

1845-007 SOUTHAMPTON COUNTY
CHANCERY PAPERS

HALL and Wife vs. NICHOLSON et al

11/1845

Other surnames: Scarborough,
Prince, Hail, Hale, Mallory,
Drewry, Davis, Ivey,
Scarborough

Mail knife

v. } Papers

Nicholson

Lalk — \$ 8.38
 Shff — 4.00
 Corn — 16.00
 Saw & $\frac{17.41}{\$ 45.79}$

6.89

1.19

8.38

(3360 words)

Stail & wife

nr. } Stat. of Rules &c.

Nicholson &c

Septia P Hail and Lucy A. C. I his wife who before her marriage with the
said Hail was Lucy A. C. I Scarbrough orphan of Drithon Scarbrough dec^d
^{against}
Margaret B. Nicholson, William Prince and Howell I Scarbrough

- 1844 May 6th Injunction awarded &c.
" Aug. 19th Terms of injunction complied with - Sp^a & Inj^a issued 21st Retble
to October Rules.
" Oct. Rules. Sp^a & Inj^a returned executed -
" Nov. 7th Answer of Deft. Nicholson filed - Nov. 8th Depositions filed.
" Dec. Rules - Genl. Rep^t to answer of Nicholson - Cause set for hearing as to
Defts. Prince & Scarbrough -
1845 Jan. Rules - Set for hearing as to Deft. Nicholson -
" April 30th Deposition filed.
" May 9th Decree for account.
" October 6th Report.
" Nov 5th Inj^a perpetuated & Decree for plff

Hall & wife

2 } Builae:
} in Ch:

Nicholson & Co

Super awarded

1864 Aug 19 Bond Security Release
errors filed Apr 19th

(225/1910 words)

To the Hon: Judge of the Circ. Sup. Court of
Law and Ch: for the County of Southampton
sitting in Chancery,

Humbly complaining
sheweth, your complainants Jephtha P. Haill
and Lucy A. E. L. his wife, who before inter-
marriage with the said Haill was Lucy A.
E. L. Scarborough, orphan of Britton Scarbo-
rough decd: - that in the year 1840, Margaret
G. Nicholson, the mother of your female
complainant, qualified as guardian at law
to your said complainant, with William
Prince and Howell G. Scarborough her secu-
rities to the guardian bond, as will appear
from a copy of said bond herewith filed and
prayed to be taken as part of this bill - that
the said Margaret G. Nicholson as guardian
as aforesaid, took possession of the estate of
your said complainant, which at that time
consisted of money and other effects not known
to your complainants, and has rendered no
account whatever of her guardianship.

Your complainants further state - that but
a short time after your Comptt: the said
Lucy attained the age of twenty one years, and
but a few days before her intermarriage
with the said Jephtha, she was presented
upon to execute a bond to the said Margaret
G. Nicholson, her mother and late guardian
for the sum of \$28-08, which said bond bears
date 13th February 1843 - a copy of which is here-
with filed and prayed to be taken as part
of this bill - that suit has been already insti-
tuted on said bond against your complain-
ants in the County Court of Southampton
and judgement will be obtained and execu-
tion issued, unless prevented by the inter-
position of this Hon. Court - Your complain-
ants charge, that at the time this bond was

executed, the obligor had just attained the age of twenty one, and the guardianship of the said Margaret G. Nicholson had just terminated, that the said Lucy was induced to give said bond through the influence of the said Margaret, her late guardian & mother being entirely ignorant of all business transactions and even of her own legal rights, that the bond was given but a few days before the intermarriage of the said Lucy with the said Jephtha, who was entirely ignorant of its existence until after the marriage was consummated. Your complainants are therefore advised that the said above named bond is void, and of no effect, and will be so decreed by this Hon. Court. In tender consideration of all which, and for as much, as your complainants are without remedy in the premises except in a Court of Chancery, they pray that Margaret G. Nicholson, William Prince and Russell G. Scarborough be made defendants to this bill, that the said Margaret, may be restrained from enforcing payment of the said above named bond, by an injunction of all proceedings at law; that the said Margaret render before a commission of this Court, a true and perfect account of her late guardianship of your Compt: the said Lucy, and that whatever balance may be found due your complainants, on said account may be decreed to them, with such other and general relief as your Compt: may be entitled to from the facts of their case, and they will as in duty bound ever pray &c.

Richard Stoddard, atty
for Compt:

Southampton County to wit-
This day personally appeared before me, a justice of the peace for the County aforesaid, Jephtha P. Nail a party to the annexed bill, and made oath that the facts therein stated are true so far as they are within his own knowledge, and such as are not within his knowledge he believes to be true - Given under my hand this 1st day of May 1844 -

H. J. Smith J. P.

after the ptty J. P. Haill shall have confessed
judgment on the Bond in the Bill referred to, and
executed a release of error at law, and shall
moreover have given bond with sufficient security
according to law, an Injunctⁿ may be awarded
according to the prayer of the Bill

To the Clerk

Rich^d H. Baker

of S^campten Cir: sup. co P^o 

6 May '44.

Halt 2 mps

as } Aust. of
 } M. S. Richardson
Michelson

1844 Nov 7~

To the Hon^{ble} Rich^d W^B Allen, Judge of the Circuit
Superior Court of Law and Chancery for the County
of Southampton.

