

1817-008

SOUTHAMPTON COUNTY
CHANCERY PAPERS

EDMUNDS et al VS. EDMUNDS' EXECUTOR et al

6/18/17

Other surnames: Price, Briggs,
Nicholson, Shepherd, Lundy,
Myrick, Roberts, Wall, Sebrell,
Gholson, Williamson, Blunt,
Johnson, Briggs, Shepard,
Heath, Vaughan, Blow

records of others.

as Bill.

Nicholson Esq of Exmouth
in his own right, Lotter.

June 1875 over of pub.

Spa in cliff House

Thomas Vaughan Esq

Saml. Blunt

Stith Nicholson

Lawrence Cook

Berj Blunt jr

Peter Blunt or any 3

1876 duty report returned of duties

final

In the worshipful Court of Southampton County in Chancery sitting,
Duly appearing there unto your worships, your orators for times
Richard Edmunds and Mary Price widow executrix of Thomas D. Price deceased,
formerly Mary Edmunds, Henry Briggs and Sarah his wife, formerly Sarah
Nicholson, Charles S. Nicholson and Polly E. Nicholson infant children of Ethelred
Nicholson deceased, by Thomas D. Heath their guardian and next friend,
Ethelred Edmunds, John Shepherd Susan his wife, late Susan Lundy, widow
Executrix of James Lindsay decd and formerly Susan Mezick, David Mezick,
Henrietta Nicholson, Ann Roberts, widow executrix of Willist Roberts decd, formerly
Ann Nicholson and William Briggs and Mary his wife, formerly Mary
Nicholson, that on the day of the year of our Lord 1807,

which, at a Court held for the said County on the 21st day of September 1807, was proved and ordered to be recorded, and that at a Court held for the said County on the 19th day of October of the same year, a certain John Nicholson, one of the Executors named in the said will, qualified himself, and took upon himself the burden of executing the same - that among the Decrees and bequests in the said will contained are the following - that is to say -

I give & bequeath unto my loving wife Betsey Edmunds, to have and to hold, the following negroes, to wit, Henry and her children Nanny, Amos, Phill, Zeba and Dorcas, to her and her heirs for ever -

Imparsons. I lend the use of my plantations with all my lands, except such as may be hereafter mentioned unto my beloved wife Betsey Edmunds, also I lend the use of my water first mill, with said lands unto my said beloved wife, during her natural life - after

his death, I give the said land & water grist mill to be equally divided between my nephews and nieces hereafter named, to wit: ~~Edmund~~ Edmund, Benjamin Edmund, David Myrick and John Nicholson and my ~~nieces~~ Betsey Edmund & Sally Edmund, to them & their heirs forever. Then I give & bequeath unto my loving wife Betsey Edmund, to be at her disposal the following negroes, to wit, Amey & her children Minny, Amos, Phill, Ziba, and Jonas, to her and her heirs forever."

"Then I also lend unto my beloved 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, and that the young negroes be secure my nephews Ethelred Edmund, David Myrick, and John Nicholson, until they arrive to the 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 overseers of the poor and sold, then my desire is, that they be divided equally among my relations hereafter named, to wit, Ethelred Edmund, Benjamin Edmund, Charles Edmund, David Myrick, James Myrick, John Nicholson, Howell Nicholson, Polly Briggs, Nancy Roberts, and Mary Ann Wall, also Betsey Edmund and Sally Edmund, to them & their heirs forever." all which will fully appear by an attested copy of the said last will & testament, hereto annexed, and to which your worship are referred as a part of this bill. And your petition and motions being read to your worship, that the said Sally Edmunds, one of the devisees & legatees mentioned in the said will, died in the lifetime of the said testator Samuel Edmunds, in consequence whereof the devise of land, and legacy of slaves, to her, ~~lapsed~~ lapsed, the said testator, Samuel Edmunds, is considered to have died

intestate, as to the Estate, devised and bequeathed to her - that the said Betsey Edmunds, widow of the said testator, intermarried, some short time after his death, with a certain Nicholas Sebrill, both of whom are now dead, and that the said Betsey, surviving the said Nicholas her husband, made and published her last will and testament in writing, of which a certain William Gholson was named, and qualified in the County Court of Southampton, as Executor - that some short time after the death of the said Betsey Sebrill, to wit, at a Court held for the said County of Southampton, on the 16th day of December 1841, upon the hearing of a Suit in Chancery instituted therein by Ethelred Edmunds, Benjamin Edmund, David Myrick, Betsey Edmund, Charles Edmund, James Myrick, Howell Nicholson, William Briggs & Polly his wife, Nancy Roberts, Evans Myrick & Mary the said wife, formerly Mary Ann Wall, Complainants, against John Nicholson, Legatee, Devisee and Executor of Samuel Edmunds dec'd, Defendant, the lands & slaves, devised & bequeathed to her, during her natural life as aforesaid, were decreed by the Court of the said County to be divided in the manner, and in the proportions, directed by the will of the said Samuel Edmunds - and the land & slaves devised & bequeathed to the said Sally Edmunds as aforesaid, which lapsed by her death in the lifetime of the said testator Samuel Edmunds, were decreed to be delivered over to the aforesaid John Nicholson Executor of the said Samuel Edmunds deceased, to be held by him subject to the claims of those Entitled thereto - which decree was fully carried into effect by Samuel Blunt, Thomas Vaughan, and William Blane Esquires, three of the Comynsioners appointed for that purpose - as will fully appear by an attested copy of the said

Deceased and of the report of the said commissioners (upon the return
of which to the said court on the day of 1812, the said decree
was made final between the parties) unto annexed, and to which
your worship are also referred as a part of this bill.

