

Probate, NC, Northampton, Whitfield Bryant, 1842

WHITFIELD BRYANT 1842

Probate, NC, Northampton, Whitfield Bryant, 1842

State of North Carolina

To the sheriff of Northampton County, greeting:

You are hereby commanded to summons **HENRY SPIVEY** administrator of **WHITFIELD BRYANT** deceased, if to be found in your county, and him safely keep, so that you can have him before the justices of our court of pleas and quarter sessions; to be held for the county of Northampton, at the courthouse in Jackson, on the first Monday in December next, then in there to answer **MATTHEW BRYANT** of a plea of trespass on the case to his damaged \$500. You're in fail not and have you then and there this writ.

Witness **THOMAS HUGHES** Clerk of our said Court first Monday of September 1842 and in the 67th year of our independence.

Issue the first day of November 1842

THOMAS HUGHES Clerk

We bind ourselves and our heirs to pay the defendant in this writ all such costs and damages as he may sustain by reason of this suit not being prosecuted with effect according to Act of Assembly.

JOHN RANDOLPH

Probate, NC, Northampton, Whitfield Bryant, 1842

MATTHEW BRYANT

VS Writ Case

HENRY SPIVEY administrator

To December term 1842

Executed **ETHELDRED PEEBLES**, Sheriff

RANDOLPH

Probate, NC, Northampton, Whitfield Bryant, 1842

State of North Carolina
Northampton County

County Court
December term 1842

To the justices of the court before said

The petition of **SARAH BRYANT** shows to your worships that sometime during the present year **WHITFIELD BRYANT** her late husband died intestate without having any manner provided for her support or maintenance.

Your petitioner further shows onto your worships that at the last term of your worshipful Court Administration upon the estate of the said **WHITFIELD BRYANT** was granted to **HENRY SPIVEY**.

Your petitioner is advised that she is entitled to have one years support allotted to her out of the crop and stock and etc., if on hand, and if not then an equivalent out of the personal estate of the said deceased, and therefore prays that your worships to appoint commissioners to make her an allotment for the same and then report their proceedings to the next term of this court.

And your petitioner as in duty-bound will ever pray.

JOHN RANDOLPH solicitor

Probate, NC, Northampton, Whitfield Bryant, 1842

SARAH BRYANT

To let Provisions
The court

issued

MARCUS W. SMALLWOOD

BLAKE BRYAN

SAMUEL STORY

JOEL CONNER

RANDOLPH

Probate, NC, Northampton, Whitfield Bryant, 1842

State of North Carolina
Northampton County

County court
December term 1842

To the worshipful the justices of the court of four said.

The petition of **SARAH BRYANT** against **MATTHEW BRYANT, HARRISON BRYANT, PETERSON BRYANT, ALLEN BRYANT, JOHN BRYANT, MARY BRYANT, SARAH BRYANT, JOSEPH BRYANT, SAMUEL BRYANT,** and **ELIHU BRYANT** the 8th last named being infants and of tender age humbly complain and show us onto your worships that her husband **WHITFIELD BRYANT** late of the county of aforesaid departed this life intestate leaving your petitioner his widow and **MATTHEW, HARRISON, JOHN, PETERSON, ALLEN, JOHN, MARY, SARAH, JOSEPH, SAMUEL,** and **ELIHU** his children and heirs at law.

Your petitioner the widow and relic of the said **WHITFIELD BRYANT** further showeth that the said **WHITFIELD BRYANT** died seized and possessed of some four or five hundred acres of land adjoining the lands of the estate of **BRYAN RANDOLPH** and others near Rich Square in the county aforesaid in which your petitioner is entitled to her dower and thirds.

Your petitioner is advised that she is entitled to have one third of the said land allotted to her for her natural Life by way of dower.

Your petitioner therefore prays your worships to cause the sheriff of said County, by your writ to him directed, to summon a lawful jury to go up on the said land and allot to her third share of by way of dower and report the same under their hand and seal and for such other and further relief as the nature of her case may require.

May it please the court to cause copies of this petition to issue to the defendants and that they may fully answer the promises and your petition in a is duty-bound will ever pray.

JONATHAN RANDOLPH solicitor

Probate, NC, Northampton, Whitfield Bryant, 1842

SARAH BRYANT

VS

The Heirs **WHITFIELD BRYANT**

Petition Dower

Issued 2nd July 1843

RANDOLPH

Probate, NC, Northampton, Whitfield Bryant, 1842

State of North Carolina
Northampton County

December court 1842

Ordered by the court that **MARCUS W. SMALLWOOD** justice of the peace **BLAKE BRYANT**, **JOEL CONNER**, **SAMUEL STORY** be appointed Commissioners to set apart and allot to **SARAH BRYANT** one years Provisions for herself and family also one bed & furniture, one wheel and cards if to be found among the estate of her deceased husband **WHITFIELD BRIAN** and report to next term of this court.

