

1853-001

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BRYANT'S ADM'R. VS. BRYANT'S EXTR^{ets}
6/1853

Other SUR Names: Fires,
Fiers, Gurley

333.

Co. Col

Bryant's Adm.

vs } Bill.

Bryant's Exd. Li

1852 Acc. Debit as listed

1853 Feb. Report

" Mar. Conf.

" June. Debit as listed

Richard & Chas. Smith
att.

To the most respected the County Court
of ~~Massachusetts~~ ^{Southampton}, sitting in Chancery.

Humbly complaining, Sheweth
unto your worship, your complainant
And Mr. Clerk and of Jacob B. Bryant and
That Baily Bryant of this County departed this
life in the year 1842 - after making and publishing
his last will and Testament in writing - which
has been admitted to record by the County Court of
Southampton, an authentication copy of which, is
herewith filed and prayed to be considered as
a part of this will -

That said Baily Bryant in his will uses the following
Language - "The balance of my estate both real and
personal - which has not been disposed of I leave to
my son Jacob B. Bryant during his lifetime, and
at his death to be divided among his lawful
children."

And the same consist of the following Slaves
Will Amy, Harrison, Foster, Hubbard, Kinschen, Edmon
Dolphin Isbell Foster Louisa
and the heirs, which have arrived since the
death of the Testator. That James B. Bryant
qualified as Executor of Baily - and here the
above named Slaves in his possession -
That after the death of the Testator; and during
the lifetime of their father Jacob B. Bryant
two of the remainder, his children, viz. Sylvester
and Jacob and under age, unmarried and
without issue, without ever contracting or arriving
at an age to contract any debts - and your Oath
is sworn that his estate, being settled
his two children, is entitled to this estate in
remainder, in the Slaves above mentioned & their
heirs - That Jacob B. Bryant has died.

estate and your complainant has qualified as
his administrator

That no division of the slave above mentioned
has been announced, because, of the pendency
of a suit for a large amount, in the circuit
court of this county against Bailey Bryant.
which said Executor would not consent
to summon the property, for division so long
as that suit was undecided - That suit has
now been decided in favor of the said Bryant
estate and no impediment exists to the division
of the slave and the payment of any balance
which may remain in the Exec's hands -

Your complainant further states, that the
children of Jacob B. Bryant - were Sylvester,
Abner, Albert, Jacob & Victoria - Two of
whom, as before stated and among the children of
their father and amongst the children of
their mother, intermarried with one
and her husband, leaving his who is now dead
and now Albert and Victoria Bryant of the living
and are infants -

That, James Bryant Exec of Bailey Bryant has regularly
settled his accounts and your orator is willing to take
said accounts as the basis of any settlement which
may hereafter be had and required -

Your orator is advised that the slave should be
divided and the money in the hands of Bailey Bryant's
Executor paid out in the following proportions, viz -
Two fifths of each to your orator as son of Jacob
B. Bryant, as distribute of his two children Sylvester & Jacob.
One fifth to Eliza Fries son of his and wife
Amanda - one fifth to Albert & one fifth
to Victoria Bryant - That he has applied to
Jas. Bryant, to summon the slave for

division and to account with your orator, but
he has declined -

In Texas consideration of all which and in
as much as your complainant is without remedy
in the premises, except in a court of Equity, where
the ~~disposition~~ of this will are cognizable - To the
End - he prays your worship to make James
B. Bryant Executor of Bailey Bryant. Eliza
Fries, son of his and wife Amanda, Albert
and Victoria Bryant, infants, by some fit person
to appear there, left to this will - and compel
them to answer its allegations fully & untravestly

That you will appoint some one to divide the
slave in the will mentioned according to the rights
of the parties - and direct an account
to be taken by a court of this court of James
B. Bryant's transactions as Exec. of Bailey Bryant
estate to those entitled, of the balance

That your worship will grant such other
and general relief as Equity may require.

Geo. M. Burley

Bryants adw

nd

Bryants End. &c

Answers of
Baird Bryants End.
A. Fair adw, &
of Infants

Answer of James D. Bryant Executor of Bailly
Bryant to a bill filed against him and others in this
Court. by Geo M. Guley agent of Jacob B. Bryant.

