

1849-006 SOUTHAMPTON COUNTY
CHANCERY PAPERS

GRAY and Wife VS. BRYANT etal

5/1849

11.
Gray & Co.

to Papers.

Bryant & Co.

1849 May Term

Gray & Wife
 " } Stat. Rules

Wright & Co

Cell	8.56
Ship	4.00
Law. &	17.41
	29.97
Com	3.00
	32.97
	1.32
Cell	
	34.29

Richard C Gray and Louisa his wife for: Bryant.
against

Nicholas Bryant, James D Bryant Executor of Charles Bryant dec?
and Nathaniel B Bryant admr of William Bryant dec?

- 1846 June 20 Sp. &c issued -
" Aug. R. Sp. &c. ret. Executed
1847 Jan. " Bill filed & Sp. &c. issued
" Feb. " Sp. &c. Ret. executed
" Apr. 5 - Cause set for hearing
" May 7. Answers of J D Bryant Exor: & N. B. Bryant admr. filed
by ^{leave} ~~consent~~ Rep: thereto -
" Nov 7. Decree for account.
1848 Apr. 4 Report
" May 7. Cont.
" Nov. Decree to Nicholas Bryant

Gray and wife
m. 3 Bills
Bryant. 2 others.

1847 January Rules

To the Honorable Richard H. Baker. Judge of
the Circuit-Superior Court of Law and
Chancery, for the County of Southampton

Humbly complaining shew unto your Honor your
complainants. Richard L. Gray and Lewis his
wife, for ^{myself} Bryant. That on 15th February 1819.
when your Oratrix was of tender years, Nicholas
Bryant qualified in the County Court of Southam-
-pton as her Guardian, ^{of your tender compass} and executed Bond in
the sum of \$1000. conditioned according to
Law, with Charles Bryant and Britton Bryant
his securities. Which will appear by the Bond her-
-with filed and prayed to be considered as a
part of this bill. Marked (A.).

That your Oratrix, intermarried with Richard
L. Gray in the year 1829. while yet under the age
of 21 years - and the coverture has continued
to the present time, without any interruption.

That within the last few months, your complainants
have ascertained that ^{Nicholas} ~~the~~ Bryant, as Guardian
to your Oratrix, ^{received} a considerable sum of
Money - particularly the sum of \$ collected
on account of a claim, due for military

7 service -

That a knowledge of the receipt of the Money
by the Guardian has always been carefully and
fraudulently withheld from your complainants.

and it was only by accident they discovered
their rights. Your Oratrix had always been
raised with the belief, that she was free
- and being ignorant, illiterate, and unedu-
- cated - and consequently easily imposed on.
by the designing - and not know her rights,
never supposing, her Guardian, would ever

attempt to commit a fraud upon ^{the} helpless
orphans, placed under his charge by the proper, author-
ities of the country.-

That the S^r. Boyant. has never rendered any
account of his Guardianship, as by Law he
was required annually to do - and thus placed
it out of the power of your committee. to know
whether any thing, and how much was due
them.

That the Guardians has never paid to your
committee. has never paid to your committee any
portion of the money. To which they are
entitled, but the same remains wholly
undrawn and unpaid. Thus depriving them of
to this date portion, your committee of their just
rights. all of which is contrary to Equity.

Your committee further state, that Charles
Boyant and Britton Boyant. have lost
sight, and the estate of the person is repre-
sented by James B. Boyant. and the latter
by Nathan B. Boyant. - which appears by
the copies herewith filed, marked (B.) (C).

That they have applied to Britton Boyant
the Guardian to come to a full and fair settle-
ment, but he declines to comply, & your
committee. are left without any means of
redress. & left a widow to the Law of the Land.

In tender consideration of all which
and in as much as your complainants are
without remedy in the premises, & left in want
of Equity. When matters of this sort are pre-
sented, they are very common. To the end thereof, they pray
your Honor. to make Nicholas Boyant.
James B. Boyant. Executors of Charles Boyant.

