David Ward

(c1806–4 May 1882)

&

Cynthia Seale

(c1812–27 Mar 1857)

of

Butler & Lowndes Counties, Alabama

and

Union Parish, Louisiana



by

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2023

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Overview

We know much of David Ward's life, for unlike most of his contemporaries, he left voluminous records of his activities during his adult life. Additionally, his name is memorialized in the modern geography of Union Parish by the Wards Chapel Road, Church, and Cemetery. What originated as his private family graveyard soon became a community cemetery due to his allowing a Methodist Protestant Church to erect a building on his property next to his cemetery. The church became known as *"Wards Chapel Church,"* and a church has existed at that location since the early 1840s.

The records present an overall picture of David Ward as a fairly well-educated man for his era, one who was civic-minded and extremely dedicated to his family. He helped to manage the financial affairs of many of his female relatives and neighbors after their husbands died, and he raised several of his orphaned grandchildren. In the midst of the Civil War, Ward even paid off the mortgage on his deceased brother-in-law's farm with gold coins.

Based upon his financial status, Ward belonged to the white upper-middle class society of the mid-nineteenth century South. Although a successful farmer and cotton gin operator, he did not operate a huge plantation in the stereotypical sense. David Ward did belong to the minority of white Southerners who owned slaves prior to 1865. He was a small slaveholder, in that he never owned more than five adult slaves (two families), all given to him by his father-in-law James Seale and apparently his own father. The two black families he owned in the 1850s and 1860s continued living near him after the abolition of slavery in the United States, and David Ward recorded the births of the slave children in his own family Bible.

The available records suggest Ward quickly defended himself when others trampled upon his rights, for he frequently hired attorneys to manage his legal affairs, often through lengthy litigation. He came to know Louisiana's legal system quite well, for three of his legal cases went all the way to the Louisiana Supreme Court.

David Ward experienced much heartache in his personal life, as he buried Cynthia, his wife of thirty years and the mother of his ten children, when she was forty-five, and his second wife Rhoda a few years later. Three of the Wards' children died as infants or young children, two sons in their late teens or early twenties, and all three of the Ward daughters who survived to adulthood died between 1865 and 1870 while in their late 20s or 30s. Thus, David Ward outlived eight of his ten children, surviving until the age of seventy-six years. However, the two sons that outlived him, Elijah Hubbard and John Thomas, both died within a few years of David's death.

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Early life in Georgia, South Carolina, and Alabama: 1806–1837

David Ward was born about 1806, either in Jefferson or Wilkinson County, Georgia. Soon after his birth, David's parents Elisha Ward Sr. and Jane Washington Neeland moved west and settled in the old Creek Indian territory of Laurens and Twiggs Counties, Georgia. David spent most of his youth in Twiggs County with his parents and siblings, with his father's siblings living nearby. With the Treaty of Fort Jackson in July 1814, the United States succeeded in forcibly removing the Creeks from their ancestral homelands in what is now central Alabama. Eager to entice white settlers to occupy this region, the government offered this virgin land for sale on credit.

Elisha Ward purchased property in what later became Butler County, Alabama in the early fall of 1818 while still a Georgia resident, and he moved his family there during the winter of 1818–1819. Elisha Ward chose a rather convenient location for his new farm; it was situated near the only two communities in that region: Fort Dale (built to protect the settlers from the Indians after their attack in 1818) and Buttsville (soon changed to Greenville).

Cynthia Seale was born in Fairfield District South Carolina about 1812, the daughter of James Seale (1769–1860) and his wife Rachel. The Seales departed from their Fairfield District home in the early months of 1821 and moved to Butler County. James Seale settled upon government land merely one-half of a mile from Elisha Ward's farm. Thus, David and Cynthia met when he was about fourteen and she about nine.

Besides Cynthia, several of Seale's children had close connections with the Wards, including Clarenda (born 1811), Ransom (born about 1799), James Hayden (born 1814), Thomas Jefferson (born 1816), and Elvira (born about 1820). Since their eldest child was born in May 1827, David Ward and Cynthia Seale probably married in 1826. Cynthia was an extremely young bride; the only record of her birth puts it in late 1812 or early 1813, making her barely fourteen years old when she married and a mother at about fifteen.

By the latter 1820s, the government had completed surveying the rich farmland in southwestern Montgomery County and began offering it for sale to United States citizens. Along with many of Cynthia's siblings and their neighbors, David and Cynthia moved north a short distance from their home west of Greenville into what was then southwestern Montgomery, but in January 1830 became southern Lowndes County. There, David bought his first government land on 26 January 1833. David's father Elisha also moved near them in Lowndes, and Cynthia's father James moved there in 1831. Moreover, the Auld family settled nearby by 1831 (David's sister Margaret married Elijah Michael Auld in 1830). So David and Cynthia spent the 1828–1835 period in southern Lowndes County surrounded by numerous relatives.

By the mid-1830s, the government had completed surveying the virgin lands further west in Mississippi and Louisiana. As soon as this land became available for purchase, the relentless westward drive again struck many residents of Lowndes and Butler County. Elijah Michael Auld's father John F. Auld apparently left first, for he sold his Lowndes County plantation on 15 November 1834. Sometime either that winter or in the fall of 1835, John F. Auld and his son James moved to Kemper County, Mississippi, located in east/central Mississippi on the Alabama state line. They bought adjoining farms there in November 1835.

By the winter of 1835–1836, David's father Elisha Ward and his brother-in-law Elijah Michael Auld had also left Alabama for Kemper County, Mississippi. Elisha purchased 40 acres of government land there on 14 January 1836, and two months later on March 8th, David Ward and Elijah Michael Auld purchased 80-acre tracts of land at the Columbus, Mississippi government land office; David's property adjoined that bought earlier by his father, and Auld's lay nearby. We have no indication of whether David Ward spent the 1836 growing season in Mississippi or Alabama. It is quite possible that he never actually resided in Kemper; perhaps he purchased the cheap government land intending to settle there, but for some reason later changed his mind. Even if David Ward grew a crop in Mississippi, the only possible year for it was the 1836 growing season.

While David's father Elisha Ward and his Aulds relatives began moving into western Alabama and Mississippi, some of their acquaintances from Fort Dale and Lowndes County, Alabama traveled further west to northern Louisiana, apparently searching for a desirable location for a group of nearby families to settle.

Col. Matthew Wood had arrived in the Butler County region quite early with his wife Hannah Payne and their children. He resided in the village of Fort Dale in early January 1819, and Wood still lived at Fort Dale in 1830, when he operated a tavern. In those days each region maintained a standing militia, and in December 1823 the citizens of the region that included Butler County elected Wood as the colonel of their militia; shortly thereafter, the state issued Matthew Wood a commission as Colonel of the 29th Infantry Regiment, Alabama Militia.

In this capacity, the Wards undoubtedly knew Wood personally. Given his age and the required military service of boys in their upper teens, David Ward almost certainly served in the militia under Wood during this period. Furthermore, during the land boom that drew settlers from northern Butler into southern Lowndes County, Col. Matthew Wood bought a plantation about one mile north of David Ward's farm there.

Sometime in late 1835, Col. Matthew Wood traveled from Alabama to Louisiana and purchased government land in northern Ouachita Parish. It appears he made the trip to scout out the region

for possible settlement by many of his Lowndes County relatives and neighbors. Apparently pleased with north Louisiana, Col. Wood returned to Alabama in late December of 1835. He immediately began preparations to permanently move to Louisiana.

In early January 1837, Wood assembled a group of at least ten families from southeastern Lowndes County, and this group began selling their Alabama plantations in preparation for emigrating to the Bayou d'Loutre region of what was then northern Ouachita Parish, Louisiana (later Union Parish). David and Cynthia Ward joined Col. Wood's group, as did Cynthia's sister Clarenda Seale and her husband William Ham, and Cynthia's brother, attorney James H. Seale. Col. Wood's son-in-law, Butler County Sheriff John Taylor, and his brother-in-law, Daniel Payne, also traveled with him to north Louisiana.

David and Cynthia sold their 40-acre Alabama farm for $400 on 13 January 1837, one day before Col. Wood sold his nearby farm. Selling at that time was a fortuitous decision for Ward, as he had only paid $50 for this land four years earlier. Had he waited two more months to sell out, he likely would not have found a buyer for his farm. The Panic of 1837 struck the nation in March, causing the worst financial crisis the United States had experienced. However, by March, the Wards had settled in the remote, backwoods country of north Louisiana, and the nation's financial problems had little apparent effect on them.

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David & Cynthia's Years in Eastern Union Parish: 1837–1867

David and Cynthia and the other settlers led by Col. Matthew Wood must have left for Louisiana soon after January 14th, when Wood sold his Lowndes County plantation. Along with their families, many slaves also accompanied this first Alabama wave of migration into what soon became Union Parish, including David and Cynthia's two enslaved people given to them by her father James.

The group apparently made good time on the trip, for precisely one month after Col. Wood sold his land in Alabama, David and his brother-in-law William Ham appeared at the Ouachita Land Office in Monroe, Louisiana. Ward and Ham purchased adjoining tracts of government land that then lay in northern Ouachita Parish, Louisiana. Many Seale siblings joined David and Cynthia in Louisiana in 1838 or 1839, including the youngest Seale brother, Thomas Jefferson Seale, and the oldest, Ransom Seale. Another sister, Elvira Seale Cooper, and her husband Adam Bynum Cooper also arrived in Union Parish in 1839 or early 1840 and settled very near the Wards.

Many of David's relatives also soon followed him to northern Louisiana. Sometime after the 1837 growing season, his parents Elisha and Jane Ward and brother-in-law and sister, Elijah Michael and Margaret Jane Ward Auld, arrived from Kemper County, Mississippi. On 29 July 1838, Cynthia Seale Ward gave birth to her fifth child, Elisha Ward. Merely six days later, on August 5th, the infant's grandfather, Elisha Ward Sr., died at the age of sixty-five years. Following her husband's death, Jane Washington Ward maintained her own household in Union Parish, probably on either David Ward's or Elijah Michael Auld's plantations. In 1850 Jane lived in David's household and probably resided with him or her daughter Margaret Jane until her death in the 1850s.

Acting on the 1838 petition of the residents of the *"piney hills"* of northern Ouachita Parish, the Louisiana Legislature created Union Parish from the portion of northern Ouachita Parish west of the Ouachita River and east of Claiborne Parish, effective 13 March 1839. The new parish contained no towns of any sort and few if any passable roads.

From the beginning, David Ward actively participated in the public affairs of Union Parish. On 3 June 1839, at one of the very first meetings of the Union Parish Police Jury—the governing body of each Louisiana parish is known as the *"police jury"*—David Ward was appointed one of the parish's tax assessors for the year 1839. Ward's brother-in-law James H. Seale worked to clear the stumps from the courthouse square of the newly designated parish seat, named the Town of Farmerville after early resident and War of 1812 veteran Mills Farmer. Seale also served as Farmerville's first postmaster.

