

# COLONIAL SURVEY

BY  
JOHN B. BODDIE



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B. 1245

Plot # 1379

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8-11-11

# Colonial Surry - John B Boddie

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# Colonial Survey - Boddee.

1	26	51	76	101	126 BAR	151	176
2	27	2	7	2	7	2 ED	7
3	28	3	8	3	8 PIT ✓	3	8
4	29	4	9	4	9	4	9
5	30	5	80	5	130	5	180
6	31	6	1	6 CHAM.	1 TH.	6 ED	1
7	32	7	2	7	2	7	2
8	33	8	3	8	3	8	3
9	34	9	4 JUD	9 News	4	9 ED	4
10	35	40	5 TH.	110 CHAM TH BAR ED News	5	100 ED	5
11	36	1	6 BAR	11 BAR	6 JUD PET PIT	1 JUD	6
12	37	2	7 BAR	12 ED TH PIT	7 PIT PET JUD RA	22	7
13	38	3	8	13	8 RIG BAR	13 3	8
14	39	4	9	14	9	1 4	9
15	40	5	90	15	140	5	190
16	41	6 GR	1	16	1	6 ED	1
17	42	7	2	17	2	7	2
18	3	8 PIT	3	18	3 GR BAR NEWS	8	3
19	4	9 GR PIT HAD PET	4	19 GR.	4 GR NEWS	9	4
20	5	10 GR PIT	5	120	5 ED.	170	5
21	6 GR	1	6	1 ED TH BAR	6 NEWS BAR	1 ED MICH. JUD	6
22	7 GR	2	7	2	7 BAR.	2 ED	7
23	8 NEW	3	8 ED News	3	8	3 ED	8
24	9	4	9 News	4 BAR	9	4	9
25	50	5	100	5	150 TH.	175	200

vast wealth Elizabeth's reign had produced, said, "Even as the Queen lay dying (1603) a rumour spread that an obscure skipper called Newport whom no one had ever heard of, had captured between Nombre de Dios and Havanna, two or three of the Carthagea Treasure ships."<sup>8</sup>

Queen Elizabeth rarely advanced any one not of gentle birth. Maybe it was caused by a feeling of inferiority, for she was the granddaughter of a country knight and the Tudors had only recently risen from the gentry by a fortunate royal marriage.

Newport was not a letter writer and he probably had "no friend at court." Other men of greater position but of lesser worth seem to have taken credit for many of his feats. Newport News, on the James, was even named for another man.<sup>9</sup>

It seems that his companions in the Virginia venture, Thomas Gates and George Somers, fared better (for doing less), for they were knighted for their deeds. However, Gates was a writer and thereby advertised his adventures.

Gates sailed with Sir Francis Drake on his famous voyage to the West Indies and published an account of it, entitled, "A summarie and true discourse of Sir Francis Drake's West Indian voyage begun in the year 1585. Wherein were taken the cities of Saint Iago, Santo Domingo, Cartagena, and the town of Saint Augustine in Florida. Published by M. Thomas Gates."<sup>10</sup>

Drake sailed from Plymouth in his home county of Devon with 25 ships and 2,300 soldiers and mariners. One of his sea-captains was John Martin of the Benjamin who later sailed with Newport to Virginia in 1607 and lived longer in the Old Dominion than any other of the first voyagers.

Thomas Gates was a land captain. His narrative is interesting, but long, so we can relate only a few incidents. According to Gates, the fleet, after sacking and burning several towns in the West Indies, appeared before the city of San Domingo on New Years day, 1586. Drake, the night before, had put ashore the whole of his troops, landing them about ten miles from the city. Then at dawn he made a feint with his ships against the castle guarding the narrow entrance to the harbor. All eyes in the town were on the fleet with its crowd of small

<sup>8</sup> P. 401.

<sup>9</sup> *W. & M. Quarterly*, Vol. IX, p. 233-237. He needs a Henry Justin Smith.

<sup>10</sup> *Hakluyt's Voyages* (Macklehose), Vol. X, p. 97.

craft being made ready for landing. About noon they perceived the English troops advancing on the town from the rear. They wheeled the guns which had been pointing seaward but could only fire one round when the English were upon them. And so the town fell and the Spaniards fled to the mountains.

Gates relates that the General sent out one morning a small negro servant to meet an officer who was advancing with a white flag. Contrary to accustomed usage the officer thrust his pike through the little negro who crawled back to Drake's feet and died. Drake, mad with rage, took two Spanish Friars to the spot where the boy had been wounded and there hanged them. Then he sent a message advising that two more of his most distinguished captives would be hanged every morning at that place until the murderer was surrendered. They brought him to Drake next morning and Drake made his own countrymen hang him on the gallows.

After many other adventures Drake finally took Cartagena, the capital of the Spanish Main. From remaining there some six weeks in that notoriously unhealthy place his forces became much depleted from sickness, so he called a council of his land-captains, among whom was Captain Thomas Gates. He put three questions before them. One was, "Should they attempt the rest of their program, on which the taking of Panama was the next item, or turn homeward?" The land-captains decided that their forces had been so weakened by sickness that they could not anticipate any further success, but said that they would cheerfully attempt any operations Drake ordered.

Drake decided to go home, so he made the Spaniards pay a ransom of 100,000 ducats for Cartagena and sailed homeward sacking St. Augustine in Florida on the way. Small events sometimes change the course of nations. Drake also visited the Colony of Governor Ralph Lane on Roanoke Island and offered him a ship, a pinnace, and a month's stores, for his colony of 103 persons if he wished to remain, otherwise he would take all of them back to England. Lane chose to stay but the ship on which the stores were laden foundered suddenly in a storm. Drake had no more stores to give so Lane chose to go home.

Thomas Gates was with Raleigh in his attack upon the Spanish fleet at Cadiz in 1596 and was knighted for distinguished services along with about thirty other sea and land-captains.<sup>11</sup>

<sup>11</sup> *Hakluyt's Voyages*, Vol. IV, p. 259.



Gray

list as the holder of 150 acres. He and his wife were living at the Neck of Land in Charles City in 1624. He was aged 36 and his wife Jane was aged 40 at that time<sup>3</sup> When Captain John Smith went on his expedition at Pamunkey in 1608, John Dodd was one of his soldiers.<sup>4</sup>

John Dodd was living at the upper Neck of Land, now Chesterfield, in 1627.<sup>5</sup> The disposition of his Surry holdings is not known. He may have left descendants as persons bearing his name are later found in Henrico and Chesterfield.

## PHETTIPLACE CLAUSE

Phettiplace Clause who came on the Starr in 1608 was living at Pace's Paines in February, 1624-25. He had previously patented land in Isle of Wight, May 2, 1619, but gave it up on account of the "great danger of planting". In October, 1629, he was a Burgess for Mulberry Island, and in 1632 for the plantations "from Denbigh to Waters Creek". On the 25th of February 1638, William Cloys patented 750 acres in Charles River County (York) "due in right of my father, Phettiplace Cloys."<sup>6</sup>

## FRANCIS CHAPMAN

Francis Chapman came on the Starr with Phettiplace Clause. In 1626 Chapman was holding 100 acres by patent. This land was near Captain William Perry's plantation as Captain Perry was holding same in 1628.<sup>7</sup> Chapman married a daughter of Richard Pace, as he is called a son-in-law (step son) by Captain Perry who married Pace's widow. This place later became known as "Swan's Point". (See Swan Family.)

## THOMAS GRAY

Thomas Gray also came in the Starr with the two above mentioned planters. On August 27, 1635, he received a patent for 550 acres of land "on the South side of the main river over against James City, adjacent on the East to the plantation now in his possession and to land of Captain Perry, running along by Rolfe's Creek and south into the woods upon Cross Creek, 100 acres due as an Ancient Planter at or before the time of Sir Thomas Dale, according to a charter of orders

<sup>3</sup> Hotten, p. 169.

<sup>4</sup> Smith's, p. 131.

<sup>5</sup> Minutes of Court and General Council, p. 166.

<sup>6</sup> C.P., p. 102.

<sup>7</sup> C.P., p. 10.

Gray

from the late Treasurer & Co., dated 18 November 1618; 50 acres for the personal adventurers of Annis Gray his first wife; 50 acres for the personal adventure of Rebecca Gray his now wife; 350 acres for transportation of his 2 sons, William Gray and Thomas Gray, and 5 servants: John Bishop, Robert Browne, Robert Welsh, Luke Mizell, John Bancker."<sup>8</sup>

The issuing of this patent in 1635 illustrates how long some of the planters waited to obtain patents for their land. It is probable, however, that Thomas Gray had been in possession of some of this land for many years. His descendants flourished long in Surry. (See Gray Family. \*)

John Bishop who was transported by Thomas Gray as shown above, patented 150 acres, 9 November 1638 at the head of Tappahannock Creek. He was active in Bacon's Rebellion, was condemned to death by Berkeley, and died in prison. Administration upon his estate was granted Francis Mason, 14 June, 1676. (Bk. 2, p. 117.)

Luke Mizell, also transported, testified in court, on May 11, 1659, that he was "aged 45 or thereabouts" and that "when deponent was servant to Thomas Gray, Sr., deceased, he did often hear said Gray and his wife say that Thomas Gates had given 50 acres to their son Thomas and daughter Jane." (Bk. 1, p. 139.)

## WILLIAM SPENCER

William Spencer, Ancient Planter, is noted as a member of the first expedition which arrived at Jamestown, for he came over on the "Sarah Constant" with Christopher Newport in 1607. Captain John Smith in referring to the men to whom Sir Thomas Dale had allotted farms for the raising of corn, said in 1614, "From all those Farmers whereof the first was William Spencer, an honest, valiant, and industrious man, (and hath continued from 1607 to this present) from those is expected such a contribution to the store, as we shall neither want for ourselves, nor entertain our supplies."<sup>9</sup> John Rolfe said "William Spencer and Thomas Barret a sergeant, with some others of the Ancient Planters being set free, were the first farmers that went forth; and have chosen

<sup>8</sup> C.P., p. 131.

<sup>9</sup> Tyler's Narratives, p. 312.

\* The Gray family and families similarly mentioned will be shown in a subsequent volume.

Hart  
Newsom

places to their content: so that knowing their own land they strive who should exceed in building and planting."<sup>10</sup>

On August 14, 1624, William Spencer, "yeoman and ancient planter" received a grant of 12 acres on Jamestown Island "part of his first dividend within the Island, towards Goose Hill, near land of Sir Thomas Dale, due for his personal adventure." As William Spencer "of James Island" he patented 250 acres on the west side Lawne's Creek at the mouth, 9th September 1632.<sup>11</sup> This clearly identifies the Surry patentee as being William Spencer of Jamestown.<sup>12</sup>

He was living at Jamestown in 1624 with his wife, Alice, and daughter, Alice<sup>13</sup> and was Burgess for Mulberry Island 1624 and 1632-33. In 1635 he patented 1,100 acres on "Lawnes Creek and Westerly upon Hog Island Creek, Southerly upon a parcel of land he hath taken up near the mouth of the Creek."

In 1637 he further patented 550 and 1,350 acres "upon Lawnes Creek". This is the last reference to him in the patent books.

Two daughters, Elizabeth, wife of Major Robert Sheppard, and Anne, wife of Captain William Cockerham, survived. Major Robert Sheppard died in 1654 and his widow Elizabeth married Thomas Warren—one daughter, Elizabeth Warren, married John Hunnicutt. Elizabeth (Spencer) Sheppard also had a daughter, Anne Sheppard, who married first, Thomas Hart, secondly, William Newsom. Through these several families survive many descendants of this valiant Ancient Planter.

William Spencer has heretofore been identified in all biographies as a member of the First General Assembly of Virginia held in 1619. This is because his record has been confused with that of Ensign William Spence who was a member.

Ensign William Spence, with his wife and daughter, Sara, was residing in James Island (Jamestown) in 1623. (Hotten, p. 178.) In a "List of the names of the dead in Virginia since April last", dated February 16, 1623-24, appears the following entry:

William Spence } lost  
Mrs. Spence }

<sup>10</sup> Tyler's Narratives, p. 337.

<sup>11</sup> C.P., pp. 4, 16. He is shown as an "Ancient Planter" in the patent but does not so appear in Mrs. Nugent's list of Ancient Planters.

<sup>12</sup> Hotten, p. 228.

<sup>13</sup> Hotten's Emigrants, p. 228.

They were therefore undoubtedly lost and considered deceased at the time this census was taken.

Ensign William Spence, Gent., was a member of the jury for the trial of Daniel Franks and George Clarke upon Tuesday, August 5, 1623. (M.C.G.C., p. 5.)

On January 10, 1624, Susan Bush of Elizabeth City was appointed guardian of Sarah Spence, orphan, and her lands and goods (M.C.G.C., p. 42). In the census of 1624 taken soon afterwards "Sara Spence, aged 4, born in Virginia" appears in the muster with Susan Bush. (Hotten, p. 249.)

On August 16, 1624, the General Court ordered that John Johnson shall "cover and repair the late dwelling house of Ensign William Spence." (*Ibid.*, p. 19.)

Contemporary with Sara Spence, orphan, and Susan Bush, in the same muster of 1624, William Spencer is shown as residing in James Island with his wife and daughter, both named Alice. So there appears to be no doubt that he was the survivor and later settled in Surry County.

#### THOMAS GATES

Thomas Gates, who came in 1609, held 100 acres in 1626 and was then living at Paces Paines with his wife, Elizabeth, who came in the Warwick in 1620. He was Burgess for Mulberry Island, October 1629. Owing to destruction of the James City records his fate is not known, but it appears that he gave away 50 of the above 100 acres to Thomas Gray, Jr. and his sister, Jane. This is shown by the testimony of Mrs. Dorothy Corker, aged 50, who testified in Surry Court, May 9, 1659, that Thomas Gates gave those two persons 50 acres of land on Gray's Creek. (Bk. I, p. 130.)

#### CAPTAIN WILLIAM PEIRCE

Captain William Peirce was a large land owner in Surry. He received a grant of 2,000 acres, 22 June 1635. This grant was to "Captain William Peirce, one of the Council of State" and was located on Lawne's Creek. It was bounded by land of Alice Delke, Widow, and William Spencer, and extended westward to Chippokes Creek. It

GOREY

## Chapter VIII

### THE WARREN HOUSE

**T**HE oldest brick house in Surry is the one which was built by young Thomas Warren in 1651-52 on land purchased by him from Thomas Rolfe. There is no doubt about the authenticity of its ownership and age as it is clearly proven by the records.

The house is located about a half mile from a high bluff on Gray's Creek. The bluff is situated at about the middle of a long bend in the creek, and on each side of the bluff are wide marshes and ravines. This makes the place something like a promontory. Across the rear of this promontory traces of trenches can be seen. (1904.) There is little doubt but that this is the remains of Captain John Smith's "New Fort" of 1609 which gave the name of "Smith's Fort" to the plantation.

Thomas Warren, in a marriage agreement made September 23, 1654, with Mrs. Elizabeth Shepard, daughter of Ancient William Spencer and widow of Major Robert Shepard, described himself as "Thomas Warren, gentleman, of Smith's Fort." (Bk. I, p. 56.) This plantation lay next to the 550 acres granted Thomas Gray in 1635, heretofore mentioned. The title to the plantation and therefore to the Warren house was clearly decided in favor of the Warrens in two law suits, one in 1677 and the other in 1712. The two suits give an interesting account of the purchase of the place. Thomas Warren stated that he was "aged 40 or thereabouts", in a deposition made in the County Court, May 3, 1661. (Bk. I, p. 161.) This should place his date of birth as having occurred in the year 1621, but the use of the word "thereabouts" makes the date uncertain. It seems to have been customary in those days to follow the decades and speak of persons as "about forty", "about fifty", "about sixty." Even now when one does not know of another person's exact age we follow the same pattern. John Hux of Surry in a deposition made in 1652 said he was about forty and in another one made seven years later in 1659 said he was about forty six. Martin Johnson was thirty in 1670 and thirty-three in 1672. Many other examples could be given. Rarely in those days where a person made more than one deposition did the ages agree. (See "Ages of Surry Settlers", post.) This may have been occasioned by the fact that the depositions were drawn by clerks, agents, or attorneys, and the exact age of the deponent was not material.

Thomas Warren seems to have settled on the eastern branch of Smith's Fort Creek in 1640. His original grant was for 450 acres and payment for the same was to be made seven years after entry. This is set forth in a grant for 290 acres made to him by William Berkeley 3rd July, 1648, as follows (Pat. Bk., p. 146): "grant unto Mr. Thomas Warren two hundred and ninety acres of land lying at the head of the Eastermost branch of Smith Fort Creeke being in the County of James City bounded as followeth (Vizt) from a poplar along the bounds of Goodman Spiltimber north by east half westerly seventy chaines along the bounds of Mr. John Corker \* \* \* The said land being due unto the said Thomas Warren as followeth (Vizt.) being part of a patent of four hundred and fifty acres formerly granted unto the said Warren the 3rd of February 1640 to have and to hold &c. to be held &c. yielding &c. which payment is to be made seven years after the date of the 3rd of February 1640 and not before &c. Dated the 3rd of July 1648."

Thomas Warren served in the House of Burgesses in October 1, 1644, thus becoming a member at about the age of twenty-two which was exceptional but not unusual. Richard Bennett, afterwards Governor also became a member of the Assembly at the early age of twenty-one (17th Cent., p. 703). Thomas Warren was also a member of the House in the sessions of November 20, 1645; March 1, 1658-59; December 1662 to September 10, 1663, and October 23, 1666, (*Journals House of Burgesses*). On June 10, 1668, the list of tithables (tax-payers) living between the College and Smith's Fort was taken by Thomas Warren. His will was dated the 16th of March 1669. The original will in evidence in 1712 has been lost and apparently was not recorded or the original recording has been lost.

In the law suit of 1677, Richard Tyus, son of John Tyus who came on the *Bona Nova* in 1620, made deposition, "Sworn in Open Court held for the County of Surry, March 5, 1677," which was in part as follows: "Richard Tyus, aged about forty-nine years, Sworne saith: "That Mr. Thomas Warren, his heirs and assigns have peaceably and quietly posest and enjoyed in their own rights that plantation commonly called Smith's Fort about 34 years, without any suits, troubles or molestations concerning the same, and further about twenty-five or twenty-six years since ye said Mr. Warren did begin to build ye fifty foot brick house which now stands upon ye said land and finished ye same without being forewarned or disturbed by any person, and that



Mr. Rolfe was then living and lived several yeares afterwards and was commonly at ye said Warren's house before, after and whilst the said house was building and further your deponent was present at a room of ye said Warren's house on ye said plantation with Mr. Warren, Mr. Thomas Rolfe aforesaid and Mr. Mason and several others some certaine time before the said Warren built ye said brick house where he saw ye said Mr. Rolfe write a bill of sale with his owne hands wherein he did make over and sell from him and his heires and assigns forever ye said plantation called Smith's Forte and further ye said Warren payd ye said Rolfe parte of ye consideration which he gave for ye said lands in Corne. . . ."

