

ID: I3150

- Name: Nicholas OVERBURY
- Given Name: Nicholas
- Surname: Overbury
- Suffix: I
- Sex: M
- Title: I
- \_UID: 23164B68A093384BADF87E80BD24D7373469
- Note:

He immigrated to America the year after his father died. Our Nicholas came to Virginia in 1654 as a "headright" for Colonel Abraham Wood who was a merchant, explorer and land trader. Based on ship records from Bristol, England, the port from which Nicholas sailed, he was not indentured or apprenticed like most other emigrants. Nicholas was employed in some capacity by Colonel Wood who was well known by the Overbury family. Virginia records show business transactions by Nicholas Overbey and Thomas Chamberlayne.

Abraham Wood operated his trading business from Fort Henry which was built in 1645 for the defense of the citizens on the south side of the James River. It was on a bluff near the falls not far from where the Appomattox River enters the James River. The garrison had 45 soldiers from the surrounding counties and Abraham Wood was placed in command. The Fort and 600 acres were granted to Abraham Wood. The area is north of what is now called Petersburg, Virginia.

From this little city of Fort Henry, Colonel Wood began exploratory journeys with pack trains of 50-100 horses loaded with trinkets, blankets and guns. In the year, 1650, he went on expeditions to the west and south with Edward Bland. In 1652, by order of the Assembly, Abraham Wood (then a Major) was granted the right to discover and trade for 14 years, places where no Englishman had ever been.

By the year 1654, our ancestor Nicholas Overbey, Sr., had been brought from England by Abraham Wood to help him in some way with his growing business interests. By 1675, Wood had expanded his business journeys over the Great Smokies and into the powerful Cherokee Nation.

There are no records of our Nicholas Overbey, Sr. owning any land of his own between 1654 and 1680. It is assumed that he traveled a lot and spent all these years helping Colonel Wood. He provided skilled labor and intelligence for the development of the trading empire and the management of the land holdings.

Our Nicholas Overbey, Sr., was the father of a son born about 1659 in Virginia. The son was called Nicholas "ye younger" and "ye son". I shall call him Nicholas, Junior.

In 1685, our Nicholas, Sr. purchased a developed tract of land for his son Nicholas, Jr. with all houses, edifices, buildings, orchards, gardens, forests and all profit on this same tract of land and plantation. (Henrico Co., VA Deeds, 1677-1692) This frontier land was an area that was administered by Charles City County, VA, but was formed into Prince George Co., VA in 1705. The land was probably near Fort Henry, just south of the Appomattox River, in what was called Bristol Parish. The land was a wedding gift to Nicholas Overbey, Jr. Witnesses to the deed were Dysons, who lived near the site of Woods Church, five miles north of Petersburg, Virginia. It is considered the "Mother Church" of Bristol Parish and was named for Abraham Wood. Our Nicholas Overbey's son (Jr.) learned well from his father and from Colonel Wood and by the year 1690, (Jr.) was earning more land for himself, by transporting his own "headrights" from England and taking land grants for their emigration.

There were no further records of our Nicholas Overbey, Sr. after 1690 and I assume he died shortly after 1690, in Bristol Parish, Virginia (originally part of Charles City County), somewhere between the Appomattox River and the town of Petersburg, VA, not far from Fort Henry.

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- Birth: ABT 1628 in Isleworth, Middlesex, England 2
- Death: AFT 1690 in Charles City County, Virginia 2
- Immigration: 1654 America 2

Father: Giles OVERBURY b: APR 1590 in Quinton, England

Mother: Ann SHIRLEY b: ABT 1603 in Isfield, Sussex, England

Marriage 1 Spouse Unknown •Married: ABT 1658 in Charles City County, Virginia

1. Has Children Nicholas OVERBY b: ABT 1659 in Charles City County, Virginia
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## **Will of Nicholas Overby the Immigrant**

A portion of the Charles City County Record Book, 1692-1700, taken from the Charles City courthouse in 1862 during the Peninsula Campaign of the Civil War, was returned to the Library of Virginia in 2016 by a Pennsylvania family who had cared for it for over three decades. It was reunited with another portion of the record book that had been returned to Virginia decades earlier. Record books summarize the matters brought before the county court and are an invaluable genealogical and historical resource. Deeds, wills, and estate inventories are the most common record types found in this volume.

