

1837-036

SOUTHAMPTON COUNTY
CHANCERY PAPERS

MYRICK VS. MYRICK et al

10/1837

other surnames: Newsom,
Tillar, Newsome, Newsam,
Tiller, Williams

Myrick

3 Papers

Myrick & Co

1836 Sept. Will filed, Sp^a Ex^r

1 Dec. Amer. Museum - G R H

1837. Jan. O. Pub. & Sol Myrick

Set for hearing as to value

" Apr. Rule for security for costs &c

" Oct. - Now Suit &c.

Dft: Museum, Costs.

Licks \$2.89

Law 16.66

\$19.55

Dain 5.00

for a p^r

Myrick

101

Myrick & others -

Bill

1836 Aug. 17th

Parker & Reilly P. 2

To the honorable Richard H Baker judge of the circuit superior court of law and chancery for the county of Southampton -

Humblly ~~complaining~~ sheweth unto your honor
your orator Augustus Myrick, that on the 12th
day of February 1835, he sold to his brother
Solomon Myrick a tract of land situate lying and
being in the county of Southampton containing
190 acres more or less, which will more
fully ^{appear} by a deed from him to the said
Solomon, bearing date the day and year
aforesaid & recorded in the clerk's office of
the county of Southampton, a copy of which
is duly authenticated. Marked A is filed here
with and prayed to be taken as a part of this
bill - that the said Solomon agreed to give
\$500 for the said tract of land, but executed no
bond, or other security therefor whatever, your
orator confiding in his justice and honor to
pay the amount - that the said Solomon
never paid one cent of the amount, but the
same thing still due and unpaid, sold the
said tract or parcel of land to one George A
Newson, (the said Newson having full
knowledge, that the purchase money was
still due and unpaid,) as will appear by a deed
from the said Solomon to the said G A
Newson bearing date the day of
in the year a copy of which is filed
herewith and prayed to be taken as a part of this
bill marked B, that the said Newson, sold
the said tract of land to one John W Tillor as
will appear by a deed bearing date the day
of which is also filed herewith and

prayed to be taken as in part of this bill marked C.
that the said John W Tiller, as well as the
said George A W Newsum, had also full
and complete knowledge at the time he
purchased the said tract of land, that the pur-
chase money was still due by the said Solomon
Myrick to your orator and that not a cent
thereof had ever been paid - Under these
circumstances your orator is informed, that
he has a just lien upon the said tract or parcel
of land, for the amount of the purchase money
with legal interest thereon, but the said John W
Tiller, still holds possession thereof, and refuses
to deliver the same or to pay the amount due
your orator - He further states that the said
Solomon Myrick has removed from the com-
monwealth of Virginia and is now a resident
of some other of the United States - To the end
therefore that relief may be had touching the
premises, he prays that the said Solomon Myrick
be made defendant ~~herein~~ by order of publication,
and that the said George A W Newsum and
John W Tiller may ~~also~~ be made defendants ^{parties} with
all and proper words to charge them & that they
may all be compelled to answer the premises
upon their oaths - that the commonwealth and
of course may issue &c. and that unless the
said Solomon Myrick, or one of the other de-
fendants shall pay and satisfy your orator the
amount ~~of the~~ same with interest &c, that your
honor will direct a sale of the said tract of land
and premises for the purpose of satisfying the same
and grant such and further general relief touching
the premises, as to your honor may seem con-
sistent with the rules of equity and good conscience
and your orator will ever pray &c

Myrick

or E. Ans. of R. L. S. S. S. S.

S. S. S. S.

Nov 29 14 1836

Southampton County do mit.

This day George A. W. Musson personally ap-
= peared before me N. Ch. Selwell a
justice of the peace for the County aforesaid, and
made oath to the truth of the facts set forth in the
foregoing answer in Chancery. Given under my
hand and seal at my County aforesaid this

29 day of November 1836.

N. Ch. Selwell

(J. B.)

To the Hon^{ble}. Richard H. Baker Judge of the Circuit
Superior Court of Law and Chancery holden for the
County of Southampton:

The separate answer of George
A. M. Newson to a bill of complaint exhibited against
him and others by Augustus Myrick. to this Court.

