

THE STATE OF MICHIGAN,  
Lucas County Clerk's Office,

do hereby certify  
were made and  
counted and

IN TESTIMONY WHEREOF, I have, hereunto set my hand and affixed the seal of  
said county and of the several Courts of record thereof, being my official seal this  
day of October, 1858.

CLERK,

*Pelig J. Clark*  
*p. V. Keen*

NEW YORK,

THE COMMISSIONERS

of the New York Militia Claims for the  
War of 1812.

WE HEREBY CERTIFY, that we the undersigned, Commissioners, as required by the Act entitled "An Act for the Appointment, of Commissioners for the  
adjustment and payment of certain claims for the services of the Militia of this State in the War of 1812, passed April 15, 1837, have examined the  
account of  
in the County of  
in the State of  
for additional pay and  
contingent expenses for clothing and equipments, depreciated, worn out, lost and destroyed, while in performance of his military services, under the  
general orders of the Governor of the State of New York, for its defense and find the sum of  
dollars  
to be due him by the Act entitled "An Act for the relief of certain Volunteers and Militia," &c., passed, 21st April, 1818, and also the Act entitled  
"An Act to authorize the payment of claims for service rendered and supplies furnished by the Militia and Volunteers of this State called into service  
during the late War," passed 9th April, 1819.

COMMISSIONER.

CLAIM OF

No.

DOLLARS  
For contingent expenses of cloth-  
ing and equipments, depreciated,  
worn out, lost and destroyed in the  
War with Great Britain, declared  
June 18th, 1812.

Presented in conformity to an  
Act "For the relief of certain  
Volunteers and Militia called into  
service," &c., passed April 21st,  
1818, and 9th April, 1819.

# DECLARATION.

United States of America,

STATE OF ~~MICHIGAN~~ Ohio } SS.

County of ~~Richmond~~ Lucas

On this 11<sup>th</sup> day of September A. D. one thousand eight hundred and fifty eight personally appeared before me John T. Maher within and for the County and State aforesaid, John Nichols aged 59 years, a resident of Springfield, Massachusetts, in the State of ~~Massachusetts~~ Ohio, being duly sworn according to law, declares that he is the identical John Nichols who was a private in the Company commanded by Capt. John C. Rochester in the 29<sup>th</sup> Regiment of Infantry, commanded by Gen. Brown in the war with Great Britain, declared by the United States on the 18th of June, 1812. That he volunteered or was drafted under the General Orders of the Governor of the State of New York, for its defence at Greenbush & Sacket Harbor on or about the 14<sup>th</sup> day of July, A. D. 1813 for the term of one year and under further General Orders of said Governor, he volunteered at Auburn, State New York on or about the 30<sup>th</sup> day of September A. D. 1814 for the term of three months and continued in actual service in said War, for the term of September 1814 and was honorably discharged from said service; for which he has received from the United States his Land Warrant, No. 160, and that he has not received any pay for the said service, nor any portion of the sum directed to be paid him by the Act entitled "An Act for the relief of certain Volunteers and Militia called into service for the defence of the frontiers of the State in the late War, and for other purposes," passed April 21st, 1818; and the act of 9th April, 1819, and that there is now due and payable to him from the State of New York, the sum of \_\_\_\_\_ dollars, with interest thereon, agreeable to said Law. And further, in the performance of the service before recited, he furnished at his own cost the following clothing and equipments, as directed by the "Act to organize the Militia of the State of New York," &c., passed March 29th, 1808, and the General Orders heretofore referred to:

2 Hat,.....\$ 2.00	2 Pair Pantaloon,.....\$ 10.00	1 Bayonet,.....\$ .	1 Pr. Sawarow Book,.....\$ 2.00
1 Plate and Plume,.....\$ 2.00	1 Stock,.....\$ 1.00	1 Cartridge Box,.....\$ .	1 Neckchief,.....\$ .
1 Military Cap,.....\$ 5.00	1 Overcoat,.....\$ 1.00	2 Belts,.....\$ 2.00	Cash paid for Transportation to Buff,.....\$ .
1 Chapeau,.....\$ .	1 Blanket,.....\$ 2.00	1 Sword and Belt,.....\$ .	all.....\$ .
1 Plume,.....\$ 1.00	1 Knapsack,.....\$ 1.00	2 Pr. Stockings,.....\$ 1.00	.....\$ .
1 Uniform Coat,.....\$ 2.50	1 Canteen,.....\$ 0.75	2 Shirts,.....\$ 6.00	Cash paid for Transportation from,.....\$ .
1 Ordinary Coat,.....\$ 1.00	1 Musket,.....\$ .	1 Pair Shoes,.....\$ 3.00	.....\$ .
1 Vest,.....\$ 5.00	1 Rifle,.....\$ 25.00	1 Pair Gaiters,.....\$ .	.....\$ .

In amount one hundred & thirty seven dollars, which were depreciated, worn out lost and destroyed in said service, for which he has not received payment either in part or whole. And that the sum, together with his additional pay \_\_\_\_\_ dollars, is justly due and payable to him, with interest thereon, for his services and contingent expenses as Volunteer or draft in the Militia of said State, for its defence during the said War, as provided to be paid by the Act entitled "An Act for the relief of certain Volunteers," &c., passed April 21st, 1818, a copy of which is herewith annexed.

