

1866-007

EXR. OF HARDY CROSS ETC VS JAMES DILLARD & WIFE ET AL S
THOMAS HARDY CROSS ETC VS MARTHA CROSS ETC

NANSEMOND COUNTY/
(SUFFOLK)

1866

CHANCERY CAUSES

SURNAMES: SMITH,

WILL OF HARDY CROSS, 1858

Crop: Exor: Gal

vs } Chy: Notes

Dillard &c

and

Crop: & } Chy: Notes

vs
Crop: Exors:

Feb: 16th -
1866. Report of Payments by Exors: to Legation Paris

" Apr: 16th - Decree of Oct: 15th 1866. re certain
" Apr: 16th: Agreement of Counsel, that

Certain papers filed are to be
viewed as originals

" 17 Decree for Exors: to pay to R. Dillard
dup: certain bonds & to transfer
unpaid City Stock &c

" Oct: 22nd Report Exors:

" 23rd Final Decree

Chy: Notes

To the Hon. Richard H. Baker, Judge of the Circuit
Court of Hansemond County - in Chancery sitting.

Complainings shew unto the Court your complainants,
Martha H. Kerass and Edwin Smith Executors of Leob;
Hawdy Kerass deceased -

Your Complainants respectfully represent to
the Court and state, that Leob; Hawdy Kerass late of
Hansemond County, died on or about the 28th. of September
1858, having first made and published his last will and
Testament which was duly proved and recorded in
Hansemond County Court on the 8th. day of November
1858, and which day Martha H. Kerass and Edwin Smith
the Executors therein named duly qualified - all of
which will more fully appear by reference to a duly
certified copy of said will & order of Court granting
administration, filed herewith as part of this Bill and
is marked (A.). Your Complainants state that
after the Testator made his said last will and Testa-
ment (which was on the 28th. day of June 1856,) and
x the day of his death, his daughter Sarah Jane (a Legatee
in said will) married James Dillard Esqr. and that
the Testator placed in the control of said James Dillard,
his son-in-law for temporary use by him, a large
number of Slaves, to wit: Mely, Louisa, Minietta,
Georgiana, Israel, Rhoda, Sam or Sam, Peter, Brunswick,
Mary, Harriet, Amy, Savinia, Jackson, Fanny, Mely,
Jonas, Ben, Nael, Nazareth, Israel, Annie, Eliza, Lewis,
Vina, Calvin, Augustus, Mary, Adelaucy, Albrigus, John,
Savinia, James, Margaret & an infant, and perhaps others;
That no gift of these negroes was ever intended to be
thus made by the Testator to his said son-in-law
James Dillard Esqr. which your complainants are
informed is alleged to have been the case by said

Dillard; that the whole circumstances connected with the Testator's will negative any such idea - he disposes of all his estate, and attaches certain limitations to the gifts to his said daughter Sarah Lane as also to others by the 27th. clause of said will especially - thus fully shewing he never designed any gift of these or any other negroes to said Jas. Dillard by allowing him to use them - to have intended any such thing would have been manifestly unjust to the other Legates subject to the same conditions - again two of these very negroes are specifically given away to wit: Negro girl Mary (child of Pido & Vina) is by 23rd. clause of said will given to Mary Effa Smith (who is under twenty one years of age) - and negro girl Adelauey is by 24th. clause of said will given to Margaret Maria Smith also under 21 years of age - again these negroes as well as others are, on the happening of certain events given to Thomas Hardy Cross, a son of the Testator who is now under twenty one years of age - Your complainants charge that in the exercise of their duties of Executors, they proceeded to take charge of the Testator's Estate, and desired to take charge of the negroes aforesaid under the temporary control of James Dillard Esqr. whom he refused to relinquish his claim to them, alleging the same to have been given him by the Testator which is denied by your complainants - Your complainants are desirous to obtain possession of said negroes so they may proceed to execute the Testator's will and settle his estate, but cannot do so until the said James Dillard shall deliver up said slaves and account for their hires - In consideration whereof and for as much as this Court has power to grant adequate relief to the end therefore your complainants pray that

James Dillard and Sarah Lane his wife, Thomas Hardy Cross Mary Effa Smith & Margaret Maria Smith the last three under twenty one years of age, may be made defendants hereto & be compelled to answer the allegations herein - that proper persons may be appointed to defend the Infant defendants - that James Dillard Esqr. may set forth the names of all the negroes which are claimed by him, together with their increase, as having come from Robt. Hardy Cross - that he the said Dillard may be required to surrender the said negroes to your complainants as part of the Testator's estate, and that he may account for and pay a reasonable hire for said negroes, and that all proper accounts may be directed, to ascertain said hires, and that all proper relief may be granted, consistent with equity &c.

And so.

Thos C. Kilby
R. H. Baker Jr. p. 9.

A. Copy.

Teste,

Peter B. Brewster. Clerk

Col: Hardy Crofs' Eas^{rs}:^{x^a}

vs { Copy Original Bill

James Bellard vs vs.

1866. Apr: 16th Filed by J. M. Dwy
clerk.

Know All men by these presents, That Hardy Crofs,
of the County of Nansemond, State of Virginia, for and
in consideration of the natural love and affection,
which I bear to my daughter, Mary Louisa Crofs of the
County and State aforesaid, as well as for the further
consideration of one Dollar, to me in hand paid by the
said M. L. Crofs, at or before the envealing & delivery
of these presents (the receipt whereof is hereby acknowledged)
have given and granted, and by these presents (with the
proviso hereinafter mentioned & declared) doth give
and grant unto my said daughter, M. L. Crofs, her
heirs & assigns forever, one certain tract or parcel of land,
lying and being in the County of Chowan & State of North
Carolina, called "Wingfield", which said land is bounded
on the West by Chowan River, on the South, by Indian
Creek, on the East by Crobridge, and on the North by
the lands of Moses Wright, containing by estimation,
Eleven hundred acres, with the same proviso, I give &
grant unto my said daughter, M. L. Crofs, her heirs &
assigns forever, the following negro slaves, viz: David
Roberts, Bear Swamp Jack, Nelson, Charles Senr^t, Bill,
Ealey, Charlotte Shackman and four children, the
youngest in being at the date of these presents, Violet
& three children (Philip, Ben & Hester) Rachael & her
two youngest children, Maria, Yellow Charlotte, Silvey,
Sherry, Josiah, Willis Daughtrey, Felicia Daughtrey & child
Silvy, together with the future increase of said slaves,
also all the stock of horses, mules, cattle, hogs and
sheep, now on said premises & their increase, also all
the household & kitchen furniture, now in use on the
said premises: To Have and To Hold the said tract
or parcel of land with all the appurtenances
thereunto belonging or in any wise appertaining, also all
the before mentioned negro slaves with their future increase,
together with the stock of horses, mules, cattle hogs & sheep

& the beforementioned household & kitchen furniture, unto her, my said daughter, Mary L. Crofs, her heirs and assigns forever. The said Hardy Crofs reserving unto himself, the sole right, title and control of the said land, negro slaves, stock & household & kitchen furniture, during his life, to the only proper use and behoof of the said Hardy Crofs, during his life. And the said Hardy Crofs, for himself, his heirs and assigns (reserving as before) doth, by these presents, forever hereafter warrant and defend, the right & title of the said land, slaves, stock and furniture to be good unto her, my said daughter, Mary L. Crofs, her heirs and assigns forever, clear from and against the lawful right or claim of all & every other person or persons whatsoever. In Witness whereof the said Hardy Crofs hath hereunto set his hand & affixed his seal, this, the 1st. day of April, A. D. 1840.

Hardy Crofs. 

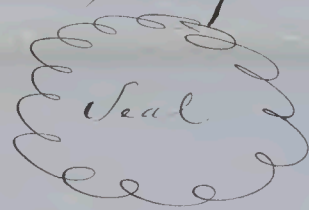
State of North Carolina }
Chowan County Court } August Term 1840
The foregoing deed was exhibited in open Court,
and the execution thereof acknowledged by said
Hardy Crofs, as his act and deed, for the
purposes therein mentioned, and ordered to be registered.
Registered Sept. 5th: 1840 Test John Bush. CLK.
J. J. Charlton. Reg. By J. V. Hathaway. Dy. CLK.

Registrar's Office, Edenton, Chowan County, March
3. 1859.

I hereby certify, that the foregoing deed &
probate, is a true copy from the Records of this
Office. Recorded in Book "M" & on pages
184 & 185.

N. S. Perkins. Regr. C.C.

State of North Carolina }
Chowan County }
I, William R. Skinner, Clerk of the Court of
Pleas & Quarter Sessions of the County & State afore-
said, do hereby certify, that N. S. Perkins, whose genuine
signature appears to the above certificate, is Register
of said County.



Given under my hand and seal
of said Court, at Office, in
Edenton, the 3rd. day of March
A. D. 1859.

Wm. R. Skinner. CLK.

A. Copy.

Test,

Peter B. Presbit. CLK.

Ed. Hardy Crps: ^{x'd} Exors

vs { copy Exhibit - filed
with the amended
and Supplemental
Bill.
James Willard Swife Sals.

1866. Apr. 16th: filed by T. J. J.
929: CLK:

A further account of the transactions of Edwin Smith and Martha W. Croft, as Executor and Executrix of Hardy Croft deceased, taking Account No. 4, in Commissioner Prentiss former Report, as prima facie correct:

Dr. The Estate of Hardy Croft deceased.

In Account with Edwin Smith and Martha W. Croft, Executor and Executrix.

Cr:

1860. Nov: 8	By Balance of Principal due The Estate			
	on former acco:		\$ 11,049 49	
" do	" Interest do. do	\$ 494 33		
" " 12	To Cash paid Shff. of Nantsemond County,			
	taxes for 1860, per tax bill & rect.	\$ 354 07		
" " "	" do Shff. of Isle of Wight Co per d. do	" 50		
" Dec: 31	By amos: of R. S. Eley's Note		1,480 05	
" " "	To Cash paid Clk. of Nantsemond			
	Co. Co. per ticket	\$ 7 75		
1861. Jan: 15	By amos: of Jan: Interest on			
	W. H. City Bonds	" "	690 00	
" July "	" do " July do. do	" "	690 00	
" Nov: 8	To Cash paid Shff. of Nantsemond			
	County, taxes for 1861, per			
	tax bill & rect.	\$ 380 43		
" " "	By One year's Interest on \$11,049 49	\$ 662 97		
" " "	To 5 per cent Comms: on \$2860:05	143 00		
" "	Balance due The Estate		13,023 79	
			<u>\$11,577 30</u>	
			<u>\$13,909 54</u>	
			<u>\$13,909 54</u>	

1861. Nov: 8	By Bal. of Prind: due Estate brot. Down	" "	\$ 13,023 79	
" " "	" do " Int: do. do	\$ 11,577 30	" "	
" " 11	To Cash paid Jno. R. Kelly, per bill rect.	\$ 330 37		
	amos: carid forward	\$ 11,577 30	\$ 330 37	\$ 13,023 79

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1861. Nov: 11	Amos. Bro: forward	^{Int} \$1157.30	\$330 37	\$13.023 79
" " "	To Cash paid Clk of Southampton			
	Cir: & Co. Courts, per tickets		17 93	" "
" " 24	" do. do. Rich ^d H. Baker Jr	" rect	60 00	" "
" " 25	" " " Costs of this suit except attor:			
	fees & Taxes, up to decree of			
	Octo. Term 1861 per rect		169 10	" "
" " " "	Clk: of Hantsmen & Co. Contable		3 00	" "
" " 30	" " " Shff: Southampton tickets		12 02	" "
" " "	By Cash of Wm. D. Bryant, in part			
	Payment of Note		" "	100 00
1862. Jan: 15	" Amos: of Jan: Interest on Harfo:			
	City Bonds		" "	690 00
" Feb: 7	To Cash paid T. E. Langston, an			
	appraiser of the Estate, per rect		3 00	" "
" " 23	" do. do. James Willard, per decree			
	of Octo. Term 1861, princ: & int: per			
	rect		2843 75	" "
" March 20	By amos: of Saml. H. Winborne's note		" "	615 54
" " "	To Cash retained to pay State &			
	Confederate Taxes		1000 00	" "
" April 16	By amos: of Abram Riddick's \$15.747.18 Bond		" "	18966 08
" " "	" do " Same's \$664.67 do		" "	899 96
" " "	" " " Same's \$507.33 "		" "	702 40
" " "	" " " W. K. Willoughby's \$175.00 "		" "	241 06
" " "	" " " Saml. H. Holland's \$142.93 "		" "	214 82
" " "	" " " Jas. A. Wonnell's \$134.00 "		" "	232 82
" " "	" bal: Jno. B. Jenkins \$3106.07 "		" "	3304 57
" " "	" " " Same's \$102.07 "		" "	164 58
" " "	Amos. Car'd forward	^{Int} \$1157.30	\$4439 17	\$39.155 62

