

1893-52

Southampton County Chancery - Newsome, Effie J. vs Briggs, W. W. (ex. guardian
of plant 88)

Sues ex guardian for illegal
handling of her affairs - Asks Court
to appoint Commissioner to settle
her charges.

Newsome, T. P. (her husband)



To the Honorable George Blow, Judge
of the Circuit Court of Southampton
County, In Chancery.

Humbly complaining, shew unto
your Honor, your complainants, Effie
J. Newsom, and J. P. Newsom, her
husband, that in the year 1878
W. W. Briggs, the Sheriff of South-
ampton County, assumed the
guardianship of your ^{female} complain-
ant Effie J. Newsom, then an in-
fant, and as such guardian
proceeded to take charge of all the
estate belonging to her, both real
and personal, rented out the real
estate and received the rents there-
for, and did any and all things
that a guardian may perform.
That at various times he settled
his *ex parte* accounts before the
Commissioner of accounts of South-
ampton County, in which accounts
there are improper charges entered
against your ward, and it also
appears from records evidence from
the Circuit Court of Guilford
County, that he did not make a
full report of all moneys that came
into his hands and with which he

is properly and legally chargeable. That in the year 1884 your firm all complainant attained the age of twenty one years, and that the said guardian then paid to her the sum of Eight Hundred and fifty Three ⁴¹/₁₀₀ Dollars, which he then represented to your complainant was the full amount due her, and she received to him for the same, thinking that all charges made by him against her were proper and legal, and not knowing how accounts are or should be settled, on account of her sex, youth and inexperience, but he at the same time assured her that if there was any error, mistake or objection to be found in said account, he would willingly and promptly correct the same. Your complainants further state that upon examination they find many errors, and have applied to the defendant to correct the same, but he has, on account of failing health, as they believe, been unable to attend to business, and they have been waiting, with the hope

that he would recover, correct his errors, mistakes and illegal charges, and also account for the full sum of money with which he is chargeable, and by so doing avoid the necessity of a suit in Chancery for a full and complete settlement of his accounts —

Now your complainants proceed petition to state the matters specially whereby they are aggrieved and injured.

1. At October Term 1879 of the Circuit Court of Greenville County the defendant, as guardian of your female complainant, filed his bill on the Chancery side of said Court, stating that your female complainant was seized and possessed of certain real estate, situated in Greenville County, and containing Five hundred and fifty acres, and that he, the said defendant, had made a contract for the sale of the same, and praying that the contract of sale be confirmed by the said Court, and in said cause your female complainant was made

party defendant. The contract as set
 forth in said bill stated that the pur-
 chaser was to pay Five hundred Dol-
 lars, cash, and balance in one, two
 and three ^{four} years, deferred payments
 bearing interest from date. By decree
 entered in said cause, on October 25th
 1879, the Court, holding that "the sale
 " of the real estate as reported in the
 " plaintiffs bill was both a proper and a
 " judicious one, ordered and decreed that
 " the same be confirmed," and the said
 " W. H. Briggs was appointed a special
 " commissioner for the purpose. that
 " he receive from the purchaser of the
 " real estate the cash payment of
 " \$500.⁰⁰, and his four bonds for
 " Three hundred and seventy five
 " Dollars, each, carrying interest
 " from Jan'y 1st 1880." And the same
 decree directed that when all were
 paid, he execute to the purchaser a
 deed, &c.

W. H. Briggs
 By a report of said defendant, filed
 Sept, 12th 1884, he reported to the
 Court, that the purchaser had
 fully paid the purchase money and
 he, the said defendant, ^{W. H. Briggs} had executed

to him a deed, with special warranty, for said land.

Your complainants aver that the said defendant did not account for the sum received by him from the sale of said real estate, but there is now due, from said transaction, the sum of about Two hundred and thirty dollars, not accounted for in the ex parte settlement before the Commissioner nor has the same or any part thereof been paid to your complainants or to either of them since your female complainant attained her majority.

