

1849-043 SOUTHAMPTON COUNTY CRYER et al VS. MYRICK

CITANCERY PAPERS

(2)

9/1849

see also 1849-044

other surnames: Hunnicutt,
Scammell, Gee, Parker,
Clements, Tucker

^{copy}
Polly Bryer tal

vs. ^{my} Bill.

Alex. Myrick.

Baker.

1830 Oct: 15: Deceit as filed &c.

1836 Dec. Repts not "Hampden"

1837 Feb. Ordered that the toll
receiv. of Tempy Myrick the
dnt. her land for H. P. L. Tucker & wife
proportion
\$3.37 cents the fees in this case
are paid.

1849 Apr. Order for the Clerk to
pay H. P. L. Tucker pro: &c.
- Disposition of atts. filed -

L. Ampton Co. Co.

In the court of Southampton County in
chancery sitting. Humbly complaining shew unto your
worships your orator & oratrices Polly Cryer, formerly
Polly Ellyrick, John Ellyrick, David Ellyrick, Robert
Ellyrick, James Ellyrick in his own right & as exor-
cutor of William Ellyrick, Littleton Ellyrick, James
Scammell administrator ~~of~~ of his late wife Lucy,
Scammell, formerly Lucy Ellyrick, Ann Harnicutt,
formerly Ann Ellyrick, Walter Ellyrick, Theron Gee
& Polly his wife, William Parker & Lucy his wife, Wil-
liam Clements, & Elizabeth, Caroline, Ann, and
Richard Scammell infants suing by the said James
Scammell their father and next friend, that some
years ago William Ellyrick departed this life in-
testate, after which a tract of land containing by
estimation two hundred acres and several negro
slaves were apigned to his widow Lucy Ellyrick as,
& for her dower; the said Lucy Ellyrick has lately de-
parted this life, in consequence of which the said
land and slaves are now liable to division, share
& share alike, among the children and heirs of the
said William Ellyrick deceased; and your orator
& oratrices state, that in consequence of the value
and situation of the property in question, & the
number of share into which the same is to be di-
vided, it will be indispensably necessary that the
said land (which is greatly below the sum of three
hundred dollars ~~or thereabouts~~) & slaves should be sold for
distribution - The slaves so liable for division are
the following, to wit; Winney, Isham, Patty, Candis,
Catharine, Winney the younger, Elanah, Selim, Peter,
Jain, Celia, Abby, Benn, Lewis, Eliza & Martha -
And your orator & oratrices further state, that the
said land and slaves are liable to division in the
following manner, that is to say, to your orators
and oratrices Polly, John, David, Robert, James,
Littleton, Ann & Walter in their own right, each,
one eleventh part, to your orator James Scammell
as administrator as aforesaid one eleventh part,
to your orator James Ellyrick as executor &c of
William Ellyrick, the younger, one eleventh part,
and to Alexander Ellyrick the remaining part:
And your orator & oratrices further state that the
said land, & slaves, liable to division so as to give to
your orators and oratrices Polly, John, David, Robert,
James, Littleton, Ann & Walter each one eleventh
part thereof; to Theron Gee in right of his wife
Polly, William Parker in right of his wife Lucy,
William Clements & Elizabeth, Caroline, Ann & Richd.

Scammell, share & share alike, one eleventh part thereof; to William Hellyrick, Eliza Hellyrick, Martha Hellyrick, Henry S. d. Tucker in right of his wife Polly, & Eliza & Joshua Hellyrick share & share alike one eleventh part thereof, and to Alexander Hellyrick the remaining one eleventh part thereof. And your orators & oratrices further state, ~~they~~^{they} are advised that for the purpose of effecting a legal division of the said land and slaves it is proper ^{first} to obtain a decree ~~first~~ of this worshipful Court. In Tender Consideration whereof &c. To the end therefore that the said Alexander Hellyrick who is prayed to be made a defendant hereto, may answer the premises & that as fully as if the same were here again repeated & interrogated. — Your orators & oratrices pray that your worship will decree a sale & division of the said land and slaves in such manner as to the Court may seem right, and that they will make such other or further order or decree in the premises as may seem consistent with equity & Justice — May it please &c.

