

1818-17

SOUTHAMPTON COUNTY
CHANCERY PAPERS

RIVERS vs FITZHUGH

1/1818

other surnames, Nicholson

Revised 3rd In Chancery
1818
Revised and approved

March 1817 - Int. Secs

1818 Lang. Report not yet

To the worshipful Court of Southampton in
Chancery sitting - Humbly complaining shew

unto your worships your orators John Rivers and Robert
Rivers an infant by his next friend

That their father John Rivers late of this County died
sometime in the year having made and published
his last will and testament on the 24th of January
in the year 1804 which was duly proved and admitted
to record at the May Session of this Court in the
same year which will fully appear by referring to
an attested copy of said last will and testament and
the Certificate of probat hereto annexed and
prayed to be considered as a part of this bill. That
Nancy Rivers the widow of the said John being appoin-
ted executrix in the will aforesaid, took upon herself
the burden of the execution of the same, and acted
in that capacity until the period of her death
which happened in the year. That after the death
of the said Nancy Rivers a certain John Nicholson
who had intermarried with Esther one of the children
of the said John Rivers did become the administrator
of the said John Rivers and became the administrator
and has become administrator of Nancy Rivers -
for all her estate now with the will annexed and in
that character still continues to act. It was
seen by an inspection of the will, that the testator
after leaving to his wife Nancy Rivers all his
estate, after the payment of his debts, for the
purpose of raising and educating his children
makes the following request: "My desire further

"is that my beloved wife Nancy Rivers disposed of all
 "my personal estate amongst my children (to wit)
 "Edith, John, William, and Robert when they many
 "or come to the age of twenty one years, as she may
 "think proper, for their benefit" - William the child
 mentioned in the clause quoted as above died an
 infant and unmarried. The Executors Nancy Rivers
 never made any disposition of the estate therein
 mentioned, which at this time consists of nineteen
 slaves of all descriptions and are in the possession
 of the before mentioned John Nicholson. And
 the testator left another child besides the four
 enumerated in the above recited clause to
^{and William died under 21 years of age without issue and before the death of the mother the}
^{said, Charlotte Fitzhugh} your orators would
 appear to this Court under these circumstances
 to put to rest contending claims in relation
 to these slaves and to effect a division
 of them according to the rights of the parties.
 They therefore pray that the said Charlotte
 Fitzhugh and the said John Nicholson
 and his wife Edith, and the said John
 Nicholson ^{and adm^r of Nancy Rivers} as aforesaid of the said John
 Rivers and may be made defendants to this
 their bill of Complaint and be compelled to
 answer all and avowal the allegations herein
 contained fully and unequivocally. They further
 pray that this Court would decree a division
 of the slaves aforesaid among the parties
 entitled, and that they would make any other
 or further decree or order which the case may
 require and they will ever pray &c.

John Rivers -

To the worshipful Court of Lunenburg sitting in
 Chancery. The answers of John Nicholson and
 Edith his wife and the said John Nicholson and
 deems now with the will annexed of John Rivers
 and to the bill of Complaint exhibited against them
 and Charlotte Fitzhugh by John Rivers and Robert
 Rivers an infant by his next friends

This Respondent now and at all times
 saving and reserving themselves every ^{benefit} of
 exception to any error or imperfections in the com-
 -plaints here contained for answer thereto, or to
 answer thereof as they are advised is material
 and necessary for them to make answer unto
 answering say: That they cannot deny the alle-
 -gations of the Complainants, and in case it
 should be the opinion of the Court that the
 defendant Charlotte Fitzhugh is entitled to any
 portion of the estate slaves aforesaid in any way
 of the death of the child William, they shall
 cheerfully abide by the decision of the Court
 These respondents having answered pray that the
 same be dismissed &c. - John Nicholson

