



Prince William Reliquary

RELIC, Bull Run Regional Library, Manassas, Virginia

REL-I-QUAR-Y: (*noun*) A receptacle for keeping or displaying relics.

EVERGREEN CEMETERY (Ashmore – Berryman Family Cemetery)

By James Crown



Evergreen Cemetery, February 2005
Photo courtesy James Crown

Evergreen Cemetery is located in the northwest corner of what is now the Marine Corps Combat Development Command (Quantico), south of Aden Road and east of Cedar Run. The cemetery is along the old Tackett’s Ford road about one mile off the concrete road, MCB-8, and about a quarter mile southeast of the second Prince William Court House. The cemetery is called the Lane Cemetery in *100 Old Cemeteries of Prince William County*.¹

It was part of a farm called Evergreen, a parcel of 717 acres owned by William Ashmore Jr., also referred to as Major or Colonel of the Revolutionary War.² I believe the cemetery lies on the original 200 acres owned by his father. His father may have purchased the tract from John Tarpley. There was a sale between them recorded in Prince William Deed Book O, between 1754 and 1760.³ The deed book is missing except for a partial index, but a later sale by Tarpley to Renoe refers to a prior sale of

IN THIS ISSUE

Evergreen Cemetery (Ashmore-Berryman Family Cemetery).....	1
Captain Philip Richard Francis Lee's 3rd Virginia Company 1776-1778 ...	5
The Origins of Minnieville	16
1804 Presidential Election Poll in Prince William Co.....	17
Will of Susanna F. Graham	19
Dumfries District Court Land Causes 1793-1811	23

200 acres to William Ashmore.⁴

William left the property to his son John Ashmore. In his will in 1776 John left the property to his brother Walter Ewell Ashmore, who in turn sold it to his brother William Ashmore Jr. in 1788.⁵ Between 1779 and 1830 William acquired adjoining land which in total became his homestead and was called “Evergreen.” After his death the property passed to the Berryman, Ashby and Alexander-Fitzhugh families.

¹ E.R. Conner III, *100 Old Cemeteries of Prince William County, Virginia* (Manassas: Lake Lithographic, 1981), 56.

² [This is not the same as Evergreen, near Haymarket, owned by the Berkeley family. DLW]

³ Judith A. Mays, “An Index to Lost Deed Book O, 1754-1760,” *Newsletter of the Prince William County Genealogical Society*, vol. 9, no. 4 (November 1990): 38, entry “Tarpley to Ashmore, [page] 566.”

⁴ Prince William County, Virginia, Deed Book R: 72; Clerk of the Circuit Court, Manassas, Virginia.

⁵ Prince William County Deed Book X: 96-97.

The cemetery contains 0.16 acres. There are numerous unmarked fieldstones and a few shaped stones that are bound into tree growth. Three sites are subsided or excavated. It has been estimated that there are more than 25 burials in the cemetery. In 2005 the cemetery was overgrown and unkempt. With the assistance of volunteers coordinated by the Corps and Virginia Johnson, Mr. Berryman's granddaughter, the site was cleared and a split rail fence installed along the front side.

In *Prince William: The Story of Its People and its Places*⁶ three inscribed stones are mentioned but I could locate only two of these.



Photo courtesy James Crown

One stone with the initials **E. G. B.** is visible, though moved from its 1993 location. This I believe marks the burial of Elizabeth Gallahue (Ashmore) Berryman. She was the daughter of William Ashmore Jr. and his third wife Frances Dishman. She was born between 1800 and 1810.⁷ She married Alexander Berryman, father of Sarah F. Berryman, as his second wife. Her will is dated July 28, 1836, and probated September 4, 1837.⁸

The second stone is inscribed "**Sacred | to the memory of | Mary D. Lane | consort of George Lane dec'd | daughter of the late Major Wm. Ashmore | Born 8th Febr'y 1781 | Died Octr 11th 1842 | in the 62nd year of her age | [Precious thy ashes] | My Mother.**" The stone is flat and contains a crack through the center. A rubbing of the stone suggests the above inserted line. She was the daughter of William Ashmore Jr. and his first wife Nancy Ann Edrington. She was the widow of George Lane who died in about 1824 in Stafford. The property was sold and she returned to Prince William.

The third stone marked "**W. A. 1771**" could not be located. I believe this marked the grave of William Ashmore Sr. He died prior to January 10, 1772 when his wife Elizabeth (nee Gallahue) made bond as executrix of his estate.⁹ It is because of his burial that I believe this to be part of the original farm. His mother Mary named him as an executor in her will dated October 1748, so he was of age, and born before 1727.¹⁰

A new marker fragment inscribed "**NOV**" was found in 2005. There are several possibilities for this marker. It could be for Winifred Elizabeth Berryman who was born April 12, 1918 and died November 16, 1922.¹¹ She was the daughter of Thomas N. and Frances V. Berryman, granddaughter of William F. Berryman. It could

be for Sarah F. (Ashmore) Alexander, wife of William Alexander son of William Alexander of Effingham. She died November 25, 1838.¹² A third possibility is George L. Ashby who was born March



Photo courtesy James Crown

⁶ Writers Program, *Prince William: The Story of Its People and Its Places* (1941; reprint, Manassas: Bethlehem Club, 1961), 111.

⁷ Estimated from the 1810 U.S. census, Prince William County, Virginia, page 285, line 2, William Ashmore entry.

⁸ Prince William County Will Book O: 322

⁹ Prince William County Bond Book 1753-1786, 98; Library of Virginia, Prince William County records, microfilm reel 34.

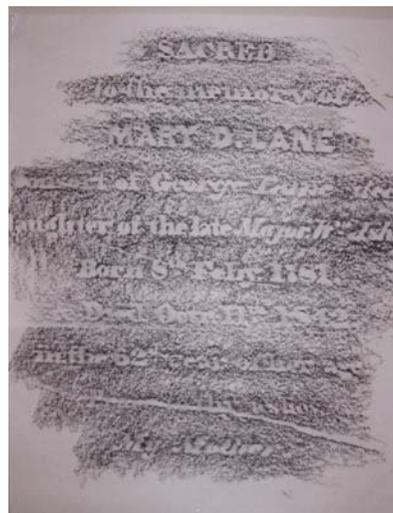
¹⁰ George Harrison Sanford King, "Copies of Extant Wills from Counties Whose Records Have Been Destroyed," *Tyler's Quarterly Historical and Genealogical Magazine*, vol. 20, no. 1 (July 1938): 52, will of Mary Ashmore.

¹¹ Thomas and Frances Berryman Family Bible (A. J. Holman & Co., 1892); privately held.

¹² Sarah F. Ashmore married William Alexander and by him had one child, William F. S. Alexander. They probably lived at Massydale, a property that William inherited from his father. William died August 27, 1826 and I have not found a burial reference for him. He is not among the marked graves at Effingham, his parents' plantation. Sarah

1869 and died November 1, 1874. He was the son of George W. Ashby and Elizabeth G. Berryman, the daughter of Alexander Berryman and Elizabeth G. (Ashmore) Berryman. This is the least likely however because I believe that the Ashbys had sold most of their interests in the portion of Evergreen that Elizabeth had inherited. If I had to choose among the three known dates I would probably choose **Sarah F. Alexander** because the marked stones are all earlier burials, with no marked stones for the later burials.

Another marker “1812” was found during a 1994 survey but could not be located, and is unidentified.



Photos courtesy James Crown

Other unmarked but indicated and probable burials include the following:

According to oral family history, **triplets of William F. Berryman and Amanda Holmes**, stillborn, May 25, 1882.¹³

Amanda (Holmes) Berryman, wife of William F. Berryman, born about 1847 and died March 22, 1889 according to the family bible.¹⁴ I cannot find a public notice of her passing, but believe she is also buried here. This portion of the farm was in his possession at the time.

William Francis Berryman, born April 15, 1848¹⁵ and died February 12, 1911. He was the husband of Amanda Holmes, and the son of William H. H. Berryman and Sarah Frances Berryman. His obituary, reported in *The Manassas Democrat*, Thursday, February 16, 1911, indicated interment in the family burying ground.

John Douglas Berryman, born October 20, 1885¹⁶ and died January 30, 1917. He was the son of William F. and Amanda Berryman. He died in Baltimore, Maryland. His death certificate indicates his body was returned to Nokesville, Virginia; it is the nearest train depot to the cemetery.¹⁷

married John P. T. Fitzhugh August 15, 1837. She died November 25, 1838 and I have not located a burial reference for her. She inherited part of Evergreen and Fitzhugh received an interest at her death. Both William F. S. Alexander and John P. T. Fitzhugh died in and are buried in Texas. See Wesley E. Pippenger, *John Alexander: a Northern Neck Proprietor, His Family, Friends and Kin* (Baltimore: Gateway Press, 1990), 354-355.

¹³ Prince William County Register of Births 1877-1896 (BVS), 1882, 2nd District, 127, line 16; Library of Virginia, microfilm reel 33; three unnamed male children of William and Amanda Berryman, stillborn.

¹⁴ William and Amanda Berryman Family Bible (Philadelphia, Pa.: Mathew Carey & Son, 1817), 679; privately held.

¹⁵ William and Amanda Berryman Family Bible, 680.

¹⁶ William and Amanda Berryman Family Bible, 679.

¹⁷ City of Baltimore, Maryland, death certificate; Health Department, Baltimore.

Elizabeth Gallahue (Berryman) Ashby, born May 14, 1835¹⁸ and died March 13, 1917. She was the Wife of George W. Ashby, and the daughter of Alexander Berryman and Elizabeth G. Ashmore, William Ashmore Jr.'s daughter by his third wife nee Frances Dishman. She died at Orlando, Prince William County and was buried at Evergreen according to her obituary in *The Manassas Journal* on Friday, March 30, 1917.

Vivian Mae Berryman, born March 14, 1925 and died April 5, 1925.¹⁹ She was the daughter of Thomas N. and Frances V. (Wine) Berryman, son and daughter-in-law of William F. Berryman. She was two weeks old at her death. According to oral history she was buried here and the land was occupied by the family. This is the last known burial. In 1923 Thomas moved the family across Cedar run to a farm purchased out of Effingham. He maintained both properties until 1941 when he sold the land East of Cedar run. The U. S. Navy acquired the property in about 1943.

Other possible burials based on residence on Evergreen or adjacent farms.

William Ashmore's wife, Elizabeth (nee Gallahue) survived him and married John McMillan who lived on an adjacent property called Mayfield.

