

1831-1820

SOUTHAMPTON COUNTY
CHANCERY PAPERS

NEWSUM et al VS. NEWSUM et al

other Surnames: Myrick,
Powell, Pair, Parr, Neusum,
Murdaugh, Summerell, Powel

Assessors & others

} In Chy. Dile

Assessors & others

1831. North Bill filed & one of Sarah New-
son filed & rep. thereto by Or. P. & Nathl. Newson
to 8. m. & wife sp^d up to March Ct. next

Do. also sp^d in Parr v. wife & child to
be let. directed to shff Madison

Nov. Decree as filed. 8th

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

Humbly complaining shew unto your worship, your Com-
-plainant George A. W. Neusum, in his own right, and as admr. of
Hervey, Neusum dec^d. and James, ^{J. Neusum administrator} ~~Clayton Sheriff and Committee of~~
~~the estate~~ of James B. Neusum dec^d. That in obedience, to an order
of this Court, made at December Term 1815, certain commissions
allotted to Sarah Neusum for and during her natural life
two negro slaves named Hardy and Winney as her share of
negro slaves of her late husband Batham Neusum dec^d. all which
will more fully appear by a copy of the Commissioner's report
herewith exhibited as part of this Bill. That the said Batham
Neusum died intestate, leaving nine children, by name, David,
Cynthia, John, Elizabeth, James B., Nathaniel, Hervey, George A.
and Ann Mary - that David had died previously to the allo-
-ment of slaves, having by will given his mother his $\frac{1}{2}$ th part of
the reversion of said slaves. That John had also died before the
partition, which his $\frac{1}{9}$ th part was distributable amongst his
said mother, and seven surviving brothers and sisters. That the
said Hervey, in his lifetime, purchased from George A. W. Neusum
his child's share of the reversion, & his share of John's part, i.e.
 $\frac{1}{9}$ th of the whole, and $\frac{1}{8}$ th of $\frac{1}{9}$ th that he also purchased from
Sarah Neusum, her interest in the same, which was $\frac{1}{9}$ th by devise
from her son David, and $\frac{1}{8}$ th of $\frac{1}{9}$ th from her son John. That
also purchased from John Myrick (of Owen) who had intermarried
with Elizabeth Neusum, her interest in said reversion, which is
the same, that is, $\frac{1}{9}$ th of the whole & $\frac{1}{8}$ of $\frac{1}{9}$, and he was himself

entitled to the same interest, which, in the whole, amounted to $\frac{4}{9}$ of the whole & $\frac{4}{9}$ of $\frac{1}{9}$ which was equal to one half of the whole. That on the 12th day of February in the year 1830, your Orator, purchased at Sheriff's sale, held by the Sheriff of the County of Erie, under an Execution, all the reversionary interests of the said Hervey Neesum, in the said Slaves, Hardy, and Winney & her five children, Maria, Charlotte, Ned, Rockelle, and Malvina, as will appear by the receipt of James Murdaugh Deft. of J. Summerville Sheriff, herewith exhibited as part of this Bill: that the said Sarah Neesum is willing and desirous to relinquish her life interest in the said negro slaves, so that the same are now liable to distribution in the same manner as if she were dead.

That your Orator George A. M. Neesum, is entitled to one half, of. Orator James ^{J. Neesum} ~~Neasum~~ ^{adm'r} as Executor of James B. Neesum's Estate, is entitled to $\frac{1}{9}$ & to $\frac{1}{8}$ of $\frac{1}{9}$. That Nathl. Neesum, who resides in the State of Tennessee, is entitled to the same, that Cadet Powell and Cynthia his wife, ^{who live in North Carolina,} in her right, are entitled to a like interest, and John Pair and Ann Mary his wife, in her right, are entitled to the residue. That the said negroes, consist of one man, one woman, and five children, which it is believed impossible to divide in kind. That a sale must be had, in order to an equitable division. But this cannot be had, without the aid of a Court of Equity. In tender consideration of the premises, and forasmuch as y^r. Compt^y are remediless at Law, and only relievable in Equity, To the end that the said Sarah Neesum, Elizabeth Myrick widow

of John Myrick (of Owen) ad^r., the said John Pair and Ann Mary his wife, the said Nathaniel and the said Cadet Powell and Cynthia his wife may be made Defendants hereto and compelled to answer the allegations, the plaintiffs pray the Com^t. writ of Sp^e. against the Defendants who live within the State, and the usual order of publication against the said Nathaniel, & Powell & wife. that your worships will decree a sale and division of the proceeds of said negro slaves, or a division in kind if to be effected amongst the several parties agreeably to their respective rights and grant the plaintiffs such other and general relief as may be consistent with Equity, and as in duty bound, they will ever pray &c.