David Ward and his brothers-in-law Ransom, James H., and Thomas J. Seale all purchased town lots surrounding the courthouse square when the police jury first sold the lots in July 1839. Ward bought two town lots and owned them until the latter 1850s; it is not known whether he developed them. David Ward frequently assisted in laying out roads for the new parish over the next few years. In the early 1840s, the police jury even paid Ward for killing a wolf!

One can still see David Ward's mark on the geography of eastern Union Parish with the Wards Chapel Church, Cemetery, and Road named for him. David Ward followed the Protestant Methodist faith, and soon after his December 1837 purchase of 120 acres of government land, he authorized the local church to construct a meeting house on his property near his family cemetery.

The cemetery clearly originated as Ward's private family burial ground on the edge of his plantation. The need for a cemetery came quickly with the death of Elisha Ward in August 1838, and undoubtedly, he was the first person buried there. The earliest tombstone still standing in the Wards Chapel Cemetery marks the grave of William B. Cooper's four-year old son who died on 26 September 1842. Cooper was David Ward's neighbor and the brother of Adam Bynum Cooper who married Cynthia's sister Elvira. Cooper buried his other young children in the cemetery in 1845 and 1847, and his family buried Cooper himself there upon his death in 1856. The earliest Ward tombstone currently standing marks the grave of David Ward's grandson who died in 1862; none of Ward's children who died between 1843 and 1870 have grave markers that survived until the 1950s, when the first cemetery survey was made.

The earliest reference to the cemetery's name dates from 1845, when the Turner Family Bible recorded the death of David Ward's niece, Mary Theodosia Reddock Turner, with the notation that she and her stillborn son were buried in the *"Graveyard at David Ward's."* By 1857, the locals referred to the cemetery as *Wards Chapel*, for the Bible entry recording the death of Cynthia Seale Ward stated that she was *"Buried at Ward's Chapel."* This shows that what began as David Ward's private family cemetery gradually became a community cemetery, and then as the church established itself, Ward's private graveyard evolved into the church and community cemetery.

In 1861 both David Ward and his brother-in-law William Ham served the Wards Chapel Protestant Methodist Church as deacons, and in that year, they purchased additional land for the use of the church. The Wards Chapel Protestant Methodist Church appears to have thrived through the 1870s. However, most of the original Methodist settlers of that region had died or moved away by the early 1880s, and in 1883 it switched to a Church of Christ, which it remains today. From those very early years through the present day, it has always been known as the Wards Chapel Church.

During the fall or winter of 1840, David and Cynthia Ward left Union Parish with their children and moved up the Mississippi River towards Tennessee. Somewhere in Tennessee, they farmed for a few years. We do not know whether any of their relatives accompanied them to Tennessee or precisely how long they remained. However, Cynthia did give birth to her daughter Julia Annis while they lived in Tennessee. Ward did not sell his Union Parish farm during his absence, and by June 1842 he and his family were again residing in north Louisiana.

David and Cynthia lost three of their children and two sons-in-law in two unknown calamities, probably epidemics of some sort. The first occurred in May and June of 1844. Their son Elisha died on May 22nd at nearly six years of age, and on June 8th, their six-month-old daughter Clarenda died.

The next such incident struck the region east of Farmerville in mid-1852, claiming the lives of three Ward family members and one neighbor. David and Cynthia's son David Washington Ward died on July 24th at age seven. Their son-in-law Derril B. Carter, who had married their eldest daughter Mary in 1845, died a month later on August 25th. Four days after this, their son-in-law Benjamin Franklin Hall died; Hall had married David and Cynthia's second daughter Rachel Jane in 1849.

Finally, on September 11th, their neighbor Thomas T. Ratcliff died; the Wards and Ratcliffs had lived on adjoining farms since David and Cynthia arrived in the neighborhood in 1837. The rest of 1852 was a hectic one for David Ward, as he participated in the settlements of the Carter, Hall, and Ratcliff estates. He managed the Hall estate by himself and assisted his daughter Mary in handling Derril Carter's estate. Ward helped the widow Rhoda Ratcliff tend to Thomas T. Ratcliff's estate, and he also served as the assistant guardian to the Ratcliff heirs.

During his last illness, Mary Ward Carter's husband Derril B. Carter requested that David Ward care for the three Carter girls if Mary were to remarry. Thus, upon Mary's 1853 marriage to Azor Slawson, Ward informed the court of Carter's dying request and assumed guardianship of his Carter granddaughters. They lived with him and Cynthia while their mother Mary and her new husband lived nearby on her Uncle William Ham's plantation, where Slawson served as overseer.

Cynthia Seale Ward died on 27 March 1857 at the age of about forty-five and is buried in the Wards Chapel Cemetery. Sometime after her death and before 1860, David married his neighbor and long-time acquaintance Rhoda, the widow of Thomas T. Ratcliff. In 1860, David Ward's household consisted of his wife Rhoda, his youngest sons James M. and William H. Ward, his two surviving Carter granddaughters, and two slave families consisting of four male slaves and seven female slaves.

Although he had experienced the deaths of three young children, his wife of thirty years, and his parents by the 1850s, the period between Cynthia's death in 1857 and 1870 appears particularly unhappy for David Ward. His second wife Rhoda Ratcliff died between 1860 and 1866, as did his eldest daughter Mary Ward Carter Slawson and middle daughter Julia Annis Ward Defee. Moreover, Ward's son James M. Ward disappeared during this same period, perhaps a casualty of the Civil War. Between 1862 and 1865, David's eldest son Elijah Hubbard Ward served as an officer in the Confederate Army, but he returned safely in 1865, apparently unscathed. Although Ward remarried for the final time in 1867 and then retired to Shiloh, tragedy again struck when his final surviving daughter, Rachel Jane Ward Auld, died in childbirth in December 1870.

David Ward's actions in response to many of these personal tragedies provide us with a fascinating glimpse into his character. He served as the legal guardian of his niece Mary Ann Theodosia Reddock in the early 1840s prior to her marriage. When his brother-in-law Richard H. Gee died in 1843, David assisted his sister Mary by serving as undertutor to her minor children, appraising the estate, etc. As mentioned earlier, Ward managed or helped to manage the estates of his two deceased sons-in-law Benjamin F. Hall and Derril B. Carter and neighbor Thomas T. Ratcliff, as well as raising his Carter granddaughters and serving as the undertutor to the Ratcliff minor children.

In 1859 when his brother-in-law George W. Solomon had to sign two promissory notes—today's equivalent of taking out a mortgage—to pay for his 400-acre farm, Ward signed the notes as Solomon's security. Solomon failed to pay the 1861 note and was apparently unable to pay the one due in 1862. To prevent the Solomons from losing their farm to litigation, David Ward paid them in gold. During a trial over the Solomon estate in 1873, Ward provided the following courtroom testimony concerning the two notes:

> *I recognize the signatures to the two notes saw them written & signed & the signatures thereto are genuine. The notes were given as the purchase price of land that Mr. Soloman bought from Mr. J. A. Auld. I signed the notes as security. I have paid the notes in gold. I paid them about the first of the year 1862. The notes offered in court* [are] *the same notes that I signed as security & that I paid as security…*

David Ward also played an active role in managing the estate of his deceased nephew and stepson, Frederick Marion McLelland in 1870. These events make clear that David Ward was a man of remarkable character, able and willing to assist any of his relatives or close neighbors to the best of his ability in times of crises.

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David Ward's Plantation & Financial Affairs

Like most Southerners of his era, David Ward farmed for a living. When he first arrived in northern Louisiana in February 1837, he purchased eighty acres of land from the government. Ward chose land located just three miles due east of what is now Farmerville.

However, by the end of the year he had decided to settle elsewhere, and in December 1837 Ward and his brothers-in-law William Ham and James H. Seale traveled south to Monroe, to the government land office to purchase additional land. Ward bought 120 acres of land a few miles northeast of his original homesite. Located about six miles east of Farmerville, this place became Ward's home for the next thirty years. Soon after moving there, he helped to construct what soon became the Port Union Road—now known as the Wards Chapel Road—that runs from Farmerville through Ward's old farm and on southeastward towards the Ouachita River. Ward also had a Methodist Protestant Church built on his plantation, soon called the Wards Chapel Church, as well as the Wards Chapel Cemetery discussed earlier.

By 1850, David Ward had cleared and put into cultivation 70 acres of his 120-acres, which was then valued at $1000. In 1849 his farm produced 1000 bushels of corn, 12 bales of cotton, 40 pounds of wool, 300 pounds of sweet potatoes, and 100 pounds of butter. In 1850 his livestock included 3 horses, 2 mules, 13 milk cows, 4 working oxen, 20 other cattle, 15 sheep, and 120 swine, all valued at $800.

Between 1850 and 1860, Ward increased the size of his plantation from 120 to 600 acres, and by 1860 he had 125 acres in cultivation. His farm was valued at $3000, his livestock at $1025, and he had $650 worth of farming implements and machinery. In 1859, Ward's plantation again produced 1000 bushels of corn, as well as 18 bales of cotton.

Ward actually did not produce as much cotton as one might expect for as many acres as he kept in cultivation during the antebellum era. It appears that he planted much more corn than cotton, suggesting that he did not need the cash obtained from producing cotton as much as others in the region. Since Ward operated a cotton gin during this period that likely generated significant financial profits, he apparently did not need to plant large acreages in cotton as others did.

The records suggest that David Ward managed his financial affairs quite frugally. For example, despite the loss of so many of his children and his first two wives, he never paid to have tombstones erected for any of them in the Wards Chapel Cemetery. On the other hand, Ward's neighbor and associate William B. Cooper erected the earliest known tombstones in Wards Chapel for three of his young children who died in the 1840s.

Although one might view it as odd that Ward did not put up markers for his relatives when he could clear have afforded it, this gives an indication for how he managed his money. While no one ever sued Ward in court for a non-payment of a debt, in the early 1850s. Cooper went bankrupt and was sued by several of his debtors. Unfortunately, these lawsuits involved Ward, as he signed as Cooper's security on a note in 1855. When Cooper refused to pay, Ward's neighbor Rhoda Ratcliff sued Cooper as the principal and Ward as Cooper's security.

Ward apparently paid Ratcliff for Cooper and no hard feelings resulted from the affair, for after Cynthia's death in 1857, Ward and Ratcliff married. The year after this litigation, Cooper died and was buried in Wards Chapel Cemetery. Although Cooper's bankrupt estate could not afford it, his widow had a tombstone marker placed for Cooper anyway.