William Ashmore Jr. was married four times and three of his wives predeceased him; **Ann Nancy Edrington, Mary Edwards and Frances Dishman.**²⁰

Alexander Berryman, father of Sarah F. Berryman, born about 1789 and died after 1860.²¹ According to the U.S. census, he moved from Westmoreland County to Prince William County between 1830 and 1840. He married as his second wife, Elizabeth G. Ashmore, daughter of William Ashmore Jr., about 1834. His first wife, Catherine Berryman, died about 1826 in Westmoreland County.

Sarah F. Berryman, William Francis Berryman's mother, moved from King George County to Prince William County before 1850. She was born about 1811 and died October 16, 1885.²² Her husband William Berryman died in King George County December 4, 1847.

Thomas N. Berryman, son of Alexander and his first wife Catherine Berryman, was born about 1817. He died between May 1867 when he made a will and October 7, 1867 when the will was presented at court.²³ He lived on an adjacent farm.

Edwin Upshur Berryman, son of Sarah F. and William, was born October 7, 1841²⁴ and died about 1908. He was unmarried and lived on the adjacent farm at the time of his death.

Alexander W. Berryman, son of Alexander and Catherine, was born about 1823 and died May 8, 1882.²⁵ He was living on the adjacent farm at that time. His wife reported his death, but I have not found any other reference to his marriage.

Henry Waters Berryman, the son of Alexander and Catherine, was born 1828-1830 and died after 1891.²⁶



¹⁸ Ronald Ray Turner, *Prince William County Virginia Death Records 1912-1917* (Manassas: R.R. Turner, 1994), 2.

¹⁹ Thomas and Frances Berryman Family Bible.

²⁰ Mary Jane Irwin Davis, *Ashmores in Early America, with Some of Their Descendents* (Norfolk, Va.: M. J. I. Davis, 1983), 31.

²¹ 1860 U.S. census, Prince William County, page 80, dwelling 517, family 494, household of Sarah F. Berryman shows Alexander Berryman, age 73.

²² Prince William County, Virginia, Register of Deaths 1853-1896 (BVS), 1885, 2nd District, p. 3, line 13; Library of Virginia, microfilm reel 24.

²³ Prince William County Will Book R: 414-415.

²⁴ Thomas and Frances Berryman Family Bible.

²⁵ Prince William County Register of Deaths 1853-1896 (BVS), 1882, 2nd District, page 2, line 7.

²⁶ H. Berryman is listed May 1, 1891 among petitioners against a liquor license in the Horton's store neighborhood. Ronald Ray Turner, *Prince William County Virginia Clerks Loose Papers, Volume III, Selected Transcripts 1804-1899: Indictments, Juries and Trials* (Manassas: R. R. Turner, 2004), 212.

CAPTAIN PHILIP RICHARD FRANCIS LEE'S 3RD VIRGINIA COMPANY 1776-1778

By Joan W. Peters, CG¹

(Continued from vol. 7, no. 4)

George Florence [a.k.a. Florance, Floranc, Flounce, Flowrance]

George Florence enlisted in February 1776 as a private for two years in Captain Lee's Company. He did not make his first appearance on muster rolls for this company until June 1777. His name was then found on both muster rolls and pay rolls for Captain Lee's Company from June 1777 until January 1778. In December 1777, the company muster roll reported him to be "on command." He appeared in the rest of the rolls for this period without remarks.

He was discharged at Yorktown in Pennsylvania. Nat Ashby received his certificate for the balance of his full pay as a soldier in April 1785 for £15 12s.² He did not apply for a pension.

William Groves

William Groves was another veteran who had enlisted in February 1776 for two years as a private in Captain Lee's Company. He first appeared on company pay rolls in April, 1777, and continued on these rolls until February 1778. He showed up on company muster rolls from June 1777 to January 1778. Only one of those muster rolls had a remark associated with him. In September 1777 (after Brandywine), Private Groves was "on command" at the Flying Hospital. He finished out 1777 and January 1778 without any remarks. He received a discharge according to regimental paymaster William Mountjoy's undated list of 3rd Virginia absentees.³ He did not apply for a pension.

Cornelius Hurley**S41677 Virginia Line**

Cornelius Hurley also enlisted in February 1776 as a soldier and private in Captain Lee's Company. He did not appear on company muster rolls, however, until June 1777. In both June and July 1777, Private Hurley was "sick at Yellow Springs." In August 1777, he had recovered sufficiently to return to Captain Lee's Company and served until his discharge in November 1777.⁴

In May 1818, Cornelius Hurley applied for a pension, recorded in the Ross County, Ohio Court. He was sixty-three. He had, he stated in his sworn declaration, enlisted in Prince William County, in February 1776 for two years in Captain Lee's Company, 3rd Virginia regiment. The regiment was commanded by Colonel Thomas Marshall.

After joining Captain Lee's Company, they marched against Dunmore below Williamsburg. They then heard of Howe's landing at New York which "caused our men to push on by land immediately to that place and [they] had a fight with the British on York Island."

After that battle, the regiment went on to White Plains "where there was a smart engagement." After White Plains, they crossed over the river and "kitted at Brunswick, New Jersey." That was where Hurley became sick. As a result, he was sent to the hospital at Philadelphia. When he recovered, he rejoined the army at Germantown and took part in the battles at Brandywine and Germantown, where

¹ The information relating to Captain Lee's 3rd Virginia Company has been taken from the author's forthcoming book entitled *The Third Virginia Continental Regiment 1776-1778: With Flags Flying and Drums Beating* published by Heritage Books.

² George Florence record, CSR, 3rd Va., roll 953.

³ William Grove record, CSR, 3rd Va., roll 953.

⁴ Cornelius Hurley record, CSR, 3rd Va., roll 954.

General Nash was killed by a cannon ball. After Germantown, the army encamped at White Marsh, where he received his discharge from Colonel Marshall. He has since lost that discharge.

Cornelius Hurley's certificate of pension was also in the pension file. He received a pension based on his service as a private in Colonel Marshall's regiment of the Virginia Line for two years. His pension was to begin in May, 1818.

He returned to the Ross County Court, this time the Court of Common Pleas, in August 1820. At that time he was "upwards" of sixty-five and a resident of Ross County. He had enlisted, he stated in another sworn declaration, in February 1776 for two years. He served in Captain Philip Richard Francis Lee's Company until Lee died of wounds received at Brandywine. Hurley, too, saw action at Brandywine and took part in the battles at York Island, White Plains, and Germantown.

He was discharged after Germantown at the White March camp from an inability to perform his duty. His inability had been brought on by camp fever which produced ulcers on his leg which were still there in 1820. Coupled with the infirmities of old age, he thus was unable to support himself by manual labor.

His attached schedule showed a mare and colt worth about \$25.00. He had already been placed on the pension list in February 1819, with a certificate of pension bearing the number 6520. He did not have any family living with him. His wife had died and his three sons and four daughters had all married and left him. "He boards himself out where he can live the cheapest." He did not have a trade.⁵

His name did not appear on the 1835 list of men entitled to land from the state of Virginia, who had not received it, for their service in the Virginia Continental Line.

**Francis Kendall Died February 11, 1835 Francis, Malinda W25776 Virginia Line
BLWt 2360-160-55**

Francis Kendall enlisted in March 1776 for two years in Captain Phil Lee's Company. He served from June 1777 to July 1778, according to the pay rolls and muster rolls of this company. In August, 1777, he was "on the commissary guard." His name appeared on the rest of the rolls without remark.

John Blackwell received Francis Kendall's certificate for the balance of his full pay in August 1784 for £16 12s.⁶

In June 1830, the Culpeper County Court ordered it certified to the Governor that Francis Kendall of Culpeper was a soldier in the 3rd Virginia regiment, Continental Line and served for three years. In a letter from James Barbour, written in January 1831 to Governor Floyd, he stated that "... Mr. Kendall is a neighbor of mine, and a constituent. He was in the hard fought actions of Brandywine, Germantown, Mud Island, and Monmouth. He was wounded at Mud Island. You will see from the Army Rolls that he was in service, and that he never obtained any land whatever."⁷

Francis Kendall applied for a pension in August 1832, while living in Culpeper County. He was seventy-eight years old. In his sworn declaration, he stated that he had enlisted in Prince William County where he had been raised and served under Lieutenant Thomas Helm of the 3rd Virginia. Captain Francis Lee was his captain, and Major Leitch and Colonel Weedon commanded the regiment. He served for three years.

He rendezvoused at Dumfries and then marched to Philadelphia. From there, he went to New York. He saw action at the Battle of York Island, Brandywine, and Germantown. Six months before he received his discharge, he was wounded in the head, at Mud Island, "from which he has experienced great inconvenience," as advancing age has produced an "abstraction of his mental faculties for short periods of time."

⁵ Cornelius Hurley pension file, S41677, NARA M804, roll 1380.

⁶ Francis Kendall record, CSR, 3rd Va., roll 954.

⁷ Burgess, *Virginia Soldiers*, 3: 224.

He had petitioned Congress “several years past,” for relief because of this disability. This petition, according to his representatives, had not yet been acted upon. He stated in 1832 that he had lived in Culpeper for the past forty years.

He received a pension certificate, number 3015, while living in Culpeper, for his service as a private in Captain Lee’s Company, Colonel Weedon’s regiment. He was a member of this regiment for two and a half years from 1776. He was duly inscribed on the pension rolls of the state of Virginia at \$80.00 per year, with his pension beginning in March 1831. His certificate was issued in December 1832.⁸

In June 1835, Melinda Kendall, as the widow of Francis Kendall, a late pensioner, granted a power of attorney to Thomas Moncure to collect any arrears of her deceased husband’s pension due from September 4, 1833 to February 11, 1835, the date of his death. John Smith and James Hitt witnessed the power of attorney. Moncure went to Richmond in June 1835 and collected \$115.32 for the widow.⁹

In January 1854, Melinda Hitt appeared before the Rappahannock County Court to make her pension declaration as the former widow of Francis Kendall deceased. At that date, she was the widow of James Hitt. Her first husband, Francis Kendall, had been a private in the Revolutionary Army and had drawn a pension for the Richmond Pension Agency for his service up until he died, in February 1835.

Mrs. Hitt did not have any testimony of her husband’s services in the army because all “the old soldiers of her neighborhood and County are dead.” She requested the commissioner to refer to the testimony “now on file in the Pension Office” to establish her claim to a pension for Francis Kendall’s service.

She was, she stated, under oath, married to Francis Kendall on January 3, 1823 as Malinda Crismond. Her husband had died on February 11, 1835. Seven months later, on September 3, 1835, she married James Hitt. He died on October 20, 1853.

