



# Prince William Reliquary

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

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## JOHN LEE OF “WILLOW GREEN”: WHO WERE HIS CHILDREN?

By Martha C. Lang<sup>1</sup>

A previously published genealogy of the Lee family,<sup>2</sup> which migrated to Prince William County, Virginia, from New Jersey in the latter part of the eighteenth century, does not identify any issue of the John Lee who died in Prince William County in 1848. The U.S. census for Prince William County, Virginia, for the year 1840 includes no other white members of his family and that for 1830 includes one other white member, a male age 10-15. However, for several years in the period from 1835 to 1844 his personal property tax assessment in Prince William County<sup>3</sup> reported free males other than himself. In 1836 and 1843 he was taxed for two white males above the age of sixteen years identified as “John Lee and son.” In 1844 he was assessed for two white males above the age of sixteen years who were identified as “John Lee and son Thomas Lee.” Clearly, John Lee did produce offspring. The purpose of this paper is to identify them.

When John Lee died in 1848 in Prince William County, he was a man of substantial wealth. The 1848 land tax records for Prince William County show he was taxed on 916 acres, 158 acres on Youngs Branch and 758 acres in New Market.<sup>4</sup> The inventory of his estate filed in Prince William Circuit Court 9 August 1848 shows he owned 38 slaves valued at \$9725. Four of these were in the possession of Henry Mathew. He also held notes valued at \$1237.<sup>5</sup> He appeared to have lived modestly. His household furniture and farming implements were valued at \$304.<sup>6</sup>

John Lee wrote his will 15 June 1848, which was probated 7 August 1848. He made the following bequests:

1. To Jane Matilda Matthew, wife of Henry P. Matthew, \$500 and the Negro woman Luend and her increase. If Jane Matilda should have no children, then the Negroes to be divided equally among Richard A. Clark, Thomas O. Clark, Solomon Clark, John Clark, William H. Clark and Mary E., wife of Matthew A. Lee.
2. To Richard A. Clark, the Holcomb tract of land containing about 164 acres and 50 acres of wood land on Youngs Branch.
3. To Thomas O. Clark and John Clark land purchased of Thomas O. Carter and John Hamilton to be equally divided between them.
4. To Solomon Clark and William H. Clark my farm Willow Green and my wood land Mount Poney.

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<sup>2</sup> Robert E. Lesser, *Lee: [Descendants of David Lee of Somerset County, N.J.]* (Loveland, Colo.: R.E. Lesser, 1995). Available at RELIC, Bull Run Regional Library, Manassas, Virginia.

<sup>3</sup> Prince William County, Virginia, Personal Property Tax Lists, 1833-1850; Library of Virginia, microfilm reel 290.

<sup>4</sup> Prince William County land tax records, 1848; Library of Virginia microfilm 261.

<sup>5</sup> Lesser, *Lee*, 21.

<sup>6</sup> Lesser, *Lee*, 21.

5. To Elizabeth, wife of Hezekiah Croson, \$500.
6. To Mary Clark the house she was living in and one acre of adjoining land for her natural life and no longer, the house and land being part of the land bequeathed to Thomas O. Clark and John Clark. Mary was also to receive a Negro boy Polk.
7. To the children of Mary Clark, that is Richard A. Clark, Thomas O. Clark, Solomon Clark, John Clark, William H. Clark and Mary E., wife of Matthew A. Lee, after just debts were paid, the Negroes not otherwise bequeathed to be divided equally among them.
8. To James Robinson a Negro woman Sucky and her daughter Henny.
9. Negro woman Henny, wife of Nathaniel Harris, to be freed twelve months after his death.
10. Negro woman Jemima and her two children Dianer and Pendleton free to live with her father James Robinson or go to Washington.<sup>7</sup>



Willow Green, old kitchen, east end (ca. 1790). Photo by Frances Jones, Sept. 1979. From VDHR file 76-207, neg. 4378.

This document is curious in that no relationships are given between the testator and the legatees. James Robinson can be identified as the free man of color to whom John Lee sold 170+ acres across the Warrenton Turnpike from the Stone House on 5 August 1840.<sup>8</sup> In the 1850 census of Prince William County the household of James Robison [*sic*] included Susan, age 45, and Henny, age 11. Also included were Myma, age 26; Dianah, age 6; and Pendleton, age 2. These were apparently the

Negroes named in items 8 and 10 of John Lee's will. Myma, Dinah and Pendleton were all free. There were three other free members of the household not named in John Lee's will: Tasco, age 16; Annah, age 75; and Bladen, age 6.<sup>9</sup> Tasco, Bladen, Jamima, Deanna and Pendleton were all listed in John Lee's inventory. The appraised value of these five was \$1250.<sup>10</sup> It would appear that they had either been purchased by James Robinson or freed by whichever child of Mary Clark inherited them.

The will of John Lee also named Mary Clark and her children Richard A. Clark, Thomas O. Clark, Solomon Clark, John Clark, and Mary E., wife of Matthew A. Lee. No relationship was stated between John Lee and these legatees. Furthermore, no relationship was stated between either Jane Matilda Matthew, wife of Henry P. Matthew, or Elizabeth, wife of Hezekiah Croson, and any other named party.

<sup>7</sup> Prince William County Will Book P: 377.

<sup>8</sup> Prince William County Deed Book 16: 223.

<sup>9</sup> 1850 U.S. census, Prince William County, Virginia, population schedule, p. 109, James Robison, NARA microfilm publication M432, roll 970,

<sup>10</sup> Lesser, *Lee*, 21.

The following timeline, including some of the events in the lives of John Lee and some of his legatees, suggests a plausible relationship.

**1782/3.** John Lee was born in Prince William County, son of David and Margaret Lee.<sup>11</sup> John Lee's father David was consistently charged with two tithables (free white males over age 16) on Prince William County personal tax lists from 1794 to 1800. David's son Matthew also appeared on the same tax lists with one tithable. David's other son Joshua first appeared on Loudoun County personal property tax lists with one tithable in 1799. Since the number of tithables with which David Lee was charged did not decrease the year in which his son Joshua was first listed separately, this must be the year John Lee turned sixteen.<sup>12</sup>

**1795.** Mary/Polly Clark was born in Virginia.<sup>13</sup>

**1809, March 17.** David Lee wrote his will naming wife Margaret, three sons, Matthew, Joshua and John; four living daughters, and children of two deceased daughters.<sup>14</sup>

**1810.** John Lee and Henry Dogan in partnership purchased a tract of land from Wormley Carter.<sup>15</sup>

**1810.** Margaret Lee was a head of household in the census for Prince William County. She was over 45 years of age and had one male 16-26 years old in her household. Nine households away was a household headed by John Clarke.<sup>16</sup> He was 26-45 years of age. There was one female 26-45, two females 16-26, four males under ten and one female under ten in his household. His household was two away from that of Henry Dogan.<sup>17</sup>

**1814.** Jane Matilda, wife of Henry P. Matthews, was born.<sup>18</sup>

**1817.** Richard A. Clark was born in Prince William County.<sup>19</sup>

**1820.** John Lee was listed as head of household in the 1820 census for Prince William County. There were two white males ages 26-45 years and 2 white males ages 16-26 years in the household.<sup>20</sup>

Polly Clark headed a household in Fairfax County. There were two white females aged 20-26; three white females under the age of 10; and one free colored female between the ages of 14 and 26 in her household.<sup>21</sup> This may or may not be the same as Polly Clark of Prince William County. No one of this name is found in Fairfax County in 1830.

**1823.** Mary Ellen Clark was born in Prince William County.<sup>22</sup>

**1825.** Thomas O. Clark was born.<sup>23</sup>

**1828, July 12.** Thomas Otway Carter sold John Lee 158+ acres of land in Prince William County. This was the land on which the Stone House, familiar to visitors to Manassas Battlefield National Park, would be located.<sup>24</sup>

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<sup>11</sup> Prince William County Will Book I: 432. Lesser, *Lee*, 34, gives John's birthdate as 30 May 1782, source not stated.

<sup>12</sup> Loudoun County and Prince William County Personal Property Tax Lists.

<sup>13</sup> 1850 U.S. census, Prince William County, Virginia, population schedule, p. 109, Mary Clark.

<sup>14</sup> Prince William County Will Book I: 432. Lesser, *Lee*, 4.

<sup>15</sup> Prince William County Deed Book 4: 404.

<sup>16</sup> Several of the children of Mary/Polly Clark identified their father as "John Clark." The members of this household do not match the family of Mary Clark.

<sup>17</sup> 1810 U.S. census, Prince William County, Virginia, p. 280, John Clarke; NARA microfilm publication M252, roll 70.

<sup>18</sup> 1860 U.S. census, Prince William County, Virginia, population schedule, p. 428, Henry P. Matthews family; NARA microfilm publication M65, roll 1373.

<sup>19</sup> Dee Ann Buck, *Shenandoah County, Virginia, Death Registry, 1853-1871* (Fairfax, Va.: D. A. Buck, 1997), 8.

<sup>20</sup> 1820 U.S. census, Prince William County, Virginia, p. 22A; NARA microfilm publication M33, roll 130.

<sup>21</sup> 1820 U.S. census, Fairfax County, Virginia, p. 1108; NARA microfilm publication M33, roll 137.

<sup>22</sup> Ronald Ray Turner, *Prince William County Virginia Death Records, 1853-1896* (Manassas, Va.: R. R. Turner, 1993), 44. 1850 U.S. census, Prince William County, population schedule, p. 110, Matthew A. Lee.

<sup>23</sup> 1860 U.S. census, Frederick County, Virginia, population schedule, District 5, p. 584, Thomas O. Clark; NARA microfilm publication M653, roll 1347.

**1828.** Solomon Clark was born.<sup>25</sup>

**1828, July 28.** Elizabeth Ann Clark was born in Prince William County.<sup>26</sup>

**1828, August 4.** John Lee paid for a business license for private entertainment.<sup>27</sup>

**1829, February 24.** John Lee bought 166+ acres of land in Prince William County from Addison B. Carter.<sup>28</sup>

**1830.** John Clark was born.

**1830.** Polley Claud [*sic*] was living in Prince William County, Virginia. She was 30-40 years old. In her household were a female age 15-20, a female age 10-15, a female age 5-10, a female under 5 years and three males under 5 years of age.<sup>29</sup> Because she was listed near to Landon Carter of Pittsylvania and because the ages of Polley and of the children match so closely, this appears to be Polly Clark. In 1830 she would have been 35 years of age. Her sons Thomas O. Clark, Solomon Clark and John Clark were under five years of age. Her daughter Mary Ellen Clark was seven years old and her daughter Elizabeth was one year old. She had a son Richard A. Clark, born in 1817, not accounted for in her household. However, his brother Solomon Clark stated Richard A. Clark was a tanner.<sup>30</sup> He could very well have been serving as an apprentice at this time and living in another household. There remain two females, one 15-20 and the other 10-15, one of whom is probably daughter Jane Matilda.

John Lee is head of a household in Prince William County. He is 40-50 years of age. The other white household member is a male age 10-15.<sup>31</sup> This could also have been Richard A. Clark. As we shall see later in 1839, John Lee was taxed for two free tithables, himself and a Clark.

**1832.** William H. Clark was born in Prince William County.<sup>32</sup>

**1840.** Mary Clarke was head of a household in Prince William County. She was 30-40 years of age. In her household were one female 15-20 (Mary Ellen), one female 10-15 (Elizabeth A.), one male 20-30 (Richard A.), one male 15-20 (Thomas O.), one male 10-15 (Solomon) and two males 5-10 (John and William H.).<sup>33</sup>

John Lee, age 50-60, was living alone in Prince William County.<sup>34</sup>

Henry Mathews was living in Leeds, Fauquier County. There was one 30-40 year old male, one 20-30 year old male and one 20-30 year old female in the household.<sup>35</sup>

**1840, August 5.** John Lee sold 130+ acres of land in Prince William County to James Robinson.<sup>36</sup>

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<sup>24</sup> Prince William County Deed Book 11: 330.

<sup>25</sup> 1850 U.S. census, Shenandoah County, Virginia, population schedule, District 58, p. 7, Solomon G. Clark; NARA microfilm publication M432, roll 976.

<sup>26</sup> Dee Ann Buck, *Frederick County, Virginia, Marriages 1853-1880* (Fairfax, Va.: D. A. Buck, 1996), 162, Elizabeth A. Crosen to John C. Shade. Nancy Delaney-Painter and Susan L. McCabe, *Index to Burials in Frederick County, Virginia* (Heritage Books, 2004), 78, Elizabeth Ann Crosen.