Like the majority of whites in the antebellum South, Ward belonged to the middle class. Although he was a slaveholder, he only owned a few adult enslaved people—two in 1850 and five in 1860—and his farming operations clearly did not depend exclusively upon slave labor. He did have enough financial status to survive the War and Reconstruction unscathed, as did his eldest son Elijah Hubbard Ward.

However, many of David's close relatives did not fare as well. The War devastated the financial affairs of Ward's brother-in-law Pinckney Odom, son John Thomas Ward (Jack), son-in-law John R. Auld, and nephew Britton Honeycutt. All four found themselves involved in litigation as they could not pay their creditors. Pinckney Odom and Jack Ward's problems dragged on for years. Although Odom appears to have recovered by about 1870, Jack's financial troubles lasted until his death in December 1883. David helped his son financially, but Jack's situation became so bad that Elijah H. Ward had to sue him regarding a debt and Jack's claim of bankruptcy.

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David Ward and the Eubanks Family: 1862–1869

Besides his farming activities, David Ward also owned and operated a cotton gin on his plantation east of Farmerville. Through ginning cotton for the community and his apparent predisposition to act as a Good Samaritan for his close relatives and friends as well as his neighbors in need, Ward became embroiled in a legal dispute with Andrew J. Eubanks. Born in Alabama about 1823, Eubanks obviously lived near Ward by the early 1860s.

In the fall of 1862, Andrew J. Eubanks took 1356 pounds of what he described as *"first-rate"* cotton he had recently picked to David Ward's to have it ginned. Ward apparently ginned the cotton and put it in storage at his gin. Due to the chaos of the Civil War, the cotton market had evaporated by 1862 and so it was impossible to sell cotton in the South.

In mid-1863, Eubanks began preparations to enlist in the Confederate Army and leave home indefinitely. According to later legal affidavits made by Ward, prior to his departure, Andrew J. Eubanks appointed David Ward his agent,

> *…employing him* [Ward] *to take charge of his business, to supply his* [Eubanks'] *Family with whatever might* [be] *necessary and to do and procure for them such labor done as might be necessary for their comfort and well being, to sell for him such produce as might be to spare, and to purchase such things as the family might be in want of, promising to pay him well for all the trouble and expenses he might be at in so doing…*

In the fall of 1863, after Eubanks left Union Parish for Confederate service, David Ward worked for three days with a wagon and team and with five *"hands"* (probably Ward's male slaves and his younger sons) to gather Eubanks' crop of cotton and potatoes.

For the twenty months between 1863 and 1865 during which Andrew J. Eubanks served in the Confederate Army, David Ward worked at various times on Eubanks's farm, cleaning out and "*curbing*" his well with three hands. Ward also paid $150 to Union Parish Judge John Taylor in compensation for Taylor's sending one of his enslaved workers to help at the Eubanks farm. Throughout Eubanks's absence, Ward cut and hauled firewood for the Eubanks family, *"shelled"* and hauled Eubanks's corn to the mill and returned the meal to the family, and he hauled several loads of potatoes to the Eubanks's place. Ward estimated that he spent a total of $300 of his own money taking care of the Eubanks family during this period.

On 25 February 1864, cotton buyer W. W. Chapman visited David Ward's home while attempting to purchase cotton. Acting as agent for Eubanks, Ward sold Chapman four bales of cotton weighing 450 pounds each at the price of 20 cents per pound. In October 1866, Chapman made this statement:

…I had previously bought Mr. David Ward's Cotton and he told me that Mr. Eubanks had some cotton at his Gin and that he was acting as his agent but that he had no authority to sell it at that time. When I called at his house in Feby about the 25th (I can't tell the exact time) he told me that he had been authorized by the parties to sell the cotton and I bought it of him. I paid Mr. Ward three Hundred & Sixty Dollars in Confederate money. I did not weigh the cotton but left it with Mr. Ward and Mr. E. M. Awles [Elijah Michael Auld, Ward's brother-in-law and neighbor] *was to weigh it and if the Bales weighed over that ammount* [sic] *I was* [to] *pay for it and if it did not weigh 450 he was to refund to me on final Settlement it liked Seven pounds of weighing the amt purchased. David Ward delivered me the Cotton at Port Union and shipped it to New Orleans and has been Sold…*

Apparently between Chapman's visits to his plantation, Ward obtained permission from Eubanks or his wife to sell the cotton, as Ward said that

…he sold it at his [Eubanks'] *express request, and by his authority…*

Furthermore, after the sale took place Ward said that

…he delivered the price for which it was sold to [Eubanks'] *wife, who received it, and informed him of the fact.*

Ward said that Eubanks approved of the sale

…expressly by declaring him self satisfied with the same and tacitly by making no objection thereto from the time he was informed of it, untill [sic] *in the spring of the year 1865...*

On 21 March 1866, through his attorney John L. Barrett, Andrew J. Eubanks filed suit against David Ward in the Union Parish District Court for $1415. Eubanks claimed that

…Sometime in the latter part of the year 1864 the said David Ward while petitioner was absent from home in the army, without authority and in fraud of petitioners rights and to his great pecuniary damage and loss took and carried away from petitioners place and inclosure [sic] *four bales of cotton weighing not less than about 500 pounds each in all 2000 pounds the return of which petitioner has demanded in vain…*

Furthermore, Eubanks stated to the court that

…Ward refuses either to return the said cotton to petitioner or to pay him for the same…

In regard to the seed cotton Eubanks carried to Ward's gin in 1862, Eubanks claimed that

…said seed cotton was kept by the said Ward till about the last of 1865 but that he refused to return it to petitioner or to pay him therefore and still refuses so to do and petitioner verily believes the said Ward has since that time had the said cotton ginned and has sold the same for his own account…

Continuing with his charges against David Ward, Eubanks told the court that

…in the year 1864 the said Ward took corn from the premises of petitioner to the amount of Eighty two bushels of which he returned to petitioners family 18 bushels leaving sixty four bushels which

> *he now owes petitioner and refuses to return or to pay for; and said corn is worth $1.50 per bushel in the aggregate ninety six dollars…*

In direct contradiction to Ward's statements that Eubanks authorized Ward to act on his behalf, Eubanks claimed that

> *…the said cotton & corn were taken by the said Ward in his absence without his knowledge or consent and without any authority whatever in fraud of his rights and to his great damage and loss. That in addition to the value of the thing thus taken by the unlawful acts of said Ward in the premises petitioner has been damaged in time, vexation and money in being compelled to institute and prosecute this suit to secure his rights…*

Eubanks requested $150 attorney's fees and damages, thus suing Ward for a total of $1415.

In response to Eubanks's suit, Ward hired the Farmerville law firm of A. B. George & Henry Regenburg to represent him. Regenburg was a lawyer born in Denmark in 1820 who settled in Farmerville in the 1840s. He had served as the commander of the Confederate Post of Farmerville during the War and was elected as the Union Parish representative to the Louisiana Legislature in 1866.

Ward completely denied any wrongdoing whatsoever on his part. Ward admitted that he sold the cotton belonging to Eubanks but stated that he did so at Eubanks's request. Moreover, Ward testified that he had given the money he received for the cotton to Mrs. Eubanks. Ward fully believed that he had Eubanks's complete support for his efforts in caring for the Mrs. Eubanks and her children, as he said that Eubanks

> *…on various occasions in conversation with sundry persons and in letters written to his family, has declared himself well satisfied with defendants acts as agent for him, and declared himself willing to pay him well for his trouble and has then ratified his acts so done…*

Ward denied

> *…removing or taking any corn belonging to* [Eubanks] *except at his own instance and request, to wit in delivering a certain amount to one John L. Barrett to the officer for the Confederate States for* [Eubanks] *and in order to supply* [Eubanks'] *family with meal for their bread...*

Continuing with his contradictions of Eubanks' statements, Ward denied

> *…being in any wise indebted to* [Eubanks]*, but avers that* [Eubanks] *is indebted to him for labor done and procured, and supplies furnished, and money expended for him, as specified in the annexed account…*

Ward then countersued Eubanks for $300, the amount Ward claimed he spent in caring for the welfare of the Eubanks family.

Although Eubanks filed his suit in March 1866, it did not come before the District Court for a trial until the following October. In late September, the Court began preparations for the upcoming trial. Clerk of Court Thomas C. Lewis, III issued subpoenas that ordered various people to attend court in Farmerville. As witnesses for Ward, the court subpoenaed his son-in-law John R. Auld, nephew John J. Auld, niece Mary Auld (wife of Ward's nephew Elisha M. Auld), former Parish Judge John Taylor, and the *"free man of color"* Daniel Manywether. Manywether may have been the enslaved man that Taylor sent to work Eubanks' farm, or he could have been a former enslaved worker of David Ward's.

Although the court heard much testimony in early October 1866, only Chapman's affidavit survives. The court then postponed the case until the next term of court, April 1867. Just prior to the trial date in early April, the court subpoenaed Ward's brother-in-law Elijah Michael Auld to testify at the trial. Again, none of the actual testimony survives today, but on April 9th, jury foreman James A. Manning wrote that

We the Jury find for the defendant.

Two days after the jury verdict, District Court Judge J. D. Watkins decreed that judgment in this case went to the defendant, David Ward.

However, the District Court's judgment did not end this drama, for on May 17th, Andrew J. Eubanks filed notice in Farmerville that he wished to appeal the ruling to the Louisiana Supreme Court. Perhaps due to the governmental instability of the Reconstruction period in Louisiana, the Supreme Court did not hear the case for two years. While in session in Monroe, Louisiana on 6 August 1869, the Louisiana Supreme Court heard Eubanks's appeal.

Unfortunately, no evidence or testimony from the appeal exists. The only record is the final verdict of the court, written by Associate Justice W. W. Howe. The Louisiana Supreme Court affirmed the judgment of the lower court and ordered Eubanks to pay all costs associated with the appeal, thus ruling entirely David Ward's favor.

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Retirement to Shiloh: 1867–1882

The final chapter of David Ward's life began on 31 January 1867, when at the age of sixty he married for the third time to another widow, Mrs. Ellen Brazeal McLelland of Shiloh. Ellen was born on 13 May 1804 in Georgia, the daughter of Benjamin Brazeal. She had married before 1818 while still a very young girl to James McLelland Jr. After her family migrated from Georgia to Arkansas in the 1810s, she spent the remainder of her life in south Arkansas and north Louisiana.

About 1820 Ellen lived in Hempstead County, Arkansaw Territory with her husband and father, but in the early 1820s Ellen and James moved across the state line into Claiborne Parish, Louisiana. They returned to Arkansas soon after 1830, and James died in Union County in 1834. Ellen remained in Union County until about 1847, when she moved to Louisiana again, this time to Union Parish. She and her younger children settled on a farm about eight miles west of Shiloh and less than a mile from the Claiborne Parish line.