<http://www.virginiamemory.com/transcribe/scripto/transcribe/850/3169>

Charles City County Order Book, 1694-1700, image 109

In the name of God amen I Nicolas Overby Sen<sup>r</sup> of Charles City County  
 being sick and weak in body but of sound and perfect memory thanks be  
 to almighty god and knowing the uncertainty of this life doe [do] make and  
 ordaine this my last will and testament In maner and form folloeth  
 Revoking all former Wills by me made if any such be found  
 First I Bequeath my Soul to God my Creator not trusting on any  
 goodness of mine owne but in the alone Merritts of my sweet savior  
 Jess Crist and my body to y<sup>e</sup> ground to be buried according to y<sup>e</sup> desire  
 of my Ex<sup>rs</sup> and for personall Estate as it hath pleaseth god of his  
 infinite Goodness and mercy to bestowe upon me I give and bequeath  
 that as folloeth  
 I give and bequeath unto my Grandson Nicolas Overby when he shall Come  
 of age my negro girle moll. Item to Rest of my Grand Children Willam  
 Petter and Richard Overby when they shall Come of age to each of them  
 five pounds sterling. Item to my godson Nicolas Vaughan att the  
 proving of this my will and testament one short trading gun. The  
 Rest of my Estate after all D<sup>t</sup>s. and leagacis paid. I give to my son Nicolas  
 Overby and doe make him my sole Ex<sup>rs</sup> of this my last will & Testam<sup>t</sup>.  
 In Wittness Whereof I have hereunto Sett my hand and Seale  
 this 30<sup>th</sup> day of may 1696  
 his mark Nicolas O Overby  
 Sealed with  
 in presence of us  
 Joshua Irby  
 John Bolling

Proved in Court by the oathes of  
 Joshua Irby & John Bolling  
 Septemb 3 1696 Test. James Minge

In the name of God amen I Nicolas Overby Senr of Charles City County  
 being sick and weak in body but of sound and perfect memory thanks be  
 to almighty god and knowing the uncertainty of this life doe [do] make and  
 ordaine this my last will and testament In maner and form folloeth  
 Revoking all former Wills by me made if any such be found  
 First I Bequeath my Soul to God my Creator not trusting on any  
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 Jess Crist and my body to ye ground to be buried according to sd desire son  
 of my Exers and for personall Estate as it hath pleaseth god of his  
 infinite Goodness and mercy to bestowe upon me I give and bequeath  
 that as folloeth [followeth]  
 I give and bequeath unto my Grandson Nicolas Overby when he shall Come  
 of age my negro girle Moll. Item to Rest of my Grand Children Willam  
 Petter and Richard Overby when they shall Come of age to each of them  
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 Rest of my Estate after all Dts. [debts] and leagacis paid. I give to my son Nicolas  
 Overby and doe make him my sole Exrs. of this my last will & Testam<sup>t</sup>.  
 In Wittness Whereof I have hereunto Sett my hand and Seale  
 this 30th day of may 1696  
 his mark Nicolas [mark] O Overby [seal]

Sealed ddd  
 in Pnce of s  
 Joshua Irby  
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[https://en.wikipedia.org/wiki/Fort\\_Henry\\_\(Virginia\)](https://en.wikipedia.org/wiki/Fort_Henry_(Virginia))

Fort Henry was an English frontier fort in 17th century colonial Virginia near the falls of the Appomattox River. Its exact location has been debated, but the most popular one (marked by Virginia Historical Marker QA-6) is on a bluff about four blocks north of the corner of W. Washington and N. South Streets in modern-day Petersburg, Virginia.

