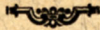


Early Estates
of
Clarke County



Comprising the Histories of
Chapel Hill, Llewellyn, Springsbury, The Tuleyries,
Montana Hall, Bellfield, Lakeville, Farnley,
Fairfield and Audley.



Compiled from the Records of Old
Frederick County and Other Sources
by Richard E. Griffith



Proceedings of the
Clarke County Historical Association

Volumes XI and XII

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FOREWORD

The Foreword to the fifth volume (1945) of the Proceedings of the Clarke County Historical Association reads in part: "The Association has sustained a grievous loss in the death of Richard E. Griffith Sr. of Winchester. Much of the success of our Association is directly attributable to Mr. Griffith; much of what we attempt in the future will be the more difficult to accomplish because we can no longer turn to him for advice and assistance. The standards of historical work which he set by precept and counsel were always the very highest. No memorial could be more fitting or nearer to his heart than carrying on the work of the Association with these standards ever before us."

It is therefore with particular satisfaction that we present herewith the hitherto unpublished studies which Mr. Griffith made on the histories of ten Clarke County estates. Most of them were commissioned by their various owners during a period of about 12 years, the last being dated May 18, 1943. They are based largely on the records of old Frederick county which Mr. Griffith indexed and with which he was extraordinarily familiar. In consequence the facts which they contain are fully documented—a refreshing contrast with much work of this kind which so often rests on no firmer foundation than heresy and family tradition.

As to the texts of these studies Mr. Griffith was, if anything, over scrupulous. Because they were commissioned and paid for he considered that, once delivered, they were no longer his property. In consequence he made it a point not to keep a copy for himself. Several of the copies delivered to the owners have since been lost or misplaced. The studies were prepared in the office of the late Julian Baker, however, who fortunately kept an office copy. All his historical papers were purchased, after his death, by the Clarke County Historical Association which was thus able to assemble a complete set.

In Volume V appears a list of the published historical writings of Mr. Griffith and of the works of others to which he contributed. In addition to the ten studies here published we record the following manuscripts now in the possession of the Clarke County Historical Association:

1. The Real Estate Transfers of John Kerfoot of "Providence", Clarke County, 1803-1837.
2. The Carter Family of Pennsylvania and of Frederick and Clarke Counties.
3. The Brent Family of "Winter Hill", Frederick County.
4. The Sydnor Family of "Spring Hill", Frederick County.

5. Notes on "Abraham's Delight", Frederick County.
6. Notes on "Thornhill Manor", Frederick County.
7. Correspondence with:
 - a. Samuel Bryarly of White Post.
 - b. Judge Philip Williams of Winchester.
 - c. Dr. John W. Wayland of Madison College, Harrisonburg.
 - d. Thomas Hayes Fawcett on the Fawcett Family of Frederick County.
 - e. Hugh E. Naylor of Front Royal.
8. Extensive notes on the Worthington family of Jefferson County, West Virginia.

It will be noted that this issue of our Proceedings is somewhat more than twice as large as those published in previous years and comprises Volumes XI and XII. It seemed desirable to publish Mr. Griffith's Clarke County work in one issue which because of its size required two years of work and was assigned two volume numbers. We hope that our members and readers will find it sufficiently justifies the consequent delay.

We would also like to call attention to the notes, prepared by Mr. Griffith's friend and collaborator Everard Kidder Meade, which embody much new material which has since come to light and which greatly add to the interest and value of the text.

We record with sorrow the loss of two of our most valued members and directors — Mrs. Rose McDonald Skoggs and B. Curtis Chappellear. Both did notable work in the field of local history; the latter has been a major contributor to these Proceedings. An account of his work appears elsewhere in this issue.

ALEXANDER MACKAY-SMITH

In Memoriam

Benjamin Curtis Chappellear was born on December 16, 1876 at "Belle Grove" in upper Fauquier County, Virginia, the house built by his ancestors in 1812 on land they had held since 1770. Here he lived all his life, being the fifth generation of the family to occupy the house, and here he died on December 30, 1953. Besides his family the two major interests of his life were farming and history. He was particularly fond of livestock and animals, a fondness which they returned in kind, particularly his dogs which he kept in generous numbers.

Comparatively early in life he became absorbed in the history of the region in which he lived. "Belle Grove" contained an excellent library to which he continually added. He became a familiar figure in the record offices of Fauquier, Frederick and Clarke counties. He was a frequent contributor of historical articles to the county newspapers and on January 2, 1905 published in the Winchester Evening News Item the first of a series entitled "Annals of Ashby's Gap", this being the name of the pass in the Blue Ridge near which "Belle Grove" is situated. Much of the information contained in the four Bulletins published 1921-1924 by the Fauquier Historical Society and edited by H. C. Groome was contributed by Mr. Chappellear. His assistance has been acknowledged in the prefaces of many historical works dealing with the region, notably in the life of George Washington by Douglas Southall Freeman.

A list of his contributions to the Proceedings of the Clarke County Historical Association appears below. It sets forth more eloquently than any other words could do, the loss which our Association has sustained—a loss which is quite irreparable. Fortunately he had completed the monumental task which he had undertaken, setting forth in map form with accompanying text the history of the early land grants in Clarke County. Before his death he had completed a similar project for the northern section of Fauquier county which is now being prepared for publication by the Warrenton Antiquarian Society.

**Contributions by B. Curtis Chappellear
To the Proceedings of the
Clarke County Historical Association**

- Vol. II, 1942: Some Early Settlers in Clarke County East Of The Shenandoah.
Map of the original Grants and Early Landmarks in Clarke County Virginia and Vicinity.
- Vol. III, 1943: The George Carter Tract. Map.
- Vol. V, 1945: Robert Burwell's Land On The Shenandoah River.
Map.
- Vol. VI, 1946: The Carter Burwell Tract And Carter Hall.
Berry's Ferry And Old Roads Leading To That Ferry; Some Of The Old And The Modern Homes On The Land Owned By Col. Nathaniel Burwell; Early Owners Of Adjoining Land; Places On The Map. Map.
- Vol. VII, 1947: Early Landowners In The Benjamin Harrison And Robert Carter Nicholas Tracts. Map.
- Vol. VIII, 1948: Early Grants Of The Site of Berryville And Its Northern Vicinity: Early Grants Of Land As Indicated On the Map By Letters. Map.
- Vol. IX, 1949: The Robert Page Land In Clarke County, Virginia. Map.

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Chapter I

Chapel Hill

The tract of land in Clarke County, Virginia, called and known by the name of "CHAPEL HILL" was originally a part of the 5,282,000 acres which at one time comprised the Proprietary of the Northern Neck of Virginia. This great scope of land was granted by Charles II at St. Germain's, on September 18th 1648-9 to Ralph Lord Hopton, Henry Lord Jermyn (afterwards Earl of St. Albans) John Lord Culpeper (also spelled "Colepeper"), his first cousin Thomas Culpeper, Sir John Berkeley (afterwards John Berkeley of Stratton) Sir William Morton and Sir Dudley Wyatt. Until after the Restoration, these Proprietors made no effort to exercise their rights, and the King issued a new charter May 8, 1669 to the survivors of the original grantees. By 1688, Lord Culpeper had acquired a majority of his associates interests and controlled the property, and on September 27, 1688 secured a grant from James II which recognized him as sole owner. However, after his death in 1689 obscure interests were developed and new ones established. His, the larger interest, descended to his only daughter Catherine, who sometime before November 6, 1690, married "Thomas 5th Baron Fairfax of Cameron, in that part of Great Britain called Scotland". This Thomas was the only son of Henry 4th Baron Fairfax, who had inherited his title from his first cousin Thomas the 3rd baron, so famous as victor of Naseby. The title had been granted in 1627 to Henry's grandfather Sir Thomas Fairfax, Knight of Denton, near Otley, Yorkshire who was created Baron Fairfax of Cameron in the peerage of Scotland.

Thomas 5th Lord Fairfax was M. P. for Yorkshire 1688-1707 and Brig. Gen. and Col. 3rd Horse Guards. He died in 1709 leaving his widow, Catherine Lady Fairfax, three sons and three daughters; Thomas 6th Lord Fairfax, Henry Culpeper Fairfax who died unmarried in 1734, Robert Fairfax who succeeded his brother Thomas as 7th baron and was Major 1st Life Guards, M. P. for Maidstone 1740-1754 and Kent 1754-1761, Margaret who married Rev. David Wilkins and died without issue, Mary Fairfax who died unmarried, and Frances who married Denny Martin of Loose, Kent. Frances Martin died in 1791, leaving several daughters and three sons, Denny Martin, Thomas Bryan Martin and Philip Martin, to whom the title to

the Culpeper estates in both England and America eventually passed.

Lady Catherine Fairfax died in the spring of 1719 and by her will bequeathed the reversion of her estate in the Northern Neck to her son Thomas 6th Lord Fairfax for life, and at his death to his male heirs, and failing such heirs, to his brother Robert. This interest Lord Fairfax held in tail, He however, had inherited from his grandmother Lady Margaret Culpeper a one-sixth interest in fee, but by the terms of the original grant he had powers to grant, or lease the lands of the Proprietary. However, the land was never sold, as we understand such a transaction today, but was either granted subject to a quit rent, and might be repossessed upon the failure of the purchaser to pay the quit rent, or was leased for a long term of years or lives for a specific annual rental.

Thomas 6th Lord Fairfax ("our" Lord Fairfax) succeeded to the title upon the death of his father in 1709 and the same year matriculated at Oriel College, Oxford. The Fairfax estates in Yorkshire were sold to satisfy his father's debts, and until his mother's death, his only property consisted of his legacies from his grandmother Lady Culpeper, i. e. her interest in the Northern Neck lands, which had been willed her by Alexander Culpeper in 1694-5 and £4,000 in "Mault Tickets". Various persons in Virginia had acted as agents for the Culpeper and Fairfax families, and had made sporadic efforts to settle the Proprietary, but difficulties having arisen with the Colonial Governors who had begun making grants of lands within the boundaries of the Proprietary, and some of the agents having proved unsatisfactory, and even suspected of dishonesty, Lord Fairfax came to Virginia, in 1734 and opened a land office in Westmoreland County, where he remained in personal charge of affairs until 1738 when he returned to England. By 1747 he had returned to Virginia and lived at Belvoir his cousin Col. William Fairfax's home in Fairfax County, where he probably spent the next two or three years, and assumed the management of his lands. While living at Belvoir he employed young George Washington to survey his lands "beyond the Blew Mountains". The record of his first official appearance in old Frederick County is recorded in Order Book 3 page 179, November 17, 1749:

"The Right Honorable Thomas Lord Fairfax, Baron of Cameron in that part of Great Britain Called Scotland, and Lord Proprietor of the Northern Neck, produced a special commission to be one of his Majesty's Justices of the Peace for the County from under the hand, etc., etc.

On this same day, producing a commission, he was sworn County Lieutenant of Frederick County.

About this time, exact date not known, he removed to the tract of land, built the house which was his home until his death in 1781, and which he named Greenway Court after the seat in the County of Kent of the younger branch of the Culpeper family.

In the year 1730, Col. Robert Carter of Corotoman, Lancaster County, called "King" Carter, was administering the affairs of the Northern Neck Proprietary as agent for Lord Fairfax. Having, previous to this year, granted to members of his family, 89,800 acres of the Northern Neck Lands on the east side of the Blue Ridge, he issued on September 22, 1730¹ to "Landon Carter and George Carter, sons of Robert Carter senr. Esquire, Carter Burwell and Robert Burwell sons of Major Nathaniel Burwell dec'd., Carter Page and Robin Page sons of Mann Page Esq. Robert Carter Nicholas son of Dr. George Nicholas, Robert Carter Junior son of John Carter Esq. Benjamin Harrison Junior son of Benjamin Harrison Esquire, and Robert Carter Junior^a son of Robert Carter, Junior, esq." a patent for 50,212 acres "lying and being in Stafford County on the northwest side of a Branch that issues out of Potomack River on upper side of the Blew Ridge, commonly called Chenandoah Creek". The subsequent divisions of this great tract were recorded in the old High Court of Chancery^{1A} which at first sat in Williamsburg and later in Richmond, the records of which were completely destroyed in the burning of Richmond in 1865. and are therefore not available. There is, however, preserved among the private papers of the Burwell family, and now in the possession of George H. Burwell, Esq., of Mt. Airy, Clarke County a plat showing that the portion of the 50,212 acres in which we are interested fell to the share of Robert Carter Nicholas (For this plat see proceedings, C. C. H. A., Vol. 3).

Elizabeth Carter, daughter of Col. Robert Carter, married first, Nathaniel Burwell, and second, Dr. George Nicholas. A son of this last marriage was Robert Carter Nicholas, who sold 3,078 acres of the land given him by his grandfather, Col. Carter to Col. Fielding Lewis of "Kenmore". No record of this sale is now to be found, but is established, 1st, by the will² of Col. Lewis, 2nd by a reference to the sale in all the early subsequent conveyances of the lands involved.

Col. Lewis always lived at "Kenmore" in Fredericksburg, and the records do not reveal that he ever attempted any improvement of these lands west of the Blue Ridge. It is probable, however, that he followed the practice of other Tidewater Virginians of his day and time by maintaining a "Quarter" on the lands and visiting it with his family during the summer to escape the malaria and fever then so prevalent in the "low counties." Col. Lewis was twice married, his first wife being Catherine Washington, a first cousin of Gen. George Washington. By this marriage he had a daughter, Frances, and a son

John who, after burying five wives, died, a widower in Kentucky.

For his second wife Col. Lewis married Betty Washington a sister of Gen. Washington. By this marriage he had (1) Fielding Jr. (2) George who became Captain of Gen. Washington's body guard during the Revolution, and afterward lived on Clarke County land left him by his father, now known as "Springsbury", (3) Elizabeth, (4) Lawrence who married Nellie Custis and owned "Audley" and a part of "Llewellyn" (5) Robert and (6) Howell, who owned a part of "Llewellyn" but resided in Kanahwa County (now West Virginia.)

As may be seen by Col. Lewis' will² he left 1000 acres of his Frederick County (now Clarke Co.) land to his son Fielding Jr. and states it is the land on which he lived. Fielding Lewis Jr., therefore had settled on the land before October 19, 1781 when his will was written, and probably was the first owner to establish a home on the tract of which "Chapel Hill" is now a part.

Little can be gleaned from the records about this man except that he was extremely unsuccessful in business, as had been his father, (vide Va. Reports, Henning & Munford Vol. 3. Page 89. Lewis's Excr.—vs—Bacon's Legatee). Well's genealogy of the Washington family states that Fielding Lewis Jr., is thought to have married a "Miss Alexander", which is probably correct, as there is recorded in Frederick County a deed of gift from Mrs. Mary Alexander of Fairfax County to "my son-in-law Fielding Lewis of Frederick County" of six slaves and an interest in an annuity bequeathed her by her son Dr. George Alexander deceased (Deed Book 21 Page 897, November 5, 1787) Welles states he had six children, four of whom were born while he lived on what is now the "Chapel Hill" tract. His house probably stood near the place designated as "Lewis' Spring" on the Plat.³ The nature of the suits against him and on file in Frederick County records, indicate that he conducted a general store, somewhere near his residence, and that his "money crop" was tobacco, which he exported to England from the port of Alexandria. By 1785 his financial distress had become so acute that he sold 484 and a fraction acres to Capt. Thomas Byrd.⁴ Particular attention is called to the chain of title set forth in this deed. The following year 1786 he sold 151 acres of what he had left to a certain Robert Dunlap⁵ who never lived upon the land and owned it but a short time as will presently appear. In 1789 he made a deed⁶ to Thomas Fox a merchant of Fredericksburg and George Noble of Frederick County as trustees, for his remaining land to be sold by them for the benefit of his creditors (not specifically named.) He must have been exceedingly hard pushed, for in May 1790 he gave a bill of sale to his half brother John Lewis for his slaves, his live stock, his library and even his plate and house-

hold furniture. A full copy of this instrument is herewith appended⁷ as it furnishes an accurate picture of the farming equipment and house furnishings of that period. In July of the same year he executed a deed to George Lewis for the consideration "of five shillings and the love and affection he doth bear to his son the said George" for certain vaguely described tracts of land "purchased of Col. Valentine Crawford," on the waters of Raccoon Creek and Robinson's Run, which waters empty themselves into the Ohio, the said land being upon the Mingo Path and about ten miles from Fort Pitt" (now Pittsburg) containing 1374½ acres. And this is the last mention of Fielding Lewis Jr. in the Frederick County records. Wells, in his work above referred to, says he died in Fairfax County, but does not give the date. The Wm. & Mary Quarterly (Vol 10 pp 43-49) in an article relative to St. George's Church, Fredericksburg states he was born February 14, 1751 and that his sponsors in baptism were George Washington (his uncle) and Robert Jackson godfathers, and Mary Ball Washington and Frances Thornton were godmothers. The records of the College of William & Mary show that he was a student there in the sessions of 1776 and 1777. His uncle, Gen. Washington named him in his will as a legatee of one-twenty-third part of his residuary estate.

It will be seen from the plat³ that the portion which Fielding Lewis Jr. had deeded to Noble and Fox as trustees for the creditors, and upon which was his home, was within the tracts later known as "Chapel Hill" and "Ingleside." How the title for this "remainder" became vested in Capt. Byrd, our records do not disclose. This gap in the title may be briefly explained as follows. At the time these transactions took place, there was in Virginia an appellate court called "The Superior Court for Law and Chancery holden at Winchester." This court had concomitant jurisdiction with the County Courts, and citizens of counties within the jurisdiction of this Court had the privilege of recording wills, deeds and other instruments in it's records. The No. 1 Deed Book of this Court has been lost many years. It covered the period 1784-1793. In this lost book were recorded the deeds from Fielding Lewis Jr. to his brother John and son George. In the course of this search the originals of these were found in our Clerk's Office but no deed from Lewis' trustees to Byrd was found, nor can any deed in any other Deed Book be found, although the books have been read page by page for a period of twenty five years, as have also the Order Books of both the County and Superior Courts. Resort was had to the device of running the titles of all surrounding lands in the hope of picking up a reference that would give a clue. However, the neighboring owners were people who rarely sold their land, and but a single deed was located which conveyed land binding upon the land in question. Recorded in Deed Book 28 at page 387 is a deed from Col. Nathaniel Burwell to the Minister and Vestry of the Parish, as trustees for two acres upon

which stands the "Old Chapel." This deed is dated November 25, 1792, but the survey and plat, also recorded, is dated May 10, 1791. The northern boundary runs with "Capt. Thomas Byrd's line", and while the plat shows this line about 7 poles north of the present southern boundary of the "Chapel Hill" tract, the bearings and distances prove that by 1791 Capt. Byrd was in possession of the land conveyed in 1789 by Lewis to the trustees Noble and Fox. Capt. Byrd now possessed the entire 1000 acres inherited by Fielding Lewis Jr. from his father, excepting the 151 acres sold by Lewis to Dunlap and this tract Byrd bought⁸ from Dunlap April 11, 1796.

At this point it should be stated that in our early deeds, the number of acres conveyed rarely equalled the number actually included in the metes and bounds of the survey, generally by about 10%, sometimes 25%. The old conveyancers invented a name for this. They referred to it as the "overplus". It will be noted that such an excess of land occurs several times in this chain of title.

Capt. Byrd added no more land to this tract during his life time, and sold but four acres. This four acres marked "E" on the Byrd partition plat⁹ caused great trouble in this search as two of the deeds concerning it were not, for some unknown reason, listed in the deed index. The whole transaction is mysterious and occurred as follows:

Deed Book 30 Page 501.

Thomas T. Byrd et ux to Gen. Thomas Parker
4 acres of said Byrd's land for consideration of
12 pounds. Dated Oct. 16, 1807.¹⁰

Deed Book 30 Page 504.

Gen. Thomas Parker et ux 4 acres purchased
from Thomas Byrd to Henry Ashburn and "being
the tract whereon the said Ashburn now lives"
consideration 160 pounds. Dated October 17, 1807.

Deed Book 30 Page 506.

Henry Ashburn et ux 4 acres "where said Ash-
burn now lives" to Philip Burwell, consideration
105 pounds. Dated October 18, 1807.

The fluctuation in the price would indicate that some peculiar value attached to this 4 acres. In the deed from Byrd to Parker no statement is made as to how Byrd obtained the land. This is very disappointing as it is part of the land Fielding Lewis Jr. transferred to the trustees Noble and Fox.

As will be seen by later conveyances this 4 acres came to be, and is now, in the "Chapel Hill" tract.

The Byrd home was built upon the 484 acres first purchased by Capt. Byrd and was called "The Cottage." It was burned some time before 1835, according to a deed recorded here

(Deed Book 64 Page 264) from Judge Nicholas et ux to F. Otway Byrd, et als. Some of the original tract is yet owned by Mr. William Byrd of New York City.^b

Capt. Thomas Taylor Byrd, the builder of "The Cottage" was the son of Col. William Byrd 3rd of "Westover," and his first wife Elizabeth Hill Carter daughter of John Carter of "Shirley." Capt. Byrd's grandfather Col. William Byrd 2nd had married for a second wife a daughter of Thomas Taylor, Esq. of Kensington, England and the name has been carried in the Byrd family to the present time.

Capt. Thomas Taylor Byrd was born at "Westover" January 17, 1752,^c was educated at the College of William & Mary and entered the British army sometime before May 1774, at which time he was with Gen. Gage in Philadelphia according to a letter written by him and published in Volume 38 Page 358 Virginia Magazine of History & Biography. His brother John Byrd^d was also a British officer; but his brother Francis Otway Byrd who was an officer in the British navy at the outbreak of the Revolution, resigned his commission, joined the American Army and served through the war, on the staff of Gen. Lincoln for some time and later as Lt. Col. of a Virginia regiment of dragoons. The decision of John and Thomas Byrd to fight on the British side may have been in some degree influenced by his stepmother. The first wife of Col. William Byrd 3rd was accidentally killed in 1760, and within six weeks after her death Col. Byrd married Mary Willing of Philadelphia, a famous beauty and heiress. In the excellent book "Some Colonial Mansions" by Col. Thomas Allen Glenn, it is stated "And so pretty Molly Willing, whether she deserved it or not, found her name transposed to "Willing Molly". The second marriage of Col. Byrd was a very happy one, in spite of the decline of his fortune, generally ascribed to "high play". Col. Byrd died by his own hand in 1777, and after his death, his widow was suspected of giving information to the British, and for a while was confined to "Westover." Recent investigations tend to prove the charge to have been false, and public opinion unduly excited by her intimacy with the wife of Benedict Arnold, the former Peggy Shippen who was also her first cousin. At any rate it was probably true that Mrs. Byrd had Loyalist leanings and influenced her two stepsons to remain in the British army.

After peace was signed, Capt. Thomas Byrd who had gone to England with the British army, returned to America and on March 13, 1786 married his cousin Mary Ann Armistead daughter of William Armistead of "Hesse", Gloucester County and his wife Maria who was a daughter of Charles Carter of "Cleve". He brought his bride to "The Cottage" and there he lived the rest of his life. He does not appear to have held public office, probably because of his Loyalist record. He

was, however, elected a vestryman of Frederick Parish in 1796 and served as such until his death August 19, 1821. By reference to his will¹¹ it will be seen that he requested to be buried privately. Tradition says that he was buried at night and that by the light of pine torches, the procession wound it's way from "The Cottage" down through the meadows to the "Old Chapel" the body being borne on the shoulders of some of his servants.

Capt. Byrd willed all of his property to his wife in fee simple, giving her however, certain verbal instructions as to it's division among his children which she faithfully followed.

Capt. Thomas T. Byrd and his wife had four sons, viz: Thomas Taylor Byrd Jr., Charles Carter Byrd, Francis Otway Byrd and Richard Evelyn Byrd. They also had two daughters, Maria Carter Byrd who married Judge Philip Norborne Nicholas of the Virginia Supreme Court and Elizabeth Hill Byrd who married Gen. Elisha Boyd of "Boydville," Berkeley County now West Va.) as his third wife. The temptation to write about the colorful lives of these people must be resisted, else the story of "Chapel Hill" will never be done. Suffice it to say that Francis Otway Byrd served with distinction in the artillery during the War of 1812, being twice mentioned in dispatches. He volunteered in the expedition commanded by Commodore Decatur against the Algerian pirates and served with such ability that the Commodore presented him with a sword and a brace of pistols. He was also presented with a sword by the State of Virginia. The youngest son, Col. Richard Evelyn Byrd founded the "Winchester Byrds" and from him are descended Capt. Thomas Bolling Byrd, Admiral Byrd and Senator Byrd and Mr. William Byrd of New York. However, it is Dr. Charles Carter Byrd who is of particular interest as the founder of "Chapel Hill". He was born in 1799 at "The Cottage", where he received his medical education has not been ascertained, but that he was a practicing physician is certain. On July 29, 1823, his mother conveyed to him 168 acres¹² of the "Cottage" tract as his share of his father's land in consideration of certain conditions in an "Agreement" recorded at the same time¹³ Our records show that the following September he entered in to a pre-martial agreement¹⁴ with Jane Fautleroy Turner wherein certain rights in the lands conveyed Dr. Byrd by his mother are given to the young lady because of advances of money to be made by her father to Dr. Byrd. It is to be noted that the land is not yet called "Chapel Hill", and it is curious that the 4 acres ("E") are still contained within the bounds of the tract, but are specifically excepted "as belonging to Philip Burwell." The marriage of Dr. Charles Carter Byrd to Miss Turner took place October 3, 1823 (Jefferson County Marriage Record, County Clerk's Office, Charles Town, W. Va.) They were probably married at her father's home "Wheatlands" in

the charming old house still standing at the place where the Bullskin crosses the Berryville-Charles Town road. The bride was the daughter of Henry Smith Turner, who had come to "Wheatlands" from Westmoreland County where he was born, the son of Col. Thomas Turner and his wife Jane Fautleroy. The wife of Henry Smith Turner was born Catherine Blackburn. One of her sisters married Mr. Justice Bushrod Washington, one of her neices married John Augustine Washington and their son was the last Washington owner of Mt. Vernon. Such was the family and background of the young lady who was the first mistress of "Chapel Hill". Mrs. Byrd's father was in his day, a famous breeder of thoroughbreds, at one time owning Morgan Ratler and Clifton. At the time of his death in 1834 he probably owned the largest stud in the Shenandoah Valley. Young Mrs. Byrd must certainly have been born to the racing tradition, which was then, as now strongly entrenched in Jefferson County.

Mrs. Mary A. Byrd widow of Capt. Thomas T. Byrd died some time in the year 1824. Her will, dated March 6th and probated December 6th, reflects her deeply religious nature and her earnest desire to comply with the last instructions of her deceased husband. A full copy is herewith appended.¹⁵ No appraisal of the personal estate of Mrs. Byrd was recorded and this was probably divided as she directed, but the real property was divided by means of a friendly suit on the chancery side of the County Court styled "Philip Norborne Nicholas and Maria his wife and Elizabeth Hill Byrd—vs—Francis O. Byrd et als." The Bill of Complaint filed January 3, 1825 recites that Thomas Taylor Byrd dec'd did by his will in Frederick County devise to his wife Mary Ann Byrd also dec'd all of his lands in Frederick County upon a Trust verbally expressed that she should divide the lands equally among his children. It is further stated in the Bill, that Mrs. Byrd in her life time conveyed to Francis and Charles C. Byrd their proportions of the land, and the Court is requested to appoint commissioners to divide the remaining land. Thomas T. Byrd Jr., F. O. Byrd, R. E. Byrd and Charles C. Byrd are named as defendants.

The defendants the same day filed an answer admitting the facts and concurring in the request that the commissioners be appointed.

Accordingly the Court appointed Nathaniel Burwell, William Taylor and Treadwell Smith who returned a report dated October 22, 1825 with a plat and survey made by William Castleman S. F. C. dated February 27, 1825. An accurate tracing of this plat⁹ is herewith appended. The commissioners confirmed to Dr. Charles C. Byrd the land deeded him by his mother in her lifetime as also the portion she had given Francis O. Byrd. By a deed dated October 1, 1824 all of the sons had relinquished any right they had under the will of Mrs. Byrd to purchase the interests of their sisters, and the commissioners allotted to the

sisters their respective shares. Particular attention is called to the fact that no house appears on the portion of Dr. Charles Carter Byrd. "The Cottage" is shown on the portion of T. T. Byrd Jr., near the middle spring of the three springs appearing on the plat. In an effort to ascertain the year in which "Chapel Hill" house was built a very thorough search was made of our tax books. Unfortunately some of these books have been lost or destroyed but this information was obtained:

- 1823 T. T. Byrd's Estate, 1000 acres, value of buildings \$1125.00.
- 1824 Book missing.
- 1825 Mary A. Byrd's Estate, 832 acres, value of buildings \$1125.00.
- 1825 Dr. C. C. Byrd, 168 acres, value of buildings, None.
- 1826 Dr. C. C. Byrd, 168 acres, value of buildings, \$1000.00.
- 1826 T. T. Byrd Jr., 168 acres, value of buildings, \$1125.00.
- 1827 Dr. C. C. Byrd, 168 acres, value of buildings, \$2500.00.
- 1827 T. T. Byrd Jr., 168 acres, value of buildings, \$1125.00.

By reference to the partition plat it will be seen that T. T. Byrd Jr. had his share, the land on which "The Cottage" stood and which had been assessed at \$1125.00 to the estate of T. T. Byrd Sr. and was transferred to T. T. Byrd Jr. after the division. These assessments would indicate that the smaller house at "Chapel Hill" was completed in 1825 and the larger house in 1826. Buildings were not assessed until the year following their completion.

A most careful search of all possible sources, was made, in the hope that some evidence would be found, showing the presence of buildings on Dr. Byrd's land before 1825. No such evidence was found.

The house is constructed of native stone in the manner called "rubble masonry" and the workmanship would indicate slave labor or local artisans of somewhat superior skill. The pitch of the roof and the proportions of the gables reflect an unmistakable Tidewater influence which with the remarkably beautiful site lends an air of pleasant dignity to a gracious house.

Having such a home, it would seem like Dr. Byrd would have remained there the rest of his days, but for some reason not disclosed in the records, he sold his house and land November 27, 1826⁶⁶ to Philip Burwell, Esq.; his father-in-law joining in the deed. It is amusing to note that in this conveyance the four acres "belonging to Philip Burwell" is again excepted. In this deed Dr. and Mrs. Byrd are described as "formerly of Frederick County, Virginia, but now of Montgomery County, Maryland."

Where Dr. Byrd was living at the time of his death is not known, but he is buried at the "Old Chapel" and the inscription

on the tomb states he "departed this life Dec. 14, 1829, aged 30, cut off in the midst of his days and the exertion of manly ambition She for whom he joined the tenderest names dedicates this marble to his memory" &c. Mrs. Byrd survived until 1862 and is also buried at the "Old Chapel." No information can be obtained about their two children, Lucy and Thomas Taylor Byrd, except that they were devised 1,300 acres of land in Ohio by the will of their grandfather Henry Smith Turner in 1834, at which time they were alive.^e

Philip Burwell, Esqr., who purchased "Chapel Hill" in 1826, as we have seen, was born in 1776 the son of Col. Nathaniel Burwell the builder of "Carter Hall", and his first wife Susanna Grymes of Middlesex County, who was his first cousin. Col. Burwell removed from his home, "Carter's Grove" in James City County, about 1790 to reside permanently on the land granted by "King" Carter in 1730, as agent for Lady Catherine Fairfax, to his father, Carter Burwell.

Philip Burwell married in 1797 Elizabeth Carter Page of Hanover County who died in 1821. He afterwards married the widow of William Welford who was born Susan R. C. Nelson being the thirteenth child of Col. William Nelson^f of Hanover County. Philip Burwell had no children by either marriage.

Col. Nathaniel Burwell deeded to his son Philip for "love and affection and sixteen hundred pounds" in 1814, a tract of 814 acres called then, as now, "Chapel Green" together "with all farming utensils, live stock and the 48 slaves now on the said plantation." He added to this, by purchase from Dr. Byrd "Chapel Hill" which then became his home until his death February 11, 1849. Mr. Burwell was much given to hospitality and during his life time improved the gardens and grounds around the house and brought the estate up to a high degree of cultivation, and it is with this owner that "Chapel Hill" is most frequently associated. Having no children of his own, he virtually adopted several neices and nephews to whom he left most of his property. He died at "Chapel Hill" February 11, 1849.

During the ownership of Mr. Burwell, "Chapel Hill" came within that portion of old Frederick County which was established in 1836 as Clarke County, and from this point all of the records to which references are here made are recorded in the County Clerk's Office at Berryville.

From the copy of the will of Philip Burwell¹⁷ it will be seen that he directs that no appraisements be made of his household property, which is to be regretted, as it would have been interesting to know just what "Chapel Hill" contained in his time. There is, however, a brief appraisement of his 68 negroes amounting to \$19,000.00. His carriage and carriage horses were valued at \$2,800.00.

By his will Philip Burwell gave to his wife for life the "Chapel Hill" land as well as the mysterious four acres about which we have speculated. It will be noted that this four acres now has upon it a stone house and has acquired a name, to-wit: "Bunker's Hill." Diligent inquiry among old inhabitants yielded no information about how the place got it's name, in fact no one had ever heard the name in that connection.

Under the provisions of Philip Burwell's will, "Chapel Hill," after the death of his widow, was to be divided in equal proportions between his sister Mrs. Eliza Hay who was the widow of Dr. James Hay of "Farnley", his nephew Dr. Robert C. Randolph and his neice Mrs. Lucy B. Hutchinson the wife of the Rev. Eleazer Hutchinson. Mrs. Mary Hay died in 1855 and by her will¹⁸ devised her interest in "Chapel Hill" to her brother George H. Burwell Esqr. of "Carter Hall" in trust for her son William Hay and Emily his wife. However, the widow of Philip Burwell continued to live at "Chapel Hill" until the outbreak of the war in 1860, when she is said to have moved to "New Market" to be under the protection of Dr. Robert C. Randolph and there she died December 27, 1869, nearly twenty years after her husband's death.

In 1870 two suits were brought in chancery in the Circuit Court of Clarke County, styled George H. Burwell, Trustee,-vs-R. C. Randolph et als, and E. T. Hutchinson-vs-R. C. Randolph which were some time later merged as one, under the first style above given. This suit was on the docket thirty-six years, being finally stricken from the docket November term 1906. Frequent references are made to plats in the papers in this suit, but not one can now be found. An abstract of the Bill of Complaint and answer of Dr. R. C. Randolph are appended.¹⁹ In explanation of Dr. Randolph's optimistic remarks about the railroad junction at "Chapel Hill," about which a city would spring up, it is necessary to state that this view was held by many persons in the "boom" days of 1870. Dr. Randolph and his sister Mrs. Hutchinson wished the land to be divided as directed by the will of Philip Burwell, but all others interested asserted that the farm was not susceptible of being divided in kind without great loss. The Court decided that it should be sold and "Chapel Hill" was sold at public auction October 28th, 1870 by Maj. Holmes Conrad and D. H. McGuire, Special Commissioners to Matthew Page Andrews of Shepherdstown, West Va.²⁰ Mr. Matthew Page Andrews was the son of Rev. Charles W. Andrews and his wife Sarah, daughter of Matthew Page of "Annefield" and his wife Ann Meade. Mr. Andrews lived at Shepherdstown and no evidence has been obtained to show that he ever lived at "Chapel Hill". In 1877 (Deed Book M Page 468) he conveyed the property to N. S. White in trust for his wife Mrs. Ann Robinson Andrews. In 1889 N. S. White died and A. R. Andrews and C. W. Andrews Jr., were substituted trustees (Deed Book U

Page 269). These trustees²¹ sold "Chapel Hill" in 1895 to Jacob W. Vorous a Clarke County farmer who had served during the War between the States in Mosby's Rangers. It should have been previously stated that Mrs. Matthew Page Andrews, during her ownership sold 2 acres of "Chapel Hill" to Mrs. Rebecca Whiting, of whom presently.

Jacob W. Vorous lived at "Chapel Hill" nearly all the time until his death in 1906. He owned other land contiguous to "Chapel Hill" which had originally belonged to "Chapel Green" and which had been sold by the heirs of Mrs. Hutchinson and Mrs. Hay, devisees under the will of Philip Burwell, and this land some have considered as having once been a part of "Chapel Hill". However, a careful search will reveal that the aforementioned ladies and Dr. Randolph were devised "Chapel Hill", and that they also received portions of "Chapel Green" as the residuary legatees and devisees of Philip Burwell. The similarity of place names and the fact that the lands joined, required much tedious searching, for the sake of accuracy.

After the death of Mr. Vorous his lands were divided by means of a chancery suit among his widow and children. A reference is made to a plat and survey in the papers of this suit, but none could be found. The award of the Commissioners was not, it would seem, satisfactory to the Vorous heirs; or perhaps changing conditions made the award unsatisfactory. The various tracts were sold and "Swapped" to each other an amazing number of times. Most of the land came to be owned by the son, Robert N. Vorous, who sold a portion to George H. Burwell, Esqr. of "Mt. Airy", who later traded some portion back to Vorous. Mr. Burwell sold his portion to the Hunt Lands Inc., from whom it was purchased by Col. Donovan, who also purchased from Hunt Lands Inc., their tract.

Since no particularly interesting things happened to "Chapel Hill" during this period, there would be no point in relating these transactions in this narrative. However, for the sake of accuracy and to complete the record, the necessary search was carefully made, and the deed Book and page references of seven deeds covering these transactions will be found on.²²

The tract of land known as "Engleside" (frequently spelled in the records "Ingleside") has had fewer owners and can be more briefly stated.

This tract was "Lott No. 2" as may be seen by reference to the partition plat of "The Cottage"⁹ and was the portion allotted to Miss Elizabeth Hill Byrd. This lady married Gen. Elisha Boyd of Berkeley County, and his impressive home "Boydville" is still standing and now is within the limits of Martinsburg, but is still owned and occupied by his decendants.

There were no children of this marriage.

The records of Berkeley County suffered severely in the War between the States, and eleven Will Books and nine Deed Books were lost, so that almost nothing can be gleaned from the records there about Mrs. Boyd. However, in the Clarke County records there is recorded an instrument²³ which relates the chain of title from her acquisition of the land until 1851. It is well to remark at this point, that this instrument was so badly written, or so badly recorded, that it is impossible to accurately copy it in type. This deed sets forth that Mrs. Byrd, by a pre-martial agreement with Gen. Boyd reserved to herself the title in this land (under the law existing the title would have passed at marriage to her husband), and that Mrs. Boyd died sometime after June 29, 1839, devising this land to her sister Mrs. Nicholas and her brother T. T. Byrd Jr. for their lives with remainder to the children of Mrs. Nicholas, who in 1851 made deed conveying the tract to Francis H. Whiting of Clarke County.

Mr. Whiting was the son of George Braxton Whiting of "Ruxton" Jefferson County and his wife Francis Harrison Horner. This lady was a member of the Maryland family of Horners whose distinguished descent is set forth in Hayden's "Virginia Genealogies". Mr. Whiting's grand-father was Henry Whiting^g of Gloucester, who removed to the Shenandoah Valley about 1775 and settled on a large tract on the Shenandoah near what is now Wickliffe, Clarke County. Mr. Whiting had an uncle, Francis Whiting^h who lived in Fairfax County near Mt. Vernon, and Gen. Washington relates in his Journal that he hunted with this Mr. Whiting, and borrowed hounds from him for breeding purposes.

So much for the back ground of the man who founded, lived and died at "Engleside". He married, March 18, 1840 (Clarke Co. No. 1 Marriage Bond Book) Rebecca, daughter of Abraham Huyett a farmer living in Long Marsh District. About this marriage a pleasant tradition survives to this day. It is related that Mr. Whiting once remarked that he was tired of waiting on "ladies" and expected to marry a girl who was accustomed to working, and who would help him overcome the handicap of having received a very small patrimony, whereupon his kinfolk and friends were much offended. Shortly thereafter he rode to Mr. Huyett's on business, and as he came up to the gate, a remarkably pretty girl who had been milking, arose from her stool and opened the gate for him. This incident led to his marriage to the girl (Miss Huyett) and his family were again displeased, but it is said the marriage was a successful and happy one. Through the courtesy of Miss Rose McDonald, I have had opportunity to see Mrs. Whiting's orders (circa 1845) to her merchant, and samples of goods she sent to be matched. Judging from these things, she was not only a sensible

woman with good business judgment but also had excellent taste, and most certainly her handwriting is beautifully done.

In a deposition filed in the suit *Burwell, Trustee-vs-R. C. Randolph, et als*, previously referred to, and taken in 1871, Mr. Whiting stated that he had been living at "Engleside" "for nearly thirty years." This would indicate that he had lived on the land before he acquired title to it. He died there June 1, 1879 at the age of 72 years, and was buried at the "Old Chapel." By his will he left "Engleside" to his wife for life and at her death it was to be divided among his children, "Except my first daughter who went off in 1862." His widow, died in 1888 being also 72 years of age, and is buried at the "Old Chapel." In 1895, the heirs of Francis H. Whiting executed a deed²⁴ to Mrs. Mary E. Clark for 12 acres of the "Engleside" land. This 12 acres has recently been purchased (Deed Book 27 page 55) by Col. Donovan from Mrs. Clark's heirs.

The remainder of the "Engleside" tract continued in the possession of the Whiting heirs. Recently a suit was brought to settle the estate of Francis H. Whiting, and the land was bought by Col. Donovan from the commissioner appointed by the Court to convey the title to him. In the time that has elapsed since the death of Francis H. Whiting an astonishing number of people have come to have an interest in "Engleside", and the suit is still upon the docket. The style of this suit setting forth all of the parties interested is appended²⁵ in order to complete the record.

And so runs the story of the land called "Chapel Hill." First a part of the "Colony of Virginia and Dominion of the Crown", next as a part of the oldest State in the new "United States", then for five years within bounds of the "Confederate States" and now once more a part of the reunited "United States."

Men may erect governments and then overset them, but good earth is eternal, and makes grateful return to those who use it well.

The statements made in this account of "Chapel Hill" are, to the best of my knowledge and belief, accurate and correct. All of my information has been obtained from the county records of the Counties of Spottsylvania, Orange, Frederick and Clarke in Virginia, and the Counties of Berkeley and Jefferson in West Virginia, and from the records of the State Land Office, Richmond Virginia, and from recognized genealogical and historical authorities. In quoting old records, the spelling, punctuation and the use or omission of capitals have been exactly copied,

in so far as is possible in type.

R. E. Griffith Sr.

Winchester, Virginia.
December 16th, 1940.

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CHAPEL HILL — NOTES

- a. This Robert Carter, Junior was Robert Carter of Nomini Hall, Westmoreland County, who became one of Virginia's largest landowners and known as "Councillor" Carter. His father, Robert, was the youngest son of "King" Carter.
- b. William Byrd of New York died recently; none of Capt. Thomas Taylor Byrd's land in Clarke is now owned by his descendants.
- c. This date is given in Old Chapel, Clarke County, p. 29, as Jan. 7, 1752.
- d. John Byrd held a Lieutenant's commission in the British army at the time of his death in France in 1771. Col William Byrd III signed his will July 6, 1774. In it he stipulated that if his son, Francis Otway Byrd, "should quit the Navy" (British) "before the death of my dearest wife" he should be disinherited. He also decreed in his will that his son, Thomas Taylor Byrd, should forfeit his inheritance if he married Susannah Randolph, (Va. Mag. Hist. & Biog., Vol. 38, pp. 58-63).
- e. It was believed by the preceding generation in the Millwood neighborhood that both of Dr. Byrd's children settled in the west soon after the death of their Mother. That his son had married in or before 1866 is attested by this entry on p. 63 of Dr. Robert C. Randolph's Record of the Old Chapel Cemetery: "Oct. 19th, 1866. This evening head and foot stones were placed at the grave of Mrs. Dr. Byrd, at the expense of her daughter-in-law, Mrs. Emily Byrd."
- f. Col. William Nelson was the eldest son of "Secretary" Thomas Nelson, progenitor of the junior of the two main branches of the Nelson family in Virginia.

- g. Henry Whiting (Dec. 10, 1748-Oct. 28, 1786) was the 1st son and child of Francis and Frances (Perrin) Whiting of Gloucester Co. His parents removed to Frederick County and he spent his youth at "Bullskin". His landed property was near the present Wickliffe. His own home was called "The Cottage". He was an officer of the Revolutionary Army. He married, 1st Ann Fairfax Carlyle, who died the day their only son, Carlyle Fairfax Whiting was born—March 20, 1778. He married, 2nd Elizabeth Braxton, daughter of George Braxton and by her had three children: (1) Mary Blair Whiting who married Dr. Robert Howe Little; they lived in the present Clarke Co., and were buried at the Old Chapel; (2) George Braxton Whiting, and (3) Frances Beverley Whiting, who married Mary, daughter of Col. Nathaniel Burwell, built Clay Hill and lived and died there.
- h. Francis Whiting was not an uncle but the great grandfather of Francis H. Whiting of Engleside. He was born in Gloucester Co. in 1720 and died at Bullskin June 24, 1775. He managed one of George Washington's farms in old Frederick, but not with any great profit to either. "In the good days before the Revolution" he frequently enjoyed fox hunting at Mt. Vernon and Belvoir. His name appears at times in George Washington's Diaries. Settling in the Valley some years after his marriage in 1747, he and his wife are the ancestors of the Whitings of Clarke, Frederick, Jefferson and Berkeley—the two last now in West Va. (Authorities for this and the preceding note: The Whiting Papers of William H. Whiting, Jr., History of the Blair, Banister and Braxton Families by Frederick Horner, D. D., U. S. N., pages 183, 188, 189, 193, 198, 199).

CHAPEL HILL — SUPPORTING DOCUMENTS

NORTHERN NECK DEED BOOK C, PAGE 77.

No. 1.

