

1823 - 021 Chancery Cause: Esther Tallow, widow of James Tallow v a Joseph W. Ballou, adms  
Isle of Wight County

of James Tallow v James Tallow

other SURNames: Talough

Isle of Wight County January Court 1823

Esther Fallow widow and relict of James Fallow deceased

and Elizabeth Fallow, Nancy Fallow, Lydia Fallow,

and Dumpry Fallow infant children of the said James

Fallow deceased, suing by the said Esther Fallow their

mother and next friend

against

Joseph W. Ballard admor of the said James Fallow deceased,

and James Fallow son of the said James Fallow deceased. Defendants

Complainants

In Chancery

This cause coming on again to be heard by consent upon the report of  
Commissioners Jacob H. Duck, and Henry Daughtry, the court doth further order and

decree by way of amendment to the decree formerly rendered in this cause that the  
commissioners before appointed or any two of them do allot and set apart to the said Esther

Fallow one third part of the slaves in the said bill mentioned as co-er, and that the said  
commissioners or such of them as may act do sell at public auction upon reasonable

credit the remaining two third parts of the said slaves upon a credit of six months  
except a sum sufficient to pay the expenses of the sale thereof, and take bonds with

sufficient security for the same payable as follows to wit, one bond payable to the  
guardian of each of the infant complainants for one fourth part, and one bond payable

to the defendant James Fallow for the remaining one fourth part, and the court doth  
further adjudge the defendant James Fallow, and the complainant Esther Fallow in

her own right, and as the mother and next friend of the infant complainants or some  
other person for them, before the sale of the said slaves, and allotment of dower as aforesaid

do jointly or severally execute to the defendant, Joseph W. Ballard refunding bond  
according to law; and make report &c

A Copy Teste Nathl. Young &c  
4

Tallow Head of friend  
NY  
copy of Deane  
Tallow admr. H.

Estlin Tallow & al

N. 1/3 Chy?

Esq. W. Ballard

This cause coming on again to be heard  
by consent upon the report of Commr. Jacob H. Donell & Henry  
Doughty, the court doth further order advise & decree, by way  
of amendment to the decree formerly rendered in this cause,  
that the commr. before appointed or any two of them do allot &  
set-apart to the said Estlin Tallow one third part of the slaves  
in the said bill mentioned as above, and that the said commr.  
or such of them as may act do sell at public auction upon  
reasonable credit the remaining two third parts of the said slaves  
upon a credit of six months (except a sum sufficient to pay  
the expenses of the sale thereof) and take bonds with sufficient  
security for the same payable as follows to wit, one bond payable  
to the guardian of each of the infant comp. for one fourth  
part, and one bond payable to the Deft. James Tallow for the  
remaining one fourth part: and the court doth further advise  
the Deft. James Tallow and the comp. Estlin Tallow, <sup>in his own right</sup> as the mother &  
next friends of the infant comp. or some other person for them,  
before the sale of the said slaves & the allotment of same as  
aforesaid, do jointly or severally accede to the Deft. Esq. W.  
Ballard & signing bond according to law: & make report &c.

Eska Talor led

very amount  
3 down -

Bell and hat

Isle of Wight County, to wit,

December Court 1822

Ethor Fallow, widow and relict of James Fallow ~~decd.~~ Elizabeth Fallow, Nancy Fallow, Lydia Fallow, and Demsey Fallow, infant children of the said James Fallow, ~~decd.~~ suing by the said Ethor Fallow their next friends Complainants

against

In Chancery

Joseph W. Ballard Administrator of the said James Fallow ~~decd.~~ and James Fallow, son of the said James Fallow ~~decd.~~ Defendants

This cause came on this day upon bill and answer filed by consent of parties and with the assent of the court. Whereupon the court doth order adjudge and decree that Jacob B. Duck, Henry Daughtrey and Samuel Vaughan or any two of them do sell at public auction after duly advertising the same, subject to the dower right of the said Ethor, the three several tracts of land of which the said James Fallow ~~decd.~~ seized and possessed, situate in the upper part of the county of Isle of Wight upon a credit of nine months, that the said Commissioners or such of them as may act, (after first deducting the costs and expenses of this suit) do take from the purchaser or purchasers, bond with sufficient security payable in the following manner and for the following sums to wit, one bond for one fifth part to the Defendant James Fallow, and one bond to the Guardian of each of the infant Complainants for one fifth part. And the court doth further order adjudge and decree that the said Commissioners or such of them as may act, do at the same time and place divide the slaves to which the said James Fallow ~~decd.~~ entitled, namely Penny, Patsy, Bill, Young Penny, Jack Winney, Stephen, Ned and Sampson, and allot the said Ethor one third part thereof for life, and the balance to the infant Complainants and the defendant James Fallow, share and share alike, - and the court being advised that from the number of the slaves so as aforesaid to be divided and the parties entitled thereto, that difficulty may and probably will arise in making division thereof, doth therefore further order adjudge and decree that the said Commissioners or such of them as may act, if necessary, do sell for cash at public auction at the time and place aforesaid one or more of the said slaves and with the money arising therefrom to make division of the balance of the said slaves in such manner as to them may seem

