

Know all Men by These Presents

Early deeds from the estate of Elijah Ball

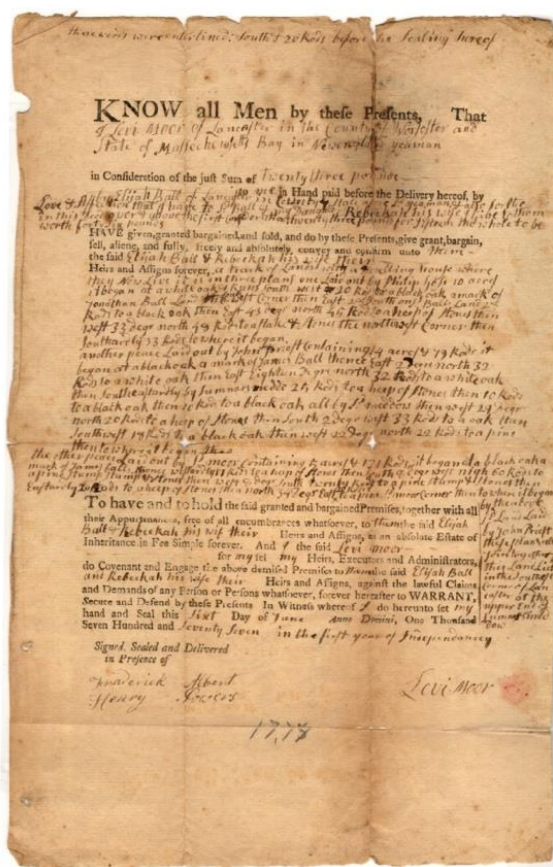
by Carrie Crane

*Elijah Ball, the man who had lived in three towns and two countries,
but never moved from his farm.*

Elijah Ball was born to Phinehas Ball and Martha Bixby Ball in 1748 in Holden Massachusetts. He was the fourth of their five children. By the age of 22, he had moved to Lancaster Massachusetts and on October 18th, 1770, he married Rebeckeh Moor (various spellings of this name were in the found in the documents with this being the spelling on the earliest document found.)

Shortly after their marriage, presumably in an effort to create a farm that would support his future family, Elijah began to purchase land in what was then the southeasterly corner of Lancaster and is now the northeasterly part of Boylston. Over several years he acquired about 17 acres including part of what was known as the Sumner's Meadow. Some of the land abutted that of Rebeckeh's father, Levi Moor. In 1777, after seven years of marriage, a Revolutionary War, and four children, Levi Moor sold and partially gifted the couple approximately 46 acres of additional land stating in the deed:

"In consideration of the just sum of forty eight pounds to me in hand paid before the Delivery hereof, by Elijah Ball of Lancaster in County and State of afore said: yeoman: and also for the love and affection that I have to Mr. Ball and my daughter Rebekah his wife, I give to them in this deed over and above the forty eight pounds, twenty three pounds for my Daughter's portion."



Deed from Levi Moor to Elijah and Rebeckeh Ball signed June 6th 1777
Boylston Historical Society and Museum, Inc. - Archives Collection

The deed included the dwelling house that they were already living in with their growing family. On April 19, 1775, Elijah answered the Lexington Call at the start of the Revolutionary War and over the course of the duration of his service, he rose to 1st Lieutenant. He returned to Boylston after the war where he farmed his land, held positions in the town and raised his family. He and his wife Rebeckeh had another nine children and Elijah continued to acquire land, eventually growing his homestead estate to 101 acres.

In 1829, Rebeckeh Ball died, leaving the elderly Elijah, now age 81 years, alone. Given this situation, with some clear-headed estate planning, Elijah opted to arrange a *Life Estate* agreement with his youngest son, Manasseh Sawyer Ball.

A life estate is a form of real estate ownership that allows for an individual to transfer a property to second individual for their use over their life time (Elijah Ball becomes the life tenant) and at the time of death, the land will transfer back to the first individual (Manasseh S Ball, or the remainderman) without going through probate.¹

