

1886-01

Southampton County Chancery -

Briggs, Sarah E. et al vs Briggs, Benjamin F. et al

Sale of land to support children

Briggs, Bina } in
" , Effie } tents

Briggs, W. S.

Simmons, A. M.

" , Ann

Williams, Adolphus

" , Rebecca

Herbert, Eugenie

in } Briggs, Bina
tent } , Ettie

Prince, J. B.
G. A. L.

To Hon. Geo. Blow, Judge of Circuit Court for
Sonthampton County.

In Chancery.

Humbly complaining sheweth unto Your Honor
your Complainant Sarah E. Briggs, guardian
of Bina B., and Effie S. Briggs, that B. S.
Briggs, the late husband of your Com-
plainant, was in his life-time and
during the time he was married to your Com-
plainant, seized in fee-simple of a certain
tract or parcel of land lying in said
County, known as "Mill-Brook", containing
1115 $\frac{1}{2}$ acres, more or less, and adjoining
the lands of N. Y. English, Jno. S. Cotton
& others - and being so seized the said
B. S. Briggs departed this life in or about the
year 1869, leaving your complainant his issue,
and Eugenia Herbert, formerly Briggs, the wife
of M. Herbert, W. S. Briggs, Ann Simmons,
formerly Briggs, the wife of A. M. Simmons,
B. F. Briggs, Rebecca Williams, formerly Briggs,
the wife of Alpheus Williams, his children
by a former marriage, and Bina B. Briggs and
Effie S. Briggs, minors, his children by his
marriage with your complainant, his heirs at
law, him surviving; that shortly after death of the
said B. S. Briggs, your complainant was allotted her
Dower from the said tract or parcel of land, the
said Dower containing 200 acres, more or less,

and bounded as follows: - Beginning at Deep Branch bridge, thence South down county road, thence to mill run, thence down mill stream at high water mark to said Deep Branch bridge.

That your Complainant, finding the said tract or parcel of land assigned her as dower, unpleasant & undesirable as a home, has sold all her right, interest & title in and to the same to one Benj^e F. Briggs; that all the adult children of said B. F. Briggs, deceased, have, also, sold their reversionary interest in the said Dower to said Benj^e F. Briggs in the sum of \$72.⁵⁰ per share; and that your Complainant has also conditionally sold to the said Benj^e F. Briggs, the reversionary interest of her two children & wards, the said Bina B. & Effie S. Briggs, in the said Dower, in the said sum of \$72.⁵⁰ per share, provided your Honor will confirm the sale. That in the opinion of your Complainant the sale is a good one, and especially to the interest of your Complainant's two minor children, the said Bina B. & Effie S. Briggs; that the said minors, while of tender years, have no personal estate whatever, and are in great need and want of funds with which to support to educate themselves; that in the event of the death of the said minors, their half-brothers & half-sisters,

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Eugenia Herbert, the wife of M. Herbert,
W. S. Briggs, Ann Simmons, the wife of
A. M. Simmons, B. F. Briggs and Rebecca
Williams, the wife of Alpheus Williams,
womed inherit their Real Estate -

In consideration whereof, your complainant
prays that B. F. Briggs, ^{M. Herbert and} Eugenia Herbert, his
wife, W. S. Briggs, ~~Ann~~ M. Simmons & Ann
Simmons, his wife, Alpheus Williams
& Rebecca Williams, his wife, and Bina
B. & Effie S. Briggs, be made parties de-
fendant to this bill & compelled to answer
its allegations; that some fit & proper
be assigned guardian ad litem to pro-
tect the interests of the infant de-
fendants, and that if your Honor shall
be satisfied from the evidence in this
cause that the sale is a good one, and to
the interests of the parties concerned, an
order may be given confirming the said
sale & appointing a Commissioner to receive
the purchase-money and execute a deed
for the said land - And that all such other
further relief may be given as in
the premises is just right -

And your complainant will con. pray.

W. J. Sebrall, p. q.

The joint verbal answer of Bina B. & Effie S. Briggs,

the infant defendants ~~vs~~ D.B. Pierce, then
G'dn. ad litem to a bill in Chancery exhibited
in the Circuit Court of Southampton, by
Sarah E. Briggs, G'dn. &c. or: them or others -

These respondents having answered &
for answer to said bill say that they are
infants & being such know nothing of the
facts alleged in said bill & having answered
pray hence to be dismissed &c -

D.B. Pierce,
G'dn. ad litem.

by Sarah E. Briggs
Sworn to, before me, B. F. McLemore a
Commissioner in Chancery for the Circuit Court of
Southampton County.

