

1833-003

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BROWNE et ux VS MYRICK et ux, ADM'RS. of
MYRICK

11/10/52

See also: Cases in previous years indexed under
Lundy, Myrick, Shepherd etc.

Other SURNAMES: Lundy,
Shepherd, Brown, Norrell,
Bass, Harrison

Bronne Geo

3 Papers

Myrick Geo

1833 April Decree. &c

~~Q. B.~~ 216
Broun

no. 1-50

3 Papers
Mysick

9 January Rice
July - answer B. B. B.
Nov: set for hearing
Leave to answer
Rice by consent
Nov: answer B. B. B.

1830 June W. B. B. on an. B. B.
July sent to Richmond

1831. October Term. accts
directed and cause sent to
the Circuit Superior Court of
Law and Chancery for the
County of Southampton.

Received by Clerk Southampton
Circuit Sup. Court
1832 Nov. Order

\$18.98.

Browne agent Drayton
 Dr's costs
 etc \$ 8.49 12.11
 Spec. Haa 10.44 12.11
 310.44

Dr's costs 4.88
 Spec 14.66
 \$ 21.34

11
Brown
& 3 Bill
Myrick

Brown & wife
as. mm Bill
& Myrick & wife

\$1.32
February 1829

21st Feb: 1829

To the Honorable the Judge of the Sup^r Court of
Chancery for the Williamsburg district.

Humly Complaining Shew unto your
honor your orator & oratrix Orriz A. Browne &

Susan J. Browne his wife formerly Lundy,

That sometime in the year ~~1810~~ died James

Lundy the father of your oratrix Susan

leaving a widow Susan Lundy (the mother of your

oratrix) who has since intermarried with a certain

John Shepherd, and your oratrix his only

child and heir at law. - That at the time of

his death he left a large estate in lands & negroes.

which came into the possession of a certain David

Myrick who qualified as the adm^r of the said

James Lundy who died intestate and as ~~successor~~

to your oratrix - That it is believed by these

Complainants that there were debts due to

the said James Lundy in his lifetime or to his

estate after his death of which the said adm^r

had or might have had notice which have

never been accounted for by him and which

either were received or might have been

received by the use of such deception on

the part of the said administrator as the

law made it his duty to use - That among

them was the following - The said intestate

James Lundy had a short time before his

death placed in the hands of a certain James Lundy

Sometimes called James Lundy of W. two value
-less negroes for the purpose of being carried to the
south for sale - That upon the return of the
said James Lundy after having sold the same the
said James Lundy the elder the father of your orator
was dead & the said David Myrick his adm^r.

That the said James Lundy frequently spoke
of the transaction in the neighbourhood of the said
administrator, admitted the property in the said
negroes to be in James Lundy the elder but expressed
an unwillingness to account for them if he
could avoid it because he believed that the said
James Lundy the elder who was his uncle intended
to make some provision for him in his
will if he had made one - That the said
David Myrick the adm^r had the fullest opportu-
nity of becoming acquainted with these facts
and was called upon by persons interested in the estate
of James Lundy the elder to sue & recover the value
of the said negroes which he declined upon the
pretence that he believed that James the elder
intended to give them to James J. W. who was
if that had really been his own opinion
ordinary diligence in inquiring into the matter
must have uncovered him - That after

thus neglecting the matter for several years
^{decided & Henry Fox to whom was committed the administration of the}
^{estate of the said James Lundy the elder immediately thereafter}
he afterwards brought suit. No call however as to
enable the said James Lundy J. W. successfully to

defend himself by pleading the statute of
limitation. he having had frequent opportuni-
ties of commencing suit in time. -

That sometime afterwards the said David Myrick
-ck died without having rendered any account as
adm^r of James Lundy as aforesaid intestate and a
certain Phoebe A Myrick (his widow) who has since
intermarried with a certain James Myrick qualified
as his adm^r - That sometime after the death of the said
David Myrick his adm^r the said Phoebe Myrick
instituted a suit against John Shepherd and Susan
his wife formerly the widow of James Lundy the elder
alleging that she had become a debtor to her said
husband ^(James Lundy) which debt together with the several
personal debts charged against the said John
Shepherd. she alleged was more than her proportion
of her dec^d husband's ^(James Lundy) personal estate or that part
which had been converted into money and in fact
charging that her intestate husband had administered
the whole assets including the debt aforesaid for which
she had sued the said Shepherd since ^{David Myrick} which debt
she alleged had been paid out of his own funds
and pray a decree of the County Court of Southampton
for an audit of the accounts involved and a decree
for the sum due her in which suit the Commissioner
in his second report the first having been excepted
to & the exceptions sustained by the Court reported a
small balance in favour of the defendant after setting
off the amount due from Shepherd & wife either to

the estate of James Sundry dec^d or to the said David
Myrick individually in his lifetime against their prop-
- erty of James Sundry's estate and upon this report
there was a final decree so that the estate of James
Sundry the elder has been settled so far as the said Myrick
and wife (said Sundry's widow) are concerned and their
proportion has been paid to them:—

That sometime after the death of the said
David Myrick who had been guardian to your
oratrix a certain Joshua C. Sundry was appointed
her guardian and upon his motion an account was
ordered of the guardianship of the said Myrick to your
oratrix upon the return of which the Court altho no
cause was pending decreed James Myrick who had
previously married the said Phoebe Myrick to pay
the sum reported to the said Joshua C. Sundry as
guardian to your oratrix— and at the same time
a decree was ~~permanently~~ obtained without any
bill answer or other proceeding to which your oratrix
who was then an infant unmarried or any other
person for her was a party directing said James
Myrick as adm^r of David Myrick to pay to Joshua
C. Sundry guardian ^{of her person} a sum which had been
reported to be due from said David Myrick adm^r
of James Sundry to his estate in the case of Myrick vs
Shepard to which suit your oratrix was in no
manner a party.— That the said account grate-
fully assumed as the basis of a decree against a
party not before the Court was erroneous in this
that the adm^r David Sundry did not charge

himself with the value of the negroes sold by
James Sundry of W. as he ought to have done for
which reason your orator & oratrix surcharge the
said account as being erroneous & unjust upon its
Merits but at the same time insist that in any
event they ought not to be bound by it not being
parties— They however have no objection to take
the said account (after correcting that obvious
feature) as the basis of a future account. ~~For the~~ Consideration whereof & in as much as your oratrix are
without remedy in the premises except in this honourable
Court— To the end therefore that the said James Myrick
and Phoebe A. Myrick who are prayed against hereto may
have speedy answer made to the allegations hereof
that they may come to a fair & just account in
the premises and that your orator & oratrix may be
paid whatever it may appear is due to them and
that your orator & oratrix may have such relief in the
premises as is according to law and equity and or
in equity &c.—

Pro def. p. 8

Brown

or J. Amundson Dick-

Myrick Jun

Sent proof as soon as possible to Mr. Amundson

Mr. Amundson

Emeryville, Calif

wa

\$1.17

Recd: Oct 18 29

To the Honorable the Judges of the Superior Court of Chancery
for the District of Williamsburg -

Humbly complaining, sheweth unto your honor your Orator (and)
Orators. Orris A. Brown and James J. his wife, who is or Susan J. Lundy - that hereofore your
complainants filed their Bill with the Honorable Court, against James Myrick (and) Phoebe his
wife, co-respondents and co-respondents of said David Myrick deceased, who was the father of James Lundy, the
father of your former complainants in which they set out: That the said James Lundy
died intestate about the beginning of the year 1805, leaving a widow and your Orators his only
children - that the intestate was possessor of lands and a number of slaves and that David
Myrick duly qualified as administrator of said James, and received into his possession, or by due diligence
might have obtained possession of the whole of his personal estate and continued to manage
the same until about the year 1817 or 1818 when he died - that said Myrick in his lifetime
rendered no account of his dealings in the estate of said James Lundy - that Phoebe Myrick
widow of said David became his co-administrator and his co-administratrix with James Myrick - that the
said Phoebe as co-administrator of David Myrick had and John Sheppards wife who was the widow of
James Lundy, to recover a balance alleged to be due, by said Sheppards and wife, to her as co-administrator
of David Myrick - that on that point an account of the administration of said David Myrick on the estate
of James Lundy, was made (and) confirmed by the Court, which account, altho not binding on your
complainants, they being neither parties nor privies, they claimed by their Bill to discharge
in relation to a debt credit for the amount of sales of some slaves, which had been sold just
previous to the death of James Lundy, and which amount had been lost by the negligence of
said David Myrick. All which will more fully appear by the said Bill, which is heretofore
to and prays to be read as part of this -

Your complainants, by leave of the Court first had
leave further to state, by way of amendment to the said Bill - that your Orators was at the time
of the death of her father of very tender years, and hath not long since attained the age of 21. and being
a female she was wholly ignorant of the concerns of her estate: And your Orator who had not long
before the filing of his Bill intervened with the general complainant, and having had no previous
knowledge of the estate of said James Lundy, was of course unable to judge of the correctness of
the transactions of those who had managed it - that they have recently obtained knowledge of
facts, and advice, which induced them to believe, that the estate of James Lundy, has not been
managed as it should have been, to the great injury of your Orator (and) Orators -

Your complainants are advised that there has been no settlement

whether of the actings of David Myrick in the estate of James Lundy, which it alleges them - that altho they were, (when ignorant of all the facts) content to be passive only until the help which they believed the estate of said James Lundy has sustained, by reason of the neglect or connivance of said David Myrick, in relation to the sales of slaves before mentioned, yet, as the examination has progressed, they are induced to believe, that they have sustained serious injury in relation to the value management of the estate, and they, therefore, as they are advised they have a right to do, call upon the said James Myrick and Phoebe his wife, as well as Adm^r and Adm^{rs} of David Myrick who was Adm^r of James Lundy, to render a full and true account of the actings of said David on the estate of said James Lundy deceased - These Complainants are advised that there is no reason for them to make Shippers and wife, parties to this suit, because, as to them the suit in the County Court of Southampton, before referred to, may be conclusive - Neither do they conceive that any of those, who were guardians of your female complainants should be parties, because whatever payments may have been made to them by David Myrick or his representatives, will pass to the credit of the estate of said David, in his account to be settled of his actings on James Lundy's estate - And your complainants beg leave here further to state to your Honor, that they are now advised, and so charge the fact to be, that the said David Myrick never was the guardian of your Orator, but that soon after the division of the said James Lundy's estate, which took place, about the year 1809 another person was duly appointed as such, by the County Court of Southampton - that the said guardian, so appointed, accepted the trust, and continued to discharge the duties appertaining to it, till about the year 1817 - Consequently any accounts which may have been settled, on the idea of any such guardianship, by the said David Myrick, must be wholly erroneous and cannot be binding on your Complainants - To the end, therefore, that the said James Myrick and Phoebe his wife, as well as Adm^r and Adm^{rs} of David Myrick Dec^d who was the Adm^r of James Lundy Dec^d, may be made defendants here to; that they may be compelled to full, true & perfect answers to make, to the allegations of this Amended Bill, as positively & fully as if the same were here again repeated and they should especially interrogated - that they may be compelled to render before a Court of this Court, a just, full and true account of the transactions of the said David Myrick on the estate of James Lundy - And unless the said Defendants admit afresh of the said David Myrick, in their hands, sufficient to pay and satisfy any debt, which may be rendered in favor of your Complainants in the

premises, that they be compelled to render an account of their own actings and doings on the estate of said David Myrick - that your Complainants may have a decree for any balance, which may appear due to them on the settlement of said accounts; And, finally; that they may have such other and further relief as the Justice as the nature of their case may require, and the Justice of equity warrant
May it please your Honor

70.



PAID

10

The Clerk of the Chancery Court

Williamsburg

Browne Lusc

to S. Amner.

Myrick Lusc.

4th July 1829 864

The answer of James Myrick & Phoebe H. Myrick
his wife to the bill of complaint exhibited against
them by Orris A. Brown & Susan J. his wife complainants-

These respondents saving and reserving to themselves
every benefit & advantage of exception to the many
errors & inefficiencies in the said bill contained, for
answer thereto say it is true that David Myrick
in his life time qualified as admin^r. of James Lundy
the elder: it is also true that upon the death of the
said David Myrick, letters of administration on his
estate were granted to the said Phoebe - these
respondents say that some time after their inter-
marriage a settlement took place between the said
respondent James and a certain Joshua C. Lundy
as guardian of the female complainant touching
the transactions of the said David Myrick as ad-
ministrator of the said James Lundy the elder,
by which settlement a considerable balance
was ascertained to be due the said man, all
of which has been fully paid & satisfied -
and these respondents further answering say
that they have no personal knowledge as to
the fact charged in the bill of James Lundy
the elder having put into the possession of James
Lundy of W. certain slaves: of this matter these
respondents know nothing & therefore require full
proof in relation to the same - These respondents
have understood that James Lundy the elder in
his life time, but how long before this death they
do not know, did make a present of two slaves
to his relation the said James Lundy (of W.)
These respondents do not know & therefore they deny
that David Myrick in his life time, had any
information on the subject of the delivery of the
said slaves as aforesaid, if indeed such delivery
ever took place; & if in consequence of any
act of supposed omisision on the part of the

said David Myrick as advised as aforesaid in relation to the claims referred to, the complaints are suing to make his estate liable, these respondents moreover require that full proof shall be produced to establish his liability: on the subject of the suit charged to have been brought several years ago by Henry Briggs as committee of the unadministered ^{estate} of the said James Lundy the elder, these respondents ^{have} little or no knowledge: if the fact be as charged, that James Lundy of W. was discharged upon the plea of the act of limitations, these respondents presume that the record of the said suit brought by Briggs will show it: but be this as it may, these ~~and~~ respondents contend that the estate of David Myrick should not be injured without showing that the property in question could & ought to have been recovered by him for the benefit of the estate of the said James Lundy the elder: and these respondents further answering say that the suit charged to have been brought by the said Phoebe before her marriage with the respondent James, as agent of the said David Myrick against the said John Shepherd & wife & others, as they are advised, if not conclusive, is strong evidence against the demand set-up by the complainants in this case, & upon the record in that case these respondents beg leave to rely as a matter of defence to this.

These respondents further say they have no knowledge that their intestate David Myrick ever was the guardian of the female complainants. They also rely upon the Captions to prevent a claim against the estate of the said David Myrick, he having qualified as advisor of the said James Lundy the elder as far back as about the year 1807 & died about the year 1817 - These respondents also contend that the representatives of James Lundy the elder, as also John Shepherd & his wife in the said bill mentioned, ought to be made defendants in this case - without that &c.

And these respondents having answered the prayer to be dismissed &c.

J. Myrick & wife
—

Stamptown County, to wit: This day James Myrick appeared before the subscriber a justice of the peace for the county aforesaid & made oath that the statements contained in the annexed answer so far as the same depend upon his own knowledge are true so far as they depend upon the knowledge of others he believes them to be true - Given under my hand this 16 day of June A. D. 1829.

A. P. Peeler J. P.

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5
Brown desc^t

vs. ^{to} answer to
am? bill.

James Myrick desc.

30th Novem. 1830.

The answer of James Myrick & Phoebe his wife answer
and answer of David Myrick dec^d to the amended bill of
complaint exhibited against them in this court by oris
A. Browne & Susan J. his wife complainants - These res-
pondents saving and reserving to themselves every benefit
and advantage of exception to the many errors, insuffi-
ciencies & false allegations in the said bill contained
for answer thereto say, that in answer to the said
amended bill of complaint they refer to the answer
heretofore filed by them in this cause and pray that
the same may be considered as a part of their
defence now herein & hereby relied on - and these
respondents further answering say it is not true
that no settlement of David Myrick's transactions
on the estate of James Dundy, the father of the
female complainant, has been made; on the con-
trary these respondents ^{aver} as they stated in their
said answer before referred to, that a full, complete
and perfect settlement of the said David Myrick's
transactions ~~for~~ ^{as} answer. &c. of the said James Dundy
has been made up & returned to the county court
of Southampton, upon which settlement, a copy
of which is herewith filed as a part of this
answer, these respondents rely & pray that the
same may be taken & considered final and

conclusive between the parties, unless the complainants shall be able to discharge & falsify the same by legal & satisfactory evidence - and these respondents further answering say that John Shepherd & Susan his wife, late Susan Dundy widow of James Dundy are directly interested in the matter in question, that they with-held to no doubt will expect to receive a part of whatever the complainants are now seeking to recover of these respondents, and therefore these respondents again insist & contend that they the said Shepherd & wife ought to be made defendants in this case - Without that &c. And these respondents having answered, deny all fraud charged against them & pray to be dismissed with their costs in this behalf sustained &c.

Southampton County, to wit: This day James Myrick appeared before the subscriber a justice of the peace for the county aforesaid & made oath that the statements contained in the annexed are true & correct to the best of his knowledge and belief - Given under my hand this 21st day of Sept^r A. D. 1830. -

Silas Sumner Jp

Nubz 11th 1833. In obedience to the within
 order the Commr. begs leave to state the following
 facts... that in the examination of the papers & evidence
 in the Case before him, R. H. Baker Esqr. attended as
 Counsel for the defendant, the Commr. recollects he
 objected to John Shepherd's evidence, as well as every
 thing else connected with the plaintiffs demand; he
 was then requested by the Commr. to state his objections
 in writing which he declined, stating as he objected
 to every thing it was unnecessary -

February 14th 1833 -

By
 J. H. Baker Esqr.
 Counsel for the Defendant

Mynde

J. H. Baker

J. H. Baker

At a Circuit Superior Court of Law and Chancery held for the
County of Southampton on the 3^d day of November 1832.

Orres A Broome and Susan his wife Plffs

against

James Myrick & Phoebe his wife administrators and administrators of
David Myrick dec^d. Dfts.

On the motion of the Defendants this cause is continued and
leave is given them to obtain from the Commissioner a Special Report
touching any objections which may have been made before him by
the said Defendants to the admissibility of the depositions filed by the
Plaintiffs or any of them -

Attest Teste James Rochelle Clk

James Mayricks & wife costs (taxes) £: 5: 14
 Sh' --- 60
 Commissioners --- 5: 11 ✓
 Fee in original & copy bills --- 10: 00 ✓
 1: 00
 Exp on Spec in bill --- \$67: 85

12th auct 1822. Rec^d of Joshua C Lundy
 Guar^t of Susan J. Lundy the above sum of
 Sixty seven dollars & 85 Cents in full

Ellyriet Lundy
 Dubid allyriet

1823
 Lundy & Co
 Receiv^d
 Mayricks & Co }
 Receiv^d

67.85
 15.85
 87.73
 45.00
 11.25
 56.25

Aug 31 1823
 \$531.09
 Aug 31 1823 = 225.79
 \$305.30
 Also the sum without interest \$123.81.49

Southampton County Sept: Court 1822

Joshua L Lunsay guardian of
Susan L Lunsay Complamant
against

James Myrick Executor of David
Myrick decd who was exor: of James
Lunsay deceased Defensant

In Chancery

This Cause this day came on to be heard and it
appearing to the Court, that a report has been made up in
the premises by a Commissioner of their Court by their order
and the same having lain two months in the clerks
office without exception, the Court in Conformity thereto
doth adjudge order and decree that the said James
Myrick out of the assets belonging to the Estate of
David Myrick deceased, pay to Joshua L Lunsay as the
guardian of Susan L Lunsay the Sum of Five hundred and
thirty one ~~dollars~~ and nine Cents with interest thereon from the
31st day of December 1815 it being two thirds of the Sum
of Seven hundred and ninety Six dollars and Sixty three Cents
which Sum was then due from David Myricks Exor. &c
to the Estate of James Lunsay his testator, the other one
third part of which was assigned to John Shepherd in right
of his wife the widow of James Lunsay decd and also the
Sum of Four hundred and eighty one dollars and Sixty one
Cents without any interest it being two thirds of the Sum
of Seven hundred and Twenty two dollars and forty one Cents
which was due from David Myrick, to the Estate of James
Lunsay decd his testator in Interest, the other one third
having been allotted to John Shepherd as before, The Court
further adjudge order and decree that the said Joshua L
Lunsay as guardian as aforesaid pay to the said James Myrick
Executor of David Myrick, the Sum of The Costs

in this behalf expended

Sets

A. McAdams Dec

(See costs on the other side)

The Estate of James Lundy ^F in acct. with D Myrick admt.
reformed acct according to directions of the Court
1823. Jan^y 31 — By balance due p. acct. \$ 991. 66.

