

Buckingham Co VA Legislative Petition of George, Walter C., and the heirs of William Allen to the Virginia House of Delegates, December, 1825, and related documents transcribed (RMM) from Library of Virginia Legislative Petitions, Box 42, Folder 14, on Reel 30

The loose paper documents filmed for this case include the petition itself, the official notes tracking it's progress through the legislature to an order for the enactment of the prayed-for legislation. Most importantly from the genealogical point of view, this collection of documents also includes an official transcription of the 1806 will of William Hunt Allen, which has otherwise been lost along with virtually all of the Buckingham County records through 1868.

All the documents found on the film have been transcribed in full in accordance with [RMM](#) (Robb Modernized Method) of transcription; digitized images of the original documents are available on request. The legislative documents are shown first, chronologically, followed by the petition, and then the will and its probate.

Resolved that the committee for courts of justice be directed to enquire into the expediency of authorizing the sale of a tract of land, lying in the county of Buckingham, belonging to the heirs of **William Allen** deceased and that they have leave to report by bill or otherwise.

26Dec1825

George W Munford C H D [*presumably Munford was Clerk of the House of Delegates*]

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Reason—sell land of W[illia]m Allens heirs

28Dec1825

Expedient

[*and, at right angles on the same page*]

The Clerk of the Committee for Courts of Justice

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W[illia]m Allen

Referred to 6 V of J

27Dec1825

28Dec1825—reasonable

Bill drawn

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Ordered that a bill be brought in to authorize a sale of the land belonging to the heirs of **William Allen** deceased of the county of Buckingham, and that the Committee for Courts of Justice do prepare & bring in same

Monday 2Jan1826 George W. Munford C H D

The Petition Itself, Undated

To the Honorable, the Speaker of the Senate and House of Delegates of the Commonwealth of Virginia:

The petition of **George Allen**, and **Walter C. Allen**, in their own rights, and of **John Chambers** who is the guardian of the infant sons of **W[illia]m Allen**, deceased, respectfully sheweth,

That some years past a certain **W[illia]m H. Allen** departed this life in the County of Buckingham and State of Virginia, having first published his last will and testament (which for greater certainty is here exhibited marked "A");

That by said will, certain lands lying in said county are devised to said **W[illia]m**, etc., for life, with full power for him to sell the same and to purchase lands in the western country, and these to be for the equal benefit of all his sons;

That the said **William** (who in said will is called the son of **George**) has since departed this life, leaving your petitioners, **George** and **Walter**, with six other sons who are minors, he the said **W[illia]m** not having executed the trust confided to him by said will of selling this land and ["investing"?—rubbed out] the proceeds of sale in western lands;

That the father not having executed the trust confided to him, the lands now vest in fee simple in his male issue (the life estate of the widow of the said **W[illia]m H.** being at an end and she being dead);

That the lands so vesting in the applicants will not from quantity or quality admit of a division to any advantage among the distributees;

That it lies in a string [?] on a creek that affording all the cultivable land of the tracts, that if divided into eight parts it would sell for but a trifle and a manifest sacrifice would be made by such a sale;

That this was manifest to the Testator and was the cause of his directing a sale;

That the said **William**, the father of your petitioners, was also apprised of this state of things and by his will also directed his executors to sell, but your petitioners have been legally advised that the trust confided to the father ended with him, and that he had no authority to extend the trust to his executors;

That this being at any rate a matter of doubt, purchasers would be unwilling to risk their money;

[That] it is the wish of your petitioners who are of age to remove to the west, [and] it would be a great hardship for them to be kept out of their money until their brothers come of age, the youngest of whom are not more than two or three years old;

That even the interest of the money for which the land would sell would be at least five fold the rents that could be obtained for the same;

they therefore pray the General Assembly of Virginia to pass a law authorizing a sale of said land, guarding as may seem best to them the interest of the minors etc. etc.

