

Benjamin Powell House Historical Report, Block 7 Building 26 Lot 19 43

Originally entitled: "Powell-Waller House, Block 7, Colonial Lots 19 and 43"

Mary Stephenson and Linda Rowe

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POWELL-WALLER HOUSE

Block 7

Colonial Lots 19 and 43

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Part I. Chain of Title.

LOCATION:

The house known as the Powell-Waller House is located on the east side of Waller Street north of Christiana Campbell's Tavern and the Elizabeth Carlos House. The Powell-Waller House is named for Benjamin Powell, a well-known carpenter and builder in colonial Williamsburg who was probably responsible for building the front frame portion of the house, and Benjamin Waller, a respected lawyer and judge in eighteenth-century Williamsburg who once owned the property on which the house is located.

The Powell-Waller House is an original eighteenth-century building. The brick portion of the house dates from the first half of the eighteenth century. The frame portion was added later in the century. The storehouse and stable are reconstructed eighteenth-century buildings; the office, smokehouse, kitchen and dairy are original nineteenth-century buildings.

HISTORY:

The lots on which the Powell-Waller House and outbuildings are situated are believed to be part of a large tract of land adjoining the city of Williamsburg on the east side purchased by Benjamin Waller from Mann Page, son of Mann Page of Gloucester. The elder Page had died leaving large debts unpaid and a will with legacies to be discharged. In order to pay his father's debts and carry out the terms of his father's will, the younger Page found it necessary to sell certain lands which had belonged to his father. Articles of agreement between Mann Page and Benjamin Waller were signed on December 13, 1743:

Articles of Agreement Indented made and concluded upon this Thirteenth Day of December in the year of our Lord one thousand seven hundred and forty three Between Mann Page of the County of Gloucester Gent. of the one Part and Benjamin Waller of the City of Williamsburgh Gent. of the other Part Witness That Whereas Mann Page late of the said County of Gloucester Esq, deced was in his Lifetime seized of the Reversion in Fee Simple Expectant upon the Death of Elizabeth Bray Widow dec'ed of certain Lands adjoining the City of Williamsburgh on the East West and North Sides thereof containing by Estimation Seven hundred & forty five Acres be the same more or less And also of two hundred Acres of Land by him purchased of the said Elizabeth adjoining the said other Lands on the East Side of the said City and by his Last Will & Testament did devise the said Reversionary Lands to his Son Carter Page in Fee Tail And Whereas the said Son Carter Page is since dead without Issue and the said Mann Page Party to these Presents now claims the said last mentioned Lands as next in Remainder to the said Carter and the said Two hundred Acres of Land as Heir to Mann Page Esq, deced his Father and being minded to sell the said Lands in Order to Discharge the Debts of his said Father and the Legacies given by his Will Hath agreed with the said Benjamin Waller to convey the same in Fee Simple to him for the Consideration of Twenty Shillings Sterling for every Acre thereof one Half of the said Money to be paid when the said Benjamin shall be put in Possession and the other half when the said Mann shall obtain an Act of Assembly with the Kings Assent thereto to enable him to make such Conveyance In Pursuance of which said Agreement the said Benjamin Waller hath paid unto the said Mann Page one Moiety of the said Consideration being Three hundred & Seventy two Pounds ten Shillings Sterling And the said Mann Page hath put him into the Actual Possession of the said Lands Now the said Mann Page for himself his Heirs Executors and Administrators Doth hereby covenant and grant to and with the said Benjamin Waller his Heirs and Assigns That he the said Mann Page shall and will at the next Session of Assembly Use his utmost Endeavours to obtain an Act of Assembly to enable him to sell and convey the said Lands in Fee Simple And will also endeavour as soon as conveniently may be to obtain the Kings Assent thereto at his own proper Costs & Charges And that if the same shall be obtained That he the said Mann Page and his Heirs will at the Reasonable Request and Costs in the Law of the said Benjamin Waller his Heirs or Assigns Execute & Deliver unto the said Benjamin Waller his Heirs & Assigns good and sufficient Deed or Deeds in Law for conveying and assuring to him or them the Fee Simple Estate of the said Lands with the Appurtenances And That in case the said Act of Assembly and the Kings Assent thereto cannot be obtained That he the said Mann Page his Heirs Executors or Administrators shall and will repay unto the said Benjamin Waller his Heirs or Assigns the said Sum of Three hundred & Seventy two Pounds ten Shillings Sterling at his or their reasonable Request and quitting the Possession aforesaid And the said Benjamin Waller for himself his Heirs Executors & Administrators Doth Covenant and grant to and with the said Mann Page his Heirs and Assigns That when the said Mann Page shall execute and deliver the Conveyances aforesaid according to the true Intent and Meaning of these Presents That he the said Benjamin Waller his Heirs Exers and Administrators shall and will pay unto the said Mann Page his Heirs or Assigns the further Sum of Three hundred & seventy two Pounds ten Shillings Sterling being the full Consideration for the Lands and Appurtenances aforesaid And that if the said Act of Assembly or the Kings Assent cannot be obtained That the Said Benjamin his Heirs and Assigns as soon as the Crop on the Ground if any shall be finished will quit and give up unto the said Mann Page and his Heirs the Possession of the Lands and Appurtenances aforesaid And That he the said Said Benjamin his Heirs or Assigns shall not sell any Wood or Timber or commit any wilful Waste on the Premises until it can be known whether the said Act and Assent can be obtained To the true Performance of which Covenants the said Parties to these Presents do hereby bind themselves their Heirs Executors & Administrators each to the other in the Penalty of one Thousand Pounds Sterling In Witness whereof the said Parties to these Presents have hereunto

interchangeably set their Hands and affixed their Seals the Day and Year first within written

Ben: Waller

Sealed and Delivered

In Presence of

Henry Potter

Philip Finch

Wil Prentis

Page Jnt & Waller

Art. Of Agreement

1

The articles of agreement put Benjamin Waller in "actual Possession" of the seven hundred-odd acres adjoining the city of Williamsburg. However, this land and the other tracts which Mann Page wanted to sell were entailed lands. Virginia law of the time required an act of the General Assembly before entailed land could be sold or disposed of. The transaction between Page and Waller was not final until the General Assembly passed such an act in 1744. ²

As early as 1747, Benjamin Waller began to sell pieces of the tract of land bought from Mann Page. ³In 1749, William Waller, brother of Benjamin Waller, drew a plat of the lands lying to the east of the city limits belonging to his brother. ⁴The plat showed much of the land laid off in lots with numbers assigned to them. The plat was annexed to a deed for lots 35 and 36 sold to Stephen Brown by Benjamin Waller on March 19, 1749. ⁵Later deeds for property sold by Benjamin Waller from his tract adjoining Williamsburg on the east cited the William Waller plat of 1749 when identifying the location of a lot or its number. ⁶

Benjamin Waller sold the property on which the Powell-Waller House and outbuildings stand to Benjamin Powell in 1763. The deed stated that the property was part of the tract purchased by Waller from Mann Page:

This Indenture made the first Day of May in the Year of our Lord One thousand seven hundred and sixty three Between Benjamin Waller of the City of Williamsburg and Martha his Wife of the one part, and Benjamin Powell of the same City, Carpenter of the other part Witnesseth that for and in Consideration of the Sum of seventy five Pounds Current Money by the said Benjamin Powell to the said Benjamin Waller in hand paid at or before the Sealing and Delivery of these Presents the Receipt whereof he doth hereby acknowledge and thereof acquit and discharge the said Benjamin Powell his Executors and Administrators They the said Benjamin Waller and Martha his Wife Have Granted, bargained, sold, aliened, enfeoffed; and confirmed and by these Presents DO Grant, bargain, sell, alien, and Confirm unto the said Benjamin Powell his Heirs and Assigns for ever Two Pieces Parcels or Lots, of Land lying & being in the City of Williamsburg aforesaid in the Parish of Bruton in the County of York and bounded as followeth, to wit, Beginning at the South West Corner of Waller's Street thence down the Street leading to Queen Mary's Port ten Poles thence South eighty nine Degrees and an half East fifteen Poles thence South half a Degree West ten Poles to Waller's Street thence up the said Street fifteen Poles to the Beginning which said Lotts are denoted in the Plan thereof by the Figures 19. 43 and is part of a larger Tract of Land Purchased by the said Benjamin Waller of Mann Page Esqr: and the Reversion and Reversions, Remainder and Remainders, Rents, Issues, and Profits thereof and all the Estate, Right, Title, Interest Property Claim and Demand of them the said Benjamin Waller and Martha his Wife of in and to the same with the Appurtenances To have and to hold the said two Pieces, Parcels or Lotts of Land with the Appurtenances unto the said Powell his Heirs and Assigns to the only use and behoof of him the said Benjamin Powell his Heirs and Assigns forever Provided always and these Presents are upon the Condition That if the said Benjamin Powell his Heirs or Assigns shall not within the space of three Years next ensuing the date hereof begin to build and finish on the said two pieces parcels or Lots of Land, hereby bargained and sold to him One house containing forty feet in Length and twenty feet in Width at the least with a brick Chimney thereto the said House to front in a line with the Row of Lots in which it stands at the extreem Western bounds of the said Lotts that then these Presents and every thing therein bargained and sold shall be immediately reinvested in the said Benjamin Waller and his Heirs in as full and ample manner as if the same had never been disposed of and it shall and may be Lawfull to and for the said Benjamin Waller and his Heirs to enter upon and take possession of the same with the Appurtenances to his and their own use And the said Benjamin Powell for himself and his Heirs doth covenant and agree to and with the said Benjamin Waller his Heirs and Assigns that he the said Benjamin Powell will as soon as conveniently may be inclose the said two Lotts of Ground with Rails or Pales and keep such part thereof as shall adjoin the Lands held by the said Benjamin Waller constantly inclosed. In Witness whereof the Parties to these Presents have hereunto interchangeably Set their Hands and affixed their Seals the Day and Year first within written

Sealed and Delivered

in the Presence of

Ben: Waller (L. S.)

Martha Waller (L. S.)

Ben: Powell (L. S.)

George the Third by the Grace of God of Great Britain France and Ireland King-Defender of the Faith &c TO Lewis Burwell, John Tyler, and Charles Barham Gent: Greeting Whereas Benjamin Waller and Martha his Wife by their certain Indenture of Bargain and Sale bearing date the first Day of this Instant May have Sold and Conveyed unto Benjamin Powell the Fee simple Estate of two Pieces or Lots of Land with the Appurtenances in the City of Williamsburg in the County of York. And whereas the said Martha cannot conveniently Travel to our Court of our said County to make acknowledgment of the said Conveyance Therefore we do give unto you or any two or more of you power to receive the acknowledgment which the said Martha shall be willing to make before you of the said Conveyance aforesaid contained in the said Indenture which is hereunto annexed. And we do therefore Command you that you do Personally go to the said Martha and receive her acknowledgment of the same and examine her privily and a part from the said Benjamin Waller her husband, whether She doth the same freely and voluntarily without his persuasions or Threats? And whether She be willing that the same should be Recorded in our said County Court? And when you have received her acknowledgment and examined her as aforesaid that you distinctly and openly Certifie us thereof in our said County Court under your Seals sending then there the said Indenture, And this Writ Witness Thomas Everard Clerk of our said Court the Third Day of May. In the Third Year of our Reign

Thos. Everard

By Virtue of this Writ to us directed we did Personally go to Martha Waller the Wife of Benjamin Waller within named and examined her privily and apart from her said Husband and before us she acknowledged the Indenture hereto annexed to be her Act and Deed and declared that She did the same freely & voluntarily without his persuasions or Threats, and that She is willing the same should be Recorded in the Court of York County of which we do certify our Lord the King in his said Court under our hands & Seals the 9th: day of May 1763.

Jn: Tyler (L:S.)

Ch: Barham (L:S.)

At a Court held for York County the 21st. day of Novr: 1763 This Indenture was acknowledged by Benjamin Waller party thereto and together with the Commission annexed and the Certificate of the Execution thereof Ordered to be Recorded

Examd. Teste

Thos. Everard.

Cl: Cur.

7

The deed referred to "Two Pieces Parcels or Lots of Land," identifying them by the numbers 19 and 43. As shown on the plat drawn by William Waller in 1749, Benjamin Waller laid out his subdivision with the long sides of lots 18, 19 and 43 running north and south. However, according to calculations made by the Department of Architecture, Benjamin Waller must have changed his mind about these three lots after the 1749 plat was drawn because lots 19 and 43, as described in the deed of 1763, had their long sides running east and west. ⁸It follows that lot 18 must also have been changed to run east and west. The deed of 1763 stated that lots 19 and 43 appeared on the plan of the city of that time just as they were described in the deed. The plan of the city of that time does not exist, and all of the plats of the city which have survived show lots 18, 19 and 43 with the north-south orientation. However, the deed of 1763 and subsequent deeds to lots 19 and 43, together with the architect's plat drawn from the 1763 deed, prove that the lots were changed by Benjamin Waller to run east and west.

