

1860-006

Chancery Causes:
Dale of Wight County

Wiley Parker, Junior, admr of Sidney D. Parker vs Robert H. Ballard &
Augustus W. Ballard, exors of Augustus Ballard & Edwin L. Ballard

other SURNAMES: Lawrence
Bridger, Gay, Carr,
Mountfortt, Johnson,
Duck, Eley, Lewter,
Luter

Oct. 1839

Parker's Adv. to Ballard & Bin. Oct 5th

Atto. Hay . . \$16.50 69.68

Calk. . . 11.33 J. P. Gay wth. . 50

Com. Hayden 30.75 J. P. Bridges . 50

T. Hall Sleff. 4.50 E. Q. Ballard . 50

J. P. Gay .. 2.10 ~~xxx~~ \$ 71.18A. R. Butler Junior 3.75 ~~cap~~ Expts. 13.00

J. E. Jenkins Notary 75- Total \$ 84.19

69.68

Roll of 207,
to Dec. 1859

Commissioners Office
Smithfield Dec 13th 1835

To Robert W Ballard &
Augustus W Ballard,
in their own right,
as Executors of Augustus
Ballard, & Edward L Ballard;

You are here
by notified, that I have fixed upon the 6th day of
January next to take, & settle at my office the
following accounts:

- 1st An account of the transactions of Augustus
Ballard as Executor of Martha Lawrence
deceased.
- 2nd - An enquiry whether the boy Henry named
in the Bill, belongs to the estate of Martha
Lawrence deceased, & of which negro he is a
child.
- 3^d An account of all hires due by Augustus
Ballard to Sidney L Parker; required to be
taken by the decree of the circuit court of
Sole of Wight County, rendered on the 20th day
of October, 1835, in a suit in chancery de-
pending in said court, between Wiley Parker
junr, admr of Sidney L Parker, as Plaintiff, &
you as defendants; at which time, & place you
are required to attend.

Given under my hand as commissioner in
chancery of said court, the day & year
first aforesaid.

C. B. Hayden

Parker acted as Ballards son

Commencement Notice

10
dependants—

I secured a true copy of the
 letter to L. L., August 22nd
 and Robert Ballard on
 the 2nd of Dec. 1836.

I shall ~~be~~
To be all

Commissioners Office
Smithfield Dec 13th 1836

To Wiley Parker junr-

You are hereby notified
that I have fixed upon the 5th day of January
next, to take & settle at my office the following
enquiry & accounts:

1st An account of the transactions of Augustus
Ballard, as Executor of Martha Lawrence
decd

2nd An enquiry whether the bay Henry named
in the Bill, belongs to the estate of Martha
Lawrence decd-

3rd An account of all moneys due by Augustus
Ballard to Sidney & Parker; required to
be taken by the decree of the Circuit Court
of Isle of Wight County, rendered on the 20th
day of October 1835, in a suit in Chancery de-
pending in said court, in which you as ad-
ministrators of Sidney & Parker are Plaintiff
& Robert H Ballard & Augustus M Ballard
in their own right, & Executors of Augustus Bal-
lard decd & Edwin L Ballard are Defendants;
at which time & place you are required to at-
tend.

Given under my hand as commissioner in chan-
cery of said court the day & year first afore-
said.

C. B. Hayden

Parker's adm^t }
as } In Chancery
Ballard's Exp }

Commissioners Notice
to
Plaintiff

C.B. Hazden Esq
Covt &
Sr. Lr

Suffock
7 Apr 1837

Yesterday Westfield took several
Dep^s in Parker & Ballard which he will hand you -
as I may not see you before you make up
your report I write to call your attention
to some facts - The witnesses in general terms
say that old Peter & Jimmy could not take care
of themselves, make an estimate what they would
consider it worth to keep them, yet, not one could
say that Mr Ballard ever aided them by pro-
visions or clothes, tho, they lived in a mile or two
all the time - evidence of this sort is to say the
least very uncertain & altogether negative in its
character - whereas on the other hand we furnish
positive evidence by E L Ballard, who was in a
position to know, that Cap Ballard did not
furnish them - hence we claim that the
\$700 charged to keep old Peter & Jimmy should
be stricken out entirely or greatly modified,
especially as the effect may be to enable
Cap Ballard to appropriate by Henry (as he
does) to his own use on the ground as claimed
of payments for the estate over & above what
Again these witnesses speak in general

terms that Isaac, Lydia & Jimmy belonging to Mrs
Parker were worth as much to keep them as
their lives, would bring &c — Yet they
prove that Mrs. Lawrence died in 1823 and
that all of them were born before then & hence
in 1830 must have been 10 to 12 years old
— On cross examination they were compelled
to say that girls & boys of their ages were
worth something, ~~at that~~ there is a manifest
partiality when one of them estimates the
value of man 20 years at a mere trifle —

I think enough is before you to establish
that some lines are due Mrs Parker for each
of Isaac, Lydia & Jimmy — That the charge
of \$700 for keeping old Peter & Jimmy is erroneous
— that boy Henry should be surrendered — and
that each of the 4 should ~~have~~ have the top of
the negro sold belonging to Lydney —

Very Respy
John R Kelly
att for Parker

P.S. — See that Dole's ~~act~~ sales is returned
for every one to make up act by —

For
Mr Haydon

At a Quarterly Court held for Hansemond County
the 13th day of June 1859

It appearing to the Court, that Wiley Parker Jr, the
administrator of Sidney D. Parker deceased, hath
departed this life: On the motion of James A.
Parker, who made oath as administrator, and
together with George ~~W. A.~~ R. Smith, his security, who
justified, entered into and acknowledged a bond, in
the penalty of One thousand Dollars, with condition
according to law: Letters of administration de
bonis non, on the Estate of Sidney D. Parker deceased,
late wife of Wiley Parker Jr., in due form are
granted him; which bond is ordered to be recorded.

a Copy:

Teste

Peter B. Prentiss. Clerk.

Ja^s. S. Parker adm^r
of Sydney D. Parker

(X.)

Spel acct. no 4 (made up at request
of Hls atty)

Isabel sold 1825 for \$13750

To pay Debts - she was given

D. S. D. Balances & hence

the other Residry Legatties
should repay her

make up a statement

showing how much

each one would owe

her

*Special
acct.*

(1)
acct. no 2

negro Boy Henry named in the
Bill Book belong to Martha
Laurencey citate & is a child
of negro woman Peggy
& is part of the residuum

acct. 3

~~Dr. S. D. Parker (late Ballard)~~

acct. no 3

Dr. Aug. Ballard (quar. jth)
In acct. with S. D. Parker his child
& a Legatee of Martha Laurence

negroes given her. in 1824 by will of Mr. Laurence
Ishee, Jimmey & Lydia &

Isaac ~~Isaac~~
Tom & Nettie born afterwards by her

~~in the~~
what hires are due from 31st Dec
1827 to 1 Jan 1841 when the negroes
were delivered up

Isaac Bridger says Lydia was worth
in 1828 nothing — \$00. 00

E. L. Ballard says more than her board
& her hire would average \$10. from
1829 to 1841

Lydia \$8. & \$10 & Isaac
from 1830 \$5. 1st year & increase
every year (say 11 years)

Esau Carr (Defts w^{ts}) says
boy 15 yrs old in 1835 worth 15 to 18\$
(& Isaac who was born before 1824)
(must have been that age)
& increase in price
a fire 11 to 72 yrs nothing & then \$5.

over

de de

Therefore make this estimate
lacking all the entries & statements

1827.	Lydia	worth	\$ 8 00
	Jimney	" & child	7 50.
	Isam	" (large enough to ride)	0 00

1828

Lydia (sail)	8 00
Jimney	7 50
Isam.	5 00

1829

Lydia	8 50
Jimney	8 00
Isam	6 00

1830

Lydia	8 50
Jimney	8 00
Isam.	7 00

1831

Lydia	8 50
Jimney	8 00
Isam	~~8 50~~

1832

Lydia	8 50
Jimney	8 00
Isam	8 00

1833

Lydia	8 50
Jimney	8 00
Isam	8 50

1834

Lydia	8 50
Jimney	8 00
Isam	8 50

1835

Lydia
Jenny
Isam

9 00

8 00

9 00

1836

Lydia
Jenny
Isam

10 00

8 00

9 50

1837

Lydia
Jenny
Isam

10 00

8 00

10 00

1838

Lydia
Jenny
Isam

10 00

8 00

10 00

1839

Lydia
Jenny
Isam

10 00

8 00

10 00

1840

Lydia
Jenny
Isam

10 00

8 00

10 00

Sketch for
quasi
journal.

Dr. The Estate of Matthew Laurence dec'd
In act. with Augustus Ballard Exr

1827
Dec 31 By Bal. due Est see p. 41 } \$148 65
Exh. D.

3 all items in Exhibit (B)
are in the periods covered by
the Cr. record Ex. D. Hence
not to be noticed

3 all items in Ex. (C.) down
to the one of \$390.42 are also covered
by paid suit & allowed therein
Hence to be excluded.

1828
Dec 31 By Int. on \$48.33 part of \$148.65
see p. 41. of Ex. D. - One year. 2 89

151 54

1829
Dec 31 By 1 yr. Int. on \$48.65. 2 89

1830 June 3 To paid Carriers, Ex of Mills
Laurence (under Decree p. 57 of
Ex. D.)

390 42

By sale of Boy Joe 1826 \$425

see p. 41 Ex. D. Nancy &
child are credited at 265

in Ex. C. Nancy & child &

boy Joe at \$690, take 265

before cred. set leave Joe's value.

425 00

" outstanding sett. due Est. & credits

see p. Ex. C. (not before

credits) (by Dec 25 credited)

580 24

Dec 31 To Exp. of Court on \$1005.24

50 26

" Bal. due Estate

718.99

1159 67 1159 67

1830

Dec 31 By Bal. due Est. but on
to keeping old Peter & Jinney

(whenever Court may allow the claim

he should make a deduction, but

at any rate the amt. must be

charged annually & Interest

added annually on \$718.99 on

principle of gov. act, not as adw. acct, as there
were no debts to pay -

\$718.99

sketch for
admiral acct.

acct no.

C B Hayden Esq

Suffolk

21 Nov. 1833

Sir

I enclose you a decree
in Parker & Ballard—

Please give notice to take
the acct— If convenient
fix that the same day as
the others—say day after
your Jan'y Ct. 1834—

I will acknowledge
service for plt.

Yrs truly
Sam^l R Kilby

37069
747-549 I know all men by these presents that we Augustus
Ballard executor of Martha Lawrence decd & Nathan
Lear _____ are hold & firmly bound unto
Carr Bowers exor of Miles Lawrence decd in the just
full sum of seven hundred & forty ~~four~~ ^{thirty four} dollars & ~~four~~ ^{four} cents
to be paid to the said Carr Bowers exor of Miles
Lawrence decd his certain attorney his heirs, exors, admi-
-nistrators or assigns: to which payment well & truly to be
made, we bind ourselves our heirs exors & admors jointly
severally firmly by these presents. Sealed with our
seals & dated this 9th day of September 1829.

The Condition of the above obligation is such,
that whereas Carr Bowers exor of Miles Lawrence decd
hath sued out of the Superior court of Chancery for the
Williamsbury district a writ of fieri facias against the
goods & chattels of Martha Lawrence in the hands of Au-
-gustus Ballard to be administered for the sum of three
hundred & twenty three dollars & sixty seven cents includ-
-ing costs & marshals Commissions, (of which sum One hun-
-dred & forty eight dollars & 63 Cents with interest on forty
eight dollars & 53 Cents from the 31st Dec: 1827 till paid is to
be paid by the said A. Ballard in his own right,) which
writ hath been duly executed by Cha. L. Wingfield Marshal
of the said Superior court of Chancery on the following pro-
-perty, to wit: Negro man Joe, & Jenny a woman, and the
said Augustus Ballard being desirous of keeping the said pro-
-perty in his possession until the day of sale thereof, hath for-
-doresd the above named Nathan Lear _____
as security for the forthcoming & delivery thereof to the said
Cha. L. Wingfield Marshal as aforesaid or either of his de-
-puties on the 2^d day of November next, at the Court house
door of the county of Isle of Wight. Now if the said Augustus
Ballard & Nathan Lear _____ or either of them do shall
well & truly deliver unto the said Cha. L. Wingfield Marshal
as aforesaid or either of his deputies, the property aforesaid
on the day aforesaid & at the place aforesaid, then & there
to be sold according to law to satisfy the said executor,
then this obligation to be void, or else to remain in full
force & virtue

Signed sealed & delivered
in presence of
Cha. L. Wingfield

Augustus Bullard (Seal)
Nathan Lear his
mark (Seal)

Rec^d - June 3^d 1840 of Augustus Ballard
Three hundred and ninety dollars and
forty two cents, in full of the
within bond, Principle & Interest -

Carr Bowers

Received
of
Ballard &
Co

Not Recd: 1840

In the Name of God Amen, I Augustus Ballard of the County of Isle of Wight, and State of Virginia, being weak in body but sound in mind do make and ordain this my last will and testament in manner and form following- Viz. I Give and bequeath to my son Robert H. Ballard One Negro Man David, Henry, Jack, Dick, Peggy & Child Henrietta, Merriam, Cillar, and Mary and their increase, One buckskin Horse, One Sorrel Mare, One Bed & Furniture Eight hundred dollars - (and the following plantations The tract called and known by the Name of Duck place, The tract called the Carr place, the tract called Berry place, the tract called Jacob Butler place, the tract I bought of Parker Howell, the tract called Elisha Johnson place, the tract called Jos. Johnson place - to him (and his heirs forever - I Give and bequeath to my son Augustus M. Ballard One Negro Man Esau, Sam, Hansel, Dennis, One Negro boy London, Phebe and her Children Perry - Lilly, Amy, Esther and her two Children Martha and Joe - and their increase, One bay Horse, One Sorrel Horse, One buckskin Colt - Three hundred dollars, the plantation I live on - the plantation called Butlers place, the plantation called Irons place, One Bed and furniture, One large hog Kettle to him and his heirs forever. -

I Give and bequeath to my son Edwin A Ballard One water Grip Mill, One Negro Man Luke, Minna & Child Caroline, Emanuel and Newsom - to him and his heirs forever. -

I Give and bequeath to my daughter Sally D. Parker - One Negro woman Nancy and Milly, One Bed and furniture - to her and her heirs forever. -

I Give And bequeath to my daughter Martha Outland - One Negro woman Christiana and Barbara - to her & her heirs forever.

I Give And bequeath to my daughter Ann Eliza Ballard, ~~One~~ One Negro Man Nat, Chamy, Isaac & Jacob, One Bed and furniture and Three hundred dollars - to her and her heirs forever.

Lastly - the balance of my estate that has not been disposed of, I give to my sons Robert H. Ballard (and Augustus M. Ballard of whatsoever kind or nature it may be of. I Appoint my sons Robert H. Ballard and Augustus M. Ballard Executors of this my last will and testament - revoking all others by me

Made - and it is my will and desire that there should not be
Appraisalment or Sale Made of my estate, In evidence where
of I have hereunto set my hand and seal this 16th day of
September in the year of our Lord 1855. Signed - Sealed and
acknowledged as and for the last will and testament of
Augustus Ballan.

in presence of
Josiah P. Gay
Abram Duck
J. M. Holland
David Darden

3
3
3
3
3

Augustus Ballan (Seal)

In the County Court of Isle of Wight County, April 7th 1856.
The last will and testament of Augustus Ballan Decd: was proved
by the oaths of Josiah P. Gay, Abram Duck, James M. Holland
and David Darden the witnesses thereto & ordered to be recorded;
and on the Motion of Robert H. Ballan and Augustus M. Ballan
the Executors therein named (who made oath, and with Thomas
Hall and Irvin W. Duck their securities (who justified, entered
into, and acknowledged their bond in the penalty of \$40,000.
with condition according to law. Certificate is granted them
for obtaining a probat of said will in due form of law.

Teste.

A. P. Long

A. Copy

Teste. J. C. Satimer D.C.

Augustus Ballan

Will

A. Copy

(J.)

At a Monthly Court held for Nantuxmond County, the 14th day of April 1856.

On the motion of Wiley Parker Jr, who made oath as administrator and together with James A. Parker and Nelson Parker, his securities, who justified entered into and acknowledged a bond in the penalty of One thousand dollars, with conditions according to law: letters of Administration on the Estate of Sidney A. Parker deceased (his late wife), in due form and granted him; which bond was ordered to be recorded.

A Copy - Teste,
Peter B. Prentiss. Clerk.

(E.)

Statement W. filed with the papers in lieu of the Commissioner's Report.

Amount rec^d by M. Lawrence \$6659:12.

In Cash 1720:33. decreed.

4. In Horses 215:00. ret^d 2 H. Colt. set. for one . . . \$76.

9. In Hattles 111:00. Hattle nine ret^d 111.

32. In Sheep 59:00. - 35 ret^d.

97. In Hogs 151:62. none returned 151:62.

Articles either con- \$338:62.

sumed, returned or Decreed . . . 167:00.

destroyed in use 4402:17. Due . . . \$171:62.

6659:12.

So that the plaintiff gets back 1720:33 money

deficiency in Stock \$338:62.

Articles deteriorated in use . . . 464:00. appraised \$490.

\$2522:95.

has there been decree for the \$464. or has Bowers rec^d that?

Final Decree. . .

At a Superior Court of Chancery continued by adjournment and held at the former Capitol in the City of Williamsburg, on Tuesday the fourteenth day of July in the year one thousand eight hundred and twenty nine, being the day and year first herein mentioned. —

Carv Bowers executor of Miss Lawrence deceased Pet:
against

Augustus Ballance executor of Martha Lawrence deceased Def^t:

This cause came on this day to be further heard on the papers formerly read, and the report of the Commissioner made pursuant to the order of the seventeenth day of July one thousand eight hundred and twenty six, to which report there was no exception, and was argued by counsel: On consideration whereof, the Court with the consent of the counsel, adopting the statement filed with the papers, and marked W. in lieu of the Commissioner's report, doth adjudge, order and decree, that the defendant pay to the plaintiff the sum of one thousand and seventy one dollars and sixty two cents with interest thereon after the rate of six per centum per annum from the third day of January one thousand eight hundred

and twenty five cents paid, of which sum one hundred and forty eight dol-
lars sixty five cents with interest on forty eight dollars and thirty three cents
paid thereof from the thirty first day of December one thousand eight
hundred and twenty seven, two paid. (The amount due by the executor
on his account) is to be paid of the estate of the defendant Augustus
Ballard, and the balance of the said recovery is to be made out of the
estate of the defendant's testatrix, in his hands to be administered;
and that the defendant out of the estate of his said testatrix, in his
hands to be administered, if so much thereof he hath pay to the
plaintiff his costs by him about his suit in this behalf expended. ~

A true transcript of the record. ~

Teste,

For copy of this record \$20.00. ~

W. O. Cogbee C.

Virginia.

At a Superior Court of Chancery continued by adjournment and held at the former Capitol in the City of Williamsburg, on Tuesday the fourteenth day of July in the year One thousand eight hundred and twenty nine. ~

Be it remembered that, heretofore, to wit, on the 15th day of May in the year 1825, came Carr Bowers executor of Mills Lawrence by Archibald Atkinson Gent: his counsel, and sued of the Clerk's Office of the Superior Court of Chancery, directed by law to be holden in the City of Williamsburg, a writ of Subpoena in Chancery against Augustus Ballard executor of Martha Lawrence; which Subpoena with the return thereon endorsed is as follows, to wit;

(Subpoena and return.)

The Commonwealth of Virginia; To the Marshal of the Superior Court of Chancery for the Williamsburg District; Greeting: You are hereby commanded to summon Augustus Ballard executor of Martha Lawrence to appear at the former Capitol in the City of Williamsburg, on the first day of the next term before the Judge of the Superior Court of Chancery, directed by Law to be holden in the said City to answer a bill exhibited against him in the said Court, by Carr Bowers executor of Mills Lawrence - And this he shall in no wise omit, under the penalty of £100. and have then there this writ.

Witness, Edmund Christian, Clerk of our said Court, at Williamsburg this 15th day of May 1825 and in the 49 year of the Commonwealth.

Edw. Christian C. C.

[The Marshal is requested to note, in his return, the time of executing this process.]

Executed June 15th 1825 on Augustus Ballard.

Chas. Manselorey D.S. for
And^r. Woodley. Sheriff.

Bill filed.

And at Rules held in the Clerk's Office of the said Superior Court of Chancery directed by law to be holden in the City of Williamsburg, on the 26th day of July in the year 1825, came the plaintiff by his said counsel, and filed his certain bill against the said defendant, which is in the words and figures following, to wit:

Bill.

To the Judge of the Superior Court of Chancery for the District of Md.
-liansburg - Humbly complaining, sheweth unto your honor, your orator
Carr Powers exor: of Mills Lawrence; that the said Mills Lawrence;
did testate in the County of Isle of Wight, on or about the day of Feby:
A.D. 1816. by his will which hath been duly recorded in the County Court
of Isle of Wight, an office copy of which is hereto annexed marked A. and
prayed to be considered a part of this bill, he appointed Carr Powers
your orator his executor who qualified thereto in the County Court of Isle of
Wight - The said testator gives to his wife absolutely certain specified per-
-sonalty and "leaves her the use of the plantation whereon he lived, and the
lands he purchased of Hardy Lawrence & Mills Hatfield in South-
-hampton and all the rest of his estate of whatever kind, during her
natural life," and then to be disposed of in the manner therein after
mentioned; The testator then made several specific and pecuniary devis-
-es, and legacies, all of them limited to take effect in remainder after
the death of the wife, except the legacy of One thousand dollars to Carr
Powers given to take effect immediately upon the death of the testator;
and he lastly disposes of the balance of his estate of what kind soever,
to take effect in remainder after the death of the wife, in whose discretion
it was left to retain the property given to her for life, or any part thereof,
or to give up any part thereof at her pleasure, to the residuary legatees. -
Some short time after the qualification of your orator, to wit, on the twen-
-tieth day of March, One thousand eight hundred and sixteen, he deliver-
-ed over to the said Martha Lawrence widow of Mills Lawrence afore-
-said a large quantity of money and other property to the amount of
Six thousand six hundred and fifty nine dollars and twelve cents as
will more fully appear by reference to a copy of a Schedule and receipt
signed by the said Martha Lawrence bearing date as aforesaid,
a copy of which schedule and receipt is hereto annexed marked
B. and is prayed to be taken and considered as a part of this bill. -
On the said 20th day of March 1816, she the said Martha Lawrence,
by her instructions in writing directed your orator as soon as convenient
to distribute to the proper persons a part of the property devised to her
for life which order signed by the said Martha Lawrence and marked
C. is hereto annexed and prayed to be considered a part of this Bill
and your orator in accordance with the directions and consent of the said

Martha Lawrence did deliver over the said property. Your orator has
shewn that a considerable sum of money constituted a part of the estate
which was retained by the widow - to wit, the sum of Seventeen hundred
and twenty dollars and thirty eight Cents, and Seven thousand pounds of
bacon valued at ten hundred and fifty dollars, forty four bushels of
Salt, valued at forty four dollars, two hundred and thirty barrels of
long corn, valued at ten hundred and twenty dollars besides many
other articles of personal property also constituted a part of the pro-
-perty retained, which bacon, corn and other things could not have
been necessary for the consumption of the family the year on which
the testator died, and that event happened in the month of Feby:
1816 - the said Martha Lawrence was left without a child, and pro-
-bably she alone, constituted her white family for that year - Your ora-
-tor begs leave to state that his testator Mills Lawrence was in the
habit of selling large quantities of bacon, lard, corn and other articles,
the produce of his Farm, and he avers that a part of the said articles
were intended for market and not alone for the consumption of his family.
All this the widow had a right to sell and to enjoy the interest of the
proceeds of sale during her life, but he insists that the estate of the
said Martha must account for the principal to the legatees in remai-
-der who are entitled to the same through your orator after the pay-
-ment of his testators debts. The said Martha Lawrence departed this
life testate on or about the day of A.D. 1824; she appointed as
certain Augustus Ballard one of her executors who alone has quali-
-fied in the County Court of Isle of Wight, an office copy of the will of
the said Martha together with a certificate of the qualification of the
said Augustus Ballard is hereto annexed marked D. and is
prayed to be considered a part of this Bill - Your orator begs
leave furthermore to state here that the said Martha Lawrence
received from him as executor aforesaid on the 20th March 1816, the
property devised by his testator to her exer as will appear by refer-
-ence to the copy of a receipt of the same date which is hereto an-
-nexed marked E. and prayed to be considered a part of this bill.
It will appear to your honour by reference to the paper marked G.
that many of the slaves and some other property was distributed by the
complainant as executor of Mills Lawrence at the request of the said

Martha. She still retained two valuable plantations and a
 parcel of valuable negroes such as were her choice, from those
 farms she derived annually more than a competency for her
 support, in truth it is a fact well known that she was in the
 habit of making considerable sales of Brandy and other things.
 Your orator charges that the said Martha Lawrence in her life-
 time wasted a large part of the Chattel property, the use on-
 ly of which was given to her for her life - she gave in her lifetime
 to different relations beds and furniture and a horse or horses &
 several valuable articles of the life estate - in truth she so was-
 ted the estate that at her death, in lieu of the sum of six thou-
 sand six hundred and fifty nine dollars and twelve Cents the
 amount of her receipt marked B. it was reduced to the trifling
 sum of four hundred and sixty dollars which was the amt. pro-
 duced by a sale made by your orator as the executor of Mills Law-
 rence of that part of the life estate which has been surrendered to
 him by the aforesaid Augustus Ballard executor of the aforesaid Mar-
 tha Lawrence and all this diminution has occurred in the space of
 eight years; this could no otherwise occurred than by her giving in
 her lifetime to her connections a large part of the property lent
 to her which your complainant charges to have been the fact - be-
 sides the great donations she sold a yoke of valuable oxen and consid-
 erable other property belonging to the estate of Mills Lawrence and for
 which her executor refuses to account. This complainant contends
 that the estate of Martha Lawrence is accountable to him as
 the executor of Mills Lawrence, (for the remainder) for all the
 money, which was comprised in the residue of the testators es-
 tate of what kind soever, whereof the ²⁴⁰⁰ ~~estate~~ was given her du-
 ring her life, with interest thereon from the time of her death,
 also for the monies which were collected by W.^m Lawrence of debts
 due to the testators estate, and the value of the crops and produce
 &c. which the testator had on hand at his death, over and above
 what was proper and necessary for the consumption of the family. -
 Indeed it seems to your orator both reasonable and proper that
 the estate of Martha Lawrence should be held responsible to him
 as exor. of Mills Lawrence, for the amount of the receipt marked B.

and the increase of the stock which the tenant for life received, excepting however so much of the dead victuals and liquor laid in at the time of the death of the testator for the consumption of the family that year: Your orator since the qualification of the said Augustus Ballard has repeatedly requested him to account with him for the property mentioned in the aforesaid paper B. in which his testatrix had but a life estate; which reasonable request he hath always refused to comply with - In tender consideration whereof, and for as much as your orator is remediless in the premises save by and through the aid of a Court of Equity: To the End therefore that the said Augustus Ballard executor of the said Martha Lawrence, and his confederates may, full, ~~and~~ true, direct and perfect answer make upon his corporal oath according to the best of his Knowledge information and belief, to all and singular the matters and charges aforesaid, as fully in every respect, as if the same were here again repeated, and he thereunto particularly interrogated: and more especially that he may set forth and discover according to the best of his Knowledge, remembrance, information and belief, whether the said testatrix Martha Lawrence duly executed such receipts as are herein before mentioned and to such effect as herein before stated; did she not dispose of many articles in her lifetime of which she, had but a life estate and which she took ~~by~~ ^{under} the will of her husband? If so what did such articles consist of? Did she not give to the Defendant a ~~Horse~~ and many other things either of the original stock aforesaid, or the increase thereof: if so, of what did it consist?

and that the said defendant as executor of Martha Lawrence may be compelled by a decree of this Court, to pay and satisfy your orators said demand against him for the deficiency charged as aforesaid and also to account to him for the increase of the stock of every kind lent to his testatrix for and during the term of her natural life, and that your honor will make any other or further decree in the premises for his relief as the nature of his case shall require, and as to your honor shall seem meet - May it please your Honor &c. -

Archib. Atkinson }
Atto: for Compl. } 5

The following exhibits were filed with the foregoing will.

