

1817-001

SOUTHAMPTON COUNTY BARROW et al VS. MABRY'S ADMR et al.
CHANCERY PAPERS 11/1817

other SURNAMES: Myrick,
Hart, Bryant, Mason,
Blanks, Ridley, Barham

To the worshipful Court of Southampton County
sitting in Chancery humbly complaining shew-
eth unto your worships, your orators and
counsellors Edmund Barrow, Cullen Barrow
Burwell Bryant & Susan his wife, late Susan
Barrow, and Sarah Barrow widow & child
of John Barrow Decd.

That John Barrow departed this life in
the year after making and publishing
his last Will and Testament in writing: a copy
of which is hereto annexed and is prayed to
be taken and considered as part of this Bill.

That the Executors appointed by the sd. John
Barrow to execute his said Will having duly
refused to qualify, and take upon themselves the
execution thereof — Administration on the said
John Barrows Estate was committed to the
hand of Robert Mabry the then Sheriff of
Southampton; that the said Rob. Mabry as
admr. sold off the personal Estate (specific
legacies excepted) and a small tract of land
directed by the said Will to be sold, for the
payment of Debts. — And in the year 1809
returned his Acct. Current of the said Estate,
showing a balance then due from him to the
Estate of £55:7:5¹/₂ on the 2nd day of Novr. 1809.

as appears on the records of the County Court of Southampton. — That amongst the provisions of the said Will your Compts Edmund Barrow, Cullen Barrow, and Susan Bryant had bequeathed to them the sum of two Dollars each, no part of which have they, or either of them ever received. — That your compt Sarah Barrow the Widow, was made residuary legatee: and claims the whole of the remainder of the said balance due to the said Estate, after the payment of the pecuniary legacies due to the other complainants, as above stated, no part of which has she ever received. —

That the said Rob. Mabry has now departed this life, and according to an account current made and returned by George Mason his admr: which is recorded in this Court, and is prayed to be taken & considered as part of this Bill, his the said Rob. Mabry's Estate was then and is now insolvent, and wholly inadequate and unable to pay, and discharge the said balance due to the said John Barrows Estate, or any part thereof. —

That the said Robert Mabry's Securities for the true and faithful performance of his duties as such — and as respects this case, for his admr: on the said John Barrow Estate were David Myrick, Seth Mason, Henry Mabry, Geo. Mason, William Hart & Richard Mabry, — several of whom are since dead, and who are now represented by others. To wit, David Myrick by Phileas Myrick his admr: Henry Mabry by Augustus Blanks his Executor. —

Wm Hart by Fr: Ridley ad D B Mason with the ^{assumed} will and Richard Mabry by John Barham his admr: who are (ie) those living for themselves — and the representation of those who are ^{dead} bound in law and equity to your complainants for the said sum of attorney so justly due to the said John Barrows Estate, — and which sum has been by the said Rob. Mabry appropriated to his own use; and unjustly withheld from your orators and oratrixes. —

In tender consideration whereof, and in as much as your Compts are without a remedy at law they pray that this court, where such matters are properly cognizable, will entertain this case, and exercise their jurisdiction in the premises — so as to afford to your Compts such relief as may be consistent with equity and justice. —

That Geo. Mason as one of the said Securities, & also as admr: of Rob. Mabry, Seth Mason, Phileas Myrick, admr: of David Myrick ad. — Augustus Blanks, Ex Henry Mabry ad.

and John Barham admr: of Richard Mabry ad. be made Defendants to this Bill of complaint, and may be compelled to answer the allegations therein contained on oath — fully, truly, and unceasingly. —

To the end therefore it is prayed that the Court will order and decree, that the said Defendants as Securities — and as representatives to the securities of Rob. Mabry, pay to your Compts their several claims, according to the will of the said John Barrow ad. to wit, to Edmund Barrow the sum of two Dollars

to Cullin Barrow two Dollars and to Burwell Bryant
& Susan his wife, the sum of two Dollars, and interest
on their several legacies from the 2nd day of Nov^r 1809. -
And to Sarah Barrow all the residue with interest
thereon from the 2nd day of Nov^r 1809 which may remain
unpaid of the said balance due from the P. Rob-
ert to the said Estate of the said John Barrow deceased.

446
Sarah Barrow

Dec- 18

Robt. & Mary

Executives &c.

Bills in Chancery

~~Attest~~
Nov^r 1819
Chancery of Prob^t
Ordnal

Aug. 18th 1818
received
of C. M. Cotton De

Barrow & Sons
No. 3, Ave.
Myrick's at the & others

Produce P. D.
B

To the worshipful the county Court of Southampton
in Chancery sitting.

The answer of Phoebe Myrick
administratrix of David Myrick dec'd. to the
Bill of Complaint exhibited against her & other
defendants in this washipful Court by Edmund
Barrow & other children & Sarah Barrow the
widow of John Barrow dec'd.