Your orator's brethren have stated to your worship, that in consequence
of the death of the said Sally Edmunds, in the lifetime of the said testator
Samuel Edmunds, the said Samuel Edmunds is considered to have
died intestate as to the estate devised & bequeathed to her as aforesaid.
The said estate will therefore descend to the next of kin of the said Samuel
Edmunds deceased, according to the ^{provisions} of the statute directing the
distribution of Intestates' Estates - Your orator's brethren will therefore beg
leave to state to your worship, that the said Samuel Edmunds, de-
ceased, as in and by the said will and testament, now in force, is
not sister nor brother, except one, to wit, Thomas Edmunds, but
leaving the following descendants of deceased brother and sisters,
to wit, your orator Jonathan Richard Edmunds and Mary Price,
widow & relict of Thomas D Price dec^d, formerly Mary Edmund, children
of Charles Edmunds dec^d, who was the only child of Henry Edmunds
dec^d, who was a brother of the said Samuel Edmunds dec^d; your
orator Sarah Briggs, late Sarah Nicholson, daughter, and your infant
orator Jonathan Charles S. Nicholson & Polly S. Nicholson, children of
Hannah Nicholson deceased, who was ~~son~~ ^{daughter} of Horras Nicholson
and Mary Nicholson deceased, who was formerly Mary Edmunds,
sister of the said Samuel Edmunds, your orator Jonathan
David Myrick and Susan Myrick, late Susan Lundy, widow and
relict of James Lundy dec^d & formerly Susan Myrick, and

a certain Edmund Myrick, John Myrick, James Myrick, Mary Ann
Myrick, wife of Evans Myrick, late Mary Ann Wall, widow and relict of
~~William Wall~~ ^{formerly} Mary Ann Myrick, which said David
Lundy, Edmunds, John, James, & Mary Ann are children of
Myrick and Martha Myrick deceased, who was formerly Martha Edmunds,
a sister of the said Samuel Edmunds deceased; your orator Howell
Nicholson and your oratrix Ann Roberts, widow & relict of William
Roberts dec^d, late Ann Nicholson, Mary Briggs, late Mary Nicholson,
and the aforesaid John Nicholson, children of John Nicholson and
Lucy Nicholson deceased, who was formerly Lucy Edmunds, a sister
of Samuel Edmunds deceased; Charles Edmunds, ^{son} ~~son~~ ^{son} of
Williamson widow & relict of Susan Johnson dec^d,
both of the said Samuel Edmunds dec^d;

whose names I number
are unknown to your orator's brethren, children of Howell Ed-
munds dec^d, who was a brother of the said Samuel Edmunds dec^d,
and
whose names I number are also unknown to your orator's brethren, chil-
dren of Williamson & Elizabeth Williamson deceased, who was
formerly Elizabeth Edmunds, a sister of the said Samuel Edmunds dec^d,
your orator Ethelred Edmunds is the only child and ^{deceased} ~~only~~ of the
aforesaid Thomas Edmunds deceased, who was a brother of the said Sam-
Edmunds deceased - From the foregoing representation of facts, it re-
sults, that the land and slaves, lapsed as aforesaid
by the death of the said Sally Edmunds, the land containing,

In the report of the said Commissioners, four hundred and Seventy
five acres, and the slaves being, according to the said report, three in number,
to wit, Caesar, Agnes and Arthur, should be ~~divided~~ ^{divided or}
~~the proceeds of the sale~~ ^{divided or} ~~be sold~~ and one Eighth part of the proceeds of such sale
to be equally divided between the descendants of each of the said
Testator's said deceased brothers and sisters. Your raters heretofore
however have understood, that the aforesaid William Gholson
Executor of the said Elizabeth Sebrult deceased claims the said
express legacy of slaves, under the Residuary clause of the will
of the said Samuel Edmunds deceased. In the said trusts
the said John Nicholson Executor of the said Samuel Edmunds
and also in his own right as one of the children of the said John
Nicholson & Lucy Nicholson deceased, the said William Gholson Executor
of the said Elizabeth Sebrult deceased, the said Edmund Mcgick, John
Mcgick, James Mcgick & Evans Mcgick & Mary Ann his wife,
the said Charles Edmunds, Benjamin Edmunds, & Betsey Johnson,
the said
children of the said Horrell Edmunds deceased and the said
children of the said
Williamson & Elizabeth Williamson, as
before, except the two first above named, reside without the limits
of this Commonwealth, may be made defendants to this bill and
be compelled ^{on their corporal oaths} to answer all singular the allegations of the said
and that as fully as if the same were herein again repeated and

they thereunto particularly interrogated - that your worship
will thereupon decree, that the said land & slaves be sold by the
death of the said Billy Edmunds as aforesaid, be ^{divided or} sold and one Eighth
part of the proceeds of such sale be equally divided between the
descendants of each of the said testator's deceased brothers & sisters
that such other proceedings be had in this behalf, as may seem
correct & proper - that such other decree be rendered, and such
other & general relief granted in the premises, ~~as may seem~~ ^{as} ~~may be found~~
consistent with Equity & good Conscience - May
it please the Court to grant the Commonwealth the writ of Subpoena

