

1814-095

SOUTHAMPTON COUNTY
CHANCERY PAPERS

MYRICK

VS. MYRICK

5/18/14

other surnames: Lundy

To the worshipping Court of Southampton
County in Chancery sitting humbly com-
-plaining Sheweth to your worship
your orator David Myrick: That
in the month of September 1804 your
orator purchased of a certain Edmund
Myrick whom your orator prays
may be made Defendant hereto,
all the interest in remainder of the
S^d Edmund to a certain tract of Land
in this County in which a certain Martha
Myrick now dec^d had a life estate
in which the S^d your orator & four
others all the Children of John Myrick
dec^d were entitled to the estate in fee
simple - That the said Tract contained
two hundred & eighty acres or there-
abouts, & your orator bargained
to give the S^d S^d a negro woman
named Cloie worth about £75
for his portion or interest therein as
aforesaid - your orator avers
that in conformity to the said bar-
-gain he delivered to the S^d the
S^d negro woman in full payment
of the S^d S^d part of the Land afores-
-aid whereby he became entitled
thereto - But now so it is may it please
the Court that the said S^d notwithstanding
the premises has refused & still
refuses to convey to your orator
his

his interest in the said Land altho
 he hath received payment therefor
 & sold the same to your son or as
 of record; all which is contrary
 to Equity, in tender consideration
 whereof & because your son or is
 residing in the premises without
 the interposition of this Court,
 He prays that the said Defendant
 may on his corporal oath be
 compelled fully to answer the
 foregoing allegations, & may be
 also compelled to make to your
 son or a complete & proper convey-
 -ance of all his interest in the
 said Land which was the dower
 Land of said Martha Myrick
 & may I please the Court to grant to
 your son or such other & further relief in
 the premises as may be just & he will be

Tholson for sep

Myrick
 vs
 Myrick & Chy

March 18th 1886
 New York

Myrick
 vs
 Myrick & Chy

Myrick

No 128

Dec 5th

Answer

Myrick bill filed &

June 1806 Answer
filed Repd Seymour
Joshua Cummings
Propositions filed by

Compl

In Myrick's deposition

filed

1814 May continued

The answer of Edmunds Myrick to the bill of complaint
exhibited against him in the worshipful court of Southern
town county ~~to the bill of complaint~~ by David Myrick

This respondent saving and reserving to himself
all and all manner of benefit ^{therefrom} to the errors and imperfections of
the complainants said bill, for answer thereto or to so much
thereof as he is advised it is material for him to make an
answer, he answering saith, That he most positively and
unequivocally denies the facts stated in the complainants
Bill, as then stated by him, he denies that he has made sale of his
interest in his mother's dower lands otherwise than conditionally,
he also denies that the negro Cloie in the aforesaid bill
mentioned was by him received as, or, in, payment of the said
debt due in the said Land, As then the complainant in his Bill
has thus wilfully & grossly misstated facts, with a view of giving
favorable colouring to a complaint entirely without

or, This respondent in justice to himself; feels himself bound
to give to your worship a candid and impartial statement
of all the facts relative to this unpleasant controversy between
his Mother and himself; a conversation some length of time since
occurred between this respondent and the complainant relative
to the complainant purchasing the respondent's Land, in
the course of which the respondent, ~~expressed~~ that if the compl.
would Purchase his low ground tract of Land lying on
Mechanic river in the county of Southampton, and give this
respondent therefor the sum of one thousand Dollars, ~~or~~
~~and to pay it~~ it should be ~~paid~~ ~~to~~ to this respondent

would sell him the complainant, his interest in remainder in
the Lands held by his mother as her dower, the reply to this proposition
on the part of the complainant, was a flat negation there to be
refusing to give the sum demanded, to which reply of the compl^t
This respondent only rejoined that he would not sell his interest
in remainder unless he at the same time sold his land & ground
Tract here at Treaty between the complainant and this respondent
intention to a purchase and sale of Lands ceased, ^{only} ^{and} ^{mean}
when the complainant mentioned to this respondent something further
relative to his interest in remainder in the lands aforesaid, to which
This respondent only observed, that the complainant knew his terms.
With regard to the negro which the complainant has improperly
stated, he gave as the consideration for the Land, This respondent
states, that at the time the complainant was leaving this, for a
neighbouring State, the negro woman Cloe was ^{in the wood,}
a runaway, ^{when} the complainant ^{interviewed} ^{her} called on This respondent and
requested that he would, for the purpose of regaining the said negro
Cloe, publish or Proclaim in the neighbourhood that he had
bought the said negro. This respondent at first refused, alleging
that he apprehended, the complainant intended by these
means in some way to entrap him, but upon being
assured in presence of his sister, by the complainant, that
such was not his intention, and further, that if the negro
should come to this respondent, This respondent might keep
her as long as he pleased, paying for her services, a reason-
able price. ^{he} This respondent ^{did as he was requested by his brother,} ^{as} ^{knows} ^{that} ^{he} ^{has} ^{the}
negro at this time in his possession, where she has been ever
since she came to him in consequence of his pretending