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1862. April 16	Amos. Bro: forward	^{Int} \$1157.30	\$4439 17	\$39.155 62
" " "	By amos: of John B. Jenkins	\$175.00 note	" "	241 06
" " "	" do " Same's	\$94.95 do	" "	153 10
" " "	" " " Same's	\$90.00 "	" "	145 12
" " "	" " " A. W. Norfleet's	\$95.62 "	" "	115 62
" " "	" " " bal: Wm. D. Bryant's	\$632.00 "	" "	582 77
" " "	" " " do. Gillette & Peltow's	\$401.25 "	" "	258 73
" " "	" " " Abram Fowler's	\$250.00 "	" "	215 05
" " "	" " " Edw. Howell's	\$301.38 "	" "	453 29
" " "	" " " Jo: S. Granberry's	\$162.70 "	" "	245 59
" " "	" " " Edw. B. Hunter's	\$141.00 "	" "	975 92
" " "	" " " Jas. H. Daughtrey's	\$704.00 "	" "	1006 25
" " "	" " " Saml. E. Smith's	\$750.00 "	" "	1010 63
" " "	" " " Cyrus E. Wonnell's	\$1000.00 "	" "	1313 00
" " "	" " " Richard H. Baker's	\$1500.00 "	" "	1976 25
" " "	" " " B. T. Spiers	\$1200.00 "	" "	1797 00
" " "	" " " Same's	\$1350.00 "	" "	2102 63
" " "	" " " Same's	\$825.00 "	" "	1284 94
" " "	" " " Edw. R. Hunter's	\$2306.95 "	" "	3512 33
" " "	" " " bal: Amos R. Handell's	\$700.00 "	" "	289 77
" " "	To Comm: at 5% pr: Cl: on	\$44,113.88		
	Receipts since annual rect		2205 69	" "
" " "	By int: on \$13.023.79 fr 8 th Nov. 1861.	\$341.95		
" " "	To This sum to balance acco: (Int)		50492 81	" "
		^{Int} \$1499.25	\$57.137 67	\$57.137 67
1862. April 16	By Balance of Princ: due Estate			
	brot: down		" "	\$50.492 81
" " "	do. do. " Int: do. do. do		" "	1499 25
" " "	Total Bal: due Estate		" "	\$51.992 06

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Continuation of Ecclesiastical Account, having
reference entirely to the negroes of said Estate.

1860. Decr. 31.	By Balance due the Estate, on former acco: from negro hired, in the hands of said Representatives. (Print).	\$5.77 34	
" " " "	do. do. do. (Interest) \$180.57		
1861. Nov. 11	To Cash paid Dr. Ro. W. Doled, per bill & recd.	\$35 00	" "
" Decr. 30	do. do. Elijah Jones, for keeping old woman Martha & Bettie & two children, for 1861 do. do.	80 00	" "
" " " "	do. do. Wm. D. Bryant, do. do. Hannah & Sarah & two children	107 00	" "
" " " "	do. do. Hardy Janegain do. do. Absley & children, Joshua & Mary	60 00	" "
" " " "	do. do. Josiah W. Johnson do. do. Barbara & three children	24 50	" "
" " " "	do. do. P. H. Fowler do. do. Martha & five children do. do.	85 00	" "
" " " "	do. do. Elijah Jones, per bill & recd.	2 50	" "
" " " "	do. do. James Willard for keeping Lucinda, Bettie & 4 children, Martha & 2 children, Parmat & 2 children & Aggie do. do.	225 00	" "
" " " "	do. do. R. F. Willard, for J. H. Croft, for keeping Abram & Edith do. do.	55 00	" "
" " 31	By negro hired for 1861 to wit Hire of Mary (Waggoner)	81 00	
	Amos. Carried forward	\$180.57	\$674 00 \$5852 34

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1861. Decr. 31	Amos. Bro. forward	\$180.57	\$674 00 \$5852 34
	By hire of Jane & child Jakeney	22 25	
"	do " Junius infirm (even)	00 00	
"	do " Susannah & child & Luciente (even)	00 00	
"	do " boy George	60 00	
"	do " Ambrose	81 50	
"	do " Sanison	55 00	
"	do " girl Annis	15 00	
"	do " Man Isaac	72 00	
"	do " Man Jim	125 00	
"	do " woman Ednie & ch. Haul (even)	00 00	
"	do " boy Anderson	100 00	
"	do " woman Ruby	35 00	
"	do " boy Erasmus	61 25	
"	do " Elijah	30 50	
"	do " girl Emily	20 25	
"	do " boy Nathan	30 25	
"	do " girl Rebecca	18 00	
"	do " Rosa	36 75	
"	do " woman Charlotte	42 50	
"	do " boy Henry	50 00	
"	do " Gilbert	100 00	
"	do " old man Cary (even)	00 00	
"	do " woman Judith & child Cornelia	20 00	
"	do " girl Eliza	20 25	
"	do " woman Sallie midwife (even)	00 00	
"	do " Tempe	44 50	
	Amos. Carried forward	\$180.57	\$674 00 \$6892 34

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1861. Decr: 31	Amos: Brot forward	^{Int.} \$180:57	\$674 00	\$6892 34
	By hire of girl Sallie (of Barbara)	" "	31 25-	
	" do " woman Amelia & children	" "		
	Catharine & William	" "	25 50	
	" do " boy Anthony	" "	100 00	
	" " " " Navy	" "	26 50	
	" " " woman Harriet (even)	" "	50 00	
	" " " Elizabeth & child Harriet	" "	20 00	
	" " " Navy Peter	" "	41 00	
	" " " boy Nehemiah	" "	50 00	
	" " " man Jackson for half of the	" "		
	year, having due 1st July 1861	" "	62 50	
	" " " boy Marion	" "	100 00	
	" " " girl Aggie	" "	40 00	
	" " " Hannah	" "	42 50	
	" " " boy Anthony	" "	85 00	
	" " " " Dick	" "	55 25-	
	" " " girl Matilda (odd even)	" "	50 00	
	" " " man Peter	" "	80 00	
	" " " Samson	" "	85 00	
	" " " Abram	" "	85 00	
	" " " Tom Porter	" "	100 00	
	" " " Simon	" "	80 00	
	" " " Taylor	" "	80 00	
	" " " Bryant	" "	80 00	
	" " " Luke	" "	75 00	
	" " " Washington	" "	85 00	
	Amos Carried forward	^{Int.} \$180:57	\$674 00	\$8321 84

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1861. Decr: 31	Amos: Brot forward	^{Int.} \$180:57	\$674 00	\$8321 84
	By hire of man Eley	" "	85 00	
	" do " do Prince	" "	85 00	
	" " " " Joshua	" "	80 00	
	" " " " Henry	" "	85 00	
	" " " " Jacob	" "	70 00	
	" " " " Hardy	" "	85 00	
	" " " old woman Charlotte	" "	17 25-	
	" " " girl Harriet	" "	13 00	
1862. Jan: 2	To Cash paid Dr. J. C. Goodman, per bill & recd		3 50	" "
" " " "	do do Dr. R. C. Everett do do		5 00	" "
" " " "	do do Dr. R. H. Webb " "		3 75-	" "
" " " "	do do Wm. H. Croft, for keeping			
	old woman Lavinia & 2			
	children for 1861		40 00	" "
" March 10	Dr. H. M. Smith, per bill & recd		31 00	" "
" " 15	Dr. Wm. H. Lee do do		3 00	" "
" " "	Sam. R. Hunter, for			
	services rendered as Comptroller			
	in dividing negroes		25 00	" "
" " "	Justin Rawls do do		25 00	" "
" " "	Arthur E. Hall " "		25 00	" "
" " "	Adolphus H. Jones " "			
	for drawing up report		35 00	" "
" Apr: 16	To 5 per cent Comm: on \$3070.75		153 53	" "
" " "	By int. on \$5771.34 fm: 31st Decr: 1860		\$447 25	" "
" " "	To Balance due the Estate of negro Lived		7818 31	" "
	Amos: Carried forward	^{Int.} \$627:82	\$8542 09	\$8542 09

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1862. April 16. Amos: Brot. forward. ^{Int:} 627.82 \$8.842.09 \$8.842.09

1862. April 16 By Balance of negro hired due Estate
brot. up. " \$7.818.31
" Interest - acco: brot. up & added " 627.82
Total Amos: due Estate on this acco: (negro hired) " \$8.446.13

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An Account of all Public Stocks in the hands
of the Executor and Executrix of Hardy Crofs deceased

Norfolk City Stock (par value) " \$23,000.00

Which is to be distributed agreeably
to the Testator's Will, as follows:

To Mrs. Martha W. Crofs	1/4	\$5,750.00	"	"
" Richard Dillard & Mary L. his wife	1/4	\$5,750.00	"	"
" James Dillard & Sarah J. his wife	1/4	\$5,750.00	"	"
" Thomas Hardy Crofs	1/4	\$5,750.00	"	"
		<u>\$23,000.00</u>	<u>\$23,000.00</u>	

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No. 1 Special Statement made up at the request of the Plaintiffs' Attorney, shewing the net amount of hires of those negroes assigned to the several parties, by Commissioners Adolphus H. Jones, Justin Rawls, Arthur E. Hall and Samuel R. Hunter:

By amo. of hires of the negroes assigned to Thomas Hardy Croft (for 1859) }
" " \$2255 40
Less expended " " 521 62
Net amo. " " \$1734 78

By amo. of hires for 1860 \$2090 79
Less expended " " 587 51
\$1503 28

By amo. of hires for 1861 \$1824 52
Less expended " " 670 73
\$1153 79
\$4391 85

By your ratable share of \$627.82 int. due on acct. of negro hires }
" " 352 86
Total amo. due Tho. H. Croft " " \$4743 91

(page 11)

No. 2 Special Statement Continued

By amo. of hires of the negroes assigned to James Willard & Sarah J. his wife (for 1859) }
" " \$1219 43
Less expended " " 192 05
Net amo. " " \$1027 38

By amo. of hires for 1860 \$1234 59
Less expended " " 205 41
\$1029 18

By amo. of hires for 1861 \$991 67
Less expended " " 244 33
\$747 34
\$2803 90

By your ratable share of \$627.82 }
Int. due on acct. of negro hires " " 225 81
Total amo. due James Willard & wife " " \$3029 71

No. 3 By amo. of hires of the negroes assigned to Richard Willard & Mary L. his wife (for 1859) }
" " \$359 16
Less expended " " 111 82
Net amo. " " \$247 34

By amo. of hires for 1860 \$361 87
Less expended " " 132 45
\$229 42

By amo. of hires for 1861 \$254 55
Less expended " " 108 72
\$145 83
\$622 59

By your ratable share of \$627.82 int. due on acct. of negro hires }
" " 45 92
Total amo. due Richard Willard & wife " " \$672 51

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No. 4 Statement

1862. April 16th By Balance in the hands of the Executors
for distribution (See page 3) } " \$51.992 06
which should be distributed agreeably
to the 25th. Clause of the Testator's Will,
as follows:
To Martha W. Crofs, widow of dec'd. (1/4) \$12.998 01 1/2 " "
" Richard Willard & Mary L. his wife (1/4) \$12.998 01 1/2 " "
" James Willard & Sarah J. his wife (1/4) \$12.998 01 1/2 " "
" Thomas Hardy Crofs. (1/4) \$12.998 01 1/2 " "
\$51.992 06 \$51.992 06

No. 5 Statement

1862. April 16th By amo. of negro hired, in the hands of
the Exors., for distribution (See page 8) } " \$8.446 13
which, according to the view taken by your
Commr. should be divided agreeably to
the 27th. Clause of the Testator's Will
as follows:
To Richard Willard & Mary L. his wife. { \$ 672 51 " "
(See Statement No. 3. page 11)
To James Willard & Sarah J. his wife { \$3029 71 " "
(See Statement No. 2 page 11)
To Thomas Hardy Crofs. { \$4743 91 " "
(See Statement No. 1. page 10)
\$8.446 13 \$8.446 13.