James McLelland's death in 1834 left Ellen a young widow of only thirty years old with a house full of young children to raise. She obviously succeeded, as her children all became successful farmers or housewives who apparently enjoyed a standard of living quite higher than the norm for that era. On 17 January 1834, just a few months before James McLelland's death, Ellen's gave birth to their youngest child, Frederick Marion McLelland.

In the early 1860s, Frederick M. McLelland married David Ward's niece, Elizabeth Frances Gee, the daughter of his sister Mary Caroline Ward Gee Odom. Elizabeth's father Richard H. Gee died in 1843 when she was only three, and Ward had helped Mary care for her young children prior to Mary's 1845 marriage to Pinckney Odom.

Fred McLelland enlisted in the Confederate Army in the spring of 1862, joining the same regiment to which David Ward's son Elijah Hubbard Ward belonged. Thus, the Ward and McLelland families had definitely become acquainted by the early 1860s, even though they lived on opposite sides of the parish. Since both families practiced the Methodist faith, they likely knew each other much earlier than this through periodic church gatherings.

In 1847 when she moved to Shiloh, Ellen McLelland purchased a 120-acre farm and had a house built on it. She and her family lived in that house in the 1850s and 1860s. In particular, Ellen's son Frederick lived there until his marriage to Elizabeth F. Gee in the early 1860s, when he moved away from his mother's house for one or two years, probably while serving in the Confederate Army. After the war, Frederick and Elizabeth lived with Ellen in their old house in Shiloh until Ellen remarried in January 1867.

Following her marriage to David Ward, Ellen left her home west of Shiloh and moved to David's plantation east of Farmerville, leaving Frederick in possession of *"the old McLelland place,"* as local residents referred to Ellen's old home. By all accounts a devoted son, Frederick M. McLelland decided that he wished to build his mother and *"Uncle Davy Ward"* a retirement home on a 160-acre tract of vacant land he had purchased from the government in 1854; this land adjoined the McLelland old place upon which Frederick and Elizabeth lived with their young children.

On a visit to the Wards during the fall of 1867, McLelland made this proposition to his mother and stepfather. Ellen and David accepted Fred's offer, with the understanding that they were to pay no rent to him, and they had use of the place for the rest of Ellen's life.

With his parents' acceptance, Frederick M. McLelland proceeded to have a house built. For lumber, he went to a nearby steam sawmill located in Claiborne Parish about seven or eight miles from McLelland's house. He was only slightly acquainted with the sawmill operator, Mr. R. Dearman. While getting the lumber, McLelland told Dearman that

> *…he wanted a bill of lumber to build a house for his mother to live in and he said he wanted to put the house on a piece of land he had near so that he could attend to her as she was getting old…that he intended for his mother to occupy the house as long as she lived…*

McLelland also explained the arrangement with his parents to three of his close friends, future Farmerville Mayor William B. H. Poer, Henry N. Fain, and William Edmonds. William B. H. Poer knew Fred McLelland well, for they served for four years in the same Confederate Army company. Poer said that

> *…In the year 1867… Mr. Fred McClelland came to me to employ me to build a house he stated that he wished to build a house for his mother & uncle Davy Ward as he called him to live in their lifetime. That he wished the house built on a retired place from the road & that they were getting old & he wished them to be comfortably situated so long as they lived. Mr. Robert Lassiter built the house at the instance of Mr. Fred McClelland…*

Henry N. Fain lived about two miles from McLelland, and Fain said that

> *… He (McLelland) told me that he built this house for his mother and Uncle David Ward and he also told me that he built this house for his mother to occupy during her life time…*

Furthermore, Fain said that McLelland told him that he had

> *…put Ward & wife in the possession of this property to live on during their life time that they were getting old and that he wanted his mother near him so that he could attend to her if it was necessary…*

McLelland made similar statements to his old friend William Edmonds, who had met the McLellands when they moved to Shiloh in 1850. Edmonds said that

> *…In the year 1867 Mr. McLelland told me that his mother and Mr. Ward had married and that they were living some distance from him and that he was going to build a house near him (McLelland) for them that they were getting old and he wanted his mother near him so that he could attend to her if it was necessary. He built the house and Ward and wife occupied it at the instance of Fred M. McLelland…*

The house that McLelland paid Lassiter to build was a *"box or frame house."* In the *"latter part of the fall of 1867,"* David and Ellen Ward left his plantation east of Farmerville and moved into their new retirement home west of Shiloh. David and Ellen clearly liked their new home, for the next spring, on 16 March 1868, Ward sold the 520-acre plantation five miles east of Farmerville on which he had lived for the past thirty years to his eldest son Elijah Hubbard for $650.

Over the next twelve years, David Ward made numerous improvements to the McLelland farm where he believed he would spend the rest of his life. He made many of them himself and paid to have the rest done. In his own words, Ward said

> *…I planted 325 peach and apple trees, their value I think was at least $1.00 per tree which is $325.00. I cleared at least 30 acres of land and had about 10,000 rails cut and split and had them put up in fences on the place the above fences are still on the place. The clearing and fences above mentioned are worth at least $300.00…* [I built] *A lane running west through the plantation 250 yards long, and two large gates attached to the lane. I had one long ditch cut through the farm and two short ditches all three cost me $132.00. I had two wells dug, one at the quarter, and one where I lived, worth $15.00 each, they were in good condition. I built two corn cribs they were worth $50.00. I built three stables all worth $30.00. I built two cotton houses worth $10.00 each, and one at my house worth $15.00. I built one kitchen worth $15.00 also one stove house worth $10.00. I built at the quarter one dwelling house, one smoke house a cotton house and corn crib, all worth $80.00. I built or enclosed one garden with sawed lumber worth $25.00. I built one Buggy house worth $15.00…*

By the phrase "the quarter," Ward referred to the portion of his place on which a black family or two lived.

Ward built the ditches to channel a stream through his place. After he moved to Shiloh in the latter 1860s, Ward's grandson Hillory Hubbard Ward lived with him for about a year. Hillory Ward said that

> *…I saw David Ward hand $120.00 to Fred McClelland to pay for digging said ditch & David Ward said it was to pay for the ditch… I don't think there was any one present when Ward gave McClelland the money to pay for the ditch except myself Ward & McClelland…*

David Ward put the total value of the improvements he made to his retirement home at $1210. Moreover, Ward said that

…The improvements above mentioned were all made during the years 1868 to 1878 inclusive. F. M. McLelland authorized me to make the greater part of the improvements during his life time…

This clearly indicates that Ward remained quite physically active during his retirement. In addition to these improvements, he also kept much of his land in cultivation during this period. Hillory Hubbard Ward said of his grandfather during this period:

…I know that Ward made very good crops some years & others he did not. I reckon he run 2½ or 3 good hands on the place a year…

David and Ellen did not live alone at their house near Shiloh; by the latter 1860s her son Benjamin F. McLelland and his wife Julia had both died, leaving their three children orphans. The two younger ones, Ellen Melissa and Frances B. McLelland, both lived with David and Ellen at their retirement home in the latter 1860s and 1870s.

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Judges Trimble & Lewis, and Reconstruction Politics in Union Parish

A full appreciation of the subsequent events in David Ward's life requires a basic understanding of what happened politically in Union Parish during Reconstruction as well as background on Ward's attorney, Judge Trimble.

James Etherington Trimble was born on 22 February 1834 in Bridgewater, Pennsylvania. After graduating from William College in Williamstown, Massachusetts in 1857, he briefly studied law in Iowa. Trimble came to Farmerville in February 1859 to become the president of the Farmerville Female College. After the war, Trimble resumed his legal studies, was admitted to the Louisiana bar in 1866, and then practiced law in Farmerville with William K. Rutland in the firm of Rutland & Trimble.

Trimble served as an engineer during the Civil War attached to the Confederate military, and afterward, he became political oddity. During the presidential election of 1868, Trimble has the distinction of casting the only Republican vote in Union Parish for Federal Gen. U. S. Grant. Although originally a staunch Republican during the postwar era, he did not subscribe to the radical wing of the party that dominated at the national level.

After the war ended, Northern politicians refused to admit representatives from the former Confederate states to Congress or to allow the Southern states back into the Union without some atonement for their struggle for independence. This led to what is known as the Reconstruction Era, roughly 1868–1876. It was an unpleasant period all Southerners, rife with election violations that caused much resentment among the whites. Those formerly enslaved of course suffered the most, being manipulated by both carpetbaggers and white Southerners, who struggled to regain political control of their region.

Although isolated politically, Trimble's Republican affiliation and Louisiana's Returning Boards resulting in his serving as District Attorney beginning in 1868. During his service, Trimble gained the respect of many locals for firmly holding to his convictions and standing up to a few white troublemakers who resented his political beliefs.

Louisiana Reconstruction politics became particularly nasty as the 1872 elections approached. The Unionist Democratic ticket headed by gubernatorial candidate John McEnery fought to return Louisiana to self-rule and rid the state of the occupying Federal troops, detachments of which were stationed throughout the state, including one in Monroe.

However, Republican William Pitt Kellogg usurped the governor's post from McEnery in what was regarded as another rigged election, and in the ensuing uproar many prominent Union Parish citizens were arrested on various charges. At this same time, Trimble was elected Judge of the

Eleventh Judicial District for Union Parish. Also in this election, Union Parish voted Farmerville attorney Thomas Charles Lewis, III into the office of Union Parish Judge.

Judge Lewis' roots in north Louisiana ran deep: his grandfather Thomas C. Lewis, I served as Ouachita Parish Judge in the 1820s, and Lewis' father was a Methodist preacher. Rev. Lewis moved his family to Farmerville in 1848 when he assumed the duties of pastor of Farmerville's Methodist Church. Thus, Thomas C. Lewis, III spent his youth in the piney hills of north Louisiana. He entered the printing business as a young man, studied law, and was elected as the Union Parish Clerk of Court in the latter 1850s. After military service in the Confederate Army, Lewis was admitted to the Louisiana bar in the 1860s. He helped to found Farmerville's first post-war newspaper, the *"Union Record,"* in February 1866, while at the same time operating his law firm in town.

Via his editorial position at the *"Union Record,"* Lewis espoused his political views and ideals to the entire parish, even after his election as parish judge. This angered many Union Parish residents who disagreed with him and helped to divide the parish politically, with Judge Trimble heading the group staunchly opposed to Judge Lewis.

Sometime during this period, Farmerville attorney James A. Ramsey allied himself with Lewis against Trimble. This political feud became personal between all three men, with Trimble and Lewis developing an apparent vicious revulsion of each other. During their terms in office, legend claims that the personal animosity between Trimble and Lewis became so heated that both armed themselves, swearing to shoot the other.

