

1856-006 SOUTHAMPTON COUNTY
CHANCERY PAPERS

BRYANT

VS. BRYANT, et al

11046

other surnames, Fowler,
Johnson, Gillette,
Pretlow

47 32

Bryant

r } Papers

Bryant

1856 May 5.

18.22
30.34.35
38

Bryant

& } Stat: Rules.

Bryants

Barley Bryant

against

Sally Bryant, Joshua Bryant, Chasny Bryant, William Fowler & Caty his wife & Daniel Fowler and Sally his wife.

1855. April 14th Summons in lchq. returnable To May Rules.

" May R. Sum. ret. Ex. on Deft: Sally Bryant, Joshua Bryant, Chasny Bryant & Daniel Fowler & wife. - Wm Fowler & wife not residents - Bill filed - Dece. nisi to Deft: Sally, Joshua Chasny Bryant & Daniel Fowler & wife.

" June R. Bill taken for confessed as to Deft: Sally, Joshua & Chasny Bryant & Daniel Fowler & wife.

" Aug: R. Order pub. to Deft: Wm Fowler & wife.

" Sep " Cause set for hearing as to Deft: Sally, Joshua, Chasny Bryant & Daniel Fowler & wife.

" Nov T. Ans. of Joshua Bryant & Wm Fowler & wife. B. Rep. of J. Bond made up to be tried by a jury &c.

" May T. Jury & Verdict that Deft: died Intestate. & Dece. &c.

Def. Costs

lolk.	5.36
Shff	1.20
Gow.	2.50
W.A.	1.00
Law &c	13.75
	25.81

Bryant
vs
Bryant & Co
Bill

1855 May Rules.

(731 words)

To the Hon. Richard H Baker Judge of the Circuit Court for the County,
of Southampton - In Chancery,

Humbly complaining sheweth unto you,
Honor your Orator Bailey Bryant that his father Joshua
Bryant was an old man possessed of a small estate con-
sisting of land lying in the County of Southampton
and some perishable property - That he lived in the said
County and your Orator to whom he was much attached
lived with him - That he was the father of a son named
Joshua Bryant, a daughter named Chassey who lived in
the family with her father, a daughter named Cate, who
int. married with William Fowler of the State of North
Carolina, a daughter named Sally who int. married with
Daniel Fowler, and your Orator, and that he had a wife
named Sally who is old and infirm - That the said Joshua
Bryant the elder was diseased and unable to engage in
the active duties of life - That since the first of January 1855-
he sent for one of his neighbors Jordan Johnson and requested
him to write his will; That the will was written and signed
by Jordan Johnson for the testator at his request and in
his presence, and witnessed by Jordan Johnson and
Samuel Johnson at the request of the testator in his
presence and in the presence of each other - That the
testator was sane and capable of making his last will
disposing of his property - That the testator by his
said will disposed of his property substantially
in the following manner, that is he bequeathed to his
wife Sally during her life the whole of his estate both
real and personal and at her death he gave to his
son Bailey (your Orator) the tract of land on which he lived
two horses, two carts & wheels one on his ploughs and
other farming utensils, to his daughters one bed and
furniture each, and the balance of his estate to be equally
divided between all his children, and appointed John

Pullon his Executor - That after making and publishing
the said will he gave it to his daughter Chancy with direc-
tions to keep it until his death - That the said Joshua
Bryant then died leaving the before mentioned will
as his last will and testament which was unrevoked
in existence and in the possession of his daughter to
whom it had been entrusted - That after his death and
while the corpse was in the house Joshua Bryant the
son of the testator applied to Chancy to deliver to him the
said will which she did deliver, and the said Joshua Bry-
ant either withheld, suppressed or has destroyed it -

That he has been applied to to produce the said will but
refuses alleging that he has no will of the testator now
received any such paper and that the paper he did receive
has been destroyed by him - That your brother and the other
legatus have thus been deprived of their legacies and the
objects of the testator unjustly defeated or attempted to be
defeated by the unlawful conduct of Joshua Bryant the
younger - Your brother expressly charges that the said Joshua
Bryant the elder did execute the will before stated according
to the statute of wills and that the same has been unlaw-
fully destroyed by Joshua Bryant the younger and that
his rights have been injured thereby, and that he is en-
titled to have the said will established by this court and
admitted to probate to have the same force and effect as if
it had been duly presented proved and admitted to probate
That there is no copy of the said will in existence so far
as your brother is informed