Mayors for plts.

The separate answer of Sarah Neesum, widow and relict of James Neesum dec^d. to the foregoing Bill of Complaint is as follows, saying &c. for answer to the said Bill, saying that she admits the sale & transfer of her interests in reversion in the Slaves held by her in donor, devised by devise from David, & descent from John Neesum, to her son Hervey. She also admits that she is willing to surrender her dower in the same, & that this answer may be considered an entire surrender of her life estate, & having answered she prays to be dismissed hence &c.

Sarah Neesum

Bessel.

Filed November 1831

+

George A. W. Newsum, & others —
against.

Sarah Newsum & others.

Plffs

In Chy.

Defds.

This cause ~~this day~~ came on for hearing —
And it appearing to the satisfaction of the Court
that the order of publication made in this behalf
hath been duly executed, and that Cader Pouelle
hath departed this life; the said Pile ^{is as to} hath been
then taken for confessed: And on consideration thereof
of the Pile, exhibits and argument of Counsel,
On consideration whereof, the Court doth adjudge, order,
and decree, that Alex. P. Pette, Hardy Harris, and
Edwin Pettway, or any two of them do, after adverti-
= zing the time and place of sale for two days, sell
the negro slaves in the Pile mentioned, to wit, Hardy
and Winney, and her five children Maria, Charlotte,
Ard, Rockelle, and Malvina, and their future in-
= crease, on a credit of 12 months, taking bonds
with security of the purchaser, in such sums as
to transfer to the Plffs George A. W. Newsum,
one half of the entire purchase money, one
ninth & one eighth of one ninth to James I
Newsum as admr. of James B. Newsum dec'd? the
same proportion to Nathl. Newsum, and the same
to Cynthia wife of Cader Pouelle dec'd?
And how they shall have acted in the premises
make report to this Court in order to a final
decree.

^c
Neusum &

23 Spruichy

Neusum &

To March Court 1831

Mr. Executed on Elizabeth
Spruich;

John Pair vidum Mary his wife
Wm. Neusum Cadon Powell
& Catherine his wife indint.
Jas. H. Schell & Co
Clements Schell & Co

The Commonwealth of Virginia to the Sheriff of Southampton County Greeting
We command you to Summon Elizabeth Myrick widow of John Myrick (decd.)
John Pair and Ann Mary his wife, Nathaniel Mussum and Cader Porrell and
Catharine his wife to appear before the Justice of our County Court of Southampton at
the Court house on the first day of March Term next to answer a bill exhibited
against them and another in said Court by George A. W. Mussum in his own right
and as administrator of Hervey Mussum decd. and James S. Mussum administrator of James B.
Mussum decd. And unless the said defendants shall answer the said bill within
four months thereafter, the Court will take the same for confessed and decree the
matter thereof accordingly. And this they shall in no wise omit under the penalty
of \$100 each And have there there this writ. Witness James Rochelle clerk
of our said Court at his Office the 3^d day of January 1831 in the 54th year of
the Commonwealth.

James Rochelle clerk

Executed the 10th Aug^r 1831

J. Mott a p^y of
H. Carver Shff

b.b.

Newsam et al

vs { Sp^a. in Chy.

Jarr & Life

To August Court 1831

The Shff will serve each of
the debts. with a copy. and
note in his return the time of
executing this process.

The Commonwealth of Virginia to the Sheriff of Sussex County Greeting
We command you to Summon John Parr and Ann Mary his wife to
appear before the Justices of our County Court of Southampton at the Court-
house on the first day of August Court next to answer a bill exhibited
against them and others in the said Court by George A. W. Newsom in
his own right and as administrator of Hervey Newsom dec^d and James S
Newsom adm^r of James B Newsom dec^d. And unless the said defendants
shall answer the said bill within four months thereafter, the Court will
take the same for confessed; ^{as to them} and decree the matter thereof accordingly.
And this they shall in no wise omit under the penalty of \$100. And have
then there this writ. Witness James Rochelle clerk of our said Court at
the Courthouse the 6th day of June 1831 in the 5th year of the Common-
wealth.

