

Burton Chronicles  
of  
Colonial Virginia

being excerpts from the existing records, particularly relating to the Burtons of the valley of the James and Appomattox; with especial reference to the ancestry of

Jesse Burton of Lynchburg  
(1750?—1795)

by

Francis Burton Harrison

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**Burton Chronicles of Colonial Virginia**





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## ABBREVIATIONS

Bruce Inst. Hist. = Institutional History of Virginia in the seventeenth Century by Philip Alexander Bruce, LL. D.; as also his "Economic History" and "Social History".

Co. C't. Note B'k = The County Court Note Book published by Milnor Ljungstedt.

Doug. Reg. = The Douglas Register as kept by the Rev. William Douglas from 1750—1797 edited by W. MacJones.

Habersham = Historical Collection, Joseph Habersham Chapter Daughters' of the American Revolution.

Hening = The statutes at Large being a collection of all the Laws of Virginia by William Waller Hening.

Hotten = The Original Lists &c. of Emigrants &c. by John Camden Hotten.

Tyler's Encyc. = Encyclopedia of Virginia Biography edited by Lyon Gardiner Tyler, LL. D.

Tyler's Q. = Tyler's Quarterly Historical and Genealogical Magazine.

Va. Co. Rec. = Virginia County Records Quarterly Magazine.

Va. Mag. Hist. or Va. Mag. = The Virginia Magazine of History & Biography.

Val. Pap. = The Edward Pleasants Valentine Papers.

W. & M. = William & Mary College Quarterly Historical Magazine.



## PREFACE

It is still fashionable to preface a work on genealogy with an apology—not it is true, if the pedigree is that of a horse or a dog—but of a human being. Perhaps this proceeds from a liberal indulgence in the most intoxicating phrase in the Declaration of Independence, that “all men are created equal”. To avoid being drawn into a discussion of that white-hot topic, I hasten to state that I make no apology whatever for the Chronicles I now offer to my kinsmen—except indeed for such skids as I have made, pardonable, I trust in an amateur who treads for the first time the slippery path of genealogy. The text of the narrative which follows will show that this essay in Virginian family history is not inspired by any vain-glorious hope of shining in the reflected glory of a great ancestor—if any truly remarkable man existed among the very numerous Burtons in Virginia, a microscope has failed to discover him.

Jesse Burton of the Oaks, near Lynchburg, Campbell county, Virginia, is the first of the Burton line to whom, until very recently, any of his descendants have been able to trace. He died in 1795 and his name has been perpetuated in several branches of his descendants. When his grandson and namesake, Jesse Burton Harrison of Lynchburg was presented at the university of Göttingen in 1829 to the renowned Professor Blumenbach, ‘the aged Professor opened his letter of introduction and read his name. “Burton is your Christian name?” I told him my mother’s name. “Well, there is a book—oh! very singular book—pooh! Anatomy of Melancholy—by Burton, descended from him perhaps?”

I disclaimed the honor'. (Harrisons of Skiminoe.) It was discreet as well as honest to make the disclaimer, but we surmise that if he had been asked to name his Burton ancestors for a century back, he would have "flunked" the examination.

Two years ago my distant kinsman Mr. William B. Marye of Baltimore sent me a Burton pedigree starting with John<sup>1</sup> who patented Longfield, Henrico county, in 1665, and descending to the children of Jesse Burton of Lynchburg. This he had constructed through his own investigations of original records, and it stands unshaken after intensive research made continuously ever since. Upon this, with Mr. Marye's permission, I have endeavored to embroider a narrative covering not only the ancestry of Jesse, but also the parallel line of the Burtons of Cobbs. In the work of research I have enjoyed the invaluable co-operation of Dr. Robert Armisted Stewart of Richmond. The appendix dealing with the Burtons of the Eastern Shore is just as it came to me from the pen of the late Mr. Stratton Nottingham of Onancock, Virginia.

Having thus fortified my position by citing the names of three competent genealogists of accepted standing, I must add that the piecing together of the records given me is entirely of my own creation.

Except for a chapter which concludes the narrative, detailing the descendants of Jesse Burton of Lynchburg down to those living today, so far as is known, the chronicles are those from the records of Colonial days, and cease with the founding of the United States.

The successive waves of invasion which have swept across Virginia have destroyed a large part of the old church and county records. The later wide-spread scattering of the Burton clan has further increased the difficulty of completing a pedigree. In several important features, primary proof of relationship is lacking, and secondary or circumstantial

## PREFACE

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evidence is offered instead. Where resort has been had to mere speculation, this is clearly stated.

The phraseology and spelling of the old records has been reproduced, to preserve the atmosphere of those by-gone days, with the vocabulary and pronunciation then in use. The items we find referring to these ancestors do not evoke flights of romance nor of fancy; if, however, we have achieved a composite picture of a segment of our forbears, we have made a contribution, however modest, to the social history of Virginia.

Thanks are due my remote cousins Judge Frank D. Christian of Lynchburg and the Revd. Arthur P. Gray of West Point, Virginia, for aid given in the preparation of material.

The audience to which I address this work is restricted; if I were not blessed with a generous daughter who is a publisher, this narrative would never have seen the light of day.

In explanation of the title selected for this book, the following definition from the Oxford English Dictionary will suffice: *Chronicle*: "A detailed and continuous register of events in order of time; a historical record, *esp.* one in which the facts are narrated without philosophic treatment, or any attempt at literary style."





## *Chapter I The Burtons in Virginia*

The first Henrico Burtons came from England during the troubled times of Charles the First. The name of Burton is ubiquitous in England. It is by origin, a place name, signifying "burgtun" or "boughtown." The name Barton, sometimes confused by clerks of record with Burton, is in reality quite different, meaning originally a "barley town" ("Surnames" and "The Romance of Names" by Weekley, and "British Family Names" by H. Barber). Families of Burton are found in the records of nearly all the English counties; in 1638, in Suffolk for example, there were eight Burtons and twenty Bartons listed as "able men" available for militia service. As a place name, we find in the Times Atlas of present day England under the index of Burton alone or in combination with other words twenty-one towns — and three in Ireland.

The archives of London during Tudor and Stuart times contain numerous Burtons, and it seems probable that those of the name who are found in Virginia during the early period came from the London stock. No attempt has yet been made by the compiler of these notes to trace any of the Virginia Burtons back to their English origin.

The records of eighteenth century Virginia contain the names of various Burtons who emigrated to the colony. In his History of Virginia Captain John Smith mentioned the arrival of 'George Burton, Gent.,' in the "second supply" in 1608. He was in the pinnace on Smith's famous trip to Pamunkey. Hotten gives the following as having embarked from the port of London for Virginia: Richard Burton, aged 28 in the

“Swan” in 1624; Thomas Burton, aged 19 in the “Ann and Elizabeth” in 1635; William Burton, aged 24 in the “Thomas” in 1635. In Greer’s “Early Virginia Immigrants” we find that in 1643 John and William Burton were “headrights” of Henry Bradley in Upper Norfolk county. In the early days of the colony one who transported or paid for the passage of a settler coming to Virginia was entitled to a patent for fifty acres of land for each person whom he brought over; the dates given in the land records, however, are those of the patents and give no clue as to the exact date of arrival of the headright. A John Burton, possibly the individual just mentioned was in Isle of Wight County in 1652 (Va. Mag. vi. 249). Greer further mentions the following headrights: in 1651 Robert Burton by Joseph Croshaw of York county; in 1646 Bryan Burton by the Governor, Sir William Berkeley; in 1650 Anne Burton by Nicho. Jernew of York county; in 1652 Anne Burton by William Ginsey of Gloucester county; in 1653 Ralph Burton by William Frye of James City county; and in 1652, Isabella Burton by Thomas Teakle of Northampton county. Headrights were sometimes relatives of the person “importing” them, and more often were young men and women who in order to secure passage to Virginia agreed to serve for a term of years under indenture in the new country. Some of these were of good family in England. Headrights, as a source of family history are, however, a very unsafe basis for a pedigree; for one thing, the rights were often sold by one settler to another. Other Burtons recorded in the annals of early Virginia were:—in 1636 Christopher Burton was a headright of John Gater of Elizabeth City county (Va. Mag. Hist. v. 456); in 1657 George Burton was a headright of John Wood of Westmoreland county (County Court Note Book for Feb., 1926); in 1633 Sam’l Burton was a headright of Thomas Hodgkin “in a bay of Carolina River”

(County Court Note Book for Aug., 1930); and in 1657 Thomas Burton was a headright of Charles Edmonds of New Kent county (County Court Note Book for April 1925). In these, no doubt incomplete, lists of Burtons entering Virginia, there is no evidence to connect any of the immigrants with the Thomas and John Burton of Henrico county, with whom, in 1656 our narrative pedigree begins.

Among all the families of which the memory is preserved in Virginia Colonial records, it would be difficult to match the Burtons of Henrico county for lack of the romantic. They were a most respectable lot, devoting their lives for one generation after another to getting lands, "getting" children and growing tobacco. Nevertheless there were Burtons in seventeenth century Virginia who were caught in the vivid hand of circumstance and in the gusts of unruly passion. A John Burton was killed at Edward Bennett's plantation in 1622 in the great Indian Massacre (W. & M. VII); in 1640 a John Burton was sentenced by the Virginia Council to pay a fine of £20 and "to remove his habitation out of this County where he now liveth," for killing an Indian. This Burton believed the man had stolen from his plantation, and meeting him, killed him out of hand. The Council was apprehensive of reprisals. Many men killed Indians but it was against the rules to kill the wrong one. However the Indian "King" expressed himself as satisfied with Burton's explanation and interceded on his behalf. There is no record as to whether the sentence of the Council was enforced. A third instance of "derring do" on the part of a Virginia Burton which illuminates the pages of a rather dull narrative is the story (Va. Mag. Hist. XXI. 256) of a ship's crew, consisting apparently of Virginians, under the command of Captain Henry Munday of the "John Hopewell" which was attacked in 1699 off the Coast of Guinea by the pirate Henry King—nine of Munday's

men, including a John Burton, deserted to the pirates. We may offer in excuse for them the fact that piracy was in the grand English tradition; only, however, when practised upon foreigners. It was the most profitable profession in the spacious days of Queen Elizabeth; if really successful upon a large scale it often brought the rewards of a Knighthood and of favor at Court. These rewards, it may be added, seriously diminished the net profits of the pirate.

After this brief incursion into fields of action more properly reserved nowadays for the cinema, it is due to the shades of the worthy Burtons of Henrico county to state that none of these "he-men" have been proved to belong to "our Burtons."

For the most part these earlier Burtons were not among the adventurers of the days of the Virginia Company; only one, George Burton, gent., who has been already mentioned as arriving in 1608, was a charter member of the Company. Most of the Burtons who came to Virginia were in the great emigration which took place in the next generation. After the Indian Massacre of 1622 and the withdrawal of the charter two years later by King James, the settlement of Virginia hung fire for about a decade. In 1634 and 1635 a great tide of new migration began. The early days of romance were over, but no doubt an atmosphere of the picturesque and even of the supernatural still encircled the new world—the Midsummer Night's Dream yet cast its spell over the virgin forests. The English imagination was then rich and curiously superstitious. But once they reached Virginia the realities of life were stern and the hardships great. In these days when spoon-fed villagers in the Old Country have to be enticed away from the dole by Government bounties to venture in a floating palace across the tamed Atlantic to an assured position in America, one looks back with a gasp of admiration

to the brave spirits of three hundreds years ago. The tiny ships in which they embarked were over-crowded and reeking; the food and drink were often tainted; the voyage to the Virginia capes sometimes took three months, and one-third of the passengers usually died en route. The meanest steerage accomodation today would have seemed heavenly to those bold argonauts. Of the survivors of the voyage malaria and other diseases promptly carried off one-third within the first year or two, which they called the seasoning period. Those who were left were fit to work, and work they did—felling the luxuriant forest, burning or digging out the stumps, building their wooden houses and tilling the virgin soil. Ever hanging over them was the menace of massacre by the mysterious Indian foe. These English men and women in Virginia were indeed a hardy race, true survivors of the fittest. They were the founders of a great nation.

In the country of Virginia, a new king was then discovered—tobacco, and the merchants in Virginia as well as those in England and Holland were its prophets. The economic history of the colony from the time of Charles the First down almost to the moment when the colonists threw off the yoke of George the Third, was the story of the cultivation of tobacco. Sir Walter Raleigh's adventurers, inflamed by the great wealth of precious metals drawn by the Spaniards from the fabled lands further to the south, came to Virginia to seek gold. These dreams were soon shattered, but the importation from the West Indies by John Rolfe, the husband of Pocahontas, of the Brazilian tobacco plant, before long showed to the disheartened settlers a greater and more permanent source of wealth than gold. Virginia then became a one-crop country—they all grew tobacco, thought tobacco, and paid their wages, debts, fines and tithes in tobacco. For many a long year it was the legal currency of the colony. As this exacting

crop, unrelieved by any method of rotation with other agriculture, soon burned up the best of soil, a constant movement set in away from the old tide-water plantations upward along the valleys to the empire of new land to the westward—vast domains to be had almost for the asking. These early Virginians may have seemed to their English contemporaries, as they appear to their own descendants today, a restless folk, ever on the move towards the west. They were, however, only obeying the mandate of that inexorable taskmaster, the law of economics. A waste of sand and scrub-oaks today in the very regions where the richest of the early tobacco planters lived their brief hour of luxury “points the moral and adorns the tale.”

This brief sketch of Virginia in the middle of the seventeenth century is intended to give the background against which we first see the dim figures of the early Burtons of Henrico county. It may be safely asserted that no family in the history of Virginia served King Tobacco more faithfully, not to say, persistently, than his loyal subjects the Burtons. For generations they devoted themselves to the rites and ceremonies of this cult.

Henrico, one of the original shires or counties of Virginia, lay on both sides of the James River upwards from the mouth of the Appomattox for an indefinite distance into the “world’s end.” At Henrico town, near the site of Richmond today, the “mighty Emperour” Powhatan had established one of his “capitols.” This was just below the great falls of the James, at the head of navigation. The strategic advantages of this locality soon attracted the invading English. The parish of Varina was established, and land was set aside for the building of a college, at which both white and Indian youths were to be educated—a plan which came to naught because of the dreadful Indian massacre of 1622. In this

vicinity, as early as 1656, we first definitely identify our Burtons as landowners.

Other Burton families were to be found at an early date in Rappahanock County and on the eastern shore of Virginia, and there are scattered references to Burtons in the early records of York and Gloucester, but the line of which we write is associated solely with the valley of the James. Of all the numerous members of this family, found subsequently in middle and southside Virginia, but clinging to "Father James" and its tributaries, no one can be starred as a "Cavalier" nor as an "F.F.V." In the first two generations in Henrico none of the Burtons is known to have been able to sign his name—but the evidence of a cross marked on a will executed, perhaps, "in extremis" is not conclusive.

Dr Bruce in his "Institutional History of Virginia in the Seventeenth Century" states that only three out of five of the men, and only one out of three of the women of that era, could write. Schools were almost unknown, as appears from the grievances of General Nathaniel Bacon, the famous "rebel" of 1676 against the Royal Governor Sir William Berkeley. Sir William, himself a scion of the oldest authenticated family pedigree in England, was charged with being opposed to schools—a not unusual prejudice in the Tory mind. The real obstacle, no doubt, was the distance between the plantation houses of the age—a community schoolhouse was practically out of the question. A very few of the wealthier Virginians sent their sons to England to be educated; more secured a tutor to live with them and instruct their children. By far the greater part of the planters in the seventeenth century had to do without.

With the end of the Tudor period of England, the "new-rich" and "new-poor" alike were settling down into a new social system. "Parvenus" of Tudor reigns had rapidly

equipped themselves with lands despoiled from the monasteries, and with ancient pedigrees purchased from a venal College of Heralds. But all alike were wide awake to the opportunities offered by the new worlds opening before them. The younger sons of that day migrated from the "County" to London, joined the livery companies or guilds, and many of them took part in the rush to the supposed Eldorado of Virginia. But amongst the emigrants of the first two Stuart reigns the majority were of yeoman stock, while many were merely laborers. In Virginia the shrewd lawyers against whom the burgesses were always making punitive laws, and the shrewder merchants who acquired really large landed estates were the exception rather than the rule. For the ordinary planter, three or four hundred acres was a large enough estate to prosper and to launch a family. Of such a status were the Burtons of Henrico; the largest estate belonging to an individual of that family in the seventeenth century was the 1300 acres acquired by Robert Burton of Longfield at the very end of the century.

Not only were the Burtons of Henrico not named in the "Hall of Fame" as owners of "vast landed estates" but they even seem to have been content with their absorbing occupation of raising and marketing tobacco. No doubt today it would be regarded as a sign of degeneracy not to strive for the status of a "millionaire" in the United States, but countless numbers of the men who built up our civilization in America seem to have been satisfied with useful lives in an ordinary well-regulated and self-respecting community.

In the history of the Burtons of Henrico there are no startling advances or reverses of fortune; it was in the main a slow and steady up-building of family influence and wealth with an occasional fall by the wayside. Planting was an occupation which they understood, and in which they made a success.



With singular consistency they continued as planters all through the life of colonial Virginia. Only two among the numerous Burtons in Virginia are mentioned in the records as a merchant. Nor were they noted as military leaders, except in a branch of the family, mentioned later, which intermarried with the aggressive and stalwart house of Minge. Nor did the vexatious problems of the spiritual life seem to disturb the colonial Burtons. They were all members of the Established Church; not one of them became a Quaker, as did so many of their neighbors. Even political life—that natural outlet for the energies and selfexpression of the typical Virginian—had no apparent attractions for them; the highest office known to have been filled by a Burton down to the time of the Revolution was Justice of the Peace, Sheriff, or Vestryman—the last being an elective position; these offices, though charged with many public duties, were of social rather than political importance.

History is usually either an enumeration of the virtues and vices of monarchs, or else, in the modern school, a biography of some energetic individual whose career however violent or destructive provides food for thought. The vast majority of mankind live their 'allotted span of life' within the accepted rules of their generation—either by prudent choice or by disposition. Which, then, of these types makes the real history of his times?

The Burtons through five generations stayed by the occupation which they best understood. Year after year, they with their white indented servants and then with numerous negro slaves raised their crops of tobacco until the soil of their plantations was worn out, and then passed on to "fresh fields and pastures new" further up the river—sturdy, tenacious, respectable people of the class which composed the real life blood of Virginia. By the third generation their social status

had risen. In the eighteenth century we find these Burtons performing with credit the accepted public duties of country gentlemen—serving on the vestry of the Established Church and on the Commission of the Peace. As planters they began, and planters they remained until, after the revolution, their descendants scattered far and wide through the new territories of the south and west.

## *Chapter II The Earliest Burtons on the James*

The narrative pedigree of the two main lines of Henrico Burtons begins in the next chapter with Thomas and John Burton who in 1656 acquired the 350 acre plantation of "Cobbs" on the north bank of the Appomattox and just to the west of Bermuda Hundred. Whether these two men, who each left behind him on his death sons to found a line of sturdy planters and pioneers, were immigrants to Virginia, or, as seems more probable, the sons of an earlier Burton, remains unproved. The surviving records of Henrico begin with 1677, a date at which Thomas Burton and his sons had long been settled at Cobbs, while John Burton and his sons were already seated at Longfield, on, or near, the north shore of the James.

The patents in the Virginia Land Office show that there were a Thomas *Barton* and a William *Barton* in Henrico as early as 1636. In that year Christopher Branch, who owned land on both sides of the James in Henrico transferred 60 acres to James Place who assigned the tract to Thomas Barton. In the same year, 1636, William Barton is mentioned as a headright of the widow Mrs. Alice Edloe of Henrico, whose lands in Lily Valley adjoined those granted in 1665 to our John<sup>1</sup> Burton. A Thomas *Bartin* had been claimed as a headright in 1634 by Captain Thomas Osborne of Henrico who also named Isaac Hutchins and Robert Cradock in the same patent. Barton was not a name subsequently known as that of a family in Henrico, while Burtons flourished and grew exceedingly in that very vicinity. It seems reasonably certain that these two Bartons were Burtons, and either of

them may have been the father of Thomas<sup>1</sup> Burton of Cobbs and of John<sup>1</sup> Burton of Longfield. The former named his eldest son Thomas, while the latter gave the name of William to a son. The lands of James Place, who assigned the 60 acres to Thomas Barton, were on the south side of the James "N.W. towards the falls of the great river and S. E. easterly towards the lands of Robert Hollum" (Elam?). This James Place had married the widow of John Ward. The assignment from this Place to Thomas Barton was witnessed by Robert Cradock, who, in 1638 obtained a grant of 300 acres in Lily Valley, bounded by the lands of William Cox, John Davis and Isaac Hutchins—three names which will appear frequently in the following pages. The lands of John Burton in 1665 were next to Lily Valley and close to those just mentioned. Taking into consideration all these circumstances, we have reason to believe that the Burtons with whom we open our story were of the second generation in Virginia.

Another line of enquiry into the antecedents of Thomas and John Burton of Cobbs is based upon the one surviving record book of the seventeenth century in Charles City county. In 1656, when the Burtons bought Cobbs, immediately across the Appomattox river lay that part of Charles City county later to be known as Prince George. Bristol Parish consisted of the narrow strip on both banks of the Appomattox from its mouth up to the falls.

The old record book of Charles City, cryptic as it is, discloses the presence of a John and Thomas Burton and a group of persons later well-known in Henrico, in Charles City during the middle decade of the seventeenth century.

It is believed worth while to give these long-forgotten citations in extenso; just as they appear in Charles City Record Book. The very first entry (fol. 1.) is of a sitting of the Court of which "Major Abra Wood" was the presiding justice (1655).

“Whereas Henry Hawkins is indebted P bill to John Burton 600 tobacco & Cask payable at Powells (illegible) Itt is therefore ordered that ye said Hawkins shall make paymt thereat with costs als exec.”

Powells Creek, some 16 miles below the mouth of the Appomattox in the present Prince George county, was the site of this John Burton's plantation.

“Whereas John Burton stands indebted to Capt. Daniel Peililes (Peebles?) bill & Interest 982 L tobacco & cask itt is therefore ordered that the sd John Burton shall make paymt thereat with costs als exec.”

Daniel Peebles (Peibibles) was one of the justices at that court—but if all the justices to whom this John Burton was indebted had withdrawn from the bench, the presence of a quorum would have been endangered.

On February 3, 1657, the Charles City court ordered that “John Burton forthwith pay unto Howell Pryse 386 lb. of good tobacco with 2 years interest for 321 thereof (illegible) due in cort with cost als exec.”

This Howell Pryce, who was at that time clerk of the court of Charles City, appears several times in connection with the affairs of various Burtons. Among the hundreds of head-rights claimed by him were a George Burton (April 3, 1656) a Samuel Burton (April 1657) and a Thomas Barton (Dec. 3, 1658). In 1665 when John Burton took out a patent for his estate of Longfield in Lily Valley, Henrico county, Howell Pryce as attorney for Robert Craddock is mentioned in the chain of title as having deeded it to John Cox, and the latter “assigned and set over” the tract to John Burton. Other names which appear in contemporary Charles City records and are later well known as those of neighbors or connections of the Longfield Burtons in Henrico were Edward Hatcher,

Richard Parker, John Nowell, Nicholas Perkins, John Glover, Edward Matthews, Wm Hatcher, Henry Randolph, Francis Redford (constable of Charles City Co. in 1656), James Ward, Jane Ward, Robert Craddock, Thomas East, George Farley, Ed. Mosby, Charles Featherstone, Francis Eppes and his stepson Wm Worsham.

Once started, there was no stopping the tide of debt which accumulated against this John Burton. On August 4, 1657 the court "ordered that John Burton shall on the 10th of Oct. next pay to James Barker for ye estate of Mr James Waradine decd 346 lbs of good merchantable tobacco due P two bills with interest according to time & costsals exc."

"On Oct. 17, 1657 John Burton confessed judgment to Mr Drew (one of the J. P's) for the use of Mr Robt. Llewelin, mercht., for 3820 lbs of good tobacco & cask to be pd the sd Mr. Drewe or his attorney."

But worse was yet in store for this unfortunate John Burton, for on February 2nd 1658 the Charles City clerk recorded a mortgage by Burton to Lieut. John Bannister of the plantation of Bon Accord which Burton held on a long lease. An abstract of this instrument follows:

"I John Burton of the county of Charles City, planter, do acknowledge myselfe to be duly indebted unto Lt. John Bannister of Mchts. Hope in the Co. aforesaid, planter . . . 4160 ponds of good well condicîoned mchtble Leafe tobacco . . . vidt 340 thereof on the 19th day of October next and two hds. conteyning at least 800 lbs of the sd tobacco with cask every yeare . . until the sd. bond be fully satisfied . . . the sd. Bannister . . hath two Judgmts & execucôns in force against me . . by assignmts of Mr Thomas Drewe and Mr Anthony Wyatt (two of the J. P's). . . . unto the sd. Lt. John Bannister . . one plantacon at Bon-

accord wch I hold by lease for thirteen yeares or upwards, to come, one cove wch I recd. of Richd. Brane [who lived on 300 acres at the head of Upper Chipoaks Creek, adjoining Mr Nicholas Perry (Chas. City Book 11. p. 227)] I, and all my crops of come & tobacco wch by God's blessing and my owne endeavors wch I promise & bind myselfe shall be just faithfull & industrious I shall attaine to make & plant untill the sd. paymts. be fully accomplished . . . ."

This naif and optimistic document was signed by the seal and mark "B" of John Burton. The records do not disclose whether or not Lt. John Bannister foreclosed this mortgage. He died within three years of that time, for on December 3, 1661 "probate of the last will and testament of John Bannister dec'd was granted to James Wallice who married the relict & executor." Three years later the records show that the enterprising and hardy Scot James Wallace had annexed still another wife as appears from the following entry of June 3, 1664:

"I James Wallace with the consent of my wife Joane have bargane & sold unto Caesar Walpole . . . parcell of land . . . upon the branches of Powell Creek upon the Burchin Swamp & the Great Swamp upon Capt Tye & Richard Parker . . . upon a hundred acres of Land wch Mrs Bannister gave to Richard Taylor . . . path . . . from James Wards to Bonny Coard (Bon Accord) . . . parcell of Land . . . of Thomas Wheeler husband of the aforesaid Jane Wallace."

This plantation of Bon Accord, so delightfully rendered Bonny Coard in the quotation preceding, was probably the same estate of that name later owned in Prince George county by a descendant of Thomas Cocke of Henrico—James Cocke who served as a Captain in the Virginia navy during the Revolution. (Va. Mag. IV. 445.)

The next item in chronological order, is that of October 3, 1659 (p. 205)—

“Ordered that Mr John Drayton admr. of Wm Robinson dec'd pay to John Burton for endeavor of cure of the sd. Robinson 250 lb tobbo. out of the estate.”

There were at least three known physicians in Charles City county at that date, and it was certainly venturesome for John Burton to try his hand at the game—and disastrous to Mr. Robinson.

Mr. John Drayton seems to have been a professional administrator, for on November 10, 1660 (p. 250) “Mr John Drayton, admr. of the estate of John Burdon dec'd. It is ordered that Mr. John Drayton exec. and admr. present to the next court an inventory of the estate of John Burdon, dec'd, and then in case of no opposition of a widdowes right, to have administration thereof granted.” On December 3, 1660, “Commission of administration on the estate of John Burdon granted to Mr John Drayton.”

It seems doubtful whether this “John Burdon” was identical with the Charles City John Burton of Bon Accord—the unsuccessful planter and definitely dangerous amateur physician. The name appears clearly enough as “Burdon” in the three citations given above—and yet, possibly, it was John Burton after all. Having adhered faithfully for some pages to the dotted lines of facts from the records, we may now be pardoned an excursion into the realm of speculation: let us conjecture that this John Burton of Bon Accord was the individual of that name who was sentenced in 1640 by the Virginia council for killing the wrong Indian; that he was the cheery but impractical debtor of all the foregoing citations from Charles City records; that he died (disguised as John



Burdon) in 1660, and that Thomas and John Burton who bought Cobbs in 1656 were his sons.

The following items from the ancient Charles City county book seem, by dates and circumambient air to pertain to the John and Thomas Burton of Cobbs—which plantation was separated by only the width of the Appomattox river from Charles City county.

April 4, 1661 (p. 321) “It is ordered that John Burton shall possesse the estate of George Toppin dec’d and p(ro)duce and present an acct to the next Com. Cort.”

This is a very tantalizing item. We have no information as to who George Toppin was, nor why this John Burton should possess his estate. A reasonable assumption is that John Burton had snapped up the widow Toppin immediately upon the death of George—as was the “*costumbre del pais*.” This would be a possible date for the marriage of John<sup>1</sup> Burton of Longfield (of whom hereafter)—but all this is indulgence in pure conjecture. Today, no doubt, Scotland Yard would give us over the telephone precise information, and perhaps fingerprints, of the widow Toppin, but the one surviving volume of Charles City records of the seventeenth century is forbidding in its reticence.

April 4, 1661, was a red-letter day in the Burton calendar, for not only did John get the Toppin estate, but on the same date we note: “Non suite is granted to Thos. Crane m(er)cht., agst. Tho. Burton with forty pounds tobbo. costs als exec.”

Towards the very end of the old Charles City book, on February 3, 1665, we find the entry of two bills (p. 630) “sent from Mr Longwood of London memo to be delivered to Mr John Barker flower de hundred as foll: John Burton, bill for 520 pds. of tobacco. Mrs Nowell, bill for 891 pds. of tobacco.”

These two items are of interest to those who follow the fortunes of the Burtons in the next decades in Henrico county. The most agreeable member of the family two generations later was named Nowell Burton.

Two more items from the old Charles City book will conclude our information concerning the Burtons of that county:

(p. 433) "December 3, 1663, attachm't is granted to the prnt. Sherrif agst the estate of John Burton for one hundred and seaventy pounds of good tobbo & cask with costs."

(p. 520) "February 3, 1664, Judgment is granted to John Bishop against John Burton for present payment of three hundred & fifty pounds of Good tobbo. & cask found due P. bill with cost als execucon."

A few notes concerning Burtons later in Charles City county will be found in a subsequent chapter.

We have now conducted the Burtons through the one existing record book in Charles City for the seventeenth century. It is more than probable that the Charles City family was identical with that in Henrico; but no proof of this can be offered.

However this may be, the two Burtons who took joint title to Cobbs in 1656 were obviously related, and almost certainly brothers. They are the known founders of the two main lines of Henrico Burtons.

"Cobbs" had originally been taken up in 1639 by Ambrose Cobbs of York county (a direct ancestor of Rebecca Cobbs, the mother of Jesse Burton of Lynchburg). His son Robert Cobbs assigned the patent over to Michael Masters in 1656 and Masters in the same year assigned it to Thomas and John Burton. For the next forty eight years Thomas and his sons lived at Cobbs. In 1704 it was sold by one of Thomas

Burton's sons to John Bolling and subsequently became famous in the social annals of Virginia. In 1680 Thomas Burton took the precaution of getting a patent himself for these lands; and in 1683 he had the deed of assignment to him of 1656 recorded in the court of Henrico. By 1665 John Burton had already branched out for himself, for in that year he patented 700 acres on the "longfield" in Lily Valley, on Comelius Creek a few miles up the James river and on the other side from the mouth of the Appomattox.

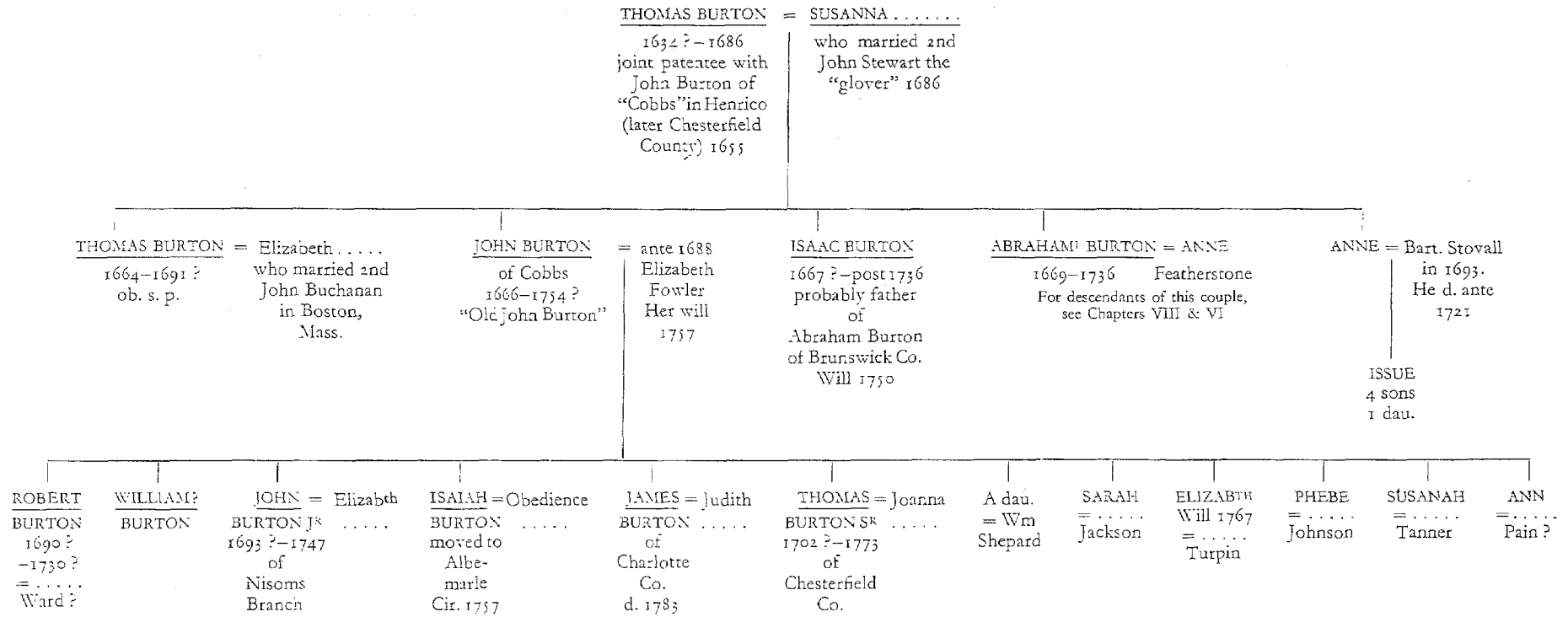
Though we have no satisfactory evidence to sustain the theory it is believed that Thomas and John Burton had two sisters in Henrico, Mrs. Edward Hatcher, senior, and Mrs. Jane Branch—Baugh—Gower, who was first the wife of a son of Christopher Branch (already mentioned as deeding 60 acres to James Place), next the wife of William Baugh, junior, (the Baugh plantation adjoined Cobbs) and third of Abel Gower. This much widowed lady had children by each marriage. She died in 1710 and in her will mentioned her "sister Hatcher." The possibility that she was a Burton was first suggested by Mr. Landon C. Bell in an article in a recent number of Tyler's Quarterly. Reference to her will be made later in these pages.

In the assignment to them of Cobbs, Thomas and John Burton are named in the order given, but it is not certain that John was the younger brother.

The lines of Henrico Burtons derive from Thomas<sup>1</sup> and John<sup>1</sup> Burton, and hence separate at the very beginning of our narrative. This study originated in an attempt to trace the ancestry of Jesse Burton of Lynchburg. His descent is from John<sup>1</sup> Burton, but in order to give later a continuous account of the pedigree of the Lynchburg Burtons, we shall first present what is known of the family and numerous descendants of Thomas<sup>1</sup> Burton of Cobbs.

The James river, for the first two generations which are dealt with in these chronicles, divided quite definitely the families of Thomas Burton of Cobbs and of John Burton of Longfield. Both sides of the river were at that point parts of Henrico county, and indeed, except for a narrow strip on each side of the Appomattox, it was then all in Henrico parish. Nevertheless, Thomas Burton the first, of Cobbs, and his sons and grandsons were identified exclusively with the southside of the James—with Bristol and later Dale parishes, with the territory which was to form part of Amelia and of Prince George counties and all of Chesterfield.

Chart No. 1



For issue of this generation see Chapter V



### *Chapter III Thomas<sup>1</sup> Burton of Cobbs & his Eldest Son*

The existing records of Henrico county start with 1677, only some eight years before the death of Thomas Burton; hence we have very little information as to his personality, his friends and his associations.

The maiden name of his wife is unknown. The name of his son Abraham suggests two persons who lived in the immediate neighborhood of Thomas<sup>1</sup>. When Ambrose Cobbs took out his patent in 1639 in Henrico, the estate thereafter known by his name lay "upon Appomattuck River adjoining lands of John Baugh and Abraham Wood." For many years thereafter General Abraham Wood (1610—1684?) was the leading citizen of that vicinity, and was in command of Fort Henry which stood on the site of the present city of Petersburg, across the Appomattox River from Cobbs, and several miles up-stream. Another neighbor was Abraham Womeck (1644—1733) who as we shall see was often associated with the affairs of the family of Thomas<sup>1</sup>. Abraham Womeck, as appears from the records, was what is known in the parlance of today as a "sport," and seems to have lived life to the full. He was frequently "had up" for drunkenness and profanity, and his race horses were famous in the annals of the tracks at Varina and Bermuda Hundred, where he lived.

A clue to the identity of Susannah, the wife of Thomas<sup>1</sup> Burton might be found in the close association of the latter with Thomas Lockett, who was a friend, a neighbor and possibly a relative. When, shortly before his death, Thomas<sup>1</sup> divided his lands between his sons, an error was made in the deed, and Thomas Lockett was later called into court to

testify as to the grantor's real intentions. A record of earlier association between these two men is found in 1667; on October 5th of that year Thomas Osborne assigned his right (*i. e.*, headright) for the transportation of an Abraham Wood to Thomas Lockett; on the 24th of the same month the latter transferred this right to Thomas Burton. The will of Thomas Lockett dated June 1, 1686, mentions his sons Benjamin and James, and daughter Susan. A William Lockett whose will was filed in Chesterfield in 1756 named several sons, among them Abraham Lockett.

References to Thomas<sup>1</sup> Burton in the now extant records of Henrico are limited to (i) an entry in the list of tithables of that county for the year 1679 where his name appears between those of Richard Ligon and Mr. William Baugh—probably then his nearest neighbors—as responsible for one tithable and (ii) gifts of cows and sows to his sons John (1681) and Abraham (1681) recorded in Henrico Book 1. at page 265 and witnessed by Thomas Lockett and Margaret Lockett; (iii) on February 2nd 1682, Thomas Burton was non-suited by the Henrico court in an action for trespass against James Baugh. Further than these items we find only references to the division of his estate. He died in 1685, and on January first of that year (1685—6) evidently in anticipation of death, he made division between his four sons of his estate of Cobbs (Liber 1. p. 350 Henrico). In this deed the name of his son Abraham appears as the grantee of two portions, but Thomas Lockett and James Baugh later testified in court that the grantor intended to give one share of the lands to his son Isaac, and that the name of Abraham should have appeared only once; and settlement was made accordingly. Thomas Burton thus gave 100 acres, including the dwelling plantation to his youngest son Abraham; 100 acres adjoining the dwelling plantation to his eldest son Thomas; to his son



John 100 acres adjoining John Baugh, and to "Abraham" Burton (meaning Isaac) land next to the dwelling plantation.

At this point it may not be inappropriate to give the chain of title by which Cobbs passed from the sons of Thomas<sup>1</sup> Burton, after he and his line had resided there for half a century, to the well-known family of the Bollings. Major John Bolling (1676—1729) was the great-grandson of Pocahontas, and kept alive the traditions of his descent by a lively trade with the Indians who gathered on the extreme frontier on the Roanoke river. No doubt the trading path which led from Fort Henry (Petersburg) through the wilderness of those times to Acconeechy Island where the Tuscaroras, Cawtabas and even the Cherokees came to meet the white traders, was the route travelled in the next generation by so many of the Burtons who figure later in these pages, when they ventured forth as pioneers to help to found the new counties of Brunswick, Lunenburg, Mecklenburg, Charlotte and Halifax. The wife of Major John Bolling was Mary Kennon, a neighbor of Cobbs, whose father owned the estate of Conjurers Neck, an old stamping ground of the Indian medicine man of early days. This "neck" comprised the tract lying between the north bank of the Appomattox river and Swifts Creek. John Bolling and Mary Kennon were married in 1697 and seven years later we find them seated at Cobbs, as the chain of deeds (abstracts of which follow) will set forth.

Henrico records, 1688—97, Vol. v. pp. 394—95.—April 17, 1693:

"I Abraham Burton one of the sons of Thomas Burton dec'd . . . Whereas my late father in his life time by his deed of gift under his hand and seal dated the first day of Jan'y 1685 did give and bequeath unto me Abraham Burton his sone . . . one hundred acres of Land where he then lived as by the sd deed of gift relation being thereunto had may

appeare The said Land Lying and being in Bristoll P(ar)ish in Henrico County, Now Know Ye That I the sd Abraham Burton for a valuable consideration to me in hand paid and secured to be paid before signing and sealing hereof by John Steward Glover of the P(ar)ish and County aforesaid wherewith I am contented . . . And that Anne my wife shall and will freely surrender and release unto the sd John Steward (etc).”

.. 20 Dec. 1692.

ABRAHAM (X) BURTON.

Wit. Samuell Newman

Nich (X) Dison, Junr.

Nich Dison.

Acknowledged .. 17 April 1693 . . . Anne his wife being then P(re)sent. . . .

Henrico Deeds etc. 1697—1704, p. 155:

“I John Stewart of the county of Henrico, Glover, . . . for divers considerations . . . but more especially for a tract of land Conveyed to me by Michael Turpin as by his deed at large may appear . . . unto ye said Michaell Turpin . . . one tract . . . in ye county aforesaid and parish of Bristoll . . . at a place called Cobbs on ye north side of Appo’x river . . . one hundred acres and whereon I now live which land I purchased of my son-in-law (stepson) Abraham Burton and put into ye possession of ye same one hundred acres by sd son-in-law being marked and bounded in the presence of ye neighborhood by John Woodson senr as by a Draught of his drawing may plainly appeare . . . .

*Dec. 1. 1699.*

Wit:—Mel. Richardson      John Stewart (seal & red wax).

Chas. Evans.

I Susanna Stewart doth (sic) Relinquish all Right & title to ye premises.

Acknowledged in open court and Subscribed by John Stewart and Susan his wife.

In acknowledgement of debt below I John Stewart of ye County of Henrico.”

‘This same day Michaell Turpin sold the above land to John Archer for 30 pounds of Lawfull Current money.

Wit. by Mell. Richardson and John Hancock.

Equiva. 20,000 lbs of good tobacco.’

Henrico Deeds, etc. 1697–1704. (p. 162 et seq.):

‘Indenture . . . first february 1699 . . . between John Archer . . . and John Burton . . . 32 lbs .. to John Burton . . . tract of 100 acres known by the name Cobbs Lying and being in Henrico County Virg. on the north side Appomatox river wch sd Abraham Burton sold unto John Steward Glover and by ye sd John Steward Glover sold unto Michael Turpin and by ye sd Turpin sold unto ye aforesd John Archer . . .

Wit:—Phillip Turpin. Att. Clerke.

JOHN ARCHER.’

Ibid p. 433. Dec. 1, 1704.

‘Indenture for 60 lbs sterling . . . John Burton Planter . . . to John Bolling, Gent. . . Cobbs . . . south side of James river upon Appomatox . . . upon land of James Baugh . . . northerly and easterly upon the Land of Isaac Burton . . . one hundred acres of which was given unto the sd Burton by will of his father Thomas Burton dec’d . . . one hundred more .. Did fall unto the said John Burton as heir at law of his brother Thomas Burton dec’d . . . one hundred acres .. the sd John Burton purchased of John Archer.

Wit: Isham Epes. C. Evans.

JOHN (I. B.) BURTON.’

*Note:* The original area of Cobbs was 350 acres and this deed conveys only 300 acres. Isaac Burton, the brother of

this grantor held his share of Cobbs, (which had meanwhile increased to 100 acres) until 1735, as a deed given below will show.

The will of John Bolling of Cobbs, dated April 29, 1727, and probated August 4, 1729, leaves this estate to his wife for life, and then to his son John. Testator states in this will that Cobbs then consisted of about 400 acres "together with about 200 acres I lately purchased of Wm Baugh (sic)."

Henrico Deeds and Wills Book for 1725-37 at page 505:

"Indenture dated September 2, 1735, between Isaac Burton of the county of Henrico and John Bolling of the same county for a consideration of £12-10-0 of "a certain tract of land . . on the north side of Appomattox River in the county of Henrico bounded on the lower side by a tract of land called Cunneycock which lately belonged to Maj. Thomas Chamberlain deceased, and on the upper side by a tract of land called Cobbs and lately did belong to Maj. John Bolling deceased, father to the above named John Bolling, southwardly by Appomattox River and northerly by Thomas Oliver's land containing by estimation one hundred acres more or less."

Witnesses: Mary Lorton, Samuel Ridgway, Edward Osborne, Junr.

In the same book at page 508 another instrument is an acknowledgement dated September 2, 1736, by Isaac Burton that John Bolling had satisfied him for all bonds given by John Bolling deceased "particularly one Bond relating to land."

To return now to Thomas<sup>1</sup> Burton, we have seen that on January first 1685-6 he divided his lands by deed of gift between his four sons. He died between that date and April 1, 1686, when the inventory of his personal estate was returned

by the appraisers, Edward Stratton, junior, Abraham Womeck and James Baugh. It was valued by them at 7380 pounds of tobacco. This appraisal was "presented to the court by Susannah Burton, Admx. of Tho. Burton, dec'd." Evidently he died intestate, though his son John, in the deed we have cited above to John Bolling in 1704 states that the land was "given" to grantor "by the will of his father Thomas Burton, deceased." He used the word "will" no doubt to express "volition." No will of Thomas Burton has been found. The widow Susannah obtained letters of administration upon his estate on February 1, 1685, with Henry Lound and Edward Stratton, Jr., as securities. At the same time, James Baugh, Thomas Lockett, Abra. Womeck and Edward Stratton, Jr., were appointed appraisers of the estate.

In the same year, his widow Susannah married John Stewart generally referred to in the records as "John Stewart, Glover" to distinguish him from another individual of the same name, a contemporary in Henrico. The designation "Glover" referred, no doubt to his trade. Their marriage license was dated October 2, 1686. On February 1, 1686-7 "John Stewart (ye Glover)" was appointed Constable. This apparently irksome post was, before the days of Prohibition, a step up the ladder of fame. During his brief term of service as a policeman he was one of the greatest benefactors in the history of the force; when haled before the Court for failure to assist in the work of road construction, his plea of confession and avoidance was to the effect that he was at that time constable of the precinct; this excuse won the enthusiastic approval of the Court which promptly decided that thereafter no Constable should be liable for road work. John Stewart's name should be number one in the police Hall of Fame. However, an entry in the Bristoll Parish records shows that "John Stewart Glover Constable of Bristoll psh.

in this county being commonly out of ye county his employment consisting chiefly in tradeing wth ye Indians It is ordered that in his place stead and precin John Steward Junr., of Appomatox be appointed.”

Besides their four sons, to whom the rest of this chapter will be devoted, Thomas<sup>1</sup> and Susannah Burton had at least one daughter Anne, who married Bartholomew Stovall. Their marriage license was dated August 8, 1693, and John Stewart, her step-father was security (Henrico records v. p. 435). They had sons Bartholomew, George, Thomas and William Stovall, and a daughter Margaret who married Wyles.