Exhibits.

In the name of God ^{A.} amen, I Mills Lawrence of Isle of Wight County State of Virginia, calling to mind the uncertainty of this life do think Proper to make and ordain this my last will and testament in manner and form following (to wit)

Item 1st I give unto my beloved wife Martha Lawrence the following Negroes viz: Peter, Jenny, John, Isbell, Newsum, Hannah Annas, Manuel, Nancy, one sorrel horse, one bay Mare, one sorrel Turk colt, one riding chair, twenty head of cattle, forty head of hogs, two beds and furniture, to her and her disposal - I also leave the use of my Plantation whereon I now live, and the lands I purchased of Hardy Lawrence and Mills Hatfield in Southampton and all the rest of my estate of whatsoever kind during her natural life, and then to be disposed of in the following manner (to wit) see the different legacies below -

Item 2nd I give unto my nephew John Lawrence after the death of my wife the land and Plantation whereon I now live exclusive of that part hereafter devised, also the land in Southampton purchased of Mary Holmes called the wading Place neck, two negro men Abram, & Dennis, one woman Nan, one chest of draws, one castor stand, to him and his heirs forever -

Item 3rd I give unto Mills Bridger son of Joseph Bridger the following lands (viz) Saughns old tract that I purchased by a decree of the Court, extending down the road to the line near the Pine boxes, the land I purchased of Elijah Johnson, and that part of Macintoshes Plantation lying over the road, to be divided from my home tract, by a line running the road from where, Saughns old line strikes it to the long branch, thence down said branch to its junction with the cabin branch, thence up said cabin branch to the road again, thence along said road to Benjamin Bradshaw's line, also two negroes Bob and Polly, one little bay filly, two cows and calves two sows and pigs, to him and his heirs forever. But if no heir then to descend to his brother James Bridger.

Item 4th I give unto William Ballard son of Joseph Ballard that part of Saughns tract of land, purchased of Baker, lying on Curry-

waugh Swamps, and extending up to the line near the pine boxes ~~swamp~~ before mentioned, agreeable to the old bounds when purchased by said Saughns - to him and his heirs forever.

Item 5th I give unto Lawrence Eley son of Robert one negro man Moses to him and his heirs forever.

Item 6th I give unto Peggy Eley daughter of Robert one negro boy Jim to her and her heirs forever.

Item 7th I give unto Edwin Eley son of Robert after the death of my wife, all the lands I purchased of Hardy Lawrence and Mills Hatfield in Southampton also one negro woman named Leheny, to live and be supported on the said land as she now is during her life to him and his heirs forever.

Item 8th I give unto Mills Eley, Gilbert Eley, and Benjamin Eley children of Robert Eley two hundred and fifty dollars each to them and their heirs forever.

Item 9th I give unto Carter Denby daughter of Temptry Holliday dec^d one negro woman Chaney and her children, Dory, Lotty, Violet, Phenah to her and her heirs but if no such heir then to be equally divided between her brother and sister, and their heirs forever.

Item 10th I give unto Penelope Holliday one negro woman named Nan that I purchased of Thomas Holliday her father to her and her heirs forever.

Item 11th I give unto each of Temptry Holliday's children now living and not before mentioned, two hundred and fifty, to them and their heirs forever.

Item 12th I give unto James Bridger son of Joseph Bridger one negro woman Hager, and one note against Jeremiah Cobb of four hundred dollars with the interest accruing thereon, in the hands of Carr Bowers as guardian until he arrives of lawful age, to him and his heirs.

Item 13th I give unto William Bridger and Katy Bridger children of Joseph Bridger, two hundred and fifty dollars each to them and their heirs.

Item 14. I give unto Nancy Ballard daughter of Joseph Ballard one negro girl named Milly, to her and her heirs forever.

Item 15. I give unto Elisha Ballard son of Joseph Ballard

one negro man David, to him and his heirs forever.

Item 16. I give unto Joseph Ballard Junr. Margaret Ballard & Adeline Ballard, children of Joseph Ballard five hundred dollars each, to them and their heirs forever.

Item 17. I give unto my friend Carr Bowers one negro girl Pas-
tients and one thousand dollars to be paid out of my estate after my death to him and his heirs forever.

Item 18. I give unto Mary Ann Wilson the following negroes (to wit) Jacob, Dilce, Rheeny, Jack, Jerry and their increase but if she should die without lawfull heir, then the above negroes to descend to John Lawrence Bowers and his heirs forever.

Item 19. I give unto John Lawrence Bowers son of Carr Bowers the following negroes (viz) Jenkins, Leannah, Fanny, Holland, and Randall, with their increase, to him and his heirs forever.

Item 20. I give unto William Everitt Daughtery one negro woman Winey, two boys Natham and Jonas and their increase to him and his heirs forever also one gray Colt named Hornet to him and his heirs forever.

Item 21. I leave at the discretion of my wife Martha Lawrence to retain the property before mentioned or any part thereof during the aforesaid period, or otherwise to give up any part thereof at her will and pleasure to the legaters, but it is to be understood that every Item of Property whatsoever mentioned is to be under the discretion of my wife during her natural life except the thousand dollars given to my friend Carr Bowers.

Item 22. I request that all the increase of my negroes go with their mothers agreeable to the different legacies as the there names were fully expressed herein.

Item 23. All the ballance of my estate of what kind soever I leave to be equally divided between my nephew John Lawrence and my two nieces, Sally Bowers and Peggy Ballard and their heirs forever.

Item 24th. Lastly nominate and appoint my wife Martha Lawrence and Carr Bowers my Executrix and executor to this my last will and testament revoking and making void all other former wills or testaments heretofore by me made, In witness whereof I have herein to set my hand and affixed my seal this 15th day of Sept. 1814.

Signed sealed and pronounced
in the presents of us

Mills Lawrence. 

Mills Carr.

Jonathan Lankford. aff^d.

Augustus Ballard.

Elisha ^{his} Carr.
mark

At a Court held for the County of Wright
the 4th day of March 1816. The foregoing Will was presented in Court
by Carr Bowers one of the executors therein named who made oath
thereto according to law, and the same being proved by the oath of Mills
Carr, Jonathan Lankford, and Elisha Carr three of the Witnesses there-
to and ordered to be recorded and on the motion of the said executor
who together with John Worgubarth, Charles Wrenn and Robert Eley
his securities entered into and acknowledged a bond in the penalty of
one hundred thousand dollars conditioned as the law directs, certificate
was granted him for obtaining probate thereof in due form of law.

A Copy. Teste,

B.

Math^l. Young. Clk

Received March 20th 1816 of Carr Bowers executor of Mills Law-
rence dec^d the following property, left by said dec^d to me during
life, if I choose to retain it viz^t

	Dols.	cts.
Two yokes of oxen \$90:00 One Top stack \$2:00	92	00
Five blade stacks and two Top stacks and Shocks	85	00.
A parcel of Corn in the Shocks	20	00.
Two hundred barrels of long corn	900	00
Thirty barrels of short corn	37	50
Six thousand weight of blade fodder	60	00
Parcel of unbroke	10	00
Four steer carts and yokes	48	00.
One feather bed and furniture \$30:00, one ditto ditto \$30:00	60	00.
One ditto do: ditto \$35:00, one ditto ditto \$35:00	70	00.
One ditto small ditto \$30:00, Parcel of bed cloths \$45:00	75	00.
One pine chest \$2.50- twelve Windsor chairs \$12-00	14	50.
Two large walnut tables \$14:00	14	00.
One Mahogany side board	60	00.
One Bowfat \$20: Parcel of Chany ware \$12.00	32	00.

Two salt seller and Pepper castor	5. 00
Parcel of glass ware, decanter tumblers &c. \$12	12 00.
One dropping glass \$5.00 1 Small ditto 38 ^{cts}	5 38.
One large silver Spoon fine table ditto & 12 small do.	28 00.
Five waiters \$3.50 - one small looking glass \$1.00	4 50.
Parcel of Books -- \$30.00	30 00.
Nine scap hooks and one Sythe Blade	3 50.
One Gin Case and bottles \$7.00	7 00.
One large and two small trunks \$10.00	10 00.
Two Candle Sticks \$2.00, 8 flag bottomed chairs \$3.00.	5 00.
One old pine chest 50: 4 pair of fine -- \$8.00	8 50.
One Gin \$3.00 Pair of flat irons 75 ^{cts}	3 75.
Parcel of stone and earthen ware \$15.00	15 00.
One Bowfat \$15.00 Parcel of earthen & Chamy ware \$20	35 00.
One Walnut and pine table \$4.00	4 00.
One pair of fire tongs and shovel	1 00.
Two mugs and pitcher 125 - Pair of waffle irons 1.00	2 25.
Six pots large and small with their hooks	18 00.
Three dutch ovens - 3 Spiders frying Pan &c	8 00.
Two pot Racks 2.00. Pair of carry long chains 5.00	7 00
Parcel of wooden ware 6.00 Parcel of stone ware 3.00	8 00.
Parcel of Pewter Ware \$20.00	20. 00.
Parcel of common earthen ware \$4.00	4 00
Wooden pail can, trays &c. 2.50, 2 common tables 100.	3 50.
Parcel of knives and forks and knives box	6 00.
Three sifters and 2 -- 1.00 Parcel of beeswax 1.00	2 00.
Twenty weight of Teller	2 40.
Tea Kettle and brass Kettle 3.50	3 50.
Three barrels of Pork \$20.00 pr	60 00.
Two hundred and eighty eight pounds lard	47 34
Four Jugs of different sizes	3 00.
Four barrels & 2/3 of Brandy	140 00
Two stands 100. 1 stand of Honey 2.50	3 50.
One walnut table \$1.00	1 00.
Parcel of sugar \$25.00 one Dish 2.50	27 50.
Four pair of Sheep shares \$1.00 Parcel of small bottles \$1.	2 00.

Butter pot and parcel of bottles 2.00	2 00.
Two pair of Stilliards 5.50 three common chest 5.00	10 50.
Two Hackes 1.50 - 2 lined wheels 6.00	7 50
Parcel of Macked cotton \$26.00	26 00.
Parcel of Hackled flax -- \$25.00	25 00.
One woman's saddle \$10.00 Parcel coffee \$15.00	25 00.
Two stands and parcel of flower	7 00.
Coffee Mill 2.00 eight baskets 1.00	3 00.
Parcel of old stands 1.00	1 00.
Spinning wheel and reel 1.50 - 2 Carpets 5.00	6 50.
One loom & Green, Harris & Boxes	15 00.
Three mans saddle and three bridles	10 00.
One single riding chair and Harness	25 00.
Twelve barrels of cyder	30 00.
Forty four bushels of Salt	44 00.
One Spinning wheel 2.00 twenty three Peachs -- \$28.75	30 75.
Parcel of seed cotton	50 00.
Parcel of white peas \$50.00 Parcel of red peas \$15.00	65 00.
Parcel of Beans \$1.50 - 5 new weeding hoes 6.50	8 00.
Parcel of Iron	4 00.
Wheat sifter and small iron chain	1 00.
Cart wheel irons 50 Parcel of cheave oats \$50.00	50 50.
Parcel of Cow Peas \$12.00 Parcel of red Peas -- \$45.00	57 00
Parcel of tanned leather \$11.00 dressed ditto 5.00	16 00.
Parcel of wheat \$6.00, flax seed 200, Grindstone 5.00	13 00.
Parcel of broke flax 100, Parcel of barrel timber 10.00	11 00.
Parcel of Old stands baskets &c. 2.00	2 00.
Six meal bags 300, 2 new pair of cart wheels	20 00.
Two horse carts and one pair of wheels	15 00.
Four flax Brakes 4.00, Apple and Press 12.00	16 00.
One Canoe 2.00, ferry flat \$8.00, Parcel of Peas 8.00	20 00.
Parcel of long corn a cheny day 30 barl. @ 4.00 pr	120 00.
Parcel of blade fodder 2.00	20 00.
Parcel of short Corn 15.00, 2 ducks &c. 1.00	16 00.
One large canoe 4.00, 1 spinning wheel 1.00	5 00.
Twelve ewes and lambs & 10 weathers and one Ram	59 00.

Seven <u>Flow</u> frames 300, 8 stand of Bees 16.00	\$ 19 00	etc
Two raw hides 11.00, 18 <u>Flow</u> hoes & 1 cutter 19.00	30 00.	
Parcel of cow Peas 35.00 - 14 baskets 100	36 00.	
Parcel of crowded Peas red and black	53 00.	
Parcel of barrel of timber 200 - Parcel of Rye 500	7 00	
Parcel of cypress timber 500 - Coopers tools 400	9 00	
Nine axes 9.00, 14 breeding hoes 8.50	17 50.	
Six grubbing hoes 4.50 - farming tools 2.25	6 75.	
One Cow and Calf and three yearlings	21 50.	
One X cut Saw 3.00, 3 barrels of Soap 12.50	15 50.	
Seven thousand weight of Bacon	1060 00.	
Two Sorrel Mares called Bowers & Jerdian	125 00.	
Two Scythes 2.50 - 100 Bushels Potatoes Plantains ^{\$ 55.00} 8.75	77 50.	
Two Sorrel Horses called Carr & Leaters	90 00.	
One Silver Watch 35.00	35 00.	
Pair of Money Scales 100	1 00.	
12 Counterpane \$ 61.00 7 1/2 lbs of Sheets 37.00	97 00.	
Parcel of Blade fodder on Swamp at 6/-	20 00.	
Four sows 26 Pigs and one Shoat	42 00.	
Four Shoats, one Sow & 2 Pigs, 2 Cherys	11 00.	
Five Sows and 52 Pigs	87 50.	
Five Shoats	11 12.	
Two feather beds and furniture 70	70 00.	
120 1/2 cyder barrels @ 2/3 each	45 00.	
making the sum of	\$4938.74	
Also seventeen hundred and twenty dollars and thirty eight cents in Cash	viz. 1720 38	
As witness my hand this day and year as above written	(aggregate sum 6659.12)	
Martha Lawrence.		

Test
Harrison Doyal
Obland Luter

C.

Agreeable to the Will of my deceased
Husband which give me the power of retaining during life or
distributing what portion of the Estate I may think proper; I
do hereby authorize and require Doctor Carr Bowers Executor of

said dec^d. as soon as may be convenient to distribute to the proper persons, the following property (to wit) To Joseph W. Ballard as Guardian in behalf of his Children, Two Negroes David and Milly valued at \$800. and fifteen hundred dollars in cash agreeable to Legacies in said Will - To John Lawrence Two Negroes Abram & Hanny valued at \$400. and one Plantation called the Wading Place Tract - To Robert Cley as Guardian in behalf of his Children Two Negro Men, Moses & Jim valued at \$675.00 and seven hundred and fifty dollars in Cash. To the Guardian of William Bridger & Katy Bridger Children of Joseph Bridger five hundred dollars; To Carr Powers in behalf of his Son one Negro Man Jenkins, Two Negro women Fanny & Zenah with their increase valued at Two thousand three hundred dollars. And one Negro Man Jacob one woman Dilcey with her increase valued at Sixteen hundred and fifty dollars as Guardian for Mary Ann Wilson, and a bond for \$400. which was left to your care for James Bridger - which was given him in said Will - Also to Joseph W. Ballard, John Lawrence & Carr Powers One thousand dollars - Cash agreeable to the residuary clause of said Will - Also one gray horse to William E. Daughtry valued at \$80.00. As witness my hand this 20th day of March 1816.

Martha Lawrence. (Seal)

Teste
Godwin Council }
Jacob H. Duck. }

D.

In the name of God Amen; I Martha Lawrence of the County of Isle of Wight and State of Virginia being weak in body but of perfect mind and disposing memory for which I thank God, and calling to mind the uncertainty of human life and being desirous to dispose of all such worldly estate as it hath pleased God to bless me with, I do make and ordain this my last will and testament in manner and form following viz -

1st Item - I give and bequeath to my Niece Mary Ann Rebecca Daughtry the following property that is to say three male negro slaves, namely, Newson, Amos & Emanuel, also one female negro slave, namely Silvia and their increase, also one feather bed and furniture to her and her lawful heirs forever.

2nd Item. I give and bequeath to Sidney D. Ballard daughter of my niece Sally Ballard the following property that is to say three female negro Slaves, namely, Label, Jimmy and Lydia. Also one male negro slave, namely, Isham and their increase to her and her lawful heirs forever.

3rd Item. I give and bequeath to John M. Daughtry and Sarah E. Daughtry Children of my nephew William E. Daughtry one certain bond that I hold against the said William E. Daughtry for the sum of nine hundred and thirty dollars and sixty cents and bearing date the twentieth day of May 1824, to be equally divided between the said John M. Daughtry and Sarah E. Daughtry to them and their heirs forever.

4th The remainder of my estate not already disposed of before of whatever nature or kind it may be also all my money that I possess in bonds or otherwise be equally divided between Edwin L. Ballard, Robert H. Ballard, Augustus W. Ballard and the within named Sidney D. Ballard Children of my niece Sally Ballard to them and their heirs forever.

5th and lastly I do hereby constitute and appoint my friend Carr Powers of the County of Southampton and Augustus Ballard of the County of Isle of Wight, Executors of this my last will and testament hereby revoking and utterly disallowing all former Wills or bequests heretofore by me made; In witness whereof I have hereunto set my hand and affixed my seal this 2nd day of September in the year of our Lord 1824.

Martha ^{her} Lawrence. (Seal)
mark

Signed sealed published and declared as and for the last will & testament of the within named. }
(Martha Lawrence in presence of)

Mills Bridger.

Edwin Eley.

Martha ^{her} Fulgham
mark

A Copy.

Teste.

Math. P. Young Cl.

At a Court held for Isle of Wight County the third day of Jan'y 1825.

The foregoing Will was presented in Court by Augustus Ballard one of the executors therein named, who made oath thereto according to Law and the same being proved by the oath of Mills Bridger, Edwin Eley, and Martha Fulgham the witnesses thereto was ordered to be recorded; and on the motion of the said executor who together with Josiah Holleman and Edwin Eley his securities entered into and acknowledged their bond in the penalty of Ten thousand dollars conditioned as the law directs: certificate is granted him for obtaining a probate thereof in due form of Law.

A Copy Teste Math. P. Young Cl.

\$3937.00. Received March 20th 1816. of Carr Powers Executor of Mills Lawrence dec'd the following Property left by the said dec'd. to me, and my disposal (to wit) Peter, Jenny, Isham, Label and her three children viz: Sylvia, Joe and Peggy, (Kensome, Hannah, Amos, Manuel, Nancy, and Dorrel (Horse, one bay Mare, One tusk Colt, one riding Chair, Twenty head of Cattle, Forty head of Hogs, Two Beds and furniture, amounting in the aggregate, to the sum of Three thousand nine hundred and thirty seven dollars, agreeable to the appraisement. As witness my hand.

Teste.

Martha Lawrence.

Jonathan Luter -

Joseph W. Ballard.

Two hundred barrels of long Corn @ 4.50	\$900.00.
A parcel of Corn in the Slacks	20.00
Thirty barrels of short Corn	37.50.
Parcel of long Corn @ chevys, 30 barrels @ 4.00	120.00
Parcel of short Corn	15.00
Am't. of Corn	\$1092.50.

Seven thousand lb. Bacon	1050.00
Three barrels of Pork @ \$20.00 per bl.	60.00
Two hundred and eighty eight pounds of lard	47.34
Am't. of Meats	1157.34.

One top stack 200.5 blade stacks & 2 top racks & slacks	37.00
Six thousand lb. blade fodder	60.00
Parcel of blade fodder	20.00
Parcel of blade fodder on Swamp	20.00
Am't. of fodder	\$137.00.

A Parcel of clean Oats	\$50:00.
A Parcel of White Pease \$50:00 parcel of red ditto 15:00..	65:00.
Parcel of Cow Pease \$12:00 red ditto - \$45:	57:00.
Parcel of Cow Pease 35:00	35:00.
ditto Crow Pease Red and black	53:00.
100 bushels of Potatoe Plantains @ 75.	75:00.
Amt. of Pees, Oats, Potatoe Plantains	<u>\$335:00</u>

Answer filed

And at Rules held in the Clerk's Office of the said Superior Court of Chancery directed by law to be holden in the City of Williamsburg on the day of February in the year 1826. The defendant this day filed his answer to the plaintiff's bill in this cause.

The answer of Augustus Ballard to the Bill of Complaint exhibited against him in the Chancery district Court of Williamsburg by Carr Bowers executor of Mills Lawrence dec'd. Complainant. This Respondent saving and reserving to himself every benefit and advantage of exception to the many errors and insufficiencies in the said Bill contained, for answer thereto saith, it is true that about the year 1816 the said Mills Lawrence departed this life, leaving a will by which he appointed the Complainant his executor, and in which, this respondent believes, he made disposition of his property as charged in the said Bill: it is also true that some years afterwards Martha Lawrence, widow of the said Mills Lawrence, departed this life ^{has since died as aforesaid} testate, and that he this respondent admits that the said testator died entitled to a large and valuable real and personal estate, that a considerable part thereof was bequeathed to the said Martha, and he has no reason to believe that the schedule and receipt referred to in the said Bill showing the amount of property received by the said Martha under the will of the said testator, are otherwise than genuine - the money received by the said Martha from the Complainant as executor as aforesaid, this respondent has always been, and is now willing to pay with interest on such part thereof as was not used by the said Martha from the time of her death, and with interest upon the balance from the time at which the sales of her property should become due: the other personal property, such as stock,

furniture &c. received by the said Martha under her said ~~Husband's~~ Will, and which was not consumed in the use, this respondent has hitherto been and is still willing to restore to the Complainant as the executor of the said Mills Lawrence - This respondent has heard and believes that the said Martha Lawrence, who was an honest, industrious and charitable woman, did give to one of her poor neighbors, an old worn out bed, of little or no value, part of the property she received from the said Complainant as executor as aforesaid, and that she also gave to the son of this respondent a young colt, folded after the death of the said Mills Lawrence the increase of part of the said property; further than this, this respondent denies that any waste or misapplication of the property so received by the said Martha Lawrence, has been done or committed. And this respondent, further answering saith, it is true that the said Martha Lawrence, among other property, did receive from the Complainant a quantity of Corn and Bacon but this respondent denies that the same or any part thereof had been reserved or laid in for market, the part raised for market that season having been before disposed of by the said Mills Lawrence in his life time - the Corn especially so received by the said Martha Lawrence, this respondent is advised, was not more or but very little more than sufficient for the family's use the year in which the said Mills Lawrence died; the family of the said Martha notwithstanding what is charged in the Bill to the contrary, consisted at the time of her husband's death, and for a considerable time afterwards, of a large number of slaves and of three or more white persons. - But be this as it may, this respondent is advised and therefore contends that the Complainant is entitled to nothing from the estate of the said Martha Lawrence in consequence of the Corn, Bacon and other provisions received by her under her husband's said Will, the use and property of such articles having no separate existence, the limitation over must be held to be ineffectual - This respondent denies that the said Martha ever sold a yoke of oxen other than such as were her own absolute property - This respondent having stated above that he is willing to pay and restore to the Complainant such

property now in this respondent's possession as ought to be paid & restored, has done so upon the condition that the Compl^t. as exor: as aforesaid has a legal right to sue for and recover the same: that right, however this respondent denies, and submits the question to the better judgment of the Court. And this respondent having answered &c. denies all fraud charged against him and prays to be hence dismissed with his costs in this behalf sustained &c. (Signed.)

Augustus Ballard.

of Randolph County, to wit; This day Augustus Ballard appeared before the subscriber a justice of the Peace for the County aforesaid and made oath that the statements contained in the foregoing answer so far as the same depend upon his own knowledge are true, and so far as they depend upon the knowledge of others he believes them to be true - Given under my hand & seal this 10th day of Nov^r 1825.

Mills Bridgier. (Seal)

Replication.

To the foregoing answer the plaintiff by his Counsel instantler replied generally. ~

Set for hearing.

And at Rules held in the Clerk's Office of the said Superior Court of Chancery directed by law to be holden in the City of Williamsburg in the day of June in the year 1826, aforesaid. On the motion of the plaintiff by his Counsel, this cause was set for hearing as to the defendant, on his answer.

Deposition of Mills Bridgier, taken the 17th day of June 1826. and filed the 4th day of July 1826.

This Dependent saith that he lived with Mills Lawrence several years before and was living there at the time of his death, which was in the month of February and that he continued there until some time in April in the same year, at which time he removed home and removed with him his two negroes Bob and Polly. And at some time previous to his removal the widow of said Mills Lawrence reduced the family by distributing to the different legatees about Twenty six negroes. This deponent further saith that the said Mills Lawrence dect^d. was in the habit of

laying in a large surplus of the products of his farm more than was necessary for the consumption of his family.

Question by the Pltff. Do you concur with Mr. Luter in his evidence in saying that Four thousand pounds of Bacon and Two hundred barrels of Corn was amply sufficient for the support of the family for the balance of the year that the said Mills Lawrence died.

Answer. I do.

Question by the Defend^t. How many persons had the widow of Mills Lawrence in family the year he died.

Ans^r. - About Twenty six negroes and four white persons.

Questⁿ. Was the widow in the habit of making large crops of Brandy yearly.

Ans^r. No she was not in the habit of making large crops every year but every hitting year she made some but how much I do not exactly know.

Questⁿ. by the Pltff. Was not the orchard good for Twenty barrels of Brandy every hitting year if the frost had been saved.

Ans^r. - I think it was.

Question by the Def^t. - Did Jacob H. Duck buy Mills Lawrence's Pork the year he died.

Ans^r. I think he did but I am not positive.

And further this deponent saith not.

(Mills Bridgier.)

Isle of Wight County June 17th 1826.

The within deposition of Mills Bridgier was taken at the Tavern of Thomas Marshall agreeable to the notice herein enclosed by us, in the presence of the Parties.

Jordan Parr J.P.

John H. Chapman J.P.

Deposition of Jacob H. Duck taken the 17th day of June 1826. and filed the 4th day of July 1826.

This deponent saith that he purchased twelve or thirteen thousand weight of Pork of Mills Lawrence the winter that he died or the winter before I do not recollect which.

Questⁿ. by Pltff. did you not act as an appraiser of Mills Lawrence's Estate.

Answer I did.

Quest. by the Plff: - Was it not thought by yourself and the other appraisers that the widow retained considerable more than was necessary for the consumption of the family that year.

Answer. I recollect that myself and the other appraisers had some conversation on the subject and they said so and I thought so.

Quest. by the defendant - How could you and the other appraisers ascertain whether she retained more than was necessary for the consumption of the family or not.

Answer - From what was said by the widow and the representative of Mills Lawrence decd. and further this deponent saith nath.

Jacob H. Duck.

Sale of Wright County June the 17th 1826. The within deposition of Jacob H. Duck was taken at the tavern of Thomas Marshall agreeable to the enclosed notice and in presence of the parties by us.

Jordan Parr J. P.

Examiner. Eley. J. P.

Deposition of Examine Eley taken the 17th day of June 1826. and filed the 4th day of July 1826.

This deponent saith that Mills Lawrence sold from two thousand to twenty five hundred pounds of Pork to John M. Eley the winter he died as he the deponent believes.

Quest. by the Plff: was not Mills Lawrence in the habit of selling from ten to fifteen thousand pounds of Pork every year.

