

CHAPTER THIRTEEN

Leroy Nichols

Generation No. 2

1. LEROY³ NICHOLS (*JOHN², UNKNOWN¹*) was born February 26, 1817 in Barren County, Kentucky, and died March 15, 1898 in at the home of his nephew, Irvin Ward, Barren County, Kentucky. He married **MARGARET ANN MORRISON** November 10, 1841 in Barren County, Kentucky. She was born June 22, 1817 in the state of Kentucky, and died September 01, 1894 in Barren County, Kentucky.

Notes for LEROY NICHOLS:

Leroy Nichols went by the name "Lee" most of his life and was known as "Old Uncle Lee" by his family. He married Margaret Morrison in 1841, and she was known as "Aunt Peggy Ann." They lived one mile south of the Bowles cemetery on a small road between what was then Charlie Bailey's place and the old John Nichols' house. Family history says that Peggy Nichols was never able to get pregnant because of a tumor located on her uterus. However, throughout their marriage, she and Leroy helped raise several orphaned children, most of whom were descendants of Nichols family members.

The 1850 U.S. Census for Barren County listed Leroy Nichols, age 33, a farmer and head of household, and his wife, Margaret A., age 32. Also living with them were Martha J. Ward, age 12, and Polly A. Ward, age 11. These two girls were children of Leroy's sister, Elizabeth (Nichols) Ward, and were taken to be raised by Leroy and Peggy shortly after Elizabeth's death in 1842. In addition to her daughters, Elizabeth also had two sons, Irvin and Decrillion, who went to live with her parents, John and Nancy Nichols. However, after John Nichols died in 1851, the boys were also taken in by Leroy and Peggy, and they would raise all four of Elizabeth's children until they reached adulthood.

Lee Nichols' father, John Nichols, died intestate in 1851, and Lee was appointed his Administrator by the Barren County Court, for which he took the required oath and posted bond. On October 16, 1851, acting as administrator, Leroy Nichols filed an equity suit in Barren County in order to enable the court to legally distribute his father's estate among his children and legal heirs. This equity lawsuit, known as Case No. 1847, has been a critical source of information for all persons interested in the Nichols family history because it identified the names of all of John's children who survived him as well as the names of the children who preceded him in death, who had children of their own. Four of John Nichols' children died before he did, and their children (John's grandchildren) became legal heirs in lieu of their deceased parents, and the names of all those children were listed here as well.

Petition in Equity No. 1847
Filed October 16, 1851, Barren County Circuit Court

Leroy Nichols, Plaintiff

vs.

Elias Nichols, John Nichols, Nancy Nichols, Ann Burch, Robert B. Burch, Philip Nichols, Thomas Nichols, Polly Pursley, John J. Pursley, Abner Nichols, George Nichols, Sophronia E. Pursley, Joseph J. Pursley, Joseph W. Nichols, Elvin J. Nichols, James T. Nichols, Virginia Nichols, William R. Nichols,

Samuel H. Nichols, Alexander R. Nichols, Amanda Nichols, Milton Nichols, Newton Nichols, Mary S. Nichols, William J. Ward, Martha J. Ward, Polly A. Ward, Decrillion Ward, Martha A. Lyon, Mary R. Lyon, William J. Lyon, Susan Lyon, and America Lyon, Defendants.

The Plaintiff, Leroy Nichols, states that his father, John Nichols, departed this life on the ___ day of _____. He further states that the said John died intestate and that he was appointed by the Barren County Court, at the time thereof, his Administrator and that he entered into bond as required by law and took upon himself the administration of his said father's estate. He further states that he has not fully settled up said estate, but that he will have his accounts as Admin. audited and settled by the presiding judge of the Barren County Court, which settlement, when made, or a certified copy thereof, he will file herewith as part of this petition which he prays may be taken as part thereof.

The Plaintiff further states that the said John left at the time of his death the following named children and heirs at law to wit: Elias Nichols, John Nichols, Ann Burch, late Ann Nichols who intermarried with Robert B. Burch, Philip Nichols, Thomas Nichols, Polly Pursley late Polly Nichols who intermarried with John J. Pursley, Abner Nichols, George Nichols, and the Plaintiff, Leroy Nichols, and Nancy Nichols, the widow of said John Nichols deceased.

