

1850-007

SOUTHAMPTON COUNTY  
CHANCERY PAPERS

GHOLSON et al vs. CARY'S ADM'R.  
5/1850

other SURNAMES: Epes,  
Freeman, Stith, Turnbull,  
Claiborne, Starke, Taylor,  
Paschall, Yates, Feild,

Tholson L. {  
 21 { Bill  
 Sawyer, adms. { L.

1870 Mar. Deane as filed  
 " Apr. Report of deane  
 " May Report of deane

(Slaves)

To the Worshipful, the County Court of South-  
ampton sitting in Chancery, your complainants  
Charlotte S Gholson Benjamin F Epes and Ann  
Elizabeth his wife, George W Freeman and Ann Y  
his wife, John A Stith Robert D Turbutt and  
Sarrina his wife, <sup>D A Clayton & Family his wife</sup> Miles Starke, George Starke, George  
Taylor, Henry A Taylor, Lewis Taylor, Charlotte  
Taylor, Margaret Taylor and Sumford A Paschall  
and Cary Ann his wife - The said George Starke  
& Margaret Taylor being infants sue by their  
next friend Joseph H Cooper -

Humbly complaining  
shew unto your worships that George B Cary late  
of this County, departed this life in the month of  
February last intestate, and Thomas S Gholson  
has qualified as his administrator. The  
said George B Cary died unembarrassed and  
left perishable property, bonds &c more than  
sufficient to pay & discharge his debts - He also  
left a very large number of slaves and having  
died before 1 March, the administrator has no  
authority under the laws of this Commonwealth  
to keep the estate together, and the slaves not  
being necessary to pay debts &c the said adminr  
has signified his willingness to deliver up the  
said slaves to the distributies of the said George  
B Cary.

Your complainants shew that the said George B  
Cary left no child - no wife - no father, but one  
whole sister, one half sister, the descendants  
of two half sisters and the descendant of a whole  
sister

Your complainant Charlotte S Gholson

formerly Charlotte S Cary is that whole sister  
Your complainant Ann Y Freeman is that half  
sister, being the daughter of the said Carys  
Mother by Col Wm Gates her first husband - your  
complainant Ann Elizabeth Epes is the daughter  
of Sally Cary de<sup>d</sup> a full sister of the said George B  
Cary, who intermarried with Dr Andrew Field  
of Brunswick, by whom she had an only child  
your compe<sup>t</sup> - Your complainants John H Stith  
Lavinia Churchill, Fanny Claiborne, Miles  
Starke and George Starke are the only children  
of Nancy Cary (first married to John Stith  
and afterwards to Belfield Starke) who was a half  
sister to the said George B Cary, being the daughter  
of the said George B Carys father by his first  
marriage, and your complainants George Taylor  
Henry A Taylor, Lewis Taylor, Charlotte Taylor  
Margaret Taylor, and Cary Ann Paschall (formerly  
Taylor) are the only children of Peggy Taylor (Peggy  
Cary before her marriage) who was also a daughter  
of the said George B Carys father by <sup>his</sup> first  
marriage - and these your complainants believe  
and charge are the only distributees of the said  
George B Cary de<sup>d</sup> and they are advised that  
Charlotte S Cholsen is entitled to receive two  
sevenths of his estate, Benjamin F Epes and  
wife Ann Elizabeth to two sevenths, George W  
Freeman and wife Ann Y to one seventh,  
the children as aforesaid of Nancy Stith to one  
seventh, and the children as aforesaid of Peggy  
Taylor to one seventh - and they are further  
advised that the one seventh of the children  
of John Stith must be subdivided into five

parts, and that of the children of Peggy Taylor into  
six parts

There are about 120 slaves belonging to the estate  
of the said George B Cary de<sup>d</sup>, and one seventh  
of this number could not be so divided as to make  
five equal parts - equal in number, value and  
availability, and your complainants children of  
Nancy Stith could not hold them jointly - They  
therefore ask that they may be sold under an  
order of this Court - Your complainants children  
of Peggy Taylor desire that their one seventh  
of <sup>the</sup> slaves may be allotted to them jointly - if  
they should determine so to leave them, otherwise sold as  
the <sup>1/7</sup> of the complete children of Nancy still and directed to be  
sold -