2. On the 15th day of January 1878, the defendant credited himself with the sum of \$20.⁵⁵ as commissions received of himself as commissioner in the Chancery cause in Greenville County above referred to; and also May 18th 1882 has credited himself with \$13.³⁵ and on September 13th 1882 has also credited himself with Sixty two ⁹² all of which items should be disallowed for the reason that the money was already in his hands, that it was improper, irregular and unlawful for him to receive commissions upon said fund

as the sum of money was in his hands was then as Commissioner of sale for the Circuit-Court of Greenville County, and he had already received commissions once upon said fund.

3. On the 28th day, of December 1878 the said defendant has charged the ward and credited himself with Ninety five Dollars paid to S. Goodwyn, board bill. This charge your complainants aver is improper and was not paid, as no board was due said Goodwyn.

4. On May 26th 1880, the said defendant credited himself with Thirty Dollars. Your complainants except to this item.

5. On June 18th 1882, the said defendant has credited himself with Ten ⁶⁸ Dollars. This item is also excepted to.

Your complainants herewith file, and mark "Ex A." a copy of the ~~ex~~ parte settlements made by the defendant, and pray that the same may be taken and read as a part of this bill.

Your complainants believe, aver and here charge that they have been and still are unable to obtain a

~~144~~
Museum et ex
~~74~~ W. Z. Bull Ent.

Barry, G. D. n.

65

R. S. D.

full, complete and proper settlement with the defendant, and that they are compelled to seek the intervention of a Court of Equity.

In tender consideration whereof, and inasmuch as your complainants are without remedy ~~save~~ in a Court of Equity where matters of this kind are alone and properly cognizable, they pray that the said Th. W. Briggs be made party defendant to this suit, your complainants do not care whether he answers or not, that the charges herein contained be inquired into, that a commissioner of this Court settle the accounts of the defendant, ^{late} W. W. Briggs, as guardian of your female complainant, that all improper and illegal charges so made by him be disallowed, that he be compelled to exhibit before the Commissioner settling his accounts under an order of this Court all proper vouchers, showing the disbursements made by him, and the times when made, & that this

Court will grant such other,
further and general relief as may
be necessary to meet the ends of
justice, that the amount found
due by said defendant be de-
creed to be paid to your complain-
ants, and as in duty bound
your complainants will ever
pray, May it please the
Court
Respectfully,
J. S. Freeway, Jr.