In The Clerk's Office of Nausemond Circuit Court
The 27th. day of May 1862.

The foregoing writing contained in pages from 1
to 12, both inclusive, is a true extract from the Report
of Commr. Prentiss, filed on the 15th. day of April 1862,
in the Chancery Cause pending in said Court,
wherein Martha W. Crofs & Edwin Smith, Ex. & Adm. of Col
Hardy Crofs dec'd. are Plaintiffs, and James Willard & Sarah
Jane, his wife & also are Defendants; and Thomas Hardy Crofs, an
infant &c. is Plaintiff, and Martha W. Crofs, in her
own right, as Legatee &c & others are Defend-

ants.

Exam'd

Teste,
Peter B. Prentiss. Clerk

Col. Hardy Croft's Elms. ^{2nd}

¹¹
25
Dillard & Co
and
Croft, by & Co
¹¹
25
Extract from
Comments 2nd
Report

Col. Hardy Croft, Elms. &

(X)

In the event of our being
able to secure the office
of the Transatlantic
of the Croft's Elms. we will
be able to have the
copy of the book in the
form of the 2nd volume
of the Croft's Elms. -
at the same time we can
have the

P. P. P. P. P.
Mar. 27th 1869

At a Circuit Court held for Nansemond County the 15th day
of October 1861.

Martha N. Crofs and Edwin Smith, Executrix and Executor of
the Last Will and Testament of Col. Hardy Crofs deceased, and the
said Martha N. Crofs, in her own right, as Legatee of said
Testator. Plaintiffs

Against

James Dillard and Sarah Jane, his wife, Richard Dillard
and Mary Louisa, his wife, and Thomas Hardy Crofs, Mary
Effa Smith, and Margaret Maria Smith: the last three, infants. Defendants

And

Thomas Hardy Crofs, an infant, under twenty-one years
of age, and a son and legatee of Col. Hardy Crofs deceased,
being by Richmond F. Dillard, his guardian and next friend. Plaintiff

Against

Martha N. Crofs, in her own right as legatee of said deceased,
and Edwin Smith, in his own right as legatee of said deceased,
and the said Martha N. Crofs and Edwin Smith, as Executrix
and Executor of said Col. Hardy Crofs deceased: Richard Dillard
and Mary Louisa, his wife, James Dillard and Sarah Jane,
his wife, Henry B. Councill and Sarah Frances Councill,
his wife, William B. Daughtrey, Prudence Williams,
Samuel R. Hunter, Justin Rawls and Sarah Rawls, his
wife, Martha Smith, Isaac Williams and Margaret
Williams, his wife, who was Margaret Crofs, Martha
Susan Eley, Edwin Crofs and Mary Crofs, his wife, Henry
Rawls and Nancy Rawls, his wife, John Smith and
Elizabeth Smith, his wife, Marmaduke F. Daughtrey,
Sally Ann Crofs, William H. Crofs, Samuel E. Smith
Patrick H. Daughtrey and Susannah Pratt, and
Mary Effa Smith and Margaret Maria Smith: the
last two infants. Defendants

These Causes came on this day to be again heard on the papers
formerly read and on the Report of Commissioner Peter B. Prentiss,
made pursuant to the decree of Norfolk City Circuit Court, made

on the 14th day of January 1861, to which report there is no exception, and was argued by Counsel: On Consideration whereof, the Court doth adjudge, order and decree, that the Legacy of Ten Thousand Dollars to Sarah Jane, daughter of the Testator and now wife of James Dillard has been deemed and cancelled to the amount of Seven Thousand ^{and} five hundred dollars, by the Testator, and that the Executors of Hardy Crofs, the Testator, pay to the said James Dillard and Sarah Jane, his wife, the sum of Two Thousand five hundred dollars, with interest thereon from the 8th day of November 1859, in full satisfaction of the Legacy of Ten Thousand Dollars, in the third Clause of the Testator's Will. And the Court doth further adjudge, order and decree, that the negro slaves placed under the control of James Dillard aforesaid by the Testator in his life time, are the negroes of James Dillard, in fee without any condition or limitation, and which negroes are as follows, as appears by said report, on page 5, to wit: Meley, Louisa, Henrietta, Peter, Mary, Amy, Jackson, Wiley, Ben, Nazareth, Anna, Lewis, Calvin, Augustus, Albarque, Lavinia, Margaret, Georgianna, Israel, Rhoda, Sam, Brunswick, Daniel, Lavinia, Fanny, Jonas, Noel, Israel Sr., Eliza, Vina, Mary, Adalaucy, John, James (and an infant). And the Court doth further adjudge, order and decree that Adolphus H. Jones, Justin Rawls, Arthur E. Hall, Lemuel R. Hunter and John Oberly (any three of whom may act) be and they are hereby appointed Commissioners for that purpose, proceed to divide the negro slaves in the possession of Edwin Smith and Martha W. Crofs, Executor and Executrix of Col. Hardy Crofs deceased, into three equal parts, taken in connection with the value of ^{the} said slaves decreed to James Dillard hereinbefore named, and those now in possession of Richard Dillard as hereinafter named, and assign one third in value, taken together with the value of the slaves above decreed to him, to James Dillard and Sarah Jane, his wife, to be held on the terms, conditions and limitations set forth in the 27th Clause of the Testator's Will; and also assign one other third part thereof, in value, taken together with the value of the slaves in the possession of Richard Dillard, unto the said Richard Dillard and Mary Louisa, his wife, to be held on the terms, condi-

tions and limitations set forth in the 27th Clause of the Testator's Will; and the other third part thereof to Thomas Hardy Crofs, subject to the limitations, terms and conditions of the said Testator's Will; and which slaves thus to be divided, are as follows: Davy Porter, Harriet, Elizabeth, Nehemiah, Lucinda, John, Warren, Aggy (9), Betsey and four children, Willis, Martha and two children, Parma and two children, Jackson, Hannah, Anthony, Dick, Aggy (0), Matilda, Davy (0) Charles, Phillis, Abela, Albert, George, Ambrose, Garrison, Annis, Isaac, Jim, Hannah, Sarah, Willis (2), Walter, Edney, Allen, Anderson, Ruby, Erasmus, Elijah, Emily, Daniel, Betty, Pawheba, Rosa, Sally (0) Cary (0) Judy, Eliza, Ellen, Cornelia, Sally (9), Martha, Patterson, Lucinda, Cassandra, Jefferson, Taylor, Tenipe, Harriet, Nathan, Barbara, Kedar, Sallie, Menarie, Eric, Udosha, Jane, Martha Jackson, Junius, Angeline, Joshua (2), Davy (4), Abram (old), Edith (old), Susannah, Sampson, Abram, Tom Porter, Simon, Taylor, Briant, Rebecca, Chaney, Melania, Charlotte, Henry, Cate, Isaiah, Gilbert, Caroline, Lucy, Luke, Washington, Ealey, Prince, Joshua, Henry, Lavinia, Mely, Anthony, Mary, Wisa, Catharine, Mary, Harry, Oscar, Peter, Jacob, Hardy Jackson, and any other born since the above list was made. That in making such division, the value of the slaves just enumerated and the value of those decreed to James Dillard and the value of those in possession of Richard Dillard be added together, and one third in value of the whole be assigned as above directed - and, that unless the said James Dillard and Richard Dillard shall produce before the said Commissioners, all the slaves in their possession above referred to, that, then, and in that case, they will take as the value of those in the possession of James Dillard, the sum of Fifteen Thousand Six Hundred dollars, and of those in possession of Richard Dillard, the sum of Thirty-Two Thousand Dollars, and which negro slaves, in the possession of Richard Dillard, and to which he is entitled in fee, without condition or limitation, are as follows: Bear Swamp Jack, Charlotte Sparkman, Fanny and children Caroline, Ella and Norman; Hester and children Lucy, Malissa and John, Martha, Mary, Tom, Harriet, Brown, Lucy, Phillis and children Anthony, Isaac, Violet and Harriet, Ben, Hester and

children Wamen, Malvina and Alfred, Rachel and children Prince,
Charles, Martilla, Augustus, Barsha, Junius, Lavinia, Rose, Alice, Emily
and Justin, Henry, Pleasant, Elias, Eliza, Charlotte and Clive, Josiah,
Willis-Daughtrey, Felicia-Daughtrey, Selvy and Child Frances, William
and Julia; and also Jacob, Dempsey, Rose and child Anna, Lizzie,
Clinton and Ruby, and any increase since the above list was made.

And the Court doth further adjudge, order and decree, that Account
No: 4, of said Report, being an account of the transactions of said
Executors be referred back to said Commissioner Prentiss, who is
hereby directed to take the same as prima facie correct, and to
make up a further account of the transactions of said Executors,
as also an account of all public stocks, in the hands of said
Executors, and a statement or legatee account shewing how
all the moneys and stocks in the hands of said Executors
should be paid out and distributed under the Testator's Will.

And the Court doth order that the costs of the above Causes
be paid by said Executors out of the Testator's estate in their
hands; and the aforesaid Commissioners will report their
several proceedings under this decree to Court, with any
matters specially stated, deemed pertinent by them or which
any of the parties may require to be so stated.

A Copy:

Teste,

Peter B. Prentiss, Clerk

Memorandum

This decree although satisfactory so far as it goes does not
decide the questions raised by the answer as to D. D. Belland's claim
to slave Charles (who was killed) and Bell-Ely, and a
woman Maria portion of the slaves given to his wife
by deed of 1841. - In Charles the Testator received a Bond
of \$800 which executor now holds. The Bond of Rodrick
telling which D.D. claims as a substitute for the slaves.

To the Circuit Court of Hansemond County

The undersigned acting Executor of Col. Hardy Croft deceased, reports to Court, That on the 15th of April 1862, Commissioner Peter B. Prentiss filed a Report in the Chancery cause pending in said Court wherein Martha N. Croft & Edwin Smith Ex. & Est. of Col. Hardy Croft deceased are plaintiffs and James Dillard wife others defendants, shewing the amounts due the Legatees under said Testator's will not paid (and the amount of Norfolk City stock to which each party was entitled - That the war breaking out immediately thereafter, no Court has been held since to make further order in said case, and in the mean time the negroes have been freed by the result of the war, and the securities of the estate greatly impaired - That anticipating the action of the Court, and to close up as far as possible while the danger of the war existed he proceeded to pay a part of the Legatees the shares apportioned to them and to take their receipts, and has recently made a Report of the same & filed it in the cause, but which together with his vouchers (as a part of them were burnt on 7th Inst. (Feb. 1866) by the burning of the Clerk's office - But fortunately having an official abstract of said Report he now proceeds to make a further Report of his payments & files herewith said official abstract, as also a copy of the report of the Commissioner who divided the slaves & also an unofficial copy of the Amended Bill in said cause - all which will enable the Court to dispose of the cause

all questions arising under said will having been disposed of & no exceptions filed thereto or to the Reports aforesaid —

I paid to Martha W. Croft, widow of said deceased & a Legatee and took her receipt for the same, the sum reported as her share by said Com. Prentiss' Report — to wit.

\$12,998.01 1/2

I paid Richmond Willard guardian of Thomas Hardy Croft, do. and also the further sum of —

{ 12,998.01 1/2

4,743.91

I paid Jas. Willard & Sarah J. his wife do. per ret. filed and also the further sum of

{ 12,998.01 1/2

3,029.71

\$46,767.66 1/2

and paid Richard Willard trustee \$2000.00 and have set apart the following Bonds &c. also for Richd Willard & Mary his wife — to wit.