In tender consideration of all which and in as much
as your brother is without any relief in the premises
in a court of law and only relivable in a court of Equity
to the end therefore that justice may be done he prays your
Honor to make Sally Bryant Joshua Bryant Chancy
Bryant William Fowler and Polly his wife Daniel Fowler

and Sally his wife defendants to this bill and compel
them to answer the same without evasions or equivoca-
tions - That the will of the said Joshua Bryant may be established
and that such other and general relief may be granted in
the premises as Equity may dictate, that the common
writ of subpoena may issue &c, May it please the Court

Bailey Bryant
by Chambliss & Happenburg
attys

Bryant
in }
Bryants

Answer of Sophia Bryant

1855 Nov. Term

The answer of Joshua Bryant to a bill in chancery in the circuit court of Southampton brought by Bailey Bryant against him and others

This defendant for answer to the saice or as much thereof as he is advised it is material for him to answer, answering says that his father Joshua Bryant died sometime during the spring of the year 1855 possessed of a small estate in land and chattels not worth more than five hundred dollars. That he was old, infirm, and childish that he had reached an age when his mind was seriously impaired by the infirmities of his body, about the execution of the will alleged to have been made and which was witnessed by the Johnsons This defendant of his own knowledge knows nothing, he was told by Jordan Johnson a few days after it was made that he had written a will for Joshua Bryant &c. but this defendant never saw it and knew nothing personally of its contents, he knows that his father made sundry wills during the latter part of his life which he supposes he must have destroyed as none of them have been found. This defendant is deeply grieved that a charge so seriously affecting his character and that so brought by a brother should be brought against him as the destruction of a will, aside from the truth of the charge which is wholly and utterly denied, when the object to be gained is considered the charge will not bear the light of truth, what was to be gained, his father's whole estate was not worth more than five hundred dollars, and that would be distributed into six parts of which this defendant would receive one part and his condition is not so bad as to make him commit a felony for eighty dollars. This defendant denies in the most positive manner, that he ever asked Chas.

Bryant, for any will, and that she soon gave him one
she did give him a paper which he carried home
and made his wife read to him (for this defendant
cannot read writing) and that paper purports to be a
bona or obligation from Bailey Bryant to Joshua Bryant
by which the said Bailey Bryant bound himself to
support his father Joshua Bryant during his lifetime
This paper was not signed by Bailey Bryant nor was
it witnessed and this defendant knowing this paper
to be valuable as it was not executed and his
father also just dead, threw it into the fire after
it had been read to him, This is the only paper
Chaes Bryant gave him, and that was of no value
to any one and this defendant considers that he did
no one any injury by throwing away this piece
of paper which was wholly worthless, but as for the
will which Bailey Bryant is now attempting to establish
as the last will and Testament of Joshua Bryant he
never saw it much less to have destroyed it

Joshua ^{his} Bryant
mark
Shames for def

Southampton County to wit

This day Joshua Bryant personally
appeared before me a justice of the peace for the county
observed and made oath that the above ^{Answer} ~~is~~ is true given
under my hand and seal This eighth day of November
in the year 1855

Patrick (D. L. G.)

Bryan
is 3
Bryan & Co

Ansions of Fowler & wife

1855 November Term

The answer of Wm Fowler and Cath, his wife to a bill
of complaint filed against them and others of Bailey
Bryant

These defendants saying & declaring
all benefit & exceptions for answers to the said
bill or so much thereof as they are advised it is
material or necessary they should answer
answering say that they know nothing of
the execution or destruction of the will of
Isabella Bryant as mentioned in the Pliffs bill
and being ignorant of the facts they sub-
mit their rights to the protection of the court
and having answered they pray leave
to be dismissed with their costs &c

Wm Fowler & Cath his
wife -
By Charles H. H. H. H. H.
attys

Bryant

27 $\frac{2}{3}$ Decree

Bryant's tabs

Nov 9/55

To be entered

R. H. Parker

Bryant

Bryant's v. S. S.

