

1838-012 SOUTHAMPTON COUNTY
CHANCERY PAPERS

CHITTY et ux et al VS. THOMAS' ADMR & al

12/1838

other surnames: Dudley,
Parker, Bryant

132
 17
 934
 132
 30/2244
 74 1/2
 2
 159

~~12~~ 15.

Chitty &

3 Papers

Bryant &

1835 Aug. Bill filed &

" Sep. Dist Rochelles death suggested

" Oct. Bryants case G.R. &

1836 Feb. Set for hearing as to Bryant

" Apr. Court

" Oct. Court

1837 Jan. Sec. la. v. W. Thomas adm. of
John Thomas dec.

" Feb. Sec. la. Ex. v. Suit reversed

" Apr. Court

" June. Set for hearing as to Thomas ad

" Oct. Leave to amend bill &

1838 Jan. Amended bill 1838

" Feb. 1838 Executed

" June. Set for hearing

" Dec. Chitty Wife dead

Chetty & Co.

• " { Bell

Bryant &

• 1835 July 20.

To the Hon. N. H. Baker, Judge of the Superior Court of
Law & Chancery, for the County of Southampton, sitting
in Chancery - Humbly complaining, show unto your
honour, your Complainants, Barton Chitty and
Elizabeth his wife, formerly E. Bryant. William
Parker, and Mary his wife, formerly Mary Bryant
John Dudley and Lucy his wife formerly Bryant.
That William Bryant of the County of So. Amptn.
deceased, being possessed of considerable personal
estate, did on or about 21 Sept. 1797, duly
make & publish his last will and testament
in writings of the date aforesaid, that the testator
did nominate and appoint Sally Bryant
and Greory Bryant Exors. to this his last will
& testament, as by sd will & probat thereof will
more fully appear. And your Complainants
further shew unto your honour, that on or about the
1798. the sd testator departed this life without alter-
ing or revoking his sd will, whereupon the sd Exors
duly proved the same in the Cty Ct of So. Amptn. &
obtained probat & took upon themselves the
execution thereof & by virtue thereof possessed them-
selves of ~~the~~ the personal estate & effects of their testator
to a considerable amount, more than sufficient
to answer and satisfy all his just debts, funeral
& testamentary expenses & Legacies, and your
Complainants further shew that the sd Greory
Bryant & Sally Bryant intermarried some time
after their qualification & they further shew
that your female Complainants are the daughters
of the sd William Bryant & that they intermarried
with the males as above stated, that your Orators
in right of their wives become entitled to some
share or part of the residue of the testator's perso-
nal estate and they are advised, that such

only of the relations of the Testator are entitled to shares
in such residue as are capable of taking, under
the stat of distributions of Intestates effects. That
They have frequently applied in a friendly manner
to sd Exrs for a settlement of their accounts
and hoped that these their reasonable requests
would have been complied with as in right and
justice they ought to have been, but so it is, that
the sd Expts combining & confederating with
divers other persons at present unknown to
your complainants, who when discovered, they pray
may be made parties hereto. Contriving how
to injure & oppress your Compts. in the premises
absolutely refused to comply with your Orators
requests, sometimes for one reason & then again
for another. — That Sally Bryant departed
this life about the year 1826. and that sd Drury
Bryant departed about 1826. Having previously
made & published his last will & testament in
writing, that he appointed John Thomas and
Ben Furgason Exrs to this will & testament.
That sd paper was duly admitted to record by
the City Court of Southampton; & that Mrs Thomas
took upon herself the execution thereof, letters
testamentary having been granted him and
your Compts further shew. that sd Testator after
giving other legacies, gave unto your Compts
Lucy Dudley & Elizabeth Chitty, a feather bed
each and a home so long as they should remain
single they aver that they remained single about
four years, without having received the benefits
of sd direction in sd will, they aver that they
were denied admittance into the house of sd testator
& that sd Exrs never provided them with a home as
he should have done, wherefore they pray that