as in duty
I do hereby pray
With compliments

NOT RECORDED
1992

Nicholson Esq of
Edmunds & Co
adv. 3 Answer
Edmunds & Co

To the worshipping Court of Southampton County in Chancery sitting.
The separate answer of John Nicholson, Executor of Samuel Edmunds deceased
and also in his own right as one of the children of John Nicholson and Lucy
Nicholson dec^d, to the bill of complaint exhibited in this worshipping Court against
him & others by Richard Edmunds and others - The said defendant
saying and reserving to himself all & every benefit of Exception
to the said bill, for answer thereto, or to so much thereof as he is advised
it is material for him to answer unto, saith - that the allegations
in the said bill contained are true, except that Caesar one of
the slaves in the bill mentioned has been sold by your respon-
dent as Executor of the said Samuel Edmunds dec^d, for the sum of
three hundred & fifty dollars, and that Arthur, another of the slaves
in the bill mentioned is dead - Your respondent has no objection
to a decree for the division of the land devised by his testator to
Sally Edmunds, and which became lapsed by the death of the said
Sally in the lifetime of his said testator, or to such other decree in
the premises as may be consistent with law & equity - and he
prays to be hence dismissed &c

Nov. - 24th 1875 -

Sworn to in open Court

J. Rochelle

John Nicholson
E

Edmunds ^{Deft} ^{Acct}
vs
Edmunds ^{v.} } Report
in ch. ^{g.}

Copy

At a Court held for the county of Southampton the 16th day of December 1811

Ethelred Edmund, Benjamin Edmund, David Myrick
Betsey Edmund, Charles Edmund, James Myrick,
Howell Nicholson, William Briggs and Polly his wife
Nancy Roberts, Evans Myricks and Mary Ann his wife
formerly Mary Ann Wall. Complainants

Against
John Nicholson, Legatee devisee and Executor of
Samuel Edmund ^{dec'd}. Defendant

Influency

This Cause was this day docketed by consent of parties and
assent of the Court, heard on the bill answer and arguments of counsel
whereupon it is decreed and ordered that Samuel Blunt, Thomas
Banghous Senr. William Blaw, Benjamin Cobb and John Nicholson
or any three of them after the thirty first of this present month
(December), with the assistance of the county Surveyor lay off by proper
measures and bound the lands and first mill whereof Samuel Edmund
did send and possessed into six equal parts having regard in this
division to quality as well as quantity and assign one part to Ethelred
Edmund, one to David Myrick, one to Betsey Edmund, one to Benjⁿ
Edmund, one to John Nicholson, and the remaining sixth to be delivered
over to the executor of Samuel Edmund ^{dec'd} to be subject to the claim
of those who may be entitled to that portion devised to Sally Edmund
who died before the testator Samuel Edmund, and that the said
commissioners do divide the negroes whereof the said Samuel ^{dec'd}
possessed (except such as were devised by the said Samuel to his
wife Elizabeth absolutely) into twelve equal parts, and that they
do assign one part to the complainant Ethelred Edmund, one
to Benjamin Edmund, one to David Myrick, one to Betsey Edmund,
one to Charles Edmund, 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 Myricks in right of his wife

Many Ann formerly Mary Ann Wall and one to the defendant
John Nicholson and 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 Shares
divided to Sally Edmunds who died before the testator Samuel
and it is further decreed and ordered that the commissioners aforesaid
make report of their proceedings therein in order to a final decree
between the parties —

Teste
J. H. Green Esq.

In obedience to an interlocutory decree pronounced by the county court
of Southampton the 16th day of December 1811 we have with the
assistance of the county Surveyor laid off by proper meters and bounds
the land and grist mill wharf of Samuel Edmunds and divided and
parcelled into six equal parts having regard in the division to
quality as well as quantity as follows, To John Nicholson Lot No. 1
Beginning at a dead pine stump corner in Nathans Popes line
running thence S. 56 E. 130 pole to a green pine another corner in
Nathans Popes line, thence S. 77 East along a new line made
in the division of the said lands four hundred pole to a
red oak, a new corner made in the Indian line, thence
N. 38 West 134 to a post oak at Ethelred Edmunds fence, thence
N. 68 West 369 pole to a pine corner in Lewis Knights line
thence S. 27 East 133 pole to the first Station containing 356 1/6
acres valued by us at 21/- per acre — To Ethelred Edmunds Lot No. 2
Beginning at a pine where the first new line starts from, running
thence S. 9 West 136 pole to a pine on the side of an old field
variation on the line, thence S. 34 East 34 pole to a pine a corner in
Kilow Popes line, thence S. 66 West 96 pole, thence S. 25 West 171 pole to
small green pine corner in Rubens Popes line, thence S. 40 East
56 pole to a small red oak, a corner in Benjamin Blinns land,
thence S. 70 East 32 pole to the mill pond thence up the various

courses of the said pond until it strikes the first dividing line that was
made and from thence along that dividing line to the first Station
containing 277 1/3 acres valued at 21/- per acre to which lot is attached
the first mill at £150.00 To Samuel Edmunds Executor on behalf
of Sally Edmunds whose legacy became lapsed by her death in
the lifetime of the testator Samuel Edmunds 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 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 line 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 stone in the cornfield
thence N. 35 East to a red oak a new corner made in
the Indian line, thence along Hanson Popes line and Mrs
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 stands
the dwelling and other out houses valued by us at
£750 — To Benjamin Edmunds Lot No. 5 beginning
where the high land mark strikes the mill pond
and running thence to 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, & thence along Mr Whiteheads
line of marked 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 lines and thence along a new line made, N 47° West 228 poles to the mile pond aforesaid and thence down the various courses of the said mile pond to the first station containing 410 acres valued by us at 22/6 - To David Myrick lot N° 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 Whithead's line thence S 75° East 38 poles to where there was a corner tree near the house thence S 5° West 76 poles thence S 58° East 132 poles thence due East 92 poles to Croffords road thence S 85° East 28 poles thence N 72° East 48 poles to a pine in John Doy's line, thence N 13° East 144 poles to a pine corner at John Doy's line thence S 85° West 90 poles to a small black Gum another corner of John 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 John 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 first station containing 419 acres valued by us at 22/6 -