The Rappahannock County Court certified Mrs. Hitt’s declaration and further certified that the marriage of Francis Kendall and Malinda Crismond had been proved to their satisfaction. Mrs. Hitt had produced the family bible in which the marriage record was given. The clerk of the court also certified the will of Francis Kendall, produced in Court in March 1835. The will had been fully proved and recorded.

William J. Menifee, the Clerk of the Rappahannock Court certified the marriage of Melinda Kendall to James Hitt since he issued the license. Menifee also certified James Hitt deceased’s will, produced in Court in November 1853, fully proved and recorded.

Malinda Hitt was granted a certificate of pension, number 3590, from the state of Virginia and given a pension for the service of her deceased husband, Francis Kendall, a private in the 3rd Virginia, Continental Line.

Malinda Hitt appeared again before William Slaughter, a Justice of the Peace for Rappahannock County, in March 1855 to apply for bounty land as the widow of Francis Kendall. She was sixty-three at the time of this application. She had already filed her declaration to be placed on the Pension List at the U. S. Pension Office, for the services of her deceased first husband under the February 1853 Pension Act.

She referred to the testimony already on file at the pension office regarding Kendall’s service, marriage, and death. She explained that she had been placed on the pension list at \$80.00 per year. Now, she was make an application for bounty land under the March 1855 Act. She had not previously applied for land for Francis Kendall’s service. Under the provisions of the March 1855 Act, Malinda Hitt was granted 160 acres of land.

Her pension was increased to \$96.00 per year in July 1868. The certificate awarding this increase was dated September 29, 1869.¹⁰

⁸ Francis Kendall pension file, W23776 and BLWt 2360–160–55, NARA M804, roll 1470.

⁹ Pierce, *Selected Final Pension Payments: Virginia*, 1: 321.

¹⁰ Francis Kendall pension file.

Abraham Larrowe [aka Larrow/Larowe/Lares/Larru/Larue]

Abraham Larrowe enlisted on 1 March 1776 for two years in Captain Lee's 3rd Virginia company. A little over a year and a half later, both of Captain Lee's June and July 1777 muster rolls list Private Larrowe as "deserted." However, he returned in August 1777 and that company's payroll reported that his name had been inadvertently omitted for the months of March 1777 through July 1777, a total of six months service. He appeared on August, September, and November 1777 muster rolls, so he saw action at Brandywine and Germantown. In December he was listed as a "wagoner." He was discharged on 20 January 1778.¹¹ He did not apply for any pension with service in the 3rd Virginia.

Peter Larrowe [aka Larue, Larrow]**Died 24 December 1832****R 6171 Virginia Line**

Peter Larrowe enlisted on 24 February 1776 for two years in Captain Lee's 3rd Virginia Company. He appeared on company payrolls from April 1777 through February 1778. In June 1777, his name appeared on a company muster roll, and reported him "sick in Jersey." In July 1777, he was still "sick in Jersey."

He recovered sufficiently to return to his company in August 1777. His name appeared in company muster rolls from that date until January 1778. So, he too, saw action at Brandywine and Germantown. He was discharged in January 1778.¹²

After the war was over, Mr. Harrison received Peter Larrow's certificate for the balance of his full pay as a soldier in the infantry in December 1784, for £16 11s 8d. His name appeared on a "list of non-commissioned officers and soldiers of the Virginia Line on Continental Establishment, who had not yet received their bounty land."¹³ This list was the one compiled in January 1835 by Commissioner John Smith for the Governor of Virginia. Peter Larrow was owed bounty land by the state for his service as a soldier in the infantry.¹⁴

In July 1855, David Larue, age forty-eight, applied for a pension for his father, Peter Larue's service in the Revolutionary War before the Greene County, Indiana Court of Common Pleas. David believed that his father served in Captain Philip Lee's 3rd Virginia Company on the Continental Establishment. He explained that his father had previously applied for a pension but had been rejected because he owned too much property to qualify for benefits. James Henderson was the attorney who filed the first pension claim while his father was a resident of Livingston County, Kentucky. Peter Larrow was informed that he might qualify under a later pension act but declined to apply.

His son believed that his father saw action at Brandywine and Germantown and was present when the regiment captured the Hessians at Princeton. His father died in Livingston County, Kentucky on 24 December 1832. He did not leave a widow. However, he was survived by four children: Abner Larue, of Crittenden County, Kentucky; Mary May, wife of Abram May, of Newton County, Missouri; and himself, David Larue, of Greene County, Indiana. Another daughter, Elizabeth Linthicum, wife of Rice Linthicum, had already died in Livingston County, Kentucky, leaving her husband and four living children.

David Larue thought his father had lived in Loudoun County, Virginia when he enlisted in the 3rd Virginia and may have enlisted for either three years or for the war. He made the declaration for the pension he thought was owed his father in order to obtain the arrears of benefits before his death. He was an heir-at-large and the administrator of Peter's estate and referred to his father's declaration and further testimony filed in the War Department.

The Greene County Indiana Court of Common Pleas certified that satisfactory evidence had been exhibited in Court to establish the pension claim of Peter Larrow, otherwise known as Peter Larue,

¹¹ Abraham Larrowe's record, *CSR, 3rd Va.*, roll 954.

¹² Peter Larrow's record, *CSR, 3rd Va.*, roll 954.

¹³ *Ibid.*

¹⁴ Brumbaugh, *Rev. War*, 252.

deceased, a private soldier in the Virginia Continental line in the Revolutionary War. The Court also certified Peter Larue's death as having occurred on 24 December 1832 in Livingston County, Kentucky, leaving four children as his sole survivors.

The pension was rejected on the grounds of insufficient proof of six months military service as required by the 7 June 1832 Act.¹⁵

Thomas Mason

Thomas Mason enlisted on 21 February 1776 in Captain Lee's 3rd Virginia Company. Captain Lee's muster and pay rolls did not begin to be recorded until July 1777. Private Mason was listed as "sick in Virginia" on muster rolls from that date until November 1777. Company muster rolls indicated that he had been "sick in Virginia" since 24 August 1776. December 1777 and January 1779 muster rolls also state that he was "sick in Virginia."¹⁶

Thomas Mason did not apply for a pension.

James McGlothlin [aka McLaughlin, McGloflin]

James McGlothlin enlisted on 27 February 1778 as a soldier and private in Captain Lee's late 3rd Virginia Company. Captain Lee had died in late January 1778 from wounds suffered at Brandywine. McGlothlin appeared on Lee's company payrolls for February, March, and April 1778 and on company muster rolls for April and May 1778, filed at Valley Forge.

In June 1778, he was transferred into Captain John Peyton's Company and appeared on his payrolls from June until his discharge in February 1779. Company payrolls for June showed him on "guard." He first appeared on Captain Peyton's muster rolls in August 1778 while the company was at Newark.

Private McGlothlin was "sent to the hospital on 28 October 1778." In October 1778, he was "sick, absent." In November 1778, he was "sick at Brunswick." In January 1779, he was still "sick at Brunswick." He was discharged on 28 February 1779.¹⁷

He did not apply for a pension. However, he did receive a Continental Line Warrant, number 5002, for land in the Military District of Ohio for his service as a soldier for three years.¹⁸

Vester Moss

Vester Moss enlisted for two years as a private in Captain Philip Richard Lee's Company. He spent his entire term of service "sick in Virginia," according to payrolls for February 1777, July through September 1777, November 1777 through 31 January 1778. Company muster rolls also reported the same absence, dated from June 1777 to January 1778.¹⁹

He did not apply for a pension and did not receive bounty land for his service.

Vester Moss was one of the many men who were recruited into Captain Lee's Company from Prince William. In July 1780, John Sidebottom, a former corporal in Captain Charles West's 3rd Virginia

¹⁵ Peter Larowe pension file R6171, NARA M804, roll 1527. It may have been the diverse spelling of Larowe/Larue in the record base and a lack of a witness who could certify service that led to the rejection of this pension application. The compiled service records for the 3rd Virginia do show two years service. The fact that Peter Larowe was also eligible for bounty land as a soldier in the infantry suggests service beyond the two years stated in the pension. The rejection of this applicant showed the shortcomings of the Revolutionary War record base in the mid-nineteenth century.

¹⁶ Thomas Mason record, *CSR, 3rd Va.*, roll 955.

¹⁷ James McGlothlin record, *CSR, 3rd Va.*, roll 955.

¹⁸ Bockstruck, *Rev. War*, 477.

¹⁹ Vester Moss record, *CSR, 3rd Va.*, roll 955.

Company, was brought into the Prince William Court by the Commonwealth for threatening “the lives of Lewis Reno and Vester Moss.”²⁰

It is not hard to imagine the scene. The Reno family was a wealthy and well-known Huguenot family in Prince William. Lewis Reno had taken his oath as a militia officer, a 2nd Lieutenant in Captain John Hedges’s Company, in July 1778.²¹ John Sidebottom, on the other hand, was not a member of the elite. According to the pension declaration of William Landers, a former sergeant in Captain West’s Company, and his pension declaration filed in Bourbon County, Kentucky Court in August 1832, John Sidebottom and his brother Joseph were “two colored men.”²²

Thus Reno and Moss’s actions become a little clearer. Lewis Reno would not have looked with favor on any attempt to harrass him, by someone not his social equal, and especially not by a free colored man, even if he was a veteran.

It is more likely that Sidebottom was harassing Moss who may have gotten into a slanging match with the 3rd Virginia veteran over the way Moss had spent his entire enlistment. Sidebottom would have had little patience for Moss who he may have thought was malingering at home and even less for a militia officer who did spend his time in the militia safely at home.

Whatever the reason, John Sidebottom, a battle-hardened veteran of Brandywine and Germantown, was hauled into court by a County militia officer and member of the gentry and a former 3rd Virginia private who had never seen a day of actual service in Pennsylvania or New Jersey. The law was, after all, the law. Men could not be allowed to go around and threaten the safety of others. So, the Court ordered the former corporal to take out a bond for his good behavior for the usual year and a day. He and securities Charles Sidebottom, and John Randolph did so.²³ Having done that, Sidebottom was dismissed from custody.

William Norman

Died in 1827 in Georgia

William Norman enlisted on 1 February 1776 as a private in Captain Lee’s 3rd Virginia Company. He appeared on Captain Lee’s muster rolls beginning in June 1777 and on payrolls in July 1777.

