1877-28 Southampton County - Chancery White, J. et al vs. Myrick, Thomas N. Admr

"Creditors Sent"
2 pay debts"

J. White +
J. M. White

Big P, Kalw admr
Est - Thomas N. Myrick

Susan J Myrick
John S Myrick
Charles E Myrick
Infts Fannie S Myrick
Lawrence B. Myrick

Virginia

To the Hon. J. W. Urquhart, Judge of the County Court of Southampton —

Complaining shew unto the Court your Complainants, J. & J. M. White (partners) who sue for themselves and all other creditors of Thomas A. Myrick dec'd, who may make themselves parties hereto on the usual terms —

Your Complainants respectfully represent to the Court and say —

(1). That Thomas A. Myrick died in North Carolina on the day of 1868, Intestate —

(2). That the said Thomas A. Myrick died possessed of a tract of land in Southampton County Virginia, containing by estimation, one hundred and ten acres, more or less, adjoining the lands of Wm E. Myrick, Mr. Everitts Estate, Walter Myrick & others,

(3). That Kader Biggs, duly qualified as the administrator d. b. n. of said Mr. A. Myrick dec'd, in ~~the County Court of Southampton County~~ City of Norfolk, Virginia, on the 13th day of August 1868, — a duly certified copy of said qualification is filed herewith & marked "A." —

(4) That the said Mr. A. Myrick died

indebted to your Complainants as follows— $356\frac{66}{100}$ by note dated 13th May 1861 & due one day after date — carrying 8 per cent — the said note having been executed in Florida, where such rate of Interest is allowed — also $57\frac{49}{100}$ by note due 11th July 1862, payable one day after date with Interest at 8 per cent, as above. — which two notes are filed herewith as part of this Bill marked "B. 56"—

(5.)— That the estate of said Norman A. Myrick is insolvent, and that there are many debts due & claims, and but a small estate to pay the same with —

(6) That Kader Biggs the admr. of said Norman A. Myrick dec'd, has as yet rendered no aptts for his Intestates estate, but has in his hands a Bond due said Norman A. Myrick by his Brother, Jno. D. Myrick, from which something may be obtained hereafter —

(7) That the real estate aforesaid is unimproved and should be sold to pay the debts of said deceased as far as it will — That the rents thereof cannot in five years pay the said debts —

(8) That the said Norman A. Myrick left as his heirs at law, his widow, named Susan J, and five children, to wit:

John S.; Charles E.; Jannie S.; Walter D.; & Laurence B. Myrick — the last four of which are under twenty one years of age — That said Susan J. is now forty three years of age, & is entitled to Dower in said Land.

(9) Your Complainants pray, that the said Land, including the Dower therein of Mrs Susan J. Myrick, may be sold, by her consent, and that there may be paid to her a sum of money in fee simple, equivalent to the value of her Dower therein, and that in consideration thereof she, the said Susan J. may say, whether she is willing to relinquish her said Dower on such terms.

(10) Your Complainant pray that the said Land may be sold, and that the assets in the hands of said Kaden Biggs, as admr. as aforesaid may be applied to the payment of your Complainants' demand —

In consideration whereof, and as this Court has jurisdiction to grant adequate relief — To the End your Complainants may that Kaden Biggs admr. of Mr. A. Myrick dec'd, Susan J. Myrick (widow) — John S.; Charles E.; Jannie S.; Walter D.; & Laurence B. Myrick, the

last four being under twenty one years of age, may be made defendants hereto & answer the allegations herein; that the land aforesaid may be sold: that the dower aforesaid may be commuted as above set forth: that the accounts of said Kadar Biggs as adm'r. as aforesaid may be duly settled, and that the profits from all sources, belonging to said Thos. N. Myricks estate, may be applied to pay your Complainants' demands: & that all other and further relief may be granted Consistent with Equity &c.

Sign'd
John R. Kelly Solr.
for Plaintiffs

Kilby p. v

J. & I. M. White &c.
vs
Rice

Thos. N. Mynick
admr &c.

1871 July Rules

Smith Co. Ct.

while
I
Myrick, adm

annex of
Infant Offs.

1871 July Rules

The Joint and separate answer of Chas. E.; Jannie S.; Walter D, & Laurence B. Myrick (under 21 years of age) by L. R. Edwards, their guardian ad litem, to a Bill in Chancery filed in the County Court of Southampton County, Virginia, by J. & J. M. White &c. against Kader Biggs admr of Thos. A. Myrick dec'd & others.

These Respondents say, that while the facts & statements, set forth in said Bill may be true so far as they know, yet being Infants, (and) incapable of protecting themselves, they pray, that no order or decree may be made in the premises inconsistent with their rights. & they submit the same to the Court.

(Signed) L. R. Edwards Gdn ad L

Southampton County Court, July Term 1873.