<sup>27</sup> Ronald Ray Turner, *Prince William County Business Licenses 1806-1899* (Manassas, Va.: R. R. Turner, 1998), 77. Many of his publication are accessible online at [www.pwcvabooks.com](http://www.pwcvabooks.com).

<sup>28</sup> Prince William County Deed Book 11: 438.

<sup>29</sup> 1830 U.S. census, Prince William County, Virginia, p. 63, Polley Claud.; NARA microfilm publication M19, roll 196.

<sup>30</sup> Buck, *Shenandoah County Death Registry 1853-1871*, 8.

<sup>31</sup> 1830 U.S. census, Prince William County, Virginia, p. 77, John Lee.

<sup>32</sup> 1850 U.S. census, Prince William County, Virginia, population schedule, p. 110, William H. Clark.

<sup>33</sup> 1840 U.S. census, Prince William County, Virginia, p. 290, Mary Clarke; NARA microfilm publication M704, roll 574. [Indexed on *Ancestry.com* as Prince George County.]

<sup>34</sup> 1840 U.S. census, Prince William County, Virginia, p. 287, John Lee.

<sup>35</sup> 1840 U.S. census, Fauquier County, Virginia, Leeds, p. 212, Henry Mathews; NARA microfilm publication M704, roll 558.

<sup>36</sup> Prince William County Deed Book 16: 223.

**1847, August 21.** John Lee sold 1947+ square yards of land in Prince William County to Thomas O. Clark for one dollar.<sup>37</sup> This is the piece of property on which the Stone House on Manassas Battlefield would be built.<sup>38</sup>



The Stone House, Manassas National Battlefield Park.  
Photo courtesy of the Prince William County Historical Commission.  
RELIC photo collection #1-11-2-32

**1850.** Mary Clark, age 55, was living alone in Prince William County. She was illiterate.<sup>39</sup> She apparently lived in or near the Stone House.<sup>40</sup>

William H. Clark, age 18, was living in Prince William County, Virginia. The only other household member was Elizabeth Clark, age 15. They had been married within the year.<sup>41</sup>

Hezekiah Croson, age 32, was the head of a household in Prince William County. His real estate was valued at \$500. Members of the household were Elizabeth Croson, age 23, and Mortimer Q. Croson, age 1.<sup>42</sup>

John Clark, age 20, was head of a household in Prince William County. Living with him were Adaline, age 20, and Richard H., age 6/12. Adaline was illiterate.<sup>43</sup>

Henry P. Mathews was head of household in Prince William County. He was 45 years old. In his household was Jane Mathews, age 35.<sup>44</sup>

Matthew A. Lee, age 29, was living in Prince William County, Virginia. His household members were: Mary E. Lee, age 27; Mary M. Lee, age 4; Joshua A. Lee, age 3; Jane E. Lee, age 2; Virginia C. Lee, age 7/12; and Margaret Lee, age 49. Mary was illiterate.<sup>45</sup>

Richard A. Clark, age 33, was living in Shenandoah County, Virginia. In his household were Elizabeth A. Clark, age 30; Eutaw S. Clark, age 5; Lucretia Clark, age 4; and Ellen C. Clark, age 2.<sup>46</sup>

Solomon G. Clark, age 22, was living alone in Shenandoah County, Virginia.<sup>47</sup>

**1850, February 14.** Thomas O. Clark and his wife Sarah Jane of Prince William County sold 137 acres of land in Prince William County to Henry P. Mathews of Prince William County for \$2500,

<sup>37</sup> Prince William County Deed Book 19: 416.

<sup>38</sup> Lyle G. Henschell, *Wood to Wood, Stone to Stone: an Analytical Look at the Stone House* (L. G. Henschell, 1995), [2], copy at RELIC, Bull Run Regional Library, Manassas, Va.

<sup>39</sup> 1850 U.S. census, Prince William County, Virginia, population schedule, p. 109, Mary Clark.

<sup>40</sup> Henschell, *Wood to Wood*, [2-3].

<sup>41</sup> 1850 U.S. census, Prince William County, Virginia, population schedule, p. 110, William H. Clark.

<sup>42</sup> 1850 U.S. census, Prince William County, Virginia, population schedule, p. 111, Hezekiah Croson.

<sup>43</sup> 1850 U.S. census, Prince William County, Virginia, population schedule, p. 109, John Clark.

<sup>44</sup> 1850 U.S. census, Prince William County, Virginia, population schedule, p. 109, Henry P. Mathews.

<sup>45</sup> 1850 U.S. census, Prince William County, Virginia, population schedule, p. 110, Matthew A. Lee.

<sup>46</sup> 1850 U.S. census, Shenandoah County, Virginia, population schedule, District 58, p. 7, Richard A. Clark.

<sup>47</sup> 1850 U.S. census, Shenandoah County, Virginia, population schedule, District 58, p. 7, Solomon G. Clark.

“and also whatever interest the said Thomas O. Clarke and Sarah Jane his wife may have in a house and lot adjoining the before mentioned premises and held and owned by their mother Polly Clarke of this county and state last mentioned it being the same house & lot left to her the said Polly Clarke by the late Captain John Lee.”<sup>48</sup>

**1850, February 22.** Henry P. and Jane Matthews executed a deed of trust to Solomon G. Clark to guarantee their payments due Thomas O. Clark.<sup>49</sup>

**1851, October 2.** John J. Clark and his wife Adaline of Prince William sold to Alexander S. Grigsby and Edgar and Martin Matthews 123+ acres of land in Prince William County for nine dollars an acre.<sup>50</sup>

**1854, March 5.** Richard A. Clark died in Kernstown, Frederick County, Virginia. He was a tanner, age 36, born in Prince William County, the son of **John and Mary Clark**. The informant was his brother Solomon G. Clark.<sup>51</sup>

**1854, April 9.** John Jacob Clark, son of John and Adaline Clark, was born in Frederick County, Virginia.<sup>52</sup>

**1854, August 12.** Thomas O. Clark and his wife Sarah Jane of Prince William sold to Benjamin Lewis their share of the Mount Poney tract which came to Sarah Jane from her father the late John Lee.<sup>53</sup> When Sarah Jane remarried in 1866 in Frederick County, Virginia, she named her parents as John and Margaret Lee and gave her age as 35 years and her birthplace as Prince William County.<sup>54</sup> There is a Margaret Lee listed in the 1830 census for Prince William County with two females under the age of five years. She is listed again in 1840 in Prince William County with one female 5-10 years of age and another 10-15. Her husband John D. Lee died in Prince William County about 1830. On 7 January 1839 she was made administrator de bonis non of his estate.<sup>55</sup> Thus Sarah Jane (Lee) Clark was not the daughter of the subject of this article.

**1860.** Henry P. Matthews was living in Prince William County. Jane M. Matthews, age 50, was in his household.<sup>56</sup>

Matthew A. Lee was head of a household in Prince William County. Living with him were Mary E. Lee, age 37; Mary M. Lee, age 14; Joshua A. Lee, age 13; Jane E. Lee, age 11; Virginia C. Lee, age 10; Hannah E. Lee, age 8; John T. Lee, age 6; William D. Lee, age 4; Frances M. Lee, age 1; Margaret Lee, age 58; and David Lee, age 60.<sup>57</sup>

Thomas O. Clark, age 35, was living in Frederick County, Virginia. In his household were Sarah J. Clark, age 34; Ellen L. Clark, age 13; Richard H. Clark, age 10; and John J. Clark, age 7.<sup>58</sup> Richard H. and John J. Clark were his nephews, sons of John and Adaline Clark.

Hezekiah Crowson, age 45, was living in Frederick County, Virginia. Household members included Elizabeth A. Crowson, age 28; Mortimer Crowson, age 8; Mary J. Crowson, age 6; and Sarah C. Crowson, age 1.<sup>59</sup>

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<sup>48</sup> Prince William County Deed Book 20: 443.

<sup>49</sup> Prince William County Deed Book 20: 444.

<sup>50</sup> Prince William County Deed Book 21: 392.

<sup>51</sup> Buck, *Shenandoah County Death Registry, 1853-1871*, 8.

<sup>52</sup> Dee Ann Buck, *Frederick County, Virginia, Birth Registry 1853-1870* (Fairfax, Va.: D. A. Buck), 10.

<sup>53</sup> Prince William County Deed Book 23: 204.

<sup>54</sup> Buck, *Frederick County Marriages 1853-1880*, 25; Sara Jane Clark to George Acre Buckwalter.

<sup>55</sup> Ronald Ray Turner, *Prince William County, Virginia, Bond Book 1732-1847* (Gainesville, Va.: R. R. Turner, 2007), 340. The original administrator, Daniel Thornberry, made bond 3 May 1830. John D. Lee was a nephew of the subject of this article.

<sup>56</sup> 1860 U.S. census, Prince William County, Virginia, population schedule, p. 428, Henry P. Matthews.

<sup>57</sup> 1860 U.S. census, Prince William County, Virginia, population schedule, pp. 473-474, Matthew A. Lee.

<sup>58</sup> 1860 U.S. census, Frederick County, Virginia, population schedule, District 5, p. 584, Thomas O. Clark; NARA microfilm publication M653, roll 1347.

<sup>59</sup> 1860 U.S. census, Frederick County, Virginia, population schedule, District 5, p. 594, Hezekiah Crowson.

Solomon Clark, age 31, headed a household in Shenandoah County, Virginia. Household members included Hetta Clark, age 35; Andrew Clark, age 7; William Clark, age 5; Charles Clark, age 3; and Lorenzo Clark, age 7/12.<sup>60</sup>

William H. Clark, age 28, was a head of household in Madison, Morgan County, Indiana. Elizabeth Clark, age 26, lived with him.<sup>61</sup>

**1865, October 3.** Henry P. Matthew and his wife Jane M. sold 137 acres in Prince William County to Mary A. Starbuck of Fairfax County for \$1800.<sup>62</sup>

**1865, December 18.** Henry P. Matthew purchased from Edwin L. Carter, Sarah J. Carter and Virginia Carter, for \$472, the 94+ acres that remained of the Pittsylvania tract in Prince William County.<sup>63</sup>

**1866, October 23.** Sara Jane Clark, age 35, widow, born in Prince William County, married George Acre Buckwalter in Frederick County, Virginia. Her parents were John and Margaret Lee.<sup>64</sup> This indicates her first husband Thomas O. Clark was dead by this date.

**1867, January 23.** Solomon G. Clark released Henry P. Matthew from the deed of trust.<sup>65</sup>

**1870.** Matthew A. Lee, age 46, headed a household in Prince William County. Members of the household included Mary E. Lee, age 46; John J. Lee, age 16; Jane E. Lee, age 21; Virginia Lee, age 20; Hannah Lee, age 18; William Lee, age 14; Frances Lee, age 11; Jefferson D. Lee, age 8; Matthew Lee, age 5; and Solomon Lee, age 2.<sup>66</sup>

Henry P. Matthew, age 60, was living in Prince William County. Jane M. Matthew, age 56, lived with him.<sup>67</sup>

Hesacia Crison, age 61, headed a household in Gainsborough Subdivision 181, Frederick County, Virginia. In his household were Elizabeth A. Crison, age 49; Sarah C. Crison, age 10; Eliza F. Crison, age 4; and Mary J. Catlett, age 19.<sup>68</sup>

Solomon Clark, age 40, headed a household in Shenandoah County. Household members included Hetta Clark, age 44; A. Jackson Clark, age 17; William F. Clark, age 14; Charles Clark, age 12; Lorenzo Clark, age 10; Turner Ashby Clark, age 8; and Mary A. E. Clark, age 5.<sup>69</sup>

William H. Clark, age 38, headed a household in Madison, Morgan County, Indiana. Living with him were Elizabeth Clark, age 36; Joshua Lee, age 22; Richard H. Clark, age 20; and John J. Clark, age 17.<sup>70</sup> The last three were his nephews. Joshua was a son of Matthew A. Lee. Richard and John were sons of John Clark.

**1877, December 19.** Henry P. Matthew of Prince William County wrote his will and bequeathed his entire estate to his wife Jane Matilda.<sup>71</sup>

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<sup>60</sup> 1860 U.S. census, Shenandoah County, Virginia, population schedule, Lantz Mill, pp. 618-619, Solomon Clark; NARA microfilm publication M653, roll 1377.

<sup>61</sup> 1860 U.S. census, Morgan County, Indiana, population schedule, Madison, p. 604, William H. Clark; NARA microfilm publication M653, roll 284.

<sup>62</sup> Prince William County Deed Book 26: 18.

<sup>63</sup> Prince William County Deed Book 26: 191.