Fort Henry was built in 1645 by order of the House of Burgesses. It marked the 1646 treaty frontier between the white settlers and the Native Americans following the Second Anglo-Powhatan War. It was situated near the Appomattoc Indian tribe. It was the only point in Virginia where Indians could be authorized to cross eastward into white territory, or whites westward into Indian territory, from 1646 until around 1691. In later years it also came to be known as Fort Wood, after its first commander, Abraham Wood (1614-82), who sent out several exploratory expeditions from there. In 1675, command of the fort and adjacent Indian trading post passed to Wood's son-in-law, Peter Jones. The post became known as "Peter's Point", and eventually grew into modern Petersburg. At some unknown point the original fort fell into ruins.

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[https://en.wikipedia.org/wiki/Petersburg,\\_Virginia](https://en.wikipedia.org/wiki/Petersburg,_Virginia)

Archaeological excavations at Pocahontas Island have found evidence of a prehistoric Native American settlement dated to 6500 BCE. This is in the early third of the Archaic Period (8000 to 1000 BCE). Varying cultures of indigenous peoples lived in the area for thousands of years. When the English arrived in Virginia in 1607, the region was occupied by the Appamatuck, a significant tribe of the Powhatan Confederacy. They were governed by a weroance, King Coquonosum, and by his sister, Queen Oppussoquionuske. This Algonquian-speaking people later had a town at Rohoic Creek (formerly Rohowick or Indian Towne Run), on the western edge of present-day Petersburg.

Petersburg was founded and settled by English colonists. By 1635 they had patented land along the south bank of the Appomattox River as far west as present-day Sycamore Street, and about 1 mile (1.6 km) inland. In 1646, the Virginia Colony established Fort Henry a short distance from the Appamatuck town, near the falls. Col. Abraham Wood sent several famous expeditions out from here in the following years to explore points to the west, as far as the Appalachian Mountains. Sometime around 1675, Wood's son-in-law, Peter Jones, who then commanded the fort and traded with the Indians, opened a trading post nearby, known as Peter's Point. The Bolling family, prominent tobacco planters and traders, also lived in the area from the early 18th century. In 1733, Col. William Byrd II (who founded Richmond at the same time) conceived plans for a city at Peter's Point, to be renamed Petersburg. The Virginia General Assembly formally incorporated both Petersburg and adjacent Blandford on December 17, 1748. Wittontown, north of the river, was settled in 1749, and became incorporated as Pocahontas in 1752. Petersburg was enlarged slightly in 1762, adding 28 acres (110,000 m<sup>2</sup>) to "Old Town".

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Nicholas Ye Younger Overby lived in the neighborhood of Col. Abraham Wood and his son-in-law Thomas Chamberlayne mention above.

"Henry Wall, 275 Acres, Bristoll Pish., Chas. City Co., and (bounded) at or near Rahowick, at a certain hickory corner tree of the lands now or late of Maj. Chamberlin, thence E. ... crossing a run or branch ... one of the lines late of Col. Wood now or late of Maj. Chamberlin, thence along the line of marked trees S.W. ... The sd. Land was due by Trans. Of 6 psons., 21 April 1690."

On the same day, Nicholas Overby patented adjoining land:

"Nicholas Overbee the Younger, 323 Acres, Bristoll Pish., Chas. City Co., at ir bear Rahowick. Bounded: at a corner of the lands late of Col Wood which also is a corner of the lands late of Abraham Jones, and thence along the sd. Jones marked line E. ... to a pine by the side of a run of the lines of Henry Wall, crossing that Br., then along that line E. ... where it falls upon one of the lines of the land late of Col. Wood aforesd, then along that line N.E. ... The sd. Land was due by Trans. of 7 psons., 21 April 1690."

The Col. Wood mentioned in these two patents was Abraham Wood, commander of Fort Henry. Abraham Jones, mentioned in Overby's patent, was a "grandchild in law" (step-grandchild) of Abraham Wood, named as such in Wood's will. Abraham Jones was named as Abraham Wood Jones in a patent to John Ellis dated 4 Nov 1685, 464 acres "Beg. &c., belonging to the land of Abraham Wood Jones. (Patent Bk 7, pg 489). Maj Chamberlin, mentioned in Henry Wall's patent, was Thomas Chamberlain, Abraham Wood's son-in-law (Dorman, Adventurers of Purse & Person, 4th ed., v. 3, p. 677.