~~The Bill of the Complainant~~
~~having~~ having been taken for Confessed
at the rules as to the defendants, Sally Bryant,
Chasey Bryant, and Daniel Fowler and
Sally his wife, and they still failing to appear
and answer, and the cause coming on to
be this day heard upon the Bill of the Com-
plainant, the answers of Joshua Bryant &
Wm Fowler & Caty his wife, general replications
to said answers, and the examination of
witnesses, was argued by counsel; On con-
sideration whereof the Court doth adjudge or-
der and decree that an issue be made up and
tried by a jury at the bar of this Court, at the
next term thereof, which issue shall be whether
Joshua Bryant Sr, decd, died testate or intestate,
and if testate, in what way and to whom,
he disposed of his estate; Upon the trial of
such issue the depositions of witnesses which
have been properly taken and returned in the
cause, may be read in evidence, if the
witnesses themselves, after having been summoned
shall fail to appear; And it is ordered that
the cause be continued until the next
term -

We the jury find that Joshua Bryant, died intestate.

J. W. Land

Bryant
v. } Co. Order
Bryant &c

Southampton Circuit Court. November the 9th 1855.

Bailey Bryant

against

Plff

} J. W. Channing

Sally Bryant, Joshua Bryant, Chas. Bryant, William Fowler & Caty
his wife & Daniel Fowler & Sally his wife

Defts

The bill of the Complainant having been ^{taken} for confessed as to the Defendants Sally Bryant, Chas. Bryant and Daniel Fowler and Sally his wife and they still failing to appear and answer and the cause coming on to be this day heard upon the bill of the Complainant the answers of Joshua Bryant & Wm Fowler & Caty his wife general replications to said answers and the examinations of witnesses, was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that an issue be made up and tried by a jury at the bar of this Court, at the next Term thereof, which issue shall be whether Joshua Bryant do die? died testate or intestate, and if testate in what way and to whom he disposed of his estate. Upon the trial of such issue, the depositions of witnesses which have been properly taken and returned in this cause, may be read in evidence if the witnesses themselves after having been summoned shall fail to appear. And it is ordered that this cause be continued until the next Term.

A Copy

Teste. L. R. Edwards C. J.

Bryant

27

Bryants

Decree

May 21 1836

To be entered

R. H. B.

Bryant v. Bryants

This cause came on this day to be again heard on the papers formerly & on the verdict of the Jury rendered in this cause, and was argued by Counsel. on consideration whereof the Court doth order that the Bill of the Complainant be dismissed — and that the Defendants recover of the Plaintiff their costs by them expended in defending said suit

Bryant
is
Bryant &c

Notice

Executed on Joshua
Bryant Chaes Bryant
& Daniel Fowler & wife
& Sally Bryant by delivering to each a copy
William Fowler & wife
are not residents of my
County
J. C. Edwards Sep-
for Thos. Shiff.

To Sally Bryant Chacey Bryant Joshua Bryant William
Fowler & Caty his wife Daniel Fowler & Sally his wife

Take notice that on the 26th day of April 1856
between the hours of nine A.M. and six P.M. at the office
of Charablis & Mapesburg in the town of Jerusalem, I
shall proceed to take the depositions of Jordan Johnson
Samuel Johnson and others to be used as evi-
dence for me in a suit now pending in the Circuit
Court for the County of Southampton wherein I am
Plaintiff and you are Defendants; and if from any
cause the taking of the said depositions shall not be
commenced or being commenced should not be
completed on that day, the taking of the same will
be adjourned from time to time until the said depo-
sitions shall be completed.

Given under my hand this 14th day of April 1856

Barley Bryant
of Charablis & Mapesburg
attys

Bryant

to } Dep

Bryant

To 26th April 1855.

Executed

A. Edwards Dep

for J. Kello Siff

The Commonwealth of Virginia. To the Sheriff of Southampton County, Greeting
We command you to summon Chacey Bryant, Jordan Johnson & Dempsey Johnson

to appear ^{at the office of Chambers & Maplesburg in Jerusalem} ~~before the Judge of our Circuit Court of~~ Southampton County at the Courthouse on the 26th
day of April 1855 Term ——— to testify and the truth to speak in behalf of Bailey Bryant

in a certain matter of controversy in our ^{Circuit} ~~Court~~

Court depending and undetermined between Bailey Bryant
Plaintiff and Sally Bryant & others

Defendants.