In August muster rolls, Private Norman was “on duty.” Beginning in September 1777 and continuing through January 1778, company muster rolls revealed that William Norman had been “wounded.” This had occurred at Brandywine in September. An undated list of absentees of the 3rd Virginia, kept by Paymaster William Mountjoy, showed that William Norman had been “discharged.”²⁴

He did not apply for a pension for his service in the 3rd Virginia. However, Thomas Dallis, in a sworn deposition in June 1834, made in support for another 3rd Virginia veteran, John Matthews, stated that William Norman was his uncle. Both Dallis and his uncle had moved from Virginia to Georgia in 1793. William Norman and John Matthews had, by chance, settled in the same neighborhood and remained neighbors and friends until Norman died in 1827.

“Both were fond of their grog and would refer to their wounds at the Battle of Brandywine ... William having been wounded in the leg,” Dallis testified. Further, Norman still had part of the bullet that had wounded him, which Dallis had seen often.

William Norman, son of the 3rd Virginia veteran, also testified for John Matthews. His poignant and visual picture of these two old friends who met to share a “social glass” to commemorate Brandywine is worth quoting in full:

²⁰ PWCOB, July 1780 Court, 99.

²¹ PWCOB, July 1778 Court, 9.

²² Charles Lander pension file S31198, NARA M804, roll 1518

²³ PWCOB, July 1780 Court, 99.

²⁴ William Norman record, *CSR, 3rd Va*, roll 955.

The intimacy of the two old men, their frequent conversations of their services and sufferings during the revolutionary war ... they were soldiers at the same time in the same regiment, and were wounded in the same Battle of Brandywine. The two old friends, for many Years in Remembrance of their Services & Sufferings, together would meet on the 11th of September of each year and enjoy their social glass together as being the day ... the Battle was fought.²⁵

One can almost see them, as they gathered around a group of men who were waiting to hear about that far-off battle, fought over forty years earlier. The two veterans, one in Captain Lee's Company and one in Captain Peyton's Company, probably shed a tear or two for comrades lost and may have wondered why they were spared.

Brandywine had been horrific for the 3rd Virginia. Captain Lee eventually died of his wounds suffered there. Colonel Marshall had his horse shot from under him. Ordered to hold Birmingham Hill, the regiment had sent nearly 350 men into the battle. While they held the hill against a British bayonet charge, they lost nearly half their men and had to retreat step-by-step into the woods behind them.

Obadiah Philbert [aka Filbert, Filberts]

Obadiah Philbert enlisted for two years as a private in Captain Lee's 3rd Virginia Company. An August 1777 muster roll revealed that Private Philbert had been "sick in Virginia" since 24 August 1776. Payrolls for July through October 1777 likewise showed him as "sick in Virginia. In October, the payroll for that month stated that he had not been drawn for in payrolls for March through October, some eight months.

Captain Lee's muster rolls, which began in June 1777, show him as "sick in Virginia," in every muster roll through August 1777. In September Private Philbert was reported to be "sick at the Flying Hospital." He spent that winter, until January, "sick at Reading." According to the undated list of Absentees of the 3rd Virginia, kept by Paymaster William Mountjoy, Philbert was discharged from the regiment.

In December 1785, Senator Lee received Philbert's certificate for the balance of his full pay, amounting to £14 2s.²⁶

He did not apply for a pension. However, his name did appear on the January 1836 list of men entitled to land, who had not yet claimed it, for his service in the infantry in the Virginia Line.²⁷

John Russell

S36878 Virginia Line

John Russell enlisted for two years as a corporal in Captain Chilton's Company from October 1776 to July 1777 when he was transferred into Captain Philip Richard Francis Lee's Company as a private. He continued in this rank according to Captain Lee's muster rolls from September 1777 until January 1778. Between September and December 1777, muster rolls for the company showed him as "attending on Captain Lee." In January, he was "on command."

He was discharged from the regiment according to William Mountjoy's undated list of 3rd Virginia absentees.²⁸

He applied for a pension 22 August 1818, when he was seventy-three years old, before Davis Ford, the President of the 2nd Judicial Circuit Court of Indiana. Russell was living in Clark County, Indiana when he filed his declaration.

In his declaration, Russell stated that he enlisted for two years in the 3rd Virginia in Colonels Weedon and Marshall's Regiment. His Captain was Philip Lee. He fought at White Plains, Brandywine,

²⁵ John Matthew pension file R7023, NARA M804, roll 1654.

²⁶ Obediah Philbert record, CSR, 3rd Va., roll 955.

²⁷ Brumbaugh, *Rev. War*, 262.

²⁸ John Russell record, CSR, 3rd Va., roll 955.

and Germantown. He received his discharge at Valley Forge from Brigadier General William Woodford. Unfortunately, he had lost or misplaced his discharge.

He was allowed a pension on his application as a private for two years from 1776 in Colonel Marshall's Regiment of the Virginia Line. His name had been inscribed on the Indiana Rolls at \$8.00 per month, beginning 22 August 1818. His pension certificate, number 18312, was issued in October 1821 and sent to Andrew Hay, Esquire of Charlestown, Indiana.

Russell made his second application for a pension on 23 August 1820 before the Clark County Circuit Court. He was seventy-five years old in 1820. His sworn declaration gave much the same information as his earlier one, with a few new details thrown in—he had enlisted on 6 February 1776 in Captain Philip Lee's Company, Colonel George Weedon's Regiment on the old Continental Establishment. He continued to serve until his discharge on 6 February 1778 when he was discharged at Valley Forge.

His schedule of property in 1820 included \$31.50 worth of farm stock, and household furnishings. Included were a cow, four hogs, a bedstead, four chairs, a table, two sets of cups and saucers, a coffee pot, a skillet, and a dutch oven.

He was a shoemaker by occupation but unable to pursue it. His wife Elizabeth was about twenty-six years old; his daughter Eliza, about six. Three other daughters completed his family—Poline, age four; Mahala, age three; and Nancy, a little more than a year old.

On 17 October 1820, he made an additional pension declaration before William G. Gulick, a Justice of the Peace for Clark County. He stated here that he had entered the service on 6 February 1776 but was discharged on 8 February 1778.

Other papers in the pension file revealed more about the pensioner and his family. His wife Elizabeth had died by 1823. Evidently Russell had died by April 1853 because daughter Nancy, now Nancy Jane Robnett, granted a power of attorney to George H. Monsarrat to collect any arrears of pension due up to the time of Russell's death for her father's service. There was no date of death recorded in the pension file.²⁹

John Shillar

Deserted before July 1777

John Shillar enlisted on 15 February 1776 in Captain Lee's 3rd Virginia Company. He was found on both payrolls and muster rolls for July and August 1777, with the observation "deserted." His rank was not given.³⁰

Samuel Stribling [aka Stripling, Striblin]

S37464 Virginia Line

Samuel Stribling entered the service of the 3rd Virginia as a soldier and private for two years in Captain Lee's Company. His name appeared on payrolls from June 1777 through January 1778. He was "sick in Virginia." The company muster rolls also echoed this observation. The August 1777 muster roll gave more details. Private Stribling had been "sick in Virginia" since 24 August 1776.³¹

Stribling applied for a pension on 2 May 1818 before John Trimble, Judge of the Boone County, Kentucky Circuit Court. In his sworn declaration, Stribling stated that he had served in the Army of the U.S. for upwards of two years. He had enlisted in Captain Philip Lee's Company in March 1775 and remained there as a private soldier until he was discharged in May 1777. He did not obtain his discharge until two months after his term of enlistment had expired.

When Stribling enlisted, Captain Lee's Company belonged to the 3rd Virginia Regiment, commanded by Colonel Thomas Marshall. Stribling continued to serve in the 3rd Virginia until the Battle of Brandywine, in which action the 3rd Virginia was nearly all cut off. In consequence of this, the 2nd

²⁹ John Russell pension file S36878, NARA M804, roll 2103.

³⁰ John Shillar record, *CSR, 3rd Va.*, roll 956.

³¹ Samuel Stribling record, *CSR, 3rd Va.*, roll 956.

and 3rd regiments were consolidated into one, which was renamed the 2nd Virginia. Both regiments belonged to the Virginia Line of Continental Establishment.

Since he had lost his discharge he could not produce it to prove his service. He was allowed a pension on his application executed in May 1818 for his service as a private in Colonel Marshall's Regiment of the Virginia Line for two years. A pension certificate, number 13429, for the rolls in Kentucky, was issued on 7 July 1819 and sent to John Trimble, Esquire, of Burlington, Kentucky.

On 4 May 1819, Benjamin Johnson appeared before the Boone County, Kentucky Court and testified, under oath, to Samuel Stribling's reduced circumstances. Stribling was his near neighbor and Johnson had been acquainted with him for the past two or three years. Samuel Stribling was in "very reduced circumstances," and was not able to labor for his support. He did not own property sufficient to maintain him and his "very helpless family."

In August 1821, Stribling, now seventy-eight years old, made another pension declaration, this time before the Scott County, Kentucky Court, where he then resided. He reiterated his service as a regular soldier for two years in Captain Philip Francis Ludwell Lee's Company, adding that he had enlisted in Prince William County in 1775. Captain Lee's company belonged to the 3rd Virginia, commanded by Colonel Thomas Marshall.

Stribling was marched to Philadelphia and there took up winter quarters under General Washington. He served in the regiment for two years and seven months. He fought at Brandywine in 1777 where he was wounded. He served his term of enlistment faithfully and was honorably discharged by General Morgan. He related that he had gotten his "discharge wet in coming to this country" and it had been lost or destroyed so he was unable to produce it at this time.

He also related that he had made his original declaration several months ago, in May. For two years, he had received a pension in accordance with his certificate, issued on his original declaration. His schedule of property, exhibited to the Court, consisted of a horse, two cows, and a calf.

He was a shoemaker but so infirm that he was not able to pursue his occupation. He had a wife, about forty-five years old and seven children, all under the age of fourteen. His son James, was fourteen in June; his daughter, Frances, would be thirteen in September; his daughter Elizabeth, was nine; daughter Eliza, was seven; son Reuben was five. Daughter Leanna was four, and the youngest, Mary, was about two. Their "incapacity to labor is such that he cannot support them."³²

William Thurman [aka Therman, Thurmon]

**Died in summer, 1824 in Kentucky
S37487 Virginia Line**

William Thurman served as a soldier and private in Captain Lee's Company, appearing on payrolls from April 1777 to February 1778. Captain Lee's muster rolls for his company began in June 1777 and William Thurman's name appeared there too – on every muster roll until January 1778. William Mountjoy's undated list of 3rd Virginia absentees noted his discharge.

