

1812-002

SOUTHAMPTON COUNTY
CHANCERY PAPERS

EDMUNDS et al VS. EDMUNDS' EXTR. 3/18/12

Other SURNAMES: Myrick,
Nicholson, Briggs, Roberts,
Wall, Seabell

Edmund J.

or

Nicholsonson

Edmund

Bill

J

Answer

December 1891. Int. Decree

1892 March report at J

To the worshipful Court of Southampton in to have my
setting. Humbly complaining shew unto your worship
your complainants. ~~Whitard Edmunds~~ ~~Benjamin Edmunds~~
David ~~Myricks~~ and Betsey Edmunds, Charles
Edmunds, James Myricks, Howell Nicholas
William Brigg and Polly his wife, Mary
Roberts, Evans Myricks and Mary Ann his
wife formerly Mary Anne Wall ~~and~~
~~Betsey Edmunds~~. That a certain Samuel
Edmunds late of this County departed this life
sometime in the year 1807 having first made
and executed his last will and testament which
has been duly admitted to record in this Court
an attested copy of which is hereto annexed
and prayed to be taken as a part of this bill. That
the said Samuel Edmunds devised to your worsh.
~~and to the said Howell Nicholas who is now dead and his~~
~~executors, Whitard Edmunds, Benjamin Edmunds, David~~
Myricks Betsey Edmunds and a certain Sally Edmunds
who departed this life before the death of the said
and a certain John Nicholas who is now dead and hereto
Samuel Edmunds his lands and tenements with
lying and being in this County first giving the
use of the same to his wife Betsey Edmunds
during her natural life and the said Samuel

Edmunds also by his last will and testament devised
and bequeathed after giving the use of the same to
his said wife Betsey for and during her natural
life all his slaves (except Amy another children Ming
amor, Phe Gibb, and Lucas which he bequeathed to
her absolutely) to your complainants Ethelred
Edmunds, Benjamin Edmunds, David my wife
Betsey Edmunds, Sally Edmunds (who died as
aforesaid) Charles Edmunds, James Myrick. David
McClure. Polly Briggs wife of your complainant
Wm Briggs. Nancy Roberts. and Mary Ann Hall
now the wife of your complainant Isaac
Myrick and to the defendant John Nicholas
That since the death of the said Samuel Edmunds
his widow Betsey intermarried with a certain Nicholas
Shell who departed this life bequeathing to his
said wife Betsey all the estate which came to
her by the will of her first husband Samuel
Edmunds. That since the death of the said
Nicholas Shell the said Betsey ~~last~~ ^{some time in some last} departed
this life leaving a last will and testament
by which she hath distributed all her estate
among her friends and relations. That a certain
John Nicholas has qualified as executor to the
last will and testament of said Samuel Edmunds and

and is prayed to be made a defendant and hereto -
your complainants further state that since the death
of the said Samuel Edmunds a contention hath arisen
between the legates of Samuel Edmunds who are
your complainants. The heirs of said Samuel Edmunds
and the legates of the said Betsey Shell relative
to the mode for which the legacy and devise ~~left~~
to Sally Edmunds in the will of said Samuel
Edmunds who departed this life before the said
Samuel Edmunds should be distributed. That
in consequence of the conflicting claims set up to the
legacy and devise your complainants are willing
that the same should remain in the hands
of the executor aforesaid of said Samuel Edmunds and
until the matter can be fully heard and decided
by a court having proper cognizance of the same.
Your complainants state that on the 31st inst. the
particular interest in the said slaves now in the
possession of the executor of the said Betsey Shell
will ^{expire} and your complainants title to the possession
of the same be complete. Intense consideration wherof
and in as much as your complainants are reminded
in the premises ought by the intervention of a Court
of Equity when matters of this kind are properly

cognizable they pray that the said John Nicholson
executor of the said Saml Edmunds and and legate
and devise under said will may be compelled to
answer all and singular the allegations herein
contained fully and unvarnishedly and they further
pray that your wisdoms would direct a division
of the land and slaves devised to your compe-
-tents and the defendant in the said land
will and testament of the said Saml Edmunds
and agreeably to said will, taking care to
leave in the possession of said executor and
parties of said land and slaves as were
divided ~~between~~ and have been ~~in the~~
to the said Sally Edmunds in case she had
survived the said Saml Edmunds. That is to
say that they divide the lands and mill into
six equal parts by proper metes and bounds
having regard to quality as well as quantity
and that and that five equal parts of the
same be allotted respectively to your complainants
Elihu and Edmunds Benjamin Edmunds
David Myrick and ~~Benjamin~~ Edmunds and the
defendant John Nicholson, leaving the remaining
sixth part in the hands of the executor. and