James Rochelle cl^k

John.
Cyathus.

Statement. for

Mr. G. A. M. Mearns.

Hervey Newsum was entitled as his one of his

father's distributives in reversion to $\frac{1}{9}$ th of the downstock = $\frac{1}{9}$

and as one of the surviving brothers of John Newsum to $\frac{1}{8}$ of $\frac{1}{9}$

by purchase from Geo. A. N. Newsum to the same. $\frac{1}{9}$

by purchase from Sarah Newsum — $\frac{1}{8}$ of $\frac{1}{9}$.

$\frac{1}{9}$

by purchase from John Myrick to the same. $\frac{1}{8}$ of $\frac{1}{9}$

$\frac{1}{9}$.

$\frac{1}{8}$ of $\frac{1}{9}$.

George A. N. Newsum, by purchase at the Sheriff's sale, became entitled to these respective portions, that is.

to

$\frac{4}{9}$ ^{ths} of the whole.

& to

$\frac{4}{8}$ ^{ths} of $\frac{1}{9}$ th of the whole.

which is equal to $\frac{1}{2}$ of the whole estate, in reversion.

J. P. Mason

May 24th 1830.

AT RULES.

Holden in the clerk's office of the county court of Southampton, on the 3d day of January, 1831.

George A. W. Newsum, in his own right, and as administrator of Hervey Newsum, dec and James J. Newsum, administrator of James B. Newsum, dec Pliffs against Sarah Newsum, widow and relict of Barham Newsum, dec; Elizabeth Myrick, widow of John Myrick (of Owen), dec. John Parr, and Ann Mary his wife, Nathaniel Newsum and Cader Powell, and Cynthia his wife. Dfts.—*In Chancery*

THE defendants, Nathaniel Newsum, and Cader Powell, and Cynthia his wife, not having entered their appearance, and given security according to the act of assembly and the rules of this court; and it appearing by satisfactory evidence, that they are not inhabitants of this country, it is ordered, that the said defendants do appear here on the first day of March court next, and answer the bill of the plaintiffs; and that a copy of this order be forthwith inserted in some newspaper published in the town of Petersburg, for two months successively, and posted at the front door of the courthouse of this county.

A copy, testc,
Jan 15th L. R. EDWARDS, d. c.

Town of Petersburg, Va. 18th

This day Nathl. O. Blake personally appeared before the undersigned a Justice of the Peace for the Town aforesaid, and made oath that the above order of Publication was published for two months successively in the "Old Dominion" Newspaper published in the Town of Petersburg, given under my hand, this 18th day of June 1831

By
J. M. Maggellan

Sh/ rect for negro
bought 1830

February 12th 1830

Received of George, A. W. Newson the sum of fifty dollars being the amount paid by him for the interest held & proposed by the late Henry Newson in the following slaves: Winney (a negro woman) and her five children to wit Maria, Charlotte, et al, Rochelle, & Malvina, sold (subject to the life right of Sally Newson) to satisfy an execution in favour of James McGrick (curator of Joseph Harris deceased) against the Estate of said Henry Newson deceased.

Also received of George A. W. Newson five dollars for the interest held & proposed by the said Henry Newson ~~two~~ a negro man of the name of Hardy sold (subject in like manner to the life right of Sally Newson) to satisfy an execution in favour of James McGrick (curator of Joseph Harris deceased) against the Estate of said Henry Newson deceased.

John W. Miller
John Drury

James Munday D.
Silas Linn Russell Esq

Neosum

is 3 Copy done of

Neosum

$\frac{1}{2}$ of Winney children in the sample

Southampton December Court 1815.