What reason Benjamin Waller may have had for changing his mind about the orientation of lots 18, 19 and 43 cannot be known with certainty. He may have wanted the existing brick building (brick portion of the Powell-Waller House) to be on one lot. As the lots originally were laid out in 1749, the brick building stood partly on lot 18 and partly on lot 19. When Benjamin Waller changed the lots so that their long sides ran east and west, the brick building stood on lot 19. ⁹

It is interesting to note in the deed of 1763 that lots 19 and 43 were described as being "in the City of Williamsburg" though the tract of land Benjamin Waller purchased from Mann Page, of which these lots were a part, was outside the limits of the city. A possible explanation can be found in an act passed by the General Assembly in 1756 for adding certain lands to the city of Williamsburg:

An Act for adding certain Lands, therein mentioned, to the City of Williamsburg.

I. WHEREAS it, hath been represented to this General Assembly, That Benjamin Waller, Gentleman, hath laid out a certain parcel of his lands, in the counties of York and James-City, contiguous to the city of Williamsburg, at the east end thereof, into lots, and the purchasers of the said lots have petitioned that they may be taken into the limits of the said city, and enjoy all the privileges of the freeholders and inhabitants thereof: *Be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same* , That the lands laid out, as aforesaid, by the said Benjamin Waller, into lots adjoining the said city, so soon as the same shall be built upon and saved according to the condition of the deeds of conveyance, shall be added to, and made part of the said city of

Williamsburg; and the freeholders and inhabitants thereof shall then be entitled thereto, and have, and enjoy all the rights, privileges, and immunities granted to, or enjoyed by, the freeholders and inhabitants of the said city; and shall be subject to the same jurisdiction, rules, and government with the other inhabitants of the said city. ¹⁰

While the act stipulated that the lots had to be built upon before they could be added to the city, it made no mention of what type or size the building had to be. As stated before, the brick portion of the Powell-Waller House dates from the first half of the eighteenth century and was therefore on the property when this act was passed. The implication is that lots 19 and 43 were automatically added to the city as a result of the fact that this brick building was already standing on the property.

It is important to realize that the "Waller's Street" referred to in the deed of 1763 and later deeds for lots 19 and 43 was not the present-day Waller Street. Waller's Street was a short street no longer in existence, which ran from east to west along the south side of the Powell-Waller property. The present-day Waller Street was called "the Street leading to Queen Mary's Port" in the deeds for lots 19 and 43. William Waller's plat of 1749 labeled it simply "Street" while showing the short east-west street as Waller's Street. A map of the city of about 1790 shows two Waller Streets. ¹¹It is not known when Waller's Street disappeared nor when "the Street leading to Queen Mary's Port" came to be known as Waller Street.

According to the deed of 1763, a house of a specific size had to be built upon lots 19 and 43 within three years of the date the property was purchased by Benjamin Powell or the lots would revert to Benjamin Waller. It is assumed that Benjamin Powell was responsible for building the front frame portion of the Powell-Waller House between 1763 and 1766, since he retained ownership of the property beyond the three-year limit.

In January of 1780 Powell advertised in the *Virginia Gazette* :

To be SOLD, or RENTED for three years, THE HOUSES and TENEMENTS where I at present live, just below the capitol, in the city of *Williamsburg* . The lots are well enclosed, and the houses in good repair, and every conveniency for the reception of a large family.
Ben Powell. ¹²

In June of 1782, Benjamin Powell sold lots 19 and 43 to Zachariah Rowland of Henrico County:

This Indenture made the Seventeenth day of June in the Year of our Lord one Thousand seven hundred and Eighty two. Between Benjamin Powell of the County of York Gentleman of the one part and Zachariah Rowland of the County of Henrico of the other Part Witnesseth that for and in consideration of the sum of Three Hundred and forty Pounds Current Money by the said Zachariah Rowland to the said Benjamin Powell in hand paid at or before the sealing and delivery of these presents the Receipt whereof he doth hereby acknowledge and thereof acquit and discharge the said Zachariah Rowland his Executors and Administrators he the said Benjamin Powell hath granted bargained sold aliened enfeoffed and confirmed and by these presents Doth Grant bargain sell alien and confirm unto the said Zachariah Rowland his Heirs and Assigns forever two Pieces, parcels or Lotts of Land lying and being in the City of Williamsburg in the Parish of Bruton in the County of York and bounded as followeth, To Wit beginning at the South West corner of Waller's Street, thence down the Street leading to Queen Mary's Port Ten Poles, thence South Eighty nine degrees and a half East fifteen Poles, thence South half a Degree West ten Poles to Wallers Street thence up the said Street fifteen Poles to the beginning which said Lots are denoted in the Plan thereof by the figures 19. 43. & were purchased by the said Benjamin Powell of Benjamin Waller Esquire as by Indenture bearing date the first day of May in the year of our Lord one thousand seven hundred and sixty three & Recorded in the County Court of York will more fully appear, and all Houses, buildings Yards Gardens Woods Ways Waters profits Hereditaments and appurtenances whatsoever to the same belonging or in any wise appertaining and the Reversion and Reversions, Remainder and Remainders, Rents Issues and profits thereof and all the Estate Right Title Interest, property Claim and demand of him the said Benjamin Powell of in and to the same To have and to hold all and singular the premises with the appurtenances unto the said Zachariah Rowland and his Heirs and Assigns to the only proper use and behoof of him the said Zachariah Rowland his Heirs and Assigns forever, And the said Benjamin Powell for himself his Heirs Executors and Administrators doth hereby covenant and agree to and with the said Zachariah Rowland that he the said Benjamin Powell and his Heirs all and Singular the premises with the appurtenances unto the said Zachariah Rowland and his Heirs, and Assigns will warrant and forever defend by these presents, In Witness whereof the said Benjamin Powell party to these presents hath hereunto set his hand and affixed his seal the day and Year above written--

Ben Powell

Sealed and delivered in presence of
Will Rowsay
Charles Graves
J M Galt
Matthew Anderson

At a Court held for York County
17th June 1782 This Indenture was produced in
Court and acknowledged by
Benjamin Powell party thereto
and ordered to be recorded

Examd. Test
Ms Cary DCYC

[13](#)

This deed clearly mentioned houses and buildings on the property. The Frenchman's Map of about 1782 shows a large L-plan house and three other buildings on the lots. [14](#) These facts lend support to the assumption Benjamin Powell built the front frame portion of the Powell-Waller House.

By September of 1782 Zachariah Rowland was advertising in Richmond:

Richmond , September 20, 1782.

FOR SALE

And immediate possession given,
MY Lot and Houses in the City of Williamsburg, formerly the property of Mr. Benjamin Powell's. Any Gentleman inclining to purchase, may treat with Mr. Samuel Beale in Williamsburg, or myself in Richmond. If not sold by private sale before, I shall sell them at public vendue, before Mr. Galt's door, on the tenth day of October next. Credit will be given, and bond with approved security required. ZACH ROWLAND. [15](#)

Zachariah Rowland sold the property to Patrick Robertson (or Robinson). The deed for the sale is not extant because it was recorded at the General Court, the records of which were destroyed, but it is known that Robertson was in possession of the lots at least as early as July 5, 1783. On that day he advertised in the *Virginia Gazette and Weekly Advertiser* , published in Richmond, that he wished to sell the houses and lots in Williamsburg "formerly the property of Benjamin Powell." [16](#) An advertisement to the same effect appeared about a year later, when the property was again described as "formerly the property of Benjamin Powell, Esquire." [17](#) [The 1783 notice bore the name "PATRICK ROBINSON," the 1784 notice, "PATRICK ROBERTSON."] The dateline on both of these advertisements was Williamsburg, perhaps indicating that Robertson (Robinson) lived in the house in Williamsburg for a time.

Neither Zachariah Rowland nor Patrick Robertson (Robinson) seems to have been closely associated with the Powell-Waller House during their ownerships of the property. Rowland apparently never lived in the house and owned the property for only a few months. Robertson (Robinson) began trying to sell the house and lots almost as soon as he purchased it and by the time he sold to Benjamin Carter Waller in October of 1791 he was a resident of Portsmouth:

This Indenture made the first day of October in the Year of our Lord one thousand seven hundred and ninety one Between Patrick Robertson of the Town of Portsmouth and County of Norfolk and Catharine his Wife of the one part and Benjamin Carter Waller of the City of Williamsburg and County of York of the other part Witnesseth that for and in Consideration of the sum of one hundred and fifty pounds current Money of Virginia by the said Benjamin Carter Waller to the said Patrick Robertson in hand paid the receipt whereof he doth hereby acknowledge and thereof acquit and discharge the said and Benjamin Carter Waller, his Heirs, Executors, and Administrators They the said Patrick Robertson and Catharine his Wife have granted bargained sold, aliened, enfeoffed and confirmed and by these Presents do grant, bargain, sell, alien, enfeoff and confirm unto the said Benjamin Carter Waller his Heirs and Assigns forever two peices parcels or Lotts of Ground lying and being in the City of Williamsburg aforesaid in the Parish of Bruton and County of York being the same Lotts whereon the said Benjamin Carter Waller now liveth and which were sold and conveyed to the said Patrick Robertson by Zachariah Rowland and Peggy his Wife by Indenture of Bargain and Sale bearing the twenty sixth day of July in the year of our Lord one thousand seven hundred and eighty six [this year incorrect as Robertson was in possession of the lots as early as July 5, 1783, see page 20 of this report] proved and recorded in the Honourable the General Court reference being had thereunto will more fully appear, and bounded as followeth to Wit beginning at the South West Corner of Waller's Street, thence down the Street leading to Queen Mary's port ten poles thence South eighty nine Degrees and a half East fifteen poles thence South half a degree, West ten poles to Waller's Street thence up the said Street fifteen poles to the beginning which said Lotts are denoted in the plan of the said City by the Numbers or figures 19. 43. and all Houses, Buildings Yards, Gardens, ways, waters, Inclosures, profits, Commodities, Hereditaments and appurtenances whatsoever to the said two peices, parcels or Lotts of Ground belonging or in any wise appurtenanting and the Reversion and Reversions, Remainder and Remainders, Rents, Issues and profits thereof and all the Estate, Right, Title, Interest, Property claim and demand whatsoever of them the said Patrick Robertson, and Catharine his Wife of, in and to the same and every part thereof with the appurtenances. To have and to hold the said two peices, parcels, or Lotts of Ground and premises with the

appurtenances unto him the said Benjamin Carter Waller his Heirs and Assigns to the only proper use and behoof of him the said Benjamin Carter Waller his Heirs and Assigns forever. And the said Patrick Robertson, for himself and his Heirs doth hereby covenant grant and agree to and with the said Benjamin Carter Waller, his Heirs and Assigns by these presents that he the said Patrick Robertson and his Heirs the above granted premises with their and every of their appurtenances, unto the said Benjamin Carter Waller his Heirs and Assigns against the lawful Claim and demand of all and every other person or persons whatsoever claiming or to claim the same shall and will warrant and for ever defend by these Presents In Witness whereof the parties to these Presents have hereunto interchangeably set their Hands and affixed their Seals the day and year first above written

Patrick Robertson
Catharine Robertson

Sealed and delivered
In the presence of
Ebenezer Ewing
Matthew Anderson
Alexr: Massenburg
John Bruce

Chas. Hunt
Ro: H. Waller as to PR
Henry Hiort

At a court held for York County the 21st day of May 1792. This Indenture was proved by the Oath of Charles Hunt a Witness thereto and on the third day of the said Court the said Indenture was proved by the Oaths of Henry Hiort and Robert H. Waller, two other Witnesses to the same and together with the Commission annexed and Certificate of the execution thereof ordered to be recorded

Teste
Ro: H. Waller cl cur

The Commonwealth of Virginia to Samuel Veale, Willis Wilson and John Hearnas Gentlemen Greeting: Whereas Patrick Robertson of the Town of Portsmouth and County of Norfolk and Catherine his wife by their certain Indenture of Bargain and Sale bearing date the first day of October in the year of our Lord one thousand seven hundred and ninety one have sold and conveyed unto Benjamin Carter Waller two pieces, parcels or Lotts of Ground lying and being in the City of Williamsburg in the Parish of Bruton and County of York whereon the said Benjamin Carter Waller now liveth and bounded as in the said Indenture is contained and specified. And whereas the said C Robertson can not conveniently travel to our Court of York County to make acknowledgment of the said Conveyance, Therefore we do give unto you or any two of you power to receive the acknowledgment which the said Catharine Robertson shall be willing to make before you of the Conveyance aforesaid contained in the said Indenture which is hereunto annexed and we do therefore command you that you do personally go to the said Robertsons and receive her acknowledgment of the same and examine her privily and apart from the aid Patrick her husband, whether she doth the same freely and voluntarily without the persuasions or Threats of her said Husband And whether she be willing the same should be recorded in our said Court of York County and when you have received her acknowledgment and examined her as aforesaid that you distinctly and openly certify us thereof in our said Court under your Seals sending then there the said Indenture and this Writ Witness Robert Hall Waller Clerk of our said County Court the first day of October 1791 in the sixteenth year of the Commonwealth
Ro. H. Waller.