just and equitable regarding the principles of the said division as herein before  
mentioned. And the court doth further adjudge and decree that the defendant  
James Fallow, and the complainant Esther Fallow as the mother and next  
friend of the infant complainants or some other person as their next friend  
before the Sale and division of the said slaves do jointly or seperately execute to  
the defendant Joseph W. Ballard Administrator as aforesaid bond to refund  
according to the act of Assembly in such cases made and provided, and make  
report thereof to the court.

Attest  
Teste Wm. Young C. J.

Fallow & others

vs.  
Joseph W. Ballard  
Fallow's Admon. &c.

Esther Tallow, widow and relict of James Tallow dec'd Elizabeth  
Tallow, Nancy Tallow, Lydia Tallow, Demsey Tallow infant  
children of the said James Tallow dec'd. Suing by the said Esther  
Tallow their mother and next friend - Compt.

vs. <sup>Emy</sup> Chy.

Joseph W. Ballard comr. of the said James Tallow dec'd and  
James Tallow son of the said James Tallow dec'd - deflt.

This cause came on this day upon bill & answer filed,  
by consent of parties and with the assent of the court in view of  
the court doth order adjudge and decree that Jacob H. Duck, Henry  
Daughtry, Samuel Vaughan or any two of them, do sell at  
public auction, after duly advertising the same, subject to the  
owner right of the said Esther, two or three several tracts or parcels  
of land of which the said James Tallow died seized & possessed, situated  
in the upper part of the county of Isle of Wight, upon a credit  
of nine months: that the said comrs. or such of them as may  
act, after first deducting the costs and expenses of this suit, do take  
from the purchase or purchasers bond with sufficient security  
payable in the following manner & for the following sums, to wit,  
one bond for ~~25~~ 15 part to the defendant James Tallow, and one  
bond to the guardian of each of the infant Compt. for 15 part -

And the court doth further order adjudge & decree, that the said  
comrs. or such of them as may act, do at the same time  
and place divide the slaves to which the said James Tallow  
died entitled, namely, Penny, Patsy, Bill, Young Penny, Jack,  
Wimpy, Stephen, Ned, & Sampson, and allot the said Esther  
one third part thereof for life, and the balance to the infant  
Compt. & the defendant James Tallow share and share alike -  
And the court being advised that from the number of the  
slaves so as aforesaid to be divided, and the parties entitled  
thereto that difficulty may & probably will arise in making  
division thereof, doth therefore further order adjudge & decree  
that the said comrs. or such of them as may act, if necessary,  
do sell for cash at public auction, at the time & place aforesaid,  
one or more of the said slaves & with the money arising  
therefrom to make division of the balance of the said slaves  
in such manner as to them may seem just & equitable



regarding the principles of the said division or division  
before mentioned - and the court doth further adjudge &  
decree that the def<sup>t</sup>. James Tallow & the emp<sup>t</sup>. Estlin Tallow  
as the mother & next friend of the infant emp<sup>t</sup>. or some  
other person or their next friend, before the sale or division  
of the said Slaves, do jointly or separately appoint to  
the def<sup>t</sup>. Joseph W. Ballard a good man to attend  
according to the act of assembly in such case made  
& provide to make report to -

Tallow

vs  
Divers

Ballard del.

December 1/1820

Isle of Wight County December Court 1822

Esther Fallow widow and relict of James Fallow deceased  
and Elizabeth Fallow, Nancy Fallow, Sylvia Fallow, and  
Dunsey Fallow infant children of the said James Fallow  
deceased, suing by the said Esther Fallow their mother and  
next friend

Complainants

against

Joseph M. Ballard, admor  
Joseph M. Ballard, admor, of the said James Fallow dec; and  
James Fallow son of the said James Fallow dec;