they may receive some compensation for the
loss of the same. your Compts further shew
that the sd Mrs Thomas died about the year — without
rendering an account of his transactions as Exr.
your Compts pray that the Exr or admors of Mrs Thomas
may be made a party to this bill & be compelled to
answer its allegations so far as his testator is concern-
ed. That after death of sd Thomas. That William
Bryant Jr son of Drury Bryant took upon himself
the administration of the now administered part of
his fathers estate, & that he has never rendered
account of same. all which actings &c. are contrary
to equity & good conscience & tend to the injury of
the Compts in the premises, in consideration where-
of & for as much as your Compts are remedied in
the premises by the strict rules of Law. & cannot
have a adequate relief except in a Ct of Equity
where matters of this kind are properly cognizable,
to the end therefore the sd Exrs or admors of Mrs Thomas
& the sd William Bryant admors de bonis non of
Drury Bryant & their confederates, when discovered.
may upon their several & respective oaths — a full
true & perfect answer make to this bill as fully as
if the same was repeated & they interrogated as to the same
they pray that an account may be directed to be
taken 1st of the Estate of William Bryant Jr. 2d of
the Estate of Drury Bryant. & 3d of the estate
of Mrs Thomas & that the reports so taken may be
returned into Court in order to a final decree.
& your Compts pray your Honour to grant such
other & general relief as may be consistent with equity
& the nature of the case may require, — That the
costs of this bill may be directed &c. — Commencing
Clayborne
Midday } for Pltffs

Chittly et alia } Amended
 vs } Bill
 Bryant et alia }

1837 Dec. 20th

To the Hon^{ble} R. H. Baker Judge of the Superior Court
of Law & Chancery for the County of Southampton
Sitting in Chancery -

Humblly complaining shew unto
your honour, your complainants, Barton B. Kelly &
Elizabeth his wife formerly Bryant, William Parker and
Mary his wife formerly Bryant, John Sudley and Lucy
his wife formerly Bryant, That William Bryant of
the County of Southampton deceased, being possessed
of considerable personal estate, did on or about the 20th
Sept 1797 duly make and publish his last will and
testament in writing of the date aforesaid, that the Testator
did nominate and appoint Sally Bryant & Drew Bryant
Exors to this his last will & testament, as by sd will or
probate thereof will more fully appear and your Compsells
further shew, that on or about the year 1798 the sd testator
departed this life without altering or revoking his sd will
whereupon sd Exors duly proved the same in the County
Court of Southampton and obtained probate & took upon
themselves the execution thereof and by virtue thereof disposed
themselves of the personal estate & effects of their testator to
a considerable amount, more than sufficient to answer
& satisfy all his just debts funeral & testamentary expenses
& legacies, and your Compsells further shew that the sd
Drew Bryant & Sally Bryant intermarried some time
after their qualification & they further shew that your
female Compsells are the daughters of the sd William
Bryant & that they intermarried with the males as above
stated, that your orators in right of their wives became
entitled to the residue of the sd testators estate, they
being advised that such only of the relations of the
testator are entitled to share sd residue, as are capable
of taking under the Statute of distributions of intestates
effects, That they have frequently applied in a friendly
manner to sd Exors for a settlement of their accounts
and hoped that their requests would have been complied
with as in right & justice they ought to have been, But
so it is, that they have been disappointed in these
their reasonable expectations - That Sally B. Main

departed this life about the year - and that Drury departed about 1826. having previously made and published his last will & testament in writing, that he appointed John Thomas & Dixon Turgason Executors to his will & testament that sd paper was duly admitted to record by the County Court of Southampton and that John Thomas took upon himself the execution thereof, Letters testamentary having been granted him and your Compts further shew, that the sd Drury Bryant after giving other legacies, gave unto your Compts Lucy Suddly & Elizabeth Chitty a feather bed each & a home so long as they should remain single & they aver that they remained single about four years without enjoying sd direction in sd will, they aver that they were denied admission into the house of sd testator & that sd Etc never provided them with a home as he should have done, wherefore they pray that they may receive some compensation for the same. & that they may also be furnished a bed or be paid its equivalent, that sd John Thomas died about the year - without rendering an account of executorial transactions, your Compts pray that the Etc or administrator of Mrs Thomas may be made a party Defendant to this bill & be compelled to answer the same so far as his testator is concerned, That after the death of Mrs Thomas, that William Bryant son of Drury Bryant took upon himself the administration of the unadministered part of his fathers estate and he has never rendered an account of the same, That sometime since the death of Drury Bryant, administration of the unadministered part of the estate of William Bryant was granted to Benjamin Griffin Sheriff of Southampton, who has returned no account of the same, all which actings & are contrary to equity & good conscience and tend to the injury of the Compts in the premises In consideration whereof & for as much as they are remedied at Law and only relievable in Chancery where matters of this kind are alone cognizable

