

Court, MD, Prince George's, Dement vs BRYAN

FROM:

<http://genforum.genealogy.com/cgi-bin/pageload.cgi?maryland::BRYAN::2906.html>

By Arline Dement March 24 2000

BRYAN, OSBOURN Maryland, 1824 **RICHARD, OLIVER, ELIZABETH**

Posted by: Arline L. Dement

Date: March 24, 2000 at 19:20:44 of 5522

I have this Bill of complaint from the Maryland Archives. I research Dements, and would hope that someone knows more on this **CHARLES F. DEMENT** and wife **ELIZABETH BRYAN** of this family.

Arly Dement

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BILL OF COMPLAINT

From the Maryland Archives (Chancery Court Chancery Papers)
Dement

No. 7314
1-37-4-34

on front cover of copies: 7324 **DEMENT, CHARLES F. & ELIZABETH vs. RICHARD W. OLIVER N. BRYAN vs. WILLIAM BRYAN of RICHARD OSBOURN BRYAN's Estate**

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DEMENT, CHARLES F. & ELIZABETH

vs.

WILLIAM BRYAN of **RICHARD OSBOURN BRYAN'S ESTATE**

The Honorable Theodorick Bland Chancellor of Maryland.

The Bill of Complaint of **CHARLES F. DEMENT** and **ELIZABETH A.** his wife, **RICHARD W. BRYAN** and **OLIVER N. BRYAN** all of Prince George's County in the State of Maryland. Humbly shows that on or about the first day of November in the year Eighteen hundred and Twenty Two a certain **OSBOURN BRYAN** the father of your Complainants, **ELIZABETH A. DEMENT. RICHARD W. BRYAN** and **OLIVER N. BRYAN** departed this life at the County and State aforesaid intestate leaving a widow (to wit **ELEANOR BRYAN** the mother of your aforesaid complainants who is still alive and is now the wife of a certain **H. P. V. CAWOOD** of Charles County) and the following children who are his legal representatives and heirs at - to wit: **ELIZABETH A.**, now the wife of your complainant **CHARLES F. DEMENT. RICHARD W. BRYAN, OLIVER N. BRYAN,** and a certain **MARY E. BRYAN**, who died a minor, on or about the fifteenth day of August in the year eighteen hundred and twenty four, intestate and without issue leaving your complainants above mentioned as the only surviving children and legal representatives of the said **OSBOURN BRYAN.**

That the said **OSBOURN BRYAN** died seized and possessed of a very large and considerable Estate both real and personal, consisting as to the personal Estate of household goods, slaves, stock on his farm, such as horses, cows, oxen, hay, corn, divers articles, implements and utensils of husbandry, ready money, money out at interest on bonds mortgages and other securities debts and chooses in action due to him on open accounts and otherwise and divers other goods and effects to be considerable amount in value, and greatly more than sufficient to satisfy and pay all his just debts and funeral charges and to his real estate consisting of an undivided moiety of half interest in a fishery, lying in the county aforesaid on the Potomac River, of very great value commonly known and called by the name of **BELL MOUNT FISHERY** which the said **OSBOURN BRYAN** had before that time purchased of a certain **WILLIAM H. LYLES**, and also of an unexpired term of four or five years in a lease of a parcel of land lying near or adjacent to said Fishery in the aforesaid State and County and your orators and oratrix further show unto your honor that sometime after the death of the said intestate **OSBOURN BRYAN** certain **WILLIAM BRYAN** of **RICHARD** obtained from the Orphans Court of Prince George's County letters of administration on the personal estate of the said intestate, and was also appointed by the said Orphans Court the Guardian of your orators, **RICHARD W. BRYAN** and **OLIVER N. BRYAN** and of your oratrix **ELIZABETH A. DEMENT** then **ELIZABETH A. BRYAN** all of whom were then minors, and the said **WILLIAM BRYAN** of **RICHARD** as such administrator and Guardian by virtue thereof possessed himself of the entire Estate of the said **OSBOURN BRYAN** both real and personal, and has been in possession of the same since November eighteen hundred and twenty two up to the third day of January eighteen hundred and forty two on which last mentioned day he delivered over to your orators and oratrix a portion of the slaves of their said Father valued by him at that time to the sum of Five Thousand Eight Hundred and Twenty Five Dollars and a small portion of household and kitchen furniture value by him at One Hundred and Twenty Five dollars, but of the said slaves he delivered only four to wit:

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ELIZA, aged 28, NELLY aged 38, REBECCA aged 21, and JENNY aged 28 contained in the inventory returned by said **WILLIAM BRYAN** of RD to the Orphans Court aforesaid and are appraised in said inventory to the sum only of Six Hundred dollars, all the other Slaves aforesaid delivered over (ex??? ????) being the children and increase of the said ELIZA, NELLY, REBECCA and JENNY born since the death of the said intestate and the granting of letters of administration of aforesaid and with which the said **WILLIAM BRYAN** of RD has not charged himself either in any his administrations accounts or in an additional Inventory, and JAMES one of the Negroes so delivered to them being a slave which was left to your orators and oratrix by their grandfather a certain **RICHARD BRYAN** since the death of their said father, and with which said slave the said **WILLIAM BRYAN** of RD has not charged himself in any of his accounts or inventories in the said Orphan Court - Your orators further charge that the said **WILLIAM BRYAN** of RD as administrator and Guardian as aforesaid has been in possession of all of the slaves of their said Fathers Estate since his death which took place in Eighteen hundred and twenty two up to the period aforesaid and has worked them for his own use and benefit, and is both legally and equitably chargeable with a reasonable hire for their services - your orators further charge that one of the Negroes slaves belonging to their said fathers estate and included in the inventory thereof to wit a Negro man named Ned appraised at three hundred dollars run away ??? from the said **WILLIAM BRYAN** of RD as administrator and guardian aforesaid sometime in the year eighteen hundred and twenty eight. and has never since been recovered or heard from, but your orators charge that the said **WILLIAM BRYAN** of RD refused to offer any reason for his accession or to advertise him until tow years after his escape and wholly refund and ----- the take such reasonable and precautionary steps to recover him as any prudent man would have done. By reason when of your orators charge the possession of said slave as the said **WILLIAM BRYAN** of RD and believe and so charge that he might have been recovered and sold, if the said **WILLIAM BRYAN** of RD discharged his duty in the premises. Your orators and oratrix further charge that the said **WILLIAM BRYAN** of RD. as the guardian of your complainants took possession of the said Fishery called BELL MOUNT FISHERY, in the spring of the year eighteen hundred and twenty three and has been ever since that time either using the one half thereof or renting out the same to other persons and had recovered large sums of money for the rent of said Fishery which said rents belong to your orators and oratrix and which has never been paid over or in any manner accounted for by their said guardian **WILLIAM BRYAN** of RD your orators have been informed and believe and therefore charge that the said Moiety or half of said Fishery did actually rent for the years. 1823, 1824, 1825, 1826, 1827, 1828, 1828, 1830, 1831, 1832, 1833, 1834 for the sum of Three Hundred and Twenty five dollars in cash besides the privilege of being furnished therefrom with fish and salt for the family of said **WILLIAM BRYAN** of RD each year worth at least fifty dollars per annum more that for the years 1835, 1836, 1837, 1838 the said one half or moiety of said Fishery rented for the sum of three Hundred Dollars per annum and fish and salt as before per annum. and for the years 1839, 1940, , 1841, 1842, 1843, 1844 the said moiety or half of said Fishery rented for the sum five hundred dollars per annum and thirty five thousand herrings and one hundred an fifty share worth seventy five dollars more per annum all of which said sums of money for and on account of the said moiety of the Fishery aforesaid have been received or ought to have been received by the said **WILLIAM BRYAN** of RD and which he has never accounted for or paid over to your

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orators or oratrix either of them, and the same are still due to your complainants with legal interest on each of said sums from the end of each year that they became payable respectively.

