

1906 - 01

Southampton County Chancery Bryant, J. W. vs Bryant, Mary A. B. et al

^{Ent}
Divide Estate possible
if not sold, and proceeds
divided

Bryant, B. L.
Cobb, Sallie V.
Cobb, C. B.
Scully, W. J. Justice
Davis, E. W. Guardian
Davis, B. Walter
Davis, Lucy S.
Davis, Mary Lee
McLennan, B. J. Justice
Saulsbury, J. T. Assignee
Quince, J. B. Jdr.
Bryant, Mills R.
Bryant, Mary A. B.

Bryant

vs.

{ Bill & Exhibits.

Bryant et als.

1906. 1st May Rules. filed.

W. J. SEBRELL,
ATTORNEY-AT-LAW,
COURTLAND, VA.

Everett Wadley Co., Stationers and Printers, Richmond, Va.

To the Honorable Robert R. Prentiss,
Judge of the Circuit Court of Southampton County:
Humbly complaining sheweth unto
your Honor your complainant, J. W. Bryant,
that your complainant's father, the late
G. J. Bryant was, in his life-time, seized
and possessed, in fee-simple, of the
following real estate lying in said County, to-wit,
First: That certain tract or parcel of land
lying on the public road leading from
Courtland to Petersburg, containing 100
acres, more or less, and adjoining the
lands of W. J. Whitehead, Geo. H. Whitehead
and others same being known as the G. J.
Bryant Home Place; and, secondly, That
certain other tract or parcel of land
containing $42\frac{1}{2}$ acres, more or less,
and adjoining the G. J. Bryant Home Tract,
the lands of George Bryant, deceased & others;
and being so seized & possessed of the said
real estate, the said G. J. Bryant on or about
the - day of October, 1900, died intestate,
leaving him surviving his widow Mary
A. R. Bryant, and your complainant and
the following other children, to-wit, G. L.
Bryant, Sallie V. Bryant, who has since
intermarried with A. B. Cobb, Mills R. Bryant,
and Mary A. Bryant, as the heirs-at-law
and distributees of his estate. The said
Mills R. Bryant and Mary A. Bryant are
infants under the age of twenty one years.

That on the 9th day of January 1905 the said G. L. Poyant conveyed all his interest in the said real estate in trust to W. J. Sebrill, trustee, in order to secure a debt due to E. W. Davis, guardian of B. Walter Davis, Lucy S. Davis and Mary Sue Davis, as will more fully appear from a copy of the said deed of trust, herewith filed as "Exhibit A", and prayed to be read as a part of this bill; and on the day of 190 , the said A. B. Cobb and Sallie V. Cobb conveyed all their interest in said real estate in trust to B. F. McLeure, trustee, in order to secure a bond originally executed to J. B. Preece, g'dn., but which said bond has since been assigned by said J. B. Preece, g'dn., to J. T. Saunders and is now held and owned by said J. T. Saunders, as will more fully appear from a copy of said deed of trust, herewith filed as "Exhibit B", and prayed to be read as a part of this bill.

Your complainant further states that the said real estate is not susceptible of division in kind, in his opinion, among the parties entitled thereto; but, if it be, then he desires that the same may be divided among the parties according to law; and if it cannot be so divided then your complainant desires that the same may be sold and the proceeds divided among the

parties according to their rights and interests therein; and should said real estate not be divisible in kind, your complainant believes and avers that the interests of the parties would be promoted by a sale of the same.

Inasmuch, therefore, as your complainant is remediless in the premises, save in a Court of Equity, where such matters are properly cognizable, your complainant prays that the said Mary A. R. Bryant, G. L. Bryant, Sallie V. Cobb and A. B. Cobb, her husband, W. J. Sebrall, trustee; E. W. Davis, guardian of B. Walter Davis, Lucy J. Davis and Mary Sue Davis; B. F. McLenore, trustee, J. T. Saunders, assignee of J. B. Prince, guardian; Mills A. Bryant, and Mary A. Bryant may be made parties defendant to this bill and required to answer the same, though answer under oath is hereby waived; that a proper guardian ad litem be assigned the infant defendants to defend them in this suit; that the said real estate may be divided among the parties entitled thereto; or else that the same may be sold and the proceeds divided, in case it be undivisible in kind; that proper process issue, and that all proper orders may be made, accounts taken and inquiries directed, and that all such other further general and special relief may be granted, as the nature of the case may require, or to Equity shall seem meet. And your complainant

will ever pray &c.

