1834-014 SOUTHAMPTON COUNTY CHANCERY PAPERS

BRIGGS VS. PEARCE & AL

3/1834

other SURNAMES: Pierce
Laurence, Lawrence,
Wrenn, Wren

Briggs

v. & Ingas

Lawrence &c.

1830. June. Injn. granted on giving bond Security &c. Boyle & Mc

Oct: Ans. filed rep: &c. Hons. award'd. the parties—

1831 June. decree for account.

1834 March. Dissolved &c.

Tax ch.

Rec'd the 2d April 1836 $131.35
Entered 22d June 1836 1.48
Costs 5.54
$138.37
Respt's Attorneys fees the 23 June 1836 the sum of $5.00
78 Pages at 12½ 9.75
$14.75

To the worshipful the Justices of the County
Court of Southampton in Chancery sitting

Humbly complaining sheweth unto your wor-
ships your Oratrix Jane Biggs of said county that
on the 24th day of May 1815. your oratrix being in
an infirm health was prevailed upon by Peter Pearce
who was then indebted to her in a small sum amount
(as will appear by her account against said Pearce herewith filed)
to execute her bond to him of the same date for $62.
upon the solemn assurance of him the said Pearce that
he only wanted her bond in case of her death as
an offset against the claim which at that time
acknowledged himself indebted to her lest her representa-
tive might compel him to pay the whole amount
That your oratrix confiding in him executed her bond
at his request but for the sole purpose aforesaid nor
did she believe that the said Pearce intended from the
solem assurances that he then made her that he would
be so unjust as to use it for any other purpose but that
he has lately brought a suit upon said bond for the
benefit of a certain Miles E. Lawrence upon which he
has obtained judgment and sued out his execution upon which
your oratrix has been lately arrested & delivered bond
That your orator had intended to defend the same
at law and employed counsel for that purpose but hapless who
under the expectation that the court would not adjourn
as speedily as it did neglected to file a plea for that
purpose so that your oratrix is now entirely without
relief save from the aid of this worshipful court where
frauds & impositions are set aside and just & equitable
relief administered.
To the end therefore that the said
Pearce together with the said Lawrence herein made
defendants may fully answer the premises in as full and
ample a manner as if the same were herein again especially
and that the said Pearce be distinctly thereto interrogated
And that the said defendants be restrained and
enjoined from proceeding on the judgment aforesaid
until the further order of this court and that by the
final order and decree of this court the defendants
may be perpetually enjoined as to the same; and that
your oratrix may have such other & further relief in
the premises as may be agreeable to equity.

And may it please your honor to grant to your orators one or more writs of subpoena commanding the defendants to appear &c.

Boyd p.q.

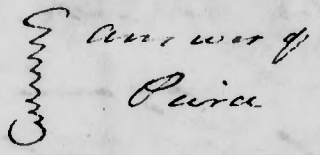
Southampton County Court

This day personally appeared before me a justice of the peace for the county aforesaid Jane Briggs and made oath that, that the above bill & the matters therein contained so far as they be within her own knowledge are true; and as for as they do upon information of others she believes them to be true

Given under my hand this 22nd day of June 1820

Chris.t A. Brown J.P.

Jane Briggs



Peirce & Lawrence.

Baxter.

Plea Sept 20/1830

Hampton Co. Ca.

Southampton County, to wit: This day Peter Pinner appeared before the subscriber a justice of the peace for the said County, and made oath that the statements contained in the written answer are true to the best of his knowledge & belief - Given under my hand this 20th day of Sept. a.d. 1830.

Silas Summerell

The Seperate answer of Peter Pierce to the bill of complaint exhibited in this Court against him and Milly E. Laurence by Jane Briggs Complainant - This respondent saving to himself all right of exception to the said bill on account of the many errors it contains, for answer thereto saith, he denies that he is at all indebted to the complainant upon account or otherwise and that the execution of the bond in the bill referred to included all matters of account then existing between the complainant & himself, except some small ~~amount~~ amount for which this respondent, being a connection of the complainant, did not think proper to contend - and this respondent further answering saith that when the said bond was executed he avers that he did not give the complainant any assurance that the bond in question was taken for the purpose of enabling this respondent to offset the same against the claim of the complainant, on the contrary the said bond was executed for a debt due for work done & board &c by this respondent, against which no legal discount or claim whatever existed - This respondent is apprised of the purport of Elizabeth Wren's testimony which has been taken by the complainant, and he states expressly that she was not present when any conversation was had or held between the compt & this respondent in relation to the matters referred to in the said bill, and that after the said bond had been signed by the compt the said Elizabeth Wren was called from an adjoining room to attest it as a witness which she did - Without that &c and this respondent denies all fraud charged against him & prays to be hence dismissed with his costs -

Jam Briggs

vs. Burner of Laurence.

Pierce & Laurence.

Baker.

plea sep: 20/1830

Southampton Co. Co.

Southampton County, to wit: This day Milly E. Laurence appeared before the subscriber a justice of the peace for the county aforesaid & made oath that the facts stated in the within answer are true to the best of his knowledge & belief – Given under my hand this day of 20 September a. D. 1830.

