1850-13 SOUTHAMPTON COUNTY CHANCERY PAPERS

BRYANT and Wife VS. DARDEN & ux & al

3/1850

Plat

other SURNAMES: LAWRENCE, LAURENCE, EDWARDS

Bryant &c

v Z Bill &c

Darden
Bryant &c

1849 Nov. Decree as filed

1850 Febry Report.
Mer. Confm.

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

Humbly complaining shew
unto your worships your complainants William D. Bryant
and wife Margaret, that some time since William E.
Lawrence departed this life intestate, - seized and pos-
sessed of certain real and personal estate, and leaving
a widow Priscilla Lawrence (who has since inter-
married with Elisha Harden) and three children, viz,
James Lawrence who subsequently died under age, un-
married and intestate, Margaret Lawrence (who has
since intermarried with Wm D. Bryant) and George W.
Lawrence who is still under age.

And your complainants are advised that
at the death of the said Wm E Lawrence all of his
real and personal estate descended in due course
of law to your complainants and certain others
who are defendants hereto; - and that that por-
tion of the land which had descended from his fa-
ther to James Lawrence descended at the death of
the said James to his surviving sister Margaret Law-
rence and brother George W. Lawrence, in equal
shares; - and that all the right, title and interest
in the slaves and other personal estate which had
descended to the said James Lawrence descended
at his death, in equal shares to his Mother
Priscilla Lawrence to his sister Margaret Lawrence
and to his brother George W Lawrence.

And your Complainants
further shew that notwithstanding Priscilla Law-
rence, who duly administered on the estate of the said
deceased Wm E Lawrence, has since returned to this
Court an account-current as administratrix &

aforesaid, still there has been no division of the said estate, and inasmuch as the said administratrix has no objection to a division and your Complainants are anxious for the same and are remidiless at law and only relievable in equity, therefore they humbly pray that your worships would make Elisha Darden and wife and George N. Lawrence by his guardian ad litem L R Edwards, parties defendant to this bill, and compel them as full and perfect answer make to the allegations therein contained as if they had been thereunto more fully and specially interrogated, and that your worships would appoint Commissioners to make a division of the said land and slaves in kind if practicable, and if not to sell one of the said slaves or to require that one or more of the parties shall pay such a sum or sums to the others as may be necessary and proper to obtain a just and lawful division; and grant such other and general relief, the premises considered, as equity may dictate and the nature of their case may require — and as in duty bound they will ever pray &c

Kindred p q

Separate answer
Of Elisha Darden & wife and George N. Lawrence, by his guardian ad litem L R Edwards

These defendants, saving all advantages that may be taken of the errors and insufficiencies in the said bill, for answer say that they have no objection to a decree appointing Commissioners to make a division &c as prayed for, and having answered, pray to be hence dismissed. —

Kindred p d

Bryant & wife
vs
Darden & al

Decree

This day this cause was docketed by leave of court and consent of parties and came on to be heard on the bill and answer, and was argued by counsel. On consideration whereof the court doth order adjudge and decree that William A. Jones Littleton Mercer and Jno. J. Kindred be appointed Commissioners (any two of whom may act) — that they divide the land and slaves and other personal estate, if any, belonging to the estate of William E. Lawrence deceased — (and if they deem it necessary for the more just and accurate division of the land that they avail themselves of the services of a competent surveyor) — that they first allot and apportion to the widow, Priscilla Darden, wife of Elisha Darden the just and full third in value of both the land and slaves as her dower — that they divide the remaining two thirds of the land into two equal shares and allot one to Margaret Bryant, wife of Wm A. Bryant, and the other to the guardian at law of George N. Lawrence for the benefit of said ward, in fee simple — and that they divide the remaining two thirds of the slaves and other personal estate, if any, into three equal shares, and allot one to Margaret Bryant wife of Wm A Bryant, one to the guardian of George N. Lawrence, and the other to the heirs and representatives of James Lawrence deceased, that is to say, that the latter third of the slaves and other personal estate be divided and distributed equally between Priscilla Darden, wife of

Elisha Harden, Margaret Bryant wife of Wm H Bryant and the guardian of George P Lawrence for the benefit of said ward; all of the distributions of the latter third to which James Lawrence was entitled being in fee-simple. And the court further orders the said Commissioners to allot and apportion to Phidella Harden wife of Elisha Harden, in fee simple, One ninth of the slaves and other personalty which they may have previously allotted to her as her dower; it being the portion which she being, from her deceased son James Lawrence, of the ordinary interest to which he was entitled in her dower.

If a division of the said slaves can not be effected in Kind, then the court doth order, adjudge and decree that the said Commissioners so acting shall direct and require one or more of the parties to pay such sum or sums to the others as may be necessary to a fair and just division, either in cash or by giving bonds on a credit, as in the discretion of the said Commissioners may be most advantageous to the parties interested and most proper for accomplishing all of the purposes above named.