And notice is hereby given that the Court
will be asked to allow a reasonable
attorney's fee to W.D. Sebrill, attorney for the
plaintiff, for his services in this suit.

W.D. Sebrill, per

J.W. Poryan,

By Counsel

This Deed of Trust executed this 9th day of January 1905, between G. L. Bryant party of the first part and W. J. Sebrell trustee of the second part, Witnesseth: That the said G. L. Bryant party of the first part does grant and convey unto the said W. J. Sebrell trustee of the second part, the following real estate in Southampton County Virginia, to wit:

1st that certain tract or parcel of land said to contain forty five (45) acres more or less, and bounded on the North by the old Avenue of the late Dr, T. J. Pretlow, and intersects the old Barn Tavern road at a point about 100 yards North of the residence of the late G. T. Bryant, and at a White Oak on said road, which is the corner line of said Bryant and Johnson; thence in a Southerly direction down said Barn Tavern road to the Tuscora Swamp; Thence in a Westerly direction along the centre of said swamp to a pine standing on the fence; thence in a Northerly direction a straight line to a pine, on the old Avenue the point of beginning; It being the tract or parcel of land conveyed to said G. L. Bryant by Deed of Bargain and sale from J. T. Knight and wife, dated 22nd of December 1904, and of record in the Clerks Office of Southampton County, reference to which is hereby made for a further description of the said land.

2nd- Also all the interest of the said G. L. Bryant same being an undivided one fifth part in and to the real estate of his ~~father~~ ^{the late} father G. T. Bryant, decd, lying in said County, containing 130 acres more or less, and adjoining the lands of W. T. Whitehead Ezra W. Davis, L. D. Williford, A. A. Bryant and Dr, J. E. Sebrell,-

IN TRUST however to secure the payment of a bond for Five Hundred & 00/100 dollars, (\$ 500.00), executed by the said G. L. Bryant to E. W. Davis, Guardian of B. Walter Davis, Lucy S. Davis and Mary Sue Davis, the same being payable on demand and bearing even date with this deed of trust; ^{and} In the event of a sale under this deed of trust the trustee shall be allowed the usual commission of five per cent on gross sales.

Witness the following signature and seal the day and year first
above written.

G. L. Bryant (seal)

Virginia:

In the Office of the Clerk of the Circuit Court for
Southampton County the 9th day of January 1905,

This deed was presented, and acknowledged in this Office by
G. L. Bryant and admitted to record.

Teste:

B. F. McLemore

C. C.

A copy,

Teste: B. F. McLemore C. C.

By - Eula D. Glow. A. to

6
This Deed made this 27th day of January in the Year 1905,
between A. Berney Cobb, and Sallie V. Cobb his wife, of the
County of Southampton parties of the first part, and B. F.
McLemore, trustee of the County of Southampton, party of the
second part, Witnesseth: That the said parties of the first
part do grant with general warranty unto the said party of the
second part the following property to wit: That certain lot or
parcel of land with the buildings thereon situate on Bride
street in the Town of Courtland, Va, bounded and described as ~~so~~
follows: beginning at a point on Bride Street on the South side
of said Street 288feet from the corner of Gen'l Wm B. Shands
line, and running along said Street West to said corner, thence
South along the line of said Shands to where it strikes the line
of the Trustees of the Public School, thence East along the line
of said School trustees 250 feet to a corner post, thence in a
straight line to the point of beginning, it being in all res-
pects the same land conveyed by deed of B & S of date Jan 12th
1905, to A. B. Cobb, reference to which deed is hereby made-
also the interest of Sallie V. Bryant, in the real estate where-
of her father G. T. Bryant died seized and possessed, said
interest being an undivided 1/5 in fee, and the land being known
as the G. T. Bryant farm, located about 3 miles from Courtland,
IN TRUST to secure to Jos B. Prince, Gdn,&c, the payment of
the sum of Seven Hundred dollars (\$ 700.00), due by one bond
of even date herewith, payable on demand and bearing interest
from date, In the event that default shall be made in the
payment of the above mentioned bond when it becomes due and
payable, then the said trustee on being required so to do by Jos
B. Prince Executors, Administrators or assigns, shall sell the
property hereby conveyed, and it is covenanted and agreed between
the parties aforesaid, that in case of a sale the same shall be
made at such place as the trustee shall think best, after first
advertising the time, place and terms thereof for thirty days
and upon the following terms to wit: for cash as to so much of t