Alex Myrick J.P.

The seperate answer of Mills E. Laurence to the bill of complaint exhibited against him and Peter Pierce in this court by Jane Briggs Complainant - This Respondent saving and reserving to himself any benefit & advantage of exception to the many errors & false allegations in the said bill contained for answer thereto saith, that the obligation in the said bill referred to was transfered to this respondent for a valuable consideration: this respondent knows nothing of the alleged contract betwen the complainant and the said Peter Pierce in relation to the said obligation, nor does he know any thing of the consideration upon which the said obligation is founded: all the facts & circumstances, therefore, stated by the complainant in relation to the manner in, & the time upon, which the said obligation was executed, are denied by this respondent, & in support thereof full proof is required.

Without that &c and this respondent having answered & denied all fraud &c charged in the said bill and prays to be hence dismissed with his reasonable costs &c

Briggs
vs
Pierce & Lawrence

Bk. Dec.

22 June 1831

Cap.

Jane Briggs

vs

Peter Peirce & Mills & Lawrence

This day this cause came on to be heard on the bill, answers & exhibits and arguments of Counsel: On consideration whereof, the Court without deciding any of the matters litigated between the parties doth order that the account of the complainant Briggs in her bill mentioned be referred to a Commissioner of this Court who is directed to audit and examine the same and make report to this Court, with any matters specially stated, deemed pertinent by himself or which may be required by the parties to be so stated —

We acknowledge due and legal
service of the within order and notice
Aug^t 15th 1831 Mills & Lawrence

We acknowledge due and legal ser-
vice of the within order and notice
8 Oct. 24th 1831 Peleg Pierce
Jane Briggs
Nancy R. Briggs
& guar to Rich^d
Briggs orphan

Briggs
& Ellis order
Service &c
Com^s Costs
Com^s to the 23rd
Sept 1831
Sheriff's Fees

Southampton June Court 1831.

Jane Briggs — — — — — — — — — Plaintiff

against

Peter Pierce and Mills E Lawrence — Defendants

In Chancery

This day this cause came on to be heard on the bill, answers and exhibits and argument of Counsel, On consideration whereof, the Court without deciding any of the matters litigated between the parties doth order that the account of the Complainant Briggs. in her bill mentioned be referred to a Commissioner of this Court who is directed to audit and examine the same and make report to this Court with any matters specially stated deemed pertinent by himself or which may be required by the parties to be so stated.

A Copy Teste

James Rochelle Cle

Comrs Office Aug 10/1831

I have appointed the 10th day of Sept. next to take up the acct directed in the above order at which time the parties are required to attend with their vouchers &c. &c. &c.

Bugg
vs
Pierce &c

Comrs
Report

1832 November 17th

Commissioners Office Nov.r 7th 1831

Jane Briggs
vs. In Chancery
Peter J. Pierce & Mills E. Lawrence

This account was contenued from time to time until this day when the Plaintiff and defendants appeared before the commissioner - It appears that the plff ~~in the year~~ executed her bond to Peter J. Pierce for the sum of $62 about the year - which from the exhibit of said defendant was for services rendered for Carpenters work and Bacon furnished & done in the years 1812 & 1813; he now exhibits and account for sundries amounting to the sum of $30.12 a part of which say $25. is admitted by the ~~defendant~~ Plaintiff was not included in said bond, the plaintiff also exhibits her account amounting $7.37. for board & services rendered the defendant Pierces wife, all of which transactions are about the same date. The plaintiff contends that when she executed her said bond for $62.00 there was a distinct understanding, that a future settlement was to take place and that her account was then to be allowed, the defendant denies this, and states that when the Plaintiff executed said bond, that he then distinctly remarked that he made the ~~defendant~~ Plaintiff Jane Briggs a present of the above account of $30.12 as a compensation for her trouble in ~~in~~ nursing his wife's illness at her house - as there is no evidence which goes to prove ~~that~~ the allegations set forth by the plaintiff, the Comr. thereon concludes that the execution of the bond was a final settlement of all accounts between the parties.

Respectfully Submitted
Saml Ott Comr.

Comrs fee $3.00 charged to the plaintiff

June 30/1830

Southampton County to wit

James H. Scrull this day personally appeared before me Robt. Goodwin a justice of the peace of said County and made oath that he delivered a true copy of this notice to Peter Pierce wife she being of lawfull age, and explained it to her, he being absent from home, the 30th day of June 1830, also delivered a true copy to Miles E. Sowers wife she being of lawfull age and explained it to her, he being absent from home, on the 30th of June 1830. Given under my hand this 8th day of July 1830 Robt. Goodwin J.P.

State Rights
vs
Notice
Pierce & Sowers

Mess^rs Peter Pearce and Miles E. Lawrence

Gent.

Take notice that on the 12th day of July being monday at the house of Dr Orris R Brown in the County of Southampton between the hours of eight in the forenoon and six in the afternoon I shall proceed to take the ~~deposition~~ affidavit of Elizabeth Brown to be read as evidence in a case now depending in the Chancery side of the County court of Southampton in which you are defendants and I am plaintiff

Yours

Southampton County 28th June 1830.