J. & J. M. White Plaintiffs

against

Nader Biggs admr of Thos N. Myrick dec'd. Susan J. Myrick, (widow) John S. Charles E. Fannie S. Walter S. & Lawrence B. Myrick, the last four being under the age of twenty one years by S R Edwards their Guardian ad litem. Defendants

In Chancery

This Cause Came on this day to be again heard, on the papers formerly read, and on the report of John R. Kilby Commissioner Made pursuant to the decree of the May Term 1872, of this Court to which report there is no exception and was argued by Counsel; On Consideration whereof the Court doth Confirm the said report, and doth adjudge, Order and decree that John R Kilby Commissioner do sell and convey the said Land Made to James S. Sarden & Wm A. Myrick purchasers of the Land sold under proceedings herein, & Deed with Special Warranty in the usual form. And the Court doth Order that a Commissioner of this Court ascertain what annual sum by a fair loan in fee Simple to be paid to Mrs. Susan Myrick in lieu of her Dower Interest, and report to the Court.

A Copy Teste,

James R Sykes D.C.

102

J. J. M. White

vs

Myrick Adams

Report of Commissioner Tyler
Showing value of
Mated Lot of Land
in Case Tried and

1873 Aug. 13th 1873

Received by Clerk Circuit
Court Aug: 13th 1873

Commissioner's Report.

Lawrence Co. Aug 13. 1873.

To the Hon. J. the Circuit Court for the County of Circuit Term. Chancery.

The undersigned, one of the commissioners of this court in vacation heretofore appointed for ascertaining what will be a just compensation to be paid Mrs Susan Myrick in lieu of her dower in certain Real Estate, by a decree of this court rendered at the July term 1873 in a certain suit therein depending, in which J. M. Smith as Guardian of Kader Biggs, Minor of Thos. H. Myrick dec'd & others are defendants, respectfully reports to court.

The amount of the proceeds of the Real Estate referred to is $200.00

The age of the widow is 43.

According to table of "Matthews Tables" New Edition, page 303. the value of a widows right of dower in an estate of the fee simple value of $100. at the age of 43, is $22.30.

Hence in this case, the value of Mrs Susan Myrick's interest would be $44.60.

Respectfully submitted

James R. Tyler

Commissioner

Commissioner's fee $2.00.

"

Article h

n

Myricks and w

3 Exhibits filed

with the Bill

At a Quarterly Court of the Corporation of the City of Norfolk continued by adjournment and held at the Court House of said City on Thursday the 13th day of August in the year 1868.

On the motion of Kader Biggs who made oath as administrator and together with D. D. Biggs and R. Kelsmon as his securities (who justified on oath as to their sufficiency) entered into and acknowledged a Bond in the penalty of Six Thousand Dollars conditioned as the law directs a certificate is granted the said Kader Biggs for obtaining letters of administration upon the Estate of Thomas N. Myrick deceased in due form

A Copy

Teste

Thomas N. Pierce Clerk

by Westwood A. Todd D. C.

Clerk's fee & postage 36 cts

Marianna May 13th 1861.

One day after date I promise to pay

to J. L. White or bearer,

[redacted] Dollars,

value rec'd, with interest from the first day of January last at 8 per Ct

Witness my Hand and Seal,

Due Thos. K. Myricks L.S.

Marianna July 4th 1861

One day after date I promise to pay

to J. L. W. White or bearer,

[redacted] Dollars,

value rec'd, with interest from the first day of January last at 8 per Cent

Witness my Hand and Seal,

Due Thos. K. Myricks L.S.

White

v Sums chy

Myricks adm ff

1871 July Rules

Kilby pgs

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of ~~Southampton~~ County, Greeting:

We command you to summon Kader Biggs admor. Thos. N Myrick dec'd Susan J Myrick widow & John L Myrick

if they be found within your bailiwick, to appear at the Clerk's Office of our County Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in July next to answer a bill in Chancery exhibited against them & others in our said Court by J & J White, partners, who sue for themselves and all other Creditors of Thomas N Myrick dec'd

And have then there this writ. Witness, OSWIN WHITE, Clerk of our said Court, at the Courthouse, this 8 day of June A. D., 187/, in the 95 year of the Commonwealth.

O. White Cl

42.

White

&
Stat: Rules

Myricks acm. &c

1877 November

2 9
1 3
8 1
7 7
3 5 1

In Southampton County Court.

J & J M White partners, who sue for themselves and all other Creditors of Thomas N Myrick dec'd who may make themselves parties hereto on the usual terms against

Kader Biggs admr of Thomas N Myrick dec'd Susan J Myrick widow, John S, Charles E, Fannie S, Walter D & Lawrence B Myrick the last four being under the age of twenty one years by G R Edwards their guardian ad litem

1871 June 8 Summons issued

" July R. Sum's Service of - acknowledged - Bill filed. G R Edwards assigned Gu'n ad litem to infant Defts. Answer of infants & of Susan J Myrick Gen Rep. to ans'r infants D Nisi v Defts Biggs adm'r & John S Myrick

" Aug R Bill taken for Confessed as to Defts Biggs ad. & John S. Myrick - Cause set for hearing as to all the Defts. &c

" Sep. 6. Decree for acct. &c

1872 Febry 24. Rep't -

" March 6. Decree for Account

" May - Decree for sale

1873 July. Report & Decree &c

1873 Nov. Decree to pay out & for further acct.

1874 June -

" Oct Decree for further account

1877 Nov Report - Decree & Cause removed from Docket.

1872 March

Clk, Com.	19.41
Shff	
Com. Tyler	10.00
Law	16.00

Whitehead
v
Mynick &c

1874

June 1st. Decree confirming report of Payments.

