

1873-12/7

SOUTHAMPTON COUNTY
CHANCERY PAPERS

ELLIS' ADM'R. vs. BRYANT and Wife
8/18/73

Ellis' adm

to } Stat. Rules .

Bryant. & wife

In Southampton County Court

Samuel Kello admr of Benj. Ellis dec'd Plff
Benj Bryant ^{against} Martha his wife who was formerly Ellis Dft.

1872 February 26. Summons issued -

1872 March Rules. Summons ret. Ex. Continued for bill -

" April " Bill filed D Nisi v. Dft.

" May " Bill taken for confessed & Cause set for hearing. W

" July T. Decree for acct.

" Oct 17. Report

" " T. Decree for Sale.

1873 Jan 20. Rep.

" May 5. Final decree

Oct. 6.

Coll.

|| 8 88

Shff

1 00

Con. T.

5 00

Lar

26 00

|| 40 88

Ellis' Adm^r Co. Ct.

on $\frac{1}{2}$ Bill & Exhibits.
3 — " —

Bryant & wife.

1872 ^{pt May} ~~June~~ Rules

Co. Ct.

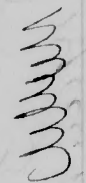
J. D. Paine Jr.

To the Hon. Jos. W. Ingraham, Judge of the
County Court of Southampton. In Chancery.
Humbly complaining, I sheweth unto
your Honor, your orator, Saml. Kello,
Advers Ben Ellis, decd, that at the
Term of the County Court of Southampton
1867, recovered two judgments against
Martha Ellis, one for the sum of thirty
dollar, with interest from Decr 25: 1867,
and one for two hundred forty four ^{28/100}
dollar, with interest from Jan'y 31. 1867,
as will more fully appear from certified
copies of said judgments, herewith filed
Exhibit (1 & 2) marked (1 & 2) and prayed to be taken
as parts of this bill. That since the rendition
of those judgments, the said Martha
Ellis, who was the widow of Ben Ellis decd,
has intermarried with one Benj. Bryant.
That the said Martha Ellis, now Bryant, has
had assigned to her, to & for her natural
life one third in value of all the real
estate, whereof the said Ben Ellis died seized,
as will more fully appear from a certified
copy of the report of Commissioner, assigning &
Exhibit (3) allotting same, herewith filed marked (3) and
prayed to be taken as a part of this bill.
That upon said judgments execution of fini
facias have been issued & returned "no effect,"
as will appear more fully from copies of

Of said execution, herewith filed, marked
Exhibits (405) (415), & prayed to be taken as parts of this
bill. That the only property now subject
to the payment of these judgments, is the
dower interest of the said Martha Ellis, now
Bryant; and that your orator believes &
charges, that the rents & profits arising
therefrom would not satisfy the said judgments
in five years. In tender consideration whereof
and so much as your orator is without
remedy in the premises, save in a Court
of Chancery, where matters of this kind
are peculiarly cognizable, to the end, therefore,
that justice may be done, he prays that
Deey. Bryant, & Martha, his wife, who was
formerly Ellis, may be made parties defen-
dant to this bill, and compelled to answer
the allegations thereof; that an order may
be entered directing a Commissioner of this
Court to Enquire & report the annual & absolute
value of the dower interest of the said
Martha Ellis, now Bryant, in the Real Estate
before mentioned, and that in Case, the rents
& profits of the same will not pay the demands
of your orator in five years, that the same may
be ordered to be sold. And that your Honor
will grant such other, further & general relief in the
premises, as Equity may dictate, and the Nature of
his case require, and as in duty bound,
your orator will ever pray &c. May it
please the Court &c.

J. B. Prince p. q.

Ellis Adams

vs  Deane.

Bryant vs. Swift

July Term 1842.

To be entered.

J. W. Magrath
Judge

Ellis Adm'r &
vs ³/₃ Heirs.