Answer - I believe he was.

Quest. by the Plff: did you not act as clerk at the sale of Martha Lawrence's Estate.

Answer. I did.

Quest. by the Plff: was there not a considerable stock of cattle sheep and hogs sold by the Def. as Executor of Martha Lawrence decd. at the sale of her Estate.

Answer - There was.

Quest. by the Plff: was any part thereof delivered to or sold by me.

Answer - Not that I know of.

Quest. by the Plff: Did or not the defendant claim & sell the greater part of the Farming Utensils at the above sale.

Answer - I do not recollect.

Quest. by the Pltff: What was the amount of Sales as kept by you for the defendant.

Answer. The amount was not ascertained when I delivered the papers to him.

Quest. by the Def. - Did not I go to the Pltff: sundry times during the sale to know and asked him about sundry property who it belonged to, who was to sell it.

Answer - (You did).

Quest. by the Pltff: did not I relinquish every claim of property claimed by the defendant as Martha Lawrence's.

Answer. As far as I know you did.

And further this deponent saith not.

Excm. Cley.

Isle of Wight County June the 17th 1826. the within deposition of Excm. Cley was taken at the tavern of Thomas Marshall agreeable to the enclosed Notice and in presence of the Parties by us.

Jordan Parr. J. P.

Ja^s. Johnson. J. P.

Deposition of Jonathan Lewter taken the 17th day of June 1826, and filed the 4th day of July 1826.

This deponent saith that since the death of Mills Lawrence dec^d. he purchased of Martha Lawrence his widow, two Steers one at the time purchased about two years old and the other about six or seven and this deponent further states that. he purchased the Steers aforesaid five or six years ago and that he believes the oldest Stear was calved before the death of Mills Lawrence dec^d. and the youngest was not, both Steers were unbroke when he purchased. And this deponent further states that he believes that Mills Lawrence sold a considerable quantity of Pork to Jacob H. Duck the winter he died.

Quest. by the Pltff: were you not well acquainted with Mills Lawrence and family and widow after his death.

Answer - Yes.

Question by the Pltff: Was not Mills Lawrence in the habit of laying in Annually a large surplus more than was necessary for

the consumption of his Family.

Answer - More so than any man I knew not only sufficient for one year but nearly for two.

Quest. by the Pltff: did not Martha Lawrence after the death of her husband appear to have a good deal of property about her and did she not make an ample sufficiency to support her family, of Brandy, Pork & Corn enough & to spare.

Answer. I believe she did for I bought Pork of her two years myself.

Quest. by the Pltff: have you not reason to believe that Martha Lawrence kept and retained a considerable sum of money as her own Property.

Answer - I believe she did, I went to Mills Lawrence ~~some~~ three or four years before his death to borrow money and he sent W^m Lawrence to get the money and she brought out a book containing a considerable quantity of money in bank notes and Mills Lawrence told her that, that was her money to take it and do as she pleased with it and to bring the money from the other corner which she accordingly did.

Quest. by the Pltff: was not seven thousand pounds of bacon more than sufficient to support a family of three or four whites and about twenty eight negroes from March until the end of a year.

Answer. I think four thousand pounds of Bacon would be an ample sufficiency.

Quest. by the Pltff: do you not think that two hundred barrels of Corn would be amply sufficient for such a family as above described with about five horses and other stock in proportion.

Answer. I think it would.

And further this deponent saith not.

Jonathan Luter.

Isle of Wight County. June the 17th 1826.

The above deposition of Jonathan Luter was taken at the tavern of Thomas Marshall agreeable to the notice herein enclosed by us.

Jordan Parr J. P.
Jas. Johnsons J. P.

Decree in part 8th.

And at a Superior Court of Chancery continued by adjournment and held at the former hospital in the City of Williamsburg, on Monday the seventeenth day of July in the year one thousand eight hundred and twenty six. -
 Carr Bowser executor of Mill^r Lawrence Pet:

against

Augustus Ballard executor of Martha Lawrence Def^t:

This cause came on this day to be heard on the bill, answer, exhibits and examination of witnesses, and was argued by counsel; On consideration whereof, the Court being of opinion that the plaintiff is entitled to recover of the defendant Augustus Ballard executor of Martha Lawrence the money delivered over to his said testatrix Martha Lawrence by the plaintiff, to wit, One thousand seven hundred and twenty dollars and thirty eight cents, as appears by her receipt and the exhibit B. in this cause, and the plaintiff being willing to take a decree for the same, to be paid by the said Augustus Ballard executor of Martha Lawrence out of the assets of his testatrix in his hands to be administered without waiting for an account of his executorial transactions under the act of Assembly in such cases made and provided. The Court doth adjudge, order and decree that the defendant out of the estate of his testatrix in his hands to be administered pay to the plaintiff the sum of One thousand seven hundred and twenty dollars and thirty eight cents with interest thereon at the rate of six per centum per annum from the third day of January eighteen hundred and twenty five paid, and the Court being of opinion that it is not now in possession of the materials necessary to enable it to pronounce a final decree in this cause, doth further adjudge, order and decree that a Commissioner of this Court do take the following accounts, first an account and statement of the executorial transactions of the said Augustus Ballard on the estate of said Martha Lawrence - second, an account of what remains of all articles delivered by the plaintiff to Martha Lawrence, which were not consumed by their use, such as furniture for the house and kitchen and plantation utensils &c. and whether any and what part were worn out in the use - third, of what remains of such property as was subject to be deteriorated by use or consumed in the use, such as horses, cattle, hogs, sheep, &c. and what part if any were destroyed

out by their eyes."

The Commissioner has bestowed all the attention upon this particular subject which the documents in this case, (exhibited) will allow, and he finds it impracticable to make up an exact account as required, but will proceed to state his views on the subject in the most clear manner, that the nature of the case will admit, to wit, The property as delivered by the plaintiff to Martha Lawrence, was inventoried differently from the manner in which it was inventoried to the plaintiff for instance Bed furniture to a large amount was valued in parcels, without specifying the particular kind, the Stone, Earthen, Pewter, and Wooden Ware, were valued in the same way, as well as many other articles of kitchen furniture beside, - the Commissioner is of opinion that many articles are wanting, particularly of bed furniture, and one bed and furniture, but to say to what amount is impossible, as a great many of the articles are returned to the plaintiff, and there is no evidence to show whether the rest were retained by the defendant, or were worn out by their use, the average price of the beds and furniture delivered by the plaintiff to Martha Lawrence is £32:85. -

In the third instance, "an account of what remains of such property as was subject to be deteriorated by use, or consumed in the use, such as Horses, cattle, Sheep, Hogs, &c. and what parts if any were worn out in the use, or consumed, and that an account of the young of the female she taken, and how the same has been disposed of."

All the Horses delivered by the plaintiff except two had died and they were delivered by the defendant to the plaintiff, - there was a Colt foaled after Mr. Lawrence received the said property, which she in her lifetime gave to defendant's little son, which was supposed to be worth at her death about £50. the plaintiff received no other stock whatever, nor is there any evidence to show why he did not, - The plaintiff delivered Martha Lawrence 12 Ewes and Lambs, 10 Weathers, and one Ram, making in the whole 35 Sheep, and valued at £59:00. and there was sold at her sale by the defendant 32 Sheep for the sum of £29:16, there was also delivered by the plaintiff one Cow and calf, and three yearlings valued at

\$21:50. and two yoke of Oxen @ \$90. also 10 Sows, 80 Pigs and 10 Hogs valued to \$151:62, and the defendant sold at his testatrix's sale 36 Hogs including Sows, 48 Pigs and Hogs, and 22 fat hogs, the whole for the sum of \$99:91. It may be proper here to state, that Martha Lawrence received under the will of her husband a fee simple title to 40 hogs and twenty boxes of hatter, all of which she received at the same time, so that the quantity of Hogs were short at her death in number 34 including the 40 which she held absolutely and should the plaintiff be entitled to his proportion of the Hogs I suppose $\frac{2}{3}$ would be about this part, to wit:

$\frac{2}{3}$ of \$99:91. the amount of Hogs sold	\$66:61.
1 Colt the only increase of the farm	50:50.
1 Cow & 8 yearlings delivered & not any returned	21:50.
32 Sheep sold by the defendant	29:16.
	\$167:27. ⁷⁶

N. B. The Oxen are not included as they must have been worth but trifling if anything at that time, if not dead as 8 or 9 years had elapsed.

And fourthly an account of what remains of such articles as were necessarily consumed by their wife, as Corn, Beans, Pork, Peas, &c. and report what has been used by Martha Lawrence or if any has been sold, how much, and for what price."

The Commissioner has no evidence before him to show that any part of the above articles remained at the death of Martha Lawrence, or that any part had been disposed of by her in her lifetime.

The Commissioner thinks the following statement may be more fully in determining this case, to wit, an account of the consumable and other articles delivered to Martha Lawrence, and what is and has been received by the defendant to the plaintiff.

5 blades, and two top stacks, and Corn in the Shocks	\$105 00.
2500 barrels long Corn \$900. thirty ditto short \$37:50	937 50.
6 thousand pounds blades & chaff \$60. untrodden straw \$10	70 00.
Bees Wax \$1:00. twenty pounds Lard \$2:40. 3 barrels Pork \$60:00	63 40.
288 th Lard \$47:34. - 4 $\frac{2}{3}$ Barrels Brandey \$140	187 34.
Parcel Sugar \$25. Machine Cotton \$26. Harehead straw \$25.	76 00.
Ditto Flour \$7:50. twelve Barrels Lard \$30. - 44 Bushels of Wheat \$44	81 00.

Ditto Dead bottom \$50. White and Red Pear \$65. Beans \$1:50	116 50.
Ditto Lown \$4. Clean Cats \$50:50. Cow and Red Pear \$57:00	111 50.
Tanned and dressed Leather \$16:00. Wheat and Spear Seed \$8	24 00.
Broke glass and Braces Limber \$11:00. Six meat Bags \$3:00	14 00.
30 Barrels long Corn \$120. 2 thousand pounds fodder \$20:00	140 00.
Short Corn fodder \$16. Cow Frames and Box stands \$3:00	19 00.
5 Raw hides \$11:00. Cow Pans \$35. Baskets \$1:00	47 00.
crowded and Black Pear \$53. Braces Limber \$2. Nags \$5:00	60 00.
7 thousand pounds Bacon at 15 cts per lb.	1050 00.
lay prep timber \$5:00. Blade of a den \$20	25 00.
Cash	1720 38.
Amount carried forward	\$4847 62.
Amount brought forward	\$4847 62.
To one Red and Furniture not return	32 85.
" amount of Hogs delivered by the plaintiff	151 62.
" " bottles - - - ditto	111 50.
" Horses delivered - - - do	215 00.
" 2 delivered by defendant and sold for	47:00 167 25.
" 35 Sheep delivered by plaintiff value at	59 00.
" 3 Barrels Soap - - - do	12 50.
" 100 Bushels Potatoes plaintiff - do	35 00.
" 60 keider Barrels not returned	22 50.
	5479 74.
By amount Sales of property delivered by defendant as per plaintiff's account rendered (A.)	464 00.
	5943 74.
To amount Inventory delivered m. Lawrence	\$6659:12.
" Balance not accounted for	715 38.
	6659 12.
To balance brought down not accounted	715 38.
The Commissioner cannot correctly ascertain the dif- ference between the amount of the articles delivered by de- fendant to the plaintiff and sold by him, and the value of the said articles as inventoried and delivered to Martha Lawrence, but by comparing the two statements he is in-	

clined to think they sold for less by 100 per cent. you should
then account again -

The cost being the only increase is added	50:00.
Balance short of the amount delivered Martha Lawrence in- cluding the whole of the articles	301:38.

The Commissioner is required by the parties to state that the bond given
to the children of William E. Daughtrey, in the will of the testator, ne-
ver came to the hands of the executor it having been disposed of in
the lifetime of the testator, for the purposes as mentioned in her
will, vizt., it was at the request of the testator, handed by the plain-
tiff to Leffie Drewry the agent of Carter Edwards for the purpose of re-
curing the debt out of certain property secured to him, as Trustee, by
the said Daughtrey, and for ought that either of the parties know, it still
remains in said Edwards' hands - The plaintiff by the consent of
the defendant, took the affidavit of Jonathan Sutar, to her file and
which is returned with this report, it was taken after the Commissioner
had made up the account, and relates to facts, which the Commis-
sioner thinks belong to the decision of the Court only. - The copy of the
account Sales of the property delivered by the defendant, to the plain-
tiff, instead of the Inventory is made a part of the report, as it con-
tains some articles not mentioned in the inventory. -

Respectfully submitted to the Court.

Levi Cobb, Comr.

Court fees 42 hours	\$42:00.
Portage	1:71.
Charged to the plaintiff:	\$43:71.

Southampton County Sc:

Personally appeared before me a Justice of the peace for the County a-
foresaid Jeremiah Cobb, who made oath to the above fee bill &c. given
under my hand this 26th day of March 1827. -

William Briggs J. P.

(A.)

Account Sales of the property remaining at the death of Martha

Laurence, which was delivered by the defendants Augustus Ball and to
 Carr Bowers the plaintiff, January 5th 1825. -

1 Breakfast & Crockery Ware	15 00.	1 pr. New Cart wheels	6 00.
1 Horse Cart wheels & Giv	8 00.	1 Horse	20 00.
2 Bent Saw	2 00.	3 Butter Pots	.. 50.
1 Feather Bed & Furniture	25 00.	1 Back Iron	.. 75.
60 Cider Barrels @ 1/6	15 00.	6 Books	.. 87 1/2.
1 large Walnut Table	5 00.	1 Bible and Testament	1 35.
6 Silver Spoons & Soup ditto	11 50.	8 Books	.. 87 1/2.
Knives & Cast Scissors	5 00.	1 large family Bible	6 75.
1/2 doz. Tea Spoons	2 50.	6 narrow Axes	1 58.
1 Chest Drawers	5 00.	Burg Borer	.. 55.
4 pr. and Iron Tongs & Shovel	3 12 1/2.	Adze and Spade	.. 43 3/4.
Pr. Flat Iron & two old trays	.. 75.	Gouge, Chisel & Auger	.. 76.
4 Weeding & 2 grub hoes	2 25.	Hatchet & Cooper's Adze	.. 51.
1 large heavy Dish	1 50.	Sawies & Saws	.. 62 1/2.
1 old Walnut Table	.. 25.	3 old hoes, hatters & D. Knives	.. 19.
3 Pots and Hooks	5 00.	1 Scythe	.. 43 3/4.
1 Breakfast in the Ware	10 00.	3 old drawing knives	.. 26.
1 large Table	5 00.	1 good Scythe	1 45.
1 Bed and Furniture	25 00.	Sideboard	20 50.
1 ditto	22 00.	1 Sear wheel	1 80.
4 Weeding Hoes	.. 50.	2 Bed quilts	4 87 1/2.
1/2 doz. Tea spoons	1 50.	2 white counterpanes	5 50.
10 ex cart wheels & spokes	10 00.	6 do. do. do.	15 17 1/2.
5 Bow hoes & 3 grub ditto	4 00.	1 Blue ditto do.	4 00.
3 Iron Pots	2 50.	2 Bed quilts	5 05.
2 old Dutch Ovens	.. 50.	2 Counterpanes	5 50.
1 mass Spider	.. 37 1/2.	1 pr. Sheets	1 50.
1 Humming mortar & Spite	.. 50.	7 pr. ditto	10 50.
1 ex cart & wheels & spokes	5 00.	pr. Deer Leather	.. 50.
24 key press Stands @ 1/6	6 00.	1 pine chest	1 90.
1 Silver Watch	20 00.	1 large Butter Pot & 2 Cans	.. 50 1/4.
1 Silver Mare	27 75.	1 Pewter Dish	.. 76.
3 Oak Barrels	.. 75.		409 08 1/4.

1 Iron Stove	7 00.	3 small & 2 large pewter basins.	2 81/2.
1 Gun	4 00.	3 earthen dishes	1 21/2.
2 Spotted & 2 Rose Blankets	6 03.	1 Bowl & Tea Kettle	1 00.
1 Glass Wheel	" 60.	7 Plates	" 28.
	374 08.	1 W. Steelyard	2 30.
1 Walnut Table	3 60.	1 do	" 81/4.
1 large Trunk	1 50.	4 Waiters & large	" 96 3/4.
1 large & 1 small pine chest.	1 27.	Shaver Buckles & Stock do.	" 42.
1 Bed and furniture	16 00.	2 pieces Shaver buttons	" 50.
2 small Trunks	" 60.	Pepper basket	" 32.
8 Reap Hooks	" 82.	1 large & 1 small G. Stone	2 50.
1 Gig Seat	1 00.	1 large Canoe	2 55.
1 W. money Scales &c	" 12 1/2.	1 small ditto	" 85.
Ditto	" 06 1/4.	Parcel old Iron	" 44.
Saddles and Bridles	1 50.	2 Glass Brakes	" 41.
Parcel China	1 10.	2 ditto	" 40.
1 Bowl and Saucer	" 90.	4 Lugs	" 87 1/2.
2 Coffee and 1 Tea Pot	" 62 1/2.	1 Trumpet	" 12 1/2.
2 St Crockery Ware	" 21.	1 Horse Whip	" 25.
1 Gun Case	3 50.	1 Saddle & Bridle	1 32.
1 Wooden Wheel & Cards	" 82.	1 Knife Bone	" 86.
Ditto	" 55.	8 Flag Chains	2 75.
1 Copper Kettle	2 00.	1 Table Cloth	" 90.
4 Pewter Basins	" 99.		434 39 1/2.
4 D. Dishes	2 89.	2 Table cloths	1 01.
2 Canoe sticks	" 13.	1 Lug & 2 Hackles	1 95.
1 small pine Table	" 25.	1 Feather Bed & Furniture	22 00.
2 Butter Pots	" 51.	1 Share Plow	" 37 1/2.
5 Pewter Brakes	" 87 1/2.	a parcel of Brass Timber	2 50.
1 Butter Pot	" 12 1/2.	1 Counterpane	2 25.
1 Dish & 3 plates	" 31 1/4.	Nett amount	464 48.
1/2 doz. Plates	" 18 3/4.	Amount of Inventory	490 50.
3 W. Sheep Shears	" 18 3/4.		26 02.

Exhibits, returned with the foregoing report of the Commissioner.

A true Inventory and Appraisement of all the estate of Miller Lawrence deceased (deft to his wife and returned by her during her life) taken after her decease by Jacob H. Duck, Miller Bridger and John H. Chapman for Lewis Bowers executor, January 4th 1826. -

1 Side Board \$30. one Beautiful and kerochany Ware \$15. -	45	50.
1 Beautiful (in Ware) \$10. - 12 Windsor Chairs \$3.50. -	13	50.
1 Feather Bed and Furniture \$25. - one ditto ditto \$25. -	50	50.
2 ditto ditto \$44. - one ditto ditto \$25. -	69	50.
12 Counterpane \$30. - 11 Sheets \$11. -	41	50.
4 Bed quilts & 4 Blankets \$18. - one quilt chest 12/.	20	50.
2 small Trunks 6/ - 8 soap hooks 6. -	2	50.
1 Chair Seat 1/6. - one Hair Case 24/.	4	25.
1 old chest 1/6. - 17 th . And Irons 9. -	"	37 1/2.
1 Woman and 1 man's Saddle & 2 bridles 36/.	6	50.
2 Large Walnut Tables \$10. - 1 Gun 24/.	14	50.
6 Table Silver Spoons \$10. - 12 ditto Tea ditto 24/.	14	50.
1 plated Soup Spoon 9/ - 5 Waiters 6/.	2	50.
1 mirror looking Glass 3/ - one Paper Basket 4/6	1	25.
3 white Counterpane 18/ - 8. Flag Chair 24/.	7	50.
1 set Castors and Cast Case 30/ - a parcel books 60/.	15	50.
1 old chest drawers 30/ - 3 17 th . And Irons & Long 18/.	8	50.
1 Stock Buckle and knee ditto 9/.	1	50.
1 Silver Watch \$20. - one large Trunk 12/.	22	50.
1 dressing Glass 9/ - one old table 1/6	1	50.
2 old chests 4/6. - one chain whip 1/6	1	50.
1 old Walnut Table 18/ - 1 ditto ditto 1/6	3	25.
1 large Dish 9/ - 1 half Kettle 18/.	4	50.
1 17 th . Hat Irons 3/ - one knife box 3/ -	1	50.
2 17 th . Steepers 21/ - 2 hammers 12/.	5	50.
2 Flax wheels 15/ - 2 hand casters 9.	2	62 1/2.
1 Loom, Gear & 10. - 2 old chairs 9.	10	12 1/2.
Amount carried over	\$366	12 1/2.
Amount brought over	\$366	12 1/2.
4 Baskets 3/ - 1 small wheel 3/ -	1	50.
4 large Pewter Basins 18/ - 4 small ditto 12/.	5	50.

4 Pewter Dishes \$1 5 plates 24/ - one Basin 3/ -	4	50.
1 ditto Dish 6/ - 4 Lugs 6/ - 1 Kettle and sheet 3/ -	2	50.
1 Butter Pot 1/6. - a parcel kerochany Ware 12/.	2	25.
2 old Trays 1/6. - 3 pair Sheep Skins 3/.	"	75.
3 Butter Pots 3/ - 3 large Pots and hooks 30/.	5	50.
3 small Pots and hooks 15/ - 2 Dutch Quans 3/.	3	50.
1 small Spider 2/3. - one hominy mortar and Spitt 3/.	"	87 1/2.
2 Sythes 12/ - a parcel of Cooper's Tools 12/.	4	50.
8 weeding hoes 6/ - 5 grubbing hoes 18/.	4	50.
6 Axes 12/ - 3 weeding hoes 2/3.	2	37 1/2.
6 Plow hoes 15/ - 3 Stands and Ranges 6/.	3	50.
1 Spade and four Axes 3/ - 11 key press stands 15/.	3	50.
4 Flax Brakes 12/ - one & bent Saw 12/.	4	50.
4 Iron Pins 1/6. - 1 17 th . Ox wheels 36/.	6	25.
A parcel hance Timber 9/ - a parcel Timber 6/.	2	50.
1 Steer Cart and yoke 30/ - one ditto ditto 60/.	15	50.
1 Horse Cart and gear 48/ - one old mare \$20.	28	50.
1 old Horse \$20. - 4 Plow Hoes 18/.	23	50.
3 Spinning wheels 12/ - a parcel old Iron 3/9.	2	62 1/2.
1 Back saw 4/6.	"	75.
Amount	\$490	50.

State of Wright County, to wit,

Pursuant to the annexed order we the undersigned have appraised in current money all the estate that Miller Lawrence loaned to his wife that was shown to us, and find the amount to be as above stated, given under our hands this 4th day of January 1825. -

Jacob H. Duck.

John H. Chapman.

Miller Bridger.

At a Court held for the State of Wright County the 6th of November 1826.
The foregoing Inventory was returned and ordered to be recorded. -

Attest.

Testes,

Nathl. Young & J. W. Co.

Affidavit.

Bowers v. The affidavit of Jonathan Suter taken before the Com-
missioner this 19th day of March 1827, by consent of parties,
Ballard. *Sworn to.*

Question by the plaintiff, Was not Martha Lawrence in the habit of selling Pork annually, she having a surplus of that article.

Answer. I bought of her myself, Pork, two years - the one \$200. and upwards worth and the other about \$50. worth, or upwards.

Question by the same - Did not Martha Lawrence give you notes for this Pork to her nephew Wm. E. Daughtrey.

Answer. I heard Martha Lawrence say she had given my notes William E. Daughtrey and I afterwards paid said Daughtrey the money.

Question by the same - Was it not generally understood in Mr. Lawrence's neighbourhood that she was in the habit of giving away to her connections a great many articles.

Answer. It was said so in the neighbourhood generally, but I do not know it of my own knowledge.

Question by the same - Was not her situation such as to have enabled her to make more considerably, than a support, every year properly attended to.

Answer. She might and did.

Question by defendant - You say you bought of her two years (Pork) so you know whether she sold any other person Pork.

Answer. I do not, but she might have raised to spare every year.

Question by the same - Was not Mr. Lawrence's health, too bad to have attended to her business personally, for several years previous to her death.

Answer. I say she was, but she was free able to have employed some one to attend to it for her.

Question. - How do you know she was able to employ an Overseer.

Answer. - I would have gone myself and attended to her business for a share in the crop - and she had land and negroes and might have got an Overseer.

Question by the same - Are you sure Mr. Lawrence told you

she had given Mr. Daughtrey your notes, absolutely, or for collection. -

Answer, I am sure that Mr. Lawrence told me that she had given my notes to Wm. E. Daughtrey, and that she had nothing more to do with them, and I believe they were intended as a present. -

Question by the plaintiff - Do you not believe she suffered the estate to decline and waste by not having it properly attended to. -

Answer - I do, and that greatly. -

Question by the defendant - Did you ever know a more careful, industrious and particular woman than Mr. Lawrence, in her situation. -

Answer. - She was very careful and industrious. -

And further this deponent saith not. -

J. L. Luter.

Sworn to before me the first above written. -

Exceptions -

Here: Cobb, Comr.

Exceptions by the plaintiff to Commissioner Cobb's report - filed Aug. 1827. -

Bowers - Exceptions by plaintiff to Commissioner's Report. -

1st For not charging Martha under the 2nd head of the account - Counts required by the interlocutory - for all the articles delivered by plaintiff to Martha Lawrence under the Schedule and receipt given by her as not consumed by use, which were not shown by the defendant to have been "worn out by use," or at least all such as shall not have been delivered by Ballou after Mr. Lawrence's death to plaintiff. -

2nd For not reporting an account under the 4th class as there was evidence before him, the depositions shewing what was a reasonable supply for Mr. Lawrence's family and in the absence of other proof she shall be charged for all beyond the reasonable stock proper to be laid in for the use of family. -

3rd The account of Ballou as administrator on the estate of his testator Martha Lawrence is confined to money received and expensed by the administrator and does not include the Slave and personal estate which came to his hands. -

Taylor & Atkinson p. 9.

Decree in part &c.

And at a Superior Court of Chancery continued by adjournment and held at the former Capitol in the City of Williamsburg on Thursday the

twelfth day of July in the year one thousand eight hundred and twenty seven.

Baron Bowers executor of Miles Lawrence deceased Pet.

against

Augustus Ballard executor of Martha Lawrence deceased Def.

This cause came on this day to be again heard on the papers formerly read, and the report of the Commissioner made in pursuance of the order of the seventeenth day of July, one thousand eight hundred and twenty six, to which report exceptions were taken by the plaintiff, and was argued by counsel: On consideration whereof the Court sustaining the first and third exceptions and overruling the second exception doth adjudge, order and decree that the defendant as executor of Martha Lawrence out of the estate of his testator in his hands to be administered pay to the plaintiff, if so much thereof he hath, but if not then out of his own ~~estate~~ goods and chattels, the sum of one hundred and sixty seven dollars and twenty seven cents, with interest thereon after the rate of six per centum per annum from the third day of January, one thousand eight hundred and twenty five till paid: and the Court doth further adjudge, order and decree that the said report be recommitted to the said Commissioner who is instructed to charge the defendant as executor of Martha Lawrence with such furniture and plantation utensils and other things not consumable in the use received of Baron Bowers executor of Miles Lawrence by the said Martha Lawrence agreeably to exhibit B. which were not delivered over to the plaintiff by the defendant, or proved by the defendant to have been destroyed in the use, and the Commissioner is instructed to charge the value of such articles at the time of their receipt. - And the said Commissioner is instructed to charge the defendant with so much baron, corn &c. delivered over to the defendant's testator by the plaintiff, as the plaintiff may prove was converted into money or given away by Martha Lawrence in her lifetime - and the account taken by the Commissioner of the doings and doings of the said Augustus Ballard as executor of Martha Lawrence is recommitted with instructions to report the slaves and other things of his testator which have come to his hands to be administered, not included in the account of the said Ballard re-

ported by the Commissioner: and the said Commissioner is directed to examine, state and settle the said account and make report thereof to Court, with any matters especially stated deemed pertinent by himself or which may be required by the parties to be so stated.