And have them return this writ. Witness Littleton R. Edwards Clerk of our said Court at the Court-
house this 14th day of April 1855 in the 79th year of the Commonwealth.

L. R. Edwards Clk

Bryant

2. } Sum. Chy.

Bryants

1855 May Rules

Chy. W.

Executed on Gally
Bryant Joshua Bryant
Chaey Bryant & Daniel
Gowler & Gally his wife
Apr. 18th 1855 by
delivering to each copy
of the within
A. C. Edwards Dep.
for G. Kellogg Chff.

The Commonwealth of Virginia :

To the Sheriff of Southampton County, Greeting :

We command you to summon *Sally Bryant. Joshua Bryant. Chacey Bryant. William Fowler*
& Gaty his wife. Daniel Fowler & Sally his wife

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 first Monday in *May next* — to answer
a bill in Chancery exhibited against *them* — in our said Court by —

Bailey Bryant

and have then there this Writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at
the Courthouse, this *14th* day of *April* — 1855 in the *79th*
year of the Commonwealth.

L R Edwards

William Fowler & Gally his wife are not
residents of my County

J. C. Edwards Dep't - for
Garn. Kello Shff

Bryant

v. } Sum. Chy.

Bryants

1855 May Rules
Chy. M.

Executed on Gally
Bryant Joshua Bryant
Chaey Bryant & Daniel
Fowler & Gally his wife
Apr. 18th 1855 by
delivering to each copy
of the within
J. C. Edwards Dep't -
for G. Kello Shff

Beyani
is $\frac{2}{2}$ Notice
Beyani

Executed on Sally
Bryant Chasey Bryant
Joshua Bryant &
Daniel Fowler & his wife
Sally.

William Fowler & Caty
his wife are not residents
of my County

J. L. Edwards
Deft for J. Wells Shff

To Sally Bayant Joshua Bayant Chas. Bayant W^m Fowler
and Caty his wife Samiel Fowler and Sally his wife

Take notice that on the 10th day of Octobe.

next between the hours of nine A M and six P M at the
office of Chambliss & Mapenbury in the town of Searsville
I shall proceed to take the depositions of certain witnesses to
be used as evidence for me in a suit now pending in the
Circuit Court for the County of Southampton wherein I
am Plaintiff and you are Defendants - And if from any cause the
taking of said depositions shall not be commenced or being
commenced should not be completed on that day, the
taking of the same will be adjourned from time to time
until the said depositions shall be completed - Given under
my hand this 22nd day of Sept 1855

Sally Bayant by
Chambliss & Mapenbury

To the Shff. of Southampton

Chambliss & Mapenbury's Office }
October 10th, 1855. }

The witnesses not being present, the taking of the de-
positions mentioned in the foregoing notice is adjourned till
Saturday the 13th day of October 1855, the present month, at
the same place between the same hours. Henry S. Howard, Commissioner in
Chancery of the Circuit Court of
Southampton County.

Chambliss & Madsen's Office
October 13th 1855.

The Witnesses not being present the Taking of
the depositions mentioned in the foregoing notice is again
adjourned till Friday the 19th day of October 1855.
The present month at the same place & between the
same hours mentioned in the said notice.

Wm. S. Howard, Commissioner in Chancery
of the Circuit Court of Southampton
County.

Wright
v. Zepher

Wright
To 10 day of October 1855

Executed

A. C. Edwards, Clerk
of S. H. H. H.

THE COMMONWEALTH OF VIRGINIA :

To the Sheriff of Southampton County—GREETING :

We command you to summon

Jos. E. Gillett, Simeon Johnson, Jerr. Bradshaw

to appear ~~before~~ the ~~St. House~~ of our ~~County~~ Court of Southampton county
at the Courthouse, on the *10th* day of *October* ~~Inst.~~ Term to testify and

the truth to say on behalf of *Bailey Bryant*
in a certain matter of controversy in our ~~said~~ ^{*Barren*} Court, depending and undetermined between

Bailey Bryant

Plaintiff and

Sally Bryant &c

Defendant

And have then there this writ. WITNESS, LITTLETON R. EDWARDS, Clerk of our said
Court at the Courthouse, this *3rd* day of *October* 1855 in the *80th*
year of the Commonwealth.

