

CHAPTER 7

Matthew Gardner, Sr.

SON OF

JAMES GARDNER I

Matthew Gardner, Sr. was the son of James Gardner I (see chart 2 on page 7). James Gardner I left his son, Matthew Gardner, the home plantation in his Will.

Matthew Gardner, Sr. was the ancestor on the side of the family which the author of this book is a member. He was also the brother of James Gardner II.

I do not know the date of birth for Matthew Gardner, Sr. but I do know it was before 1750. His father died in 1750.

Matthew Gardner, Sr. was first married to a Mary. I have not been able to find her maiden name. I do know she died before 1783 because he married Mrs. Elizabeth Daughtrey, a widow, November 29, 1783. His second wife, Elizabeth, must have died before Matthew because she was not mentioned in his Will. His Will was probated April 20, 1801. The will was written August 7, 1797. Therefore Elizabeth must have died before August 7, 1797.

Matthew's first wife, Mary, died between May 29, 1773 and November 29, 1783. I know this because of a real estate transaction recorded in 1773. This transaction will be found in deed book 5 on page 28 at Southampton County Court House, Courtland, Virginia. The following is a brief description of the transaction.

Matthew Gardner and his wife, Mary, sold to Benjamin Baker a

tract of land lying and being in the Parish of Nottoway and County of Southampton, dated May 29, 1773.

Matthew also bought from his brother and sister in-law, John and Anne Gardner, a tract of land in Southampton County containing fifty acres, bounded as follows. Beginning on the north west side of the Indian Branch and to the middle of the Spanish Oaks lands and to the beginning to include the aforesaid fifty acres of land, Patent bearing date 31 October 1726 to James Gardner and transferred by the said Gardner by way of his Will to his son, John Gardner, in the County Court of Southampton, as the records of the court may make appeareth all. This transaction was found in deed book 2 on page 326 at the Southampton County Court House, Courtland, Virginia.

If you recall from previous pages, Benjamin Baker was operating a warehouse at South Quay in 1777. Therefore I believe Matthew's land was in close proximity to Old South Quay. If this is true, it would place his plantation between what is now state route 258 and the Blackwater River in the south east corner of Southampton County.

The following is the Matthew Gardner, Sr. Revolutionary War service record:

Southampton Warrant:

I do certify that I have received of Matthew Gardner one gallon brandy agreeable to an act of the General Assembly entitled an Act for procuring a supply of provisions and other

necessaries for the use of the Army, given
under my hand this 23rd. day of September
1780. 31 gallons 75:

Signed, John Simmons
Commissioner

This certifies that the above is a true and correct copy of an item found in the Public Service Papers of Southampton County, and now on file in the Archives Division of the Virginia State Library. Sworn and subscribed before me, Estelle Bass, a Notary Public in and for the City of Richmond, Virginia, December, 1937.

Public Claims: At a court of Claims continued and held for Nansemond County, Feb. 22, 1782.

Page 16 - Matthew Gardner for State - 20 bushels of corn. Public Claims list a cask of tobacco for Nottoway Parish for 1782. Matthew Gardner 286 pounds of tobacco.

Any descendant from this branch of the Gardner family who wishes to become a member of the Daughters Of The Revolution or Sons Of The Revolution can apply to your local chapter, using this number "310883", which is registered with the National Society Of The Daughters Of The American Revolution in Memorial Continental Hall, Washington, D. C. The above information was obtained from information which Mrs. Herman A. Jones compiled. Mrs. Herman A. Jones is a descendant of Nelson B. Gardner. Nelson B. Gardner was the son of Matthew Gardner, Jr.

Matthew Gardner, Sr. named seven children in his will. They were: Matthew Gardner, Jr., Etheldred, Elizabeth, Lucreasy, Milcha, Julieling, and Mary. Matthew Gardner, Jr. married Margaret Vaughan, Etheldred Gardner married Liddey Vaughan, Elizabeth Gardner married Matthew Daughtrey, Lucreasy Gardner married Theopolius Daughtrey, Milcha Gardner married William Wester and Julieling Gardner married James Daughtrey (see chart 3A).

In his Will, Matthew Gardner, Sr., gave Matthew Gardner, Jr. a plantation of 400 acres and one horse. He stated that Matthew, Jr. was living on the said plantation at the time.

To his son, Etheldred Gardner, he gave the home plantation containing 418 acres and 37 acres, which he left to Matthew, Jr. he lent to Etheldred for 12 years and one Negro named Lewis, one horse named Fox, and twenty pounds cash.

To his daughter, Elizabeth Daughtrey, he gave one Negro named Hanner and fifteen pounds cash.

To his daughter, Lucreasy Daughtrey, one Negro girl named Cherry.

