

1814-096

SOUTHAMPTON COUNTY
CHANCERY PAPERS

MYRICK'S ADMINISTRATRIX VS. MYRICK'S
EXECUTOR et al

7/1814

Other surnames: Jones, Mason

Attyricks ads 30
Mason } Bill Inf

July 1803 Bill filed

Time to answer

Aug Rule to Answer

Sep Do -

Nov Answer filed

Rule to disprove

March 1804 Do

June Do Sep Do

Nov Do - March 1805

Rule to disprove -

June Do

To the worshipping Court of Southampton County
the Chancery sitting here by commission sheweth
unto ^{your} worships your oratrix Lucy Myrick -

That a certain Howell Jones Executor of dm.
Myrick dec^d - whom your oratrix prays may be made
Defendant here to, some time in the year 1807
instituted an action of Debt in this Court against
your oratrix as adm^r executrix of William
Myrick her dec^d on a bond alleged to have been
executed by the said William on the 28th day of May
1773 for the sum of £13:5:6. ~~at that time~~
~~a last time~~. That before the commencement
of the action aforesaid the said bond was
presented to your oratrix for payment when it
was in a fair hand writing, without blot inter-
- ^{notation} ~~notation~~ or erasure. I bore date that 4th of May
1767. That your oratrix who has ~~been~~ been
prompt in the payment of all just demands
against her said intestate was surprised at an
application for money due forty years ago by
a man of acknowledged punctuality in that
and refused as in duty he was bound & advised to
do to pay the same - your oratrix verily believ-
ing & charges that the said Debt, or a certain Littlebury
Mason adm^r of Howell Myrick dec^d whom your
oratrix prays may be also ^{on some other person} made Debt her to, altered
the said bond by changing the last word of the proper
original date thereof viz "seven," into seventy & then adding
"three," making 1773 instead of 1767 for the purpose of
evading the operation of the presumption in Law
that a bond shall be considered to have been paid
after it has ^{been} of very long standing - That the said bond
was in

the said bond was in the possession of the said Howell
Myrick at the time of his death & the suit was brought
for the benefit of of his said adm^r - That the said
dean Myrick had two other bonds of your oratrix
intestate executed long since the bond aforesaid & delivered
them up to the whole two bonds have been duly discharged
- That it is absurd to say that the interest of this bond
was in Howell Myrick because the intestate of your
oratrix recovered damages in an action against
the said Howell sometime in 1791 wherein if there
had been any such bond unpaid & the property thereof
had been in the said Howell it would no doubt have
been set off against the said damages - Your oratrix
further states that she employed counsel to defend
the suit instituted on the bond aforesaid, who
advised her that from its antiquity & the cir-
cumstances herein set forth there was no possibility
of judgment being obtained against her, & that
he could conduct the defence as well without
her presence - That notwithstanding all this the
D^{ty} at last March term fraudulently did
obtain judgment against your oratrix
as adm^r aforesaid on the said bond altho' he
said counsel a regular practitioner at
this bar was from some cause unknown to your
oratrix absent from this court, - the date of the
bond not being mentioned, nor ^{any} change being made to
the jury by the Court as to the presumption of payment
from length of time - all which is against Equity
& justice - In consideration whereof & because
your oratrix is now entirely remediless at common
Law, & because subjects of this nature are properly
cognizable in Chancery - your oratrix prays that

that the said Judgment or rather the Judgment that
was rendered at court last on a Delivery bond
taken in virtue of an Execution that was issued
on the said first Judgment may be enjoined & all
proceedings thereon prohibited until this affair
can be fairly heard in Equity - & that your
Worship may grant to your oratrix such other
& further relief in the premises as may be just
& applicable - & your oratrix as in duty bound
ever will &c -

Sholson pr^y
Grounds in Court

Thell D

Wm. H. Smith
My dear son
John

The answer of Howell Jones, Administrator of Ann Myrick as to the Petition of Disjunction against him exhibited in the County of Southampton by Lucy Myrick Administrator of Ann Myrick &c. — This deft. answering says —

That altho the suit was, instituted as mentioned in the Compt. Bill, in his name as Exr. as aforesaid — and which was so ordered at the instance of Mr. Silly Mason, who on overhalling the papers of his intestate found the bond in question — This deft. also states that he has no kind of knowledge in regard to the same mentioned in said Bond, nor has he the smallest reason ~~to~~ ^{to} believe that there was any kind of fraud in regard to the same — This deft. denying all fraud combination &c. — says, that the bill aforesaid may be dismissed with his costs &c. —

Supra. Ory. Ser.

This day, Howell Jones, came before me as Magistrate for R. County & made oath that the matters & things in the foregoing answer contained to be best of his belief & knowledge are true.

7 Feb. 1805

R. T. Nicholson

The answer of Littleberry Mason name of Howell Myrick to the bill of complaint exhibited against Howell Jones ^{son of Ann Myrick} ~~son of Howell Jones~~ and himself, in the Worshipful court of Southampton by Lucy Myrick.

This Deft saving to himself all right of excepting to the many errors contained in the said bill, for answer thereto, or to so much thereof as he is advised is material for him to answer, He answers and says, That it is true that he recovered a judgment in the name of Howell Jones ^{son} ~~son of~~ of Ann Myrick against the compt. as admin of William Myrick: But he denies that he attended the bond on which the said judgment was obtained in any respect whatsoever. He adds that upon the death of his intestate Howell Myrick he found the said bond among his papers, and shortly afterwards presented the same to the compt. for payment. That at that time to wit when he first saw the bond, it was exactly (word for word) as it was when the judgment was rendered upon it. This defendant states that he is not at all interested in the said bond, and of course there could have been no inducement for him to have committed the felonious crime of forgery. This defendant also states that Howell Jones is not in any manner interested in the said bond, nor does he believe that he ever saw it. He lastly states that the court ~~would surely be~~ (as he is advised) will not direct a new trial or suffer the impudention to be perpetrated for the disgraceful purpose of enabling the compt. to get rid of a just debt by pleading the law of limitations. He lastly prays to be hence dismissed with his costs in this behalf ex

Littleberry Mason appeared before me and made
oath that the within answer contains the truth
as far as he knows or believes - This 22nd Nov^r 1803

Robt. Haby

Greenville
Mupikes aomr

2 3/4 Spa Reimor

Marons aomr

To July 1814

The commonwealth of Virginia to Jordan Richardson
and Rebecca Marm adm^r with the willamms of Littleberry
Marmors deid
quitting For certain causes moved before our Justices
of our County Court of Southampton in
Chancery to you we command and firmly
injoin, that all other matters and excuses what-
soever set aside, in your proper person you be
before our Justices of our said County Court on the
Third Monday in July next to show good cause
if any you can why a certain bill of *Injunction*
and the proceedings thereupon had against you in our
said court hereafter brought shall not be revived
and the name of Lucy Myrick administratrix of
William Myrick and further to do and receive what our
said court shall in that part consider and this
you shall not omit under the penalty of
£100 and have then this writ with Witness Sam^l
Kello Clerk of our s^d Court at his office the 3^d
Day June 1814 and 38 year of the Commonwealth of Kello