that he had purchased her, and for her services this respondent
acknowledges he is indebted ^{to the compl^t} in a reasonable time, This respondent will
forbear to make any further comment on this controversy, having
traversed the charges and allegations of the bill and denying all
combination fraud &c he prays to be hence dismissed with
his costs in this behalf most wrongfully sustained
without that &c

Day for

Southampton county, Set

Edmunds Myer to this day personally appears
in open court and swears unto, that the foregoing
answer contains the truth and nothing but the truth
Saml Kella

Myrick
vs } Lpa
Myrick } in
Change

10 March Court
1806 —

Executed rd 22 day
January 1806

Rich^d Mabry Dth
for
Robt Mabry Dth

The Commonwealth of Virginia to the Sheriff of Sta
County greeting; You are hereby Comma^{nded} to
Summon Edmunds Myrick

to appear before the Justices of our County Court of Sta^{ndard}
at the Court house of the said County on the third
Monday in ^{March} ~~February~~ next to Answer and in
Chancery exhibited against him by David
Myrick

and that he shall in no wise omit under
the penalty of one hundred pounds; and have
then there this Writ Writ^{ten} Samuel Coe
of our said Court this 21st day of Jan^y
1806 and in the 30th year of the Commonwe^{alth}
-culk
Samuel Coe

Commiscon D130

St. James County Court

The Commonwealth of Virginia to
Lewis Daniel and John J. Follicoff

Gentlemen Justices of the Peace for the County of ~~St. James~~
Halifax, State of North Carolina

Greeting, Know Ye that we trusting to your

Prudent Circumspection in diligently examining
John Myrick a

Witness as well on behalf of David Myrick
as on behalf of Edmund Myrick and

we do give power to you to Call and Cause
the Witness aforesaid to Come before you

When and where you shall appoint &
diligently examine ^{him} on the Holy Evangelist.

Almighty God and his incarnation

so taken that you send to us without delay
inclosed under your hands and seals ~~testimony~~

this writ. Witness I Amkells Clerk of our

said Court at the Court house of the said County

by the 3rd day of March 1806 and in the

3rd Year of the Commonwealth

I Amkells

Virginia
Sampton town

The commonwealth of Virginia to
William Walker Benson Turner Gentlemen
Justices of the peace for the county of Greenville
and State of ^{Virginia} ~~the Carolina~~ Greeting know yet that
we trusting to your provident Circumspection
in diligently examining Joshua Co Lundy

Witness as well on behalf
of David Myrick comptroller as on behalf of Edm-
und Myrick depts and we do give power to you to
call and cause to come before you the witness
afores^d when and where you shall appoint & diligently
examine them on the holy Evangelist of Almighty
God and their examination so taken into our count of
our 1st County of the Souths delay you are to send
enclosed (certified under your hands) as also this
noted Witness Skello clerk of our 1st Court at the
Chauce the 2nd day June 18 06 130 year of the Commonwealth
Sam Kello

Mr. Edmunds Myrick of the County of Worcester
Massachusetts.

Sir, please to take notice that on
Friday 12th day of the present month, September,
between the hours of ten o'clock in the Morning,
and five in the evening of said day, at Joshua
C. Lundy's tavern; in the Town of Haverford,
I shall proceed to take the deposition of said
Joshua C. Lundy, who is a Witness sworn in a
Case now depending in the Chancery side
of the County Court of Southampton, in which
I am Complainant, and you defendant, when
and where you may attend if you think pro-
per.

I remain yours &c

David Myrick

12th Sept 1806 This day James Myrick personally came before
Greenville Va } and made Oath That he left a copy of the Within
notice at the House of Edmunds Myrick of
County of Halifax State North Carolina on Wednesday
3rd Sept Inst

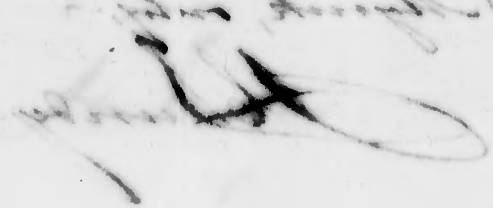
Benson Turner J.B.

for
Benson

Notice

The Department of State has been informed by the Secretary of the Treasury that the sum of \$100,000 has been appropriated for the purchase of land in the State of New York. The land is to be purchased in the State of New York, and the sum of \$100,000 is to be paid for the same. The land is to be purchased in the State of New York, and the sum of \$100,000 is to be paid for the same.