The Messrs of Messrs - J. Nicholson
to advise of Complaint exhibited against
her and others in this Court, by J. P. Hales & Co.

This respondent

Saving and reserving, to herself, all benefit
of just estimation, to the same and mistakes.
much as for answer to so much of said
bill as she is advising, it is material
for her to answer, says, she admits her qual-
ification as Guardian to the female Complainant
and acted as such to the time of her
ward attaining, the age of twenty one years -
answering which time, said Complainant furnished
her with, Board clothing &c. and
performing in all things, the duties and
care of her Station.

Said Complainant further states that after
the female Complainant attaining the age of twenty
one years, and after her property had been
returned to her, by the consent - request -
of the Complainant. said Respondent - returned
into a full and of an settlement - of her
guardianship transactions, with his
late ward. This settlement was made in the
presence of the female Complainant with a
free exhibit of all the vouchers, and by
a gentleman, who was capable of making
up the account - on the 1st July 1843 -
a copy of which settlement is herewith
filed as a part of this answer.

On this settlement the same, was
found indebted to said Respondent in
the sum of \$28.08 for which the Complainant
received her bond, for her
marriage with Hales - &c.

the Deft. now sub. & inquire.

Your Respondent is advised, that a Court of Equity will not open a statement thus fairly made by parties capable of contracting and settling, unless some fraud or mistake, appears to have been committed. The answer that - any ~~fraud~~ or undue influence was exerted, over the Compt. ~~before~~ or at the time of the settlement - or that any person was perpetrating an injustice of the trustee, who was fully apprised and informed of the settlement and of the existence of this bond at the time of his mortgage. Or that any mistake was committed in the settlement, injurious to the rights and interests of the Compt. - Your Respondent having never seen fully and ^{as} prays. that the injunction may be dissolved, and the Respondent removed to ~~proceed~~ as the judge at law. and that the Deft. file be dismissed.

Court to sit.

This day Margaret J. Nicholson personally appeared before me a Justice of the Peace for the County of Orleans and made oath to the truth of the foregoing answer.

Given under my hand this 21st day of Sept. 1844.

Margaret J. Nicholson
Justice of the Peace

Heil's wife

$\frac{2}{3}$ Decree

Nicholson

May 2nd 1843

Hail & wife

Circ Sup Court

Decree

Nicholson & Co -

It appearing to the Court that more than two months have elapsed since the filing of the plaintiffs bill and service of the Subp: on the defendants William Prince and Harrell & Scarborough, who still fail to appear and answer, on motion of the plaintiffs by their counsel the bill is taken for confessed as to those defendants; and the cause coming on to be heard on the bill, answer of the defendant Nicholson, and replication thereto, ^{" exhibits filed} and dispositions of witnesses, &c. as argued by counsel; On consideration whereof the Court doth order that the defendant Margaret G. Nicholson render before Commr. Cobb an account of her guardianship of her late husband Lucy A. & Hail, formerly Scarborough, and that said Commr. audit, state and report said account, together with any matters, specially stated which he may deem pertinent or which may be required to be so stated by either of the parties.

Southampton Circuit Superior Court May the 3rd 1845.
Septa P. Hail and Lucy A. E. L. his wife who before intermarriage
with the said Hail was Lucy A. E. L. Scarborough orphan of Britton
Scarborough deceased
Plffs }
against } the Chancery

Margaret S. Nicholson William Prince & Homer S. Scarborough Defts
It appearing to the Court that more than two months have elapsed
since the filing of the plaintiffs bill and service of the subpoena on
the defendants, William Prince and Homer S. Scarborough who
will fail to appear and answer on motion of the plaintiffs by
counsel, the bill is taken for confessed as to these defendants,
and the cause coming on to be heard on the bill, answer
of the defendant Nicholson, replications thereto, exhibits filed
and depositions, of witnesses and was argued by counsel. On
consideration whereof the Court doth order that the defendant
Margaret S. Nicholson render before Commissioner Cobb an account
of her guardianship of her late ward Lucy A. E. L. Hail formerly
Scarborough, and that said Commissioner audit, state
and report said account together with any matters specially
stated which he may deem pertinent or which may be required
to be so stated by either of the parties —
A copy

Teste L R Edwards 66

Court office Jerusalem July 1st 1845.