Mr. Thomas Pittman, ancestor of a well-known North Carolina family also on the same day made a deposition as follows:

"The deposition of Thomas Pittman, sr., aged sixty-three years or thereabouts, Examined, sworn and saith: "That Mr. Thomas Warren, his heirs and assigns have peaceably and quietly possessed and enjoyed in their own right ye plantation called Smith's Forte which right has been held upwards of twenty and eight years without any suit or trouble or molestation concerning the same and further it is about five or six and twenty years since the said Mr. Warren did begin to build the fifty foot brick house which now stands upon ye said land and, without being forewarned or disturbed by any person, finished the same, and that Mr. Thomas Rolfe was then living and lived several years after, and was commonly at Mr. Warren's, his house, before and after whilst ye said house was abuilding. And did live awhile after, and that the said Captain Barrett did never claim that ever was known any right in any part of ye said land before expressed, and further your deponent hath seen a writing in Mr. Warren's possession signed and sealed sealed wherein Mr. Thomas Rolfe did make over all his right and title in ye said plantation called Smith's Fort to Mr. Warren, his heirs and assignees forever and that the writing was Mr. Rolfe's, his own hand. For your deponent in the year 1653 was at the house of Mr. Warren and Mr. Rolfe was present when Mr. Warren showed your deponent ye convaiance of Mr. Rolfe, and he did own it and tould ye said Warren that if it was not sufficient a convaiance he would make it new with a larger expression when he would have it, for he nor his heirs should ever be troubled by him or his and that there hath been no survey of this said land this twenty and eight years, your

deponent having lived ever since in the same county and parish very neare to the said land. This is the best of your deponent's knowledge and further saith not."

Both of these deponents testify in 1677 that it was about twenty-five or twenty-six years ago that Mr. Warren began to build his fifty-foot brick house. This establishes the time in 1651-52 and the building therefore antedates Bacon's Castle by two or three years.

Richard Tyus says that Mr. Thomas Warren and his heirs have been in peaceable possession of the plantation for about thirty-four years which would make Mr. Warren's entry upon same about the year 1643. Mr. Pittman says it was about twenty-eight years which would make the time about 1648 or 49. The year 1648 was the date of Thomas Warren's patent.

The title of this property again came into question in 1712. Allen Warren, who testified in court, was born in 1663 and was then about fifty years of age. He was the third son of Thomas Warren. The verdict of the jury is somewhat long but because of its evident accuracy and interest is shown in full as follows:

"At a court held at Southwark for the  
County of Surry December the 17th 1712:

"In action of ejections firmæ (a common law action in ejectment in which farm lands are involved) between Solomon Saveell, plaintiff, and Samuel Thompson, defendant, for land and appurtenances lying and being in the Parish of Southwark in this county which Henry Hart demised to the plaintiff for a term not yet expired as is set forth in the declaration, Hinthia Guillum, Thomas Davis, Walter Lashly, John Clark, Charles Briggs, James Stanton, Walter Flood, Hugh Hunniford, Robert Pettway, George Nicholson, William Gray and Christopher Moring were sworn to try the issue joined, who bringing in their verdict in these words, 'We of the jury do find as followeth:—for the plaintiff: We find that the land in question was granted to one Thomas Hart, son of Henry Hart, by patent dated the third day of July 1648, hereto annexed; that Henry Hart, the lessor of the plaintiff, is the eldest son and heir at law of said Thomas Hart, the patentee. For the defendant: We find by the oath of Allen Warren that he heard John Clements, now dead, oftentimes say that the land in question did formerly belong to the Indian King, Powhatan, who gave it to one John Rolfe in marriage with Pocahontas, daughter of said Powhatan, that when the son of said Rolfe was in England several tenants who lived upon the



land belonging to said son took out patents of said land in their own names, but that after when said son came into Virginia said tenants who had taken out patents did become tenants to said son; we find the depositions of *Richard Tyus* and *Thomas Pittman* dated the fifth day of March 1677 hereto annexed; we find the will of *Thomas Warren* dated the sixteenth day of March, 1669 hereto annexed, and said *Thomas Warren* died seised of the land in question: We find that *William Warren*, son of said *Thomas Warren*, died seised of the land in question without issue and that the land in question did descend to *Alice*, wife of *Matthias Mariott* and sister of said *William Warren*; we find a deed from said *Matthias Mariott* and said *Alice Warren Mariott* to *John Salway* dated the twenty-third day of July 1673, hereto annexed, by which the land in question is conveyed to said *John Salway* in fee; we find the will of said *John Salway* dated the tenth of April 1678 hereto annexed and that said *John Salway* died seised of the land in question; we find that *John Thompson*, brother of the defendant, married *Elizabeth*, widow of said *John Salway*, who died the wife of said *John Thompson*, and that said *John Thompson* and *Elizabeth*, his said wife, died seised of the land in question; we find the will of said *John Thompson*, dated the twenty-seventh day of January, 1698, hereto annexed by which the land in question is devised to the defendant; we find a patent dated the twentieth day of April 1687 hereto annexed by which the land in question is granted to *Henry Hartwell*; we find a deed from said *Henry Hartwell* dated the twenty-second day of May, 1688, hereto annexed by which the land in question is conveyed to said *John Thompson* in fee; we find the lessor of the plaintiff and those under whom he claims have lived near the place where the land in question lies ever since the year 1640. We do not find that the lessor of the plaintiff or any of those under whom he claims ever were in possession of the land in question. And if upon the whole matter the law be with the plaintiff we find for the plaintiff one shilling damage; if not we find for the defendant. *William Gray*, Foreman. Which said verdict at the plaintiff's motion is recorded and the cause is continued till the next court to argue the matter of law arising from said verdict." (Order Book 1691-1713, page 409.)

Thomas Warren was evidently a person of education and importance in his time and seemingly well-connected which is supported by the fact of his becoming a Burgess at the early age of twenty-one.

Many erroneous statements about him have crept into print which

seems to necessitate a detailed explanation in order to disprove these errors.

It has been said that *Thomas Warren* was a son of *Sir Edward Warren* of *Poynton Manor*, *Stockport*, *County Cheshire*, *England* and this seems to be the prevailing belief in *Surry* today. (V. M. 6, p. 200 et seq.)

The printed records of the *Lancaster Parish Register Society*, *Volume 27*, page 1 (one) for the *Parish Church of Woodplumpton*, show that *Thomas Warren* and *Edmund Warren*, sons of *Sir Edward Warren* were christened the 10th of June 1604, "being 16 day olde". On page fifty-five (55) of the same volume is the following entry: "Sir Edward Warren of *Poynton*, *Kt.*, and *Baron of Stockport*, deceased at *Warren 13*, *Nov. 1609*."

*Omerod's History of Cheshire*, Vol. 3, p. 683 shows that *Sir Edward Warren* born 1553, died at *Poynton* and was buried at *Stockport*, *November 14*, 1609. Also it is shown that *Thomas Warren*, son of *Sir Edward*, died at *Sandbach* and was buried at *Prestbury*, *December 16*, 1677.

*Thomas Warren*, being "about forty years of age" in *Surry* in 1661, therefore born about 1621 could not be the son of *Sir Edward Warren* who died in 1609.

Who therefore was *Thomas Warren*? He did not receive any grant for his own transportation which in a way tends to prove that he was either born in *Virginia* or was transported by someone else. Reference to the land patent books finds that *Daniel Gookin* received a grant of 1,400 acres of land, *November 4th 1642*, on the north side of the *Rappahannock River* for the transportation of twenty-eight persons among whom were "Himself, *Daniel Gookin*, twice; *Mrs. Mary Gookin*, *Samuel Gookin*, *Thomas Warren*," etc. (C. P., p. 138.)

*Thomas Warren's* name is shown in the patent right after the family where relatives are usually placed.

It is known that the *Gookins* came from *Kent*, *England*, and a reference to that family in the county histories of *Kent* show that the *Warrens* and *Gookins* were kin. *William Warren*, owned the manor of *Ripple Court* near the village of *Ripple* in *Kent*. He was a son of *John Warren* and his wife, *Anna*, daughter of *Sir William Craford* of *Mongeham*, nearby. *William* had married *Catharine*, daughter of *Thomas Gookin* of *Ripple* on *June 4*, 1619, and they had a son,



JUDKINS

## Chapter X

### CUSTOMS AND MANNERS OF THE SEVENTEENTH CENTURY

THE records of Surry do not begin until 1652 and the records of James City County prior to that time are destroyed. Extracts from the records after 1652 show something of the customs, manners, religious beliefs and general conduct of the early settlers who came to this country to obtain a fuller measure of liberty. We can thus determine how far we have progressed. Then as now the harshness of the laws on one generation are modified in another. Sometimes re-enacted they were enforced by other leaders and governors with great vigor. Even in our own times, from 1920 to 1932, no one was free to buy a drink of anything stronger than near beer. So we need not consider as very queer and harsh some of the customs and laws of those early times. "Eternal Vigilance is the price of Liberty." Today we not only have a multiplicity of laws but often a "duplicity" of them. The fewer the laws and regulations the more freedom of individual liberty. Nuisance laws are usually brought about by minority pressure groups contrary to the will of the majority.

The first General Assembly of Virginia passed a law requiring every citizen to attend divine services on Sunday. If one was delinquent the penalty was a fine of three shillings. This fine was reduced to one shilling in 1652. In 1675 the grand jury of Surry presented twenty-nine persons for violating the Sabbath by not attending their parish churches. They were Thomas Clarke, presenting himself; Nathaniel Knight, Henry Briggs, William Rookins, Barthalmew Owen, William Nance, Richard Parker, George Middleton, John Moss, Richard Tias, Thomas Senior, Edmond Howell, John Orchard, Old Mrs. Symonds, John Barker, Jr., William Short, William Harvey, William Draper, Edward Greene, Long John Phillips, John Hunnicutt, James Watkins, Adam Heath, John Miniard, Thomas Busby, Richard Royer, Thomas Bird, Daniel Williams, John Skinner. (Bk. 2, p. 83.)

On December 30, 1678, Thomas Sowerby, Samuel Judkins, John Watkins and John King, members of the Grand Jury, presented to the Court, Thomas Hunt and Robert Lee for not attending church. Also Thomas Senior, Edward Davis, John Rawliston, Nicholas Johnson, Robert Evans, Walter Vaughan, Richard Tyas, Sr. were presented by Thomas Crews.

Martin Thorne, Nicholas Wilson, Matthew Swann, Robert Kae, of the Grand Jury of the Lower Parish presented for not attending church: John Bynum, John Shepheard, Daniel Wade—not settled and not attending church. (Bk. 2, p. 194.)

Many of the above persons refused to pay tithes or attend church because they were Quakers.

Nowadays golf games on Sunday morning seem to prevent some persons from attending church, but in those days people lingered in taverns. Samuel Thompson, the son of William Thompson, a former minister of Southwark Parish, and a Burgess and prominent citizen, like many of the prominent citizens of those days kept an "Ordinary" or Inn. In 1681 he gave a bond of a thousand pounds of tobacco that he would suffer no person, except his servants, to linger in his tavern on Sundays during the hours of Divine service in the parish church. (1671-84, p. 52.)

Gifts of ornaments, costly cups and plates to churches during the seventeenth century were frequent. In 1674 Christopher Lewis bequeathed to the church warden of Southwark parish "a silver flagon of two quarts measure", to William Thompson minister "1500 lbs. of tobacco" and "desires to be buried in ye chancel of ye church and to have a tombstone over me and a funeral sermon" preached for which his executors are to pay. (1671-8, p. 34, Book 2, p. 36.)

Captain George Watkins, who died in 1673 "Desires to be buried in the chancel of the church at Lawnes Creek Parish as his predecessors have been in the chancel of the parish churches where they dwelt" and bequeaths a thousand pounds of tobacco to the church for the purchase of a piece of silver plate. (Bk. 2, p. 36.)

George Jordan who died in 1678 provided in his will that "on the 15th day of every October a sermon of mortality be had at my house, the day my daughter Fortune Hunt died. If the day came on Sunday, Holy Communion to be given. Whoever shall enjoy the land, be it one thousand generations, who so possesses the land shall perform both Sermon and Prayer." Also he bequeathed to the church a baptismal basin of silver valued at three pounds sterling. In accordance with a wish often expressed in the wills of those times he "desired to be buried by wife and children in Major Browne's orchard. (Book 2, p. 191.)

In 1662 two worthy citizens of Surry were required to "stroke the

corpse" of a deceased maid servant to see if her death had been brought about by a blow or a bruise. It was an ancient superstition that if the corpse of a person who had died by violence was "touched" by a guilty person there would be some indication of returning life. The master and mistress in the presence of a coroner's jury composed of such leading citizens as George Watkins, Augustine Hunnicutt, Charles Barham, Arthur Long, George Carter, Richard Drew, Richard Jarrett, Wm. Tuke and John Mason, were required to run their hands over the inanimate face and form of the deceased. The jury brought in a verdict of natural death. (Vol. 1645-47, p. 265.)

An education in Surry, or rather in Virginia, appears to have been difficult to obtain in the seventeenth century. The physical conditions prevailing in Virginia, owing to the plantation system, were not as favorable as the conditions prevailing in New England under the town system. (See *Seventeenth Century Isle of Wight*, Chapter X.) Dr. Bruce in his *Economic History of Virginia in Seventeenth Century* (Vol. I, p. 528) says the average area of the plantations acquired by patent after the middle of the century was about six hundred and twenty-eight acres. For the ten years between 1657 and 1666 the average land grant in Isle of Wight County was 959 acres. (*Seventeenth Century*, p. 105.) In New England the concentrating of inhabitants in towns made it possible to have a school for each community. In Virginia, with such large plantations and no towns, comparatively few children could congregate in a school. Consequently, in Surry we often find provisions in wills for the education of a testator's children.

Richard Jarrett of Surry who died in 1672 provided in his will that his only son Charles be placed in a teacher's care to learn to read, write and cast accounts. Edmund Howell who was deceased in 1679 also left an only son William and he made a provision in his will similar to Richard Jarrett's.

Major William Rookings who died in jail a captive of Berkeley's during Bacon's Rebellion, gave instructions in his will that all of his slaves should continue at his plantation and engage in raising tobacco sufficient to pay all of his debts and provide "clothing and schooling" for his children. (1671-84, p. 329.)

In Surry County between 1679-84, a period of five years, about fifty guardians gave bonds which bound them to educate their orphan wards. (1671-84, p. 558-584.)

Masters were often required by articles of indentures to educate servants. In 1666, Dorothy Thorne was indentured to serve her master Charles Barham, 6 years, and one of the requirements of her indenture was that she be taught to read.

In 1671 John Carey "being by God's mission bound for England and there to continue with my wife and children as far as yet I do not know and whereas I am guardian to Walter Flood, orphan, and brother unto my wife, who being intended to go to England with me \* \* \* to enter school" places young Flood's entire fortune in the hands of a trustee who "are to see after him in his school in England." (1645-72, p. 420.)

John Carey's daughter Mary married, first, a Mr. Young and secondly, Nathaniel Harrison (1677-1727).

Henry Hartwell, a former member of the Council and an eminent lawyer, died in England while there on affairs pertaining to Virginia. His will provided that his executors bring over his nephew, Henry, and see that he obtained the best education that English institutions of that day afforded. This young man returned to Surry and died without issue. (See Hartwell family.) (*Waters' Gleanings*, p. 314.)

When Governor Berkeley in 1671, "thanked God there were no free schools in Virginia," he was only speaking "politically" for the Benjamin Simes free school in Elizabeth City had been in existence since 1636,<sup>1</sup> and several other free schools had been established by 1671.<sup>2</sup>

An early plantation called the College Plantation "existed in Surry until 1667 when all the buildings were destroyed by a "Great Gust". This "Gust" was one of the severest in early annals. A description of the buildings is given in the records. The name still exists in the small creek or run called "College Run".

<sup>1</sup> See *Seventeenth Century Isle of Wight*, page 90.

<sup>2</sup> Bruce, *Institutional History*, page 353.

H.M. Edwards  
Newsom

Captain Cockerham had married a daughter of William Spencer, Burgess, 1624, and it appears that Elizabeth Shepard was another daughter of the redoubtable William Spencer. (Dr. Holtzclaw, V. M. 47, p. 368.)

Mrs. Elizabeth Shepard married, secondly, Mr. Thomas Warren as heretofore related (See Warren House). Of Major Shepard's six children mentioned in the marriage settlement between Mrs. Elizabeth Shepard and Thomas Warren, only one, Anne Shepard, survived. Anne married first, Thomas Hart, who died in 1669, and then she married William Newsom.

The descendants of Major Robert Shepard, Burgess of Surry, are represented only in the two lines of Hart and Newsom.

Among the Burgess in 1649 from James City was John Dunston who lived on the Surry side. On June 1, 1636, he patented 250 acres "in Hog Island Main, east upon Robert Shepard, and S.W. upon Chippakes Creeks \* \* \* for transportation of his wife, Cicely, etc." (C. P. 40.)

John Dunston was among the 31 persons living on Hog Island in 1623. He also patented 850 acres of land in 1639 in Chippokes Creek. (C. P. 48, 109, 111.) He was dead by January 24, 1659-60, as his sons, John and Peleg Dunston, "make over to our brother Ralph Dunston, all our rights to land left us by will of our father, John Dunston, late of Lower Chippokes Creek." (B. 1, p. 143.) Ralph Dunston likewise releases his right to them for their lands. This family may have moved out of the country very early as it seems to disappear from the Surry records.

In 1652 that portion of James City County lying south of the James River was separated from James City, and a new county called "Surry" was organized. As before stated Surry is first mentioned as a separate county in the Journals of the House of Burgesses on November 25, 1652. (Hening 1, p. 373.)

As the list of Burgesses from Surry was increasing from year to year and the same ones served so often, to repeat the lists each time would be only a mere repetition of names. From here on only the names and history of new Burgesses will be given. A complete list of all the Burgesses from Surry is shown hereafter.

