

1875-06

Southampton County Chancery - Chambliss, Littleton et al. vs Bryant, Mary V.

Estate settlement

Hartfield, Wm. H.
" , Alice

Garris, Exum
Moss, Roberta
" Joseph R.

Bryant, Mary V.
(Widow)

Bryant, Maria
" , Jonas

~~186~~ 68
Chambliss & others

vs
Bryant & others

Bill & Answer

1871 Decr. Decree for sale

1872 Mar. Report & decree

1875 Feby. Decree final

Received by Clerk Circuit

Court Aug. 13th 1873.

170.14
2.14
2.14
2.14
2.14

To the Hon Joseph W. Urquhart Judge of
the County Court of Southampton County -
In chancery
December term 1871

Humblly beseeching shew unto your
honor your orators Littleton Chambliss, W^m
H. Hartsfield & Alice his wife (the last named
a minor & sues by her said husband as her next
friend & he in his own right - Exam Harris -
Roberta Moss (a minor who sues by Joseph R.
Moss her next friend) and respectfully represent
as follows:

that Everitt Bryant, a citizen & resident
of this County, departed this life some years since, seized
& possessed of certain real estate composed of two
small tracts of land lying in said County near
Boykin's Depot - the said Everitt Bryant died
intestate - that his personal & chattel estate
is abundantly sufficient to pay all his debts -
that the said Everitt Bryant left as his only heirs
at law his widow Mary A. V. Bryant (to whom
dower has been assigned by a former decree of
this Court) and his children & their descendants
herein after named to wit:

Maria C. who had intermarried with one James
H. Chambliss and had died before the death of
the said Everitt her father leaving as her only heirs
her children the said Littleton Chambliss (adult)
& the said Alice Chambliss (a minor) who has inter-
married with the said W^m H. Hartsfield -

Sophronia (who intermarried with one Exam
Harris and survived her said father having had
one child a son by said marriage who died in
infancy unnamed and then the said Sophronia died

Nancy (who intermarried with one Joseph R.
Moss) but died before her said father leaving as
her only heir at law Roberta Moss (a minor)

Charles E. Bryant & Jonas R. Bryant (adults)

Your orators are anxious to have a division
of the said real estate and as they believe the
same is ~~not~~ divisible in kind, that a commis

seiner may be appointed to sell the same -
that the said Martha V. Bryant, Charles
E. Bryant & Jonas R. Bryant may be made
parties defendant, Compelled to answer &c
And that the Court would grant such further
& general relief as equity may dictate
and the nature of the case may require -
and as in duty bound they will ever pray &c
May it please the Court &c.

Jno V. Kindred
p q

The Joint & Several Answer of Mary
V. Bryant, Charles E Bryant & Jonas R.
Bryant - to a Bill filed against them in
the County Court of Southampton County, by
Littleton Chamberlains forhers, at the December
term thereof 1871.

These defendants in answer to the
said Bill say that they admit the facts to
be as stated in the Bill of the said complain-
ant and that they have no objection to the
sale of the real estate as prayed for in
said Bill, believing that a sale will be
advantageous to the interest of all parties
concerned -

and having answered pray to be hence
dismissed with their costs &c.

Jno N. Sebrall
p q

Received of James R Bryant Jan 8th 1872
and fifty-cent \$2.50 as crier of Enritte
Bryant real Estate.

Delege Corcoran

250

✓
Everett Bryant,

Estate

Memorandum

No paid for acct

Everett Bryant d. & intestate
Left the following heirs

- 1 - Charles E. Bryant.
- 2 - Maria (married James H. Chambliss) ^{died before her father} & left as her only heirs
 - 1 Littleton Chambliss (adult)
 - 2 Alice Chambliss (minor) & married to H. Hartfield -
- 3 - Sophronia (married Edmund Garis & died after her father) leaving as her only heir a son who survived a few days & then died after mother -
- 4 - Nancy (married Joseph R. Moffs & died before her father leaving as her only heir Roberta Moffs.
- 5 - Jonas R. Bryant (adult) -

(Mary V. Bryant - widow of Everett
has had her dower assigned)

