

1892-02

Southampton County Chancery - Bryant, Lucy James vs Barden, C. L.

asks that defendant be ejected
from illegally claimed land &
also be made to pay back rent

Bryant
No 1000 Bill
Exhibits
Trarden

McLennan p. 1.

To The Honorable Wm. Hill Judge of
the Circuit Court for Southampton County.

Humbly complaining your complain-
ant Lucy James Bryant sheweth unto
your honor that some time during the
year 1872 Wm. J. Bryant departed this life hav-
ing first duly published his last will and
Testament which was duly admitted to record
in the Clerk's office of this County on the 19th
day of August 1872, all of which will more
fully appear by reference to a copy of the said
will herewith filed as exhibit "A". that at
the time of his death, he was possessed of
considerable real and personal property apart
of which was devised to Patsy Tyler Bryant
Chauncy Robinson (formerly Bryant) and your
complainant jointly in the following words.
"I give unto Lucy James Bryant, Patsy Tyler
Bryant and Chauncy Robinson widow of Jno
Robinson the house and land where I now live
staked out and said to contain twenty acres more
or less, but if either one should die, then the
land shall go to the living one of the first named,
and the last living one of the three named shall
have the house and land named above." that
Patsy Tyler Bryant and Chauncy Robinson have
long since departed this life leaving your com-
plainant as the sole survivor and as such her

of the entire tract; that being so seized and possessed some time in the year 1889 she rented the tract aforesaid to B. L. Barden for the year 1890 for the sum of \$18.⁰⁰ in money and in the further consideration that the renter should do certain repairs then agreed among themselves to be done about the house and lot; that after renting the property of your complainant as above set forth, the said Barden who owns the land adjoining your estate, caused a surveyor to run around a part of your estate's land cutting off exactly twenty acres and claiming the remainder of the tract "staked out" and devised by the aforesaid will to your estate & others, as his own property, which remainder amounts to nearly ten acres of the most valuable of the tract.

Your complainant further sayeth, that not only has the said Barden cut off and claimed, as his own, a part of your estate's most valuable land, but has refused to pay the rent agreed to ^{be} paid for the year 1890. and has held possession of the entire tract and cultivated the same for the year 1891. in direct opposition to your estate's ^{paying no rent for the same} repeated requests.

Your estate is advised, and therefore charges that the said Barden proceeded without authority and therefore unlawfully, ⁱⁿ cutting off to your complainant such parts of her tract as was convenient to him, and claiming the remainder as his

own, that the devise of a certain tract or lot "staked out", is a conveyance in gross and not by the acre, and as such includes all the land comprehended within the aforesaid "stake" & does not limit your oratrix to exactly twenty acres.

In tender consideration whereof and for as much as your oratrix is remediless in the premises save in a Court of Equity where all such matters are alone ~~alone~~ and properly cognizable to the end, therefore that justice may be done your oratrix prays that Ch^d Borden may be made a party defendant to this bill and required to answer its allegations, (an answer under oath being waived) that said Borden be ejected from her tract of land and that his pretended title thereto, or to any part thereof be declared unlawful, null, void and of no effect. that a decree be entered against him for the damages sustained by your complainant by reason of the trespass of the said Borden on her premises in estimating which the rent of the land for the two years may be added. that all such decrees may be entered and account ordered and that such further special and general relief may be granted as the nature of the case may require or to equity may seem meet.

And your complainant will ever pray &c.

Geo. L. Mc. Lemore J. J.

In the name of God, I William T Bryant
of Southampton County, State of Virginia
being in sound mind and memory do make
this my last Will and Testament. First pay
all my just debts, and then I give unto
Lucy James Bryant, Patsy Tyler Bryant and
Nancy Robinson, widow of John Robinson, the
house and Land where I now live. ^{said} ~~stated~~ ^{out}
and ^{to} contain Twenty Acres more or less
but if either one should die, then the Land
shall go to the living one of the first Named
and the last living one of the three Named
shall heir the house and Land named above.
Then I give to Sally Bryant, wife Britton Boy-
ant, five dollars, then to Henry Etta Horrell
the wife of Joseph Horrell five dollars, and then
the balance of my Estate to Lucy James Bryant
Patsy Tyler Bryant and Nancy Robinson the widow
of John Robinson to be equally divided between the
three last Named, And I now appoint Dennis
Bryant as my executor on my Estate, and I do
further being in sound memory make this my
last Will, and do ^{further} hope this will be duly exe-
cuted. This the twenty second day of October
one ~~thousand~~ ^{thousand} and Eight hundred and Seventy
~~two~~ ^{one}. Where unto I now set my hand and seal
Witness William T Bryant
Edward Beaton
Clifton Simmons
Dennis Bryant

At a Court held for the County of Southampton on the 19th day of August A.D. 1872. This last Will and Testament of William P. Bryant decd was proved according to law by the Oaths of Edward Beaton and Clifton Simmons, two of subscribing witnesses thereto and ordered to be recorded.

Test L.R. Edwards. C.C.

A Copy

Test B.F. McLenore C.C.

(A.)

Brayants

m } }

Sum:

Barden

1891. 2. Oct. Rules
bin: et:

McLennan f.g.

Electd Oct 15th

Exoner Oct 15

1891 by delivering a
copy of this sum to

Ed Barden

W K Borden

for J. W. Williams
Shiff

X

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *Le. L. Barden*

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court on the *3rd* Monday in *October 1891* ~~next~~, to answer a Bill in Chancery exhibited against *him* in our said Court by *Lucy James Bryant*

And this *he* shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this *7th* day of *October*, 1891, in the 11th year of the Commonwealth.

Testo: B. F. McLemore C. C.

Bryant 176
or } Stat: Rules

Barden

2 Oct

Lucy James Bryant

Plff

Against

W. L. Barden.

Defth

1891 Oct. 7th Process if^d to 2nd Oct. Rules.

" 2nd Oct. Rules. Process Executed. bill and Exhibits.

filed. do. orce nisi

" 1 Nov " Bill taken for confessed and
Cause set for hearing.

Bryant
no 3 Dinner
Barden

1891. Nov. Farm
To be entered

J. Bryant

vs

and

Barden

Decees

This day this cause came on to be heard upon the bill and exhibits, filed the answer of C. Barden filed during the term by leave of the Court, general replication thereto and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree that the papers in this cause be referred to one of the Commissioners of this Court, who will take and report the following: - 1st. What amount of rent is due the plaintiff herein by the said Barden for the years 1890 + 1891 for the use & occupation of the farm. 2nd. A statement defining the boundary line between the plaintiff & defendant herein, and what land is comprehended in the devise in Wm. J. Bryant's will, described as certain house and land where I now live staked out & said to contain twenty acres. which reports the said Commr. will make and return to this Court together with the evidence upon which his opinion is based, and together with any other matters deemed pertinent by himself or required to be stated by any interested party.

Bryant
vs. Deane

Bardun

1892 Nov. 11

To be entered.

Cmt -

Entered

Prigant

vs.

Deene

Order

This day this cause came on again to be heard on the papers formerly read, and it appearing to the Court that the matters in controversy herein having been settled between the parties doth order that this cause be dismissed from the docket upon payment by the plaintiff of the cost of this suit.