1866-015 SOUTHAMPTON COUNTY CHANCERY PAPERS BRYANT vs. BRYANT et al 12/1866

other SURNames: Johnson, Chitty, Gray, Hedgpeth

306

Bryant
v
Bill &c.

Bryant

1852 Nov. Decree as filed

1853 Nov. Rept.

" Dec. " confd.

1866 Dec. Decree to deliver bonds

Bryant
v
Bryant

fees paid

Bryant
vs
Bryant & others

Decree.

This day this cause was docketed by consent of parties and came on to be heard on the bill and answers (the infants by L R Edwards who was appointed guardian ad litem to them by the Court) and replications thereto and exhibits — and was argued by counsel, on consideration whereof the Court doth order, adjudge and decree that James Gray, who is hereby appointed a special commissioner for that purpose, sell at public auction on a credit of nine months, (except so much in cash as may be necessary to defray the expenses of obtaining and executing this decree) the two small tracts of land lying in this (Southampton) County of which John Bryant was seized during his life-time, one containing about one hundred and twenty eight acres and the other containing about ten acres, and take eleven bonds for the nett proceeds and assign one of the said bonds for one sixth of the said nett proceeds to Catharine Bryant (widow of the said John Bryant in lieu of her dower) and take ten bonds for the remainder in equal portions, (requiring good personal security to all of the said bonds) and assign one to Richard Bryant one ~~to Susan Bryant~~ to Merritt Johnson in right of his wife Susan, one to Easter Whitty in right of

his wife Eliza, one to Evaline Bryant, one to Rebecca Bryant, one to Mary Bryant, one to Martha Bryant, one to Roberta Bryant one to Louisa Bryant (or to the guardian of the last three) and retain the other remaining bond to his own protection and benefit in right of his wife Nancy.

And the said James Gray is ordered to make report to this court in order to a final decree — But he is not to proceed to the performance of the foregoing duties until he shall have given bond in the clerks Office of this county, with good security, conditioned in the penalty of six hundred dollars for the faithful performance of the said duties.

To the worshipful County Court of
Southampton County — In Chancery

Humbly complaining sheweth
unto your worships, your orator Richard Bryant, that
some time since his father, John Bryant, departed this
life seized of two small tracts of land, one containing
about one hundred and twenty eight acres and the about ten
acres, the said land being all of the property held by
the said deceased in this state — That the said deceased
left surviving a widow, Catharine Bryant, and ten
children, viz: Susan (who has intermarried with Levi
Johnson) Eliza (who has intermarried with Carter Whitley)
Evaline Bryant, Rebecca Bryant, Mary Bryant, Mar-
tha Bryant, Roberta Bryant, Lucia Bryant, Nancy
(who intermarried with Daniel Gray) and your orator.
Your orator is advised that the said
Catharine Bryant (widow of the said John Bryant dec'd)
is entitled to one third in value of the said real estate
for and during her life as her dower, and that the
ten children aforesaid is entitled to the balance in
equal portions — And as a division in kind
is impracticable your orator prays that your wor-
ships would appoint a special commissioner with
power to make sale of the said real estate, and pay
a reasonable portion in fee simple, of the purchase
money to the said Catharine Bryant in lieu of
her dower, and the balance, after paying the necessary
expenses, in equal shares to the ten children afore-
said — that your worships would make the
ten children aforesaid of the said John Bryant and
the husbands of those who have married parties defen-
dant to this bill, and compell them to answer fully &
& that your worships would grant such general relief as equity
may dictate &c, Your orator &c. Kindred &c

The answer of Katharine Bryant, Newit Johnson & his wife Susan, Carter Lehitty & his wife Eliza, Evaline Bryant, Rebecca Bryant, Mary Bryant James Gray & his wife Nancy, Martha Bryant, Roberta Bryant and Lenira Bryant (the last three by L R Edwards their guardian ad litem) to a bill filed against them by Richard Bryant, in the County Court of Southampton County.

These defendants saving &c for answer say that they have no objection to the decree prayed for and having answered pray to be hereby discharged.

Recorded

R E

Bryant

& } Cr: Dewey

Bryant

Southampton November Court 1852

Bryant
v.
Bryant & others.