to the end therefore, that the Etc or Adm of Mrs Thomas & the sd William Bryant Adm de bonis non of Drury Bryant and Benjamin Griffin Sheriff & Committee of the estate of William Bryant, may upon their several & respective oaths & true and perfect answer make to this bill, they pray an account may be directed to be taken 1st of the estate of William Bryant, during the several administrations thereon, 2^d of the estate of Drury Bryant, during the administrations thereon and 3^d of the estate of John Thomas and that the reports so taken may be returned into court in order to a final decree in this cause, and your Compts pray of our honour to grant such other and general relief as may be consistent with equity and the nature of the case may require, That the writ of Spem may be directed to commanding & and they will ever pray
Chalborn
Ridley } for Petts.

Chetty 45

or { of W. Bryant

Bryant 8

1835 October 3^d

The answer of William Bryant against the
Bonis non of Lucy Bryant to The Bill of
complaints exhibited to him by Barton
Chitty & others This Respondent saving to him-
self all right of exceptions to the plaintiffs
bill for the misstatements and inaccuracies there
in contained, so far as the said bill
requires to be answered, answering says tis
true so far as he knows or believes that William
Bryant made estate in the pth file hav-
ing made his will as therein filed &c. &
this respondent further says that so far as he
is informed or believes the estate of said
William Bryant has been fully & justly
administered and he further says that
at the time of the death of the said
William Bryant the said Plaintiffs
Polly, Lucy, & Betsey children of William
Bryant were infants of very tender years
it is also true that Lucy Bryant the mother
of this Respondent intermarried with Sally
Bryant the widow of W. Bryant and
raised & supported this plaintiff
out of his own means and this respon-
dent avers that there was any estate of
said W. Bryant after expaying the debts
owed to which these plaintiffs could be
entitled and calls on them for proof of the
same and he further says that tis
true Lucy Bryant left them legacies in
his will all which they have recd and
this respondent further says that the said
Sally Bryant widow of William Bryant had
by her first husband the said William
several children among them Mary who intermar-
ied with William Wick before the death of

of Drury Bryant & Respondents father who as
before stated intimates with the maid of
William Bryant Lucy & Elizabeth to the two
latter of the said L. Bryant left a legacy in
his will which this respondent says they have
not and the reason why they have not
always since the death of the said L. Bryant
enjoyed the benefit of the house & home
left them by his will this respondent says
is because Lucy and Polly are married and
as such are not entitled to the legacy &
Elizabeth was living in a state of concubinage
with William Rick and would not for
such be a shameful and illegal connection
to take the provision made for her under
the will of said L. Bryant this Respondent says
that as Ad. ad. v. non of L. Bryant he has
renounced his account of his transactions to the
worthy court of Southampton and this respondent
to all & singular the other allegations of
the said Jth. till not here one and says
he is ignorant thereof and to all & singular
the allegations of said till not here fully
admitted he denies the same & calls for
full and satisfactory proof thereof accord-
ing to the rules of Law & this right now
disposable court and having answered preps to
be dismissed.

Ray. p. d.

William Bryant
ad. ad. v. non of L. Bryant

This day William Bryant ad. ad. v. non of
L. Bryant personally appeared before me & made
oath that the facts as set forth in the above
return so far as stated in his own knowledge & that
he believes them true as stated in the knowledge of others
own to & subscribe before me this 30 of October 1838
N. M. Selree J. P.