Of the four sons of Thomas<sup>1</sup> and Susannah Burton of Cobbs, the eldest was:

*Thomas Burton, junior.*

Thomas Burton, junior, was born in 1664, as is proved by a deposition he made in court in 1680, (Liber I. p. 358). The suit in which this deposition was recorded evidently arose from an incident calculated to arouse the deepest passions of man—poaching on fish or game preserves. William Hatcher (probably the son of the violent tempered Burgess of that name) certainly meant to put a stop to the invasion of his sporting rights by his neighbors, for Thomas Burton, junior, aged sixteen, testified that he “saw Jno. Lantroope strike a piece out of the head of Mr Robert Woodson’s canoe with an axe, and that ye deponent heard Mr William Hatcher order ye said Lantroope and his other servants to splitt all ye cannoes they found in the swampp and further saith not.” He had said enough—indeed more than might have been expected from one so greatly indebted to the Hatchers as this young man. Four years before the attempt of William Hatcher to put an end to canoeing in his swamp, one of his name, in making his will in 1676 in Henrico left his personal

property and a life estate in his 226 acres of land lying between those of Mr. Henry Seward and Gilbert Elam to Thomas Burton, junior. Testator also provided for the schooling of the young man until the age of seventeen.

Thomas<sup>I</sup> Burton died about the year 1691, when absent from Virginia. Thereupon Edward Hatcher demanded and received an order of the Henrico court that the 226 acres in which Thomas had enjoyed a life estate—only fourteen years in this case—should revert to the petitioner.

Thomas<sup>I</sup> Burton left a widow in Boston, Massachusetts. Many men, but few Virginians, have done likewise. We do not know where he died, nor how—nor did his widow know, as appears in a letter from her dated November 9, 1691, and entered in the Henrico records on May 16, 1692. This letter was recorded by Edward Hatcher as proof of the death of the life tenant of the above mentioned 226 acres. The letter was from Elizabeth, the widow of Thomas<sup>I</sup>, who had meanwhile married John Buchanan in Boston; it was addressed to “honble. mother Mrs Susannah Burton.” She knew, however, that her mother-in-law had also improved the shining hour and had remarried for she addresses “you and your new bosome companion” a refined Boston phraseology for marriage worthy of a quip in the “Precieuses Ridicules.” Elizabeth Buchanan states further in this letter that she had never been in Virginia, and she adds that she “never heard any certain information of ye manner of ye death of my dear husband Mr Thomas Burton” but alludes to the fact that she has “buried his body.” There is no mention of any children.

Thomas<sup>I</sup> Burton had made an enviable impression upon his mellifluous wife—possibly because he was absent from her a great part of the time, apparently having been engaged in the fish trade. In her letter she refers to him as “my first and in his lifetime my dearest and most valuable joy” and

earnestly adds "God hath also been pleased to deprive me of that Aimable flour which ye lord was pleased to lend me from his Loyns." It must, in expiation of this flight of rhetoric, be added that she was evidently concerned about her prospects of inheritance in far-away Virginia, for she adds a keen thrust at Abraham Womacke (Womeck) who was her late husband's representative in Virginia in the "mackerell" business. The letter continues "ye said Jarland informs me from Mr Chicklay and that you desire him to send me word that my husband's estate is misimproved and squandered by ye P(er)son whom he intrusted with power in his Businesse." We may conclude the history of this letter by the statement attached to it in the Henrico records giving a vivid picture of the postal facilities of that day in Virginia: "Stephan Cock, aged about 24 years Being at ye house of Mr Taylor Ordinary Keeper in James Town saw in ye window a letter directed to Mr James Chicklay, & opening it found one directed to Susannah Burton wch was requested P. John Bucanan to be directed to Susannah with his pen. Sworn May 16, 1692."

Abraham Womeck, as appears from the following excerpt from Henrico Minute Book for June 1, 1691, had been energetic in protecting his own interests in this matter:

"Abraham Womacke in February court (1690-91) bt. action against Thomas Burton to be executed on soe much of ye estate of Thomas Burton in ye hands of John Burton as ye sd Womacke shall make appear to be due sd Womack informing that the sd John Burton has a bill of Tho. Burton for 13 lb or thereabouts . . by a bargain wch ye plt made by ye defendt for forty shill sterling & one barrell of mackerell for ye plts undertaking the defts businesse here in Virga & ye residue for tobacco paid for him . . by ye court referred to a Jury to Examine ye bargain John Burton in whose hands the estate is attached confessing that he hath



such a bill in his hands due to ye sd deft from John Stewart (Glover) wch was also acknowledged by ye sd Steward." The jury decided for the plaintiff—it was most unusual for a Burton to lose in litigation! It is evident that young Thomas Burton was still living at the date of this action—June 1, 1691, and that he died before May 16, 1692.

Thomas<sup>II</sup> Burton, at the time of his death, had already been absent from the family nest by the banks of the Appomattox for more than four years, for in 1687 his brother John, then just arrived at man's estate, petitioned the court in Henrico to have the property of his elder brother "who is out of ye country" delivered to him—presumably to manage it as trustee. The court ordered that "if at ye next court John Stewart who maryed the mother of the said Burtons doe not give security for the said Thomas Burton's estate, it shall be delivered unto John Burton, aforesaid."

Thomas<sup>II</sup> Burton left no issue; he died intestate, probably during a trading voyage, and his 100 acre share of Cobbs passed by the laws of descent to his next brother John. His life estate in the 226 acres left him by William Hatcher vested in Edward Hatcher. Whether any personal property remained in Virginia we do not know; nor may we determine whether any inheritance came to his accomplished widow in Boston.



*Chapter IV John Burton, the son of Thomas<sup>1</sup> of Cobbs*

The second son of Thomas<sup>1</sup> and Susannah Burton was named John. He was born in 1666, as shown by a deposition made by him in Henrico court October 12, 1688 (records v. p. 11), and lived until 1754. In 1746 his son is still styled John, Jr., and his grandson, John the Younger. The first mention of him in Henrico is in 1681, on October 13th when his father made a deed of gift to his son John of a yearling heifer and a young sow. He was then 15 years old, and when he was about twenty, his father died. For about a year, his step-father John Stewart was his legal guardian. By 1687 he was of age, and took over his share of the estate of Cobbs, 100 acres. Probably in about the same year he married, for the will of Samuel Fowler, Sr., blacksmith of Henrico mentions in 1688 his daughter Elizabeth Burton. A family of Fowlers were at that time planters near the Womecks, and not far from Cobbs. There is, however, no direct proof that this was the wife of John Burton of Cobbs. An item in Henrico records on October 12, 1688, reads as follows:

“John Burton (and also Abraham Burton) having attended as evidence for Sam<sup>l</sup> Fowler, junr., agt. Jno. Granger hath Order granted him agt. ye sd. Fowler for eighty pounds of tobo.”

In 1701 he acquired a lease of a plantation up Swift's Creek, to the northwestward of Cobbs. This fact appears in a deed made in 1708 by Thomas Jefferson to Abraham Burton (brother of John) of 200 acres in Henrico for 10,000 lbs. tobacco in “Appomatox Parish of Bristoll south side of

Swift's Creek and is bounded according to lease let to John Burton, January 10, 1701."

This land had originally belonged to Major Peter Field (1647—1707) and evidently Abraham Burton, by arrangement with his brother John, bought in the fee while the plantation was still under lease to the latter. In the same year, 1708—9, on March 1st, John Pleasants deeded to "John Burton merchant of Henrico 340 acres on the south side of the James river lower side of Falling Creek at a place called Elam's Quarter . . . part of a greater tract formerly granted Gilbert Elam and Edward Ward." (Val. Pap. p. 1085.) Falling Creek discharges into the James nearly opposite Cornelius Creek, upon which the children of John Burton of Longfield were then living. It was the arena of the bloodiest chapter in the Indian Massacre of 1622. John Burton (presumably the "merchant of Henrico" and son of Thomas<sup>1</sup>) also took out a patent for 341 acres on June 10, 1714, "at a place known by the name of Deep Creek on the south side of James River." (Book 10, p. 134.) This was the tract he purchased at Elam's Quarter in 1708—9. In the Henrico records on April 13, 1715, we find John Burton (and his son Robert) as witnesses to a deed from John Elam to William Worsham of  $\frac{1}{4}$  acre of land in the town of Bermuda "formerly granted to Martin Elam." In 1720 he received a patent for 500 acres more land in Henrico, which was situated on the western side of the Appomattox at the mouth of Deep Creek, a stream which rises in the present county of Nottaway and joins the main river some forty miles up-stream above Cobbs. Land there had evidently been in his possession by 1716 for in that year "John Burton, Senr.," deeded for 100 lbs. current money lands on Deep Creek to John Pleasants.

Henrico records show that on March 6, 1710, John Burton served on a jury; that in 1711 he was a creditor of the estate

of Edward Hatcher, dec'd, to the extent of 489 lbs. tobacco; on August 2, 1712, John Burton, Sam'l Hancock and Luke Shaw witnessed a deed of land from Phil Turpin to Henry Hatcher; in 1716 John Burton and John Soane witnessed a deed from Richard Grills to George Cox, Jr. Captain Soane was a surveyor, and evidently a close neighbor of John Burton of Cobbs, for the Soane name appears several times in later paragraphs. The Henrico records show further that in 1719 and in 1721 John Burton was plaintiff in court against Richard James for a debt of 41 pounds 10 shillings; and in 1721 he is mentioned as suing "John ffarar;" in 1722 the tables turned, for John Sattawight sued John Burton for £4 due on account; in 1726, on September 5, an entry shows that the estate of John Tullet was debtor to John Burton, and to (his son) Robert Burton in the sums of £3-0-0 and £1-10-0 respectively. John Tullet had been the proprietor of 17,653 acres of land in Henrico, on the south side of the James—a tract which passed into the possession of Dudley Digges and of Henry Cary as trustee for the latter. (Val. Pap. 275, 277, 930.)

By 1728 John Burton (son of Thomas<sup>I</sup> of Cobbs) had begun to seat his sons on landed estates, for in that year Henrico records contain an indenture between John Burton, Senior, and Isaiah Burton "for valuable consideration of 5 shillings current money," for 85 acres on the south side of Falling Creek; signed with the peculiar mark of John Burton, and witnessed by William Cocke and Samuel Soane. (Henrico Deeds, Wills, 1725—1737 p. 256.) In 1734 on March 3rd, John Burton deeded "to son James Burton . . natural affection . . south side fawling (sic) Creek . . 85 acres." The witnesses to this deed were Andrew Leprade (recently, no doubt, André) and Wm (X) Adams. In 1736—7 on March 4th, John Burton deeded to Thomas Burton, for

“natural love and affection I bear unto my son Thomas Burton . . . 85 acres . . . Joyning on James Burton,” signed by the mark of John Burton. Witnesses to this deed were Andrew Laprade, James Burton and John Laprade (Ibid. p. 625). These lands lay near the head waters of Falling Creek and only a few miles away from Manikin Town. Evidently in the thirty odd years since they first settled there, the French Huguenot families had prospered and were already spreading out into the surrounding territory. In the three deeds just cited the mark made by John Burton (formerly of Cobbs) is identical; they establish the fact that he had at least three sons, whose names are recorded; that he was the father of three other Burton men of whom mention will be made in due course, is shown by his will in 1754.

In December 1734, John Burton made a conveyance of lands on “Beaverdam of Swift Creek” to John Woolbridge.

In 1737, the county court directed that a road be cleared from Henry Cary’s mill to “Old John Burton’s” and his son Thomas Burton was appointed surveyor. The “Old John” was then 71 years of age but inasmuch as we find four John Burtons, all landowners in that small community on Falling Creek, representing three generations of the same line, the clerks of the records must have been hard driven to differentiate between them.

“Old John Burton” was involved in a curious suit in Chesterfield court in 1749 where two wills said to have been made by Caleb Ware were offered for probate, one by John Burton and the other by John Branch. It is not improbable that Caleb Ware was related to the families of both these Burtons and Branches; he seems to have been an old bachelor or childless widower, and was the centre of plantation intrigue. The making of wills had been a hobby of his, and had kept the neighbors on the “qui vive.” John Bolling was

selected by the court to hear the evidence in this disputed probate; before him John Branch stated that a short time previous to his death Caleb Ware had asserted that the last will he had made "was in ashes and that the next will he made should be one to please himself." No doubt Caleb was enjoying the sport of "playing" the neighbors. The court finally, on October 5, 1750, admitted will "no. 1" to probate, a material triumph for the family of John Burton, since one of the main provisions of this instrument was: "to young John Burton, the son of John Burton, Jr. (and grandson of "old John") my negro man Bille and all my wearing clothes and one cow and calf . . . also give him my plantation that I now dwell on." This is the tract of 200 acres sold by "young John" in 1757 to William Wood of New Kent.

In 1752 John Burton was witness to a deed from Josiah Hatcher to George R. Turner. On March 22, 1750, a deed recorded in the first book of the new county of Chesterfield reads: "John Burton and Elizabeth his wife to William Shepherd, planter, 300 acres in Dale parish . . . north side of Swift's Creek being tract of land given her by her father." The witnesses were 'Jeremiah ferguson Milly Ryan and Mary Rocket.'

Elizabeth Burton made her will as follows: probated in 1757: (Chesterfield Will Book 1. p. 314.)

"Unto my granson (sic) William Shephard . . . unto my grand Dafter Ann Pain . . . unto Elizabeth Grisel . . . unto Judeth Burton . . . unto Isack Shephard . . . unto my granson Charles Pain . . . unto Arrobello Burton . . . unto Jane Turpin . . . William Shepard my executor." Signed Elizabeth (X) Burton. Witnesses: Gerrard Ellison, Aquilar (X) Snelling, Ann (X) Snelling.

The inventory signed William Shepard is found on page 315 of the same book. This is the will of a very old woman; she

was, no doubt, the daughter of Samuel Fowler and married John Burton of Cobbs before 1688. In that case she would have been at least 84 years old at the time of her death.

In spite of his great age John Burton's name appears on the list of two juries in the Chesterfield court in 1753. His fellow jurymen this year were Edward Osborne, William Waddel, John Branch, Valent Winfrey, Josiah Hatcher, Charles Cheatham, John Robertson, Josiah Tatem, William Akin, Blackman Ward, Daniel Brown, John Clay, Morris Roberts, Joseph Blandkenship, John Elam, Walter Nunally and others.

Old John Burton, whose life was almost contemporary with that of his cousin William<sup>1</sup> Burton of the Level, lived to be about 88 years of age. His will is found on page 208 of the first will book of Chesterfield county under the heading of John *Borton*; this trifling error was corrected by the clerk who wrote "Burton's will" in the margin. This will was dated February 23, 1754, and signed by the identical mark used by the old man in all the legal documents of early life. An abstract follows:

"I John Borton of the Parish of Dale and County of Chesterfield .. unto my loving wife Elizabeth the land and Plantation I now live on during her natural life and all the rest of my movable Estate to her and her disposing .. to William Shephard, Junr., the Land and Plantation I now live on after my wife's Decease .. to my son John Borton's heir five shillings sterling .. to my son Thomas Borton one shilling .. to my son Samuel Borton one shilling .. to my son James Borton one shilling .. to my daughter Sarah Jackson one shilling .. to my daughter Elizabeth Tirpin one shilling .. to my daughter Susannah Tanner one shilling ... to my daughter Febue (Phebe) Johnson one shilling .. to my daughter Ann Borton one shilling .. to my son Esar (Isaiah) Borton one shilling .. to my grand-



daughter Arrobello Borton one shilling . . . my loving wife hole (sic) and sole Executor.” Witnesses: John Baker, Robert Cayce, Sarah Baker.

The appraisers of the personal estate, which amounted to £28-12-0, were Matthew Branch, Senr., John Brummall and William Brummal. They reported the appraisal to the court in June 1756.

The descendants of Thomas<sup>1</sup> of Cobbs lived and multiplied exceedingly in the territory later known as Chesterfield and Amelia counties. Again and again we find amongst them the family names of Thomas, John and Abraham. To place all these individuals in their proper family groups, with only the old records, fragmentary as they are, to guide us, has proved a difficult problem. Geography is, however, the hand-maiden of history, and the localities in which these Burtons lived have thus assumed importance in our study. After the sale of Cobbs in 1704, only Isaac remained on his original plantation; his two brothers moved across Swift’s Creek, and later on became identified with opposite sides of the district which lay between the James and the Appomattox. John had, it is true, taken a lease in 1701 on a plantation on Swift’s Creek, but in 1708 his brother Abraham bought in this land from Thomas Jefferson. In that year John moved to a plantation of 340 acres on the south side of Falling Creek, some 15 miles northwest of Cobbs. Three generations of his descendants are identified with that locality and there are frequent references to Pocoshock Run and Falling Creek in their deeds and wills. To the south-east of them, reaching to the bank of the James, lay the large Randolph tract soon to become known to social and political history in Virginia as “Amphill” the home of Archibald Cary, the “Old Iron” of the revolution. The neighborhood was generally known as Elam’s Quarter and some ten miles to the north-east, and

across the James, was the site of the future city of Richmond. About an equal distance to the north-west, on the southern bank of the James, Manikin Town had already been founded in 1700 for the Huguenot refugees; who were at first supplied without charge by the mill on Falling Creek with one bushel of Indian meal per capita each month to support the infant settlement. The grandchildren of this John Burton were intricately allied by marriage with scions of this Huguenot stock.

The other seat of these "southside" Burtons after the second decade of the eighteenth century lay at the mouth of Deep Creek on the western bank of the Appomattox. As early as 1714, John the son of Thomas of Cobbs owned lands in this spot, as we have seen. But it is especially with his brother Abraham that we associate the locality of Deep Creek; we do not know exactly when Abraham moved up there from the plantation near the mouth of Swift Creek which he had bought in 1708; but by 1735 when the lands to the west of the Appomattox were included in the new county of Amelia, Abraham and his sons were already established there.

*Chapter V The Children of John Burton of Cobbs  
(Son of Thomas<sup>1</sup>). Chesterfield Burtons*

In the year 1750, Chesterfield county, comprising Dale parish, was created out of that part of Henrico south of the James river and north and east of the Appomattox. The very numerous Burtons found in the records of Chesterfield are, for the greater part, descendants of two of the sons of Thomas<sup>1</sup> of Cobbs—John Burton of Cobbs and Abraham<sup>1</sup> Burton of Cobbs. The present chapter contains the pedigree of the line of descent from John of Cobbs (“Old John Burton”) the subject of the next preceding chapter. Charles the son of Abraham<sup>1</sup> of Cobbs was the progenitor of the other lines of Chesterfield Burtons.

“Old John Burton” and his wife Elizabeth (Fowler) lived in matrimony for some sixty years, and produced at least six sons and five daughters who lived to maturity. In 1754, when he made his will, there were five daughters living: “Sarah Jackson, Elizabeth Tirpin, Susannah Tanner, Febue (Phebe) Johnson and Ann.” Apparently there had been another daughter (dead before 1754) who had married William Shepard. We have no information concerning these daughters (except in one instance), nor of their issue. The Turpins and Tanners were well-known families in Chesterfield. Elizabeth Turpin was, no doubt, the sister-in-law of Col. Thomas Turpin of Powhatan county who in 1760 married the aunt (Mary) of (President) Thomas Jefferson. Col. Turpin was the son of Thomas Turpin and of the much married Obedience Branch. The will of Elizabeth Turpin, dated February 19, 1767, names sons Thomas, Philip, Elisha, Josiah and daughters Martha and Mary; grand-daughter

Sally Winfree, etc., and was witnessed by Jacob and Robert Ashurst and Mabel Turpin. The last named was the wife of Josiah Turpin, who died in 1768. The name of Winfree occurs later (Jan. 22, 1781) in the will of Sarah Harrison (a near neighbor of these Burtons) who mentions her daughter Elizabeth Winfree; William Burton was a witness to this will. The only Jackson reference which is found in our notes from Chesterfield (Deed Book 11, 322) is a deed from Thomas Jackson of Amelia to George Cogbill of Chesterfield for 145 acres on Swift Creek, north side. This deed was witnessed by Charles Burton, Jr. (grandson of Abraham<sup>1</sup>), Ed. Walthall and George Cogbill, Jr.

Having thus disposed, somewhat summarily, of the daughters of John Burton of Cobbs (old John Burton) we now turn to an enumeration of his sons, and of their descendants in Chesterfield county down to the end of the eighteenth century.

1. The eldest son of John Burton of Cobbs was probably Robert Burton, born about 1690, who first appears on the records of Henrico in 1713 as having been chosen by Benjamin Ward as his guardian. In this court record he is designated as Robert Burton, Jr., due, no doubt, to the presence in the same jurisdiction of his kinsman Robert<sup>1</sup> Burton of Longfield. In those times children bereaved of their father were termed "orphans," and were under the supervision of the orphan's court; at the age of 14 the orphan was allowed to choose a guardian, usually selecting a relative. In this case, it seems likely that Robert Burton was selected by Benjamin Ward as being the husband of an older sister. Captain Seth Ward (1661-1707) of "Sheffield," Henrico (Chesterfield) county, was the son of Richard Ward and wife Elizabeth; he had one sister Elizabeth Ward (fate unknown) and dying in 1707 left four sons Seth, Richard, Benjamin and Joseph (W. & M. xxvii pp. 190 et seq.). Six years later,

in 1713, Benjamin and Joseph chose their own guardians, the former selecting Robert Burton and Joseph choosing his elder brother Seth. Thomas and Christopher Branch were ordered by the court to see that the estates of Benjamin and Joseph were turned over to their new guardians. It is probable that Captain Seth Ward the father of these four sons left also a daughter or daughters one of whom had married this Robert Burton, for a Seth Burton is found later in Chesterfield. The name Joseph also subsequently appears in this family for the first time in Burton annals. In 1722 Joseph Ward (the brother of Benjamin) brought suit against Robert Burton, Junior. This suit was dismissed, but in March 1723-4 Richard Ward, another brother of Benjamin, brought action of trespass against John Burton; in October of the same year John Burton was plaintiff against Richard Ward, and received a verdict of 17 shillings and costs. The jury found that defendant assaulted and beat the plaintiff and that the battery was fully proved. One might hesitate to offer this as primary evidence of relationship between the Wards and Burtons, especially since the former family were quite indiscriminate in their assaults and batteries. In a later chapter an account is given of an assault upon Nowel Burton in north-side Henrico by Richard Ward. Judging from the court records it was the playful fashion in which the Wards settled all arguments. As late as 1755 one Nathaniel Bassett came into Lunenburg county court and made oath that he believed himself in danger of his life from Richard Ward, who had just been discharged of a felony. (W. & M. xxvii p. 263). Evidently the "robustious" spirit of their great-grandfather William Hatcher survived among these Wards—a vivid example of the immortality of the soul.

In 1715, on April 4, John Burton and Robert Burton witnessed a deed of John (×) Elam to William Worsham for

¼ acre in the town of Bermuda, formerly granted to Martin Elam. In 1726, on September 5th, the inventory of the estate of John Tullet showed indebtedness to John Burton and Robert Burton. These are all families identified with south-side Henrico—later Chesterfield.

In 1732 the Bristol Parish Register notes the birth of a daughter Frances to Robert and Ann Burton. This may have been the Robert of whom we write, or else the son of John Junior, and hence the nephew of the elder Robert.

After the year 1726 we find no items in Henrico records which may clearly be ascribed to this Robert Burton. If he was, as we suppose, a son of John of Cobbs (the son of Thomas<sup>1</sup>), he was not mentioned in his father's will of 1754. He probably died long before his father. The presence in the county of Chesterfield after 1750 of a Seth Burton whom we tentatively place as his son, seems to indicate that this Robert Burton had a Ward wife.

The first appearance of Seth Burton in Henrico records was in 1737 when Joseph Ward deeded him land in that county. The only incident in his career which brought him into contact with the great ones of the world was in 1762, when he consulted Patrick Henry, as shown by an item on page 45 of the lawyer's legal fee book. In the latter years of his life he was living in Cumberland county where in 1749, David Coleman sued Seth Burton for £2-5-0; in the same county, a court order in 1756 added his name to the Southam list. The will of Benjamin Mosby in Cumberland, March 18, 1771, makes bequest of a "suit of common clothes" to Seth Burton—hardly a gift of dazzling munificence! The inventory of the estate of Seth Burton was filed in Cumberland court in 1774. The appraisers were Fred Hatcher, Adcock Hobson & Hezekiah Hobson. Curiously enough the name appears again in the will of Gabriel Jones, the "Valley Lawyer," in 1816

(Rockingham county) in which he leaves to his grandsons "my interest in a mortgage I have from their father John Lewis of the Mansion House & lotts of their grandfather Fielding Lewis, in the town of Fredksburg, and which John Lewis sold in part to Seth Burton." (Tyler's Q. vi. 275).

ii. Another of the sons of John Burton "of Cobbs" was probably the William Burton who first appears in Henrico records in 1722, in the court minute book, as having attended as a witness for Robert Green in his case against James Franklin. It is noteworthy that a James Franklin was a neighbor of William Burton of the Level on the north side of the James, and was apparently a son-in-law of the latter; there was also a James Franklin, Sr., living in Henrico on the south side of the James (afterwards Chesterfield), who died in 1736 leaving an estate to his daughter Loveday Burton, the wife of Charles (the son of Abraham)<sup>1</sup> Burton.

In 1738 Samuel Ligon was charged in court in Henrico with having "catch'd an unmarked hogg" in company with William Burton. This was regarded, no doubt, as a heinous offence by the Commission of the Peace, but as a sporting proposition it was worthy of comment. Various other young Burtons of this period were noted as wolf hunters, but anyone who has ever tried to catch a "hogg," whether marked or unmarked, will have an added respect for this William Burton.

In 1739 there was a suit against William Burton by John Ravenscroft, executor of Thomas Ravenscroft deceased. Thomas, who died in 1736 was a burgess for Prince George county and lived in Bristol parish in 1733; his son John Ravenscroft was a Justice of the Peace for Prince George in 1738.

In 1742 a petition was made in court by William Burton against John Farmer. The Farmers were close neighbors of

the Burtons on the west side of Falling Creek in Dale parish; Agnes a daughter of John Burton, Jr., of Dale married a Farmer.

This William Burton may well have been that one of the name who appeared in Amelia county, across the Appomattox river, in 1749, when it was decreed by the court there that Sam Pitchford pay 100 lbs. tobacco to William Burton for four days attendance as a witness. Again in 1765, Robert Pucker was directed by the Amelia court to pay a William Burton 210 lbs. tobacco for three days as a witness. If this was the same William who first enters the records as a witness in court in 1722, and now closes his career 33 years later, still a witness, it is evident that the art of cross-examination was then in its infancy.

III. Another son of John of Cobbs was John Burton, Junior, born about 1693. His name appears on the records in 1711 as "junior;" and his father is styled "senior" in 1716.

By the beginning of the eighteenth century, the Indian warriors who still survived in the valley of the James had withdrawn, for the most part to the south and west of the Appomattox, but another cunning foe of the frontier farmer was still in evidence. The first mention of John Burton, Jr., in Henrico records places him as a sportsman, for in the Levy Court for 1711 he was awarded the bounty for a "wolf's head by gun." Twelve years later this indefatigable Nimrod cut another notch in his gun-stock, for in 1723 we find the entry "To John Burton, Jr. for one wolf's head certified by Thomas Jefferson—200 lbs tobacco." A more famous Thomas Jefferson, grandson of this Henrico Justice of the Peace, certified to a good many facts as to which controversy still rages.

We next present this energetic individual in a less successful role, for in 1720 John Burton Jr. brought suit against Edward



Stratton, and the action was dismissed; in the same year a case between John Burton, Jr. and Edward Goode, Jr. resulted in a 'non suit;' two years later this latter case was dismissed. These three rebuffs seem to have somewhat chastened John Burton, Jr. for he is not mentioned in Henrico records for some years subsequently.

In 1733 he was a witness, together with John Green and Edward Osborne to a deed in Henrico from Samuel Hancock to Samuel Bowman (Va. Mag. xxxiii, p. 317). These names are those of families prominent in the county of Chesterfield. A genealogy of this line of Hancocks is given in the volume of the Virginia Magazine of History just cited. One of the brothers of John Burton, Jr. namely Thomas, had a wife Johanna, a name rather peculiar to the Hancock family.

In June 1741 a deed was filed in which John Burton and Robert Burton joined as grantors with Henry Hatcher, Jr.

In 1742, on July 3rd, John Burton Jr. patented land on Nisom's branch, a tributary of Swift Creek, which ran near the boundary between the (later) counties of Cumberland and Chesterfield. This land patent was bounded by the lands of Henry Hatcher, James Farley and James Hill—names which subsequently became familiar in the Burton family transactions. It was on this tract of land that John Burton Jr. later seated his sons, and his large family grew up upon the banks of Nisoms (or Nisons) Branch. Not far away to the eastward lay Pocoshock run of Falling Creek where his father, "Old John" Burton and several others of his sons were then living.

In October 1742 John Burton, Jr. was appointed road surveyor "from county line to lower side of upper Tomahawk," with Henry Hatcher, Josiah Hatcher and Edward Logwood to assist him. Tomahawk was one of the headwaters

of Falling Creek. The James Hill whose plantation is mentioned as a boundary in the patent (*supra*) lived on the north side of Swift's Creek (Val. Pap. p. 1374).

Another patent was issued to him in this year (Book 21 p. 189) for "433 acres on the south side of James River adjoining the land of Henry Hatcher, Edward Harrison, &c."

In December, 1743, John Burton was one of the appraisers of the estate of his neighbor, Henry Hatcher, recently deceased. In the following year the inventory of Henry Hatcher's personal property was presented by Robert Ashurst, John Burton, Jr. and Ed. Logwood.

In 1745 John Burton, together with Thomas Burton, Senior, and Junior (his brother and nephew) were appointed to assist road surveyor John Hancock on the road from 'Pocoshock to Fallen (sic) Creek.'

In 1746 John Burton, Jr. was serving on a jury. In that year he made provision for his two older sons, John and Robert, as the following Chesterfield deeds will show.

Deed "between John Burton, Junior of Dale and John Burton ye younger of the same parish . . . 100 acres now in the possession of the said John Burton ye younger, for 5 pounds . . . part of tract patented by John Burton, Jr. in 1742." This deed was dated April 4, 1746, and was witnessed by G. Turner, Henry Hatcher and Thos. Gipson.

In the same month, April 1746, John Burton, Jr. deeded one hundred acres of the same tract he had patented in 1742 to Robert Burton of same parish, "now in possession of said Robert." The witnesses were the same as in the former deed.

In the same year 1746 a deed of Henry Farmer and Ealon Farmer was witnessed by John Burton and his brother Thomas. The Farmers were allied by marriage with John Burton, Junior, for the eldest daughter of the latter was mentioned in his will of 1740 as Agnes Farmer.

And now we have reached the last stage of the narrative concerning John Burton, son of John and grandson of Thomas<sup>I</sup> of Cobbs. His will, dated September 25, 1740 and probated first Monday in October 1747 makes the following provisions:—

“John Burton of the county of Henrico and Dale parish . . . to wife Elizabeth Burton all my personal estate during her Naturall Life then . . . that it shall be equally Divided betwene my two sons and my fore daughters viz Caleb Burton, Joseph Burton, Elizabeth, Sarah, Joannah and Mary Burton . . . unto my son Caleb Burton one certain tract or parcel of land lying in fork of Nisoms Branch and fifty acres more lying on the south side of the branch aforesaid, joining on James Forbes and James Hill . . . unto my son Joseph Burton the plantation whereon I now live . . . if either of my aforesaid sons Caleb or Joseph should die under age without Issue then to return to my daughter Elizabeth Burton and if Elizabeth should die without issue then to fall to my son John Burton and further those in possession of the aforesaid plantation shall have the care and Eddification (sic) of my two youngest daughters Joannah and Mary Burton . . . unto my son John Burton one shilling sterling . . . to my son Robert Burton one shilling sterling . . . to my daughter Agnes Farmer one shilling sterling . . . 25 Sept. 1740                      JOHN BURTON.”

The witnesses were Henry and Josiah Hatcher and John Popham.

At the solemn moment of making his will this testator showed unusual concern for his daughters, providing both for their material welfare and for their “Eddification.”

Intense solicitude for the interests of the ladies of the family prevailed among the Burtons, as is also shown by the

will in 1750 of an Abraham Burton (Son of Isaac?) which is found in the abstracts of Brunswick County Wills in the Collection of the Virginia Historical Society. This testator was a planter in Brunswick or Lunenburg county—the “last stand” of so many Virginia Burtons before they disappeared over the rim of the horizon into North Carolina and further south. His will strikes savagely at two of the most cherished of Virginia customs; in providing for his wife Anne he instructs his executors (John Peebles Sr. and James Maclin) that “no child, grandchild or relation of any kind live with her to be a trouble to her other than for a visit for two or three days or a week. She gives no gift to no one.” He evidently had a thorough knowledge of his consort as well as of her offspring.

To return now to our abstract of the will of John Burton, Jr. of Nisom’s Branch it appears that at the time of making his will in 1740, he had, besides the five daughters enumerated, four sons: John “ye younger,” Robert, Caleb and Joseph. The will makes provision for Caleb and Joseph—the two elder sons were seated by their father as we have seen on their own plantations. We shall now take up the younger sons.

1. Caleb Burton, who was under age at the time of his father’s will in 1740. Caleb Ware was a near neighbor, and probably related, as already suggested, to the Burtons of Pocoshock. It is possible that we have here the source from which the name of Caleb entered the family.

By 1757 Caleb Burton was living in Augusta county (as was his brother Joseph), for on June 4th of that year the following indenture was entered in Chesterfield Deed Book III at page 184:

“Calep (sic) Burton of Augusta county and John Burton (his brother) of Chesterfield .. 26 pounds .. parcel of

land . . in Chesterfield county on the north side of Nisons Branch adjoining the line of James Farley, Mary Harrisons, Henry Baker, John Burtons party to these presence (sic) and Godfree Hill on the south side of the said Nisons Branch . . 150 acres . .” (Signed) CALEP BURTON.

Witnesses:

Jacob Ashurst, Henry Hatcher, Junr., Henry Baker.

In 1758 a Caleb Burton was a member of the militia of Albemarle county (Hening VII. 203). The name was perpetuated in the family, for in 1815 the records of Mecklenburg county give the appraisal of the estate of a Caleb Burton whose only property consisted of a roan mare, valued at £10.

2. Joseph Burton was the youngest son of John, Jr.: to him his father left his dwelling plantation, as was the custom of that day, at least in the Burton family. He appears to have been still living in Chesterfield in 1753 for deed book II records on December 26 of that year an indenture between Josiah Hatcher and Henry Baker for:

“one hundred acres in the county of Chesterfield near the head of Nison’s Branch adjoining of Cumberland county line . . . Harrison’s line, Caleb Burton’s line, Joseph Burton’s line and Henry Hatcher Junior’s line being the land formerly purchased by Josiah Hatcher of Robert Burton and being now in the possession of the said Henry Baker.” Signed by Josiah Hatcher and witnessed by Phillip Bryan, Edward Hill and Henry Gipson.

The name of Joseph Burton reappears in Chesterfield county records in 1790 when one of that name, the son of John Burton and nephew of the earlier Joseph was a witness to the will of his brother William Burton.

The earlier Joseph, son of the testator of 1740, was, like his brother Caleb, living in Augusta county Virginia in 1756

as appears from the following excerpt from Chesterfield records p. 260:

“Indenture . . 1756 between Joseph Burton of Augusta county . . and Christopher Robinson of Chesterfield county . . part of tract whereon the said Burtons father lived . . 184 acres . . except the burying place about which the said Burton’s father was buried . . on Starkeys and John Burton’s line . . Caleb Burton’s line to John Burton’s Corner.” Signed Joseph Burton.

Witnesses:— Jacob Ashurst, Gerrard Ellison, Joseph Starkey.

Evidently Joseph Burton came back to the family nest on Nisom’s Branch to make this deed, for all three of the witnesses were neighbors of the old home. Jacob Ashurst (afterwards a Justice of the Peace) was a frequent witness to legal documents for the Burtons. In 1754 he was witness to two deeds of land by Thomas Burton, the uncle of Joseph, to his sons. In 1762 Jacob and Robert Ashurst and John Burton were witnesses to the will of Thomas Gipson of Chesterfield.

3. Robert Burton, like his elder brother John was left but one shilling in the will of his father, but in 1746 as already noted he received from his father a deed of gift of 100 acres of the paternal estate on Nisom’s Branch. He was already of age in 1740, and was probably about 33 years old when he made the following conveyance:

“January 20, 1752 . . Robert Burton of south Carolina . . to Josiah Hatcher for £30 . . a tract in Chesterfield . . bounded on the several lands of Henry Hatcher, Wm Harrison, Caleb Burton and Joseph Burton and on Nisom’s Branch and Cumberland County line, including the plantation whereon the said Robert Burton formerly lived.”

His migration to South Carolina removes him also from the pages of this chronicle.

Thus we have seen that within a decade after the death of John Burton, Jr., of Nisom's Branch, three of his four sons, Robert, Caleb and Joseph had sold the lands given them by the father and migrated far afield.

4. The oldest son of John Burton Jr., John "Ye Younger," remained in the family nest by Nisom's Branch and raised a large family there: John Burton "ye younger" was so called in the records because having been born about the year 1717, he was contemporary with his father John Junior and grandfather "Old John Burton" until their deaths in 1747 and 1756 respectively. John "ye younger" himself lived to the age of 82, thus keeping up the high average for longevity found in the Chesterfield Burtons.

The following references to him are taken from the books of deeds and the court order books of Chesterfield.

On October 8, 1745, there was recorded a deed by Mary Tanner and Joseph Tanner of Goochland and Henry Tanner of Henrico to "John Burton ye younger." The witnesses were George Kenyer and Thomas Gipson. The Tanners were a prominent family of southside Henrico (W. & M. xxii-xxiii). They were already allied to these Burtons, for Susannah Burton the aunt of this John "ye younger" had married a Tanner.

May, 1756, John Burton, Junior, served on a jury of inquest. He is here designated as "junior" because although his father had died nine years previously, his grandfather was still alive—in fact "old John Burton" must have died at this very time, since his will was offered for probate at the June term of the court in that year.

In 1757 he conveyed to William Wood of New Kent the 200 acres left him by the will of Caleb Ware. The witnesses were John Hancock, John Ellit and John Cobbs.

January 4, 1759, John Burton, Henry Farley and Henry Hatcher, Junior, witnessed a deed of Joseph Starkey of Dale to Josiah Hatcher of Cumberland for 96 acres on Swift Creek which had been formerly conveyed by Robert Hudson on April 4, 1755.

December 13, 1760, Thomas Logwood, John Burton, Nathl. Lacy and Josiah Turpin witnessed a deed of Thomas Melton to Philip Turpin of land on the south side of Swift Creek.

Chesterfield Deeds v, page 531:

“Indenture 23, October, 1767, between Henry Baker of . . Chesterfield . . and John Burton of the same county . . 60 pounds current money . . tract . . adjoining his the said John Burton’s line the county line and Hatcher’s line . . 100 acres . . including the plantation the said Baker now lives on.”

Witnesses:— Jacob Ashurst, Edwd. Friend, Nathl. Lacy.

November, 1767, John Burton again on a Jury of Inquest.

In 1772, John (“ye younger”) set his son John up as an independent landowner—the young man was then probably 25 years of age. The conveyance was as follows:

Chesterfield Deeds vii, page 2.

“I John Burton of the county of Chesterfield . . unto my son John Burton Junior of said county . . a parcel of land on Nisoms Branch of Swift Creek . . bounded by . . Farley’s line . . including the plantation my said son now lives on . .” April 1, 1772. (Signed) JOHN BURTON.

Witnesses: Edward Farley, William Winfrey, Jacob Ashurst.

This deed was proved in the July Court of 1772.

Chesterfield Deeds vii, page 435:

“Indenture . . Oct 20, 1774, between Henry Hatcher of the county of Chesterfield . . and John Burton of the



same county . . . 20 pounds . . . land . . . adjoining the lines of the said John Burton and divided from the said Henry Hatcher's line by a poplar." (Signed) HENRY HATCHER.  
Witnesses: Jacob Ashurst, John Burton Junior, Julius Hatcher.

In July 1779, John Burton made petition in court against Elisha Moxley.

On October 21, 1779, John Burton was the administrator of the estate of Thomas Gipson. There was an alliance by marriage between the families of these two men. John Burton was a creditor of this estate.

Chesterfield Deed Book x page 37:

"Indenture . . . between Jehu Compton of Amelia & John Burton, Sr. of Chesterfield . . . land . . . adjoining lines of John Burton, Sr. . . Vison (Nison) Branch and up the said Branch to William Burton's new line . . . 80 acres . . . 23 July, 1780." (Signed) JEHU (X) COMPTON.  
Witnesses: John Burton (Jr.) Henry Hatcher, William Burton.

The John and William Burton, witnesses, were two of the sons of John Burton (formerly "ye younger"), the grantee in this deed. In the year preceding, on October 1779, a deed from William Burton to John Compton was proved.

In August of 1780 a deed from John Burton to Robert Wooldridge was acknowledged in court. On May 24, 1782 the appraisal of the estate of Edward Garner Branch was made by Edw. Branch, John Burton and Wm Gibson.

We do not know the name of the wife of John Burton (ye younger). The abstracts of wills which follow show that he had at least six sons and seven daughters. His sons were named John, William, Charles, Hardin, Thomas and Joseph. His daughters were (a) (name unknown) who married . . . Pankey

and had a son Samuel Hardin Pankey; (b) Sally Burton (will 1801) unmarried; (c) Mary who married William Gibson of Bedford and had son John and daughter Nancy; (d) a daughter who married Charles Dubrel and had a son John; (e) Edith who married Abraham Sublett and had a daughter Edith; (f) a daughter who married Miles Gibson and (g) a daughter who married William Canfield(?).

No attempt has been made to carry these lines down further than the year 1800.

Reference has already been made to the transfer of land to his son John in 1772 by John (ye younger). His son William was also a landowner on Nisom's Branch. By the last decade of the century it is probable that all six of his sons were so established.

The few items in our note books referring to one or other of these sons are as follows:

Chesterfield Orders v. at page 346, November 1772, records the acknowledgement by William Gibson and John Burton, Jr., of a deed of land to Julius Hatcher.

Chesterfield Deeds VII, page 168:

“Indenture January 4, 1773 .. William Gibson of the county of Chesterfield .. and John Burton Jr. of the same county .. being bound with him to David Farley in two Bonds .. 20 pounds .. and 54 pounds .. 100 acres .. being the same tract purchased by the said William of David Farley.”

(Signed) WM GIBSON.

Witnesses, Francis Ashurst, David Farley, Jacob Ashurst.

The court records show that William Burton brought suit against Philip Turpin in 1779 and again in 1783. In that same session of the court Charles Burton sued Wm Russell for debt.

An interesting account of a coroner's inquest is found in Chesterfield County records shortly after the Revolutionary

War. Phil a negro man slave of William Burton had been murdered; Thomas Burfoot was the Coroner, and of the twelve jurymen, three were Woolridges and two were Carys! The jury "do say upon their Oaths that sum (sic) person unknown to us not having God before his eyes but being moved and seduced by the Instigation of the Devil on or about the 6th Day of the present Month with force and Arms on or near the plantation of William Burton . . . committed the said Felony and Murder . . . did fly away against the peace and Dignity of the Commonwealth."

Another, and less dramatic an entry concerning this William Burton is a deed to him on June 9, 1793 by Edward Branch of 25 acres on the south side of Pocoshock Creek.

As to Hardin, the son of John Burton (once "ye younger"), an item in the order book of Amelia County dated May 27, 1773 records a confession of judgment for trespass by him. We do not know how the given name of Hardin came into the family; the only reference in the earlier records which links together the names of Burton and Hardin is as follows:

Chesterfield Deed Book v. page 47, January 2, 1761.

"Lodk. Farmer, Charles Burton & John Cox witness deed of Thomas Hardin of Chesterfield .. & Richard Dale .. 55 pounds .. land .. on branch of Winterpock."

Hardin Burton served on a jury of inquest in Chesterfield in 1786.

The wills of John Burton once known as "ye younger" but now in his eighties, with those of three of his children are given next, in chronological order.

Hardin Burton, will 1788, of the county of Chesterfield  
".. to my brother John and William Burton all my landed estate to be equally divided between them .. to John

Gibson my nephew and son of William Gibson .. to my sister Sally Burton .. my brother Charles Burton .. to my nephew Samuel Hardin Pankey .. my father John Burton and friend Stephen Pankey executors.”

(Signed) HARDIN BURTON.

Witnesses:— Edward Branch, Thomas Baker.

William Burton, will 1790(?) 23rd November:

“William Burton of Chesterfield county .. to .. wife use of all my estate .. during her life but my will is that my brother John Burton’s son John Burton have my land where I now live .. to John Dubrel, son of Charles Dubrel . to my sister Nancy Gibson (s) daughter Elizabeth Gibson the remainder of my estate .. my negro girl Nell to my .. wife Mary Burton.” (Signed) WILLIAM BURTON.

Witnesses: Edward Farley, Joseph Burton, Mary Farley.

Since no executors are named in this will, it was necessary to appoint an administrator c. t. a; and Henry Hatcher served in that capacity, reporting the inventory of the estate in 1792.

John Burton, will June 2nd 1799, “wife .. son-in-law Miles Gibson .. Charles Dubrel .. Littleberry Sublett .. Abraham Sublett and wife Edith .. son Joseph Burton .. grand-daughter Phebe Forsee; grand-daughter Mary Crumpton; .. son Thomas Burton .. grand-daughter Edith Sublett .. son John Burton. Sons John and Joseph, executors.” (Signed) JOHN BURTON.

Witnesses: Isaac Salle, Sarah Pankey, Martha Pankey.

This, of course, was that John Burton of Nisom’s Branch who was known during the life-time of his father and grandfather as “ye younger.” The span of these three lives stretched from 1665 to 1799. Towards the end, this English line was

evidently absorbed by marriages with the french Huguenots from nearby Manakin Town.

Sally Burton, will October 1, 1801. "Sister Mary Gibson, wife of William Gibson of Bedford, and her daughter Nancy . . . brother Charles Burton . . . nephew John Burton, son of brother William Burton . . . niece Elizabeth, daughter of William Canfield(?) . . . brother Thomas . . . nephew Samuel Pankey . . . niece Elizabeth, daughter of Brother John . . . Brother Charles executor."

(Signed) SALLY BURTON.

Witnesses: Martha Branch, Dan'l Hudson.

In an article in *William and Mary Quarterly* xxvi (page 111 et seq.), reviewing the book on Thomas and William Branch of Henrico by James Branch Cabell, there are several references to members of this family group. There was a deed on October 13, 1794, by Thomas Branch, Senior, of Hannah Spring, Pokershook Creek, to Thomas Burton, conveying four acres, and five years later another conveyance by same to same for 24 acres "where the said Branch now lives." The will of Edward Branch, recorded in Chesterfield in 1804, mentions his daughter Elizabeth Burton; and makes Charles Burton, presumably his son-in-law, an executor.

Having now traced the line of John Burton ("ye younger") down to the end of the eighteenth Century, we turn back to the chronicles of his uncles, the younger brothers of his father John Burton Jr. of Nisoms Branch.

iv. The fourth son of John Burton of Cobbs (later known as "Old John Burton" of Chesterfield), was Isaiah Burton, who was born about the year 1698.

In 1728 his father deeded to him 85 acres on the south side of Falling Creek "for valuable consideration of 5 shillings current money." In 1736 Henry Cary of the county of

Henrico deeded to Isaiah Burton 600 acres in the "parish of Dale for 36 lbs current money . . . bordering on land of Caleb Ware." The last named, as already stated, lived near the highway between Manakin Town and Pocoshock run. The Henrico order book contains several items concerning Isaiah Burton; the first of these was on October 16, 1738, (p. 64) in which it was ordered that "Isaiah Burton, James Burton . . . with their tithables do assist Thomas Burton with his tithables to clear and keep that road in repair of which the said Thomas Burton was appointed surveyor at January court . . . 1737." The second Order in February 1745 contains the following item: "John Branch appointed surveyor of the road from Mannakin Town to Pocoshock Run and all male tithables of . . . Isaiah Burton, Isaiah Burton, Jr., Caleb Ware, (etc.) . . . to assist him."