In tender consideration of all which and for -  
as much as your complainants are without  
remedy, save in this Court where - To the End  
therefore that justice may be done they pray that  
Thos S Cholsen administrator of George B Cary de<sup>d</sup>  
may be made defendant to this Bill and true  
answer make to the allegations thereof - that your  
worships may appoint fit and proper persons

commissioners to appraise and divide the  
slaves of the late George Barclay according to the  
rights of your complainants - that the administrator  
may be ordered and directed to sell the one seventh  
part of your complainants the children of Nancy  
Stith, and divide the proceeds - He agreeing  
whilst acting as admr not to charge only such  
commissions as are allowed to commissioners making  
sales, and your complainants children of Peggy Taylor  
as aforesaid. the <sup>tax</sup> court may assign & allot  $1/7$   
part of the said slaves jointly (without any subdivision  
or sold by said court. or that the <sup>tax</sup> court may elect

and grant unto your complts such other & further  
relief as justice and equity and the nature of the case  
may dictate. And your complts as in duty bound  
will forever pray &c. May it please your worshipps  
to grant &c.

Johnson & }  
Bay, adv. }  
}

Answer of Thos. Johnson  
adv. of Geo. B. Bay

The answer of Thos J Gholson admt. of Geo B Leary decd.  
to a Bill exhibited against him in the County Court  
of Southampton by C. L. Gholson, Bay<sup>r</sup> & Esq  
and Ann Eli; with his wife and other distributees  
of Geo B Leary decd.

This respondent saying to himself &c. for answer  
to so much of said Bill as he is advised it is  
material for him to answer, says that he believes  
that it is true, that the Complainants are the  
only distributees of the late Geo. B Leary, and  
that their rights are properly stated - That it  
is also true that the 1<sup>st</sup> Geo B Leary departed this  
life before the 1<sup>st</sup> March; and that he as adm.  
does not intend to keep the estate together - having  
no authority under the law to do so - That it  
is also true to believe, that the estate is not  
embarrassed, and that the slaves will not be  
required to pay debts, and he is therefore  
willing to surrender them to the distributees  
upon the execution by them of the usual Refunding  
Bonds - He is also willing to make sale  
of any of the slaves which may be allotted  
to any of the Compt<sup>s</sup>, as adm. and charge  
therefor only such costs as are allowed to  
commissioners appointed to make sales -

and having answered &c. he prays to be hence,  
dismissed with his costs &c.

Thos J Gholson adm.  
of Geo B Leary decd.

Charlotte & Gholson, B & Eper & wife & other distributees  
of Geo. B Carey dec'd  
20  
The<sup>s</sup> & Gholson adm<sup>r</sup> of Geo. B Carey dec'd  
Marchmont  
1850  
Hecree

This cause was this day docketed by consent of  
parties, and by like consent came on to be  
heard on the Bill and answer, and was  
argued by counsel. The consideration whereof  
the Court doth adjudge, order, and decree  
that Tho<sup>s</sup> & Gholson adm<sup>r</sup> of Geo. B Carey  
dec'd do deliver <sup>the slaves of his estate in his hands</sup> to Robert Ridley, ~~and~~  
H B Vaughan, ~~James~~, Saml. Hecree, Tho<sup>s</sup> Ridley & Joseph  
H Barkaw, who are hereby appointed view<sup>r</sup>  
any three of whom may act where duty  
it shall be to appraise <sup>and divide</sup> ~~and divide~~ the said  
slaves into <sup>equal</sup> ~~equal~~ lots, having regard to value  
& number as far as may be, and lot two ~~sevenths~~  
to the Compt<sup>r</sup> Charlotte & Gholson, two ~~sevenths~~  
to the Complainants Benj. T. Eper & Anne Elizabeth  
his wife, one seventh to Geo. W. Freeman & his  
wife, one seventh to <sup>the children of</sup> Peggy  
Taylor dec'd if the Compt<sup>r</sup> the 1<sup>st</sup> children agree ~~to~~  
to take the same jointly, and set apart one  
seventh for the Compt<sup>r</sup> children of Nancy Stith dec'd  
And the Court doth <sup>further</sup> adjudge, order & decree that  
the 1<sup>st</sup> adm<sup>r</sup> Tho<sup>s</sup> & Gholson do after reasonable  
notice of time & place of sale, sell the one seventh  
so set apart for the Compt<sup>r</sup> children of Nancy  
Stith, at public Auction, and the net proceeds  
be pay one fifth part to John H Stith, one fifth  
part to R D Stumbree & Lavinia his wife, one  
fifth part to H. A. Claiborne & Fanny his wife  
one fifth part to Miles Starker, and one fifth  
part to the legally qualified Guardian of the Compt<sup>r</sup>