B. F. McLemore Comm.

Briggs, G'dn. &c.
or: D.B. Pierce &c.
Briggs &c.

1884 Oct. Ruled.

W. J. Schree, p. 2.

The answer of Beina B. Briggs, an infant defendant over the age of 14 years to a bill in Equity exhibited against her & others in the Circuit Court of Southampton County by Sarah E. Briggs, &c. &c.

For answer to said bill the said Beina B. Briggs says that though under full age, she believes she knows what are her interests in the matter referred to in the bill; she believes the statements in said bill are true & that it will be greatly to her advantage to see the land as therein prayed for.

(sign here) Beina B. Briggs,
State of Va.,

County of Hanover, to-wit,

I, Benjamin Riddick, a J. P. in & for said County do hereby certify that Beina B. Briggs has appeared before me in said County & made oath that the statements in the foregoing answer she believes to be true.

Given under my hand this 30th Apr. 1885

Benjn Riddick, J. P.

The answer of Effie S. Briggs, an
infant defendant over the age of
14 years to a bill in equity ex-
hibited against her and others in
the Circuit Court of Southampton, by
Sarah E. Briggs, li du re.

In answer to said bill the said
Effie S. Briggs says that though
under full age, she believes she
knows what are her interests in the
matters referred to in said bill,
she believes the statements therein are
true & that it will be to her advantage
to see the land as therein prayed
for.

(signed) Effie S. Briggs.
State of Va.

County of. Isle of Wight, to-wit,
I, M. L. Watkins, a J. P. in
& for said county do hereby certify that
Effie S. Briggs has appeared before
me in my said County & made oath
that the statements in foregoing answer
she believes to be true.

Given under my hand this 29th Apr. 1888.
M. L. Watkins J. P.

Bright Le
or.
Bright {

Answer of infant
debtor over 14
m. of age.

The answer of Effie S. Briggs, an infant defendant over the age of 14 years to a bill in equity exhibited against her and others in the Circuit Court of Southampton, by Sarah E. Briggs, li'dn re.

For answer to said bill the said Effie S. Briggs says that though under full age, she believes she knows what are her interests in the matters referred to in said bill, she believes the statements therein are true & that it will be to her advantage to see the land as therein prayed for.

(Signed) Effie S. Briggs.
State of Va.

County of. Stafford, to-wit,
I, M. L. Watkins, a J.P. in & for said County do hereby certify that Effie S. Briggs has appeared before me in my said County & made oath that the statements in foregoing answer she believes to be true.

Given under my hand this 29th Apr. 1888.

M. L. Watkins J.P.

Briggs, John -
or. { In Chancery.
Briggs

Answer of
M. Herbert & others.

M. Herbert
- Eugenia Herbert -
A. W. Simmons -
Ann Simmons -
- J. Briggs -
Alpheus Williams -
Rebecca Williams -
B. F. Briggs -

affidavit waived,
W. J. Seabree
p. q.

The joint & separate answer of M. Herbert,
Eugenia Herbert, A. M. Simmons,
Ann Simmons, Alphens Williams,
Rebecca Williams, and W. S.
Briggs ^{& Sup. F. Briggs -} to an amended bill in Equity
exhibited against them by Sarah E.
Briggs, Exr. &c., in the Circuit Court
of Southampton County.

These respondents saving and
reserving &c. for answer to said
amended Bill say that they believe
the statements therein contained
are true. These respondents do not
object to the sale of the land as
prayed for in said amended bill.

And now having answered they
pray hence to be dismissed &c.
(Signed over on other side.)

102
Breggs Gen

in G. Stet: Rules

Breggs Jr.

In Southampton Circuit Court.

Sarah E. Briggs - Gen of Beina B
and Effie A. Briggs - Pleb.

against

Benj F. Briggs. W. S. Briggs. A. M.
Minors & Ann his wife, Alpheus

Williams Rebecca his wife, m

Herbert & Eugenia his wife &

Benia B + Effie S. Briggs, last two

Mucos -

Depth

Lu
Chaucery.

1884, Sept: 29. Seven-mans issed to Oct: Rules.

Oct Rules.

.. ret'd Ex^{ctd}. Bee filed. I.B. Prince
assigned Gov as letter to infant acct.

Accession of infants filed. Genl. Replication. Deceit nisi vs adult crefts.

"Inv : :

Case set for hearing as to cell.

Briggs' bidn
or. & summons.
Briggs v. other

Sept. 25th 1884

I acknowledge service
of the within summons.

May Herbert

S

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

M. Herbert

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court
on the first Monday in *October* next, to answer a bill in Chancery exhibited against *him & others*
in our said Court by *Sarah E. Briggs, Guardian of Benia B.*

& Effie S. Briggs

And this *he* shall in no wise omit; and have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, this *20th* day of *September*, 188*4*,
in the *109th* year of the Commonwealth.