The Chesterfield Order Book in October 1751 records: "a deed & mem endorsed from Isaiah Burton to John fowler was acknowledged by the said Isaiah, and his wife being privately examined and Relinquishing her Right of Dower in the lands thereby conveyed etc."

The deed referred to is in Chesterfield Deed Book 1, at page 282, and is dated April 3, 1751, conveying 600 acres in the county of Chesterfield to John Fowler of Henrico; mention is made of Caleb Ware's line. Signed Isaiah (X) Burton. Witnesses: John White, Mathew (X) Hobson and Nathaniel (X) Burton.

This John Fowler was no doubt a cousin of Isaiah's; the Nathaniel Burton who witnessed the deed may have been a son of the grantor. A Mrs. Susan Ann Burton of Georgia, writing to the Atlanta Constitution in 1901 (Joseph Habersham II. 313) contributed the following information: "my husband's grandfather Nathaniel Burton came to South

Carolina (from Virginia), married Susan Ashel raised seven children, I think; married second time Miss Whittle, raised one boy Joseph. My husband's father Isaiah came to Meriwether Co. Ga. married Miss Mimms and raised a large family, all of whom are dead except three boys, James Nathaniel of Atlanta, Job of Dallas Texas, John Henry of Milledgeville, who is unmarried. Isaiah Burton had three sisters that came to Georgia. Their descendants live in Middle Georgia. One sister married a De-Loach and died in South Carolina."

A Nat. Burton was a soldier in 1814 with Henry S. Burton from Buckingham county, Va. (W. & M. 2nd ser. x. 169). This Nat. Burton was no doubt a grandson of Isaiah or possibly of Isaiah, Jr., who was tithable in Chesterfield as we have seen in 1745, and thus must have been at least 16 years old at that date. Three deeds of which abstracts now follow, show that Isaiah Burton, Senior, moved to Albemarle county some time before 1757, and probably after 1753, in which year his wife Obedience brought suit against Charles Burton in Chesterfield county.

Chesterfield Deeds III, page 120:

"Indenture . . March 4, 1757 between Ware Rockett of the county of New Kent . and Isair (sic) Burton of the county of Albemarle . . 30 pounds . . tract . . in the county of Chesterfield . . 200 acres . . south side of James river being part of a large tract of land containing 1500 acres belonging to Thomas Burton as by his deed it may fully appear . . white oak in the head of Rocky Run."

(No witnesses recorded.)

WARE ROCKETT.

The grantor in this deed who was a cousin of Caleb Ware, the next door neighbor of Isaiah and of his brother Thomas Burton, had obtained this tract of land by conveyance from Thomas Burton in 1745. At that time "Ware Rockett,

carpenter" resided in Dale parish. The balance of his 1500 acre tract was divided up by Thomas between his sons John and Thomas Burton in 1753.

On the same day upon which Isaiah Burton received the conveyance of the 200 acre tract from Ware Rockett, he sold the 85 acre tract given him by his father John Burton in 1728.

(Chesterfield Deeds III, page 129):

"Indenture . . March 4, 1757 . . Isair (sic) Burton of the county of Albemarle (sic) . . and Abraham Cowley of the county of Henrico . . 30 pounds . . parcel . . in the county of Chesterfield on the south side of Falling Creek . . 85 acres . . bounded by land of John Baker and Jacob Waddle."

ISALAH BURTON.

(No witnesses recorded.)

The John Baker mentioned was one of the two witnesses who, the year preceeding this deed, had proved the will of "Old John Burton", the father of Isaiah. John Baker purchased in 1761 the land of James Burton, a brother of Isaiah, when this James left the family hive on Falling Creek for the new region of Charlotte county.

Chesterfield Deeds IV, page 456:

"Indenture . . Oct. 20, 1763, between Isaiah Burton Senior, of the county of Buckingham. Planter . . and John Burton (son of grantor's brother Thomas) of the Parish of Dale in the county of Chesterfield . . 28 pounds . . tract in the said county of Chesterfield . . 200 acres it being at the upper end of Thomas Burton's tract."

(Sgd.) Isaiah Burton.

Test. William Burton, John Worsham, John Trabue.

We have not pursued the Isaiah Burtons into Buckingham county; it is understood that there is no will on record there



in that name. One branch of this line later moved to South Carolina and thence to Georgia, as indicated by the citation given above. Scions of this stock were still in Buckingham in 1814 as shown by another reference herein-before.

Isaiah Jr. is the only son who may with complete certainty be ascribed to Isaiah; Nathaniel seems in all probability to have been a second son; it is possible that the William who witnessed the foregoing deed was another son.

v. The next son of John Burton of Cobbs was James. In 1736 he was living on lands next to his father, for in that year John (of Cobbs) granted 85 acres of his Pocoshock Run estate to his son Thomas "joining on those of James Burton." Andrew Laprade, James Burton and John Laprade witnessed the deed.

In 1737 James was tithable in Dale parish. At some period between that year and 1750 he joined the stream of emigration from the older settlement to the new lands in the Roanoke Valley. In 1750 he was tithable (for one) in the new county of Lunenburg (Bell's "Sunlight on the Southside").

On May 1, 1761, an indenture was recorded in Chesterfield Book of Deeds IV, page 374, as follows:

"James Burton of the county of Lunenburg, Planter, and Judith his wife . . . and John Baker of Dale parish and county of Chesterfield . . . 85 acres . . . on the southside of Falling Creek . . . bounded . . . Baker's line . . . to a corner on the said creek . . . it being the land that was given to the said James Burton by his father John Burton."

(Signed) James (X) Burton.

In 1764, in Cornwall parish of Lunenburg county the list of tithables includes "James Burton, Jr, 1,200 acres, James Burton, Senr. and Thomas Burton, 400 acres." Cornwall parish was formed into Charlotte county in 1765—the same

year in which the adjoining county of Mecklenburg was also carved out of Lunenburg.

In the 1782 census in Charlotte, James and Thomas were the only Burtons there who were listed as heads of families. Their father died at that time as is proved by his will, of which the following is an abstract:

Will dated March 13, 1781, probated by the executor Thomas Burton in Charlotte county June 2, 1783.

“James Burton of the county of Charlotte . . . to my son Thomas Burton the land and plantation I now live on containing 120 acres, after the death of his mother . . . also one feather bed and furniture with two cows, also my cross cut saw; I give to my son James Burton one pair of Stilliards (sic) . . . to my Grand Daughter Elizabeth Burton . . . to my daughter Agness Hudson 20 acres of land Joining the land she now lives on . . . my desire is that Thomas Burton pay to my daughter Mary Ail, three pounds . . . son Thomas Burton executor. Thomas Burton paid (sic) his mother a sufficient maintenance during her life.” Signed: James(×) Burton.

Witnesses: Franc. Barnes, Chrt. Rowland, Judith Barnes.  
(Charlotte Will Book I. p. 335.)

VI. The sixth son of John Burton of Cobbs (son of Thomas<sup>D</sup>) was named after his grandfather — Thomas Burton. He was born shortly after the beginning of the new century and died in 1773.

We have already noted the fact that in 1736 his father deeded him 85 acres of land adjoining the plantation of James Burton. In 1737, together with his brothers Isaiah and James as assistants, Thomas was appointed a road surveyor. In 1739 Thomas and his son Thomas Junior witnessed a deed from John Burton to Edward Logwood, and in 1741 Thomas was a road surveyor from “Andrew Laprades to Hannah’s

Spring." In February 1745, the county court appointed John Hancock surveyor of the road from "Pocoshock Run to Fallem (sic) Creek," and directed that all male tithables of Thomas Burton, Thomas Burton Junior, John Burton etc., should assist him. The Thomas Junior and John here referred to were the two sons of Thomas, Senior.

A deed in Henrico (later Chesterfield) in December 1745, from Thomas Burton Senior to Ware Rockett, "Carpenter" conveys land in Dale parish "given him (supra 1736) by his father John Burton, . . . beginning corner of James Burton's in fall creek." This deed is signed by Thomas Burton and Joanna (X) Burton. The maiden surname of his wife is unknown—she may have been a Hancock. The deed given above was witnessed by John Redford, Abraham Bailey and John Cox.

In 1749, John Hancock, Thomas Burton, Andrew Leprade and Peer Forkran were appointed appraisers of the personal estate of Thomas Nunn, deceased.

In 1753 Ware Rockett "of the Parish of Dale" sold a tract of land to John Baker, and Thomas Burton was a witness. In 1754 Thomas obtained an attachment against the goods of Ware Rockett; but it was later dismissed.

In the year 1753 Thomas made provision for his two sons Thomas junior, and John. He divided between them the bulk of his 1500 acre tract as is shown by two deeds recorded in Chesterfield of which abstracts follow:

"Thomas Burton to his son John . . . 1753 . . . for 5 shillings, conveying 594 acres on Pocoshock and Beaverdam Branch of Falling Creek . . . Matthew Branch's line." This was signed by Thomas Burton and witnessed by Jacob Ashurst, Wm Waddill and John Cayce.

In the same year, on May 3rd, and before the same witnesses, Thomas deeded to his son Thomas Burton, Jr. "677

acres on Beaverdam Branch of falling creek . . to Ellison's Corner Black Oak . . up the meanders of Beaverpond."

The transfers of such large tracts of land to his sons may have been made in expectation of death, but as a matter of fact, Thomas Sr., lived on for nineteen years longer. Joanna his wife died, apparently, before the making of the two deeds just cited.

The Chesterfield Order Book II. at page 249, for January 1757, records as follows:

"On the petition of Gerrard Ellyson ordered that Matthew Branch Thomas Burton, Sr., John Hancock and John Brummall . . view the road proposed to be opened by the said Gerrard from his mill to the road from Manakin Town to John Burton's and report their opinion."

Again in August 1759 the court ordered that "Thomas Burton survey the highway whereof John Brummall was late surveyor."

The will of Thomas Burton Senior of Pocoshock was dated 8 December, 1771, and probated November 1773 (Chesterfield Will Book II, p. 1. Order Book v. 346). An abstract follows:

"Thomas Burton of Chesterfield county . . to my son Thomas my great bible and one dollar . . to my grandson Thomas Burton my plantation and all the land I hold . . four negroes to my granddaughter Martha daughter of my son John . . to my son John . . ". . all the rest of my estate . . to be equally divided betwixt my son John and grandson Thomas . . son John and my grandson Thomas executors."

THOS. (X) BURTON.

Test. Robert Cary, John Wood, John Wood (sic).

The inventory of the personal estate of Thomas Burton, Senior, was filed in January 1774 by George Kleinhooff,

Thomas Branch and John Fowler—the total reached the sum of £ 587-14-0. Kleinhoof was the keeper of the nearby ordinary.

The wife of Thomas Burton Senior of Pocoshock probably died many years before him; he seems to have left him surviving but two children—both sons.

Thomas Burton, Junior, of Pocoshock, the eldest son was born about the year 1723. The first mention of him in the records is in 1752 when he witnessed a deed of land on the north side of Falling Creek from Henry Farmer to Morris Roberts. Some 38 years later Morris Roberts was the leading witness of the will of this Thomas. In 1755 the will of Alex (×) Snelling was witnessed by Gerrard Ellison, Thomas Burton, Jr. and John (×) Moody. In the same year Thomas was a creditor of the estate of Thomas Beasley for wool.

In May 1757 Thomas Burton, Jr., and John Burton, Jr. (brothers) were on a jury of Inquest.

In June 1758 William Boogle & Co. brought suit against Thomas Burton, Jr.

This Thomas appears to have had only one child, a daughter Sarah. The Chesterfield Deed Book iv, page 480, contains the following conveyance:

“I Thomas Burton, Junior, of Chesterfield . . unto my son-in-law George Hancock of the county aforesaid and Sarah Hancock my daughter, his wife . . 500 acres of land situate . . on Beaver pond Branch of Falling Creek bounded . . mouth of a Gut on the said Beaver pond Branch, thence up the Beaver branch as it meanders to my line . . 8th of May 1763.”

THOMAS BURTON.

Test. William Smith, Thos. Franklyn, Henry Smith.

The land conveyed was evidently the greater part of the tract of 577 acres given to him by his father ten years earlier.

In 1778 Thomas Burton was a creditor of the estate of Betty Todd, deceased, in the sum of £8-13-0.

On April 27, 1791, Thomas Burton, Thos. Branch and Bernard Markham were witnesses to the will of John Trabue. This must have been shortly before the death of Thomas Burton (Junior) of Pocoshock. His will, of which the date of probate is not available, was signed in 1790, and by it he left the whole of his estate to "my grandson George Hancock, son of George Hancock, Sr." The witnesses were: Morris Roberts, Olive Roberts, Charles Burton and Sarah (X) Hatcher.

John, the second son of Thomas Burton, Sr. of Pocoshock, and an executor of his father's will, was born probably about the year 1726. He is first mentioned in Chesterfield records in 1753 when his father gave him 594 acres of the Pocoshock estate. Again in November 1755 when he brought suit against Elz. Nunn.

The November court in 1768 ordered that Edward Hill, John Burton and Thomas Burton "view the grounds proposed to turn the road in by Dudley Creeke."

In 1781 John Burton was witness to the will of Thomas Cary in Chesterfield, who mentions his lands on "Pokerhock" Creek (Chesterfield Wills III. p. 489).

This John Burton, the son of Thomas Sr. of Pocoshock, had a daughter Martha and son Thomas, as seems clearly indicated by the terms of his father's will. That he had a son John as well is established by an indenture of February 22, 1785 (Deeds x. 481) as follows:

"Between John Burton son of Thomas of the county of Chesterfield and John Burton son of the aforesaid John of the other part that the aforesaid John Burton the elder . . . Love & Affection . . . unto his said son John Burton the

younger . . and the sum of 5 shillings . . land in the county of Chesterfield . . on south side Pokeshock Creek adjoining said creek and bounded . white oak on Pokeshock on the Church road then up Pokeshock . . 123 acres.”

(Signed) JOHN BURTON.

Witnesses: Bernard Markham, Charles Burton and William Cary.

This John Burton seems to have died intestate shortly before May 8, 1797, on which date the inventory of the personal estate of one John Burton was filed in Chesterfield court by Charles Burton, administrator, Sarah Burton, administratrix, John Trabue, Henry Rigby, and Miles Cary. Charles Burton the administrator was doubtless the one of that name who witnessed the deed of 1785 given above. He may have been an otherwise unrecorded brother of the decedent, or he may have been the son of John Burton “ye younger” who lived not far away on the headwaters of Swift Creek, and thus a third cousin of decedent.

The “grandson Thomas” mentioned in the will (1771–1773) of Thomas Burton, Sr. of Pocoshock, may be the individual of that name who enlisted in the Revolutionary Army in Hanover county, Virginia, in 1778; his claim papers show that this Thomas later removed to Albemarle county. References to him and to his wife Frances may be found in the records of both Hanover and Albemarle counties. His land in Hanover, which he sold in 1786, is described in the conveyance as having been “Purchased by the said Burton’s father and which he fell heir to.” (W. & M. XXI. p. 151.)

The account of the life and works of Old John Burton would be incomplete without the mention of a trifling indiscretion which may be thought to mar his otherwise entirely estimable record, occurring as it did when he was already some sixty years of age. The Bristol parish register records in 1725

the birth to Judith Nunsry of a son Samuel Burton. The churchwardens were not so discreet and reticent in their mention of this incident, for in Henrico "Loose Papers," we find the following:

"Wee William Randolph, Esq., and Edmund Booker, Gent., Churchwardens of this parish of Henrico in the county of Henrico do by order of the Justices of the said county made at court . . . first Monday in September 1730 . . . Bind unto Thomas Cheatham, Senr. his executors . . . Samuel Burton a bastard child of Judith Nunslllys . . . 3 April, 1732."

In a deed of land in 1739 by John Burton to Edward Logwood, the witnesses were Thomas Burton (John's son), Thomas Burton, Jr. (son of preceding) and Samuel Burton.

Samuel is mentioned only once more—as "my son Samuel Burton" to whom Old John leaves one shilling in his will of 1754.



*Chapter VI Charles Burton of Swift Creek;  
William of Charles City; Chesterfield Burtons*

Charles Burton of Swift Creek, Chesterfield county, was born about 1696 the son of Abraham<sup>1</sup> Burton of Cobbs and Anne Featherstone his wife; the other children of this couple are identified with the founding and development of Amelia county. Charles remained behind in Henrico—later Chesterfield. A brief description of his record and that of his sons is introduced “out of turn” at this point, in order to bring all of the Chesterfield Burtons together.

The will of Abraham<sup>1</sup> Burton of Amelia, 1736, appointed his son Charles an executor and made for him the following provisions “all my land on Swift Creek in Henrico County, being a tract of land containing 200 acres I purchased of Captain Thomas Jefferson . . . also fore negroes.”

When Abraham Burton moved to the mouth of Deep Creek across the Appomattox, he left his son Charles at the Swift Creek plantation, and the reason is not far to seek—Charles had married the daughter of a neighbor there, as shown by the will of James Franklin, Senior, of Dale Parish, dated December 9, 1736, in which testator devises “unto my well beloved daughter Loveday Burton wife of Charles Burton of the county of Henrico . . . 150 acres to the Long Swamp marked out by Charles and Thomas Burton.”

We have no means of fixing the date of the marriage of Charles Burton and Loveday Franklin; it was certainly earlier than 1735 for in that year they entered the birth of a son in Bristol parish register. In 1735 Charles Burton must have been between the ages of 35 and 40, so there is a possibility

that he had been married previously and had thereby become the founder of one or two lines in Henrico (Chesterfield) which we have already mentioned as not definitely placed. Certainly his eldest son Thomas may well have been the offspring of an earlier union.

The following items concerning Charles Burton have been taken from Chesterfield records:

On June 5, 1749, the court ordered that "a Road be opened from the road near John Blankinship's to Swift Creek at or near Charles Burton's and from there to second branch road. That George Cogbill be overseer thereof to have the hands of Peter Fitzpatrick, Charles Burton, Wm Perkinson, John Vest and Henry Womack."

In June and October, 1751, and July 1752, Charles Burton served on a jury. In January 1752 the Levy court paid him ten pounds of tobacco; in August 1752 George Cousins was ordered to pay Charles Burton and his wife 200 lbs. of tobacco for four days attendance each as witnesses for him against "freeland."

In June, 1752, the estate of Peter Gill, deceased, was directed to pay £9-14-6 to Charles Burton, Senior, for hides. This is the first time he is designated as "Senior" which shows that his son of the same age was already at least 16 years old, and thus tithable.

The Chesterfield Order Book on August 1752 contains the petition of Charles Burton to build a mill on Swift Creek near his own plantation; permission was granted by the court on the understanding that he would build a mill dam at least seven feet high.

Charles Burton devoted a large part of his career to litigation. There follows a partial list of the suits in court in which he was engaged: 1738 James Franklin vs. Charles Bur-

ton; 1739 Field Jefferson vs. Charles Burton; 1739 John Puckett vs. Charles Burton; 1752 Shipy Allen Puckett vs. Charles Burton (dismissed) and Charles Burton vs. John Gibbs for debt; 1753 John Wayles vs. Charles Burton; 1754— in this year two ladies of the family connection brought suit against him and he triumphed over them both: Obedience Burton the wife of Isaiah Burton of Pocoshock, and Phebe Burton, a niece of Charles. 1761, Thomas Hanks vs. Charles Burton and Gerrard Walthall vs. same; 1768 Wm Anderson & Co. vs. Charles Burton for debt; 1769 Charles Burton vs. James Franklyn, Jr. whom we believe to have been his wife's nephew—“the suit being brought for words to wit That the Plt. kept a sifter in his mill and sifted the customers meal & converted it to his own use. The Deft. confessed in court that he did not think Plt. guilty and that he never spoke the words Thereupon the suit dismissed.”

1772, Charles Burton vs. John Arbuckle, dismissed; 1774 Charles Burton vs. John Nunnally.

Assiduous litigation no doubt varied the monotony of life as a miller and dealer in hides.

That Charles Burton had a softer side appears, however, from a deed dated February 6, 1756, when he conveyed to his “beloved son Thomas Burton” 150 acres of land on the south side of Swift Creek, “bounded by the said Creek and the lands of Peter Fitzpatrick, John Sturdevant and Thomas Dance the younger.” The order book (11. 156) contains an entry for February 1756 of acknowledgement of a deed of gift from Charles Burton to his son Charles. The gift no doubt was another tract of land.

On May 7, 1756, Thomas Jotty, Junr., Charles (C) Burton and William Vaden witnessed a deed of Henry (X) Worsham the younger of Amelia to John Rowlett of Chesterfield for

100 acres in Chesterfield bounded by Worsham's line, Francis Patraham's line, and Rowlett's line. (Chesterfield III. p. 52).

For some ten years thereafter, Charles's name is mentioned only once in the records—in 1761 (already noted); then in 1767, March 3rd, he was the grantee in a deed entered in Chesterfield Deeds v. at page 488:

“William Thompson of the county of Amelia . . and Charles Burton of the county of Chesterfield . . 180 pounds current money of Virginia . . 400 acres . . bounded . . the lands of Thomas Branch, Isham Thompson, Drury Thompson, Benjamin Chaulkley and Stephen Beasley.”

In the year 1767 Charles Burton was twice witness to deeds made by a cluster of his neighbors and friends. These names are perhaps worth noting: Edward Osborne & Eliz. his wife; Christopher Branch and Martha his wife; Josiah Tatem and Sarah his wife; Branch Tanner and Mary Page his wife and Robert Goode of the county of Chesterfield, Henry Mitchell & Priscilla his wife of the county of Sussex, Thomas Branch Willson and Elizabeth his wife of the county of Amelia and John Goode of the county of Mecklenburg—all the above were joined as grantors and Leonard Ward of the county of Chesterfield was the grantee. After this imposing body of subjects of King George had united to bring about this conveyance, it appears that the parcel of land amounted to only “73 acres . . Kingsland”—*mus ridiculus exit!* (Deeds v. 497).

In June 1767 Charles Burton and his wife (not named) acknowledged a deed to Christopher Branch. In August of that year, Charles was fined 350 lbs. of tobacco for not appearing as a witness in court.

On November 17, 1769, the will of Cicely Bass was witnessed by Samuel Hatcher, Charles Burton and Edward

Hatcher, and these three together with Henry Moody, Junior, were, in the following year, designated to appraise the estate. An alliance between Henry Farmer and "the Extrix. of William Bass" many years before (county court note book for April 1931) brought the Bass and Burton families in the charmed circle of "kin," since the eldest daughter of John Burton Junior (first cousin of Charles) had married a Farmer.

In January 1771, Christopher Branch and Charles Burton went on a bond promising that Robert Burton would keep the peace.

After 1774 we find no further reference in the records to Charles Burton, the son of Abraham<sup>1</sup> of Cobbs. It is probable that he died just before the curtain rose upon the drama of the war of the Revolution.

He left behind him several sons, Thomas, Henry, Charles, Jr., Benjamin, Abraham and possibly a Robert Burton and a Richard Burton.

1. Thomas was apparently his eldest son, though there could not have been much difference in age between him and Charles, Junior.

Thomas first appears in the records in 1756 when his father deeded land (as noted above) to his "beloved son Thomas." He is again referred to in Chesterfield book x. page 37:

"Indenture . . . Nov. 7, 1783 . . . between Thomas Burton and Sarah his wife . . . of the Parish of Dale . . . & Thomas Irwin of the same county and parish . . . 165 pounds current money . . . 150 acres on the south side of Swift Creek bounded by Peter Fitzpatrick, John Sturdivant, John Dance & Charles Burton (Jr), it being the same tract that Charles Burton conveyed to the said Thomas Burton by Deed 6 Feb. 1756, and recorded in the county of Chesterfield.

(Signed) THOMAS BURTON,  
SARAH BURTON.

There are only two other references in the records which may with some degree of accuracy be assigned to this Thomas Burton, son of Charles:

In the suit of Charles Burton against James Montgomery in Chesterfield court in May 1773, "Thomas Burton garnishee acknowledged sundry effects."

And, finally, in May 1777, Thomas Burton went security for a John Burton's keeping the peace—possibly a son of Thomas.

2. Another son of Charles Burton of Swift Creek was named after his father, and appears in the Chesterfield records from 1755 to 1773 as "Charles Burton, Junior."

As a young man his career was tempestuous, for his first four appearances in the county records were due to trespass, assault and battery. The first of these was a suit by John Chetwood, Jr., vs. Charles Burton, Jr.: the next was an indictment entered as "The King agt. Charles Burton, junior," in which instance he was fined 40 shillings; thereupon, Charles promptly sued John Gibbs for trespass, assault and battery; in the following year Charles himself was sued for the same offence by Martha Leister. The atmosphere of that day and locality was obviously trying for the would-be gangster.

After this breezy entrance upon the arena, Charles Burton, Jr. soon settled down for a short time—perhaps under the steadying influence of his wife Sarah, whose maiden name is unknown. No doubt she married him to reform him.

On September 4, 1767, Charles Burton, Jr., and Sarah his wife deeded to "Edward Osborne, Gent" for £2-19-0 51 acres "to the back line of the land late belonging to Thomas Branch, Dec'd . . . thence to the road." This deed was signed by Charles and Sarah Burton and witnessed by Daniel L. Hylton, James Harris & Thomas Worsham.

In 1770 Charles Burton, Jr., brought suit against John Branch.

In June of 1771 Charles Burton Jr., was appointed "Ballast Warden" at Osbornes (in Chesterfield County), and sworn.

In 1772 the Chesterfield Order book v. at page 193 notes the fact that "David a negro belonging to Charles Burton, Jr., was adjudged seven years old." It may seem odd that these solemn authorities should have concerned themselves with fixing the age of a pickaninny, but the assessment of tithables depended upon the age of the adolescent—whether white or negro.

In March 1773, he showed a flicker of the old fighting spirit for the Order Book records:

"On complaint against Daniel Nunnally and Charles Burton, Junr., ord'd that they give surety each in Panalty (sic) of Ten pounds for keeping the peace for one year next."

An indenture of November 19, 1773, gives us the locality of the home plantation of Charles Jr. up to that time.

"Charles Burton, Jr., of Dale parish . . and John Bolling of Goochland county . . 250 pounds, tract . . lying on Proctor's Creek whereon the said Charles Burton now lives."

This deed was signed by Charles Burton, Jr. and witnessed by Archibald Cary, Thos. M. Randolph and David Coupland. The simple Charles was living somewhat above his form among the "F.F.V. s!" Proctors Creek flows into the James and was apparently at the northeastern end of the belt of lands acquired by Charles Burton, Senior from his father Abraham<sup>I</sup> and from his father-in-law Franklin.

The will of James Franklin of the parish of Dale, dated May 2, 1776, was witnessed by William Legh, Charles (X)

Burton and Richard Burton. This will mentions testator's sons John, James, Joel, Josiah and daughters Agness, Elizabeth, Judith, Ann Nunnally, Mary Puckett, Phebe Allen and Agness Stiles.

Finally, on December 18, 1792, we find Charles Burton (no longer junior) as the grantor in a deed to Drury Wilson of 25 acres of land "which was granted to the said Charles by patent dated June 15, 1773." This tract of land adjoined the properties of John Vaden, Henry Dance, and others. The deed was signed Charles (X) Burton and witnessed by George Markham, Daniel Moore, Ezekiel Dance and Henry Dance.

3. A Richard Burton who is mentioned in the records of Chesterfield County several times from 1751 to 1784 may have been a son of Charles<sup>r</sup> of Swift Creek. His first appearance is in the order book in June 1751 when Rhoderick Easley and Daniel Weldon, Executors of Samuel Weldon, deceased, bring suit against Richard Burton and Robert Burton in debt. The action was dismissed.

On May 2, 1776, Richard was a witness with Charles (X) Burton to the will of James Franklin of the Parish of Dale.

In June, 1784, Richard was on a Jury of inquest at Dyers from Swift Creek.

No further information concerning him may be found in our notes.

4. A fourth son of Charles and Loveday Franklin Burton, was Henry Burton whose birth in 1735 is recorded in the Bristol Parish register.

The first mention we find in the records concerning Henry is in May 1761 when Robert Hancock brought into court a petition against Henry Burton. In 1766 the administrator of Thomas Burton deceased brought an action against Henry Burton.



An indenture of January 8, 1774 (v. 291) gives us the name of Henry's wife:

"Henry Burton, Ann Burton, Benjamin Burton of the county of Chesterfield . . and Captain James Elam of the same county . . 65 pounds . . land . . on the branches of Deep Creek adjoining the lines of Elam's, Church's, and Walthall's . . 120 acres . . including the plantation the said Henry Burton now liveth on being the land devized by Gilbert Elam late of this county deceist (sic) to his daughter Ann wife of the said Henry . . ." (Signed) by Henry Burton, Ann Burton; witnessed by Luke Fowler, Rich'd Elam, Archer Blankinship.

The last entry in our notes referring to this Henry Burton is a court order of April 1777 in which the suit of Benj. Burton vs. Henry Burton was dismissed.

5. The youngest son of Charles, Senior, and Loveday Burton was named after his grandfather Abraham Burton. He, like his brother, Charles Jr., was mentioned in the will (1745) of his grandmother Anne (Featherstone) Burton. The old woman had picked out for a bequest the two grandsons who were named respectively after her own father and her husband, both of whom had been gathered to their forefathers long before this will was made.

The first mention of him in Chesterfield records is in March 1770 when a deed from Abraham Burton to John Traylor, Junior, was proved by the oaths of Richard Williamson and James Blankinship. In October of the same year a deed from Abraham Burton to John Traylor was 'proved by Jane Arnold and the said Abram's wife' (unnamed).

In 1772 Messrs. Field & Call brought suit against Abraham Burton, and his brother Charles Burton, Junior, went special bail for him in the sum of £17-2-6.

In this same year, Abraham was led astray by his high-spirited older brother Charles (Jr.) for the court recorded as follows in the September term, 1772:

“Charles Burton and Abram Burton misbehaving in the court yard and the said Charles being brought into court and heard is ruled to give surety for keeping the peace each in the penalty of Twenty pounds and one surety in the same penalty. Thereupon the said Charles with Chastain Cocke acknowledged their recognizance for that purpose.”

In September 1773 a suit brought by Alexander and Peterfield Trent against Abraham Burton was dismissed.

The last reference to this Abraham, the youngest son of Charles & Loveday Burton is on June 27, 1786, when the will of Ann Cousins of the parish of Dale left a legacy of £10 to “Abraham Burton the son of Charles.”

Charles & Loveday Burton had also at least one daughter Susan.

To complete the list of children of Charles and Loveday Burton, of neither of whom has a will or an administration been found, we shall add tentatively two more sons: Benjamin and Robert Burton, who judging from the scanty information available, seem to belong to the family group at Swift Creek.

6. Benjamin Burton is twice mentioned in the preceding paragraphs referring to Henry Burton. Benjamin Burton, Junior of Henrico Parish also owned property in Dale Parish at this time; his personal estate in Chesterfield was liquidated in 1770 and the next two years by James Lyel the merchant. The Benjamin of Dale Parish lived at least a decade longer than his distant kinsman of the same name in Henrico; the following items clearly refer to the Benjamin of Dale:

Chesterfield Deed Book IV page 153: a deed from the vestry of the Parish of Dale, which at that time (1760) consisted

of the following: Richard Eppes, Wm Anderson, Wm Bass, Robert Goode, Seth Ward, B. Watkins, Archibald Cary, Wm Watkins, John Robertson, Richard Royall, Thomas Batt and Francis Moseley:

“to Benjamin Burton of the same county .. by virtue of an act of assembly .. to sell the Glebe land .. do sell .. 7 pounds ten shillings .. unto the said Benjamin Burton one Lot or half acre .. in the town laid off out of the present Glebe .. marked 87. Dec. 5, 1760.” Recorded January 1761.

In April 1770, John Markham brought suit against Benjamin Burton; attachment; dismissed.

Chesterfield Deeds VII, page 414:

“I Benj. Burton of the county of Chesterfield and parish of Dale .. unto Archer Traylor of the county and parish aforesaid one negro boy named Simon about sixteen years old .. 30 pounds .. 20 March 1773.” (Signed) Benj. Burton, Archer (X) Traylor, and witnessed by Joseph Traylor, Jesse Traylor, Richard Wilkinson. Proved November court, 1773.

In April 1774 Benj. Burton brought suit against (his brother) Henry Burton; the action was dismissed.

In February 1776, a deed from Benjamin Burton to John Stewart Redford was acknowledged “by the said Benja. & his wife.” In 1779 Benjamin Burton brought action against John S. Redford, but the suit was dismissed.

7. The seventh and last individual whom we can assign with any reason to the list of sons of Charles<sup>1</sup> of Swift Creek, is the Robert Burton who appears in the following records:

Jan. 1771, “Robert Burton appeared in court on a complaint of Henry Cheatham Ordered that he give security

for Keeping the Peace. He with Christopher Branch and Charles Burton his sureties undertook for that purpose.”

March, 1771, “On petition of Robert Burton & Sarah his wife praying leave to build a water mill on Possimmon (sic) Branch at a place where they own the land on both sides the said Branch,” granted.

Aug. 1772, “A report of the Surveyor’s Jury taken on the line in dispute between Robert Burton, Wm Walthall, orphan of Richard Walthall dec’d & George Cogbill .. costs to be paid by Robert Burton.”

In 1773 and 1774 Robert Burton as assignee of John Woodson brought suits against Richard Royall and William Royall.

The last entry referring to this individual of which we have note, reads as follows:

May, 1777, “on plaint of Richard Randolph Gent, against John Burton & Sarah Elam in custody Ordered that they give security for keeping the peace & being in good behaviour for the space of one year .. Robert Burton & Thomas Burton his securities & John Archer & Robert Good her securities.”

Henry Burton, the son of Charles Senior of Swift Creek, married, as will be remembered, Ann the daughter of the late Gilbert Elam. The occurrence which now so disturbed the peace of mind of “Richard Randolph, Gent.” was evidently a Burton-Elam family typhoon of sorts. By the time this tidy little trouble was settled, quiet must have reigned once more along Swift Creek, since most of the Burtons had now been bound over to keep the peace.

Two Chesterfield County wills of this period convey suggestions as to the matrimonial alliances of the Swift Creek Burtons. One is that of Edward Folkes on September 20,

1783 in which he mentions his daughter Sarah Burton. Two, if not three of the sons of Charles<sup>1</sup> Burton had wives Sarah—Thomas, Charles Junior and Robert. As to the last named, a second will, that of Elizabeth Traylor, April 22, 1781 is significant: she mentions her son Jesse and her grandson Archer Burton. The witnesses were Archer Traylor, Josiah Fowler and Elizabeth Fowler. It seems probable that testatrix was herself born Archer. The Traylor names are associated with the references previously given concerning two other sons of Charles of Swift Creek—Abraham and Benjamin Burton. The reference to Archer Burton leads us to the will of Robert Burton of Mecklenburg County (Book IV p. 67); an abstract follows:

Will of Robert Burton dated March 20, 1798, probated July 9, 1798. "To his sons Archer, Robert, Elisha, one negro, bed and furniture each. To his son William, one negro, one bed and furniture and the one hundred acre tract of land in Mecklenburg he got of Cage (sic) Burton. To his daughter Minnie Rolfe, one negro, bed and furniture and a copper kettle. To his son John two negroes, one bed and furniture and all the land on the south side of Allen's Creek and the tract he was then living on—Home Place. To his son Allen two negroes, bed and furniture, one horse and the remainder of his tract of land he then resided on, on the north side of Allen's Creek. The rest of his estate not mentioned he gave to his sons Robert, Elisha, William, John and Allen to be equally divided. His son John and William Rowlett, executors."

In the Census of 1782, in Mecklenburg, the list of Samuel Dedman giving the heads of families in his precinct names the following four Burtons one after the other—presumably next-door neighbors: Peter, with 12 whites and 6 slaves;

Abram with 3 whites and 12 slaves; Robert, 9 whites, 8 slaves and Archer with 2 whites. Evidently Archer was then just married and settled next to his father. In the 1785 Census, Allen Burton was in Halifax County and Elisha in Pittsylvania. The marriage bond of an Elisha Burton and Elizabeth Chamberlain in Mecklenburg is dated 1805.

The marriage of the daughter mentioned in the above will took place in 1787; the bond of Edward Roffe and Mincy Burton, with consent of her father Robert Burton, was filed in Mecklenburg, dated July 16 of that year.

We shall conclude our review of the life and family of this Robert Burton with the following excerpt from the Mecklenburg Order Book x at page 114;—if there were any doubt as to which Robert Burton this concerned, the nature of the incident indubitably classes it as occurring to a member of the robust family circle of Charles<sup>1</sup> of Swift Creek (Chesterfield):

“On the motion of Robert Burton of this county, and it appearing to the court by the oath of Allen Burton that he has been unfortunate enough to have a portion of his right year (sic) bit off, the same is ordered to be certified.”

The name of the perpetrator of this pleasantry has not survived. This incident reads like a newspaper account of a really successful outing of a Tammany district club of a century later. It is to be noted that the town of St Tammany, Virginia, was founded shortly after this affair in the immediate vicinity of Allen's Creek where these Burtons lived.

*William Burton of Charles City and Chesterfield*

In the second chapter of these Chronicles, we have noted that there were Burtons in Charles City County in the decade from 1655 to 1665, as shown by citations from the one surviving record book of that county for the seventeenth

century. From that time there is a gap of 76 years in those records except for a few leaves of a minute book preserved now in the state archives; in these we find recorded on February 3, 1685 a judgment rendered for 428 pounds of tobacco and cask on a bill of 1675, against a Henry Burton—probably the individual of that name who was liable in 1704 for quit rents in Charles City on one hundred acres of land.

A Ralph Burton, as noted in an earlier chapter was a head-right of William Frye of James City in 1653. He patented 200 acres himself on the north side of Chickahominy River, in 1682 (*W. & M.* XII, 105); in 1704 a Ralph Burton was on the Quit Rent roll of James City for 200 acres. (*Va. Mag.* XXXI, 154). The name recurs again 40 years later in the second record book of Charles City now extant—that for 1741–53, from which the following facts are taken: In January 1744–5 Mary the widow of Ralph Burton deceased was granted letters of administration on his estate; in 1754 the Church Wardens at Westover were directed by the Court to bind out William Burton and James Burton “orphans of Ralph Burton, dec’d.,” in 1755 James and Elizabeth Burton chose their own guardians (being then 14 years old at least), and “Sarah Burton Infant Orphan of Ralph” was assigned a guardian.

We come now to a William Burton, possibly a brother of the Ralph who died in 1744, who figures largely if not always gloriously in the records of both Charles City and Chesterfield counties at this time. In Charles City the following facts appear: In November 1744 William Burton served on a grand jury; at the same sitting of the court Lucy Partin acknowledged a deed from herself to William Burton. He is not mentioned again for some nine years; then his business and marital affairs kept the clerks of two counties busy posting up the records. In July, 1753, a “deed of Trust between

William Burton and Susanna his wife of the one part and Richard Kennon of the other part was proved by the oaths of Geo. Minge, Philip Smith and Edward Young." At the same session a suit was entered for Susanna Burton by Richard Kennon her next friend against William Burton. This was a suit in Chancery, and the judgment was rendered in the March Court 1754 "that the slaves . . . Judy & Molly if to be had if not two other Female slaves of equal value be settled in the hand of Richard Kennon and William Acrill, Gent . . . and separate use of Susanna Burton out of John Soane's estate . . . . James Minge, John Edloe, John Jacob . . . be appointed to [badly mutilated]."

Henry Soane, the brother of Susanna Burton, who was a Justice of the Peace of Charles City died about the year 1742; the will was proved by John Christian and Richard Justis, while one Benskin Marston who had married one of the daughters of Henry Soane the elder, was Executor. Soane's widow Rebecca Hubbard Soane, was the administratrix.

The difficulties into which this William Burton had fallen were aired at every session of the court; in February 1754 he was plaintiff in separate actions against the following defendants James Thomson; Thomas Shell; Bartholomew Jackson; John Marston. In the March Court of 1754 he sued both James Bachurst and Turner Hunt Christian, while John Hyndman assignee of William Burton sued John Sanders; at the same court Robley Vaughan brought suit vs. Wm. Burton and Robert Douglas did likewise, the latter for debt in the sum of "£389:4:1, & 78 lbs. tobo." The record further shows that the Sheriff reported "defendant not to be found within his Bailiwick." The reason, perhaps, why the much entangled William was not to be found in Charles City is contained in the order book of Chesterfield for July 1754 which states:



“William Burton Merchant who hath remained in the common gaol of this county upwards of twenty days charged in execution at the suite of James Spers (Spiers?) assignee of John Crawford and Samuel Gordon being brought into court by virtue of a warrant of John Bolling, Gent, . . . ordered . . . that the Sheriff forthwith discharge the said William Burton out of his custody.”

As soon as he escaped from ‘durance vile,’ William set about straightening out his affairs, as shown by:

Chesterfield county deeds, 1749—1757, p. 395, July 29, 1754:

“William Burton and Susanna his wife . . . . John Hood of Prince George county . . . . wheras Susanna Soane Infant daughter and heir of Henry Soane late of Charles City county dec’d is dead intestate whereby one moiety or half of the Slaves and other Estate that were the said Henrys at the time of his death is become vested in the said William and Susanna his wife who is sister and one of the coheirs of the said Henry Soane dec’d and whereas the said William Burton before his intermarriage with the said Susanna his now wife executed a certain Instrument of writing purporting a marriage settlement . . . the said William and Susanna by one certain Indenture bearing date 26 february last past . . . Between the said William and Susanna of the one part and Richard Kennon Gent of the other part . . .”

Wit.: John Ward

John Roberts

William Adams

Robert Stewart (Stuart)

John Wayles.

WILLIAM BURTON.

SUSANNA BURTON.

Four days after executing the instrument just cited, on August 2, 1754, Wm Burton and Susannah his wife made

a deed to James Lyel, in which conveyance some of the facts stated in the former document are again recited. This deed conveys 800 acres in the county of Brunswick (or Lunenburg) and some land in Charles City county. William Burton appears as grantor as "tenant by the Courtesy" which fact shows that he already had issue by his marriage.

The Soane family had been prominent in James City and Charles City counties and a daughter of this stock had married the first Henry Randolph (d. 1693). The Henry Soane mentioned in the deed given above was, no doubt, the grandson of the one of that name who had been Speaker of the House of Burgesses. The Colonel Richard Kennon (1712-1761) who was, apparently, trustee of the marriage settlement between William Burton and Susannah Soane which was executed on February 24, 1753-4, had inherited "Conjurer's Neck" from his father. His aunt Mary had married Major John Bolling of Cobbs. The division of the estate of Ann Kennon in 1766 in Chesterfield county was attested by the signatures of Susanna Burton, Ann Hunt Hall and Will Burton. Of this estate, Col. Theodorick Bland and Col. John Banister were the executors.

In 1763 (Chesterfield deeds iv, 456) William witnessed a deed of Isaiah Burton to John Burton, the son of Thomas, Sr. A suit of Buchanan & Co. vs. William Burton in Chesterfield court in September 1764, followed by suits in 1767 by Thomas Wilcox and by John Apperson "excr. of Sam'l Apperson, dec'd" both for debt against William Burton are the last entries when his name appears in the records. Susanna, apparently a widow by 1783, is next mentioned as follows:—

"At a court held at Chesterfield Courthouse friday the 3rd of October 1783 for the examination of Thomas Alden charged with breaking open and injuring the house of

Susannah Burton and stealing thereout a Feather Bed and furniture of the said Susanna Burton.”

We can but admire the simple-mindedness of this house-breaker who hoped to get away unperceived by the neighbors with a feather bed. A still more self confident burglar of modern times eloped with the grandfather clock from a house near Baltimore recently; he might not have been captured if he had made off inside the clock.

In 1785 William Worsham of Chesterfield made his will and this was witnessed by William Rowlett, Susanna Burton and Parker Hare.

In 1790, on February 13th Susanna Burton made her own will but it was not probated until December 9, 1805 (Will Book VI, p. 301). In her will she mentions her son William, her daughter Anna Hare, wife of John Hare, and refers to property in Charles City county belonging to the widow of her brother “Henry Soanes.” She appoints her friends Charles Duncan and William Rowlett as executors.

As for the Burtons in Charles City County, the references to litigation in which William Burton [presumably the husband of Susanna] was a party, continue through the records of 1755, 56 and 57. The names of James Burton and Elizabeth his wife appear as plaintiffs in a suit in Chancery against Francis Dancey during these years. From 1757 to 1766, all records of Charles City are missing. In 1769, April 29, a deed was filed for 68 acres on Green Swamp, from Thomas Batts Lacy to “Wm Burton, Senr. of parish of Westover.” Andrew Balfour, Wm Burton, Junr. and Wm Parrish, Junr. were witnesses to this deed. In 1791, an accounting was made of the estate of “William Burton decd. in account with George Minge.” The will of a William Burton was probated in Charles City on December 15th 1796; it mentions wife

Elizabeth, daughters Mary and Elizabeth, and makes brother Ralph Burton and friend Henry Armistead executors. The will of Ralph Burton was probated in 1805 and names wife Elizabeth and daughter Mary Burton, and friend John Roan. It looks as if the William of the will probated 1796, and the Ralph of the will of 1805 were sons of the William Burton whose estate was settled in 1791. The last named was probably the son of the earlier Ralph. At all events, this line appears to have become extinct in Charles City County by the beginning of the nineteenth Century.

## *Chapter VII Isaac Burton of Cobbs*

Having now followed, so far as we were able, the lines of descent of John Burton of Cobbs through the eighteenth century in Chesterfield, we come back to his younger brothers—Isaac and Abraham. These we understand on the best authority, to be respectable Jewish names, and thus a guarantee of aggressive Puritanism on the part of their parents Thomas<sup>1</sup> of Cobbs and Susanna his wife. The Puritans literally wallowed in the gloom, bitterness and violence of the early Hebrews.

Isaac was born about 1667 and lived until at least 1736.

The first mention of him in the records was on January 1, 1685—6 when his father, evidently “in extremis,” and attempting to make equal division of his estate between his four sons, omitted Isaac’s name in the deed. Upon the testimony of two of the neighbors that this was an act of inadvertence, the court recognized Isaac’s rights. Some years later, recorded in the Henrico Order Book for 1694—1701, at page 290, we find that “Isaac Burton who is one of ye orphans of Thomas Burton, deceased, came into open court and acknowledged ye portion due to him from his dec’d father’s estate.” This probably referred to a division of the personality by an administrator, or by a guardian.

On October 1, 1695, Isaac Burton witnessed a deed of Timothy Allen in Henrico.

On the quit rent rolls for the county in 1704, Isaac appears as the owner of 100 acres—no doubt his share of Cobbs. To this modest plantation he clung with tenacity for twenty years longer than did his brothers to their portions.

His life appears to have been uneventful,—or at least one may say that he was not a self-advertiser. The only untoward event in his career was when, like many another Burton both north and south of the James, he fell into the legal clutches of that hard-fisted nemesis of the family—John Bolling. In November 1723 the latter recovered judgment against Isaac in Court “for £10-1-4, due by bill dated Dec 21, 1721.”

In 1735 Isaac Burton sold his 100 acres of Cobbs (on the north eastern limit of that estate) to John Bolling, the son of Major John Bolling of Cobbs. Thereafter Isaac vanishes from the records and hence from the pages of this chronicle.

We have no proof that Isaac Burton was married and yet an Abraham Burton who appears in the next generation in the Bristol parish register and in the later records of Brunswick county must have been his son. One or two other Burtons in Amelia and in Chesterfield who put in a phantom appearance in the pages of the county books probably belong to this family.

This Abraham Burton whom we believe defied the scriptural legend by being the son of Isaac (instead of his father) is probably the one mentioned once in the Bristol parish register in 1733 when “Jemmy slave of Abra & Sarah Burton was born.” At that time only five other Abraham Burtons are known to have been in existence, viz: — Abraham<sup>I</sup> whose wife was named Anne, and who died three years later in Amelia: Abraham<sup>II</sup> with wife Mary (Beavill); and three boys of the name aged respectively 13, 5 and 4 years of age, in 1733.