L. R. Edwards

Bryants

n } Depositions

Bryants

handed in by William Bowers J.P.

apl. 26th 1855

L.R.B. 66

X

(1792 words)

The depositions of Jordan Johnson and others taken at the office of Chambers & Mapleton in the town of Jerusalem on the 26th day of April 1855 between the hours of nine A.M. and six P.M. to be read as evidence on behalf of the Plaintiff in a suit now pending in the Circuit Court for the County of Southampton in shewing between Bailey Bryant Plaintiff and Joshua Bryant Sally Bryant Charity Bryant Wm Fowler & Caty his wife Daniel & Fowler & Sally his wife Defendants -

Jordan Johnson being duly sworn, deposes in and swears as follows

Question of Plaintiff: State what you know of the execution of a will of Joshua Bryant the elder and of its contents

Answer: what I recollect concerning Mr J Bryants Sr's will is. I wrote a will by his direction which he after I wrote it he signed

The will or its substance was that he first gave to his wife all of his estate here life and after her death he gave to his son Bailey the following property (viz) his Plantation two horses. Bloughs cart & wheels & gear. (second) he gave to his daughters. Sally. Caty. & Charity a bed each. Thirdly the Balance of his property was to be sold and equally divided between all of his children.

he the said Joshua Bryant (Sr) signed the above will in the presence of Ramsey Johnson and myself above - were witnesses to the same and we both signed it in the presence of each other and in the presence of the said J. Bryant Sr. I left the will at his house but what became of it I am unable to tell

Question by defendants counsel

When was this will made

Answer I do not recollect exactly but some few weeks before his death
Question by the same What his condition when you made this will

Answer he was in a low state of health
Question by the same, what the nature of his disease
Answer it was the palsy it was said which affected ^{him}
he could speak so I could understand him

Question by the same. State at what time you were directed by Mr Bryant to prepare his will, what directions he gave you whether you wrote at his house or elsewhere, whether you read it to him, did he approve it when read, whether he could read or not, whether he signed it or made his mark or was it signed for him, and did you and Dempsey Johnson sign it in his presence and in the presence of each other

Answer I think Dempsey Johnson's children came to my house and told me that Mr Bryant wished me to go over and write his will, ^{on the next morning} I went over to his house Dempsey Johnson with me, I then wrote his will and read it to him, I do not think he can either read or write and he approved of it, I think I took the pen in his hand and he made his mark, Dempsey Johnson was in the room, Mr Bryant was sitting by me when I signed it I think I saw Dempsey Johnson sign it as witness

Question by the same How old was Mr Bryant
Answer I am not able to say but I should think he was getting along to be a very old man

Jordan Johnson

Dempsey Johnson being next sworn on the holy Evangelists of Almighty God deposes and says as follows

Question by Plaintiff's counsel State what you know of the execution of Joshua Bryant's will and the contents the said will

The property was given to the old lady Sally his wife for her lifetime, at her death the two horses cart and cart gear ploughs and plough gear and there was a steer but not certain whether he was given or not that was given to Bailey Bryant ~~and~~ then he gave to his daughter Sally one bee his daughter Sally one bee daughter Chassy one bee the balance of his property was to be sold and equally divided among his children, his plantation was given after the death of the old lady his wife to Bailey Bryant

The old man Joshua Bryant sent for me and Jordan Johnson to go down there we got down there the old man told what he wanted with us that he wanted to make a will I do not recollect whether he mentioned a deed of gift or not that had been written at this time he said I do not recollect at what time that he had rather give property by will to Bailey Bryant than by a deed of gift, then Jordan Johnson wrote the form of the will then this plantation and the property I have named was given to Bailey Bryant then Jordan Johnson made the will to the old man, then he acknowledged that was his last will the old man could not write Jordan wrote his name that is about all only me and Jordan Johnson signed it there was something said about Bailey Bryant giving him a paper to maintain him and the old woman as long as they live the paper was not

Joseph Jordan Johnson was to write it and carry it
down the next ~~day~~ Sunday but I know nothing
further about it.