By virtue of the within Commission to us directed we did personally go to Catharine Robertson wife of the within named Patrick Robertson and examined her privily and apart from her said Husband and before us she did acknowledge the Indenture hereunto annexed to be her act and Deed and declared that she did the same freely and voluntarily without the persuasions or Threats of her said Husband and that she was willing the same should be recorded in the County Court of York of which we do certify the Commonwealth in the said Court under our Hands and Seals this first day of October 1791.
Exd.

Saml. Veale
Willis Wilson

18

Benjamin Carter Waller, sometimes known as Benjamin Waller, Jr., was the son of Benjamin Waller who sold lots 19 and 43 to Benjamin Powell in 1763.

The deed of 1791 quoted above indicated that Benjamin C. Waller was already living on the lots when he purchased them from

Patrick Robertson. In January of 1791, that Benjamin C. Waller sold two lots on the west side of the street leading to the Capitol Landing to Samuel Crawley. ¹⁹These lots are labeled "Billett" on Tyler's Map. ²⁰The deed of January 1791 for the two lots sold to Samuel Crawley stated that Benjamin C. Waller had lately lived on the lots, indicating that he moved off the Billett lots perhaps late in 1790 or early in January 1791. Benjamin C. Waller may well have moved onto lots 19 and 43 at that time, renting them from Patrick Robertson until October of 1791 when he purchased the lots from Robertson who was then living in Portsmouth.

Records of lots 19 and 43 are scarce after the purchase of the property in 1791 by Benjamin Carter Waller. In 1814, by a deed of gift, Benjamin C. Waller gave to his son, Dr. Robert Page Waller, about one-quarter acre of land, part of the property on which they lived:

This Indenture made this 28th day of March in the year of our Lord one thousand Eight hundred and fourteen. Between Benjamin C. Waller of the City of Williamsburg of the one part and Robert P. Waller of the same place of the other part— Witnesseth, that for and in consideration of the natural love and affection which he the said Benjamin C. Waller has for the Robert P. Waller as well as for and in consideration of the sum of one dollar Current money of Virginia to him in hand paid by the said Robert P. Waller, at or before the ensembling and delivery of these presents, the receipt whereof he doth hereby acknowledge, and thereof acquit and discharge the said Robert P. Waller his Heirs, Executors, and Administrators He the said Benjamin C. Waller Hath granted, bargained, and sold, and by these presents Doth, grant, bargain, and sell unto the said Robert P. Waller his Heirs and Assigns The house in which he the said Robert P. Waller at present resides, and a part of the lott upon which it stands-which said house is at present used by the said and Robert P. Waller as a Doctor's Shop- and stands upon the Lott upon which the dwelling house of the said Benjamin C. Waller is; the said part of the Lott commencing from the said House in which the said Robert P. Waller resides and running back from the corners of the said house in two streight lines to a line of pales enclosing the garden of the said Benjamin C. Waller on the West side thereof which said house and part of a Lott are bounded as follows containing by estimation about one quarter of an acre of Land- and all houses, buildings, gardens, Yards, Commodities, Hereditaments, and Appurtenances to the said house and part of a Lott belonging or in any wise Appurtaining and the reversion and Reversions, Remainder and Remainders, Rents, Issues, and profits thereof and all the Estate, right, Title Interest, property, claim and demand whatsoever of him the said Benjamin C. Waller of, in, or to the same, or any part thereof. To have and to hold the said house and part of a Lott with the appurtenances unto the said Robert P. Waller his Heirs and Assigns to the only proper use and behoof of him the said Robert P. Waller his Heirs and Assigns forever. And the said Benjamin C. Waller for himself his Heirs, Executors and Administrators doth covenant, promise, grant and agree to and with the said Robert P. Waller his Heirs and Assigns that he the said Benjamin C. Waller and his Heirs all and singular the premises with the Appurtenances unto the said Robert P. Waller his Heirs and Assigns against him the said Benjamin C. Waller and his Heirs; and against all and every other person & persons shall and will warrant and forever defend by these presents--In witness whereof the said Benjamin C. Waller hath hereunto set his hand and affixed his Seal the day & year first written.

Ben. C. Waller

Sealed & Delivered

in presence of

Wm. Lee

John Pearman

William Waller

Rd. Garrett

At a Court held for York County the

18th. day of April 1814

This Deed of gift was proved by the oaths of John Pearman William Waller, and Richard Garrett witnesses thereto and ordered to be recorded--

Teste

Saml. Sheild C. Y. C.

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It is not known just when the office or doctor's shop was built, though this deed indicated that it was in existence before 1814. Robert P. Waller was already living in it and practicing medicine in 1814. Benjamin Carter Waller was living in the dwelling house on the property.

Benjamin Carter Waller died in 1820. His will indicated that he had three sons, Benjamin, Robert Page and William. ²²Benjamin inherited the plantation called "Byrds" and other lands. William and Robert Page were named executors of their father's will and they were to divide the remainder of his estate including their father's land in Williamsburg. The will did not specify whether William or Robert Page was to inherit the property on which Benjamin C. Waller had lived, but indications are that Robert P. Waller became owner of lots 19 and 43. For one thing, he already owned part of the property by the deed of gift from his father in 1814, and he was

living and working in the office. It seems reasonable to assume that he, rather than William, would have become full owner of the entire parcel and all the buildings on it. John S. Charles described Williamsburg at about the time of the Civil War in his "Recollections of Williamsburg, Virginia..." In describing the houses along Waller Street he stated:

The next residence on this street was called the "Clebourne" house [Elizabeth Carlos House], which was a small story-and-a-half wooden building, with dormer windows. The front porch was a short distance from the street, with yard filled with shrubs and flowers, which somewhat obscured the view. On the south side it adjoined the premises now owned by Capt. Lane, who now lives in the old home of Dr. Ro. P. Waller, who was the owner of more slaves, and the largest land owner in this section.

The premises on which Capt. Lane now lives appear much as they did years ago. The brick office in the front yard is said to have been used by Dr. Waller, when he practiced medicine. The front yard was, up to a few years ago, enclosed with an attractive picket fence, but was removed a few years ago. ²³

Robert Page Waller lived in the Powell-Waller House until his death in 1872. His will was proved September 9, 1872. ²⁴In it he gave to his daughter, Catharine Page Langhorne, the house and lot of land where he resided. Later owners of the property can be traced through deeds and other court records on file at the Williamsburg-James City County Court House. Copies may be found in the Accounting Department of The Colonial Williamsburg Foundation. Owners of lots 19 and 43 after Catharine Page Langhorne were:

- L. W. Lane by deed of September 8, 1887, from Charles S. Langhorne and Catharine Page Langhorne.
- Spencer Lane, Jr. (grandson of L. W. Lane) by will of L. W. Lane dated July 16, 1931. Spencer Lane, Jr. died before age 21 without issue. The property then reverted to the executors of L. W. Lane's will, B. D. Peachy, Jr. and Ashton Dovell, to be disposed of as they saw fit.
- Colonial Williamsburg, Inc. by deed of March 21, 1939, from B. D. Peacy, Jr. and Ashton Dovell. Mrs. Mackie B. Lane, mother of Spencer Lane, Jr. was given life tenancy by Colonial Williamsburg at that time. She died June 29, 1971.

Part II. Biographical Sketches of Owners, 1743-1782 and 1791-1872

BENJAMIN WALLER (1716-1786)

Benjamin Waller owned the property on which the Powell-Waller House and outbuildings are located from 1743 to 1763.

Benjamin Waller was born October 1, 1716 in King William County. His father was Colonel John Waller (1673-1754) who immigrated to Virginia from England during the last years of the seventeenth century. He married Dorothy King about 1696; they had six children, of whom Benjamin was the fifth. Colonel Waller moved his family to Spotsylvania County, where in 1722 he became the first clerk of that county.

John Carter, Secretary of the colony from 1722 to 1743, once was detained for a while at the plantation of Benjamin Waller's father. Carter was favorably impressed by Benjamin's intelligence and made arrangements for the boy to come to Williamsburg, where he placed him in the College of William and Mary. After finishing his college education at the age of seventeen or eighteen, Benjamin Waller was placed in the Secretary's office for several years, where he learned to be an excellent clerk. Secretary Carter then urged him to study law and obtained permission from Lady Randolph, widow of Sir John Randolph, for Benjamin Waller to use her deceased husband's excellent law library. Waller obtained a license to practice law in 1738.

After a few years as a lawyer, Benjamin Waller began receiving important appointments in the colony. In 1737 he became Deputy Clerk of James City County; he also held the offices of King's Attorney in Gloucester County (May 18, 1738) and King's Attorney in James City County (December 4, 1739) before being appointed Clerk of James City County on December 10, 1739. Benjamin Waller represented James City County in the House of Burgesses from 1744 to 1761. Waller was later a member of the Council of the State of Virginia from 1778 to about May of 1779. He presided in the Court of Admiralty from May 1779 until his resignation in January of 1786. He died in that year.

In December of 1774 Benjamin Waller was made a member of the Williamsburg committee for the enforcement of the Continental Association. He had served the British government well, but he was a strong supporter of the Patriots during the Revolution.

Benjamin Waller married Martha Hall (1728-1779) on January 2, 1746. Their surviving children:

- Martha, married William Taylor
- Mary, married John Taylor Corbin
- John, married Judith Page
- Dorothy Elizabeth, married Henry Tazewell
- Ann, married John Boush

- Benjamin Carter, married Catharine Page
- Clara, married Edward Travis
- William, married Elizabeth Macon
- Robert Hall, married Nancy Camm and later Martha Langhorne Crafford ²⁵

Benjamin Powell (-1791)

Benjamin Powell owned lots 19 and 43 and the buildings on the property from 1763 to 1782.

Benjamin Powell was a well-known carpenter, builder and wheelwright in colonial Williamsburg. The first mention of him in Williamsburg is in the year 1753, when a deed for the purchase of lot 30 was recorded in the York County Court. ²⁶In this deed he was described as a wheelwright. He later purchased lot 34 (1756), lot 31 (1757) and lot 32 (1758). ²⁷On January 1, 1756, Frederick Bryan, an orphan, became Benjamin Powell's apprentice. He was to stay with Powell for eight years and learn the art of carpentry. ²⁸

Benjamin Powell's wife Hannabella (Annabella, Annabelle) was mentioned in a deed of 1760, when they sold lot 30 to Seymour Powell. ²⁹Annabella Powell was born in 1732 and died in 1782 according to the stone which marked her grave at Carr's Hill near Williamsburg. The stone was moved to Bruton Churchyard in the 1920's. ³⁰A notice of her death appeared in the *Virginia Gazette and Weekly Advertiser* on January 12, 1782.

Benjamin and Annabella Powell had two daughters: Hannah who married William Drew, and Ann (Nancy) who married John Burwell, son of Armistead Burwell of Dinwiddie County. ³¹

When Benjamin Powell purchased lots 19 and 43 in 1763, the deed described him as a carpenter. ³²He was paid in 1764 and 1765 for work at the Publick Gaol. In 1769, he built the steeple at Bruton Parish Church and was paid for repairs at the Capitol. ³³He won the contract for building the Eastern State Hospital, and articles of agreement between Benjamin Powell and the Court of Directors of the Hospital were signed January 18, 1771. ³⁴Construction on the Hospital was completed in 1773. ³⁵

Sometime between 1786 and 1790 Benjamin Powell married again. His second wife was Mrs. William Rowsay (Frances Tabb), widow. ³⁶

Benjamin Powell filled places of importance in public office during his lifetime. In December 1767 he was chosen a member of the Williamsburg common council; ³⁷in December of 1774 he was made a member of the Williamsburg committee for the enforcement of the Continental Association. ³⁸During the Revolution he furnished tents for the army and did work on the barracks and for the troops in Williamsburg. ³⁹He also did such jobs for the Committee of Safety as appraising furniture at the Palace that might be needed by General Charles Lee for his headquarters during his stay in Williamsburg. ⁴⁰He was Marshal of the Court of Admiralty and advertised in the *Virginia Gazette* many prize ships and their cargoes which were to be sold.

Besides his lots in town, Benjamin Powell seems to have owned other tracts of land in York County, most of them on or near Queen's Creek. ⁴¹It is thought that Benjamin Powell resided in York County on one of his plantations after selling lots 19 and 43.