In pursuance of the decree of the 12th day of July 1827 the following report was made, returned and filed the 11th day of July 1828.

Report.

Virginia. At a Superior Court of Chancery holden at the former Capital in the City of Williamsburg the twelfth day of July one thousand eight hundred and twenty seven.

Baron Bowers executor of Miles Lawrence deceased Pet.

against

Augustus Ballard executor of Martha Lawrence deceased Def.

This cause came on this day to be again heard on the papers formerly read and the report of the Commissioner made in pursuance of the order of the seventeenth day of July, one thousand eight hundred and twenty six, to which report exceptions were taken by the plaintiff and was argued by counsel: On consideration whereof the Court sustaining the first and third exceptions and overruling the second exception doth adjudge, order and decree that the defendant as executor of Martha Lawrence out of the estate of his testator in his hands to be administered, pay to the plaintiff, if so much thereof he hath, but if not then out of his own goods and chattels, the sum of one hundred and sixty seven dollars and twenty seven cents, with interest thereon after the rate of six per centum per annum from the third day of January, one thousand eight hundred and twenty five till paid - and the Court doth further adjudge, order and decree that the said report be recommitted to the same Commissioner who is directed to charge the defendant as executor of Martha Lawrence with such furniture and plantation utensils and other things not consumable in the use received of Baron Bowers executor of Miles Lawrence by the said Martha Lawrence agreeably to exhibit B. which were not delivered over to the plaintiff by the defendant, or proved by the defendant to have been destroyed in the use, and the Commissioner is instructed to charge the value of such articles at the time of their receipt - and the

said Commissioner is instructed to charge the defendant with as much bacon, corn, &c. delivered over to the defendant's testatrix by the plaintiff, as the plaintiff may prove was converted into money or given away by Martha Lawrence in her lifetime - and the account taken by the Commissioner of the actings and doings of the said Augustus Ballard as executor of Martha Lawrence is recommended with instructions to report the slaves and other things of his testatrix which have come to his hands to be administered, not included in the account of the said Ballard reported by the Commissioner - and the said Commissioner is directed to examine, state and settle the said accounts and make report thereof to Court, with any matters specially stated seemed pertinent by himself or which may be required by the parties to be so stated. -

A Copy. Teste,

James C. Ballantyne D.C. C.

Commissioner's Office Jerusalem, August 22nd 1827.

Notice to the parties issued this day to attend the Commissioner's Office on Saturday the 5th day of October next. -

Here: Cobb - Comr.

Jerusalem October 26th 1827. Both parties attended - The plaintiff could not go into the amount to day as he had a deposition to take in Alabama, it is therefore continued to the 20th of November next. -

Here: Cobb, Comr.

Nov: 21. 1827. Account continued for want of depositions to January 14th 1828. -

Here: Cobb, Comr.

January 17th 1828. Continued to March 23/1828. -

Here: Cobb.

March 23^d 1828. Continued from day to day for the above reasons and on the 18th of May the Commissioner was directed by the plaintiff not to wait any longer for the depositions as he did not expect them at all. -

Here: Cobb, Comr.

Bowers vs. Ballard. - The Commissioner is directed to charge the defendant with such furniture, and plantation utensils, and other things not consumable in the use, received of Barn Bowers executor of Miles Lawrence, by the said Martha Lawrence, agreeably to exhibit

"B. which were not delivered over to the plaintiff by the defendant or proved by the defendant to have been destroyed in the fire, and the Commissioner instructed to charge the value of such at the time of their receipt."

An account of sundry articles received by Matthew Lawrence of Jean Bowers executor of Miles Lawrence deceased which were not delivered over at her death by Augustus Ball and her executor of document B. this Inventory.

1825.	Jan'y 5.	To 1 Bed and Furniture averaging as appraised	"	"	32	85.
		A. 7 1/2 pair Sheets @ 37.00. piece bed furniture @ 45.00	82	50.		
		delivered 11 Sheets, 4 bed quilts, 4 Blankets			29	00.
		ditto 3 white Counter panes	32	00.	50	00.
		" Piece of Glassware, tumblers & decanters	"	"	12	00.
		" Stone and earthen Ware	"	"	15	00.
		" 2 Iron Pot and hooks averaging 18/-	"	"	6	00.
		" 2 do. pot racks	"	"	2	00.
		" 1 dutch Oven, Spider, and frying pan	"	"	2	00.
		" Wooden Ware	"	"	5	00.
		" Br. Lungs	"	"		50.
		" 1 Common Chest	"	"	1	66.
		" Coffee mill	"	"	2	00.
		" 32 Sheep sold at the sale of M. Lawrence	"	"	29	16.
		" 1 Cow and calf & 3 yearlings	"	"	21	50.
		" 2/3 amount of Hogs sold at the sale of ditto	"	"	66	61.
		" 1 Reap hook and Log chain	"	"	5	25.
		" 18 Baskets	"	"	1	62.
		" Single Gig and harness	"	"	25	00.
		Carried forward			\$ 278	15.
1825.	Jan'y 5.	Amount brought forward			\$ 278	15.
		To 8 Weeding hoes	"	"	4	80.
		" 1 Apple Press	"	"	12	00.
		" 1 Iron Pot rack	"	"	1	00.
		" 4 plow frames	"	"	3	00.
		" 8 plow hoes	"	"	8	40.
		" 3 Axes	"	"	3	00.
		" 1 grubbing hoe	"	"		75.
		" 57 bier Barrels @ 2/3	"	"	21	34.

" Dyke Oxen	90 00.
" 1 Colt the increase of the Stock	50 00.
	472 47.
By amount of sales rendered July Term 1827. off	167 27.
Amount of articles not returned	\$ 305 20.

- A. These items of Bed clothing include the whole as inventoried except 12 Counterpanes which were returned as per Inventory.
- B. There were no Sheep inventoried and returned by defendant - he sold 32 at the sale of Martha Lawrence, which he was charged with in a former account reported upon which a decree was rendered.
- C. This item was also charged in a former account and was included in the above decree.
- d. ditto - ditto.
- e. ditto - ditto.

The defendant requested the Commissioner to state that although he can't prove that the above articles were worn out in their use, yet from the nature of things they, or the greater part must have been, as the Gig and Harness were old at the time received; the Oxen were in their prime, but must have been too old for service and for aught the defendant knows might have been fattened and ~~the~~ killed for Beef, which was customary in that family when they became old, the plantation utensils he thinks must have been worn out in their use.

Second - Charge the defendant with so much Bacon, Corn, &c. as delivered over to the defendant's creditors by the plaintiff, as the plaintiff may prove, was converted into money, or given away by Martha Lawrence in her lifetime.

The plaintiff expected to have obtained evidence of some of the above facts from persons now living in the State of Alabama, and this account was several times continued for this purpose; the plaintiff finally directed the Commissioner to proceed and make the report, that for some cause he could not obtain this evidence, yet he believed many things were sold, or well as given away.

Third - The account taken by the Commissioner of the actings

"and doings of Augustus Ballard as executor of Martha Lawrence, is accounted with instructions to report the Slave and other things of his estate which came to his hands to be administered, not included in the account of the said Ballard reported by the Commissioner.

An Inventory of the estate of Martha Lawrence deceased which includes account heretofore accounted for.

1825. Lawy 3.	Old Peter and Lenny appraised to	" "
	Amos appraised to \$300. Newsum ditto \$275.00	575 00.
	Emanuel " - 325. Joe " - 300.00	625 00.
	A. Isabella " - 125. Nancy " - 230.00	355 00.
	Lenny " - 225. Peggy " - 230.00	455 00.
	Little Lenny " - 150. Lydia " - 100.00	250 00.
	Stephen " - 75.	75 00.

Total amount of the appraisement of the Slaves - \$ 2335 00.

A. Isabella and Nancy and her child born since the Inventory were sold, to wit: Isabella May 1827.	137 50.
Nancy and child. October 1827.	265 00.
Carried forward	\$ 402 50.

1827.
Dec: 31. Amount brought forward - \$ 402 50.

By amount of Negro hire due this day	105 15.
By error in the hire for last year in the account reported	20 00.
	\$ 527 65.

To Commissioner on receipts	26:38.
" paid to, &c. as clerk at the sale	6:00.
By amount of principal due on last report	125 - 1805 02.
Ditto - Interest	10 - 150 32.
To paid Carr Powers first exon. - pt. receipts	\$ 2049:30.
" " ditto - second ditto	202:66.
Balance due the estate	148:65.
	\$ 2432:99. 2432 99.

" " By balance due the estate \$ 148:65. with interest on \$ 48:33. paid thereof from December 31: 1827. till paid - and after deducting the Negroes sold as above the amount of the balance is - \$ 1932 50.

Respectfully submitted to the Court.

Jos. Cobb, Comr.

Com^{rs} fee Oct. 26th 1827. 4 hours.June 4th 1828. 6 do.

5 " 4.

7 " 4.

18 " 7.

19 " 5.

30. at 6/ \$30:00.

Postage 75.

Charged to plaintiff \$30:75.

So: Dmpton Sc:

Here: Cobb made oath before me to the justness of this fee due this
21st day June 1828. ~

William Briggs L. P.

Exhibit B. returned with the foregoing report of the Commissioners. ~

Received March 20th 1816. of Barn Bowers executor of Miss Lawrence
deceased the following property left by said deceased to me during life,
If I chose to retain it, viz: ~

	Sec.	cts.
Two yokes of Oxen \$90:00. one top stack \$2:00	92	00.
Five blade stacks and two top stacks and shocks	85	00.
A parcel of corn in the shocks	20	00.
Two hundred busses of long corn	900	00.
Thirty busses of short corn	37	50.
Six thousand weight of blade fodder	60	00.
Parcel of unbroke Hax	10	00.
Four Steer Carts and yokes	48	00.
One feather Bed and furniture \$30:00. one ditto . . ditto \$30:00 . .	60	00.
One ditto do. . . do. \$35:00. one ditto . . ditto \$35:00 . .	70	00.
One ditto small do. \$30:00. Parcel of Bed clothes \$45:00 . .	75	00.
One Pine Chest \$2:50. two Windsor chairs \$12:50	14	50.
Two large Walnut Tables \$14:00	14	00.
One mahogany side Board	60	00.
One Breakfast \$20:00. Parcel of China Ware \$12:00	32	00.
Two salt cellars and pepper carton	5	00.
Parcel of glass Ware, decanter, Tumblers &c. . . \$12	12	00.
One dressing glass \$5:00. - 1 small ditto 38 cents	5	38.

1 large Silver Spoon, fine tinned ditto, & 12 small do	28 00.
Five Waiters \$3:50. one small looking glass \$1:00	4 50.
Parcel of Books \$30:00	30 00.
Nine sheep hooks and one Lythe blade	3 50.
One Gun Case and Bottles \$7:00	7 00.
One large and two small trunks \$10:00	10 00.
Two canvas shoe ks \$2:00. - 8 flag bottomed chains \$3:00.	5 00.
One old Pine Chest 50. - 4 pair of fire Dogs \$8:00	8 50.
One Gun \$3:00. - Pair flat Irons 75 cents	3 35.
Parcel of Stone and earthen Ware \$15:00	15 00.
One Bow \$15:00. parcel of earthen and China Ware \$20:00	35 00.
One Walnut and Pine Table \$4:00.	4 00.
One pair of fire tongs and Shovel	1 00.
Amount carried over	1755 63.
Amount brought over	1755 63.
Two Mugs and Pitcher 1.25. Pair of Waffle Irons 1.00	2 25.
Six Pots large and small with their hooks	18 00.
Three Dutch Ovens, 3 Spiders, Frying Pan &c	8 00.
Two Pot racks 2.50. Pair of heavy log chains 5.00	7 00.
Parcel of Wooden Ware 5.00. Parcel of Stone Ware 3.00	8 00.
Parcel of Painted Ware \$20:00	20 00.
Parcel of common earthen Ware 4.00.	4 00.
Wooden Pail, Can, tray &c. \$2:50. - 2 common Tables 1.00	3 50.
Parcel of knives and forks and knives box	6 00.
Three Sifters and 2 sheaves 1.00. Parcel bees Wax 1.00	2 00.
Twenty weights of Lead	2 40.
Tea kettle, skillet, and half kettle 3.50.	3 50.
Three Barrels of Pork @ \$20. a pr.	60 00.
Two hundred and eighty eight pounds lard	47 34.
Four Sugs of different sizes	3 00.
Four Barrels & 2/3. of Brandy	140 00.
Two stands 1.00. - 1 stand of Honey 2.50.	3 50.
One Walnut Table 1.00	1 00.
Parcel of Sugar \$25:00. one dish \$2.50	27 50.
Four pair Sheep shares \$1.00. Parcel small bottles 1.00	2 00.

Butter Pot and parcel of Butters 2.00	2 00.
Two pairs of Sheeps 5.50. - Three common chest 5.00	10 50.
Two Hacks 1.50. - 2 linen wheels 6.00	7 50.
Parcel of machines Cotton 26.00	26 00.
Parcel of Hacks 25.00	25 00.
One Woman's Saddle 10.00. - Parcel of coffee 15.00	25 00.
Two stands and parcel of Horses	7 00.
Coffee miced 2.00. Eight Baskets 1.00	3 00.
Parcel of old stands 1.00	1 00.
Spinning wheel and reel 1.50. - 2 carpets 5.00	6 50.
One Loom and gear, Bars and Boxes	15 00.
Three Man's Saddles, and three Bindees	10 00.
Amount carried over	2263 12.
Amount brought over	2263 12.
One single riding chain and Harness	25 00.
Twelve Panels of Hides	30 00.
Forty four Bushels of Salt	44 00.
One Spinning wheel 2.00. twenty three Packs of wool 28.75	30 75.
Parcel of Seed cotton	50 00.
Parcel of White Peas 50.00. Parcel of Red Peas 15.00	65 00.
Parcel of Beans 1.50. - 5 new weeding hoes 6.50	8 00.
Parcel of Iron	4 00.
Wheat Sifter and small Iron chain	1 00.
Cart wheel Iron 50. - Parcel of Hessian Oats 50.00	50 50.
Parcel of Cow Peas 12. - Parcel of Red Peas 45.00	57 00.
Parcel of canned leather 11.00. - Dried ditto 5.00	16 00.
Parcel of Wheat 6.00. - Flax seed 2.00. Gourd stone 5.00	13 00.
Parcel of broke Flax 1.00. - Parcel of Branch timber 10.00	11 00.
Parcel of old stands, baskets 4. 2.00	2 00.
Six meal Bags 3.00. - 2 new pair of Cart wheels	20 00.
Two Horse carts and one pair of wheels	15 00.
Four Flax breakers 4.00. apple and Prof 12.00	16 00.
One canoe 2.00. - Ferry Boat 8.00. Parcel of Peas 8.00	20 00.
Parcel of long Corn @ Cherry's say 30 Bunches @ 4.00 p.	120 00.
Parcel of blades fodder 2000 th	20 00.

Parcel of Short Corn 15.00. - Top slack 4. 1.00	16 00.
One large canoe 4.00. - 1 Spinning wheel 1.00	5 00.
Twelve Ewes and Lambs and 10 Wethers and one Ram	59 00.
Seven Plow frames 3.00. - 8 stand of Peas 16.00	19 00.
Five Raw hides 11.00. - 18 Raw hoes and 1 butter 19.00	30 00.
Parcel of Cow Peas 35.00. - 14 Baskets 1.00	36 00.
Parcel of Rowed Peas, red and black	53 00.
Parcel of Branch timber 2.00. - Parcel of eye 5.00	7 00.
Parcel of Cypress timber 5.00. - Cooper Tools 4.00	9 00.
Nine Axes 9.00. - 14 Weeding hoes 8.50	17 50.
Six Spinning Hoes 4.50. - Farming Tools 2.25	6 75.
One Cow and calf and three yearlings	21 50.
Amount carried over	3161 12.
Amount brought over	3161 12.
1 x Cart Saw 3.00. - 3 Panels of Soap 12.50	15 50.
Seven thousand weight of Bacon	1050 00.
Two small mares called Bowers and Indian	125 00.
Two Sifters 2.50. - 100 Bushels Potatoes Planting @ 75 to 75.00	77 50.
Two Small Horses called Carr and Luter	90 00.
One Silver Watch 35.00	35 00.
Pair money Scales 1.00	1 00.
12 Counterpane 61.00. - 7 1/2 pairs of Sheets 37.00	97 00.
Parcel of blades fodder on Swamp at 6/	250 00.
Four Sows, 26 Pigs and one Shout	42 00.
Four Shouts, one Sow, and 2 Pigs @ Cherry's	11 00.
Five Sows and 52 Pigs	87 50.
Five Shouts	11 12.
Two feather Beds and furniture 70	70 00.
120 kegs of Barrels @ 2/3 each	45 00.
Making the sum of	4938 74.
Also twenty thousand and twenty seven and thirty eight cents in cash, viz:	1420 38.
Aggregate sum	6659 12.
Spent only this day and year as above mentioned.	
Harrison Dayal	Martha Lawrence
Obian Luter.	

Exhibit filed with Commissioner's Report.

The account and amount of Sale of the property of Mills Lawrence deceased (which was found at the death of his widow) sold 5th of January 1825 by said Bondes executor.

		Dr.
1 Breakfast Kerokey Ware	To Mills Lawrence	15 00.
1 Horse Cart ^{Wheels} and Gear	" ditto ditto	8 00.
1 x Cut Saw	" ditto ditto	2 00.
1 Feather Bed and Furniture	" ditto ditto	25 00.
60 kegs Barrels @ 1/6 ea	" ditto ditto	15 00.
1 large Walnut Table	" ditto ditto	5 00.
6 Silver Spoons and Soup ditto	" ditto ditto	11 50.
1 Set. Castons and Fast Kessars	" ditto ditto	5 00.
6 Tea Spoons	" ditto ditto	2 50.
1 Chest Drawers	" ditto ditto	5 00.
4 P ^r and Irons, tongs and Shovel	" ditto ditto	3 12 1/2.
1 P ^r Flat Iron, two old trays	" ditto ditto	" 75.
4 Weeding hoes & 2 grub ditto	" ditto ditto	2 25.
1 large Gravy Dish	" ditto ditto	1 50.
1 old Walnut Table	" ditto ditto	" 25.
3 Pots and hooks	" ditto ditto	5 00.
1 Breakfast in the House	" Wm. H. Ballard.	10 00.
1 large Table	" ditto ditto	5 00.
1 Bed and Furniture	" Jos: H. Ballard.	25 00.
1 ditto ditto	" ditto ditto	22 00.
4 Weeding Hoes	" ditto ditto	" 50.
1/2 dozen Tea Spoons	" ditto ditto	1 50.
1 Steer Cart Wheels and Yoke	" ditto ditto	10 00.
5 Plow hoes	" ditto ditto	2 75.
3 Grub hoes	" ditto ditto	1 25.
3 Iron Pots	" ditto ditto	2 50.
2 old Dutch Ovens	" ditto ditto	" 50.
1 small Spider	" ditto ditto	" 3 1/2.
1 Honey mortar and Spst.	" Mills Lawrence	" 50.
1 Steer Cart 3 Wheels Yoke	" ditto ditto	5 00.
24 kegs stands @ 1/6 ea	" ditto ditto	6 00.

1 Silver Watch	" ditto	ditto	20 00.
1 W. new Cart Wheels	" ditto	ditto	6 00.
1 Horse	" ditto	ditto	20 00.
3 Butter Pots	" ditto	ditto	" 50.
1 Backs Iron	" ditto	ditto	" 75.
2 Books	" James Trezvant		" 50.
4 ditto	" Miles Lawrence		" 37 1/2
			<u>\$ 237 87 1/2</u>
Amount brought forward			<u>\$ 237 87 1/2</u>
1 Bible and Testament	To Carr Bowers		1 35.
2 Books	" James G. Jones		" 25.
6 Ditto	" Miles Lawrence		" 37 1/2
1 large family Bible	" Carr Bowers		6 35.
2 narrow Axes	" John Rose		" 45.
2 ditto ditto	" Gary Worrell		" 63.
2 ditto ditto	" John Rose		" 50.
1 Bung Bore	" Wills murfee		" 55.
1 Age and Spade	" Miles Lawrence		" 43 3/4
1 Gorge, Chisel and Augers	" Jos. W. Ballard		" 76.
1 Hatchet and Coopers Adze	" Miles Lawrence		" 51.
1 Painter & Horse &c.	" ditto ditto		" 62 1/2
3 old Axes, leather & d. knife	" Williams logging		" 19.
1 Sythe	" Miles Lawrence		" 43 3/4
3 old drawing knives	" Carr Bowers		" 26.
1 good Sythe	" Joshua Whitney		1 45.
1 Side Board	" Miles Bridges		20 50.
1 Hair Wheel	" John Carr		1 80.
2 Bed quilts	" Wm. G. Stephens		4 87 1/2
2 White Counterpins	" Miles Bridges		5 50.
2 ditto ditto	" Miles Lawrence		4 37 1/2
2 ditto ditto	" Miles Lawrence		6 55.
2 ditto ditto	" Margaret Ballard		4 25.
1 Blue ditto	" Carr Bowers		4 00.
2 Bed quilts	" Wm. H. Ballard		5 05.
2 Counterpins	" Samuel Turner		5 50.

1 pr. Sheets	.. Lor. W. Ballard	1 50.
1 do. do.	.. Wm: G. Stephens	4 30.
1 do. do.	.. Wm: H. Ballard	3 05.
5 Sheets	.. Lor. W. Ballard	3 15.
1 pr. Deer Leather	.. John Davis	.. 50.
1 Pine Chest	.. Lor. W. Ballard	1 40.
1 Sorel mare	.. Edwin Eley	27 75.
3 Oak Panels	.. Miles Carr	.. 45.
1 Loom, Gear &c.	.. Nancy Atkins	7 00.
1 Gun	.. Matthew Carr	4 50.
2 Spotted Blankets	.. Lor. W. Ballard	2 03.
2 Rose ditto	.. Wm: H. Ballard	1 95.
1 Flax Wheel	.. Carr Bowers	.. 60.

\$ 374 08.

\$ 374 08.

Amount brought forward		
1 Walnut Table	.. To Sapon Rowe	3 60.
1 large Trunk	.. Miles Lawrence	1 50.
1 large pine Chest	.. Wm: H. Ballard	1 01.
1 small Chest	.. Sapon Rowe	.. 26.
1 Bed and furniture	.. Carr Bowers	16 00.
2 small Trunks	.. ditto ditto	.. 60.
4 Narp hooks	.. Miles Bridges	.. 51.
4 ditto ditto	.. Thomas Lee	.. 31.
1 big seat	.. Thomas Fowler	1 00.
1 pr. money Scales &c.	.. Miles Lawrence	.. 12 1/2.
1 pr. ditto ditto	.. Thomas L. White	.. 06 1/4.
1 Side Saddle and Binde	.. Cornelius Johnson	1 50.
a parcel kinses	.. Joshua Whitney	1 10.
1 Pole and Decanter	.. Lor. W. Ballard	.. 90.
1 Coffee Pot	.. ditto ditto	.. 25.
1 ditto do.	.. Miles Lawrence	.. 18 3/4.
1 Tea Pot	.. ditto ditto	.. 18 3/4.
1 St. Kerochery	.. Joshua Whitney	.. 21.
1 Gun Case	.. ditto ditto	3 50.
1 Wooling Wheel and bands	.. Lor. W. Ballard	.. 82.

1 ditto	.. Edwin Eley	.. 55.
1 Copper Kettle	.. Miles Lawrence	2 00.
2 Pewter Basins	.. Hantwell Eley	.. 99.
2 ditto ditto	.. Miles Lawrence	1 10.
1 large Dish	.. Jonathan Suter	.. 74.
1 ditto do	.. ditto ditto	.. 75.
1 ditto do	.. J. R. H. Johnson	.. 60.
1 ditto do	.. Lor. W. Ballard	.. 95.
2 Bundle sticks	.. Robert Butler	.. 13.
1 small pine Table	.. Lor. W. Ballard	.. 25.
2 Butter Pots	.. Wm: H. Ballard	.. 51.
5 Pewter Plates	.. Miles Lawrence	.. 87 1/2.
1 Butter Pot	.. Jonathan Suter	.. 12 1/2.
1 Dish and 3 plates	.. Miles Lawrence	.. 31 1/4.
1/2 dozen plates	.. ditto ditto	.. 18 3/4.
3 pr. Sheep shares	.. Joshua Whitney	.. 18 3/4.
1 large Pewter Pot	.. William Loring	.. 44.
2 Cans	.. Robert Butler	.. 06 1/4.
1 Pewter Dish	.. Carr Bowers	.. 76.

\$ 409 08 1/4.

\$ 409 08 1/4.

Amount brought forward		
1 small Pewter Basin	.. To William H. Ballard	.. 25.
2 small ditto do	.. Jordan Cherry	.. 65.
1 large ditto	.. Miles Lawrence	.. 80.
1 ditto ditto	.. Jonathan Suter	.. 31 1/4.
1 large Dish	.. Miles Lawrence	.. 47.
1 Basin	.. Lor. W. Ballard	.. 25.
1 earthen Dish	.. Miles Lawrence	.. 40.
1 ditto	.. Lor. W. Ballard	.. 37 1/2.
1 ditto	.. Matthew Carr	.. 44.
1 Pole	.. Miles Lawrence	.. 13.
1 Tea Kettle	.. Tho. Marshall	.. 99.
7 Plates	.. Nathan Butler	.. 28.
1 pr. Steepards	.. Carr Bowers	2 30.
1 small ditto	.. Perry Coggin	.. 81 1/4.

3 Winters -	" Carr Bowers -	" 18 ³ / ₄ .
1 large ditto -	" Wm. H. Ballard -	" 78.
1 p ^{ts} . Silver Buckles -	" Perry Coggin -	" 17.
1 Stock ditto -	" ditto ditto -	" 25.
a parcel Skeave Buttons -	" Wm. H. Ballard -	" 50.
1 Pepper Castor -	" So. P. Ballard -	" 32.
1 large Grind Stone -	" Misses Lawrence -	1 50.
1 small ditto -	" So. P. W. Ballard -	1 50.
1 large Canoe -	" Saml. Corbett Senr. -	2 55.
1 small do. -	" Wm. Bridges -	" 85.
a parcel old Iron -	" ditto ditto -	" 44.
2 Flax Breaks -	" Lery Bradshaw -	" 41.
2 ditto ditto -	" Lape Lankford -	" 40.
2 Sugs -	" Carr Bowers -	" 76.
2 ditto -	" Misses Bridges -	" 75.
1 Trumpet -	" David Whitney -	" 12 ¹ / ₂ .
1 Horse Whip -	" Misses Lawrence -	" 25.
1 Saddle and Bridle -	" John Davis -	1 32.
1 Knife Box -	" Augustus Ballard -	" 86.
8 Flax Chairs -	" Misses Lawrence -	2 75.
1 Table Cloth -	" Wm. H. Ballard -	" 90.

434 39 ¹/₂.

Amount brought forward

434 39 ¹/₂.

1 Table Cloth -	To Wm. H. Ballard -	" 75.
1 ditto ditto -	" Exum Eley -	" 26.
1 Sug -	" So. P. W. Ballard -	" 13.
2 Hackles -	" Augustus Ballard -	1 82.
1 Feather Bed and Furniture -	" Alfred Cherry -	22 00.
1 Share Plow -	" Misses Lawrence -	" 37 ¹ / ₂ .
a parcel Panel Timber -	" ditto ditto -	2 50.
1 Counterpane -	" So. P. W. Ballard -	2 25.