<sup>64</sup> Frederick County, Virginia, Marriages 1853-1880 (BVS), p. 115, #98; Library of Virginia, microfilm reel 18. Buck, *Frederick County Marriages 1853-1880*, 25.

<sup>65</sup> Prince William County Deed Book 26: 383.

<sup>66</sup> 1870 U.S. census, Prince William County, Virginia, population schedule, pp. 443-444, Mathew A. Lee; NARA microfilm publication M593, roll 1673.

<sup>67</sup> 1870 U.S. census, Prince William County, Virginia, population schedule, p. 429, Henry P. Matthew.

<sup>68</sup> 1870 U.S. census, Frederick County, Virginia, population schedule, Gainesborough Subdivision, p. 48, Hesacia Crison [*sic*]; NARA microfilm publication M593, roll 1648.

<sup>69</sup> 1870 U.S. census, Shenandoah County, Virginia, population schedule, Stonewall Township, p. 779, Solomon Clark; NARA microfilm publication M593, roll 1678.

<sup>70</sup> 1870 U.S. census, Morgan County, Indiana, population schedule, Madison, p. 458, William H. Clark; NARA microfilm publication M593, roll 346.

<sup>71</sup> Prince William County Will Book T: 230.

**1879, July 15.** Mary E. Lee, age 55, died of consumption in Prince William County. The informant, her son William B. Lee, stated she was born in Prince William County and her parents were **Jackson and Mollie Lee.**<sup>72</sup>

**1879, September 4.** Elizabeth A. Crosen, age 50, widow, born in Prince William County married John C. Shade in Frederick County, Virginia. She identified her parents as **John Clark and Mary.**<sup>73</sup>

**1879, November 4.** William H. Clark, age 46, widowed, born in Prince William County, was married in Shenandoah County, Virginia, to Mary V. Stoneburner. He identified his parents as **John and Mary.**<sup>74</sup>

**1880.** Henry Matthew, age 70, and Jane Matthew, his wife, age 64, were living in Prince William County, Virginia.<sup>75</sup>

John Lee, age 26, was a head of household in Prince William County. Living with him were his sister Mary M. Lee, age 34; his sister Jane Ellen, age 31; his sister Virginia C. Lee, age 30; his brother William D. Lee, age 25; his sister Frances M. Lee, age 21; his brother Jefferson D. Lee, age 18; his brother Matthew R. Lee, age 15; and his brother Solomon J. Lee, age 11.<sup>76</sup>

John C. Shade, age 62, headed a household in Frederick County, Virginia. Members of his family were his wife Elizabeth A. Shade, age 50; his daughter Eliza F. Shade, age 13; his son Kiar L. Shade, age 10; and his son Lemon T. Shade, age 5.<sup>77</sup> Eliza F. Shade was the daughter of Hezekiah and Elizabeth Crosen and was listed in their household in the 1870 census. Kiar and Lemon Shade were sons of John C. Shade.

William Clark, age 48, and his wife Jennie, age 22, were living in Shenandoah County, Virginia.<sup>78</sup>

Solomon Clark, age 52, lived in Stonewall Township, Shenandoah County, Virginia. Family members included his wife Henrietta L. Clark, age 58; his son Charles R. Clark, age 22; his son Lorenzo D. Clark, age 20; his son Turner A. Clark, age 18; his daughter Mary A. E. Clark, age 15; his stepson John W. Reed, age 35; and his niece Hannah Lee, age 26.<sup>79</sup>

**1883, October 18.** Jane Matilda Matthew wrote her will leaving her estate to her niece Catherine Virginia Lee.<sup>80</sup>

**1896, March 1.** Elizabeth Ann (Clark) Crosen Shade died in Frederick County, Virginia.<sup>81</sup>

Though not previously established, Jane Matilda Matthew is apparently the eldest daughter of Mary Clark. Jane Matilda, first named legatee of John Lee, was in possession of several of Lee's slaves at the time of the inventory of his estate. Two years later her husband, Henry P. Matthew, purchased Thomas O. Clark's land in Prince William and also Thomas Clark's interest in the house where

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<sup>72</sup> Turner, *Prince William County Death Records 1853-1896*, 44.

<sup>73</sup> Frederick County Marriages 1853-1880 (BVS), p. 122. Buck, *Frederick County Virginia Marriages 1853-1880*, 162.

<sup>74</sup> Shenandoah County, Virginia, Marriages 1853-1907 (BVS), p. 336; Library of Virginia, microfilm reel 46. Duane L. Borden and Jeanette Conner Ritenour, *Marriages, Shenandoah County, Virginia, 1850-1882* (Denver, Colo.: Duane L. Borden, 1987), 393.

<sup>75</sup> 1880 U.S. census, Prince William County, Virginia, population schedule, enumeration district (ED) 124, p. 32, Henry Matthew; NARA microfilm publication T9, roll 1385.

<sup>76</sup> 1880 U.S. census, Prince William County, Virginia, population schedule, ED 124, p. 29, John Lee.

<sup>77</sup> 1880 U.S. census, Frederick County, Virginia, population schedule, Gainesborough, ED 43, p. 381, John C. Shade; NARA microfilm publication T9, roll 1367.

<sup>78</sup> 1880 U.S. census, Shenandoah County, Virginia, population schedule, Madison, ED 86, p. 441, William Clark; NARA microfilm publication T9, roll 1390.

<sup>79</sup> 1880 U.S. census, Shenandoah County, Virginia, population schedule, Stonewall District, ED 84, p. 369, Solomon Clark.

<sup>80</sup> Prince William County Will Book U: 101.

<sup>81</sup> Delaney-Painter, *Index to Burials in Frederick County, Virginia*, 78, shown as Elizabeth Ann Crosen.

Mary/Polly Clark was living, which was nearby.<sup>82</sup> Solomon G. Clark guaranteed the loan Thomas Clark made to Henry Matthew to purchase the land. Both Thomas O. Clark and Solomon G. Clark are identified as sons of Mary Clark in John Lee's will.

When Jane Matilda Matthew died, she left her estate to her niece Catherine Virginia Lee. From the 1850, 1860, 1870 and 1880 census returns shown above Catherine Virginia can be identified as the daughter of Matthew A. and wife Mary E. (Clark) Lee. John Lee's will identified Matthew A. Lee's wife as Mary/Polly Clark's child. For Catherine Virginia Lee to be a niece of Jane Matilda Matthew one of her parents would have to be a sibling of either Henry P. Matthew or Jane Matilda Matthew. Because of their different surnames there is no reason to believe that Henry P. Matthew was a brother of Mathew A. Lee or of Mary E. Clark. The 1830 census return for Polly "Claud" contains a female of Jane Matilda's age at the time. A chancery suit in 1848 identifies all the siblings of Mathew A. Lee.<sup>83</sup> Since Jane Matilda is not one of them, she should be placed as another of the Clark children.

Elizabeth, wife of Hezekiah Croson, identified herself as a child of John and Mary Clark when she remarried in Frederick County, Virginia, in 1879. Thus all the legatees of John Lee with the exception of James Robinson, members of his family, and Nathaniel Harris are Clarks, either Mary or one of her children. Of these Clark children, Richard A. Clark, William H. Clark and Elizabeth Croson are identified as children of "John and Mary Clark" through either marriage or death records. As Solomon G. Clark was the informant for his brother Richard A. Clark's death record and as he was born after Richard A. Clark and before William H. Clark, it can be assumed his parents were also John and Mary Clark. Death records for John Clark, Thomas O. Clark and Jane Matilda Matthew have not been located. Mary E. (Clark) Lee's parents were named as Jackson and Mollie LEE when she died. The informant was her son. As Jack is a nickname for John, he may have thought his grandfather's full name was Jackson rather than John.

Polly was listed as head of a household in 1830 yet had another child two to three years later. Her children claimed to have been born in Prince William County but no associated "John Clark" has been found in Prince William records at the times of their births. Thomas O. Clark was born about three years before John Lee purchased land from Thomas Otway Carter.

An examination of Prince William personal property tax lists above Cedar Run reveals some significant findings:<sup>84</sup>

**1835.** John Lee had two tithables. Mary/Polly Clark did not appear on the list. This was the year Richard A. Clark turned 17 years of age and should have been taxed.

**1836.** John Lee had two tithables, "John Lee **and son**." Mary/Polly Clark was not taxed.

**1837 & 1838.** John Lee had one tithable. Mary/Polly Clark's name did not appear on the list.

**1839.** John Lee had two tithables, "John Lee **and Clark**." Mary/Polly Clark was not listed.

**1840.** John Lee had one tithable. Surnames beginning with C were missing.

**1841.** John Lee had one tithable. Mary/Polly Clark was not listed.

**1842.** Mary Clark had one tithable son. John Lee had one tithable.

**1843.** Mary Clark had one tithable son. This was about the time Mary/Polly Clark's second son Thomas O. Clark turned 17 years of age. John Lee was taxed for 2 tithables, "John Lee **and son**."

**1844.** John Lee had two tithables "John Lee **and son Thomas Lee**." He was also taxed for eight slaves over 16 years of age, three slaves over 12 years of age and 16 horses.

Hezekiah Croson was taxed for three horses.

Mary/Polly Clark's name was not on the list.

**1845.** John Lee had one tithable. He was taxed for two slaves over 16 years of age, one slave over 12 years of age and three horses.

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<sup>82</sup> Henschell, *Wood to Wood, Stone to Stone*, [3].

<sup>83</sup> Ronald Ray Turner, *Prince William County Virginia Court Minutes 1843-1848* (Gainesville, Va.: R. R. Turner, 2008), 251.

<sup>84</sup> Prince William County Personal Property Tax Lists, 1833-1850; Library of Virginia, microfilm reel 290.

Thomas O. Clark was listed with one tithable and three horses.  
Hezekiah Croson was taxed for one slave over 16 years of age and four horses.

Shenandoah personal property tax lists contain the following:<sup>85</sup>

**1843.** Richard Clark was taxed for two horses.

**1844.** Richard A. Clark was taxed for one slave over 16, one slave over 12 and one horse.

Mary or Polly Clark appears to have given birth to eight children between 1814 and 1832, yet no husband appears with her on any census during that period. Her children identify their father as "John Clark" or "Jackson Lee," but no John Clark has been found in the region who could be her husband. (A John Clark did live in the same neighborhood as John Lee and Henry Dogan in the period 1803-1830, but he is a generation older than Mary and his household composition does not match hers. Their relationship has not been established.)

It has been claimed that Mary Clark was John Lee's sister. The will of David Lee, John Lee's father, shows that John had a sister Polly, the wife of Jacob Langhers (Langyher), but she was already dead by 1809.<sup>86</sup> She cannot be the same as Polly Clark.

The census records of 1810-1840 show no indication that John Lee was ever married. No deed of sale includes a wife releasing her dower. From the personal property tax lists it becomes apparent John Lee did have sons, including one named Thomas who was alive four years before John Lee wrote his will, yet the will of John Lee named no legatee identified as a son. These unknown sons became tithable about the same time as Mary/Polly Clark's oldest sons. Additionally Mary/Polly Clark was not always charged with her oldest sons. Someone else was reporting them to the tax assessor. The personal property tax lists also show John Lee was disposing of slaves and horses around 1844 while Mary/Polly Clark's children were acquiring slaves and horses.

John Lee bequeathed considerable assets to the children of Mary Clark. It can be assumed that a significant relationship existed between John and these children, especially since it has been shown John Lee did have a child living as late as 1844. It is unlikely Mary/Polly Clark was his daughter in view of the fact that John Lee never had a female in his household when the census taker arrived and John Lee was only about thirteen years older than she was.

The "Thomas Lee," aged 16-21, identified as John's son in 1844 is otherwise unknown. His age exactly fits Mary Clark's son Thomas, born about 1825. The "son" shown in 1836 and the "Clark" shown with John Lee in 1839 fit the age of Mary's oldest son Richard, born about 1817. The forename of the children's father is consistently given as John. Once he is called "Jackson Lee."

It is logical to conclude that John Lee was the father of Mary Clark's children.



<sup>85</sup> Shenandoah County Personal Property Tax Lists 1843-1850; Library of Virginia, microfilm reel 319.

<sup>86</sup> Lesser, *Lee*, 4, 29. The book shows Polly Lee was born 22 Nov. 1772.

