

1876-022

Nansemond Co. (Suffolk)

Chancery Causes: Mary V. Jenkins by Robert C. Jenkins vs Exr of Merit Briggs

Phillips, Wilson

Received of Mr. John Powell the sum of \$14
Dollars on account of the first payment
purchase money of Mrs. Mary Vinton's farm
as per agreement of this date between S. W. Briggs
Commissioner appointed by a decree of Nantuxnow
County Court for the sale of the same and the said
John Powell -

Geo. W. Briggs
Notary. David Marned Special Commissioner

July 14, 1872

W Briggs recd
to Powell for
Cash paid on
his purchase

Feb 14, 1872

\$50.00

1872

Mar 28. 450.00

\$500.00

To the Hon. R. H. Baker Judge of the first judicial
Circuit.

Humbly complaining the answer bill of your
complainant Mary v. Jenkins the wife of Jas. E. Jenkins
by Robert C. Jenkins her next friend, sheweth unto your honour
that heretofore your complainant exhibited in this court her
original bill of complaint against one George W. Briggs
as Executor of Merit Briggs dec^d in which she alleged
that her father Merit Briggs being in perfect health did on the
25th day of Nov^r 1861 make and execute a power of attorn^y
to his son George W. Briggs authorising him to act as his attorney
and agent in buying and selling and all transactions pertaining
to his business, whereupon George W. Briggs took charge of said
business, sold a considerable amount of property described in said
bill and took charge of a large amount of money and drew from
the Exchange Bank of Virginia another large sum of money, specifically
described in said original bill, with which and the proceeds of such
sales did purchase and trade in tobacco and other things. -
Your complainant therein asked that said George W. Briggs be held
responsible for all such monies &c. at the value then of as compared
with the present lawful currency - Your complainant further alleged
that Merit Briggs died on the 22nd day of November 1862 having
first made and executed his last will and testament, a copy
of which is filed with said bill which was admitted to record
in the circuit court of the city of Richmond on the 4th day of
March 1863 - That the testator by his will appointed G. W. Briggs as
Executor requiring from him no security as such and gave him by
the second and fifth clauses, thereof certain property therein
described, all of which he immediately took into possession and is now
in possession of the same -

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Nansemond County—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON *George W. Briggs, Executor*
of Merit Briggs deceased: and as Agent and Attorney
of said deceased, and in his own right,

to appear at the Clerk's Office of our *Circuit* Court for the County of Nansemond. on
the first Monday in *February, this month,* ~~1866~~, 1866, being rule day, to answer a bill in
chancery, exhibited against *him* by *Mary V*

Jenkins, The wife of James E. Jenkins, suing in this
behalf by Ro: A. Jenkins, her next friend.

and unless *he* shall answer the said bill by the next rule day
thereafter, the Court will take said bill for confessed, and decree accordingly.

And have then there this writ. Witness, PETER B. PRENTIS, Clerk of our said Court, at his
Office, this *1st* day of *February* 1866 and in the *90th* year
of the Commonwealth.

The sheriff v



Peter B. Prentiss, Clerk.

is process is executed on each defendant.

Executed February 5th: 1866, and a true
Copy hereof delivered to George W. Briggs,
Executor of Merit Briggs deceased.

Wm. G. H. H.

Kelly. p. 9

Mary V. Jenkins,
wife of James E. Jenkins
vs

Sum. in Chy:

George W. Briggs,
Exor. of Merit Briggs
decd. &c.

To February Rules 1866.
(Hansen and Co. Co)

1866. Feb. 5th: continued for
bill

Chy. pro: 6 (71)

The Commonwealth of Virginia,

To the Sheriff of Nansemond County---Greeting:
YOU ARE HEREBY COMMANDED TO SUMMON *George W. Briggs, Executor of*
Merik Briggs deceased, and as Agent and Attorney of said deceased,
and in his own right,

to appear at the Clerk's Office of our *Circuit* Court, for the County of Nansemond, on the
first Monday in *February* next, 1867, ^{*an original and an amended*} being rule day, to answer ~~a~~ bill in
chancery, exhibited against *him* by

Mary V. Jenkins, the wife of James E. Jenkins, suing in this behalf
by Ro: C. Jenkins, her next friend, and George B. Jenkins, Mary Societra
Jenkins, Ann E. Jenkins, James W. Jenkins, Robert C. Jenkins Jr., John B.
Jenkins Jr. and Charles W. Jenkins, infants, under the age of Seventy-one years,
by James E. Jenkins, Their father and next friend.

and unless *he* shall answer the said bill by the next rule day
thereafter, the Court will take said bill for confessed, and decree accordingly.

And have then and there this writ. Witness, PETER B. PRENTIS, Clerk of our said Court, at his
Office, this *10th* day of *January* 1867, and in the *91st* year of
the Commonwealth.

Peter B. Prentis Clerk.

20 The Sheriff will, in his return, note the day on which this process is executed on each Defendant.

Tested. b. 9
Mary E. Matthews
for & to the

to { Sum. in Chy:

George W. Briggs, Esq.
of New-Bright, Clerk of
to the Court 1867

Prob. No. 1. A. 17

W. Co

Executed Jan: 26th: and a true copy hereof delivered
to George W. Briggs, Executor of Merib Briggs deceased
and as Agent and Attorney of said deceased, and in his own
right

James E. Stallings, Deputy
for Wm Eley Shuff.

No. *Q*

Norfolk, Va., Mar 31st

1875.

The Merchants' and Mechanics' Savings Bank,

OF THE CITY OF NORFOLK.

Pay to *George B. Jenkins*

or Order,

Forty one

66 Dollars,
100

\$ *41* ^{*66*}/_{*100*}

George H. Briggs



No.

P

Norfolk, Va., Mar: 31st 1875

The Merchants' and Mechanics' Savings Bank,

OF THE CITY OF NORFOLK.

Pay to Geo: B. Jenkins or Order,
Forty on _____ 66 Dollars,
100

Robert A. Gordon

cashier



\$41.66
100

C. B. Jenkins

Received of Dr George W. Briggs Esq. $41\frac{66}{100}$ being distributive
share of Fannie E Jenkins in Merchants & Mechanics Bank
stock belonging to Estate of Mrs Mary W. Jenkins decd

1875 - Apr 1.st

L. J. Holt

Husband of Fannie E
Jenkins

Received $41\frac{66}{100}$ Dollars for Mrs B Jenkins and the same
sum $41\frac{66}{100}$ for Charles W Jenkins said sum being
distributive share of ~~Merchants~~ Bank stock belonging
to Est of Mary W Jenkins

Geo. W. Briggs Guardian of
Mrs B Jenkins & Charles W Jenkins

Recd of Dr Geo W. Briggs ^{Esq} \$41⁶⁶ being distributive share of Mat-
thew Jenkins in Mechanics Bank Stock belonging to Estate of
Mrs Mary V. Jenkins

L. V. Holt

1895.
Apr. 1st

Guardian Matthew Jenkins

Recd of Dr G W Briggs Est of Mary V Jenkins Dec 2 \$41⁰⁰
being distributive share of R. C. Jenkins in Mechanics
Bank Stock belonging to Estate of M. V. Jenkins -

Apr 1st 1875 -

Geo H. Wright

Guard - R. C. Jenkins

Recd. for
M & M Bulstock.

I, _____, do swear that the above
Brandy distilled at Distillery No. _____,
carried on by _____,
the spirits so produced were distilled from Apples, Peaches, or Grapes, exclusively; and that
Sworn and subscribed before me this _____ day of _____

(Signed)

Jenkins for the

on. $\frac{1}{2}$ Refus.
Briggs Exa.

Pursuant to the Decree of
the 19th May 1874, I have sold my testatory
in trust in The Marlborough Trusts, being
Cash for the sum of. \$500.00
which under that decree I have
distributed as follows viz.

To our self.	$\frac{1}{2}$	\$250 -
Geo. D. Jenkins.	$\frac{1}{12}$	41.66 $\frac{2}{3}$
Mannie E. Jenkins		
Now. Mannie E. Holt.	$\frac{1}{12}$	41.66 $\frac{2}{3}$
R. C. Jenkins	$\frac{1}{12}$	41.66 $\frac{2}{3}$
Matthias Jenkins	$\frac{1}{12}$	41.66 $\frac{2}{3}$
Jos. D. "	$\frac{1}{12}$	41.66 $\frac{2}{3}$
Chas. W. "	$\frac{1}{12}$	41.66 $\frac{2}{3}$
		\$500.00

The receipt of the parties, except that of Geo. D.
Jenkins which has been misplaced, are here with
filed, and are for \$42.66 each. The undersigned
having made an error in the distribution of
the fund in that he paid each party 94 $\frac{2}{3}$
too small.

Robert Gully Solicitor.
George H. Briggs Esq.

Jenkins & Co

W. S. Roper

Chipp & Co

At a Circuit Court held for Nausemond County, the
14th day of October 1867.

Mary V. Jenkins, the wife of James E. Jenkins,
suing in this behalf, by Ro. C. Jenkins, her next friend.

and George B. Jenkins, Mary Lucretia Jenkins,
Ann E. Jenkins, James W. Jenkins, Robert
C. Jenkins Jr., and Charles W. Jenkins, children
of the said Mary V. Jenkins.

Complainants

Against { In Chancery

George W. Briggs, Executor of Meritt Briggs,

deceased, and as Agent and Attorney of

said deceased, and in his own right.

Defendant.

This Cause came on this day to be again heard upon the
papers formerly read, upon the report of Commissioner Prentiss,
made pursuant to the decree of the 18th day of April 1867,
and upon the exceptions taken thereto by the Plaintiffs, and was
argued by Counsel; On consideration whereof, the Court, without
at this time, passing upon the said exceptions, or deciding any
principle involved in the Cause, doth adjudge, order and
decree, that one of the Commissioners of this Court, take the
following accounts, viz:

First. A further account of the Transactions of George
W. Briggs, as Executor of Meritt Briggs deceased.

Second. An account of the outstanding debts still due
and owing from the Estate of the said decedent.

Third. An account of the Transactions of George W.
Briggs, as Trustee, for the Complainant, which accounts,
the said Commissioner, is directed to state, settle and to

the Court report, together with any matter specially stated, deemed pertinent by himself, or which may be required by either party to be so stated.

And the Court doth further adjudge, order and decree, that Adolphus S. Eley, Nathl. G. Hensley, Samuel Eley and Archibald Helms, who are appointed Commissioners for that purpose, any three of whom may act, do proceed, after having been duly sworn for that purpose, to lay off, by metes and bounds, the lands devised by the Will of the Testator, Meritt Briggs to the Complainant, Mary V. Jenkins and her children: in doing which, the said Commissioners are authorized to employ a Competent Surveyor, if, in their judgment it is best to do so. And the said Commissioners are directed to report their proceedings under this decree to the Court, returning therewith, a plat or plats, and a description of the said lands.

A. Copy.

Teste.

Peter B. Prentiss, Clerk.

(Acco: No: 1)

Dr: The Estate of Merit Briggs, deceased,
In Account with George W. Briggs, Executor.

1866. Aug: 9	(No Balance on last acco:)			
" " 10	To Cash paid E. L. Eley, Shff: Sec: of John W. Turner dec'd: int: on note due by Testator	for: recd	12 55-	
" " "	" do. do. R. H. Baker, Atto:	do	120 00	
" Octo 5	By proceeds of check on Merchants & Mechanics Savings Bank - bal: due dec'd.			\$485 31
" " 17	To Cash paid R. H. Baker Atto:	for: recd	10 00	
" " 30	" do. do. W. N. McGuire, Const: Judge & Sec: dec'd etc Gay, ap: of Rogers	do	23 71	
" Nov: 3	By Cash of R. H. Baker, Atto: ~~for: recd~~ on account of debt to Ro: Stanwood			100 00
" " "	To Cash paid same, Comm: on same		5 00	
" Decr: 6	" do do. Jno: R. Kelly, Atto:	for: recd	30 00	
" " 10	" " " Same do	do	85 00	
1867 Jan: 11	" " " R. H. Baker "	"	11 00	
" " 15	By Dividend from M & Mechanics Sav: Bank			20 00
" Feby: 1	" This sum rec'd of John R. Kelly, Atto: amount of claim to R. H. B. Deussen - (compromised)			41 36
" " 7	" do. do. do. of R. H. Baker, Atto: bal: on Ro: Stanwood's debt.			2 00
" " "	To Cash paid same, Comm: on same		" 10	
" " 10	" do. do. J. W. Hammarford,	for: recd	4 50	
" " "	" " " Clks & Comm: fees (hours) do		52 86	
" " "	" " " Clks fees. (J. & W ^t)	"	6 94	
" " "	Carried Forward		\$361 66	\$648 87

1867. Feb: 10	Brot: Forward	\$ 361 66	\$ 648 87
" April "	To Cash paid R. H. Baker, Atto. pr. ut.	25 00	
" June 4	" " " E. L. Eley, Shff. Sec. of John W. Towner decd, on acc. of int. on note	38 40	
" " 10	" " " Hardy Chapman, Exor. of Sol: Bracy decd, int. on note.	153 88	
" Aug: 9	" " " Scarborough, Duffield & Sharp, Atto: (Claim of J. Marsh to decd) pr. ut.	84 02	
" " "	" Comms: @ 5 per cent on \$ 648.87	32 44	
" " "	By This sum due Exor: to bal: acco:	48 53	
		\$ 697 40	\$ 697 40
1867. Aug: 9	To Bal: due Exor: Brot. down.	\$ 48 53	
" " 25	By This sum recd, in part of note to John E. Denson.		\$ 127 50
1868. Jan: 20	" do. do of Jno: R. Kelly, Atto. claiming to Jesse Parker		72 00
" " "	" " " do. Benj. Whiteheads' Est:		2 30
" " 31	" Dividend from M. & Mechanics Sav. Bank		40 00
" Feb: 10	" 2 pr. ct int on \$4000. V. State Stock, left try		72 00
" March 5	" Net proceeds of sales of \$2000. old V. Reg. Stock & \$240. New. do.		939 65
" July 15	" proceeds or shares of Testators interest in the Stock of the American Insurance Co.		131 22
" " 31	" This recd of Jno. R. Kelly, Atto: on debt due by Jesse Parker		36 00
" " "	" do. do. do. " Hyal Johnson		5 08
Carried Forward		\$ 48 53	\$ 1425 75

1868. July 31	Brot: Forward	\$ 48 53	\$1425 75
" " "	To cash paid Geo. P. Kelly, Atto: Commis: on collecting	9 39	
" Aug: 9	" 5 per ct. Commis: on \$1377:22	68 86	
" " "	To this sum due Estate to bal: acco:	1298 97	
		~~\$1425 75~~	~~\$1425 75~~

1868. Aug: 9	By balance due Estate brot: down	" "	\$1298 97
" " 13	" Dividend from W & Mechanics Sav: Bank		30 00
" Sept: 17	To cash paid R. H. Baker, Atto: pr: recta	\$ 10 00	
1869. Jan: 10	By dividend from W & Mechanics Sav: Bank		40 00
" July 15	" do. " do. do.		50 00
" " 18	" proceeds of sales of Funded Interest - Bonds of Norfolk City -		1239 00
" Aug: 3	" This sum received of R. H. Baker, Atto: Awards of suit v ^t Norfolk City, for dividends on awards, to date.		375-88
" " "	To paid same, Commis: on same	18 79	
" " 9	" 5 per ct. Commis: on \$1734:88	86 74	
	" This sum due Estate to bal: acco: (final)	2918 32	
		~~\$3023 85~~	~~\$3023 85~~

1869. Aug: 9	By Bal: due Est: brot: down - (bal)	" "	\$2918 32
" " 13	To cash paid U.S. Succession tax, pr: recta	\$188 29	
" Dec 8	" do. do. Seryt. City of Norfolk, fees do	2 00	
" " "	By This sum rec'd from Ro: J. Lukes Est: (J. R. Katter)		8 04
" " "	To cash paid Wm. Elzy, Shffs fees, pr: recta	3 00	
" " 14	By proceeds of sale of Nufo: City - int: certificates		288 00
1870. March 8	" This sum rec'd of R. H. Baker, Atto: suit v Nufo: City for int:		356 03
	Carried Forward	\$193 29	\$3565 39

1870. March 8	Brot: Forward	\$ 193 29	\$ 3545 39
" " "	To cash paid R. H. Baker, commt. on \$356.03	17 80	
" May 16	" do. do Shadrach Bragg, on note	25 00	
" " 20	By sales of Harp: City Int: Certificates		256 50
" June 3	" This sum recd of Jas. R. Kelly, Atto: on acco: of claim v ^t Wm. H. Goodson		248 66
" " 7	To cash paid E. L. Eley, Stff. Sec of John W. Turner, on acco: of note	100 00	
" July 16	By cash recd of Jas. R. Kelly, Atto: bal: of claim v ^t Wm. H. Goodson		154 08
" " "	" do. do. do. v ^t Eloy Cepulando's Est		60 79
" Aug: 9	To 5 per ct. commt: on \$1367.10	68 36	
" " "	" This sum due Estate to bal: acco: (jul)	388 0 97	
		<u>\$ 4285 42</u>	<u>\$ 4285 42</u>
1870. Aug: 9	By bal: due Estate brot: down	\$ " "	\$ 3880 97
" Octo 14	" Dividends from M. & Mechanics Sav. Bank (1870)		100 00
" " 15	" This sum recd of Jas. R. Kelly, Atto: Judgt v ^t J. P. Parker		400 00
" " "	To cash paid same, ^{commt} on collections	21 58	
" " "	" do. do. do. on acco: of bond due to R. A. Pinner, by Jas. M. Murphy (jul)		
	& to which testator was security	100 00	
1871. Jan: 11	By dividend from M. & Mechanics Bank		150 00
" Feb: 26	To cash paid Shadrach Bragg, on note	30 00	
" June 5	" do. do Hardy Chapman, Exor: of Sol Bragg, in part of bond, pr: rec	200 00	
" Aug: 9	" 5 per cent commt: on \$650.00	32 50	
" " "	" This sum due Estate to bal: acco:	4146 89	
Carried Forward		<u>\$ 4530 97</u>	<u>\$ 4530 97</u>