Both Trimble and Lewis stepped down from the bench in 1877, with Lewis reportedly returning to his law practice and assisting with the publication of the *"Union Record."* Trimble decided to operate a Farmerville newspaper to compete with Lewis' *"Record."* In 1879, he became the part owner and associate editor of *"The Gazette,"* a newspaper published each week in Farmerville to this day.

This merely increased the hostility between the former judges, and Trimble soon gained the upper hand. Although a life-long resident of Claiborne and Union Parishes, Lewis was unable to cleanse himself of the lingering Reconstruction overtones. Receiving threats to his life and in fear of his family's safety, Lewis ceased operation of his *"Union Record"* in 1879 and moved south to St. Landry Parish, settling near Church Point.

Besides his editorial duties at the *"Gazette,"* Judge James E. Trimble had also resumed his law partnership with William K. Rutland after his term as judge ended. In 1878, the year before Trimble became editor of *"The Gazette,"* David Ward became a client of the revived firm of Trimble & Rutland.

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David & Ellen Ward Fight for their Home

Despite his obvious good intentions in building a house for his mother and David Ward and giving them full use of the place for the remainder of their lives, Frederick M. McLelland never placed the retirement home in their names nor signed any legal paperwork giving them the right to occupy it until they died. This omission had many costly and unpleasant consequences for David and Ellen and caused what appears to have been a major rift between the Ward and the McLelland families.

The problems began with Frederick Marion McLelland's premature death from *"consumption"* (tuberculosis) on 20 March 1870. This left McLelland's three young children as the legal owners of the property he possessed prior to his marriage to David Ward's niece Elizabeth Frances Gee, including the farm and house he gave to his mother and David Ward as their retirement home. In most families, this would not have presented a problem, for in that pre-Social Security era, most people readily supported their elderly relatives until their deaths, as McLelland was clearly prepared to do himself. But it soon became clear to David and Ellen Ward that not everyone was as philanthropic towards their relatives.

In 1872, Thomas N. Bailey arrived in David Ward's neighborhood and became acquainted with Ward's farming operations. Ward may have hired Bailey as a farm worker or Bailey may have operated his own nearby farm. In any case, on 17 August 1873, Bailey married McLelland's widow, David's niece Elizabeth Frances Gee McLelland.

Since the Frederick M. McLelland heirs owned a substantial amount of property, after Elizabeth married Bailey, the District Court had to appoint a legal guardian to the young children. David Ward's son and Elizabeth's first cousin Elijah Hubbard Ward, along with Elizabeth's stepfather Pinckney Odom and brother James M. Odom, all participated in a September 1873 family meeting of relatives of the McLelland minors. This court-ordered family meeting granted joint guardianship of the minors to Elizabeth and her new husband Thomas N. Bailey.

Following the Baileys' marriage, Thomas moved in with Elizabeth and her children, who were living on what was called *"the old McLelland place,"* the 120-acre farm that Ellen McLelland bought in 1847 when she moved to Shiloh. Thomas and Elizabeth Bailey continued to live on the old McLelland place for several years after their marriage, despite the fact that it was now over twenty-three years old. According to Frederick M. McLelland's old friend William Edmunds, Elizabeth F. Gee McLelland Bailey

> *…continued to occupy it until some two years after she married Bailey…. There was some one hundred acres of cleared land on the McLelland old place and Bailey & wife cultivated the most of*

> *it. Bailey & wife left the McLelland old place I think in 1876 or 1877… The place was in a dilapidated condition at the time Bailey went on it… It was in a dilapidated condition at the time Bailey & wife left it both as to fences and houses. The fence was sufficient to protect the last crop that Bailey & wife made but was not sufficient to protect crops after that...*

So from the time of their marriage, the old McLelland place on which the Baileys lived with Fred McLelland's children and farmed was in a very poor condition, and the Baileys began to make plans to move elsewhere. Also during this period, the Baileys made poor financial decisions regarding the money and property of Frederick McLelland's estate. Although the estate was solvent at the time of Elizabeth's marriage to Bailey, within a few years it was not. Thus, the Baileys needed to sell McLelland's property to pay debts of his estate.

Now although the Baileys' place was rundown, the Ward's retirement home less than one-half of a mile away was still quite new and worth nearly $1000. Moreover, since Fred McLelland owned the 160-acre retirement home he provided to his mother and stepfather prior to his marriage, upon his death his three children became its sole legal owners. But as guardians of the underage the McLelland children, Tom and Elizabeth Bailey now legally controlled the Ward's retirement home.

On 18 March 1876, Bailey demanded in writing that David and Ellen Ward give possession of their house and farm to him in his capacity as guardian to the legal owners of the place, the heirs of Frederick M. McLelland (Bailey's stepchildren). Obviously, the Wards resisted, as McLelland had this house built specifically for their use as a retirement home for the rest of their lives, rent-free. David and Ellen Ward refused to leave the place that had been their home since 1867. Bailey later testified that Ward never responded to his written demand. Understandably, after this Bailey did not visit the Wards or the premises of their home anymore.

Persisting in his demand for the Wards to leave their home, on 31 January 1878 Thomas N. Bailey and his wife Elizabeth filed suit in the Union Parish District Court against the Wards, requesting that the court order them to vacate the McLelland farm that the Wards occupied, but that legally belonged to Elizabeth's children. They claimed that David Ward

> *…is now residing on said tract of land and has possession of it and refuses to give petitioners possession of it although amicable demand has been made upon him so to do… Petitioners* [the Baileys] *aver that the said Ward has been repeatedly notified by petitioners to abandon said premises and said place to petitioners and to give petitioners peacable* [sic] *possession of the same and that the said Ward refuses and neglects to abandon said place, but thus unlawfully holds and retains said place and said land in his possession contrary to the will and wishes of petitioners and contrary to Justice and law... Petitioners further represent that the said David Ward has cultivated about fifty five acres or more of said land each year since the beginning of*

the year 1874, and he is therefore indebted unto said minors for the use of said land since that time...

The Baileys demanded that Ward pay them $550 for rent of the McLelland land from 1874 through 1878. In filing this lawsuit, Elizabeth Gee McLelland Bailey sued her Uncle David Ward (her mother's brother) and her former mother-in-law, the paternal grandmother of her McLelland children. Union Parish Deputy Sheriff C. D. Covington served David Ward with a certified copy of the Bailey's suit against him at his house on February 25th. Covington charged $6.00 to make the forty-mile round trip from the Farmerville courthouse to Ward's house and back.

To represent them in their effort to evict the Wards from their home, the Baileys hired Farmerville attorney James A. Ramsey. In response, David Ward hired the newly re-established law firm of Trimble & Rutland to represent him. By his choice of legal counsel, Ward raised the stakes of his battle with Bailey a few notches, for by all appearances Trimble and Ramsey were political archrivals as a result of Reconstruction politics. Trimble and Rutland answered the Bailey's petition in court on 12 April 1878. Ward claimed that prior to his death, Frederick M. McLelland

…set apart the property described in the plaintiffs [the Baileys'] *petition for the sole use of this Defendants wife & this Deft., free of any charge during her natural life. That he so expressed himself divers times and that the plaintiffs have since 1870 recognized this fact and have ever since acquiesced in it…*

Ward claimed that prior to McLelland's death, Ellen loaned her son $325, for which he gave his mother a promissory note. However, Ward stated that since they lived on McLelland's property, his wife Ellen,

…since the marriage with Bailey by F. McLellands widow, has surrendered to her as mother of the said McLelland's children a note due by the said McLelland at the time of his death to Deft's wife for $325, money loaned to him, and has never exacted its payment at Pltfs hands. He avers that he owes no lease nor any money for the use of the said land for the reason that it was intended by McLelland to be a gratuitous occupancy during the life time of Deft's wife. That if she & Deft. should be condemned to surrender the occupancy of the aforesaid property before the Death of Deft's wife then she is entitled by law and demands the payment of the plaintiffs to the Defts the sum of Three hundred and twenty five Dollars with 5% per annum interest thereon from Judicial demand… He also prays however that their entire demand be rejected at their costs.

In the event that the court ordered him to surrender possession of the property, David Ward also demanded payment for the value of the improvements that he had placed upon the land, which he valued at $1210.

The court held a hearing or a series of depositions in either April or October of 1878. To testify on Ward's behalf, Trimble and Rutland had summons issued in April 1878 to Frederick M. McLelland—Ellen's grandson who lived in Claiborne just across the parish line from the Wards—Richard F. McLelland—Elizabeth Bailey's son and Ellen's grandson—and Harry McLelland—a black sharecropper on Ellen Ward's farm and one of her former enslaved workers.

Summoned to testify for the Baileys were Pinckney Odom—David's brother-in-law and Elizabeth Bailey's stepfather—Britton Honeycutt—David's nephew and Elizabeth Bailey's brother-in-law—and William Lowery—Ellen's grandson-in-law, the husband of her granddaughter Ellen Melissa McLelland. The following October, the court issued a summons to Hillory Hubbard Ward, ordering him to testify on his grandfather's behalf.

Despite this activity on the case during both of the 1878 court terms, unexplained legal delays postponed the trial until April 1879. However, before the district court heard civil cases such as Bailey vs. Ward, it first cleared the docket of all criminal cases. At the opening of the court term on April 9th, the grand jury returned a true bill of indictment against Thomas N. Bailey for *"Entering plantation with firearms,"* and the court issued a warrant for Bailey's arrest, ordering him held in lieu of $200 bond with *"good and solvent security."*

Unfortunately, the court minutes record no specific details of whose plantation Bailey was accused of entering. We can only speculate as to whether he went to David Ward's home with firearms in an attempt to force him off the property. The court heard his criminal trial at its next term of court, in October 1879. Before a jury of twelve men, the state presented its case against Tom Bailey; after deliberation the jury returned to the courtroom, and with Bailey present, the jury pronounced him guilty as charged.

After the court had disposed of its criminal cases in the April 1879 term of court, it began to hear arguments in the Baileys' case against the Wards. During the trial, David Ward attended court and testified in his own behalf before a jury in the Farmerville courthouse. Numerous other witnesses testified for Ward, all stating that McLelland told them that he built the Wards a retirement home and he intended for his mother and *"Uncle Davy Ward"* to live there for the rest of their lives.

Due to a series of *"bills of exception"* filed by Ward's lawyers after the judge reached his verdict, we have a few snippets of the courtroom testimony. The cross-examination of Thomas N. Bailey by Ward's lawyers revealed that on 15 November 1876, while on a visit to Joel Smith's residence in Union County Arkansas, Bailey told Smith that *"the old people,"* meaning David and Ellen Ward,

"…were not to pay rent for the land they were occupying…" Smith was Ellen's son-in-law, the husband of her eldest daughter Mary Ann McLelland.