THE RIGHT HONBLE THOMAS LORD FAIRFAX OF LEEDS Castle in the County of Kent and Baron of Cameron in Scotland, and William Cage of Milgate in the Parish of Bearhead in the said County of Kent Devisee in Trust & sole Executors of the Last Will and Testament of the Right Honble Catherine Lady Fairfax deceased, PROPRIETORS of the NORTHERN NECK OF VIRGINIA, TO ALL TO WHOM this present writing shall come send greeting. . . . KNOW YE that for divers good causes and consideration, but more especially for and in consideration of the composition for our use paid unto our Agent & Attorney and for the annual Rent hereafter reserved, WE HAVE given granted and confirmed, and by these Presents for use, our Heirs and assigns DO give, grant and confirm unto Landon Carter and George Carter, sons of Robert Carter senr. Esquire, Carter Burwell and Robert Burwell sons of Major Nathaniel Burwell dec'd Carter Page and Robin Page sons of Mann Page Esq. Robert Carter Nicholas son of Doctor George Nicholas, Robert Carter junior son of John Carter Esq. Benjamin Harrison junior son of Benjamin Harrison Esquire, and Robert Carter junior son of Robert Carter junior esq. one certain tract or parcel of Land containing fifty thousand two hundred and twelve acres situate lying and being in Stafford County on the northwest side of a Branch that issues out of Potomack River on upper side of the Blew Ridge, commonly called Chenandoah Creek & is bounded as followeth, viz: BEGINNING at a large walnut tree marked RC standing near the bank of the said Creek on the lower side of the mouth of a Spout Run that falls into the said Creek, on the north west side thereof opposite to the lower gap or thoroughfare of the aforesaid Blew Ridge, about twelve or fifteen miles above the mouth of the aforesaid Creek, and a little above an Island commonly called Mattason's Island, and extending thence North twenty Degrees, west seventy five poles to a white oak, thence north fifty degrees, west one hundred and thirty four poles to a large white oak on a stony Hill, thence south eighty degrees west twelve hundred and eighty poles to a large Red Oak; thence North fifty six Degrees west eight hundred and four poles

to a Locust Tree on a Hill: thence North seventy nine Degrees west fourteen hundred and eighty two poles to a Poplar Tree; thence south sixty Degrees West fourteen hundred and Twenty five Poles, to a White Oak standing near the Draughts of Opequon; thence south sixteen Degrees East eleven hundred and forty two poles to two Red Oak Bushes in a Poyson Field; thence south forty five Degrees east four hundred and eighty poles to a Hicory Tree near the Draughts of Cedar Lick being a Branch of the aforesaid Creek; thence south sixty degrees East one thousand and twenty poles to a small Red Oak on the side of a Hill; thence South forty Degrees west two hundred and fifty poles to a large white oak on a piney Ridge; thence west five hundred and sixty poles to a large Spanish Oak on the Bank of the said Creek at the upper end of a Rich Neck of Land and opposite to the lower end of two small Islands; and from thence down the said Creek the several courses and meanders thereof to the place it begun, including six Islands within the said Creek, Together with all rights, members and appurtenances thereunto belonging, Royal, Mines excepted, and a full third part of all Leads, Copper, Tin, Coals, Iron Mines and Iron Ore that shall be found thereon: TO HAVE AND TO HOLD the said fifty thousand two hundred and twelve acres of land, and the said six Island included within the said Creek, together with all rights, profits and Benefits to the same, belonging or in any wise appertaining, except before excepted, to them the said Landon Carter, George Carter, Carter Burwell, Robert Burwell, Carter Page, Robin Page, Robert Carter Nicholas, Robert Carter junior son of John Carter Benjamin Harrison junior, & Robert Carter junior son of Robert Carter junior, their Heirs and Assigns for ever; they the said Landon Carter, George Carter, Carter Burwell, Robert Burwell, Carter Page, Robert Carter Nicholas, Robin Page Robert Carter junior son of John Carter, Benjamin Harrison junior, and Robert Carter junior son of Robert Carter junior, their Heirs and assigns therefore YIELDING AND PAYING to us, our Heirs and assigns, or to the certain attorney or attorneys, Agent or Agents of us the said Proprietors or to the certain Attorney or Attorneys of our Heirs and Assigns, Proprietors of the said Northern Neck, yearly and every year on the Feast Day of Saint Michael the arch angel the fee Rent of one shilling Sterling money for every fifty acres of Land hereby granted, and so proportionally for a greater or lesser quantity. PROVIDED that if the said Landon Carter, George Carter, Carter Burwell, Robert Burwell, Carter Page, Robin Page, Robert Carter Nicholas Robert Carter junior son of John Carter, Benjamin Harrison junior and Robert Carter junior, son of Robert Carter junior, their Heirs or assigns shall not pay the before reserved annual Rent so that the same or any part thereof shall be behind or unpaid by the space of two whole years after the same shall become due, if lawfully demanded, that then it shall and may be lawful for us, our Heirs and assigns proprietors as aforesand, our or their certain Attorney or Attorneys, Agent or Agents into the above granted premises to reenter and hold the same so as if this grant had never passed. Given at our Office in Lancaster County—— within our said proprietary under our Seals, WITNESS our Agent and Attorney fully authorized thereto. Dated the twenty second day of September in the fourth year of the Reign of our Sovereign Lord George the SECOND by the Grace of God of Great Brittain, France and Ireland, King Defender of the Faith ye Annoque Domini one thousand seven hundred and thirty.

Landon Carter, George Carter, Carter Burwell,))
 Robert Burwell, Carter Page, Robin Page,))
 Robert Carter Nicholas, Robert Carter Junr.))
 Son of John Carter Esq. Benjamin Harrison))
 Junior & Robt. Carter junior son of Robert))
 Carter junior their Deed for fifty thousand))
 and two hundred and twelve acres of Land in))
 Stafford Coty.))

Examined.

No. 1A.

BROOKE'S DIVISION OF THE 1730 GRANT

As the grant itself shows there were ten beneficiaries. They were two sons and eight grandsons of Robert ("King") Carter. By 1740 two of the grandsons had died—Carter Page, son of Mann Page I of "Rosewell" and of Judith Carter, his second wife, and Robert Carter "Junior", son of Secretary John Carter of "Corotoman" and "Shirley" and of Elizabeth Hill his wife. It is interesting to note that neither in the Carter Family Tree nor in Wilson Miles Cary's Carter Chart is a Robert listed among the children born to John and Elizabeth (Hill) Carter.

In 1740 Col. Landon Carter of "Sabine Hall", one of the two sons of "King" Carter named as beneficiaries, brought a friendly suit in the High Court of Chancery in Williamsburg against certain other beneficiaries to bring about the division of this vast tract into eight parts of "equal value" and the allotment of one part to each of the eight surviving beneficiaries. The court appointed Robert Brooke, a noted Virginia surveyor of his day, to make the division and allot the parts. Brooke did so, and on September 3, 1740 signed a report which he submitted to the court and which was evidently approved by it.

The Brooke report consisted of a plat of his survey (which showed the tract contained 50,703 acres instead of 50,212) and its division into eight parts of equal value and written on this plat was a detailed description of the allotment of one part to each surviving beneficiary.

What has every evidence of being the original Brooke report is now owned by George H. Burwell III of "Mt. Airy", near Millwood, in Clarke County. Mr. Burwell is a great grandson of Col. Nathaniel Burwell, son of Carter Burwell who devised to him his (Carter Burwell's) share of the tract as allotted to him by the Brooke division. Col. Burwell must have brought the report with him when he moved from Tidewater to the Valley. From him it passed to his son George H. Burwell I, then to the latter's son, George H. Burwell II, and from him to the present owner.

The original Brooke report must have been filed with the records of the above named chancery court which records were destroyed by fire in Richmond in 1865. But then, even as now, plats were sometimes "borrowed" from court records for home or office study and by neglect or oversight, never returned.

THE BROOKE REPORT

"By virtue of a commission to me directed out of General Court in Chancery wherein Landon Carter Gent is Ptf against George Carter, Carter Burwell, Robin Page, Robert Carter Nicholas, Benjamin Harrison, son of Benjamin Harrison the Elder, and Robert Carter Defts, have surveyed a tract of land granted by the Proprietor of the Northern Neck the 22 day of September 1730 to Landon Carter, George Carter, sons of Robert Carter Senior, Esquire, Carter Burwell & Robert Burwell sons of Maj. Nathaniel Burwell Decd, Carter Page and Robin Page, Benjamin Harrison Esquire and Robert Carter, junr son of Robert Carter junr Esquire for 50,212 acres in Stafford County now Orange on the northwest side of a branch that issues out of Pottomack River now called Sherrando—within the bounds of which Grant is included together with the islands 50,703 acres which I have divided (according to the best of my Judgment) into eight equal parts having regards to the goodness and quality of the Land, and for the Fairest and most Impartial method of assigning to each Person his part of the said land the Letters A B C & c were set over each division in this Plat and then eight Tickets Being marked with the same Letters were put into a Hatt and eight other tickets with the parties names writ severaly on them were put into another Hatt, which said tickets were drawn by Richard Epps Gent and Martha Epps Spinster before the Honorable John Carter Esqr. Henry Fitzhugh Esqr, Mr. Attorney Generall, Doctr. Doctr. Anson, Chapman and several Ladys.

"The Letter F. being first drawn by Martha, the name Robin Page^a was drawn by Richard out of the other Hatt, for which reason I do allot unto the said Robin Page that part of this plat marked F, containing seven thousand nine hundred and fifty three acres as his—to be held in severalty by him and his heirs forever.

"The letter G being next drawn and the name George Carter^b from the other Hatt I do allot unto George Carter the part in the plat marked G being eight thousand three hundred and sixty five acres as his full share and equal part to be held in severalty by him and his heirs forever.

"The letter E being next drawn the name Benjamin Harrison^c son of Benjamin Harrison the elder was drawn from the other Hatt. I do allot unto the said Benjamin Harrison that part in this plat marked E being six thousand four hundred and seventy nine acres together with one island of twenty acres and several other little islands as his full share and equal part to be held in severalty by him and his heirs forever.

"The letter A being next drawn and the name Robert Carter^d out of the other Hatt I do allot unto the said Robert Carter that part in said plat marked A being three thousand five hundred and twenty eight acres together with one island of eighteen acres as his full share and equal part to be held in severalty by him and his heirs forever.

"The letter H being next drawn and the name Landon Carter^e from the other Hatt I do allot unto said Landon Carter that part in this plat marked H being six thousand nine hundred and seventy six acres as his full share and equal part to be held by him and his heirs forever.

"The letter C being next drawn and the name Carter Burwell^f from the other Hatt I do allot unto the said Carter Burwell that part in this plat marked C being five thousand six hundred and forty acres together with one island of one hundred and sixty acres as his full share and equal part to be held in severalty by him and his heirs forever.

"The letter D being drawn the name Robert Carter Nicholas^g was drawn out of the other Hatt. I do allot unto the said Robert Carter Nicholas that part in this plat marked D being five thousand nine hundred and fifty seven acres as his full share and equal part to be held in severalty by him and his heirs forever.

"Lastly the letter B being drawn the name Robert Burwell^h came out of the other Hatt. I do allot unto the said Robert Burwell that part in this plat marked B containing five thousand six hundred and nineteen acres as his full share and equal part of the said fifty thousand seven hundred and three acres to be held in severalty by him and his heirs forever.

"Given under my hand and seal this third day of November one thousand seven hundred and forty."

(Signed)

RobBrooke.

NOTES

(a) Robin or Robert Page was one of the three surviving sons of Mann Page I and Judith Carter, his wife. He removed to Hanover County and built Broadneck where he died c. 1768, 46 years of age. His sons, John and Matthew, inherited large estates in what is now Clarke County from their father's portion of the 1730 grant. Both settled in Clarke soon after the Revolution. John Page built Page Brook and Matthew Page built Annfield, two of Clarke's noted homes. It is an interesting fact that Judith Carter's three surviving sons, Mann, John, and Robert Page became the heads respectively of the three branches of the Page family, the Rosewell Pages also known as the White Pages; the North End Pages, also known as the Black Pages, and the Broadneck Pages. Pages from all three branches settled in Clarke. The Pages and the Burwells built more homes in the county than any other two families ever built and many of these have survived the destructive passage of the years.

(b) George Carter was a son of "King" Carter and Elizabeth Landon, his second wife. He never married. He died in England some time before January 13, 1741 O. S., the date of the recording of his will. Robert Burwell, son of Major Nathaniel and Elizabeth (Carter) Burwell, George Washington and Col. Fielding Lewis of "Kenmore" were appointed trustees to administer his portion of the 1730 grant (Henning, Vol. 8, p. 215).

(c) Benjamin Harrison was a son of Benjamin Harrison and of Anne Carter, his wife. He was born at "Berkeley", the historic Harrison home in Charles City County, in 1726 and died April 24, 1791. He was a Virginia Signer of the Declaration of Independence, a Burgess, a member of the Continental Congress and Governor of Virginia from Nov. 30, 1781 to Nov. 30, 1784. He married Elizabeth Bassett, daughter of William Bassett of "Eltham", New Kent Co. and they became the parents of William Henry Harrison who was the ninth President of the United States. Benjamin Harrison of "Longwood" in Clarke is his great, great, great grandson. No Harrison ever lived on the part of the 1730 grant allotted to Governor Harrison. This land passed into the possession of Col. George Mercer and became known as the Mercer tract. Col. Mercer's affairs having become greatly involved, the tract was re-surveyed in 1771, divided into 22 lots and these were sold under the direction of George Washington to the highest bidders he, himself, thus acquiring several of them.

(d) This Robert Carter was the only son of Robert Carter II and Priscilla (Churchill) Carter. He was born at "Corotoman", the home of his paternal grandfather, Robert ("King") Carter, in February 1728 and died in Baltimore on March 4, 1804. He was a member of the Colonial Council and thus acquired the name, "Councillor". In 1754 he married Frances Tasker, of the noted Maryland family of that name. In 27 years she bore him 13 daughters and four sons. He inherited "Nomini Hall" in Westmoreland Co. and was one of the great landowners of Virginia. Julia, one of his daughters, married Dr. Robert Berkeley on May 30, 1804 and they lived on a tract of 1764 acres, being supposedly one half of his share of the 1730 grant, until her husband was brutally murdered by his slaves on May 12, 1818. For the partition plat of his land in Frederick see R. E. Griffith's article on Rock Hill in Vol. III of the Proceedings of the Clarke Co. Historical Association and for the trial of the slaves indicted for Dr. Berkeley's murder see Mr. Griffith's "Extracts From The Testimony" taken at the trial in the same Proceedings.

(e) Colonel Landon Carter (Aug. 18, 1710-1779) of "Sabine Hall", Richmond Co., Va. never lived on his part of the grant, but he bought more land in Frederick Co. until his total acreage exceeded 10,000. He divided this land into lots of 2000 acres or more each and offered these for lease. The entire acreage remained in his or his heirs possession until 1840 when the first sale of land from it was recorded. Col. Carter signed some leases for duration of the life of the lessor.

(f) Carter Burwell (Oct. 25, 1716—died after May 14 and before Oct. 26, 1756), was one of the three surviving sons of Major Nathaniel Burwell and Elizabeth Carter Burwell, eldest daughter of "King" Carter and his first wife, Judith Armistead. Of these sons, Lewis Burwell, the eldest, became President of the Council and was acting governor of the Colony from Nov. 14, 1750 to Nov. 21, 1751, while his younger brother, Robert, was also a member of the Council — the only instance in the Colony's history, so far as this writer's knowledge goes, where two brothers were honored with appointments to the Council: Carter Burwell's chief claim to fame is that he built "Carter's Grove", regarded by many as one of Virginia's most beautiful homes. Carter Burwell devised his portion of the 1730 grant to his son, Colonel Nathaniel Burwell, who followed his family's traditional habit of building fine homes by building "Carter Hall" upon it. Here he lived from its completion in 1800 until his death in 1814. Colonel Burwell gave or devised the greater part of the land allotted to Carter Burwell to his sons and daughters and some of it is still owned by his lineal descendants.

(g) Major Nathaniel Burwell died in 1721. His widow married Dr. George Nicholas of Williamsburg, a former surgeon in the Royal navy.

Robert Carter Nicholas was her son by this marriage. He was a distinguished lawyer who became a judge of the High Court of Chancery and hence, necessarily, of the Court of Appeals. He was treasurer of Virginia, a Burgess from James City Co. and later a delegate from the same county. He was above all a staunch patriot throughout the Revolution. Of the 5957 acres allotted him in the Brooke division he sold 3078 acres to Col. Fielding Lewis and perhaps the remainder within less than 15 years after the division of the entire grant. Robert Carter Nicholas died in Hanover County in 1780.

(h) Robert Burwell's (June 3, 1720—Jan. 30, 1777) share of the 1730 grant was 5619 acres, his northern boundary being the southern boundary of the land allotted to his brother, Carter Burwell. The story of his transactions in this land is too involved to enter into here. His only grandson, Robert Carter Burwell, got all of it that was left or could be salvaged and upon it built another of those Burwell homes of "dignity and beauty." Recent research seems to prove conclusively that his home "Long Branch" was designed and built according to plans prepared in 1811 by that famous architect, Benjamin Latrobe. Robert Carter Burwell died in 1813.

No. 2.

FIELDING LEWIS.

INSTRUMENT. Will
DATED: October 19, 1781
PROBATED: January 17, 1782
WILL BOOK E, PAGE 434

(ST GEORGE'S PARISH.
SPOTSYLVANIA CO.)

Proven by the following
witnesses:

- George Noble.
- Benj. Ledwick.
- John Butler.
- Gerard Alexander.
- Will Booth.
- William Carpenter.

APPOINTMENT: Names his wife Betty Lewis, sons John, Fielding and George, Executrix and Executors.

DISPOSITION OF PROPERTY: * * * * * Excerpt from Will:
After the death of my wife all my lands in Spotsylvania County and in Fredericksburg to my son John: son, Fielding, 1000 acres of my Frederick County lands, on which he lives: son George, remainder of Frederick County lands bought of Robert Carter Nicholas, except 1000 acres to my son Lawrence: son Lawrence, 1000 acres of land in Frederick County.

No. 3. PLAT.

No. 4.

FREDERICK COUNTY VA.
RECORDS.

FIELDING LEWIS AND ANNE
his wife of the Parish of
Frederick.

TO:
THOMAS BYRD

INSTRUMENT: DEED
DATED: October 31, 1785
RECORDED: November 1, 1785
DEED BOOK 21 PAGE 250

CONSIDERATION: One Thousand two Hundred and Eleven pounds current money of Virginia.

WITNESSES: R. K. Meade.
Joseph Lloyd.
Matt Page.

WORDS OF CONVEYANCE: The said Fielding Lewis and Ann his wife do grant bargain, sell alien release and confirm unto the said Thomas Byrd and his heirs.

DESCRIPTION: All that messuage Tenement Tract or parcel of Land situate lying and being in the Parish of Frederick in the County of Frederick containing four hundred Eighty four acres and two fifths of an acre as by a survey thereof made the 28th day of October 1785 by John Cordell deputy Surveyor of the County aforesaid and in the presence and by mutual consent of the parties above named and bounded as follows to-wit: BEGINNING at a Locust Stake near some cabbins Standing in the line of Robert Page dec'd, and running thence with the said line North 33½ D E 360 poles to a small marked Hicory near a pile of stone original corner to the entire Tract of the said Lewis thence leaving Pages line and running with the line of Lawrence Lewis South 57¼ Degrees East 358 poles to a Stake standing near a pole beyond a Locust marked as a Corner Thence by dividing lines passing through the main Tract of the said Fielding Lewis South 36 Degrees West 142½ poles to two young red oaks marked as corner thence north 76 degrees west 254½ poles to a Locust stake standing near a small marked locust bush in a field thence south 70 D West a stake and marked line to the beginning, which said tract or land is part of One Thousand acres devised to the said Fielding Lewis by the Last Will and Testament of his Father Fielding Lewis dec'd. and whereon the said Fielding Lewis now lives, and is also part of a larger tract of Fifty Thousand Two Hundred and Twelve acres granted to George Carter and others by Deed Poll bearing date the 22nd day of September 1730.

- No. 5. DEED BOOK 21, Page 459.
- No. 6. DEED BOOK 21, Page 1051.
- No. 7. FREDERICK COUNTY RECORDS.

FIELDING LEWIS
TO:

JOHN LEWIS.

INSTRUMENT: BILL OF SALE.
DATED: May 31, 1790
RECORDED: Sept. 11, 1790
(supposed to have been recorded in
Superior Deed Book 1 Folio 227)

(COPY OF THE ORIGINAL INSTRUMENT.)

KNOW ALL MEN by these presents that I Fielding Lewis of the County of Frederick for and in consideration of the sum of Twelve hundred pounds current money of Virginia to me in hand paid by John Lewis of the County of Spotsylvania. The receipt whereof I do hereby acknowledge. Have bargained & Sold and by these presents do bargain and sell unto the aforesaid John Lewis the negroes and property as undermentioned. Viz: Abrahamor Abram a negro fellow (a waggoner) Joe a negro fellow, A negro wench Betty and her five children viz: Frederick, Liddy, Esther, Warren and Sam a negro wench Sall and her two children viz: Romeo and Owen. A negro wench Nan and her five children viz: Milly, Bess Simon Clarissa and Toby. Also the three following wenches viz: Daphne, Grace, & Jenny also the following horses (viz) Bald Sorrell, Bald Black, Slaughter, Bully, Fox Romulus, and a gray colt two years old Likewise two waggons with their gears and covers Also one chariet with four harness belonging thereto. Also the following Stocks of cattle Sheep and hogs (viz) Five cows and two

calves two yearlings fifteen head of sheep and twenty head of hogs, they being the whole of the Stocks now belonging to the aforesaid Fielding Lewis. The aforesaid Fielding also in consequence of the before mentioned sum of twelve hundred pounds being paid him by the aforesaid John Lewis doth further bargain and sell unto the aforesaid John Lewis the following articles (viz) Twenty large silver table spoons, fifteen Silver Tea Spoons, 1 pair Silver tea tongs, Six beds, six bolsters, six pair of blankets, four pair of sheets, nine pillows, ten pillow cases, Eleven counterpains, one black walnut desk, one Black walnut desk and Bookcase, three black walnut dining tables, one small walnut square corner table, two black walnut dressing tables, six black walnut bedsteads, one oak do Six large Pewter wash basons three small pewter wash basons, Eleven pewter dishes, one pewter tureen, twenty three pewter plates, two pewter quart mugs, one pewter Still one copper, Seven Iron pots, three dutch ovens, three Iron Spitts, two bell mettle Skillets, one bell mettle Spice mortar, four glass Salts, four pewter Salts three Japand tea waiters, one Japand bread basket, five and one half dozen of stone and Queens ware plates, nine stone and Queens ware dishes, two large gilt looking glasses, one smaller looking glass (one corner broke) One corner cupboard twelve windsor chairs, Eleven flaged chairs, four table cloths six leather bottom chairs, Six Towels one Queen china tureen Eight Queen ware and Stone bowls & four decanters, four butter boats, Six Queens ware mugs, one Dozen China tea cups and Saucers, one large Queen-ware pitcher, three Stone fruit baskets six brass Candlesticks, two Iron do three pair Snuffers, one tin Candle box, Eight tin cannisters, five Iron potracks, three pair of Andirons, two pair of Shovels and tongs, one Rum or Ginn case and bottles, four chests, three trunks, one copper chocolate pot one dozen table knives & forks two frying pans, three Iron kettles, two Iron tea kettles, four flat Irons, one box Iron and two heaters, two chafing dishes, one bell mettle skillet, one large copper funnell, one tin do seven stone Jugs, two dish covers, one Mahogany waiter, one large drinking glass with a top to it, Seven Coffee cups and Saucers, two cotton Spining **wheals** two guns (fowling pieces) one chest of Joiners tools, one single chair and harness. Eleven volumes of Clarks Sermons, two vols. Oxfords Voyages, two vols. Bingfields travels, one vol. Almira, one vol. Amanda, one Vol. Peggy and Patty, one book of gardening, Mercers abridgment, one book of the Virginia laws, two vols. Tom Jones, two volumes of Juliet Granvel, one vol history of the Indian War, one vol. Farmers daughter, Baley's Dictionary, one large Bible, one **puster** standish, six perspective pictures, six other pictures, one tea chest, one book called the art of Japaning, Two Barr Sheer plows, three dutch plows, six axes, twelve mataxes, six hilling hoes, six weeding hoes. Which aforesaid negroes and property I do for myself my heirs Executors & administrators warrant and defend to him the aforesaid John Lewis, his Heirs, Executors, Administrators or assigns against the claim or claims of any person or persons whatsoever. In Witness whereof I have unto affixed my hand and Seal this thirty first day of May, One thousand Seven Hundred & Ninety.

FIELDING LEWIS.

Sealed & delivered
in presence of
Gerrard Keating.
his
Isaiah X Rosse
mark

At a Court cont'd & held for the District composed of the Counties of Frederick, Berkeley, Hampshire, Hardy and Shenando at Winchester the 11th day of Sept. 1790. This Bill of Sale was acknowledged by Fielding Lewis party thereto And Ordered to be Recorded.

By the Court.

PEYTON CWD CR.

No. 8. DEED BOOK S. C. 2, Page 471.

No. 9. PLAT.

No. 10. DEED BOOK 30, Page 501.

No. 11. WILL BOOK 11, Page 436.

No. 12. DEED BOOK 48, Page 46.

No. 13. DEED BOOK 48, Page 47.

No. 14. DEED BOOK 48, Page 48.

No. 15.

FREDERICK COUNTY VA.

MARY A. BYRD.

INSTRUMENT: WILL
DATED: March 6, 1824.
PROBATED: December 6, 1824.
WILL BOOK 12 PAGE 176.

With fervent prayers to Almighty God for direction I desire to enter upon the important work of making this my last will and testament. Grant heavenly father a ray of light from thy unerring wisdom to guide me in distributing among my children the property confided to me by their honoured and lamented father. They are all equally dear to me and I trust that I may be assisted by divine grace to act justly by each one and conformably with what I believe to have been the wishes of my testator as expressed in his several conversations with me on the subject. My son Charles Carter Byrd has received a deed from me for his full proportion of the land bequeathed to me by his father and has no claim to another acre in his own right. Indeed I incline to think that upon a resurvey of his ground it will be found rather to exceed a sixth part of the whole tract in which case he must relinquish whatever may be over and above his just share. Charles Carter's land also possesses advantages of water which cannot be attached to all if any of the other shares and it appears to me in strict equity the quantity of land ought to suffer some deduction on that account or at least the quantity of land ought to suffer some deduction on that account or at least this command of water may be equivalent for the inferiority of the soil which by some persons has been thought less fine than that of the rest of the tract, each of my other three sons are entitled to another sixth of the entire tract of land which belonged to their late father and in compliance with his directions to me on his death bed, I here insert that the fifty acres for which he granted a deed to his son Francis Otway Byrd are to be included in the share of the said Francis Otway. The Two remaining shares I will to be purchased by my four sons Francis Otway Byrd, Thomas Taylor Byrd, Charles Carter Byrd and Richard Evelyn Byrd who must hold themselves responsible to my daughters Elizabeth Hill Byrd and Maria Carter Nicholas **Nicholas** each one for the sum he may covenant to give for the part he takes of the said two shares nor shall any one of them sell or convey away the land so purchased until my daughters are paid the entire amount due upon the said land which must be held liable for the just and full payment of the sum of money which the purchaser bargained to give for it and in case the parties cannot agree, on the value of the land it is to be determined by three disinterested persons to be chosen by them the payment of the principal of the debt is not to — enforced as long as the interest is regularly and punctually paid by my said sons. Should my son Francis Otway Byrd make choice of that portion of my land on which my dwelling house and other buildings stand It is my will to give him the right to do so and no deduction is to be made on account either of the improvements or the quality of the land or any other advantages it may embrace. Many circumstances combine to induce the desire to throw some advantages into the hands of Francis Otway and I feel myself

authorized by my testator himself to promote the interest of this dear son as far as I can do so without materially affecting that of my other children I also give to my said son Francis Otway my dining room servant Daniel Williams and confirm to him his right in his maid Jenny who was a gift to him from his excellent father in the summer of 1817 Of course neither Jenny or her offspring are included in the property devised to me To my daughter Elizabeth Hill Byrd I give her maid Betsy Potter also my mahogany bedstead with striped chints curtains together with the bed bolster and pillows mattress and blankets thereunto **beloning** and my easy chair. To my daughter Maria Carter Nicholas I give Susan's son William also the Mahogany bedstead generally used by myself together with the curtains bed, bolster and pillows mattress and blankets thereunto belonging To my son Thomas Taylor Byrd I give my servant Gabriel Williams To my son Charles Carter Byrd I give Jack Williams To my son Richard Evelyn Byrd, I give young Christopher Williams and one of my beds not before disposed of if he should not receive one during my life All my slaves not already bequeathed by name I will to be divided into seven equal shares two of which shares I give to my son Francis Otway Byrd and one share to each of my other children Elizabeth Hill Byrd, Maria Carter Nicholas, Thomas Taylor Byrd, Charles Carter Byrd and Richard Evelyn Byrd In the share of Charles Carter Byrd the three labouring hands Randolph, Ralph and John now in his possession must be included My stock of horses, cattle, sheep, and hogs with my farming utensils I will to be divided among my four sons To my son Francis Otway Byrd I give all my household and kitchen furniture after taking out such pieces as I have bequeathed above. The old mahogany bureau and large black walnut press are the property of my daughters Elizabeth Hill Byrd and Maria Carter Nicholas. Should any money or property come to me from the estate of the late Col. William Byrd of Westover or from that of my brother-in-law. John Carter Byrd I will that so much of such money or property as shall be requisite be applied in payment of the just debts of my testator and myself Should a surplus be left I will one Thousand dollars to my son Thomas Taylor Byrd in consideration of his having maintained himself by his own industry from the age of nineteen This I direct in conformity with what I understood to be expressed by his father in his last injunction to me If any farther surplus remain from the above mentioned money or property. I will that it be equally divided among all my six children In case of the death of any of them without leaving lawful issue the part of that one must be thrown into the other shares Any debts I may leave unpaid are to be considered as chargeable equally upon all my children My son Charles Carter Byrd has entered into a bond to pay up in the course of the spring the proportion of debt now resting upon the property relinquished to him and when he has done so that property will be exonerated but any he may hereafter receive must be held liable in proportion to its value for any just Debts that may be left unpaid at my death If my daughter Elizabeth Hill Byrd inclines to take my dining room servant Ralph Williams as one of her share of my slaves it is my will that she be allowed to do so To my daughter Maria Carter Nicholas I give a similar privilege in case she shall choose to have Susan's daughter Phillis my son Charles Carter Byrd is to be allowed to take Nancy's son Thomas as one of his share if he wishes to have him & son Richard Evelyn is also to be permitted to make choice of Nancy's daughter Nancy as one of his share of my slaves Should I die without discharging the debt due to William B. Page of Pagebrook on account of money loaned by him to my late husband and myself it is my will that this debt shall be paid as soon as it can conveniently be done And now my dear children may the love of god be shed abroad in your hearts inspiring a spirit of pure and christian love for each other and for the whole family of mankind inclining you to deal justly to love mercy and walk humbly with your God that after a life of piety and virtue on earth you may all meet on the right hand of your Judge in the morning of that day which never is to end and receive the Joyful sentence of "well done good and faithful servants enter into the Joy of thy lord "amen Amen."

My son Charles Carter Byrd having received most of his proportion of my estate I think it best not to burden him with any part of my business after my death I therefore constitute and appoint my sons Francis Otway Byrd, Thomas Taylor Byrd and Richard Evelyn Byrd executors of this my last will and testament In witness whereof I hereunto set my hand and affix my seal this sixth day of March in the year of our Lord one thousand eight hundred and twenty four.

MARY A. BYRD. (SEAL)

WILL PROVEN BY: Robert Page.
Treadwell Smith.
Jacob Senseney.

EXECUTOR: Richard E. Byrd.

SURETY: Francis O. Byrd.
Thomas T. Byrd.
Betsey Byrd.

BOND: TWENTY THOUSAND DOLLARS.

- No. 16. DEED BOOK 52, Page 500.
CLARKE COUNTY RECORDS.
- No. 17. WILL BOOK B, Pages 296-7-8.
- No. 18. WILL BOOK A, Page 66.
- No. 19. CHANCERY SUIT, FILED MAY 20, 1870.
- No. 20. DEED BOOK K, Page 11.
- No. 21. DEED BOOK W, Page 542.
- No. 22. DEED BOOK 3, Page 511.
DEED BOOK 5, PAGE 542.
DEED BOOK 5, PAGE 554.
DEED BOOK 6, PAGE 87.
DEED BOOK 6, PAGE 111.
DEED BOOK 11, PAGE 26.
DEED BOOK 18, PAGE 210.
- No. 23. DEED BOOK E, Page 217.
- No. 24. DEED BOOK W. Page 524.
- No. 25. CHANCERY SUIT, BILL FILED MAY 17, 1940.



CHAPEL HILL



SPRINGSBURY

Chapter II

Springsbury

The tract of land in Clarke County, Virginia, called and known by the name of "SPRINGSBURY" was originally a part of the 5,282,000 acres which at one time comprised the Proprietary of the Northern Neck of Virginia. [The early history of the Proprietary, of the grant issued in 1730 to descendants of Robert Carter, and of the sale of a portion of this grant by Robert Carter Nicholas to Fielding Lewis of Kenmore, has been set forth above.]

Col. Lewis provided in his will that his sons Fielding and Lawrence were to have 1,000 acres each of the land he had purchased from Robert Carter Nicholas, and the remainder was devised to his son George.

George Lewis (sometimes called George Fielding Lewis) was the third child and second son of Col. Fielding Lewis of "Kenmore", Spotsylvania County, and his second wife Betty Washington, sister of Gen. George Washington. The Genealogist Wells says of him that "he was born in Stafford County, about the year 1760, and married Catherine Daingerfield." He was a legatee under the will of Gen. Washington, receiving one-twenty third part of his residuary estate, and also a special bequest of one of the General's swords. He lived on this land until some time shortly before February 19, 1790, and his first child, Samuel Lewis is said to have been born there. He sold the tract to Thomas Colston, but never made him a deed. On the foregoing date he and his wife, being then described as "of Spotsylvania County", join in a tripartite deed³ to Col. George Stubblefield, also of Spotsylvania County. This deed contains so much information that a copy in full is appended herewith. Apparently the plantation had not yet been named, and the survey, referred to, made by John Mausy Nov. 21, 1751, is not recorded in Frederick County and cannot be located. However, it is shown that there was a mill, equipped to operate, upon the plantation.

Col. George Stubblefield married the widow Sally Daingerfield, nee Lowry, and it is unlikely they ever resided on the plantation. At the time of his death, however, in 1801, he was living on a plantation on "Long Marsh". One of his daughters married a Taylor, a connection of that family that came to own

this land.

In 1792, Col. Stubblefield and Sally his wife, sold this plantation⁴ to a certain John Holker, described in the deed as "of the State of Pennsylvania." This gentleman was, perhaps, the most colorful character, of all the persons who have been associated with the estate. The following notice of him appears in "Old Chapel"^a published in 1906, the authorship of which is ascribed to Capt. William N. Nelson:

"Hon. JOHN HOLKER. Of Scotch descent, was born in England in the year 1743. His father Jean Holker of France joined the army of the Pretender, fought at the battle of Culloden, 1746 was taken prisoner and condemned to be executed, but made his escape to France. His wife and child, John, then about two years old, followed him. John Holker was sent to this country during the Revolutionary War about the year 1778 by the Government of Louis XVI, or rather by Beaumarchais, to enquire into the probability of the success of our armies against England. On his favorable report the treaty was made between Louis and the United States. Mr. Holker was then made Consul General of France and agent of the Royal Marine. Mr. Holker brought letters to this country from Benjamin Franklin to Robert Morris and other members of Congress speaking in the highest terms of his **segacity**. "He married as his third wife Nancy Davis Stillman (nee Stackpole) of Boston, Mass. Mr. and Mrs. Holker then removed to Virginia and lived at Springsberry, Clarke County, where he died in June 1820. Being a Roman Catholic he was buried in holy ground in Winchester, but was re-interred at the Old Chapel in the Autumn of 1904."

At least a portion of the foregoing is substantiated by the records of Frederick County as will hereinafter be shown, and the removal of his body (together with that of his daughter Maria who died June 3, 1794, aged 10 years) is recalled by Mr. Maurice M. Lynch, the surviving trustee of the Catholic graveyard and a resident of Winchester. However, John Holker had been in Virginia, before he bought land from Col. Stubblefield, and as early as 1784, as is evidenced by the appended deed⁵ for a tract of land sold him and located in what was then Berkeley County, afterwards Jefferson County. Indeed, the Frederick County records note a conveyance in June 1775 from one of the name (Adam Holker) and Mary his wife to an Alsatian named Gasper Larick (Laroqe) of certain lands inherited by the said Mary Holker from her father David Jones deceased.

It is probable that when John Holker came to Frederick County he was a widower with two daughters, Maria who died

in 1794, Catherine Cooper Holker, who married Samuel Hughes the Younger of Hagerstown, Maryland, in 1798, and whose descendants appear in subsequent litigation over John Holker's estate, and a son of age, or nearly so, named John Holker, Jr. At any rate in 1795, as is shown by (No. 6) he was a resident of Frederick County, and is conveying his Berkeley County land to Mrs. Hannah Hay Cooper formerly of Philadelphia, but at that date of Frederick County also.

Evidently the trouble between the United States and France in 1799, deprived John Holker of funds expected from France,^b and brought him into severe financial difficulties. He had been sued in 1795 and was forced to give a trust (Deed Book 24B page 124) on his Frederick County lands to relieve his embarrassment and which he paid in 1815 (Deed Book 37 page 513), but in 1799 his financial troubles evidently became acute, and he executed a trust⁷ to Samuel Hughes for the benefit of Mark Pringle et als, which is of particular interest, as it is the first instrument that shows the metes and bounds of his land. This trust is dated April 5, 1799, and was not fully released until 1815 (Deed Book 37 page 443). On the same day he made an assignment (No. 8) for the benefit of his creditors, and this also is of special interest, as the plantation, for the first time is called by a name, viz: "SPRINGSBURY". The trust created in this assignment was fully released by deed of release dated October 21, 1815 and recorded in Deed Book 37, page 443. This assignment also reflects the scope and diversity of John Holker's interests, and proves that his son, John Holker, Jr. was of age, and probably residing at "Springsbury". On September 8, 1798 John Holker Sr., had contracted with Hannah H. Cooper, to pay her an annuity, and secured the payment of it by an instrument⁹ which made the annuity a charge against the land. No 10 evidences that in 1806, the widow Mrs. Hannah Hay Cooper and John Holker were married (and by a Protestant Minister) and the reader will be pardoned, if, after noting the foregoing transactions, he concludes that possibly the groom then 63 years of age, was actuated by what are generally called, "mercenary motives". There is no record of any issue by this marriage, nor is there any release for the annuity against the land recorded. Nor is there proof of the death of Mrs. Hannah Hay Cooper Holker. That this marriage was dissolved either by the Courts or by death, is to be presumed from a marriage settlement¹¹ made between John Holker and Mrs. Nancy Davis Stillman, (nee Stackpole) which bears date January 19, 1815. "Old Chapel" says of this lady that she "was born May 1777. Married first John M. Stillman on February 15, 1794, and after his death she married Hon. John Holker in Boston, January 18, 1815. Died at "Long Branch" June 28, 1857". (Old Chapel" page 40). This marriage settlement was not recorded until 1820, but in subsequent litigation, was upheld by the Court. John Holker left no will, but on June 5, 1820 conveyed¹² his real property in

Frederick County to Nathaniel Burwell, Esq. in trust, upon certain conditions, for the benefit of his wife, and their daughter Anna Maria Adelaide Holker (born September 22, 1816) and John Holker the Younger of France. "Old Chapel" (page 28) states that John Holker died in June, 1820,^c but there is recorded in Frederick County an instrument¹³ dated January 12, 1821, recorded the same day, and signed by John Holker and Nancy D. his wife, which conveys to Lemuel Bent of Winchester for the benefit of his wife the personal property contained in the "Springsbury" Mansion. It would seem that John Holker was alive at that time, and again in financial difficulties. It is suggested that the inventory recorded in this conveyance is worthy of perusal, as an example of the furnishing of a home of that day and time. On April 24, 1822 Lemuel Bent conveyed (Deed Book 45 page 262) the aforementioned personalty to Nancy D. Holker, and it is stated in the deed that "John Holker hath lately departed this life."

As previously shown, Samuel Hughes had married a daughter of John Holker, and shortly after the death of Holker, Hughes brought an action in Chancery to secure for his wife a portion of this estate. The suit dragged on for a number of years, the records of which are unnecessary, and too voluminous, for the purposes of this report, except as to the final decree of the Circuit Superior Court of Law and Chancery for the Winchester District.

In 1836 Clarke County was erected from Frederick, and the "Springsbury" estate fell in the new County, so that all of the abstracts to which reference is hereafter made, are of record in the Clerk's Office of Clarke County; excepting the Circuit Superior Court Decree.

Apparently the Widow Holker dwelt at "Springsbury" as her son by her first husband, John Morgan Stillman was buried at the "Old Chapel" in 1831, and later another son, Frederick Stillman, and her nephew, "Mr. Stackpole of Boston" were buried at the same place. In 1836 her daughter Anna Maria Adelaide Holker married Major Hugh Mortimer Nelson, son of Francis Nelson, Esq., and Lucy Page, his wife, of Hanover County. Major Nelson was appointed Captain of Company "D"^e 6th Va. Cavalry, C. S. A. in July 1861, promoted Major and assigned to the Staff of Maj. Gen'l. Richard S. Ewell in the Spring of 1862, where he served until his death from typhus fever, August 6th, 1862.

Sometime previous to June 11, 1842, the land and slaves of John Holker were sold under decree of the Court at public auction, and Maj. Nelson became the purchaser for the sum of \$51,276.00, and by decree¹⁴ handed down on the aforementioned day, the Circuit Superior Court confirmed the sale, and declared that the sum realized from the sale was sufficient, only to satis-

fy the claims, under the terms of the trust to Nathaniel Burwell¹² of Mrs. Nelson and Mrs. Hughes.

By deed dated June 20, 1842¹⁵ Hugh Nelson and wife and J. Holker Hughes sold the property to Charles McCormick^f of Clarke County. It will be noted that the property at that time contained 1185 acres. The new owner was one of the most successful business men that have ever lived in Clarke County. He was the son of Thomas McCormick and his wife Ann Frost, and the grand son of Francis McCormick and his wife Ann, daughter of Thomas Province. Francis McCormick was one of the earliest settlers of the Shenandoah Valley and was the progenitor of a family remarkable for their talents in the professions and the fine art of good living. Charles was never married, and at his death willed¹⁶ his property principally to his brothers, Province McCormick, Francis McCormick and Dr. Cyrus McCormick, and created a trust fund for the benefit of his sister Hannah, the wife of William Taylor. According to the family tradition, but unsupported by evidence of record in Frederick or Clarke Counties, William Taylor was the son of John Bushrod Taylor and his wife Sarah Kennon (or McKennon), and the grand son of William Taylor Sr., and his wife Catherine Bushrod who came from Westmoreland County and settled near the present site of Berryville on a plantation which he called "Green Hill." William Taylor 2nd., married first Mrs. Harriet McIlheny, (nee Milton). He lived with this wife on her plantation called "Milton Valley". Mrs. Harriet Taylor died August 23, 1824. For his second wife William Taylor 2nd., married Hannah McCormick sister of Charles McCormick and by her had two children, viz: William 3rd and Eliza. William Taylor 2nd died intestate April 29, 1839, and is buried, with both of his wives, in the graveyard of the Episcopal Church at Berryville.

The estate of Charles McCormick was brought into Chancery, for what reason, and with exactly what results, is not now discoverable, as the papers in the suit cannot be found. The reason for this may perhaps, be best understood, from the following description in Mr. T. D. Gold's "History of Clarke County", page 86, of what befell the Clarke County Clerk's office:

"When the war ended the papers of the Court were scattered all over the Court house yard, and the books, many of them, were badly mutilated. Some papers were gathered up by Mr. D. H. McGuire and others, and placed in the records again, but in a number of cases, whole records were gone, resulting, no doubt in loss and failure of justice to those interested."

There is a bare mention in the records of a suit styled Charles McCormick's Executors — vs — Charles McCormick's

Heirs, but whatever the outcome was we find a deed¹⁷ bearing date October 1, 1849 from Francis McCormick and wife to Hannah and William Taylor, for 531 acres, 1 rood, 24 poles of the "Springsbury" (now come to be called "Springsberry") estate, being the "middle and part of the lower division. allotted to said Francis." As the aforesaid division had been confirmed by a decree of the Court. February Term 1849, the title, thus passed to Hannah and William Taylor, was unquestionably valid. At this time Hannah Taylor was a widow, and the William was of course, her son.

William Taylor 3rd., served as 1st Lieutenant, Company "D" 6th Virginia (Clarke Cavalry) was promoted to Major and transferred to the Commissary Department, C. S. A. He married Gertrude McGuire, daughter of Dr. Hugh Holmes McGuire of Winchester and his wife Ann Eliza, daughter of William Moss of Fairfax County. Major Taylor and Gertrude his wife, were the parents of four children, viz: Annie Moss Taylor who died unmarried, Dr. Hugh M. Taylor of Richmond, Va., William Taylor 4th of Texas, and Samuel M. Taylor.

In 1873 Mrs. Hannah Taylor, conveyed¹⁸ the "Springsberry" plantation to her son, Maj. William Taylor, in trust, for the benefit of his wife Gertrude Taylor, and their children. She subsequently conveyed to her daughter Eliza, who was then the wife of Alfred Tucker, a son of Judge Henry St. George Tucker and his wife Evelina Hunter, other property which she had inherited from her brother Charles McCormick, and with which we are not concerned. The conveyance to Maj. Taylor was evidently in compliance with Charles McCormick's will, and shows that she had accepted land instead of the annuity provided for her in the will, and that she had executed to her trustees at various times two trusts on the land, which, by their wording, were receipts to the trustees for sums equal to the annuity provided for her. Mrs. Hannah Taylor died July 10th, 1879, and an abstract of her will¹⁹ is herewith appended. However, "Springsberry", having been previously disposed of, was not part of the property passing by her will.