George Starks<sup>⊕</sup> And the S<sup>d</sup> Com<sup>rs</sup> will make  
report of their proceedings to Court, with every  
matter specially stated deemed pertinent by  
themselves, or which may be required by any  
of the parties to be so stated.

But the Compt<sup>s</sup> ~~or~~ any of them, are not to  
have the benefit of this decree until they,  
or some one for them execute to Tho<sup>s</sup> & Gholson  
adv<sup>s</sup> of Geo. B. Gay adv<sup>s</sup> refunding bonds in  
penalty <sup>value</sup> double the ~~amount~~ of the slaves allotted to  
them respectively, and conditioned according  
to Law

⊕ and if the Compt<sup>s</sup> children of Peggy do not total them one seventh  
jointly, but desire a sale thereof, then the S<sup>d</sup> adv<sup>s</sup> is directed to sell  
1<sup>st</sup> one seventh of 1<sup>st</sup> Slaves as he is directed to sell those of the Compt<sup>s</sup>  
children of Nancy Still, and the net proceeds & Com<sup>rs</sup> ~~shall~~  
will divide according to the rights of the parties

Southampton Co. Court  
March Term  
Gholson & others 1850  
Decree  
Bayly adv<sup>s</sup>

Charlotte S Gholson, B F Epes wife & others  
administrators of George B Cary dec'd

March Court  
1850

Thos S Gholson admr of George B Cary dec'd } Decree.

This cause was this day docketed by consent of parties and by like consent came on to be heard on the Bill and Answer, and was argued by counsel. On consideration whereof the Court doth adjudge, order and decree that Thos S Gholson admr of George B Cary dec'd do deliver the slaves of his intestate in his hands to Robert Ridley ~~and~~ Joseph H Barham, <sup>Wm J P Vaughan</sup> ~~Wm J P Vaughan~~ Samuel Drewry and Thomas Ridley, who are hereby appointed commissioners, any three of whom may act, whose duty it shall be to appraise and divide the said slaves into seven equal lots, having regard to value and number as far as may be, and <sup>at</sup> lot two sevenths to the complainants Charlotte S Gholson, two sevenths to the complainants Benjamin F Epes and Anne Elizabeth his wife, one seventh to George W Freeman and Ann G his wife, one seventh to the children of Peggy Tayler dec'd, <sup>said</sup> if the complainants <sup>if they</sup> children agree ~~may~~ to take the same jointly, and set apart ~~one~~ seventh for the complainants children of Nancy Stith dec'd - and the Court doth further adjudge order and decree that the said admr Thos S Gholson do, after reasonable notice of the the time and place of sale, sell the one seventh so set apart for the complainants children of Nancy Stith at public auction, and of the nett proceeds he pay one fifth to John H Stith, one fifth to R D Lumbrell & Savinia his wife, one fifth to D A Claiborne & Fanny his wife, one

to Miles Starke, and one fifth to the legally  
qualified Guardian of the complainant George  
Starke <sup>①</sup> And the said commissioners will make  
report of their proceedings to Court, with any  
matter specially stated deemed pertinent by  
themselves, or which may be required by any  
of the parties to be so stated

But the complainants, or any of them, are not  
to have the benefit of this decree, until they  
or some one for them execute to Thos S Gholson  
adm<sup>r</sup> of George B Cury de<sup>d</sup> refunding bonds  
in penalties double the value of the slaves  
allotted to them respectively, and conditioned  
according to law.

