

1878-27

Southampton County Chancery-

Prince, John E. & Nannie E. vs Briggs, Ursula

Division of Real Estate

Edwards, L. R.
(G. A. L.)

104 94 82

Prince & wife

to } Stat. Rules

Briggs.

1880 May
the Docket

Removed from

In Southampton Circuit Court.

Ino E Briggs & Nannie E his wife Plaintiffs
 against
Ursula Briggs a minor Defendant }

1877 Sept. 15 Summons issued

Oct R. . Bill filed - I R Edwards assigned Gen add item to Dept. Anor.
of Dept. Gen. Rep

" Nov " Cause set for hearing

4 T. Secre & Reft & Secre &.

1898 Jan 21 Report

'79 May 8' Reports & deers removing cause from the Hooket

Prince & Wife
to { Summ. Chy

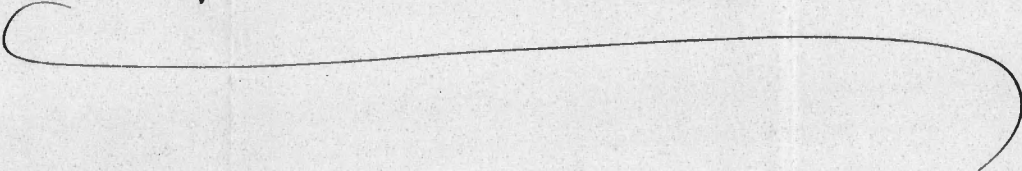
Briggs
1877 October Rules.

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Ursulia Briggs a minor.*

if *she* be found within your bailiwick, to appear at the Clerk's Office of our Circuit Court of Southampton County at the rules to be holden for the said Court, on the first Monday in *October next* - to answer *a bill* in chancery exhibited against her in our said Court by *J. E. Prince & Annie E. his wife*



And have then there this writ.

WITNESS, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this *15th* day of *September*, 187*7*, in the *102^d* year of the Commonwealth.

L. R. Edwards

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Wesley Briggs, @ 21 June*

if *she* be found within your bailiwick, to appear at the Clerk's Office of our Circuit Court of Southampton County at the rules to be holden for the said Court, on the first Monday in *October next* to answer a bill in chancery exhibited against her in our said Court by *J. E. Priner* of *Nannie O. his wife*—

And have then there this writ.

WITNESS, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this *15*
day of *September*, 187*7*, in the *10th* year of the Commonwealth.

L. R. Edwards Clk

Princeton
Dec 3
Briff

Nov Term 1877

To be entered.

George B. Blow

Prinice & wife

vs 3 Decree.

Brigg

This day this Cause came on to be heard on the Complainant's bill, ~~the~~ answer of Ursula Brigg by L. R. Edwards, who is hereby appointed her additional sworn appraiser by Counsel. On consideration whereof, the Court doth advise order & decree that one of the Comrs of this Court Enquire report to Court, whether it would be to the interest of all concerned to sell off a portion of the undivided lands belonging to Harriet E. Prinice, formerly Brigg & Ursula Brigg - and also report what would be a fair valuation of said lands. The said Comr will also report the evidence upon which he bases his opinion -

77
Prince Knipe
vs $\frac{1}{3}$ Deere
Briggs.

~~Nov Term 1879~~
May Term 1880
To be entered.

Geo. V. Blod.

Princesse
vs 3 Deere.

Briggs -

This day this cause came on to be further heard on the papers formerly read, the report of Commissioner effecting a partition of the real estate whereof Jno Briggs did die, between Jno S. Prince and wife and Ursula Briggs - and the report of Comr J. B. Prince filed May 8. 1879, reporting that a deed had been made to Crawford Alley, by J. S. Prince & wife, and the reasons why he had not joined in said deed. and was agreed by counsel. On consideration whereof, no exceptions being filed to either of said reports, the same are hereby confirmed, and the partition reported declared final & binding between the parties.

Nothing further appearing necessary to be done in this cause, it is ordered to be removed from the docket, the costs to be borne equally by Jno S. Prince & wife + Ursula Briggs -

Prince & wife
or { Deere
Bryss

Nov Term 1897

To be entered.

Geo B. 1015

Princedenhe
vs 3 Decr.
Brigg-

This day this cause came on to be further heard on the papers formerly read, the report of Amr Tyler filed concerning the term, with the evidence of B. S. Tope decr. Brigg, the petition of Jno & Prinece, reporting sale of 60 acres of wood land belonging to heirs of Jno. Brigg decd, and was argued by counsel. On consideration whereof, the Court, being of opinion that the sale reported was proper & judicious, and to the interest of all concerned, doth advise order & decree that the same be held firm & binding. And the Court doth further decree that when Crawford Alley the purchaser of the land in the proceedings mentioned shall have fully paid ^{as Court} the purchase money that I. B. Prinece, together with John & Prinece & wife execute to him a deed thereof with special warranty as to I. B. Prinece. And the Court doth further decree that partition be made of the balance of the lands belonging to the heirs of Jno. Brigg decd, as follows. $\frac{1}{2}$ to Jno & Prinece & wife, & $\frac{1}{2}$ to Ursula Brigg. and for the purpose of effecting such partition the Court doth appoint Wm Worrell