To his daughter, Milcha Wester, one Negro woman named Seleia, twenty five pounds cash, and a horse called Simon.

To his daughter, Mary Gardner, one Negro girl named Edeu, one horse called Mount, one feather bed and furniture, and six pounds cash.

To his daughter, Julieling Gardner, five pounds cash.

CHART 3A

Matthew Gardner, Sr. Born: Died: 1801

First Wife: Mary Second Wife: Mrs. Elizabeth Daughtrey

Matthew, Jr.	Etheldred	Elizabeth	Mary
B.: 1773	B.:	B.:	B.:
D.: Aug. 12, 1827	D.:	D.:	D.:
Married:	Married:	Married:	
Margaret Vaughan	Liddey	Matthew Daughtrey	
Feb. 20, 1796	Vaughan		
Mary Daughtrey	Nov. 17,		
Nov. 30, 1819	1796 Gates		
(see chart 4A)	CO., N.C.		
Julieling	Milcha	Lucreasy	
B.:	B.:	B.:	
D.:	D.:	D.:	
Married:	Married:	Married:	
James Daughtrey	William Wester	Theopolius Daughtrey	
Nov. 27, 1809	Dec. 31, 1789	May 2, 1787	

The following is the Last Will and Testament of Matthew Gardner, Sr. as recorded at Southampton County Court House, Courtland, Virginia in will book 5 on page 249.

LAST WILL AND TESTAMENT
OF
MATTHEW GARDNER

In the name of God Amen. I Matthew Gardner, Sr. of Southampton County, State of Virginia being weak in body at present but of sound and perfect mind and memory, thanks be to Almighty God for the same and calling to mind the mortality of my body and knowing it is appointed for all to die do make and ordain this my last Will and Testament.

First of all I desire that all my debts and funeral charges be paid and discharged.

Item: I give and bequeath unto my son, Matthew Gardner, and his heirs forever the plantation whereon he now lives with four hundred acres land more or less and one horse which is in his possession.

Item: I give and bequeath unto my son, Etheldred Gardner, and his heirs forever the plantation whereon I now live with the rest of my outlands containing four hundred eighteen acres of land more or less and thirty seven acres of land out of the tract I left to my son, Matthew, I lend to my son, Etheldred, for twelve years and one Negro named Lewis and one horse named Fox and twenty pounds

cash.

Item: I give and bequeath unto my daughter, Elizabeth Daughtrey, and her heirs forever one Negro girl named Hanner that I purchased of David Edmunds and fifteen pounds cash.

Item: I give and bequeath unto my daughter, Lucreasy Daughtrey, wife of Theopolius Daughtrey and her heirs forever one Negro girl named Cherry.

Item: I give and bequeath unto my daughter, Milcha Wester, and her heirs forever one Negro woman named Selia and twenty five pounds cash and one horse called Lion.

Item: I give and bequeath unto my daughter, Mary Gardner, and her heirs one Negro girl named Edea, one horse called Mount, one feather bed and furniture, and six pounds cash.

Item: I give and bequeath unto my daughter, Julieling Gardner, and her heirs forever five pounds cash.

Lastly my will and desire that my Executors after my death do equally divide the Estate then remaining with the Negros and whole of my crop between five of my children (Viz.) Matthew Gardner, Etheldred Gardner, Elizabeth Daughtrey, Lucreasy Daughtrey, and Mary Gardner.

I likewise constitute and appoint my two sons, Matthew Gardner and Etheldred Gardner the whole and sole Executors of this my Last Will and Testament given under my hand and seal this 7th. day of August 1797.

Signed, sealed, published, and declared to be the last Will and Testament of Matthew Gardner, Sr. in presence of William

Fowler, James Vaughan, Jr., and Rhoda Robertson.

Signed,

Matthew Gardner

At a court held for the County of Southampton the 20th. day of April 1801. This Will was proved by the oath of William Fowler, James Vaughan, Jr., and Rhoda Robertson, three of the witnesses thereto and ordered to be recorded and on the motion of Matthew Gardner and Etheldred Gardner the Executors therein named, who made oath according to law Probate is granted them in due form giving security whereupon do.

Clerk,

Sam Kello

The Will just as it was recorded is on pages 169 and 170. Matthew was able to double his land holdings during his lifetime. Therefore he must have been a successful planter of the time. He also supported the American Revolution and contributed to its success. I do not know if either of his sons served in the Army during the Revolution.

1. ETHELDRED GARDNER inherited the home plantation in 1801. His wife's name was Liddey Vaughan. They were married Nov. 17, 1796 in Gates County, North Carolina. I have not found the names of his children. As I will explain later, he left Virginia and moved to Georgia and this is the reason I do not know the names of his children. I do not know if his children went to Georgia with him or not. They may or may not.