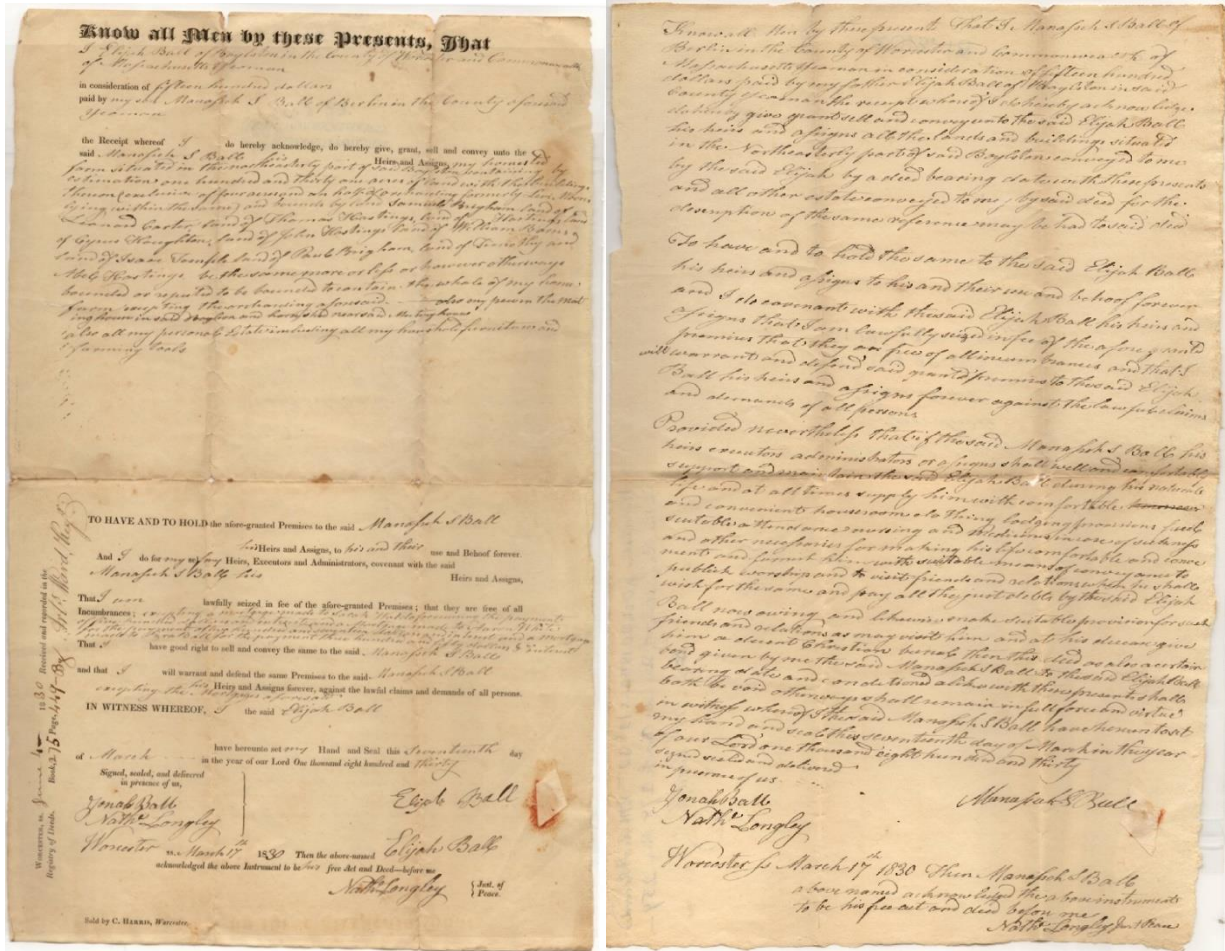
This type of life tenancy transaction dates back well before the forming of the United States and was inherited, along with many of our constitutional rights, from the traditions of England. Many of those traditions can be traced back as far as the 1215 Magna Carta Libertatum, (translated from the Latin as the Great Charter of Freedoms), and other similar statements that attempted to protect the individual's rights and limit the power of the crown. The right to privately hold property was a key element of this. Later, the influential philosopher and thinker, John Locke (1632-1704) saw,

*"the rights of property owners as the bulwark of liberty...Private property, in Locke's view, existed under natural law before the establishment of political authority. It followed that a principal purpose of government was to safeguard natural property rights."*²

The Life Estate was a tool to assure that the *natural law* of land ownership transferred easily between generations.