Thos R. Ford, Q. L. Francis & Jas: C. Sykes
who are hereby appointed Comrs for that
purpose, any three of whom may act do
assign and allot to the several persons
before named the respective shares &
proportions before mentioned by meter
bounds. And if partition cannot
be conveniently made, then the said
Comrs will report that fact to Court
and also whether the entire subject
can be allotted to any interested
party who will accept it & is willing
to pay therefor to the other parties
such sums of money as their interest
therein may entitle them to. The said
Comrs will also report the real value
of the said land, with any other
matters deemed pertinent by them-
selves or required by the parties.
And the said Comrs are authorized to
employ if necessary the services of a
competent surveyor.

Prince's wife

or 3

Buss

Report of Comr

Zyler-

Nov 6. 1877.

Price scribe

Briggs- Report of Comr Tyler.

In this cause your Comr would submit the following report. That pursuant to decree of Nov Term 1877, he has enquired into the expediency of selling a portion of the woodland belonging to heirs of Mrs Briggs died and from the best evidence he can get thinks it highly advantageous to all concerned that a portion of the land that is woodland should be sold. Your Comr reports that \$5. per acre is in his opinion a fair price for the land. I have learned recently that Mr E Price, who intermarried with one of the heirs of Mrs Briggs has effected a sale of sixty acres of the woodland at \$6. per acre. I return the depositions of B. E. Pope & W. W. Briggs about the sale of the land with this report. Respyt submitted.

James R Tyler,
Comr.

Cannot be conveniently made then the said Commissioners
will report that fact to Court & also whether the
entire Subject, Can be allotted to any interested party,
who will accept it & is willing to pay therefor
to the other parties such Sum of Money as their
interest therein may entitle them to. The said
Commissioners will also report the real Value
of the said Land, with any other Matters deemed
pertinent by themselves, or required to be so
stated. And the said Commissioners are authorized
to employ if necessary the Services of a Competent
Land Surveyor.

Attest
Jas K Tyler, Clerk

James J. Briggs
in presence of
James J. Briggs

Report of Commrs.
dividing real
Estate of Jno Briggs

May 8. 1879

Durham Circuit Court, November Term 1877.

John E. Prince & Wife

against

Wm. Briggs & Sons

This day the Cause came on to be further heard on the papers formerly read & the report of Commissioner Tyler, filed during the term of which the evidence of Ben E. Pope & Wm. Briggs, the petition of John E. Prince, requesting sale of the acre of waste land belonging to the heirs of John Briggs dec. & was argued by Counsel.

On consideration whereof, the Court, ^{being of opinion} doth adjudge, Order & decree, that the sale reported upon proper & judicious, & to the interests of all concerned, and adjudge, Order & decree that the same be held firmly binding. & the Court doth further decree that when Crawford Attey the purchaser of the Land in the preceding mentioned Sale have fully paid the purchase money, that J. B. Prince as Commissioner together with John E. Prince, & wife, execute to him a Deed therefor with Special Warranty as to J. B. Prince, And the Court doth further decree that partition be made of the balance of the Land belonging to the heirs of John Briggs dec. as follows, $\frac{1}{2}$ to John E. Prince & wife, & $\frac{1}{2}$ to Wm. Briggs & for the purpose of effecting such partition the Court doth appoint William Maxwell, John R. Lind, A. L. Francis & John C. Sykes, (who are hereby appointed Commissioners for that purpose,) any three of whom may act, to assign & allot to the several persons before named the respective shares & proportions before mentioned, by Metes & bounds, & if partition

Prince & wife
or
Briggs

Depositions of
B. E. Pope & others

Nov 6. 1877

The depositions of Ben E. Pope &
others taken by me J. R. Tyler, a
Clerk in Chancery for the Circuit
Court of Southampton, in pursuance
of decree entered in chancery suit
of Prince Sewipe vs Brigg - at Nor-
folk Decr 1877.

Present.

L. R. Edwards
L. R. Williams

Ben E. Pope being duly sworn
on Holy Evangelists doth depose &

say as follows. What is your age

I do you know the parties to this
suit. Ans. I am 65 years old &

I know all the parties to this suit.

What is your opinion as to whether
it would be to the interest of all

parties concerned to sell a portion
of the undivided lands belonging
to the heirs of Jno Brigg - especially
of the woodland. Answer.

I would say that a sale of not more
than 60 or 70 acres of woodland
at \$5 or \$6 per acre would be very
judicious & would think it to the
interest of all concerned.

