



# ELIZABETH SHOWN MILLS

Certified Genealogist<sup>SM</sup> Certified Genealogical Lecturer<sup>SM</sup>  
Fellow & Past President, American Society of Genealogists  
Past President, Board for Certification of Genealogists

141 Settlers Way, Hendersonville, TN 37075 • eshow@comcast.net

DATE: 10 September 2020

REPORT TO: File

SUBJECT Mills & Associates: Montgomery County, VA, Extended Research (Bias, Sartain, Toney, White, Whitt/Witt)

BACKGROUND: In 1791, **Sarah Mills** married Elijah Sartain (*var.* Certain, Sartin) in Montgomery County, in a ceremony performed by Rev. Alexander Ross of the small Baptist church on Walker Creek. In 1815 Elijah and “Sally” Sartain sold the land Elijah inherited from his father Joel (land then in Giles County) and moved to Gallia County, Ohio. In 1816, their daughter married in Gallia before a justice of the peace who wrote the bride’s name as “**Lucy Tilman Sartain**” in the marriage return he filed for her at the Gallia courthouse. Most descendants believe, although direct evidence has not been found, that Lucy’s mother Sarah was the daughter of **Jesse Mills of Amherst County** whose proved wife was **Lucy Tilman**. Extensive research into the lives of Jesse and Lucy provide considerable indirect evidence to support the belief. This Jesse Mills had a sister Sarah “Sallie” who married Thomas Watts (my ancestors) and another sister Anne who married Lewis **Witt**. Amherst to Montgomery migration did exist in that era.<sup>1</sup>

In August 1792, the same Rev. Ross performed the marriage of one **Frances “Frankey” Mills to John White Sr.** of Montgomery.<sup>2</sup> Like Sarah and the Sartains, the Whites were cut away into Giles. There in 1806, “John and Frankey White” are said to have given permission for their son **Samuel Mills** to marry.<sup>3</sup> As a minor, that son would have been born 1786 or later. Research in Giles and the Montgomery offshoot county, Cabell, shows that Samuel made his first appearance on the 1809 tax roll, three years after his marriage.<sup>4</sup> That timing suggests that he was born in 1787–78. Frankey was in

<sup>1</sup> For all records known to date for Sarah “Sally” Mills and Elijah Sartain, see my six research reports archived online at *Historic Pathways* (<https://www.historicpathways.com>) under the “Research” tab.

- “Jesse Mills Sr. (c1740–aft1811) of Albemarle & Amherst Counties, Virginia; Spouse Lucy Tilman: Research Notes,” a work-in-progress last updated 15 July 2019.
- “Mills & Associates: Montgomery and Fincastle Counties, Virginia: Initial Survey,” report to file, 28 August 2018 (updated 10 September 2020).
- “Mills-White-Witt: Montgomery County, Virginia, Tax Roll Data, 1782–1807,” report to file, 15 February 2020.
- “Mills & Associates: Giles County, Virginia: Initial Survey,” report to file, 8 July 2020.
- “Mills-White-Witt: Giles County, Virginia, Tax Roll Data, 1806–23 & (Partially) 1824–41,” report to file, 15 February, 2020.
- “William Mills (c1695–1766) of Goochland, Albemarle & Amherst Counties, Virginia; Spouse Mary (Walton?): Research Notes,” a work-in-progress last updated 1 June 2019.

<sup>2</sup> Montgomery Co., VA, Marriage Bonds, 1789–1796, unnumbered documents in chronological order; Montgomery Co., microfilm reel 38, Library of Virginia, Richmond. Also Untitled small register, unpaginated, chronological order; Montgomery Co., microfilm 52, item 2 labeled “Marriage Records, 1785–1803.”

<sup>3</sup> Samuel married Rachel Prince in 1806 and Nancy **Rinehart** c1833. In 1837, his land on the waters of East River was cut away into Mercer Co. (now West Virginia), where he died in 1859. See E.S. Mills, “Samuel Mills (c1788–17 February 1859); Spouses: Rachel Prince & Nancy Rinehart,” a work-in-progess last updated 5 March 2020; archived at *HistoricPathways.com* under the “Research” tab.

<sup>4</sup> E. S. Mills, “Mills & Associates: Cabell Co., VA, Preliminary Survey (including Bias, Brumfield, Napier, Toney, White),” report

Montgomery County as early as November 1788, when one John Abram Glymph posted a bond (with Milliton Atkins as surety) to marry “widow” Frankey (Fawney? Farney?) Mills. The marriage did not follow; Glymph left the region and began a family in South Carolina. Whether Frankey was a widow or a single mother is debatable; no candidate for an earlier husband has been found for her.<sup>5</sup>

In October 1792, one Peggy White, “daughter of John,” married in Montgomery County to **Robert Whitt/Witt**, who had been in the county prior to 1787, is said on the 1787 tax roll to have left the state, but returned to the Montgomery tax rolls in 1791.<sup>6</sup> This Robert was a cousin to Lewis Witt, who married Jesse Mills’s sister.<sup>7</sup>

Meanwhile ....

Between 1784–88, one William Mills was born in Virginia apparently to a Mills mother and a **Whitt/Witt** father. His Y-line offspring carry the Whitt/Witt Y. William first appears on the 1806 tax roll of adjacent Franklin County in company with Samuel McCarrell, a young man who had inherited land in Montgomery. In 1815, Franklin, William married **Drucilla Kemp**, daughter of the well-to-do Robert Kemp (of Kemp’s Ford of Franklin’s Black Water River) and his first wife Millie Edmundson.

In 1816, William’s entry on Franklin’s personal tax roll adds the notation “G.C.” beside his name. Meanwhile, in Giles County, on 15 May 1816 and again on 15 May 1817, one William Mills witnessed two rent contracts executed by John Toney who operated a ferry and a mill on Giles’ East River, at its juncture with New River. Exhaustive research in Giles (examining every page of every surviving record book and tax roll) reveals no other references to this William Mills. That study also reveals that John Toney was both a neighbor and an associate of Frankey Mills’s husband John White and the Benjamin White family of East River.<sup>8</sup> Toney’s father and mother were early settlers of the Black Water River of present Franklin County.

William and Drucilla Mills had seven children, in this birth order: **Samuel, Sarah “Sallie”, William B., Robert Wiley** (a name prominent in Montgomery Co.), Sparrell, Charles T., and Millie Frances—some of whom married in or lived in Montgomery Co. during the 1840s–1860s. William’s death record has not been found. He last appears

---

to file, 16 November 2019. My preliminary survey of Cabell Co. records revealed no record of Samuel’s presence there, other than the 1809 personal tax roll. The Biases, Brumfields, and Napiers, who lived in Montgomery and then Giles prior to the 1809 creation of Cabell, created many records in Cabell. The Giles Co. courthouse registration for Samuel’s marriage does not name his parents. John Vogt and T. William Kethley Jr., *Giles County, Marriages, 1806-1850* (Athens, GA: Iberian Publishing Co., 1985), 53-54, states that Frankey and John White gave permission for their son to marry, without identifying a source. Presumably that information appears in the county’s marriage bonds and permissions files which are available on microfilm at the Library of Virginia but not accessible elsewhere. Those records were found in this project.

<sup>5</sup> For everything found to-date for Frankey Mills, see E. S. Mills, “Mills & Associates: Montgomery & Fincastle Counties, Virginia: Preliminary Survey,” report to file, 28 August 2018 (updated 10 September 2020); archived online at *HistoricPathways.com* under the “Research” tab.

<sup>6</sup> For other records known to date for Robert Whitt and Peggy White, see the above-cited reports for Montgomery and Giles.

<sup>7</sup> David F. Whitt, *Ancestors and Descendants of William Whitt, 1775–1850* (Westminster, MD: Heritage Books, 2004), Tables 3 (Witt-Whitt Family of Old Virginia) and 4 (Descendants of Richard Witt/Whitt, Sr.). Benjamin Witt, person 2B on Table 3, is said to be the father of Lewis Witt. However, the “evidence” presented for Lewis’s parentage is another genealogy that fails to provide evidence of the parent-son relationship.

<sup>8</sup> Mills, “Mills & Associates: Giles County, Virginia—Including Byas, Brumfield, Chapman, Napier, Sartain, and White,” report to file, 8 July 2020.

on the 1860 census of Pulaski County, which was cut from Montgomery and Wythe in 1839; Pulaski's 1863 death records are lost. William's widow Drucilla died in Montgomery Co., 1867, at which time the son-in-law who reported her death (**George Bradberry**) stated she was born in Montgomery. That birthplace is provably wrong for Drucilla but *might* reflect the informant's confusion over the birthplace of his in-laws, projecting upon his mother-in-law the birthplace of his previously deceased father-in-law.<sup>9</sup>

This project's goal is to comb all known resources of Montgomery County for additional evidence on the individuals above. Particularly, evidence that might prove or disprove three points:

- the hypothesis that Sarah "Sallie" (Mills) Sartain was a daughter of Jesse Mills and wife Lucy Tilman.
- the birth family of Frances "Frankie" (Mills) White.
- the birth family of William Mills, born c1784—whose all-male-line descendants carry the Witt/Whitt Y.

Because Frankey Mills appears to have borne at least one child prior to her marriage to John White—and because fatherless children were frequently bound out on the basis of illegitimacy or the mother's poverty—I am extracting all such entries from the Montgomery County court order books. This will provide a better understanding of the processes and practices that were used in Montgomery as well as the means by which some mothers and impoverished families avoided it.

---

#### EXECUTIVE SUMMARY OF NEW FINDINGS

- **Frances "Frankey" Mills**, about 1785–86, prior to marriage, bore a daughter Rachel. In 1790, the county court ordered John Preston, overseer of the poor, to bind out Frankey's daughter as a "poor child." She apparently was bound to the wealthy and politically prominent Prestons—likely to John's widowed mother Susanna who appears in the court minutes of that era taking in other such girls. In 1803, Rachel petitioned the court to have Susanna's son middle-aged son William Preston appointed her guardian to give consent for her to marry. On that same day, William Preston also served as surety for the marriage bond John Bowen posted to marry Rachel. From there, John and Rachel moved to Gallia County, Ohio. The circumstances strongly suggest that William Preston may have been Rachel's father.
- **Frankey Mills** was still alive in August 1806 and did give her consent to her son Samuel's marriage. The 1810 U.S. census enumerates two John White households in Giles (apparently John Sr. and Jr.), both of which included a number of children appropriate for an 18-year marriage. No death record, or a hint of death, has been found for her in the Montgomery County records.
- **John Abram Glymph**, who posted a bond to marry Frankey (aka Fanny) in November 1788, is last on record in Montgomery on 9 September 1790, when a court suit against him was settled.

---

<sup>9</sup> For documentation of all details for William, Drucilla, and their children, see Elizabeth Shown Mills, "William Mills (b. c1783–88; d. c1863); Spouse Drucilla Kemp: Research Notes," a working file last updated 28 August 2018; also archived at *HistoricPathways.com* under the "Research" tab.

- **John White Sr.**, Frankey's husband, identified himself as "Sr." in his 1792 marriage bond, which he also signed. That signature is distinctly different from that of the John White who owned land on Sugar Run of Walker Creek.
- **John White** of Sugar Run sold three tracts of land in 1793, making his mark on each document. That mark was an "S." In one of the three instances, when the county clerk copied the deed into the record book, he penned it in a German style. This John sold those three tracts in 1793 without a wife's participation, suggesting that he was either a bachelor or a widower. When he married Susanna Marcum in 1796, he also signed the bond with his 'S' mark. To distinguish between him and other John Whites of Montgomery > Giles, I am referencing him as **John 'S' White**.

---

## FIGURES

Map 1	Toney's Tavern, juncture of New River and East River .....	8
Map 2	Upper Montgomery (later Giles County): 20 <sup>th</sup> Century Bounds .....	31
Map 3	Northern Giles (mostly in present Mercer): Big Spring, Brush Creek, Five-Mile Creek & Toney's Ferry .....	41

---

## FORMATION OF CRITICAL COUNTIES

1770	<b>Boutetourt</b>	cut from	Augusta	
1772	<b>Fincastle</b>		Boutetourt	[extinguished 1777]
1777	Kentucky		Fincastle	[extinguished 1780]
1777	<b>Montgomery<sup>10</sup></b>		Fincastle	
1777	Washington		Fincastle	
1778	Greenbrier		Montgomery, Botetourt, Augusta	
1778	Illinois		Augusta	
1786	Russell		Washington	
1789	Kanawha		Greenbrier, Montgomery	
1790	Wythe		Montgomery	
1791	Bath		Augusta, Botetourt, Greenbrier	
1793	Grayson		Wythe	
1799	Monroe		Greenbrier	
1800	Tazewell		Wythe, Russell	
1804	Mason		Kanawha	
1806	<b>Giles</b>		<b>Montgomery, Monroe, Tazewell</b>	
1809	Cabell		Kanawha	
1818	Nicholas		Greenbrier, Kanawha, Randolph	
1822	Alleghany		Bath, Botetourt, Monroe	
1824	Logan		Giles, Cabell, Tazewell, Kanawha	
1831	<b>Floyd</b>		Montgomery	
1837	<b>Mercer</b>		Giles & Tazewell	
1838	Roanoke		Botetourt	
1839	Pulaski		Montgomery, Wythe	
1861	Bland		Wythe, Tazewell, Giles <sup>11</sup>	

<sup>10</sup> Franklin Co. documents of the early 1800s refer to Montgomery County as "Tennessee." See Deed Book 4 particularly.

#### RESEARCH NOTES

1785—

#### FRANKLIN, GILES & MONTGOMERY COUNTIES, VA, TO OHIO

##### Historical background

"[New] River starts far to the south in the high meadowed valleys in the mountains in North Carolina. [It] flows northward, dropping down into the Great Valley of Virginia and becoming a major river there. Across the ridge and flowing south are the Clinch and Holstein Rivers into Tennessee, but the New River flows north. Then it turns west and plunges through the Appalachian Mountain Ranges. On the north, up the Valley, the Roanoke flows east and cuts from the Blue Ridge, and farther up the Valley, the Shenandoah heads north on its flow to the Potomac at Harpers Ferry.

"The River cuts a dashing swath through the heart of the mountains. Other rivers come into it from the north and the south. There is **East River**, which came in from the south, first beyond the ridges. It was here that **John Toney** built his first brick house west of the mountains. Then from the north, in the same valley, comes the Greenbrier River. ... **William Toney**, John's brother, lived here at first. Peterstown is just beyond. The New River Gorge, 20–30 miles long, is a deep cut with rapid waters and beautiful views.

"At the Falls of the Kanawha, the river becomes deep enough and wide enough that it changes, no longer so rough and cruel. It becomes a river with its own valley. Here the **Gauley River** comes into it, out of the northern ridges and hills. The name changes now to the **Kanawha**, its Indian name. Parallel to it to the south, and then joining it is the **Coal River**. There is a major ridge between.

"Finally, the River joins the Great Ohio.

"The original Four Mile families [of Ohio, from Franklin and Montgomery Cos., VA] seem to have come by flatboat to Cincinnati where they obtained their tract of land at the land office. ... We don't have statements why these families moved west. There are several well known reasons, some or all of them probably played their part. We know the **Toneys** went into the mountains after Ginseng soon after the Revolution ended. A summer's dig of 'sang would buy a farm in settled Virginia, but families were large and land was about taken, after the rich Aristocracy and their huge grants, the remaining land was mostly filled by settlers coming up the rivers from the Piedmont, or settlers coming down the Valley, down the Carolina road. ... soldiers who had fought against the Indians, told of wonderful lands north, along the Scioto and Miami Rivers. Settlers crossed the Ohio River. ...

"The first to venture into the Four Mile area was Matthew Hueston. He was a waggoner under General Anthony Wayne. ... When the conflict was finished, he returned to the Four Mile valley [with] his brother, Thomas ... of **Franklin County, VA**. [who] had moved there from Bedford County, PA. ... [A] large migration from Franklin County, VA. brought others. After **Susannah Toney** came with John Lybrook [her son-in-law], many of her brothers and sisters came with their families. She and Edmund Toney both died in the 1821 Cholera Epidemic. ... **David Rinehart** was one of several brothers and cousins who came to the Twin Valley near Gratis, then he came over to the Four Mile and took land just south of the **Toneys**, in Ohio. The Rineharts were a Pennsylvania family. Some of them moved south into Maryland and Virginia.

---

<sup>11</sup> Michael F. Doran, *Atlas of County Boundary Changes in Virginia, 1634–1895* (Athens, GA: Iberian Publishing Co., 1987).

"The Virginia Colony on the Four Miles was mostly Dunker or kin of those connected to the Dunker Church. It was essentially a migration from **Franklin County, VA.** over a period of years. Most of the families came between 1806 and 1812. Other families continued to come for some years following."<sup>12</sup>

**?MARCH 1785**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that a Bastard Child of **Jane Busby** be put into the care of some person and that Colo Daniel Trigg be appointed to contract with said person for Nursing said child which said contract shall be Binding on this Court."<sup>13</sup>

**23 NOVEMBER 1785**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that John Gullion be alld. in the State of the Levey for 1 old Wolf head ... [and] **Parker Adkins** for one old Wolf head, proof being made to this Court that there was a Certificate granted under the hands of James Byron for the same but that it is since lost or mislaid that it cannot now be produced."<sup>14</sup>

COMMENT:

Parker Adkins, the alleged father of Milliton Adkins who served as bondsmen for the cancelled marriage of Frankey Mills and John Abram Glymph, appears on the 1782 personal tax roll of Montgomery (as Parker "Ailkins").<sup>15</sup> The 1785 entry above seems to be his first appearance in the court order books. *But see the note regarding tax rolls under April 1788 below.*

**1785**

**MONTGOMERY COUNTY, VA**

Tax list

"An account of David Loves Collection as a Deputy Sheriff in Montgomery County, viz ...<sup>16</sup>  
(p. 69) Holton Muncy, Francis Muncy, John Mears, John **Cloyd**, George Low\_\_\_\_\_, John Williams, Vincent **Cloyd**, Samuel **Cloyd**, Thos. Cisle [skip a couple of dozen] William Thompson, Nathaniel Morgan, Samuel Scott, Samuel **Pepper**, Henry Mitchel, Jas. Caffey, Henry Davis, Henry **Chrisley** [skip 12 to end of page]

(p. 70)

[Skip a couple of dozen]

**Richard Whitt**    1-9-6-0-0-0-3-9 [no indication what the columns represent]

Thomas Alley

Blackburn Akers

**Ezekiah Whitt**    0-14-9-0-0-3-0-0-0

<sup>12</sup> Merle C. Rummel, *Virginia Colony: History and Record of the Early Families and Times of the Four Mile Church of the Brethren, Union Co. Indiana* (Boston, IN: n.p., 1991), 24–30; imaged in "Indiana Resources, Allen County Public Library Genealogy Center, Fort Wayne, Indiana ([http://www.genealogycenter.info/viewpage\\_invirginiacolonyp.php?realpage=5&display=invirginiacolonyp-1](http://www.genealogycenter.info/viewpage_invirginiacolonyp.php?realpage=5&display=invirginiacolonyp-1) : accessed 21 October 2019).

<sup>13</sup> Montgomery Co., VA, Order Book 1, 1773–1788, p. 150; Montgomery Co. microfilm 20, Library of Virginia. NOTE: Pages 1–149 cover 1773–75. Pages 150–324 cover 1785–88.

<sup>14</sup> Montgomery Co., VA, Order Book 1, 1773–1788, p. 242.

<sup>15</sup> For all references herein to Montgomery County tax rolls, see the previously cited "Mills-White-Witt: Montgomery County, Virginia, Tax Roll Data, 1782–1807," report to file, 15 February 2020, archived at *HistoricPathways.com* under the "Research" tab.

<sup>16</sup> Montgomery Co., Deeds & Wills A, 1773–1789, Section: Wills, pp. 69–76; *FamilySearch* digital film 007645566, images 489–93 of 578.

[skip 7]

William Crow, John French, John Wylie, John Grills, Parker C\_\_\_\_\_ in part, **John Sartain**, Richard Chapman, Thos. Burk, John Chapman, Mordock McKinsey, John Alsop.

(p. 71)

George Fry, Jams Johnston, George Key, **Thos. Copley**, Andw. Hatfield, Wm. Calwell, John McCombs, David Price, Charles Lucas, Philip- Williams, John Sharp, **Joel Sertain**, **John Sertain**, Hezekiah Philips, Polserly? Brooks, Christian Snido, George Williams. Robert Hunter, John Price, **James Byrn** [clearly not Byas], Michael Price, John Craig, David Crouch, James Scags [skip a couple of dozen to end of page]

(p. 72)

James Heavins, David Hertis, Philip Hertis, John Houston, Moses **Adkins**, Hugh Patrick, Jeremiah Patrick, Isaac Runnan, Thomas Alford, Peter Smith, Adam Runer, David Stone, William Scruggs, John Clark, John Bold, William Green, John Johnston?, George Yeatts, William Randals, Rabert Dollar, Owen **Adkins**, Thos Ogle [skip a couple of dozen to end of page]

(p. 74)

[Skip a couple of dozen] Howard **Havens**, Jacob Shull, Conrod Wall, James Been, George Taylor, Peter Stephens, Isaac Peterson, John Young, John Runnian, Joseph Fletcher, Henry Patton, Peter **Wiley**, Lewes Reeland, **Alexander Mars**, Samuel Mosey in part, **Skid Monsey**, John Scott, Luke Monsey [skip 11 to end of page]

(p. 75)

Wm Lawson, Henry Bishop, Mason Combs, Henry Scaggs, Samuel **Canterbury**, Reuben Collensworth, [skip 39] Obadiah Munsey, Wm. Ingles

(p. 76)

John Lowther, Andrew Boyd, John Taylor, Adam Hance, Adam Waggoner, Jacob Shull, John Shull [skip 37 to end of list.]

COMMENT:

No John Whites, no Obediah Bias, no Glymph.

**25 NOVEMBER 1786**

**MONTGOMERY COUNTY, VA**

Court order

"Samuel Mitchell for nursing a **Bastard Child of Jane Busbys** for one year £6\_\_\_\_? In the State of the Levey."<sup>17</sup>

**1787**

**MONTGOMERY COUNTY, VA**

Revenue list

p. 92 and p. 96 both have Thomas Whitton (he was there on 1785 list). The inclusion of Walter Crockett suggests that this short list covers the western part of the county, not the eastern part.<sup>18</sup>

---

<sup>17</sup> Montgomery Co., VA, Order Book 1, 1773–1788, p. 277.

<sup>18</sup> Montgomery Co., Deeds & Wills A, 1773–1789, Section: Wills, pp. 90–96; *FamilySearch* digital film 007645566, images 500–3 of 578.

(p. 90 ff)

Seems to be another such list, but there are no words prefacing it. It follows the March 1787 appraisal of the estate of Alexander Suiter. The only hint of what this represents is the word "Revenue" above the columns for pounds, shillings, and Pence.

pp. 139–43

January 1789, An elector's list. No individuals of key relevance to this project.

c1787

MONTGOMERY > GILES COUNTY, VA

Context

"The **Rhody Toney Hale** house. Clarice M. Johnson, photographer. Photograph accompanies Virginia Historical inventory survey report VH1R/12/0047. 'At Glen Lyn at the north side of st. hway. route 8, on a knoll. Oldest brick house in Giles Co. Map location number: G177. Building date: ca. 1787. Builder: **John Toney**. ... This photograph is part of the Virginia W.P.A. Historical Inventory Project sponsored by the Virginia Conservation Commission under the direction of its Division of History."<sup>19</sup>

"**Rev. John Toney** built the house. At his death, around 1831, Rhody Toney Hale inherited it. She married Ralph Hale, who died before she did, and she died in 1892. Dr. Killey, who was reared by Rhody Toney Hale, though not related to the family, came into possession at her death, and lived there and reared his family.

"This is a 2½ story brick house, with a two room cellar, 4 large rooms, 2 up and 2 down, 2 wide halls, and 2 brick chimneys, one at the north and one at the south ends of the house. When the house was built, there were fireplaces with mantels in all the rooms. Now there are three. These mantels are the smallest I have seen. One is more or less elaborate, as it is more elaborate than the other two, which are very plain.

"This house has the distinction [*sic*] of being the oldest brick house in Giles County. It was built on the exact spot where the log cabin in which Mary Porter and her husband, who were killed by the Indians in 1742, had lived for a time. **John Toney** found the remains of the log cabin when he came there, and that was where he built his house. ... The stone at Mary Porter's grave was just a rough stone with the inscription roughly cut on it which read, 'Mary Porter was killed by the Indians, November 28, 1742.' Then there was something respecting Mr. Porter, but crumbling away of the stone rendered it illegible."<sup>20</sup>

---

<sup>19</sup> "The Rhody Toney Hale House," catalog entry and photograph, *Virginia Memory* ([https://lva.primo.exlibrisgroup.com/discovery/fulldisplay?docid=alma990006870420205756&context=L&vid=01LVA\\_INST:01LVA&lang=en&search\\_scope=digital\\_test2&adaptor=Local%20Search%20Engine&tab=Digital&query=any,contains,Toney,%20John&offset=0](https://lva.primo.exlibrisgroup.com/discovery/fulldisplay?docid=alma990006870420205756&context=L&vid=01LVA_INST:01LVA&lang=en&search_scope=digital_test2&adaptor=Local%20Search%20Engine&tab=Digital&query=any,contains,Toney,%20John&offset=0) : 21 October 2019).

