1871 - 23 Southampton County - Chancery Bryant, Victoria infr - Vs - Bryant, Albert, et als

"D. Settle estate"

Suit by John N Banks
her next friend

Estate of Bailey Bryant
(her grandfather)

Monika Ann Ellerwat?
Albert Bryant
Elbert Jones +
Richard Thomas Jones

Sr. 20 17. 15. 15.

Bryant

v. } Papers

Bryant &c

Bryant &
co
Bill
Bryant &c

1854 Sept.

To the Hon. Richard H Bake. Judge of the Circuit Court for the County of Southampton. In Chancery

Humbly complaining sheweth unto your Honor your complainant Victoria Bryant an infant of tender years who sues by John Bailey her next friend, That in the year 1842 her grandfather Bailey Bryant died after having made and published his last will & testament which was duly admitted to probate at the October Term 1842 of the County Court of Southampton, a copy of which marked (A) is herewith filed and prayed to be taken as a part of this bill.

That by the 5th clause of the said will he devises a tract of land in the following words, "The plantation where on 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 grandson Silvester Lewis Jordan Bryant. In case Silvester L J Bryant shall not arrive to the age of twenty one years or have a lawful heir to fall to the body it is then my wish that the said plantation and land to be equally divided between the sons of Jacob B Bryant." That Silvester L J Bryant died under the age of twenty one years without having a lawful heir to fall to the body, having Jacob and Albert Bryant sons of Jacob B Bryant surviving, and that soon after his death, Jacob Bryant died under age of twenty one years unmarried and without children, having his father Jacob B Bryant surviving. That in the year 18 Jacob B Bryant died intestate having a widow Martha Ann (who is intermarried with Silas Eleazer) who has since died having by a former husband the following children as his heirs at law, to wit; Amarilla who is intermarried with Elam Finney and has since died having Richard Thomas Finney an infant

hereby his attorney, Albert Bryant who is under the age of twenty one years and your complainant

Your Complainant is advised that by the death of her two brothers Liberalin L Jr and Jacob Bryant, the father Jacob B Bryant became entitled to a fee simple estate in one moiety of the said tract of land, the other moiety of which belongs under the will of the said Bailey Bryant to the brother Albert Bryant; and that partition should be made between those entitled-

That the said tract of land contains about 275 acres and is valued at $1000- That it can not be divided to any advantage and that the interest of the parties could be promoted by a sale of the entire tract and division of the proceeds according to their respective rights

In tender consideration of all which and inasmuch as your complainant is without remedy in the premises, except in a Court of Equity where matters of this kind are cognizable, To the end therefore that justice may be done, she prays your Honor to make Martha Ann Ellsworth Albert Bryant Elvira Fires and Richard Thomas Fires Defendants to this bill, and that they answer the allegations thereof- That some fit and proper person may be appointed guardian ad litem to defend the infants, That the Court will direct the sale of the said land and a division of the proceeds among those entitled, and grant such other and general relief in the premises as equity may dictate, and as in duty bound she will ever pray &c, May it please the Court &c,

Chambliss & Shepherd
pro Complainant

Bryant
vs
Bryant

Answer of Albert Bryant (by L N Edwards his guardian ad litem) to the bill of complaint filed against him by Victoria Bryant

This Defendant saving & reserving &c for answer to the said bill or so much thereof as he is advised it is material or necessary he should make answer unto answering saith, that he believes the facts stated in the said bill are true, but that he claims under the 5th clause of the will of his grandfather the said Bailey Bryant to be entitled since the death of his father to the whole of said tract of land, and being an infant he submits his rights to the protection of the Court, and having answered he prays hence to be dismissed with his reasonable costs

Albert Bryant by
L N Edwards his guardian ad litem

Bryant
vs
Bryant

Answer of Richard Thomas Fires by L N Edwards her guardian ad litem to a bill of complaint filed against her by Victoria Bryant

This Defendant saving & reserving &c for answer to the said bill or so much thereof as she is advised it is material or necessary she should make answer unto, answering saith, that she believes the facts stated in the said bill are true, and being an infant she submits her rights to the protection of the Court, and having answered she prays hence to be dismissed with her reasonable costs

Fires by
L N Edwards her guardian ad litem

1856 May 26 Recvd of the Clerk of the Circuit Court of Southampton County the bond executed by Jesse Little & John W Gurley for $188.20/100 on the 15 Sept 1855 & due twelve months after date.