A Copy

Test. J R Edwards 68

① and if the complete children of th. P. Peggy Taylor do not take  
their one seventh jointly, but desire a sale thereof, then  
the P. adm<sup>r</sup> is directed to sell th. P. off of P. slaves  
as he is directed to sell those of the complete children  
of Nancy Stith, and the net proceeds the said  
estate will divide according to the rights of the parties

A Copy

Test. J R Edwards 68

John A. } Decree  
Camp, adw }

1830 April Term

Shohon &  
Cary's adv. } Decree

This cause came on this day to be again heard on the paper formerly read and on the report of the court appointed to divide the slaves in the proceedings mentioned, and was argued by counsel. On consideration whereof the court ~~with~~ confirming and affirming the report to which there is no exception, doth add a order and decree that the division of the slaves reported be firm and binding between the parties and that the costs of this suit be paid equally by the parties.

Ghoran

2

Campy. ed.

Rept. of T. S. Ghoran

Apr. 1858

John d. <sup>27</sup> ~~Decr~~ May Term 1850  
Nancy add. d

By consent of parties so much  
of the decree rendered in this cause at the  
last term as decreed costs is set aside, and  
when after this cause came on again to  
be heard this day on the paper formerly  
read, and on the report of Thos. S. Holson  
who was ordered to see the slaves allotted  
to the distributors of Nancy Stick, to  
which report there is no exception, and  
was argued by counsel - On consideration  
whereof the court approving and con-  
firming S. Report, and it appearing  
that the S. Holson has paid to the several  
distributors their proportions of the  
sales of the S. Slaves as may be seen  
by their receipts endorsed on S. Report  
and this cause being thus at an  
end, the court doth adduce order  
and decree that the costs of the  
same be equally born by the parties.

A List of the Slaves belonging to the Estate of George B. Canby decd.; their valuation and division.

| Lot No. 1.              |     | Lot No. 4. continued        |     |
|-------------------------|-----|-----------------------------|-----|
| Ephraim                 | 425 | Isaac                       | 125 |
| Winney & three Children | 750 | Charlotte                   | 100 |
| Lewis                   | 400 | \$5925                      |     |
| Kizzy                   | 350 | Containing 18 Slaves &      |     |
| Amos                    | 650 | drawn by Mrs C. L. Gholson. |     |
| Malby                   | 425 | Lot No. 2.                  |     |
| William                 | 400 | McKinson                    | 700 |
| Hannah                  | 500 | June & 3 children           | 800 |
| Henry                   | 500 | Charles                     | 400 |
| Cornelius               | 200 | Judy                        | 600 |
| Susan                   | 350 | Isaac                       | 675 |
| Maroats                 | 25  | Ridley                      | 500 |
| \$5975                  |     | Jeff                        | 450 |
| Containing 15 Slaves, & |     | Becky                       | 525 |
| drawn by Mr. C. L.      |     | Jeff Gray                   | 550 |
| Gholson                 |     | Bob & Betty                 | 100 |
| Lot No. 4               |     | Abram                       | 75  |
| Benjamin                | 675 | Vinah                       | 300 |
| Rhoda & 4 Children      | 950 | \$5675                      |     |
| Dick                    | 675 | Containing 16 Slaves &      |     |
| Louisa & child          | 550 | drawn by D. B. F. Eppes     |     |
| Polly                   | 550 | No. 7.                      |     |
| Arnold                  | 400 | Bob (Young)                 | 675 |
| Alexander               | 200 | Fanny & 3 Children          | 800 |
| James                   | 400 | Gauzy                       | 700 |
| Jack                    | 650 | Patience & 2 Children       | 700 |
| Harry                   | 350 | Tom.                        | 350 |
| Jincey                  | 300 | James.                      | 300 |
|                         |     | Jack                        | 300 |
|                         |     | Nancy.                      | 450 |
|                         |     | continued                   |     |