To be entered.

Geo. B. Lord.

Wheeler &c

v

Myrick &c

This cause came on this day to be again heard on the papers formerly read & on the report of John R. Kelly, Com. made pursuant to the Decree of the Nov. Term 1873 of this Court — to which report there is no exception, and was argued by Counsel. On consideration whereof the Court doth confirm the said Report & the cause is continued

Writ to
Sum. Chy
Myricks &c
1871 July Rules

1871 June 10th Service of this Process acknowledged. (K B) Kader Biggs adm. of Thos N Myrick dec'd

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of ~~Southampton~~ County, Greeting:

We command you to summon Kader Biggs admr. of Thos. N Myrick dec'd
Susan J Myrick, widow & John S Myrick

if they be found within your bailiwick, to appear at the Clerk's Office of our County Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in July next to answer a bill in chancery exhibited against them & others in our said Court by J. & J. M White (partners) who sue for themselves & all other creditors of Thomas N Myrick dec'd

And have then there this writ. Witness, OSWIN WHITE, Clerk of our said Court, at the Courthouse, this 8 day of June A. D., 187 , in the 95 year of the Commonwealth.

O. White Clk

White
vs
Myrick et al
1871 July Rules

Summ. Chy

1871 June 10 Service of this process acknowledged.

Susan J. Myrick.
Jno. S. Myrick

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of ~~Southampton~~ County, Greeting:

We command you to summon Kader Biggs admr. of Thos. A. Myrick dec'd Susan J Myrick (widow) & John S. Myrick

if they be found within your bailiwick, to appear at the Clerk's Office of our County Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in July next to answer a bill in Chancery exhibited against them & others in our said Court by J. & J. M White (partners) who sue for themselves & all other Creditors of Thomas A Myrick dec'd

And have then there this writ. Witness, OSWIN WHITE, Clerk of our said Court, at the Courthouse, this 8 day of June A. D., 187/ , in the 95 year of the Commonwealth.

O. White clk

Whites
v. } Copy decree
Myricks adm Dft

make deed
& set Sales
Report

Southampton County Court, July Term 1873.

White's
against
Myrick's Adm'r &c.

Pltf:
Dft:

Judgment

This Cause Came on this day to be again heard on the papers formerly read and on the Report of John R. Kelly Commissioner made pursuant to the decree of the May term 1872, of this Court to which report there is no exceptions and was argued by Counsel; On Consideration whereof the Court doth Confirm the said Report and doth adjudge, Order and decree, that John R. Kelly Commissioner who Sold the said Land Belonging to James B. Darden and Wm. A. Myrick purchasers of the Land Sold under proceedings herein Do with Special warranty in the usual form And the Court doth Order that a Commissioner of this Court ascertain what remains by said sale in fee Simple, to be paid to Mrs. Susan Myrick in lieu of her Dower therein and report to the Court.

A Copy.

Test:

James R. Tyler, D.C.

Title to
no 3
Myrick estate.

Report that Deed
has been made

Confirmed Nov. 6th
1873

Wade &c
v.
Myrick adm.

In the Circuit Court
of Southampton County.

The undersigned Reports to the Court, that pursuant to the decree made in this cause at the July Term 1873 of Southampton County Court, he has made a deed with special warranty in the usual form to James D. Warden & Wm A. Myrick, for the real estate purchased by them under the decree of the May Term 1872 of said County Court.

Respy. submitted
John R Kilby Comr

White
" } Co. Decan
Myrick &

4 clap
J. & Jno. White #105.58 K
do 107.06 K
à J. Blum 111.82 K
do 105.76 K
Work. Porter Co 1624.52 K
do 1171.27 K
do 189.07 K
Kaan Biggs Co 894.44 K
Leslie Myrick 715.19 K
#5118.91

Southampton Circuit Court November Term 18[illegible]

T. and J. M. White partners who for themselves and all other creditors of Thomas N. Mcpriek dec'd Plaintiffs

Against

Rader Biggs administrater of Thomas N. Mcpriek dec'd Defendant

} In Chancery

This cause came on this day to be again heard on the papers formerly read and on the report of John R. Kelly made pursuant to the decree of the July term 18[illegible] of Southampton County Court, and on the report of James R. Tyler Commissioner made pursuant to the same decree - to which reports there is no exception, and was argued by Counsel - On Consideration whereof the Court doth confirm the said report and doth adjudge order and decree that the said John R. Kelly, Commissioner out of the sum of One hundred and forty eight dollars and fifty cents which appear to be his - hands under his report made under decree of May term 18[illegible] of said County Court, pay to Mrs Susan Mcpriek widow of Thos N. Mcpriek dec'd the sum of $ forty four dollars and sixty cents in cash in fee simple, in lieu of her dower in the land sold herein and that pay any cost that may remain unpaid, and that pay the Residue ratably to the debts of the fourth class reported against said Thos N. Mcpriek dec'd by Commissioner Tyler in his report of the 8th of February 18[illegible], and make report to Court and the Court doth further adjudge order and decree that Rader Biggs administrater of Thos N. Mcpriek dec'd render an account of his transactions as such administrater before one of the Commissioners of this Court, who will report the same to Court.