Mrs. B. Atkins, bond \$4008.43 — A. D. Wilbome \$395.62 — M. H. McRuffin \$241.66 — M. S. Davis & Co. small \$489.89 — M. S. Gresham \$245.59 — B. J. Spier \$2102.63, Mr. B. Daugherty \$93.49 — E. W. B. Hunter \$975.92 — Jas. A. Warren \$232.82 — Abram Hunter \$215.05 — Jas. Catelburg \$76.38, Sil. P. Daugherty \$76.21 — Mrs. B. Daugherty \$131.68. S. H. McKee \$327.13 — ^{all making the sum of} Chas. M. Suffolk Savings Bank \$2105.62 \$13,670.52

The Norfolk City Stock is still on hand & he asks

that a decree may be made to distribute the same to the parties entitled as per said Report

Respectfully submitted

Edwin Smith, Esq. of
Hardy Croft decd.

Feb. 11, 1866

Stamford Co 8th July 27th 1866 Recd This day of
Rev: Edwin Smith & Mrs M. H. Cross with in full of
my interest in Est of Hardy Cross dect. exapling. So
much of the bond or City of Norfolk as may be due
me, and my interest in other papers, held by said
parties, deemed of doubtful value

La. S. Dileand



Lar vicinus
Rell.

Handwritten text in a cursive script, likely a list or account, written vertically in columns. The text is faint and difficult to decipher, but appears to contain names and possibly dates or measurements. The columns are arranged from right to left, with the rightmost column being the most legible. The text is written in dark ink on aged, slightly stained paper.

Comp. En. Sal.

n 3

Dillard Sirfe Sal

Report of payments
made by Enr. to
Legation.

1866.
Fely: 16th: Filed

Pursuant to a decree made at a Circuit Court held for the County of Nansemond the 15th day of October 1861, We Adolphus H. Jones, Justin Rawls, Arthur E. Hall and Samuel R. Hunter Commissioners named in said decree, and for purposes therein expressed, proceeded on the 20th day of December 1861, to value the slaves, in the possession of Edwin Smith and Martha N. Croft, Executor and Executrix of Col. Hardy Croft dec'd taken in connexion with the value of the slaves in the possession of James Dillard, and also the slaves in possession of Richard Dillard, and to divide into three equal parts the said slaves, as in said decree directed, which valuation is as follows:

Dary Porter, valued at	250	Amount brot forward	\$9750
Harriet " "	000	Annis valued at	400
Elizabeth & Child Harriet "	600	Isaac (B.S) " "	200
Rehennah " "	700	Jim " "	350
Lucinda " "	000	Hannah (blind) minus \$200	000
Darwin " "	700	Sarah and 3 children, to wit	
Aggy (y) " "	500	Edner	1000
Betsy & 5 children, to wit		Edney And child Daniel	450
Georgianna, Lucy, Aaron, Lydia		Anderson " "	700
Rachel " "	1500	Ruby " "	500
Martha & 3 children, to wit		Erasmus " "	650
Kelly, Mary & Margaret	850	Elijah " "	500
Panna & 2 children, to wit		Emily " "	400
Nathan and ~~Aggy~~ ^{Levin}	800	Betty & 3 children, to wit	
Hannah " "	500	Rebecca, Charney & Malona	900
Anthony " "	600	Barkesba, minus \$100	000
Dick " "	600	Rosa " "	550
Aggy (old) minus \$100	000	Sally " "	150
Matilda (Idiot) " "	000	Cary (old) minus \$100	000
Dary (Waggoner) " "	200	July " "	225
Abela (old) minus \$100	000	Eliza " "	450
George " "	600	Cornelia " "	300
Ambrose " "	700	Sally " "	500
Sanibers " "	650	Martha " "	350
Amount Carried forward	\$9750	Amount Carried over	\$18325

Amount brot. over 18325		Amount brot. forward	\$25900
Patterson, valued at	350	Simon, valued at	600
Lucinda " "	200	Taylor " "	700
Cassandra " "	200	Briant " "	700
Jefferson " "	250	Rebecca " "	450
Taylor " "	200	Charlotte (old) " "	150
Temple " "	350	Henry " "	700
Harriet " "	350	Elbert " "	700
Nathan " "	500	Luke (old) " "	250
Barbara " "	350	Washington " "	700
Manarie " "	400	Eley " "	700
Eve " "	300	Prince " "	700
Udoshia " "	200	Joshua " "	450
Jane " "	400	Henry " "	300
Jackney " "	275	Lavinia " "	900
Junius " "	000	Mealy & Child William " "	600
Joshua " "	300	Anthony " "	750
Dary " "	250	Catharine " "	350
Abram (old) minus \$150	000	Mary " "	350
Edith (old) minus \$100	000	Henry " "	600
Susanna and 2 children		Oscar " "	500
to wit: " "	750	Peter " "	700
Sampson " "	550	Jacob " "	250
Abram " "	700	Hardy " "	750
Tom Porter " "	700	Charlotte (old) minus \$50	000
Amount carried forward \$25900		Total valuation in poss. of Ed & F.	\$37850

Your Commissioners then proceeded to value the slaves in the possession of James Willard, which valuation is as follows:

Calvin, valued at	700	Amount brot. up	\$3450
Israel " "	700	Albuzeps valued at	500
Noah " "	700	John " "	400
Nazra " "	650	James " "	200
Ben " "	200	Louisa " "	500
Augustus " "	500	Henrietta " "	300
amt. carried up	\$3450	Amount carried forward	\$5350

Amount brot. forward	\$5350	Amount brot. up	\$9350
Georganna valued at	300	Adalancy valued at	500
Lavinia " "	300	Mary " "	400
Viney and 3 children " "	600	Amey and 2 children " "	650
Myla and 2 children " "	700	Lavinia " "	250
Mealy and 2 children " "	700	* Sally and 2 children	450
Jackson " "	300	Rhoda " 3 children	700
Peter " "	300	Anna " 1 child	450
Sam " "	300	Eliza " "	300
Mary " "	500	* Omitted in the Decree	\$13050
Amount carried up	<u>\$9350</u>		

Your Commissioners then proceeded to value the slaves in the possession of Richard Willard, which valuation is as follows:

Harison valued at	650	Amount brot. up	\$9050
Brown " "	500	Pleasant, valued at	500
Jack (Bear Swamp) " "	500	Caroline " "	400
Hempsey " "	250	Barshaba " "	450
Elias " "	500	Frances " "	450
Tom " "	650	Rena " "	300
Prince " "	700	Lucy " "	300
Charles " "	650	Anna " "	300
Ben " "	700	Charlotte " "	250
Joshiah " "	550	Lizzy " "	500
Willis Daughley " "	500	Felix Daughley - \$100	000
Jacob " "	400	Lizzie " "	450
Henry " "	600	Augustus " "	500
Nelson " "	300	Mary " "	500
Junius " "	500	Roe Sr. " "	300
Clinton " "	250	Rachel " "	550
Warren " "	250	Roe Jr. " "	250
William " "	250	Silvy " "	700
Anthony " "	200	Hester " "	400
Isaac " "	200	Melissa " "	250
Eliza " "	450	Hester " "	550
amt. carried up	\$9050	amt. carried forward	\$17250

Amount brot. forward	\$17250	amt brot. up	\$19450
Phillis valued at	700	Clive valued at	200
Fanny " "	850	Charlotte " "	000
Martha " "	650	Martella " "	325
amt. carried up	\$17450		\$19975

Total value of slaves in the possession of the Ex ^{rs} & Ex ^{ts}	\$37850
" value of slaves in the possession of James Dillard	13050
" value of slaves in the possession of Rich ^d Dillard	19975
	\$70875
" Amount of expensive slaves	1100
" Aggregate value of slaves in the foregoing lists	3 \$69775
One third of the total valuation of the slaves	\$23258 1/3

Your Commissioners then proceeded to set apart and assign to James Dillard the aforesaid slaves decreed to him, amounting in value to \$13050

Also the following slaves were set apart and assigned to James Dillard and Sarah Jane his wife, to be held on the terms, conditions and limitations set forth in the 27th. Clause of the Testator's Will, which slaves and their valuation is as follows:

Anderson valued at	700	Amount brot. up	6100
Prince " "	700	Anthony valued at	600
Hardy " "	750	Davy " "	350
Samppson " "	550	Rebecca " "	450
Simon " "	600	Elija " "	450
Davy Porter " "	250	Sally " "	500
Edmund " "	300	Judy " "	225
Jacob " "	250	Cornelia " "	300
Nehemiah " "	700	Sarah and three children	
Henry " "	700	to wit	1000
Harby " "	600	Miley & child William	600
amt. carried up	\$6100	Harriet & Jennie	000

James Dillard's Total valuation of Slaves \$23625
Leaving a balance due from said Dillard of \$364.66 2/3

Your Commissioners then proceeded to assign to said Dillard & wife the following expensive slaves, to wit: Charlotte (G^d) \$150, Hannah \$200, and Absela \$100. making 350.00
\$16.66 2/3

Your Commissioners then proceeded to set apart and assign to Richard Dillard and Mary Louisa, his wife, the aforesaid slaves, which were decreed to the said Richard Dillard & wife, which slaves and their valuation as before stated amounts to \$19975

Also the following slaves were set apart and assigned to the said Richard Dillard and Mary Louisa, his wife, to be held on the terms, conditions & limitations set forth in the 27th. Clause of the Testator's Will, which slaves and their valuation is as follows:

Abram valued at	700	Amount brot. up	\$2325
Briant " "	700	Betty and 3 children	
Erasmus " "	650	to wit	900
Jackney " "	275	Jane	400
	\$2325		\$3625

Richard Dillard's Total valuation of Slaves \$23600
Leaving a balance due from said Richard Dillard of \$341.66 2/3

Your Commissioners then proceeded to assign to said Dillard & wife, the following expensive slaves to wit: Barshaba \$100, Felicia Naughtly \$100 and Charlotte Sparkman \$100. making 300.00
\$41.66 2/3

Your Commissioners then proceeded to set apart and assign to Thomas Hardy Croft the slaves before named, subject to the limitations, terms and conditions of the said Testator's Will, which slaves and their valuation is as follows:

Darien valued at	700	amt. brot. up	\$1400
Tom Porter " "	700	Dick valued at	600
Jay lor " "	700	George " "	600
Washington " "	700	Ambrose " "	700
Eley " "	700	Garrison " "	650
Anthony " "	750	Gilbert " "	700
Peter " "	700	Elijah " "	500
Joshua " "	450	Nathan " "	500
Davy (Waggoner) " "	200	Oscar " "	500
Leaac " "	200	Patterson " "	350
Joim " "	350	Jafferson " "	250
Licki " "	250	Jay lor " "	200
amt. carried up	\$1400	Amount carried forward	11950

Amount bro. forward	\$11950		
Joshua valued at	300		
Navy " "	250		
Aggy " "	500		
Hannah " "	500		
Annid " "	400		
Ruby " "	500		
Emily " "	400		
Rosa " "	550		
Manarie " "	400		
Lucinda " "	200		
Cassandra " "	200		
Eve " "	300	amt. bro. up	\$21950
Udosa " "	200	Sally (old) valued at	150
Catharine " "	350	Martha " "	350
Belley & 5 children, being		Templey " "	350
Georgeanna, Lucy, Asa		Barbara " "	350
Lysia & Rachel	1500	Charlotte " "	150
Elizabeth & child Harriet	600	Lavinia " "	000
Martha & 3 children, being		Matilda " "	000
Nelly, Mary & Margaret	850	Lucinda " "	000
Pamela 2 children, being		Abram " minus \$150	
Nathan & Perry	800	Eddy " minus \$100	
Edney & child Daniel	450	Cary " minus \$100	
Susanna and 2 chd.		Aggy " minus \$100	
to wit	750	Harriet " *450	350
	\$21950	Total of the 4. Croft's Slaves	\$23650
One third of the total valuation of the Slaves	\$23258 1/3		\$3912 1/3
		Amount of Expensive Slaves	450
			\$38 1/3

Your Commissioners beg leave to state, that the Slaves John and Brunswick, died before the division, and that Ella, Norman, John Jr. Violet, Harriet, Malvina, Alfred, Lavinia, Alice, Emily, Justin, Julia and Ruby are children, and their valuation is embraced with that of their mothers. also the following Slaves, to wit: Allen, Chalk, Daughtier, Albert, Cate, Jackson, Isaiah, Caroline, Angelina, Lucy, and Sally of Cate were devised by the will of the Testator, to Martha N. Croft; also Mary, Kedar, & Willis & Jackson were disposed of by said Testator's Will - Ellen and Nisa were not produced for valuation, but said to be

surrendered to parties, by virtue of deeds of gift.

