

1872-29

Southampton County Chancery

Thomas, David H (Ex.) vs Bryant, Exum et als

sueing to recover money  
after land sold to keep from  
paying debts.

Thomas, Nathan

Bryant, Henry T.  
" James E.  
" Missouri E.  
" Caroline V.

~~23 64 65 66 67 68 69 70 71 72 73 74 75~~  
Thomas Exor.

to } Papers

Bryant's

1879. May

Thomas' etc -

W 3 Bill  
Exhibits

Bayant hals

1867 March Rules

To the Honorable Richard G. Baker judge  
of the circuit court of Southampton County  
in chancery sitting

Humbly complaining your orator  
David G. Thomas executor Nathan W. Thomas  
dec'd sheweth unto your honor that at the fall  
term 1866 of the circuit court of Southampton  
County he obtained a judgement on a bond  
for \$286.80cts with interest from the 24<sup>th</sup> of  
January 1853 - against Exm Bryant of  
Southampton all of which will more fully  
appear by a copy of the said judgement  
herewith filed marked A and prayed to be  
taken as a part of this bill, that on the  
20<sup>th</sup> of August 1866 Exm Bryant sold to his  
two sons Henry T Bryant and James E  
Bryant of Bedford County N. Carolina the  
tract of land on which he now resides containing  
300 acres more or less for \$1200 the said land  
bounded by the lands of Henry Kindred's estate  
and others, all of which will more fully  
appear by a copy of the said deed herewith  
filed marked B and prayed to be taken  
as a part of this bill, that on the 13<sup>th</sup> of  
October 1866 Henry T Bryant and James E  
Bryant sold to William E Bryant and  
Caroline E Bryant their sisters and also  
daughters of Exm Bryant 200 acres a  
portion of the same land for \$800, all of  
which will more fully appear by a certified  
copy of the said deed herewith filed marked  
C and prayed to be taken as a part of this

bill, your orator charges and avers that at the time Exm Bryant made the deed above said to his sons Henry T and James E Bryant he was very much in debt, your orator further charges and avers that the deeds of Exm Bryant to his sons Henry T and James E Bryant and from them to Missouri E and Caroline V Bryant his daughters are both fraudulent, that they were made to hinder, delay, and defraud the creditors of Exm Bryant in and from the collection of their debts, that Henry T and James E Bryant never paid their father Exm Bryant the \$1200 the sum set forth in the deed for the 300 acres, that not only they never paid the said sum of money or any part thereof but that they were notoriously insolvent and wholly unable to do so, that the deed from Henry T and James E Bryant to their sisters Missouri E and Caroline V Bryant was a part of the same fraudulent design, that these girls were wholly unable and never paid one cent for the land, but that Exm Bryant finding himself unable or believing himself to pay his debts made this deed to his children (and they then to their sisters) for the purpose of avoiding the payment of his debts, and that though he has pretended to sell this land, he still remains in possession and exercises ownership over the same.

In tender consideration whereof and inasmuch as your orator is without <sup>any</sup> legal remedy and only entitled to relief in a court of equity

where such matters are peculiarly cognizable he therefore prays that Exm Bryant, Henry T Bryant, James E Bryant, Missouri E Bryant and Caroline V Bryant may be made parties defendant to this bill and compel them as full and perfect answer make to the allegations therein contained as if they had been themselves more fully and specially interrogated, that the court would by its decree declare the two deeds of the 20<sup>th</sup> of August 1866 and 13<sup>th</sup> of October 1866, from Exm Bryant to Henry T and James E Bryant and from them to Missouri E and Caroline V Bryant fraudulent and void as to your orator that the court would subject the said land to the payment of your orator's debt and for that purpose set aside the said deeds and decree the sale of the said land, and that the court would grant such other and general relief the premises condescend as equity may dictate and the nature of his case may require and as in duty bound your orator will ever pray in

Sh. and as pr. g.