N° 1 - 35 1/2 acres	came to John Nicholson @ 22/6	\$1246.58
" 2 - 277 1/3 acres	ditto & Miss Etheldred Edmunds	1470.66
" 3 - 475 acres	ditto lapsid legacy to Sam Edmunds at 22/6	1583.33
" 4 - 200 acres	ditto to Ely Edmunds including House	2500.00
" 5 - 410 acres	ditto to Benjamin Edmunds @ 22/6	1435.00
" 6 - 419 acres	ditto to David Myrick @ 22/6	1571.25
Total 2137 1/2 acres	Total by 6	9806.82
	Average Sum -	\$1634.47

It appears from the above statement that Elizabeth Edmunds is indebted to John Nicholson \$387.89 cents to Etheldred Edmunds \$163.81 cents - to Sam Edmunds Exor on behalf of Sally Edmunds whose legacy became lapsid by her death in the lifetime of the testator Samuel Edmunds \$51.14 cents - To Benjamin Edmunds \$199.47 cents and to David Myrick \$63.22 cents which sums added amounts to \$865.53 and that sum deducted from \$2500.00 the amount 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 said Samuel Edmunds died seized and possessed except such as were devised by him in fee to his wife Elizabeth in the following manner

No 1	Caesar	\$350	to Sam Edmunds on behalf of Sally Edmunds whose legacy became lapsid to pay \$36.98
	Agnes	250	to Etheldred Edmunds and \$43.21 to Elizabeth Edmunds -
	Arthur	270	to Etheldred Edmunds and \$43.21 to Elizabeth Edmunds -
		\$870	
	Agnes	250	
No 2	Agnes	250	to Ely Edmunds who receives \$88.02
	Cynthia	300	\$43.21 from lapsid legacy \$36.98 from Charles Edmunds & \$7.83 from James Myrick
	Hardy	250	
		\$725	
	Bess	400	
No 3	Lydia	250	to Charles Edmunds who pays \$36.98
	Billy	50	to Elizabeth Edmunds -
	Adron	150	
		\$850	
	Nat	430	to Etheldred Edmunds who receives \$43.02
No 4	Amey	300	\$29.25 from John Nicholson \$13.77 from the lapsid legacy
	Mariah	40	
		\$770	

Lot N° 5 Carried over

No 5	Jessie	\$440	00	To Ann Roberts who pays \$129.98
	Dorcas	320	00	\$39.69 to Wm Briggs (sum \$90.29
	Pastick	180	00	to Howell Nicholson
		\$940	00	
No 6	Tom	400	00	To David Myrick who receives
	Aed	200	00	\$13.02 \$9.45 from James Myrick
	Cate	50	00	and \$3.97 from Evans Myrick
	Ely	150	00	
		\$800	00	
No 7	Abram	430	00	To James Myrick who receives
	Ely	250	00	\$16.98 \$9.15 to David Myrick
	John	150	00	and \$7.83 to Elizabeth Edmunds
		\$830	00	
No 8	Peter	400	00	To Benjamin Edmunds who
	Moses	260	00	receives \$53.02 of Evans Myrick
	Peter	100	00	
		\$760	00	
No 9	Bob	400	00	To John Nicholson who pays
	Isaac	200	00	\$46.98 \$17.73 to Howell Nicholson
	Nelson	260	00	and \$29.25 to Ethelred Edmunds
		\$860	00	
No 10	Stephen	400	00	To Evans Myrick in right of his
	Daniel	270	00	wife Mary Ann who pays \$55.98
	Alfred	200	00	\$3.97 to David Myrick & \$53.02
		\$870	00	to Benjamin Edmunds
No 11	Hark	300	00	To William Briggs in right of
	Beck	300	00	his wife Polly \$39.69 from
	Charlotte	33	33	Ann Roberts
	Frank	90	00	
	Lucy	50	00	
		\$773	33	

Let it 12 carried over

No 12	Charles	\$300	00	To Howell Nicholson who receives \$108.02
	Phillis	300	00	\$90.29 from Ann Roberts and \$17.73
	Levi	80	00	
	Nancy	25	00	from John Nicholson
		\$705	00	

The average ^{amount} of each Legatee in the division of Slaves... \$813.02

Given under our hands this 17th day of February in the Year of our Lord One thousand eight hundred and twelve -

Sam B. Kent
Thomas Vaughan
William Blow

Hoppy Sister J. Rochelle & Co.

Edmund Fotherus

20

Nicholson, Executor of Edmund,
in his own right, Fotherus.

Deceit.

Prov. Court.