Cost.
A. H. Jones 5 days as Comm. at \$5 per day = 25-
Justin Rawls " " " " " " " " 25-
A. E. Hall " " " " " " " " 25-
Samuel R. Hunter " " " " " " " " 25-
making up report 10
\$110

all of which is respectfully submitted

A. H. Jones
Justin Rawls
A. E. Hall Commrs.
L. R. Hunter

In The Clerk's Office of Nausemond Circuit Court, The 9th day of August 1862.

The foregoing writing, is a true copy of the Report of A. H. Jones, Justin Rawls, A. E. Hall and L. R. Hunter, Commissioners, filed on the 14th day of April 1862, in the Chancery Causes pending in said Court, where in Martha N. Croft & Edwin Smith, Exrs of Col. Hardy Croft dead & alds. are Plaintiffs, and James Willard & Sarah Jane his wife & alds. are Defendants; and Thomas Hardy Croft, an infant - Is Plaintiff, and Martha N. Croft in her own right, as Legatee & others are Defendants.

Teste,
Peter B. Prentiss, Clerk.

James

(7)

Oct 9th 1866 Recd of Edwin Smith &
Martha R Croft Exr & Executors of The Late
Hardy Croft Thirteen Thousand six hundred
& seventy dollars & fifty two cents in
full of amt due me in settlement
of said estate -

Rich Bellaid



\$ 12900 00
672.52
\$ 13,670.52

To the Hon. Richard H. Baker Judge of the
Circuit Court of Hanseman County —

The Undersigned respectfully report
to Court that pursuant to the decree made
in the chancery cause pending in said
Court of Crisp 'Exor. & v. Dillard & others' on
the 17th day of April 1866, They have paid
to Rich^d. Dillard for himself twice the
sum of Thirteen thousand, six hundred and
seventy dollars & fifty two cents = \$13,670.52
being the two amounts of

\$12,998.01 1/2 + \$672.51, decreed to be thus paid,

The Receipt for the same is filed herewith

They further Report that the Norfolk City
stock referred to in said Decree has been
 duly assigned to the parties entitled thereto
as directed by said Decree.

Respectfully submitted

Edwin Smith Exor &
Martha A. Crisp Exor
by their Atty.

crop se
n
oreland se

Report of Exam. &

filed 12th Oct. 1866.
clkg

Cross v. Cross

vs.

Dillard & wife vs.

Thomas Hardy Cross an infant &c.

vs. &

Cross v. Cross &c.

The Records in the above entitled cause having been destroyed by the fire of 7th February 1866 which consumed the Clerk's Office of this Court. it is now agreed by the parties in this cause by their Counsel. that the following certified copies of the original papers in said cause be now filed. to have same effect and force as the originals viz:

Copy Original Bill in Suit of Cross v. Dillard & wife &

Copy Will of Hardy Cross filed as an exhibit in said suit.

Copy Decree of Court from Hardy Cross to Mary Louisa Cross. filed as ^{last} above mentioned.

Copy Amended & Supplemental Bill. filed in said suit above last mentioned.

Copy Original Bill in Suit of Thomas Hardy Cross vs. Cross v. Cross.

Copy Amended Bill in said last mentioned suit.

Copy of Commissioners Report filed 12th April 1862.

Copy of Report of Commissioners & Widows Slaves returned 9 August 1862

April 16. 1866

Benjamin Taylor
Counsel for Richard Dillard & wife

John R. Kelly Counsel
for the Exor. & P. H.
Cross &c.

Agreement of
~~Att~~ Counsel

1866. Apr: 14th: Filed
clK

A Circuit Court held for Hansemond County, the 13th day of October 1866.
Martha H. Cross and Edwin Smith; Executrix and Executor of the
Last will and testament of Col: Hardy Cross deceased, and the
said Martha H. Cross in her own right as Legatee of said Testator. Plaintiffs.

Against.

James Dillard and Sarah Jane his wife, Richard Dillard and
Mary Louisa, his wife: and Thomas Hardy Cross, Mary Effa Smith
and Margaret Maria Smith: The last three infants. Defendants.

And

Thomas Hardy Cross, an infant under twenty one years of age, and
a son and Legatee of Col: Hardy Cross, deceased, suing by Richmond
F. Dillard, his guardian and next friend. Plaintiff.

Against

Martha H. Cross, in her own right as Legatee of said deceased, and
Edwin Smith, in his own right, as Legatee of said deceased, and the
said Martha H. Cross and Edwin Smith as Executrix and Executor
of said Col: Hardy Cross, deceased; Richard Dillard and Mary Louisa, his
wife, James Dillard and Sarah Jane, his wife, Henry B. Conncill and Sa-
rah Frances Conncill, his wife, William B. Daughtry, Prudence Williams
Samuel R. Hunter, Justin Rawls and Sarah Rawls, his wife, Martha
Smith, Isaac Williams and Margaret Williams, his wife, who was Mar-
garet Cross, Martha Susan Eley, Edwin Cross and Mary Cross, his wife,
Henry Rawls and Nancy Rawls, his wife, John Smith and Elizabeth Smith,
his wife, Mammaluke F. Daughtry, Sally Ann Cross, William H. Cross,
Samuel E. Smith, Patrick H. Daughtry and Susannah Pratt: and
Mary Effa Smith and Margaret Maria Smith: the last two infants. Defendants.

This cause came on this day to be again heard on the papers formerly read and
the report of payment made by Edwin Smith Executor and Martha H. Cross Executrix
of Hardy Cross, deceased, to Richard Dillard to which report there is no exception
and was argued by counsel. On consideration whereof the Court doth confirm the
proceedings had in the cause, and make the same final, and ordered that the case
be removed from the docket.

A Copy
Teste,

Peter B. Prentiss. Clerk

Crops L
2nd
Willard J.
and
Crops
2nd
Crops L

Final
Co. Decree
Octo. Term
1866

Crop v Ireland &

This cause came on this day to be heard ^{upon} on the paper formerly read & the report of payment made by Edwin Smith Exr. & Martha N. Crop Exr. of Hardy Crop dec'd to Rich^d. Ireland to which report there is no exception was argued by counsel. On consideration whereof the Court doth confirm the proceedings had in the cause & make the same final, and order that the case be removed from the docket.

Cush Sr.
M
Orelland Sr

1866

Oct & Decree

To be entered

Re. 4. 13.

(Entered)

Crop: Inver. & al.

v.

Wreld & Turpe & al.

This cause came on this day to be again heard on the papers formerly read and on the report of Comr. Prentiss filed in the cause on 15th April 1862 & marked (X) and on the report of Adolphus H. Ince, Justin Ramey, Arthur E. Haller & Lemuel R. Hunter, made pursuant to the Decree of 15th Oct. 1861 & marked (Y); and on the Report of Edwin Smith one of the executors of Hardy Crop dec'd., showing the payments made by him to the parties, of amounts reported in said Comr. Prentiss report, to which said several Reports no exceptions have been filed, and was argued by counsel. On consideration whereof the Court doth adjudge, order & decree that the said Reports, and all payments made thereunder be confirmed and that the said Edwin Smith & Martha N. Crop ^{& Executor} of Hardy Crop dec'd. pay to Richard Dreland & Mary L. his wife the Bonds & assets reserved for them as set forth in said Edwin Smith's report in full payment of the ^{sums of \$12,998.01 1/2 & of \$672.55} amounts reported as due them by Comr. Prentiss in his said Report — and the

Court with order that all costs due
and remaining unpaid, be paid
by said ^{Executor} Executor out of the assets,
heretofore reserved for that purpose,
and sixty days are allowed to said
Richard Ollard & Mary L. his wife
to show cause, against & file ex-
ceptions to this decree —

(And the said Ed Smith & Martha
N. Corp as ^{+4^x} executors aforesaid are ordered
to assign and transfer the Norfolk
City stock standing in the name of their
Testator Hardy Corp decd. to the parties
entitled thereto, as shown by Comr.
Pentis' said Report, that is to say
to Martha N. Corp \$5750 & all
interest due thereon; to Richard
Ollard & Mary L. his wife \$5750 &
all interest due thereon; to James
Ollard & Sarah J. his wife \$5750
(and all interest due thereon, &
to Thomas Hardy Corp \$5750 and
all interest due thereon, and make
up of their proceedings under
this decree to Court.

Crop En

W

Orlando Jr

1866

^{17th}
Apr. at Decree

To be entered

R. H. Baker

Entered

To the Hon: Richard H. Baker, Judge of the Circuit
Court of Hanson and County, in chancery sitting -
Complaining shew unto the Court your Complainants,
Martha H. Cross and Edwin Smith Executors and Executor
of the last will & Testament of Col: Hardy Cross deceased -
Your Complainants respectfully represent to the Court
and say, that in May last (1839), they exhibited their
Bill in chancery in this Court against James Dillard
and Sarah Jane his wife Thomas Hardy Cross, Mary
Effa Smith & Margaret Maria Smith, the last three
under twenty one year of age, having for its object the
recovery of certain negro slaves ~~therein~~^{therein} named, of James
Dillard, the said Defendant, and the ~~heirs~~^{heirs} of said negroes

And now your Complainants are advised that new
parties should be made to said suit & new facts alleged,
they therefore exhibit this amended and supplemental
Bill, and say that in addition to the facts set forth in
said original Bill, that the Testator, Col. Hardy
Cross, in placing the negroes referred to into the possession
of said James Dillard, his son-in-law, did so without
any gift of the same, and that the said negroes are and
should be held subject to the limitations and terms of
the Testator's will - That some years previous to the
death of the Testator, his daughter Mary Louisa, mar-
ried Dr. Richard Dillard, and by deed dated the 1st.
of April 1840 and duly recorded in the Register's
office of Chowan County and State of North Carolina,
where the said Richard Dillard & Mary Louisa his
wife reside, the said Testator, gives to his said daughter
Mary Louisa among other things, negro slaves, David
Roberts, Beau-swamp Jack-Nelson, Charles Sewer
Bill, Ealey, Charlotte Spackman, and four children,
Violet and three children (Philip, Ben & Hester),

Rachel and her two youngest children, Maria, Yellow Charlotte, Silvery, Cherry, Josiah, Willis Daughtrey, Felicia Daughtrey & child Silvery together with the future increase of said slaves: Also all the stock of horses, mules, cattle, hogs and sheep, then on the farm known as "Wingfield"; and all the household and kitchen furniture, then in use on said farm - a copy of which deed is filed herewith as part of this Bill & marked (A.).

That the said chattel estate, furniture & slaves were of great value; that the Testator in his life time, after the execution of said deed took charge of three of the said slaves to wit: Maria Bell and Caly, and sold them on his own account, and Charles was killed & damages received by the Testator therefor, to wit: \$800; and that Yellow Charlotte & Violet have died, and others have increased.

That the Testator by the 10th. clause of his will (a copy of which is filed with the original bill in this cause), says "Having given to my daughter Mary Louisa, some twenty five or thirty negro slaves, together with the chattel property lying and being on the "Wingfield" farm - in the County of Chowan, as per deed admitted to record in the Register's Office of said County. My will and desire, is that in the division of the residue of my estate, the above mentioned slaves, with the increase thereof since the date of the said deed; also the whole of the chattel property specified in such deed shall be taken into the account in such manner as to make the portion allotted to each of my said children equal in such division, in which the Testator reserved a life right & during that time used & consumed nearly all

the chattel estate - that the children thus alluded to are the said Mary Louisa, wife of Dr. Richard Dilland, Sarah Jane, the wife of James Dilland & Thomas Hardy Grass.

That the Testator on the marriage of his daughter Mary Louisa to Dr. Richard Dilland about seven years ago, advanced to him by way of loan, seven negroes to wit: Jacob, Dumphy, Rose & child Anna & Lizzie, Clinton & Ruby.

Your Complainants charge that the negroes placed in the possession of James Dilland, as aforesaid, and the negroes and chattel estate given to Mary Louisa Dilland by said deed and those placed, in Dr. Rich^d. Dilland's - as aforesaid are and should be subject to, and accounted for, under all the limitations, conditions and restrictions of the Testator's will, and especially of the 9th. clause of said will, and that if the said parties, claim to participate in the estate of said deceased as legatees under his will they must account for the said property, under the will aforesaid.

