

1879-006
Nansemond Co. (Suffolk)

Chancery Causes: Mary V. Jenkins vs George W. Jenkins etc

Briggs

Will: 1863, Merit Briggs, Richmond (City) (also recorded Nansemond Co. 1867)

Know all Men by these Presents, That we *George W Briggs and Samuel Eley*

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the sum of *Four*
Hundred

Dollars; for the payment thereof, well and truly to be made to the said Commonwealth, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally firmly by these presents. Sealed with our seals, and dated this *15th* day of *Dec* 1871, in the *26th* year of the Commonwealth.

THE CONDITION OF THIS OBLIGATION IS, That if the said *George W Briggs* - appointed Commissioner in a certain Chancery suit depending in the County Court of *Household County* ~~under~~ in which *Mary Jenkins* is Plaintiff and *George W Briggs Trustee* and others are Defendants

shall faithfully discharge the duties of *his* said ~~trust~~, *office*
aforesaid, then this Obligation to be void, else to remain in full force

Acknowledged in the presence of

Geo. W. Briggs
Samuel Eley

[SEAL.]

[SEAL.]

[SEAL.]

[SEAL.]

[SEAL.]

[SEAL.]

[SEAL.]

[SEAL.]

Mary V Jenkins

vs } Band of Comm

G W Briggs Lumber Co

Filed Dec 1871

THE COMMONWEALTH OF VIRGINIA,

To the SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON *George W Briggs Trustee*
George B Jenkins, Mary L Jenkins, Ann E Jenkins,
James W Jenkins, Robert C Jenkins Jr. Charles W
Jenkins, John B Jenkins and Jenkins

to appear at the Clerk's office of the *County* COURT OF NANSEMOND COUNTY, at the Rules to be holden for the
said Court, on the first Monday in *January* next, to answer

a Bill in Chancery, exhibited against *Hern*
in the said Court, by *Mary V Jenkins*

and have then and there this Summons. Witness, WILLIS E. COHOON, Clerk of our said Court, at his office,
this *11th* of day *December* 187*1*, in the *96th* year of the Commonwealth.

Willis E Cohoon

Clerk of the Court.

Jenkins

no } Sub in chy

Jenkins Ac

B & W

No. 13. No. 1. p 75

Senkins

^{21.}
Senkins &c.

Pursuant to the decree pronounced in this cause on the 14th July 1873, I report as follows, viz:—
Geo. Fowler having failed to pay the costs here against him, referred to me said decree, within the time thereby prescribed, I proceeded to resell the "Morrif" tract, at public Auction in the mode prescribed by said decree, and as said sale I bid for the said land the amount due by Powell Thunow when the same was knocked down to me as the purchaser and as bid for by my Jenkins & Co. became again her property; Powell being a non-resident and, I believe, insolvent, I considered it my duty to buy in the land at the amount due Thunow.

I have also sold to Dr. J. T. Phelps the land known as the "Rich Randolph" Place and "our neck" for the sum of Five hundred —

I have recorded the deed for the "Creely" farm, which was returned with my

Last report.

The money received by me for the Pioneer
(Morning) paper was used in paying
for the Carey Town, as heretofore reported.
The amount so received was \$500.

The Carey Town cost, including expenses &
interest - 1587.10

Paid as follows.

March 28. 72.	\$500
Apr 25 "	500
" "	75
" " "	512.10
	\$1587.10

These payments of the 25 May '72, amounting
to \$1087.10 are all entered on my Invo-
ice, & are, reported by Com. Orentes
in the list of debts in Mr. Briggs' Exhibit
in the Court.

The money received for the "Daily Ren-
dolph" & "Goose neck" papers, has been
all accounted for in said account.

Respectfully Submitted.

May 14. 74

George W. Briggs
Specie
Commissioner

Benkeis
m. ~~3~~ Report
Benkeis &c

of the Com.
May 14. 74

Jenkins
or. B. Rep. at.
Jenkins &c.