The Plaintiff further states that Richard Nichols, William Nichols, Elizabeth Ward late Elizabeth Nichols who intermarried with Robert H. Ward, and Eliza Jane Lyon late Eliza Jane Nichols who intermarried with Robert H. Lyon, were also children of the said John Nichols, decd. -all of whom departed this life before the said John. The Plaintiff further states that the said Richard Nichols left at the time of his death the following named his only children and heirs at law, to wit: Sophronia E. Nichols (who has since intermarried with Joseph J. Pursley) and Joseph W. Nichols. The Plaintiff further states that the said William Nichols left at the time of his death the following named his only children and heirs at law, to wit: Elvin J. Nichols, James T. Nichols, Virginia Nichols, William R. Nichols, Samuel H. Nichols, Alexander R. Nichols, Milton Nichols, Newton Nichols, and Mary S. Nichols. The Plaintiff further states that Elizabeth Ward left at the time of her death the following named her only children and heirs at law, to wit: William J. Ward, Martha J. Ward, Polly A. Ward, and Decrillion Ward. Plaintiff further states that the said Eliza J. Lyon left at her death the following named children who are her only children and heirs at law, to wit: Martha A. Lyon, Mary R. Lyon, William J. Lyon, Susan Lyon, and America Lyon. [Author's Note: For some reason, George Harvey Nichols, one of the infant children of the deceased William Nichols was not named, and it is believed that this omission was an oversight on the part of the court.]

The Plaintiff further states that the said James T. Nichols, Virginia Nichols, William R. Nichols, Samuel H. Nichols, Alexander R. Nichols, Amanda Nichols, Milton Nichols, Newton Nichols, Mary S. Nichols, William J. Ward, Martha J. ward, Polly A. Ward, Decrillion Ward, Martha A. Lyon, Mary R. Lyon, William J. Lyon, Mary S. Lyon and America Lyon are infants under the age of 21 years.

The Plaintiff further states that the said John at the time of his death was the owner and had legal title to two tracts of land, lying and being in Barren County and within the jurisdiction of the Barren Circuit Court, one of said tracts contains 30 or 40 acres, the other tract contains one hundred acres. For a more particular description of said land reference is made to a deed of conveyance made to the decd. John by Edmond & B. G. Willis and reference is also made to a Patent which was issued to said John from the Commonwealth of Kentucky, which Patent bears the day of ___ which together with said deed is herewith filed as part hereof marked A & B. Plaintiff further states that said father many years before his death laid a warrant on 50 acres of land in this county for which Plaintiff supposed that a Patent was issued, which when found he will file herewith as part hereof. The Plaintiff further states that he is of the opinion that all of said land is not worth more than the sum of four hundred dollars.

Plaintiff further states that his mother, Nancy Nichols, the widow of the said John Nichols, decd. has not had dower allotted her in the lands of her said husband. Plaintiff further states that Joseph W. Nichols, Mary Nichols, Elvin J. Nichols, James T. Nichols, Virginia Nichols, William R. Nichols, Samuel H. Nichols, Alexander R. Nichols, Amanda Nichols, Milton Nichols, Newton Nichols, and Mary S. Nichols are non-residents of the state of Kentucky. Plaintiff prays for ___ against the said defendants and that

they be compelled to answer this petition. Plaintiff prays for a sale of said land except the dower interest of the said Nancy Nichols and that the proceeds be equally divided amongst the heirs at law of the said John Nichols, decd. and for all proper relief.

Sworn before me by Lee Roy Nichols, October 16, 1851.

W. E. Mumford, C. B. C. C.

The judgment of the court was that the land mentioned in the petition and exhibits be sold on a credit of six months, and a commissioner was appointed to oversee a public auction. After advertising the sale as required by law, the land was sold on September 2, 1852 to two of John Nichols' sons. Lee Nichols purchased 70 acres for the sum of fifty dollars, and Thomas Nichols purchased 120 acres for the sum of one hundred and eighty five dollars. The tract that Thomas purchased was the same tract of land upon which John Nichols lived and died, which probably included the original 100 acre Patent acquired by him from Robert Daugherty in 1812.