Question by the same Did he take the pen and
make his mark and acknowledge the paper as his
will in the presence of yourself and Jordan
Johnson and did you sign it as a witness in the
presence of Jordan Johnson and of the testator and
at his request.

Answer He took the pen and made his mark
he acknowledged it to be his will in any manner
I signed it as a witness in the presence of Jordan
Johnson and at his ^{the testator's} request. He gave the whole
of his property to his wife for ^{her} lifetime.

Question by defendant's counsel, State what was
the age of Joshua Bryant when he made his
will and the condition of his health.

Answer I heard him say some short time
before he died he was some seventy three
years (73) old he was not enjoying good health
he could speak ~~not~~ so you could understand
him when he spoke at first but I could
understand all he said.

Question by the same I wish you to ^{state} as well as
you can remember what kind of an obligation
Marilyn Bryant was to give to the testator.

Answer The old man requested him to give him
some kind of a paper to show that he was to
take care of him and his wife during their
lifetime I do not recollect whether this conversation
was at the time of the making of the will or at
the time they were speaking of the deed of gift
Joseph Johnson

Chasny Bryant being next sworn on the Holy Evangelists of Almighty God deposes and says as follows

Question by plaintiffs counsel Did your father Joshua Bryant deliver to you a paper which you believe to be his will a short time after Mr Johnson left his house

Answer he did

Question by the same What did you do with it at first

Answer I put it up stairs in the bottom of mothers trunk

Question by the same did it remain in that trunk until after your fathers death

Answer it did

Question by the same Did you after your fathers death and before his burial deliver that paper to Joshua Bryant

Answer I did

Question by the same Did Joshua Bryant ask you to give him the paper which Mr Johnson had written

Answer Yes sir

Question by defendants counsel Can you read and write and can you read writing

Answer I can read a very little in the Bible but cannot read writing

Question by the same Do you know what was the contents of the paper which your father gave you

Answer No sir I do not

Question by the same What did he tell you about the paper which he gave

Answer He told me to destroy it after his death

Bryant

to } Affidavit.

Bryant & Co

Bryant
vs
Bryant & Co

Southampton County Court to wit,
this day E W Mappes being appeared and made
oath that William Fowler and Cath his wife two of
the Defendants to the bill filed by Bailey Bryant
against Joshua Bryant & others are now residents
of the Commonwealth of Virginia. Given under my hand
as Clerk of the Circuit Court of Southampton County this 6th day of August 1855.

J R Edwards Clk

Bryant

is } Depositions

Bryant J.

Handed in by H. J. Howard Com.

Sept. 20. 1855.

The depositions of Sally Fowler and Daniel Fowler
Taken at the office of Wm B Shames in the town
of Jerusalem on the 20th of September 1855 pursuant
to notice ^{and also by consent of Council} duly given, to be made as evidence in favor
of Joshua Bryant defendant and others in a suit
now pending in the circuit court of Northampton
in which Bailey Bryant is plaintiff and Joshua
Bryant and others defendants

The deponent Sally Fowler having been first
duly sworn on the Holy Evangelists of Almighty God
deposes and says as follows: - I was
at the House of my father Joshua Bryant Senr
about the Middle of February last (1855.) He said
Sally I will tell you what I have done I had a piece
of writing that Jordan Johnson wrote, I give Bailey
my land Cart of wheels and Steer and I do not
remember whether he said his horse or not, but
he promised me not to go to O'Dondaly's any more
but that he had turned back to going to O'Donda-
ly's as much as ever & he Bailey got Patsy
O'Dondaly to go after you Sally believing that
I, Joshua Bryant Senr was dying & I, Joshua Bryant
told my folks to give me the paper & I motioned
to throw it in the fire, but your mother beg-
ged for it and said not burn it then & I
gave it to Chasny and told he to destroy
it and never let it be seen any more
that it is not my will - my will is
yonder in the chest that John Portus
wrote - I am the daughter of Joshua Bryant
Senr. And further this deponent saith not
Sally ^{her} X Fowler
mark

Sworn to and subscribed before me one of the Commis-

signed in Chancery of the Circuit Court of Southampton County at the time and place mentioned in the foregoing Caption.

Henry S. Howard, Comm.