The answer of Alexander Hellyrick to the bill of Complaint exhibited against him in this worshipful Court by Polly Cryer & others complainants — This respondent saving and reserving to himself &c. for answer thereto saith, that he admits the several allegations in the said bill set forth to be correct, and he is willing that such decree should be pronounced in the premises as to the Court may seem right: Without &c. and this respondent denying &c. prays to be hence dismissed with his reasonable costs in this behalf sustained &c.

A Hellyrick

Polly Cryer & al: v. Alexander Hellyrick — Chy?

This cause came on this day to be heard, by consent of parties, on the bill & answer, and was argued by Counsel: on Consideration whereof The Court doth adjudge, order & decree that Solomon D. Parker, Joseph Parker & William L. Rockwell, ^{Saml. H. Parkman} or any three of them, after advertising the time and place of sale at least three weeks successively at the Court house door of South Ampton County and at two or more public places in the said County sell at public auction the slaves in the bill mentioned and receive & pay, in cash, the costs and expenses of this suit and the sale aforesaid, and the balance of the proceeds of the said sale, which is to be upon a credit of nine months, the said Commissioners or such of them as may act, are hereby directed to take one or more bonds with good security for each share, that is to say, one bond for one eleventh part, payable to each of the complainants Polly, John, David, Robert, James, Littleton, Ann & Walter; one bond for a like share payable to the complainant James Hellyrick executor &c. of Wm Hellyrick the younger deceased; one bond for a like share, payable to the complainant James Scammell administrator of Lucy Scammell; and, one bond for a like sum, payable to the defendant Alexander Hellyrick: — And the Court doth further adjudge, order & decree, that the said Commissioners, or such of them as may act, do sell at the same time and place, upon the like notice and credit, the tract of land in the bill referred to, the same being the dower land of which Lucy Hellyrick died seized and possessed, and take one or more bonds with good security for each share, that is to say, one bond for one eleventh part payable to each of the complainants Polly, John, David, Robert, James, Littleton, Ann & Walter: — That the said Commissioners, or such of them as may act, divide one other eleventh part into seven shares, and take a bond for each share, payable as follows, to wit, one bond payable to Theron Lee in right of his wife Polly; one bond payable to William Parker in right of his wife Lucy; one bond payable to William Clements; and, one bond payable to the guardian of each of the complainants Eliza-beth, Caroline, Ann & Richard Scammell: — That the said Commissioners or such of them as may act, divide one other eleventh part into six shares, and take a bond for each share payable as follows, to wit, one bond ~~and~~ payable to each of the complainants William H. Hellyrick, Eliza Hellyrick, Littleton

Allyrick; one bond payable to Henry P. S. Tucker
in right of his wife Polly; and, one bond payable
to the guardian of each of the complainants, Celina
& Isabella Allyricks; and the said Commissioners, or
such of them as may act, are directed, for the
remaining eleventh part, to take a bond payable
to the defendant Alexander Allyrick, & make appt.

Received Apr. 16. 1849 of S^r R. Edwards Clerk of the Court of
S^r Warrington County the sum of one hundred & thirteen ²⁵/₁₀₀ Dollars
being the amount in his hands due Henry S. S. Tucker of the
Sales of the property sold under the within decree.

Henry Tucker
per W. A. Tucker
his atty in fact

Conger. Sec.
in Copy. Deere.
Myrick.

For the Commissioners

Southampton County, November Court 1830.

Polly Cryer formerly Polly Myrick John Myrick David Myrick Robert Myrick James Myrick in his own right and as Executor of William Myrick Late of Myrick. James Scammell administrator &c. of his late wife Lucy Scammell formerly Lucy Myrick. Ann Hammeall formerly Ann Myrick Walter Myrick Theron Geo. and Polly his wife. William Parker and Lucy his wife. William Clements and Elizabeth Cardine. Ann and Richard Scammell infants being by the said James Scammell their father and next friend Complainants.

against
Alexander Myrick Defendant.

