

To the honorable the General Assembly of Virginia, The Petition
of Bernard M. Carter and Anne H. Lee on behalf of herself and
Carter Lee, Anne Lee, Smith Lee, Robert Lee, and Mildred Lee
her children, respectfully sheweth — That Mildred M. Carter
by her will, (a copy of which is herewith ~~annexed~~ ^{exhibited}) devised her
Estate to your Petitioner Bernard M. Carter in trust for the sole
and separate use of your Petitioner Anne H. Lee and her child-
ren, as will more particularly appear by the before-mentioned
copy — That the said Estate consisted, in part, of Slaves, a species of
property extremely inconvenient and disagreeable to your Petiti-
= oners — because your Petitioner Anne H. Lee does not reside on,
or possess any farms, whereon such property is usually employed,
but resides in the Town of Alexandria, preferring a more cer-
tain, more punctual, and easily obtained, income for the main-
= tenance of herself and the maintenance, education, and rear-
= ing of her said Children. Because the hiring out of said
Slaves is productive of very disagreeable circumstances, both to
the slaves and your petitioners — because the profits thence
arising are fluctuating and uncertain, the collection thereof
often difficult and impracticable — Because the possession
of the said Slaves is absolutely precarious, on account of the
facility of their Elopement, the your said Petitioner Anne
H. Lee having already lost two of the said Slaves, and being
apprehensive that more of the said Slaves may also Elope.
And further that an equal portion of the females of the said
Slaves have hitherto and still continue unproductive, and
that the males being one half of the whole of the said Slaves
will necessarily diminish in value in proportion as they ad-
= vance towards that period when the said children of your

Petitioner Anne H. Lee, may reasonably expect to come to
the possession of them - your Petitioners therefore respectfully repre-
sent that the Interest of the children of your Petitioner Anne H.
Lee, in the said Slaves, will at that time probably be of no great
value on account of the particular description of the said Slaves as
herein mentioned - and that therefore as it will be ultimately
beneficial to the children of your Petitioner Anne H. Lee, who
are Infants, your Petitioners pray your honorable Body, to pass
an act authorising your Petitioner Bernard M. Carter to sell
the said Slaves, and vest the proceeds in Stock to be by him held
to the same uses as he now holds the Slaves under the will
aforesaid. and your Petitioners will ever pray &c.

B. M. Carter.

Anne H. Lee.

We the undersigned, from a full consideration of the subject
of the within Petition, do aver that the facts therein stated
in regard to the said Slaves are by us believed to be true -
and also that it is our firm persuasion and belief that the
sale of the said Negroes will probably be ultimately benefi-
cial to the children of the said Petitioner Anne H. Lee.

Signed,

North Randolph
Williams Carter
J. M. Carter
Turner Christian

Bernard M. Carter
-ter & others. -

Petition

Presented, Dec^r

12th 1816.

Dec^r. 16th

Ref. to C. off.

Dec^r 27 1816

Reasonable

Mr Marshall to draw the
bills

To fill slaves of infants

Bill drawn

In the name of God amen I Mildred W. Carter daughter
of the late Charles Carter Esq. of Shirley dec^d. being entitled
under my said fathers Will to certain property both real
and personal therein bequeathed to me and being of an
age to dispose of my personal estate do make the following
disposition thereof to wit: I give and bequeath to each of
my affectionate friends Susan, Mary & Ann Nelson
Daughters of Mr. Robert Nelson the sum of two hundred
pounds which I request the favour of them to receive
as a token of the high estimation I held them in all the
rest and residue of my said personal estate I give and
bequeath to my dear brother Bernard and Williams
in trust and for the sole and special use and benefit
of my dear sister Lee during her life free from the con-
troul of her husband General Lee and after her death
it is my Will and desire that they the said Bernard
and Williams or their heirs or the heirs of one of them carry
into effect any disposition she may make ~~make~~ in
writing in favour of her children and in failure of such
dispositions it is my Will and desire that said pro-
perty be equally divided among all the children ^{that} my
said sister Lee may leave at her death, and lastly
I nominate and appoint my said brother Bernard
and Williams Executors to this my last Will and
testament. In testimony whereof I have hereunto set
my hand & seal this 31st day of May 1807


Signed sealed and

Published in presence of

Patrick Hendon

Ann Spratt

Lucy Carter

Mildred W. Carter 

At a monthly Court held for Charles City County at
the Court house on Thursday the seventeenth day of
December 1807

The afore written last Will and testament of Mildred
Carter was this day in open Court presented by
Bernard Carter one of the executors therein named

and being proved by Patrick Henaren one of the witnesses
there to & ordered to be recorded and on the motion of the
said executor who made oath as the law directs and
entered into bond with Williams Carter his security
in the penalty of thirty thousand dollars conditioned
according to Law Certificate is granted him for obtaining
a probate thereof in due form Williams Carter an executor
named in the Will appeared in court & refused to qualify.

Isd.

Wyllatt Walker Clk.

Attest

Wyllatt Walker Clk.

Charles City Clerk's
Office Dec. 10th 1816

It is asked by Dan

It is asked, by Bernard Carter Esquire, whether he, ^{acting} trustee, can,
with, or without, the consent of Mrs Lee, sell the property bequeathed
to her and her children by the foregoing will of Mildred Carter, and
apply the money to the trusts in the will?

I am of Opinion, that he cannot; for the remainder
is limited to the children of Mrs Lee, whose rights cannot be
affected by any disposition which ^{or either of them,} their mother and the trustees
may make of the property, as the will does not empower them,
or either of them, to sell it.

Dan Call

Dec. 13th 1816

It is further asked by Mrs Carter whether a Court of Equity
can decree a sale of the above mentioned property, and then
application of the money arising from the sales to the purposes
of the trust.

I am of Opinion, that a Court of Equity could
not decree a sale; for that Court has no more authority
to destroy rights, than a Court of Law. It can only
give relief in aid of rights where the law is inconsistent
to provide for them; but it can never destroy them,

Dan Call