Benjamin Powell died in 1791; Frances Powell in 1824. ⁴²

BENJAMIN CARTER WALLER (1757-1820)

Benjamin Carter Waller owned the Powell-Waller House and property from 1791 to 1820.

Benjamin Carter Waller, sometimes known as Benjamin Waller, Jr., was born in 1757. ⁴³According to Littleton Waller Tazewell, Benjamin Carter Waller was "bred by his father to the bar, and practiced the law in the neighbourhood of Williamsburg with much success." ⁴⁴By February of 1775, he was Clerk of the Williamsburg committee for the enforcement of the Continental Association, ⁴⁵of which his father was a member. In September of 1775 he was elected a captain of the Williamsburg militia. ⁴⁶

A notice in the *Virginia Gazette* on October 30, 1718 concerning the High Court of Chancery was signed by Benjamin C. Waller, "C. H. C. C." He still held the position of Clerk of the High Court of Chancery in April of 1779. ⁴⁷

Benjamin Carter Waller's name was included in a list of five persons to fill three vacancies on the Court of Directors of the Eastern State Hospital in 1789. ⁴⁸He received one of the appointments and was in attendance at the meeting of the Court of Directors on February 16, 1790. ⁴⁹He was last noted as present at a Court meeting on July 28, 1795. ⁵⁰Benjamin Carter Waller apparently resigned his place on the Court sometime between that meeting and the meeting of December 1, 1796, when several new Directors were named, one of them to fill the place left by Benjamin Carter Waller's resignation. ⁵¹

Benjamin Carter Waller married Catharine Page. Their children living at the time of Benjamin C. Waller's death were mentioned in his will: ⁵²three sons, Benjamin, William and Robert Page, and a daughter, Martha Muse Hoomes.

Benjamin Carter Waller bought lots 19 and 43 once owned by his father. In addition, he probably inherited considerable lands in York County through his father, but no will for Benjamin Waller is extant. Benjamin C. Waller received a gift of 96 acres in York

County from his father in 1783. ⁵³

Benjamin Carter Waller died in 1820.

ROBERT PAGE WALLER (-1872)

Robert Page Waller owned the Powell-Waller House and property from about 1820 to 1872.

Robert Page Waller was a son of Benjamin Carter Waller. Very little is known of him except that he was a physician. His will mentioned several children and his wife, "Julia W." ⁵⁴Two sons, Mathew P. Waller and Hugh Mercer Waller, were mentioned in the will. There was a third son, William, who perhaps died without issue before his father's will was made. The three sons attended the College of William and Mary. ⁵⁵

Robert P. Waller served on the Court of Directors of Eastern State Hospital beginning January 1, 1816. ⁵⁶He was also a Justice of the Peace in York County. ⁵⁷

Robert P. Waller apparently was a wealthy man with considerable holdings in real estate. As was noted on page 28 of this report John S. Charles described him as being the largest landowner "in this section"--Waller Street and York County. Presumably much of the land came to him through inheritance from his father. His property was described this way in 1869 in connection with a law suit:

... firm of W W Vest & Co. who sues at the costs & for the benefit of Robert F Cole obtained judgment against William Waller [probably brother of Robert P. Waller] & Robert P Waller for the sum of Five thousand five hundred & ninety two dollars & eighty four cents ... Your complt. is not advised that William Waller is possessed or intitled to any real estate but charges that he is notoriously insolvent. But Robert P Waller is & was seized & possessed of large tracts of land in the county of York to wit a tract containing 2915 acres lying between Queen's Creek & Carter's Creek ... a tract of 328 acres between Queen's Creek & City of Williamsburg, a tract of 487 acres between Queen's creek & Saunder's land & also a Valuable grist mill; and also divers lots of land in the city of Williamsburg to wit, a lot of land & buildings thereon now occupied by William S. Morris & which the said Robert P Waller purchased of William Waller, a lot of land adjoining the lot of Mrs. Mary Claiborne formerly owned by Benj. Waller [brother of Robert P.] decd... & also a house & lot in said city now occupied by said Robert P Waller as a residence. ⁵⁸

Robert P. Waller died in 1872.

Footnotes



¹ 1. *Waller Family Papers, 1737-1912* [no pagination], The Colonial Williamsburg Foundation, M-169.

² 2. See Appendix for copy of act.

³ 3. *York County, Deeds V (1741-1754)*, 212, 217, 219.

⁴ 4. *Ibid.*, [334 a]. See Appendix, *William Waller's Plat of 1749* .

⁵ 5. *Ibid.*, 332.

⁶ 6. *Ibid.*, 363, 449, 565, 568, 627.

⁷ 7. *Ibid.*, VII (1763-1769), 4.

⁸ 8. See Appendix, Plat Drawn from Deed of 1763.

⁹ 9. See Appendix, Plat Drawn from Deed of 1763 and Plan of the Powell-Waller House. The twentieth-century plat drawn from the 1763 deed divides the property equally between lots 19 and 43. As a result, the corner of the brick portion of the house is shown extending across the line onto lot 43. However, Benjamin Waller probably moved the line slightly to the south in order to get all of the brick building on lot 19, thus making the lots not quite equal in size.

¹⁰ 10. William W. Hening, ed., *The Statutes at Large...* (Richmond, 1820), VII, 54.

¹¹ 11. See Appendix, Tyler's Adaptation of the College Map of about 1790.

¹² 12. *Virginia Gazette* (Dixon and Nicolson), January 29, 1780, p. 3.

¹³ 13. *York County, Deeds VI (1777-1791)*, 118.

¹⁴ 14. See Appendix, Detail from the Frenchman's Map of 1782.

¹⁵ 15. *Virginia Gazette, or, The American Advertiser* , September 28, 1782, p. 3.

¹⁶ 16. *Virginia Gazette and Weekly Advertiser* , July 5, 1783, p. 3.

¹⁷ 17. *Ibid.*, July 17, 1784, p.3.

¹⁸ 18. *York County, Deeds VII (1791-1809)*, 44.

- [^] 19. *Ibid.*, VI (1777-1791), 457.
- [^] 20. See Appendix.
- [^] 21. *York County, Deeds* VIII (1809-1820), 268. See Appendix, Plat Drawn from Deed of 1763 which shows that the narrow strip of land described in the deed of 1814 ran eastward from the corners of the office through lot 46.
- [^] 22. See Appendix for copy of will.
- [^] 23. Typescript, Research Department, The Colonial Williamsburg Foundation, pp. 61-62.
- [^] 24. See Appendix for copy of will.
- [^] 25. Littleton Waller Tazewell's sketch of his own family ... 1823: Transcribed and Edited by Lynda Rees Heaton. M. A. Thesis (1967). College of William and Mary, pp. 128-138.
- [^] 26. *York County, Deeds* V (1741-1754), 565.
- [^] 27. *Ibid.*, VI (1755-1763), 70, 95, 171.
- [^] 28. *Ibid.*, 57.
- [^] 29. *Ibid.*, 299.
- [^] 30. *Tyler's Quarterly* , IX (1927-28), 209.
- [^] 31. *York County, Wills and Inventories* XXIII (1783-1811), 222; *Virginia Gazette* (Purdie and Dixon), December 5, 1771, p. 3.
- [^] 32. *York County, Deeds* VII (1763-1769), 4.
- [^] 33. Marcus Whiffen. *The Public Buildings of Williamsburg* . (Williamsburg, 1958), p. 150.
- [^] 34. *Court of Director's Minutes, Eastern State Hospital* , December 10, 1770-July 23, 1801, pp. 15-16. Photostats in Research Department.
- [^] 35. *Virginia Gazette* (Purdie and Dixon), September 16, 1773, p. 3; *Ibid.*, September 23, 1773, p. 3.
- [^] 36. William Rowsay's will in which he mentioned his wife, Frances, was written July 7, 1786 (See Tucker-Coleman Collection). Benjamin Powell's will in which he mentioned his wife, Fanny, was written November 10, 1790 (*York County, Wills and Inventories* XXIII (1783-1811), 222). See also Wetherburn's Tavern House History.
- [^] 37. *Virginia Gazette* (Purdie and Dixon), December 3, 1767, p. 3
- [^] 38. *Ibid.*, December 22, 1774, p. 2.
- [^] 39. H. W. Flournoy, ed., *Calendar of Virginia State Papers* , (Richmond, 1890), VIII, 149.
- [^] 40. *Ibid.*, December 22, 1774, p. 2.
- [^] 41. *York County, Deeds* VIII (1769-1777), 391, 397, 400; *Ibid.*, VI (1777-1791), 51.
- [^] 42. *The Richmond Enquirer* , October 14, 1824.
- [^] 43. *William and Mary Quarterly*, 1st ser., XIII (1905), 176.
- [^] 44. Littleton Waller Tazewell's sketch of his own family ... 1823: *Transcribed and Edited* by Lynda Rees Heaton. M. A. Thesis (1967). College of William and Mary, p. 139.
- [^] 45. *Virginia Gazette* (Purdie), February 17, 1775, p. 4.
- [^] 46. *Ibid.* (Pinkney), September 14, 1775, p. 3.
- [^] 47. *Ibid.* (Dixon and Nicolson), April 24, 1779, p. 3.
- [^] 48. *Court of Director's Minutes, Eastern State Hospital*, December 10, 1770-July 23, 1801, p. 92. Photostats in Research Department.
- [^] 49. *Ibid.*, p. 94.
- [^] 50. *Ibid.*, p. 146.
- [^] 51. *Ibid.*, p. 162.
- [^] 52. See Appendix for copy of will.
- [^] 53. *York County, Deeds* VI (1777-1791), 157.
- [^] 54. See Appendix for copy of will.
- [^] 55. *William and Mary Quarterly*, 2nd ser., IV (1924), 52, 58, 62, 170, 176, 178, 182, 251, 253.
- [^] 56. *Annual Report of the Eastern State Hospital of Virginia* (1905), p. 61. Copy in Research Department.
- [^] 57. *Court of Director's Minutes, Eastern State Hospital*, 1822-1842, pp. 13 and 44. (There are two page 44's in this volume. This is the first page 44.) Photostats in Research Department.
- [^] 58. Chancery Court Papers, Box 57, Williamsburg-James City County Courthouse. [Last item in second "Cole vs. Waller" expanding file in Box 57.]

1744 Act of Assembly to Enable Mann Page to Dispose of Certain Entailed Lands

William W. Hening, ed., *The Statutes at Large ...* (Richmond, 1820), V, 277-284.

CHAP. XXXVII.

An Act, to enable Mann Page, Esq. to sell and dispose of certain entailed lands, to raise money for the paiment of his father's debts, and performance of his will; and for other purposes therein mentioned.