In January 1785, Colonel Grayson received William Thurman's certificate for the balance of his pay, for £15 12s.³³

His name was found on the January 1835 list of men entitled to bounty land from the state of Virginia who had not yet claimed it, for service as a soldier in the infantry.³⁴ Then, in November 1838, a William *Thurmond* was issued 57 1/7 acres for his service in the Virginia Line.³⁵ It is not clear whether this was the 3rd Virginia soldier or an heir since the former private had died in Kentucky in 1824.

William Thurman applied for a pension on 19 May 1818 in Washington County, Kentucky, before Arthur E. Gibbons, the presiding Judge of the Washington County Court.

³² Samuel Stribling pension file S37464, NARA M804, roll 2314.

³³ William Thurman record, CSR, 3rd Va., roll 956.

³⁴ Brumbaugh, *Rev. War*, 273.

³⁵ Bockstruck, *Rev. War*, 530.

In his sworn declaration, he gave the following information: In February 1776, he had enlisted as a private soldier in Captain Philip Lee's Company of the 3rd Virginia, then commanded by Colonel Mercer and Lieutenant Colonel Marshall in the American Revolutionary War on Continental Establishment. He remained a private in the 3rd Virginia for "two years and upwards." When his term had expired, he was discharged.

He fought at York Island, White Plains, Trenton, Princeton, Brandywine, and Germantown. He also saw action in several skirmishes. Fatigue and his war time experience brought about rheumatic pain from which he has never fully recovered.

When he moved to Kentucky, he didn't think his discharge was of much value and so "taking no care of it, he lost it." He was now sixty-two and infirm. His circumstances in life were now so much reduced that he stood in need of assistance from his country for support. His declaration was "all the evidence he had in his power" to offer of his service in the 3rd Virginia.

In May 1819, Thurman was once again in the Washington County, Kentucky Court to make another pension declaration, this time sworn before William L. Kelly, the Judge of the County Court there. In this declaration, he reiterated the facts in his earlier one and added some new information which included his date and place of enlistment.

He had enlisted on 14 February 1776 in Prince William County, Virginia in Captain Lee's 3rd Virginia, commanded by Colonel Mercer and later, by George Weeding. He continued to serve in the regiment until 1778 when he was discharged at Valley Forge. He had to go to Frederick Town Maryland in order to be discharged as his officers carried his discharge there.

He saw action at York Island, Princeton, Brandywine, and Germantown.

By July 1820, Thurman had returned to the Washington County, Kentucky Court to offer another pension declaration and schedule of property as required by law. He was now sixty-four years old. He gave the same information found in his earlier declarations, adding only that he had never received his pension although he was issued a pension certificate, number 16558 for the Kentucky rolls.

He was a farmer by occupation. His wife was about sixty and living with him. His wife's father was also living with him and was "entirely helpless."

His schedule consisted of a mare and two colts, two cows and two calves, fourteen hogs, an old Negro woman, and about \$3.30 in money. The Court valued his property at \$289.50 and certified his schedule to the War Department.

In October 1823, Thurmond appeared once more in the Washington County, Kentucky Court to make yet another pension declaration. He was now sixty-seven. In this declaration, he repeated that he had enlisted for two years in February 1776 in Captain Philip Lee's Company in Colonels Mercer and Weeding's Regiment, later commanded by Colonels Marshall and Heath.

He continued in the service until his term had expired when he was discharged at Valley Forge in February 1778. He fought in battles at York Island, White Plains, Princeton, Germantown, Brandywine, and Monmouth. He did not have any other evidence to support or prove his service.

His property consisted of a Negro woman, aged sixty-eight or seventy, nearly blind and of little service and fifty acres of land in the Buck Fork hills. He also owned a mare, two cows, and eleven hogs, all worth \$91.00, according to the Washington County Court's valuation. He had about \$10.00 of debt. No one owed him money.

He was so disabled by rheumatism, he went on to say that he was "entirely unable to attend to business of any kind." His wife was now about sixty-seven and "a very sickly and weakly woman. His children had all left him." He was "greatly in need" of the assistance of his country for support.

William Thurman was finally allowed a pension on his application executed in October 1823, for his service in Captain Philip Lee's Company, Colonel Marshall's Regiment of the Virginia Line for two years. His name was inscribed on the Kentucky Rolls at \$8.00 per month, to begin on 13 October 1823. His certificate of pension, number 19131, on the Kentucky Rolls, was issued 11 December 1823. He died in the summer of 1824.³⁶

³⁶ William Thurman pension file S37487, NARA M804, roll 2385.

John Tillis

John Tillis served for two years as a soldier and private in Captain Lee's 3rd Virginia Company. His name appeared on company payrolls, from April 1777 until February 1778. Company muster rolls noted his presence from June through September 1777 without remark. Muster rolls from October 1777 to January 1778 reported that he was "attending Captain Lee." Lee had been wounded at Brandywine in September 1777 and died of his wounds in late January 1778. In that month's muster roll, Private Tillis was "on command." William Mountjoy's undated list of absentees of the 3rd Virginia showed that he had been discharged from the service.³⁷

He did not apply for a pension or bounty land.

Francis Turner

Francis Turner enlisted on 26 February 1776 as a private in Captain Lee's Company of the 3rd Virginia. His name appeared on company pay rolls from April to December 1777. He appeared on company muster rolls from June until his enlistment in the Light Horse on 23 December 1777. The undated list of 3rd Virginia absentees, kept by regimental paymaster, William Mountjoy, noted that he was discharged from service.³⁸

He did not apply for a pension. However, there was a Francis Turner who received 100 acres of land in September 1783 from the state of Virginia for his service as a private in the Virginia Line.³⁹

Henry Webb

Henry Webb enlisted on 30 January 1776 for two years as a private in Captain Lee's 3rd Virginia Company. His name appeared on company payrolls beginning in February 1777 and continued until January 1778. His name appeared on muster rolls for this company beginning in June 1777. In June and July 1777, his presence was noted without remarks. In August, he was on "Genl Steven's Guard."

He appears on muster rolls from September 1777 though January 1778 without remarks except for November when he was listed as being "on guard." The January roll noted that his "time [was] out" on 31 January 1778.

William Mountjoy's undated list of 3rd Virginia absentees showed his discharge.⁴⁰

He did not apply for a pension or bounty land.

Henry Westall

Henry Westall enlisted on 8 March 1776 for two years as a fifer in Captain Lee's Company. His name appeared on company muster rolls from June 1777 to January 1778. He was "sick in Virginia," according to these rolls for June, July, September, October, December 1777, and January, 1778. Captain Lee's muster roll for August 1778 gave more details: He had been "sick in Alexandria [since] August 24, 1776." The November 1777 muster roll reported that he was still "sick in Alexandria."

In January 1778, while still "sick in Virginia, Captain Lee's muster roll also noted "Entire entry cancelled by time."⁴¹

He did not apply for a pension and did not serve the requisite three years to be eligible for bounty land.

³⁷ John Tillis record, *CSR, 3rd Va.*, roll 956.

³⁸ Francis Turner record, *CSR, 3rd Va.*, roll 956.

³⁹ Bockstruck, *Rev. War*, 539.

⁴⁰ Henry Webb record, *CSR, 3rd Va.*, roll 956.

⁴¹ Henry Westall record, *CSR, 3rd Va.*, roll 956.

John Young

John Young enlisted on 20 February 1776 for two years as a private in Captain Lee's Company. He made his first appearance on muster rolls in June 1777. Both the June and July muster roll reported that Private Young was "returned, deserted. Now said to be in Philadelphia." Captain Lee's July payroll was even more succinct. He had "deserted," according to that company payroll.

He must have rejoined his company in August 1777 because he appeared on the company muster roll without any remarks about his location or status. His name also was found on the August company payroll which reported that he had been "omitted" on the rolls from March to July 1777, a total of six months.

In September 1777, both muster rolls and payrolls for Captain Lee's Company recorded that he was "wounded." He was reported "wounded" on October 1777 rolls and on November and December 1777 and January 1778 muster rolls as "absent, wounded." Since the Battle of Brandywine took place on 11 September 1777, Private Young must have received his wounds there.

He was discharged from the service according to William Mountjoy's undated list of 3rd Virginia absentees.⁴²

John Young did not apply for a pension for his service in the 3rd Virginia.

Did You Know? –**The Origins of Minnieville**

During an agricultural depression in the early 1840s, an active advertising campaign was conducted to attract farmers to Northern Virginia from the states of New Jersey and New York. A number of Northerners settled in the Dale City area of Prince William County, setting up prosperous dairy farms, including the families of Dane, Waldon, Chamberlin, Clark, and Robbins. Thomas R. Alexander (1823-1864), one of these migrants, came from Saratoga County, New York, married a local woman, and became a lieutenant in the Virginia State Militia. When the Civil War broke out he served in the Confederate Army, but was captured in 1863 and confined in a series of Union prisons. There his health broke and he died before being exchanged. Back in Prince William County, his son, DeWitt Clinton Alexander (1848-1903) managed the family farm. Within his spread a post office was established in 1884. Mr. Alexander chose to name it for his daughter Minnie (1874-1916), later the wife of Luther Windsor. That's how the village of Minnieville and Minnieville Road came to be named.

For further reading:

Donald E. Curtis, "Yankees Come to Prince William," *The Curtis Collection: a Personal View of Prince William County History* (Prince William: Prince William County Historical Commission, 1988), 108-110.

⁴² John Young record, CSR, 3rd Va., roll 956.

THE 1804 PRESIDENTIAL ELECTION POLL IN PRINCE WILLIAM COUNTY

Transcribed by Beverly Veness

[Recorded in Prince William County, Virginia Deed Book 2: 401-403. Thanks to Scott Parham, Prince William County Courthouse Archives Volunteer, for finding this and bringing it to our attention. The United States presidential election of 1804 was for incumbent President Thomas Jefferson of Virginia and running mate George Clinton of New York (replacing Aaron Burr) against Charles Cotesworth Pickney of South Carolina and running mate Rufus King of New York. Numbers beside the names are a running count of voters. There are 125 names total. The list does not indicate who the voters selected..]

A Poll of the voters for Electors to choose a President & vice President of the United States taken at the Court house in Prince William County this 5th November 1804.