Last Will and Testament of
Matthew Gardner, Sr.

In the Year of Our Lord One Thousand Matthew Gardner Senr. of Lumsden
County State of Virginia being weak in body at present but of sound mind and per-
fect mind and memory thanks be to almighty god for the same and calling
to mind the mortality of my body and knowing it is appointed for all to die
do make and contain this my last will and testament. First of all
I desire that all my debts and funeral charges be paid and discharged
Item I give and bequeath unto my Son Matthew Gardner and his heirs forever the
plantation wherein he now lives with four hundred acres land more or less
one horse which is in his possession

Item I give and bequeath unto my Son Matthew Gardner and his heirs forever the
plantation wherein I have lived with the rest of my out funds containing
four hundred and eighteen acres of land more or less and thirty seven acres
of land out of the tract I left to my Son Matthew Gardner I leave to my Son
Matthew for twelve years one Negro man Lewis and one horse. Hunter and
and twenty pounds cash

Item I give and bequeath unto my Daughter Elizabeth Daughtry the wife
of Matthew Daughtry and her heirs forever one Virginie named haner
that I purchased of Edward Compton & fifteen pounds cash.

Item I give and bequeath unto my Daughter Lucy Daughtry the wife of
Brooklyns Daughtry and her heirs forever one Virginie girl. Name unknown

Item I give and bequeath unto my Daughter Melinda Webster and her heirs forever
one Virginie woman named Helen and twenty five pounds cash & Horse
called Simon

Item I give and bequeath unto my Daughter Mary Gardner and her heirs forever
one Virginie girl. Name unknown one horse called Horse one feather bed and
jennitree and six pounds cash —

From the records, at Southampton County Court House, I found that Etheldred Gardner was a constable in the county in 1802. Court records say that he resigned as constable in 1802. The same year in which he resigned, he and another person were charged with fathering an illegitimate child. This may have been the reason for his resignation. They did not appear in court and were fined thirty dollars plus cost of court. The charge against Etheldred was later dismissed.

He was first mentioned in the South Quay Baptist Church History January 5, 1805 during a business meeting. Then June 1, 1805, at a conference, he was listed as contributing six shillings. He was elected as a delegate to the Association meeting March 1, 1806. This indicates that Etheldred was taking an active role in the church at that time.

The next entry was September 5, 1807. At this time two male members were appointed to settle a dispute between Etheldred Gardner and Peter Moore. The record does not say what the dispute was about, but at the next conference, September 3, 1808, it was reported that the problem between Etheldred and Peter Moore was settled. They were both in full fellowship once more.

He was elected delegate to the Association again March 4, 1809.

Then at a conference, August 31, 1811, Etheldred was called before the church to answer charges that his conduct and conversation was too light and airy and calculated to incite mirth and laughter. He was suspended from church privileges.

Etheldred was also told to answer the charges at the next conference.

"On Sunday brother Etheldred Gardner was heard and tried to justify his manner of speech. His explanation was rejected and he was expelled from the Church". The above is a quote from the church history.

The following was taken from the church record of Feb. 12, 1812 and still reflects the displeasure of the church with him. The entry reads, "Brother Etheldred noted as our late Brother Gardner (but not dead)." Between Feb. 29, 1812 and July 4, 1812 Etheldred managed to make amends and was restored to full fellowship.

By December 5, 1812 he was listed as one of the first class males of the Church. There were three classes listed and they were first, second, and third class males. Just what this meant is not clear. It may have just been a way to separate the different age groups. Anyway, he had redeemed himself and once again had the respect of the Church.

Etheldred was appointed Deacon July 3, 1813 and was ordained as a Deacon October 3, 1813.

Then at a conference, March 4, 1814, the record states that a grievance between Etheldred Gardner and Jordan Edwards was settled. There is no indication what the grievance was about.

From the records at Southampton County, I found that Etheldred Gardner bought for one dollar a tract of land from Nicholas Cobb. This tract of land contained 150 acres. The above transaction was found in deed book 14 on page 122 and was recorded June 21, 1815.

Nicholas Cobb's wife was Mason Gardner. She was a cousin of Etheldred Gardner.

Nicholas must have been in financial trouble at the time of this transaction and entered into this to protect his land holdings. This is another place which the reader will have to draw his own conclusions.

We now go back to the South Quay Baptist Church History and pick up at the next entry which referred to Etheldred Gardner. This was March 2, 1816. During this conference Etheldred and Simon Murfee gave an account of expenses for underpinning of the meeting house. The total expenses in the report was forty five dollars and thirty five cents. Can you imagine this?