William Thomas and William Edwards represented Surry in the

House in 1652. William Thomas died in 1656, leaving no heirs, his property escheated.

William Edwards, after serving a term in the House of Burgesses, became Clerk of Surry in 1653. He served in that office until his death in 1673, and was succeeded by his son, William, who held that office until his death in 1698. Albert Sterling Edwards II, (1848-1922) his descendant, was Clerk from 1871 to 1822.

In 1654 the Burgesses from Surry were William Batt and James Mason.

Mr. William Batt, on April 11, 1649, patented 128 acres "upon Lower Chippokes Creek", called by the natives the "Indian Pacotacke" adjacent land of George Powell (C. P. 179). On July 1, 1656, William Batt purchased 800 acres of William Powell, who was the administrator of his nephew. As "William Batt of Lower Chippoakes", he sold "Rich Neck", later the ancient home of the Ruffins, to Ralph Jones in 1658. The deed recites that said 275 acres was "formerly patented by William Newsom, March 3, 1636, and was commonly called "Rich Neck". (B. 1, p. 127.) In 1658 he represented Elizabeth City in the House.

William Batte was the son of Elizabeth (Parry) and the Reverend Robert Batte of Okewell County of York, England. The Reverend Robert Batte was a fellow and Vicar Master of University College, Oxford.

William Batte of Surry was a brother of Captain John Batte of Virginia. Also he had another brother in Virginia, one Henry Batte. He and his brother Henry assigned 300 acres of land in James City, on Chickahominy River, to Thomas Symons, June 8, 1639.

In 1666, William Batte witnessed a deed in Surry from Nathan Stanton to Captain Thomas Swann (B. 1, p. 281). In 1668 his name was in the list of Southwark Tithables which seems to be his last appearance in the records.

A full account of James Mason, Surry's other Burgess in 1654 is given in an account of the Mason family hereafter.

In the session of 1657-8 for the House, the only new Burgess was Captain William Caufield. In 1652, Major Robert Shepard sold "Lieutenant" William Caufield 1,100 acres of land. This was afterwards confirmed to him in a patent dated March 4, 1656 in which he was called "Captain" William Caufield (C. P. 342). The land was



located on Lawne's Creek and had been originally patented by William Spencer. In his next patent, for 550 acres, dated January 24, 1662, he is designated as "Major" William Caufield.

Major Caufield also represented Surry in the House in 1659 and 1660. He died intestate, left one son, Robert, and a daughter, Elizabeth, who married William Seward. Robert Caufield was Burgess for Surry in 1676. He married Elizabeth, sister of Arthur Allen, 2nd, and died in 1691. She married, secondly, Joseph John Jackman, sometime Sheriff of Surry.

Robert Caufield, in his will dated January 2, 1691, leaves many legacies as he had no children. He gave his "niece Elizabeth, wife of William Holt", land bought of William Gray; "niece Mary, wife to James Bruton", land purchased of John Rogers; "nephew John Seward, land left me by my father on Hog Island." (B. 4, p. 240.) These two "nieces" and one "nephew" were respectively daughters and son of William Seward who made his will March 16, 1702-03, same probated May 4, 1703. He names his daughters, Mary Bruton and Elizabeth Holt. (B. 5, p. 275.) His son, John Seward, had predeceased him in 1699. (B. 5, p. 186.)

From 1661 to 1676 Governor Berkeley ordered no new elections for Burgesses. The General Assembly which served during this time was known as the "Long Parliament". It was not until Bacon's Rebellion had begun to spread that Berkeley yielded to popular calmer and issued writs for an election of Burgesses. He said in a proclamation that although he must testify to the ability and services of the present burgesses yet "Finding by too frequent complaints that the so long continuance of the present Assembly is looked upon as a grievance, he most regretfully did dissolve them."

The only new Burgesses who appeared for Surry in the House during this long time were Captain William Cockerham who served in 1663; Captain Lawrence Baker who served from 1666 to 1676; and William Browne who served in 1673. Accounts of Captain William Cockerham and William Browne are shown in the history of their families. (Post.)

Captain Lawrence Baker, who served ten years in the House, apparently had no sons, and only one daughter, Catherine, who married Arthur Allen II of Surry. Captain Baker was a Justice from 1652 to his death in 1681. He gave his wife one-third of his estate and his daughter the other two-thirds.

## Chapter XII

### AMERICA'S FIRST TAX STRIKE

#### THE BIRTHPLACE OF INDEPENDENCE

SEVERAL communities in the United States have claimed that their particular place was the "Birthplace of Freedom" because early in colonial times its citizens made protests against the payment of unjust and burdensome taxes.

We wish to advance the claim of Lawne's Creek Parish Church in Surry County as the "Birthplace of Freedom" in America for some of its parishioners met there on December 12, 1673 "to declare they would not pay their public taxes."

There was no freedom of assembly in those days and this unusual and unauthorized meeting alarmed the authorities. Two Justices of the County Court, by virtue of an English statute nearly 300 years old which empowered Justices to inquire into such "Riots", ordered the sheriff to arrest these "seditious" people and bring them before the court for trial.

This was only a prelude to Bacon's Rebellion in 1676. Governor Berkeley was America's first modern dictator. It will be noted in the following chapter on the Rebellion, that his methods of obtaining absolute rule was somewhat like that of Huey Long's and governors of other states to whom subservient legislatures gave autocratic powers.

America's freedom was not won by a single stroke. It was of slow growth, as typified by this and other like protests made from time to time, until it finally burst forth in a greater rebellion than Bacon's, the American Revolution.

But let us get along with the story. On January 3, 1673-74, following the gathering at Lawne's Creek Church, Lawrence Baker and Robert Spencer, Justices of the County Court issued the following writ which was recorded January 13, 1673: (Bk. 2, p. 40.) "Of how dangerous consequence unlawful assemblies and meetings have been is evident by the chronicles of our native country which are occasioned by a giddy headed multitude, and unless restrained may prove the ruin of a country, and therefore we, LAWRENCE BAKER and ROBERT SPENCER, two of ye justices of this county, being informed that on about the 12th of December last past, a company of seditious and rude people to the

number of 14 did unlawfully assemble at the Parish Church of Lawne's Creek, with intent to declare they would not pay their public taxes, and they expected divers others to meet them, who failing they did not put their wicked design in execution, and for the good law made against Rogues and Riots and particularly the Statute of 13 Henry IV, chapter 7, and injoining Justices to inquire of such meetings, we therefore sent our warrant to the Sheriff of this county to Cause,

Matthew Swan	John Barnes	William Hancock
William Tooke	Robert Lacy	John Gregory
Thomas Clay	Michael Upchurch	John Sheppard
George Peters	William Little	John Greene
James Chessett		

to appear before us, yet the said persons not being satisfied with this former unlawful meeting, did this day, the greatest part of them meet together in ye old field called 'Devil's Old Field', and as we justly suspect did confederate not to discover who were the first instigators or moved them to their unlawful assembling as afore and we upon their examination to find they have unanimously agreed to justify their meetings, persisting in the same as appears by the open declaring of Roger Delke that if one suffers they would all burn, and we find their contemptuous behavior and carriage not respecting authority; have therefore committed ye persons aforesaid to the custody of the Sheriff, until they find security for their appearance at the next County Court and also for keeping the peace which we conceive consonant to the law in such cases, and ye mutinous persons aforesaid being so many in number. We have by Virtue of the Statute of ye 2d of Henry 5th command ye aide and assistance of several of the neighborhood for their security. Given under our hands the day and year aforesaid." (Book 2, p. 40.)

Many of the above fourteen men were respectable landowners. Matthew Swan was perhaps related to Col. Thomas Swann, one of the most prominent men in the county at the time and a member of the Council. William Tooke was the son of James Tooke of Isle of Wight County, who had served in the House of Burgesses. Thomas Clay was connected with the family of John and William Corker, burgesses and prominent in the early history of the county. John Barnes was a Quaker and a fairly prosperous man, who later married Mr. Tooke's widow. William Hancock married Elizabeth, daughter of Nicholas Spencer, and a relative of the same Capt. Robert Spencer who caused his arrest.

Roger Delke was the son of Roger Delke, Sr., who had been Burgess for Stanley Hundred in the session of 1632-33. John Gregory was the step-father of Roger Delke, Jr., as he had married Alice Delke his mother.

The depositions of all fourteen of the above men are recorded immediately after the above warrant from Cpts. Spencer and Baker (id., pp. 40-41). That of James Chessett was the first: "James Chessett being this day at ye house of Capt. Law. Baker & coming with Thirteen psons who were summoned to appeare there to give an acct. of their Rioutous or unlawful Assembling att ye Church of Lawnes Creeke on ye 12th Xbr. Last, & for yt ye sd Chessett was not summoned, but comeing with ye Rest, he was brought before us ye subscribed, & being asked who gave him notice to come with ye Rest, he said he came of his own Simple head; he was also asked If he was of them yt mett at ye Church, he Answered 'yes', he being (asked?) why he invited Geo. Peetrs to yt meeting, he said it was to see his neighbors, soe yt he seemes preemptorily to give an acct. of ye first pmoter or Instigator of that meeting."

He was followed by Roger Delke who "being this day brought before us the subscribed, and complaint being made to us by William Sherwood, sub sheriff of this county, the said Delke did this day say that 'we will burne all before one shall suffer.' Ye said Delke acknowledged he said ye same words, and being asked why they met at the church he said by reason their taxes were so unjust and they would not pay it. He was demanded who was the person that invited him to meet, he preemptorily denied; but ye said Delke on his own behalf and on the behalf of the others then met did declare their meeting was to be relieved from payment of Drams and Cyder which they never had. All the rest assented to what he said save only Michael Upchurch."

Robert Lacy then deposed that William Hancock took him to the meeting at the Devil's Field, though he was warned to the contrary, and that John Barnes, Michael Upchurch, John Greene and John Sheppard were also there. He also said that he was at the meeting at the church, about which John Sheppard told him. Thomas Clay deposed that William Hancock told him of the meeting and was the first to tell him that the levies were unreasonable. William Hancock denied who told him of the meeting. "very obstinately persisting."

George Peters testified that James Chessett asked him to go to the



church. Then Michael Upchurch denied who told him of the meeting or that he knew of the business they met about.

Matthew Swan's testimony was as follows: "Matthew Swan being this day brought before us the subscribed and being asked why he and others met at the Church, the 12th Xber, last, he said it was to agree about a redress from their taxes which were heavy. He was asked how he knew their taxes were unreasonably laid, he said Mr. Mason (Francis Mason, one of the justices) told him and also Mr. Goring said the same, and that there were some extraordinary taxes, he being demanded what discourse he and Mr. Goring had about the meeting, he said Mr. Goring said he would be there if he did not go from home, and the said Swan have also very obstinately persisted in the Lawlessness of the meeting, and said that all or most of the Country were of his mind."

John Greene in his deposition denied who instigated him to go meeting. William Little said that he went with John Barnes, but denied who instigated him to go. John Sheppard agreed with the others to meet at the church "to be redressed from their Levys"; he said that he heard from Samuel Cornell that the levies were unjust, and that Cornell said Mr. Holt (*i.e.*, Randall Holt) told him so.

John Barnes then being called denied who said first that the levies were unreasonable and said that he heard it from everybody. William Tooke also denied knowing who said first that the levies were unreasonable.

The examination was concluded by the deposition of Francis Taylor, a person not involved. "The deposition of Francis Taylor being called before Capt. Law. Baker, Mr. Robert Caufield, and Capt. Robert Spencer to swear his true knowledge concerning a meeting of some of the Parish on Friday 12 Xbr., 1673, at Lawne's Creek Parish Church is as follows: "That being at my lodging—looking out I espyed John Gregory going through the Field, and called him to desire him to make me a waistcoate, which he told me he would, but he asked me if I would not be at the Church for there was to be a great part of the Parish meeting there this morning concerning ye Levys. I told him I knew nothing of it, neither was I concerned in it, as being no house-keeper, but I did not much care if I went with him to see what was done. He told me he was going to Mr. Caufield's to take measure of one of his men, to make his freedom clothes and he would holler for me as he came back, which accordingly he did and we went together.

When we came there we found about halfe a score men sitting there,

and asking them how they did, and what they met for they said they did expect some more to come intending civilly to treat concerning the Levy for they did understand that there was several officers to be paid tobacco out of the Levy, which they knew no reason for, by reason they were put to as much trouble and expense as they were. Colonel Swan was to have 5000 lbs. tbc. for the officers and the Colonel was to be levied on this parish only. Their company not meeting yet they stayed there about an hour, and so resolved to speake about it on the next Sabbath being sermon day. In the Interior on Saturday, I being at Mr. Sherwood's (the sub-sheriff) requested him to see the list of the Levy which he did show me and there I saw the charge was levied on the whole county. Which I spoke of at the Church, they hearing said no more, and further saith not." (Book 2, pp. 42-3.)

This simple meeting of citizens to complain about their taxes seems to be a "tempest in a tea pot" from a 20th century standpoint. However, it appears to have been regarded as an extremely serious matter in 17th century Virginia under Berkeley's autocratic rule.

The case was speedily disposed of as follows at a court held for Surry County January 6, 1673/4 (O. B. 1671-90, p. 42): "for that they were sorry for their offence & were no projectors of ye same, John Gregory, Robert Lacy, James Chessett, Thos. Clay, Michll Uchurch, Wm. Tooke, Wm. Little and John Greene be ordered committed until they give bond for their future good behaviour and pay costs and be dismiss." (George Peters seems to have been unintentionally omitted from the above list.) John Barnes, John Sheppard, and William Hancock were ordered to "be committed untill they give ye like bond and pay each of them one Thousand pounds tobo. fine, to ye use of his Majesty, and pay costs." Roger Delke "altho he were noe Ring Leader in ye faction, yet for saying after much fair admonicon yt if one of them suffered they would burne all, he shall stand Comitted untell he give ye Like bond and pay ye Like fine of 1000 pds. of tobo. wth costs." . . . "& for ye sd Mathew Swan was a Chief projector of ye design & being asked if he were Convinced & said yt ye Cort had unjustly proceeded in ye sd Levy & Charged ye Cort therewith at ye Barr, it is therefore order'd that he stand Comitted untell he give bond for his good abearing wth security for his appearance at ye 3'd day of ye next Genrall Cort before ye Right Honourable ye Governour & Councell for his Dangerous Contempt & Unlawful project & his wicked Prsisting in ye same; & being called again one by one & strictly



*Chambers*

Examined how & by whome ye sd unlawfull Assembly was projected & sett on foot; it appearing yt ye sd Mathew Swan, Jno. Barnes, Jno. Sheppard and Wm. Hancock at ye house of ye sd Jno. Barnes did first resolve & conclude upon ye meeting & yt ye rest (with a great many more whome they intended to psuade were only drawne on from ye beginning)."

The case of Matthew Swan was finally brought before the Council and General Court of Virginia on the afternoon of April 6, 1674 and settled as follows: "It is ordered that the order of Surry Court Against the mutinuss Psons he Confirmed and that Mathew Swan the ringleader of them, who was bound over to the Court be Fined Two Thousand pounds of tobacco and Caske and that all fines of the Psons goe towards the ffort at James City And that they pay all Just Costs and Charges." (Minutes of Council and General Court, p. 367.)

This, however, did not end the matter, for there is always a court of public opinion to which even dictators sometimes bow. This action caused so much resentment among the colonists that Governor Berkeley found it advisable to remit the fines which he finally did on September 23, 1674. (W. M. 23, p. 122.)

It is significant that these events occurred a full two years before the outbreak of the Rebellion, and the case indicates the discontent of the people and their sullen attitude toward their rulers. Only Lawnes Creek Parish men were involved in the above. When the actual rebellion broke out, most of those involved with Bacon—in fact, a very large majority—were inhabitants of Southwark, the other parish in Surry. Perhaps the spirit of the Lawnes Creek men had been broken by the condemnation of Matthew Swan and his colleagues.

Matthew Swan, the ringleader of this protest against high taxes, has many descendants in Virginia and the South. In 1675 he married Mrs. Mary Spiltimber, widow of Anthony Spiltimber and daughter of Robert Harris. His will was dated December 14, 1702 and probated Jan. 5, 1702/. He mentioned daughter, Elizabeth, wife of John Drew, daughter, Sarah; Elizabeth, daughter of John Drew; son-in-law, John Drew; daughter, Mary, wife of William Phillips; and grandson, John Phillips. Executors were John Drew and Sarah Swann. Witnesses were Arthur Allen, William Chambers, John Allen, and Robert Ruffin.

*Newsum*

Children:

- I. Elizabeth, m. (1) John Drew, d. 1703. (See Drew.) (2) John Sugars. (No children.)
- II. Mary, m. William Phillips of Surry County, Va., who in his will dated Feb. 14, 1720/21, probated April 19, 1721, mentioned wife, Mary; sons, John, William, Swann, and Mathew Phillips (the three last named under 16 years of age); and daughters, Anne, Mary, and Elizabeth Phillips. Executors were wife, Mary, and sons, William and Swann Phillips. Witnesses: Joseph Wattell, William Newsum, Carter Crafford.
- III. Sarah, m. Carter Crafford (1682 ?-1743). (See Crafford.)

## Chapter XIII

### SURRY COUNTY IN BACON'S REBELLION

BY B. C. HOLTZCLAW

THE story of Bacon's Rebellion in the colony of Virginia in 1676 has been told elsewhere. One of the best accounts is the almost contemporary one entitled the "True Narrative of the Rise, Progress and Cessation of the Late Rebellion in Virginia" by the Commissioners sent over from England by Charles II to settle affairs in Virginia. This is published in Volume IV of the *Virginia Magazine of History and Biography*. Mrs. Mary Newton Stanard's *The Story of Bacon's Rebellion* is a good modern account, and a recent interesting work on the rebellion is Wertenbaker's *Torch-bearer of the Revolution*. Our purpose here is to tell the story of Surry County's rôle in this early struggle. We shall, therefore, not attempt to enter too fully into the events of the rebellion elsewhere, although it will be necessary to give some account of the causes and history of the whole movement in order to understand the part played by Surry.