Bryant Surpr

This day this cause came on to be heard on the complainant's bill, which has been taken for confessed as to the defendants, Exhibits filed, with said bill, and was argued by counsel. On consideration whereof, the Court doth adjudge order & decree that a Commissioner of said Court take the following accounts to-wit. An account of all the outstanding unsettled claims against the defendant Benj Bryant, or against the defendant's wife, Martha Bryant, while she was the widow of the late Benj Ellis, with the priorities of each. An account of the annual & absolute value of the dower interest of the said Benj Bryant & Martha his wife, in the Real Estate of which Ben Ellis died seized. Which accounts the said Commissioner will state, audit & report to Court, together with any other matters specially stated, deemed pertinent, by himself, or which may be required to be so stated by any of the parties interested.

Ellis' Adm.

or $\frac{1}{3}$ Decree.

Bryant's wife

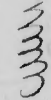
Oct Term 1842.

To be entered.

J. W. Wyznarski

J. H. Jones

Ellis Adm.

vs  Decree.

Bryant wife

This day this cause came on to be further heard on the papers formerly read, and the report of Commissioner Tyler filed Oct 17, 1872, and was argued by counsel. On consideration whereof, and no exceptions being filed to the said report, the Court, adopting the same as the basis of this decree, doth adjudge, order and decree, that W. O. Briggs, ^{of Southampton Co} he and he is hereby appointed a special Commissioner for the purpose, that he sell ^{after 20 days public notice of time, place & terms} at public auction to the highest bidder, the ^{of said} dower interest of Martha Bryant, who was formerly Martha Ellis, in the real estate of which Benj Ellis died seized, upon the following terms-to-wit. One half cash, in which shall be included an attorney fee to J. B. Prince of twenty five dollars, the balance on a credit of twelve months, the purchaser to give bond with approved security, carrying interest from day of sale, and the title to be retained for the deferred payment. And the said Commissioner is ordered to make report to Court, how he has executed this order.

Ellis adm^r
vs. } Secra-
Bryant }

Report of
Commiss^r of
Sale -

Southampton County Court, October Term 1872.

Same Wells Adm of Benj. Ellis decd. Plff;
against
Benj. Bryant and Martha his wife who was
formerly Ellis's - Defs;
In Chancery

This day this Cause came on to be further heard on the papers formerly read and the Report of Commissioner Tyler, filed Oct. 17th 1872, and was argued by Counsel; on consideration whereof and no Exceptions being filed to the said Report the Court adopting the same as the basis of this decree, doth adjudge, order and decree, that Wm. W. Briggs Sheriff of Southampton County be and he is hereby appointed a Special Commissioner for the purpose, that he sell at public auction to the highest bidder, (after 20 days public notice of time, place and terms of sale,) the down interest of Martha Bryant who was formerly Martha Ellis, in the real Estate of which Benj. Ellis decd. Seized, upon the following terms, to wit; one half Cash, in which shall be included an Attorney's fee to J. B. Davis, of twenty five dollars, the balance on a credit of twelve months, the purchaser to give Bond with approved Security carrying interest from day of sale, and the title to be retained for the deferred payment - And the said Commissioner is ordered to make Report to Court how he has executed this order.

Calks \$ 8.88
 Shift 1.00
 Com Tyler 5.00
 Bow N 26.00

\$ 40.88

Paid J. R. Tyler

A Copy
Sister,

James R. Tyler, V. C.

Recd Twenty six dollars. W. R. Prince

Ellis Island

or $\frac{1}{3}$ Decree

Bryant & Co

May 1873

To be entered

J. W. Morgan & Co

Ellis' Advers

or 3 deces

Bryant & wife

This day this cause came on
to be again heard on the paper formerly
read the report of Commissioner Buggs
reporting sale of real estate & the execution
of deed to Geo. W. Murphy, and was
argued by counsel. On consideration
whereof, the Court confirming said
report, no exceptions having been
filed to the same, doth a Judge
order & decree that W. W. Buggs
after paying any further costs that
may have accrued in this suit,
pay the balance of the purchase
money in his hands to S. Kells,
in full satisfaction of his payment
lien. And nothing further appearing
to be done in this cause, it is ordered
to be removed from the docket.

Ellis' adm

v { Same Chy

Bryant & Wife

1872 April Rules

Executed by
delivering a copy

L. L. Barham

Dep. shff

The Commonwealth of Virginia

To the Sheriff of Southampton County, Greeting:

WE COMMAND YOU to summon
formerly Ellis

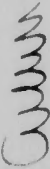
Bing Bryant & Martha his wife

if *they* be found within your bailiwick, to appear at the Clerk's Office of our *County*
Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in
April next to answer a bill in chancery exhibited against them in our said
Court by Sam Kello adm of Ben Ellis decd

And have then there this writ, Witness, OSWIN WHITE, Clerk of our said Court, at the Court-
house, this *26* day of *February* A., D., 187*2*, in the *96* year of
the Commonwealth.