This Respondent saving to himself all benefit of
best exception to the errors and imperfections in the
said Bill, for answer to its material allegations says:
that he admits that he purchased of Solomon Myrick
~~a parcel of land situate in the County aforesaid, and~~
that a portion of it was land which the plaintiff
had sold to the said Solomon - he admits that he
knew before making the purchase, that Solomon
had so purchased of the said Augustus - But
your Respondent utterly denies that he knew or
had reason to believe that the purchase money was
unpaid. On the contrary, he avers, that after con-
tracting with the said Solomon, your Respondent
withheld the purchase money until he was satisfied
on that point - ~~that~~ on examination he found there

was no deed from Augustus recorded, that of Respondent went to him, & informed him that he had purchased of Solomon, but would not pay him until he obtained a deed from him (Augustus) - that the said Augustus said he was ready and willing to make the said Solomon a deed, actually went to the Clerk's Office executed and acknowledged the deed, and never asserted any claim against the said Solomon, or interposed any objection to your Respondent's paying him the entire consideration money, which he accordingly paid to him.

Your Respondent independently of these circumstances which he is advised are sufficient to protect him in this honorable Court, expects to be able to prove that the said Solomon fully paid to the plaintiff the purchase money of his said land.

Your Respondent exhibits as parts of this bill, the said Solomon's deed & receipt to him, and the deed from the said Augustus, and asks the attention of your Honor, to the ^{time & place} ~~fact~~ that they were admitted to record on the 1st having answered he prays to be hence dismissed do.

J. J. Mason Atty. for Defd.

Geo. A. H. Newson

Myrick

or } Dr. Paul:

Myrick &

Virginia: At Rules holden in the Clerk's Office of the Circuit Superior Court of
Law and Chancery for the County of Southampton on the first Monday in
January 1837.

Augustus Myrick
against

Plff: } In Chancery
Dfts: }

Solomon Myrick. George A W Newsom and John W Tiller

The defendant Solomon Myrick not having entered his appearance and
given security according to the Act of Assembly and the rules of this Court and it
appearing by satisfactory evidence that he is not an inhabitant of this County, it
is ordered that the said Defendant do appear here on the first day of the next
April Term and answer the bill of the plaintiff, and that a copy of this order
be forthwith inserted in some newspaper published in the Town of Petersburg for
two months successively and posted at the front door of the Courthouse of
this County.

Attest Teste L R Edwards Ck

Myrick

as 3 Sp. in (ch)

Myrick & P

1836 August Rules.

Executed on Geo & W. W. W.
son by delivering a true
copy of July 25/1836

John W. W. W. W. W. W.

Solomon Myrick & Co

on the 25th

of the 25th of July

of the 25th of July

1793

26

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Thomas Myrick George A W Newsum*
and John W Teller —————

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *August* next, to answer a Bill in Chancery exhibited against *them* in the said Court by

Augustus Myrick —————

And unless *they* shall answer the said Bill within four months thereafter, the Court will take the same for confessed, and decree accordingly. And this *they* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *19th* day of *July* 183*6*, in the *61st* year of the Commonwealth.

L R Edwards

[One Copy to be delivered each Defendant.]

Myrick

" { Sp. in lch

Myrick &

1836 September Rules.

Executed by cultivating
a true copy of the

31/1836

dise Drawing and
Benj. Griffin siff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon

John W. Toller

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *September* next, to answer a Bill in Chancery exhibited against *them* in the said Court by *Augustus*

Myrick

And unless *he* shall answer the said Bill within four months thereafter, the Court will take the same for confessed, and decree accordingly. And this *he* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *8th* day of *August* 183*6*, in the *61st* year of the Commonwealth.

L. R. Edwards

[One Copy to be delivered each Defendant.]