By the items marked A with P^{ts} (disallowed) \$ 406. 30.
By item E. & Int — 80. 15.
disallowed ————— 486. 45
with Int. from 31 Jan^y 1823. \$ 505. 21

Brown Lundy Plffs.
against In Ch^y.
Myrick admt. & — Defs.

This cause came on this day, ^{finally} to be heard, on the
Original and amended Bills, ^{therein} and answers, exhibits,
^{examinations of witnesses} ~~depositions filed~~, and ~~the acct. of the transactions of~~
~~David Myrick~~ the report of ~~Saml.~~ Cobb, made in
obedience to the order pronounced in this cause
on the 6th day of Dec. 1821, and the exceptions ^{therein}
and was argued by Counsel. On consideration
whereof, ^{It seems to} the Court, that the said acct. is ^{only} erroneous
in charging the said admt. with the two series of
debit in said acct. stated, and marked A, and
E, ^{and in the mode of calculating interest & depleting that is the}
^{proper way of doing in the eye of the law} wherefore it is directed that the said books
be corrected, which being done by consent, The
Court doth adjudge order aged decreed that
the account as ^{plus required marked E} there reformed, be confirmed, and
that the Defendants, out of the estate of the said
David Myrick admt. in their hands, pay to the

Produce & wife
on 3 Dec 1823
Myself & 2

plaintiffs, the sum of five hundred and five
dollars and twenty one cents with interest thereon at
the rate of six per cent per annum, from the
thirty first day of Jan^y. 1823, and their costs by
them in their suit in this behalf expended -

Monroe
W. B. Proctor
Baynes B. Proctor

I acknowledge due notice of
The within notice

J. Myrick

James Myrick and Phoebe H his wife

You will please to take notice that on
the eleventh day of June at four hours in the
County of Southampton, between the hours of ten
in the morning and sun set of the same day
I shall proceed to take the deposition of Joshua
C Lundy to be read in evidence in a suit now
depending in the Superior Court of Chancery for
The Williamsburg district in which ~~James~~ are
plaintiffs and you are defendants -

May 25. 1830

Oris. A. Browne.

L Susan A. Browne

Southampton county to wit
Jm. O. A. Brown & Susan I. his wife

you will please take notice
that on the 11 day June next at the house of James
Myrick in the county aforesaid between the hours of
ten in the morning and five o'clock of the same day
I shall proceed to take the deposition of William Harrison
and others to be read in evidence in a suit now
depending in Chancery Court for the Williamsburg
in which I am Plaintiff and you are. Plaintiff

25. May 1840

James Myrick. L. R. H. King

I acknowledge and service of this
with notes.

Oris A. Brown

Brown

"

Myrick } 10/20

I acknowledge the receipt of
the within notice

I Myrick & P.H. Smith

James Myrick & Phoebe his wife

You will please to take notice that
on the seventh day of June at the house of John
Shepherd in the County of Southampton, between
the hours of eleven in the morning and sun set
of the same day, I shall proceed to take the depo-
sition of the said Shepherd, and others to be named
as witnesses in a suit now depending in the
Superior court of Chancery for the Williamsburg
district in which we are plaintiffs and ^{and} ~~are~~
are defendants. Should we not finish ^{taking} the deposition
on the day mentioned, we shall continue from day to
day until they are all taken -
May 25th 1830

Chris. A. Proctor
Levan. A. Browne

Brown 5
J. M. Sparrow
and D. Rice
Myrick

I acknowledge to have received a true copy of the within
this 19th day of July 1830

Came to hand July 17/1830
South Carolina County to wit
James H. Subrice
clerk of Clements Rochelle staff of said
County, personally appeared before me
Benj. Griffin a justice of the peace
of said County & made oath that ~~James~~
~~Myrick~~ he delivered a true copy to
James Myrick
July 17/1830 sworn under my hand
this 19th day of July 1830

Benj. Griffin
J. H. Griffin

THE COMMONWEALTH OF VIRGINIA,

To the Marshal of the Superior Court of Chancery for the

District, Greeting:

YOU are hereby commanded to summon *James Myrick & Thebe his wife*
admt. & admrs. of D^o Myrick decd who now admr
of James Smith decd

to appear at the former Capitol in the City of Williamsburg, at the Clerk's Office of the Superior Court of
Chancery, directed by Law to be holden in the said City, on the first Monday in *September*
next, to answer ^{*an answer*} a bill exhibited against *them* in the said Court, by *Orvis A Browne*
& Susan J. his wife

And unless the said defendants, 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^l And have then there this writ.

Witness, EDMUND CHRISTIAN, Clerk of our said Court, at Williamsburg, this *4th*
day of *June* 1831, and in the *54* year of the Commonwealth.
Edmund Christian

[The Marshal is requested to note, in his return, the time of executing this process. One copy to be served on
each defendant.]

Left
dps,

The deposition of Nancy B. Baff of Lawrence Co. taken pursuant to notice all the parties being present at the house of James Cheppick before Alex P. Pettit and Joseph T. Clarendon two justices of the peace for the county of Southampton and to be read as evidence in a suit now depending in the Superior court of Chancery for the Williamsburg district in which Orris A. Brown and Susan I. his wife are plaintiffs and James Cheppick and Phoebe H. his wife are Defts. or administrators and administrators of David Cheppick decd who was ad of James Luncy after being duly sworn ~~and~~ Nancy Baff deposes & says as follows—

Q. Interrog. by the Deft. did you ever live in the house of James Luncy Jr.

A. Yes I never did but stayed with his lady a great deal

Q. Interrog. by the same did you stay there much when James Luncy Jr. lived there

A. Yes about the time of his living there

Q. Interrog. by the same did you ever hear James Luncy Jr. say that his uncle James Luncy Jr. had given him two negroes

A. Yes I heard him say that he had given him one negro woman & one boy—

Q. Interrog. by the same did you ever hear James Luncy Jr. say that his uncle owed him

A. Yes I heard him say that if he were to receive his debt it would amount to five or six negroes—

Q. Interrog. by the same did James Luncy Jr. live overseen for James Luncy Jr.

A. Yes he did I suppose five or six years—

Q. Interrog. by the same was it not thought that if James Luncy Sr. died without him that he would give his estate to James Luncy Jr.

A. Yes it was—

Nancy B. Baff

Subscribed and sworn to before me
this 15th day of June 1850

J. P. Pettit J. P.
J. T. Clarendon J. P.

My

Broune

v { Depo: of
3.
Myrick
Joshua C Lundy

Retd Sealed 10th July
1835

The deposition of Joshua C. Lundy of lawful age
taken pursuant to notice, all the parties being
present, at the house of James Mynck in the
County of Southampton, before Alexander P. Clark
and Joseph V. Clark two of the Justices of the
peace for the County aforesaid
to be read as evidence in a suit now depending
in the Superior Court of Chancery for the
Williamstown district in which Cornis A.
Pogson and Susan J. his wife are plaintiffs
and James Mynck and Phoebe his wife
administrators and administrators of David
Mynck who was administrator of James
Lundy Jr are defendants. The said Lundy
being first duly sworn deponeeth and saith
That in a conversation with James Lundy of W, he
heard the said James Lundy of W say that he had
sold some negroes in the State Georgia, that
his uncle James Lundy got him to carry them
to sell for him, and that he had not paid him
the money for them, and at the same time said
that if his uncle had lived, he would have paid
him, but as he had died and left him nothing
and no account against him he would not
say it—

Question by the plaintiffs— Did you ever hear Jas
Lundy Jr say that James Lundy (of W) was to pay
him any money on account of the negroes sent to
Georgia? I heard James Lundy Jr say during the time
that Jas Lundy was in Georgia, that he was nearly as poor

corn and that he wished James Lundy of W. would return, and said at the same time, that he wanted the money for which the negroes were sold to purchase corn with.

Question by Defendant. Did Jas. Lundy at any time in the conversation referred to, that he wanted the money for which both negroes were sold? Does not now recollect whether he said, "negro," or "negroes"

Question by the same - Did you ever see a letter directed to James Lundy Jr. written by James Lundy of W. from Georgia? I saw a letter with the signature of Jas. Lundy of W. attached which I did not doubt was from him.

Question by the same - Who showed you the letter?
Answer - It was handed to me either by Mr. Shepardson or his wife, but do not recollect which.

Question by the same - Was it after the administration of David Elbrick on the estate of James Lundy Jr. that you saw the letter? It was.

Question by the same - Do you recollect the contents of the letter? - Not well enough to relate the particulars of it.

Subscribed and sworn to before us this 11 day of June 1830.

A. P. Nett N.
Jos. H. Land J.

The deposition of Susan Shepherd of lawful age, taken pursuant to notice all the parties being present, at the house of the said Shepherd in the County of Southampton, before Alexander P. Riker and Joseph T. O'Leary two of the commonwealths justices of the peace for the County aforesaid, to be read as evidence in a suit now depending in the Superior Court of Chancery for the Williamsburg district in which Orris & Brown and Susan & his wife are plaintiffs and James Myrick and Phoebe his wife adm^r. and adm^r. of David Myrick dec^d. who was adm^r. of James Sundry dec^d. are defendants. The said Susan Shepherd being first duly sworn dep^onth and oath —

Q. test. by the pl^{ty}. did you ever hear James Lundy Sr. say that he had sent some negroes off to be sold by James Lundy Jr. — ans. I have — Q. test by same do you not know that he sent them? ans. I do. — Q. test did James Lundy Jr. ever pay for the negroes? — ans. no. — Q. test what kind of negroes were they? ans. two girls of 13. and 15 years of age —

Q. test. by the de^f. do you know any thing of a letter written by James Lundy Jr. to his uncle James Lundy & Co. and who took it out of the post office?

Ans. I do not know who took it out of the office — Q. test. but it was received by James Lundy Jr.

Q. test. do you know the names of the negroes sent by James Lundy Jr. to sell?

Ans. Greasy & Melancholy - I was what you
was it that the negroes were sent?

Ans. The scarce year when my body had to be
come.

I was and James Lundy ever return in the lifetime
of James Lundy? Ans. no - But did you ever
hear James Lundy say that he had given James
Lundy any negroes - Ans. a short time before
his death he told me to pay off a debt as soon as
he the said James Lundy should come with the money
arising from the sale of the negroes and at no time
did I hear him say he had given any negroes to

James Lundy. I was and James Lundy was
his overseer for James Lundy and how long
Ans. he did live there but I do not know how long
I was by the Pth when David Myrick took away the
papers of your late husband - why was the said letter also
taken - Ans. it was thrown by with a parcel of
old letters being considered by the gentleman present of
value.

I was by the same as you know David Myrick was informing
of this letter. Ans. I told David Myrick that James Lundy
owed the money and had written a letter to his uncle -

I was by the Deft. as you calculate to receive a part
of the money Dr. Brown is now suing me for as the
ad of David Myrick. Ans. I do not know by the
same how long did you stay with David Myrick
the ad of your husband after his death. Ans. two months

I was by the same when you left your husband's
house who took possession of the papers? Ans.
William Wright. ^{Question} by the same - do you suppose the
letter was in the trunk thus Wright carried away?

Ans. I do -

Question by the plaintiff - who came to examine
the papers of your husband? Answer Robert
Mabry, William Wright and Nat Mabry
and David Myrick -

Question by the same - Had David Myrick
then qualified on your husband's estate?
Answer - No - "They were looking for a
will"

Question by the same - How long had your
husband been dead when David Myrick
qualified on his estate? Answer Between
two and three months -

Question by the same - How long had
he been dead when your father and
David Myrick and the other gentlemen came
to look for the will? They came the day
after his death -

Question by the same - Were the papers
carried to William Wright at that time?

Answer - They were -

Question by the same - Was the letter spoken
of carried to Mr. Wright with the other papers?

Answer - It was not - In searching for a will, the letter in question was laid aside with other letters considered of no value and I knowing its value kept it until after my marriage -

Question by the defendant - To whom did you give the letter after your marriage?

Answer - To Mr. Shepherd -

Question by the same - What became of the other papers left ⁱⁿ your possession, which you say were considered of no value?

Answer - "They were put in an old gig box as rubbish papers," and she does not now know what became of them - Susan Shepherd

Subscribed and sworn to before me this 11th day of June 1830.

A. P. Newell

J. J. Lane

Witnessed for
Dec 1830

Witnessed for
Dec 1830

The deposition of John Shepherd of Liverpool
age taken pursuant to notice, all the parties
being present at the house of the said
Shepherd in the County of Southampton, before
Alexander M. Pate and Joseph T. Glaves two
of the justices of the peace for the County
aforesaid, to be read as evidence in a suit
now depending in the Superior Court of
Chancery for the Williamsburg District
in which Boris M. Browne and Susan J
his wife are plaintiffs and James Lynck
and Phoebe his wife Adm. and Adm. rev.
David Lynck Dec. who was adm. of James
Lundy Dec. are defendants. The said Shephard
being first duly sworn deposes and saith
as follows —

Question by the plaintiff — Was David Lynck ever
informed that James Lundy of W had carried any
negroes to Georgia to sell for James Lundy Jr? And
I showed him a letter from James Lundy Jr. which con-
tained an acknowledgment of ^{his} having carried the
negroes to Georgia.

Question by the same. Did you direct or request
David Lynck to sue James Lundy of W for the said
negroes? Answer. I did and he said that James
Lundy Jr. intended to have given James Lundy Jr
a part of his estate, but having died without a
will he had not done so, and did not think that he

ought to be made ~~to~~ to pay for them -

Question by the defendant - What year was it that you directed or advised David Myrick to sue for the negroes? Answer In 1810 -

Question by the Same - How came you in possession of the letter from James Lundy Jr. to James Lundy Jr.? I found ^{it} in the house a short time after I was married -

Question by the Same - Was David Myrick the adm. of Jas. Lundy Jr. when you found that letter? Answer - He was -

Question by the Same - What did David Myrick say when you showed him the letter? He said James Lundy Jr. ought not to pay for the negroes. returned the letter to me, and remarked that he had seen it before -

Question by the Same - Who furnished Henry Briggs Shff and Committee of the estate of James Lundy with the letter to be filed in a suit brought by the said Briggs Shff against James Lundy of W?

Answer - It was either filed in the office or I gave it to him myself -

Question by the Same - Was that letter produced as testimony in the suit brought by ~~you~~ against ~~you~~ you to recover a debt due by your wife, widow of James Lundy Jr. to David Myrick adm. of the said James Lundy?

Answer - It was -

Question by the Same - Did you not receive one third part of the balance due from David Myrick, ^{adm.} on the settlement of James Lundy Est.?

Answer - I did -

Question by the Same - How long was it after David Myrick administered on the estate of James Lundy Dec^d before you showed him the letter spoken of?

Answer - About two years -

Question by the Same - Was not James Lundy of W, a transient man, having no settled home in this State at the time you showed him the letter? ~~He was here~~ Answer - He was here and was about to move off at that time -

Question by the Same - Were you the habit of intimacy with James Lundy of W? I was -

Question by the Same - Were you and David Myrick at variance about the time James Lundy of W came from Georgia in the year 1810?

Answer - We were for a short time -

Question by the Same - Was ^{David Myrick} not a man of vicious habits at the time he came out of the army and went to the Springs and never returned?

Answer - Yes -

Question by the Same - Did you ever see David Myrick and James Lundy of W conversing on the subject of the negroes?

Answer - I do not know that I did -

Question by the Plaintiff - At what time did David Myrick go into the army? I think in the year 1813 - Question by the Same - Was his health good before that time? Answer - He was quite a healthy man before

Question by the Defendant - In the event of this
suit being decided against me do you calculate
to receive any benefit from it? I do -

In the presence of

Subscribed and sworn before me this 11th
day of Jan - 1830

A. P. French
J. B. Lunn

Not a valid note
1830

Received
of the
of the
of the
of the

24

Brown

{ Depo:
Myrick

Retd Pealed 10th
July 1838

The deposition of William Harrison of Langport taken pursuant to
notice all the parties being present at the House of James Cuyrick
before Alex P. Tate and Joseph T. Leland ~~justices~~ of the justices of
the peace for the county of Southampton and to be read as
evidence in a suit now depending in the Superior Court of
the County for the Williamsburg district in which Orris & Bro
and Susan L. his wife are Plaintiffs, and James Cuyrick and
Phoebe H. his wife administrators and administrators of David Cuyrick
decd who was administrator of James Lundy and are defendants
after being duly sworn William Harrison deposes and says as
follows

Ques. by the att. did you ever hear James Lundy give to
James Lundy Jr. any negroes

A. Yes, I did after hear James Lundy Jr. say that he had given
James Lundy Jr. two negroes women and recollect perfectly that
one of ^{them} was named Breasy and know that the said James
Lundy Jr. lived several years as an overseen for James Lundy
Jr.

Ques. by the same were you witness in the family of James Lundy
Jr. and was born and raised within two miles of his dwelling ^{house}

Ques. by the att. in what year was it that James Lundy Jr.
carried the negroes referred to from the county of Southampton
Ans. about two years before the death of James Lundy Jr.

Ques. by the same are you certain that you heard James Lundy
frequently say ~~that~~ in the space of two years preceding his death
that he had given to James Lundy Jr. two negroes women
carried by him to Georgia & Ans. Yes

Ques. by the same did James Lundy Jr. start to the State of
Georgia with other negroes than those two referred to

Ans. not that I know of

Ques. by the same did you ever hear James Lundy Jr. say
that his uncle James Lundy Sr. owed him any thing
Ans. I did not.

Ques. by the att. was it not the prevailing opinion that if James Lundy Jr.
and ~~without him~~ that he would give his estate to his nephew Jas Lundy Jr.
Ans. it was

Question by the plaintiff - What was your employment at the time that you were intimate in the family of James Lundy Jr? Answer - I worked with my father as a farmer.

Question by the same - Did you have any particular business with James Lundy Jr which caused you to be intimate in his family? Answer - I often went there to put my father's horse in his pasture.

Question by the same - Was James Lundy Jr much in the habit of conversing with persons about his own private matters? I do not know.

Question by the same - Was it before the marriage of James Lundy Jr that you were in the habit of carrying your father's horse to his pasture, and when you heard him say that he had given two negroes to James Lundy Jr? It was before his marriage to his last wife.

Question by the same - How long was it before he was married the last time, that you heard him say he had given the two negroes to Jas Lundy Jr?

Answer - Three or four years.

Question by the same - Was James Lundy Jr living with his uncle James Lundy Sr when you heard James Lundy Jr say that he had given the negroes to James Lundy Jr? Answer - ~~He~~ I believe he was.

Question by the plaintiff - Did ~~the~~ ^{not the woman} Mary have a child when she was carried to Georgia? Not that I recollect?

Question by the same - Did you not say, since your examination here, that there was nothing more certain than that Mary had a child when she

was carried to Georgia? Not that I recollect.

Sworn & subscribed and sworn to before us this 11th day of June 1830.

