

1823-10 SOUTHAMPTON COUNTY
CHANCERY PAPERS

NICHOLSON vs. NICHOLSON'S EXECUTOR etal

3/1823

Other SURNAMES: Gray,
Briggs

Nicholson

ms 3 Bill
3 Answer

Nicholson's answer

March 1822 Feb

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To the worshipful Court of Lenthampston in Chancery sitting
Humbly complaining sheweth unto your worship your
natrix Nancy Nicholson widow and Relict of Robert
Nicholson dead. That the said Robert her late husband
deceased this life in the early part of the present year
having first made and published his last will and
testament an office copy of which is hereto annexed
as a part of this bill. That your natrix renounced
the benefit intended for her by the said will in order
form of law. That the said Robert died seized under-
possession of a considerable personal estate consisting
of slaves &c and two tracts of land lying in this
County. That among the slaves were several
to which the said Robert was entitled during the
life of your natrix, having been allotted to her
hereupon as the portion to which she was entitled
as the widow of a former husband. That a certain
Henry Misses qualified as the executor to the last will
and testament of said Robert Nicholson died and in
that character had the estate in his possession. That
the said Robert made sundry devises and bequests to
his several children, Robert Nicholson, June 13th Nicholson,
Nelly L Nicholson, Henry C Nicholson about 1840
and Mary Ann the wife of Doctor Rott &c
all of which said children except the last mentioned
are minors. From the above statement of facts you
natrix is advised that she is entitled to dower in the
lands whereof the said Robert Nicholson her husband
died seized, to one third part of the slaves of which
he died possessed for her natural life, and to one
third of the other personal absolutely after the
payment of debts yet she is des advised that she
will not be able to redeem the same into
her possession without the aid of a Court of
Equity where matters of this sort are alone cognizable
In tender consideration whereof and in as much as

your nativity is without remedy elsewhere she prays
that the said Henry Briggs executor as aforesaid
The said Robert, Jane, Sally, George and Albert Nichol
son infant children of said Robert Nicholson died
and the said Robert Gray and Mary Ann his wife
may be made defendants hereunto and be compelled
to answer all and singular the allegations herein
contained fully and unequivocally. She further prays
that her dower may be allotted in the manner that
of lands of which her late husband died seized. That one
third of the slaves for her life may be allotted to her
so as to include such slaves as the said Robert
was entitled to during the life of your nativity. And
that one third of the personal estate which may
remain after the payment of debts be paid over to
her by the said executor. And your nativity
prays that your worship would make any other
or further decreed orders in the premises which
may be right and just and as in duty bound
she will ever pray &c.

Nancy Nicholson

To the honorable Court of Southampton County in Chancery
sitting. The Petitioner answers of Henry Briggs executor of Robert
Nicholson died to the bill of Compliments exhibited against
himself and others the devisees and legatees of said Robert
Nicholson died by Nancy Nicholson widow and relict
of Robert Nicholson died. This respondent now and at
all times saving and reserving to himself every benefit of
exception to any errors or imperfections in said bill contains
for answers to so much thereof as he is advised is necessary
for him to answer, saith. That he is the executor of said
Robert Nicholson died and that he believes all the material
facts stated in the bill are true. He hath no objection
that dower should be allotted to the complainant
or that her portion of the slaves should be allotted
to her in the manner she prays for it. He further
answers that he can have no objection to pay
over to her any proportion of the other personal estate
which may remain after the payment of debts which
this Court may say she is entitled to; but this respondent
begs leave to state that it is impossible for him
at this time to state what amount will be in
his hands after the payment of debts. After a
reasonable time however he will be prepared
to exhibit to this Court an account of his trans-
actions and to pay over any amount which may
be in his hands to the persons entitled under
the direction of the Court and this respondent
having answered prays to be heard dismissed &c.

Henry Briggs

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Answer

Prepared

To the worshipful Court of Southampton in Chancery
sitting. The separate answer of Robert Gray and Mary
Ann his wife to the bill of Complaint exhibited by Mary
Nicholson widow and executrix of Robert Nicholson deceased
against Henry Briggs executor of said Robert
Nicholson. and others devisees and legatees of said
Robert Nicholson deceased.

These respondents saving and
reserving to themselves all benefit of exception to any errors
or imperfections contained in said bill for answer to
so much thereof as they are advised is necessary for
them to answer; say. That they believe the allegations
contained in said bill to be true and are willing
to abide by such decree in the premises as this Court
may think it expedient and just to pronounce, and having
answered they pray to be hence dismissed &c.

Robert Gray

Mary Ann Gray

To the worshipful Court of Southampton in Chancery sitting
The joint and separate answers of Robert Nicholson,
Jane B Nicholson, Sally L Nicholson, George C Nicholson,
and Albert Nicholson infant children of Robert Nicholson
deceased by their next friend William Briggs. to the
bill of Complaint exhibited in this Court by Mary Nicholson
widow and executrix of Robert Nicholson deceased against Henry
Briggs executor of said Robert Nicholson deceased and others
devisees and legatees of said Robert Nicholson deceased.