Nathan B. Boyant. adm^r. of Britton Boyant.
Defendants to this bill, with apt and proper words
to charge them, and compel them to answer the
allegations hereof fully and necessarily. That which
as Boyant state the amount of money due by
him, as Guardian to your orphans, and render
a full account of his Guardianship, before
a Court of this Court. - and the balance found
due on said settlement, may be added to
be paid to your committee. That your Honor
will grant such other and general relief in
the premises as Equity may dictate, as in
and by Law &c.

May it please your Honor to grant &c.

Chas. & Map. for Plffs.

Att: of St. D. Bryant
a dicit -

Bryant & Wife

" }

Bryant &

18th May Term

Answer of N.B. Bryant Administrator of Britton Bryant
decd to a bill of Complaint exhibited against him and Others in
the Circuit Superior Court of Law and Chancery for the County of
Southampton by Richard C. Gray and Louisa his wife on the Chancery
side of said Court

This respondent saving and reserving to himself all manner of benefit
and right of exception &c for answer to said bill of complaint. Says,
that it appears from the bond executed by Nicholas Bryant, ^{as executor}
Guardian of Louisa the female Plaintiff that his ~~testator~~ Britton Bryant
and decd was one of the Securities to the said Guardian and the defend-
-dant also admits that he is the Adm^r of Britton Bryant decd but he
has no knowledge of the fact. nor does he believe that any Monies
or property of any kind ever came to the hands of Nicholas Bryant
as Guardian of the said Louisa, or if they did that his securities
are in any manner responsible for the same, after the ~~long~~ ^{length} of time
which has elapsed. since the execution of the said bond, and the
right of action in the complainants accrued. and he relies espe-
-cially upon the act of the General assembly made for the relief
of Securities to fiduciary bonds. passed on the 8th day of March
in the year 1826

as a complete bar to the demands set up by the Complainants against
him as Administrator of Britton Bryant decd in the same way and to
the same extent. as if the same was pleaded at bar, and having
fully answered prays to be hence dismissed with his cost &c

Posner p. l.

Southampton County to wit

Personally appeared before me a justice of the
peace for the county of Southampton James
N. B. Bryant and made oath that the
facts stated in the within answer upon
his own knowledge or true and there
stated upon the information of others
he believes to be true - given under my
hand and seal this 3^d day of May 1847

G. A. McKeown 

Gray's

173

Bryant

Answer of D. Bryant Esq.

1827 Albany Form

Answer of James D Bryant - Executor of Charles
Bryant died: to a bill of complaint exhibited against
him and others in the Circ. Sup. Court of Law and
Chancery for the County of Southampton by Richard
C Gray and Louisa his wife, on the Chancery side of
said Court.

This respondent saving and reserving to himself all
manner of benefit and right of exception or Forfeiture
to said bill of complaint says, that it appears from
the record executed by ~~Charles~~ ^{Nicholas} Bryant as guardian
of Louisa the female plaintiff, that his testator
Charles Bryant deceased, was one of the securities
to the said guardian's bond. Other defendant
also admits that he is the Executor of Charles
Bryant deceased, but he has no knowledge
of the fact nor does he believe that any
moneys or property of any kind, ever came
to the hands of ~~Charles~~ ^{Nicholas} Bryant as guardian
of the said Louisa, or if they did, that his
Executors or in any manner responsible
for the same, after the long time which
has elapsed, since the execution of the said
bond, and the right of action in the com-
plications as averted, and he relies espe-
cially upon the act of the general assembly
made for the relief of executors to fi-
duciary bonds, passed on the 8th day
of March in the year 1824
as a complete bar, to ~~any~~ ^{the} demand set up
by the complainants against him as Executor
of Charles Bryant, in the same way and to
the same extent as if the same were pleaded
in bar, & having fully answered prayer, he be-
haves dismissed with his costs &c.

Ridley & Goodwyn attos

Southampton County to wit.
Personally appeared before ^{me} a justice of
the peace for the said county James W
Bryant and made oath that the facts
stated ~~on~~ the within voucher upon his
own knowledge are true and there stated
upon the information of others he believes
to be true - Given under my hand and seal
at the County of Southampton aforesaid, this
3^d day of May 1847

G. A. W. Mason *G. A. W.*

Gray wife

To } Given notice

By ant. O.C.

notice to March 20th

1848

Executed on all
the parties
John Barham

Rec^d of the pension agent the sum of
\$24.00 in full of the pension of Ephraim
Bryants being from Mar. 5/19 to Sept 3/19
also \$21.55 from Sept 4/19 to Feb 1820
The first rec^d Oct 28/1819 & The last
rec^d Dec 18/1820 as copy of the
rec^d filed in the office

Gray Wraps

W. J. Deems notice

Bryant. D.C.