William Bryant ad. ad. v. non
son of L. Bryant sworn

Barton Chittys
Mama

Drury Bryant Esq. of Wm. Bryant. dec'd. ^{who was 34 yrs of age} see if his acc'ts
are settled - ~~Lance Bryant died 5 yrs Wm Bryant~~
Barton Chittly married Eliza daughter of
Wm. who left three children -

In Dr. Bryant's will, Mr. Chittly was left a house & home
as long as she lived single (abt. 4 years), the sons of Dr.
refused her permission to come into the house -
see his will -

Dr. moved house off of Lance ~~which~~
the Mrs Chittly was entitled to

Barton Chittly
married Eliza Bryant

c
65.6

Chitty 8^o

or { Spaulding

Bryant 8^o

To August Rules 1835

Executed by delivering
a true copy to W. Bryant
July 30/1835 and James

Reckles July 31/1835

John C. Turner as per

Bengal Durani 5^o

The Commonwealth of Virginia:

To the SHERIFF of *Southampton* County.—GREETING:

You are hereby commanded to summon *James Rochelle Attorney at the side*
appellee of John Thomas and William Bryant appellee de Louis
non & of Dr. Bryant de.

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the
County of Southampton, on the first Monday of *August* next, that being rule
day, to answer a

Bill exhibited against *them*

in the said Court by *Barton Kelly and Elizabeth his*
wife formerly Bryant, William Parker and Mary his wife formerly
Bryant and John Dudley and Lucy his wife formerly Bryant

And unless the said defendants shall answer the said bill, within four months thereafter, the
Court will take the same for confessed, and decree the matter thereof accordingly.

And this *they* shall in no wise omit, under the penalty of 100*l*. And have
then there this writ.

Witness—JAMES ROCHELLE, Clerk of our said Court at the Court House, the *21st*
day of *July* 183*5*, and in the *60th* year of the Commonwealth.

James Rochelle

[One copy to be delivered to each defendant.]

Chetty &

as 3 Sp^a in lch

Bryant &

1838 February Rules

Executed on

Inc. W. Thomas &

M^r Bryant

D. J. Bromgool, Deputy,
for B. Griffin, Sheriff,

Executed on
B. Griffin
M^r J. S. S. S. S.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *John W Thomas admor: de bonis non of John Thomas dec: William Bryant admor: de bonis non of Drew Bryant dec: and Benjamin Griffin Sheriff & Committee of the Estate of William Bryant dec:*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *February* next, to answer ^{*an amended*} a Bill in Chancery exhibited against *them* in the said Court by

Barton Chubb & Elizabeth his wife formerly Bryant, William Bryant and Mary his wife formerly Bryant & John Dudley & Lucy his wife formerly Bryant

And unless *they* shall answer the said Bill within four months thereafter, the Court will take the same for confessed, and decree accordingly. And this *they* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *1st* day of *January* 183*8*, in the *62^d* year of the Commonwealth.

L R Edwards Clk

[One Copy to be delivered each Defendant.]

William Bryant's

Wife

Albany

Christy &

as { En route to

Bryant &

In the name of God Amen I William Bryant of Sonas of Southampton
County and State of Virginia being weak of body but of sound and disposing mind do make
this my last will and ~~Testament~~ ^{Testamentary} as followeth Viz I give to my dear beloved wife
Sally Bryant the land and plantation wherein I now live during her life
then to my son Cordell Bryant and his heirs forever. Containing by estimation
One hundred acres be the same more or less and bounded as followeth Viz
Beginning at in the mouth of a Branch in the little swamp up the
said Branch to a Black in Edmund Pannels line thence along said Pannels
line to a pine a Corner in Jacob Williams line thence along the said
Williams' Line to a pine a corner in said Williams' line thence along
the said Williams' line to a lightwood stump in Thomas Borne's
line thence along the said Borne's line to the little swamp thence
up the run of said swamp to the beginning. Also I gave to my
dear beloved wife all my stocks of horses cattle sheep and hogs also all
my household and Kitchen furniture also tools of all kinds. also I give
to my dear beloved wife the tract of land lying on the other side of
the Branch joining the first tract of land Containing by estimation
two hundred and twenty five acres be the same more or less and bounded
as followeth Viz Beginning at the mouth of a Branch in the
little swamp joining the first tract of land and thence up the said
Branch to a Black Gum in James Vick's line thence along
said Vick's line to a turkey oak a corner in Lewis Worrell's line
thence along said Worrell's line to a pine to a pine a corner in said
Worrell's line thence along said Worrell's line to a pine a corner
in said Worrell's line thence along said Worrell's line to a pine
a corner in said Worrell's line thence along the said Worrell's line
to a sweet Gum in the Wolfpit Branch thence down the run of
said Branch to a white oak a corner in ~~Silas~~ ^{John} Soyars' line thence
along said Soyars' line a lightwood post in Jordan Vick's line thence
along said Vick's line to a Black Gum in ^{the} little swamp thence up the
run of swamp to the beginning also I give to my dear beloved wife one
negro woman named Rachel one negro boy named Moses. I gave this
last tract of land negro woman and negro boy to be sold to satisfy
my just debts. Also it is my desire that Lewis Worrell shall have
fifty acres of this last tract of land lying joining to the said Worrell

