this judgment is to be discharged by the payment of Sixty nine dollars and sixty four cents with interest thereon to be computed after the rate of Six per centum per Annum from the seventeenth day of July 1826 till paid and the costs.

Plaintiffs Costs \$ 6.54 -

Attest Jests James Rochelle Clk

Briggs

" { Ext. with amended bill

Williams as Lt

To the Worshipful the County Court of Southampton sitting in Chancery -
Humbly complaining shew unto your worships your supplicants, Nancy Rees, widow
who was Nancy Clements, Francis & Ann Clements infant children and heirs of
Francis Clements de^d by Thomas Turner their next friend, John Williams, Thomas
Simmons and Ann his wife late Anne Williams, John Simmons and Sarah his wife late
Williams, Daniel W Simmons and Rebecca his wife Henry Hines, Zebulon S Simmons
and Keziah his wife, Samuel James & Sarah his wife and Jesse Woodard & Elizabeth his
wife, which said Rebecca Henry, Keziah & Elizabeth are the children and heirs of Eliza-
beth Hines de^d who was Elizabeth Williams - that Caroline E Williams hath recently
deceased this life in the County aforesaid under the age of 21 years, intestate, unmarried
and without issue, seized and possessed of a tract of land derived by from
her grandfather situate in the County aforesaid, of several negroes and other personal
estate - that Admor. on her estate hath been granted by this Court to one Spratley
Williams that the said dead, both mother neither nor father living, brother nor
sister nor descendants of them, grandfather nor grandmother, but that her nearest
relations living at her death, were brothers and sisters of her father and the descendants
of one on that degree and a sister and children of a deceased brother of her de^d.
mother - that is to say - her paternal relations, were the said John Williams, Spratley
Williams, Anne Simmons, Sarah Simmons, Rebecca Simmons, Henry Hines, Keziah
Simmons, Sarah James, and Elizabeth Woodard, the five last being the children
of Elizabeth Hines de^d which said John, Spratley, Anne, Sarah & Elizabeth were
brothers and sisters of Nicholas S Williams de^d father of the said Caroline -
Her maternal relations were Nancy Rees, widow of Giles Rees de^d who was
Nancy Clements and Francis & Ann infant children of Francis Clements
de^d which said Nancy and Francis were the sister and brother of Elizabeth
Williams - who was Elizabeth Clements de^d mother of the said Caroline E Williams
That the respective shares of those entitled to the land will not be £300 each
and a division in kind of the negro slaves is impracticable so that a sale of the
land and negroes is indispensable to a division amongst the heirs But this divi-
sion cannot be had without the interposition of this Court sitting in Chancery -
In tender consideration wherof, and for as much as your supplicants are
remediless at Law and duly relievable in this Court - To the end that the said Sprat-
ley Williams as one of the heirs, and as Admor. of the said Caroline E Williams may
be made Defendant thereto, and compelled to answer the allegations thereof, they
pray the Court make writ of Sp^{ec} directed &c commanding &c that your Wor-
ships will decree a sale of the said land and slaves and a division of the proceeds
amongst those respectively to whom the same belong, and grant them general
and special relief including the balance which may remain in the hands of the
said Admor. on settlement of his account. And as in duty bound they will pray &c
Mason for supplicants.

The answer of Spratley Williams in his own right and as Attorney of Caroline Elizabeth Williams de^d to the foregoing bill of Complaint. - This respondent saving & for answer to the said bill says, that he admits its allegations, does not believe that it will be necessary to retain the slaves for purposes of action: that he has no objection to the decree prayed for and having answered he prays &c.

J. Williams att^r.

Southampton County Term Court 1833-

Nancy Reese widow, who was Nancy Clements, Francis & Ann Clements infant children and heirs of Francis Clements de^d by Thomas Turner their next friend, John Williams, Thomas Simmons & Anne his wife, late Williams John Simmons and Sarah his wife late Williams, Daniel W. Simmons & Rebecca his wife, Henry Bones, Zebulon & Simmons & Rebecca his wife, Samuel James & Sarah his wife and Eliza Woodard & Elizabeth his wife, which said Rebecca, Henry, Rebecca & Elizabeth are the children and heirs of Elizabeth Bones de^d who was Elizabeth Williams-

against

Spratley Williams in his own right & as attorney of Caroline E. Williams de^d

This cause was this day docketed by consent of parties, with the assent of the Court and came on to be heard on the bill, answer, and argument of Counsel. On consideration whereof the Court doth adjudge order and decree that the defendant Spratley Williams, as Commissioner after advertising the time & place of sale at Southampton Court house for thirty days, sell the lands and negro slaves of which Caroline E. Williams de^d possessed, on a credit of twelve months, and that he take of the purchasers bonds with approved security in such sums as to allot one fourth of the whole, to the plaintiff Nancy Reese, and one fourth to the Guardian of the infant plaintiffs Francis & Ann Clements, one fifth of one half to John Williams, retain the same proportion for himself in his own right, the same proportion to Thomas Simmons and wife in right of his wife, the same proportion to John Simmons & wife in right of his wife, and allot the same proportion in shares of one fifth each to Henry Bones, Benjamin Bones, to the plaintiff James Hulse in right of his wife, D. W. Simmons & wife in right of his wife, Zebulon & Simmons & wife in right of his wife. And how he shall have executed this decree make report to this Court in order to a final decree.

Attest

J. R. Edwards cllk

Breggs & Williams & Co
Dunrobin & Williams.
Note.

Leave to run on but make new
parties -

Briggs v Williams -

This case is not prepared for a decree, for

1. The plaintiff's claim is not sustained by proof: proof to some extent is necessary altho the case comes on upon an order: but the exhibits filed rather disprove than establish the fact of security.
2. If the claim were proved there could be ^{final decree as to the personal} no decree, until ^{the amt. of that fund} ~~the amount of that fund~~ shall be ascertained, and that cannot be ascertained in this case without having the distribution of Catherine Williams before the court:
3. No decree can be rendered for the sale of the land, without first having the amt. of the personal fund ascertained and reported to court under an order made for that purpose.

The cause may remain for further proof & leave may be given to counsel to make next meeting & I would suggest the propriety of making the distributors and heirs of C. Williams defendants.

Demogre

v
Williams

The second & third reasons apply also to this case, which therefore must be disposed of in like manner.

R. H. Baker

R. H. Baker.