Notice to March 20th

1848

Enclosed on all
the parties
John Barker

Southampton Circuit Superior Court. November Term 1847
Richard C Gray & Louisa his wife formerly Bryant. Plffs
against.

Nicholas Bryant. James D Bryant. Executor Charles
Bryant dec'd and Nathan M Bryant. admr Britten Bryant dec'd } Defs
It appearing to the satisfaction of the Court. that two months
have elapsed as well since the plaintiffs filed their bill as
since the service of the subpoena on the defendant
Nicholas Bryant who still failing to appear and answer
On the motion of the plaintiffs their bill is taken for
confessed as to this defendant. And this cause came on
to be heard on the bill answers of the defendants
replications thereto and exhibits and was argued by
counsel: on consideration whereof the Court doth order
adjudged and decree that Nicholas Bryant render
before a Commissioner of this Court an account of
his transactions as late guardian to Louisa Gray
formerly Louisa Bryant: that the said Commissioner
return said account to the Court with any matters
specifically stated deemed pertinent by himself or which
may be required by the parties to be so stated: And
as to all other matters this cause is continued the
Court expressing no opinion as to the liabilities of the
Guardians securities -

John L. R. Edwards C.C.

Court Office Jerusalem January 5th 1848

The parties in the above suit will take notice that
I have appointed this day the 28th March ~~office~~
next to state and adjust the account required
by the above decree -

Levi Cobb Comr

Gray & Gorse

in } Dues

Bryant & Co

Notice to ^{March} ~~April~~ 28th

Southampton Circuit Superior Court November Term 1847
Richard C. Gray & Louisa his wife formerly Bryant Plffs
against

Nicholas Bryant & James D. Bryant Executors Charles
Bryant decd and Nathan V. M. Bryant admrs. Weston Bryant & Drifts

It appearing to the satisfaction of the Court that two months
have elapsed as well since the plaintiffs filed their bill as
since the service of the subpoena on the defendant Nicholas
Bryant who still failing to appear and answer on the
Motion of the plaintiffs their bill is taken for confessed
as to this defendant. And the Cause came on to be heard
on the bill answers of the defendants replications thereto and
exhibits and was argued by counsel: On consideration
whereof the Court doth adjudge order and decree that
Nicholas Bryant render before a Commissioner of this
Court an account of his transactions as late Guardian to
Louisa Gray formerly Louisa Bryant: that the Commissioner
return said account to the Court with any matters specially
stated demanded pertinently by himself or which may be required
by the parties to be so stated: And as to all other
matters this Cause is continued the Court reserving its
opinion as to the liabilities of the Guardians Accounting

Teste J. R. Edwards C. J.

Gray Knife

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Brought -

note
for

Dura

Nov. 7th 1867

To be entered

R. H. B.

Gray & wife vs Bryant &c.

It appearing to the satisfaction of the Court that two months have elapsed as well since the Pliffs. filed their bill, as since the service of the subpⁿ on the Defendant Nicholas Bryant, who still failing to appear and answer on motion of the Plaintiffs, their bill is taken for confessed as to this Debt.

and the cause came over to be heard on the bill, answer of the other Deft, Replication thereto, and exhibits, and was argued by counsel on consideration whereof the Court with advice given and given. That Nicholas Bryant Render before a Com^{rs}. of this Court on account of his transactions, as late Guardian to Fannie Gray formerly Louisa Bryant. That the ^{Court} ~~relator~~ said account to be out with any matters specially stated summed present by himself, or which may be required by either of the parties to be so stated. And as to all other matters this cause is continued, the Court expressing no opinion as to the liability of the guardians ~~successors~~ -

Gray & Co.

as

Boyd & Co. } not
for
Dunn

Nov. Term 1848.