This Cause came on this day to be heard by Consent of parties on the Bill and Answer and was argued by Counsel. On Consideration whereof the Court doth adjudge Order and decree that Solomon Parker Joseph Parker and William L. Rockwell and Samuel H. Warham, or any three of them, after advertising the time and place of sale at least three weeks successively at the Court house door of Southampton County and at two or more public places in the said County sell at public Auction the Slaves in the Bill mentioned and receive and pay in Cash the costs and expenses of this Suit and the sale after said and the balance of the proceeds of the said Sale which is to be upon a Credit of nine months the said Commissioners or such of them as may act are hereby directed to take one or more Bonds with good security for each Share that is to say one Bond for one Slave part payable to each of the Complainants Polly John David Robert James Luitton Ann and Walter One Bond for a like Share payable to the Complainant James Myrick executor &c. of William Myrick the youngster. One Bond for a like Share payable to the Complainant James Scammell administrator of Lucy Scammell and One Bond for a like Share payable to the defendant Alexander Myrick. And the Court doth further adjudge Order and decree that the said Commissioners or such of them as may act do sell at the same time and place upon the like notice and Credit the tract of Land in the Bill referred to the same being the dower land of which Lucy Myrick died seized and possessed and take one or more Bonds with good security for each Share that is to say one Bond for one seventh part payable to each of the Complainants Polly John David Robert James Luitton Ann and Walter that the said Commissioners or such of them as may act divide one other Seventh part into seven Shares and take a Bond for each Share payable as follows to wit One Bond payable to Theron Geo in right of his wife Polly one Bond payable to William Parker in right of his wife Lucy one Bond payable to

William Clements and one Bond payable to the Guardian of each of the Complainants Elizabeth Caroline Ann and Richard Hammett. that the said Commissioners or such of them as may act. divide one other Eleventh part into Six Shares. & take a Bond for each share payable as follows to wit One Bond payable to each of the Complainants. William H Myrick. Eliza Myrick and Martha Myrick One Bond payable to Henry L. L. Tucker in right of his wife Polly and one Bond payable to the Guardian of each of the Complainants Celia and Joshua Myrick And the said Commissioners or such of them as may act are directed for the remaining eleventh part to take a Bond payable to the Defendant Alexander Myrick and make report of their proceedings in the premises to Court in Order to a final decree.

A Copy
Testo
James R. Rockwell
J. R.

names of negroes belong-
ing to Lucy C. Nickerson or Wm.
C. Nickerson's estate

Winney

Sham

Patsey

Candis

Catharine

Winney Jr

Maria

Lelia

Peter

Tom

Celia

Eliza

Ben

Nelly

Levis

Martha

Received Apr. 16. 1829 of S^r Edwards Clerk of Southampton County
Twenty six dollars 94^{cts} unto the proportion due Henry S. L. Tucker
to Credit as reported within.
Henry Tucker
per W. H. Tucker
his atty in fact

Report of
J. S. L. Tucker
1835 Dec. Report.

A decree to two decrees of the County Court of Southampton dated November Court 1838. We the undersigned have sold the Land and Slaves belonging to the Estate of William Myrick the Elder dec'd it being the donor Estate of Lucy Myrick dec'd also the Land belonging to the Estate of Elizabeth Myrick dec'd and make the following report

The donor Estate of Lucy Myrick dec'd in account Current with Solomon D. Parker Joseph H. Parker William S. Nichols Saml. H. Barham also the Estate of Elizabeth Myrick dec'd