In a deed dated August 2, 1853, Leroy Nichols was conveyed 70 acres of land located on Fallen Timber Creek, which he had purchased for \$50 cash-in-hand at the public auction referred to above on September 2, 1852. (Deed Book 5, page 617, Barren County Clerk's Office.) His brother, Thomas Nichols, purchased 120 acres at the same sale for \$185. (Deed Book 5, page 615, Barren County Clerk's Office.)

The 1860 Barren County Census listed Leroy Nichols, age 43, Laborer, and his wife, Margaret A., age 43. Also living in the household were Polly A., age 21, and "Decreaver" (Decrillion), age 19. The estimated value of Leroy Nichols real estate was \$900 and personal estate was \$685. Polly and Decrillion were children of Leroy's deceased sister, Elizabeth.

On June 17, 1865, Leroy Nichols and his wife, Margaret Ann Nichols, agreed to lease 93 acres to J. B. & M. H. Redding for the exclusive purpose of exploring for oil, gas, coal, and other minerals. The lease term was for 30 years, and a well had to be commenced within 3 years or the lease abandoned. (Deed Book 3, page 255, Barren County Clerk's Office.)

The 1870 Census for Barren County listed Leroy Nichols, age 53, a Farmer, and his wife, Margaret A., age 53, a housewife. Still living in their household was Polly A. Ward, age 30, a seamstress, and John Q. A. Lyons, age 23. Sometime after 1860, Leroy and Margaret Nichols had taken in John Lyons to raise as their own child, much as they did with the Ward children.

The 1880 U.S. Census for Glasgow Junction, Barren County, Kentucky listed Leroy "Nickols," age 63, a Farmer, and his wife, Margaret A., age 62, keeping house. Also listed as living in the household was John Anderson, age 15, working on the farm. John Anderson was an orphan being raised by his great uncle and great aunt, Lee and Margaret Nichols. He was the son of Leroy Nichols' niece, Nancy Jane Nichols, who married Martin P. Anderson in 1864. Either the boy's father had died prior to 1880, or he had turned the boy over to be raised by the Nichols.

Leroy Nichols, age 77, sold his land on Fallen Timber Creek to Charles Bailey in a deed made just 12 days after the death of his wife, dated September 13, 1894. He sold 85 and one fourth acres to Bailey for the total sum of \$600, of which \$200 was paid at the time of conveyance and \$400 to be paid January 1, 1895. (Deed Book 35, page 62.)

A deed of conveyance was made on May 4, 1895 between Leroy Nichols and John Q. A. Lyons,

wherein Leroy Nichols, in consideration of the sum of one dollar (\$1) cash-in-hand paid, and the love and affection said Nichols bears said Lyons, who was reared by said Nichols, sold and assigned to said Lyons, a certain tract of land on Fallen Timber Creek containing 11 acres. (Deed Book 35, page 558.)

Shortly after his wife Peggy's death in September 1894, Lee Nichols, then almost 78 years old, sold his place on Fallen Timber Creek and moved into the home of his nephew, Irvin Ward and his family. He and Peggy had helped to raise the Ward children (including Irvin) after their mother, Elizabeth (Nichols) Ward died, and it's likely that they considered Lee Nichols almost as a father. Lee passed away on March 15, 1898 while living at the home of Irvin Ward. He was 81 years old.

Leroy Nichols died on March 15, 1898, shortly after this lawsuit was filed in the Barren County Circuit Court. After his nephew, Byrd White Nichols, was appointed Administrator for Leroy Nichols by the Barren County Court, the suit was once again renewed.

Barren County Circuit Court, Case No. 8320, filed January 26, 1898

Leroy Nichols, Plaintiff

Vs.

J. F. Oliver, Defendant

The plaintiff, Leroy Nichols, (now B. W. Nichols acting as Administrator) states the following: On August 22, 1894, Charles P. Bailey and his wife, Cordelia, sold to J. F. Oliver for the sum of \$600 a tract of land located on Fallen Timber Creek in Barren County comprised of approximately 56 and one half acres. The terms of the sale were outlined in two promissory notes, one for \$400 to be paid on December 24, 1894 and the remaining note for \$200 to be paid on December 24, 1895. Interest at the rate of 6% per annum would be assessed only on the \$200 promissory note. A deed of conveyance was issued.