THOMAS HUGHES Clerk

Probate, NC, Northampton, Whitfield Bryant, 1842

M. W. SMALLWOOD
BLAKE BRYANT
JOEL CONNERS
SAMUEL STORY

Report
Provisions
Sarah Bryan

March Court 1843

Probate, NC, Northampton, Whitfield Bryant, 1842

Account of Sales

WHITFIELD BRYANT

1842 December 13th

Probate, NC, Northampton, Whitfield Bryant, 1842

Account of sales of the property of WHITFIELD BRYANT, deceased, sold on a credit of six months. December the 13th 1842

**HARRISON BRYANT
MATTHEW BRYANT
PETERSON BRYANT
SARAH BRYANT
JOEL CONNER
W. S. COPELAND
ARTHUR WHITFIELD**

Probate, NC, Northampton, Whitfield Bryant, 1842

Inventory of claims belonging to **WHITFIELD BRYANT** deceased

one due bill **M. W. SMALLWOOD** for \$58.13 instrument from the 12th of March 1838 with two credits amount for the sum of \$6 dated 21st April 1838

one for the sum of \$8 dated the 28th of April 1838 One Note on **ELIJAH FUTRAL** for the sum of \$20 is interest from the 27th of January 1842

One Note is **D. W. HARMON** for the sum of \$2.91 interest from the 11th of February 1839 not good also one account for \$8.29 not good

One Note **M W. J. PLEASURE** for \$2.50 interest from the 10th day of July 1840 doubtful

BENONI PARK receipt for **RICHARD ARTHUR** XXX for \$2 interest from the 28th of August 1841 cost \$0.40

RICHARD UPTON for \$1 12 and 1/2 cents interest from the 28th of August 1841 and cost \$0.40 not good

one due bill **J BEAL** XXX for \$13.63 interest from the 18th of November 1842

Northampton County
District Court 1842

This inventory and account of sales was exhibited in open court and proven by the oath of **HENRY SPIVEY** administrator in order to be qualified and registered.

THOMAS HUGHES Clerk of Court

Probate, NC, Northampton, Whitfield Bryant, 1842

Pursuant to the annexed order we the undersigned Commissioners met at **SARAH BRYANT's**, widow of **WHITFIELD BRYANT**, deceased, and did allot and set apart unto her the said Widow as follows viz:

30 barrels of corn
2500 lb of pork
5 bushels of wheat
20 lb of coffee at 16 2/3 cents per pound
25 lb of sugar at 12 1/2 cents per pound
20 gallon of molasses at \$0.40 per gallon
1000 pounds of fodder
5 bushels of salt at \$0.50 per bushel
25 bushels of potatoes
1 sow and pigs
1 bed and Furniture
1 spinning wheel and cards

Given under our hands this March 4th 1843

M. W. SMALLWOOD Justice of the Peace

JOEL CONNER {seal}
BLAKE BRYAN {seal}
SAMUEL STORY {seal}

Probate, NC, Northampton, Whitfield Bryant, 1842

State of North Carolina
Northampton County

To my lawful officers to execute in return.

You are hereby commanded to arrest the body of **LEWIS BRYANT** and to summons **NANCY ROE** if to be found in your county so that you have them before some justice of the peace for said County on the 10th of June at Rich Square then and there to answer unto **EDMUND JACOBS** administrator of **JOSEPH BRYANT** decease an in an action of debt due by note to the account of one hundred dollars or less.

Given under my hand and seal this 8th day of June 1843.

W. M. SMALLWOOD {seal}

September 28th 1843 levied on the defendants property as follows; his standing crop of corn and fodder to satisfy this execution and cost.

A. R. PARK constable

January 2nd 1844 the title of the goods and chattels being disputed I therefore levy on a certain tract of land adjoining the lands of **HENRY SPIVEY, WHITFIELD BRYANT** heirs and others wherein the defendant holds an interest returnable to our next court of pleas and quarter sessions to be held in Jackson.

A. R. PARK constable

1843 June 10th judgment granted the plaintiff for the sum of \$10.62 interest from 9th May 1840 and cost \$1.

M. W. SMALLWOOD Justice of the Peace.

19th June 1843 execute and seize according to law to satisfy the above judgment and costs.

H. GATLING JP

Execution served according to law. Given under my hand and seal.