## Captain Philip Richard Francis Lee's 3rd Virginia Company 1776–1778

*By Joan W. Peters, CG*

Philip Richard Francis Lee began his military career in November 1774, as a captain in the Independent Company of Cadets in Prince William County. This company was formed among the young gentry of Prince William.<sup>1</sup>

In the fall of 1774, small numbers made up of sons of the gentry class in the colony had organized themselves into companies, supposedly to prepare for an attack by the Shawnee. By the time they were ready to march, events had overtaken preparations and Andrew Lewis's Augusta militia had defeated the Shawnee at Point Pleasant. "After discovering the fun of being peacetime soldiers, however, the youths were loath to disband, so a few of the volunteers in Prince William and Norfolk counties remained mobilized."<sup>2</sup>

Known as the Prince William Independent Company of Cadets, William Grayson became their captain. Their motto was *Aut Liber, aut nullus* ("Either freedom or nothing"). The minutes for the company on November 11, 1774 noted resolutions for Thomas Blackburn, Richard Graham and Philip Richard Francis Lee to request George Washington to take command of their company as their field officer and "direct the fashion of their uniform."<sup>3</sup>

George Washington noted in his diary two days later the appearance of Colonel Blackburn, Mr. Lee, and Richard Graham as a committee from the Prince William Independent Company. He accepted their request. By late spring 1775, Washington had also accepted the commands of the Independent Companies of Fairfax, Fauquier, Richmond, and Spotsylvania Counties.<sup>4</sup>

Then, in April 1775, Governor Dunmore removed the supply of gunpowder from the Williamsburg magazine. The Prince William Independent Company, led by Captain William Grayson and Captain Philip Richard Francis Lee, along with other independent companies began their advance on Williamsburg to confront the royal governor. However, when Washington requested that they not proceed, they reluctantly turned back and returned to their homes.<sup>5</sup>

In June 1775, the third Virginia convention created the minute service and ordered the independent companies to disband. The colony was divided into sixteen recruiting districts with each district being expected to raise a Minute Battalion of 500 minute men. Prince William was one such minute district, expected to recruit from Prince William, Fairfax, and Loudoun counties.<sup>6</sup>

There was no evidence that Philip Richard Francis Lee served in the Prince William Minute Battalion.<sup>7</sup> Instead, he accepted a commission as a captain in the newly formed 3rd Virginia in March 1776.<sup>8</sup>

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<sup>1</sup> E. M. Sanchez-Saavedra, *A Guide to Military Organizations in the American Revolution, 1774–1787* (Richmond: Virginia State Library, 1978), 9. (Hereafter: Sanchez-Saavedra, *Guide*.)

<sup>2</sup> Sanchez-Saavedra, *Guide*, 7.

<sup>3</sup> Library of Congress, *The George Washington Papers, 1741–1799. Series 4: General Correspondence 1697–1799 Prince William County, Virginia Independent Cadet's Company*, November 11, 1777, Resolutions (<http://www.memory.loc.gov/cgi-bin/query/r?ammem/ngw>). Hereafter, Library of Congress (<http://www.memory.loc.gov>).

<sup>4</sup> Library of Congress, *The George Washington Papers, 1741–1799: Diaries of George Washington, 1774–1775, 1780–1781*. Donald Jackson and Dorothy Twohig, eds. (Charlottesville, Virginia: University of Virginia Press, 1978), 3: 291 (<http://www.memory.loc.gov>).

<sup>5</sup> Sanchez-Saavedra, *Guide*, 9.

<sup>6</sup> Sanchez-Saavedra, *Guide*, 8, 12, 22.

<sup>7</sup> See Sanchez-Saavedra, *Guide*, 22, for a list of the Minute Battalion's officers.

<sup>8</sup> Francis B. Heitman, *Historical Register of Officers of the Continental Army during the War of the Revolution, April 1775 to December 1783* (1914; reprint, Baltimore: Clearfield Publishing Company, 1982), 512.

Upon his arrival in New York, Captain Lee filed a Morning Return for September 13, 1776, three days before the Battle at Harlem Heights.<sup>9</sup> He had thirty-four rank and file fit for duty; eight were sick, and three were on command. Another Morning Return filed September 21, 1776, showed thirty-five fit for duty, nine sick and three on command.<sup>10</sup> A similar return filed September 23, 1776 at Morris Heights, showed thirty-one fit for duty, twelve sick, three on command and one man confined. A Morning Return filed on September 28, 1776 showed thirty-six fit for duty, ten sick, and three on command.

Captain Lee's first return for October, on October 6, 1776, showed his company having thirty-two rank and file fit for duty, ten sick, and five on command. Two sergeants, twenty one privates and a drummer were needed to bring the company up to full strength. On his October 11, 1776 return, there were thirty-five of his rank and file fit for duty, nine sick, and four on command. He still needed twenty privates, a sergeant, and a drummer. On this return, Captain Lee was marked as "absent, sick."

His last return was filed on November 5, 1776. At that time his company had thirty rank and file fit for duty, six who were sick and present; sixteen who were sick and absent, and five on command. Captain Lee, himself was "sick on the Jersey side of the river."<sup>11</sup>

Captain Lee and his company saw action at Harlem Heights, White Plains, and Trenton in the fall and winter of 1776; at Princeton in January 1777; and at Brandywine and Germantown in September 1777. During the battle at Brandywine, the regiment was badly mauled.

Colonel Marshall had his horse shot from under him. Captain John Chilton, Lieutenants William White and Apollos Cooper, and Ensign Robert Peyton were killed. Lieutenants John Francis Mercer, John Blackwell, and John Peyton were wounded.<sup>12</sup> Captain Philip Richard Francis Lee was "badly wounded."<sup>13</sup> Thirteen non-commissioned officers and sixty privates out of 150 men of the 3rd Virginia were dead in their unsuccessful defense of Birmingham Hill in this battle.<sup>14</sup>

Captain Lee died on January 29, 1778 as a result of wounds suffered at Brandywine.<sup>15</sup> After his death, his men were eventually absorbed into other 3rd Virginia companies. It took some time to do this, and muster rolls and pay rolls showed this company as "formerly" or "late" Captain Lee's until June 1778.<sup>16</sup>

Captain Lee's name appeared on a list of officers who received bounty lands from Virginia for their Revolutionary War service. He received 4000 acres as a captain in the Continental Line for three years on July 21, 1784.<sup>17</sup> He received another grant on April 1, 1798 for 4000 acres as a captain in the

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<sup>9</sup> Captain Philip Richard Francis Lee's morning return, September 13, 1776, *Compiled Service Records of Soldiers Who Served in the American Army During the Revolutionary War, 3rd Virginia Regiment*, micropublication M881 (Washington, D.C.: National Archives and Records Administration), 6 rolls (hereafter: *CSR, 3rd Va.*), roll 951.

<sup>10</sup> *CSR, 3rd Va.*, roll 951.

<sup>11</sup> *Ibid.* All the morning returns for Captain Lee's company, September to November 1776, may be found in the *CSR, 3rd Va.*, roll 951.

<sup>12</sup> See *CSR, 3rd Va.*, rolls 951-956.

<sup>13</sup> John K. Gott and T. Triplett Russell, *Fauquier County in the Revolution* (Warrenton: Warrenton Printing and Publishing Company, 1977), 205. (Hereafter: Gott and Triplett, *Fauquier*)

<sup>14</sup> Colonial Williamsburg Foundation, "The 3rd Virginia at the Battle of Brandywine," *Virginia Gazette* (Dixon) September 22, 1777, page 3, col. 1 (<http://research.history.org>). A full description of the battle with a map may be found in the *George Weedon Papers*; Library of Virginia, Richmond. See also Gott and Russell, *Fauquier*, 204-205 and Bruce Mowday, *September 11, 1777, Washington's Defeat at Brandywine Dooms Philadelphia* (Shippensburg: White Mane Books, 2002), 86, 104, 107, 118-121, 125-126.

<sup>15</sup> "P. R. F. Lee, Captain. Death: January 29, 1778," *List of Officers, 3rd Virginia, January 1, 1776 to August 28, 1778*; *CSR, 3rd Va.*, roll 951. See also Heitman, *Historical Register*, 345-346.

<sup>16</sup> See *CSR, 3rd Va.*, rolls 951-956, for John Alvey, John Brown, and other rank and file in Captain Lee's Company. The muster rolls filed between September 1777 and January 1778 for officers, non-comms, and rank and file for Captain Lee's company are all filed under his command. In February 1778, his company muster roll was listed as the "late" Philip Richard Francis Lee's company.

<sup>17</sup> Gaius Marcus Brumbaugh, *Revolutionary War Records: Virginia* (1936; reprint, Baltimore: Genealogical Publishing Company, 1995), 104. (Hereafter: Brumbaugh, *Rev. War*)

Virginia Continental Line. Three more grants were issued to his heirs in March 1840, for 164 2/3 acres, 184 2/3 acres, and 174 2/3 acres. Then in January 1847, two more grants were awarded, for 61 2/3 acres and 30 5/6 acres.<sup>18</sup>

Captain Philip Richard Francis Lee died unmarried. He left Richard Lee of Charles County, Maryland, as his only heir-at-law. Richard Lee had three children: Philip Thomas Lee, who died before 1845 with issue; Eleanor Dawson, the wife of William Dawson; and Margaret Lee, the wife of James Clarke Lee.

Philip Thomas Lee had a daughter Sarah Russell, who married Benjamin Contee. The Contees had four children — Alice Contee Kent, Philip Ashton Lee Contee Jr., Edmond Henry Contee, who married his cousin Eleanor Lee and died before 1845, and Sarah Eleanor Contee who died without issue. Edmond and Eleanor (Lee) Contee had three children, all minors in 1845. They were Alice Lee, Philip Ashton Jr., and Sally Kent Contee.

Eleanor and William Dawson had seven children: William, Robert Lee, Frederick, Philip Thomas, Mary Ann, Eleanor Georgina, and Francis Laura Dawson. Margaret and James Lee had four children: Eleanor R. Lee, who married her cousin Edmond Henry Contee; Caroline A. Hawkins, the wife of Josias Hawkins; Elizabeth Dyson, the widow of Mr. Dyson; and Sarah Emily Fendall, the wife of Thomas D. C. Fendall.<sup>19</sup>

#### Commissioned Officers in Captain Lee's 3rd Virginia Company

##### **Captain Philip Richard Francis Lee**

**Died January 29, 1778 of wounds from Brandywine**

Captain Lee was commissioned as a 3rd Virginia captain on March 19, 1776. He died January 29, 1778 of wounds suffered at Brandywine on September 11, 1777.

##### **1st Lieutenant Thomas Helm Jr.**

**Died 1816**

Thomas Helm was commissioned as a 2nd lieutenant in Captain Lee's Company on March 8, 1776, and promoted to 1st lieutenant on November 8, 1776. He resigned his commission on November 27, 1777. Company payrolls and muster rolls show service from June to November 1777.

The October 1777 payroll reported that Thomas Helm was due subsistence money while recruiting in Virginia from March 12, 1777 to June 11, 1777.<sup>20</sup> After his resignation from the 3rd Virginia, Helm went on to become a captain in the Fauquier County Militia, taking the oath for militia officers in May 1781.<sup>21</sup> A year later, Captain Helm took the oath as a vestryman for Hamilton Parish, in Fauquier County. He died in 1816.<sup>22</sup> He did not apply for a pension.

Between July 1834 and November 1848, Thomas Helm's heirs received five warrants for bounty land as a captain in the Virginia Continental Line. The acreage ranged from 55 1/2 acres to 749 2/3 acres.<sup>23</sup> In October 1852, the Fauquier County Court certified the heirs of Thomas Helm, an officer in the Revolutionary Army. Thomas Helm had married one of the daughters of John Gillison. The couple had three children, sons Lina and Thomas and daughter Mary. Lina Helms, who died before 1859 in Fauquier, had two sons, John G., and William S. Helms. Another of his sons, Thomas, had died by that

<sup>18</sup>Lloyd DeWitt Bockstruck, *Revolutionary War Bounty Land Grants Awarded by State Governments* (Baltimore: Genealogical Publishing Company, 1996), 308. (Hereafter: Bockstruck, *Rev. War*)

<sup>19</sup>Margie G. Brown, *Genealogical Abstracts, Revolutionary War Scrip Act, 1852* (Lovettsville: Willow Bend Books, 1997), 98–99. (Hereafter: Brown, *Gen. Abstracts*)

<sup>20</sup>Thomas Helm record, *CSR, 3rd Va.*, roll 954. See also Heitman, *Historical Register*, 284.

<sup>21</sup>Joan W. Peters, *Military Records, Patriotic Service & Public Service Claims from the Fauquier County Virginia Court Minute Books 1759–1784* (Westminster: Willow Bend Books, 1999), 69. (Hereafter: Peters, *Military Records FCMB 1759–1784*.)