Since that transaction took place, both promissory notes, dated August 22, 1894, had been endorsed by Bailey and transferred and assigned to the plaintiff, Leroy Nichols. The plaintiff, Nichols, now alleges that no part of the \$400 note has been paid except \$275 paid on December 31, 1894, \$7.50 paid on December 24, 1895 and \$5.00 paid on December 24, 1896. The plaintiff also alleges that no part of the \$200 note has been paid except for \$7.50 paid on December 24, 1894. The plaintiff further alleges that the two notes were executed by the defendant for and in consideration of a tract of land situated on the waters of fallen Timber Creek in Barren County, Kentucky and conveyed to J. F. Oliver by Charles Bailey by deed, which said Oliver has never yet filed for record in the Barren County Court Clerk's Office but still has in his possession.

Plaintiff asks the court to assess a lien on that deed in order to secure the payment of the two notes and that he be entitled to have said lien enforced by requiring that the land be sold in order to satisfy the debt.

Judgment of the court was that B. W. Nichols, as Administrator for Leroy Nichols, be allowed to recover from the defendant, J. F. Oliver, the sum of \$600 with interest, at the rate of 6% per annum from the 24th of December, 1894 until paid and his costs herein expended, subject to a credit of \$275 paid on December 31, 1894, \$7.50 paid December 24, 1895, \$5.00 paid December 24, 1896, and \$7.50 paid December 24, 1894. It was further adjudged that the plaintiff have a lien on the land to secure the payment of said judgment and that he is entitled to have said lien enforced. It was therefore adjudged that the land be sold by the county commissioner to satisfy and pay that judgment.

The property was sold at public auction on September 19, 1898 for \$335 to W. T. Bailey, Jr.

Byrd White Nichols represented his uncle, Lee Nichols, after Lee's death and presented an inventory and appraisal of Lee's personal estate to the Barren County Court, dated April 23,

1898. No final dollar figure was given, but below are some of the items listed as part of Lee Nichols' estate:

Cash on hand	-----	\$16.08
1 Certificate of Deposit No. 582 from the Glasgow bank	-----	\$500.00
1 note due from John Q. A. Lyons, dated May 30, 1895	-----	\$2.75
1 black cow and calf	-----	\$25.00
1 sorrel filly	-----	\$15.00
1 pair of saddle pockets	-----	\$2.00
1 saddle	-----	\$3.00
1 feather bed and straw tick	-----	\$5.00
1 lot of bed clothing	-----	\$3.50
1 trunk	-----	\$2.00
1 clock	-----	\$0.25
1 table	-----	\$0.75
1 bookcase	-----	\$0.50
1 lot of cupboard ware	-----	\$1.00

Also listed and itemized as a part of his personal estate were several notes representing loans that Leroy had made to various people, some dating as far back as 1870. The possibility of collecting some of these loans was considered by the court to be "doubtful." (Barren County, Kentucky Inventory Sale Book No. 17, 1896-1902, p.208)

Obituary of LEROY NICHOLS (from the Glasgow Times, Glasgow, KY, March 17, 1898, Vol XXXIII, No. 38).

Mr. Leroy Nichols died Monday of dropsy. He was about eighty years of age at the time of his death. He had lived for nearly a life time in the Vernon neighborhood in Barren County, but a few years ago his wife died of cancer. Since then he has made his home with Mr. W. I. Ward near here. He was buried Tuesday near Vernon at the Bowles burying ground.

In Loving Remembrance of Lee Nichols, died March 15, 1898.