|                                  |      |                               |      |
|----------------------------------|------|-------------------------------|------|
| Albert -                         | 550  | Mulda                         | 50   |
| China                            | 250  | Merritt                       | 50   |
| Mathew                           | 150  | Containing 17. negroes.       | 5450 |
| Winnery & Julia                  | 200  | Belonging to Geo. W. Freeman  |      |
| Dred                             | 500  | and wife                      |      |
| Containing 20 negroes            | 5625 |                               |      |
| Drawn by D. Epper & wife         |      | Lot. No 3.                    | 475  |
| Harris is in this lot. and it    |      | Jackson                       |      |
| must. receive \$100. for keeping |      | Faitha and 3. children        | 1000 |
| him                              |      | Andrew                        | 600  |
| 105.                             | 650  | Laura.                        | 530  |
| Ben                              | 175  | Simpson.                      | 550  |
| George                           |      | Berry.                        | 375  |
| Joanna and 3 children            | 1000 | Thorsen.                      | 400  |
| Pelsy & child                    | 700  | Mary.                         | 570  |
| Jepse                            | 577  | Naniel                        | 500  |
| Charles                          | 300  | Mahilda                       | 250  |
| London.                          | 350  | Isaiah                        | 130  |
| Ellen                            | 500  | Willis                        | 50   |
| Isaham                           | 500  | Containing 13. negroes.       | 5810 |
| Sampson & Mima                   | 350  | Belonging to the distributors |      |
| Moses.                           | 75   | of Mrs Nancy. Starke          |      |
| Vina.                            | 200  |                               |      |
| Containing 17. negroes.          | 5800 |                               |      |
| Belonging to the distributors    |      |                               |      |
| of Mrs Peggy Taylor.             |      |                               |      |
| Lot. no 6.                       |      |                               |      |
| Milton                           | 475  |                               |      |
| Ellen & 3. children              | 1000 |                               |      |
| Herbert.                         | 475  |                               |      |
| Cynthia & 2 children.            | 700  |                               |      |
| Estmay                           | 450  |                               |      |
| Isaac.                           | 350  |                               |      |
| Hamilton                         | 450  |                               |      |
| Aray                             | 475  |                               |      |
| Charles, Mary                    | 350  |                               |      |
| Harriet                          | 225  |                               |      |

The undersigned commissioners appointed by a decree of the County Court of So. Ampton a Copy of which is hereby annexed have proceeded to discharge the duty assigned to them and submit the following report:

There were 121. Slaves. - Peter at the price of \$500 was with consent. and at the request of the parties delivered to Robt. Ridley and that sum (\$500) brought into the division, Edmond at the price of \$100 was in like manner delivered to Saml. Drury. and that sum brought into the division and Jesse Edmond, was not brought into the division at all, the parties desiring that he should not be

The 120. Slaves thus valued amounted to the sum of \$40860. from which the charging of keeping an old man Harris - to wit: \$100 must be deducted leaving the sum of \$40760, for distribution. The valuation of 118. may be seen on the foregoing pages. The amount of each 1/7. was \$58.22.85. They then assigned by lot. no 1. and no. 4. to Mrs Charlotte L. Holson they amounted to \$11900 she being entitled to 2/7. must. therefore pay \$5450 They in like manner assigned to B. F. Epper and wife lot. no 3. & lot. no 7. They amounted to 11300. and they must receive in money \$45.70 <sup>for Harris</sup> placed in lot. no 7. and they in like manner assigned to Geo. W. Freeman's wife lot. no. 5, amounting to \$450 & they must receive \$372.85. and they assigned in like manner to the distributors of Nancy Stith no 3. amounting to \$5810. and they must receive \$12.85. and they assigned in like manner to Mrs Peggy Taylor. lot. no 5. amounting to \$5800 and they must receive \$25.85

Valuation of 118. Slaves. \$40.260.  
Add price of Peter 500  
Add price of Edmond 100.  
Lot. no. 2 & 7. D. Epper & wife has recd. \$40.860  
the sum of \$11300 to receive \$45.70  
lot. no 6. Mrs Freeman \$450. to receive.

continued

372.35-  
718.55-

amt.

|                                              |                |
|----------------------------------------------|----------------|
| amt. brought forward                         | 718.50         |
| Lot. No 1. Mr Taylor. 5.800. and to receive  | 22.83          |
| Lot. No 3. Mrs Clarke. 5.800. and to receive | 12.83          |
| add amt. of keeping Basin                    | 734.25         |
| amount to be paid                            | 150            |
|                                              | <u>8.54.25</u> |

|                          |                |
|--------------------------|----------------|
| Mean to pay with         |                |
| amt. due from Mr Holroyd | 254.30         |
| Sale of Peter.           | 500. —         |
| Sale of Edmond           | 100. —         |
| amt. to balance          | <u>8.54.30</u> |
|                          | 524            |