Your orators and oratrix further charge that the said **WILLIAM BRYAN** of RD as administrator and guardian aforesaid possessed himself of the aforesaid unexpired lease of the land which had been made by the said **OSBOURN BRYAN** in his lifetime and held occupied and enjoyed the same until the full term there of had ended to wit some four or five years and whist he so occupied it made large crops thereon of wheat, Tobacco, Rye, Corn, and other agricultural products which he sold, and which he has also wholly further to refund and failed to pay over or account for to your orators or oratrix or to either of them and your orators and oratrix charge that the said **WILLIAM BRYAN** of Richard sold crops and produce the growth and product of said leased land to the value of five thousand dollars which he still with holds from your complainants. And your orators and oratrix further charge that there was belonging to the estate of their father aforesaid at the time of his death a Negro man named **BENJAMIN** age 17 years and who was appraised at the sum of three hundred dollars, and that the said **WILLIAM BRYAN** of RD sold the said Negro man in the year 1828 or thereabouts for a much larger sum then his appraised value to wit for the sum of five hundred dollars and received the cash for him which said sum the said **WILLIAM BRYAN** has also refused to pay over to your complainants or either of them but still owes the same with interest as aforesaid, still refuses to account for the same to either of your complainants. And your orators and oratrix further charge that there were two other Negro men one named **JIM** or **JAMES** who belonged to your orators and oratrix which were left them as a legacy or given to them by their grandfather the late **RICHARD BRYAN** of said County deceased both of which said Negroes were taken possession of by the said **WILLIAM BRYAN** of RD as administrator and guardian of aforesaid and worked by him together with all the other slaves belonging to the said estate of **OSBOURN BRYAN** for his own use and benefit, up to the time of his death which took place in 1835 and James up to the 3rd of January 1842 when he was delivered over by the said **WILLIAM BRYAN** of RD to your complainants with the aforesaid Negroes, **ELIZA**, **NELLY**, **REBECCA** and **JENNY** and their increase is herein before stated. Your complainants charge that the said **WILLIAM BRYAN** of **RICHARD** is answerable for the hire of said Negroes for up to the time of his death and for James up to 3 July 1842 and for the hire of all the other Negroes up to the said 3 July 1842 and your orators charge that the sum of five thousand dollars is not more then a reasonable hire for said Negroes. And your orators and oratrix charge that your orators **RICHARD W. BRYAN** arrived at the full age of twenty one years some time on or about the -- day of October in the year eighteen hundred thirty nine and not sooner or before and that your oratrix **ELIZABETH A. DEMENT** and your orator **OLIVER N. BRYAN** being twins born at one birth arrives at their full age of twenty one years on or about the fourth day of July in the year eighteen hundred and forty one and not sooner or before, and being entitled as aforesaid each to the one third part of their said Fathers personal estate, and of the rents issue, and profits of the real estate to as aforesaid received by the said **WILLIAM BRYAN** of RD administrator and guardian of aforesaid, and to the possession of the real estate itself at their arrival to full age, did on or about the third day of January in the year eighteen hundred and forty two apply in a friendly manner to the said **WILLIAM BRYAN** of RD. for an account of

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the said personal and real estate and that they being wholly ignorant of the condition of the estate or of the extent of their rights they were required and by the said **WILLIAM BRYAN** of RD who is their natural uncle and who at that time had great and overwhelming control and influence over the minds of your complainants **RICHARD. W., OLIVER N.,** and **ELIZABETH A.** who had but a short time before, been his wards and he their guardian to execute the paper writing a copy of which marked (A) is herewith filed and which your complainants pray may be taken as a part of this their Bill of complaint. Your orators and oratrix over that the said paper purporting to be a receipt in full from them to the said **WILLIAM BRYAN** of RD of certain slaves and household and kitchen furniture does not in truth and fact contain one twentieth part of what they were justly entitled to at the time and bears upon its face when contrasted with the inventory of their deceased fathers estate and the accounts of the said administrator and guardian **WILLIAM BRYAN** of RD, flagrant evidence of the perpetration on them of a most gross and violent fraud. Your orators and oratrix charge that Negroes **LETTIA, SALLY, BASIL, EMILY** and **BAPTIST** therein named are the children of **ELIZA**, born since the inventory was taken, and not charged in any of the said **WILLIAM BRYAN** accts. That Negroes **ROSETTA, SOPHY, WILLIAM, CHARLOTTE** and **ELEANOR ANN**, therein named are the children of **NELLY** also born since the inventory aforesaid was taken and are not charged to the said administrator and guardian in any of his accts or proceedings in the Orphans Court. That Negroes **HARRIET** and **ALEX** are the children of **REBECCA** born likewise since the said inventory was made out and returned to the said Court. That **LENA?** is the child of **JENNY** also born as aforesaid and that **JAMES** is one of the slaves left them by then grandfather **RICHARD BRYAN** heretofore mentioned and not included in the said inventory, and that instead of being a receipt in full or for the sum of \$5,950.00 it is legally and properly and should have been a receipt for Negroes **ELIZA, NELLY, REBECCA** and **JENNY** and household and kitchen furniture as so much property contained and valued in the inventory aforesaid to the sum only of Seven hundred and Twenty five dollars. Your orators and oratrix charge that they were imposed on by the said **WILLIAM BRYAN** of RD when they were required to sign said receipt an that the same was urged on them an was executed by them in ignorance of their rights and under circumstances of concealment and su-----ion of the truth and actual misrepresentations on the part of the said **WILLIAM BRYAN** which render it wholly inoperative and void on the ground of fraud except only for as a receipt on account and in part payment of their distributive shares which they admit, that the extent of A, and are willing it may as only Your orators and oratrix file here with administration accounts and guardian accounts paper by the said **WILLIAM BRYAN** of RD with Orphans Court of Prince Georges County marked Exhibit (B). which your orators and oratrix pray may be received and examined by this Honorable Court as your orators and oratrix charge that they are erroneous in several particulars and -- within themselves that the said **WILLIAM BRYAN** of RD has obtained credit in said Court for improper allowances and has omitted to charge himself with sums for which he is properly chargeable. Your orators and oratrix further charge that their mother the said **ELEANOR BRYAN** widow of the said **OSBOURN BRYAN** and who has recently intermarried as aforesaid with a certain **H. P. V. CAWOOD**. Some time in or about the year eighteen hundred and twenty six whilst she was sole and unmarried released all her interest being her third or dower in the estate both real and personal of her said husband **OSBOURN BRYAN** to her three children your complainants so that your orators and oratrix charge expressly that the