<sup>20</sup> "The Rhody Toney Hale House: Survey Report, 1937 Aug. 25," *Library of Virginia* (<http://image.lva.virginia.gov/VHI/html/12/0047.html> : 21 October 2019) > Maps > Architectural Drawings and Plans > Virginia Historical Inventory. The article does not refer to Toney's Tavern per se. The fact that he kept a tavern at his home on East River is documented by the court order books granting him the license to do so.

**Map 1**  
**Toney's Tavern: Juncture of East River with New River**



/VHI/P/12/0017.jpg

**4 MARCH 1788**

**MONTGOMERY COUNTY, VA**

Court order

“Ordered that Samuel Mitchell be allowed £5 for keeping **Jane Busays [Busbys] child** for 10 months in the State of the present Levey.”<sup>21</sup>

**4 APRIL 1788**

**MONTGOMERY COUNTY, VA**

Court order

“It appearing to the Court that **there was no list of Tithables delivered to the Sheriff for the year 1782, 83, & 84 as the law directs** so the Levies were collected from some while others were clear, whereby an Executive County Levee was found necessary to discharge the existing Claims against the County for the year 1787 which were running on Interest. It is therefore ordered that the Clerk shall make of an account Specifying the amount of the Claims against the County for the several years before mentioned & the returns of the money Collected by the Sheriff & that the Capt. of each Company should make up a List of the receipts given by the sheriffs for the Different years & present the Same to the July Court when a further order may be made.”<sup>22</sup>

**COMMENT:**

This court order implies that the Montgomery County lists often attributed to 1782 and 1785 (either or both of them) may be a composite list retroactively compiled prior to 1788.

---

<sup>21</sup> Montgomery Co., VA, Order Book 1, 1773–1788, p. 307.

<sup>22</sup> Montgomery Co., VA, Order Book 1, 1773–1788, p. 316.

**3 JUNE 1789**

**MONTGOMERY COUNTY, VA**

Court order

"Joseph Haynes to **Abram Glymph**, leave to amend the writ, To wit, Instead of Dam[ages] £10, say Debt £7.0.6 Dam. 40p?."<sup>23</sup>

**22 JULY 1788**

**MONTGOMERY & KANAWHA COUNTIES, VA**

Land grant

"Edmund Randolph Esquire, Governor of the Commonwealth of Virginia To all To whom these presents Shall come. Greeting Know ye that by Virtue and in Consideration of part of a Land Office treasury Warrant Number Seventeen thousand Twenty Seven [No. 1727] Issued the twelfth day of June one thousand Seven hundred and Eight three [**12 June 1783**] there is granted by the said Commonwealth unto **John White** assignee of **John Smith** a Certain Tract Or parcel of a Land Containing Five hundred Acres [**500 acres**] by Survey bearing date the first day of August one Thousand Seven Hundred and Eighty Seven [**1 August 1787**] lying and being in the County of **Montgomery** On **Cole River** and bounded as followeth To wit:

Beginning at a Cucumber and white oak one mile below the fork at the foot of a hill about twenty poles above the third fording of Said River below the forks and running thence South 40° W 100 poles to two black oaks, thence S 7° E 380 poles to a hickory Corner to Said **Smith's Survey No. 20** and with a line of the Same N 40° E 320 poles to a poplar, and leaving said line N 42° W 290 poles to the Beginning.

With its Appurtenances to have and to hold the Said Tract or parcel of Land with its Appurtenances to the Said John White and his Heirs forever. In Witness where of the Said Edmund Randolph Esquire Governor of the Commonwealth of Virginia hath hereunto Set my hand and caused the lesser Seal of the Said Government to be affixed at Richmond on the Twenty Second day of July in the Year of our Lord one thousand Seven hundred and Eighty Eight [**22 July 1788**] and of the Commonwealth the thirteenth."<sup>24</sup>

COMMENT:

- Cole River (now Coal River) is a tributary of the Kanawa River, now flowing northward through Western Kanawha Co.
- Big Cole/Coal River rises in Raleigh Co. from Clear Fork and Marsh Fork near Whiteville.
- Little Cole/Coal River rises from the Spruce Fork in present Logan Co. and Pond Fork in present Boone Co.
- While maps seem ambiguous for this period, it appears that Little Cole could have later fell into extreme East Cabell along the Giles line.<sup>25</sup>

Both Big and Little Cole River lay in Montgomery prior to 1789 when Kanawha was created.

**John Toney** also received a grant on Cole River, as **assignee of Smith**, Treasury Warrant no. 18750 issued 14 August **1783**, being 344 acres **surveyed 7 March 1787**.<sup>26</sup>

<sup>23</sup> Montgomery Co., VA, Order Book 4, 1788–1790, p. 57; Montgomery Co. microfilm 20, Library of Virginia.

<sup>24</sup> "Land Office Patents & Grants," database with images, Library of Virginia, *Virginia Memory* (<http://www.virginiamemory.com> 2019); citing Land Office Grants No. 17 (1788), pp. 421–22.

<sup>25</sup> "Coal River (West Virginia)," *Wikipedia* ([https://en.wikipedia.org/wiki/Coal\\_River\\_\(West\\_Virginia\)](https://en.wikipedia.org/wiki/Coal_River_(West_Virginia))) : 5 October 2019.

<sup>26</sup> Virginia, Land Office Grants, vol. 30, 1793–1799, p. 272–73; imaged at *Library of Virginia* ([http://image.lva.virginia.gov/cgi-bin/drawer?retrieve\\_image=LONN&dir=/LONN/LO4/096/096&image\\_number=0298&offset=%2B14&name=Grants+No.30+++1793-1799&dbl\\_pgs=no&round=:](http://image.lva.virginia.gov/cgi-bin/drawer?retrieve_image=LONN&dir=/LONN/LO4/096/096&image_number=0298&offset=%2B14&name=Grants+No.30+++1793-1799&dbl_pgs=no&round=:) accessed 20 June 2019).

The John White above appears to be the “John White Sr.” (husband of Frankey Mills) whose family associated with John Toney in Giles County from the time Giles was created through the 1830s. (See my reports of Giles County and Giles County tax lists.)

**12 AUGUST 1789**

**MONTGOMERY COUNTY, VA**

Court order

Samuel Patterson is deemed guilty of stealing and “ought to be tried for the same in the district court ... he is remanded back to the goal of this County to be thence removed to a public goal in the county of Washington according to law. James McDonald, Barnett Kucy, Michael Cruger and Peter Cruger post bond to guarantee their appearance in the **Washington County** court, when Patterson comes up for trial.<sup>27</sup>

TO DO:

I need to access and thoroughly use these district court records.

COMMENT:

Parker and Milliton Adkins and the several John Whites are not appearing in these court minutes at all—aside from the one reference to Parker in 1785. Nor are the Whitts, past the 1785 license of Rev. Richard Whitt.

**2 SEPTEMBER 1789**

**MONTGOMERY COUNTY, VA**

Court order

“Anthony **Toney** having entered into Bond with Sec<sup>ts</sup> according to Law is permitted to keep an ordinary at his house at McCalls.” Toney served on the jury during the same session.<sup>28</sup>

**4 SEPTEMBER 1789**

**MONTGOMERY COUNTY, VA**

Court order

“Haynes vs. **Glymph**, cont<sup>d29</sup>

COMMENT:

There were roughly seventy-five cases on the docket and almost all were continued. The continuation wasn’t peculiar to this case.

**4 NOVEMBER 1789**

**MONTGOMERY COUNTY, VA**

Court order

“Haynes vs. **Glimph**, cont<sup>d30</sup>

COMMENT:

There are numerous cases by and against “Toney,” with no indication whether the man is Anthony, John, or William Toney.

**9 APRIL 1790**

---

<sup>27</sup> Montgomery Co., VA, Order Book 4, 1788–1790, pp. 73–74.

<sup>28</sup> Montgomery Co., VA, Order Book 4, 1788–1790, pp. 78–79.

<sup>29</sup> Montgomery Co., VA, Order Book 4, 1788–1790, p. 86.

<sup>30</sup> Montgomery Co., VA, Order Book 4, 1788–1790, p. 97.

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that Jesse Evans be Allowed £3 pr Month for 4 Months for Keeping of Daniel Cline. ... Ordered that Sheriff collect of each Tithable in the county ... one Dollar."

**John Toney**, William Toney, and Cornelius Brown were to serve on jury. Brown failed to appear. He did appear for the next case.<sup>31</sup>

COMMENT:

This is the earliest record I've found for John Toney in the county.

**5 MAY 1790**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that **William Toney** be appointed Overseer of the road in the room of **John Peden?** and that he with the use of Hands Keep the same in repair."

"Ordered that Frances Clarkton, John Elswich, **William Toney**, and James Charlton or any three of them being first Sworn do view the nighest and best Way from the **Mile Branch** to the **Gap** of the **Pilate Mountain** where the **Pine Spur Road** runs through and make report of the same to the next Court."<sup>32</sup>

**1 JUNE 1790**

**MONTGOMERY COUNTY, VA**

Court order

"On the motion of Stephen Jett who made Satisfactory proof to this Court that at a Court held for Botetourt County in March last he Obtained a license to retail Liquors in the County of Botetourt and **by the Division of the County he becomes a resident of Montgomery ....**"

**John Toney** served on jury for case of Johnston vs. McComas.

**John Byers** served on jury for Willis Ass<sup>ee</sup> vs Simpson.<sup>33</sup>

COMMENT:

There was an adjustment of the county line between Botetourt and Montgomery, which is also referenced under 6 July below.

As shown by later records abstracted in this paper, John Byers (*var. Byars*) appears to be from an entirely different family than that of Obediah Byas/Byers.

TO DO:

Find the legislative act to determine what the new boundaries are.

**3 JUNE 1790**

**MONTGOMERY COUNTY, VA**

Court order

"Howell vs. **Byers** Cont<sup>d"</sup>.

Jesse Evans and Walter Crockett are sureties for James McCorkle, Sheriff, acting as Collector of Revenue for the county.<sup>34</sup>

---

<sup>31</sup> Montgomery Co., VA, Order Book 4, 1788–1790, pp. 110–12.

<sup>32</sup> Montgomery Co., VA, Order Book 4, 1788–1790, pp. 117, 119.

<sup>33</sup> Montgomery Co., VA, Order Book 4, 1788–1790, pp. 122, 124.

<sup>34</sup> Montgomery Co., VA, Order Book 4, 1788–1790, pp. 130–31, 135.

COMMENT:

The Glymph case is not on the list of those to be continued and I've seen no notation as to its disposition since the last reference that I noted above.

**6 JULY 1790**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that the Petition of Sundry of the Inhabitants of the Counties of **Montgomery** and **Wythe** praying that a road from the **Gap of Walkers Mountain** to the **Court House** is reasonable and that Bryant McDonald, John Champ, James Charlton, Henry Patton, and William Brown be appointed to view the nearest and best way."<sup>35</sup>

COMMENT:

I'm not copying all Brown references, but numerous references to William and Cornelius suggest they were close kin to **Low Brown**, the man who provided a deposition for Robert Whitt's RW pension application.<sup>36</sup>

**6 JULY 1790**

**MONTGOMERY COUNTY, VA**

Court order

"Whereas the County of Montgomery being divided at the last session of Assembly and a part of Bottetourt [sic] added thereto, it becomes necessary that Overseers of the poor be Elected for the same as it now stands in conformity to the Laws in that case made and provided the Court therefore lays off the County in three districts, each district bounded as the districts of the Commissioners of the Tax and they also order that the Election of the Overseers be held in each district on the second Tuesday in August next t such places as the superintendents hereafter appointed shall fix on."

"Ordered that **Humphrey Brumfield** demand and receive seven? pence half penny at **his ferry** for man and Horse and so in proportion for other things until established by General Assembly."<sup>37</sup>

COMMENT:

Humphrey Brumfield was the brother-in-law of Elijah Sartain who married Sarah Mills. Humphrey's wife Sarah Sartain and Elijah Sartain were children of Joel Sartain Sr.<sup>38</sup>

**AUGUST 1790**

**MONTGOMERY COUNTY, VA**

Court order

"Thomas Howell, Plaintiff, against **John Byars**, Defendant, On petition. Continued."

"James Devors, Plaintiff, against **Milliton Atkins**, defendant. On petition. The Defendant not being summoned on the motion of the plaintiff an alias Summons is awarded him against the said Defendant returnable here next Court."<sup>39</sup>

COMMENT:

---

<sup>35</sup> Montgomery Co., VA, Order Book 5, 1790–1791, p. 4.

<sup>36</sup> Robert Whitt (Pvt., Capt. James Shelby's Co., Montgomery's Regt., Virginia Militia), application S7880; imaged in "Revolutionary War Pensions," Fold3 (<https://www.fold3.com/image/246/28075821> : accessed 1 August 2018). See my Montgomery-Fincastle report, previously cited, for details.

<sup>37</sup> Montgomery Co., VA, Order Book 5, 1790–1791, p. 5–6.

<sup>38</sup> Giles Co., VA, Deed Book A: 331–32.

<sup>39</sup> Montgomery Co., VA, Order Book 5, 1790–1791, pp. 8, 10.

Surrounding this are several such cases in which the summons previously ordered had not been delivered.

**7 SEPTEMBER 1790**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that John Preston be appointed to bind out according to Law two poor children (to wit) David Lucus son of Prude Lucus and a daughter of Frankey Mills's and make return thereof."<sup>40</sup>

COMMENT:

Three female candidates for this unnamed daughter have been found in Montgomery and Giles:

**Sarah Mills**

Sarah married on 7 April 1791, without permission from a parent, guardian, or master—implying that she was already of full age (i.e., 21). If so, then she would have been nearly 21 at the time that the court ordered the binding out of Frankey's "poor child." At 20, if Sarah were incapable of supporting herself, she would have been bound out as a poor woman under her own name, not as a nameless "child" of Frankey.

**Elizabeth Mills.**

Elizabeth Mills married Archibald Chapman on 26 March 1811, at which time Sarah Mills's husband Elijah Sartain gave permission<sup>41</sup> Given that Elizabeth was under 21, her birth occurred after 26 March 1790. However,

- Frankey was not presented to the court for bearing a baseborn child that needed to be bound out.<sup>42</sup> Her "daughter" is presented as a "poor child." The implication is that she was not a newborn.
- A comparison of the handling of this "poor child" against the 1785–88 handling of "Jane Busby's bastard child" also suggests that Frankey's daughter in 1790 was past the age to need a wet nurse.

**Rachel Mills**

On 3 August 1803, in Montgomery County, John Bowen posted a bond to marry Rachel Mills. She was underaged. On the day of the bond, the prominent William Preston had himself declared her guardian, gave permission for her to marry, and co-signed the bond. No association has been found between Prestons and John Bowen either before or after this bond. Extensive study of Millses in all surrounding counties—including Botetourt where the Prestons were also rooted—has not yielded evidence that Rachel belonged to any of those Millses.

Preston's role in Rachel's 1803 marriage suggests that she was a young woman bound to him or his family, who had no parents to give permission for her to marry—a circumstance fitting those

---

<sup>40</sup> Montgomery Co., VA, Order Book 5, 1790–1791, p. 20.

<sup>41</sup> Giles Co., VA, Order Book 2 (1809-1811): 158; imaged as *FamilySearch* digital film 008151678.

<sup>42</sup> As a corollary, see the 2 November 1790 grand jury presentments of Sarah Crockett and Catharine Lower for bearing a baseborn child. Both were sentenced to pay 20 shillings to the overseer of the poor, plus costs of court. There are other cases in this November 1790 term of women charged for adultery and fornication (Mary Caudry, Sarah Bell, Elizabeth Barnett, Judith Walker) but there has not been one for Frankey Mills in the wake of the birth of her son Samuel c1788. **This implies that she moved into the county after Samuel's birth, under that guise of "widowhood" cited in the Glymph-Mills marriage bond.** For the charges against the other women, see Order Book 5, 1790–1791, pp. 53–57.

As another corollary, on 2 October 1792 the court "Ordered that the Overseers of the poor bind out According to Law Sally a bastard Child of Catharine Lower aged Eight Years until she arrives to the age of Eighteen years unto Jacob Shell Senr." (6:88).

known for Frankey Mills. (As comparable examples, see the situations of two apparent sisters of Sarah Mills:

- Elizabeth Mills, who married William Burton in Bedford Co. in 1786 with an affidavit by the prominent George Lambert who said the young woman had asked him to write it for her to attest that she was of age.
- Susannah Mills who married in Amherst in 1795, with an attestation of age by John Lancaster who swore that Susannah was a daughter of Jesse Mills who had lived in his household for some years.<sup>43</sup>

Subsequent court orders presented in this report demonstrate that children were bound out until they came of age. If the Rachel Mills who married in 1803 was the bound-out daughter of Frankey, then it is likely that she had turned eighteen—i.e., born c1785. This fits the birth pattern for the three Mills-surnamed children Frankey seems to have borne:

- William Mills (Witt), born c1783; a hypothetical son
- Rachel Mills, born c1785;
- Samuel Mills, born c1787; a proved son

This analysis and conclusion—insofar as Rachel is concerned—is supported by the court order of 3 August 1803 (see that date below) which notes that “Rachel Mills, orphan of Francis Mills,” came into court and chose William Preston as her guardian.

Also consider:

- This court order referencing Frankey’s daughter as a “poor child” rather than a “bastard” is consistent with her presenting herself as a widow at the time of the November 1788 marriage bond with John Abram Glymph.
- The fact that no Mills males has been found in the county who might be Frankey’s deceased husband suggests that she arrived in the county with young children, rather than having borne those children in Montgomery County itself where her pregnancy and lack of husband would have been observed and reported to the overseers of the poor.
- The period of her arrival would seem to be after the 1786–87 conception of Samuel and before the November 1788 marriage bond.
- This court order to bind out Frankey’s daughter implies that she had no family in the county to support her child. This weighs heavily against her being a member of the Adkins family (that of Milliton who was Frankey’s marriage bondsman in 1788) or the Byas or Napier families who associated with the John White of Sugar Run. It does not eliminate the possibility that Frankey could have moved into the county with them
- Unlike some of the other binding-out cases presented in the contemporary court orders extracted into this report, there was no subsequent order by which the court authorized binding out this daughter out to any specific person. (Caveat: court minutes seem to be missing from June 1791 until June 1792.)
- On 5 June 1792 the overseers of the poor were ordered to bind out **Rachel Busby** (CO Bk 6:5). I am now watching to see if there is a subsequent entry identifying the person to whom she was bound.

**8 SEPTEMBER 1790  
MONTGOMERY COUNTY, VA**

---

<sup>43</sup> See Mills, “Jesse Mills Sr. (c1740–aft1811) of Albemarle & Amherst Counties, Virginia; Spouse Lucy Tilman: Research Notes,” a work-in-progress last updated 15 July 2019.

Court order

"Ordered that **William Brown** be appointed Surveyor of the high way from the big crossing of **Walkers Creek** to the Top of the **Brushy Mountain** in the room of **Thomas Shannon Esqr.** who has resign<sup>d</sup> said office and that he with the usual hands keep the same in repair."<sup>44</sup>

COMMENT:

In January 1800 Shannon expanded his holdings, as assignee of Henry Farley, with a grant of 60 acres on "the **south side of Little Sugar Run**, waters of Walkers Creek, waters of New River **adjoining Joseph Cloyd and John White.**"<sup>45</sup> This John would be the man I'm distinguishing as John 'S' White.

**9 SEPTEMBER 1790**

**MONTGOMERY COUNTY, VA**

Court order

**Richard Whitt** serves on jury for case of Hugh Montgomery against Robert Porter.<sup>46</sup>

**9 SEPTEMBER 1790**

**MONTGOMERY COUNTY, VA**

Court order

"Joseph Hanes, Plaintiff, against **Abram Glimph**, defendant. This day came the parties by their attorneys and thereupon came also a Jury ... who being elected tried and sworn the truth to speak upon the Issue Join<sup>d</sup> upon their Oathes do say that the Defendant doth owe to the Plaintiff the sum of three pounds ten shillings and three pence, the Debt in the Declaration mentioned in manner and form as the plaintiff against him hath complain<sup>d</sup>. Therefore it is considered by the Court that the Pltf recover against the said Defendant the Debt aforesaid and his Costs by him this behalf Expended and the Defendant in Mercy &c."<sup>47</sup>

**10 SEPTEMBER 1790**

**MONTGOMERY COUNTY, VA**

Court order

"Thomas Howell, Plaintiff, against **John Byars**, defendant." Byars failed to appear and judgment issued against him for 3 pounds 18 shillings with interest from 15 August 1787.

James Devor against **Milliton Adkins**. The prior summons ordered for Adkins has not been delivered. New order made for a *pluries summons* to be returned in next term of court.<sup>48</sup>

**7 APRIL 1791**

**MONTGOMERY COUNTY, VA**

Court order

"On the motion of the **Reverend Alexander Ross** who produced Credentials of his being in regular Communication with the **Annabaptist Church**, a License is granted him to Celebrate the rights of Matrimony in this County, whereupon he with James Barnett and John Lucus his Security entered into

---

<sup>44</sup> Montgomery Co., VA, Order Book 5, 1790–1791, p. 27.

<sup>45</sup> Virginia Land Office Grants, vol. 44, 1799–1800: 278; imaged at *Library of Virginia* ([https://lva.primo.exlibris-group.com/discovery/fulldisplay?docid=alma990008476650205756&context=L&vid=01LVA\\_INST:01LVA&search\\_scope=MyInstution&tab=LibraryCatalog&lang=en](https://lva.primo.exlibris-group.com/discovery/fulldisplay?docid=alma990008476650205756&context=L&vid=01LVA_INST:01LVA&search_scope=MyInstution&tab=LibraryCatalog&lang=en)) : accessed 20 June 2019.

<sup>46</sup> Montgomery Co., VA, Order Book 5, 1790–1791, p. 28.

<sup>47</sup> Montgomery Co., VA, Order Book 5, 1790–1791, p. 31.

<sup>48</sup> Montgomery Co., VA, Order Book 5, 1790–1791, pp. 38, 40, 43. A *pluries summons* was a substitute for an *alias summons* that had been damaged or defaced. An *alias summons* was a second (or later) summons issued after the first summons was ignored.

and acknowledged bond as the Law Directs and took the Oath of Allegiance & ye Oath to Support the Constitution of the United States.”<sup>49</sup>

COMMENT:

On this same day, 7 April 1791, Elijah Sartain posted a bond to marry Sarah Mills. Alexander Ross married them on 26 April.

Rev. Ross was taxed in Botetourt County (parent of Montgomery) from 1770–83.<sup>50</sup> One biographical sketch of him tells us this:

**“Rev. Alexander Ross** purchased 150 acres on the head of **Kittle Hollow** on the waters of **Devil's Den** in Montgomery County (VA), 23 May 1783, and sold it on 4 March 1804. He purchased 109 acres on Den [Doe] Creek, one of the waters of the North Fork of Roanoke River in Montgomery County (VA), 24 June 1789, and sold it 5 April 1804. **These two transactions suggest that Alexander Ross lived in Montgomery County (VA) from 1783–1804.** He was the minister of North Fork of **Roanoke Baptist Church** in Montgomery County (VA) from 1788–1789 (and possibly from 1783, when that church was constituted, until 1789) and of **Walker's Creek Baptist Church, from 1789–94**, in what was then Montgomery County and is now Giles County.”<sup>51</sup>

Doe Creek was the site of the land entered 1789 by John Abram Glymph, a mile or two from the Sartain lands.

Note the inclusion of John *Lucus* as bondman for Richard Whitt. Also note, under November 1790, the coupling of Prude *Lucus* with Frankey Mills as mothers of poor children to be bound out in the Preston district.

**8 APRIL 1791**

**MONTGOMERY COUNTY, VA**

Court order

“**Parker Atkins** is exempted from payment of County and parish Leveys on account of his Age and Infirmities & Charles Lucas, Same.”<sup>52</sup>

**7 JUNE 1791**

**MONTGOMERY COUNTY, VA**

Court order

“Ordered that **Cornelius Brown** have leave to keep a ferry across **New River** Opposite to where the said Brown Lives ....”<sup>53</sup>

COMMENT:

**This court order book ends on 8 June 1791. The next book begins 5 June 1792.** When the orders resume, there is a different penmanship and different recording style.

---

<sup>49</sup> Montgomery Co., VA, Order Book 5, 1790–1791, p. 82.

<sup>50</sup> Karen Wagner Treacy, *Botetourt County, Virginia, Lists of Tithables, 1770–1782* (Athens, GA: New Papyrus Publishing Co., 2014), 6, 32, 38, 88, 91, 101.

<sup>51</sup> Rev. Alexander Ross b. est. 1750–1760,” *We Relate* ([https://www.werelate.org/wiki/Person:Alexander\\_Ross\\_\(26\)](https://www.werelate.org/wiki/Person:Alexander_Ross_(26))) : accessed 24 June 2019). A source link at the end of this data connects to “Bishop\_Bischoffresearch: Restricted Group, 214 members,” *Yahoo Groups* ([https://groups.yahoo.com/neo/groups/Bishop\\_Bischoffresearch/conversations/topics/6773](https://groups.yahoo.com/neo/groups/Bishop_Bischoffresearch/conversations/topics/6773) : accessed 24 June 2019), an unsourced set of notes apparently contributed by Robert Cruikshank.

<sup>52</sup> Montgomery Co., VA, Order Book 5, 1790–1791, p. 95.