Sp

Richard Edmunds and Mary Price widow & relict of Thomas
D. Price dec^d, formerly Mary Edmunds, Henry Briggs and Sarah
his wife, formerly ^{Sarah} Nicholson, Charles S. Nicholson and Polly E.
Nicholson, infant children of Ethelred Nicholson deceased, by
Thomas D. Heath, ~~their~~ guardian & next friend, Ethelred Edmunds,
John Shepherd and Susan his wife, late Susan Lundy, widow
and relict of James Lundy deceased & formerly Susan Myrick,
Priscilla Myrick, Howell Nicholson, Ann Roberts, widow & relict
of Willcut Roberts deceased, formerly Ann Nicholson, and William
Briggs and Mary his wife, formerly Mary Nicholson - Compt^s
against

John Nicholson, Executor of Samuel Edmunds deceased, and
also in his own right as one of the children of John Nicholson
and Lucy his wife, deceased, formerly Lucy Edmunds, William
Gholson Executor of Elizabeth Sebell deceased, Edmunds Myrick,
John Myrick, James Myrick, Evans Myrick and Mary Ann,
his wife, Charles Edmunds, Benjamin Edmunds, Betsey Johnson
& relict of Shugan Johnson dec^d, —————

————— whose names & number are unknown,
children of Howell Edmunds deceased, —————

————— whose names & number are unknown,
children of ————— Williamson & Elizabeth Williamson deceased,
formerly Elizabeth Edmunds —————

This cause was this day heard, by the consent of the complainants and
the defendant John Nicholson, upon the bill and the answer of the
said defendant John Nicholson, and was argued by counsel,
and the defendants Edmunds Myrick, John Myrick, James Myrick,
Evans Myrick and Mary Ann his wife, Charles Edmunds, Benjamin
Edmunds, Betsey Johnson, ————— whose
names & number are unknown, children of Howell Edmunds dec^d,
and ————— whose names & number are unknown,
children of ————— Williamson and Elizabeth Williamson deceased, who

m
Chancery

are out of this Commonwealth, and against whom the complainants appear to have proceeded in the mode prescribed by law against absent defendants, still failing to appear and answer, the bill of the complainants is taken, as confessed, against them; and the Court, now deciding only upon the matters of the said bill; relating to the land devised by ~~Samuel Edmunds~~ the last will and testament of Samuel Edmunds deceased to Sally Edmunds, who died in the lifetime of the said Samuel Edmunds deceased, by reason whereof the said devise to the said Sally Edmunds lapsed and the said Samuel Edmunds died intestate as to the said land, doth as a Judge order and decree, that Thomas Vaughan Senior, Samuel Bleunt, Seth Nicholson, Lawrence Cook, Benjamin Bleunt Junior and Peter Blon or any 3 or more of them, attended by the Surveyor of Southampton County, do divide the aforesaid land, ^{situate, lying & being in the said County,} devised to the said Sally Edmunds as aforesaid and which lapsed by her death in the lifetime of the said Samuel Edmunds, into eight equal parts, having particular regard to the quality of the said land, and allot one of the said parts to the complainants Richard Edmunds and Mary Price, another of the said parts to the complainants Sarah Briggs, Charles S. Nicholson and Polly E. Nicholson, another of the said parts to the complainants David Myrick and Susan Shepherd and the defendants Edmunds Myrick, John Myrick, James Myrick and Mary Ann Myrick, another of the said parts to the complainants Howell Nicholson, Ann Roberts, and Mary Briggs and the defendant John Nicholson, another of the said parts to the defendants Charles Edmunds, Benjamin Edmunds and Betsey Johnson, another of the said parts to _____ whose names & number are unknown to the Court, children of Howell Edmunds deceased, another of the said parts to _____ whose names & number are unknown to the Court, children of Elizabeth Williamson deceased, and the remaining eighth part to the complainant Ethelred Edmunds - and liberty is reserved to the parties, entitled to the

said shares, respectively, of resorting to this Court, ~~for any further order~~ for any further order, which may be deemed proper, for a decision, or distribution, among themselves.

It is lastly ordered, that the said Commissioners make a report of their actings & doings in this behalf to the Court, in order to other proceedings, or to a final decree, to be had

It is also ordered that process issue, returnable to the next March term of this Court, summoning the defendant William Gholson, Executor of Elizabeth Sebull dec'd, to appear here and answer the bill filed in this suit.

It is lastly ordered that the aforesaid Commissioners, or such of them as act, make a report of their actings & doings in this behalf to the Court, in order to other proceedings, or to a final decree, to be had, upon so much of the matters of the said bill, as is embraced by this decree.

Edmunds & others

vs

Nicholson Executor of
Edmunds

for own right & others

Deceit

— — —

May 1816 Rept. ret. J.

final Decree —

(ret. J.)

Southampton November Court 1815

Richard Edmunds and Mary Pace widow
and relict of Thomas D Pace deceased formerly
Mary Edmunds Henry Bugge and Sarah his
wife formerly Sarah Nicholson Charles F
Nicholson and Polly E. Nicholson infant
children of Ethelred Nicholson deceased by
Thomas D Heath their guardian and next friend
Ethelred Edmunds John Shepherd and Susan his wife
late Susan Lundy widow and relict of James
Lundy deceased and formerly Susan Myrick David
Myrick Howice Nicholson Ann Roberts widow
and relict of Wilbert Roberts deceased formerly
Ann Nicholson and William Briggs and Mary
his wife formerly Mary Nicholson Comptts

against

John Nicholson executor of Samuel Edmunds
deceased and also in his own right as one of the
children of John Nicholson and Lucy his wife
deceased formerly Lucy Edmunds William Cholese
executor of Elizabeth Sebell deceased Edmunds
Myrick John Myrick James Myrick Evans Myrick
and Mary Ann his wife Charles Edmunds Benja
Edmunds Betsey Johnson widow and relict of Roger
Johnson deceased

whose names and numbers are unknown children
of Howell Edmunds deceased

whose names and numbers are unknown children

of Williamson and Elizabeth Williamson
deceased formerly Elizabeth Edmunds. Defendants,