Bring suit to sell land for
division -

Chambliss tothers

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Bryant tothers

Decree for sale

To be entered

J. W. M. J. Whortford

Dec. Term 1871

In the County Court of Southampton County
In chancery
December term 1871

Chambliss & others }
Bryant & others } Decree

This Cause was this day heard on the Complainant's Bill, the Answer of Defendants & Replication thereto & the evidence of witnesses taken in open Court & exhibits filed by Counsel: On Consideration whereof it appearing to the Court that the interests of the various parties entitled to the same will be promoted by a sale of the real estate of which Everitt Bryant lately died seized & possessed a division in kind being impracticable: And it further appearing that dower has been assigned to the widow of the said Everitt Bryant: it is hereby ordered & decreed that Jno J. Kindred be & he is hereby appointed a special Commissioner to sell the whole of the real estate in these proceedings mentioned of which the said Everitt Bryant died seized & possessed subject to the said widow's dower on the following terms to wit one half cash & the residue on one & two years credit equal installments taking bonds from the purchaser with good personal security bearing interest from date & retain the title till the whole purchase money is paid -

And unless the said Kindred shall on or before the Third Monday in January next have executed in the Clerk's office of this Court bonds in the penalty of two thousand dollars with sufficient personal security conditioned for the faithful performance of his duties as such Commissioner then Wm W. Briggs Sheriff of this County, shall immediately proceed to sell the said real estate on the said terms. Either one so acting shall report to the Court in order to a final decree
* The Court having appointed Wm W. Briggs guardian ad litem to the infant defendants &

Claudia's qu

as 3 Decem

Pryant in

Feb Jan 1875

to be entered

Geo. B. B. B.

Dismissed

Clance's gar-
as 3 Decem
Bryant vs

This day this cause came
on again to be heard on the paper
formally read and on motion of the
plaintiff his bill is dismissed.

Ch^s E. Bryant's

Receipt

To

Hundred Com^m

(6)

Received of Jno I. Kindred Commissioner
appointed by a Decree of the County Court of
Southampton County in the Suit of Chambliss
v. others or Bryant v. others at the December term
AD 1871, to sell the real estate of which Everitt
Bryant died seized the sum of Two hundred and
forty three dollars & sixty seven cents (\$243.67)
in full for my portion of the net proceeds
resulting from the sale of the real estate of which
my father, Everitt Bryant died seized & possessed;
which was sold by virtue of a Decree of the County
Court of Southampton County, in the Suit of
"Chambliss v. others or Bryant v. others".

Witness my hand this day of February
AD 1872. Charles E Bryant

Witness
Wm Beaton

Chambers & others
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Bogant & others



Southampton County Court, December Term 1871.

Chambliss and others
against

Bayant and others

Plaintiffs

Defendants

Subsiding

This Cause was this day heard on the Complaints and the answer of the Defendants and replications thereto and the evidence of witnesses taken in Open Court and exhibits filed and was argued by Counsel. The Court considered the Court having appointed W. H. Briggs Guardian and tutor to the Infant Defendants, it appearing to the Court that the interest of the various parties entitled to the same will be promoted by a sale of the real Estate of which Ervitt Bayant lately died Seignior and possessor, a division in kind being impracticable; and it further appearing that a sum has been assigned to the widow of the said Ervitt Bayant, it is hereby ordered and decreed that Geo. J. Kindred, he and he is hereby appointed a Special Commissioner to sell the whole of the real Estate in these proceedings mentioned, of which the said Ervitt Bayant died Seignior and possessor, Subject to the said widow's dower, in the following terms, to wit; One half Cash, and the residue in two and two years Credit, equal installments, taking bonds from the purchasers with good personal security bearing interest from date, and retain the title till the whole purchase money is paid - And oblige the said Kindred shall on or before the third Monday in January next have executed in the Clerk's Office of this Court Bond in the penalty of Two Thousand Dollars, with sufficient personal security Conditioned for the faithful performance of his duties as such Commissioner, then W. H. Briggs Sheriff of this County, shall immediately proceed to sell the said real Estate in the said terms - Either on so acting shall report to the Court in order to a final decree -

Atty

Geo.

James Tyler, Jr.

Received of John J. Kindred Commissioner
appointed by a Decree of the County Court of Southamp-
ton County, in the suit of "Chambliss & others vs
Bryant & others", rendered at the December Term
AD 1871, to sell the real estate of which Everitt
Bryant died seized, the sum of One hundred and
twenty one dollars & eighty three cents, in full
for my portion of the net proceeds resulting
from the sale of the said real estate.