<sup>22</sup>Peters, *Military Records FCMB 1759-1784*, 141.

<sup>23</sup>Bockstruck, *Rev. War*, 240–241.

date. This son had a daughter Mary Jones, also dead in 1852, leaving underage children William and Ann E. Jones, along with James H., Richard P., Elizabeth, Margaret, Thomas T., William M., Lina C., and John G. Helms. Thomas Helm Jr.'s daughter Mary married William Gunyon.<sup>24</sup>

Thomas Helm's name, as a captain in the Virginia Continental Line, appeared on a list of officers who were eligible for bounty land but had not received it for their Revolutionary War services.<sup>25</sup> A Continental Line Warrant, number 7591, for land in the Virginia Military District of Ohio was issued to L. Helm (Lina Helm, Thomas Helm's eldest son) and others for service as a captain in the Virginia Continental Line.<sup>26</sup> William Helm, one of the heirs, surrendered this warrant, for 4000 acres, for revolutionary war land scrip.<sup>27</sup>

## **2nd Lieutenant Robert Peyton**

**Killed September 11, 1777 at Brandywine**

Robert Peyton began his military career as an ensign in Captain John Peyton's Company from October 1776 to August 1777. He appeared on Captain Peyton's muster rolls as a 2nd lieutenant in August 1777, although 3rd Virginia records indicate that he was promoted on 1 January 1777. Lieutenant Peyton was transferred into Captain Phill Lee's Company in August 1777 and served in this company until his death at Brandywine on September 11, 1777.<sup>28</sup>

In June 1783, the Prince William County Court certified that Valentine Peyton was the heir-at-law to Robert Peyton deceased, formerly a lieutenant in the 3rd Virginia. Valentine Peyton, also an officer in the 3rd Virginia, came into Court and "claimed his (Robert Peyton's) right to the lands promised by the Act of Assembly to the officers and soldiers of the Virginia Line." It further appeared to the Court that Robert Peyton was killed at Brandywine when he was in the Continental Service. The Court ordered this to be certified.<sup>29</sup> A Continental Line Warrant, number 3438 for land in the Virginia Military District of Ohio, was issued to Valentine Peyton, as the heir-at-law to Robert Peyton.<sup>30</sup>

A Mr. Price received Robert Peyton's certificate for the balance of his full pay as a lieutenant on November 15, 1783 for £37 16s.<sup>31</sup> A bounty land grant was issued to Robert Peyton for three years service as a lieutenant in the Virginia Continental Line on December 12, 1783 for 2666 2/3 acres.<sup>32</sup>

## **Lieutenant Thornton Farrow.**

Thornton Farrow appeared on only one muster roll in Captain Lee's Company. This was in August 1777 when he appeared as a sergeant in this company. The August muster roll reported that he had been "promoted to a Lieutenancy in May."<sup>33</sup> He did not apply for a pension and did not receive bounty land for his Revolutionary War service.

## **Ensign Charles Reed**

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<sup>24</sup> Joan W. Peters, *Military Records, Pension Applications, Heirs at Law and Civil War Military Records from the Fauquier County Virginia Court Minute Books, 1840–1904* (Westminster: Willow Bend Books, 1999), 18–19. (Hereafter: Peters, *Military Records FCMB 1840–1904*) See also Brown, *Gen. Abstracts*, 309–310.

<sup>25</sup> Brumbaugh, *Rev. War*, 129.

<sup>26</sup> Brumbaugh, *Rev. War*, 453.

<sup>27</sup> Brumbaugh, *Rev. War*, 314.

<sup>28</sup> Robert Peyton record, *CSR, 3rd Va.*, roll 955.

<sup>29</sup> Prince William County, Virginia, Court Order Book 1778–1784 (hereafter: PWCORB), June 1783 Court, 218; *Prince William County records*, microfilm reel 88; Library of Virginia, Richmond.

<sup>30</sup> Bockstruck, *Rev. War*, 487.

<sup>31</sup> "List of Officers of Virginia Line on Continental Establishment who received a certificate for the balance of their full pay, agreeable to Act of Assembly, passed November, 1781"; NARA M881, roll 955.

<sup>32</sup> Bockstruck, *Rev. War*, 417.

<sup>33</sup> Thornton Farrow, *CSR, 3rd Va.*, roll 953.

Charles Reed was a cadet and ensign in the 3rd Virginia. He was commissioned as a cadet on September 28, 1776,<sup>34</sup> promoted to ensign in May, 1777 and superseded in September 1777.<sup>35</sup> He did not apply for a pension or bounty land for his service.

#### Non-Commissioned Officers in Captain Phill Lee's 3rd Virginia Company

##### **Sergeant Samuel Love**

##### **Died 1804 or 1805 in Greene County, Tennessee**

Samuel Love enlisted on February 6, 1776 as a sergeant in Captain Phill Lee's Company. He appeared on company payrolls beginning in July 1777 and continued as a sergeant until January 1778. Company muster rolls began in June 1777 and showed his service under Captain Lee until his time expired on January 31, 1778. Sergeant Love spent August "with Colonel Heath." October's muster roll reported that he was "on duty."<sup>36</sup>

On his discharge from the army, Samuel Love returned to Prince William and stayed active in military affairs. In July 1778, the Prince William County Court recommended him to the Governor as a 2nd lieutenant in Captain William Linton's militia company.<sup>37</sup> A year later, in July 1779, he was recommended as a 1st lieutenant in the county militia.<sup>38</sup>

He produced a public service claim at the March 1782 Prince William County Court for a beef, weighing 625 pounds and was allowed 4 pence per pound on his claim.<sup>39</sup> In January 1785, Colonel Grayson collected Samuel Love's certificate for the balance of his pay for his service as a sergeant in the infantry. Colonel Grayson received £18 15s 15d.<sup>40</sup>

In July 1835, the Fauquier County court certified that Samuel Love, a soldier of the Revolution, died many years ago, leaving a brother and two sisters as his only heirs-at-law. These were Thomas Love, Pamela (Love) Warren, the wife of Thomas Warren, and Pensathela (Love) Gill, the wife of Richard Gill. Pensathela and Richard Gill had three children, according to the Fauquier County Court Minutes. They were Richard, Mary (Gill) Saunders, the wife of Britton Saunders, and Pensathela Gill. Mary (Gill) Saunders had died years ago, leaving several children.<sup>41</sup>

In August 1835, it appeared to the satisfaction of the Fauquier County Court that "Samuel Love, who was a reputed soldier in the Revolutionary Army, died many years ago intestate. On the motion of Richard Gill, the Court ordered [this] to be certified."<sup>42</sup> In September 1835, at Buckland, in Prince William County, Charles Hunton wrote to E. A. Brown, a commissioner of the General Land Office that Richard Gill was entitled to one third of a land warrant, number 8356, which had already been issued. A year later, in September 1836, Isham A. Brown, a commissioner from the General Land Office wrote to William Seldon that he had, at the request of Mr. Saunders, returned a land warrant, number 8366, for 200 acres in the name of Samuel Love. This warrant was to be issued to his heirs for service as a sergeant in the Virginia Continental Line for three years.

In July 1839, Charles Love appeared before John Walker, a Justice of the Peace for Greene County, Tennessee and gave a sworn statement that Samuel Love died about 1804 or 1805 at the house of Thomas Love, Esquire of Green County, Tennessee. The deceased possessed little property and died intestate. No administration had ever been granted on his estate.

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<sup>34</sup> August 28, 1778 "List of Officers in 3rd Virginia from January 1, 1776 to August 28, 1778," *CSR, 3rd Va.*, roll 951.

<sup>35</sup> *Ibid.* See also Heitman, *Historical Register*, 458-459.

<sup>36</sup> Samuel Love, *CSR, 3rd Va.*, roll 954.

<sup>37</sup> PWCOB, July 1778 Court, 8.

<sup>38</sup> PWCOB, July 1779 Court, 45.

<sup>39</sup> PWCOB, March 1782 Court, 146.

<sup>40</sup> Samuel Love, *CSR, 3rd Va.*, roll 954.

<sup>41</sup> Louis A. Burgess, *Virginia Soldiers of 1776* (Richmond: Richmond Press, 1929; reprint, Baltimore: Clearfield Publishing Company, 2004), 3: 1153. (Hereafter: Burgess, *Virginia Soldiers*)

<sup>42</sup> Peters, *MR FCMB 1784-1840*, 122.

In January 1840, Richard Gill of Fauquier County gave his power of attorney to Charles Hunton, of Buckland. This record was acknowledged before J. Willett Leach, a Justice of the Peace for Fauquier. An exchange warrant, number 485, was issued in March 1840 to Richard Gill as one of the heirs of Samuel Love, as part of the original land warrant, numbered 8356.<sup>43</sup>

### **Sergeant William Pearman**

William Pearman enlisted on February 14, 1777 for one year as a sergeant in Captain Lee's Company. He appeared on company payrolls from that date until January 1779. The company rolls were listed, from February through May 1778, as "late Captain Lee's. In June 1778, Sergeant Pearman was transferred, with others, into the company of Captain John Peyton's 3rd and 7th Virginia. Company muster rolls for Captain Peyton listed him as "on command." In September 1778, his name appeared on a muster roll without remark. However, a different roll, filed on September 9, 1778 showed that Sergeant Pearman spent "two weeks, on command."

When Captain John Peyton resigned in September 1778, Sergeant Pearman was transferred into Captain Valentine Peyton's 3rd Virginia Company, where he remained until his discharge in February 1779.<sup>44</sup> He did not apply for a pension and did not receive bounty land for his Revolutionary War service.

### **Sergeant Benjamin Tennell**

Benjamin Tennell enlisted on February 6, 1776 for two years as a sergeant in Captain Lee's Company. He appeared on company payrolls as early as April 1777. He made his first appearance on company muster rolls in June 1777. He continued on these rolls until January 1778. Only the September 1777 and January 1778 gave a remark about his whereabouts. In September, he was "passed to at Newman." In January 1778, he was "on command."

He was Benjamin *Tennel* when listed as a sergeant and "discharged" on the undated list of absentees in the 3rd Virginia kept by paymaster William Mountjoy. On another undated list of absentees discharged and paid at Yorktown, Pennsylvania, his name was spelled *Tennil*. He was a sergeant in Captain Lee's company, according to this list.

After the close of the war, in March 1785, Francis Graves received Benjamin Tennell's certificate for the balance of his pay as a soldier in the infantry. His pay amounted to £17 5s.<sup>45</sup> He did not apply for a pension for his service in the 3rd Virginia. However, Benjamin *Tennill* appeared on the January 1836 list of men entitled to land from the State of Virginia, who had not received it. He was eligible for his service as a sergeant in the infantry.<sup>46</sup>

### **Sergeant Thomas Terry**

Thomas Terry enlisted on February 1, 1778 for one year as a sergeant in a company that was described as the "late" Captain Philip Richard Francis Lee's. Muster rolls from February until the end of April 1778 showed his service as a sergeant. Then, in May 1778, he was reduced to the ranks – to a private – in the company lately commanded by Captain Lee.

In June, Private Terry was transferred into Captain John Peyton's 3rd and 7th Virginia Company, while at Paramus. He spent July and August in White Plains. In August, muster rolls listed him "on command." By November 1778, the 3rd and 7th Virginia were once more separate units and Private

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<sup>43</sup> Burgess, *Virginia Soldiers*, 3: 1153–1154.

<sup>44</sup> William Pearman record, *CSR, 3rd Va.*, reel 955.

<sup>45</sup> Benjamin Tennell record, *CSR, 3rd Va.*, reel 956.

<sup>46</sup> Brumbaugh, *Rev. War*, 273.

Terry found himself in Captain Valentine Peyton's Company. He was discharged early, on December 6, 1778, according to Captain Peyton's muster roll for that month.<sup>47</sup>

He did not apply for a pension for his service in the 3rd Virginia. There were, however, two entries for a Thomas Terry for 100 acres a piece for service as a private in the Virginia Line. One was issued on October 14, 1818; the other, on December 14, 1818.<sup>48</sup> A Continental Line Warrant, number 2347, was issued in the Virginia Military District of Ohio to Thomas Terry for service as a private for three years.<sup>49</sup>

### **Sergeant Nathaniel Tyler**

Nathaniel Tyler enlisted on February 6, 1776 for two years as a sergeant in Captain Lee's Company. He appeared on company payrolls from April 1777 until January 1778. He was "present," according to the April and May 1777 payrolls for the company.