1871. Aug: 9	By Bal: due Estate brot: on	//	"	\$4146 89
" Sep ^r 2	" Dividend from M. & Mechanics ^{Sav.} Bank			150 00
" Nov: 1	To cash paid R. H. Baker, Atto: fr: recd:		100 00	
" " 20	" do do E. L. Ely, Shff: te. of Geo: W. Turner dec'd, on acco: & note		220 00	
" Decr 20	" " " Same do do		103 67	
1872. Jan: 10	By Dividend from M. & Mechanics Sav. Bank			150 00
" May 20	" Proceeds of sales of Va: State Bond			900 00
" July 5	" do do do do			150 00
" Aug: 9	To Comrs: @ 5 per ct: on \$1350.00		67 50	
" " "	" This sum due Estate to bal: acco:		5005 72	
				\$5496 89 \$5496 89

1872. Aug: 9	By bal: due Estate brot: down	//	"	\$5005 72
" " 14	To cash paid, E. L. Ely, Shff: te. of Geo: W. Turner dec'd, bal: in full on note		29 00	
" Decr: 10	By This sum rec'd from Geo: R. Kelly, Atto: bal: in full, of claim vs Jesse Parker			473 97
" " "	" cash paid same, Comrs: on same		23 69	
" " 14	By Proceeds of sale a Vafo: City \$1000. bond			900 00
" " "	" do do do \$700. do			630 00
" " "	To bal: in full, paid on bond due by Geo: W. Murphy, to which Testator was Secy: pr: bond		48 00	
1873. Jan: 14	By Dividend from M. & Mechanics Bank			150 00
" July 29	" do do do do			135 00
" Aug: 9	To Coms: @ 5 per ct: on \$2288.97		114 45-	
" " "	" This sum due Estate to bal: acco:		7079 55-	
				\$7294 69 \$7294 69

1873. Aug: 9	By Bal: due Estate brot: down		"	\$7079 55-
	and Carried Forward			

1873. Aug: 9	By bal: due Estate brot: forward	\$7079 55-
" Sept: 18	To Cash paid Hardy Chapman, Exor: of Sol: Bracy, on acco: of bond, per	100 00
" Nov: 23	By proceeds of sales of certificates of interest on Harpo: City Bonds	661 55-
1874 April 15	To Cash paid Hardy Chapman, Exor: of Sol: Bracy dec'd, bal: in full on bond, per bond recd	113 96
" " "	" ~~disbursements~~ ~~amount~~ ~~in~~ ~~statement~~	
" " 20	" Cash paid Shadrach Bracy, in full of bal. on bond, per bond recd	78 42
" " "	" do. do. Clk's fees, pr: tickets	16 40
" " "	" " " Paid Commr: Prentiss, for making up report, returned Sept: 17th: 1867. per recd	25 00
" " "	" " " Baker & Walke, attor: fee account, per recd	52 10
" " "	By proceeds of claim collected, in John Edmerson, by Jas R. Kelly, attor:	31 88
" " "	" do. do. in Amestead Hatchell &c	32 04
" " "	To 5 per cent commo: on \$725.45-	36 27
" " "	" amo: retained to pay costs of this suit and commr's fee for this acco:	50 00
" " "	" This sum due Est: to bal: acco	7332 85-
		\$7805 00 \$7805 00
1874. April 15	By bal: due Estate brot: down	\$7332 85-
" " "	To 1/2 of above balance to which Exor: is entitled ^{as Legatee.}	\$3666 42 1/2
" " "	" This sum, the other half of the above balance, in the Exor's hands, as Trustee for Miss Mary V. Jenkins	\$3666 42 1/2
		\$7332 85 \$7332 85-

(Acco: No: 2)

An Account of the outstanding debts, still due
and owing from the Estate of Merit Briggs dec'd

I am informed, by the Executor, that there are
no outstanding claims against the Estate of Merit Briggs
dec'd.

Peter B. Pontes.

Compt'

1872. March 22	Brot. Forward		\$3297 86	\$74 76
" June 4	To cash paid E. M. Darden	for rent	16 00	
" Aug 25	" do. do. for Creecy Farm		1087 50	
" Octo: 20	" " " Geo. Gay for supplies	"	29 65	
" " 27	" " " for digging graves for children	"	4 50	
" " "	" " " for taxes on Creecy Farm	"	1 17	
" " "	" " " Taxes & fees, for 1872	"	35 31	
" " "	" " " Clerk's tickets, per tickets	"	5 53	
1874. Apr: 16	By ~~cash~~ due Mrs. Jenkins, on sales of 1400 cords of wood - ~~after deduction of~~ freight, to Isle of Wight Lumber & Truck Co.			1400 00
1873	do discount on note of \$400, given by said Co.		15 00	
Aug 6	" Cash paid Norflect Bros: for acco: rent		300 00	
"	" do. do. Mrs. Jenkins (order on said Co.)		20 00	
"	" " " Wm. S. Riddick, for House rent for Mrs. Jenkins (1873)		112 00	
"	" " " Dr. Geo. J. Kelly, for: bil: rect		20 00	
"	" " " Mrs. L. A. Christie for, ^{tuition} do. do.		28 00	
"	" " " V. S. Kelly do. " "		15 00	
"	" " " J. M. Coaling, Surgeon " " "		37 50	
"	" " " Same, for coffin for children " "		50 00	
"	" " " A. S. Eley " " "		13 04	
Dec: 17, 1874	" " " Norflect Bros: on acct: " "		100 00	
"	" " " Same, in full & acco: "		77 14	
"	" " " Hall & Holt, for coffin for Mrs. Jenkins		54 00	
"	" " " J. P. Webb		42 81	
	Carried Forward		\$5362 01	\$1474 75

	Brd: Forward	#5362 01	#1474 75
	To cash paid Skiff: Hamsman Taxes 1873		
	" do. do. do. Isle of Wight (do)	14	44
	" " " Sargt: Suffolk " " "	1	46
	" " " Discount on note of \$500, given by said Wm. in Wight Lumber & Transport Co. }	7	50
	" " " Baker & Walke, Attys, pro. re	60	00
	" " " Mry: R. C. Wells, (acco: do	1	13
	" " " J. G. Elam, atty: law " "	5	00
	" " " W. B. Wellons do " "	25	00
	" " " ~~Says~~ ^{Treas} Taxes on land in Hamsman (1873) }	32	00
	By This ^{sum} recd of Dr. Geo: J. Phillips for purchase of the "Billy Randolph land & "Gorse Neck" land }		500 00
	To cash paid Dr. Geo: J. Phillips, for Mrs. Mrs: Jenkins due bill }	138	94
	By This ^{sum} recd: received from the Trustee, as the Exor: of Merit Briggs decd: (See acco: No: 1.)		3666 42 1/2
1872. Feb: 14	By This sum recd of John Powell, in part payment of the Morris Farm		50 00
" " "	To cash paid W. S. Reddick, first payment on "Greasy Farm"	50	00
" March 28	By Cash of John Powell, in part payment of Morris Farm }		450 00
	Carried forward	#5697 48	#6141 17 1/2

1872. March 28

Bot. Forward

~~55697~~ 48 ~~6141~~ 17 1/2

22

“ ”

—

To Cash paid W. S. Riedelick on

Amy Farn

450 00

" do. do. Ask: if come for

Recd: deed for Greasy Farm

2 25

" " " Joseph P. Hall

for Mrs: Jenkins bond & int. 46

33 29

" 5th pr: et: Conus: er ~~6141.17/2~~

307 05%

By this sum due Trustees to bal: acco

348	90
-----	----

~~6490~~ 07/1 ~~6490~~ 07/2

1874. Apr: 13-

To Bal: due Geo: W. Bagg's

Truste, but: down

~~28~~ 34890.

(Special Statement - ("A"))

Showing a List of the Securities, in
the hands of the Executor. i.e

Norfolk City Bonds	\$8300:00	
Merchants, and Mechanics	{	\$500:00
Savings Bank - One (1) share		
West Virginia Certificate No: 4937.		106:40
Do Do . Do " 3210		12:80
" " " " 2201		806:67

So that the same may be
divided

Peter B. Prentiss
Comr

These stocks, are devisable, under the testator's
will, as follows to wit:

To George W. Briggs, One half.

" The Children of Mary V.

Jenkins, to wit:

George B. Jenkins

Mamie C. Jenkins

Robt. C. Jenkins

John B. Jenkins

Charles W. Jenkins

Matthew Jenkins } the other half.

being $\frac{1}{12}$ each; the last four (4) are
infants.

Peter B. Prentiss
Comr

Commissioner's Office

Suffolk, V.^a April 15th: 1874

To the Circuit Court of Hansemond County:

Pursuant to a Decree of the Circuit Court of Hansemond County, rendered on the 14th: day of October 1867, in a suit in Chancery depending in the said Court, between Mary V. Jenkins, the wife of James E. Jenkins, suing in this behalf, by R. C. Jenkins, her next friend & others, Complainants, and George W. Briggs, Executor of Merit Briggs deceased, and as Agent and Attorney of said deceased, and in his own right, Defendant, the undersigned, one of the Commissioners of the said Court, to whom was referred for settlement, by said decree: First: A further account of the transactions of George W. Briggs, as Executor of Merit Briggs deceased - Second: An account of the outstanding debts still due and owing from the Estate of the said decedent; and Third: an account of the transactions of George W. Briggs, as Trustee for the Complainant, Mary V. Jenkins; together with any matter specially stated, deemed pertinent by himself or which may be required by either party to be so stated. - Says leave to report, that he has performed the duties required of him under said decree, as the several accounts, Numbered, respectively, 1. 2. & 3, herewith returned will show.

That by Acco: No: 1. it will be seen that on a final Settlement of the transactions of the said George

W. Briggs, Exor^t of ^{the Estate} Merit Briggs dec'd, there was due to said Estate, by said Executor on the 15th day of April 1874, the sum of \$7332:88^c - one half of which said sum, belongs to the said Executor, as Legatee, and the other half thereof having been transferred or credited to Mrs. Mary V. Jenkins, (See Nurse Acco:) the other Legatee - thus, really, leaving nothing due by said Executor.

That by Acco: No: 2, there are no outstanding claims against the Estate of said Merit Briggs dec'd; and, that by Acco: No: 3, it will be seen, that on a settlement of the transactions of the said George W. Briggs, as Trustee for Mary V. Jenkins, there was due to said Trustee, on the 15th day of April 1874, the sum of \$348:90.

Your Commissioners also returns herewith Special Statement (Marked "A") shewing a list of the Securities in the hands of the Executor, so that they may be divided among those entitled thereto.

In making up the said Executorial and Trustee Accounts, respectively, your Commissioners, would state, that no interest was charged against the Executor, and none allowed the Trustee, because the Executor, was entitled to One half ($\frac{1}{2}$) of the balance in his hands, as Legatee, and was in advance to Mrs. Mary V. Jenkins, in the Trustee account, at the period of the several annual rests.

All of which accounts, together with the Decree aforesaid, are herewith returned, and most respectfully submitted

Peter B. Prentiss.
Commissioner

Mary W. Jenkins, per
fr's H

vs } Commr's Report

George W. Briggs,
Exor. of Merit Briggs
decd &c

1874
April 15th.
Completed & filed in
my Office.
Peter B. Prentiss.
Commr^{tt}

Mary V. Jenkins, et al.

against } In Chancery

Complainants

George W. Briggs, Exec^r of
Merit Briggs, dec^d, &c

Defendant

To the Honorable, the Judge of the Circuit Court
of Nansemond County,

In pursuance of a
decree of the Circuit Court of Nansemond
County, rendered on the 14th day of October, 1867,
in the Chancery suit therein pending, in which
Mary V. Jenkins and others, are Complainants,
and George W. Briggs, Executor of Merit Briggs,
deceased, is Defendant, the undersigned,
Commissioners appointed by said decree for the
purpose of laying off by meter and bound the
lands devised by the will of the testator, Merit
Briggs, to the Complainant Mary V. Jenkins
and her children, respectfully submit the
following report:

By reference to the will of the testator
Merit Briggs, the Commissioners find that the following
tracts and parcels of land, by a residuary
clause in the said will, are devised to the
Complainant Mary V. Jenkins and her children
1st. The farm on which she at present
resides, known as the Morris tract,
and lying in the County of Isle of Wight.

2nd. The "Lawrence" tract, containing seven hundred and fifty (750) acres, more or less, lying in the County of Isle of Wight, and purchased of E. E. Phillips, by George W. Briggs, as Agent for Merit Briggs.

3rd A small tract of land near Milner's, known as the "Billy Randolph place", and seven (7) acres adjoining, known as "Goose Neck", in the County of Vausemond.

4th Seventeen (17) acres of the Everett's Bridge tract, purchased by the testator after the making of the will, and for which a separate deed is held.

The Commissioners beg leave to report further that they have deemed it unnecessary, in their judgment, to employ a surveyor to lay off by meters and bounds, plat & survey, the said tracts and parcels of land, since they are sufficiently well known to all the parties, and accurately described in the deeds for the same.

All of which is respectfully submitted,

Commissioners { Samuel Eley
Nathl. G. Torfleiter
Archibald Melvin

County of Nausemond, to wit:

This day personally
appeared before me, Peter B. Prentiss
a Notary Public in and for the County
aforesaid, Samuel Eley, Nathaniel G.
Norfleet and Archibald Nelms, three
of the Commissioners appointed by the decree
of the Circuit Court of Nausemond County,
dated October 14th 1867, in the Chancery
suit of Mary V. Jenkins et al: against Geo. W.
Briggs, Exec. of Merit Briggs, and made oath
that they ^{have} ~~are~~ faithfully and to the best
of their ability executed the said decree.

Given under my hand
this 13th day of ^{November} ~~March~~,
1870.

Peter B. Prentiss

Notary Public

At a Circuit Court, held for Hanson's County the
14th day of October 1867.

Mary U. Jenkins, the wife of James E. Jenkins, sur-
ing in this behalf by R. C. Jenkins, her next friend, and
George B. Jenkins, Mary Lucretia Jenkins, Ann E.
Jenkins, James W. Jenkins, Robert C. Jenkins Jr.
and Charles W. Jenkins children of the said Mary
U. Jenkins Complainants

against ^{vs} In Chancery.

George W. Briggs, Executor of Merrill Briggs
deceased, and as Agent and Attorney of said deceased,
and in his own right Defendant.

This Cause, came on this day to be again heard upon the
papers formerly read, upon the Report of Commissioner Prentiss,
made pursuant to the decree of the 18th day of April 1867,
and upon the exceptions taken thereto by the Plaintiffs, and
was argued by Counsel; On consideration whereof the
Court, without at this time passing upon the said exceptions
or deciding any principle involved in the Cause, doth adjudge
order and decree, that one of the Commissioners of this Court
take the following accounts. Viz:

First. a further account, of the transactions, of George
W. Briggs, as Executor of Merrill Briggs deceased.

Second. an account of the outstanding debts still due
and owing from the Estate, of the said decedent.

Third: an account of the transactions, of George W.
Briggs, as trustee, for the Complainant.

Which accounts, the said Commissioner, is directed

to state, settle and to the Court report, together with any matter specially stated, deemed pertinent by himself, or which may be required by either party to be so stated.

And the Court doth further adjudge order and decree that Adolphus S. Eley, Nath. G. Norfleet, Samuel Eley and Archibald Nelson, who are appointed Commissioners for that purpose, any three of whom may act, do proceed after having been duly sworn for that purpose, to lay off by metes and bounds, the lands devised by the will of the Testator Merrill Briggs, to the Complainant Mary C. Jenkins and her children: in doing which, the said Commissioners are authorized to employ a Competent Surveyor, if in their judgment, it is best to do so: And the said Commissioners, are directed to report their proceedings, under this decree to the Court, returning therewith a plat or plats and a description of the said lands:

Attest:

Teste:

Peter B. Prentiss, Clerk.

11
Sentain by te
m. B. Roper
Bugs Ex a te

of Conspicuous
Saul & Elly Vol

13 Nov. 1871

Mary D. Jenkins et al

vs

George W. Briggs Exec^r &c

In Chy In the Court
of Hanover Co

Exceptions Taken by the above named
plaintiffs to the report of Peter B. Prentiss Com
missioner of date of Sept 17th 1867 to whom had
been referred by decretal order in this cause of
April 1867, his report of with
leave to plaintiffs to discharge and falsify &c
as well as to the report of 1866

1st Exception. For that the said Peter B. Prentiss
Commissioner did in his report not of the trans
actions of Geo W Briggs as agent of M Briggs dis
charge the said agent with \$13918⁷⁵ of date of
Feb 15 1862 as drawn from bank, as Confederate
money, when the same was a deposit of M Briggs
in his life time in the Exchange Bank of Virginia
at Norfolk made at different times, during the
year 1861 and including a balance to his Credit
Coming over from 1860, in money that was good
and current and legal, and a deposit of near
\$3000 made by George W Briggs from monies taken
from the Safe of Mene Briggs in bank notes, and
not composed in part of one dollar of so called
Confederate money and that said deposit in whole
was composed of good, lawful, and current money
and not composed in part or whole of said so called

Confederate money and was entirely under the Control of Geo W Briggs agent from the 16th day of Decr 1861 when said agency commenced, and should be charged to him as from that time

2 Exception 2nd For that the said Commissions did ^{improperly} allow as a credit to said agent item \$100 Traveling expenses from Richmond to Norfolk on business of Mr Briggs and at the same time allow him a credit in same account of \$1024.79. Commissions at 5% per cent on the amount received which was fully ample to pay for the services performed

3 Exception 3rd For charging the agent and then Executor with \$10220 ⁴⁵/₁₀₀ balance due on closing account No 1 as balance due in so called Confederate money, ^{when the same should have been in good, and lawful funds.} when there was no testimony before him to show that such was the case, and only the statement of the agent who coupled it with the admission that he sold tobacco purchased for speculation for \$6487.71 in Richmond for such so called money, which being an issue of risk dependant on the success of a ~~war~~ ^{cause} in defence of a then declining cause, was a risk with which said agent should be properly chargeable as person.