Wit: [illegible]
Henry S. Howard

William his + mark Story

1856 Sept 15 Recd of the Clerk of the Circuit Court Southampton County one bond for $153.22⅔ cts. due Victoria Bryant one of the same amount due Albert Bryant & one for $647.93 cts due Albert Bryant

Jno. M. Gurley

1857 ~~Sept~~ Feby 16 Received of the Clerk Southampton Circuit Court a bond for $153.22⅔ cts. due 15 Sept. 1856 due Richard T. Fiveas.

E W Bagwell Jr

Bryant
vs
Report
Ellsworth 2

1855
September 15th This Report was returned in the Clerks Office.

Henry S. Howard DC.

Bryant
vs
Ellsworth D.

Report

The Commissioners report that pursuant to the order of the May term 1855 he consulted and said the Court therein mentioned to the Defendant Ellsworth D. that Defendant Little pay unto the said for the sum of Thirteen Hundred & Seventy seven dollars $1377.00

Costs & Commissions,	$81.14	
Bond for one month	64793	
Bond for	18825	
Three Bonds for $153.22⅔ each	459.68	
	$1377 00	$1377 00

The Commissioners after ascertaining the amount of costs & commissions as above proceed to take bonds for the balance as directed, and herewith returns them to Court

Sept 15th 1855

Respectfully submitted
Jas. M. Gurley

Bryant

v 3 60: Deed

Bryant Y

July 19th 1855

Southampton Circuit Court. November Term, 1857.

Victoria Bryant, an infant of tender years who sues by John M. Gurley her next friend Pltff

against

Martha Ann Ellsworth, Albert Bryant Elbut Fines and Richard Thomas Fines Defts

This day this cause came on to be heard on the bill of the complainant, answer of the infant defendants Albert Bryant and Richard Thomas Fines by L.R. Edwards their guardian ad litem, answers of Elvin Fines & Martha Ann Ellsworth this day filed by consent of Court & replications thereto and exhibits and was argued by Counsel: On consideration whereof, the Court doth adjudge, order and decree that a Commissioner of this Court enquire into and report to this Court whether or not the interests of the infant defendants would be promoted by sale of the land in the proceedings mentioned or by a division thereof in kind; and the Court doth further adjudge, order and decree that the same Commissioner take an account of the absolute value of the dower interest of Martha Ann Ellsworth in the lands in the proceedings mentioned and report to Court.

Test.

Henry S. Howard, D.C.

Bryant

v 3 Depositions

Bryant et al

1855 Mar 19 Filed with Comrs Rept

Deposition of John M Gurley taken before the undersigned Commissioners in Chancery, at his office in Jerusalem on the 19th February 1855, to be read as evidence in a certain Chancery suit now depending in the Circuit Court of Southampton County, in which Victoria Bryant by John M Gurley her next friend is plaintiff and Martha Ann Elizabeth Elliott & others are defendants

This deponent having been first duly sworn deposes and says – that he is well acquainted with the land in the proceedings mentioned, and he thinks it would be decidedly to the interest of the infants and all other parties concerned to have the land sold – that the land rents from nine to about $30 p. year and he thinks it would sell for about $1300 – The deponent further says that in his opinion if the land was divided among the parties, it would have to be cut up into such small parcels, as would seriously impair its value – The deponent further says that the interest of Mrs Martha Ann Elizabeth in the land consists of one third of one half of said land for life, which according to his estimate of the value of the land, would be about $230 – in money for life – And further the deponent saith not

Jno. M. Gurley

The above deposition was taken, sworn to and subscribed before me on the day, and at the place mentioned in the caption – Given under my hand this 19th Feby. 1855.

N. S. Godwin Comr

Bryant

v. } Sum. Chy.

Ellsworth &c

1854 September Rules

6th W.

Executed by delivering to each a copy September 1st 1854

A J Stillo deputy of Saml Stillo Sh'ff

The Commonwealth of Virginia:

To the Sheriff of Southampton County, Greeting:

We command you to summon Martha Ann Ellsworth, Albert Bryant, Elvin Fiveash & Fiveash

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 September next to answer a bill in Chancery exhibited against them in our said Court by

Victoria Bryant an infant of tender years who sues by John M Gurley her next friend

and have then there this Writ. *Witness*, LITTLETON R. EDWARDS, Clerk of our said Court, at the Courthouse, this 17th day of August 1854 in the 79th year of the Commonwealth.