The Plaintiff's Counsel excepts to the above deposition upon the ground that it is the deposition of a party interested in the said Suit. And the Defendant's Counsel states the Relinquishment of the said Sally Fowler was given before the taking of the said Deposition and he herewith filed the said Relinquishment.

Henry S. Howard, Comm.

And the Defendant Daniel Fowler, having been first duly sworn in the Holy Evangelists of Almighty God, deposes and says as follows: About the 20th or 22^d of February last (1858) me & my wife went to the old man's Joshua Bayant's Senior at night. We went to stay until bed time & to return home; Well: after staying until bed time he said Daniel stay all night with me. He said Bailey is gone and is gone no where but to O'Dondalys and I concluded to stay & after I concluded to stay the women got up & went to Bailey's house as I thought. They went out. Well: after they went out the old man called me to the bed to him & told me to set down on that chest & then he says to me Daniel I have done something I have been dissatisfied with. My reply to him was what is that. He then said I had Jordan Johnson here and had an instrument of writing a paper (I do not know now which he said) wrote

and then he says I give Bailey my land, horses, cart & wheels & other. He promised me before I did that that he would never go to O'Dondalys again, and now he has turned back as same as ever and after he went & got her to go after Sally your wife, I told my folks to fetch that paper to me & the old woman fetched it & gave it to me. I attempted to throw it in the fire and she begged me not then I called Chaspy to me & told her to destroy it & it is destroyed. - My will is in that chest - the one that John Poston wrote. Well: then he said Daniel when I had that paper written that Jordan Johnson wrote I never intended it should stand. I had it written to see if it would not keep him (Bailey) from O'Dondalys. I married Sally Bayant the daughter of Joshua Bayant Sr. I have before taking of this deposition relinquished all right whatever I have in the estate of the said Joshua Bayant Senior. And further this defendant saith not.

Daniel Fowler

Sworn to and Subscribed before me of the Commissioners in Chancery of the Circuit Court of Southampton County at the time and place mentioned in the foregoing Caption.

Henry S. Howard, Comm.

The Plaintiff's Counsel excepts to the above deposition upon the ground that it is the deposition of a party interested in the said Suit.

And the Defendant's Counsel states that the

said Daniel Fowler relinquished all his interest in the
estate of the said Joshua Bryant Sr. before
the taking of the said Deposition, which said
relinquishment is herewith filed.

Henry S. Howard, ^{Att} Counselor

Commissioner's fee \$2.50 }
Charg'd Joshua Bryant Jr. }

Henry S. Howard Comr.

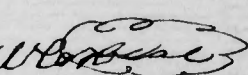
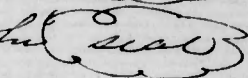
Bryant

vs } Relinquishment

Bryant & others

Filed with Depositions
Sep 20. 1955. H. J. Howard Comm.

Know all men by these presents that we Daniel
Fowler and Sarah Fowler do hereby release all
our interest in the estate of Joshua Bryant &
that we do relinquish all right, title, and interest
which we have of, in, or to the estate of the said
Bryant to the other heirs and distributees at law
as witness our hands and seals this 30th day
of September 1853-

Daniel 
Sally 
Fowler
mark

Bryant

vs } Depositors

Bryants & others

handed in by Henry S. Howard Govt.

Oct. 20th 1835

L.R.C

The Depositions of Joseph E. Gillette, ^{and Dunssey Johnson} taken on the 19th day of October 1853, pursuant to notice duly given and by consent of parties before Henry S. Howard one of the Commissioners in Chancery of the Circuit Court of Southampton County, at the Office of Chambliss & Maspenburg in the Town of Jerusalem in the County of Southampton, to be read as evidence on behalf of Bailey Bryant in a suit now depending in the said Circuit Court of Southampton County in chancery, in which the said Bailey Bryant is plaintiff and Sally Bryant, Joshua Bryant, Chassey Bryant, W^m. Fowler, and Leaty his wife, Daniel Fowler and Sally his wife are Defendants.

The Deponent, ^{Joseph E. Gillette.} being first duly sworn deposes and says: -

Question by plaintiff's Counsel. Did Joshua Bryant while his sister Chassey was in the Office of Chambliss & Maspenburg on the Court morning after the death of Joshua Bryant Sr. request you to go to his said sister Chassey & ask her not to speak of the papers he had given him?