<sup>53</sup> Montgomery Co., VA, Order Book 5, 1790–1791, p. 106.

Neither Obediah Byas nor Milliton Adkins—nor the Whites nor the Napiers—are being appointed to the jury. I've seen just one reference to the Sartains: i.e., "Joel Certain Sr."

Court Order Book 7, is also dated 1792–1793 and begins September 1792. It carries more detailed entries than those in Court Order Book 6. While Book 6 typically notes that a case was heard—e.g., Smith vs. Jones—Book 7 gives full names for the parties with some detail about the nature of the suit.

19 AUGUST 1792

MONTGOMERY COUNTY, VA

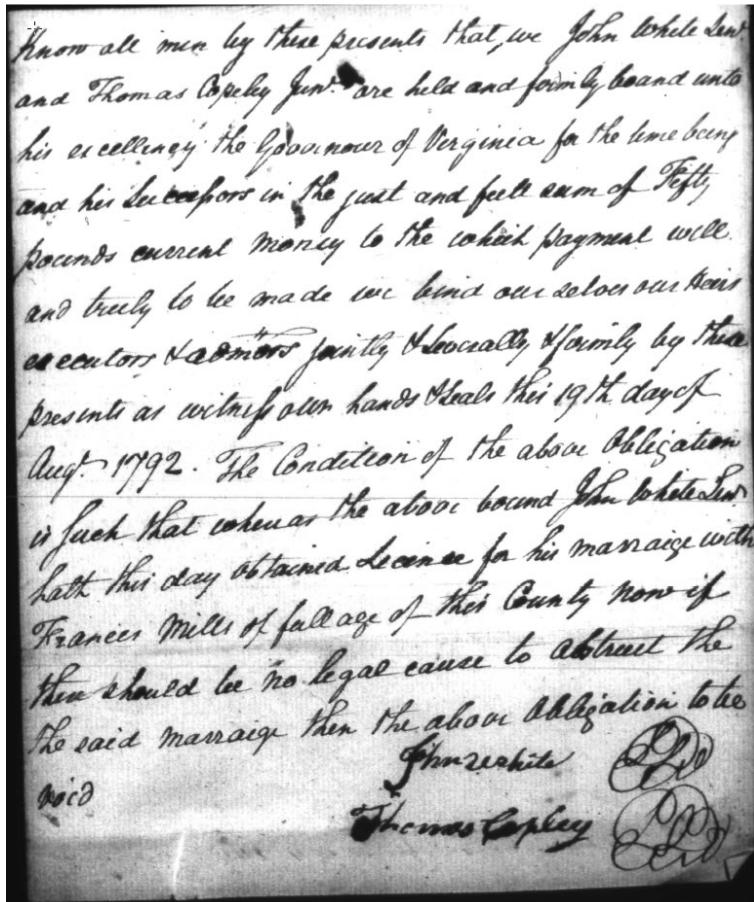
Marriage

"Know all men by these presents that we **John White Senr.** and Thomas Copeley **Junr.** are held and firmly bound unto his excellency the Governor of Virginia for the time being and his successors in the just and full sum of Fifty pounds current money to the which payment well and truly to be made we bind our selves our Heirs executors & admors jointly & Severally & formily by these presents are witness our hands & Seals this 19<sup>th</sup> day of Augt. 1792. The Condition of the above Obligation is Such that whereas the above bound John White Senr. Hath this day obtained License for his marriage with **Frances Mills** of full age of this County now if there should be no legal cause to obstruct the the [sic] said marriage then the above obligation to be void. [Signed:] John White, Thomas Copley."<sup>54</sup>

COMMENT:

The John White signature does not carry a mark, as with John White of the 1793 land sales. His signature does not appear to be penned by either Copley or the scribe. However, the "J" does resemble an "S," as with two of the three 1793 signature marks, discussed below.

Worrell's marriage abstracts for Montgomery err significantly in reporting this marriage. White is said by her to be John "Jr." and Copley is not identified as Thomas Jr.<sup>55</sup>



<sup>54</sup> Montgomery Co., VA, Marriage Bonds, 1789–1796, unnumbered documents in chronological order; Montgomery Co., microfilm reel 38, Library of Virginia, Richmond.

<sup>55</sup> Anne Lowry Worrell, *A Brief of Wills and Marriages in Montgomery and Fincastle Counties, Virginia, 1733–1831* (1932; reprinted Baltimore, 1996), 42.

1792

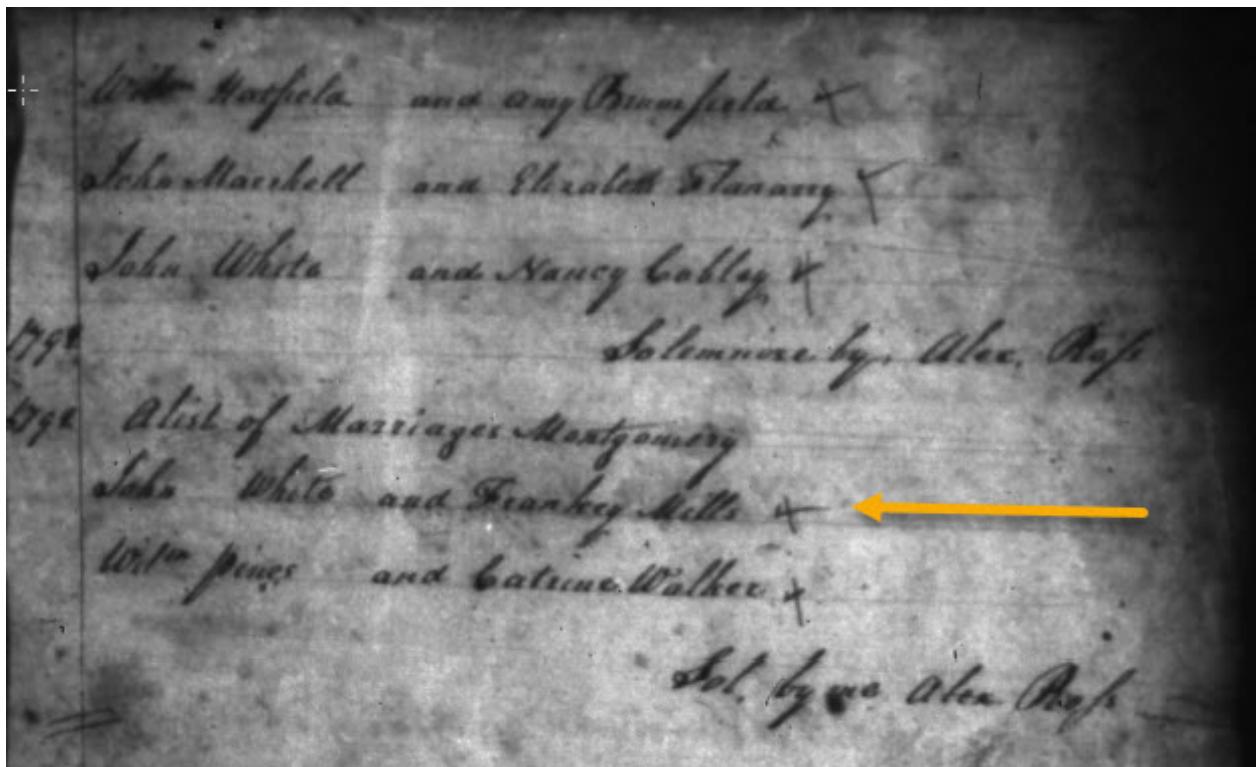
MONTGOMERY COUNTY, VA

Marriage

[consecutive entries; no month or year]

"A List of Marriages, Montgomery ... John White and Nancy Cobly [Copley]. Solemnized by Alex. Ross.

"A list of Marriages, Montgomery: **John White and Frankey Mills** ... Sol. by me Alex Ross.<sup>56</sup>



2 OCTOBER 1792

MONTGOMERY COUNTY, VA

Court order

"**Byars vs. Atkins, N.S.**"<sup>57</sup>

"John Byers Junr. against **Millenton Adkins**. ... On petition. The Defendant not being summoned on the motion of the plaintiff by his attorney a *pluris* [*pluries*] Summons is awarded him against the said defendant returnable here the next Court."<sup>58</sup>

COMMENT:

This appears amid a list of suits that were continued; a dozen or so were "N.S." Apparently that stands new summons."

<sup>56</sup> Untitled small register, unpaginated, chronological order; Montgomery Co., microfilm 52, Item 2, labeled "Marriage Records, 1785-1803."

<sup>57</sup> Montgomery Co., VA, Order Book 6, 1792-1793, p. 42.

<sup>58</sup> Montgomery Co., VA, Order Book 7, 1792-1793 [*sic*], p. 442.

**8 NOVEMBER 1792**

**MONTGOMERY COUNTY, VA**

Court order

"Commonwealth vs. **Daughters** fined according to Law for having a Baseborn Child."<sup>59</sup> [no given name]

"Commonwealth against **Catharine Daughters**. The Defendant who stands presented by the Grand Jury for having a Bastard Child being duly summoned and not appearing ... [shall] forfeit & pay twenty shillings according to Law and the Costs in this behalf Expended ... Costs 164 lbs Tob<sup>o</sup> at 14 pf 15 lbs. Do at 12 p & 15/."<sup>60</sup>

COMMENT:

Because of time limitations on this research trip, I have not continued reading the pages of volume 7, which cover the same court actions as vol. 6.

TO DO:

Finish reading Volume 7 when I can again access it.

**5 FEBRUARY 1793**

**MONTGOMERY COUNTY, VA**

Court order

**James Ripley** is approved to "keep an Ordinary at his own house in Christiansburgh."

"Ordered that the Overseers of the poor bind out according to Law **Lewis Collins** aged four years the 17<sup>th</sup> Day of June Last until he arrives of age."<sup>61</sup>

COMMENT:

In Montgomery, as in other Virginia counties of this era, aged three to four or so appears to be the most common time for poor children to be bound out. Even when the fathers of illegitimate children were charged and found guilty, they were ordered to pay a sum to the overseers of the poor for three or four years. At that point, the child was weaned from the mother and was of "appropriate age" to be bound out to work for its own keep.

TO DO:

Determine where Ripley came from. He might be another link to Amherst, given that Jesse Mills's widowed sister Elizabeth (Mills) Learwood married the old John Ripley of Ripley's Creek in Amherst.

**8 JUNE 1793**

**MONTGOMERY COUNTY, VA**

"A List of Marriages Solemnized by me Alexander Ross in the year of our Lord 1793. ....

"First **John White** & Nancy Cobley, June 8<sup>th</sup> ... **Robert Whit** & Mary White July 1<sup>st?</sup> ... Stephen McCommas? & Sarah Sartin July 20<sup>th</sup> ..."<sup>62</sup>

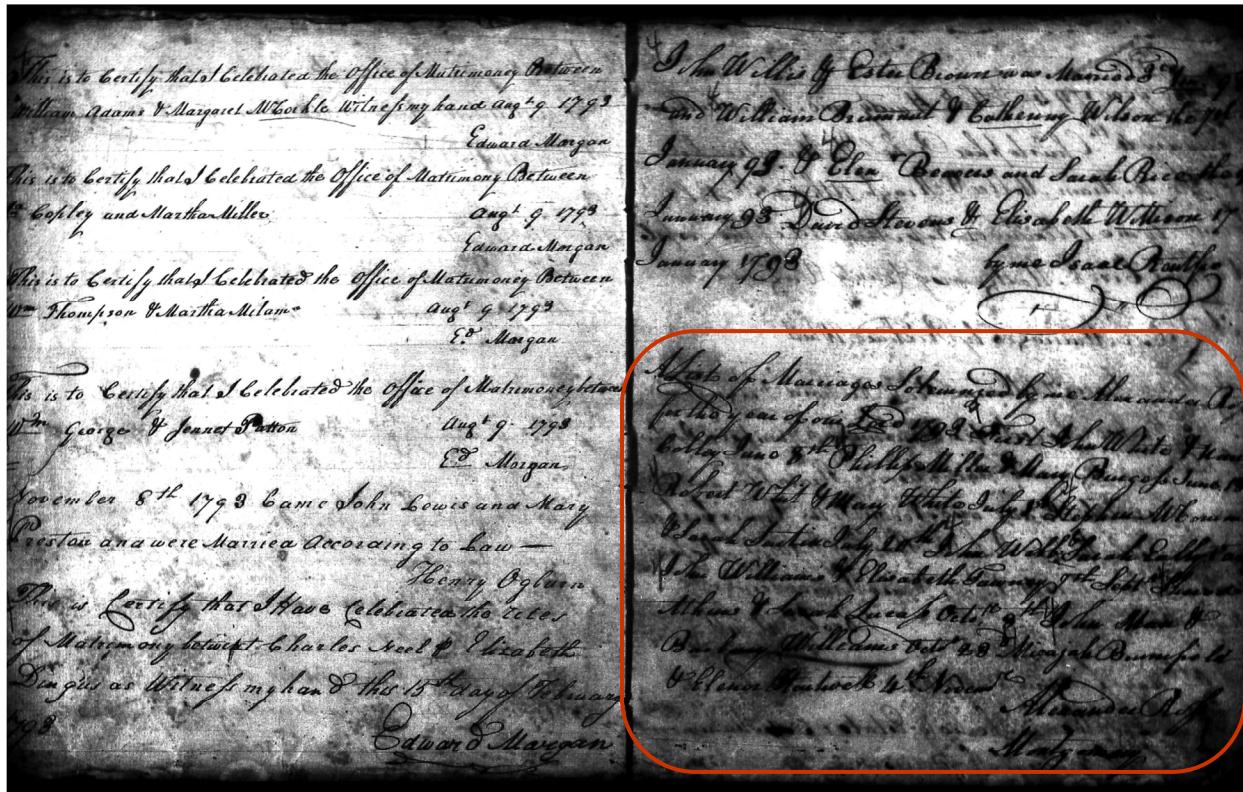
---

<sup>59</sup> Montgomery Co., VA, Order Book 6, 1792–1793, p. 57.

<sup>60</sup> Montgomery Co., VA, Order Book 7, 1792–1793 [*sic*], p. 442.

<sup>61</sup> Montgomery Co., VA, Order Book 6, 1792–1793, pp. 67, 74.

<sup>62</sup> Untitled small register, unpaginated, chronological order; Library of Virginia Montgomery Co., microfilm 52, item 2, labeled "Marriage Records, 1785-1803" by LoV.



#### JULY 1793–4 JULY 1794

#### MONTGOMERY COUNTY, VA

#### Surveys

"The following is a List of Surveys made since Gordon Cloyd filled the office of Surveyor of Montgomery County from July 1793 until July 1794. ... [Signed] Gordon Cloyd, 4 July 1794."<sup>63</sup>

#### COMMENT:

No relevant individuals or tracts.

#### 2 JULY 1793

#### MONTGOMERY COUNTY, VA

#### Court order

Byers vs. Adkins is still being continued.<sup>64</sup>

#### 4 SEPTEMBER 1793

#### MONTGOMERY COUNTY, VA

#### Court order

John Byers Jun<sup>r</sup> is elected to the jury.

#### COMMENT:

This is clearly not the Byas/Byers family.<sup>65</sup>

<sup>63</sup> Montgomery Co., Deeds & Wills A, 1773–1789, Section: Wills, p. 206; imaged, FamilySearch 007645566, image 558 of 578.

<sup>64</sup> Montgomery Co., VA, Order Book 6, 1792–1793, p. 117.

16 OCTOBER 1793

MONTGOMERY COUNTY, VA

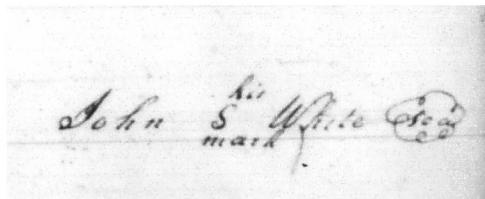
Land sale

John White sells to Joseph Cloyd for 20£, a tract or parcel of Land containing 45 acres on Little Sugar Creek, waters of Walkers Creek in Montgomery Co., bounded as follows:

Beginning at a Double elm on the bank of the branch thence to the patent Land and with it S 2° E 56 poles to three White Oak saplings by a Path S 44° W 82 poles to three white oak Saplings thence Leaving the patent line N 45° W 92 poles crossing sugar run to two white oak Saplings on the top of a high ridge on the patent line and with it 130 poles to the beginning

Witnesses: Gordon Cloyd, Noah Mollett, David Cloyd. Signed: John (his S mark) White [It was very clearly rendered as an S by the clerk when he made the recorded copy.]

Proved February Court 1794 by oath of David Cloyd.<sup>66</sup>



COMMENT:

Note that no wife participates in this sale, although Virginia's law required that the wives of sellers (if living) were to appear and relinquish their dower rights.

As noted above under 19 August 1792 when "John White Sr." posted bond in August 1792 to marry Frankey, he appears to have signed his own name to the bond and did not make the 'S' mark.<sup>67</sup> Almost certainly, Frankey's John was not the landowner on Sugar Run of Walker Creek.

To distinguish between the several John Whites living contemporaneously in Montgomery County, I will refer to this John, who made his mark of an 'S', as *John 'S' White*.

24 DECEMBER 1793

MONTGOMERY COUNTY, VA

Land sale

John White of Montgomery to Joseph Eaton of same, for 40£, sells 81 acres, "part of a Tract of [130] acres ... on Little Sugar Run, Waters of Walkers Creek, a branch of the Rivanna, bounded as followeth:"

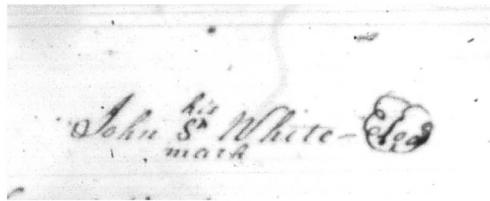
Beginning at a Large White oak on the old line, thence N 38° W 30 poles, crossing the run to two white oaks at the Mouth of a small hollow, N 30° E 62 poles to two white oak Saplings on Joseph Cloyd's Deeded Line and with a line thereof N 45° W 40 poles to a black oak and two white oak Saplings on a ridge thence along the old line S 40° W 208 poles crossing Sugar Run to the Large White Oaks on a bank S 45° E 60 poles to three white Oaks by a Calben? and Spring N 45° E 145 poles to the Beginning.

<sup>65</sup> Montgomery Co., VA, Order Book 6, 1792–1793, p. 42.

<sup>66</sup> Montgomery Co., Deeds & Wills B, 1773–1797, p. 112; imaged, Montgomery Co. microfilm 1, Library of Virginia.

<sup>67</sup> Montgomery Co., VA, Marriage Bonds, 1789–1796, unnumbered documents in chronological order; Montgomery Co., microfilm reel 38, Library of Virginia, Richmond.

Witnesses: G. Cloyd, David Cloyd, Thomas Cloyd. Signed John (his S<sup>r</sup> mark) White  
Proved February Court 1794 by oaths of Gordon Cloyd and Thomas Cloyd.<sup>68</sup>



COMMENT:

- The tract of 130 acres was the land surveyed for Patrick Napier, for which John 'S' White was issued a patent on 16 February 1793.
- "Joseph Cloyd deeded line" invokes the sale John 'S' White made to Joseph Cloyd on 16 October. Note that the calls of that deed's survey description include a line "N 45° W 92."

24 DECEMBER 1793

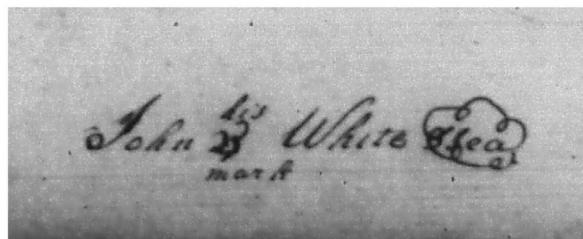
MONTGOMERY COUNTY

John White of the County of Montgomery to James Conally Senr. Of same, sale for 4£, 14 acres "being part of a tract of" 130 acres on Little Sugar Run, Waters of Walkers Creek, a branch of New River and Bounded as followeth:

Beginning at a Large White oak on the Old Line, a corner of Joseph Eatons deeded land and with the lines thereof N 38° W 30 poles crossing the run to two White oaks at the Mouth of a small hollow, N 30° E 62 poles to two White oak Saplings on Joseph Cloyd's Deeded line thence Leaving Eatons lines and with a line of Joseph Cloyd S 45° E 52 poles to three White oak Saplings on the old line and with the S 45° W 60 poles to the beginning.

Witnesses: G. Cloyd, David Cloyd, Thomas Cloyd. Signed: John (his mark).

Proved February Court 1794 by oath of David Cloyd.<sup>69</sup>



COMMENT:

This time the *copied* mark bears no resemblance to an "S." While it might be read as a "B," it carries no resemblance to the "B" used by the clerk. It most resembles the German Fraktur "B" or "V."

**John 'S' White has now disposed of all but 35 acres of his 130 acres from Napier.** No deed record is found for this land.

No land tax was charged on this land until 1805. That year's roll charges all 130 acres to a new

<sup>68</sup> Montgomery Co., Deeds & Wills B, 1773–1797, pp. 112–13; imaged, Montgomery Co. microfilm 1, Library of Virginia.

<sup>69</sup> Montgomery Co., Deeds & Wills B, 1773–1797, pp. 113–14; imaged, Montgomery Co. microfilm 1, Library of Virginia.

"John White," the apparent heir of John 'S' White. By 1806, the error was corrected on the Montgomery roll. Meanwhile, the land fell that year into Giles, whose 1806 and 1807 rolls also charge him with the correct number of acres: 35. No rolls exist for 1808. The 1809 Giles roll drops the entry, as though he has disposed of the land. No sales has been found.

**7 JANUARY 1794**

**MONTGOMERY COUNTY, VA**

Court order

"A deed of bargain & sale for Land from **John White** to **James Connally Senr.** Proved by the oaths of Gordon Cloyd & Thomas Cloyd two of the witnesses thereto. The same from the same to Joseph Cloyd the same. The same from the same to **Joseph Eaton** the same."<sup>70</sup>

COMMENT:

Again, no reference to a wife's relinquishment, as commonly appears in these court orders. John 'S' White's wife almost certainly is dead, leaving him free to wed Susannah Marcum in 1796.

**4 FEBRUARY 1794**

**MONTGOMERY COUNTY, VA**

Court order

"A deed of B & sale from **Thomas Farley** to **William Law** proved by **John Markum** an other witness there to & ordered to be recorded."<sup>71</sup>

COMMENT:

This note suggests that John Markum was in the John White neighborhood, given that White was a neighbor of Thomas Farley.

Thomas Farley, John White's neighbor, on 4 October 1793 had sold two tracts of his land to different people, 58 acres to Henry Lester, 130 to William Law, with witnesses **John Marcum** (his X mark), Thos Coply Junr./ and Henry Laster Junr. Those documents were also proved in February Court 1794.<sup>72</sup>

**4 FEBRUARY 1794**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that a wagon Road be Established from the mouth of Wolf Creek to the mouth of **East River** & that **David McCommas** be app<sup>d</sup> overseer thereof who with the Hands to be allotted him by Majr. Pearis & Capt. Snidow .... keep the same in repair."<sup>73</sup>

**4 FEBRUARY 1794**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that John, a base born child of Lucy Hurts, **aged three years past**, be bound out by the overseers of the poor according to Law.

Ordered that the Overseers of the poor bind out according to Law **Sarah** a base born Child of **Susanna Plumley**, also **Samuel Wright**, son of Isaa [sic] Wright, Decd."<sup>74</sup>

<sup>70</sup> Montgomery Co., VA, Order Book 8, 1794–1795, p. 6.

<sup>71</sup> Montgomery Co., VA, Order Book 8, 1794–1795, p. 7.

<sup>72</sup> Montgomery Co., Deeds & Wills B, 1773–1797, pp. 114–15; imaged, Montgomery Co. microfilm 1, Library of Virginia.

<sup>73</sup> Montgomery Co., VA, Order Book 8, 1794–1795, p. 9.

<sup>74</sup> Montgomery Co., VA, Order Book 8, 1794–1795, pp. 11–12.

**4 FEBUARY 1794**

**MONTGOMERY COUNTY, VA**

Court order

"A deed from **John White** to **Jas Conoly Senr** further proved by David Cloyd & ordered to be Recorded. Same from Same to **Joseph Eaton** the same. Same from Same to **Joseph Cloyd** the same."<sup>75</sup>

COMMENT:

Again, as the court continues to perfect the title to this land before recording, there is no reference to a wife relinquishing her dower.

**4 MARCH 1794**

**MONTGOMERY COUNTY, VA**

Association

**William Watts** and Samuel (his mark) Huddleston witnessed deed from **George Tawney** [not Toney] and wife Elizabeth to John Graybill.<sup>76</sup>

**2 APRIL 1794**

**MONTGOMERY COUNTY, VA**

Court order

"**George Tawney** is appointed as next friend to **John Tawney** [not the same man as John Toney of East River] for the prosecution of two Actions ag<sup>t</sup> Elijah Smith, the one for Slander, the other for Assault & Battery. "Also for George Tawney Junr. to prosecute an action of Assault & Battery agt. The same."<sup>77</sup>

**5 APRIL 1794**

**MONTGOMERY COUNTY, VA**

Association

Andrew Hatfield Senr. of Montgomery Co. sells to **John Certain** [Sartain] for 50£ a tract of 53 acres on Big Stony Creek, a branch of New River. No witnesses. Proved in May Court 1794 by acknowledgment of Andrew Hatfield.<sup>78</sup>

**3 JUNE 1794**

**MONTGOMERY COUNTY, VA**

Court order

Commonwealth vs. Barbara Pinnor Dismissed ... Anne Moore, Dismissed ... Lucy Hurt, Dismissed ... Nancy Kirby, Dismissed ... Martha McLain, Continued.<sup>79</sup>

COMMENT:

No details are given, but these "Commonwealth vs. Female" cases were typically for bastardy, fornication, or adultery.