Thomas Exor  
or ~~3~~  
Bryant &

Notice to take  
Depositions

April 20<sup>th</sup> 1872 Service of the within  
Notice acknowledged by  
The Justice  
Attest for Deponent  
Attest

To Ellen Bryant, H. T. Bryant, J. E. Bryant,  
Missouri E. Bryant, & Caroline B. Bryant,

Take notice that I shall on the 27<sup>th</sup>  
day of April 1872, at the law office  
of J. H. & L. B. Price, in the town of Leno-  
r, County of Southampton, between  
the hours of 6. am & 6 pm, of that  
day proceed to take the depositions of  
B. E. Pope & others to be read as evidence  
in my behalf in a certain suit in  
Equity depending in the Circuit Court,  
for the County of Southampton, wherein  
you are defendants, and I am plain-  
tiff; and if from any cause, the taking  
of the said depositions be not commenced  
on that day, or if commenced be not con-  
cluded, on that day, the taking of the same  
will be adjourned and continued from  
day to day or from time to time, at the  
same place & between the same hours until  
the same shall be completed.

April 18. 1872

Respectfully

David H. Thomas.

Ex'or &c.

Bain & Poirer Cropper examined  
by defendants counsel  
Question by defendants  
counsel

Are not the defendants Henry  
J and James E Bryant  
industrious and economical  
men as far as you know  
Answer I have always heard  
that Henry was but do not  
recollect about James E Bryant  
and further this deponent  
saith not

Bain & Poirer

Thomas E

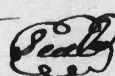
2 } Ex. with bill

Bryant P

B

62

This Deed made this the 20<sup>th</sup> day of August, One thousand eight hundred and sixty six (1866) between Eum Bryant of the County of Southampton and State of Virginia of the one part and Henry J. Bryant and James E. Bryant of the County of Norfolk and State of North Carolina of the other part - Witnesseth, that the said Eum Bryant of the first part, for and in consideration of the sum of twelve hundred dollars (\$1200) in hand paid by the said Henry J. Bryant & James E. Bryant, the receipt whereof is hereby acknowledged, doth grant and convey unto Henry J. Bryant and James E. Bryant that tract or parcel of land on which he now resides, containing three hundred acres more or less, and bounded as follows, by the lands of Henry Kinchids estate, Nevis Johnson, Matilda Monell, and by Sweet house swamp, to them and their heirs forever, And the said Eum Bryant doth warrant generally the property hereby conveyed Witness the following signature and Seal the day and year aforesaid.

Eum Bryant 

Southampton County, In the Clarks Office, August 20<sup>th</sup>, 1866.

This deed of bargain and sale from Eum Bryant to Henry J. Bryant and James E. Bryant was acknowledged by the said Eum Bryant to be his act and deed and admitted to record, stamps of the internal revenue of the United States amounting to one dollar and fifty cents being affixed thereto.

Teste

L. R. Edwards, 

This Indenture made and entered into this thirtieth day of October  
eighteen hundred and sixty six 1866 between Henry J. Bryant and  
James E. Bryant both of the County of Guilford North Carolina of  
the first part and Missouri E. Bryant and Caroline D. Bryant both  
of Southampton County Virginia of the second part - Witnesseth that  
the said Henry J. Bryant and James E. Bryant for an inconsideration  
of the sum of Eight hundred dollars \$800 to them in hand paid by  
Missouri E. Bryant and Caroline D. Bryant, has granted conveyed and  
sold a certain parcel of land lying in the County of Southampton Va.  
it being all the land lying south side of East Road called Fish Road  
leading from sweet house swamp to Kindred's line and being a part of  
which land they purchased from Aaron Bryant, containing two hundred  
acres, 200, more or less and bounded as follows by the E. East Road on the  
North to Kindred's line on the South by the long branch to the said sweet  
house swamp by the swamp on the West to the said East Road which  
concludes the old place or Silsich tract and the dwelling house tract where  
Aaron Bryant now lives it is to be divided by the old line that was between  
Aaron and Silsich Bryant and Missouri E. Bryant is to have the Silsich  
or old place lot and Caroline D. Bryant Aaron Bryant lot or dwelling  
house together with all its rights title claims to them the said Missouri E.  
Bryant and Caroline D. Bryant witness whereunto we the parties have  
hereunto set their hands and affixed their seals the day and year within written

Henry J. Bryant   
James E. Bryant 

Southampton County. In the clerk's office, the 13<sup>th</sup> day of October, 1866.