Now enters Simon Murfee. He was also listed with the first class males on December 5, 1812. For the next forty five years he was prominent in South Quay Baptist Church. He will also be referred to several times in the lives of the Gardner family in this section of this book.

Now lets get back to Etheldred. At a conference held April 6, 1816 he and Simon Murfee presented a bill of forty five dollars and thirty five cents to the Church for the work of underpinning the meeting house. This indicates that the task had been completed. Please note that the building is referred to as the meeting house, not church. This had been the practice from the beginning of the church and would continue for many years.

At the conference, April 6, 1816, the question, "Can members who are suspended have a voice in the Church in any case what

soever?" The answer was, "No." Brother Elisha Darden was chosen Deacon in place of Etheldred Gardner, who has long been absent. The history does not give a reason for his absence. Therefore we do not know why he was suspended.

Etheldred Gardner is not mentioned again in the conference records until February 27, 1818. He attended the conference on that date and the following was taken from the record of the said conference.

" Etheldred Gardner in a very sympathetic manner told the conference he was about to remove to Georgia. He wept much and expressed deep sorrow and repentance for the cause or causes for which he had been expelled from the Society. He said he still loved us and was sorry to leave us in a state of separation, but there existed a bar to his asking to be received into fellowship which he could not conscientiously surmount.

The Church feels affection for him and they approve his not asking to be received by the Church."

The above ended his association with South Quay Baptist Church. He and his family moved to Georgia. I have no other information on Etheldred after February 27, 1818.

I have not tried to trace the families of Elizabeth, Milcha, Lucreasy, Julieling, and Mary Gardner. They were daughters of Matthew Gardner, Sr. and were named in his Will. I only have the names of the husbands of four of these sisters.

2. ELIZABETH GARDNER married Matthew Daughtrey. I do not have the marriage date or birth and death date for her.

3. LUCREASY GARDNER married Theopolius Daughtrey May 2, 1787.

I have no other information on her.

4. JULIELING GARDNER married James Daughtrey Nov. 27, 1809. I have not been able to establish if James Daughtrey and Theopolius Daughtrey were any kin. Although it is likely that they were.

5. MARY GARDNER - I have not found who Mary Gardner married.

6. MILCHA GARDNER married William Wester December 31, 1789. From the dates of these marriages Milcha and Lucreasy must have been older than Matthew, Jr. because he was born in 1773. Lucreasy was married in 1787 and Milcha was married in 1789. At that time he would have been only sixteen years old.

There is no mention of Theopolius and James Daughtrey or William Wester in the history of South Quay Baptist Church. They may or may not have been members of this church. Every one is not mentioned in the church history. There are many Daughtrey families in Southampton, Isle of Wight, and Nansemond Counties. I am sure that Lucreasy Gardner Daughtrey and Julieling Gardner Daughtrey are ancestors of some of these families but I do not know which family it would be.

The Lucreasy and Julieling Gardner marriages were reported by Rev. David Barrow and recorded at Southampton County Court House.

There was a Wester family in Isle of Wight County and this may have been William Wester's family. Milcha Gardner's marriage was reported by Rev. George Gurly in St. Lukes Parish. St. Lukes Parish was located in Isle of Wight County in the Smithfield area. Therefore she must have lived in that area for awhile at least.

One of my father's sisters, Annie Missoure, was married to a Charles Wester in the 1920's. I have not been able to establish if he was a descendant of the same Wester family.

7. MATTHEW GARDNER, JR. was born in 1773 and he was the son of Matthew Gardner, Sr. and his wife, Mary. As stated, in his father's Will, he was given a plantation of 400 acres and one horse. The Will also stated that he was living on the said plantation at the time.

CHAPTER 8

MATTHEW GARDNER, JR.

SON OF MATTHEW GARDNER, SR.

Matthew Gardner, Jr. married Margaret Vaughan Feb. 20, 1796. She was the daughter of Uriah and Ada Vaughan.

There were four children born from this marriage. They were Uriah V. Gardner, Lemuel R. Gardner, Nelson B. Gardner, and Barbara Ellen Gardner. I believe Uriah V. Gardner was named for his grandfather Uriah Vaughan. Therefore I believe his middle name was Vaughan. I also believe Lemuel R. Gardner's middle name was Randolph because there are several descendants of him with Randolph in their name. Nelson B. Gardner's middle name was Bennett. I found this in his obituary. See chart 4A on page 178 for Matthew Gardner, Jr. and his family.