To be entered

R. H. B.

at & Co. '48

1848 Nov. Term

Gray & wife vs Bryant.

This day this cause came on to be again heard on the papers formerly & on the Report of learned Cobb. Made in pursuance of an order of this Court pronounced at Nov Term 1827. and was argued by learned On consideration of the Court comprehending said Report. To which there is no exception, with adjudge order and decree that ~~Charles~~ Nicholas Bryant ~~pay~~ To Rich^d & Gray & Larisa his wife the sum of forty three dollars and twenty eight cents, with interest thereon from 20th Dec. 1820 till ^{paid}, and the costs of this suit.

And liberty is reserved to the Plaintiffs To ask for further relief against the other Defts, if this decree should prove unavailing.

Gray
no note.

Bryant & -

May June 1849

To be entered

R.H.B

May Co. 49

Gray vs Bryant &c.

This day this cause came on
to be finally heard on the papers ^{read} formerly, and
it appearing, that an execution of *Fieri facias*
has issued on the Decree pronounced by this Court
at November Term 1848. which has been returned
no effects. and is filed in this cause - and the
Decree ~~being~~ having proved unavailing - The Court
doth adjudge order and decree, that A B
Bryant admr. of Britton Bryant. and James
D Bryant Executor of Charles Bryant decd.
who admit that each has in his hands, assets
of the estates which they respectively represent
more than sufficient to pay & satisfy the
demands of the Plffs - pay to the Plaintiffs
R. G. Gray & Louisa his wife, the sum of
Forty three dollars and twenty eight cents
with interest thereon from December 20th.
1840 till paid. and their costs by them
in this suit expended.

10.5.6

Gray

v. } Sp^a. in ch/

Wryants Exor

1846 August Rates

Executed on all
the within named
H. P. Raso Sept for
Jacob Bann, Shff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Nicholas Bryant, James D. Bryant, Exor. Charles Bryant, Nathaniel B Bryant, admor. Britton Bryant, W. J. Williams & James D. Bryant*

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 *August* next, to answer a Bill in Chancery exhibited against *them* in the said Court by *Richard C Gray & Louisa his wife*

And unless *they* shall answer the said Bill within ^{*two*} ~~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 *20* day of *June* 184*6*, in the *70* year of the Commonwealth.

L R Edwards

[One Copy to be delivered each Defendant.]

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon

*Nicholas Bryant. James D. Bryant
Executor of Charles Bryant & Nathan B. Bryant admors
of Britton Bryant*

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 a Bill in Chancery exhibited against *them* in
the said Court by *Richard C. Gray & Louisa his wife for: Bryant*

And unless *they* shall answer the said Bill within ^{*two*} ~~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 *4th* day of

January 1847, in the *71st* year of the Commonwealth.

L. R. Edwards

[One Copy to be delivered each Defendant.]

Gray Helips
vs
Bryant & Conn
Report
Conn

April 4/1848

28 march 1848

Gray & Wife }
 vs } In Chancery
 Bryant & Co }

The Comr. is directed by the Court to take an account of Nicholas Bryant late Guardian of Louisa Gray formerly Louisa Bryant. - - The plaintiff Richd Elgray & James Bryant Estt & one of the defendants attended before the Comr. agreeably to notice this 28th day of March 1848 -

It appears that the only claims which the plaintiffs set up against the late Guardian Nicholas Bryant one of the defendants are two Memos for pension money due the heirs of Ephraim Bryant, and received from the pension agent and has never been account for as Guardian, to wit

1819 th		
Sept 20 th	To amt recd of the Pension agent.	\$24.00
1820		
Decr 12 th	" " "	21.55
	By Net amount due the plaintiffs	\$45.55

and the Comr. allowing six months to place the money at interest; this balance should carry interest from May 15th 1820 till paid

The record of the evidence of these claims from the Pension Offices are filed in the cause

Court. fee \$3.00 for 3 Hours }

Respectfully Submitted
 Geo. C. C. C.

45.55
 2.27.74
 43.28

134 D. S. Co

Bray & wife
v. } Fifa

Bryant

1829 February Rules

Co. M

Came to hand Oct. 28/1848

No Effects to be
found within my
Barlwick

Edw J Turner
Deput of Jephtha Darden
Offr.