A. T. Peck J.P.

John H. Lundy

Sept

Brown

~ 2 Deposits
Myrick of

Briggs Norrell

for D^{ts}:

Returned Sealed
Jan 3. 1831

Deposition of Briggs Norrell taken at the store house of
Benjamin Williamson in the County of Southampton a gra-
ble to notice given to be read in evidence in a suit now
depending in the Suprem Court of Chancery for the Williamsburg
district in which Orris A. Browne is Complainant - of James
Myrtle and wife defendants - Dec. 25/1830 ^{has been sent to Richmond} while
this dependent first being duly sworn depose that
Question by Defendant - Did you ^{ever} hear James Lundy Sen.
give to James Lundy Jr. a negro woman named
Creary?

Ans. I did.

Question by the Plaintiff. When, where, and under what
circumstances, did this gift take place.

Answer. At the house of James Lundy Sen. after the death
of his son William, and before his last marriage,
his nephew James Lundy Jr. complained that he had
been living with his uncle several years, and had
never given any thing for it. His uncle said,
yet he had, he had given him that negro girl,
pointing to one, named Creary, standing by -

Briggs Norrell

The above deposition was ^{made} taken before me a
Justice of the Peace for the County of Southamp-
ton in the presence of the Plaintiff & defendant
who were ^{both} willing for it to be taken before
a magistrate - Given under my hand this
25 day of December 1830 -

J. J. Howard JP

Doctor Orice A Brown. Dec. 20/1830

You will please take notice that on the 23rd
Inst at the store house of Benj^a Williamson
in the County of Southampton between the
hours of 9 o'clock in the morning and sun
set of that day I shall proceed to take the
deposition of Briggs, ~~Worrell~~ & others to be read
as evidence in a suit depending ~~in the Court~~
Superior Court of Chancery for the Williamsburg
district. in which you are plaintiff and myself
defendant —

James Myrick

Inchamptown County Court.

Decr. 20/1830. This day personally appeared before ^{me} a Justice
of the peace for said ^{County} River Barker and made oath that he
has delivered to Orrisk Brown a true copy of the within
Notice. Thus day Given under my hand the day & date,
first above written

Alexr. McK. J.P.

Proun de } Comrs
vs }
Myrick adm de } Report

Filed July 28th 1832.

Commissioners Office Jerusalem June 16th 1832

Brown & Co
vs
Myrick

In Chancery

The parties were notified to attend this office to day, when Orris & T. Brown the plaintiff only, attended. the court continued the case from day to day, and on the 19th June Orris & T. Brown plaintiff & James Myrick admr. ^{deft} attended, and at the request of the defendant & consented to by the plaintiff, the case was again continued to the 29th June following, when Orris & T. Brown the plaintiff attended, and Rich^d M. Baker attorny for the defendant attended. The plaintiff contended that sundry errors had been committed in the former settlement of David Myrick admr. of James Sunday dec^d, some of which were satisfactory to the Court and which will be noted and explained in their proper places

The estate of James Sunday dec^d
In account with David Myrick admr

1808			Dr	Cr
March 21	To paid Charles Holt his acct of Rec ^t		6 00	
July 9	" " Thomas Standley Deacon			
	in favour of Sally Smith 26.07		26 04	
16	" " Doctr W Purnell acct		27 54	
Oct 14	" " Person Turner		8 71	
20	" " ditto		16 54	
Dec 25	" " James Sunday		5 00	
"	" " Ans M Walker		26 25	
"	" " James B Sunday		68 61	
"	" " Henry Smith		35 18	
"	" " Clerk Brunswick ticket		2 28	
"	" " ditto Southampton		70	
"	" " Court Revenue do		1 00	
			\$223 82	
"	" By amount of Sales due this day			1787 20
"	" " This due from James Sunday for			
	two negroes which were sold by him			
	for the testator in the State of Georgia			300 00
	the Court only charges one negr			200 00
	By John Reeves bond & Interest			
"	" James Sunday ditto			82 59
"	" 2 Hogs ^d Tobacco 74.27			74 27
"	" Negro hire this year			230 36
				\$2674 42

		Dr	Cr
1809	To paid Sam Calvert Shff of Rect	40 09	
"	" Ditto de "	5 80	
"	" Ransom Russell "	20 87	
March 7	" " Jase Bolt bond and interest "	221 50	
8	" " Eliza Harrisons acct "	59 01	
June 20	" " Sam Calvert Shff "	5 72	
"	" " Doct Claiborne acct "	37 75	
"	" " ditto "	25 50	
Oct 4	" " Enos Hays bond & interest "	18 06	
Dec 23	" " Mabry & Avery acct "	13 00	
"	" " Clerk Greenville tickets "	9 70	
"	" " ditto de "	4 41	
"	" " ditto Southampton "	52	
"	" " Willie Frances for Sally Smith "	20 30	
		<u>481 73</u>	
25	By Negro Hire due this day \$25.10		
	off expensives negroes 86.00		539 10
1810			
Jan 19	To paid Willie Frances Constable of Rect	3 92	
Feb 10	" " Sheriff Greenville "	7 69	
March 12	" " Wm Butler "	2 00	
"	" " E. Gee Corr. Revenue "	50	
May 25	" " Willie Frances for S. Smith "	20 30	
June 4	" " Carr Darden St. "	9 72	
Aug 3	" " Enos Hays acct "	18 66	
12	" " Augustus Claiborne Atty. "	10 00	
20	" " C. Darden Shff. mon. in favor of H. Denny	460 45	
"	" " Clerk Southampton tickets "	15 23	
"	" " Wm Thorp acct "	50	
		<u>540 97</u>	
" 25	By Cash of Robt Mabry's admr.		458 60
1812	Off expences to Wmburg for the estate	25 50	
Jan 25	To paid James Myrick of Rect	16 37	
"	" " Clerk Wmburg Chz Court "	16 07	
July 4	" " James W. Muddaugh atty for "	10 00	
Sept 12	" " Geo Hay ditto "	20 00	
Sept 12	" " Sunsford Sunday aut "	24 94	
"	" " Clerk tickets "	70	
Oct 12	" " Geo. Hay atty "	30 00	
18	" " J. W. Muddaugh atty "	10 00	
"	" " Clerk Geo. Court tickets "	1 08	
		<u>154 66</u>	

Continued for?

		Dr	Cr
1812			
May 28	By Cash rec of Geo. Mason adm R. Mabry		156 92
Nov 25	" " William Tunnell bond & int		35 42
			<u>192 34</u>
1813			
Feb 8	To paid Griffin with atty of Rect	22 50	
22	" " Geo A Sunday acct "	13 00	
July 17	" " Geo. Myrick "	5 40	
"	" " J. C Sunday "	4 37	
Nov 20	" " James Harris for Nancy Harris "	271 00	
		<u>316 27</u>	
"			
"	By Cash rec of Joseph Gilliam on a/c		9 10
1814	To paid Clerk Court appeals tickets	20 52	
Jan 25	To paid B. Bhent, Sally Luchies order	20 00	
		<u>40 52</u>	
	By amt costs in the suit in the Court-appeals		
	of appeals vs Adams de say, chz, 20.52		
	attys for ditto 20.00		40 52
1815			
Dec 12	To paid Edwin Adams exor of Rect \$833.07	733 50	
	costs in Southampton Chz Court	<u>19 52</u>	
		<u>753 02</u>	
	By this amt due on the division of the estate		
	see the Comr. report of 6 th 19 th 9 th 1813		20 29
	By this amount for fees twice paid		<u>56 33</u>
			<u>78 52</u>
1808		Dr	Cr
	By amount Sales & Receipts of acct	267 44	
	To Comd on Receipts	160 46	
	" Amount disbursed of account	223 82	384 28
Dec 31	By balance due the estate		<u>2290 14</u>
1809			
	By amount of Rects of acct	539 10	
	To Comd. on ditto \$32.34		
	" Amount disbursed of acct 481.73	514 07	25 03
Dec 31	By balance due the estate		<u>2315 17</u>
	" Int. on \$2290.14 one yr to this day		137 40
1810			
	By amt of Receipts of acct	458 60	
	To Comd on ditto 27.51		
	" Amount disbursed of acct 540.97	568 48	109 88
Dec 31	By balance due the estate		<u>2205 29</u>
	" Interest on ditto one yr. to this day		137 40
			<u>132 31</u>
			<u>269 71</u>

1810	Decr 31	By amounts brought forward		2205 29	269 71
1811	Decr 31	Interest on \$2205.29 one yr to this day	" "	" "	132 31
1812		By amount Receipts of account	192 34		
		To Commr. on settle	\$11.54		
		" amt disbursed of acct.	154.66	166 20	26 14
Decr 31		By balance due the estate		\$2231 43	402 02
		Interest on \$2205.29 one yr to this day	" "	" "	132 31
1820		By amt Receipts of acct	9 10		
		To Commr. on settle	.54		
		" amt disbursed	36.27	316 81	307 71
Decr 31		By balance due the estate		\$1923 72	534 33
		Int on \$1923.72 one year to this day	" "	" "	115 42
1814		By amt Receipts of acct	40 52		
		To Commr. on settle	2.43		
		" Amount disbursed of acct	40.52	42 95	2 43
Decr 31		By balance due the estate		\$1921 29	649 75
		Interest on settle one yr. to this day	" "	" "	115 27
1815		By amt Receipts of acct	86 52		
		To Commr. on settle	3.19		
		" Amount disbursed of acct	753.22	758 21	671 69
Decr 31		By balance due the estate		1249 50	765 02
		Interest on settle one yr. to this day	" "	" "	74 97
		By Interest acct brot down	" "	839 94	
				1237 30	
		By balance due the estate	" "	1237 30	21 3
		To paid John Shepherd his proportion of the former balance found due	" "	265 54	272 86
				1924 05	567 39
		By Int on acct from 31 st Decr 1815 to the 31 st Jan 1823 - 7 yr. 1 mo 7	" "	418 22	
		By amt Int brot down	517 33		
				1969 51	
		To paid J. B. Sunday Guardian of acct of said Sunday Mark & A.	" "	1238 49	
1823	Jan 31	By balance due the plty		\$731 72	with
		Interest thereon from this day till paid			
		Notes to			
		Can forward			

Brown & Wick } Jerusalem Court Office June 16th 1832
 Myrick adm^r de }

The parties were notified to attend at this office to day, when orris & A. Brown the plaintiff attended only. The Court continued the case until the 19th instant, when orris & A. Brown plaintiff and James Myrick ^{att} attended, and at the request of the defendant (the plaintiff consenting) it was again continued to the 29th instant (same) when orris & A. Brown plaintiff and Rich^d H. Waller attorney for the defendant attended

The estate of James Lundy dec^d
 In account with David Myrick administrator

1818				Dr	Cr
March 21	To paid Charles Holt acct	\$ Rec ^t		6 00	
"	" Thos Standley Dpy Shff. ex ^r	"		26 01	
16	" Doctr con Purnell acct	"		27 64	
Oct 14	" Person Turner	"		8 71	
"	" ditto	"		16 54	
Decr 25	" James Lundy	"		5 00	
"	" John M. Walker	"		26 25	
"	" James B. Lunday	"		88 81	
"	" Henry Smith	"		35 18	
"	" Clerk Brunswick tickets	"		2 28	
"	" do Southampton	"		70	
"	" Court Revenue	"		1 00	
				223 82	
"	By amount sales due this day	"			1787 20
"	" this sum due from James Lundy & co.	"			
"	for Negro Girl Middy sold in the State of Georgia	"			300 00
"	John Reeves bond and Int	"			200 00
"	James Lundy ditto	"			82 59
"	2 Hogheads Tobacco	"			74 27
"	Miss Neegres this year	"			230 36
					2674 42
1809	To paid Sam ^e Calvert Shff	\$ Rec ^t		40 09	
"	" ditto	"		5 80	
"	" Ransom Harwell	"		20 87	
	amount Can ^d forward			66 76	

		Dr	Cr
1809	To amount brought forward	66 76	
March 7	" paid Jesse Holt bond and interest off acct	228 00	
8	" " Elija Harrison acct	59 01	
June 20	" " Jaml Calvert Shiff	5 72	
"	" " Doct Claiborne acct	37 75	
"	" " ditto do	25 50	
Oct 4	" " Enos Haep bond & interest	18 06	
Dec 23	" " Mabry & Avery acct	13 00	
"	" " Clerk Greenville ticket	9 70	
"	" " do do	4 41	
"	" " do Southampton	52	
"	" " Miles Frances for Sally Smith	20 30	
		481 73	
" 25	By negs his this year	\$625.10	
	off expensiv ditto	86.00	539 10
1810			
Jan 19	To paid W. Francis Const	3 92	
Feb 10	" " Shiff Greenville	7 69	
March 12	" " W. Kutter acct	2 00	
"	" " E. Lee Comr. Revenue	50	
May 25	" " M. Frances for S. Smith	20 30	
July 6	" " Can Darden D. Shiff	9 72	
Nov 9	" " Enos Haep acct	10 66	
12	" " A. Claiborne atty	10 00	
20	" " Humphrey Drewary exor	460 45	
"	" " Clerk Southampton tickets	15 23	
"	" " W. Thorp acct	50	
		\$540 97	
" 25	By Cash of Robt Mabry's admr		458 60
1812			
	To paid James Myrick acct	16 37	
"	" " Clerk Chy. Court Wm. v. v. v.	16 07	
July 4	" " J. W. Mundaugh atty	10 00	
Aug 12	" " Geo. Hay ditto	20 00	
Sept 12	" " Lunsford Sundry acct	24 94	
"	" " Clerk ticket	70	
Oct 12	" " Geo. Hay atty	30 00	
18	" " J. W. Mundaugh ditto	10 00	
"	" " Clerk Genl Court	1 08	
"	" " expensiv to Williamsburg	25 60	
		\$154 66	

		Dr	Cr
1812			
May 28	By Cash acd of Geo. Mason admr R. Mabry		156 92
Nov 25	" " William Sunde bond & int		35 42
			\$192 34
1813			
Feb 22	To paid Griffin both atty	22 50	
"	" " J. H. Sundry acct	13 00	
July 17	" " John Myrick	5 40	
"	" " J. C. Sundry	4 37	
Nov 20	" " James Harris for Nancy Harris	271 00	
		\$316 27	
"	By Cash recd of J. Williams on acct		9 10
1814			
Jan 25	To paid Clerk Court Appeals, costs	20 52	
"	" " B. B. Hunt, Sally Smith's overy	20 00	
		\$40 52	
	By amount Costs in Court of appeals		
	against Adams & son Clerk		20 52
	" ditto do attorney		20 00
			\$40 52
1815			
Dec 12	To paid Edwin Adams Surgt	733 50	
	ditto costs in Southampton Court	19 82	
		\$753 02	
	By this amount due on Division of the		
	testates to plff in 1810 see Comr's		30 27
	report, including interest to this date		
	By this amount for m. comr. Adams & son		56 25
	twice charged		\$86 52
1816			
	Genl acct cont forward		

The estate of James Sunday dec.
In account with David Myrick Administrator

		Dr	Cr	Interest
1808	By amount bills and receipts facet		2674 42	
	To Commissions on Receipts	160 46		
	" amount disbursed facet	223 82	384 28	
Decr. 31	By balance due the estate		\$2290 14	
1809	By amount Receipts facet	539 10		
	To Commis. on ditto	32.34		
	" amt. disbursed facet	481.72	514 07	25 03
Decr. 31	By balance due the estate		\$2315 17	
	" Interest on \$2290.14 one yr. to this day			137 40
1810	By amt. Receipts facet	458 60		
	To Commis. on ditto	\$27.57		
	" amt. disbursed facet	540.97	568 48	109 88
Decr. 31	By balance due the estate		\$2205 29	137 40
	" Interest on ditto two yrs to this day			264 62
1812	By amt. Receipts facet	192 34		
	To Commis. on ditto	\$11.54		
	" amount disbursed facet	154.66	166 20	26 14
Decr. 31	By balance due the estate		\$2231 43	482 02
	" Int on \$2205.29 one yr. to this day			132 31
1813	By amt. of Receipts facet	9 10		
	To Commis. on ditto	.54		
	" amt. disbursed facet	316.27	316 81	307 71
Decr. 31	By balance due the estate		\$1923 72	534 33
	" Interest on ditto one yr to this day			115 42
1814	By amt. Receipts facet	40 52		
	To Commis. on ditto	\$2.43		
	" amt. disbursed facet	40.52	42 95	2 43
Decr. 31	By balance due the estate		\$1921 29	649 75
	" Interest on ditto one year to this day			115 27
1815	By amount Receipts facet	86 52		
	To Commis. on ditto	\$5.19		
	" amt. disbursed facet	753.02	758 21	671 69
Decr. 31	By balance due the estate		\$1249 60	765 02
	" Interest on ditto one yr. to this day			74 97
				839 99
	To paid Jno. Shepherd as his proportion of the former balance found due		265 54	272 66
	Amounts Car'd forward		\$984 06	567 33

1815

Decr. 31 By amounts brought forward \$984 06 567 33
 " Int on \$984.06 from this day to the 31st January 1823 - 7 yrs 1 mo } 418 22
 By amount of Interest brot down 567 33
 1823 1969 61
 Jan'y 31 To paid J. C. Sunday Guard. 1238 49
 " " By balance due the plffs. \$731 12 with
 Interest thereon from this day till paid

Notes

- The Court being of opinion that the evidence in relation to the Girl Middy, though somewhat contradictory, establishes the fact that she was the property of the intestate, and was sold for his benefit by the Stephen James Sunday of CO. and that the admr. might by proper diligence, have collected the amount, has charged him with it.
- Amount of Judge for costs recovered in the Court of Appeals vs Adams & see record B.
- The difference in the amount of this item, and that formerly charged, results from the different mode of calculating Interest. The Court thinking that only 5% centum ought to be allowed as the debt was contracted in 1781 whereas 6% centum was paid by the admr. see voucher C.
- In the division of the intestates estate this amount was directed by the Court to be paid by John Shepherd & wife to David Myrick the admr., who was also Guard. & next friend, appointed by the Court to defend the infant Complainant. See Court's report D.
- The admr. in the former settlement was credited by the master Court with fees, which were afterwards presented by James Myrick admr. to Joshua C. Sunday Guard. to Complainant then & infant, which he again paid. See copies of these reports E. F. G.

The plaintiff objects to the mode of calculating the Interest on this account, and directs the Court, to make up a special account, and apply the Interest to the discharge of the disbursements, in those years when the receipts were not equal, or where there were no receipts, the interest to be applied exclusively - which is done in the following manner

found.

1440.
The estate of James Sunday, in acct with David Myrick *admr*

			Dr	Cr	Interest
1808	By amt sales and receipts facet		"	2674 42	
	To Coms on ditto	160 46			
	" Amount disbursed facet	223 82	384 28		
Decr 31	By balance due the estate		\$2290 14		
1809	By amt Receipts facet	539 10			
	To Coms. on ditto	32.34			
	" amt disbursed facet	481.73	574 07	25 03	
Decr 31	By balance due the estate		\$2315 17		
	" Int on \$2290.14 one yr to this day		"	"	137 40
1810	By amt Receipts facet	458 60			
	To Coms on ditto	27.57			
	" amt disbursed facet	540.97	568 48	"	109 88
Decr 31	By balance due the estate		\$2315 17		27 52
	" Interest on ditto two yrs to Decr. 31/1811		"	"	277 88
1812	By amount Receipts facet	192 34			
	To Coms. on ditto	11.54			
	" amount disbursed	154.66	166 20	26 14	
Decr 31	By balance due the estate		\$2341 31		305 40
	" Int on \$2315.17 one yr to this day		"	"	138 91
1813	By amt Receipts facet	9 10			444 31
	To Coms on ditto	54			
	" amt disbursed facet	316.27	316 81	"	307 71
Decr 31	By balance due the estate		\$2341 31		136 60
	" Int on \$2341.31 one yr to this day		"	"	140 47
1814	By amount Receipts facet	40 52			277 07
	To Coms on ditto	2.43			
	" amt disbursed facet	40.52	42 95	"	243
Decr 31	By balance due the estate		\$2341 31		274 64
1815	" Interest on ditto one yr to this day		"	"	140 47
1815	By amt of Receipts facet	86 52			315 11
	To Coms on ditto	5.19			
	" Amount disbursed facet	753.02	758 21	356 58	671 69
Decr 31	By balance due the estate		\$1984 73		
	" Interest on ditto one yr to this day		"	"	119 08
			2103 81		
	To paid John Shepherd & wife		538 20		
			1565 61		
	Int on ditto to Janz 31 st 1823-791 mo		"	664 54	
1823			2230 15		
Janz 31	To paid J. C. Sunday Guardian		"	1238 49	
"	By balance due the plaintiffs		\$991 56		with
"	Interest thereon from this day till paid				

The Commissioner is also directed to make up an account of the defendants transactions on the estate of David Myrick decd., but as he has lately done this, under an order of the County Court of Southampton, and reported the same to that Court, and the plaintiffs stating that they had no additional transactions to report, the Comr has therefore filed a copy of that report - 1816.