A Copy -

Teste, J. R. Edwards Clk

White &c.

Report of payments

Myrick admr &c

1874 June 6th

To the Circuit Court of Southampton Co. Va.

The Undersigned reports to the Court, that pursuant to the decree of said Court, made at the November Term 1873 of said Court in the cause therein pending wherein T. & J. M. Wade &c. are plaintiffs and Thos. A. Myrick adms &c. defendants. he has proceeded to pay out of the sum of $148.57 therein referred to, the amount decreed to Mrs. Susan Myrick, and the residue to those entitled under said decree, as the annexed statement & receipts will show. to wit:

By amo. in Commissioners' hands as per decree	$148.57
To paid to Mrs Susan Myrick, widow of said Thomas A. Myrick dec'd as directed by said decree, in lieu of her dower in the Land sold under proceedings herein, as per rec't.	44.60
Leaving in his hands	$103.97
which has been paid to the credits of the 4th Class of said Thos. A. Myrick as per decree to wit:	1.60
	$102.37

To T. & J. M. Wade	Int on their claim of	$105.58	per cent $2.11
" same	on	$101.06	" $2.02
" A. J. Blunt	on	$111.82	" $2.23
" Do.	on	$205.96	" $4.11
" Wm G. Porter &c.	"	$1624.52	" $32.49
" Do.	"	$1171.27	" $23.45
" Do	"	$189.07	" $3.78
" Kader Biggs &c.	"	$894.44	" $17.88
" Walter Myrick	"	$715.19	" $14.30 $102.37
		$5118.91	

all of

which is respectfully submitted

John R. Kilby Com.

1874 Jan. 16 Rec'd of John R. Kilby, Com. the several sums set opposite our names & as per annexed statement

John R Kilby, atty for J. & J. M. Astute	1.2.11 / 2.02	—	4.13
John R Kilby " " a. J. Blunt	2.23 / 4.11	—	6.33
John R. Kilby " " Wm S. Porter &c	32.49 / 23.45 / 3.78	—	59.72
John R. Kilby " " Kaler Bissell &c		—	17.88
John R. Kilby " " Walter Myrick			14.30

White &c
to
Com. Bond
Myricks com

Know all men by these Presents, That we,

John R Kilby & John Goode Jr

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Six hundred dollars good and lawful money of Virginia, to the payment whereof well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally firmly by these presents. Sealed with our seals and dated this 17 day of June A. D. 1872.

THE CONDITION OF THE ABOVE OBLIGATION is such, that if the above bound John R Kilby as Commissioner appointed by a decree of the County Court of Southampton County rendered at the May Term thereof. 1872. for certain purposes in a Suit in Chancery depending in said Court in which J & Jett White partners, who sue &c pffs against Kader Biggs adm: of Thomas Myrick dec'd & Defts

under said decree and any other Decree that he may be required to execute in said cause, shall faithfully discharge the duties of his said office or trust according to law, then the above obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and delivered in presence of ~~the Court.~~

John R. Kilby [SEAL.]

John Goode Jr. [SEAL.]

[SEAL.]

[SEAL.]

1874 Jan 16. Rec'd of John R. Kilby, Comr. the sum of forty four dollars and sixty cents, amount coming due in fee simple, in lieu of my right of Dower in small piece of land in Southampton County, Va. sold under decree of Circuit Court of said County (White &c. vs. Myrick's adm'r &c.)

$44.60

Susan J. Myrick.

White &c
v
Myrick adr &c } Com. Notice

1871 Sept. 30. Service
of this notice acknowl-
edged me as atty.
for plts. defts.
John R Kelly
atty.

Southampton County Court, September Term 1871.

J. and J. M. Wicks, partners who sue for themselves and all other Creditors of Thomas N. Myrick dec'd. —

In Chancery

against

Nathl Biggs Adm'r of Thos N. Myrick dec'd. Susan J. Myrick, widow, John S. Charles E. Francis S. Walter S. and Laurence B. Myrick, the last four being under the age of twenty one years by L. R. Edwards their Guardian ad litem —

This cause came on this day to be heard on the Complainants' bill taken for Confessed as to Nathl Biggs Adm'r of Thos. N. Myrick dec'd. and John S. Myrick on whom process had been duly executed and they still failing to appear and make defence, and on the answer of Susan J. Myrick and of the Infant Defendants by their Guardian ad litem and replication to said answers and Exhibits filed with said Bill and was argued by Counsel; On Consideration whereof the Court doth adjudge Order and decree, that a Commissioner of this Court proceed to take and state the following accounts —

1st; An Account of the transacting of Nathl Biggs Adm'r of Thos. N. Myrick dec'd.