In Chancery

This day this cause was docketed by consent of parties and came on to be heard on the bill and answers (the infants by L.R. Edwards who was appointed guardian ad litem to them by the Court) and replications thereto and exhibits and was argued by Counsel. On Consideration whereof the Court doth order, adjudge and decree that James Gray, who is hereby appointed a Special Commissioner for that purpose sell at public auction on a credit of nine months (except so much as may be necessary to defray the expences of attending and executing this decree) the two small tracts of land lying in this County (Southampton) of which John Bryant was seized during his lifetime - One containing about One hundred and twenty eight acres and the other containing about Ten acres and take eleven bonds for the nett proceeds and assign one of the said bonds for one sixth of the said nett proceeds to Catharine Bryant (widow of the said John Bryant in lieu of her dower) and take ten bonds for the remainder in equal portions (requiring good personal security to all of the said bonds) and assign one To Richard Bryant one to Stewart Johnson in right of his wife Susan. One to Carter Bixby in right of his wife. Eliza. One to Evaline Bryant, one To Rebecca Bryant one to Mary Bryant, one to Martha Bryant, one to Roberta Bryant, one to Louisa Bryant (or to the guardian of the last three) and retain the other remaining bond to his own proper use and benefit in right of his wife Nancy - And the said James Gray is ordered to make report to this Court in order to a final decree. But he is not to proceed to the performance of the foregoing decree until he shall have given bond in the Clerks Office of this County with good security conditioned in the penalty of Six hundred Dollars for the faithful performance of the said duties

Clks costs $3.00
Law fee 10.00 } $10.00

A Copy.

Clks Costs $3.00 paid by Commissioner

Teste. L.R. Edwards Clk

Received of James Gray Comr in the above deed Ten dollars for obtaining the above decree.

Jno. L. Kindred
atty at Law

Bryant

v } Pierce

Bryant

1866 December

Cir Ct of Southampton
December term 1866

Bryant
vs
Bryant

This Cause this day, came again hereon on the papers formerly read - and on the affidavit of Samuel A Warren heretofore filed (of Roberta & Mary Louisa Bryant (minors) and was argued by Counsel:

On consideration whereof it is ordered that the two bonds filed in this Cause for $26.08 cents each against Levi Johnson & others, be delivered to the said Johnson for and in consideration of the support and maintenance furnished heretofore by the said Johnson to Roberta Bryant and Mary Louisa Bryant - two of the Infant defendant in this suit -

The report of James Gray Commissioner appointed by the County court of Southampton County to sell the Real estate of which John Bryant died seized, for a division among his heirs — The decree was obtained at the November term AD 1852, and a copy of it is herewith filed. The two tracts of land mentioned in the decree were sold on the 4th day of December AD 1852, and due advertisement was made — sold at public auction.

One tract containing 128 acres more or less was sold on a credit of nine months, to Sewit E Johnson for $313.00

The other tract containing ten acres more or less was sold, for cash, to Benjamin B. Kindred for ..... $35.25

| | | |
|---|---|---|
| By this amt retained for Com$ | $15.96 | |
| " this amt paid J. J. Kindred atto — | 10.00 | |
| " this amt. paid Clerk .... | 3.00 | |
| | $28.96 | $28.96 |
| Balance due in Cash after paying expenses of obtaining decree & making sale — | | $6.29 |

In compliance with the decree the Commissioner has paid over to the widow of John Bryant $1.04 cents in Cash and assigned to her a bond for $52.16, and to Richard Bryant, Rebecca Bryant, Mary Bryant Evaline Bryant and to Sewit Johnson, each fifty two cents in cash, and a bond for twenty six dollars & eight cents, and retained for himself the like amount of 52 cents in Cash

and a bond for the like amount of $26.08, for all of which receipts from the said Catharine (widow) Richard Rebecca, Mary, Evaline, & Levit are herewith filed.

The bonds, four in number and for the like amount of $26.08, [redacted] and the sum of 52 cents each to the remaining four to-wit to Carter Chitty & Martha, Roberta & Louisa Bryant, are herewith filed [redacted] and deposited.

All of which is respectfully submitted

James his X mark Gray

Witness
Jno. T. Kinsolving

Received Decr. 19th 1853 of the Clerk of Southampton County a bond for $26.03/100 being the bond returned by the Commissioners as their proportion of George Rodgers in right of his wife Martha formerly Martha Bryant of the sales within mentioned.

Witness
Wm. P. Cobb

James X Gray
his
mark

Received March 20th 1854 a bond for $26 03 cents fifty two cents part the proportion of Carter H Chetty of the sales within.

Witness
Jos B Whitehead

Nemrit Johnson

James Gray Comr.

Received this 19th Dec 1866 of the Clerk Southampton two bonds of $26 3/100 each being two of the bonds returned by the Commissioners as which Roberta & Parsons Bryant are entitled received by order of Court this day made in this cause the receiver 52 cents for said children in each.

Witness
W S Gray

Nemrit Johnson
his
mark

Receipts.