I HEREBY constitute and appoint, irrevocably, C. C. Manville my true and lawful Attorney for me, and in my name, place and stead, to ask, demand and receive from the State of New York, or from any officer or persons appointed or directed to pay the same, the amount due me as above stated, or any sum that may be found to be justly due me, giving and granting unto my said Attorney full power and authority to do and perform all and every act and thing whatsoever requisite to be done in and about the premises, as fully, to all intents and purposes, as I might or could do if personally present, with full power of substitution, and revocation, hereby ratifying and confirming all that my said Attorney or his substitute shall lawfully do or cause to be done by virtue hereof.

WITNESS, my hand and seal the day and year first above written;

Sealed and delivered in presence of

M. D. L. Hays

John C. Rochester

STATE OF ~~MICHIGAN~~ Ohio,

County of Lucas } SS.

I, John T. Maher Justice of the Peace within and for the County and State aforesaid DO HEREBY CERTIFY, That the Militia service of John Nichols as set forth, has been acknowledged and confirmed by the United States issue to him of Land Warrant No. \_\_\_\_\_ for one hundred & fifty \_\_\_\_\_ acres, under the Bounty Land Act passed by Congress, September 28, 1850. - 1854 -

I ALSO CERTIFY, that the said John Nichols is personally known to me, or has been proven to my satisfaction to be the person above described, and subscribed the before written matter in my presence, and duly made oath according to law, that the foregoing claim, to the best of his knowledge and belief, is true, and also acknowledged the execution of the foregoing Power of Attorney to be his act and deed.

In Testimony whereof, I have hereunto subscribed my name this eleventh day of September 1858

John T. Maher J.P.

The State of Ohio }  
Lucas County } ss On this 30<sup>th</sup> day of  
September A. D. 1858

personally appeared  
before me John T. Maher a Justice of the  
Peace in and for the County and State  
aforesaid Henry S. Commager who  
being duly sworn according to law dep<sup>os</sup>  
eth and says that he <sup>in 1855</sup> has obtained for  
John Nichols, from the General Govern-  
ment of the United States of America  
a Military Land warrant for one hundred  
and twenty acres of Land, for military  
services performed by said John Nichols  
in the war of 1812, in the militia of  
the State of New York, That said mili-  
tary Land Warrant was issued <sup>under</sup> the  
Military Bounty Land act of Cong<sup>ress</sup>  
approved September 28<sup>th</sup> 1850-1853.  
<sup>and said warrant was issued in 1855 - to the Indians</sup>  
and that he believes that the said

John Nichols is entitled to pay for  
his Clothing and equipment furnis-  
hed by him - furnished by him  
while defending the frontiers of the  
State of New York in the War  
of 1812, as set forth in his application  
t<sup>o</sup> and is<sup>ss</sup> ended H. S. Commager



# The Nicholas Family of Virginia

OCCGS REFERENCE ONLY

The Nicholas's were another early Virginia family, who played a very important part in the History of Virginia, as well as the adjoining states. Randolph in his Life of Jefferson, describes them as the powerful family of Nicholas's, "Powerful in talents, powerful in probity and powerful in their number and union."

The head of this family was Dr. George Nicholas, a native of Lancashire, England, who settled in the Virginia Colony early in the eighteenth century. He had been a surgeon in the British Navy and continued with his profession in the Virginia Colony. The story is told that before coming to America he had successfully treated one of the English Queens, when she had been stricken with smallpox. To show her great appreciation she presented Dr. Nicholas with a diamond ring. (However no one knows what happened to the ring.)

In 1722, Dr. Nicholas was married to Elizabeth Carter Burwell, the widow of Nathaniel Burwell. Three children were born to this union - Robert Carter Nicholas, John Nicholas and George Nicholas.

Robert Carter Nicholas was born in 1723 and died 1780. He married Ann Cary, the daughter of Col. Wilson Cary and his wife, who had been Sarah Pate. Robert Carter Nicholas was a statesman, a jurist, and a patriot. He was familiarly known as Treasurer Nicholas, in colonial annals, as he had served as the King's Treasurer in the Colony of Virginia from 1766 to 1777. Besides these important political offices, he was a sincere Christian and a zealous defender of the Church of England whenever he believed her rights were assailed. Mr. Hugh Blair Grisby in an eloquent address given before the House of Burgesses in 1776 in praise of Mr. Nicholas said, "He loved indeed, a particular form of religion, but he loved more dearly religion itself. In peace or war, at the fireside, or on the floor of the House of Burgesses, a strong sense of moral responsibility was seen through all his actions. If a resolution appointing a day of fasting and prayer, or acknowledging the providence of God in crowning our

arms with victory, though drawn by worldly men and with worldly views, was to be, it was from his hands that it was presented to the House, and from his lips came the persuasive words which fell not in vain on the coldest ears indeed, such was the impression which his sincere piety-embellishing as it did the sterling virtues of his character—made upon his own generation and its influence was felt upon that which succeeded it."

Nearly a quarter of a century after the death of Robert Carter Nicholas, his son George had moved to the new state of Kentucky and was a candidate for the office of Attorney-General in the new Commonwealth. One of the voters declared that he was for Nicholas, although he knew neither the father or the son, "That no son of the old Treasurer could be unfaithful to his trust or his country".

In 1771 Robert Carter Nicholas's other interests had become so pressing that he offered his unfinished legal business to Thomas Jefferson, who was an old personal friend, but Jefferson was unable to accept it, so Nicholas turned it over to Patrick Henry. Nicholas had lived in Williamsburg since his marriage in 1752. The house he lived in, is one of the houses that has been restored and is now known as the Carter-Saunders Home. In 1775 as War with England seem to be nearer, he thought it best to leave Williamsburg, and he moved to his estate in Hanover County known as the "Retreat".