The parties interested in the settlement of the account
directed by the above order of the Court are required to attend
at the Court house in the Town of Jerusalem on Thursday
the 14th day of August next by Ten O'clock A.M. with
their accounts vouchers and evidence for examination
and settlement

Leif O. Orr

v. } Copy Order

Notice to the ~~4~~⁶th Aug 1864

Southampton Circuit Superior Court. May the 3rd. 1845
Joseph P. Nail and Lucy A. C. L. his wife who before intermarriage with the said
Nail was Lucy A. C. L. Scarbrough orphan of Britton Scarbrough dec^d Defts.

against
Margaret G. Nicholson. William Prince & Howell G. Scarbrough Defts. } In Chancery

It appearing to the Court that more than two months have elapsed since the filing
of the plaintiffs bill and service of the subpoena on the defendants William Prince and
Howell G. Scarbrough who still fail to appear and answer on motion of the plain-
tiffs by Counsel the bill is taken for confessed as to those defendants, and the cause
coming on to be heard on the bill answer of the defendant Nicholson, replication thereto
exhibits filed and depositions of witnesses and was argued by Counsel: On consideration
whereof the Court doth order that the defendant Margaret G. Nicholson render
before Commissioner Cobb an account of her guardianship of her late ward Lucy
A. C. L. Nail formerly Scarbrough, and that said Commissioner audit, state
and report said account together with any matters specially stated which he may
deem pertinent or which may be required to be so stated by either of the parties -

Attesty

Teste.

L. R. Edwards Clk

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Vertical handwritten text, possibly a name or date.

Handwritten text in the middle left, possibly a name or date.

Handwritten text in the middle, possibly a name or date.

Handwritten text in the middle left, possibly a name or date.

1845 November

To be written, 20 1845

Hail wife

n

Nicholson &c.

Nov: Term 1846

Deane

This day this cause came on to be heard on the papers formerly read and the report of Comm: Cobb, to which there are no exceptions and as argued by Counsel. On consideration whereof the Court confirming said report of Comm: Cobb, doth adjudge, order and decree that the injunction obtained by the plaintiffs to stay the proceedings in the action at law brought by the defendant: Margaret G Nicholson against the plaintiffs in the bill mentioned, stand and be made perpetual: and that the said defendant Margaret G Nicholson pay to the plaintiff Jephtha P Hail the sum of thirty two dollars and 46/100, with int from the 31st December 1843 till paid, together with the costs of this writ. And liberty is reserved to the plaintiffs to proceed against the accusers William Preiner and Harrell G Loomis. Hereafter should this decree prove ineffectual

To injoin the defendant Margaret G. Nicholow her agents Attornies
and all others from further proceedings in a suit at law instituted
by the said Defendant against the ^{other} plaintiffs in the County Court
of Southampton upon a bond executed by the female pl^{ff}. before
~~her intermarriage~~, for the sum of \$28.08 Cents dated the 13th
February 1843. until the further order of this Court. The Plaintiff Joseph
P. Hall having confessed Judgment. on this bond and executed a release
of all writs at law and having moreover given bond with security accord-
ing to law—
Jesse L. Edwards & Co.

Hall & wife
vs. Joseph & Mary

Nicholow vs.
1844 October Rules

Executed
B. H. Goddard, Clerk of
Court. B. H. Goddard, Clerk of

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Margaret G. Nicholson Williams*
Prince. and Howell G. Scarborough

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County
of Southampton, at the Rules to be holden for the said Court on the first Monday in ~~September~~^{October}
next, to answer a Bill in Chancery exhibited against ~~them~~ in the said Court by

Joseph P. Mail and Lucy A. E. J. his wife

And unless ~~they~~^{two} shall answer the said Bill within ~~four~~^{two} months thereafter, the Court will take
the same for confessed, and decree accordingly. And this ~~they~~ shall in no wise omit, under
the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk
of our said Court, at the Court-house, the 24th day of *August* 18*84*, in the
69th year of the Commonwealth.

L. R. Edwards

[One Copy to be delivered each Defendant.]

Jefftha P. Hale

Take notice that I shall on the 2nd day
of november 1844 at Drewrys will between the hour
of ten a. m and 4 p. m proceed to take the disposition
of 98^m Mallory and others to be read as evidence in a
suit depending in the superior court of southampton
in which you are Plaintiff and I am defendant

October 22nd 1844

Margarette G. Nicholson

Southampton City to wit
This day personally appeared before
me James R. Scarborough and
made oath that he did on the
22nd Oct 1844. deliver a true copy
of the writing notice to the
with named plaintiffs. Given
under my hand this 29th day of
April 1845 James R. Scarborough (JP)

Londonington 67 to me

This day personally appeared before
me James R. Scarborough and
made oath that he did on the
16 April (last) deliver a true copy
of the writing written to the
within named plaintiffs. Given
under my hand this 23 day
April 1843 Yam. Drury (J.P.)

Jeffrey P. Hales & Lucy, et. al. Hales Take notice I shall
on Monday the 24th Inst at Danversville
in the county of southampton between the hours of sunrise
and sun set of the same day proceed to take the Deposition of
Isaac. H. Davis and others to be read as evidenced in a certain
matter of controversy now depending and undetermined
in the circuit Superior Court of law and chancery for
the County of southampton in which I am defendant and
and you are plaintiff at which time and place
you can attend if you think proper

April 16 1845

Margarette G. Nicholson

Hale & wife

v. { Deposition

Nicholson

Given to hand Nov 8. 1864
under Seal.