Jane Briggs

To injoin the defendant Lawrence his agent, attorneis sale others con-
cerned from further proceedings on a Judgment of the County Court of
Southampton recovered in the name of Peter Peirce for the benefit of Miles
E Lawrence against the said Isaac Briggs & Henry P Briggs on a
forthcoming bond. until the further order of the Court to the contrary
The pltff having given bond & security as directed conditioned according to
Law

Teste J L Rochelle clk

Briggs
vs
Lawrence &c
August Court 1830.
Executed
Edwd B Bott dep
Clk Cir Ct Clk's Office

The Commonwealth of Virginia to the Sheriff of Southampton County greeting
We command you to summon Peter Pierce and Mills E Lawrence to appear before the Justices of our County Court of Southampton at the Courthouse on the first day of August Court next to answer a bill in chancery exhibited against them in our said Court by Jane Briggs and unless they shall answer the said bill within four months thereafter the Court will take the same for confessed and decree the matters thereof accordingly . As this they shall in no wise omit under the penalty of £100. each. And have then there this writ Witness James Rochelle Clerk of our said Court at the Courthouse the 16 of July 1830 in the 55 year of the Commonwealth

James Rochelle clk

Eliz. Wrenn affidavit

The ~~deposition~~ Affidavit of Elizabeth C. Wrenn, taken at the house of Orris A. Brown, in pursuance of the annexed notice on this 12th day of July instant, to be read as evidence in a cause now depending in Chancery in the County Court of Southampton, between Jane Briggs plaintiff and Peter I. Pierce defendant, who being of Lawful age, and sworn on the holy evangelist of Almighty God, saith she was present when Peter I Pierce, called on Jane Briggs to give her bond for an account he held against her, and at the same time, he Pierce admitted that Jane Briggs also had an account against him; no settlement took place; and Pierce observed he only wanted Jane Briggs bond, to offset her account against him, in case she should die; Jane Briggs had been very sick, and had not fully recovered, this Affiant knows Jane Briggs had an account, a part of which she knows to be correct & which was not settled when the above bond was given

Elizabeth C Wrenn

Southampton County Sc.

The above affidavit was taken sworn to & subscribed before us this 12th day July at the House of Doctr Orris A. Brown

Jesse Ab[illegible] J. P. (Seal)

William Briggs J.P. (Seal)

Mr. Peter Pierce

To Jane Briggs — Dr.

1810.	To 1 Years board of your Wife	$50.00
	1 Waiter	1.50
	hire of Wm. Norsworthy	5.00
	1 Sugar Box	0.33
	Rent of a piece of Ground	5.00
	1 pair of Chair Wheels	5.00
1811.	To 1 Side of Leather	1.00
1812.	To 6 months hire of negro Charity	15.00
	½ barrel of Corn @ $4	2.00
1815.	To 3½ Yds Cloth @ 2/6	1.25
	1 Silk Shawl	6.00
	1½ Yds Cambrick @ 1/	2.25
	¾ Gall. Brandy @ 5/	1.25
		$96.08

$96:08

The Clerk of Southampton County Court

Jerusalem

Filed July 1830 Court to
Issue writs of
L.M.B.

Briggs

Th. Edgerton bond &c

Pierce

Know all men by these presents that we Jane Briggs &
are held and firmly bound unto Peter Pierce for the benefit of Mills & Lawrence in the just and full sum of two hundred and seventy nine dollars. to be paid unto the said Peter Pierce for the benefit of Mills & Lawrence his certain attorney his executors Administrators or assigns. for the payment whereof well and truly to be made we bind ourselves our heirs, executors and administrators, jointly and severally firmly by these presents sealed with our seals and dated this 14th day of July 1830.

The Condition of the above obligation is such that whereas the above bound Jane Briggs hath obtained from the County Court of Southampton an Injunction to stay until the further order of the said Court all further proceedings on a Judgment recovered against the above Jane Briggs and Henry P Briggs upon a forthcoming bond. in favour of the above named Peter Pierce for the benefit of Mills & Lawrence for the sum of two hundred and sixty two dollars and seventy cents & the costs. but to be discharged by the payment of one hundred and thirty one dollars & 35 cents with Int from 14th April 1830 till paid & costs. Now if the said Jane Briggs shall well and truly pay and satisfy the judgment aforesaid, and also all such costs as shall be awarded against her, and all such damages as shall be incurred by her in case the injunction aforesaid shall be dissolved then the above obligation to be void or else to remain in full force and virtue —

Witness
D. M. Crumpler

Jane Briggs (Seal)
John Denegre (Seal)

We Jane Briggs and Henry P Briggs of the County of Southampton in conformity with the conditions upon which an injunction hath been awarded the said Jane Briggs by the County Court of Southampton, to a judgment of the said Court, recovered against us on the 21st June 1830 by Peter Pierce for Mills & Lawrence do hereby release all errors at Law in the said judgment and proceedings. Given under our hands & Seals this 14th day of July 1830 —

Witness
D. M. Crumpler

Jane Briggs (Seal)
John Denegre (Seal)