The deepest rooted causes of the rebellion were the long-standing economic, social and political grievances of the common people of Virginia. The English Navigation Acts of 1651 and 1660, restricting colonial trade to English vessels, had for many years forced the planters of Virginia to sell their products to home monopolists at the latter's own prices. This had depressed the price of tobacco, Virginia's chief export, till in the 1670's, according to one writer, it had become almost worthless. With this lowering of income there was a steady increase in taxation, which was assessed upon the common people without their advice or consent. Government had become more and more a close oligarchy in Virginia, concentrated in the hands of Sir William Berkeley, the royal governor, for the benefit of himself, his favorites, and the small ruling cliques in the various counties. The governor had kept the Assembly of 1662, which was strongly royalist, in office for many years by adjourning the meetings from year to year and preventing new elections. The justices of the counties were appointed by the Governor; the vestrymen of the parishes were self-perpetuating bodies continuing from year to year; and these two bodies assessed the county and parish levies arbitrarily without the people having a voice in the matter. The

SURRY COUNTY IN BACON'S REBELLION

government at James City was expensive, and corruption and favoritism were strongly suspected. The Assembly of 1670 had abolished manhood suffrage and had substituted a property qualification for voting. Added to all these grievances there were complaints against overbearing tax-collectors, excessive fees demanded by sheriffs and county clerks, and money wasted and embezzled in public works which the people had to pay for through taxation. These were the underlying causes of the rebellion and they manifested themselves even before the outbreak of that movement. In 1667 the small planters were reported to be on the point of rebelling, and in 1673 there were movements in various counties to protest against the taxes.

Due to the disturbances of 1676, no list of tithables for Surry County is recorded for that year. The list of 1675 (Book 2, pp. 92-4), however, gives us some idea of the state of the county at the time of the outbreak of the rebellion. 434 tithables are shown, 194 of these being in Lawnes Creek Parish, and 240 in the larger parish of Southwark. No white women were tithable and no white males under 16 years of age. The majority of the heads of families appear to have been small planters, mostly owning their own land. Probably half of them had establishments large enough to have one or more servants or helpers. One is surprised at the large number of white servants or hired laborers, but we must remember that negro slavery was far from the flourishing institution that it became in the 18th century, and there were still hundreds of people coming over annually from Great Britain and taking their place in Virginia as indentured servants in order to pay their passage money. Only 30 negro slaves appear among the tithables of 1675 in the whole county, although there may have been a few more, as Mr. Benjamin Harrison's list for part of Southwark Parish does not specify the character of the tithables, and the same is true for a few other households in other sections of the county. As far as the list of 1675 shows, negroes were owned only by Col. Thomas Swann, Major William Browne, John Pulistone, Francis Mason and Nicholas Meriwether in Southwark Parish; and by Peter Dale, Capt. Lawrence Baker, Robert Ruffin, William Newsum, Arthur Allen, Robert Caufield and John Goring in Lawnes Creek Parish. Several of the above owned only one negro, though most of them had additional white servants. The largest number of negroes was owned by Francis Mason, who had 7 at his plantation in Southwark, and 2 more at another plantation in Lawnes Creek, though some of these may have been owned by his step-

*Edwards  
Harris  
Berkeley  
Chamber*

son, Thomas Binns. Judging from the tithables, as well as other records, the wealthiest men in Southwark Parish appear to have been Lieut.-Col. George Jordan, Attorney-General of Virginia, with 7 tithable servants; Rev. William Thompson, the minister, with 6 white servants; Col. Thomas Swann, Member of the Council, with 3 white servants and 2 negro slaves; and Francis Mason, with 6 white servants and 7 negroes in Southwark, and 2 negroes in Lawnes Creek. Capt. Robert Spencer had 4 white tithable servants, and Nicholas Meriwether had four also, one white and 3 negroes. Other rather prosperous people appear to have been Christopher Foster (nephew of Col. Jordan), Drs. Nathaniel Knight and George Lee, Lt. Thomas Busby, William Rookings (later to meet a tragic fate in the Rebellion), Benjamin Harrison and his mother Mrs. Mary Sidway, William Simmons and his mother Mary Simmons (he also being later involved in the Rebellion) William Edwards (who held the lucrative position of Clerk of the County Court since the death of Capt. George Watkins in 1673), Major William Browne with 3 negro slaves, John Pulistone (also involved in the Rebellion), and John Solway, who owned the Warren or "Rolfe" House. In Lawnes Creek Parish, the wealthiest men seem to have been Capt. Lawrence Baker with 4 white tithable servants and 2 negroes, Arthur Allen with 4 white servants and 4 negroes, Robert Caufield with 5 white servants and 1 negro, and John Goring with 3 white servants and 1 negro. Others fairly well-to-do were: Richard Drew, Richard Harris, Peter Dale, Joseph Rogers (a tanner, later involved in Bacon's Rebellion), Capt. Samuel Swann (son of Col. Thomas Swann), Walter Bartlett, Charles Amry, John Barnes (connected with the unfortunate tax-gathering in 1673), Robert Ruffin (who had married the wealthy widow of Capt. George Watkins), William Newsum, William Chambers, David Williams, Randall Holt, and Capt. Charles Barham.

On the whole, there appears to have been no vast wealth in the county in 1676, though the above figures for tithables in the various households must be augmented by fairly numerous female servants in the wealthier families, as well as white servant boys under 16. Some of the families were certainly in extremely comfortable circumstances and owned a large amount of costly furniture and household goods. The inventory of Capt. George Watkins in 1673 shows a surprising wealth in furniture and goods; and Arthur Allen is stated to have been plundered of personal property amounting to 1,000 pounds

sterling during the time that the Baconians held his house during the Rebellion (*Va. Mag.* V, 67). On the other hand, many of the people were poor, either owning no land or working their own plantations without the assistance of indentured servants or slaves. At least 135 of the heads of households in 1675, out of a total of 238 families, had no tithable white servants nor negro slaves. Many, also, were indentured servants and hired laborers. It was the class of small planters on whom the burden of taxation rested most heavily and in whom the seeds of rebellion found a most fertile planting ground.

The real rulers of the county in 1676 were practically identical with the wealthier men. The two most prominent persons were Col. Thomas Swann, Member of the Governor's Council, and Lieutenant Colonel George Jordan, Attorney-General of Virginia. Both were elderly men, Col. Swann being 60 years of age. Col. Jordan and Capt. Lawrence Baker had been members of Governor Berkeley's "long" Assembly since 1674. It had been Berkeley's policy since 1662 not to have new elections, but to keep the same Burgesses by adjourning the same Assembly from year to year. However, there had been several changes in the Surry Burgesses because of death. Thomas Warren and William Cockerham were the burgesses in 1660/61; by 1666 William Cockerham had been replaced by Lawrence Baker, and William Browne appears with Baker in 1673, being succeeded by Col. Jordan in 1674 (*Journals of the House of Burgesses*, 1659/60-1693, p. viii). The justices, in the order of their appointment to the Commission, were as follows: Lieutenant-Colonel George Jordan, Capt. Lawrence Baker, Major William Browne, Capt. Charles Barham, Mr. Robert Caufield, Capt. Robert Spencer, Mr. Benjamin Harrison, Mr. Nicholas Meriwether, Capt. Samuel Swann, Mr. Arthur Allen, and Mr. Francis Mason. They and their families had long been powers in the county. Major Browne had been a Burgess, and was the son-in-law of Col. Henry Browne, a Member of the Council in earlier days; Robert Caufield was the son of William Caufield, who had served as a Burgess, and Benjamin Harrison's father had also been a Burgess during his lifetime. Capt. Samuel Swann was the son of Col. Thomas Swann. Arthur Allen was the son-in-law of Capt. Baker. Francis Mason's father, James Mason of "Merry Mount", had been a Burgess. It appears that during the critical last days of the Rebellion they all remained faithful to Governor Berkeley (with the possible doubtful exception of the two Swanns), as the Governor on March 31, 1677



Edwards  
Pittman  
Thompson

reappointed them all to office, naming on the Quorum Col. Jordan, Capt. Baker and Major Browne (who were apparently already on it), and adding to the Quorum Robert Caufield in place of Capt. Swann, and Arthur Allen, now called Captain Allen (Book 2, p. 120). William Edwards was Clerk of the Court, he being the son of an earlier William Edwards who had served as a Burgess from Surry. Capt. Samuel Swann was High Sheriff in 1676, and John Solway, owner of the Warren House, was Sub-sheriff (O. B. 1671-90, p. 125). Rev. William Thompson was minister of Southwark Parish, and probably also of Lawnes Creek. Thomas Busby was a Lieutenant of the militia (*id.*, p. 119), and Roger Potter, who had been a Lieutenant in 1675, was now promoted to Captain. Whether the aged Thomas Pittman, Sr., who is mentioned in documents both as Lieutenant and Captain, was still an active militia officer, is doubtful. All three of the last named were from Southwark Parish and Pittman was one of Bacon's men in the Rebellion.

We have mentioned that the deep-seated cause of the movement known as Bacon's Rebellion was economic and political. The immediate cause of its outbreak in 1676 was a series of Indian raids on outlying settlements in 1675. Governor Berkeley had himself taken the field against the Indians in the wars thirty years before, and the colonists appealed to him now for aid. The Governor, however, had a profitable fur trade monopoly with the Indians which brought him a large income and which he did not wish to disturb. He was appealed to early in 1676, but refused to declare war, postponing any action till the meeting of an Assembly which he called in March, 1675/6. The Indian raids grew worse, and by March it is said that over 300 whites had been massacred by the savages, and indignation with the Governor ran high, particularly in the border counties of Stafford in the north, and Henrico and Charles City in the south and west. When the Assembly met in March, it remained subservient to the Governor, and limited its action to levying 500 men from the counties for military service and ordering the construction of nine forts for the protection of the colonists. They were to be erected on the Potomac in Stafford County, the Rappahannock in Gloucester County, the Mattaponi in New Kent County, at Mahixon on the Pamunkey River in York County, on the James River in James City County, the Appomattox in Charles City County, the Black Water in Surry County, at Currawaugh probably in Nansemond County, and in Accomac County on the Eastern Shore. Most of these

forts appear to have been perfectly useless for the purpose in hand, as there seems to have been no danger from the Indians in many of the locations. In this regard, the building of the Accomac fort seems especially ridiculous, and so were several of the others. Even in the border counties, the people claimed that the forts gave them no real protection, and later on it was claimed that in many cases the contractors, who were Berkeley's favorites, embezzled the money and even failed to build the forts, or left them unfinished. The people in the border counties needed a punitive expedition against the Indians to protect them, but Berkeley and the Assembly forbade any such attack on the enemy without the Governor's specific order, which he was not likely to give. As a climax, two million pounds of tobacco were added to the people's taxes for building these forts, which they felt to be useless.

Surry's Burgesses in this Assembly were the old ones, George Jordan and Lawrence Baker. For the fort in Surry County the order was for "fforty men in the county of Surry to be garrisoned at one ffort or defenceable place neare Richard Atkins upon the black water in the same county of Surry, of which ffort captain Roger Potter to be captain or cheife commander" (Hening *Statutes*, II, p. 318). 180 pounds of powder and 440 pounds of shot were ordered to the Black Water fort (*id.*, p. 329), and Col. Thomas Swan and Lt.-Col. George Jordan were ordered to make choice of the garrison and impress the men and provisions for the fort (*id.*, p. 330). One wonders as to the identity of these men, and whether any of them later followed Bacon. It is interesting to note that exactly forty men received the act of pardon in Surry County, February 6, 1676/7, and that they were nearly all from Southwark Parish, where the fort was located. It is probable that this was one of the useless forts. There were Indians to the far south in Surry, but we find no record that they were making trouble. This is indicated, also, by the fact that the appropriation for ammunition for the Black Water fort was the smallest of all the nine with the single exception of that on Currawaugh Swamp in Isle of Wight or Nansemond County. The trouble in Surry was not with the Indians, but was economic and political.

It was far different in the border counties, where the people felt that the government had failed them in its primary duty, that of protection against external aggression. In the month of April, 1676, the people of Charles City County, who with the people of Henrico had

goals. On August 1, realizing the importance of naval action in the war, Bacon, having captured two ships lying off Jamestown, despatched them with an armed contingent to wage war against Berkeley on the Eastern Shore. An Indian massacre occurred in New Kent County, and most of the latter part of the month and the early days of September was taken up with an expedition against the Indians in that neighborhood, which finally resulted in the crushing of the Pamunkey Indians, the Governor's proteges. From the standpoint of Surry County, Bacon's political action is most interesting. On August 3, 1676 he assembled at the house of Major Otho Thorpe in York County as many of the prominent men of the colony as he could gather, and after exerting some pressure on them, secured the signatures of sixty-nine of them to the following document (*Eggleston Manuscripts*, pp. 36-38, *Calendar of Transcripts, Va. Dept. of Archives*):

Declaration of the people of Virginia concerning the adherence with Bacon.

"Whereas the Country hath raised an Army against our common Enemies the Indians and putt the same under the Command of Nathaniel Bacon Esq<sup>r</sup> Generall, being upon the point to march forth against the said common Enemy, hath been diverted, and necessitated to move, to the suppresssing of forces, by evill disposed psons raised ag<sup>t</sup> the said Gener<sup>l</sup> Bacon, purposely to foment and stirr up civill warre amongst us, to the ruine of his Maj<sup>ties</sup> Country: and whereas it is notoriously manifest, that Sr W<sup>m</sup> Berkeley kn<sup>t</sup> Govern<sup>r</sup> of y<sup>e</sup> Country assisted, councelled, and abetted by those evill disposed psons aforesaid, hath actually commanded, fomented and stirred up the people to the said civill warre, and failing of success herein, hath with drawn himself to the great astonishment of the people, and unsettlement of the Country: and whereas the said Army raised by the Countrie for the causes aforesaid are drawn downe, and remain full of dissatisfaction in the middle of the Country, expecting attempts from the designs of the said Governour, and his evill Councillours aforesaid: and noe proper means found out for the settlement of the distractions within and preventing the horrible outrages, and murders daily committed in many pts of the Country by the barbarous Enemy.

It hath been thought fit by the said Generall, to call unto him all such sober and discreete Gentlemen: as the short exigence of y<sup>e</sup> dis-

tracted condition of the Country would admitt to the middle plantation, to consult and advice the settling of the peace of that Country, and the Gentleman of this 3<sup>d</sup> day of August 1676 accordingly have mett, and in order to the said settlement doe advice, resolve, and declare, and conclude, and for ourselves doe swear in manner following.

First that we will at all times joine w<sup>th</sup> the s<sup>d</sup> Nathaneel Bacon his Army, against the Common Enemy in all points whatsoever.

Whereas certain psons have lately contrived and designed the raising of forces ag<sup>t</sup> the said Generall, and the Army under his Command, thereby to begett a civill warre. We will endeavour the discovery and apprehending of all, & every those evill disposed psons, and then for to secure them, till farther order from the said Generall.

And whereas it is credibly reported, that the Govern<sup>r</sup> hath informed the King's Ma<sup>ty</sup> y<sup>t</sup> y<sup>e</sup> said Generall and the people of the Country in Armes under his command, their aiders and abettors are rebelling and removed from their Allegiance, and this and such information, hee the said Govern<sup>r</sup> hath advised and petitioned the King, to send forces to reduce them; Wee doe farther declare beleive in our consciences, that it consists with the wellfare of his Ma<sup>ties</sup> Countree, and y<sup>t</sup> it is consistent w<sup>th</sup> our Allegiance to his most sacred Ma<sup>ty</sup> for us and every one of us the Inhabitants of Virginia to oppose, and suppressse all force whatsoever of that nature, untill such time as the king and his Councill be fully enformed of the States of the Case, by such pson or psons shall be sent from the said Nathaneel Bacon Gen<sup>l</sup>, in the behalfe of the people; and the determination thereof to be remitted hither. And we doe swear y<sup>t</sup> we will him the said Generall and the Army under his command, aid, and assist accordingly."

The first two signatures affixed to the above declaration are those of Thomas Swan and George Jordan. It is uncertain whether there were any other representatives of Surry County among these sixty-nine men, among whom were included Councillors and Burgesses, as well as Bacon's chief political advisers. The names of Thomas Clark, *(John Grey)* and John Butherford appear in the list, and it is possible that the first two are identical with Thomas Clark (later a Justice) and John Grey of Southwark Parish; while the name Butherford seems obviously a miscopy for John Rutherford of Southwark Parish, who was later indicted as a prominent Baconian.



Col. Jordan and the other possible Surry representatives to this meeting seem to have gone home by the following day, August 4. However, Col. Swann remained, and his is again the first signature to the following somewhat more extreme declaration signed by only twenty-nine gentlemen on that date (*id.*, pp. 39-41):

"Whereas certain informations is now made, that the Ammunition at the fort of Tindalls point is commanded away and putt aboard a ketch, and y<sup>t</sup> y<sup>e</sup> great quantity of arms are removed & carried away out of Glocest<sup>r</sup> County, and from Mr. Secretaries house at Richneck, and that certain psons in contempt of the Authority of Nathaneel Bacon Esq<sup>r</sup> Gener<sup>l</sup> appointed over the forces for the Indian warre, are in open hostility in the County of Westmoreland and the fort on the head of Rappahanack River; not surrendred to the said Gener<sup>l</sup>s Command, And whereas it is much doubted, that severall psons lately fled, and also such as they can stirr up and arms with the Ammunition aforesaid, will fall in amongst some of the Northern Counties, or other defensible places to the diverting the forces aforesaid, from the defence of the Country, and engaging the Country in a civill warre, which threatens the utter ruine of this Country, if the same be not timely prevented. And whereas the said Generall hath demanded the Councell, and advice of us the Subscribers, what is fitt in this Exigence to be done, to prevent the universall ruine impending the distracted Country. Wee doe advise and request the said Generall, that as soon as may bee an Assembly may be summoned by some precepts or oth<sup>r</sup> warran<sup>ts</sup> or writts directed to the Counties from Some Gentlemen of ye Councell. And that in the meantime the civill Administracon of Justice may remain constant, & run in the same course and Channell as formerly, and that the Subscription<sup>s</sup> made yesterday by the Gentlemen then summoned and mett together, there at the middle plantation to consult y<sup>e</sup> settling of the present distracions of the Country, bee sent to all the Counties in the Country, and y<sup>t</sup> y<sup>e</sup> said Generall authorize fitting psons in those Counties, to take the said Subscriptions, and administer the said Oath. And lastly that the Generall and forces under him efectually prosecute as well the Indian warre, as by all meanes and waies oppose, suppress, and w<sup>th</sup> open hostility prosecute all manner of psons whatsoever, their Confederates, Councillors, aidors, and abettors, that doe or hereafter shall combine, conspire, or attempt ag<sup>t</sup> y<sup>e</sup> s<sup>d</sup> Generall, or his the forces under his Command, or that shall

disturb or raise tumults or otherwise impeach the domes<sup>t</sup> peace and Safety of the Country."