To Commissions on \$4645.80	\$232.27 1/2	232	27 1/2
discount off of Commissions	45.50		
To paid Surveyor and Chain Carvers fees	16	30	
To paid Alexander Myrick for keeping Money for life	69	00	
To paid Larry and Clerk fees	28	00	
discount Cash paid	345	57 1/2	
	15	75	
	330	82 1/2	
To paid James Scammell Guardian to Elizabeth Scammell for her portion of the Land Receipt	23	09 3/4	
To paid James Scammell Guardian to Ann Scammell for Receipt	23	09 3/4	
To paid James Scammell Guardian for Caroline Scammell for Receipt	23	09 3/4	
To paid James Scammell Guardian to Richard Scammell for Receipt	23	09 3/4	
To paid William Parker in right of his wife Lucy for Receipt	23	09 3/4	
To paid Theron Bee in right of his wife Polly for Receipt	23	09 3/4	
To paid William T. Clements	23	09 3/4	
To paid Eliza Myrick for Receipt	26	94 3/4	
To paid William Myrick for Receipt	26	94 3/4	
To paid Martha Myrick for Receipt	26	94 3/4	
To paid over to Court Henry & Richard for Receipt	26	94 3/4	
To paid William Myrick Guard to Josiah Myrick for Receipt	26	94 3/4	
To paid William Myrick Guard to Celia Myrick for Receipt	26	94 3/4	
To paid James Myrick Sec of William the Younger dec'd for Receipt	3230	64	
To paid James Scammell Sec of Lucy Scammell dec'd for Receipt	230	64	
To paid over to Art John Myrick's portion	392	33 1/2	
To paid over to Art Polly Myrick's portion	392	33 1/2	
To paid over to Art David Myrick's portion	392	33 1/2	
To paid over to Art Robt Myrick's portion	392	33 1/2	
To paid over to Art Littleton Myrick's portion	392	33 1/2	
To paid James Myrick in his own right for Receipt	392	33 1/2	
To paid Ann B. Scammell for Receipt	392	33 1/2	
To paid Alexander Myrick for Receipt	392	33 1/2	
To paid Walter Myrick for Receipt	392	33 1/2	
	4645	50	

45.84

16.55.28

By the sale of 263 acres Land at \$6.00 per acre	1578	00
To George A. Barham		
Mile - To George A. Barham	150	00
Asheum To Walter Myrick	125	50
Patsey - To Thomas Newson	180	00
Landree Sela Hagar Nella Martha	600	00
To Temperance Myrick		
Catherine Ben and Lewis To William S. Nichols	413	00
Winnay To George A. Barham	351	00
Mariah To Robert Goodwyn	350	00
Deala To William Thornton	261	00
Peter - To Alexander Myrick	291	00
Tom - To Walter Myrick	176	00
Land belonging to the Estate of Elizabeth Myrick dec'd		
By the sale 68 acres Land at \$2.50 per acre	170	00
To George A. Barham		
	1645	50

Respectfully submitted

Solomon D. Parker
Joseph H. Parker
Saml. H. Barham

152
13

Commissions 216 52 1/2

12.30

Concussion

to Acet.

Way

\$ 14.30

Recd of J. S. Parker the
within in full
11th Decr. 1842

The Commissioners of Lucy Myrick's Est.
1831 To Geo. H. Gray.

Dr.

Jan^y. 4th To surveying one tract of Land belonging to Lucy
Myrick's Est. and one belonging to Elizabeth Myrick's Est. 8

14..30

Rec^d. the above acct in full of Geo. A. C. Barham —

Geo. H. Gray's l^{ft}.

Receipt

From Legacies of Heirs of
Wm. Myrick. Elser & E. Myrick

1831 February 21st

We the undersigned heirs and legates of the estates of William Myrick the elder dec^d and Elizabeth Myrick dec^d have received of ~~of~~ William L. Rochelle Solomon D. Parker, Joseph H. Parker and Saml^r H. Barham Commissioners of the County Court of Southampton to make sale of the estates aforementioned, that is to say, I James Scammell Esq^r to Elizabeth Scammell have rec^d the sum of \$23: 09 ³/₄ in full of her proportion, also the same sum as Esq^r to Ann Scammell, also the same sum as Esq^r to Cordine Scammell, also the same sum as Esq^r to Ruth Scammell, and have also rec^d as adm^r of Lucy Scammell dec^d the sum of \$230: 64 in full of her proportion as aforesaid,

I William Parker in right of my wife have rec^d the sum of \$23: 09 ³/₄ in full of her proportion,

I Theron Lee have rec^d the sum of \$23: 09 ³/₄ in right of my wife in full of her proportion as aforesaid,

I William T. Clements have rec^d the sum of \$23: 09 ³/₄ in my own right, in full of my proportion,

I Eliza Myrick have rec^d the sum of \$26: 94 ³/₄ in my own right in full of my proportion, of said estates,

I William Myrick have rec^d the sum of \$26: 94 ³/₄ in my own right in full of my proportion of said estates, I have also rec^d ~~the same sum~~ as Esq^r to Joshua Myrick in full of his proportion of said estates, also the same sum as Esq^r to Cordine Myrick in full of her proportion of said estates