¹ <https://treethorpe.com/history-of-probate-and-inheritance-law/>

² James W. Ely Jr., *Property Rights in American History* pg. 2

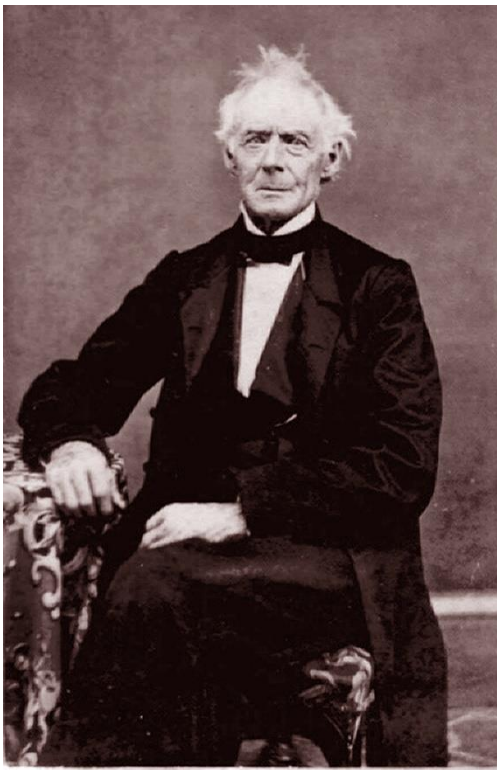


**Deed for the sale of the Homestead from Elijah Ball to Manasseh S. Ball and the subsequent “Life Estate” deed between Manasseh Ball and his father Elijah Ball
Both signed March 17th, 1830**

It was the language in the life estate document between Manasseh Ball and his father Elijah, that gained my attention. The opening of the document is the standard “Know all Men by These Presents” and follows with the naming of the grantor, in this case Manasseh and the grantee, Elijah. Manasseh, only moments before signing this deed, had signed a preceding deed buying his father’s property, then immediately transferred the property back to his father for the same price. The price for and description of the property is included in this section as well. \$1500 for 101 acres. Then the text gets more personal with the following language.

“...Provided nevertheless that if the said Manasseh S Ball, his heirs, executors and administrators or assigns, shall well and comfortably support and maintain the said Elijah Ball during his natural life and at all times supply him with comfortable and convenient houseroom, clothing, lodging, provisions, fuel, suitable attendance, nursing and medicines in case of sickness and other necessaries for making his life comfortable and convenient, and furnish him with suitable means of conveyance to publick worship and to visit friends and relations when he shall wish for the same, and pay all the just debts by the said Elijah Ball now owing, and otherwise make suitable provisions for such friends and relations as may visit him and at his decease give him a decent Christian burial that this deed as also a certain bond...”

Elijah Ball lived another four years and we presume Manasseh kept up his part of the bargain and upon Elijah’s death he inherited the 101 acres. According to historian Ellery Bicknell Crane, “he had to struggle with the run down farm that was burdened with a mortgage. Manasseh Ball hunted game and burned coal at night in addition to working the farm.” In truth, there was more than one mortgage and Manasseh did eventually pay them off. Manasseh had been married to Clarissa Andrews in 1823. They had six children and lived on the homestead that Elijah had pieced together until their deaths.



Manasseh and Clarissa Ball

Boylston Historical Society and Museum, Inc. Photograph Collections

The story of this property will be the subject of future *Friday Fascinating Finds*, in short though, the farm stayed in the family for two more generations although pieces were sold off. It was sold out of the family around 1918 and was further broken up. The largest remaining parcel, about 50 acres, containing the second home built on the property with an outbuilding was recently sold. These buildings which have undergone many renovations over the years, are being re-designed to include the construction of an historic farmhouse similar to that which would have been utilized during the Ball family era as well as an second educational facility, as part of the Summer Star Wildlife Sanctuary vision. We wish to thank Sumer Star Wildlife Sanctuary for their contribution to preserving Boylston’s history!

Acknowledgements:
 Archives Collections & Photograph Collections, Ball documents, Boylston Historical Society and Museum, Inc. Boylston, Massachusetts
 Crane, Ellery, Bicknell, Historic Homes and Institutions and Genealogical and Personal Memoirs of Worcester County, Massachusetts: With a History of Worcester Society of Antiquity
 Editor, Nancy O’Loughlin Filgate, Director and Curator, Boylston Historical Society and Museum, Inc., Boylston, Massachusetts
 Ely Jr. James W., Property Rights in American History Vanderbilt University, <https://www.hillsdale.edu/wp-content/uploads/2016/02/FMF-2008-Property-Rights-in-American-History.pdf>
https://www.google.com/books/edition/Historic_Homes_and_Institutions_and_Gene/86rbSq2FhdYC?hl=en&gbpv=1&pg=PP1
https://en.wikipedia.org/wiki/Magna_Carta
 Treethorpe Team, History of Probate and Inheritance Law, <https://treethorpe.com/history-of-probate-and-inheritance-law/>