District Court Judge E. M. Graham ruled that Ward's testimony, as well as that of all who testified on his behalf, was inadmissible as evidence in court. Judge Graham decided the case in favor of the Baileys, ordering David Ward to immediately yield possession of his home to the Baileys. In addition, Judge Graham ordered Ward to pay the Baileys for rent of the land at the rate of $1.75 per acre for every year since November 1876. Five days after the court issued its ruling, Ward's lawyers filed a motion stating their intent to appeal the District Court ruling to the Louisiana Supreme Court. To do so, Ward had to post $720 bond, with his son Elijah H. Ward and Farmerville resident William A. Darby co-signing the bond.

The Louisiana Supreme Court heard Ward's appeal while in session in Monroe, Louisiana a few months later on 11 June 1879. Louisiana's highest court ruled that the district court erred in not allowing Ward's testimony into evidence in the case. Moreover, the Supreme Court ruled that Ward could prove McLelland intended him to live on the land, rent-free. The court remanded the case back to the district court for a second trial, ordering the Baileys to pay all costs associated with the appeal. Immediately, the Bailey's lawyers filed a motion for a re-hearing of the case by the Supreme Court, which the court summarily refused.

In July, the Supreme Court issued a warrant to collect the costs of the appeal from the Baileys, a sum of $39.10. The Baileys could not pay the costs, so the sheriff seized forty acres of land belonging to the Baileys on July 29th and auctioned it to pay the costs of the appeal.

The second trial opened that fall on 7 October 1879, with Judge E. M. Graham again presiding. Numerous witnesses testified on Ward's behalf, including the man soon afterwards elected as Farmerville's mayor, William B. H. Poer. These witnesses all knew Frederick M. McLelland and David Ward personally. As they had in the previous trial, they testified that McLelland clearly intended for his mother and stepfather to have full use of the farm until their deaths.

The final witness for the defense in this case was David Ward himself. After being sworn in, he gave the following sworn courtroom testimony in response to questioning by his lawyer, Judge James E. Trimble:

> *Mrs. McLelland and I married in January 1867 and she then came down and we lived on my place sometime in the fall of 1867. Fred M. McLelland came down and proposed to his mother that if she would come up and live near him he (McLelland) would build her a house on his individual land near him for her to occupy during her life time. Mr. McLelland did build the house and wife and I moved on it in the latter part of the fall of 1867 and have been living there ever since. It was in pursuance of this proposition of Mr. McLelland that I moved up and took possession of this*

property. There is one hundred and Sixty acres of land that he put us in possession of. This house is about ¾ of a mile from Fred McLelland house–wife & I were not to pay McLelland any thing for this property. My wife did not own any property at the time. McLelland set apart this property for us.

Under cross-examination by Bailey's attorney James A. Ramsey, David Ward said

The McLelland old place belongs to Joel Smith at the time wife & I moved on this place we now occupy. Joel Smith got the place from my wife I reckon. She did not pay any rent to Smith for the time she occupied it nor did Bailey pay any. I have used the McLelland old place three years and have not paid any rent for it. (i.e. I cultivated the patches around the house.) Joel Smith's son has deeded the McLelland old place to my (witness) wife and at her death the place will go back to him (Frank Smith)… Joel Smith is a son in law of my wife.

District Court Judge E. M. Graham issued his ruling a week later, on 14 October 1879. He again ruled in favor of the Baileys, decreeing that David Ward must yield possession of the McLelland place to Thomas N. Bailey. However, Graham refused Bailey's request of $550 in rent from Ward. On October 17th, Ward's attorney James E. Trimble filed a motion to appeal the District Court ruling to the Louisiana Supreme Court. To ensure that Ward followed through with his prosecution of the appeal, on the 23rd he posted bond of $350 at the courthouse, again with his son Elijah H. Ward and Farmerville resident William A. Darby as his securities.

The Louisiana Supreme Court heard Ward's appeal on 17 June 1880, the next session the court held in Monroe. Chief Justice Bermudez wrote the opinion for the court, with the court issuing its ruling early on the 18th. Bermudez stated that McLelland had given his parents permission to occupy the land for life, but that the Wards were merely tenants at will, occupying the land at the pleasure of the owners. The Louisiana Supreme Court ruled that the Wards must yield possession of the land to Bailey, although it did reserve the right for Ward to sue Bailey for the value of the improvements Ward place upon the land. The court also ordered Ward to pay all costs associated with this appeal.

Later, on the same day that the Supreme Court issued its ruling, Judge Trimble made a final attempt to put an end to the matter in Ward's favor and prevent further litigation. He filed a petition for a rehearing of the case, making an impassioned plea suggesting the immorality of the Baileys' attempts to evict the Wards from their retirement home. Clearly with his wording, Trimble endeavored to appeal to the judges' emotions (I have added the bold emphasis in this quote):

…We submit that there is no express law in our entire jurisprudence that is exactly applicable to the facts in this case, and if equity is to determine the cause, it does appear that ***natural law and reason should maintain the ancestors of the actual plaintiffs in the possession of the***

little home made dear to them by memory and association, and render the few years of earth before them years of contentment and peace.

The facts at least present to your Honors a case which strongly appeals to a liberal interpretation of our law ***in behalf of two aged citizens each now long since past the prime of life****…*

Trimble concluded his argument before the Louisiana Supreme Court by stating:

…We therefore submit that in order that this litigation may be determined, that our claims for improvements may be considered and passed upon, and that principles of equity may apply when the law is silent. That a re-hearing be granted and judgment rendered in our favor either for the possession of the land or for the sum of Eleven Hundred Ninety five dollars, the value of the improvements as show by the evidence of Ward…

The court responded that before Ward could be awarded money for the improvements, he must first prove that the plaintiffs refused to permit the removal of the improvements he placed upon the land. However, the court stated that since the

…testimony, on the contrary, shows his determination not to move his person, effects, or property, and to remain in possession of the land to the end of his life…,

there was no evidence for them to award him any money at this time. The court refused a rehearing of the case and ruled that

…We think it is just to leave to both parties the assertion, vindication, and liquidation of the rights which they uphold the one against the other; the plaintiff to claim value of occupancy, and the defendant to claim value of improvements, in subsequent proceedings…

In other words, Ward would have to sue again in the lower court to recover the value of any improvements he placed upon his retirement home.

One month later, on July 19th, pursuant to the Louisiana Supreme Court decision, the District Court issued a writ of possession in favor of the Baileys to the McLelland property occupied by the Wards. The court ordered the Union Parish sheriff

…to serve upon Defendants David Ward a certified copy of this writ of possession and that you then and there cause the said Defendant to abandon the possession…[of the property] *…and if after three days shall have elapsed and the said Defendant David Ward refuses and neglects to give to plaintiffs…the possession of said property then in that case you are further commanded to immediately place said plaintiffs…in possession of the same…*

On July 23rd, Union Parish Sheriff Benjamin Franklin Pleasant served the writ of possession on David Ward personally at Ward's residence twenty miles from the Farmerville courthouse. Sheriff Pleasant reported to the court that

…after the lapse of three days on the 28th day of July 1880 I went to the residence of David Ward with T. N. Bailey… and with the consent of David Ward, the said T. N. Bailey was permitted to enter and take possession of the place. David Ward acknowledging said Bailey in possession. The said T. N. Bailey then rented said premises to David Ward for four months, evidenced by written agreement…

While the sheriff was present in his home, David Ward agreed to rent what had been his home since the fall of 1867 from the Baileys. With the sheriff and Ward's neighbor F. M. Edmonds watching, he signed his name along with Bailey to this document:

Know all men by these presence that the following contract is entered into between E. F. Bailey Tutrix & T. N. Bailey co-tutor and David Ward. That David Ward surrenders the land and improvements described in the Judgment rendered… and now in order that the said David Ward may not be disturbed in the gathering of his crops the said T. N. Bailey agrees to rent to the said David Ward said premises for four months ending Dec. 1st 1880 for the sum of Ten $10.00 Dollars and the said David Ward agrees to rent the said place for said length of time at said price…

In subsequent courtroom testimony, Bailey claimed later that Ward refused to leave until the end of December and only paid him $5 in rent.

Thus, in December 1880, when in their mid-70s, David and Ellen left the retirement home given them by Fred McLelland on which they had lived since 1867. They moved about one-half mile south to the adjoining farm, known as the *"old McLelland place."* This was the 120-acre farm where Ellen lived between 1847 and 1867, the now-dilapidated farm on which Fred McLelland lived prior to his death in 1870.

After the Baileys vacated the old McLelland place in 1876, David and Ellen had farmed the garden patches around the house in the years 1877, 1878 and 1879. Ellen had long ago sold her old farm to her son-in-law Joel Smith, who gave it to his son Frank (Ellen's grandson). David and Ellen learned from their earlier, extremely costly mistake of accepting retirement homes on faith, and this time they had a specific written agreement.

Frank Smith gave his grandmother Ellen and David Ward use of the place until their deaths, rent-free, but Ward could not claim any value of improvements he might place upon the land. After Ellen's death, the place would legally revert to her grandson Frank Smith (ironically, Frank died in late 1878, pre-deceasing his grandparents).

We do not know if David and Ellen lived in the dilapidated old house or had another one built. One reason for the four-month delay in the Wards' leaving their former retirement home after the Baileys took possession of it in July 1880 could have been to allow for the construction of a new house on the old McLelland place.

At this late date, over one hundred twenty-five years after these events occurred and in the absence of any diaries or first-hand accounts, we cannot possibly know the precise impetus behind Baileys' eviction of the Wards from their retirement home. On the surface, it has the appearance of a cruel and greedy act on the Baileys' part, coming as it did in the midst of Ward's health problems.

All evidence certainly points towards Thomas Bailey's greed as the root motivation behind these events. He apparently squandered the money of Frederick M. McLelland's estate after taking control of it in 1873, and then he felt entitled to evict the Wards and move into their retirement home. Certainly, the Ward's place was the most valuable real estate owned by the McLelland estate.

Of course, from the Baileys' standpoint the Wards were not just any elderly couple: David was the blood uncle of Bailey's wife, Elizabeth F. Gee McLelland Bailey, and Ellen was the paternal grandmother of the McLelland heirs, Elizabeth's children, as well as Elizabeth's former mother-in-law. One can only imagine how this must have strained family relations between them all.

Modern descendants of Elizabeth Gee McLelland Bailey report that Thomas N. Bailey was a gambler and that he lost Elizabeth's jewelry and money, and they believe that Bailey instigated the entire matter. Regardless of the motivation, it was clearly an extremely sad situation with an unfortunate outcome for both David and Ellen Ward, especially at that late stage of their lives.