"Given at the middle Plantation aforesaid, this 4th of August 1676."

On August 11, 1676 Nathaniel Bacon, with the four members of the Governor's Council who had signed the "Declaration" of August 3, namely, Thomas Swann, (Thomas Beale,) Thomas Ballard and James Bray, sent a proclamation to the Sheriff of Westmoreland County, stating that since Governor Berkeley had absented himself from the government, he was under their authority to proceed to call an election of two representatives from Westmoreland to sit in a new assembly of the House of Burgesses, to meet at James City on September 4th, 1676. (*Sainsbury Abstracts*, Vol. XVI, p. 29.)

During the month of August, both the authorities and the commor. people of Surry County appear to have been thoroughly Baconian. Due probably to the prestige of Cols. Swann and Jordan, the following entries appear in the Order Book (1671-90) on pages 131 and 132:

" Aug. 10, 1676

Present Lt. Coll. Jordan

Majr. Browne  
Capt. Barham  
Mr. Caulfield  
Capt. Spencer

Mr. Harrison  
Mr. Meriwether  
Mr. Ma<sup>son</sup>  
Mr. Allen

} Coms.

At a meeting of ye Cort at Southwarke this day to Setle ye Com. in peace, according to ye Comand of ye Honoble Genll & having reced a Comand from him this day to pvide bread for our pporcion of three hundred men for a month, for ye Countrys service In pformance of ye sd Comand of ye Honble Nath. Bacon Esqr Genll It is Ordred ytt every mr. of a family doe forthwith provide ffoure pds of good sound bisquett for every tithable in his ffamaley, and yt ye Mill do lay all private Grinding aside untill this be done, & yt all ye housekeeps. in ye lower pish doe Carry in yr. pporcion of bread to ye House of Capt. Arthur Long, & all those in ye uper Pish to Carry their pporcion to ye house of Mr Wm Thompson, they being desired to receive & serve ye same, & yt it be all brought in to ye sd places by Thursday next being ye 17th Instant & this ord<sup>r</sup> to be forthwth published through ye County.

Vera Recordtur

Test W E Cl Cur."

*Borham*

"Katherine Witherington made answer again that he might hold his tongue for his saddle was saved by her sister, and further your deponent did hear Thomas High say that Swan did send for a boate load of apples from Mr. Masons, for that he thought Mr. Mason would never come again. That Thomas High said Coll. Swann did sit in the Council of War for burning the town and when the Governor went away from town he sent for Coll Swann but he would not come to him. As soon as Bacon came to towne he would take a boate and go over to him and he hoped Coll. Swann would be plucked bare.

"Sworne Nov. 15, 1677."

Much of the above is probably malicious slander by Thomas High, who had formerly been one of Bacon's men. It is true, however, that Col. Swann did stay in the county, and that he did not allow himself to be thrown into a panic by Berkeley. The county might have been better off had more of the prominent men stayed at home. As it is, we are not certain that literally all the Justices and officials left with Berkeley. The only ones of whom we are certain are Arthur Allen, Robert Caufield, John Solway, and Francis Mason, who later prosecuted a number of people for seizing their houses during the Rebellion and appropriating their property. Probably others went, too. Col. Swann did not suffer for his conduct later on. When the Royal Commissioners arrived in Virginia late in January 1676/7, to investigate the rebellion and make a report to the King, the Governor refused to entertain them at his home, "Green Spring", in James City County (Jamestown being destroyed), and Col. Swann offered them the hospitality of his home at Swann's Point across the river, which they made their headquarters during their stay in the colony. In the Minutes of the Council of Trade and Plantations, at a meeting held at Whitehall December 6, 1677 it was recommended that certain "rash and fiery men" be excluded from the Governor's Council of Virginia, but that Col. Swann be continued in office. It was also mentioned that the Governor refused to receive His Majesty's Commissioners into his home, and recommended that "Col. Swan be recommended to Col. Jeffreys (the new Governor) for some reward for his kindness and expense in doing so" (*Calendar of Transcripts, Va. Dept. of Archives, Vol. XVII, Sainsbury Transcripts, pp. 99-100*). One rather admires Col. Swann's calmness and level-headedness, which is also illustrated by the following testimony of

Christopher Foster, Col. Jordan's nephew, given November 15, 1677 when he was twenty-seven years of age (Book 2, p. 149):

"That being at Coll Swanns house about ye same day ye late Governor Sr Wm Berkeley Sallied out of Towne, Coll. Swann thinking ye County being in some danger of ye upland men did desire yr. deponent. to goe up to Mr. Busby's & to see whether there was any guard kept there or noe & withall to tell Mr. Busby he would speake with him, but when yr. deponent. Came there he found noe body at Mr. Busby's home but Mrs. Busby a woman or two more, & Wm Pickerall a lame man, and further saith not."

One wonders from the above deposition what had happened to Lieut. Busby and the guard at his house. The following depositions also give tantalizing glimpses of the stirring events of late August and mid-September in Surry County, though they do not allow us to piece together a connected story (Book 2, p. 130):

"John Price aged about 27 yse. of Age saith.

That I being at the house of Mr. Long (Capt. Arthur Long, the Baconian) aboute the last of August saith that Roger Rawlings Coming into Mr. Longs, the said Long said O that is well you are come, for I was going to send to you for you must be ready to Carry men over to Towne (*i.e.* Jamestown) tomorrow morning for the Governor is Coming up with severall Indyans and others to destroy us all & further saith not.

sign

Signed

John P Price

Sworn in Surry County Court

July 4, 1677 Test W E Cl Cr

Vera recordtur July 9th p. W E Cl Cr."

"John Clarke aged aboute 25 yse of Age saith

That three men that came from Nansimond prest me to show them the way to Roger Rawlings for Mr. Long had sent them to the sd. Rawlings to Carry them over the River. They said they had Capt. Long's warrant, and when wee came downe to the sd. Rawlings & his boate, he asked them who sent them, and Mr. Collins gave him a paper but what was in it, I doe not know, & further saith not.

Sworn in Court July 3, 1677."

"William Kitto aged aboute 37 yrs of Age saith

That morneing before wee went over to Towne Mr. Long sent to my house to warn me to prepare my boate, soe I went downe to him at Chipooks, & I tould him my boate was but small, shee would not carry above 7 or 8 people, O said he that is noe matter, I have prest Roger Rawlings and his boate, then said I well shee is bigg Enough to carry all that is to goe, & when we weare at Towne Mr. Alsope tould us that they had all the Governor's Goods at Lawrences (*i.e.*, Richard Lawrence of Jamestown, one of Bacon's chief men), then said Rawlings a pock take it they have brought us to keepe theire Stolen goods, he wished himselfe at home, whereupon the Next day I went to Mr. Long & asked him if wee should not goe home, & he snapped me up & said noe you shall waite my Leisure, you shall not goe, & further saith not.

Sworn in Surry County Court

July 4, 1677."

"Jeremiah Ellis aged 34 yse or thereabouts saith

That Whereas yr Depont. coming to the house of Henry Francis yr. Depont. did heare the sd. Francis say that Mr. Rookeings (*i.e.*, Maj. William Rookings, Bacon's commander-in-chief in Surry) had sent to him for a horse downe to the Guard by Robert Lee (son of Dr. George Lee), which horse did belong to Capt. Barham as yr. Depont. had heard before, wch. horse the sd. Lee had away with him & the sd. Francis did desire me yr. Depont. & Tho. Bentley to take notice that he did deliver the horse well & in good condition upon which words yr. Depont. did looke on the horse & he appeared to be very well & in good likeing to the best of yr. Depont.'s judgment, & the said Lee did say he will leave his own horse there whilst he rid the other to Mr. Busby's for he had rode his owne a great way & had need to favour him & further saith not.

Sworn in Surry Co. Ct. July 4, 1677."

The deposition of John Fenley, aged 24, on July 3, 1677, one of Arthur Allen's servants, shows that Mr. Allen was at Jamestown with Governor Berkeley, during the siege. Perhaps others of the Justices of Surry were also with the Governor already. The deposition is as follows (Book 2, p. 135):

"That on or neare about ye 15th of 7ber last yr depont being sent

by his Master Mr Arthur Allen from James City to Col. Swann's & from thence to goe home to his sd. masters house, was by Robt. Burgess (Bacon's Lieutenant in Surry) on ye road neare Southwarke Church comanded to stand, who after a short Examination permitted him to proceede on his Journey, but before he had Rode halfe a mile the said Burgess with another Horseman Armed Rode after the depont. & forcably carried him back to ye place where he then kept his Rendezvous & Emediately Comanding ye depont. to alight, seized & tooke away his horse, Carbin, powdr. & shott & asking whether yt. horse were good for anything or not, ye depont. made ansewr for Very Little, to which Burgess replied noe Matter he will serve me to goe to Mill with, & within halfe an hower afr. yr. depont. was carried away prisonr. to Robert Jones (an old soldier in the army of Charles I, living in Charles City Co., later condemned to death, but finally pardoned) his house in flour-d-hundred & from thence to Newitt Wheelers in Martin Brandon where he remained in that quality the space of Eleven weeks, although he often & very Earnestly solicited for his Liberty, & further saith not."

The above deposition shows that Bacon's men were already by September 15th assuming the offensive against the men and their dependents who were known to be on the Governor's side. On September 18th, 1676, the day before Bacon burned Jamestown, the Baconians in Surry under their commanders, Major William Rookings, Capt. Arthur Long, Lieut. Robert Burgess and Ensign William Simmons, to the number of about seventy strong, seized Arthur Allen's brick house (still standing and known as "Bacon's Castle") in Lawnes Creek Parish and established their headquarters there, ruling the county till they were finally driven out on December 28th or 29th. Others mentioned as prominent rebels were Joseph Rogers of Lawnes Creek Parish ("who was so eminent as sometimes to bear command," O. B. 1671-90, p. 144), John Rutherford (who "as Comr. in chief led a party of men to pltf's (Robert Caufield's) house and plundered it above £500 sterling," *id.*, p. 164), and John Clements who, Arthur Allen states, "had often been captain of rebels at his house," (*id.*, p. 167). All the above leaders except Long and Rogers were from Southwark Parish. Two other men who were so prominent in Bacon's forces that they were summarily executed by Governor Berkeley in March, 1677, were John Whitson and William Scarborough, both of Southwark Parish.

We can find no record of the exact part that they played, however. About the same time that the rebels seized Mr. Allen's house, they also seized and occupied (probably as sub-headquarters) the houses of Robert Caufield in Lawnes Creek Parish and of John Solway (the "Warren House") and Francis Mason in Southwark Parish. They thus had their troops well situated at strategic points in the county.

There was naturally a good deal of damage and destruction to the property of these men, as well as some looting and plundering during the Baconian supremacy in the county, for which Messrs. Allen, Caufield, Solway and Mason later brought suit against various individuals. The general attitude of the Baconians seems to have been that of Katherine Witherington, that "the great ones went away and left the poor ones and they were forced to do what they did." Or as Thomas Gibbons deposed on September 4, 1677 (Book 2, p. 144), when Owen Myrick and Richard Steel were packing up several things belonging to Francis Mason in two bed ticks and wanted Gibbons to keep them at his house, "deponent said he would have a share of them if Mr. Mason never returned" and the things were sent to his house. After order was restored, much of the plundered property was returned to the owners.

A number of interesting depositions were made in connection with these suits which throw light on the situation in the county during the Baconian rule. The deposition of John Price, aged about 27, on July 3, 1677 (Book 2, p. 133), states:

"That aboute ye 23d of September last ye Deponent. being a prisoner at the house of Mr. Arthur Allen, did heare Arthur Long (who then had the title of Capt.) ordr. & Command Tho. Gibbons to take his Gun & shoote some one of the sd. Mr. Allen's Cattle, & if he could not find any of the old Steeres to kill the first he could meete with, upon which the sd. Gibbons went out & killed a beast wheather Steere or Cow the Deponent. knows not but that night (to ye best of yr. Deponents remembrance) the said Long with Capt. Pitman (another prominent Baconian) gave him Leave to goe home Conditionally that he should bring his dogs with him in the morning to Catch Mr. Allen's Cattle if any of them should be shott & not killed, but the deponent. returning according to time (but wthout his dogs) mett the sd. Long in ye old field neare his owne house, who Commanded him Emediately to assist Gibbons in driveing up and killing one other of ye sd Mr. Allen's Cattle, & tould them if one was not Enough they should kill

two, but the Cattle being very shye they could not drive them to the house as they Intended wherefore Gibbons shott at a Steere of about 5 years old in ye open field & killed him, wch when they gave ye sd. Long an acct. of, he said yr would serve today & they must kill one or two more tomorrow, but wheather any more were killed on ye morrow or not yr. deponent. cannot certainly tell, but some small time after ye said Long released yr. deponent. out of prison to grinde some of Mr. Allen's wheate (at his hand Mill) which when he had ground the sd. Long carried the Meall home, & committed yr. deponent. to prison againe, & further saith not."

Thomas Gibbons, aged about 30, confessed to the same on the same date (*id.*):

"That aboute ye 23d of 7 br. last yr. deponent. being at ye house of Cap. Anthur Allen was commanded by Mr. Long (then called Capt.) to take my Gun & shoote some one of ye sd. Mr. Allen's Cattle & if he could not finde any of the old steeres to kill ye first he mett with, upon wch. yr. deponent. did shoote and kill a steere of about 4 or 5 yeares of age & about 3 or 4 days afterwards he commanded yr. deponent. with ye assistance of John Price to kill another of ye sd. Mr. Allen's cattle, & if one would not doe to kill more but there was but one killed & further yr. deponent. further saith he was commanded as above, but he cannot certainly say by Long, but to ye best of his remembrance it was by Long & further saith not."

In the above depositions, it is rather curious that John Price, though a prisoner, was allowed to go and come on parole. The cattle were obviously killed to supply the troops, and may have been justified by military necessity. The following depositions on July 3, 1677, refer to the less military pilfering of Joseph Rogers and Robert Burgess (Book 2, pp. 134-5):

"Elizabeth Blesley, aged 29, deposed that Arthur Allen's house was seized by the rebels about the 18th of Sept. last; that Joseph Rogers and one man came armed to the house about 3/4 hours after it was entered by 'the rebel crew'; that several times afterwards Rogers inquired where Mr. Allen's plate was hidden; and that Rogers' man about June 7, 1677 brought back a large Dutch case with 6 or 7 pint bottles, which the deponent believed to be Mr. Allen's property, but

Mr. Allen told Rogers' man he would not receive it, because he had entered a suit against Rogers."

"Margaret Hodge, about 22 years old, deposed that 'very shortly after Mr. Arthur Allen was by ye late wicked Rebels forced from his house,' her deceased husband, John Cooper, found some saddles, etc. belonging to Mr. Allen which were put into a chest at her house, but that Joseph Rogers came to her home and forced her to give him the saddle, bridle, etc.

"Elizabeth Blesley again deposed that about the 18th of Sept. last Robert Burgess ('who afterwards I heard called commonly Sert.') with about 70 other men in arms entered Mr. Allen's house and seized his estate 'Ransacking & making what havoc they pleased within Dore & without'; she enumerates a surprising amount of household linen, etc. which she claims Robert Burgess took, and that he has not brought it all back."

Walter Taylor, aged about 33, deposed:

"That about ye 21st 7 ber last ye depon. Comeing to ye house of Mr. Arthur Allen, founde ye same possess & Engarrisoned by a Considerable Number of the Rebels undr. the Comand of Wm Rookeings, among whom were Robert Burgess, whome the depon. Ever heard Called Sert. wch. place or office he Exercised soe long as the Guard was kept by them being all waies accounted & Esteemed (next to Rookeings) ye Cheife Comander thereof, & Mr. Wm Simons who yr. depon. saw severall times Carry the Coulours, & had allways ye title of Ensigne & yr. depon. further declaireth yt. ye very night ye house was quitted by ye Rebell Crew, he saw ye sd. Burgess thrust severall things (which he supposed to be household Lining) into his Breeches Just upon their departure & likewise saw ye sd. Simons (assisted by John Rutherford, Putt up severall bookes into a pillow case & had tabel Lining, Canvis & other things in their hands ready to putt up with ye sd. bookes (as yr. depon. supposeth) for he afterwards saw ye sd. Simons have ye same pillow case filled full with something, & Carried it away with him at ye same time & further saith not."

Depredations of Owen Myrick and others at the house of Mr. Francis Mason were cited in the depositions of Thomas Watson, aged 30, and Thomas Gibbons, aged 30, on September 4, 1677 (Book 2,

p. 144). Thomas Watson testified that some time in the preceding September at Mr. Mason's he saw Owen Myrick have a bed tick in which there were several things, that he saw Myrick take down a green valence with silk fringe and put it in the bed tick, and that he saw feathers which he believed were emptied out of the tick by "that Crew & Mirick." Thomas Gibbons deposed that in September last he was at Mr. Mason's with Owen Myrick and Richard Steele and several others; that Myrick and Steele were packing several things into two bed ticks; that deponent said he "would have a share of the things if Mr. Mason never returned" and that the things were accordingly sent to his house; that during Mr. Mason's absence Myrick commonly rode Mr. Mason's mare and abused her; and that the deponent has returned the things he had to Mr. Mason, except one pewter dish.

The recorded depositions regarding looting end on November 17, 1677, when Thomas Sowersby, aged 44, and Nicholas Witherington, aged 30, testified against John Rutherford and others at Mr. John Solway's house (Book 2, p. 154). Sowersby testified that on September 18, 1676 he was forced to go with Mr. John Rutherford and others to Ware Neck, "where were the sd. Rutherford, John Rogers, and Wm. Rookeings, their chief commander"; that Mr. Solway's house was locked, but was opened presently, and Mr. John Rutherford, John Rogers, and others were in the house drinking wine. Nicholas Witherington testified that on September 18, 1676 at the house of Mr. William Thompson, Mr. William Rookeings, their chief commander, and other persons "commanded me to go with them to Ware Neck", where he saw Mr. John Solway's house open and several persons there drinking wine, among them Mr. John Rutherford and John Rogers.