1836 Dec. 19. Joshua Gifford appeared
to make oath that he had executed the
within notice given under my hand
this 15th Decr. 1836

Geo. H. Barham

Witness &c

3/10/36

Myself

ff

Mr Augustus Myrick You will please to take notice that
on the 19th day of Dec^r at the Town of J. H. &
N. M. Schell in Jerusalem, between the hours of nine
o'clock A.M. and four P.M. I shall proceed to
take the deposition of Mrs Williams father
to be read in evidence in a suit now
depending in a circuit superior court of
law and chancery for the county of
S^campton in which you are pl^tf and
myself and others de^fs. G. W. Newson

Do on 9th 1856

5th

Myrick

v. 3 Laps

Kussner &

Dec 19, 1836

Myrick v. Kussner & Co.

Handed in by Geo. A. H. H. H.
a Justice of the Peace Dec. 19th
1836. L.R.C.

Soton. County to wit.

This day John Williams personally appeared before me & after having been duly sworn to depose to the truth, the whole truth, and nothing but the truth in a Chancery suit to be read in a chancery suit now pending in the Circuit Supr. Court of Saw & Chocoma between Augustus Myrick plaintiff & George Newsum & others defendants did depose to the following facts -

John Williams (sworn)

Sw. by the Deft. - (Geo H. Newsum
did say he saw Augustus Myrick say
that he had paid the money for the
land sold to Sol. Myrick. That the land
the sd. S. Myrick sold to Geo H. Newsum
afterwards x

answer, by J. Williams

He told me he had. (Sol. Myrick)
paid me for the land. This was the
language of Augustus Myrick
to me. - This conversation took
place at the house of Mr Jno Tillar
in the fall season of the year of 1838 -
sworn to & subscribed before me
this 19th day of Decr. 1838

sworn to & subscribed John Williams (seal)
before me

Geo. J. Barham JP.

Myrick }
to Myrick } copy Deed.

(A)

Myrick
n { Ex: with bill.

Myrick &c

For Col. Parker

This Indenture made this 12th day of Feby. 1835 between Augustus B. Myrick of the County of Southampton of the one part and Solomon Myrick of the County of Southampton of the other part Witnesseth that the said Augustus B. Myrick for and in consideration of the sum of Five hundred dollars to him in hand paid by the said Solomon Myrick, the receipt whereof is hereby acknowledged & confessed hath given granted bargained & sold and by these presents doth grant bargain sell and confirm unto the said Solomon Myrick one certain tract or parcel of land containing one hundred and ninety-seven acres be the same more or less, lying and being in the County aforesaid and bounded on the east by the lands of Geo. W. Newsom in interest of Joshua W. Myrick, on the West by the lands of Eliza Myrick, on the south by the lands of Charlotte Applewhite and on the north by the lands of Edwin Teltoway decd. To have and to hold possess and enjoy the said tract or parcel of Land and premises with the appurtenances unto the said Solomon Myrick his heirs and assigns, to the only proper use and behoof of him the said Solomon Myrick his heirs and assigns forever: and the said Augustus B. Myrick for himself his heirs, the aforesaid tract or parcel of Land and premises to the said Solomon Myrick his heirs and assigns against himself his heirs and against all persons whatsoever, shall and will warrant and by these presents forever defend. In Witness whereof the said Augustus B. Myrick has hereunto set his hand and affixed his seal the day and year above written.

signed, sealed and delivered in the
presence of

Jesse Woodard
John L. Barham
P. D. Beckman

Augustus B. Myrick 

Southampton County. In the Clerk's office the 20th April 1835.

This Indenture was acknowledged by Augustus B. Myrick a party thereto and admitted to record. And at a Court held for the County aforesaid the 18th day of May 1835, the said Indenture was entered upon the proceedings of the day.

Teste, James Rockelle Clk.

Atty. Teste L. R. Edwards Clk.

(B)

Myrick

" } Ext. with bell.