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said **ELEANOR** has no interest in the said estate at this time but that her share belongs to them by reason of her relinquishment and release of aforesaid, and your orators which if the said **WILLIAM BRYAN** of RD. would come to a fair and just settlement with your orators he would be found indebted unto your orators and oratrix in a very large amount and well knowing that he now pretends that he had paid your orators and oratrix in full of all their claims and sometimes relies on the execution of the aforesaid Receipt of the third January 1842 and some times pretends that he has large offsets and accounts in for against your orators and oratrix for board, maintenance, education, clothing and so forth, where as your orators and oratrix charge that the has no such offsets or accounts in - because your orators even that they have lived a part from the said **WILLIAM BRYAN** of RD with and in the family of their said mother **ELEANOR BRYAN** and have been maintained, educated but very slightly. And clothed by her and not by the said **WILLIAM BRYAN** of RD ever since the death of their said father. And the said **WILLIAM BRYAN** has even gone as far of late to deny that your orators or oratrix are entitled to the said Fishery or any part there of land since your orators and oratrix have arrived at age has actually refused to surrender them possession of the service or to allow them to receive or partake of any part of the rents thereof all though the same is at this time renting for the sum of thirteen hundred dollars per annum. The said **WILLIAM BRYAN** of RD having purchased of a certain **JAMES SOTHERON** the other moiety of the said Fishery in corn now whom your orators and oratrix, father **OSBOURN BRYAN** in his life time held the same in moieties. By reason whereof and under like false and dishonorable pretenses the said **WILLIAM BRYAN** of RD. refuses to come to a fair settlement or account with your orators and oratrix and still holds possession of their said Fathers Moiety of the Fishery aforesaid and refuses to surrender the same or to pay to your orators and oratrix their share of the sum of money owned as aforesaid from him to them for the rents issued and profits then of or for to hires of Negroes and other monies one an account of the personal estate of their said father as their distributed share thereof. To the end therefore that the said **WILLIAM BRYAN** of RD. who reside in Prince Georges County and State of aforesaid may true and perfect answer make to this bill and every matter and thing therein set forth and charged as fully and particularly as if the same were here again repeated and he there unto specially interrogated and that he may set fort a true and perfect inventory and account of all and singular the personal estate and effects which were of the said **OSBOURN BRYAN** the father of your complainants at the time of his death the increase and heirs of slaves, and all the property of your complainant which came to his hands as administrator and guardian aforesaid of every kind character and description whatsoever and how and in what manner the same and every part thereof has been applied or disposed of and to whom and for and whom what consideration and especially that he may state and discover the consideration of the said receipt dated 3 January 1842 herein before referred to, and who then the same was intended to embrace any portion of the rents of the said Fishery and whether the Negroes therein mentioned are not the increase of the said Negro mothers herein before set forth and in the manner charged, -- --- --- the heirs of the said Negroes are included therein ,and that he may fully account for said heirs, and that the said receipt may be decreed to be null and void for fraud, and that an account may be fully taken under the direction this Honorable Court of the personal estate and effects of the said **OSBOURN BRYAN**, and of the rents issues and profits of this Fishery lease land as aforesaid

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the heirs increase of Negroes and other property and monies belonging to your complainants and that the said **WILLIAM BRYAN** of RD may be cleared to surrender possession forth with to you complainants of the said Fishery, and that your orators and oratrix may have such further and other relief as the nature and justice of their cause may require.

May it please your Honor to grant unto your orators and oratrix the states most gracious writ of subpoena to be directed to the said **WILLIAM BRYAN** of RD. Thereby commanding him at a certain day and under a certain place, therein to be inserted, personally to be and appear in this Court to answer the premises under his corporal oath and to ----- to and abide by such decree therein as to your Honor shall seem agreeable to equity and good conscience, and your orators and oratrix as in duty found will ever pray.