Company muster rolls noted his appearance as a sergeant from June 1777 until January 1778. In August 1777, Sergeant Tyler was reported to be "with Colonel Heath." All of the other muster rolls for Captain Lee's Company, up to December 1777, noted his presence without remark. The January 1778 roll reported that his "time [was] out [on] January 31st." Paymaster William Mountjoy's undated list of absentees of the 3rd Virginia showed that Nathaniel Tyler, a sergeant in Captain Lee's Company, had been "discharged."

After the close of the war, in January 1785, Colonel Grayson received Nathaniel Tyler's certificate for the balance of his full pay as a sergeant in the infantry. The certificate was worth £18 16s 4d.<sup>50</sup> Nathaniel Tyler did not apply for a pension for his service in Captain Lee's 3rd Virginia Company. However, his name did appear on the January 1835 list of men entitled to bounty land from the State of Virginia who had never received it. He was eligible due to his service as a sergeant in the infantry.<sup>51</sup>

### **Rank and File in Captain Phill Lee's 3rd Virginia Company**

#### **Corporal John Athey**

John Athey enlisted on February 6, 1776 for two years and served as a corporal in Captain Lee's Company from July 1777 to February 1778. Company muster rolls noted that he was "with Colonel Heath," in August 1777 and was "on Major G. Stephen's Guard" in September 1777. In January 1778, his enlistment had "expired," although Corporal Athey appeared on Captain Lee's February 1778 muster roll. He was discharged at York, in Pennsylvania.<sup>52</sup>

After the close of the war, in January 1784, Colonel Grayson received John Athey's certificate for the balance of his pay, for £17 1s 3d.<sup>53</sup> He did not apply for a pension.

#### **Corporal Burr Harris**

Burr Harris enlisted on February 15, 1776 in Captain Lee's Company. He made his first appearance on company muster rolls in June 1777 as a corporal. In August 1777, Harris was reported on both muster and payrolls, as being "with Colonel Heath." He continued to appear on both rolls through November 1777. On December 1, 1777, he "enlisted in another command." This command was also a

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<sup>47</sup> Thomas Terry record, *CSR, 3rd Va.*, roll 956.

<sup>48</sup> Bockstruck, *Rev. War*, 523.

<sup>49</sup> Brumbaugh, *Rev. War*, 514.

<sup>50</sup> Nathaniel Tyler record, *CSR, 3rd Va.*, roll 956.

<sup>51</sup> Brumbaugh, *Rev. War*, 273.

<sup>52</sup> John Athey record, *CSR, 3rd Va.*, roll 951.

<sup>53</sup> John Athey record, *CSR, 3rd Va.*, roll 951.

3rd Virginia one, and he enlisted for three years as a corporal in Captain John Francis Mercer's Company. He was granted a furlough in December and returned to Captain Mercer's Company in April 1778, at Valley Forge. His last appearance on a 3rd Virginia muster roll came in May 1778, at Valley Forge, when Captain Mercer's muster roll showed him as "sick, absent."<sup>54</sup> He did not apply for a pension and did not receive bounty land for his service in Captain Phill Lee's Company or in Captain John Francis Mercer's 3rd Virginia Company.

### Corporal John Russell

### S 36878 Virginia Line

John Russell enlisted for two years as a corporal in Captain Chilton's Company, serving there from October 1776 until July 1777. In July, he was transferred into Captain Lee's 3rd Virginia Company. While he appeared as a corporal in July 1777, he evidently was reduced to the ranks in August 1777. Captain Lee's muster rolls from August through December 1777 showed him as a private. Remarks on the muster rolls from September through December 1777, reported that he was "attending on Captain Lee." In January 1778, he was "on command." He was evidently discharged, as paymaster William Mountjoy's undated list of absentees of the 3rd Virginia showed him with that status.<sup>55</sup>

He applied for a pension on August 22, 1818, at age seventy-three, before Davis Ford, the President of the 2nd Judicial Circuit of Indiana. Russell was living in Clark County, Indiana, at the time of his pension declaration.

He had, he stated, enlisted for two years in the 3rd Virginia in Colonel Weedon and Marshalls' regiment. His captain was Philip Lee. He fought at an engagement on New York Island, at White Plains, Brandywine, and Germantown. He received his discharge at Valley Forge from Brigadier General William Woodford.

He was allowed a pension on this application for service as a private in Colonel Marshall's regiment of the Virginia Line for two years, from 1776. His name was inscribed on the Indiana Rolls at \$8.00 per month, to begin on August 22, 1818. His certificate of pension, number 18312, was issued on October 17, 1821 and sent to Andrew P. Hay, Esquire, of Charlestown, Indiana.

He made a second application for a pension on August 23, 1820 before the Circuit Court of Clark County, Indiana, where he then resided. He was seventy-five years old. In his sworn declaration, he stated that he had enlisted on February 6, 1776 in Virginia in Captain Philip Lee's Company, Colonel George Weedon's Regiment on the old Continental Establishment. He continued to serve in this corps until February 6, 1778 when he was discharged at Valley Forge.

His schedule of property, attached to this pension declaration, included 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. The Clark County, Indiana, Court appraised his property at \$31.50.

He was a shoemaker, by occupation, although he was unable to pursue it. He had five people in his family, not including himself. His wife Elizabeth was about twenty-six years old; his daughter Eliza, about six; his daughter Polina was four; his daughter Mahala was three; and his daughter Nancy was a little more than a year old. His children were too young to be able to contribute to his support.

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

Other papers in the pension file revealed more information about the pensioner and his family. His widow was dead in 1823 and was survived by her heir, Nancy Jane (Russell) Robnett. In April 1853, Nancy Jane granted a power of attorney to George H. Monsarrat to collect any arrears in her father's pension. No date of death was found for John Russell in the papers in this file.<sup>56</sup>

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<sup>54</sup> Burr Harris record, *CSR, 3rd Va.*, roll 954.

<sup>55</sup> John Russell record, *CSR, 3rd Va.*, roll 955.

<sup>56</sup> John Russell pension file, S 36878; NARA micropublication M804, roll 2103.

**Fifer Henry Westall**

Henry Westall enlisted on March 8, 1776 as a fifer in Captain Lee's Company. He appeared on company muster rolls from June 1777 to January 1778. He was "sick in Virginia," according to muster rolls for June, July, September, October, December 1777, and January 1778.

The August 1777 muster roll, filed by Captain Lee, was even more explicit. Henry Westall had been "sick in Alexandria [since] August 24, 1776." The November roll also stated that he was "sick in Alexandria." In January 1778, while still "sick in Virginia," Captain Lee's muster roll had this additional comment: "Entire entry cancelled by time."<sup>57</sup>

He did not apply for a pension and did not serve long enough to make a bounty land claim.

**Private John Alvey****Died June 10, 1815****John, Frances W 8320 Virginia Line**

John Alvey enlisted on February 19, 1776, for two years as a private soldier in Captain Lee's 3rd Virginia Company. He was found on company payrolls from April 1777 to January 1778 and on muster rolls from June 1777 to January 1778. He was discharged at York in Pennsylvania. After the close of the war, in August 1786, William Williams received John Alvey's certificate for the balance of his full pay, which was worth £16 12s.<sup>58</sup>

Frances Alvey, John's widow, applied for a pension in August 1841, while living in Union County, Kentucky, when she was eighty-one years old. She stated that her maiden name was Fanny Floyd when she married her husband in February 1779, in Prince William County, Virginia. Fanny asserted that her husband had died on June 10, 1815. The pension papers included, besides the widow's pension declaration, a pension certificate made out to Frances Alvey, certification of her husband's service by Colonel Marshall, and a copy of her 1778 Prince William County marriage bond.

Mrs. Alvey could not state when exactly her late husband entered the service as she had but a "limited acquaintance with him" before he enlisted. She believed that he left the army in 1779. Her husband was living in Virginia when he enlisted for four years in the regular service. He enlisted the first time for two years and then for two more and served out both enlistments.

She could not state under what officers he enlisted or served except for Colonel Marshall, the commandant of the 3rd Virginia. Colonel Marshall certified that

John Alvey served as a soldier in the 3rd Virginia Rgt on Continental Service from the time the Rgt was formed early in the spring of 1776 until I left the Rgt on December 17, 1777, at which time I left him in the service. His time of enlistment was to expire early in the spring of 1778. He enlisted for 2 years. And as his behaviour during the time he served under my command was uniformly that of a good soldier, I have no doubt he completed his term of enlistment and was regularly discharged ...

Mrs Alvey stated that she had not married her husband prior to his leaving the service. The copy of the marriage bond, found in the pension file, was dated December 3, 1778, in Prince William County. The marriage bond was between John Alvey and Fanny Floyd. Bondsmen were John (x) Alvey and John Shue. Evan Williams witnessed it.

The pension certificate was issued in January 1842 in Union County, Kentucky, to Frances Alvey, as John Alvey's widow for his service as a private, for two years, in the regiment commanded by Colonel Marshall of the Virginia line.<sup>59</sup>

<sup>57</sup> Henry Westall record, *CSR, 3rd Va.*, roll 956.

<sup>58</sup> John Alvey record, *CSR, 3rd Va.*, roll 951.

<sup>59</sup> John Alvey pension file, S 8320, NARA M804, roll 49.

**Spencer Anderson****Spencer, Susan S 37672**

Spencer Anderson was one of the men in the 3rd Virginia who had prior military experience. He served as a private in Captain William Pickett's Company of the Culpeper Minute Battalion in 1775.<sup>60</sup> He was a private in Captain Lee's Company, found on the company payrolls for April and December 1777.<sup>61</sup>

He applied for a pension on September 17, 1818 in Prince William County, Virginia, at age sixty-eight. In 1820, his wife Susan was seventy-six years old and the couple lived with their son. His pension file contained his certificate of pension, his declaration filed in 1819, another filed in 1820, an affidavit from Elijah Wood, and an invalid certificate.

He had, he stated in his pension declaration, enlisted in Prince William County, Virginia, in Captain Philip Richard Francis Lee's Company. He continued to serve in Captain Lee's Company for two years until his enlistment expired. He was discharged from the service in Pennsylvania. He saw action at York Island, White Plains, Brandywine, and Germantown.

Elijah Wood gave his affidavit in September 1818 that he, too, was a soldier in Captain Phill Lee's Company in 1776. Wood served for nine months and was discharged when he furnished a substitute to replace him. Spencer Anderson was, he said in his affidavit, "a soldier of the 3rd Virginia and enlisted under Captain Philip R. F. Lee who died during the Revolution," for two years. Wood believed that Spencer Anderson served his enlistment out faithfully.

On May 20, 1819, Spencer Anderson made another declaration before William A. G. Dade of the General Court. There were more details regarding his service in this declaration. He had enlisted in January 1776 in Dumfries, in Prince William County, under Captain Lee of the 3rd Virginia. The regiment was commanded by Colonel Thomas Marshall and Colonel William Heth. He continued in the 3rd Virginia until December 1777 when he was discharged at Valley Forge.

In August 1820, Spencer Anderson Sr., now seventy years old, made one more pension declaration, while living in Fauquier County, Virginia. He stated once more that he had enlisted in 1776 as a soldier for two years under Captain Lee of the 3rd Virginia. Colonel Thomas Marshall and Colonel William Heth commanded the regiment during his enlistment.

He received an honorable discharge from Colonel Heth. Unfortunately, he had lost his discharge during a tour with the militia in 1778. He was wounded over the eye at Princeton and fought at Brandywine and Germantown. His original declaration had been made in the spring of 1819. His certificate of pension was numbered 12459.

He presented to the court a schedule of his property, which the Court appraised at \$7.00. Among the items were a lot of coarse carpenter tools, a black walnut table, and a garden hose.<sup>62</sup> The Fauquier County Minute Book for 1820–1821 noted the declaration and schedule of property offered to the court. It was ordered "to be filed among the records of the County. The Court is of the opinion that the property in the schedule is worth \$7.00 and ordered it certified."<sup>63</sup>

In September 1834, in Fauquier County, Virginia, Spencer Anderson appointed John G. Hull of Richmond to collect his pension due from March 4 to September 4, 1834. Anderson was a former private, now eighty-four years old and a resident of Fauquier for more than nine years when he made this

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<sup>60</sup> Gott and Russell, *Fauquier*, 448.

<sup>61</sup> Spencer Anderson record, *CSR, 3rd Va.*, roll 951.

<sup>62</sup> Spencer Anderson pension file, S 37672; NARA M804, roll 58. Spencer Anderson's pension application may also be found in the Military Series of the Fauquier County Clerks Loose Papers. See Joan W. Peters, *Neglected and Forgotten: Fauquier County Virginia French & Indian War, Revolutionary War, and War of 1812 Veterans 1759–1825* (Westminster: Willow Bend Books, 2004), 44–45. (Hereafter: Peters, *Neglected and Forgotten*.)