To the Honorable Court of Southampton, in Chancery

This Defendant saying &c - for answer to said bill,
avoids the material allegations contained therein -
That he is Exor. of Bailly Bryant - holds the negroes
mentioned and has heretofore retained them for the
purpose stated - & has no objection to deliver them
for division under the order of this Court -

He has regularly settled before a comr. of this Court
accounts of his transactions with the estate of his Testator
and his executor as part of this answer - copies of
his previous accounts -

He is ready to make any further account
which may be required - and to pay over the
balance which may be found in his hands. but
requires before any thing is required to be surrendered
or paid that proper returning bonds may be exacted
by the officers of Bailly Bryant. & having answered
may be taken as his answer.

James D. Bryant

The answer of Chas. Fries agent of Amos Fries
his ad. wife to a bill filed in the County Court
of Southampton, against him and others of Geo
M. Guley.

This Defendant saying &c - avoids the allegations
of the bill, believing as far as he is informed
that they are correct. & having answered may be
taken as his answer -

Chas. Fries

To the Honorable Court of Southamptⁿ
sitting in Chancery.

The answer of Albert and Victoria Bryant
infants, by L R Edwards their Guardian ad litem
to a bill filed against them by J M Gurley
and of Jacob B. Bryant.

These defendants are of your too
tender to answer, particularly the allegations
of the Plaintiffs. But, as far as they are
informed, believe them to be true - They submit
their interests to the protection of the Court, and
having answered pray to be hence dismissed.

co. co.

Bryants Adm.

vs.

} Lecum

Bryants Exd. &c.

Nov. Term 1852

Bryant. Adm.

vs.

In Chancery.

Bryant. Exor. &c -

This day this cause was docketed by consent of parties - and the court appointed L. R. Edwards Guardian ad litem to the infant defendants Albert and Victoria Bryant, who filed their answers - and ~~thereupon~~ the cause came on to be heard on the bill - answers of the defendants, replications thereto, & exhibits - and was argued by counsel, on consideration whereof the court with adj. judge order and decree That Harrison D. Moore Esq. & J. H. Kindred & Jonathan Jordan who are hereby appointed counsel for the purpose aforesaid the same

in the bill mentioned, now in the hands of James D. Bryant - Executor of Bailey Bryant and - and ~~ad of~~ ^{Adm. of Jacob B. Bryant} Two fifths, in value to Jno W. Gundry ^{Adm. of Jacob B. Bryant} one fifth to Eliza Fiers and of another his wife - one fifth to Albert Bryant and one fifth to Victoria Bryant -

and the court with further adjudge order and decree That James D. Bryant Exor. of Bailey Bryant remain before a court of this court an account of his transactions as Exor. aforesaid - and the said Court is directed to take the accounts filed in this cause as prima facie correct, liable to be surcharged and satisfied - & report to court with any matters specially stated annexed pertinent by himself - or required to be so stated by either of the parties -

and the court with further direct that the cause appointed to arise - be reported to this Court.

But the parties - are not to have the benefit

of this accu-mulated. They or some one for them, enter
into bonds with sufficient security, payable to the Com^{ts}
of Virginia, in a penalty, equal to double the value of the
slaves, which they may respectively receive under this
accu- conditioned to expend due proportions of any
acts which may hereafter be recovered against the estate
of Bailly Myant and - and the cost of such recovery.

1992

I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy. I have been very busy lately, but I have managed to find some time to write to you. I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy. I have been very busy lately, but I have managed to find some time to write to you.

The first of these is the fact that the

 Government has been unable to

 obtain the necessary funds to

 carry out its policy.

Dry ant

100. Dues

Bryant & Co

Southampton County Court. November Term 1852
John M. Gurley admor. Jacob B. Bryant dec.

against
James D. Bryant Exor. Bailey Bryant dec. Elvin R. Fries admor of
Annelle Fries dec. & others.
Plff. } In Chancery
Defds }

This day this cause was docketed by consent of parties and the Court appointed L. R. Edwards guardian ad litem to the infant defendants Albert and Victoria Bryant, who filed their answers 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 Harrison D. Moore, John I. Knicker and Jonathan Darden who are hereby appointed Commissioners for the purpose, divide the slaves in the bill mentioned, now in the hands of James D. Bryant executor of Bailey Bryant dec. and allot two fifths in value to John M. Gurley admor. of Jacob B. Bryant, one fifth to Elvin Fries admor. of Annelle his wife one fifth to Albert Bryant and one fifth to Victoria Bryant. And the Court doth further adjudge order and decree that James D. Bryant Exor. of Bailey Bryant render before a Commissioner of this Court an account of his transactions as Exor. aforesaid and the said Commissioner is directed to take the accounts filed in this cause as prima facie correct, liable to be surcharged and falsified and report to Court with any matter specially stated deemed pertinent by himself or required to be so stated by either of the parties. And the Court doth further decree that the Commissioners appointed to divide make report to this Court.