I Martha Myrick have rec^d the sum of \$26: 94 ³/₄ in my own right in full of my proportion, of said two estates,

I James Myrick have have rec^d the sum of \$392: 33 ¹/₂ in my own right in full of my proportion, also the sum of \$230: 64 as Executor of William Myrick the Younger dec^d in full of what his estate is entitled to receive, of said two estates,

I Ann E. Hannicutt have rec^d the sum of \$392: 33 ¹/₂ in my own right in full of my proportion, said two estates,

I Alexander Mynick have rec^d the sum of \$392: 33¹/₂
in full of my proportions of said two estates,

I Waller Mynick have rec^d the sum of \$392: 33¹/₂
in full of my proportions, of said two estates,

In testimony whereof we have severally hereunto subscribed
our names this day and date first above written,

Waller Mynick

Ann E. Munnell

Wm. Parker

W. J. Clement

James Scamell in his own
right as adm. & guardian to his children
Thos. Lee

William H. Smith for Temperance Society Children

We the undersigned heirs and legatees of the estates of
William Myrick the elder decd and Elizabeth Myrick
decd have recd of W^m Stuckell Sol D Parker
Joseph H Parker and Saml H Barkam commissioners
of the County Court of Southampton to make
sale of the estates afore mentioned (that is to say)

I John Myrick have recd the sum of \$392.33 1/2
in full of my proportion of said two estates.

I Attleboro Myrick have recd the sum \$392.33 1/2
in full of my proportion of said two estates.

I Robert Myrick have recd the sum of \$392.33 1/2
in full of my proportion of said two estates.

I David Myrick have recd the sum of \$392.33 1/2
in full of my proportion of said two estates.

I Polly Coryer have recd the sum of \$392.33 1/2
in full of my proportion of said two estates.

In Testimony whereof we have severally hereunto
subscribed our names this day and date above
written.

John Myrick
by his atty Geo T Myrick

Robert Myrick

Robert Myrick guardian
for David Myrick

Robert Myrick Attorney
for Mary Coryer

Attleboro Myrick
By his atty Geo T Myrick

A. Myrick

Recd.

1834

Feb'y 20. 1832 Recd of William & Rochelle & Co comrs
appointed to sell the negroes & Land of Wm Myrick
also the Land of Eliza Myrick Three Hundred
and Seventy two Dols & 18 cts in part of my
legasy of sd estates

A Myrick

1833 February 25 Paid of
S. H. Basham The Bonds due to
~~Elizabeth Myrick & children~~
^{William}
from the Estate of Lucy Myrick
~~amounting to 342 8 1/2~~
~~Elizabeth Myrick & children~~
Died Also the Bond due from the
Estate of Elizabeth Myrick

Sol. D. Parker

Others

W. J. order

Q

Feb 5/1833. Pay to
Wm. H. Myrick
J. J. Myrick

July 7/1832

The Comd. Solomon D. Parker William L. Rochelle Saml.
H. Barham and Joseph H. Parker will please pay to
Joshua T. Myrick the bonds they hold due from
the Estate of William Myrick to the Estate of Wm.
Myrick the son of the said William Myrick ad^r.

James Myrick ad^r of
William Myrick ad^r

1832. 9th April Recd of James
H. Barham the within Bonds
due James Myrick from the
Commissioners to sell the Estate of
Wm. Myrick decd amounting
to Three Hundred & ninety two Dollars
& 33 1/2 Cents

J. H. Myrick

also James Myrick proportion
of the Estate of Elizabeth
Myrick decd which is included
in the above amount of Three
hundred & ninety two Dollars & 33 1/2 Cents

J. H. Myrick

Mr William Rochell H^o please deliver to Mr Josh
F. Myrick the bond in my favor due from William
Myrick's Estate which you sold & this shall be my
receipt for the same. I am told that you have
charged 5⁰⁰ Cent Com^p which is illegal and unjust
and I will recover my part back if Sec^y Broadnax
H. Claiborne tells me that there is no such law in V^{rg} a
but Chancellor Creed Tayton has decided that they may
recover \$5. ⁰⁰ a day if charged.