**28 JUNE 1794**

**MONTGOMERY COUNTY, VA**

Association

William Thompson sold to **Gordon Cloyd** for 200£ a tract of 235 acres deeded to William Thompson by

---

<sup>75</sup> Montgomery Co., VA, Order Book 8, 1794–1795, p. 12.

<sup>76</sup> Montgomery Co., Deeds & Wills B, 1773–1797, p. 145; imaged, Montgomery Co. microfilm 1, Library of Virginia.

<sup>77</sup> Montgomery Co., VA, Order Book 8, 1794–1795, p. 23.

<sup>78</sup> Montgomery Co., Deeds & Wills B, 1773–1797, pp. 137–38; imaged, Montgomery Co. microfilm 1, Library of Virginia.

<sup>79</sup> Montgomery Co., VA, Order Book 8, 1794–1795, p. 42.

the will of James Patton. Adjoins land of Joseph Cloyd, Henry Thompson.<sup>80</sup>

**5 JULY 1794**

**MONTGOMERY COUNTY, VA**

Court order

"Byers vs. [Milliton] **Adkins**. Parties heard & Judg<sup>t</sup> for 40 s & Costs with Stay of Ex<sup>on</sup> till 20 Oct<sup>r</sup> next."<sup>81</sup>

**5 JULY 1794–15 JULY 1795**

**MONTGOMERY COUNTY, VA**

Surveys

List of surveys made by Gordon Cloyd<sup>82</sup>

COMMENT:

No relevant individuals or tracts.

**20 AUGUST 1794**

**MONTGOMERY (LATER GILES) COUNTY, VA**

Land grant

"By virtue a certificate in Right of Settlement given by the Commissioners for adjusting the titles of unpatented Lands in the district of Washington and Montgomery, there is granted ... unto **John Toney, Assignee of James Adair**, a certain Tract or parcel of Land" containing 100 acres by survey dated **2 March 1785**, lying in Montgomery County on **New River** at the **mouth of East River**

Beginning at a bunch of Lynns on a bank of New River, thence up the River 75° E 68 poles to a poplar, thence S 52° W 100 poles to a Hickory, S 62° W 102 poles to a white oak on the Bank of East River, N 19° W 36 poles crossing East River to a poplar, N 12° W 126 poles crossing East River to a stake in a point of an Island at the mouth of East River, thence up New River and on the bank of the Island, and including the same 150 poles to the beginning.<sup>83</sup>

COMMENT:

This apppears to be the tract that was the site of Toney's Tavern. See Fig. 1.

**20 AUGUST 1794**

**MONTGOMERY (LATER GILES) COUNTY, VA**

Land grant

"By virtue of a Land Office Treasury Warrant" No. 18750 issued **14 August 1783**, "there is granted ... unto **John Toney, Assignee of John Smith**, a certain Tract or parcel of Land" containing 344 acres by survey dated **7 March 1787**, lying in Montgomery County on **Cole River**, bounded as follows:

Beginning at white oak corner of his Survey Number 14, running S 19° W 74 poles to two Buck eyes, on the Bank of the River on a line of said Survey, S 80° W 126 poles to two Lynns on the N side of a Hill, N 58° W 28 poles crossing the River to two Beeches on the Bank, and thence down the same and binding thereon, N 85° W 48 poles, N 69° W 62 poles, N 32° W 68 poles, N 5° W 56

---

<sup>80</sup> Montgomery Co., Deeds & Wills B, 1773–1797, pp. 162–63; imaged, Montgomery Co. microfilm 1, Library of Virginia.

<sup>81</sup> Montgomery Co., VA, Order Book 8, 1794–1795, p. 65.

<sup>82</sup> Montgomery Co., Deeds & Wills A, 1773–1789, Section: Wills, pp. 215–16; imaged *FamilySearch* 007645566, image 563 of 578.

<sup>83</sup> Virginia, Land Office Grants, vol. 30, 1793–1799, p. 284; imaged at *Library of Virginia* ([http://image.lva.virginia.gov/cgibin/drawer?retrieve\\_image=LONN&dir=/LONN/LO4/096/096&image\\_number=0298&offset=%2B14&name=Grants+No.30+++1793-1799&dbl\\_pgs=no&round=:](http://image.lva.virginia.gov/cgibin/drawer?retrieve_image=LONN&dir=/LONN/LO4/096/096&image_number=0298&offset=%2B14&name=Grants+No.30+++1793-1799&dbl_pgs=no&round=:) accessed 20 June 2019).

poles, N 18° E 48 poles to two \_\_\_\_ on the Bank of the River, thence leaving the same N 56° E 160 poles, crossing two small branches to a black oak and white oak on West side of a Hill and S 42° E 265 poles to the Beginning.<sup>84</sup>

COMMENT:

Cole River was in Montgomery County prior to 1789. It then became part of the new county of **Kanawha**. The fact that this 1794 patent refers to it as lying in Montgomery County tells us that Toney petitioned for the land and had it surveyed before the 1789 split.

Toney and wife sold this on 5 August 1799. See that date below.

**Meanwhile, one John White of Montgomery also obtained land on Cole River in 1788 and also obtained his land as the assignee of John Smith.** Early deed records of Kanawha are destroyed.

**2 SEPTEMBER 1794**

**MONTGOMERY COUNTY, VA**

Court order

“Ordered that the overseers of the poor bind out **John Bryant** an Orphan According to law.”<sup>85</sup>

**7 OCTOBER 1794**

**MONTGOMERY COUNTY, VA**

Court order

“Ordered that Thomas **Burk**, John **Burk**, & Jacob Snidow & John Lybrook or any three of them do view the way proposed for a road from the **Lower Crossing** of Doe Run to Andrew Hatfields on **Big Stoney Creek** & make report thereof to court.”<sup>86</sup>

COMMENT:

The Hatfield land was now the locus of the Joel > Elijah Sartain family. See 5 April 1794 above for Joel’s acquisition of the land.

**7 OCTOBER 1794**

**MONTGOMERY COUNTY, VA**

Court order

**Milliton Atkins** appointed Ensign of the 86<sup>th</sup> Regt. Along with Isaac Chapman, John Currin, and William Brown. Lieutenants: John Crow, John Burk, John French, David Price, Samuel Patton.

“Ordered that **Low Brown**, Thomas Farley Jur., John Kirk & Thomas Copley Senr or any three of them being first Sworn do view the way proposed for a Waggon Road from **Low Browns** on Walkers Creek the nighest & best way to Lybrooks Mill on **New River** and that Parker Lucas, David Lucas, John Philip & Jacob Albert do view from thence to the Waggon Road Leading up Sinking Creek near Byers’s, & from thence to view a Bridle way up **Doe Run** in a Direction towards **Crawfords Iron Works** to the **Greenbrier line**.<sup>87</sup>

**7 OCTOBER 1794**

**MONTGOMERY COUNTY, VA**

<sup>84</sup> Virginia, Land Office Grants, vol. 30, 1793–1799, p. 272–73; imaged at *Library of Virginia* ([http://image.lva.virginia.gov/cgi-bin/drawer?retrieve\\_image=LONN&dir=/LONN/LO4/096/096&image\\_number=0298&offset=%2B14&name=Grants+No.30++1793-1799&dbl\\_pgs=no&round=:](http://image.lva.virginia.gov/cgi-bin/drawer?retrieve_image=LONN&dir=/LONN/LO4/096/096&image_number=0298&offset=%2B14&name=Grants+No.30++1793-1799&dbl_pgs=no&round=:) accessed 20 June 2019).

<sup>85</sup> Montgomery Co., VA, Order Book 8, 1794–1795, p. 75.

<sup>86</sup> Montgomery Co., VA, Order Book 8, 1794–1795, p. 91.

<sup>87</sup> Montgomery Co., VA, Order Book 8, 1794–1795, pp. 92, 94.

Court order

"Leave is Granted to **Joseph Eaton** to make an Inclusive Survey of his lands adjoined on Sugar Run, he having proved by the oath of Gordon Cloyd that the same was **advertised according to Law.**"<sup>88</sup>

TO DO:

Identify the law and the terms required for advertising.

**8 OCTOBER 1794**

**MONTGOMERY COUNTY, VA**

Court order

"The undernamed Justices convened in pursuance of a Summons of James Woods Esqr to hold a Court for the Examination of **John Tawney** [Toney?] who is charged with Entering the House of Elijah Smith in the Day time and feloniously taking Six Small pieces of silver viz four quarter Dollars & two pistruns [*sic*]. To wit: John Taylor, James Woods, James Craig & James Reaburn, Gen. Justices. The said Justices having Examined the Witnesses as well for as against the prisoner in his presence and heard his defence. It seems to them that he is Innocent of the Charge and he is therefore Dismissed from further prosecution."<sup>89</sup>

**4 NOVEMBER 1794**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that **William Brown, Low Brown**, John Crow, Samuel Scott or any three of them being first duly sworn do View the Nighest & Best way for a wagon Road from **Snidow's ferry** to **Pearis's ferry** on New River and make report to the Court ..."<sup>90</sup>

**5 NOVEMBER 1794**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that Jonathan Grimes pay unto the overseers of the poor of this County the sum of seventy four Dollars for the maintenance of a **Bastard child** begotten on the body of **Mary Shelor** by the sd. Jonathan, which said sum is to be paid in the following manner: viz., twenty five dollars on or before the expiration of one year from this day, twenty one dollars on or before the expiration of two years from this day, fifteen dollars on or before the expiration of three years from this day, & thirteen dollars on or before the expiration of four years from this date, & that he enter bond with security for the puntuall payment of sd. Sums."<sup>91</sup>

COMMENT:

Order Book 10: 101 records a motion by "Charles Bowman & Mary his wife late Mary Sheler, Executrix of the last will & testament of Lawrence Sheler decd..." to take a deposition from the witness Moses Cummings now in Lincoln County, KY.

The requirement for parental support up for the first four years reflects the practice of binding out baseborn children at that age to work for their own labor.

---

<sup>88</sup> Montgomery Co., VA, Order Book 8, 1794–1795, p. 98?

<sup>89</sup> Montgomery Co., VA, Order Book 8, 1794–1795, p. 100.

<sup>90</sup> Montgomery Co., VA, Order Book 8, 1794–1795, p. 102.

<sup>91</sup> Montgomery Co., VA, Order Book 8, 1794–1795, pp. 110–11.

**2 DECEMBER 1794**

**MONTGOMERY COUNTY, VA**

Court order

"**Joseph Eaton** returned a platt of a Survey made by Gordon Cloyd Surveyor of this County on **Sugar Run** which was Examined by the Court & Ordered to be Certified."<sup>92</sup>

TO DO:

Determine whether a copy of this plat is recorded. It should contain the land that John White sold to Eaton. At 8:141, the court ordered that funds be allotted to Gordon Cloyd "for an Entry Book for the Surveyors Office."

**6 JANUARY 1795**

**MONTGOMERY COUNTY, VA**

Court order

"Joseph Cloyd is allowed for his public services for one year as Shff **Twenty five dollars.**"<sup>93</sup>

**4 MARCH 1795**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that **Low Brown & Thomas Copley** be appointed Overseers of the Road from said Browns to **Lybrooks Mill** and that Thomas Shannon, Thomas Burk & Christian Snidow do Divide the Road & allot the Hands between the said Overseers and that they with the Hands to them Allotted they put & keep their Respective parts in Repair."<sup>94</sup>

COMMENT:

Thomas Copley Jr. was bondsman for the marriage of Frankey Mills to John White Sr. His sister Nancy Copley married a younger John White in January 1793, by bond, with minister's return.

**8 APRIL 1795**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that the Overseers of the poor bind out **John Jones** according to Law, to And<sup>w</sup> Casseday."<sup>95</sup>

COMMENT:

Order Book 10:103 records the motion of "Leah Cassiday, widow, who is intitled to Administration of the Estate of Andrew Cassiday, deceased." Would John Jones have stayed with the widow?

**5 MAY 1795**

**MONTGOMERY COUNTY, VA**

Court order

"The persons app<sup>td</sup> to View the way proposed to connect a Road from **Thomas Farleys** through the **narrow**s on **New River** & Crossing the same to **Brown's Ferry Road** on **Tom's Creek** report in favor

---

<sup>92</sup> Montgomery Co., VA, Order Book 8, 1794–1795, p. 120.

<sup>93</sup> Montgomery Co., VA, Order Book 8, 1794–1795, p. 132.

<sup>94</sup> Montgomery Co., VA, Order Book 8, 1794–1795, p. 141.

<sup>95</sup> Montgomery Co., VA, Order Book 8, 1794–1795, p. 151.

thereof And it is ordered that the Same be Established to be opened by the petitioners & that John Kirk & John Ely be overseers of the same.”<sup>96</sup>

COMMENT:

The Narrows lay at the juncture of Wolf Creek with New River. It was the first major waterway south of John Toney’s Inn and Ferry on East River’s juncture with New River (across from Glen Lyn). See Fig. 2 on next page.

Other documents in this set of research notes seem to show that Toney bought up most or all of the New River land between East River on the north and Wolf Creek on the south.

**23 MAY 1795**

**MONTGOMERY COUNTY, VA**

Marriage bond

Robert White (x) posted bond to marry Mary Webb, daughter of William Webb, with William Webb as surety (signed with his “W” mark). Teste: Tho<sup>s</sup> Boyd.<sup>97</sup>

COMMENT:

I have not identified this Robert White. He would remain in Montgomery after Giles split away. Tax records *imply* that he was part of the family of John White Sr.<sup>98</sup>

**15 JULY 1795–15 JULY 1796**

**MONTGOMERY COUNTY, VA**

Surveys

List of surveys made by Gordon Cloyd<sup>99</sup>

COMMENT:

No relevant individuals or tracts.

**4 AUGUST 1795**

**MONTGOMERY COUNTY, VA**

Court order

“Ordered that **William Toney** be app<sup>td</sup> Overseer of the Road from the mouth of **East River** \* up the same to the Wythe line and that he with the tithables below East River Mountain be put & keep the same in Repair.”<sup>100</sup>

**6 OCTOBER 1795**

**MONTGOMERY COUNTY, VA**

Court order

“Ordered that **John Toney** be appointed overseer of the road in the room of **William Toney** & that he with the usual Hands keep the same in repair.”<sup>101</sup>

---

<sup>96</sup> Montgomery Co., VA, Order Book 8, 1794–1795, p. 158.

<sup>97</sup> Montgomery Co., VA, Marriage Bonds, 1789–1796, unnumbered documents in chronological order; FamilySearch digital film 007740792, images 758–59 of 986.

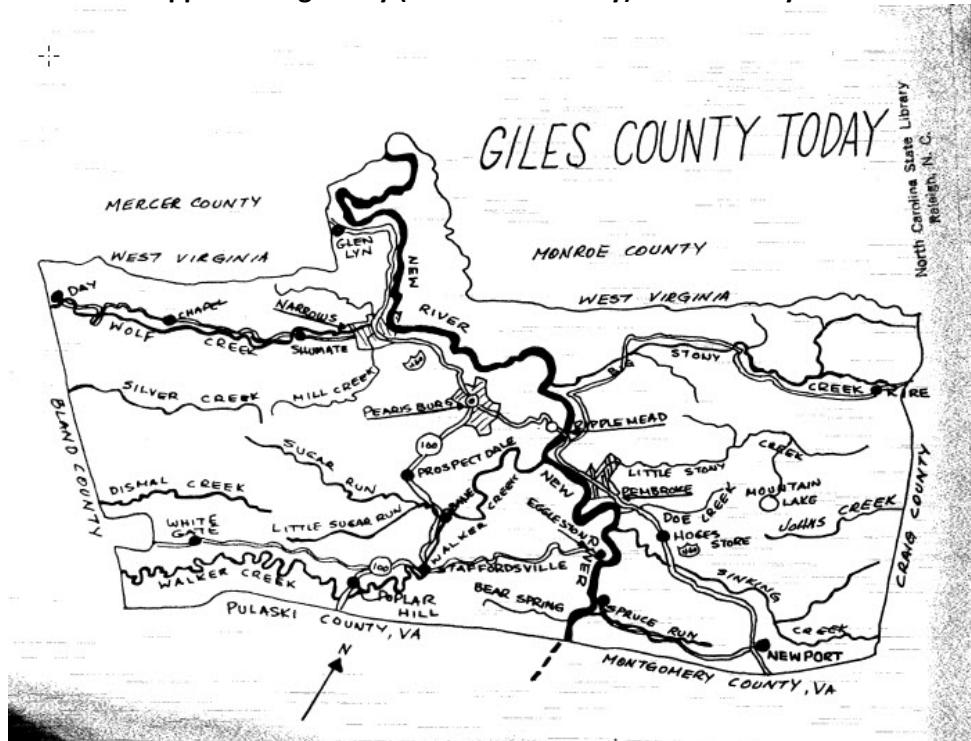
<sup>98</sup> See E. S. Mills, “Mills-White-Witt: Montgomery County, Virginia, Tax Roll Data, 1782–1807,” report to file, 15 February 2020.

<sup>99</sup> Montgomery Co., Deeds & Wills A, 1773–1789, Section: Wills, p. 229; imaged FamilySearch 007645566, image 571 of 578.

<sup>100</sup> Montgomery Co., VA, Order Book 9, 1795–1796, p. 27.

<sup>101</sup> Montgomery Co., VA, Order Book 9, 1795–1796, p. 68.

**Map 2**  
**Upper Montgomery (later Giles County): 20<sup>th</sup> Century Bounds<sup>102</sup>**



**6 OCTOBER 1795**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that the following persons be recommended to the Executive as proper persons to be commissioned in the 86<sup>th</sup> Regiment of Militia ... Nimrod Kirk Ensign vice **Millitan Adkins removed.** ...."<sup>103</sup>

**COMMENT:**

This is the last record I've found to date for Milliton Adkins. His son Parker Adkins appears on the 1809 tax roll of the new county of Cabell (as does Samuel Mills, son of Frankey).

**3 NOVEMBER 1795**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that the Overseers of the poor Bind out **Jenny Linder**, Daughter of Jeremiah Blackstone According to Law to Samuel Bishop."<sup>104</sup>

**1 DECEMBER 1795**

**MONTGOMERY COUNTY, VA**

Court order

<sup>102</sup> Charley L. Davis, *Giles County, Virginia, Personal Property Tax List, 1806; and Giles County Land Tax List, 1806; Order Book Minutes and Selected Marriages* (Oakton, VA: Privately Printed, 1980), unnumbered page.

<sup>103</sup> Montgomery Co., VA, Order Book 9, 1795–1796, p. 69.

<sup>104</sup> Montgomery Co., VA, Order Book 9, 1795–1796, pp. 72–73.

"Ordered that the Overseers of the poor bind out According to Law to **Abram Chrisman** an Orphan Child named **Squire McDonald** until he arrives of age."<sup>105</sup>

**2 FEBUARY 1796**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that the Road from the **Gap of the Mountain** by **Col<sup>o</sup> Cloyds** to **Brown's Ferry** by way of Capt. Hous [Howes?] be Discontinued."<sup>106</sup>

**6 APRIL 1796**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that the Overseers of the poor bind **Charles McFadden** to John King Esqr according to Law."<sup>107</sup>

**3 MAY 1796**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that the Overseers of Poor bind According [to] Law, **Sarah Plumbly**, to John Peden."<sup>108</sup>

**3 MAY 1796**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that the Overseers of Poor bind **Jesse Loe** and **Nancy Loe** according to Law to John Bell Jr."<sup>109</sup>

**3 MAY 1796**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that **Elizabeth Godsey** be bound by the Overseers of Poor according to Law unto Matthew Castillo."<sup>110</sup>

COMMENT:

Order Book 8:224 identifies Castillo as the county jailor.

**7 JUNE 1796**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that the Overseers of Poor bind out according to Law **Frances Hickson** to Jeremiah Richards."<sup>111</sup>

**17 JUNE 1796**

**MONTGOMERY COUNTY, VA**

Land deed

---

<sup>105</sup> Montgomery Co., VA, Order Book 9, 1795–1796, p. 89.

<sup>106</sup> Montgomery Co., VA, Order Book 9, 1795–1796, p. 108.

<sup>107</sup> Montgomery Co., VA, Order Book 9, 1795–1796, p. 133.

<sup>108</sup> Montgomery Co., VA, Order Book 9, 1795–1796, p. 143.

<sup>109</sup> Montgomery Co., VA, Order Book 9, 1795–1796, p. 143.

<sup>110</sup> Montgomery Co., VA, Order Book 9, 1795–1796, p. 154.

<sup>111</sup> Montgomery Co., VA, Order Book 9, 1795–1796, p. 160.

"Whereas my father William Preston decd. late of Montgomery County, made his last Will and Testament in writing bearing date [29 March 1777] and his Codicil thereto bearing date the [15<sup>th</sup> February 1781] [which contained] the following in the said Codicil, Viz: Should the Child with which my wife is pregnant be a son then the thousand acres **just above the falls** is to fall to and be equally divided between my Sons John & Francis on the proviso that they settle at the **Horse Shoe Bottom** during the life of their mother, take care of the education of my other sons, and after their mothers death to be at the expence of it without taking anything of their young brothers part of my estate. If the sd. John and Francis fails in any way or all the above previsoies then I give the said Thousand Acres to **my two sons William and James Patton [Preston]** to be equally divided between them. And whereas my Brother John Preston, one of the Devises therein mentioned hath on his part fully complied with the said Will & Codicil in this particulars so far as relates to me and it would be unjust and demonstrate a want of affection and Gratitude in me to claim or demand any part of the said John Preston's moiety of the sd. Thousand acres of land **just above the Falls of Ohio** as alluded to & meant in the Codicil. Now Know ye that I **William Preston of Montgomery County** ... to my said Brother John Preston and to quiet him in his right & claim to the said Moiety & for the sum of two hundred Dollars to me presented & paid by the said John Preston ... for all way and any right that has or may arise or accrue to me in the said Moiety ... [do] quit quit claim to the said John Preston of and from all rights titles claims or demands whatsoever which I my heirs executors and administrators may have. [Signed] Wm. Preston. Witnesses: Jn<sup>o</sup> Leyburn, John King, Eliza Madison, W. P. Smith, Benjn. Howard."<sup>112</sup>

COMMENT:

Eliza[beth] Madison was née Elizabeth Preston, daughter of William Preston Sr. She married William Madison in Botetourt on 8 January 1779.

**5 JULY 1796**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that **Joseph Huff** pay unto the Overseers of the poor of this County the Sum of forty five dollars in three Annual payments to wit: the Sum of Twenty Dollars for the first year, the Sum of Fifteen Dollars for the Second year & the sum of Four Dollars the third year for the maintenance of a **Bastard Child begotten on the body of Elenor Barrett** by the said Joseph Huff and that he Execute Bond with Security for the payment of the same.""<sup>113</sup>

**15 JULY 1796–15 JULY 1797**

**MONTGOMERY COUNTY, VA**

Surveys

Annual list submitted by Gordon Cloyd. No relevant entries.<sup>114</sup>

---

<sup>112</sup> Montgomery Co., VA, Deed Book C, 1797–1803, pp. 548–49.

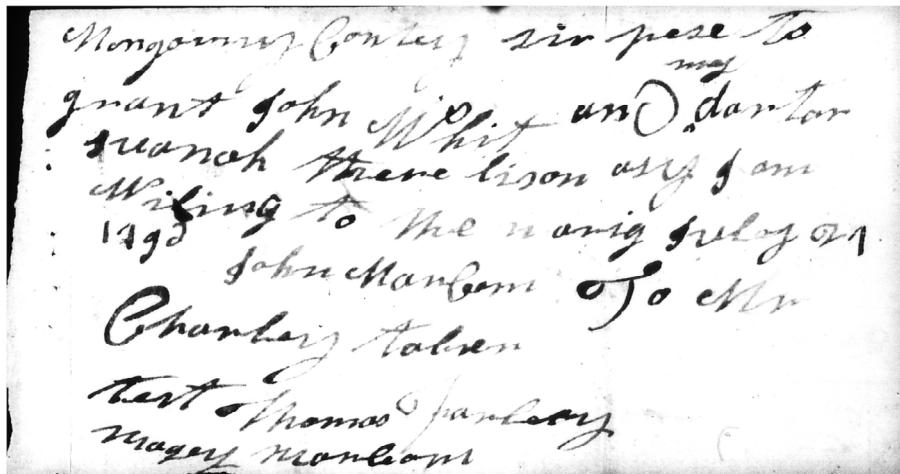
<sup>113</sup> Montgomery Co., VA, Order Book 9, 1795–1796, p. 184.

<sup>114</sup> Montgomery Co., VA, Will Book 1, 1796–1809, p. 5; *FamilySearch* microfilm 7645478, image 25. This volume contains not only wills but bonds, inventories, estate sales, survey lists, writs of *ad quo damnum* for erection of mills with lists of all neighboring landowners who approved them, etc. I am not reading every page but am visually scanning for relevant names.