L R Edwards cc

Bryant

~ } Bond

Bryant

Know all men by these Presents that we John M Gurley & W. R. S. Weaver are held and firmly bound unto the Commonwealth of Virginia in the sum of Three hundred dollars. to the payment whereof we bind ourselves our heirs. Executors and administrators, jointly and severally firmly by these presents. Sealed with our seals and dated this 15 day of September 1856

The Condition of the above obligation is such that whereas in a suit in Chancery depending in our Circuit Court of Southampton County between Victoria Bryant an infant of tender years suing by John M Gurley her next friend Plaintiff and Martha Ann Ellsworth & others Defendants it was on the 2nd day of May 1856 among other things adjudged ordered and decreed by the Court that the Clerk of the Court deliver to the guardian at law of Victoria Bryant one of the bonds executed by Jesse Tittle & John W Gurley for $153.22 2/3 But the said decree as to the delivery of the said bond decreed to the said guardian was to be suspended until the said guardian should execute bond with sufficient security in the Clerks Office of the said Court conditioned to invest the money secured by the said bond in the purchase of State Stock bearing interest at six percent or loaning out the same taking good personal or real security - Now if the said John M Gurley who is guardian at law of Victoria Bryant, shall invest the money secured by the bonds aforesaid in the purchase of State Stock bearing interest at Six per cent or loan out the same taking good personal or real security and in all respects faithfully discharge the duties of his office or trust under the aforesaid decree according to law then the above obligation to be void, or else to remain in full force and virtue.

Signed Sealed & delivered
in presence of }

Jno. M Gurley (Seal)
W R S Weaver (Seal)

In the Clerks Office of Southampton Circuit Court 15th day of September 1856
The above bond was acknowledged by the obligors thereto before me in my Office aforesaid &
W. R. S. Weaver the Security made oath that his estate after the payment of all
his just and lawful debts is worth the sum of three hundred dollars the penalty of the said bond

L R Edwards CC

Southampton Circuit Court. Clerks Office the 15th day of September 1855

This day E. W. Massenburg — the security to the within bond made oath before me Clerk of the Court aforesaid that his estate after the payment of all his just and lawful debts is worth the sum of $3.000 the penalty of the said bond

Henry S. Howard, D.C.

Bryant
v.
Bryant &c
Comm'd bond

State of Virginia
Before me Clerk of the District Court of Southampton County duly commissioned and qualified the within named Edwin Massenburg and made oath that the statements of this account rendered by the within bound is just and true to the best of his knowledge and belief

Sworn to the within bond and made oath

Given under my hand this 15th day of September 1855

KNOW ALL MEN BY THESE PRESENTS, That we John M Gurley and E. W. Maspenbary

are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum of three thousand 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 15th day of September, 1853

The Condition of the above Obligation is such, That whereas the above bound John M Gurley has by a Decree of the Circuit Court of Southampton County pronounced on the day of May 1855, in a cause therein pending wherein Victoria Bryant an infant &c. is Plaintiff and Martha Ann Ellsworth Nathaniel Mothers Defendants, been appointed Commissioner to make sale of certain real Estate in the said cause described.—Now if the said John M Gurley shall faithfully discharge the duties ~~as such Commissioner under said decree~~ of this office without, then this obligation to be void, else to remain in full force and virtue.

Signed, Sealed, and delivered in presence of

Jno. M. Gurley L.S.

E W Maspenbary L.S.

L.S.

Printed at the Intelligencer Office, Suffolk, Va.

Bryant

&c } Connt bond

Bryant &c°

Know all men by these presents that we E. W. Mapsenburg & John R Chambless are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Two hundred dollars current money of Virginia to the payment whereof well and truly to be made we bind ourselves our heirs Executors and administrators jointly and severally firmly by these presents. Sealed with our Seals and dated this 16 day of February 1857.