Ben E. Pope

The deposition of W. W. Briggs -

W. W. Briggs being duly sworn says as follows - What is your age & do you know the parties to this suit -

A. Answer. I am 47 years old & know the parties to this suit -

What do you think about the sale of a part of the woodland belonging to the heirs of Jno Briggs decd? Answer. I think a sale of a part of said lands say about 75 or 100 acres would be to the interest of all parties and I further think that \$4 to \$6 per acre would be an excellent price.

W W Briggs

Prince wife
in 3
Briggs

Report of Comr.
J. B. Prince

May 8. 1879

Prinice & wife
vs $\frac{1}{3}$ Report of Comr. J. B. Prince -
Briggs

In this cause, your Comr. submits the following report. That Crawford Alley has fully paid for the 60000 of land in the proceedings mentioned; but before he did so, there was partition made of all the land whereof Jno. Briggs died seized - and in this partition, Jno. B. Prince and his wife has assigned to them, the whole of the land that has been sold to Alley, and in which Ursula Briggs, had an interest at the time of the contract of sale - Inasmuch as J. B. Prince & his wife got all this land, Ursula Briggs had no interest therein, and it was not necessary that I should join in the deed to Alley. There is nothing further to be done in this cause. - all of which is respectfully submitted.

May 5. 1879 $\frac{1}{3}$

J. B. Prince
Comr.

To the Judge of the Circuit Court. $\frac{1}{3}$
Southampton. $\frac{1}{3}$ =

We the undersigned Commissioners
pursuant to the order of Southampton
County Court at its November
Term met and after viewing the
lands belonging to the estate
of Jno E Briggs decd. proceeded
to divide into two tracts as
nearly equal in value as
practicable - Jno E Prince in
right of his wife N. E. Prince
formally Briggs drew the
McLernore tract and Caroline
U Briggs drew the Globe tract.
line between the two commen-
cing in Harris line in a branch
between Harris field and
Johnson field thence up

said branch to a line of
chopped trees to the public
path passing the Homestead.
Respectfully submitted this 10th
day of Jan'y. 1878.

Thos R. Pond.

Grub Sykes

William R. Howell

Report of Inst.
Prinice.

1877 Nov. 6th

To the Hon Geo Blom. Judge of the Circuit
Court of Southampton.

I would respectfully represent to your
Honor as follows. That I have contracted
to sell to Crawford Allen 60 acres of
the woodland belonging to heirs of
Jno Brigg died for \$6.00 per acre.
He is ready to pay the money in
Cash - and I think the sale a most
judicious one. I hope your Honor
from evidence furnished in this
Cause will confirm the said sale.
one half of the proceeds of sale belongs
to me & my wife & one half to Ursula
Brigg - for whom I am guardian.

Respectfully.

Nov 5. 1877.

Jno E. Smith

Principles
or 3 Bill 9.
Briggs

1877 October
September Rules

L. B. Briggs

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

In Chancery.

Humbly Complaining sheweth unto
your Honor, your complainants Mrs E.
Priner & Narcie E. his wife that
during the year 1861, John Briggs
died intestate, leaving the following
heirs at law. Narcie E. Briggs, now
the wife of your complainant,
and Ursula Briggs - a minor -
That at the time of his death the
said Mrs Briggs was seized in fee
of a very large tract of land
in Southampton, containing
some 2000 acres. That the said
land is, in the opinion of your
Complainants susceptible of division
in kind among the parties thereto
entitled -; and that the said tract
of land contains a large quantity
of timbered land, wholly unfit
for clearing & of no sort of value
except for the timber. That in the opini-
on of your Complainants, it would
be to the interests of all the parties
to sell off a portion of this timbered
land and divide the proceeds

of sale among the parties entitled.
That on account of Ursula Knipp being
a minor, no division or sale can
be effected without the aid of a Court
of Equity. In consideration of which &
forasmuch as your Complaint is
without remedy in the premises, except
in a Court of Equity. where matters
of this kind are properly to be heard
your complaint ask that Ursula
Knipp, a minor, be made a party
defendant to this bill & compelled to
answer its allegations; that some fit
& proper person be appointed Guardian
litem to defend the interests of the
infant defd. That your Honor will
appoint to Counsel to divide the said
Real Estate, if practicable - and
to report to Court. That your Honor
would direct one of your Counsel
in Chancery to examine & report
whether it would be to the interests
of all concerned to sell off a portion
of the timbered lands & the evidence
upon which he bases his opinion.
And that your Honor will grant
such other further general & special
relief as the nature of this case may

repare or to Equity may seem meet,
and as in duty bound your complaints
will ever pray &c. May it please
the Court &c.

J. B. Prince p. j.

The Answer of Ursula Briggs, a
minor, by L. R. Edwards, her Guardian
litem to a bill of complaint exhibited
against her in the Circuit Court of
Southampton by Jno. E. Prince &
wife.

This respondent, having reserved
all &c. for answer to said
bill ~~or says~~ - That she is an infant,
being such knows nothing of
the facts alleged therein. She there-
fore submits her rights to the protec-
tion of this Court. & having an-
swered prays hence to be dismissed

&c.

Prince p. j.

L. R. Edwards
Guardian litem