The Commonwealth of Virginia:

To the Sheriff of Southampton County, GREETING:

WE command you that of the goods and chattels of

Nicholas Bryant

late in your bailiwick you cause to be made the sum of *forty three dollars & twenty eight*
Cents with interest thereon from 20th December 1820 till paid which
Richard C Gray & Pousa his wife formerly Bryant

lately in our Circuit Superior Court of Law and Chancery for Southampton County, have recovered
against the said *Bryant* by a decree of the said Court ———— for debt: also

thirty two
Gray & wife.

Dollars and *97* -

Cents which to the said

by *them* in the same Court were adjudged for *their* costs

about *their* suit in that behalf expended, whereof the said *Bryant* is

convict as appears to us of record. And how you shall have executed this

writ, make known at the Clerk's Office of our said Circuit Superior Court of Law and Chancery, at

the Rules to be holden for the said Court, on the first Monday in *February* next.

And have then there this writ.

WITNESS, LITTLETON R. EDWARDS, Clerk of our said Court, this *26* day of *November*
18*46* in the *73^d* year of the Commonwealth.

L. R. Edwards Clk

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KNOW ALL MEN BY THESE PRESENTS, That we

Nicholas Bryant, Charles Bryant and Britton Bryant
are held and firmly bound unto Jeremiah Cobb, Clements Rochelle, Newt
Harris & Tho^s. Britlow

Gentlemen Justices of the Southampton Court
now sitting, in the sum of One thousand dollars

Dollars; to the payment whereof, well and truly to be made to the said Justices, and their succes-
sors, 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 February 1819 -

The condition of the above Obligation is such, That if the above bound

Nicholas Bryant — his heirs, executors, and administrators,
shall well and truly pay and deliver, or cause to be paid and delivered, unto Louisa Bryant

orphan of Ephraim Bryant deceased — all such estate or estates, as now
is, or are, or hereafter shall appear to be due to the said orphan when, and as soon as she
shall attain to lawful age, or when thereto required by the Justices of the said County —
Court, as also keep harmless the above named Justices, their, and every one of their heirs, execu-
tors, and administrators, from all trouble and damages that shall, or may arise about the said estate,
then the above obligation to be void; ~~otherwise~~ ^{else}, to remain in full force. and virtue —

Signed, Sealed and ^{delivered} acknowledged
in presence of the Court

A Middleton

^{his}
Nicholas & Bryant

SEAL.

^{his}
Charles & Bryant

SEAL.

^{his}
Britton Bryant

SEAL.

Attest.

Teste.

L R Edwards Secy

[illegible]

James O. R.
1865

By *Ch*

Wm. J. R. W. W. W. W. W.

[illegible]

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(B)

At a Court held for the County of Southampton the 17th May 1829.

The last will and testament of Charles Bryant dec^d was proved by the oath of James W Taylor and Priscilla Dickens the witnesses thereto and ordered to be recorded. And on the motion of James D Bryant the executor therein named who made oath and together with William Bryant, Everett Bryant and John D Bryant his securities entered into and acknowledged a bond in the penalty of ten thousand dollars conditioned as the law directs certificate is granted the said James D Bryant for obtaining a probate of the said will in due form.

Attest

Teste. L. R. Edwards lb

At a Court held for the County of Southampton on the 2^d day of May 1838.

On the motion of Nathaniel B Bryant who made oath and together with Nathaniel T Williams and James D Bryant his securities entered into and acknowledged a bond in the penalty of fifteen thousand dollars conditioned as the law directs certificate is granted him for obtaining letters of administration on Breton Bryants estate in due form.