the proceeds as may be necessary to defray the expenses of executing this trust, including a trustees commission of five percentum, the fees for drawing and recording ~~and~~ this deed, if then unpaid, and to discharge the amount of money, then payable upon the said bond, and if there be any residue of said purchase money, the same shall be made payable at such time and secured in such manner as the said parties of the first part their Executors, Administrators or assigns, shall prescribe and direct, or in case of their failure to give such directions at such time and in such manner as the said trustee shall think fit. The said Parties of the first part covenants to pay all taxes, assessments dues and charges upon the said property hereby conveyed so long as they or their heirs, or assigns shall hold the same, and further covenant and agree to keep the buildings on the property hereby conveyed insured for the full amount of \$ 600.00, for the further protection of the said Jos B. Prince, or assigns, and in the event in their failure to do so, then the trustee or the beneficiary under this deed, may effect or renew such insurance from time to time, so long as the said debt or any part thereof remains unpaid, and the insurance premiums shall constitute a part of the liens created by this deed, to be paid out of the proceeds of the property if sold, or to be recoverable by all the remedies in law or equity by which the debt aforesaid may be recoverable; If no default shall be made in the payment of the above mentioned bond or insurance premiums, then upon the request of the parties of the first part a good and sufficient deed of release shall be executed to them according to their interest, at their own proper costs and charges.

Witness the following signatures and seals.

A. B. Cobb \$ (seal)

Sallie V. Cobb (seal)

State of Virginia:

County of Southampton to wit:

-I, H. B. McLemore, Deputy Clerk of Southampton Circuit Court, for the County aforesaid, in the State of Virginia, do certify that A. B. Cobb and Sallie V. Cobb his wife, whose names are signed to the foregoing writing, bearing date on the 27th day of January 1905, have acknowledged the same before me in my County aforesaid.

Given under my hand this 27th day of January 1905.

H. B. McLemore, Deputy Clerk, ~~for~~
of Southampton Cir: Ct:

Virginia: to wit :

In the Office of the Clerk of the Circuit Court for the County of Southampton the 27th day of January 1905, This deed was presented and with the certificate annexed, admitted to record.

Teste: B. F. McLemore, Clerk

A Copy.

Teste: *B. F. McLemore* - c. c.

By Euba D. Brown D. C.

Bryant
of State Records.

Bryant et al:

[Faint, mostly illegible handwritten notes on lined paper, possibly bleed-through from the reverse side. A checkmark is visible in the middle of the page.]

J. W. Bryant.

Mary A. R. Bryant. G. L. Bryant.

Sallie V. Cobb. and A. B. Cobb, her husband.

W. J. Sebrall, Trustee. E. H. Davis Guardian of
B. Waller Davis. Lucy S. Davis and Mary Sue
Davis. B. F. McLenahan, Trustee. J. J. Saunders
Assignee of Joseph B. Prineas, &c.

Miller R. Bryant and Mary A. Bryant. The
last two infants, under the age of twenty
one years.

1906. May 5 - Process up? to 1" May Rules.

" 1" " Rules. Process ret? Executed -

Bill & Exhibits filed.)

E. Frank's Story aff'd? Same as before
to infants.

Deorum Nisi.

1906. 7" May Rules. Bill taken for Confessed
as to Adults. & Cause set
for hearing

Bryant.
v.
Bryant et al.

Statement of
W. J. Subell, p. 2.

Bryant,
v.
Bryant et al.)

To the Honorable Robert R. Prentiss,
Judge of the Circuit Court of Southampton Co.:

The matters involved in this suit have been satisfactorily arranged and settled between the parties, the plaintiff, J.W. Bryant, having sold and conveyed all his interest in the lands in the bill mentioned to G.L. Bryant, one of the defendants; And the said G.L. Bryant and the other parties now in interest not wishing the said land to be partitioned or divided, but to remain as it now is. The said J.W. Bryant, plaintiff, has paid the costs of this suit, as may be seen from the receipts on the statement of costs filed among the papers in the suit.

The purpose, therefore, for which this suit was brought, being fully accomplished, it is most respectfully recommended that the suit be removed from the docket.