that the negroes be divided into twelve equal
parts eleven of which to be respectively allotted
to your complainants. Whildred Edmunds Benja
Edmunds. Charles [redacted]. David Myrsk, Lushes
Myrsk, Howell [redacted]. William Briggs and Pte
his wife in right of his wife Polly, Names Robert
Evan Myrsk and his wife Mary Ann formerly Mary
Ann Hall in right of his said wife Mary, Betsey
Edmunds and the defendant John Nicholson
leaving the remaining twelfth part in the hands
of the executor to be distributed in such manner as
future day as may be determined by a Court
having cognizance of the same between the parties
contending for the legacy and devise bequeathed
and devised to the said Sally Edmunds - and
your Complainants pray that your worship
would grant this and general relief in the
premises & they will &c -

The answer of the defendant to the
and executor of Samuel Edmunds and to the
file of complaint exhibited against him by Ethelred
Edmunds, Prig'ed Edmunds, David Myrick
Betty Edmunds. Charles Edmunds, James Edmunds
Hornel Nicholas, William Myrick and Polly his
wife, Nancy Roberts. Evans Myrick and his
wife Mary Ann formerly Mary Ann Waller
in the Municipal Court of Southampton

This defendant saving and reserving himself
all benefit of exception to all laws in the complaint
file contained for answer thereto saith that
he believes the facts stated in said bill are
true and that he is willing to submit
to such decision as this Court may in its
wisdom pronounce and he will O.

At a court held for the County of Hampton on the
21st day of September 1807. This will was presented in
court, and proved by the oaths of John Pope and Mathew
Pope two of the witnesses hereto and continued for the
executors - And at a Court held for the said County
of Hampton on the 19th day of October 1807.

On the motion of J^{rs} Nicholson one of the executors named
in the will probat is granted him thereof in due form giving
Security Whereupon he is

A true

Sam^l Wells &

Copy
true

Per J^{ob} De
S

Samuel Edmunds

Will

Copy
52

ms 7 23

In the name of God Amen, the 25th day of July 1806
I Samuel Cammings of Stampton County being sick and weak
but of sound disposing mind and memory thanks be to God
for the same and knowing that it is appointed for all
men once to die, do make and ordain this my last will and
testament in manner and form following (to wit) first
of all I desire to give my soul to God who gave it me &
my body to be decently buried, and as touching what world
-ly goods I possess I give them in manner following -

Item I leave the use of my plantations with all my lands, except
such as may be hereafter mentioned unto my beloved wife Betsey
Cammings, also I leave the use of my water grist mill with
said lands unto my beloved wife during her natural life, after
her death I give the said lands and water grist mill to be
equally divided between my Nephews and Nieces hereafter
mentioned (to wit) Ethelewis Cammings, David Cammings, David
Myrick and John Nicholson, and my nieces Betsey Cammings
and Sally Cammings to them and their heirs forever

Item I give and bequeath unto my loving wife Betsey Cammings to be
at her disposal the following negroes (to wit)anny and her
children Mimmy, Amos, Phill, Ziba and Jonas to her and
her heirs forever

Item I also leave unto said wife all the remaining part of my
negroes of all kinds young and old during her natural life and
after her death my express desire is that if the laws of the land
will admit of it that they be liberated as they arrive to the
age of twenty five years; that the young negroes do serve my
Nephews Ethelewis Cammings, David Myrick and John Nicholson
untill they arrive to the aforesaid age of twenty five years
and then be liberated, but in case the laws are not altered -

and the said negroes cannot be liberated without being subject to
be taken up by the owners of the poor and sold, then my desire
is that they be divided equally among my relations hereafter
named (to wit) Ethelred Edmunds, Benjamin Edmunds, Charles
Edmunds, David Myrick, Saml Myrick, John Nicholson, Mabel
Nicholson, Polly Briggs, Nancy Roberts and Mary Ann Wall
also Betty Edmunds and Sally Edmunds to them and their heirs
for ever - I also give my said wife Betty Edmunds all my
stock of horses cattle sheep and hogs, except such as may
hereafter mention with all my plantation, utensils household
and kitchen furniture of every description, but in case she
fail to make distribution of this legacy then my desire is
it be equally divided between my nieces Betty and Sally
Edmunds daughters of my brother William Edmunds to them
and their heirs for ever - and in case my said wife Betty
should fail to make distribution of the negroes above mentioned
to be at her disposal my desire is, if the laws of the land
will admit of it without subjecting them to be taken and sold,
that they be liberated and set free as they arrive to the age of
twenty five years, but in case it cannot be done, then if
she fail to make distribution of said negroes my desire is that
they be added to the rest and divided among my above mentioned
relations to wit Ethelred Edmunds, Benjamin Edmunds, Charles
Edmunds, David Myrick, Saml Myrick, John Nicholson, Mabel
Nicholson, Polly Briggs, Nancy Roberts, Mary Ann Wall
Betty Edmunds & Sally Edmunds to them and their heirs
for ever; My desire is that the said negroes as much as possible
be divided in families -