Amount - \$464 48.

Enclosed -

This account Sales is the exhibit by the plaintiff of the articles received as a part of Martha Lawrence's estate as delivered him by the defendant Ballard.

Statement W. filed with the papers in lieu of the Commissioner's Report. -

Amount rec^d. by M. Lawrence - - - - - \$6659:12.

In Cash - - - - 1720:33. decreed.

4. In Horses - - - - 215:50. ret^d. 2 Colt. ac. for one. - - \$76.

9. In Cattle - - - - 111:50. cattle nine ret^d. - - - - 111.

32. In Sheep - - - - 59:50. - 35 ret^d.

97. In Hogs - - - - 151:62. none returned - - - - 151:62.

Articles with con- \$ 338:62.

sumed, returned or Decreed. - - 164:50.

destroyed in use 4402:17. Dec. - - \$ 171:62.

6659:12.

So that the plaintiff gets back 1720:33 money

deficiency in Stock - - - - 338:62.

Articles deteriorated in use - - 464:50. appraised \$490.

\$ 2522:95.

has there been decree for the \$464. or has Bowers rec^d. that?

Final Decree. -

At a Superior Court of Chancery continued by adjournment and held at the former Capitol in the City of Williamsburg, on Tuesday the fourteenth day of July in the year one thousand eight hundred and twenty nine, being the day and year first herein mentioned. -

Carv Bowers executor of Miss Lawrence deceased - - - - Pet:
against

Augustus Ballard executor of Martha Lawrence deceased. - - - - Def^t:

This cause came on this day to be further heard on the papers formerly read, and the report of the Commissioner made pursuant to the order of the seventeenth day of July one thousand eight hundred and twenty six, to which report there was no exception, and was argued by counsel: On consideration whereof, the Court with the consent of the counsel, adopting the statement filed with the papers, and marked W. in lieu of the Commissioner's report, doth adjudge, order and decree, that the defendant pay to the plaintiff the sum of one hundred and seventy one dollars and sixty two cents with interest thereon after the rate of six per centum per annum from the third day of January one thousand eight hundred

and twenty five ^{the} paid, of which sum one hundred and forty eight dol-
lars sixty five cents with interest on forty eight dollars and thirty three cents
paid thereof from the thirty first day of December one thousand eight
hundred and twenty seven, ^{the} paid, (the amount due by the executor
on his account) is to be levied of the estate of the defendant Augustus
Ballard, and the balance of the said recovery is to be made out of the
estate of the defendant's testatrix, in his hands to be administered;
and that the defendant out of the estate of his said testatrix, in his
hands to be administered, if so much thereof he hath pay to the
plaintiff his costs by him about his suit in this he has expended. ~

A true transcript of the record. ~

Teste,

Free for copy of this record \$20.00. ~

W. O. Coglier & Co.

Bowers

Copy Record.

Ballard.

(1.)

\$20.00.

The Estate of Martha Lawrence decd.

1825

In Account with Augustus Ballard Exor.

Feb'y	26.	To Cash paid William Bridger	pr. act	9 06 $\frac{3}{4}$
1826	" "	" paid James Rowe \$7.50. do do Rob. Baker \$40.		47 50
"	" "	" paid Rob. Baker \$111.		41 00
"	" "	" paid Clk. J. Wright ticket \$6. pr. Jos. Poulis pr. act \$20.		21 25
"	" "	" pr. Clk. of Chy est. \$2.22, 1827, pr. Peyton Drew Clk. S.C. 18p.		2 40
"	" "	" pr. Benj. Coggins Cryer & Co. \$4. pr. Jere. Cobb. Comr. \$1		5 00
"	" "	" pr. Wm. Foster \$3.25, pr. A. Persons \$6., pr. A. Atkinson \$10.		19 25
"	" "	" pr. Carr Bowers \$166., pr. Clk. J. of Wright 62.c		166 62

1827

Decr.	31.	pr. Carr Bowers Exor. Mills Lawrence \$2049.30. pr. do do do \$202.64	2251 96.
"	"	" pr. Comm. Eley Clk. at Sale \$6., pr. freight of letters	25

1830

June	3.	pr. Carr Bowers Exor. of Mills Lawrence decd. \$390.42	390 42
"	"	" Keeping Jimmy & Peter, old expensive Negroes from Jan'y 1 st	
X	"	1826. to Jan'y 1 st 1840. 14 yrs. @ \$50. pr. yr.	700 00
"	"	To the Exor. Comr. on \$2660.70 $\frac{1}{4}$. @ 5p. Cent.	128 02
"	"	" Retained to pay the Clk. for this account & \$4.75.	4 73
"	"	" paid Commr. fee for this account	1 00
			3794 46 $\frac{3}{4}$

1836

Jan'y	1	By this amt. of ap. Sales \$1290.46 $\frac{1}{4}$	1290 46 $\frac{1}{4}$
"	"	By amt. of outstanding debts including interest.	580 24
"	"	By the Sale of woman Nancy & child, and boy Joe	690 00
"	"	By Int. on \$1233.76p from Jan'y 1 st 1826 to Jan'y 1 st 1836	
"	"	1840-14 years it being the balance due the Exor. \$1036.35	4830 81 $\frac{1}{4}$

By this sum due the Exor. Jan'y 1st 1840

2270 11 $\frac{1}{2}$

side do pr 25th

\$4830 81 $\frac{1}{4}$ 4830 81 $\frac{1}{4}$

In obedience to the annexed order of the County Court of Isle of Wight bearing date September Court 1839. to me directed, I have, pursuant thereto, made up the within account Current of the acts of Augustus Ballard as Executor of Martha Lawrence decd. and find the said decd. estate indebted to said Ballard the sum of Two Thousand two hundred and seventy dollars and eleven Cents, including Interest to the 31st day of December 1839. Given

under my hand this 4th day of January 1840.

Erwin Cley S.C.

At a Court held for Isle of Wight County the 6th day of Jan'y 1840
The foregoing Account Current of the Estate of Martha Lawrence
was returned and ordered to lie for exceptions. And at another
Court held for said County the 2^d day of March 1840. the said
Account having laid over one term no exceptions filed thereto,
is confirmed & ordered to be recorded.

Teste Nathl. Young Clk.

A Copy

Teste. J. C. Salmer W.C.

(C.)

Isle of Wight County, February 15th 1826

Pursuant to the annexed order of the Court of Isle of Wight County - Augustus Ballard laid before me papers and vouchers relative to his transactions with the Estate of Martha Lawrence Decd. which papers and vouchers I have carefully examined and stated, shewing the sum of Fifteen hundred and five dollars and nine Cents - due from the said Augustus Ballard - to the Estate of the said Martha Lawrence Decd., which sum is to carry interest from the date hereof - till paid, which is submitted to the Court.

Nathl. Lightfoot Comr.

At a Court held for Isle of Wight County the 6th day of March 1826. The foregoing account was returned by Commr. Lightfoot and ordered to lie two Months for exceptions - At another Court held for the said County the 3^d day of July 1826. and no exceptions having been filed thereto, was ordered to be recorded.

Teste

Nathl. Young Ck

A Copy

Teste. H. C. Saturner DC

1825 The Estate of Martha Lawrence dec'd.

In asf. with Augustus Ballard Executor

Jan	11	To This Sum paid Eamon Vley	ofc.	\$25 00
July	26	" paid Mr. Bridger & Thos. Blum	Blk Smith "	\$9 07
Aprl.	15	" paid Mrs. Lankford for funeral services		3 00
		" paid Martha Fulgham	ofc.	4 50
June		" paid William Dexter for Coffin for testator		6 00
"	6	" paid Carr Bowers tax on Land in Southampton		\$ 63
"	25	" paid Rich ^d W. Baker Att ^r at law for verbal opinion on turnup relative to Testators Estate		2 50
July		" paid Rich ^d W. Baker for written opinion	ditto	10 00
		" paid Joseph Prentiss	ditto	10 00
Nov.		" paid Carr Bowers	Bond	47 67
"	5	" paid T. H. Duck & Mrs. H. Chapman for two days services each, in appraising Testators Estate		4 00
Dec.	31	" 5 pmt. Comps on \$1389. 07 amt of Sale & Negro hires		69 45
		" Balance due the Estate for Contra		1313 25
				<u>\$1505 07</u>

1825

Jan.		By Cash found in the house of Testator at her death		116 00
Octo	5	By amt. of Sales of Testators estate - due this day		1279 65
Decr	31	By amt. of Negro hires for this year		109 42
		Balance due the Estate \$1313.25		<u>\$1505 07</u>

1826

Jan	5	To paid Mills Bridger for 2 Days services as appraiser		2 00
"	21	" paid Benjamin Coggin for Crying the estate		6 00
July	15	" paid Com ^r Lightfoot for Making up this account		10 00
		" Balance due the Estate for Contra		1305 09
				<u>\$1373 09</u>

1826

Jan.	1	By This Sum Bal ^d due last year		1313 25
July	15	By Int. on \$1313.25 from Jan. 1 st 1826. to this day		9 84
		Balance due the Estate \$1305.09		<u>\$2323 09</u>

In the Name of God Amos, I Martha Lawrence of the County of Isle of Wight and State of Virginia, being weak in body but of perfect mind and disposing memory for which I thank God; and calling to mind the uncertainty of life, and being desirous to dispose of all such worldly Estate as it hath pleased God to bless me with, I do Make and ordain this my last will and testament, in Manner of and following viz.

Item 1st I Give and bequeath to my Niece Mary Ann Rebecca Daughty the following property that is to say, Three Male Negro Slaves, Namely, Newsom, Amos, and Emanuel, also One female Negro Slave, Namely, Silby and their increase also one feather bed and furniture, to her and her lawful heirs forever.

Item 2^d I Give and bequeath to Sidney D. Ballard - daughter of my Niece Sally Ballard the following property - that is to say, Three female Negro Slaves Namely, Isabel, Jenny and Lydia - also one Male Negro Slave Namely, Pham and their increase, to her and her lawful heirs forever.

Item 3^d I Give and bequeath to, John M. Daughty and Sarah E. Daughty Children of my Nephew William E. Daughty, One certain bond that I hold against the said William E. Daughty, for the Sum of Nine hundred and Thirty Dollars and Sixty Cents - bearing date the twentieth day of May 1824. to be equally divided between the said John M. Daughty, and Sarah E. Daughty, to them and their heirs forever.

Item 4th The remainder of my Estate not already disposed of before, of whatever nature or kind it may be - also all my money that I possess in bonds or otherwise - be equally divided between Edwin D. Ballard, Robert H. Ballard, Augustus W. Ballard (and the within named Sidney D. Ballard - Children of my Niece Sally Ballard, to them and their heirs forever.

Item 5th And lastly, I do hereby constitute and appoint my friends Carr Bowen of the County of Southampton, and Augustus Ballard of the County of Isle of Wight Executors of this my last will and testament, hereby revoking and utterly disallowing

all former Wills or bequeaths heretofore by me made. In witness
whereof I have hereunto set my hand and affixed my seal this
2^d day of September in the year of our Lord 1824.

Signed Sealed published and declared as and for the last
Will and Testament of the within Named Martha Lawrence
in presence of

Mills Bridger

Edwin Eley

Martha ^{her} Fulgham
_{next}

h
h
h
h
h

Martha Lawrence Seal

At a Court held for Isle of Wight County
the 3^d day of January 1825. The foregoing will was presented in
Court by Augustus Ballard one of the Executors therein named
who made oath thereof according to law, and the same being proved
by the oaths of Mills Bridger, Edwin Eley and Martha Fulgham
the witnesses thereof was ordered to be recorded, And on the Motion
of the said Augustus Ballard together with Josiah Holloman and
Penn Eley his securities entered into and acknowledged a bond of
Ten Thousand Dollars. Conditioned according to law, Certificate
was granted him for obtaining a probat thereof in due form
of law. Term is allowed Carr Bowers the other Ex^{rs}
to qualify.

Teste.

Nathaniel Conny CLK

A Copy

Teste) F. C. Latimer R. Co.

(S.A.)

(a copy)

True

Martha Lawrence's

Parker &

v

Ballard,

6 Exhibits filed
with the Rice

1.

207

(A. B.)

showing the amount or value of the residuary estate
or the respective interests to which the several
legacies were entitled in the same - the question
as to ~~the validity of the bequest~~ ^{as to the} the defence founded on
the status of the demand, I think is a plain
one, ^{against the debt} nor is there any thing, looking to the pleading
and proofs in the case, which, according to the
practice of our courts in such cases, should
induce the court to withhold its aid with the
view to obtain a further and more satisfac-
tory adjustment of the accidental account.

The only matter entitled, it seems to
to your consideration
one ground out of the plea of the act of Com-
-binations.

Does the act of 49-50 apply to the case or not? This enquiry involves the distinction between a law impairing the obligation of ~~the~~ contracts, and a law modifying the remedy given by the legislature to enforce the obligation: ~~expressly~~ - (see 2 Parsons on Contracts note C & the authorities cited) Statutes of limitation unless retroactive in their effect, do not impair the obligation of contracts. They relate to the remedies which are furnished in the courts. They rather establish that certain circumstances shall amount to evidence that a certain contract has been performed, than dispense with its performance. It is true, that if in a state where six years may be pleaded in bar to an action of assumpsit, a law should pass declaring that contracts already in existence, not barred by the statute, should be construed to be within it, there could be little doubt of its unconstitutionality.

But does it follow that when the new ^{law} merely prescribes that a fact or circumstance, such for instance as the attestation of a judgment, or the going out of an executor shall amount to evidence of default, indicating the period at which the right of action accrues, the courts might in like manner to hold such a law unconstitutional?

I presume not, and I presume ~~equally~~ also

~~also~~ that considerations like those above suggested

in denied the court of appeals in the case of *Franklin*,
~~and~~ *not* a P. Defendant 13 *Franklin* 25). To waive the question
 above intimated, and decide that cause independently
 of the statute 1849-50. In that case, as in this, ~~case~~
 the principal question was, ^{as} to the time at which
 the right of action accrued, and altho in that
 case the rights of the surety, and not the principal,
 were involved, the court held that the surety should
 not be discharged, tho' many more than 10 years had
 elapsed after he became bound, basing the decision
 upon the ground that only a short time had
 expired since the demand of the pty had been
 established by a judgment or decree *v. Popper*, the
Decr.: and the court in that case say, "whether
 the period at which the cause of action upon the
 negotiable bond for the matter in controversy,
 shall be said to have accrued, be determined by
 the provision in the Code, or upon general prin-
 ciples, the result is the same. In neither case
 has the statute of limitations any application:
 The provision in the Code is ~~not~~ in effect, but
 declaratory of what the common law would have
 been without it in the precise case - and the
 same I think may be said, and truly and legally
 said of the case of *Parker v. Ballard* -

The several cases which have been

brought under the consideration of the supreme
court of appeals committed with or growing out
of this particular act of limitations, show
plainly the sense of that court as to the period
when, and under what circumstances, the cause
of action should be considered as having accrued
under that act. The case of Franklin's admor
v P. Deprist before referred to decides that the
cause of action arose not until the recovery
of a judgment in the Exor. so also in the case
of Barker v Dale v Peyton's exor. 1 Grattan 431. The
same course of decision was pursued in Sheldon
v Armstrong's admor. 7 Grattan 293, in which
the court held the sureties were discharged under
the act of March 1826 because the pty did not
sue them before 1838, which might have been done
founding the action upon the debt previously secured
to the admor. ~~of the~~. The case of Peck's admor.
v Ballentine justus 10. Grattan 278 was substantially
decided in the same manner & upon the same
ground. The foregoing views prevailed then -
clear to my mind, and in no small degree
of the case of McGrudder v Goodwin's admor in
the Greenville Circuit court in the Greenville
district court some years ago, in which the
sureties were discharged upon the plea of
the act of limitations. That case went to

the ^{supreme} court of appeals and was decided by
the special court of appeals in Richmond,
& has since been reported in 2. P. & H. 581.

This is the case to which I alluded ~~your~~
attention in Isle of Wight, and which I then
thought would be decisive of Parker v Bel-
lard; and I think it is decisive of it.

The court in that case holds (as I have
always thought was probably the law) that a
suit may be maintained against a
guardian on his general responsibility in
equity if not barred by the lapse of time
which would according to the general prin-
ciple of equity render the demand too
remote. For these reasons I think the
Comer. ought to proceed with the account
heretofore directed.

~~in 2. Parker v~~

~~to the old case~~

~~act of Com. p. 589. act.~~

R. H. Baker

March 22. 1858.

This note I know is almost
illegible, but I am much
pressed for time, and cannot
make it better.

x
Parker admor.

v 3
Ballard's Exors
Note.

Sale of right.

Parker & wife
vs.
Ballard & Co.

Mr Kilby after stating, (in his argument in reply to mine) the objects of his suit, & some facts relating to the birth & death of Sally Parker &c., attempts to meet our defence of the bar of Stat. of Limitation, first by citing the Code 593 Sec. 6. & presents as giving the basis of his argument, and the period when the cause of his action arose. It needs no other discussion, from the obvious fact the Code does not apply to this suit - but the Stat. of Limitation existing prior to the Code does - see act of 8th March 1826 Supp^d D. & R. 260 & subsequent amendments, if any for the Law of this case.

Again he says "that the Stat. does not apply to a trustee, and an executor is a trustee" he cites 2 Hornes. Exr. 758. We answer that he, the executor is not such a trustee as the authority referred to evidently shews. Hornes refers to trustees in the strict technical sense. See the Virginia authorities he refers to. This distinction is expressly so stated by Carr & Judge, in Lewis v. Chapman 5 S. & L. 173. The authority of Hornes, bears only on trustees expressly so stated or made by the parties.

Mr Kilby refers again to the error in the two ex parte accounts. The apparent error is referred to and explained in the answer. The Commissioner in omitting to bring into the second account, the balance due on the first, did however charge Ballard with the amt. of account of sale twice, and the difference was very trifling. That the estate should be indebted to Ballard 1839- or 1840, when he was owing the estate in 1826 - some 13 years interval is to Mr Kilby very astounding!! This occurs very frequently, and is sure to be the case whenever an executor pays out, more than comes in.

"The two old negroes should have been sold out to be kept" the Counsel says - How does the Counsel know but that it would have cost more to the estate. He did just what their Master, Mrs Lammie, did. She did not sell them, and why should Ballard be censured for following her example. It is said I believe of ~~the~~ Cato (the elder) that it was his practice, a principle of his economy, to kill all of his old animals after they were past work; and he was censured for his inhumanity by his own countrymen. Would the plaintiff have had Ballard to play Cato on the two helpless old negroes?

"At what time then did the act commence to run?"

Mr. Kilby answers his interrogatory as follows: "Take the date Dec. 1839 (when the last account was furnished) the plaintiff had ten years from the time she became of age (Oct. 1843) which would bring it to 1853 & allowing 5 years after disability of infancy, which brings it to (Oct. 1858) within which time suit was brought."

This is certainly the most extravagant mode of calculation, as it is, in my humble opinion, the most novel construction given to the stat. I have ever heard or read of. If the counsel repels the saving of the 5 years of infancy, and relies upon it - pray tell me from what period must you commence to count the 5 years? Why, surely from the day infancy ceased. This is too obvious to need comment. The statute meant this - it supposed a cause of action might arise for ten years or more before one attained 21 years of age, to protect the infant under such circumstances, it gave the infant 5 years from the time infancy ceased. But Mr. Kilby absolutely would give Mrs. Parker 15 years after she was of age! If you rely upon the ten years from the time she came to 21, you must certainly abandon the 5 years.

The Counsel in his position, or in his argument on the position that Ballard held the property as quasi guardian, and as he now accounts as such, and assuming the ground that I had assumed that the time of rendering the account ~~is~~, as the period from which the act commenced to run, observes that my argument proves that the stat. does not protect Ballard. I think if he will recur again to my notes, that he entirely mis-conceives the tendency of my remarks, and that they establish no such conclusions as Mr. Kilby ascribes to them.

I was simply contrasting the distinction attempted to be drawn, between the claims as to the residuary negroes and the heirs - depending upon different acts - that is the one ^{former} was supposed to be barred, by the effect of the return of the acct. in 1839 - but that the latter ^{claim} was not because it commenced at the settlement or delivery of the negroes to Parker. I endeavored to show, that the effect of the return of the acct. of 1839 and its confirmation ^{by} the Court, was the true time as to both claims, and that that act determined the character of Ballard as executor if so the cause of action then arose, during the infancy of Sally, and suit not having been brought within 5 years after, the claims was barred. But take Mr. Kilby's view that the act commenced to run when she attained 21, the plaintiff is

statute barred, because ten years had elapsed before this suit was brought. So it makes not to us whether cause of action arose at 1840, or during infancy, or when she attained 21 years - the ^{time} bar of either 5 or 10 yrs bars.

As to the remarks of counsel on the right of the plaintiff to her (or his) share of Henry & Joe's: and his comments on the defence of defendants, about the estate being indebted to Ballard & his right to satisfy or repay himself. I do not perceive the force of. It is asked when did Ballard credit the estate with the values of these negroes, &c. and also the complaint is assumed to be very strong in the imagined advantage which the other legatee get over Sally, by the manner of dealing on the part of Ballard. The answer to all this is quite simple - Ballard by the report of the Commissioner, said the estate was largely indebted to him - more than enough to take the small boy Henry, and from the other legatee sums or property, fully equivalent to the specific legacy of Sally Ballard - if so no legal injustice is done to the latter. Mr. Ballard if he chose could call upon one of the legatees to refund, and not upon the others if it so pleased him & what has a court to do with the manner in which he exercises his legal rights?

I think Mr. Kilby in his concluding remarks I think, gives up virtually the question of the statuteness of the demand.

He says, that his client knew of his rights & claims all along, from the time when his marriage & the delivery of his wife's negroes to him, took place (about 17 years ago) but had not abandoned them - but just waiting till the Old fellow slipped his cable, which being interpreted, until Ballard dies, and then if the plaintiff finds that if, ~~the~~ Ballard had given him, a fair share of his property, he might have waived his rights ~~he~~. How know we that? I submit if this is not the most remarkable apology ever offered. Repeat the facts. In 1840-41, Ballard executed Mr. Lawrence has a settlement with Parker the husband of a legatee, and delivers the property claimed under the will of Mrs. Lawrence - ^{Parker} Ballard declares now (17 years afterwards) that he knew his rights - that is to say, that his father-in-law was cheating him, he uttered not a word, remains cheated for 10 years - and would have so remained for 10 years more, if Ballard had so long lived; but so soon as

Ballard dies, and he finds that he has not given him even a bone to pick, he brings a suit by which, substantially he avows that the dead father of his deceased wife, had basely defrauded and cheated his daughter while both were living. The Plaintiff admits he was cheated and knew it 16 years ago - he utters not a word until the wrong-doer is buried, and then when the dead can't defend his character, he attempts to cast infamy on the reputation of whom? - on the father of his own wife, and the grandfather of his own children. - My friend, Mr. Kelly regrets that the term "Gorging" employed in the accounts of defendants was used - Is it not a mild term for the defendants, the sons of Mr. Ballard, to use under such circumstances? They believe at the time of the delivery of the negroes by their father, to Plaintiff, that a full settlement of all claims took place. They have no secret that their father repeatedly advanced Parker, money, at one time to the amount of \$500. to aid in building or repairing his mill - and believing these things (I admit there is no ^{legal} proof of them) they may be a little somewhat concerned if in vindicating their father's memory, terms may be used which counsel may regret, and which had never been employed. - How can the Court say, that Ballard did not settle in full for every thing with Parker when the delivery of the negroes took place? Does the ^{act} of silence of Parker for so long a time, with a full knowledge as he says of his rights, and his not stirring in the matter at all until the death of the only party who could know how to make a defence, throw deep suspicion on his case? - Why cannot the Court under all of the circumstances, look up ^{on} this acquiescence, as really a family settlement of the controversy?

"As to the acts of the Plaintiff, standing a scrutiny wherever Augustus Ballard's mould" I have nothing to say on the subject. - I know nothing of Mr. Parker except as to this case, and thus I think, by his own showing is a bad one. - I never admired Mr. Ballard in many respects, but ever heard him spoken of as a man of decided integrity. I believe he would pay the last cent he owed, or thought he owed - and the complaint of my client is that Mr. P. did not move in this matter earlier. - The case is concluded

R. H. Hildreth

Atty for Deft.

Feb. 18. 1858

Parker admr. of Parker Lt. Ball as Executor:

This cause was at one time before the Commissioner, but he conceiving that if the statute of Limitations barred the plaintiff, it would be unnecessary to proceed further, as the case would be ended; to save both therefore, an argument on this point was demanded by the Court. - The claim of the plaintiff is two fold - 1st ~~he~~ claims his wife (Sally - formerly Sally Ballara) portion of the residuary slaves, bequeathed by the 4th Clause of Martha Lawrence's Will - And 2^d he claims hires for the specific negroes bequeathed his wife from 1827, to 1841 when they were delivered up to him by Ballara. Sally Ballara was born on the 10th Decr 1822 - married the plaintiff 28th Aug 1840. and died on 28th Aug 1851. - Augustus Ballara qualified as exr. of M. Lawrence about 1825. - settled his accounts in 1826-7, and finally 1840. by which a large balance was due to him - This settlement, in ^{which} all of them of course. took place before the marriage of Plaintiff & Sally - Augustus Ballara died in 1856 - and this suit was brought very soon after (or after plaintiff found that his father in Law made no provision for them in his will) -

We contend that the statute of Limitations bars the claims of plaintiff, absolutely, and in both respects as above claimed - And this involves the inquiry - When did the Cause of action arise? The plaintiff says during Coverture: We say during the infancy of the wife -

I believe it was conceded, or not stoutly denied, on argument before the Commissioner, that the statute did bar as to the claim as to the residuary interest the 1st above mentioned, because the settlement of 1840 and the confirmation thereof by the County Court gave the cause of action, or it arose then, and this was during the infancy of Sally Parker, and before her Coverture - If this is true, and we think there can be doubt about it, we are unable to perceive why it should not bar the hires of the specific legacy of the negroes. If I recollect the ground for this distinction, it was, that, as to the hires, the Cause of action did not

not begin to run until the delivery of the negroes in 1841, after the marriage - and that as the settlement of 1840, and the confirmation of the same by the court terminated his (Ballard's) executorial capacity he thereafter held the specifically bequeathed negro, and the hires thing previously accrued as a sort of quasi guardian -; an argument I cannot comprehend, as the distinction is without a difference.

Now what is a quasi guardian? It is simply one who, under certain circumstances, is allowed by the courts to hold that capacity with the view of allowing, or crediting to him, for advances made on behalf of infants having no guardian which (advances) would not be proper to be allowed in his executorial character. It is a privilege that is extended to him, and for his benefit solely.

If the act of returning his (Ballard's) accounts (as in 1840) and the confirmation thereof by the court, fix the time of the termination of his executorial capacity, this act must also determine this new character of quasi guardian -; if so, then it, that is the cause of action commenced at that time (1840); and if he is regarded even as quasi guardian from that period, - 10 years had elapsed before the bringing of this suit. If the confirmation of his said accounts determined his character as executor - if he came to hold this property as executor, he must have held that (not delivered) in some other capacity. Suppose that account had shown a balance due from him, would not that have been the foundation of a suit for such balance on behalf of those entitled see 9 Lingh 489 - see 1 Gratian Bush v. Neal 229.