In 1882 Maj. Taylor, in his own right and as Trustee for his wife and children, conveyed²⁰ to his son Samuel Taylor 124 acres 2 roods and 15 perches of the "Springsberry" land, reducing the plantation to approximately 407 acres. Major Taylor died intestate. Mrs. Gertrude Taylor died previous to May 1894, when her will²¹ was probated, and by which she devised all her remaining interest in the land to her daughter Annie M. Taylor. In 1889, Major Taylor's son, Dr. Hugh McGuire Taylor of Richmond, began the purchase of the interests of his brothers in "Springsberry", as will be seen from the appended abstracts.^{22&23} Miss Annie M. Taylor died previous to 1912, leaving a will and codicil, which the executor requested the aid of the Court in construing. The Court handed down a

decree²⁴ December 28, 1911, appointing Marshall McCormick a Special Commissioner to sell the property. This was done and Dr. Taylor became the purchaser, receiving from the Commissioner a deed²⁵ bearing date April 18, 1912. It will be noted that the property is described as containing 410 acres, more or less. By his will²⁶ Dr. Taylor devised the property to his wife Mrs. Minnie E. Taylor, who, by deed²⁷ bearing date October 3, 1925, conveyed 32.625 acres to Howard F. Hough, leaving about 374 acres in the estate. Mrs. Minnie E. Taylor died in 1933 and by will²⁸ devised the estate to "the Episcopal Diocese of Virginia", a corporation, in which the title is now vested.^f The records disclose no encumbrances or valid liens on the property.

From its appearance, it would seem that "Springsbury" or "Springsberry", as it is variously spelled in the records, was constructed from brick burned on, or near, the place, about the year 1800. A most careful search has revealed no evidence by which the date of its erection can be exactly determined. For the last fifty years many fanciful stories of buried treasure, and secret vaults (probably wine cellars, after the French fashion) connected by tunnels with the river, have been associated with the estate. Tales of the wealthy foreigner, his mysterious comings and goings, long journeys, (to Boston and Louisville no doubt) have been current in the countryside. Too bad that the records reflect only the picture of a man afflicted with the most common of human worries—money.

I hereby certify that the foregoing statements are true and correct, to the best of my knowledge and belief, and have been obtained from the records of the Land Office in Richmond, Virginia and the County records of the Counties of Spotsylvania, Orange, Frederick and Clarke in Virginia, of Berkeley County in West Virginia, and from recognized genealogical and historical authorities.

Winchester Va.
June 28, 1935.

Richard E. Griffith

Bibliography:

- "Virginia County Records", by W. A. Crozier.
- "History of the Lower Shenandoah Valley" by J. E. Norris.
- "History of Clarke County" by T. D. Gold.
- "Old Chapel", Anon, Pub. 1906, Blue Ridge Press, Berryville, Va. Bulletin No. 1. Fauquier Historical Soc. "Northern Neck Lands" by H. C. Groome.
- "Fauquier Under the Proprietorship" by H. C. Groome.
- "History of the Valley" by Samuel Kercheval.
- "Virginia: Its History and Antiquities", by Henry Howe.
- "The Carters of Virginia." by Col. Thomas Allen Glenn.
- "Virginia Genealogies" by Rev. H. E. Hayden.
- "The McGuire Family in Virginia." by Wm. G. Stannard.
- "Aunt Bet", by Harriot Milton Hammond.
- "Berkeley County Notes" Miss. Collection, Miss Cora V. Kerney, Martinsburg, W. Va.

SPRINGSBURY — NOTES

- a. The fill title of this book, invaluable in its own limited field, is "Old Chapel, Clarke County, Virginia." It was written by Miss Mary F. Page of "Saratoga" and the late Mrs. Edward G. Butler, then of "Annfield," and the authors stipulated that any profit deriving from its sale should be used for the benefit of the Old Chapel and its graveyard. The sketch of Mr. Holker appearing in it is quoted almost verbatim from a more extended account given by his son-in-law, Major Hugh M. Nelson, C. S. A., of "Long Branch", to Dr. Robert Carter Randolph of "New Market" in February, 1858, who copied it in the then current Vestry Book of Frederick, now Cunningham Chapel Parish. Dr. Randolph, Churchman, historian, genealogist and antiquarian, made this vestry record unique in the annals of the Protestant Episcopal Church in Virginia by entering in it anything that happened to interest him.
- b. His financial difficulties are thus explained by Major Nelson — "Dr. Randolph's Vestry Book," p. 206: "He (Consul General Holker) was more extensively engaged in merchandise than any man of his day in the U. S. He was a partner in the large house of Rupel & Co. of Boston, Parker, Livingston & Co., Philadelphia, Ridgely & Pringle, Baltimore; Harrison, Morris & Co., Richmond, and at the same time was engaged in the fur trade with John Edgar. He also had large contracts with the United States for furnishing supplies for our Army during the Revolutionary War. He is at this time credited with \$470,000 on the U. S. Treasury books for such supplies, not one dollar of which has ever been paid. He lost \$54,000. by Parker, one of the Boston partners, who made his escape out of the country with the money."
- c. Probably a typographical error. The date in the Vestry Book account is June, 1822.
- d. This company is better known as the Clarke Cavalry. It was one of the crack cavalry companies of the Army of Northern Virginia. Its members were originally all young men from Clarke. They were expert horsemen, superbly mounted. In action, it was customarily assigned to the post of greatest danger. This high honor was paid for in the coin of casualties, but such became its reputation that cavalymen from other regiments were always eager to fill the gaps in its ranks.
- e. After this sale, Mrs. Holker became a member of the household of Major Nelson. To his home she brought the fine portraits of the Consul General and herself painted by Gilbert Stuart, his papers and some treasured heirlooms. She died at Long Branch on June 28, 1857, surviving her husband by just 25 years.
- f. Springsbury is now owned by Mr. and Mrs. George P. Greenhalgh.

SPRINGSBURY — SUPPORTING DOCUMENTS

No. 1. Northern Neck Deed Book C, Page 77.

No. 2. Will Book E, Page 434.

No. 3.

GEORGE LEWIS AND
CATHARINE, his wife
of Spotsylvania Co.

Parties of the first part.

THOMAS COLSTON and
FRANCES, his wife,

parties of the second part.

GEORGE STUBBLEFIELD,
party of the third part.

INSTRUMENT: DEED.
 DATED: FEBRUARY 19, 1790
 RECORDED: May 1, 1792.
 DEED BOOK 23 PAGES 246-250

WITNESSES: Thos. Herndon, Bev. W. Stubblefield, Harry Stubblefield, Benjamin Stubblefield, Richard Lowry.

RECITAL: Whereas Fielding Lewis formerly of the County of Spotsylvania gentleman deceased, being in his life time and at the time of his death being seised in his demesne as of fee of and in three thousand & seventy eight acres of land in the county of Frederick by his last Will and Testament in writing amongst other things did devise thereout to his Son Fielding Lewis One Thousand acres as surveyed by Mr. Berry, also one thousand acres to his Son Lawrence and described the same to be where Butler the Testator's Oversser Lived also lying contiguous to the part devised to Fielding Lewis as aforesaid and is the middlemost part of the said Tract and all the remainder of the said Testators land in Frederick County aforesaid which he mentions to have been bought of Robert Carter Nicholas esquire, he devises the same to his Son George Lewis party hereto and to his heirs forever as by the said Will duly proved and recorded in Spotsylvania Court, reference being thereto had may more fully & at large appear which remainder or surplus of Land after satisfying the devises to Fielding and Lawrence as aforesaid, lies on Shenandoah River in the lower part of the whole tract of the said three thousand and seventy eight acres, and such surplus by a survey made thereof on or about the twenty first day of November one thousand seven hundred & fifty one by John Mousy should contain one thousand and seventy eight acres on which the said George Lewis lately resided and out of it hath sold to John Frasor One hundred acres now possessed and held by Edward Marsh & the residue of the said tract or parcel of said Land which the said George Lewis holds and which he is entitled to under the Will of his deceased father Colonel Fielding Lewis in Frederick aforesaid bought of Robert Carter Nicholas as aforesaid he the said George Lewis hath lately sold to the said Thomas Colston but before any conveyances was made to him he sold the same to the said George Stubblefield who is now possessed thereof, NOW THIS INDENTURE WITNESSETH that the said Thomas Colston and Frances his wife for and in consideration of a full and competent sum of money to him the said Thomas in hand paid by the said George Stubblefield amount to the sum or value of FOUR THOUSAND POUNDS Current money and the said George Lewis and Catharine his wife for and in consideration of the like full and competent sum of money to him the said George Lewis in hand paid by the said Thomas Colston amounting also to the sum of value of Four Thousand pounds current money the Receipt of which several sums are hereby duly and respectively acknowledged. They the said Thomas Colston and Frances his wife and the said George Lewis and Catharine his wife by and with the consent desire and appointment of the said Thomas Colston testified by his being a party to and sealing and delivering of these presents. Have and each and every of them, hath given granted bargained and sold, aliened released and confirmed and by these presents do give grant bargain sell, alien release and confirm unto the said George Stubblefield, his heirs and assigns forever all his the said George Lewis's part or remainder of the said Three thousand and Seventy eight acres of land containing by estimation after deducting and excepting one hundred acres as aforementioned sold. Nine hundred and seventy eight acres, be the same more

or less and being intended to comprehend all the Land the said George Lewis was entitled to under and by the aforecited devise (except the one hundred acres as before excepted) together with all houses, buildings, Gardens, Orchards, Ways, Waters, and Water courses, Mills, Milldams, Millstones and the gear and utensils to the said Mills belonging or appertaining also all improvements, profits commodities and advantages to the said tract or parcel of land hereby conveyed or intended so to be belonging or appertaining and the reversions, remainders, rents and services thereof and also all the Estate, right, Title, Interest, Claim, property and demand either at Law or in Equity of them the said George Lewis and Catharine his wife, and the said Thomas Colston & Frances his wife of in and to the same.

TO HAVE AND TO HOLD the above mentioned Tract or Parcel of Land and premises with all and singular the appurtenances hereby conveyed or intended to be conveyed containing by estimation NINE HUNDRED AND SEVENTY EIGHT ACRES, be the same more or less unto the said George Stubblefield, his heirs and assigns forever and to his and their proper use and behoof, and the said George Lewis and Thomas Colston for themselves, their heirs Executors and Administrators the aforementioned land and premises hereby conveyed or intended to be conveyed against themselves and their heirs and against the claim and claims of all and every other person and persons whatsoever to him the said George Stubblefield, his heirs and assigns according to the true intent and meaning hereof shall and will jointly and separately Warrant and forever defend by these presents, and the said George Lewis and Thomas Colston each for themselves and their respective Wives, and not the one for the other, do covenant to and with the said George Stubblefield, his heirs and assigns that they or any of them, any thing having or claiming in the lands and premises with the appurtenances hereby conveyed or intended to be conveyed shall and will from time to time at the costs and charges of the Stubblefield his heirs and assigns make do and execute or cause or procure to be made done or executed all which further and other acts deeds writings and conveyances as may be necessary for assuring the lands and premises hereby conveyed as aforesaid (more **espectially** such further deeds writings and conveyances if necessary to establish and illustrate the true boundaries of the land according to the true intent and meaning of these presents) as by him the said George Stubblefield his heirs and assigns: or by his or their counsel learned in the Law shall be reasonably devised or advised and required.

IN WITNESS whereof the said George Lewis and Catharine his wife and Thomas Colston and Frances his wife have hereunto set their hands and affixed their Seals the day and Year first aforewritten.

Sealed and delivered in presence of

Thos. Herndon, Bev. W. Stubblefield, Harry Stubblefield, Benj. Stubblefield, Richard Lowry.

GEORGE LEWIS	(LS.
CATHARINE LEWIS	(LS.
THOMAS COLSTON	(LS.
FRANCES COLSTON	(LS.

ACKNOWLEDGED: In Spotsylvania County by George Lewis and Catharine, his wife, and Thomas Colston and Frances his wife, May 7, 1790.

- No. 4. Deed Recorded Feb. 5, 1793.
 No. 5. Deed Book 12, Page 196.
 No. 6. Deed Book 12, Page 199.
 No. 7. Deed Book S. C. 3, Page 554.
 Frederick County Records.
 No. 8.

JOHN HOLKER

TO:

ROBERT SMITH, ET ALS.

INSTRUMENT: DEED OF TRUST.

DATED: APRIL 5, 1799.

RECORDED: April 19, 1799.

DEED BOOK S. C. 3 Page 557

This indenture made between John Holker the Elder of the first part of the City of Philadelphia, and Robert Smith of the said City Merchant, Mark Pringle of the town of Baltimore in state of Maryland, Merchant, Hugh Moore of the said City of Philadelphia Merchant and Samuel Hughes the Younger of Hagerstown in the County of Washington in the State of Maryland.

Whereas the said John Holker the Elder hath divers large sums of money justly due and owing unto him but by reason of detension of the same from him he is at present unable to discharge sundry debts justly due and owing from him and being desirous to make a full settlement of his affairs and concerns as soon as may be he hath determined to make the following assignment.

PROPERTIES CONVEYED:

- Firstly: All those certain Iron works and containing three thousand acres, lying and being in the counties of Westmoreland and Fayette Pennsylvania, known by the name of "Alliance Furnace", lately owned by Turnbull, Marmie and Company.
- Secondly: Various tracts of land containing in the whole fourteen or fifteen thousand acres situated partly in the Illinois grant and partly in Kentucky. And being the same lands purchased by Michael La Casagne and Bartholemy Tasdivian from General Clarke, who conveyed them to John Holker the elder.
- Thirdly: All that plantation known by the name of "Springsbury" situated in Frederick County Virginia, containing one thousand and seventy-six acres, or thereabouts. Purchased of Col. George Stubblefield. Also the Negroes, Stock and utensils thereto belonging. Subject however to a Deed of Trust given to Raleigh Colston on account of his having become bail for the John Holker the elder in a suit brought against him by Charles Le Gaux of Paris, upon a judgment obtained in the Supreme Court of Pennsylvania, but which judgment has been cancelled in France by remittances made through the hands of Thomas Fitz Simons of Philadelphia esq. and partly by John Holker the younger of his monies, but satisfaction hath not yet been entered. And the above properties are also subject to an annuity of Five Hundred Dollars.
- Fourthly: All houses lands and buildings situated lying and being in the suburbs of Rouen and Parish of Saint Sever, being part of his Fathers Estate, which has descended to the said John Holker the elder.
- Fifthly: A certain claim on Thomas Peters of Baltimore, a Brewer of two thousand five hundred pounds Pennsylvania currency.
- Sixthly: A certain bill on Col. William S. Smith, of New York in favor of William Ward Burrows for twelve hundred and fifty Dollars.
- Seventhly: A claim against LaCaste and Bromfield of the Town of Fredericksburg for Merchandise entrusted to them. (no amount stated)
- Eighthly: A claim against Reyal Flint now in the City of Charles Town

South Carolina for the sum of Two hundred Dollars, lent to the said Flint in the City of New York.

Ninthly: A claim of fifteen hundred pounds pennsylvania money against William Cooper, in the State of New York, and Joshua and Myers Fisher of the City of Philadelphia, Merchants for land sold them.

Tenthly: A certain claim against William Duer of the city of New York, Merchant, for four thousand five hundred pounds Pennsylvania money being an unsatisfied balance of a judgment obtained against him.

Eleventhly: A claim against Daniel Partner formerly of Massachusetts in the sum of one hundred thousand pounds Pennsylvania money.

Twelfthly: All his the said John Holker the elder claim against the Government of France, amounting to upwards of One Million and two hundred thousand Livers.

Thirteenthly: A claim against John Sellers late of the State of New York for two thousand dollars.

Fourteenthly: The claim against the estate of Michel La Cassagne of Louisville Ky., of about eighteen Hundred Dollars.

Fifteenthly: The claim against the Trustees of the late House of Ridley and Pringle of Baltimore, of about fifteen hundred dollars.

PURPOSES OF THE TRUST:

To secure the grantees as Bail for John Holker the elder, at the suit of Robineau Bouguan and Jaques Desermeaux.

To secure John Holker the younger the sum of Nine Thousand Dollars, by him paid to Louis and Prosper Quesnet of Rouen and Charles La Gaux to wit: Twenty one thousand livers.

Also to secure the following general creditors:

- Anthony Garvey of Rouen Department of Seine infericure, Fr.
- Jean Baptiste Hurard " " " " "
- Louis and Prosper Quesnel " " " " "
- Veuve deFontey and Fils " " " " "
- Sabatier Fils and Des Prez of Paris in France
- William Turnbull of Philadelphia Pa.,

* * * * * and in the meantime and untill such sale or sales shall take place the whole of the said REAL ESTATE shall remain under the direction of the said Trustees but in the full possession care and management of the said John Holker the younger.

* * * * * But in case he the said John Holker the Younger shall die without Heirs of his Body then as to all the surplus of the said Real Estate to Catharine Hughes wife of the said Samuel Hughes the Younger her Heirs and assigns forever.

WITNESSES TO SIGNATURES: Jacob McGiles, George Henry, R. H. Moale, George Craver.

- No. 9. Deed Book S. C. #3, Page 551.
- No. 10. Deed Book 30, Page 82.
- No. 11. Deed Book 42, Page 608.
- No. 12. Deed Book 45, Page 370.
Frederick County Records.
- No. 13.
JOHN HOLKER. and NANCY D. HOLKER
TO:
LEMUEL BENT

INSTRUMENT: DEED OF TRUST
DATED: January 12, 1821
RECORDED: January 12, 1821
DEED BOOK 43 PAGE 358

This indenture between John Holker Nancy D. Holker the wife of said John Holker both of Frederick County Virginia of the one part and

Lemuel Bent of the same County and State of the other part, in trust for the use and benefit of the said Nancy and for the further security for various sums of money advanced by the said Nancy to her husband John Holker to relieve the household belonging to herself as well as the furniture belonging to said John Holker from the operations of executions against said Holker and the said John Holker being desirous as well to secure his said wife in her right to the furniture purchased by her separate funds as also to secure her in the furniture belonging to said John Holker.

The said John Holker has granted sold and delivered and by these presents doth grant bargain sell and deliver to the said Lemuel Bent his heirs and assigns the following articles to-wit:

- 12 Mahogany and stained wood bedsteads.
- 12 feather beds with bolsters and pillows.
- 12 mattresses.
- 14 pair of blankets.
- 1 dozen counter panes.
- 2 dozen pairs of pillowcases
- 2 dozen pair of linnen sheets
- 2 setts of dimity bed curtains
- 2 dozen painted chairs.
- 12 Mahogany chairs.
- 2 Mahogany sideboards.
- 2 Greetian Card tables.
- 1 Mahogany sofa covered with red morocco.
- 1 Mahogany sofa covered with red calico.
- 1 Mahogany light stand.
- 5 Mahogany bureaus
- 1 work table.
- 1 Mahogany wash stand.
- 2 painted wash stands.
- 4 large looking glasses.
- 3 small looking glasses.
- 2 dressing looking glasses
- 1 set of Dining table consisting of 4 pieces (Mahogany)
- 1 walnut dining table.
- 1 small dining table of mahogany.
- 1 small pembroke table.
- 1 pair pembroke card tables
- 1 small pembroke round table
- 1 pembroke night table
- 1 pembroke bookcase with an excretoire
- 1 clock
- 3 fire setts.
- 1 wire fire fender.
- 1 Brussels and 3 kidmunster carpets.
- plate consisting of Large coffee pot (silver)
- 2 silver tea pots.
- 1 silver cream pot.
- 2 dozen tea spoons (silver)
- 6 dozen table spoons.
- 2 silver cream ladles
- 3 pair of salt spoons and sugar tongs.
- 2 dozen bunches silver table spoons
- 2 large bunches of Gravey spoons.
- 2 dozen bunches of tea spoons
- 1 silver soup ladle
- 1 silver toddy ladle
- 1 silver cream pot
- 1—½ dozen silver forks one sett of plated coolers with silver edges and ornaments, two for bottles and two for wine glasses.
- 1 larger sugar pot

- 1 large slop bowl
- 1 pair pitchers.
- 1 sett of urns consisting of three pieces for tea coffee and water.
- 1 pair of plated snuffers and tray with silver edges.
- 2 setts of plated castors.
- 2 pair of plated bottle stands.
- 1 dining sett of blue and white Liverpool china.
- tea set of white and gold china.
- tea sett India China
- 1 sett of cut glass consisting of deck and shallow dishes decanters
pitchers solid bowl nine lemonade and jelly glasses with tumblers
1 incomplete sett of India China six setts of liverpool china for
chamber use consisting of bowls pitchers etc etc., one and half
dozen damask table cloths 3 dozen damask napkins, 2 green dinner
cloths kitchen furniture of various descriptions with a variety of
copper stew pans etc., etc.,

This conveyance is made upon the following special trust and confidence that is to say the said Lemuel Bent is to hold said property for the joint use and benefit of the said John Holker and Nancy D. Holker during their lives and shall permit them uninterruptedly to use and enjoy the same their lives aforesaid. If the said Nancy D. Holker shall survive the said John Holker then the said Lemuel Bent shall immediately convey and deliver over to the said Nancy D. Holker all the property hereby conveyed to and for her sole use and benefit to be disposed of by said Nancy D. Holker as she may think proper by will or otherwise. And in the event of the death of said Nancy D. Holker before the death of said John Holker then the said trustee shall hold said property for the use and benefit of said John Holker for his life and no longer and said property shall after the death of said John Holker be delivered over to such person or persons as said Nancy D. Holker shall by her last will or appointment direct.

No. 14. Sup. Court Order Book 9, Page 141.
Clarke County Records

No. 15. Deed Book B, Page 258.

No. 16. Will Book B. Page 232.

No. 17. Deed Book D, Page 430.

No. 18. Deed Book M, Page 82.

No. 19. Will Book G, Page 189.

No. 20. Deed Book R, Page 222.

No. 21. Will Book B, Page 153.

No. 22. Deed Book U, Page 169.

No. 23. Deed Book 5, Page 2.

No. 24. Chancery Suit, Final Decree May 31, 1919

No. 25. Deed Book 7, Page 353.

No. 26. Will Book E, Page 230.

No. 27. Deed Book 16, Page 328.

No. 28. Will Book H, Page 331.

Chapter III

Llewellyn

The records of the office of the Clerk of the Circuit Court of Frederick County show that the tract of land lying in what is now Clarke County, Virginia and known by the name of "Llewellyn" was included in the patent issued to George Carter et als., dated September 22, 1730 for 50,212 acres. Of this large tract Col. Fielding Lewis of Fredericksburg purchased from Robert Carter Nicholas 3,078 acres.^a This tract, by his will,¹ was divided as follows: to Fielding Jr. 1,000 acres, to Lawrence 1,000 acres and the remainder to his son George. Fielding Jr. sold his portion to Capt. Thomas Taylor Byrd^b (DB 21 P 252), the portion left to Lawrence made up the larger part of "Llewellyn", and the portion left to George was the place now known as "Springsbury". George Lewis sold his land to Thomas Colston who in turn sold to Col. George Stubblefield. No deed was made by Lewis to Colston, but a tripartite deed, signed by George Lewis, Thomas Colston and George Stubblefield dated February 19, 1790 is recorded in Deed Book 23 page 246, and contains much information about this entire tract. (This Deed is reprinted among the supporting documents appended to the chapter on "Springsbury.")

Lawrence Lewis, owner of the tract in which we are interested was the son of Col. Fielding Lewis of "Kenmore" and his 2nd wife Elizabeth Washington sister of General Washington, and married Eleanor Parke Custis the grand daughter of Martha Washington. He, it appears, named the tract "Llewellyn", and added to it by purchase⁴ from his brother Howell Lewis of Culpeper, 554 acres of land inherited by Howell as his portion of General Washington's (their uncle's) estate.² All references to Lawrence Lewis in the Frederick County records refer to him as "of Fairfax County", and it is believed^c he never resided in Frederick County, although his widow and children, resided after his death, at "Audley".

By deed dated October 15, 1818³ Lawrence Lewis sold "Llewellyn" to Warner Washington. There have been eight, and possibly more, Warner Washingtons, three of whom lived in Frederick County, and one who kept a tavern on Braddock street in Winchester. This Warner was the only child of Warner

Washington and Elizabeth Macon his first wife,^d and was the grandson of John Washington who was an uncle of General Washington.^e Our Warner was born in Gloucester County, and upon his father's second marriage to Hannah Fairfax, he moved with them to "Fairfield" in Frederick County. Upon his marriage to Mary Whiting of Gloucester County he moved to "Clifton". He had nine children by this marriage all born at "Clifton", where his wife Mary died in 1794. He married secondly Sarah Warner Rootes on June 13, 1795, and by whom he had seven children, all born at "Audley", at which place he lived until about 1825. In this year he sold "Audley" to Lawrence Lewis of Fairfax County for \$56,000.00 and the deed recites "the tract of land commonly called 'Audley' which now is and long has been, held and occupied by the said Warner Washington as his residence and supposed to contain 1,600 acres" (DB49 P373). Presumably he then moved to "Llewellyn", or at any rate he died there some time before June 2, 1829 on which date his will was probated.⁵ In 1819 Warner Washington sold to Mordecai Throckmorton (DB41 P456) 828 acres of "Llewellyn" which same tract he bought back May 1, 1822 (DB45 P482). He sold to Allen Williams Jan. 31, 1825 (DB 49 P 375) 371 acres, and again on Sept. 26, 1828 (DB 54 P 337) to Allen Williams 24 acres, both from "Llewellyn", which left him 1,160 acres of the original tract at the time of his death. Warner Washington had provided for the children of his first marriage before his death, and left them nothing in his will. His real estate was divided between his sons Fairfax and Herbert, with annuities to his wife and daughters, and \$1,000.00 to his son Hamilton who, by a subsequent arrangement with the other heirs, accepted land in lieu of the bequest of cash. Other transactions between the heirs show that the land finally came to be owned by Fairfax and Hamilton Washington, who sold it in 1832-3 to Thomas Castleman, whose heirs sold it in 1835 to John Kerfoot, who in turn sold it to his son Franklin I. Kerfoot. No further transactions concerning "Llewellyn"^f appear on the Frederick County records.

The original 1554 acres of "Llewellyn" was finally disposed of in the following manner:

Deed Book 49, Page 375,	Warner Washington		
	to Allen Williams,	1825,	371 acres
Deed Book 54, Page 337,	Warner Washington		
	to Allen Williams,	1825,	24 acres
Deed Book 56, Page 11	Sarah Washington		
	to John Morgan,	1829,	177 acres
Deed Book 56, Page 184,	Sarah Washington		
	to F. B. Whiting,	1830,	68 acres
Deed Book 60, Page 503,	Fairfax Washington		
	to Thomas Castleman,	1832,	208 acres

Deed Book 60, Page 119,	Fairfax Washington to Wm. Taylor,	1832,	247 acres
Deed Book 60, Page 176,	Hamilton Washington to Thomas Castleman,	1832,	207 acres
Deed Book 61, Page 79,	Fairfax Washington to Wm. Taylor,	1832,	26 acres
Deed Book 61, Page 391,	Fairfax Washington to Daniel Sowers,	1835,	303 acres
Deed Book 61, Page 432,	Fairfax Washington to Allen Williams,	1835,	13 acres

			1644 acres

It will be seen that the above total over runs the original acreage. This, however, is typical of the old grants, which were generally "estimated," and the error shown is much less than usual.

Authorities:

Welles' "Washington Family"
Crozier's "Spotsylvania Records"
Waddell's "Annals"
Chaulkley's "Records"

On page 273 of the 1850 edition of Kercheval's History, it is stated that on the land owned by the late Thomas Castleman, formerly belonging to Fielding Lewis is a flowing well, and that Kercheval was born within one and one-half miles of the place. "Llewellyn" is found to have been the only land of Thomas Castleman, formerly Fielding Lewis'es, so that this well was undoubtedly on the John Kerfoot tract. It may be said that this remark of Kercheval's referring to his birth place, is the only clue of the present generation to the place of his nativity.

LLEWELLYN — NOTES

- His share of the patent was 5,957 acres. There is no known record of his having ever visited his land in Frederick, now Clarke County. He was one of the most distinguished men in the Virginia of his day.
- Thomas Taylor Byrd (Jan. 7, 1752—Aug. 19, 1821) was a son of Col. William Byrd III of Westover, and Elizabeth Carter, his 1st wife. He was a Loyalist during the Revolution and served as a Captain in Col. Fanning's British regiment. After the war he returned to Virginia and built his home, The Cottage, on the land he bought from Fielding Lewis, Jr. He is the progenitor of all the Frederick and Clarke County Byrds including U. S. Senator Harry F. Byrd and Admiral Richard Evelyn Byrd, U. S. N.
- He was a frequent visitor to his Clarke lands but never lived in the county.
- See Chapter IX, note 4.
- Warner Washington, Sr., was a son of the John Washington who was George Washington's uncle. Warner Washington, Jr., was a great nephew of George Washington's father—if you are interested.

f. It is generally accepted as true that Warner Washington, Jr. built the present Llewellyn house. This opinion cannot be substantiated by facts of record, but there is what seems to be strong circumstantial evidence supporting it, and in the absence of any known evidence to the contrary, it would appear that it should be accepted.

LLEWELLYN — SUPPORTING DOCUMENTS

No. 1

FIELDING LEWIS.
(ST. GEORGE'S PARISH,
SPOTSYLVANIA CO.)

INSTRUMENT: WILL
DATED: October 19, 1781
PROBATED: January 17, 1782
WILL BOOK E. PAGE 434.

Proven by the following witnesses:

George Noble.
Benj. Ledwick.
John Butler.
Gerard Alexander.
Will Booth.
William Carpenter.

APPOINTMENT: Names his wife Betty Lewis, sons John, Fielding and George, Executrix and Executors.

DISPOSITION OF PROPERTY: — — — — Excerpt from Will:

After the death of my wife all my lands in Spotsylvania County and in Fredericksburg to my son John: son, Fielding, 1000 acres of my Frederick County lands, on which he lives; son George, remainder of Frederick County lands bought of Robert Carter Nicholas, except 1000 acres to my son Lawrence; son Lawrence, 1000 acres of land in Frederick County.

No. 2

WILLIAM A. WASHINGTON
GEORGE WASHINGTON P. CUSTIS
SAMUEL WASHINGTON AND
GEORGE L. WASHINGTON
TO:
HOWELL LEWIS.

INSTRUMENT: -- DEED.
DATED JUNE 15, 1805.
RECORDED MARCH 4, 1811.
DEED BOOK 32 PAGE 33.

RECITAL: Four of the Executors of General George Washington late of Mount Vernon deceased by their attornies Bushrod Washington and Lawrence Lewis for this purpose specially constituted and appointed by a letter of Attorney bearing date the 5th of this present month and the said Bushrod Washington and Lawrence Lewis two others of the Executors of the said George Washington Deceased of the first part and Howell Lewis of the county Culpeppepper of the second part.

Whereas the said George Washington, Dec'd did by his last will and Testament amongst other things, Direct all the rest and residue of his Estate real and personal not otherwise disposed of to be sold by his Executors.

CONSIDERATION: The sum of One Dollar to them in hand paid by the said Lawrence Lewis at and before the sealing delivery of these presents.

DESCRIPTION: All that tract or parcel of land lying and being in the County of Frederick and bounded as by a survey there-

of made by William McPherson on the 11th of the 7th month 1804. Containing five hundred and fifty-four acres & three roods.

(All acknowledgments taken in Fairfax County, Va., June 17, 1805.)

No. 3

LAWRENCE LEWIS AND
ELEANOR P. LEWIS, his wife
TO:
WARNER WASHINGTON.

INSTRUMENT: DEED.
DATED: OCTOBER 15, 1818
RECORDED: OCT. 27, 1818
DEED BOOK 41 PAGE 73.

CONSIDERATION: The sum of One hundred and One Thousand and seventy five dollars current money of Virginia.

DESCRIPTION: All that tract or parcel of land lying and being situate in the said County of Frederick adjoining the Lands of Thomas Byrd the late John Milton, Holmes McCormack, Hopkins, the late Griffin Taylor, John Holker, Briggs and Philip Burwell, the said tract consisting of about one Thousand acres as it is supposed which the said Lawrence Lewis has held and now holds under the will of his father and of another tract adjoining thereto which the said Lawrence purchased some years since from the Executors of the late General George Washington containing as it supposed five hundred and fifty-five acres making in the whole fifteen hundred and fifty-five acres as it is supposed be the same more or less together with all and singular the rights improvements hereditaments and appurtenances whatsoever thereunto belonging or in any wise appertaining and the reversions and remainders rents issues and profits thereof.

No. 4

HOWELL LEWIS AND
ELLEN LEWIS, his wife
TO:
LAWRENCE LEWIS of
(Fairfax County)

INSTRUMENT: DEED.
DATED: JULY 19, 1819.
RECORDED: OCT. 27, 1819.
DEED BOOK 42 PAGE 24.

CONSIDERATION: One Dollar by the said Lawrence Lewis to him the said Howell Lewis in hand paid at and before the delivering and sealing of these presents.

DESCRIPTION: All that tract or parcel of land lying and being in the county of Frederick and state of Virginia formerly belonging to Genl. George Washington, dec'd which was conveyed to the said Howell Lewis by the Executors of the said Genl. George Washington by deeds of Lewis and release bearing date respectively the fourteenth and fifteenth days of June in the year eighteen hundred and five bounded as by a survey thereof made by William McPherson on the 11th of the 7th month (July) eighteen Hundred and four. Beginning at a stake near three white oaks corner to Adam Aldridge and ——— Taylor thence S 59 E by David Castlemans land 172 poles to a white oak corner to Colsons land thence by the same to S. 28 degree 30 W. 159.5 po to a small white oak on a stone ridge thence S 78 E by Sd Colstons land 204 po to a locust hiccory & white oak thence S 36 degree 45 W 342 po to a post

near near a black oak saplin thence N. 28 30 E 322 po to the Beginning containing five hundred and fifty four acres & three roods together with all improvements.

RECITAL: HOWELL LEWIS AND ELLEN H. LEWIS, acknowledged their signatures in Mason County, Virginia, the 19th day of July 1819.

No. 5

WARNER WASHINGTON.
Proven by two witnesses.
George L. Lane.
Warner W. Throckmorton.

INSTRUMENT: WILL
DATED: JULY 7th, 1826.
PROBATED: JUNE 2, 1829.
WILL BOOK 16, PAGE 20.

Appointment: Herbert Washington and Fairfax Washington, named executors, with Warner W. Throckmorton, Herbert Washington and Read Washington, securities entered into and acknowledged bond in the penalty of fifteen thousand dollars.

Disposition of property: * * * All the rest of my estate real and personal I give to my sons, Fairfax and Herbert Washington and their heirs subject to the following charges to-wit: They shall supply the table and furnish fuel to my wife and daughters and shall pay to them \$200.00 each yearly, viz: Sarah W. Washington my widow, and Elizabeth W. Washington and Mary H. Washington, my daughters, during their natural lives.

I charge Fairfax and Herbert with the sum of One thousand dollars to be paid to my son Hamilton Washington in yearly peyments of two hundred dollars.

ADDITIONAL SUPPORTING DOCUMENTS

- DEED BOOK 43, Page 72
- DEED BOOK 60, Page 101
- DEED BOOK 60, Page 176
- DEED BOOK 60, Page 502
- WILL BOOK 17, Page 466
- DEED BOOK 62, Page 134
- DEED BOOK 64, Page 41
- DEED BOOK 65, Page 41



LLEWELLYN



THE TULETRIES

Chapter IV

The Tuleyries

The tract of land in Clarke County, Virginia situated about two miles south of the village of Boyce, called and known by the name of "The Tuleyries" was originally a part of the 5,282,000 acres which at one time comprised the Proprietary of the Northern Neck of Virginia. [The early history of the Proprietary and of the deed issued in 1730¹ to ten descendants of Robert Carter have been set forth above].

Robert Burwell of Isle of Wight County was the son of Nathaniel Burwell and his wife Elizabeth, daughter of Col. Robert Carter of "Corotoman." Robert Burwell removed to King and Queen County where he died sometime previous to October 13th, 1777,^a that being the date on which his will was probated. The records of King and Queen were destroyed some time during the War between the States, and the aforesaid will with them. There is, however, a certified copy made in 1816 which was introduced in evidence in a certain suit then in progress in Frederick County, and from which certified copy an excerpt² is appended herewith.

From this it will be seen that the testator devised a portion of his land to Robert Carter Burwell, his grandson. Before the land came into the possession of the devisee, it appears from the recital in No. 3 to have been in the possession of his father, Nathaniel Burwell, Jr., who in some manner obligated the lands to John Hatley Norton a merchant of Williamsburg and Winchester, who was a connection by reason of his marriage with a daughter of Robert Carter Nicholas of Williamsburg. Norton transferred his claim to Alexander Henderson a Scotch merchant of the town of Dumfries, Prince William County. The whole matter seems to have been threshed out in the High Court of Chancery, and by direction of a decree of that Court a deed was made to Alexander Henderson for 1,678 acres "the same being now in the possession of the said Alexander Henderson and the land on which his plantation or farms at the long branch and rattle snake springs are settled."

Alexander Henderson and his brother Richard Henderson of Leesburg were large speculators in Virginia and Kentucky lands, and it is not believed that Alexander Henderson ever lived on this tract, although he seems to have engaged in farm-

ing it. In 1806 he sold four hundred and twenty and one-quarter acres and 30 poles of this tract to Joseph Tuley⁴ and this conveyance may be said to mark the beginnings of "The Tuleyries."

Joseph Tuley was a member of the New Jersey family of that name who were seated on the banks of the Delaware River before 1688. One of this family was Thomas Tuley who married Mary Scott daughter of Henry Scott on September 13th, 1729 in Burlington County, New Jersey. Thomas Tuley's will was proved September 20th, 1746 in Burlington County and mentions his wife Mary, and his children, John, Jonathan, Abraham, Sarah and Judith. Of these we are interested in the son Jonathan who married Martha, daughter of Zebulon Brown and Martha his wife in Burlington County June 22nd, 1758. The will of Jonathan Tuley of Mansfield Township, Burlington County "Yeoman" was proved June 9th, 1768. He devises his lands to his sons Thomas, John and Joseph. His wife and daughter Mary were provided for in money. Of these sons of Jonathan Tuley we are interested in Joseph, who was probably born in 1763, and who was the first of the name to live in Clarke County.

It would appear that he arrived in Virginia with a small inheritance, little education and a tremendous capacity for making money. True to his Quaker training, he never held public office, or at least no record of it can be found. The only light thrown on his personal character, is to be found in correspondence with Rawleigh Colston preserved in some papers in a suit in which he was interested. Col. Colston addresses him as "Dear 'Squire Tuley'", but if he was a Justice of Frederick County no mention if it can now be found. The first record of his presence in Frederick County appears in a lease⁵ dated November 26th, 1793 from Col. Nathaniel Burwell for certain land for a term of 98 years, lying in what is now the village of Millwood. With this lease are recorded two surveys^{6&7} one of which is dated in 1786 and states that "On the joint application of Brig. Gen. Daniel Morgan and Joseph Tuley, Tanner of the said County of Frederick" etc., etc., from which it may be assumed that Joseph Tuley was then a recognized resident of Frederick County and was known as a tanner. It would also appear that Tuley was regarded in a favorable light by Col. Burwell, and was, at least in a measure, under his protection and enjoyed his patronage as proprietor of the great Burwell estate. It is not unlikely that Col. Burwell, needing a tan yard, and recognizing the ability of young Tuley, assisted him in starting his business, in the same manner that he had assisted General Morgan in establishing the merchant mill adjoining the tanyard.

The next mention of importance of Joseph Tuley in the Frederick County records is his marriage on Christmas day

1787 to Ann, daughter of John Brownley who lived near Greenway Court. The Brownleys, like Joseph Tuley removed to Virginia from New Jersey and were members of a prominent and wealthy family in that state. John Brownley had three daughters and two sons: Sarah, who married Esaias Earle; Elizabeth who did not marry; Ann, who married Joseph Tuley; John Brownley, Jr., who served as Surgeon's Mate in the Virginia Continental Line in the Revolutionary War, and Archibald Brownley who married Elizabeth, daughter of Col. Carey Mitchell and Mary Frances his wife.

John Brownley died in 1802 and upon the settlement of his estate in 1805 Joseph Tuley received^a as his wife's portion a substantial amount in money and slaves. It is probable that these funds at least assisted in making his purchase from Henderson.

However, Joseph Tuley had undoubtedly been most successful in his business, and as early as May 21st, 1795 had acquired 757 acres of mountain land near the village of Paris. This tract together with his purchase of 477 acres in Hampshire County on the watershed between the Capon and South Branch of Potomac rivers June 3rd., 1799⁹ he probably secured to insure a supply of bark for his tanyard. The Blue Ridge land was lost to him in 1820 in a suit with Rawleigh Colston one of the proprietors of Leeds Manor, an imperfection having been discovered in his title, but the Hampshire land he owned until his death and devised to one of his daughters. The records contain other evidences of his financial success, and herewith is appended¹⁰ abstract of a trust in which he acts as trustee for Col. Burwell, Capt. Throckmorton and General Morgan. With General Morgan he seems to have been on particularly close terms, which may partly be accounted for by Morgan having been also a native of New Jersey.

(No. 11) is an abstract of the release of a trust given by Joseph Tuley to secure certain fiduciary funds in his hands, strangely enough the original mortgage was never recorded, but the release was recorded and is herewith appended to show that as late as 1811 Joseph Tuley was still a resident of Millwood. That his business prospered is evidenced by his purchase¹² of property in the town of Front Royal, upon which he constructed a tan yard which remained in the family until 1865. Among his other activities, he seems to have been something of an inventor, as the United States Patent Office granted him a patent in 1814 for "a family stove."

In 1810 we find Tuley again buying land from Alexander Henderson^{12A} adjoining his first purchase. This tract of 211 acres and 26 poles became known as "Tanner's Retreat" and to it he removed from his home in Millwood. On this tract he was living in 1816 in a house probably built by Major Bartlett, and

enlarged by Joseph Tuley in 1822, and on this tract the present mansion house now stands.

At this point it should be stated that this 211 acres had been for some years in the possession of a certain Major Henry Bartlett. The picture of this worthy, reflected from the old records, though dimly limned, is both colorful and interesting. Bartlett removed from Spotsylvania County to the Shenandoah Valley some time before 1800, and by an instrument referred to as "articles of agreement under the Hand and Seal of Alexander Henderson, Esq." held possession of this tract until some time before June 30, 1809, when, for the purpose of releasing himself from the debtor's prison in Winchester in which he was then confined, he conveyed this land to Dr. Cornelius Baldwin¹³ Sheriff of Frederick County, and Dr. Baldwin conveyed it to Joseph Tuley¹⁴ October 4th, 1810. Bartlett had mortgaged this land repeatedly, and in each mortgage referred to "The articles of agreement from Alexander Henderson appended herewith" as his claim or color of title. But in each case the County Clerk makes a note in the deed book "no articles appended." Bartlett finally landed in jail, and Joseph Tuley, by paying his debts, received deeds from the Sheriff Trustee and a quit-claim deed from Henderson. Major Bartlett married Elizabeth, daughter of William Davis of "Goshen" Clarke County, and after his removal from the Henderson land lived for a while in the village of Stephens City and then was a tenant upon the lands of Dr. Robert Carter Berkeley, now in Warren County. In the Va. Mag. of Hist. & Biog. Vol. 1 page 68 is published a diary and itinerary of a journey he made to Kentucky, setting out from Millwood on April 18th, 1805, he travelled via Wheeling, W. Va., through Ohio to Frankfort; returning, reached Millwood June 14, 1805.

Joseph Tuley added nothing to "Tanner's Retreat" before his death, but he did however, acquire large tracts of land in Kentucky, a house and lot in the village of Paris, a house and lot in Winchester, a tanyard in Staunton, Va., and a farm of 500 acres in Augusta County, Va., called "La Grange". The exact date of his death is unknown, but it must have occurred sometime between February 26th 1823, the date of his will¹⁵ and October 31st, 1825 when the will and codicil were probated.^{15A} It is more than likely that he died early in the year 1823.^b Mrs. Ann (Brownley) Tuley, his wife, died in the same year, intestate, nor were letters of administration granted on her estate.

Joseph Tuley by his will, after making provision for his wife, divided his estate between three of his daughters and one son. The name of his daughter Louzetta does not appear in his will and nothing much is known of her save that she married (Frederick County Bond Book No. 14) Duncan T. Massie son of

Thomas Massie on February 3, 1823. On this same day she came into the Frederick County Court and chose Henry Mitchell as her guardian, and is described in the minute as "orphan of Joseph Tuley". At any rate the children named in the will of Joseph Tuley Sr. are: (1) Mary Tuley who married Henry Mitchell November 20th, 1811 (Frederick County Marriage record, page 54). Henry Mitchell was a relative of the wife of Mary Tuley's uncle Archibald Brownley, and seems to have been largely engaged in business at Stephens City and Front Royal. He died intestate before May 3, 1824 when his brother-in-law Col. Joseph Tuley Jr., was appointed administrator. The administrator's account shows that Henry Mitchell died in Alexandria, and the appraisal of his personal property at Stephens City and Front Royal and in Augusta County amounted to more than \$32,000.00.

Henry and Mary Mitchell lived on the farm called "La-Grange" in Augusta, and there Mary Mitchell died after January 13th, 1862 the date of her will, which was recorded in Clarke County, January 22nd, 1866. In this will she mentions her children: George Henry Mitchell; Frances A. Xaupi wife of Edward J. Xaupi, of St. Louis; Belinda J. Thomas wife of Joseph Thomas of Philadelphia; and Mary A. Neilson a widow. Grandchildren named in the will are Edward J. Xaupi, Jr.; Joseph Tuley Mitchell, Thomas H. Neilson, Thomas N. Mitchell, Charles M. Thomas, Mary Tuley Neilson, Mary Frances Mitchell, Frances Belinda Xaupi, Eliza Mitchell, Eugenia Thomas, Frances Neilson, Mary Neilson, Belinda Tuley Mitchell, Volummia Xaupi, Fanny Mitchell. Two of these were children of her son George H. Mitchell; Mary who married William Fitch and Belinda wife of William Gill. The grandson, Joseph Tuley Mitchell for a time lived on a part of "The Tuleyries" which he inherited after the death of his uncle Col. Joseph Tuley, Jr.