This Cause was this day heard by the Consent of the Complain-
ants and the defendant John Nicholson upon the bill
and answer of the said defendant John Nicholson and was
argued by counsel and the defendants Edmunds Myrick
John Myrick James Myrick Evans Myrick and Mary Ann
his wife Charles Edmunds Benjamin Edmunds Betsey Johnson

An Chancery

whose names and numbers are unknown children of Howell Edmunds deceased and whose names and numbers are unknown children of Williamson and Elizabeth Williamson deceased who are out of this Commonwealth and against whom the Complainants appear to have proceeded in the mode prescribed by law against absent defendants still failing to appear and answer the bill of the Complainants is taken as confessed against them and the Court now deciding only upon the matters of the said bill relating to the land devised by the last will and testament of Samuel Edmunds deceased to Sally Edmunds who died in the lifetime of the said Samuel Edmunds deceased by reason whereof the said devise to the said Sally Edmunds lapsed and the said Samuel Edmunds died intestate as to the said land doth as judge order and decree that Thomas Vaughan Junr Samuel Blunt Junr Nathaniel Lawrence Cook Benjamin Blunt Junr and Peter Blow or any three or more of them attended by the County Surveyor of South Hampton County do divide the aforesaid land situated lying and being in the said County devised to the said Sally Edmunds as aforesaid and which lapsed by her death in the lifetime of the said Samuel Edmunds into eight equal parts having particular regard to the quality of the said land and allot one of the said parts to the Complainants Richard Edmunds and Mary Price another of the said parts to the Complainants Sarah Briggs Charles S. Nicholson and Sally C. Nicholson another of the said parts to the Complainants David Myrick and Susan Shepherd and the defendant Edmunds Myrick John Myrick James Myrick and Mary Ann Myrick another of the said parts to the Complainants Howell Nicholson Junr Robert and Mary Briggs and the defendant John Nicholson another of the said parts to the defendants Charles Edmunds Benjamin Edmunds and Peter Johnson another of the

said parts to _____ whose names and numbers are unknown to the Court children of Howell Edmunds deceased another of the said parts to _____ whose names and numbers are unknown to the Court children of Elizabeth Williamson deceased and the remaining eighth part to the Complainant Ethelred Edmunds (and liberty is reserved to the parties entitled to the said shares respectively of resorting to this Court for any further order which may be deemed proper for a division or distribution among themselves. —

It is also ordered that process issue returnable to the next march term of this Court, summoning the defendant William Chubbson Executor of Elizabeth Sebell deceased to appear here and answer the bill filed in this suit. It is lastly ordered that the aforesaid commissioners or such of them as act make a report of their doings & doings in this behalf to the Court in order to other proceedings or to a final decree, to be had upon so much of the matters of the said bill, as is embraced by this decree —

Teste James Rochelle & Co.

Presented on Williams Johnson

Out with Robert
R. Mearns

Command Johnson }
as } Sp. in
Johnson Recd W. Johnson } City

To James Court 1817

Now: The within appears to be printed on the original Williams
Johnson Recd of Baptist School as only

Williams

The Commonwealth of Virginia to the Sheriff of Brunswick county
Greeting you are hereby commanded to summon John Nicholson
Esq of said County &c. and also in his own right as one of the
children of John Nicholson and Lucy his wife &c. formerly Lucy
Command, William Gibson Esq of Elizabeth Schell &c. Command
Myrick, John Myrick, James Myrick, Evans Myrick & Mary Ann his
wife, Charles Command, Benj^a Command, Betty Solomon widow and
relict of Susan Solomon &c. to appear before the Justices of
our county court of Southampton at the courthouse on the third
Monday in June next to answer a bill in chancery exhibited agt
them by Richard Command and Mary Price widow and relict of Tho^s
Price &c. formerly Mary Command, Henry Briggs and Sarah his wife
formerly Sarah Nicholson, Charles P. Nicholson and Polly P. Nichol-
son infant children of Etheldred Nicholson &c. by Thomas D. Keith
their Guardian & next friends, Etheldred Command, John Shephard
and Susan his wife late Susan Lundy widow and relict of Sa^d
Lundy &c. & formerly Susan Myrick, David Myrick, Howell
Nicholson, Ann Roberts widow and relict of William Roberts &c.
formerly Ann Nicholson and William Briggs and Mary his
wife formerly Mary Nicholson And this they shall in
one week come under the penalty of \$100 each And have
them there this writ - Witness James Roswell clerk of our
said court at his office the 19th day of March 1817 &
4th Year of the Commonwealth -

James Roswell

Griffin Smith Esq

Town of Petersburg Jct.

This day personally appeared before me a Magistrate of the town aforesaid, Thos Whitworth one of the Editors of the Petersburg Intelligencer, and made oath that the subjoined order of court has been published in the said paper for two months successively

Given under my hand this 22nd day of Sept 1815

John Osborne Clerk

Southampton June Court, 1815

Richard Edmunds and Mary Price, widow and relict of Thomas D. Price, dec. formerly Mary Edmunds, Henry Briggs and Sarah his wife, formerly Sarah Nicholson, Charles S. Nicholson and Polly E. Nicholson, infant children of Etheldred Nicholson, dec. by Thomas D. Heath their guardian and next friend, Etheldred Edmunds, John Shepard and Susan his wife, late Susan Lundy, widow and relict of James Lundy, dec. and formerly Susan Myrick, Howell Nicholson, Ann Roberts widow and relict of — Roberts, formerly Ann Nicholson, and William Briggs and Mary his wife, formerly Mary Nicholson, Plaintiffs.

