

Hamilton County Chancery - Bogart, J. A. (Gdn) vs Briggs, W. W. (dec.)

divide real estate, if can't
be done, sell to settle judgement

Holland, Bettie

Barham, J. S. (admin)

Briggs, Rebecca

" , Sue

" , J. N.

Pope, J. H.

" , Willie M.

infants { Briggs, Thomas J.
" , J. N.

Bell, W. D.

" , Elizabeth

Prince, J. B.

G. A. L.

To the Hon Chancellor Rice Judge of the
Ancient Court of Southampton. In Chancery.
Complaining sheweth unto your Honor
your complainant Mr Bogart Son
of Peter Hoggard that at the November
1886 of the Ancient Court of Southampton
he obtained a decree against W. Briggs
and others for $\$3547.³⁹$ which was
doctored as a judgment. an abstract
of which duly certified is herewith
filed marked "A". as an exhibit in
this cause. That the said W. Briggs, has
since died and his estate has been
committed to the hands of J. Barham
Esq for administration with his will
annexed. That his will was admitted
to probate at the Term of the County
Court of Southampton and L. B. Thorne
the Exor therein named refused to
qualify, all of which will more fully
appear from Copies of same herewith
filed as Exhibits B & C in this cause. That
in his said last will and testament, the
said Briggs devised his real devised interest
~~not~~ in his father's land (which he
claims to be $\frac{4}{4}$) to certain of his
relatives. as will appear more fully
from said will. That this is the

only real estate of which the said
Briggs died seized, liable to the lien
of your complainant's judgment.
That he left no personal estate
of any value. That he left the following
children and deeries, viz Maria M.
who intermarried with Geo. H. Pope -
Thos: F. and J. N. Briggs Jr. both under
twenty one years of age. Rebecca Briggs,
his mother, Sue Briggs a sister, and Eli:
who has intermarried with Lem D. Bell.
that Rebecca Briggs is entitled to her
dower interest in said land.
that Sue Briggs is entitled to $\frac{1}{7}$ of said
land and J. N. Briggs Jr. is entitled
to $\frac{2}{7}$ of said farm. Your complain-
ant is advised and charges that said
Wm. Briggs owns $\frac{4}{7}$ of said land in fee,
and that it is not susceptible of
partition. but if it is, then he wishes
the same done. and your complainant
further charges that the rents and
profits of said land will not pay
his judgment in five years. In consid-
eration of all which and was much
as your complainant is without
remedy except in a Court of Chancery

where matters of this kind are
peculiarly cognizable, to the end therefore
that justice may be done, You complain
out prop that J. B. Barham Hoff and
Adm^r with the wife annexed of Wm. Briggs Sr
and, Rebecca Briggs, Sue Briggs, J. M. Briggs Jr.
J. M. B. and William M. his wife. Thos. F.
Briggs and J. M. Briggs Jr. both infants, W. D. Ball
and Eliz. his wife - may be made
parties defendant to this bill and
compelled to answer its allegations
that some fit and proper person may
be assigned bon ad litem for the
infant defts: that Commissioners may
be appointed to divide the said land,
if practicable, and if not so prac-
ticable that the interest of the said
Wm. Briggs may be sold and the
proceeds applied to the payment
of your Complainants judgment
that all necessary and proper
accounts may be ordered, and that
you honor will grant such other,
further, general and special
relief as to Equity may seem meet
on the nature of this case may
require - And as in duty bound your
Complainant will ever pray to. May ch

please the Court &c -

W. J. Scherer Jr.

The joint and several answer of Thos F & J. N. Briggs & infants by J. B. Priner Esq ad litem to bill of complaint exhibited against them within in Circuit Court of Southampton by J. N. Boyant Esq &c

These respondents, having answered the bill for answer to said bill say - That they are infants and being such - submit their rights to the protection of this Court - & having answered pray hence to be dismissed &c -

J. B. Priner Esq ad litem.

W. J. Scherer Jr.
as J. B. Priner Jr.
Briggs & Priner Jr.

W. J. Scherer Jr.

A. H. Briggs'
Will

"L"

I make this writing for my last Will and Testament:-

Item 1st - I loan to my mother Rebecca Briggs, during her life, my interest in the tract of land on which she now resides, that interest being four sevenths, and at her death I loan the said interest in said tract of land to my sister, Sue Briggs - during her life, and at her death I give the said interest to my niece, Lizzy Briggs, to her and her heirs forever.