(2) Belinda Tuley, daughter of Joseph Tuley, Sr., married Charles Strother, September 9th., 1818 (Frederick County Marriage Bond Book No. 12) and apparently removed to the Parish of Point Coupee, Louisiana. In one of the suits relative to the division of Col. Tuley's estate pending in 1884, the following heirs of Belinda Tuley Strother are named:

Charles R. Strother of Virginia.
 Joseph Tuley Strother, Jr.
 Tuley S. Strother.
 Mildred A. Strother.
 Mary A. Strother.
 Jacintha, widow of Joseph Tuley Strother, Sr.

A deposition in this suit states that Joseph T. Strother, Sr., died "sometime during the Civil War", and that all of the heirs but Charles R. Strother are residents of Louisiana.

(3) Sarah Tuley, daughter of Joseph Tuley, Sr., married Major Uriel Wright. No record of this marriage has been found. It may have been recorded in Clarke County, where the marriage records before 1866 were destroyed during the War. Major Wright was a lawyer, a member of the law firm of Wright & Boyce of St. Louis, his partner, Upton Lawrence Boyce being his son-in-law. Sometime about the close of the War between the States Major Wright, his children and their families came to "The Tuleyries" and he resumed practice of law. He and Col. Boyce were admitted to the bar at Winchester September 4th, 1865. The date or place of his death has not been ascertained. He died intestate and no one was appointed to administer his estate. The records of Mt. Hebron Cemetery, Winchester show that "U. Wright" is buried in lot No. 479. The title of the lot is in the name of U. L. Boyce. There is no record of the date of interment, and no stone marks the grave, but each year upon June 6th, Confederate Memorial Day, the women of Winchester place flowers upon the mound.

Mrs. Sarah (Tuley) Wright died in St. Louis during the War, leaving at least two children, perhaps more. The children were:

Joseph Tuley Wright.

Belinda Frances Wright, who married Col. Upton Lawrence Boyce of St. Louis, and of them some account will later be given.

(4) Joseph Tuley, Jr., son of Joseph Tuley, Sr., was born May —, 1796, at his father's house in Millwood and died at "The Tuleyries" June 17th, 1860. He was named residuary legatee and devisee in the will of his father, (Probated Oct. 31, 1825), and it was specifically devised that he was to have the land on which Joseph Tuley, Sr., had lived. Immediately the son began to add to the plantation, his first purchase¹⁶ being in 1826 from Humphrey Shepherd and Elizabeth his wife two tracts aggregating about 22 acres, which represented the share of the said Elizabeth in the land of her father Christopher Crigler, deceased. This land was a tract of 216 acres sold by Alexander Henderson in 1813 from his Rattle Snake Spring tract to Benjamin Gaines and Christopher Crigler, Crigler later acquiring the interest of Gaines, and in this deed first appears the interesting reference to "the corner called St. Patrick's stone."

In this same year, May 1st, 1826, to be exact, Joseph Tuley Jr., was promoted from the rank of Major to that of Lt. Colonel of the 122 Regt. of Virginia Militia. From that time until his death he was called Col. Tuley and as such we shall refer to him, though it is altogether possible that his military experience was confined to "exercising the troops" on muster day and 4th of July parades and balls.

The date of Col. Tuley's marriage has not been definitely ascertained, but the date has been fixed as "about 1830" by people now living, who were friends of the bride. At the time of her marriage she was Mrs. Mary W. Jackson, widow of Dr. James S. Jackson, U. S. A., and had a family of two infant sons and a daughter. Mrs. Jackson was born Mary Wheeler Edelen of Prince George's County, Maryland, and was a lady of most charming presence, great beauty and finished culture. About the time of his marriage Col. Tuley commenced building the mansion house which was named "The Tuleyries", and while the exact date of the commencement is not known the land assessment books¹⁷ show that it was completed before 1834, at which time \$10,000.00 was added to the value of improvements on Col. Tuley's land on account of "new buildings". The assessed value at that time was probably about 40% of the actual value.

This house and estate, which has been the admiration of the country side for a century, are well described in two contemporary articles appended herewith.^{18&19} The one by Samuel Kercheval was published in 1850 in the second edition of his "History of the Valley" but was probably written some years before his death in 1845. The other article is anonymous and appeared in 1844 in the Agricultural Farm Journal. Both express the greatest admiration for Col. Tuley's agricultural successes and the magnitude of his operations. These, and other accounts, as well as the public records show the Colonel to have rapidly increased his ample inheritance, and amassed a large fortune in land and securities. The tanyards at Millwood, Front Royal and Staunton were profitably rented, and the "Colonel and his lady" enjoyed the fruits of his patrimony and his own early labors, in visiting the various watering places, the northern cities, and in trips to Europe. About this time, Col. Tuley rented a house in Washington where he frequently spent parts of the winter and where they were joined by Mrs. Tuley's sister Mrs. Garner. This picture is not fanciful, nor is it exaggerated. Family letters, which by some quirk of chance, are preserved among the papers of the chancery suit Tuley's Devises—vs—Tuley's Admrx. file 967 Causes Ended Frederick County Clerk's Office clearly reflect the situation and show that Col. Tuley, while a man of great energy and keenness in business, was also quite capable of savouring the good things of life.

Col. Tuley, in the fashion of the day, aspired to introduce a literary tone in his correspondence, and was in the habit of writing one or more preliminary draughts of letters he considered important. One such draught, found in the aforementioned file, and in the light of subsequent events, is of great interest. This paper though unsigned, is entirely in the handwriting of Col. Tuley and is as follows:

Tuleyries, April, 1857

My Dear Sir:

I have read with great pleasure the "plan of instruction in the principal and auxiliary department of the School of Agriculture at the University of Virginia" as detailed in your behalf Southern planter. If the plan can be successfully carried out it will raise Virginia to the first standard, devote her agriculture scientifically; and the good old State made to blossom as a rose.

I think from the present embarrassment of Virginia and her important and continued appropriations aspire for the completion of her main lines of Railroads will render it out of her power if she was so disposed to make any liberal grants for this noble purpose at an early day.

I have no doubt that a large number of Gentlemen Farmers would unite in contributing a fund sufficient at least for a commencement, and being impressed with this belief, with your important and efficient aid, I would propose to make one of twenty Gentlemen to donate \$5,000.00, making in the aggregate \$100,000.00. If this proposition should fail, then I would propose to make one of one hundred gentlemen to donate \$1,000.00, making in the aggregate a similar sum of \$100,000.00.

Should this proposition fail I will make one more and surely think with the well known attachment to the soil of the independent class Virginia Farmers that you could state in your valuable Agricultural Southern Planter in such a captivating manner by urging the great importance of the donations to reinstate and awake her from her lethargy.

Under this consideration I will now make the 3rd proposition (hoping sincerely one or the other of two may succeed) I will make one of two hundred Gentlemen to donate \$500.00 making a similar sum of \$100,000.00.

Having brought the third proposition to so low a figure I hope you will soon succeed in raising the amount required.

I do not wish this communication published—preserve it for reference—it would be best to come out under your editorial head as I wish my name not made public as a proposition from Clarke County to raise a fund for \$100,000.00 for the principal and auxiliary departments of the school of Agriculture at the University of Va. Probably it would be best to bring only one proposition at a time before the public and see how that would take I leave this however to your better judgment."

The following excerpts from a letter written by Joseph Tuley Strother to his uncle Col. Tuley may be of interest:

Point Coupee, La.
May 29th, 1846

Dear Uncle:

Last wednesday I received your letter of the 7th inst, was happy to know all was well pleased to learn the little Dr. has finally found a true anchorage for his affections But of this enough, though I like to forget my afflictions in thinking of the happiness of my friends.

When I last wrote to you (though I said it not) I felt confident that I would be able to pay one third of my note in July I am living with Harris, but for whose kindness I don't know what I would do Truly I am anxious, if I could sell tomorrow I would

do it and pay the money and relieve you from all obligation. I could then follow my inclinations, which is the Camp where I long to be, and would be but for my obligations I am pleased to hear you have had a fine season, may the yield of your crops equal the flattering prospects The money Aunt Mitchell owes me \$21.50 she can pay to you, as yet I have heard nothing from Alabama Give my love to Aunt Mary and all friends staying with you, and with deep regret for the trouble I am putting you to hoping you regret not your kindness shown me, I remain as ever,

Your nephew etc.,
Jos. T. Strother.

Evidently Col. Tuley had assisted this young man, who it would appear, preferred the life of a soldier to that of a Louisiana planter.

The following letter, undated but evidently written about the same time, is from Mrs. Tuley to an unknown lady thanking her for a present, and is perhaps of interest because of the mention of local happenings in the Millwood neighborhood.

My dear Mary:

I received your kind love & the beautiful fan through Mrs. Jones. I should certainly have acknowledged it ere this, but I have been engaged with a great deal of company at home & with the inconvenience of very inflamed eyes. Your sweet note has also come to hand. I often use your pretty fan and when I enjoy . . . (illegible) your usual kindness in doing all you can for the comfort of your friends.

How is it you are in Charlestown? Why did you not visit Clarke again, and where is dear Mrs. North? I hope she is enjoying the agreeable society of her husband & that the cruel fates of an officers life have not molested them. Please give her a kiss for me and much love. Col. Tuley has been quite unwell for some time with dyspepsia and gout, and has been advised to go to some of the Springs. We shall leave home next week for some one of them.

I presume you are passing your time very delightfully so near the Shannondale Springs, which I believe is quite gay. Our neighborhood is very quiet this Summer. Miss Harrison,^e a very lovely sweet girl died at her Aunts' a few days since. You may recollect her she lived with her Aunts the Misses Nelson near the Millwood Church. Her death has cast a gloom over us all.

My daughter is with us and desires much love to you. Col. Tuley also sends his kind regards to you & Mrs. North. I often think of the happy Summer we spent together. My usual visit North was delightful & my health greatly benefitted, as was the Colonel's and my daughter's.

We should be very glad if you would make us a visit before your return to Norfolk. My love & regards to your sister.

Adieu, my dear,

And believe me most sincerely,
your friend,
Mary W. Tuley.

P. S. We shall start for the Springs Monday or Tuesday. I don't know positively when we will return home, but can't you come & see us when we do? I wish we were to pass through Charlestown & I could see you at least, if, as you say, only to shake hands.

In 1836 Col. Tuley again added to his estate, purchasing ²⁰60 acres from his neighbor Samuel Bryarly. This was part of the "Walnut Grove" land, the antecedents of which will appear in later purchases.

The next purchase was in 1849 when Col. Tuley bought from Philip N. Meade a little over 130 acres of the "Lucky Hit" tract. This was a part of the portion of the original "Carter Grant" that was allotted to George Carter son of Col. Robert Carter of Corotoman. George Carter had been educated at William & Mary College and at Cambridge in England. By the directions of his father's will he was "bred to the law." He died in England some time before January 13th, 1741/2 the date his will was recorded. He was never married and special acts were passed by the Virginia House of Burgesses to carry out the provisions of his will and pay his debts. Appended is a copy²¹ of the act which has especial references to his lands in the Shenandoah Valley.

By deed dated November 29th, 1776²² the Commissioners appointed in this act conveyed to Ignatius Perry, Gent. of Prince George County, Maryland one of the eight hundred acre lots into which the lands of George Carter were divided. It will be noted that Gen. Washington did not sign, possibly because of the fact that the General had more pressing business at that time. In a little more than a month Ignatius Perry conveyed this land²³ to Edward Snickers. In 1783 Edward Snickers conveyed this tract²⁴ to Col. Richard Kidder Meade.

It is believed that Col. Meade was the first owner to actually reside on this tract. An account of his life and the circumstances of his coming to this land are most interestingly told by his son Bishop William Meade in his famous book "Old Churches, Ministers & Families of Virginia."

The portion of "Lucky Hit" that was bought by Col. Tuley was the tract assigned to two infant heirs, William W. Meade and Lucy F. Meade, grandchildren of Col. Meade.^{24A}

In a friendly suit instituted to divide this estate Philip N. Meade was appointed Special Commissioner to make the deed.

No further purchases of land by Col. Tuley in Clarke County by which he added to "The Tuleyries" estate have been found, and the estate evidently comprised 845 acres, or thereabouts. There is no way of ascertaining the accuracy of this figure as the assessment books of Clarke County have most unfortunately been destroyed within the past year, being considered worthless.

The deed books, however show that Col. Tuley purchased (Deed Book C P. 264) in 1844 the one-half interest of James Cross in a house and lot in the village of White Post, and in

1849 he purchased (Deed Book D P. 150) the remaining half interest from John Dow, who for many years had conducted a school at that place. Many mortgages and deeds of trust are on record in both Frederick and Clarke Counties to secure loans made by both Col. Tuley and his father, but it is believed that the appended abstracts of deeds comprehend the entire estate of "The Tuleyries."

Col. Tuley died June 17th 1860, and was buried near his father and mother in the "Old Chapel" burying ground.

He left no will, and his widow Mrs. Mary W. Tuley was granted administration on his estate. The appraisement and²⁵ inventory appended herewith is in great detail, and shows the extent of his farming operations and the contents of "The Tuleyries" each room being listed separately.

The heirs of Col. Tuley were his widow and his three sisters, Mrs. Strother, Mrs. Mitchell and Mrs. Wright. On October 15, 1860, the widow Mrs. Tuley sold her interest²⁶ in the real estate of her late husband, being 1/3 life estate to Mary Mitchell, Joseph T. Strother, Uriel Wright and Charles Strother, and proceeded to sell the personal property and settle the estate. The sale of the personal property was started in the following November and continued for fifteen days, and was then for some reason, postponed. The terms allowed, as was then customary, a credit of 18 months, a circumstance that resulted in disaster and calamity to Mrs. Tuley and other heirs. When the sale notes came due in the fall of 1862, the Administratrix accepted Confederate money and Confederate bonds in payment, for as many as could be collected. Many of the purchasers were in the Confederate service, and little if any attempt was made to collect from them. In fact, Mrs. Tuley subscribed largely from her private funds to Confederate bonds, to funds for the relief of soldiers families, and invested \$500.00 in a bond issued by Frederick County for the purpose of raising an infantry company from the County. This bond was purchased with money from the estate for which she was afterwards required to account.

Mrs. Tuley and her family removed to Winchester in 1863 and rented the house No. 126 North Cameron Street which had been the residence of David W. Barton. She, with her daughter Miss Mary Tuley Jackson resided there throughout the war. People now living in Winchester distinctly remember her, and recall her efforts to assist the poor and needy. It is recalled that she entertained many of the Maryland troops in the Confederate service, and it is said that some of them seemed to be her relatives. The Roster of Col. Ellzey's Regiment of the Maryland Line, carries the name of Charles C. Edelen, Capt. Co. B, who may have been the relative remembered as her frequent guest.

The great losses attending upon the War, and the bankrupt condition of the country deprived Mrs. Tuley of nearly her entire fortune. She lived mostly in Winchester, until her house was sold from her in 1885.

All of the heirs of Col. Tuley suffered heavily and were unable to meet their obligations. All of them were sued by various creditors and their interests in the Tuley estate attached. Mrs. Tuley as Administratrix was, of course made a party to these suits, which caused her great distress. In her endeavor to settle her accounts she was compelled to bring numerous suits. A clear picture of the condition is set forth in the Bill of Complaint filed in the suit *Mary W. Tuley Admrx.—vs—Joseph T. Thomas, Executor of Mary Mitchell.*²⁷ Also appended is her²⁸ deposition, and the deposition of Col. Boyce filed in the suit *Tuley's Admrx.—vs—Tuley's Distributees.* Several of these suits were carried to the Virginia Court of Appeals. 76 Va. Reports 857 *Wright et als.—vs—Strother et als.* ibid 863 *Belinda F. W. Boyce—vs—Strother et als.* 79 Va. Reports 387 *Mrs. Mary W. Tuley—vs—Barton's Exors.* 80 Va. Reports 159 *Strother's Admrx.—vs—Xaupi et als.* ibid *Edward J. Xaupi et ux—vs—Mary Mitchell's Exor.*

As may be imagined, after all of these suits were settled the real heirs of the estate were the lawyers.

Mrs. Tuley died September 11, 1891 and was buried at Old Chapel. By reason of her great beauty of person and of character she was much admired and with her intimate friends, Mrs. Dandridge, Mrs. Pendleton and Mrs. Hugh Lee has become one of the fine traditions of Winchester.

After the War "The Tuleyries" estate was divided between the heirs of Col. Tuley who, as has been stated were in grave financial difficulties. As a result the various shares came to be sold and were purchased^{29,30&31} by Mrs. Belinda (Wright) Boyce wife of Col. Upton Lawrence Boyce and daughter of Maj. Uriel Wright and his wife Sarah (Tuley) Wright. According to these three deeds the total area was 849 acres.

Col. and Mrs. Boyce came to live at "The Tuleyries" in 1866 and at once undertook to repair the damages incurred during the War. Fortunately no major engagement had taken place in the immediate vicinity and the mansion house and out buildings had escaped burning. A story is current in the neighborhood that the house was included in General Sheridan's campaign of destruction in 1864, but was saved by the negro butler pointing out to the officer commanding the "wrecking gang" the replica of the Seal of the United States, which was, and is, one of the ornaments of the drawing room. Shrewdly estimating the ignorance of the intruders the old negro asserted that "The Tuleyries" was a government building—and was

believed and the house was saved.

It is said that Col. Boyce purchased some of the furniture that had been in the White House of the Confederacy and brought it to "The Tuleyries", and endeavored in every way to restore the beauty of the estate.

Col. Boyce had been, before the War a successful lawyer in St. Louis where he practiced with his father-in-law Maj. Uriel Wright as his partner. Very striking in appearance because of his great height and size, he was able, energetic, interesting and generous to a fault.

Shortly after the War efforts had been made to build a railroad to run through the eastern part of the Shenandoah Valley from Roanoke, Va., to Hagerstown, Md., and work was started in 1873. Much of the grading had been completed when the work was stopped because the funds were exhausted. Col. Boyce became interested and through his efforts sufficient money was raised in New York to resume work in 1878. The project was completed in a few years and operated for some time under the name of the "Shenandoah Valley Railroad Company". Eventually it was absorbed in the Norfolk & Western system and Col. Boyce received a handsome fee, not however, without a struggle. It is related that after the final conference one of the New York financiers said of the Colonel "There is a man, who not only knows how to 'run a bluff' but is an expert in 'calling a bluff'."

At this period the estate fared well, the park wall was rebuilt and deer again installed, a plant for making illuminating gas was built, new farm implements, handsome new carriages, horses, cattle were purchased and prosperity reigned for a season. About this time the records show that a change came about in the name of the property, and it was called simply "Tuleyries" or the "Tuleyries Farms". Colonel Boyce disliked the name and remarked that in selecting it Col. Tuley had been guilty of an exceedingly sad pun.

Col. and Mrs. Boyce were hospitable to the point that their generosity and hospitality were a drain upon their resources, and this with several unfortunate business ventures, especially a patented device to burn coal without smoke, resulted in a condition that made it necessary to sell the "Tuleyries" estate. Mrs. Boyce died October 31st, 1902 and was buried at Old Chapel. She was survived by her husband and three sons: Uriel Wright Boyce, W. Truxton Boyce and Upton Lawrence Boyce. Her only daughter Katherine Lawrence Boyce married Robert Jones and died some years before her mother leaving a son Upton Lawrence Jones. Several years before the death of his wife Col. Boyce had suffered a stroke of paralysis and, with much impaired eyesight, was a confirmed invalid.

Mrs. Boyce died intestate and it became necessary to sell the estate. The interests of her grandson were protected by a deed³² from the other heirs, conveying to him 210 acres and efforts were made to sell the remainder of the land. A purchaser was found in Mr. Graham F. Blandy of New York City who agreed to buy the mansion house and 206 acres. With great kindness Mr. Blandy arranged for the family to remain until it was convenient for Col. Boyce to be moved. The following year they moved to Wilmington, Delaware where Col. Boyce died in 1907, and was buried at the Old Chapel near Millwood.

It is to be noted that the first deed made Mr. Blandy in 1903 for the 206 acres³³ was incomplete and the surveyors description was erroneous. These errors were corrected by a supplementary deed³⁴ in 1908. In 1904 Mr. Blandy purchased³⁵ the 86 acres which had been assigned to Uriel Wright Boyce and³⁶ a tract of 185 acres from Jacob S. Garver and his mother Julia Anderson which the grantors had purchased³⁷ from Roy W. Stephenson Trustee and which had been originally included in the old "Tuleyries" estate; it is of interest to note the reservations in this deed. In 1905 Mr. Blandy purchased³⁸ the 210 acres which had been assigned Upton Lawrence Jones. In this same year Mr. Blandy also purchased³⁹ from Jacob S. Garver and wife a tract of 216 acres, which is called the "Crigler Farm". Reference was made to this tract when Col. Joseph Tuley purchased a one-ninth interest of one of the heirs Christopher Crigler. A certain John Alexander had married one of Crigler's daughters, and acquired by purchase the interest of six other heirs, giving him a seven-ninths interest in the original Crigler tract. Alexander's estate was settled by a chancery suit and Garver became the purchaser. This is the land he conveyed to Mr. Blandy in 1905, the difference in the acreage being accounted for in the changing of roads, and an error in the original Crigler survey in 1813. In 1906 Mr. Blandy purchased a right of way to the Millwood turnpike from the Page heirs in connection with P. H. Mayo⁴⁰ and in 1908 by an exchange with Mr. Henry P. Mitchell he straightened the line in the north-west corner of his estate.⁴¹ A few years after the purchase of Tuleyries Farms by Mr. Blandy he married Miss Georgette H. Borland of New York.

Mr. Blandy came to be highly regarded in the entire Shenandoah Valley and was noted for his gifts to charity. Jointly with Mrs. Blandy he endowed and contributed to the support of an industrial school for colored children at White Post, but most of all they earned the gratitude of the community for the great interest and care they took in restoring the mansion house and estate, and the discriminating taste they displayed. The work of restoration covered a period of more than twenty years, expert workmen and cabinet makers were employed and placed in houses on the estate and some of them remained eighteen years. The original interior finish of Santo

Domingo mahogany had been sadly damaged but careful and intelligent work has restored it together with the silver door hinges, locks etc. The mansion, a typical "1830 House" now stands restored in all of it's original beauty, with the park and gardens in perfect harmony.

"Since, as is said, that the mark of each succeeding generation leaves an imprint of value on all architecture, how well it is that the mark of the owners has given to the Tuleyries such an ever-growing restful beauty."

Mr. Blandy died in 1926 and after setting aside the mansion house and 210 acres of the estate for Mrs. Blandy, he devised the remainder of the estate to the University of Virginia, for the purpose of "teaching boys to farm" and to be called "The Blandy Experimental Farm" and provided a large fund for it's support. And so, the idea which had presented itself to Col. Joseph Tuley in 1857 finally came to pass.

In 1929 Mrs. Blandy purchased from Mrs. E. S. Jolliffe et vir an additional 133 acres of land⁴⁵ joining her portion of "Tuleyries Farms" on the west. This tract was part of a larger tract of 815 acres conveyed⁴⁶ to John Ashby by the trustees appointed to sell the estate of George Carter. He was a member of the Ashby family that gave it's name to the gap in the Blue Ridge and that is notable for the number of soldiers it has furnished Virginia from Capt. Jack Ashby the Indian fighter to Brig. General Turner Ashby called "Stonewall Jackson's eyes." John Ashby lived on the southern half of this tract of 815 acres and in 1762 sold⁴⁷ the northern half to Bayliss Earle, son of Maj. Samuel Earle. About 1772 Bayliss Earle with several other families of the Shenandoah Valley, including his son-in-law Edward Hampton and the latter's brothers, Henry, Preston, Richard and Wade Hampton who lived in what is now the northern part of Clarke County, the family of Jacob Hite from Jefferson, and the families of Jesse Pugh, John Crumley, Robert Bull and George Hollingsworth from Apple Pie Ridge moved to South Carolina, and were perhaps the first settlers of Ennorce, Paccolette and Wateree in South Carolina. Bayliss Earle sold his tract to Thomas Bryarly of Harford County Md., in 1774⁴⁸ who came to live upon it the same year, naming it "Walnut Grove". Most of this land and the old home are now the property of his great grandson Mr. Richard Samuel Bryarly. Thomas Bryarly's son Samuel sold 60 acres of "Walnut Grove" to Col. Joseph Tuley as we have seen. The remainder passed by descent to Samuel's son Richard Samuel Bryarly, and the portion adjoining Tuleyries Farms descended to his son J. Elliott Bryarly who sold 120 acres⁴⁹ in 1892 to Isaac Glass. In 1893⁵⁰ Glass sold this tract to E. R. Shenk a native of Page County who had been living in Clarke some years. In 1907 Shenk bought an⁵¹ additional 13 acres charged with certain

reservations for a foot path from the "Walnut Grove" farm from Richard Samuel Bryarly and Rebecca his wife, which joined his first purchase. Mr. Shenk died in 1920 and left⁵² this portion of his estate to his daughter Mrs. Effie Shenk Jolliffe, she as aforesaid sold it to Mrs. Blandy, who has since become the wife of Lt. Colonel Llewellyn Bull U. S. A. (retired).^d

And so ends the story of the Tuleyries Farms as reflected from the old records, together with divers facts about the many interesting people who have been "Lords of the Manor".

I hereby certify that the foregoing statements are true and correct, to the best of my knowledge and belief, and have been obtained from the records of the Land Office in Richmond, Va., and the county records of the Counties of Spotsylvania, Orange, Warren, Frederick and Clarke, Virginia and from recognized genealogical and historical authorities, and that the spelling, punctuation and use of capitals employed in the records have been correctly copied.

Winchester Va.,
October 30, 1936

Richard E. Griffith

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- Bulletin Fauquier Hist. Soc. Vol. 1 "Northern Neck Lands" by H. C. Groome.
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THE TULEYRIES — NOTES

- a. He died Thursday, Jan. 30, 1777. (Proceedings Clarke Co. His. Ass'n., IV, p. 21).
- b. The Old Chapel Cemetery Record and "Old Chapel" both state Joseph Tuley died in June, 1825; his widow, in October, 1825.
- c. This Miss Harrison could have been either Miss Evelyn Byrd Page Harrison who died July 1, 1845, or her sister, Miss Maria Horsemanden Harrison who died June 27, 1847. Both were daughters of Benjamin Harrison of "Berkeley" and Mary Willing Page of Page Brook, his wife; they were sisters of Dr. Benjamin Harrison, Sr. of Longwood. Their aunts were Miss

Abby Byrd and Miss Rosalie Nelson of The Cottage, Millwood.

- d. Mrs. Bull died July 26, 1939. Col. Bull died November 9, 1939—both were buried in the Old Chapel graveyard. After his death. The Tuleyries passed by devise to Mrs. Orme Wilson, sister of Mrs. Blandy. It is now the home of Mr. and Mrs. Orme Wilson.

THE TULEYRIES — SUPPORTING DOCUMENTS

No. 1. Northern Neck Deed Book C, Page 77.

No. 2. Frederick County records.

Superior Court Causes Ended.

File "K" 1822.

Style of Suit: Hodgson—vs—Hutchison.

"The above suit was filed July 18, 1818, and contains a certified copy of the Will of Robert Burwell, formerly of Isle of Wight County but now of King and Queen".

INSTRUMENT: Will & Codicils.

Dated: August 16, 1772

January 10, 1777

Probated: October 13, 1777

ROBERT BURWELL.

SECOND CODICIL:

"Item I give and bequeath to my executors Thomas Nelson and John Page esquires, for the use herein after mentioned my tract of land in Frederick County beginning upon the mouth of the long branch on Shanandoe River then up the said branch the several meanders thereof to Bennets upper spring above the meadow fence where James Brown lived from thence by a line parallel to that which divides my Cousin Nath'l Burwell and myself to the west line from thence along Mr. George Carters line across the tract to a heap of Stones corner to him my Cousin Nath'l Burwell and myself then down the said line to the river then up the river to the **begining** at the mouth of the long branch together with all the slaves stocks and everything on the said lands that belongs to me. In Trust and for the following uses that is to say the profits thereof to be applied to the payment of my just debts and after my debts are paid then the profits to be applied to the use of my son Nathaniel Burwell during his life and after his decease then I give the said lands and Slaves and every thing described in this devise to my Grandson Robert Carter Burwell and to his heirs forever, excepting out of this devise the little rattle snake spring quarter with what lands shall be necessary for my son Nath'l to work his slaves on during his life and if there should be a necessity to sell part of my lands for payment of my debts then I desire my my Cousin Thomas Nelson and my son in law John Page should sell the lower part of the above mentioned tract begining at a hollow on the long branch between Samuel Ballingerso and Harry Machens and runing from thence a cross the land to the line of my Cousin Nath'l Burwell from thence down to the river—then up the river to the long branch then up the long branch to the beginning, firmly relying that my Executors will be careful of the Interest of my Grandson and save the land for him if they can, this second Codicil to my will I have made and signed this tenth day of January 1777.

ROBERT BURWELL (SEAL)

Sealed and signed in the presence of:

W. Ellzey.

Samuel Baker.

Thomas Bragg.

At a Court held for King and Queen County the 13th day of October 1777 These Codicils to the Will of Robert Burwell Esq. deceased was proved

by the Oaths of Samuel Baker and Thomas Bragg two of the witnesses and ordered to be recorded.

Teste: Rd. Tunstall Jr. Clk.

Robert Pollard C. C.

A copy Teste.

FREDERICK COUNTY RECORDS

No. 3. ROBERT CARTER BURWELL

TO:

ALEXANDER HENDERSON

INSTRUMENT: DEED
 DATED: October 5, 1796
 RECORDED: September 29, 1797
 SUPERIOR COURT DEED BOOK
 3 PAGES 168—171

CONSIDERATION: Five shillings current money of Virginia.

WORDS OF CONVEYANCE: Doth grant bargain and sell alien release and confirm unto the said Alexander Henderson, his heirs and assigns.

RECITAL: Whereas by a Decree of the High Court of Chancery bearing date the 20th day of November seventeen hundred and eighty Eight the said Alexander Henderson has been quieted in the Possession of certain lands in the said County of Frederick herein after described which has been laid off by order of Nathaniel Burwell father of the said Robert Carter Burwell in consequence of a sale made by the said Nathaniel to a certain John Hatley Norton from whom the said Alexander Henderson has become the purchaser and are part of a tract of land which did belong to the Hon ble Robert Burwell. A moiety of which had by him been given by marriage contract to the said Nathaniel his son, and whereas by the court aforesaid it has been further decreed and ordered that the said Robert Carter Burwell party to these presents do convey to the said Alexander Henderson his heirs or assigns the said lands in fee simple, which by him had been purchased from John Hattley Norton as aforesaid as appears by his Deed dated 1st day of December 1791.

DESCRIPTION: Parcel of land situate laying and being in the said County of Frederick on the long branch of Shenandoah River, and bounded as by survey thereof made by Benjamin Ashby surveyor of the said County. BEGINNING at a large white Oak standing on the north side of the Long Branch (described in the Survey by the Letter T) at the lower end of a meadow of said Henderson, thence N 31 E 579 poles to M a stake near a marked Locust in the Line of Nathaniel Burwell of the Grove, thence along his Line N 57.15 W 375 poles to B. a pile of Stone corner to the entire tract of the late Robert Burwell, thence S 32.15 W to I the dividing Line between the said Alexander Henderson and Rich d Kidder Meade, thence with the said Line Easterly to Bennetts spring a corner also to Meades Lot at a K thence southerly to the road and with it to I in the line of Thomas Bryan Martin thence S 64.30 E to H. a red oak and white oak corner to Thomas Bryan Martin and the entire tract of Robert Burwell thence Easterly to Q corner to this tract and that laid off for Col. C. M. Thruston, thence northerly to P. at the lower side of the mouth of Murphy's Branch thence up the Long Branch to the Beginning, containing Sixteen Hundred and Seventy Eight acres, the same being now in possession of the said Alexander Henderson and the Land on which his plantation or farms at the long branch and rattle snake spring are settled.

SIGNED IN THE PRESENCE OF: William Davis.
 John Hathaway.
 Benjamin Gainey.

THE TULEYRIES

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No. 4. ALEXANDER HENDERSON

TO
JOSEPH TULEY

INSTRUMENT: BILL OF SALE.
DATED: December 31, 1806
RECORDED: February 2, 1807
DEED BOOK 30 PAGE 294.

This Indenture made between Alexander Henderson of the Town of Dumfries in the Commonwealth of Virginia of the one part and Joseph Tuley of Millwood in the County of Frederick.

ACKNOWLEDGMENT: Regular.

CONSIDERATION: Eight Thousand four hundred and Eight Dollars, and 12½ cents current money of Virginia.

WORDS OF CONVEYANCE: Doth grant bargain sell alien release and confirm unto the said Joseph Tuley and his heirs.

DESCRIPTION: All that tract or parcel of Land lying and being situate in the County of Frederick aforesaid and bounded as appears by a survey made on the 28th day of July 1804 by George Bell which is hereto annexed for greater certainty as followeth towit: BEGINNING at a Black Oak corner to Henry Bartletts purchase and in the line of Nathaniel Burwell Esq. running thence with said Burwells line north 58 deg. W 184 poles to a pile of Stones corner to said Burwell and in line of Samuel Briarly Esq. thence running with his line south 32½ deg. west 369 poles to a small hickory corner to John Kerfotts, purchase thence with his line south 60 East 184 poles to a stake or post corner to Benjamin Gaines purchase, thence with his line North 32½ E 160 poles to St. Patrick a stone corner to said Gaines and Henry Bartletts purchase the course continued 180 poles with Bartletts line in all 360 poles to the Beginning containing four hundred and twenty acres (420) one quarter and thirty poles be the same more or less, which tract is part of a larger tract of land formerly belonging to the said Alexander Henderson and known by the name of "RATTLE SNAKE SPRING TRACT"

Surveyed July 28, 1804

Part of a larger tract belonging to Alexander Henderson known as "Rattlesnake Spring tract"

No. 5. NATHANIEL BURWELL

TO:
JOSEPH TULEY

INSTRUMENT: DEED
DATED: November 26, 1793
RECORDED: December 3, 1793.
DEED BOOK 24A Page 275.

(NATHANIEL BURWELL of Carters Grove in the County of James City of the one part and Joseph Tuley of County of Frederick)

Acknowledgments: Regular.

WARRANTY: General.

CONSIDERATION: FIVE SHILLINGS.

WORDS OF CONVEYANCE: Doth grant demise and to farm let unto the said Joseph Tuley his executors administrators and assigns for the term of ninety eight years fully to be complete and ended computing the commencement thereof from the first day of January in the year one thousand seven hundred and eighty eight.

DESCRIPTION: All that Lott or parcel of land lying and being at Millwood in the said County of Frederick and which by a survey made thereof on the thirteenth of May in the present year is bounded as followth to wit: BEGINNING at a small white oak standing on

the main road side nearly in front of said Burwells door running thence N. 55 W 2 poles to the corner of said Burwells yard thence No. 33 W 13 poles to a turn in said yard then S 54 W 12 poles to a Sycamore and Locust post standing on the bank of the run thence S 30 W 24 poles to a post on the hill thence S 54 E 22 poles to a post in a hollow thence down said hollow N 79 E 10 poles to a walnut standing near the Run thence N 9 W 17 poles to the beginning containing four acres one Rood and thirty five poles which said survey together with the platt is hereto annexed (saving always however and reserving to the said Nathaniel his Heirs and assigns the absolute right of turning all the water of Spout Run into the Mill Race whenever the said Nathaniel his Heirs or assigns may think proper) To have and to hold the said Lott of land with its appurtenances (subject to the Reservation before mentioned) unto the said Joseph Tuley his Executors, Administrators for the term aforesaid fully to be compleat and ended and to be accounted from the first day of January in the year as aforesaid 1788. YEILDING and paying therefor on the first day of January in each year during the said Term the sum of three pounds. And the said Joseph Tuley doth agree with the said Nathaniel Burwell that the said Joseph his Executors, Administrators or assigns shall well and truly render and pay to the said Nathaniel Burwell his Heirs or assigns on each succeeding first day of January during the said term the Rent of three pounds lawful money.

RECITAL: Whereas the said Nathaniel Burwell by a certain Instrument of writing bearing date the first day of September in the year 1789 did oblige himself his heirs and assigns to make the said Joseph Tuley his Heirs and Assigns a proper lease for two acres of land lying on Spout Run as laid of by Mr. John Cordell, with a plentiful supply of Water for a tan yard from the Mill Race. Reserving to the said Nathaniel Burwell his Heirs and Assigns the absolute Right of turning all the water of Spout Run into the Mill Race when ever the said Nathaniel Burwell may think proper, the terms to be three pounds per annum from the expiration of the year 1788 and the term of the Lease to be ninety eight years from the first day of January 1788, which said instrument witnessed by the hand and seal of the said Nathaniel together with the Plott of the said Land as Surveyed by the said John Cordell is now of Record in the Office of the Court of the District composed of the Counties Frederick, Berkeley, Hampshire, Hardy and Shenandoah. And Whereas the parties to these presents by a late agreement have substituted in the plice of the Lott as surveyed by the said John Cordell and above referred to another Lott as surveyed by Mr. George Bill on the 13th of May 1793 and containing four acres one rood and thirty five poles thereby revoking and annulling so much of the first recited agreement as respects the metes and Bounds of the first recited lott but retaining nevertheless so much of the said first recited agreement as relates to the Covenant on the part of the said Nathaniel his heirs and assigns to furnish to the said Joseph his heirs and assigns a plentiful supply of Water from the Mill Race for a tan yard and also retaining the reservation to the said Nathaniel his heirs and assigns the absolute Right of turning all the water of Spout Run into the mill race whenever the said Nathaniel his Heirs or assigns may think proper and also retaining so much of the said first recited argument as relates to to the amount of Rent therein reserved and to the commencement and duration of the said Joseph's term,

No. 6 FREDERICK COUNTY 22 June 1786

On the joint application of Brigadr Gen.l Daniel Morgan and Joseph Tuley Tanner of the said County surveyed the above Lott of land the same being part of a large Tract belonging to Col. Nathaniel Burwell of James City County situate on the waters of Spout Run and Contiguous to a merchant mill held in Partnership between the said Burwell and Morgan which Lott is bounded as follows viz: BEGINNING at A a locust stake near a red oak stump on the north side of the said Run and Running thence South 58½ degrees West fifteen poles and an half to B. a small Sycamore or the bank of the said Run. Thence down the run south 45 1/4 degrees East six poles to C another Sycamore; thence south 36 deg. West crossing the run 18 poles to a white oak saplin in a hill thence S 45 1/4 deg. East 10 poles to a hickory saplin by a Road thence S 56½ degrees East 14 1/2 poles to a small white oak Saplin and a pile of stones near said Road Thence S 4 deg. East 25 1/8 poles to the beginning, containing two acres of land.

JOHN CORDELL. D. S. F. C.

No. 7 Mr. Joseph Tuley's lot of Col. Nathaniel Burwell at Millwood Bounded as follows (viz) BEGINNING at H a small white Oake standing on the main Road side nearly in Front of said **Burwals Doore**, **Runing** thence N 55 W 2 poles to the corner of said **Burwalls** yard thence N 33 degrees W 3 poles to a turn in said yard thence S 54 W 12 poles to Sycamore and Loctus post standing on the bank of the run thence S 30 deg. W 24 poles to post on the hill thence S 54 E 22 poles to post in a Hollow thence down said hollow No. 79 E 10 poles to post on a bank of **Durt** Neare the Main Road thence N 20 poles to a Walnut Standing Neare the Run thence N 9 W 17 poles to the **Begining** containing **Foure** acres one rood and thirty five pole.

By me this 13th day of May 1793.

Geo. Bell

- No. 8. DEED BOOK 33, Page 92.
- No. 9. DEED BOOK 26, Page 140.
- No. 10. DEED BOOK 25, Page 182.
- No. 11. DEED BOOK 33, Page 167.
- No. 12. DEED BOOK 41, Page 537.
- No. 13. DEED BOOK SUP. 6, Page 331.
- No. 14. DEED BOOK 33, Page 19.
- No. 15. WILL BOOK 13, Page 43.
- No. 16. DEED BOOK 51, Page 343.
- No. 17. LAND ASSESSMENTS 1817 — 1835.

No. 12A.

ALEXANDER HENDERSON.

TO
JOSEPH TULEY.

INSTRUMENT: BILL OF SALE
DATED: December 3, 1810
RECORDED: February 4, 1811
DEED BOOK 32 PAGE 522.

ACKNOWLEDGMENT: Regular.

WARRANTY: General.

CONSIDERATION: \$2,054.51 Cash in hand paid.

WORDS OF CONVEYANCE: Hath granted, bargained, sold, aliened, enfeoffed, released and confirmed to the said Joseph Tuley his heirs and assigns forever.

DESCRIPTION: All that tract or parcel of land as follows: Beginning: at a stake or post corner to Robert Burwell, Esq. and in the line with Nathaniel Burwell, Esq. running thence with the said Burwells line North 58 W 186 poles 6 ch. to a Black Oak corner to Joseph Tuleys purchase, thence with his line South 32½ W 180 poles to St. Patricks stone corner to Benjamin Gaines Esq. purchase, running thence with his line South 58 East through the center of the Spring and Well, 189 poles to a stake by a marked hickory among rocks and in the line of Robert Burwell Esq. thence with his line North 31 East 180 poles to the Beginning containing two hundred and eleven acres (211) and twenty six poles, the same being part of a larger tract known by the name of the RATTLESNAKE SPRING TRACT or TANNERS RETREAT.

No. 15A.

FREDERICK COUNTY

JOSEPH TULEY.

INSTRUMENT: APPRAISEMENT
 DATED: December 22, 1825.
 RECORDED: August 6, 1827.
 WILL BOOK 14 Page 52-53-54-55-56.

Appraisers: John Kerfott.
 George H. Burwell.
 T. F. Nelson.

“The following is a list of property of the estate of Joseph Tuley dec. which was ordered to be appraised by the County Court of Frederick and the following gentlemen were appointed and acted as appraisers on the 22nd December 1825 as appears from their qualification on the order of Court.”

Tan yard property, taned and untaned.

No. 1 Contains 22 hids of upper \$3.50 & 13 horses \$2.25	-----	106.25
No. 2 Dto. 20 spanish sole & 2 country dto. taned \$8.	-----	176.00
No. 3 Dto. 22 country sole hides taned \$8.	-----	176.00
No. 4. Dto 39 Dto upper & 11 sole on 4th layer \$6.	-----	156.00
No. 5. Dto. 38 Dto. upper & 2 horse dto \$3.50	-----	140.00
No. 6. Dto. 30 dto country sole on 6th layer \$7	-----	210.00
No. 7 Dto. 35 Dto of light upper on 1 layer \$2.50	-----	87.50
No. 8 Dto 22 Dto. of C sole taned \$8.	-----	176.00
No. 9 Dto 22 Dto of Dto on 2nd 1 yer \$5.	-----	110.00
No. 10 Dto. 22 dto of dto dto \$5.	-----	110.00
No. 11 Dto. 22 Dto. of Dto Dto. \$8.	-----	176.00
No. 12 Dto. 22 Dto of Dto. taned \$5.	-----	110.00
No. 13 Dto. 22 Dto. of Dto. \$5.	-----	110.00
No. 14-22 Dto 198 dto of dto. Tanned. \$8.00	-----	1,351.50
No. 23-45. Dto 506 Dto Dto. on 5 layer \$7.	-----	3,482.00
No. 46 Dto 26 Dto Dto taned & picked \$10.	-----	260.00
Skins laid away & dto handling in handlers.	-----	200.00
Hides & skins in the _____ worth.	-----	120.00
Hides & skins in the limes Dto.	-----	150.00
Leather in hand finished & in stuff, horse collars & etc.	-----	1,500.00
Marble table, shop tools & tan yard tools. etc.,	-----	100.00
1000 cords of black & chestnut oak bark \$3.50	-----	3,500.00
1 bark horse & bark mill (cast iron)	-----	150.00
negro man named Bill age 27 yrs.	-----	650.00
Negro man named John Armstead 30 yrs.)	-----	600.00
) Dto Dto George Armstead 32 yrs.) Farmers	-----	500.00
) Dto Dto John Bowen 27 yrs.)	-----	450.00
Seipio a shoemaker age 58 years.	-----	280.00
Boatswain a Dto age 16 years.	-----	300.00
One negro woman Molly & two children.	-----	400.00

Dto Dto Winney & Hitty. -----	300.00
Dto Old Famour, Pleasants & Robert. -----	350.00
Dto boy Thornton. -----	350.00
Dto woman Julia & child. -----	300.00
Dto. Girl Sarah. -----	250.00
Dto. Dto Rachel. -----	250.00
Dto Woman Hannah. -----	400.00
1 negro man Bob. -----	400.00
Dto old man Peter -----	250.00
Dto. Dto. Jeffry. -----	350.00
Dto. Dto Bill Brown. -----	200.00
Dto. boy Elisha -----	350.00
Dto. Old boatswain -----	50.00
Dto. boy Annniis. -----	200.00
Dto. woman Franky & child. -----	350.00
Dto. young Pegg. -----	300.00
Dto woman Mary & 4 children. -----	550.00
Dto. Dto Lucy & 2 children. -----	400.00
Dto old man & old Peg. \$25. -----	50.00
Dto boy Gabriel. -----	250.00
Dto Dto Jacob. -----	250.00
Dto woman Turner & child. -----	275.00
Dto man Jack. -----	350.00
Dto Dto old Phil. -----	50.00
Dto woman Betty. -----	200.00
Dto yellow Lucy & child -----	200.00
Negro 2 girls Maria & Ellen. -----	525.00
Dto 2 Dto Lydia & Jane. -----	400.00
Dto. Jim \$250. & old Sarah \$30. -----	280.00
1 Eight day clock & 1 side board. -----	110.00
1 secretary and 2 knifs cases. -----	53.00
1 Mahogany table & 2 Dto. rounds. -----	40.00
1 large case of bottles. -----	20.00
1 pr and irons, shovel & tongs. -----	5.00
6 maps & prodigal son. -----	10.00
All the Queens ware & thermometer. -----	18.00
All the glass Dto & Britaina -----	40.50
All the silver spoons & ladles, knives & forks. -----	30.00
Two pitchers & carpet, walnut side board. -----	11.00
One cherry chest, 1 card table & walnut Dto. -----	11.00
Walnut chair a pr and irons shovel & tongs. -----	3.00
1 water, 3 pitchers 2 decanters, 4 glass & carpet. -----	4.00
9 charis, gun, shot pouch & powder horn. -----	17.00
1 bed, bedstead & bedding. -----	40.00
1 bed, bedstead & bedding. -----	40.00
1 Dto. Dto. Dto. -----	30.00
1 Dto mahogany Dto & Dto. -----	50.00
1 Dto, bedstead & Dto. -----	30.00
1 Dto Dto Dto Dto & Dto. -----	35.00
Three small tables, washstand & walnut desk. -----	15.00
The Library (a number of volumes) -----	100.00
Extra counterpins. Blankets etc., -----	150.00
1 Mahogany bureau & glasses. -----	20.00
Table safe, etc., -----	8.00
6 pr extra sheets 6 table cloths. -----	15.00
1 Mahogany bureau & glass. -----	15.00
All the Kitchen furniture etc. -----	30.00
8000 pounds of Pork a \$4. -----	320.00
6 milch cows, \$7. -----	42.00
One riding horse (rob roy) -----	40.00
Running gear of an old waggon. -----	25.00
2 Old Gigs & 1 Elegant new Dto. -----	260.00

72 CLARKE COUNTY HISTORICAL ASSOCIATION

1 Road waggon 6 horses, gear & etc. -----	600.00
1 Cart & gear complete. -----	30.00
1 Dare Devil Grey mare. -----	100.00
1 small grey colt. -----	30.00
1 long tail brown mare. -----	55.00
1 one brown mare. -----	20.00
6 calves at \$1 each & cow \$9. -----	15.00
1 yoke of oxen. -----	20.00
3 yoke of Dto & running gear waggon. -----	120.00
24 head of cattle a \$6. -----	144.00
122 young hogs a \$2.50 -----	307.50
1 large white sow. -----	8.00
7 breeding sows with 42 pigs at \$6. -----	42.00
85 bushel of clover seed \$6. -----	510.00
600 Dto of Rye a \$45 -----	270.00
80 Dto of Oats \$30. -----	24.00
250 barrels of corn \$2.50 -----	625.00
4 hogsheads of tobacco \$50. -----	200.00
Farming utensils, chairs etc. -----	120.00
1 bay horse. -----	40.00
1 sorel mare. cart & gears. -----	30.00
1 large ox cart. -----	35.00
1 bay mare & colt (blooded) -----	130.00
2 yearling colts \$50. & 30. -----	80.00
1 small colt. -----	20.00
2 fattened beeves \$22.50 -----	45.00
1 small colt. -----	20.00
72 sheep worth \$1.50 each. -----	108.00
5 horsed & gear & running gear of a waggon. -----	300.00
60 tons of clover & timothy hay \$6. -----	360.00
2 Wheat fans screens etc. \$20. -----	40.00
1 small waggon 2 horses & gear (old.) -----	100.00
	\$30,418.25

No. 18

VALLEY OF VIRGINIA
by
SAMUEL KERCHEVAL
Second Edition

Page 314.