The said Commissioners are directed by the Court to retain enough to pay the expenses of obtaining and executing this decree — and to report to Court in order to a final decree.

But the said Commissioners shall not act until they have given, in the Clerk's office, a bond conditioned in a proper penalty for the true and faithful performance of the aforesaid duties.

Bryant

to Deed

Darden

A copy.

Southampton County November Court 1849

William E Bryant & wife Plff } In Chy
against
Elisha Darden & wife &c Defts

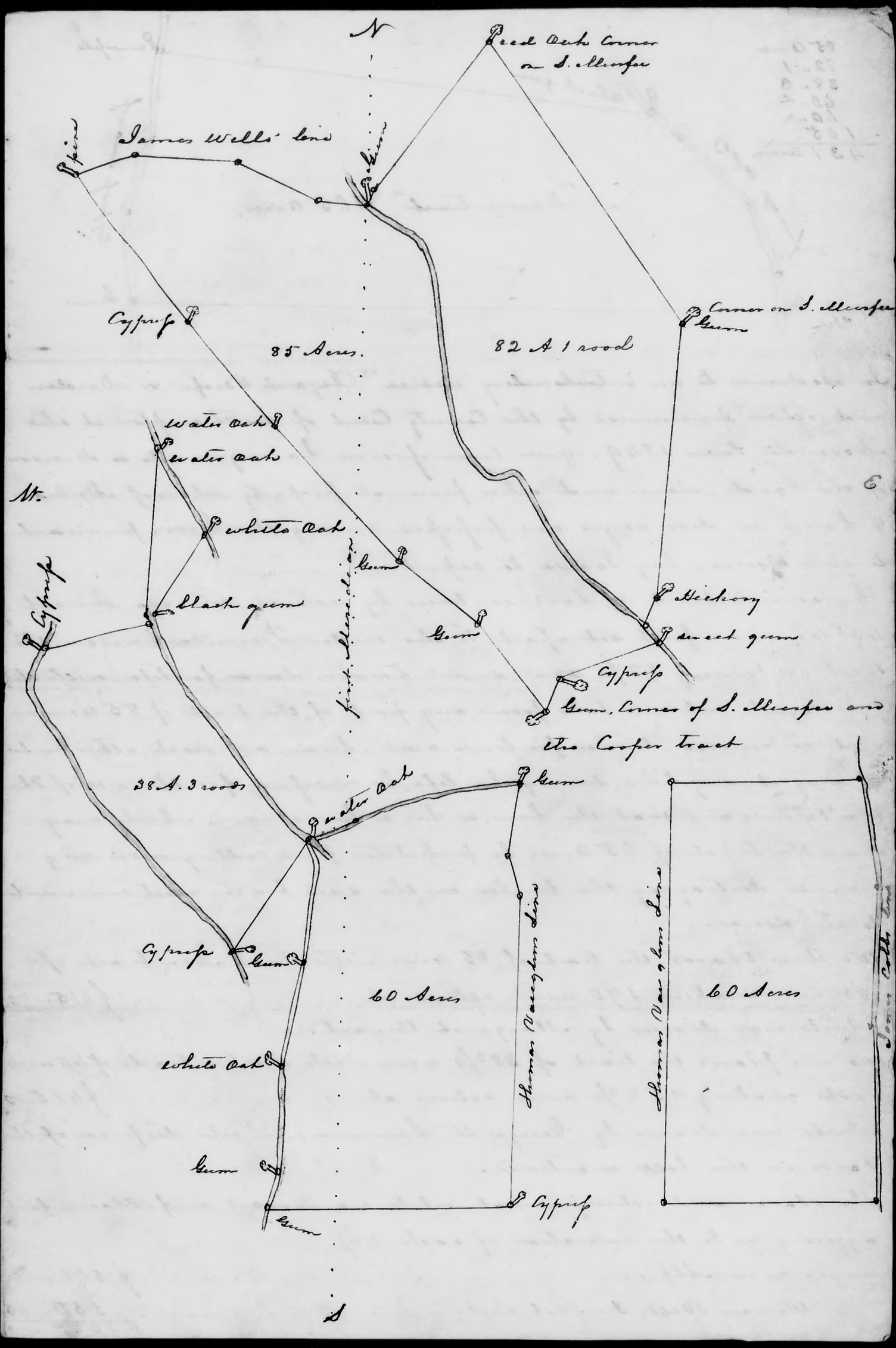
This day this cause was docketed by leave of Court and consent of parties and came on to be heard on the bill and answer and was argued by Counsel: On Consideration whereof the Court doth order adjudge and decree that William M Jones Tillman Moore and Jno. I Kimbrel be appointed Commissioners, that they divide the Land and Slaves and other personal estate, if any had belonging to the estate of William E Lawrence deceased, and if they deem it necessary for the more just and accurate division of the Land that they avail themselves of the services of a competent surveyor, that they first and allot and apportion to the Widow, Priscilla Darden wife of Elisha Darden one, ~~part~~ just and full third in value of both the Land and Slaves as her dower, that they divide the remaining two thirds of the Land into two equal shares, and allot one to Margaret Bryant wife of Wm D Bryant, and the other to the Guardian at Law of George W Lawrence for the benefit of said Ward in fee simple, and that they divide the remaining two thirds of the slaves and other personal estate, if any, into three equal shares, and allot one to Margaret Bryant wife of Wm D. Bryant one to the Guardian of George W Lawrence, and the other to the heirs and representatives of James Lawrence deceased, that is to say that the latter third of the slaves and other personal estate be divided and distributed equally between Priscilla Darden wife of