AGAINST

John Nicholson, executor of Samuel Edmunds, dec. and also in his own right as one of the children of John Nicholson and Lucy his wife, dec. formerly —

William Gholson executor of Elizabeth Sebrell, dec. Edmunds Myrick, John Myrick, James Myrick, Evans Myrick and Mary Ann his wife, Charles Edmunds, Benjamin Edmunds, Betsey Johnson, widow and relict of Sugar Johnson, dec.

whose names and number are unknown, children of Howell Edmunds,

whose names and number are unknown, children of — Williamson and Elizabeth Williamson, dec. Defendants.

IN CHANCERY.

THE Defendants Edmunds Myrick, John Myrick, James Myrick, Evans Myrick, and Mary Ann his wife, Charles Edmunds, Benjamin Edmunds, Betsey Johnson, widow and relict of Sugar Johnson, whose

names and numbers are unknown, children of

Williamson and Elizabeth Williamson, whose names & numbers

are unknown, children of Howell Edmunds, deceased—not having entered their appearance

and given security according to the act of Assembly and rules of this court, and it appearing to the satisfaction of the court, that they

are not inhabitants of this Commonwealth: Therefore, it is ordered they appear here on

or before the third Monday in September next, and answer the Complainants bill—and that a

copy of this order be forthwith inserted in the Petersburg Intelligencer two months successive

y, and posted at the front door of the courthouse of this county, on two several court

days.

Teste,

J. ROCHELLE, c. c.

Agreeable to an Order of the County Court of Sumpter
to the directed bearing date November Court 1815 We
the Under-signed have Proceeded to run out ~~and~~ Survey
and divide the lands in the Lapsed Legacy whereof
Capt. Samuel Edmunds died Seignior attended with
the County Surveyor as by the Order we were
required; in manner and manner and form following
(to Wm) Beginning at an Ash on the Side of the
Milpond a Corner of Etheldred Edmunds and lot No. 1
in the Lapsed Legacy running thence S. 57. E. 192
Pole to a Red Oak a Corner of Etheldred Edmunds and
Sugars Johnsons heirs thence S. 34. N. 20 Pole to a
Pine a new Corner made in lots No. 1 & 2 in the same
bounds thence N. 57. N. 192 to a Small Ash a
new corner made in lots No. 1 & 2 standing on the
Side of the Milpond thence N. 45. E. 20 Pole to the
first Station: Containing 18 Acres being lot No. 1 in
the Lapsed Legacy which lot was drawn by
Etheldred Edmunds being his Proportionable of
the S. lands. thence Beginning at an Ash
on the side of the Milpond a new C. made in lots
No. 1 & 2 and running S. 57. E. 192 Pole to a Pine
a new C. made in lots No. 1 & 2. thence S. 34. N. 40 pole
to a lightwood Stake a new C. made in lots No. 2 & 3. thence
N. 57. N. 192 pole to a White Oak new Corner made on
the Milpond aforesaid, a new C. in lots No. 2 & 3. thence N.
45. E. 40 Pole to the first Station. Containing 36
Acres being lot No. 2. (and others) which lot was drawn by Henry
Bryce being their full Proportionable part in the lands
of the S. Legacy—

thence beginning at a white Oak a new C. made
in lots n^o 2 & 3 on the Milpond Side running thence
S. 57. E. 192 pole to a lightwood Stob a new C.
made in lots n^o 2 & 3: thence S. 34 W. 70 pole to
a small pine a new C. made in lots n^o 3 & 4
thence N. 57. W. 192 pole to a small Pine a new
C. made on the side of the Milpond in lots n^o 3 & 4
thence N. 45. E. 70 pole to the first station being
lots n^o three, which lot was drawn by the heirs
of William Edmunds containing 80 Acres being their
full Proportionable Part in S. lands. — thence
Beginning at a small Pine standing on the side
of the Milpond a new C. made in lots n^o 3 & 4 running
thence S. 57. E. 192 pole to a small Pine a new C.
made in lots n^o 3 & 4 in the old bound. thence
S. 34. W. 62. pole to a small Pine in the old
field near the orchard fence, a new C. made in
lots n^o 4 & 5. thence N. 57. W. 192 pole to a white
Oak a new C. made in lots n^o 4 & 5. at the
foot of the Croftway on the Milpond Side; thence
N. 45. E. 62 pole to the 1st Station. containing
72 Acres being lots n^o 4. which lot was drawn by
the heirs of Howell Edmunds. being their Proportionable
Part of the S. lands Legacy Lands. — thence
Beginning at a white Oak a new C. made on
the side of the Milpond near the Croftway of
the S. Pond. a new C. made in lots n^o 4 & 5. thence
S. 57. E. 192 pole to a small Pine in the old
field. a new C. made in the old boundary of lots n^o
4 & 5. thence S. 34. W. 70 pole to a Stob a new C.