M. W. SMALLWOOD
September 8th 1843

January the 1st 1844

Execution served according to law. Given under my hand and seal

J. PEELLE

Probate, NC, Northampton, Whitfield Bryant, 1842

EDMUND JACOBS

**JOSEPH BRYANT &
NANCY ROE**

Executed by **A. R. PARK**, constable

February 29th 1844
The defendant **NANCY ROE**
is notified in
writing according to law.

A. R. PARK constable

order of sale issued

Probate, NC, Northampton, Whitfield Bryant, 1842

State of North Carolina
Northampton County

Miss **NANCY ROE**.

Miss you will take notice that on the second day of January last that I did serve a justices execution on a certain tract of land adjoining lands of **HENRY SPIVEY**, **WHITFIELD BRYANT** heirs and others wherein you hold and interest. At the instant of **EDMOND JACOBS** administrator of **JOSEPH BRYANT** deceased which proceeding will be returned to your next court of pleas and quarter sessions to be held for said County. At the courthouse in the town of Jackson on the first Monday of March next, when and where an order of Court will be applied for to sell the said tract of land February 28th 1844.

A. R. PARK constable

Probate, NC, Northampton, Whitfield Bryant, 1842

State of North Carolina
Northampton County

County Court September term 1844

To the worshipful the justices of the said Court.

The petition of **MATTHEW BRYANT** against **HARRISON BRYANT, PETERSON BRYANT, WILLIE BRYANT, POLLY BRYANT, JOHN BRYANT, SALLY BRYANT, JOSEPH BRYANT, SAMUEL BRYANT,** and **ELIHU BRYANT** the seven last named by infant under the age of 21 and without Guardian humbly complaining show us unto your worships that **WHITFIELD BRYANT** late of the said County sometime during the year 1842 departed this life intestate leaving your petitioners together with the defendants his heirs at law.

Your petitioner showeth unto your worships that the said **WHITFIELD BRYANT** did die seized and possessed of a tract of land lying and being in the said County of Northampton near Rich Square containing some 200 acres and a joining the lands of **JOHN OUTLAND, M. W. SMALLWOOD** and others which your petitioners together with the defendants hold as tenants-in-common.

Your petitioner is advised that he is entitled to have his portion of the said land allotted to him in severalty therefore in consideration of the premises your petitioner prays your worships to appoint commissioners to go upon the premises together with the County Surveyor who shall allot to your petitioner, together with the defendants, their respective portions of the said land to each one in severalty and from under their hands and seals report their proceedings to the next term of this worshipful court. And your petitioner is duty-bound will ever pray.

JOHN RANDOLPH solicitor for petitioner

Commissioners
M. W. SMALLWOOD Justice of the Peace
W. S. COPELAND
JOEL CONNER
JOHN LAMBERSON
BLAKE BRYAN

Probate, NC, Northampton, Whitfield Bryant, 1842

MATTHEW BRYANT

vs

petition to divide land

PETERSON BRYANT and others

filed at September term 1844

25

RANDOLPH

Probate, NC, Northampton, Whitfield Bryant, 1842

The estate of Whitfield Bryant, deceased, in Oct

THOMAS BRAGG
MATTHEW BRYANT
SARAH BRYANT
W. S. COPELAND
WILLIE FENNELL
DAVIS FUTRELL
B. JORDAN
HARRISON LASSITER
ETHELDRED J. PEEBLES
THOMAS B. POWELL
HENRY SAULS
W. M. SMALLWOOD
SAMUEL A. WARREN

Recording act of sales and inventory returning to this accounts

Pursuant to the annexed to order we the undersigned have examined the accounts and vouchers of **HENRY SPIVEY** administrator of **WHITFIELD BRYAN** deceased and find a balance in the hands of the administrators do the estate of \$23.35¼ cents with interest there on from the first day of December 1844.

Given under our hand and seals

EDMUND JACOBS
S. GRANT
NEWIT GRANT

Northampton County

September Court 1844

It is ordered by the court that **EDMUND JACOBS**, **SHADRACK GRANT** and **NEWIT GRANT** be appointed Commissioners to settle the administration account of **HENRY SPIVEY** with the estate of **WHITFIELD BRYANT**.