“Col. Joseph Tuley, in the county of Clarke, has built a most splendid and expensive mansion on his beautiful farm in the neighborhood of Millwood, which he has named “Tulyries”. To give a detailed account of this fine building would be tedious, and perhaps tiresome to the reader. It is sufficient to say that this edifice is sixty feet by forty, of the best of brick-finished from the base to the attic in the most elegant style of modern architecture, and is covered with tin. A spacious portico, supported underneath with massive marble slabs, with pillars of solid pine, twenty-eight feet high, supporting the roof-forming a most beautiful colonade, based on square marble blocks; the porch floor laid with white marble, and marble steps; a spacious entry; a spiral stairway running from the passage to the summit, on which there is a handsome cupola with a large brass ball erected; the fire places decorated with the finest marble mantles; his doors and windows of the best mahogany; with a green house in which there is sheltered a great variety of the richest exotic plants and flowers; the yard decorated with a great variety of native and imported trees and shrubbery, with several orange trees which bear fruit handsomely. Adjoining the yard, an extensive park is enclosed in the forest, within which enclosure there are a number of native elks and deer. The old buck elk will not suffer any stranger to intrude on his premises. Col. Tuly’s father was born and raised in the state of Jersey, learned the trade of a tanner, came to Virginia

a young man, commenced business on a small capital, and amassed a very considerable estate, the greater part of which he devised to his only son Joseph. The Col. carries on the tanning business extensively, and has added considerably to the estate left him by his father. He farms extensively and successfully—and largely in the stock way.

No. 19. AGRICULTURAL JOURNAL OF 1844
 "THE TULEYRIES"

"Yesterday we came through the elegant property of Colonel Joseph Tuley of this (Clarke) County. First we halted at the well which is being sunk for a constant supply of running water. This well was begun in the bottom of an old one 64 feet deep. And they have now attained to the astonishing depth of 565 feet. The rock has been continuous, though changing its character several times, At first there was the blue limestone; then many kinds and colors of sandstone, next came a gray limestone, and then a blue and finally gray of the hardest quality.

In the first, four feet a day could be attained; in the intermediate lamina as much as six at times, then again two and two and a half in this hardest gray rock. The geological formation of the earth in these parts might well be ascertained from this well. Specimens of the different lamina should be carefully preserved.

The drill is two inches and a half in diameter. The washings have been brought up by water from the different fissures, so that there has been no necessity of pumping.

It is thought that running water will be attained after a while, and perhaps it will spout 20 feet out at the top. If so, this will be a great curiosity, as is already this wonderful estate. The running water from this well, it is thought, will add \$10,000 to the value of the property. The operation of boring or drilling proceeds very smoothly, and for aught that appears the crust of the earth might be bored through and let out either fire or flood.

The wheat which Colonel Tuley has in cultivation is another curiosity. The astonishing breadth of 800 acres has to be harvested. And such wheat as it is—is only equalled in this garden spot of the earth—Clarke County.

Fallen down and tangled and matted—too heavy to stand up—it presents an astonishing appearance. One field is of a beautiful new French variety, for a year or two carefully nurtured in the colonel's garden, called the Noe wheat. This is a fine large vigorous looking wheat, as thick as possible, but struck with rust—like too much of the other we are sorry to say—partly from being so luxuriant the air could not penetrate. The colonel also has over 12 miles of stone fencing on his farm, and continues to construct.

This he considers an important operation, inasmuch as it clears the farm of rock, saves the timber and avoids the necessity of making rails—the rails which are replaced by the stone being amply sufficient for all the purposes of refitting the old rail fence. Perhaps more attention should be given by others to this branch of farm culture."

CLARKE COUNTY RECORDS

No. 20. DEED BOOK A, Page 23.

No. 21. HENING'S STATUTES AT LARGE 1764-1773, Ch. XXI.

FREDERICK COUNTY RECORDS

No. 22. DEED BOOK 17, Page 177.

No. 23. DEED BOOK 17, Page 215.

No. 24. DEED BOOK 19, Page 364.

CLARKE COUNTY RECORDS

No. 24A. DEED BOOK D, Page 498.

No. 25. JOSEPH TULEY APPRAISEMENT.

"An appraisement of the goods and chattels of Col. Joseph Tuley deceased of Tuleyries in the County of Clarke made by the undersigned John Alexander, Wm. A. Bradford, Hugh N. Nelson and John E. Page Esq. being four of the appraisers nominated and appointed by the County Court of Clarke County said Appraisers having first taken the oath prescribed by law.

PANTRY

1	china dinner sett 100 pieces. viz:	
2	tureen 2 gravy boats.	
4	pickle dishes.	
2	large dishes.	
9	vegetable dishes.	
1	salad bowl.	
23	soup plates.	
57	dinner plates. -----	100.00
1	china desert sett. 88 pieces. viz:	
2	fruit stands 4 preserve dishes.	
2	large dishes. 2 Bowls for sugar 2 sauce plates	
2	custard stands 7 20 cups 2 large cake dishes	
4	square dishes 4 dishes 64 plates. -----	100.00
	Glass Ware.	
4	glass bowls (3 cracked and 1 imperfect.) -----	10.00
2	cellery bowls. -----	2.50
14	Champagne glasses. -----	10.00
22	Jelly Glasses. -----	10.00
13	Lemonade Glasses. -----	5.00
37	wine glasses. -----	8.00
28	tumblers. -----	7.00
11	water bottles. -----	2.50
18	finger bowls. -----	4.00
8	decanters. -----	5.00
6	glass dishes. -----	13.00
17	glass salts. -----	3.00
1	molasses jug. -----	.50
7	glass cup plates. -----	.37
1	glass shaker -----	1.00
	Plate ware in pantry.	
1	Caster -----	15.00
1	imperfect ditto -----	3.00
9	goblets. -----	10.00
2	butter bowls. -----	5.00
1	trout rack. -----	1.00
1	ice cream knife. -----	1.00
1	current scraper -----	1.00
1	large waiter -----	10.00
4	small ditto -----	12.00
1	doz. dinner knives. -----	10.00
1	doz. desert ditto -----	10.00
1	tea kettle -----	5.00
6	dish covers. -----	20.00
1	egg stand -----	8.00
1	urn -----	5.00
2	chaffing dishes -----	5.00
1	Eperzne -----	10.00
2	doz forks. -----	5.00
1	pair candlesticks. -----	2.00

THE TULEYRIES

75

1	snuffer and tray. -----	.50
1	wine coaster on wheels. -----	4.00
2	cake baskets. -----	10.00
1	doz salts. -----	1.00

436.67

Silver Ware.

1	tea sett Viz:	
1	tea, 1 coffee, 1 hot waterpot.	
1	cream jug, 1 sugar dish, 1 tongs. -----	200.00
1	silver pitcher. -----	50.00
1	large ladle -----	5.00
1	mustard spoon -----	.50
2	doz silver forks. -----	60.00
2	doz. table spoons. -----	60.00
2	" tea spoons. -----	24.00
1	" fruit knives. -----	24.00
2	" butter knives. -----	4.00
2	" fruit ladles -----	10.00
2	" sugar ditto. -----	10.00
7	win dish covers -----	3.50
3	ditto -----	1.50
6	teaspoons. -----	3.00
	Butler's Room. -----	50.00

DINING ROOM.

1	oak side board. -----	40.00
1	pair mahogany dining tables. -----	25.00
1	tea table -----	3.00
1	large mahogany case clock -----	5.00
1	wine case. -----	5.00
6	cane seat chairs. -----	6.00
1	fire set 2. 1 floor oil cloth 1. -----	3.00
1	small dinner bell, 1 mahogany waiters tray. -----	3.12
1	medicine chest, 5 hand waiters. -----	3.50
1	pair mahogany knife boxes 2 windsor shades -----	4.00
1	ditto knife box. -----	.50

China in press in dining room.

1	tea set whit & gold. viz: -----	10.00
21	plates 2 fancy dishes 3 cake plates.	
2	fruit dishes, 17 cups 16 saucers.	
1	green & gold set viz:	
22	cups and 22 saucers.	
4	china pitchers 2 cream jars.	
1	doz egg cups 3 pieces blue china.	
1	blue glass cream jug, 1 china bowl.	
1	doz white cups and saucers 1 large china mug	
1	china cheese dish, 2 fruit dishes	
1	Britania Ice pitcher.	
5	arm chairs. -----	2.00

SITTING ROOM.

1	Sofa (hair seat.) -----	10.00
1	Ditto cushion -----	10.00
1	mahogany centre table. -----	5.00
1	small mahogany stand. -----	1.00
1	marble top table. -----	2.00
1	secretary old. -----	10.00
1	secretary new. -----	15.00
5	hair seat mahogany chairs. \$2. -----	10.00
1	arm chair. -----	3.00
1	rocking chair. -----	2.50
1	marble clock. -----	5.00

1	Bronze sugar stand. -----	1.00
1	small tobacco box. -----	.25
1	china sugar stand. -----	.50
2	china spittouns -----	1.00
3	window shades. -----	3.00
1	fire set. -----	5.00
1	engraving framed. -----	2.00
	floor matting. -----	2.00
1	lard lamp. -----	.50
2	chandealers & drop light on table, considered as fixtures. -----	
LOWER HALL.		
2	hair seat sofas -----	10.00
2	cane seat sofas. -----	10.00
1	elk horn hat rack. -----	12.50
1	ditto chair. -----	1.00
1	lot elk horn hat rack -----	8.00
4	racing engravings framed. -----	2.00
2	stage coach scenes. -----	2.00
2	shakespeare framed. -----	1.00
1	Washington monument. -----	4.00
2	figures. -----	4.00
1	oil cloth -----	20.00
51	brass stair rods. -----	13.00
DRAWING ROOM.		
24	hair seat mahogany chairs. -----	50.00
4	walnut arm chairs. -----	20.00
1	velvet sofa. -----	20.00
1	ditto tete a tete chair. -----	15.00
2	marble top tables. (pier) -----	30.00
2	mirrors 1 cracked. -----	20.00
1	atagin. -----	2.50
1	oil painting 7 frame. The holy family -----	5.00
1	ditto Gen. Washington. -----	5.00
1	ditto Bonaparte crossing the Alps. -----	2.50
1	ditto Port of Amsterdam. -----	5.00
1	ditto Falls of Montgomery. -----	2.00
1	ditto Falls. -----	2.00
1	ditto. -----	2.00
3	framed engravings. -----	6.00
2	marble top tables (small) -----	10.00
2	large alabaster vases. -----	10.00
4	small alabaster vases (2 broken) -----	8.00
1	pair small china vases. -----	2.00
1	pair ottomans. -----	2.00
	velvet carpet. -----	48.00
2	rugs to match. -----	2.00
1	set of tea tables. -----	2.00
2	small glass vases. -----	1.00
2	fire sets. -----	20.00
FURNITURE IN LIBRARY.		
1	large table. -----	10.00
1	round mahogany table. -----	2.00
2	small table on marble top. -----	2.00
	broken 1 arm chair rosewood hair seat -----	5.00
1	Do oak hair seat. -----	10.00
1	box of tools, 1 tape line. -----	5.00
1	level 1 two foot rule. -----	1.00
3	maps, U. S. Palestine, Independence -----	3.00
1	magnifying glass and engravings. -----	3.00
1	box Italian views. -----	2.00

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1	box chessmen. -----	1.00
1	sett dominos. 3 large shells. -----	.50
1	tall mahogany clock. -----	2.50
	Books valued at. -----	50.00
	UPPER HALL.	
1	hair seat sofa. -----	8.00
1	walnut secretary. -----	8.00
1	plaites figure. -----	.50
1	pr. curtains. -----	1.00
1	fire screen. -----	1.00
11	gilt framed engravings from Shakespear -----	11.00
1	Iron vase. -----	1.00
	lot of pitchers, bowls and buckets. -----	5.00
	NORTH FRONT ROOM.	
1	walnut bedstead. -----	40.00
1	" wardrobe to match. -----	40.00
1	bureau with glass to match. -----	20.00
1	wash stand and marble top. -----	15.00
1	towl rack. -----	2.50
4	cane seat chairs. -----	8.00
1	toilet table, cover, curtain, glass table -----	5.00
1	rocking chair mahogany and hair seat. -----	5.00
1	mahogancy center table. -----	8.00
1	candle stand. -----	1.00
	(contents of closet)	
17	pairs linen sheets. -----	34.00
12	linen pillow cases. -----	6.00
4	marcilles conterpainnes. -----	8.00
36	towels. -----	9.00
2	Calico spreads. -----	1.50
4	Damask table clothes. -----	12.00
1	worsted fruit cloth. -----	2.50
	1-1/2 doz. worsted Doyles. -----	2.25
1	hair mattress. -----	20.00
1	feather bolster and 2 pillows. -----	3.00
3	doz. table napkins. -----	9.00
	SOUTH FRONT ROOM.	
1	mahogany bedstead. -----	10.00
1	" wardrobe. -----	25.00
1	" washstand. -----	2.50
1	towel rack. -----	.50
1	paper screen. -----	.25
1	mahogany dressing bureau and glass -----	10.00
1	arm chair. -----	1.00
2	mantle ornaments. -----	1.00
1	candle stick stand. -----	1.00
1	hair matress -----	10.00
1	feather bolster and 2 pillows. -----	2.00
	SOUTH BACK ROOM.	
1	mahogany bedstead. -----	10.00
1	" dressing Bureau & glass. -----	10.00
1	" washstand. -----	5.00
1	Wooden towel rack. -----	.50
1	toilet table and glass. (pine table) -----	3.00
1	small table. -----	.50
1	old walnut secreaty. -----	5.00
2	window shades. -----	.50
2	white muslin curtains. -----	1.00
1	hair mattress. -----	10.00
1	Feather bolster and 2 pillows. -----	2.00
1	back supporters. -----	2.00

1 wardrobe. -----	10.00
1st ROOM ON BACK PORCH.	
1 Maple bedstead. -----	5.00
1 " warshstand. -----	2.00
1 mahogany dressing bureau and glass. -----	5.00
1 walnut wardrobe. -----	5.00
2 shuck mattresses. -----	5.00
1 feather bolster 7 2 pillows. -----	2.00
2nd ROOM ON PORCH.	
1 Mahogany Bedstead. -----	1.00
1 pine washstand. -----	.25
1 press with shelves. -----	.50
1 feather bed. -----	3.00
1 bolster and 2 pillows. -----	1.00
1 shuck mattress. -----	2.00
1 small pine table, small glass, towel rack -----	1.00
FIRST ROOM NORTH OF PORCH (no window)	
1 maple bedstead. -----	4.00
1 pine Trunnel bed. -----	1.00
1 pine wardrobe. -----	3.00
SECOND ROOM FROM PORCH.	
1 Maple Bedstead. -----	4.00
1 " washstand. -----	1.00
1 mahogany Bureau and with glass. -----	3.00
1 feather bed. -----	3.00
1 Bolster and 2 pillows. -----	1.50
1 shuck mattress. -----	2.00
BACK NORTH ROOM.	
1 walnut bedstead. -----	10.00
1 maple couch. -----	2.00
1 mahogany wardrobe. -----	5.00
1 " Bureau & Glass. -----	10.00
1 " Washstand marble top. -----	2.50
1 towel rack. (wood) -----	.25
1 table -----	1.00
1 toilet pine table & 2 glass. -----	2.50
1 framed engraving. -----	.50
1 hair mattress. -----	10.00
1 hair matress on couch and pillows. -----	2.50
UPPER BACK PORCH.	
3 feather beds. -----	25.00
3 shuck mattresses. -----	6.00
7 comforts. -----	7.00
7 blankets. -----	7.00
6 carpets for chambers. -----	24.00
1 drugget. -----	1.00
lots of old chairs. -----	3.00
1 lambs wool mat. -----	1.00
2 carpet mats. -----	1.00
2 pine wash stands. -----	.50
2 rocking chairs. -----	1.50
1 old walnut easy chair. -----	.50
25 deer skins 1 buffalo skin. -----	6.50
6 Ditto. -----	1.50

KITCHEN WARES

1 pair andirons, 2 large iron kettles, 1 iron pot 2 small iron pots, 2 oven, 2 kettles, 3 pair pot hooks, 2 racks, 1 shovel and tongs, 1 ironing table, 2 chairs, 1 table with drawers, 1 salt box 1 coffee mill, 1 pepper mill, 1 flesh fork 2 rolling pins, a large tables, 2 water tubs, 3 tin pans, 1 sifer, 1 wine safe, 1 nutmeg grates, 1 tin

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roaster, 4 tin cake pans, 4 baking pans, 1 potato pan 1 omlet pan,
 20 muffin rings, 20 cake cups, 1 oyster griddle, candle dippers,
 1 cooking stove with boilers, 2 tables, 1 small furnace, 4 wooden
 bowls, 1 preserving kettle, 1 stew pan, 4 small baking pans 340
 empty bottles. ----- 50.00

LOWER PORCH.

Lots of old wire fenders.
 Tongs and shovel. 1 tin watering pot.
 1 side board, 1 old sofa.

 \$2,207.24

11	horses of various values. -----	815.00
5	colts. -----	200.00
1	old mare. -----	1.00
12	mules of various values. -----	1,350.00
1	pair carriage horses. -----	150.00
1	riding horse. -----	100.00
8	head of cattle. -----	85.00
8	" " estimated. -----	82.00
8	" " and work oxen. -----	115.00
8	" " and 2 calves. -----	120.00
8	milch cows and lot of calves. -----	190.00
8	" " -----	90.00
8	" " -----	100.00
95	head of hogs. -----	380.00
87	" of sheep. -----	174.00
75	deer in park. \$2.50 -----	187.50
1	elk. -----	1.00
1	threshing machine and car. -----	105.00
1	clover hullers. -----	30.00
3	wheat fans. -----	30.00
3	horse iron ploughs. -----	40.00
3	horse McCormick. -----	40.00
8	wagons estimated at -----	295.00
8	pair waggon frames for hauling wheat -----	40.00
1	ox cart. -----	25.00
6	wooden shovel ploughs. -----	15.00
	4500 bushels of wheat estimate in stack -----	4,500.00
	other grains, buckwheat, clover, oats, corn.	
	1 cider mill, 2 carriages -----	750.00
1	copper still, other farming implements too numerous to mention.	

 \$14,404.24

21	Female Slaves.) -----	
32	Male Slaves) -----	34,908.00

 \$49,312.24

STOCKS AND BONDS. ----- 12,011.00

	The Leasehold interest in the dwelling and tanyard in Millwood. -----	2,500.00
50	shares of stock in Winchester and Potomac R. R. Co. -----	250.00
78	shares stock in the Ashby's gap turnpike Co. -----	780.00
4	shares of stock in the Winchester & Berry's Ferry turnpike Co. -----	4.00

 \$64,857.24

Jno. E. Page.
 John Alexander.
 Hugh N. Nelson.
 Wm. A. Bradford.

I. M. W. Tuley Administratrix of the Estate of the above names intestate Col. Joseph Tuley deceased late of the Tuleyries in Clarke County Virginia, do adopt the foregoing list, so far as it goes, as an inventory of the goods, chattels etc. of said estate, but without intending thereby to any extent to adopt or sanction or concur in the appraised value affixed therein to the articles, or any part thereof embraced thereby.

In addition to the articles comprised in said list as a further inventory that of the following bonds notes etc. is hereto subjoined in the aggregate sum of \$25,962.41.

CLARKE COUNTY RECORDS.

- No. 26. DEED BOOK G, Page 148.
- No. 27. Mary W. Tuley, Adm. vs. Joseph T. Thomas, Exor.
- No. 28. EXTENDED CAUSES FILE 961.
- No. 29. DEED BOOK L, Page 48.
- No. 30. DEED BOOK W, Page 36.
- No. 31. DEED BOOK R, Page 437.
- No. 32. DEED BOOK 2, Page 127.
- No. 33. DEED BOOK 2, Page 92.
- No. 34. DEED BOOK 4, Page 492.
- No. 35. DEED BOOK 2, Page 443.
- No. 36. DEED BOOK 2, Page 417.
- No. 36A. RELEASE BOOK 1, Page 336.
- No. 37. DEED BOOK 2, Page 24.
- No. 38. DEED BOOK 2, Page 496.
- No. 39. DEED BOOK 2, Page 597.
- No. 40. DEED BOOK 3, Page 396.
- No. 41. DEED BOOK 4, Page 524.
- Nos. 42—44 NOT LISTED.
- No. 45. DEED BOOK 18, Page 542.

FREDERICK COUNTY RECORDS.

- No. 46. DEED BOOK 7, Page 377.
- No. 47. DEED BOOK 7, Page 394.
- No. 48. DEED BOOK 16, Page 566.

CLARKE COUNTY RECORDS.

- No. 49. DEED BOOK V, Page 452.
- No. 50. DEED BOOK W, Page 12.
- No. 51. DEED BOOK 4, Page 197.
- No. 52. WILL BOOK E, Page 6.

Chapter V

Montana Hall

The tract of land in Clarke County, Virginia, lately called and known by the name of "Montana Hall" was originally a part of the 5,282,000 acres which at one time comprised the Proprietary of the Northern Neck of Virginia. [The early history of the Proprietary and of its eventual owner, Thomas, 6th. Lord Fairfax, has been told above.]

About 1749, Lord Fairfax removed to the tract of land and built the house which was his home until his death in 1781, and which he named Greenway Court after the seat in the County of Kent of the younger branch of the Culpeper family. He had been joined in 1751 by his nephew Thomas Bryan Martin, to whom, under date of May 21, 1752 he issued a patent¹ for 8840 acres lying on the north bank of the Shenandoah and on the branches of the "Opeckon" adjoining the lands of Joist Hite, Robert McKay, Peter Wolfe, John Nation, Major Samuel Earle, Benjamin Borden, Edward Corder, William Ramey, Thomas Thornton, Robert Halfpenny, Brannons Old Mill, and the consideration named being "the natural affection I have and bear unto the said Thomas Bryan Martin as my nephew and for the annual rent hereafter reserved."

Within the boundaries set forth in this patent lie 469 acres of "Montana Hall," and of which Col. Martin may be said to have been the first private owner. Of particular interest to the local antiquary are the surprising number of persons who lived on adjoining land in 1752, only twenty years after the first settlement.

Col. Martin lived at Greenway Court until his death in 1798 and was buried in the graveyard on the property. He was never married, and^{1A} by his will devised the Greenway Court home plantation to his housekeeper, Betsy Powers, who afterwards married William Carnagy. He was survived by his brothers Lieut General Philip Martin and the Rev. Denny Martin, the latter of whom had assumed the name and arms of Fairfax, by three sisters who resided in England, and by his son-in-law Capt. Francis Gildart,^a who had married his (Col. Martin's) illegitimate daughter by Mrs. Crawford the housekeeper of Lord Fairfax. Mrs. Gildart died before her father; Capt. Gildart married again and, selling the 900 acres presented

to him by Col. Martin, removed to Tennessee and from there to Mississippi, where he died.

Col. Martin's will named sisters Frances, Sibylla and Ann Susanna Martin his residuary legatees, and directed his executors, John Shearman Woodcock of White Post and Dr. Robert Macky of Winchester, to dispose of the remainder of his real estate. At some time after Col. Martin's death and before 1821 the executors sold William Cook of Frederick County a tract of about 469 acres, which was sold by Cook to a certain Daniel Sowers Junior. It would appear that no deeds were made at the time of the sales. Sometime before 1821 Daniel Sowers Jr., died and in that year Mrs. Catherine Macky, executrix of her husband, Dr. Robert Macky, surviving executor of Col. Martin, made a deed² for this land to Wm. Cook, and shortly thereafter united with Cook in a tripartite deed³ for this land to the heirs and representatives of Daniel Sowers Jr. These were Eliza Ann Sowers, who married her first cousin Wm. C. Kerfoot; Catherine Sowers, who married her first cousin Geo. L. Kerfoot brother of Wm. C. Kerfoot; and Daniel W. Sowers who married his first cousin, Mary Eliza Kerfoot and sister of Wm. C. and George L. Kerfoot. Daniel Sowers Jr. also owned an interest in 450 acres of land lying a few miles north-east of the aforesaid 469 acres, which he had bought jointly with John Kerfoot, called "Nod". He also had inherited from his father 242-1/2 acres. He lived, however, on the land he got from Wm. Cook; and near a spring thereon, called Rattle-snake Spring, he built his house. He died early in life leaving a widow Sally, and the above mentioned three children who were minors. He left no will, and his brother-in-law John Kerfoot (who had married his sister Lydia Sowers) was guardian of his children and administrator of his estate during the long period of their minority. His widow married, for a second husband, Capt. Andrew Chunn of Fauquier County. In the division of the estate of Daniel Sowers Jr. made in 1826, the dower of the widow, Mrs. Chunn, included the mansion house, and is referred to as "Poplar Hill". The remainder of the tract was divided between Mrs. Wm. C. Kerfoot and Mrs. Geo. L. Kerfoot; Daniel W. Sowers being awarded the other lands of his father as his share, with an expectant interest in the dower land. In 1837 he sold⁷ this interest to Wm. C. Kerfoot. John Kerfoot bought⁶ the life interest of Mrs. Chunn and her husband and in 1831 conveyed⁵ it to Wm. C. Kerfoot.

Therefore by 1837 all of the interests in "Poplar Hill" were vested in Mrs. Geo. L. Kerfoot, Mrs. Wm. C. Kerfoot and William C. Kerfoot her husband. Wm. C. Kerfoot and his family lived on that portion called the "Mansion House tract", and it is probable that at this time he erected the brick house that stood thereon when the land passed to Wm. G. Conrad. It is said to have been almost a duplicate to the house now standing on "Greenville" (Red Gate) which was built by his brother George

L. Kerfoot.

This land passed into Clarke County when it was set off from old Frederick County in 1836, and here we will leave the 469 acres which had come to be known by the name of "Poplar Hill" and look into the other tracts which came to make up "Montana Hall".

In 1730 Col. Robert Carter of Corotoman, Lancaster County called "King" Carter, was administering the affairs of the Northern Neck Proprietary as agent for Lord Fairfax. On September 22nd of that year he⁸ issued to "Landon Carter and George Carter, sons of Robert Carter senr. Esquire, Carter Burwell and Robert Burwell sons of Major Nathaniel Burwell dec'd., Carter Page and Robin Page sons of Mann Page Esq. Robert Carter Nicholas son of Dr. George Nicholas, Robert Carter Junior son of John Carter Esq. Benjamin Harrison junior son of Benjamin Harrison Esquire, and Robert Carter junior son of Robert Carter junior esq. "a patent for 50,212 acres" lying and being in Stafford County on the northwest side of a Branch that issues out of Potomack River on upper side of the Blew Ridge, commonly called Chenandoah Creek". The subsequent divisions of this great tract were recorded in the old High Court of Chancery which at first sat in Williamsburg and later in Richmond, and the records of which were completely destroyed in the burning of Richmond in 1865, and are therefore not available. There is however preserved among the private papers of the Burwell family, and now in the possession of George H. Burwell Esq. of Mt. Airy, Clarke County, a plat showing that the extreme south-eastern part of the 50,212 acres fell to the share of Robert Burwell of Isle of Wight County, who removed to King and Queen County where he died sometime previous to October 13th, 1777,^b that being the date on which his will was probated. The records of King and Queen County were completely destroyed during the Civil War, and among them, the aforesaid will. There is, however, a certified copy made in 1816, which was introduced in evidence in a certain suit then in progress in Frederick County, and from which certified copy an excerpt⁹ is herewith appended. From this it will be seen that the testator devised this portion of his land to Robert Carter Burwell, his grandson. Before the land came into the possession of the devisee, it appears from the recital in¹⁰ to have been in the possession of his father, Nathaniel Burwell, who in some manner obligated the lands to John Hatley Norton, a merchant of Williamsburg and Winchester, who in turn had transferred his claim to Alexander Henderson merchant of Dumfries. Prince William County. The whole matter seems to have been threshed out in the High Court of Chancery and a deed made in 1796¹⁰ to Alexander Henderson for 1,678 acres, which were already in his possession. Another tract of this land amounting to 400 acres, seems to have been involved in the same transactions of

Nathaniel Burwell and Norton, as we find Robert Carter Burwell making a deed¹¹ in 1801 to Joseph Fauntleroy in consequence of a Chancery decree from the Frederick County Court, the said Fauntleroy claiming under Norton, and being already in possession. In 1804 Alexander Henderson conveyed¹² to Philip Nelson 301-½ acres of the Burwell land; from this tract Philip Nelson, in 1811¹³ sold 183 acres 1 rood and 12 poles to Joseph Fauntleroy, the latter's first mentioned purchase of 400 acres from Henderson. This plantation of 583 acres was named "Greenville" by Capt. Fauntleroy, probably after the seat of his kinsmen the Daingerfields in Essex County.

A charming account of the Fauntleroy family appears in "Barons of the Potomac and Rappahannock" by Moncure Conway, which states the family sprang from a morganatic marriage of a Dauphin of France and Lady Elizabeth Bellefield about the year 1690. This story, which is undoubtedly apochryphal, is indignantly refuted in a salty criticism of the above book, published in the Va. Magazine of History and Biography Vol. 1 page 223-4. It is there shown that the arms borne by the Fauntleroyes were confirmed by Sir John Borough, Knight of the Garter, in 1633 as having been "borne by his ancestors time out of mind", and that the Belfields of Richmond County, originating in Devonshire, were only related by the marriage of Griffin Murdock Fauntleroy of "Mars Hill" and Ann Belfield, daughter of Joseph and Ruth (Sydnor) Belfield. This Joseph Belfield, by the way, acquired by his second wife, the widow of Thomas Jones, the plantation in Frederick County called "Nod", which he sold to John Kerfoot and Daniel Sowers, 2nd., jointly.

The family records of the Fauntleroyes, deposited in the Handley Library in Winchester, state that Joseph Fauntleroy was born in 1754 at the Fauntleroy plantation called "Naylor's Hole" in Richmond County, the home established by the first of the name of the name in Virginia, Moore Faunt le Roy, who came over in 1640, and that he (Joseph) came to old Frederick County in 1790. He married his cousin, Elizabeth Fouchee Fauntleroy of Northumberland County, and died at "Greenville" in December, 1815, where his wife also died in 1824. Elizabeth F. Fauntleroy was the daughter of Capt. Bushrod Fauntleroy and Eleanor Fouchee his wife. Her brother, Major Griffin Fauntleroy was killed in the Revolution at the battle of Guilford. C. H. Capt. Joseph Fauntleroy and Elizabeth his wife were the parents of eleven children, remarkable for their learning and intellectuality, something unusual in the locality in that day, most of whom were to become quite distinguished. They were all born at Greenville.

William Moore Fauntleroy, married Fanny Washington Ball,
removed to Jefferson County, Missouri.
Joseph Murdock Fauntleroy, married Eliza Belfield Bowman,
removed to New Harmony, Ind.

Maria Fauntleroy, died in infancy.

Emily Carter Fauntleroy, married her cousin Joseph Fauntleroy of "Mar's Hill" Richmond County, and removed to Fauquier County.

Brig. Gen'l. Thomas Turner Fauntleroy, married Ann Magill of Winchester and after a distinguished career in the U. S. Army as Colonel of Dragoons, resigned to become Brigadier General C. S. A. He died and is buried in Winchester.

Samuel Griffin Fauntleroy died in infancy.

Leroy Daingerfield Fauntleroy, married Margaret Peyton Hale of Winchester, Surgeon and Commodore U. S. Navy, Died Pensacola, Fla.

Lawrence Butler Fauntleroy, married Jane Ann Matilda Bowman; named for his father's intimate friend Maj. Lawrence Butler, who, however, was not related. Removed to Paducah, Ky.

John Bushrod Fauntleroy, died in infancy.

Robert Henry Fauntleroy, married Jane Dale Owens, Colonel U. S. A. died in Galveston, Texas, Scholar, author of military text books and veteran of the Mexican War.

Dr. John Fouchee Fauntleroy of White Post, married Lavinia Berkeley Randolph Turner. In Gold's "History of Clarke County" Page 57 Dr. Fauntleroy is described: "Then came Dr. John Fauntleroy—very prominent and very successful—abode a long while, so capable and energetic, that there was no room for another." His office stood (and now stands) in the yard of his home in White Post which is the site of the present residence of Mr. Reynolds Green. Dr. Fauntleroy and his wife were the parents of Kinloch Fauntleroy who entered the Confederate army as a private and came out a Major of Artillery, as well as of Col. Robert Powell Fauntleroy U. S. Marine Corps. and of Caroline who married Capt. Augustine Loughborough of Leesburg.

It has been necessary to enumerate this family, as in the subsequent deeds, the same man appears sometimes by his first name and sometimes by his second.

Capt. Joseph Fauntleroy died intestate, and by means of a friendly chancery suit, his land was divided among his children, and a dower laid off for his widow. Excerpts from the commissioners report are appended¹⁶ together with a tracing of a plat made at the time. It will be noted that the road now dividing "Montana Hall" (Poplar Hill) and "Red Gate" (Greenville) is laid down thereon and called "the road from Thurston's mill (Milldale) to Bethel". In 1821 the Fauntleroy heirs began to dispose of their shares (No. A. B. C. D. E.) of their father's estate to John Kerfoot of "Providence" and by 1830 he had acquired by purchase the whole 583 acres.

It is necessary now to return to No. 10 the purchase by

Henderson in 1796 of the 1678 acres. From No. 14 it will be seen that Henderson sold, in 1803, 459 acres of this land to John Kerfoot. This gentleman was the son of George and grandson of William Kerfoot, who lived on the Opequon at the present Dearmont estate. Inheriting a considerable estate from his father and grandfather, he married Lydia, daughter of Daniel Sowers Sr. A man of the strongest religious convictions; he is said to have named the plantation he bought of Henderson "Providence" as a mark of gratitude for the remarkable success he had attained in business. To "Providence" he added¹⁵ by purchase from Philip Nelson and Sarah his wife, in 1811, a tract of 89 acres 2 roods and 16 poles being part of the same land Nelson had bought from Henderson. Being now in possession of these two tracts, as well as the Fauntleroy land, John Kerfoot gave¹⁷ to his son George L. Kerfoot in 1833, "Greenville" the Fauntleroy plantation of 400 acres purchased from Burwell. Here George L. Kerfoot built his home, (The present Red Gate) which from the old Fauntleroy division plat appears to be on or about the site of the original Fauntleroy home. In 1838 John Kerfoot presented¹⁸ his son Wm. C. Kerfoot with 231 acres 2 rood 37 poles which appears to have been comprised of the land sold by Philip Nelson to Fauntleroy and to John Kerfoot in 1811. In 1841 John Kerfoot died leaving the most remarkable will¹⁹ that it has ever been my misfortune to be compelled to read. Complying with the terms of the Will, his land was purchased by his two sons, George L. and Wm. C. Kerfoot, but no deed of conveyance, except the agreement among the heirs²⁰ recorded in 1842, was made. This, however, appears to have been generally accepted as competent and sufficient.

Of these two brothers the first to die was George L. Kerfoot, whose Will²¹ was probated in 1855. This Will, however as will be later shown, was renounced by his widow (his second wife) and the whole estate was brought into Chancery. As previously stated he had married Catherine Sowers daughter of Daniel Jr. by whom he had four children:

Judson G. Kerfoot married Fannie A. Sowers daughter of John W. Sowers and sister of Mr. H. Wise Sowers who is still living.^c

Eliza C. Kerfoot, married Dr. John W. Chinn of Fauquier Co.

Sarah Ann Kerfoot, married Rev. John Pickett.

Catherine Sowers, never married.

These four children inherited all of their mother's share of the "Poplar Hill" land, as well as a share in their father's lands. George L. Kerfoot married for his second wife Lucy Adams, by whom he had the following children:

Mary S. Kerfoot, married James W. Sowers.

Jane A. Kerfoot, married A. J. Bowen.

Wm. T. Kerfoot, married Ella Chapin (Mr. Kerfoot now living in Front Royal).

Martha Agnes Kerfoot, married Wm. Chapin.

In the distribution of their father's estate, none of these last four children, were awarded land in which we are interested, **except** Wm. T. Kerfoot, to whom fell the "Greenville" plantation. Unfortunately the papers in the suit of George L. Kerfoot's Executors—vs—George L. Kerfoot's Widow and children, were lost in the destruction of the Clerk's Office in Berryville, which Mr. Gold describes, page 86 in his "History of Clarke County". Appended is the affidavit²² made in 1866 regarding the loss of the papers in this suit. It is impossible, therefore to discover exactly how the estate of George L. Kerfoot was divided.

The Will²³ of William C. Kerfoot who lived at the "Poplar Hill" mansion house was probated in 1880, and his second wife likewise renounced the Will, and likewise his estate was brought into Chancery. Again the papers are missing, but this time there is no excuse of War and no comforting affidavit. A most intensive search has been made of both Clerk's Offices at Berryville and Winchester, but without success, and at our request the Deputy Clerk of Clarke County, inquired among the law offices at Berryville with the same result, so that except for the decrees²⁴ entered in the Order Books directing certain commissioners to make a division of the estate, and which do not specifically describe the tracts allotted, we have no information of this division. However, the deeds made Mr. Conrad for this land, were made by Special Commissioners appointed by the Court, and undoubtedly provide a clear and sufficient title. The children of Wm. C. Kerfoot by his first wife Eliza Ann Sowers inherited their mother's portion of "Poplar Hill" as well as land from their father, and were:

Georgianna Kerfoot, married John M. Lane.

Lucy W. Kerfoot, married Robert J. Adams.

James F. Kerfoot, married Olivia Duncan.

Mary E. Kerfoot, married, 1st. Robert Duncan, 2nd.,

..... Donaldson.

Sarah L. Kerfoot, married James Gilleerson.

William Henry Kerfoot, married Agnes Turner.

William C. Kerfoot married for his second wife, by whom he had no issue, Mrs. Almira Josephine Timberlake nee Harper. Mrs. Timberlake's first husband was a Mr. Bowen of Rappahannock County, who is said to have been killed by her side, by Federal raiders, during the Civil War. After the death of her second husband, Mr. Timberlake, she married Wm. C. Kerfoot and went to live at "Poplar Hill" with her daughter Miss Josephine Bowen, who later became Mrs. Wm. G. Conrad.

As will be seen from the appended abstracts Mr. Conrad began the purchase of the tract he called "Montana Hall" in

1883 and a most careful investigation of the seven (Nos. F. G. H. I. J. K. L.) conveyances to him, has been made. The heirs of George L. Kerfoot traded several of the tracts allotted them, between themselves and kinsmen, all of which conveyances have been carefully followed; they are unnecessary to include in this report and, besides, would make it incredibly voluminous. The result of our investigation has been submitted to Mr. H. Wise Sowers, who, by virtue of several trades with Judson G. Kerfoot his brother-in-law, was for a time, in possession of the south-western portion of the tract; and we are advised by him, that the same is correct to the best of his recollection. There is a small discrepancy in the acreage, which may perhaps be accounted for by the changing of roads and the failure of the various surveyors to allow for the magnetic variations at the different periods. The Attorney who prepared, in 1933, the trust for the securing of the Handley Board states that he had never had access to the plats of S. Howell Brown, referred to therein, but had prepared his descriptions from the various conveyances made Mr. Conrad. We also were unsuccessful in an attempt to locate these plats.

It is suggested by conveyances in the Clarke County office that Judson G. Kerfoot became involved in financial difficulties as he conveyed some of his land to John F. Sowers for the benefit of his wife. A like conveyance was made by G. Kerfoot Chinn. Attention is directed to abstract^K of the conveyance of this land to Wm. G. Conrad, and it will be noted that the Trustee does not join in the deed.

An investigation was made relative to the roads that bound "Montana Hall". The road on the west side of the property, is apparently of great age, and in early description is referred to as the "Chappell Road", and the "Road from Millwood to Stone Bridge." It appears to have always had very nearly the location it has today. The same may be said of the road on the south, which first appears as the road from "White Post to Thurston's Mill". The road on the north side is not so ancient and apparently was originally considerably farther south than it's present location. It is likely that it entered the property at the present gates on the western side, and continued close to, but north of, the "Poplar Hill" house, and thence in an easterly direction, passing the site of several old houses now destroyed, until it reached the top of the hill near the present entrance to the place now called "Red Gate". It has probably been in it's present location since about 1830. The road on the eastern side has had special attention. This is, indeed, a very old road. first known as the road from "Burwell's Quarter to Borden's Mill"; later as the road from "Millwood to Thurston's Mill." It is shown on all of the surveys and plats of surrounding land that we have been able to find. It apparently was abandoned when Mr. Conrad acquired the property. and sometime before

November 1904 he made application to have viewers appointed with the intention of re-opening the road. This was done, and their report, together with a plat prepared by the Surveyor of Clarke County was recorded in a book known as the "Road Book" in the Clerk's Office in Berryville. This book is not numbered, but covers the period 1900-1909, and the report recommending the re-opening of the road and plat may be found on pages 27 and 28, also the notation "Mr. Conrad agrees to the change." In the Minute Book of the Clarke County Board of Supervisors, page 354 will be found recorded January 1st, 1905, a Minute, "Accepts the road to connect the Bethel and Milldale roads, together with the plat returned by the viewers; and Road Commissioner of Greenway District is ordered to open said road." No farther mention of this road, nor action concerning it could be found, and according to the records of Clarke County the road stands open and a part of the old County road system, but now, of course, under the control of the State Highway Commission.

We have investigated the judgments recorded against the last owners of "Montana Hall" and find that none take precedence over the Deed-of-Trust under which the property was sold.

I hereby certify that the foregoing statements are true and correct, to the best of my knowledge and belief, and have been obtained from the records of the Land Office in Richmond, Virginia, and the County records of the Counties of Spottsylvania, Orange, Frederick and Clarke, Virginia, and from recognized genealogical and historical authorities.

RICHARD E. GRIFFITH

Winchester, Virginia
June 22, 1935.

Bibliography:

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- "History of the Lower Shenandoah Valley" by J. E. Norris.
- "History of Clarke County" by T. D. Gold.
- "Old Chapel" Anon Pub. Blue Ridge Press, Berryville, Va.
- Bulletin Fauquier Historical Soc. Vol. 1. "Northern Neck Land" by H. C. Groome.
- Va. Mag. of Hist. & Biog. Vol. 1. "Books Reviewed", Anon. "Reply" by Moncure Conway.
- MSS. Papers "Fauntleroy Family", Handley Library, Winchester. Va.
- "Fauquier Under the Proprietorship" by H. C. Groome.
- "MSS. Report on Kerfoot Family of Frederick & Clarke Counties" by Julian W. Baker and Richard E. Griffith, Sr.
- "History of the Valley" by Samuel Kercheval.
- "The Carters of Virginia" by Col. Thos. Allan Glenn.
- "Virginia: It's History and Antiquities" by Henry Howe.

MONTANA HALL — NOTES

- a. The record of both his marriages is found in the Journal of the Rev. Alexander Balmain, D. D. On Jan. 27, 1785 this minister married Capt. Gildart and Ann Martin, and received a fee of 14 pounds for his services; on Jan. 8, 1792 he married the Captain and Sophia Starke, and this time his fee was only 6 pounds. (Proceedings Clarke County His. Ass'n., Vol. IX, pp. 20 and 21).
- b. Robert Burwell died Jan. 30, 1777. (Proceedings C. C. H. A., Vol. IV, p. 21).
- c. He died since this history of Montana Hall was written.

MONTANA HALL — SUPPORTING DOCUMENTS

No. 1. Northern Neck Deed Book H, Page 179.

No. 1A.

THOMAS BRYAN MARTIN.