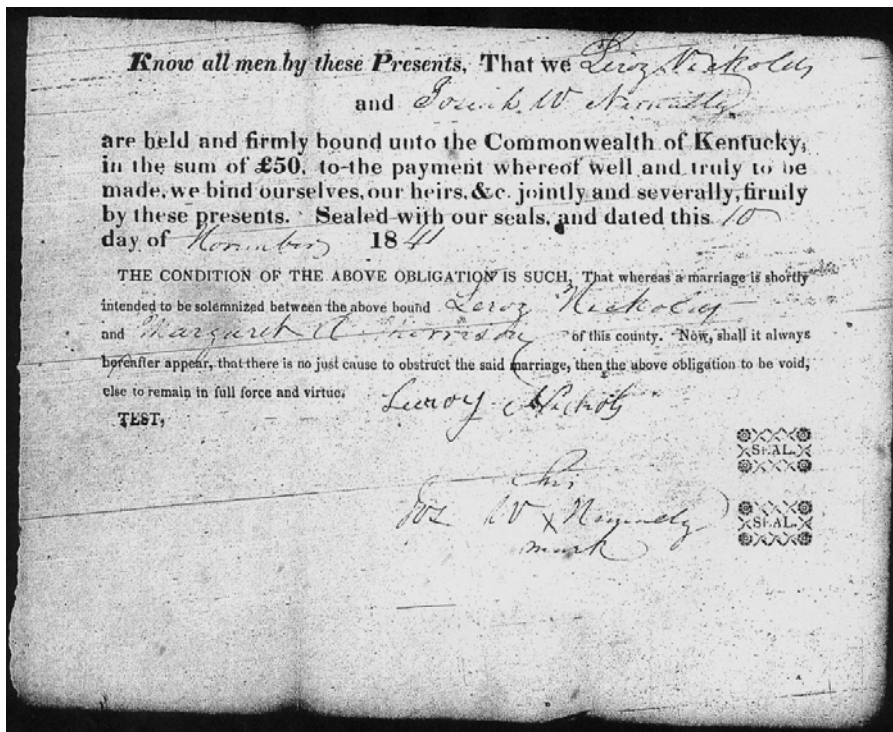
A precious one from us has gone,
A voice we loved is still;
A place is vacant in our home,
Which never can be filled.
God in his wisdom has recalled,
The boon his love has given,
And though the body molders here,
The soul is safe in heaven.

More About LEROY NICHOLS:

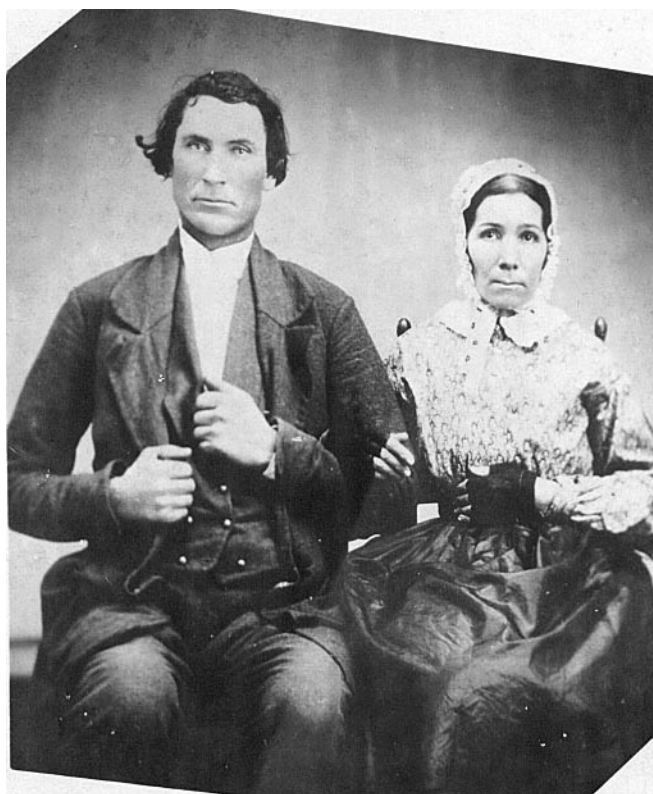
Burial: Bowles family cemetery near Eighty Eight, Barren County, Kentucky
Cause of Death: Dropsy

More About MARGARET ANN MORRISON:

Burial: Bowles Family Cemetery, Barren County, Kentucky
Cause of Death: Cancer



1. Marriage bond between Leroy Nichols and Margaret A. Morrison, dated November 10, 1841. Surety was Josiah Nunally.



2. Leroy Nichols and his wife, Margaret Morrison.



3. Leroy Nichols – born Feb. 26, 1817 – died Mar. 15, 1898. Margaret A. - wife of Leroy Nichols – born June 22, 1817 – died Sep. 1, 1894. Bowles Cemetery, Barren County, Kentucky