I. Whereas Mann Page, late of Rosewell, in the county of Gloucester, esq. deceased, was, in his lifetime, seised of a very valuable estate in lands, lying in divers parts of this colony; and more especially of and in one certain tract or parcel of land, called Page-land, in the county of Prince William, containing ten thousand six hundred and ten acres; and of one other tract or parcel of land called Page-land, in the county of Frederick, formerly Prince William, containing eight thousand and seven acres; and of one other tract or parcel of land, in the county of Spotsylvania, containing four thousand five hundred acres; and of one other tract or parcel of land, containing one thousand three hundred an eighty acres, at or near Hobb's-Hole, in the county of Essex; and of one other tract or parcel of land called Pamocra, containing nine hundred acres in the county of James City; and of a parcel of land, containing two thousand acres, in the county of Hanover; and also, of the reversion of seven hundred acres of land, or thereabouts, adjoining the city of Williamsburg, in the county of York; and of a parcel of land, called Neck-of-land, containing one thousand seven hundred acres, in the county of James City; and of a parcel of land called Pampatike, containing one thousand acres in the county of King William, expectant upon the death of Elizabeth Bray, then the wife of David Bray, Gentleman: And, being also possessed of a large number of slaves, and a considerable personal estate, by his last will and testament, in writing, bearing date the twenty fourth day of January, one thousand seven hundred and thirty, devised to his wife Judith, his dwelling house, with all out houses thereto belonging, where he then lived, and the mansion house then building, with all the land thereto adjoining, so far as the inward fence of the pasture run; and also all the slaves which then belonged to his dwelling house and the home plantation for and during her natural life, and after her decease, to his son Ralph Page. He did also devise to his said son Ralph Page, all his lands in the county of Gloucester, (excepting the land by him lately purchased of colonel Francis Willis, and the slaves on the last mentioned lands) and all his lands called Mahixon, in the county of Hanover, and all the lands called Claiborn's Neck in the county of King William, and the land by him lately purchased of Henry Chiles: He did also give to his said son Ralph, all the slaves on the said several tracts of land, and all the slaves belonging to the tracts of land which were his former wife's, the said Ralph's mother; which said lands by him so given to his said son Ralph, he did devise to him, and the heirs of his body, lawfully begotten; and in failure thereof, to his son Mann Page, and the heirs of his body, lawfully begotten; and in failure thereof, to his son Carter Page, and the heirs of his body, lawfully begotten; and in failure thereof, to his son John Page, and the heirs of his body, lawfully begotten; and in failure thereof, to his son Matthew Page, and the heirs of his body, lawfully begotten; and in failure thereof, to his son Robert Page, and the heirs of his body, lawfully begotten; and in failure thereof, to his daughters, Mary and Lucy, and to their heirs, for ever, equally to be divided, between them. He did also devise to his said son Mann Page, his tract of land lying near Hobb's-Hole, in the county of Essex, and all the slaves on the said land, and to the heirs of his body, lawfully begotten; and on failure thereof, to his said sons, Carter, John, Matthew and Robert, successively, and to the successive heirs of their several bodies, for ever; and on failure of such heirs, to his son Ralph Page, and the heirs of his body, lawfully begotten; and in failure thereof, to his daughters, Mary and Lucy, and to their heirs, for ever, equally to be divided between them: But declared his intent to be, that the slaves on the land so given to his son Mann Page, should be to him and his heirs, forever: He did also devise to his said son Mann Page, all his lands in the county of Spotsylvania, to him, and the heirs of his body, lawfully begotten, for ever; and all his lands in the county of Prince William, known by the name of Page-land, to him, and the heirs of his body, lawfully begotten, for ever; and on failure of such, to his said sons Carter, John, Matthew, Robert, and Ralph, successively, and to the successive heirs of their several bodies, for ever; and on failure of such heirs, to his said daughters, Mary and Lucy, and their heirs, for ever, equally to be divided between them. He did also devise to his said son Carter Page, all that tract of land purchased by his late father, Colonel Matthew Page, of Colonel William Basset, deceased, lying in the county of Hanover, under the same limitations as are mentioned in the devise of the lands to his son Mann Page: He also gave to his said son Carter all the slaves, and stock of cattle and hogs, belonging to the land so given him; and did devise to his said son Carter Page, the reversion and reversions, and all the right, title, and interest he had in the lands late of his uncle. Mr. Francis Page, and which were then in the possession of Colonel David Bray, to his said son Carter, under the same limitations as are mentioned in the devise of the lands to his son Mann Page. He likewise devised to his son John Page, all that tract of land lying in the parish of Ware, in the county of Gloucester, by him purchased of Colonel Francis Willis, to his said son John, and the heirs of his body, lawfully begotten, for ever, under the same limitations as are mentioned in the devise to his son Mann Page: He also gave to his said son John Page the slaves and stock of cattle and hogs, belonging to the said land and five hundred pounds sterling; to to be paid him when he should attain to the age of twenty one years. He also gave to his said sons Matthew and Robert, and to his daughter Mary, two thousand pounds sterling, each; to be paid them when they should severally attain to the age of twenty one years; and to his daughter Lucy, five hundred pounds sterling; and declared his will to be, that the slaves and stocks, given to his sons, should be kept upon the lands to which they belonged, until his sons should severally attain to the age of twenty

one years: And that out of the profits arising by the said slaves and lands, his children should be maintained and educated, suitable to their quality and circumstances; and that the residue of the said profits, be applied towards paying his debts, and the legacies given by his said will, as in the said will more fully is contained.

II. And whereas soon after the death of the said testator, his said sons Ralph Page, and Carter Page, departed this life, without issue, as did also the said David Bray, and Elizabeth his wife; whereby the lands so devised to the said Ralph Page, and Carter Page, are become vested in the said testator's son Mann Page.

III. And whereas the said testator, at the time of his death, was considerably indebted unto several persons in Great Britain, and in this colony, more than the value of his slaves and personal estate amounted to; for a great part of which debts, the said testator had engaged, in his life time to pay interest.

IV. And whereas the profits of the said testator's estate have been applied, ever since his death, in discharging his debts, and the maintenance and education of his children according to his will; but have been found deficient and ineffectual: And the said Mann Page, the son, hath been obliged to advance great sums of his own money, to prevent creditors from bringing suits, and seizing and selling the said estate; and the portions so as aforesaid bequeathed, to the said testator's children, are mostly yet unpaid.

V. And whereas now, after thirteen years experience, it appears impossible to raise money sufficient, out of the profits of the said estate, to discharge the said testator's debts and legacies; and the slaves and personal estate left by the said testator, if taken in execution and sold, will not be sufficient to pay the said debts and legacies, and to reimburse the said Mann Page the money by him advanced, as aforesaid; besides that the taking the said slaves in execution, will not only burthen the estate with great charge and expence, but very much distress the said Mann Page and John Page, by rendring their lands of little or no benefit to them; and must in a great measure, defeat the provision intended by the said testator, for the younger children.

VI. And whereas, altho' the said Mann Page is intituled to the lands intended, by this act, to be subjected to the payment of the testator's debts, and which said lands are of a more considerable value than the negroes and personal estate, designed to be affected by this act: yet, nevertheless, the said Mann Page, being desirous that his father's just debts should be paid and satisfied, and the portions of his younger brothers and sisters complied with, agreeable to the intention of his said late father, proposes, and is willing, that the lands hereafter mentioned, should be sold and disposed of, for the payment of the said debts and legacies, and reimbursing him what he hath already expended, on account thereof: So that a property of all the personal estate and negroes, belonging to the estate of the said testator, (except as hereafter excepted) may be absolutely vested in him, the said Mann Page, in part of satisfaction of the considerable interest he submits to be divested of by this act; subject, nevertheless, to the payment of such part of the debts, legacies, and money, already expended by the said Mann Page, as the said lands, when sold, shall not be sufficient to satisfy and discharge.

VII. And whereas notice has been published three Sundays successively, in the several parish churches where the lands herein after mentioned lie, that application would be made, by the said Mann Page, the son, to this General Assembly for leave to sell and dispose of the said lands, pursuant to your majesty's instructions: Therefore, for encouraging the good and, laudable design of the said Mann Page, the son, to pay the debts, and fulfil the will of his said father, and the better to enable him so to do; and to the end, that some of the slaves left by the said testator, may be preserved, to the use of the said Mann Page, and John Page, in cultivating of their remaining lands, may it please your most excellent majesty, at the humble suit of the said Mann Page, the son, that it may be enacted;

VIII. *And be it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same* , That from and after the passing of this act, it shall and may be lawful to and for the said Mann Page, the son; and in case of his death, his executors or administrators; and he and they are hereby severally impowered, to sell, for the uses and purposes hereafter mentioned, to any person or persons who shall be willing to purchase the same, the following tracts or parcels of land; to wit, the said tract or parcel of land called Page-land, in the county of Prince William, containing, by estimation, ten thousand six hundred and ten acres, or thereabouts: The said tract or parcel of land called Page-land, in the county of Frederick, formerly Prince William, containing eight thousand, and seven acres, or thereabouts: The said tract or parcel of land in the county of Spotsylvania, containing four thousand five hundred acres, or thereabouts: The said tract or parcel of land, at or near Hobb's-Hole, in the county of Essex, containing one thousand three hundred and eighty acres, or thereabouts: The said tract or parcel of land, called Pamocra, in the county of James city, containing nine hundred acres, or thereabouts: The said seven hundred acres of land, or thereabouts, adjoining the city of Williamsburg, in the county of York: The said tract or parcel of land, called Neck of land, in the county of James City, containing one thousand seven hundred acres, or thereabouts: The said tract or parcel of land, called Pampatike, in the county of King William, containing one thousand acres, or thereabouts: And the said tract or parcel of land in the county of Hanover, purchased by colonel Matthew Page, of colonel William Bassett, deceased, containing two thousand acres, or thereabouts.

IX. *And be it further enacted* , That the said Mann Page, the son; and in case of his death, his executors or administrators, shall and may, and he and they are hereby further impowered, to make and execute all deeds and conveyances, necessary in the law, for assuring unto such purchaser or purchasers, a good estate, in fee simple, in the lands so to be purchased: And such purchaser or purchasers by virtue of such deeds and conveyances, and this act, shall, for ever hereafter, peaceably and quietly hold and enjoy

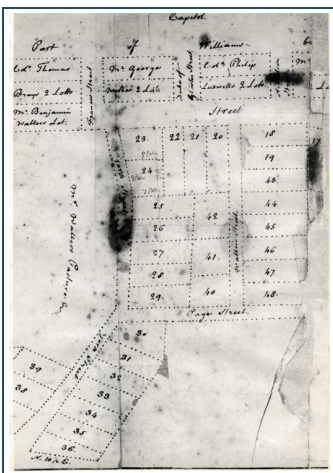
the lands so purchased, to them, and their heirs, for ever. And the money paid by such purchaser or purchasers, shall be applied, in the first place, for and towards the payment and discharge of the debts of the said testator. Mann Page, still remaining unpaid, and for and towards the reimbursing the said Mann Page, the money by him so advanced, as aforesaid; and afterwards, for and towards the payment and discharge of the several legacies and portions, given and devised by the said testator, to his three younger sons and daughters.

X. *And be it further enacted, by the authority aforesaid* , That the following slaves, part of the slaves devised by the said Testator, to his son, the said Ralph Page, to wit, Abram, Barnaby, John, Rachel, Lucy, Mary, Bob, Nanny, Billy, John, Tom, Beck, Nanny, Lucy, Bob, Judy, Alice, John Frank, Joshua, Solomon, Jemmy, Jack, Margaret, Daniel, Jemmy, Sarah, Anthony, now being upon, and belonging to the quarter at Rosewell; James, Nicholas, Hannah his wife, Nell, Rachel, Harry, Billy, Davy, Jemmy, Bob, London, Isabel, Sue, Moses, Aaron, Sarah, Olliver, Dick, Jack, now being upon, and belonging to Clay-Bank quarter; Jack, Betty his wife, Billy, Dick, Bridget, Nat, Edmund, Betty his wife, Dick, Jeffry, Mary, John, London, Harry, Jack, Jemmy, Sarah, now being upon and belonging to Scotland quarter; Harry, Sarah his wife, Harry, Betty, Bob, Jemmy, Betty, Charles, Frank, Mat, Will, and Tony, now being upon, and belonging to Clement's quarter; all which said quarters are in the county of Gloucester, and the increase of the said female slaves, so long as any of them shall be living, shall be annexed to the lands in the said county of Gloucester, devised by the said testator to his said son Ralph, and shall be vested in the said Mann Page, the son; and shall pass in descent, remainder, and reversion, to such person and persons, and for such estate and estates, and subject to the like limitations, as the last mentioned lands in the county of Gloucester, are, and stand limited, by the last will and testament of the said Mann Page, deceased: And that the said Mann Page, the son, his executors or administrators, shall be, and he and they is and are hereby impowered, to sell and dispose of such part of the said personal estate, and so many of the remaining slaves and negroes, belonging to the estate of the said testator Mann Page (except that part thereof which was given and bequeathed to the said John Page, as aforesaid) as he, the said Mann Page, the son, his executors or administrators, shall judge proper, and which may be sufficient, to make up what part the said lands may prove deficient, in discharge of the said debts, legacies, and monies, already disbursed by the said Mann Page, as aforesaid, and the money so to be raised by the sale of the said personal estate and negros, shall be accordingly applied by the said Mann Page, his executors or administrators.

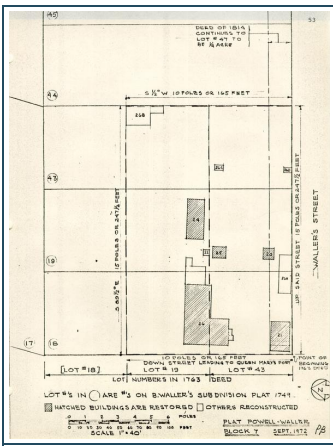
XI. *And be it further enacted* , That the absolute right, property and interest of, and in all the other negros, slaves, and personal estate, aforesaid, (except as before excepted shall be and remain, and is hereby declared to be and remain, in the said Mann Page, the son, his heirs, executors, administrators, and assigns, and to his and their own proper use and benefit; and to no other use and benefit whatsoever.

XII. Saving to the king's most excellent majesty, his heirs and successors, and unto all and every other person and persons, bodies politic or corporate, their heirs and successors, other than the persons claiming under the last will and testament of the said Mann Page, deceased, their heirs, executors, administrators, or assigns, all such right, title estate, interest, claim, and demand whatsoever, of, in, and to all or any of the lands and slaves before mentioned and described, as they or any of them had, should, or might have had, if this act had never been made.

XIII. *Provided always* , That the execution of this act shall be suspended, until his majesty's approbation thereof shall be obtained.