An Abraham Burton, probably this son of Isaac was entered on the poll list of Brunswick county in 1748. His will is found in the records of that county in 1750, appointing as executors John Peebles, Sr., and James Maclin, Sr. and devising his plantation to his wife Anne. If this, as we

think, was the Abraham of the Bristol parish register of 1733, it is evident that he had married a second time. The land which he left to Anne was conveyed by her in 1756 with the same boundaries as the tract previously purchased by Abraham Burton, to her son by a prior marriage, as appears from an indenture recorded in book VI of Brunswick county at page 244:

“Joseph Peebles from Anne Burton, both of St Andrews parish . . . for the Love and affection she bears to Joseph Peebles . . . . 200 acres of land on both sides Meherrin.”

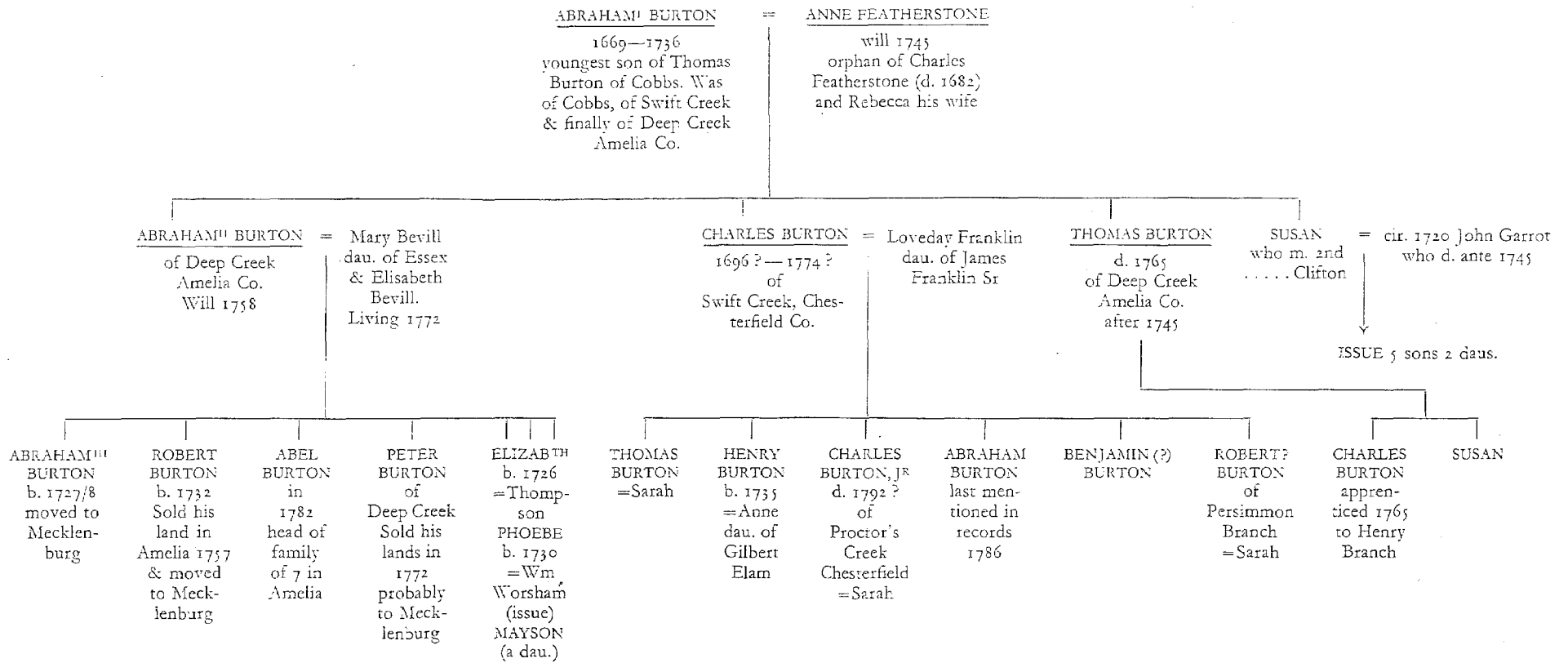
Witnesses, Lemuel Lanier and David Peebles.

It thus appears that this Abraham had married a widow with children. Apparently she was the daughter of Francis Maybury of Surry county who in his will of 1711 mentions his daughter Anne Peebles. Her son Joseph Peebles became a vestryman of St Andrews parish, was a captain in the army during the Revolution, and later was a member of the House of Delegates.

The evidence offered indicates that this Abraham Burton died childless.









*Chapter VIII Abraham Burton of Cobbs  
& his Descendants in Amelia*

The fourth and last of the sons of Thomas<sup>1</sup> Burton of Cobbs was named Abraham. He was born about 1669, as is proved by a statement in Henrico court on October 1, 1692, as follows:

“Abraham Burton, aged about 23, some time last November the deponent was at ye house of Samuell Newman when Major Chamberlain .. said to the sd Newman ‘Saml. I paid fifteen Buckskins for your horse.’”  
(Henrico records v. 352.)

Major Chamberlain was obviously a mighty Nimrod. The buckskin, however, as a unit of currency was as unstable a measure as is gold today.

Shortly after the time when he overheard this interesting example of colonial barter, Abraham was married, for in February 1692—3 the court records:

“Abra. Burton who married Anne one of the orphs. of Charles Featherstone, dec’d, did this day appear in open court with Sam’l Newman his late guardian & acknowledge his receipt of ye sd Anne’s full protion or share of her dec’d father’s estate & did thereof fully & clearly acquitt & discharge him ye sd Newman his heirs and securities.”  
(Henrico Orders 1678—1693, p. 405).

Samuel Newman, it appears, had married (when twenty seven years of age), the widow of Charles Featherstone, as is shown by an entry for July 17, 1683, in a suit by Joseph Connor against Samuel Newman.

Charles Featherstone lived on Hatchers run, a stream which flowed into Swift’s Creek from the northward; Henry

Randolph, in his will in 1726 mentions his land on "Walthall's Corner oak . . . thence to Featherstone's line to Hatcher's run and so down the said run to Swift's Creek."

The following excerpts from Henrico records give us an illuminating "close-up" in 1678 of Charles Featherstone, who by this date was some 40 years of age (Vol. I. p. 29). A report to the court by John Worsham stated: "Charles Featherstone by his own confession has been drunk since he has been on the Jury and at the same time swore several oaths in my hearing." (Vol. I. p. 70.) Further Worsham reported that "Charles Featherstone & Edward Stratton, Jr., fight and are much in drink it being the Sabbath day at night." We observe that up to 1678 at least the English race had not yet unanimously elected to dedicate the "Sabbath Day" to cant and gloom. Informer John Worsham, no doubt, was discharging what he felt to be a duty, but it seems rather in line with his character since he was already on record as reporting his step-father Eppes and Mr. Thomas Chamberlain for making a "breach of the law."

Well, after reading Mr. Informer Worsham's dreadful disclosures concerning Charles Featherstone, the twig-diviners will already have foretold the speedy downfall of the villain. On September 25, 1682 "Rebecca Featherstone was granted administration of the estate of her deceased husband Cha. ffetherston." From which sombre fact one may clearly perceive that black is always black, and white no less inevitably white.

To return now from these diverting scenes to the dry record of the life of Abraham<sup>1</sup> Burton (of Cobbs) we find that in 1692 he entered an action against John Stewart (Glover) his step-father "but neither party appearing, it was dropped." The frequent failure of John Stewart to respond to the summons of the court was explained when in August

1692 he was haled there to answer for a contempt of court in not appearing as a grand-juryman: he "did for his plea alledge that he was out of the couny (sic) trading with ye Indians for wch. reason he is excused from ye fine but [not] for his neglect in not giving notice, etc."

On April 1, 1699, Abra. Burton was given a certificate for taking up a runaway servant called John Binchley belonging to John Stewart (Glover).

During the year 1699, John Stewart was called upon to make final accounting of his guardianship of the younger children of the late Thomas<sup>I</sup> Burton. In December of that year Bartholomew Stovall, who six years previously had married Anne the daughter of Thomas<sup>I</sup>, acknowledged receipt of his wife's portion of the estate. At the same time it was ordered by the court "that John Stewart Guardain to ye orphans of Thomas Burton doe bring such orphans as have rec'd their portions to ye next court to discharge their sectys."

That he failed to do so is shown by a menacing order on March 1, 1699 (1700):

"John Stewart Guardian to the orphans of Thomas Burton lately of this county Deceased being summoned to this court faileth to appear whereupon it is ordered that the Sheriff take him into Custody and detain him until he give good security."

At this time Thomas<sup>I</sup> Burton had been dead for fifteen years, and all his children, so far as they have been identified, were of age. Evidently the sureties for Guardian Stewart were pressing the court for their discharge from liability. Meanwhile the somewhat causal Stewart was no doubt engaged in the dubious enterprise of selling "fire water" to the Indians along the Roanoke. Abraham<sup>I</sup> Burton, however, was

not directly concerned in these matters, for having been sixteen years of age at the time of his father's death, he had been allowed to choose his own guardian, and had selected, as we have seen, Samuel Newman—the man with the fifteen buckskins.

In 1692 Abraham<sup>1</sup>, as already noted, sold his share of Cobbs—the dwelling plantation—to his step-father John Stewart. In 1708 he purchased from Captain Thomas Jefferson 200 acres on the south side of Swift's Creek, Henrico county, some miles to the north-west of Cobbs; this land had been leased to his brother John Burton in 1701. This deed from Jefferson to Burton is given in full in the *Virginia Magazine of History*, xxiii at page 174. The boundaries of the conveyance were the lands of Captain Soane and of James Frankling.

In August and in the three following months of 1721 the court heard a case of trespass brought by Peter Gill and Joseph Gill his guardian against Abraham Burton. In September 1723 Abraham Burton was one of the appraisers of the estate of John Gill, deceased. The names of other neighbors appear in a land patent in 1735 to Thomas Mann for 250 acres "in Henrico on the southside of Swift Creek on the north side of a branch of Youls Branch, adjoining Godfrey Ragsdale and John Gill." Abraham<sup>1</sup> made these lands on Swift's Creek his home plantation from 1708 to at least 1723. At some unknown date thereafter he packed up his household gods and his family and moved up and across the Appomattox to the mouth of Deep Creek. He left behind, however, on the Swift Creek plantation, his son Charles Burton, and throughout the eighteenth Century Charles and his descendants flourished in that vicinity. (Chesterfield County).

In 1721 Abraham<sup>1</sup> Burton served on a jury. In 1724, together with William Rowlett—a neighbor, he was appointed by the vestry as counter of tobacco plants between Old

Town Creek and Swift Creek. When, later on, he moved to Deep Creek, he settled on lands soon (1735) to be included in the new county of Amelia; thereafter he and his stock (except for son Charles) were identified with that county.

As early as 1727, Abraham had owned lands not only at Deep Creek, where he settled, but also still further up the Appomattox on Flat Creek, as appears in a patent issued February 8, 1727, to William Mayo for "6000 acres between Appomattox River and Flatt Creek in Prince George county" and adjoining the lands of Abraham Burton, Johnson Stevens and William Pride.

In 1735, the first year the new county of Amelia was organized, Abraham Burton was appointed road surveyor.

The bridge over the Appomattox opposite Abraham Burton's plantation at the mouth of Deep Creek was known at first as "Burton's Bridge;" later as "Bevill's Bridge." In 1744 and again in 1750 the courts of Amelia and Henrico (Chesterfield) were concerned with the repair of this bridge. Watson's "Southside Virginia" contains references to three generations of the Burtons of Deep Creek.

The following abstracts of land patents to Abraham<sup>1</sup> serve to give the names of some of his nearest neighbors in the last years of his life:

Prince George County (a) "Abraham Burton 28 Sept. 1730 .. 400 acres .. on the upper side of Flatt Creek .. adjoining William Kennon." (b) "Abraham Burton 28 Sept. 1730 .. 200 acres .. in the Innermost fork of George Branch of Nummusseen (Namozine) Creek" (Note, this was some miles back from the main river, in the hinterland). (c) Seth Perkinson .. 23 March 1733 .. "300 acres on the south side of Appomattox river on both sides of Anderson's Road adjoining Abraham Burton, widow Beavil, John Adams."

Amelia county: "Abraham Burton .. 20 May, 1735 .. 750 acres on the lower side of the Beaverpond Branch of Deep Creek adjoining Thomas Hamlin and Wm Towne." This patent covered lands well up into the region which was still almost a wilderness.

In the end, Abraham<sup>1</sup> who had started life, like his brothers with his ancestral portion—100 acres of Cobbs, owned some 1350 acres of land. He was 67 years old when he died. His will is on record in Amelia Will Book 1, page 13; it was dated May 13, 1736, and probated January 14, 1736-7. An abstract follows:

"daughter Susan Garrott one cow and calf .. son Abraham Burton .. tract containing 200 acres .. in the county of Amelia on Appomatox near the mouth of Deep Creek where he now lives .. also five negroes .. son Charles .. all my land on Swift Creek in Henrico county being a tract of land containing 200 acres I purchased of Capt. Thomas Jefferson .. also fore negroes .. unto Thomas Burton the upper part of the land I now live on .. also 2 negros .. and one half of my personal estate .. unto my loving wife Ann the other half of my personal estate also use of half the land I now live on .. use of two negroes .. after her death the sd plantation & negroes .. to son Thomas .. my son Abraham 'hole and sole executor.'"

ABRAHAM (X) BURTON. Witnesses: Edward Booker, John Phillips.

His widow survived him by nine years, and her will is found in the Amelia Will Book; it was dated December 22, 1745. An abstract follows:

"Ann Burton of the county of Amelia .. to my daughter Susanah Clifton my Grand Daughter Susanah Burton and my Grand Daughter Anne Garrott all my wearing



apparill to be equally divided between them .. to Charles Burton son of Charles Burton half my stock two dishes one Bason four plates and one large Pott .. to Abraham Burton son of Charles Burton .. to my son Thomas Burton all the residue of my estate Real and personal.”

ANNE (X) BURTON.

Witnesses: Wm Maycock, James Collings, Susanah (X) Barnes.

Thomas Burton presented this will for probate in January 1745-6.

Concerning the children of Abraham<sup>I</sup> and Anne (Featherstone) Burton, as they were mentioned in the two foregoing wills of their parents, we have the following notes:

I. Abraham<sup>II</sup>, the eldest son, who received by his father's will the dwelling plantation on Deep Creek, first appears in Henrico records in the Levy court of November, 1723, when he was recompensed for “one wolf's head .. certified by Wm Kennon.” He was then designated as “Abraham Burton, Jr.”

Shortly after this stimulating experience Abraham<sup>II</sup> married Mary the daughter of Essex and Elizabeth Bevill. The births of four of their children are entered in the register of Bristol Parish; Elizabeth born April 1726, Abram, born January 28, 1727-8; Phebe, born September 11, 1730, and Robert, born August 24, 1732. Two other sons, born later, Peter and Abel Burton are not mentioned in the existing portion of the Bristol parish register. In 1729 the will of Essex Bevill, Jr., mentions his daughter Mary Burton. In April 1732 the will of Elizabeth Bevill, mother of Mary (Bevill) Burton was probated; it mentions her daughter Mary Burton and her grand daughter Elizabeth Burton who was at that time six years of age.

Abraham<sup>II</sup> Burton lived next to the Bevills on Deep Creek, and in 1743 he was appointed together with Essex, Thomas and Daniel Bevill "to clear the road from Deep Creek Bridge to the river (Appomatox) bridge as near Burton's and Bevill's lines as possible." (Watson's Southside Va. 71).

On March 19, 1750, Abraham Burton, Seth (X) Perkinson and Thomas Bradley were witnesses to a deed of Wm Belsher to Thos. Brooks. (Amelia Deed Book IV).

Amelia Book IV folio 100 records a conveyance in the year 1751 which is notable as containing the names of most of Abraham's in-laws. If it had been in New England one would assume that the instrument had been signed at the annual family reunion on Thanksgiving Day. It reads: "Wm Bevill, Jr., Edward Bevill, Joseph (James?) Bevill & Ann Bevill of the county of Amelia . . and Abraham Burton . . for 160 pounds . . 248 acres . . part of an order in Council . . north and south side of Whitepomoke Creek in Amelia . . Bevills Branch . . Licking Branch . . Jos. Ragsdale's line." Signed by William Bevill, Edward Bevill, James Bevill, Ann (X) Bevukull, William (X) Bevull and John Bevill. Witnesses: Sam'l Pitchford, Benj. Williamson, Essex (X) Bevill, David Coleman, Ed Tanner.

On July 4, 1754, he produced in court a certificate for taking up a negro slave named William belonging to "The Honble Peter Randolph, Esqr." Man-hunting was probably more exciting than the wolf-hunting of his youth, and certainly more dangerous, but somehow or other, it does not endear Abraham<sup>II</sup> to us as much as did his former exploit.

Amelia Deed Book V. at page 186 records a conveyance by Abraham Burton on April 14, 1755, to George Worsham (his brother-in-law?) of Chesterfield county of 200 acres "as per patent granted to the said Abraham Burton 28 Sept. 1730." The witnesses were: Thos. Bevill, John (X) Worsham, John Martin.

The next deed book VI. at page 350 contains a record of the facilities afforded the wife of Abraham for waiving her right of dower in this property:

“To Abraham Green, Wood Jones & David Greenhill, Gents, whereas Abraham Burton & Mary his wife . . . have conveyed unto George Worsham . . . 200 acrs in the parish of Rawleigh in . . . Amelia and whereas the said Mary Burton cannot conveniently travel to the court . . . to make acknowledgement . . . Therefore we give you power to Receive the acknowledgement which the said Mary Burton shall be willing to make . . . (at her home) Aug. 21, 1751.”

Probably Abraham Green and Wood Jones, the first two Justices mentioned, were kinsmen of Abraham Burton.

On June 23, 1757, Abraham Burton, “Senior” of Amelia county deeded to his second son Robert for 30 pounds a tract of 175 acres on Bevill’s Branch on John Tucker’s line.

As he approached the end of his life, Abraham<sup>II</sup> seems to have become involved in financial troubles, for Amelia Deed book VI. at page 287 records a deed of two slaves by him to “Walter Scott of (Amelia) Mercht. for Messrs. Archibald Buchanan and Alexander Speers of the county of North Britain Merchts. & Partners.” Without doubt these canny Scots had been too much for the simple English planter. On the other hand we must remember that nothing annoys a Scotsman so intensely as having Scotland referred to as “North Britain.” The honors in this case seem to have been reasonably even.

The will of Abraham<sup>II</sup> Burton, dated January 31, 1758, and probated August 24 of the same year in Amelia made the following provisions:

Item . . . to my loving wife the Plantation I now live on During her life or Widowhood and after her decease to my son Peter Burton.

Item .. to my son Abraham Burton one negro wench Sarah which he hath now in his possession.

Item .. to my daughter Elizabeth Tompson one negro wench Frank .. also one cow and calf.

Item .. to my daughter Phebe Worsham one negro girl Lucy also one Cow and Calf.

Item .. to my son Robert Burton one negro wench Judy, six head of cattle and one feather bed and furniture and one Iron Pott.

Item .. to my son Abel Burton one negro boy Sam also one black horse and six head of Cattle and one feather bed and furniture and one Iron Pot ..

Item .. to my son Peter Burton one negro boy Will also one feather bed and Furniture and six head of Cattle and one Iron Pott.

Item .. to my daughter Mayson Burton one negro girl Amy also one Feather bed and Furniture and one Cow and Calf.

.. my wife and my son Abel my whole and sole executors.

Item .. to my loving wife four negroes During her Life and after her decease to my four sons .. all the rest of my estate .. to my wife and to her Disposal amongst my sons.

ABRAHAM (X) BURTON."

Witnesses Abraham Crowder, John Smith, Edward Tanner.

The inventory of his estate was filed February 22, 1759, and included "two punch bowls, silver tumbler & 4 Baisins" and nine slaves. Altogether we must concede that he made a fair will; moreover the two punch bowls and silver tumbler show that the mint julep had already arrived in Virginia.

Of the children of Abraham<sup>II</sup> Burton we have but meagre records.

1. Abraham<sup>III</sup>, his eldest son, born January 28, 1727-8, received only one negro slave in the will of his father in 1758.

He had as a matter of course, been seated by his father on his own estate when he reached manhood. In 1753, January 6, Thomas Neal of Chesterfield deeded to Abraham Burton, Jr., of Amelia county for five pounds fifteen acres in Chesterfield; Pattersons and Nooning Creek are mentioned in the deed. The witnesses were: John Perkeson, Wm Perkeson and John Ward. In 1754 we find him recorded (Amelia Deed Book v. p. 96) as conveying to Thomas Burton for 120 pounds, 150 acres on the lower side of Beaver pond. In 1762, March 15th (Book VII, p. 660) "Abraham Burton & Ann his wife .. to Wm Walthall, Sr., of Amelia .. for 180 pounds .. 147 acres in Amelia county, south side of Bevill's Great Branch .. dividing line between Edward and Joseph Bevill .. up to Edward Tanner's Spring .. Crowder's line." Signed by Abraham Burton and Ann Burton. Witnesses: James Bevill, Abell (X) Burton and Mayson (X) Burton. Abel and Mayson were brother and sister of the grantor. No doubt they regarded their older brother with some awe because he could sign his name.

In 1771 Abraham<sup>III</sup> deeded to John Ford, Jr. of Amelia county for Wm Ford, 200 acres in exchange for five negroes. It is perhaps worthy of note that the unit of currency had increased from the pound of tobacco to a larger and more animate object. The witnesses to this deed were Rich. Pringle, Thos. Walthall and Wm Calland. (Book XI, p. 354).

On April 23, 1772, Abraham Burton of the parish of Raleigh conveyed to John Tabb for 40 pounds current money "which Abraham Burton is justly endebedted" a tract in the parish of Nottoway and county of Amelia adjoining lands of Rich. Dupuy, James Lockett, Geo. Smith and Ed. Jones.

An Abraham Burton is entered in the census of Mecklenburg county, Virginia, in 1782, as the head of a family of 3 whites and 12 slaves.

2. The second son of Abraham<sup>II</sup> was (II) Robert Burton who was born in 1732. As to him we have the following references in the records: On September 3, 1751, there was a deed (Amelia Co. Book VI, p. 232) from Wood Jones of "Amelia" county to "Robert Burton of Amelia .. for 7 pounds, 4-5 .. a tract in the county of Amelia on the southside of the Sweathouse Branch of Deep Creek .. 175 acres part of patent of 300 acres granted Wm Watson, 16 June 1744, by him sold to John Hall & by him conveyed to the said Wood Jones." The witnesses were: Abram (X) Burton (grantee's father), Henry Jones and Will Jones. In 1759 the Amelia order book mentions a suit of Robert Burton vs. James Minor for debt. Thereafter this Robert moved to Mecklenburg where his distinguished kinsman, Col. Robert Burton of the Revolution was then a resident.

Before settling in Lunenburg (Mecklenburg) Robert sold in 1757 his plantation on the north side of Bevill's Branch in Amelia to his brother Abel. (Book VI. p. 398.) By 1762 he was established in his new home on the Roanoke, for we find in Amelia Deed Book VII. at page 690 a deed from "Robert Burton of Lunenburg county to Thomas Whitworth of Amelia .. for 170 pounds tract 175 acres south side of Sweat House Creek adjoining Wood Jones, John Willson and Booth's line .. beaver pond, 23 Sept. 1762."

3. The third son of Abraham<sup>II</sup> and Mary (Bevill) Burton was called Abel. He was born about 1734 and evidently struggled successfully with the ominous given name, since, as late as 1782, he is listed in the census of Amelia county as the head of a family of seven, with eight slaves. In 1757 his brother Robert conveyed to him for 30 pounds a "tract in the county of Amelia north side of Bevill's Branch .. to Licking Branch .. John Tucker's line." The witnesses to this deed were William (X) Worsham (his brother-in-law),

John Farley Thompson (probably another "in-law") and Abraham Burton—his father. In 1772 he was living next to his brother Peter on "Winteconake" Creek, the next stream below Deep Creek to enter the Appomattox. (Amelia Deed Book XI, p. 458). In 1776 he was one of the soldier petitioners from Amelia county to the Virginia legislature. (Va. Mag. xv. 20). The following abstracts from the Amelia Will Books 8, 9 and 10 seem to relate to the descendants of Abel Burton.

1817, Administration of estate of Abel Burton, John Burton administrator. Among the debts were the following: to Abram Burton; to Barnet Burton; 'to Peter Burton for his services; to paid Wm Burton; by Peter Burton on bond left in my hands by division of negroes.'

1821, Will of Abra. Burton mentions son Daniel W.; son Lemuel H.; daughter Eliz. Ann Burton; daughter Martha W.; son Daniel, and brothers John, Peter and Barnet executors.

1824, will of John Burton; wife Blanchy; two daughters Sally Ann Partricia (sic) & Martha Jordan Burton when they shall arrive at 21; wife Blanchy, James Chappel & Barnet Burton, Exrs. Signed John Burton.

4. The fourth and youngest son of Abraham<sup>II</sup> Burton was Peter, to whom his father's will in 1758 left the dwelling plantation on Deep Creek. At about this time a Peter Burton in Amelia became involved in a suit against John Burton, probably that one who had been sheriff of Amelia in 1735 and who lived on Flat Creek. It is uncertain whether this was Peter the son of Abraham<sup>II</sup> or Peter the grandson of William Burton of the Level in Henrico. At all events the court ordered John Burton to pay Thomas Bowles for ten days as a witness; entered May 26, 1758 (Amelia Order Book IV.). Further confusion between these two Peters may arise in searching Mecklenburg records; for they are both believed to have moved to that county in later years, and

each founded a family there, with however given names indicating quite different lines of descent. A Peter Burton in Amelia was paid £5-6-0 for his services as a militiaman by act of the legislature in September 1758 (Hening VII. 201).

Peter the son of Abraham<sup>II</sup> was certainly living in Amelia as late as 1772 as the following conveyance will show:

“25 June 1772, Indenture between Peter Burton & Martha his wife & Mary Burton his mother of Amelia county of the one part and Wm Walthall, Sr., of Amelia . . . 200 lbs. current money of Virginia . . . tract of 170 acres in the county of Amelia . . . beginning Winteconake Creek a little below the said Walthall's mills . . . Jesse Coleman's line . . . Abel Burton's line . . . through the said Abel Burtons plantation to a gum on Bevill's Branch.” Signed Peter Burton, Martha (X) Burton (Book XI, p. 458).

There is no Peter Burton listed in the census of Amelia in 1782. In Mecklenburg county in 1780 an Abraham Burton held 285 acres; a Peter Burton 305 and a Captain Peter Burton 407½. The very first deed book of this new county (1765) records a deed from Edward Bevill to Abram Burton; in book No. 3 there is a deed from Richard Stith to Peter Burton.

In Mecklenburg will book No. 3 page 365, we find the will of Peter Burton, Jr., dated February 11, and probated July 11, 1796. Testator left his estate to his father Abraham “provided he is the longer liver;” in case of his father's death first, then his mother Martha Ann Burton shall inherit it. A codicil gave to “his nephew then living with him, named Abraham, son of Thomas Burton of Georgia” a negro woman and her two children. His personal estate was appraised at £638-2-6d. He left 115 acres of land.

Captain Peter Burton, no doubt the senior of that name had 457½ acres of land in Mecklenburg in 1800. A Peter



Burton, probably his son, held 387½ acres on Allen's Creek, Mecklenburg in 1817 (Land Book). The will of a Peter Burton dated February 8, 1811, was probated December 18, 1815. He left all his land to his son Peter and a negro to his son Hutchings Burton. He had daughters Sally Hubbard, Dolly Smithson and Phebe Puryear: (the marriage bond of Phoebe Burton and Peter Puryear was filed in Mecklenburg in 1792). His personal property was appraised at 4,000 dollars. The mention of a son Hutchins would indicate that this Captain Peter Burton was a scion of the other branch of the Henrico Burtons; William Burton of the Level, Henrico parish, in his will, 1751, mentions his grandson Peter Burton. This Peter was living in Amelia county in 1755.

We have thus indicated the various lines of descent through the sons of Abram<sup>II</sup> and Mary (Bevill) Burton his wife. They had, moreover, at least two daughters.

5. Their eldest daughter Elizabeth Burton, born in 1727, married . . . . . Thompson.

6. The second daughter, Phoebe, married William Worsham, and his will, recorded in Amelia county in 1783 names the following children: (i) Peter Worsham; (ii) George Worsham; (iii) Elizabeth; (iv) Mary and (v) Wilmouth, the wife of Richard Foster. These five children were all living in 1783. The name Phoebe persisted in the Burton family in Mecklenburg for many years. The unusual name of "Wilmouth" is also found in the Bristol parish register:

"John, son of John and Willmuth Bannister, born 26 Dec, 1737." And again in Chesterfield county in 1774, where we find a Wilmouth Moore.

II. Having now assembled all the information at our disposal concerning the descendants of Abram<sup>II</sup> the oldest son of Abram<sup>I</sup> Burton of Cobbs, we come to his second son Charles. When Abram<sup>I</sup> moved across the Appomattox river

and settled in a district soon to become Amelia county, he left his son Charles behind on his plantation on Swift Creek in Henrico (Chesterfield) county. For the sake of convenience, we have transferred the account of Charles Burton and his children to an earlier chapter dealing with the Chesterfield Burtons.

III. The third and last son of Abraham<sup>I</sup> Burton of Cobbs and Deep Creek was named Thomas, after his grandfather. His name is frequently mentioned in the Amelia records; he seems to have been possessed of a somewhat "robustious" temperament.

When his father died in 1736, Thomas received by his will "the upper part of the land I now live on . . . also 2 negroes . . . and one half of my personal estate" and the reversionary title to the dwelling plantation on Deep Creek after his mother's death, which occurred in 1745. He was also residuary legatee of his mother's will, which he presented at the January Court in Amelia in 1745-6.

The first entry of a more personal nature was in the Amelia Order Book for December 1737 when "Thomas Burton being presented by the Grand Jury for absenting from Divine Service ordered to be fined according to law." This method is recommended to modern preachers anxious to secure an adequate attendance in Church.

In 1743 on May 20th Thomas Burton sold to David Bell of the county of Henrico for £60 two negroes. (Amelia Deed Book 1, 319). The deed of sale was signed Thomas Burton and witnessed by Joseph Scott, Hey. Ford and Clemt. Read.

In March 1746, he became entangled in the web of "domestic relations" for the court then ordered "Thos. Burton to maintain and support a female Bastard child born of the body of Rosanna Sullivan" (who swore that the said Thomas was the father) and the "said Thomas shall see that the child

shall not become burthensome to the parish." The Justices were more interested in the economic than in the moral issue.

On July 15, 1748, the Sheriff was ordered to pay Thomas Burton Constable, 170 pounds of tobacco "for viewing the tobacco fields." He was appointed Constable again in 1754 "above Flatt Creek" and was paid for summoning witnesses to court.

In September 1763 he brought suit against that practiced litigant, his brother Charles Burton.

On December 24, 1763, Thomas Burton of Amelia deeded to "Thomas Tabb of the same county . . . 150 acres on which Thomas Burton now liveth . . . at John Scott, Thomas Tabbs corner . . . on a small branch adjoining to the lower side of the said Burton's upper plantation . . . thence down the said branch as it meanders to Flatt Creek . . ." signed Burton (sic). Witnesses: Rich. Pringle, Charles Yancy, James Thompson, Rich. Bass, Jr. This deed was not recorded until September 27, 1764. Within the next year Thomas died, for the court Order Book for 1765-67, folio 32, on August 24, 1765, contains the following: "On the motion of Thomas Tabb . . . with John Fleming his Security . . . certificate was granted him for obtaining letters of administration on the estate of Thomas Burton Deceased." Decedent had lent money to his nephew Henry Burton of Chesterfield as appears from an entry in the Order Book of that county (III, 786) "Oct. 1766, Thomas Tabb, Gent, admr. of Thomas Burton dec'd. Plt. vs. Henry Burton, for debt." Already on June 27 of that year, "Charles Burton, son (of) Thomas Burton dec'd" had "put himself apprentice to Henry Branch, House Carpenter and Joiner to Learn his Art and Mystery . . ." Signed by Charles (X) Burton and Henry Branch. (Amelia Deeds VIII. 576).

Thomas Burton of Amelia also left a daughter, Susan, mentioned in 1745 in the will of her grandmother Ann Burton.

To conclude now the account of the children of Abraham<sup>1</sup> Burton of Cobbs and Deep Creek, we turn to his daughter:

IV. Susan, who married first John Garret (whose name was spelled "Garrott" in the two wills of his father-and mother-in-law Burton). The births of children to John and Susanna Garret are recorded in the Bristol parish register as follows: Anne, born September 22, 1721; Susanna, born September 1, 1723 (who was mentioned in the will of her grandmother Anne Burton in 1745); John, born July 10, 1726; Isaac, born December 9, 1729; Abraham, born July 3, 1729?; Thomas, born December 6, 1730 and Stephen, born April 9, 1733. The will of John Garrett in Amelia, February 5, 1742 (probated May 18, 1744), names his wife Susanna and children Charles, John, Stephen, Thomas, Isaac, Fanny and Susan Burton Garrett. It is evident that in this marriage the Burton influence outweighed that of the Garretts—the names of all these children except the last are the familiar Burton names of the Cobbs' stock.

An Anne Garrett, on March 28, 1742, was godmother to Anne Kempe, the daughter of Thomas and Mary Kempe in Manikin Town (Va. Hist. Collections v. p. 103). The Douglas register records the birth of a daughter Sarah to a John Burton and Susannah Garret his wife on August 27, 1765.

By 1745 when her mother made her will, Susan had re-married, for this will refers to her as Susannah Clifton.

This completes the account of the lines of descent from Thomas<sup>1</sup> Burton of Cobbs, so far as the now existing records reveal the facts. During the great migration of the Appomattox planters during the fourth and fifth decades of the eighteenth century to the frontier regions on the Roanoke, several scions of this line joined in the movement. In the records of Mecklenburg and the other counties which were formed out of the old county of Lunenburg there is to be

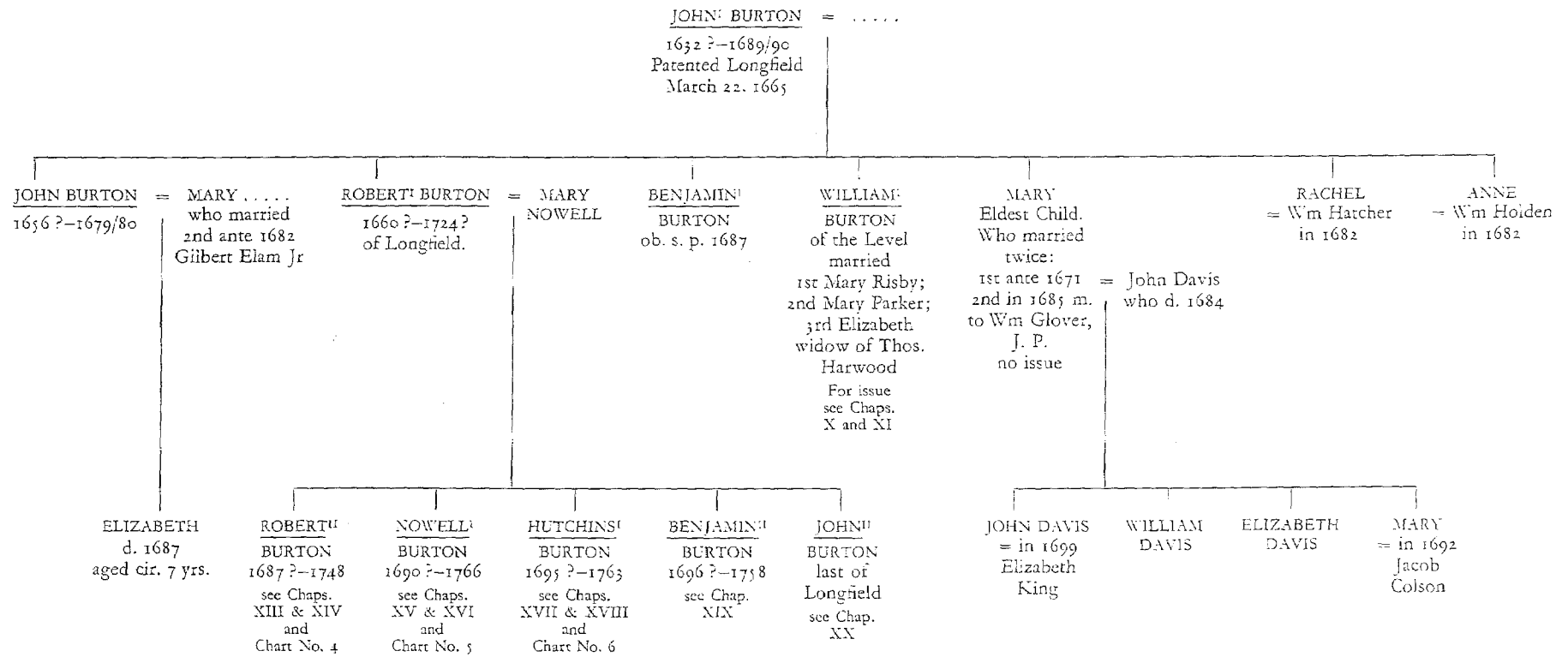
found abundant source material for a study of the later generations of this family.

In the census of 1782, there were four Burtons listed as heads of families in Amelia county—Abel, Allen, John and William. Of these only Abel may with certainty be placed as a descendant of Thomas<sup>1</sup> of Cobbs. The family of John Burton, Sheriff of Amelia in 1736 will be dealt with in a separate chapter.

The following selections from the Amelia marriage bonds after the Revolution obviously do not all relate to the family of Abraham Burton, but are given at this point for what they may be worth: April 9, 1782, William Burton to Mary Ann Ellis, Samuel Berton (sic) Security and Guardian; May 14, 1782, Thomas Burton to Martha Seay, Samuel Barton (sic) Security; 1787, William Burton to Lucy Hazelgrove, Archer Colman Security; Nov. 16, 1788, William Burton to Martha Davis, John Royall Security; Aug. 22, 1789, Abra. Crowder to Mary Weston, Abra. Burton Security and Bevill Coleman Parent or Guardian; 1789, William Burton and Branch Morris; Dec. 22, 1800, Samuel Berton (sic) to Susan Morris, James Ellis Security, Jose Morris Parent or Guardian; July 1807, Wm Burton to Nancy Meador; Jan. 26, 1809, Blackman Moseley to Judith Burton, Math. Moseley Security, Wm Burton Parent or Guardian; May 28, 1816, Peter Burton to Eliza L. Newman, Wm Leigh Security; May 1817, Samuel Burton to Elizabeth Wingo; April 23, 1818, Archibald Mann to Sally Ann P. Burton, Peter Burton Security, Blanchey Burton Parent or Guardian; April 3, 1821, William Talley to Dorothy Burton, Thos. J. Roberts Security, Wm Burton Parent or Guardian.



Chart No. 3







## *Chapter IX John<sup>I</sup> Burton of Longfield*

We come now to the founder of the line of Burtons in Henrico from whom those of Lynchburg derived their descent.

Both of the Burtons who were associated in the purchase of Cobbs in 1656, Thomas<sup>I</sup> and John<sup>I</sup>, left sons who perpetuated their stock. The issue of Thomas<sup>I</sup>, to a description of whom the preceding pages have been given, were identified with the settlements on the south side of the James river. The children of John<sup>I</sup> are associated with the region north of the James which is still known as Henrico county.

We do not know the date at which John Burton left Cobbs—indeed we do not know whether he ever actually lived there. On March 22, 1665, nine years after the joint purchase of Cobbs, John Burton took out a patent for 700 acres in Henrico on the “longfield” beside Cornelius Creek in Lily Valley, and about seven miles from the eastern limits of the present city of Richmond. When he actually settled there we do not know—a patent was often taken out some years later to perfect a title acquired by purchase. The greater part of this estate had been “by John Cox assigned and set over unto John Burton” before the patent was granted. An abstract of the Longfield patent (Land Book v, p. 585) follows:

“Seven hundred acres in the county of Henrico three hundred . . . northerly on the great swamp . . . southerly towards the land of Alice Edloe widow, westerly over the river and easterly into the woods called by the name of the Old field and . . . three hundred acres another part of the said Land joining on the long field Northerly the land

included in this patent Beginnith next to the land of Alice Edloe widow and one hundred acres of the said land the residue at the head oi the long field Patent Joining Beginning at a white oak marked four ways at the costent (?) of the dividing line parting John Burton and John Davis and runing along the great Slash .. six hundred acres of the said Land being formerly granted unto Robert Craddock & by Hoell prise Attorney of the said Craddock sold unto John Cox and by John Cox Assigned and set over unto the said John Burton and one hundred acres the residue being due by & for the transportation of two persons. 22 March 1665/6.”

The Howell Price mentioned was the clerk of Charles City County. The John Davis named had a son who some three years later married the daughter of John<sup>1</sup> Burton. The Land Book I at page 451 recites the patent to Robert Craddock and John Davis on August 15, 1637 of “Longfield” with much the same description as given above, adding that the tract lay “upon a great swamp.”

A further reference to the location of this estate is found in a land grant to Richard Perrin in 1672 of 740 acres of the Edloe lands “from ye river above John Burton’s house into ye woods .. from a marked tree below John Burton’s house down ye river 12 foote below Cornelius Creek, called World’s End.”

Another description of the land-marks of Longfield is given in Land Book VII at page 607, in a grant to Abraham Bailey as follows:

“.. unto Mr. Abraham Bayly a Tract of 152 acres .. by name of Mount Pilom .. Henrico County .. north side of James River beginning at a Corner White Oake standing nigh ye goeing over of Cornelius Creek .. and Runeth

thence East by South two hundred and twenty two poles to a corner black oake standing in Myery run thence up that Run as it trendeth to a Corner white Oake on ye line of Mr. Burton, thence along ye sd Burtons line North North West one hundred and ten poles to his corner being a white oake standing on ye head of holly branch, thence west by south six poles to a corner pine standing on Cornelie's Creek then down to ye place it began . . . October 17, 1688."

By the date when John<sup>1</sup> Burton acquired the patent for Longfield (1665-6) he had already been married for at least thirteen years, since his eldest daughter married about 1668. The name of John Burton's wife is unknown; it is not improbable that the marriage took place in Charles City County, before he moved up-river to Henrico. On the plantation of Longfield he brought up a family of four sons and three daughters. The title to this plantation remained in him until he divided it up between his sons, first, in part, by deed of gift in 1684 and finally by his will in 1689-90. Direct descendants of his, of the name were still living on part of this estate well into the nineteenth century.

The destruction of Henrico records prior to 1677 leaves us with very meagre information about the life of John Burton. From the land records and from frequent association of the two families, we may "place" the wife of John Burton as a Cox. This however, is mere surmise. Moreover, this would leave unaccounted for the name of his grandchild—Hutchins Burton.

With the beginning of the Henrico records in 1677 we are on safer ground. In that year, in the orphan's court at Varina an accounting is given of the cattle belonging to John Jameson an orphan, by John Burton, senior:—"4 cows, 2 heifers, in all six to be kept and ordered for the use of the

said orphans at the direction of John Burton, it being his owne gift." This would seem to indicate relationship, but exactly what relation we cannot determine. John Jameson's mother was the daughter of Robert Porter of Henrico who died in 1651. Her husband Jameson must have died just previous to this accounting in the orphans court in 1677, because the first proceeding in the matter of administration was the accounting of the cattle due to the orphans. On October 23, 1690, John Jameson patented 89 acres of land adjoining Longfield and in the same year action was brought against him by William Burton (the son of John<sup>I</sup> of Longfield) "for that he hath made a breach of coven, in not covering some houses." In 1692 John Jameson, together with William Burton, acknowledged himself as security for the orphan Will Davis (grandson of John<sup>I</sup> of Longfield). (Va. Mag. Hist. xxxiii, 318). John Jameson died in 1726 and his will mentions his wife Elizabeth and his daughter Elizabeth. His widow married Arthur Moseley; by 1747 his daughter was married to Samuel Hancock, Jr. (Ibid.).

An interesting custom which prevailed through successive generations of the Burtons of Henrico, started with Thomas<sup>I</sup> of Cobbs, and was still in practice in the time of Jesse Burton of Lynchburg; it was that the youngest son should have the "dwelling Plantation" on his father's death. The immemorial English custom of transmission of land had been the rule of primogeniture. To be sure, each Virginia Burton in turn seems to have done his best to "set up" his older sons for themselves when they came of age or married. The youngest son was always the last to leave home, and the home was usually left to him with a life estate to his mother, if surviving, — an inversion of the English "law of the land" to which their ancestors had always subscribed. It may have been due to the peculiar exactions of tobacco culture. Usually

in less than a life time the land had been burned out by tobacco, and it was decidedly to the point for a father to give his grown sons a chance to make their own way in the world on new land which was still to be had almost for the asking.

By a deed of February 22, 1683-4 John Burton of the parish and county of Henrico "gave to his two sons William Burton and Benjamin Burton 100 acres called by the name of ye Levill lying between ye head of ye Longfield and ye Roundabout, being marked and so to run between them, ye upper side I do give lying next to ye long field to my son William Burton, ye lower side next to ye Roundabout to my son Benjamin Burton." It will be remembered that this was only a small dividend of John's 700 acre estate. In the following year Thomas<sup>I</sup> Burton divided the whole of his estate of Cobbs between his four sons by deed of gift—but this was certainly, in his case, on the approach of death, and in lieu of a will. When John of Longfield made the deed to these two sons, he had just lost his eldest son John, Junior. Of the two sons William and Benjamin, the former was already married. Shortly after being given a portion of his father's estate in 1689 Benjamin Burton died, and his father John<sup>I</sup> of Longfield died in 1690. An abstract of his will now follows:

John Burton, will 1690 (Henrico wills book v. 115) dated February 12, 1689, probated April 1, 1690.

"unto my son Robert Burton . . my land and plantation whereon I live . . unto my son William Burton . . the plantation whereon he liveth called the Levell . . unto my daughter Rachael my bed as it standeth and also . . which I have in my new chest (to witt) 20 Ells Dowlas, 7 yards pemstone, 3 yards blew linnen, one felt hat, 2 coats . . to my grandchild Mary Davis . . to my grandson William Davis. Item . . to my grandchild Eliza. a Pide heifer and

her calf . . . to my grandchild Eliza. Davis 300 lbs. tobacco which John Davis promised to pay me for six hogs and if in case he doe not pay ye tobacco in a store this year, the hogs to be my daughter Mary Glovers . . . her daughter Elizabeth . . . to Mr. Glover . . . my son Robert Extr.

JOHN (X) BURTON."

Witnesses:— Wm Glover, James Morrise, Rich. (X) Perrin.

It will be noted that his wife had died before John<sup>1</sup> Burton of Longfield, since she is not mentioned in his will.

This testator is the ancestor of a very numerous tribe of Virginia Burtons to be found later in Henrico, Goochland, Cumberland, Albemarle, Fluvanna, Campbell, Bedford, Amherst and Mecklenburg counties, whence they and their descendants spread in more recent times all over the south and west, carrying with them the familar family names.

*The Children of John<sup>1</sup> Burton of Longfield*

The daughters of John<sup>1</sup> will first be mentioned, and thus leave the way clear for a continuous narrative of his sons and their descendants, to whom the rest of this story will be devoted.

These were the days before the "woman-revering period" and scant attention was paid in the old records to the identity of women, unless property rights were involved. The American wife was not yet recognized as the head of the family. Thus we find the following two entries:

1. 1682 the marriage of "Wm Hatcher to John Burton's daughter" (Moore's History of Henrico parish, page 225). For this ceremony the eager bridegroom, probably a son of Benjamin Hatcher, paid a fee of 200 lbs. of tobacco.