These authorities clearly show, that when the account is stated, is the date from whence "the limitation must be taken". As to whom? Certainly as to those who are then entitled to the estate, or effects remaining in the executor's hands. Suppose Ballard had qualified as guardian to his daughter, (Mrs. Parker) - and had wasted the

property or funds now sued for, and had become insolvent - and suppose a controversy had arisen & now pending, between ^{the} sureties of the executorial bond, and the sureties to the guardian bond, as to their liability to make good the property so wasted? Is it not plain that such a distinction as is above made (on the first page) would throw the burden on the latter? Should it not, ~~have~~ ^{be} been, agreed that the return of the accounts, and the confirmation thereof had determined, - as between these contestants, & closed the executorial capacity or character. Now if the confirmation of the account current (of 1840), determined, or closed the executorial character, and the capacity of quasi guardian did not commence until the settlement or delivery of the negroes in 1841, - pray tell me in what capacity was this property held by Ballard in the interval? For such a capacity the law as yet so far as I know, has no term. Possibly as this is an "age of progress" & filibustering, some word or terms may be coined, that will happily ^{remove} ~~express~~ this difficulty. If Ballard is to be regarded as quasi guardian at all - he must be so taken, either before, or after the return of his account - 1840 -; if after - when did he so become? Surely we cannot skip or hop over the interval between the ^{of the said account} return, and the marriage. Indeed the effect of this settlement (in 1840), amounts in law to an apportionment by the executor to the legacy of these slaves. Suppose she, Sidney Ballard (afterwards Parker), had been then 21 years of age: could she not have brought suit for the property of all kinds? See would not the right of action existed as to her? Then if not 21 years old, it must have existed in her as infant & then unmarried be it remembered.

To us, it seems that, from the argument above, as well as from the authorities cited, the cause of action arose during infancy. And if during infancy then the statute is clearly a bar. The disability of coverture cannot be taken or added on. And I might argue, that she had only five years after

she attained 21 years of age to bring this trust in -
See 11 Statutes 507 - But possibly it may be said, that though the husband
was barred during his Coverture, still as her administrators
he might sue - There is a case in 8 Mass. 64 - apparently confirming
such a general proposition - But on the examination of it, it clearly
has no application - In that case the cause of action arose during
Coverture - ~~and I am doubt that if.~~

It is not intended by any means, to waive the defence
that this is a state demand - The circumstances of this case
are singular - Plaintiff married the daughter of Ballard in
1840 - in 1841 - has a settlement, and delivery of her ^{new} property is
made by the father - he lives by the father for 18 years - makes
no demand for a settlement of these heirs, until after the
death of Ballard - Why did he remain so long quiet &
wait ~~until~~ ^{not} to bring suit against his sons who of course
could be so well prepared to defend the estate -

How is it known, that Mr Ballard at the time of
delivering of the negroes, did, or afterwards advance to him
a sufficiency to more than cover the value of the property
lost for - The Bill is silent on all such matters - The Court
under such circumstances will deem the matter, as a
family matter - or settled by the parties -

Respectfully submitted
R. H. Whipple

In further reply to Mr Whitfield's remarks, I have
to say the length of time is not such as to
bar the plaintiff's demand - the circumstance
stated by me before is a sufficient reason for
some delay & it does become the Setts (were he alive)
or his representatives & legates now) to say by way
of bar) that "you did not sue as soon as you could
have done" but when a proper respect for the rights of
the plt. is totally disregarded & his property
retained, used & given away, without regard to his
rights & when further this same father (Aug. Ballard)
for whom Setts. Counsel pleads so favorably &
was willing not only to do as above stated, but
to leave ^{himself} ~~has~~ (so far as he was concerned) without one
cent, it hardly is fit that the plt. should be
charged with conduct or motives improper to
the occasion - But this is rather foreign
to the case, & no doubt the Court will see
the position of all parties properly -

Whether I am wrong in my first
remarks as to the time the act of lun. applies
to the adm or ex. acct. of Aug. Ballard on
Mr Laurence's estate is not of much consequence -
altho. the errors are apparent - But we intend
that Aug. Ballard should not be allowed to
retain Henry on the plea the estate owed him
when he has given no acct. whatever of the

sale of the (proved by a witness) - Is he to keep
his sales, & Henry too when there is nothing
due him if his adm^t acct. were correctly
made out - but if it be too late to open
his adm^t acct. - then it is too late for
him to be allowed now to credit Henry's
sale - & thus it will leave Henry out of
his acct. as adm^t & he will then be liable
to division among the residuary legatees of
My Laurence -

But whether he is protected thus or not, it
seems to me there is no such defence proper so
far as his acts as quasi-gdn is concerned.

W Ballard was Sw. & thus a trustee, altho.
W Whitfield seems to think otherwise.

No one has denied W Ballard to play "cat's"
(as W W. says) as to the old negroes, but it
was his duty to end that charge on the estate
- no credit can be given W B. for what he ~~did~~ ^{did} for
these old negroes - for the proof shows he
charged regularly for all he did, & his own
son proves he never fed or clothed them
(see E. L. Ballard's Dep.)

W W. says that in 1820-41. Ballard had a
settlement with Parker the husband of pl^t. - This
is altogether new, no such fact anywhere appears
& it is positively denied - all that W B. did may
be sent home to pl^t. the negroes named in Bill
- W W. uses severe words, not called for I

by the facts of the case, I think with due
deference, - & because Ballard may owe the
pl^t. & the pl^t. may seek it, therefore the pl^t.
must charge Ballard with 'cheating' him -
If this be good reasoning or logic then every
man who sues another charges the
Def^t. with cheating -

W B. was a man to do pretty much
as he pleased with those about him, &
because the fear of offence to him, or the hope
of an offer of fair settlement, caused the
pl^t. to delay suing, until it was demonstrated no
settlement was intended & no accounting to
be had, surely ~~he~~ he should not be utterly
precluded from a fair investigation now -
unless the imperative demands of the law they require.

It may be improper to refer to the Com^r. views
here & hence I forbear to do so -

~~Proceeds with the Court~~

The decisions are numerous & somewhat hard
to be understood, but I do not see that they
have been greatly altered by the code - if at
all - ^{see 13 Grat. p. 271} The cases referred to in Mat. Dig. in
note embrace nearly all - The case in 13
Grat. p. 287 (Franklin v. S. Priest, is not unlike
this case as to part of our claim - Is not the keeping
Henry a continuous breach?

The case is with the Court.

John R. Kilby

22. Reply
J. R. K.

Parker wife

m.

Ballard's Exor. Ad.

This suit claims of Augustus
Ballard's Exor.

1st a part of the negroes in Residuary clause
of Martha Laurence's will (by Henry)

2^d For hire of negroes from 1829 to 1841

3^d Contribution of the other resid. Legatee
for negroes sold to pay debts (of the specific
Legacy to Sydney)

Sydney Parker (late Ballard's Legatee of Martha Laurence
daughter of Augustus Ballard) was Born 10 Oct.
1822 She came of age 10. Oct. 1843

She married Wiley Parker 23 July 1840 (before she was 21)
She died 28 July 1851 (7 years 9 mos. after 21.)

Augustus Ballard died ^{April} in 1856, or 4 1/2 years after
Sydney's death

This suit (the Left's Counsel say) cannot be maintained
because the Stat. of Lim. bars the plth. demand.

By the Code § 592 sec. 6, the same begins to run
on Exor. bond & of course on securities, from time Execution obtained
or from time the Court orders payment or delivery over of estate.
But notwithstanding under these circumstances the securities
of an Ex. would be protected yet the Executor, who is but
a trustee would not (2 Smax Exor. p. 758 —, unless
the demand be a state one).

Augustus Ballard as Exor. of Martha Laurence
returned two Exparte accounts, properly erroneous as set forth
in the Bill, the last in 1840 shewing a Balance due him
which was not due — The Record filed as an Exhibit on
p. 25, shews that on 31 Dec. 1826 he owed Laurence's estate
\$1805.02 principal & \$100.32 Interest, and by Exhibit (B.)
his first exparte acct. he shews he owed the estate \$1305.09
on 15 Feb. 1826 & yet in Sep. 1839 — 17 years thereafter Augustus

returns another separate acct. exhibit (C) showing the estate in debt \$2270.11 - leaving the former balance due by him not brought forward, & by charging \$700 to keep ten old negroes (instead of selling them out to be kept) - and by page 41 (of the Record exhibit) Ballard is charged with \$527.65 additional on 31 Dec 1827 & with payments made since last acct. - notwithstanding this Ballard suffers a period of from Dec 31. 1827 to Sep. 1839 (near 12 years) to elapse before he thought proper to return even the very extraordinary acct. (C) -

at what time then did the act commence to run against Sydney Parker's demand so far as her father, Aug^r. Ballard is concerned

Take if you please the date Dec. 1839 when Augustus Ballard returned his last separate acct. the plaintiff certainly had ten years - ~~by 1849~~ ^{from the time she became of age} (10 Oct^r 1843) which would bring it to Oct^r 1853 & he died in July 1857 - & allowing 5 years ^{after disability of infancy} thereafter (bring it to Oct^r 1858) - & in the mean time suit was brought -

Again Augustus Ballard had ~~not~~ paid out ~~nothing~~ ^{nothing} as ex^r. of Martha Laurence since Dec 1827, & tho. ex^r. yet he held the property as quasi guardian (Gardner v. Barn. 10 Bk. Rep. 209 &c. and was the father of Sydney Parker & held her slaves given by Mrs. Laurence till her marriage in 1841 & never made any returns thereof; here he is acting as trustee & should account - Is he protected by the act of lim^r.? By ~~Whitfield's~~ ^{Whitfield's} own argument he is not, as he contends it runs from the return of the acct. in 1840 as Ex^r. - now he never returned any as quasi guardian & hence no period is fixed by him & it is not pretended he embraced

If the date of a payment only fixes the time for the act to run, then the claim is not barred. See Franklin v. DeForest. 13 Gratt. p. 257

in his acct. of 1840 such items as should be in such an acct. - How the separate acct. of 1840 can operate as "agent by the Ex^r. to the legacy of the slaves," I cannot comprehend as Sydney was then under age & not married, & her father had the management of her & her slaves - it could not be so -

It is admitted by the answer that Henry a slave is part of the Residuary Slaves under Mrs. Laurence's will - are the pl^ts. to lose their portion of him by any such plea - It is true the Ex^r. of Aug^r. Ballard say that Augustus Ballard took him as part pay of the balance due him by Mrs. Laurence's estate - If so when? not in 1840 did he charge himself with his value when he pretended by his acct. of 1840 that the estate owed him - When did he credit the estate with sale of Ire referred to by a witness - no account has been rendered of this sale, are the pl^ts. to lose that? Isabel & were sold to pay Mrs. Laurence's debts, ^{see exhibit D p. 41} (specific legacy to pl^ts.) are the other remainder Legatees of Mrs. Laurence (who are Augustus Ballard's children & Sept^r heirs) get this advantage over the pl^ts.

Augustus Ballard irrespective of his character of Ex^r. is bound - he would be liable as trustee against whom statute would not run & he is not protected by length of time -

To deny the account claimed by pl^ts. will be to determine that, altho. Augustus Ballard held the estate of Mrs. Laurence as Ex^r. this child was a legatee subject to his control, yet he might keep the property, pay nothing for it, will it away (as he has Henry) & there is no remedy - This cannot be apprehended -

One word as to reference made by Whitfield about the bringing of this suit after Augustus

Ballard's death - The plt. knew of his claims & had not
abandoned them, and if W. Ballard had acted towards his
child as a parent should have done, and given her or
her children (poor) a reasonable share of his estate, they
might have waived their rights - but, characteristic
of the man, he gave them nothing, & retained that which
was theirs, & gave all his own & more to one or
two favorite sons - This is an ample reason
for the course pursued, and it should never be
named by the Defts, at least as they do in their
answer, and speak of "forging" - The plt's acts
will stand a scrutiny wherever Augustus Ballard
will or ever would, & I as his counsel regret that
such charges, foreign to the case or its merits
should appear in the case.

I submit the case.

John R. Kelby
att'y for plt.

12 Feb. 1858.

Park, &c

"

Ballard & Co

per

Attorneys at
law, N.Y.

Remarks of
Council
in
Parker
v
Ballard

Isle of night

Jas. a. Parker adm de tmis sum of Sydney D. Parker dec'd
Re. Augustus Ballard's Exors &c

This cause came on this day to be
again heard on the papers formerly read &
on the Report of Josiah P. Gay made pursuant
to the decree of the 19th day of Octo. 1859, to which
report no exception has been filed & was argued by
Counsel. On consideration whereof the Court
doth confirm the said Report, and it appearing
by statement (3.)
that the sum of \$935.04 with all interest thereon
& the costs of this suit have been paid by Augustus
W. Ballard & Re. H. Ballard Exors. of Augustus
Ballard dec'd. as ordered by said decree, doth adjudge
order & decree that the proceedings had in this
cause be confirmed & made final and
binding between the parties

Parker's adw

in

Ballard's Exon,

1860

May Court
Decree

To be entered

R. H. Baker

11th Dec 1860

Jas. A. Parker, Adm. de bonis non of Sydney D. Parker
dec'd. n. Augustus Ballard's Exor:

May 16 1860 - The amou. decreed to be paid
the plt. by the Defendants of \$935.04 with
all interest and costs, as appear by the decree
of 19 Oct^r 1859 has been paid over to me
by J. P. Gay Sheriff of Isle of Wight Co. under
Execution duly issued.

John R. Kilby
plt's. Atty.

Parker's adw

m

Bullard's En

statement

(Z.)

filed 16 May
1860.

Parker admr. of Parker

v.

Ballard, Exor.

It appearing to the Court that Wiley Parker Jr. the admr. of Sydney D. Parker dec'd. ^{is} ~~has deposited this life saving the last decy entered heretofore~~ ~~and~~ and that Jas. A. Parker has duly qualified as the admr. de bonis non of said Sydney D. Parker dec'd. (see paper marked X) ~~and~~ it is therefore ordered that hereafter this cause be prosecuted in the name of James A. Parker admr. de bonis non of Sydney D. Parker dec'd. And the cause came on this day to be again heard on the papers formerly used & on the report of Comr. Hayden, made pursuant to the decree of ^{Court} Octo 1836, & on exceptions filed thereto, ^{for examination of witnesses} and was argued by counsel: on consideration whereof the Court doth overrule ^{the} said exceptions & doth adjudge order & decree that the said Report be confirmed & doth adjudge order & decree that the defendants Augustus W. Ballard & Ro. H. Ballard Exors. of Augustus Ballard dec'd, out of the assets of their ^{in their hands to be administered} testator pay to the said Jas. A. Parker admr. de bonis non of Sydney D. Parker dec'd. the sum of \$935.04, with interest from the ~~18th Octo~~ ^{428.11} 1839 on ~~506.93~~ ^{paid thereof} ~~unless paid sooner,~~ and also ^{pay} the costs of this suit out of the assets of their testator in their hands, to be administered. and the Court doth adjudge order & decree that Josiah P. Gay Shff. of Isle of Wight County, proceed to make sale of negro man Henry, named in the proceedings, for cash before the Court.

House door of Isle of Wight County, after giving
twenty days notice thereof in the "Christian
Sun" a newspaper published at Suffolk, one
week for three weeks, & at the Court
^{and out of such proceeds of sale pay expenses of sale & then of the balance}
house door of said County, & pay one fourth
thereof to Jas. A. Parker admr. de bonis
non of Sydney D. Parker decd., & the balance
pay to the said Augustus W. & Ro. H.
Ballard Exors. of Augustus Ballard
decd. & make Report to Court.

And. liberty is reserved to the plaintiff
to apply hereafter for a decree ordering
a settlement of the transactions of
Augustus W. & Ro. H. Ballard Exors.
of Augustus Ballard decd., if this
decree should otherwise prove un-
availing -

The Defendants Augustus W. & Ro. H.
Ballard Exors. of Augustus Ballard decd.
expressing a desire to present a petition for
a supersedeas to this decree, on their
motion it is ordered that the execution
of this decree be suspended for the
period of sixty days, upon the execution
of a Bond before the Clerk of this Court
in his office, in the penalty of \$1500.
conditioned according to law.

Parker's adm^r + D.

v

Ballard's Exor

1859

Ct's Court decree

R. H. Baker

See 24 in Handley

17th Dec

At a Circuit Court Continued Held for the County of
Hills of Wight, On the 20th day of October 1856.
Wiley Parker Jr. Adm^r of his late Sidney D. Parker Decd. Plff.
Against ³/₃ In Chancery.

Robert H. & Augustus W. Ballard Exors. of Augustus Ballard
Decd. in their own right and Edwin S. Ballard Defs.

The Defendants Robert H. Ballard and Augustus W. Ballard
this day filed their answer to the ^{Complainant's} ~~revised~~ Bill; and this
cause came on to be heard on the said Bill taken for Conf-
essed at the rules as to the Defendant Edwin S. Ballard and
on the Answer of said Robert H. Ballard and Augustus W.
Ballard; general replications to said Answer exhibits filed
with said Bill; And was argued by Counsel: On considera-
tion whereof the Court doth without settling any principal
issue, doth order and decree - that a Commissioner of
this Court take the following accounts, First, an account
of the transactions of Augustus Ballard as Executor of
Martha Lawrence Decd. taking accounts referred to in the
exhibits as prima facie correct - Subject to be impeached
and falsified. 2nd That he enquire & report to Court -
whether Negro boy Henry named in the Bill - belongs to
the estate of Martha Lawrence Decd: & of which Negro
he is a child: 3rd An account of all hires due by
Augustus Ballard to the said Sidney D. Parker and
report to Court with any matters specially stated - deemed
pertinent by himself - or that may be required by any
one to be so stated.

A. Copy
Filed.

F. L. Latimer D.C.

Parker cont. p. ²⁴

74

Copy done

Bellows Cont. p.

St. Austin

Parker & v. Ballard's ad. &

The defendants... Ro. H. Ballard and
Augustus W. Ballard, this day filed their
answer to the Complainant's Bill & this cause
came on to be heard on said Bill, taken for confessed
at the rule, as to the Defendant Edwin L. Ballard
and on the answer of said Ro. H. Ballard and
Augustus W. Ballard, General Replications
to said answer, and Exhibits filed with said
Bill, and was agreed by counsel: on consid-
eration whereof the Court ^{without stating any principle herein} doth ^{adjudge}, order
& decree that a Com. of this Court take the
following accounts — First. an account of
the transactions of Augustus Ballard as Executor
of Martha Lawrence dec'd, taking the accounts
referred to in the exhibits (~~2~~) as prima facie correct
subject to be surcharged & falsified — 2^d. That he
enquire & report to Court whether negro boy Henry named
in the Bill belongs to the estate of Martha Lawrence
dec'd, & of which negro he is a child: 3^d. An
account of all moneys due by Augustus Ballard
to the said Sydney D. Parker & report to Court
with any matters specially stated, deemed pertinent
by him or that may be required by any one
to be so stated.

Parker

N.

Ballard, ~~Ed~~

1876

Oct 26

Secrecy

To be entered

R. H. Parker

1860 Jan 2. Recd of J. P. Gay Shff. for
one hundred & forty four dollars & 18 c
amts due plaintiff from sales
of Henry under suit of Parker, adm
vs. Ballard Exor,

\$144.18

John R. Kilby
P. S.

\$432.51

1860 Jan 2. Recd as above four
hundred & thirty ^{two} ~~seven~~ dollars & fifty
seven cents, amts due Augustus Ballard, Exor,
under said decree.

R. H. Ballard
Exr

432.51
144.18
288.33
520.89

Parkhurst

or

Baccard

To the Circuit Court of Geo West County

The undersigned reports to Court, that
pursuant to the decree of October 19th 1859 in the Cause
of Parker & al. vs Ballard Executors, did in pursuance
thereof sell the negro man Henry named in said decree
to the highest bidder for cash before the Court-house door
of said County (after having advertised him as directed
in said decree) on the first Monday in January 1860
at which sale Robt H. Ballard became the purchaser

at the price of \$600.00
I paid for advertising in Christianian Sam \$2.25
" Court on \$130.57 + 300 \$2.75 21.00 — 23.25
Nett Ballard \$576.75

I paid Geo. R. Kelly Atty for Plff. \$144.18
It being 1/4 of the nett proceeds of said

I then paid Robt H. Ballard Exr of \$432.57 \$576.75
Augustus Ballard Ad^r

I took from each of them a receipt which I here with file

Respectfully Submitted

Josiah P. Gay Sheriff

Parker's adw.

Rept. of
n. of Sale of
Negro.

Ballard's adw.

==
Ap^l 24th. 1860. filed
==

A Circuit Court Continued Held for Isle
of Wight County On the 19th day of October 1859—

Wiley Parker & wife & C. L. Ballard Plffs.
(against) In. Chancery.
Augustus^W. Ballard & Ro. H. Ballard Exors. of Augustus
Ballard Decd. Defts.

It appearing to the Court that Wiley Parker
p. the administrator of Sydney D. Parker Decd. has deposed this
life since the last Decree entered herein, & that Jas. A. Parker
has duly qualified as the Administrator de bonis non of said
Sydney D. Parker Decd. (See papers marked X.) it is therefore
ordered that hereafter this Cause be prosecuted in the name
of James A. Parker admr. de bonis non of Sydney D. Parker
Decd. and the Cause came on this day to be again heard on
the papers formally read & on the report of Commissioner Hayden
made pursuant to the decree of October Court 1856. & on
exceptions filed thereto, & on examination of witnesses, and
was argued by Counsel; & Consideration whereof, the Court doth
overrule the said exceptions, & doth adjudge order & decree—
that the said report be confirmed, & doth adjudge order & decree
that the defendants Augustus W. Ballard & Ro. H. Ballard Exors.
of Augustus Ballard Decd. Out of the assets of their testator in
their hands to be administered, pay to the said James A. Parker
admr. de bonis non of said Sydney D. Parker Decd. the Sum of Nine
hundred and thirty five dollars & four Cents, with interest from the
18th of October 1859. On \$428. 11. paid thereof, and also pay
the Costs of this suit—out of the assets of their testator in their
hands to be administered. and the Court doth adjudge order
and decree, that Josiah P. Gay Sheriff of Isle of Wight County
proceed to make Sale of negro man Henry, named in the
proceedings—for Cash—before the Court house door of Isle
of Wight County, after giving Twenty days. Notice of
thereof in the "Christian Sun" a newspaper published at

Suffolk, Once a week - for three weeks & at the Court House
 door of said County, and out of the proceeds of sale - pay expen-
 ses of sale, & then out of the balance - pay one-fourth thereof - to
 James A. Parker Adm'r. debors mon of Sydney D. Parker decd.
 and the balance pay to the said Augustus W. & R. H. Ballan
 Exors. of Augustus Ballan decd. & make report to Court.
 And liberty is reserved to the plaintiffs to apply hereafter for
 a decree ordering a settlement of the transactions of Augustus
 W. & R. H. Ballan Executors of Augustus Ballan decd. if
 this decree should otherwise prove unavailing. The defend-
 ants Augustus W. & R. H. Ballan Executors of Augustus
 Ballan decd. expressing a desire to present a petition
 for a Supersedeas to this decree - On their motion it is
 ordered - that the execution of this decree be suspended
 for the period of Sixty days. Upon the execution of a
 Bond before the Clerk of this Court - in his office - in the
 penalty of \$1500. Conditioned according to law.

Attest

Teste.

J. C. Latimer Clk.

Costs to Octo. 1859.

Atto. Hay	\$16.50		69.68
clerk.	11.33	J. P. Gay witness	.50
Comr. Hayden	30.75	Jam. Bridgman	.50
J. Hall Shff.	4.50	E. S. Ballou	.50
J. P. Gay	2.10	Total costs	~~\$78.18~~
A. R. Bunker Jenkins	3.75		
J. E. Jenkins	.75	Copy of Ex. & Fy	13.51
	~~\$69.68~~	Total costs	84.19
	13.01	Jam. N. P. Young & Co.	

copies for Ex. & Fy.

Parker vs.

vs. Sydney D. Parker

Ballan Exors.

Parker
H.

Ballard

of accounts heretofore filed
Exceptions to the report of Commissioner
B. Hayden: By defendants by their counsel —

1st - There is no allegation in the Bill, that the
charge of \$50.00 - in the account of 1840, was
erroneous - There is no specification of this
debit as an improper charge - - It is contended
that as this was not specified, that no testimony
could be received on that point. No could
the Commissioner consider that item -

2^d - The reduction of the above item, or debit, to
\$20. by Commissioner Hayden is unwarranted
by the proof in the case - The testimony establishes
that ~~they~~ ^{it} was worth at least \$25 - each - The
burden of proof is on the plaintiffs to prove
that the charge of \$50. was erroneous, or extraor-
dinary.

3^d - The commissioner B. B. Hayden report is excepted
in this respect: viz. - That he has allowed
hires for the negroes - in the said accounts -
The proof is that their expenses were equal
to their hires during the period embraced
or covered by the said accounts -

Exceptions
to Report of
Com Hayden

Octo. 19 1857
Feb. 23 1858

4

The Estate of Martha Lawrence deceased -
In asc with Augustus Ballard her Executor -

<u>1828</u>			
Dec 31	To One years support of Peter & Senny	2000	
"	" Balance as per contra	259 65	16 82
<u>1827</u>		<u>\$279 65</u>	<u>\$16 82</u>
Dec 31	By Balance due estate on this date		
	as per exhibit to page 41 -	148 65	
	" Cash found in house of testatrix		
<u>1828</u>	on her death as per exhibit B -	115 00	
Dec 31	" Hire of Joe for 1828 -	15 00	
"	" Interest on \$110.00 from Dec 31 1826 to date		13 92
"	" do on \$48.33 part of 148.65 from		
	Dec 31 1827 to date -		2 90
		<u>\$279 65</u>	<u>\$16 82</u>
<u>1829</u>			
Dec 31	To Keeping Peter & Senny this year -	2000	
"	" Balance as per contra	254 65	32 40
		<u>\$274 65</u>	<u>\$32 40</u>
<u>1828</u>			
Dec 31	By Balance as above	259 65	16 82
<u>1829</u>			
Dec 31	" Interest on to date -		15 58
"	" Hire of Joe for 1829	15 00	
		<u>\$274 65</u>	<u>\$32 40</u>
<u>1830</u>			
June 3	To Cash paid judgment in favour of		
	Cam Bowers Exr of Milis Lawrence	390 42	
Dec 31	" Keeping Peter & Senny this year	2000	
"	" " Balance as per contra	269 23	47 68
		<u>\$579 65</u>	<u>\$47 68</u>
<u>1829</u>			
Dec 31	By Balance due estate as above	254 65	32 40
<u>1830</u>	" Sale of Joe	42 50	
Dec 31	" One years interest on \$254.65 -		15 28
		<u>\$579 65</u>	<u>\$47 68</u>
<u>1830</u>			
Dec 31	Amount of Principal due Estate	269 23	
"	do Interest do -	47 68	
"	Total Amount due Estate -	<u>\$316 91</u>	

Sydney D Parker, late Ballard -
In account with Augustus Ballard her quasi Guardian

In 1828 no hires allowed.

1829		
Dec 31	To Balance as per contra	1550 \$ 1550
1829		
Dec 31	By Hire of Jenny for 1829 -	800
"	" do Lydia "	750
"	" do Isham "	500 \$ 1550
1830		
Dec 31	To Balance as per contra	3193 \$ 3193
1829		
Dec 31	By Balance as per above -	1550
1830		
Dec 31	" One years interest on do -	93
"	" Hire of Jenny for 1830 -	800
"	" " Lydia " "	750
"	" " Isham " "	500 \$ 3193
1831		
Dec 31	To wards portion of Keeping Jenny & Peter for 1831 -	500
"	" Balance as per contra -	13082 \$ 13582
1830		
Dec 31	By Balance as per above afc -	3193
"	" " Amount from Martha Lawrence's Epc 1/4 of bal due estate as per foregoing afc -	7922
1831		
Dec 31	" One years interest on \$11115 (3193 + 7922)	667
"	" " Hire of Jenny for 1831 -	800
"	" " do Lydia " "	750
"	" " do Isham " "	250 \$ 13582
1832		
Dec 31	To wards portion Keeping Jenny & Peter 1832	500
"	" " Balance due ward as per contra	15367 \$ 15867
1831		
Dec 31	By Balance due ward as per above afc	13082
1832		
Dec 31	" One years interest on do -	785
"	" " Hire of Jenny for 1832 -	850
"	" " do Lydia " "	800
"	" " do Isham " "	350 \$ 15867

Sydney D Parker late Ballard -
In account with Augustus Ballard her quasi Guardian.