Attest Teste. L. R. Edwards lb

2

Bragg & wife
to. }

Bryant & Co

1847 Nov. 9th

Know all men by these presents, that I Nicholas Bryant of the County of Southampton and State of Virginia as Guardian to the heir of Ephraim Bryant dec^d. being entitled to half monthly pay, agreeable to an act of Congress passed the 16th day of April 1816. making further provision for Military Services during the late War, and for other purposes - also agreeable to a certificate obtained from the War Office dated the 5th day of June 1819 have made constituted and appointed Capt John Lee of Richmond irrevocably my lawful Attorney for me and in my name to call and apply at the Branch Bank & Estates at Richmond Virginia, or to any proper Officer authorized to allow and pay the same, and to receive therefrom the half monthly pay to which I am entitled as Guardian to the heir of Ephraim Bryant late a private in the Service of the U. States - and I further authorize the said John Lee for me and in my name to do any act that may be necessary to enable him to receive said half monthly pay - hereby irrevocably ratifying and confirming whatever my attorney may lawfully do in the premises, the same as if I were present at the doing thereof - In Witness whereof I have herunto set my hand and Seal this 20th day of September 1819.

Signed, Sealed &

in the presence of

Wm. E. Daughtry

Arthur Middleton

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Nicholas^{his} + Bryant Seal
mark

Southampton County 3
State of Virginia 3

The foregoing power of Attorney was this day acknowledged and signed

²
by Nicholas Bryant to be his voluntary act and deed
for the purposes therein mentioned, before me a Justice of
the peace for the said County - given under my hand this
20th day of September 1819.

Wm. Daughtry, J. P. Seal

State of Virginia

Southampton County, Jct.

I James Rochelle Clerk of
the County Court of Southampton, do hereby certify that Wm. C.
Daughtry, whose name is affixed to the foregoing certificate
of acknowledgement is in the commission of the peace in
and for the said County of Southampton aforesaid, and
was at the time of signing the same, and that full faith
and credit is due all his acts as such.

In testimony whereof I have hereunto
set my hand, and caused the Seal of
my Office to be affixed this 21st day of
September, 1819 and 44th year of the
Commonwealth.

James Rochelle, CR

State of Virginia

Southampton February Court, 1819.

Nicholas Bryant is by the Court appoin-
ted Guardian to Louisa Bryant orphan of Ephraim
Bryant dec^d. - whereupon the said Nicholas Bryant with
Charles Bryant and Burtton Bryant his securities
entered into and acknowledged their bond in the penalty
of one thousand dollars, conditioned, as the law directs.

Teste

James Rochelle, CR.

³

City of Richmond, 20 October 1819.
John Lee to whom the within power of Attorney is
granted, this day appeared before me, a Magistrate for said
City, and made oath, that, the said power is not given by reason
of any transfer, mortgage or sale of the pension or any part
thereof, for his own use, and, that, the pension so to be received,
is for the sole use and benefit of Nicholas Bryant guardian
for the heir of Ephraim Bryant dec^d. the within named
pensioner - Given under my hand this day and year
above written -

Saml. J. Adams.

Office of the Bank United States
at Richmond 20 Oct. 1819.

Received of the Agent for paying Guardians of
the Heirs of dec^d Soldiers the sum of Twenty four dollars
in full for the pension of Ephraim Bryant's heir one of
the United States pensioners, from the 5th Mar. 1819 to 5th
Sept 1819, for which I have signed duplicate receipts
\$24 - John Lee

Know all men by these presents that I, Nicholas
Bryant of the County of Southampton and State of
Virginia, having obtained a certificate from the War
Office of my being the guardian of the heirs of Ephraim
Bryant dec^d. late a soldier in the U. S. Service, and thereby
entitled to the Half Monthly Pay or pension of said heir,
agreeable to an Act of Congress, making further provision
for military services during the late War and for other
purposes, have made, constituted and appointed Laurence
Cook, irrevocably, my lawful attorney, for me and in
my name, to call and apply at the U. S. Bank at
Richmond, or any proper office authorized to allow & pay
the same, and receive therefrom, the half monthly pay

to which I am entitled ⁴ as Guardian aforesaid - and I further authorize the said Lawrence Cook, for me and in my name to do any act that may be necessary to enable him to receive the said Pension - hereby irrevocably ratifying and confirming whatever my attorney may lawfully do, or cause to be done in the premises, the same as if I were present at the doing of the same - In Witness whereof I have hereunto set my hand and seal this 20th day of September 1820

In the presence of
Giles Barrett
John M. Beal
Charles ^{his} Bryant
mark

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3 Nicholas Bryant Seal

Southampton County
State of Virginia 3rd Sec.