Oswin White

Edw. Adams

as  Commis
Notice

Bryant Suite

Executed
W. W. Driggs

COMMISSIONER'S OFFICE,

Jerusalem Aug 26th 1872.

TO Saml Kello, Adm^r of Ben Ellis decd- p^ltff:

vs
Benj Bryant & Martha his wife, who was
formerly Ellis. Defots:-

You are hereby notified that I have fixed upon the 12th day of September next, if fair, if not, on the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts,

to wit: "1st An account of all the outstanding uncollected liens against the defendant Benj Bryant, or against the defendants wife, Martha Bryant, while she was the widow of the late Benj Ellis, with the priorities of each.

2nd An account of the annual and absolute value of the dower interest of the said Benj Bryant & Martha, his wife in the Real Estate of which Benj Ellis died seized.

County
required to be taken by a decree of Southampton ~~Circuit~~ Court, rendered on the 7 day of July 1872, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend. if you think proper.

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

To the Sheriff of Southampton County to execute.

J. R. Tyler

Commissioner.

Ellis and
to } Com. Tylors Rep.

Bryant wife

1872 October 17.

! An Account of all the outstanding uncollected fees, ^{against} Benj Bryant or Martha Bryant for namely Martha Ellis, and their priorities as follows

Samuel Kello Shff & ad: Benj Ellis v Martha Ellis. Judgt for	244 25	
Int. from 31st Jan'y 1867. to 1 st Octo 1872	84 27	
Costs	6 46	
Docketed 4 Sep 1868 } Pulled p.p. }		335 01

//

Samuel Kello Shff & ad: Ben Ellis v Martha Ellis. Judgt for	30 00	
Int. from 25 Decr. 1867. to 1 Octo 1872	8 55	
Costs	6 46	
Docketed 11 th Sept 1867 } Pulled p.p. }		45 01

//

John W. Francis v Ben H. Bryant Judgt	52 40	
Int. from 1 st Feb'y 1868 to 1 st Octo 1872	14 67	
Costs	6 65	
Docketed June 1 st 1868 } Pulled p.p. }		73 72

Wm R Parker v Ben B Bryant Judgt for	57 50	
Int. from 1 Jan'y 1869 to 1 Octo 1872	12 94	
Costs	7 10	
Docketed Jan'y 5 th 1870 } Sh p.p. }		77 54
Total		531 28

Respectfully Submitted
James R Tyler
Clerk

An account of the annual and absolute value of the
 down interest of Benj. Ellis & Martha his wife in the real
 Est. of which Benj. Ellis died seized &c

	Life Estate Absolute Value	Annual Value
One tract of Land " down int. 50 Acres	\$150	\$25

Respectfully Submitted
 James R. Tyler,
 Commissioner

Commissioners Office
 Jerusalem Oct 17th 1872

To the County Court of Sampson County
 Pursuant to a decree of the County Court of Sampson
 County, rendered at the July Term 1872, in a suit in
 Chancery depending in said Court, between Samuel Wells
 Sheriff, Executor of Benj. Ellis dec'd and Ben. Bryant &
 Martha his wife, who was formerly Ellis, the undersigned
 one of the Commissioners of said Court to whom was referred for
 settlement, the following account to wit:

1st An account of all the outstanding uncollected liens
 against the defendant Benj. ~~Ellis~~ Bryant or against
 the defendants wife Martha Bryant, while she was
 the widow of the late Benj. Ellis with their priorities of
 each.

2nd An account of the annual and absolute value
 of the down interest of the said Benj. Bryant & Martha
 his wife in the real Est. of which Benj. Ellis died seized
 reports to the Court that on the 26 day of August last he is-
 sued notices against the several parties aforesaid requiring
 them to attend the settlement of the said account, before him
 at his said office on the 12th day of September 1872, which was
 returned to you, Commissioner duly executed, that the parties
 aforesaid appeared (by attys) before the Commissioner in obe-
 dience to said notice, and he thereupon examined, stated &
 settled the foregoing accounts, up to 1st day of October 1872, and
 on that day finds the amount of Judgments including interest
 & costs to be \$531.28 cents. Now Commissioner has
 nothing to state specially. The Com. further reports
 to the Court that after the completion of said accounts he
 retained the same in his said office ten days, for the
 examination of the parties, which with the decrees & notices
 are herewith returned.