Beginning in said Worrell's line in the run of the little swamp
thence towards the Wolf pit Branch as convenient to both parties as
be laid off. Also I leave my wife Sally Bryant and Drury Bryant
my executor to this my last Will and Testament. Witness my hand
I have hereunto set my hand and affixed my seal this 20 day of September
1797

M^{rs} Bryant Seal

Signed sealed and delivered
in presence of

Levi Worrell

Nathan Williams

Jacob^{tho} Williams
mark

At a Court held for the County of Southampton the 16 day of July 1798
This Will was presented in Court by the Executor therein named proved by
the oaths of Jacob Williams and Nathan Williams two of the Justices
therein and ordered to be recorded And on the motion of the said Exors
who made oath according to Law a Certificate is granted them for obtaining
a probat therof under form giving security whereupon

Attest John James Rechele Clk

Barton Shetty &
 Elizabeth his wife
 son Parker - Mary
 his wife -
 Mrs Dudley an s
 Lucy his wife -
 Drew Bryant - Grants
 of Billy Bryant -
 No Thomas 2nd of
 Drew, attorney
 Billy (son of D.) an
 old farmer -
 an act of the
 settlement of Drew
 & Billy Bryant's
 estate

Overy Bryant
 Wm
 J. A. Shetty
 Blundy &
 n { or with the
 Bryant &

In the name of God Amen I Drury Bryant of the County of South-
ampton and State of Virginia being sick and weak but of sound sense
and memory and calling to mind the uncertainty of this mortal body do make
Constitute and Ordain this my last Will and Testament in the following
manner: First I will that all my lawful debts and funeral charges be
paid out of my estate and that I dispose of the remainder as follows Viz.
And first I give to my son William Bryant the land which I hath
purchased of Theophilus Soyner and containing by estimation
One hundred and twenty five acres reference to Soyner's Deed will
show the bounds also one Cask of Bottles containing twenty four
Bottles and one Gun. I also give to my son James Bryant a piece of
Land beginning at a sweet Gum a corner tree in Lewis Morrell's line then
a straight line of marked trees to a red oak a corner in Jordan
Vick's line then down said Vick's line to the Wolfpit Swamp then
up the Swamp to the Crossing place that leads from my dwelling house to
where William Powell lives thence up a bottom or slash to the first
Walnut tree standing in said Course from thence to the second Walnut
tree which is to be a corner tree thence a straight apple tree run by a
pair of Pines and thence to a turkie bed in Lewis Morrell's line
where is to be a corner tree or post thence along said Morrell's line to the beginning
or sweet Gum containing One hundred acres more or less. I then give my
son Benjamin Bryant the plantation whereon I now live and bounds as
follows beginning at the Walnut tree second mentioned in the piece
given to my son James Bryant thence the course to the Turkie
Bed mentioned in Lewis Morrell's line thence up said Lewis Morrell's line to
a red oak a corner tree in William Vick's line thence along said Vick's
line to a Branch then down the Branch to the Wolfpit Swamp then
up the Swamp to the bottom or slash and thence to the beginning containing
by estimation One hundred acres more or less. I also give my son Thomas
Bryant my negro man Moses and I then lend my beloved wife Sally
Bryant the plantation whereon Henry Atkinson at present lives
during her natural life containing One hundred acres more or less and also
my negro woman Flora. I lend her also I lend her two horses and
two Cows and Calves two sows and pigs. I also lend her one feather Bed and
furniture which I lend to my said wife during her natural life and
I give my daughter Mary Bryant my negro woman named Vinny
I also give my daughter Matilda my negro boy Patrick. I give my daughter