made in lots n^o 5 & 6. thence N. 57. W. 192 pole
to a Pine a new C. made in lots n^o 5 & 6
thence N. 45. E. 70 pole to the 1st Station. containing
80 Acres which lot was drawn by the heirs of
Elizabeth Williamson being their full Proportionable
Part of the S. lands legacy in the S. lands —
thence Beginning at a Pine a new C.
made on the Milpond in lots n^o 5 & 6. thence
S. 57. E. 192 pole to a Stob a new C. made in
lots n^o 5 & 6. thence S. 45. W. 62 pole to a Stob
a new C. made in lots n^o 6 & 8. thence N. 57.
W. 192 pole to a Sweet Gum new C. made
in the Milpond of lots n^o 6 & 7. — thence N.
45. E. 62 pole to the 1st Station; containing
72 Acres. which lot was drawn by the heirs
of Henry Edmunds being their Proportionable
Part of the S. lands — thence Beginning
at a small Sweet Gum a new C. made in
lots n^o 6 & 7 on the Milpond running thence
S. 57. E. — 150 pole to a Stob in the lots of n^o 7 &
8. thence S. 85. W. — 92 pole to a Stob just below
the old Barn a new C. of lots n^o 7 & 8. thence S.
21. W. 70 pole to a ~~Stob~~ a new C. made on
the Milpond; thence N. 45. E. 28 pole to the 1st
Station. containing 15 1/2 Acres being lots n^o 7.
which lot was drawn by ^{the heirs of} Lucy Nicholson formerly
Lucy Edmunds being their Proportionable part
in the S. lands. — thence Beginning at a small
Pine a new C. of lots n^o 7 & 8. running thence S. 21
E. 70 pole to a Stob a C. of lots n^o 7 & 8. near the
old barn, thence N. 85. East 92 pole to a Stob

a new c^d of lots n^o 6 & 8 — thence S. 57. E.
 64 pole to a stake a new c^d made in the old
 boundary of lots n^o 6 & 8. in Cornfield. thence S. 45.
 100 pole to a stake a c^d of Ottobene Edmunds
 & Johnsons heirs, thence N. 43. W. 201 pole to White
 Oak a corner of the bequeid legacy on the road or
 the millroad. thence N. 45. E. — 21 pole to the 1st
 Station boundary 50 acres which was
 drawn by ^{the heirs of mortimer dlynich formerly dlynich Edmunds} ~~Edward dlynich~~ being their proportionable
 part in the S. lands —

Given Under our hands this 20th of
 April 1810

Thomas Vaughan
 Benjamin Clark
 Peter Blow

Report of the
 Survey of the bequeid
 legacy of James
 dlynich dead

4th 29th 1810

Samuel Earnings

Will

Copy

In the name of God Amen the Twenty fifth day of July Eighteen hundred and
Sixty Six I Samuel Edmund of Southampton 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 and my body to be
decently buried and as touching what worldly goods I possess I give them in
manner following —

Imprimis. I lend the use of my plantations with all my lands except such as
may be hereafter mentioned unto my beloved wife Betsey Edmund, also
I lend the use of my water first mill with said lands unto my said beloved
wife during her natural life after her death I give the said lands and water
first mill to be equally divided between my nephews and nieces hereafter
named (to wit) Ethelred Edmund, Benjamin Edmund, David Myrick, and
John Nicholson, and my nieces Betsey Edmund and Sally Edmund to them
(and their heirs forever —

Item. I give and bequeath unto my loving wife Betsey Edmund to be at her disposal
the following negroes (to wit) Amey and her children Wimpy, Amos, Phill,
Ziba and Jonas to her and her heirs forever —

Item I also lend unto my beloved 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, and that the young
negroes do serve my nephews Ethelred Edmund, 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 Overseers of
the poor and sold, then my desire is that they be divided equally among
my relations hereafter named (to wit) Ethelred Edmund, Benjamin Edmund
Charles Edmund, David Myrick, James Myrick, John Nicholson, Howell
Nicholson, Polly Briggs, Nancy Roberts, and Mary Ann Wall also Betsey

Edmund and Sally Edmund, to them & their heirs forever. I also give my
said wife Petsy Edmund, all my stock of horses cattle, sheep and hogs except
such as I 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
Petsy and Sally Edmund daughters of my Bro. Williams Edmund to
them (and their heirs forever) and in case my said wife Petsy 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) Etheldred Edmund, Benjamin Edmund, Charles Edmund, David
Myrick, James Myrick, John Nicholson, Howell Nicholson, Polly
Briggs, Nancy Roberts, Mary Ann Wall, Petsy Edmund, Sally
Edmund to them and their heirs forever my desire is that the said
negroes as much as possible be divided in families -

Item - I give unto my nephew Etheldred Edmund, my play or pray Kelly now
nearly one year old to him and his heirs forever -

Item - I give unto William Lammers one hundred and fifteen acres of land
be the same more or less that I bought of Brittain Barnes, to him &
his heirs forever,

Item - I give unto my nephew David Myrick, his bond and interest due thereon
to me for three hundred and ninety dollars to him and his heirs forever

Item - I give unto my nephew Henry E. Williamson, his bond and interest due
me for ninety dollars to him and his heirs forever -

Item - I give two hundred dollars as a token of esteem to be equally divided
between my negroes hereafter named Louis, Cesar, Fagan, Mark, Ben,
Natt, Jim, Charles, Stephen, Ned 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, Petsy Edmund to her and her
heirs forever -

And lastly I do hereby constitute and appoint my nephews Eth.
Edmund, David Myrick and John Nicholson, whole and sole executors
of this my last will and Testament the day and year first above
written -

Lamuel Edmund, Test.

Signs sealed published
and declared

In presence of

George S. Thomas

John Pope

Rebecca ^{hus} Warren
marks

Nathan Pope

At a Court held for the County of Tilton
the 11th day of September 1807 This will
was presented in Court, proved by the oaths
of John Pope and Nathan Pope, two of
the witnesses hereto and ordered to be recorded

And at a Court held for the said
County of Southampton on the 19th day of
October 1807 On the motion of John
Nicholson, one of the Executors named in the said
will who made oath as the law directs, (Eth.
Edmund & David Myrick the other executor
refusing in Court to qualify) probat is granted
him in due form - Giving Security whereupon -

Test. J. P. Hella

Attest
J. P. Hella