But the parties are not to have the benefit of this decree until they or some one for them enter into bond with sufficient security, payable to the Commonwealth of Virginia in a penalty equal to double the value of the slaves, which they may respectively receive under this decree, conditioned to refund due proportions of any debts which may hereafter be recovered against the estate of Bailey Bryant dec. and the costs of such recovery.

Attest

Teste.

L. R. Edwards Clk

Bryant }
is } seen
Bryant }

1853 June

Bryant

as

seen

Bryant

This day this cause came on again to be read on the papers formerly read, the report of the special commissioners Harrison & Moore John & Kinard & Jonathan Dardan, and on the report of commissioners Shands made pursuant to the decree order entered at the November term 1852 to which reports there is no exception, on consideration whereof the court confirming the said reports with adjudg^{mt} order and decree that Albert & Victoria Bryant & Eliza Fines pay to John M. Surley adm^r of Jacob Bryant the except in the value of the slaves allotted them, to wit; that Albert & Victoria Bryant pay the sum of \$168 and Eliza Fines the sum of \$54. And the court with further adjudg^{mt} order and decree that James S. Bryant Esq^r of Bailey Bryant & pay to the said distributee of Bailey Bryant the amounts reported and there to wit; to John M. Surley adm^r of Jacob Bryant the sum of \$338.25 $\frac{2}{3}$ with interest on \$263.03 $\frac{2}{3}$ from the 31st of December 1832, to Eliza Fines \$169.12 $\frac{2}{3}$ with interest on \$132.31 $\frac{2}{3}$ from the 31st of December 1832, to the guardian at law of Victoria Bryant \$169.12 $\frac{2}{3}$ with interest on \$132.31 $\frac{2}{3}$ from the 31st of December 1852, to the guardian at law of Albert Bryant \$169.12 $\frac{2}{3}$ with interest on \$132.31 $\frac{2}{3}$ from the 31st of December 1832, so soon as the said distributee or some one for them shall execute a bond in a penalty of double the amount directed to be paid them with security, conditioned to refund a due proportion of any debts or demands which may afterwards appear against the estate of the said Bailey Bryant and of the costs attending this recovery.

Account Current of
Bailey Bryant's Est

1853 Apr. 18th

The Estate of Bailey Bryant Decd

In account with James D Bryant his executor

Dr

Cr

Balance

1852			\$	cts	\$	cts	\$	cts
June 1 st	By balance due the estate by last report				494	88	118.22	
	" negro hire this year				236	00		
	" six months interest on last year's balance						14.84	
	" This amount from sheriff				19	83		
	To paid sheriffs ticket		1	50				
	" paid for negro's coffin		3	10				
	" paid Dr J. M. & Co. bill		10	00				
	" paid Chambers & Mapsoning atty for		20	00				
	" paid Phoebe A. C. account		2	00				
	" paid for expensioe negroes		9	00				
	" paid commissioners for last account		1	00				
	" paid C. D. Basham account		8	00				
	" paid negro's burial expenses		3	00				
	" paid commissioners for dividing negroes		15	00				
	" commissions on \$270.00 at 5% per cent		13	53				
	" shunks ticket retainer		1	00				
	" commissions for retainer		1	00				
	" balance		112	58				
			750	71	750	71	183.06	
Dec 31	By balance due the estate with interest on \$112.58 paid from this day till paid				845	64		
	Respectfully submitted by							
	Wm B Shanks Commr							
	To sundry accounts paid and since brought in				23	78		
	By balance due the estate with interest on \$648.79 from the above time till paid				821	85		
	Wm B Shanks Commissioner							

Elvin R. Fines &
Bond \$2000.

521
J. J. Fines
J. J. Fines
J. J. Fines

\$2000. Know all men by these pre-
sents that we Elvin Fiers, ~~Mod. Kindred~~, ^{Johnathan} Dasher
are held and firmly bound to the Commonwealth
of Virginia in the sum of Two thousand dollars
- for the payment of which we bind our-
selves severally and jointly and our heirs in like man-
ner.