Answer. He did not come out in that way. He did not ask me to ask his sister not to say anything about the paper, but he asked me to ask his sister not say anything about what had become of his father's will. I told him I could not do that, that I had advised her to tell every thing she knew about it. And further this Deponent saith not.

Joseph E. Gillette

Sworn to and subscribed before me as Commissioner aforesaid at the time and place mentioned in the Caption.

Henry S. Howard, Comm^r

The deponent Dempsey Johnson being first duly sworn
deposes and says:

Question by Plaintiff's Counsel. Did you have a conversa-
tion with Daniel Fowler since the death of Joshua
Bryant Sr. in which the said Fowler stated he knew
nothing of my will of said Bryant, and if so, state
so much of said conversation as you recollect?

Answer. I did not have a conversation with him,
but I was present at a conversation between him,
(Daniel Fowler) and Bailey Bryant, and he, Daniel
Fowler said he knew nothing about the will
of Joshua Bryant Sr.

Question by Defendant's Counsel. What did you
understand by what Mr. Fowler said?

Answer. I understood by what he said, that he
had nothing to do with the will, that he knew
nothing about it.

And further this deponent saith not.

Dempsey Johnson

Sworn to and subscribed before me as Commissioner
aforesaid at the time and place mentioned in
the caption.

Henry J. Howard, Comm^r

The Defendant Joshua Bryant by his Counsel
objections to the reading of the foregoing
deposition of Dempsey Johnson upon the
ground that his deposition has been before
taken to be read in this cause of Bryant
vs Bryant & others.

Henry J. Howard, Comm^r

Commissioner's fee \$2.50 } October 19th 1855. }
Charges to Bailey Bryant }
Henry J. Howard, Comm^r

Bryant

~ } Or. Pub.

Bryant's

Copy posted at front door of House 1st.

Aug. 6th 1855. L.R.G.

A Rules held in the Clerks Office of the Circuit Court of Southampton County on the 6th day of August 1855.

Bailey Bryant
against

Pff

In Chancery

Sally Bryant, Joshua Bryant, Chasny Bryant, William Fowler and Katy
his wife and Daniel Fowler & Sally his wife.

Defts.

The object of this suit is to establish the will of Joshua Bryant deceased. And affidavits being made that the defendants William Fowler & Katy his wife are not residents of this State. It is ordered that they do appear within one month after due publication of this order and do what is necessary to protect their interest, and that a copy of this order be published once a week for four successive weeks in the Southern Argus a newspaper published in the City of Norfolk, and posted at the front door of the Courthouse of this County on the first day of the next County Court thereof.

Bryant

~ } Proof pub

Bryant

AT RULES HELD IN THE CLERK'S OFFICE
 of the Circuit Court of Southampton county, on the
 6th day of August, 1855,
 Bailly Bryant,

Plff,

against
 Sally Bryant, Joshua Bryant, Cha-
 sey Bryant, William Fowler and
 Caty his wife, and Daniel Fowler
 and Sally his wife,

IN CHANCERY

Def'ts.

The object of this suit is to establish the will of Josh-
 ua Bryant, dec'd, and affidavit being made that the de-
 fendants William Fowler and Caty his wife, are not re-
 sidents of this State. It is ordered that they do appear
 within one month after due publication of this order and
 do what is necessary to protect their interest; and that
 a copy of this order be published once a week for four
 successive weeks in the Southern Argus, a newspaper
 published in the city of Norfolk, and posted at the front
 door of the Courthouse of this county, on the first day
 of the next County Court thereof.

oc 15-m4w

A Copy—Teste:
 L R EDWARDS. C. C.

Norfolk V^c 20 Novr 1855

I Abram H. Leonard Editor & Publisher
 of The Southern Argus, a Newspaper published
 daily in the City of Norfolk do certify that
 the foregoing & above prefixed order of publica-
 -tion in a suit in the Circuit Court of South-
 -ampton County in which Bailly Bryant is
 Plaintiff & Sally Bryant, W^m Fowler & wife &
 others are defendants has been published in the
 said newspaper once a week for four suc-
 -cessive weeks commencing on Monday the
 18th day of October 1855—

A. H. Leonard
 Ed & Pub Southern Argus