Respectfully Submitted to the Court
J. J. Webb ml

Comrs for 28 Hrs \$28.00
Copy Acct. 2.25
30.25
Sup @ new y for notices 50
30.75
Charged to the plaintiffs
J. J. Webb ml

Myrick
in {copy: papers
Shepherd due

S

To the Worshipful the County Court of Southampton sitting in Chancery
Humbly complaining sheweth unto your Worships your Oratrix Phoebe M. Myrick, that
David Myrick dec^d the late husband of your Oratrix was in his lifetime the
Adm^r, of a certain James Sundry dec^d and that since the death of her said hus-
band, who died intestate she has administered on his estate. That after the death
of the said James Sundry your Oratrix's husband as his Adm^r sold all his
perishable estate according to law and at the sale aforesaid Susan Sundry his
widow purchased property to the amount of \$1038.26 cents and also hired negroes
to the amount of \$186.84 cts, that the said Susan also hired negroes belong-
ing to the said estate the ensuing year to wit, 1809 to the amount of \$280.97
cents, all of which will more fully appear by reference to an account marked
A, hereto annexed and prayed to be taken as a part of this bill. That it
will be further seen by reference to the said account, that after the addition of
legal Interest & the subtraction of just credits which your Oratrix is willing
to admit a balance will be due of upwards of Two thousand dollars.
That subsequent to these transactions the said Susan Sundry intermarried
with a certain John Shepherd who together with his wife the said Susan
are prayed to be made defendants to this bill of complaint. That after the
said marriage the said Shepherd became indebted to the said David Myrick
in his lifetime in the sum of \$130.35 cts in his individual capacity for
articles furnished him as will appear more fully, by an acct^t of the said
articles with the dates of their delivery hereto annexed & prayed to be taken
as a part of this bill, which last mentioned acct^t is designated by the letter
B. That the said John Shepherd also became indebted to the said
David Myrick in his lifetime in another account amounting to \$78.75 cts
principally for money lent which together with its dates will more fully ap-
pear by reference to the said account marked C hereto annexed & prayed to
be taken as a part of this bill. That the said John Shepherd is however
entitled to some credit against these claims for keeping some of the chargea-
ble negroes belonging to the estate of the said James Sundry dec^d from the
year 1810. to 1817 inclusive. That the said Shepherd during the same
years hired several negroes belonging to the said estate and that the allowance
for keeping the chargeable ones exceeded the amount which he contracted to
give for the useful ones something upwards of \$400. as will more fully ap-
pear by reference to an account of the hire of the said negroes for those years
hereto annexed marked D. and prayed to be taken as a part of this bill.
And here your Oratrix state that her said husband died before he had
made up an Administration account on the estate of his said intestate James
Sundry, but that since his death your Oratrix as his Administratrix had

proceeded so far in the settlement of his accounts with the said estate as to ascertain that he had administered all the money which he had received belonging to the said estate and the nominal amount of the proceeds of the sales including what was due from said Susan Lundy altho' he had not received any part thereof from her. but conceiving himself liable he advanced the whole out of his own pocket in payment of the debts of his intestate. That your Oratrix as the Adm^x of her said husband has frequently applied to the said defendants for a settlement of the above mentioned accounts and payment of the balance which may be justly due her husband's estate - That they have declined so doing sometimes contending that nothing is due from them - sometimes disputing their liability to pay debts contracted by the said Susan during her childhood - sometimes disputing the justice of your Oratrix's claims and sometimes alleging other pretenses equally untrue & unjust. all which is contrary to equity and good conscience. In tender consideration whereof and inasmuch as your Oratrix is without remedy at Law in the premises inasmuch as she is not the legal representative of the said James Lundy dec^d (his estate having lately been committed to the Sheriff of Southampton County) and her inability to establish the above accounts completely without a discovery on oath from the said defendants & moreover as intricate unsettled accounts are particularly within the province & control of Courts of equity. To the end therefore that the said defts. may answer the premises on their corporal oaths as fully as if the same were here repeated and they interrogated as to each particular allegation. That they moreover discover on oath whether the acc^ts exhibited by your Oratrix be not correct & just, and that your Honors be pleased to refer a settlement thereof to some Master Commissioner of this Court and finally to decree the payment to your Oratrix of the amount that may appear justly due to her intestates estate & to grant her such other & further relief in the premises as may be consistent with equity and the rules of this Worshipful Court. And as in duty bound she will ever pray &c. May it please the Court to award the Com^{ts} the writ of Sp^e directed &c. commanding &c.

(Exhibit A)

Mr John Shepherd Adm^x To Phoebe W^{ife} Myrick Adm^x of David Myrick dec^d who was Adm^x of James Lundy dec^d.

1808	Dec. 25 th	To amt. articles purchased at the sale of James Lundy dec ^d by Susan Lundy (now Shepherd)	1038.26
		To hire of Negroes for the above year	186.84
		Interest on both the above items till 25 th Decr. 1817.	661.45

1809
Dec. 25th To hire of Negroes for said year
Int. till 25th Decr. 1817.

280.97
134.36
2301.68

Cr.

By keeping Negroes for the year 1808.

110.

Int. till the 25th Decr. 1817.

59.40

By keeping Negroes for the year 1809.

84.00

Int. till 25th Decr. 1817.

40.32

293.72

2107.96

(Exhibit B)

Dr. Mr. John Shepherd To David Myrick

1815	Feb'y	24	To 1 1/2 gallons brandy @ 6/9	1.50
		28	To 23 lb. salt 1 sack	1.-
	July	14	To 2 gallons brandy @ 6/9 (for Mary)	2.25
	Octo'r	24	To 4 1/2 ditto ditto @ ditto (by John)	4.78
	Nov'r		To 4 1/2 ditto ditto @ ditto (by Mr. Emery)	4.78
	Decr	17	To 1 barrel brandy unmeasured the 10 th to be added say 35 gallons @ 6/4	37.18
1816	Jan'y		To 1 barrel of ditto ditto ditto	37.18
	May	17	To 4 gallons brandy for Dr. Boty @ 6/9	14.50
				130.35

Exhibit C.

1815
Sept. John Shepherd To David Myrick

To cash lent you in Petersburg to purchase bridle	\$ 20.00
To cash lent you to pay in swaps of Horses	10.00
To 1/2 Bolt. Colo. rain shirting 17 1/2 yds at 50 cts	8.75
To 40 dollars lent you for Order	40.00
	\$ 78.75

Exhibit D.

1810 John Shepherd wife To Phoebe Myrick Adm^x of David Myrick dec^d who was Adm^x of James Lundy dec^d.

Decr. 25 th	To hire of Negroes for said year	170.11
	Int. on do. till 25 th Decr. 1817.	70.44
1811	Decr. 25 th To hire of Ditts for said year	71.34
	Int. on ditto till 25 th Decr. 1817.	25.68
1812	Decr. 25 th To hire of ditto for 3 ^d year	1.83
	Int. on ditto till 25 th Decr. 1817.	54
1815	Decr. 25 th To hire of Negroes for said year	118.55
	Int. on ditto till 25 th Decr. 1817.	14.22
1816	Decr. 25 th To hire of ditto for 3 ^d year	84.31
	Int. on ditto till 25 th Decr. 1817.	5.05

1817	Deer 25 th To hire of Negroes for said year.	301 25
		863 32
1810	Or.	
Deer 25 th	By keeping negroes.	100 00
1811	Int: till 25 th Deer 1817.	42 00
Deer 25 th	By keeping ditto.	98 83
1812	Int: till 25 th Deer 1817.	35 57
Deer 25 th	By keeping negroes.	64 83
1813	Int: till 25 th Deer 1817.	19 44
Deer 25 th	By keeping ditto.	73 00
1814	Int: on ditto till 25 th Deer 1817.	17 52
Deer 25 th	By keeping ditto.	130 00
1815	Int: till 25 th Deer 1817.	26 50
Deer 25 th	By keeping ditto.	129 30
1816	Int: till 25 th Deer 1817.	15 34
Deer 25 th	By keeping ditto.	233 00
1817	Int: till 25 th Deer 1817.	14 10
Deer 25 th	By keeping negroes.	283 83
		1282 56
		863 32
		419 24

The answer of John Shepherd & Susan Shepherd his wife late Lundy to the bill of Complaint exhibited against them in this Worshipful Court by Thibe Myrick. These respondents saving and reserving to themselves all benefit of exceptions &c. for answer thereto or so much as they are advised is material for them to answer say. The said Susan Shepherd late Lundy has only to say in regard to the items of the first account mentioned in the bill that as there is only a vague and indefinite charge of a sum of money in gross without any account filed in the bill and as she has not in her power any paper by referring to which she can ascertain the different items of the charge that it is true she purchased some property at the sale of James Lundy as is alleged against her but very far as she believes from amounting to the sum with which she is charged in the bill of the said Myrick as she well knows that some time since on her seeing the said account alleged to in the bill she observed herself charged with several items which were not should not be due. One in particular was a quantity of bacon amounting at least to 600 pounds which she did not have it being bought as she believes by a certain Sally Smith & charged to her, but she being unable to give the necessary security for the payment of the purchase money the charge was altered & placed as a debt against her without her knowledge at that time & at

every time without her consent. or any obligation on her part to make herself answerable for the default of the said Sally Smith. and the said John Shepherd avers a total ignorance of this transaction as it took place several years antecedent to his connection with the estate of James Lundy. As it regards another charge in the said above mentioned account for the hire of negroes your respondent Susan Shepherd acknowledges the fact of her having hired the negroes mentioned but does not conceive that she hired even her just proportion as she is advised that she had then a right either to one third part of the negroes or the same proportion of the money arising from their hire. And in as much as she did not receive as large a proportion as one third part of them nor any other satisfaction she is rather inclined to suppose that there should be something due from the Estate to her on that score than the reverse. which facts are without the knowledge of the said John Shepherd as he avers.

To the account so mentioned in the bill your Respondent John Shepherd acknowledges the justness of it except that he is charged in it with a barrel of Brandy @ \$37 whereas he avers that he was to pay for it only \$50 and also with another barrel for one Emory at the same price \$37. he denies that he ever assumed to pay for it and moreover says that the s^d Brandy was he believes paid for by the s^d Emory & he has in his (s^d Shepherds) possession a receipt to Emory for that payment. Your Respondent John Shepherd in answer to the charges in the Acct. marked C. admits the justness of it so far as it goes but says that it was in satisfaction of a simple contract debt due to him for a parcel of tobacco sold by s^d Myrick for him & other things amounting to the sum of \$5.32² more than the s^d account C. for which balance your respondent claims credit besides balancing the said account.

For answer to the account marked C your Respondent John Shepherd says that he considers himself entitled to a larger balance in his favour than \$219.24 as he believes that he was charged for the hire of negroes which he did not have as it respects a full answer he has only to say that from the manner of making out the debts against him it is impossible for him to say on which part of it he is overcharged as the names of the negroes are no where mentioned. but he recollects seeing an account in which he was charged with some which he never had and that the last consistent with the first & therefore for more than was due. Your Respondent farther insists on a farther credit of the sum of \$70 which during the years of the subject of the aforesaid Acct. D, to wit in the years 1810. 1811. 1814 & 1815 for money which he actually advanced for the benefit of the s^d David Myrick in whose right the pett^r. was in attention to sick negroes, of his family & boarding in midwives fees & in

buying &c. and also for the sum of £16. 88 for which David Myrick was bound by promissory note or due bill which s^d Shepherd p.^d in discharge of s^d Myrick. All which transactions together with severall physicians accounts which were paid by your Respondents in discharge of s^d Sundrys estate for services to it, and for the sum of \$100. lent by John Shepherd to D. Myrick by William Myrick, and lastly the sum of \$900 due from s^d David Myrick to your Respondents being the consideration for a tract of land covenanted to be conveyed from them to him for which he covenanted to pay the said sum of \$900 and which land has always been in possession of s^d Myrick & his representatives and which said agreement your respondents are and always have been ready to execute - Your Respondents beg leave to state to your Worships in part answer to this bill one other circumstance of the effect of which he is not fully advised - A certain James Sundry shortly antecedent to the death of James Sundry mentioned in the bill by some means came into the possession of two likely young negro women the property of James Sundry last mentioned and carried them it is supposed to the State of Georgia, shortly after this transaction the said James Sundry last mentioned, and also spoken of in the bill died and his Estate was administered on by David Myrick & before the Statute for the limitation of actions could have applied the said the said first mentioned James Sundry came into the State of Virginia & completely in the power of the s^d David Myrick for the purpose of executing a writ & commencing a suit for the recovery of the value of the above mentioned negroes of which the s^d Myrick had full and sufficient notice & was moreover instructed by your Respondent John Shepherd to commence suit for the above purpose immediately, yet the said Myrick refused to do so by means of which the recovery of the above amount (Sundry being fully able to pay it) was prevented, for when the estate of s^d Myrick was committed to the Sheriff of the County of which you are the Worshipful Court a suit was commenced and the Statute of Limitations was pleaded successfully in as much as it is conceived that your Respondent Susan Shepherd was entitled to one third part of the damages which would have been recovered if Myrick had sued as he ought, or if the negroes themselves were in the State & could have been recovered, to a life estate in $\frac{1}{3}$ of them, she conceives herself to be a creditor to the Estate of David Myrick in the amount of the s^d one third part of the value of the s^d negroes - Which various transactions in the opinion of your Respondents are at least sufficient to balance every thing due to s^d Myricks estate by your respondents - Your respondents denying all knowledge of any of the sums of money alledged in the bill of the said Phoebe H. Myrick to have been paid by the said David Myrick in discharge of the Estate of

James Sundry and all disposition to do otherwise than is strictly conformable to law and equity, And having fully answered pray hence to be dismissed with their costs in this behalf expended -
M. P. Brodway P.^d

June 17th 1820 This day appeared before me A. P. Peto a Justice of the Peace for the County of Southampton, these Respondents and made oath to the truth of the allegations in this answer for so much as is severally answered by each of them & joint answer of both. Given under my hand this day & date above written -
A. P. Peto J. P.

Shepherd
Myrick

Humly complaining shew unto your Worships your Orators John Shepherd Susan Shepherd late Susan Sundry, that sometime since Phoebe H. Myrick who has since intermarried with James Myrick instituted a suit in Chancery against your Respondents in this Worshipful Court for the recovery of a sum of money which she said was due from your Orators in respect of the Estate of James Sundry dec^d to David Myrick as his Admop in which case the said Phoebe H. Myrick put your Orators on their oaths to say concerning sundry transactions between the parties & obtained a decree that unless they should make full answer to the various interrogations in her bill that it should be taken as confessed against them, in conformity with which decree your Orators have fully answered to every particular so far as their information would enable them to answer, thereby charging themselves with the receipt of several - of money and other valuables which otherwise could not have been proved against them whereas there are many transactions like those confessed by your Orators in which the said David Myrick was greatly indebted to the s^d John Shepherd & your Oratrix which were considered by your Orator & Oratrix as being a balance to the others but of which they have no proof. In tender consideration whereof & in as much as your Orator and Oratrix have no remedy at Law on acct^t of the want of proof & may it please this Worshipful Court for the purpose of arriving at the decision of the case & preparatory to a final decree to direct and order that before any steps shall be taken in the cause detrimental to the rights & interest of your Orator & Oratrix the said James and the said Phoebe H. Myrick may make full and satisfactory answer on oath to the following matters. Whether the said David Myrick mentioned in these proceedings did not shortly after the death of said James Sundry receive from s^d Sundrys estate a parcel of tobacco about 800 or 900 lbs for which he did not account with

said Lundy's estate & how much there was - what the quality was - what the price then was and what became of it; also whether the said David Myrick did not sell a few of said wharfs & other things belonging to James Lundy's estate without accounting for it or any part. Whether David Myrick did not receive a quantity of notes, bonds, Ac^t. evidences of simple contract debts & other valuables which he has disposed of to his own use without placing them in Ac^t. and what were their sales amounts &c. and whether or not there was not an obligation entered into by James Lundy above mentioned together with one Morris as Exors of the will of James Lundy the elder for a considerable sum which the s^d David Myrick paid out of the Estate of James Lundy formerly mentioned altho Morris was liable for & able to pay one half part of the said debt and what was the date and amount of the s^d obligation together with all the transactions by which s^d David Myrick became indebted to the Estate of James Lundy and as in duty bound they will ever pray &c.

M. B. Brod. P. R.

To the Worshipful the County Court of Southampton sitting in Chancery. The answer of James Myrick & Phoebe H. his wife Adm^r of David Myrick dec^d to the cross bill filed against them in this Worshipful Court by John Shepherd and Susan his wife - These respondents saving and reserving to themselves all benefit of exception to the many imperfections & misstatements in the said bill contained for answer thereto say that they deny that the said Complainants who are defendants in the original suit are entitled to any of the credits not allowed in the original bill and which in the most loose and indefinite manner are trumped up in the cross bill; that these respondents therefore hold them to strict proof of every fact alleged by them, not directly responsive to the allegations to which they were called in to reply - that respondents are totally ignorant of the pretended receipt of 800 or 900^{lbs} of tobacco by David Myrick in his lifetime from the estate of James Lundy dec^d and presume the contrary to have been the fact as the said David Myrick would no doubt otherwise have correctly accounted for it & they therefore infer if the account current of his Administration on the said Lundy's estate exhibit no such item, that the claim is unfounded in justice - These respondents have to state in relation to the said wharfs mentioned in the said cross bill that none to the best of their knowledge and belief were ever disposed of and unaccounted for by the said David Myrick on the contrary the account of sales made of the Estate of the said Lundy exhibit a correct disposition of the said wharfs and the aggregate amount

of the said sales was credited to the estate of the said Lundy in the account current of the said David Myrick's Administration thereon returned by your Respondent. Phoebe H. his Adm^r as aforesaid as mentioned in the said original bill, that your Respondents at all times disposed to attain justice simply and elucidate the transactions between the parties herewith exhibit a correct account of sales of the estate of the said James Lundy which they pray may be taken connectedly with the account current of David Myrick's Administration on the said estate as part of this answer & which account your Respondents humbly conceive will tend to explain & refute most of the pretended credits claimed by the said Shepherd & wife - that as to the charge in the said bill of notes, bonds &c. received by the said David Myrick & unaccounted for, your Respondents refer for an answer to their previous declaration, that but little to the best of their knowledge & belief was in that manner rec^d. by the said David Myrick & your Respondents have good reason for believing that from the situation of the estate of the said James Lundy but a small part of it consisted of bonds and they are all credited in the said account current - That as to the last charge in the said bill of the claim due by Lundy & Morris as Exors of James Lundy the elder and which was paid by the said David Myrick as Adm^r of Lundy and which amounted to something upwards of \$800 your respondents have to state that so far from the said David Myrick having paid it voluntarily it was recovered from him by a decree of the Superior Court of Chancery for the Williamsburg District the compelled to pay the whole of it being equally responsible with the said Morris his co-executor who had joined him in the bond & who had long before removed out of the Commonwealth leaving no property herein as far as your Respondents have ever been able to learn - Your Respondents in conclusion have now as heretofore to request a settlement of the accounts between the parties before a Commissioner in which all the claims due them from the said Shepherd individually may be distinguished from the rest. And having answered they pray to be hence dismissed &c.