This deed of bargain and sale from Henry J. Bryant & James E. Bryant to Missouri C. Bryant & Caroline B. Bryant was acknowledged by the said Henry J. Bryant and James E. Bryant to be their act & deed and admitted to record, a stamp of the internal revenue of the United States of the amount of one dollar being affixed thereto.

Teste

L. R. Edwards, clk.

Thomas E. E.

to E. E. with bill

Bryant

to

Thomas Gro

to } Ex: with bill

Bryant &

A.

Southampton Circuit Court November 12<sup>th</sup> 1856

Harrison B Pope who sues for the benefit of and at the costs of David H Thomas Exr.  
of Nathan N Thomas dec<sup>d</sup>

Plff

against

Exum Bryant.

Def

} In Debt.

The judgment obtained at the Rules not having been set aside and the plaintiff being now entitled to a final judgment it is therefore considered that the plaintiff recover against the Defendant two hundred and eighty six dollars eighty cents the debt in the declaration mentioned with legal interest thereon from the 24<sup>th</sup> day of January 1856 till paid and his costs by him about his suit in this behalf expended -

This judgment is to be credited for \$51.37 & paid 30<sup>th</sup> January 1856.  
Plffs Costs \$6.59

At Copy

Teste

J R Edwards Clk

Thomas's Exor

to } Same Chy

Bryant & Co

1867 February Rules

Executed on all  
Except Henry J Bryant  
no in habitation of my  
County January 19-  
1867 J P Carson Left  
for Court Wells & Co



**THE COMMONWEALTH OF VIRGINIA,**

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU to summon *Exum Bryant. Henry T. Bryant. John C. Bryant.*  
*Missouri C. Bryant & Caroline W. Bryant*

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 *February next to answer a bill in Chancery*  
*exhibited against them in our said Court by David St Thomas Executor of Nathan*  
*St Thomas dec'd*

and have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-  
house, this *28<sup>th</sup>* day of *December* 1866, in the *9<sup>th</sup>*  
year of the Commonwealth.

*L. R. Edwards*

Affidavit

Southampton County to wit

This day D. H. Thomas  
personally appeared before me a justice of  
the peace for Southampton County and  
made oath that to the best of his knowledge  
and belief Henry T. and James E. Bryant  
~~are to the best of his knowledge and belief~~  
are not inhabitants of this state given  
under my hand this 18<sup>th</sup> day of February 1867  
Wm. S. Lewis J. P.

Thomas' Esq.  
or 3 Decree.  
Bryant.

May Term 1872

To be entered.

Geo. P. Blow.

8  
Thomas: Eir  
as  $\frac{2}{3}$  Decree.  
Bryants

This day this cause came on to  
be further heard, on the bill, answer  
of the defendants Bryants Wm & Geo.  
and on motion of the plaintiff, it is  
ordered by the Court that this cause  
be removed from the docket, at the  
costs of the plaintiff.

Thomas Ex.

to { Proof Pals

Bryant

1869 May 1<sup>st</sup>

11

Petersburg, Va.,

April 15<sup>th</sup> 1867

Geo Wm B Shands

TO THE PETERSBURG INDEX, Dr.

CAMERON & SYKES, Proprietors,

No. 60 SYCAMORE STREET.

WM. B. CAMERON,  
G. A. SYKES.