Portion Of William Waller's Plat of 1749



Plat Powell-Waller Block 7 Sept. 1972

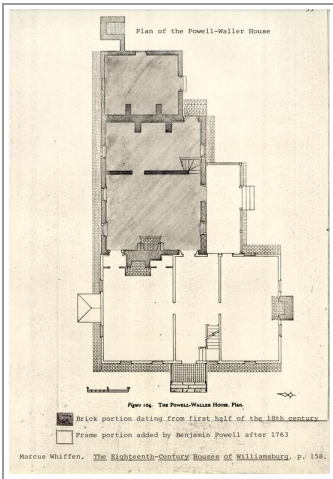
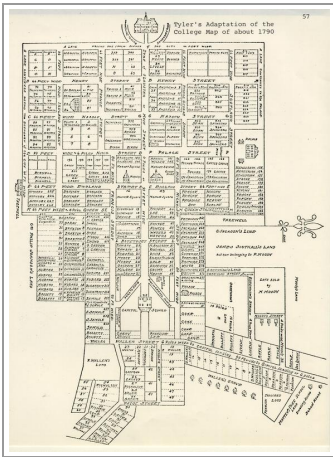
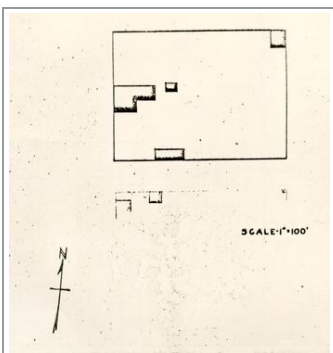


Figure 104. The Powell-Waller House Plan.
 Marcus Whiffen. *The Eighteenth-Century Houses of Williamsburg*, p. 158.



Tyler's Adaptation of the College Map of about 1790



Detail from the Frenchman's Map of 1782

Benjamin Carter Waller's Will

York County, Wills X (1811-1824), 371.

In the name of God amen I Benjamin Carter Waller of the City of Williamsburg, do make this as and for my last Will and Testament hereby revoking all former Wills by me made. I give unto my son Benjamin Waller the plantation called Byrds where he now lives, containing by survey six hundred and one Acres, I likewise give to my said Son Benjamin the money arising from the Sales of the several Tracts of Land I purchased of Harrison, Elisha Bates, and his Mother, and from the Sale of the plantation formerly the property of Edward Bates decd., also the money arising from the Sale of the Land I purchased of Samuel Harrison I also give to my said son Benjamin, all the Slaves belonging to the plantation called Byrds also the Negro man Daniel (son of old Gregory) Melly the Wife of said Daniel and their family of Children. In the foregoing bequest and devises to my son Benjamin, my entention is to give him an absolute fee simple. I further give to my son Benjamin one thousand dollars, to be paid in any manner my Executors may determine. I give unto my Daughter Martha Muse the sum of Five thousand dollars to be paid to her in Bonds or out of any other portion of my Estate my Executors may chose. I give unto my Grand Son John Hoomes, the sum of one thousand dollars, as to the legacies given of Five thousand dollars to my said Daughter Martha Muse; and of one thousand dollars to my Grandson John Hoomes, I direct that my Executors shall not pay any part of them until my said Daughter Martha Muse and her Husband, and my said Grandson John Hoomes, shall in writing release, all right, title, and Interest which they may set up to William Newman, son of my late faithful servant Nanny.

I direct that the legacies given above to my son Benjamin, my daughter Martha Muse, and my Grandson John Hoomes shall not be subject to the payment of any debts which I may owe. All the rest and residue of my Estate be it real, personal, or mixed, I give & bequeath to my sons William and Robert Page Waller, to be divided equally between them to them and their heirs forever, after the payment of my just debts. I direct that my Executors make deeds with Warranty to the purchasers of the several Tracts of Land, which I bought of Harrison, Elisha Bates and his Mother, from Samuel Harrison, and for the tract of Land formerly belonging to Edward Bates decd. I hereby emancipate & set free my faithful Servant Patty, also I emancipate & set free my servant Henry when he shall attain to the age of twenty eight years, and until he shall attain to that age, I give him to my son Robert.

I hereby constitute and appoint my sons William & Robert Page Waller Executors to this my last Will and Testament & request that they may not be compelled to give security for their administration. In Testimony whereof I have set my hand and affixed my seal this seventeenth day of October in the year of our Lord eighteen hundred and twenty.

Ben: C: Waller

Signed & Sealed published & declared as & for the last Will & Testament of Benjamin C Waller by him the said Benjamin C Waller & in his presence & at his request we subscribed the same as Witnesses as thereto—A declination made before signing in the second line of the last clause

Richard T. Booker

Littleton T Waller

Geo. Morrisson

At a Court held for York County the 20th day of November 1820 This will was proved by the oaths of the three Witnesses thereto, sworn to by William Waller and Robert Page Waller the Executors therein named and ordered to be recorded, and Certificate for obtaining a probat thereof in due form was granted the said Executors they having entered into and acknowledged their Bond in the penalty of One hundred and five thousand dollars conditioned as the Law directs.

Teste.

Sam: Sheild. cyc

Will of Robert Page Waller

Williamsburg Will Book I, Williamsburg-James City County Courthouse, p. 200.

In the Name of God! Amen, I Robert P Waller of the City of Williamsburg State of Virginia, do make and declare this. to be my last will and testament, hereby revoking all Wills heretofore made by me,

First. I give to my Wife Julia W. for & during the term of her natural life *One Thousand Dollars* . per annum, to be received by her in lieu of her dower in my real estate, and her distributal portion of my personal estate, To pay this annuity of \$1000.00 to my Wife, during her life. I Charge the property hereinafter devised by me, mentioned in the Second, Third, fourth, fifth & Seventh Clauses of this my Will, with the respective Sums Mentioned in Said Clauses.

Second . I give and devise to my Son *Hugh Mercer Waller* , my Mill With the fixtures, Mill Site and Mill pond. in fee Simple and I charge the said property with the payment *annually* , to my Said Wife Julia W. of *Two hundred and fifty dollars* , during her life. as part of the annuity mentioned in the first Clause of this my will

Third . I give and devise to my daughter *Catharine Page Langhorne* in fee Simple. The lot of land with the houses thereon in the City of Williamsburg whereon I now reside. also my farm, Known as the *Town Farm* . Containing as by survey made by William I.

Morrisett in 1853. and Mentioned on the plot as the "Home tract" Five hundred & eighty Acres. & fourteen perches. also my land Known as "*Sim Bryans*" Containing as by Survey aforesaid, Two hundred. and Thirty Six acres, three rods & sixteen perches, and also my lot on the West Side Of the road leading from the City of Williamsburg to the Capitol Landing. Known as the "*Lively lot*" Containing 13 acres 1 rod & 25 perches and charge the Said property with the payment, annually. to my Said Wife of *Two hundred dollars* . during her life;-as part of the annuity mentioned in the first Clause of this my Will.

Fourth . I give and devise to the children of my deceased Son, Mathew P. Waller, my land on the *East Side* of the road leading from the Capital landing to Rippon Hall, Containing as by survey by Wm I Morrisett, eleven hundred & forty nine acres three rods & two perches--in fee Simple;--and charge the Same with the, payment, annually, to my Said Wife to *Two hundred dollars* during her life, as part of the annuity mentioned in the first Clause of this my Will

Fifth . I give and devise to my daughter Mary C. Mercer, in fee Simple my farm Called "*Christians*" and so much of my land adjoining the Same and most Convenient thereto, as will make up *Eight Hundred Acres* . and. I charge the Same with payment, annually, to my Said Wife of *One hundred & Fifty Dollars* . during her life. as part of the annuity Mentioned in the first Clause of this my Will.

Sixth . I give and devise to the children of my deceased daughter Louisa Cosnahan Six hundred acres of My land in fee Simple, to be laid off adjoining the land given my daughter Mary C. Mercer. in the last proceeding Clause of this my Will.

Seventh . I give and devise to My daughter. Laura P. Morris, in fee Simple the lots and houses in the city of Williamsburg, purchased by me of William Waller, and I charge the Same with the payment, annually, to my said Wife of *Two Hundred dollars* . during her life, as part of the annuity mentioned in the first Clause of this My Will. I desire my said daughter to see that the grave Yard adjoining the garden is Kept in a Neat Condition, and that the property hereby given does not pass out of the family. *This is a Sacred bequest & charge.*

Eighth . It is to be understood that the devise made by the *Fourth* . Clause of this My Will to the children of my son M P Waller, is not to interfere with the Saw Mill, now on the Same. while Dr William S. Morris shall Continue his business there, Nor with a way to Said Mills through the Said land.

Ninth . All the rest and residue of my property, real and personal, I direct shall be divided into *Six equal parts* , one part I give to my Son Hugh Mercer Waller; one part to my daughter Mary C. Mercer: one part to my daughter Laura P. Morris; one part to my daughter Catharine P. Langhorne, One part: to the Children of my deceased Son Mathew P. Waller. one part, to the Children of my deceased daughter Louisa Cosnahan.

Tenth . I appoint my Son Hugh Mercer Waller. My Sons in law while William S. Morris, John C Mercer and Charles S. Langhorne Executors of this my last will and testament.

In Witness whereof I. have on this Seventeenth of February in the Year 1866. Set my hand hereto.

Rob P Waller.

Signed published & delivered by the

Above named Robert P Waller

As & for his last will & Testament. in the

presence of us. both present at the

Same time who at his request & in his presence & in the presence of each other.

have Subscribed our names as Witnesses

thereto

W: S: Peachy

W W Vest.

My reason for Charging My Son Hugh Mercer Waller \$250. per annum to my Wife. as mentioned in the Second Clause of this Will.

And my daughter Laura P Morris with \$200. per annum as mentioned in the Seventh Clause of this Will is that I have already

Conveyed to them, by deed. valuable real estate, which should bear a part of My wife's Annuity

Teste:

Rob P Waller

W: S: Peachy,

W W Vest.

Codicil, October 27th 1869. I. Robert P Waller. do hereby revoke the devise made in *Seventh* clause of this my will to my daughter Laura P. Morris. and I do devise the property mentioned in Said Seventh Clause to my daughter Mary C Mercer, Subject to the same charge to my wife during her life & with the request set forth in said Clause I also give and devise to my Said daughter Mary C Mercer, the lot of land in the City of Williamsburg formerly owned by Benj: Waller & was purchased by me from C. C. P. Waller Comr. this lot adjoins the lot of Mrs. Mary H. Claiborne. I revoke the tenth Clause of this my will, and I do hereby appoint My son Hugh Mercer Waller my Sole Executor

Witness My hand this day and year above Written.

Rob P Waller.

Witnesses

Mary H Claiborne

Wm. S. Peachy.

I Robert P Waller. do make this additional Codicil to my will dated the Seventeenth day of February 1866.--. I revoke the *fourth* . Clause of my Said Will. and devise the land therein mentioned. One half to the Children of my deceased Son Mathew P Waller. and one half to My daughter Mary C Mercer the whole land to be Subject to the payment annually to my Wife of Two hundred dollars during her life. I revoke also the *Second* Clause of my Said Will and I give and devise the property in Said Clause mentioned to wit: My Mill &c to My Son Hugh Mercer Waller. and my daughter Mary C Mercer: and I Charge the Said property with the payment *annually* to my wife, Julia of Two hundred & fifty dollars. during her life as part of the annuity mentioned in the first Clause of My Said Will Given under my hand this 21st day A. D. 1872

Rob P Waller.

Witnesses

M H Claiborne

Wm S Peachy

At a Quarterly Court. held for James City, County and the City of Williamsburg at the Courthouse thereof in Said City on Monday the 9th day of September 1872

A Writing bearing date on the Seventeenth day of February 1866. purporting to be the last will and testament of Robert P Waller. deceased, together With two Codicils thereto. First bearing date on 27th October 1869. and the Second on the 21st day of AD 1872. Was this day presented in Court and Upon the testimony of Wm S Peachy and W W Vest, two Subscribing Witnesses to Said Will. Who made Oath that Ro. P Waller Subscribed and acknowledged the Same as and for his last Will & Testament in their presence, they all being present at the Same time, and they the Said Wm S Peachy and W W Vest, at the request of the Said Robert P. Waller and in his presence and in the presence of each other Subscribed the Same as Witnesses. And the Codicils thereto bearing date respectively on the day of 1872 Was proven by the Oath of Wm S Peachy one of the Subscribing Witnesses thereto. Who made Oath that Robert P Waller deceased, Subscribed and acknowledged the Same as Codicil to his last Will and testament in his presence. And in the presence of Mary H Claiborne the other Subscribing Witness thereto, they both being present at the Same time and in the presence of Ro. P Waller and at his request Subscribed to the Same as Witnesses, which Said last will and testament and the Codicils thereto. being duly proven to the full Satisfaction of the Court. It is ordered that Said Writing bearing date on the 17th day of February 1866. and the Codicils thereto bearing date respectively on the 27th October 1869. and 21st day of AD 1872. Be recorded as and for the true and last will and testament with the Codicils thereto of Said Robert P. Waller deceased.