2. "Accot. of Lycenses returned to this town (Henrico) this 25th of October 1682, viz: Wm Holden for marriage

with ye daughter of John Burton" (W. & M. XXI, p. 30). It is worth recording that a William Holden on August 3rd, 1663, was a headright of Howell Price the clerk of Charles City county. (C. C. p. 404).

Either of these daughters may have been the sister Anne mentioned in the will of John Burton, Junior, in 1679, or the daughter Rachell whom John<sup>I</sup> mentions in his will (1689-90). Of these two daughters, nothing further is known. As the name of Rachell was somewhat unusual in those days, we note that it also appears in two neighboring families which were possibly related to the Burtons: Rachell the daughter of Edward Hutchens and of Rebecca his wife was born in New Kent, October 24, 1686 (St Peter's Parish register), and Rachell the daughter of George Cox was baptized June 1, 1690 (Ibid.). The name of Rachell also reappears in other branches of the Burton family.

3. Mary, who was the eldest daughter of John<sup>I</sup> Burton, married about 1668 John Davis of Henrico, the son of that John Davis who had been settled next to Longfield since 1637. The Henrico Minute Book for August 1684 records: "Upon the petition of Mrs. Mary Davis order for commission of administration is granted her on the estate of her husband, John Davis, dec'd . . . securities . . . Col. John Farrar and Mr. Abell Gower." It thus appears that Mary's husband died early in 1684; she soon thereafter married William Glover, as appears from another entry in the Minute Book at page 193: "Court August 1, 1685, the suit commenced by Will Glover as marrying ye relict of John Davis dec'd plt. against Bartho. Burroughs, deft." By John Davis Mary had two sons and two daughters, John, Will, Elizabeth and Mary, three of whom are mentioned in the will of their grandfather, John<sup>I</sup> Burton (1689-90). William Glover was Justice of the Peace from 1685 and a leading lawyer of Henrico. By him Mary had

no children. Mention will be made of the affairs of the Davis children and of William Glover, their-step-father and guardian, in the subsequent chapter on Robert<sup>1</sup> Burton of Longfield. John Davis, the grandson of John<sup>1</sup> Burton married Eliza King in 1699 (Henrico Parish Register) and Mary Davis, his sister, married Jacob Colson. The license for this marriage was granted January 14, 1692. (Henrico records Vol. v).

To pass now to the sons of John<sup>1</sup> Burton, namely: John, Robert, William, and Benjamin, they were all probably born between the years 1656 and 1668 in Henrico. William and Robert survived their father upon his death in 1689; John who died in 1680 was married and left an infant daughter; Benjamin, who died in 1687 was unmarried. The numerous Burtons listed later in these pages were, it is believed, all descended from William and Robert.

1. John Burton, Junior, was the eldest son of John<sup>1</sup> and is first mentioned in Henrico records in 1676 when "John Burton, Junior," with Robert Burton (his young brother) was a witness to the will of Captain John Knowles. In 1677 he is listed as responsible for five tithables on the roll of Henrico. He died about New Years Day 1679-80; an abstract of his will follows:

John Burton, will made December 30, 1679, probated February 2, 1679 (Henrico record book 1. 118).

"John Burton of Long-feild in the county of Henrico .. unto my brother Robert Burton .. to my brother Benjamin Burton .. to my sister Anne Burton .. to my brother Will. Burton .. my dear and loving wife and my younge daughter shall divide all ye rest of ye estate .. wife .. sole Executrix. JOHN (X) BURTON."

Witnesses:—George Cogbill, Edward Belsher, Geo. (X) Ballows.



The will was offered for probate by "Mary his relict the sole executrix," and probate was granted October 1, 1680, by William Byrd and John ffarrar, two Justices of the Quorum.

In 1682, the inventory of the "goods and cattle of John Burton, Junior, dec'd, and given to his wife and child by Wills" (sic) was presented to the court by Gilbert Elam, Junior, on April 1<sup>st</sup> and signed by "Mary Burton now his wife." The inventory includes two gold rings and one silver salt-cellar. Gilbert Elam Jr., who married his widow was of the family after which "Elam's Quarter" on the south side of the James river opposite Lily Valley was named.

The child of John Burton, Jr., lived only until the age of 8 years, as is shown by the following entries in the Henrico records:

Oct 1, 1687, "Upon the petition of Mary wife of Gilbert Elam, Junr., for administration on ye estate of her dec'd intestate daughter Eliza. Burton as being next of kin to ye sd decd It is by ye court after some debate of ye matter granted unto her husband consenting thereto according to ye opinion of Godolphin in his orphs. Legacy a book produced in court." (Henrico Vol. 1682-1702). Also in the October court of the same year there is recorded: "Whereas Eliza. Burton late of ye county of Henrico, Virginia, did dye intestate and when Mary ye wife of Gilbt. Elam Junr., did at a court, etc, as being next of kin . . . unto ye said Mary Elam is granted ye admcon of all and singular goods chattles and estate of ye said Dec'd." 21 Oct, 1687.

Gilbert Elam, Junr., was aged 28 at this time, judging by a deposition he made in 1686. His father was then "about 57."

It is evident that the line of descent from John<sup>1</sup> Burton of Longfield through his son John, Junior, was closed by

the death of the latter's daughter Elizabeth in 1687 at the age of eight.

II. William<sup>I</sup>, another son of John<sup>I</sup> of Longfield was identified throughout the whole of his long life with Henrico county, where he died about the year 1750. Of him hereafter.

III. Benjamin<sup>I</sup> Burton, the third or fourth son of John<sup>I</sup> died shortly before February 1, 1687. In 1684 his father had given him 50 acres of the Longfield estate lying on the Roundabout brook. It has been stated that he was married and left a daughter Rachell, but the following citation from the Henrico records seems to negative that suggestion:

“Feb. 1, 1687, upon the petition of Robt. Burton order for Administracion on ye estate of Benj. Burton deceased is granted unto him being ye Exectr. in the deceds will named next of kin with ye will annexed the sd will being this day proved in court per ye oaths of Mr. William Glover & Mr. Richd. Bland witnesses to ye same.” (Vol. 1678—1693 p. 256).

‘Mr. Will Glover, Mr. John Cox, Junior, Mr. Richard Perrin & William Ballow’ were appointed appraisers; and ‘Mr. William Glover went security for Robt. Burton’s probate of ye will & Admincion’ in the sum of £100 sterling.

Thus the line of descent from John<sup>I</sup> Burton of Longfield through his son Benjamin<sup>I</sup> seems likewise to have closed with the latter’s death early in 1687. We have no copy of his will. There exists no will book for this year in Henrico, and the early book of loose Henrico papers does not contain it. Benjamin evidently died unmarried.

IV. Another son of John<sup>I</sup> was Robert<sup>I</sup> Burton of Longfield; of whom hereafter.

*Chapter X William<sup>I</sup> Burton of the Level (Son of John<sup>I</sup>)*

We have seen that in 1684, William<sup>I</sup> received by deed of gift from his father 50 acres of that part of the Longfield estate, known as "The Level." His descendants for three or four generations remained in possession of this land. In 1690, by his will, John<sup>I</sup> divided his remaining lands between his two surviving sons, William<sup>I</sup> and Robert<sup>I</sup>. In 1689, on April 26, William took out a patent for 144 acres in Henrico (Land Book 9, p. 144). This land adjoined the plantations of his brother Robert and of Captain Eppes, "100 acres part thereof being granted to his father by patent the 22nd day of March 1665-6 and ye residue being Kingsland." William<sup>I</sup> was on the Quit Rent Rolls of 1705 for 294 acres. In 1707 a survey by Richard Ligon credited him with 400 acres.

Of the early life of William<sup>I</sup> we know very little beyond the records of land holdings and of his marriages. His only service of a public nature the record of which has survived was as a jurymen; he served on the Grand Jury in 1687 and on a jury again in 1708, 1709, in 1711, and in 1723. His fellow jurymen on these occasions included John Archer, James Eakin, Jr., Arthur Mosely, John Redford, Francis Patram, Robert Sharpe, Joseph Watson, Rene Laforce, William Ferris, Thomas Farrar, Isham Eppes, Francis Epes, William Knibbe, Joseph Royall and Thomas Branch—all names redolent of old Henrico social history. In 1721 the April court of Henrico appointed William Burton together with Thomas Taylor, Richard Rayborn and George Cox appraisers of the estate of William Farrar, deceased.

William<sup>I</sup> Burton was married three times; first in 1685 to Mary the daughter of Thomas and Andria Risby, who were neighbors of his in Henrico. The evidence of this marriage is preserved in a court proceeding in May 1711, in connection with certain property that had descended through a daughter of John Knowles—it will be remembered that when John Knowles made his will on June 5, 1675, John Burton, Jr., and Robert Burton, two of the brothers of William had acted as witnesses. In the court on May 11, 1711, the witnesses included Thomas Risby, the father of Mary, Mrs. Edward Hatcher, Sr. (The aunt? of William<sup>I</sup>), and William<sup>I</sup> Burton himself, who testified as follows:

“William Burton questioned:

1. How old was your wife Mary daughter of Thomas Risby when you married her? Answer: Sixteen years old near the matter as they said.

2. How long is it since you married Mary daughter of Thomas Risby? Answer: Six and twenty years the 14th instant April.

3. How old would your wife Mary daughter of Thomas Risby have been if she had lived till June next? Answer: She would have been two and forty if she had lived till next June as I understand.”

This, of course, would place the marriage on April 14, 1685. Andria, Thomas Risby's wife, the mother of Mary (Risby) Burton had been the widow of a man named Penstone, and her son Thomas Penstone died unmarried and intestate shortly before Feb. 1, 1687. The unusual name of Andria also appears in the Womack family, for William Womack of Henrico, in his will in 1718 mentions his daughter Andria.

In 1688, shortly after the death of his first wife, William<sup>I</sup> Burton married Mary Parker (Moore's History of Henrico parish).

The Parkers were also near neighbors of the young widower, and had been settled in that vicinity since the early days of Henrico. The appendix to this narrative gives a brief memorandum concerning the Henrico Parkers. His son John Burton is believed to have been the issue of this marriage to Mary Parker. A third marriage by William Burton about the year 1719 to the widow Harwood is discussed at length later in this chapter.

So fragmentary are the surviving records of Henrico covering the early decades of the eighteenth century that it has been difficult to place the various Burtons of this line. The parish register has disappeared—only a few items are still extant; the vestry book with its invaluable reports of land processioning, dates only from 1730; the wills are missing from 1718 to 1725, and from 1737–1748; the deeds are missing from 1737–1744. The evidence, thus, which now exists concerning the three William Burtons resident in Henrico parish during the years before 1750 is incomplete, and hardly gives sufficient basis for dogmatic assertions. They are occasionally referred to as William, Senior, William, Junior, and William the younger, although it will be observed that the designations “Junior” and “the Younger” are in one instance applied to the same individual. These three Williams we identify as William<sup>I</sup>, William Junior, his son, and William the son of Robert<sup>II</sup> afterwards known as Captain William Burton of Albemarle, who was born about 1719 and lived part of the time at least in Henrico parish before his father gave him the Dover Mill Creek lands in Goochland in 1747. The evidence upon which these conclusions were based is found in the few records which are pertinent, and in the land processioning as found in the vestry book. These various items are as follows:

(a) Henrico minute book September 1720, page 289—  
“Petition of Alexander Robinson setting forth that he

intermarried with Mary daughter of Thomas Harwood late of this county deceased and praying that William Burton who inter-married with Elizabeth Relict & Executrix of the said Thomas Harwood deceased may be summoned and ordered to surrender unto him such a part of the estate of the said Thomas Harwood .. etc.” In April this accounting was rendered unto court by William Burton and Elizabeth his wife; further legal proceedings resulted, and in October 1723 in the pending suit between Robinson and William Burton, “Edward Curd having refused .. John Redford, Gent., is appointed in his stead to perform the said order.”

The following two notes give all that is known from the Henrico records of the subsequent career of Elizabeth the wife of William Burton. In September 1726 Ann Redford, John Lankford and Elizabeth (×) Burton witnessed the will of Janes Pleasants. In 1743 William Burton and Elizabeth Burton attended court in Henrico for three days as witnesses in behalf of Frances Edmunds.

(b) “Indenture . . . . 1739, between Thomas Robinson the elder of the parish of Henrico .. and Thomas Robinson the younger, and George Robinson both sons of the said Thomas the elder, planter .. 200 acres .. whereon the said Thomas the elder now dwelleth .. on Gilly’s Creek and Joyning to the land of Joseph Mayo, James Franklin and William Burton the younger.” Signed Thomas (×) Robinson.

Witnesses: Thomas Williams, William Burton, John Burton. (Henrico records IV, p. 1100).

(c) Henrico Wills, Deeds, etc. 1750—57, p. 86: “Will of William Burton of the parish and county of Henrico, dated May 17, 1751, proved first Monday in September, 1751.” Abstract follows:

“Wife Elizabeth one feather bed .. stock of hogs .. two choice cows .. one negro man named Sam during

her life to be kept upon the Plantation whereon I now dwell and then to return to my son William Burton .. son John Burton one shilling .. daughter Martha Wood one shilling .. grandson Peter Burton one shilling .. grandsons John Burton and Francis Frankling all the rest of my moveable estate .. son William and grandson John sole Execs.” Signed William (X) Burton, Witnesses: John Redford, [Jr] John Redford “Ye younger,” Francis Redford. The will was proved by both executors. No mention of real property is made by Testator.

*Note:* In the original will the name of his grandson Peter Burton is illegible, owing to the deterioration of the paper, but in the contemporary copy in the records, it is quite clear.

(d) Henrico Deeds, etc., 1750—67, pages 463—4, Indenture November 3, 1755 “between Peter Burton of Amelia county .. and Charles Floyd of the county of Charles City:”

“Twenty-five pounds current money .. tract in the county of Henrico being part of the land given by John Cocke to his daughter Elizabeth .. being on Turkey Island Creek .. John Povall’s line .. Charles Floyd’s line to the dividing line .. fifty acres.” PETER (X) BURTON.

It is interesting to note on record the fact that Peter Burton made the livery of seisin by turf and twig as required by the ancient English common law.

*Note:* In the record of processioning in Henrico parish in 1748, the report for the precinct at the eastern end of the county comprising the lands on Turkey Island Creek, where the Cockes and the Povalls then lived, contains the statement that “the line between Charles Carter and Peter Burton not done, Carter being an infant.” It thus appears that this Peter Burton was at least 21 years of age in 1748.

Before making an analysis of the family relationships disclosed by the foregoing items from the county records, mention will be made of the references to the name of William Burton in the land processionings of the parish. The vestry book covers the period from 1730 to 1771. In the processioning of 1731 William Burton is not mentioned. In 1735 in the precinct including "All lands between Cornelius and Four Mile Creek from ye main road back as far as Seven Pines Road," the processioners state: "We also renewed William Burton's line." Among the neighbors were Benjamin<sup>II</sup> Burton, Abraham Childers, John Scott, John Cox, Richard Renard, Michell Turpin, Thomas Pleasant and Joseph Mayo. The estate of Longfield (and the Level) lay on both sides of Cornelius Creek, which was always selected by the board of Vestry as the boundary between adjacent precincts. Thus, in the same year, 1735, the processioners for the precinct containing "All lands adjoining on the river between Gilleys Creek & Cornelius Creek, as far back as the Seven Pines Road, as low as the southern Branch Bridge" report that they surveyed the lines "between Thomas Robertson and William Burton; William Burton and Alex'r Robertson and Joseph Mayo." Other neighbors in this precinct were William Finney, Judith Cocke, Wilbsbier Marrien (Wiltshire Marrin) James Frankling, Thomas Bailey, Charles Belew, John Allday, Thomas Mosby, Col Wm Randolph and Brasure Cocke. That the original Longfield patent of 1665 ran for a considerable distance along Cornelius Creek and on both sides of the stream is shown by the fact that, for this year at least the division of the parish for the quadriennial review of the land-marks threw the plantation also into a third precinct—that between "Cornelioasses," Two Mile Creek and the main county road. The processioners followed the line of the lands of William Burton and his adjacent neighbors, to wit: Thomas Branch, William



Perkins, Samuel Hancock and Francis Epes. Other landowners in this precinct were Edward and John Cox, Thomas Jordan, Sarah Mosley, Robert Bullington, John Stewart, Judith Cocke, Thos. Ballow, William Finney, Abraham Bailey, Michael Turpin, Prudence Cox, Wm Randolph, William Parker, the Glebe land, Major John Bolling and Richard Renard. Benjamin<sup>II</sup> Burton's lands also projected into this precinct, and his next door neighbors were William Finney, John Cox, and Captain Francis Epes.

In 1740 the processioners reported that the land-marks "between William Burton, Senr., and Benj. Burton renewed, Benj. Burton present . . . Mr. Joseph Mayo's land-marks not renewed . . . William Burton, Senior's landmarks not renewed, he not coming to the appointed time, they both joining to unpatented lands." This is the first time that William Burton is designated as "Senior" in the vestry book; evidently between 1735 and 1740 a William Burton, Junior, became a landowner. His plantation lay in the precinct described as "below the mouth of Gilley's Creek and Cornelius on James river, and to extend back as far as Seven Pines road, and as low as the southern branch bridge." The report of the processioners referred to "the line between Gillegrew Morrin and Capt. Joseph Mayo . . . between the said Robertson and William Burton, Jr., . . . the line between Capt. Jos. Mayo and James Franklin . . . present Capt. Joseph Mayo, Wm Burton, Jr., Thos. Robertson, James Franklin, George Robertson. (*Note:* in the same year, 1740, the suit before the court of William Burton, Jr., vs. William Whitlow, Jr., is recorded).

In 1749 the processioners for the precinct "between Cornelius Creek and Four Mile Creek, thence back to the Seven Pines road, including the fork of Boar Swamp" reported on the fact that "the line between William Burton (living in Goochland) and Benj. Burton not processioned, the said

William not being present." This was, no doubt, William the son of Robert<sup>II</sup> Burton, to whom his father in 1747 gave a plantation on Dover Mill Creek in Goochland.

In 1755 the processioners for the precinct "between Cornelius and Two Mile Creek, the main road and the river" did not review the lines of William Epes and the following adjacent owners: John Stewart, Thos. Branch, William Burton, Alexr. Long, Jno. Bowling, William Randolph, Jno. Cox, Benja. Burton, the said Wm Epes not being present."

In 1758 the only mention of the name of William Burton is in the appointment of processioners for the same precinct as that described in the preceding paragraph. Those selected were: John Stewart, John Burton, son of Wm., Josiah Bullington and Thomas Jordan, Jr.

In 1767 the processioners for "the lands between Cornelius and Two Mile Creek, the main county road and river," were Josiah Bullington, Jno. Burton, Thomas Jordan, Jr., and Robt. Atkins. They reported that they had reviewed the lines between Josiah Bullington and William Burton, between Jesse Burton and John Burton, between George Cox and William Burton and between George Cox and Eppes, Wm Burton and Eppes, and between Thomas Jordan, Jr., and Robert Atkins.

Another reference to a member of this group of Henrico parish Burtons is found in the county records; on Oct 3, 1726, Elizabeth Burton, Jr., was a witness to the will of James Cox (wife Elizabeth) Exec. Stephen Cox and John Burton.

The first question which naturally arises from a study of all the evidence given above concerning the branch of the Burtons who "stayed at home" when the other men of their generation went adventuring further up the James, is as to whether William Burton who married (circa) 1719 the widow Elizabeth Harwood was William<sup>I</sup> of the Level, or a son of

his? The second important question is whether William who married Elizabeth Harwood is identical with the William with wife Elizabeth who made the will of 1751?

William<sup>1</sup> (the son of John<sup>1</sup>), to whom the Level came as his share of the patrimony, was born about 1666. He first married Mary Risby in 1685, and next Mary Parker in 1688. If he married a third time, in 1719 to the widow Harwood, he would have been 53 years old at the time; the widow was then probably about 36 years old. She had a daughter Mary who was married to Alexander Robinson by 1720. In that era, however, it was not unusual for young women to marry at the age of 15 or 16. Two, if not three sons seem to have been born from this marriage of 1719—William (Jr., or “the younger”), Martin and possibly Peter Burton. Finally, if the William of the will of 1751 was William<sup>1</sup>, he was about 85 years old when he died—such longevity was unusual in that era. The will of 1751 refers to three grandsons: Peter Burton, Francis Frankling and John Burton, and the first named was then certainly of age unless the “grandson Peter” may have been an infant son of Peter (afterwards of Amelia); the name Peter was continued in later generations of this branch as is shown in a reference to the records of Mecklenburg county made elsewhere in these notes. But the fact that testator made his son William Burton and his grandson John executors in his will in 1751 appears to be an effort on his part to avoid difficulties in the administration of his estate, by giving representation to a member of each group of children. It looks very much as if William Burton of the marriage with the widow Elizabeth Harwood was the testator of 1751. This conclusion, it is true, does not definitely solve the puzzle as to whether the William of the marriage of 1719 and of the will of 1751 was William<sup>1</sup> of the Level. The compiler of these notes does not feel sufficiently certain of

this point to dispose of the matter dogmatically, but the records have been combed for evidence on this question, and the presence of a second William between William<sup>I</sup> of the Level and the bridegroom of the marriage of 1719 simply cannot be established. The "William Burton, Jr.," who is first mentioned as landowner in the processioning of 1739, and who is never again so described (except in references in the Henrico order book of 1740 and 1743) was probably a son of the marriage of 1719, and the "Captain William Burton" of later Henrico traditions was.

The widow Elizabeth Harwood, relict and executrix of Thomas Harwood, who married William Burton before September 1720 (probably in 1719) was doubtless a Cocke.

The present writer does not feel qualified to tread the slippery path of the Cocke-Cox genealogies, which, at best, are incomplete as published, and sometimes contradictory. Even though these two families are distinct, the confusion of spelling in the records of two hundred years ago renders a study of their pedigrees difficult. It is probable that both Coxes and Cockes had relationship with the Henrico Burtons, as references in other parts of this narrative will show. The first wife of Benjamin<sup>II</sup> Burton of Henrico was, we think, a Cox; a John Burton (John<sup>II</sup> of Longfield?) married a Catherine Cocke; and finally we are inclined to place the widow of Thomas Harwood as a Cocke. The best evidence of that is the deed in 1755 given above, in which Peter Burton deeds land in the Cocke neighborhood (of Curles) in Henrico, "being part of a tract given by John Cocke to his daughter Elizabeth." The Elizabeth was probably the widow of Thomas Harwood, and the mother of Peter Burton.

According to Southall's genealogy of the Cocke family, published in the Virginia Magazine of History, Volumes III & IV, Thomas Cocke (1638-1696) was a wealthy man who

had a plantation called Pickthorne Farm, consisting of some 5000 acres at Malvern Hill, Henrico county. In 1663 he married Margaret Jones a widow and the mother of Major Peter Jones the founder of Petersburg. Thomas and Margaret Cocke had the following children: Thomas Cocke<sup>3</sup> (who in 1687 had a grant of 671 acres on the "Roundabout" adjoining Robert<sup>1</sup> Burton) Stephen<sup>3</sup>, John<sup>3</sup>, James<sup>3</sup>, Agnes<sup>3</sup>, and Temperance<sup>3</sup>. Agnes<sup>3</sup> married Joseph Harwood (Burgess 1710-12) and Temperance<sup>3</sup> married Samuel Harwood, Jr., both of Charles City Co. The will of Captain Thomas Cocke, Sr., dated 1689, mentions his grandchildren Thomas, Joseph, Agnes and Thomas Harwood. The will of his widow Margaret Cocke in Henrico in 1718 mentions Thomas Harwood, although she does not actually describe him as her grandson. If Thomas Harwood in 1689 was the first of these four grandchildren, it is reasonable to assume that he was born at least nine years earlier—or say in 1680. We do not know when he married his wife Elizabeth, but probably about 1712. He was living when his grandmother Margaret Cocke made her will on August 12, 1718. On September 1, 1718, an item found in Henrico Loose Papers (Vol. II. p. 401) records the filing of a bond in court by Elizabeth (X) Harwood, Thomas (X) Williamson and Daniel (X) Prue. Elizabeth joins as administratrix with the will annexed of the goods of Thomas Harwood, deceased. Witnesses were William Randolph and Henry Soane.

That Thomas Harwood had married a Cocke (and probably his first cousin) is not a violent presumption. The very numerous, and in that day, extremely influential, family of Cocke had perfected the fine art of marrying cousins, as had their "allies and associates" the Pleasants and Cary clans. At all events Peter Burton, mentioned in the will of William Burton in 1751 was, probably, the son (infant) of Peter

Burton who was a landowner in the Cocke precinct of Henrico in 1748. This is possibly the same Peter Burton who with wife Elizabeth is mentioned at page 636 of the Warwick county record book as bringing suit against William Whitaker and Samuel Puryear for money due said Elizabeth on account of her mother Elizabeth Puryear's estate, on January 1, 1761.

Another marriage of cousins is indicated in this will of William Burton (1751) when he mentions his grand-daughter Martha Wood. The father-in-law of this Martha was probably Henry Wood, who in 1723 at Brems married Martha the daughter of William Cox (the son of John Cox who died in 1711).

That testator's granddaughter Martha had at least one daughter appears probable from entries in the Douglas Register giving the births in Goochland of five children to a Nathaniel Thomason and Martha (Patsy) Wood his wife; the first of these children was a daughter named "Nansie" Burton Wood, born December 28, 1782, and baptized March 23, 1783.

Attention has already been called to the fact that in his will of 1751 William Burton disposed of no lands; this leads one to the conclusion that he had previously divided his real property by deed of gift, on account of his great age, between his sons. But no proof of this theory is at hand—Henrico deed books, for example, are missing for the years 1737 to 1744.

In addition to the lands known as the "Level" left him by his father, William<sup>I</sup> acquired at least two tracts of land in the upper part of Henrico later to become Goochland County. A deed of August 30, 1717, from Thomas Mimms transfers land on Tuckahoe Creek adjoining property of Robert Woodson and of William Burton (Val. Pap. p. 1518); and on March 24, 1725, a patent to Thomas Sanders was described

as of lands on the "north side of James river adjoining Amos Lade, Constant Perkins and William Burton." The relationship between the Perkins and the Burtons is described elsewhere in this narrative.

Another parcel of land in Henrico belonging to William Burton is mentioned as being near Gilley's Bridge on January 9, 1731, and this is, no doubt, the tract referred to later in Book 30 of Virginia Land Grants July 5, 1751, to William Burton "... joining Roberson on the south side of Gilley's Creek .. Mayo's line .. up the meanders of the sd creek .. 200 acres part thereof being part of a patent for 736 acres granted to John Batley 20 April 1687 and ten acres surplus land." The "Roberson" referred to as an adjoining landowner was probably the Alexander Robinson who had married the daughter of Thomas Harwood, deceased, who was at that time a step-daughter of William Burton. The date of the patent was July 5, 1751; the will of William<sup>1</sup> Burton was dated May 7, 1751 and probated on September (first Monday) 1751. No doubt, the patent had been applied for some time previously. Inasmuch, however, as the plantation of William Burton, Jr., the son of William<sup>1</sup>, was on Gilley's Creek, this patent may have been issued to the son, and in that case his father was evidently already dead at the date of the grant.





## *Chapter XI Descendants of William<sup>1</sup> Burton of the Level*

The difficulties encountered in piecing together eighteenth century pedigrees in Henrico are well illustrated in the preceding chapter. Great gaps in the records and confusion in some which have survived, added to the presence in the same neighborhood at one time of several men of the same name baffle the searcher. As was stated in the last chapter, we have decided to present William<sup>1</sup> of the Level as the William Burton of the will of 1751. Testator names his two sons John and William, but we believe that he left at least two other sons, Martin and Peter, though the possibility remains that these may have been grandsons.

The eldest son John, probably born of the marriage of his father William in 1688 with Mary Parker, was thus a man of middle age at the time of his father's death in 1751. His legacy in the will was only one shilling. He had, no doubt, been "seated" a quarter of a century earlier on his father's lands on Beaverdam Creek in the new county of Goochland.

The interesting suit in Chancery, *Jordan v. Cox*, which is the subject of extended notice in Volume xxvii of the *William & Mary Quarterly*, referred to at some length in other parts of this narrative, deals with a John Burton who married Catherine Cocke and had by her a son John. While we have preferred to attribute this marriage to John the son of Robert<sup>1</sup> Burton of Longfield, rather than to his contemporary and first cousin of whom we now treat, there is a possibility that these facts really relate to the latter. Be that as it may, the following items concerning Goochland county

lands and people, seem to refer to John the eldest son of William<sup>1</sup> Burton of the Level.

1726, September 25th, the will of John Jameston (Witnesses Eliz. (X) Burton, Sr., and Charles Griffith) "estate to be divided without appraisment by Stephen Cox and John Burton between testator's wife and daughter Elizabeth." It will be remembered that John<sup>1</sup> Burton of Longfield represented the young John Jameson's interests in the division of Cattle ("it being his own gift") in the orphan's court at Varina in 1677. In 1690 William<sup>1</sup> Burton of the Level brought action against John Jameson, for breach of coven, and in 1692 John Jameson and William Burton were sureties for the orphan Will Davis, grandson of John<sup>1</sup> Burton of Longfield. John Jameson died in Goochland (then Henrico) leaving a widow Elizabeth who afterwards married Arthur Moseley, and a daughter Elizabeth who married Samuel Hancock, Jr. (1710—1760). (Va. Mag. xxxiii. pp. 317—318.) The Stephen Cox mentioned above was the son of William Cox; his wife was Judith Woodson, and one of his sisters was Elizabeth the wife of John Jameson. (Hopkins of Va. pp. 115—117). Another of his sisters, Sarah, had a granddaughter Magdalen Burton (op. cit.).

On November 3, 1729, John Burton, Stephen Woodson and Chas. Griffith witnessed a deed of Strangman Hutchins, the son of Nicholas Hutchins, a noted Quaker.

On September 7, 1730, Amos (X) Lead, John Burton and Chas. Griffith witnessed a deed of Abraham Perkins of St James, Goochland and Joseph Woodson of parish and county of Henrico. Amos Lead (Ladd), the son of John Lead (d. 1667) had formerly lived on Four Mile Creek (Val. Pap. p. 1081). He was a Quaker, and evidently followed the Woodsons in their migration up the James river, for by 1713 he was settled next to John Woodson at the mouth of

Beaverdam Creek (Val. Pap. 1086), in the upper part of Goochland (then Henrico) where in 1725 William<sup>I</sup> Burton had acquired an estate.

In that June court 1746 in Goochland, John Burton, Jr., acknowledged a deed to Robert<sup>II</sup> Burton (his uncle?).

Further than this we have no data which may with certainty be ascribed to the family of this John; they might almost be said to disappear from the Goochland records. The Douglas Register mentions in 1765 the birth of a daughter to a John Burton with wife Susannah Garret.

The next surviving son of William<sup>I</sup> of the Level was named for his father, and was, no doubt, the "Captain William Burton" of Henrico mentioned in later family traditions. He was evidently only a half-brother of John, and was we think the eldest son of the marriage of William<sup>I</sup> and Elizabeth the widow of Thomas Harwood. He was born probably in 1720. In the years 1739-43 he is the William Burton, Jr., mentioned in Henrico records. He lived on lands on Gilley's Creek, adjoining the estates of Captain Joseph Mayo and Alexander Robertson who had married his half sister. The first mention of him in the records is in Volume IV of Loose papers, in a deed in 1739 from Thomas Robinson to his sons Thomas and George of 200 acres "on Gilly's Creek and Joyning to the land of Joseph Mayo James Franklin and William Burton the younger." This James Franklin had married William's sister. The deed was witnessed by William Burton himself and by John Burton, presumably the son of Benjamin<sup>II</sup> Burton. In the processioning of 1740 he is described as William "Junior" in the same locality, no doubt it was no longer necessary to designate him as the "Younger" because his cousin (later of Albemarle) William son of Robert was then in Goochland.

In February 1743 William Burton, Jr., was one of the appraisers of the estate of Edward Cox, deceased. In

September 1743 he served on the Grand Jury. In 1745 both in January and November, William Burton was again a jurymen—he was evidently acquiring the habit early in life. In the same year he brought a suit for trespass against Robert Burton and Luke Smith (the inspectors of tobacco at Shoccoes Warehouse). After his father's death in the summer of 1751, he is, of course no longer referred to as "William Junior."

In 1752 Robert Burton and Nowell Burton, sons of Hutchins<sup>1</sup> witnessed a deed of William Burton. In the same year William was one of the appraisers of the estate of W. Pike who had lived as a near neighbor of the Redfords, Sharps and of John Cox. In 1754 Benjamin Clarke, Robert Burton and Nowell Burton witnessed a deed of Wm Burton to Charles Collier. Benjamin Clarke lived next to Col. Wm Randolph's land on Westham Creek, and near Hutchins<sup>1</sup> Burton.

In 1755 William Burton and John Cox were mentioned in a report made to Henrico Vestry by John and Benjamin Burton.

In 1765 Thomas Cocke brought an action in debt against William Burton; in 1767 Jesse Burton sued William Burton in debt; in 1772 William was a witness to a deed made by Thomas Calder.

We have no record of a will of Captain William Burton of Henrico; nor do we know the date of his death but it was probably about the time of the Revolution. The following two items may refer to him, but are more likely to refer to (his nephew?) William the eldest son of Martin Burton: in 1785 a William Burton was executor of the will of Joseph Pleasants; and from 1785 to 1789 William Burton was a member of the reorganized board of vestry of St Johns, Richmond.

The identity of the wife of Captain William Burton of Henrico is uncertain; family traditions hold that he was twice married.

The vestry book of Henrico in the records of 1759 mentions "John Burton son of William" as a processioner. At that time John Burton son of Benjamin<sup>II</sup> was also a resident of Henrico; the latter died in 1761. In 1762 Governor Fanquier commissioned John Burton a lieutenant of William Fraysor's company of the militia. In 1764 John Burton was summoned to account for his ward's estate. In 1767 and again in 1771 John Burton was a processioner.

By 1767 the vestry book discloses the presence in Henrico of only four Burton landowners: Jesse (the son of Benjamin<sup>II</sup>), William and John (the son and grandson of William of the will of 1751) and Martin Burton. The Henrico revolutionary claim papers show that Martin Burton, John Burton and William Burton furnished supplies and transportation for the troops.

In the first surviving tax book after the Revolution there is reference to "John Burton, Dec'd. Estate the Level." It is there shown that this estate passed to his son John.

The will of which an abstract follows is that of the widow of the John Burton who, as just noted, died at the end of the Revolution:

Sarah Burton, will 1795 (Henrico Will book II, 320).

"Sarah Burton of Henrico county . . . to my granddaughter Frances C. Burton . . . remaining part of my estate to be equally divided (among) the other of my grandchildren, the children of my son William F. Burton, the above mentioned Frances C. Burton to equally partake with other children . . . Jackson Fraser, Rite Sharpe and John Redford, Senior, executors. SARAH (X) BURTON."

Witnesses:— Josiah Bullington, Abraham Sharpe, Jonathan Williams.

Probated January 6, 1795. Appraisal of the estate, Richmond February 2, 1795 (Will Book II, 329).

The next abstract is that of the will of the grandson of the foregoing testatrix:

John Burton, will 1809 (Henrico Will Book III, 360).

"I, John Burton of the county of Henrico .. to wife Lucy .. the plantation on which I now live called the *levels* .. to sisters Sally Mitchell and Frankey Charters Burton and to my nephews Albert Augustine and Algemon Sharp Royster .. two tracts of land commonly known by the name of Squires and Kesey Branch .. George Kesee, David Wright and Doctor John Adams executors,  
30 October 1809. JNO. BURTON."

Witnesses:— Frances Kesee, David Royster, Eliz. R. Royster; Nancy Sharpe, John Longest, Wm Bailey.

Probated 6 November 1809.

Below the will on the record is a pencilled note signed F. K.—"Lucy was dau. of Jackson Fraser, Frances Kesee dau. of Jackson Fraser."

The will of which an abstract now follows may well be that of a member of the above branch of the family:

"John Burton, Nov. 21, 1826; probated January 5, 1829.  
.. of the County of Henrico .. my executors to distribute proceeds of sale (of my estate) among my four children .. Elizabeth, Matilda, Sally & John P. Burton .. to my daughter Mary Starke for the maintenance of herself and Children .. daughter Elizabeth M. Burton Ex & son John P. Burton Ex<sup>or</sup>." (Signed) JOHN BURTON.  
Test: W. Dandridge, John Mc. Dermott, Ebenezer S....?

There are, of course, further Burton entries in the later Henrico records, but here we may leave this line of William<sup>I</sup> Burton's descendants. A will above cited shows that in 1809

this John Burton was living on the plantation called "the levels"—the same land given by John<sup>1</sup> Burton in 1684 to his son William.

In addition to the son or sons, Captain William Burton of Henrico appears to have had at least two daughters. The alliances of this branch of the Burton family in the last half of the eighteenth century were with the Povall, Winston and Smith families of Henrico.

The name of Odadiah Smith appears several times in this narrative, as that of a resident both in Henrico and Cumberland counties and as a near neighbor of the Burtons in each locality. The first Obadiah Smith married Mary the daughter of William<sup>2</sup> Cocke (1665—1693) and their son Obadiah Smith born May 4, 1745 is stated to have married on March 4, 1775, Betsy Burton the daughter of Captain William Burton of Henrico. In the Virginia Magazine of History Volume xxxiii at page 421 we find a contribution from Miss Jennie Royall of Goldsboro, North Carolina, in which the statement is made that John Bacon Royall (Ryall) married on Oct 15 1785, Mary the daughter of Captain Obadiah Smith and Betsy Povall Burton and grand-daughter of Captain William Burton and Betsy Povall. If this account is correct, we find here the name of one of the two wives to be credited to Captain William Burton.

Through the kindness of Mrs. Henry Meanley of Richmond (1932) a descendant of the sister of Dr Martin Burton, we reproduce the records from the bible of Thomas Burton, the son of Martin Burton, giving the issue of the marriage mentioned in the preceding paragraph.

Bible Record:

"Obadiah Smith, born May 4, 1745, died Aug, 5, 1794, married March 4, 1775 Betsy Burton, daughter of Captain

William Burton. Their children:— 1. Mary Smith, b. Apr. 26, 1774, m. Oct. 15, 1795, to John Royall son of James Ryall or Royall. 2. Lucy Smith, b. Apr. 1776, m. John Hawkins. 3. Martin Smith, b. Aug. 30, 1778. Capt. in war of 1812; d. unmarried. 4. Jacob Smith, b. Dec. 25, 178? m....? 5. Elizabeth Smith, b. Jan. 4, 1783, m. Dec. 14, 1803 Lyddall Bacon Bowles; 6. Sally Smith, b. Apr. 27, 1787. 7. Nancy Smith, m. W. Taylor; 8. Obadiah Smith, b. May 10, 1792.

This rest of this chapter will be devoted to Martin Burton of Henrico and his children.

Martin Burton was perhaps the most outstanding member of his family in Henrico during the latter half of the eighteenth century. It is not certain whether he was a son of William<sup>1</sup> of the Level by the latter's third marriage (in 1718 or 19 to Elizabeth the widow of Thomas Harwood) or a grandson of William<sup>1</sup> by the latter's son John. However, the possession of lands in the eastern end of the county (the Cocke precinct) by both Martin Burton and (his brother?) Peter Burton favors the theory that they were sons of Elizabeth (Cocke?) Harwood-Burton.

We may assume that Martin Burton was born about the year 1728. On the election polls for 1751—52 (Jan. 7) he is entered as a voter in Henrico. He lived about five miles north-west of Richmond in that vestry precinct of Henrico which lay south of the headwaters of the Chickahominy near "The Brook" a region long dominated by the Bacons of New Kent and their kin. This was also the locality near which Obadiah Smith lived. Years before, Hutchins<sup>1</sup> Burton had owned property there. In September 1762, Martin Burton was commissioned Lieutenant in the county Militia, and the same day Izard Bacon took the oath as Lieutenant. They were in Captain Wilkinson's company. In 1785 Captain Izard



Bacon of "The Brook" granted land near his own residence and next to the property of William Bacon to William Burton probably the son of Martin Burton. In 1767 and again in 1771 Martin was a processioner for the vestry in the precinct bounded by Chickahominy Swamp, Brook Road, Cannon's and Smith's Mills. Again in 1771 he was processioner for the same precinct. In 1774 as guardian for William Sterling Smith he was a petitioner for the fixing of the boundary between Henrico and Hanover counties which ran through Chickahominy Swamp.

As there appear to have been two Martin Burtons, probably uncle and nephew, living at this time, we may have failed to place correctly all items from the records referring to that name.

In 1774, November 17, Martin Burton was elected a member of the Revolutionary County Committee for Henrico. (W. & M. v. 104).

In 1779 he was one of the trustees of the proposed Washington Henry Academy of Hanover County. (Hening, second series, Vol. II).

During the war, he was credited with furnishing 500 wt. of beef and 1907 bushels of wheat to the army.

In 1783 in the settlement of the estate of William Black in account with the estate of Turner Southall, deceased, Martin Burton was paid for "crying" the negroes at the sale at Manchester in 1783. (Chesterfield County Will Book IV. p. 548).

On July 4 of that same year he obtained land grants for two small parcels of land (Book H. p. 325) one for two acres "beginning on a high rock in James river nearly opposite Overton's Mill;" and the other for four and three quarters acres on one of the Cedar Islands nearest the Henrico side in James river."

The will of Martin Burton dated 1791 and probated in 1792 in Henrico, mentions his wife (without naming her) and the following children:

1. William Burton, to whom he leaves lands "250 acres to the corner of the old field," mentioning the horse swamp, Carters Line and Wm Jone's line. We note that as long before this as 1748 Peter Burton, probably a brother of this testator, lived on land next to Carter in Henrico county.

2. John Burton to whom he leaves "the tract of land where he now lives, 450 acres next to Daniel Burton, Poplar Branch, Meredith's Branch, Miller's Spring Branch."

3. Daniel Burton, to whom he leaves "the remainder of the land purchased from Hughes and Miller."

4. Thomas Burton, to whom he leaves the tract of land purchased from William Smith, the "meadow plantation" and the "plantation where I now live."

5. Daughters Lucy Burton and Elizabeth Smith (wife of Wm Sterling Smith?).

Testator appointed his four sons as executors. The witnesses were John Smith, Giles Carter, William A. Smith and David Thompson.

The will does not mention the wife of Martin Burton by name. Family tradition among their descendants in Virginia is divided on the subject. One theory is that he married a Clementina Pleasants, aunt of the Clementina Pleasants who married his son Thomas in 1793. Another side claims that he married a Mary East of a family long settled in Henrico. The former seems the more probable statement.

An obituary notice appearing in the "Whig" on March 20, 1829 refers to the son-in-law of this Martin Burton as follows:

"Captain William Starling Smith . . . Died 18 March 1829 age 71 . . . Henrico County . . . Justice of the peace; . . . in

the Revolutionary War . . . battles of Brandywine and Germantown . . . member Presbyterian Church . . . survived by four children." (Va. Mag. xxxv, 450).

That Martin Burton was a decided influence in his family is shown by the survival of his name in later generations. In 1831 Dr Martin Burton was a charter member of the Virginia Historical Society, together with a Robert Burton (Va. Mag. Hist. xxxix, 295). This Dr Martin Burton had been a student of medicine at the university of Maryland in 1828. (W. & M. xv. 242).

Before concluding our summary of references to the Burtons of the "Level" in Henrico County, it would perhaps be well to add some mention of articles published in Volume II of the Joseph Habersham Historical Collections dealing apparently with scions of this line. These articles were contributed some thirty years ago to the Atlanta Constitution, by Burtons in Georgia and Alabama, who were engaged in a delightfully acrimonious controversy about their ancestors. The cause of the dispute lay in the claim to title in a really regal tract of land in Mexico acquired by a Burton who was a Texas patriot in the war of 1845. It appears from these records that the founder of this Georgia line was William B. Burton, born in Henrico county, Virginia, in 1779, who married Ann Hughes of Hanover county Virginia (born 1783). Their first child was named Isaac and was born in Virginia in 1804. Shortly after that date the family moved to Georgia. The given names of Pleasant and of Stovall appear among their descendants.



*Chapter XII Robert<sup>1</sup> Burton of Longfield, son of John<sup>1</sup>*

He was born probably about 1660 and died after 1723 and before 1727. When his father made a deed of gift in 1684 to two of his sons: William and Benjamin, of a small estate to each from the 700 acres at Longfield, Robert was not included. His father had apparently previously seated him on a part of Longfield bordering on the "Roundabout" stream. The patent to John Jameson of 89 acres on October 23, 1690 bounded not only on land of "Wm. Bartnes" but also on "Robt. Burtnes line .. East .. to a branch comeing out of ye Roundabout." (Book VII, page 102). In a patent of 1687 to Thomas Cocke, the Roundabout Branch is again mentioned as Robert Burton's land-mark.

Robert's first appearance is in the Miscellaneous Court records of Henrico, page 49, in 1675 when with his brother John Burton, Junior, he witnessed the will of Captain John Knowles. Testator mentioned his daughter Bethinia Knowles and his son Wm Knowles, and appointed his "friends Capt. Hen. Isham & W. Byrd" as executors. In 1676 this will was proved by the oath of Robert Burton. After that Robert is often mentioned in Henrico records, and during his life inherited and amassed a considerable estate. He was, perhaps, the most successful Burton of his generation. About 1686 he married Mary Nowell the daughter of John Nowell of Charles City county, and of Lydia (Perkins) his wife. No evidence of her personality has survived, except the fact that in 1694 Mary, the wife of Robert Burton, was presented to the Grand Jury for "prophanity." If her husband was the cause of this outburst, we hope he paid her fine like a man.

The wife of his brother—William Burton—was likewise presented for two oaths in 1696. It seems that Henrico was particularly noted for this vice. In that day church and state were united, and the tradition surviving from Catholic times was that only the priest (clergyman) could condemn (damn). Bruce, in his *Social History of Virginia* states that in the course of 1692, 122 persons were indicted in Henrico for uttering “wicked oaths;” one was accused of “oaths innumerable,” and a lady (Anne Stop) “was charged with having been guilty of that vice at least 65 times.” The most objectionable oaths were “Swearing Gods Wounds,” and “Swearing God’s blood.” In 1694 the punishment was a fine, but the act of the Virginia legislature of 1675–6 (Hening II. 333) shows that in drawing up a code for the army, the penalty fixed for blasphemy was to run the gauntlet, and for “obstinately persisting” the punishment was “to be bored through the tongue with a hot iron.” This would hardly suit the modern “dough-boy”—much less the cavalryman! In 1692 in Henrico parish there was evidently a raid against “prophanity” which curbed plantation conversation for several years.

Robert<sup>I</sup> Burton was energetic in acquiring lands. As early as 1686 he established his right to a land patent for 300 acres for the transportation of James White, Thomas Watts, Teague Collange, John Lawrence and Anne Doughty. None of these names has significance in the Burton annals; they were all purchased headrights. The location of his first plantation is fixed by a description in a patent to “Mr. Thomas Cocke, Jr. . . 20th April 1687, 671 acres lying in Henrico county . . in the parish of Varina beginning at a corner white oak belonging to ye land of Mr. Robert Burton, and Mr. John Davis, and runneth along their line . . crossing the Roundabout Branch.” These lands of Robert<sup>I</sup> were evidently a part of or

adjacent to the Longfield estate of his father. Six months after receiving his patent, on October 1, 1687, Thomas Cocke, Jr., and Mary his wife deeded to Robert Burton, "for a sum of tobacco *and other good causes* 300 acres of the land he [Thomas] had patented in April of that year." (Henrico Wills & Deeds, 1677-1692, p. 466).

Thomas Cocke, Jr., lived at Malvern Hill on the lower border of Henrico parish. His acquisition of lands on Cornelius Creek was evidently only an investment. His first wife was Mary Brazier (Brazure, etc.) of Nansemond county, whom he married (circa) in 1687. When he died in 1707 he devised about six thousand acres of land to his children. (Va. Mag. IV. 86).

