

Probate, NC, Bertie, JOHN POWERS 1739

An inventory of the estate of Mr. **JOHN POWERS** late of Beaufort County, deceased, now found in Bertie County [---] by **MARY POWERS**, administratrix

[INVENTORY LIST]

MARY POWERS

Probate, NC, Bertie, JOHN POWERS 1739

Account of goods sold at public vendue part of the estate of **JOHN POWERS**, deceased,
ye 14 day of May, 1739.

[SALE LIST]

WILLIAM MARKY ??? Vender

Probate, NC, Bertie, JOHN POWERS 1739

Acct of Sales of
JOHN POWERS estate
1740 May

Recorded

J. WYNN

Probate, NC, Bertie, JOHN POWERS 1739

North Carolina

George the second, by the Grace of God, King of Great Britain, France and Ireland, defender of the faith & c.

To the sheriff of Beaufort County in the said province, Greeting:

We command you to take the body of **MARY POWERS**, widow, administratrix of **JOHN POWERS** late of Beaufort County, deceased (if to be found in your Bailiwick) and her safely keep, so that you have her body before our Chief Justice and his assistant, at the next General Court, to be held for our said province, at the courthouse in Edenton, on the last Tuesday in March next, then and there to answer **THOMAS PILSON** Merchant in a plea of trespass on the face damage eighty pounds current money.

Therein fail not, and have you there this Writ.

WITNESS **WILLIAM SMITH** Esquire our Chief Justice of our said province, at Edenton, the thirteenth day of December Anno Domini 1739

W. SMITH CJ

Probate, NC, Bertie, JOHN POWERS 1739

PILSON

vs

POWERS Administratrix

to

March General Court

1740

HERRITAGE Atty

Probate, NC, Bertie, JOHN POWERS 1739

North Carolina
Edenton

Be it remembered that **STEPH GOOLDE** and **WILLIAM DANIEL**, Gentlemen in the county of Beaufort in ye said province this 13th day of June & in the year of our Lord one thousand seven hundred and forty, personally came and appeared before me and acknowledged themselves justly indebted unto **ABRAHAM DUNCAN & MARY** his wife, late widow and administratrix of **JOHN POWERS** deceased in the sum of one hundred pounds current money of the province aforesaid & in default of payment thereof to be levied on their or either of their goods, chattles or estate whatsoever on condition following.

Now the condition of the above written recognizance is such that if **JOHN RIECESSET** of Bath town in the said County of Beaufort shall and do well and truly prosecute with effect at the next GLE court to be held at Edenton for the province aforesaid a certain writ of error by him brought & returnable at the said court in order to reverse a judgment lately given against him brought against the above **MARY** as widow and administratrix of **JOHN POWERS**, deceased for ten pounds ten shillings current money of the said province with costs of suit and shall reverse the same then this recognizance to be void, otherwise to remain in full force until the accruing costs are repaid.

Taken and acknowledged before me the thirteenth day of June 1740.

F. K. GOOLDE

WILLIAM DANIELS

Probate, NC, Bertie, JOHN POWERS 1739

RIECESSET

VS

Administratrix of
JOHN POWERS

Recognizance on
obtaining a writ of error
to July Court 1740

Probate, NC, Bertie, JOHN POWERS 1739

North Carolina
Beaufort County

RIECESSETT Administrator
vs
POWERS administratrix

Cop. Record & Proceeding & Writ

George the second by the grace of God of Great Britain & King & c.

To the Sheriff of the said county, greeting.

We command you to take the body of **MARY POWERS**, widow & administratrix of all the goods and chattles, rights and credits of **JOHN POWERS**, near Bath Town in the said County lately deceased, (if to be found in your Bailiwick) and her safely keep, so that you have her before our justices at our next Court of Common Pleas to be held at the court house in Bath Town for the said county on the second Tuesday in March [11, 1740] next, then and there to answer **JOHN RIECESSETT**, administrator of all the goods and chattles, rights and credits that were of **JOHN RIECESSETT**'s of Bath Town in the said county of Beaufort Esq, at the time of his death in a plea of trespass upon the "cost" damage twenty pounds; and have you then and there this writ.

Witness **ROGER JONES** general Clerk of our said court.

Dated at Bath Town the 7th day of January Anno Domini 1739

ROGER JONES, Clk

Return Cepi Corpus & Secure by me **JOHN CHELLEY**, Dep. Sheriff declares.