Sarah Newsom Widow and Relict of Bartham Newsom dec^d. Compt^g
against

In Chancery

James B Newsom, John Myrick (of Orr) and Elizabeth his wife,
Cader Porrell and Cynthia his wife, and Nathaniel Newsom and
Harvey Newsom, George A W Newsom and Anne Mary Newsom
infant children of said Bartham Newsom dec^d. by the said Nath^l
Newsom appointed by the Court their next friend to defend them in
this behalf. Defendants

This cause being this day docketed by consent of the parties and agent
of the Court, came on to be heard on the bill, answer and exhibits and arguments
of Counsel whereupon and upon due consideration thereof had the Court doth
adjudge order and decree that John Nicholas, Horrell Nicholas, Isaac Wendall
and Randolph Newsom or any three of them do assign to the Complainant
Sarah Newsom one third of the following Slaves Hannah, Hardy, Lucy-
Winney, Patty and Allen of which Bartham Newsom did possess having
regard to their value for and during the term of her natural life as and for
her dower in the same. And it is further ordered and decreed that the
aforesaid persons or any three of them after giving reasonable public notice
of the time and place of sale do expose the balance of the aforesaid Slaves
which may remain after the assignment of dower in them to the Complainant
Sarah Newsom to public auction on a credit of twelve months and they do
divide the proceeds of the sale in the following manner Taking bonds with
approved security for the payment of each respective sum and assign them
to the parties or their Guardian. To the Complainant Sarah Newsom one
ninth part and one eighth of one ninth part. To each of the defendants James
B Newsom, John Myrick (of Orr) and his wife Elizabeth in right of his said
wife Elizabeth, Cader Porrell and his wife Cynthia in right of his said wife
Cynthia, Nathaniel Newsom, Harvey Newsom, George A W Newsom and
Anne Mary Newsom one ninth part and one eighth part of one ninth part
and that they make a report to the Court in order to a final decree.

Attest
James Rochelle Clk

The valuation of negroes belonging to the Estate of Bartham Newsom dec^d.
2^d Jan^y 1816

Hannah	Hardy to the Widow	\$400	\$400:00
Lucy	\$300. Winney to the Widow (say 150)	\$300	600:00
Patty	300 Allen	\$350	650:00
To the Widows dower Sarah Newsom			<u>1650:00</u>
			550:—

The Terms of Sale

A credit of twelve months will be allowed the purchasers by giving bond and approved security to the Commissioners; The purchaser or purchasers will give as many bonds as is necessary to make an equal division between the legates

The amount of sales of the negroes belonging to the estate of Barham Newsum dec'd

Hannah for keeping for life	To Sarah Newsum	\$80.	
Lucy	To Nathaniel Newsum	\$290	-
Polly	To Sarah Newsum	321	-
Allen	To D ^o	455	-
To a balance due from the Widow to the Orphans from the appraisement of Hardy & Winney		106 6	
		150	
		\$1216	..
To paid Sarah Newsum for keeping of old woman Hannah for life		\$80:00	
To allowing Physicians for attending of John Newsum in time of his illness		40:00	
To paid James Stewart for drawing a bill of answer		10:00	130:00
To paid Sarah Newsum 1/9 part of			1086:00
Say David Newsum 1/9		\$120:66 2/3	
To paid Sarah Newsum 1/8 of John Newsum part		15:08 1/2	135:75
			950:25
Assigned to John Myrick in right of his wife Elizabeth late Elizabeth Newsum 1/7		\$950:25	
To to Cader Powell in right of his wife Cynthia late Cynthia Newsum 1/7		135:75	
To to James B Newsum 1/7		135:75	
To to Nath ^l Newsum 1/7		135:75	
To to Harvey Newsum 1/7		135:75	
To to George A W Newsum 1/7		135:75	
To to Ann Mary Newsum 1/7		135:75	\$ 950:25

In obedience to a decree of the Honourable County Court of Southampton hereunto annexed we the Commissioners have proceeded made sale; and divided the proceeds between the widow Sarah Newsum and the children named Legates - Given under our hands this 2^d day of Jan^y 1816,

Howell Nichols
Rom^o Newsum
Isaac Wendall

Attest
James Rochelle Clk

Commissioners

J. G. Newsum purchased the right of his mother and the right of Hervey in his own right, & by purchase from Mr. Myrick & G. N. in the negroes at the Sheriff's sale - what interest has he? Mr. Newsum had conveyed her property by deed reserving a life estate.