The Condition of the above obligation is such that
Whereas the said Elvin Fiers as administrator of his
deceased wife Amorette Fiers (who was Amorette Bry-
ant daughter of Jacob B Bryant deceased) has this day
received from the Commissioners appointed by a decree
of the County Court for that purpose, the following negro
slaves Twitt, Kinchen, Will and old Esther
as his portion of the slaves belonging to the estate
of Bailly Bryant deceased under the said Bailly Bry-
ant's will, Now if there should at any time hereafter
any debts or liabilities come against the estate of the
said Bailly Bryant and the said Elvin Fiers should
pay his legal ratable portion thereof together with any
costs attending the same then this obligation shall
be void; or otherwise remain in full force and effect
Given under our hands and seals this 25th
day of December 1852.

Elvin Fiers seal
Mod. Kindred seal
Johnathan Dasher seal

Thos M Gurley & Co
Bond Brokers

\$4000.00 Know all men by these pre-
sents that we the M. Gurley (Guardians of
Albert Bryant and Victoria Bryant, infant
children of Jacob B Bryant deceased) and
Harmon D Moore & John I. Kindred are held
and firmly bound unto the Commonwealth
of Virginia in the sum of four thousand dol-
lars - for the payment of which we bind
ourselves successively & jointly, and our heirs.

The condition of the above obligor-
there is such that whereas the said M. Gurley
as guardian as aforesaid has this day received from
the commissioners appointed for that purpose the
negro slaves to which his said wards are entitled
out of the estate of Bailey Bryant deceased by vir-
tue of his will, now if there should at any time here-
after any debt or liabilities come against the said
Bailey Bryant's estate and the said M. Gurley should
pay the legal ratable portion of his said wards then
his obligation shall be void; otherwise to be-
main in full force & virtue. Witness this 25th
December 1852.

Jm M Gurley (s)
Harmon D Moore (s)
John I. Kindred (s)

Geo. McQuilley
Mendocino

\$4000. or know all men by these presents
that we the said Gurley (adm^r of Jacob B Bryant
deceased), Harrison D Moore and the said Kindred
are held and firmly bound to the Common-
wealth of Virginia in the sum of four thou-
sand dollars, on the payment of which we bind
ourselves and heirs, executors & assigns -

The condition of the above obligation is
such that whereas the said Gurley as adm^r as
aforesaid has this day received two fifths of
the slaves belonging to the estate of the said Bailey
Bryant under his authority as adm^r and for
the benefit of the said Jacob B Bryant's es-
tate, now if any debts or liabilities should
hereafter come against the said Bailey's estate
and the said Gurley the adm^r as aforesaid should
pay his proportional part thereof together
with the costs attending the same then this
obligation shall be void; - otherwise it shall
remain in full force & virtue. Witness this 25
December 1852.

Jas. A. Gurley (Seal)

Harrison D. Moore (Seal)

Geo. J. Kindred (Seal)

The commissioners at the request of the parties reports the following distributed account under the will of Bailey Bryant Dec^r

Balance due the estate of Bailey Bryant Dec^r 31st 1852 \$845.64
with interest on \$662.58 from that day till paid

Amount due Mrs M Emily adm^r of last Bryant \$338.25 $\frac{3}{4}$
with interest on \$265.16 $\frac{3}{4}$ from 31st of Dec^r 1852
till paid

Amount due Elvin Fines \$169.12 $\frac{4}{5}$
with interest on \$132.57 $\frac{3}{4}$ part thereof from 31st
of Dec^r 1852 till paid

Amount due Victoria Bryant \$169.12 $\frac{4}{5}$
with interest on \$132.57 $\frac{3}{4}$ part thereof from 31st
of Dec^r 1852 till paid

Amount due Albert Bryant \$169.12 $\frac{4}{5}$
with interest on \$132.57 $\frac{3}{4}$ part thereof from 31st
of Dec^r 1852 till paid

Respectfully submitted by
Wm B Shanas Comm^r

Bryant
vs
Bryant

Report of Com^{rs}

1853. Feb. Court

To the worshipful County Court of South-
ampton County - January Term 1853.

The undersigned, Commissioners ap-
pointed by a decree of this Court pronounced at the
November term 1852, to divide the the slaves belonging
to the estate of Bailly Bryant deceased, beg leave to
report that on the 25th December 1852, they proceeded
to make a valuation of the said negro slaves, which they
assessed at \$4830.00 - that they then divided
them into five shares as nearly equal in value
as practicable, having also a regard to age and
sex and on drawing lots for the same the fol-
lowing was the result.

To John M. Gurley admr. }
of Jacob B. Bryant - 2 shares }

Esther & child \$800.00 one share

Harrison \$700.00

Louisa 210.00

910.00 one share = \$1710.00
over

To John M. Gurley guardian of Albert Bryant
and Victoria Bryant.

