

1852-011

SOUTHAMPTON COUNTY
CHANCERY PAPERS

WORRELL + ux + al

VS.

BRYANT, ADMR OF
WOODARD

12/1852

other surnames: Claud, Simmons,
Pope, Clark, Felts, Prince,
Bryant

Worrell & { B. A
v {
Bryant (adv.) } & Durr
Merchand

1845 Jan. Durr as filed.

1847 June Report

" July - Report Confm?

1848 Oct. Durr.

1849 Feby. Report

Mar. " Confirmed

" Apr. Rule v. Gov. - 80

1852 Sep. Rule v. Gov

" Oct. " Cont.

" Nov. Attachment awarded to Bryant.

fees paid

To the worshipful County Court of Southampton
in Chancery sitting.

Humbly complaining sheweth
unto your worship, your Complainants Benjamin
Woodell & Mary his wife, Joseph Priner & the of
Joseph T. Blund who was apiece of Anthony Woodard
John Sammons and Mary his wife, Waster Pope
heirs of E. Woodard by Waster
Pope their next friend - heirs
of E. Woodard by Waster Pope their next friend
William D. Black Trustee for the Creditors of
Daniel Felto, that one Samuel B. Woodard
deceased this life some time since possessed
of some real and personal estate, to which your
Complts together with the widow, are entitled
tho therefore as they are unaided at Law and
only relievable in Equity where matters of this kind
are alone cognizable, prays this Court sitting in
Chancery, to appoint a Commissioner, whose
duty it shall be in the first instance, attended
by a competent surveyor to allot to the widow
for life one third of the landed estate, also
assign to her for life one half of the slaves
regard being had to value - They further
shew that in consequence of the number of
legates, a division in kind of the residue
can only be made by sale of the land and
slaves, which they are advised it is competent
for this Court to order in as much as the shares
are not worth \$300 - they therefore pray that
a sale may be made for the purpose of
effecting a division as aforesaid, and
they will ever pray -

The answer of Egan Bryant adth of Samuel B. Woodward died -

This Respondent saving to himself all benefit of just exception that may hereafter arise, for answer says that he has no objection to the division prayed for -

Worcester & others {
100 { Beene

Bryant

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 Egan Bryant be appointed Commissioner, that he attend by a competent surveyor, allow to the widow for life, one third of the lands whereof Samuel B. Woodward died seized & possessed. also allow to her one half of the negro slaves (regard being had to value) for life - That said Commissioner sell to the highest bidder, after advertising the time and place of sale for twenty days the remainder of said lands and slaves upon the following terms, to wit. The land upon a credit of nine months, the slaves for cash. and that the funds be disposed of as follows, after paying the cost of this decree he. Take bond & distribute the monies as follow - To Benjamin Worcester & wife on account land a bond for $\frac{1}{4}$ part. also $\frac{1}{4}$ in money on account of sale of slaves - To Joseph Prince & the of Joseph J. Blane who was assignee of Anthony Woodward the same proportion - To, John Simmons & wife the same proportion - To, Walter Pope one sixth ($\frac{1}{6}$) of land & negroes - To heirs of Egan Woodward same proportion - To Jesse Woodward heirs same proportion - and same to William

D. Black trustee for Creditors of Daniel Fells. and report to Court in order to a final decree -

Monell & others

2 } Dec

Monduro de Am:

1848 October

Worsell & c

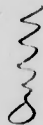
i

Worsell & c

Oct:

~~May~~: Court.

Seene-



This cause came on this day again to be heard on the papers formerly read and the report of Comr. Bryant filed at June Term 1847. And was argued by Counsel. On consideration whereof the Court being of opinion that said report is imperfect and defective, doth order that the same be recommittees to said Comr. with instructions to report specifically the amt for which the land and stones generally sold, and the several items of expenses attending said sale, also the particular amt to which each party is entitled under the decree of June Term 1845; what amounts he has paid to the several parties entitled under said decree. And said Comr. is further instructed to return to Court with his report, the bonds, and amt in cash due to non resident under said decree before mentioned.

Worrell & wife

to } Co. Deed

Woodwards adm

Southampton October Court 1848.

Benjamin Worrell & wife & others

against

Ordn. Bryant admor. Samuel Woodard &c

Defts } In Chancery
vs }

This cause came on this day again to be heard on the papers formerly read and the report of Commissioner Bryant filed at June Term 1847 and was argued by Counsel. On consideration whereof the Court being of opinion that said report is imperfect and defective doth order that the same be recommitted to said Commissioner with instructions to report specially the amount for which the land & slaves severally sold, and the several items of expenses attending said sale, also the particular and to which each party is entitled under the decree of January Term 1845, what amount he has paid to the several parties entitled under said decree. And the said Commissioner is further instructed to return to Court with this report the bonds and amount in cash due to now residents under said decree before mentioned.