Respectfully submitted,
W.D. Schell, p.g.

Bryant & Bryant et al:

Sum. 25 - ⁸ copy @ 13. rect 18 Atty 10 1.57

Book 18. Rules 1.00 - Enter Returns 35. 1.53

filing bill. 15 - Copy of Exhibits 1.00 - 1.15

Deorce + Copy 72. - Final deorce 36 - 1.08

Jay Costs 40 Filing away papers 25 .65

all 5.98

Paied J. W. Bryant kept shffs shff 4.00

Lawte 16.50

Cour. - 2.00

Bryant, J.W.

vs. } Assn of infant
} Defendant, by lin. ad litem.

Bryant, ch als.

The answer of Mills R. Bryant and Mary A. Bryant, infants under the age of twenty one years, by E. Frank Story, their guardian ad litem, assigned to defend them in this suit, to a bill of complaint exhibited against them ^{and others} in the Circuit Court for the County of Southampton, by J. W. Bryant:

The respondents reserving to themselves the benefit of all just exceptions to the said bill, for answer thereto, or to so much thereof as they are advised that it is material they should answer, by their said guardian ad litem, answer and say that they are infants of tender years, and are, therefore, incapable of understanding or protecting their rights and interests. They, therefore, by their said guardian ad litem, commend themselves, and their rights and interests to the protection of the Court.

And having fully answered, the respondents pray to be hence dismissed with their reasonable costs in this behalf expended, and they will ever pray &c.

~~E. Frank Story~~
Gdn. ad litem for Mills R. Bryant
and Mary A. Bryant, infant defendants.

Bryant,

re Commissioner's Notice

Bryant et al

We hereby acknowledge due and
legal service of the within
notice -

W.D. Sebrill,
Attorney for J.W. Bryant -

W.D. Sebrill, Trustee.

B. F. McLeod Trustee

E.O. Davis

Guardian for B. Willie Davis, Lucy S.
Davis, and Mary Ann Davis.

Guardian ad litem for Mills Bryant
and Mary A Bryant.

(over)

Exerts by delivering a copy of the within
notice on the following parties, Mary A. R.
Bryant, J. L. Bryant, and Sarah V. Cobb, and A. D.
Cobb, and J. J. Saunders June 2nd, 1906.
J. J. Smith Sheriff

OFFICE OF JOS. B. PRINCE, JR.,

Commissioner in Chancery for the Circuit Court of Southampton County, Virginia.

Courtland, Va., May 30th, 1906. 189

To

J.W. Bryant

and

Mary A.R. Bryant, G.L. Bryant, Sallie V. Cobb and A.B. Cobb,
her husband, W.J. Sebrell, trustee, E.W. Davis, guardian for B. Wal-
ter Davis, Lucy S. Davis and Mary Sue Davis, B.F. McLeMore, trustee,
J.T. Saunders, assignee of J.B. Prince, guardian &c., Mills R. Bry-
ant and Mary A. Bryant, the last two infants by E. Frank Story,
their guardian ad litem,

You are hereby notified that I have fixed upon the 4th day of June, 1906,
~~that~~ if fair, if not the next fair day thereafter (Sunday excepted), to take and settle, at my office,
the following accounts, to-wit:

- 1st:- The annual and fee simple value of the real estate in the bill men-
tioned, and the interests of the several parties in said real estate;
- 2nd:- Whether said real estate can be conveniently divided in kind among
the several parties entitled thereto;
- 3rd:- If the same can not be so divided, whether any party will take the
entire property and pay to the other parties such sums of money as
their interests therein may entitle them to receive;
- 4th:- If the same can not be so divided in kind, and if no party will
take the entire property and pay the others for their shares,
whether the interests of the parties will be promoted by a sale of
the entire property, or by allotment of part and sale of the res-
idue;
- 5th:- Whether there are any lien on the shares of any of the parties in
interest, and if so, the nature and amount of each;
- 6th:- Whether there are any delinquent taxes due on the said real estate;
and any other matter specially stated, deemed pertinent by the
commissioner or required to be stated by any interested party;

May 22nd, 1906.

required to be taken by a decree of Southampton Circuit Court, rendered ~~at the~~
term, 189____, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs
and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of said Court the day and year first
aforesaid.

Jos. B. Prince

Commissioner.

To the Sheriff of Southampton County to execute.

Bryant.

vs. } Spain Ship

Bryant et al.