Brod. P. R.

Southampton County to wit. This day personally appeared before me John LeGray a Justice of the Peace for the said County James Myrick who made oath that the facts stated in the foregoing

answer are true to the best of his knowledge & belief Given under my hand this 17th day of July 1820.

John C. Gray

At a Court held for the County of Southampton the 17th day of July 1820 this cause came on to be heard upon the bills, answers & exhibits and argument of Counsel. Whereupon it is decreed and ordered that Master Commissioner Cobb do examine state and settle all matters in difference of accounts between the parties in this cause, and that he report to the Court any matters or thing therein thought pertinent by himself or required to be stated by the parties.

Dr. John Shepherd

In account with David Myricks Adm^r Est. Lundy dec^d.

1808	Decr 25 th	To amount of articles purchased by your wife Susan late Susan Lundy at the sale of James Lundy dec ^d	1038	36		
		To hire of negroes of said estate	186	84	1225	20
1809		To balance for Contra	1115	20		
Decr 25		" Int. on \$1115.20 to this day	66	30		
		" Hire of Negroes this year	280	97	1462	57
1810						
Decr 25		To balance for Contra	1316	57		
		" Int. to this day	78	99		
		" Hire of S. Lundy's negroes	170	11		
		" Rent of land ditto	40	23	1605	90
1811						
Decr 25		To balance for Contra	1435	90		
		" Int. to Decr 25 th 1811	86	15		
		" Hire of Susan Lundy's negroes	71	34	1593	39
1812						
Decr 25		To balance for Contra	1464	56		
		" Int. to this day	87	87		
		" Hire of S. Lundy's negroes	183		1554	26
1813						
Decr 25		To balance for Contra	1489	43		
		" Int. to this day	89	36	1578	79
1814						
Decr 25		To balance for Contra	1505	79		
		To Int. to this day	90	34	1596	13

1815		To balance for Contra	1261	13		
		" Int. to Sept 1 st	58	44		
Sept 1		" Cash for order	40	00		
Decr 25		" Interest on \$1559.57 to this day	1559	57		
		" Hire of negroes due this day	30	90		
			118	55	1709	02
1816						
Decr 25		To balance for Contra	602	52		
		" Int. to this day	36	27		
		" Hire of Negroes this year	84	31	725	10
1817						
Decr 25		To balance for Contra	490	10		
		" Int. on ditto to this day	29	40		
		" Hire of Negroes this year	301	25	820	75
		" To Balance for Contra	536	92		
1808						
Decr 25		By keeping expensive negroes of S ^d estate	110	00		
		By balance to debit	1115	20	1225	20
1809						
Decr 25		By keeping expensive negroes	86	00		
		" Susan Lundy's board &c	60	00		
			146			
		By balance to debit	1316	57	1462	57
1810						
Decr 25		By keeping expensive negroes S. Lundy	100	00		
		" S. Lundy's board &c	60	00		
		" nursing & burying negs Sally	10	00		
			170	00		
		By balance to debit	1435	90	1605	90
1811						
Decr 25		By keeping expensive negroes S. Lundy	98	83		
		" nursing & boarding negs Eliza	30			
			128	83		
		By to debit	1464	56	1593	39
1812						
Decr 25		By keeping expensive negroes	64	83		
		By balance to debit	1489	43	1554	26

1809	To amount brought forward	66 76	
March 7	" paid. Sept. stock bond & Interest receipt.	221 00	
" 8	" " Elizabeth Harrison's account.	5 00	
June 20	" " Samuel Calvert. Shff	572	
June 12	" " Doctr. Claiborne acct.	37 75	
" "	" " Ditto. Ditto.	25 50	
Octr. 4	" " Enos Blays Bond & Interest.	18 06 1/4	
Decr 23	" " Mabry and every account.	13 00	
" "	" " Clerk Greensville tickets	9 70	
" "	" " Ditto. Ditto	4 41	
" "	" " Ditto. Gouhampton	52	
" "	" " Willie Francis for Nancy Smith.	20 30	
		<u>\$ 481 73</u>	

1809	Decr 25	By amount of negroes due this day \$	625 10	
		To paid for expenses negroes	86 00	539 10

1810	Janry 19	To paid Willie Francis constable. receipt.	3 92	
Febry 10	" "	Shuff of Greensville	7 69	
March 12	" "	William Buller	2 00	
" "	" "	E. Es. Commissioners Remuneration	50	
May 25	" "	Willie Francis for Nancy Smith	20 30	
July 16	" "	Carri Darden do	9 72	
Nov. 3	" "	Enos Blays account	10 66	
" 12	" "	Augustine Claiborne for	10 00	
" 20	" "	C. Darden do. Ex. in favour of H. Drury	460 45	
" "	" "	Clerk Gouhampton tickets	15 23	
" "	" "	William Thorpe account	50	
			<u>\$ 540 97</u>	

1810	Nov. 25	By Cash rec. of Robert Mabry's adm.	458 60	
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1812	Janry 25	To paid James Myrick. receipt.	16 37 1/2	
" "	" "	Clerk Wm. Burg. Chancery Court.	16 07	
July 4	" "	JW Murdaugh attorney for	10 00	
Augt. 12	" "	George Blay. Ditto.	20 00	
		Amount carried forward	<u>\$ 62 44</u>	

1812	Sept. 12	To amount brought forward	62 44	
" "	" "	paid. Gouhampton Lundy acct. receipt.	24 94	
" "	" "	Clerk Gouhampton tickets	70	
Octr. 12	" "	George Blay attorney	30 00	
" 18	" "	JW Murdaugh Ditto	10 00	
" "	" "	Expenses to Williamsburg for the Estate.	25 50	
" "	" "	Clerk General Court tickets	1 08	
			<u>\$ 154 66</u>	

1812	May 28	By Cash rec. of George Mason adm. Robert Mabry.	156 92	
Nov. 25	" "	William Chinnell Bond & Int.	35 42	
			<u>\$ 192 34</u>	

1813	Febry 8	To paid. Euffin Stick attorney. receipt.	22 50	
" 22	" "	John St. Lundy acct.	13 00	
July 17	" "	John Myrick	5 40	
" "	" "	J. B. Lundy	4 37	
Nov. 20	" "	James Adams for Nancy Adams.	271 00	
			<u>\$ 316 27</u>	

1813	By Cash of Joseph Linn on account	9 10	
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1814	Janry 25	To paid Benjamin Blunt Sally Smithson.	20 00	
" "	" "	Clerk Court appeals tickets	20 52	
			<u>\$ 40 52</u>	

1815	Decr 12	To paid Edwin Adams. Exr. receipt.	833 07	733 50
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1808	By amount of sales & Act. of account	2974 42	
	To Commissioners on \$ 2974.42	178 46	
	Amount disbursed this year for account	223 82	402 28

Decr. 31	By Balance due the Estate	2572 14	
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1809	By amount of Receipts this year for acct.	539 10	
	To Commissioners on \$ 539. 10	32 34	
	Amount disbursed for account	481 73	25 03

Decr. 31	By Balance due the Estate	2597 17	
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	Int. on \$ 2572. 14. from Decr 31/1808 to Decr 31/1809	154 32	
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Amount carried forward

1809	Decr	31	By amount brought forward			2597	17	156	32
1810			By amount of Rec ^{ts} this year acct.	458	60				
			To Commissions on \$458.60	\$27.54					
			" amt disbursed acct.	\$520.97	568	48	109	88	
Decr	31		By Balance due the Estate			2487	29		
			Int on \$2487.29 from Decr 31/1809						
			to Decr 31/1810						
1812			By amount of Receipts account	192	34				
			To Commissions on \$192.34	\$11.54					
			" Amount disbursed acct.	154.66	166	20	26	14	
Decr	31		By Balance due the Estate			2513	43		
			Int on \$2487.29 from Decr 31/1810						
			to Decr 31/1812						
1813			By amount of Receipts account	9	10				
			To Commissions on \$9.10	\$54					
			" Amount disbursed acct.	316.27	316	81	307	71	
Decr	31		By Balance due the Estate			2205	72		
			Int on \$2205.72 from Decr 31/1812						
			to Decr 31/1813						
1814			To amount disbursed acct.			40	52		
Decr	31		By Balance due the Estate			2165	20		
			Int on \$2165.20 from Decr 31/1813						
			to Decr 31/1814						
1815			To amount disbursed acct.			833	07		
Decr	31		By Balance due the Estate			1332	13		
			Int on \$1332.13 from Decr 31/1814						
			to Decr 31/1815						
Q			By 900 th Tobacco @ 19/- flwr which						
			should have been entered in 1808			28	50		
			By Balance of Principals due Estate			1360	63		
			Int on \$28.50 from 1808 to Decr 31/1815			11	97		
			By amount of Int brought down	944	18				
				956	15			944	18
			To all form fees for acct & Reports	45	00	910	15		
			By Balance due the Estate			2271	78		
			In report of Commissioners for						
			accounting the above in Court						

2271.782
757.26

A. This Item was allowed on the affidavit of Joshua C. Lundy & David Newcome.
 B. This Item was allowed on the affidavit of George Ellison the representative of Robert Mabry deceased who also introduced the original which he paid to David Myrick.
 C. This Item was allowed as the original Receipt showing David Myrick received money was introduced.
 D. This Item was allowed on the affidavit of Enos May.

Commissioner's Office Jerusalem Nov. 15/1820.
 Pursuant to the foregoing Order of Court (and the parties having attended agreeably to notice) I have stated and settled an account of David Myrick's Administration on the Estate of James Lundy & find a balance due said Estate on the 31 day of December 1815 of Thirteen hundred and Sixty dollars ⁶³/₁₀₀ of Principal and nine hundred and Eleven dollars ¹⁵/₁₀₀ of interest as stated above which is respectfully submitted to the Court.

Joseph M. Mays

Alimony fee for acct & Report
 60 hours at 75^{cts} per hour charged
 to the adm^r James Myrick
 \$4.50
 Copy of account... \$1.61
\$4.61

2271.18
1933.02
139.01
194.01
35

2102.24
115.09
2023.75
101.18
708.33

1277.21
63.86
447.72

The Complainants in the Cause in which the prefixed Report has been returned except to the same in the following particulars and for the subjoined reasons Vizt. 1st That the Estate of the said David Myrick deceased is charged the sum of \$ 600. with many years interest thereon as for the value of two slaves which it is stated had been sold by James Lunday for the said David Myrick's intestate. James Lunday deceased although it is not ^{paid} stated in the Report that the said David Myrick ever received one single cent of that sum and the fact is that the receiver did receive any part of that sum.

The Complainants state further in confirmation of this their Exception that they are able and prepared to prove as well appear by the annexed affidavits and certificates that the said Slaves were given by the said James Lunday the Elder to the said James Lunday Junior in consideration of services &c. and that therefore there existed no claims against him for the proceeds that the said James the Elder was indebted to the said James the younger in an amount nearly or quite equal to the value of the said Slaves that the said James Elder always expressed the determination of giving his nephew the said James a part of his Estate and as evidenced that he himself did not consider his nephew indebted to him the said Slaves were sold a considerable time before the death of James the Elder that James the younger returned from Georgia when they were sold had been a few months with his uncle who not only preferred no demand against him but left on his books as they clearly show no claim against him whatever although he was a very accurate and particular accountant in relation to all his pecuniary transactions. His father states and is susceptible of proof that even if any demand had existed from the said James the younger to the Estate of his deceased uncle that he returned to the State of Georgia a short time thereafter and had continued to be a resident of that State ever since, that altho he has made one or two transitory visits into the State that they were not of such a description as to have enabled the said David Myrick to have paid him if ever he had supposed there was a legal demand against him and the Complainants further except that the evidence in which the said Elder was introduced is not exhibited for the inspection of the Court so that its admissibility or weight might be judged of For these and

other reasons apparent on the face of the said Report the Complainants do Except thereunto and pray these their Exceptions to be allowed to them.

Jouhampston County September Court 1891.

James Myrick and Thoebe his wife adm^{rs} & adm^{rs} of David Myrick dec^d In Ch^y
who was adm^r of James Lunday dec^d
against.

John Shepherd and Gersam his wife late adm^{rs} & exec^{rs} of James Lunday dec^d

This Cause this day came on to be heard by Consens of parties on the bill and answer and documents filed whereupon the Court sustain the exceptions filed by the complainants And Order that Master Commissioner Cobb do re examine and state the account to which the said Exceptions were filed, as annulling the items excepted to the said Commissioner is further Ordered in the Event of such a balance being still due on such settlement from the representatives of David Myrick dec^d as that one third thereof the proportion to which the said Shepherd and wife are entitled shall exceed the sum of Five hundred and thirty six dollars and ninety two cents due from the said Shepherd and wife individually that such balance be credited with that sum otherwise that the sum of Five hundred and thirty six dollars and ninety two cents be created by the amount of such balance and report to this Court in order to a final decree.

Attest Teste A. Middleton Clk

The Estate of James Lunday dec^d

vs. account with David Myrick adm^r

		Dr.		Cr.	
1808.	By amount of Receipts of Commissioner acct returned in the office.			2974	42
	deduct the item charging the adm ^r with his request which was excepted to by the complainants and set aside as payable to the annexed dec ^d .			600	00
	To Commissioner on \$2374.42	142	46	2374	42
	" amount disbursed by Comm account.	223	82	366	28
Dec ^r 31	By Balance due the Estate			2008	14
1809.	By amount of Receipts of Comm account.	539	10		
	To Commissioner on dec ^d \$22.34				
	" amt disbursed this year for account	484	73	514	07
Dec ^r 31	By Balance due the Estate			2008	17

1809 Decr.	31	By Balance due the Estate brought forward	"	"	2033	17		
		" Int on \$2008.14 from Decr 31/1808 to Decr 31/1809	"	"	"	"	120	48
1810.		By amount of Receipts & account	458	60				
		To Commissions on Receipts			\$27.51			
		" Amount disbursed & account	540.97	568	48	109	88	
Decr	31	By Balance due the Estate	"	"	1923	29		
		" Int on \$1923.29 from Decr 31/1809 to Decr 31/1810	"	"	"	"	115	39
1812		By amount of Receipts & account	192	34				
		To Commissions on Receipts			\$11.54			
		" Amount disbursed & account	154.66	166	20	26	14	
Decr	31	By Balance due the Estate	"	"	1949	43		
		" Int on \$1949.43 from Decr 31/1810 to Decr 31/1812	"	"	"	"	233	92
1813		By amount of Receipts & account	9	10				
		To Commissions on Receipts			\$54.47			
		" Amount disbursed & acct.	316.27	316	81	307	71	
Decr	31	By Balance due the Estate	"	"	1641	72		
		" Int on \$1641.72 from Decr 31/1812 to Decr 31/1813	"	"	"	"	98	50
1814.		To amount disbursed this year & account	"	"	40	52		
Decr		By Balance due the Estate	"	"	1601	20		
		" Int on \$1601.20 Decr 31/1813 to Decr 31/1814	"	"	"	"	96	07
1815.		To amount disbursed this year & acct.	"	"	833	07		
Decr	31	By Balance due the Estate	"	"	768	13		
		" Int on \$768.13 from Decr 31/1814 to Decr 31/1815	"	"	"	"	46	8
		By 900 ^{lbs} of Tobacco @ 19¢ per lb which should have been credited in 1808	"	"	28	50		
		" Int on \$28.50 from 1808 to Decr 31/1815	41	97	796	63		
		By amount of Interest brought down	710	44	722	41		
"	"	By Balance due the Estate Decr 31/1815	"	"	1549	04		
1815		By one third of the above balance of Principal due John Shepherd as right of 1/3 of 8 th	"	"	265	54		
Decr	31	" Int on this sum from Decr 31/1815 to December 25/1817	"	"	31	86		
		By one third of interest	"	"	240	80		
					538	20		
1817		To this sum due David Myrick & acct filed in the Office & agreeably to decree	"	"	536	92		
Decr	25	Balance due John Shepherd Decr 25/1817	"	"	\$1	28		
		At Comm. fee to Bonds at 75¢ per \$4.50						
		Charge to John Shepherd						

Commissioner's Office. Jerusalem. September 28th 1821

Agreeably to the annexed decree of the Court I have stated and settled an account of James Lundy's Estate (and after deducting the two hundred dollars charged for two negroes which were sold by James Lundy Jr in 1808 and which were executed and sustained by the Court) find a balance due said Estate of Fifteen hundred and nineteen dollars 4/100 with interest to be computed on seven hundred ninety six dollars 63/100 from the 31st day of December 1815 till paid. One third of this balance I have allotted to John Shepherd and wife as their proportion of which (with the interest up to the 25th day of December 1817) makes the sum of Five hundred and thirty eight dollars 29/100. I have then agreeably to the Decree credited the amount by David Myrick's account against John Shepherd of Five hundred and thirty six dollars 92/100 which leaves a balance due John Shepherd of one dollar 28/100 all which the aforesaid Statement were shown and respectfully submitted to the Court.

J. C. Lundy

The following is the Evidence filed with the Cause.

The Affidavit of Joshua C. Lundy of Lawful age when before me John Rives one of the Common Pleas Justices of the Peace for the County of Greenville. After being sworn on the Holy Evangelist of Almighty God the said Joshua C. Lundy deposed and said that some little time after the death of James Lundy Jr he heard James Lundy of William say that his uncle James Lundy Senior had got him to carry some negroes to the State of Georgia to sell and that he had sold them. The sum which he said he got for them is not at this time recollected by deponent; he also observed that his uncle was then dead and had left him nothing he never would pay for them, saying at the same time that if his uncle had never married he calculated upon bringing his heir and that he was confident his uncle had left no account against him but if he has lived he would have paid him. And further that deponent said not.

J. C. Lundy

The above affidavit taken subscribed and sworn to before me the 10th day of October 1820
Jno. Rives (Jr)

The affidavit of David Newsome of lawful age taken before me
Newt. Plarison of the Common Pleas justices of the Peace for the County of
Southampton after being sworn on the Holy Evangelist of Almighty God.
the said David Newsome deposed and saith after the death and at the hiring
of the negroes belonging to the Estate of James Lundy dec'd did hear Capt.
David Myrick say that Mr. John Shepherd should be paid for keeping a
negro woman by the name of Lizzy and that the woman had the con-
sumption and did wish the cause of the same the deponent further saith that he
did hear the said John Shepherd direct Capt. David Myrick to bring
suit against James Lundy son of William for some negroes that he the
said Lundy had carried to Georgia for the said James Lundy dec'd upon which
Capt. David Myrick observed that it was his opinion that the said James
Lundy dec'd never intended that the said James Lundy of William
should pay for the said negroes stating that the account against the said
James Lundy of William was raised by his sister and he believed after the
death of James Lundy her husband the deponent further says to the best
of his memory that the said Capt. Myrick was directed to bring suit
in the date 1810 or 1811 and further the deponent saith not.

David Newsome

The foregoing affidavit taken subscribed and sworn to before the 13th day
of October 1820.

Newt. Plarison J.P.

The affidavit of David Newsome of the County of Southampton being of
lawful age and first sworn on the Holy Evangelist of Almighty God.
deposed and saith that sometime in years 1810 or Eleven being in Company
with John Shepherd and David Myrick administrator of James
Lundy dec'd did hear the said Shepherd order or direct the said David
Myrick adm^r to bring suit against James Lundy son of William
Lundy who had carried some negroes to Georgia for the said James
Lundy dec'd and the deponent further saith that he has no doubt
that it was completely in the power of the said David Myrick to
have done so and further the deponent saith not.

