

1880-04

Southampton County Chancery - Fox, Thomas J. and Dolly vs Prince, Joseph H. (adm.)

force settlement of administration

Briggs, John E.

in
trust { " , Nannie E.
" , Unsula

Edwards, L. R.
G. A. L.

21

No 19

For wife

5 } Stat: Rules

Briggs' Adm'r &c

1880 May. Removed from
the Docket

Fox strike

vs 3 Bill and
Exhibits

Briggs Adams & Co

1871 April Rales

Co. Ct.

To the Hon: Joseph W. Venghubast, Judge of the
County Court of Southampton County. In Chancery.

Humbly Complaining sheweth unto your
Honor, your complainants Thomas J. Fox
& Dolly A. his wife, that during the year
1864, John E. Briggs departed this life
intestate, and Nathan N. Thomas qualified
as his Adminr at the December Term 1864
of the County Court of Southampton County.
That the following parties were his heirs
at Law & distributees viz, Dolly A. Briggs,
who has since intermarried with Thomas
J. Fox, Nannie E. & Ursula Briggs, both
infants. That before the said N. N. Thomas
finished his administration of the said
estate, he departed this life, and at the
March Term 1869 of the County Court of
said County, Joseph H. Prince qualified
as Adminr de bonis non of the said John
E. Briggs. That the said John E. Briggs
was seized and possessed of a very
large & considerable real and personal
estate; that there must necessarily have
come into the hands of the said Joseph
H. Prince a large quantity of funds,
which ought to be distributed among
the parties entitled thereto. That the said Prince
has never returned, as yet, any account
of his transactions as Adminr of the said
Briggs. That your complainants are advised
that they are entitled to one third of the personal

estate, after the payment of all just debts.
In tender consideration of all which, and
inasmuch as your complainants are
without remedy in the premises, save
in a Court of Equity, where matters of
this kind are peculiarly cognizable,
they pray, that Joseph H. Prince, Adm^r
de bonis non of John E. Briggs, Nanvie
E. & Ursula Briggs, be made parties defend
ants to this bill, and compelled to answer
the allegations thereof, that some fit &
proper person be assigned guardian
ad litem for the infant defendants,
to defend their interests in this suit.
That all accounts proper & necessary
may be ordered & that your Honor
will grant such other, further,
and general relief as Equity may dictate
and the nature of the case may
require. And as in duty bound, your
complainants will ever pray &c.
May it please the Court &c.

Prince p.p.

The Answer of Nanvie E. & Ursula Briggs, both
infants, to a bill of Complaint exhibited
against them & their mother by Thomas J. Fox
& Dolly A. his wife. In the County Court
of Southampton County - S.R. Edwards, their
Adm^r ad litem.

These respondents, saving and reserving
all just ground of exceptions to said bill,
for answer thereto, or unto so much
thereof as they are advised it is material
to answer, answering say: That they are
infants and know nothing of the facts
stated in said bill, and being infants,
they submit their rights in this suit to the
protection of this Honorable Court. And
having answered, they pray hence to
be dismissed, with their costs &c.

S.R. Edwards

Adm^r ad litem

Prince p.p.

March 27th 1871. I acknowledge
legal service of the within notice
summons
J. H. Pinner

Tox Will
to Bond City.

Harvey and W

1871 April Rules

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you to summon *Joseph H Prince adms: de bonis nor of Jno E. Briggs dec. Annie E. & Ursula Briggs infants*

if *they* be found within your bailiwick, to appear at the Clerk's Office of our *County* Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in *April next to answer a bill in Chancery exhibited against them in our said Court by Thomas J Fox & Dolly A his wife*

And have then-there this writ. Witness, OSWIN WHITE, Clerk of our said Court, at the Courthouse, this *9* day of *March* A. D., 1871, in the *95* year of the Commonwealth.

O. White Clk

Hoxswife
vs $\frac{3}{4}$ Deere
Briggs & Davis

May Term 1880

To be ruled

W. H. H. H.

Foxswipe

vs 3 Decree.

Br Jp Adm.

Nothing further appearing
necessary to be done in this cause,
it is ordered to be removed from
the docket.

For and Wife
20. 21
Brigg's and 21
Z. J. J. J.

Dorchester County Court, June Term 1871.

Thomas J. Fox and wife

Plffs.

against

Joseph H. Briggs admr. de bono rem of John E.
Briggs, Nancy E. and Uranus Briggs, Infants

Defds.