4 Exception 4th For charging in account No 2 or

Geo W Briggs' Executorial account the said Exec^r
with items \$541 $\frac{99}{100}$ proceeds of sales of bacon and \$714 $\frac{33}{100}$
Sales of merchandize and \$481. $\frac{10}{100}$ sales of nails as
received in Confederate notes, when he should have
charged the same as good money; it being a risk
on the part of the Executor to take and carry from
the farm of M Briggs dec^d (as the testimony) Shorn
goods then properly secured from the ravages of
Contending parties during that war (and partly
the property of Mrs L P Briggs (bacon) to replace
the ~~bacon~~ which cost \$2100 in same notes), when
by goods of value that would have commanded
good money and a legal tender were sold for an
issue not made a legal tender by the so called
Confederate government, and ~~dependant~~ for val
ue not alone on the success of their arms but the
whims and Caprices of a people already denoun
cing the same as trash and refusing to sell any
thing for their own issue unless it was paid for
in a sum as fabulous as the rest -

- 5 Exception 5 For that the said Commissioner did
allow as a credit to said Executor items \$200 Dec 23
1863 and \$250 traveling Expenses and Jan'y 16th 1865
off \$250 for same purpose, and yet ^{did} allow him full
Commission on the monies that came to his hands
both as agent and Executor (a portion of which
monies as is apparent on the face of his report

were not changed by the change in his fiduciary character and which he received Commis- sion on (twice) for performing the service of Executor, No testimony being introduced before said Commission of an extraordinary amount of Travel inconsistent with his duty, or beneficial to the estate in his hands

5 Exception 5th For that said Commission did allow as a Credit of May 20th 1863 to said Executor of \$6472.15⁰⁰ as this sum sent to C. J. Waltham to invest in Confederate bonds, which said sum was so invested as appears by the "dead weights of the lost Cause" known as Confederate Scrip produced by the Exea to the Commission, which said expenditure, investment, risk, evidence of his high state of political excitement at the time, or what even it be be called was wholly a political risk never Contemplated by the testator when he gave him in the will broad discretionary power of investment, nor could have been since the investment ~~was~~ wholly in violation of the law of the land and even if charged to have been done under the existing government of Virginia that Controlled in Richmond when the executor was, was never done in obedience to the act of the Richmond Legislation of Virginia authorizing a judge of a Circuit Court so to order for the protection of

of fiduciaries, but at the sole risk of the Executor, which said allowance of Credit off \$6472 ¹⁵/₁₀₀ So invested ^{by} said Commissioner should never have ~~been made~~ ^{been made at that time}, because the same was wholly ~~illegal~~ ^{illegal} and ~~made~~ in violation of the ~~act~~ ^{of} office of ~~said Commissioner~~, to ~~support~~ ^{the} Constitution and laws of the United States, ~~the~~ latter of which made it a Crime to so invest, and pronounced it legal all such investments -

- 6 Exception 6th For that said Commissioner did improperly allow item \$500 paid Mrs Jenkins annuity Jan'y 1 1864 and \$500 ~~same~~ payment of said annuity, and \$500 (part and parcel of disbursements of John C. Underwood ^{of \$759 ²⁵/₁₀₀} which was payment of annuity to Mrs Jenkins in 1863 the three items having been paid in Confederate money, the last of which ^{was made} under protest ^{from Mrs Jenkins} and when Confederate money was only selling for ~~for~~ \$50 off \$100 of that time, when ~~of~~ the said payments made in an issue that could be used in exchange only at a heavy rate of discount should have been allowed only at their rateable merchantable quotation in Richmond at that time, inasmuch as it was to be supposed the payments of 1863 and 1864 could have been exchanged at some valuation for articles of necessity and use by Mrs Jenkins ^{payment of 1865 being ~~worthless~~ when she was then -} if purchased they ought to have been allowed at all -

7 Exception 7th For that said Commissioner did im-
properly allow item \$50 as a Credit to said Executor
which item is for tuition paid for Mrs Jenkins' chil-
dren, when Mrs Jenkins having a separate estate
provided by the will of her father the Testator, should
have been charged this item or its value in good
money (the same having been paid in Confederate mo-
ney) in a separate account, the estate of Meritt
Briggs not being properly chargeable with the debts
of Mrs Jenkins, but the estate given her by the
will of Mr Briggs due out of his estate.

8

Exception 8. For that the said Commissioner did
improperly allow \$600 "funded in 4 per cent Confederate bonds"
Just for the reasons given in Exception 5, it being
an allowance of Credit out of funds not shown to
be Confederate notes, whilst if any allowance ought
to have been made for funding old issue of Confed-
erate notes it should have been done in a different
account properly made up of ^{otherwise impossible} receipts, and expense
disbursements ^{made} in Confederate money, ~~otherwise~~, if purchase
it were necessary at all to make such an account

9 Exception 9 For that the said Commissioner did
allow improperly a Credit to Executor of item \$96⁸⁷/₁₀₀
for same reasons urged in Exception 8.

10 Exception 10th For that the said Commissioner

did improperly allow as Credits to the Executor, items
\$307 ⁵⁰/₁₀₀ pd S G Darden \$59 ⁴⁰/₁₀₀ paid Mr Creech, \$480.
pd Bapst for pork and \$2100 paid Jno C Under-
wood of date of March 27th 1865 as the receipt shows
for 323 1/2 lbs bacon, which said items ~~are~~ were for
~~first \$307 ⁵⁰/₁₀₀~~ were according to the first two debts due by Mrs
L P. Briggs the widow of intestate, and last two, expen-
ditures of a large amount apparently of money, for
a little pork and 323 1/2 lbs bacon for same. Mrs Briggs
was provided for by the will of the testator (who did not
die 'til the largest part of the estate she was given by
will viz negro, had escaped to the Federals) and had
an estate of her own, and was in no wise connected
with the estate of M^{rs} Briggs save only as a lega-
tee of a life estate and \$1000 in money - And these
expenditures appear not to have been made 'til over
two years after the death of testator and just before
the surrender of Gen Lee and the Confederacy when
the amounts of Confederate scrip required to buy a
dollar was and will be in future fabulous, and
when if an offer to the parties for Mrs Briggs' benefit
had been made in good money the amounts would
have been "smaller by degrees and more beautifully
less", Tho' not matter the amount they were not le-
gal, proper, or correct ^{vouchers} ~~proofs~~ of the Executor
in the administration of M Briggs' Estate.

11 A Exception 11th For that said Commissioner did im-

properly allow in account made up of Transactions of Executor "in U.S. Currency" items, \$37.91 pd Wm Turner \$72.78¹⁰⁰ Turner & Co for acres. \$12.58¹⁰⁰ J. J. Tyner due bill of Mrs Briggs' for bacon of November 1865. \$10 ²¹/₁₀₀ Sundries paid for Mrs Briggs. \$36 ²⁵/₁₀₀ Funeral expenses of Mrs Briggs \$2.00 H. C Brown. \$5 for seed peas from Thos Clements. \$30. Paid Martha Harris house keeper for Mrs Briggs. \$66 ³⁸/₁₀₀ Smiths work done by Thomas Jayner for Mrs Briggs \$4 ⁵⁰/₁₀₀ pd Wm. J. Wilson \$6 ⁵⁵/₁₀₀ pd N. D. Phillips for seed wheat \$17 ⁴³/₁₀₀ H. W. Weil, and \$5 paid B. Wilson for pack for Mrs Briggs. all of which items were expenditures made for Mrs L. P. Briggs the widow of the testator nearly three years after death of testator and when the estate of Mr Briggs according to law, (two years from qualification of Executor having expired) ought to have been fully settled up and distributed - items in no wise connected with Merit Briggs' Estate and for reasons in Exception 10.

- 12 Exception 12th For That The Commissions did improperly give credit to the Executor for \$40 paid Jno C Curdwood as ^{her} agent & when the Executor was, being allowed Commissions, twice (once as agent & Executor) and travelling expenses of extraordinary amounts, an expenditure he should make out of his own pocket or ^{have} given the estate into the hands of someone who would and could administer it

- 13 Exception 13. For that The Commissioner did improperly allow to the Executor claim \$100 Travelling expenses, twice to Richmond &c for the reasons given in Exception 4
- 14 Exception 14. For that the said Commissioner in making up the account of real estate of which Mr Briggs died Seized and possessed, did omit, although it was brought to his notice by the attorney for plaintiff in this case, to state a tract of 17 acres in Nansemond County known as The Gooden Land, and place it under the head of lands belonging to Mary V Jenkins, it having been purchased by testator & sold before his death as to bring it under the residuary clause in his will, all of which facts were personally known to the Commissioner, he having in a different Capacity, before that given a decided opinion on the title to the same in a matter involving its attempted sale by the Executor.

~~And the said plaintiffs by their said attorney do except generally to, and enter their solemn protest against the partiality of the Commissioner shown for defendant in the pretended sittings to allow plaintiffs to surcharge and falsify, which partiality appeared to increase on the second sitting to such a degree that upon the attempted examination of John Edderson~~

~~a warrant in reference to the charges of cutting
wood ~~to be~~ contained in item \$159. and marked
as Cash paid on account of wood cut on John
E Denson's land. The Commissioner boldly an-
nounced that he had made up his mind to allow
this ~~item no matter whether Mr Denson was
Sworn or not, and would do so, 'condemning~~
~~Captants think highly reprehensible and evidence~~
~~that the Commissioner did not sit to re-examine~~
~~the case in bias or impartially.~~~~

- 15 Exception 15 For that said Commissioner ^{improperly} al-
lowed the Executor a Credit for \$159 for wood cut on
John E Denson's land, which expenditure ^{ought} ~~was~~,
if to be allowed at all, to said Executor, only, in
his account Current of Receipts and Expenses of
The Denson wood Cutting, after he has gotten
the wood to market and sold the same. But
your exceptants cannot be led to believe it was
ever contemplated by the Testator that the Exec-
utor should speculate in wood (a dangerous &
'deceptive article') with his debts or attempts as
he alleges to save a debt by wading over his debts
in an article he knew nothing of -

In all of which particulars these exceptants ex-
cept to the report of Commissioner Prentiss as
before and as above given, and they do ~~general~~

except to and pro test against her reasonings in
his ~~final~~ report on the subject of attorning the
~~Executor~~ the items charged as having been paid
for L P Briggs years after his husband's death
and which have no connection with M Briggs'
estate, because

~~Such it conclusively shows what a struggle it is
of feeling to the Commissioner to have to strike
out anything from his former reports and that
that he must be convinced of the illegality of the
items yet the acting feeling of partiality man-
ifests itself in the death struggle and proves the
charge against him~~

Second Because there never was any let to mo-
ny before the Commissioner whilst the course for
the plainiffs was ~~present~~ ^{known} nor had he ever heard
of any being introduced, ~~before seeing the report~~
of Sept 17 1867, to prove any thing upon the sub-
ject of Mrs Jenkins' living with her mother, and
to show that some improper influences had been
~~exerted on the Commissioner in getting the facts~~
~~before him, who even may have given him the~~
~~information false & blindingly and in many~~
~~particulars false, as for instance the asser-~~
~~tion that all these expenditures were supplied~~
~~by the Executor to his mother for the purpose of~~
~~providing for the Complainant, and yet the first~~
~~item is a running store account at Stephen's~~

Dardus Store made by Mrs Briggs for articles
 of personal use &c and was only paid by the
 Executor a long time after the account was
 made - The second item was for shoes made
 for the negroes ten in number that remained
 from the funeral stampede and leather for those
 shoes, Mrs Jenkins nor any one of her children
 having received any benefit therefrom, and was
 only paid long after its Contracting - Items
 \$2100. and \$480 for bacon & pork were expende-
 tures for about the same amount of bacon sold
 by the executor for \$41.99., the taking off of which
 was one Cause of Mrs Briggs selling out of bacon
 Another large item of \$66.38. U.S. Currency to Thos.
 Joyner for Smiths work was solely upon buggies,
 Carts and Wagons, in which Mrs Briggs only had
 a life estate and the repairing of which was, sole-
 ly, for the benefit of the Executor who took the whole
 of them into possession after Mrs Briggs death,
 \$5 for seed peas to Thos Clements entered solely to
 the benefit of Executor as did 6⁵ for N P Phelps for
 seed wheat - The assertion that a large portion of
 these supplies were consumed by Mrs Jenkins and
 her seven children (one of whom was a sickly babe)
 ought not to have been made when the Com^m of Fran-
 ce might have ^{learned on} ~~and the doubt did learn from me~~
~~from the further enquiry~~ ^{learned on} that there were 26 in Mrs Briggs' family be-
 fore the surrender, of whom ten were negroes,

and they consumed three times what Mrs Jenkins
 six did, and of which six he might have learn-
 ed that two were working in the Crop and
 one with Mrs Briggs wholly - leaving her only
 three and a babe - They

Second ~~Third~~ Because ~~the~~ misstatements that if the Exec-
 utor had not supplied necessaries out of the estate,
 Mrs Briggs would have perished by starvation
 is ~~a~~ gratuitous and ~~untrue~~ ^a slur upon a Com-
 munity in which her credit up to the day of
 her death was good for little necessaries for
 her family, ^{which credit} and was never denied to her.

Fourth because the whole of her reasonings are
~~fratious~~ and unsupported by any testimony that
~~was~~ ^{was} legally before him. whilst ^{the} Court was present

In all of which particulars these exceptants
 except to the said report and Alternati State-
 ments both generally and specially and humbly
 wish that the said report may be recommended
 to some ^{other} ~~unpartisan~~ Commissioner with directing
 to make out a new account according to the
 showings of these exceptants, and in obedience to
 law.

James E Jenkins
 Attorney for plain & fr

Senkum et al

4 }

Buggs Exec^t &c

Exceptions of pleas to
reput of Commissioners

1867. Oct: 12th for
clerk

At a Circuit Court, held for Hanseman County,
on the 18th day of April 1867.

Mary V. Jenkins, the wife of James E. }
Jenkins, suing in this behalf by R. C. }
Jenkins her next friend. Complainant
against } In Chancery.

George W. Briggs Executor of Merit Briggs }
deceased, and as agent and attorney of said }
deceased, and in his own right. Defendant.

On the petition and motion of the plaintiff, Mary V.
Jenkins and with the consent of the defendant, it is ord-
ered that the children of the plaintiff, that is to say George
W. Jenkins, Mary Lucretia Jenkins Ann E. Jenkins, James
W. Jenkins, Robert C. Jenkins jr. John W. Jenkins jr and
Charles W. Jenkins, be made parties plaintiff in this
case, and the cause coming on to be again heard upon the
papers formerly read on the amended bill and the ans-
wer of the defendant this day filed by leave of the Court,
and replication thereto, and on the report of the Comm-
issioner, made pursuant to the decree entered herein
on the sixteenth day of April 1866, and was argued by
counsel: on consideration whereof it is ordered adjudged
and decreed that the said report, be recommitted to the
same commissioner, for further examination and settle-
ment; in taking which account, the said commissioner
will take and receive the said account and report already
returned as prima facie correct liable to be such argued
and falsified by the plaintiffs or any of them and make report
thereof to the Court, with any ^{matters} specially stated deemed pertin-
ent by himself or required by the parties.

A Copy:

Teste,

Peter B. Prentiss. Clerk

Mary V. Jenkins &

Xmas

To E. Co. Beece

George W. Briggs, Exor. of
Merik Briggs dec'd &c.

Commissioner's Office

Suffolk, Va. June 1st. 1867

To. Mary V. Jenkins, the wife of James E. Jenkins,
suing in this behalf by Ro. C. Jenkins, her next
friend, and George B. Jenkins, Mary Lucretia Jenkins,
Ann E. Jenkins, James W. Jenkins, Robert C. Jenkins Jr.
and Charles W. Jenkins, children of the said Mary V. Jenkins. Complainants
And To. George W. Briggs, Executor of Merik Briggs
deceased, and as agent and attorney of said
deceased, and in his own right Defendant

You are hereby notified, that I have appointed Wednesday, the 24th
day of July 1867, for further examination and settlement of the
transactions of said George W. Briggs, as agent and attorney in
fact of Merik Briggs deceased, and also as Executor of said
deceased, which examination and settlement are required to be
taken and made, by the Decree of the Circuit Court of the County
of Hanseman, rendered on the 18th. day of April 1867, in a suit
in Chancery, depending in said Court, in which you are parties
plaintiff and defendants.

Given under my hand as Commissioner in Chancery of
the Circuit Court of Hanseman County, the day and year
first herein aforesaid.

Peter B. Prentiss.

Commissioner

Service of the foregoing notice is hereby acknowledged for
us
Jas. E. Jenkins, atty for
- Complainants -

Geo. W. Briggs
Ex'r of Merik Briggs

THE COMMONWEALTH OF VIRGINIA,

To the SHERIFF OF ^{Isle of Wight} ~~NANSEMOND~~ COUNTY—Greeting.

YOU ARE HEREBY COMMANDED TO SUMMON

Narden, & Bassett

John C. Underwood, S. F.

undersigned, one of the Commissioners of
to appear before the _____ of our Circuit

_____ Court of Nansemond County, on the 24th;

day of July 1867 to testify and the truth to say in behalf of Mary V. Jenkins

in a certain matter of controversy in our said Court, & before the undersigned Commissioner
depending and undetermined between George W. Briggs, Executor of Merit Briggs
dec'd^{le} & said Mary V. Jenkins & _____

And this they shall in no wise omit, under the penalty of \$100 each And have then
there this writ.

Witness, PETER B. PRENTIS, ^{Commt^r in ch^y:} ~~Clerk~~ of our said Court, at his Office, the 17th day of

July 1867, in the 22^d year of the Commonwealth.

Peter B. Prentis, Clerk ^{Commt^r}

Executed on. Wmth Bassett,
 S. G. Darden & J. C. Underwood
 22 July 1867 } E. S. Ely Shff

-Jenkins V

22 } Spa:

Briggs' Exth d^o

To 24th July 1867

(with notes 1867)
 being 2000

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of ^{Isle of Wight} ~~NANSEMOND~~ County—Greeting.

YOU ARE HEREBY COMMANDED TO SUMMON

John E. Benson,

to appear before ~~the~~ *me* ~~at law~~ *a Commissioner in Chancery*
of the Circuit Court of Nansemond County, on the *17th*
day of *September 1867*, to testify and the truth to say in behalf of *Mary V. Jen-*
Kins &c

in a certain matter of controversy in our said Court, *in Chancery*
depending and undetermined between *George W Briggs, Executor of*
Meritt Briggs dec'd &c and said *Mary V. Jenkins &c*

And this *he* shall in no wise omit, under the penalty of \$100. And have then
there this writ.

Commissioner
Witness, PETER B. PRENTIS, ~~Clerk~~ of our said Court, at his Office, the *11th* day of
September 186*7*, in the *92nd* year of the Commonwealth.

Peter B. Prentis. Clerk.

I acknowledge service of a copy of within
Sept 14. 1867

John E. Dawson

Mary O. Jenkins &c

vs { &c.

George W. Briggs, Exor. of
Merik Briggs dec'd &c

To 17th. Sept. 1867 at
Commr. Prentiss' Office.
Suff. Va.

Mary V. Jenkins &c

vs { & c.

George W. Briggs, Exor.
of Merik Briggs dec'd &c

do 17th. Sept: 1867 at
Commr. Prentiss' Office.
Suff: Va.