Thus showing that the matter process itself with the exception of  
 150. which difference is the result of fractions  
 The Commissioners further report that the several balances  
 above mentioned are settled by the parties so that no decree  
 is necessary in respect thereof,  
 all of which is respectfully submitted

No. Ridley  
 J. H. Barkham  
 Tho. Ridley  
 Henry B. Barkham  
 Saml. Greeny

137  
 20  
250  
 107

1162 — 3486  
 502  
 3986  
 2252  
1162  
 1766  
 3486  
1680  
 4236

Children of  
Mary & Starks

Report of  
Wm. S. Nichols

1850 May 1st

Glover & Co.

M.

Cary's adm<sup>r</sup>.

The undersigned in obedience to a decree of the County Court of Southampton pronounced at March Term 1852, in the above named suit, proceeded to sell the slaves allotted to the distributees of Nancy Smith on the 21<sup>st</sup> March 1852, & beg leave to submit the following report—

|                                      |           |
|--------------------------------------|-----------|
| Jackson sold to Henry Davis at       | \$705.00  |
| Freithy & 3 children " J. A. Barr .. | 905.00    |
| Andrew .. " do. do ..                | 605.00    |
| Laura .. " do. do ..                 | 540.00    |
| Simpson .. " H. D. Moore ..          | 575.00    |
| Berry .. " do. do ..                 | 375.00    |
| Shanker .. " Henry Davis ..          | 585.00    |
| Mary .. " J. A. Barr ..              | 495.00    |
| Matilda .. " Wren Zisdale ..         | 530.00    |
| Leaniel .. " do. do ..               | 525.00    |
| Isiah .. " L. A. Paschal ..          | 250.00    |
| Willis .. " J. H. Smith ..           | 20.00     |
| Total ant. sales                     | \$5120.00 |

Deduct expenses—

Com<sup>pt</sup> ..  
on 1<sup>st</sup> of 300, \$15.  
on bal<sup>ce</sup> .. 116.40  
\$131.40  
\$5988.60

amt. but over, being nett amt. sales \$5988.60  
There are five distributees & the share  
of each is therefore —  $\frac{1}{5}$  1197.72

which amt. the undersigned has paid  
to the distributees, as may be seen by  
their receipts, written on the next page.

all which is respectfully  
Submitted

Thos S Gholson atty.  
of Geo B Leary

Mr Thos S Gholson

Petersburg April 15. 1850

Will please hand Mr Cooper  
the amount due me from the Estate of George  
B Leary. as I have not been able to see you myself,

and oblige

Yours &c

Amos K Harris

1850 March 21<sup>st</sup> Rec<sup>d</sup> of Tho. S. Gholson ad<sup>r</sup> Geo. B. Cary, the sum of Eleven hundred & Ninety seven dollars & twenty two cents, being the share of my wife ~~Lavinia~~ <sup>Lavinia</sup>, according to the foregoing report. also rec<sup>d</sup>. R. D. Turnbull  
two dollars & 57 cts. my share of the \$12.85 due according to comrs. report.

1850 March 21<sup>st</sup> Rec<sup>d</sup> of Tho. S. Gholson ad<sup>r</sup> Geo. B. Cary the sum of Eleven hundred & ninety seven dollars & twenty two cents, being the share of my wife ~~Hanney~~ <sup>Hanney</sup>, according to the foregoing report. also rec<sup>d</sup>. two dollars & 57 cts. my share of the \$12.85 due according to comrs. report. J. A. Claiborne

22 March 1850 Rec<sup>d</sup> my part in same manner. John H. Smith

Rec<sup>d</sup> March 26 1850 the same amt \$1197.92 & \$82.88 - in all \$1200.29 being the share of my ward George Stark  
J. H. Cooper Guard  
for Geo. B. Stark

By Virtue of the annexed order I have received for Miles H. Stark I have received 29/100 Dollars in full  
\$1200.29  
J. H. Cooper  
for M. H. Stark  
Apr. 24<sup>th</sup> 1850