During the Revolutionary War, illness prevented Robert Carter Nicholas from delivering, at a critical time, some very important papers which concerned the movement of the enemy. His wife, Ann Cary Nicholas offered to deliver them. She concealed them in her clothing and made the trip of one hundred and twenty-five miles. Part of the way she was able to ride horse-back, but much of the distance she had to walk, and pass through the lines of the enemy. However, the papers were safely delivered. It was her courage and devotion to the cause of liberty that saved the American Army from defeat.

Robert Carter Nicholas died September 8, 1780 at his home the "Retreat" in Hanover County. He had lived a good and satisfying life.

John Nicholas of Seven Islands, was the second son of Dr. George Nicholas and his wife, who was Elizabeth Carter Burwell. John was a clerk of Ablemarle from 1749 to 1755. He was also a member of the Conventions of 1774-1775, representing Buckingham County. He married Elizabeth Fry, the daughter of Colonel Joshua Fry and his wife who was the daughter of Dr. Thomas Walker. Col. Fry was a native of Virginia moved to Danville, Kentucky, where he opened a school for boys. Among his students were some of the most important men of Kentucky in later years. They were Gov. Robert Fletcher; Judge John Green; Gen. Cassius M. Clay; Chief-Justice Thomas Marshall; Judge Samuel Smith Nicholas, and Dr. Charles Short, in naming a few of his students.

John Nicholas and his wife, who was Elizabeth Fry, were the parents of four children. Their oldest son was named John, and he married Louise Carter. He was a member of the Committee of Safety and the House of Burgess representing Buckingham County. Their daughter did not marry. George the third child married Nannie Scott, and Robert Carter, the youngest child married Mrs. Martha Scott, the widow of Daniel Scott. She was the daughter of Littlebury Mosby.

George Nicholas the youngest son of Dr. and Mrs. George Nicholas is thought to have been the father of Col. John Nicholas, who was clerk of Dinwiddie from 1789 (perhaps earlier) and died February 22, 1816. He was the grand-father of John Nicholas Jr. who was a member of the House of Delegates from Dinwiddie in 1810-1811. This John Nicholas Jr. was Capt. of the First Virginia Regiment in the Revolution. He was born in 1758 and was still living in 1824.

(The next article will be on the children of Robert Carter Nicholas).

EDITOR OF THIS PAGE: ANNA PARKER- GHENT, KY. 41045

ORANGE COUNTY CALIFORNIA  
GENEALOGICAL SOCIETY

OCCGS 168



# COSBY

(CONTINUED FROM APRIL ISSUE)

## DECENDANTS OF CHARLES COSBY,<sup>7</sup> THE EMIGRANT

*From ancestors who stood equivalent  
with mighty kings." — Pericles.*

JOHN COSBY<sup>8</sup> (Charles<sup>7</sup>), born in 1623 in Ireland, came to Virginia with his father and became the owner of extensive tracts of land in York, King and Queen, and New Kent Counties, granted him for the transportation of 48 persons. He married twice. His second wife, Sarah —, survived him and her will was probated in York County on July 21, 1740. He died in 1696. Children:

- i Mary Cosby,<sup>9</sup> who accidentally set fire to her garments in infancy and was burned to death November 30, 1657. She was evidently the daughter of the first wife, name not known.
- ii A daughter (name not known) who married a Mr. Jackson.
- iii Mary Cosby<sup>9</sup> (named for her sister who was burned to death), married Mr. Ayles.
- iv Elizabeth Cosby,<sup>9</sup> married Mr. Wooding.
- v Charles Cosby<sup>9</sup> (mentioned below as 9e).
- vi John Cosby<sup>9</sup> (mentioned later as 9f, page 315).
- vii James Cosby<sup>9</sup> (mentioned later as 9g, page 330).
- viii Margaret Cosby.<sup>9</sup>
- ix Sarah Cosby.<sup>9</sup>

Descendants of Charles Cosby<sup>9</sup>  
and Jane Meriwether.

CHARLES COSBY<sup>9</sup> (John<sup>8</sup>, Charles<sup>7</sup>), married Jane, daughter of David Meriwether. He lived to be over 90 years old and lived in New Kent and King and Queen Counties. It is known that he left two sons.

- i James Cosby,<sup>10</sup> born about 1703 and died in 1783. He lived in York County. His children were:
  - a John Cosby,<sup>11</sup> married Judith Burt, daughter of Richard Burt. He died prior to 1754, when his children, Charles,<sup>12</sup> John,<sup>12</sup> James,<sup>12</sup> and Mary Cosby<sup>12</sup> were recorded as orphans.
  - b William Cosby.<sup>11</sup>
  - c Charles Cosby.<sup>11</sup>
- ii David Cosby<sup>10</sup> (mentioned next as 10B.)

EDITOR'S NOTE—The following Cosby data has been extracted from the late Walter Garland Duke's book, "Henry Duke, Councilor, His Descendants And Connections". We extend our gratitude to the authors son, Mr. Irving T. Duke, for granting us permission to reprint the Cosby section.