This respondent saving to her self all
benefit of exception to the many illegal errors
& defects in the said Bill be for answer thereto or
as much thereof as she is advised by her counsel it
is material to answer says that she admits that
her dec'd husband & intestate was together with
the other persons so enumerated in the said Bill
the securities for the proper administration of Robert
Mabry as Sheriff of the estate of the said John
Barrow & she further admits that if it shall
appear to the Court that the estate of the said
Mabry has been legally & correctly administered
by the said George Mason mentioned in the
said Bill as his administrator & there is not
a sufficiency of assets to discharge the amount
which may appear due. The Counselors acts in
this case that the securities of the said Robert Mabry
are legally responsible for the same in equal
contribution but as this respondent is ignorant
of the facts attending the said George Mason's
administration of the estate of the said Robert

Alamy, she calls on the complainants to establish
by legal testimony the circumstances which they
have alleged & particularly to show that the
said George Mason has not paid away money
belonging to the estate of his intestate in discharge
of other claims of less dignity in law than the
one which the complainants are now seeking
to recover, in which event your wisdom is
advised that the estate of her husband would be
by ^{no} means better. And she further insists to
your wisdom that if it shall fully appear
that the complainants are legally entitled to
their demand & that the said George Mason can
not be compelled to pay the same, that your
wisdom should pronounce a decree against
all the defendants in this case pro rata
so as to require each one to contribute an
equal proportion thereof & not an aggregate
decree for the whole amount against the whole
of them collectively. And this defendant
having answered prays to be heard & judgment.

Brooklyn, P.D.

This day personally appeared before me James Harris
a Justice of the Peace for the County of Southampton
The Clerk administration of David Myrick dec'd
& made oath that the matters & things in the above ^{return} ~~plea~~
stated, are true & correct to the best of her knowledge
& belief. Given under my hand this 14th day of December 1877.
Jas. Harris, J.P.

Barrow 85. 3 1/2 Spa in
 vs
 Myrick & John Chancery

To September Court 1874

Executed
 J. S. Clanton dep.
 & Henry Briggs dep.

Now: The within subpoena is to be returned on the 1st of January 1875.
 signed at City of St. Louis Missouri on the 1st of January 1875.
 Clerk of the Court.
 Henry Briggs Sheriff of the County of St. Louis.
 J. S. Clanton

The Commonwealth of Virginia to the Sheriff of Loudon
County greeting you are hereby commanded to Summon
Phileas Myrick adm^r of David Myrick dec^d. John Barham
adm^r Richard Mabry dec^d. Henry Briggs Sheriff & adm^r of
William Hart dec^d. George Mason adm^r Robert Mabry dec^d.
and one of the said Robert Mabry's Securities as Sheriff
Jeth Mason and James Plunk, Esq^r of Henry Mabry
to appear before the Justice of our county court of
Southampton at the courthouse on the third Monday
in September next to answer a bill in chancery
submitted against them by Sarah Barrow widow of
John Barrow dec^d. Ellen Barrow, Emma Barrow
Burrell Bryant and Susan his wife late Susan Barrow
And this they shall in no wise omit under the penalty
of \$100 each - And have then there this writ -
Witness James Rochelle clerk of our said County
court of Southampton at the courthouse on the 30th day
of June 1874 and 41st Year of the Commonwealth
James Rochelle Clk.

Barrow &

vs

Barrow &

Barrow

in (Barrow)

To September Court 1857

The Commonwealth of Virginia to the Sheriff of
Greenwich county. Greeting you are hereby commanded
to Summon Phoebe Myricks adm^{or} of Davis Myricks ad^{or}.
John Barham adm^{or} of Richard Maaby ad^{or}. Henry Briggs
Sheriff and adm^{or} of William Hard ad^{or}. George Mason adm^{or}
Robert Maaby ad^{or} and one of the said Robert Maaby's se-
curities as Sheriff, Seth Mason and James Blanks ad^{or} of
Henry Maaby ad^{or} to appear before the Justices of our
county court of Southampton at the courthouse on the third
Monday in September next to answer a bill in chancery
exhibited against them by Sarah Barrow widow of
John Barrow ad^{or}. Fuller Barrow. Edmund Barrow,
Bennett Bryant and Simon his wife late Susan Barrow
And that they shall in no wise omit under the penalty
of \$100 each And have then there this writ - Witness
James Rochelle clerk of our said county court of S. Co.
at his office the 30th of June 1874 And 41st year of
the Commonwealth

James Rochelle

mean^{ing} The above Subpoena is to be executed on the
defendants James Blanks, Executor of Henry Maaby only

Rochelle

Executed

Wm Bonner Dpy. for
Wm Bonner Sheriff

George Mason is at this time, on a visit to the
Western Country.

Jess Mallery D.S.
Lt Meade Shift
" 3

446
Barrow H. } Spa in
27 } Chy.
Mason adm H

The Black's Southampton's Boat

The Commonwealth of Virginia to the Sheriff of
Brunswick county greeting you are hereby commanded
to Summon Phelps Slyrick adm^r of Davis Slyrick dec^d.
John Barham adm^r Richard Mealy dec^d. Henry Briggs
Sheriff of adm^r of William Hart dec^d. George Mason adm^r
Robert Mealy dec^d. and one of the said Robert Mealy's
Securities as Sheriff's Seth Mason and James Blanks, adm^r
of Henry Mealy dec^d. to appear before the Justices of
our county Court of Southampton at the Courthouse on
the third Monday in September next to answer a
bill in chancery exhibited against them by Sarah
Barrow widow of John Barrow dec^d. Cullen Barrow
Edmund Barrow, Benwell Bryant and Susan his wife
late Susan Barrow. And this they shall in
no wise omit under the penalty of £100 each or
have then there this writ Witness James Roschelle
Clerk of our said county Court of Southampton at his
office the 30th day of June 1872 and 41st year
of the Commonwealth.

James Roschelle C.

mem^d. The foregoing Subpoena is to be Executed on the
Defendants George Mason adm^r of Robert Mealy dec^d. and
one of the Securities of said Robert Mealy as Sheriff.

J. Roschelle C.