Teste.

J. B. Prince C. C.

Briggs' L^dn

or. $\frac{1}{2}$ summons.

Briggs rocks

Sept. 25th 1884

I acknowledge service
of the within summons.

Cargenia Herbert

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

Eugenia Herbert

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court

on the first Monday in

October

next, to answer a bill in Chancery exhibited against

Im Sothers

in our said Court by

Sarah E. Brigg, Guardian of

Benia B. X

Effie S. Brigg

And this

she

shall in no wise omit; and have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, this

20th

day of

September

, 188*4*,

in the

109th

year of the Commonwealth.

Testo. J. B. Prince C. C.

Briggs' l'dn.
or. } Summons.
Briggs & others

Sept. 25th 1864

I acknowledge service
of the within summons.

Ann Simmons.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

Ann Simmons,

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court

on the first Monday in *October* next, to answer a bill in Chancery exhibited against *her & others*

in our said Court by *Sarah E. Briggs, guardian of Beina B.*

Teffie D. Briggs—

And this *she* shall in no wise omit; and have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, this

20th day of *September*, 188*4*.

in the *109th* year of the Commonwealth.

Testo. J. B. Prince C. G.

Briggs & Co.
or. {summar.
Briggs & Co.

Sept. 25th 1864

I acknowledge service
of the within summons,
A. M. Simmons

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

A. M. Simmons

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court
on the first Monday in *October* next, to answer a bill in Chancery exhibited against *him & others*
in our said Court by *Sarah E. Briggs, Guardian of Beina B,*
& Effie S. Briggs—

And this

he

shall in no wise omit; and have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, this

20th day of

Sept.

, 188 *4*.

in the

109th

year of the Commonwealth.

Testo. J. B. Prince C. C.

Briggs' Guardian
vs } Sum

Briggs & others

1884. Oct. Rules
Cir: Ct

Executed Oct. 2/84 by
delivering a copy of
this summons to B. F.
Briggs. W. S. Briggs.
Alpheus Williams &
Rebecca Williams, his
wife.

A. F. Cobb Dep
for W. S. Briggs
shf

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

*Brig. J. Briggs, W. S. Briggs,
A. M. Simmons & Ann, his wife - Alfred Williams & Rebecca,
his wife - M. Herbert & Eugenia, his wife - and Benia
B. & Effie S. Briggs - the last two, minors, by J. B. Prince,
their Guardian ad litem.*

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court

on the first Monday in

October

next, to answer a bill in Chancery exhibited against

them

in our said Court by

*Sarah E. Briggs, Guardian of Benia
B. & Effie S. Briggs*

Benia

And this *they* shall in no wise omit; and have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, this

29th

day of

September

, 188*4*,

in the

109th

year of the Commonwealth.

Testo. J. B. Prince Clk.

Prigg, Geo.
to $\frac{1}{2}$ Rept.
Sebruce, Comr.

Received Apr 3rd 1886 of W. J. Sebruce
Comr: in Chancery cause of Briggs
E'du - vs. Briggs or heirs, One hundred
and thirty seven & ⁷⁵/₁₀₀ dollars,
it being full amount due my wards,
Bina B. and Ebbie D. Briggs, from
sale of land mentioned in said suit,
less said Sebruce's commissions.

J. E. Briggs.
E'du -

Statement

Amt: Bina B. Briggs's share	\$72.50
" Effie S. Briggs's "	\$72.50
Total collected by Comd: Sebru =	\$145.00
To 5% Comd: on \$145. ⁰⁰	7.25
Net amt: due & pd to Gen. B. B. & E. S. Briggs =	\$137.75

Briggs, Geo
v 3 Notices

Briggs, Geo
1884. Friday Nov. 7

We acknowledge
service of this notice.

M. Herbert

Eugenia Herbert

A. W. Simmons

Ann Simmons

B. F. Briggs

G. S. Briggs

Alpheus Williams

Rebecca Williams

To B. F. Briggs, W. S. Briggs - A. M. Simmons
& Ann, his wife - Alpheus Williams & Rebecca
his wife. M. Herbert & Eugenia, his wife
You are hereby notified that on the 1st
day of November, 1884 - at the Office of
B. F. McLeonor in the town of Jerusalem,
between the hours of 9^o A. M. & 6^o P. M. of that
day - I shall proceed to take the depositions
of W. J. English & others - to be read as
evidence in my behalf in a certain
Chancery suit depending in the Circuit
Court for the County of Southampton - where
in I am Plaintiff and you are Defen-
dants. & if from any cause, the taking of
the said Depositions be not commenced,
or if commenced, be not concluded on
that day, the taking thereof will be
adjourned from day to day, at the same
place and between the same hours
until the same shall be completed.