Signed

**George Allen**

**Walter C Allen**

**John Chambers**, guardian of the infant sons of **W[illia]m Allen** deceased

The Will of William Hunt Allen of Buckingham Co VA, 28May1806, Proved 13Oct1806  
transcribed (RMM) from copy in Library of Virginia Legislative Petitions, Box 42, Folder 14, on Reel 30

I, **William Hunt Allen** of the county of Buckingham, do make and constitute this to be my last will and testament in the following manner:

- What I leave to my beloved wife **Elizabeth Allen**, I leave to her in lieu and bar of dower in my estate and upon that proviso and condition, I give to her in fee simple [three] horses or mares of her choice in my stock; also I leave to her during her life the following tract of land, to wit,

Beginning at a white oak, corner in my father **William Allen**'s old line below Hunts Creek, thence crossing the creek in the said old line to Guerrant's corner in the said line, thence along the said Guerrant's line to a branch called and known by the name of the (W A) branch to a path called the school house path which is a dividing line between myself and Peter Guerrant, thence along the said path to my line where it crosses the said path, thence along my line to the land I bought of Adrian Anglin, thence along the said Anglin's old line so far as that a line may be drawn therefrom crossing the land which I purchased of the said Adrian Anglin and the land I had of my father, to include my barn and orchard and 400 acres of land, to the beginning.

I give to my wife to be at her disposal my household and kitchen furniture, my wagon, and my wheat fan, also an equal half of my stock of cattle together with all my sheep and hogs, also the corn which may be on hand and one third part of the wheat. I also leave to my wife during her life, the following Negroes, to wit, **Betty, Fanny, Peter, Isham, Little Henry, Aggy, Archer, and Molly**, also a boy by the name of **Jerry** until [he] arrives to 21, after which time my desire is that the said **Jerry** may go free. I also leave to my wife, during her life, my Negro woman **Co[r?]day**, as also my copper still.

- My will and desire is that my land lying above the road which leads to Buckingham Church, and adjoining the lands of **William Allen**, deceased, supposed to be about 200 acres, shall be sold by the person who may have the charge of **William Allen**'s estate for the equal benefit of **Philip Allen** and **John Allen**, sons of the said **William Allen**, deceased, and the money arising from the sale thereof to be laid out in lands on the western waters, and then equally divided between the said **Philip** and **John Allen**.<sup>[1]</sup>

- After the death of my wife, my will and desire is that my Negro girl **Aggy** and her increase shall be for the benefit of **Elizabeth Gates**, wife of **Allen Gates**, during her life, and after her death I give the said **Aggy** and her increase to the children of the said **Elizabeth Gates** which are of the name of **Gates** (and children of the said **Allen Gates**). I also leave to the said **Elizabeth** the Negroes **Maggy** and her child **Fanny**, and their further increase during her life, and after her decease I give the said **Maggy** and **Fanny** and their increase to **Allen Gates**'s children, as above.

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<sup>1</sup> The original text reads "...and John Allen, after the death of my wife, my will and desire is...", where the punctuation mark after "Allen" might as well be a period as a comma. In my transcription I have interpreted it as a period, and applied this clause instead to the bequest which follows: first, because most of the text is run-on and without terminating periods, and thus open to such interpretation; and second, because the final disposition of the slave Aggy, requires this qualifier, since she has already been given to testator's wife. Chances are that there are clues in the original text which support this interpretation—clues which were obliterated by the copiest of the will. I also note that later in the will other slaves given initially to the wife, are bequeathed residually to others, accompanied by a similar conditional clause referencing the previous life bequest to the wife. Moreover, the same construction ("After the death of my wife" or "After the decease of my wife") is used twice more in the will to introduce a new bequest, again with a semantic content which resolves the formal ambiguity in the same way I have here.