2d; An Account of the Debts due by said Thos. N. Myrick or his Estate and their dignity —

3d; An Account of the real Estate of which said Thos. N. Myrick died Seized and possessed and its fair Simple and annual value, and report to Court with any Matters Specially stated, deemed pertinent by himself or that any of the parties may require to be so stated. —

A Copy

Test,

James R Sykes, D.C.

COMMISSIONER'S OFFICE,

Jerusalem Sept 26 187/

To T & J. M. White partners who sue for themselves and all other creditors of Thomas N. Mynick dec'd vs against Kader Biggs administrator of Thos N. Mynick dec'd Susan J. Mynick widow, John S. Charles E. Fannie S. Walter D. and Laurence B Mynick, the four being Under the age of twenty one years by L R. Edwards their guardian ad litem

In Chancery

You are hereby notified that I have fixed upon the 21 day of November next, if fair, if not, on the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:

1st. An account of the transactions of Kader Biggs administrator of Thomas N. Mynick Dec'd ——

2nd An Account of the debts due by said Thos N Mynick or his Estate and their dignity ——

3rd. An Account of the real Estate of which said Thos N. Mynick died seized and possessed and its fee simple and annual Value &c &c

required to be taken by a decree of Southampton ~~Circuit~~ County Court, rendered ~~on~~ at the September ~~day~~ ~~of~~ Term 187/, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year first aforesaid.

James R. Tyler Commissioner.

To the Sheriff of Southampton County to execute.

An Account of the debts due by Thomas A. Myrick's dec'd. and their dignity:-

4th Class

K	Due T. & J. M. White note for	$66 66		
	Int from 14 May 1861. to 1 March 1872 3 yrs at 8 p. ct interest	48 92		
			105	58
K	Due T & J. M. White note for	57 49		
	Int from 12th Sept 1862 to 1 March 1872 3 yrs at 8 p. ct interest	43 57		
			101	06
K	Due A. F. Blunt note for	62 75		
	Int from 21 May 1862 to 1 March 1872 3 yrs at 8 p. cent interest	49 07		
			111	82
K	Due A. F. Blunt Note for	147 00		
	Int. from 25 Feby 1867 to 1 March 1872 3 yrs at 8 p. cent interest	58 96		
			205	96
K	Due Wm G. Porter & Co Bond for	865 54		
	Int from 14 March 1861. to 1 March 1872 3 yrs at 8 p. cent int.	758 98		
			1624	52
K	Due Wm G. Porter & Co Bond for	648 07		
	Int. from 28th Jany 1862 to 1st March 1872 3 yrs @ 8 p. cent int.	523 20		
			1171	27
K	Due Wm G. Porter & Co Ac for	127 28		
	Int from 1st Jany 1866 to 1 March 1872 3 yrs 8 p. ct int.	61 79		
			189	07
K	Due Kader Biggs & Co Ac for to Jany 10th 1872	894 44		
	Receipted bills submitted		894	44

K.	Debt Due Walter Myrick	$500 00	
	Int. from 29th May 1866 to 7th Oct 1869	100 66	
		$600 66	
	Costs	9 50	
	Commissions on the above amts	15 01	
	Int. from 7th Oct 1869 to 1 March 1872	90 02	
			$715 19
	Total debts		$5118.91

Respectfully Submitted
Jas R. Tyler Com.

An Account of the real Estate of which Thomas N. Mycock died seized; and possessed & its fee Simple and Annual Value &c.

	Fee Simple Value	Annual Value
100 Acres of Land adjoining the lands of Wm E Mycock &c.	$300 00	$ 5 00

One Bond duely John D. Mycock, to Thomas N Mycock for 2832 10
Int: from 10th April 1860 to 16 May 1861 249 32
$3081 42
By Amo pd 16 May 1861 1200 00
1881 42
To int: to 1 March 1872 1645 64
$3527 06

Respectfully Submitted
James R. Tyler

The Est. of Thomas N. Mycock
In Acct with Kader Bigg his administrator

To Nothing Recd.
By Nothing Paid out.

Resp Submitted
Jas R. Tyler

Commissioners Office

Jerusalem Feby 8th 1872

To the County Court of Southampton County:

Pursuant to a decree of the county court of Southampton county rendered at the September Term 1871. in a suit in Chancery depending in the said court between J. and J. M. White partners &c. and Kader Biggs administrator of Thos N Mycock dec'd &c the undersigned one of the Commissioners of this court to whom was referred for settlement by said decree. the following accounts.

1st An account of the transactions of Kader Biggs adm: of Thomas N. Mycock dec'd.

2nd An Account of the debts duely paid Thos N Mycock or his estate and their dignity.