The Deposition of William Malloy and
John Drury taken at the Store house of
Messrs J & J Drury pursuant to notice.

Before me Thomas Riddle a Justice of the
Peace for the County of Southampton, to be
read as evidence in a certain suit or
controversy now pending & undetermined
in the Circuit Superior Court of Law & Chancery
for the County of Southampton, wherein
Leopold P Hales & Elizabeth his wife are
Complainants and Margaret Nichol
son. Harel of Scarborough & William
Prine are Defts. Taken on part of
Depts. The Deposition William
Malloy being first sworn on the holy
evangelist of Almighty God deposes
as follows. That Elizabeth Scarborough came to my
Store and represented to me that she was destitute
of clothes and asked me to let her have some and
that Mr James her guardian would pay me.
I applied to Mr James afterwards & he told me to
let her have necessary clothing and he would pay it.
That Elizabeth run up an account with me to the
amount of sixty dollars which Mr James afterwards
satisfied by paying over to me the notes of Solomon
Harker and Mr Simmons. afterwards the said
Elizabeth made another account with me to the
amount of twenty four dollars. Mr James refused
to pay me this account on the ground that he had no
funds in hand belonging to her (his ward). about
this time Mrs Nicholson the Deft. became her guardian
and told me afterwards she would pay me the account
a little after this Mrs Nicholson said she could not pay
it for if she did pay it she would lose it as she could
only take the interest of the estate for that purpose.
The account remained unpaid until Elizabeth arrived
at the age of 27. when I presented the account to her and
she gave me her note payable in 12 months after date.

After the intermarriage of Septha P. Hails with Elizabeth. he executed to one his own note in the place of his wifes note & since then he has paid the note off.

Question by the Defendant

Did or did Mrs Hales before or after her marriage pay over to you the bond for the hire of her negro to the boyment of this note of \$7th. Answer.

It was paid by

Septha Hails her husband -

2nd Q^{ues} Did you purchase ~~of~~ ^{of} whom. answer of Septha Hails - and farther this deponent saith ~~nothing~~

Wm Wallon

The evidence of John Dawny who being first duly sworn depuseth as follows. That Elizabeth Scarborough made an account at the store of Messrs S & J Dawny, and after the intermarriage of S P. Hails with ~~her~~ he discharged it.

Question by Plaintiff. Had a settlement of the Guardianship transactions. taken place between Mr Nichols and her ward Elizabeth at the time she was trading at the store - ^{and} It had not as to my knowledge and farther this deponent saith not. John Dawny

The Evidence of James Scarborough who being first duly sworn depuseth and saith as follows. ~~my~~ mother asked Elizabeth. if her money did not hold out would she give her bond. she answered she would she then said she had rather settle themselves. than to lay the papers before a commissioner. as it would run them to cost. she then said it was a just debt and she was willing it should be paid. This conversation occurred on the 19th of Sept 1846. and farther this deponent saith not - James B Scarborough

Sworn to and subscribed before me this 2^d Novr 1846.

Thos. Ridley J. P.

State of New York

v. } Depositions

Nicholson.

Come to hand sealed Nov.

3. 1844.

The deposition of Charles Irving and Ann Davis taken at the store of Messrs S & S Dewey pursuant to notice before me Thomas Ridley a Justice of the Peace for for the County of Southampton. To be read as evidence in a certain matter of controversy now pending and undetermined in the Circuit Superior Court of Law and Chancery in the County of Southampton, wherein Septa D. Haies and Elizabeth are plaintiffs and Margaret L. Scarborough Howell L. Scarborough and William Prince are defendants. Taken on part of plaintiffs. The deponent

Charles Ingham being first duly sworn deposes and says as follows. I went with Septia P. Hume on the 6th of February 1843. to Mrs Nicholson's and that the said Margaret Nicholson gave Septia P. Hume a written certifi-
cate in order that he might obtain a license to marry ^{Lucy Elizabeth} her daughter ~~Margaret~~ of Scarborough. which certifies
Mrs Nicholson did give - and on the 14th of the same month
the marriage between them ~~was~~ ^{was} celebrated - and farther
this deponent says not.

Charles. Ivey

The deposition of Ann Davis who being first sworn
deposed as follows - Mr William Prince came down
on Sunday morning the 12th day of February 1868. That bonds
were signed by Lucy & Elizabeth Scarborough on that
day and her mother or Mr Prince asked her if she ac-
-quiesced therein. she answered she did
Question by H. H.

Question by the plaintiff. Did or did not a settlement take place on that day between Mrs Nicholson and her daughter and if so of her guardianship transactions. and if so who settled the account for them? If it was not these ~~bonds she does not know what it was~~. Unless these bonds constitute a part of the settlement. I know nothing of them.

2nd. Who was present at the time Elizabeth signed these bonds - Mr Clements & myself

Question by defendant. Who witnessed the bond? and
I don't know.

Ques? How did you know it was bond?