The Condition of the above obligation is such that whereas by a decree of the Circuit Court of Southampton County made on the 8th day of November 1856 in a Suit depending in the said Court between Victoria Bryant an infant &c Pepp and Martha Ann Ellsworth &c Defts the said E.W. Mapsenburg was appointed Commissioner for the purposes in the said decree mentioned Now if the said E.W. Mapsenburg shall faithfully discharge the duties of this office or trust then the above obligation to be void or else to remain in full force and virtue

Signed Sealed & delivered
in presence of
J.R. Edwards

E W Mapsenburg (Seal)
Jno. R Chambliss (Seal)

Bryant

v. } Bond

Bryant

Know all men by these presents that we John M Gurley & W. R. S Weaver are held and firmly bound unto the Commonwealth of Virginia in the sum of One thousand dollars, to the payment whereof well and truly to be made we bind ourselves our heirs Executors and administrators jointly and severally firmly by these presents. Sealed with our Seals and dated this 15 day of Sept. 1856

The Condition of the above obligation is such that whereas in a suit in Chancery depending in the Circuit Court of Southampton County between Victoria Bryant an infant of tender years who sues by John M Gurley her next friend plaintiff and Martha Ann Ellsworth & others Defendants it was on the 2nd day of May 1856 among other things adjudged & ordered and decreed by the said Court that the Clerk of the Court deliver to the guardian at law of Albert Bryant one of the bonds executed by Jesse Little & John M Gurley for $153.22 cts and also the bond for $647.93 But the said decree as to the delivery of the said bonds hereby decreed to the said guardian was to be suspended until the said guardian should execute bond with sufficient security in the ~~in the~~ Clerks Office of the said Court conditioned to invest the money secured by the said bonds in the purchase of State Stock bearing interest at six per cent or loaning out the same taking good personal or real security - Now if the above bound John M Gurley, who is the guardian at law of Albert Bryant shall invest the money secured by the bonds aforesaid in the purchase of State Stock bearing interest at six per cent or loan out the same taking good personal or real security and in all respects faithfull discharge the duties of his office & trust under the decree aforesaid, then the above obligation to be void or else to remain in full force and virtue -

Signed Sealed & delivered
in Presence of }

Jno. M. Gurley (Seal)
W R S Weaver (Seal)

In the Clerks Office of Southampton Circuit Court the 15th day of September 1856
The above bond was acknowledged by the obligors thereto before me in my Office aforesaid, and
W R S Weaver the security made oath that his estate after the payment of all his just and lawful debts is worth the sum of One thousand dollars the penalty of the said bond

J R Edwards Clk

Bailey Bryants Will

Bryant
vs } Exhb. with Bill
Bryants

(A)

56 f

Southampton County Va.

23d. February 1842

I Bailey Bryant of the County aforesd. being of sound mind but in a feble 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. 2nd. I give to my grand children Marin 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 3rd. it is my wish and desire that the plantation bounded by the heirs of Amos Stephenson and Ridleys 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 applied to the payment of my debts. Item the 4th I give to my beloved wife Charlotte, one waggon and geers 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.J. Bryant should not arrive to the age of twenty one 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.J. Bryant Amelick D. Bryant and Albert Bryant one feather bed and furniture each to soon as they marry or arrive to the age of twenty one.

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 land above named they are then to proceed to sell my slave property and pay all my just 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 lawful 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 presents of
Benja Lamb.
Joseph S Joyner
Theodore Irigrant.

Bailey Bryant (Seal)

At a Court held for the County of Southampton the 17th day of October 1842
The last Will and Testament of Bailey Bryant decd was proved by the oath of Joseph S Joyner & Theodore Irigrant two 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 and together with John W Gurley, Lewis Worrell and B Deveney 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 appearing Court & refused to take upon himself any part of the burthen of the execution of the said Will.

Teste

L.R. Edwards cc

A Copy.

Teste. L.R. Edwards cc

Bryant
vs
Bryant &c
Answer

Bryant
vs
Bryant &c } Answer of Elvira Sims to the bill exhibited against her &c of Victoria Bryant

This Defendant saving and reserving &c for answer to the said bill or so much thereof as she is advised it is material or necessary she should make answer unto, answering saith, that the facts stated in the bill are true and that it would be to the advantage of those interested that the said land should be sold and the proceeds divided according to their respective rights - And this Defendant further answering saith that she hereby relinquishes all the interest which she may have in the said land or the proceeds thereof in favor of her son the said Richard Thomas Sims - And having answered prays hence to be dismissed with her reasonable costs &c

Elvira Sims
by Chamblis & Rosenberg
her Attys

Bryant
vs
Bryant } Answer of Martha Ann Ellsworth to the bill filed against her &c of Victoria Bryant

This Defendant saving & reserving &c for answer to the said bill or so much thereof as she is advised it is material or necessary she should make answer unto, answering saith; That the facts stated in the bill are true, and that it would be to the advantage of those interested that the land should be sold, and that she is willing to take in lieu of her right to dower, such a sum of money absolutely or for life as the court may judge her to be entitled to - And having answered she prays hence to be dismissed with her reasonable costs

Martha Ann Ellsworth
by Chamblis & Rosenberg
attys

Bryant

2s 3 Comr: Report

Bryant &c

1855 March 19

Bryant
v
Bryant &c

Commissioners office - Feby. 19th. 1855.