3rd An account of the real Est. of which said Thos N Mycock died. Seized & possessed and its fee Simple & annual Values, Liens & the court: that on the 26th September last he issued notice against the several parties aforesaid requiring them to attend the settlement of the said accounts before him at his said office on the 21 day of November 1871. Which were returned & yr. Com. duly executed. That the parties aforesaid appeared before the Com. in obedience to said notices, and he thereupon stated and settled the foregoing accounts, up to the 1st day of March 1872 and on that day finds the amount against the said est: to be $4403.72. including interest. Your Com: would state specially, that the administrator have not received any funds for the said adm. holds a bond against the Est. of Jno D Mycock for the amount of $3527.06. but that is a doubtful whether the said bond is solvent or not. The land of 110 acres Your Com: reports the fee simple value to be $300 & the annual value $5.00 - which see later, as the Court may require of him information about it. The Com. further reports to the court that after the completion of the said accounts he retained the same in his office Ten days for the examination

of the parties. which with the decree and notices are herewith returned.
Given under my hand as Commissioner aforesaid the day and year first aforesaid
James P. Tyler
Com.

Com: fee $10.00
Augt 1842

Wilds
vs
Com. Report
Mynicks adr &c

1842 Febry. 24

Estate of

vs

Myricks admr

Report of

sale &c.

1873 July 21

To the County Court of Southampton Co.

The undersigned reports to the Court that pursuant to the decree of May term 1872 of this Court, made in the cause of White &c. against Myrick &c. he proceeded to advertise the Land therein named of which Mrs. A. Myrick died possessed containing 110 acres, more or less and adjoining the Lands of Wm E. Myrick & others and did on the 21st Oct. 1872 before the Court house door of said County, offer the said Land for sale but could get no offer, & after repeated attempts to sell the same did on this 21 July 1873 sell the same before the Court house door of said County, when James D. Warden & Wm A. Myrick, became the purchaser thereof at the price of two hundred Dollars, which they preferred to pay & did pay in cash, to wit $200:00

To 5 per cent Comr	$10.00
" Cty Clerk.	10.93
" Comr Sales	10.00
" Advt &c.	16.00
" for deed	3.00
" for printed handbills	1.50 — $ 51.43
Balance	$148.57

In the hands of the Undersigned—

Respectfully submitted
John R. Kelly Comr

Southampton County Court, May Term 1872.

White
against
Myrick's Admr &c.

Jeff.
Defts

Jul Clearing

This Cause Came on this day to be again heard on the papers formerly read and on the Report of Commissioner Tyler, made pursuant to the Decree of September Term 1871, of this Court, to which Report there is no exception and was argued by Counsel; On Consideration whereof the Court doth Confirm the said Report and doth adjudge, Order and decree, that Jno R Kelly, (who is appointed a Special Commissioner for that purpose,) proceed to Sell at auction, before the Court House door of Southampton, on Some Court day, the Land of which Thos H. Myrick died possessed, and described in the proceedings as a tract of Unimproved Land in Southampton County, Containing 110 acres, more or less, adjoining the Lands of Wm E. Myrick, Thos Everitt Estate, Walter Myrick and others, having first given at least twenty days Notice thereof by advertisements posted up at the Court House door of said County and at Yeamans Depot and other places near the premises, the said Sale to be on a Credit of Six Months with interest from date, and the purchaser to give Bond and good Security for the payment of the Same, (the Costs and expenses to be Cash,) the adult parties by their attorney waiving the benefit of a longer Credit Sale, and the Court waiving the same for the Infants—
But no Sale is to be made hereunder till the said John R Kelly Shall execute a Bond before the Clerk of this Court in his Office, in the penalty of $1000, conditioned for the faithful discharge of the duties hereunder, and any other duties that he may be required to execute in this Cause.
And it is Ordered that a Commissioner of this Court

ascertain the fee Simple present Value in Money of the Dower of Mrs. Susan J. Myrick, in the Lands to be Laid out herein and Report to Court.

A Copy
Test James R Tyler Clk.

Clks. Costs	$ 10.93	
Shff		
Comr Tyler	10 00	
Law Fee	16.00	$36.93

Mrs. Myrick
vs.
Myricks Admrs &c.

stated, deems pertinent by him at that
any of the parties require to be so
stated.

Affidavits of Counsel
as
to
Costs

1871

Dep. Cl. Decree
to be entered.

Wade &c
v.
Myrick adm &c.

This cause came on this day to be heard on the Complainants' Bill taken for confessed as to Kader Biggs adm of Thos. A. Myrick dec'd and Jno. A. Myrick on whom process had been duly executed and they still failing to appear and make defence, & on the answers of Susan J. Myrick & the Infant defts. by their guardian ad litem, & replication to said answers and Exhibits filed, & with said Bill
was argued by Counsel. On consideration whereof the Court doth adjudge, order & decree that a Commissioner of this Court proceed to take and settle the following accounts —

1st An account of the transactions of Kader Biggs as adm. of Thos. A. Myrick dec'd.
2d. An account of the debts due by said Thomas A. Myrick, or his estate and their priority
3. An account of the Real estate of which said Thos. A. Myrick died seized and possessed and its fee simple & annual value. and report & Report with any matters specially

Whale &c

vs

Mypick adm &c

This cause came on this day to be again heard on the papers formerly read & on the report of Comr. Tyler made pursuant to the decree of September term 1871, of this Court — To which report there is no exception and was argued by Counsel.