Bacon's forces were in absolute control of Surry County for over three months. After his victory over the Governor, Bacon himself planned to organize the colony and to go ahead with the Indian War. He drew up a new oath of allegiance to himself, and made plans to appoint three committees, one to take charge south of the James River and stop the plundering that he heard was going on there, one to accompany the army and prevent depredations, and one to supervise the management of the war. Late in September or early in October he went to Gloucester County, and tried to persuade the Gloucester men to take the new oath to him and his government. This they were loath to do, and he met some active opposition there. The truth of the matter seems to be that neither Berkeley nor Bacon could get the complete

the Governor's thirst for revenge, and he carried on his series of trials and executions, only substituting civil trials for military court-martials on March 3d. During this period of executions, two Baconians from Surry suffered the death penalty. On March 16, 1676/7 John Whitson and William Scarborough of Southwark Parish were convicted of "divers Rebellions Treasons and other misdemeanors", were sentenced to death, and shortly executed, their estates also being confiscated (*Minutes of the Council and Gen. Court*, p. 459-60, *Hening Statutes*, II, p. 370). Whitson was the son-in-law of Capt. Robert Spencer, one of the Justices of Surry, and left an only daughter, Martha Whitson. Scarborough's widow married (2) Thomas Tyus (O. B. 1671-90, p. 194). He, also, left descendants in the county.

Another Surry man selected for special punishment by the colonial government was Arthur Long of Lawnes Creek Parish, Bacon's captain. Berkeley called an Assembly at Green Spring February 20, 1676/7, and Long was among those who, as a "notorious actor" in the rebellion, was selected for punishment not extending to his life (*Hening Statutes*, II, p. 371). Later the Assembly enacted "that Arthur Long of Surry county doe upon his bended knees, with a rope about his necke acknowledge his treasons and rebellion before the right honourable the governour and councell, and begg pardon for his life, and that in like manner he doe acknowledge his crimes in the county court of Surry, and that he be committed to safe prison untill he shall give good security for his future good behavior (*id.*, pp. 379-80). We do not know when this sentence was carried out before the Governor and Council, but the Surry records show that it was done July 4, 1677 in the Surry County Court (Book 2, p. 133), as follows: "At a Court held for Surry County July 4, 1677, Arthur Long appeared in Open Court and made the following submission with a rope about his neck on bended knees. 'I, Arthur Long, that all bystanders may take notice of this my sincere repentance of my Rebellion, do here most humbly upon my knees with a roape about my neck implore pardon of God, My King, the Hon. Governor, Council and Magistrates of this his Majesty's country and humbly crave the benefit of his Majesty's most gracious Acts of Mercy and Pardon for my treason and rebellion. And this my submission and his Majesty's royall pardon to be granted me thereupon may be entered on record to make the same available to me, in the pleading thereof if occasion shall hereafter be. God Save the King, and Prosper the Governor and Majistrates of the County, with all happiness and Good

success." Another man, Anthony Hartland, was condemned by the General Court to make the same confession and do the same penance as Arthur Long before both the Surry and the Charles City County Courts (*Hening II*, p. 378). In addition he was fined 5,000 lbs. of tobacco. He seems to have been a Charles City man, however, and not a resident of Surry.

The colonial government seems not to have prosecuted the other two officers of Bacon in Surry, namely, Robert Burgess, Lieutenant, and William Simmons, Ensign, though both were later sued for depredations. The depositions of Elizabeth Blesley and Walter Taylor, given before, state that Robert Burgess was commonly called "Sert.", by which I suppose "Sergeant" is meant; but Arthur Allen in his suit brought against Burgess July 3, 1677 specifically states that Burgess bore the title of Lieutenant, and was Commander-in-Chief next to William Rookings (O. B. 1671-90, p. 145). Burgess was fined 8,000 lbs. of tobacco, the largest fine placed on any of the rebels, and was finally forced to mortgage his plantation to pay this debt. On April 20, 1678 Robert Burgess, blacksmith, and his wife Ann deeded to John Moreing and George Proctor, Gents., their plantation on Upper Chipoaks Creek with brick house and other edifices, in return for Moreing and Proctor going on Burgess' bond for a debt of 6,315 lbs. of tobacco to Arthur Allen, for which he had been kept in prison many months (Book 2, p. 182). Burgess died in 1683 leaving no children, though he mentions children of his brother Thomas Burgess (*id.*, p. 332-3). William Simmons received a smaller fine and seems to have succeeded in paying it more easily. He was the son of Mary Simmons of Burcher Swamp, Surry County, whose will, dated April 16, 1677 and probated May 7, 1678, mentions her son William and granddaughter Mary, and leaves legacies to John Rutherford and Francis Gregory, both of whom were Bacon's men (Book 2, p. 172). William Simmons' son John and grandson Benjamin Simmons were Burgesses from Southampton County in the 18th century. Of the other Baconian leaders in the county, Joseph Rogers confessed some of his pillaging and was fined. He was a tanner, and appears to have left no descendants in the county. He may have moved to North Carolina some time after the Rebellion, as a Joseph Rogers appears there in the early 18th century. John Rutherford was another, like Burgess, whose sufferings were long drawn out. On March 5, 1677/8, being already in prison because of a judgment to Robert Caufield for depredations at the latter's house, the sheriff went

Bobbie "Col. Surry" p. 46 (1)

"Thomas Gray", come on the Starr (1608) with <sup>son</sup>  
P. Shettispace Clauss and Francis Chapman" a 5/27/1635  
he read a patent for 550 ac on the so. side of the main  
river over against James ~~City~~ City and adj on the east  
to the plantation now in his possession and to land of  
Capt. Gentry running along by Roffes Cr. and so. into the  
woods on ~~Roffes Cr.~~ upon Cross Creek. p 46 (c+88.31)

"It is probable that Thomas Gray had been in possession  
of this land for many years p. 47

Thomas Gates who come in 1609 built 100 ac in 1626 and was then  
living at Baces Paines with his wife Elizabeth who come on the Warwick  
in 1629. Burgess Warlong Island Oct 1629, Gave 50 ac to  
Thos. Gray, Jr. + Jane.

The 550 ac granted <sup>Thomas Gray adj.</sup> Thomas Warren, on which stands the first brick  
house in Surry, built 1651-2 | purch by Warren from Thomas Rolfe,  
Burgess 10/1/1644 at age 22

p. 66.

Thomas Pittman aged 63 on 1677 deposition regarding the Thomas Warren  
property p. 68-9.

Southwark, Surry 17 Dec 1712 Solomon Savel vs Samuel Thompson.  
land demised ~~to~~ to Savel by Henry Hart.

Land given by Indian King Powhatan, who gave it to one  
John Rolfe in marriage with Pocahontas, dth of sd Powhatan, and  
when the son of sd. Rolfe was in Eng. several tenants who lived upon  
the See p. 70 John Thompson -> Wm Gray Foreman 08 1691-1713 p 409  
17 Dec 1712

p. 70

158 Gen Assm - low - every <sup>2</sup> ~~year~~ attend ch on Sun - 3 Shillings  
red to 1 in 1652.

12/20/1678 Tho. Sawyer, SAMUEL SUTTONS, John Watkins & John Kerig  
members of Grand Jury filed complaint against those not att.  
(many were Quakers). of Upper Parish. (BK 28, 194) p. 84

Wm + Samuel Thompson p 85. 1671-8 p 39, Book 2 p. 36.

Chas Barberon 86, 87

Richard Jarrett 86.

Thomas Hest 98

Wm. Newson 98, 99

In 1652 that portion of James City Co lying So. of the James.  
was organized into Surry Co.

Wm. Thomas Burgess 1652 d. - escheated

Wm. Edwards " 1652 - Clerk 1653 - till d. 1673

Son Wm. 1698 -

LAWES CR Rebellion 12/12/1678 (p 10)

Bacon's 1674

Rebels were from Southwark Par.



to arrest him again to answer charges made against him by John Solway, but Rutherford refused to come to court, and was in his absence condemned, and fined again (O. B. 1671-90, p. 195; Bk. 2, p. 162). He must have submitted finally, however, and got out of prison, as in 1681 he signed the guardian's bond for Thomas Cockerham, orphan of Capt. William Cockerham. Rutherford, also, is said to have left descendants in the county. All the above men were from Southwark Parish, except Long and Rogers.

The less prominent Baconians, to the number of 40, laid hold of the King's pardon February 6, 1676/7, as indicated by the following record (Book 2, p. 149):

We whose names are hereunto subscribed having heard and read of his Majesty's gracious and most surpassing acts of Pardon and Mercy . . . do with all humility and earnestness implore and lay hold on his Majesty's most gracious act of pardon aforesaid . . . and in conformity to his Majesty's royal instructions (pray it) may be entered on record.

Surry County February 6th 1676

Walter (V) Vahan	Robert (X) Evans	<u>Thomas Pittman, Sen.</u>
Ja: Forbes	Thomas (X) Gibbons	John Hunnicutt
John (X) Skinner	Henry (H) Baker	John Clements
Thomas Senior	<u>Robert Judkins</u>	William (H) Heath
George Williams	<u>William Pettway</u>	John Pulestone
Mathew (M) Magnus	George (X) Harris	<u>Edward Pettway</u>
William Rugbye	Ni (X) Johnson	Samuel Pearce
Fra (X) Every	Stephen Lewis	William (W) Blunt
Edmund Howell	William (W) Newett	Alex (A) Spencer
Jonas (X) Bennett	George Proctor	Cor (X) Cardenpaine
William (X) Jones	John (X) Philips, Sr.	John Skelton
Richard True	Edward (X) Davis	<u>Samuel (X) Judkins</u>
Thomas (K) King	Stephen Allen	Thomas (H) High
John (X) Tarvett		

Recorded Xbr 1st 1677, W. E. Ct. Clk.

It was delivered to me to be recorded  
by Captain Spencer 9 br 14, 1677

W E Cl Crt.

Of the above 40 men, it is again noteworthy that practically all were from Southwark Parish. The 1675 list of tithables shows that 30

PITTMAN  
PETTWAY  
JUDKINS

of them were positively Southwark men, 6 probably from Southwark judging by their surnames, 3 unidentifiable, and only one positively from Lawnes Creek Parish, namely, William Newitt. It looks as though Southwark was the stronghold of the Baconian movement, while Lawnes Creek tended to remain faithful to the Justices and the established government, though it can hardly be said that anyone in Surry County was an ardent partisan of Governor Berkeley. Most of the above men were small land-owners, several were freemen who worked on plantations belonging to others. Edward and William Pettway were father and son. Robert and Samuel Judkins were brothers, and stepsons of the aged Thomas Pittman, Senior, who had been a Lieutenant in the county militia. George Proctor later became a Justice of the county, and had married the widow of Major William Marriott, a former Burgess. John Hunnicutt's wife was the daughter of Thomas Warren, prominent in the early history of the county.

Although the above forty men had submitted to Berkeley's government, and one of them, George Williams, served on a jury which later on condemned a number of his fellow Baconians, there was still rebellion in the hearts of many at the return to the old unjust state of affairs. On March 26, 1677 eight of the above men were put under bond to keep the peace, especially toward "ye Rt Honoble Sr Wm. Berkeley Knt Governor and Capt Genll of Virginia" (Book 2, p. 119). They were Thomas Pittman, John Clements, Edward Pettway, William Blunt, Thomas Gibbons, John Skelton, Matthew Magnus and Stephen Allen. John Clements, we have noted, was called a leader among the Baconians and was later sued for depredations. We have already noted Thomas High's criticism against Col. Thomas Swann in Feb., 1676/7, indicating a feeling that the Baconians had first been encouraged by the authorities, and then punished for their action. On Feb. 17, 1676/7 Elizabeth Regan, wife of Daniel Regan of Southwark Parish (whom we have not heard of previously as involved in the rebellion), was accused of having at several times and in several places "fomented many Malignant & rebellious Words tending to sedition"; and the Court ordered Samuel Judkins, the Constable (himself a Baconian), to carry her to the common whipping place and give her ten lashes well laid on, on her bare back (O. B. 1671-90, p. 133). On September 4, 1677 Mary, the wife of John Skinner (one of the forty men above), was ordered to be given twenty lashes for "speaking words tending to sedition or mutiny, & in favour of the late rebellion"; and on the same

REGAN  
PITTMAN  
PETTWAY  
JUDKINS

Rioozu  
 DO  
 Barham  
 MYRICK

date, John Skinner, her husband, was ordered to be arrested for the same reason (*id.*, p. 154-5).

Besides the above forty men and their leaders, Rookings, Long, Burgess, Simmons, Rogers, Rutherford, Whitson and Scarborough, the later suits and additional documents show us others involved in the rebellion, Richard Atkins, John Rogers, Sr. (an old man, probably identical with a John Rogers who was Burgess from the county in 1644 and 1645), Owen Myrick, Richard Steele, John Ironmonger, Richard Browne, Thomas Hyard (possibly identical with Thomas High) all from Southwark Parish, and Henry Goard and Robert Kay from Lawnes Creek. We learn of the last two men's connection with the rebellion, not from the Surry records, but from those of the colony. Soon after regaining power, Governor Berkeley issued a warrant to seize the estate of Robert Kay and bring his sheep to Green Spring, and there is on record the certificate of Samuel Swann, sheriff, that he did seize and inventory the said estate January 30, 1676/7 (*Calendar of Transcripts, Va. Dept. of Archives, Sainsbury Abstracts, Vol. XVI, p. 110*). In April, 1677 there is on record the complaint of Henry Gord to the Commissioners of Virginia against Capt. Roger Potter (another Surry man), Gaoler of the prison at Green Spring, for not suffering him to leave, where he had been confined for one month by the Governor (*id.*, p. 239). Others who were at least sympathetic with the Baconians were Adam Heath, Edward Green and John Immers, who signed a document along with several old Baconians which was extremely obnoxious to the Assembly of October, 1677. Other more doubtful cases we have learned of from the depositions—young Robert Lee who on an errand for the Baconians, took Capt. Barham's horse; Henry Francis, who let him have the horse; William Kitto and Roger Rawlings, who ferried Bacon's men across to Jamestown at the siege; "Mr. Bishop", to whom Thomas High reported that Col. Swann sent a note; John Price, who was under a singularly lax imprisonment by Bacon's men at the Allen house; Walter Taylor who visited the rebels at "Bacon's Castle"; Thomas Watson who was present at Francis Mason's house when he claimed that Owen Myrick and Richard Steele were looting; Nicholas Witherington and Thomas Sowersby, who were present at the seizure of John Solway's house, the latter saying that he was "forced to go with the rebels"; possibly, also, Lieut. Thomas Busby, at whose house no guard was found in the critical days of mid-September and who agreed to pay Arthur Allen damages, along with a number of

Bacon's men, November 15, 1677 (O. B. 1671-90, p. 172), John Barker who agreed to pay Arthur Allen on the same date (*id.*, p. 173), and even John Goring of Lawnes Creek, who was ordered to pay Robert Caufield 2,702 lbs. of tobacco May 1, 1677 (*id.*, p. 137), although it is not stated that it was for damages done during the Rebellion. All these latter, however, are much more doubtful cases, and probably took no active part in the Rebellion.

Governor Berkeley's new Assembly met at Green Spring February 20, 1676/7, and Surry's representatives were William Browne and Benjamin Harrison, new Burgesses, but old Justices. The first act of the assembly was to pass an act of indemnity and pardon in accordance with the King's letters patent of October 10, 1676, but with twenty-five or thirty notable exceptions, among whom we have mentioned Rookings, Whitson, Scarborough and Long from Surry County. The next act was to abolish all the reform laws passed by "Bacon's Assembly" in June, 1676. However, some recognition of the need for reform was manifested (we suspect largely through the influence of the Royal Commissioners) by new laws making Members of the Council and ministers of the established Church pay levies; repealing the obnoxious amerциements, or taxes, on persons engaged in law-suits; and allowing six elected representatives of the people in each parish to sit with the vestrymen when parish levies were assessed. The Commissioners had brought orders from England, also, that the people of the various counties were to have the right freely to express their grievances and make formal petitions to the Assembly for remedial action. Thus we see that the influence of the Baconian movement was not entirely lost. Most of the counties availed themselves of this right at the new Assembly, though in a few (*e.g.*, Westmoreland), the counties were so thoroughly under the thumbs of the oligarchy that the petitions did not really express the grievances of the people, and were rather ridiculous. This was not the case with Surry County, which handed in a lengthy set of "Grievances" as follows (*Va. Mag. II, p. 170-173*):

1. That ye last assembly continued many yeares and by their ffrequent meeting being once every yeare hath been a continuall charge and burthen to the poor Inhabitants of this Collony; and that the burgesses of the sd Assembly had 150 lb tobacco per day for each member they usually continuing for three or 4 weekes together did arise to a great some, And that the said assembly did give to severall

that his most gracious majesty has been most graciously pleased to return us or money againe by the honorable Mr. Secretary Ludwell, our grieved harts are exceedingly rejoyced & Inlivened and wee yield his most gracious and sacred majesty all possible and humble and hartly thanks ffor his Royall mercyes Humbly praying the honorable Mr. Secretary may give a just account to the assembly of what money is due to the country in his hands.

17. That the reson of the late and unhappy warr the Inhabitants of this County may not been able to ffollow their callings do humbly desire that they may not be sued to the Cort nor laid under execution but be forborne their present debts till the next Cropp.

18. That severall men are likely to loose sevall somes of tobacco wch are just debts out of sevrall condemned persons & other seized estates.

Wee humbly pray that all just debts may be payd out of the said estates so seized.

19. That ye Indians taken in ye late warr may be made slaves.

Wee ye subscribed being chosen to present yr Greevances of Surry County do testifye that ye perticulers afforewritten are the Greevances of the said County.

(signed) Tho: Busby, George Proctor.

*Sainsbury Abstracts (Calendar of Transcripts, Va. Dept. of Archives, Vol. XVI, p. 163)* adds the name of John Moring as signer of the above grievances. All three were from Southwark Parish and Proctor had been one of Bacon's men. It will be noted that they stated that they were chosen to make this petition, implying that there had been meetings to discuss the above proposals. This apparently more democratic procedure in Surry may be contrasted with that in some other counties. The Westmoreland "Grievances" are apparently the work of the Justices and in no way express the grievances of the people. In Isle of Wight, it is hinted that the "Grievances" were the work of only a few individuals, not popularly chosen to the task. Surry County continued to send in such "Grievances" to the Assembly from year to year, even as late as the 1690's.