Given Under My hand as Commissioner aforesaid the Day
 and year first aforesaid

James R. Tyler

Commissioner for \$5.00

Commissioners Office
Jerusalem Oct 11th 1872

To the County Court of S^campton County

Pursuant to a decree of the County Court of S^campton County, rendered at the July Term 1872, in a suit in Chancery depending in said Court, between Samuel Wells Shiff, Administrator of Benj. Ellis dec^d. and Ben. Bryant & Martha his wife, who was formerly Ellis, the undersigned one of the Commissioners of said Court to whom was referred for settlement, the following account to wit:

1st An account of all the outstanding uncollected liens against the defendant Benj. ~~Ellis~~ Bryant or against the defendants wife Martha Bryant, while she was the widow of the late Benj. Ellis with their priorities of each:—

2nd An account of the annual and absolute value of the dower interest of the said Benj. Bryant & Martha his wife in the real Est: of which Benj. Ellis died. Signed reports to the Court that on the 26 day of August last he issued notices against the several parties aforesaid requiring them to attend the settlement of the said account, before him at his said office on the 12th day of September 1872, which was returned & per. Commissioners duly executed; that the parties aforesaid appeared (by attys) before the Commissioners in obedience to said notice, and he thereupon examined, stated & settled the foregoing accounts, up to 1st day of October 1872, and on that day finds the amount of Judgments including interest & costs to be \$531.28 cts. Now Commissioners has nothing to state specially. The Com: further reports to the Court that after the completion of said accounts he retained the same in his said office ten days for the examination of the parties, which with the decrees & notices are herewith returned.

Given Under My hand as Commissioner aforesaid the day and year first aforesaid

James A. Tyler

Commissioners fee \$5.00

Cellinidun
v. Report
I. Myan

1873 Jan 20

In Obedience to a Decree of the
County Court of Southampton in the
Chancery Suit of David Kello Shift &
admir of T. Deu Ellis de against
Benj^r Bryant & Marcha his wife,
I advertised the Said in the decree
mentioned, and sold the same to the
highest bidder in the Town of Jernam
on the 8th Monday in November 1832
and the sale so made George H
Mungrave became the Purchaser
by bidding therefor the sum of Seventy
five Dollars, and the said G. H
Mungrave paid the said sum of
Seventy five dollars Cash, and
I have executed to him a Deed
for said Land with Special Warranty
And out of the said sum of Seventy
five dollars, I have ^{paid} Costs of Suit as
follows, Clerk of Court \$8.88 Shift \$1.00
Benj^r Tyler \$5.⁰⁰ Sawyer \$16.⁰⁰, Auctioneer
\$1.⁰⁰ Commissions for selling \$3.75
making in all \$45.63 leaving a
Balance in my hands of \$29.37.

Respectfully Submitted
Wm Driggs Shift
Dec 16th 1832

Recd.

The undersigned
 do hereby certify
 that the within
 is a true and
 correct copy of
 the original
 as the same
 appears in the
 records of the
 Court of the
 County of
 the State of
 New York
 this 1st day of
 March 1891
 at New York
 City
 J. J. [Signature]
 Clerk of the Court

the form of a
L

[Faint handwritten notes, possibly bleed-through from the reverse side.]

$\frac{1}{2}$

Rec^d August 4th 1893 of W. D. Briggs
(com) in ^{the} Chancery suit of Ellis Adams
against Bryant ~~for~~ Twenty nine
+ $3\frac{3}{10}$ dollars in full amount due
for proc. sale of land.

C. L. Story, dep-
for S. H. H. Shiff

29	87
9	50
20	33

142

Ellis' adm

8 } Exh. with bill

Bryant self

Southampton County Court August Term 1868.