W ^m B. Webster	George Carney	Samuel King
John Redman	Sampson Windsor	Richard Cole
James Cooper	John Cox	Charles Adams
Benjamin Cooper	James King	Gerrard Spinks
William Lathom	Presley Jewell	George Norman 70
William Grayson	Griffin Mathews	John Dye
Hugh Attwell	James Grinstead	Edward Norman
Jesse Cornwell	Joshua Carney 40	Benjamin Thomas
William Smith	William Davis	Conrod Wirt
John Williams 10	Joseph Brady	James Jameson
Joseph Gilbert	John Galloway	Isaac Foster
John Thorn	George N. Brown sen ^r	Benjamin Jameson
William Thorn	William Hart	Rich ^d Davis sen ^r
John Mills	James Kempe	Walter Graham
William Foster	John Maddux	Richard Robinson 80
John Sullivan	Thomas Harrison	Walter Warder
Hendley Barron	Thomas Barrett	W ^m Grant
William Lynn	Moore Hoff 50	Thomas Hoomes
[page 402]	Nehemiah Lynn	Alexander Henderson
William Keys	Samuel Jackson	Geo. Graham
David Jameson 20	James Holliday	James Hayes
Richard Gill	Henry Thornberry	Thomas Thornton
William Jameson	William Downman	Braddock Richmond
George Tackett	George Copin	William Linton
Benniah Willett	William Kincheloe	Thomas T. Page 90
George Mills	Moses Moss	Thomas Larkin
Charles B. Attwell	John Linton	William Brawner
Thomas Chapman	John Smith 60	George W. Jakson
Colin Dowdall	George Florance	Jesse Barron
William Hixon	James Cowles	Enoch Renno
John Mathews 30	Peter Trone	William J. Fielder
James Noland	Stephen French	Richard Foote
James Peake	Elijah Cockrell	

Thomas Harrison (of Tho ^s)	Hugh Davis	James Webster
Robert Graham	Basil King	Rutt Johnston
Jesse Ewell sen ^r 100	John Cockrell	Thompson Randolph
Robert Hedges	William Fairfax	James Gwatkin
Mathew D. Reardon	James Newman 110	Carr Chapman 120
Gwynn Page	Rich ^d Newman	Hezekiah H. Reeve
Basil Brawner	W ^m Wyatt	Henry Tyler
[page 403]	Stephen Howison	Philip Dawe
Reuben Calvert	James Graham	Mathew Harrison
	Hezekiah Fairfax	John Spence

In Obedience to the act of Assembly we the undersigned commissioners together with the undersigned respectable persons of the county of Prince William have signed this sheet containing the entire Poll of the said county for Electors of a President and Vice President of the United States.

M. Harrison

John Spence } Commissioners

Phil. Devrx. Dawe

William Shaw } Witnesses

At a Court Continued and held for Prince W^m County November 7th 1804.

This poll for election of Electors for choosing a President and vice President of the United States was presented to the Court by the Commissioners and ordered to be recorded.

Teste

J. Williams Cl Cur.

*[Qualifications of voters at the time of this election were determined by an Act of the Assembly passed in October 1776: "That every free white man who, at the time of the elections ... shall have been for one year preceeding in possession of twenty five acres of land with a house and plantation thereon, or one hundred acres of land without a house and plantation, in any of the said counties, and having right to an estate for life at least in the said land in his own right, or in right of his wife, shall have a vote ..."*¹

[For the 1804 presidential election Virginia was divided into 24 electoral districts. The counties of Prince William, Fairfax, and Stafford comprised one district, choosing one presidential elector.² DLW]

¹ William Waller Hening, *The Statues at Large; being a Collection of all the Laws of Virginia*, v. 9 (Richmond: J. & G. Cochran, 1821; reprint, Charlottesville: University Press of Virginia, 1969): 260.

² "Laws of Virginia, December 1803," chapter 112 (passed 21 January 1804), in Samuel Shepherd, *The Statutes at Large of Virginia [1792-1806]*, v. 3 (Richmond: 1835; reprint, New York: AMS Press, 1970): 86-87.

**LAST WILL AND TESTAMENT OF
SUSANNA F. GRAHAM OF PRINCE WILLIAM COUNTY**

Transcribed by Beverly Veness, RELIC Staff

[*Susanna F. Graham, owner of Bushy Park and Enfield, was the daughter of John and Ann (Fowke) Hooe and widow of Dr. George Graham (d. 1816). Her stepdaughter's husband, James Kempe, killed her brother Bernard Hooe Jr. in a duel in 1809.¹ She was born 1770/80.² Her will was made 8 September 1827 and probated 1 April 1833. Prince William County, Virginia, Will Book N is missing pages 534-535 which contained the beginning of this will. Fortunately, the will was also recorded in Madison County, Tennessee, Will Book 2, pages 393-399. We are pleased to publish the will in its entirety from the Tennessee document.*]

[p. 393]

Susan[na] F. GRAHAM Copy of Will

I Susanna F. GRAHAM of the county of Prince William & state of Virginia do hereby ordain the following to be my last Will & Testament that is to say I direct my Executor to pay all my just debts and to that and appropriate the following property to wit All my personal estate whether in possession or in action excepting my slaves & my silver tea pot & stand. Also ^ all ^ my growing or unmoved crops of every kind upon my lands at the time of my death also all rents which shall accrue upon said lands on or before the first day of January ensuing the period of my decease. I devise to my Executor and direct him to keep together for and during the year in which I shall happen to die my whole estate real & personal & he will collect all rents & hires which shall accrue thereon on or before the 1st day of January ensuing my death complete the crops upon my lands & manage the same to the best advantage & apply the proceeds & profits thereof after defraying all proper charges to the payment of my Just debts but my Executor may in his discortion [*discretion?*] deliver to my Legatees any of the slaves given to them or sell any of the property which he is authorised to sels [*sell*] for the payment of my debts before the close of the year in which I shall happen to die Some. Some [*sic*] part of said slaves or property may not be wanting for the completion of my crops or for the beneficial management of my Estate for that year my Executor will sell ~~all~~ the property appropriated for the payment of my debts for ready money or upon credit as he shall deem expedient according to the circumstances of my Estate, if the provision already made should be insufficient for the payment of my debts I appropriate my slaves Eliza & Lucinda to that object & direct my executor to sell them or either of them to supply the deficiency. – I devise my tract of land called; *Enfield*; lying in the county of Prince William & whereon I now reside to Thomas Bernard THROCKMORTON & John Ariss THROCKMORTON sons of my nephew Mordecai THROCKMORTON of Loudoun Co to be equally divided between them to have possession of the same at the expiration of the year in which I shall happen to die I devise my tract of land called *bushy*

[p. 394] *park* lying near Haymarket in the county of Prince William to William Arthur HOOE son of my nephew Thos. B. P. HOOE but if the said William Arthur HOOE shall die under the age of twenty one years & without having issue living at the time of his death then I devise the said *Bushy Park* after his death to his brother Joseph Thompson HOOE if he be living at the death of the said William Arthur HOOE or if the said Joseph Thompson HOOE be then dead to Alfred Lucket HOOE his Brother if he be then living & if he be then dead also to Major Charles HURNTON [*HUNTON*] of the County of Prince William upon trust to sell the said land for the best price that can be obtained by public auction or by private contract for ready money or upon credit at his discretion & to pay over the proceeds to Virginia James HOOE Susan Graham HOOE & Elizabeth Thompson HOOE Daughters of the said Thomas B P HOOE, or to the survivors or survivor of them living at the time of the happening of the contingency

¹ Martha Eheart King, "James Kempe," *Virginia Genealogist* 21 (1977): 5, 9.

² 1830 U.S. census, Prince William County, Virginia, page 69, line 15, Susan Graham, one white woman age 50-60. Indexed by *Ancestry* as "Lsan Graham".

aforesaid upon which said trust shall arise such proceeds to be equally divided between them when payable as aforesaid to more than one of them if however the said land shall vest in in [sic] the said Joseph Thompson HOOE as aforesaid & he shall die under the age of twenty one years & without issue living at the time of his death then I devise the same after his death to his said brother Alfred Luckett HOOE if he be then living & if he be not then to the said Major Charles HUNTON upon trust for the uses & purposes above mentioned for the benefit of the said Virginia James HOOE, Susan Graham HOOE & Elizabeth Thompson HOOE or the survivors or survivor of them as aforesaid & if the said land shall vest in the said Alfred Luckett HOOE as aforesaid & he shall die under the age of twenty one years & without having issue living at the time of his death then I devise the same after his death in like manner to the said Major Charles HUNTON upon trust for the uses & purposes above mentioned for the benefit of the said Virginia James HOOE Susan Graham HOOE & Elizabeth Thompson HOOE or the survivors or survivor of them as aforesaid I give to Virginia James HOOE daughter of the said Thomas B P HOOE my slave Leah & her increase from this date but if the said Virginia James HOOE shall die under the age of twenty one years & without leaving issue living at the time of her death then I bequest the said slave & her said increase, to such increase to such child or children of the said Thomas B P HOOE as shall be living at that time. I give to Susan Graham HOOE daughter of the said Thomas B P HOOE my slave nancy & her increase from this date but if the said Susan Graham HOOE shall die under the age of twenty one years & without leaving issue living at the time of her death then I bequeath the said slave & her said increase to such child or children of the said Thomas B P HOOE as shall be living at that time I give to Elizabeth Thompson HOOE Daughter of the said Thomas B. P HOOE my slave

[p. 395] Cynthia & her increase from this date but if the said Elizabeth Thompson HOOE shall die under the age of twenty one years & without ~~issuing~~ issue living at the time of her death then I bequeath the said Slave & her said increase to such child or children of the Said Thomas B P HOOE as shall be living at that time. [From this point forward, the will is recorded in Prince William County, Virginia, Will Book N, p. 536.] I give to said William Arthur HOOE son of said Thomas ^ B. P. ^ HOOE my slaves Joe, Charles Daniel & Jenny & her increase from this date but if the said William Arthur HOOE shall die under the age of twenty one years & without leaving issue living at the time of his death then I bequeath the said Slaves & said increase to such child or children of the said Thomas B P HOOE as shall be living at that time. I give to my niece Susan Hooe SWEENEY my slaves Jesse & Maryann & her increase from this date. I give to Virginia HOOE daughter of my nephew John HOOE J^r of Prince William my slaves Harrison Nutty Maria & her child Winney & the increase of the said females from this date I give to Mary Elizabeth HOOE Daughter of my nephew Bernard HOOE of Alexandria, my slaves Nelly & her increase from this date. I give to Anna Maria HOOE Daughter of said Bernard HOOE my slave Alfred I give to Ellen HOOE Daughter of said Bernard HOOE my slave Learnoh [*Leanoh*] & her increase from this date. I give to Cecelia HOOE daughter of said Bernard HOOE, my slave Felicia & her increase from this date. I give to Albert RUSSELL son of Colonel Albert RUSSELL my slave George I give to John RUSSELL son of said Colonel Albert RUSSELL, my slave Manuel I give to James RUSSELL son of James RUSSELL my slave David I give my slaves John PARKER a blacksmith by trade Elijah & Beck to my nephew John HOOE of *Locust Grove* in the County of Prince William for & during his natural life I give the remainder in said slaves John PARKER Elijah & Beck after the death of the said John HOOE to such issue of the said John HOOE as shall be living at the time of his death & if he shall die without leaving such issue living at the time of his death then to his right heirs such issue if any as aforesaid to take said slaves in such proportion as they would take them under the present ^ act ^ of the General Assembly of Virginia for the distribution of intestates Estates from the said John HOOE were the said slaves his property I give to John Eugene SWEENEY son of John H SWEENEY my slave Ransom [*PWC record has Hanson*] but if the said John Eugene SWEENEY shall die under the age of twenty one years & without leaving issue living at the time of his death then I bequeath the said slave after his death to such child or children of the said John H. SWEENEY as shall then be living I give to John HOOE J^r of Prince William my slaves Kitty & Virgin & their increase from this date upon trust to & for the following

purposes & uses that is to say to hold the same for the sole & separate use & benefit of my niece Ann C. HARRISON wif[e] of