Decendants of David Cosby<sup>10</sup> and  
Mary Garland Overton

DAVID COSBY<sup>10</sup> (Charles,<sup>9</sup> John,<sup>8</sup> Charles<sup>7</sup>), born in 1703 and died in 1770. His will was proved September 10, 1770. He removed to that portion of Hanover County which in 1742 became Louisa County and was one of the first vestrymen of Frederickville Parish. He married in 1725 Mary Garland Overton, born in 1705 and will probated February 14, 1785, daughter of Captain James Overton and Elizabeth Garland. She was said to have been the most beautiful girl in Virginia of that day. Their children were:

- i Charles Cosby,<sup>11</sup> born in 1726 (mentioned later as 11a, page 303).
- ii David Cosby,<sup>11</sup> born in 1728 (mentioned later as 11b, page 310).
- iii John Cosby,<sup>11</sup> born in 1731 (mentioned later as 11c, page 313).
- iv James Cosby,<sup>11</sup> born in 1734.
- v Elizabeth Cosby,<sup>11</sup> born in 1736; married in 1755 Maj. John Minor, of "Topping Castle", Louisa County, Va.
- vi Overton Cosby,<sup>11</sup> born in Hanover County in 1740, and died November 23, 1806, in Urbanna, Middlesex County, Va. He was clerk of Middlesex County in 1800.
- vii Mary Cosby,<sup>11</sup> born about 1747; married William Callis, of Middlesex County, Va. They had two sons:
  - a Garland Callis,<sup>12</sup>
  - b William Overton Callis,<sup>12</sup> of Cuckoo, Louisa County, Va., married Martha Winston whose daughter, Sarah Callis,<sup>12</sup> married Julian M. Kean, of Richmond, Va., son of Dr. Andrew Kean, and had the following children:
    - (1) William A. Kean,<sup>14</sup> married Miss Hart.
    - (2) Chloe Kean.<sup>14</sup>
    - (3) Susan Kean,<sup>14</sup> married first

Mr. Boston; secondly Mr. Graves.

- (4) Ann Ferrell Kean,<sup>14</sup> married Dr. Lewis Pendleton, son of Dr. William J. Pendleton and his wife, Catherine M. Harris, daughter of Frederick and Catherine (Snelson) Harris. No children.

viii Ann (Nancy) Overton Cosby,<sup>11</sup> born about 1748; married William Tompkins (1736-1779), son of Robert Reade Tompkins, who was a son of Christopher Tompkins (1705-1779) and his wife, Joyce Reade (born in 1706 and died 1771), granddaughter of Col. George Reade and his wife, Elizabeth Martiau. Joyce Reade's father is believed to have been Col. Reade's youngest son Thomas who married Lucy Gwynn, daughter of Dr. Edward Gwynn, of Abingdon, Ware Parish, Gloucester County, Va. Lucy Gwynn's mother was Lucy Bernard, daughter of Col. William Bernard, who was an emigrant to Virginia about 1635, age 27, and his wife, Lucy Higginson (1627-1676), daughter of Captain Robert Higginson and his wife, Jeanna Tokesley, of London, Eng. Lucy Higginson married first Lewis Burwell, who died in 1653; she married third Col. Philip Ludwell, who after her death married in 1676 Lady Frances (Culpepper) Berkeley, widow of the Colonial Governor, William Berkeley, Col. William Bernard's other daughter, Elizabeth, married Thomas Todd, of Todd'sbury, Gloucester County, Va. Christopher Tompkins (mentioned above) was a grandson of Humphrey and Hannah (Bennett) Tompkins, married in Gloucester County in 1649. William Tompkins and Ann(Nancy) Overton Cosby<sup>11</sup> had four children:

- a Richard Tompkins,<sup>12</sup> married his first cousin, Catherine Tompkins, daughter of Robert Reade Tompkins and Ann Dickinson. (See No. 10f-iii, page 327.)
- b William Overton Tompkins,<sup>12</sup>
- c Mary Overton Tompkins,<sup>12</sup> married her first cousin, Launcelot Minor, of "Minor's Folly", in Louisa County, Va. He was

(Continued on Page 52)

# The Nicholas Family of Virginia

## PART TWO

Robert Carter Nicholas, the oldest son of Dr. George Nicholas and his wife, who was the daughter of Robert (King) Carter, was born January 28, 1723. He was educated at William and Mary College. He held many important positions in the colony of Virginia, and was known as a statesman, a jurist and a patriot. He served as treasurer of the Colony from 1766 to 1777, and was familiarly known as Treasurer Nicholas. He married Anne Cary, the daughter of Wilson Cary and his wife, Sally Pate Cary. Mrs. Anne Nicholas was a very wise woman and a devoted wife and mother. Nine children blessed this union, two girls and seven boys. The girls were the oldest — Sarah Nicholas was born in 1752, and in 1772 she was married to John Norton. They had three children (a) Courtney Norton, who was married twice, first to Warner Lewis; second to Landon Carter. (b) Anne Norton married General Armistead; (c) John Norton, a minister in the Episcopal Church, married a Miss Gray of New York. They had two sons, who were also ministers in the Episcopal Church, one in Kentucky and the other in Virginia. Both were very prominent in their churches. Their other daughter, Elizabeth Nicholas married Edmund Randolph, at one time Governor of Virginia. They had four children — (a) Peyton Randolph who married Maria Ward (b) Susan Randolph who married Burnett Taylor; (c) Edmonia Randolph married John Preston and (d) Lucy Randolph married Judge Peter V. Daniel.

George Nicholas, the third child of Robert Carter Nicholas and his wife, Anne Cary, was their oldest son. He was born at Hanover, Virginia in 1755. He was graduated from William and Mary College in 1772. He served with distinction in the Revolution. According to Bancroft History of the United States, he fired the first shot in Virginia, in the Revolutionary War. He was Major in the Tenth Virginia Regiment for a time, but in September 1777, he became Lieutenant-Colonel in the Eleventh Regiment. In 1778 when passing through Baltimore, Maryland he met a Miss Mary Smith at a ball given by the citizens in honor of the officers of his Regiment. He fell desperately in love with Miss Smith and in a short time he returned to Baltimore where they were married. Miss Smith was the daughter of John Smith, a wealthy merchant of Baltimore, and was the sister of Samuel and Robert Smith.