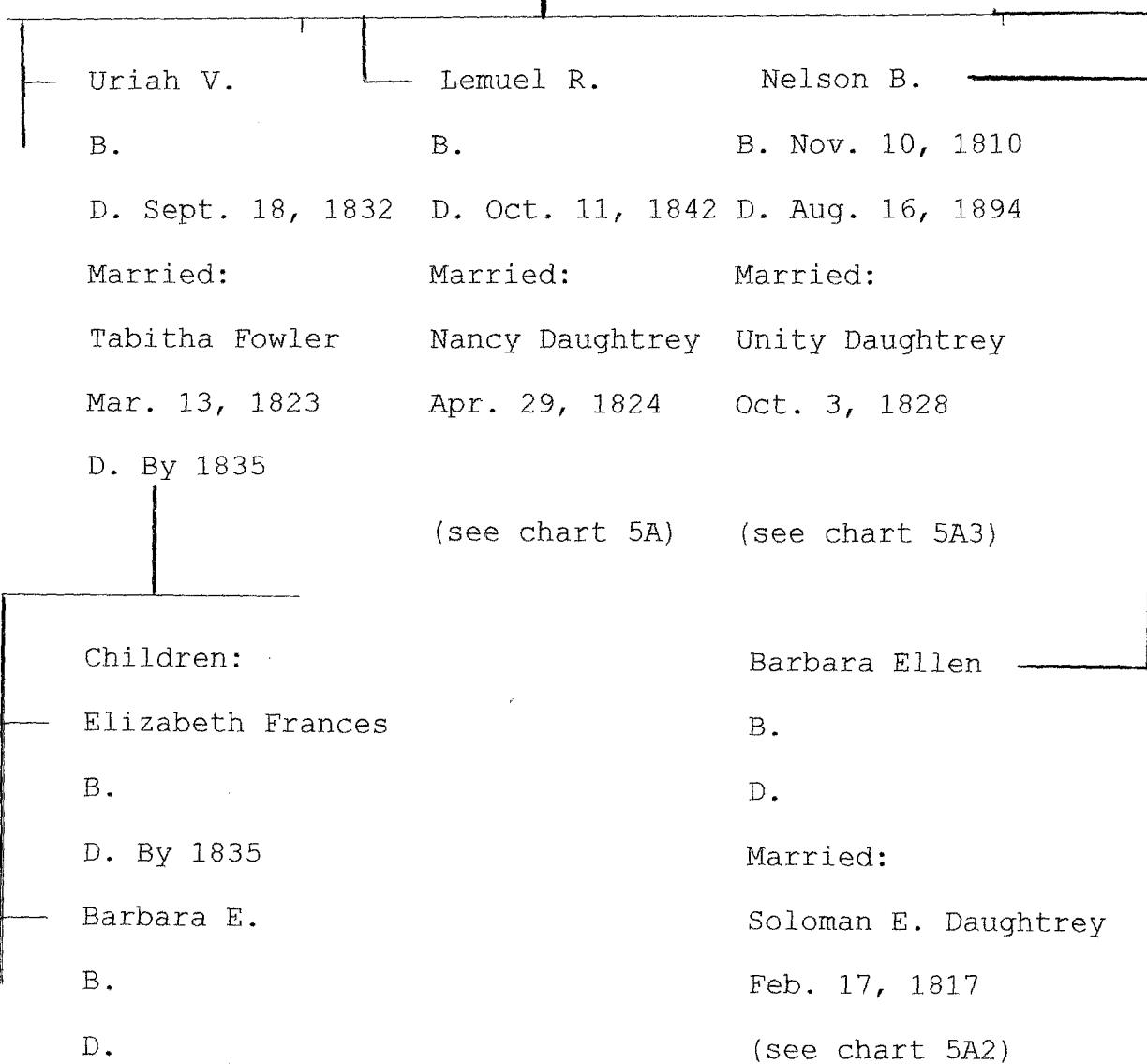
I do not know when Matthew's first wife, Margaret, died but it was before Nov. 30, 1819. He married Mary Daughtrey on that date. There were no children born from his second marriage. Matthew Gardner, Jr. died eight years after his second marriage. The date of his death was August, 1827. I do not know what illness took his life but it must have been a short illness. His last Will and Testament was written August 10, 1827 and probated August 20, 1827.

Therefore Matthew Gardner, Jr. must have been on his death bed when his Will was written. He was only fifty four years old at his death.

CHART 4A

Matthew Gardner, Jr. 1773-1827

First Wife: Margaret Vaughan Second Wife: Mary Daughtrey



The following is the Matthew Gardner, Jr. last Will and Testament. It was recorded at Southampton County Court House in Will Book 10 on page 48. I have typed the Will so that it will be more legible. A copy of this Will as written can be found on the pages immediately following the typed version.

Last Will and Testament
of Matthew Gardner, Jr.