Servic Acknowledged by me

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—*Greeting.*

YOU ARE HEREBY COMMANDED TO SUMMON *George Hall,*

to appear before ~~the~~ *me* ~~of our~~ *a Commissioner in Chancery*
of the Circuit Court of Nansemond County, on the *17th*
day of *September 1867* to testify and the truth to say in behalf of *Mary V. Jen-*
=kins &c

in a certain matter of controversy in our said Court, *in Chancery*
depending and undetermined between *George W. Briggs executor of Meritt*
Briggs dec'd &c and said Mary V. Jenkins &c

And this *he* shall in no wise omit, under the penalty of \$100. And have then
there this writ.

Witness, PETER B. PRENTIS, ~~Clerk~~ *Commissioner* of our said Court, at his Office, the *11th* — day of
September 1867, in the *92nd* year of the Commonwealth.

Peter B. Prentis. Clerk

Jenkins, per: friend

25

Briggs' Exor: fr.

The Deposition of George Hall, Taken before me,
Peter B. Prentiss, a Commissioner in Chancery, pursu-
ant to notice, on Tuesday, the 17th day of September
1867, between the hours of 6 A.M. & 6 P.M., of that
day, to be used as evidence in the suit in Chancery
depending in the Circuit Court of Maryland County
between Mary V. Jenkins &c, per friend, Complainant,
and George W. Briggs, Exor: of Merit Briggs dead &c,
Defendant.

Present.

James E. Jenkins. Compl't's Counsel
Rich^d H. Baker Jr. Def't's Counsel.

George Hall, being first duly sworn and exam-
ined on the part of the Complainant, deposes
and says as follows:

1st Question by Complainant's Counsel

Was there any charge, on the Books of Merit-
Briggs, at his death, against George W. Briggs,
and in whose hand-writing was it made?

Answer—None, that I recollect of.

2nd. Question. Have you examined those
Books since and seen any account open or
closed, with Geo: W. Briggs?

Answer. I have not

3rd. Question—What amount of money was

advanced by Merik Briggs to George W. Briggs, on his starting to Europe, and sent him whilst there?

- The Counsel for the Defendant, Geo: W. Briggs
Extr: of Merik Briggs decd, objects to this question as irrelevant -

Answer: I do not recollect, positively, as he gave him \$200 or \$300 or more, in gold, to go to Europe, or it might have been more. He (Merik Briggs) told me, that he had made him a present of it or would give him as much as he wanted to go to Europe -

4th: Question. Do you know any thing, as to the purchase of any wood, by Dr: Briggs from John E. Benson, and if so, state it?

Answer: All that I know is, that I witnessed the contract between them for the purchase of the wood: do not recollect any thing as to the amount of wood cut or price to be paid: I may have known it, but have forgotten it: The contract will shew it.

Cross-examined by Defendants' Counsel.

Question. 1.st Did you ever see upon Mr: Briggs' Books, any charge against Dr: Briggs, at any time?

Answer - Not that I recollect.

Question. 2nd: Did you ever keep Mr: Briggs' Books?

Answer - I kept them about two years, and lived there about five years.

Question 3rd: Did you ever know him to make a

charge against his son ^{George} in his Books?

Answer— Have no recollection of his ever making such a charge.

Question 4th: Did you not hear Mr: Briggs say on more than one occasion, that the money given George, when he went to Europe, was a present to him?

Answer. I heard him say so, on more than one occasion.

And further, this dependent saith not.

George Hall

in Confederate Currency.

Alternate Statement shewing the state of the Accounts,
if modified by the omission therefrom of the Debts:
Complained of by the Complainants Counsel, ^{complaints are} and which
disallowed by the Commissioner.

1863. Mar: 4	(Exor: qualified)				
" " "	By This sum being balance due by Exor: as agent of dec'd. see acco: No: 1			\$10.220	45
" May 20	To Cash sent C. J. Waltham to be in- vested in Confederate Bonds		\$6472	15	
" Mar: 6	" Cash paid H. Robertson, per rect:		25	00	
" do do	" do Mrs: L. P. Briggs, a Legacy, per do		1000	00	
" Decr: 31	By This amo: collected by J. C. Underwood for sundry State bills &c (see Underwood's Statement				1767 43
" " "	To This amo: disbursed by J. C. Underwood (see Statement)		1759	96	
" " "	" Expenses paid for transportation of sundry articles from Confederate lines to Wakefield Depot		65	00	
" Sept: 15	By This amo: rec'd as proceeds of sales of bacco, from C. J. Waltham & Co.				541 99
" " "	To amo: paid for 4 shares of Bank of Richmond		500	00	
" Decr: "	By Dividends rec'd on 80 shares Exchange Bank Stock				560 00
" " "	" Dividends on Va: Registered Bonds				240 00
" " "	" This amo: rec'd from Mrs: L. P. Briggs, proceeds of sales of merchandise				1320 00
	Carried forward.		\$9822	11	\$14649 87

1863 Decr:		Amor: Brot: forward.	\$ 9822 11	\$ 14649 87
"	To travelling expenses from Richmond to Hause-	}	200 00	
"	ment, on several occasions, on business of Estate			
"	Legacy to Executor.		3000 00	
1864 Jan: 1	By Dividends on Exchange Bank Stock		"	640 00
"	do " Virginia do. do		"	103 95
"	Interest on 12 Confed: Bonds		"	173 20
"	This amo: in Confed: Bonds, recd from Confed: States	}		1200 00
"	for sch: "Expit", which was condemned for their use			
"	By int: on 58 Confed: Bonds (\$5800)		"	232 00
"	do " 40 Va: Registered Bonds (\$4000)		"	240 00
"	To this sum paid Mrs. Jenkins' annuity-		500 00	
"	do. do invested in stock of the	}	1300 00	
"	Bank of Richmond			
"	This amount funded in 4 pr:	}	600 00	
"	Ct: Confed: Bonds			
"	by proceeds of sales of Merchandise, pr: acco: of sales	}		714 33
"	from Burgess			
"	do. do. of sales in	}		481 10
"	units by Venable			
" Mar: 4	To travelling expenses from	}	250 00	
"	Richmond to Hausement on			
"	business of Estate			
"	Commissions @ 5 pr: Ct: on	}	921 72	
"	receipts			
"	This amo: due Est: in Confed: money (old spec) to bal.		1840 62	
Amor: Carried forward.			\$ 18434 45	\$ 18434 45

1864. Mar: 4	By Bal: due Est: brot: av			#1840 62
" Apr:	To 1/3 Lof: in converting under the Law, the above amount into new issue of Confed: Notes		\$ 596 87	
1865. Jan: 16	By Dividends on Exchange Bank Stock		" "	560 00
" " "	" do. Confederate Stock		" "	232 00
" " 17	To Cash paid Mrs: Jenkins' Annuity 1865 -		500 00	
"	" traveling expenses from Camp to Richmond, thence to Henderson through the Lines		230 00	
"	" Commissions on \$792:00 (Receipts) since former charge		39 60	
"	" This sum due Estate to bal: 1000:		1246 15	
				~~\$2632 62~~ ~~\$2632 62~~
	By Bal: due Estate in Confederate Money brot: down		"	~~1246 15~~

Alternate Statement, shewing the state of the Accounts
in United States Currency, if modified by the omission
therefrom of the Debts complained of by the Complainants
Counsel and ^{which complaints are} disallowed by the Commissioner.

1865. July 28	(Transactions in U.S. Currency began)			
" " "	By Bal: due Estate in Confederate- Currency (\$1246:15) see Statement No: 1- which being reduced to Federal Currency is @ \$60 for \$1. equal to	"	"	\$ 20 77
" " "	" Net proceeds of sales of Slaves, as pr: acco: of Le Page Bros: less charges	"	"	126 97
" Aug: 23	" proceeds of sales of sails & rigging be- longing to Schooner "Eck" on 3. Mos. Credit	"	"	234 50
" " "	" do do of sales of 3 checks amount- ing to \$1520 gross on Merchants & Me- chanics Savings Bank. Net: for	"	"	1199 70
1866. Mar: 30	" do. do fr: Le Page Bros: sales of 2 checks, gross \$410:90 for			323 99
" April 19	" " do \$589:80 do			465 95-
" June 12	" " " \$342:95- "			270 93
" " "	" " " of Merchandise & Sundries belonging to Estate of Meril-Briggs died at Public Sale, Decr: 24th: 1865 @ 4 mos:			154 49
1865. Aug: 29	To This amo. paid Le Page Bros: pr: acco. tract	25	10	
" Nov: 9	" do. do. do. W.H. Turner do	37	91	
" " "	" " " " R. D. Ward, Notary Public "	5	00	
" " "	" " " " Geo: Hall, an appror: "	2	00	
Carried forward		\$	70 01	\$2797 30

1865. Nov: 9	Brot: forward	#	70	01	#2797	30
" " "	To paid J. C. Underwood, an apprsr. paid		2	00	"	"
" " "	" " Clerks fees to Benj Pollard. Clerk of	{	11	83		
" " "	Cir. Ct. of Richmond City - . . . do					
" " "	" " U. S. Quick Tax on Land		26	83		
" " "	" " Jos. Underwood, services as clerk . . .		2	50		
" " "	" " Merik Briggs' note to M. S. Chapman . .		126	25		
" " "	" " E. L. Eley, Shff. to Geo: W.	{	57	42		
" " "	Turners' Exor					
" " "	" " Taxes on land in Isle of Wight Co . .		6	89		
" " "	" " N. W. Wallis		17	43		
" " "	" " R. H. Baker Jr. atty's fee		20	00		
" " "	" " J. C. Underwood, note signed	{	278	03		
" " "	by Mrs: Briggs for Merik Briggs					
" " "	in April 1862					
" " "	" " Same acco: as Agent for	{	40	00		
" " "	Exor:					
" " "	" " Dr: Ro: H. Webb, for med. bills . . .		92	00		
1866. Aug: 9	By proceeds of sales of Certificate for	{	"	"	314	00
" " "	interest on Norfolk City Stock					
" " "	" " Anno: of Interest on Norfolk City	{			2100	00
" " "	Stock, up to July 1st: 1865: funded					
" " "	in a bond for					
" " "	To traveling expenses for 1865 + 1866	{	100	00		
" " "	twice to Richmond + 4 visits to					
" " "	Norfolk, on business of The Estate . . .					
" " "	By Sundry Collections, fr: Geo: Hall . . .				56	62
" " "	Carried forward	#	851	19	#5297	92

1866. Aug. 9	Brot: forward	\$851 19	\$3297 92
	By Amos: collected of W. H. J. Wilson		125 92
	" do do " Jos: Saunders' Estate		91 22
	To Cash paid on account of wood cut on John E. Hensen's land	159 00	
	" Amos: paid B. Pollard. Clk's fees	11 54	
	" Comm: to S. H. Ct: on \$5494.29	274 71	
	" Bal: due Est: to close acco:	~~4218 02~~	~~75 00~~
		~~\$5515 06~~	~~\$5515 06~~

1866. Aug: 9	By Bal: due Est: Brot: down	"	~~\$4218 02~~
	To Amos: of Interest in Norfolk City Stock (Gunders) and now in the hands of the Exor:	~~\$2100 00~~	
	" This sum to bal:	2118 02	" "
		~~\$4218 02~~	~~\$4218 02~~

1866. Aug: 9	By Bal: due Estate Brot: down	"	~~\$2118 02~~
	To 1/2 of above balance, to which the Exor: is entitled as Legatee	~~\$1059 01~~	" "
	" This sum, The other half of the above balance, in the Exor's hands, as Trustee for Mrs: Mary V. Jenkins	~~\$1059 01~~	" "
		~~\$2118 02~~	~~\$2118 02~~

Special Alternate Distributee Account

1866. Aug: 9	To amo: from Acco: No: 4 (Special Distributee acco:) of former acco: due Mary V. Jenkins, in the hands of George W. Briggs, Trustee	\$923 31 1/2		
	By amo: as shown by alternate statement on page 7		\$1059 01	
	To difference to Bal	135 69 1/2		
		\$1059 01	\$1059 01	
1866. Aug: 9	By ^{bal} due Mary V. Jenkins, in the hands of Geo: W Briggs, Trustee		\$135 69 1/2	
	Less This sum due Trustee, as per Special Distributee acco: No: 4		\$60 94 1/2	
" "	Leaving amo: due Mary V. Jenkins, this day		\$74 75	

Commissioner's Office.

Suffolk, Va: Sept: 17th: 1867 }

To the Circuit Court of Hansemond County:

Pursuant to a Decree of the Circuit Court of Hansemond County, rendered on the 18th: day of April 1867, in a suit in Chancery depending in the said Court between Mary V. Jenkins, the wife of James E. Jenkins, suing in this behalf by R. C. Jenkins, her next friend, Complainant, and George W. Briggs, Executor of Merit Briggs deceased, and as Agent and Attorney of said deceased, and in his own right, Defendant, The undersigned, one of the Commissioners of the said Court, to whom was referred, for further examination and settlement the transactions of said George W. Briggs, as Agent and Attorney in fact of Merit Briggs deceased, and also as Executor of said deceased, taking and receiving the account and report heretofore returned, as prima facie correct, liable to be surcharged and falsified by the Complainant, reports to the Court, that he issued a notice against the several parties aforesaid, requiring them to attend the examination and settlement of the said transactions before him, at his said Office on the 24th: day of July 1867, which was returned to your Commissioner duly acknowledged: that the Complainant, by her Attorney, and the Defendant attended before your Commissioner in obedience to the said notice: that he thereupon examined some of the witnesses who had been summoned and a few of the vouchers, and, at the request of the Complainant's Counsel, the further examination and settlement of said transactions was adjourned and continued to the 17th: day of September thereafter, the date of this Report: that on this

day, The parties, by their Attorneys, together with the witnesses who had been summoned, appeared before your Commissioner, and he thereupon examined one of the said witnesses and the vouchers of the parties, and heard the views of Counsel, and after due examination and deliberate consideration, sees no objection to his former account and Report, and does again, most respectfully, report the same to the Court, as correct, for the following reasons; to wit:

First. Because, there was no evidence before him of any error in any of the Credits or Debits; unless there be error, in allowing ^{the} Charges which are placed, in the Alternate Statements hereinafter referred to.

Second. Because. All the items charged as paid by the Exor^t for Mrs. Briggs, and excepted to by the Complainant's Counsel, were absolute necessities for Mrs. Briggs, and as large portion of them consumed by the Complainant, Mrs. Jenkins & her seven children, and were supplied by the Exor^t to his mother (Mrs. Briggs) for the purpose of providing for the Complainant and her children, and therefore the Defendant (the Exor.) is thereby giving up one half of them out of his own pocket.

Third. Because the War and the appalling difficulties of the times attendant thereon, deprived the life-tenant, Mrs. Briggs, of the ample estate left her, and she would have perished by starvation, if not supplied out of the Estate, because she had no credit, inasmuch as, at her death, all her interest in the Estate ceased, and she left no estate, not even a dollar to pay funeral

expenses.

Fourth. Because the Defendant, George W. Briggs, being the largest sufferer by such a statement of the accounts, consents and agrees thereto.

Fifth. Because the items complained of, if omitted from the account, having been expended and consumed by Mrs. Briggs' very large family, composed of, in part, Mrs. Jenkins and her seven children and two of the Eger's children, ought, in Equity, in some form, as to a due and proper proportion thereof, be made a subject of charge against Mrs. Jenkins.

Sixth. Because the whole transactions were in Confederate Money, and if the amount had not been expended, then the funds would have died on the Eger's hands and been worthless; so, in no event, is the Complainant injured, but greatly benefited by having ^{such} funds expended, to a considerable extent, in the support of herself and children.

But, in order to shew how the accounts would stand if the views of James E. Jenkins Esq: the Complainant's Counsel, should prevail, your Commissioner has made up alternate statements which are herewith returned and reported for the information of the Court, in the event it should adopt them as the true mode of settlement.

And now, the said account and statements together with the depositions and other evidence relating thereto, are herewith returned.

Given under my hand as Commissioner of the

Mary U. Jenkins, her frd
h.

25th of Commrs. Report

George W. Briggs, Exor:
of Merik Briggs decd
de.

1867
Sept: 17th:

Completed & filed in
my Office.

Peter B. Prentiss.
Commr.

1867. Sept: 27th. Filed
C.W.

Said, the day and year back referred.
Peter B. Prentiss.
Commissioner

Commissioner's Office.

Suffolk, Va: Octo: 11th: 1866.

To the Honorable Richard H. Baker, Judge of
the Circuit Court of Nausemond County:

Your Commissioner to whom was referred the Decree
of the 16th day of April 1866, in the Chancery Cause
of Mary V. Jenkins, the wife of James E. Jenkins,
suing in this behalf by Ro: C. Jenkins, her next friend
vs George W. Briggs, Executor of Merit Briggs
deceased and as agent and attorney of said de-
ceased, and in his own right, begs leave to report, that
on the 26th day of June 1866, he issued a Notice against
the said parties, plaintiff & defendant, requiring them to
attend the settlement before him, at his Office, of
the several accounts ~~before him~~ required by said
decree to be taken, on the 1st day of August 1866,
which notice was returned to Your Commissioner duly
executed and acknowledged; that the parties aforesaid
appeared before your Commissioner, by their respective
Counsel, in obedience to the said notice and he
therefore began the Statement of said accounts, which
was continued from day to day until completed.
That the accompanying Accounts, numbered respectively
1. 2. & 3, together with a special Distributor Account
made at the request of George W. Briggs, Executor
of Merit Briggs deceased, marked ("4") are so made
out that he deems it unnecessary to recapitulate them
here, as he trusts, they will explain themselves; all
of which, together with the decree and notice aforesaid, is

herewith returned and respectfully submitted
Given under my hand as Commissioner in
Chancery for the Circuit Court of Hantsmen's County,
the day and year first aforesaid.

Peter B. Penth,

Commissioner

At a Circuit Court held for Nausemond County, the 16th day of April 1866.

Mary V. Jenkins, the wife of James E. Jenkins, suing in this behalf by R. C. Jenkins her next friend. Complainant

Against & In Chancery

George W. Briggs, Executor of Merit Briggs deceased, and as agent and Attorney of said deceased, and in his own right. Defendant.

This cause came on this day to be heard upon the Bill, the answer of the defendant George W. Briggs, in his own right and as attorney in fact, and Executor of Merit Briggs deceased, this day filed by leave of the Court, general replication to the said answer and exhibits filed, and was argued by Counsel; on consideration whereof the Court, without for the present settling any principle involved in the case, doth adjudge order and decree that one of the Commissioners of this Court, take the following accounts, viz: 1st. An account of the transactions of George W. Briggs as agent and attorney in fact of Merit Briggs deceased.