~~85~~ ~~109~~ ~~130~~
Newman's

80 75
or J. Stab: Rules

Briggs, G. W. & Co.

~~~~~

In Southampton Circuit Court.  
Effie J. Neuse and T. P. Neuse  
her husband.                      Plffs. }

                    against  
Wm. Briggs, late Son of Effie J. } In  
Neuse, formerly Holt. Deft. } Chancery.

1885.

Apr.      Process to May Rules.

May Rules.      "      Exd. - Bill & Exhibits filed.  
Decree nisi on Sept.

June "      Cause set for hearing.

Newsome scope

vs 3 summons

Briggs, Geo -

---

1885. May Rules

---

Executed April 29<sup>th</sup>  
1885. by delivering to  
W. W. Briggs a copy of  
the within summons

G. W. Vick

Sheriff

---

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

*Wm. Briggs late Guardian  
of Effie J. Newsome, formerly Black-*

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

*May*

next, to answer a bill in Chancery exhibited against

*him*

in our said Court by

*Effie J. Newsome and T. P. Newsome  
her husband*

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

WITNESS, J. B. PRINCE, Clerk of our said Court, this

*11*

day of

*April*

, 188*5*

in the

*109.*

year of the Commonwealth.

*Teste.*

*J. B. Prince C. C.*

45 5  
45 5  
45 5

Office J. Holt a minor

1878

Done with W.B. Briggs Sea Guardian

|      |    |                                         |        |                          |
|------|----|-----------------------------------------|--------|--------------------------|
|      |    | To acc: paid Jno S. Russell (Att'y fee) | 54 00  | W.B. Briggs Sea Guardian |
| June | 3  | " acc: pd taxes on land 1877            | 2 88   | This was for             |
|      |    | " " " James Williams Const              | 5 00   |                          |
| Nov  | 1  | " " " L.R. Edwards (Att'y fee)          | 2 21   |                          |
|      |    | " " " " " " "                           | 1 74   |                          |
| Dec  | 10 | " " " W.B. Shands (Att'y fee)           | 35 00  | corrected and from       |
|      | 28 | " " " W.B. Goodwyn (Boarding)           | 95 3   | This amt is for          |
|      | 31 | net of \$54 12 mos                      | 3 24   |                          |
|      |    | Balance                                 | 199 07 |                          |

1879

199 07 199 07

|     |    |                                     |        |                          |
|-----|----|-------------------------------------|--------|--------------------------|
| Jan | 1  | To bal: due guardian brok down      | 199 07 |                          |
| Feb | 17 | " acc: paid H. B. Hinds (Att'y fee) | 26 00  |                          |
| Apr | 2  | " " Davis Barnett Const             | 3 00   |                          |
| May | 17 | " " W.B. Shands (Att'y fee)         | 21 00  |                          |
| Nov | 18 | " " Misses. Quincy Boarding         | 10 00  |                          |
|     |    | " " Jno. S. Russell (Audgment)      | 53 50  | W.B. Briggs Sea Guardian |
|     |    | " " " " " (Boarding)                | 3 00   | This is correct          |
|     |    | " " Cash sent you by Dr. Barnett    | 5 00   | See Boarding             |
| Dec | 31 | Balance                             | 14 85  |                          |

1880

452 42 452 42

|       |    |                                                                     |         |  |
|-------|----|---------------------------------------------------------------------|---------|--|
| Jan   | 1  | To bal: due guardian brok down                                      | 452 42  |  |
|       |    | " acc: pd L.R. Edwards (Att'y fee)                                  | 4 96    |  |
|       |    | " " J. S. Garden age                                                | 12 49   |  |
|       |    | By acc: received from sale of land after defraying expenses of sale | 4 11 00 |  |
| Erron |    | To Com's on 1/11/80 5%                                              | 20 55   |  |
|       |    | " acc: paid taxes for 1878                                          | 24 21   |  |
|       |    | " Cash sent you through W.B. Briggs                                 | 2 5     |  |
| Nov   | 6  | " acc: paid taxes for 1879                                          | 23 06   |  |
| Apr   | 19 | " Cash pd Ward                                                      | 2 0     |  |
| May   | 16 | " " W.B. Goodwyn for you                                            | 3 0     |  |

|       |    |                                       |        |        |
|-------|----|---------------------------------------|--------|--------|
|       |    | Balance Carried forward               |        | 201 75 |
|       | 16 | under gdn: brot down                  | 612 75 | 612 75 |
|       |    | Balance due gdn: brot forward         | 201 75 |        |
|       |    | Balance pd. Dr. R. Edwards (freight)  | 2 57   |        |
| July  | 7  | " " " Meses Finney (freight)          | 138 64 |        |
| Dec   | 31 | " " " " "                             | 11 01  |        |
|       |    | Balance                               |        | 353 97 |
|       |    |                                       | 353 97 | 353 97 |
| 1881  |    |                                       |        |        |
| Jan   | 1  | Dr. Bal: due gdn brot down            | 353 97 |        |
|       | 2  | " ans. pd B.D. Dillon                 | 27 40  |        |
| April | 2  | " Cash sent you this day              | 30 00  |        |
| May   | 19 | " ans. pd Dr. E. R. Barrett (freight) | 24 50  |        |
|       | 25 | " " " Taxes on personal property      | 14 69  |        |
| Aug   | 16 | Cash sent you by A. S. Fagan          | 7 00   |        |
|       |    | over                                  | 457 56 |        |

Effie J. North

In A/c with

W. W. Briggs

for gdn

(A. Copy)

"Ex A"