In the name of God Amen. I Matthew Gardner of Southampton County and State of Virginia being weak in body but of sound and perfect mind and memory and knowing the uncertainty of human life do make and ordain this my last Will and Testament in manner and form following, that is to say I desire that all my just debts and funeral be paid and discharged at the discretion of my executor hereafter named.

Item: I lend unto my wife, Mary Gardner, one third part of my Estate both real and personal during her single life and at the death or marriage of my wife I desire that her third be equally divided between my children hereafter named.

Item: I give and bequeath unto my son, Uriah V. Gardner, a certain piece of land beginning at the branch at Lemuel R. Gardner's house thence up the path to the end of the lane. Thence down the path to the Rhoda McClenney line, thence my line to the said branch, thence of the said branch to the first station. To him

and his heirs forever and no more.

Item: I give and bequeath unto my son, Lemuel R. Gardner, a certain tract of land that I purchased of William Fowler and thirty dollars cash to him and his heirs forever and no more.

Item: I give unto my son, Nelson B. Gardner, fifty dollars cash to him and his heirs forever and no more.

Item: All the balance of my Estate both real and personal I desire may be equally divided between my daughter Barbara E. Daughtrey and her three children to witt: John Harrison B. Daughtrey, Lemuel M. E. Daughtrey, and Margaret Jane Daughtrey to them and their heirs forever.

Lastly I desire that my executor sell my two Boys, Esau and Jacob, for the best price he can obtain from any man that will carry them to the Mississippi State and I hereby appoint my son in law, Soloman Daughtrey, my whole and sole executor to this my last Will and Testament. Revoking all other Wills or Testaments heretofore made by me. In witness hereof I have set my hand and seal this 10th. day of August 1827.

Signed,

Matthew Gardner

Signed and acknowledged as my last Will and Testament in presence of: Phillip A. R. C. Calhoon, Nicholas Johnson, and Eldredge Raiford.

At a court held for Southampton County the 20th. day of August 1827 the last Will and Testament of Matthew Gardner, Jr., deceased, was probated by the oaths of the witnesses thereunto and ordained

to be recorded and on the motion of Soloman Daughtrey, the executor
therein named, who made oath thereunto and together with Edward
Crumpler and Uriah V. Gardner his securities entered into and
acknowledged a bond in the penalty of five hundred dollars,
conditioned as the law directs, certificates so granted the said
Soloman Daughtrey for obtaining a probate of the said will in one
form.

Jesse James Rochecco

Last Will and Testament

of Matthew Gardner, Jr.

19

In the name of God our savior. I acknowledge Governor of North Carolina to me & State of
that the Virginian being with me by his own express request, and in view of his having
all the antiquity of humanity in his countenance this very day came over to this State in manner
and form following that is to say. I desire that as my just acts former to past & sideways
at the service of my country hereafter mentioned shall stand well against me & may God
cause you part of my Eastern Sabbath and sabbath during his life & his was as the end
of my life of my 50 yrs I desire that he shall be equal to any man in the world
and knighthood named. Then I give and bequeath unto my son Joseph L. Gaskins
all my place of land beginning at the branch of a stream & running down up
the side of the side of the hill where it runs. The first branch to John McElroy his
son may have as the said Branch there of his son & so make to the present time to
have all his heirs & executors and no more. Then I give and bequeath unto my son
Joseph L. Gaskins, a tract of land situated between the hills in Town
land of 50 acres. And to him and his heirs forever and evermore. Then I give
unto my son Adam B. Gaskins fifty Dollars cash & I leave and bequeath unto him
fifty. All the balance of my estate both real and personal I give away to
my Daughters Barbara C. Gaskins and her three children & if either
Harrison P. Daugler Lavinia M. Gaskins and Margaret Jane Gaskins &
their issue their heirs & executors. Lastly I desire that my executors pay my two boys
Elias and Jacob for the best price he can obtain from any and other who carry
them to the Mississippi state. Then I hereby appoint my executors

Solomon Daughtry my wife and her concubine to this my first wife were I married
Recking all the world or Testament before me by me. In witness hereof he
etc my hand and seal this 16th day of August 1837.

Signed and acknowledged
and as for my sentence,
and I remain, in favor of you, at your earliest convenience giving the 20th Augt 1822
Philist A P. C. backus This last will and Testament of Nottingham Garrison and his
Schools Johnson presented by the State of the Liberties trustees now deceased
George Bradford To reward said for the services of Nottingham Garrison, the said
Garrison and his executors will divide and together, Edmund Douglass and Uriah French
his executors certain sums and considerations a sum in the property of this Garrison 20 and
conditions of the Library and its services provided the said Garrison Douglass for managing
a portion of the said sums in my favor.