Probate, NC, Bertie, JOHN POWERS 1739

North Carolina
Beaufort County

March Court, 1740

JOHN RIECESSET administrator of all the goods and chattles, rights and credits that were of **JOHN RIECESSET** of Bath Town in the said county of Beaufort, esquire, at the time of his death complained of **MARY POWERS**, widow and administratrix of all the goods & chattles, rights & credits of **JOHN POWERS** near Bath Town in the said county, lately deceased, in custody of the sheriff for that whereas the said **JOHN RIECESSET** esquire on the first day of December in the year of our Lord one thousand seven hundred & thirty six at Edenton in the said province at the special instance and request of him, the said **JOHN POWERS** did sell and deliver to the said **JOHN POWERS** to his, the said **JOHN POWERS'** proper use, two wooden cover lids at the rate and price of ten pounds lawful money of the said province, the said **JOHN POWERS** then and there & to wit, on the day, year at the place aforesaid, did in costs thereof upon himself assume to the said **JOHN RIECESSET** then and there faithfully promise that he, the said **JOHN POWERS** payeth ten pounds lawful money unto the said **JOHN RIECESSET** would well and truly satisfied and content when he should be thereafter required and whereas also at the like special instance and request of him the said **JOHN POWERS** he the said **JOHN RIECESSET** on the day, year, and at the place aforesaid did tell and deliver diverse other goods, wares and merchandises to the said **JOHN POWERS**, he the said **JOHN POWERS** in consideration thereof did assume to the said **JOHN RIECESSET** then and there faithfully promised that he the said **JOHN POWERS** such sum of money unto the said **JOHN RIECESSET** would well & truly pay & content as the said goods at the time of the sale & delivery of the same were reasonably worth; and the said **JOHN RIECESSET**, the plaintiff. In fact saith that the said goods at the time of the sale & delivery of the same were reasonably worth other then pounds of the like lawful money of which the said **JOHN POWERS** afterward to wit on the day, year & at the place aforesaid had notice ye he the said **JOHN POWERS** contriving and fraudulently intending in his lifetime the said **JOHN RIECESSET** therein to deceive and defraud and his said several promises not regarding, the said several sums of ten pounds or any part thereof he the said **JOHN POWERS** unto the said **JOHN RIECESSET** in his lifetime did not pay (this after thereunto required) nor hat he paid the same to **JOHN RIECESSET** the plaintiff. Nor hath the said **MARY** the defendant paid the same unto the plaintiff (tho' thereunto required) at Bath Town on the eleventh day of December in the year of our Lord one thousand seven hundred thirty nine and often times after thereunto required but the same to pay hath refused & still doth refuse to pay damage twenty pounds and thereupon he brings this suit & here in court produces the letters of administration whereby & c.

S. L. E. GOOLDE atty plaintiff

Pledges

Probate, NC, Bertie, JOHN POWERS 1739

Beaufort County

March Court 1739

MARY POWERS administratrix
vs
JOHN RIECESSET administrator

And the said **MARY** by **WYRIOTT ORMOND**, her attorney comes and defends the force & injury when & prays over [termination] of the letters of administration of the said **JOHN** which being read and heard the said **MARY** saith that in the writ laid out by the said **JOHN** he is therein called **JOHN RIECESSET** administrator of all the goods & credits not **JOHN RIECESSET** administrator with the will annexed of all & star the goods & c. and this she is ready to aver; therefore there is a variance between the writ & letters of administration aforesaid & the writ aforesaid is in no way warranted by the said letters of administration; the said **MARY** prays judgment of the writ aforesaid and that the same may be quashed &

M. B. The above plea filed in

W. Y. ORMOND, Atty Defendant

March Court 1739

The court abated the action; whereupon the plaintiff, by his attorney, appeals, which is granted, he giving security to prosecute the same with effect.

June Court 1739

The above action dismissed, no security being given to prosecute.

JOHN FREEMAN
SIMON ALDORSON
ROGER JONES
ISAAC BUCK

Probate, NC, Bertie, JOHN POWERS 1739

North Carolina
Edenton

George the second by ye grace of God of Great Britain, France & Ireland, King,
defender.

To **ROBERT TURNER, SIMON ALDERSON, JOHN FREEMAN, ISAAC BUCK, THOMAS WILLIAMS &
RICHARD EVANS**, Esquire.

Justices of the court of Beaufort in our province aforesaid, Greeting.

Because in ye record & process also in rendering judgment of a complait wich was in
our said court brought before you by our writ between **JOHN RIECESSET** administrator
of **JOHN RIECESSET** deceased as plaintiff & **MARY**, widow and administratrix of **JOHN
POWERS** deceased, defendant in a plea of trespass on ye case as is said manifest
error hath intervened to ye grievous damage of ye said **JOHN RIECESSET** ye plaintiff
as of his complaint we have received. We being willing that if any error shall be
found therein that ye same may be in due manner corrected, and that full and speedy
justice be done therein, if judgment is thereof rendered , that then ye record and
proceedings had thereon with all things thereunto belonging, under your hands &
seals distinctly & openly you send & this writ so that you have ye same before
WILLIAM SMITH Esquire Chief Justice of our province aforesaid and his assistants at
Edenton ye last Tuesday in July next that upon inspecting the record and
proceedings, if any error shall be found therein, that the same may be corrected xx
of right and according to law & custom of our kingdom of Great Britain and of this,
our province, should be done.

Witness

WILLIAM SMITH, esquire, our chief justice of said at Edenton ye thirteenth day of
June, 1740.

W. **SMITH**, Chief Justice

Probate, NC, Bertie, JOHN POWERS 1739

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