In Manery

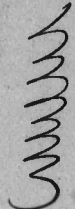
This day this Cause came on to be heard on the Plaintiffs
Bill, which has been taken for confessed as to the Defendants Joseph
Briggs, the account of the Infant Defendants Nancy E. and Uranus
Briggs by S. R. Edwards, who is hereby appointed their
Guardian ad litem, Exhibits filed and was argued by Counsel;
In consideration whereof, the Court doth adjudge, Order and
decree, that Joseph H. Briggs, do render an Account of
his administration of the Estate of his intestate John E.
Briggs, before two of the Commissioners of this Court,
who is directed to examine the same, and settle the same, and
report the same to Court, with any matters specially
stated, deemed pertinent by himself, or which may be
required by any of the parties to be so stated.

A Copy

Sub.

James Sykes, C. C.

Fox & wife

vs  Commiser's
notice.

Briggs' Adm'r &c

Executed,

W. W. Briggs.

Shiff.

— " —

COMMISSIONER'S OFFICE,

Jerusalem May 1st 1872.

TO Thomas J. Fox & Dolly A. his wife, Pltffs-

vs
Joseph H. Prince, Adm^r de bonis non of
Jno: E. Briggs dec'd, Namur E. & Ursula
Briggs- Defots.

You are hereby notified that I have fixed upon the 25th day of May next, if fair,
if not, on the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts,
to wit: " That Joseph H. Prince do render

an account of his administration
of the estate of his intestate Jno: E.
Briggs, before one of the Commissioners
of this Court, who is directed to examine
state & settle the same & report the same
to Court, with any matters specially
stated, deemed pertinent by himself &c.

County
required to be taken by a decree of Southampton ~~Circuit~~ Court, rendered on the _____ day
of June Year 1871, in a suit in Chancery, depending in said Court, in which you are parties,
plaintiffs and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year first aforesaid.

To the Sheriff of Southampton County to execute.

J. R. Tyler.

Commissioner.

Fox and wife

vs Commis Report.

Briggs' Adm'r &c.

1872 June 5th

• The Estate of Jas: E. Briggs decd.

1870. In acct. with Jos: H. Pruice, Adm^r de bonis non.
Int: Dr.

Mich 28	By Cash of J. H. Barham, (bond & int)		516 49	
Apr 30	To paid tax acct.			61 35
" "	" " Clerk's & Shiff tickets			62 90
" "	" " Charge of Administration			3 00
Decr 25	" " W. A. Jones Assignee of J. Y. Connally. acct & int.			175 06
" "	" Adm ^r Commis ⁿ on \$516.49			25 82
" 31	To Balance			188 36
1871-			516 49	516 49
Jan 1.	By balance for last year.		188 36	188
" 16	" Cash from Dr. Thomas, in full of bond by compromise.		261 09	
Mich 13	To paid tax acct.			81 80
Nov 6	By Cash of J. W. Cland, bond & int.		365 28	
Dec 31	To Int: on last year balance	11 30		
" "	" " " \$179.29. for 6 mos.	5 37		
" "	" Adm ^r Commis ⁿ on \$626.37			31 32
" "	" Balance			701 67
1872		16 67	814 73	814 73
Jan 1.	By balance for last year	16 67	701 61	
Mich 4	" Cash of J. H. Barham this in full of bond & Int: by compromise		180 55	
Apr 2	" Cash of J. V. Cland - bond & int.		70 68	
May 25	To paid J. H. Pruice, atty.			88 00
" "	" Commis ⁿ fee for this acct.			10 00
June 1	" Int on last year balance	17 54		
" "	" Adm ^r Commis ⁿ on \$251.23			12 66
" "	" Balance			847 28
		34 21	952 84	952 84
" "	By balance due Est.		\$847 28	
" "	Int: brought in		34 21	
" "	Total balance due Est. with interest on \$847.28 - principal from this day.		\$881 49	

Respy. Submitted

James R. Tyler
Commissioner.

Commissioner's Office
Jerusalem. May 25. 1872.

To the County Court of Southampton County
Pursuant to a decree of the County Court
of Southampton County rendered at the
June Term 1871, in a suit in chancery,
depending in the said Court between Thomas J. Fox
and wife, and Joseph H. Ruess, Adm'r de bonis non
of J. E. Briggs & Nannie E. & Ursula Briggs, the
undersigned, one of the Commissioners of this Court
to whom was referred for settlement, by said decree
the account of Joseph H. Ruess' administration
of the Estate of J. E. Briggs dec'd, reports to the Court,
that on the 1st day of May 1872, he issued notices
against the several parties aforesaid, requiring
them to attend the settlement of the said
account before him, at his said office on the
25th day of May 1872, which were returned to
your Commissioner duly executed. That the parties
aforesaid appeared before the Commissioner, in obedience
to the said notices, and he thereupon examined the
vouchers, stated and settled the foregoing account
of the said Jos. H. Ruess' administration of the Estate
of the said J. E. Briggs dec'd up to the 1st day of June
1872, and on that day finds a balance due the
said Estate from the Adm'r aforesaid of \$88.49 of
which \$34.21 is interest. The Commissioner is required
by the said Jos. H. Ruess to report specially to the

