giving among others, as reasons, that the land could be divided, and sell for a fair price; and that his reversionary interest could be seperated either by his agreement with the purchaser or other arrangement, that, in fact if the part were laid off and sold, seperate he could and would by the right of Henry S Hawkins and that then Mr. Bruce would give him eleven dollars per acre for the unincumbered fee, Mrs. Hawkins was also willing for this, and Doctor Hawkins, General Matthews & myself consulted together, and it was agreed by Genl. Matthews that his name might be used in filing the bill, but he was to be at no cost or trouble, and he would wait till August Court, provided I would agree to pay his executions, afterwards, saying he did not wish to buy the land or bid for it, nor till the ___ This I agreed to do and I gave to Mrs. Hawkins a detailed account of this understanding and she assented to it. It was after the understanding, and before August Court that I again as above stated saw Col. Cox; and then it was. he proposed to raise the money and pay off these executions, alledging that his liabilities were very great, mentioned the debt of Mr. Elderry's of three or four thousand, his own claim against the estate of ___ and Mrs. Hawkins, on account of Wm. H. Smoot's land and his securityship upon a replevin bond for Henry S Hawkins or Hoskins Smoot's negro, and expressed serious apprehensions that he would be losers unless the land remained in his possession, and he could collect and apply the rents to these claims. I informed Col. Cox that an arrangement had been made, and stated that by an equity sale his securityship for Hawkins on Mr. Elderry's debt would be amply provided for; that this being the eldest judgment and fifa. I intended to ask for such a decree as would first appropriate a sum sufficient to meet this claim, put in bank on interest, to await the event of the Chancery suit, and when it should be decided, ready to liquidate the debt, or be disposed of, for the heirs, as circumstances required and that I could not consent that he should become the holder of these executions; but that he could by at the Chancery sale; so as to secure himself, his liabilities to Mr. Elderry; and that I thought it an admirable way of settling all difficulties. He stated he did not wish to purchase and that he would not give more for the whole land, that his liabilities and the amount of these executions - that he had rather lose $100, then the land should be sold. The Court did not meet to do business at August: Genl. Matthews informed me that he felt absolved from his agreement and should proceed to sell the land, Mrs. Hawkins came to my house to see me, I was sick - I there informed her that the proposed Chancery sale was out of the question, and that there was no alternative but to try and get the best price possible for the land, and save the years rent. She regretted this, and asked me if I could not apply the funds of the estate to satisfy the executions. I informed her it would be imprudent and improper. I promised her I would try and postpone the sale so as to save the years rent and that I would shew her a statement of the amount of debts and probable amount of incumbrances on the estate, and I thought, she would be convinced that no hope remained. I will stop, to state that a time prior to this, and soon after the money was paid by Tyson, Mrs. Hawkins informed me that Mrs. Hawkins had issued a fieri facias, and begged me to see Col. Stonestreet and get his indulgence and to pay him the amount of money in my hands so received. I did see Col. Stonestreet and he declined receiving part of the debt. Mrs. Hawkins sais Mrs. Fenwick and she agreed, as informed



informed by Mrs. Hawkins to receive part, and Mrs. Hawkins drew all the funds then in my hands for this purpose, and also requested me to give up to Col. Cox, his note for purchases at the sale of Henry S Hawkins to be applied in part to the payment of her brother Wm. H. Smoot's land and Col. Cox would pay Mrs. Hawkins the amount of rents received. This was done and I advanced the money to Mrs. Hawkins upon Col. Cox's draft, which was paid a short time after, and Mrs. Hawkins directed me to substitute any note or money which might be afterwards collected on account of the sale of her property, instead of the note so given up to Col. Cox and money so paid. I afterwards saw Mrs. Hawkins when the land was advertised and gave her my view of the liens and incumbrances and the probable value of the land, and stated that if correct her child could not be interested in the sale. I here prevent this view, Mrs. Hawkins said I was better acquainted with the matter than she was, but she hoped I would so manage as to save the land held by Mrs. Hawkins, widow of Smith Hawkins, or part of it for the child, and that her part of it might be located in the swamp near her other land, and afford wood and timber for it, I told her all I could do was to postpone the sales till the rents were due, and I would risque a thousand dollars, and endeavour, if I bought to sell out so as to get back my money, and save any part possible for the child - she said why not sele in parcels or parts of the Land. I replied why so, - that if sold in parcels no man would unsurveyed or located buy any part seperately because Mr. Elderry's debt was so large, that with Doct. Hawkins interest and her right of dower in the old house farm, it certainly would not sele for more, if a sum equal to Mr. Elderry's claim, and that the part in possession of old Mrs. Hawkins might remain in her for a time we know nothing about, and that even if it was worth Mr. Elderry's debt, none could be got to purchase such an estate. Mrs. Hawkins appeared distressed, and asked her, in the present situation, do you require or wish me to risque my money longer - that I had solely advanced for the purpose of saving the interest of the child, or will you run the risque? - She said she did not wish I should ever lose a cent on her account and that she could not raise the money, unless she sold valuable negroes, and that she saw and was convinced of the necessity, but hoped the land might be so sold as to have her part laid off near the land, she then lived on in the swamp, and be a support to that her farm. I enquired for the residence of several who bought property at the sale and went to see them, but collected no money, this was just at the time of the first appearance of frost. I saw some tobacco slightly stained and must have been the last of October or first of November. The land was then advertised to be sold - at or the day of sale Mr. Perry did not come and the sale was postponed - about this time I paid Genl. Matthews the balance of these executions, and at the day above mentioned of sale, Capt. Smoot came to town, and in conversation I told him I would risque a thousand dollars for the child, he said he was glad of it, I enquired the value of the land, and he rated it very high, some fifteen thousand dollars, I think if clear of all liens and incumbrances. Mr. Brown, who was present stated he was well acquainted with the land and it was not worth so much, I had frequently heard Doct. Hawkins say he supposed the land was worth ten to twelve thousand dollars, the land was again advertised, I

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