

ART. IV.—*A Virginian Colonist.* By the Rev. J. HAY COLLIGAN.

Read at Carlisle, April 14th, 1910.

AN interesting link between the colony of Virginia and the North of England has recently been established, by the discovery of a copy of the will of the Hon. William Nelson of Yorktown, Va., dated October 6th, 1772. It has been preserved among the trust deeds of the Penrith Presbyterian Church, Cumberland, and appears to have come into their possession in the following circumstances. That congregation had worshipped in a hired room at the Town Head since shortly after the Toleration Act in 1689. On New Year's Day, 1781, the trustees sent out an appeal for donations for a new meeting house. Prior to this date negotiations had taken place, probably on their behalf, but possibly as an individual speculation, between George Relph of Penrith, a trustee, and Thomas Nelson the younger, of Yorktown, with respect to the ancestral home of the Nelsons in Rockcliffe Lane, Penrith. The property had belonged to the Hon. William Nelson, and had evidently been left by him in 1772 to his eldest son Thomas. With their vast estates and interests in Virginia, the family would naturally have little regard for the old home at Penrith, and, apparently, arrangements were made for its sale.

In November, 1778, Thomas Nelson the younger—evidently so described to distinguish him from his uncle, the Hon. Thomas Nelson—acknowledged receipt of £211 from George Relph for the property, together with the family pew of the Nelsons (No. 55) in St. Andrew's Church. In March, 1784, three years after the appeal for a new meeting house had been issued, George Relph, in

consideration of £200, transferred the property to the trustees of the congregation, but retained pew 55 for himself. The meeting house erected in that year still remains, although it is now a printing house.

Rockcliffe Lane has suffered in dignity through the erection of King Street, and is now a narrow back street, but at the close of the eighteenth century was a wide and prominent part of the town. The Nelson home is described in the trust deed of 1784 as "all that messuage tenement or dwelling house standing in Rockcliffe (now Rowcliffe) Lane, between the dwelling house of Richard Hull on the south side, and the houses and gardens heretofore of John Adderton, but now of Miss Abbot's on the south and west sides thereof, and fronting Rockcliffe Lane, together with the yard, garden, and the house in the said yard; which messuage contains 14 yards in front and 14 yards in the rear, and the said yard about 9 yards sq., and held under the Duke of Portland, by payment of a yearly free rent of sixpence, and now in the possession of Mrs. Abrahams as farmer thereof, and purchased by George Relph of Thomas Nelson, Esq."

This location of the English home* of the Nelsons of Virginia is interesting, when we remember the great part they have taken in the affairs of that colony. In 1678 Thomas Nelson, the son of Hugh and Sarah Nelson, was born at Penrith (these *Transactions*, N.S., i., p. 105).

About the year 1705, he emigrated to Virginia. He probably sailed from Whitehaven, as this port at that time was doing a large trade with that colony, and the road between Penrith and Whitehaven was then, as it is to-day, an important one. Thomas Nelson died in Virginia, in 1745. Two of his sons, the Hon. William and the Hon.

* The theory of the present writer is that the Nelson house was used from the year 1784 by the minister of the congregation, and the garden used for the erection of the meeting-house. Were this correct, then the cottage in possession of the present congregation, and known as "the old manse," is the original home of the Nelsons.

Thomas, became powerful factors in the colony,* while his grandson was one of those who signed the Declaration of Independence. As these particulars are well known, we shall confine ourselves to the transcription of the copy of the will recently found. Attached to the will is a paper bearing the signature of John, earl of Dunmore, His Majesty's lieutenant, governor-general of the colony and dominion of Virginia, vice-admiral of the same. It is a certificate to the effect that Thomas Everard, who had copied the will, was clerk of the court of York County, Va., and that full faith and credit ought to be given to all things attested by him. The seal (about an inch in diameter) of the colony is appended. On the reverse are the arms of the British Crown, and on the obverse is the figure of a colonist, with his hand on the head of a kneeling Indian, and a Latin motto, referring to the clemency of the colony. The will is as follows:—

In the name of God, Amen. I, William Nelson, of the town and county of York, in the Colony of Virginia, Esq., being at present indisposed, though in my perfect senses, do make this my last will and testimony. My precious and immortal soul, whenever it shall please God to call me hence, I most humbly resign into the hands of Almighty God, hoping through the merits and mediation of my blessed Saviour and Redeemer, Jesus Christ, to receive a full pardon of my great and manifold sins, and to partake in the joyful Resurrection at the last Day. My body I desire may be interred as my Executors shall think fit, in a decent, but not pompous manner, and as to the worldly Estate with which it has pleased God to bless me, so much above my desert, I dispose of the same (my just debts and funeral expenses being first paid) in the following manner:—

I give and bequeath unto my dear and beloved wife, Elizabeth Nelson, the sum of £5000 sterling, to be paid her within one year after my decease. I also give to my said well-beloved wife, the sum of £250 sterling per ann. during her natural life, the first payment to be made within one month of my decease. I also give to my said

* They were the sons of Margaret Read, whose grandfather was a nephew of Sir Francis Windebank, Secretary of State, temp. Charles I.

well-beloved wife, her watch and her jewels, rings, snuff boxes, cloaks, and other garments, of which she may be possessed at the time of my death. I also give to my well-beloved wife, during her natural life, my house wherein I now live, with the lotts and gardens thereto belonging, including the store-garden, but not the store-houses; also my stable, and the lott whereon it stands, the use of all my household furniture, plate, coach, chariot, and cart, with all their harness; my town horses and town cows, and the use of ten house servants, such as she shall choose. All of these things, I say, I give her the use of during her natural life.