Pursuant to the decree of the Circuit Court of Southampton County entered at ~~September~~ June Term 1854, the undersigned Commissioner begs leave to report, that the interest of the infant defendants would be promoted by the sale of the land in the proceedings mentioned - That the value of said land is estimated at $1300, and the dower interest of Mrs. Martha Ann Ellsworth consists of one third of one half of said land for her life, and consequently the interest of Mrs. Ellsworth would be in money, the sum of $230 for her life - The Commissioner further reports that Mrs. Ellsworth is 43 years of age and that the absolute value of her interest is $188.25 the expectation of life of Mrs. Ellsworth being 24 years - The Commissioner also reports the depositions of John M Gurley taken by him and herewith filed -

Respectfully submitted
W. S. Goodwyn Comr.

Comrs. fee - $5.00
Sheriffs " - 4.00
charged to the parties
Comrs.

Bryant
vs
Peters et al Com.
Bryant &c

1857 Nov 7.

Bryant
vs
Bryant &c /

Report of Commissioners

The undersigned Commissioners report that in pursuance of the order of the November Term 1856 he collected the bond due from Jos. Little & Bro. & Sundry, amounting with interest to $157.05 and after deducting a commission of $3.97 he has deposited the remainder $153.08 as directed in the Savings Institution of the City of Natchez and herewith returns the certificate of said deposit — all of which is respectfully submitted

E W Mayfield

Office Norfolk Savings Instn.
Oct. 22nd 1857

This is to certify that E. W. Massenburg Commiss.r has this day deposited in this Instn. to the credit of the Suit of V. Bryant by next friend vs Ellsworth & others, the sum of One hundred & fifty three 08/100 Dollars ($153 08/100) per order of Decree of Circuit Ct of Southampton Co. in said suit in Nov. 1856

Rich.d Taylor.
Cas.

Bryant-

3 Comm: notice

Bryant-

return to July-Court

Executed on Elebo by
delivering a copy of the
within
D. C. Edwards Dep't for
G. Kello. Sheff

Sheffs. fee 4.00.

Victoria Bryant, an infant who sues by John M Gurley
her next friend Pltff

against

Martha Ann Ellsworth, Albert Bryant, Elbert Fiscus
and Richard Thomas Fiscus, the said Albert Bryant and Richard
Thomas Fiscus infants by L. B. Edwards gd. ad litem — Defts.

Pursuant to the decree of the Circuit Court of the
County of Southampton, entered at Nov. Term 1854 - the above
named parties are notified, that the undersigned Commissioner
has appointed the 19th day of February, at his office in Jerusalem
for the purpose of making the several reports therein required
at which time and place the said parties are required to appear
with the necessary evidence

N. S. Goodwyn Comr.

Comrs. office Jany. 1855

Elvin Fier this day, personally appeared before me in my Office in the Town of Jerusalem Southampton County, and testified that his son Richmond sometimes called Richard F Fier is Twenty One years of age, &

Given under my hand as Commissioner in Chancery for the Circuit Court of Southampton County, This 8th day November A D 1871.

James R Taylor Commissioner

37 2
259

Victoria Bryant an infant of tender years who sues by John M Gurley her next friend

against

Martha Ann Ellsworth. Albert Bryant. Elbert Fires and Richard Thomas Fires.

1854 Aug 17th Summons &c issued retble to September Rules.

" Sept R. Bill filed. L R Edwards assigned gdn ad litem to infant Defts. Albert Bryant & Richard Thomas Fires. Anors of infants. Bond Resp. Decree Nisi v Defts Martha Ann Ellsworth & Elbert Fires.

" Oct. R. 1st Monday. Bill taken for confessed as to Defts. Martha Ann Ellsworth & Elbert Fires.