INSTRUMENT: WILL
 DATED: July 24, 1794
 CODICIL DATED: June 2, 1797
 PROBATED: October 1, 1798.
 SUP. COURT WILL BOOK 1 PAGE 320

EXCERPT: "I give and devise all the rest of my real Estate in possession, reversion or remainder within the Commonwealth of Virginia and also the aforesaid one thousand acres of land if Betsey Powers aforesaid does not survive me unto Gabriel Jones of the County of Rockingham esquire, Robert Mackey of the borough of Winchester and County of Frederick, and John Sherman Woodcock of the said County of Frederick Gentlemen, to be sold by them or the survivors or Survivor of them at such time and in such parcels and in such manner as they or the Survivor or Survivors of them shall judge most advantageous, and the money arising from such sales and the rents and profits of the said lands which may accrue before the sales I give and bequeath to my sisters hereinbefore named that is to say Frances, Sybella and Ann Susan to be equally divided between them or such of them as shall survive me."

COURT ORDER:

At a Superior Court continued and held for the District composed of the Counties of Frederick, Berkeley and Shenandoah at Winchester the 1st day of October 1798, This Last Will and Testament of Thomas Bryan Martin deceased was proved by the oaths of John Brownley and Archibald Brownly witnesses thereto and the Codicil annexed was proved by the oaths of Charles Magill and Philip Bush witnesses thereto and ordered to be recorded On the motion of Robert Macky and John Sherman Woodcock two of the executors named in the said will certificate is granted them for obtaining a probate whereupon they severally entered into and acknowledged bonds each in the penalty of \$66,500.00

Teste:

J. Peyton,
 C. W. D. C.

No. 2. Deed Book 45, Page 161.
 Frederick County Records.

No. 3.

CATHERINE MACKY, Executrix and devisee of Doctor Robert Macky deceased, who was surviving executor of Thomas B. Martin, deceased and also as Executrix of the said Thomas B. Martin, deceased, and William Cooke.

INSTRUMENT: DEED.
 DATED: July 28, 1821
 RECORDED: September 5, 1821
 DEED BOOK 45 PAGE 102

TO:
 KITTY SOWERS, ELIZA ANNE SOWERS
 and DANIEL SOWERS, Children and heirs
 of Daniel Sowers, Junior. (all under age)

CONSIDERATION: One dollar current money of Virginia.

WORDS OF CONVEYANCE: doth grant bargain sell alien and confirm unto the said parties of the third part and their heirs and assigns (by and with the assent and at the request of the said William Cook testified by his sealing and acknowledging this indenture.

RECITAL: All that tract of land situate in Frederick County formerly the property of the said Martin and sold by his Executors Macky and Woodcock to the said Cook to whom a deed hath been made under the decree of the chancery Court at Winchester in a cause between Martin's Exors Compl. and the said Cook defendant but the said Cook having sold the said land to Daniel Sowers dec'd and being desirous that the Title should be made to the parties of the third part being the representatives of Daniel Sowers Junr. to whom the said Daniel the elder sold his right whose representatives have also agreed that this deed should be so made the said deed hath been surrendered by him and cancelled and this deed is now made at his and their request.

DESCRIPTION: BEGINNING at a point in the middle of the road from Millwood to the stone bridge where the corner to the tract hereby conveyed formerly stood also corner to Smith and Meade thence with the road and the lines of Smith according to the meanders of the road S 49 West 50 poles S 42-3/4 W 26 poles S 24-1/3 W 39 poles S 60 W 20 poles S 72-1/2 W 19 poles S 62 W 12 poles S 39-1/2 W 18 poles S 54 W 12 poles S 28-3/4 W 24 poles S 57 1/2 W 14 poles 6/10 to the intersection of the road from Thruston's Mill corner to the heirs of Ewell Ship dec'd, thence with the last mentioned road and with the lines of the said heirs S 54 E 97 poles & 5/10 to a black oak tree thence S 23 E 78 poles to the road thence S 29-3/4 E 42 poles to a black oak tree on the east side of the road thence S 65 E 90 poles 5/10 to a white oak tree in or near Carters line thence N 39-3/4 E 62 5/10 poles to a place said to be Fauntleroy's corner thence running N 63 1/2 W 5-5/10 poles to an ash thence N 37-33 E 253 6/10 to a white oak tree thence with Fauntleroy and Kerfott N 65 W 262 poles 8/10 to the Beginning containing FOUR HUNDRED AND SIXTY NINE ACRES TWO ROODS AND 29 POLES, subject to any dower right which Salley Sowers the widow of Daniel Sowers dec'd now Salley Chunn may have in the said lands together with all and singular the rights improvements hereditaments and appurtenances whatsoever thereunto belonging.

- No. 4. Not in Text.
- No. 5. Deed Book 62, Page 331.
- No. 6. Deed Book 59, Page 103.
Clarke County Records.
- No. 7. Deed Book A, Page 280.
- No. 8. Northern Neck Deed Book C, Page 77.
Frederick County Records.
- No. 9. S. C. Causes Ended, File "K", 1822.

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No. 10. S. C. Deed Book pp. 168-171.

No. 11.

Frederick County Records.
ROBERT CARTER BURWELL, Son of
Nathaniel Burwell,
TO:
JOSEPH FAUNTLEROY.

INSTRUMENT: DEED.
DATED: MAY 11, 1801
RECORDED: SEPTEMBER 1, 1801
DEED BOOK 27 PAGE 328.

CONSIDERATION: One Dollar cash in hand paid by the said Joseph to the said Robert.

WORDS OF CONVEYANCE: Doth grant, bargain sell alien release and confirm unto the said Joseph Fauntleroy, all the right title interest and claim or demand of him the said Robert Carter Burwell or of his Heirs in or to the said tract of land.

DESCRIPTION: Tract of land lying and being situate in the County of Frederick in the Commonwealth of Virginia, containing FOUR HUNDRED ACRES, and bounded as followeth: BEGINNING at the mouth of Kelly's run thence up the said run according to its several meanders 206 poles thence along the line of Robert Carter N. 62 W 76 poles to a pile of stones his the said Carters corner also in the line of Thomas Bryan Martin thence with the line of Martin N 39.30 East 251 poles to a red oak and white oak thence in a direct line to the third corner of a tract of land on the south side of long branch containing two hundred acres assigned to Robert Carter Burwell by Richard K. Meade, Thomas Massie and John Thruston, commissioners appointed for the purpose by the High Court of Chancery thence reversing the second line of the said two hundred acre tract S 55½ E 173 poles to a white oak in a valley marked T.B.M. thence the same course continued until it strikes the river Shennandoah thence up the said River with its several Meanders to the BEGINNING.

RECITAL: The said tract of four hundred acres being part of a tract conveyed by the Honourable Robert Burwell deceased to Nathaniel Burwell now deceased and by the said Nathaniel articulated to be sold to John Hatly Norton and by various contracts bargains or sales hath become the property of the said Joseph Fauntleroy. And whereas the said Joseph Fauntleroy hath brought a Suit in the Chancery side of the Devise of said Court against the sd. Robert Carter Burwell as Heir at Law to the said Nathaniel Burwell compelling the said Robert to convey the legal Title to the said Joseph and his heirs which the said Robert is willing to do in consequence of the said Joseph having agreed to discontinue his said suit at the cost of the said Joseph.

WITNESSES TO SIGNATURE:
John Wylie
Matt Page
Carter B. Page
John Page.

No. 12. Deed Book 28, Page 289.
Frederick County Records.

No. 13.

PHILIP NELSON AND SARAH, his wife.
TO:
JOSEPH FAUNTLEROY.

INSTRUMENT: DEED.
DATED: January 1, 1811
RECORDED: JUNE 3, 1811.
DEED BOOK 33, PAGE 98

CONSIDERATION: Six thousand four hundred and sixteen dollars and forty nine cents to him in hand paid by the said Joseph Fauntleroy.

WORDS OF CONVEYANCE: doth grant bargain sell alien and confirm unto the said Joseph Fauntleroy, his heirs and assigns forever.

DESCRIPTION: A lot of land lying and being in the County of Frederick containing as by survey made thereof by William Castleman surveyor of said county on the fourteenth day of November 1810 one hundred and eighty three acres one rood and twelve poles and bounded as follows: BEGINNING at a stake on the land of James Sowers and the said Nelson eleven poles and 8 tenths from a stake in the long branch corner to said Sowers and Robert C. Burwell Esqs. and running thence with said Sowers line S $37\frac{1}{2}$ W 84 poles 8 tenths to a pile of stones in the lane between the said Nelson and the aforesaid Fauntleroy's tract of land thence with the line of said Fauntleroy N $34\frac{3}{4}$ W 36 poles to a white oak marked T.B.H. thence N $82\frac{1}{4}$ W 93 poles corner to said Fauntleroy and Daniel Sowers Jr. thence with said Sowers line N 65 W $211\frac{1}{2}$ poles to a corner made to a tract of land conveyed by said Nelson on this day to John Kerfott thence N $37\frac{3}{4}$ E 97 poles and 4 tenths to a stake by the fence of the said Nelsons meadow thence with the said fence S 67 E 48 poles to the corner of said fence being the corner ——— a tract of land sold by said Nelson to John Kerfott and another sold to Robert Burwell thence S 64 E 281 poles to the Beginning.

WITNESSES TO SIGNATURES:

Baalis Davis.
Belfield Fauntleroy.
Walker C. Page.
Leroy P. Dangerfield.
Wm. M. Fauntleroy.

ACKNOWLEDGMENTS: REGULAR.

No. 14.

ALEXANDER HENDERSON

of Prince William Co.

TO:

JOHN KERFOOT.

INSTRUMENT: DEED

DATED: December 5, 1803

RECORDED: February 7, 1804

DEED BOOK 28 PAGE 271.

CONSIDERATION: The sum of Two Thousand seven hundred and fifty four pounds current money of Virginia.

WORDS OF CONVEYANCE: Doth grant bargain sell alien release and confirm unto the said John Kerfott, and his heirs.

DESCRIPTION: All that tract or parcel of land lying and being situated in the said County of Frederick being part of what is called the long branch Lott which was surveyed at the request of William Davis Agent for the said Henderson on the 21st of June in the Platt and certificate of Survey made by the Surveyor of Frederick as appears by a Platt and survey. And designated as Lott No. 1. and bounded as follows: Beginning at 1 a white oak corner to said Henderson and Col. Richard K. Meade, running thence S. $76\frac{1}{2}$ E. $15\frac{1}{2}$ poles to 2 a white oak on the west edge of the Chapel road N 50 E 51 poles to 3 a small white oak on the west edge of a flatt thence N $25\frac{1}{2}$ E 163 poles to 4 a black oak in the line of the Rattlesnake spring Lott and corner to Lott No 2. thence with the line of the rattle snake spring Lott N 60 W 331 poles to 5 ahickory in the line of Col. Meade thence with his line S $32\frac{1}{4}$ W $212\frac{1}{2}$ poles to 6 a locust post corner to said Meade and Henderson, thence Meads line continued S 58 E 279 poles to 7 the center

of Bennetts Spring at the head of Long Branch thence S 15 E 4 poles to 8 on the south bank of said Branch thence S 24 W 19 poles to the Beginning containing four hundred and fifty nine acres of land.

NOTE: The above deed was not indexed.
Frederick County Records.

No. 15.
PHILIP NELSON AND
SARAH NELSON, his wife,
TO:
JOHN KERFOOT.

INSTRUMENT: DEED
DATED: January 1, 1811
RECORDED: June 3, 1811
DEED BOOK 33, PAGE 106.

CONSIDERATION: Three thousand one hundred and thirty six dollars and five cents.

WORDS OF CONVEYANCE: Doth hereby grant bargain sell and confirm unto the said John Kerfoot his heirs and assigns a lot of land lying and being in the County of Frederick on Long Branch containing as by a survey made thereof by Wm. Castleman Jr., on 14th day of November 1810 eighty-nine acres, two roods and sixteen poles.

DESCRIPTION: Beginning at a black oak corner to said Kerfoot and in the line of the land bought by Gaines and Crigler of Alexander Henderson thence S. 60½ E 45.2 poles to two hiccories in the line of Robert C. Burwell thence S 30½ W 222 poles with the line of said Burwell to a white oak on the north side of Long Branch thence with the same course continued 9 poles to a corner made between Robert C. Burwell & the said Kerfoot in the line of the land sold to Joseph Fauntleroy by the aforesaid Nelson thence N 67 W 59 & 8 tenth poles with the line of the said Fauntleroy to a stake in the meadow fence of the said Nelson, which stake is by conveyance of this date made a corner between the said Fauntleroy, and said Kerfoot thence S 37-3/4 W 97 poles and 4 tenths to corner made between Joseph Fauntleroy and said Kerfoot in the line of Daniel Sowers Junr. thence with the line of said Sowers N 65 W. 50 poles to the Middle of the Old Chappel road thence with the said road N. 50 E. 56 poles No 69 E 7 poles N 34-1/4 E 18 poles N 46½ E 17 poles and 4 tenths to a white oak corner to John Kerfoots present tract of land purchased by him of Alexander Henderson esq. and in the line of Wm. Meads land thence with said Kerfoots line S 78-1/2 E 15 poles and 6 tenths to a white oak on the side of the present road thence with the road N. 51.21 E 81 poles to a young white oak in the middle of the road thence N 28 degree 24 E 163 poles 8 tenths to the beginning.

No. 16. Chancery Suit, Superior Court, Aug., 1816.

No. 17. Deed Book 62, Page 332.
Clarke County Records.

No. 18. Deed Book A. Page 278.

No. 19. Will Book A, Page 208.

No. 20. Deed Book B, Page 380.

No. 21. Will Book C, Page 412.

No. 22. Oath, May 15, 1866.

No. 23. Will Book G, Page 201.

No. 24. Order Book F, Page 121.
Frederick County Records.

A. Deed Book 44, Page 145.

B. Deed Book 53, Page 396.

C. Deed Book 53, Page 463.

D. Deed Book 53, Page 394.

E. Deed Book 58, Page 93.
Clarke County Records.

F. Deed Book S, Page 580.

G. Deed Book T, Page 73.

H. Deed Book W, Page 425.

I. Deed Book W, Page 422.

J. Deed Book W, Page 423.

K. Deed Book W, Page 467.

L. Deed Book Z, Page 283.

Chapter VI

Bellfield

The tract of land in Clarke County, Virginia, now the property of Mrs. Alice Winslow Sommaripa was originally a part of the 5,282,000 acres which at one time comprised the Proprietary of the Northern Neck of Virginia. [The early history of the Proprietary and of the grant issued in 1730 to the descendants of Robert Carter have been set forth above.]

Robert Burwell of Isle of Wight County, grandson of Robert Carter, by will probated Oct. 13, 1777, devised this portion of his land to Robert Carter Burwell, his grandson. Before the land came into the possession of the devisee, it appears from the recital to have been in the possession of his father, Nathaniel Burwell, who in some manner obligated the lands of John Hatley Norton, a merchant of Williamsburg and Winchester, who in turn had transferred his claim to Alexander Henderson, merchant, of Dumfries, Prince William County. The whole matter seems to have been threshed out in the High Court of Chancery and a deed was made in 1796 to Alexander Henderson conveying the land in two tracts, one of 1628 acres and the other of 288 acres.³

It is very unlikely that any of the foregoing owners had ever lived upon these lands, although they undoubtedly cultivated them with slaves and an overseer sent up from their Tidewater estates and maintained on them what was then called a "Quarter." Bishop Meade in "Old Churches, Ministers and Families of Virginia" says of the Burwells: (Vol. II Page 290).

"A brief notice of the family of Burwells, so many of whom lie buried there, and of one other individual mentioned in the vestry book as the friend and defender of the Church, and whose body was interred among his relatives, is all that I shall further say in connection with this spot.^a The early genealogy of this family I take from Henning's Statutes at Large. Campbell's History of Virginia, and the tombstones at Carter's Creek, in the County of Gloucester. The first of the name in this country was Major Lewis Burwell, of Carter's Creek, in Gloucester county, Virginia, who died in 1658. His wife was a Miss Higginson,^b whose father signalized himself in the wars with the Indians. He had two sons, Nathaniel and Lewis. Nathaniel

married a daughter of Robert Carter, commonly called King Carter, by whom he had three sons and one daughter. The daughter was named Elizabeth, and married President Nelson. His sons were Lewis, Carter, and Robert Carter. Lewis was either father or grandfather of that Lewis Burwell who was President of the Council in 1750. Carter married Lucy, the daughter of John Grymes, and settled at the Grove, near Williamsburg. He was the father of Colonel Nathaniel Burwell, who moved to Frederick and built Carter Hall. The third son, Robert Carter, settled in Isle of Wight, and was the father of Nathaniel Burwell, of that county, and of Fanny, the first wife of Governor Page. His son Nathaniel was the father of Robert Carter Burwell, who moved to Frederick, of Mrs. Philip Nelson, and of their three sisters, Jane, Fanny, and Ariana, who died unmarried and lie with their brother in the Burwell graveyard. The second son of the first of the Burwells was, as we have stated, Major Lewis Burwell. His first wife was Abigail Smith, heiress of Nathaniel Bacon, who was for many years President of the Council, and near relatives of Bacon the rebel. Hence the name of Bacon, in the Burwell family. By this marriage, he had four sons and six daughters. His second wife was the widow of the Hon. William Cole, and came from Nansemond county, by whom he had two sons and three daughters. He died in the year 1710, leaving only three sons out of the six, and six daughters out of the nine. He lived at Kings' Mill, or somewhere near, either in York county or James City. His son Lewis built a large house at Kings' Mill and improved the place at great expense, also purchased other lands around, and a tract in the Isle of Wight, on account of which, in 1736, he obtained leave of the Assembly to dock the entail of a tract of land in King William and dispose of it.^c Of his numerous descendants, and of those of other branches, we can only say that we find them settled in King William, Lancaster, Nansemond, Isle of Wight, and then moving to Frederick, Berkeley, Botetourt, Richmond City, and other places. The father of those settled in Botetourt we read of as an active member of the vestry in King William. Wherever they have gone, they have retained their attachment to the Church of their fathers, and some have entered its ministry."

It is probable that members of the family visited this land when spending their Summers, as was their custom, at their various homes in the Millwood section, but no evidence can be found to show that any of them had a house upon it. Nor is it probable that John Norton ever lived on it. John Norton, or to give him his full name John Hatley Norton^r was a member of the great importing firm of John Norton & Sons of London with branches in Williamsburg and Winchester. It may be noted in passing that the correspondence of this firm has recently been edited by a member of the family and published under the title

“John Norton & Sons” and offers a clear picture of the business methods and financial condition of the planters of the Shenandoah Valley in the Revolutionary and post-Revolutionary period. The last named owner, Alexander Henderson, was likewise a merchant, one of the “Scotch factors” of Tidewater Virginia, who did a large business exporting the dark, or “spitton” tobacco then growing in the Valley. Henderson’s home was in Dumfries one of the main ports of export of this section, and though he owned many large tracts of land west of the Blue Ridge it is known that he never lived here.

As has been said, Henderson did not receive a clear title to this land until 1796, but evidently had thought he possessed a title or had been certain of obtaining one, as on July 8th, 1790 he had made a title to William Davis⁴ who is described in the deed as being already in possession, for 301 acres and 8 poles of the 388 acre tract.

Little is to be gleaned from the records about William Davis except that he was a man of considerable ability and of deep religious convictions. He lived with his wife Margaret in a log house which stood only a few rods from the present house, “Goshen,” lately occupied by Mr. Revel, the foundation marks of which can still be seen. He was a staunch Baptist and set aside from his holdings the land on which the present “Bethel” Church now stands. On August 1st, 1814 he was licensed by the Court of Frederick County to perform marriages “according to the Baptist manner” (Frederick County Minute Book 1814-1817 Page 56) so it can be assumed that at some time after his purchase from Henderson he had become a minister. The Valley historian Norris says of him: (Page 635)

“Rev. William Davis, a Baptist minister of Clarke County whose father emigrated from Wales prior to the Revolution, and was also the grandfather of the late Jefferson Davis (president of the Confederate states).”

The minute above referred to of the Frederick County Court proves beyond a doubt that he was a Baptist minister, but it is indeed remarkable that neither the contemporaneous, nor later, Baptist histories make mention of him. This is more remarkable as he was undoubtedly the founder of the “Bethel” Church.

William Davis later made other purchases of land which he joined to his Henderson purchase, but which were not a part of the tract now in interest. To all of these holdings he gave the name “Goshen” and it so appears in all later deeds.

William Davis died sometime before January 20th, 1815 without making a will, but with what is called a Virginian

nuncupative will which was probated June 6th, 1815,⁵ no suit was brought to settle his estate, which appears to have been divided by mutual consent. However, the conditions he had made to safe guard the interests of his daughter Elizabeth Bartlett do not seem to have been carried out.

The children and heirs of William Davis and Margaret his wife were:

- (1) Baalis Davis.
- (2) Lucy Davis, married John Gilkeson son of Maj. James Gilkeson.
- (3) Sarah Davis, married 1st., Daniel Sowers Jr., 2nd., Capt. Andrew Chunn of Fauquier County.
- (4) Elizabeth Davis, married Maj. Henry Bartlett.
- (5) Margaret Davis, married William Davis.
- (6) Mary Davis, generally called Polly, married David Timberlake.
- (7) Stephen Davis.

As was often done in that day and time, the estate was amicably divided among the heirs without partition deeds or any writings of record. In 1818 the son Stephen Davis purchased the interests of his brothers Baalis and James and of his sisters Mrs. Chunn and Mrs. Gilkeson⁶ who conveyed their rights and titles to him by a very informative deed; however, no acreage is mentioned. In 1830 he sold this land to⁷ Capt. William Mitchell and the deed recites that he (Stephen) then resided on the land and that it contained 170 acres. Other deeds of record in Frederick County show that Mrs. Timberlake had sold her portion to a certain James Sowers. On June 4th, 1831 Maj. Bartlett and his wife Elizabeth (Davis) Bartlett sold their portion of "Goshen" to George Kerfoot Sowers⁸ who was a son of the aforementioned James Sowers and his wife Elizabeth (Kerfoot). August 17th of the same year (1832) Capt. Mitchell sold the 170 acres he had bought from Stephen Davis to George K. Sowers⁹ who, it may be stated here, was his son-in-law having married his daughter Frances E. Mitchell (Frederick County Marriage Bond Book No. 14 March 6, 1826).

The Frederick County land assessment books for the years 1830 and 1831 are missing, but in the book for 1832 George K. Sowers is charged with 170 acres described as on Shenandoah River 18 miles south of Winchester and valued at \$5927.90 and with buildings and improvements to the value of \$1500.00. It would appear that he occupied buildings formerly erected by Stephen Davis, as it is known that Capt. Mitchell lived elsewhere. A sufficient period had not elapsed from Mitchell's purchase from Stephen Davis to allow for the erection of these buildings taking into consideration the methods of that day and time. The assessed value of the buildings (\$1500.00) was in 1835 about 35% to 40% of their actual value. Just where these

buildings stood we have not been able to discover, but old residents of the locality seem to think that they were not on the site of the present house built by the Morgans.

The Capt. William Mitchell was of a family that came to the Valley from Prince William shortly before the Revolution and became considerable land owners in the section now comprehended in the counties of Clarke and Warren. They were related by blood or marriage with the Tuleys, Massies, Elliotts, Bryarlys, Sowers and other families of the locality.

George Kerfoot Sowers was the son of James Sowers and his wife Elizabeth daughter of George Kerfoot. His family had come from Germany and settled in Winchester before 1743. At an early day they acquired large tracts of fine land in that part of old Frederick County that is now Clarke, much of which they still possess. James Sowers, father of George K. Sowers had lands adjoining his son George, and as before stated, purchased Mrs. Timberlake's share of "Goshen." He named the farm upon which he resided "Greenway" and his other lands he called "Rose Hill." We cannot find that either of these places were a part of the 110 acres of Mrs. Sommaripa.

We cannot find that George K. Sowers in his life time, acquired any additional land, save that in 1836 Presley Neville Helm, et ux.,¹⁰ conveyed to him 97 acres, 1 rood, 30 poles adjoining his "Goshen" tract. We believe none of this land is included in the 110 acres in interest.

George Kerfoot Sowers died July 25th, 1840 aged about 37 years, testate¹¹ and leaving his widow and the following children:

- (1) George K. Sowers, Jr. who never married.
- (2) Frances M. Sowers, married John Morgan Jr.
- (3) James Sowers, married Harriet Louisa Holliday Hollingsworth.
- (4) Elizabeth Sowers, married Hillary Burch.
- (5) William M. Sowers, died unmarried.

Upon the erection of Clarke County in 1836 from Frederick the 110 acres in interest lay in Clarke, and it is necessary from now on to use the records of that county to follow the chain of title.

James Sowers the father of George K. Sowers survived his son dying December 24th, 1849, and his will, recorded in Berryville directs that the children of his deceased son George K. should have their father's share of his estate, and also directs that his land be sold upon the death of his widow and the proceeds divided per stirpes among his heirs.

The widow of George K. Sowers, Mrs. Frances E. Sowers

never remarried and died July 2nd, 1863, intestate and without having previously disposed of her husband's estate, as she had the power to do under her husband's will. However, in a suit commenced in the Circuit Court of Clarke County in 1857 it was developed that George K. Sowers, shortly before his death had entered into a contract with a neighbor, one, Capt. John I. Johnston to purchase from him 187 acres of land adjoining his own. Sowers died without having received a deed, which Mrs. Sowers obtained, but took title in her own name. The result of the aforementioned action in chancery is set forth in a decree entered December 21st, 1866, and appended herewith is an excerpt¹² and plat¹³ setting apart for John Morgan and his wife 168 acres. This decree also ordered the Capt. Johnston land incorporated in the corpus of the George K. Kerfoot estate and denied the widow her claim.

Later many suits were brought against the estate which were consolidated under the title Nicewarner — vs — James Sower's Admrx., and may be found in the file of Chancery Causes Ended in the Clarke County Clerk's Office. By virtue of a decree made^{14&14A} November 28th, 1891, special commissioners appointed for the purpose conveyed to Mrs. Burch 58 acres 2 roods and 29 poles of the land that had been allotted to Mrs. Morgan, leaving Mrs. Morgan 110 acres of land which she conveyed^{15&16} June 4th, 1917 to C. T. Wiley, who in turn sold¹⁷ June 3, 1937 to Mrs. Alice Winslow Sommaripa.¹⁸

So runs, as it please you, the title for two hundred and ninety years. For eighty one years "waste and ungranted land" of the Proprietary of the Northern Neck of Virginia, for sixty one years the property of "absentee landlords" and for one hundred and forty eight years a homestead.

I hereby certify that the foregoing statements are true and correct, to the best of my knowledge and belief, and have been obtained from the records of the Land Office, Richmond Virginia, and the County records of the Counties of Spottsylvania, Orange, Warren, Frederick and Clarke, Virginia and from recognized genealogical and historical authorities, and that the spelling, punctuation and use of capital letters employed in the records have been correctly copied.

—Richard E. Griffith

Winchester, Virginia.
March 25, 1938.

Bibliography:

- "Virginia County Records" by W. A. Crozier.
- "History of the Lower Shenandoah Valley" by J. E. Norris.
- "History of Clarke County" by T. D. Gold.
- "Old Chapel" Anon 1906 Blue Ridge Press, Berryville, Va.

Bulletin No. 1 Fauquier, Historical Society, "Northern Neck Land Grants" by H. C. Groome.
 "Fauquier Under the Proprietorship" by H. C. Groome.
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 "Virginia: It's History and Antiquities" by Henry Howe.
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 "Virginia Genealogies" by Rev. H. E. Hayden.
 "Philip Vickers Fithian Journal & Letters" Princeton University 1900.
 "Old Churches, Ministers and Families of Virginia" by Bishop Meade.
 Virginia Magazine of History & Biography Vol. 35 page 34 et seq.
 William and Mary Quarterly Vol. 1 et seq.

BELLFIELD — NOTES

- a. The Burwell Cemetery, Inc., now better known as the Old Chapel Cemetery.
- b. For an account of Lucy Higginson see Proceedings Clarke Co. His. Ass'n., Vol. III, p. 32 et seq.
- c. A more complete and accurate account of the issue of Lewis Burwell I, Lewis Burwell II, and the latter's son, Maj. Nathaniel Burwell, will be found in C. C. H. A. Proceedings, IV, p. 6 et seq.

BELLFIELD — SUPPORTING DOCUMENTS

No. 1 Northern Neck Deed Book C, Page 77.

No. 2 S. C. Causes Ended, File K, 1822.

No. 3

ROBERT CARTER BURWELL

TO:

ALEXANDER HENDERSON

of Dumfries, County of

Prince William.

INSTRUMENT: DEED
 DATED: October 5, 1796
 RECORDED: Sept. 29, 1797
 DEED BOOK SUPERIOR COURT
 #3 PAGE 168

RECITAL: Whereas by a decree of the High Court of Chancery bearing date the 20th day of November 1788 the said Alexander Henderson has been quieted in the possession of certain lands in the said County herein after described which has been laid off by order of Nathaniel Burwell father of the said Robert Burwell in consequence of a sale made by the said Nathaniel to a certain John Hatley Norton from whom the said Alexander Henderson has become the purchaser and are part of a tract of land which did belong to the Honorable Robert Burwell. A moiety of which had by him been given by marriage contract to the said Nathaniel his son, and

Whereas by the Court aforesaid it has been further decreed and ordered that the said Robert Carter Burwell party to these presents do convey to the said Alexander Henderson his heirs or assigns the said Lands in fee simple, which by him had been purchased from John Hattley Norton as aforesaid as appears by his Deed, dated the 1st day of December 1791.

CONSIDERATION: Five Shillings current money of Virginia, to him in hand paid by the said Alexander Henderson at and before the sealing and delivery of these presents.

WORDS OF CONVEYANCE: hath granted bargained and sole aliened released and confirmed and by these presents doth grant bargain and sell

alien release and confirm unto the said Alexander Henderson his heirs and assigns, two pieces or parcels of land situate lying and being in the said County of Frederick on the long branch of Shenandoah River, one of which pieces or parcels of land containing sixteen hundred and twenty eight acres. (Note: No part of this tract is included in the land now owned by Mrs. Sommaripa, therefore the description is omitted.)

DESCRIPTION: The other piece or parcell of land is bounded as follows: BEGINNING at D the mouth of the Long branch thence with the River Shenandoah to S on the River side a corner to the Lots laid off for C M Thruston, thence North westernly to R a corner of the reservation to the said Robert Carter Burwell thence north easternly to O a corner to Thomas Massie on the north side of the long branch, thence down the long Branch to the beginning containing THREE HUNDRED AND EIGHTY EIGHT ACRES, and is now in possession of William Davis and Thomas Massie having been to them sold by the said Alexander Henderson.

FREDERICK COUNTY RECORDS

No. 4

ALEXANDER HENDERSON, of the

Town of Dumfries.

TO:

WILLIAM DAVIS.

INSTRUMENT: DEED

DATED: July 8, 1790

RECORDED: October 5, 1790

DEED BOOK 22 PAGE 255

CONSIDERATION: Three Hundred Pounds of Current money.

WORDS OF CONVEYANCE: hath granted bargained sold and confirmed unto the said William Davis the same now being in his actual possession a certain tract or parcel of land situate lying and being in the said County of Frederick.

DESCRIPTION: Beginning at a marked red bud tree on the bank of the river according to the several meanders to the mouth of the long branch a corner to the land of Thomas Massie thence up the said branch by its meanders to a white oak and elm standing on the south side and about one pole distant from the branch thence So. 78 west dividing this from the other land of the said Henderson to the beginning containing or said to contain by a plat thereof made by the said Cordell three hundred and one acres, and eight poles, which said parcel of land is part of a tract contracted for by the said Alexander Henderson in the year 1777 with John Norton esq., who had bought the same from Nathaniel Burwell now deceased, who held the same by virtue of a marriage promise from his Father Robert Burwell now also deceased to Ralph Wormley esq., on the **calabration** of that marriage with Mary the daughter of the said Ralph Wormley the said promise being for a moiety or one half of the land in Frederick County then belonging to the said Robert Burwell for conveyance of a residue of which a decree in the High Court of Chancery on the 20th of November seventeen hundred and eighty eight was obtained by the said Alexander Henderson against Robert Carter Burwell an infant and son of the aforesaid Nathaniel Burwell.

WITNESSES:

Thomas Massie.

J. Baker, Jr.

Saml. Baker.

I. A. Baker.

No. 5 Will Book 9, Page 426.

No. 6 Deed Book 41, Page 199.

- No. 7 Deed Book 58, Page 596.
- No. 8 Deed Book 59, Page 432.
- No. 9 Deed Book 58, Page 598.
CLARKE COUNTY RECORDS
- No. 10 Deed Book A, Page 114.
- No. 11 Will Book A, Page 122.
- No. 12 Deed Book H, Page 263.
- No. 13 PLAT.
- No. 14 Deed Book Z, Page 164.
- No. 14A PLAT.
- No. 15 Deed Book V, Page 264.
- No. 16 PLAT.
- No. 17 Deed Book 11, Page 162.
- No. 18 Deed Book 18, Page 215.

Chapter VII

Lakeville

The tract of land in Clarke County, Virginia, situated on the West side of Shenandoah River and near Berry's Ferry, called and known by the name of "Lakeville" was originally a part of the 5,282,000 acres which at one time comprised the Proprietary of the Northern Neck of Virginia. [The early listing of the Proprietary and of the grant issued in 1730 to the descendants of Robert Carter have been set forth above.]

Robert Burwell of Isle of Wight County was the son of Nathaniel Burwell and his wife Elizabeth, daughter of Col. Robert Carter of "Corotoman." Robert Burwell removed to King and Queen County where he died sometime previous to October 13th, 1777,^a that being the date on which his will was probated. The records of King and Queen were destroyed some time during the War between the States, and the aforesaid will with them. There is, however, a certified copy made in 1816 which was introduced in evidence in a certain suit then in progress in Frederick County, and from which certified copy an excerpt² is appended herewith.

In accordance with the will (Probated Oct. 13, 1777) of Col. Robert Burwell his executor, General Thomas Nelson of Yorktown, proceeded to sell the lands of which he had been possessed in Frederick County. These consisted of 5,619 acres, which had been apportioned him in the partition of the original grant of 1730. It was bounded on the east by the Shenandoah River, on the north by the line of the old (now disused) "road to Newtown," and which is now the Northern boundary, in part of the present "Lakeville" tract, and extended to the West far enough to include a part of "Saratoga" and "Tuleyries Farms." To the Southward the line ran East and West, about through the middle of "Montana Hall" lands. What is now referred to as the "Newtown" road, is in the opinion of students of local history, the oldest East and West wagon road in the Shenandoah Valley. It appears on the Burwell partition map of 1740 as "the road from Joist Hite's" and was constructed by the Valley pioneers to connect their community with the port of Falmouth.

Some time prior to 1780, General Nelson sold 1548 acres of the eastern part of this tract lying along the River and ex-

tending from the old "Newtown road," southwardly, to a certain Nathaniel Lyttleton Savage of Gloucester County. This conveyance was doubtless recorded in the High Court of Chancery at Richmond, the records of which are now destroyed, but reference to this sale is found in certain "Articles of Agreement" recorded in Frederick County Clerk's Office in 1785, but which were actually signed in 1780, by the said Savage and Major Thomas Massie of New Kent County. No other conveyance was ever recorded by Major Massie, and he evidently relied on this Agreement³ as his color of title. According to the Massie family records (Virginia Magazine of History & Biography, Vol. 21 et seq.) Major Massie came to live upon this land about 1780, and built his home and a mill upon Long Branch Run, not far from Bethel Church. The records of Frederick County show that Major Massie divided his holdings into tracts of approximately 200 acres, and proceeded to sell them and open the section for settlement. Inasmuch as Major Massie was the first owner of this land (of which "Lakeville" was a part) that ever made his home there, it is of interest to know something of his life and career. He was born in New Kent County August 22, 1747 (William & Mary Quarterly Vol. 13 et seq.) and was a member of a family that had been seated in New Kent since 1608. He attended the College of William & Mary 1759-60, and at the outbreak of the Revolution raised a company of militia which he commanded from 1775 to 1778. In 1779 he was commissioned Major of the 2nd. Virginia Continental Line and served with that regiment until 1780, participating in the battles of Long Island, Trenton, Princeton and was with General Daniel Morgan at Valley Forge. He served as a courier on Washington's staff at Monmouth. He was then assigned to the staff of General Sullivan with whom he served at the siege of Newnort in Rhode Island. Upon the consolidation of the 2nd Virginia with other regiments in 1780, Major Massie was on the supernumerary list, but returned to active duty in the Summer of 1780, serving on General Nelson's staff at the siege of Yorktown. Shortly thereafter, he removed his family to his Shenandoah River tract, and at once assumed a prominent part in the business, social and political life of Frederick County. He was elected to the Vestry in 1785, and served as High Sheriff in 1801. In 1803 Major Massie moved to that part of Amelia County which later became Nelson County, and died at his home there, "Level Green" February 2, 1834. In 1777 he married Sarah, the daughter of Col. Bowler Cocke, of Turkey Island, Henrico County. They had several children among whom was the celebrated surgeon, Dr. Thomas Massie, Jr., who was educated in medicine in Philadelphia, Edinburg and Paris.

Among the sales of land made by Major Massie, of his Frederick County tract was a conveyance made June 19, 1819⁴ to Samuel and David Bryarly and Baalis Davis, jointly, for 628 acres, being lots 3, 4 and 5, which included all of the present

"Lakeville" tract, except about 52 acres on the western side. Mr. Samuel Bryarly and his relative David, were of the family that had removed from Maryland in 1774 to the land, still owned by their descendents, called "Walnut Grove."

The Davis family, of which Baalis Davis was a member had come to the Shenandoah Valley shortly after the Revolution and purchased large tracts of the Robert Burwell land.

The joint ownership of this 628 acre tract was short lived, and the property was divided by a partition deed⁵ bearing date November 30th., 1820. Baalis Davis' share was 231 acres 3 rods and 9 poles, lying along the River and constituting all but 52 acres of the present "Lakeville." Baalis Davis made his home on this land, and built the larger part of the house now standing there. The Frederick County land assessment books have Baalis Davis charged with 231 acres of land in 1821 with "no improvements," but in 1822 the sum of \$4,000.00 appears under the heading "added improvements," which almost certainly proves the year in which the house was built. It is probable that this sum of \$4,000.00 also included a barn and outbuildings. Previous to this time, Baalis Davis had lived on nearby land he had inherited from his father, William Davis.

Baalis Davis died sometime between October 27th., 1825, on which day he uttered his nuncupative will, and December 5th., 1825, the day this will was admitted to probate.⁶ His personal estate was appraised by Joseph Fauntleroy, B. Fauntleroy and David Timberlake, and lists an unusually large number of items in comparison to the articles usually found among appraisements of farmers of that period. A copy of the appraisal — excluding farming utensils and crops — is appended.⁷ The recorded account of the sale of these articles, states that Dr. Robert Berkeley bought his French History, while Col. Nathaniel Burwell bought his law books. His surveyors instruments and backgammon "box" were bought by T. H. Burwell, while the Fauquier County Chunnns paid \$60.00 for silver decanters, goblets, waiters, etc. Joseph Tuley, Sr. bought all the brass fire-place fenders, and Dr. Little and Dr. Berkeley, each bought one of his gigs with a set of harness. His largest bed was sold to Herbert Washington. However, the widow Eliza Davis bought most of the personalty, as well as the land.⁸ Baalis Davis had mortgaged this land in his life time and so it came about that Mrs. Davis took title from John Hopkins, Attorney-at-law, Trustee, for George Carter, Esq., of "Oatlands" Loudoun County. It will be noted that this deed specifically states that this was the tract of land "on which said Davis then resided," i.e. 1823.

Mrs. Eliza Davis was a native of England and previous to her marriage with Baalis Davis in 1799 had resided in Fauquier County. Her maiden name had been Eliza Raynolds. After the death of her husband she continued to reside at "Lakeville,"

until her death, which occurred sometime before October 1828, when the appraisement of her estate by John Daingerfield, William E. Helm and William Berry was made.

The record shows (Deed Book 44, page 492) that Mrs. Davis assumed the mortgage given by her husband to George Carter and it is evident from the subsequent transactions that the mortgage was still in force and unpaid at the time of her death. Mrs. Davis died intestate, and the Trustees John Hopkins and A. H. Powell proceeded to sell the property at public auction on March 19, 1827, at which sale it was purchased by a certain John I. Johnston, a farmer living in the neighborhood. However, no deed was made Johnston until March 23, 1829⁹ and whether he lived upon the land during this time, the records do not disclose. Johnston kept the land until August 11th., 1832, when he sold it¹⁰ to a certain Thomas Castleman. Castleman kept the land but two days and sold it August 13th., 1832 to Dr. Philip Grymes Randolph.¹¹ One reason that may have been a factor in Johnston selling the land, was the brutal murder of Major Charles Elliott, beaten to death with fence rails on the road leading by Farnley by a band of men, said to have been led by Johnston, and said to have been actuated by the attentions of Major Elliott to Johnston's sister. At any rate, about this time, Johnston fled to the western country pursued by Elliott's sons. According to a statement of the late Mr. Samuel Bryarly, who was a nephew of Major Elliott's wife, the chase continued to the Pacific coast, but in vain, as Johnston had been killed in a drunken brawl a few weeks before the arrival of the Elliott boys.

Dr. Philip Grymes Randolph, who purchased the land from Castleman in 1832, was born at "Carter Hall" March 12th., 1802, the son of Archibald Cary Randolph and his wife Lucy, the daughter of Col. Nathaniel Burwell of "Carter Hall." Dr. Randolph had an interesting and colorful life. He obtained his education in medicine in Philadelphia, and, according to an account written by a relative, —

"about 1824 married Mary O'Neal of Washington, D. C., a sister of the 'beautiful and glamorous' Peggy O'Neal, about whom several books have been written. As Surgeon in the U. S. Army, Dr. Randolph was stationed at Fort St. Philip, below New Orleans, and in addition to his medical duties, at times commanded the Fort. He later served at Fort Leavenworth. Resigning from the Army, he was made Chief Clerk of the War Department by President Andrew Jackson, sent on diplomatic missions to Spain, and at times was acting Secretary of War."

After his retirement from Government service, Dr. Randolph lived in the village of Paris, Virginia. He died at "Carter

Hall' in 1836.^b The records do not disclose whether he did or did not live at "Lakeville," but certain it is that he gave the land its name.

The owner immediately preceding Dr. Randolph, Thomas Castleman, had purchased the tract of land called "Llewellyn" (now owned by Mr. Alfred Kerfoot^c) from the heirs of Warner Washington, 2nd, and as part of the consideration, had assigned to Hamilton Washington, one of the heirs of Warner Washington, 2nd. one of the purchase money bonds given by Dr. Randolph as part payment of "Lakeville," by a deed of trust on the land (Deed Book 60, page 160). Payment on this bond was defaulted and the property was sold at auction March 29th., 1834, to Charles W. Castleman, son of Thomas Castleman, then deceased, and title was passed to him by deed dated June 6th., 1834.¹² In this instrument the land is for the first time described as the land called "Lakeville," and it is reasonable to assume, therefore, that it was so named by Dr. Randolph during the time he owned it.

The same day upon which Charles Castleman received title he executed a deed for the property "known as Lakeville" to John W. Sowers,¹³ a member of the well known family of that name who lived nearby. It will be noted that the metes and bounds of the tract as set forth in this deed are exactly the same as in the partition deed of 1820 from Bryarly & Bryarly to Baalis Davis and the acreage given is exactly the same, viz: 231 acres, 3 roods and 9 poles.

When Clarke County was erected from Frederick in 1836, the "Lakeville" land lay within the new County, and all hereinafter mentioned deeds are of record in the Clerk's Office in Berryville.

John W. Sowers continued in possession of "Lakeville" until April 29th. 1856, when he conveyed¹⁴ the 231 acres, 3 roods and 9 poles comprising "Lakeville" to his son James William Sowers, together with another adjoining tract of 173 acres, making a total of 404 acres. The last of these two tracts lay immediately to the west of "Lakeville" and had the same northern and southern lines as they extended westward. This tract of 173 acres was Lot 1 of the original Massie purchase from Savage, and had been conveyed to James Sowers¹⁵ by Major Massie in 1819. James Sowers sold it to his son John W. Sowers¹⁶ in 1839, who, as before stated, sold it to his son James William Sowers in 1856, together with the 231 acres comprising the "original Lakeville."

The son James William Sowers died in 1862 and his estate was settled by means of a chancery suit styled John W. Sowers - v - James Bowen, et ux. Mrs. James William Sowers, had married James Bowen, after the death of her first husband.

In 1867 the 404 acres was ordered sold by the Court, and John W. Sowers, re-purchased (Deed Book H, page 153) the two tracts from S. J. C. Moore, Special Commissioner in the above styled chancery suit. Mr. Sowers continued in possession until 1883 when he conveyed¹⁷ 283 acres "called Lakeville" to Louis C. Bradford. [Note: The late Mr. H. Wise Sowers, son of John W. Sowers said that the money, received from the sale of Lakeville and from an exceptionally large wheat crop harvested that year, was used to purchase Farnley, near Stone Bridge.] Just what part of the 173 acre tract was added to the original "Lakeville" is not set forth in this deed, in fact no metes and bounds of any description are given. However, Mr. George Morgan, a gentleman of venerable age now living in Berryville is authority for the statement, that John W. Sowers (Mr. Morgan's maternal uncle) annexed 52 acres of the 173 acre tract, on the western side of the original "Lakeville" tract, so as to bring the total acreage conveyed to Mr. Bradford to 283 acres.

Mr. Bradford was the son of a physician who had removed to Clarke County from Culpeper in the first half of the 19th century and married Miss Christine Smith of "Summerville." He had established his home at "Abbyville" near Boyce, and there raised his family. His son Louis became a journalist of international reputation, and resided at various times in New Orleans, London and Paris and at one time was managing editor of the New York Tribune. His brother, Mr. Albert Bradford, is authority for the statement that his brother's wife was a native of France, and on one occasion while visiting in Clarke County, admired "Lakeville," whereupon her husband bought the property.