<sup>63</sup> Peters, *Military Records FCMB, 1784–1840*, 68.

power of attorney. B. H. Berry and Richey Patton witnessed the document. Four days later, Hull traveled to Richmond and collected \$48.00 from the pension office for the 3rd Virginia veteran.<sup>64</sup>

**George Armstrong (2)****Died April 24, 1778**

George Armstrong enlisted on March 1, 1776 as a private in Captain Phill Lee's Company from April to November 1777. He reenlisted as a private in Captain John Francis Mercer's 3rd Virginia Company from December 1777 to April 1778. He was reported dead on April 24, 1778 on a company payroll of Captain Mercer's at Valley Forge.

Captain Lee's muster rolls for September 1777 showed him as part of Major G. Stephen's Guard. Then, in November 1777, according to that month's muster roll, he reenlisted out of the company. In December 1777, he joined Captain John Francis Mercer's Company, for three years. Muster rolls from December 1777 through March 1778 showed that he was "on furlough." Captain Mercer's muster roll for April 1778, dated on May 1, 1778, at Valley Forge, noted his death which occurred on April 24, 1778.<sup>65</sup>

**John Barker****Deserted in June 1777**

John Barker enlisted on February 1776 as a private in Captain Lee's Company. Muster rolls for July and August 1777 noted his desertion in June.<sup>66</sup>

**John Brown (1)**

John Brown enlisted on August 2, 1776 as a private in Captain Lee's Company. He served from June 1777 until January 1778. Muster rolls through his tour listed him as "sick at Mendum" in New Jersey. Payrolls for Captain Lee's Company had the same remark from July 1777 to January 1778.<sup>67</sup>

**George Burton**

George Burton enlisted on February 27, 1778 for one year as a private in the company that was designated as "late" Captain Philip Richard Francis Lee's. Private Burton remained in this company until June 1778, when he and others of Captain Lee's Company, were transferred into Captain John Peyton's consolidated 3rd and 7th Virginia Company. He remained in this company until October 1778.

In November 1778, he was in Captain Valentine Peyton's 3rd Virginia Company where he remained until his discharge on February 28, 1779.<sup>68</sup> He did not apply for a pension and did not receive bounty land for his service in the 3rd Virginia.

**William Crook****Deserted July 1777**

William Crook was a soldier in Captain Phill Lee's Company in June and July 1777. Company muster rolls for those months stated that he "deserted." Company payrolls for the same two months also register the same remark.<sup>69</sup>

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<sup>64</sup> Alycon Trubey Pierce, *Selected Final Pension Payment Vouchers 1818-1864: Virginia* (Athens, Ga.: Iberian Publishing Company, 1996), 1: 11. (Hereafter: Pierce, *Selected Final Pension Payments: Virginia*.)

<sup>65</sup> George Armstrong (2) record, *CSR, 3rd Va.*, roll 951.

<sup>66</sup> John Barker record, *CSR, 3rd Va.*, roll 951.

<sup>67</sup> John Brown record, *CSR, 3rd Va.*, roll 952.

<sup>68</sup> George Burton record, *CSR, 3rd Va.*, roll 952.

<sup>69</sup> William Crook record, *CSR, 3rd Va.*, roll 952.

### John Cumboe

John Cumboe served as a private under Captains Phill Lee, John Peyton and Valentine Peyton. According to Captain John Peyton's muster roll for August, 1778, John Cumboe enlisted on February 14, 1778 for one year.<sup>70</sup> He did not apply for a pension.

### Peter Cumboe

Peter Cumboe enlisted on January 14, 1778 for one year as a private in Captain Phill Lee's Company. He served in this capacity in Captain Lee's Company, now "late" Captain Lee's Company, from April to May 1778. He was transferred into Captain John Peyton's consolidated 3rd and 7th Virginia Company in June 1778. He finished out his tour under Captain Valentine Peyton and was discharged on February 28, 1779.

Company muster rolls for Captain John Peyton, in September 1778 and Valentine Peyton, in October 1778 indicated that Private Cumboe was "sick [at] Brunswick." Captain Valentine Peyton's payroll for January 1779 showed his time of service as two months and his discharge on the last day of February, 1779.<sup>71</sup>

### Abraham Davis

**Died May 30, 1839**

**Abraham, Polly W438, BLW 15433-160-55, Virginia State Pension, File 111**

Abraham Davis enlisted in August 1776 in Captain Lee's Company. He did not appear on company muster rolls until June 1777 when he showed up as a private in the company. He remained in this company until his discharge which took place in November 1777. In September, the muster rolls contain this remark: "Sick, P." Obviously he was sick, but where? Perhaps Princeton or even Pumpton. Other than that comment, Private Davis appeared on the rolls of this company without further remarks.<sup>72</sup>

It appeared that Abraham Davis received an invalid pension as early as 1786 for wounds suffered at Buford's Defeat. Louisa County Court records from 1786 to 1790 contain a deposition and a doctor's report relating to Abraham Davis's service and wounds.

Davis filed a deposition in March 1783 for a disability pension when he was about thirty-five years old stating that he had belonged to the 3rd Virginia regiment of new levies under Colonel Buford. He had served in Captain Thomas Catlet's Company and had been wounded at Buford's Defeat "near the Hanging rock in [South] Carolina." Dr. W. Foushee also had a report in the court records. A certificate authorizing the disability pension was approved by the Governor in August, 1786.<sup>73</sup>

He applied for a pension in the Louisa County Superior Court in May 1818 when he was sixty-eight years old. In his pension, he stated that he had enlisted in 1775 in a company commanded by *Lightwood* Lee, in the 3rd Virginia, Colonel George Weedon's regiment in the Virginia Line on Continental Establishment. He served for three years, until 1778, when he was honorably discharged. He was, as he stated in his application, "in reduced circumstances and in need of aid of his country."

Two years later in June 1820, he was back, this time in the Louisa County Court of Quarterly Sessions. He was now seventy. In this declaration, he stated that he enlisted for three years in 1775 in Virginia in Captain Lee's Company in Colonel Weedon's Regiment in the Virginia Line. He continued in the 3rd Virginia until 1778 when he was discharged in Virginia. In 1779, he enlisted for eighteen months in Captain Hughes's Company, Colonel Buford's Regiment of the Virginia Line.

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<sup>70</sup> John Cumboe record, *CSR, 3rd Va.*, roll 952.

<sup>71</sup> Peter Cumboe record, *CSR, 3rd Va.*, roll 952.

<sup>72</sup> Abraham Davis record, *CSR, 3rd Va.*, roll 953.

<sup>73</sup> *Virginia Revolutionary War State Pensions* (Richmond: Virginia Genealogical Society, 1980; reprint, Greenville: Southern Historical Press, 1982), 33, Abram Davis entry.

He had been granted a Pension Certificate, number 13132 on the Rolls of Virginia, under the Congressional Acts of March 1818 and May 1820 for service in Colonel Buford's regiment from 1779–1781.

Other information in the pension papers revealed more service. As a member of the 3rd Virginia, Private Davis had taken part in the battles at Trenton, Princeton, Brandywine, and Germantown. In 1779, he enlisted in Captain Hughes Company in Colonel Buford's regiment and had been severely wounded at Buford's Defeat. He was taken prisoner, paroled and continued on parole until peace was declared and he was finally exchanged.

In 1820, Abraham and Polly Davis had two children: George Washington Davis, who was six or seven years old; and Nancy Davis, who was five years old.

In April 1855, his widow, Polly Davis, applied for bounty land for her husband's service. She was sixty-three years old and a resident of Louisa County at the time of her application. Mrs Davis reported, in this sworn pension declaration that her husband had died on May 30, 1839. She had married Abraham Davis on February 19, 1818 as Polly Talley. William Haren, a minister of the gospel, had performed the ceremony.

Polly Davis was allowed a pension on her application executed in May 1853. She received 160 acres of bounty land in 1855 for her husband's service in the Virginia Line. Polly died on December 15, 1857.<sup>74</sup>

Before Davis died in 1839, he filed an affidavit for James and Charles Ailstock, two 3rd Virginia veterans living in Louisa. In August 1832, when he was eighty-six years old, he made a sworn statement in support of these two 3rd Virginia veterans who also lived in Louisa. The two brothers were applying for additional bounty land. Abraham Davis's affidavit, filed in August 1832, when he was eighty-six, contained much the same information found in his previous pension declarations.

He stated that he and the Ailstocks had fought at Harlem Heights, Trenton, Princeton, and Brandywine. After the army had gone into winter quarters at Valley Forge, Davis had enlisted in the cavalry under Colonel William Washington. He was marched southward and did not see the Ailstocks again. At the time he made his affidavit, he was, he said, drawing a pension from the United States for his services in the Revolutionary War.<sup>75</sup>

### **Patrick Docherty [a.k.a. Dorothy, Daugherty, Dougherty]**

Patrick Docherty enlisted in February 1776 for two years as a private in Captain Lee's Company. His name appeared on company payrolls from April 1777 to February 1778 and on muster rolls from September 1777 until January 1778.<sup>76</sup> A company muster roll for August 1777 stated that he was "on guard." His name was spelled *Dorothy* in the February 1778 roll.<sup>77</sup>

Patrick Docherty's name appeared on two undated lists associated with the 3rd Virginia. One, kept by William Mountjoy, the regimental paymaster, showed that he was discharged. The second list stated that he was discharged in York, Pennsylvania.<sup>78</sup>

Patrick *Dougherty's* name appeared in Lieutenant Charles Stockley's Book of Accounts to Officers and men of the Virginia Line from February to April 1783. He was paid \$20.00. General Morgan received Patrick *Dougherty's* Certificate for the balance of his pay in April 1783 for £103 11s 8d.<sup>79</sup>

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<sup>74</sup> Abraham Davis pension file, W 538; NARA M804, roll 749.

<sup>75</sup> "Charles and James Ailstock's petition for bounty land," Library of Virginia, *Revolutionary War Rejected Claims*, digital images online at [http://ajax.lva.lib.va.us/F/?func=file&file\\_name=find-b-clas60&local\\_base=CLAS60](http://ajax.lva.lib.va.us/F/?func=file&file_name=find-b-clas60&local_base=CLAS60).

<sup>76</sup> Patrick Docherty record, *CSR, 3rd Va.*, roll 953.

<sup>77</sup> W. T. R. Saffell, *Records of the Revolutionary War* (1894; reprint, Bowie, Md.: Heritage Books, 1999), 279.

<sup>78</sup> Patrick Docherty record, *CSR, 3rd Va.*, roll 953.

<sup>79</sup> *Ibid.*

Patrick *Daugherty* received 200 acres of land from the state of Virginia as a private in the Virginia Continental Line in April 1783.<sup>80</sup> This may have been the Patrick *Dougherty* who was issued a Continental Line Bounty Warrant, number 880, in the Virginia Military District of Ohio for three years service as a soldier in the Revolution.<sup>81</sup>

A different Patrick *Dougherty* was found on the 1835 Virginia list of men who were entitled to bounty land but had not yet received it for his service as a private in the infantry.<sup>82</sup> This man may have been the Patrick *Dogherty*, who was a private in Captain Minis's Company of the 1st Virginia Regiment; he was wounded in the neck by a musket ball during the British siege of Charleston. He received an invalid pension in March 1794, issued from the War Department, from the Judge of the District Court of Virginia.<sup>83</sup>

It is not known whether the Patrick *Dogherty* who received the invalid pension in March 1794 was the same Patrick *Daugherty/Daugherty/Docherty* of the 3rd Virginia.

### Hugh Ferguson

Hugh Ferguson enlisted in February 1778 for a year as a private in the company lately commanded by Captain Philip Lee. Captain Lee had died in late January 1778 from wounds suffered at Brandywine. Private Ferguson made his first appearance on company muster rolls in April and May 1778 while the regiment was in winter quarters at Valley Forge.

In June 1778, Captain Lee's Company was taken over by Captain John Peyton. The new captain's muster roll for that month stated that Ferguson was "on command." Ferguson continued as a private on Peyton's payrolls and muster rolls until his discharge in February 1779.<sup>84</sup> He did not apply for a pension and did not receive bounty land for his service in the 3rd Virginia.