Item I give to my nephew Ethelred Edmunds my play or pay Tilling
now rising one year old to him and his heirs for ever

Item I give unto William Saunders one hundred and fifty acres of
land be the same more or less, that I bought of Britten
Barnes to him and his heirs for ever -

Item I give unto my nephew David Myrick his land and interest and
thereon to me for three hundred and ninety dollars to him and
his heirs for ever -

Item I give unto my nephew Henry E. Williams his land and interest
due me for ninety dollars to him and his heirs for ever

Item I give two hundred dollars as a token of interest to be equally
divided between my negroes hereafter named, to wit, Cerar, Fagan,
Hark, Ben, Nott, Jim, Charles, Stephen, Mo, and Bob -

Item I give all the remaining part of my estate of all kinds whatsoever
not already given away with all my old corn and crop of
every kind now on the ground unto my beloved wife Betty
Edmunds to her and her heirs for ever

And Lastly I hereby constitute and appoint my
nephews Ethelred Edmunds, David Myrick and John
Nicholson whole and sole executors of this my last will
and testament the day and year first above written

Signed, sealed, published
and declared in presence of

Saml Edmunds

George G. Thomas

John Pope

Rebecca Marden

Nathan Pope

Edmunds vs
Nicholson ex
Sam Edmunds

December 1811

Gray

Gray

R. B.

At a Court held for the county of Southampton the 16th day
of December 1844. —

Etheldred Edmunds, Benjamin Edmunds,
David Myrick, Betsy Edmunds, Charles
Edmunds, James Myrick, Howell
Nicholson, William Briggs and Polly
his wife, Nancy Roberts, Evans Myrick
and Mary Ann his wife formerly Mary
Ann Wall Complainants

against

John Nicholson, legatee devisee & executor
of Samuel Edmunds Defendants

Mr Chancery

This cause was this day docketed by consent of parties and
assent of the court heard on the bill answer and argument
of counsels whereupon it is decreed and ordered that Samuel Blunt
Thomas Vaughan, Senr. William Blow, Benjamin Robb, and
John Nicholson, or any three of them after the 31st day of this
present month (December) with the assistance of the county
Surveyor lay off by proper meter and bound the lands and Gravel
mills whereof Samuel Edmunds died Seized and possessed into
six equal parts, ^{having regard in the division to quality as well as quantity} and assign one part to Etheldred Edmunds,
one to David Myrick, one to Betsy Edmunds, one to
Benjamin Edmunds, one to John Nicholson, and the
remaining sixth to be delivered over to the executor of
Samuel Edmunds and to be subject to the claim of
those who may be entitled to that portion devised to
Sally

Sally Edmunds who died before the testator Samuel Edmunds
and that the commissioners aforesaid do divide the negroes
whereof the said Samuel died possessed (except such as were
devoted by the said Samuel to his wife Elizabeth absolutely)
into twelve equal parts, and that they do assign one part
to the complainant Etheldred Edmunds, one to Benjamin
Edmunds, one to David Myrick, one to Petsy Edmunds, one
to Charles Edmunds, one to James Myrick, one to Howell
Nicholson, one to William Briggs in right of his wife Polly
one to Nancy Roberts, one to Evans Myrick in right of
his wife Mary Ann formerly Mary ~~Wall~~ Wall, and
one to the defendant John Nicholson, that they deliver
the remaining twelfth part to the executor of Samuel
Edmunds and to be subject to the claim of those who
may be entitled to that portion of the said Slaves devised
to Sally Edmunds who died before the testator Samuel
and is further decreed and ordered that the commissioners
aforesaid make report of their proceedings herein in
order to a final decree between the parties

