

1800-122

SOUTHAMPTON COUNTY
CHANCERY PAPERS

KIRBY'S ADM'R. VS. KELLO'S EXTR. et al 12/1800

other SURNAMES: Mecom,
marks, Bell

Kirby's admn
is of the
Kello's ex or dal

Dec. 1800
abates (comp. dead)

To the justices of Southampton
in Chancery setting.

James Bell complaining shews to the court
that some time about the day of 1779 John Kirby the
elder departed this life intestate, the administration of whose
goods & chattels was granted to your complainant by this court.
your complainant discovers, by papers, which have come to his
possession, & by the records of this court, which, he prays may
be made part of this bill, that the said John Kirby the elder,
in his life time, entered into bond to the ^{then sitting} justices of this court,
with one Samuel Meecom, as ~~his~~ security for the said Samuel
Meecom, for his guardianship of James Meecom. That some time
after Samuel Meecom moved from this & resided in North Carolina
having wasted the estate of his ward the sd James Meecom;
whereupon this court appointed a new guardian to the sd James
one ^{of this County}, who commenced suit
against the sd John Kirby ^{in his life time}, as security for Samuel Meecom
& obtained judgment & award of execution on the sd bond for the
sum of £ as by the records of this court will ~~now~~
appear.

Your complainant farther states that John Meecom the
elder, the father of the sd Samuel & James departed this life on
the day of 17 leaving one Richard Kells executor
of his testament & last will. That the sd Richard Kells departed
this life on the day of 17 leaving Sam^l Kells
exor of his testament & last will. That the Heirs of John
Meecom commenced suit against the sd Sam^l Kells as exor &c
aforesaid & obtained judgment for the sum of £
to his proportion of which the Sam^l Meecom was entitled as
heir to the sd John Meecom. That since the rendition of the
judgment aforesaid the sd Sam^l Meecom has departed this life, the
administration of his goods & chattels being granted to one Nathan
Marks, who married a daughter of John Meecom the elder, but
their proportion of the estate of John Meecom the elder have not been
paid to the sd Sam^l Meecom & Nathan Marks or to William Marks
since the death of the sd Sam^l Meecom by the the sd Sam^l Kells as
exor. aforesaid.

your Complainant further states that the ^{sd} Nathan Marks resides in the State of North Carolina & your Complainant has just reason to suppose that property of the ^{sd} Saml Mccom to a large amount has come in his hands, which the ^{sd} Saml Mccom possessed & left in the state just mentioned. that the ^{sd} Saml Mccom died in the state of North Carolina & did not return to this State again, since his first removal.

Your Complainant, finally, supposes that Saml Mccom's proportion, of the Amount of the judgment, obtained against the ^{sd} Saml Wells, & that, of the ^{sd} Nathan Marks, in right of his wife, ought to be liable to make up the damage, the estate of the ^{sd} John Kirby the elder has suffered by ~~the~~ his, the ^{sd} John Kirby being security for the ^{sd} Saml Mccom, as aforesaid, and ~~the~~ because the ^{sd} Nathan Marks will not account for the estate of the ^{sd} Saml Mccom which has come to his hands. All which frauds & combinations are inconsistent with Justice & good conscience.

Wherefore, as your Complainant's relief is properly in a court of equity, your Complainant prays that the ^{sd} Saml Wells as exor &c aforesaid & the ^{sd} Nathan Marks as admor aforesaid may be made defendants to this bill, that they, on oath, true answer make to the allegations, herein stated - particularly whether the heirs of the ^{sd} John Mccom did obtain a judgment against the ^{sd} Saml Wells as exor &c for the sum of £ ^{sd} & whether the ^{sd} Saml Wells has not in his hands the sum of £ ^{sd} & the proportions of the ^{sd} Saml Mccom & the ^{sd} Nathan Marks. ~~And the said Nathan Marks~~, in particular, answer on oath & account for the goods & chattels of the Saml Mccom which have come to his hands. And your Complainant further prays that by the proper process of this court the sum of £ ^{sd} the proportions of the ^{sd} Saml Mccom & Nathan Marks may be attached in the hands of the ^{sd} Saml Wells & that the ^{sd} Saml Wells & Nathan Marks may be prohibited from using or anywise disposing of the ^{sd} sum of £ ^{sd} until a farther order of this court.

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