Mr. Louis Bradford in 1900 entered into a contract to sell "Lakeville" to his brother Mr. Albert Bradford, but died before making him a deed. The estate of Louis Bradford was settled by means of a chancery suit and a deed¹⁸ was made Mr. Albert Bradford by Conway Dillingham, Special Commissioner and Katherine Bradford, widow of Louis C. Bradford, upon Mr. Bradford paying \$1,000.00 the balance due upon the property.

In 1937 Mr. Bradford sold the property¹⁹ together with a certain additional right of way to U. S. Route 50, to Mr. and Mrs. Kenneth N. Gilpin, in whom the title now reposes.^d

I hereby certify that the foregoing statements are true and correct, to the best of my knowledge and belief, and have been obtained from the records of the State Land Office in Richmond, Virginia, and the County records of the Counties of Frederick and Clarke, Virginia, and from recognized genealogical and historical authorities. The spelling, punctuation, the use and omission of capitals, employed in the copies

appended herewith, have been correctly copied from the records, so far as may be in type.

Richard E. Griffith

Winchester, Virginia
May 18th. 1943

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- "History of Clarke County" T. D. Gold
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- Bulletin No 1, et seq; Fauquier County Historical Society.
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- "Virginia: It's History & Antiquities" Henry Howe.
- "History of the Valley" Samuel Kercheval.
- "Virginia Valley Records" Dr. J. W. Wayland.
- "History of Hopewell Meeting 1734-1934" Dr. J. W. Wayland.
- "Old Churches, Ministers and Families" Rt. Rev. Wm. Meade.
- MSS Collection Virgianna of Miss Rose MacDonald.
- William & Mary Quarterly Vol X et seq.
- Virginia Magazine of History & Biography Vol XIII et seq.

LAKEVILLE — NOTES

- a. Jan. 30, 1777.
- b. "Dr. Randolph died at his home in the village of Paris, March 12, 1836". (Vestry Book of Frederick Parish, p. 124-A).
- c. Alfred Kerfoot died after this History of Lakeville was written. Llewellyn is now owned by his son, William Kerfoot.
- d. Lakeville is now the property of Mrs. Gilpin's eldest son and his wife, Mr. and Mrs. McGhee Tyson Gilpin.

LAKEVILLE — SUPPORTING DOCUMENTS

- No. 1. NORTHERN NECK DEED BOOK C, Page 77.
- No. 2. S. C. CAUSES ENDED, FILE K, 1822.
- No. 3. MAJOR THOMAS MASSIE
and
NATHANIEL LYTTLETON SAVAGE

INSTRUMENT: AGREEMENT
DATED: March 28, 1780.
RECORDED: April 1, 1783.
DEED BOOK: 21, P. 111

ARTICLES OF AGREEMENT made and Concluded on, by & between Major Thomas Massie of New Kent County and Nathaniel Lytleton Savage of Gloucester County, is as follows.

It is mutually agreed between the parties to exchange the following tracts of land, that is the said Thomas Massie agrees to convey in fee simple to the said Nathaniel Lytleton Savage his heirs or assigns the tract of land lying in New Kent County Virginia on which he resides containing two thousand and eighty acres with all the improvements thereon. Also a Water Grist Mill lying in the said County near the said tract with two and a half acres of Land adjoining with all the materials thereunto belonging. The said

Thomas Massie obliges himself to put two new wheels to the said mill immediately and have the gates and trunks repaired, the whole to be conveyed this Spring and possession given the said Nathaniel Lytt. Savage or to his Heirs or Assigns the tenth day of December next and possession of the Dwelling House, the use of Half the kitchen, out Houses, etc. by the fifteenth of October next. In consideration of which the said Nathaniel Lytleton Savage agrees to convey or have conveyed by such ways and means as the law directs to the said Thomas Massie or to his Heirs the three following tracts of land, viz: Fifteen hundred and forty eight acres in Frederick County, which the said Nathaniel Lytt. Savage purchased of General Nelson as Executor of Col. Robert Burwell. Also one thousand acres in Fauquier County which he purchased of Col. Thomas Marshall. Also seven hundred and ninety five acres (or if it is sold agreeable to direction given by the said Nathaniel Savage to Thos. Carey, the amount of the sales to be paid to the said Thomas Massie or to his heirs) Called Thacker's Tract in Hanover County to be conveyed when the said Nath. L. Savage Gits a title mad him which title he warrants him Thacker Washington, Mrs Campbell and Lewis Burwell Senr. The above mentioned tracts of Land to be delivered immediately to the said Thomas Massie. The parties do bind themselves to the performance of all articles contained herein as witness our hands and Seals the 28th day of March One thousand Seven Hundred and Eighty

THOMAS MASSIE (LS)
NATHANIEL LY. SAVAGE (LS)

Sealed and delivered
in the presence of
Jos. Berry
Enoch Ashby.

If the Enemy lands in Virginia in the course of the Year Mr Savage is to the liberty of removing his family to the Estate he has purchased of Thomas Massie in New Kent immediately. Mr. Savage agrees to let Thomas Massie have the use of one of the Storehouses on the above mentioned estates until he can remove his furniture with conveniency.

Nath'l. Lytton Savage
Thos. Massie

At a Court held for Frederick County the 1st. day of April, 1783.
This Instrument of writing was proved by the oath of Joseph Berry a witness thereto and ordered to be certified.
By the Court

Ja. Keith, Cl. Court
At a Court held for Frederick County the 1st. day of November, 1785.
This Instrument of writing was further proved by the Oath of Enoch Ashby, the other Witness thereto and ordered to be recorded.
By the Court

Ja. Keith, Cl. Court

No. 4.
THOMAS MASSIE AND WIFE
TO
SAMUEL BRYARLY AND DAVID
BRYARLY AND BAALIS DAVIS

INSTRUMENT: DEED
DATED: JUNE 19, 1819
RECORDED: OCTOBER 16, 1820
DEED BOOK: 43, Page 156

Thomas Massie of Nelson County, Virginia, and Sally his wife to Samuel Bryarly and David Bryarly and Baalis Davis of Frederick County, Va. Consideration \$13,333.33 and conveying 628 acres,—

“bordering on Shenandoah River above Berry’s Ferry from the corner of Nathaniel Burwell, thence up the said River to a corner of a lot sold by said Massie to Adam Douglas, thence back with the lines of the said tract containing 3 lots of land being numbered 3, 4 and 5 in a larger tract of said Massie’s to the beginning.”

Witnesses:

Wm. B. Jacobs
Thos. Massie, Jr.

No. 5.
SAMUEL BRYARLY AND WIFE
BAALIS DAVIS AND WIFE
AND
DAVID BRYARLY AND WIFE

INSTRUMENT: DEED OF PARTITION
DATED: November 30, 1820
RECORDED: April 3, 1821
DEED BOOK 44, Page 138.

Consideration: \$1.00

“Baalis Davis shall have and hold all that part described as follows— Beginning at a locust stake near a Sycamore on the Bank of the River and running thence N. 46 E. 16 poles, N 37½ E. 14 poles 53½ E. 46 poles to an Elm, then leaving the River N 58 W. 324.3 poles to a small hickory sapling corner in Burwell’s line, then with Sowers 25½ W. 119 poles to a stake in a road corner to Sowers, Helm, Castleman and said Davis, then with Castleman S 50½ E. 300.3 to the beginning, containing two hundred and thirty one acres, three roods and nine poles.”

No. 6. WILL BOOK 13, PAGE 83.

No. 7.
BAALIS DAVIS

INSTRUMENT: APPRAISEMENT
DATED: -----
RECORDED: March 10, 1826
WILL BOOK 13, Page 167

APPRAISERS: Jos. M. Fautleroy, David Timberlake, B. Fautleroy.

2	Walnut tables & a small table -----	12.00
1	Tea board -----	1.00
1	Sideboard mahogany -----	115.00
1	Glass ware and waiter -----	1.00
	Silver Plate (Andrew Chunn) -----	150.00
1	Looking glass -----	3.00
28	chairs -----	28.00
1	Sideboard walnut -----	6.00
	Bottles, glass ware & Pitcher and Decanters -----	41.00
	History of French Revolution -----	18.00
	Code of Va. & Hennings Justice -----	12.00
	Backgammon box -----	1.25
1	small table -----	1.25
	Compass & Surveying -----	25.50
1	Looking glass -----	3.00
1	Map of United States -----	5.00
2	Shot guns & rifle -----	30.00
1	Desk walnut -----	1.25
1	Table -----	.25
2	Feather beds and bedsteads -----	20.00
1	Fender -----	2.50
1	Cradle -----	.50
1	Pine table and candle stand -----	1.00
2	Feather beds and bedsteads -----	24.00
1	Fender -----	2.50

116 CLARKE COUNTY HISTORICAL ASSOCIATION

1	pair old andirons -----	.50
1	Bedstead & it's furniture -----	20.00
1	Table and drawers -----	1.75
	David -----	400.00
	Zenah -----	200.00
	Daniel -----	120.00
	Jack -----	500.00
2	Gigs & harness -----	80.00
7	horses -----	320.00
4	mules and jack -----	160.00
21	head cattle -----	110.00
4	sows and pigs -----	20.00
13	shoats -----	26.00
53	sheep -----	53.00
	Kitchen furniture -----	6.00

- No. 8. DEED BOOK 51, Page 490.
- No. 9. DEED BOOK 60, Page 152.
- No. 10. DEED BOOK 60, Page 154.
- No. 11. DEE DBOOK 60, Page 158.
- No. 12. DEED BOOK 63, Page 27.
- No. 13. DEED BOOK 63, Page 29.
CLARKE COUNTY RECORDS
- No. 14. DEED BOOK F, Page 689.
- No. 15. (FREDERICK COUNTY) DEED BOOK 51, Page 163.
- No. 16. DEED BOOK A, Page 264.
- No. 17. DEED BOOK R, Page 191.
- No. 18. DEED BOOK 9, Page 284.
- No. 19. DEED BOOK 25, Page 483.



LAKEVILLE



FARNLEY

Chapter VIII

Farnley

The records of the Office of the Clerk of the Circuit Court of Frederick County show that the tract of land known as "Farnley" was a part of a tract of 3143 acres granted October 3rd, 1734¹ to Benjamin Borden by the Lieutenant-Governor William Gooch under the Seal of the Colony of Virginia, "designed to be included in a County to be called the County of Orange being part of Forty thousand acres purchased by Joist Hite from Isaac and John Vanmator who had obtained Order of our said Lieutenant-Governor in Council to take up the same upon certain conditions therein expressed which Orders were made the Seventeenth day of June One Thousand Seven Hundred and Thirty." The minute in the Order Book of the Council in the State Library in Richmond, bears an endorsement dated August 5th 1731² assigning the rights granted the VanMeters to Joist Hite. Whether or not Benjamin Borden made one of the sixteen families which Joist Hite brought in to the Shenandoah Valley in the Autumn of 1731 cannot be determined, but as a usual thing, the settler must have been in residence three years before he could sue a patent out of the Land Office.

Of the early life of Benjamin Borden, very little is known, save that he came from Bordentown, New Jersey. He was born in 1692 and married Zeruah Winter of West Jersey, and at least four of his daughters were married at the time of his death in 1743 at the age of 51 years. These were Abigail, who married Jacob Worthington and lived on Worthington's Marsh in what is now Jefferson County: Mercy (variously called Mercy, Marcie, Massey and Mary) who married William Fearnley: Hannah who married Edward Rogers: and Rebecca who married a Branson, probably Lionel Branson. Benjamin Borden secured patents for other tracts in the lower Valley under authority of the Order in Council made VanMeter, all bearing date of October 3rd, 1743. The next largest to his home plantation of 3143 acres, lay upon the Bullskin Marsh near Summit Point and was for 1122 acres and was granted him in partnership with Andrew Hampton and David Griffith. Another tract of 800 acres lay North-west of the village of White Hall, Frederick County and was sold by Benjamin Borden to the Barrett family, some of whom own a portion of this land today.

He also had a very large tract on Smith's Creek, near what is now New Market in Shenandoah County which was issued him under authority of the VanMeter Order and on which he settled eighteen families headed by Capt. Peter Scholl formerly of Perkiomen Creek near Philadelphia. Apparently it was not until these several tracts had been settled and sold off that he secured for himself an Order in Council to locate and settle a tract on the headwaters of the James River. This lay in what is now Rockbridge County and became known as Borden's Manor. The patent issued to Benjamin Borden for this tract was dated November 6th, 1739 and conveyed 92,100 acres.

By tradition Borden and his wife Zeruah were Baptists, and that they were dissenters of some sort is shown by the Court records of both Orange and Frederick Counties,³ but his sons-in-law Worthington, Fearnley, Rogers and Branson were Friends or Quakers. Before his death he settled his daughter Hannah Rogers on 800 acres of his home plantation and his daughter Mercy Fearnley on 500 acres taken from the same tract. In 1742 he made a deed⁴ to William Fearnley and Mercy his wife for this 500 acres, which is recorded in Orange County, and in his will confirmed the gift.

Morton's "History of Rockbridge County" states that his daughter Abigail married 1st, Jacob Worthington, 2nd James Prichard, his daughter Hannah married Edward Rogers, Rebecca a Branson and the daughter Morton calls "Martha", William Fearnley. The daughters unmarried at the time of their father's death are stated to have subsequently married, and he says Deborah married George Henry, Elizabeth a Nicholas and Lydia married Jacob Peck who came from Germany in 1745. No proof of the Nicholas and Peck marriages appear in the Frederick County records. Of his three sons Benjamin, John and Joseph, the most successful one seems to have been Benjamin who, on arriving at his majority, removed to the James River settlements and assumed control of the affairs of the estate in general. He married Magdaline Wood the widow of John McDowell and lived at "Thorn Hill" on Woods Creek in Rockbridge County, where he died in 1753 of small-pox. Two of his three children died at the same time. His daughter Martha, only surviving. About 1779 Martha married Robert Harvey.

It will be seen from the will of Benjamin Borden Sr. probated Oct. 9, 1743⁵ that his sons-in-law Rogers and Fearnley were to have 800 acres and 500 acres respectively out of the home plantation, and the remainder to be divided equally between his three sons. From the appended Court Orders⁶ it will be seen that Benjamin Jr. petitions the Court in 1750 for a division of his father's estate, as he has come of age. This was done in 1752,⁷ resulting in each son receiving 608 acres. Young

Benjamin in 1752 sold (Deed Book 3 Page 11) the southern half of his tract, which it is stated in the deed was 300 acres to his sister Deborah and her husband George Henry or Hendry, and in 1767 his widow Magdalene (who had married John Bowyer) and A. Alexander his executor sold (DB 11 P 309) Col. Thomas Bryan Martin the remaining part which is described as 298 acres.

John Borden sold (DB 4 P 493) his tract Nov. 4, 1756 to Lord Fairfax the deed conveying 608 acres. Very little is known of John, save that he moved to Shenandoah County and died there leaving numerous descendants who still may be found in and near the village of Tom's Brook, and who have no information of their early history. Application has been made to every one of the name that could be located without result.

Joseph Borden sold his portion Feb. 2, 1762 (DB 6 P 465) to "William Denny of Chester County Pennsylvania" and the deed conveys 600 acres. Denny sold the tract November 6th, 1771 (DB 15 P 240) to the Rev. Charles Mynn Thurston. This tract includes most of the 50 acres that Benjamin Borden in his life time had purchased from his neighbor Peter Woolfe, and it is on the stream within this section that his mill stood, and it is so shown on the plat of the Carter patent, now in the possession of Mr. George Burwell of Mt. Airy. Joseph did not bear the best of reputations, and quarrelled with his family over a long period of years. In 1800 he was living in Edgecomb County, N. C. and Morton says he died in Iredell County of the same state in 1803. Whether he left descendants has not been ascertained.

The magnitude of the land operations of Benjamin Borden Sr. on the upper James has caused his earlier projects in the lower Shenandoah Valley to be almost entirely lost sight of. Until the present investigation, the location of his first settlement has apparently never been discovered. Many fanciful stories and pretty tales have been woven around him, and it has come to be told as a fact that he was an agent of Lord Fairfax. This cannot be accepted without more proof than is now at hand. All of his patents were issued him either under authority of the VanMeter Order or under his own Order in Council and no record can be found that he ever dealt in Fairfax lands. Lord Fairfax paid a visit to America in 1736 and remained a year, visiting the Shenandoah Valley with Peter Wolfe as his guide. It may be that a contact was made then which resulted in a secret understanding, but if so, no hint of any such agreement appears in the public records, nor would the nature of Borden's activities denote such an arrangement. When Lord Fairfax came to live at Greenway Court in 1749 Benjamin Borden had been dead six years. The "Collection of Fairfax Letters" published in 1849 include many which have to do with

the business affairs of the Northern Neck, but in none does the name of Benjamin Borden appear. Borden had the reputation of great shrewdness, and was considered to be not above "sharp practice", one contemporary account states that "old Mr. Borden was both cunning and polite". He lived most of his life in New Jersey, where he still owned property at his death, and where some of his family continued to live. The Friends Meeting House in Bordentown was built on ground donated by a Joseph Borden in 1740. No doubt an investigation conducted in New Jersey archives and records would shed light upon his early life and antecedents.

Edward Rogers died sometime after 1764. He was Captain of Frederick County Militia during the French and Indian War, had served on the first Jury for Frederick County in 1743, and seemed to be a man of considerable prominence in the community. He left no will, and little is known of him. He had a daughter Hannah who married Elisha Dugan, and his estate descended to his son Edward Jr. In his lifetime Edward Rogers Sr. disposed of the following parts of his portion of the Borden land:

DB 6 P. 252	Aug. 4, 1760 to his son Edward Jr.	200 acres
DB 9 P. 156	Mar. 9, 1764 to Col. T. B. Martin	14 acres
DB 9 P. 161	Mar. 28, 1760 to Samuel Pearson	350 acres
The following sales were made by his son Edward Jr.		
DB 17 P. 170	May 1, 1776 to Moses Walton	200 acres
DB 20 P. 451	Aug. 6, 1782 to John Brownley	24 acres
DB 21 P. 574	Aug. 4, 1787 to John Brownley	127 $\frac{3}{4}$ acres
Total		915 $\frac{3}{4}$ acres

From the 200 acres Edward Jr. had received from his father in 1760 John Brownley also purchased (DB 19 P 320) on August 6, 1780 181 $\frac{1}{2}$ acres, making him a total of 313 $\frac{1}{4}$ acres of Rogers land.

Edward Rogers Jr. married the widow of Samuel Earle and left a number of descendants, one of whom is said to have been the wife of John Brownley, although there is no record of such a marriage in the Frederick County Clerk's Office. The Moses Walton who bought 200 acres in 1776 is claimed by some to be that Moses Walton who signed the Declaration of Independence. In this deed he is described as being "formerly of Berkeley County".

While the Rogers land over in acreage (915 $\frac{1}{4}$ acres from 800), the Fearnley tract may almost be compared to the miracle of the loaves and fishes, as the original 500 acres yielded, as will be shown 619 $\frac{1}{2}$ acres.

William Fearnley died intestate before March 2nd, 1747, and it would appear from the motion made in Court that day, as shown in the appended notes,⁸ that he had been in financial

difficulties before his death. His widow, Mercy, subsequently married Tobias Buck. In 1762 (probably on his coming of age, since guardians were appointed for him the previous year⁹) his mother and step-father made a deed to Thomas Fearnley the son of William, deceased, for 334 acres of his father's land.¹⁰ Evidently Mercy (Fearnley) Buck retained her dower. This marriage of the widow with Tobias Buck turned out unhappily, and she left him and resumed her first husband's name. From the abstract of the Bill of Sale that Tobias Buck gave to Samuel Earle, appended herewith,¹¹ it is apparent that his trouble with his wife was being threshed out in the General Court at Williamsburg. Unfortunately this Court's records then in Richmond, were burned in 1865. At any rate we find in 1769 Mercy Fearnley making a deed¹² to her son Thomas of the full 500 acres, and also a conveyance of certain personal property.¹³ December 12th., 1770, Thomas Fearnley married Martha Melson (Millison?) at the Crooked Run Meeting House according to the rites of the Religious Society of Friends.¹⁴ Unless Thomas and his wife had both been members of that sect, and in good standing the marriage could never have been performed in the Meeting House. They appear to have lived on at Farnley, and in 1775 became Guardians for a 10 year old orphan girl.¹⁵ They sold 103 acres of their land¹⁶ to Richard Fawcett, who was another strict member of the Quakers. The remainder of their tract they retained until 1808 when they sold it to "William Hay of the City of Richmond" for £2799.¹⁷

William Hay was born in 1748 in the town of Kilsyth in Scotland. He was twice married, both of his wives having been named Walker and said to have been of the Walkers of Wigtown, but it is held by some that they were of the Northumberland County Virginia family who originally hailed from Inverness. It is not known just when he came to Farnley, and he is still described as of Richmond in 1813 when he conveyed a part (157¼ acres) of Farnley to his son John.¹⁸ He died at Farnley Nov. 11, 1825, and is buried in the graveyard at "Old Chapel" near Millwood.

The financial difficulties of William Hay are to be easily seen in the appended abstracts of the deeds made from him to his sons,¹⁹ they to each other²⁰ and from the copy of his Will.²¹ It would appear that Thomas Farnley (as he then spelled his name) brought suit in 1824 against William, James and John Hay for the unpaid balance due on Farnley. Before the suit ended William Hay had died and his estate was committed to Benjamin O'Rear, High Sheriff of Frederick County at that time. Apparently James Hay paid off the debt and in 1825 Richard W. Barton as Special Commissioner executed to him a deed of release.²² In 1827 James Hay and Eliza Gwynn his wife conveyed to William Mitchell 16½ acres of Farnley.²³ No further deeds conveying Farnley or any part thereof appear in

the Frederick County records. The land passed out of the County on the erection of Warren County in 1836.

A reference to the metes and bounds as set forth in the various appended abstracts of deeds, will disclose great discrepancies both in courses and distances. None of the surveyors state whether they are using the true North or the Magnetic Pole. The accompanying plat has been laid down on the true North, calculations have been made for the different years, and the magnetic variations compensated. The lines as called in the original patent and in several of the subsequent surveys do not close, nor do they enclose the acreage named. After repeated trials, this plat is submitted as being very nearly correct as to the lines of the original patent in 1734 and the lines of Farnley in 1808. The records of Warren County show that others have encountered these discrepancies, and herewith is appended²⁴ the report of a board of arbitration which sat as late as 1837 to determine a line in controversy between Dr. Hay, Benjamin Elliott and John Brownley, together with a copy of a plat made at the time by this board.

The original homes of the Bordens, Rogers and Fearnleys were in all probability near the "Great Spring", and it is very likely that it was originally intended that the Fearnleys tract should corner there. A very interesting minute²⁵ of the old Frederick Court has been found, ordering a road to be laid off by "Bordens Great Spring" that may shed some light on the original location of the "lost" Cunningham's Chapel.

I hereby certify that the foregoing contains a true and correct abstract of the chain of title to the property known as "Farnley" situated in Warren County, Va. to 1836 in so far as is obtainable from the records of the Land Office in Richmond, Va., and the County records of the Counties of Orange, Frederick and Warren, Virginia. Copies from the records herewith returned are correct and true copies.

Richard E. Griffith

Winchester, Va.,
June 5, 1934.

FARNLEY — NOTES

- a. Since this history of Farnley was written a mass of new evidence has been found in official county and ecclesiastical records concerning the Church and the Chapels of Frederick Parish of the Established Church. Of the latter, Cunningham Chapel was one. There can be no doubt that this Chapel stood very close to where the present Old Chapel now stands in that part of Frederick County which is now Clarke.

FARNLEY — SUPPORTING DOCUMENTS

No. 1.
Benj. Bordin,
3143 acres,
Shenando. Land.

LAND OFFICE PATENT BOOK 15
1732-1735, pp. 326-327.

Georg the Second etc. . To all etc. Know ye that for the Consideration

mentioned in an Order of our trusty and well beloved William Gooch, Esq. our Lieut. Gov. and Commander in Chief of our Colony and Dominion of Virginia in our Council of the said Colony, the twelfth day of June One Thousand Seven Hundred and Thirty-four. I DO HAVE Given, Granted and Confirmed and by these Presents for us, our Heirs and Successors DO Give & Grant & Confirm unto Benjamin Bordin One certain Tract or Parcel of Land Containing Three Thousand One Hundred and Forty Acres, Lying and being on the Western side of Shenando River designed to be included in a County to be called the County of Orange, being part of forty thousand acres Purchased by Jost Hite from Isaac and John Vanmater who had obtained Orders of our said Lieut. Gov. in Council to take up the same upon certain Conditions therein Expressed, which Orders were made the Seventeenth day of June, One Thousand Seven Hundred and thirty and bounded as follows (to wit) BEGINNING at a small white Oak on the North side of a meadow Supposed to be in a line of the Honble Robert Carter deed and running thence along the same, North West Two Hundred and forty four Poles by a corner red Oak thence South West Three Hundred and Twenty Poles between a Pine Bush and Hickory thence South East Four Hundred and thirty six Poles, by two red Oaks and a White Oak, thence South West One hundred and Twenty two Poles by two white Oaks thence South East thirty one Poles to a large white Oak thence South West Two Hundred and thirty Poles by two white Oaks, by a Small meadow on the Right thence South East Five Hundred and four Poles to a corner Stone by two white Oaks and two Hickory Bushes, thence North East Three Hundred and Seventy eight Poles by a white ——— and red Oak thence South East Forty four Poles across a run by a White and red Oak thence North East one Hundred Forty Seven Poles to Peter Woolfs corner white and red Oaks thence North West along his line Two Hundred and thirty Poles to his corner white Oak thence North East along his Line Three hundred poles to a red oak in Carters line and thence North Sixty Degre West Five Hundred and Six Poles to the beginning to have hold etc to be held etc yielding and Paying etc. Provided etc In Witness etc. Witness—Our trusty and well-beloved William Gooch, Esq. Lieut. Gov. and Commander in Chief of our said Colony and Dominion at Williamsburgh under the seal of our said Colony this third day of October, One Thousand Seven Hundred and Thirty Four Exd in the Eight year of our Reign.

William Gooch.

No. 2.

AT A COURT HELD FOR ORANGE COUNTY ON THURSDAY the 27th DAY OF OCTOBER 1737.

PRESENT:

Goodrich Lightfoot.
Robert Green.
Samuel Ball.
Morgan Morgan.

Robert Slaughter.
John Finlason.
Francis Slaughter.
William Russell.

&

Henry Field (Gentlemen Justices.)

“Zachary Lewis Gent Attorney for our Sovereign Lord the King informing the Court that the houses of Lewis Stiffy & John Smiths certain persons viz: the said John Smith John Pitts Jacob Whartington Edward Rogers James Deleay Benja: Borden & others do keep unlawful and tumultuous Meeting tending to rebellion. Its therefore on his motion ordered that the Sheriff take the said persons into Custody untill they give Security for their Appearance to the next Court there to Show Cause why they thus unlawfully Assemble”.

AT A COURT HELD FOR ORANGE COUNTY ON THE 25th DAY OF NOVEMBER 1737.

PRESENT:
 Goodrich Lightfoot.
 Robert Slaughter.
 Robert Green.

Francis Slaughter.
 Henry Fields.
 (Gentlemen Justices)

“Benja: Borden Gent John Smith John Pitts Edward Rogers & Jacob Whartington being taken into Custody of the Sheriff according to last Courts order appeared and being examined why they did thus Tumultuously Meet and gather together in a rebellious manner acknowledged their Error whereupon it is ordered by the Court that they be dismissed out of Custody paying fees.”

No. 3.
 ORDER BOOK 2 PAGE 81.

AT A COURT HELD FOR FREDERICK COUNTY ON TUESDAY
 THE 7th DAY OF MAY 1746.

PRESENT:

Morgan Morgan.)
 David Vance.) Gent. Justices.
 Meredith Helm.)
 John Linsey.)

The Grand Jury for this County being returned into Court made their several presentments as follows, to-sit:

We present Zuruiah Borden Deborah Borden and Macey Fearnley wife to William Fearnley for speaking several prophane scandalous contemptable words agst that Holy Order of Baptism on the information of George Johnston within six months last past.

We present Robert Denton and William Fearnley for Perjury by the information of John Ashley and Christopher Nation within six months last past.

ORDER BOOK 2 PAGE 140

AT A COURT HELD FOR FREDERICK COUNTY ON
 THURSDAY THE 7th DAY OF AUGUST 1746.

Grand Jury)
 vs) On Presentment.
 Zuruiah Borden Deborah)
 Borden & Macey Fearnley)

The defendants being presented for speaking several Prophane & scandalous words against the Holy Order of Baptism appeared & it appearing to the Court that since they had been Baptized and on their acknowledgment of their error the said presentment is dismissed they paying costs.

No. 4.

ORANGE COUNTY RECORD.

BENJAMIN BORDEN
 TO
 WILLIAM FEARNLEY & MERCY,
 HIS WIFE.

INSTRUMENT: DEED.
 DATED: NOVEMBER 26, 1742
 RECORDED: MAY 27, 1743.
 DEED BOOK 7 PAGE 226.
 ORANGE COUNTY.

CONSIDERATION: Five shillings current money of Virginia, and for the Love good will and **Natural** affection the said Benj. Borden hath for Wm. Firnley and Mercy his wife.

DESCRIPTION: Benjamin Borden grants Five Hundred Acres of Land being part of the said Benjamin Bordens **Grafe** Tract of Three Thousand One Hundred & Forty Three Acres of

Pattent Land Dated the Third day of October 1734 the said five hundred acres of land Beginning at Edw. Roger's Corner white oak and with his line E 5 degree North 440 poles to a black oak thence South 30 Degrs East forty four poles to a white oak and Black Oak thence South West 704 poles to a Black oak thence N. W. 50 poles to two white oaks (thence North) thence N. E. 230 poles to two white oaks thence N W 91 poles to a large white oak thence North E 122 poles to two white oaks thence North West 160 poles to the Beginning.

No. 5. BENJAMIN BORDEN.

INSTRUMENT: WILL

DATED: APRIL 3, 1742

PROBATED: Oct. 9, 1743.

RECORDED WILL BOOK 1 PAGE 4

"IN THE NAME OF GOD AMEN the third day of April in the year of our Lord one thousand Seven Hundred and forty-two I Benjamin Borden of Orange County in Virginia Yoeman being in good estate of **helt** and of sound Mind & membery thanks be given to God for it therefore caling unto Mind the mortality of my Body I do make this my last Will and Testament that is to say **princially** & first of all I give & recommend my sole unto God that give it and for my Body I recommend it to the Earth be buried in a Christian like manner at the decretion of my Executors nothing donting but at the General Reserrection I shall receive the same again by the Mighty Power of God and touching such worly estate it hath pleased God to bless me with in this life. I give & dispose of the same in manner & form following: Imprmiss I will all the funeral charges & my just debts should be paid and satisfied. **Itom** I give and bequeath to Zeruah Bordon my Wife all the improvement & what lands shee has or shall have acation be clear as long as shee Remains my widow & if shee should get married then shee shall have but half the improvement and what Land shee & her husband should have acation to clear of this plantation I now live on in Orange County in Virginia on Spought Run during her Natural life. **Itom** I give & bequeath to my son Benjamin Borden & my son John Borden & my son Joseph Borden to them and there heirs and assigns for ever this plantation and the lot on the said Spought Run that my Mill stands on of One Hundred & Fifty Acres that I have agreed to Rent to my said three sons to be equally divided between my son Benjamin and my son John & my son Joseph Borden in qality to be devided by ways of Lots drawing between my sons Benjamin & John & Joseph Borden Guardians that is all this Plantation I now live on excepting Eight Hundred Acres I give to Edward Rogos and his wife Hannah Rogos and the heirs of her body forever, and five hundred acres I give William Fearnley & my Daughter Marcey his wife to them and there heirs forever. **ITOM.** I give to my Daughter Hannah Rogos but five shilling shee having her possession before. My Will is all my Land & Estate that I have in New Jersey should besold and all my land at Bullskin and my Land on Smith Creek & North Sherrando and all my Enterrys every where and all my Lands on the Waters of James River should be sold excepting five thousand acres of land that is all good. I give to five of my Daughters that is Abegal Worthington and Rebeckah Branson and to Deborah Borden & Lidy Borden and to Elizabeth Borden that is one thousand acres of good Land a pease to every one of the said five Daughters above mentioned to them and their heirs and assigns forever, and all the rest of my Land to be sold as aforesaid excepting this I now live on to be all sold and equally divided between my wife and my son Benjamin & my son John & my son Joseph and my Daughter Abigal Worthington and Daughter Rebeckah Branson and my Daughter Marcey Fearnley & my daughter Deborah Borden & my Daughter Elizabeth Borden & my daughter Lidy Borden and my

moveables to be divided between by said Wife and sons Benjamin, John & Joseph Borden and my aforesaid six daughters Abegal, Rebeckah, Marcey and Deborah Lidy and Elizabeth Borden first before my movable Estate be devided there must be taken out my grate Brown Riding Horse and my Bay Mare that came of my grate hip shot Mare and the best bed with furniture to it good that I have in the house that I give to my wife first & all the rest to be equally between my wife & my aforesaid three sons and my six daughters a foresaid devided. I constitute and apoint my Wife Executrick & my son Benjamin Borden & my son in law William Fearnley Executors to this my Last Will & Testament and to Execute Deeds for the Land I have sold and ordered to be sold this Will I publish to be my last will & Testament and all other wills made by me void between the sixteen and seventeen line the Words this plantation is interlined & lower down the word be & all & my & acres is interlined before Sealing and sining in the Sixth line it is bloted the Word God in the fifteen line the Words and no longer is bloted out and the Word shee having five shillings is blotted out the word Executors all blotted out before Sealing & signing and the words and assigns is blotted out before sealing and signing.

BENJA BORDEN (SEAL) "

Sealed and **Dolivorod**
in the presents of ours
THOMAS SHARP
LANCELOT WESTCOTT
EDWARD O BORDEN
THOMAS HANKINS
THOMAS ROGCEE

No. 6. ORDER BOOK 2, Page 77. ORDER BOOK 3, Page 419.

No. 7. DEED BOOK 3, Page 6.

No. 8.

AT A COURT CONTINUED AND HELD FOR FREDERICK COUNTY ON WEDNESDAY THE 2nd DAY OF MARCH 1747.

Certificate for obtaining letters of Administration of the estate of William Fearnley deceased is granted to John Hardin his greatest creditor: Mercy the widow of the said William having in Court relinquished her right of administration to him; he having according to law taken the Oath of an administrator & with George Johnston & John Sturman his securities entered into Bond for his true & faithful administration of the said deceased estate and in Court acknowledged the same the said Bond was admitted to record.

Ordered that Peter Woolf John Hampton Robert Ashby & Edward Rogers, or any three of them being first sworn before a Justice of the peace for this County do meet to value & appraise the estate of William Fearnley deceased in Money & make return of their proceedings to the next Court.

No. 9.

AT A COURT CONTINUED AND HELD FOR FREDERICK COUNTY ON THE FOURTH DAY OF MARCH 1761.

PRESENT:

Lewis Stephens
Cornelius Russell
John Sheen

Thomas Caton
William Miller
John Greenfield.

Gentlemen Justices.

ORDER BOOK 9 PAGE 270

The guardianship of Thomas Farnley upon his motion, is granted

to Joseph Bordin and Edward Rogers Junr. they having entered into Bond with Robert McKay their security conditioned according to Law.

No. 10. DEED BOOK 7, Page 536.

No. 11. DEED BOOK 7, Page 75.

No. 12.
MERCY FEARNLY
TO
THOMAS FEARNLY

INSTRUMENT: RELEASE.
DATED: August 1, 1769.
RECORDED: AUGUST 1, 1769
DEED BOOK 13, PAGE 44

“Mercy Fearnly otherwise Borden widow & Relict of William Fearnly deceased, to Thomas Fearnly son & heir to the said Mercy of the said County and Colony”

CONSIDERATION: Of the natural Love and affection which I the said Mercy bear to the said Thomas Fearnly my son and for and in consideration of the sum of Five pounds current money.

DESCRIPTION: One certain tract of land. BEGINNING at Edward Roger's corner white oak and runing with his line East five North Three Hundred Poles to a Black oak, then south twenty one east sixty poles to the meadow to a white oak stump, thence south seventy seven east twenty seven poles to a Walnut thence East onn North fifty three poles to a post thence North East sixty poles to a Hiccorry thence south fifty eight east thirty two poles to a stake thence south west seven hundred and four poles to a white oak and black oak sapling thence north west ninety poles to a white oak, thence North East two hundred & thirty poles thence north west ninety one poles, thence north east one hundred & twenty two poles, thence north west one hundred & sixty poles to the Beginning containing Five Hundred Acres (500) as granted by Benjamin Borden Father to the said Mercy, to William Fearnly and the said Mercy then his wife and to the said Mercy and to her Heirs forever by deed bearing date the twenty sixth day of November one thousand seven hundred and forty two and recorded in the County Court of Orange.

NOTE: Release signed in the presence of: Robert Stephen and John Magill.

No. 13.
MERCY FEARNLY
TO
THOMAS FEARNLY

INSTRUMENT: BILL OF SALE
DATED: AUGUST 2, 1769
RECORDED: AUGUST 2, 1769
DEED BOOK 13, PAGE 99

CONSIDERATION: Forty Pounds

DESCRIPTION: One negro man named Will one Still three mares one bed and furniture one cow and two yearlings two sows & five shoats two Iron Potts & Hooks one ovel Table & Dressing Box together with all the rest residue & Remainder of my household Furniture.

NOTE: SIGNED: Mercy Fanly, in the presence of John MaGill, John McGinniss, Joseph Darke.

No. 14.

HOPEWELL MEETING MARRIAGE RECORD.

PAGE 31.

“Whereas Thomas Fernly of Frederick County in the Colony of Virginia and Martha Mellson of the said County Having declared their intention of marriage with each other before the monthly meeting of the

People Called Quakers in the County of Frederick aforesaid according to the good order used amongst them. Whose proceedings thereafter Deliberate Consideration thereof and having consent of Parent and Parties concerned, Nothing appearing to obstruct they were approved of by the said Meeting.

Now these are to Certifie all whome it may concern, that for the full accomplishment of their intentions this Twelfth day of the Twelfth month, One Thousand Seven Hundred & Seventy, They the said Thomas Fernly & Martha Mellson appeared in a Public Meeting of the said People met together at Crooked Run Meeting House in the County aforesaid, and the said Thomas Fernly taking the said Martha Mellson by the hand Did in a Solemn Manner openly Declare that he took her to be his wife Promising through divine assistance to be unto her a Loveing & Faithful Husband until it Please God by death to Seperate them, (or words to that effect) and then and there the said Martha Mellson did in like manner declare that she took the said Thomas Fernly to be her husband promising through devine assistance to be unto him a loving and Faithful Wife until it Please God by death to separate them (or words to that effect) Moreover the said Thomas Fernly and Martha Melson, she according to the custom of Marriage Assuming the name of her Husband, as a further confirmation thereof Did then and there to these Presents set their Hands & We whose names are under subscribed being Present at the Solemnization of their said Marriage subscript in manner as above said as Witness thereunto have also to these presents set our hands the Day and Year above Written.

THOMAS FERNLY
MARTHA FERNLY

Sarah Walker
Hannah Painter Jnr.
Abigail Ellis
Mary Wright
Mary Haines
Esther Haines
Martha Fawcett
Martha Branson
Mary Ellis.

John Painter Jnr.
And. McKay
Anthony Moore
Robert McKay
Thomas Fawcett
John Kemp
Jacob McKay
Caleb Remy
Wm (WE) Ellis
(his mark)

Mercy MacKay
Deborah Hendry
George Hendry
Edward Rogers Jr
Robert McKay Senr.

No. 15.
MINUTE BOOK 1773—1780, PAGE 88.

AT A COURT CONTINUED AND HELD FOR FREDERICK COUNTY
MARCH 8th 1775.

Ordered that the Church wardens do bind Sarah Beckett a poor orphan to Thomas Farnley and Mary his wife till she come of age she being 10 years old the 17th day of next June who are to teach her to read and write and the trade of a Tayloress and at the expiration of the time to give her a Feather bed & Furniture of the value of 4 pounds and two units of apparel.

No. 16. DEED BOOK 24B, Page 376.

No. 16A. DEED BOOK 27, Page 32.

No. 17.

THOMAS FARNLEY & MARTHA HIS WIFE

TO

WILLIAM HAY, of the City of Richmond.

INSTRUMENT: INDENTURE

DATED: September 5, 1808

RECORDED: September 6, 1808

DEED BOOK 31 Pages 197-98-99

CONSIDERATION: Three thousand and ninety nine pounds current money of the Commonwealth aforesaid by the said William Hay.

WORDS OF CONVEYANCE: All that tract of land where on they now reside situate lying and being in the County of Frederick aforesaid containing five hundred and sixteen and a half acres as per a survey thereof made by John Wright on the thirteenth day of January one thousand eight hundred and seven, being a part of a larger tract of land conveyed by Benjamin Borden to William Farnley Father to the said Thomas Fearnley and to Mercy his wife by deed of Lease and release dated on the twenty-fifth and twenty-sixth day of November one thousand seven hundred and forty two, recorded in the County Court of Orange.

DESCRIPTION: Survey by John Wright: BEGINNING at A. a white Oak Roger's corner and extending with his line north eight degrees East four hundred Sixty three and a half poles to B a stone in said line; thence south twelve degrees east forty-two poles to a white oak at C, thence South forty one Degrees west four hundred and fifty-four poles to D, a stake R. Fawcetts corner (being a part of the land) thence with the same North west seventy two poles to E a locust post by a Marked white Oak thence North fifty Degrees west ninety two and a half poles to F, a white oak one of the original corners, thence North forty Degrees East one hundred and twenty six poles to G. an old dead Black Oak thence North fifty one and a half Degrees west one hundred and sixty one poles to the Beginning, containing five hundred Sixteen acres and one half. NB. South thirty five degrees East thirty five Poles L C south forty-one Degrees West Seventeen and a half poles in possession of James Baker contents two acres and sixteen poles in controversy and all houses buildings, gradens, etc.

SIGNED: Thos. Farnley, Martha Farnley, in presence of W. Cook, Philip Nelson, Jno Hay and Elisha Smith.

No. 18. DEED BOOK 35, Page 296.

No. 19. DEED BOOK 40, Page 42.

No. 20. DEED BOOK 40, Page 280.

No. 21.

WILLIAM HAY SENR.

INSTRUMENT: WILL

DATED:

PROBATED June 6th 1825

WILL BOOK 12 PAGE 433.

"I William Hay of the County of Frederick and State of Virginia being in good health and sound mind and memory do make this my last will and testament in manner and form following having heretofore made

appointments and provision for my three sons John, William and James by deeds to them, little of what a kind providence has blessed me with remains to be disposed of and therefore I make this will with a view to avoid any difficulties or disputes after my death. This will was wrote on the first day of October in the year of our Lord one thousand eight hundred and seventeen, and having conveyed to my son William a larger portion of my estate than to John and James by at least ten thousand dollars for the purpose of paying all the debts I owed and on whom I depended to make a small provision for the daughters of my son John, but he has entirely failed in his circumstances and left the balance of my debt to Mr. Thomas Farnley now over three thousand dollars and a debt which I owed to Mr. Oliver Funston and more-over in arrears for my annuity and for my son James has very generously come forward and had undertaken to pay what of my debts remain unpaid. Therefore I deem it just to devise to him whatever property I may possess real and personal wheresoever situated. I therefore devise to him and his heirs forever all the rest and residue of my estate real and personal to enable him to pay my debts especially a tract of land lying on Green River in the County of Lincoln in the state of Kentucky containing two thousand acres conveyed to me by John Garland and wife by two deeds recorded in the County of Lincoln and Court of Appeals of Kentucky. Also another tract in the same state lying on the West fork of Crocus or Marrowbone Creek a branch of Cumberland containing five hundred acres which I hold by deed from the register of the land office of the State of Kentucky by deed dated June 20, 1818 and recorded in the Court of Appeals in Kentucky 2 Nov. 1818 I held this tract under patent to Thomas Bently but as he died before it was legally transferred by the advice of my agent George Clark he suffered the tract to be sold for taxes and bought it in my name and took the deed from the register Also a tract of 900 acres surveyed by Mr. Walter Dunn lying within one mile of the Scioto and seven miles of Columbus in the State of Ohio the survey of which he has not returned to the land office though I have paid the taxes thereon for a great many years, and for want of legal transfer of warrant on which it was surveyed in consequence of the death of the said Thos. Bently I suffered it to be sold for the taxes and my agent Geo. Clark bought it in my name but could not get a deed as the survey was not returned since I have bought it I have paid the taxes by Mr. Clark but he writes me that he has intermitted paying the taxes since the year 1819 and perhaps it may be lost in consequence thereof, but I have been informed by Mr. Walter Dunn that military lands are not liable to be lost by the non payment of taxes until the survey is returned and as the land is very valuable it will be important to save it if possible.

At a Court hld for Frederick County the 6th day of June 1825 This Last Will and Testament of William Hay Senr deceased was produced to the Court and there being no subscribing witnesses thereto was proved to be altogether in the hand writing of testator by the oaths of Nathaniel Burwell and Frances B. Whiting And the said Frances B. Whiting also deposed that a few days previous to the death of testator he asked him if he had made a will who replied that he had and that it was in his desk, that he asked the testator if he had any objection to his seeing the will. That he replied he had not and requested him the deponent to get it from his desk, that he deponent did accordingly get from the desk the paper now presented to the Court which the testator after looking at sometime declared was his will. And thereupon said will was ordered to be recorded. And at a Court continued and held for the County aforesaid the 10th day of June in the year aforesaid It appearing to the satisfaction of the Court that William Hay Senr. has been dead for more than three months and no person appearing to administer on his estate Ordered that the Sheriff of this County do take possession thereof and dispose of the same agreeably to law.

By the Court.
T. A. Tidball, C. F. C.

No. 23. DEED BOOK 53, Page 242.
WARREN COUNTY RECORDS

No. 24. DEED BOOK A, Page 176.

No. 25.

ORDER BOOK 2 PAGE 313

September 1, 1747

Ordered that a Road be cleared the nearest and best way from the Chappel at James Cunninghams to the Chappel at Robert McCoys spring and John Hardin and Samuel Earle are hereby appointed Surveyors thereof the said Hardin from the said Chappel at Cunninghams to the Spring called Bordens Great Spring and the said Earle from the said Great Spring to the Chappel at McCoys Spring and that the Tithables living within four miles of each side and two miles at each end of the said Road (except the tithables on the South side of the River) clear and work on the same. And it is further ordered that the said Hardin and Earle keep the said Road in good repair according to law.