When John<sup>I</sup> Burton died in 1689 he devised the estate of Longfield to his two surviving sons: William<sup>I</sup> and Robert<sup>I</sup>, the latter receiving the dwelling plantation. Robert was appointed by the will executor, and presented the will for probate April 1, 1690. Nathaniel Bacon, President of the Council and acting Governor, granted probate April 19, 1690.

Soon thereafter Robert began to increase his holdings of land. By 1701 he held (including his patents) 1600 acres, apparently all in the vicinity of Cornelius Creek. Of this he sold 500 acres. The Quit Rent Roll of 1705, however, credits him with 1350 acres. On June 6, 1699, there was a grant to him of 1300 acres:—

"on the north side of James river . . . next to Lily Valley . . . Coles run . . . Cornelius Creek . . . Mr. Beauchamp's path . . . to Cornelius Branch . . . The said land was formerly granted to Edward Hatcher by patent October 6, 1675, and was by him deserted and was since granted to the said Robert Burton by order of the General Court 15 October 1698 and it is further due the said Robert Burton for the transportation of 26 persons."

The mention of Beauchamp's path referred to the E.N.E. boundary of the Burton grant. Mr. Beauchamp, who died before 1680 and had lived next to William Giles and John Knowles, had land "in Henrico county s. side Chickahominy Swamp, Owens Quarter Run and crosses Pamunkey Path and Cowtail Quarter Run."

On April 25, 1701, there was a grant to "Robert Burton, Senior," of 300 acres in Henrico:—

"in the parish of Varina and on the east side of Cornelius Creek . . . by Parker's path . . . due for the transportation of six persons."

At that time (1701) the landowners adjoining Robert<sup>I</sup> Burton were John Pleasants, John Davis and William Ballew. On July 15, 1717, he received another grant:—

"17 acres . . . bounding on the head of the Longfield patent . . . land of Thomas Taylor . . . to William Burton's line, thence on his line s.w. by w. 34 to the said Burton's corner pine, thence on the head of the Longfield patent south . . . to the beginning."

Robert<sup>I</sup> did not hold all of his patented land; in 1700, May 1st, he and Mary his wife acknowledged a conveyance of 300 acres to Richard Cox; 150 acres to Wm. Hobson, and 200 (300)? to Nicholas Perkins. (Henrico Orders 1694—1701, p. 264). These deeds are recorded in the Henrico book for 1697—1704, pp. 177 and 178. In the deed to Hobson it is stated that the 150 acres conveyed were:—

"part of a patent granted unto the said Robert Burton for 1300 acres as lapsed land June 6, 1699, . . . small branch of Cornelius Creek . . . quarter fields."

In 1704 John Woodson sold 150 acres on Cornelius Creek to Edward Hatcher. This land is described in the deed as having been originally patented by Robert Burton (Valentine Papers).



On April 2, 1711, Robert Burton, Senior, "of the county and parish of Henrico, planter," and Mary his wife deeded to William Cox, Senior, "for twenty shillings and for divers good causes 150 acres, north side of James river beginning at a black oak parting this line and the land now or late in ye tenure of Edward Hatcher, Senior, running thence to the line of a tract formerly granted to said Edward Hatcher, of which this land is a part." The witnesses were John Drinkwater and Jas. Cocke.

In 1721, on January 1st Robert Burton acknowledged a deed dated that day to Henry Wood (who married Martha Cocke at Bremo in 1723); Mary Burton relinquished her dower right. Robert<sup>I</sup> died shortly after 1723. His will is lost.

In the Quit Rent Roll of Henrico in 1705 Robert<sup>I</sup> Burton is credited as we have said with 1350 acres, a number correctly representing the recorded land transactions up to that date. He seems to have held at least a thousand acres to the time of his death. Some 300 of that estate went by his will to his (youngest) son John<sup>II</sup> together with the dwelling plantation. This leaves approximately 700 acres unaccounted for—a fact which will be emphasized in our discussion of the members of the next generation.

It seems clear that Robert<sup>I</sup> was a man of consideration in his day; he is occasionally referred to in contemporary records as "Mr.," which in that era still had a social significance.

Robert<sup>I</sup> had no taste for public office; the only two positions held by him were those of Constable and Road Surveyor. We find on June 1, 1686, that Robert Burton was "upon his own petition discharged from his constable's place." (Henrico book III, p. 211). In the same year, Robert Burton was appointed road surveyor in place of Thomas Risby "who being very ancient is discharged;" but Robert Burton and Thomas Jefferson "surveyors of ye highways to this court" returned

their warrants in 1686. In spite of his evident distaste for public service, Robert was again a surveyor of highways in 1692; this time with Abraham Womeck and John Cox, Jr. His first inclination, however, was, as is so often the case with us all, the right one, for there are items in Volumes 4 and 5 of the Order Books as follows: 1695, Robert Burton being summoned on the presentment of the grand jury for not clearing the Road is discharged paying (?) costs .. the presentment being void from uncertainty." Again, June 1, 1695, "Robert Burton up for not clearing road according to law. Grand Jury." This experience in public office sufficed for the Burtons for many years; it was not until Robert's grandchildren reached man's estate, some half century later, that members of the family are found regularly holding responsible political position.

In the Orders, Wills and Deeds Book of Henrico for 1686, there is the following entry: "upon ye petition of Robert Burton and John Jameson, securities for the estate of Will Davis in ye custody of John Davis his guardian, it is ordered .. that they be released." The John Jameson mentioned had been, in his childhood, in the care of the orphan's court at Varina in 1677, and was represented there by John<sup>t</sup> Burton. The John Davis of the entry just quoted was the eldest son of John Davis of Longfield, deceased, and of Mary his wife, the daughter of John<sup>t</sup> Burton. John Davis, the son, was mentioned in 1689 in the will of his grandfather Burton. His age may be fixed approximately by a record in Henrico in 1690 (February):

"The Petition of John Davis as orphan in ye guardianship of Mr. William Glover (his step-father) for his estate to be delivered him is referred untill ye next court for ye sd orphan to prove himself to be of lawful age."

At the next court the petition was dismissed as proof was not offered. In the Henrico books he is usually designated as John Davis of Longfield, to distinguish him from another contemporary John Davis who was a tailor. On June 1, 1692, he was presented by the Grand Jury for swearing four times— an habitual practice it seems, among the Longfield Burtons. He was apparently at about this time already married, for on Vol. v. page 167, “John Davis personally appeared in open court . . . released 340 acres to Capt. Francis Eppes . . . Elizabeth Davis, ye wife of John releases right of Dower.” In the same volume of Henrico records at page 488 we find in June 1694 a deed of “John Davis, son & heir of John Davis of Longfield . . . for . . . 2500 lbs. tobacco . . . to Nicholas Perkins . . . 199 acres on north side of James . . . Coles run;” and on April 1, 1696 (Ibid. p. 624) a deed by “John Davis of longfield . . . Planter . . . to Francis Eppes . . . in consideration of 9574 lbs. of tobo. in cask and 50 lbs. current money . . . tract . . . north side of James . . . commonly called and known by the name of Longfield whereon the said John Davis now liveth and whereon John Davis deceased, father of the said John Davis did lately dwell . . . Michael Turpin . . . Robert Burton’s corner. Witnesses: William Farrar, John Cox, Thomas Cox.”

This marks the end of John Davis’ relations as a landowner with Longfield, and thereafter he passed out of the circle of our observation.

The William Glover, described as guardian in the petition of John Davis, had married the widow Davis, and was thus a brother-in-law of Robert<sup>1</sup> Burton. His lands lay on the Miry Swamp next to those of Robert, and of the Davises, as appears from a land patent granted to Glover on April 28, 1691, for 270 acres. (Land Book VIII, page 160). By this time his fortune had failed and he had departed from Virginia.

He had been a leading lawyer in Henrico and a Justice of the Peace. After his disappearance, his subsequent fate is one of the puzzles of Virginia family history. By some writers he is stated to have died at this time. One theory is that he went to North Carolina. However this may be, his wards and step-children were left almost destitute. Thereupon Capt. William Farrar became security for Mary Davis in the custody of Mrs. Sarah Woodson; while "Elizabeth Davis, another of the orphans of John Davis is with the consent and desire of Robert Burton her uncle, in his care and charge placed." "Hon. William Byrd, Esq.," went security for the estate of Elizabeth Davis. The difficulties which arose from the departure of William Glover were not confined to the family affairs. He had been an officer of a troop of horse in the Henrico militia. When he left no one possessed the requisite carbine pistols and sword to fill his place. In 1691 the Captain of the troop, William Randolph, publicly requested whoever inherited William Glover's arms to sell them to somebody who could qualify in his position (Henrico court minute book; quoted in Bruce's Constitutional History). We find in this incident the solution of a pressing modern problem—the only road to disarmament is bankruptcy. His pistols, as we shall see, fell to his step-daughter Mary Davis in the division of his estate.

William Glover's assets were promptly seized by the court, presumably for the benefit of his creditors. His personal property as listed in court shows him to have lived handsomely for his day and generation.

Volume v. of Henrico records, at page 283 et seq. gives the following:

"An Inventory and Appraisement of ye estate of Mr. William Glover in the custody & possession of Mary his wife .. this 22 Dec. Ao. 1691: Above stairs—(among

numerous articles 2 Turkeywork carpets damnified “valued at 50 lbs. of tobacco, and 6 High Rusha chairs [leather]”). In the Rubb’d Room—(among other articles, 1 doz. Russia chairs, 1 small folding table). In the middle room . . . In the milk house (much pewter). In the kitchin”— The inventory included 1 servt. man, 1 negro man, 1 Indian boy. Among the horses are mentioned “1 young outlying horse 3 years old and very unlucky,” and “1 outlying mare not seen since last summer.”

There was also one very small silver tumbler as well as 1 dozen silver spoons valued at 1200 lbs. tobacco. Nowadays one pound of good smoking tobacco is worth as much as a pound of silver! On May 16, 1692, was recorded a division of part of the estate among the Davis children: Mary drew among other things the outlying mare and the silver spoons, as well as the pistols. The pistols were, no doubt, about as useful to her as the evanescent mare.

William Glover, as well as Robert<sup>1</sup> Burton, had been troubled by that perennial problem—the servant question, as the records for 1686 show: “Robert Burton acknowledges that his Indian boy Harry is to serve him but six years, then to be freed.” Harry, however, was dissatisfied with this pleasant arrangement, for we find a certificate of Edward Marshall and Henry Voden for taking up three run-a-way Indians—“Harry a boy belonging to Mr. Robert Burton and Katie and Sarah, wenches belonging to Mr. William Glover.” Harry discovered the eternal truth of the saying: “He travels fastest who travels alone.”

An entry in the records in 1693 gives us a side light upon the Virginia of that day:

“To whom these presents may concern, I, ye subscriber, by God’s assistance am bound home for England and am

now living at Robert Burton's at Longfield, and being now ready to satisfy all P(er)sons as witness my hand this second day of October, 1693" signed John Iremonger.

Why he was living at Robert Burton's, we do not know. Perhaps it was only the pleasant Virginia habit of coming to spend the afternoon and staying for three months. John Iremonger either did not go to England, or else he returned later to Virginia, for on February, 1, 1695 he, together with Tho. Taylor and John Davis witnessed the will of John Cox, Senior, of Henrico.

At all events we cannot but admire his sturdy determination to "satisfy all persons," an ideal to which few have attained. It was, no doubt, a commendable attempt to pay all his debts in Virginia before leaving for England. Some years earlier, John Iremonger had been a witness to a scene in the house of Mrs. Mary Davis the sister of Robert Burton, where a contentious person named Dearlove had welched on a "debt of honor." The incident is set forth in the book of Henrico records 1677-1694 at page 300, in April 1685:

"John Iremonger age about 30 years deposes that lately ye deponent come to Mrs. Davis's and Captain Soane & Richard Dearlove were at play at Putt & played abt. two games (but for what is unknown to yor deponent) and then left off, Capt Soane saying to ye sd Dearlove I must go to ye falls tonight & think we have done very well. Richard Dearlove replied we will light our pipes and play the first ten putts for five hund'd & soe will give over; then setting down again Capt Soane desired ye deponent to take notice of ye play wch ten putts they play'd & Capt Soane wone, then Capt Soane demanded his bill for fifteen hund'd pds. of tobacco wch he had wone & two hund'd wch he ye said Dearlove ow'd Rich'd Bland, And

ye sd Dearlove went away & said I owe you nothing. And further saith not Jo. Iremonger.”

Putt was a simple game in which the whole pack of cards is used, but only three cards are dealt out at a time; who ever gains at least two tricks out of the three counts five points, which makes game. We may assume that John Barleycorn also played a hand in this particular game of putt.

The court order book of Henrico for the year 1699 contains a clear indication of the local importance to which Robert had then attained: “April 15, it is ordered that Robert Sharpe, constable, doe give notice unto all ye principal inhabitants and others with his Precincts, especially unto Mr. Thomas Farrar, Thos. Bailey, Will Cocke, John Cox, Robert Burton and Thomas Risby, to appear at ye court house of this county upon Friday next ye 21 of this instant that further inquiry (be) made whether any of them are fearfule or Apprehensive of ye Emper’r of Piscattoway or Architeke and his indians doing any mischief.”

Shades of Nathaniel Bacon and of his “hearts of gold!” Only 23 years after General Bacon’s death the Indians whom he had scattered to the forest’s depths in order to make Henrico safe for the English were again menancing the very region about his old home at “Curles.”

Robert<sup>1</sup> Burton duly discharged the usual offices as neighbor and kinsman. In 1699 he and John Davis, with Thomas Osborne and Thomas Edwards, was appraiser of the estate of Obedience Cocke, relict of John Cocke. In October 1711 Thomas Howard was directed by Henrico court to pay Robert Burton as a witness. In 1712, the appraisers of the estate of Mr. William Cox were Robert Burton, senior, Thomas Farrar, Thomas Branch and Thomas Taylor. On August 2, 1713, William Cocke, Thomas Bailey, Robert Burton and Seth Ward

were appointed appraisers of the estate of John Stewart, dec'd. In August 1714, Robert Burton was an appraiser of the estate of John Stewart. In September of that year he sued the estate of John Pleasants, dec'd, for £10 due by bill, and recovered judgment—no mean achievement, by the way, against a Pleasants! In 1721, John Sutton Farrar was administrator of the estate of Temperance Farrar; the appraisers were Richard Rayborn, William Parker, Robert Burton and Abraham Childers. Two months later Mary Farrar was granted letters on the estate of William Farrar, deceased, and Thomas Taylor, William Burton, Richard Rayborn and George Cox were appraisers. This William Burton was, we think, the brother of Robert<sup>I</sup>.

In 1723 the name of Robert Burton appeared several times in the court records of Henrico. In January of that year he was security for his son John, who was being sued for a debt of £38 by the rich Indian trader John Bolling. In May and August Robert<sup>I</sup> appears to have been involved in a legal controversy with his neighbors Robert and Francis Eppes.

Shortly after the year 1723 Robert Burton died. He was buried on his own plantation of Longfield, as was the Virginia custom.

Robert<sup>I</sup> Burton's will cannot be found, and the only one of his children who can be established by primary proof is John—presumably his youngest son, to whom the dwelling plantation and about 300 acres of land at Longfield was devised. These facts are established in the deed of 1728 by which this John Burton sold the dwelling plantation.

Four other Burton men of the third generation in Henrico were, without doubt, sons of Robert<sup>I</sup>, enterprising sprigs of the same tree, devoted to the acquisition of lands in Henrico, Goochland, Cumberland and Mecklenburg counties. These four, hereinafter designated as Robert<sup>II</sup>, Nowell<sup>I</sup>, Hutchins<sup>I</sup>, and Benjamin<sup>II</sup>, together with their descendants in Colonial



days, fill the remaining pages of this narrative. In the case of Robert<sup>II</sup>, we shall in part carry the pedigree on down through his grandson Jesse Burton of Lynchburg to the generation of which members are still living.

The relationship of the four men just mentioned to Robert<sup>I</sup> Burton, their father and to one another, can be established only by secondary or circumstantial evidence, which will appear in the chapters devoted to each of them in the following pages. In the last years of their father's life he had nearly a thousand acres of land (beside the dwelling plantation) the disposition of which is unaccounted for in existing records. Each of these four sons was established on lands of his own shortly after Robert<sup>I</sup>'s death.

Hutchins<sup>I</sup> up to the year 1733 held lands on the Roundabout Brook (Cornelius Creek), which had belonged to his grandfather, John<sup>I</sup>, and which had been "given to him (Hutchins) by his father." This tract he sold in 1733 to (his brother) Benjamin<sup>II</sup>.

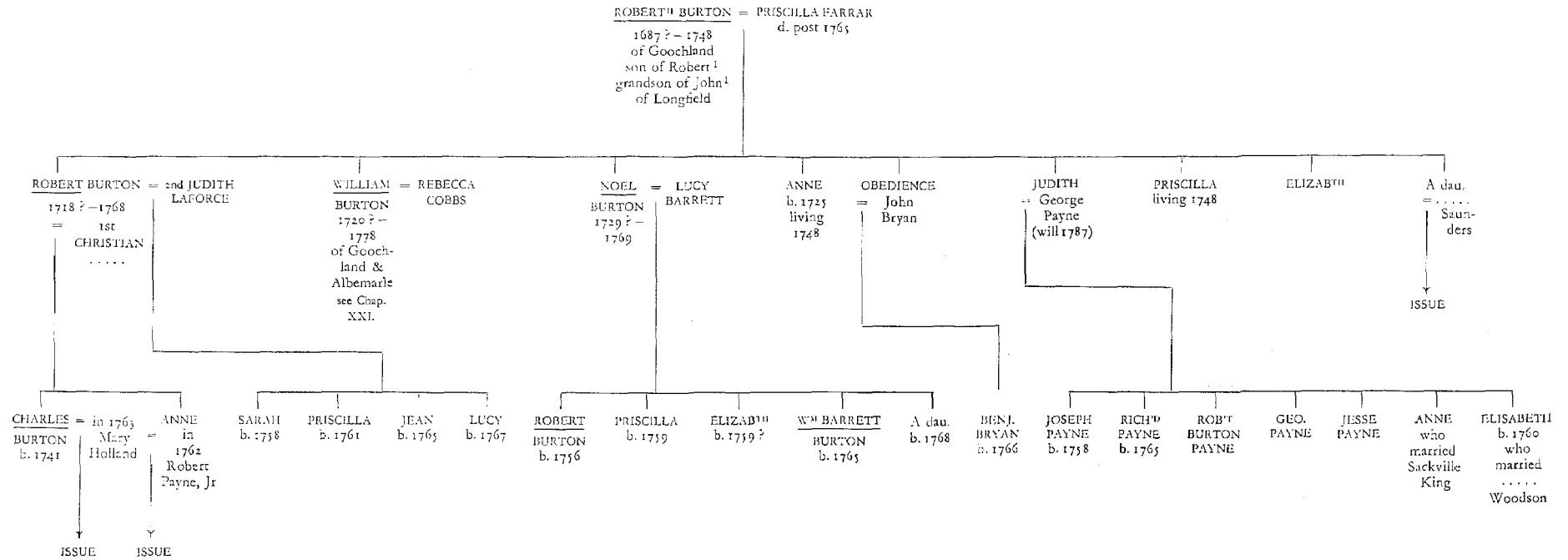
The names given to the Burton children of the fourth generation by their fathers, afford strong evidence that Robert<sup>II</sup>, Nowell<sup>I</sup> and Hutchins<sup>I</sup>, at least, were brothers, and sons of Robert<sup>I</sup>. Each of the three named a son Robert, while it does not appear that one of them named a son after William<sup>I</sup> of the Level. Nowell<sup>I</sup> had no son William; Hutchins named a son William Allen Burton, after a member of his wife's family (an early instance of the "double-barrelled" name); while Robert<sup>II</sup>'s son William was no doubt named for his grandfather (William Farrar).

Of the six children of Benjamin<sup>II</sup>, four bore names derived from the family of John<sup>I</sup> of Longfield: Benjamin, John, Rachel and Magdalene. No evidence of Benjamin<sup>II</sup>'s own paternity is to be derived from these names. Hutchins<sup>I</sup> had a grand-daughter Magdalene.

John<sup>II</sup>, the son of Robert<sup>I</sup> seems to have had a son John, daughters Mary, Martha and Magdalene, and a granddaughter Rachel.

Finally, Robert<sup>II</sup>, Nowell<sup>I</sup> and Hutchins<sup>I</sup>, who were doubtless brothers, each had a son Robert, and each a son Nowell (or Noel). Nowell<sup>I</sup> and Hutchins<sup>I</sup> both named a son Hutchins; Robert<sup>II</sup> and Nowell<sup>I</sup> each a daughter Anne.

Further reasons to support the theory that Robert<sup>II</sup>, Nowell<sup>I</sup>, Hutchins<sup>I</sup>, Benjamin<sup>II</sup> and John<sup>II</sup> were the sons of Robert<sup>I</sup> Burton of Longfield will appear in a reading of the succeeding chapters.





### *Chapter XIII Robert<sup>I</sup> Burton of Goochland*

Robert<sup>II</sup> is believed to have been the eldest son of Robert<sup>I</sup> Burton of Longfield and of Mary (Nowell) his wife. It may be, however, that Nowell<sup>I</sup> Burton was the older, for in two suits in Henrico court brought respectively by John Stewart and John Soane, in 1723, against Nowell and Robert Burton, the name of Nowell is mentioned first. Robert was probably born about the year 1687, for we find Robert<sup>I</sup> Burton described in a land patent in 1701 as "Senior" indicating that Robert Junior must have been at least 14, and more probably 16 year old at that date—an age at which a young man became tithable. In 1710 Robert Burton, Junior, served on a jury in Henrico court, so he must have been at least 21 years old at that time.

In February 1711, Robert Burton, Jr., was a witness to the will of William Cox. In 1713 William Randolph sued Robert Burton, Jr., for a debt of £7-7-10d.

As early as 1723 Robert<sup>II</sup> was settled in that part of Henrico county of which in 1727 was created the county of Goochland, and he was closely identified with the new county up to the time of his death there in 1748. Nevertheless he had lands in Henrico parish, and as late as 1746 described himself in a deed as "of Henrico." There is, however, no evidence available as to the land holdings of Robert<sup>II</sup> in Henrico, except lots in the new town of Richmond; there is no deed of land to him nor from him on the existing records; and the will of his father is lost. No doubt Robert<sup>II</sup> gave his share of his father's lands to his son William after the latter was 16 years old and thus tithable—that would have been

about the year 1736. Henrico deeds are missing from 1737 to 1744. All of Robert<sup>I</sup>'s brothers were of record as landowners in Henrico parish when they came of age or married. Robert probably moved up the James to Dover Mill Creek as early as 1723. His name is mentioned in that year as follows:

October 1723 "John Stewart vs. Nowell Burton, Robert Burton, Jr. and Tarlton Fleming for sixty thousand pounds of tobo. due by bond dated 1721." December 1723, action of debt between John Soane, plt. and Nowell Burton, Robert Burton, Jr., and Tarlton Woodson."

From the names of the parties to these suits it appears that the transactions may have related to the acquisition of lands in Goochland (then Henrico); since the plantations of Nowell and Robert on Dover Mill Creek there were purchased from the Woodson estate. In the same year, 1723, Robert Burton, Jr., was an appraiser of the estate of Benjamin Woodson.

In 1725 Robert Burton and Priscilla his wife had a daughter Anne born in St James Northam parish (Goochland). They recorded that happy event in the Revd. Mr. Douglas' register some years later.

By 1728 Goochland county was a separate jurisdiction from its mother county of Henrico. In that year we find Robert<sup>II</sup> settled there with Nowell<sup>I</sup> Burton, Josiah Payne, Robert Adams, John Bellamy, Cole Harrison and John Woodson as his neighbors. His lands were on Dover Mill Creek, part of a tract acquired in 1708 by John Woodson. This creek flows into the James from the north, opposite Sabot's Island, and not far above the Randolph home at Tuckahoe.

On November 15, 1731, Robert<sup>II</sup> acquired 350 acres more on Dover Mill Creek from John Woodson, bounded by the lands of George Payne, Thomas Wadloe, Robert Adams

and John Sutton Farrar, dec'd. The last named had bought 322 acres there from Nowell Burton in 1728, thus, no doubt, allowing the energetic Nowell to prospect further in the wilderness. This new 350 acre tract deeded to Robert<sup>II</sup> was held after him by his son Captain William Burton and then by the latter's son Jesse Burton (later of Lynchburg) who sold it in 1775.

In May 1732 Robert Burton served on a Jury. In the same year there was a mention of his lands in Goochland Deeds I. at page 289 as follows:

“Robert Payne, Robert Burton, George Eastham, ffleming Boles and John Boles witness a deed of John Woodson to Thos. Wadlow of land at mouth of a branch being Robert Burton's northermost bounds.”

In August 1732, Robert Burton was on a Jury in Goochland which heard a case of trespass between Thomas Dickens and Samuel Burton. Verdict was for the plaintiff for £3 and 274 lbs. tobacco. In April of the next year, Francis Eppes brought an action for trespass against Robert Burton. On March 16, 1735, Robt. Burton, George Payne and Wm Woodson witnessed a deed by Michael Holland of the county of Hanover to Luke Smith of Henrico of land in the fork of Tuckahoe Creek; while on Sept 25, 1736, Robert Burton, Samuel Ridgway and Wm Witt witnessed a deed of Robert Adams of Goochland to Thomas Saunders (the husband of Adams' daughter Mary) of land on a fork of Licking Hole Creek in Goochland.

In May 1732 Robert Burton was one of the appraisers of the estate of David Clarkson, dec'd.

In 1741 there was still another grant from John Woodson to Robert<sup>II</sup> Burton, conveying 120 acres adjoining the 350 acres acquired ten years earlier. It bounded on the lands of

William Farrar and George Payne, and ran to a branch of Tuckahoe Creek. The witnesses to this deed were William Farrar and Robert Burton, junior, the son of Robert<sup>II</sup>.

In the June court of Goochland in 1746, John Burton, junior, acknowledged a deed to Robert Burton. If this John junior was a member of the old Longfield family, he may have been either a son of Robert<sup>II</sup>'s brother John, or a son of Robert's cousin William Burton of the Level.

The Henrico order book for June, 1738, contains the acknowledgement of a deed in Henrico to Robert Burton from William Byrd, who was founding the new town of Richmond. On May 5, 1746, Robert Burton "of Henrico county" deeded to William Hopkins "five lotts containing each half an acre in a certain town called Richmond lately laid off below Shaccoe Creek, nos. 85, 86, 99, 100, 101." Priscilla, wife of Robert, relinquished her right of dower.

The first map of Richmond was prepared for Colonel William Byrd by Major William Mayo before 1737. It shows in addition to the five lots just mentioned, that Robert Burton had also taken up lots "L," "M" and "O." We have no evidence that he sold these, and he probably resided there during the last few years of his life. His plantation upon Dover Mill Creek was deeded by "Robert Burton, senr., of the County of Hennerico (sic)" for £50, 250 acres, on November 17, 1747, to his son William Burton of Goochland. The boundaries given were the lines of George Payne, Thomas Wadlow, Robert Adams and John Sutton Farrar, dec'd. (Goochland Deeds v. p. 346). The re-establishment of his residence in Henrico (Richmond) by Robert<sup>II</sup> may have been in connection with duties of the office of inspector of tobacco at Shoccoes warehouse for we find in the order book for 1737 Robert Burton Inspector of Tobacco mentioned and in March 1738 that "Joseph Royal, William Worsham,



Richard Royal, Luke Smith, Robert Burton, etc.” were appointed tobacco inspectors. In September 1739 Pleasant Cocke and Robert Sharpe succeeded Robert Burton and Luke Smith as inspectors of tobacco at “Shockoe.” In August 1741, Robt. Burton and Pleasant Cocke were inspectors at Shockoes; and in December 1742 Robt. Burton takes oath as inspector at Shockoe. The fact that from 1749 to 1752, after the death of Robert<sup>II</sup> in 1748, a Robert Burton with John Williamson, Jr., was inspector at Shoccoes (Journal of the House of Burgesses, petition etc.) may be explained by the probability that this Robert Burton was the son of Hutchins<sup>I</sup>, and thus the nephew of the former inspector. Further reference to this matter is made in a later chapter on the sons of Hutchins<sup>I</sup> Burton.

The wife of Robert<sup>II</sup> Burton was named Priscilla. She was probably the daughter of Major William Farrar of Henrico (1657—1721). There is no direct evidence to prove this marriage, for Major Wm Farrar left no will, and there is no register of Henrico parish for that date. The genealogy of the Farrar family as published in the Virginia Magazine of History attributes no husband to Priscilla Farrar. However it is believed that the record of frequent association between Robert<sup>II</sup> Burton and the Farrars justifies this statement.

Major William Farrar, who lived not far distant from Robert<sup>I</sup> Burton, married Priscilla, the daughter of William Baugh, Junior, and his wife Jane, whom we believe to have been the sister of John<sup>I</sup> Burton of Longfield, and thus the aunt of Robert<sup>I</sup>. Her will (1710) mentions her grand-daughter Priscilla Farrar, and another grand-daughter Mary Womeck. There were only three Priscillas known to have lived in this vicinity of an age to have been the wife of Robert Burton— (I) Priscilla Farrar; (II) Priscilla Womeck, who is mentioned in the will of her father Henry Womeck in 1710, and (III)

Priscilla Womeck the daughter of William Womeck, mentioned in her father's will in 1718. The Womecks lived in Bristol parish, south of the James, in what became later Chesterfield county. We can find no reason whatever for associating the Womeck family with that of the Longfield Burtons. On the other hand, the reasons for the contention that Priscilla Farrar married (her second cousin?) Robert<sup>II</sup> Burton are numerous. To summarize the arguments in favor: 1. Dates offer no objection; 2. There is no evidence that Priscilla Farrar married someone else; 3. The name Obedience given to a daughter of Robert<sup>II</sup> and Priscilla Burton belongs to the Farrar-Baugh connection; 4. William, the son of Robert<sup>II</sup> and Priscilla Burton named a son Philip Farrar Burton. The "Philip" we cannot account for—but the use of the family name Farrar is highly significant. Parenthetically, it may be mentioned as a curious coincidence, that this William, the son of Robert and Priscilla Burton, had surveyed for himself in 1752 a tract of 400 acres on "Mount Misery Creek" in Albemarle county in a region which was then practically a wilderness. This name of the creek in the newly opened county suggests the entry in Henrico court records (1710) at page 48, of a deposition by William Farrar (father of Priscilla) "aged about 50 years, that about 16 years ago he and John Davis (his adjoining neighbor) were at Mrs. Gower's (Mrs. Branch-Baugh-Gower) who desired them to go to her plantation called Mount Misery to measure a piece of land." She was the grandmother of Priscilla Farrar; it requires no very great stretch of the imagination to assume that Priscilla asked to have the new home in Albemarle perpetuate the name of Mount Misery! 5. The last and most convincing argument is a list of the occasions upon which members of the Farrar family are found recorded in connection with Robert<sup>II</sup> Burton; it may be noted that there are no Farrar

items in our records other than those given below, all of which relate to Robert<sup>I</sup>, to his son Robert<sup>II</sup> and to the children of the latter.

In 1693 William Farrar became security for the orphan Mary Davis, the niece of Robert<sup>I</sup>.

In 1699, Mr. Thomas Farrar (brother of Major William) was cited with Robert<sup>I</sup> Burton (and others) in the constable's list of "principal inhabitants" of Henrico parish.

In 1712, Robert<sup>I</sup> Burton, Thomas Farrar and others were appraisers of the estate of Mr. William Cox.

In 1721, John Sutton Farrar (nephew of Major William) obtained letters of administration upon the estate of Temperance Farrar. The appraisers were Robert Burton and three others.

In 1721, Mary Farrar obtained letters of administration upon the estate of William Farrar, dec'd. (Major William). William Burton was appointed an appraiser.

All the above are quoted from Henrico records; the items which follow are taken from Goochland, where Robert<sup>II</sup> and his wife Priscilla had settled.

1741, Robert<sup>II</sup> Burton acquired 120 acres in Goochland next to land of William Farrar; the latter was a witness to the deed together with Robert Burton, Jr., the son of Robert<sup>II</sup>.

1743, Will of William Farrar (uncle of Priscilla); witnesses Robert Burton, Jr., and Christian Burton (his first wife).

1748, Will of Robert<sup>II</sup> Burton; witnesses William Miller, Richard Farrar, and Gideon Hogg.

1769, Captain Noel Burton (son of Robert<sup>II</sup>) died intestate. William Farrar and Joseph Royal Farrar among appraisers.

1758, Priscilla Burton, widow of Robert<sup>II</sup>, deeds two slaves to her son Captain William Burton of Albemarle. Witnesses: John Laprade (husband of Temperance Farrar) and Perrin Farrar.

The persistence of the association of Farrar and Burton names through two generations suggests strongly actual relationship (closer than mere "neighbors") between these two families.

The Farrar family is among the most interesting of those who founded the colony of Virginia, and saw the infant settlement through its darkest days. They have been so often described by the historians of Virginia that there is no excuse for a repetition of those romantic chronicles. It will suffice to quote the account given by Dr Tyler in his *Cyclopedia of Virginia Biography* of the father of Priscilla Farrar.

"Major William Farrar, son of Col. William Farrar and Mary his wife, was born 1657 died 1715 (1721); Justice of Henrico county 1685—1715; Sheriff 1690 and other years; burgess 1700—1702. He married first Priscilla daughter of William Baugh, Junior, and of Jane [Burton (?)] his wife, and second Mary widow of William Ligon. He probably died in 1721 as in May of that year his widow Mary presented an inventory of his estate in Henrico county court."

By the time of the marriage of Robert<sup>II</sup> Burton and Priscilla, the importance of the Farrar family in the colony had somewhat diminished. Yet the alliance for the Burtons was a step upwards on the social ladder.

Robert<sup>II</sup> Burton died in Goochland leaving a will dated March 30, 1748, and proved October 18, 1748 (*Goochland Wills v. 487*). An abstract of this will follows:

"I Robert Burton of the county of Goochland being very sick and weak etc. . . unto my beloved wife four



The will of Robert<sup>II</sup> Burton just cited is like most of the Burton wills we have studied clearly drawn up upon the basis of having launched the older sons on their careers, and leaving the dwelling plantation to the youngest son. The estate which was devised to Noel, who was under age when the above will was made, consisted of 235 acres. We know that testator had owned other lands in Goochland shortly before his death. He had, it is believed, made provision for his older sons several years before this. His son William is given in the will just quoted, his father's table. Yet we know that in 1747, the year before Robert died he had conveyed to his son William Burton for £50 350 acres on Dover Mill Creek which he had purchased sixteen years before, at exactly the price he had paid for it in the beginning. This estate of 350 acres is an important part of the "chain of title" of our pedigree, as will appear later.

Priscilla, the widow of Robert<sup>II</sup> lived for at least another twenty years. Her husband was about sixty years old when he died. His brothers Nowell and Hutchins lived until 1763 and 1766 respectively.

#### *Chapter XIV The Children of Robert<sup>II</sup> Burton of Goochland*

1. The eldest son of Robert<sup>II</sup> was named after his father. He was born about 1718 and lived in Goochland county where he died after 1768. He married twice. First about 1740 to Christian . . . . and by her had two children:

1. Charles Burton born 1741 who married in 1763 Mary Holland, and had two sons (i) George Burton, born 1764 and (ii) Edmund Burton, born 1765 (Douglas Register). In 1778-9 Charles Burton and Mary his wife were still living in Goochland, for at those dates they were parties to a suit in Chancery vs. Thos. Ford. In 1785 George Burton was living in Amherst county as appears from an entry in the book of Col. James Higginbotham, the surveyor (W. & M. 2nd series XI. 35). In 1765 Charles Burton of Goochland, with the traditional "flair" for legal matters which we note as typically Burton, consulted Patrick Henry on three matters. The entries read "to fee and tax v. Thomas Ford, Chay. £1-11-3; ads. A. Coleman 15; tax v. maury Albemarle, 16. 3."

2. Anne Burton, who married in or before 1762 Robert Payne, Jr., and had eight children: (i) Charles Burton Payne, (ii) Elizabeth Payne (born 1763), (iii) Robert Payne, (iv) John Payne, (v) Katurah Payne born (1765), (vi) Anne Payne (born 1766), (vii) Agnes Payne and (viii) Mary Woodson Payne. (Va. Mag. Hist. vi. & vii, and Douglas Register). It is believed that Robert Payne and Anne his wife moved later to Pittsylvania county. A Charles Burton was a neighbor of theirs in that county in the census of 1782.

Robert Burton (the son of Robert<sup>II</sup>) and Christian Burton, together with Mary (×) Womack were witnesses to the will,

on November 14, 1743, of Robert's great-uncle William Farrar—the son of Thomas and Catherine Perrin Farrar. In the same year William Farrar, Junr., Thomas (×) Jopling and Robert Burton, Jr., were witnesses to the deed of John Wood to Sutton Farrar of land on Dover Mill Creek.

The second marriage of Robert Burton, Jr., of Goochland was to Judith the daughter of René Laforce of Bedford county, a scion of one of the Huguenot families which had settled in Manikin Town on the James river in 1701. He was mentioned in an investigation by the House of Burgesses into an unpleasant incident in Virginia history—the charges against a Burgess, Prosser by name, for irregular transactions in lands. Prosser was expelled from the House. One of his land “deals” had involved René Laforce, apparently as a dummy, but the latter vigorously protested his innocence.

The children of this second marriage born to Robert Burton, Jr., and Judith Laforce are given in the Douglas register:

1. Sarah Burton, born 1758; 2. Priscilla Burton, born 1761;
3. Jean Burton, born 1765; 4. Lucy Burton, born 1767.

In 1756 Robert Burton, the son of the late Robert<sup>II</sup> of Goochland was a vestryman of St James Northam Church. He is designated as “Captain” so it is evident that like his brothers William and Noel, Robert held a commission in the Militia.

The following entries in the Goochland records from 1756 to 1766 relate to this Robert Burton:

William Miller, Robert Burton and Wm Stamps witnessed the deed of Sherrard Harris to Thomas Ford on October 21, 1756. The same three persons appraised the estate of Sarah Laforce on July 19, 1757. In November of the same year Robert Burton, John Woodson, John Lepraid and John Utley were appointed to appraise the estate of Susanna Woodson, deceased.



In September 1758 Robert Burton was appointed a Justice of the Peace and a Justice in Chancery for Goochland and took the oath of office in December.

In May, 1760 the Goochland Order Book VIII at page 294 contains the announcement that "we the Grand Jury .. make the following presentment By the Information of Capt. Robert Burton Gent We Present Elizabeth Young for having a Bastard child." In extenuation of the officious information of Captain Robert Burton, Gent., who was both Justice of the Peace and a vestryman, we should remember that bastards were apt to be supported by the parish rates.

In 1762, William Miller, John Woodson, Robert Burton and Mathew Woodson were appointed by the Goochland court to settle the accounts of Fleming Bates executor of John Woodson, deceased.

In 1765 Robert Burton was a party to a suit in Chancery; his lawyer was the celebrated Patrick Henry, who noted the fact in his legal fee book. Perhaps the suit was that issue which is recorded in the Goochland county Deed Book VIII at page 485:

"... I Robert Burton of the county of Goochland (alias Bedford) .. for .. securing payment to Alexander Baine Merchant of Henrico county .. whatsoever sums of money should fall to my Lot to pay on account of my being a security to the said Alexander Baine for Captain William Stamps late of Bedford county for the sum of three thousand five hundred & twenty-five pounds six shillings and eleven pence to be discharged upon payment of £1762-13-5<sup>1</sup>/<sub>2</sub> with interest .. from July 1, 1762 .. untill the same shall be paid and the costs of the sute in the Honble the General Court as by Judgment of the said Court Oct. 18, 1763 ... did... sell by Indenture under my hand... Sept. 6, 1764... tract in the .. county of Goochland on the main branch

of Dover Creek ... bounded .. land of William Miller and John Leprade & William Webb .. also thirteen negroe slaves (named) .. also .. One bay Horse known by the name of Diamond (no brand), one bay mare and her colt got by Mr. Randolph's horse (not branded) fourteen head of Cattle markt with a crop & two Slitts in the right ear and under heel and slit in the left ear .. ten head of sheep .. six feather Beds and furniture, eight leather bottom'd chairs and one desk with this Proviso and Condition that if I the said Robert Burton .. should .. truly pay ... the said Alexr. Baine .. in consequence of my being a Security fo the said William Stamps .. the said Mortgage .. should . be void .. ...

March 3, 1765.

ROBT. BURTON. Seal.

Test. John Miller, Stoakes McCaul, John Fox, David Ross.  
Recorded May 21, 1765.

The regularity with which the Burtons were brought to final disaster through the enterprise of the Scotch becomes monotonous. Perhaps these Scotch were of the same breed as those noted in the London annals of today as money-lenders and bookmakers.

ii. The second son of Robert<sup>II</sup> and Priscilla Burton of Goochland was Captain William Burton of Goochland and Albemarle—of whom hereafter. He was the father of Jesse Burton of Lynchburg.

iii. The third child of Robert and Priscilla was a daughter Anne, whose birth is recorded in the Douglas register. She was mentioned in her father's will in 1748. Nothing further is known about her.

iv. Another daughter of Robert<sup>II</sup> and Priscilla was Judith who married George Payne, a near neighbor in Goochland. According to the Douglas register they had three children baptized in St James Northam:

1. George Payne and Judith Burton a son named Joseph, born March 23, 1758: bapt. Ap. 16, 1758.
2. (To the same couple) a daughter Elizabeth born Sept 19, 1760: bapt. Dec. 6, 1760, mentioned as Elizabeth Woodson in her father's will.
3. (To the same couple) a son named Richard born Ap. 29, 1765; bapt. May 26, 1765.

Two excellent articles on the Payne family of Goochland are given in the Virginia Magazine of History in Volumes VI & VII. This line can be followed down from the information contained therein. It appears that George Payne and Judith Burton had other children than the three mentioned in the baptisms of the Douglas register:

4. Robert Burton Payne who married Margaret Sydenham Morton, and was living in Fluvanna in the forks of the James at the time his father made his will in 1781.
5. A son George Payne.
6. Another child of this couple was the Anne who married Sackville King of Fluvanna county who is mentioned in Early's "Campbell Chronicles" as having in 1781 inherited 300 acres on Cary Creek in Fluvanna and as having moved to Lynchburg. This plantation was given him by his father-in-law George Payne and consisted of 384 acres.
7. A son Jesse Payne, who married Frances Morton, and had three sons named George, Richard and Jesse Burton baptized by the Revd. Mr. Douglas.

The will of George Payne of Goochland, dated February 23, 1781, proved March 15, 1784, is given in full in the Valentine Papers at page 1867.

v. Another daughter of Robert<sup>II</sup> and Priscilla Burton was named after her mother, and is mentioned in her father's will in 1748. Nothing further is known of her.

vi. They also had a daughter Elizabeth, born September 24, 1738 (Douglas Register), who probably died in childhood; she was not mentioned in the will of her father.

vii. Robert<sup>II</sup> had still another daughter, who apparently died before he made his will in 1748, for although he does not mention her, he leaves a bequest to his grandson Robert Saunders. The Douglas register gives the birth of a child to Richard Farrar and Elizabeth Saunders his wife on March 20, 1756. Possibly this Elizabeth Saunders was another grandchild of Robert<sup>II</sup>.

viii. The youngest son, though not the youngest child of Robert<sup>II</sup> and Priscilla was Noel Burton, who was under age at the time of his father's will. He was born about 1729. He lived all his life in Goochland and died there May 31, 1769, leaving a widow Lucy. In 1760 he had land on Glover's Road in Albemarle county adjacent to Tucker and William Woodson (Valentine Papers, p. 1808), but there is no evidence that he ever resided there. He was a man of consequence in his county, and an officer of the militia. Captain Noel Burton was a vestryman of St James in 1761 (Douglas register).

It is noteworthy that this branch of the Burtons had risen in the social scale and no doubt the fact that their mother was a Farrar had a great deal to do with this. The three brothers, William, Robert and Noel were all Captains and all vestrymen. In the Virginia of that day these offices were of very real importance in the community.

The Goochland records supply us with the following information concerning Noel:

John Martin, John Smith and Nowell Burton witnesses to deed of Paul Chiles and Anne his wife to John Payne of land on Little Bird Creek on June 22, 1750. Benjamin Hughes, William Miller and Noel Burton witnessed the deed of John Saunders of Albemarle county to Robert Hughes on May 10, 1750. In June 1757, John Allen and Samuel Allen brought

suit in Chancery against Nowel (sic) Burton in Goochland court. In November of that same year, Nowel (sic) Burton served on a jury of inquest. On November 27, 1758, Ralph Graves, Noel Burton and William Farrar witnessed a deed of James Holman of Goochland to Nathaniel Holman of Hanover, Gent. February 10, 1761, Noel Burton, Elisha Leak and John Bullock witnessed a deed of Ralph Graves in St James Northam parish to Josiah Hatcher of Cumberland parish. On February 6, 1758, Noel Burton, John Crouch and Lucy (×) Burton witnessed the will of William (×) Womack. In September 1760 Thomas Henderson brought suit in Goochland Court against Nowel Burton on a scire facias.

In the February court of Goochland in 1761, Nowel Burton was one of those recommended for the position of Justice.

In 1763 on February 4th, Noel Burton, Jos. Royall Farrar, John Woodson and Perrin Farrar witnessed the deed of John Bullock and Agnes his wife (nee Womack) to Joseph Woodson. In the following year on May 23rd Noel Burton, Charles Johnson, Arthur Moseley and Hugh Mc.Kee witnessed the deed of Susannah Camp of Cumberland to George Chowning of Goochland of the three acres of land which had formerly belonged to John Williams "and is commonly called Farrar's Ordinary," bounded by the lines of the estates of Ralph Graves and Capt. Noel Burton.

He made a deed on August 3, 1763 in the following terms: "Know all men . . . that I Noel Burton of Goochland county have Bargained sold made over and delivered unto Chas. Burton of the city aforesaid (the son of his brother Robert) one negro boy nam'd Stephen it being in consideration of the sd Chas. Burton discharging a bond on mine payable to Patr Coutts & Compa for sixty one pounds currt. money with interest." Signed by Noel Burton; witnessed by Math. Anderson and Geo. Chowning.

On October 6, 1766, Robt. Burton, Noel Burton (his brother) Kezeah (×) Fein (Fain?) John Woodson and Absalom Howle witnessed a deed of gift of George Thompson to his daughter Joyce Leak.

The following items showing Captain Noel Burton's land transactions in Goochland are taken from the county records or from the Valentine Papers:

On March 13, 1762 Mathew Woodson, planter of Goochland, deeded to Noel Burton of the same county, planter, 40 acres on the Tuckahoe Creek, "adjacent of the other lands of the said Nowel Burton." Mary Farrar was a witness. This was near the dwelling plantation on Dover Mill Creek left to Noel by the will of his father Robert<sup>II</sup> in 1748.

In 1763 John Bullock deeded to Joseph Woodson land adjoining Noel Burton and Josiah Hatcher.

On July 29, 1768, Noel Burton of Goochland deeded James Curd of the same county for 100 pounds a tract of 235 acres "bounded by the lines of Thomas Wadlow, William Burton, William Farrar, John Payne, Armstred (sic) Lightfoot and Charles Johnson." The deed was signed by Noel Burton and witnessed by Elliot Lacy, Joseph Ellis and Lucy Lacy.

On November 9, 1768, Noel Burton deeded to Matthew Woodson for 225 pounds a tract of 317 acres in Goochland on the Ferry road bounded by the lines of Joseph Woodson, James Buchanan, the estate of Ralph Graves, the lines of John and Matthew Woodson and of Richard Adams. Signed by Noel Burton and witnessed by Joseph Woodson, Joseph Ellis and James Curd.