27 JULY 1796

MONTGOMERY COUNTY, VA

"Mongomry Conte, sir, pese to grant **John Whit** and my dartar **Suanah** there lison any [asy?] I am Wiling to the marig July 27 1796 [a backward 6] **John MarCum** To Mr. Charley Tolsen? Teste Thomas Farley, Magey Marcum."<sup>115</sup>



29 JULY 1796

MONTGOMERY COUNTY, VA

"Know all men by these Presents that we **John Whiel White** [actually Whitt overwritten with an e on the last letter] and **Mazey Marcum** are held and firmly bound unto his Excellency the Governor of Virginia for the time being and his Successors in the Just and full sum of a Hundred & fifty Dollars To which Payment well & truly to be made we bind our selves our Heirs &c firmly by these Presents seald with our seals & dated this 29<sup>th</sup> day of July 1796.

The Condition of this Obligation is such that whereas the above bound **John White** hath this day obt<sup>d</sup> a License for his Marriage with **Susanna Marcum, daughter of John Marcum**, now if there should be no Legal Cause to Obstruct said Marriage then this Obligation to be Void Else to remain in full force & Virtue in Law. [Signed] John his S mark White. Mazey His Mark [see image] Marcum. Teste: \_\_obrel Tayloe.<sup>116</sup>

COMMENT:

Note on image, below, that this John White signs the bond with his mark 'S.' Almost certainly this is the John White of Sugar Run who

- appears on the "Enumerated Articles" tax roll of c1782 adjacent to "William Marcum,"
- bought land from Patrick Napier in the mid-to-late 1780s, then
- sold all but 35 of those 130 acres in 1793 without a wife's dower relinquishment.

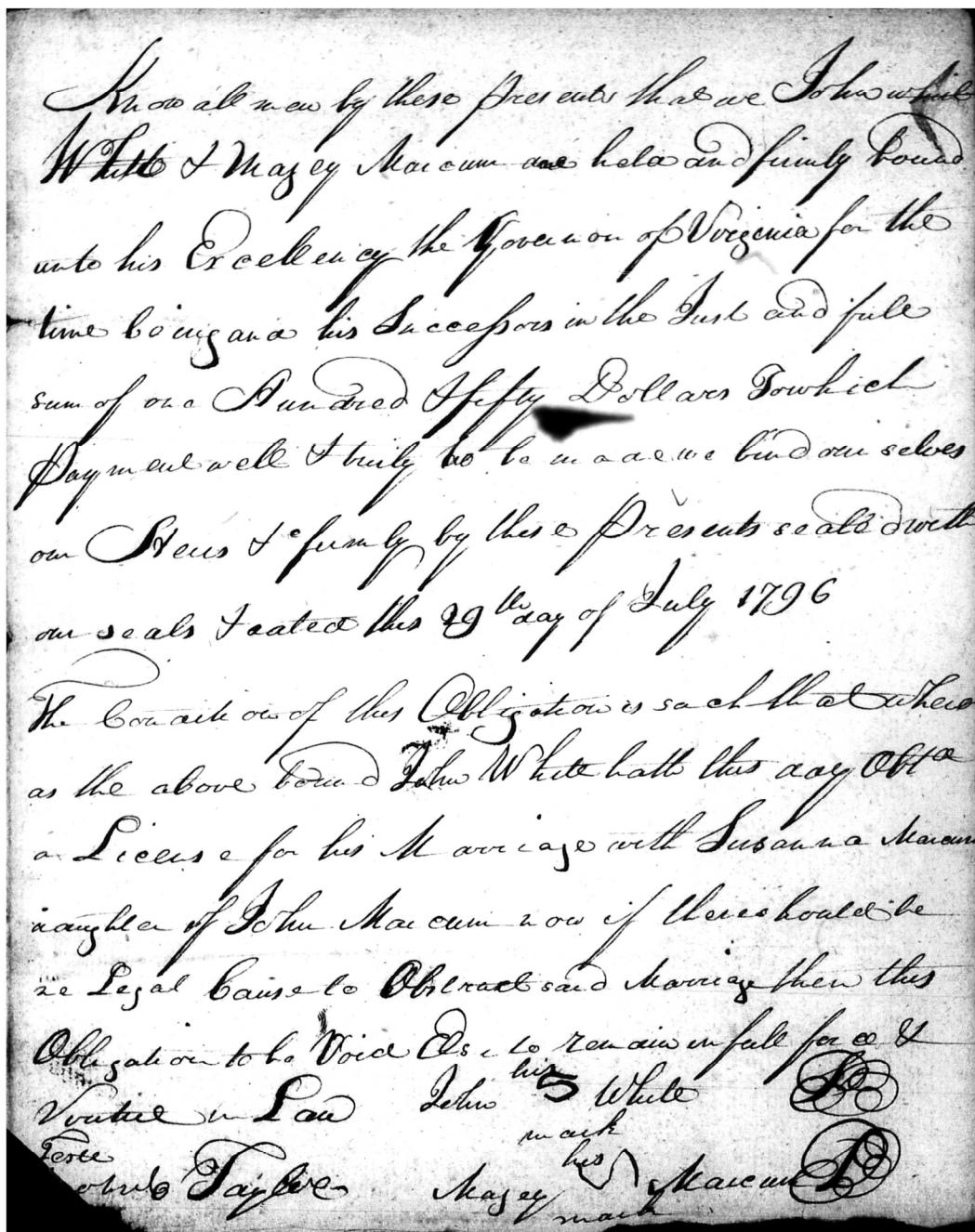
Given the length of time that he was in (or in-and-out) of Montgomery prior to his 1796 marriage, it is all but certain that he had a prior family.

Susanna Marcum was still a minor—hence the need for parental permission. The age disparity between the couple might be attributed to the same reason that Frankey Mills married her

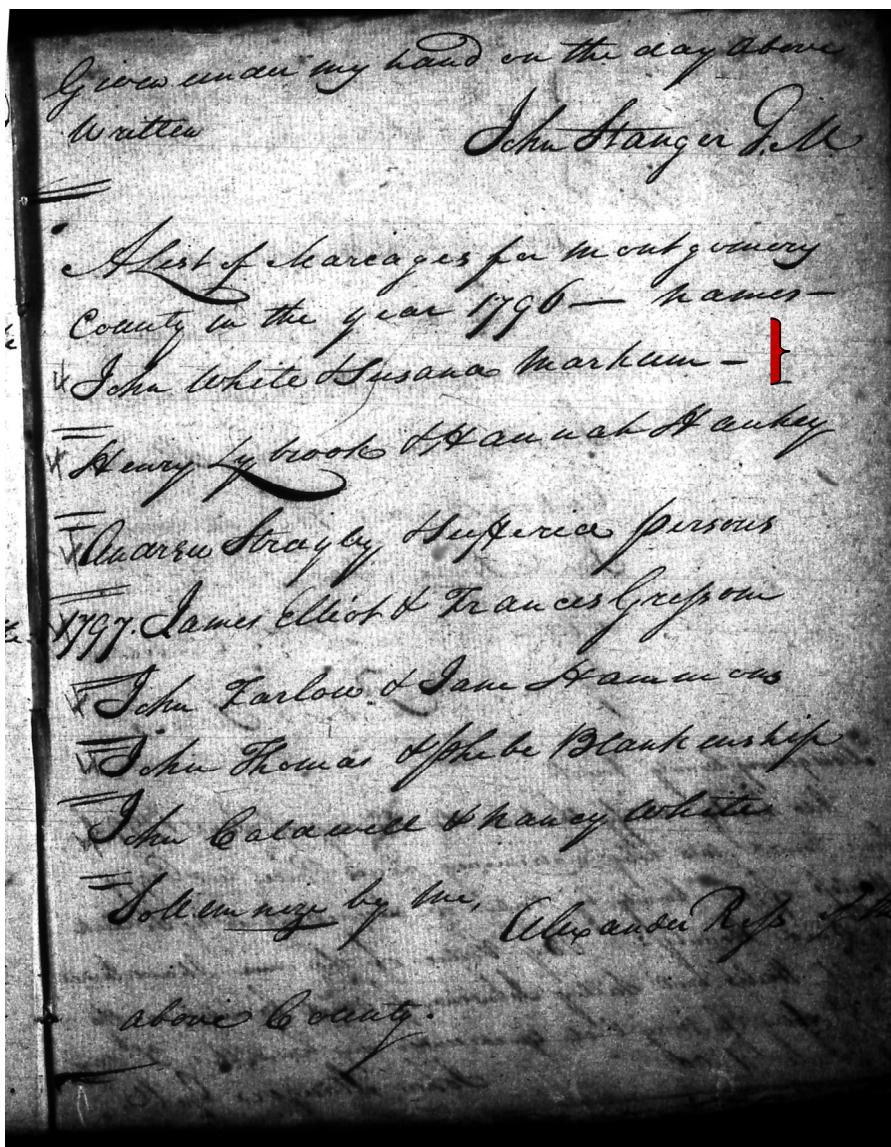
<sup>115</sup> Montgomery Co., VA, Marriage Bonds [and related documents], 1789–1796, unnumbered documents in chronological order; Montgomery Co., microfilm reel 38, Library of Virginia, Richmond.

<sup>116</sup> Montgomery Co., VA, Marriage Bonds, 1789–1796, unnumbered documents in chronological order; Montgomery Co., microfilm reel 38, Library of Virginia, Richmond.

much-older John White. Susanna, like Frankey, appears to have been jilted three years earlier—typically due to rumors about virtue or a pregnancy that the groom did not accept as his responsibility. On 5 October 1793, Stephen Wilson of Montgomery took out a marriage bond expressing his intent to wed “Susannah Marcum, daughter of John.” The marriage did not occur.<sup>117</sup>



<sup>117</sup> Montgomery Co., VA, Marriage Bonds, 1789–1796, unnumbered documents in chronological order; Montgomery Co., microfilm reel 38, Library of Virginia, Richmond.



N.D. 1796

**MONTGOMERY COUNTY, VA**

"A List of Mariages for Montgomery County in the year 1796—names—  
John White & Susana Markum."<sup>118</sup>

**2 AUGUST 1796**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that the Overseers of the Poor bind **John Runnion** According to Law to John King."<sup>119</sup>

**2 AUGUST 1796**

**MONTGOMERY COUNTY, VA**

Court order

<sup>118</sup> Untitled small register, unpaginated, chronological order; Montgomery Co., microfilm 52, item 2 labeled "Marriage Records, 1785–1803."

<sup>119</sup> Montgomery Co., VA, Order Book 9, 1795–1796, p. 194.

"Ordered that the Overseers of the poor bind **Charles McFadden** according to Law unto Joseph King? (Keys?)"<sup>120</sup>

COMMENT:

Four months earlier, a court order bound Charles to John King.

**4 OCTOBER 1796**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that Robert Carren [Carrier?] be appointed Guardian for **Susanna Waggoner & Ann Waggoner**, orphans of Adam Waggoner decd., who Together with William Grayson his Security Entered into & Acknowledged their Bond in the penalty of 1500 Dollars, with Condition as the Law directs."<sup>121</sup>

COMMENT:

Note the difference in handling the situation of these two "orphans." The term "orphan" was typically used for children who had some inheritance. These children were not bound out, because that inheritance could support them. The \$1500 bond above tells us that their father's estate was valued at about \$750.

**6 DECEMBER 1796**

**MONTGOMERY COUNTY, VA**

Court order

"**Mary Barbara King** be bound by the Overseers of the poor to Elijah Hilton? According to Law."<sup>122</sup>

**1797–1819**

**MONTGOMERY COUNTY, VA**

Legal suit.

"William McClellan vs. **Robert White** ... contract dispute ... property"

"To the Worshippful Court of Montgomery County in Chancery sitting humbly complaining hewethe [herewith] unto your Worships your Orator Wm. McClenanachan [*sic*], That on or about the fifteenth day of August in the year of our Lord 1797 a certain **Robert White** entered into an obligation (which your Orator prays may be referred to & taken as part of this bill) under the penalty of one hundred and fifty pounds to a certain **Randal Lucas** conditioned that the said White should make a good & Lawful right to a certain tract of Land containing one hundred & fifty Acres of Land lying & being on the **north side of the Salt Pond Mountain**, adjoining the lands of **Thomas Cassiday** & the land of **Randal Lucas** & is also the plantation whereon he now lives to the said Randal Lucas his Heirs, Executors, Administrators or assigns, on or before the twenty-eighth day of September in the year of our Lord 1798[.] Afterwards on the 15<sup>th</sup> day of August 1797, the said Randal Lucas assigned the said obligation with all its force to **Benjamin Thomas**. Afterwards to wit on the ninth day of October one thousand seven hundred / & 1799 [9 October 1799], the said Benjamin Thomas assigned his right of the obligation aforesaid to **John Huffman**, but upon a trust that if the said Benjamin Thomas should pay to the said Hoffman twenty pounds, the assignment to be void, the money being paid the obligation was redelivered to the said Benjamin Thomas & the said Benjamin afterwards to wit on the [6 August 1800] assigned the said obligation to the present Comptl.

---

<sup>120</sup> Montgomery Co., VA, Order Book 9, 1795–1796, p. 199.

<sup>121</sup> Montgomery Co., VA, Order Book 9, 1795–1796, p. 225.

<sup>122</sup> Montgomery Co., VA, Order Book 9, 1795–1796, p. 249.

"Your orator would further shew & state that the said **Robert White** hath never made the title to the land aforesd & the said Benjamin since the assignment of the bond aforesaid & notwithstanding your orator paid him a valuable consideration for said land hath entered the said land & claims title thereto bvy virtue of an entry ~~since~~ made since the assignment aforesaid by him to your Orator & though he claims title to the said land & has received a valuble consideration therefor, refuses to convey to your orator or otherwise secure him in the right&~~engagement~~ of Said Land. Your Orator prays that the said **Robert White Benjamin Thomas** may be made defendants to this bill & that they may upon their corporal oaths true & perfect answer make to the matters herein contained as if fully interrogated & that they may be decreed to convey to your Orator and to grant such further relief as may be consistent with equity & good Conscience. May it please your Worships &c."

COMMENT:

This Robert White has not yet been identified. (But note the 1795 marriage above to Mary Webb.) His location at **Salt Pond Mountain** as a neighbor of Randall Lucas connects him to

- the John White who married Nancy Copley in 1793 and was subsequently said to be Lucas's neighbor; and to
- the James White of the same generation who settled between Salt Pond Mountain and Doe Creek.

*Packet wrapper:*

"McClannihan vs. White & al: Bill

1805 Sept. P. Sp<sup>a</sup>

1805 Nov & Dc

1806 Sept. Or: publn vs. Deft. White & pl: sp<sup>a</sup> on Thomas

1806 October Cont for publn.

1807 June Cross Bill & Sp<sup>a</sup> awarded

1807 Sept. Al Sp<sup>a</sup>

1807 Nov Pl Sp<sup>a</sup>

1808 Apr. Pl Sp<sup>a</sup>

1808 Nov Court for return 1809

Dv<sup>d</sup> Sp<sup>a</sup> to Giles

April court for return 1811

1811 Nov & Decr Cont for return

1812 Jany & Feby Same

1812 March Apr & May Same

1812 June & July Ditto

1812 Augt Sept. & Oct. Cont. for return

1812 Novr & Decr Same

1813 Jany & Feby Do

1813 March April & May Ditto

1813 June & July Cont for Return

1813 August Septr & Octo Cont. for Return

1813 Novr & Decemberm Same

1814 Jany & Feby Same

1814 Mar: Apl & May Same

1814 June & July do.

1814 Augt., Sept. & Octo. do.

1814 Nov & Decr. do.

1815 Jany & Feby do.

1815 Mar April & May do.

1815 June & July Do

1815 Augt. Septr. & Octo. do

1815 Novr & Decr do.  
1816 Jany & Feby do.  
1816 March, Apl. & May do.  
1816 June & July. Cont for Ret  
1816 Augt, Sept, & Oct, Do.  
1817 Jany Con<sup>d</sup> for Return to Decr  
1818 Jany do. to Jany 1819  
June abates by Plfs death<sup>123</sup>

**7 FEBRUARY 1797**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that **Obediah White** be app<sup>d</sup> overseer of the road from the county line to William Garrison's. William Garrison the same from thence to the muster ground in the room of Bird Smith Gent. and that said Louth? Allot the Hands to Laber under said Overseers."<sup>124</sup>

COMMENT:

A few pages earlier in this volume, there appeared a court order showing that a deed from Bird Smith to Obediah White was proved in court. I did not take note of it at the time.

Obediah White subsequently appears in Franklin County as a stage-stop owner below Black Water River, not far from Kemp's Ford where William Mills-Whitt surfaced in 1815. No connection has been proved (or disproved) between him and the other Whites of Montgomery.

**7 MARCH 1797**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that the Overseers of the poor bind **Nancy Foutah** to Henry Lybrook According to Law."<sup>125</sup>

**7 MARCH 1797**

**MONTGOMERY COUNTY, VA**

Court order

"On the motion of **Bird Smith** who proved he hath Complied with the Law, Leave is granted him to make an Inclusive Survey of his several Claims of Land adjoining & Including the Land **he now lives on**, on Little River."<sup>126</sup>

**12 MARCH 1797**

**MONTGOMERY COUNTY, VA**

Land survey

On this date, there was surveyed **95 acres** "on the waters of New River on the South side of the **Big Spring Mountain**, adjacent to land of George Pearis. The land would be patented on 16 December 1801 in the name of "William Preston and **John White**."<sup>127</sup>

---

<sup>123</sup> William McClellan vs. Robert White, Montgomery Chancery Causes no. 1772-005; imaged Library of Virginia, "Chancery Records Index," *VirginiaMemory* (<http://www.lva.virginia.gov>) : downloaded 27 May 2019).

<sup>124</sup> Montgomery Co., VA, Order Book 10, 1797-1798, p. 18.

<sup>125</sup> Montgomery Co., VA, Order Book 10, 1797-1798, p. 21.

<sup>126</sup> Montgomery Co., VA, Order Book 10, 1797-1798, p. 22.

<sup>127</sup> Virginia, Land Office Grants, vol. 48, 1801-1802, p. 320; imaged at *Library of Virginia* ([http://image.lva.virginia.gov/cgi-bin/drawer?retrieve\\_image=LONN&dir=/LONN/LO3/114/114&image\\_number=0341&offset=%2B21&name=Grants+No.48++1801-1802&dbl\\_pgs=no&round=](http://image.lva.virginia.gov/cgi-bin/drawer?retrieve_image=LONN&dir=/LONN/LO3/114/114&image_number=0341&offset=%2B21&name=Grants+No.48++1801-1802&dbl_pgs=no&round=)) : accessed 5 October 2019).

COMMENT:

If this followed typical custom, it was part of a much larger grant made to Preston years earlier (or to his same-named father), from which John White chose to purchase 95 acres. At that time the survey would be made. After the patent was issued in both names, then White would pay Preston for the land.

However, land and tax rolls show that White never paid Preston for the land. The two of them continued to hold the land in common through 1819. They were jointly taxed from 1805 (Montgomery County) through 1807 (Giles County). At the next roll, 1809, Preston assumed responsibility for the tax, but the land tenure remained in both of their names. In 1820, John's name was dropped from the tract and the land was charged solely to Preston.<sup>128</sup>

This land and taxation pattern suggests that a connection of a different nature existed between John White and William Preston. The fact that William Preston assumed guardian rights of John White's stepdaughter Rachel Mills in 1803, giving permission for her to marry, points to a peculiar relationship, across 22 years, between Preston, Rachel, and Rachel's mother and stepfather.

This John White should be Frankey's **John White Sr.**—not the John 'S' White of Sugar Run of Walker Creek who married Susannah Marcum in 1796.

**Geographic Notes:**

*HomeTownLocator*, *GNIS* and similar sites do not identify a *Big Spring Mountain*. Both *HomeTownLocator* and *GNIS*—as well as Fig. 2 above—place "Big Spring" on East River at East River Mountain, in present Mercer County. **See Fig. 3.**

Also see

- the 16 December 1801 document, below, for the patent and survey calls.
- the 1800 petition, below, which places all this White family North of Wolf Creek Mountain, including the younger John who had married Nancy Copley in 1793. In 1804, that John Jr. left John and Frankey's location and moved back to the Copley neighborhood.

**27 MARCH 1797**

**MONTGOMERY COUNTY, VA**

Marriage

"Caldwell, John & **Nancy White.**"<sup>129</sup>

COMMENT:

Note below, John "Calvel" is said to have married Mary White on 27 April, citing Montgomery *marriages*. The above record of 27 March is cited to Montgomery *bonds*. Odds are, this is the same couple.

**27 APRIL 1797**

**MONTGOMERY COUNTY, VA**

Marriage

"Calvel, John & **White, Mary.**"<sup>130</sup>

<sup>128</sup> E. S. Mills, "Mills-White-Witt: Giles County, Virginia, Tax Roll Data, 1806–23 & (Partially) 1824–41," report to file, 15 February 2020; archived at Mills, *Historic Pathways*, under the "Research" tab.

<sup>129</sup> Therese A. Fisher, *Marriages in the New River Valley, Virginia: Montgomery, Floyd, Pulaski, and Giles Counties* (Westminster, MD: Heritage Books, 2008), 37; citing "Montgomery Bonds."

COMMENT:

I've not found a "Calvel family in Montgomery. Consider the possibility that this was **Caldwell** and that the bride was Mary Ann "Nancy" White.

2 MAY 1797

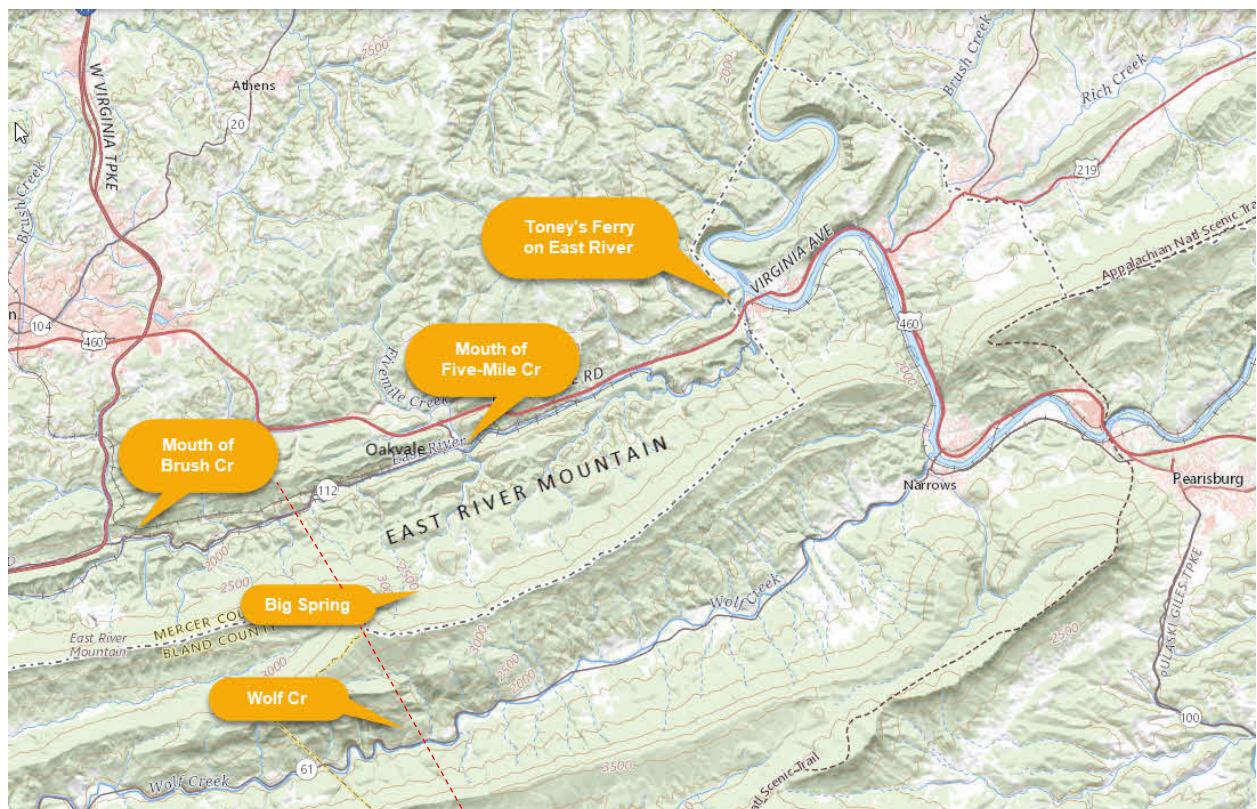
MONTGOMERY COUNTY, VA

Court order

"Ordered that Overseers of the poor bind **Jesse Dorathy** to Benjamin Howell according to Law. **John Lemon** Same to Richard Wells."<sup>131</sup>

Map 3

Northern Giles (mostly in present Mercer): Big Spring, Brush Creek, Five-Mile Creek & Toney's Ferry<sup>132</sup>



COMMENT:

In 1800 when Tazewell was cut from Wythe & Russell, Big Spring lay just east of the Tazewell line,

<sup>130</sup> Therese A. Fisher, *Marriages in the New River Valley, Virginia: Montgomery, Floyd, Pulaski, and Giles Counties* (Westminster, MD: Heritage Books, 2008), 39; citing "Montgomery Marriages."

<sup>131</sup> Montgomery Co., VA, Order Book 10, 1797–1798, p. 44.