Pursuant to the decision pronounced in this cause on the 11th day of December 1871, having first given the bond, thereby required, and advertised the land, as therein prescribed, I sold one of the said tracts known as the "Morris" land, on the 28 March 1872, to Geo Powell of Brooklyn New York, for the sum of one thousand dollars, of which he has paid \$500, leaving \$500 still due, for which two notes of \$250 each were taken, at about two years. One of the said notes fell due in March last, and is still unpaid, and there is no probability that it will be paid. The undersigned made no deed to the said Powell, but the said Powell is himself making effort to sell the said property, and being a non resident of this Commonwealth, your Commissioner recommends that he be

authorized and directed to use
the said land as the son of the
said Powell -

Having sold the Monro^y & land I
purchased for Mr Jenkins as directed
by said deed, a tract of 238
acs known as the "Cree" farm,
lying in Henderson County, about
one mile from his former residence
for the sum of \$1500, the deed
for which is herewith filed - I
have paid for the said farm in
full, the purchase money and
interest & expenses amounting in
the aggregate to \$1550 -

Your Commissioner will send herewith
a detailed report of these
transactions herewith -

Your Commissioner reports, at the
request of Mr Jenkins, that she
is dissatisfied with the said
"Cree" farm, solely because of the
loss of two of her children there,
she is now living in Suffolk
and although the said farm was
bought at her instance, she
desires it to be sold - Your Com-
missioner believes that the in-
terest of the said Mary V. Jen-

Heis and his children will be
promoted by renting a house in
Suffolk, and selling all his County
land, and inverting the proceeds,
in foot and Estate loans, be-
cause of the great difficulty
of renting out the County land
at any adequate rent.

July 14th 93

Geo W. Briggs
Commissioner

Senkin

M. B. Report
Senkin

of

Sp. Comm. Briggs

Filed July 14. '73

Leukin

^{27.}
Leukin &c.

The plaintiff Mary W. Leukin having departed this life since the last ~~last~~ decree in this cause, and Geo. W. Bupp, having qualified as her administrator, it is ordered that this cause be revived in the name of the said Geo. W. Bupp as such admin.; And thereupon the cause came on to be again heard upon the papers formally read and upon the report of special Commissioner Geo. W. Bupp, made herein pursuant to the decree herein of the 14th day of July 1873, to which report no exceptions are taken, and was agreed by counsel; On consideration whereof the Court doth confirm the said report, and doth adjudge order and decree that the said Geo. W. Bupp, special Commissioner as aforesaid, do make and deliver to Mrs J. Phillips a deed of conveyance with special warranty for the lands mentioned in his said report, and known as the

Senkins
Mr. Z. Decker
Senkins, &c

Left 29.74
To Brentford

Recd. 30.74.

Entered

"Big Kanookh Place", and "Good
Heads", and make up for them
to the Court.

Jenkins

vs.

Deane

Jenkins &c.

This cause came on this day to be again heard upon the papers formerly read, and upon the report of Special Commissioner Briggs, made therein pursuant to the decree of the 11th day of June 1871, to which report no exceptions are taken, and was argued by counsel.

On consideration whereof, the court doth confirm the said report, and doth adjudge order and decree that, early the next of Jno Powell which fell due in March last, be paid on or before the first day of August next, the said Geo. W. Briggs as Commissioner of this court heretofore appointed, do proceed to re-sell the tract of land known as the "Warrior" tract, at public Auction to the highest bidder, at the risk and cost of the said John Powell, after advertising the time and place of such sale for ten days in the "Christian Sun", upon the following terms to wit, for cash & sufficient to pay the costs and expenses of sale, and the overdue note aforesaid, and the balance upon a credit of six

Eight and twelve months, taking from the purchaser two bonds in equal amounts for the deferred payments, and retaining the title until the bonds are paid -