[p. 396] of [sic] John P HARRISON for & during her natural life to deliver said slaves in her possession or to hire them out & pay over the profits to her at his absolute discretion but the said Ann C. shall have no power to appoint the profits of said slaves by anticipation nor to make any disposition whatever of her Interest therein except by the Joint deed of herself & the said John HOOE duly signed & sealed & attested by two witnesses and after the death of the said Ann C. HARRISON the s^d John HOOE shall hold the said slaves & their said increase for the benefit of such of the benefit of such [sic] of the children of the of the [sic] said Ann C. as shall be living at her death & he shall deliver the same accordingly to those entitled or aforesaid.

I give to Major Charles HUNTON of Prince William my slaves Henry & Aga & her increase from this date upon the following truste that is to say upon trust for the sole & separate use & benefit of Ann Garland HOOE wife of Thomas B P HOOE for & during her natural life to deliver the said slaves in her possession or hire them out & pay over the profits to her at his absolute discretion but the said Ann Garland HOOE shall have no power to appoint the profits of said slaves & said increase by anticipation nor shall she make any disposition whatever of her Interest therein except by the Joint deed of herself & the said Charles HUNTON duly signed & sealed & attested by two witnesses & upon this further trust that he the said HUNTON shall hold the said slaves & their increase after the death of the said Ann C. for such of the children of the said Thomas B. P. HOOE born after the date hereof or shall be living at the Death of the said Ann G and if none such then for such of the present Children of the said Hooe as shall be then living & he the said Hunton shall deliver said slaves & said increase to such child or children of the said Hooe as shall be entitled to the same as aforesaid upon the death of the said Ann Garland HOOE I give to John HOOE J^r of Prince William my slaves Franky & Anna & their increase from this date upon trust to & for the following purposes & uses that is to say upon trust to hold the said slaves in the state of Virginia & hire them out & pay over the profits to or for the benefit of George SWEENEY & Sarah B SWEENEY, children of my nephew Hugh SWEENEY & such other child or children of the said Hugh as shall be born hereafter such profits to be equally divided between such of the said children as the same shall be payable to as aforesaid & upon the further trust to deliver said slaves & said increase to such of the children of the said Hugh or shall be living at the time of his death to be equally divided between them it being my intention that the whole

[p. 397] shall go to the survivor of them at the death of their Father & upon the further Trust that if none of the said children of the said Hugh be living at his death then the said slaves & said increase shall be distributed among their issue living at his death in such proportions as the same would be distributed were the same divided from him under the statute of the state of Virginia, now in force for the distribution of Intestates, Estates and the said HOOE shall apportion the same accordingly in kind or by sale provided however that the annexed profits which shall arise from the said slaves & said increase shall be divided as they shall accrue at the expiration of every year during the life of said Hugh SWEENEY among those of his children who shall then then [sic] be in life & no part shall be reserved for or belong to after born Children & that said slaves & said increase shall not be removed from the state of Virginia but shall be held therein as aforesaid by said trustee during the life of said Hugh SWEENEY I direct my executor to sell my silver tea pot & stand to the highest bidder & pay over the proceeds of the same to my nephew John HOOE J^r of Prince William. If there should be any surplus of the property, which I have appropriated herein for the payment of my debts after the satisfaction thereof I bequeath the same to my nephew Bernard HOOE of Alexandria & John HOOE J^r of Prince William to be equally divided between them all the residue of my estate not before disposed of of [sic] whatever kind or description in possession reversion or remainder or in action I give to my said nephew Bernard HOOE and John HOOE J^r of Prince William and whereas it has been suggested that I may have some claim or demand against my Brother Bernard HOOEs Estate & it is not my intention if I have any such to enforce it I hereby bequeath the same if valid to my said nephew Bernard HOOE & John HOOE J^r of Prince William not meaning that the

same shall form any part of the fund provided for the payment of my debts. I give to my great nephew Joseph Thompson HOOE son of said Thomas B P HOOE my slave Lewis but if the said Joseph Thompson HOOE shall die under the age of twenty one years & without issue living at the time of his death then I bequeath the said slave to such child or children of the said Thomas B P HOOE as shall be living at that time.

I give to my great nephew Alfred Lucket HOOE son of the said Thomas B P HOOE my slave Cambridge but if the said Alfred Lucket HOOE shall die under the age of twenty one years & without issue living at the time of his death then I bequeath the said slave to such child or children of the said Thomas B P HOOE as shall be living at that time.

Memorandum before the execution of this will the word Estate was intended [*PWC record has interlined*] on the 5th page on the same page a bequest of slave Cambridge to Gwynn

[Page 398] PAGE was cancelled on the same page at the word except was made an erasure and on the 7th page a bequest of slave Lewis to the second son of Fanny PRYOR was cancelled. I hereby appoint John MACRAE Executor of this my Last will & Testament in witness, whereof I have here unto subscribed my name this the 8th day September 1827.

Susanna F. GRAHAM

Signed published & declared as & for the last will & Testament of Susanna F. GRAHAM in our presence the 8th day of September 1827.

R. T. MITCHELL

W^m I. WEIR

At a court held for Prince William County April the 1st 1833 this writing purporting to be the last will & testament of Susanna F. GRAHAM deceased was presented to the court by Bernard HOOE Esqr in order to be proved and Thomas B. HOOE by his attorney appeared & opposed the proof of the said Will whereupon Richard F MITCHELL & W^m I. WEIR subscribing witnesses proved the same according to law which is ordered to be recorded as as [*sic*] the last will & testament of Susanna F GRAHAM deceased and at a Court held for said County the 6th day of May 1833 on motion of John HUTCHISON who made oath according to law & with John HOOE J^r his security entered entered [*sic*] into and acknowledged a bond in the penalty of \$4000 conditioned as the law directs certificate is granted him for obtaining letters of Administration on the Estate of Susanna F GRAHAM dec^d with her will heretofore proved & recorded in this Court annexed in due form.

Test Jn WILLIAMS Cl Cur

Virginia Prince William County to Wit:

I John WILLIAMS Clerk of the County Court of Prince William in the state aforesaid do hereby certify the Foregoing will of Susanna F GRAHAM deceased is a true Copy taken from the record of my office {Seal} In testimony whereof I hereto set my hand and annex the seal of the said Court this 14th day of December 1833

Jn WILLIAMS

Virginia Prince William County to wit: I Charles MENG presiding magistrate in & for the said County of Prince William in the state of Virginia do certify that John WILLIAMS who hath given the preceding certificate is clerk of the said Court & that his laid attestation is in due form given under my hand the 6th day of January 1834

Charles MING

State of Tennessee Davidson County

I Smith CRIDDLE clerk of the County Court of said County

[Page 399] do hereby certify that the foregoing is a full and true copy of a will of Susanna F GRAHAM as the same remains on file & on record in my office

In testimony whereof I hereto subscribe my name and
affix the seal of said Court at office in Nashville this the 7th day of December A.D 1838
Smith CRIDDLE

DUMFRIES DISTRICT COURT LAND CAUSES 1793-1811

*Transcribed by William M. Balderson, Jr.
 Edited by Beverly Veness and Don Wilson*

(Continued from vol. 7, no. 4)

[In 1794 John and Samuel LOVE of Loudoun County brought suit against James EWELL to have him ejected from 200 acres in Prince William County. "Solomon SAVEALL" and "Simpleton SPENDALL" are fictitious parties to the suit. The land in question appears to be in the vicinity of Buckland, Virginia.]

[Page 196, continued] [~~xxx~~ represents struck out characters, ^xx^ represents inserted text]

[Marginalia] **LOVES Trustees agt EWELL James**

Pleas at Prince William County Court house before the Justices of the s^d County Court on the 2nd day of ~~xxx~~ June in the year of our Lord one thousand seven hundred and ninety Four.

Solomon SAVEALL by Mathew HARRISON his Attorney came and brought into the said Court there a certain Bill against Simpleton SPENDALL in Custody &^c of a Plea of Trespass and Ejectment of Farm, and there are pledges of prosecution to Wit J. DOE & R. ROE, which Bill follows in these words.

Prince William County to Wit.

Solomon SAVEALL Complains of Simpleton SPENDALL in Custody &c of a Plea &c for that whereas John LOVE and Samuel LOVE of Loudon on the first Day of January in the year of our Lord ^1794^ in the County aforesaid did demise and to farm let unto the said Solomon a certain tenement situate in the County aforesaid Containing two hundred Acres of land Ninety thereof being Arable land thirty meadow and the rest wood land with the appurtenances to have and to hold the said tenement with the appurtenances to the said Solomon and his assigns from the said first of January last past to the end and term of Ninety Years from thence next ensuing and fully to be Compleat and ended by virtue of which demise the said Solomon entered into the said Tenement with the appurtenances & was thereof possessed & the said Solomon being so possessed thereof, the said Simpleton afterwards to wit on the same day and year afs^d with force and Arms that is to say with Swords, Staves and knives entered into the said tenement with the appurtenances which the said John & Samuel demised unto the said Solomon in form aforesaid for the term aforesaid which is not yet Expired & ejected the said Solomon out of his said farm and other wrongs then and there did the s^d Solomon against the Dignity and peace of the Commonwealth and to the injury of the said Solomon and his damage five hundred pounds & therefore he

[Page 197]
 brings suit &^c

Pledges & ^c	} J. DOE
HARRISON for Plfs	} R. ROE

Sir, I am informed that you are in possession of a claim title to the premises mentioned in this declaration of Ejectment ~~xxx~~ ^or^ to Some part thereof and I being sued in this Action as a Casual Ejector and having no claim or title to the same do advise you to appear on the first Day of June Prince William Term by some Attorney of that Court and then and there by a Rule of s^d Court to cause yourself to be made Defendant in my stead otherwise I shall Suffer Judgment to be entered against me and you will be turned out of Possession.