Captain Noel Burton of Goochland died shortly after making the above deed, for at a court held in that county July 17, 1769, "Lucy Burton widow and relict of Noel Burton deceased" relinquished her right of dower. On the same date she testified that her husband had died intestate

and letters of administration were issued to her. The approximate date of his death is given by the entry in the Douglas register that the Rev. Mr. Douglas preached his funeral sermon on May 31st 1769, on the text "Heb. 11. 13."

The appraisal of the estate of this Noel Burton was rendered to Goochland court on April 14, 1770, by Matthew Woodson, Will Farrar and Hugh Moss. Among the items were 16 negro slaves, books, etc., value in all about £1000. Joseph Royal Farrar had also been appointed an appraiser, but did not serve.

Captain Noel Burton had been married about the year 1755 to Lucy Barrett, and the Douglas register mentions the following children of the couple: (i) Robert Burton, born 1756; (ii) Priscilla Burton, born 1759; (iii) Elizabeth Burton, born 1759 (?); (iv) William Barrett Burton, born 1765; (v) a daughter born 1768.

This is possibly the Elizabeth Burton who married Henry Woodson, son of Tucker Woodson and had issue Mary and William. (W. & M. XI. 58).

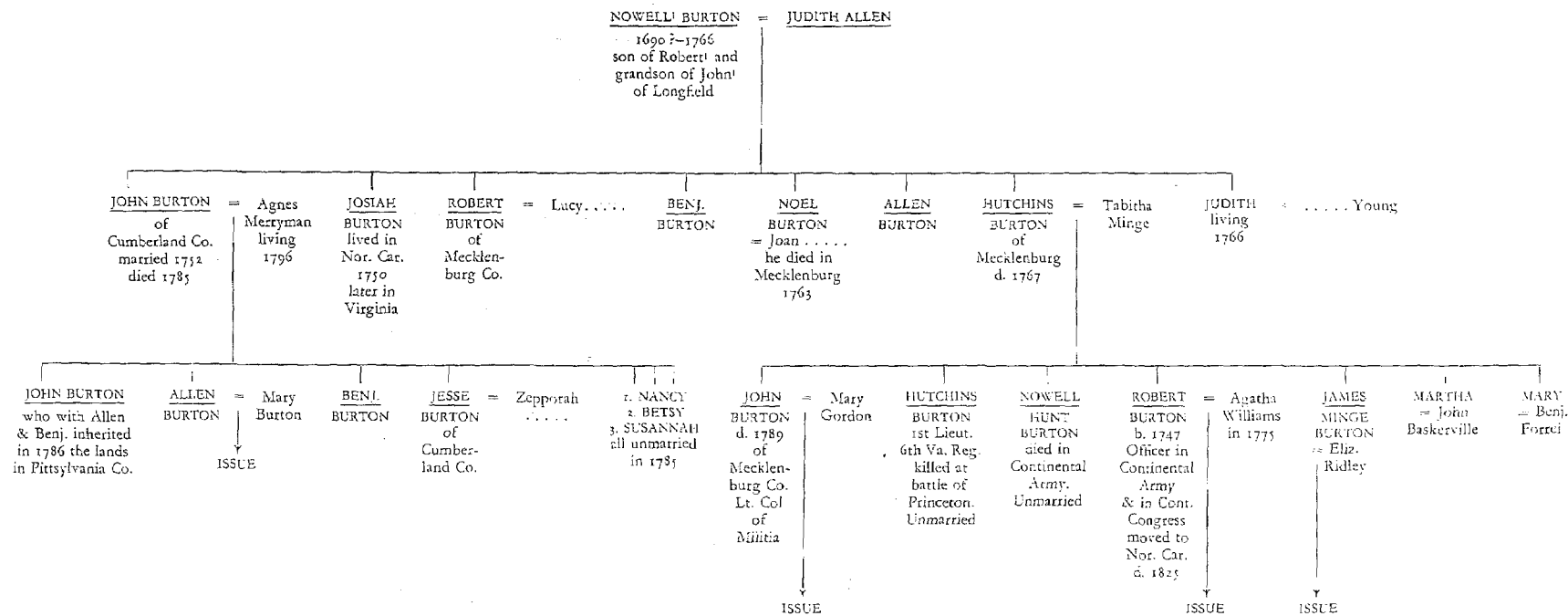
Priscilla, the widow of Robert<sup>II</sup> survived her husband for nearly twenty years. In 1758 she made a deed of gift of two slaves to her son William Burton. This deed is recorded in Goochland and was witnessed by John Laprade (the husband of Temperance Farrar), by Perin Farrar, Noel Burton (her son) and William Wodlow.

The last record we have of Robert<sup>II</sup> Burton's widow is in 1765, found in the book of law fees kept by Patrick Henry: "Priscilla Burton, Goochland." We do not know why she consulted the great man, but it could not have been for the same reason that drives modern ladies to lawyer's offices—she did not demand of Patrick Henry "Give me liberty or give me death." She already had the liberty, for she had been a widow since 1748. The entry in the great orator's book reads "to fee and tax v. Drury Johnson—o. 16. 3."





Chart No. 5





### *Chapter XV Nowell<sup>I</sup> Burton*

Nowell Burton was born about 1690 in old Henrico where he lived until about the age of nineteen, then he moved to that section of the county which was soon to be made Goochland; then south across the James to the region on Willis River which was later known as Cumberland county and so finally on to Mecklenburg county where he died in 1766. There is no reasonable doubt that the Nowell Burton first mentioned in Henrico records in 1712 as a landowner was the same individual who died in Mecklenburg in 1766. The three other contemporary men of the name are all accounted for; his own son Noel died before him in Mecklenburg; Noel the son of his brother Hutchins<sup>I</sup> was living in Henrico later than 1766; and Noel the son of his brother Robert<sup>II</sup> died in Goochland county, as we have just noted in 1769.

This given name is variously spelled in contemporary records as Nowell, Noel, Norvell, Newell, Norvil and Neal. These are probably all variants of the same name, as is shown by the records of England and Virginia. Generally speaking, it was spelled Nowell, Noel or Newell in the seventeenth century and Norvell during the eighteenth. It is surely mere courtesy to allow a little latitude in spelling to the "still-vest" clerks of that period. If we knew exactly how the name was pronounced in those days, we could perhaps condone the apparent eccentricity of the clerks. In a record of Quit Rents in James City county in 1704 the name of the well-known Captain Hugh Norvell is entered as "Norrell." Even the modern handwriting, curiously enough, confuses the writing of Norvell with Nowell.

The appearance of the Nowell name in the Burton family is probably traceable to the mother of Nowell—Mary the wife of Robert<sup>1</sup> Burton of Longfield, whom we believe to have been the daughter of John Nowell, merchant, of Charles City county, and Lydia his wife, the daughter of Nicholas Perkins who died in 1656, and of Mary his widow who subsequently married Dr Richard Parker and lived on Four Mile Creek in Henrico. A memorandum on the Nowell or Norvell families in Virginia during the seventeenth century will be given hereafter in an appendix.

The first mention of Nowell<sup>1</sup> Burton in Henrico records is on September 1, 1709, when with William Frogmorton and John Pleasants he was witness to a deed from John Pledge to Nicholas Perkins—a cousin of young Nowell<sup>1</sup>s. Both John Pledge and William Frogmorton were landowners on Four Mile Creek, near the court house. The Pleasants as landowners were omnipresent, not to say omnivorous, in Henrico.

In February 1711 Nowell Burton recovered judgment for £8 against Edward Mathews—thus making a good start in the race!

On February 24, 1712, Henrico records contain the following:

“Indenture between Edward Hughes of ye parish & County of Henrico planter on ye one part & Nowell Burton of ye same parish & county of ye other part . . for the valuable consideration of five shillings . . Land . in Henrico county wch ye sd. Edward purchased of ye now Jno. Woodson (mention of two Woodson deeds in 1697 and 1699) . . beginning at a little meadow on ye line of Philemon Childers . . North . . to the foot of a hill near ye path that goes from Edwd. Hughes to the place called Horners.”  
Witnesses, Robert Blaws, Edward Goode, Henry (×) Childers, Edward (×) Mathews.

The location of this parcel of land was evidently that section of Henrico in which the three streams, Cornelius Creek, Four Mile Creek and White Oak Swamp have their sources not far from one another. The region is generally described in contemporary deeds as "south side of Chickahominy Swamp (or river)." The Philemon Childers mentioned in this deed received his land (250 acres) from John Woodson on June 2, 1690 "south side of Chickahominy Swamp beginning at lower Corner of Benjamin Hatchers." Mention of Edward Homer appears in this last named conveyance. In September of 1690 Benjamin Hatcher conveyed his 200 acres there to John Woodson and Edward (×) Horner was a witness to that deed. (Valentine Papers pp. 1965-66).

The whole stretch of land on the west bank of Deep Run in the eastern side of Henrico belonged at one time to William Randolph of Turkey Island, and part of it passed to the successful merchant John Woodson. Edward Hughes obtained part of this Woodson holding and, as we have seen, sold it in 1712 to Nowell Burton.

Nowell<sup>1</sup> lived on his plantation near the head of Four Mile Creek for nine years, until December 1712, when he sold this land to Richard Allen, as will be mentioned later, and moved up the James River to the western part of the then Henrico settlement.

On March 12, 1712, Nowell Burton was witness to a deed of Edward Mathews, carpenter, of the parish and county of Henrico to Robert Blaws, who was one of the Justices of the Peace of the county. The Mathews family had, for a generation at least, already been residents on Four Mile Creek.

In June, 1712, there was a suit brought for 21 shillings and 6d by John Soane (by William Soane his next friend) against Nowell Burton. In July of 1714 William Frogmorton claimed his fee in court as a witness for Nowel Burton on case with

John Soane. In September 1720 John Soane was still suing Nowell Burton in Henrico court, and this time Robert Burton, Jr. (Nowell's brother), and Tarlton Woodson were joined with Nowell as defendants. The Soanes were associated with the community on the south side of the James River; they were connected with the Randolph family by marriage and were of public importance both in Henrico and Charles City Co.

The Henrico Order Book 1710-14, at pages 298 and 301, in August and September 1714, gives an entertaining account of a battle-royal between young Nowell Burton and his neighbors.

“Edward Mathews, Richard Ward, Jr., Nowel Burton & Thomas Mathews having this day fought in the sight of some of the members of this court” were bound over to keep the Peace and to appear at the next court, while “Thomas Mathews and Benjamin Hatcher, Jr., having refused to be aiding the Sherif in preserving the Peace,” are also bound over. When this case came up at the next court “all the said persons except the said Ward now appearing and the court having examined into their several offences, it appears that the said Burton and Thomas Mathews fought in their own defence, who are thereupon acquitted; and it also appears that Edward Mathews was guilty of a breach of the Peace: upon his asking the courts pardon for the same and promising to behave himself better for the future he is also acquitted paying his own and the said Burton's fee and the said Benjamin Hatcher and Thomas Mathews submitting themselves to the court's mercy for refusing to assist the Sherif in Keeping the Peace they are acquitted paying fees and the said Richard Ward has time given him till the next court to appear, he being a Runaway.”

It would be interesting to know who "started something" on this lively occasion—evidently a good time was had by all.

On January 7, 1716, a deed from Tarlton Woodson to Benjamin Woodson of 500 acres "south of the Chickahominy Swamp," was bounded by Burton's land, by that of Thomas Williamson and of Philemon Childers.

On June 4, 1716, Nowell Burton was witness to a deed from Tarlton Woodson of Henrico to William Howl, Jr., of New Kent county.

In 1717, Benjamin Woodson and Sarah his wife deeded to Richard Allen of New Kent, 200 acres in Henrico "on the south side of Chickahominy Swamp, adjoining the lands of Norvell Burton and Thomas Williamson." This deed introduces us to the one we believe to have been the father of Judith Allen, who married Nowell<sup>I</sup> Burton.

Two years later, on November 2, 1719, the Henrico loose papers record at page 445 that Nowell Burton, Edmund Allen and Samuel Allen were witnesses to a deed from John Clark to James Christian for 130 acres on the branches of Beaverdam Creek "on the north side of the James on the line of Mr. Ebenezer Adams."

In April, 1718, Nowel Burton and Thos. Harding were witnesses to a deed of Thos Williamson of Varina parish to Edmund Allen of James City county. In the same month Nowel Burton made claim in court as a witness in the case of Thomas Williamson vs. Thos. East.

In December 1721, there was an action in court between Susanna Ware and Noel Burton which was dismissed; this suit was renewed the next year, and an "imparlance" granted to Nowell. Susanna was the widow of Jacob Ware, former minister of the parish who died in or before 1708; she kept an "ordinary," and was the mother of Elizabeth who married Benjamin<sup>II</sup> Burton.

In June of 1721 Nowell Burton obtained an attachment against John Morton who had "privately departed from the country indebted to Nowell Burton." This John Morton had evidently been an employé of William Randolph of Turkey Island, for in 1690 the Levy Court granted the latter 100 lbs. of tobacco "for John Morton and his Indian boy for 1 wolves head." Morton was then living "on a quarter built by and belonging to William Randolph" on the south side of Chickahominy Swamp in Henrico. He subsequently acquired 100 acres of land there himself, and thus was a near neighbor of Nowell<sup>I</sup>. (These facts concerning John Morton were taken from the Valentine Papers).

In February 1721, a case between Nowell Burton and Samuel Arrington was dismissed. This Arrington subsequently moved to that part of Henrico which later became Cumberland County.

It was probably in that year 1721, that Nowell<sup>I</sup> Burton moved from Henrico Parish to St James Northam Parish, which included the new country up the James river, and was later known as Goochland county. On December 4, 1721, Nowell Burton acknowledged a deed of November 10, 1721, from himself to Richard Allen.

The sale on November 10, 1721, of his plantation "south side of Chickahominy Swamp" marks approximately the time of the transfer of his "lares et penates" to the region later made the county of Goochland. It was still, of course, Henrico county, and the name of Nowell<sup>I</sup> continues to appear for several years longer in Henrico records, but associated generally with persons who helped to found Goochland.

Some two years later, his brother Robert<sup>II</sup> Burton joined Nowell<sup>I</sup> in the new settlement. Their plantations adjoined one another, and lay on Dover Mill Creek on the north side



of the James—the next large stream above the Tuckahoe, near which their brother Hutchins<sup>1</sup> Burton was then living. The lands on Dover Mill Creek were acquired from the Woodsons, for John Woodson bought this tract from William Byrd in 1708.

Thus we observe the beginning of the exodus of Burtons from the old family homes near Cornelius Creek. The new lands up the James held an irresistible appeal to the ambitious young planter. In his "Institutional History of Virginia" (vol. II. p. 297) Dr Bruce gives a vivid picture of the New Empire which lay before them.

"From the foundation of Henricopolis on Farrar's Island in 1611 until the close of 1700, the country west of the falls in the James, where the modern city of Richmond stands, was known as the World's End. Here the navigable waters stopped, and apparently no serious attempt was made to settle the waste of woodland beyond until the Huguenots arrival at the end of the century. It was as if that wide reach of forest lying between the mountains and the points in the great streams reached by the pulse of the ocean tides was haunted by dragons resentful of all intrusion into those dim and silent shades where they had dwelt immemorially."

The first Burton who was identified with this new region was the William Burton who was landowner in 1717 on Tuckahoe Creek (Valentine Papers, p. 1518). This was probably William<sup>1</sup> of the Level—then over fifty years old.

In the order book, November 1723, there is note of the adjournment until the next court of the case of Nowell Burton, Robert Burton, Jr., and Woodson. In this same year, Nowell Burton and George Payne (founder of the Goochland family of that name), as witnesses, proved the will of

Benjamin Woodson of Henrico. The appraisers of this estate were Robert Adams, Robert Burton, Jr., William Womack and Samuel Burk. In 1723 there is also record of a suit of John Stewart vs. Nowell Burton, Robert Burton, Jr., and Tarlton Fleming concerning a sum of 60,000 lbs. of tobacco. Also entry of the dismissal of a suit between Richard Parker and Nowell Burton.

In 1723 we find the signature of Nowell Burton as witness to the (original) deed of John Price of Henrico to William Spraggins. The name of Price, like those of Payne, Woodson and Tarlton Fleming mentioned in the preceding paragraph is well known in the history of Goochland county.

Naturally, Nowell<sup>I</sup> still retained some of his associations with the old neighbors of Henrico parish. In 1723 "Unrel Burton" (Valentine Papers) was security in the suit of Michael Gathwaite against Samuel Allen, of New Kent, whose daughter Susanna had married Hutchins<sup>I</sup> Burton in 1719. In March of 1723 Nowel Burton went special bail in a case of debt brought by John Bolling against "John Burton, son of Robert." This John Burton was the youngest brother of Nowell<sup>I</sup>.

In 1725 John Woodson obtained a patent of land "on the south side of the James adjoining land of John Gunn, John Woodall and Nowell Burton" (Book XII, p. 344). In June 1727, Nowell Burton, Joseph Woodson and Stephen Hughes witnessed a deed of Jacob Michaux. The two last named were later residents of Cumberland county. Elizabeth, the daughter of Stephen Hughes married John Woodson.

In the first deed book of Goochland at page 45 we find an indenture of November 19, 1728, between "Nowell Burton of St James in the county of Goochland, Planter, and Thomas Randolph of the parish & county aforesaid Gentleman" for £123-10-10 "Curt money of Virginia" conveying "all that plantation & tract of land whereon he the said

Nowel Burton now lives," 322 acres in Goochland, and likewise six negro slaves. This is signed by Nowell Burton and witnessed by John Fleming, John Woodson and Henry Wood. This indenture appears to have been in the nature of a mortgage and probably Nowell<sup>1</sup> wanted the money for further investment in land. Thomas Randolph lived on Tuckahoe Creek, not far from the plantation of Nowell<sup>1</sup> Burton on Dover Mill Creek. Randolph died in 1730, and shortly afterwards a deed of release was made by the executors of his will to Nowell Burton. (Val. Pap. p. 1345).

Another indenture on February 25, 1728—9 (recorded on p. 50) reads as follows (abstract):

"between Nowell Burton . . . John Sutton Farrar . . . 120 pounds current money . . . tract . . . in the parish of St James and county of Goochland . . . 325 acres . . . bounded by the Land of Josiah Paine the land of Robert Burton, the land of Robert Adams, the land of John Bellamy, the land of Col. Harrison, the land of John Woodson . . . In witness whereof the said Nowel Bowel (sic!) Burton hath hereunto set his hand." Signed Nowell Burton and witnessed by John Woodson, Wm Womack, Francis James and Henry Wood. This was evidently the same plantation as mentioned in the previous indenture; Nowell was preparing for his move across the James into the territory later known as Cumberland county.

On May 20, 1729, the vestrymen of St James parish, of whom Nowell Burton was one, purchased from James Holman for £100 as a glebe 400 acres on the north side of the James on Russell's and Clarke's line. This was, no doubt, the future residence of the famous Parson Douglas.

On August 5, 1729, Nowell Burton, Samuel Allen and Robert Adams appraised the estate of John Bellamy; and on

the same day Wm Benson, Nowell Burton and Stephen Woodson witnessed a deed of Joseph and Sarah Parsons to Josiah Woodson. (Goochland Deeds I. pp. 223, 225).

In that same year (Sept. 27, 1729) "Howell" (Nowell) Burton obtained a patent for 400 acres in Goochland "on the Beech Creek Branch of the Little Byrd" at the western end of the county and near the forks of the James. In 1730 he sold this tract for £20 to David Davis "late of the Parish of Christ's Church in the county of Middlesex." (Goochland Deeds I. p. 345).

An indenture on January 27, 1730-31, conveyed from Joseph Parsons of the Parish of St James to Nowel Burton of the same a tract in Goochland upon a branch of "Genetoe," 100 acres bounding on the lines of Samuel Allen, Robert Woodson, Josiah Woodson and Martin Dunkin. Four members of the Woodson family signed as witnesses. This was on the south side of the James.

On May 16, 1732, Allen Howard, Nowell Burton and Henry (X) Hampton witnessed a conveyance between Agnes (X) Noland and William Wilkinson, a carpenter, of land on Mahook Creek; and on July 11, 1735, John Woodson, Nowell Burton and Richard Burton witnessed a deed of Samuel Allen, to Robert Reynes of 180 acres on the East fork of "Jenitos Creeke."

For the next fifteen years he continued as a resident of Goochland, holding lands at times on both the north and south (Cumberland) sides of the James. The following notes from the records referring to his activities are taken from the order and deed book of Goochland county:

In November 1731 he served on a Grand Jury with Joseph Barringer, Thomas Wadloe, Thaniel Basset, John Harris, James Robinson, Anth. Rapine, Peter Jefferson, Robert Burton (his brother), Thomas Edwards, David Pattison, Jr., Robert Adams and Samuel Allen.

In December 1731, Henry Wood brought an action for debt against him for 422 lbs. of tobacco, but Nowell Burton was not to be found. In the same month an attachment was issued against him to Tarlton ffleming the Sheriff for 2466  $\frac{1}{2}$  lbs. tobacco in favor of Robert Hughes.

In March 1731-2 John Anderson brought an action of debt against him and Nowell Burton failed to appear in court. In the same month he served on a jury in a case of trespass, and Thomas Williams brought suit against him for trespass. In May of that year he was on the Grand Jury again, and in the following August, in the pending suit against him by Henry Wood, Robert Burton his brother entered special bail. At the same time, Bouth Napier brought an action of trespass against Nowell Burton; a form of suit very frequent at that age in Virginia, and, no doubt inseparable from the settlement of a new county without time-honored landmarks.

In September 1732 the court recorded a deed from Nowell Burton to David Davis. In 1733 he brought suit against William Watkins, and Dabbs sued Nowell Burton. Richard Levens also won a suit for 44 shillings from Nowell Burton. In 1734 he served three times on a jury, and in a pending suit he recovered pay for two days service as a witness for Richard Davis.

His merry career as a litigant went steadily forward, for in 1733 Sheriff's returns on executions were rendered in actions by Nowell Burton against Wm Watkins, William Womack against Nowell Burton and Thomas Dickson against Nowell Burton.

In July, 1735, he acknowledged a deed to Samuel Richardson, and in the September following Joseph Dabbs brought a writ of scire facias against Nowell Burton and Samuel Allen.

An indenture dated February 6, 1743, between Nowell Burton of Goochland county and Richard Burton (his nephew)

of the same . . . conveyed for one hundred pounds current money of Virginia 140 acres in Goochland on Willis's river "said tract . . . part of 400 acres granted to the said Nowel by patent . . . Jan. 28, 1733." The witnesses were Hutchins Burton (father of Richard), Edmund Gray and John Parmer (sic).

On July 16, 1745, John Woodson and Nowell Burton witnessed a deed of John (×) Bibey; and in the following year there was recorded on August 19, 1746, the fact that Nowel Burton, Edmund Gray, Job Thomas, Jas. Rutledge and Jos. Dabbs witnessed a deed from Charles (×) Lee and Anne his wife to Thomas Bassett of land on the north side of Willis River. The deed was dated December 8, 1743.

On December 16, 1746, William Johns, Nowell Burton and Richard Burton were witnesses to a deed of John ffain to John Merryman (both of the Parish of Southam).

His enterprise as man of business is shown by Nowell<sup>1</sup> Burton in entering upon land speculations with at least two groups of partners—an early example of syndicate operations. The executive Journals of the Council of Virginia (Vol. iv. p. 380) gives an illustration of this when in September 1736 a grant was made "to Charles Hudson, Abraham Venable, Michaell Holland, Nowel Burton, David Harriss 8000 acres in Amelia county on a creek known by the name of Vaughans Creek on the south side Appamattock river." Charles Hudson, a wealthy merchant of Hanover county was frequently associated with Michael Holland in similar speculations. In 1738 (Nov. 9) the Virginia council granted "To Nowel Burton 1600 acres joining 400 acres already patented being the plantation where he now lives on Willis Creek in Goochland county joining the line of Thomas Basset, Jacob Michaux and Joseph Dabbs and to have an inclusive patent for the whole." The 400 acres referred to as already granted were described in Land Book 18, page 213 as "Nowel

Burton .. 26 March 1739 .. 400 acres .. on the south branches of Willis river .. James Daniels corner." On December 9, 1738, the Virginia Council (vol. iv. p. 435) granted "To Nowel Burton 1600 acres in Goochland county being on Mr. Henry Cary's line on the north side Willis's Creek Extending thence to a line of Digges & such other course as makes up the .. Devident in one or two surveys."

On part of these lands Nowell<sup>I</sup> seated several of his sons, as we shall see later; part of the tracts were sold, for Nowell Burton and Judith his wife were parties to a deed in 1739 to Robert Bernard of Gloucester county for 265 acres on Wills River. (W. & M. v. 184.)

In 1745 a syndicate composed of Nowell Burton, Edmund Gray, Samuel Scott, Jacob Mosby, Stephen Saunders, Thomas Harvey and Joseph Dabbsey (sic) purchased 400 acres in Cumberland "it being the land and Plantation whereon James Daniel formerly lived and kept Ordinary." (Cumb. Co. deed book 1, p. 226). In 1750 the same persons sold this tract to William Gray of New Kent county (Valentine Papers). The same syndicate brought suit in 1746 in Amelia county against David Alves. (Val. Pap. 492).

By 1748 we find Nowell<sup>I</sup> settled on Allen's Creek in what was later to be known as Mecklenburg county. This new home was in the valley of the Roanoke river, in the southernmost part of Virginia, a region then designated as Lunenburg and later carved into half a dozen counties as the settlers poured in. In 1748 Benjamin Mosby, an old Henrico neighbor, patented 387 acres in Lunenburg on White Oak Creek adjoining Nowell Burton. From the record of his various land-holdings it is evident that Nowell<sup>I</sup> was the true pioneer type, ever clinging to the receding frontier of the wilderness.

Mr. H. F. Hutcheson, the present (1932) clerk of Mecklenburg county, whose family has lived there since the county was created, writes:

“The Jeffersons, Burtons, Baskervilles and George Farrar settled in the same neighborhood and along about the same time . . . in the portion near Alexander, formerly Jefferson Ferry on the Roanoke—which is mostly on the west side of the National Highway some seven miles south of South Hill.”

Here it was that Nowell<sup>1</sup> lived the last twenty years of his life, surrounded by his younger sons; and here he died in 1766 leaving a will. His eldest son John had remained a resident of Cumberland (late Goochland) county.

Nowell<sup>1</sup> was the first of the Henrico Burtons to take an active part in what is known in modern cant as “public service.”

He was first a deputy Sheriff as appears from Henrico minutes, page 145, having been appointed at the court at Varina November 18, 1721. One of his first duties in that office is recorded in the minutes of the Henrico monthly meetings of the Quakers (1719–1729). Under the heading “Thomas Pleasants—his sufferings” it is recorded that Norvell Burton had distrained one hogshead of tobacco from Thomas and John Pleasants—possibly for not attending the established church. Two centuries have passed since then and if, today, Deputy Sheriff Norvell Burton could make a round of the golf links any Sunday morning, he would have a rich haul. It must be added in defense of the respectable Thomas and John Pleasants that they did not stay away from church in spite of conscience, but because of it.

In 1723 Nowell<sup>1</sup> Burton, together with William Womack was a churchwarden of Dover church, St James Parish



(later Goochland). In the next year he is again mentioned as a vestryman. (Douglas register).

In 1728 Norvell Burton and William Cabell were paid by Goochland county for counting tobacco plants. This was not, as might be supposed, an ingenious method of killing time, nor of making up a betting book, nor even of wooing coy sleep—like counting sheep. It was part of an official system of restricting production of tobacco to sustain the price; an enticing manner of defying the law of economics which always has an irresistible appeal to men of the English race.

About the year 1720 Nowell<sup>1</sup> Burton married Judith Allen. We have noted that in 1719 Richard Allen settled next to him in the eastern part of Henrico. It was the fashion in Virginia to obey the scriptural injunction "love thy neighbor." This alliance was the first outbreak of an epidemic of Allen marriages in the Burton family.

The will of Nowell<sup>1</sup> Burton was dated July 31, 1766, and probated October 13, 1766, in Mecklenburg (Will Book I, 29). An abstract follows:

"To my son Hutchins Burton 800 acres lying on Bannister river in Halifax county, in the possession of John Burton of Cumberland county, [his eldest son] the upper part of the land, also £20-10-0 in the hands of said John Burton; £5 in the hands of Sherwood Bugg. I also desire to be paid my said son Hutchins Burton to discharge my account with John Speed and Bennett Goode. Item, to my son John Burton, one shilling; item, to my son Josiah Burton, one shilling; item, to my son Robert Burton one shilling; item, to my son Benjamin Burton, one shilling; to my son Hutchins Burton all my personal estate, except some pewter and some household furniture

in the possession of my son Allen Burton and Judith Young; my son Hutchins Burton, sole executor.

NOWELL BURTON.”

Witnesses: John Burton, George Baskerville, Robert Burton.

The old man makes no mention of his wife Judith, so it is certain that she died before he did. Nor, of course, does he mention his son Captain Noel Burton who had died in Mecklenburg in 1763.

The appraisal of the personal estate of Nowell<sup>I</sup> amounted to £15-10-6d (Mecklenburg will book 1. 31).

Evidently the testator had divided up his other lands between his elder sons before he made his will. John Burton of Cumberland, his eldest son acted as agent in the division of the lands.

## *Chapter XVI The Children of Nowell<sup>I</sup> Burton*

We have seen from his will that Nowell<sup>I</sup> Burton left surviving him six sons and a daughter: Judith Young. The following notes relate to these sons.

1. John Burton, the eldest, lived and died in Cumberland county. He was a Captain during the Revolution, and his brother-in-law Jesse Merryman was a lieutenant in his company. (W. & M. 2nd series, VIII, 134). His service was, however, not in the Continental line but in the Cumberland Militia (Auditors Account, XVIII, 533, 535). His marriage bond with Agnes, daughter of John Merryman, dated August 24, 1752, is found in Cumberland. The marriage is entered in the Douglas register, since the bride lived in Goochland. A Thomas Merryman and a John Merryman were living in Cumberland in 1757 associated with John Burton, as is shown in the minute book of the county.

The land on which John Burton first lived in Cumberland was deeded him February 25, 1750 (Liber 1, 296) by a syndicate of which his father Nowell<sup>I</sup> was a member: "To John Burton, land purchased by said parties of the first part of James Daniel, 200 acres on Soakarse Creek, Cumberland county." This creek was evidently named by some indignant but literal-minded explorer. John Burton lived there only two years. As soon as he married he sold this plantation on December 20, 1752. The deed was signed by John Burton and Agnes his wife (Liber II, 47), and the witnesses were Robert Burton and Allen Burton (his brothers). He then settled on Little Guinea Creek in the same county. The names of his nearest neighbors in 1776 are found in a deed of

November 25 from Poindexter Mosby of 200 acres in Cumberland county adjoining John Homer, Robert Brown, Jno. Chaffin and John Burton.

John Burton kept an ordinary—or inn, as appears in an item of April 25, 1758; granting a renewal of his license.

His will was filed in Cumberland (Will Book I. 376). An abstract follows: Will dated March 8, 1780; probated September 26, 1785.

“John Burton of the parish of Littleton and county of Cumberland . . . unto my three sons John Burton, Allen Burton and Benja. Burton . . . all my land in Pittsylvania county lying on Bannister river to be equally divided . . . unto my son Jesse Burton . . . my land and plantation in Cumberland county on Little Guinea Creek after the death of his mother . . . (here follow bequests of slaves to various children) . . . unto my daughter Nancy Burton . . . my daughter Susanna Burton . . . loving wife Agnes Burton . . . my daughter Betsy Burton . . . all my children John, Allen, Benjamin, Jesse, Nancy, Betsy and Susannah Burton . . . unto my grandson John Burton, son of Allen Burton, 500 pounds current money. JOHN BURTON, L. S.”

Witnesses: Benjamin Allen, James Hudgins. Probated by Agnes Burton and John Burton, Junior, two of the executors . . . they with Archer Allen, John Hatcher, William Meredith, Saymer Scott, their securities.

The inventory of his estate was returned November 27, 1786, and included 11 silver spoons, silver “mote Deaner,” silver sugar “tons,” 6 Queensware plates and sauce boat. Total £843-4-7. The appraisers were John Ford, George Woodfin and Archer Allen.

As to testator’s sons, we have the following notes:

1. Allen Burton married in Cumberland in 1775 Mary, the daughter of William Allen Burton who was the son of

Hutchins<sup>1</sup> Burton. Both William Allen Burton and Alen (sic) Burton signed the petition from Cumberland on May 10, 1777 to the House of Delegates praying for a division of the county. John Burton in the same year signed a petition also. As appears from the above will of Captain John Burton, his son Allen had a son John. In the Cumberland census of 1782 Allen Burton is listed as the head of a family of 4 whites, with eleven slaves; and next to him in the list was the name of his brother-in-law William Allen Burton (Jr.) with a family of two whites and 5 slaves. These two men also owned property in Campbell county for in the years 1783 and 1784 they each sold land there, Allen disposing of 200 acres to Matias Arnold. In 1786 in Mecklenburg we find the marriage bond of an Allen Burton with Rebecca Hambler.

2. Testator's son Jesse Burton, probably his youngest, received the dwelling plantation, subject to a life estate in his mother, by the will of Captain John Burton. This was, as we have seen, on Little Guinea Creek. In that same year, 1785, we find recorded in Liber II. page 376 of Cumberland a will made by this Jesse Burton. This will was not probated, and was probably intended to settle some dispute over the inheritance, for the devisees named were all the members of the family given in his father's will. In 1796 on October 19th, Jesse Burton of Cumberland and Zepporah his wife deeded to George Woodfin of same (one of the appraisers of the estate of Jesse's father in 1786) "371 acres in said county on Little Guinea Creek and Turkey Cock Creek, use of said 371 acres reserved for Agnes during her life." From this deed it is evident that some further family agreement had been reached and Jesse was free to dispose of the dwelling plantation. The deed also shows that the widow of Captain John Burton of Cumberland survived him for at least eleven years, since she

was still living in 1796. Of his sons John and Benjamin, mentioned in his will, we know nothing.

To return now to our study of the children of Nowell<sup>I</sup>:

ii. Josiah, his second son, introduces a name unusual in the annals of the house of Burton, though it was favored by the Hatchers and the Woodsons. He first appears on the records as of March 3, 1745, when he witnessed a deed of John Scruggs to his brother Hutchins Burton for land on Willis Creek in Goochland (Cumberland) county.

An item in Cumberland Order Book 1. page 172 for September 28, 1750, shows that at that time Josiah was living in North Carolina.

“Indenture .. between Josiah Burton of the county of Northampton in the Province of North Carolina .. and William Hux (Hix?) of the county of Hanover in the Colony of Virginia ... proved by the oaths of William Trigg, John Burton and John Tanner, Witnesses ....”

He later returned to his native state, for he is entered in St James Parish as a tithable in 1764 and the land book of Mecklenburg county (Virginia) credits Josiah Burton with 130 acres there in 1780.

iii. Robert Burton (the third son of Nowell<sup>I</sup>) is mentioned in an article contributed to William & Mary Quarterly (2nd series) volume IX page 239, where he is described as “Robert Allen Burton” and stated to have been born in 1729 and to have married Betsy Bassett (born 1733). When he lived in Cumberland in 1750, on “Wellis river,” a Bassett was his next door neighbor. This appears from a deed (Liber 1. 202) from Hutchins Burton (son of Nowell<sup>I</sup>) of Cumberland county to Thomas Platt: “land in same county on the N. side Wellis river, adjoining the lines of Theoderick Carter,

Thomas Bassett and Robert Burton—200 acres” Witnesses: Joan Burton and Nowell Burton (son of Nowell<sup>1</sup>).

Doubt is cast upon the statement above quoted from the William & Mary Quarterly by the entry in the Cumberland Minute Book for February 28, 1757, as follows:

“Lucy wife of Robert Burton relinquished her right of Dower to land and premises conveyed by her husband to Ben. Wilson by indenture dated the 15th Dec. 1755.”

This Robert Burton appears once more in the Cumberland records in the Minute Book for March 28, 1757:

“Robert Burton & David McCormack who stand bound in Recognizance made their appearance and being heard and discharged from recognizance & It is ordered that they pay costs of this prosecution.”

The statement, however, cited above, to the effect that this Robert Burton was born in 1729 is probably inaccurate, since on page 542 of Liber III of Goochland county deeds March 16, 1741, we find a deed of “John Scruggs of said county son of Richard Scruggs to Robert Burton, the younger son of Noel Burton” for land on Willis River. If born in 1729 the grantee would then have been only twelve years old. It is true that the wording of the deed indicates the possibility that grantee was a minor.

When Nowell<sup>1</sup> moved to Mecklenburg his eldest son Captain John Burton remained behind on his plantation in Cumberland. It is believed that the other sons followed their father.

In 1764 a Robert Burton was responsible, together with John Griggs, for three tithables in St. James Parish, Mecklenburg. In 1780 the Mecklenburg land book shows that Robert Burton held 500 acres in that county. In 1782 the

Census of Mecklenburg ascribes 9 whites and 8 slaves to Robert Burton.

This Robert Burton was engaged in land speculation in a syndicate, like his father Nowell<sup>1</sup> before him. By this time the land fever led to the new region on the Ohio. Robert Burton's syndicate purchased 50,000 acres of land "on the south-easterly side of the Ohio river" in 1779 (Mecklenburg Order Book IV. 515).

iv. Another son of Nowell<sup>1</sup> Burton, not, of course, mentioned in his will, was the Captain Noel Burton who died in Mecklenburg in 1763, three years before his father. Of him we know very little. The deed previously cited from his brother Hutchins Burton (in 1750) in Cumberland, was witnessed by Joan Burton and Nowell Burton. This possibly establishes the first name of this Nowell Burton's wife. The several entries in the Order Books of Cumberland county, giving the dry facts of parties to suits before the courts there from the year 1750 onwards may refer to Nowell<sup>1</sup> Burton the father, or to his son of the same given name. These entries are as follows:

'1750—John Chiswell vs. Nowell Burton in case.

1750—James Meredith vs Nowel Burton in debt.

1750—Bill of sale, Nowel Burton of Cumberland County to John Burton.

1750—Drury Stith vs Nowell Burton in debt; John Burton his Common Bail for his appearance; his debt amounting to £11-6-0. Later decided for plaintiff.

1751—Nancy Dabbs & Clement Read Executors of Joseph Dabbs, vs. Nowell Burton—dismissed.'

v. Benjamin, the son of Nowell<sup>1</sup> was mentioned in the latter's will in 1766. A Benjamin Burton lived in Mecklenburg 1775—1782, for he is mentioned as marrying Monier



Humphries there in 1775; later, in 1780 as the owner of 100 acres of land, and in 1782 in the census as a resident there. There is no certainty, however, that this was Benjamin the son of Nowell<sup>1</sup>.

VI. Another son of Nowell<sup>1</sup> was named after the family of his wife Allen. We have no certain information about him. A nephew, son of his elder brother, Captain John Burton of Cumberland, bore the same name, and has already been described. The name Allen Burton appears in the Mecklenburg records.

VII. The most interesting and also the best documented line of descent from Nowell<sup>1</sup> is through his son Hutchins. That he resided when young on his father's seat on Willis Creek in Goochland (Cumberland) county is suggested by two items from the Goochland Deed Book v.: Deed March 3, 1745, John Scruggs of Albemarle deeded to Hutchins Burton of Goochland for £75, 200 acres on Willis Creek adjoining Thos. Carter, Thomas Bassett and Robt. Burton. His brother Josiah was a witness. The second item consists of his witnessing a deed of Richard ffain on November 18, 1745.

That this Hutchins Burton lived on in Cumberland county when it was first organized appears from two entries in the Cumberland Order Books; the first is on June 25, 1750, and records an indenture between "Hutchins Burton of the county of Cumberland" and Thomas Platt, which was proved by the oaths of John Burton, Job Thomas and Nowell Burton, the witnesses. The second was on July 22, 1751, when Jacob Mosby won an action for trespass in Cumberland court against Hutchins Burton.

Three articles in Tyler's Quarterly, volume II (pp. 113 and 273), entitled "Burton Memorandum," and volume XIII (pp. 15-23), concerning Colonel Robert Burton of North Carolina, the Revolutionary soldier and statesman, who was the son

of this Hutchins Burton, give detailed information about this family. Two books on Virginia Genealogy, Bell's "Cumberland Parish" and R. H. Baskerville's "The Baskerville Family" also contain frequent references to this Hutchins Burton, the son of Nowell<sup>1</sup>.

He is recorded as a witness in Mecklenburg in 1753 together with his brother-in-law Captain George Baskerville to a pre-nuptial contract between Field Jefferson (uncle of the President) and Mary Allen, the widow of William Allen of Albemarle county, the latter having died in 1751.

In 1755 Hutchins (the son of Nowell<sup>1</sup>) is entered in the vestry book of Mecklenburg as agreeing on their behalf to support Margaret Bevill and her three children. We may note in this connection that another Hutchins Burton (probably the great-grandson of William<sup>1</sup> of the Level) was security in 1795 for the marriage bond of Thomas Bevill, and in 1797 for that of Martha Bevill, both in Mecklenburg.

In the processioning in Mecklenburg in 1755 and in 1760, Hutchins (the son of Nowell<sup>1</sup>) is mentioned as living on Allen's Creek.

In Bell's "Sunlight on the Southside" which gives the lists of tithables in Lunenburg county, Hutchins Burton's name appears as follows: 1750 Hutchins Burton and John Fair . . . 7 tithables; 1751 Hutchins Burton and Charles Smith as miller—6 tithables; 1752 Hutchins Burton, Bartholomew Stovall, Charles Smith—7 tithables, and in 1764 in St James Parish, Hutchins Burton, John Burton, Wm Head, Thomas Branham & Robert Corn (?)—14 tithables; 1100 acres.

He married Tabitha Minge (daughter of Robert Minge) whose mother was subsequently the wife of William Allen of New Kent and later of Field Jefferson. Hutchins and Tabitha his wife had seven children. He died in 1767, a year later than his father, and was probably intestate. The

appraisal of his personal estate was rendered in court in Mecklenburg October 12, 1767. The total amount was £696-15-8. In the property appraised were included 10 slaves, 10 sheep, 39 cattle, 53 hogs, 17 pigs and 7 horses (Will Book 1, 40).

The interesting article in Tyler's Quarterly (xiii. p. 15) by Mr. Landon C. Bell, entitled "Field Jefferson's Second Wife" relates to the widow Allen, who was by her first marriage to Robert Minge the mother-in-law of this Hutchins Burton and of Captain George Baskerville, his near neighbor. Not only did her daughter Tabitha Minge marry a Hutchins Burton (son of Nowell<sup>1</sup>) but her step-daughter Judith, daughter of her second husband William Allen, also married a Hutchins Burton (son of Hutchins<sup>2</sup>). In her third marriage (to Field Jefferson), she settled down in Mecklenburg where two of her married daughters were already living.

The children of Hutchins (the son of Nowell<sup>1</sup>) and of Tabitha his wife were:

1. John Burton, who was executor in 1776-8 to the will of his brother Hutchins. He married Mary Gordon. He was a witness to the will of George Baskerville made in 1768 and probated in 1777. From the Order Book of Mecklenburg we derive the following facts concerning him: In 1779 "John Burton, Gentleman, a Lieut. Col. in the Militia took the oath of office." In 1780 John Burton, Gent., was named "in the Com. of Peace and of Oyer and Terminer for this county" and as a Justice of the Peace "for the county court in Chy." In 1783 he is cited as legal representative of his deceased brother Hutchins. In 1785 he was appointed to take the list of all freeholders and slaves and assess all personal property, and issue licenses for Prect. no. 6. Shortly after that he was granted a license to keep ordinary at his dwelling house. He was also road surveyor. His will is in Mecklenburg, book III,

page 29. It was dated May 20, 1789, and probated September 14, 1789. An abstract follows:

“Executors to sell his lands in Mecklenburg county, Va., and also all the lands he owned on the Western Waters, to pay his debts . . . the remainder to be divided between his wife and all his children, to wit: Hutchins, Jancy Mins Burton, Mary Ann, Martha and Tabitha Burton. Executors his brother Robert Burton, John Baskerville and Richard Swepson, with his wife Mary.”

The account of the negroes hired, belonging to the estate of Col John Burton amounted to £145-11-5. His personal estate was valued at £1167-5-0.

2. Hutchins and Tabitha Burton's next son was named Hutchins, and was a first Lieutenant in the 6th Virginia Regiment on Continental establishment. He was killed in the battle of Princeton.

The record of the military services of this Hutchins Burton is probably accurately recorded in two documents of which the following are copies: Heirs of Lieut. Hutchins Burton (Rejected Claim Papers, 1837). Nov. 29, 1837:

“Having been asked by the Revd. H. A. Burton of Granville Co., N.C. what I know of Lieut. Hutchins Burton & Nowel Burton formerly of this county I answer that I was born in Granville Co., N. C. and am now 70 years of age and was married about 53 years ago to Wm Baskerville Clerk of the county who was first cousin to Col. Robert Burton of Clarkville county, N. C. This Lieut. Hutchins Burton of this county had four brothers & sisters, John, Robert, Nowel, James Minge, Mary and Martha. I have often heard my husband speak of the family of Burton's and him (sic) and everyone else spoke of them as being brothers to the Hutchins and Nowel who served

in the Revolutionary War. I believe from common report that Hutchins Burton died in the service & that Nowel was taken sick in the service & sent for & died at home. I believe that Hutchins and Nowel were brothers to Robert, John and James Burton of Tennessee who I suppose is older than I am. I have been acquainted with Col. Robert Burton from my childhood and very well acquainted with the family for fifty three years and have no doubt but that Robert, John & James are brothers & that Martha & Mary are sisters to Hutchins & Nowel who died in the old war.

The Rev. H. A. Burton about 47 years of age is son to Col. Robt. Burton & nephew to Lieut. Burton.”

(Signed) MARY BASKERVILLE.  
(Wife of William R. Baskerville.)

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Horace A. Burton, 4 Jan. 1839, wrote to the Governor:

“Hutchins Burton was a Lieutenant of Mecklenburg Continental Regulars and received his commission in the 7th Reg. on or about 13 March 1776:—(see Journal of the Committee of Safety). He died in service and was first Lieut. in 6 Va. Regiment on Continental establishment when he died.”

His will dated January 26, 1776, was proved on January 12, 1778. It names his brothers Nowell Hunt Burton and James Minge Burton, and makes his other brothers John and Robert Burton executors. Witnesses: George Baskerville, Martha Baskerville (his aunt) and Allen Burton (his uncle). (W. & M. xvii. 228).

3. The next son was Nowell Burton who died shortly after the battle of Princeton.

4. Another son was Col. Robert Burton, born October 20, 1747; whose career as an officer of the Revolutionary Army and as a member of the Continental Congress is given in Appleton's Encyclopaedia of Biography. He married October 12, 1775, Agatha, daughter of John Williams of Hanover county and moved in that year from Mecklenburg across the border to Granville county, North Carolina; with this state his career is thereafter associated. His family bible is still in existence with entries of his twelve children and of many of their descendants. He died May 31, 1825.

5. Another son of Hutchins (son of Nowell<sup>D</sup>) and of Tabitha his wife was James Minge Burton who was named after his mother's great-grandfather James Minge of Charles City county, the author of the famous "laws" of Bacon's Rebellion, and of the "Charles City county Grievances." James Minge Burton lived in Mecklenburg and married Elizabeth Ridley. He moved later to Tennessee. He had a number of children, for in the census of 1782 in Mecklenburg he is entered as head of a family of eight white persons. We have record, however, of only one of his descendants, probably his grand-daughter, Frances Keeling Burton, who in 1818 was married at Chapel Hill, North Carolina to Thomas J. Green of Halifax county, Virginia. They had 12 children.