I don't think they were bonds

Question by peff. Did you or did you not hear Mrs
Nicholson at the house of Isaac Davis admit when
asked what papers those were that were signed at
her house say that they were a bond and ^{receipt} ~~release~~. answer
I did, and further this document saith not

Isaiah A Davis

~~James S~~

Sworn to and subscribed before me this 2^d of
Novr 1844.

Thos. Ridley J. P.

Yonk ashton by to wit

This day personally appeared Margaret G. Michel
= son. and made oath that her daughter Lucy A E Scarborough
now the wife of Stephen P Hales. was born on the first day
of the fifteen hundred and twenty one. time under my hand this
4th day April 1843.

James Drury (J D)

Hait Griffe

v. } Deposition

Nicholson & Co

Letter to hand sealed April 30th
1845 L.R.C.

Drearysville Pa
30 April 1845

6¢

Maj. L. R. Edwards

Colk. Southampton

Jerusalem

Deposition of Isaac Harris. Taken at Druryville
in Southampton city. on Monday the 28th day April 1845
intended to be used as testimony in a suit now depending
in the superior court of Law and equity for the said city
between Dep. Thos. P. Hales and Mary P. Hales his wife one plaintiff
and Margaret G. Nicholson. Howell G. Scarborough and
William Price one defendants. as follows
question. by Margaret G. Nicholson one of the defendants. do you
recollect a conversation between you and myself. which took place
some time in Oct. last - respecting a bond and Receipt which I
held against the plaintiffs -

Answer. I do. and as well as I can recollect I asked you if
you held bonds against Hales & wife. and why I asked this question
was I had heard that you held ~~more~~ than one bond against
them -

question by the same. what answer did I give you.

Answer. You replied a bond and a receipt

question by the same. did I ever name to you that the said
bond and receipt was signed on the sabbath. or did I ever
name when they was signed -

Answer. If you did. I have no recollection of it

question by the same. did I not name to you if the
defendants would of paid me. I would never of brought
suit or traded the note -

Answer. - you did - further the deponent signed note
given under my hand this 28th day April 1845 -

sworn to and subscribed before me

this 28th day April 1845 -

James B. Drury. J. D.

Isaac H. Davis

Account

M. G. Nicholson

M. G. Nicholson

A

the amount of voucher
on claims and receipts
as per

order.

Aug 22 1893
the m

Mrs Margarette G. Nicholson

To Saml. J. Douglass Dr.

1840

December 22nd To fee for motion made for her to qualify

1841 as The Guardian of her daughter L. C. Scarborough \$ 5.00

May 16th To fee for motion made for Saml. J. James to
his Guardianship transaction - 2.50
Clerks tickets - 1.62

Paid Wilier H. Morris 7 1/2 Months tuition 1 Month - 7.50

Paid Wm. J. Tailor for pair shoes - 1.50

Paid Peter L. Beckman - 19.60

1841 Paid S. J. Drewry - 26.75

1843 Paid S. J. Drewry - 30.11

To boarding you 1840 and 1841 and 1842 at \$ 50 per year 150.00

1843 Paid James H. Glamore for bedsted - 1.00
\$ 244.58

Mrs Margarette G. Nicholson

To L. A. E. L. Scarborough Dr.

1842 ----

To the hire of a boy Ellick - 50.00

1843 Dr - 50.00

Receipt of S. J. James - 116.50
\$ 216.50

Due Margarette G. Nicholson from her ward -

Lucy. C. E. L. Scarborough - \$ 244.58

Due L. C. E. L. Scarborough from his guardian 216.50

Due M. G. Nicholson in settlement in full \$ 28.08

Sum - July 1843.

Account Current of

Writton Leurbroughs Est.

AS

copy

See

Comrs. Statement

annexed

The Estate of Britton Scarborough dec'd In acct account
with Margaret Scarborough (administrator) Thos Nicholson &

1825			Dr	Cr	
Decy	31	By James Jacksons bond & Inty To Comm ^r on ditto	"	"	415 ⁰⁰
		" paid W Williford bond fixect	"	"	20 ⁷³
		" " Jas Jackson Bond	"	"	21 ⁰⁰
		" " W Drewry acct	"	"	13
		" " B Drewry bond	"	"	20 ⁸⁰
		" " letters administration	"	"	70
		" " W Drewry due bill	"	"	73
		" " S Newton acct	"	"	150
1826		" " Jacob Ramsey	"	"	21 ²⁵
Jan'y	7	" " D Newton	"	"	20 ¹³
		" " D Westbrook Note	"	"	41 ⁸⁷
	16	" " Jere Cobb Shff taxes	"	"	13 ³¹
	17	" " Jas Powell adm ^r Ex ^r	"	"	17 ⁹⁸
Feb'y	8	" " W Newton bond	"	"	10 ²⁴
		" " Levi Wallis for coffin	"	"	3 ⁰⁰
		" " Ch ^r Magab Conch	"	"	1 ⁴¹
		" " John M Gurley Conch	"	"	4 ³⁷
		" " ditto do	"	"	17 ⁸³
		" " N Ellis bond	"	"	34 ⁰⁰
		" " W Mitchell Ex ^r	"	"	3 ⁹¹
May	18	" " Wm Moore Ex ^r	"	"	17 ¹³
	20	" " Tho Gilham acct	"	"	1 ³⁰
June	19	" " Henry Moore bond	"	"	30 ⁹⁸
		" " John S Mason in part	"	"	100 ⁰⁰
July	15	" " S Kelso Ex ^r	"	"	2 ⁸⁸
		" " A P Pules Ex ^r	"	"	3 ³⁸
		" " E Scarborough bond	"	"	35 ⁵⁰
		" " S Ellis do	"	"	13 ⁹³
		" " Clerk Gen Court	"	"	18
		amount Card forward	£	447 ⁰⁵	415 ⁰⁰
1826		Amounts brought forward		447 ⁰⁵	415 ⁰⁰