<sup>132</sup> Snipped from "The National Map," at U.S. Board of Geographic Names, *Geographic Names Information System* (<https://www.usgs.gov/core-science-systems/ngp/board-on-geographic-names/domestic-names> : accessed 7 October 2019), with sites compared against *HomeTownLocator: Virginia* (<https://virginia.hometownlocator.com/maps/countymap,cfips,071,c,giles.cfm> : accessed 7 October 2019); the two sites choose varying landmarks for display.

roughly along the dashed red line I've added to the map above. See the 1806 extract below, from the act creating Giles Co.

**2 MAY 1797**

**MONTGOMERY COUNTY, VA**

Court order

"Thomas Simpkins who is bound on recognizance to appear here this day on the Complaint of **Elizabeth Smith** (charging him with being the father of a **Bastard Child** of Which she has been delivered) Appeared Accordingly whereupon divers witnesses were sworn & Examined and the parties fully heard, upon the Circumstances of the Case, the Court do adjudge the said Thomas Simpkins to be the father of the said bastard Child and that it is likely to become Chargeable to the County and it is thereupon Ordered that the said Thomas Simpkins pay unto the Overseers of the Poor of this County the sum of Forty dollars for the maintenance of the said Bastard Child to be paid in three annual payments Twenty Dollars for the first year and ten Dollars for each Succeeding Year."<sup>133</sup>

**2 MAY 1797**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that Overseers of the poor bind **Martin Turpin** to David Leve according to Law."<sup>134</sup>

**4 JULY 1797**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that **Joseph Cloyd** have leave to make an Inclusive Survey of all his Lands Adjoining on **Christians Fork of Brush Creek**, he having proved by the oath of Gordan Cloyd Esqr. He hath advertised his intentions according to law."<sup>135</sup>

COMMENT:

Brush Creek in the late 18-teens became the locus of one branch of John White Sr.'s offspring. Benjamin H. White (son of Benjamin White and wife Anne Goodwin, who is coupled with Frankey's John White Sr. on tax rolls and petitions of the early 1800s), bought land on Christian's Fork of Brush Creek from John Toney in June 1817, two months after William Mills witnessed John Toney's lease of his land to Zachariah Crawford. Two years later, White and wife "Nancy" sold that land back to Toney. (See my Giles Co. report.)

**4 JULY 1797**

**MONTGOMERY COUNTY, VA**

Court order

"On the motion of Eli Peterson & Mary his wife, It is ordered that they the said Eli & Mary have the Care of **John Davidson**, the reputed son of William Davidson for one year, they giving Bond & Sufficient Security that the said John Shall be properly taken Care of without incurring any Expence to the County, for that period, and at the Expiration of said Term to be by them delivered to the Court."<sup>136</sup>

**15 JULY 1797–15 JULY 1798**

**MONTGOMERY COUNTY, VA**

---

<sup>133</sup> Montgomery Co., VA, Order Book 10, 1797–1798, p. 46.

<sup>134</sup> Montgomery Co., VA, Order Book 10, 1797–1798, p. 48.

<sup>135</sup> Montgomery Co., VA, Order Book 10, 1797–1798, p. 77.

<sup>136</sup> Montgomery Co., VA, Order Book 10, 1797–1798, p. 82.

Surveys

Annual List of Gordon Cloyd. No relevant entries.<sup>137</sup>

**7 SEPTEMBER 1797**

**MONTGOMERY COUNTY, VA**

Court order

“Richard Whitt to John Ingles, Deed acknowledged in Court & Ordered to be Recorded.”<sup>138</sup>

COMMENT:

No mention of a wife’s acknowledgement, implying that Rev. Whitt’s wife is dead. Note that his will, drafted in 1807, references (but does not name) a living wife.

**3 OCTOBER 1797**

**MONTGOMERY COUNTY, VA**

Court order

“Ordered that the Overseers of the poor Bind **Isaiah Day alias Grant and Elizabeth Day alias Grant and Auston Day Alias Grant**, children of **Elicia Grant** to **Susanna Preston**, according to Law.

Ordered that the Overseers of the poor Bind **Peter**, the son of **Hannah Campbell** a mulatto according to Law to Elisabeth Madison.”<sup>139</sup>

COMMENT:

Elizabeth Madison was the daughter of William and Susannah Preston and sister of William Preston Jr.<sup>140</sup> who gave permission for the marriage of Rachel Mills in 1803. The court order above suggests that the Prestons were in the habit of taking in bound children as servants.

On 1 April 1800, “Peter Campbell, son of Hannah Campbell,” was also bound to Elizabeth Madison. The indenture paper survives.<sup>141</sup>

**4 OCTOBER 1797**

**MONTGOMERY COUNTY, VA**

Marriage

“White [Whitt], Richard & Baxter, Mary.”<sup>142</sup>

---

<sup>137</sup> Montgomery Co., VA, Will Book 1, 1796–1809, pp. 18–19; *FamilySearch* microfilm 7645478, image 25.

<sup>138</sup> Montgomery Co., VA, Order Book 10, 1797–1798, p. 118.

<sup>139</sup> Montgomery Co., VA, Order Book 10, 1797–1798, p. 130.

<sup>140</sup> Montgomery Co., Deeds & Wills B, 1773–1797, Wills section p. 55; imaged *FamilySearch* digital film 007645566, image 482 of 578.

<sup>141</sup> Indenture of Peter Campbell, 1 April 1800, Accession no. 40068, Personal Papers Collection, Library of Virginia, Richmond; catalog entry at *Library of Virginia* ([https://lva.primo.exlibrisgroup.com/discovery/fulldisplay?docid=alma990005039330205756&context=L&vid=01LVA\\_INST:01LVA&lang=en&search\\_scope=MyInstitution&adaptor=Local%20Search%20Engine&tab=Library Catalog&query=any,contains,40068&offset=0](https://lva.primo.exlibrisgroup.com/discovery/fulldisplay?docid=alma990005039330205756&context=L&vid=01LVA_INST:01LVA&lang=en&search_scope=MyInstitution&adaptor=Local%20Search%20Engine&tab=Library Catalog&query=any,contains,40068&offset=0) : accessed 7 October 2020). LoV does not identify any particular set of “personal papers” in which this indenture appears. The following points are relevant to the question whether additional indenture papers (original documents) exist for Montgomery County:

- The catalog entry cross-references the Peter Campbell document to “Robert King.” A search for King in the catalog yields two of these indentures executed by Robert King in 1800—only two—the other being that of “Charlotte Smith” whose court order (transcribed in this research report) called her “Charlotte, daughter of Christiana Garlick,” and ordered her to be bound to Philip Smith.

- The catalog entry also cross-references the Peter Campbell document to “Montgomery County (Va.) Overseers of the Poor.” When I search for that name, the LoV catalog yields only two items: the indentures for Peter Campbell and Charlotte Smith.

<sup>142</sup> Therese A. Fisher, *Marriages in the New River Valley, Virginia: Montgomery, Floyd, Pulaski, and Giles Counties* (Westminster, MD: Heritage Books, 2008), 254; citing “Montgomery Bonds.”

**7 NOVEMBER 1797**

**MONTGOMERY COUNTY, VA**

Court order

"Spencer vs. Vancill & al. For reasons appearing to the Court, Leave for Desiring to take the Deposition of **William Walton & Mary Walton** in **Rutherford County & State of North Carolina.**"<sup>143</sup>

TO DO:

Pursue the Waltons to determine whether this might be William Walton Jr. of Amherst. If William Jr. went to Montgomery, before NC, then he could be the means by which Jesse & Lucy (Tilman) Mills's daughter Sarah ended up in NC. Wm Walton Jr. of Amherst, son of William and Elizabeth (Tilman) Walton was Sarah Mills's first cousin. By 1797, William Walton Sr. had settled in Rutherford, but his wife at that time was Millie (Mills) Lavender.<sup>144</sup>

**If this is the William Walton Jr. of Amherst, then go back and study Montgomery records to see when he arrived in Montgomery.**

**5 DECEMBER 1797**

**MONTGOMERY COUNTY, VA**

Court order

"**Obediah White & wife to Byrd Smith.** Deed. Acknowld and Ordered to be recorded. Same to John Hook, Same."<sup>145</sup>

**N.D. 1797**

**MONTGOMERY COUNTY, VA**

"A List of Mariages for Montgomery County in the year 1796—names— **John White & Susana Markum.**"

**1797—**

"John Caldwell & Nancy White ... Solemnize [sic] by me, Alexander Ross.<sup>146</sup>

**2 JANUARY 1798**

**MONTGOMERY COUNTY, VA**

Court order

"**Bird Smith & ux to Obediah White** Deed Ackn<sup>wd</sup> and Ordered to be Recorded."<sup>147</sup>

**1 MAY 1798**

**MONTGOMERY COUNTY, VA**

Court order

"On the Petition of Absalom **Stewart & others**, It is Ordered that George Pearis, Mitchell Clay Senr., **William Toney & Edward Hale** or any three of them being first duly sworn do view the way along which it is proposed to Conduct a Waggon Road from the Head of the Hollow leading to **John Toneys Mill** on **East River** to Mitchell Clay's Old Mill on Black Lick Creek and inconveniences that will attend the same.

Also proof of the will of Michael Drake Decd., Widow Jane."<sup>148</sup>

<sup>143</sup> Montgomery Co., VA, Order Book 10, 1797–1798, p. 136.

<sup>144</sup> See the Lavender-Walton notes in my previously cited "William Mills (c1695–1766) of Goochland, Albemarle & Amherst Counties, Virginia; Spouse Mary (Walton?): Research Notes," a work-in-progress last updated 1 June 2019.

<sup>145</sup> Montgomery Co., VA, Order Book 10, 1797–1798, p. 157.

<sup>146</sup> Untitled small register, unpaginated, chronological order; Montgomery Co., microfilm 52, Item 2 labeled "Marriage Records, 1785–1803."

<sup>147</sup> Montgomery Co., VA, Order Book 10, 1797–1798, p. 164.

<sup>148</sup> Montgomery Co., VA, Order Book 10, 1797–1798, pp. 209–10, 212.

COMMENT:

Michael Drake's widow would soon marry Rev. Alexander Ross.

**5 JUNE 1798**

**MONTGOMERY COUNTY, VA**

Court order

"**Wylie vs. Toney & ux.** Rule for Security for Costs."<sup>149</sup>

**6 JUNE 1798**

**MONTGOMERY COUNTY, VA**

Court order

"On the motion of **Catharine Lower** by her Attorney, It is Ordered that **Sally Lower** who was bound unto John Ridenhaur be taken out of his possession by Thomas Burk an overseer of the poor and by him bound to any Person he shall think proper. It appearing to this court that the said Ridenhaur is about to remove out of this State."<sup>150</sup>

**3 JULY 1798**

**MONTGOMERY COUNTY, VA**

Deed

William Sharp and wife Cautherana to **John Bowen**, all of Montgomery Co., sale for 200£, 299 acres being two Surveys on the **Clover Bottom of Sinking Creek**, a branch of **New River**. [Metes & bounds not copied, no neighbors named.] Both Sharps made their marks. No witnesses, proved in court July 1798 by acknowledgement of "William Sharp & Catharina his wife."<sup>151</sup>

COMMENT:

John Sartain and wife Rosannah were also landowners on Clover Bottom. (See deeds of October 1797, C: 88–89.)

The next recorded deed is that of 27 April 1798, when George Sharp and wife Elizabeth sold land on Clover Bottom Creek to Andrew and Jonas Hatfield. (C: 127–28)

On 1 June 1808 one "John Bowen & Betsy, his wife of Botetourt" sold to Philip Boster of Montgomery for \$1000 four tracts of land in Montgomery, on Craig's Creek, adjoining John Leslar—none of which match the above. Those four tracts are

- 190a being part of 290a granted to John Withers 5 July 1787
- 100a granted to Bowen on 28 March 1797
- 100a conveyed to Bowen from Jeremiah Bell, proved at Botetourt court 1799
- 50a granted to Bowen 11 March 1796 in Montgomery Co. on Craig's Creek.  
(see Montgomery Co. DB D: 548–49)

Clover Bottom and Sinking Creek later fell into Giles.

TO DO:

Pursue the Bowens in Giles.

---

<sup>149</sup> Montgomery Co., VA, Order Book 10, 1797–1798, p. 222.

<sup>150</sup> Montgomery Co., VA, Order Book 10, 1797–1798, p. 229.

<sup>151</sup> Montgomery Co., VA, Deed Book C, 1797–1803, pp. 126–27.

**3 JULY 1798**

**MONTGOMERY COUNTY, VA**

Court order

"A Commission for the privey examination of **Rhoda White**, wife of **Obadiah White** respecting her rights of dower in a tract of Land conveyed by the sd Obadiah White to John Hook, together with the certificate of Jonathan Isom and Bird Smith, Gent. there on endorsed was returned to Court and Ordered to be recorded."<sup>152</sup>

COMMENT:

Obediah White and wife Rhoda executed many documents, with signatures, in this time frame. Their lands were at Little River, and frequently involved Byrd Smith. On 14 May 1799 Obediah and wife were said to be residents of Franklin Co. when they sold three tracts of land (DB C: 240–42). I am not gathering all of his deeds because I've seen nothing to suggest a connection between Obediah White and the John/Benjamin White cluster of Walker's Creek & Little Sugar Run.

**15 JULY 1798–15 JULY 1799**

**MONTGOMERY COUNTY, VA**

Surveys

Annual List of Gordon Cloyd. ... Patrick Napier, 100 acres.<sup>153</sup>

**7 AUGUST 1798**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that the Overseers of the poor bind **Wiliam Cooper** to James McClaharty according to law. **Betsy Cooper** same to Jacob Miller. **Rhoda Cooper** to Joel Sartain Senr. **Philip Smith** Same to John Garlick."<sup>154</sup>

**4 SEPTEMBER 1798**

**MONTGOMERY COUNTY, VA**

Court order

On the motion of **John Toney** it is Ordered that a ferry be Constituted from his Lands to those of John Henderson dec<sup>d</sup> over **New River** to Correspond to that constituted by act of Assembly from the lands of the said Henderson to those of the said Toney, and with the same rates.

"On motion of **John Toney** Leave is granted him to keep an **Ordinary** at his own house in this County, he having Complied with the law."<sup>155</sup>

COMMENT:

Giles County records show that he was still keeping an ordinary and operating a mill in May 1816–May 1817, when William Mills was apparently in his employ.

**4 SEPTEMBER 1798**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that the Overseers of the poor bind **Squire McDonald** to Thomas Bratton According to Law."<sup>156</sup>

<sup>152</sup> Montgomery Co., VA, Order Book 10, 1797–1798, p. 252.

<sup>153</sup> Montgomery Co., VA, Will Book 1, 1796–1809, pp. 84–86; *FamilySearch* digital microfilm 7645478, image 25.

<sup>154</sup> Montgomery Co., VA, Order Book 10, 1797–1798, p. 270.

<sup>155</sup> Montgomery Co., VA, Order Book 11, 1798–1799, p. 3.

**4 SEPTEMBER 1798**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that Edward Cheetwood be appointed Constable in the room of **John Toney**, discharged."<sup>157</sup>

**4 SEPTEMBER 1798**

**MONTGOMERY COUNTY, VA**

Court order

Thomas Farley, John Farley, and Clay Farley post peace bonds. Sureties for John Farley were **John Toney** and William Burke."<sup>158</sup>

COMMENT:

Pre-1794, Thomas Farley was the Sugar Run of Walker Creek neighbor of John 'S' White (1796 husband of Susanna Marcum). Several of Farley's sons, including Forrest Farley, moved north to the East River / Brush Creek area.

**5 SEPTEMBER 1798**

**MONTGOMERY COUNTY, VA**

Court order

"Pries? &c v. Wylie. **Leah Toney** Proves three days attendance as a witness. **Happy Wylie** same three days and traveling forty seven miles in coming and the same returning."<sup>159</sup>

**2 OCTOBER 1798**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that **Milly Jones** be bound by the Overseers of the Poor to William Patrick according to Law."<sup>160</sup>

**7 NOVEMBER 1798**

**MONTGOMERY COUNTY, VA**

Court order

"It being suggested to this Court that **Benjamin** the son of **Catharine Lower**, under the age of twenty one years is of unsound mind, Whereupon it is Ordered that James Craig, James Charlton, and James Taylor Gent. do examine into the state of his mind and make report thereof to court."<sup>161</sup>

**4 DECEMBER 1798**

**MONTGOMERY COUNTY, VA**

Court order

"**Obediah White** & wife to John Hilton, Deed, proved in Court by the witnesses there to & Ord<sup>d</sup> to be Recorded."<sup>162</sup>

**5 DECEMBER 1798**

**MONTGOMERY COUNTY, VA**

---

<sup>156</sup> Montgomery Co., VA, Order Book 11, 1798–1799, p. 6.

<sup>157</sup> Montgomery Co., VA, Order Book 11, 1798–1799, 9.

<sup>158</sup> Montgomery Co., VA, Order Book 11, 1798–1799, pp. 10–11.

<sup>159</sup> Montgomery Co., VA, Order Book 11, 1798–1799, p. 21.

<sup>160</sup> Montgomery Co., VA, Order Book 11, 1798–1799, p. 27.

<sup>161</sup> Montgomery Co., VA, Order Book 11, 1798–1799, p. 47.

<sup>162</sup> Montgomery Co., VA, Order Book 11, 1798–1799, p. 53.

Court order

"Ordered that the Overseers of the Poor bind **Lewis Jones** to James Small? according to Law."<sup>163</sup>

**4 JUNE 1799**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that the Overseers of the poor bind **Will**, the Child of Hannah **Campbell** unto John Kent Gent according to Law."<sup>164</sup>

**2 JULY 1799**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that the Overseers of the poor bind **Fanny**, the daughter of Susannah Hireau? To Richard Wells according to Law."<sup>165</sup>

**3 JULY 1799**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that **Ginny**, the daughter of **Hannah Campbell** be bound by the overseers of the poor according to Law unto Mrs. Jane Quirk."<sup>166</sup>

**15 JULY 1799–15 JULY 1800**

**MONTGOMERY COUNTY, VA**

Surveys

Annual List of Gordon Cloyd. No relevant entries.<sup>167</sup>

**5 AUGUST 1799**

**MONTGOMERY COUNTY, VA**

Deed

**John Toney** and wife **Mary**, to Joseph Haynes, sale for 50£ Virginia money, 344 Acres on **Cole River** in Montgomery Co. [Metes & bounds not copied for want of time. No neighbors named. No witnesses] Proved in Montgomery Court August 1799 by acknowledgement of John Toney and wife."<sup>168</sup>

**6 AUGUST 1799**

**MONTGOMERY COUNTY, VA**

Court order

**"Obadiah White** and wife to John Vancill, Deed proved by the oath of Bird Smith, a witness thereto and --- for further proof."<sup>169</sup>

**6? AUGUST 1799**

**MONTGOMERY COUNTY, VA**

Court order

---

<sup>163</sup> Montgomery Co., VA, Order Book 11, 1798–1799, p. 62.

<sup>164</sup> Montgomery Co., VA, Order Book 11, 1798–1799, p.126.

<sup>165</sup> Montgomery Co., VA, Order Book 11, 1798–1799, p. 146.

<sup>166</sup> Montgomery Co., VA, Order Book 11, 1798–1799, p. 155.

<sup>167</sup> Montgomery Co., VA, Will Book 1, 1796–1809, pp. 120–21; *FamilySearch* digital microfilm 7645478, image 83.

<sup>168</sup> Montgomery Co., VA, Deed Book C, 1797–1803, p. 129.

<sup>169</sup> Montgomery Co., VA, Order Book 11, 1798–1799, p. 162.

"Ordered that **William** the son of **Susannah Miller**, be bound according to Law by the overseers of the poor to Henry Harless."<sup>170</sup>

**28 SEPTEMBER 1799**

**MONTGOMERY COUNTY, VA**

Deed

Thomas **Christian** of Cocke County, TN, to **Joseph Cloyd** of Montgomery, sale of 225 acres in Montgomery on **Brush Creek of Bluestone, waters of New River**. [Metes & bounds not copied, no neighbors named.] Witnesses: Gordon Cloyd, Thomas Cloyd, David Cloyd, Robert Doak. Proved in Montgomery Court April 1800 by oaths of Thomas and David Cloyd.<sup>171</sup>

**24 FEBRUARY 1800**

**MONTGOMERY COUNTY, VA**

Land grant

"By virtue of part of a Land Office Treasury Warrant" No. 18750, issued **14 August 1783**, there is patented to "**John Toney**, assignee of **John Smith**" a grant for 77 acres by survey dated **30 January 1787** in the county of Montgomery between **East River** and **New River** joining John Toney's land, bounded as follows:

Beginning at three black oaks on a hill by **East River** and running down N 42° W 60 poles to two white oaks and a black oak by **Toney's line**, N 68° E 114 poles to an ash and white oak by a branch, N 18° E 72 poles to a red oak and white oak on a hill side, N 79° E 118 poles to a buckeye and two ash trees on a hill side, thence S 56° W 240 poles to the beginning.<sup>172</sup>

**24 FEBRUARY 1800**

**MONTGOMERY COUNTY, VA**

Land grant

"By virtue of part of a Land Office Treasury Warrant" No. 18750, issued **14 August 1783**, there is patented to "**John Toney**, assignee of **John Smith**" a grant for 50 acres by survey dated **26 July 1790** in the county of Montgomery on **South fork of Adair's Run**, bounded as follows:

Beginning at two poplars on the S side of the branch, by a low gap in the ridge, and runneth thence crossing said branch N 60° W 60 poles to a white oak and hickory by a branch, N 20° W 56 poles to two white oaks on a hill side, N 85° E 84 poles to two white oaks at the foot of a hill, N 56° E 70 poles to two ash trees at the foot of a hill, S 25° E 20 poles crossing the branch to three white oaks at the foot of a hill, and S 48° W 160 poles to the beginning.<sup>173</sup>

**COMMENT:**

This is the third piece of land that John Toney held as assignee of John Smith. A fourth and fifth tract appears in notes of August 1800. Were Toney and Smith former partners? Was Toney's wife Mary *née* Smith? Did his sister marry Smith?

---

<sup>170</sup> Montgomery Co., VA, Order Book 11, 1798–1799, p. 166.

<sup>171</sup> Montgomery Co., VA, Deed Book C, 1797–1803, p. 267.

<sup>172</sup> Virginia, Land Office Grants, vol. 43, 1799–1800, pp. 335–36; imaged at *Library of Virginia* ([http://image.lva.virginia.gov/cgi-bin/drawer?retrieve\\_image=LONN&dir=/LONN/LO-3/109/109&image\\_number=0355&offset=%2B20&name=Grants+No.43++1799-1800&dbl\\_pgs=no&round=:](http://image.lva.virginia.gov/cgi-bin/drawer?retrieve_image=LONN&dir=/LONN/LO-3/109/109&image_number=0355&offset=%2B20&name=Grants+No.43++1799-1800&dbl_pgs=no&round=:)) accessed 20 June 2019).

<sup>173</sup> Virginia, Land Office Grants, vol. 43, 1799–1800, pp. 336–37; imaged at *Library of Virginia* ([http://image.lva.virginia.gov/cgi-bin/drawer?retrieve\\_image=LONN&dir=/LONN/LO-3/109/109&image\\_number=0355&offset=%2B20&name=Grants+No.43++1799-1800&dbl\\_pgs=no&round=:](http://image.lva.virginia.gov/cgi-bin/drawer?retrieve_image=LONN&dir=/LONN/LO-3/109/109&image_number=0355&offset=%2B20&name=Grants+No.43++1799-1800&dbl_pgs=no&round=:)) accessed 20 June 2019).

Note also that William Preston, “guardian” of Frankey’s daughter Rachel, was the son of William Preston and Susannah *Smith*. Her father, however, is widely said to be *Francis Smith*, husband of Elizabeth Waddy.

**4 MARCH 1800**

**MONTGOMERY COUNTY, VA**

Court order

“A plat of an Inclusive survey made for **Joseph Cloyd** for six hundred and eighty acres of Land, lying on **Christian’s Fork of Brush Creek**, waters of **Bluestone**, which was examined by the Court with the Title papers and Ordered to be certified to the register of the Land Office.”<sup>174</sup>

**2 APRIL 1800**

**MONTGOMERY COUNTY, VA**

Court order

“Ordered that the Overseers of the poor bind **Agness Morgan** to Francis Gardner according to law.”<sup>175</sup>

**6 MAY 1800**

**MONTGOMERY COUNTY, VA**

Court order

“Ordered that the Overseers of the poor bind **George Hook** to Christian Barrager according to law.”<sup>176</sup>

**3 JUNE 1800**

**MONTGOMERY COUNTY, VA**

Court order

“Ordered that the Overseers of the poor bind out according to law **John Reburn (alias) Jones** to John Cassiday.”<sup>177</sup>

**15 JULY 1800–15 JULY 1801**

**MONTGOMERY COUNTY, VA**

Surveys

Annual List of Gordon Cloyd. No relevant entries.<sup>178</sup>

**5 AUGUST 1800**

**MONTGOMERY COUNTY, VA**

Court order

“Ordered that the overseers of the poor bind out **Susanna Holliday** to William Sarls according to law.

**Robert Willson** who was bound in recognizance to appear here this day on the Complaint of **Molley Cartwright** (charging him with being the father of a bastard child of which she has been Delivered) appeared accordingly and on motion of the Defendant by his Attorney It is considered by the Court that the recognizance be Quashed.”<sup>179</sup>

**6 AUGUST 1800**

---

<sup>174</sup> Montgomery Co., VA, Order Book 12, 1800–1801, p. 13.