- After the decease of my wife, my will and desire is that the lands I hereby left to her shall be at the disposal of my nephew **William Allen** (son of **George**), with full power for him to sell the same and to purchase lands in the western country, with profits arising therefrom for the benefit of himself during his life, but then to be for the equal benefit of all his sons, which he may leave at his death. Also I leave to my nephew **William Allen** (son of **George**) the lands lying between that I leave to **William Allen**'s children and that I leave to my wife, to be disposed of as he may think fit in lands in the western country, for his benefit during his life, and after his death for the benefit of his sons as above mentioned.
- I give and bequeath to **Samuel Hunt Allen**, and **John Allen** (sons of **Samuel Amherst**), to be equally divided between them, the tract of land which I purchased of **Robert Easley**, containing 500 acres more or less. I also give to said **Samuel Hunt Allen**, a Negro girl by the name of **Mourning**. I also give to said **John Allen** a Negro girl by the name of **Mary**, all which I give to them and their heirs.
- I give to **William Hunt Allen** (son of **Jesse**) the lands I purchased of **Joseph Harris** and also that which I purchased of **Abraham Bransford** containing in the two tracts 225 acres (more or less), also a Negro girl by the name of **Charlotte**, to them and his heirs forever.
- My will and desire is that my nephew **W[illia]m Allen** (son of **George**) may sell the lands I own on Rocky Creek containing 400 acres (more or less), and with the profits arising therefrom purchase lands in the western country for the benefit of himself during his own life, and then for the same to be for the benefit of all the said **William**'s sons which he may leave at his death equally. I give to **W[illia]m Allen** (son of **George**) a Negro woman by the name of **Hannah**, and also my Negro man called **Great Tom**, to him said **William** and his heirs forever.
- I give to **Richard Cottrill** my Negro girl **Candice**, and my Negro man, **Tomboy**, but not altogether at his disposal, but my desire is that the said **Candice** and her future increase and **Tomboy** may be for the benefit of the said **Cottrill**'s wife (**Martha A. Cottrill**) and her children.
- I give to **Walter C. Allen** (son of **W[illia]m**) a Negro boy, **George**, to him and his heirs.
- I give to **George Allen**, son of **William**, after the death of my wife, a Negro boy by the name of **Archer**, to him and his heirs forever.
- I give to **Benjamin Cl[a?]pten Glover** a Negro by the name of **Rhoda**, to him and his heirs forever.
- I give to **W[illia]m Allen** (son of **Colonel Samuel**) three Negroes to wit: **Charity** and her two children, **Cissily**, and **Patty**, to him and his heirs forever.
- I give to **John Allen**, son of **Colonel Sam[ue]l**, a Negro boy by the name of **Solomon**, to him and his heirs forever.
- I give to **Sutton Farrar Allen**, son of **Colonel Samuel**, a Negro boy by the name of **Ben**, to him and his heirs forever
- My will and desire is that if my Negro man, **Jim**, shall live until next fall, that he may be sold, and the profits arising from the sale of him shall be for the benefit of **George Allen**, son of **Sam[ue]l Amherst**, and his heirs.
- I give to **William Cottrill**, son of **Jacob**, a Negro boy by the name of **Vincent**, and to his heirs forever.
- After the decease of my wife I give to **William Allen**, son of **George**, my Negroes **Molly**, **Peter**, **Betty**, **Fanny**, and **Isham**, also the boy called **Little Henry**, to him and his heirs forever.

I do hereby appoint **Colonel Samuel Allen**, **William Allen**, son of **George**, and **William Allen**, son of **Colonel Sam[ue]l**, executors of this my last will and Testament and do desire that my estate may

not come under an appraisement, and do hereby make void all other wills heretofore made by me, in testimony whereof I do hereby set my hand & seal the 28May1806.

W[illia]m H Allen {seal}

Signed, sealed, published, and delivered in the presence of

**Boaz Lord**  
**Milly {mark} Chastain**  
**William Ayres**

At a court held for Buckingham county 13Oct1806 this will was proved by the oaths of **Boaz Lord**, **Milly Chastain** (since married to W[illia]m Ayres), and W[illia]m Ayres, witnesses thereto, and sworn to by **Samuel Allen** and W[illia]m Allen, and W[illia]m [H?] Allen, executors therein named. and ordered to be recorded. On the motion of the said executors, who entered into and acknowledged bond with security according to law, certificate is granted them for obtaining a probate thereof in due form.

Teste, Rolfe Eldridg, C[ouny?] C[lerk?]

Copy Teste, R. \*ldridgge D C