Item 2nd All the balance of my Estate, of every kind I give equally to my three children, Willie M. F. Thomas + Jos. R. Briggs

Item 3rd I hereby give full power to my Executor to sell all or any portion of my lands, as to him may seem best for the benefit of my children.

Item 4th I appoint my friend Joseph B. Perico Executor to this Will. and appoint my brother Joseph R. Briggs Guardian to my son Jos. R. Briggs. and ask the Court to permit them to qualify without giving security. Signed and sealed by me this 14th day of December 1881.

W. W. Briggs 

Memorandum: I have my life insured in the
Masonic Association of Virginia, for the
benefit of my son, J. R. Briggs.
W. W. Briggs

In Southampton County Court.
December Term 1886.

Two writings purporting to be the
last Wills and testaments of W. W. Briggs.
dec^d, one dated April 24th 1887 and one
dated Dec^r 14th 1881. were produced in
Court by J. B. Paine the Ex^r named in
the writing dated Dec^r 14th 1881. and there
being no subscribing witnesses to either
of said writings. Wm. B. Shands and J. L.
Barham were sworn and severally de-
posed that they are well acquainted with
the testators handwriting, and orally be-
lieve the said writings and the names
therein subscribed, and the memoran-
dum to the writing dated Dec^r 14th 1881,
and the name subscribed to the said
memorandum, to be wholly written
by the testators own hand: Whereupon
probate of the writing dated April 24 1887
is refused, and the writing dated
Dec^r 14th 1881 is ordered to be recorded

as the true last will and Testament
of the said W. H. Briggs deceased.
And J. B. Prince, the Executor therein
named appeared in Court and re-
solved to take upon herself the bur-
den of the execution thereof.

Testo: J. B. Prince ec.

Atty

Testo: B. F. M. Lemoine ec.

Hollands Jr
no 3

Briggs Adm 1506

Petition of Shamus O'Connell
and exhibit Thomsen
filed

1892. Mich 18. filed.

B. F. M. C. C.

To The Honorable C. W. Hill judge of the
Circuit Court of Southampton County in chancery
sitting

Respectfully Petitioning your
Petitioner Wm B Shands sheweth unto your
Honor that on the 27th day of February 1868
Benjamin H. Foster assigns in Bankruptcy
for the United States district court of Eastern
Virginia did by a deed of assignment to him
as assignee in Bankruptcy made the 27th day
of February 1868 convey to him all the
real and personal estate of W. W. Briggs as
assignee of the said W. W. Briggs which deed
of assignment was duly recorded in the
clerk's office of Southampton County all of
which will more fully appear by a certified
copy of the said assignment herewith filed
with this petition marked exhibit A and prays
to be taken as a part thereof, Your Petitioner
sheweth further unto your Honor that at
the April rules 1887 of the circuit court of
Southampton John H Bogart guardian of
Berlie Holland filed his bill against J. H.
Barham administrator with the will
annexed of W. W. Briggs and others to
subject the undivided interest of the said
W. W. Briggs in the lands of his father
Alexander Briggs to his debt on

\$357.39^{cts}, Your Petitioner states further
that nothing has been done towards dividing
the tract of land in question up to this
time it having been referred to one of
the commissioners of this Court as ascertain
what is the interest of W. W. Briggs
and others and report to court, Your
Petitioner from all he ^{can} learn thinks
that the interest of W. W. Briggs in the
said tract of land is one fifth

He files this Petition asking to be
made a party Plaintiff to this suit
as assignee in Bankruptcy of W
W Briggs and that when the said
land is divided the said W. W. Briggs'
share may be allotted to him as
assignee of W. W. Briggs or if the land
is sold that the said Briggs' share of
the money be allotted to him to be
distributed under the order of the
United States Court and as in duty
bound Your Petitioner will ever pray

M B Shands assignee
of W. W. Briggs

Shands & Son
for Petitioner

142

Holland Son
17 3 Star Rules
Briff Adams

Received from
us of
Briggs Adams & Co.

Answer of
J. R. Briggs & Co.

May Rules. 1887.

Filed - L.B.P. cc

Reverend Son

or I Attorney of J.R. Briggs Sr.

Briggs Attorney.