Sarah E. Briggs, Esq. &c.

By W. H. Beebe, atty.

The Depositions of U. Y. English & others, taken before B. F. M. Lemon a Commissioner in Chancery for the Circuit Court of Southampton County, pursuant to Notice hereto annexed, at Jerusalem Va. on the 1st day of November 1884, between the hours of 9^o A. M. and 6^o P. M. to be read as evidence in behalf of Sarah E. Briggs, Gdn &c, in a certain Chancery suit depending in the Circuit Court of Southampton County, wherein Sarah E. Briggs, Gdn &c is Plaintiff and B. F. Briggs & others are Defendants. -

Present: J. B. Prince, Gdn Ad litem
W. J. Sebreco. Atty for Pltff.

The Witness U. Y. English, being duly sworn, deposes as follows:

Q: What is your age, where do you reside and do you know the parties to this suit?

A: My age is fifty six. resides in Southampton County, near the farm in the bill mentioned, and know the parties to the suit.

Q: Do you know the dower land of

the Plaintiff, Sarah E. Briggs?

A. Yes Sir. I know it well. have been
over ^{every} word of it

Q: Do you consider \$72.⁵⁰ per share a fair
price for the contingent interest of the
minors, Benia B. (m) Effie S. Briggs, in the
said down?

A. I think it is a plenty

Q: Do you know the minors, (m) if so, whether
or not they are in need of funds?

A. I know the minors & believe they are
destitute of funds, and from their sex
and age, think they need money to
pay board & keep themselves

Q: Do you think the interest of the said
minors would be promoted by the sale
of their interest in the said down, in
the said sum of \$72.⁵⁰ per share?

A. Yes. I do.

And further this Dependent says not.
N. Y. ⁱⁿ English
mark

The Witness R. S. Fagan, being duly
sworn deposes as follows.

Q: What is your age, where do you reside
and do you know the parties to this suit?

A: My age is thirty three years, reside near

the farm, in the proceedings mentioned,
in Southampton County, (2) know the
parties to this suit:

Q: Do you know the down lands of Sarah
E. Briggs?

A: I do.

Q: Do you consider \$72.⁵⁰ a fair price
per share - for the contingent interest of
the minors, Beria B. & Effie S. Briggs
in the said down?

A: I do.

Q: What is the condition of the said down?

A: It is deteriorating rapidly in value.

Q: Do you think the interest of the minors
would be promoted by the sale of their
interest in the said down, in the said
sum of \$72.⁵⁰ per share?

A: I do.

And further this deponent says to wit.
R. S. Pagan

The Witness Alphens Williams, being
duly sworn, deposes as follows -

Q: What is your age - where do you reside
and do you know the parties to this suit.

A: My age is thirty four years - reside in
Southampton County, and know all the
parties to the suit.

Q: Do you know the dowry^{land} of Sarah E. Briggs - the Plaintiff?

A: I do.

Q: Do you consider \$72.⁵⁰ per share, a fair price for the contingent interest of the minors Bina B. & Effie S. Briggs, in the said dowry?

A: Yes Sir. I think it is.

Q: Do you know the minors, & if so, whether or not they are in need of funds?

A: Yes, they are.

Q: Do you think the interest of the said minors would be promoted by the sale of their said interest in the dowry, in the said sum of \$72.⁵⁰ per share?

A: I think so.

And further this deponent says not.

A. A. Williams

Virginia

Southampton County. To Wit:

I B. F. McLemore, a Commissioner in Chancery for the Circuit Court of Southampton County, in the said State, do hereby certify that the foregoing depositions of ~~the~~ N. Y. English & others, were duly taken, sworn to, and subscribed before me, at the time & place and for the purpose therein mentioned. Given under my hand, this 1st day of November 1884.

B. F. McLemore
Comm'r in Chancery

Court's fee \$5.00
Witness fee 0.50 (N. Y. English)
Chy to Plaintiff

1680-
806.46
 873.54
 257.31
1124.85

Briggs
 " Depositions
 Briggs
 1884. Nov. 1" filed

Briggs Gen &c
4 3/4 Guard Bond

Briggs

1886. April 1st



Know all men by these Presents, That we *Sarah E. Briggs*
and *H. S. Briggs*

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of *two hundred and ninety* Dollars, to the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. And we, the obligors herein, hereby waive the benefit of our homestead exemption as to this obligation, and also waive any claim, right or privilege to discharge any liability arising under said bond in any currency, funds, counter-claims or offsets other than legal tender currency of the United States.