Interesting that this John Ellis is my 8<sup>th</sup> Great-Grandfather through my father's mother's family and is a neighbor of my 7<sup>th</sup> and 8<sup>th</sup> Great-Grand Parents through my mother's family.

date 4 Nov 1685

John Elles (Ellis) 464a Charles City/ Bristall pish South side of Appamattuck River con Transp. of 10 psons loc 25803 -130820 F127 L0 P255

pt A) BLOake belonging to the Land of Mr Abraham Wood Jones and running thence along the said Jones his Lyne pt B) Mr Jones In WxS; 520p; pt C) BIO In NWXN; 154P;pt D) the Maine River to a Corner Gum lm ; ; then as the River windeth and trendeth.

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From above: "Virginia records show business transactions by Nicholas Overbey and Thomas Chamberlayne."

Below is an account of Thomas Chamberlayne.

EDMOND CHAMBERLEYNE of Malgersbury, county Gloucester Esqre. Will 12 April 1634; proved 8 May 1634. To my daughter Grace £1200 to be paid out of the first moneys received by the Sale of my parsonage of Norton in the county of the City of Gloucester. Said parsonage to be forwith sold by executors. To Charles trinder £100. My son Edmond shall have out of the lease of the parsonage of Stow £20 per annum until the estate of Hannes tent shall come in possession. To Church of Stow £10. To poor of Stow £5 to be distributed by my wife. To Henry Chilmead £10. To Anne Hellinger £10. I make my wife my son John and Charles Trinder executors. My wife shall have the use of all my goods for her life and then the same shall come to my said son John. Witnesses: Jo: Chamberlayne, Henry Chiltmead, Robt. Keeble, Edmd Ockey. *Seager*, 40.

[The 1683 Visitation of Gloucestershire gives as second son of Edmund Chamberlayne of Maugersbury "Thomas, of Virginia, who married Mary, daughter of Abraham Wood of Virginia". This Thomas Chamberlayne settled in Henrico County, and as he was evidently a hard drinker and a man of violent temper he makes frequent appearance in the court records. He had married the daughter of one of the leading men in Virginia, and had the opportunity to acquire a prominent place in his county, which he failed to attain. He first appears in the year the extant records of Henrico begin, 1677, as an opponent of the Baconian party, who had been pillaged by some of Bacon's adherents and who were disposed to persecute the ex-"rebels." On

Dec. 1, 1677, Charles Roberts deposed that he heard the Thomas Chamberlayne (who in 1678 and perhaps earlier, was a justice of the county) threaten to disarm Mr. John Pygott because he had been one of Bacon's officers. On the same date Joseph Ekin deposed that Mr. Chamberlayne, about July last, desired his neighbors to come to his house and that the deponent saw Mr. Pygott give Mr. Chamberlayne two scabbards and two sword hilts; but he would not swear there were blades in the scabbards because he did not see them.

About the same time Judith Randolph testified that, at the house of John Sturdevant she heard John Pygott swear and wish God damn men that would not pledge the juice and quintessence of Bacon, and Mr. Chamberlayne said he could as soon pledge the Devil and left the room in a passion.

On Dec. 1st, 1677, was recorded a note of things taken from Mr. Thomas Chamberlayne "in the rebellious times," viz: a set of curtains, one large chest, two beds, two bolsters, one large feather pillow, one pair blankets, one rug, one pair sheets, one "fine canvas tester," three guns, one whole beef, four turkeys, one washing tub, one small shovel, two or three books, two men servants from the house and three from the landing; sworn to have been taken by William Clark and his company.