Myrick
205
Myrick
Sep 1806 filed



John Smith
Secretary of the Treasury

The deposition of Joshua C. Lundy taken at the House
of the said Joshua C. Lundy in the town of Hicksville
-ford on Friday the twelfth day of September 1806
between the hours of ten O'clock in the morning and
five in the evening of the same day. (agreeable to a
Commission of the Worshipfull Court of Southampton
to us directed) in a suit now depending ⁱⁿ the said Court
in Chancery wherein David Myrick of ^{County Virginia} Southampton is Compl-
-eant and Edmund Myrick of ^{Hallifax} Northampton County
North Carolina is Defendant This deponent being
first sworn on the Holy Evangelist of almighty God
deposeth and saith that before the death of Mrs
Martha Myrick Mother of the parties Messrs David
and Edmund Myrick came to this deponent's
House and desired him to draw them and Instrument
of writing for the sale of a tract of land which tract of
land belonged to the said Edmund Myrick at the death
of his mother for which the said Edmund Myrick
told this deponent that David Myrick was to give
the sd Edmund Myrick one Negro woman, which
said Negro he the said Edmund Myrick said he
had then in possession. That this deponent desired
them to part it of untill another time, as it was
then late in the Evening, and this deponent rather
fatigued at that time and further this deponent
saith not, present David Myrick, only.

Taken, sworn to & subscribed before
us this day & date above written
at the House of Jos C. Lundy

Benjamin Turner
Wm Walker

Joshua C. Lundy

Myrick
or
Myrick & Decker

Myrick
or
Myrick } dep't

March 1886

deposition filed

State of N. Carolina
 Halifax County }

Pursuant to the annexed Commission to us Directed
 at the House of John Myrick in the County & State
 aforesaid on Thursday the 13th day of March 1806
 both Parties being present We proceeded to take
 the following Deposition of John Myrick being of
 Lawfull Age who having been first Sworn on the Holy
 Evangelist to depose the truth the whole & truth and
 nothing but the truth between the Parties named in
 the Commission Deposith and saith as follows to wit
 that some short time before the Death of my mother
 that in Conversation with Edmunds Myrick
 about the settlement of his fathers Estate that
 he the Deponent Charged the s^d Edmunds with
 making use of the money belonging to the Estate
 in Purchasing a negro Woman by the name
 of Cloc of David Myrick. Edmunds Myrick
 replied that he had Bought the negro & paid for
 her & that he had not made use of the
 money belonging to the Estate; and some time
 after the Death of my Mother being again
 in Conversation with Edmunds Myrick I
 understood from s^d Edmunds that there was
 a Bargain made between him & his Brother
 David respecting his Right to his mothers Dowry
 to Land in Virginia - - -

Ques^t. by the Plaintiff What did you hear the ~~Defendant~~
 Defendant say about the Bargain - - -

An^r. That the Defendant was to give his Right
 to the Dower of Land in Virginia for the

Negro woman Cloe provided David Myrick
about purchase the Dower of Land in N^o Carolina
for him the S^r. Edmunds where he lived
and further this Deponent sayth that he
asked the S^r. Edmunds who was to pay for
the Dower of the Land where he lived he
replied that he the S^r. Edmunds was to
pay the S^r. David for it - -

Q. by the Plaintiff did you understand from
Edmunds Myrick whether there was any
fix^d price to be given for the Dower of
the Land where Edmunds Myrick lived

Ans. no I did not - -

Q. by the Defendant had you given David Myrick
a Bill of sale for the negro Cloe at the time
this Conversation took place -

Ans. no I had not - -

Q. by the Plaintiff had you not Rec^d full
payment for the negro Cloe previous
to the Contract between myself & the
Defendant - -

Ans. I had & had made a Delivery of her
to the S^r. David - -

Q. by the Defendant did not you know
that the negro Cloe was crippled

Ans. no I did not neither do I now know it

Q. by the Plaintiff how long hath this
Defendant been in possession of the
said Cloe - -

Ans. as near as I can recollect about

Eighteen Months past - - -
and further this Deponent saith not
Given under our hands & seals the
day & date above written - - -

John Myrick Seal

Daniel J. Seal
J. H. Seal