The Right Honourable Thomas Lord Fairfax Baron of Cameron in that Part of Great Britain called Scotland Proprietor of the Northern Neck of Virginia To all to whom this present Writing shall come Greeting. Know Ye that for good Causes for and in Consideration of the Composition to Me paid And for the annual Rent hereafter reserved I have given granted and confirmed And by these presents for my Heirs and Assigns do give grant and confirm unto George Fairfax Esquire of the County of Fairfax a certain Tract of waste and ungranted Land in Frederick County on the Long Marsh joining Thomas Johnston's Land, and Bounded as by a Survey thereof made by Mr James Gern as followeth Beginning at three Hickories Corner Trees to Thomas Johnston's Land and Extending thence along his Line S. 1. W. One hundred Seventy two Poles to a Locust Johnston's Corner thence along another of his Lines S. 34. E. One hundred and fifty Poles to a white Oak another Corner, thence S. 75. E. One hundred sixty eight Poles to a large Hickory, thence N. 38. E. One hundred and sixty Poles crossing a Spring Run to three red Oaks marked Ex. on a Ridge, thence N. 30. E. Four hundred thirty six Poles to a Hickory and red Oak also marked Ex. thence N. 60. W. Ninety Poles to a large white Oak likewise marked Ex. thence N. 7. E. Four hundred and twenty Poles crossing Long Marsh to two red Oaks and a white Oak also marked Ex. in a Popson's Field by a Road Side, thence N. 65. W. One hundred thirty four Poles to a white Oak Ex. by the Marsh Side, thence S. 20. W. Two hundred and eighteen Poles to a red Oak Ex. thence N. 21. W. Five hundred fifty eight Poles to a red Oak and white Oak Ex. in a Valley, thence S. 25. W. One hundred forty four Poles to a black Walnut by a Limestone Rock, thence S. 22. 30. E. Ninety six Poles to a white Oak Ex. thence S. 20. E. Three hundred and sixteen Poles to three red Oaks Ex. in a Bottom in the aforesaid Thomas Johnston's Land finally along his Lines S. 20. E. One hundred fourteen Poles to the Beginning containing Three thousand twenty three Acres Together with all Rights Members and Appurtenances thereunto belonging Royal Mines Excepted And a full Third part of all Lead Copper Iron Coals Iron Mines and Iron Ore that shall be found thereon. To have and to hold the said Three thousand and twenty three Acres of Land Together with all Rights Profits and Benefits to the same belonging or in my Mine appertaining Except before Excepted To Him the said George Fairfax his Heirs and Assigns for ever. He the said George Fairfax his Heirs or Assigns thereon Yielding and Paying to Me my Heirs or Assigns, or to my certain Attorney or Attorneys, Agent or Agents or to the certain Attorney or Attorneys of my Heirs or Assigns Proprietors of the said Northern Neck Yearly and every Year on the Feast Day of St Michael the Archangel the Fee Rent of One Shilling Sterling Money for every fifty Acres of Land severally granted and so proportionably for a Greater or lesser Quantity. Provided that if the said George Fairfax his Heirs or Assigns shall not Pay the before reserved annual Rent so that the Same or any Part thereof shall be behind or unpaid by the Space of Two whole Years after the Same shall become Due if lawfully Demanded That then it shall and may be Lawful for Me my Heirs or Assigns Proprietors as aforesaid My or their certain Attorney or Attorneys Agent or Agents into the above granted Premises to Reenter and hold the same So as if this Grant had never Passed. Given at my Office in the County of Fairfax within my said Proprietary under my Hand and Seal. Dated this seventh day of June in the Twenty third Year of the Reign of our Sovereign Lord George the second by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c. D. One thousand Seven hundred and forty nine

Registered in the Proprietors' Office
in Book C. fol. 170

Fairfax

Chapter IX

Notes on the Washingtons of "Fairfield"

The first person to establish a home on the land which became the "Fairfield" estate¹ was Warner Washington, which, according to "Historic Homes of Northern Virginia" by Jno. W. Wayland, was about the year 1765. This man was the eldest son of John Washington,² an uncle of General George Washington, and his wife Catharine Whiting. Warner Washington was born at Bridge's Creek, Virginia about 1715,³ and died at his "Fairfield" estate some time before Sept. 1st, 1791 at which date his will was probated in the Winchester District Court. This Warner Washington was twice married. His first wife was Elizabeth daughter of Col. William Macon of New Kent County,⁴ Virginia. By this marriage he had but one child, Warner Washington Jr. who was born in Gloucester Co., Virginia April 15, 1751. About 1764⁵ he married Hannah, daughter of Col. William Fairfax of "Belvoir" Fairfax Co., Virginia, and a sister of that Col. George William Fairfax under whom George Washington first worked as a surveyor. Warner Washington Sr. had the following children by his second wife, Hannah Fairfax:

- ⁶(1) Mildred Washington, born at "Fairfield" about 1765, married Dec. 13, 1785 to Albion Throckmorton.
- ⁷(2) Hannah Fairfax Washington, born at "Fairfield" April 1767, married June 10, 1788 to Peter Beverley Whiting.
- ⁸(3) Catharine Washington, born at "Belvoir" April 7th, 1769, married Nov. 3, 1789 Dr. John Nelson of Frederick City, Md.
- ⁹(4) Elizabeth Washington, born at "Fairfield" 1771, married June 11th, 1795 to George Booth of Gloucester Co., Virginia.
- ¹⁰(5) Louisa Washington, born "Fairfield" about 1775 married January 18th, 1798 her first cousin Thomas, son of Rev. Bryan Fairfax.
- ¹¹(6) Fairfax Washington, born at "Fairfield" about 1778, died Elkton, Kentucky, married October 18, 1798 Sarah Armistead (D'Armstadt) of "Hesse", Gloucester Co., Virginia.
- ¹²(7) Whiting Washington, born "Fairfield" about 1780, died in Logan County, Kentucky, married February 23rd, 1804, Rebecca Smith of "Battletown", Frederick (now Clarke) Co., Virginia.

At this point it seems proper to call attention to the fact that the records of this county do not bear out the oft published statement that this Rebecca Smith was the daughter of Col. Charles Smith and Rebecca his wife. This Col. Charles Smith is said to have been with Col. Washington in his campaign of 1754 against the French & Indians, and our records show that he was an Ensign of the 1st Virginia Regiment in 1756, Captain of Militia 1763, High Sheriff of the County, Vestryman of the Parish, member of the County Court, etc., etc. The town of Berryville, many years later, was laid out on his estate "Battle-town". The house built by him still stands and is at present the residence of Judge (Miss) Rose MacDonald. His wife was Rebecca, daughter of Col. John Hite and Sarah Eltinge his wife. He died, sometime before May 7, 1776 when his will was probated, and in it names his four children, viz: John, Charles, Elizabeth Hite and Sarah Ann. His son John removed to Rockingham County Virginia and from the chancery cause entitled Smith's Heirs—vs—Brown et als. filed in 1801, it would appear that by this time John Smith was dead leaving nine children, among whom is named a certain Rebecca H. Smith. I think it is extremely probable that Whiting Washington's wife was this grand daughter of Col. Charles & Rebecca (Hite) Smith.

The following conveyances recorded in the Frederick County Clerk's Office, together with the wills of Warner Washington Sr., and Hannah Fairfax Washington his wife, show how Fairfax and Whiting Washington became possessed of their property in Frederick County, and how they disposed of it.

D B SC5 p693, Apr. 25, 1808. Charles Smith Jr. to Whiting Washington—4 acre lot in Berryville.

D B 31 p431, Feb. 8, 1809. Fairfax and Whiting Washington Deed of Trust to Francis Whiting on the following slaves, Scipio, Congo, Charles, Greenwich, Bob & Godfrey property of Fairfax Washington, and Nanny and her 3 or 4 children, Edy and Mima her sister and Moles, property of Whiting Washington, to secure their bonds held by Francis Whiting in the amount of £773.

D B 31 p431 May 1, 1809. Whiting Washington & Rebecca his wife Deed of trust to A. H. Powell on 70 acres of land adjoining Charles Smith et als. & part of a larger tract known as White Oak Bottoms to secure Bushrod Taylor for a debt of £295.

D B 32 p210, Nov. 10, 1809. Whiting Washington & Rebecca his wife to Mordecai Throckmorton 150 acres adjoining Larue and Fairfax Washington, part of a larger tract on which the said Whiting Washington now lives. Consideration £1090.

D B S 6 p350. Apr. 23, 1811. Whiting Washington & Rebecca his wife to Stephen Glasscock for consideration of \$2500.—a 4 acre lot in Berryville improved with a dwelling.

D B SC 6 p349. Apr. 23, 1811. Whiting Washington & Rebecca his wife to Philip Burwell for consideration of £300, 25 acres "Beginning at a corner of William Byrd Page".

D B SC 6 p340. Apr. 30, 1811. Whiting Washington & Rebecca his wife to Philip Burwell for consideration of £3300, 275 acres adjoining Jabez LaRue, Warner Washington Jr., William Byrd Page, William A. Booth.

D B 33 p128. Nov. 6, 1809. Fairfax Washington & Sarah his wife to Whiting Washington. Deed of Partition allotting to Whiting Washington his portion of their Father's estate, being the southern half, containing 905 acres.

D B 32 p342. Nov. 6, 1809. Fairfax Washington & Sarah his wife to William Byrd Page.¹³ Consideration of £8000, 853 acres whereon sd. Fairfax Washington now resides commonly called "Fairfield" and being part of a larger tract conveyed by George William Fairfax and Sarah his wife to the late Warner Washington, dec'd by indentures of record in the General Court of Virginia and which under a devise of said Warner Washington, and by a partition with Whiting Washington became the property of sd. Fairfax Washington.

D B 33 p118. Oct. 27, 1810. Fairfax Washington & Sarah his wife to Samuel LaRue, 8 acres Consideration \$150.

It should be stated that "Fairfield"¹⁴ still stands and excellent pictures of the house and gardens may be seen in "Historic Homes of Northern Virginia" above referred to. The house built by Whiting Washington stands about two miles north of Berryville on the East side of the road to Charles Town and was (and is) called "Elmington".¹⁵

The tradition in the Washington connection seems to be that Fairfax and Whiting Washington, sustained large losses through the misfortunes of their half-brother, Warner Washington Jr. This unfortunate man, because of high play, as the story goes, lost successively the large estates of "Clifton", "Audley" and "Llewellyn". Whatever the cause, our records show without doubt that he owned and lost all the lands, listed above.

Warner Washington Jr. married twice—Mary Whiting¹⁶ by whom he had nine children, and secondly Sarah Rootes by whom he had seven children.¹⁷

MARRIAGE RECORD

1. Fairfax Washington married Sarah Armistead, October 18, 1798—by Alexander Balmain.
2. John Washington married Frances Baylor, January 16, 1799—by Alexander Balmain.
3. Whiting Washington married Rebecca Smith, February 23, 1804—by Alexander Balmain.
4. Henry Washington married Louise Whiting, May 2, 1815, and T. A. Tidball, was surety on the bond.

5. Perrin Washington married Hannah F. Whiting, December 24, 1824. Treadwell Smith, surety.
6. Fairfax Washington married Emily Whiting, October 29, 1831. Herbert Washington, surety.
7. Lawrence Augustine Washington married Mary Dorcus Wood, Nov. 6, 1797 — by Alexander Balmain.
8. Mildred Washington married Albion Throckmorton, Dec. 13, 1785 — by Alexander Balmain.
9. Hannah Washington married Peter Whiting, June 10, 1788 — by Alexander Balmain.
10. Frances Washington married William Tapscott, February 1, 1789 — by Alexander Balmain.
11. Catherine Washington married John Nelson, November 3, 1789 — by Alexander Balmain.
12. Frances Washington married William Snickers, May 30, 1793 — by Alexander Balmain.
13. Elizabeth Washington married George Booth, June 11, 1795 — by Alexander Balmain.
14. Louisa Washington married Thomas Fairfax, January 18, 1798.

Richard E. Griffith
August 1942

THE WASHINGTONS OF FAIRFIELD — NOTES

1. In young George Washington's "Journal of my Journey over the Mountains, began, Friday, the 11th of March, 1747 — 1748" is found the record of a survey made by him and George William Fairfax under the supervision of James Genn on March 15, 1748 (O. S.) of a tract of 3,023 acres on Long Marsh in the present Clarke County. On July 11, 1749 Lord Fairfax granted this land to his kinsman, George William Fairfax. The latter by deed of Nov. 5, 1770 (see below) conveyed the entire tract to his brother-in-law, Warner Washington, Sr, who had, it now seems fairly certain, built Fairfield, his impressive home, upon it more than a year before the deed was signed. This conveyance was recorded in the High Court of Chancery in Williamsburg. All the records of this Court were destroyed by fire in Richmond in 1865. John Richardson bought Fairfield in 1830 and was its fourth owner. He managed to secure what is almost certainly an authentic copy of the original 1770 deed. This copy is now owned by Ralph R. Richardson, Fairfield's present owner. Through his courtesy it is herewith reproduced:

This Indenture made the fifth day of November in the year of our Lord 1770, between the Honble George William Fairfax, of the County of Fairfax esquire, and Sarah his wife, of the one part, and Warner Washington, of the County of Frederick Esquire, of the other part. Witnesseth that for and in consideration of the sum of Two thousand pounds current money by the said Warner Washington, to the said George William Fairfax in hand paid, at or before the sealing and delivery of these presents, the receipt whereof he doth hereby acknowledge and thereof acquit and discharge the said Warner Washington, his exrs & admns, they the said George William Fairfax and Sarah his wife, have granted, bargained, sold, aliened and confirmed, and by these presents do grant, bargain, sell, alien and confirm unto the said Warner Washington, his heirs and assigns all that tract or parcel of land containing three thousand and twenty three acres lying & being in the said County of Frederick on the Long Marsh, joining Thomas Johnston's land, and bounded as followeth, to wit; Beginning at three hickory's, corner trees to Thomas Johnston's land, and extending thence along his line South thirteen degrees West, One hundred and Seventy two poles to a locust Johnston's corner, thence along another of his lines South thirty four degrees East One hundred and fifty poles to a white oak another corner, thence South Seventy five degrees East One hundred Sixty eight poles

to a large hickory, thence north fifty eight degrees East one hundred and Sixty poles crossing a spring run to three red oaks marked FX on a ridge, thence north thirty degrees East four hundred and thirty Six poles to a hickory and red oak also marked FX, thence north Sixty degrees West, ninety poles to a large white oak, likewise marked FX, thence north Seven degrees East four hundred and twenty poles crossing long Marsh to two red oaks and white oak, also marked FX in a Poyson'd field by a road side, thence north Sixty five degrees West, One hundred and thirty four poles to a white oak FX by the marsh side, thence South twenty degrees West, two hundred and eighteen poles to a red oak FX, thence north Eighty degrees West, five hundred fifty poles to a red oak and white oak FX in a valley, thence South twenty five West, One hundred forty four poles to a black walnut by a Limestone Rock, thence South thirty three degrees thirty minutes East, ninety Six poles to a white oak FX, thence South twenty degrees East, three hundred and Sixteen poles to three red oaks FX in a bottom in the aforesaid Thomas Johnston's lines, finally along his line South Eighty degrees East, one hundred and fourteen poles to the beginning; which said tract or parcel of land was granted to the said George William Fairfax by the Right honourable Thomas Lord Fairfax proprietor of the Northern neck of Virginia, by deed dated the eleventh day of June in the year one thousand Seven hundred and forty nine, registered in the Proprietor's office in book G. folio 170, with all houses, buildings, gardens, orchards, woods, ways, waters, profits, commodities, hereditaments and appurtenances whatsoever to the said premises hereby granted or any part thereof, belonging or in any wise appertaining, and the reversion & reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate right, title, interest, use, trust, property, claim and demand whatsoever of them the said George William Fairfax and Sarah his wife, or either of them, of in and to the said premises—and all deeds, evidences and writings touching or in any wise concerning the Same. To have and to hold the lands hereby conveyed, and all and singular other the premises hereby bargained and Sold, and every part and parcel thereof, with their and every of their appurtenances unto the said Warner Washington, his heirs and assigns for ever, to the only proper use and behoof of him the said Warner Washington and of his heirs and assigns for ever. and the said George William Fairfax for himself, and his heirs doth covenant and grant to and with the said Warner Washington, his heirs and assigns by these presents that he the said George William Fairfax now at the time of Sealing and delivering of these presents, is Seised of a good, sure, perfect and indefeasable estate of inheritance in fee Simple of and in the premises hereby bargained and sold, and every part thereof, and that he hath good power and lawful and absolute authority to grant and convey the same to the said Warner Washington, his heirs and assigns in manner and form aforesaid, and that he the said George William Fairfax and his heirs, all and singular the premises hereby bargained & sold & every part thereof with the appurtenances unto the said Warner Washington, his heirs and assigns against him the said George William Fairfax and his heirs and all and every other person & persons whatsoever lawfully claiming or to claim the same shall and will warrant and forever defend by these presents. In witness whereof the parties to these presents have hereunto interchangeably set their hands and affixed their seals the day and year first within written.

Sealed and delivered
in presence of us

G. W. Fairfax (LS)

Virginia Sct. at a General Court held at the Capitol
the 5th day of November 1770.

This Indenture was acknowledged by
George William Fairfax esquire, a party thereto, &
Ordered to be recorded.

Teste

Ben W Allen cg. cerd:

A Copy

Teste Wilson Allen C. G. C.

Fairfax
to Copy deedWashington
\$1.57 Cents
Mr. Wolfe
Description copied
from the patent
with all its errors.

2. John Washington (Nov. 12, 1692—Sept. 1, 1746) married Catherine Whiting (also spelled Katharine), daughter of Major Henry Whiting of Gloucester County, July 9, 1716. She was born May 22, 1694 and died Feb. 7, 1743. Warner Washington was their second son and third child.
3. Warner Washington, Sr., of "Fairfield" was born September 22, 1722; he died at his home, June 23, 1790. (Washington Bible record).
4. Warner Washington, Sr. married Elizabeth Macon on Dec. 1, 1747. They had four children: a boy and girl born Aug. 1, 1748, died the same day; John, born Aug. 5, 1749, died in November 1758, and Warner, born April 5, 1751. Elizabeth (Macon) Washington died April 28, 1763, 34 years of age.
5. Warner, Sr. married Hannah Fairfax (Aug. 1742—May 29, 1804) on May 10, 1764. She was the only daughter of William Fairfax of "Belvoir" by his second wife, Deborah Clarke.
6. Born March 22, 1766 (a Saturday).
7. She was born April 20, 1767, died in 1828, and was buried in the Old Chapel Cemetery. Her husband was a son of Peter Beverley and Elizabeth (Burwell) Whiting of Elmington, Gloucester County, the ancestral home of the Virginia Whitings. His mother was one of the three charming daughters of Governor Lewis Burwell whose home, White Marsh, adjoined the Whiting estate. Peter Beverley Whiting, Jr. was the last Whiting owner of Elmington. He sold it in 1804 only a few months after he came into full possession through his mother's death. After its sale he moved to Loudoun County where he died several years later. Following his death his widow moved to what is now Clarke County and lived there until her death.
8. According to the Washington Bible, to which reference has hitherto been made, Catharine Washington was born April 1, 1789. Her great granddaughter, Mrs. Mary Funsten Reed, is authority for the statement that she was baptized at Mount Vernon, with General Washington acting as Godfather. Dr. Nelson, who practiced medicine in Berryville, Va., for some years after his marriage served in the Revolution as both an infantry officer and as surgeon of Gist's 6th Maryland Regiment. Dr. Nelson died in 1806. On Feb. 10, 1812, Catharine (Washington) Nelson married, 2nd, John Milton of Milton Valley near Berryville. He was a churchwarden of Frederick Parish and a member of its vestry as late as 1814. He died at his home in 1818 and thereafter his widow lived at Roseville, near Boyce, until her death on July 6, 1845. She and four of her children rest in the Old Chapel graveyard. Of her and her sister Hannah, Bishop Meade wrote, "they were long and well known to me as among the best of women."
9. There were eight not seven children born to Warner and Hannah (Fairfax) Washington. Their fourth child was named Frances Moseley. She was born Nov. 30, 1770 and died Nov. 30, 1772. Elizabeth, the fifth child, was born Sept. 21, 1773. George Booth was an M. D.
10. Louisa, the 6th child, was born Nov. 9, 1775. Thomas Fairfax was her blood cousin and she was the second of his three wives. He was the son of the Reverend Bryan Fairfax (1736—Aug. 7, 1802), who became the 8th Lord Fairfax of Cameron in 1793, and a grandson of William and Deborah (Clarke) Fairfax of Belvoir. Thomas Fairfax (1762-1842) became the 9th Lord Fairfax, de jure. He married, 1st, Mary Aylett. Louisa (Washington) Fairfax died April 28, 1798, just 2 months and 10 days after her marriage. Thomas married, 3rd, Margaret Herbert.

11. On March 11, 1778, General Washington wrote to George William Fairfax "Your sister Washington goes on teeming, but cannot produce a boy." His "sister Washington" lost little time in proving how wrong even the "Father of his Country" could be by giving birth on June 28, 1778 to her first son.
12. Whiting Washington was born in September, 1780. He was the eighth and last child of Warner and Hannah (Fairfax) Washington. All the birth dates for their issue given here are taken from what was obviously a page of an old Washington family bible. This page is reproduced opposite p. 74 in a FUNSTEN—MEADE genealogy, compiled by Howard S. F. Randolph, Assistant Librarian, New York Genealogical and Biographical Society, and published in 1926 by The Knickerbocker Press, New York.
13. William Byrd Page was of that branch of the Virginia Pages known as the North End Pages. He was the eldest son of Mann and Mary Mason (Selden) Page, of North End, Gloucester County. His father was in turn the eldest son of the Hon. John Page of North End and his wife, Jane Byrd, daughter of Col. William Byrd of Westover and his second wife, Maria Taylor, William Byrd Page, whose father is described in both the Page and Lee genealogies as being of "Fairfield in Clarke County", married about 1793 Anne Lee (1776-August, 1857), eighth child of Henry and Lucy (Grymes) Lee of Leesylvania, and a sister of that brilliant Revolutionary officer, Light Horse Harry Lee. William Byrd and Anne (Lee) Page had nine children, the last two were born at Fairfield. Their seventh child may possibly have been born there also.
14. Fairfield was built of limestone with outer walls two feet thick and thick inner walls of stone. The house is a full two stories high with a hipped roof pierced at the ridge by two chimneys; it has one story wings with end chimneys. In later years under Richardson ownership terminal houses have been added to the wings, dormer windows to the main roof, and some changes have been made in the interior. For a fine description of the architecture of this home see the late Thomas T. Waterman's work. A brief illustrated sketch of Fairfield will be found in the 1950 edition of HOMES AND GARDENS IN OLD VIRGINIA, pp. 499-503, published by Garrett and Massie, Inc., Richmond, Va.
15. Elmington was built by Whiting Washington almost certainly before his marriage, Feb. 23, 1804, perhaps in 1803 or even earlier. It was obviously named after the ancestral home of the Virginia Whitings in Gloucester and in honor of its builder's lineal descent from that family. The house stands a short distance south of Fairfield. On April 30, 1811 Whiting Washington sold 275½ acres of his Fairfield land including his home to Philip Burwell of Chapel Hill. Several years later the latter conveyed this same tract to Judge Bennett Taylor, who had married Susan Beverley Randolph, eldest daughter of Edmund Randolph, a Governor of Virginia, the first Attorney General and the second Secretary of State of the United States. Judge Taylor died in 1816, his widow on Oct. 12, 1846, aged about 65 years. All three sleep in the same lot in Old Chapel Cemetery, as does their grandchild, infant child of J. C. R. Taylor. Elmington was bought by Hobson C. McGehee of Berryville, its present owner in the spring of 1953.
16. Mary Whiting (March 30, 1754-1794) was the second daughter and third child of Francis Whiting (1720-June 24, 1775) of Gloucester and Frances Perrin whom he married Jan. 24, 1747. Her father seems to have been unfortunate in his business affairs—his slaves ran away, persons to whom he lent fiduciary funds failed to repay—and these were but two of the misfortunes which beset him. But there were bright and joyous days too: "He may be met in the diaries of George Washington fox-hunting at Belvoir and Mount Vernon in the happy days before the Revolution". After his marriage he migrated to the Lower Shenandoah Valley and was the first Whiting to settle west of the Blue Ridge. He managed General Washington's Bullskin farm, but with small profit to its owner. Occasionally he lent the General a favorite hound. Francis

and Frances (Perrin) are the progenitors of most of the Shenandoah Valley Whittings, but not of all of them.

17. As an addendum to Mr. Griffith's account it may be of interest to list here in chronological order the children born to Warner Washington, Jr. The first nine are those of his first wife and they were all born at Clifton: the remaining seven are those of his second wife, who were all born at Audley:

1. Warner, born in December, 1771.
2. John, born October 4, 1773.
3. Frances, born April 30, 1775.
4. Emily, born May 8, 1778.
5. Sydney, born May 31, 1780.
6. Henry, born March 8, 1782.
7. Francis Whiting, born in 1784.
8. Beverley, born August 25, 1786.
9. Perrin, born February 7, 1790.
10. Reade, born May 28, 1796.
11. Thacker, born December 5, 1797.
12. Elizabeth.
13. Fairfax.
14. William Herbert, born in May, 1803.
15. Alexander Hamilton.
16. Mary Herbert, born in 1808.

18. Of the 14 marriages listed in Mr. Griffith's "Marriage Record" the 1st, 3rd, 8th, 9th, 11th, 13th, and 14th all appear in his NOTES on the WASHINGTONS OF FAIRFIELD.

The John Washington of the second was the son of Warner and Mary (Whiting) Washington. His wife was probably one of the Baylors of Jefferson Co., W. Va.

The Henry Washington of the fourth was a brother of the above John. He made his home in Berryville and practiced medicine there for some years.

The Perrin Washington of the fifth was the above Henry's youngest brother. His wife was a daughter of Peter Beverley and Hannah Fairfax (Washington) Whiting. They were married in the Old Chapel by Bishop Meade.

The Fairfax Washington of the sixth was the 13th child of Warner Washington, Jr. His wife was a daughter of Lewis Burwell Whiting.

The Lawrence Augustine Washington of the seventh was a son of Samuel Washington, who as Colonel of the Militia of Frederick County had appointed Gen. Daniel Morgan a captain of Militia, and a nephew of George Washington. His wife was a daughter of Robert Wood and a granddaughter of James Wood, founder of Winchester, Va.

The Frances Washington of the tenth cannot be identified.

The Frances Washington of the twelfth was, apparently, the daughter of Warner and Mary (Whiting) Washington. William Snickers was a son of Edward Snickers for whom Snickers Gap and Snickers Ferry were named. William once owned Clermont, near Berryville, and lived there.



FAIRFIELD



AUDLEY

Chapter X

Audley

The tract of land in Clarke County, Virginia known as "Audley" is part of 3,023 acres granted June 11, 1749 by patent from Lord Fairfax to Col. George William Fairfax of "Belvoir", Fairfax County, Virginia. A son of that William Fairfax, who in 1732 had succeeded Col. Robert Carter as agent for the Northern Neck Proprietary, Col. Geo. Wm. Fairfax had been an associate of George Washington in surveying the Fairfax lands in the Shenandoah Valley, and on the death of his father (William) in 1757 had succeeded to the agency. He directed the affairs of the Proprietary and maintained the Land Office at "Belvoir" until his departure for England in 1760. Col. Fairfax had been active in the setting up of Frederick County in 1743 and was the first Colonel of Frederick County Militia, which commission he held during the French & Indian War. He was a Justice of Frederick County and represented the county in the House of Burgesses 1748-1750.^a

At some time after the year 1764, Col. George William Fairfax sold [1600 acres of] this tract to his brother-in-law Warner Washington Sr., by indentures of lease and release recorded in the High Court of Chancery at Williamsburg. The records of this court were completely destroyed in the burning of Richmond in 1865, but references to this conveyance are made in Frederick County Clerk's Office Deed Book 27, page 256 and Deed Book 32, page 342. This tract Warner Washington Sr. named "Fairfield."

At least five members of the Washington family were named Warner, and four of these resided, at one time or another, in the Shenandoah Valley. The Warner Washington Sr. to whom Col. George William Fairfax made this conveyance was the son of John Washington and Catherine Whiting, his wife, and was a first cousin of George Washington. He was born at the Bridges Creek plantation about 1715^b and died at "Fairfield" Clarke County, Virginia in 1791. He married first, Elizabeth Macon of New Kent County by whom he had one child, Warner Washington Jr.^c For his second wife he married Hannah Fairfax, daughter of William Fairfax and sister of Col. George William Fairfax, by whom he had five daughters^d and two sons. The family record shows that the

third child was born at "Belvoir" in 1769 and the fourth child at "Fairfield" in 1771, so it may be presumed that Warner Washington Sr. removed to the "Fairfield" estate at some time between these two dates.^e

In 1774 Warner Washington Sr. conveyed (Deed Book 16 page 528) to Warner Washington Jr. 939 acres of land lying in Frederick County and in 1783 he made another conveyance to Warner Jr. (Deed Book 17 page 400) of 250 acres adjoining the first tract. Warner Washington Jr. lived on this land, which he named "Clifton"^f until about 1796, when he removed to "Audley." The "Clifton" estate was divided and sold at different times to various persons. The residence and 683 acres was acquired by Bushrod and Griffin Taylor. The daughter of Griffin Taylor married David Hume Allen and "Clifton" is now owned by his grandson, Dr. L. M. Allen of Winchester, Va.^g

Warner Fashington Jr. married first (Oct. 18, 1770) Mary, daughter of Francis Whiting and Frances Perrin his wife of Gloucester County, by whom he had nine children, all born at "Clifton."^h He married second (June 13, 1795) Sarah Warner Rootes of "Elmington" Gloucester County, by whom he had seven children, all born at "Audley."

The records of Frederick County do not show how "Audley" came to be owned by Warner Washington Jr. The will of Warner Washington Sr.,¹ is recorded in the Frederick County Clerk's Office, and devises to Warner Jr. only his lands in Stafford County; a most careful page by page search of the order and deed books of both the county court and of the Superior Court for the Winchester District, as well as the chancery suits of both courts fail to disclose how this land passed to Warner Washington Jr. The conveyance, perhaps, was recorded in the lost records of the old High Court of Chancery.

However, the family record shows that the first child of Warner Washington Jr. by his second wife, was born at "Audley" May 18, 1796, and may be accepted as evidence that he was then residing there. He seems to have been a man most unfortunate in business, and had become so deeply involved in debt, that it became necessary in 1825 to sell² "Audley" to his second cousin Lawrence Lewis of "Woodlawn" Fairfax County, from whom he had borrowed large sums of money to meet his obligations to certain Baltimore money lenders. In the settlement of these affairs Warner Washington Jr. acquired a part of the Lewis estate in Clarke County known by the name of "Llewellyn," to which place he removed in 1826, living there until his death in 1829. He lies buried in an unmarked grave near the "Llewellyn" house, a victim of usury.

Lawrence Lewis, who became the owner of "Audley" in

1825, was the son of Col. Fielding Lewis and Elizabeth (Betty) Washington sister of George Washington. Lawrence Lewis married Eleanor Parke Custis, step-daughter of General Washington,¹ and for them General Washington built on a portion of the Mount Vernon estate the mansion house called "Woodlawn,"² where Lawrence Lewis lived until his death in 1839. His will, probated in Fairfax County,³ devises "Audley" to his only son Lorenzo Lewis, and it is stated in the will that Lorenzo was then living at "Audley." After the death of Lawrence Lewis, his widow resided with her son Lorenzo and died at "Audley," from which place her body was removed to the Washington vault at Mt. Vernon.

Lorenzo Lewis married Esther Maria daughter of John Redman Coxe of Philadelphia, and died at "Audley" in 1847, survived by his widow and six sons, viz:

George Washington Lewis
 John Redman Coxe Lewis, Laurence Fielding Lewis (Twins)
 Edward Parke Custis Lewis
 Charles Conrad Lewis
 H. L. Daingerfield Lewis.

Of these children Laurence Fielding Lewis died intestate and unmarried, in 1857, aged 23 years, and Charles Conrad Lewis died intestate and unmarried in 1859 aged 19 years.

Lorenzo Lewis died testate,⁴ but his estate was settled, and his property divided through a chancery suit, the papers of which are not to be found in the Clerk's office of Clarke County. From subsequent conveyances recorded in that office, it is established that the original tract known as "Audley" was divided in to four tracts of approximately 400 acres each, as follows: To Geo. W. Lewis "Monterey" no part of which is owned by Mrs. Montfort Jones. To E. P. C. Lewis "Fielding" no part of which is owned by Mrs. Jones. To H. L. Daingerfield Lewis "Audley" of which 55 acres 0 rods 38 poles is now the property of Mrs. Jones. To John R. C. Lewis "Buena Vista" from which tract, the remainder of Mrs. Jones 239 acres was taken.

AUDLEY — NOTES

- a. Despite his holding Frederick County offices there is no known evidence to show that he ever lived, much less established a home, in the county. He was also a Burgess from Frederick County, 1752-1755.
- b. The Washington Bible says Sept. 22, 1722.
- c. He had four children by his first wife. See Chapter IX, note 4.
- d. He had six daughters by his second wife. See Chapter IX.
- e. Warner Washington, Sr., married Hannah Fairfax on May 10, 1764. Before that date, from all available evidence, the conclusion is all but inescapable

that at family conferences at Belvoir the decision had been made that he was to make his home thereafter on the Fairfield tract and had agreed with George William Fairfax upon the terms of its purchase. The evidence further shows conclusively that the fact the deed of conveyance was not signed until Nov. 1770 has no significance in regard to the date Warner Washington occupied this estate or built his home upon it. The papers of the first Richardson owner of Fairfield state that the overseer's house there was built by Warner Washington, that it was a two story brick house with one room on each floor, this building is now incorporated in Rose Cottage. The records of Frederick County prove that Warner, Sr., was an acting justice of Frederick County in 1765. The evidence indicates strongly that the overseer's house was built either soon before or soon after his marriage to Hannah Fairfax.

It is a matter of record that General and Mrs. Washington and the latter's daughter, "Patsy" Custis, visited the Warner Washingtons at Fairfield in 1769, while en route to Berkeley Springs, the waters of which they hoped would improve "Patsy's" health. They arrived at Fairfield on the afternoon of August 1 and remained there until the morning of August 5th. It is simply beyond belief that this visit would have been made had there been only a one story two room house to house both families. Since it was paid, and an account of is entered in George Washington's Diaries, Vol. 1, 339, 340, the only tenable conclusion is that the main house on the Fairfield estate was ready for occupancy on Aug. 1, 1769.

It is to be deeply regretted that neither Dr. John W. Wayland nor Mr. Griffith, both of whom have made invaluable contributions to the present knowledge of the history of the Lower Shenandoah Valley, knew of the Richardson collection of Fairfield papers when they were collaborating in the research essential to Dr. Wayland's work, HOMES OF THE WASHINGTONS, and knew nothing of the copy of the deed by which George William Fairfax conveyed the original Fairfield tract to Warner Washington, Sr. This instrument provides the essential key to authentic knowledge of that tract. The story of the collection of the Richardson papers is worth giving in detail, but it can be given here in only the briefest summary. When John Richardson in 1830 bought Fairfield and the 853 acres of the original tract that Fairfax Washington had sold in 1809 to William Byrd Page, the latter had died intestate leaving his estate to be divided between almost innumerable heirs at law. Mr. Richardson began what proved to be a Herculean task, extending over many years, of getting a clear title to the land. In the prosecution of this task he became deeply interested in the history of Fairfield and its prior owners. He gathered data that is now nowhere else available, his prize success being the deed referred to above. Successive generations of Richardson owners have added to John Richardson's collection, but none of these have made as valuable additions as has the present owner, Ralph R. Richardson who seems to have inherited much of his great grandfather's interest in Fairfield history.

- f. It is generally believed that the original Clifton, described as a small frame house, was built by Warner Washington, Jr. It stood on or close to the site of the present Clifton, built by David Hume Allen, who, presumably, had it torn down to clear the way for his new home and its extensive grounds.
- g. Dr. Lewis M. Allen died on May 2, 1949. He devised his Clifton estate to his three sons.
- h. Mary (Whiting) Washington died at her home in 1794. She was probably buried in the family burial ground at Fairfield. No tomb stones now remain—if there ever were any—to mark the graves in this ground.
- i. Eleanor Parke Custis (March 21, 1779—July 15, 1852), almost universally called "Nelly Custis", was a daughter of John Parke and Eleanor (Calvert)

- Custis, a granddaughter of Martha Washington, and the adopted daughter of General Washington. Her marriage to Major Lawrence Lewis (1767-1839), often described as Washington's favorite nephew, took place at Mount Vernon on the General's last birthday, Feb. 22, 1799. They lived at Mount Vernon from the time of their marriage to shortly after Mrs. Washington's death on May 22, 1802. There their first child, Frances, was born Nov. 27, 1799, and a record of this event was entered by General Washington in his diary.
- j. Woodlawn, the tract of land upon which Lawrence and Nelly (Custis) Lewis built their home was their wedding present from General Washington. He confirmed this gift by a devise in his will, leaving them 2000 acres of Mount Vernon land. Woodlawn, their home, was built from plans prepared by Dr. Thornton, architect of the Capitol. The house commands a magnificent view of the Potomac, and stands on the crest of a high and then, wooded hill. Only a small part of it had been finished when the Lawrence Lewises first occupied it in the late spring of 1802. Lorenzo Lewis, their only son, was born there in 1803. He became its second owner. The first wedding celebrated in Woodlawn was the marriage of their daughter Frances to Lieut. Edward George Washington Butler. Woodlawn has now been made a national shrine.

AUDLEY — SUPPORTING DOCUMENTS

No. 1.

WARNER WASHINGTON.

INSTRUMENT: WILL.
 DATED: November 20, 1789
 PROBATED: September 1, 1791
 WILL BOOK: SUP. CT 1 Page 104.

"In the name of God amen, I Warner Washington Senr. of the County of Frederick and State of Virginia being in health and of sound mind and memory but recollecting the uncertainty of this life do make publish and declare this my last will and testament revoking all my former wills. IMPRIMISE. I give and devise unto my two daughters Elizabeth and Louisa Washington so Soon as they arive at the age of twenty one years five working slaves and four children each to be of equal value with these I have already given to each of my Daughters Mildred Hannah and Catherine which said valuation shall be made by thre judicious men Indifferently chosen to them and there heirs forever. Item I give unto my beloved wife my negro woman named Cynthia to her and her heirs forever. Item. I give unto my son Warner Washington my Silver Cross and silver Salt cellars, and unto my grand son Warner Washington my silver watch to them and there heirs forever. Item. I give devise unto my dear wife Hannah Washington for and during her natural life all my Estate and possessions what so ever and wheresoever not heretofore devised consisting of Lands Negroes horses stock of all kinds, plate furniture carriages etc., and from and after the death of my said wife I do devise the same estate of every whatever in lands negroes horses stocks of all kinds plate furniture etc., before given her for life unto my two sons Fairfax Washington and Whiting Washington to them and their heirs forever to be equally divided between them provided nevertheless that in making the aforesaid between my two Sons no regard shall be had to Improvements already made or to be made on my said land but that my said lands be divided agreeable to their actual mensuration and that my son Fairfax Washington shall have the first choice of such deviation when made and my Son Whiting Washington shall have the other but if it should happen that either of my two sons Fairfax or Whiting Washington should die before he arives at the age of twenty one years, then it is my will that all his estate devised him go to the surviving brother and his heir forever but if both of my said sons Fairfax Washington and Whiting Washington should dye before they arive at the age of twenty one years then it is my will that all the estate of him last dying be equally divided between my son Warner

Washington and his heirs and all my Daughters and there heirs share and share alike that is to say the said estate be laid off in six equal parts each taking one part. Item I do appoint my Dear wife Hannah Washington and my son Warner Washington guardians to my two sons untill they arrive at the age of twenty one years. Item I do hereby appoint my said wife Hannah Washington Executrix and my said son Warner Washington executor of this my last will and Testament, and lastly it is my desire that my said Executors do as soon after my Decease they in there discretion shall Judge necessary sell and dispose of all or any part of my personal estate (my legacies to my daughters and other specific legacies excepted) for the payment of all my just debts. In Witness whereof I have hither to set my hand and affixed my seal this twentieth day of november in the year of our Lord 1789.

WARNER WASHINGTON (LS.)

Signed Sealed and

Delivered by the said Warner Washington as his last will and testament the word of in the first line of this page and the word Executrix in the eighteenth line, being first enterlined in the presence of

William Herbert

Rich Willis

Ephraim Garrison

Eliza Whitin

No. 2.

WARRNER WASHINGTON AND SARAH

WARNER, his wife.

TO:

LAWRENCE LEWIS. of Fairfax
County.

INSTRUMENT: DEED.

DATED: January 31, 1825

RECORDED: February 17, 1825

DEED BOOK 49 page 373.

WARRANTY: GENERAL.

ACKNOWLEDGMENTS: REGULAR

CONSIDERATION: Fifty six Thousand Dollars current money.

WORDS OF CONVEYANCE: The said Warner Washington and Sarah W. his wife have granted, sold aliened, enfeoffed, released and confirmed and by these presents do grant, bargain, sell, alien enfeoff and confirm unto the said Lawrence Lewis, his heirs and assigns.

DESCRIPTION: The tract of land situate lying and being in the County of Frederick aforesaid commonly called and known by the name of the Audley farm which now is and long has been held and occupied by the said Warner Washington as his residence and supposed to contain about sixteen hundred acres the said tract being coterminous with the following tracts to wit those of Bennett Taylors heirs, W. Byrd Page's heirs, Ebin Taylor, Bushrod Taylors heirs, Mrs. Sarah Alexander's heirs ——— neale, Dawson McCormick (late Wm. Snickers) Treadwell, Smith and John B. Taylor, saving and excepting only out of the said tract the land conveyed to said Lawrence Lewis by Reade Washington and Elizabeth S. Washington his wife by deed bearing date December 11, 1824 being about four hundred acres and leaving about twelve hundred acres the quantity conveyed by this Deed.

RECITAL: "And the said Warner Washington hereby covenants for himself and his heirs that he is seized of good and indefeasible estate of inheritance in the premises and that he has good right to convey the same to the said Lawrence Lewis in manner aforesaid."

FAIRFAX COUNTY. VA.

No. 3.

LAWRENCE LEWIS.

INSTRUMENT: WILL
 DATED: MARCH 1, 1839
 PROBATED: FEBRUARY 17, 1840
 WILL BOOK "T" PAGE 127

WITNESSES:

Anna C. Stuart.
 Henry H. Dangerfield.
 Absalom Remington.
 W. H. Foote.

1st. Clause: Directs funeral expenses paid.

2nd. Clause: I devise to my wife Eleanor Park Lewis one third part of my estate real and personal in the County of Clarke now under the management of my son Lorenzo Lewis for and during her life, and after her death I devise same to my son Lorenzo and his heirs, etc etc.,

3rd. Clause: Having given to my daughter Frances Park Butler at the time of her marriage the sum of \$14,000 etc etc.,

4th. Clause: To my daughter Mary Eliza Angela Conrad bequeath \$19,000.00 etc etc.

5th. Clause: Having with my wife heretofore conveyed the tract of land called Woodlawn, containing about 2,000 acres devised to us jointly by the will of Gen. George Washington of Mount Vernon to our son Lorenzo, now I do hereby devise and confirm to the said Lorenzo and his heirs the full right and title to said land.

6th. Clause: I devise to my daughter Frances P. Butler and her heirs a tract of land known as Kenawha River in Mason Co.

7th. Clause: I devise to my daughter Mary Eliza Angela Conrad 630 acres in Mason Co.

8th. Clause: "I devise to my son Lorenzo Lewis and his heirs forever a tract of land in the same county adjoining those given to his sisters containing 540 acres more or less, and I devise to my said son that Land I purchased from Warner Washington in Clarke County and on which he now lives, containing fifteen hundred and ninety (1590) acres to him and his heirs with all the slaves and their increase on the said land and all horses, cattle, sheep, hogs, waggons cartes and plantation tools and utensils and all household furniture of every description reserving however to my wife the one third part thereof during her life as before devised to her."

9th. Clause: To children of Robert A. Lewis deceased house and lot in Alexandria etc., etc.,

10th. Clause: I bequeath to my son Lorenzo a debt due to me from Allen Williams amounting to \$4928.00 and another debt of \$2258.00 due to me from Daniel W. Lewis.

I devise to my son my stock in the Snickers Gap Turnpike Road the Hunting Creek Bridge and Bank of Alexandria.

11th. Clause: I give and bequeath to my son Lorenzo all property real and personal not herein before otherwise disposed of which I may possess or be entitled to at the time of my death to him and his heirs and representatives.

Lastly I appoint my son Lorenzo Executor of this my last will and testament the high opinion I entertain of his prudence and integrity and affection for his mother and sisters will not permit me to impose on him the trouble of procuring sueties for the faithful discharge of his duties, and I therefore direct that security may be dispensed with and that no appraisement of my personal estate shall be required, I revoke all wills at any time heretofore made by me.

Signed: Lawrence Lewis.

148 CLARKE COUNTY HISTORICAL ASSOCIATION

No. 4.

LORENZO LEWIS.

INSTRUMENT: WILL
DATED: August 25, 1847
PROBATED: September 27, 1847
WILL BOOK B PAGE 190

Witnesses: Geo. W. Peters,
Mary J. Lee.

Executrix: Esther Lewis.

Third Clause: I give to my son Washington that portion of my Audley Farm known as the White Oak Bottom to comprize about 250 acres bounded by Richardsons lands on the north and east and running by my land and Richardson's where it joins Lieut. Page, I wish a new farm house put up and not to exceed one thousand dollars in cost within the next 18 months out of the fund of the estate. I wish this Estate rented and my son Washington to receive the Rent from the day a tenant takes possession.

Eighth Clause: I wish my wife Esther to occupy Audley as it now stands during her natural life as her home and at her death to revert to my children, I give her my carrage and brown horses.