<sup>175</sup> Montgomery Co., VA, Order Book 12, 1800–1801, p. 28.

<sup>176</sup> Montgomery Co., VA, Order Book 12, 1800–1801, p. 56.

<sup>177</sup> Montgomery Co., VA, Order Book 12, 1800–1801, p. 58.

<sup>178</sup> Montgomery Co., VA, Will Book 1, 1796–1809, pp. 123–24; *FamilySearch* digital microfilm 7645478, image 85.

<sup>179</sup> Montgomery Co., VA, Order Book 12, 1800–1801, pp. 103, 106.

## MONTGOMERY COUNTY, VA

Court order

"Ordered that the Overseers of the poor bind **Charlotte**, the child of Christenah **Garlic** to Philip Smith, according to law."<sup>180</sup>

COMMENT:

Possibly there was a "Christenah" Sr. and Jr. A court order of 16 March 1804 records the proving of a deed by "Gasper Garleck and Christiana his wife." (13:69) I also recall seeing a reference to Gasper Garleck as being in the county soon after this 6 August 1800 order. I did not take note of that reference to Gasper because there was nothing at the time to connect him to the child being bound out.

A duplicate original of the actual indenture of Charlotte is held by the Library of Virginia. It is cataloged this way:

Indenture, 6 August 1800, binding Charlotte Smith as an orphaned apprentice to Philip Smith for a period of seven years and six months. Entered into by Robert King (1746-1837), Overseer of the Poor for Montgomery County, on Charlotte Smith's behalf. The agreement required that Philip Smith teach reading, writing, spinning, and sowing.<sup>181</sup>

COMMENT:

Due to time restrictions on this research trip, I'm not taking further notes on bastardy cases.

## 27 AUGUST 1800

### MONTGOMERY (LATER GILES) COUNTY, VA

Land grant

"By virtue of a Land Office Treasury Warant" No. 18746 issued **28 June 1782**, "there is granted ... unto **John Toney, Assignee of John Smith**, a certain Tract or parcel of Land" containing 33 acres by survey dated **1 August 1797**, lying in Montgomery County at the foot of **East River Mountain** on the waters of East River, waters of New River, bounded as follows:

Beginning at four Curcumber Trees thence N 43° E 40 poles to a poplar on a flatt, N 45° W 95 poles to a dogwood and black oak S 43° W 74 poles, S 64° E 100 poles to the beginning.<sup>182</sup>

## 27 AUGUST 1800

<sup>180</sup> Montgomery Co., VA, Order Book 12, 1800–1801, p. 108.

<sup>181</sup> Indenture of Charlotte Smith, 6 August 1800, Accession no. 40067, Personal Papers Collection, Library of Virginia, Richmond; catalog entry at *Library of Virginia* ([https://lva.primo.exlibrisgroup.com/discovery/fulldisplay?docid=alma990005039330205756&context=L&vid=01LVA\\_INST:01LVA&lang=en&search\\_scope=MyInstitution&adaptor=Local%20Search%20Engine&tab=LibraryCatalog&query=any,contains,400687&offset=0](https://lva.primo.exlibrisgroup.com/discovery/fulldisplay?docid=alma990005039330205756&context=L&vid=01LVA_INST:01LVA&lang=en&search_scope=MyInstitution&adaptor=Local%20Search%20Engine&tab=LibraryCatalog&query=any,contains,400687&offset=0) : accessed 7 October 2020). LoV does not identify any particular set of "personal papers" in which this indenture appears. The following points are relevant to the question whether additional indenture papers (original documents) exist for Montgomery County:

- The catalog entry cross-references the Charlotte Smith document to "Robert King." A search for King in the catalog yields two of these indentures executed by Robert King in 1800—only two—the other being that of "Peter Campbell" whose court order (transcribed in this research report) called him "Peter Campbell, child of Hannah Campbell, mulatto" and ordered him to be bound to Elizabeth Madison [daughter of William Preston Sr. and wife Susannah Smith].

- The catalog entry also cross-references the Peter Campbell document to "Montgomery County (Va.) Overseers of the Poor." When I search for that name, the LoV catalog yields only two items: the indentures for Peter Campbell and Charlotte Smith.

<sup>182</sup> Virginia, Land Office Grants, vol. 47, 1800–1801, pp. 119–20; imaged at *Library of Virginia* ([http://image.lva.virginia.gov/cgi-bin/drawer?retrieve\\_image=LONN&dir=/LONN/LO3/113/113&image\\_number=0140&offset=%2B21&name=Grants+No.47++1800-1801&dbl\\_pgs=no&round=:](http://image.lva.virginia.gov/cgi-bin/drawer?retrieve_image=LONN&dir=/LONN/LO3/113/113&image_number=0140&offset=%2B21&name=Grants+No.47++1800-1801&dbl_pgs=no&round=:) accessed 20 June 2019).

**MONTGOMERY (LATER GILES) COUNTY, VA**

Land grant

"By virtue of a Land Office Treasury Warant" No. 19839 issued **11 October 1783**, "there is granted ... unto **John Toney, Assignee of John Smith**, a certain Tract or parcel of Land" containing 50 acres by survey dated **2 August 1797**, "lying in Montgomery County on East River (three quarters of a mile from the mouth), waters of New River" bounded as follows:

Beginning at a white oak and poplar saplings at the foot of a hill thence S 30° 9 poles to two white pines on the bank, thence up the River S 35° W 27 poles, S 72° W 69 poles crossing the River twice to a white oak on the bank thence up the several courses and binding thereon 97 poles to a black oak and a white pine thence leaving the river N 82 poles thence N 88° E 140 poles to the beginning.<sup>183</sup>

COMMENT:

In 1820 in Giles, Christian Peters, one of the land barons of the county, made an *en masse* deed to clear title in favor of a number of farmers who had bought land from him on **East River Mountain**—including **Samuel Mills** (son of Frankey), "**John White Sr.**," **William White**, "**John White Jr.**" and **James White**. Specifically, the 1700 acres conveyed were said to lie "on **East River Mountain, beginning at the Tazewell County line** ... up the N side of the **Mountain** to the top, thence **down the Mountain toward New River**. ..."<sup>184</sup>

**2 SEPTEMBER 1800**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that the Overseers of the poor bind **Elizabeth Crosser** to Sarah Miller according to Law."<sup>185</sup>

**7 OCTOBER 1800**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that **John** the child of **Nelly Jones** be bound by the Overseers of the poor to Isaac Davis accdg to Law."<sup>186</sup>

**3 FEBRUARY 1801**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that thee Overseers of the Poor bind out **Isam** and **Matilda** the children of **Mary** a free negroe to some proper person according to law.

"Ordered that the overseers of the Poor bind out **Thomas, Susanna, John & Reubin Vaughan**, children of **Mary Vaughan** unto Robert Johnson According to Law.

"Ordered that the Overseers of the Poor bind out **Polly Rominas** to Jacob Pate according to Law."<sup>187</sup>

**3 MARCH 1801**

---

<sup>183</sup> Virginia, Land Office Grants, vol. 46, 1797–1800, pp. 252–53; imaged at *Library of Virginia* ([http://image.lva.virginia.gov/cgi-bin/drawer?retrieve\\_image=LONN&dir=/LONN/LO3/112/112&image\\_number=0299&offset=%2B47&name=Grants+No.46++1797-1801&dbl\\_pgs=no&round=:](http://image.lva.virginia.gov/cgi-bin/drawer?retrieve_image=LONN&dir=/LONN/LO3/112/112&image_number=0299&offset=%2B47&name=Grants+No.46++1797-1801&dbl_pgs=no&round=:) accessed 20 June 2019).

<sup>184</sup> Giles Co., VA, Deed Book B: 166–67; see images in files.

<sup>185</sup> Montgomery Co., VA, Order Book 12, 1800–1801, p. 177.

<sup>186</sup> Montgomery Co., VA, Order Book 12, 1800–1801, p. 133.

<sup>187</sup> Montgomery Co., VA, Order Book 12, 1800–1801, pp. 169–70.

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that the Overseers of the Poor bind **George Garlick**, son of Christenah Garlick to Thomas Bratton According to Law."<sup>188</sup>

**5 MARCH 1801**

**MONTGOMERY COUNTY, VA**

Deed

Jesse Farley to **John Marcum**, both of Montgomery Co., sale of 350 acres granted to Thomas Farley 14 Sept 1785 "on the head of Little Sugar Run waters of Walkers Creek, a branch of New River." [Metes & bounds not copied. No neighbors named.] Witnesses: William Law, **Marel Markerum** [*sic*], Thomas Farley. Proved by acknowledgement of JF in Montgomery Court, April 1801.<sup>189</sup>

COMMENT:

On the same day, Jesse Farley sold other land to Thomas Farley, with witnesses being Wm. Law, John "Markerum" and "Marvel Markerum." (DB C: 383-84) All other references I've seen to the latter, in court orders, also render his name as Marvel.

TO DO:

Investigate whether there is a common root with Marvel Stone of Albemarle.

**25 MARCH 1801**

**MONTGOMERY COUNTY, VA**

Deed

John **Lawrence Senr.** to Thomas Lawrence, both of Montgomery, conveys for natural love and affection 205 acres (part of a tract of 735 acres granted to said John Lawrence Senr. on 25 March [no year] on **Meadow Creek**, waters of Little River, a branch of New River. [Metes & bounds not copied.] Witnesses: James Stephens, Revel Harmon, William Lawrence.<sup>190</sup>

COMMENT:

John Lawrence Sr. has (on previous pages of this deed book, as well as pages hereafter) conveyed other tracts of land on Meadow Creek to John Lawrence Jr., William Lawrence, and Rebecca Stevens, also for natural love and affection.

**5 MAY 1801**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that **John Toney** & John Carter, Overseers of the road, with the hands under them do clear out a road from Cavaughner's old place to **John Toney's Ferry**."<sup>191</sup>

**7 JULY 1801**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that the Overseers of the Poor bind **Fielding** and **Sally McDonald**, Children of **Elizabeth McDonald** to Robert Johnson according to Law.

---

<sup>188</sup> Montgomery Co., VA, Order Book 12, 1800–1801, p. 179.

<sup>189</sup> Montgomery Co., VA, Deed Book C, 1797–1803, pp. 381–82.

<sup>190</sup> Montgomery Co., VA, Deed Book C, 1797–1803, pp. 428–31.

<sup>191</sup> Montgomery Co., VA, Order Book 12, 1800–1801, p. 216.

"Ordered that the Overseers of the Poor bind **Samuel Wettle**, son of **Barbary Wettle** to John Morriele according to Law. Same **Jacob Wettles** Same to **Benjamin Weddle** according to Law."<sup>192</sup>

**15 JULY 1799-15 JULY 1800**

**MONTGOMERY COUNTY, VA**

Surveys

Annual List of Gordon Cloyd, surveyor. No relevant entries.<sup>193</sup>

**11 AUGUST 1801**

**BOTETOVERT & MONTGOMERY COUNTY, VA**

Occupational license

"**John White.** License to retail goods. At a Court held for the County of **Botetourt** the 11<sup>th</sup> day of August 1801 On Motion of **John White**, a License is granted him under the Act of Assembly Concerning Hawkers and Pedlars to Carry on the business of a Pedlar for one year from this day he having paid the sum of Twenty dollars the Tax imposed by the said Act as appears by the receipt of Francis Blunt, a Deputy Sheriff of this County.

"A Copy. Teste H. W? Boyers, C.C.

"Montgomery September Court 1801

"On the application of **John White** A License granted him under the act of Assembly Concerning Hawkers and Pedlars by the **Court of Botetourt County** is Ordered to be Recorded in this court. Teste: Charles Taylor, Clerk."<sup>194</sup>

COMMENT:

I do not yet have sufficient evidence to determine which John White this was. The fact that he presented to the Montgomery Court a license issued in Botetourt suggests that Botetourt was his place of residence and that his peddling activities crossed over into Montgomery.<sup>195</sup>

**1 SEPTEMBER 1801**

**MONTGOMERY COUNTY, VA**

Court order

"**Low Brown** & wife to George Kelley. Deed acknowledged in Court & Ordered to be Recorded."<sup>196</sup>

"**Low Brown & Jenney** his wife to George Kelley, all of Montgomery, sale of 66 acres by surey dated 14 Feb 1789 granted to Low Brown as assignee of Thos. Shannon, on N side of Walkers Creek, adjoining Henry Long. [Metes and bounds not copied.]"<sup>197</sup>

**1 SEPTEMBER 1801**

**MONTGOMERY COUNTY, VA**

Court order

"On the application of **John White**, a License granted him under the "Act of Assembly Concerning Hawkers & Pedlars by the Court of **Botetourt County** is Ordered to be Recorded in this court."<sup>198</sup>

<sup>192</sup> Montgomery Co., VA, Order Book 12, 1800–1801, pp. 245–46.

<sup>193</sup> Montgomery Co., VA, Will Book 1, 1796–1809, pp.162–64; *FamilySearch* digital microfilm 7645478, images 104-5.

<sup>194</sup> Montgomery Co., VA, Will Book 1, 1796–1809, p. 120; *FamilySearch* digital microfilm 7645478, image 83.

<sup>195</sup> See E. S. Mills, "Whites of Montgomery & Giles Counties, VA: Attempted Disambiguation between Johns & Overview of Offspring Based on Tax Rolls, Legislative Petitions, and Other Legal Records," report to file dated 30 August 2020; archived at *HistoricPathways.com* under the "Research" tab.

<sup>196</sup> Montgomery Co., VA, Order Book 13, 1801–1803, p. 1.

<sup>197</sup> Montgomery Co., VA, Deed Book C, 1797–1803, pp. 445–46.

<sup>198</sup> Montgomery Co., VA, Order Book 13, 1801–1803, p. 10.

COMMENT:

On the next day a similar license was issued to another man with different wording that reflects a different process or circumstance:

"On the application of Robert S. Shanklin **and Satisfactory proof appearing to the Court of his honesty and demeanor**, a License is granted him as a Pedlar under "an Act Concerning Hawkers & Pedlars" to offer for Sale or Barter goods, wares, and merchandize until the first day of May next he having produced a receipt from John McHenry a Deputy Sheriff for the Sum of \$13.34."<sup>199</sup>

Compare to the John White peddlars bond above. Why the differences? Was White not required to submit "Satisfactory proof ... of his honesty and demeanor" because he already held a license from Botetourt? Or because he was known to the justices of Montgomery who granted him the license? The justices for this term were Henry Patton, Christian Snidow, Jonathan Isom, James Charlton, and David French.

**11 NOVEMBER 1801**

**MONTGOMERY COUNTY, VA**

"This Indenture made this [11 November 1801] Witnesseth that I Mesenger Lewis of the County of Montgomery and State of Virginia doth Give grant and assign to **George Miles** of the County and State afores<sup>d</sup> a Good, Sufficient right & Title exclusive of any other claim or claims of any person or persons to a certain Tract or parcel [*sic*] of Land lying & being in the County of Montgomery on **dry Medow**, waters of Little River containing [90] acres by survey baring date the [2 November 1786] to wit:

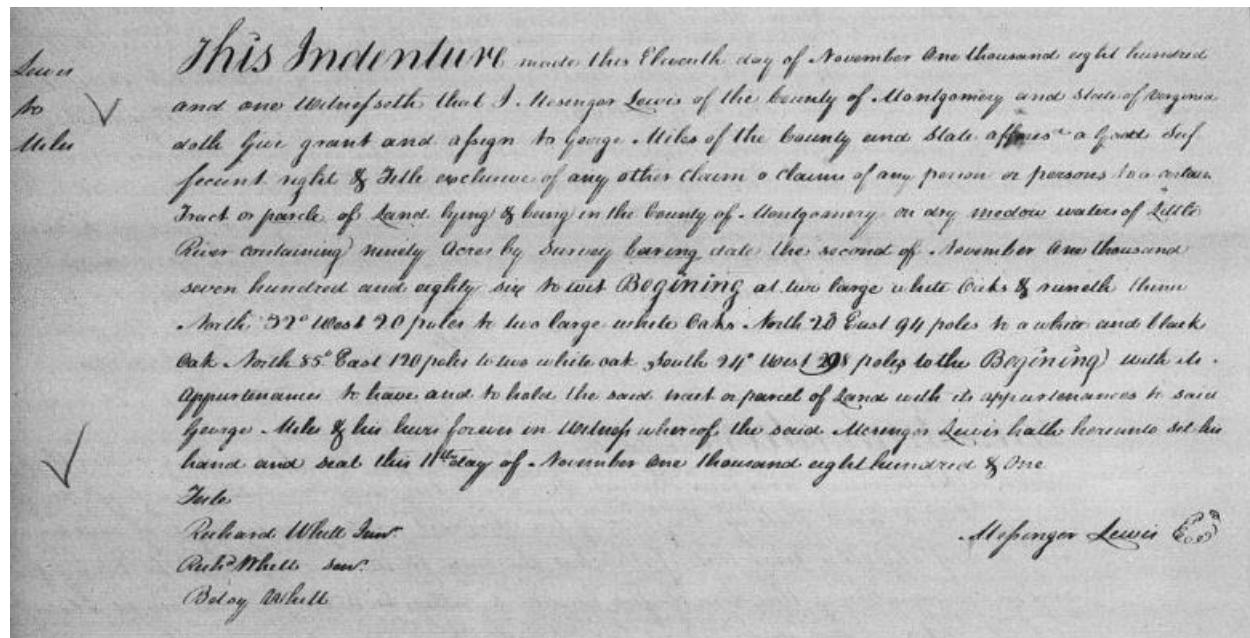
Beginning at two large white Oaks & runeth thence N 32° W 20 poles to two large white Oaks, N 20 E 94 poles to a white oak and black Oak, N 85° E 120 poles to two white oaks, S 24° W 298 poles to the Beginning.

Signed: Mesenger Lewis. Witnesses: Richard Whitt Junr., Rich<sup>d</sup> Whitt Senr., Betsy Whitt.<sup>200</sup>

---

<sup>199</sup> Montgomery Co., VA, Order Book 13, 1801–1803, p. 11.

<sup>200</sup> Montgomery Co., VA, Deed Book C? D?, p. \_\_\_\_\_. Citation lost. The document needs to be relocated.



16 DECEMBER 1801

MONTGOMERY COUNTY, VA

Land patent

"James Monroe, Esquire, Governor of the Commonwealth of Virginia To all To whom these presents shall come Greeting [:] Know ye that by Virtue of a land Office Treasury Warrant number" 15,112 issued 6 March 1783, "There is Granted by the said Commonwealth unto **William Preston** and **John White** a certain tract or parcel of land containing" **95 acres** "by survey bearing date" 12 March 1797, "lying and being in the County of Montgomery On the waters of New River on the **South side of the Big Spring Mountain** and bounded as followeth, to wit,"

Beginning at four chesnuts on the S side of a Spur, S 38° E94 poles to two Spanish Oaks and a poplar by a branch, Corner of **George Paris's** land and with a line of the same S 65° E 60 poles to two white oaks, thence leaving said line S 40° W 170 poles to two white oaks in a hollow, N 45° W 48 poles to three white oaks, thence N 10° E 200 poles, crossing some small branches to the beginning.

"with the Appurtenances to have and to hold the said tract or parcel of land with its Appurtenances to the said William Preston & **John White** and their heirs forever, in witness whereof the sd James Monroe Esquire Governor of the Commonwealth of Virginia hath hereunto set his hand and caused the lesser seal of the said Commonwealth to be affixed at Richmond on" 16 December 1801 "and of the Commonwealth the Twenty Sixth [year]."<sup>201</sup>

2 FEBUARY 1802

MONTGOMERY COUNTY, VA

Court order

"Ordered that James Bane, **William Brown**, **Low Brown**, & James Mustard or any three of them being first duly Sworn to appraise the Personal Estate of Francis Muncey Decd. and make report thereof to

<sup>201</sup> Virginia, Land Office Grants, vol. 48, 1801–1802, p. 320; imaged at Library of Virginia ([http://image.lva.virginia.gov/cgi-bin/drawer?retrieve\\_image=LONN&dir=/LONN/L03/114/114&image\\_number=0341&offset=%2B21&name=Grants+No.48++1801-1802&dbl\\_pgs=no&round=:](http://image.lva.virginia.gov/cgi-bin/drawer?retrieve_image=LONN&dir=/LONN/L03/114/114&image_number=0341&offset=%2B21&name=Grants+No.48++1801-1802&dbl_pgs=no&round=:) accessed 5 October 2019).

Court.

On the application of **James Mustard** & others to have the road leading from the foot of **Brushy Mountain** near where William Pelphry lives up **Walkers Creek** to the County line near Joseph Oney altered, whereupon it is ordered that **James Mustard, William Brown, James Bane** and Joseph Oney or any three of them being first duly sworn do view the Ground along which said road is Proposed to be Conducted together with the former road and report the Comparative Conveniences and inconveniencies thereof to Court.”<sup>202</sup>

**2 MARCH 1802**

**MONTGOMERY COUNTY, VA**

Court order

“Missenger Lewis to George Miles Deed proven by **Richard Whitt & Richard Whitt Junr.** And Contd for further proof.”<sup>203</sup>

COMMENT:

The “further proof” that is needed is the attestation of the third witness: Betsy Whitt.

**4 MAY 1802**

**MONTGOMERY COUNTY, VA**

Court order

“Ordered that the O:poor bind **Polly & Hezekiah McDonald** to Robert Johnson according to law.

“Ordered that the overseers of the poor bind **Benjn. Linder** unto George Clear to be taught the trade of a Sadler.”<sup>204</sup>

**2 JUNE 1802**

**MONTGOMERY COUNTY, VA**

Court order

“For reasons appearing to the court, It is ordered that the order made out the last court binding **Polly & Hezekiah McDonald** to Robert Johnson be rescinded and that the overseers of the poor bind them out to any persons they may think proper.”<sup>205</sup>

**6 JJLY 1802**

**MONTGOMERY COUNTY, VA**

Court order

“Ordered that the Overseers of the poor bind **William Gerald** son of Glycy Gerald to James Light according to Law.”<sup>206</sup>

**8 SEPTEMBER 1802**

**MONTGOMERY COUNTY, VA**

Court order

“Ordered that the Overseers of the poor or any one of them bind **James Burton** to John Alboid? According to law.

---

<sup>202</sup> Montgomery Co., VA, Order Book 13, 1801–1803, pp. 71–73.

<sup>203</sup> Montgomery Co., VA, Order Book 13, 1801–1803, p. 73.

<sup>204</sup> Montgomery Co., VA, Order Book 13, 1801–1803, p. 105.

<sup>205</sup> Montgomery Co., VA, Order Book 13, 1801–1803, p. 73.

<sup>206</sup> Montgomery Co., VA, Order Book 13, 1801–1803, p. 130.

"On the Complaint of **John Herbert** an Infant who had bound himself an apprentice to Thomas Brattan, alledging immoderate correction and on a full investigation of the whole matter it is considered by the court that the said apprentice hath not been legally bound unto the said Brattan, and it is ordered that the Overseers of the poor bind him out according to Law."<sup>207</sup>

COMMENT:

There has not been a prior binding out of John Herbert in these court orders. Unless he and Brattan came into the county from elsewhere in fairly recent times, then it would appear that there was also a practice of informal bindings that weren't carried out by the overseers of the poor and registered in the court order books.

**8 SEPTEMBER 1802**

**MONTGOMERY COUNTY, VA**

Court order

"**Abijah Whitt** served on jury."<sup>208</sup>

**9 SEPTEMBER 1802**

**MONTGOMERY COUNTY, VA**

Court order

"**Richard Whitt** served on jury."<sup>209</sup>

**5 OCTOBER 1802**

**MONTGOMERY COUNTY, VA**

Court order

**Arch<sup>d</sup> Whitt** swore oath to the identity of the heirs of Jeremiah Farmer Decd. Included Ratliffs, Eliza Farmer, wife of Zachariah Romine, and Keziah, wife of Robert Bell.<sup>210</sup>

**7 DECEMBER 1802**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that the O:poor bind **Edward Moore** to Jacob Snuffer According to Law."<sup>211</sup>

**4 JANUARY 1803**

**MONTGOMERY COUNTY, VA**

Court order

"On the application of **Thomas Shannon Esqr.** To have the main Road altered from said Shannons to Big Sugar Run, it is ordered that **Low Brown**, William **Levi?**, Edward Stafford & **John Marcum** or any three of them being first sworn do go along the ground proposed for the said Alteration as also along the Old Road, and that they view the same and that they truly and impartially report the comparative Conveniences and Inconveniences which will result as well to Individuals as to the public is such way should be opened."<sup>212</sup>

---

<sup>207</sup> Montgomery Co., VA, Order Book 13, 1801–1803, pp. 150–51.

<sup>208</sup> Montgomery Co., VA, Order Book 13, 1801–1803, p. 151.

<sup>209</sup> Montgomery Co., VA, Order Book 13, 1801–1803, p. 153.

<sup>210</sup> Montgomery Co., VA, Order Book 13, 1801–1803, p. 163.

<sup>211</sup> Montgomery Co., VA, Order Book 13, 1801–1803, p. 184.

<sup>212</sup> Montgomery Co., VA, Order Book 13, 1801–1803, pp. 196–97.