The answer of the Assembly of February, 1676/7 to the Surry petition was as follows (*Journal of the House of Burgesses, 1659/60-1693, p. 89*):

To the proposall in Surry County Grievances Complaining against the taxes laid by the Grand Assembly

Answered All people ought to acquiesse wth that lawes yt are made by the Grand Assembly And whoever shall oppose them in histile manner to bee deemed Rebels and psecuted accordingly

To the proposall about the seizing of severall mens Estates

Answered That psons yt finde themselves agrieved may come and petition to the Grand Assembly for redresse during this Session and afterwards to the Governr and Councill

This rather summary answer was no doubt due to the influence of Governor Berkeley, who dominated this Assembly. We have noted, however, that it passed a few new laws tending to correct abuses. A slight variant of the above petition is given in the above Journal (pp. 111-113), stating somewhat more specifically grievances against Clerks, Sheriffs, ordinary keepers, and officials of the colony. Payment was ordered to several Surry County men by this Assembly, indicating the non-Baconian element in the county, to-wit, Capt. Robert Spencer, John Goring, Mr. Benjamin Harrison, Capt. Roger Potter, Roger Rawlings, Randolph Holt, and Col. George Jordan (*id.*, pp. 81-86). In particular, Col. Jordan was paid 12,309 lbs. of tobacco for the charges of the Surry Fort, which had been ordered by the Assembly of March, 1675/6. One wonders what happened to the fort and its garrison during the Rebellion.

Trials for depredations made by the Baconians began in the Surry Court in May, 1677. On May 1, Joseph Rogers was ordered to pay Robert Caufield 1,304 lbs. of Tobacco (O. B. 1671-90, p. 139). On July 3, Capt. Charles Barham was granted judgment against Henry Francis for the horse loaned to the Baconians; and Arthur Allen sued William Simmons, Robert Burgess, Joseph Rogers, and Arthur Long for damage to his estate above 500 lbs. sterling in value, and for plundering (*id.*, pp. 144-46). All were found guilty and fined heavily, and all appealed their cases, though Simmons and Rogers later withdrew their appeals (Book 2, pp. 138, 169). The jury that convicted them was composed of John Moreing, foreman, Arthur Jordan, William Newsum, William Gray, George Williams, Richard Jordan, Sion Hill, Joseph Ford, Robert Lancaster, Edward Tanner, Thomas Sowersby, and Christopher Foster. Moring, the two Jordans, Williams, Sowersby and Foster were from Southwark Parish, Newsum, Gray, Hill,

WILL  
GREY  
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HARRISON

Ford, Lancaster and Tanner from Lawnes Creek. Foster and the two Jordans were relatives of Col. George Jordan, and Sowersby a close neighbor. George Williams is the only one of the group who had been one of Bacon's men. At the same court, Arthur Long made his submission, August 4, 1677.

The September Court brought new trials. On September 4, Roger Rawlings obtained judgment against Arthur Long for "pressing his boat several times during the late Rebellion", Mary Skinner was sentenced to twenty lashes for mutinous words, and her husband, John Skinner, arrested for the same reason (*id.*, pp. 154-5). On the next day, September 5, John Solway sued Richard Atkins for abusing his horse, breaking open his house, plundering, and drinking his wine during the Rebellion, and he was convicted and fined by a jury composed of John Moring, Joseph Ford, Walter Taylor, Richard Drew, William Newsum, John Watkins, William Gray, John Dunfield, Charles Amry, Samuel Cornell, Sion Hill, and Edward Tanner (*id.*, p. 162). This time there were only two men from Southwark Parish on the jury, namely, John Moring and John Watkins, the rest all being from Lawnes Creek. On September 6, Robert Caufield sued John Rutherford, Richard Atkins, John Rogers, Robert Burgess, and John Clements, and Arthur Allen sued John Clements, John Rogers, Sr., John Ironmonger and Richard Browne for plundering, etc. All were found guilty and fined by the same jury (*id.*, pp. 164-5, 167-8). On the same date Joseph Rogers confessed that he had seven hides belonging to Mr. Allen (p. 168).

The men convicted by these juries in July and September obviously felt that they had been unjustly treated, in view of the Act of Pardon and Oblivion, and they presented a new set of "Grievances" to the Assembly which met in October, 1677, Surry's Burgesses at this Assembly being William Browne and Samuel Swann. The aggrieved Baconians only found that they had got into more trouble by their petition, as indicated by the following notice from the House of Burgesses (*Journals*, 1659/60-93, p. 114):

Oct. 10, 1677. A Petition being presented to this Assembly intituled the Grievances of Surry County, in behalfe of themselves and divers others, and subscribed by severall persons some of the cheife of them appearing personally, and the matter at large enquired into, the paper or petition is adjudged to be highly Scandalous and notoriously

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injurious to the Justices of Surry County and the Jurie therein meant, It is therefore Ordered That each subscriber thereof vizt Richard Atkins, Robert Burges, Richard Browne, John Arnemonger, John Rogers, William Symmons, Addam Heath, Edward Green, John Clemons, & John Immers be fined four hundred pounds of tobacco and Caske to the use of the Countie, and acknowledge their fault before two severall Courts holden for Surry County, and give security for their future good behaviour and whensoever the writer of the sd paper shall be discovered and made knowne he shall be fined four hundred pounds of tobacco and Casque to the use of the Countie afforesd, and make such acknowledgment, and give such securitie as is enjoined the Signers thereof, All which sd fines in Tobacco is Suspended from being levied untill the next year.

In the November Court, 1677 there are recorded in the Order Book agreements on November 15th of Arthur Allen with Lt. Thomas Busby, Owen Myrick and John Barker; of Robert Caufield with Owen Myrick; of Francis Mason with Owen Myrick and Richard Atkins; and of John Solway with Thomas Hyard, Robert Burgess and Owen Myrick; whereby all the latter were to pay the former for damage done (*id.*, pp. 172-5). On November 17 Arthur Long was ordered to give security for 100 lbs. of powder and 80 lbs. of shot commanded from Capt. Barham during the late Rebellion, and for 57 lbs. of powder and 100 lbs. of shot commanded from Lt.-Col. Jordan, Long to return the same by November 1, 1678 or pay 2,110 lbs. of tobacco (*id.*, p. 178). Thus the Court rescinded its acts of August, 1676 in favor of Bacon, and required poor Capt. Long to pay for the ammunition out of his own pocket; though it is possible that this ammunition was used after September 18, 1676, at which time the Justices began regarding the Baconians as real rebels. We have already mentioned the last traces of the prosecution of Bacon's men—John Solway's suit against John Rutherford March 5, 1677/8, the latter's refusal to come from prison and his condemnation in absence; and Robert Burgess' mortgage of his plantation to pay his debt to Arthur Allen on April 20, 1678.

We may close our account of Surry County in the Rebellion by summarizing an interesting account of the county funds for 1677, recorded by William Edwards, Clerk of the Court, November 19, 1677 (Order Bk. 1671-90, pp. 181-2). This account shows 453 tithables assessed 110 lbs. of tobacco per poll for the public levies, and 460

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tithables assessed at 93 lbs. of tobacco per poll for the county levy, making a total of 203 lbs. of tobacco per poll, a high tax which had been complained of among the "Grievances." Out of the public levy, 4,570 lbs. of tobacco was paid in salary (to the Clerk?); 3,800 to Dr. George Lee; 1,800 to Capt. Robert Spencer; 224 to Richard Greene; 3,900 to Mr. John Goring; 540 to Mr. Benjamin Harrison; 5,000 to Capt. Roger Potter (mentioned before as Berkeley's Jailer at Green Spring, though a Surry man); 1,400 to Roger Rawlings; 360 to Mr. Randall Holt; 11,396 lbs. of tobacco to Col. Jordan "for souldrs & other Necessarys to ye forte"; 1,250 to Nicholas Meriwether and 8,300 to Col. Swann, both for various purposes only vaguely hinted at; 2,200 to Capt. Samuel Swann; 180 to James Forbes and 250 to Alexander Spencer (both these being old Baconians); and 5,000 "to Burgesses for boards." There is also an account of arms sold by Capt. Charles Barham and Lieut. Thomas Busby, with deduction for salary to them. Capt. Barham's account shows a pair of pistols, holsters and a sword sold to George Proctor and to himself; pistols and holsters sold to Sion Hill; and swords sold to Messrs. Robert Ruffin, William Edwards, William Newsum, John White and John Price. Lt. Busby's account shows pistols, holsters and sword for himself, and pistols and holsters secured by George Lee from Col. Jordan, and by John Rutherford from Lt. Potter (*id.*, p. 81). We should like to know what was the purpose of the above sale of arms. Perhaps it was to keep order in the latter days of the rebellion or just after it. At any rate, it gives us a clue to the anti-Baconians in Surry, like the list of jurymen who tried the cases at the July and September Courts. George Proctor and John Rutherford, however, were among Bacon's men.

On the next page (p. 182) we have a list of payments from the county levy. The Surry Burgesses, Col. Jordan and Capt. Baker (session of March, 1675/6), Messrs. Caufield and Mason (June, 1676), Maj. Browne and Mr. Harrison (February 1676/7), and Maj. Browne and Capt. Swann (October, 1677), were paid amounts varying from 3,250 to 6,550 lbs. of tobacco. Robert Ruffin was paid "to Cary County Cort: to Assembly & his trouble alsoe for pressing hoate for Capt. Swann & for George Proctors, mending the Prison." John White was paid for powder, George Proctor for repairing the prison and "for Entertainment Prisoners" (200 lbs. tobacco for the last). Col. Swann, Lt.-Col. Jordan, Capt. Baker, Maj. Browne, Messrs. Caufield and Allen, Capts. Swann and Spencer, Messrs. Harrison, Meriwether and Mason,

Edwards  
Barham

were each paid 300 lbs. of tobacco for 160 lbs. of Biscuit. Capt. Spencer was paid "pr 5 Inquisitions"; Richard Hogwood for 35 lbs. of bacon; John Moring for 45 lbs. of bacon; Lt.-Col. Jordan "for Canvis for ye Biskett sent to Bacon by Act"; Robert Caufield was paid "for Charge on a wounded man at Towne", indicating that he was present in Jamestown with Berkeley during the siege; William Edwards was paid "for County service", Mr. Meriwether for 43 lbs. of bacon, William Foreman for a pair of hinges, Lt. Col. Jordan for 29 lbs. of bacon, and Capt. Barham for 45 lbs. of pork. Mention is also made of £22 1s 6d "due from ye Publique for amunition assign'd Major Browne." Much of the above must be payment for services by non-Baconians in the stirring days of 1676, while Bacon's men (like Arthur Long) had to pay finally for even the ammunition they used. Thus ends the story of Surry County in Bacon's Rebellion, with the victory of the old order. Surry men had to wait another hundred years before they secured a truly liberal and representative government.

*Edwards  
Nicholson*

## Chapter XV

### COUNTY GOVERNMENT—1652-1776

**T**HE County Court appears to have been the heart of Virginia's county government. County courts were first established in 1634 when Virginia was divided into eight shires. Surry's county court was not formed until 1652 when Surry was made an independent county. These courts were presided over by justices selected by the governor from the most prominent and able citizens of the counties.

The members of the court were first called "commissioners." This was changed in March 1642-43, when the general assembly ordered that the commissioners be stiled "Commissioners of the County Court." When Richard Bennett served as governor during Cromwell's time it seems that the general assembly adopted the prerogative of appointing "commissioners," for on July 10, 1653, the general assembly ordered that "Mr. William Edwards be added to the Commissioners of Surry county." (Bk. 1, p. 11.) Also in Governor Bennett's time the "Gentlemen Justices," as they were later called, assumed the privilege of recommending certain persons to the governor from among whom he should choose the county officers. These nominations were not only for the office of Sheriff and other minor offices, but also consisted of persons suggested for membership in the county court. In this way the "gentlemen justices" perpetuated themselves in office and often served for life.

From the records of the Surry Court it seems that three or four persons were usually nominated for the governor's consideration as shown by the following orders of court.

"At a court held at Southwark, March 19, 1707, Present His Majesty's Justices: Capt. William Browne, Mr. Joseph John Jackman and Mr. Ethelred Taylor are severally recommended for the office of Sheriff of their county, for the ensuing year." (Cal. State Papers 1, p. 12.)

✓ "Sept. 19, 1737, William Short, William Rookings, Thomas Cocke and Parks Nicholson were recommended by the Court as fit and able persons to execute the office of Inspector at Cabin Point warehouse; and William Clinch, Thos. Holt, William Seward and William Edwards were recommended for the same office at Gray's Creek." (Cal. State Papers 1, p. 233.)

The county court usually consisted of ten members but in 1694 the general assembly ordered that the "County Court is to consist of eight judicious persons to be appointed by the Governor. Four of whom being of the Quorum to make a court and they are empowered by this act to do all the things which the Justices of England may do." (V. M. 9, p. 378.)

Some duties could be performed by a single justice, others required two or more justices, but the majority of offenses could only be heard by the justices sitting as a body. The full court was required to meet four times a year and this resulted in such meetings being called "quarter sessions."

All of the justices were expected to attend these sessions but if some were absent causes could be heard provided a member of the Quorum was present. Those persons appointed to be "of the Quorum" were presumably persons of superior ability or learning but probably they were often friendly to the Governor.

It would appear that the Surry court early abandoned the habit of meeting "quarterly," for the general assembly, on October 1710, ordered that the Surry court meet on the third Wednesday of every month. (3 H. 506.) In October 1748, this meeting day was changed to the third Tuesday in every month.

As stated before a single justice could hear small causes. In 1662 it was ordered by the general assembly that "the court shall not take recognizance of any cause under the value of 200 lbs. of tobacco or 20 shillings sterling which a Justice may and is hereby authorized and empowered to determine." (2 H. 72.) Also in that same session it was provided that "whenever a jury is sent out, an officer sworn to that purpose shall keep them from meat and drink until they have agreed on their verdict." (2 H. 74.) This order probably brought about some speedy decisions.

The Governor seems to have retained the right to suspend "gentlemen justices" who displeased him, for on May 8, 1678, Governor Herbert Jeffries, in a letter to the Surry County Court, states that Capt. Arthur Allen and Mr. Robert Caufield, as members of the Court, held at Southwarke, had opposed his order that Capt. Swann should be High Sheriff of the County and had "filled the ears of the People in a full court with amazement and doubt, and drew the rest of the Commissioners to comply with them which was a bad example." He suspended "Robert Caufield and Capt. Arthur Allen from sitting in the



From a report made by Governor Hugh Drysdale covering the "present state of Virginia" in 1726, something can be shown concerning the condition of the county in that year.

"Surry County 1726

Acres of Land: 228,770. Tithables: 2049

Sheriff: Benj. Edwards.

Coroners: Wm. Gray, Robt. Wynne.

Justices of the peace: Wm. Brown, Hen. Harrison, Jno. Simmons, Wm. Gray, Tho. Collier, Stith Bolling, Robt Wynne, Arthur Allen (Quorum)

Tho. Cocke, Howell Edmunds, Wm. Edwards, Benj. Edwards, Wm. Brown, jun., John Mason.

Burgesses: Wm. Gray, Henry Harrison.

Clerk of County Court: John Allen.

Land Surveyor: John Allen.

Parishes: Southwark, Lawne's Creek. Minister: Mr. Cargill.

No. Militia: Horse 214; Foot 410.

County Lieutenants: Nath. Harrison.

Sort of Tobacco: Arronoco." (V. M. 48, p. 151.)

Since the functions of the Council, the House of Burgesses and the County Court have been discussed it might be well to relate some of their acts and orders pertaining to Surry County.

The King of the Weyanokes, on July 2, 1659, sold to Elizabeth Short, of Surry, a boy named "Weetoffen" for the full term of his life for a young horse foal aged one year.

This deed was set aside by the House of Burgesses because the King had no power to sell him as he was a Powhatan and not a Weyanoke Indian. Also because he spoke the English tongue perfectly and was desirous of baptism. (H. I., p. 155.)

A fort was established early on the Blackwater for defense against the Indians, for on March 1675-6, the House provided that "the Fort on the Blackwater River in Surry shall have 729 pounds of shot and 180 pounds of powder furnished it." (2 H., 329.)

In 1691 a post for the collection of custom dues for Surry county was established at "the mouth of Gray's Creek on the lower side thereof." (3 H. 61.)

In August 1702 the House enacted that the rate for ferrying across the James River should be as follows:

"At the mouth of Chipokes Creek over to the Row, or Martins Brandon, the price for a man 6 pence; for a man and a horse 2 shillings 6 pence.

"From Hog Island Maine to Archers Hope, the price for a man, two "ryals"; for a man and horse 2 sh. 6 d.

"From Swan's Point to Jamestown. the price of a man. a royall; for a man and horse, 2 royalls. (3 H. 219.)

By October 1705 the prices had fallen for it was enacted that "At the mouth of Upper Chipoake's Creek, over to the Row, or Martin Brandon, the price of a man 6 pence; for a man and a horse, one shilling." (3 H. 470.)

The county was well settled up to the Blackwater River by 1700, and some patents had been taken up on the south side of the Blackwater although that part of Surry was not legally opened for settlement until 1710.

The county extended to the Carolina line but its boundaries on the south and west were uncertain. In October 1705 the House passed a measure which provided that "on account of the inconvenience of the inhabitants of Prince George, Surry, Isle of Wight and Nansemond by reason of the uncertainty of the bounds of the said counties on the South side of the Blackwater Swamp, it ordered that the surveyors of the counties, before Dec. 25, 1706, shall survey and lay out the Blackwater Swamp and that the line agreed upon shall afterwards be the dividing line of each county backwards as far as this Government extends." (3 H. 480.)

Prior to December 8, 1710, persons were prohibited from entering or taking up land between the Nottoway and Meherrin River "within the bounds of the controversy between this government and Carolina." At that time this country was thrown open for settlement. (4 H. 546.) This resulted in a great rush for lands. (See "Land grants 1710-40," post.)

As mentioned above, part of this county and also the county of Isle of Wight were annexed to Brunswick in 1732. In May 1732 the Assembly provided that "After the first day of January next those parts of the said counties of Surry and Isle of Wight which lie between and are included in the bounds hereafter mentioned, and the bounds of the

COUNTY GOVERNMENT—1652-1776  
COUNTY OF BRUNSWICK, as it now stands (that is to say) a straight line to be run from the mouth of a branch of the Nottoway River, called Metacrie, between Colonel Harrison's Quarter and Matthew Parham the said county of Surry, to Meherrin River, to the line dividing the said counties of Surry and Isle of Wight, and from thence down that river to the line dividing this county and North Carolina to be annexed to the county of Brunswick." (4 H. 455.)