David Newsome -

This above deposition taken and sworn to before me this 30th day of October 1820
Newt. Plarison J.P.

The affidavit of William Plarison taken at the house of George Eppes on the
10th day of February 1821 in a suit depending in the Chancery Court of Southampton
between James Myrick the plaintiff and John Shepherd and wife defendants.
This Affidavit first being duly sworn An^t as follows

Question by Plaintiff. Did you ever hear James Lundy dec'd give to James
Lundy Jr. any negroes

Answer. I did often hear James Lundy Jr. say that he had given James Lundy Jr. two
negro women and recollect perfectly that one of them was named Creasy
and know that the said James Lundy Jr. lived several years as an overseer
for James Lundy Jr.

2nd Question. Did you ever hear James Lundy Jr. say that James Lundy Jr. owed
him any money. Says not.

Wm Plarison
Given under my hand this day and date above written and at the house of
George Eppes in Southampton.

A. J. Tule J.P.

Affidavit of Elizabeth Plarison taken at the house of James Myrick on the
16th day of March 1821 to be read in Evidence in a suit now depending in the
Chancery Court of said in which James Myrick adm^r of Thos^{ts} & his
wife adm^s of David Myrick dec'd are complainants and John Shepherd &
Susan his wife are defendants.

Question by Plaintiff. Did you ever hear James Lundy Jr. give to James Lundy Jr.
two negroes, four. Creasy and Midday.

Ans^r. I said. James Lundy Jr. if he had given them negroes to James Lundy Jr.
he replied Creasy and her child.

Question. How old was the negro girl Midday.

Ans^r. Between ten and fifteen years of age.

Question. Did you ever hear James Lundy Jr. say that his uncle gave him the negroes
that he carried to Georgia.

Ans^r. I did.

Question. Did you ever hear James Lundy Jr. say that his uncle James Lundy was in
his debt for services as an overseer.

Ans^r. I heard him say that he lived with his uncle as an Overseer but never
got much.

Question. Was it not the General Report in the neighbourhood that James
Lundy Jr. gave them negroes to James Lundy Jr.

Ans^r. It was.

Elizabeth Ann Plarison

The foregoing Affidavit taken in the presence of Susan Shepley one of the parties and was and sworn to and signed before me the day and year before written
Wm. T. Harris. J.P.

Affidavit of Briggs Norrell taken at the Court of John Hall in the County of Piscataway on the 25th day of April 1821 to be read in evidence in a suit now depending in the Chancery Court of the County of Southampton in which Samuel Myrick and Phoebe his wife are plaintiffs of David Myrick are are Complainants and John Shepley and Susan his wife are defendants. This affidavit first being duly sworn as follows.

Question by Plaintiff. Did you ever hear Samuel Lundy Jr. say that he had given to Samuel Lundy Jr. a negro woman named Bessy.

Answer. I did hear Mr. Samuel Lundy Jr. say that he had given to Mr. Samuel Lundy Jr. Bessy. And further that as parent. Such not.

Briggs Norrell
mark

Subscribed and sworn to before me. Given under my hand this 25th day of April 1821

J. Oliver J.P.

Greensville County Court.

The affidavit of Joshua Lundy of lawful age taken before me the 18th day of May 1821 at the house of Thomas Himmors in the Town of Wickesford to be read as evidence in a suit in Chancery in the County Court of Southampton wherein John Shepley and Susan his wife are Defendants and Samuel Myrick and Phoebe his wife are Plaintiffs. After being sworn on the Holy Evangelist of Almighty God Depose and say that in conversation with James Lundy of W. he heard the said James Lundy of W. say that he had sold some negroes in the State of Georgia which his Uncle James Lundy got him to carry them to sell for him and that he has not paid him the money for them. At the same time said that if his uncle had lived he would have paid him but as he has died and left him nothing and no account against him he would not pay it.

Question by the Plaintiff. Did you ever tell David Myrick of the conversation alluded to in your affidavit. Answer. I did not.

J. Lundy

The foregoing affidavit was subscribed and sworn to before me a Justice of the Peace for the County of Greensville this 18th day of May 1821.

Wm. T. Harris. J.P.

March 20th 1807

My dear Uncle. This is to inform you that I am well at present and hope these words find you in a better state of health than when I left you. I got to Wm. T. Harris's the 5th of March with all safe but attended with some difficulty. I was three days water bound and at last swam my horses and cart to get along. I have had two very severe attacks of the cholera. Since I saw you in so much that I thought every hour would be the last with me for about twelve hours but I thank God I found relief after that time. I must inform you that I have not made no firm sale of Midway yet. She came very cheerfully with me but after she found out that she was to be sold she kept such a crying and begging to me to keep her or let brother have her that it hurt my feelings so much that I have let brother take her until I hear from you which you has rather I should do let brother have her at three hundred and seventy dollars and wait for the money until October all but enough to pay Joseph Shepley on that he will pay in cash or take three hundred and fifty dollars in cash of any body else that is the most I have been offered for her in cash. if it will be my power to wait I should be glad as she is so desirous not to be sold to any person she does not know the rest of the negroes appear to be very well satisfied though I was obliged to hire them out. Creasy was delivered to a fine boy child this morning she is as well as could be expected. She and Matt. lives at Wm. T. Harris's and being anxious to live at brother's and I am at Shepley's the hire of them is one hundred and fifty dollars. I would have wanted a place but corn and bacon was too dear. Corn is five dollars a barrel and Bacon fifteen dollars a cwt. the reason why corn is so dear the people over in Colden County made so little by planting them corn so late and so many movers coming out. My old Uncle I am at this time a great distance from you but though I am at such a distance my whole wish and desire is to be with you again. I am well satisfied that I never shall see the place or time again that I should see the same satisfaction as I have seen with you. I have left you it true but for no misusage you ever gave was the cause of my leaving you you have been more like a father to me than Uncle that is well known but I thought it would be best for me to come to a fresh County and try to settle myself for life. I am in Georgia it is true but I have since the principles of a Virginian yet and I believe ever will have till the day of my death. I long to hear from you and

daddy and to know how you like your or users and whether you have bought
Corn Enough for your family yet or not. I am at this as nothing though I
Expect to undertake to trade with William Randolph in the Speculating business
he has made me an offer of two hundred dollars to trade with him and take
care of his negroes from now until Christmas. I am not to be liable for
accidents of any kind. You will be so good as to tell Condon Luptford
that I cannot do with. Per ead as he wishes ^{me} to do at such I suppose I must
do as he first desires me to do. I hope you will write to me directly informing
me which has rather I should do with. (Middy). I am very uneasy about
the money I owe to M^ravice. I want to know whether you have got the
money of ^{you} myrick to pay him or not if you have not I want to get it
as quick as possible and pay him nothing more at present but remaining

Your most Obedient Nephew

W^r James Lunday

until death
James Lunday of W^r

N.B. When I come away you thatchet was kept in my Cart with nothing to me
and I took your traisers without your leave so you must make
Mingo make you a thatchet and pair of traisers and I will pay for them
when I come in.

J^s Lunday of W^r

Leopoldo Teste James Rochelle etc

County Court, some friends were always and some friends of others to a
meeting, as far as the first night of January 1797, and some friends were
attending the meeting, and some friends in the fourth night of January 1797, and
also some friends in the fifth night of January 1797, and some friends in the sixth night of January 1797.

County Court, some friends were always and some friends of others to a
meeting, as far as the first night of January 1797, and some friends were
attending the meeting, and some friends in the fourth night of January 1797, and
also some friends in the fifth night of January 1797, and some friends in the sixth night of January 1797.

19

13. 16

Virginia: At a Court of Appeals held at the Capitol in the
City of Richmond on Friday February 3^d 1815.

David Myrick adm^r of James Lundy who was an adm^r
of James Lundy deceased Appell^t

against

Colin Adams and Edwin Adams surviving

residuary legat^s of James Lundy dec^d Appell^s

(Upon an

Appeal from

a decree pro-

nounced by the Sup^r Court of Chancery held in Williamsburg the

tenth day of April 1812, in an Appeal from a decree of the County

Court of Southampton pronounced the twentieth day of June 1797

This day came the appellees by their counsel and the Appellants, being solemn-

ly called, came mot: Whereupon the Court having maturely considered the trans-

-cripts of the record of the decrees aforesaid, and the arguments of the appellees

counsel, is of opinion that the decree aforesaid of the Superior Court of Chancery

compelling the appellees (in that Court) to pay the amount of the money funded,

at the rate of ninety for one, according to the scale of depreciation applied to

the time of the sale of the property in the bill mentioned, deducting there-

-from only the value of the certificate received by the appellees, as if the whole

amount thereof had been received by the appellants intestate, after the twenty

fifth of December 1785, and in his own wrong is erroneous; it appearing that

only £9,384 of the said sum was ^{so} received; and that the said Court also,

Curd

erred in rendering a joint decree against the representatives of both of the ex-
ecutors, when it appears by the record that the representatives of Chaslon Morris
were not before the court.

This court is further of opinion that the decree of the County Court, is erro-
neous in not charging the said Appellees (in the Court of Chancery) with the
sum of £9.384 at ninety for one, which sum was received by the intestate
of the Appellant, after paper money ceased to be the currency of the coun-
try, as before stated; Therefore It is Decreed and Ordered that both the
said decrees be reversed and annulled: and that the Appellees pay to the Appel-
lant his costs by him expended in the prosecution of his appeal aforesaid
here, and that the Appellant, out of the estate of his intestate, in his hands
to be administered, if so much thereof he hath, pay to the Appellees their costs
by them expended in the prosecution of their appeal in the said Court of Chancery,
And this Court proceeding to make such Decree as the said Superior Court of
Chancery ought to have pronounced, It is further Decreed and ordered that the
Appellant, out of the estate of his intestate in his hands, pay to the Appellees
ninety four pounds seventeen shillings and eight pence (being the amount
of £9.384, scaled at the rate of ninety for one, after deducting £9.7.8
the value at which the same was funded, and which has been received by the
appellees) with interest thereon from the first day of January 1782 till paid,
subject however, to a credit of £14.14.7, the amount of the decree of the
County

County Court; nine pounds nine shillings and seven pence of which is to be
credited, as paid on the first day of January 1782; and five pounds seven
shillings the residue, as being paid on the fourth day of March 1787: and
also pay the costs expended by the Appellees about their suits in the County
Court.

Which is Ordered to be Certified to the said Superior Court of Chancery,
Appellants costs in the
Court of Appeals viz
Clerks . \$20.57.^{cts}

A Copy Teste. J. Allen C.C.
11

1815 December 12th Then received of Capt
 David Myrick Admini^r of James Lundy
 Dec^d the sum of two hundred and thirty nine
 pounds fifteen Shillings principle debt and
 four pounds seventeen Shillings & 2 interest to
 this date. also five pounds Six Shillings &
 four pence three farthings ^{interest} not full of an execution
 obtained in the chancery District court at
 Williamsburg by Collin Adams and myself
 as use decay legatees of James Lundy the elder
 dec^d

witness

J. P. Harris

Lewis Folley

Edwin Adams
 for myself &
 attorney in fact for
 Collin Adams

At ----- \$833.09

249 18.6 2

cost of the execution ----- 4.6 4 1/2

in hand from 17th July up to this day ----- 4.17.2

Summable debt ----- \$239.13

of James Dec^d this 12th Dec^r 1815
 Adams and capt^d David Myrick Admini^r of
 of statement of a settlement made by Mr &

Shepherd's
is Geo. Report
Lund's adn

~~P~~
D

Myrick

In pursuance of, and obedience to a Decretal, Order herunto annexed, of the Honorable Court, of Southampton County, to us directed, bearing date December Court, 1809. All the Subscribers have laid off, set apart and assigned unto the Complainant, Susan Shepherd, her dower of the lands of which James Lundy did seized and possessed as follows, Beginning on a scrub oak where the path sometimes, called the little road crosses George Mason's line thence along the rear corner corners of the said Mason's line to Meherrin River, thence up the said River to James Harris' line thence north along said Harris' line to the corner an old oak thence at thirty four and half degrees East, 105 poles along a line of new marked trees thence at 76. E. along a line of new marked trees to a large red oak, (Richard Mabry's Corner) thence South, 75 p. E. 100 poles to the corner of the land, as it now stands (through which the path or little road aforesaid runs) ^{thence} from, along the said path or little road, as it now runs to the aforesaid scrub oak at the beginning, Containing by the Survey of Nathl. Mabry who was employed for that purpose two hundred and ninety two and a half acres, including the Mason House, and all other tenements and improvements thereon within the said Bounds - And also the following slaves as her dower of the slaves of which the said James Lundy did seized and possessed namely Peter F. Claiborne, Roger, John, Tom, Pat and Mary & Mary her two last children, Wmmy, Betty (black) and her two small children, - Jimmy, Ben and Phillis and their increase, and the said Complainant to pay in Cash to ^{the Defendant} ~~David~~ my next ad^r of the said James Lundy dec^d and next friend to Susan & Lundy, orphan of the said James Lundy, dec^d the sum of six pounds nine shillings & nine pence, Given under our hands the 18th May 1810

Benjamin Blunk
Geo. Mason
Nathl. Mabry

A Copy
Teste
Jm^{rs} Rochelle. c. c.

120
122
6 122
25

Sett & Int to July 10. 1832 - \$54.32

The above report was confirmed at May Court 1810

L.R.E.

~~James Sandy, Whitehead~~
~~in relation to the case.~~

Father of Mr. Moore
for negro, sold, & money
rec^d. David Myrick as adm^r.
of J^{as} Sandy dec^d. was appri-
-ted of the existence of the claim
to me. J. C. L. as adm^r. of the estate
but failed. from lapse of time.
The Defendant pleading the
act of limitations - see Mr.
Sandy, and enquire if he know
any thing about the case, or
examine the papers in the
suit of Sandy's adm^r. vs
Sandy in Court, and inform
Dr. Brown, whether a suit
in Myrick's Estate w^o be aver-
table -

Wm

Brown wife
vs
Sandy
Commissioners
Report

Copy for Doctor Brown
E. F. G. de

WVWV

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6 17 0 57
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Commissioner's office Greenville March 1827. -

In conformity to the enclosed order, the Commissioner issued the Notice herein enclosed to the parties interested, to attend before him at the Tavern of Praxton Robinson in Belfast on Monday the 12th Instant, the day being Rainy the defendant Lundy did not attend, an adjournment was made to the next day when the parties attended, then and subsequently the Commissioner was furnished by the defendant Lundy with the Vouchers & Receipts - and after an attentive examination of the same before the parties, the following Statement of account has been made, which shows a balance due by Joshua C. Lundy, to his late Ward Susan J. Lundy on the 31st day of Decemr. 1826 of One thousand, forty five dollars and ^{forty five} ~~forty~~ cents, with Interest thereon till paid - by consent of the parties the Commissioner was directed to close his report and return the same to next Southampton Court the parties reserving to themselves the right of filing exceptions if thought necessary within the time ~~prescribed~~ ^{allowed} by Law. -

Respectfully submitted

Robert Wilkinson M.C.

Dr Susan J. Lundy orphan of James Lundy deceased

1817	July 14	To Mr. Sholm Receipt	6	00	
	15	" Thomas B. Foster "	2	90	
		" Jacob Mordeica, Board & Luteon 2 ^d Sepion	75	00	
Septm.	10	" paid collector of the direct tax	1	45	
	18	" James Truuant, fee	10	00	B
Decem.	25	" Patience Lanier	1	75	
		" James Jeffery	3	50	
			100	65	
1818	31	To Balance Contra			100 65
Jan'y.	29	" Jacob Mordeica & Kat.	2	00	
Feb'y.	16	" E. L. broker	7	50	
Novem.	9	" Doctor Wm. Singleton	3	00	
		" Sheriff of Southampton tax on Land	8	46	
Decem.	1	" Nat. Land	114	85	
	24	" Land & Wardlow	93	85	
	25	" James Harris	45	00	
		" John Arvy	50	00	
		" your Board the present year	70	00	
		" Thomas Harwell	2	84	
		" Samuel Rivers	30	00	
		" my Keeping & fee	20	00	
		" do do Amis & 4 Children	90	00	
		" do do old Clay & Child	15	00	
		" Clerk of Southampton	1	74	B
	31	" Commission on Receipts 5 th Cent	32	61	
		" Balance Contra	65	40	
			652	25	
			652 25		
			65 40		

In account with Joshua C. Lundy her Guardian. Cr.

1817	Decem. 31	By Balance to debit	100	65	
1818	Decem. 25	By Hire of Negroes the present year	59	41	
		" Rent of Land do	58	25	
			168	65	
			168 65		
	31	By Balance to debit			65 40

1819		To amount brought forward		100 60
January	27	" John River Receipt	1 50	
July		" Doctor L. R. Robinson	3 95	
Septem.	2	" George Wyche	1 75	
October	28	" Doctor Robert B. Starks	15 40	
Novem.	1	" Henry Briggs	58 56	
	11	" Mr Edmunds	4 75	
Decem.	25	" Doctor Wm. H. Williams	16 50	
		" Weaver & Shepherd	21 03	
		" Robert Mearns	16 13	
		" Cash paid for a pair of shoes	2 75	
		" do. " Expenses from Northampton	2 75	
		" James Harris for Keeping Lucy & 3 Children	30 --	
		" John Shepherd for Keeping Sundry Negroes	205 --	
		" Your Board the present year	80 --	
	31	" Land & Wardlow	140 29	
		" Sheriff of Southampton tax on Land	8 46	
		" Keeping old Olary & Child this year	18 58	
		" Commission on Receipts 5 Cent	41 76	
		" Balance of Contra	164 62	
			\$ 835 25	
1820				
March	27	" To Eliah Hammond Receipt	78 50	
	31	" Robert G. Parkham	16 75	
		" James Harris	34 65	
June	21	" Cash at Warrinton	10 --	
		" Andrews & Jones	150 97	
		" Mr. Sholton, Stage Hire to Warrinton	8 50	
		" John M. Johnson	7 26	
July	29	" Peter Mitchell	3 --	
		" Cash by Ed. Lundy in Warrinton	10 --	
		" Andrews & Jones for Music	33 30	
August	6	" Doctor D. L. Claiborne	39 75	
			835 25	
			164 62	
			671 63	
		from \$	392 08	100 60

1820		To amount brought forward	392 08	100 60
August 28	"	Sheriff of Southampton tax	296	
October 2	"	Wilder & Shore	42 34	
Novem.	"	J. T. Plunket	33 33	
Decem.	20	Ann Lynch	8 --	
	25	Land & Wardlow	62 75	
		John Shephers order to H. R. Gilliam	200 --	
		James Harris	36 66	
		Keeping old Gary & Child this year	15 --	
	31	Commission on Receipts 5% Cent	38 27	
			\$ 831 39	

1821		To Balance of Contra		65 89
Jan.		Cash let you have, and Expenses in going for you and sending you back to Warrington	46 37	
February 7	"	Wm Anderson . Receipt	7 96	
Septem.	10	James G. Parkham	5 34	
	16	Cash sent you by Mr. Clanton	10 --	
Novem.	12	Cash paid Expenses when I went for you at Warrington	29 88	
	22	Sheriff Tax	2 14	
		A. Plunket	34 46	
		Wm Anderson	27 49	
		Andrew & Sons	304 50	
			8 47	
	25	James Lousan	180 --	
		John Shephers	39 23	
		Commission on Receipts 5% Cent	96 79	
		Balance of Contra	\$ 792 63	

forw - \$ 166 49

792: 63
136 02
856 61

1820		By amount brought forward		230 02
Decem.	25	By Hire of Negroes the present year	748 50	748 50
		" Rent of Land	17 50	
	31	Balance to debit	65 89	
			\$ 831 39	

1821		By amount brought forward		
Decem.	25	By Hire of Negroes the present year	782 63	
		" Rent of Land	10 --	
			\$ 792 63	