Sealed with our seals and dated this *1st* day of *April* A. D. 18*86*

THE CONDITION of the above obligation is such that if the above bound *Sarah E. Briggs* Guardian of *Bena B. and Effie S. Briggs*. who is required to give additional bond and security in the penalty above described, in order that she may receive from *W. J. Sevell, Comr.* a certain sum of money described in a decree of the Circuit Court of Southampton County, entered at the November Term 1885, in the Chancery suit of *Briggs' Guardian vs Briggs*.

shall faithfully discharge the duties of *her* office or trust according to law, then the above obligation to be void, or else to remain in full force and virtue.

Signed, sealed and delivered }
in presence of the Court. }

Sarah E. Briggs
W. S. Briggs



Briggs Gen &

as 3 Comrs Bond

Briggs & others

1886. Mar 25th

Know all men by these Presents, That we

and J. E. Sebrall

W. J. Sebrall

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of

Two Hundred Seventy Dollars, to the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. And we, the obligors herein, hereby waive the benefit of our homestead exemption as to this obligation, and also waive any claim, right or privilege to discharge any liability arising under said bond in any currency, funds, counter-claims or offsets other than legal tender currency of the United States.

Sealed with our seals and dated this *25* day of

March

A. D. 18*86*.

THE CONDITION of the above obligation is such that if the above bound

W. J. Sebrall who was appointed a Special Commissioner by a decree of the Circuit Court of Southampton in a chancery suit therein depending styled Briggs & Son vs Briggs & others for certain purposes

shall faithfully discharge the duties of *his* office or trust according to law, then the above obligation to be void, or else to remain in full force and virtue.

Signed, sealed and delivered }
in presence of the Court.

under said decree

W. J. Sebrall

J. E. Sebrall



Briggs Guardian re

or.

3 decree.

Briggs v. others

This cause came on this day to be heard upon the complainant's bill, the answer of the adult defendants, the answer of the infant defendants by D.D. Prince their guardian ad litem, ^{the answer of the infant defendants over the age of 14 years} the depositions of witnesses and was argued by counsel. On consideration whereof and it appearing to the Court that the sale made by Sarah E. Briggs Guardian, to Benjamin F. Briggs is to the interest of all the parties concerned & especially to the minors, the Court doth adjudge, order & decree that the said sale be confirmed & declared to be binding & valid between the parties. And in order to carry out these decrees the Court doth appoint W. J. Seabee special Commissioner to receive the purchase money, to pay over the same to the guardian of the infants & take her receipt for the same, and to execute to the purchaser a deed for the said land with special warranty. But the said Commissioner shall not proceed to act under this decree until he shall have entered into bond with approved personal security before the Clerk of this Court, in the penalty of \$290.⁰⁰, conditioned for the

340.
faithful discharge of his duties hereunder.
But the said Commissioner shall not pay
over the said purchase money to the said
guardian till she shall have executed
before the Clerk of this Court an ad-
ditional bond, with good personal security
in the penalty of \$290.⁰⁰, Conditioned as
the law direct. And the said Com-
missioner will make report to Court.

Briggs & Du se-
v. 3 Decree.
Briggs & Co

~~Nov~~ Term 1880.

To be entered-

Geo. B. Clark

✓

Briggs Lion &
107 Report—
Briggs v. Cohen

Briggs & Co. re.,

or.

$\frac{3}{2}$ Report of Com^r: W. J. Sebrun.

Briggs re.

In this cause your Commission submits the following report— That pursuant to decree entered in this cause at the November term 1885 of this Court, your Com^r: has collected from Wm. F. Briggs, the purchaser of the land in the proceedings mentioned, the sum of \$145.⁰⁰ the purchase price of the same, & has paid over the same, less his commissions, to the guardian of Bina B. & Effie S. Briggs, and taken her receipt for the same, which is herewith filed— Your Com^r: has executed to the purchaser a deed for said land with special warranty.

All which is respectfully submitted,
W. J. Sebrun, Com^r.

Briggs, Gordon
or $\frac{1}{2}$ Allen.
Briggs or other

May term 1886.

To be entered
Geo. B. Low,
✓

W. J. Bruce Jr.

Briggs, Gordon &
Att. Secy.
Briggs & others.

This day this cause came on to be heard upon the papers formerly read and the report of Com'r. to J. Sebrue, to which report there is no exception, & was argued by counsel. On consideration whereof, the Court doth approve and confirm the said Report; and it appearing that nothing further remains to be done in this cause, it is ordered that the same be removed from the docket —