On Consideration whereof, the Court doth confirm the said report, and doth adjudge & decree that John R. Kelly (who is hereby appointed a commissioner for that purpose) proceed to sell at auction before the court house door of Southampton, on some Court day, the Land of which Th. P. A. Mypick died possessed and described in the proceedings as a tract of unimproved Land in Southampton County containing 110 acres, more or less, adjoining the Lands of Wm. E. Mypick, Th. Everitts Estate Walter Mypick & others, having first given at least twenty days notice thereof by advertisement posted up at the Court house door of said County and at Newsoms Depot and other places near the premises; the said sale to be on a credit of six months, with Interest from date, & the purchaser to give Bond & good security for the deferred payment of the same (the costs of suit to be paid).

The adult parties by their attorney waiving

the benefit of a longer credit sale and the Court waiving the same for the Infants

But no sale is to be made hereunder tee the said John R. Kelly shall execute a Bond before the Clerk of this Court in his office in the penalty of $600. conditioned for the faithful discharge of the duties hereunder & any other acts that he may be required to execute in this cause.

and it is ordered that a Commissioner of this Court ascertain the fee simple present value in money of the Dower of Mrs Susan J. Wyatt in the Lands to be sold hereunder & report to Court

1872
May ct.
Decree for sale
To be entered.
W. Wyatt and J. Gay

White &c
vs.
Wyatt's adm'r &c

White &c.

v.

Myrick admr

answer of

Mrs Sarah J. Myrick

1871 July Rules

The answer of Mrs. Susan J. Myrick the widow of Thomas A. Myrick dec'd to a Bill in Chancery, Exhibited in the County Court of Southampton County, by J. & J. M. White & a against Rader Biggs adm'r. of Mr. A. Myrick dec'd. & others —

This Respondent says that the facts set forth in said Bill are true so far as she knows or believes —

That she is now forty ~~three~~ four years old, and is willing & does hereby consent to a sale of the real estate referred to in said Bill, and that her Dower right therein may also be sold, and that she is willing to accept in lieu thereof in fee simple in money, such sum as the Court under the law may determine that she is entitled to.

Signed,

Susan J. Myrick.

Southampton County Court, March Term 1872.

White &c
against
Myrick &c

Plffs.
Dfts.

In Chancery

This cause came on this day to be again heard, on the papers formerly read and on the Report of Commissioner Tyler, made pursuant to the decree of September Term 1871, of this Court, to which Report there is no Exception, and was argued by Counsel, on Consideration whereof, the Court doth adjudge, Order and decree, that John R. Kilby, (who is hereby appointed a Commissioner for that purpose,) proceed to sell at auction, before the Courthouse door of Southampton County, on some Court day, having given at least twenty days Notice thereof, by advertisement at the Courthouse door of said County, and at Jerusem's Depot and other public places, the Land of which said Silas A. Myrick, died possessed, containing 100 acres, more or less, adjoining the Lands of William E. Myrick and others, which Sale shall be on a Credit of one, two, and three years, with interest from date, except for a Sum sufficient to pay Costs and expenses, which will be Cash, taking Bond and good Security from the purchaser and retain the title till the further Order of Court, and make report to Court.

But no Sale is to be made of said Land under this Decree till the said John R Kilby, shall execute before the Clerk of this Court, in his Office, a Bond in the penalty of $500 payable to the Commonwealth of

Virginia, and Conditioned for the faithful discharge of the duties required Under this Decree and any other decree he may be required to execute in this Cause.

And it is further Ordered that Commissioner of this Court Make a Statement Showing what the present fair simple Value in Money of the Dower of Mrs. Susan J. Myrick is in Said Land, and Make report to Court.

A Copy Teste,

James R. Tyler, D.C.

Clk $9.41
Sh
Com Tyler. 10 00
Law V 16.00
$35.41

Whitlock &c
v.
Myrick &c

T. and J. M. White

1872

To James R. Tyler, Commissioner Dr.

Feby 24. To Making up Report in the Case of
White vs. Myricks and Ux $10.00

James R Tyler,
Commissioner

White &c

v.

Myrick &c. This cause came on this day to be again heard on the papers formerly read & on the report of Comr. Tyler made pursuant to the decree of Sept. Term 1871 of this Court, to which report there is no exception and was argued by Counsel. On consideration whereof the Court doth adjudge, order & decree that John R. Kelly (who is hereby appointed a Commissioner for that purpose) proceed to sell at auction before the Court house door of Southampton County, on some Court day, having given at least twenty days notice thereof by advertisement at the Court House door of said County & at Newsom's Depot & other public places, the land of which said Thomas A. Myrick died possessed, containing 100 acres more or less adjoining the lands of Wm E. Myrick & others — which sale shall be on a credit of one two and three years, with interest from date except for a sum sufficient to pay costs & expenses, which must be cash taking bond & good security from the purchaser & retain the title ~~Lien~~ till the further order of Court make report to Court —

But no sale is to be made of said land under this decree till the said John R. Kelly, shall execute before the Clerk of this Court in his office a Bond in the penalty of $500, payable to the Commonwealth of Virginia, & conditioned for the faithful discharge of the duties required under this decree, & any other

Decree he may be required to execute in this cause — And it is further ordered that a Comm. of this Court make up a statement showing what the present fee simple value, in money, of the Dower of Mrs. Susan J. Meyrick is in said Lands and report to Court.