Witness my hand this day of February
AD 1872. E. W. Garrison

Witness
Wm. M. Beaton

Roberta Moss's
Guardian

Receipt
to
Kindred Com^r
(B)

Received of Jno I. Kindred Commis-
sioner appointed by a Decree of the County Court of
Southampton county in the suit of "Chambliss Tothers
vs Bryant Tothers" rendered at the December term
AD 1871, to sell the real estate of which Everitt
Bryant died seized, the sum of Two hundred and
forty three dollars & sixty seven cents (\$243.67) in
full for the portion due to my ward, Roberta Moss,
of the net proceeds resulting from the sale of the said
real estate.

Witness my hand this day of Febru-
ary AD 1872.

Witness
Charles E Bryant

Wm M Beaton Guardian
for Roberta Moss,

L. E. Chambliss
*

Mary A. Hartford
Receipt

(A)

Received of Jonas R. Bryant
the sum of Two hundred and forty three dol-
lars and sixty seven cents (\$243.67 cents)
in full for my portion and the portion of
my sister Mary Alice Hartsfield & her hus-
band Henry M. Hartsfield of the net pro-
ceeds of the sale of all the real estate of
which Everett Bryant my grand-father
died seized & possessed sold for a divis-
ion by a Decree of the County Court of
Southampton County, "Chambliss & Others
vs Bryant & others".— I, the undersigned,
being authorized by a Power of Attorney
duly executed & hereto annexed, to sign re-
ceipt for and receive the amount due to
my said sister & her said husband the said
Henry M. Hartsfield. Power of Atty marked W.
Witness my hand this 9th day of February
A.D. 1872.

Witness

Geo I. Knudsen

L. C. Chambliss for himself
and as attorney for Mary
& A. and Henry M. Hartsfield

The undersigned receipted to Jonas R
Bryant (purchaser) for the above amount

Geo I. Knudsen
Com^r

Chambliss v. al

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Mynant v. al

Court Report

February term '75

To the Hon. Geo. Blow. Judge of the Circuit
Court of Southampton County,

The undersigned special Commissioner appointed to sell the real estate in the proceedings mentioned in the suit of Lechambliss & others vs Bryant & others, respectfully reports, that the cash balance mentioned in his report of March 21. 1872, to the County Court of this County has been fully paid over to the parties entitled thereto as will be shown by his receipts herewith filed, marked (A) (B) (C) & (D)

That the Commissioner has executed a Deed to the purchaser, ^{Jonas A Bryant} for the Real Estate in the proceedings mentioned in accordance with a former decree ^{Court at the March term 1872} herein entered ^{in the County}, all of which is respectfully submitted.