A Copy
Jude.

J. R. Edwards lb

66

2 } Rule: & Com

Woodward adm

1849 May Term.

By order of Court

L.R. Edwards

Enclosed

[illegible]

THE COMMONWEALTH OF VIRGINIA,

*To the Sheriff of Southampton County—***GREETING :**

WE COMMAND YOU TO SUMMON *Exum Bryant*

to appear before the *Justices of our County Court of Southampton*

at the Court-house of said County on the first day of *May* **Term**

next. to *show cause, if any he can, why an attachment should not issue*
against him for his contempt to us offered in failing to comply with the order
made at February Court last. in the suit of Norrell & others against Exum
Bryant admor. of Samuel B Woodard de

And have then there this Writ. **WITNESS, LITTLETON R. EDWARDS,**

Clerk of our said Court, at the Courthouse, this *19* day of *April*

184 *9*, in the *78* year of the Commonwealth.

L.R.E. Edwards

✓
Morrell

to } Rule to: Com.
Woodwards and

1852 October Term

Executed by
Joshua Prellner
Depty of G. K. Llo
Chff

The Commonwealth of Virginia - To the Sheriff of Southampton County.

Greeting - We command you to Summon Exam Bryant Commins in the
Suit of Horrell vs. W. Woodards and to appear before the Justices of our Court of
Said County at the Courthouse on the first day of October Term next to make a
further report in the said suit and further to do and receive what our said Court shall
in that part consider. And have them serve this writ. Witness Littleton R Edwards
Clerk of our said Court at the courthouse this 27 day of September 1852 in the 77th
year of the Commonwealth

L R Edwards Clk

for failing to comply with the order of Court made at the September
Term 1852 in the chancery suit of Norrell vs Woodards ad.

Certe.

J. R. Edwards

Norrell vs.

ad } Attor: v. E. Bryant

Woodards ad.

1852 December Term

Executed

C. D. Jones Sept
for J. Wells Shiff.

The Commonwealth of Virginia. To the Sheriff of Southampton County. Greeting
We command you that you attach Exum Bryant so that you have his body before
the Justices of our County Court of said County at the Court house on the first day
of the next Term to answer us as well of a certain Contempt by him to us offered as it is
said, as upon those things which to him shall be then and there objected: and further
to do and receive what our said Court shall in that part consider. And this you
shall in no wise omit. And have then there this writ - Witness Sillerton R
Edwards Clerk of our said Court at the Court house this 1st day of December
1852 in the 77th year of the Commonwealth

S R Edwards Ck

Worrell &
& { Repat

Woodwards ass

Commissioners Report
of Sales of Samuel B.
Woodwards Estate

According to a decree of the county Court
 of Southampton Obtained January Term 1843
 I Exum Bryant appointed Commissioner
 to divide and sell the Land and Slaves
 belonging to the Estate of Samuel B.
 Woodard Decd. so as to allot to the
 widow one half of the Slaves for life
 one third of Land for life, and the $\frac{2}{3}$
 of Land and $\frac{1}{2}$ of Slaves made sale of
 and pay the proceeds as follows Viz.

$\frac{1}{14}$ to Benjamin Worrell & wife. $\frac{1}{14}$ to Joseph
 Prince Ex^r of Joseph S. Claude who was Appointed
 of Anthony Woodard. $\frac{1}{14}$ to John Simmons
 & wife, $\frac{1}{7}$ to Westee Pope $\frac{1}{7}$ to Heirs of
 Exum Woodard $\frac{1}{7}$ to Jeffrey Woodard's heirs
 $\frac{1}{4}$ to William Clark Trustee for creditors
 of Daniel Heth

Accounts of sales \$530.00

$\frac{1}{14} \div 550$
 \$ 50

$\frac{1}{4} \div 550$
 \$ 100

Respectively submitted
 to the Honourable Court
 Exum Bryant Commissioner

Worrell & Co
& { Repr

Woodward & Co

1849 Feb 19 Term

According to a decree of the County Court of Southampton obtained January Term 1845, I Exum Bryant appointed Commissioner to divide and sell the Land and Slaves belonging to the Estate of Samuel B. Woodard Woodard Dec^d so as to allot to Widow one half of the Slaves for life, one third of Land for life, and the $\frac{2}{3}$ of Land and $\frac{1}{2}$ of Slaves made sale of and pay the proceeds as follows (Viz: $\frac{1}{14}$ to Benjamin Worrell and wife $\frac{1}{14}$ to Joseph Prince Ex^r of Joseph J. Claude who was assignee of Anthony Woodard, $\frac{1}{14}$ to John Simmons and wife, $\frac{1}{7}$ to Westie Pope $\frac{1}{7}$ to Heirs of Exum Woodard, $\frac{1}{7}$ to Jesse Woodard's heirs, $\frac{1}{7}$ to William Clark Trustee for Creditors of Janice Hester