That the 9th. clause of said will, under which the said estate should be divided & held, is as follows: "27. The balance of my estate of every kind and description, whatever it may be, I give, and bequeath to be equally divided (as above provided for) between my three children, Mary Louisa, Sarah Jane and Thomas Hardy; the respective portions to my said two daughters to be used jointly by them and their respective husbands during their coverture and upon the happening of the death of their respective husbands, then, for the use and benefit of my said daughters (as the case may be) during her, or their respective lives, and then to her or

their child or children if any surviving at her or their death; but if either of my said daughters should die without child or children, surviving her, then her portion aforesaid, I give to be divided equally between the surviving daughter and my said son Thomas Hardy; the part to my said surviving daughter to be on the terms and conditions above named - and if both of my said daughters die without children, or at least one child surviving, I give all the estate of every kind by this clause given to such daughter, to my son Thomas Hardy and his heirs and assigns forever."

That by the 3^d clause of the said will, the Testator gives to his daughter Sarah Jane ten thousand dollars to be invested in real estate if desired."

And your Complainants state that the Testator a short time before his death to wit: about 1st. Jan'y: 1858, ^{advised} + cancelled the said legacy in part by advancing to his said daughter Sarah Jane + son-in-law James Dillard Esqr. the sum of seven thousand, five hundred dollars, to be used which was invested in land in Southampton County, and your Complainants ask the advice and aid of this Court as to the payment of said legacy of ten thousand dollars.

Your Complainants say that all the other specific legacies have been paid + provided for, except the ones contained in the 3^d, 23^d, + 24th clauses of the said will, and that they are ready to distribute the estate, and to that end they ask the aid of this Court, so that all questions arising under said will may be settled - In consideration whereof and as this Court has jurisdiction and power to grant all adequate relief: To the End therefore your

Complainants pray that James Dillard + Sarah Jane his wife, Richard Dillard and Mary Louisa his wife, and Thomas Hardy Cross, Mary Effa Smith and Margaret Maria Smith, the last three infants, may be made defendants hereto and be required to answer the several allegations in the said original and this amended and supplemental bill - That the said Richard Dillard + Mary Louisa his wife may be required to set forth the names, + ages of all the negroes given to said Mary Louisa by the deed aforesaid, and all increase of the said slaves; and a list of all the personal and chattel estate therein contained and its value when given; That a guardian ad litem may be appointed to defend the infant defendants; that all proper accounts may be had, and that the rights of all parties may be adjudicated and the estate of the Testator divided + delivered up to those entitled; and that all proper relief may be granted in the premises, consistent with right and Equity: And &c.

John R. Kilby }
R. H. Toaker } p. j.

^{x'd}
Col: Hardy Croft's Exors:

{ Copy Amended and
vs { Supplemental Bill

James Willard & wife & alio.

1866. Apr: 16th: Filed by J.
J. E. C. C. No

To the Honorable Richard St Baker Judge of the
Circuit Court of Norfolk City.

The Amended Bill of Thomas Sturdy Cross an
infant under his only one years of age and a
son and Legatee of Col. Sturdy Cross deceased serves
by Richmond F Bellard his Guardian and next
friend respectfully represents that he heretofore exhib-
ited his original Bill in the Circuit Court of
Hanseman County against Edwin Smith
Executor and Martha H. Cross Executrix of Col.
Sturdy Cross deceased James Bellard and Sarah
Jane his wife Richard Bellard and Mary
Louise his wife Mary Ella Smith and
Margaret Maria Smith the two last named
being infants the object of the said suit being
for the distribution of the slaves and other
personal Estate of said Sturdy Cross deceased ^{as directed by his will} and
to decide the title to certain slaves and moneys
in the possession of the defendants James Bellard
and Richard Bellard. That after various proce-
dings had in said cause the same was by an
order of said Circuit Court of Hanseman County
transferred to the Circuit Court of Norfolk City
where the said cause is now pending and to the
record of which your orator would beg leave to
refer.

Being advised that it is necessary to amend said
Bill and make new facts he now begs leave
by way of Amendment to the original Bill to
set forth and charge as follows:

- 1 That ~~the defendant is the~~ Martha H. Cross one of
the defendants in the said original Bill in her ~~character~~
representative character as Executrix of the said
Sturdy Cross deceased is the widow of ~~the said~~
~~Testator~~ ^{etc.} and a Legatee of said Testator under the
several clauses of the will herein to be mentioned

and should properly have been made a party to
said original Bill in his individual character and
in his own right.

That by the first clause of the will of the
said Hardy Cross deeded in the Bill mentioned and
filed therewith as an Exhibit the said Testator gave
to the said Martha A. Cross all that part of his
Estate which belonged to her previously to her marriage
with said Testator except the Bonds collected by
him - also his pleasure Carriage and horses
usually employed with the same - and one
half of the growing crops in the County of Nanse-
mond during the year he died provided he died
after the first day of March - and also one half of
his stock of Horses, Hogs, Cattle and sheep on
~~the~~ several Farms in Nansemond County.

Your orator charges that the said Hardy Cross died
after the first day of March he was on or about
the 20th September 1858 and that all the slaves
which the said Testator acquired by his marriage
with the said Martha Ann Cross and also one half
of the crops of 1858 raised or growing on the
Testator's lands in Nansemond County and of the
stock of ~~cattle~~ Horses, Hogs, Cattle and sheep on
said lands and all the other bequests in the
said Martha Ann Cross under the said first clause
of the said Will have been duly paid and
delivered to her by the said Executors or otherwise
fully satisfied.

2. He charges that the said Martha A. Cross is in
possession of the Lands loaned or deeded to her
for her life by the second clause of the said Will
and also ^{that} of the slaves, silver Plate and household
and kitchen furniture also bequeathed to her for
life by the said second clause ^{have been delivered to her by the said Executors} and the remainder in fee

in said real and personal property in said second
clause mentioned being given thereby to your
orator Thomas Hardy Cross provided he attains
to lawful age.

3. He charges that the Legatee to Mary Louisa Bellard
wife of Richard Bellard in the fourth clause of
said Will have been delivered to her by the said
Executors.

4. He charges that by the 5th clause of said Will your
orator is entitled to a large Bequest of Land and
slaves and chattel Estate ^{that said clause} and imposes upon the
Executors of said Will certain duties and much
trouble in the fulfillment of which
he requires at their hands and prays that
they may be deared to account with your
orator for the profits of the Lands, slaves &c
~~so~~ entrusted to their management ~~under~~ by the said
clause for the benefit of your orator.

5. By the 6th clause of the said Will the said
Testator gave unto his Granddaughter Sarah
Frances Connell the wife of Henry B. Connell
the sum of one thousand dollars which your
orator charges has been ^{fully} paid ~~by~~ by said Executors.

6. That by the seventh clause of the will he gave
to W^m B. Dankshey during her life the tract
of Land on which said Dankshey then lived
at the same time giving her the privilege
of securing to him & his heirs the title to the
lands by the payment of the cash of said
land. Your orator charges that the said
Dankshey is in possession of the said land
under said bequest devised but that he has not
yet availed himself of the privilege of
purchasing said land.

- 7 By the 8th clause of the will he gave to Prudence Williams the sum of two hundred and fifty
 ✓ Dollars which were estate charges have been paid to her by the said Executors.
- 8 By the 9th clause of the will the said Testator
 ✓ gave to his ~~dearest~~ nephew Samuel R. Stanley the sum of two hundred and fifty Dollars which
 estate charges have been paid to him by
 the said Executors.
- 9 By the 10th clause of the will the said Testator
 gave to his niece Mary Ann Browning a debt
 he held against his husband John Browning -
 ✓ Your estate charges that the said Executors have
 assented to the said bequest.
- 10 By the 11th clause of the will the said Testator
 gave to his niece Sarah Ranks her negro
 ✓ woman Caroline this in her possession with her
 clothes except Edith - which said Legacy your
 estate charges have been assented to by the said
 Executors and ~~the~~ ^{are} satisfied.
- 11 By the 12th clause of the will the said Testator gave
 to his niece Martha Smith negro woman
 Edith which estate charges have been paid
 to her by the said Executors.
- 12 By the 13th clause of the will the said Testator
 gave unto his niece Margaret Cross her negro
 girl Mary and the sum of one hundred and
 fifty Dollars - Your estate charges that the said
 Margaret Cross married Isaac Williams and that
 the Legacies in the said clause have been duly satisfied by said Executors.
~~the said estate and the said pecuniary legacies have~~
~~been satisfied and paid by the said Ex~~
~~ecutors.~~
- 13 By the 14th clause of the will the said Testator
 gave unto his niece Martha Susan Caley negro
 boy Roden and the sum of two hundred and
 fifty Dollars which said Legacies your estate
 charges have been duly satisfied by the said
 Executors.

- 14 By the 15th clause of the will the said Testator gave to his niece Mary Cross the wife of Edwin Cross to Nancy Rawls the wife of Henry Rawls and to Elizabeth Smith the wife of John Smith the sum of two hundred dollars each which several Legacies your orator charges have been paid by the said Executors.
- 15 By the 16th clause of the will the said Testator gave to his nephew Marmaduke F Daughtry the debt he owed him which Legacy your orator charges has been assented to by said Executors.
- 16 By the 17th clause of the will the said Testator gave to his niece Sally Ann Cross the sum of two hundred dollars which your orator charges has been paid her by said Executors.
- 17 By the 18th clause of the will the said Testator gave to his nephew William St Cross certain debts due and ^{by him} owing to said Testator and also negro boy Willis and a tract of Land called the Gosman land - all which bequests your orator charges have been satisfied.
- 18 By the 19th clause of the will the said Testator gave to his nephew Samuel E. Smith a certain debt due and owing by him to which Legacy your orator charges the said Executors have assented.
- 19 By the 20th clause of the will the said Testator gave unto his nephew Patrick H Daughtry a certain debt due and owing by him also negro woman Peg and Testator interest in the down right of the negro slaves held by Mrs Elizabeth Stanger. Your orator charges that the said Executors have assented to the said Bequests and given to the said Patrick H Daughtry the benefit thereof as far as ^{it is} in their power to do. So the said Elizabeth Stanger being yet alive.

20 By the 21st clause of the will the said Testator gave to his niece Susannah Pratt the sum of five hundred dollars which your orator charges has been paid her by said Executor.

21 By the 22nd clause of the will the said Testator gave to his ^{being the same} nephew Edwin Smith ^{the Executor} the sum of five hundred dollars. Your orator charges that the said money has been disbursed and the money Legacy paid to the said Edwin Smith by the said Executor.

22 By the 25th clause of the will the said Testator ~~disposed~~ ^{disposed} of the monies arising from the collection of his Bonds over and above what was necessary to pay his debts funeral expenses and Legacies together with the monies arising from the sale of such part of his chattel property not given away. The Legacies of said property will contain limitations and ~~and~~ certain contingencies specified in said clause and your orator Thomas Hardy Cross the said Martha N. Cross widow of the Testator and his daughter Mary Louisa Dillard and Sarah Jane Dillard. Your orator charges that the said bequests in the said last clause mentioned are not satisfied and he prays the Court to make such orders in regard thereto as will protect and secure the just right of all the said Legacies under said clause. Your orator having in the original Bill fully set forth the provisions of the 26th & 27th clauses of the will and stated his claims and pretensions thereunder deems it unnecessary to repeat them in this Bill. ^{Your orator fully humbly as an exhibit} ^{marked & a copy of an audited account of} ^{the handling of said Executor} and now that all further ^{in further} ^{in this} will of the said Testator ~~take place~~ may be conveyed

before the Court and every question ~~arising~~ ^{connected} with the carrying into effect the said will and the several Legacies therein contained may be satisfactorily and finally adjudged by the Court in this cause. Your orator would pray that the said Martha N. Cross in her own right as Legatee as affirmed of the said Testator and the said Martha N. Cross in her own right as Legatee as affirmed and the said Martha N. Cross and Edwin Smith as Executors of the said Hardy Cross deceased the said Richard Dillard and Mary Louisa his wife and James Dillard and Sarah Jane his wife. Henry B. Connell and Sarah Frances his wife. William B. Daugherty ^{Prudence Wellams} ^{Samuel R. Hunter} John Browning and Mary Ann ^{Prudence} his wife. Ischi Rawls and Sarah Rawls ^{Martha Smith} ^{Isaac} Wellams and Margaret Wellams his wife who was Margaret Cross, Martha Susan ^{Olney} Ealey. Edwin Cross and ^{Cross} Mary his wife. Henry Rawls and ^{Rawls} Nancy his wife. John Smith and Elizabeth Smith his wife. Marmaduke F. Daugherty. Sally Ann Cross. William H. Cross. Samuel E. Smith. Patrick St. Daugherty and Susannah Pratt may be made parties defendants ^{herein} ~~in this Bill~~ and that they be required severally to answer the allegations ^{as well at the original as at this} ~~made~~ ^{amended} ~~Bill~~ ^{Bill} and that your orator may have the relief demanded for in these Bills and in the original Bill and that a proper account may be taken and enquired made and that every provision of the will of said Testator may be fully carried out according to his intention and all the bequests of his said will be fully ~~carried out~~ ^{satisfied} and to that end that all

propositions may be made in this premises. May it
please the Court to grant a subpoena.