31 By Balance to debit * 96 63

* Should be \$96.79

forw - \$ 326 65

1824		To amount brought forward		304 19
February	3	" Postmaster Hicksford	6 92	
	18	" Thomas & Kilgus & Co.	6 25	
April	12	" Cash for your Receipt	50 --	
May	1	" do do do	50 --	
	10	" John Hebron	2 50	
July	8	" Cash for your order by Harry	25 --	
Decem.	24	" Lewis Zimmer for a Piano Forte	330 --	
	25	" John Shepherd, amount for music books	5 50	
		" paid Tax & M. C. Ticket	1 62	
		" John Shepherd for Keeping Negroes	175 --	
	31	" Commission on Receipt of Cent	42 80	
		" Balance of Contra	160 47	
			<u>\$ 856 06</u>	

1825				
March	7	To Doctor H. Harris & Co.	16 25	
May	20	" Cash sent by Harry for your order	30 --	
		" do do do Mr. Shepherd do (in April)	30 --	
June	10	" Nat. Land	107 22	
		" do do	118 36	
		" do do	2 51	
	18	" Henry Mycke	21 62	
July	4	" Postmaster Hicksford	1 90	
Novem.	24	" Cash when going to Capt. Mathews' to a party	10 --	
Decem.	1	" do when going to Richmond	10 --	
	17	" do sent you whilst in Richmond	100 --	
	22	" do by J. G. Lundy	50 --	
	29	" do by Wm. S. Lundy	100 --	
		" Doctor John Bates	56 53	
		" Doctor Geo. Smith, two accounts	128 63	
		" John Shepherd, two accounts	177 88	
		" do do Keeping Negroes	273 50	
	31	" Commission on Receipt of Cent	44 65	
			<u>\$ 1279 05</u>	
		To Balance of Contra	386 05	
			<u>forw \$ 1665 10</u>	

1824		By amount brought forward		2588 29
Decem.	25	" Hire of Negroes the present year	856 16	
			<u>\$ 856 06</u>	

1825	31	By Balance to debit		160 47
Decem.	25	" Hire of Negroes the present year	898	
	31	" Balance to debit	386 15	

1279 05
forw \$ 2748 76

D. Prouse Lufu
" aut.
Myrick

- A. The Court being of opinion that the evidence in relation to the Girl Middy though somewhat contradictory, established the fact that she was the property of the intestate and was sold for his benefit by his nephew James Sunday of Al. and that the admr. might by proper diligence, have collected the amount - has charged him with it. -
- B. amount of Supt for costs recovered in the Court of appeals. see copy of record B. -
- C. The difference in the amount of, and that formerly allowed, results from the different mode of calculating Interest; the Court thinking that only 5% ought to be allowed, as the debt was contracted in 1781. instead of 6% Centum see Voucher C.
- D. In the division of James Sunday's estate, this amount was directed by the Court to be paid by John Shepherd & Wife to David Myrick the admr who was also by the Court appointed Guardian and next friend of Susan J. Sunday, an infant - see Court's Report D. -
- E. The admr in the settlement of his transactions on the estate, and acting as Guardian, were allowed the amount of this Cost, and James Myrick has since recd the amount from J. C. Sunday late Guardian which he also charged. see copies of the reports E. F. G. -

The plaintiff objects to the mode of calculating interest as stated in this account, and directs the Court to make a special account, and apply the Interest to the discharge of the disbursements in those years where the receipts were not equal, or where there were no receipts the interest to be applied exclusively which is done in the following manner

see next page

The estate of James Sunday, In acct with David Myrick admr

1808	By amt Sales and Receipts	"	"	2674	42		
	To Commis. on Receipts	160	46				
	" amt disbursed of acct	223	82	384	28		
Decr 31	By balance due the estate			\$2290	14		
1809	By amt Receipts this yr	539	10				
	To Commis. on ditto	32	34				
	" amt disbursed of acct	481	73	574	07	25	03
Decr 31	By balance due the estate			\$2315	17		
	" Int on \$2290.14 one year to this day	"	"	"	"	137	40
1810	By amount of Receipts of acct	458	60				
	To Commis. on ditto	27	51				
	" amt disbursed of acct	540	97	568	48	109	88
Decr 31	By balance due the estate			\$2315	17	27	52
	" Int on \$2315.17 two yrs to this day	"	"	"	"	277	88
1812	By amt of Receipts of acct	192	34				
	To Commis. on ditto	11	54				
	" amt disbursed of acct	154	66	166	20	26	14
Decr 31	By balance due the estate	"	"	\$2341	31	305	40
	" Int on \$2315.17 one yr to this day	"	"	"	"	138	91
1813	By amt Receipts of acct	49	50			444	31
	To Commis. on ditto	54					
	" amt disbursed of acct	316	27	316	81	307	71
Decr 31	By balance due the estate			\$2341	31	136	60
	" Interest on \$2341 one yr to this day	"	"	"	"	140	47
1814	By amt Receipts of acct	40	52			277	07
	To Commis. on ditto	2	43				
	" amt disbursed of acct	40	52	42	95	"	243
Decr 31	By balance due the estate			\$2341	31	274	64
	" Int on \$2341.31 one year to this day	"	"	"	"	140	47
1815	By amt Receipts of acct	86	52			315	11
	To Commis. on ditto	5	19				
	" amt disbursed of acct	753	02	758	21	356	58
						671	69
	Interest on ditto one yr to this day	"	"	198	47		
				119	08		
				2103	81		
	To this sum paid John Shepherd	"	"	538	20		
				1565	61		
	Int to Jan'y 31 st 1823. 7 yrs. 1 mo			664	54		
				2230	15		
1820	By paid J. C. Sunday Guardian			1238	49		
Jan'y 31	By balance due the p[er]p[et]ue.			\$991	86	with	
" "	Interest from this day till paid						

Susan Quincy
with { Co. Act.

David Myrick Gov.
1810 to 1817 inclusive

make a statement
of his act, leaving
out the charges of
the Court in former
acts
7.

1

On motion of Joshua C Lundy, it is ordered that McCommissoner Cobb doth examine, state and settle an account, with David Myrick acting as Guardian with his ward Susan S Lundy and report thereof to the Court.
 Southampton August Court 1820- Joste A. Middleton DC

Susan S Lundy Orphan of James Lundy dec'd
 An Account with David Myrick Guardian D^r Her

1810									
Decr.	25 th	By hire of your negroes this year due this day	"	"	304	66			
		" rent of your land to John Shepherd ditto	"	"	40	23			
					344	89			
		To Commissions on \$344.89			17	24			
		" paid John Shepherd for keeping expensive negroes	100	"					
		" " ditto your hard & clothing for 1809 & 1810 @ \$10 p. an.	120						
		" " this sum deducted by the death of Sally who died July 8 & whose hire was \$7 p. annum	11	66					
		" " ditto for nursing & burying Sally	10	00					
		" " Doct. Claiborn his Acc ^t . - A. - - p Receipt	5	25	264	15			
Decr.	31	By balance due the ward this day	"	"	80	74			
1811									
Decr.	25	By hire of your negroes this year due this day	390	11					
		To Commissions on \$390.11	19	50					
		" paid John Shepherd for keeping expensive negroes	98	83					
		" " ditto for nursing & burying Eliza	30	00	148	33	241	78	
Decr.	31	By balance due the Ward this day	"	"	322	52			
1812		" Int: on \$80.74 from Decr. 31/1810 to Decr. 31/1811	"	"	"	"	4	84	
Decr.	25	By amount of your Negro hire due this day	280	75					
		To Commissions on \$280.75	14	03					
		" paid John Shepherd for keeping negroes	64	83					
		" " David Myrick ditto	20	00	98	86	181	89	
Decr.	31	By balance due the Ward this day	"	"	504	41	19	35	
1813		" Int: on \$322.52 from Decr. 31/1811 to Decr. 31/1812	"	"	"	"			
Decr.	25 th	By amount of Negro hire due this day	273	50					
		To Commissions on \$273.50	13	67					
		" paid John Shepherd for keeping negroes	73	00					
		" " David Myrick ditto	27	50					
		" " Doct. Walker his Acc ^t . p Receipt	16	74	130	91	142	59	
Decr.	31	By balance due the Ward this day	"	"	647	00			
1814		" Int: on \$504.41 from Decr. 31/1812 to Decr. 31/1813	"	"	"	"	30	26	
Decr.	25	By amount of your negro hire due this day	299	29					
		To Commissions on \$299.20	14	96					
		" paid John Shepherd for keeping negroes	130	00					
		" " David Myrick ditto	35	00					
		" " James Harris ditto	25	00					
		" " John Shepherd for nursing & burying Joshua	5	00	209	96	89	33	
Decr.	31	By balance due the Ward this day	"	"	736	33			

1815	Dec	Int. on \$647. from Dec. 31/1813 to Dec. 31/1814	"	"	736 33	38 82
		By amount of Negro hire due this day	320 09			93 27
		To Commission on \$320.09	\$ 16.00			
		" paid John Shepherd for keeping negroes	129.50			
		" " David Myrick ditto	17.00			
		" " James Harris ditto	17.00			
		" " John Shepherd for nursing & burying Birchett	15.00	194 50	125 59	194.50
Dec 31		By balance due the Ward this day	"	"	861 92	178.50
1816	Dec 25	Int. on \$736.33 from Dec. 31/1814 to Dec. 31/1815	"	"	"	44 17
		By amount of Negro hire due this day	553 97			
		To Commission on \$553.97	27.69			
Mar. 10		" paid Dr. Claiborne his acct. for Rect.	8.75			
"		" " ditto ditto	18.50			
"		" " John Shepherd for keeping negroes this year	235.00			
"		" " David Myrick ditto	16.94			
"		" " James Harris ditto	24.50	331 38	222 59	331.38
Dec 31		By balance due the Ward this day	"	"	1084 51	303.69
1817	Dec 25	Int. on \$861.92 from Dec 31/1815 to Dec. 31/1816	"	"	"	51 71
		By amount of Negro hire due this day	613 90			
		To Commission on \$613.90	36.83			
		" paid John Shepherd for keeping negroes	283.33			
		" " James Harris ditto	30.00			
		" " Commissioners fee	11.25	361 41	252 49	361.41
" 31		By balance due the Ward	"	"	1337 00	324.58
		By interest account	"	"	187 15	187 15
					1526 15	

Commissioners Office. Jerusalem Nov. 25/1820

Pursuant to the foregoing order of Court I have stated & settled an account of David Myricks Guardianship with his Ward Susan S Landy, agreeably to the vouchers and testimony laid before me, and find a balance due the Ward on the 31st day of December 1817 of thirteen hundred thirty seven dollars of principal and one hundred and eighty nine dollars ^{15/100} of Interest as stated above - Which is respectfully submitted to the Court -

Commissioners fee for account & report

15 trans at 75 cts. per line charged to the

Admor. James Myrick. \$11.25

Copy of acct. 81

\$12.06

A Copy Teste

Jarr. Cobb. Commr

James P. Schelle Ck

(Returned Jan'y. 15.th 1821)

Brown

Exhibit filed by
of file.

Myrick

Richardson

Atto. at law

Comary Richardson

Briggs as duty
of Record

of duty of

Page 10

Chambers
October 3rd

7 Oct. 1831

Placed at the Courthouse in the County of Southampton before
the Superior Court of Law for said County on Friday the twelfth
day of September in the year of our Lord one thousand eight
hundred and seventeen and in the forty-second year of the
Commonwealth.

Be it remembered, that heretofore to wit, on the seventeenth day of
March one thousand eight hundred and seventeen Henry Briggs Sheriff
and administrator de bonis non of James Lundy dec^d. sued out of the
Clerks Office of the said Superior Court of Law a writ of *habeas ad
respondendum* against James Lundy, which writ with the endorsements
and Coroners return made thereon is in the following words and figures
to wit. "The Commonwealth of Virginia to the Sheriff of Southampton
County. Greeting. You are hereby commanded to take James Lundy if
" he be found within your bailiwick and him safely keep so that you
" have his body before the Judge of our Superior Court of Southampton
" at the Courthouse on the seventh day of April next to answer Henry
" Briggs Sheriff and administrator de bonis non of James Lundy dec^d
" of a plea of trespass on the case. damage fifteen hundred dollars.
" And have then there this writ. Witness James Rochelle clerk of our
" said Court at his Office the 17th day of March 1817 in the 41st year
" of our independence. James Rochelle cl^k

Endorsement. "An action on the case to recover of the defendant the
value of two negro women". Trevaunt.

"Southampton County to wit. Henry Briggs this day personally appeared
" before me a Judge of the General Court and made oath that the
" within mentioned defendant James Lundy is not an inhabitant
" of this State and that he hath no goods and chattels known to him
" in this State whereof a judgment for the amount claimed by the
" plaintiff for the value of two negro women sold by the def^t. for the
" plaintiff's intestate and not accounted for can be satisfied. Therefore
" the Coroner is hereby required to take appearance bail of the said
" James in the sum of twelve hundred dollars - Given under
" my hand and Seal this 17th day of March 1817.

Return. "Executed with John Blunt bail. Henry Gurley Coroner. March 17th
1817- Griffin Stith Seal

And at another day to wit. At a Superior Court of Law held for the County aforesaid on the twelfth day of April in the year aforesaid By consent of parties by their Attornies it was ordered that this suit be continued -

And now at this day to wit. At a Superior Court of Law held for the County aforesaid on the day and year first aforesaid. to wit, on Friday the twelfth day of September one thousand eight hundred and seventeen. This day came the parties by their Attornies and on the motion of the defendant by his Attorney he is allowed to plead and thereupon he pleaded now assumpsit and the act limitations to which the plaintiff by his Attorney replied generally, thereupon issue being joined between the parties came also a jury to wit. Charles Simmons, William E Daughtry, Branch M Bevil, Jonathan Lister, David Ballance, William Bowers, James Britt, James Milliken, Samuel Story, Thomas E Cosby, Edwin Lewis, and Benjamin Story, who being elected tried and sworn the truth to speak upon the issue aforesaid joined, brought here into Court a verdict in the words following to wit.

"We of the jury find for the defendant." Therefore it is considered by the Court that the plaintiff takes nothing by his bill but for his false clamour be in mercy &c and that the defendant go thereof with out day and recover of the plaintiff his costs by him about his defence in this behalf expended.

Defendants costs \$11.88 cents -

Attest Teste

James Rochelle C. C. S. C.

Brown wife

in {

Myrick wife

Filed by dep't. October 6/1832

March 20th 1807.

D^r Uncle. This is to inform you that I am well at present and hope that these will find you in a better state of health than when I left you. I got to Mr. Syus's the 5th of March with all safe but attended with some difficulty. I was three days water bound and at last swam my horses and cart to get along. I have had two very severe attacks of the Cholera since I saw you in so much that I thought every hour would be the last with me for about twelve hours, but I thank God I found relief after that time. I must inform you that I have not made ~~any~~ firm sail of Middy yet she came very cheerfully with me, but after she found out that she was to be sold she kept such a crying and begging to me to keep her or let Brother have her that it hurt my feelings so much that I have let Brother take her until I hear from you which you had rather I should do let Brother have her at \$370 and wait for the money until October all but enough to pay Joseph Harrison, that he will pay in cash or take \$350 in cash of any body else, that is the most I have been offered for her in cash, if it will be in your power to wait I shall be glad as she is so desirous not to be sold to any person that she does not know. The rest of the negroes appear to be very well satisfied though I was obliged to hire them out. Breasey was delivered of a fine boy child this morning, she is as well as could be expected. She and Mat live at Mr. Syus's and Betty and children live at Brothers and Jim at Hudsons. The hire of them is \$150. I would of rented a place but corn and bacon was too dear. Corn is 5 dollars p^r barrel and bacon \$15 p^r 100. The reason why corn is so dear the people over in Boldin Co. made so little by planting their corn so late and so many mowers coming out. My old uncle I am at this time a great distance from you, but though I am at such a distance my whole wish and desire is to be with you again. I am well satisfied that I shall see the place or time again that I shall be the same satisfaction as I have seen with you. I have left you it's true but for no misadventure you ever gave me was the cause of my leaving you - You

have been more like a father to me than uncle that is well known, but I thought it would be best for me to come to a fresh country and try to settle myself for life. I am Georgian it is true but I have still the principles of a Virginian yet. and I believe ever will have till the day of my death. I long to hear from you and Daddy and to know how you like your Overseer and whether you have brought corn enough for your family yet or not. - I am at this time at nothing though I expect to undertake to ride with Willis Randolph in the speculating business. He has made me an offer of \$200 to ride with him and take care of his negroes from now until Christmas. I am not to be liable for accidents of any kind. you will be so good as to tell Cousin Lunsford that I cannot do with Dorcas as he wished me to do as such. I suppose I must do as he first directed me. So do I hope you will write to me directly informing me which you had rather I should do with Middy. I am very uneasy about the money I owe to Havile I want to know whether you have got the money of Myrick to pay him or not. if you have not I want you to get it as quick as possible and pay him. - Nothing more at present, but remaining your most obedient nephew until death.

James Lundy (JW)

Mr James Lundy

N.B. When I come away your hatchet was put in my cart unbeknowning to me. And I took your traces without your leave, so you must make Mingar make you a hatchet and pair of traces & I will pay for them when I come in.

J. Lundy (JW)

The foregoing is a true copy of the original which is filed in the Clerk's Office of Southampton County Court in a suit lately depending therein between James Myrick & wife plffs. and John Shepherd & wife defts. (in Chancery).

Teste

James Rochelle Clk

David Myrick
adm of James Lundy dec
Monr's Report

(A Copy)

Brown & Son

vs 3 Exht: we ans.
to an. Dec
Myrick

Southampton County September Court 1821

James Myrick and Phoebe his wife adm^r & adm^{rs} of David Myrick dec.
who was administrator of James Lundy dec.

against
John Shepherd and Susan his wife late Widow and relict of James Lundy dec.

In
Chancery

This Cause this day came on to be heard by consent of parties on the Bill and Answer and documents filed. Whereupon the Court sustains the exceptions filed by the Complainants. And Order that Master Commissioner Cobb do re-examine and state the account to which the said exceptions were filed did annulling the items excepted to. The said Commissioner is further ordered in the event of such a Balance being still due on such settlement from the representatives of David Myrick dec.^d as that one third thereof the proportion to which the said Shepherd and Wife are entitled shall exceed the sum of Five hundred and thirty six dollars and ninety two cents due from the said Shepherd and Wife individually that such balance be credited with that sum otherwise that the said sum of Five hundred and thirty six dollars and ninety two cents be credited by the Amount of such balance and report to this Court in order to a final decree.

A Copy Teste A. Middleton D.C.