Terra Sanus Pachamay

Mary Gardner, the widow of Matthew Gardner, Jr., lived until 1835. An indenture was made and recorded at Southampton County Court House on Oct. 19, 1835 between Lemuel R. Gardner and Hardy Cross. Lemuel had been appointed commissioner to sell Mary Gardner's estate and divide the proceeds between the heirs of Matthew Gardner, Jr.

The tract of land which Mary owned totaled at least 211 acres. Mary was left one third of Matthew's real property in his Will. I know that Lemuel's inheritance was at least 233 acres. You will be able to figure this for yourself later as you read about Lemuel R. Gardner. I feel sure that Uriah's inheritance was at least as much as Lemuel's. Matthew stated in his Will that the land he left Lemuel was a tract he had purchased from William Fowler. Matthew Gardner, Sr. left Matthew Gardner, Jr. 400 acres at his death. The 400 acres plus the 233 acres, which was left to Lemuel, totals 633 acres and one third of that is 211 acres. Therefore Mary's third had to be at least 211 acres.

You will see in the following indenture that the 211 acres sold for five hundred twenty five dollars.

Indenture Between

Lemuel R. Gardner and Hardy Cross

This indenture made and executed the 19th. day Oct. in the year of our Lord One Thousand Eight Hundred and Thirty Five between Lemuel R. Gardner of the County of Southampton in the State of Virginia of the one part and Hardy Cross of the County of Nansemond and State aforesaid. Whereas by an indenture made and entered in the County Court of Southampton at the June term 1836 in a cause lately depending in the said Court between Soloman Daughtrey and other plaintiffs and Nelson B. Gardner defendant. It was secured and ordained that Lemuel R. Gardner after giving 30 days notice of the time and place of sale, should expose to public auction upon a period on nine months the tract or parcel of land which lies in the aforesaid County, and which was held as dower in the lands of Matthew Gardner deceased by Mary Gardner deceased which lands are divided by the land of Hardy Cross, Edward Crumpler, Nelson B. Gardner, and the heirs of Uriah V. Gardner except so much as may be necessary to pay and discharge the proper and necessary finances of said suit and after deducting the same from the amount to take bonds for the balance thereof with good security payable to the parties as by said decree directed. And whereas in presence of said decree the said Lemuel R. Gardner, Commis.. as aforesaid did on the 25th. day of July 1835 on the premises aforesaid to public sale to the highest bidder, the tract or parcel of land lying in Southampton County aforesaid adjoining the lands of Hardy Cross,

Edward Crumpler, Nelson B. Gardner, and the heirs of Uriah V. Gardner notice of the time and place of sale having been given 30 days previous thereto in conformity to said decree when Hardy Cross became the purchaser of the said tract of land for the sum of \$525.00 and whereas by final decree pronounced by the said Court of Southampton at the Oct. term 1835 upon a report returned and filed in the said cause at the Aug. term 1835 to which no exceptions were filed. It was further ordered and decreed that the said Commissioner who reported on the case make to the purchaser a deed without warrenty. This indenture therefore further witnesseth that the said Lemuel R. Gardner, Commis. as aforesaid as well for and in consideration of the promised aforesaid as of the sum of one dollar to him in hand paid by the said Hardy Cross the receipt whereof is hereby acknowledged. Hath granted, bargained, and sold, aforesaid and confirmed and by these present doth grant, bargain, sell, alien, and confirm unto the said Hardy Cross his heirs and aliens the said tract or parcel of land before mentioned and described and which sold at public auction as aforementioned. To have and to hold the said tract or parcel of land with the appearances thereto belonging or in any wise appertaining unto the said Hardy Cross his heirs and aliens against the claim or claims, demand or demands of him the said Lemuel R. Gardner his heirs or aliens or either of them, shall, with and do warrent and defined by virtue of the decree aforesaid and no more. In witness whereof the said Lemuel R. Gardner hath as Commis. aforesaid set his hand and seal the day and year as first above written.

Signed,
Lemuel R. Gardner

Southampton County in the clerks office Jan. 18, 1836.

The above indenture also reveals that Uriah V. Gardner was deceased in 1835.

1. URIAH V. GARDNER married Tabitha Fowler Mar. 13, 1823 and there were two children born from this union. They were Elizabeth Frances Gardner and Barbara E. Gardner. I do not have a birth or death date for either one of these children. I do know they were minors when their father, Uriah V. Gardner, died. He died September 18, 1832 leaving his wife, Tabitha, with two minor children. In order book 1835 - 1839 on page 213, at the clerks office of Southampton County, Lemuel Vaughan was listed as guardian of Elizabeth Frances Gardner and Lemuel Daughtrey as guardian of Barbara E. Gardner minor children of Uriah V. Gardner, deceased. Between 1832 and 1835 his widow, Tabitha Fowler Gardner, had married a Robertson. The same document listed Tabitha Robertson, deceased, as the children mother. Therefore she had remarried and then died within three years of her first husband's death.