Nov 20	To paid John T. Mason in part	53 00	
	" " The. Inequity acct. p. rect	5 35	
Dec 18	" " A. A. Pelt adm's & Deu. "	52 25	
	" " W. Cland & H. Moors Exors "	208 80	
	By Sales of Negro Girl Fanny	" "	233 00
	By 1 bed furniture	" "	16 00
	By do Louisa child a Negro Girl	" "	313 00
	To Comm. on \$456 00	22 80	
Dec 31	Balance due the estate	821 85	
		871 00	871 00
1827	By Balance brought down	" "	821 85
Jan 7	To paid A. Williamson p. rect	18 19	
	" " Moore adm's Grimston Exor "	71 20	
	" " James Jackson's acct	121 34	
Oct	" " A. N. Thomas Exor "	49 48	
	Balance due the Comm. Compt.	" "	68 38
		151 23	151 23
Dec 31 1828	To amount brought down	68 38	
Jan 30	To paid John T. Mason his bond in full	63 81	
Left	" " do do for acct. p. rect	43 79	
Oct 20	" " Henry Moore Note "	4 43	
	" " J. D. Denny for Notes	50	
Dec 31	To Balance due the adm's & Ex	183 91	
	Interest on last bal	4 10	
	To Balance due the adm's	187 01	with
	interest on \$183 91 part, started from this date till paid		
	some few \$5 00 charged. Respectfully submitted to the Court		
	to the adm's. J. R. Edwards & Co.		

At Copy.

J. R. Edwards & Co.

1826 Statement by the Court

Dec 18th By sale of Negro Girl Fanny \$225.00
By do Louisa & Child 215.00

440.00
By interest on debts to Dec 31/1828 say 2 years 52.80
492.80

1828
Dec 31st To balance due the estate of ant 187.07
To bal. due the estate taking out the sale negroes \$79.87
1/2 of this bal. to be paid by Exor. off 226.62
453.25

Howell G. Scarborough's prop. say 1/3 of \$151.08 51.03
Jas R. Scarborough do " " 51.03
L. A. E. Scarborough the self " " 51.02 151.08 453.25

By sales of the above negroes & int. brot down \$492.80
deduct self pro. to pay the Exor. 151.08
By balance due the self \$341.72
with interest from Dec 31/1828 till paid

J. R. Edwards & Co.

N.B. These negroes were left to the Exor, and widow
and also all the other negroes during her life & therefore
the interest perhaps should not be calculated from
the date as above stated

J. R. Edwards & Co.

Britton Searbroughs

Will

B.

Alfred

I William Scarborough of Southampton County and State of Virginia do hereby make my last will and testament in manner and form following that is to say

1st I wish my Negro Man by name Ben to be sold and out of the proceeds of such sale my burial expences and all my just and legal debts to be paid and should be insufficient to discharge them then it is my desire that enough of my perishable property shall be sold to discharge them as aforesaid

2^d I Give to my wife Margaret G Scarborough the following property to wit all the landed estate Negroes and perishable property I do possess of also all my Int in the estate now in the possession of Sally Scarborough both lands Negroes and perishable property during her natural life

3^d At the death of my wife I Give and bequeath to my son Howell G Scarborough the following property (to wit) the plantation now in my possession or of which I do possess also one Negro Man by name Jeffrey and an equal division of all the perishable Estate that may be considered legnally mine at her death

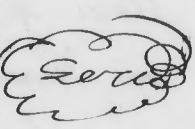
4th At the death of my wife Margaret G I Give and bequeath to my son James R Scarborough the following property to wit The Land on which Sally Scarborough now lives the ~~matters~~ and bounds as they now are one Negro by name Anthony and an equal share of the perishable property that may be considered my estate at my wifes death

5th At the death of my wife Margaret G I Give and bequeath unto my daughter Lucy Ann E. Scarborough the following property (to wit) one Negro woman by name Jenny one Negro Girl by name Folsa also Negro Girl Fanning with their increase and an equal share of the perishable property considered legnally my estate at my wifes death also all my int in the Estate now in the possession of Sally Scarborough