I am Sir yr. friend
James Myrick

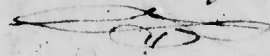
William H
Myers
Receipt
for Bonds
due July 1st
Chelburn

1833 February 25. Recd of Saml. H. Barham The Bonds due
to William Myrick's children from the Estate of William
Myrick be^{ing} amounting to Three Hundred & ninety two
Dollars & 33 1/4 Cts

Wm. Myrick

Also Their proportion of Elizabeth Myrick's Estate
which is included in the above amount of, Three
= Hundred & ninety two dollars 33 1/4 Cts

Wm. Myrick,



Statement of the m^{ts} &
received by the clerk under
an order of the court made
Feby Court 1837 - due Henry
J. L. Tucker M^{fr} of the sales
of Lucy Myricks est.

1837 Feby 22?

1 Bond due September 22 ^d 1831.	\$26.94 1/2
1 do due do do	38.44
Int to February 22 ^d 1837.	65.38 1/2
	21.25
	86.63 1/2

1 Bond due February 25 th 1832.	\$25.83
Int. to Feby 22/1837.	7.73
	33.56
	\$120.19 1/2

26.94 1/2
113.25

Tucker

To { Po. atto

Tucker

Know all men by these presents
that we Henry Tucker & Mary C. Tucker
wife of said Henry Tucker both
of the County of Erie and State of
Ohio do hereby ordain constitute and
appoint William H. Tucker of Milan
Erie County Ohio our true and lawful
attorney for us and in our names
to demand sue for and recover
and receive from all persons whatever
all sums of money and debts due to us
and all claims and demands and
to give sufficient acquittances therefor
and to adjust settle and compromise
all debts and demands due to us
and to institute proper suits for the
recovery thereof and the same to
pursue to final judgment and
Execution. And we hereby ratify and
confirm all & whatever our said
attorney shall lawfully do in the
premise.

In Witness whereof we have
hereunto set our hands and seals
this fourth (4th) day of April A.D. 1849

Witness Present
John M. Brown

Henry Tucker

Mary C. Tucker

James Rowland

State of Ohio Erie County Be it remembered that on this
4th day of April A.D. 1849 Personally came Henry Tucker and
Mary Tucker the wife of said Henry Tucker and acknowledged
the same to be their free act and deed for the uses and purposes
therein expressed before me

John M. Brown J.P.

The State of Ohio. Erie County ss - I Rice Harper Clerk. of the Court of Common
Pleas within and for the said County of Erie, do hereby certify
that John M. Brown Esq. before whom the above was acknowledged
is a Justice of the Peace in and for said County, duly commissioned
and qualified as such and that full faith and credit is due to
his official acts. And that his official signature above is genuine.
In testimony whereof I hereunto subscribe my name and affix the
seal of said Court, at Sandusky City, this 4th day of April A.D. 1849.
Rice Harper Clerk

Alex: Napier's

Memorandum.

Lucy Myrick widow of William Myrick is dead &
her 2 over land & slaves to be ^{sold} divided - land about 200 - slaves
to wit (sixteen) - children of Polly Bryer late Polly Myrick
widow of Geo. Bryer: Ino. Myrick, David Myrick, Robert Myrick,
James Myrick, Lottator Myrick, Lucy Scammell
de: leaving a husband named James Scammell & four children
infants, viz, Elizabeth, Caroline, Ann & Richard: Ann Scammell
late Ann Myrick, Alex. Myrick & Walter Myrick & Wm.
Myrick de: leaving & James Myrick ex: - corner.
Solomon D. Parker, Joseph Parker, & Wm. Rockelle or any
two - of mer: credit

Elizabeth Myrick's land between 75 & 100 to be sold
for division between some persons by some corner &
on some terms - Elizabeth Myrick sister of
Alex: & others died unmarried & without issue
of lawful age

x & share by her first husband Wm Clements
Polly, wife of Theron Ga, Lucy wife
of Wm Parker, & William Clements.

William Myrick left six children, to wit, Wm. H. Myrick
Elyia Myrick & Martha Myrick, Polly Quaker wife of Henry
S. L. Tucker, Celia & Joshua Myrick infants - they are interested
in the over land & also the land of Elizabeth Myrick