Sales of Land	\$ 113.40
Commissions	15.67
Nett for Land	<u>97.73</u>

Commissions	\$ 5.67
Surveying	6.00
Chain carriers	4.00
	<u>15.67</u>

Sales of Boy George	\$ 312.10
Sale of Girl Ginney	121.25
Sale of Girl Mariak	55.25
	<u>488.60</u>
Cost and Commission	36.33
	<u>452.27</u>
Nett for Negroes	
do for Land	97.73
	<u>\$ 550.00</u>

5 p ^{ct} for fire	\$ 3.00	\$ 15.00
Com ^d on balance	2 p ^{ct}	3.95
Lan ^y ers fee		10.00
Clerks fee		2.38
Cry ^g property		2.00
Keep ^g a/c sales		2.00
Hall ^g Negroes		1.00
		<u>\$ 36.33</u>

Respectively submitted to this Honourable Court

Exum Bryant Commissioner

The amt due John J. Simmonz and wife is \$50 due on the 15th day of February 1845—

Respectfully submitted

Exum Bryant

John T Simmons

to } prom of atty.

Reidley Lodge

KNOW ALL MEN BY THESE PRESENTS, That *I, John T. Simmons*
of Russell County in the State of Alabama

have constituted, made and appointed, and by these presents do constitute, make and appoint

Ridley & Goodwyn Attorneys at Law
of Southampton County in the State of Virginia

my true and lawful attorney, for *me* and in *my* name and stead, and to *my* use, to ask, demand, sue for, levy, recover and receive all such sum and sums of money, debts, rents, goods, wares, dues, accounts, and other demands whatsoever, which are or shall be due, owing, payable, or belonging to *me* or detained from *me* any manner of ways or means whatsoever; by *these presents* to ask, demand, sue for, levy, recover & receive all such portions of real & personal ~~property~~ of the Estate of the late Samuel Woodward of Virginia to which I am or may be legally entitled in my own right or in right of my wife as legatee, devisee, or distributee of said Estate giving and granting unto *my* said attorney by these presents, full and whole power, strength and authority, in and about the premises; To have, use, and take all lawful ways and means in *my* name for the recovery thereof, and upon the receipt of any such debts, dues, or sums of money aforesaid, acquittances, or other sufficient discharges, for *me* and in *my* name, to make, seal and deliver, and generally all and every other act and acts, thing and things, device or devices in the law whatsoever, needful and necessary to be done in and about the premises, for *me* and in *my* name, to do, execute and perform, as fully, largely and amply, to all intents and purposes, as *I* might or could do, if *I* were — personally present, or if the matter required more special authority than is herein given, and attorneys one or more under *them* for the purpose aforesaid, to make and constitute, and again at pleasure to revoke: ratifying, allowing and holding, for firm effectual, all and whatsoever *my* said attorney shall lawfully do in and about the premises, by virtue hereof.

In Witness whereof, *I* have hereunto set *my* Hand and Seal. Dated at *Leawford*
the *fourth* day of *November* in the year our Lord one thousand eight
hundred and *forty six* and in the *71st* year of the Sovereignty and Independence
of the United States of America.

SEALED AND DELIVERED
IN THE PRESENCE OF

R O Howard
B. H. Baker

John T. Simmons 

THE STATE OF

Alabama, Russell

County:

BEFORE ME,

James C. Neal, Clerk of the County Court

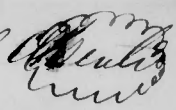
in and for said county and State, came personally the above named

and acknowledged that he signed, sealed and delivered the foregoing Power of Attorney to the said

Goodwyn

on the day and year therein named.

Spurately sent having no seal of office at office
this 9th day of November 1846 and of
American Correspondence the 7th year

Simon O'Neal 

The State of Alabama

Russell County } I, Myres Lewis Judge of
the County Court of Russell
State of Alabama, do certify that Simon
O'Neal whose official attestation is ap-
-peared to the annexed instrument of writing
is the legally qualified and acting clerk
of the County Court of Russell State aforesaid
and that his official act or such is entitled
to full credit, and that the said attestation
is in due form of law and by the proper
officer. Given under my hand & seal this
10th Nov 1846. Myres Lewis Judge Seal
County Court of Russell. Alabama