And upon the Motion of Hugh M Waller, by his attorney he is permitted to qualify as Executor of Robert P Waller decd. Whereupon he appeared in Court and took the Oaths prescribed by law and together with William S Peachy as his Security (who Justified as to his Sufficiency) entered into and acknowledged a bond in the penalty of Fifteen hundred Dollars and Conditioned [?] as the law directs. And it is ordered that letters of Administration be made out in due form of law for Hugh M Waller as Executor of Robert P. Waller deceased

Teste:

C C Dixon D. C.

Excerpts from Williamsburg Land Books, 1782-1820

1782.	Patrick Robinson, ½ lot, annual value £1.
	Zachariah Rowland, 2 lots, annual value £4.
1783.	Patrick Robertson, 2 ½ lots, annual value £5.
	Zachariah Rowland not listed.
1784.	Patrick Robinson, ½ lot, annual value £1.
	Zachariah Rowland, 2 lots, annual value £4.
1785.	Patrick Robinson, 2 lots, annual value £4.
	Zachariah Rowland not listed.
1786.	Patrick Robinson, 2 lots, annual value £6.
1787.	Patrick Robinson, 2 lots, annual value £22.
1788.	Patrick Robinson, 2 lots annual value £22.
1789.	Patrick Robinson, 1 lot, annual value £14.

1790.	Patrick Robinson, 1 lot, annual value £14.
1791.	Patrick Robinson, 1 lot, annual value £14.
1792.	Patrick Robinson to Benjamin Waller, 1 lot, annual value £14.
1793.	Patrick Robinson to Benjamin Waller, 1 lot, annual value £14.
1794.,.	Patrick Robinson to Benjamin Waller, 1 lot, annual value £14.
1795.	Patrick Robinson to Benjamin Waller, 1 lot, annual value £14.
1796.	Benjamin C. Waller, 1 lot, annual value £14.
	Patrick Robinson not listed.
1797.	Benjamin C. Waller, 1 lot, annual value £14.
1798.	Benjamin C. Waller, 1 lot, annual value \$46.
1799.	Benjamin C. Waller, 1 lot, annual value \$46.
1800.	Benjamin C. Waller, 1 lot, annual value \$46.
1801.	Benjamin C. Waller, 1 lot, annual value \$46.
1802.	Benjamin C. Waller, 1 lot, annual value \$46.
1803.	Benjamin C. Waller, 1 lot, annual value \$46.
	Benjamin C. Waller [via] Semple, 2 lots, annual value \$10.
1804.	Benjamin C. Waller, 3 lots, annual value \$56.
1805.	Benjamin C. Waller, 3 lots, annual value \$56.
1806.	Benjamin C. Waller, 3 lots, annual value \$60.
1807.	Benjamin C. Waller, 3 lots, annual value \$80.
1809.	Benjamin C. Waller, 3 lots, annual value \$80.
1810.	Benjamin C. Waller, 3 lots, annual value \$80.
1811.	Benjamin C. Waller, 3 lots, annual value \$80.
	Benjamin C. Waller via Sands, 1 lot, annual value \$80.
1812.	Benjamin C. Waller, 4 lots, annual value \$160.
1813.	Benjamin C. Waller, 4 lots, annual value \$160.
1814.	Edmund Christian via Waller, 2 lots, annual value \$83.
	Benjamin C. Waller, 2 lots, annual value \$100.
1815.	Benjamin C. Waller, 2 lots, annual value \$100.
1816.	Benjamin Waller, Sr., 2 lots, annual value \$100.
1817.	Benjamin C. Waller, 2 lots, annual value \$100.
1818.	Benjamin C. Waller, 2 lots, annual value \$100.
1819.	Benjamin C. Waller, 2 lots, annual value \$100.
1820.	Benjamin C. Waller, 1 lot, annual value \$100.
	Robert P. Waller via Benjamin C. Waller, 1 lot, annual value \$50.

POWELL WALLER HOUSE

FURNITURE RESUME

Dining Room

Chairs, side, 5 chair, arm	Mahogany, English, could be old or revival third quarter 19th Century c. 1870's. Simple splat with Gothic influence in the 1760 style, early George III, Chippendale.
Table, gate-leg	Mahogany, English, c. 1710-1720. Best gate-leg table in collection, also early use of mahogany. William and Mary. Note runner in drawer early 17th Century practice.
Cupboard	Most important in building. Yellow pine, c. 1740-1770. Probably Virginia, lower James, architectural quality characteristic of the Eastern Shore and Southern Virginia. Bead and reel dates back to Roman times, feet replaced. Queen Anne.

Sideboard	Gift of Mr. Bowie, Maryland. Cherry, c. 1790. This form is rare but not of exhibition quality. Pennsylvania or Maryland block on feet restored. One other example known with an agee arch on doors.
Side table	Walnut and yellow pine, southern — possibly Virginia. Wide heavy pad foot rare, characteristic of Eastern Virginia.
Cellarette	Yellow pine and walnut, found in Petersburg, Virginia. Date inside 26 Aug 1797 \$10.4. This is an early example, c. 1770-1790. Cellarettes began to appear more frequently after 1790. This form rarely found in the North.
Napkin Press	English, mahogany.
Tea caddie	English, mahogany, bombé shape, Dutch influence
Accessories:	
Andirons & fire tools	Brass, American, Boston, c. 1800. Ball foot early, lemon top, Boston characteristic.
Candlesticks (on gate-leg table)	Bell metal, reproduction rococo style
Candlesticks (on side table)	Brass, c. 1745, English, Queen Anne
Measures (on mantel)	Pewter, English, shape regional
Platter	Pewter, English
Hotwater plate	Pewter, English
Knives & forks	Sheffield bone and steel, late but right type
Ceramics:	
On gate-leg table	Early 19th century earthenware white ware transfer. Pattern found on several Williams-burg sites. Sold in the local shops. Set includes 3 cake dishes, 1 compote, 10 plates. Sweetmeat trays, Staffordshire, 2 large, 2 small, reproductions.
Mantel	Stoneware, German — stoneware, English
Cupboard	Cream ware, pearl ware, porcelain, delft, Ironstone. Glasses — beer or cider. Coffee pot, silver. Casters, silver. Wine glasses, 12, reproduction. Decanters, 2 squat reproduction, 2 labels silver reproduction. Decanters, 2 tall reproduction.

Parlor

Chairs, side, 5 Chair, arm	English country, mahogany, end of 18th Century. Queen Anne.
Table, tea	Mahogany, Philadelphia, single best piece in room. Chippendale.
Card table	English, Mahogany, c. 1730. Goats foot, French characteristic. Queen Anne.
Bookcase	Walnut, yellow pine, Virginia, purchased in Richmond. Once belonged to President Tyler, who was not the first owner. Inscription inside reads Wm. Wilkens (Secretary of War under President Tyler.) Curator believes the top may be missing a pediment. Gothic arch at top of case is typical of the late 1800's, glazed panel doors also a late feature.
Corner cupboard	Walnut, yellow pine, Southern — probably Virginia, late 18th Century.
Settee, double	Mahogany, English, c. 1730, typical English form, serpentine stretcher. Queen Anne.
Accessories:	
Chimney glass	English, early 1720, gilded gesso on deal. Many chimney glasses listed in Virginia inventories. Someone by the name of Dowsing in Yorktown was making looking glasses in large quantities in 1736.
Andirons	Brass, Boston or New York, c. 1800.
Fender	Brass, later 1800's, c. 20's or 30's.
Fire tools	about the same date as fender
Tea kettle	English, early 19th Century
Trivet	English, late 18th Century
Candlesticks	English, c. 1735-40

Musket	English Brown Bess, 1740's-50's (military gun), restocked about 100 years ago.
Pipe box	English, late 18th Century, also used for candles.
Tobacco canister	Pewter, English, last quarter 18th Century
Ink well	Pewter, English, late 18th Century
Ceramics:	
Cupboard	Earthenware, cream ware, Staffordshire, Whieldon, delft, slip, stoneware. Porcelain, Chinese and English. Glass — punch (firing) glasses, air twist, jellies and stand, orange glass.
Tea table	cream ware, salt glaze, stoneware

Hall

Windsor benches	3 reproductions, modeled after a late 18th Century New England bench. Windsors usually painted green, popular until end of 18th Century. First appeared in England in 1720 and in Philadelphia in 1740. They were not country pieces — were used with other fine furniture. St. George Tucker ordered 12 from New York for his parlor
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First Floor Bedroom

Bed, Tall post	Maple, oak, and pine, Maine or New Hampshire. Fluting not usually found in New England. Tops of posts have been pieced.
Trundle	New England, maple, pine.
Folding bed	Maple and light pine, Mid-Colonies, perhaps Pennsylvania. Quite common in inventories of small houses.
High chest	Walnut, basically New England chest. Top and bottom not together originally. Queen Anne with remnants of William and Mary.
Chair, bannister style	1710-20, New England, perhaps Connecticut, but made perhaps from 1740-1800. Hundreds of these chairs made in Connecticut.
Chest, blanket	Walnut, Virginia, perhaps Pennsylvania, brasses original 1800, may have been painted.
Commode	English, oak, creamware pot, purely English design.
Dressing table	Beech, one of the earliest pieces in the house, late 17th — early 18th Century, English. Early lock, William & Mary, would be referred to in an inventory as one old table.
Dressing glass	English, labelled John Elliott, Jr., imported into Philadelphia
Easy chair	American, cherry and oak, Pennsylvania or Virginia. This form on the way out by 1800. Chippendale.
Cradle	American, Virginia, mahogany and yellow pine, rockers not original. Late 18th Century.
Accessories:	
Bird cage	English, c. 1800.
Bed warmer	brass, good early 1770
Andirons	American, Virginia
Tongs	English or American
Candlestick (on mantel)	brass, English, 1740-50
Candlesticks (on dressing table)	brass, English, 1780
Snuffer	brass, English, mid-century, 1760
Ceramic animals	Staffordshire
Shaving basin	delft
Pitcher	cream ware

Upstairs Southwest Bedroom

Bed, low post	19th or 18th Century country type, may have been painted
Bed	New England, maple, c. 1780-1800, paint not original
Cupboard	Pennsylvania, walnut, deep paneling, clothes press. Typical of Pennsylvania and the South.
Trunk	sitting on original stand

Table	Walnut, Southern country, scalloped skirt cut off, chamfered ends.
Chair	Walnut, Chippendale, c. 1770, Winchester, Virginia, Pennsylvania influence in Valley of Virginia (high style).
Looking glass	English, c. 1710-20, oak frame
Chair, side	English, earliest in the house, mid 17th Century, most common in the South, few American Made, Cromwellian.
Wooden box	Connecticut, maple, tulip poplar, white pine
Chamber stick	mid-18th Century, English
Candlestick	Queen Anne, 1730
Candlestick	1850, tin steel
Chamber pot	Pewter hat, English, late 18th Century

Northwest Bedroom

Table, oval	Early New England, painted, c. 1710-20
Chair	country slat back, early 19th Century
Chair, Windsor (no-no)	c. 1790, Lisbon, Connecticut maker, E. Tracey
Chair, Windsor, child's	late 18th Century, New England, paint replaced
Accessories:	
Telescope	late 18th Century, English, Mahogany and brass
Dispatch box	American, early 19th Century
Puzzle	Monarchs, English
Penny wooden dolls	
Top	English, late 18th Century
Ink well and sander	pewter, English or Continental (German?)
Grease lamp	English or American, 18th Century
Wooden bench	New England
Wind lantern	not Paul Revere type
Ink well	lead

First Floor Room (behind modern Kitchen)

Dresser | late 18th Century, Southern, yellow pine and poplar

Maps and Prints

All techniques are represented: etching, line engraving, Mezzotint, Stipple, aquatint. Steel engraving and lithography not used until the 19th Century.

Also represented are the various types of prints by subject matter known to have been popular in Colonial America. People, heads of people, nature (Catesby prints taken out of book and framed), humorous and serious, sets of seasons and the months (please do not refer to them as fashion prints - the first reference found to fashion was not until 1795), historical.