Yrs &^c
 Simpleton SPENDALL
 24th Feby 1794

To Col^o James EWELL
P[rince] William

And it appearing to the Court by the affidavit of Benjamin WHEELER that James EWELL tenant in possession of the premises, hath been duly Served with the Plaintiffs declaration and the note thereunder written and he not appearing. It is ordered that unless the said James EWELL having legal notice of this order or those under Whom he claims or some ^{^one^} of them, do appear here at the next term and make himself, herself or themselves Defendant or Defendants in this suit in the Room of the Said Simpleton SPENDALL plead the General Issue, confess, the Lease ent^y and ouster in the Declaration Supposed and enter into the Common rule to insist on the title only at trial. Judgment shall be Given to the Plaintiff and a Writ of Possession awarded him.

And ^{^now here^} at another Day to wit the 7th Day of August in the year aforesaid ~~xxxxx~~ James EWELL came there into the sd Court and prayed to be admitted Defendant in the room of the s^d Simpleton SPENDALL Whereupon it is ordered by the Court with the Consent of Mathew HARRISON att^o for the Plf and Charles SIMMS attorney for the s^d James EWELL that the s^d James EWELL shall be admitted deft who will immediately appear and receive a Declaration & plead thereto the General Issue & at the Trial thereupon to be had the said James EWELL will appear in proper person or by his att^o & Confess Lease Entry & actual Expulsion & will insist only upon the title on the Trial so that in Default ~~that of~~ ^{^thereof^} Judgment shall be entered against ~~Solomon SPENDALL~~ Simpleton SPENDALL the Casual Ejector but further prosecution is to be stayd ag^t him until the s^d James EWELL shall make default in any of the Premises and by the like Consent it is further ordered by the Court that the s^d James EWELL shall take no advantage against the Plf for his not

Page 198.

not [*sic*] prosecuting upon the trial if accasioned [*occasioned*] by Such default but that the s^d James EWELL will pay the Plfs their Costs thereupon to be taxed and it is further ordered that the lessors of the Plf. be chargeable with the Payment of Costs to the Deft to be taxed or adjudged by the Court. and the ~~xxxxx xx xxxxx xxx xxxxx xxx xxxxx xxx~~ aforesaid James EWELL by his said attorney comes & Defends the force & Injury when &^c and says that he is not thereof Guilty & of this he puts himself upon the Country & the aforesaid John & Sam^l LOVE in like manner &^c Therefore let there Come thereupon a Jury before the said Justices of the s^d County Court at the said County Court house on the first Monday in ~~September~~ November next who are in no wise of kin either to the said Plf^s or to the said Def^t to take ~~take~~ the Cognizance upon their Oaths of the whole truth of the premises because as well the said Plf^s as the said Def^t hath put themselves upon that Jury The same Day was given the parties aforesaid at the same place.

And now here at another Day to Wit on the 4th Day of November in the year aforesaid came the parties afores^d by their Attorneys aforesaid. And it is Ordered that the Surveyor of this County do go upon the lands in dispute on the [*blank*] Day of [*blank*] next if fair, if not the next fair Day and Survey and lay out the Same as either party shall require and return Three fair platts and reports thereof to the next Court to be held for this County and that any two of the Justices of the s^d County do then and there attend him and examine and take the Depositions of such Witnesses as shall be produced by either party which are to be returned with the said Platts and Reports and the Sheriff of the said County is to attend said Survey and remove force if any be offered.

And now here at another Day to Wit on the 4th Day of March 1795. Came the parties aforesaid by their Attornies aforesaid and the Cause was Continued ^{^for Survey^} at the Costs of the Plaintiffs until the next Term.

And now ^{^here^} at another Day to wit on the 2nd Day of June in the year aforesaid Came the parties Afores^d by their Attornies aforesaid and the Cause is ^{^was^} Continued until the next term.

And now here at another Day to Wit on the 4th Day of Aug^t in the year aforesaid Came the parties ^{^afs^d^} by

[Page 199] their attornies aforesaid and the Cause is ^was^ Continued for Survey until the next term.

And now here at another Day to wit on the 5th Day of November in the Year aforesaid Came the parties afs^d by their Attornies afores^d And the Cause was Continued for Survey until the next term.

And now here at another Day to wit on the 11th Day of March 1796 Came the parties aforesaid by their Atto^s afs^d And the cause was Continued until the next term.

And now here at another Day to Wit on the 8th Day of June in the year afores^d Came the parties afs^d by their attorneys afs^d And the Cause was Continued at the Costs of the Plf^s until the next term.

And now here at another Day to wit on the 9th Day of March 1797 Came the parties afores^d by their attornies afs^d And the cause was Continued for Survey until the next term.

And now here at another day to wit on the 6th Day of June in the year afores^d Came the parties afs^d by their attornies afs^d And the Cause was Continued for Survey until the next term.

And now here at another day to wit on the 7th Day of Nov. in the year afs^d Came the parties afs^d by their Attornies aforesaid. And the Cause was Continued for Survey until the next term.

And now here at another Day to wit on the 6th Day of March 1798 Came the parties aforesaid by their Attornies aforesaid. And the cause was Continued for Survey until the next Term.

And now here at another day to wit on the 5th Day of June in the Year afs^d Came the parties afs^d by their Attornies afs^d And the Cause was Cont^d for Survey until the next Term.

And now here at another Day to Wit on the 7th Day of August in the Year afs^d Came the Parties af^d by their Attornies afs^d and the cause was Continued for Survey until the next term.

And now here at another Day to wit on the 7th Day of Nov^r in the year afs^d Came the Parties afores^d

[Page 200] by their attornies afs^d And the cause was Continued for Survey until the next term.

And now here at another Day to Wit on the 6th Day of March 1799 Came the parties aforesaid by their Attornies aforesaid. And the Cause was Continued for Survey until the next Term.

And now here at another Day to Wit on the 4th Day of June in the year afores^d Came the parties afs^d by their Attornies afs^d And the cause was Continued for Survey until the next term.

And now ^here^ at another Day to Wit: on the 6th Day of August in the year afs^d Came the parties afs^d by their Attornies afs^d and the Cause was Continued for Survey until the next Term.

And now here at another Day to Wit on the 4th Day of November in the year afores^d Came the parties afs^d by their Attornies afs^d And the Cause was Continued for Survey until the next Term.

And now here at another Day to Wit. On the 4th Day of ~~xxx~~ March 1800 Came the parties aforesaid by their Attornies afs^d and the Cause Was Continued ^for Survey^ until the next Term.

And now here at another Day to Wit on the 2nd Day of June in the year afs^d Came the parties afs^d by their Attornies afs^d and the Cause was Continued for Survey until the next Term.

And now here at another Day to Wit. On the 4th Day of June in the ^year^ aforesaid Came the parties afs^d by their Attornies afs^d And it was Ordered that the order for Survey be Rescinded and the Cause was Cont^d until the next Term.

And now here at another Day to Wit on the 5th Day of aug in the year afs^d Came the parties afs^d by their Attornies afs^d & the Cause was Continued until the next Term.

And now here at another Day to Wit: on the 4th Day of November in the year afs^d Came the parties afs^d by their Attornies afs^d And the Cause was Continued until the next term.

And now here at another Day to Wit: on the 3rd Day of March 1801. Came the parties afs^d by their Attornies afs^d And the cause was Continued until the next Term.

And now here at another Day to Wit on the 2^d Day of June in the year afs^d Came the parties afs^d by their Attornies afs^d And the Cause was Continued until the next Term

And now here at another Day to Wit: On the 4th Day of August in the year af[s]^d Came the parties afs^d by their attornies afs^d and the cause was Continued until the next Term.

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[Page 201] [*Marginalia*] Note. See an Order which ^{^shd^} [*should*] come before this made 2^d March 1802 respecting LOVEs Testimony

And now here at another Day to Wit On the 3rd Day of March 1802. This suit was abated ~~at~~ ^{^as^} to the Plf Samuel LOVE by his Death and the other parties came by their Attornies and thereupon also ~~Came~~ a Jury to Wit David BOYLE, John ANDERSON, John MUSCHETT, William SMITH, Henry GERRARD, Walter GRAHAM, Coleman BROWN, Benjamin SHACKLETT, George SMITH, John REDMAN, Elliss GRAVATT, & Hezekiah VEITCH ^{^who^} were Sworn to try the Issue between the parties aforesaid Joined and adjourned until to Morrow Morning 9 oClock.

This Day the Following Bill of Exceptions was Tendered & received and ordered to be made a part of the Record viz^t

LOVEs Trustee ag^t James EWELL &^c } In Ejectment.

In the trial of this Cause the Plaintiff (besides a Patent in these words to witt &e “The Right &” to which no objection was made) offered in Evidence to Support his title a paper in these words to Wit “as act &” with a Certificate in these Words “A true Copy attest John STUART C.H.D.” which the Counsel for the Defendants objected Should go to the Jury as Evidence and the Court would not Suffer the said Paper to be read in Evidence to the Jury adjudging the same not Sufficiently authenticated as an Act of the Governor, Council & Burgesses of Virginia not investigating the Authenticity of proof respecting the Royal assent having been given thereto. To which opinion of the Court the Plf. By his Counsel excepts & prays that this his bill of Exceptions may be accordingly enrolled &^c.

A. HENDERSON { seal }

Tho^s LEE S^t { seal }
 Charles TYLER { seal }
 James SMITH { seal }

And now here at another Day to Wit. On the 4th Day of March in the year afs^d Came the parties afs^d by their Attornies and the Jury Sworn in this cause yesterday met according to adjournment and having further heard Testimony & the Arguments of Counsel were adjourned until to Morrow Morning 9 OClock. This day the Following Bill of Exceptions ~~were~~ ^{^was^} tendered and rec^d and ordered to be made a part of the Record. Viz^t

SAVEALL one[?] the demise of LOVE. Plf }
 ag^t } In Ejectment
 James EWELL }

[To be continued]