The foregoing power of Attorney was this day signed and acknowledged by Nicholas Bryant, Guardian to the heirs of Ephraim Bryant dec^d. to be his voluntary act and deed for the purposes therein mentioned, before me a Justice of the peace for and in the County aforesaid - Given under my hand this 20th day of September 1820.

William H. Gee, J. P.

Southampton County Sec.

Personally appeared before me, William H. Gee a Justice of the peace for the County aforesaid, Charles Bryant & John Beal and made oath that they are personally acquainted with Louisa Bryant, orphan & only heir of Ephraim Bryant dec^d. and that she is still living - Given under my hand this 20th day of September 1820.

William H. Gee, J. P.

I certify that the above named Charles Bryant and John Beal are Witnesses of credibility
Given under my hand this 20th day of September 1820
William H. Gee - J. P.

at a Court held for the County of Southampton on the 15th day of February 1819, Nicholas Bryant is by the Court appointed Guardian to Louisa Bryant, orphan of Ephraim Bryant, dec^d. whereupon the said Nicholas Bryant with Charles Bryant and Britton Bryant his Executors, entered into and acknowledged their bond in the penalty of One thousand dollars, conditioned as the law directs -

Seal

In testimony whereof I have hereunto set my hand, and caused the seal of my Office to be affixed this 3rd day of November 1820 & 45th Year of the Commonwealth
James Rechelle, Ck. J. C.

Office of the Bank United States
at Richmond 12th Dec. 1820.

Received of the Agent for paying Guarantees of the Heirs of dec^d. Soldiers for five years, the sum of Twenty one dollars and fifty five cents in full for the pension of Ephraim Bryant's heirs, pensioners of the United States, from the 4th Sept. 1819 to the 17th Feb. 1820, for which I have signed duplicate receipts

\$21.55

Lawr. Cook

I certify that the foregoing are true copies from the Original Vouchers on file in this Office

Treasury Department
Third Auditor's Office
October 27th 1847
P. H. Hagner et al

Gray & wife

vs. John W.
Bryant. Depts comm

The act of Lin. does
not defeat the plty
claim as against the
guardian and whether
upon that plea the
curator et. be discharged
may remain for future
inquiry - a decree
may now be prepared
on the guard: for the
an. due upon the
report mentions the
commissions, and
liberty may be re-
-solved to apply for
further relief here-
-after ag. the other
dfts.

R. H. B.
Nov. co. 48

Gray & wife vs. Bryant &c.

The bill seeks to recover from Nicholas Bryant & Guar. to the female Plaintiff & her securities, a balance due on his Guar. acct. - The Guar. Recd. in 1819 \$/24- and in 1820 \$/21- while his ward was very young - and never made up any account of his transactions as Guar. from the time of his qualification, until since the institution of this suit.

The bill charges that the fact of the receipt of this money, was carefully & fraudulently concealed from the Defts. by the Guarantors, & that they accidentally ascertained the fact. only a few months before the commencement of this suit - This charge in the bill is not avowed - Only one of the Defts. answers viz. James D. Bryant. Exor of Charles Bryant - He relies solely on the act of Limitations -

1. It is submitted, whether, the act of Limitations, can avail in this case - The ^{Plaintiff} was a minor when she intermarried with Gray - & could not assert her rights, without the consent of her husband during the coverture - Her right to sue is still subsisting - and if her husband was to die - she could sue, within three years afterwards, were the fact of her husband being alive prevent the assertion of her rights - which she may assert after his death.

No account has ever been settled, and of course

no amt: ascertained, as due to the ward. (Leahus + Peyton
1 Gratton.

2nd The act of Limitations can be no bar where
the party sought to be charged, has used means
to conceal his liability - especially, where there
is a fraudulent concealment.

The Pltff. asks the court to grant a decree for
the amt. found due by the Leach's report. - against
Leahus Boyant the Guardian - with liberty to
pursue against the other Defendants. And unless the
Defts will admit appts. sufficient to pay the
Decree, the court will direct a settlement of
this respective accounts.

Leh. & Map.