2nd: An account of the transactions of George W. Briggs as Executor of Merit Briggs deceased.

3rd- An account of all the Estate of which the said Merit Briggs died seized and possessed, shewing the character, kind and value thereof, and to whom the same is given by his will, which accounts the said Commissioner is directed to state settle and to the Court report, together with any matters specially stated, deemed pertinent by himself, or which may be required by any of the parties to be so stated.

Copied: Teste,
Peter B. Pentus. Clerk.

x ind

Mary A. Jenkins, the
wife of James E. Jenkins
Suing &c

vs { Copy Decree April
Term 1866.

George W. Briggs, Exor[#]
of Merit Briggs decd &c

Commissioner's Office,
Suffolk, Va. June 26th. 1866.

To Mary V. Jenkins, the wife of James E. Jenkins,
Suing in this behalf by Ro: C. Jenkins her next friend. Complainant.
And to

George W. Briggs, Executor of Merit Briggs deceased;
and as agent and attorney of said deceased;
and in his own right. Defendant.

You are hereby notified that I have fixed upon Wednesday the 1st day of August next, to take and settle at my office the following accounts.

First: An account of the transactions of George W. Briggs as agent and attorney in fact of Merit Briggs, deceased.

Second: An account of the transactions of George W. Briggs as Executor of Merit Briggs, deceased.

Third: An account of all the Estate of which the said Merit Briggs died seized and possessed, shewing the character, kind and value thereof, and to whom the same is given by his will. Which accounts are required to be taken by the decree of the Circuit Court of the County of Henric rendered on the 16th day of April 1866, in a suit in Chancery depending in said Court, in which you are parties complainant and defendant, at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the Circuit Court of Henric County the day and year first herein aforesaid.

Peter B. Prentiss.

Commissioner

On the 28th day of June 1866, I delivered to George W. Briggs
Exor of Merit Briggs dec'd a copy of the within notice
Wm Cherry by
For Wm Eley Shiff.

1866 June 28th. Service of the
within notice acknowledged John R. Kelly
p. 2.

Mary V. Jenkard &c

vs
Commar's Notice

Geo. W. Briggs, Exor. of

Merit Briggs dec'd &c

== On the 1st day of August
1866, at Commar's Patent's
Office.

(No. 1)

An account of the transactions of George W. Briggs,
as Agent and Attorney in fact of Merit Briggs deceased

1861. Nov: 25	(Date of Power of Atto:)			
" Decr: 16	(do " Agency)			
1862. Feb: 15	By this sum amo: of deposit in the Exchange Bank of Va: to the Credit of Merit Briggs		" "	\$13.918 75
" " "	To this sum, amo: of Check sent to C. J. Watham, to be invested in to- bacco:		\$5000 00	✓ " "
" " 24	" This sum, amo: of Check sent to Knowles & Walford, to pay insurance on to- bacco		18 75	✓ " "
" Mar: 2	" This sum, amo: of Check given E. E. Phillips for land purchased of him		4000 00	✓ " "
" " 14	" This sum amo: of Check, to pay for Wool for Merit Briggs & Elms Charged on same		82 00	✓ " "
" Apl: 21	" This sum, amo: of Check, given to Wm: Baugh for Tindem		50 00	✓ " "
" " "	By cash received from C. J. Watham Pro: on account of old transactions of Merit Briggs		" "	89 53
" " 23	" Cash received from C. Watham, pro- ceeds of Sales of Tobacco		" "	6487 71
"	Amos: Carried forward		\$9150 75	\$20495 99

1862	Apr: 23	Amos: brot: forward	\$ 91 50	75	\$ 20 495 99	
		To cash paid for travelling ex- penses from Richmond to Norfolk via Petersburg, in Feb: & March 1862, on business of W. Briggs.		100 00 0	" "	
"	"	" Commissions @ 5 per cent on \$ 20 495 99 (Receipts)		10 24 79	" "	
"		" This sum due Merd-Briggs to balance acco:		10 220 45	" "	
					\$ 20 495 99	\$ 20 495 99

1862	Apr: 23	By Balance due Merd- Briggs, brot: down (Conf: money) & carried to Executorial acco: or Acco: No: 2 -		"	\$ 10 220 45	
------	---------	--	--	---	--------------	--

Dr The Estate of Meritt Briggs deceased.
In Account with George W. Briggs, Executor, Cr:

1863. Mar: 4	(Exor: qualified)				
" " "	By this sum being balance due by Exor: as Agent of dec'd. See Acco: No: 1			\$10.220	45
" May 20	To Cash sent C. J. Williams to be invested in Confederate Bonds		\$6472	15	" "
" Mar: 1	" Cash paid H. Robertson, per rect.		25	00	" "
" do do	" Mrs: L. P. Briggs, a legacy. per rect.		1000	00	" "
" Dec: 31	By this amo: collected by J. C. Underwood for sundry state bills &c (See Underwood Statement)			1767	43
" " X	To this amo: disbursed by J. C. Underwood, (See Statement)		1759	96	" "
	To Expenses paid for transportation of Sundry articles from Confederate Lines to Wakefield Depot.			65	00
" Sept: 15	By this amo: rec'd as proceeds of Sales of Curren. from C. J. Williams & Co.			541	99
" X	To amo: paid for 4 Shares of Bank of Richmond		500	00	" "
" Dec: "	By Dividends rec'd on 80 Shares Exchange Bank Stock			560	00
" "	" Dividends on Va: Registered Bonds			240	00
" "	By this amo: rec'd from Mrs: L. P. Briggs proceeds of Sales of merchandise			1320	00
	Carried forward		\$9822	11	\$14649 87

1813. Decr.	Amos: Brot. forward	\$9822	11	14649	87	4
"	To Travelling expenses from Richmond to Hauseman on several occasions, on business of Estate.	200	00	0	"	"
"	" Legacy to Executor	3000	00	✓	"	"
1814. Jan'y.	By Dividends on Exchange Bank Stock	"	"	640	00	✓
"	" do " ^{Virginia} ~~Hammer~~ do	"	"	103	95	✓
"	" Interest " 12 Confed: Bonds	"	"	175	20	✓
"	" This anno: in Confed: Bonds, rec'd from Confed: States for Schr: "Epit." which was condemned for their use.	"	"	1200	00	✓
"	By int: on 58 Confed: Bonds (\$5800)	"	"	232	00	✓
"	" do " 40 Va: Registered Bonds \$4000	"	"	240	00	✓
"	To this anno: paid Mrs Jenkins's annuity	500	00	✓	"	"
"	" do invested in Stock at the Bank of Richmond	1300	00	✓	"	"
"	" The amount funded in 4 pr: Ct: Confed: Bonds	600	00	✓	"	"
"	" " paid for tuition of Mrs: Jenkins' Children	50	00	✓	"	"
"	" By proceeds of Sales of Merchandise, pr: acco: Sales from Burgefs	"	"	714	33	✓
"	" do do of Sales of Nails, by Venable	"	"	481	10	✓
" March 4	To Travelling expenses from Richmond to Hauseman on business of estate	250	00	0	"	"
"	" Commissions, @ 5 pr: Ct: on receipts	921	72	"	"	"
"	" This anno: due Est: in Confed: money (old issue) to bal:	1790	12	"	"	"
Amos: Carried forward		\$18434	45	\$18434	45	

1864. Mar: 4	By bal: due Est: brot: in	"	"	\$1790	12
" Apr:	To 1/3 Left, in converting under the Law, the above amo: into "new issue" of Confed: notes	\$590	87	8	
1865. Jan: 16	By dividends on Exchange Bank Stock	"	"	500	00
" " "	" do. " Confederate Stock	"	"	232	00
" " 17	To Cash paid Mrs: Jenkins, Annuity, 1865.	500	00	"	"
" " "	" Amo: paid S. G. Darden brot: out:	307	17	0	"
" " "	" do. do. Coney do	59	41	0	"
" " "	" " " Bassetts' acco: for park.	480	00	0	"
" X	" " " J. C. Underwood's for bacon	2100	00	0	"
" " "	" Traveling expenses from Camp to Richmond, thence to House-	250	00	0	"
" X	" went through the Lewis				
" " "	" Commissions on \$492:00 receipts - Since former charge	39	60	✓	"
By this sum due Exor: to bal: acco:				1750	92
		\$4333	54	\$4333	54
1865. Jan: 17	To Bal: due Exor: in Confederate money brot: down.	\$1750	92		

7

Accto: No: 2. Continued - (U.S. Currency)

Dr: The Estate of Merik Briggs deceased,
In Account with George W. Briggs, Executor. Cr:

1865. July 28	(Transactions in U.S. Currency began)				
" " "	By net proceeds of sales of Staves, and for accto: of Le Page Bros: left Charges	"	"	\$126	77
" Aug: 23	" proceeds of sales of Sails rigging, belong- ing to Schr: "Fit", on 3 mos: credit.	"	"	234	50
" " "	" do. do of sales of 3 checks amounting to \$1520 gross, on Merchants & Mer- chants Savings Bank, Harp: for	"	"	1199	70
1866. Mar: 30	" do. do for: Le Page Bros: sales of 2 checks. gross \$410:70. for	"	"	323	79
" April 19	" " " do \$587.80 do	"	"	465	75
" June 12	" " " \$342:75 "	"	"	270	73
" " "	" " of Merchandise & Sundries, belonging to Estate of Merik Briggs sold at Public Sale, Dec: 24 th 1865 @ 4 mos: }	"	"	154	49
1865. Aug: 29	To This amo: paid Le Page Bros: for account of	25	10	✓	"
" Nov: 9	" do. do. W. H. Turner do	37	91	✓	"
" " "	" " " Turner Ho: Groceries	72	78	0	"
" " "	" " " R. D. Ward. Notary Public	5	00	✓	"
" " "	" " " Geo: Hall, an Appraiser.	2	00	✓	"
" " "	" " " J. O. Underwood do	2	00	✓	"
" " "	" " " J. S. Tyner, due bill, Mrs: Briggs for balance	12	55	0	"
" " "	" Clerk's fees, to B. Pelland, Clerk of Cir: Ct: of Richmond City	11	83	✓	"
" " "	" Sundries paid for Mrs: Briggs	10	21	0	"
	Carried forward	\$179	38	\$2776.53	

1865: Nov:

Brot: forward	\$177	38	\$277	53	8
To paid U.S. Dist Tax on Land	26	83	✓	"	"
" do. Jos. Underwood's Services, as aier	2	50	✓	"	"
X " " funeral expenses of Mrs: L.P. Briggs	36	25	0	"	"
" " H.C. Brown	2	00	0	"	"
" " Shos. Clements for seed peas for Mrs: Briggs	5	04	0	"	"
" " Miss M. Hams, house-keeper for Mrs. Briggs.	30	00	0	"	"
X " Shos. Jayner, acco: to Mrs: Briggs, for Smith's work	66	38	0	"	"
" " Mount Briggs's note to M.S. Chapman	126	25	✓	"	"
" " E.L. Ely, S.W. to Mrs: W. Turner's Exor:	59	42	✓	"	"
" " Taxes on land, in Sch of Wight Co:	6	89	✓	"	"
" " W.H.J. Wilson for L.P. Briggs	4	50	0	"	"
" " W.P. Phillips do	6	55	0	"	"
" " H.W. Wells	17	43	✓	"	"
" " R.H. Baker Jr: Attor's fee	20	00	✓	"	"
" " J.C. Underwood, note signed by Mrs: Briggs for Mount Briggs in Acl: 1862.	278	03	✓	"	"
" " Sam, acco: as agt. for Exor:	40	00	✓	"	"
" " Dr: Dr: H. Webb, for med. bills	92	00	✓	"	"

1866. Aug: 9

By proceeds of Sales of Certificate for interest on Norfolk City-Stock	"	"	314	00	
" amo: of deposit on Norfolk City-Stock up to July 1st: 1865, funded in a bond for carried forward	\$997	41	\$3190	53	

1866. Aug: 9	Brot: forward	\$ 997	41	\$ 5190	33
	To Travelling Expenses, for 1865 + 1866				
	twice to Richmond & 4 visits to				
X	Worcester, on business of the Estate	100	00	"	"
	By Sundry Collections, fr. Geo. Hall	"	"	86	62 ✓
	" Amos: collected of W. H. J. Wilson	"	"	125	92 ✓
	" do do of Jos: Saunders's Est.	"	"	91	22 ✓
	To Cash paid on account of				
	wood cut on Geo: E. Denison's land	159	00	"	"
	" Amos: paid B. Pollard, Clerk's fees	11	54	"	"
	" do do B. Wilson for ports	5	00	"	"
	" Commt: D 3 pr: ct on \$5494:29	274	71	"	"
"	" Bal: due Est to Close Acco.	3946	63	"	"
		\$ 5494	29	\$ 5494	29
1866. Aug: 9	By Bal: due Est: Brot: down	"	"	\$ 3946	63
"	To Amos: of Interest on Worcester City				
	Stock (funded) and now in the				
	hands of the Exor:	\$ 2100	00	"	"
	" This sum To bal:	1846	63		
		\$ 3946	63	\$ 3946	63
1866. Aug: 9	By Bal: due Est: Brot: down	"	"	\$ 1846	63
	To 1/2 of above balance, to which				
	the Exor: is entitled as Legatee	\$ 923	31 1/2	"	"
	" This sum, the other half of the above				
	balance, in the Exor's hands, as				
	Trustee, for Mrs: Mary V. Jenkins	\$ 923	31 1/2	"	"
		\$ 1846	63	\$ 1846	63

(4)

14

Special Distributee account made at the request of
George W. Briggs, Executor of Merib Briggs deceased

1866. Aug: 9	By amts: in Exors: hands, as Trustee for Mrs: Mary V. Jenkens, bro: on fm: preceding page)	"	"	\$ 923	31 1/2
	To the following bills, paid on account of Mrs: Mary V. Jenkens, from March 16th: 1865 to this date, to wit:				
	" Ramsay & Wilson, for bacon	\$	41	42	" "
	" George Hall & Co goods &		32	87	
	" George W Briggs groceries		11	10	
	" Same for family Supplies		46	70	
	" Wm: Eley for bacon		42	43	
	" Turner & Co " Supplies		43	75	
	" Jaylor, Wm: H. Hardware		5	50	
	" S. A. Stevens, furniture &c		36	00	
	" Graham & Moor china &c		11	60	
	" J. R. Gillett Stove		30	00	
	" H. Cooper freight on goods		7	00	
	" Cash for family expenses		100	00	
	" do do		164	90	
	" Paid for a Gold watch		51	00	
	" Cash for family expenses		100	00	
	" do do		159	00	
	" " "		50	00	
	" Dr: R. V. Webb's Mead. Accs: (37)		43	70	
	" Tax on lands, in Isle of Wight ^{belonging to Mrs: Jenkens}		6	89	
	By this sum due Geo: W Briggs's Trustee to bal:	"	"	60	94 1/2
		\$	984	26	\$ 984 26
1866. Aug: 9	To Bal: due Geo: W. Briggs, Trustee to bal:	\$	60	94 1/2	\$

(acco: no: 3)

An account of all the Estate of which Merit Briggs
died seized and possessed, shewing the Character, Kind
and value thereof, and to whom the same is given by his
will

(First) To George W. Briggs - his son

✓ House & Lot in the City of Richmond, appraised at.	\$10.000
✓ Exchange Farm	\$7.000
✓ Middle Plantation &c	\$2.000

(Second) To Mrs: Mary V. Jenkins, his daughter

Morris Plantation	\$800.
Rif Land (700 acres)	\$3500
Hutchings Land	\$700

(Third) To George B. Jenkins, his
grand-son }

Munford Land	\$4500
Jones Land	\$300
Jordan Lands, (sold by Testator in his life time)	

(Acco: No: 3. Continued)

Property to be divided between George W. Briggs
and Mrs. Mary V. Jenkins.

Eighty (80) Shares Exchange Bank Stock

Norfolk City Stock (Old) par value \$10,000

Doitto Doitto (Funded) " \$2,100

Five Shares (5) American Insurance

Company, original value \$ 360

Five Thousand Eight Hundred Dollars (\$5800)

Confederate Stock

Fourteen (14) Shares Bank of Richmond

\$400. 4 per cent Confederate Stock

\$4000. Virginia State Bonds, par value

Stock in the Merchants & Mechanics

Savings Bank

Bonds, uncollected due Estate & to

be accounted for of doubtful

value & now in suit

Mary W. Jenkins, per friend

to Commr's Repah

George W. Briggs, Elder of
Merib Briggs dec'd &c.

Completed and filed
in my Office the 11th
day of Octo: 1866.

Peter B. Prentiss.

Commr.

Octo:
1866, 22nd filed
celk.

To The Hon R. H. Baker Judge &c

The petition of George B. Jenkins, ~~Mae-~~
~~Catharine~~ Lucretia Jenkins Ann E Jenkins James
W Jenkins Robert C Jenkins Jr John B. Jenkins Jr
and Charles W Jenkins infants under the age of
twenty one years by James E Jenkins their father
and next friend respectfully represents - That on
the 22nd day of November 1862 one Ment Briggs their
Grandfather died seized & possessed of valuable real
and personal estate which he disposed of by will
giving Certain property both real and personal to their
mother Mary V Jenkins for life thro' the intervention
of a trustee George W Briggs and remainder to them
That their mother Mary V Jenkins instituted a suit
in your Honors Court in the year 1866 setting forth
certain facts as therein appears ⁱⁿ which suit your
petitioners, tho, really the interested parties owning
the principal, whilst the mother, only was entitled to
the interest, rents and profits were not made parties

They therefore state that the estate left them by the
will of their Grandfather is so given, that it must re-
main in the hands of George W Briggs for a long number
of years - that already much of it has been lost thro'
his conduct as Executor and Trustee and that it is due
to them as infants and under the care of this Court
that no more of it be squandered - Were it protected
by his bond with good security, in all probability they
might be placed in a better situation. But by the
terms of said Will he is allowed to, and has qual-
ified upon said Estate without giving any security.

They therefore pray that your Honor will under the
authority given by the laws of Virginia, require ~~from~~
the said George W Briggs, as Executor of Ment Briggs

and Trustee under the provisions of said Will for
Mary V Jenkins to give such bond and security
according to law as will prevent their estate, once
in his hands, from being squandered and that their
interests may be protected in the premises, by such
other and further order and decree ~~on the premises~~
~~may be made~~ as will make them parties to said
suit - require their own Counsel to be present at any
examination before a Commissioner of Expenditures
by said George W Briggs as Executor and Trustee
and otherwise aid and protect them as wards of the
Court, and as in duty bound they well ever pray

James. E Jenkins ally &
Next friend to petitioners &
Attorney for Mary V Jenkins

Petition of George
B. Jenkins Dal:

prayed to be sent
to the court
to leave to answer
to be & answer the
petition.