For answer to the bill of the Plaintiff
in this suit, respondent J.R. Briggs Sr.
says. That it is true as alleged in said
bill that Wm Briggs has departed this life,
and his estate has been committed to the
hands of J. Baird Stiff for administration.
That it is also true that this respondent
owns his own share and that of his sister
Mrs Martha Mills in the lands of their
father - that respondent does not know
whether Wm Briggs owns $\frac{4}{7}$ of said land
or not; and he insists upon the
strictest proof as to what interest
the said Wm Briggs ever own. That when
the interest of said Wm Briggs is fully
ascertained, he has no objection to its
being sold and the proceeds of sale
applied according to law. That as to
the other facts alleged he thinks they are
substantially true, but he neither admits
or denies them. And having answered
he prays hence to be discharged &c -
this the 20th day of April 1887.

J. R. Briggs - Sr

State of Virginia City of Norfolk to wit:

Sworn and subscribed to before me this the 20th
day of April 1887.

Thos P. Warren
Notary Public.

~~10.1~~ 408
Hollander for
~~10.1~~ } pieces

Kniff's Adm. v.
96 52

86

May Term
1887.

To be returned.
C. M. Hill

✓

Hallam's Son

as 3 Decree -

Briggs Adm'r &

This day the Cause came on to be heard on the complainant's bill taken for confessed as to all the admet defendants except J. N. Briggs, who filed his answer - the exhibits ^{the answer of} with ^{the infants by J. N. Briggs Son & others -} general replication to said answer, and was argued by Counsel - On consideration whereof, the Court doth order and decree that a Commissioner of this Court take the following accounts to wit: an account of J. N. Briggs' administration on the estate of Lewis Briggs dec'd. an account of all the unpaid claims against said Briggs, distinguishing their priorities. an account of all of the real estate now belonging to the said Briggs - ascertaining in said last account the interest said Briggs owned in the lands of Alexander Briggs dec'd. together with the annual and absolute value of such land - which reports the said Commissioner will audit and report to Court with any other matters specially stated deemed pertinent by himself or required to be stated by any interested party.

Hecla and Son

Wm. J. Simmons

Briggs & Co.

1887. Apr Rules
Cir: Ch

Executed this Birt
day of March a d
1887 by sewing copies
here of for J. A. Briggs
and Thos F Briggs

C. L. Quinn Deputy
for J. A. Brimmer Jr

Sergts fee \$1.00 Paid

C. L. Quinn Deputy, Serp

The Commonwealth of Virginia,

Sergeant of Norfolk City

TO THE ~~SHERIFF OF SOUTHAMPTON COUNTY~~—Greeting:

WE COMMAND YOU TO SUMMON

J. R. Buys and Thos F. Buys

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 *April* next, to answer a bill in chancery exhibited against ~~them or them~~ in our said Court by *J. H. Bogart Son of*

Bertie Heacock

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

Witness, J. B. PRINCE, Clerk of our said Court, this *29* day of *March* 188*7*, in the *111* year of the Commonwealth.

Jesse B. Prince C. C.

In Southampton Circuit Court,
Nov^r Term, 1886

Geo. H. Bogart, Gⁿ. Bortie Holland Pl^{ff}.

Against

W. H. Briggs, J. E. Sebrall

& John R. Hundley Deft.

In Chancery

Judgment for the Plaintiff against the Defendant for \$3547.³⁹ with
legal interest thereon from 1st day of November, 1886, till paid,
and costs, \$36.⁶⁴

Extract.

Teste:

J. B. Prince

C. C.

Heall and Son
vs J. Simmons
Briggs Adm'r &c.

1887. App Rules
Cir: Ch

Executed April 2nd
1887. by delivering a true
copy of the within to each
of the within ^{named} parties.

R. A. Barnett Deputy
For J. L. Burham shff

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *J. L. Barham Skiff and Adria*
with the vice annexed of Lividny's deed, Rebecca Briggs,
Lucy Briggs, J. A. Briggs & J. H. Pope and Maria M. his wife, John F.
Briggs and J. A. Briggs, W. D. Beale and Eliz. his wife

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 *April* next, to answer a bill in
chancery exhibited against *them* in our said Court by *J. H. Bogach Son of*
Berth Holland—

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

Witness, J. B. PRINCE, Clerk of our said Court, this *29* day of *March*
188*7*, in the *///* year of the Commonwealth.

Jestus B. Prince C. C.

Memorandum

for Clerk

Copy the deed of Assignment from B. F.
Foster to Shanks apigues recorded Nov 28-
1868 exhibit **A**

Southampton County Court: Febry Term 1887.
On motion of L. L. Manry, a party in-
terested, it is ordered that the Estate of
H. H. Briggs dec'd. be committed to the
hands of J. L. Barham, Sheriff of this
County, to be by him administered
according to law.

A Copy.

Testo: J. B. Prince c.c.