Teste
Sam Kelly
11

Commissioners report
of the division ~~of~~
of Samuel Edmund
Land & Slaves. —

March 1842 Repl. v. 1
Final Decree

In obedience to an Interlocutory decree pronounced by the County Court of Southampton the 16th day of December 1844, We have with the assistance of the county Surveyor laid off by proper miles and bounds the Land and Grist Mill whereof Samuel Edmund died seized and possessed into six equal parts, having regard in the division to quality as well as quantity as follows; To Nathaniel Lot No. 1. Beginning at a dead pine stump corner in Nathan Popes line, running thence S. 56° East 130 pole to a green pine another corner in Nathan Popes line, thence S. 77° East along a new line made in the division of said Land four hundred pole to a red oak a new corner made in the Indian line, thence N. 38° West 134 pole to a post oak at Ethelred Edmund's fence; thence N. 68° West 396 pole to a pine a corner in Lewis Knights line thence S. 27° East 133 pole to the 1st Station containing 356 $\frac{1}{2}$ Acres Valued by us at 21/ per acre. — To Ethelred Edmund Lot No. 2. Beginning, at a pine where the 1st new line started from running thence S. 9° West 136 pole to a pine on the side of an old field Variation on the line, thence S. 24° East 34 pole to a pine a corner in Ketton Popes line, thence S. 66° West 96 pole, thence S. 25° West 171 pole to a small green pine a corner in Reuben Popes line, thence S. 40° East 56 pole to a small red oak a corner in Benjamin Blunts land, thence S. 70° East 32 pole to the Mill pond, thence up the various courses of s^e pond until it strikes the 1st dividing line that was made, and from thence along that dividing line to the 1st Station containing 277 $\frac{1}{3}$ Acres Valued at 21/ per acre to which lot is attached the Grist Mill at £150.00 To Sam^l Edmund's Executor on behalf of Sally Edmund whose legacy became Lapsed by her death in the lifetime of the Testator Sam^l Edmund and now in dispute Lot No. 3. Beginning at the Mill pond where the dividing line struck it, between the two Orchards, running thence up the said Mill-pond until it strikes the dividing line ~~for~~ first run, and thence along that line S. 77° East 250 pole to a red oak a new corner made in the Indian line, thence S. 35° West 410 pole to a post where is a new corner made in the crop lines standing in the Cornfield beyond the house thence along the line

between the two orchards as aforesaid to the first Station containing 475 Acres Valued by us at 20¢ Per Acre. —

To Elizabeth Edmunds Lot No 4 Beginning at a small pine a new corner made in the dividing line near a Tar Kiln, running thence S. 87° West to a Stob in the Cornfield: thence N. 35° East to a red Oak a new Corner made in the Indian line, thence along Henson Popes line, and Mr. Porters line round to an old pine standing near the said Tar-Kiln, and thence to a pine a new corner which is the first Station, containing 200 Acres, whereon stand the dwelling and other out Houses Valued by us to \$750.00 — To Benjamin Edmunds Lot No 5 Beginning where the high Land mark strikes the mill-pond and running thence the various courses of the said mill-pond down to the mill-house and from thence down the various courses of the Mill tail run to a small branch thence along said branch the various courses thereof to the head of it and from thence along Mrs Whitehead line of marker trees to a red Oak a new corner made in the dividing line; and from thence along that dividing line N. 35° East 184 poles to a corner post made in the crop of the dividing line, and thence along a new line made N. 47° West 228 Poles to the Mill-pond aforesaid and thence down the various courses of the said mill pond to the 1st Station containing 410 Acres Valued by us at 21¢. — To David Myrick Lot No 6 Beginning at a post a new corner made in the crop lines, running thence S. 35° West 186 Poles to a red Oak a new corner made in Mr. Whitehead line, thence S. 75° East 38 poles to where there was a corner tree near the House, thence S. 6° West 76 pole thence S. 68° East 132 poles, thence due East 92 poles to Crappors road, thence S. 85° East 28 pole, thence N. 72° East 48 Poles to a pine in Mr. Days line, thence N. 13° East 144 pole to a pine corner at Mr. Days fence, thence S. 85° West 90 Poles to a small black Gum another corner of Mr. Day, thence N. 32° East 52 Poles, thence N. 15° West 44 Poles to a white Oak, thence N. 55° West 8 Poles, to a red Oak another corner of Mr. Day thence

N. 9° East to a small pine, a new corner made in the dividing line near a Tar kiln. thence N. 87° West along the dividing line to the 1st Station containing 419 Acres Valued by us at 22 1/6