To adv Chancery order  
David H Thomas executor of  
Nathan N Thomas vs  
Exum Bryant & others  
1 week for 4 miles \$ 5 45

**A T RULES HELD IN THE CLERK'S**  
Office of the Circuit Court of Southampton  
county, on Monday, 4th day of March, 1867:  
**IN CHANCERY.**

David H. Thomas, Executor of Nathan N. Thomas,  
dec'd, plaintiff,

against  
Exum Bryant Henry T. Bryant, James E. Bryant,  
Missouri E. Bryant and Caroline V. Bryant, de-  
fendants.

The object of this suit is to set aside, as fraudulent  
and void, two deeds, one executed on the 20th day of  
August, 1866, by Exum Bryant to the defendants,  
Henry T. and James E. Bryant, and the other exe-  
cuted on the 13th of October, 1866, by Henry T. and  
James E. Bryant to the defendants, Missouri E. and  
Caroline V. Bryant, and to subject the land by them  
conveyed, to the plaintiff's demand. An affidavit  
being made and filed that the defendant, Henry T.  
Bryant, is not a resident of the State of Virginia, it is  
ordered that he do appear within one month after  
due publication of this order, and do what is neces-  
sary to protect his interest in this suit.

A Copy—Teste:

L. B. EDWARDS, C. C.  
mh 15—F4w

SHANDS, P. C.

City of Petersburg to Wit  
This day G. A. Sykes personally  
appeared before me a Justice  
for the City of said City and  
made oath that the above  
account is correct  
given under my hand  
This 19<sup>th</sup> day of April 1867.

J. H. Young J. P.

Thomas' Ex

to } Or Pub

Original

Copy posted O. Ho. door Mar  
1864

At Rules held in the Clerk's Office of the Circuit Court of Southampton  
County on Monday 4<sup>th</sup> day of March 1867.

David St Thomas executor of Nathan St Thomas dec<sup>d</sup>. Plff.

against

} In Chancery

Exum Bryant Henry T Bryant. James E Bryant, Missouri &.

Bryant and Caroline V Bryant

Defts }

The object of this suit is to set aside as fraudulent and void, two deeds, one  
executed on the 20<sup>th</sup> day of August 1866 by Exum Bryant to the defendants  
Henry T and James E. Bryant and the other executed on the 13<sup>th</sup> October 1866  
by Henry T and James E Bryant to the defendants Missouri E and Caroline  
V Bryant and to subject the land by them conveyed to the plaintiffs demand  
And affidavit being made and filed that the defendants Henry T. and James  
E Bryant are not residents of the State of Virginia, it is ordered that they do  
appear within one month after due publication of this order and do what is necessary  
their interest to protect their interest in this suit -

A. Copy,

Teste

L. R. Edwards Clk

The depositions of Ben E. Pope and others taken before me James R. Tyler, a Commissioner in Chancery for the Circuit Court of the County of Southampton, pursuant to notice hereto annexed, at the law office of J. H. & J. B. Price, in the said County, between the hours of 6 am and 6 pm, to be read as evidence on behalf of D. H. Thomas in a certain suit in Equity depending in the Circuit Court for the County of Southampton, wherein David H. Thomas Esq. is plaintiff and Emma Bryant & others are defendants. B. E. Pope, being duly sworn on the Holy Evangelists of Almighty God, deposes and saith as follows.

Question by Counsel for Pltfs.