In April 1678, Thomas Chamberlayne was commissioned sheriff of Henrico, and in April 1679, he made an agreement to pay 1200 lbs tobacco for the erection of a frame house, forty feet long, twenty feet wide, two stories with outside chimneys. In June 1679, he began to get into trouble. In that month William Puckett deposed that Major Chamberlayne came to his and John Puckett's house, and in conversation in regard to some tobacco plants he had taken up and which they claimed, he said that John Puckett was a blockhead, and a son of a —, and John Puckett said that his mother was no more a — than Chamberlayne's was, and then Chamberlayne asked him if he compared himself to him, and took up a hatchet and said, if he said another word he would find his heart. About this time Thomas Chamberlayne was several times prosecuted by the grand jury for being drunk and fighting. It should be stated however, that in that hard-drinking time an indictment for being drunk might have been a little mortifying; but evidently was not especially disgraceful. There were too many in the same box. Chamberlayne's behavior, however, became too offensive for the Governor and Council to stand, and on April 30, 1679, they suspended him from his place as one of the justices of the county court. "It having been shown by many witnesses that he had highly and contemptuously offended the said court."

There is on record a deed Feb. 1686-7 from Thomas Chamberlayne and Mary his wife, daughter of Major General Abraham Wood, conveying to George Archer and Joseph Royall land which had been devised them by General Wood. By deed dated July 18, 1675, recorded June 28, 1678, Major General Abraham Wood had conveyed land to Thos. Chamberlayne.

In Aug. 1687, is a deposition stating that Major Thomas Chamberlayne had abused Thomas Bott and called him a rogue.

In June 1685, Mr. Humphrey Chamberlayne (doubtless a brother of Thomas) was presented for stripping off his upper clothes, and standing in the road near the Court House with his sword drawn, and other misdemeanors, and attempting to break jail; and attempted to excuse himself as being a stranger and ignorant of the laws; but the Court imposed a fine, thinking no stranger could be so ignorant, especially "an English gentleman." He appealed to the General Court, with Thos. Chamberlayne as security, but in Dec. 1685, probably not finding Virginia congenial, put up his name at the Court House door as "intending for Eng-

land." About this time Thomas Chamberlayne was also tried for riotous behavior, resisting arrest and damaging the jail. The last mention of this roistering gentleman in the Henrico records is on May 16, 1692, when having been imprisoned, he violently broke jail, and was again arrested and tried.

Soon afterwards he removed to Charles City County, and under the sobering effect of years evidently subsided into a sedate and respectable citizen for he was a member of the House of Burgesses for that county in 1695. As the records of Charles City for that period have been destroyed, we know nothing of his will or children, but he was not the ancestor of the Chamberlaynes of New Kent, Richmond, etc., who descend from a later emigrant, William Chamberlayne of Herefordshire.

As stated above the Visitation of Gloucestershire, 1683, identified Thos. Chamberlayne of Virginia. This has been published with additions in the annual report of the "Chamberlain Association of America" 1806-1907, pp. 70-81. (Omitting earlier generations)—Sir Thomas Chamberlayne of Prestbury, Gloucestershire, Ambassador from Henry VIII, Edward VI, and Elizabeth to several courts, died in the latter end of Elizabeth's reign. By his second wife, Elizabeth, daughter of Sir John Ludington, he had (2d son) Edward Chamberlayne of Mangersbury, high sheriff of Gloucestershire in the 39th Elizabeth, who died April 29, 1634, and was the testator above. By his second wife Grace, daughter of John Strangeways, of Melbury, Dorset, he had Edmund Chamberlayne, of Mangersbury, who died 1676. A long abstract of the Catter's will is given in the Annual Report referred to. His tomb at Stow bears this epitaph "Here lyeth Interred the Body of Colonel Edmund Chamberlayne, who departed this life 11 day of April 1676." He married Eleanor daughter of Humphrey Colles, of Clotteslad, Gloucestershire, and had a number of children among them, Edmund, who succeeded, Thomas, of Virginia, and Humphrey (doubtless the one who appears in the Henrico records), who was left land at Abbots Leigh, Somerset, and who in 1676 had three children.]

The above article refers to Bacon's Rebellion

[https://en.wikipedia.org/wiki/Bacon%27s\\_Rebellion](https://en.wikipedia.org/wiki/Bacon%27s_Rebellion)