" Oct. R. Last Monday. Cause set for hearing as to Defts. Martha Ann Ellsworth & Elbert Fires on Bill taken for confessed as to them. And as to Albert Bryant & Richard Thomas Fires on the bill their anors resps &c

" Nov. T. Order for account.

1855 Mar. 19 Rept.

" May. Decree for sale &c

" Sept. 15 Report

1st " Nov. T. Cont

1856 May " Decree &c

" Nov. " Decree &c

1857 Nov. Rept. & decree

Bryant
v } Stat. Rules
Bryant &c

1855 May

Clks	$ 6.89
Shff	6.00
Com	5.00
Sam Y.	15.75
	$ 33.64

Bryant &
vs } Copy of Decree.
Ellsworth &c.

Ent'd Jan 19 1879
Chancellor's 81.14
1295:86

Southampton Circuit Court. May term, 1855.

Victoria Bryant, an infant of tender years who sues by John M. Gurley her next friend Plff

against

Martha Ann Ellsworth, Albert Bryant, Elbert Sires & Richard Thomas Sires Defts.

This day this cause came on again to be heard on the papers formerly read and on the report of Commissioner Goodwyn made pursuant to the order of the November term 1854, to which there is no exception and was argued by Counsel, On consideration whereof, the Court confirming the said report doth adjudge order and decree that John M. Gurley who is hereby appointed a special Commissioner for that purpose after advertising the time and place of sale for four weeks at the Courthouse of Southampton County and at other public places in the neighborhood of said land, proceed to sell the land in the bill mentioned, to wit: the tract of land belonging to the plaintiff and defendants containing about 275 acres called the Pitchugh tract, at public auction on a credit of twelve months except so much as will be necessary to pay the costs of this suit which he may receive in cash, and that the said Commissioner for the balance of the proceeds of sales take one bond for one moiety, one bond for $188.25. of the other moiety and three bonds of equal amounts for the remainder with sufficient security and return the same to Court, that the said Commissioner retain the title to the said land until the further order of the Court, and report his proceedings to Court in order to a final decree. But this decree is to be suspended until the said John M. Gurley shall have executed bond in the penalty of three thousand dollars conditioned faithfully to execute this decree.

Clks Costs $6.89
Shff. 6.00
Comr. 5.00
Sam Vs 15.75
$33.64

Clerks fees paid

Test,

L. R. Edwards, C.C.

Henry S. Howard. D.C.

Bryant
vs
Bryant
} Deeds

To be entered
R. St. B.
Nov. 20. '54

Bryant
vs
Bryant } Decree

This day this cause came on to be heard on the bill of the complainant answer of the infant defendant Albert Bryant and Richard Thomas Fiers by L R Edwards their guardian ad litem, answer of Elvira Fiers & Martha Ann Ellsworth and exhibits, and was argued by counsel, on consideration whereof the court doth adjudge order and decree, that a commissioner of this court enquire into and report to this court whether or not the interest of the infant defendant would be promoted by a sale of the land in the proceedings mentioned or by a division thereof in kind; and the court doth further adjudge order and decree that the same commissioner take an account of the absolute value of the dower interest of Martha Ann Ellsworth in the lands in the proceedings mentioned and report to court

This day files by consent of court & application thereto

the Clerks Office of this court, the said guardian of Silas G Bryant in the sum of One thousand dollars and the said guardians for Silvanus Bryant & Richard T Ives in the sum of three Hundred dollars each conditioned to invest the money so arising of the said bonds in the purchase of State stock bearing interest at six per cent or loaning out the same taking good personal or real security