What is your age and occupation  
Answer fifty nine years old and am a farmer

Question by same

Do you know - Henry T. Bryant and James E. Bryant sons of Emma Bryant

Answer I do

Question by the same

State as far as you know what was their pecuniary condition

in August 1846

Answer

I cannot say but presume  
They were very poor men when  
they left their father they were  
poor boys they left their father  
some fifteen years before 1846  
(It is agreed that Henry T Bryant  
went to N. Carolina in 1846  
and James E Bryant 1834  
removed to N. Carolina)  
Question by same)

Henry T Bryant having been  
first duly sworn deposes and  
says as follows

Question by plaintiffs counsel  
What is your age and where  
do you reside

Answer I am forty seven  
years old and reside in N. Carolina  
where I have resided since 1846  
with the exception of two years  
which I spent in Virginia

Question by the same

Did you pay to Ex. M. Bryant  
twelve hundred dollars in

August 1844 for 300 acres of land  
which is situated in ~~contiguous~~ <sup>contiguous</sup>  
lying in Southern Jones County

Answer I and my brother  
James E Bryant paid him a part  
time partly in money and and  
partly in a debt he owed me

Question by same

How much property did you  
have when you went to N  
Carolina

Answer I had but very little  
negro and clothes and some  
household furniture

Question by the same

How much did your father  
owe you and what was it  
for

Answer It was for property  
of mine which he sold when  
I went to N Carolina in 1850  
which consisted of the following  
articles viz two horses twenty  
five fat hogs twenty out hogs  
and crop of corn fodder &c  
he owed me some two or three  
hundred dollars on settlement  
he having paid some debts that  
I owed in the county

Question by same

How much money did you pay E. M. Bryant for this land

Answer I paid the balance of one half of what was due on the \$1200 after deducting what he owed me I paid it in cash ~~at the time~~

Question by same

How long were you in the late war

Answer About two years the latter part of it I was at home half of that time I had sons who were able to plough and were at home

Crop examined by defendant's counsel

Question what did you do how much money did you make and save for several years after first moving to W. Canton

Answer I was raising up to the war receiving generally \$300 a year and my family provided  
Question by the same

Did you save most of this

Have you or your brother Henry  
exercised any ownership over  
the said land since you  
purchased it

Answer we pay taxes on it  
and make it out and since  
put out what we have  
not sold.

Question by the same  
How do you pay for the  
interest <sup>of your land</sup> of the purchase  
money

Answer I let my father  
have and the family have  
some of money as they  
needed from time to time  
until it was all paid  
they bring proof and money  
since the top of this year  
properly since the war and  
quite old And further this  
deponent saith not

James E. Bryant

The above depositions are to be read by consent,  
and the further taking adjourned to May  
4<sup>th</sup> 1872, at same time & place.

J. B. Prince, W. B. Shaver, *per* of said  
J. D. Knicker docket atty.

2  
nowing

Answer I save what I  
could the most of it saved  
except what was spent for  
groceries my clothes being made  
at home about 1855 or 56  
I bought 100 acres for which  
I paid \$800 and 1859 another  
piece for which I paid some  
thirty or four hundred dollars  
I have cultivated these lands  
ever since in 1860 or 61  
I bought another small piece  
for which I paid \$40

Question by the same How  
many boys have you and  
what are their respective ages  
and what has been the extent  
of their usefulness to you

Answer I have five sons the  
oldest in his twenty third year  
the next one nineteen the  
next between ten and twelve  
the next six and so on  
and they have been of more  
use to me than any boys of  
the same age would have  
been because when I am

Thomas Exor.

v. } Stat. Rules.

Bryant & Co

In Southampton Circuit Court.

David St Thomas Executor of Nathan St Thomas dec'd  
against

Exum Bryant, Henry T. Bryant, James O. Bryant, Missouri E. Bryant &  
Caroline V. Bryant.

1866 Decemb. 28. Summons issued.

1867 Feby. Rules. Summons Ex<sup>r</sup> on the defts except Henry T. Bryant - he no  
inhabitant. Bill

" Mar. R. Bill filed. Decree nisi v. all the defts except H. T. Bryant. Order  
of publication v. him.

" Apr. Bill taken for Confessed as to all defts except deft. H. T. Bryant.

" May Cause set for hearing &c.

1872 May Dis<sup>r</sup> at plffs costs

Thomas' Exir  
in  $\frac{1}{3}$   
Bryants R.

Reporiding  
" "