Defendants

In Chancery

This cause came on this day upon bill and answer filed, by consent of parties  
and with the assent of the court, whereupon the court doth order adjudge and decree  
that Jacob H. Duck, Henry Daughtry, Samuel Naughton or any two of them, do  
sell at public auction, after duly advertising the same, subject to the dower right  
of the said Esther, the three several tracts or parcels of land of which the said  
James Fallow died seized and possessed, situate in the upper part of the county of  
Isle of Wight upon a credit of nine months, that the said commissioners or such of  
them as may act, after first deducting the costs and expenses, of this suit, do take  
from the purchaser or purchasers, bond with sufficient security payable in  
the following manner and for the following sums, to wit, one bond for 1/5 part  
to the defendant James Fallow, and one bond to the Guardian of each of the infant  
complainants for 1/5 part, and the court doth further order adjudge and decree  
that the said commissioners or such of them as may act, do at the same time  
and place divide the slaves to which the said James Fallow died entitled, namely  
Penny, Panny, Bill, young Penny, Jack, Winney, Stephen, Ned, and Sampson,

and allot the said Esther one third part thereof for life, and the balance to the infant  
complainants and the defendant James Fallow share and share alike, and the court  
being advised that from the number of the slaves, so as aforesaid to be divided, and the  
parties entitled that difficulty may and probably will arise in making division  
thereof, doth therefore further order, adjudge, and decree, that the said commissioners or  
such of them as may act, if necessary, do sell for cash at public auction, at the  
time and place aforesaid, one or more of the said slaves, and with the money arising  
therefrom to make division of the balance of the said slaves in such manner as to  
them may seem just and equitable, regarding the principles of the said division  
as herein before mentioned, and the court doth further adjudge and decree that the  
defendant James Fallow and the compt. Esther Fallow as the mother and next friend  
of the infant complot or some other person as their next friend, before the sale or  
division of the said slaves, do jointly or severally execute to the defendant Joseph W.  
Ballant, administrator, as aforesaid, bond to refund according to the act of assembly in  
such case made and provided, and make report there

Attest  
Copy Este Nathl Boring

In obedience to the annexed Decree bearing date December Court  
1822 We the undersigned Commissioners have after advertising as  
directed in said Decree have made sale of the three tracts of  
Land and at which sale James Tallaw, Benjamin Darden & Benjamin  
Councill became the purchasers and We attempted to divide the same  
after taking apart the Middew Dower and finding that an equal  
Division could not be made we suggest to the Court an amend-  
ment to said Decree so as to sell the balance of the slaves after  
taking apart the Middew Dower Given under our hands this  
27<sup>th</sup> day of December 1822

J. Duck  
Henry Daughtrey

Tallow & Co. Friend

105

Copy Decree

Ballard & Co.

In obedience to the worshopful court of Isle of Wight county in a decree to us directed bearing date December court 1822 we the undersigners after duly advertising the lands of James Talough Dec<sup>d</sup> did proceed to sell at public auction on the 17<sup>th</sup> day of December as directed in said Decree which James W. Talough became the purchaser of the tract of land where said Talough formerly lived for the sum of seven hundred & thirteen dollars Benjamin Dardin became the purchaser of the river Plantation for the sum of three hundred dollars four cents & Benjamin Boushice became the purchaser of the sundry tract for the sum of Sixty nine dollars and fifty cents which the three Tracts of land amounted to one thousand and eighty two dollars fifty four cents and after deducting 5 1/2% court commission and the Expenses of said Decree will leave a neat balance of one thousand and eighteen dollars forty two cents to be Equally divided between the complainants and dependant (to Wit) To James W. Talough accept for two hundred and three dollars sixty eight cents Elizabeth Talough one bond of two hundred and three dollars sixty eight cents to Nancy Talough one bond of two hundred and three dollars sixty eight cents to Lisby Talough three bonds to the amount of two hundred and three dollars sixty eight cents to Demey Talough one bond of two hundred and three dollars sixty eight cents the complainants having no guardians the bonds were taken in their own names, and your said commissioners attempted to divide the slaves of said James Talough Dec<sup>d</sup> as said Decree directed but finding that there was considerable of inconvenience that some of the parties would have to labour under, we reported the same to January court 1823 and was amended to sell the balance of said Slaves after setting the cower apart in compliance to said amendment and the annexed Decree, We set apart to Esther Talough the widow of James Talough Dec<sup>d</sup> the following Slaves (to Wit) Old pen Pen and young Pen which she the said Esther Talough did agree and consent to take as her equal third part of said Slaves, the balance of said Slaves we proceeded to sell on on the 21<sup>st</sup> day of January 1823 after duly advertising the same (to Wit) Bill to Littleton Moore for the sum of two hundred & seventy Six dollars, Jack to Jeremiah Braasshaw for two hundred and seventy five dollars twenty five cents Mimmy to Jacob A. Duck for the sum of one hundred and fifteen dollars twenty five cents Stephen to Joseph M. Battad for Sixty two dollars seventy five cents Ned & Sampson to Do<sup>r</sup> W. B. Ullid for sixty dollars forty two cents and after deducting legal expenses leaves a neat balance of seven hundred and fifty dollars nineteen

cents to be equally divided between the complainants and respondent  
(To wit) To James W. Talough two bonds to the amount of one hundred & fifty  
dollars three cents To Elizabeth Talough two bonds to the amount of  
one hundred & fifty dollars three cents To Nancy Talough one bond to  
the amount of one hundred and fifty dollars three cents To Leahy  
Talough one bond to the amount of one hundred and fifty dollars three  
cents to Nancy Talough one bond of one hundred and fifty dollars  
three cents given under our hands this 23<sup>rd</sup> day of January 1823