And the Court approving of the recommendation of the report of said Special Commissioner, in regard to the sale of the lands of the said Mary V. Jenkins, including those lately purchased by him and known as the "Crucy" tract, doth adjudge and decree, that the said Geo. W. Briggs, Commissioner as aforesaid, do proceed, without delay, to sell all the lands of the said Mary V. Jenkins, in the bills and proceedings mentioned, including the said "Crucy" tract, at private sale or public auction, and upon such terms as he may deem best, after having advertised the same for at least one week in the "Christian Sun," and by notice at the Court House door; And the said Geo. W. Briggs is directed to report his proceedings under this decree to the Court -

Jenkins
m. ~~W~~ Deen
Jenkins &c

John entond
July 14 '73
Peter B. Deuts

Patent page 296

Leukins

vs: ^{the} Deane
Leukins vs:

J. B. Thompson & Co
Philadelphia

On the motion of the Plain-
tiff and by consent of parties, it is
ordered that the case be placed on the
docket, and thereupon the cause come
on to be heard upon the Bill of the
complainant, the answer of the adult
defendants in proper person, and of the
infant defendants by their guardian ad
litem, general replication to the
said answer, and the exhibits filed,
and was argued by Counsel,

On consideration whereof, the Court
being of opinion that the interests of
all the parties will be promoted there-
by, doth, by their consent, adjudge or-
der and decree that Geo. W. Briggs
who is hereby appointed a special
Commissioner for the purpose, do pro-
ceed to sell, at private sale or
at public auction, or he may deem
best, the four several tracts or par-
cels of land in the said bill men-
tioned and described, upon such
terms as he may deem ^{best} calculated to
carry out the object in view, after ad-
vertising the same for at least one week
in the "Christian Sun", and with the
proceeds of such sale, the said Geo
W. Briggs special Commissioner as afore-
said, is directed to purchase a farm
or plantation for the complainant
and her children, or a home stead for
her, and then, to be held by her

as heretofore, under the will of Merik Briggs
deceased, in favor of the land so sold.
And the said Geo. W. Briggs is directed to
report all his proceedings under this
decree to the Court. But this decree
is to be suspended until the said
Geo. W. Briggs shall enter into bond in
the Clerk's office and before the Clerk of
the Court, with sufficient security, in
the penalty of \$4,000, payable to the
Commonwealth of Virginia, and con-
ditioned for the faithful performance
by him of the duties of his said of-
fice, as such Commissioner, under this
and any future decree that may be
pronounced in this cause.

Benkins
M. B. Deener
Benkins &c

John Estlin Dean 11/18/71
Theodore L. Smith &c

May W. Jenkins &c

^{vs.}

Geo. B. Jenkins &c.

It appearing to the Court that the deed, which by the decree in the cause of the 29th day of September 1874, was directed to be made to Mrs. J. Phillips, for the tract of land called the "Billy Randolph" place, and for the tract called "Goose Creek", has been made and delivered to her, and upon record, the Court with approval of the action of Geo. W. Briggs Special Commissioner, now deceased, in making said deed, and nothing more remaining to be ^{done} ~~done~~ in the cause, it is ordered that the same be removed from the docket.

May W. Jenkins &
M. S. Deane

Geo. D. Jenkins &

To be entered
April 10. 79

Geo. D. Deane.

Entered O.B. No. 1—
p. 427

The Answer of George W. Briggs to the bill of Complaint exhibited against him and others, by Mary V. Perkins in the County Court of Nassau County.

This Respondent saying, &c., for answer to said bill says, that the matters and things therein stated, are true to the best of his knowledge and belief, and that he is satisfied the best interests of the Plaintiff, and her children require, that the action prayed for in her bill ought to be at once adopted, as best for all concerned; he therefore unites with her in requesting the Court to order a sale of the lands therein mentioned, and a reinvestment of the proceeds, in the manner therein indicated, and having fully answered &c.