Received of James Gray Commissioner appointed by the County Court of Southampton County to sell the lands belonging to the estate of John Bryant deceased, the sum of fifty two cents in full for my portion of the proceeds from the sale of the said lands for cash — also one bond against Newit E. Johnson and others for Twenty six dollars and eight cents in full for my portion of the proceeds from the sale of the said land sold on a credit of nine months

Witness this 20th — day of December

1852

Mills L. Gray

Newit E. his + Johnson
mark

Received of James Gray Commissioner appointed by the County Court of Southampton to sell the lands belonging to the estate of John Bryant deceased, the sum of One dollar and four cents in full for my portion of the said lands sold for cash — Also one bond against Newit E. Johnson & others for fifty two dollars and sixteen cents, on demand nine months after date, in full for my portion of the said lands sold on a credit —

Witness this 29 day of Sept. 1852.

185 Jno. Hamlt

Catharine her X Bryant
mark

Bonds & Money

4 Bonds for $26.08 each

Cash - $2.08

Recieved of James Gray commissioner appointed by the county court of Southampton county to sell the lands belonging to the Estate of John Bryant deceased the sum of fifty two cents in full for my portion of the proceeds from the sale of the said lands for cash — also one Bond against Newit. E. Johnson and others for Twenty Six dollars and Eight cents in full for my portion of the proceeds from the sale of the said land sold on a credit of nine months

witness this 29 day of Nov. 1852

Jno Hamill

Rebecca her × Bryant
mark

Recieved of James Gray commissioner appointed by the county court of Southampton county to sell the lands belonging To the Estate of John Bryant deceased the sum of fifty two cents in full for my portion of the proceeds from the sale of the said lands for cash — also one Bond against Newit. E. Johnson and others for Twenty Six Dollars and Eight cents in full for my portion of the proceeds from the sale of the said land sold on a credit of nine months

witness this 29 day of Nov. 1852

Jno Hamill

Mary her × Bryant
mark

Recieved of James Gray commissioner appointed by the county court of Southampton county to sell the lands belonging To the Estate of John Bryant deceased the sum of fifty two cents in full for my portion of the proceeds from the sale of the said lands for cash — also one Bond against Newit. E. Johnson and others for Twenty Six dollars and Eight cents in full for my portion of the proceeds from the sale of the said land sold on a credit of nine months

witness this 29 day of Nov. 1852

Jno Hamill

Evaline her × Bryant
mark

Recieved of James Gray commissioner appointed by the county court of Southampton county to sell the lands belonging to the Estate of John Bryant- deceased the sum of fifty two cents in full for my portion of the proceeds from the sale of the said land for cash — also one Bond against Newit E. Johnson and others for Twenty six dollars and Eight cents in full for my portion of the proceeds from the sale of the said land sold on a credit of nine months

witness this 13th day of August 1853

Barker Revel

Richard his + mark Bryant

The Clerk of Southampton County Court will deliver to James Gray, (who is hereby appointed my lawful agent for that purpose) the bond of $26.08 & the sum of fifty two filed in his office in the Chancery cause of Bryant vs Bryant &c to which I am entitled in right of my wife Martha, formerly Martha Bryant.
Given under my hand & seal this 16th day of November 1853.

Witness
Henry S. Howard.

George his X Hedgspeth mark (Seal)

[illegible] Receipt

1853

November 16 received of James gray the above account in full

Test Jacob Williams

George his X Hedgspeth mark

The County Court Clerk of the County
of Southampton will please let
Newit Johnson have the bond that I
hold against him for my portion of
John Bryants estate if there is any
money coming to him let him have
that also March 7th 1854

Witness
James H Long

his
Carter X H Chilly
mark

KNOW ALL MEN BY THESE PRESENTS, That we James Gray Philip J Clark & Wm Bryant

are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum of Six hundred Dollars, for the payment of which, well and truly to be made, we bind ourselves, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this 15 day of November, 1852

**The Condition of the above Obligation is such,** That whereas the above bound James Gray has by a Decree of the County Court of Southampton pronounced on the 15 day of November 1852, in a cause therein pending wherein Bryant & Bryant ~~Plaintiff and~~ Defendant, been appointed Commissioner to make sale of certain real Estate in the said cause described.—Now if the said James Gray shall faithfully discharge his duties as such Commissioner under said decree, then this obligation to be void, else to remain in full force and virtue.

*Signed, Sealed, and delivered in presence of*

James his X Gray mark L.S.

Philip J. Clark L.S.

William his X Bryant mark L.S.

Printed at the Intelligencer Office, Suffolk, Va.