Shortly after his marriage he resigned from the Army and located at Charlottesville, Va., where he opened his law office. In 1787 he was elected a member of the House of Delegates, and was a very prominent member of the Virginia Convention, called in June 1788 to consider the new Federal Constitution. Patrick Henry was opposed to its adoption, and also opposing the adoption were Winston (Edmund), Green Clay, Benjamin Harrison, John Tyler and John Guerrant. Among those favoring the adoption, besides George Nicholas, were Madison, Thomas Jefferson, George Mason and Edmund Randolph. When the vote was counted the adoption of the Federal Constitution had been passed — Ayes 89: Noes 79. Hugh Blair Grisby, the historian of the Convention, wrote later that "George Nicholas was Patrick Henry's most formidable

adversary in the debate on the ratification". It is said that Henry could neutralize the speeches of Madison by the thunder of his oratory, and he could throw Randolph from balance by covert sarcasm, but neither oratory or sarcasm availed in a contest with Nicholas.

In 1790 George Nicholas moved his family to Mercer County, Kentucky (now Boyle County) near the town of Danville. He had been making frequent trips to Kentucky, as he had many clients among the new settlers, and an attorney was often needed, as many law cases resulted from the over-lapping titles to grants of land in Kentucky County. He was a member of the Ninth and last of the Kentucky Constitutional Conventions held in Danville. This was held, July 26, 1790. On the first Monday in April, 1792, the members of the Ninth Convention were recalled to frame a constitution and form a state government for Kentucky. George Nicholas was the principal author of the Constitution that was adopted in June 1792, when Kentucky was admitted into the Union. Isaac Shelby was selected as Governor and George Nicholas was the first Attorney-General of Kentucky.

In 1798, the General Assembly of Kentucky voted to unite Transylvania Seminary of Lexington with Kentucky Academy, a Presbyterian School located at Pisgah, a small town a few miles west of Lexington. They named the combined schools, Transylvania University. The Law Department was organized in 1799 with George Nicholas as Professor of Law and Politics. Among his students were Joseph Hamilton Davies, John Rowan, Martin D. Martin and Robert Wickliffe, men who had an important part in the history of the state.

George Nicholas had moved his family to Lexington Kentucky when he was selected as Dean of the Law Department. He died after a short illness in June 1799. In an Obituary in the Kentucky Gazette (first newspaper in Kentucky) shortly after his death is the following paragraph "Vain would be the attempt to calculate the loss the public has sustained in the death of Colonel Nicholas, the ability and firmness which he constantly displayed in his efforts to detect and explore every attempt to make his country's rights, must endear him to the recollections of every true republican and next to a numerous and affectionate family, the youth of Kentucky will long deplore the loss".

His widow and twelve children survived him. As many of the children were very young, Colonel James Morrison, an old friend of the family, was appointed Guardian, a post he held for many years. He was a loving friend to the children as well as their guardian. The oldest child was Robert Cary Nicholas born September 1779. He was a Colonel in the United States Army, devoting much of his time to the Affairs of the American Indians. Never married. The second child was Maria Nicholas, born 1780. She married Colonel Thomas Dyer Owings of Bath County. He operated the Bourbon Furnaces in that county, and during the War of 1812, much of the ammunition used, was prepared at this furnace. The cannon balls and other kinds of munition were hauled by oxen team.



# COSBY

## THIRD IN A SERIES

### *Descendants of Charles Cosby<sup>11</sup> and Elizabeth Wingfield*

Charles Cosby<sup>11</sup> (David,<sup>10</sup> Charles,<sup>9</sup> John,<sup>8</sup> Charles<sup>7</sup>), son of David Cosby<sup>10</sup> and Mary Garland Overton, was born in 1726 in Hanover County, Va. He lived in Louisa, then in Spotsylvania County, Va., and later removed to Elbert County, Ga., where he died in 1802. His will was proved August 2, 1802. He married first, December 14, 1759, his cousin, Elizabeth Wingfield, and married secondly, in 1762, Elizabeth Sydnor. The children of the first marriage were:

i Charles Cosby,<sup>12</sup> born in 1760; married Rebecca Wood. Their children were:

a John Cosby,<sup>13</sup>

b Edward Cosby,<sup>13</sup>

c Wingfield Cosby,<sup>13</sup>

d Charles Cosby,<sup>13</sup> married December 13, 1785, Elizabeth Smith.

e Austin Cosby,<sup>13</sup>

f Duke Cosby,<sup>13</sup> married December 20, 1792, Amelia Harris, daughter of Robert and Mezipina (Walton) Harris, of Louisa County, Va. Their children were:

(1) Robert S. Cosby,<sup>14</sup> born in 1793; married in 1821 Frances A. Hughes, & died in 1888. They had:

1 Mary Cosby,<sup>15</sup>

2 Joseph Cosby,<sup>15</sup>

3 Charles Cosby,<sup>15</sup> married Sarah H. Hancock.

(2) Louisa Cosby,<sup>14</sup>

(3) Austin Cosby,<sup>14</sup>

(4) Rufus Cosby,<sup>14</sup>

(5) Amelia Cosby,<sup>14</sup> married Michael O'Roach.