1833		
Dec 31	To Keeping Peter & Jenny for 1833 (wards portion)	500
"	" " Balance due ward as per contra -	17889 \$ 18389
1832		
Dec 31	By Balance due ward on this date	
	as per foregoing afc -	15367
1833		
Dec 31	" Interest on do one year -	922
"	" " Hire of Jenny for 1833 -	850
"	" " do Lydia " "	800
"	" " do Isham " "	450 \$ 18389
1834		
Dec 31	To wards portion of Keeping Peter & Jenny for 1834 -	500
"	" " Balance due ward as per contra -	20612 \$ 21162
1833		
Dec 31	By Balance as per above afc	17889
1834		
Dec	" " One years interest on do -	1073
"	" " Hire of Jenny for 1834 -	850
"	" " do Lydia " "	800
"	" " do Isham " "	500 \$ 21162
1835		
Dec 31	To wards portion Keeping Peter & Jenny for 1835	500
"	" " Balance due ward as per contra	23699 \$ 24199
1834		
Dec 31	By Balance due ward on this date	
	as per foregoing afc -	20612
1835		
Dec 31	" One years interest on do -	1237
"	" " Hire of Jenny for 1835 -	850
"	" " do Lydia " "	800
"	" " do Isham " "	700 \$ 24199

1836

Dec 31	To wardspation keeping Peter & Jenny 1835 -	500
" "	" Balance due ward as per contra	272 71 \$ 277 71

1835C₂

Dec 31	By Balance due ward on this	
	date as per foregoing acf -	236 99

1835

Dec 31	" One years interest on do -	14 22
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" "	" Hire of Jenny for 1835 -	850
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" "	" do Lydia " "	900
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" "	" do Isham "	900 \$ 277 71
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1837

Dec 31	To wardspation keeping Peter & Jenny 1837 -	500
" "	" Balance due ward -	312 57 \$ 317 57

1836C₂

Dec 31	By Balance due ward on this	
	date as per above acf -	272 71

1837

Dec 31	" One years interest on do -	16 36
--------	------------------------------	-------

" "	" Hire of Jenny for 1837 -	850
-----	----------------------------	-----

" "	" " Lydia for "	1000
-----	-----------------	------

" "	" " Isham "	1000 \$ 317 57
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1838

Dec 31	To Keeping Jenny & Peter 1838 (wardspation)	500
" "	" Balance as per contra	354 82 \$ 359 82

1837C₂

Dec 31	By Balance due ward on this	
	date as per above acf -	312 57

Dec 31	" One years interest on do -	18 75
--------	------------------------------	-------

" "	" Hire of Jenny for 1838 -	850
-----	----------------------------	-----

" "	" " Lydia " "	1000
-----	---------------	------

" "	" " Isham "	1000 \$ 359 82
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1839
 Dec 31 To wardspatein keeping Peter & Jenny 1839 - 500
 " " Balance as per contra 399 61 \$404 61

1838
 Dec 31 By Balance due ward on this C₂
1839 date as per foregoing ac - 354 82
 Dec 31 " One years interest on do - 21 29
 " " Hire of Jenny for 1839 - 8 50
 " " " Lydia " 10 00
 " " " Isham " 10 00 \$404 61

1840
 July 23 To Balance due ward as per contra \$399 61 \$1351

1839
 Dec 31 By Balance due ward on this C₂
1840 date as per foregoing ac - 399 61
 July 23 " Interest on do to date when guard-
 ianship terminated by marriage
 of ward - 13 51
 \$399 61 \$1351

1840
 Dec 31 To Balance due ward as
 per contra \$428 11 \$1351

1840
 July 23 By Balance as above C₂ 399 61 1351
 Dec 31 " Int on to date - 10 52
 " " " Hire of Jenny for 1840 - 8 50
 " " " " Lydia " " 10 00
 " " " " Isham " 10 00
 \$428 11 \$24 03

1859
 Oct 18 To Balance due ward as per contra \$428 11 \$506 93

1840
 Dec 31 By Balance as per foregoing ac - C₂ 428 11 2403
1859
 Dec " " Interest on do to date. 482 90
 \$428 11 \$506 93

1859
 Oct 18th Amount of Principal due ward. 428 11
 " do Interest 506 93
 " Total amount due ward - \$935 04

Statement as to Henry -

Henry is a child of Peggy one of the residuary
slaves born after the death of Martha Lawrence
(see Defendants Answer) & owned by her at the
time of her death -

Commissioners Office
Smithfield August 10. 1839

To the Circuit Court of
Isle of Wight County;

Pursuant to a decree of the circuit
court of Isle of Wight County, rendered on the 20th day of
October 1836, in a suit in chancery depending in said
court, between Wiley Parker junr as admr of Sidney & Parker
Plaintiff & Robert H Ballard & Augustus H Ballard in
their own right, & as Executors of Augustus Ballard, & Edwin
& Ballard Defendants, the undersigned one of the commis-
sioners of said court, to whom was referred for settlement by
said decree, the account of the transactions of Augustus
Ballard as Executor of Martha Lawrence deceased; of the
negro hires due by said Augustus Ballard to Sidney &
Parker & the enquiring whether the negro Henry named in the
Bill belongs to the estate of Martha Lawrence decd, depots
to the court that on the 13th day of December 1836, he is-
sued notices to the several parties aforesaid, requiring them
to attend the settlement of the said account, before him at
his said office on the 16th day of January 1837, which
were returned to your commissioner duly executed - that
at the request of the counsel of the Plaintiff & of the
Executors of Augustus Ballard Defendants as aforesaid
the taking of said account was adjourned successively
to the 20th of February & the 16th of April following to enable
the said parties to take further testimony, on the coming
in of which on the latter date the said parties appear-
ed before him by counsel & after ~~hearing~~ the arguments
of said counsel on points growing out of the pleadings
of said cause, by agreement of counsel & the request
of your commissioner the matter was referred to the
Judge of the court aforesaid, who on the 22nd of March
1838 returned the papers with his opinion filed in the
cause, to meet which the taking of said account
was further adjourned & on the further adjourn-
ment of the same, ~~at the~~ ^{from} time to time, your commis-
sioner has made up & completed the foregoing

account of the transactions of the said Augustus Ballard as Executor of Martha Lawrence to the 31st of Dec 1830, on which date he finds a balance of \$316.91 due from the said executor to the said estate of which \$259.23 is principal - & an account of the negotiables due from said Augustus Ballard, to the aforesaid Sydney & Parker to the 18th of October 1839, inclusive of repayment of the foregoing balance due from said executor to Martha Lawrence's estate & on the said date finds a balance of \$935.04, due from said Augustus Ballard to the said Sydney & Parker of which amount \$428.11 is principal. Your commissioner further reports that Henry as appears from the answer of Augustus H & T H Ballard is a child of Peggy one of the residuary slaves of Martha Lawrence's estate & was born of Peggy after the death of Martha Lawrence. The foregoing account of the transactions of Martha Lawrence executor is based on exhibits (B, C, & D) & conforms thereto so far as they are not surcharged or disputed; the balance shown by the last ap. in exhibit (D) page 41, to be due from the said executor to the intestate estate is brought forward into the foregoing ap., in which the estate is credited with the sum of \$116.00, admitted by exhibit B, to have been found in the testatrix's house on her death & with the hire of Joe, from the date of the last ap. in exhibit D to the year of the sale of Joe, with the proceeds of sale of Joe, all the other credits in B & C, having been previously entered in the ap. in exhibit D. All the debits in B & C, with the exception of the amt of the execution in favour of Mills Lawrence's executor \$390.42 & the keeping of Peter & Jenny having been charged in the ap. in D they are excluded from the ap. made up by your commissioner with the two exceptions last aforesaid & the latter of which, the keeping of Peter & Jenny, he has reduced from \$50.00, to \$20.00 per annum & charged the same annually, instead of in gross as in ap. G. Your commissioner has made this reduction although allowed by a previous commissioner

in a/c (C) 1st became he attaches but little importance to such an allowance in ^{an} a/c abounding in errors & so suspicious of fraud - 2nd - became a claim for keeping old negroes for ten years after the settlement of the estate, until according to the pretensions of the executor, the charge had consumed two negroes & brought the estate in debt to him; instead of settling with the parties & delivering up the negroes to those entitled to them seems to your commissioner a gross breach of trust & the claim entitled to but little favour. 3rd became the depositions shew Peter & Seney partially supported themselves (even if the deposition of E N Ballard as to the residency of negroes is to be excluded on account of his interest, which your commissioner has done, although he deems he is barred of all claim from lapse of time) & from their being able to partially contribute to their own support & from what your commissioner knows of the manner in which such negroes are usually supported & particularly from his knowledge of the rigid economy & habits of said executor, he deems the allowance made by him sufficient. - Your commissioner has brought down the aforesaid executorial account only to the close of the settlement of the estate the 31st of December 1830, as from want of testimony as to two of the residuary legatees Robert H & Augustus H Ballard he has no evidence as to their ages & hence cannot decide as to them whether they are entitled to claim any thing from Martha ^{Lanier} Ballard's estate, or if so whether the account should be continued from that date as an administration or guardian a/c - As to Edwin L Ballard who it appears from his deposition was in 1837 in his 41st year & hence attained age in 1837, it appears to your commissioner he is ~~is~~ barred by lapse of time & he has hence made up no account as to him; the latter point he begs to refer to the court for decision. The foregoing account contains no debits or credits as to Henry in reference to which no evidence has been taken. In the foregoing a/c of the moneys due Sidney & Parker, she is credited with her portion 1/4 of the balance due from the executor as shown by the executorial a/c aforesaid, & charged with her

her proportion (1/4) of the expense of keeping Peter & Senney at the date aforesaid, the age being made up on the principles of a guardian of until their marriage & from that date as a creditor of. Your commissioner has found much difficulty in stating the hires of the negroes specifically bequeathed Sydney & Parker. It appears from the testimony that Senney, Lydia & John children of Isabella, went to Augustus Ballards on the death of Martha Lawrence 1st Jan'y 1825, where they remained until the 1st of January 1841, when they were delivered to the husband of Sydney & Parker a period of 16 years - that Senney at the time she went there (see Johnsons deposition) was a "Smart girl of grown" & hence must have been from 12 to 15 years of age & from 1829, (when she must have been from 16 to 19 years of age) to 1840 (when she was from 28, to 31 years of age) her hire is estimated at \$8. & 8.50 per annum. she having had during that period two children one of whom was a sucking infant when she was delivered up in 1841. Her hires as allowed average \$6.24 per annum for the period she was in the possession of Augustus Ballard. Lydia it appears from the appraisement & the deposition was a little younger than Senney & from 1829 to 1840, from 7.50, to 10.00 per annum is allowed for her she being during the period without encumbrance & her hires as allowed averaging \$5.46 per annum for the period she was at Augustus Ballards. John was from 5, to 7 years of age when he went to Augustus Ballards & from 1831 to 1840. he is allowed a hire from 2.50, to 10.00 per annum making his hires average 4.47 during the period he was at Augustus Ballards. These hires it seemed to your commissioner were no more than a fair estimate taking into consideration the expense of keeping in their earlier years & of the decreased value of Senney when freedling. The commissioner further reports at the request of the counsel of the Plaintiff, that the executor aforesaid sold (and indited the amount of sale to his testatrix estate) Isabella a negro specifically bequeathed Sydney & Parker

for \$137.50 on the 27th of May 1827 - (See exhibit & p. 41) -
Given under my hand as commissioner aforesaid,
the day & year aforesaid -

C. B. Hayden

Time employed in writing
notices, examining vouchers,
hearing argument of counsel
reading depositions stating
depositions of 1-41, hours
Comms fee \$30.75 charged
to Plaintiff -

Sydney D Parkers
Admiral - - - } In
Augustus } Chancery
Ballards Esq
& al - - - }

Commissioner Hayden's
Report -

Sept. 16th. 1859. filed.

1
The deposition of Exum Barr, ~~William Jackson~~ Jackson at
~~St. Louis~~ taken at the C. Court, 2. rec'd at court, on the 5th
of April 1847 - between the hours of 8. A.M. & 6. P.M. - took read as evi-
dence in a suit pending in the Circuit Court of Saint Louis, in which
Niles Parker a son of Sydney Parker Esq. is Complainant & Augustus & Robert
Ballard sons of Augustus Ballard and a son are defendants, the said depen-
dents being taken, at the instance of said defendants.

Exum Barr having been duly sworn on the 11th of August 1847, as follows
Question: What is your age? A. I am 57 years of age. I know two negroes, Peter & Liddy, belong-
ing to the estate of Martha Lawrence from 1825, to 1840 - 3rd When they were
able to support themselves. 4th It is not what do you suppose would have been
required to support & clothe them, each one? 5th Did you know the
negroes given by Martha Lawrence to Sydney Ballard - if so, what clothes
in the year 1840, they were expensive or not?

Ans. I am 57 years of age - I knew them from the time they brought by Augustus
Ballard in his family, to now after the death of Martha Lawrence
to the time of their death - which occurred some 12 or 15 years ago -
They were not able to support themselves - The old man Peter
was a ~~butcher~~ but he could not walk without them &
if he did any work, he ~~could~~ could have to use his crutches -
The old woman could walk about - but she was very old -
~~At the least~~ ^{at the Court} I should think, it would require twenty five
dollars, to support each one of them - As to the negroes
given to Sydney Ballard, they were very young, so that a girl
or boy that would hire now well, they could bring nothing -
I think the way in which they were kept, being well cared
for, the expenses were equal to their hire -

Question: How near ^{did} you live to Augustus Ballard? & how long -

Ans: About a mile & a half and all my lifetime -
Cross Examination

Question: By Whamuff's counsel. When did Mrs Martha
Lawrence

Ans: As I told you I do not recollect the year -

Question: Were Liddy, Lydia & Elham being to Sydney D. Parker
before the death of Mrs Lawrence?

Ans:

I think they came there children soon after her death -

Ques. 5th same - What was the time in 1835, of a boy 15 years old -
Ans: I suppose at that time, he would have been from 15. up to 18 -
Ques. 6th same - What would such a boy live for from 1835. to 1840.

Just 4 same - What would such a boy here for from 1838 to 1840.

Ans: I suppose the increase would not be more than five
= dollars a year at that time

Deest by same ^{what} - would have the time of a five seven year
old - or 1830 or from that time till 1840 -

Ans: I don't think at that age and for 3 or 4 years thereafter that she could have been clothed for her Victorian clothes -

I captured some from 11- to 17 years of age - the usual average
five or six, though this is all ~~from~~ mere estimate or guessing -

Yes, too - what would a negro woman with two small children in 1823 be worth for that time, till 1840 -

As Mr. I do not think I can give any satisfactory answer -
 Deception - What would have been a fair time for a negro
 woman, in that circumstance from 1830 - to 1840 -

Ans. I suppose a woman of fair qualities & a good laborer, may have average \$20 per. annum

Does it seem what are the qualities of Linny belong-
ing to Sydney S. Parker?

Ans: I do not know exactly whether Qualities, were -

Quest. Sam. Did Old Peter buy wife living from 1828
to 1840 - Cultivate a garden, raise very big, potatoes
purchs or other provisions?

asus. They had a small a very small spot & raised
any thing they choiced, of what they were able to raise
I never take any provision, or do not know of any formal
Providence that any meat or provision was ever sent them
but they were bound to let it from some where - I saw
Eggar Ballant. have there cutting & hauling
wood for them - I saw them some two or three times &
then called day -

Quest 4. How was it found - Did you ~~not~~ see means to say
that wood was ^{used} ~~hauled~~ for them only two, or three times -? Could
they have gotten themselves at any time, without assistance
while they were at Mr. Ballou's -

oh - I don't mean to say that it was done not ~~after~~ than
two or three times - I don't know that how many times

I can't say it any more - I saw this as occasionally
superb - The old man during the time of his stay
here I should ^{say} not able to supply himself - the
old woman could pick up a little -

The frequent reputation of Exum ^{month} Carr was taken before
me a justice of the peace for the County of Lake of which
at the time of place assignments in the above Coffers
in this the 6. of Feb 1837 -- Justice Lewis was ill --

H. M. Brooks, D. D.

Zachariah Mountfort having been my sworn
deputy or fellow - slave for defendants
Deed by defendants become - What is your age? when did
you live from 1824, to 1840-? how near to Augustus Ballou and
son? Did you know old Peter & Linny? were they able to support them
selves, during that time, or till their death? When did they
live? At what do you suppose it would have required to support
them annually? - State any thing you may know in regard
to their condition? Did you know Isham, Lydia & Living Jr
given to E. J. Rogers & Ballou - after ward Parker, by Martha
Lawrence? ^{what} ^{was} ^{their} ~~were~~ they annually worth during the time from
the death of Martha Lawrence, to 1840. annually if any thing
beyond victuals & clothes say what?

Adm. ~~Board~~ ^{Board} Series in my 50th year. From 1824 to about 1830, I lived in ~~two~~ ^{about} miles of Capt. Ballard (Augustus) - from 1830 to this time I lived within a miles of Mr Ballard & minee. I knew old Peter & Zimny - After I knew them, they were unable to support themselves - Peter if he chopped around a hill would use one cricket & in going ~~to~~ ^{a hoe & a} to the next would have to use ~~two~~ ^{two} Crickets. They lived on land ~~living~~ belonging to Cap. Ballard - It would have cost from thirty to \$4000 each annually for their support.

Peter was a cripple & had to lean on crutches as above stated - very old
& Lenny was very old & bent - stooped over greatly -
I knew Ischem. Some where between 1825¹⁸³⁰ to 1840, he was large enough
to ride a horse - he could not get up by himself - he would get
on something to get on the horse - I don't recollect any other of
the other two - Lenny & Lenny -

Ans. - of the last or toward a few 1840, he would have been
with Saml. Thomsen, - but I must think, the expense of raising
him, would have been equal to the hire as above mentioned
that is about equal - not much clear in my I think -
Crop Examined by Mandiff Coombe - ? When did Isham
remain, or live previous to 1830 -

Ans. The hire as far as I ever knew, at Mr Ballard, until
he went to Mr Virly Parker -

Question. Did not Isham live with old Peter for a
number of years -

Ans. I do not know - a poor boy remained with him -

Quest. What would a boy, 10 years old in 1830 - worth in hire -

Ans. He might have brought some 4, or 5 dollars -

Quest. By same, what would have been the average hire
of such a boy from 1830, till 1840, being 10 years old at 1830

Ans. Toward the last, ^{year} he might have brought some 16, or
18 dollars, - probably average \$10. during the time -

Quest. What would have the average of a negro woman
unindentured from 1828, to 1840 -

Ans. I should ~~not~~ ^{not} think more than from \$12. to \$15. - negroes hire
very low

Quest. - What was the average hire of a negro girl of
ordinary qualities - 10 years old ^{from} 1830 - & from 1830 - to 1840

Ans. - She may, probably have average from \$8. to \$10 -

Quest. Did you know that Mr Ballard ever furnished
old Peter and Ginny any provision, clothes -

Ans. Of my own knowledge I do not, but if they had not
suffered by some one, they would not have lived long -

Zachariah Abbott

William Johnson having been duly sworn deposes
as follows -

Question. How long are you A. when did you live from 1824 to 1840?
Did you know old Peter & Ginny? What was their condition, & ability
toward supporting themselves? How much would have been
to support them annually - ? Did you know Isham
by name & living prior to Mr Ballard? What were they worth
then.

= over & above their expenses from 1828, to 1840-?

Ans. I am about 47 - I lived within a mile of old Capt. Augustus Ballou - I knew old Peter & Ginny - I knew when he brought them home directly after the death of Martha Lawrence - They could not support themselves no how at all, without assistance - Old Peter could not walk at all without his crutch - he may possibly have got the cut & had a hill of corn cut the use of his crutch, he could not wait any thing - he was very old & feeble - he could not walk a step without the aid of his crutches - I could not have supported them for less than \$30. each - I knew, I saw by old & Ginny when they were brought to Capt. A. Ballou's when it was soon after Martha Lawrence's death - I should think they were worth during that time any thing more than the expense of raising them - Raising of them was worth every thing they ever did there - I saw was about three feet high in 1823, & not grown when he went away with old Parker - by old ~~was~~ ~~was~~ was quite small when she was brought to old Ballou, a very little larger than I saw - and about grown when she left them - Ginny was a very smart girl when she went there, about half grown ~~may be~~ -

Brof. Examined by Plaintiff's counsel -

Decest. What was a fair annual of girl Ginny from 1828, to 1840 -

Ans. Having two children I should say she was worth her expenses - I can't say when the children were born -

Decest. Did Ginny have any children when she went to Capt. Parker's -
So how old were they -

Ans. She had one, and that one was suckling - the other had died before she left for Parker - a short time, ~~a month or so~~ it died when one or two months old - she was worth \$7. or \$8. ^{per annum} from 1830 - to the time ~~she~~ had children -

Decest. Lyman. What was a fair annual hire of a boy from 1830 to 1840 who was 10 years old in 1830

Ans - I suppose from \$5 to \$6 per year.

Question - what was a boy 10 years old
in 1830 worth per year?

Ans. not much, not but very little, but
little more than his clothes.

Question - what was a boy 20 years old
in 1840 worth in 1840.

Ans. Twenty dollars —

Question - what was a girl 8 years old in
1830 worth for hire in 1830.

Ans. Not more than her victuals & clothes &
(not that, something should be paid to
have kept her).

Question - what was a girl worth in
1840 who was then 18 years old?

Ans. about fifteen dollars —

Question - Do you know that Capt Ballou
furnished old Peter & Jimmy with
provisions & clothes from 1828 to 1840,

Ans. I do not.

Question - ~~must~~ not old Peter & Jimmy have been
furnished by some one? ~~even~~ ^{how} they ~~had~~ ^{had} how could
they live ~~without~~ ^{here} aid from some one else?

Ans. They must have been supported by some
one or else perished.

Wm Johnson
mark

I certify that the depositions of
Zach. Mumford & Wm Johnson
were taken before me on about
this 6th of Apr 1837.

M. Matthews J. P.

Deposition of
C. W. L.

Taken for use of

1

The Deposition of James Bridger, J. P. Gay and Edwin L. Ballard taken on this 10th day of February 1857 at the store house of Edward Rauls, at Carrollville in the County of Isle of Wight, between the hours of 8 A. M. and 6 P. M. of that day to be used as evidence for the plaintiff in a suit in Chancery now pending in the Circuit Court of the County of Isle of Wight, wherein Wiley Parker Jr. admr. of Sidney D. Parker his late wife is plaintiff and Ro. H. Ballard and Augustus W. Ballard Exors. of Augustus Ballard dec^d. and in their own right, and Edwin Q. Ballard are defendants - Taken pursuant to the ^{ordered} ~~ordered~~ ^{justice} ~~justice~~.

The said James Bridger being sworn, says as is set forth in the several answers to the Questions following -

1st Question by Plt's Atty (Abner R. Kilby) - How old are you where do you reside?

Ans. I shall be fifty six years old 2^d of March next - & I reside in Isle of Wight County Va

2^d Quer: How long have you resided in said County.

Ans. All my life time -

3^d Quer, did you know Martha Lawrence in her life time, and were you well acquainted with her family white & black?

Ans. I was acquainted with her I lived with her ^{in her husband's life time} two years before her death - she had no white family except herself, while she was a widow - I was acquainted with the old ones & her black family & apart of the young ones. -

4th Quer. did you know old negroes Peter & Jinney belonging to said Martha Lawrence's estate, where did they reside from 1825 till their death, and when did they die?

Ans. I knew the said negroes Peter & Jimney they resided on Augustus Ballards land & died there - I dont recollect when they died - Jimney not very long ago, Peter some years, but I cant say how long -

Ques. 5. Did the said negroes Peter & Jimney take care of & support themselves from 1828 to 1840

Ans. Dont know - They cultivated some patches around the house -

Ques. 6. How far did you reside from said negroes from 1828 to 1840?

Ans. About four miles is the farthest -

Ques. 6. How far did you reside from Augustus Ballards from 1828 to 1840?

Ans. about the same distance.

Ques. 7. Did Augustus Ballard, so far as you know feed & clothe & maintain old Peter & Jimney from 1828 to 1840?

Ans. I dont know - he did nt feed them altogether

Ques. 8. Were not Peter & Jimney capable of feeding & clothing themselves from 1828 to 1840 and did they not so far as you could judge from living near them, take care of & support themselves

Ans. I dont think they were altogether -

Ques. 9. Did you know ^{in 1828} negroes Lydia, Jimney & Isaac given by Martha Lawrence to Sidney D. Parker?

Ans. I knew Lydia & Jimney children of Isabel, & she also a younger one named Isaac that I did not know much of -

Ques. 10. What was Lydia worth for hire from 1828 to 1841 per year?

Ans. She was worth nothing in 1828, I was not acquainted with them, I only knew she was a child of Isabel -

Ques. 11. How old was Lydia in 1828?

Ans. Dont know sir -

Ques. 12. What was her height & size in 1828.

Ans. Cant say

Ques. 13. How old was Jimney in 1828?

Ans. Dont know -

Ques. 14. What would be a reasonable hire for Lydia & Jimney from 1828 to 1841?

Ans. I dont know that I can say -

Ques. 15. What became of Isabel & child Joe?

Ans. Isabel was sold to William Stephenson - Joe was sold to a speculator -

Ques. 16. How old was Joe was he was sold?

Ans. about twenty two years old?

Ques. 17. What did he sell for -

Ans. Dont know - he was a likely negro boy -

Ques. 18. & I suppose he was worth 4 or 5 hundred dollars

Ques. 18. When was he sold?

Ans. I cant say exactly, but about 1830 I think.

Ques. 19. Did Isaac live with old Peter & Jimney?

Ans. Not that I know of.

Cross examined.

Ques. 1. Defendant's Counsel. Question. In what capacity does you live with Mrs. Linn now? & in what capacity did you live from 1828 to 1840?

Ans. I only staid a while after the death of her husband which took place in 1818, and I lived with her about 3 months after his death - I went to school for some time. I sometimes was an overseer, sometimes teaching school & sometimes farming from 1828 to 1840.

Ques. 2. How often did you visit old Peter & Jimney from during the period, from 1828 to 1840.

Ans. I passed by their house, as much as three times a year, but never visited them houses but once, and then I was passing & then in the night -

Ques. 3. Was there any other house, on the premises, than the one they lived in?

Ans. I dont recollect -

Ques. 4. When you present when Joe was sold? Who was sold to? & what price?

Ans. I dont know - do not know to whom he was sold & know not for what price?

James Bridger

Wheat P. Lay having been duly sworn deposes as follows -

Question 9. Attendants' Counsel: What do you think was the value of a white
negro man about the year 1830-? and what did they hire for?

Ans. I think about that time they would bring about ~~300~~ from \$250. to \$300.

and hired a very likely negro fellow who was a sawyer & a booper for thirteen
months for \$28- boys old and hired for less -

Question by Plaintiff Atty. What would have been the yearly hire of a girl ten years of age from 1828, 'till 1841-

Sas: In 1828 & about that time, she would have been for nothing, but - could have had to pay something for keeping her. In 1833 I think a girl of fifteen may have had been for ten dollars: up to that time nothing - and from that time till 1841 - ~~and a girl~~ she, as she advanced could have averaged \$15.00

Des. tes: By Defendants Counsel.