Geo. J. Kindred
Special Commissioner
~~~~~

and that his acts as such are entitled to  
full faith and Credit

Given under my hand and  
the seal of the Circuit Court  
of Jackson County State of  
Florida this the 16<sup>th</sup> day of  
November A.D. 1871

J. W. Davis

Clerk Circuit Court  
of Jackson County

Mary A. Hartfield  
His Wife

Power of Attorney

(W)

Receipts -

State of Florida } Know all men by these presents  
County of Jackson } that we Henry M. Hartshill  
and Mary A. Hartshill of the County and State aforesaid  
do hereby nominate constitute and appoint Littleton E.  
Chambliss of the County & State aforesaid our true and  
lawful Attorney in fact to proceed to the State of Virginia  
& to demand ask for and receive from the Executors or  
Administrators or agents or Attorneys or the agents  
or attorney of said Executors or administrators or other  
lawfully constituted authorities of the Estate of Everett  
Bryant deceased late of State of Virginia Southampton  
County any and all moneys or dues belonging to the  
said Mary A. Hartshill, wife of the said Henry M.  
Hartshill, who as heir, legatee, devisee or otherwise,  
shall be entitled to the same, from the said Estate of  
Everett Bryant, the said Mary A. Hartshill  
formerly Mary A. Chambliss daughter of James H  
& Maria — Chambliss. To do any and all acts in  
the premises that to our said Attorney shall seem  
right and proper & to execute & deliver in our names  
& stead any all written instruments or begin and pro-  
secute any and all legal proceedings that to our said  
attorney may seem lawful & proper. ~~Everett~~

We do further authorize and empower our said attor-  
ney to receive & take possession of and to sell and convey  
and to make and execute to said Executors admin-  
- a proper receipt or other instrument for the same and to make  
introtors &c aforesaid, a deed of conveyance to any and  
all land or lands or other real estate lying in said

County of Southampton State of Virginia or elsewhere  
in said State giving granting and conveying to  
any such purchaser thereof a full and perfect  
title in fee of all the right title and interest of the  
said Mary A. Hartfield or any person or persons  
whatsoever claiming by through or under her or the  
said Henry M. Hartfield.

That we do hereby authorize and empower our said  
Attorney Littleton E. Chambliss to do and perform for  
us and in our names and stead any and all such  
acts as may be necessary and proper touching the matters  
herein set forth according to the true intent and  
meaning thereof, to enforce a prompt compliance  
by any all persons interested; to exact and demand  
the rights of the said Mary A. Hartfield under the  
laws of the State of Virginia in such cases made  
and provided; to recover and collect the moneys or  
other dues, legal & equitable, of right belonging to the  
said Mary A. Hartfield and to <sup>take</sup> possession of any  
& all lands or other real estate or other property whatever  
real or personal that of right belongs or shall belong  
to the said Mary A. Hartfield, & to sell all such  
property real and personal & to receive and receipt for  
any and all such moneys or & finally to do any &  
all other acts in the premises required, or the said Attorney  
shall deem lawful & proper as fully & as properly as  
we could do if personally present. hereby ratifying and  
Confirming all that our said Attorney may do or cause

to be done in the premises.

Witness our hands and seals this the  
16<sup>th</sup> day of November A.D. 1871. <sup>Interlined in 27<sup>th</sup> & 46<sup>th</sup> lines before</sup>  
<sup>signing - Enclosed in 23<sup>rd</sup> line before signing</sup>  
Signed Sealed and acknowledged Henry M. Hartsfield Seal  
in the presence of us. { Mary A. Hartsfield Seal }

1 Geo. J. Baltzell  
2 Wm. A. Chombliss

State of Florida } Before me Wm E. Anderson  
County of Jackson } Judge of the County Court of Jackson  
County the same being a court of record personally  
appeared E. H. Chombliss who being duly  
sworn says that he saw Henry M. Hartsfield &  
Mary A. Hartsfield sign the above and foregoing  
Power of Attorney & acknowledged it to be for the  
purposes therein set forth.

In testimony of which  
I set my hand and seal  
of office this the 16<sup>th</sup> day of  
November A.D. 1871 -

Wm E. Anderson,  
County Judge.

State of Florida } J. C. W. Davis Clerk of the  
County of Jackson } Circuit Court in and for  
the County of Jackson State of Florida do certify  
that Wm E. Anderson whose genuine signature  
appears to the foregoing acknowledgment, is Judge  
of the County Court of Jackson County State of Florida

and that his acts as such are entitled to  
full faith and Credit

Given under my hand and  
the seal of the Circuit Court  
of Jackson County State of  
Florida this the 16<sup>th</sup> day of  
November A.D. 1871

J. W. Davis

Clerk Circuit Court

of Jackson County

Mary A. Hartfield  
Husband

Power of Attorney

(W.)

Receipts-

Southampton County In the Clerks Office January 15 1872.

This bond was acknowledged by the obligors thereto of Wm. B. Kendrick the  
Security made oath that his estate, after the payment of all his just debts and all  
exemptions by law, is worth the sum of two thousand dollars the penalty of said  