g Meredith Cosby,<sup>13</sup>

h Elizabeth Broadnax Cosby,<sup>13</sup> married in 1777 Asa Hall.

i Rebecca Wood Cosby,<sup>13</sup>

ii Garland Cosby,<sup>12</sup> born in Hanover County, Va., about 1761. He served in the Revolution 1776-1781. In March or April, 1776, being then 15 years old, he enlisted for twelve months in a Minute Regiment commanded by Col. Samuel Meredith, in the company commanded by Capt. James Dabney, and was discharged December 25, 1776. In 1777 he enlisted in Capt. David Anderson's company and was made orderly

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sergeant. He marched with the company to Williamsburg and joined Colonel Grayson's regiment and soon thereafter became regimental quartermaster. In 1781 he again enlisted as a volunteer in a company of militia commanded by Captain Hughes, of Louisa County, and was made lieutenant and marched to Gloucester County Va., to join Colonel Campbell's command and was promoted to captain. His best service was in a regiment commanded by Capt. Innis. He moved to Fayette County, Ky., and lived there six years and then moved to Henderson County, Ky., where he died prior to 1842. He married June 27, 1782, Molly Poindexter, from Virginia, a sister of George Poindexter who served on the staff of Gen. Andrew Jackson in the War of 1812 and was afterwards Governor of Mississippi. Their children were:

a Stith Poindexter Cosby,<sup>13</sup> born November 27, 1783.

b Nicholas Cosby,<sup>13</sup> born February 22, 1785; settled in Indiana.

c Fortunatus Cosby,<sup>13</sup> born in 1787; settled in Indiana.

d Francis Cosby,<sup>13</sup> born 1789-90; moved to Henderson Co., Ky., and married Miss Chandler. They had five sons:

(1) John Cosby,<sup>14</sup>

(2) Willis Cosby,<sup>14</sup>

(3) Garland Cosby,<sup>14</sup>

(4) Fortunatus Cosby,<sup>14</sup>

(5) George Cosby,<sup>14</sup>

e Garland Cosby,<sup>13</sup> born in 1792. He served in the War of 1812 and died in 1866, aged 75. He married Eulalia Carlin, born in 1800. Their children were:

(1) Albert Cosby,<sup>14</sup> physician, of McLean County, Ky. He was a member of the State Legislature and married and had:

1 Garland Cosby,<sup>15</sup>

2 Carma Cosby,<sup>15</sup>

(2) Garland Cosby,<sup>14</sup> physician, of Webster County, Ky. He died in 1884, leaving four children.

(3) Napoleon Cosby,<sup>14</sup> of Henderson County, Ky. He left one son and a daughter.

(4) George Cosby,<sup>14</sup> physician, of Evansville, Ind.

(5) James Cosby,<sup>14</sup> died unmarried.

(6) Clay Cosby,<sup>14</sup> of Webster County, Ky.

(7) Emma Cosby,<sup>14</sup> married in 1869 Dr. Nicholas Zulliken.

f Eliza Cosby,<sup>13</sup> born in 1793. While still young her mother died and she and her brother, Garland were adopted by their uncle, Gov. George Poindexter, of Mississippi. She married Willis Wilson, lawyer.

The children of Charles Cosby<sup>11</sup> and his second wife, Elizabeth Sydnor, were:

iii Anthony Sydnor Cosby,<sup>12</sup> born October 7, 1762, in Louisa County, Va. He served when only a boy in the Revolutionary War as a sergeant, and shortly after the war he went with his father to Wilkes County, Ga., where he patented land. He had a grant of land in Virginia in 1784 for services in the Revolution. He married in 1789 Cynthia Jack, born September 20, 1767, daughter of James and Margaret (Houston) Jack, of North Carolina. James Jack served in the Revolution as a captain and advanced large sums of money to the State of North Carolina for which he was never reimbursed. He died in Elbert County, Ga., December 18, 1822. He moved about 1813 to Mississippi. After the marriage of his daughter Cynthia,<sup>13</sup> in 1813, Anthony Sydnor Cosby<sup>12</sup> moved to be with her. Their children were:

a Margaret Cosby,<sup>13</sup> born in 1790,

b Cynthia Jack Cosby,<sup>13</sup> born about 1792; married about 1813 Archibald McGehee, of Mississippi. They had:

(1) Archibald McGehee, Jr.,<sup>14</sup>

c James J. Cosby,<sup>13</sup> born in 1793; surgeon in the United States Army. He died in 1822 in Pensacola, Fla., of yellow fever. He was unmarried.

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to the Kentucky River, where it was loaded on barges or flat boats, sent down the Kentucky River to its Mouth, where the town of Carrollton now is, on down the Ohio to the Mississippi River and on to New Orleans. The road near Lexington that was used, is still known as the Iron Works Pike.

Nancy Ann Nicholas was the third child, she was born September 1783, and died June 1830. She was married to Lewis Sanders, a successful business man of Lexington. They had nine children, the best known were Major John Sanders, a graduate of West Point, who remained in the army all of his life. He saw service in the Mexican War. He died in 1858.

George N. Sanders was interested in politics. He was Consul from United States to England for a time. He was also very active in the War Between the States, helping the South in every way that he could.

The fourth child of George and Mary Nicholas was, Cary Nicholas. He was also a soldier, first was Lieutenant of 7th Infantry, in 1811 was advanced to Captain and in 1813 Major. After he retired from the army, he moved to Florida where he lived until he died in 1829. The fifth child was George Ann Nicholas born March 13, 1788. She married Joseph Hawkins. They had three children, Mary Jane Hawkins who married William Victor; George Hawkins; and Edmund St. John Hawkins. Maria Victor, a grand daughter was a well known actress, her stage name being Maria Prescott.