6th And Lastly I constitute and appoint my wife Margaret G Scarborough Executrix of this my last will and Testament hereby revoking all other wills and Testaments I may have heretofore made In Testimony whereof I have hereunto set my hand

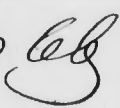
and seal this 3rd day of October in the year of our Lord
1825

signed in presence of
witnesses
Wm S. Everett

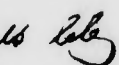
^{his}
William Scarborough 
Mark

Thomas Moore
Norinton Ellis

At a Court held for the County of Southampton on the 21st Nov. 1825
This will was presented in Court by Margaret Scarborough the Executrix
therein named proved by the oath of William S. Everett and Thomas
Moore two of the witnesses hereto and ordered to be Recorded and ON
the Motion of the said Executrix who made oath according to law
certificate is granted her for obtaining probat thereof in due form
on his giving bond & security whereupon the said Margaret Scarborough
together with Gray Barker, Nankle Newson & James Key her
Securities entered into &ackd their bond in the penalty of \$1500
conditioned as the law directs

Test James Rochelle 

Attest

Test L.R. Edwards 

Mail of Melrose } Comro
vs
Nicholson & } Report

1845 } October
September } 45

Sept 16/1845

Hail & Wife
vs
Nicholson &c } In chancery

agreeably to notice executed on the parties in this cause, the plaintiffs Hail & Wife, and the defendant Nicholson, attended at the Court House in the Town of Jerusalem on the 14th day August 1845 before the Comm^r. - Margaret G. Nicholson the defendant exhibited her account and vouchers which were all admitted and allowed by the plaintiffs Hail and Wife. The board was reduced by consent of parties from fifty to thirty five dollars per year, from all which the following account is formed

Lucy A. E. L. Scarborough Orphan of Britton Scarborough
In account with Margaret G. Nicholson Guardian

		Dr	Cr
1841	To paid S. J. Douglas atto	7 50	
	" " W. D. Taylor act	1 50	
	" " Shff & Clerks tickets "	6 38	
	" " year board last year	35 00	
	" " ditto this year	35 00	
Dec 31	To balance due the Guardian	85 38	
1842	" paid Ridley & Goodwyn attor	2 50	
	" " S. & J. Drewry acct	46 35	
	" " W. H. Morris tuition	7 50	
	By hire of Ellick this year	" "	50 00
	To Comm ^r on ditto	2 50	
		144 23	
		50 00	
Dec 31	To balance due the Guardian	94 23	
	" Interest on the balance of 1841	5 12	
1843	" paid S. & J. Drewry acct	30 11	
	" " Shff ticket "	50	
	" " J. S. all Lemore "	1 00	
	By Exon ^r in part vs. James	" "	75 18
	By ditto in full "	" "	85 33
	By hire of Ellick this year	" "	50 00
	To Comm ^r on \$210.51	10 52	
	" paid Ridley & Goodwyn attor	20 75	
	" " J. Cobb Comm ^r	3 00	
	" " Clerks & Shffs tickets	12 82	
			210 57
			178 05
Dec 31	By balance due the ward Can ^d forward		32 46

By balance due the ward brought forward \$32.46 with interest
interest thereon from the 31st day of December 1843 till paid

The defendant Margaret G. Nicholson directs the Comr. to
state that on a final settlement of the estate of her late husband
Britton Scarborough dec^d, that the estate fell in her debt as the
Executrix in the sum of \$187.07 as on the 31st day of December 1828
and the said defendant claims a credit on this account for
the proportion due from the plaintiff her late ward. The Comr.
was requested by Jno R. Chambliss esq. to examine the account cur-
rent, & the will of Britton Scarborough and it was necessary to
file copies of them with this report see A. & B. It appears
that Britton Scarborough dec^d in his will, directs his Ex^{or}, to
sell a negro man to pay his debts & and if that should not
prove sufficient, that his said ex^{or} was then to sell such pro-
portion of his perishable estate as would be sufficient.

It appears that the Ex^{or} did not comply with this clause
of the will, but sold two Negro Girls one with a child,
and applied the proceeds of the sales of these Negroes to the
discharge of the debts; Now it further appears from the said
will, that these Negroes were specifically bequeathed to the
plaintiff Lucy A. S. Scarborough. There were two other
children, who also had Negroes bequeathed to them.

The Comr. therefore thinks great injustice has been done
to the plaintiff, and that inasmuch of her pay more, she is
entitled to a considerable sum on account of the sales of the
above Negroes with interest till paid.

The Comr. has made a statement on the copy of the
Account Current of Britton Scarborough's estate, shewing
the amount to which the p^lff is entitled see A.

Comr. for Aug 14th 6 Hours
" " 16 4
Sept 16 6
\$16.00

Charged to the p^lff.