These respondents now and at all times
saving and reserving to themselves all benefit of
exception to any errors or imperfections in said bill
contained for answer to so much thereof as they are
advised is necessary for them to answer, and saying
say. That they cannot deny the complaints
allegations and that they are willing to submit
to such decree as this Court may pronounce in
the premises and having answered they pray

to be home disengaged ~~from~~

William Briggs

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Stichow --- Off
23 In Chancery.

Stichow v. Stichow & Co. Defts

This cause was this day docketed by consent of parties and
opened of the Court and was heard on the bill and answering
what filed and arguments of counsel whereupon after
due consideration thereof heard the Court doth adjudge
order and decree, that one third ^{in value} of all the lands lying
in this County whereof Robert Stichow died seized be
allotted to the Complamant by proper metes and bounds
in the same as her dower, in the tract of land whereon
the said Robert lived and died. That one third ^{in value} of
the slaves ~~whereof~~ ^{whereof} the said Robert died possessed
be allotted to the Complamant for her natural
life, taking care that such slaves shall be
included in her portion which belongs to the
estate of said Robert Stichow ^{and for the life only}
of the Complamant, and that they be valued
without regard to the particular interest which
the said Robert Stichow or his Estate have
or have in the same. And it is ordered that
Saml. Barham, Tho. Fitzhugh, Harry Applewhite & Barham Wan
or any two of them do carry the foregoing part
of this decree into effect and that they or some of
them do set on foot a report of their proceedings
herein to this Court in order to a final decree
It is further ordered and decreed that the debt
Henry Briggs executor of Robert Stichow died do
in 12 months from this time render to this
Court an account of his executorial trans-
actions upon his testator's estate in order to
a final decree -

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Int. Deuce

March 17th 1823

Rep. Nat. & Fort.
by Consent

agreeably to the within Decree we the undersigned
have allotted to Ann Nicholson widow of Rob^t Nicholson
one third in value of the Slave, belonging to the said
decd Vint

Southampton March Court 1822

Nancy Nicholson widow and relict of Robert
Nicholson dec'd Complainant
against

Henry Briggs executor of the said Robert
Nicholson and Robert Jane Sally George
and Albert Nicholson infant children of
said Robert Nicholson dec'd by William
Briggs their next friend and Mary and
Robert Gray and Mary Ann his wife
late Mary Ann Nicholson Defendants

For Plaintiff

This cause was this day docketed by consent of
parties and a part of the Court and was heard on the bill and
answers exhibit filed and arguments of Counsel whereupon after
due consideration thereof and The Court doth adjudge order and
decree that one third in value of all the Lands lying in this
County whereof Robert Nicholson dec'd seized be allotted to
The Complainant by proper meets and bounds in the same as
her dower in the tract of Land whereon the said Robert
Nicholson lived and died. That one third in value of the
Slaves whereof the said Robert dec'd possessed be allotted to the Com-
plainant for her natural life having care that such Slaves
shall be included in the portion which belong to the Estate
of said Robert Nicholson dec'd for the life only of the Complain-
ant and that they be valued without regard to the
particular interest which the said Robert Nicholson or his
Estate had or hath in the same. and it is ordered that
Samuel Parham, Thomas Fitzhugh, Henry Applewhite,
and Parham Wren, or any two of them do carry the
foregoing part of this decree into effect, and that

They or such of them as do act, make a report of their proceedings
herein to this Court in order to a final decree. It is
further ordered And decreed that the defendant Henry
Broggs Executor of Robert Nicholson dec'd do in 12 months
from this time render to this Court an account of
his Executorial transactions upon his testators estate
in order to a final decree —

Attest

James Rochelle Esq.

Agreeable to a decree of Southampton County Court bearing
date March Court 1822, we Samuel Barham and Bar-
ham Wynn, Commissioners therein appointed Report
that being attended by William Dobie deputy of S. W. Wat-
king Surveyor of Sussex County, we proceeded to have ~~the~~ all
the lands whereof Robert Nicholson died seized and possessed
lying in the County of Southampton Surveyed, and found the
Mansion house tract to contain four hundred & five Acres, and
the tract called and known by the name of the brook road
tract to contain seven hundred and sixty seven Acres making
in total Eleven hundred and seventy two ^{Acres}, which after having
viewed and having regard to quality as well as quantity ~~and~~
we were of Opinion that two hundred and eighty and
a half ~~acres~~, which we had cut off from the Original ~~land~~
Mansion house tract by a new made dividing line Begin-
ning near Nicholson's gate & running down Nicholson's lane to near
the house due North 98 pole to a stake in lane near corner of the fence
then S 89° W 28 p to a stake a corner for said dower then N 2
E 140 p. to main run of Raccoon swamp, no corner tree, is
sufficient for dower in all the Lands aforesaid, and do hereby
assign to Nancy Nicholson widow & Relict of said deceased the
above mentioned two hundred and eighty & a half Acres of Land
as her dower therein, — We then proceeded to value the ~~land~~
whereof said Robert died possessed without regard to the particular interest
which the said Robert Nicholson or his estate had or hath in them
and do hereby assign to Nancy Nicholson widow & Relict of
said deceased as her dower for and during her natural life
and no longer, the following Slaves to wit, namely, Isaac
Suckey & child, Maria ^{Arny} Betty, Sam, Henry, John,
and chops —
given under our hands this fourteenth day of March

Anno Domini eighteen hundred & twenty three

Samuel Barham

Barham Wynn