A. BARBARA E. GARDNER'S middle name was not given in this court record. But I suspect she was named after her aunt, Barbara Ellen Gardner Daughtrey.

B. ELIZABETH FRANCES GARDNER was also deceased by 1835 because this court action was brought by the guardian of Barbara E. Gardner. He was suing for Barbara's part of her deceased sister's estate, Elizabeth Frances Gardner. This was the estate which was

left at their father's death. See chart 4A for Uriah V. Gardner and his family. I have no other information on the Uriah V. Gardner family.

2. NELSON BENNETT GARDNER was the son of Matthew and Margaret V. Gardner. He was born Nov. 10, 1810. There will be more about Nelson B. Gardner in his section of this book.

3. BARBARA ELLEN GARDNER was the daughter of Matthew Gardner, Jr. She married Soloman E. Daughtrey Feb. 17, 1817. I do not know if she was the oldest of his children or not. She was married before Uriah, Lemuel R., or Nelson B. Gardner. These were her three brothers.

She and Soloman had three children that I know of. They were: John Harrison B. Daughtrey, Lamuel M. E. Daughtrey, and Margaret Jane Daughtrey (see chart 5A2 on the following page).

Barbara and her children received part of her father's estate but I do not know what it totaled.

Soloman Daughtrey, Barbara Ellen Gardner's husband, was appointed executor of her father's estate.

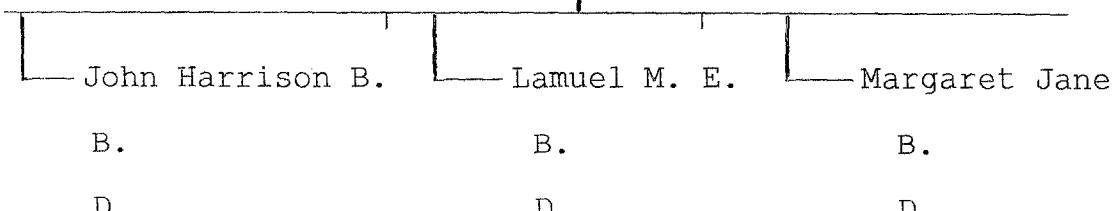
When their step mother died, Lemuel R. Gardner, was appointed to sell and divide her estate. This would indicate that he or his brothers were to young to be appointed executor of their father's Will at the time it was written.

4. LEMUEL R. GARDNER was also the son of Matthew Gardner, Jr. Several chapters will be devoted to him and his descendants.

CHART 5A2

Barbara Ellen Gardner

Husband: Soloman E. Daughtrey - Married: Feb. 17, 1817



Matthew Gardner, Sr. was the son of James Gardner I. James Gardner I was the son of John and Mary Gardner of Isle of Wight County, Virginia. As stated before, John Gardner came to Virginia during the summer of 1650. He was born in England in 1624 and sailed from Bristol, England in 1650 bound for Virginia. I am repeating the above in order for the reader to understand and trace this side of the Gardner family. This is also being inserted again at this point because through out the rest of this book two of the children of Matthew Gardner, Jr. will be traced to present time.

One of the two is Lemuel R. Gardner, who is the ancestor on the authors side of the family.

The other is Nelson B. Gardner, Lemuel R. Gardner's brother. He is the ancestor of several families in this area.

I first must address the name "Lemuel" because I know there are family members who spell and pronounce it "Lamuel".

The name is spelled "Lemuel" in his father's Will and it is also spelled "Lemuel" in the indenture between him and Hardy Cross. Lemuel R. Gardner's son, Lemuel Gardner, also spelled it "Lemuel". Lemuel Gardner was my great grandfather. He was known by friends as "Lam Gardner" and several family members referred to him as "Lam Gardner". His name is spelled "Lemuel" on his tomb stone at South Quay Baptist Church.

If you look back at Matthew Gardner, Jr's. Will, you will see that his daughter, Barbara, had a son with "Lamuel" in his name.

I do not know which spelling is correct, but I will use "Lemuel" in this book because that is the way the name is spelled

On his tomb stone. The reader can decide which is the most appropriate or correct spelling.
On pages 190 and 191 are pictures of Nelson Bennett Gardner and his wife, Unity Daughtrey

Gardner.

Earlier in this book, I related a story about one of our ancestors having been married to an Indian maiden.

When you view the picture of Nelson Bennett Gardner, you will see why this story has validity. In my opinion, Nelson B. Gardner could have passed for an Indian.



The above picture is Unity and Nelson Bennett Gardner.



The above pictures are Nelson Bennett and Unity Gardner