First Floor Passage	All techniques are found in the passage.
Parlor	3 colored engravings, Catesby (nature) William Penn signing treaty with Indians (Historical)
First Floor Bedroom	2 colored engravings (people)
Dining Room	Fry Jefferson Map (engraving) — reproduction of the first one made 1751. Three known originals survive: University of Virginia; New York Public Library; and Allenwood Castle, England. Bayard (historical) above side table (Mezzotint) Benjamin Franklin (famous people) — Mezzotint Israel Putnam (famous people) — glass transfer Journeyman minister (humor) — Mezzotint
Stair passage	12 months of the year — engravings

Upstairs Passage	Times of the Days (Hogarth) — line engraving
Northwest Bedroom	Children (humorous and serious) Mezzotint
Southwest Bedroom	View — engraving

To: Whom it may concern

From: Sandra C. Shaffer

Re temporary Bed Covers for Powell-Waller House

10/2/72

TO BE TREATED AS MUSEUM OBJECTS* THESE ARE NOT REPRODUCTIONS AVOID HANDLING

1951-571-	Bed cover made from strips of copperplate print in blue alternating with strips of blockprinted cotton. England, 1770-1800
1951-218-	Adaptation of white woven cotton coverlet. America, 1750-1800
1950-213-	Blue wool quilted coverlet lined with linen. England or America, 18thC.
1953-1179-	Red blockprinted linen and cotton. Provincial France, first half of the 18th century.
1951-545-	Blue and white ikat or tie dyed cotton. Europe, 18th C.
1959-385-	Natural cotton and blue wool double woven coverlet. America, possibly Pennsylvania, 1750-90.

Cc: Lanier, Greenlaw, Wing, Pfeifer

[illegible] ber 2, 1972

TO: Mr. William Pfeifer

FROM: Sandra C. Shaffer

RE: TEXTILES FOR POWELL-WALLER

1.	Cotton, supplemented plain weave Williamsburg Coverlet, 32807 100% cotton, natural. Craft House.
2.	Linen, plain weave Taffeta linen, 113887 100% linen, natural. Craft House
3.	Silk, plain weave Mostly silk, green Costume Department.
4.	Wool, satin weave Williamsburg Wool Satin, 82690 100% Wool, Brick, Craft House
5.	Linen, plain weave Mostly linen, natural Costume Department
6.	Cotton, plain weave seersucker Shir 0 Shakkar, 81574 100% Cotton, periwinkle. Craft House
7.	Wool, double weave Blue and white G1971-1366, 3. Department of Collections
8.	Linen and wool, supplemented plainweave Blue and white Department of Collections

9.	Wool, twill-double cloth Yellow Costume Department
10.	Silk, twill weave Drysdale Twill, 80522 70% silk, 30% Bemberg rayon, Cardinal. Craft House.
11.	Cotton, fancy twill weave Dobby weave, 81730 100% cotton, white. Craft House
12.	Silk, satin weave Mostly silk?, pink Costume Department
13.	Silk and cotton, velvet Williamsburg Velvet, 181908 62% cotton, 38% silk, Ruby Red. Craft House
14.	Wool, damask weave Gold, Department of Collections
15.	Cotton and synthetic, damask weave Turquoise and white, Department of Collections
16.	Silk? Brocade Pink. Costume Department
17.	Silk? Brocade White and polychrome Costume Department
18.	Cotton, twill weave Williamsburg Multi-Stripe 81482 100% cotton, red and white. Craft House
19.	Linen and cotton, plain weave Williamsburg Tavern Check, 81508 61% linen, 39% cotton, Document blue. Craft House
20.	Linen and cotton, plain weave, tie dyed Blue and white 56-461-11, Department of collections
21.	Cotton, plain weave, to illustrate Mordant painted and dyed cotton Pondicherry, 65102 100% cotton, Lavender and pink. Craft House
22.	Linen and cotton, plain weave, to illustrate block printing. Williamsburg Bellflower, 160552 70% linen, 30% cotton Red and blue, Craft House.
23.	Cotton, plain weave, to illustrate copper plate printing. Pleasures of the Farm, 50428 100% cotton, Royal Purple, Craft House.
24.	Cotton, plain weave, to illustrate block and roller printing. Grapes, 55826 100% cotton, natural and old rose. Craft House
25.	Cotton, plain weave, resist dyed Blue 55-55-15, Department of Collections
26.	Silk: to illustrated painted silk White and polychrome Costume Department
27.	Silk, plain weave, representing moiré Rose. Department of Collections
28.	Linen embroidered with wool (crewel) in chainstitch Department of Collections

- B. Painted silk- paint pigments painted directly on silk, done in China and France-very impractical- since paint chips off, used by very wealthy for dresses, curtains and bed covers. see sample 26- imitation- not see thickness of paint.
 - C. Moiré or watering- done on silk, wool- pressed between heavy rollers with steam - see sample 27.
- VI. Embroidery- designing done with a needle and thread on a woven fabric,
- A. Crewel embroidery- kind of wool sample 28- not American- wool wasted on back, done in chain stitch sample 29- like American- wool mostly on the surface, flat stitches.
 - B. Quilting- needs two layers of fabric, usually and stuffing- for warmth-for Coverlets and petticoats sample 30- two layers of wool, quilted and stuffed.

Powell, Benjamin

WI (23)222

(2)

[...] year from the time of my death.

Item I direct that my Land, Slaves, and Stocks in the Counties of YOrk and James City be kept together and manages as heretofore under the directions of my Executors hereafter named and after the necessary expences of every sort are first annually paid, I desire that the profits arising yearly be equally divided between my Wife Fanny my Daughter Hannah and my Daughter Anne which said Lands and Plantations, I direct may be so kept until my said Grand son Benjamin attains the age of twenty one years as well as the slaves and personal estate, and then I give and bequeath the said Lands and Plantations unto my said Grandson Benjamin Drew and his Heirs forever. Item I give and bequeath the slaves that are to be so kept and worked on my York Plantation until my Grandson Benjamin attains the age of twenty one years, when he the said Benjamin attains the age of twenty one years as aforesaid, to be divided in the following manner that is to say, one half of the said Slavs I give to my Grandson Armistead Burwell and the other half to be equally divided among the other children of my said Daughter Anne Burwell.

Item what I have hereby given to my Wife Fanny I desire and direct may be given and delivered to her not withstanding any marriage settlement made between myself and her.

Item Should my Grandson Benjamin Drew die before he attains the age of twenty one years I direct that my lands, Slaves and personal Estate in York and James City Counties be kept together until the death of my beloved wife Fanny in the same manner as I have directed them to be kept together until my Grandson Benjamin should attain the age of twenty one years and after the death of my said Wife I give all

Powell, Benjamin

WI(23)222

(3)

the Estate so given to my said Grandson Benjamin to be equally divided between my Daughters Hannah Drew and Anne Burwell and their Heirs

Item After payment of my Just Debts I give and bequeath all the rest and residue of my estate not before divided of what nature or kind so ever to be equally divided among all my Grandchildren

Item I desire that my wife may be furnished from my York Plantation by my Executors hereafter named, with Fire Wood to the Value of Fifteen Pounds a Year after her removal from the said Plantation during her natural life if she reside in Williamsburg.

Item I further Will and direct that my Executors hereafter named dispose of at their discretion any of the Slaves belonging to and remaining on my said York Plantation for misbehaviour or other good cause and lay out the money arising from the sale of such Slave or Slaves in the purchase of the Slaves for the House of the said Plantation.

And lastly I do hereby nominate constitute and appoint my friend Henry Tazewell, William Pasteur, Philip Barraud, Joseph Prentis, John Pierce, William Russell, and William Plume executors of this my last Will and Testament and do direct that the acting executor or Executors may receive out of my Estate such compensation for his or their trouble in the execution of this my Will as to a Majority of the aforesaid executors or the survivors of them shall seem reasonable. And I desire that my Executors may not be obliged to give Security for the execution of the trust hereby reposed in them. In witness whereof I have hereunto set my hand and affixed my seal the seventeenth day of November in the year of our Lord one thousand seven hundred and Ninety

signed sealed published and
declared by the Testator as and
for his last Will and Testament

Ben: Powell

Name:	Powell, Benjamin	Born:	Ref:	Died:	Ref:
Residence:	York County	Ref:	Parents:	Ref:	
Occupation:		Ref:	Status:	Ref:	
Married:	(1) Fanny	Ref:	Date:	Ref:	
	(2)	Ref:	Date:	Ref:	
WILL Dated:	17 Nov 1790	Probated:	17 Jan 1791	Ref:	codicil:19 Nov 1790
Legatees:	Ann Burwell (dau). Hannah Drew (dau). Benjamin Drew (grdson), Fanny Powell (Wife), Armistead Burwell (grdson), other children of Ann Burwell				
Witnesses:	J M Galt, Augustine M Smith, John Weathers, Ro: Morton				
Exec/Admin:	Henry Tazewell, William Pasteur, Philip Barraud, Joseph Prentis, John Pierce William Russell, William Plume				
Remarks:	also mentioned: John Burwell (decd, late hus. of Ann Burwell, negroes mentioned: Betty, Boy Phil, Boy James, Billy Drew, Hannah				

Powell, Benjamin

WI(23)222

(1)

IN THE NAME OF GOD AMEN I Benjamin Powell of the County of York being sick and weak but of perfect sense and memory do make and ordain this writing as and for my last will and Testament in manner and form Following.

Imprimus I lend to my daughter Ann Burwell all the Slaves and personal Estate which is purchased at the sale of her lte Husband John Burwell deceased (except a Negro Girl named Pegg and a Bay Horse called Stephen) which I have now in my Possession, during her natural life and after the death of my said Daughter Anne I give and bequeath the said Slaves and personal Estate to be equally Divided among the Children of the said Anne Burwell or the survivors of them and should any of the children of the said Anne Burwell die in the lifetime of their said mother leaving a Child or Children, I direct that such child or children may take what his or their Father or mother would have been entitled to.

Item I lend to my Daughter Hannah Drew during her natural life the Following Slaves to wit, Betty, Boy Phil, Boy James, Boy called Billy Drew, Hannah and all her Increase (Except her Child Charles and after the death of my said Daughter Hannah, I give the said Slaves to my Grandson Benjamin Drew, but should my said Grandson Benjamin die before he attains the age of twenty one years, I give the said Slaves to be equally divided among the other children of my said Daughter Hannah if any there be but if not then and in that case I desire the said slaves may be equally divided among the Children of my Daughter Anne Burwell.

Item I give and bequeath unto my beloved wife Fanny two third of my Household and Kitchen furniture (except my Plate, half a Box of sugar now in the HOuse, fifteen Gallons of Wine and all the old Rum. I likewise desire that my said Wife may continue in possession of the plantation and dwelling Houses whereon I now live for one [...]

Powell, Benjamin

WI(23)222

(4)

for his last Will and Testament
in presence of

J M Galt, Augustine M Smith, John Weathers, Ro: Morton

Codicil to the foregoing Will

As I have made no provision for a Residence for my Daughter Hannah Drew in this my Will, I hereby give her the use of Houses and LOt in Williamsburg whereon she now lives so long as I may be entitled to them under my agreement with William Bland to whom they belong and in case the said Bland shall chuse to occupy them himself then I give to my said Daughter Hannah the money which he may owe for Repairs to the same under the said Agreement Also disire my Executors before mentioned may at the Expencc of my Estate enclose the lot in Williamsburg whereon John Bryan now lives and remove the kitchen thereon to such part of the Lot as my said Wife may chuse and to refit the same with a Brick Chimney in a frugal and comfortable manner

My Will and desire is that my beloved wife and my Daughter Hannah be furnished with two Milch Cows each from my Plantation in York County and that the said number be kept up by supplying them with others in case of accident and to change them for others as they may grow old

I give to my beloved wife and to my Daughters Hannah Drew and Anne Burwell to be equally divided among them, all the Rum & Wine and Sugar which may remain in the House after my death (except the Hogshead of Rum and Quarter Cask of Wine last purchased) In Witness whereof I have hereunto set my Hand and affixed my seal the nineteenth day of November in the year of our Lord one thousand seven hundred and ninety.

Powell, Benjamin

WI(23)222

(5)

Signed Sealed Published and declared by
the Testator in presence of
Augustine M Smith, Ro: Morton, John Weathers
Ben Powell *[illegible]* D

At a Court held for York County the 17th day of January 1791

This Will was proved by the oaths of John M Galt, Augustine M Smith and Robert Morton and the Codicil thereunder written was also proved by the oaths of the said Augustine M Smith and Robert Morton witnesses thereto and ordered t be recorded and William Plume, Henry Tazewell, Jno Peirce, Will Pasteur, Philip Barraud, Jos: Prentis and William Russell the Executors in the said Will named having by a certain Instrument of Writing under their Hands and seals notified to this Court that they do relinquish and renounce the right of Executorship under the said Will in the notion of Jno Pierce Joseph Prentis and Will: Russell who made oath according to Law and with John M Galt and John Bracken their Securities entered into and acknowledged their Bond in the Penalty of £5,000 Current Money conditioned as the Law directs Certificate was granted them for obtaining Letters of administration on the Estate of the said Benjamin Powell decd with his said Will annexed in due form.

Exmd

Teste Ro H Waller Cl Cur