1829-034 SOUTHAMPTON COUNTY CHANCERY PAPERS

NICHOLSON et al VS NICHOLSON & BRIGGS, EXRS of NICHOLSON

8/1829

the Law decides —

Cop.

Nicholson & Wife

vs

Bill &c.

Ja.s Nicholson Esq.r

1828 Oct decree as filed

Mason

1829. Aug: report: returned & final decree
by consent &c.

To the worshipful the County Court of Southampton sitting in Chancery:

Humbly complaining sheweth unto your worships, your Complts. George Nicholson and Robert Nicholson, who are infants, by John E. Nicholson their next friend, William Briggs jr. and Joseph & John Robert Briggs, which last are also infants of tender years by Wm. Briggs sr. their father and next friend: That by his last will and testament, which was duly admitted to probat in this County John Nicholson, late of this County, after sundry bequests of slaves, dis= =ses thus, "My will and desire is, that all my "negroes, not hereinbefore disposed of, willing to "go among my legatees be equally divided "between my nephews, George Nicholson, Robert "Nicholson, Charles St. Briggs, Wm. Briggs, Joseph "Briggs, and John Robert Briggs, to them & their "heirs forever." all which will more fully appear by an attested copy of the said will herewith exhibited as a part of this Bill. That the said Charles St. Briggs, and Wm. H. Nicholson the Exrs therein nominated, having proved the said will, undertook the burthen of its execution, all which will more fully appear by a copy of their letters testamentary herewith exhibited. and have now in their possession the said negro slaves. Your Complts further state, that it is not believed to be necessary for the said Exrs as such to hold in their hands any part of the said slaves, and that all the said negro slaves

thers bequeathed. express a willingness to be divided amongst the said Legatees. They are therefore answers for a division. but so it is may it please the Court no such division can be had agreably to the spirit and meaning of the said Will. without the aid of a Court of Equity. In tender consideration whereof. and forasmuch as y^r Complt are remediless at Law. and only relievable in Chancery where such matters are peculiarly cognizable. To the end that the said Charles A. Briggs in his individual right. and the said Charles & the said Wm H. Nicholson Exrs of the said last will and Testament of the said Jn^o Nicholson dec^d may be made defendants hereto. and compelled to answer the allegations hereof. they pray the Commonwealths writ of Sub^a directed &c. that your worships will decree an equal division of the said Slaves. amongst the Legatees aforesaid according to the provisions of the said last will and testament. and grant them such other and general relief as may be consistent with equity, and the nature of their case. and as in duty bound. they will ever pray &c.

The Joint & separate answer of Charles A. Briggs. in his individual right. and of the s^d Charles A. and Wm H. Nicholson Exrs of the last will and testament of John Nicholson dec^d to the foregoing Bill of Complaint. These Respondents saving &c for answer to the said Bill answering. say: that they admit its allegations. and upon the execution of refunding bond. by the said Legatees. agreably to Law, they have no objection to the decree prayed for — and having answered they pray to be hence dismissed &c.

Nicholson by next friends. &c Pltfs.
against
Ch^s A. Briggs. & W^m H. Nicholson Exrs &c. Defdts. } In Chy.

This cause was this day docketed by consent of parties with the assent of the Court, and came on to be heard on the Bill. answers. exhibits. and argument of Counsel. On consideration whereof. the Court doth adjudge order and decree. that Jesse Cobb. Henry Briggs. Henry B. Vaughan. and Peter Edmund. or any three of them do divide the negro slaves. bequeathed by John Nicholson dec^d in his last will. to George Nicholson. Robert Nicholson. Ch^s A. Briggs. Wm Briggs. Joseph & John Robert Briggs. into six parcels of equal value. and allott one of them to each of the said Legatees. and how they shall have acted in the premises make report to the Court in order to a final decree and the said Executors are required to deliver up the said Slaves. to the said Legatees or their next friends or Guardians of those under age, executing bond to the Executors. conditioned as

Com^rs Report on
division Jno. Nicholsons
Negroes —

Agreeably to the annexed decree of the Court we the undersigned commissioners appointed therein have proceeded to divide the negroes alluded to in six equal parts and have alloted to Charles N Briggs, Jem Esler, Amy, Fagan, & Molly, Anthony, and Ubellee valued to thirteen hundred dollars and he has to pay to Lot No 4 six dollars & sixty seven cents, and we allotted to William Briggs Lot No 5 to wit Peter, Nat, Barbara, Ellen & child Nat, Charles and little Phillis Valued at ~~valued at~~ thirteen hundred dollars, and he pays to No 4 one dollar and sixty six cents and No. 3 five dollars.

Joseph Briggs drew Lot No 4 to wit, Davy Billy, Sally, Yellow Marica, Hark & Little Lucy Valued to twelve hundred and eighty five dollars and is to receive from No 2 six dollars sixty seven cents, drawn by Charles N. Briggs —

Jno. Robert Briggs drew Lot No 3 to wit — Lefe, Hannah, Joan & Nancy, Marica, Jenny, Nanny, & Mills, Valued at twelve hundred dollars and receives from No 1 drawn by Robert Nicholson thirty one dollars sixty seven cents, and No 6 drawn by George Nicholson fifty six dollars sixty seven cents and from No 5 drawn by William Briggs five dollars — George Nicholson drew Lot No 6. to wit Nilson, Lewis, Lucy, Luke, Ben, & Phillis Valued at thirteen hundred & fifty dollars and pays as aforesaid to No 3 fifty six dollars sixty seven cents, Robert Nicholson

drew Lot No 1 to wit, Claiborne, Bob, Sylvia
Ed and William Sam, & Dick Valued to fifteen
hundred and twenty five dollars. and pays to
No 3 as aforesaid thirty one dollars sixty seven
cents. ——— There was a very old and infirm
Negro man named Jeff, which the comanssion-
ers thought would be worth one hundred dollars
to maintain they therefore cast by Lot who
should have this old man & to receive from
the other Legatees their proportion of one
hundred dollars, he was drawn by Charles
N. Briggs who is therefore to receive from each
of the aforesaid Legatees the sum of fifteen
dollars and sixty seven cents.

Respectfully Submitted to the Court

Henry B. Vaughan

Peter Edwards Comrs

Jesse Cobb

Nicholson Esq
re 3 Copy deeds
Nicholson Exon

Southampton County October Court 1828

George Nicholson and Robert Nicholson infants by John E Nicholson their next friend, William Briggs Jr. and Joseph & John Robert Briggs, which two last are infants of tender years by William Briggs & their father and next friend

In Chancery

against

Charles A Briggs in his individual right & Charles A Briggs & William E Nicholson Exors of John Nicholson } Defts

This cause was this day docketed by consent of parties with the assent of the Court, and came on to be heard on the Bill and answer, exhibits and arguments of Counsel; On consideration whereof the Court doth adjudge order and decree that Sere: Cobb. Henry Briggs, Henry B Vaughan & Peter Edwards or any three of them do divide the negro slaves bequeathed by John Nicholson dec: in his last Will, to George Nicholson, Robert Nicholson, Charles A Briggs Wm Briggs, Joseph & John Robert Briggs into six agreed parcels of equal value and allot one of them to each of the said legatees, and how they have acted in the premises make report to the Court in order to a final decree. And the said Executors are required to deliver up the said slaves, on the said legatees or the next friends or Guardians of those under age executing bonds to the Executors, conditioned as the Law directs —

A Copy Test James Rochelle c