Q^y. What were the annual hire of negro women in 1843 - with children

Ans. In 1843 at a public hiring, I was paid $\$89.75^c$ for keeping a negro woman & five children two of which were with their victuals & clothes -

Jos: P. Gay)

Edwin L. Ballard being sworn - { His examination excepted to by
1. Dec., by John R. Kelly Jth. atty. { No. 14. Whittfield, on ground of
Interd. in sent

1. Dec. 1, John R. Kelly Pth. att.

How old are you where do you reside?

Ans. In my forty first year reside in Isle of Wight
County.

2. Ques. What relation are you to the late Augustus
Ballard, and Sidney D. Parker?

Ans. I am a son of Augustus Ballard & brother
of Sidney D. Parker.

3 Dec, — was you acquainted with old negro Peter F. Jinnery belonging to Martha Laurence, until
from 1828 to 1840?

Ans. Yes—

4 Decr. ord augment, Bullard feed, clothes & support

said negro, Peter & Jimmy from 1828 to 1840,

Ans. - He did not, except when Peter died, then he took Jimmy home: he died after 1840 -

5 Quer. State your means of knowing the above facts -

Ans. I was a member my father's family, & they worked & supported themselves, & also supported small boy Isaac till he was large enough to work.

6 Quer. Do you know Isabel their children Jimmy Lydia & Isaac.

Ans. Yes.

7 Quer. State what would have been a reasonable hire for Jimmy from 1828 to 1841?

Ans. I don't know her age at that time she was not large, negroes were selling low at that time - in 1828 she was worth more than board, in 1829, I think she would average ten dollars from 1829 to 1841 -

8 Quer. What would be a fair hire for Lydia & Isaac from 1828 to 1841?

Ans. Lydia I think would have been worth 8 to 10 dollars during that period - Isaac would have been worth from 1830 when he took him from Peter to 1841, the first year \$5. & increased every year.

9 Quer. When were Lydia, Jimmy & Isaac born?

Ans. ~~They~~ Before her death, I think, which was about 1826 -

10 Quer. What became of Joe a negro belonging to Martha Lawrence, estate?

Ans. He was sold by my father to Sydney Gaddy a negro trader - the price I don't know - he was sold about 1829 or 1830 - he was a likely boy, about 35 or 40 years old -

11 Quer. Do you know anything of any gold piece

by Martha Lawrence to Sidney D. Parker, and
if so how much taken was it given?

Ans: I know she gave some gold— Myself, my mother
father & sister Sidney, were at my Aunt's
(Martha Lawrence, in her life time) on a
Sunday evening— she gave me a colt which
was then in the yard, my father took the colt & kept
him & worked him till his death, some 15 years,
after giving the colt, she brought out the gold
in a small box, about 2 or 3 inches square, it was
nearly full, she asked me if I wanted somefold
she handed it to my father, I told him to take
care of it for me— ~~I suppose there was~~
~~about~~ _____, you can judge
how much there was as well as I can.

12 Ques. What did your father do with the gold when did you see it again?

Aug. He took the gold & carried it home - I saw part of the gold after his death, in the hands of my Brother Robert - saw a few pieces & my brother said he would look up the Balance -

Crop Examined:

Letter by Defendants Counsel.

How old were you when the Cott & Gold was firm as you state above?

Ans. I was about 10 yrs. old -

Deerborn. Did you handle the box in which the gold was?

Ans: No, I did not?

Question Was the lid or top of the box opened?

Ans. It was open, in my aunts hand & she showed it to me.

Question: How do you know that she sold you Sars in your brother
Robert's hand, or perhaps in was the same that you state was given to you

Ans: I only judge so from its being old coin & there none among us like it ^{being}.

Ques. How old were you in 1828? Ans. About eleven years.

Question: How did Peter & Jimmy get their clothing?

Ans: They manufacture it for themselves.

Quest. Had she a loom? did they raise cotton? & how much do
by what means?

Ans. She had no room. He raised B. Otter, and this was by means of a sister.

Quester: How much Cotton & Corn & Pork do you suppose they raised?

Ans. I can't form any animals. They raised myself for their own use.

Question. How large was Reed Corn field & Cotton patch -

Ans. Well, I never measured it: He did ^{but} ^{before} he died, -

Question. How many sons & girls had he generally?

Aun. you are too hard for me, I never saw ~~the old man~~^{do not know how many}
any & figs the old man had, but know he had his -

2nd. Can you form any estimate, how much Corn, Cotton & ^{how many} hogs
can be raised in the neighborhood of the Old man & woman by
one steer -

Ans. Well he raises enough to support himself & that boy I suppose.

Leert. How old was the old man & woman?

ans. The Lord on heavens knows, but I do not!

Quest. Were you not angry and displeased at the manner in which your father's will was made?

Ans. No, the only thing I wanted was, what was justly mine, my father had property to the value of £125. which he has with held from me, which he promised to pay me, but did not.

Question: Have you not been much excited by this supposed injustice of your father and reproved yourself bitterly?

Am: If I did express myself warmly, I told the truth all the way—

C. L. Ballance

County of Isle of Wight to wit:

I, Alfred R. Butler a Justice of the peace in and for said County, do certify that the foregoing depositions were taken before me at the place, on the day and between the hours set forth in the Caption hereto, and according to the annexed notice. Given under my hand this 10th day of February 1857.

A. R. Butler J.P.

Witnesses attendance

Jay. Auditor 1 day 50c

J. P. Gay 50

E. L. Ballard 50

A. R. Butler 5 hours \$3.75

Parton 1
" 3
Ballard
Ballard

Deposition of Robert M. Ballard of Nansemond County, Virginia, taken on the office of John R. Kilby in Suffolk, Nansemond County, on the 13th day of December 1856, between the hours of 8 o'clock A.M. and 6 o'clock P.M. of that day, to be read as evidence in a suit in Chancery ~~in~~ pending in the Circuit Court of Isle of Wight County, between Wiley Parker Jr, admr. of Sydney D. Parker decd, plaintiff and Ro. M. Ballard & Augustus J. Ballard Exors. of Augustus Ballard decd, and in their own right and Edwin L. Ballard, Defendants - taken pursuant to the annexed notice -

The said Ro. M. Ballard being duly sworn says, as is set forth in the answers below -

1st Question by John R. Kilby plaintiff's attorney -

How old are you, and where do you reside?

Ans. I am nearly seventy reside in Nansemond.

2^d Question by same - Did you know Sydney D. Parker & if so when was she born, & who was she at the time of her death, & who was she before her marriage?

Ans. I knew her. She was born in Isle of Wight County about October 1822. and at the time of her death was the wife of Wiley Parker Jr and before her marriage was the daughter of Augustus Ballard

Quer. When did she die

Ans. On or about the month of July 1851

Quer. Where did she reside previous to her marriage with Wiley Parker Jr, and how long

Ans. She resided with me from the age of three or four years till her marriage.

Quer. Who paid for her board, clothes & schooling

and other expenses during the period she resided with you?

Ans. I ~~paid for it~~ ^{supplied the board and clothes} myself, without charge and paid for the schooling, except for two years board which her father paid me

Ques. When was she married to Wiley Parker Jr
Ans. about 23rd July 1840.

Ques. Did her father Augustus Ballard pay any of her expenses during the period she was with you except for the two years above named?

Ans. No. Sir.

Ques. Do you know of any property that came to the hands of her father belonging to her & if so what?

Ans. Her father told me that her aunt Martha Lawrence had given her self and her brother Edwin some gold, which he then had and showed it to me. It was in a drawer in a desk of his; how much I don't know, but it was foreign coin and neither of us knew the value of it and could not count it. I think they were large pieces and there was my hand full I think, tho I cannot be definite as it was scattered about in the drawer. Some of the pieces were ^{as} large as a dollar or thereabouts and some small.

Ques. State whether you saw this gold again & the circumstances?

Ans. I never saw it again to know it that I recollect; but I was at the residence of the father directly after his death in the presence of the defendants and the plaintiff when Edwin Ballard demanded for himself and the Estate of his sister the gold that had been

given by Mrs Lawrence to her sister and her self of Robert & Augustus Ballard the Executors of their father. When upon Robert Ballard opened a desk and handed out some gold which was American Coin which Edwin stated was not the gold. I then told them the gold that had been given was foreign Coin when upon Robert Ballard went and got other gold which was foreign Coin one of which pieces was about the size of a dollar and laid it with several other pieces on the table; He then took it up and put it away. and stated that he would examine and give them all the gold he could find of that kind.

Ques. State what you may know relative to the negroes belonging to said Sydney Parker which were in the hands of her father?

Ans. I know nothing of them save in reply to a question of mine to him after her marriage why he did not give up to her ~~what~~ her brother Edwin the negroes belonging to them when he stated that he had paid money enough for the children to cover the negroes

Ques. Further this deponent saith not.

Signed Robert Br. Ballard Esq.

State of Virginia }
County of Nausmond } to wit

I James E Jenkins a Notary Public for the County aforesaid in the said State do hereby certify that the foregoing depositions were duly taken, sworn to and subscribed before me at the times and places mentioned therein. Given under my hand this 13th day of December 1856.

Witness my hand and seal this 13th day of December 1856.
James E. Jenkins.
Notary Public.

Parker

vs. $\frac{1}{2}$ Deposition

Ballard &c

December 18th 1856

Came to hand under
seal & filed.

To Robert H. Ballard and Augustus W. Ballard
Executors of Augustus Ballard dec'd, and in their own
right and Edwin S. Ballard.

Take notice that I shall on the 10th day of February 1857, next, at
the store of Edward Rawley at Carrsville in Isle of
Wright County between the hours of 8 a. m. and 6 p. m. of that day, proceed to
take the Depositions of Jas. Bridger

and others, to be read as evidence in my behalf, in a certain suit
in Chancery, depending in the Circuit Court of Isle of Wright
County, wherein I am
are plaintiffs, and you

are defendants; and if from any cause the taking of the said Depositions be
not commenced on that day, or if commenced be not concluded on that day, the taking of the same will
be adjourned and continued from day to day or from time to time, at the same place and between the
same hours, until the same shall be completed,

Respectfully,

To the Sheriff of ~~Isle of Wright~~
County to execute.

Wiley Parker Jr. admr.
of Sidney O. Parker his
late wife.

per atty

Parker &

17

Ballard & Co. Inc.

To 10 July. 1857
at Canville.

Received ^{delivered} by a copy
of the within to each
~~to account to~~
of the within
man & parcel

J. O. Goss

Shiff

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *James Bridger, E. L. Ballard,*
and Josiah P. Gay

to appear before ~~the~~ *a Justice* ~~Court~~ *Circuit* of Isle of Wight county, at the ~~Court-House~~ *Courthouse* of said County,
on the *10th* day of *February* ~~Term~~ next, to testify and the truth to say on behalf of
Wiley Parker Jr. administrator of his wife Sidney Parker
decd.

circuit of said County
in a certain matter of controversy in our ~~said~~ Court, depending and undetermined between *said*
Parker and Robert H. and Augustus W. Ballard Exors. of Augustus
Wallard decd.

and this *they* shall in no wise omit, under the penalty of \$20 ~~each~~ and have then and there this
Summons. Witness, NATHANIEL P. YOUNG, Clerk of our said Court, at his Office, this *29th*
day of *January*, 185 *7*, in the *81st* year of the Commonwealth.

N. P. Young co.

Wiley Parker Adm.
of Sidney Parker
vs. $\frac{3}{3}$ Spa.

Augustus Ballard
Exors.

To 10th July. 1837
before Justice at
Carrville.

Executed By
delivering a true
copy of the within
to each of the
named Messrs
Jos. P. Gay
tho
10

To Robert H. Ballard and Augustus H. Ballard
Exors. of Augustus Ballard dec^d, and in their
own right and Edwin L. Ballard.

Take notice that I shall on the 13th day
of December 1856, at the office of John R. Kilby, in
Suffolk, Nansemond County, between the hours of 8 A.M.
and 6 P.M. of that day, proceed to take the depositions
of R. H. Ballard and others, to be read as evidence
in my behalf in a certain suit in Equity depending
in the Circuit Court of Isle of Wight County, wherein
you are defendants and I am plaintiff: and
if from any cause, the taking of the said depositions
be not commenced on that day, or if commenced
be not concluded on that day, the taking of the same
will be adjourned and continued from day to day
or from time to time, at the same place and between
the hours aforesaid, until the same shall be com-
pleted —

Respectfully

Wiley Parker Jr.

adm^r. of his late wife

Sidney D. Parker dec^d

Nov. 22^d, 1856.

To the Sheriff of
Isle of Wight County }
to execute.

I delivered a true copy of the will
to Robert Ballou and Augustus
Ballou on the 4th day of Decr. 1836
and on the same day I delivered a
true copy to the wife of E. L. Ballou
at the house of said E. L. Ballou and
explained the same to her - she said E. L. Ballou
not being at home and her wife
being at home the age of
16 years

E. L. Ballou
Dec 4 1836

to make def.

1836.

Archer & Co

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County—GREETING.

YOU ARE HEREBY COMMANDED TO SUMMON *Robert H. Ballard*

and Augustus W. Ballard Executors Augustus Ballard died, and in their own right, and Edwin W. Ballard

to appear at the Clerk's Office, of our *Circuit* Court for Isle of Wight county, on the first Monday in *July* next, to answer *a bill in Chancery to*

be filed against them by Wiley Parker Jr. admr. of his late wife Sidney D. Parker dec. of a plea of

~~damages~~

and have then and there this Summons.

Witness, NATHANIEL P. YOUNG, Clerk of our said Court, at his Office, this *25th* day of *June*, 185*8*, in the *80th* year of the Commonwealth.

N. P. Young, cl.

Wiley Parker Jr. Recd.
of Sidney D. Parker

27 3/4 1/2
St. Louis
Mo.

Augustine Ballou
Esq. etc.

To Wiley Parker Jr. Esq.
Wiley Parker

Received by
William Parker
Copp &
J. Hall off

The joint and a separate answers of Robert H Ballard and Augustus W. Ballard executors of the last Will & Testament of Augustus Ballard aed: to a Bill filed against them & als: by Wiley Parker jr ad^{mo} of Sidney D. Parker aed: in the Circuit Court of the County of Wright County.

These respondents now and at all times saving and reserving to themselves all manner of benefit and advantage of exception to the manifold errors & imperfections in said Complainant's Bill contained for answer thereunto, or unto so much, or such parts thereof, as they are advised it is material for them to answer, answer and say, that the qualification of themselves as executors of the last Will and Testament of Augustus Ballard aed: (their late father): And of the qualification of the said Augustus Ballard as the executor of Martha Lawrence deceased, as is alleged in Complainant's Bill. They admit to be true, as is also the intimate case of the Complainant with Sidney Ballard. But your respondents do deny the truth of the allegation relative to the accounts marked 'B. & C.' referred to in Complainant's Bill, and insist that the said accounts are true and correct in the main - that the only error in said accounts is the difference between the item off \$1290.40 ¹/₄, erroneously inserted to the estate of Martha Lawrence aed: as of the 1st Jan'y 1826, and the sum of \$1305.09 balance reported as due the estate by the first acct. The said charge off \$1290.40 ¹/₄ stated to be for "amt. of acct of sales", is the same as the item off \$1279.85 charged in the 1st account as "amt. of sales of testator's estate" as of October 5 - with simple addition of interest - doubtless an error of the Complainant, so that the amount really due to these respondents, testator, is the sum of \$2270.11 ¹/₂ diminished by the difference, between the sum of \$1290.40 ¹/₄ and \$1305.09. For these respondents say there was but one sale made of the estate of Martha

Lawrence as? which abundantly appears from the "Record" & in the case of Bowen & Ballard, exhibited with Complainant's Bill - and relied upon by Complainant. And they therefore rely upon the accounts "B. & C." filed by Complainant as true & correct, save in the error just mentioned -

And they, further answering, deny that the sum of \$500. in gold was found by their testator belonging to the estate of his testatrix, or that any other sum, in gold or otherwise, was found, than such as he accounts for & specifies in the accts referred to. These respondents further answering say, that the allegation in Complainant's Bill, ^{or that} Nancy was a child of Henry who was bequeathed to his wife Sidney B. Ballard - by Martha Lawrence is entirely erroneous and false - she was a child of Old Henry and she (Nancy & her children) were residuary negroes and property and means sold by the executor to pay his testatrix's debt. The record referred to, page (41) shows that the allegations of Complainant are made at random, for it states that "Nancy & her child" ^{was sold} and "not" Isabella & her child Nancy" as the Bill contains. "Nancy & her child" ~~child~~ were not specifically bequeathed to Complainant's Wife, but were as above stated residuary property left for the debt, and were required for the payment of the same. And they further state that they believe that Henry, referred to in Complainant's Bill was a child of Peggy - ^{after the death of Martha Lawrence} was born, and raised by Augustus Ballard the executor - was a part of the residuary property and retained by him at his value to pay the balance due the executor for advancements made by him in paying off the debt of his testatrix - These respondents further say, that after the sale of Isabel, Nancy & her child & the retention of Henry, and the hires of the negroes, and the application of the same to the payment of the debt of Martha Lawrence ^{the executor} by her executor, there was & is still a large balance due him as aforesaid, for which he might have justly & properly taken the

slaves & other property specifically bequeathed to discharge the same. And as the negroes delivered by the said testator as executor of Martha Lawrence to Sidney B. Parker under the will of his testatrix, were liable to the said executor for the balance due him as aforesaid, they must that the same be decreed to be so liable, and that the said Complainant, to the extent of their value, and be compelled to pay the same to their respondents, or such part thereof as may be necessary to discharge said balance - They further state, that so far as they believe that the negroes delivered to Complainant were for many years expensive, and were raised by their testator, and the hires, if any, would not more than compensate for their expenses: and if they would, they were properly retained by the executor in consequence of the indebtedness of the estate to him -

These respondents say, that the pretended claims of the Plaintiff, set up at this day, so soon after the death of Augustus Ballard, who was repeatedly better able to dispute his estate against this or any other demand - that the said Complainant should wait until a murmur of complaint, or without even hinting at the existence of his pretended claims now set up - from the 1st of Jan'y 1841 - till the year 1856 - a little over 15 years - and not stir or "move a peg" in this game of his till the tidings of the death of him who knew best about the facts, reached him, - they say that these facts cast deep suspicion on this suit, and begot the belief that the Complainant formed his hopes of success on the ignorance of your respondents as to the facts, as they admit they are necessarily, from the lapse of time: These respondents believe that a Court of Equity will look upon this stale demand, raised under such circumstances, as a matter of speculation, if not indeed an attempt to slander, judicially, the estate of a dead man - What excuse does he give for his delay? Why waits he, till the grave has closed over him most familiar & the only one

acquainted with the circumstances of these antiquated
and completed transaction? and with whom are responsibility
incurred for ever such a knowledge of these matters which pertain to the protection
of his estate? - They charge that this demand is a state one, and
therefore they insist that the Court will not entertain it - That it is
also barred by the Statute of Limitations which they rely on as
fully as if the same were specially pleaded - That the complain-
ant's interest in the said complainant himself is jointly indebted
to the estate of their testator, to the value of the several negroes divided
over to Sidney D. Parker formerly Ballard - and that if the test be
entertained at all, it will be to render the same liable in
such form and manner as is here in before set forth - They deny
that the said complainant is entitled to the relief he asks
for, or any other relief; and having assumed this proof
hence to be on, with their costs in this behalf
expended &c -

R. H. Ballard
Aug. 24. 1836

Heard in the Court to wit:

Not. H. and depositions of R. Ballard personally appeared before me
a justice of the peace for the County of Essex and made
oath to the facts as stated above in their answer and were so far
as they know or believe - true and very true and true to

29 Sept. 1836 -

U. E. Barnes J. P.

Parker ad.
O. Sumner
Ballard & Co.

Oct. 20. 1836.
filed.

To the Hon. The Judge of the Circuit Court of the County of Isle of Wight - in Chancery sitting -

Complaining, shew unto the Court, Your Complainant, Wiley Parker Jr, administrator of the goods and chattels and estate of his late wife Sidney D. Parker deceased.

Your Complainant, respectfully represents and shews unto the Court, and says, That one Martha Lawrence died in the County of Isle of Wight about the latter part of the year 1824 having first duly made & executed her last will & Testament which was on the 3rd day of January 1825, ordered to be recorded by the County Court of said County - a duly certified copy of said will is filed herewith and is prayed to be taken as part of this Bill & is marked (A.) - That Augustus Ballard, one of the Executors named in said will ~~executor~~ duly qualified as such in said County Court on the said 3rd day of January 1825 as appears by the Certificate endorsed on said will - and by virtue of said qualification took Charge of the Estate of said Testatrix, consisting of a number of negro slaves, chattel estate and money, and especially a quantity of gold belonging to said Testatrix of at least five hundred dollars.

That your Complainant's Intestate, before her marriage with your Complainant was Sidney D. Ballard a daughter of Sally Ballard -

That by the 2^d clause of said Testatrix's will she gives and bequeaths to said Sidney D. Ballard the following property to wit. Three female negro slaves, namely, Isabel, Jenny and Lydia, also one male negro slave namely, John and their increase to her and her lawful heirs forever.

That the Testatrix (after making ^{several} ~~other~~ specific bequests) by the 4th clause of her said will says "The remainder of my Estate not already disposed of before, of whatsoever nature or kind it may be, also all my money that I possess in bonds or otherwise, be equally divided between Edwin L. Ballard, Robert H. Ballard, Augustus W. Ballard and the within named Sidney D. Ballard, children of my niece Sally Ballard, to them and their heirs forever" —

That said Sally Ballard was the wife of said Augustus Ballard & the said Edwin L., Robert H., Augustus W. & Sidney D. are children of said Augustus & Sally Ballard.

That the said Augustus Ballard as Executor aforesaid made two settlements of said Estate, one in 1826, and another in 1840, copies of which are filed herewith as part of this Bill marked B. H., and which are grossly incorrect in many particulars, a few of which your Complainant will specify — On the first account there is a Balance due the Estate of \$1305.09 which is not carried forward to the second account — By the second account there is a Balance of \$2270.11 reported as due the Executor, that many omissions of credits exist, to wit: he sold negro woman ~~Isabel~~ ^{Isabel & child} ~~Isabel~~ in 1827 for \$137.50 — There was sold to the amount of \$500 or more which came to his hands and of which there is no account — There are no credits for negro hires, notwithstanding he had the negroes of the estate in his hands from 1825 till after 1840 —

That it appears a suit in Chancery was brought in the Chancery Court of Williamsburg

in 1825, by Carr Bowers Executor of Mills Lawrence dec? against said Augustus Ballard Executor of said Martha Lawrence dec? having for its object in part a settlement of the accounts of said Ballard as Executor aforesaid, and that his accounts as therein settled are quite different from the ~~Ex parte~~ settlements above alluded to marked B. H. — A copy of the record in said suit is filed herewith & asked to be taken as part of this Bill, ^{in marked D.} — That by the record in said case it appears that there is no Balance due said Executor by said Estate whatever — That it appears by said record (page 41) that negro Isabel (or Isabella) & her child Nancy, which were a specific legacy to your Complainant's Intestate (Sidney D. Parker) by the 2^d clause of said Martha Lawrence's will, was sold by said Augustus Ballard as Executor aforesaid for \$402.50. on the day of October 1827 & that the proceeds were applied by said suit to pay debts due by said Martha Lawrence — which debts should have been paid out of the property contained in the 4th or residuary clause of said Martha Lawrence's will, and thus borne equally by the Residuary Legatee, to wit: Edwin L. Ballard, Robert H. Ballard, Augustus W. Ballard & said Sidney D. — And your Complainant now prays that said Edwin L., Robert H. & Augustus W. Ballard may be required to contribute to your Complainant's Intestate's estate their portion of said sum of \$402.50 with interest thereon from October 1827 — That your Complainant and

his Intestate were married on the 23^d day of July 1840,
That the said Sidney D. was born on the 10th day of
October 1822 and therefore was married before
she was twenty one years old and before she
could assert her rights in the premises - That
the said Sidney D. died on the 28th July 1857
whilst the wife of your Complainant & consequently
she at no time could sue or claim her rights
in the premises, being at no time free from ~~some~~
disability, ^{had} ~~and~~ at no time the power to sue -

That soon after the marriage of your Complain-
ant & said Sidney D. to wit. on the 1st of
January 1841 the said Augustus Ballard
delivered to your Complainant the following
negro slaves belonging to said Sidney D. to wit.
women Jinney & Lidia, man Sam, boy Tom and
girl Rontta - That ~~although~~ ^{the} said negroes
were retained by said Augustus Ballard
from December 31st ¹⁸²⁷ to 1st of January 1841
and used by him for his own purposes yet
he has never paid or accounted for a single
dollar ^{for their hires} to your Complainant or his Intestate
(and your Complainant as admor. aforesaid
therefore claims hires for said negroes during
all said time - That your Complainant
qualified as the administrator of his said
wife Sidney D. in Nassau and County
Court on the 14th day of April 1856 as will
appear by a copy of the order of Court granting
such administration, filed herewith & marked
(E.) - That said Augustus Ballard was always
a man of wealth and amply able to support
& maintain all his children hence had no

right to apply any such hire, to the support & maintenance of said Sidney D. his said daughter. —

That the said Augustus Ballard did not have not surrendered all the Estate he received into his hands as Executor of said Martha Lawrence, that negro boy Henry a child of a negro woman belonging to said Martha Lawrence's estate & disposed of by the residuary clause of said will, and in which your Complainant has an undivided one fourth interest, has been retained by said Augustus Ballard & actually disposed of by his will & given to his son Robert H. Ballard as will appear by reference to a copy of said Augustus Ballard's will filed herewith & marked (H.) — That said Augustus Ballard died in the County of Wright early in the year 1856 having first made his will as aforesaid, which was on the 7th of April 1856 duly proved & recorded in said County Court — and that Robert H. Ballard and Augustus W. Ballard duly qualified as his Executors as will be seen by reference to the certificate on the said will.

That the said Augustus Ballard, received into his hands a large sum of Gold belonging to the estate of said Martha Lawrence which he never legally disposed of —

In consideration whereof, and for as much as a Court of Equity can only, grant your Complainant adequate relief — To the End therefore, your Complainant prays that Robert H. Ballard and Augustus W.

Ballard, as Executor of Augustus Ballard deceased, and in their own right, and Edwin Q. Ballard, may be made Defendants hereto (and be compelled to answer on oath the several allegations herein; and that they be required particularly to say, whether the said Augustus Ballard as Executor of said Martha Lawrence, did not receive & retain a large sum in Gold belonging to said Martha Lawrence's estate, & if so how much - whether negro boy Harry, given by the wife of said Augustus Ballard to his son Robert H. Ballard, is not a child of one of the negroes belonging to said Martha Lawrence's Estate & if so which one? That the said Augustus Ballard may be required to account for the hire of the negroes belonging to your Complainants' ~~estate~~ Intestate as aforesaid. That Robert H. Ballard, Augustus W. Ballard & Edwin Q. Ballard may be required to contribute to your Complainants' Intestate their proper portion of the sale, of negro woman Isabel (or Isabella being one & the same person) ~~her child~~, sold as aforesaid, and that such other & further order and decree may be made in the premises as may be consistent with Equity &c. And your Complainant are &c.

John R. Kilby p. q.

Kilby P. V.
Wiley Parker Jr. admr.
of Sidney W. Parker dec?

vs. } Bill to
Augustus Ballard's
Exors. &c.

Cir. Ct. S. of W.

Kilby Jr.

Wiley Parker Jr. adm.
of Sidney D. Parker decd.

n. } Chancery papers,

Augustus Ballard's
Exon: &c.

1856:

July rules - Bill & cpts.
filed - Sim. & D. & decree
 nisi v. Defts.

Augt. rules. Bill & cpts.
for assignment & assignment

Octo. 20. 1856. Decree
for act. p. g.

Octo. 1859 decree for
perf.

May 1860. final
decree

S. of W. Cir. Ct.

Life: ipm.