Solomon Kelly Jr

August 2nd 1860

Joseph Kelly

or

Joseph Kelly

Amended Rice

To The Hon. Richard H. Baker, Judge of the Circuit Court of
Hansemond County, in Chancery Sitting:

Complaining, shew unto the Court, your Complainant, Thomas
Hardy Crofs, who is an infant and a son and Legatee of Col.
Hardy Crofs dec'd, suing by Richmond F. Dillard, his
guardian and next friend.

Your Complainant respectfully represents to the Court and
says, that his father, Col. Hardy Crofs, departed this life, on
or about the 20th. day of September 1858, having first made and
published his last will and Testament, which was duly proved and
recorded, in Hansemond County Court, on the 8th. day of November
1858, and on which day, Martha H. Crofs and Edwin Smith, the Executors
therein named, duly qualified: all of which will more fully appear, by
reference to a duly certified copy of said will & order granting administration,
filed herewith as a part of this Bill, and is marked (X)

That the said Executors have taken charge of the Estate of the Testator and
have in their hands a very large sum of money, and a large number of
negroes, not at all necessary to pay debts with, as the Testator owed
but little, and which should be divided among the ^{several} parties entitled
to the same, and which your Complainant prays, may now be done.
That all the legacies of a specific character have either been paid or
arranged satisfactorily, except the legacies named in the 3^d, 23^d and 24th
— and except as is herein specially named.

That by the said 3^d Clause of said Will, the Testator gives unto his daugh-
ter, Sarah Jane, the sum of Ten thousand dollars, to be invested in
real estate, if desired: and your Complainant charges, that the said
Sarah Jane, daughter of said Testator, married James Dillard Esqr.,
after the Testator made his will, which was on the 28th. day of June, 1856,
and before the Testator's death in September 1858, and that the Testator
on or about the 1st. day of January 1858 adeemed & cancelled the said
Legacy, in part, by advancing to the said Sarah Jane & her husband, the
said James Dillard, the sum of Seven thousand five hundred
Dollars to be invested in Real Estate, and to pay for land in South-
ampton County and which was so expended, and which land is now
held by the said James Dillard & Sarah Jane, his wife.

That soon after the marriage of said James Dillard & Sarah Jane, the
Testator placed in their possession, to be held as a temporary possession,
a large number of negroes, to wit: Mely, Louisa, Henrietta, Georgiana,
Israel, Rhoda, Sam or Sam, Peter, Brunswick, Mary, Harriet, Amy,
Lavinia, Jackson, Fanny, Wiley, Jonas, Ben, Noel, Nazareth, Israel,
Annice, Eliza, Lewis, Uva, Calvin, Augustus, Mary, Adela, Alburqus,
John, Lavinia, James, Margaret & an infant, & perhaps others, which
negroes, the said James Dillard refuses to surrender to the said Executors,
as he ought to do, and the Executors refuse to make division of the
negroes in their possession, till they can have the possession of those above
named

named, and your Complainant prays that the possession of said negroes, may be placed in the hands and under the control of the said Executors, so they may be divided, as directed by the Testator's Will.

Your Complainant also says, that some time previous to the death of the Testator, to wit: on the 1st. of April 1840, the said Testator executed a Deed to his daughter, Mary Louisa (who soon thereafter married, and is now the wife of Dr. Richard Willard of Chowan County & State of North Carolina, for a considerable amount of Chattel Estate, and also for negroes David Roberts, Bear-Swamp Jack Nelson, Charles Senr, Bill, Ealy, Charlotte Spackman, and four children, Violet and three children (Philip, Ben and Hester) Rachel and her two youngest children, Maria, Yellow Charlotte, Silvey, Cherry, Josiah, Willis Daughley, Felicia Daughley, & child Silvey, together with the future increase of said slaves, in all which property, the Testator reserved a life estate - a copy of which Deed is filed as an exhibit, with the amended bill, in the suit in this Court of Cross' Exors. vs Willard & al.; & is referred to, as part of this bill, that the Testator, in his life time, took charge of three of said slaves, to wit: Maria, Bill and Ealy, and sold them, and Charles was killed & damaged & received for the same, to wit \$850, & that Yellow Charlotte & Violet have died & others have increased - that the Chattel Estate was chiefly consumed and used up by the Testator, in his life time.

That the Testator, by the 26th. Clause of his said will, says, "Having given to my daughter, Mary Louisa, some Twenty-five or thirty negro slaves, together with the Chattel property, lying and being on the 'Wingfield farm', in the County of Chowan, as per Deed, admitted to record in the Register's Office of said County - my will and desire is, that, in the division of the residue of my estate, the above mentioned slaves, with the increase thereof, since the date of the said Deed; also, the whole of the Chattel property specified, in such Deed, shall be taken into the account, in such manner, as to make the portion allotted to each of my said children, equal in such division."

That the children thus alluded to, are your Complainant, and the said Mary Louisa, now wife of Dr. Richard Willard, and the said Sarah Jane, now the wife of James Willard aforesaid.

That the said Testator, on the marriage of his said daughter, Mary Louisa, to the said Dr. Richard Willard, about seven years ago, advanced to him, by way of loan, seven negroes, to wit: Jacob, Dempsy, Rose & child Anna, and Lizzie, Clinton & Ruby.

Your Complainant charges, that the slaves and property given by said Hardy Cross, in said Deed, to his daughter, Mary Louisa, the slaves advanced to Dr. Richard Willard, on his marriage aforesaid, and the slaves placed in the possession of James Willard aforesaid are, and should be subject to & accounted for, under all the limitations, conditions and restrictions of the Testator's Will, and especially of the 27th. Clause of said Will: And, that, if the parties holding the same, claim to participate in the Estate of said Testator, as Legatees, under his will, they must account for the said property, under the said Will.

That the Testator, after certain specific legacies, by the 27th. Clause

of his will, says "27. The Balance of my estate, of every kind and description, whatever it may be, I give and bequeath, to be equally divided (as above provided for) between my three children, Mary Louisa, Sarah Jane and Thomas Hardy; the respective portions to my said two daughters, to be used jointly by them and their respective husbands, during their coverture and upon the happening of the death of their respective husbands, then for the use and benefit of my said daughters (as the case may be) during her, or their respective lives, and then to her or their child or children, if any surviving at her or their death: but, if either of my said daughters should die, without child or children surviving her, then her portion aforesaid, I give to be divided equally between the surviving daughter and my son, Thomas Hardy: the part to my said surviving daughter to be on the terms and conditions above named, and if both of my said daughters die, without children, or at least one child surviving, I give all the estate of every kind, by this Clause given to such daughter, to my son, Thomas Hardy and his heirs and assigns forever."

That under this Clause, all the negroes now in the possession of James Willard and Richard Willard aforesaid, should be brought into the division: that the negroes in Jas. Willard's possession aforesaid, should be surrendered to the Executors, and all those advanced to Dr. Richard Willard, on his marriage aforesaid.

That the negroes now in possession of the Executors aforesaid, are very numerous, and the said Executors are called on to specify and name them, and say, whether they are needed or required to pay debts with or for any other purpose:

That the said Executors may be required to settle their transactions on the said Estate and distribute the same:

That all proper safe guards, bonds or other conditions may be adopted and required to secure your Complainant's rights in the premises:

That the Legacies of two negroes named in the 23rd & 24th. Clauses of said will to Mary Effa & Margaret Maria Smith, cannot be surrendered to them, as the said negroes are among the number held possession of by James Willard aforesaid.

In Consideration Whereof, and as this Court had jurisdiction and power to grant all adequate relief: So the End Therefore, your Complainant prays, that Edwin Smith, Executor and Martha N. Cross, Executrix of Col. Hardy Cross' dec'd, James Willard & Sarah Jane, his wife, Richard Willard & Mary Louisa, his wife, & Mary Effa Smith and Margaret Maria Smith, the last two infants, may be made defendants, and be compelled to answer the allegations herein, on oath, that the several prayers of your Complainant, as above set forth, may be granted: That the Defendants may set forth all the negroes in their possession, as aforesaid, and that all proper and further relief may be granted, consistent with Equity &c.

A. Copy.

Teste,

John R. Kilby k. c.
Per B. Prentiss. Clerk.

^{x'd}
Thomas Hardy Crofs. &c

25 } Copy Bill

Col: Hardy Crofs: Exors. &c.

~~At~~
The only Exhibit filed in this case
is the will of Col: Crofs, a copy
of which you will find in the case
of Crofs Exors: v. Bellam's Exors.
P. B. P.

1866. Apr. 16th. filed by J. S. S. 7
24.

- I Hardy Crofs of the County of Hansemond, State of Virginia, do make and ordain this my last will and Testament in manner and following viz:
1. I give unto my beloved wife Martha W., all that part of my estate which belonged to her previously to our marriage, with the exception of such part of the bonds as may have been collected those not collected were kept to themselves for the above mentioned purposes until Sept: 1853 when they were destroyed by fire in the burning of my dwelling house, since which time I have not succeeded in having them renewed yet. nevertheless I give to her my said wife all of the said claims, whether renewed or not. I also give unto her my pleasure carriage and horses usually employed with the same also one equal half of all my growing crops in the County of Hansemond for and during the year in which my death shall take place provided however my death should take place after the first day of March of said year: in such case, I desire the whole of my family shall remain together during the said year, or so long as may be considered necessary for the purpose of making and housing the said crops. but in the event of my death previously to the first day of March, in lieu of one half of my growing crops of said year, I give unto her my said wife one equal half of my entire stock of provisions on hand or laid in for the maintenance or support of that part of my family situate and being in the aforesaid County of Hansemond I also give unto her one equal half of all my stock of horses, hogs cattle and sheep on or belonging to my several farms in the aforesaid County of Hansemond all of which I give unto her and her heirs and assigns forever.
 2. I lend unto my beloved wife Martha W. during her life the land and plantation on which I now live. the old "Daughtrey plantation" and also my "Saunders plantation". together with the following negro slaves viz: Charles Daughtrey Allen, Albert, Cate and children (Jackson Isaiak and Caroline with all her sons or children) and Angeline: I also lend her one half of all my silver plate having respect to the value thereof in making such division also one equal half of all my household and kitchen furniture after the death of my beloved wife I give the whole of the property specified in the above loan to my son Thomas Hardy provided he attains to lawful age.
 3. I give unto my daughter Sarah Jane, the sum of ten thousand dollars, to be invested in real estate if desired: also one equal half of all my household and kitchen furniture, with one equal half fourth part of all my silver plate. I also.

give unto her my said daughter Sarah Jane all my lands lying and being in the county of Pasquotank state of North Carolina, all of which I give unto her and her heirs forever

4. I give unto my daughter Mary Louisa my piano, one gold watch (which she usually wears) also one fourth part of my silver plate; I also give unto her my said daughter Mary Louisa my "Brownrigg mill" and land attached thereto, lying and being in the county of Chowan N. Carolina together with all the land I purchased with the said mill, all of which I give unto her and her heirs forever.