The Estate of James Lundy dec.^d

In Account with David Myrick adm^r D^y Cr

1808.	By Amt of Receipts of Mr Commissioner's the returned in the Office	"	"	2974 42
	Against the Item charging the adm ^r with two Negroes which was accepted to by the Complainants and decreed agreeably to the amended decree.	"	"	600 00
	To Commissioner on \$ 2374.42.	142 46		2374 42
	And disbursed by Commissioner acct.	223 82		366 28
Decr. 31	By Balance due the Estate	"	"	2008 14

1808	Decr.	31	By Balance due the Estate brought forward	"	"	2008	14		
1809			By amt of Receipts of Comm. acct.			539	10		
			To Commissions on ditto	\$32.34					
			" Amount disbursed this year	481.78	514	07	25	03	
Decr.	31		By Balance due the Estate	"	"	2033	17		
			" Int on \$2008.14 from Decr. 31/1808 to Decr. 31/1809	"	"	"	"	120	48.
1810			By amt of Receipts of account.			450	60		
			To Commissions on Receipts	\$27.51					
			" Amt disbursed of account	540.97	568	48	109	88	
Decr.	31		By Balance due the Estate	"	"	1928	29		
			" Int on \$1928.29 from Decr. 31/1809 to Decr. 31/1810	"	"	"	"	115	39
1812			By amount of Receipts of account			192	34		
			To Commissions on \$192.34	\$11.54					
			" Amount disbursed of account	154.66	166	20	26	14	
Decr.	31		By Balance due the Estate	"	"	1949	43		
			" Int on \$1949.43 from Decr. 31/1810 to Decr. 31/1812	"	"	"	"	233	92
1813			By amount of Receipts of account			9	10		
			To Commission on Receipts	\$54					
			" Amt disbursed of account	316.27	316	81	307	71	
Decr.	31		By Balance due the Estate	"	"	1641	72		
			" Int on \$1641.72 from Decr. 31/1812 to Decr. 31/1813	"	"	"	"	98	50
1814.			To amount disbursed this year of account			40	52		
Decr.			By Balance due the Estate	"	"	1601	20		
			" Int on \$1601.20 from Decr. 31/1813 to Decr. 31/1814	"	"	"	"	96	07
1815.			To amt disbursed this year of account			833	07		
Decr.	31		By Balance due the Estate	"	"	768	13		
			" Int on \$768.13 from Decr. 31/1814 to Decr. 31/1815	"	"	"	"	46	08.
			By 900 ^{lbs} Tobacco @ 19/100 lb. which should have been credited in 1808.			28	50		
			" Int on \$28.50 from 1808 to Decr. 31/1815			11	97		
			By amt of Interest brought down			710	44	722	41
			By Balance due the Estate Decr. 31/1815	"	"	1519	04		
1815	Decr.	31	By 1/3 of the above balance due of Principal due John Shepherd in right of wife &c.	"	"	265	54		
			" Int on this sum from Decr. 31/1815 to 25 Decr. 1817	"	"	31	86		
			By one third of interest	"	"	240	80		
1817	Decr.	25	To this sum due David Myrick part filed in the office & agreeably to decree	"	"	538	20		
			Balance due John Shepherd Decr. 25/1817	"	"	1	28.		

M Com. fee to Huns a 75th per cent of 4.50 }
 Charges to John Shepherd. }

Commissioner's Office Jerusalem Sept 28. 1821

Agreeably to the annexed Decree of the Court I have stated and settled an Account of James Lindy's Estate (and after deducting the six hundred dollars charged for his negroes which were sold by James Lindy Jr. in 1808 and which were excepted to and sustained by the Court) find a Balance due said Estate of Fifteen hundred and nineteen dollars 4/100 with interest to be computed on seven hundred and thirty six dollars 63/100 from the 31st day of December 1815 till paid. One third of this balance I have allotted to John Shepherd and wife as their proportion which with the interest up to the 25th day of December 1817 make the sum of Five hundred and thirty eight dollars 20/100. I have then agreeably to the directions decree credited the amount by David Myrick's account against John Shepherd of five hundred and thirty six dollars 9/100 which leaves a Balance due John Shepherd of one dollar 28/100. all which the aforesaid Statement will show and is respectfully submitted to the Court

Thos. Cobb M Comr

A Copy Teste
 James Rochelle Clk

At a Court held for the County of Southampton the 18 day of January 1858.
On the Motion of David Myrick who made oath and together with James
Harris, John Reese, and Alvin Nicholson his Securities entered into and
acknowledged a Bond in the penalty of Sixty thousand Dollars Conditioned
as the Law directs. Certificate is granted the said David Myrick for
obtaining letters on the estate of James Sandy deceased in due form

Teste James Rockwell Secy

From 31. Dec. 1817 To 31. Aug. 1823

Debt. \$ 1337⁰⁰
407⁷⁸
189³⁷
\$ 1934¹⁵

Also this sum without Int.

Lunday quar. } 1823
 } final
Myrick Exor. } Deere

Southampton County Sept^r Court 1822

Joshua b Lunsay guardian of
Susan J Lunsay - Complainant
against

James Myrick ex^r of David Myrick dec^d
who was guardian to Susan J Lunsay. Defendant

In Chancery

This day this Cause came on to be heard and it
appearing to the Court that one of their Commissioners by their
order has made report in the premises, which report has lain
two months in the Clerk's office without exception the Court
doth thereupon adjudge order and decree that the said James
Myrick ex^r of David Myrick dec^d out of the assets belonging
to the Estate of the said David Myrick dec^d pay over to
Joshua Lunsay as the guardian of Susan J Lunsay the
Sum of Thirteen hundred and thirty seven dollars with
Int^r thereon from the 31st day of December 1817 also one
hundred and eighty nine dollars and fifteen cents without
any interest, The Court doth further adjudge order and
decree that the said Joshua b. Lunsay guardian as aforesaid
pay to the said James Myrick executor as aforesaid the Sum
of nineteen dollars & Eighty eight Cts in this behalf expended

Teste

A. M. Costleton D.C.

Clerk \$2 82
mes. com. 12.06
Law: fee. 5.00
\$19.88

12 aug^t 1822 Paid the above sum of Costs amounting to
nineteen dollars & 88 Cts of Ebenezer Guard of a. L. Lunsay
Shirley ad. of a. Lunsay

James Myrick trustee
Adm. &c of David Myrick
de.

Comm^{rs} Report.

(Copy)

(66 cents)

The Estate of David Myrick dec^d
In account with James Myrick & Phoe his wife adm^r & adms^r

				Dr.	Cr.	Int.
1817						
Jan	1	To paid Taxes and tickets	p ^r Rec ^t	4 26		
March	15	" " W Bennett note	"	118 85		
April	10	" " James Lundy do	"	110 83		
	15	" " W A Wardlaw acct	"	3 53		
May	30	" " R Stewart	"	15 42		
June	9	" " H Drury note	"	21 57		
		" " ditto do in part	"	38 42		
Aug.	12	" " W. J. Caloin note	"	42 05		
Sep.	1	" " Edw ^d Ruse	"	42 90		
	25	" " Geo. Jey acct	"	4 00		
Oct.	18	" " Poor Rates for last year	"	9 00		
		" " N Pierce acct	"	18 23		
		" " Taxes for this last year	"	63 07		
		" " Whitworth & Gancy acct	"	10 25		
		" " A Williamson	"	10 87		
		" " Sundry Tickets	"	7 55		
		By amount Sales due this day			3290 44	
		By cash for cotton			118 57	
		" do Edmund Saunders			20 00	
		" do James Lundy note			102 85	
		" do H A Avery			6 75	
		" 1 Sh ^d Tobacco			53 10	
Decr.	31	By hires Negroes this year			59 95	
1818		To Comm ^s as \$13658.66		182 58		
Jan	1	Balance due the estate		2948 23		
				3631 66	3631 66	
"	"	By balance brought down			2948 28	
	16	To paid Gran Adams note	p ^r Rec ^t	32 40		
		" " ditto	"	16 00		
Feb	10	" " W. J. Smith	"	229 45		
		" " H Drury acct	"	13 63		
		" " A Williamson in part bond	"	556 79		
Apr.	1	" " H Nicholson acct	"	3 63		
		" " L. Thorp note	"	17 91		
May	11	" " H Myrick	"	238 64		
	23	" " Am. Myrick	"	133 34		
		" " J. Mayes	"	19 50		
		" " J. Myrick bal.	"	74 64		
		" " J. Saunders bond bal.	"	34 08		
		" " H Myrick acct	"	10 00		
		Carried forward		\$ 1380 01	2948 28	

and not to proceed with the acc^t. until he furnished them to me: but as
some time has elapsed since I heard from him. I concluded to report upon
these and he can have an additional account upon the others.

Comm^{rs} fee of \$15 charged
to the admr^r Hobb.

Respectfully Submitted

Secy. Cobb m.c

At a Court held for the County of Southampton the 16th day of July 1832
This account current and Master Commissioners Report of James Myrick and
Phoebe his wife's administration on the Estate of David Myrick dec^d having
been returned for more than two months and no exceptions being taken thereto
was confirmed and ordered to be recorded

Teste James Rockwell Clk.

Attest Teste James Rockwell Clk.

James Myrick & wife
Admr^s of David Myrick
dec^d

Comm^{rs} Report

(Copy)

(66 copy)

Crown
w/ Copy orders
Myrick

Williamsburg Chancery

No statement of the rules
had in the Williamsburg
Chancery Court received
with this cause.

Virginia:

At a Superior Court of Chancery
holden at the former Capital
in the City of Williamsburg the 13th
day of July 1830.

Orris A. Browne and Susan his wife Pl^{ts}
against
James Myrick and Phoebe his wife . . . D^{fts}

On motion of the plaintiffs by
counsel (and by consent of the defendants) leave
is given them to amend his bill;

14th Aug 1830

For reasons rendering improper for the Judge
of this court to decide this cause: It is ordered
that it be transmitted to the Superior Court
of Chancery for the Richmond District.

Copy
Teste

Pl^{ts} costs
ck \$12.11
Spec^{ies} 18.16
\$30.27

E. Christian C^{lerk}

D^{fts} costs
ck 4.80
Spec^{ies} 16.64
\$21.34

Promo &
w. { Copy Rules &
Orders and Costs
Myrick &

Virginia.

In the Superior Court of Chancery for the
District of Richmond.

Oris A. Brown (and) Susan J. his wife.

Pls.

against

James Myrick and Phoebe his wife administrator (and)
administratrix of David Myrick deceased, who was
administrator of James Sandy deceased. Defs.

1830 July 16th Received from the Superior Court
of Chancery for the District of Williamsburg.

1830 September Rules. Subpoena issued to September
Rules, issued in Williamsburg, returned executed.

1830 December Rules. Answer of Defendants to amended
bill filed: to which the plaintiffs replied generally.

1831 May R. Set for hearing.

And thus the cause stood on the Docket of the said
Superior Court of Chancery for the Richmond District,
on the sixteenth day of June 1831, when pursuant to the
act of the General Assembly passed on the sixteenth day
of April 1831, entitled, "An act to establish a Court of Law
and Chancery in each of the Counties in the Commonwealth,
and in certain Corporations therein mentioned" the said
cause with the papers therein was transferred by the clerk
of the said Superior Court of Chancery to the Clerk of
the Circuit Superior Court of Law and Chancery for the
County of Henrico.

In Court December 6th 1831.

This cause came on this day to be heard on the
original and amended bills, answers thereto, exhibits and
examinations of witnesses and was argued by counsel: On
considerations whereof, the Court doth adjudge, order and
decree that the defendants under before one of the Commissioners

(of)

of the Circuit Superior Court of Law and Chancery for the County of Southampton an account of the transactions of their intestate David Myrick on the estate of James Lundy Senior, deceased, and an account of their own transactions on the estate of their said intestate David Myrick deceased; in taking which first mentioned accounts, the account settled by Jeremiah Cobb, under an order of the County Court of Southampton, an office copy whereof is filed as an exhibit in this cause, is to be taken as prima facie correct, liable to be surcharged and falsified by the plaintiffs: which accounts the said Commissioner is directed to examine, state and settle and report to the said Circuit Superior Court of Law and Chancery for the County of Southampton, with any matters specially stated, deemed pertinent by himself, or which may be required by the parties to be so stated. And the Court doth further order that this cause be transferred to the said Circuit Superior Court of Law and Chancery for the County of Southampton.

Plaintiffs Costs. Defendants Costs.

Clerk	\$4.87	Clerk	79
Sheriff	34	Notary	50
Lawyer	16.66	Lawyer	16.66
Williamsburg Chancery } Court }	\$21.83	Williamsburg } Chancery Courts }	\$17.95
	\$30.27		\$21.54
	\$52.10		\$38.49

Teste

William G. Sands D.C.

March 22nd 1832

" " "

Southampton Circuit Court

Clk.	\$2.32
Law.	16.66
Comm.	30.75
	\$49.73

And the Court doth further order that the cause be transferred to the said Circuit Superior Court of Law and Chancery for the County of Southampton.

A Copy Sub

William G. Landis & Co.

February 13th 1832

2 Km

5.
13
4
3
20

County Office June 16 1832.
Present - Criss & Brown - the pff. -
continued from day to day brought me
the Criss & Brown - the pff & James Ellyrick
admr. & attended - when the case was again con-
ferred to the 29th inst. Present - Criss & Brown -
pff & J. M. Waller counsel for the def. -

Brown &
in
James Ellyrick

Southern County (to wit) this day personally appeared before me James Ellyrick Justice of the Peace for said County the said Ellyrick and made oath that he delivered a true copy of the within decree and notice to Philip Ellyrick on the 8th inst and that he left a true copy at the house of James Ellyrick with Phoebe his wife on the same day given under my hand this 12th day of June 1832
James Ellyrick

County Office May 25th 1832
I have appointed Saturday the 16th day of June next to take up the account directed by the within order of Court in time the parties are required to attend at my office with their vouchers and evidence for examination & settlement
J. G. G. m

Virginia

At a Circuit Superior Court of Law and
Chancery for Henrico County holden at the
Capitol in the City of Richmond on Tuesday
the sixth day of December one thousand
eight hundred and thirty one.

Curis et. Anne and Susan J. his wife

P. L.

against

James Myricks and Phoebe his wife administrators and
administratrix of David Myricks deceased, who was
administrator of James Lundy deceased. Dicks.

This cause came on this day to be heard on the original
and amended bills, answers thereto, exhibits and examina-
-tions of witnesses and was argued by counsel: On
consideration whereof the Court doth adjudge, order and
decree that the defendants render before one of the Commis-
-sioners of the Circuit Superior Court of Law and Chancery
for the County of Southampton an account of the
transactions of their intestate David Myricks in the estate
of James Lundy Senior deceased, and an account of their
own transactions in the estate of their said intestate David
Myricks deceased: in taking which first mentioned account
the account called by Jeremiah Cobb, under an order of
the County Court of Southampton, an office copy
whereof is filed as an exhibit in this cause is to be taken
as prima facie correct, liable to be surcharged and
satisfied by the plaintiffs: which accounts the said
Commissioner is directed to examine, state and settle and
report to the said Circuit Superior Court of Law and
Chancery for the County of Southampton, with any
matters specially stated, deemed pertinent by himself
or which may be required by the parties to be so stated.

I Clerk of the Circuit
Superior Court of Law and Chancery for the County
of Southampton, have this day of 1832,
received the original papers in the suit of Primo W.
against Myrick W., with statements of the rules and
a copy of the order, and also statements of the costs
therein, transmitted to me by the Clerk of the Circuit
Superior Court of Law and Chancery for Henrico County.

of Jas Lundy Jr, but not of J. Lundy Jr. also upon of Buffy Norvell which goes to establish
part gift to J. Lundy Jr. of one slave.

The plaintiffs now ask that the case be referred to a Comr to settle the
account of D. Myrick's admⁿ on the estate of J. Lundy sen^r; and also an
account of the administration by J. Myrick and Phoebe W his ~~his~~ wife on
the estate of D. Myrick.

The only question which it seems to be necessary for the court to settle at this
time is whether the administration account settled in Myrick v Shepherd shall
be taken as prima facie ~~conclusive~~ evidence of the charges and credits therein contained
with leave to the plaintiffs to surcharge and falsify, if they adduce satisfactory
evidence for the purpose; or whether the parties should go before the commissioners as
they would, if no settlement at all had taken place. On the part of the
plaintiffs it is insisted that the settlement in Myrick v Shepherd is which they
were not parties, should not be binding at all upon them - not even as prima
facie evidence.

Con Robinson counsel for plffs
Oct: 29th 1831

Decree that the debts do
settle David Myrick's
admⁿ on the estate of
James Lundy sen^r. - &
their own admⁿ on the
estate of David Myrick -
before one of the Com-
missioners of the Cir-
cuit sup^r Ct. of Law &
Ch^y, for Southampton
county. - In the first place
the account heretofore
settled to be taken, as
prima facie evidence
liable to be surcharged &
falsified by the plffs.
- The cause to be trans-
ferred to Southampton

Brown

note of plffs counsel

Myrick

(for Tuesday)

Tho the account was not
conclusive, as an account
stated yet that account
being afterwards adopted
and the balance thereon
by it demanded & paid
because thereby conclusive
and when to that circumstance
is added the great expense
of time, it ought at this
time, to forbid the active
interposition of a court
of Equity & the plffs ought
to be dismissed from
that court
R. J. for depl

Note on reply

If the administration account was
adopted, by whom? Not by the former
plff after attaining full age, nor by
her husband; but by J. E. Lundy a
former guardian of James. Can
this act of the guardian, during infancy
conclude the infant after the latter
attains full age? I insist not.

Lapse of time is accounted for.
There has indeed been none, since
the disability of infancy was
removed.
C. R.

Brown

v. }
Myrick

Bill by Ours A. Brown & Susan his wife who was Susan Lundy daughter and distributee of James Lundy, of whom David Myrick was admr. The debts are James Myrick and Phoebe H his wife, who was the widow and admr. of David Myrick.

Bill charges that there were debts due James Lundy which ought to have been collected with due diligence, and specifies one from his nephew James Lundy Jr. for which Myrick failed to sue in his lifetime, and which in consequence of her failure to sue was barred by the statute of limitations when he admr. ^{de bonis non} brought suit after her death. Bill states that in a suit brought after the death of James Myrick, by Phoebe H his admr. against Jno. Shepherd & Susan his wife who was widow of James Lundy (to which neither of the complainants was a party) there was a settlement of James Lundy's estate so far as Shepherd & wife were concerned. It further states that after death of D. Myrick, Joshua C. Lundy was appointed guardian of p[re]sent Susan and upon her motion the court ordered an account of D. Myrick's ^{guardianship} and decided the balance unpaid due to be paid over. At the same time, without any suit for the purpose, the court decided the sum appearing due to Susan Lundy by the administration acct. settled in Myrick v. Shepherd to be paid to J. C. Lundy. It is charged by the p[re]sents that this administration account was erroneous in not charging D. Myrick with the debt due from J. Lundy Jr.; and they ask to be permitted to surcharge the same.

Answer calls for proof of D. Myrick's liability for the debt from J. Lundy Jr. Relies upon the settlement in ~~Shepherd~~ Myrick v. Shepherd; and upon the settlement with Joshua C. Lundy. Also upon lapse of time, D. Myrick having as debts alleg. qualified as admr. about 1807 & died about 1817.

Amended bill accounts for lapse of time. States that some plaintiff hath usually attained age of 21, and married other plaintiff a short time before bill was filed. Insists that there has been no settlement which shall bind p[re]sents, and rep[re]sents a belief that there has been other mismanagement besides that in respect to the debt due from J. Lundy Jr. Charges that D. Myrick never was guardian of some p[re]sents; and therefore the account settled with J. C. Lundy upon the idea of such guardianship is not binding. Asks for full account of D. Myrick on the estate of J. Lundy; and account of debts on estate of D. Myrick.

Answer to amended bill is accompanied by ^{settlement in} Myrick v. Shepherd, which is asked by debts to be taken as conclusive unless p[re]sents surcharge and falsify the same.

Evidence. P[re]sents file record in suit & brought by admr. ^{de bonis non} of J. Lundy vs. J. Lundy Jr. in which debt pleaded act of ^{legislation} and voided judgment were rendered for him. Depositions of Jno. Shepherd, ^{as sworn Shepherd} prove that D. Myrick had notice of the claim. Myrick is competent witness because the settlement in Myrick v. Shepherd is conclusive upon them. There were two depositions and that of J. C. Lundy likewise established the debt from J. Lundy Jr.

Cross-examination for debt consists of depositions of Wm. Harrison who dep[re]s one way when examined by debt, and another when rep[re]sented by p[re]sents. Also depositions of Nancy B. Bays who gives deduction

of Jas Lundy Jr, but not of J. Lundy Jr. also repts of Briggs novell which goes to establish
part gift to J. Lundy Jr. of one slave.

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