Court that he has not brought into his administra-
tion account, any balance reported by N. N.
Thomas, the former Adm'r; because, whilst
he finds no receipt from the widow of J. E. Briggs
for her proportion of balance due by N. N.
Thomas, yet there is endorsed on her bond
made at the sale of J. E. Briggs' chattel estate,
a credit of \$1220.73, precisely one third of
the balance due by N. N. Thomas. The other two
thirds of said balance will be accounted
for in the Guardian accounts; and of the
two thirds the sum of \$1950 was invested by
the former Adm'r, under an order of Court,
in Va. State Bonds, which have been funded
by the present Adm'r. The Commissioner further
reports to Court, that after the completion of the
said account, he returned the same with the
decree & notice aforesaid to the Clerk's office.
Given under my hand, as Commissioner aforesaid,
the day and year first aforesaid.

Commissioner's fee \$10.00
Retained by Adm'r 3.

James R. Tyler
Commisr.

• Foxdew
in 3 Reams.
Briggs' Adm't.

June Term 1872.

To be entered.
J. W. M. Judge

For swipe

or $\frac{1}{3}$ Decree.

Briggs' Adm'r &c

This day this cause came on to be ~~presented~~ heard on the papers formerly read and the report of Commissioner Tyler, made in pursuance of an order entered at the June Term 1871, to which no exceptions have been filed, and was argued by Counsel, on consideration whereof, the Court doth confirm and ratify the said report, and it being suggested to the Court, that Joseph H. Prince who is the Adm'r de bonis non of Jno. R. Briggs dead is Guardian for the infants Nannie E. and Ursula Briggs, the Court doth advise order and decree that a Commissioner take the following accounts, viz - an account distributing the balance reported by Commissioner Tyler, among the parties entitled; an account of the said J. H. Prince's transactions as Guardian of Nannie E. & Ursula Briggs, and an account of the said Prince's further transactions as Adm'r de bonis non of the said J. R. Briggs dead; all of which reports the Commissioner will state & settle & report to Court, together with any other matters specially stated demanded pertinent by himself or which may be required to be so stated by any of the parties interested.

4
Fox wife

as ³ Deane
Briggs Adams &c

June Term 1871.

To be entered.
J.W. Wyzehart Judge

404 swipe

vs $\frac{2}{3}$ decree
Briggs' Adm'r &c

This day this cause came on to be heard on the Plaintiff's bill, which has been taken for confessed as to the defendant J. H. Prince, the answer of the infant defendants, Nannie E. & Ursula Briggs, by L. R. Edwards, who is hereby assigned their guardian ad litem, Exhibits filed, and was argued by counsel. On consideration whereof the Court doth advise, order & decree that Joseph H. Prince do render an account of his administration of the estate of his intestate Jno: E. Briggs before one of the Commissioners of this Court, who is directed to examine, state & settle the same & report the same to Court, with any matters specially stated, deemed pertinent by himself, or which may be required by any of the parties to be so stated.

Foxswife
in 3 Deere.
Briggs Adm. J. S.

May Term 1876
To be entered.
Geo. Brown.

4
Foy's wife

vs $\frac{3}{3}$ Deane.

Briggs' Adm'r &c.

This day this cause came on to be further heard on the paper formerly read, and was argued by counsel. But it being suggested to the Court, that Nannie E. Briggs has, since the last decree in this cause intermarried with John E. Deane, the Court doth order that hereafter this cause be proceeded with in the name of J. Deane & wife.

In Southampton County Court

Thomas J Fox & Dolly & his wife
against

Joseph M Prince admo: debentum of John E Briggs Annie E & Ursula
Briggs infants

1871 March 9th Summons if^d

" April 10 Sum. Ret. Ex² Bill filed. J. R. Edwards assigned for ad. litem
to infant Dfts. Ans. of infants & Rep. D. Nisi & Dft Prince adr.

" May 10 Bill taken confessed as to Dft Prince

" June 10 Cause set for hearing &^d

" " 6 Decree for ad. &^d

1872 June 5 Rept. 112

" " 17 Decree & for ad. 5

1876 May. Suit served in name of John E Prince & Annie E her wife

~~25~~ 26

Fox ylls

~ { Stat. Rules

Briggs' adv. &

Received by Clerk C. in Court
Aug. 23rd 1873.