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David Ward's Final Battle against Bailey

The surviving records give every indication that David Ward remained physically active and in fairly good health up through October 1879. We know he made many of the improvements on his retirement home with his own labor in the latter 1860s and 1870s. Furthermore, in 1879 while in his early 70s, Ward was capable of traveling from his home west of Shiloh to Farmerville for his two trials, and he signed his name to several land transactions throughout 1879. Thus, until well into his early-70s, Ward enjoyed reasonably good physical and mental health.

However, Ward's physical condition deteriorated by the summer of 1880, either due to his age, some unknown illness, or perhaps the toll from the strain of his legal battles and the very real possibly of being evicted from the home he had shared with Ellen since 1867. In June 1880 the governmental census enumerator listed Ward as *"maimed, crippled, or other wise disabled."* No evidence exists to indicate that Ward attended the Louisiana Supreme Court trial that month in Monroe; those procedures may have only involved the judges and attorneys.

A year later, in May 1881 Ward suffered from bladder problems that left him bedridden, and these same problems may have been his affliction the previous year. Ward's physical condition certainly must have made the process of uprooting from his retirement home and moving elsewhere even more difficult and disheartening for both him and Ellen.

Despite his health problems and the process of packing and vacating their retirement home, David and Ellen Ward began preparations in the fall of 1880 to sue the Baileys for the value of the improvements they had made to their former home. Following the suggestion of the Louisiana Supreme Court, Ward's attorney Judge James E. Trimble filed suit in October 1880 on Ward's behalf against Elizabeth F. Bailey and her husband Thomas N. Bailey, asking the court to order the Baileys to pay David Ward $1210 for the value of the improvements.

Trimble's petition claimed that the improvements Ward had made were by their nature immovable, and that all of them were made with the express authority of the owner, Frederick M. McLelland. In later testimony, David Ward stated

…I demanded payment of T. N. Baily before the filing of this suit…,

but Trimble stated that the Baileys had rejected Ward's demand and refused payment. After the customary legal delays, the court prepared to hear the case and hold a jury trial the following May, 1881.

However, by now aged seventy-five years, Ward's heath had declined, leaving him bedridden with what his physician termed *"bladder problems."* On 2 May 1881, Judge James E. Trimble petitioned the court, stating that

> *…the plaintiff in this case David Ward… is far advanced in life very infirm and confined at this time to his bed by a dangerous illness which there is much reason to apprehend will be his last and that he fears he will be deprived of the advantage of his testimony in this case…unless his testimony is taken under commission at once…*

The court ordered Ward's physician, Dr. Robert F. Brooks, to examine Ward, and on May 3rd Dr. Brooks testified in court that

> *…David Ward is now suffering extremely with Inflamation* [sic] *of the Bladder and as such impossible for him to attend Court…*

The next day, Wednesday, May 4th, following an order of District Court Judge Graham, between the hours of 10 a.m. and 2 p.m., Justice of the Peace E. P. Bolton went to David Ward's home west of Shiloh and recorded Ward's responses to various interrogations from the court. Either that evening or early the next morning, Bolton traveled from Shiloh to Farmerville and testified in court on Thursday, May 5th. Bolton said:

> *…I went to Mr. Ward's house & I found him quite sick in bed… Mr. Ward was at the close of the examination much fatigued and Physically his fever was rising, so I thought it not prudent to ask him to sign his name to this document believing it best for his good for me not to worry him any longer and instruct him to compose himself as soon he could. I think it doubtful whether he could have signed his name… He was unable to write… & he had to get his grandson to do that for him…*

Hillory Hubbard Ward, the son of Elijah Hubbard Ward, was the grandson who assisted David during Bolton's interrogation. Also present at his father's home during these events was Elijah Hubbard Ward. Both E. H. Ward and his son Hillory went from David's home to his former retirement home and inspected it in preparation for testifying at the upcoming trial. Another visitor to the place that day was Henry N. Fain, a man who had lived only a mile from Ellen McLelland Ward since the 1850s. Fain had testified on David Ward's behalf at the previous two Farmerville trials in April and October 1879. He inspected Ward's former retirement home on this day in anticipation of the trial. After walking over the place, Fain left for Farmerville, as the trial began the next morning.

After spending the night of Wednesday, 4 May 1881, at his father's home near Shiloh, the next morning Elijah H. Ward arose early and visited his father's bedside. E. H. Ward said

> *…my father…appeared to be very feeble. He was lying on the Bed when I left him…*

Probably accompanied by his son Hillory H. Ward, E. H. Ward headed east towards Farmerville for the trial. Although the trial began that day, I do not think that the Wards could have made the twenty-mile trip to the courthouse until late afternoon at the earliest, even if they departed very early in the morning.

As the trial began on Thursday, Bailey's lawyer James A. Ramsey attempted to have Ward's testimony before Justice of the Peace Bolton thrown out of court, but the judge overruled Ramsey's motion and allowed it. Henry Fain testified first, giving much of his personal knowledge of the improvements Ward placed upon his retirement home between 1867 and 1878. Farmerville mayor William B. H. Poer followed Fain; Poer was a mechanic who served for four years in the Confederate Army with Fred McLelland.

When the trial resumed the next day, Friday, May 6th, David Ward's grandson Hillory Hubbard Ward testified first. H. H. Ward spoke at length about the value of the many improvements his grandfather had made to the place, all at his own expense. In addition, he said

> *…I know the place that he occupied from 1867 to 1880 which belonged to the McClelland heirs. I think I lived on that place about ten months with David Ward. I was on that place day before yesterday. I was* [on] *the place also in Feby 1880… Farming is my occupation. While I lived with David Ward I was engaged working in the farm…*

Elijah Hubbard Ward followed his son on the witness stand, testifying as follows:

> *I know the pltff.* [plaintiff] *herein & am acquainted with the place occupied by him since 1867 to 1880. I am the son of Pltff… My father first moved to the McLelland place in the fall 1867 & at that time my father went on the place there was a field of some 12 acres cleared on it. I know the improvements on the said place except the dwelling house & the 12 acres were put on same by the instructions of my father. I suppose the improvements to that have been put in this place since 1867 to June 1880 have enhanced the value of same $700. That these improvements amounting to $700 were put there by my father.*

Under cross-examination by Bailey's attorney James A. Ramsey regarding how much of the land was cleared before David Ward moved onto it, Hubbard Ward responded:

> *There is a field west of a certain creek that I don't think was cleared before my father went there. I heard my father say that this field west of the creek was cleared by a negro for what it would make for so many years. Don't know the number of years. This field is considerable worn. When my father moved on the McLelland place I bought the place that he left & gave him $750 I think for it. My father has cleared land in three forties of this place. The place as it now stands ought to bring $1000 if it was mine I would not take less. I would not give $1000 for it because I don't want to buy & besides have no use for it. The dwelling house on the place is what we call a box or frame house. I think the house is worth $300. The place without the Dwelling house is worth $700 I think & the house I think is worth $300.*

At the conclusion of Elijah Hubbard Ward's testimony, the prosecution rested its case. Several witnesses then testified in Bailey's defense, including Thomas N. Bailey himself. Bailey and several of his witnesses contradicted the earlier testimony of Fain and Hillory Hubbard Ward; Bailey and his witnesses spoke at length about the poor condition of the improvements when Ward left the

place in late 1880. Bailey's witness T. W. Harper attempted to indicate David Ward had not cleared much of the land, but under cross-examination, Trimble strongly questioned Harper's surveying skills. Harper admitted he had little formal training, and testimony then indicated that the measurements of the official Union Parish Surveyor, Ward's son Elijah Hubbard Ward, were likely more accurate.

The evidence portion of the trial concluded on that day, Friday, 6 May 1881. After deliberation, jury foreman Samuel Smith returned the verdict to the court. Smith wrote:

> *We the Jury after considering the claims of the Plaintiff and Defendant Renders Verdict* [for] *Plaintiff Sum of Fifty five Dollars.*

The next Friday, May 13th, Judge E. M. Graham issued his final judgment in the case, certifying the jury's decision in Ward's favor, and officially awarded him $55, far less than the $1210 originally requested. From David Ward's standpoint, the court's judgment certainly brought a rather bittersweet ending to the saga.

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David Ward's Death…

Despite his poor health during the May 1881 trial, David Ward held on to life for another year. Due to his condition in May 1881 being termed *"bladder problems"* and his surviving another year, one cannot help but wonder if he suffered from prostate problems or cancer, which sometimes manifests itself in bladder problems.

The next spring, sixty acres of Ward's place—Ellen's former home, known as the McLelland old place—was planted in cotton and corn. Of course, by this time Ward could not assist with any manual labor; several sharecroppers cultivated this land, including Ellen's former enslaved workers Dan, Peter, and David McLelland.

David Ward died on 4 May 1882 at his home eight miles west of Shiloh, one year to the day after Bolton took his testimony for his last trial against the Baileys. Following Ward's death, his sons brought his body back to eastern Union Parish in a wagon and buried him beside Cynthia in the Wards Chapel Cemetery, located on the edge of the government land he purchased in December 1837. David's grandson reported that the sons had to bury their father at night by the light of lanterns. Elijah Hubbard Ward paid $10 for his father's casket and having his grave dug. Dr. Robert F. Brooks had continued to provide Ward with medical care prior to his death; Dr. Brooks' final bill for medical services provided to David Ward was $150.58.

After Ward's death, Ellen continued to manage their place for the year 1882, with the McLelland men tending to and harvesting the corn and cotton crops that year. Their efforts yielded thirteen bales of cotton, for a total of 6186 pounds of cotton. David Ward's share of this was 11.5 bales, which when sold to the Farmerville merchants brought in $460.06 to his estate. For the balance of that growing season, Ellen Ward and Dan, Dave, and Peter McLelland consumed thirty pounds of coffee valued at $3.90, twenty pounds of sugar worth $1.80, 7½ bushels of corn worth $9.25, and fifty pounds of bacon valued at $6.50.

David Ward had lived to the age of about seventy-six years, roughly twenty years longer than any of his children lived. At his death, he had outlived two wives and eight of his ten children. He and Cynthia lost their daughter Clarenda at six months, their son Elisha Ward at almost six years, and son David W. Ward at seven years.

After Cynthia's death in 1857 at the age of about forty-five, David lost his eldest daughter Mary Ward Carter Slawson and second daughter Rachel Jane Ward Auld while they were in their late 30s, daughter Julia Annis Ward Defee at about twenty-five, son James Madison Ward in his teens or early 20s, and youngest son William Henry H. Ward at when he was twenty-one. Only David

Ward's eldest sons Elijah Hubbard and John Thomas survived him, and neither of them lived long after David's death.