[To be continued. ]

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## Did You Know? –

### Prince William citizens took an active part in starting the American Revolution.

On June 6, 1774, freeholders, merchants, and others met at the court house in Dumfries, in one of the earliest local revolutionary meetings in Virginia. They unanimously adopted resolutions recommending radical measures against the British government, in response to the punishment that Boston had received. Among their provisions: "No person ought to be taxed but by his own consent." Any act of parliament "prohibiting [a people] from trading with one another, is subversive of our natural rights." Until the despised laws are repealed "all importation from, and exportation to, this colony ought to be stopped ... [and] the courts of justice in this colony ought to decline trying any civil causes." **George Mason**, father of the American Bill of Rights has been identified as the author of the Prince William Resolves.<sup>A</sup>

<sup>80</sup> Bockstruck, *Rev. War*, 133.

<sup>81</sup> Brumbaugh, *Rev. War*, 234.

<sup>82</sup> Brumbaugh, *Rev. War*, 234

<sup>83</sup> June Murtie Clark, *The Pension Lists of 1792–1795* (Baltimore: Genealogical Publishing Company, 1991), 37.

<sup>84</sup> Hugh Ferguson record, *CSR, 3rd Va.*, roll 953.

<sup>A</sup> "Prince William County Resolves," *The Virginia Gazette*, Rind, June 9, 1774, supplement, page 2 (<http://research.history.org/DigitalLibrary/VirginiaGazette>), quoted in *The Papers of George Mason, 1725-1792* (Chapel Hill: University of North Carolina Press, 1970), 1: 191-192.

**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. 3)

[Continuation of HOOMES vs. RENOE]

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[Marginalia] HENDERSON's Deposition

In a suit in Chancery in Prince William Court Thomas HOOMES Jun<sup>r</sup> Plif. and Enoch RENOE Def<sup>t</sup>

The Deposition of Alexander HENDERSON taken at the house of George WILLIAMS on Friday the 25<sup>th</sup> of May

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May [sic] 1798 in presence of the parties, This deponent being Sworn saith that he Recollects to have seen before the Revolution several Years, an advertisement (as he thinks at the door of the Court house of Fairfax County) from the Proprietors Office of the Northern Neck giving notice to all persons who had surveys in the Office to clear the same by paying the Composition and fees to Receive deeds that the public might not be defrauded of the Land Tax And that such as shou[l]d fail would forfeit all right and Claim to such surveys, and further this Deponent saith not.

Alex<sup>r</sup> HENDERSON

Prince William County Sc<sup>t</sup>

Alex<sup>r</sup> HENDERSON made oath before us two of the Magistrates for said County to the truth of the above Deposition, Given under our hands this 25<sup>th</sup> day of May 1798.

Alex<sup>r</sup> LITHGOW  
Jn<sup>o</sup> MACRAE

=====

[Marginalia] CALVERTs Depos<sup>tn</sup>

This Deposition of Umphry [sic] CALVERT Taken [sic] on behalf of Enoch RENO Def<sup>d</sup> in a Sute [Suit] now Pending in the County Court of Prince William in presents of the Partyes Enoch RENO Def<sup>d</sup> and Tho<sup>s</sup> HOMES Jun<sup>r</sup> Planitiff [sic] this 21<sup>st</sup> Day of April 1798. In Obedience to an order of Court of s<sup>d</sup> County of Prince William to us directed bareing date y<sup>e</sup> 3 Day of April 98. This Deponent sath [saith] that he was well acquaint<sup>d</sup> [sic], with old Thomas RENOE for ^forty or^ fifty years & was well acquainted with the Land now in dispute Between HOMES & RENOE & he the said Deponent never new [knew] that Ever knew that Tho<sup>s</sup> RENOE lived on

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on [sic] s<sup>d</sup> Land. Qs<sup>tn</sup> by def<sup>d</sup> In What year did Thomas RENOE die, or how long has he been dead, Answer between Twenty and Thirty Years Quest<sup>n</sup> by Plf Did not Lewis RENOE live on the land Answ<sup>r</sup> Yes he Did & I understood that his father Tho<sup>s</sup> RENOE gave it to him further this Deponent Sath [saith] not

The above sworn to before us this 21<sup>st</sup> Day of April 1798

Tho<sup>s</sup> HARRISON  
W GRANT

=====

[Marginalia] GRANT John's Depos<sup>n</sup>

The Deposition of John GRANT Taken [*sic*] this 29<sup>th</sup> Day of May 1798 in behalf of Thomas HOMES J<sup>r</sup> Plaintiff. a sute [*suit*] depending in the County Court of Prince William between s<sup>d</sup> HOMES & Enoch RENOE Defend<sup>t</sup> taken in Obedience to an order of the Worshipfull Court of s<sup>d</sup> Ct. of Prince W<sup>m</sup> at the school house of s<sup>d</sup> GRANT in presence of the parties. This Deponent being duly sworn Deposeth & saith that as well as he remembers Some Short time after s<sup>d</sup> Tho<sup>s</sup> HOMES had Taken [*sic*] out his deed from the Land Office he this Deponent was going on business to Richmond & the s<sup>d</sup> HOMES apply'd to him to get the Oppinions [*sic*] of the Clerk of the Land Office Respecting his rite [*sic*] to the Land now in dispute Supposing him to be a Good Judg[e] as he would not wish a law-suit without he knew he had a rite [*sic*] agreeable to the Request of s<sup>d</sup> HOMES he this deponent asked the Clerk & the Clerks answer was, that if FRENCH or his heirs had made over their rites [*sic*] to him the s<sup>d</sup> HOMES his rite [*sic*] was indisparable that the said HOMES had paid the Composition Money in due time a few day before the time allow'd by law Expire<sup>d</sup> & he did not know what should keep him out off the Land . Question

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Quest<sup>n</sup> by Def<sup>t</sup> did the Clerk tell you that an Entry made in Fairfax's Office would be lawful for to draw a Deed from the Office opened for Kentucky Answ<sup>r</sup> No Sir, no such Conversation passed and further this Deponent saith not. Sworn to before us this 29<sup>th</sup> Day of May 1798

Tho<sup>s</sup> HARRISON  
W. GRANT.

=====

[Marginalia] LYNN Sen<sup>r</sup> Depos<sup>nt</sup>

The Deposition of John LYNN Sen<sup>r</sup> aged Forty five Years or thereabouts who being Sworn as a Witness in a suit depending in the County Court of Prince William between Thomas HOMES Plif. & Enoch RENO Def<sup>t</sup> This Deponent Saith that he is acquai[n]ted with the Land Whereon Lewis RENO lived which adjoins the lands of W<sup>m</sup> LYNN & w<sup>ch</sup> he considered the property of the said Lewis RENO that after the death of the said RENOE Thomas HOMES dec<sup>d</sup> administered on his Estate & claimed the said Land & offered it for Sale. That he never heard of a Claim to the said Land while in Possession of the said RENO nor for Several years after his death. This Dep<sup>o</sup> Saith that the said HOMES did not at any time reside on the said Land nor ever receive any rents that he knows of for the Same & further saith not.

John LYNN

P W<sup>m</sup> Sc<sup>t</sup>Taken & Sworn to this 21<sup>st</sup> of May 1800 in presence of the parties before us

Ja EWELL {seal}  
Alex<sup>r</sup> LITHGOW {seal}

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Humphrey CALVERTs Depos<sup>n</sup>

The deposition of Humphrey CALVERT age<sup>d</sup> 71 or thereabouts taken at John LANSDOWNs in the Cot<sup>y</sup> of Prince William in the presence of of [*sic*] the Partys this 17<sup>th</sup> Day of May 1800 by Virtue of a Dedimus from the office of Prince William County to us directed Taken in behalf of Thomas HOMES Jun<sup>r</sup> in a sute [*suit*] now depending and undetermined in the s<sup>d</sup> Court of Prince William wherein the said Thomas HOMES is Plaintiff [*sic*] & Enoch RENOE is Defendent. This Deponent being duly sworn Sath [*saith*] By question & answ<sup>r</sup> Ques<sup>tm</sup> by Plf. did you not know that my Father Tho<sup>s</sup> HOMES had the land in dispute in possession, when the Def<sup>d</sup> Major RENOE entered it? Answ<sup>r</sup> he told me he held & owned it as his own. Quest<sup>n</sup> by Def<sup>t</sup> do you know how Thomas HOMES the Father came possessed of this land or

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whether he ever lived on it? Ans<sup>r</sup> I know not how he became possessed of it unless by the death of Lewis RENOE. & I do not know that he ever lived on it. Quest<sup>n</sup> by the same do you know whether the said HOMES ever had a tenant on it? I dont know that he ever had. Quest<sup>n</sup> by Plf. did you never hear my father propose renting the said Land out? Ans<sup>r</sup> he understood from John LYNN that he himself proposed to lease (the said land in dispute) of the said Thomas HOMES the said HOMES refused to lease it, but proposed to sell it to him the said LYNN. Quest<sup>n</sup> by Plf. do you know that my Father held the said Land in quiet possession for a number of Years? I know not the number of Years, but he

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 he [*sic*] held it in peaceable possession till the Def<sup>t</sup> Major RENOE set up his Claim  
 and further this Deponent saith not.  
 Humphrey CALVERT  
 Sworn to before us this 18<sup>th</sup> day of May 1800  
 Tho<sup>s</sup> HARRISON  
 W GRANT

=====  
 In Court April 1799 Continued  
 “ May “ Continued  
 In Court April ^8th^ 1800. By Consent a Dedimus is awarded the Plaintiff to take the Deposition of John WILLIAMS and with the like Consent a General Dedimus is awarded the parties to Depositions of such other Witnesses in this suit as they may think proper.

=====  
*Marginalia* WILLIAMS’s Depos<sup>n</sup>  
 The Deposition of John WILLIAMS is in the following words &<sup>c</sup> [*etc.*] “The Deposition of John WILLIAMS taken on the 8<sup>th</sup> day of April 1800 at the house of George WILLIAMS in the Town of Dumfries between the hours of nine in the Morning and one in the Evening of the same day before us Alexander HENDERSON and Edmund BROOKE two Justices of the peace for Prince William County to be read in Evidence in a suit now depending in the County Court of Prince William Between Thomas HOMES Compl<sup>t</sup> and Enoch RENOE Def<sup>t</sup> pursuant to the annexed notice and Commission. The said John WILLIAMS being first duly sworn deposeth and saith that he procured from the Registers Office the annexed Document marked A together with all Certificates and endorsements thereon and further this Deponent saith not.  
 John WILLIAMS  
 Sworn to before us as above is set forth on the day & Year & at the place above mentioned.  
 A. HENDERSON  
 E. BROOKE.”

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The Following is A copy of the Document referred to in the above deposition Viz<sup>l</sup> marked A “Northern Neck

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Proprietors Office.

Whereas sundry persons have lately made a practice of entering Waste lands in this office, with a View of selling and disposing of the same, to prevent such pernicious practices for the future I do hereby give notice that no assignment for any warrant or Survey will be admitted, for Warrants issued after the date hereof And I do direct and require the surveyors in the Northern Neck appointed by this Office, not to receive any assignments whatsoever from any person but to Survey the lands in the names of the persons, who obtained the warrants and I do hereby give further Notice to all persons who have surveys in this office, dated before the year 1764 to repair to the office before the 29<sup>th</sup> day of September in the Year 1766 and pay the Composition and Office fees due on such lands that Deeds may Issue and the public be no longer defrauded of the Land Tax, all persons failing to pay the same within the Time limited as aforesaid, shall forfeit all right Claim, to such Surveys and the property shall be deemed Vested in the Proprietor. Given under my hand this 26<sup>th</sup> day of March 1765.

Thomas Bry MARTIN

We the subscribers do Certify the above is a Copy of an advertisement we read in the Pennsylvania [*sic*] Gazette and also saw affixed to public View in the Proprietors Office

Alex<sup>r</sup> STEPHEN

P. MARTIN

Rich<sup>d</sup> RIGG

Jn<sup>o</sup> LEGARDE

Peter STEPHENS

Henry LEE

Bryan FAIRFAX app [*appellant?*]

Robert STEPHEN

Land Office December 16<sup>th</sup> 1796

The Within is a Copy taken from one of the Records of the late Lord Proprietors Office (to wit) Book N.

W<sup>m</sup> PRICE

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W<sup>m</sup> PRICE R L Off. [*Registrar Land Office*]

And now Here this day to Meet At a Court Cont<sup>d</sup> and held for the aforesaid County the s<sup>d</sup> 7<sup>th</sup> Day of April 1802. On hearing it is ordered and decreed that the complainants bill be dismissed each party paying their own Costs upon Condition no appeal is prayed for or an application made for a Supersedeas, but on Case the Said appeal is pray'd or a Supersedeas is applied for then the same is to be dismissed with Costs.

[*End of case*]

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