THOMAS F. BOUIE

Solicitor for complainants.

There is a complete Record dated 3 January 1842 Defendants Exhibit No. 10 Filed 5th December, 1844 This is a complete, detailed list of all Negroes and their individual value, (which I am only putting the total here \$5,825.00 this includes household and kitchen furniture.) Received this third day of January 1842 of **WILLIAM BRYAN** of RD. the above slaves, household and kitchen furniture valued as above at five thousand nine hundred and fifty dollars in full of all claims and demands against said **BRYAN**. As Witness our hands and seals.

Witnessed by:

ELIZABETH A. BRYAN

RICHARD N. BRYAN

OLIVER N. BRYAN

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Maryland Sct.

The State of Maryland to **SAMUEL COX** Junior and **GEORGE H. LANHAM**.

GREETING.

This to advice you jointly to appraise the goods chattels and personal Estate of **OSBOURN BRYAN** late of Prince Georges County, deceased, so far as the sums shall come to your sight and knowledge each of you having first taken the oath or affirmation hereto annexed a certificate where of you are to return annexed to an inventory of the said goods, chattels and personal estate by you appraised in dollars and cents. And in the said inventory you are to set down in a column or columns apposite to each article the value thereof.

Witnessed **JOSIA YOUNG** Esqurie Chief Justice of our Orphans Court of Prince Georges county this sixth day of March in the year of our Lord eighteen hundred and twenty three.

Test.

TRUMAN TYLER Reg.

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Prince Georges County Sct.

On this 8th day of march 1823 came before me the undersigned a Justice of the Peace for said County the above mentioned **SAMUEL COX** Junr. & **GEORGE H. LANHAM** and made oath on the Holy Evangelists of Almighty God, that they would well and truly without particularity or prejudice value and appraise the goods, chattels and personal estate of **OSBOURN BRYAN** deceased, so far as the same should come to their sight and knowledge, and would in all respects perform their duty as appraisers to the best of their skill and judgment.

Before **RAPHAEL C. EDELEN**

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Inventory of the personal Estate of **OSBOURN BRYAN** late of Prince Georges county, deceased appraised in dollars and cents by us the subscribers being there to lawfully authorized and sworn this twenty second day of March 1823. (The list is to long to copy) but will put down totals as a see them ... All of the men named and all the amounts were swore to by affidavits (a lot of them) signed by the men below.

PHIL CHEW Reg.

(He swore that copies were verified by the 29th day of March 1844

GEORGE H. LANHAM
JOHN B. EDLEN
WILLIAM H. LYLES
HORATIO DYER
SAMUEL COX, JUNR.

TRUMAN TYLAR REG.

\$2646.37
\$1452.29
\$1072.94
\$3289.77
\$1762.03
\$ 730.34
\$1421.11
\$ 748.41
\$ 162.44

Filed 3 Jan. 1842 Defendants Exhibit #10 filed 5 day of December 1844 List of Negroes and their worth amounting to \$5,950.00 and \$125.00 supposed Household & Kitchen furniture.

Received this fifth day of January 1842 of **WILLIAM BRYAN** of RD. The above named slaves, Household and kitchen furniture valued as above at five thousand nine hundred and fifty dollars in full of all claims and demands against said Bryan As Witnessed our hands and seals.

RICHARD W. BRYAN,
ELIZABETH A. BRYAN
OLIVER N. BRYAN

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We the subscribers further acknowledge and agree that the said **WILLIAM BRYAN** of RD. Shall receive all the money he has paid or may have to pay over and above the credits as Executor, Administrator, Guardian or manages and of the property we have an interest (the money so paid over and above the credits given, rendered under oath) shall be refunded out of the sale of land with a Fishery attached thereto commonly called Bell Mount Fishery and purchased by our father **O. BRYAN** from a certain **WILLIAM W. LYLES**.

Signed by
RICHARD W. BRYAN,
ELIZABETH A. BRYAN,
OLIVER N. BRYAN.

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Maryland
Prince Georges County Sct.

On this third day of January 1842 came before me the subscriber a justice of the peace in and for said county the within names **RICHARD W. BRYAN, ELIZABETH A. BRYAN & OLIVER N. BRYAN** and acknowledge the within instrument of writing to be their act. And deed for the purpose therein mentioned, according to the act of assembly in case made and provided.

Before **GEORGE T. BROWN.**

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