Elisha Darden, Margaret Bryant wife of Wm D Bryant and the Guardian of George W Lawrence for the benefit of said Ward, all of the distribution of the latter third to which James Lawrence was entitled being in fee simple, and the Court further orders the said Commissioners to allot and apportion to Priscilla Darden wife of Elisha Darden in fee simple, one ninth of the Slaves and other personalty which they may have previously allotted to her as her dower: it being the portion which she heirs from her deceased son James Lawrence, of the reversionary interest to which he was entitled in her dower, — If a division of the said Slaves cannot be effected in kind, then the Court, doth order adjudge and decree that the Commissioners so acting shall sell one of the said Slaves or direct and require one or more of the parties to pay such sum or sums to the others as may be necessary to effect and just division, either in Cash or by giving bonds on a Credit, as in the discretion of the said Commissioners may be most advantageous to the parties interested, and most proper for accomplishing all of the purposes above named: The said Commissioners are directed by the Court to retain enough to pay the expences of obtaining and executing this decree and to Report to Court in order to a final decree, But the said Commissioners shall not act until they have given in the Clerks Office, a bond conditioned in a properly penalty for the true and righteous performance of the aforesaid duties

Test E R Edwards C.C

Recorded 12 Sept after fees paid

196.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Red Oak Corner on S. Allenfee
James Wells' line
Pine
Pine
Cypress
85 Acres.
82 A 1 rood
Corner on S. Allenfee
Gum
Water oak
Water oak
Mt.
White Oak
Gum
Cypress
Black gum
first Allenfee line
Gum
Hickory
Sweet gum
Cypress
Gum, Corner of S. Allenfee and the Cooper tract
38 A. 3 roods
Water Oak
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60 Acres
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Thomas Vaughan's line
60 Acres
White Oak
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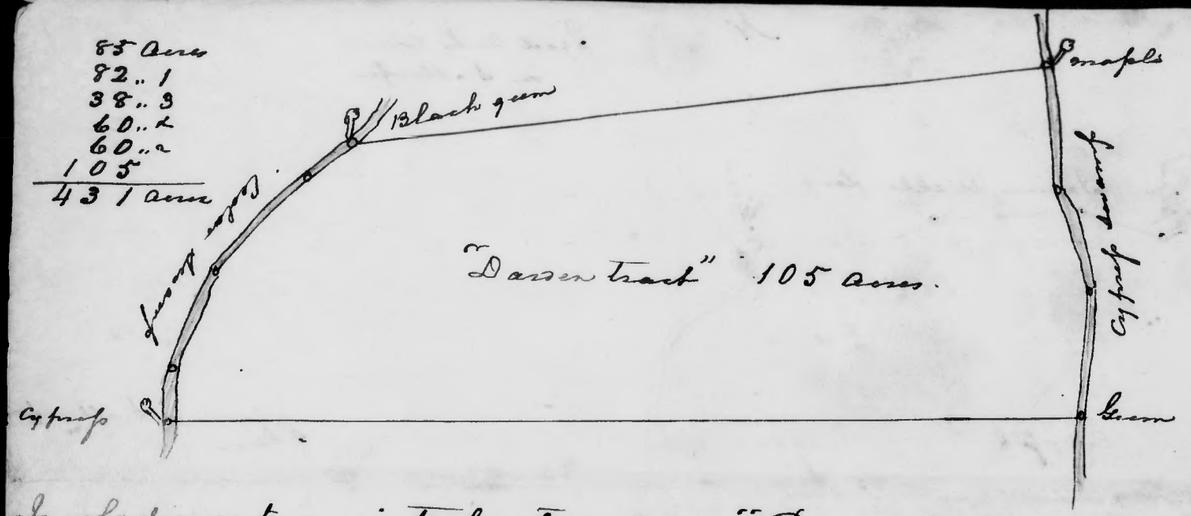