Geo. W. Briggs
by his Counsel

Leukins
by S. A. Brown
Leukins to

of Gen. W. Briggs

The Answer of Mary L. Perkins, Anna C.
Perkins, James W. Perkins, Robert C. Perkins,
Sr., Charles W. Perkins, John B. Perkins,
and Perkins, by Peter B. Prentiss
The guardian ad litem, appointed to
defend them in this suit, to a bill of
complaint exhibited against them and
others, in the County Court, of Hancock
County, by Mary W. Perkins.

These respondents cannot re-
spond to the said bill, say that
they are infants of tender years, not
capable of protecting their rights and
interests in the premises, and there-
-fore they submit the same to the pro-
-tection of the Court; and having ful-
-ly answered &c.

Peter B. Prentiss

Gdn. ad litem

Dear kind

Mr. F. Answer
Dear kind &c

of God. & thank

The Answer of Geo. D. Jenkins to the bill of Complaint exhibited against him and others in the County Court of Kansas and County, by Mary D. Jenkins.

This respondent for answer to the said bill says that he believes the matters and things therein contained to be true, and that he approves the object of the said bill, believing that the interests of all will be promoted by it, and he therefore consents that the Court shall make such orders & decrees as will carry out the wishes of the plaintiff. And having fully answered he prays to be heard as might be.

George D. Jenkins

Senkins

or Johnson
Senkins &c

of Geo D. Jenkins

In the name of God, Amen: I Merit Briggs, of the County of Nansemond and State of Virginia, being of sound mind and memory, do make publish & declare this as 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 lands in the County of Nansemond 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, stock, crops of Every description, household and kitchen furniture, and each & every article, species or description of property whatsoever, upon the said lands, at the time of my death, except such as is hereinafter otherwise disposed of

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

Merit Briggs

such manner as he may deem best & I direct my said Executor, out of the profits of the estate in his hands to pay to my daughter Mary W. Jenkins, annually during the life . . . of my said wife, the sum of Five Hundred dollars, for the sole use and 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 Nassau and, in which I have given my said 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 and monies, I give and bequeath to my said daughter Mary C. 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, and free from all claims and control of her husband James E. Jenkins, and 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 Wight, consisting of the Munfords 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, pay able immediately after my death: and to my step-son William Weston, one thousand dollars, which my son George is to pay him at

the death of his mother, upon taking possession of the lands
to in Nausamons, above devised to him out of his share of
my estate

Merib. Briggs

Item Eighth. My Mercantile stock in trade, my Schooner called the *Exit* &
all property connected with my mercantile business I direct
my Executor to sell and dispose of as soon as may be conve-
nient 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 duty
imposed 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 direc-
ted.

Merib. 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

he be allowed to qualify without giving security.

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

Mont Briggs (Seal)

Signed sealed published and declared
by the Testator as and for his last will &
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.

H. Robertson,

Philip B. Baker.

Rich^d 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 Mont
Briggs deceased was this day produced in Court for proof by George
W. Briggs, named therein as Executor and was proved by the oaths
of H. Robertson and Richard H. Baker Jr two of the subscribing wit-
nesses 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.

A Copy -

Ben^g Pollard Clerk
Teste.

Ben^g Pollard Clerk

In the Clerk's office of Nassau County Court.
the 4th day of September 1867.

This duly authenticated Copy of the last Will and Testament of Merit Briggs deceased, together with the Certificate of the qualification of George W. Briggs, the Executor therein named, was received and admitted to record

Teste:

Peter B. Pinter, Clerk

a. Copy:

Teste:

Peter B. Pinter, D.C.

Merit Briggs
will

Yorkshire
10 } Exhibit A
Yorkshire

To The Honorable Theodore S. Garrett
Judge of the County Court for the county of
Hancumond

Humbly complaining sheweth unto your Hon-
or your Oratrix, Mary V. Pentkinis, that Merit
Briggs the father of your Oratrix, departed
this life on or about 22 day of Novemb 1862 hav-
ing first made, and published his last will,
and testament a copy of which marked A,
is filed herewith, and prayed to be taken as
a part of this bill.