Myrick &

This Indenture made and entered into this day of February 1835-
Between Solomon Myrick of the County of Southampton and State of Virginia of the
one part and George A W. Newsum of the County of Greenville and State of Virginia
aforesaid of the other part. Witnesseth, that the said Solomon Myrick for and in
consideration of the sum of Five hundred dollars to him in hand paid by the said
George A W. Newsum, the receipt whereof the said Myrick doth hereby acknowledge,
hath granted, bargained and sold and do by these presents grant, bargain sell
unto the said George A W. Newsum a certain piece or parcel of Land lying being
in the County of Southampton, it being the portion which Augustus Myrick drew
in the division of his father John Myrick land containing by late Survey
197 $\frac{3}{4}$ acres, contained in Lot N. 2 in the plot of said land, reference to the
Com^s report who divided it, the boundaries &c. will fully appear, and which
said 197 $\frac{3}{4}$ acres of land the said Solomon Myrick became possessed of by deed
from S^r Augustus Myrick, which deed is duly recorded in the Clerk's Office of the
County Court of Southampton. To have and to hold the said tract or parcel
of Land to him the said George A W. Newsum his heirs and assigns forever,
and the said Solomon Myrick for himself his heirs Exors &c. doth hereby cove-
nant to and with the said Geo: A W. Newsum, to warrant & defend the right
and title of the land above mentioned to him the said George A W. Newsum his
heirs and assigns forever against the claim or claims of all and every person
whatsoever. In Witness whereof the said Solomon Myrick hath hereunto set
his hand & seal the day & year first above written -

Signed, Sealed & att^d.
in presence of. 3

Sol. Myrick (Seal)

Southampton County. In the Clerk's Office the 16th day of February 1835-

This Indenture was acknowledged by Solomon Myrick party thereto and ad-
mitted to record. And at a Court held for the County of aforesaid the 16th day of March
1835. The said Indenture was entered upon the proceedings of the day

Teste James Rochelle Clk

Attest Teste L. R. Edwards Clk

This Indenture made this 15th day of February 1836. Between George A. W. Newsome and Martha P. Newsome his wife of the County of Southampton and State of Virginia of the one part, and John W. Tiller of the County of Southampton and State aforesaid of the other part - Witnesseth, that the said George A. W. Newsome and Martha P. his wife, hath for and in consideration of the sum of Twelve hundred dollars to them in hand paid by the said John W. Tiller the receipt whereof we the said G. A. W. Newsome and Martha P. his wife both hereby acknowledge and confess, hath given, granted, bargained and sold, and by these presents, do grant, bargain, sell and confirm unto the said John W. Tiller, one certain Tract or parcel of land, lying, being and situate in the County of Southampton, containing four hundred and sixty one acres be the same more or less, and bounded by the lands of Elizabeth Myrick on the West, South by the three cricks, East by the lands of John Waller and William B. Goodwyn and north by the lands of James E. Peters and the estate of Edwin Pethway dec^d. To have and to hold possess and enjoy the said tract or parcel of land and premises, with the appurtenances unto the said John W. Tiller his heirs and assigns, to the only proper use and behoof of him the said John W. Tiller his heirs and assigns forever. And the said Geo. A. W. Newsome and Martha P. his wife for themselves and their heirs the aforesaid tract or parcel of land and premises to the said John W. Tiller his heirs and assigns, against all and every person or persons whatsoever shall and will warrant, and by these presents forever defend - In Witness whereof we the said George A. W. Newsome and Martha P. his wife, hath hereunto set their hands and affixed their seals the day and date first above written.

Signed, Sealed & acknowledged
in presence of.

Geo. A. W. Newsome (Seal)
Martha P. Newsome (Seal)

Southampton County Court.

We Geo. A. C. Barkham and Schum D. Parker Justices of the Peace in the County aforesaid in the State of Virginia do hereby certify that Martha P. Newsome the wife of George A. W. Newsome parties to a certain deed bearing date on the 15th day of February 1836 and hereunto annexed, personally appeared before us in our County aforesaid and being examined by us privately and apart from her husband and having the deed aforesaid fully explained to her, she the said Martha P. Newsome acknowledged the same to be her act and deed, and declared that she had willingly signed Sealed and delivered the same and that she wished not to retract it. Given under

our hands and seals this 15th day of Feby 1836.

Geo. A. C. Bachman (Seal)

Sol. D. Parker (Seal)

In Southampton County Court 15th day of February 1836.

This Indenture was acknowledged by George A. W. Newsom a party thereto and together with the certificate annexed of the Relinquishment of Martha P. Newsom his wife ordered to be recorded

Teste L. R. Edwards Clerk

Wm. J. Sate L. R. Edwards Clerk

(C)

Myrick

is } Ex: with bill

Myrick &