B. H. B.

filed Octo: 15th 1866
clerk

NOTICE FOR TAKING DEPOSITIONS—Sold at Legal Blank Depot, 43 Pine Street.

Mary V Jenkins and
Others

vs.

George W Briggs Exec^r of
Ment Briggs dec^d

IN THE

Circuit Court of
Harrison County

Take Notice, That on the 10th day of October 1867, between

the hours of eight o'clock in the forenoon and six o'clock in the afternoon of that day, at the
residence of Nathaniel P. Phillips in the

of

County of Harrison.

State of Virginia, depositions will be taken, to be read on the
trial of the above entitled case on behalf of the plaintiffs; and that the taking of said
depositions, if not completed on that day, will be continued from day to day, at the same place, and
between the same hours, until completed.

To the above named

George W Briggs Exec^r
of Ment Briggs dec^d

Mary V Jenkins and Others,

by James E Jenkins

Attorney to the above named.

Many a Southern doc

m

George Washington Lee,
of Mount Airy, N.C.

On the 7th day of October 1867. I delivered to George
W. Briggs, Esq. of Mount Airy, N.C., a true copy of
the within.

Wm. J. Mitchell

The depositions of witnesses taken before me
Nathl Phillips a justice of the peace for the
County of Nausemond in the State of Virginia
pursuant to notice hereto annexed at the resi-
-dence of Nathl Phillips in Nausemond County
State of Virginia on the 10th day of October A.D.
1867 between the hours of Eight O'clock in the
forenoon and six o'clock in the afternoon of
that day to be read as evidence on behalf of
the plaintiffs in a certain suit in equity de-
pending in the Circuit Court of Nausemond
County wherein Mary V Jenkins and others are
plaintiffs and George W Briggs Executor of
Wm Briggs dec'd is defendant.

Present

for plaintiffs

Geo W Briggs

" defendant

The attorney for the plaintiffs having an-
-nounced the severe illness of his wife who was
to have been examined as a witness in this
suit, rendering it impossible for him to be present
or her Executor on his motion the taking of these
depositions is adjourned to the 11th October 1867
at 9 o'clock

N Phillips J.P.

11th day of October 1867

Present James E Jenkins also for plffs
defend^t

Mary V. Jenkins being duly sworn on the

Holy Evangelist of almighty God deposed and
Sworn as follows

Question by attor for plffs. Your name and
Connection with Merit Briggs ^{de.} you will please
State

Answer. my name is Mary Jenkins
a daughter of Merit Briggs ^{de.} and
a legatee under his will.

Question by same, Did Geo W Briggs ever
pay you an annuity of \$500 given by that
will? If so how, in what kind of money
and under what circumstances?

Answer: He paid me Five Hundred
dollars in Confederate money; Through Mr
John C Underwood. Once Through him, once
Through my mother, and once himself.

The last time I refused to take the money.
He then offered me a hundred dollars
in bank money, in lieu of Five Hundred
in Confederate. I refused to take the bank
money, and kept the Confederate; protesting
at the time against taking Confederate
money.

Question Did he ever attempt to extort a prom-
ise from you prior to paying the money?

Answer:

He wrote to me, trying to make me
promise never to let Mr Jenkins have one
dollar of the money; Before he would pay it.
Question When was the last payment?

Answer - In January 1855 - That was the time he offered me the one hundred dollars in bank money, for the five hundred in Confederate. I declined that he tried to pay you \$500 since & when.

Answer.

March 1st 1855 - He sent me a check for \$500 more. Which I refused to accept - or use -

Question when were you living from the death of your father 'til the death of your mother and what was the understanding, and a agreement, as to what you should pay for board?

Answer: I was living with my mother, and she told me that my father never wished that I should pay any board. But should stay there, and my family and myself should be supported from the farm. My Brother also told me that my father never desired for me to pay any board - After my father's death I asked my Brother if I had to pay board, and he told me, no. My mother was perfectly satisfied, and would never consent for me to pay any board -

Question. Did you or your children then contribute anything to the support of Mrs Briggs' family?

Answer: My oldest son worked on the farm

Age 16 years: My Daughter Annie worked constantly at the house. Milking cows, attending to all the fowls - and doing every thing she could about the house - My son James worked on the farm also, as far as he was able - They were wholly under the control of Mrs Briggs - My mother Mrs Briggs received the rent for five places, belonging to me, - & she was perfectly satisfied

Question who composed Mrs Briggs family,
known: Myself + seven children, ^{one an infant at the breast,} ten negroes
Miss Martha Harris, Dr Briggs Three children
one of them only the last year of the war -
Mrs Briggs herself, Mr John Powison
wife, and child, and hired hands
constantly -

Question Was enough Corn & meal made by
your mother to feed her family?

Answer: Enough corn, and some to sell.
But not enough meat -

Question Was any meat taken from the
house by any person during her widowhood
& by whom?

Answer: My Brother, ^{Dr Briggs} carried off one load
of meat in the night. Carried it up to
Richmond and sold it - He sold it
for \$41.99 in Confederate money. - Brother

Mr. H. J. Wilson carried off some twice.
Don't know how much, or whether he
paid for it either. This necessarily ~~caused~~
was one cause of my mother being short
of meat—

Question Did you ever hear of any Bacon or
other Supplies being bought solely for providing for
you and your children?

Answer: I never did: I used to furnish my
own sugar, and when mother was out
helped her as far as I had any—

Question — Did Mrs Briggs ever furnish cloth-
ing for you or your children

Answer: No, she did not furnish any for myself,
or children during the war. I manufactured
them at home and bought them

Question Did Mrs Briggs furnish Dr Briggs
or her children any clothing and what?

Answer: She furnished all his children's
clothing, and furnished him with two suits
of clothes, (fine woolen homespun) which he
said in my presence he could not buy
in the Confederacy for less than a thousand
or fifteen hundred dollars apiece—

Question Did he ever promise to pay her for
the board of her children

Answer: yes. He told her if she would keep
his children and take care of them he would

pay her eighteen hundred dollars per year. She did keep them, and furnished them with all necessary clothing &c. He only promised to pay this board about two years before the war ended. ^{Stannie} ~~He oldest~~ ~~one~~ was there about 12 months. Meritt was there 2 years. Nellie was there the whole time. Question. Did he ever pay Mrs Briggs for their board or her clothing?

Answer: He did not. Because I heard mother speak of his not paying her. I have heard mother say that if Dr Briggs would pay her what he promised to pay her, she could get along without having to go in debt. I heard her say this not long before she died. Before the surrender of Genl. Lee.

Question. Did he ^{take &} carry off any money from your mother's safe during the war & how much? Answer: He carried away three thousand dollars. Some Confederate, and some Bank money. He took it from the safe at 12 o'clock at night. Before leaving he paid Mrs Briggs one thousand dollars. My mother informed me what the amount was.

Question. Do you recollect any charge on the books of your father against Geo W Briggs and what was it if any? And in whose

hand writing?

Answer: I do. I saw in Mr George Haes hand writing \$250 in cash charged to him. Question Since Gen Lee's surrender has he been paying you what was due you from your father's estate in money? or here.

Answer: 1st. He ~~has not~~ would not pay me any money, but bought things for me. After I moved to Suffolk he ^{at} ~~paid~~ ^{have} me some money until 1st august, 1865, when he paid me \$50 in money. From that time until ~~this year~~ he now he has only paid me about \$25- in money. He has paid orders at this store for me. He sold me goods from his store at the largest sort of profits - very frequently when he was in a pettish mood he refused to let me have any thing at all.

Question. Preparing to furnish you any thing from his store has he required any thing to be promised.

Answer: He wanted me to promise him to sign his bills, without allowing my husband to look over them. He told me the other day, if I did not promise him to sign his bills without letting my husband see them, he would not let me have ~~any~~ another cent of money, or supplies of any kind, if it was five years to come.

I told him that I thought it was right that my husband should look over any paper before I signed it. And I should not in future sign any paper until he had seen it. He then refused to furnish me any thing at all for the future.

Question When has he been in the habit of sending to you to sign papers heretofore?

Answer: Only when my husband was absent.

Question Did you ever refuse on those occasions or any one of them so her conduct

Answer: I refused once, and he then wrote me a violent and most abusive letter denouncing my husband, and myself; and refused to let me have any money, or supplies of any kind whatever. Saying in this language: "of my husband, 'Let him in future furnish all you, and your children require, and act the husband, or leave you in peace'."

Question Has he been in the habit of writing such letters to you about your husband

Answer: Yes: he has been writing, very frequently violent, and very abusive letters to me; denouncing my husband, and advising me to be separated from him.

Question Has he ever done this in person?

Answer: He has done ^{so} several times.

Question How lately?

Answer: About three weeks ago.

Question: What object has he had in view in trying to part you and your husband?

Answer: To keep entire control of what property my father left me; and also to control me — And thereby get rid of my husband.

Question: If Dr Briggs had not furnished you mother the bacon he purchased for her would she have died or perished from starvation as stated by Mr Commissioner Prentiss in his report.

Answer: No, she would not.

Question: Was her credit such as to enable her to purchase any thing she needed in her neighborhood before her death?

Answer: Yes it was, and did purchase from Mr Saml. Eley, Mr S G Warden, Father Phillips, and several other persons.

Question: What has Dr Briggs' conduct been towards you in regard to your real estate.

Answer: He has worried, and annoyed me almost to death, constantly interfering in the renting of my places, after I had rented them out, and whenever I rent out a place, renting it out to somebody else, objectionable to me, trying to drive off those I had put there, and acting most shamefully either as a citizen, trustee, or brother.

And I believe his only object is to gratify a spirit of revenge against my husband. Who has aided me in renting them out. Question What effect has his Constant interference in your domestic affairs had upon your health?

Answer: I believe it is the cause of my being sick so much. I know that he has possession of all my father left me, and refuses to let me have any thing at all for my family. And I am dependent on him. It requires me to renounce my husband, or suffer. And the struggle between duty to my husband, and fears of suffering, has so affected my nervous system, as to produce neuralgia whenever he makes any of his demands, or writes any of his letters. I believe if it continues it will almost kill me. And further this deponent saith not.

- Mary V Jenkins

State of Virginia }
County of Hanover }

I Nathaniel P. Phelps a justice of the peace for the County aforesaid, in the said state do hereby certify that the foregoing depositions were duly taken, sworn to, and subscribed before me, at the time and place

mentioned therein. Given under my
hand This the eleventh day of October
eighteen hundred and sixty seven.

W. P. Phillips, Jr.

The Reading of the foregoing Depo-
sition is excepted to by the
Defendant G. M. Briggs, Esq. &c, for
the want of sufficient and
proper notice, & for other reasons.

Oct 14. 67.

R. H. Baskin for
Defendant

[Faint handwritten notes, possibly bleed-through from the reverse side]

[Faint handwritten notes, possibly bleed-through from the reverse side]

Came to land Oct. 14th 1897
C.H.

[Faint handwritten notes, possibly bleed-through from the reverse side]

See this for further

Biggs Exor &c

This cause came on this day to be again heard, upon the papers formerly read, upon the report of the Commissioner of the Court, made pursuant to the decree of the 18th day of April 1867, and upon the exceptions taken thereto by the Plaintiff, and was argued by Counsel; On consideration whereof, the Court, without at this time deciding upon the said exceptions, or deciding any principle involved in the cause, doth adjudge order and decree, that one of the Commissioners of this Court, take the following accounts viz.

1. A full and accurate account of the transactions of Geo. B. Biggs, as Exor of Maria Biggs deceased;
2. An account of the outstanding debts due and owing from the estate of the said deceased;
3. An account of the transactions of Geo. B. Biggs as trustee for the Complainant.

And it is ordered that the said Commissioner is directed to state, settle and to the Court report together

with any matter specially stated, deemed
pertinent by himself, or which
may be required by either party
to be so stated.

And the Court doth further adjudge
and decree that Adolphus

Ely, Nestle G. Norflint, Samuel Ely,
and Archibald Nelson,

who are appointed Commissioners for
any three of whom may act
the purpose, do proceed, after having
been duly sworn for that purpose,
to lay off, by metes and bounds,
the lands devised by the will of
the testator David Briggs, to the
Complainant Mary V. Jenkins and
her children, in doing which
the said Commissioners are au-
thorized to employ a competent
surveyor, if in their judgment it
is best to do so; And the said
Commissioners are directed to re-
port their proceedings under the
oath to the Court, returning
therewith, a plat or plots, and
a description of the said lands.

Shipping per friend

W. B. Deane

Prigg's Gate

Oct. 14th 67

To be returned.

R. H. Baker

Entered

Jenkins, for friend

Briggs vs R.

On the petition & motion of the plaintiff Mary W. Jenkins, and with the consent of the defendant, it is ordered that the children of the plaintiff, that is to say, George B. Jenkins, Mary Lucretia Jenkins, Ann E. Jenkins, James W. Jenkins, Robert C. Jenkins jr, John B. Jenkins jr & Charles W. Jenkins, be made parties plaintiff in this case, and the cause coming on to be again heard upon the papers formerly read, on the amended bill, and the answer of the defendant then day filed by leave of the court, and replication thereto, and on the report of the corner ~~of the~~ ⁺ made pursuant to the decree entered herein on the 16.th day of April 1866, and was agreed by counsel: On consideration whereof it is so: adj: & deemed that the said ⁺ report be recommended to the same corner for further examination & settlement, ₄ in taking which account the said corner will take & receive the said account & report already returned as prima facie correct, liable to be surcharged and falsified by the plaintiffs or any of them, and make report thereof to the Court with any matter specially stated deemed pertinent by himself or required by the parties -

Jenkins

v 3
Jenkins.

April co: 1867.

To be entered

R. H. Bates

Entered

Jenkins & v Briggs & Co

This cause came on this day, to be again heard on the papers formerly read, and on the Report of Cow Printis made pursuant to the decree of 16th of April 1866. to which Report no exception has been filed and was argued by Counsel. On Consideration whereof the Court doth confirm the said Report, and doth adjudge, order and decree that George W. Briggs as the Executor of Merrill Briggs and, transfer the assets in his ~~redemptive~~ hands as per account No 3 of said Report of "Partly to be divided between George W. Briggs and Mrs. Mary V. Jenkins" as follows—
To himself ^{in his own right} 40 shares of Exchange Bank stock, and \$5000. of Norfolk City stock (old issue) and \$1050. of Norfolk City Stock (new issue), \$2000 of Virginia State stock and all Interest due therein, and one half also of the stock in the American Insurance Company, & Merchants & Mechanics Savings Bank; and that he transfer the remaining one half of said stock, to himself as Trustee for Mrs. Mary V. Jenkins, for her sole and separate use ^{to be held by him} ~~and~~ according to the terms & conditions of the Last will and Testament of Merrill Briggs decd. ^{*}; and that he make report of such transfer to Court— and it is ordered that the costs of this suit including the reasonable fees to the plaintiffs & defendants, attorneys be paid by said George W. Briggs out of any assets in his hands belonging to his Testator's estate — and the Court doth further, adjudge and decree that

the said Geo. W. Briggs as En aforesaid
render before a Com. of this Court a further
account of his transactions ~~as~~ such En-
which the said Com will report to Court
with any matters specially stated deemed
pertinent by himself, or that any of the parties
may be required to be so stated

* And that the said Geo. W. Briggs also take
charge of should a, Trustee for said M^{rs}. Mary
V. Jenkins for her sole and separate use
according to the terms & conditions of said 'Testator'
will the Land referred to in said Act. No. 3
denoted as The Morris Plantation, The Big
Land and The Hutchings Land, & a small
parcel of Land near South Bridge —

Declaratory &c

v

Briggs vs

1866

Oct. Ct. Decree

Jenkins, ex pte

⁴
27

Briggs, Exr. &c.

On the Petition of George B. Jenkins, Mary Lucretia Jenkins,
Ann E. Jenkins, James W. Jenkins, Robert C. Jenkins Jr,
John B. Jenkins Jr. and Charles W. Jenkins, infants,
under the age of twenty-one years, by James E. Jenkins,
their father and next friend, this day filed, and
for reasons appearing to the Court: it is ordered that
this cause be remanded to the Rules, with leave
to the Complainant to amend her bill and make
new parties.

Jenkins L

11
21

Briggs Geo: L

Order at Octo: Ct: 1846.

to be entered

R. H. D.

Entered

Wm King p. friend
Briggs,
h.
Briggs Exr &c

This cause came on the day to be heard upon the Bill, the Answer of the defendant Geo. W. Briggs in his own right, and as attorney in fact, and Executor of Meritt Briggs deceased, this day filed by leave of the Court, general replication to the said Answer, and exhibits filed, and was argued by counsel; On consideration whereof the Court, without for the present settling any principle involved in the case, doth adjudge order and decree that one of the Commissioners of this Court, take the following accounts viz:

1. An account of the transactions of Geo. W. Briggs as agent and attorney in fact of Meritt Briggs deceased.
2. An account of the transactions of Geo. W. Briggs as Executor of Meritt Briggs deceased.
3. An account of all the Estate of which the said Meritt Briggs died seized and possessed, showing the character, kind, and value thereof, and to whom the same is given by his will,

which accounts the said Commissioners is directed to state settle and to the Court report, together with any matter specially

Brigg for
M.

Smith's for. paid to
M. B. Deane
Brigg Ex. &c

April 16. '66

To be entered

R. H. B.

Entered

Shaded, observed, purchased by himself, or
which may be required by any of the
parties to be so shaded.

Genl. W. H.

on,
Buffs Ex. Vol.

3

This cause came on this day to be again heard upon the paper formerly read, and upon the report of Geo. W. Buffs. Execution of Wm. Buffs decree under the decree of 19th May 1874, showing the sale by him of the share of stock in The Merchant-Traveling Society of the proceeds of the sale, and the distribution among the parties according to said decree, to which report no exceptions are taken and was argued by Counsel;

On consideration whereof the Court doth confirm the said report, and it appearing to the Court that nothing more remains to be done in the cause, it is ordered that the proceedings therein be made final & binding on the parties, that the said Geo. W. Buffs Execution as aforesaid, do pay the remaining costs of the cause if any, and that the cause be removed from the docket.

Letters for the
v.  Final Deane
Prigg. Ex. &c.

Oct. 12. 96
To the Editor:
Geo. W. Blod.