Respectfully Submitted
Jno C. B. Comr

Searboroughs Recd
Is } Bond
Judices

Ablopy

Wale & wife
w. } Ex. with Will

Nicholson

KNOW ALL MEN BY THESE PRESENTS, That we *Margaret G. Nicholson William Princes & Howell S. Scarborough*

are held and firmly bound unto *Jos Cobb A Mayrich Wm H Nicholson E B Chaud*

Gentlemen Justices of the *County Court of Southampton*
now sitting, in the sum of *Two Thousand*

Dollars; to the payment whereof, well and truly to be made to the said Justices, and their successors, we bind ourselves, and each of us, our, and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents: Sealed with our seals, and dated this *21st* day of *December* A. D. 1840

The condition of the above Obligation is such, That if the above bound

Margaret G. Nicholson heirs, executors, and administrators,
shall well and truly pay and deliver, or cause to be paid and delivered, unto *Lucy A. E. Scarborough*

orphan of *Britton Scarborough* all such estate or estates, as now
is, or are, or hereafter shall appear to be due to the said orphan when, and as soon as *she*
shall attain to lawful age, or when thereto required by the Justices of the said *Court*
Court, as also keep harmless the above named Justices, their, and every one of their heirs, executors, and administrators, from all trouble and damages that shall, or may arise about the said estate, then the above obligation to be void; otherwise, to remain in full force.

Signed, Sealed and acknowledged }
in open Court. }

Margaret G. Nicholson SEAL.

Wm Princes SEAL.

Howell S. Scarborough SEAL.

A Copy
Teste J. R. Edwards Secy

Fearborough
To } Bond
Nicholson

Allopy.

On Demand. I promise to pay or cause to be paid unto Margarette G.
Nicholson the just and full sum of Twenty Eight dollars and Eight cents
Lawfull Money of U^s. it being for value received as Witness My hand and seal
This 13 February 1843

Test

Wm Prince

Alepsy

Lucy A. G. L. Scarborough (Seal)

Teste L. R. Edwards Tel

Co: Judgment.

Hale & wife

v }

Nicholson

1844 Aug: 19th

At a Court held for the County of Southampton on the 19 day of August 1844.
Margaret G. Nicholson

against

Septima P. Hale & Lucy A. E. L. Higginson. who before her intermarriage with the said Septima P. Hale was Lucy A. E. L. Dearbrough

Plff

} In Debt.

Defts.

This day came as well the plaintiff by her attorney as the Defendant Septima P. Hale in his proper person and thereupon the said Defendant withdrawing his former plea acknowledgeth the plaintiffs action. Therefore it is considered by the Court that the plaintiff recover against the said Defendants the sum of twenty eight dollars and eight cents with legal interest thereon from the 1st day of February 1843 till paid the debt and interest in the declaration mentioned and her costs by her about her suit in this behalf expended And the said Defendants in Mercy &c.

Plffs. Costs. \$7.26.

Legally

Teste. L. R. Edwards Clerk

Hail

v: } Injin. bond 8^o

Nicholson

Clerks Office Circuit Superior Court of Law & Chancery for Southampton County.

This day Marshall Hail made oath before
me Clerk of the Court aforesaid that his estate after the payment of all his just
debts is worth the sum of sixty seven dollars & twenty 04 cents
the penalty of the within bond affixed under my hand this 19 day of August
1844.

L. R. Edwards Clk

Hail

vs. } Inj. bond &c.

Nicholson

133.68
67.36

Know all men by these presents that we Septia P Hail & Hartnell
Hail are held and firmly bound unto Margaret
G Nicholson in the just and full sum of Sixty seven Dollars & Twenty six cents
To be paid to the said Margaret G Nicholson her certain
attorney her heirs executors administrators or assigns, for the payment whereof well and
truly to be made we bind ourselves our heirs executors and administrators, jointly and
severally firmly by these presents sealed with our seals and dated this 19 day of
August 1844

The Condition of the above obligation is such that whereas
the above bound Septia P Hail hath obtained from the Judge of the Circuit Super-
ior Court of Law and Chancery for the County of Southampton an injunction to
stay until the further order of the said Court all further proceedings on a judgment
of the Court of Southampton County recovered against the said Septia P Hail
by the above named Margaret G Nicholson on the 19 day of August 1844
for the sum of Twenty eight dollars and eight cents with legal interest thereon
from the 10 day of February 1843 till paid and the costs - Now if the said
Septia P Hail shall well and truly pay and satisfy the judgment aforesaid and
also all such costs and damages as shall be awarded against him in case the
injunction aforesaid shall be dissolved, then the above obligation to be void or else to
remain in full force and virtue.

Witness

Septia P Hail Seal

Hartnell Seal

I Septia P Hail in conformity with the conditions upon which an injunction hath
been awarded me by the Judge of the Circuit Superior Court of Law and Chancery for
Southampton County to a judgment obtained against me in the County Court of South-
ampton on the 19. day of August 1844 by Margaret G Nicholson for the
sum of Twenty eight dollars and eight cents with legal interest thereon from the
10 day of February 1843 till paid and costs. do hereby release all errors at law in
the said judgment and proceedings. Given under my hand and seal this 19
day of August 1844.

Septia P. Hail Seal