THOMAS HUGHES Clerk of Court

Probate, NC, Northampton, Whitfield Bryant, 1842

Account Current the estate of

WHITFIELD BRYANT with **H. SPIVEY**, administrator

Probate, NC, Northampton, Whitfield Bryant, 1842

Account Current

of

WHITFIELD BRYANT

to

H. SPIVEY, Administrator

filed

December court 1844

Recorded Page 385

Probate, NC, Northampton, Whitfield Bryant, 1842

Northampton County

December Court 1847

It is ordered by the court that the sheriff of the county summon **M. W. SMALLWOOD** Esquire, **W. S. COPELAND**, **LEMUEL BOWDEN**, **E. E. MAGET** and and **AMOS R. PEELLE** on any or any three of them to be appointed commissioners who after being duly qualified having the County Surveyor with them shall go upon all the lands of which the late **WHITFIELD BRYANT** died, seized and possessed situate in the county of Rich Square the joining the lands of **M. W. SMALLWOOD** and others and divide and lot the same in ten equal parts between The heirs of the said **WHITFIELD** to be held by them in severalty, and if an equal division be impractical as to the value than they shall charge the more valuable dividend with such some or some will make the division equal and make report from under their hand and seals to the next term of this court.

Test **JOHN B. ODOM** Clerk of Court.

Issued 27th of January 1848.

Probate, NC, Northampton, Whitfield Bryant, 1842

MATTHEW BRYANT et al

order for **M. W. SMALLWOOD**
Esquire et al

to divide lands

The court

Issued January 27th

Probate, NC, Northampton, Whitfield Bryant, 1842

State of North Carolina
Northampton County

County Court December term 1847

Do the worshipful the justices of the said Court.

The petition of **MATTHEW, HARRISON, PETERSON, WILLIE, POLLY, JOHN, SALLY, JOSEPH, SAMUEL,** and **ELIHU BRYANT** the five last name being infants under the age of 21 years and without Guardians humbly complaining showeth unto your worships that **WHITFIELD BRYANT** late of the said County sometime during the year 1842 departed this life intestate leaving your petitioners his children and heirs at law.

Your petitioner showeth unto your worships that the said **WHITFIELD BRYANT** died seized in possessed of a tract of land in said County near Rich Square containing some 200 Acres adjoining the lands of **JOHN OUTLAND & M. W. SMALLWOOD** and others which your petitioners hold as tenants-in-common.

Your petitioners are advised that they are entitled to have their portion of the said land allotted to each in severalty therefore in consideration of the premises your petitioners pray your worships to point Commissioners to go up on the premises together with the County surveyor who shall allot to your petitioners their respective shares in severalty and from under their hands report their proceedings to the next term of this worshipful court.

And your petitioners as in duty-bound will ever pray.

JONATHAN RANDOLPH solicitor

Commissioners
M. W. SMALLWOOD Esquire
W. S. COPELAND
LEMUEL BOWDEN
E. E. MAGET
A. R. PEELLE

Probate, NC, Northampton, Whitfield Bryant, 1842

MATTHEW BRYANT, et al
petition to divide lands
The court
December Term 1847

RANDOLPH

Probate, NC, Northampton, Whitfield Bryant, 1842

HENRY SPIVEY

guarantee of bond

SARAH BRYAN

March Court 1852

Probate, NC, Northampton, Whitfield Bryant, 1842

State of North Carolina

Know all men by these presents that we **HENRY SPIVEY**, **EDMUND JACOBS**, and **CORNELIUS LASSITER** are held and firmly bound under the state of North Carolina, in the just and full sum of \$2,000 current money of the said state, to be paid to the said state of North Carolina to which payment well and truly to be made, we bind ourselves and every of us, our and each of our heirs, executives and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated this first day of March A. D., 1852.

Whereas, the above bounden **HENRY SPIVEY** has been this day, by the worshipful Court of Northampton County, appointed Guardian to **SARAH [BRYANT]**, **SAMUEL [BRYANT]** and **ELIHUE BRYANT** orphans of **WHITFIELD BRYANT** deceased. Now the condition of the above obligation as such, that if the said **HENRY SPIVEY** Guardian as aforesaid, shall well and truly discharge his guardianship, by taking care of and improving all the estate belonging to the said orphan; and shall also settle his guardianship accounts with court of the said County, as required by law, and that he will deliver up to the said **SARAH**, **SAMUEL** and **ELIHUE BRYANT** orphans as aforesaid, when they shall attain lawful age, all such a state as there ought of right to be possessed of, or sooner if required, agreeable to the true intent and meaning of the act of the general assembly in such case made and provided, then this obligation to be void, otherwise to remain in full force and virtue.

HENRY SPIVEY
EDMOND JACOBS
CORNELIUS LASSITER

Signed sealed and delivered in the presence of **JOHN B. ODOM**

I hereby certify that **HEROD FAISON**, **WILLIAM M. CROCKER** and **HENRY GATLING** Esquires, justices where upon were upon the bench at the time of granting the above guardianship.

Test **JOHN B. ODOM** Clerk

Probate, NC, Northampton, Whitfield Bryant, 1842

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Transcribed from original documents by Brent R. Brian & Martha M. Brian.

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