Entered O. B. Nov. 1 - p. 345.

The answer of Geo. W. Briggs in his own right, and as atty. in fact, and Executor, of Thos Briggs deceased, to the amended bill of Complaint of Mary V Jenkins, by next friend, against him and others, in the Circuit Court of New-
port County.

This respondent, saving and reserving all just exceptions to the said bill, for its many errors and imperfections, for answer thereto, or to so much thereof, as he is advised it is material for him to make answer to, answering say, that he has hitherto fully answered all the allegations of the said amended bill, by his answer to the original bill in this cause, so far as it is incumbent upon him to do so, and so far as the same are pertinent to the subject matter of the suit, and the estate would have been settled and distributed, for fully if not entirely, at the last term of this Court, but for the interference of James E. Jenkins, the husband of the said Mary V Jenkins, by whom the said amended bill was written and filed, without authority, and contrary to the wishes of the said Mary, as this respondent is advised. Be that as it may, it is very certain that the Testator was solicitous, (and for good reason) to keep the property out of the reach, or

control of the said James E. Jenkins, whose present anxiety on the subject, grows out of his desire, to get possession of it and waste it. This respondent states that he answered to the original bill, and the account returned by Comr. Duntis, will furnish a full and complete answer to the allegations of the said amended bill, and the said account will show that the said Mary D. Jenkins, was on the day of 1866, indebted to the respondent in the sum of \$60.94

This respondent admits that since that time, he has furnished the said Mary with little or no money, for the reason, that the debts of the estate have not been fully paid, and because if he had done so the said James E. Jenkins would have obtained it from him, and spent it; he has supplied her with provisions, and other necessaries whenever it was in his power to do so. This respondent denies emphatically, that he has squandered, or mismanaged the estate, to the extent of one cent at any time, or that the estate has lost one dollar by any act of his, not warranted by the facts and circumstances, by which he was surrounded, or for which he can be justly held liable, and he denies that he has used the funds of the estate for the purpose of private spec-

ulations, or that he has received one dollar, of principal or interest, for which he has not faithfully accounted. This respondent states that his agency account, and his Executors account, as reported by Comr. Duntis, will show all monies received and disbursed by ^{him} in either of the said capacities, and all allegations, of the said amended bill, to the contrary, are not only false, but scandalous.

In regard to the allegation of the amended bill, to the effect that the amount of \$500 to the complainant, was paid in confess-
note money, during the year 1863. 4 & 5.

This respondent says it is true the sum was so paid, and for the simple reason, that it was directed, by the express terms of the will, to be paid out of the income of the estate, which, during the period mentioned, was exclusively in that currency. If they should have been paid in United States currency, then this respondent will claim the payment of his Legacy of \$3000 in like currency.

The Complainant well knows, and so does her husband, the said James E. Jenkins, the author of the said amended bill, that this respondent is now willing to continue to act as her trustee, beyond the time when the estate is settled, and has so informed her, and also that he is

very anxious to settle the Estate, and
in himself of the said trust; No con-
sideration, short of an absolute necessity
for the protection of his sister's interests,
would induce him to continue to act
as her trustee, after the Estate is settled,
and he therefore desires to do so, and
prays the Court to appoint some suit-
able person in his stead.

This respondent denies that any rents
or profits of the land devised to the
Complainant, were ever received by him;
He is informed and believes, that during
the war, all such rents, were received by
the Complainant, or by her mother, with whom
she resided, and who maintained her fam-
ily, and since the war they have been
received by the Complainant herself.

This respondent further says, that the accounts
showed by him before Comr. Prouty as aforesaid
will show accurately all stocks, bonds and
securities which came to his hands,
either as attorney in fact, or as Executor
as aforesaid, and he denies that any others
ever came to his possession; He denies
that any property of the Estate, has
been lost, by his neglect, mismanagement,
or improper conduct, or in any other
manner, for which he can be justly held
responsible. This respondent is very
anxious to make a final settlement of

the Estate, and not himself of any further connexion with it, in a fiduciary capacity - Being interested in it to the extent of one half, his own interests, as well as his said Sister, required that he should manage it, as he did, to the best of his skill and judgment, and all allegations to the contrary are false -

The debt of the Estate still remaining unpaid, amounts to about \$600, which your respondent has not yet been able to pay because of the impossibility of collecting outstanding claims due to the Estate, and because of the advancements heretofore made to the complainant, as shown by Com: Order referred to above.

This respondent denies all allegations of the said amended bill, not herein admitted, and having fully answered prayers to be hence dismissed with his costs &c.

Geo W. Briggs

Sworn to before me
the 16th day of April
1867.

Peter B. Prentiss. Clerk

Jackson per friend
W. Jackson
Briggs' Exa &c

of G. W. Briggs to
Am^d Bill

The answer of George W Briggs in his own right and as attorney in fact, and Executor of Muriel Briggs deceased, to a bill of complaint exhibited against him, in the Circuit Court of Nansemond County, by Mary V Jenkins, the wife of James E Jenkins, suing by Ro C Jenkins her next friend;

This respondent saving and reserving to himself all manner of benefit of exception, to the said bill, for its many errors and imperfections, for answer thereto, or to so much thereof, as he is advised it is material for him, to make answer to, answering says, that it is true as stated in the Bill that the said Muriel Briggs, being in very feeble health, and being physically incapacitated for the active transaction of business, did execute to this respondent, the Power of attorney mentioned in the bill, and filed as an exhibit therewith, and pursuant to authority thereby conferred on your respondent, he did take charge of such of the business of the testator as he could not transact in person, and as the then condition of the country permitted him to supervise and manage. Your respondent, as such agent, did sell some property belonging to his said principal including, some of the articles enumerated in the plaintiffs Bill, but all such articles will be found to be duly accounted for in his accounts; In regard to the tar, nails, castings, clothing and dry goods, alleged in the plaintiffs bill to have been sold by your respondent as such agent, the allegation is untrue, as therein set forth, for your respondent states, that the greater part, of the

said enumerated articles, indeed nearly the whole of them, were sold by Lucretia P Briggs, the widow of the said Merit Briggs, then living upon the place, and the proceeds thereof were used by her, as your respondent is advised and believes, for the support of the Complainant and her family, including her husband and children, then living upon the place. Your respondent's accounts as such agent will show accurately and fully, all property sold by him, in that capacity, for all which he is ready and anxious to account. In regard to the money alleged to have been received by your respondent as such agent, he states that the allegation of the Plaintiffs bill in that regard, as therein set forth, is not true; The exact amount checked out of the Exchange Bank, as the Bank book will show, was ~~nine~~ ^{eight} thousand ^{nine hundred} dollars, leaving in said bank up to this hour, to the credit of said Merit Briggs, the sum of ~~\$ twenty odd~~ ^{\$ twenty odd} dollars, and the whole of said \$8900 so checked out of said bank, by your respondent, as agent as aforesaid, was received by him from the Bank, on or about the day of February 1862 in Confederate Treasury notes, then the only currency paid out by the said Bank. In regard to the Bank notes, and corporation notes, alleged to have been received by your respondent he states that the money received by him was ⁱⁿ amount of several hundred ^{dollars} than charged in the bill. None of it was worth par, or any thing like it, the whole being a mixture of state bank notes, Confederate notes, and Savings Bank notes, all of them greatly depreciated.

In regard to the alleged investment in tobacco, your respondent states that the tobacco referred to, was purchased in the life time of the said Merit Briggs, ~~with his approbation~~ ^{with his approbation}, by his commission Merchant Messrs Northam & Co, who advised it, and with the approbation of your respondent as agent as aforesaid, and the results of the transaction are given and accounted for in your respondent's accounts, as well as all other transactions and all profits made by him; but your respondent denies that he is either in law or Equity bound to account for the various kinds of money that have come to his hands, as currency. Such a demand is inconsistent with Equity and good conscience, and if it could be enforced, as he is advised it can not be, it would be iniquitous and unjust to enforce it. Your respondent is ready and anxious to settle all his transactions in the premises upon an equitable and liberal basis, but he is advised that under the circumstances and emergencies under which he acted, having done in good faith, on all occasions, and in every instance, the best he could for the parties interested, he is only responsible for the value, in greenbacks, of the several kinds of money or funds which came into his hands. This respondent further answering says that it is true that Merit Briggs departed this life on the 22^d day of November 1862, having first made and published his last will and testament, which was admitted to probate as stated in the complainant's bill, a copy of which will is filed as an exhibit therewith; and that this respondent was thereby appointed his Executor, as set forth in the said

bill. It is also generally true that the testator disposed of his estate, by his said will, as stated in the said Bill, but your respondent denies that the complainant is entitled as residuary legatee, to such of the testators real estate as was purchased by him subsequent to the making of his said will. It is also true that the testators widow, the said Lucretia P Briggs has also recently died, to wit on or about the 27th day of July 1865. Your respondent further states, that the whole, or very nearly the whole of the money and profits of the estate, which came into his hands, as agent and as Executor, was in confederate treasury notes, or in notes of some of the Banks of Virginia or North Carolina, which were of very little, if any greater value, than Confederate notes, during the war and that the complainants annuity of \$500 was regularly paid by him, up to the death of her mother, in such money as he had, and such as ^{had} came to his hands, from the profits of the estate, upon which profits the said annuity is specifically charged by the will, your respondent therefore claims that such payments made by him were sufficient payments, and he denies that the estate is bound to make good the said annuities, or any part of them, in other or different currency, and he pleads the complainants receipts for the said payments, in bar of such claim on her part. He also denies that the said annuities were relied upon by the complainant, during the war, for a support, for the fact is that she and her seven children

were supported and maintained, out of the estate, by his mother the said Lucretia P Briggs, at the Plantation (Exchange) at an enormous cost, and expense to the estate, consuming thereby, much to which your respondent would have been justly entitled, as he is abundantly able to prove, but which he never raised any objection to, on account of the peculiar condition of the country, and would not now mention but for the unjust demands of the complainant now made upon him; your respondent denies that he has withheld from the complainant anything whether profits, rents or other things, to which she was entitled and believes that he will be able to make good this statement before the commissioners, who may settle his accounts - Your respondent denies that the investment in Confederate Bonds was contrary to the known wishes of the testator, he believes that the contrary was the truth of the matter, but be that as it may, it is certain that such investment was made by Messrs Wortham & Co of Richmond Va, the friends and companion merchants of the testator, business men of large experience, who your respondent believed were more competent than himself, to judge of the best disposition to be made of the Confederate money on hand; your respondent admits, that yielding to their better judgment, ~~and~~ ^{he} assented to the transaction, being himself in the

active military service of the Confederate States and unable to form so good an opinion on the subject, as those having daily transactions of the same kind; your respondent therefore claims that such investment was under the circumstances, the best that could be done with the money, that it was warranted by precedent, by the practice of the business men of the country, and by the then laws of the land, and that it ought to be held in equity and good conscience, a proper and valid act for which your respondent is in no manner responsible;

Your respondent further states that he caused a full appraisal of the letters to be made ^{to be made} the fall of the last year which was the earliest period at which it could be done, and a copy of said appraisal will be filed with this case as soon as it can be obtained, as an exhibit.

Your respondent further answers, that he is ready and anxious to settle his accounts, and make a full exhibit of his transactions in the premises, all of which will be fully and in detail set forth in his accounts, and he is ready and anxious to pay over and dispose of the estate and property in his hands, as may be right and proper, being well persuaded that

all his operations, and dealings in the matter, are warranted by the laws of the land, and by equity & good conscience. And having fully answered your respondent prays to be heard & his rights with his costs &c.

Geo. M. Briggs
At his own right &c.
Ex. salt, a fact

Subscribed & sworn to before me
the 16th day of April 1866.

A. L. Riddick
N. P.



Bress
N. Johnson
Bress & Co

of Geo. W. Bress
Exr & Co

1866. April 11th: filed
at

To the Hon R.H. Baker Judge of The first Judi-
- cial Circuit

Humbly Complaining, ^{the amended bill} ~~sheweth~~ ~~unto~~
of ~~your Honor~~, your Complainant Mary v Jen-
-kins The wife of James E Jenkins by Robert C
Jenkins her next friend, ^{sheweth unto your Honor.} That heretofore your
Complainant exhibited in this Court her original
bill of Complaint against one George W Briggs as
Executor of Went Briggs dec'd in which she alleged
That her father Went Briggs being in feeble health
died on the 25th day of November 1861 make and ex-
ecute a power of attorney to her Son George W.
Briggs authorizing him to act as her attorney
and agent in buying & selling, and all transac-
-tions pertaining to her business; whereupon George
W Briggs took charge of said business, sold a con-
siderable amount of property described in said
bill and took charge of a large amount of money
and drew from The Exchange Bank of New York
another large sum of money, specifically descri-
-bed in said original bill; with which and the pro-
ceeds of such sales did purchase and trade in to-
bacco and other things - Your complainant there-
upon asked that said George W Briggs be held responsi-
ble for all such monies &c at the value thereof
as compared with the present lawful currency.
Your Complainant further alleged that Went
Briggs died on the 22nd day of November 1852 having

first made and executed her last will and tes-
tament, ^{a copy} which is filed with said bill) which
was admitted to record in the Circuit Court of the
City of Richmond on the 4th March 1863 - That the
testator by her will appointed George W Briggs as Ex-
ecutor requiring from him no security as such and
gave him by the second and fifth clauses thereof
certain property therein described, all of which he
immediately took into possession and is now in
possession of the same - That by the third clause
the testator bequeathed to your complainant for
and during the life of her mother Lucelia P Briggs
who died on the 28th day of July 1865 as alleged
an annuity of Five hundred dollars which your
complainant alleges was paid in Confederate
money which was nearly worthless to her when
she prayed should be re-arranged and the said
annuity be made up in lawful funds or cur-
rency as was designed by her late father in her will
for the support of herself and children - That by
the same clause the testator directed her Executor
to collect all debts due him which were not safe-
ly invested and to invest the money so collected
in such manner as he might deem best. That the
testator owned Ten Thousand dollars of Norfolk City
Stock, Eighty shares of Exchange Bank Stock, some
shares of stock in the Virginia Bank, stocks in
the American and Washington Insurance Company
a large amount on deposit in the Franklin or

other savings bank Four Thousand dollars in
Coupon Bonds of the State of Virginia and a
large amount of bonds and accounts and other
assets all of which came into the hands of the Exec-
utor - Your Complainant prayed for an account
of the same and the transactions and investments
of said Executor, protesting against any investment
in Confederate Bonds or Stocks as will appear therein.

That by the said fifth clause of said will, the
Testator bequeathed to your Complainant but to
be held by said Geo W Briggs as trustee for her
sole and separate use free from the claim of her
said husband or from any of his liabilities One moiety
of all her Slaves Stocks bonds monies &c with re-
mainder to her children living at her death -

That Testator directed a sale of her schooner Called
"the Exil" all property connected with her mercan-
tile business, which Complainant charged was
done by said Executor and the proceeds received by
him That by the eleventh clause of said will
the Testator made your complainant residuary
legatee of all property not specifically given be-
fore, under which she claimed Certain lands
described in said Original bill as having been
purchased after the execution of the will - Your
Complainant prayed for an account of Testa-
tor's property and the share to which she was en-
titled with the rents and profits arising therefrom

and all other estate of your complainant and her children and for a full account of the transactions of said ~~Geo~~ Geo W Briggs as Executor and agent. That he be made party thereto, and all investments in Confederate bonds or notes be declared illegal and void - That all profits by him made either as Executor or agent whilst trading with the moneys in his hands belonging to Testator, be ascertained, an account of all rents and incomes derived by him from Lands or other estate devised or bequeathed with a general prayer for relief

That process was duly served on said Executor who answered the original ^{bill}, admitting certain allegations made by Complainant and denying others which answer is filed herewith

That an interlocutory decree for an account (directing a Commissioner of this Court to take same) of the transactions of said George W Briggs as Executor and agent; of all the estate of said ment^h Briggs dec^d was on the 16th April 1866 pronounced by your honor in this case a copy of which decree is herewith filed - That said accounts were duly taken by a Commissioner of this Court, but which have not been confirmed - That your Complainant has seven children, George B, Mary Lucretia, Ann E, James W. Robert C, John B. And Charles W, Jenkins, whose rights are under

the case of the honorable Court but who not having been made parties hereto, they filed through their father and next friend their petition to be made parties hereto, and that their property in all probability would be in the hands of Geo W Briggs as Executor aforesaid and trustee for their mother for a long number of years, they with your Complainant asked for good and sufficient security on the official bond of Said Executor and as trustee, upon which an amended bill was ~~allowed~~ to be filed in this case by your honor -

Your complainant alleges that under the provisions of said will by which she is made a legatee, her said seven children with any other she may have living at her death were made reversioners and entitled to the estate given her therein - That by the terms of said will the property and estate given to her for life with remainder to her children at her death is in the hands of said George W Briggs as Executor and trustee and upon the settlement of his accounts as Executor will continue therein as trustee for your Complainant till her death, ~~she being~~ at the time of filing said Bill ^{as her death} ~~may~~ not happen for some years - That ^{much of} the estate of the Testator so left in the hands of George W. Briggs, before the filing of the original bill did rapidly melt away

and become of no value Through his mismanage-
ment, indiscretion, and speculation and your
Complainant as well for herself as for her child-
ren feared ~~that~~ ^{that} it for its safety, and is satisfied
that it is dangerous to suffer it to remain in the
hands of George W Briggs Either as Executor or
Trustee without ample and good security be-
ing required from him on his official bond
which she omitted to pray for in her original
bill - That she is informed and believes with her
husband as next friend to her said children that
full power and authority exists in this Court
for the ample protection of the interests of her-
self and children against loss by requiring
from said Executor security on his official bond

That she is dissatisfied with said George
W Briggs as trustee for her, believing that he
has not ^{done} and will not do his duty as trustee for
his sister faithfully, and that judging from the
past it would be better for the interests of all par-
ties that another trustee be substituted for him

Your Complainant is wholly dependant
with her children for support and their main-
tenance and education six of them being of
very tender years and dependant, upon her
interests rents and profits from her father's Estate
as given by will, and is informed and believes
that this honorable Court can order pending a

settlement of the transactions of Said George W Briggs as Executor, to ascertain the amount of money due by him to Said Estate, the Stock of her late father to be divided, and one moiety set apart for her to be held by a trustee under the terms of Said will, and the interests that have been collected thereon to be divided and one moiety directed to be paid to her and such interests or dividends as may hereafter be due on her moiety be directed to be paid to her. That should it become necessary to improve any portion of the buildings on her lands, a sale may by order of this honorable Court be made of any of Said Stock so divided and assigned as the moiety for her and her children - That such necessity does exist in as much as to prevent herself and children from suffering, improvements are essential on the building designed as her future residence. The being unable to pay rent for a house and support herself and children even with the limited aid her husband is enabled to render.