Silas G Bryant
Bryant &c
Ives

To be entered
R. N. Baker
Aug 3. 1858

Bryant
vs
Bryant &c } Decree

It being suggested to the court that since its last term the Defd Martha Ann Ellsworth has intermarried with Wm Story, on motion of said Story by Counsel & by consent of the Pltff it is ordered that his name be inserted in the subsequent proceedings and that this suit be hereafter prosecuted against Wm Story and Martha Ann his wife: and the cause came on this day to be again heard on the papers formerly read and on the report of Commissioner Seeley made pursuant to the order of the May term 1855 to which report there is no exception, and was argued by counsel, on consideration whereof the court confirming the said report, doth adjudge order and decree, that the Clerk of this court deliver to the guardian ad litem of Lewis Bryant one of the bonds for $153.22⅔ executed by Jesse Lillie and Jno W Seeley, to the guardian ad litem of Richard T Jones another of the said bonds for a like amount, to William Story & Martha Ann his wife the bond executed by the said Lillie and Seeley for $188.25 and to the guardian ad litem of Albert Bryant one of the said bonds for $153.22⅔ and also the bond for $647.93: And that the said Jno M Seeley who is hereby appointed a special Commissioner for these purposes execute a deed with special warranty of covenants the said land in the bill mentioned to the said Jesse Lillie: and that the Plaintiff and Defendants do pay in equal proportions the costs incurred in this suit since the May term 1855: But this decree as to the delivery of the bonds hereby decreed to the said guardians shall be suspended until the said guardians respectively execute bonds with sufficient sureties in the

Bryant & Stern
Bryant &c

To be entered
R. H. Baker
May Co. 1855.

1855 May Term

Bayant
vs
Bayant et al. } Decree

This day this cause came on again to be heard on the papers formerly read and on the report of Commissioner Soodwyn made pursuant to the order of this November Term 1854 to which there is no exception and was argued by counsel, On consideration whereof this Court confirming the said report doth adjudge order and decree, that John M Seeley who is hereby appointed a special Commissioner for that purpose after advertising the time and place of sale for four weeks at the Court House of Sumpter County and at other public places in the neighborhood of said land proceed to sell the land in the bill mentioned to wit the tract of land belonging to the plaintiffs and described containing about 275 acres called the Fitzhugh tract at public auction on a credit of twelve months except so much as will be sufficient to pay the costs of this suit which he may retain in cash, and that the said Commissioner for the balance of the proceeds of sale take one bond for one moiety, one bond for $188.25 of the other moiety and three bonds of equal amounts for the remainder with sufficient securities and return the same to Court, That the said Commissioner retain the title to the said land until the further order of this Court, and report his proceedings to Court in order to a final decree. But this decree is to be suspended until the said Jno M Seeley shall have executed bond with the penalty of $3000 conditioned faithfully to execute this decree.

Bryant
&
Stratton
Bryant &

To be entered
R. H. Baker
Nov. 20. 1857.

1857 November Term

Bryant
vs
Bryant &c } Decree

This day this cause came on again to be heard on the papers formerly read on the report of Commissioner Brasfield made pursuant to the order of the November term 1856 to which report there is no exception, [redacted] was argued by Counsel, On consideration whereof the Court doth accept the report and decree that the said report be confirmed: On motion of the plaintiff this cause is discontinued from the docket, leaving liberty hereafter to the defendant Richard T. Fiers to ask for the payment and disposition of the money deposited in the Savings Institution of the City of Norfolk for his benefit as appears by the report of the Commissioner.

Bryant
vs
Beers
Bryant

Nov Term 1856

To be entered

R. H. B.

Bryant
vs
Bryant

This day this cause came on again to be heard on the papers formerly read and was argued by Counsel on consideration whereof the Court doth adjudge order and decree that E W Mapen Esq who is hereby appointed a special commissioner for that purpose receive and collect the bond filed in this cause against Esq Little & Bro for $1533.22½ belonging to the infant Richard T Fiers and deposit the amount in the Savings Institutions of the City of Norfolk and file among the papers in this cause a certificate of such deposit. But the said E W Mapen Esq is not to proceed to act under this decree or such commissions until he shall have entered into bond in the penalty of $200 with sufficient security in the Clerks office of this Court payable to the Commonwealth of Virginia, conditioned for the faithful discharge of his duties as such commissioner

Bryant
vs Gordon
Bryant

1871

Nov Term

To be entered

Geo. Bacon.

Bryant
vs
Bryant

It appearing to the satisfaction of the Court by the affidavit of Elvin Fiers this day filed that Richd T Fiers has arrived to the age of Twenty One years and is entitled to the same doth order that the Norfolk Savings Institution pay to the said Richard T Fiers, or order the sum of One hundred and fifty three 08/100 dollars ($153.08) with all interest due thereon being the amount which was deposited in said Institution on the 22nd October 1857 by E.H. Mapenburg Commissioner to the Credit of this suit. And it is ordered that the Clerk of this Court deliver to the said Richd T. Fiers the Certificate of Richd Taylor Cashier filed in this Cause, on leaving a receipt for the same, and there remaining nothing further to be done it is ordered that this Cause be stricken from the Docket.