I also give to my said well-beloved wife, all the liquors and provisions of every kind that shall be in the house at the time of my death, and any Madeira wine, and rum, imported for the use of my family, which may be in my storehouses. I likewise give her all such family goods and liquors as I may have wrote for. I also give to my said wife such new goods she may choose out of my store, for herself and the use of my three younger children, to the amount of £150 sterling, prime cost. I further give to my dear wife during her natural life, the use and profits of my plantations in Warwick and James City counties, commonly called Chuscake Plantation, with the use of the slaves, and stocks of every kind thereto belonging, and after her decease, I give and devise the said lands, slaves, stocks, and everything else belonging, to my son Hugh, and to his heirs for ever. I also give to my said dear wife, during the term of her life, the use of my plantations near Yorktown, called Penny's and Tarrapin Point, including my meadows, with the slaves, horses, carts, and stocks of every kind thereto belonging, with the liberty of cutting her firewood off the said lands, and also off a tract called Dowsings. It is my will, and I do accordingly direct that of the annuity hereby given to my dear wife, £100 sterling, shall be paid yearly by my son Thomas, and of the residue of my estate given to him, and £25 shall be paid by my sons Hugh and Robert yearly out of the Estates I shall give to them. It is my further will and desire that my dear wife shall be supplied out of any part of my estate with such beef, pork, wheat, and corn as she shall require annually.

After the decease of my dear wife I give to my son Hugh, his heirs and assigns for ever, the house I now live in, the lotts and gardens thereto belonging, together with the store-garden, but not the store-houses; also my stable, and the lot on which it stands; likewise all the furniture of my house, as it may remain at his Mother's death, my plate excepted. I also give to Hugh my Mulatto woman, named Aggy, with her children and future increase. I give and devise to my sons Thomas and Hugh, and their heirs, as tenants in common and not as joint tenants, my storehouse in

Yorktown and at the Water Side, having already by deeds given to Hugh all my lands and slaves in the Counties of Frederic and Tanquor (?). I only give him a legacy in money, of £2000 sterling. I give and devise to Robert my son, all my lands in the county of Albemarle, with the slaves, and stocks of every kind thereto belonging, which lands, slaves and stocks, are now in the possession and occupation of my son Thomas, but as I shall by this will give Thomas a much larger proportion of my Estate, I do hereby order and direct that he shall give a release to his brother Robert of all that whole estate in the County of Albemarle, upon which condition he is to hold my lands and estate in the County of Hanover.

I also give and bequeath to my said son Robert, the sum of £2000 sterling. I give and devise to my two sons Nathanael and William, all my share in the Dismal Swamp scheme, and if either of them should die before he comes of age, I give and devise the whole to the survivor, and his heirs for ever. I also give and bequeath to Nathanael and William, to each, I say, the sum of £5000 sterling.

I desire that the pecuniary legacy given to my dear wife may be first paid, and that the other money legacies to my children may be paid according to their seniority, and that the parts to my younger sons may be placed out on interest till they respectively come of age.

After the death of my wife, I give to my son Thomas my best silver cup; and the rest of my plate I desire may be divided, two-third parts of which I give to Thomas, and the other to Hugh. I give to Thomas my Mulatto woman, Hannah, with her children, and all her future increase.

And after the death of my dear wife, the ten house servants, with their future increase, of which she is to have the use of for life, unto Hugh. I give to Thomas my Virginia amethyst seal, set in gold, and cornelian seal; to Robert my gold stock buckle; to Nathanael my sword and pistols, and to William I give my best garnet sleeve-buttons, set in gold.

I give to my dear sister, Mary Berkeley, the sum of £25 sterling per ann. during her life, to be paid by Thomas out of the residue of my estate, and I hereby remit and release to my said sister any sum or sums she may owe me at the time of my death.

I give and bequeath to my cousin Heptizeboh(?) Nelson, £20 current money a year, to be paid her by my son Thomas.

I give and bequeath to the Court of Directors, appointed by Act of the Assembly, to erect and superintend a hospital for the reception of Lunatics, &c., the sum of £100 current money, to be by them applied towards the further relief of such poor patients as may be sent to the said Hospital, as they in their discretion may think fit; but not to the enlargement of the building, or for any other purpose.

I give and bequeath £50 current money for the poor of the parish of Yorkhampton, to be distributed as my executors shall think proper. I desire that my wearing apparel of every kind may be disposed of in such as my dear wife and my two eldest sons may choose.

All the rest and residue of my Estate of what nature or quality soever,* whether real or personal, in Virginia or elsewhere, I give to Thomas Nelson, my son. I appoint my dear brother, the Hon. Thomas Nelson, Esq., my dear friend, Robert Carter Nicholson, Esq., and my two sons, Thomas and Hugh, Executors, of this my will, and guardians of my younger children during their minority.

I desire that my Estate may not be appraised, and that my Executors may not be obliged to give any security for the performance of the trust hereby reposed in them. Lastly, I do hereby revoke and annul all former wills.

In testimony hereof, I have set my hand and affixed my seal this sixth October, 1772.

William Nelson.

Witnesses.

Dudley Digges,
David Jameson,
Lawrence Smith, Jun.

A note dated December 21st, 1772, and signed by Thomas Everard, states that the will was proved.

* This explains the sale of the Penrith property.