To the end Therefore - That the Said George W Briggs as Executor aforesaid may severally answer all and every the matters and things charged by way of amendment, your Complainant prays, and also That her said seven children be recognized and made parties hereto by James E Deakins their father and next friend, who of all others must feel

their interests to be under his care and protection
That George W. Briggs Executor as aforesaid be
required to give good and ample security upon
his official Bond as Executor or in any other of-
ficial Capacity, by which he holds the estate
given to her and her children - That some other
person who is responsible and in whom she and
her children can safely Confide, be substituted
as trustee for her under the terms of her father's
will - That some order or decree may be made
by your honor directing a division of Stocks belong-
ing to her late father, and that one moiety thereof
be assigned to be held under the provisions of said
will by a trustee who shall be directed to collect
the dividends arising therefrom and pay them over
at once to your Complainant for her support and
the support of her children, and that George W.
Briggs as Executor aforesaid be ordered to pay over
to your complainant ^{one half of} any dividends that he,
may have heretofore ^{collected} or hereafter collects on the
Said ^{stocks} whilst they may be in his hands - That
such of said stocks or other of ~~the~~ estate, given
to her and her children by her late father, well
as may be necessary therefor, be ordered to be sold
and the proceeds applied to repairing the houses
on the lands given to her for life and remainder
to her children so as to make them at least com-
fortable as a residence for herself and children

And That your Complainants may have full
and general relief in the premises for herself
and children such as the nature of the case
requires, That such and further order and de-
cree may be made in the premises as is consistent
with equity and good Conscience. And as in duty
bound your Complainants well ever pray &c

James E Jenkins

attorney for Complainants

Mary O Jenkins

Mary V. Jenkins
by
R. C. Jenkins next of kin.
et al

Compt
mch
against (Amended
Bill

George W. Briggs
Executor of Intest
Briggs deceased

In the name of God, Amen: I Merit Briggs of the County of Nansmond and State of Virginia, being of sound mind and memory, do make, publish and declare this as and for my last will and testament,

Item First: I direct all my just debts to be promptly paid.

" Second: I give to my wife Lucretia P. Briggs, for and during the term of her natural life, all of my land in the County of Nansmond consisting of my present residence called "Exchange" with the middle and lower plantations thereto attached, and a small tract purchased of Watson P. Jordan, also all the negroes, stocks, crops of every description, household and kitchen furniture, and each and ~~any~~ every article, species or description of property whatsoever, upon the said lands, at the time of my death, except such as is herein after otherwise disposed of.

Item Third. I desire and direct my Executor herein after named, to collect all debts due to me, which are not already safely and properly invested, and to invest the money so collected in

Merit Briggs

such manner as he may deem best, and I direct my said Executor, out of the profits of the estate in his hands to pay to my daughter Mary T. Jenkins, annually during the lifetime of my said wife, the sum of Five Hundred dollars, for the sole use & exclusive benefit of my said daughter.

Item Fourth. I give, bequeath and devise to my son George W. Briggs, the sum of Three Thousand dollars in money at my death, and my real estate in the City of Richmond Virginia, consisting of a house and lot on Church Hill, at present occupied by him, and the vacant lot adjoining, to him and his heirs forever.

Item Fifth. At the death of my wife, I give, bequeath and devise to my son George W. Briggs in fee simple, the whole of my lands in the County of Nansmond, in which I have given my wife a life estate by the second clause of this will, together with the stock and crops, of every kind, farming implements of every kind, and the grain and provisions on hand, just as it may be at the death of my said wife; also one moiety in value

of the slaves on the said lands, and one moiety of the stocks, bonds and monies

Merit Briggs

belonging to my estate; the other moiety of the said negroes, stocks, bonds & monies, I give and bequeath to my said daughter Mary V. Jenkins, but to be held by the said George W. Briggs, as trustee, for the sole and separate use and exclusive benefit of my said daughter, as her separate estate, & free from all claims and control of her husband James E. Jenkins, & from all liability and charge whatsoever for his debts. And at the death of my said daughter, I give and bequeath the same to her children, or such of them as may be living at her death, share and share alike.

Item Sixth. I give to my grandson George B. Jenkins my lands in the County of Isle of White, consisting of the Munford land, the Jones tract, and the Jordan tract, to him and his heirs forever, but, if he should die, under age, unmarried and without issue, I give the same to his brothers and sisters living at his death, share and share alike.

Item Seventh. I give to my wife one thousand dollars in cash, payable immediately after my death; and to my step-son William S. Wilson, one thousand dollars, which my son George is to pay him at the death of his mother, upon taking possession of the lands &c. in Stansemond, above devised to him out of his share of my estate.

Merit Briggs

Item Eighth: My mercantile stock in trade, my schooner called the "Excit", and all property connected with my mercantile business, I direct my Executor to sell and dispose of as soon as may be convenient, and to invest the money as directed by the third clause of this my will.

Item Ninth. It is the intent and meaning of this my will that, the annuity of \$500 to my daughter Mary is to cease upon the death

of her mother; that my wife is to keep all my negroes together upon the farm, until her death; that my Executor is to retain all stocks, bonds and monies, as an interest bearing fund, until the death of his mother, except such sums as are herein before directed to be paid at once; and that the division directed by the fifth item hereof, is not to take place until the death of my wife.

Item Tenth. My stock of bacon, lard, pork &c. connected with my bacon business, is designed and intended to be embraced in, and disposed of by, the Eighth item hereof.

Item Eleventh. I make my daughter Mary V. Jenkins, the residuary legatee of this my will of such of my estate, if any, as is not above disposed of, the same to be held in the same manner as directed

Merit Briggs

by the fifth item hereof.

Item Twelfth: I hereby nominate, constitute and appoint, my son George W. Briggs sole Executor of this my will, and direct that he be allowed to qualify without giving security.

In testimony of all which I have hereunto set my hand & seal, this 8th day of April A.D. 1856.

Signed, sealed, published & delivered by the testator
as and for his last will and testament, in our
presence, who in his presence, at his request,
and in the presence of each other, have hereunto
subscribed our names as witnesses

Merit Briggs (Seal)

H. Robertson

Philip B. Baker

Rich. H. Baker Jr.

In the Circuit Court of the City of Richmond, March 4th 1863.

This writing purporting to be the last will and testament of Merit Briggs,

deceased was this day produced in Court for probat by George W. Briggs, named therein as executor, and was proved by the oaths of H. Robertson & Richard H. Baker jr., two of the subscribing witnesses thereto, and, was ordered to be recorded. And on the motion of the said George W. Briggs, who took the oath of an Executor and entered into and acknowledged a bond in the penalty of one hundred and fifty thousand dollars, conditioned as the law directs, but without security (it being directed by the said will that none should, be required of him) a certificate was granted him for obtaining a probat of the said Will in due form

Teste

Benj. Pollard, Clerk

A Copy Teste,

Benj. Pollard, Clerk.



fac 91-10

(B)

Copy of
Merrill Briggs' Will

State of Virginia.

Henric County

Nov: 23rd 1861.

Know all men, by these presents, that in consideration of my feeble health, and inability to give that attention to my business transactions, which they require, I do by these presents appoint and constitute my son Doctor Geo: W Briggs, of the City of Richmond State of Virginia, my lawful attorney, to act for me in buying and selling, and in all transactions, pertaining to my business; & do declare that his acts, will be as binding as if I were present. I do further authorize and empower my son, the aforesaid Geo: W Briggs, to affix my own signature, to such Checks on Banks, or Drafts on Banks, to deposit monies, and check on said deposits in my name, as he may deem requisite and necessary in the prosecution of my business; and do further declare him my lawful agent, to act for me, in any and all circumstances for the protection of my interests. Given under my hand and seal, this day of November in the year of our Lord, One thousand Eight hundred & Sixty-one.

Witness.

George Hall
E. E. Phillips

Meritt Briggs



In the Clerk's office, of Henric County Court, the 16th day of December 1861. This Power of Attorney, was proved by the oath, of E. E. Phillips: and on the 18th day of said month and year, the same, was proved by the oath of George Hall, subscribing witnesses; and thereupon, admitted to record.

Teste:

Peter B. Prentiss Clerk.

a Copy:

Teste: Peter B. Prentiss Clerk.



X^{med}

Merit Briggs

To Esq. Pow. atty:

George W. Briggs

(a.)

Mary V. Jenkins, &c.

by

Meritt Briggs' Exor
&c.

(**2** Exhibits filed
with the Bill)

Virginia. Hanover County to wit:

To the Hon Richard H Baker Judge of the Circuit Court of
Hanover County. Complaining shew unto the Court,
your Complainant Mrs. Mary V. Jenkins the wife of James
E. Jenkins suing in this behalf by R. C. Jenkins her next
friend. Your complainant respectfully represents to the Court
and says that her father Meritt Briggs being in feeble health
and with the view to release himself from some of the cares of
managing his business, did on the 25th day of November 1861, exe-
cute a Power of attorney to his son Dr. George W. Briggs, with
power to act for him in buying and selling and in all trans-
actions pertaining to his business, & he also declared in the
said Power of attorney, that the acts of his said attorney should
be as binding as if he were present: and he further declared
in the said Power of attorney, that his said son & attorney sho-
uld have power to affix his own signature to such checks
on Banks, or Drafts on Banks, to deposit monies, and check
on said deposits in his own name, as he the said attorney
might deem requisite and necessary in the prosecution of
his business, and to act for him the said Meritt Briggs, in
any and all circumstances for the protection of his inter-
ests. a copy of said Power of attorney, duly certified is filed
herewith as part of this Bill, & marked (A) That by vir-
tue of said Power of attorney he the said George W. Briggs
took charge of the business of the said Meritt Briggs, and
in his character as agent and attorney as aforesaid sold
a considerable amount of property, among which, was
fifty three barrels of Tar, Ten Kegs of nails, a lot of iron cast-
ings, a lot of ready made clothing and a large quantity

of Dry goods & other merchandises. that he the said George W. Briggs, as such agent and attorney took charge of a large sum of money, to wit: at least twenty two hundred dollars in Bank notes then equal to specie, and at least six Hundred dollars in corporation and other good notes, and drew out from the Exchange Bank at Norfolk, Seventeen thousand dollars. which the said Merit Briggs, had deposited therein. that the said George W. Briggs, with the money of the said Merit Briggs, purchased tobaccos and other estates and resold the tobaccos for large profits. Your Complainant, is advised and charges that the said George W. Briggs as agent & attorney aforesaid should be held responsible for all such acts as came to his hands and for all profits, made on the same, and that he should account for all such moneys thus received by him at the value thereof as compared with the present lawful currency. and your complainant prays that such may be so directed. Your Complainant further states that the said Merit Briggs, departed this life on the 22nd day of November 1862, having first made and executed his Last Will and Testament, which was proved before and admitted to record by the Circuit Court of Richmond on the 4th day of March 1863. and on that day, the said George W. Briggs qualified in the said Court as the Executor of said deceased, without giving any security, all which will appear by a copy of said will & the order granting such qualification filed herewith as part of this Bill & marked (B. 1) That the said Testator, by his will aforesaid appoints the said George W. Briggs, his Executor, and requires no security of him as such,

That the Testator, lends to his wife, Lucretia P. Briggs, certain estate, by the second clause of said will for life; and by the fifth clause of the said will, he gives the same to the said George W. Briggs. That the said Lucretia P. Briggs, has recently died, and that the said George W. Briggs, has taken charge of the same as Legatee. That by the third clause of the said will, the Testator, bequeaths to your Complainant Mary V. Jenkins, during the lifetime of his said wife, the sum of Five hundred dollars annually, to be paid out of the profits of his estate, and that by virtue of said clause, the said George W. Briggs, as such Executor paid to your Complainant the said sum of Five hundred Dollars, in Confederate money and which was nearly worthless to your Complainant. Your Complainant prays that the account of said payment, may be re-arranged and that the amount of five hundred dollars, ^{annually} in present lawful currency, may be made up out of said estate, for her as was contemplated by her Father's will to keep her support herself and seven children, which the said amount in Confederate money was wholly inadequate to do. That by the said third clause of the said will the Testator, directs his executor to collect all debts due him, which were not already safely and properly invested, and to invest the money so collected in such manner, as he might deem best. That the Testator, owned Ten thousand dollars, par value, or more of Norfolk city stock, Eighty or more shares, of Exchange Bank stock; some Virginia Bank stock and stock

in the American Insurance Company & in the Wash-
ington Insurance Company, and a large amount
on deposits in the Franklin or other Savings Bank
of Norfolk, and also four thousand dollars of Com-
mon Bonds of the State of Virginia, and a large am-
ount of Bonds, accounts and other assets, all of which
came to the hands of said Executor, and your complain-
ant, now calls on the said George W. Briggs, as Executor,
aforesaid, to make known, discover and show in de-
tail what estate and assets, came to his hands, as
such Executor, and as agent & attorney aforesaid, and
what investments or other dispositions, he made of the same
and further your Complainant protests against any
and every investment made by said Executor, if any
was made in Bonds or Stocks, of the late Confeder-
ate Government, as illegal, and not contempla-
ted or authorized by the said Testator's will, which
was executed on the 8th. day of April 1856. a period,
long anterior to the existence of any such Bonds or
Stocks: and that every such investment, was contrary
to the known wishes of the Testator, That by the said
fifth clause of the Testator's will, one moiety of
all the slaves, Stocks Bonds & monies, is given to
your Complainant, Mary V. Jenkins, but to be held
by the said George W. Briggs, as Trustee for her sole
& separate use and exclusive benefit, as her separate
estate & free from all claims and contrail of her
husband, James E. Jenkins, & from all liability
and charge whatsoever for his debts. That by the

eighth clause of said will, the Testator directs the sale of his Schooner, called "Exit" and all property connected with his mercantile business and that the same be invested as directed by the third clause of said will, and your Complainant charges that under this direction, a large amount of staves, dry goods and other merchandise, was sold by the said Executor; and your Complainant, now calls on him to render an account, of all articles thus sold & to show what disposition he made of the proceeds. That the said Testator, by the eleventh clause of said will, makes your Complainant, Mary V. Jenkins his residuary Legatee, under which she claims a tract of land purchased of Edwin E. Phillips, by said Geo. W. Briggs, whilst acting as agent of said Testator, under the Power of Attorney aforesaid: also the Randal tract of land in Milners neck, containing one hundred acres more or less, also a small parcel of land near Edwitts Bridge containing ten acres, more or less, and all other lands other than those specially named in the second clause of said will as loaned to the Testator's wife, and which by the fifth clause of said will, are given to the said Geo. W. Briggs, and your Complainant prays that an account of all property and Estate, to which she is entitled under the said residuary clause may be had and that the said Executor may be required to render an account of the same, whether real or personal estate, and of all rents and income derived from the same, that she claims all rents and profits arising from

any Lands or other Estate embraced in said residuary clause, as her sole and separate estate and over and above any other Estate given to her by the Testator, and she prays, that the said Executor, may be required to render an account of all rents or other profits therefrom. Your Complainant, also charges, that the said George W. Briggs, should be compelled to render a full account, of his acts as the agent and attorney of said Meritt Briggs, and she now calls on him to shew in detail what moneys were received by him as such agent, how much and where deposited, what, how many & to whom, any checks were given on account of the business of said Meritt Briggs, as such agent.

Your Complainant prays that all the Estate to which she may be entitled under the will of her father, the said Testator, may be duly ascertained. In consideration whereof and as this Court has jurisdiction to grant all proper aid and relief, to the end your Complainant prays, that the said George W. Briggs, as Executor of Meritt Briggs deceased; and as agent & attorney of the same, and in his own right, may be made defendant hereto and be compelled to answer all the allegations herein and to set forth and make known and discover all matters, as herein before prayed for. That an account of the transactions of said George W. Briggs as agent & attorney aforesaid, and as Executor aforesaid, may be had and that all investments,

if any, in confederate Bonds or stocks, may under the circumstances above stated, be declared illegal & void. That all profits, made by the said George W. Briggs, whilst acting as agent or Executor as aforesaid, by trading with the same or otherwise, whilst the moneys aforesaid were in his hands, may be accounted for. That all rents & income derived by him from Lands, or other estate devised and bequeathed by the residuary clause of said will to your Complainant, may be accounted for; That a true and correct account of all the estate of the said Testator in which your Complainant is interested, may be had, and that all proper and further relief may be granted consistent with Equity - and your Complainant will &c

Mary V Jenkins

John R. Kelly
J. V.

Kilby p. v.

Mary V. Jenking
p. 62.

n { Rice

George W. Briggs Esq.
of Mont Briggs Dec.
18.

Narr. 2. Cir. et.

Jenkins, for bid

25 { Chy: Notes

Briggs' Exor. &c

1866. Feby: 1st: Sum^s in Chy: issued to Feby: Rules 1866.

" " Jth: Continued for Bill

" March 5th: Bill & Exhibits filed & Conditional decree in the debt.

" Apr: 2nd: Conditional decree confirmed & cause set for hearing: on ans. of Compt.

" " 18th: Decree for accounts.

" Oct. 15th ^{1st} Petition of J. P. Jenkins, dec: m^d
Remanded & w^{ts}, leave to answer bill & make re-pleading

" " 22^d - Comm^r: Practis' Report filed

1867. Jan'y: 10th Sum^s in Chy: Issd to ans: orig^l & answered bill.

" Feby: 4th: Answered Bill &c filed - & Conditional decree in debt.

" March 4th: Conditional Decree confirmed & cause set for hearing.

" April 18th Decree making children of Mary V. Jenkins, parties Plaintiff
& for further examination & settlement of assets: 1- "

" Sept: 27th Report filed - Oct: 12th Jenkins' to open filed (184). Decree for
further assets: 1- (1868. Apr: 22^d) Continued (Oct: 14th) Continued

1869. Apr: 21st: Continued (Oct: 14) Continued 1870. Apr: 20th Continued

1870. Oct: 13th Continued 1871. Apr: 19th Continued 1871 Oct Court

1872 Apr 12 "

1874, May Term, Reversed by consent in the name of Geo
Briggs adm of Wm V Jenkins, Exceptions overruled - Repts
confirmed - decree to sell lands

1875. Octo: 13th Continued. 1876. Ap. 6. 12th Continued. 1876. Octo: 12th Continued.

1877. April 12th Final Decree

Chy: Noted