Their sixth child was Margaretta Galbraith Nicholas. She was married twice, her first husband was General J. C. Barlett, and the second, General Thomas Fletcher. John Nelson Nicholas was their seventh child. He was educated as a lawyer, but in early life was killed in a duel, fought in Lexington, Kentucky. The eighth child was Elizabeth Nicholas, born April 7th, 1793 and she married James Trotter of Lexington, Kentucky. George Wilson Nicholas was the ninth child, he never married, was Captain in the U. S. Navy.

Their tenth child was Samuel Smith Nicholas, born April 6, 1796 and died in Louisville November 1869. He was married twice, his first wife was Matilda Prather, and his second wife was Mary Smith of Baltimore, the daughter of his uncle, Samuel Smith. Samuel Smith Nicholas was a member of the Kentucky Legislature, and later Judge in the Kentucky Court of Appeals. He was a very prominent lawyer, living near Louisville, Kentucky. One of his well known works was a master's plea, he prepared and had published, for the "habeas corpus" when it was suspended by President Lincoln during the War Between the States.

Henrietta Nicholas was the eleventh child of George and Mary Nicholas, born December 29, 1798. She married Judge Charles Hawes of Paris, Kentucky. When part of Kentucky withdrew from the Union, Judge Hawes served as Governor, after the first elected governor had been killed at the Battle of Shiloh, Colonel George W. Johnson of Scott County. Clara Nicholas was the twelfth child. She never married.

Wilson Cary Nicholas was the fourth child of Robert Carter Nicholas and his wife, Anne. He was born January 31, 1757. He attended William and Mary College, where he graduated. He was an officer in the Revolutionary Army and commanded Washington's Life Guard, until it was disbanded in 1783. The same year, he married Margaret Smith of Baltimore. She was the daughter of John Smith and a younger sister of Mary's, who had some years earlier had married his other George. She was generally known by her nickname, Peggy. He was a member of the Virginia Convention that ratified the Federal Constitution of the United States in 1787.

In 1784, Wilson Cary Nicholas' public services began, that year he was elected to represent the citizens of Albemarle

County in the House of Delegates. When he entered public life, his mother Anne Carry Nicholas, who was a very wise woman and a devoted mother wrote him quite a wonderful letter. It was as follows:

Williamsburg, Virginia 1784

Dear Wilson:

I congratulate you on the honour your country has done you in choosing you their representative with so large a vote. I hope you are come into the Assembly without those trammels which some people submit to wear a seat in the House — I mean, unbound by promises, to perform this or that job which the many-headed monster may think to chalk for you; especially that you have not engaged to lend a last hand in pulling down the Church, which, by some impertinent questions in the last paper, I suspect will be attempted. Never my dear Wilson, let me hear that by sacrilegious act you have furnished yourself with materials to erect a scaffold by which you may climb to the summit of popularity; rather remain in the lowest obscurity; though, I think from long observation, I can venture to assert that the man of integrity, who observes one equal tenor in his conduct — who deviates neither to one side or the other from the proper line, has more of the confidence of the people than the very compliant time-saver, who is the slave of the people. I flatter myself too, you will act on a more liberal plan, than those members have done in matters in which the honour and interest of this state are concerned; that you will not, to save a few pence to your constituent, discourage the progress of arts and sciences, nor pay with so scanty a hand, persons who are eminent in either. This parsimonious plan, of late adopted, will throw us behind the other States in all valuable improvements, and chill, like a frost, the spring of learning and the spirit of enterprise. I have insensibly extended what I have to say beyond my first design, but will not quit the subject without giving you a hint from a very good friend of yours, that your weight in the House will be much greater if you do not take up the attention of the Assembly on trifling matters, nor too often demand a hearing. To this I add a hint of my own; that temper and decorum is of infinite advantage to a public speaker, the modest difference to a young man just entering the stage of life. The neglect of the former throws him off of guard, breaks his chain of reasoning, and often produced in England duels that have terminated fatally. The natural effect of the latter will ever be producing a favorable and patient hearing, and all those advantages that prepossession in favor of the speaker produces.

You see, my son, that I take the privilege of a mother in advising you, and be assured, you have no friend so solicitous for your welfare, temporal and eternal, as your Affectionate mother, Ann Nicholas.

Wilson Cary Nicholas' public services started in 1784. After serving one term in the House of Delegates, he returned to private life, but it did not last very long, for in 1789 he was recalled for one term, and again in 1794 when he served until 1799. He then was elected to the United States Senate. In 1804 he again resigned to care for his own neglected private affairs. In 1806 he declined a special mission to France but in 1807 he was again elected to U.S. Congress and re-elected in 1809. In December 1814, he was elected Governor of Virginia, and although the state at that time was passing through the great ordeal of a foreign war, under peculiarly trying cir-

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itate to accent the position with its unusual weight and of care and anxiety.