1906. ~~But~~ May Rules.

Executed May 5th 1906
by delivering a true copy
of the within writ to each
of the within named persons
except Mary A. R. Bryant

J. L. Gillette Sheriff

I acknowledge legal service
of this process.

May 5th 1906. Mary A. Bryant

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON.....Mary A. R. Bryant, G. L. Bryant,
Sallie V. Cobb, and A. B. Cobb her husband, W. J. Sebrell Trustee, E. W.
Davis Guardian of B. Walter Davis, Lucy S. Davis, and Mary Sue Davis,
B. F. McLeMore trustee, J. T. Saunders assignee of Joseph B. Prince, Gdn &c
Mills R. Bryant and Mary A. Bryant, the last two Infants, under the age
of twenty one years.

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 ..1st.....Monday in May 1906.....
~~next~~, to answer a Bill in Chancery exhibited against.....them.....in our said
Court by.....J. W. Bryant.....

And this..they.....shall in nowise omit under penalty of law. And have then there this
writ.

Witness, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this
..5th.....day of.....May 1906....., 190.6., in the ¹³⁰~~130~~.....year of the Commonwealth.

Teste :

.....B. F. McLeMore....., C. C.

Bryant, J.W.

vs.

{ Deceit.

Bryant, et als.

May 22, 1906,

Enter this,

Robert H. Hentz

Entered in

C. C. B. - p. 259.

W. J. SEBRELL,

ATTORNEY-AT-LAW,

COURTLAND, VA.

Everett Wadley Co., Stationers and Printers, Richmond, Va.

J. W. Bryant - Plaintiff

vs.

Mary A. R. Bryant, G. L. Bryant,
Sallie T. Cobb, and A. B. Cobb, her husband,
W. J. Sebrill, trustee, E. W. Davis,
Guardian of B. Walter Davis, Lucy S.
Davis, and Mary Sue Davis, B. F.
McLemore, Trustee, J. I. Saunders, assignee of
J. B. Prince, Ex. re., Mills R. Bryant,
and Mary A. Bryant, — the last two
infants under the age of twenty one years — Defendants

Decree.

This day this cause came on to be heard on the complainant's bill and exhibits therewith filed, taken for confessed as to the adult defendants upon whom process has been duly served, they still failing to appear and plead, answer or demur to the said bill; the answer of the infant defendants by E. Frank Story, their guardian ad litem, duly assigned at rules to defend them in this suit, with general replication thereto, and was argued by counsel. On consideration whereof the Court doth adjudge, order and decree that it be referred to one of the Commissioners of this Court to ascertain and report to the Court,

- 1st: The annual and the fee-simple value of the real estate in the bill mentioned and the interests of the several parties in said real estate;
- 2nd: Whether said real estate can be conveniently divided in kind among the parties entitled thereto;
- 3rd: If the same cannot be so divided,

whether any party will take the entire property and pay to the other parties such sums of money as their interests therein may entitle them to receive.

4th: If the same cannot be conveniently divided in kind, and if no party will take the entire property and pay the others for their shares, whether the interests of the parties would be promoted by a sale of the entire property, or by allotment of a part, and sale of the residue; 5th: Whether there are any liens on

the shares of any of the parties in interest; and if so, the nature and amount of the same.

6th: Whether there are any delinquent taxes due on the said real estate, —

all which said inquiries the Commissioner will make and report to the Court, together with any other matter specially stated, deemed pertinent by himself, or requested to be so stated by any interested party.

Respectfully submitted, your obedient servant,

Wm. H. Smith

Attorney at Law

St. Louis, Mo.

Filed for record

at St. Louis, Mo.

this 10th day of

August, 1891

Wm. H. Smith

Attorney at Law

St. Louis, Mo.

Bryant, 1906

v. Σ Deere.

Bryant et al.

July 17, 1906,

Enter this,

Robert N. Smith

Entered in

C. O. B. p 280.

Bryant, }
v. } Decree.

Bryant et als.

This day this cause came on to be further heard on the papers formerly read, and on the statement in writing of W.J. Sebrall, attorney for the plaintiff, this day filed by leave of the Court, and was argued by counsel.

On consideration whereof, and it appearing to the Court that the purposes for which this suit was brought have been fully accomplished and that nothing further remains to be done in this suit, it is ordered that the same be removed from the docket.