White &c
vs
Meyrick &c

1872
Mar. 6. Decree
Fr. Lee &c.
F. Lee entered
J. H. Washington Judge

3 Comm. Comm. Ct.

KNOW ALL MEN BY THESE PRESENTS, That we John R. Kelly

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Six hundred dollars, good and lawful money of Virginia, to the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally firmly by these presents. Sealed with our seals and dated this 21st day of Octo. A. D. 187 2.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound

shall faithfully discharge the duties of his said office or trust according to law, then the above obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and delivered in presence of the Court.

John R. Kelly [SEAL.]

[SEAL.]

[SEAL.]

[SEAL.]

Hospital &
N.

Impressions adm

1873

Nov Cir. et

Decree

To be entered.

Geo. Blow.

Wade

vs

Myrick adm'r

This cause came on this day to be again heard on the papers formerly read on the reports of John R. Kelly made pursuant to the decree of the July Term 1873 of ~~Nansemond~~ Southampton County Court, & on the Report of James R. Tyler, Comr. made pursuant to the same decree — to which reports there is no exception, and was argued by Counsel. On consideration whereof the Court doth confirm the said Reports, and doth adjudge order & decree that the said John R. Kelly, Comr. out of the sum of $148.57 which appear to be in his hands under his report ~~&~~ made under decree of May term 1873 of said County Court, pay to Mrs Susan Myrick widow of Wm. A. Myrick dec'd. the sum of $44.60 in cash in fee simple, in lieu of her dower in the land sold herein: and then pay any costs that may remain unpaid, & then pay the Residue ratably to the Debts of the 4th Class reported against said Wm. A. Myrick dec'd. by Comr Tyler in his report of the 8th of July 1872, and make report to Court

And the Court doth further adjudge order & decree that Kader Biggs adm'r of Wm. A. Myrick dec'd. render an account of his transactions as such adm'r. before one of the Commissioners of this Court, who are to report the same to Court.

Schuyler Jr
v

Schuyler Jr
1873
July 10 Ct.
Decree
To be entered.
D. Wagenhart
Judge

White &c.

v

Myrick &c.

This cause came on this day to be again heard on the papers formerly read for the report of John R. Kelly, Comr. made pursuant to the decree of the May Term 1872 of this Court, to which report there is no exception & was argued by Counsel; On consideration whereof the Court doth confirm the said Report. and doth adjudge, order and decree that John R. Kelly Comr who sold the said land, make to James D. Haden and Wm A. Myrick, purchasers of the land sold under proceedings herein, with special warranty in the usual form;

And the Court doth order that a Comr of this Court ascertain what would be a fair rent in fee simple, to be paid to Mrs Susan Myrick in lieu of the dower therein report to the Court

33

Schultz &c
v.

Myrick adm'x

1874

Oct. Cir. Ct.

Decree

to be entered

Geo Tibbs

State &c. vs. Myrick adm

This cause came on this day to be again heard on the papers formerly read on the report of John R. Kelly Comr. of payments made by him under decree of the Novmbr Term 1873 of this Court — to which report there is no exception, and was argued by Counsel. On consideration whereof the Court doth confirm the said report, and doth adjudge, order and decree that Kader Biggs adm of said Wm. T. Myrick render before one of the Commissioners of this Court a further account of his transaction as such administrator, which Commissioner is directed to state & settle the same, & make report thereof to Court.

State
v.
Myrick

Com Wlers
report under
Act of Ch 1879

1879
Rec 5 filed
& confirmed

To the Hon. Geo. Blow, Judge of the Circuit Court of Southampton Co. Va

Your Commissioner reports that under the decree made in the cause of White vs. Myrick adm. at the Oct Term 1874, he can only report that no estate has come to the hands of Kader Biggs adm of Mrs. N. Myrick dec'd, the whole estate being insolvently Insolvent

Given under my hand Nov. 3d. 1877.

Jas R Tyler Comr.

State

v.

Ulyrick

1877

Nov. 17.

Final decree

to be entered

Geo. Bliss

Astute

v

Murphy adw &c.

This cause coming again to be heard on the papers formerly read & on the report of Comr Tyler made pursuant to the decree of Oct^o term 1876 of this Court made in this cause — to which report no exception is filed & was argued by Counsel on consideration whereof the Court doth confirm the said report & doth adjudge order & decree that the proceedings had herein be confirmed & made final & binding between the parties, and nothing more remaining to be done in the cause, it is ordered that the same be removed from the docket.