5. I give unto my son Thomas Hardy, all my lands lying and being in the county of Southampton state of North Carolina, the tract of land called the "Millingquarter" and all the land and plantation called the "Thomas land" also all other lands which I now own not hitherto before or after disposed of all of which, except the "Pocosan" and Gardner farms in Southampton and the "mill quarter and mill" in the county of Hantsmore I desire shall be sold by my Executors herein after named which sale or sales may be made either publicly or privately upon such credit or credits and at such time and place as they in their judgment may think most advantageous. The Pocosan, and "Gardner" farms the mill quarter and mill I desire shall be kept up by continuing the usual farming operations upon each of the said farms, retaining so many of the negro slaves set apart to my said son as shall be sufficient to carry on the said farms in the usual way procuring such overseers, farming utensils, and stock of different kinds as may be necessary to conduct the said farms advantageously. If however after an experiment of this sort my executors herein after named shall ascertain that the said farms cannot be kept up so as to become a source of profit to my said son taking the well being of the negro slaves employed upon the said farms into consideration in the mean time, my will and desire is that my executors shall sell the same, or any part thereof precisely as provided for with respect to the other lands named in this item, and given to my said son, Thomas Hardy, all which I give unto him and heirs, provided he attains to lawful age; he receiving the profits and income of ^{said} ~~such~~ property in the meantime to be applied to his support and the support of his negroes if necessary.

6. I give unto my grand-daughter Sarah Frances Council, the corpse of Henry B. Council, the sum of One thousand dollars to her and her heirs.

7. I lend unto my friend Wm. B. Daughtrey, during his life, the tract of land, on

- which he now lives, at the same time giving him the privilege of securing to himself and his heirs the title to the said lands by the payment of the sum of money which the said lands cost me with the interest upon the said sum from the time the purchase was made.
8. I give unto my Sister Prudence Williams the sum of two hundred and fifty dollars, to her and her heirs
 9. I give unto my Nephew Samuel R. Huntis, the sum of One hundred and fifty
 10. Dollars. I give unto my niece Mary Ann Brownly, one certain claim or debt, I held against her husband John Brownly and for which I held his bond, but which bond was destroyed in the burning of my dwelling house I give the same unto her, with all the interest accruing, to her and her heirs.
 11. I give unto my niece Sarah Rawls, my negro woman Caroline, now in her possession, with all the present and future increase of the said Caroline (with the exception of the oldest one of her children Edith by name) which said negroes with the said increase I give unto her and her heirs.
 12. I give unto my niece Martha Smith, my negro woman Edith, now in the possession of Justin Rawls to her and her heirs
 13. I give unto my niece Margaret Crofs. my negro girl Mary and the sum of one hundred and fifty dollars to her and her heirs.
 14. I give unto my niece Martha Susan Exley, my negro boy Ike Exley the sum of two hundred and fifty dollars to her and her heirs.
 15. I give unto my nieces Mary Crofs, the wife of Edwin Crofs Nancy Rawls, the wife of Henry Rawls, and Elizabeth Smith, the wife of John Smith the sum of Two hundred dollars each, to them and their heirs and assigns forever.
 16. I give unto my Nephew Marmaduke F. Daughtrey the debt he owes me (for which I held his bond, but lost it when my house was burnt) with all the interest accruing to him and his heirs.
 17. I give unto my niece Sally Ann Crofs. the sum of two hundred dollars, to her and her heirs.
 18. I give unto my Nephew Wm. H. Crofs. the whole of the debt or debts he now owes me. (whose bond was also burnt) and also the debt he will owe me falling due, at the expiration of the present year, with all the interest accruing upon the said debts, also one certain tract of land, willed to me by my father, the late Hardy Crofs, called the "Gomer land" adjoining the lands of Samuel Crofs's heirs, John Parker's heirs and others, and also my negro.

boy Willis, all of which I give unto him and his heirs forever.

19. I give unto my nephew Samuel E. Smith, one certain claim I hold against him (The bond for which being burnt) with all the interest accruing thereon to him and his heirs.
20. I give unto my Stephen Patrick H. Daughtrey one certain claim I hold against him (The bond for The same being burnt.) with all the interest which may accrue on the same; also my negro woman Peg and my interest in the dower right of the negro slaves held by Mrs Elizabeth Haynes, of Portsmouth Va all of which I give unto him and his heirs.
21. I give unto my niece Susannah Pratt, the sum of two Hundred Dollars to her and her heirs.
22. I give unto my Stephen Edwin Smith my negro boy Jackson and the sum of Five hundred dollars to him and his heirs.
23. I give unto Mary Effie Smith, the daughter of Edwin Smith my negro girl Mary of Pride and Oria, to her and her heirs forever.
24. I give unto Margt. Maria Smith the daughter of Edwin Smith, my negro girl Adalany, to her and her heirs.
25. My will and desire is that all my just debts funeral expenses, and legacies shall be paid out of or with the bonds in my possession, the balances arising from the collection of the said bonds, over and above what is necessary to pay the said debts, funeral expenses and legacies together with the moneys arising from the sale of such part of my chatted property, as is not herein before given away, I give to be equally divided between my beloved wife Martha, and my three children herein before named to share and share alike, provided how ever my son Thomas Hardy shall attain to ^{full} ~~lawful~~ age. But if he the said Thomas Hardy, shall die before attaining to lawful age, and such event occur in the lifetime of my beloved wife, I desire and design the before mentioned sum, shall be so divided as to make her my said wife and my said daughters equal in such division. If however such event should not occur in the lifetime of my beloved wife I give the whole of the before mentioned sum to my two daughters Mary Louisa and Sarah Jane to them and their heirs forever.
26. Having given to my daughter Mary Louisa, some twenty five or -

or thirty negro slaves, together with the chattel property lying and being on the Wingfield Farm in the County of Chowan as per deed admitted to record in the Register's Office of said County. My will and desire is that in the division of the residue of my Estate, the above mentioned slaves, with the increase thereof since the date of the said deed, also the whole of the Chattel property specified in such deed shall be taken into the account in such manner as to make the portion allotted to each of my said children equal in such division.

27. The balance of my estate of every kind and description, wherever it may be, I give devise and bequeath to be equally divided (as above provided for) between my three children, Mary Louisa, Sarah Jane and Thomas Hardy. The respective portions to my said two daughters to be used jointly by them and their respective husbands during their coventures, and upon the happening of the death of their respective husbands then for the use and benefit of my said daughters (as the case may be) during her or their respective lives, and then to her or their child or children if any surviving at her or their death. But if either of my said daughters should die without child or children surviving her then her portion aforesaid, I give to be divided equally between the surviving daughter and my said son Thomas Hardy; the part to my said surviving daughter to be on the terms and considerations above named, and if both of my said daughters die without children, or at least one child surviving I give all the estate of every kind by this clause given to such daughter, to my son Thomas Hardy and his heirs and assigns forever.

28. Should my son Thomas Hardy die before attaining to lawful age I give the whole of the Estate both real and personal as intended for him in this my last will and testament with the exception of that portion already provided for in the 25th item of this writing to be equally divided between ~~these~~ my two daughters Mary Louisa and Sarah Jane, to be held and enjoyed by them precisely as provided for in the preceding clause of this my last will and testament.

29. And lastly, I do hereby appoint my beloved wife Martha N. Executor and my friend Edwin Smith Executor of this my last will and testament and desire very particularly that the Court

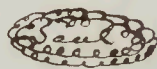
of my county will permit them or either of them to qualify as seals, without being required to give security. And I do hereby revoke all other and former wills and testaments by me heretofore made in testimony whereof I have hereunto set my hand and affixed my seal this 20th day of June 1856.

signed sealed and acknowledged
in our presence and witnessed at his
request.

Edw. R. Hunter

A. E. Hall.

Hardy Crofs.



In this writing it is my intention to furnish an explanation of a transaction, between Dr. George W. Peete, (late of the County of Hartford) and myself in relation to a certain negro man Anderson with his wife and children. The said negro being held by my wife as Dower property previously to our marriage. The said Anderson having become blind or nearly so, he the said Peete, proposed to me as I understood it, to incur the expense of an operation in view of restoring him to his sight. Upon the condition that I would transfer to him the said Peete, my interest and property in the said Anderson and family for and during my life. The said Peete presented to me a writing conveying as I supposed this limited interest, and which I signed under this impression. It being far from my design to sign any writing or make any transfer in any way of a greater interest in said negroes, wishing them by all means to revert to my said wife or her heirs, at my death; as it has always been my intention in this contingency of my wife surviving me, that the negroes in her possession at the time of our marriage should remain in her possession after my decease and not be regarded as any part of my estate for and during her life. And I have thus provided in my last will and testament. I do hereby publish and declare the foregoing explanation and statement under my Hand and Seal this 20th day of June A.D. 1856.

Witness

Edw. R. Hunter

A. E. Hall.

Hardy Crofs.



At a Quarterly Court held for Hansemond County the 8th day of November 1858. The last will and testament of Hardy Crofts deceased with the writing hereto appended was proved according to law by the oaths of Edw^d. R. Hunter and A. E. Hall, the subscribing witnesses hereto, and was ordered to be recorded: and on the motion of Martha St Crofts The Executrix and Edwin Smith the Executor, herein named, who made solemn affirmation hereto, entered into and acknowledged a bond in the penalty of Four hundred thousand dollars without security (The will requiring none) conditioned according to law, Certificate is granted them for obtaining a probat of said will in due form, which bond is ordered to be recorded.

Teste

Peter B. Prentiss Clerk.

a. Copy:

Teste:

Peter B. Prentiss. Clerk.

Col. Hardy Cross. ^{Xm'd}

Will

(A. Copy)

Suffolk Advertisements.

COMMISSIONER'S OFFICE,
SUFFOLK, Va., February 8th, 1861.

TO MARTHA N. CROSS. AND EDWIN
Smith, executrix and executor of the last will
and testament of Col. Hardy Cross, deceased, and
the said Martha N. Cross in her own right as
Legatee of said Testator,

And
Thomas Hardy Cross, an infant under twenty-one
years of age, and a son and legatee of Col.
Hardy Cross, deceased, suing by Richmond F.
Dillard his guardian and next friend,
Plaintiffs.

And To
James Dillard and Sarah Jane his wife, Richard
Dillard and Mary Louisa his wife and Thomas
Hardy Cross, Mary Ella Smith and Margaret
Maria Smith the last three infants,

And
Martha N. Cross in her own right as legatee of said
deceased, and Edwin Smith in his own right
as legatee of said deceased, and the said
Martha N. Cross and Edwin Smith as Execu-
trix and Executor of said Col. Hardy Cross
deceased, Richard Dillard and Mary Louisa
his wife, James Dillard and Sarah Jane his wife,
Henry B. Council and Sarah Francis Council his
wife, William B. Daughtrey, Prudence Williams,
Leimuel R. Hunter, Justin Rawls and Sarah
Rawls his wife, Martha Smith, Isaac Williams
and Margaret Williams his wife who was Mar-
garet Cross, Martha Susan Ealy, Edwin Cross
and Mary Cross his wife, Henry Rawls and Nancy
Rawls his wife, John Smith and Elizabeth
Smith his wife, Marmaduke F. Daughtrey, Sally
Ann Cross, William H. Cross, Samuel E. Smith,
Patrick H. Daughtrey and Susan Ah Pratt and
Mary Ella Smith and Margaret Maria Smith, the
last two infants.

Defendants.

You are hereby notified that I have fixed upon
Wednesday, the 6th day of March next, to take and
settle at my office, the following accounts :

First.—An account showing the value of the real
estate devised to the three several children of the
said Hardy Cross by his last will and testament to
wit : Thomas Hardy Cross, Sarah J. Dillard and Mary
L. Dillard.

Second.—And account shewing the value at the
period of the Testator's death, of the advancements
made to his said daughters Sarah J. and Mary Louisa
Dillard respectively before and after the execution
of the will of the Testator.

Third.—An account of the value of the slaves to
be divided under the residuary clause of said Testa-
tor's will.

Fourth.—An account of the transactions of Edwin
Smith and Martha N. Cross as executor and execu-
trix of Hardy Cross deceased, taking the account
filed as prima facie correct.

Which accounts are required to be taken by the
decree of the Circuit Court of the City of Norfolk
rendered on the 14th day of January 1861, in a suit
in Chancery depending in said Court, in which you
are parties plaintiff and defendant, at which time
and place you are required to attend.

Given under my hand as Commissioner in Chan-