Hubbard \$800.00
Amy 150.00
\$950.00 one share

Dawson \$350.00
Isabel 400.00
Edmund 400.00
\$1150.00 one share
= \$2100.00

To Elvin Fires

Kinchen \$750.00
Will 320.00
1070.00
Old Esther 50.00
\$1020.00 one share

The whole number being valued at \$4830.
each share is \$966.00 —

John M. Gurley as administrator has received
\$222.00 less than the value to which he is entitled
— as guardian he has received \$168.00

more than the value to which he is entitled —

Elvin Fires has received \$54.00 in
value more than the amount in value to
which he is entitled.

These two last mentioned amounts
with the \$168. due from Gurley as guardian and
the \$54.00 due from Fires making \$222.00
have been ^{deposited to be} paid over on the bonds for the
same to Gurley as administrator.

All of which is respectfully
submitted. and signed by

John I. Kindred
Refunding bonds from Gurley and Moore
& Fires are filed herewith. Jonathan Darden

John I. Kindred

B. Bryant.

note -

Exhibit.

Exhibit
B. Bryant
N. W.

Southampton County, Feb²³rd February, 1842.

I, Bailey Bryant of the County afores^t being of sound mind, but in feeble state of health, and not expecting to live long in this world, have come to the solemn conclusion to make this my last Will and testament, revoking all others.

Item the 1st. I wish all my just debts to be paid.

Item 2^d. I give my grand children Maria Thomas Beale, Lucy Ann Beale, James Bailey Beale, Martha F Beale and Elizabeth Samuel Beale five dollars each, to be paid to them by my Executors as soon as they arrive to the age of Twenty one or marry.

Item the 3^d. it is my wish and desire that the plantation bounded by the heirs of Amos Stephenson, and Ridley's Mill pond whereon I formerly lived, to be sold by my Executors on some credit as they may think to be best, and the proceeds arising from such sale to be apply^d to the payment of my debts.

Item the 4th. I give to my beloved wife Charlotte one wagon, and two and one mule by the name of Dick.

Item the 5th. - The plantation whereon I now live called the Fitzhugh land formerly owned by Thomas Fitzhugh, I lend to my son Jacob B. Bryant during his lifetime and at his death I give and bequeath the same to my grand son Silvester Lewis Jordan Bryant. In case Silvester L. S. Bryant should not arrive to the age of Twentyone years or leave a lawfull heir begotten by the body, it is then my wish that said plantation and lands be equally divided between the sons of Jacob B. Bryant.

Item the 6th. I lend to Jacob B. Bryant during his lifetime four horses to be selected by him together with two yoke of Oxen, eight head of cattle, and fifteen head of sheep.

Item the 7th. - I give to my grand children Silvester L. S. Bryant, * Amielick S. Bryant and Albert Bryant one feather bed and furniture each, so soon as they marry or arrive to the age of twentyone.

Item the 8th. - I wish my Executors to sell the balance of my perishable estate and in case it prove not sufficient to pay my debts, with the amount of the sale of lands above named they are then to proceed to sell my slave property and pay all my just

* Annette.

debts, or so many of them as it may require.

Item the 9th. the balance of my estate both real and personal which has not been disposed of I lend to my son Jacob B. Bryant during his lifetime, and at his death to be equally divided among his lawfull heirs begotten of his body.

Item the 10th and lastly. I make Jacob B. Bryant and James D. Bryant Executors to this my last will and testament. In witness of the same, I have hereunto set my hand and affixed my seal this 23rd day of February 1842.

In presence of

Benj^r Lamb -

Joseph S. Joyner -

Theodore Bryant -

Railay Bryant *Eggb*

At a Court held for the County of Southampton the 17th day of October 1842.

The last Will and testament of Railay Bryant dec^d was proved by the oaths of Joseph S. Joyner & Theodore Bryant two of the subscribing witnesses thereto and ordered to be recorded. And on the motion of James D. Bryant one of the Executors therein named, who made oath & together with John M. Burley Lewis Morrell and B. Drury his securities entered into and acknowledged a bond in the penalty of Ten Thousand dollars conditioned as the law directs. certificate is granted him for obtaining a probat of said will in due form. Jacob B. Bryant the other executor therein named appeared in Court & refused to take upon himself any part of the burthen of the execution of the said will.

Tes^t.

L. R. Edwards, C. C.

A Copy

Tes^t.

Henry S. Howard, S. C.