I Lucy Bryant my neg. boy Alfie. I give my two daughters in law
Lucy Bryant and Elizabeth Bryant each of them a feather Bed and Furniture
first choice of my Beds and all a home as long as they shall live single
if either of my sons shall die under age. I will that the property given to
him shall be equally divided among his surviving brothers and if either
of my three daughters shall die under the age of twenty one the sur-
viving sisters to divide property in like manner. And lastly I nominate
and appoint my two friends John Thomas and Dixon Tugwell
the whole and sole Executors of this my last Will and
Testament ratifying and confirming this to be my last Will
In Witness whereof I hereunto set my hand and Seal this
13th day of October in the Year of our Lord One thousand Eight
hundred and seventeen. published and declared to be the last Will
and Testament of Drury Bryant
in presence of
Ada Beale.

Drury Bryant Test.

At a Court held for the County of Southampton the 21st November 1826
This Will was presented in Court by John Thomas one of the Executors
therein named. sworn by the oath of Drury Beale as to the hand
writing of Ada Beale the subscribing Witnesses and
Ordered to be recorded. And on motion of said John Thomas
who made oath according to Law. Certificate is granted him for
obtaining probat thereof in due form on his giving Bond and
Security whereupon the said John Thomas with James
Nochelle and Clements Rochelle his securities entered into &
acknowledged a Bond in the penalty of Ten thousand
Dollars Conditioned as the Law directs.

Teste James Rochelle etc

Teste James S. Rochelle etc

10.5.6

Chitty case & c

" { Sci. fa.

Bryant & c

To February Rules 1837-

Executed

John Downy sup of
Benj. Goldfain sff

of Acknowledged down of John pro cpi.

Feb 2. 1837-

of John Thomas do

The Commonwealth of Virginia To the Sheriff of Southampton County Greeting
Whereas Barton Chitty and Elizabeth his wife, formerly E. Bryant, William Parker &
Mary his wife, formerly Mary Bryant, John Dudley and Lucy his wife, formerly Bryant
heretofore exhibited to our Circuit Superior Court of Law and Chancery, for the County
of Southampton, sitting in Chancery, their bill of complaint against James Rochelle
administrator with the will annexed of John Thomas dec^d and William Bryant admin-
istrator de bonis non of Devery Bryant dec^d with his will annexed, whereupon sundry
proceedings have been had as appears from the records and files of the said Court:
but before a final decree could be pronounced in the cause the said James Rochelle
departed this life, and administration de bonis non of the estate of John Thomas deceased
with his will annexed hath been granted unto John M. Thomas in due form:
And the said Barton Chitty and Elizabeth his wife, formerly E. Bryant William Parker
and Mary his wife, formerly Mary Bryant and John Dudley and Lucy his wife,
formerly Bryant having supplicated us for a proper remedy in this behalf, and we
being willing that what is right and just should be done, Therefore we command you,
that you make known according to law to the said John M. Thomas that he be ~~sent~~
the Clerk's Office of our Circuit Superior Court of Law & Chancery aforesaid at the Rules
to be holden for the said Court on the first Monday in February next, to shew, if any
thing for himself he have or know to say, why the said suit should not be proceeded
in to a final decree against him in his character aforesaid, and be in all things
in the same plight and condition as it was at the time of the decease of the said
James Rochelle and further to do and receive what our said Court shall in that
part consider. And have them there this next. Witness Littleton R. Edwards
Clerk of our said Court at the Courthouse the 12th day of January 1857 in the
61st year of the Commonwealth -

L. R. Edwards Clk