Jacob W. Doolittle  
Henry Daughtery  
Linnell Vaughan

To the honorable Court of Isle of Wight County, in  
executive sitting, humbly complaining shew unto your  
Worships your Petitioner and next of kin, Esther Tallow widow and  
relict of James Tallow dec'd. Elizabeth Tallow, Nancy Tallow,  
Lydia Tallow and Denny Tallow infants, suing by the said  
Esther Tallow their mother and next friend, that some  
time about the month of \_\_\_\_\_ in the present year the said  
James Tallow departed this life intestate seized & possessed  
of real and personal estate: Joseph W. Ballard qualified  
an executor of the good & lawful will of the said intestate, and  
in that character reduced to his possession several negro  
slaves together with other personal property, the estate  
of the said intestate being but little in value the said  
executor will have no necessity longer to keep possession  
of the said slaves, whose names are as follows, to wit,  
Penny, Patsy, Bill, Young Penny, Jack, Winney, Stephen  
Ned Hampton: your complainants Esther Tallow, as widow  
is entitled to one third part of the said slaves for life, &  
the balance are liable to division among the infant  
children of the defendant ~~Denny~~ <sup>James</sup> then and there after  
the said intestate did seize & possess of three several  
small tracts or parcels of land situated in the upper  
part of the County of Isle of Wight: your complainants  
state that these several tracts of land are also liable  
to division in the manner and among the persons as  
before mentioned: but the said tracts of land are  
in truth worth less than three hundred £. shew, and  
owing to their peculiar local situation & the number  
of claimants, a division thereof would be highly injurious  
to the parties, if not wholly impracticable - your repor-  
tants therefore suggest to the Court the propriety of direct-  
ing a sale of the said several tracts of land, subject  
to the down right of the said Esther Tallow, or in  
such other manner as to the Court may seem right

and paper: In Tender consideration thereof &  
for as much as your Petition & your Oath, are without  
injury in the premises except by the aid of a court of  
Equity - To the End therefore that the said Joseph W. Ballard  
admits as aforesaid & James Tallon son thereof of the said  
Deceased, may be made defendants to the bill, & may  
upon their personal oaths full & perfect answer make  
to all & singular the premises & that as perfectly as  
if the same were here again repeated & they should  
be interrogated: that the said Advers. may state whether  
he has with the said Slaves, & whether they in any part  
of them will be required for the payment of debts &  
whether he will consent to the division thereof in  
the manner stated in this bill: that the defendant  
James Tallon will state whether the description of  
the lands & Slaves herein mentioned be true or not, & that  
then he will consent to a sale of the land or Slaves  
mentioned and to the division of the said Slaves as required  
by your complainants - Your Petitioner and your Oath  
pray your worship will decree a division of the  
said Slaves & a sale or division of the said land for  
the purpose of effecting distribution thereof equally to  
less & the rights of the several parties, & that you  
will make such other or further order or decree in  
the premises as may seem just & correct to you it  
pleaseth the court to be.

The Joint & Separate answer of Joseph W. Ballard  
advers. of James Tallon dec. & James Tallon son and  
heir of the said intestate to the annexed bill of com-  
plaint exhibited to the court by Esther Tallon and  
other Complainants - These respondents having and  
receiving to themselves every benefit and advantage of  
exception to the many errors & insufficiencies in the  
said bill contained, for answer thereof say that  
as far as they know or believe, the allegations in the  
said bill contained are true and correct: your respon-  
dent Joseph W. Ballard admits he has possession of  
the Slaves in the bill mentioned, that the same, as he  
believes, will not be required for the payment of the  
debts & therefore he consents to a division thereof upon  
the condition that refunding bond shall be given to  
him as required by the act of assembly in that case  
made & approved on your respondent has no objection  
to the sale of the land in the bill mentioned upon  
the terms & in the manner mentioned in the bill, nor  
to the division of the Slaves as required by the com-  
plainants - They being &c. & pray to be dismissed:-



Esther Tallon del.

vs. <sup>Wm</sup> Bill.

Jos. W. Bellard admr.

James Tallon del. &c

Baker.

December 1822

Bill & ans. filed & Interpleared

January 1823

Interplead decou amended & Sept  
sett. as to sale of land &c

February 1823 <sup>final</sup> report returned  
and do over as a corroboration

Isaac Wright Co. &c