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...and its Aftermath

On May 13th, two weeks after David's death, his son Elijah Hubbard Ward informed the Union Parish District Court that his father had died and requested that the court appoint him administrator of his father's estate. Ironically, Hubbard Ward did not hire his father's lawyer, Judge James E. Trimble, to represent him. Instead, he hired Trimble's former law partner, Judge William R. Rutland.

Although they practiced law in Farmerville together under the firm Trimble & Rutland in the 1860s and again after Trimble stepped down as district judge in 1878, they split in the early 1880s, apparently over lingering political disagreements from the Reconstruction Era. Rutland sided with James A. Ramsey and Parish Judge and *"Union Record"* editor Thomas C. Lewis against Trimble (recall that Ramsey represented the Baileys in their successful attempt to force David and Ellen Ward from their home two years earlier).

Five days later, at David Ward's home west of Shiloh in the presence of his sons Elijah Hubbard and John Thomas Ward, a complete inventory of his property was taken. The appraisers valued Ward's estate at $867.50. Among his livestock were three horses, five head of milk cows with their calves, seven other cattle, one yoke of oxen, twenty-three sheep, and about twenty hogs.

On July 18th, Elijah Hubbard Ward reported to the court that in the two months since the inventory was taken, wolves had killed and eaten many of the sheep belonging to his father's estate, so and he requested permission to sell the remaining sheep. The court granted the order and on August 5th, at David Ward's former residence west of Shiloh, Elijah Hubbard Ward auctioned the eight head of sheep belonging to David Ward that had survived the repeated raids of the wolves. The sheep sold for $1.25 per head.

After the 1882 farming season, Ellen Ward's grandson Frank Smith again took possession of the old McLelland place on which David and Ellen lived in 1881 and 1882. Also at that time, it appears that Ellen moved to eastern Union Parish with her daughter Sarah Ann McLelland Taylor, the widow of Union Parish Judge John Taylor.

In the year 1883, Hubbard Ward needed additional money to pay debts of his father's estate, so the court ordered a sale of all property belonging to David Ward's estate. Hub Ward advertised the sale in November 1883 in *"The North Louisiana Appeal,"* another newspaper published in Farmerville. His choice of newspapers is interesting; he chose the paper owned and operated by another of Judge Trimble's adversaries instead of Trimble's *"Gazette."* Unlike his father, apparently Elijah H. Ward chose not to associate with Judge Trimble.

Ward auctioned his father's property on December 2nd, between 11 and 2 o'clock, at David Ward's former residence. His personal property sold for $774.17. Among the purchasers was David's son John Thomas Ward, who bought one hog, a gun, clock, bed, table, clothes, some cattle, and other personal items, all valued at $80.97. Ward's widow Ellen Brazeal McLelland Ward purchased cattle, various personal items, and forty acres of land. Ironically, Thomas N. Bailey attended the sale and purchased $3.75 worth of property.

On December 30th, less than a month after purchasing property at his father's estate near Shiloh, John Thomas Ward died. He left his estate deeply in debt, both to Farmerville merchants and to the estate of his father. Jack Ward had suffered severe financial difficulties since 1866, and he never paid for various items he bought at David Ward's estate sale nor the money he had borrowed from his father in the latter 1870s. Only a few months after Jack Ward's death, David's widow Ellen Brazeal McLelland Ward died on 21 March 1884 at her daughter Sarah Taylor's home in eastern Union Parish. Taylor buried her mother in the Taylor/Liberty Hill Cemetery, with her grave currently located at the base of the huge magnolia tree in the center of the cemetery.

The citizens of Union Parish continued to re-elect Elijah Hubbard Ward their parish surveyor during the 1880s, and his official duties in this capacity caused him to reduce his planting operation on the plantation on which he had resided for over thirty years. In November 1885, a black sharecropper living on his farm attacked him with a *"dangerous weapon,"* causing unknown injuries.

One year later, Ward began to put his legal affairs in order. He placed the title to his farm in the names of his children by his first wife, made a restitution to his second wife, made several land exchanges with neighbors, and legally corrected an erroneous land title. This suggests that Ward recognized his impending demise, perhaps the result of lingering injuries sustained in the November 1885 attack. Hub Ward died on 7 August 1887 at the age of fifty-seven. He was David and Cynthia's last surviving child.

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Epilogue: The Attorneys' Shootout in Farmerville

David Ward's courtroom battle with his nephew Thomas N. Bailey over possession of the retirement home given to Ward and his wife Ellen by her son Frederick M. McLelland had a tragic conclusion long after the Louisiana Supreme Court made a final decision in the matter. This epilogue sounds more like one of television's *"Gunsmoke"*–style shootouts in Dodge City, Kansas rather than a true story. However, the events described below actually occurred in Farmerville, Louisiana in the 1880s between the opposing attorneys in the Ward vs. Bailey saga: Judge James E. Trimble and attorney James A. Ramsey.

As previously noted, Farmerville lawyers James E. Trimble and Thomas C. Lewis, III were both elected to judgeships in 1872 and served through 1876. Lewis had founded *"Union Record"* in 1866, and to compete with him, in 1879, Trimble became associate editor of a new Farmerville newspaper, *"The Gazette,"* founded the previous year. By this time, the animosity against Lewis from Trimble and his group had reached the point that Lewis feared for his own safety as well as that of his family, so he left Union Parish and moved south to St. Landry Parish.

In the meantime, Trimble focused on editing his new little paper, as well as handling David Ward's case and other legal affairs in his law firm. He and William K. Rutland worked as law partners in Farmerville in the 1860s and early 1870s, but they dissolved their firm upon Trimble's election in 1872. When Trimble stepped down in 1877 and Judge Graham took over the district judgeship, *Trimble & Rutland* reopened in Farmerville. However, sometimes between 1879 and 1885, Trimble and Rutland had a serious disagreement, and by 1885 Rutland had allied himself with Trimble's opponents, the group formerly headed by Judge Lewis.

One of Judge Lewis' staunch allies was Farmerville attorney James A. Ramsey, the man who served as Thomas N. Bailey's attorney in his suits against David Ward. Trimble also had an old feud with Ramsey, resulting not only from political differences but also from a more personal situation. Reportedly, at some point Ramsey's children boarded at Trimble's house in Farmerville while attending school. Trimble filed a lawsuit against Ramsey for failure to pay their board, and in court Ramsey produced a receipt for payment, publicly humiliating Trimble.

Undoubtedly, this caused the legal dueling between David Ward and Thomas Bailey to have a very personal meaning for their respective attorneys, Trimble and Ramsey. As an added nuance, in 1880, in the very midst of the Bailey vs. Ward legal battles, Trimble, Ramsey, and Rutland all lived a few houses apart in Farmerville.

When Lewis left Farmerville, Trimble was Farmerville's only editorial voice in print. To give the opposing political side a soapbox, Oliver C. Dawkins founded *"The North Louisiana Appeal"* in

about 1881 in Farmerville—this is the paper in which Elijah Hubbard Ward advertised in 1883. It only lasted briefly, for publication had ceased by early 1884.

Meanwhile, believing the danger to his life had passed, Judge Lewis returned to Farmerville and purchased the printing equipment of Dawkins' *"Appeal"* in June 1884. The next February, Lewis founded another newspaper, *"The Home Advocate."* From the beginning of the *"Advocate,"* Trimble and Lewis frequently dueled in print. Gradually, the barbs between them grew more intense.

In July 1885, the verbal assaults became almost vicious, with Trimble apparently leading the attacks. In his *"Gazette,"* Trimble published scathing editorials that ridiculed Lewis' *"Advocate."* Trimble also criticized Lewis' editorial support of Trimble's former law partner, Judge William R. Rutland, the man who handled the legal affairs of David Ward's estate in 1882–1883.

On 8 November 1887 at a political rally held in Farmerville, James A. Ramsey gave a speech in which he sharply criticized Trimble for his editorials against Louisiana Governor Nicholls' official conduct. In response to Ramsey's speech, Trimble assailed Ramsey's moral character in his next editorial. Incensed at Trimble's attack on his friend, in the November 18th issue of the *"Advocate,"* Thomas Lewis published an ad signed by him and many of Farmerville's citizens in which he certified Ramsey's *"high moral rectitude"* and integrity. Lewis' ad also announced that Ramsey's *"conscientious scruples"* prevented him from

…appealing to the dueling code to wash out the affront put upon him by Editor Trimble…

The precise events that occurred over the next month are unknown. However, we do know that in several outbursts on December 19th, Judge Trimble threatened to shoot Ramsey if Ramsey came to town (Ramsey had moved from Farmerville to the country between 1880 and 1887). Not wanting to appear cowardly, Ramsey ignored Trimble's threat and came to town.

By chance, Ramsey encountered Trimble in front of Stein's store in Farmerville. After a hot exchange of words that drew a large crowd of men in front of the store, the two lawyers drew their pistols, five or six shots were fired, and both fell dead. A coroner's investigation revealed that Ramsey died from a bullet fired by Trimble's gun, but Ramsey's gun had not been fired. According to tradition passed down in the Ramsey family, Ramsey's nephew George McFarland was in the crowd of men gathered in Stein's store watching the altercation between Ramsey and Trimble. After Trimble pulled his gun and shot Ramsey, McFarland, an excellent marksman, shot Trimble.

Both lawyers were buried in the Farmerville Cemetery.

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David & Cynthia's Children

David and Cynthia Ward recorded the names of their children in their family Bible, still owned today by a descendant. Various court records of Cynthia's heirs after her 1857 death further solidify these relationships, as do the 1850 and 1860 federal censuses and other Union Parish court records.

David and Cynthia Ward had ten children born during the twenty-one-year period 1827–1848:

1. **Mary Ward** (12 May 1827–1860/1867) married Derril B. Carter and Eleazor Slawson [Azor]
2. **Elijah Hubbard Ward** [Hub] (13 July 1830 –7 Aug 1887) married Permelia Lavincy Lee and America Sawyer
3. **Rachel Jane Ward** (6 April 1833–Dec 1870) married Benjamin Franklin Hall and John Robert Auld
4. **John Thomas Ward** [Jack] (30 June 1835–30 Dec 1883) married to Sarah Ann Elizabeth Scarborough [Betsy]
5. **Elisha Ward** (29 July 1838–22 May 1844) died as a young boy
6. **Julia Annis Ward** (18 Mar 1841–1865/1866) married George Washington Defee
7. **Clarenda Ward** (29 Nov 1843–8 June 1844) died at the age of six months
8. **James Madison Ward** (27 May 1845–aft. 1860)
9. **David Washington Ward** (27 May 1845–24 July 1852) died at the age of seven years
10. **William Henry Harrison Ward** (25 April 1848–1869/1870) married Nancy L. Scarborough

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