Fitzhugh
adv 3 In
Rivers 3 Chy

Answer -

To the honorable Court of Southampton in Chancery
sitting - The separate answer of Charlotte Fitzhugh
to the Bill of Complaint exhibited against John Nicholson
and Edith his wife and the said John Nicholson
admiral de la Cour with the vice admirals of John
Peters and ^{and admiral of the navy} ~~and~~ John Rivers and Robert
Rivers an infant by his next friend Howard Nicholson
Rivers

This Respondent now and at all times
saying and reserving to herself every benefit of exception
to any errors or imperfections in the Complaints
bills contained, for answer thereto, or to as much
thereof as he is advised is material and necessary
for her to answer, answering, saith. That she
believes the facts in the Complaints bills and
truly stated, and she cheerfully submits the
question of law to the judgment of this honorable
Court. This Respondent having answered
may take her case as dismissed. Ye - ~~Charlotte Fitzhugh~~
Charlotte Fitzhugh

Rivers

Rivers and Co

Rough Decade

Rivers

Plffs

In Chancery

Rivers v. Defts

Defts

This cause was this day docketed by court officers and a part of the Court and was heard on the bill answers, exhibits and arguments of counsel, whereupon and after due consideration thereof had the Court

doth advise order and decree that James Tillar Joseph Gilliam, Isaac Randall, James Harris John Primer, Edward Reed, Robert Key, and John Mapenburg Sen. or any three of them do divide the slaves in the possession of the said John Nicholson as the said de bnis men with the will annexed of John Nicholson into four equal parts having regard to their value that they allot to each of the complainants one equal fourth part and to the defendants John Nicholson and his wife in right of his wife Edith one fourth part. That they divide the other fourth part into four equal parts having regard to value. and allot one equal fourth part to each of the complainants, John Rivers and Robert Reed one equal fourth part to the defendants John Nicholson and his wife Edith in right of his wife. and the remaining fourth part to Charlotte H. H. - And it is further ordered that they or such of them as may act do make a report

of their proceedings herein, to this Court in
order to a final decree -

* That they divide the remaining fourth part into ~~four~~ ^{into} equal
parts, assign to each of the complainants one equal fifth part
to the defendant Charles F. Fitch one equal fifth part
to the defendant John Nicholson adm^r delon's mon with
the will annexed of John Rums ^{one equal fifth part} and the remaining
equal fifth part to John Nicholson adm^r of Nancy
Rums -

Decree

Rums adm^r &c

Percept Decree

~~Mr. Rogers~~
Director of
Estate

January 19th 1818
Recd. "Post"

Agreeable to a decree of the worshipful Court of the County
of southampton, bearing date March 1817 to us directed and
in pursuance thereof; We have divided the ~~Estate~~ of John Rivers
dec^d as directed, in the following manner —

To John Rivers, Edw. Sukey, Cesar, Tom & Sam at \$ 1725
To John Nicholson, Allen, Grace & White, Maria & Allen Jr^a. 1700
To Robert Rivers, Willis, Sylvia & White, Lucy and Sal, — @ 1725
And the remaining fourth (being five Shares) into five parts in
the following manner — To John Rivers, Venus @ \$ 450
" Robert Rivers Sam^r dec^d @ 550
" Charlotte Fitzhugh, Frances, @ 100
" John Nicholson, Harry, @ 300
and To John Nicholson as Adm^r of
Nancy Rivers Dec^d, James, @ 250

To Equalize the above division We have further agreed that
Robert Rivers do pay to Charlotte Fitzhugh \$200. John
Rivers to pay her \$30 and John Rivers to pay to Jn^r
Nicholson adm^r of Nancy Rivers Dec^d \$80 and Robert
Rivers to pay him 10 dollars — And John Rivers to pay
John Nicholson 25 Dollars and Robert Rivers 15 Dollars
Each share being 340 Dollars — Including 50
Dollars due from John & Robert Rivers on the first
Division — Given under our hands this 26th
day of December 1817 —

Jⁿ. Masfouberg

James Liller

Isaac Bendall