No 1.	— 356 1/6 Acres Land to Mr. Nicholson at 21¢.	\$1246.58
No 2.	— 277 1/3 ditto & Mill to Ethelred Edmunds at	1470.66
No 3.	— 475 ditto Lapsed Legacy to Saml. Edmunds at 20¢	1583.33
No 4.	— 200 ditto to Elizabeth Edmunds including House	2500.00
No 5.	— 410 ditto Benjamin Edmunds at 21¢	1435.00
No 6.	— 419 ditto David Myrick at 22 1/6	1571.25
Total 2137 1/2 Acres —		Total : is by 6. 9806.82
		Average Sum. \$1634.47

It appears from the above statement that Elizabeth Edmunds is indebted to Mr. Nicholson \$387.89 Cents — to Ethel Edmunds \$163.81 Cents — To Saml. Edmunds Exr. on behalf of Sally Edmunds whose Legacy became lapsed by her death in the lifetime of the testator Saml. Edmunds \$51.14 Cents — To Benjamin Edmunds \$199.47 Cents and to David Myrick \$63.22 Cents which sums added amounts \$865.53 and that sum deducted from \$2500.00 the amount of Elizabeth Edmunds lot leaves her the average amount of \$1634.47 —

We have also in conformity to the said decree proceeded to divide into 12 equal parts the slaves whereof the S. Samuel Edmunds died seized and possessed (except such as were ~~in fee~~ devised by him in fee to his wife Elizabeth) in the following manner.

Cassara	\$350 00	To Saml. Edmunds Executor on behalf of Sally Edmunds
Agness	250 00	whose Legacy became lapsed to pay \$56.98 —
Arthur	270 00	\$13.77 to Ethelred ^{Edmunds} and \$43.21 to Eliza-
	\$870 00	-beth Edmunds. —
Lot No 2 Carried over.		

No. 2	Fagan	\$400	00	To Elizabeth Edmund who receives \$88.02. \$43. 21 Cts from Lapsed Legacy, \$36.98 from Charles Edmund & \$7.83 from James Myrick. —
	Cynthia	300	00	
	Hansy	25	00	
		\$725	00	
No. 3	Ben	400	00	To Charles Edmund who pays \$36.98 to Elizabeth Edmund. —
	Lydia	250	00	
	Billy	50	00	
	Aaron	150	00	
		\$850	00	
No. 4	Nat	430	00	To Ethelred Edmund who receives \$43.02 \$29.25 from W ^m Nicholson & \$13.77 from the lap- sed Legacy. —
	Anny	300	00	
	Mariaho	40	00	
		\$770	00	
No. 5	Jim	443	00	To Ann Roberts who pays \$129.98. \$39.69 to William Briggs and \$90.29 to Howell Nicholson. —
	Dorcas	320	00	
	Patrice	180	00	
		\$943	00	
No. 6	Tom	400	00	To David Myrick who receives \$13.02 \$9.15 from James Myrick and \$3.97 from Evans Myrick. —
	Ned	200	00	
	Cate	50	00	
	Eley	150	00	
		\$800	00	
No. 7	Abram	430	00	To James Myrick who pays \$16.98— \$9.15 to David Myrick and \$7.83 to Elizabeth Edmund. —
	Eoy	250	00	
	John	150	00	
		\$830	00	
No. 8	Peter	400	00	To Benjamin Edmund who receives \$53.02 of Evans Myrick. —
	Moses	200	00	
	Hester	100	00	
		\$700	00	

No. 9	Bob	\$400	00	To W ^m Nicholson who pays \$46.98 \$17.73 to Howell Nicholson & \$29.25 to Ethelred Edmund. —
	Isaac	200	00	
	Nelson	260	00	
		\$860	00	
No. 10	Stephen	400	00	To Evans Myrick in right of his wife Mary Ann who pays \$56.98. — \$3.97 to David Myrick & \$53.02 to Ben ^d Edmund. —
	Daniel	270	00	
	Alfred	200	00	
		870	00	
No. 11	Hark	300	00	To William Briggs in right of his wife Polly \$39.69 from Ann Roberts
	Beck	300	00	
	Charlotte	33	33	
	Frank	90	00	
	Eucy	50	00	
		\$773	33	
No. 12	Charles	300	00	To Howell Nicholson who receives \$108.02 \$90.29 from Ann Roberts and \$17.73 from W ^m Nicholson. —
	Phillis	300	00	
	Levi	80	00	
	Nancy	25	00	
		\$705	00	

The average amount of each Legatee in the division of Slaves \$813.02

Given under our hands this 17 day of February
in the year of our Lord One thousand eight hundred & twelve.

Sam^l Bunt
Thomas Vang has
William Brew