The county below the Blackwater seems to have become well settled in 1727, for petitions presented to the Council in that year indicate that the settlers desired to have the court house located nearer the center of the fast growing county. The order of the Council was as follows:

March 6, 1727.

On the hearing of the several petitions of the inhabitants of Surry County touching the allegations of the several partys touching the most convenient place for holding the Court, it is ordered that for a more equal determination of the dispute between the said parties that the Surveyor of the County is hereby required to place before this Board a map describing the place where the Court house now stands and a place prepared for erecting a new Court House together with the distance of each from the outward bounds of the county." (Council Journals, V. M. 32, p. 31.)

The Council decided to move the Court House to a place near what was the town of Littleton in present Sussex County according to an order entered June 13, 1728, as follows:

Being represented to this Board that the place lately appropriated for erecting a new court house in the County of Surry will be attended with some inconveniencies to the inhabitants resorting thereto, and that a half mile from thence on the South Side of Blackwater there is a convenient place near a good spring where the Court House may be properly fixed, it is ordered that the Court House be erected on the land of Mr. Edmunds near the great wood which leads from the river through his plantation, and as near as conveniently may be to the river. That place appearing to this Board to be most suited to the convenience of the inhabitants." (V. M. 33, p. 19.)

When the county south of the Blackwater was cut off to form Sussex County, it was ordered on Feb. 17, 1756, that the Surry Court House

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and prison be fixed on the land of William Clinch called "Troopers." This place which is now known as the "Old Court House" is about two and a half miles from the present Court House. The Court House was moved from Troopers to its present location in 1796. Robert Mc Intosh who kept a tavern at site then known as "McIntosh's Cross Roads" presented the land to the county. The first court was held here on April 25, 1797. The old McIntosh tavern was destroyed by fire June 16, 1925.

The court house of 1796 lasted one hundred years as it was not replaced until 1896 by a larger building. This building burned December 6, 1906. A new court house erected the next year was destroyed by fire January 17, 1922. The present building was completed in 1923.

Governor Spotswood made several visits into the southern part of the county. On October 6, 1711 he made a journey into Surry, and with some of the Surry militia, went on a week's journey to the Nottoway Indian towns. He went into Surry, Prince George and Henrico in 1713 and endeavored to raise two hundred volunteers to go with him against the Indians who infested the frontiers. (W. M. 3, p. 41.)

In 1716, Governor Spotswood journeyed to Fort Christiana, situated on the Meherrin River in what is now Brunswick. On his way he stopped at Hicks' Ford, now Emporia, where Captain Robert Hicks lived. The Captain's place, where his 1,000-acre grant was located, was on the extreme frontier. The land fell into Brunswick in 1732 and later, in 1782, became part of the newly formed County of Greenville.

A small insurrection of slaves occurred in 1709 and "Pursuant to an order of the Council on Mar. 24, 1709, Thos. Holt, Nathaniel Harrison, Wm. Edwards, Wm. Cocke and Ethelred Taylor were appointed to examine several Negro and Indian slaves 'Concerning a late Dangerous Conspiracy carried out by great numbers of said Negro & Indian Slaves for making their escape and for destroying and cutting off such of her Majesty's Subjects as should oppose their design. They punished and discharged all except Mr. William Edwards, Scipio, Mr. Joseph John Jackman's Salvadore and Mr. Samuel Thompson's Tom Shaw, who they determined were the principal contrivers and they were ordered to be held in the county jail until further orders.'" (Cal. State Papers I, p. 129.)

From the records of a court held in Isle of Wight the same date it appears that Scipio turned "states evidence," for Manuell a negro be-



*Edwards*

longing to Mr. John George of Isle of Wight was ordered to receive forty lashes upon his bare back implicated by the confession of Scipio a negro of Mr. William Edwards of Surry.

In 1736 a bridge was ordered built over the Nottoway River where it divided the counties of Surry and Brunswick at a place called "Swedes," on the land of Col. Benjamin Harrison, because it would be beneficial and convenient to the inhabitants of both counties. (4 H. 530.)

A tobacco warehouse was burned at Gray's Creek in 1736 and the House provided for a measure of relief for those who lost by the fire. They ordered that inasmuch as there was "lately burnt, eighty hhgds. of tobacco, 21284 lbs. for which transfer notes had been given, and 5561 lbs. of uninspected tobacco was lost in said fire, it is ordered that the sume of £ 786, 9 sh. 8 d. out of public money arising upon duties on liquor and slaves be divided among the sufferers according to their losses." (4 H. 533.)

A tobacco warehouse also existed at Cabin Point at the same time. On May 1732 the inspector at Cabin Point received a salary of £50 and the one at Gray's Creek £30 per annum. (4 H. 335.)

The Parish was another unit of county government. As stated in the former chapter, the county, on January 1, 1738-39, was divided into two parishes, Southwark and Albemarle.

One of the activities of the parish that was civil was that of "processing." This custom was at first religious. In Gaul in the fifth century, on the three days preceding Ascension Day, the priest led his people around the parish with psalms and prayers for an abundant harvest. Thus the knowledge of the bounds of the parish and of the individual land owners became valuable and was introduced into English custom. (Mrs. Hiden, V. M. 54, p. 6.)

In Virginia, this perambulation or processioning was a yearly function of the vestry. There were two processioners appointed for each district. In their journey over the parish lands they were usually accompanied by the interested land owners who were thus enabled to know the exact extent and location of their lands.

An early vestry book of Albemarle Parish showing the bounds of the parishioner's holdings is still in existence.

The Vestry also fixed the amount of tithes, generally in tobacco, that

should be paid by each person in the parish. This was called the parish levy. It was expended in caring for the sick and poor and also for paying ministers' salaries. The Quakers objected to this payment and were often thrown in jail for not paying their parish dues. The parish levy was in addition to the county levy, or regular taxes, assessed by the justices of the county.

On November 1762, the House, in fixing the salary of its members, decreed that "over and above his daily allowance every Burgess from Surry shall be paid 15 shillings per day for attending upon and returning from the General Assembly. (7 H. 527.)

The House created the "town of Cobham" in February 1772. It was provided that "fifty acres on the lower side of Gray's Creek shall be laid off into lots and shall be called or known by the name of Cobham." (8 H. 617.) In 1781, on July the 4th, the British Army under Lord Cornwallis crossed over the James River from Cobham to Jamestown on their way to Yorktown. They were marching up from the south where they had recently fought the Battle of Guilford C. H.

The Committee of Safety for Surry, on Feb. 5, 1776, just prior to the signing of the Declaration of Independence, consisted of the following members: William Hart, Allen Cocke, William Brown, William Clinch, N. Faulcon Jr., Ethelred Gray, Charles Judkins, John Cocke, Jr., John Watkins, Jr., John H. Cocke, William Simmons, Benj. Putney, James Kea, John Cocke, John Watkins, Willis Wilson, William Hamlin, Henry Howard, William Nelson, Lemuel Cocke, Rev. Benj. Blgrave, John Wesson, Clerk. (W. & M. 5, p. 249.)

The Committee for Sussex May 8, 1775, was as follows:

Michael Blow, chairman; David Mason, John Cargill, William Blunt, John Peters, James Jones, Richard Parker, Augustine Claiborne, Henry Gee, William Nicholson, Robert Jones, John Mason, Jr., George Rives, George Booth. (Do.)

Not long before the battle of Yorktown, Colonel Benjamin Blunt of Southampton was in command of the militia ordered to assemble at Surry Old Court House. While there, on September 9, 1781, he wrote a letter to Colonel Davies about the condition of his troops, as follows (extract): "He has been ordered by Gen. Mühlenberg to take command of the militia and to assemble at this place. Only about 250 men arrived chiefly from Southampton, but the men from Greenville and

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Thompson  
Gray*

- 1649 Walter Chiles, THOMAS SWANN, William Barrett, George Read, William Whittaker, JOHN DUNSTON.  
1652 Robert Wetherall, LT. COL. JOHN FLUDD, Henry Soane, David Mansell, GEORGE STEPHENS, William Whittaker.

## BURGESS FROM SURRY

- 1652 WILLIAM THOMAS, WILLIAM EDWARDS, GEORGE STEPHENS.  
1653 CAPTAIN WILLIAM BUTLERS, WILLIAM EDWARDS  
1654 WILLIAM BATT, JAMES MASON  
1657-58 LT. COL. THOMAS SWAN, WILLIAM EDWARDS, MAJOR WILLIAM BUTLER, CAPTAIN WILLIAM CAUFIELD.  
1658-59 CAPTAIN GEORGE JORDAN, THOMAS WARREN, CAPTAIN WILLIAM CAUFIELD.  
1663 THOMAS WARREN, CAPTAIN WILLIAM COCKERAM  
1666 LAWRENCE BAKER, THOMAS WARREN  
1672 CAPTAIN LAWRENCE BAKER  
1673 CAPTAIN LAWRENCE BAKER, WILLIAM BROWNE  
1674-76 CAPTAIN LAWRENCE BAKER, GEORGE JORDAN  
1676 ROBERT CAUFIELD, FRANCIS MASON  
1676-77 WILLIAM BROWNE, BENJAMIN HARRISON  
1677 WILLIAM BROWNE, SAMUEL SWAN  
1679 WILLIAM BROWNE, THOMAS SWANN  
1680-82 SAMUEL SWAN, BENJAMIN HARRISON  
1682 WILLIAM BROWNE, ARTHUR ALLEN  
1685-88 MAJOR SAMUEL SWANN, MAJOR ARTHUR ALLEN  
1691-92 FRANCIS MASON, BENJAMIN HARRISON  
1693 MAJOR SAMUEL SWANN, CAPTAIN FRANCIS CLEMENTS, THOMAS SWAN, JOHN THOMPSON  
1695-96 MAJOR SAMUEL SWANN, JOHN THOMPSON  
1697 BENJAMIN HARRISON, JOHN THOMPSON  
1698 BENJAMIN HARRISON, THOMAS SWAN  
1699 NATHANIEL HARRISON, THOMAS HOLT  
1700-01 NATHANIEL HARRISON, SAMUEL THOMPSON  
1702-06 NATHANIEL HARRISON, WILLIAM EDWARDS  
1710-13 WILLIAM GRAY, JOHN SIMMONS  
1715-18 WILLIAM GRAY, JOHN SIMMONS, HENRY HARRISON, SAMUEL THOMPSON.  
1720-22 HENRY HARRISON, JOHN SIMMONS

*Gray*

- 1720-26 HENRY HARRISON, WILLIAM GRAY  
1736-40 THOMAS EDMUNDS  
1738-42 CAPTAIN JOHN RUFFIN, JOHN CARGILL  
1744-47 CAPTAIN JOHN RUFFIN, RICHARD COCKE  
1748-56 ROBERT JONES, AUGUSTINE CLAIBORNE  
1756 BENJAMIN HARRISON, JR., WILLIAM CLINCH  
1757 BENJAMIN HARRISON, JR., BENJAMIN COCKE  
1759 HARTWELL COCKE, WILLIAM ALLEN  
1761 HARTWELL COCKE, HENRY BROWNE  
1763 HARTWELL COCKE, WILLIAM BAILEY  
1766 HARTWELL COCKE, THOMAS BAILEY  
1773 ALLEN COCKE, NICHOLAS FAULCON, JR.

## BURGESS FROM JAMES CITY AND JAMESTOWN

- 1652, November 25th Robert Wetherall, William Wittaker, Abrahamson, Henry Soane.  
1653 Colonel Walter Chiles, William Whittaker Soane, Abraham Watson.  
1654 Thomas Depwall, Abraham Watson, William taker, Henry Soane.  
1655-56 Lt. Colonel William Whittaker, Theophili COLONEL JOHN FLOOD, Robert Holt, Robert Henry Soane, Major Richard Webster, Thoning, WILLIAM CORKER.  
1657-58 Walter Chiles, Captain William Whittaker Thomas Foulke, Captain Matthew Edloe.  
1658-59 Henry Soane, Captain Robert Ellison, Richard William Morley.  
1659-60 Captain Robert Ellyson, Walter Chiles, Ramsey.  
1663 Thomas Ballard, Captain Edward Ramsey Theophilus Hone.  
1666 Richard Lawrence  
1676 Thomas Clayton  
1683 Henry Hartwell  
1684 Colonel Thomas Ballard.  
1685-86 Phillip Ludwell, James Bray, William Sherwood

ORDER BOOK

SURRY COLONIAL MILITIA

1711 (M. 23, p. 208)

July 15, 1764. William Allen qualified as Colonel.  
Christopher Mooring and Thomas Bailey as militia officers

July 19, 1764. James Rodwell Bradby, Captain  
Nicholas Faulcon, Jr., Lieutenant

SURRY REVOLUTIONARY MILITIA

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July 23, 1775. William Allen, County Lieutenant.  
William Browne, Lieutenant Colonel  
Allen Cocke, Colonel  
William Simraons, Major  
Nathaniel Harrison } Captains  
Nicholas Faulcon }  
Josiah Wilson }

July 27, 1775. John Hartwell Cocke, Captain  
William Browne, Jr. } Lieutenants  
Jacob Faulcon }  
John Wilkins, Ensign }

July 25, 1777. James Kee, Ensign  
John H. Cocke } Captains  
Nicholas Faulcon }  
William Seward }

July 27, 1777. James Belsches, Captain; Alexander Belsches, 2nd Lt.;  
James Belsches, ensign, qualified. (That is presented their commissions  
and took the required oaths.)

July 28, 1778. Certificate that Mildred Williams is widow of Lewis  
Williams, a soldier who died in service, leaving her five small children.  
Same as to Martha, widow of John Thorn, who died in service leaving her  
children. Same as to Hannah, widow of Samuel Moody, who died

SURRY REVOLUTIONARY MILITIA

leaving her three small children. Same as to Hannah, widow of John Ealey  
who left one child. Same as to Elizabeth Price, a widow, whose son Francis  
Price is now a soldier. *1711*

February 25, 1779. The County Court recommended: John Lucas, Captain;  
Stephen Collier, 1st Lt.; Benjamin Putney, 2nd Lt.; William Collins, ensign;  
James Davis, 2nd Lt., Joseph Holt, ensign.

June 2, 1779. Henry Crafford and John Lucas, Captains. James Davis,  
Benjamin Putney, and Stephen Collier, 2nd Lt., William Collins and Hard-  
wood Calcott, ensigns; qualified.

March 28, 1780. Jacob Faulcon, Captain, William Edwards, 1st Lt.; John  
Wesson, ensign in Captain Nicholas Faulcon's company, qualified. ✓

May 23, 1780. William Edwards, Captain of company of which Henry  
Crafford (resigned) was Captain. William Blow, 1st Lt., both qualified. ✓

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August 26, 1777. Stephen Collier, 2nd Lt., Benjamin Putney, ensign in  
Captain John Cocke's company, John Pitt, 2nd Lt. and Nathaniel Berriman,  
ensign, in Captain Seward's company; James Nicholson, 2nd Lt., Alexander  
Belches, ensign, in Captain Short's company; William Browne, 2nd Lt.,  
Captain John H. Cocke's company; Randolph Prince, 2nd Lt., and James  
Davis, ensign in Captain Faulcon's company; William Spratley, 2nd Lt. and  
William Evans, ensign, in Captain Gray's company; James Kee, 2nd Lt., and  
Sterling Hill, ensign in Captain Lemuel Cocke's company; Jesse Warren,  
2nd Lt. and Thomas White, ensign in Captain Wilson's company. ✓

February 21, 1778. Recommended: William Hart, Captain, Vice Ethelred  
Gray, resigned, and William Spratley, 1st Lt., William Evans, 2nd Lt., and  
James Judkim, ensign in said company.

March 24, 1778. William Hart, Captain qualified.

May 28, 1778. James Nicholson, 2nd Lt., William Evans, 2nd Lt., and  
James Judkim, ensign, qualified.

July 26, 1778. William Short recommended as Major in room of William  
Simmons, dec., whereupon he produced a commission and qualifier.

Recommended: James Belsches, Captain, Vice William Short, James Nichol-  
son, 1st Lt., Alexander Belsches, 2nd Lt., James Belsches, ensign.

June 26, 1781. John H. Cocke, Major; William Bailey, Captain; William Browne, Jr., John Watkins, and John Wesson, Lieutenants, ~~qualified.~~ *Edwards*

Recommended: William Blow, Captain, in place of William Edwards removed out of the county; Nathaniel Berriman, 1st Lt., and William Simmons, ensign.

## SHERIFFS

1706—Thomas Holt	1714—Robert Ruffin
1707—	1715— " "
1709—Joseph John Jackman	1716—Robert Wynne
1710—Ethelred Taylor	1717—Stith Bolling
1711— " "	1718—William Gray
1712—Henry Harrison	1719— " "
1713—William Edwards	1721—Thomas Collier ✓

## MEMBERS OF THE COUNCIL FROM SURRY

1611	Ralph Hamor
1614	John Rolfe
1619	Samuel Maycock
1620-29 d.	Roger Smith
1621	George Sandys
1626	Edward Blaney
1630	John Utie
1631	William Pierce, Surry
1634	Henry Browne, Surry
1640	William Browne, Surry
1659-60 d.	Thomas Swann, Surry
1698-1713 d.	Benj. Harrison, Surry
1713-27 d.	Nathaniel Harrison, Surry
1730-32 d.	Henry Harrison, Surry

## COUNTY COURT CLERKS

Geo. Watkins	Nov. 17 to Nov. 27, 1652	10 days
Robert Stanton	1652-53	1 year
Nicholas Meriwether	1652	?
William Edwards I	1653-1673	20 years
William Edwards II	1673-1698	25 years

Francis Clements	1698-1708	10 years
John Allen	1708-1751	43 years
C. A. Claiborne	1751-1754	3 years
William Nelson	1754-1781	27 years
Jacob Faulcon	1781-1801	20 years
John Faulcon	1801-1829	28 years
Walter J. Booth	1829-1839	10 years
William P. Underwood	1837-1869	30 years

In Reconstruction days William P. Underwood was removed, April 1869 by Gen. Canby, J. C. Underwood was appointed in his place but left the State a few months afterwards. He was succeeded by John Fomock(?) who served until April 1870.

J. R. Kitchell(?)	1870-1871	dec.	1 year
A. S. Edwards	1871-1922		51 years
H. B. Barham	1922		