In obedience to an interlocutory decree "Bryant & wife vs Darden and others" pronounced by the County Court of Southampton at the November term 1849, your Commissioners having made a division of the lands, slaves and other personal property whereof William E. Lawrence died seized and possessed, among the heirs pursuant to said decree, beg leave to report:

The several tracts of land containing by actual surveys thereof 431 Acres - we first set apart to the widow Priscilla Darden, the tract containing 82 1/4 Acres, as and for her dower for life, with the privilege to cut and take from any part of the tract of 85 Acres most convenient, timber for fence rails, fuel, and such other timber as may at any time, during her life, be necessary for the use of the plantation; and that the heir, or his or her assigns, which may draw the tract of 85 Acres be prohibited from cutting or in any manner destroying the timber on the said tract most convenient to the dower.

We then placed the tract of 85 Acres with the Darden tract of 105 Acres making 190 Acres valued at . . . . . $415..00
which was drawn by Margaret Bryant.

We also placed the tract of 38 3/4 Acres with the two tracts of 60 Acres each, making 158 3/4 Acres valued at . . . . . $415..00
which was drawn by George W. Lawrence; which disposes of the lands in the bill mentioned.

The slaves and other personal estate we divided as follows: first agreeing as to the valuation of each, Viz)

negro man Alfred	$500..00
" Woman Betty & infant child	530..00
amount brought forward	$1050..00
negro girl Jency	550..00
" boy Elbridge	550..00
" Dr. Edward	400..00
" girl Mourning	350..00
" " Rebeccah	250..00
" " Judah	150..00
" " Harriett	50..00
	$3 ÷ 3350..00
	$1116..66 2/3

We then allotted and set apart to Priscilla Darden as and for her dower for life, the woman Betty & child valued at $550..00
Also the boy Elbridge valued at . . . . . 550..00
$1100..00

The remaining slaves valued at $2250 we divided as follows: we placed Alfred & Rebeccah valued at $750 in lot No 1 which was drawn by Margaret Bryant.

Also Edward & Mourning valued at $750 in lot No 2 which was drawn by George W. Lawrence.

The remaining lot containing Jency, Judah & Harriett valued at $750, fell to the heirs & representatives of James Lawrence dec'd this lot we again subdivided into three lots as follows:

Jency valued at $550, lot No 1 was drawn by George W. Lawrence
Judah valued at $150, lot No 2 was drawn by Priscilla Darden; and
Harriett valued at $50 lot No 3 was drawn by Margaret Bryant.

James Lawrence's distributive share of the personal estate being $56..95 with interest from the 31st of Decem: 1835, the interest being $47..81 to the 31st Decem 1849 makes $104..79 being equally divided, given to Priscilla Darden, Margaret Bryant & George W. Lawrence $34..93 each.

We then allotted to Priscilla Darden one ninth of the value of the slaves precisely allotted to her as her dower for life, it being $122..22 2/9 to which add $34..93 makes $157..15 2/9, it being the portion which the heirs from her deceased son James Lawrence, of the

reversionary interest to which she was entitled in her dower and the personal estate.

Therefore George W. Laurence pays to Margaret Bryant $121.42 Cents with interest from the 31st day of December 1849 until paid; for which sum his Guardian executed his bond accordingly. and George W. Laurence also pays to Priscilla Darden $257.15 Cents with interest from the 31st day of December 1849 until paid

respectfully submitted.

Given under our hands the 31st day of December 1849.

Wm. M. Jones.
Littleton his X mark Moore
Jno. J. Kindred

Know all men by these presents that we William M Jones, Littleton Moore & John J Kendrick and
are held and firmly bound unto the Commonwealth of Virginia in the just and full Sum of
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 17th day of December 1849

The Condition of the above obligation is such that whereas by a decree of the County Court of Southampton pronounced on the 19th day of November 1849 in a Suit in Chancery therein depending between William D. Draymond & wife Margaret plaintiffs and Elisha Darden &c &c another Defendants the above bound Jones. Moore Kendrick were appointed Special Commissioners for the purposes set forth in the said decree - Now if the said Jones, Moore & Kendrick shall faithfully discharge their duties as such Commissioners under the decree aforesaid then the above obligation to be void or else to remain in full force and virtue -

Witness (Seal) (Seal) (Seal) (Seal)

In the Clerks Office of Southampton County Court the day of 1849 the Security to the

This day above bond made oath & saith that his estate after the payment of all his just debts is worth the sum of the penalty of the said bond.

Subscribed & Sworn to before me this day & year aforesaid