That by the 11th clause of his said will, he
gave to your Oratrix all his Estate real, and
personal not otherwise disposed of by the said
will, subject however to the limitations and
provisions of the 5th item or clause thereof,
which prescribes that the same shall be held
by George W. Briggs, the brother of your Oratrix,
as Trustee for her sole and separate use, and
at her death to be divided among her children
then living share and share alike.

That at the time of the execution of the said
will your Oratrix was a married woman,
the wife of James C. Pentkinis, but is now a
widow.

Your Oratrix has the following children now
living to wit. George B. Pentkinis, who is of
full age, Mary L. Pentkinis, Ann C. Pentkinis,

James W. Denton, Robert C. Denton Jr.
Charles W. Denton, John B. Denton, and
Denton, the last seven of whom
are infants under the age of 21 years.

That the Real Estate to which your Orator
is entitled under the 11th clause of
the said will consists of the following pieces
to-wit:

- 1st The Farm on which the at present residence
known as the Morris Tract, lying in the coun-
ty of Peel of Wright, containing 200 acres
more or less, the fee simple value of which
is about \$800.00, and the annual value a-
bout \$50.00.
- 2nd The Lawrence Tract which is exclusively wood
land, containing acres more or less,
the fee simple value of which is about
\$3,000.00 and the annual value nothing.
- 3rd A small Tract of land near Wilkes, in the
county of Hancinonda, known as the Billy
Randolph place, containing acres, and
seven acres adjoining known as Goose Neck,
the fee simple value of which is about \$600.00,
and the annual value about \$50.00.
- 4th Seventeen acres of the Couette's Bridge
Tract, bought by the Testator from John
Hudson, after the making of his will, the

the simple value of which, \$100.00 and the annual value nothing.

Yours Orator states that the said lands are wholly unproductive, and are capable, either singly or together, of being made to yield any revenue, or to furnish a support at all adequate to the wants of her family, or even if the whole were sold, and the entire proceeds of the sale expended in the purchase of a farm, with suitable improvements on it, and a sufficient amount of acable land, she and her children might be made comfortable; at present her entire income, from all sources, is wholly inadequate to accomplish that end.

Yours Orator is advised that a suitable place, not far from her said brother's residence, is now for sale, and may be purchased with the proceeds of her said lands.

Yours Orator further states, that her said brother George W. Briggs concurs fully in these views, and is anxious to carry them out, but doubts his power to sell her said lands without an order of Court, or be- lieves at least, that such order would facilitate and improve the sale of the said lands.

On tender consideration thereof, and for as much as your Orator is without remedy

in the premises, can by the intervention of a
Court of Equity, where matters of this sort
are properly cognizable, and alone relevant,
to the end wherefore, she prays that the said
George W. Briggs Trustee, as aforesaid, George
B. Perkins, Mary L. Perkins, Ann C. Perkins
James W. Perkins, Robert C. Perkins Jr., Charles
W. Perkins, John B. Perkins and
Perkins, may be made parties defendant to
this bill, and required to answer all and
singular the allegations thereof upon oath,
that a guardian ad litem may be assign-
ed to the said infant defendants, that
the said George W. Briggs Trustee, as aforesaid
may be authorized and directed to
sell the lands at private, or public sale as
he may deem best, and to invest the whole
proceeds, as near as may be, practicable, in
the purchase of a productive, and suitable
farm for your Orator, to be held by him in
the manner, and upon the trusts declared
in the said will, and that all other re-
lief both general, and special, may be gran-
ted in the premises, which the nature of the
case requires, and equity and good conscience
demand, and your Orator will ever
pray &c.

Baker & Hodge
Esq

Senkins

or Bill

Senkins & Co

1871. Decr 11: Bill + Ans
filed and Decree accordg
to rough filed with -
papers

1875. Octo: 15th. Continued

1876. Apr. 12th. do.

" Octo 12th "

1877. Apr. 14th "

" Octo: 15th "

1878. Apr: 15th "

" Octo 15th "

1879. Apr: 10th. Final Decree