Samuel Kello Sheriff & admor. of Benjamin Ellis dec^d
^{against}
Martha A Ellis

Plff } In Debt
Dfr }

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 & forty four dollars twenty eight Cents the debt in the declaration mentioned with legal interest thereon from 31st day of January 1867 till paid and his costs by him about his suit in this behalf expended.
Plffs Costs \$ 6. 46.

Docketed Sep. 4. 1868

A Copy Teste J.R. Tyler Clk

Southampton County Court August Term 1868.

Samuel Kello Sheriff & admor. of Benjamin Ellis dec^d
^{against}
Martha A Ellis

Plff } In Debt
Dfr }

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 thirty dollars the debt in the declaration mentioned, with legal interest thereon from the 23rd December 1867 till paid and his costs by him about his suit in this behalf expended.
Plffs Costs \$ 6. 46

Docketed Sep. 4. 1868

A Copy Teste J.R. Tyler Clk

3

Ellie's adm

to } Ex with bill

Bryant's wife

We the undersigned Commissioners appointed by a decree of the Circuit Court of Southampton County entered at the May Term 1870. to assign dower to the widow of the late Benjamin Ellis who has since intermarried with Benj Bryant beg leave to report as follows -

That pursuant to said decree we met on the premises of the late Benj. Ellis on Saturday the 11th day of June and assigned to Martha Bryant the widow of Benj Ellis the following real estate as for her dower Viz. Beginning at the road gate at a black gum which joins the lands of A. J. Francis running to the Hickory tree stump in grave yard on East Course where it corners with the other real estate of the said Benj. Ellis going thence North to a red oak line between A. J. Francis & the said Ellis thence South to the Road from the starting point thence back to the starting point All of which is respectfully Submitted this 20th day of June 1870

B. S. Lykes
A. J. Francis } Commissioners
Etheldred Hart }

A Copy

Teste

J. R. Tyler clk

May 1872.

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command you that of the Goods and Chattels of *Martha Ellis*

late of your bailiwick, you cause to be made *thirty dollars with legal interest thereon from the 25th December 1867 till paid which Saml. Kello Shff & admor. of Benjamin Ellis dec^d*

lately in our *County* Court of Southampton County had recovered against *her* as well
for a certain debt as for interest thereon, also the sum of *Seven* Dollars and *four*
Cents, which to the said *Kello Shff & admor*
in the same Court were adjudged for *his* costs in that suit expended, whereof the said
Martha Ellis is convict as appears to us of record; and how
you shall have executed this writ make known at the Clerk's Office of our said Court, at the rules to be holden for
said Court on the first Monday in *January* next, and have then there this writ

Witness, *Saml. Kello R. Edw. shff*
JAMES R. TYLER, Clerk of our said Court, at the Court-House, this *9th*
day of *November* 18*68*, in the *93^d* year of the Commonwealth.

J R. Edwards shff

Came to hand Nov. 16th 1868. at 10.6. Clock A.M.
No Effects. E. L. Story Dept. Shff. ;

Copy - Teste J. R. Tyler Ck

4

Ellis adv

} Exhb. with bill
to

Bryant & wife

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command you that of the Goods and Chattels of *Martha Ellis*

late of your bailiwick, you cause to be made *two hundred forty four dollars 28 Cents with legal interest*
thereon from the 31st day of January 1867 till paid which Saml. Kello Shff & admor of
Benjamin Ellis dec^d

lately in our *County* Court of Southampton County hath recovered against *her* as well
for a certain debt as for interest thereon, also the sum of *Seven* Dollars and *four*
Cents, which to the said *Kello Shff & admor*
in the same Court were adjudged for *his* costs in that suit expended, whereof the said
Martha Ellis is convict as appears to us of record; and how

you shall have executed this writ make known at the Clerk's Office of our said Court, at the rules to be holden for
said Court on the first Monday in *January* next, and have then there this writ

Witness, *G. R. Edwards*
~~JAMES R. TYLER~~, Clerk of our said Court, at the Court-House, this *9th*
day of *November* 18*68*, in the *93^d* year of the Commonwealth.

G. R. Edwards

Came to hand Nov 16th 1868. at 10 o'clock A.M.
No Effects - E. L. Story Depty Shff.

At Copy - Teste. J. R. Tyler Ck

(4)
Ellis adm

Exhibit with bill

Bryant safe