bond. Given under my hand as Deputy Clerk of said Court this 15 day  
of January 1872.

James R. Tyler, D.C.

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Chambliss J<sup>r</sup>  
v } Com bond

Bryant J<sup>r</sup>

**KNOW ALL MEN BY THESE PRESENTS,** That we

*John I Kindred & Ben B. Kindred*

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of two thousand dollars, good and lawful 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 15 day of January A. D. 1872.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that <sup>whereas</sup> ~~if~~ the above bound *John I Kindred* by a decree of the County Court of Southampton County rendered at the December Term 1871 in a suit in chancery therein pending between *Lillemont Channell's* & others plaintiffs and *Mary V. Bryant* & others Defendants. the above bound *John I Kindred* was appointed a Special Commissioner to make sale of certain real estate in the proceedings in said suit described now therefore of the said *John I Kindred*

<sup>under said decree</sup> shall faithfully discharge the duties of his said office or trust according to law, then the above obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and delivered  
in presence of ~~the Court~~ }

*John I Kindred* [SEAL.]

*Ben B. Kindred* [SEAL.]

\_\_\_\_\_ [SEAL.]

\_\_\_\_\_ [SEAL.]

Chaunibless & others

83

Prigent & others

Conis's Report

1872 March 21<sup>st</sup>

Report of Com<sup>rs</sup>

Prigent & others

at 3

Chaunibless & others

1276.86  
136.50  
1417.30

To the County Court of Southampton  
County.

The undersigned a Commissioner appointed by a Decree of the said Court rendered at the December Term thereof A.D. 1871, to sell the Real Estate of which Everett Bryant and Seized and possessed, begs leave to submit the following as his report.

That on the first day of February A.D. 1872. in compliance with the directions of said Decree he sold the said Real Estate at Public Auction, and Jonas R. Bryant became the purchaser for the sum of

|                             |         |                       |
|-----------------------------|---------|-----------------------|
| Expenses of sale            |         | \$1200. <sup>00</sup> |
| Commissioner's              | \$33.00 |                       |
| Attorney's Fees & Decrees,  | 50.00   |                       |
| Clerk's Fees                | 10.00   |                       |
| Crier " P. Carson,          | 2.50    |                       |
| U. S. & State Taxes         | 3.00    |                       |
| Commissioner's Fee for Deed | 5.00    | 103.50                |
| Nett Balance                |         | \$1096.50             |

The Commissioner further reports that the said purchaser has paid to him, ~~the said Commissioner~~ the whole amount of the purchase money which he is desirous of paying over to the parties entitled thereto.

Respectfully Submitted

Geo I. Kendrick  
Special Commissioner

And the said Knudsen Commissioner as aforesaid, is directed to execute to Jonas R. Bryant the said Purchaser, a Deed, with special warranty, granting and conveying to him the real estate in the proceedings mentioned — And report to Court in order to a final decree.

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Chambers's docters

vs  
MM  
Decree

Bryant docters

March 1872

To be entered.

Chambliss sother  
vs  $\frac{2}{3}$  Deane  
Bryant sother.

This cause was this day  
heard on the papers formerly  
read, together with the report of  
Commisr Kindred, this day filed, by  
leave of the Court, to which report  
no exceptions have been filed, and  
was argued by Counsel. On considera-  
tion whereof, the Court, confirming  
said report, doth adjudge order and  
decree that the said Kindred, Commisr  
as aforesaid, pay over the nett proceeds  
in his hands, shown to be due by the  
said report, as follows. One share or two  
ninths ( $\frac{2}{9}$ ) to Charles E. Bryant, one share  
or two ninths to Silletton Chambliss and  
w<sup>id</sup> N. Hartwig & wife  
~~Alice Chambliss in equal portions, the~~  
~~said, last two named, being the only~~  
<sup>Silletton and Alice</sup>  
heirs of Maria C. Chambliss; one share  
or two ninths to Roberta Moss or her guardian  
one share or two ninths to Jonas R. Bryant  
and one half share or the remaining ninth  
in fee simple to Exum Garrison, in lieu of  
his interest in one whole share as tenant  
by the Curtesy, descended to his deceased  
wife - Sophronia. ~~the Court being of opinion~~  
~~that the said Garrison is qualified to take the~~  
~~same in fee simple in open court. Considered~~  
~~the age and hegeth of the said Garrison that a~~  
~~half share in fee simple is a just equivalent~~  
to the said tenant by the Curtesy &c.

Chambliss & others

vs

Bryant & others

Decease

February term '75

To be entered

Geo. B. Bond

Chambliss v. Jockers  
vs. ~~3~~  
Bryant Jockers

This Cause was again heard  
this day, on the papers formerly read & the Report  
of Commissioner Kindred this day filed, by leave  
of Court; and the Court Confirming said  
Report doth hereby adjudge, order & decree  
that the rights acquired by the said Jonas  
R. Bryant under the deed executed to  
him by the said Commissioner Kindred,  
be firm and stable -

And there appearing nothing further  
necessary to be done in the said the  
same is dismissed from the docket.