**1 FEBRUARY 1803**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that the Overseers of the poor bind **George Waggoner** to Tom<sup>s</sup> McCally according to Law.

"Ordered that the Overseers of the poor bind **George Wooten** to David Sumners according to Law."<sup>213</sup>

**7 FEBRUARY 1803**

**MONTGOMERY COUNTY, VA**

Deed

"Susannah **Brumfield**, Relict of James Brumfield, decd., William Hatfield & Ann his wife, Susanah Brumfield Jr., William Brumfield and Mary Brumfield, all Legatees and heirs at law to the said James Decd and do also take on themselves to convey for Siney Brumfield, Bird Brumfield, George Brumfield, Dicey Brumfield & Sally Brumfield, minors and heirs at Law to the said James Brumfield, Decd., all of the County of Montgomery ... [to] Reuben Johnston" for 55£ current money of Virginia, sell 124 acres patented by the deceased on 12 September 1787 on **waters of Big Stoney Creek**, a branch of New River. [Metes & bounds not copied. Neighbors not named. All sellers signed.] Witnesses: A. Johnston, James Johnston, Hugh Johnston." Proved Montgomery Court August 1803 by oath of witnesses.<sup>214</sup>

**16 MARCH 1803**

**MONTGOMERY COUNTY, VA**

Deed

"Susannah Brumfield, widow of James Brumfield Decd., William Hatfield & Ann his wife, Susanah Brumfield Jr., William Brumfield and Mary Brumfield, Legatees & heirs at law of the said James Brumfield Decd., all of the County of Montgomery" and William Carder of the County ... sale for \$74, 45 acres in Montgomery on **Big Stoney Creek** adjoining Andrew Hatfield [metes & bounds not copied]. Witnesses: Philip Peters, Thomas Sartain, Elijah Sartain. All sellers and witnesses signed. Proved in court December 1803 by oaths of Thomas and Elijah Sartain.<sup>215</sup>

COMMENT:

This places the Brumfield outmigration to the area that is now Cabell after March 1803.

**2 MARCH 1803**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that **Daniel Tawney** be appointed Overseer of the road from David Price's to the Crossing of **Sinking Creek** at John Beans."<sup>216</sup>

**5 APRIL 1803**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that the Overseers of the poor bind **David Dodson**, son of Dorcas Dodson to Lawson Graham according to Law."<sup>217</sup>

---

<sup>213</sup> Montgomery Co., VA, Order Book 13, 1801–1803, pp. 197–98.

<sup>214</sup> Montgomery Co., VA, Deed Book C, 1797–1803, pp. 647–48.

<sup>215</sup> Montgomery Co., VA, Deed Book D, 1803–1810, pp. 36–37.

<sup>216</sup> Montgomery Co., VA, Order Book 13, 1801–1803, p. 208.

<sup>217</sup> Montgomery Co., VA, Order Book 13, 1801–1803, p. 212.

**7 JUNE 1803**

**MONTGOMERY COUNTY, VA**

Court order

"Grand Jury returned into Court and made the following presentments ... Jacob Pickelhimer Overseer of the Road for not Keeping the same in repair. **John Toney** Same for the same."<sup>218</sup>

**8-9 JUNE 1803**

**MONTGOMERY COUNTY, VA**

Court order

**Richard Whitt** and **Abijah Whitt** served on jury.<sup>219</sup>

**15 JULY 1803-15 JULY 1804**

**MONTGOMERY COUNTY, VA**

Surveys

Annual List of Gordon Cloyd. No relevant entries.<sup>220</sup>

**2 AUGUST 1803**

**MONTGOMERY COUNTY, VA**

Court order

"Susannah **Brumfield**, William Hatfield & Ann his wife, Susanna Brumfield Junr., William Brumfield, & Mary Brumfield to Reuben Johnston Deed proved by the witnesses thereto and ordered to be Recorded. Same to William Carder. Deed proved by Thos. Sarton & **Elijah Sartain** & Continued for further Proof."<sup>221</sup>

**3 AUGUST 1803**

**MONTGOMERY COUNTY, VA**

Court order

"**Rachel Mills**, orphan of **Francis Mills**, deceased, [sic] came into Court and made choice of **William Preston** as her guardian, whereupon he entered into Bond According to Law."<sup>222</sup>

COMMENT:

On 3 August 1793, John Bowen posted bond to marry Rachel Mills, no parents named. William Preston was surety for the bond. The backside of the bond notes that William Preston was that day appointed her guardian.<sup>223</sup>

The name of the parent is clearly written as "Francis"—i.e., a male spelling. However, I have encountered no male Francis Mills of age to be Rachel's father in any of the counties I've worked. Almost certainly this was meant to be Frances Mills, aka "Frankey Mills" whose unnamed daughter was bound out in 1790 by William Preston's brother John. That Frances married in August 1792 to John White Sr., and died after the 1806 marriage permission she and John White gave to Frankey's son Samuel Mills.

---

<sup>218</sup> Montgomery Co., VA, Order Book 13, 1801–1803, p. 232.

<sup>219</sup> Montgomery Co., VA, Order Book 13, 1801–1803, pp. 239, 245.

<sup>220</sup> Montgomery Co., VA, Will Book 1, 1796–1809, p. 233; *FamilySearch* digital microfilm 7645478, image 140.

<sup>221</sup> Montgomery Co., VA, Order Book 13, 1801–1803, p. 261.

<sup>222</sup> Montgomery Co., VA, Order Book 13, 1801–1803, p. 130.

<sup>223</sup> Montgomery County Marriage Bonds, 1796–1803, unnumbered, chronological order; Montgomery Co. microfilm 39, Library of Virginia, Richmond.

The fact that Rachel is identified as the orphan of a mother, rather than a father, reinforces the hypothesis that her mother was a single woman rather than a widow at the time Rachel was born.

**6 DECEMBER 1803**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that the Overseers of the poor bind **James Godley**, son of John Godley deceased, unto Nimrod Brown According to Law."<sup>224</sup>

**28 FEBRUARY 1804**

**MONTGOMERY COUNTY, VA**

Land purchase

Alexander Stuart of Monro [sic] County, VA, to **Benjamin White** of Montgomery Co. Sale for 40£, \_\_\_ acres [not stated] surveyed 15 December 1785 in Montgomery Co. on **Wolf Creek**, a branch of **Bluestone**, bounded as follows:

Beginning [sic] on the S side of a hickory & white Oak, N 51 W 30 poles crossing the same to a white Oak & Dogwood, W 60 poles to a black Oak, thence S 77 W 34 poles to two white Oaks. Thence N 75 W 80 poles to a white oak, thence N 85 W 20 poles to two white oaks, S 57 W 56 poles to a white oak & dogwood, thence W 44 poles to a white oak & Dogwood, S 32 poles to a white oak, thence S 53o E 28 poles to two white oaks, thence N 75o E 242 poles to the beginning.

Witnesses: G. Pearis, Charles Clay, David Summers. Proved at March 1804 court, Montgomery Co., by oaths of the witnesses.<sup>225</sup>

COMMENT:

On the same day, with the same witnesses, Stuart sold for 120£ land patented 24 December 1785 "on Bluestone about one mile below the mouth of **rich land Creek** and Including Goldsburrys Bottom" to **William Brooks**. Again, acreage is unstated. (DB D: 96–97)

**6 MARCH 1804**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that the Overseers of the poor bind **Bathsheba Newton**, Daughter of Elisabeth Newton to Richard Newton according to Law."<sup>226</sup>

**6 MARCH 1804**

**MONTGOMERY COUNTY, VA**

Court order

**"Obediah Byas and Bridget Connally** to Thomas Hammond. Deed proved by Elisha McComas and Continued for Further proof."<sup>227</sup>

COMMENT:

Checking the main index to deeds, I find Obediah "Biers" indexed for his two 1805 deeds to

<sup>224</sup> Montgomery Co., VA, Order Book 14, 1803–1805, p. 58.

<sup>225</sup> Montgomery Co., VA, Deed Book D, 1803–1810, pp. 95–96.

<sup>226</sup> Montgomery Co., VA, Order Book 14, 1803–1805, p. 67.

<sup>227</sup> Montgomery Co., VA, Order Book 14, 1803–1805, p. 75.

Thomas Hammond and David Hughes that are at D: 235 and D: 239—but not this 1804 deed.

The fact that the Byas-Connally deed to Hammond was not proved for recording, but continued for further proof, means that the document would not be recorded until and unless that additional proof was provided.

Online trees assert that Sheila “Polly” Connally was Obediah’s second wife.<sup>228</sup>

John ‘S’ White of Sugar Run of Walker Creek sold part of his farm (formerly Napier land) to James Connally. He was also a neighbor of Obediah Bias.

ALSO RELEVANT:

- 10 September 1802, deed between “Forrest Farley and Samuel Scott of Montgomery and Nathaniel Munsay later of said county and now of the State of Tennessee, Coheirs to the Estate of Francis Munsey dec’d of the one part and **John Connelly** of said County of the other part ... who is **also a CoHeir.**” Assignment of their rights to 140 acres, being part of a parcel of 230 acres grantd to John Cook by patent of 24 June 1785. [Metes and bounds not copied.]<sup>229</sup>
- 21 June 1810 survey, **Giles Co., VA**, 279 acres for Peter Mock, combining several older tracts, including
  - “50 acres a part thereof was formerly granted to **Obediah Byas** by patent bearing date the 20<sup>th</sup> day of November 1798 and by deed ... to Thomas Hammons ... July 1805 .... and by deed [from Hammons to Mock] 7 December 1805.
- “another part thereof by said **John White** by deed of bargain and sale bearing date the 24<sup>th</sup> day of December 1793 conveys the same to **James Conley Senr. Obediah Byas and Brigit** [Conley/Connoly] convey the same to Thomas Hammon by deed dated the 19<sup>th</sup> day of January 1804 who conveys the same to Peter Mock by deed dated the 2d day of December 1808, **115 acres.**”<sup>230</sup>

ALSO NOTE:

Even though the document (at third bullet above) cites “said John White,” there is no prior reference to John White in this document.

**6 MARCH 1804**

**MONTGOMERY COUNTY, VA**

Court order

“Ordered that the following Claims be allowed in the State of the next Levey, to wit ... To Christian Snidow, asee [assignee] of John Kelley for two D<sup>o</sup> [Ditto, i.e., “old wolves”] \$5.00. To same assee of **Joseph White** for one Ditto ... \$2.50”<sup>231</sup>

COMMENT:

This Joseph White has not been otherwise identified.

**5 APRIL 1804**

**MONTGOMERY COUNTY, VA**

Court order

“William McDowell, Henr Wyser, and John Southern, three of the persons appointed to view the ground

<sup>228</sup> For example, see Mia Morin, “McMellon-Bias Tree,” Ancestry (<https://www.ancestry.com/familytree/person/tree/108865994/person/102031215987/facts> : last accessed 20 September 2020), “Obediah R. Bias ... Facts.”

<sup>229</sup> Montgomery Co., VA, Deed Book D: 570.

<sup>230</sup> Giles Co., VA, Survey Book 1 (1807–1845), pp. 76–77; imaged as FamilySearch digital film 8745650 (item 2) > image 202.

<sup>231</sup> Montgomery Co., VA, Order Book 14, 1803–1805, p. 75.

along which a Road is proposed to be conducted from where the **Cove Road** Intersects this County line to the **ford of Stroubles Creek** made their report, upon which the Court are of Opinion that the road applied for will be convenient, whereupon it is ordered that Summons [sic] Issue to William McDowell, Frederick Beyhnard, **Gordan Cloyd**, Henry Wizer, **Joseph Cloyd**, Richard Guthrey, Samuel Cecil, John Snively, John Lowthan Jr., John Lowthern Senr., John Cecil, Thomas Cecil, Samuel Pepper, **William Preston**, William Heaven, John Heaven & Jacob Shell, **proprietors of the lands through which** the Same is proposed to be considered, requiring them to appear here on the first day of the May Court next, to Shew Cause why the said Road should not be Opened.”<sup>232</sup>

COMMENT:

This document suggests that William Preston was a resident of the Pepper's Ford to Doe's Creek neighborhood in which John Glymph and Elijah Sartain lived.

**1 MAY 1804**

**MONTGOMERY COUNTY, VA**

Court order

“Ordered that the Overseers of the poor bind **John** and **Anne**, children of **William Davis** unto James Preston Esquire according to Law. Ordered that the Overseers of the poor bind **William**, Child of **William Davis** unto James Lunday according to Law.”<sup>233</sup>

**7 AUGUST 1804**

**MONTGOMERY COUNTY, VA**

Court order

“Upon the Complaint of **Susanna Holloway**, a female Orphan Child an apprentice against William Sarrls her master. On hearing the parties and their Witnesses the Court doth Order and adjudge that she be removed from her said Master and that he do deliver to her, her indentures, and that the Overseers of the poor do bind out the said Susanna to Some other person.”<sup>234</sup>

**5 SEPTEMBER 1804**

**MONTGOMERY COUNTY, VA**

Court order

“Thomas Wade came into Court and relinquished all claim to the future Services of his apprentice **James Burt** whereupon it is considered that he be bound as an apprentice to Samuel Burt to learn the trade of a Carpenter.”<sup>235</sup>

**6 NOVEMBER 1804**

**MONTGOMERY COUNTY, VA**

Court order

“**Richard Whitt junr** [to] Serve as Ensign in same [2<sup>nd</sup> Battalion] in the room of Ambrose Grayson who refuses to serve.”<sup>236</sup>

**7 MAY 1805**

**MONTGOMERY COUNTY, VA**

Court order

---

<sup>232</sup> Montgomery Co., VA, Order Book 14, 1803–1805, p. 88.

<sup>233</sup> Montgomery Co., VA, Order Book 14, 1803–1805, p. 103.

<sup>234</sup> Montgomery Co., VA, Order Book 14, 1803–1805, p. 132.

<sup>235</sup> Montgomery Co., VA, Order Book 14, 1803–1805, p. 150.

<sup>236</sup> Montgomery Co., VA, Order Book 14, 1803–1805, p. 180.

"Ordered that the Overseers of the poor bind **Betsey** the daughter of Hannah **Campbell** to Jacob Neul According to Law."<sup>237</sup>

**6 JUNE 1805**

**MONTGOMERY COUNTY, VA**

Court order

**"Byrns vs. Lucy.** The Defendant not being an Inhabitant of this Commonwealth. On the motion of the complainant by his counsel it is Ordered that publication be made against him pursuant to Law, to appear on the first day of the September term next."<sup>238</sup>

**JULY 1805**

**MONTGOMERY COUNTY, VA**

Land sale

"This \_\_\_\_ day of July" 1805 between **Obediah Boyas** ["**Bias**" in margin], of Montgomery County to Thomas Hammons of same. Sale for 40£ one parcel of 50 acres "which was granted to the [said] Obediah Boyas by Letters Pattent bearing date the 20<sup>th</sup> day of November 1798" on "**Walkers Creek** near the **mouth Sugar Run**" bounded as follows:

Beginning at two black oaks and a white oak on **Hammons** line on the N side of a hill and runneth thence N 58 W 60 poles to two white oaks on a hill, N 30 E 90 poles to two white oak saplins on the N side of a ridge, N 40 E 74 poles to three black Oks on a hill, N 77 E 34 poles to a large poplar, S 28 E 10 poles to three poplars corner to said **Hammons** land and with it S 25 W 178 poles to the beginning.

Witnesses: James Stafford, John Hamman, Jesse Farley. Signed: Obediah Bies [sic]. Proved August Court 1805, Montgomery Co., by oaths of witnesses.<sup>239</sup>

COMMENT:

This appears to be a re-do of the earlier deed made by Obediah with Bridget Connally to Thomas Hammons, which was presented to court with partial proof but not recorded for lack to sufficient proof. Note that Bridget is omitted from the replacement deed.

**2 JULY 1805**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that the Overseers of the poor bind unto Joseph Moore, **Edward Simmons** according to Law."<sup>240</sup>

**27 JULY 1805**

**MONTGOMERY COUNTY, VA**

Land sale

**Obediah Bias** to David Hughes, both of Montgomery. Sale for 100£ a tract of 150 acres in Montgomery Co. "on a branch of Walkers Creek called Sugar Run & Joining the land of **Thomas Farley**." Described as

Beginning at a black oak and locust on said Farleys line and runneth thence N 50° W 182 poles crossing a branch to two red oaks by a branch. N 11° E 46 poles to two chesnuts and a poplar. N

---

<sup>237</sup> Montgomery Co., VA, Order Book 14, 1803–1805, pp. 238–39.

<sup>238</sup> Montgomery Co., VA, Order Book 14, 1803–1805, p. 256.

<sup>239</sup> Montgomery Co., VA, Deed Book D, 1803–1810, pp. 235–36.

<sup>240</sup> Montgomery Co., VA, Order Book 15, 1805–1807, p. 3.

72° W 66 poles to a double chesnut on a hill. S 66° W 26 poles to two chesnuts. S 29° W 28 poles to a red Oak and chesnut on a hill side. S 7° W 108 poles to a white oak and chesnut on the S side of a hill, S 74° E 58 poles to a chesnut, S 80° 144 poles to two chesnuts and a poplar by a branch S 46° E 36 poles to a black oak and white oak & chesnut oak on said Farleys line & thence N 47° E 64 poles to the beginning.

Witnesses: Joseph Hare (his X mark), Isaac French, Charles Clay. Signed: Obediah Bias. Proved in court by oaths of witnesses at August Court 1805.<sup>241</sup>

COMMENT:

There is no statement as to how Bias acquired this land.

On 5 August 1805 Charles Clay witnessed sale of land from Alexander Stewart to George Pearis, land in Montgomery & Tazewell, no creek named. (DB D: 334-35). In 1804 Stewart sold Wolf Creek land, near Tazewell line, to Benjamin White (apparent son of the John White Sr. who married Frankey Mills).

On 29 March 1802 Charles Clay sold to David Cloyd land Clay had purchased on the Waters of Five Mile Fork of East River "on a ridge above Pearis's line" 100 acres suveyed for Mitchell Clay on 23 March 1798. (DB D: 503-4)

**6 AUGUST 1805**

**MONTGOMERY COUNTY, VA**

Court order

"**Obediah Bias** to Thomas Hammon Deed proved by the witnesses thereto and ordered to be Recorded."<sup>242</sup>

**6 AUGUST 1805**

**MONTGOMERY COUNTY, VA**

Court order

"**Obediah Bias** to David Hughs Deed proved by the witnesses thereto and ordered to be Recorded."<sup>243</sup>

**6 AUGUST 1805**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that **John Toney** be appointed Overseer of the road from the **Old Spring** on Kavanaughs old place to **William Smiths** on **East River**. Ordered that **Peter Dingess** be appointed overseer of the road from **William Smith's** on **East River** to **Tazewell County Line**.<sup>244</sup>

**3 SEPTEMBER 1805**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that the following claims be allowed in the state of the next Levey to wit: ... To **Robert Whitt** the same [i.e., for killing one old wolf] \$2.50, To **John White Senr.** the same \$2.50 ..."<sup>245</sup>

**5 SEPTEMBER 1805**

---

<sup>241</sup> Montgomery Co., VA, Deed Book D, 1803–1810, pp. 239–40.

<sup>242</sup> Montgomery Co., VA, Order Book 15, 1805–1807, p. 11.

<sup>243</sup> Montgomery Co., VA, Order Book 15, 1805–1807, p. 11.

<sup>244</sup> Montgomery Co., VA, Order Book 15, 1805–1807, p. 14.

<sup>245</sup> Montgomery Co., VA, Order Book 15, 1805–1807, p. 22.

**MONTGOMERY COUNTY, VA**

Court order

Jonathan **Conner** appears on a jury in case of Campbell vs. Caldwell.<sup>246</sup>

COMMENT:

This is the first reference I have seen to any *Conner*.

**23 DECEMBER 1805**

**GILES (MONTGOMERY) COUNTY, VA**

Land entry

No. 287. **John Toney** and **John McClaugherty**, assignees of **Gordon Cloyd**, by virtue of a land office a treasury warrant No 20813 enters **100 acres** of land on the **north** side of **Bluestone** to begin  $\frac{3}{4}$  of a mile above the mouth of **Little Bluestone** extending up to include the place whereon **Jesse Meador** now lives and a place whereon **Robert Lilly Junior** formerly lived."<sup>247</sup>

TO DO:

This volume is indexed, but carries no Cloyd entries in the index. **The volume needs to be read for all embedded entries.** I did not have time to do so on this research trip.

**4 FEBUARY 1806**

**MONTGOMERY COUNTY, VA**

Court order

"**John White** to David Summers Deed proven by the oath of **Gorden Cloyd** & James Hoge and Continued for further proof."<sup>248</sup>

**4 MARCH 1806**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that the Overseers of the poor bind **Elizabeth Wooten** to James Aldridge according to Law."<sup>249</sup>

**1 APRIL 1806**

**MONTGOMERY COUNTY, VA**

Court order

"**Patrick Napier** to **Patrick Napier Junr.** Deed proved by Isaac McKenzie and Contd. for further proof."<sup>250</sup>

**2 APRIL 1806**

**MONTGOMERY COUNTY, VA**

Court order

**Patrick Napier** to **Patrick Napier Junr.** Deed further proven by the oath of Jesse Farley and Continued for further proof.

"William **Toney** and Leah his wife to Matthew Peters Deed further proven by the oaths of Peter Blankenship and continued for further proof."<sup>251</sup>

---

<sup>246</sup> Montgomery Co., VA, Order Book 15, 1805–1807, p. 42.

<sup>247</sup> Giles Co., VA, Land Entry Book 1806 (1804)–1815, p. 5; *FamilySearch* microfilm 1928290, item 1.

<sup>248</sup> Montgomery Co., VA, Order Book 15, 1805–1807, p. 100.

<sup>249</sup> Montgomery Co., VA, Order Book 15, 1805–1807, p. 104.

<sup>250</sup> Montgomery Co., VA, Order Book 15, 1805–1807, p. 113.

<sup>251</sup> Montgomery Co., VA, Order Book 15, 1805–1807, p. 115.

**6 MAY 1806**

**MONTGOMERY COUNTY, VA**

Court order

"Ordered that the Overseers of the poor bind **John Montgomery** unto John Helvey according to Law."<sup>252</sup>

**1 JUNE 1809**

**MONTGOMERY COUNTY, VA**

Witness

**Peter Dingess Snr.** Of the county of Giles to John Dingess and Chrles Dingess of Giles, for \$500 sells two tracts of land on Back Creek of Montgomery County, adj. Jacob Shiffle Berrger, Britt, Hoge, Wisor. [Metes & bounds not copied.] Witnesses: David French, Wm. Smith, **John Toney, Benj H White**, and Peter Blankenship (x). Proved in court in Giles County June 1809 by oaths of David French, William Smith, and Benjamin H. White.<sup>253</sup>

COMMENT:

The first court of the new county of Giles was held 13 June 1806. For now, I am not pursuing Montgomery past this point.

To continue this series on the families that fell into Giles, see E. S. Mills, "Mills & Associates: Giles County, Virginia—Including Byas, Brumfield, Chapman, Napier, Sartain, and White," report to file 18 July 2020; archived online at Mills, *Historic Pathways*, under the "Research" tab.

"Benjamin H. White" should not be confused with his father Benjamin White who married Anne Goodwin and died before 1 September 1813.<sup>254</sup>

**2 NOVEMBER 1812**

**MONTGOMERY COUNTY, VA**

Marriage

"Peter Slusher posts bond to marry **Celia White**, with **Richard White, surety**. No permissions."<sup>255</sup>

COMMENT:

1850 Floyd Co., VA (p. 426, Western Dist./Dist. 15; dwell./family 692)

Peter Slusher, 66, male, farmer, b. MD

Celea, 58, female, b. Franklin Co., Va.

Poley, 37, female, b. Floyd Co., VA

Malah 7, female, b. Carroll Co., VA

Peter, 6, male, b. Carroll Co., VA

NOTE: William & Drucilla Mills are on p. 392 of the same district, adjacent to **Idings** who were formerly in Montgomery—also 9 houses from Jacob **Conner**, wife Elizabeth and apparent parents William & Elizabeth Conner.

**7 DECEMBER 1816**

**MONTGOMERY COUNTY, VA**

Marriage

---

<sup>252</sup> Montgomery Co., VA, Order Book 15, 1805–1807, p. 133.

<sup>253</sup> Montgomery Co., VA, Deed Book D, 1803–1810, pp. 697–98.

<sup>254</sup> Giles Co., VA, Deed Book A: 336.

<sup>255</sup> Montgomery Co., VA, Marriage Bonds, 1812–1818, unnumbered documents in chronological order; *FamilySearch* digital film 007740796, images 82–83 of 687.

Christian Harter posts bond to marry **Jane White**, daughter of **Richard White**, with said Richard White as surety.<sup>256</sup>

**4 NOVEMBER 1817**

**MONTGOMERY COUNTY, VA**

Marriage

John **Shofflebarger** (signed John S Barger) posts bond to marry **Mary White**, with Jacob Sherman as bondsman. At court, that same day, Jacob Sherman was appointed guardian of Mary.<sup>257</sup>

---

<sup>256</sup> Montgomery Co., VA, Marriage Bonds, 1812–1818, unnumbered documents in chronological order; FamilySearch digital film 007740796, images 534–35 of 687.

<sup>257</sup> Montgomery Co., VA, Marriage Bonds, 1812–1818, unnumbered documents in chronological order; FamilySearch digital film 007740796, images 612–13 of 687.