Wilson Cary Nicholas and his wife were the parents of eight children. The oldest son, Robert Carter Nicholas married Susan Vincent of New Orleans. They had three daughters, Caroline, Margaret, and Mary and one son, Wilson Cary Nicholas. Their second child was Margaret, who did not marry. Their third child, Mary Bohanon Nicholas married John Patterson of Baltimore. His father was William Patterson a merchant. Their fourth child was named Sarah, but as there is no record, she perhaps died when very young. John Smith Nicholas was their fifth child, born 1800; died 1864. He was married twice, first to Miss Hollis, then to Esther Stevenson. The sixth child was Jane Nicholas and she married Thomas Jefferson Randolph, grand-son of Thomas Jefferson. The seventh child was Sidney Nicholas who married Dabney Carr. They had five children (1) Wilson Cary Nicholas, married Sue Henderson; (2) Cary Ann Nicholas married Major C. Peyton; (3) Samuel Southgate Nicholas; (4) Margaret Nicholas; (5) Dabney Nicholas married Anne Dean. Their eighth child was Cary Ann Nicholas, she married John Spear Smith who was the son of Colonel Samuel Smith of Baltimore, a brother of her mother Margaret (Peggy) Smith Nicholas. John Spears Smith was also the brother of Mary Smith who had married her cousin, Judge Samuel Smith Nicholas of Louisville, Kentucky.

In the spring of 1819, he retired permanently from public life, and returned to his country home, known as "Warren". His health had been seriously impaired by fatigue and anxiety induced by the many positions of responsibility he had held, and his useful life was drawing to a close.

He was advised to try the benefits of a journey on horse-back, and set out for the home of his son-in-law, Thomas Jefferson Randolph. Here his strength failed and he expired suddenly October 10, 1820. Popular and successful, his life was crowned with many honors, and he left the memory of valuable services rendered, both to his State and to his Country.

John Nicholas was the fifth child of Robert Carter Nicholas and his wife, who was Anne Cary. He was born in Westmoreland County, Virginia in 1763. He was elected as a Democrat from Virginia to the Third Congress of the United States. And was re-elected to the Fourth, Fifth and Sixth, serving from Dec. 2, 1795 to March 3, 1801. He married Anne Lawson, the daughter of Gavin Lawson. Her sister Jane married Robert Selden Rose. In 1803 the Lawson, Nicholas and Rose families with a kinsman, Colonel Fitzhugh with his family moved from Virginia to New York, the part that was known then as the "Genesee Country", in the western part of the state, where they had large landed estates. As they moved their slaves with them it is only natural that they devoted themselves to agricultural pursuits. From 1806 to 1809 John Nicholas was a member of the State Senate of New York, and at one time was presiding Judge of the Oneida County Court. He and his wife were the parents of eleven children, and he superintended the education of all of them. They all married in New York state, and many of their descendants are still living there. His daughters married the following men, Abraham Dox, the Rev. Drin Clark and Dr. F. B. Leonard. His sons were, Gavin Lawson Nicholas, George Wilson Nicholas, Robert Carter Nicholas who married Mary Selden Rose and John Nicholas, Jr. married Virginia Gallager. John Nicholas died at Geneva, New York December 31, 1819, after a long illness.

The sixth child of Robert Carter Nicholas and his wife,

## OCCGS REFERENCE ONLY

who was Anne Cary, was Judith. She died when very young. The seventh child was Lewis Nicholas, born 1764 and died 1840. All that is known of him, is that he married a Miss Harris. Their eighth child was Robert Nicholas who also died when very young. Their ninth and last child was Philip Norbonne Nicholas, 1775 and died 1849. He was married twice, first wife was Mary Spears of Baltimore, the daughter of Colonel John Spears, and the sister of William Spears who had married her cousin, Cary Ann Nicholas. His second wife was Maria Carter Byrd, the daughter of Thomas Taylor Byrd, and the grand-daughter of William Byrd of Westover, on the James River.

Philip Norbonne Nicholas led a very active life. For many years he was Attorney-General of Virginia, and for a time was President of the Farmers Bank in Richmond. He was a member of the Virginia Convention 1829-1830. Judge of the General Court of Virginia. He was associated with William Wirt and George Hay in the able defense of James Thompson Callender, who was tried in Richmond, Virginia, in May 1800, before Judge Samuel Chase of the United States Supreme Court, for publishing a pamphlet entitled, "The Prospect Before Us", in which the character of President John Adams was infamously libelled. The prosecuting attorney was Thomas Nelson, son of General Thomas Nelson, Jr. of the Revolutionary War. The zeal of Judge Chase in directing the prosecution subjected him to the charge of having transcended his powers, and occasioned his famous trial for impeachment before the United States Senate.

Three children were born to Philip Norbonne Nicholas and his first wife who was Mary Spears; They were—

- (1) John Spear Nicholas married Mary Gilmore
- (2) Wilson Nicholas married Jane Hollins
- (3) Robert Carter Nicholas married Elizabeth Ambler, daughter of Col. John Ambler of Jamestown, Virginia. Children of the second wife, Maria Carter Byrd were —
- (1) Jane Nicholas — no record given, perhaps died very young.
- (2) Philip Cary Nicholas, a well known member of the Bar in Richmond, Virginia, and an efficient librarian of the Virginia State Library.
- (3) Elizabeth Byrd Nicholas — born Dec. 16, 1830; died June 1904.
- (4) Sidney Nicholas — married Selma Hudgins.

Philip Norbonne Nicholas and his two wives are buried in the Shockoe Cemetery. The following inscription is on his tombstone—

Philip Norbonne Nicholas  
Died August 18, 1840  
74 years of age.

In early manhood, he was appointed Attorney-General of Virginia and from that time until his death, occupied position of high trust and responsibility. As a judge, though firm and decided, he was always bland and courteous. His principles were those of a patriot and republican. In all social relations his uniform kindness gained him many devoted friends, who will long lament his loss.

Anna Virginia Parke  
Ghuett, Kentucky 41045

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