The daughters of Hutchins (son of Nowell<sup>D</sup>) and of Tabitha were: 6. Martha, who in 1765 married her cousin John Baskerville, and 7. Mary, who married Benjamin Forrei(?).

Among all these rather "sober-side" Burtons of Mecklenburg one name in that county calls us "like the horns of elf-land faintly blowing"—Young Nightingale Burton. The appraisal of his estate December 10, 1781, amounted to £33-14-6 "old way" or 20,225.15. "new way." Young Nightingale's property consisted, doubtless, chiefly of musical

instruments. We cannot place him on the family tree. The fond parents who gave such a name to their infant prodigy deserved the anonymity which has been their fate.

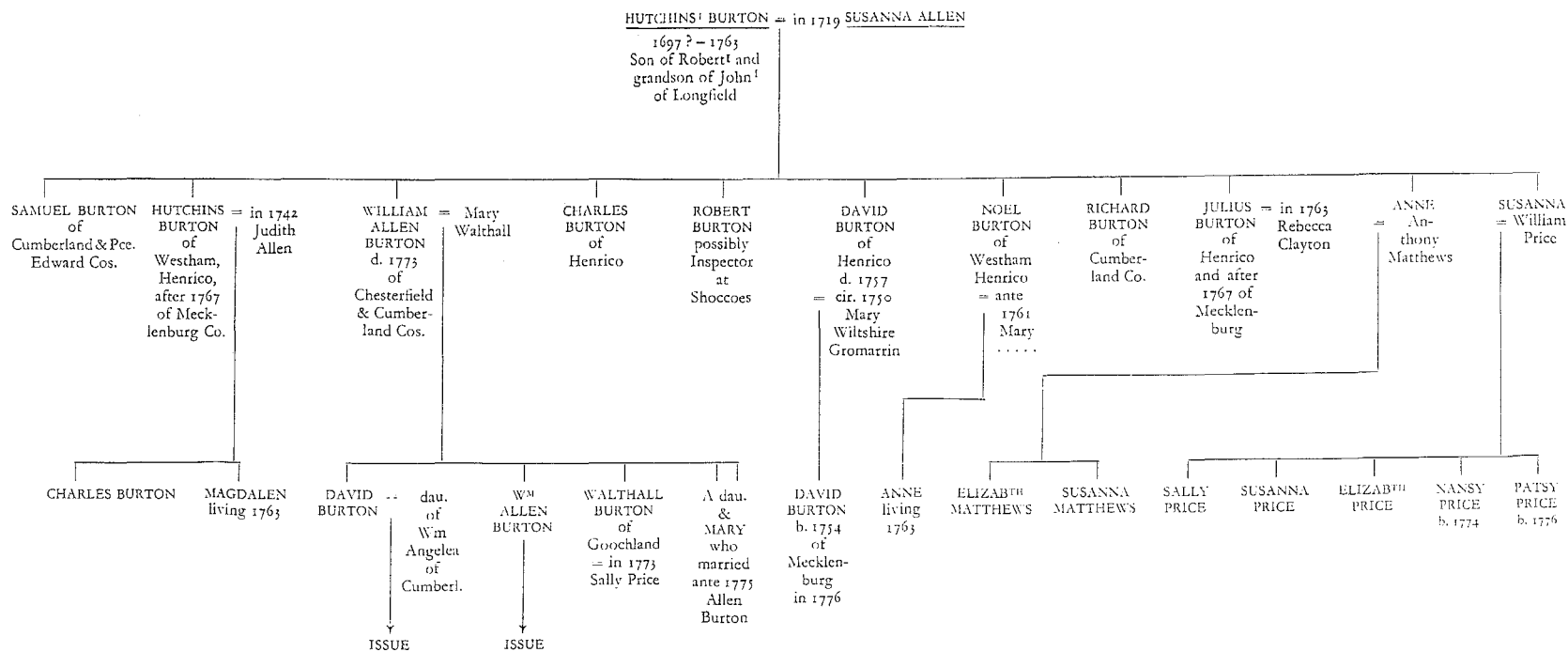
The records of Mecklenburg have been, fortunately, preserved. There is a wealth of material in them which has not been explored by the compilers of these notes. The marriage bonds of Mecklenburg have been published by the late Mr. Stratton Nottingham, and contain many Burton items which have not been cited in the above narrative. The deed books of the county from its formation in 1765 down to the year 1817 contain no less than 132 land transactions to and from Burtons there. These we have not examined.

In 1780 the land book of Mecklenburg gives the following Burton landowners: Robert Burton, 500 acres; Hutchins Burton, 115; Josiah Burton, 150; Abraham Burton, 285; Peter Burton, 305; Chas. Burton, 150; Chas. Burton, 139½; John Burton, 727; Thomas Burton, 385; Jas. Burton, 100; Capt. John Burton, 687; Hutchins Burton (Long), 100; Benj. Burton, 100; Capt. Peter Burton, 407½. From this list we see that the Burtons were not the "extensive landowners" required now-a-days by "etiquette" when describing ancestors who lived in eighteenth century Virginia. But if the shades of Thomas<sup>I</sup> Burton of Cobbs and John<sup>I</sup> Burton of Longfield could have looked down from the Elysian Fields upon these fourteen sturdy descendants of one or the other, they would, no doubt, have been satisfied to see that between them these great-grandchildren had acquired 4151 acres in this one county of Virginia alone.





Chart No. 6





## Chapter XVII Hutchins<sup>I</sup> Burton of Henrico

We have placed Hutchins Burton as the third son of Robert<sup>I</sup> of Longfield. He was born about 1697 and died in Henrico in 1763. There can be no doubt that he was a grandson of John<sup>I</sup> of Longfield, for he deeded his lands on the *Roundabout* to Benjamin Burton in 1733 as having been "given me by my father." Although for many years he engaged actively in the acquisition of lands in the new counties, he remained from birth to death "Hutchins Burton of Henrico." He and Benjamin<sup>II</sup> were the only ones of the sons of Robert<sup>I</sup> of Longfield who stuck by the old county, though, as will be shown later, that was due in the case of Hutchins to the fact that when Goochland was formed out of Henrico in 1727 the line was run down Tuckahoe Creek; if the boundary had been a few miles to the eastward, through Shoccoes Creek, we should be writing this chapter about Hutchins Burton of Goochland. His brothers Robert<sup>II</sup> and Nowell<sup>I</sup>, who settled (about 1723) three miles further to the west on Dover Mill Creek, were cut off from Henrico when the new county was formed four years later. From 1719 onwards, Hutchins was identified with Westham, just below Tuckahoe Creek.

It is not known how the name of Hutchins entered the Burton family. The Hutchins were neighbors of the Burtons in Henrico. Of these, the first was Isaac Hutchins, who with Thomas "Bartin" and Robert Craddock, was a headright of Captain Thomas Osborne, Jr., of Henrico in 1637. The very next year Isaac Hutchins was a landowner in Lily Valley adjoining William Cox, John Davis and Robert Craddock. To those who have had the patience to read the preceding

pages of this study, those names are already familiar. The only instance in our notes however, of direct association between a Hutchins and a Burton is in a deed in 1729 of land in Henrico made by Strangman Hutchins, the son of Nicholas Hutchins, a noted Quaker. This deed was witnessed by John Burton, who was possibly the brother of Hutchins<sup>1</sup> Burton.

Hutchins<sup>1</sup> Burton resided at Westham, on the western side of what is now the city of Richmond. He had, no doubt, moved up the James river from the family nest at Cornelius Creek some nine miles below, when he came to man's estate. His first appearance in the records was in 1719 when he was appointed road surveyor "from William Gordons to Tuckahoe Bridge." This was the year of his marriage, and may be the date also of his acquisition of lands at Westham. He was also later identified, as will appear, with that section of Henrico county north of Westham on "Upham Brooke," at the headwaters of the Chickahominy River—a region long dominated by the Bacons of New Kent, since the day when John Bacon had inherited the lands of Mrs. Francis Izard.

The land patents to Hutchins<sup>1</sup> Burton began on September 5, 1723 (book II, p. 246) when he secured by that method the best of legal titles to "400 acres . . . on the north side of James river, beginning . . . on Westham Creek on the land of Col. Wm Randolph." On March 24, 1725 (Book XII, p. 406) he secured by patent 400 acres more "beginning at a corner white oak & gum on Westham Creek being Col. Randolph's corner." On August 1, 1735 (Book XVI, p. 104) "Hutchinson (sic) Burton" patented 400 acres on the north side of James river "adjoining Col. Wm Randolph . . . thence on the north side of a branch of the lower Westham." Benjamin Clark was a neighbor of this land (Book XVI, p. 112). In 1745, July 10 (Book XXII, pp. 303, 315) he obtained land grants for 390 acres

“beginning and standing south side Westham Creek in Mr. Randolph’s line;” and 191 acres “adjoining the land of Beverley Randolph & his own, . . . crossing Hoggets road . . . pine cornered another survey of sd Burton’s.”

Although Hutchins Burton remained all his life a resident of Henrico he did not lack enterprise as one of the adventurers up the James. When Goochland was organized as a county in 1727 the western area of Henrico was cut off, both north and south of the James. In the southern portion (which later became Cumberland county) Hutchins<sup>I</sup> obtained three tracts of 400 acres each, described as on the north side of the Appomattox river, and adjoining John Owen and Frederick Cox. We do not know that Hutchins<sup>I</sup> ever resided in Cumberland, but he settled his sons there later on, and he certainly worked at least one of these plantations, as appears from an account of a trial in Goochland in 1733 (Tyler’s Quarterly VIII. 61):

Two slaves belonging to Hutchins Burton in Goochland county and three slaves of William Randolph, Esq., and one slave of Bowler Cocke, Gent., were convicted of the murder of Robert Allen of Goochland. The slaves of Hutchins Burton were hanged, beheaded and their heads raised on posts; their bodies were quartered and limbs set up at various places in the county. This story of ferocity reads like the vengeance of a Tudor monarch. The truth was that, freed at last from the dread of an Indian massacre, the Virginians lived in apprehension of a servile insurrection. The murdered man, Robert Allen, was probably a relative of Mrs. Hutchins Burton, but this fact did not deter Hutchins<sup>I</sup> from petitioning the legislature for re-imbursment: £40 for one slave and £30 for the other.

The Goochland (Cumberland) plantation which had been the scene of this tragedy was later conveyed by Hutchins<sup>I</sup> to

his son. He had nine sons, and must have been kept busy providing for them; four he seated in Cumberland: Samuel, William Allen, David and Robert. Evidence of this is contained in the following Cumberland deeds: June 10, 1753 (Liber II, 57) Hutchins Burton of Henrico county, for £50, 400 acres in Cumberland late Goochland on north side of Appomattox river. David Burton (a son) witness. Deed 27 February 1755 (Liber II. 194) Hutchins Burton of Henrico to Robert Williamson of same, parcel of land whereon Samuel Burton lives, lying in Cumberland on Appomattox river; mention of dividing line between "my two sons Samuel and David." Witnesses: Robert Burton (another son) and William Miller.

The Cumberland lands of Hutchins<sup>I</sup> lay in a nest of neighbors from Henrico. These community migrations were a marked feature of life among the James river Virginians. A patent in 1737 (to Henry Cary) for 1520 acres in Goochland county on both sides of Bent Creek of Appomattox river, adjoined "lands of William Moseley, Hutchins Burton, Richard Parker, Henry Hatcher, Jno. Pleasants, Francis Eppes and Henry Anderson" (Valentine Papers.)

Another Cumberland tract belonging to Hutchins<sup>I</sup> is described in a deed March 25, 1755 (Liber II. 196) "Hutchins Burton, the elder, of Henrico (which shows that his son Hutchins was then living in Henrico) to James Patterson of Chesterfield county, land in Cumberland county taken up by said Hutchins Burton in 1730, 28 Sept." Witness, Benjamin Burton, Jr. The will of James Patterson in 1767 devised "to son Nelson Patterson tract of land on Appomattox river, 400 acres which I purchased of Hutchins Burton, known as 'Let Alone' .. and also 400 acres on Appomattox river I purchased of Hutchins Burton and Robert Williamson." (Va. Mag. Hist. xxxv. 31.) Part of this Cumberland plantation was sold in 1790 to David Burton, the grandson of

Hutchins<sup>I</sup>. A more precise location of this tract is found in a patent for 1500 acres in Goochland county, April 11, 1732, to John Woodson "on the branches of Deep Creek running into James river and the branches of Appomatox river, adjoining Col. Wm. Randolph, Let Alone Creek, Hutchins Burton, Henry Clay and Henry Anderson" (Valentine Papers, 2035).

We have seen that Hutchins<sup>I</sup> disposed of his land holdings in Cumberland county, and that he settled four of his sons there. The other five sons seem to have remained like their father, resident in Henrico. Three of them were beneficiaries of landed estates in Henrico by the will of their father; for he devised 790 acres to his sons Hutchins, Noel and Julius. The last named was given the dwelling plantation on Westham Creek. In 1733 Hutchins<sup>I</sup> had disposed of his own share of his father's estate to his brother Benjamin<sup>II</sup> Burton. Towards the end of his life, in 1760, he deeded to Royal Richard Allen of Middlesex county 100 acres "north side of James river adjoining lands of John Watson and Thomas Jackson, on the Ufaum Brook, formerly belonging to John Childers."

We have now traced to Hutchins<sup>I</sup> Burton the ownership of at least 2500 acres of land in Henrico and Cumberland—the evidence of a fairly successful life for a planter of his day. He was what is known in orthodox circles today as a practical man. He did not "waste time" in public service. He was a road surveyor in 1719, 1735 and 1741; constable from 1737 to 1741; served on the jury in 1738 and on the grand jury in 1746 (Henrico Order Books). His life was spent in acquiring land, working it and in seating his nine sons on their own estates. His interest in government was probably only that it should let him alone to manage his estates.

In 1730 he is mentioned as having attended Curles Church on Four Mile Creek, Henrico. This entry, however, does not

prove beyond a reasonable doubt that Hutchins<sup>I</sup> was obsessed by any deep spiritual urge, for non-attendance then at church was visited by condign punishment—as it was at Yale when the present writer was an undergraduate there.

The Henrico vestry book shows that from 1730 to 1735 Hutchins Burton was paid by the parish each year for the support of Sarah Rawlins; and from 1736 to 1738 for supporting Susanna “Rollins.” The social services were then performed by the church, which was still a part of the Government.

In 1719, as we have previously noted, Hutchins<sup>I</sup> received an appointment as a road surveyor, indicating that he was then at least 21 years old. 1719 was a great year in his life, for it was then that he married Susanna Allen who bore him nine sons and at least two daughters, and actually survived his death in 1763. The record of this marriage is in the register of St. Peter’s Parish in New Kent county: “Mr. Hutchins Burton and Susanna Allen was married March ye 31st 1719.” Aside from the slight error of grammar, the fact was undoubtedly true. She was a daughter of Samuel Allen of New Kent. His brother Nowell<sup>I</sup> soon thereafter married Judith Allen.

The Allen given names are copiously distributed amongst the children of both marriages. An alliance with the Allen family was evidently considered a matter of consequence. In Virginia only two other “clans”—the Burwells and the Bacons imposed their names upon succeeding generations more effectively.

On November 5, 1739, Hutchins<sup>I</sup> Burton and John Williamson were securities for John Shepard, guardian for Mary, orphan of Joseph Moseley. John Williamson was a vestryman of Henrico parish and one of the influential members of the Bacon group.



The following additional items from Henrico records complete the available budget concerning Hutchins<sup>I</sup>.

April, 1720, action in case Hutchins Burton vs. Richard Wilson dismissed; in March 1721 the same parties appeared again in court and Hutchins received a verdict of 700 lbs. tobacco in his favor.

February, 1721, action in case of Francis Eppes and Hutchins Burton was dismissed.

September, 1721, the action of James Powell vs. Hutchins Burton was dismissed.

March, 1725, Charles Ballew and Hutchins Burton witnessed a deed of Daniel Croome.

In 1726 Hutchins Burton, John (X) Wood, Baldwin Rockett, Ann Rockett and Michael Holland witnessed the deed of "John Soane of Bartee precinct in Albamarle (sic) county, North Carolina, but now in Henrico" to Tarlton Fleming, "on the south side James . . . Divident Coxendale." Baldwin Rockett was the half-brother of Susanna (Ware) later the wife of Benjamin<sup>II</sup> the brother of Hutchins<sup>I</sup>. Ware Rockett subsequently lived near Coxendale in Chesterfield county.

In March 1731, the Goochland court ordered that the tithables of Hutchins Burton (and others) be added to the precinct of which Richard Parker was surveyor. This referred, of course, to lands on the south side of the James, in the section later known as Cumberland county.

On May 5, 1735, Hutchins Burton and William Street were witnesses to the will of John Walters.

On April 14, 1736, Hutchins Burton and George Freeman were witnesses to a deed of Abraham (Childers?) Childrey.

In December 1738 Hutchins Burton petitioned praying that Wm Randolph be ordered to survey [a parcel of] land. Petition dismissed, "the same being irregular."

In 1738 and again in 1740 he was paid by the county "for viewing a tobacco field." Evidently he was considered an expert on tobacco culture.

In November 1743 Hutchins<sup>1</sup> acknowledged a deed of lease and release to Valentine Ball.

May, 1746, Hutchins<sup>1</sup> appeared for three days in court as a witness for Robert Gordon in the latter's suit vs. Thomas Cothrall.

On April 6, 1747, John Childers of the county of Albemarle deeded 100 acres to Hutchins Burton of the parish and county of Henrico.

On September 3, 1753, Hutchins<sup>1</sup> reported to court upon the estate of Stephen Floyd.

In the February and April courts of Henrico for 1757 an action was brought by John Pleasants and son as plaintiffs against David Burton and Hutchins Burton (David's father) in a case of debt. William Allen Burton (another son of Hutchins<sup>1</sup>) was security. In the April court it was ordered that the suit be abated against David Burton "who having died since the last order in the case." In August of the same year the action of detinue brought by Hutchins<sup>1</sup> against Mary Burton (the widow of David) was dismissed.

In August, 1760, Francis Mallory brought suit against Hutchins Burton; and in September 1763 Walter Peter brought action against Hutchins and Susanna his wife.

In February 1762 Hutchins<sup>1</sup> brought suit against Samuel Burton (his son) and Mary Burton (widow of his son David) as executors of David Burton. We note, in passing, that in his will in 1763 Hutchins left only five shillings to his son Samuel, and made no mention of his grandson David, the son of the late David Burton. Samuel was apparently irresponsible in financial matters; David was always in trouble on the same score. Their brother William Allen Burton, and Hutchins<sup>1</sup> the father of all these three men, were evidently drawn into

difficulties by championing the family "wasters." This, no doubt, somewhat embittered the last few years of that otherwise notably shrewd old man, Hutchins<sup>I</sup> Burton.

An entry in 1763 records the suit of "Amey Carter vs. Hutchins Burton for trespass, assault and battery." This is the year in which Hutchins senior died. As he was then at least 65 years old it is difficult to picture him in an attack on Amey Carter. It may have been his son of the same name who was the villain of this film. Such alibis have been known in fiction. Yet Amey may have been unduly provoking.

In 1763 in the suit of Alex<sup>I</sup> Speirs vs. Hutchins Burton decision was in favor of the plaintiff and defendant's security Jacob Burton (son of Benjamin<sup>II</sup>) was included in the judgment. As Jacob had been security for the appearance of Hutchins Burton, and the latter had evidently decided that "discretion was the better part of valor," we unhesitatingly place this Hutchins as the son of the old man, and not Hutchins<sup>I</sup> himself.

Hutchins<sup>I</sup> died in Henrico in 1763. His original will is found among the "loose leaf" papers in the State Library at Richmond.

An abstract of his will follows: Hutchins Burton of the county of Henrico, will:

"Item; to my son Samuel Burton, five shillings; item, to my son Hutchins Burton, negro man named Peter in his possession and negro boy Pompey; item, to my son William Allen Burton, negro woman named Edy and negro boy Archer; item, to my son Noel Burton 90 acres on upper side Westham Creek including the plantation where he liveth, also negro Jane for life and at his decease said negro to go to my son Noel Burton's daughter Anne; item, to my son-in-law Anthony Matthews and to my

daughter Anne Matthews negro Gabe and also negro woman fellis (sic); also Fellis' son, and Ginney to my grand-daughter Elizabeth Matthews and Fellis' daughter Fanny to my grand-daughter Susanna Matthews; item, to my son Charles Burton 2 negroes, also £100 which he hath received of the money which the land in Cumberland county sold for; item, to my son Robert Burton, five shillings; item, to my son-in-law William Price and my daughter Susanna . . (Testator mentions his grand-daughters Sally, Susanna and Elizabeth Price); item, to my son Richard Burton, 2 negroes and if he die without issue, to my son Julius Burton; item, to my son Julius Burton, 2 negro boys and if he die without issue to my son Richard Burton; item, to my son Hutchins Burton, 300 acres at the place where he lives, also one half interest in a mill; item, to my son Julius Burton after decease of his mother all the other part of that tract whereon I now live being about 400 acres; item, to my daughters Anne Matthews and Susanna Price, negro; item, to Magdalen Burton, daughter of my son Hutchins Burton, a cow; item, Four negroes to be sold and proceeds divided among sons Hutchins, Richard, Noel, Julius and William; item, to wife Susanna Burton, houses, plantations and tract of land during life, also negroes. Executors: wife Susanna Burton and sons Hutchins Burton and William Allen Burton.

HUTCHINS (X) BURTON."

Date, May 9, 1763. Probated October 3, 1763.

His son David died before testator and is not mentioned in the will.

Of the eleven children Hutchins<sup>1</sup> Burton and Susanna are known to have had, seven bore names belonging to his wife's family, the Allens of New Kent.

*Chapter XVIII The Children of Hutchins' Burton of Henrico*

The following chronicles of the sons of Hutchins Burton are taken from the existing records of Henrico and Cumberland counties. These sons are mentioned in the order in which he named them in his will—by no means a safe guide as to seniority.

1. Samuel Burton was possibly the eldest son of Hutchins, and was named for his grandfather Samuel Allen. In 1755 he was living in Cumberland county next to his brother David. Directly across the Appomattox river from their plantations lay Prince Edward county, and a Samuel Burton of Prince Edward was a private in Col. Washington's command during the French-Indian war. (*Va. Mag. Hist.* XXI. 89). In 1785 a Samuel Burton is mentioned in the census as living in Prince Edward. In 1792 John Ward of Lunenburg county was deeded a negro woman by Samuel Burton of Prince Edward County (*W. & M.* XXVII, 291). A reference in the Order Book of Henrico for April 1757 gives an illuminating sidelight upon Samuel Burton as follows:

“William Allen Burton (his brother) having obtained an attachment against the estate of Samuel Burton who is said to have so absconded that common process cannot be served upon him for £9-7-8 .. has attached effects of the said Samuel Burton in the place of Robert Williamson.”

If it is true that Samuel was then away in the military service, it is evident that William Allen Burton had not been “gassed” by war propaganda.

ii. Another son of Hutchins<sup>I</sup> was named after his father. He lived in Goochland and in Henrico county until after his father's death in 1763; later he moved to Mecklenburg. He is the one of this name whose marriage bond is filed in Goochland in 1742. The name of his bride is omitted from the bond, but the security was William Allen of Goochland, later of Albemarle, his mother's brother. William Allen's will, signed in 1751 and probated in Albemarle in 1752, but apparently written some years earlier, mentions his grandson Charles Burton son of his daughter Judith Burton. Thus it appears that this Hutchins Burton had married his first cousin Judith Allen. This was the third Burton marriage into the Allen family. That this couple had a daughter Magdalen, living in 1763 appears from the will of Hutchins<sup>I</sup>, the grandfather. The son Charles may have accompanied his father later on in his removal from Henrico to Mecklenburg. A Charles Burton with wife Mary Hunt is mentioned in the Douglas Register as having daughters Mary born in 1781 and Nancy born in 1784.

In deeds made by Hutchins<sup>I</sup> Burton of Henrico in 1755 and in 1760, he describes himself as "senior," a sure indication that his son Hutchins was then still a resident of Henrico. Hutchins<sup>I</sup> Burton's will was probated in October 1763. The month before that "Renev" Laforce brought suit against Hutchins Burton, Jr. The will of his father devised to him 300 acres "at the place he now lives on." This was in Westham, Henrico county, adjoining the dwelling plantation which Hutchins<sup>I</sup> left to his youngest son Julius Burton. Soon after this, Hutchins left for Mecklenburg county, where his first cousin of the same name, son of Nowell<sup>I</sup> Burton, was a prominent resident. In 1767, Hutchins (the son of Hutchins<sup>I</sup>) deeded to his brother William Allen Burton, who was then living in Cumberland county, "for 500 lbs. current money of Virginia," 300 acres in the county of Henrico, in Westham.

In this deed he describes himself as "Hutchins Burton of the county of Mecklenburg." The 300 acre tract in Westham was, of course, his share of the patrimony.

III. William Allen Burton, named by his father Hutchins<sup>I</sup> after the family of his wife Susanna Allen, lived when young in the part of Henrico of those days which lay south of the James—a district which was to become Chesterfield county in 1749. His plantation there was near Gatavel Town, as appears from a reference in his will. His wife was probably a member of a Chesterfield family. That he was still occasionally in that county up to two years before his father's death is indicated by the fact that he and his wife Mary then witnessed the will of Dorothy Cary of Chesterfield. The Cary section of that county was on the lower reaches of Falling Creek, and just above them lived the Burtons who were grand-children of Thomas<sup>I</sup> Burton of Cobbs. William Allen Burton later moved to Cumberland county, where several of his brothers were planters. He was, without doubt, the most "clubbable" member of his family circle. The brief chronicles of his brothers given in this chapter contain testimony to his sense of family values. It is evident that his brothers kept him in continuous "hot water" legally, as many of the following items from Henrico records show:

Sept. 1745, John Gordon Plt. vs. Wm Allen Burton and David Burton upon an assault and battery, to come to next court; 1745, John Burton vs. William Allen Burton; March, 1746, John Pleasants and sons Pltfs. vs. David and Hutchins Burton, Defts. in Debt . . . William Allen Burton undertakes for the Defts. . . to pay condemnation of the court.

March, 1756, an attachment was obtained by William Allen Burton against the estate of Samuel Burton; April, 1757, he again obtained an attachment against the estate of his brother Samuel "who is said to have absconded." August, 1758, he

sued Alex. Mc. Caul, administrator of the estate of his brother David who had just died. In March, 1761, the court decided to reject the petition of William Allen Burton and sundry inhabitants of Chesterfield and of Henrico 'praying that a ferry be established from a lot belonging to said Burton in town lately laid out.' This was possibly part of Wm Allen Burton's property in Gatavel Town, mentioned in his will. In 1759 the records note that William Allen Burton had been held in "Goal" for three days.

1763, William Allen Burton as executor of the will of his father sued Mary Burton the widow of his brother David. (In Chancery); February 1765, there was a suit of Samuel Burton, John Burton and Richard Burton in Chancery, against William Allen Burton.

An interesting entry in Book III of Cumberland county deeds, at page 516 recalls the earlier association between the Parkers and Burtons in Henrico. The date of this indenture was October 20, 1766.

"Indenture .. Richard Parker Senr. of Cumberland county .. Wm Allen Burton of Henrico .. 400 pounds current money of Virginia .. sold .. William Allen Burton the plantation whereon the said Richard Parker now lives .. 300 acres .. in Cumberland county on Appomatox river granted to John Owen by patent bearing date 20th June 1730 .. river bank adjoining James Patteson thence, with Patteson's line to John Brown's .. to Frederick Hatcher's line then on the line of the land of Wm Parker dec'd thence on the line of the said Richard Parker's other tract of land thence on the land of the said William Allen Burton ..."

Signed RICHARD PARKER, L. S.

Judith the wife of Richard Parker relinquished her right of dower.



February, 1767, entry of a suit of Robt. Scriggs vs. William Allen Burton; July, 1767, Julius Burton vs. William Allen Burton, executor of Hutchins Burton, dec'd. (his father); 1768, as Executor of his father's will he sued Samuel Burton, Mary Burton (widow of his brother David) and the Administrator of David Burton's estate; 1769, in spite of the family litigation, David Burton (son of David, dec'd and of Mary his wife) chose William Allen Burton (his uncle) as his guardian. Turner Southall and Richard Walthall were his securities.

In the Cumberland county Order Book we find that on March 26, 1770, Wm Allen Burton, Gideon Patteson and Frederick Hatcher were the appraisers of the estate of Martha Hughes.

William Allen Burton died in Cumberland county in 1773 leaving a will of which an abstract follows:

Dated March 19, 1767, probated March 22, 1773:

“William Allen Burton of Cumberland county, being in proper health and memory .. to my son Walthall Burton 250 acres of land lying in Cumberland .. on the bent creek .. to my corner and Pringles .. so up the line to Mr. Cox .. to my son William Allen Burton 250 acres .. beginning where Walthall leave of (sic) & so gineing the plantation where young Richard Parker lived .. the plantation at the Dear pons to my wife .. after her death or marig .. to my son David Burton & my lot & houses in Chesterfield county in Gatavel town .. my wife and Obey Smith executors .. devide all my pursen estate amonge my five children & wife .. without any aprasmen when Walthall Burton comes of age & my two darters to have two negroes a peas more than my sons.

WILLIAM ALLEN BURTON, L. S.”

Witnesses: John Price, William Perkinson, Philip Yates Jobson.

“Mary Burton executor .. she together with John Hobson, Frederick Hatcher, Henry Cox and John Burton her securities.”

June 28, 1773.

The spelling of his will shows a refreshing spirit of independence in William Allen Burton; it also records the way in which the tobacco planter of that day pronounced his English.

The John Burton mentioned as one of the securities for the widow was, no doubt, John Burton of Cumberland, son of Nowell<sup>1</sup>.

The Obey Smith appointed an executor was probably Captain Obidiah Smith, a landowner in the Bacon precinct of Henrico.

Of the children mentioned by testator, Walthall Burton was apparently his youngest son; he was a minor in 1767 when his father made the will. His name serves to identify Mary, the wife of William Allen Burton. The Walthalls were for generations landowners in Chesterfield. In the Bristol parish register we find the birth on September 15, 1730, of Mary the daughter of Richard and Mary Walthall—possibly the wife of the above testator. Walthall Burton married on February 8, 1773, his first cousin Sally Price “both of Goochland.” His aunt Susanna Burton had married William Price, and John Price had witnessed the will of his father, Hutchins<sup>1</sup>.

The son next mentioned in the will of William Allen Burton was named after his father. He was still living in Cumberland county in 1808, for he was surety in that year for the marriage bonds of two of his children; William Burton who married Polly Goolding and Nancy Burton who married

Pleasant Merryman. He also held lands at one time in Campbell county. A suit named in the Order Book of Amelia County, 1788—1791 at page 134, Wm A. Burton vs. James Jenkins, probably refers to him.

David, the son of William Allen Burton (Sr.) acquired in Cumberland in 1798, 101 acres of the tract sold by his grandfather Hutchins<sup>I</sup> to James Patteson as we have previously mentioned. In the 1784 census in Cumberland David Burton is listed as living with William Angelea. Later an Angelina Burton married Daniel L. Price (Bedford county records).

Mary, the daughter of William Allen Burton married in or before 1775 Allen, the son of Captain John Burton of Cumberland, the eldest son of Nowell<sup>I</sup>. This couple had a son John Burton, thus showing little originality in the naming of the cherub.

We now return to our discussion of the children of Hutchins<sup>I</sup>.

iv. Charles Burton of Henrico, who received two negroes and £100 in the will of his father; he is known to have consulted Patrick Henry in that year (1763), as is shown by the latter's legal fee book. He must have been one of the first of Hutchins Burton's children for as early as March, 1742, Charles Burton and his cousin William Burton are mentioned on Henrico records as members of a jury. The case in issue was a suit of John Coles against Benjamin Burton, Jr.,—a cousin of the two jurymen named. In 1762 Charles Burton and Jesse Burton (son of Benjamin<sup>II</sup>, the uncle of Charles) applied to the legislature for the conventional reward for taking up runaway slaves. In 1767, Charles was twice mentioned, and again in 1771 in connection with affairs of his brothers described elsewhere in this narrative.

v. Robert Burton may well have been the eldest son of Hutchins<sup>I</sup> Burton, and thus born about the year 1720. It was

in the tradition to name the eldest son after one's own father. In his will in 1763, Hutchins<sup>I</sup> left to his son Robert only the sum of five shillings, indicating that he had already been provided for. It seems probable that as early as 1742 his father had seated Robert on lands up above the headwaters of Westham Creek in the parish precinct at the head of the Chickahominy River where Hutchins<sup>I</sup> is known to have held an estate;—the "Bacon" section of Henrico parish. John Williamson, who lived in that vicinity, was, like his father, a vestryman of Henrico. He was a prominent member of the Bacon clan, and was an executor of the will of Langston Bacon in 1755. In 1747, Langston Bacon, John Williamson and Robert Burton were witnesses to a deed of Robert Mosby to David Whitlock of Hanover county. The land conveyed lay on "Long Hungary." In 1754 Robert Burton and Nowell Burton (his brother) together with Ben Clarke were witnesses to a deed of William Burton who also had land in the Bacon precinct. In September 1754 Wm Burton, Jr., brought an action for trespass against Robert Burton and Luke Smith. From 1748 to 1752 a Robert Burton, together with John Williamson, Jr., a man of about the age of Robert the son of Hutchins, was an inspector of tobacco at Shoccoes warehouse (near Richmond). (Journal of the House of Burgesses). It is also true that a Robert Burton had been inspector of tobacco at Shoccoes as early as 1737; that would have been a year in which Robert the son of Hutchins could not have served—he was too young. The only other Robert Burton of Henrico available was his uncle Robert<sup>II</sup> who died in 1748. The explanation of this apparently contradictory state of affairs is that Robert the son of Hutchins probably succeeded his uncle in this office upon the latter's death in 1748.

The inspector of tobacco was an important personage; all tobacco—the staple crop of Virginia—marketed in the district

must be deposited in his warehouse, and the inspector's warehouse receipt ran as legal tender for the year in which it was issued throughout the county. The office of inspector was hedged about by many legal restrictions, one of which was the requirement that he might not at the same time be a member of the House of Burgesses. The salary of the office was from £40 to £60 a year. It is more than likely that the Bacons, who were then the political "bosses" of North-Western Henrico, dictated these appointments at Shoccoes.

There are few references in Henrico records to Robert the son of Hutchins<sup>I</sup> Burton.

In June, 1758, the court ordered that the scire facias brought by Robert Burton against Samuel Gordon be dismissed. In 1761, the court directed Julius Allen (his uncle?) to pay Robert Burton 564 pounds of tobacco for attending court 6 days "as evidence and travelling 23 miles." This indicates that according to the calculation of the clerk, Robert lived 11½ miles from the county court house near Varina at the mouth of "Four Mile Creek." The radius of this distance would serve equally well to prove that Robert's home was at the Westham Creek plantations, or north east of there in the Bacon precinct (the Brook-Hungary Branch).

vi. The will of Hutchins<sup>I</sup> Burton does not mention his son David, who died six years before his father. David was of age on January 1751-2 since his name appears on the election poll of Henrico at that time. In 1751 he was processioner for the Henrico vestry precinct between Gilley's and Cornelius Creek. In 1755 he was mentioned in a deed made by his father as then holding in Cumberland county lands next to his brother Samuel.

About 1750 David married Mary Wiltshire, the widow of the man whose name is endowed with the most elastic spelling in the history of Henrico parish—Gilly Gromarrin,

who had lived in what is now Fulton, a suburb of Richmond. One of the daughters of the widow Gromarrin married Charles Lewis and the other Colwell Petty Pool (or Pettipool) of a family from Prince George county which settled later in Lunenburg. This marriage brought David into control of a considerable estate, but in spite of this he was pursued by creditors during his life, who continued hounding his property after his death. For the connections in England of Mrs. Susan Mareen (Marin), sister of Wiltshire Reeve (Will 1707) see Dr Stanard's "Some Emigrants to Virginia" at page 56.

David's first appearance in litigation over money matters was in 1754 when "in part of his Exon." he was a creditor of the estate of Samuel Gleadowe, deceased, in the sum of £37-8-8. In 1756 John Pleasants and his sons brought suit against David and Hutchins Burton in Henrico court in an action for debt. William Allen Burton (David's brother) "came into court and undertakes for the Defts, that in case he shall be cast in this suit he shall satisfie and pay the Condemnation of the court or render his body to Prison in Execution for the same." His gesture was "magnifique, mais ce n'etait pas la guerre."

In 1757 David Burton died intestate. Alexander Mc.Caul was the administrator of his estate, and two sets of appraisers had to be appointed for his slaves and personal estate; Isaac Younghusband, Julian Allen and John and Philip Woodson for Henrico; and for Cumberland Benjamin, Jacob and Poindexter Mosby and William Smith.

In May 1758 the administrator returned an inventory; three months later William Allen Burton brought suit against him and recovered £56 and 91 lbs. of tobacco. On February 1, 1759, Hutchins Burton (the brother of David) brought an action of detinue against David's widow. By 1763 an adjust-

ment had been reached between the members of the Gromarrin and Burton families, and a receipt was given to Mary Burton (the widow) by "Wiltshire Marrin, Colwell Petty Pool and Charles Lewis."

The next step in this dreary record of family litigation was taken in another year or so, when William Marrin, Mary and Susanna Marrin, "infants and orphans of Gillgrove Marrin dec'd" by Robert Goode "their next friend" brought suit against Mary Burton—"and as the said David Burton received the profits of the said estate for nine years, we are of opinion that the said David-Burton's estate ought to pay 100 pounds in part for the said Legacies . ." This report was signed by Philip Mayo and Isaac Younghusband, appraisers, April 28, 1760.

By 1767, Mary, the widow of David Burton had died, worn out no doubt, by the anxieties of all this litigation.

The Burtons, however, had not yet given up the fight, for in 1768 we find a chancery suit "William Allen Burton, executor of Hutchins Burton, complainant vs. Samuel Burton and Mary Burton and Alexander Mc.Caul, administrator of David Burton."

David Burton left a son of his own name (born 1754) who, in 1769 chose his uncle William Allen Burton as his guardian. This son was living in Mecklenburg county with his half-sister's husband, Coldwell Pettypool from 1772 (Bell's "Sunlight on the Southside"). The marriage bond of William Pettypool and Frances Brooks appears in Mecklenburg records, February 15, 1775, with David Burton as surety.

A David Burton is mentioned in Henrico records as a soldier in the Revolutionary Army.

vii. Noel, the son of Hutchins<sup>1</sup> Burton received by the will of his father 90 acres land "where he was then living" at Westham on the Western side of Richmond. There were

three Noel Burtons of about the same age in this generation, first cousins, and sons respectively, of Nowell<sup>I</sup>, Robert<sup>II</sup>, and Hutchins<sup>I</sup>; the first lived in Mecklenburg, the second in Goochland and the son of Hutchins<sup>I</sup> in Henrico. It is to him, doubtless, that the following items taken from Henrico records refer:

October 1753, Robert Burton and Nowell Burton (brothers) witness the deed of William Burton (a cousin?).

1754, Robert Burton and Nowell Burton and Benj. Clarke witness a deed of William Burton to Charles Collier.

1757, "Nat. Bacon and J. Williamson, Jr., executors of the estate of Langston Bacon, dec'd, who was assignee of Mary Allen" brought suit against Noel Burton, Jr., and John Burton.

1760, John Rose brought suit against Hutchins and Nowell Burton for debt.

1761, "Newell" Burton and Julius his brother were witnesses in a suit in which the Alley (Aldey) families were parties.

1762, Nowell Burton vs. Archibald Wright, in trespass, assault and battery; suit dismissed.

1763, Geo. Yuille brought action against Nowell Burton.

1764, The grand jury made presentment against Nowell Burton for profane swearing. Nowell failed to appear and was fined 5 shillings.

1769, Deed of Nowell Burton 2 January, to "John Sharpe, infant son and heir-at-law of Thos. Sharp dec'd . . . 60 acres . . . between the two Westhams, bounded by the land of Robert Carter Nicholas, Esq., Julius Burton and Hutchins Burton being all that tract which Hutchins Burton, dec'd devised unto the sd. Nowell as by the will of the sd. Hutchins may more fully appear." (Deeds, 1767-1774 p. 110). In the Order Book of the county (1767-69 p. 378) under January 1769



there is record of an acknowledgement of a "Deed . . . between Nowel Burton and Mary his wife, . . . John Starke an infant son and Heir of Thomas Starke deceased . . . Mary (Burton) . . . assenting thereto." These two entries evidently refer to the same transaction.

1769, suit of William Allen Lankester vs. Nowel Burton. There is reason to believe that this plaintiff was related not only to the Allen family, but to the Bacons and Williamsons as well.

There are no further references to Nowel the son of Hutchins<sup>1</sup> in Henrico records. That he had a daughter Anne, living in 1763, is known from the will of his father.

VIII. Richard, another son of Hutchins<sup>1</sup> settled, like his brothers William Allen Burton and David, in Cumberland county, for in 1749 a deed by Nowell Burton (his uncle) and Richard Burton to William Bernard of land in that county, recites the fact that the tract conveyed had been "granted to aforesaid Nowell Burton by patent January 25, 1735, and by him conveyed to Richard Burton." Shortly after the conveyance, the Order Book of the County (1749-51, page 13) notes that his wife relinquished her right of dower in this land, but the entry is so mutilated that the name of his wife cannot be read.

The first mention of him in the records in Goochland (Cumberland) county Order Book for 1732 is when he was awarded by the court a reward of 400 pounds of tobacco on the certificate of George Payne for two wolves' heads. Richard was a small boy at the time.

While a resident of Cumberland county, Richard Burton made a hobby of litigation. The Order Book for 1749-51 contains the following references to him: p. 31, Alex. Spiers vs. Richard Burton; p. 32, Thos. Yuille, Esq., & Co. vs. Richard Burton; p. 155, Gideon Man vs. Richard Burton,

trespass, assault and battery; p. 156, Richard Burton & Allen Burton plts. vs. John Hopson; Thomas Merryman vs. Richard Burton.

By 1760 Richard was back in Henrico, for he then witnessed a deed by Edmond Alley (Alldey); and in March 1764 Richard was found guilty of troubling the peace, and a bond "to good behaviour" was given by his brothers Julius and William Allen Burton. When the case came up again in court, his mother Susanna Burton gave security. If we knew the story of this breach of the peace, we might clothe the dry bones of this phantom man of long ago with some semblance of individuality.

The last reference in Henrico records to Richard was in June 1764, when Samuel Burton brought suit against his brother Richard. This was the year after their father's death, and it was a good example of "when Greek meets Greek." Samuel was the black sheep of the family and Richard was not far behind him.

ix. Julius, the youngest son of Hutchins<sup>1</sup> Burton and of Susanna his wife, was, no doubt, named for his uncle Julius Allen. In 1763 Julius received by the will of his father the dwelling plantation on Westham Creek. On March 10, 1763, he married Rebecca Clayton in Henrico; the marriage was recorded in the Douglas register in Goochland.

The following items concerning him are taken from the Henrico records: 1760: Julius Burton and David Allen witness a deed of John North; 1761, David Allen is ordered by the court to pay Edmund and David Allen, Julius and Nowell Burton (the brother of Julius) 225 lbs. of tobacco each for attending as witnesses; 1762, Julius Burton witnessed a deed of David Allen; 1762, suit of Alex Brown vs. Julius Burton; 1764, Royal Richard Allen brought suit against Julius Burton, and recovered judgment for £1-5-6

and costs; 1765, John Ownes brought suit vs. Samuel and Julius Burton (brothers); 1765, suit against Julius Burton for debt; 1767, another suit for debt against Julius—this time, David Allen was the plaintiff.

Julius Burton was evidently an expensive luxury to his relatives. In his defense, however, it should be noted that in 1764 when his brother Richard was in trouble, Julius gave bond as his surety; what is more his bond was accepted by the court!

After the year 1767 Julius Burton appears on the records of the newly created Mecklenburg county as a landowner there. In 1771 he was a witness to an indenture between his two brothers, Hutchins Burton of Mecklenburg and William (Allen) Burton of Cumberland county.

By the year 1768 references in Henrico records to the sons of Hutchins<sup>1</sup> Burton cease. David was the only one of the nine sons known to have died before that date; Robert, Nowell and Richard may have continued on in Henrico—if still living; the other five were residents of Cumberland, Mecklenburg or Prince Edward Counties.

Hutchins<sup>1</sup> and Susannah had two daughters whom he mentions by name in his will as follows:

x. Anne, married by 1763 to Anthony Matthews and already the mother of two daughters—Elizabeth and Susanna Matthews; and

xi. Susannah, married to William Price, and by 1763 the mother of Sally, Susanna and Elizabeth Price. The Douglas Register gives the following items which seem to refer to this family, then in Goochland:

“William Price & Susanna Burton, a daughter named Nansy born Mar. 7. 177 . . . ., bap. Mar. 28, 1774.

William Price & Susanna Burton a daughter, named Patsy, born June 21, 1776, bap. July 21, 1776.”

And the following marriages:

“Sally Price & Walthall Burton, both in Goochland, Feb. 13, 1773.

Betsey Price & Joseph Perkins both in ys parish, Dec. 21, 1775. (Note also Elizabeth Price & David Wade 18 Jany. 1771).”

Susanna Burton, the widow of Hutchins<sup>1</sup> Burton was probably about 61 years old at the time of her husband's death in 1763. She lived for at least eight years longer. In 1766 she made a deed of gift to her son William Allen Burton. In 1771 she is recorded in Henrico as follows:

“I, Susanna Burton in the county of Henrico and Colony of Virginia . . . for the mother-like love which I bear to my daughter Susanna Price . . . one negro boy named Toney.”

Hutchins<sup>1</sup> and Susanna Burton, upon their marriage in 1719 had entered upon a fairly “strenuous job.” To launch nine sons and equip them to meet the requirements of an age of unrest is no slight task. From the scanty records before us, it would be fair to conclude that while no one of their sons deserved a niche in the most modest temple of fame, five of them at least made an average success in life according to the somewhat indulgent standards of that day. A study of genealogy might help the parents of this day to accept with some degree of fortitude the fact, to them always a source of astonishment and wounded vanity, that a fifty per cent record in moderately successful sons is a considerable achievement in citizenship.

### *Chapter XIX Benjamin<sup>I</sup> Burton of Henrico*

We come now to the third (or fourth?) son of Robert<sup>I</sup> Burton of Longfield. Benjamin was born about the year 1696 and died in 1758; he lived all his life on a part of the Longfield estate. Benjamin<sup>I</sup> Burton, the uncle after whom he was named, had died in 1687.

Benjamin<sup>II</sup> is first mentioned in Henrico records in January 1716 when he was witness together with Joseph and Thomas Pleasants to a deed from John Matthews, the son of Edward Matthews deceased, to Edward Goode, Jr., for land on Four Mile Creek. On June 30 of the same year he was a witness with Constant Perkins, John Allday and William Perkins to a deed of Seth Hatcher to Joseph Reynolds for land on Cornelius Creek formerly belonging to Robert Burton and sold by the latter to William Hobson.

His name next appears in April, 1723, "On the motion of Susanna Ware, her Lycense to keep an Ordinary in this county was renewed." Baldwin Rockett (her son by a prior marriage) and Benjamin Burton (who married her daughter Elizabeth) securities.

On October 2, 1727, William Cox, John Burton and Benjamin Burton (brothers) reported the inventory of the estate of John Taylor. In the year preceding, August 1726 William (×) Parker, William Perkins and Benj. Burton had appraised the estate of Richard Sharp.

In 1733 (his brother) Hutchins<sup>I</sup> Burton deeded to Benjamin<sup>II</sup> land in Henrico on the Roundabout "given him by his father." The Roundabout brook ran through the estate patented by John<sup>I</sup> Burton in 1665. The deed from Hutchins

to Benjamin was bounded by a parcel "lately purchased by Benjamin Burton of Constantine Perkins."

Benjamin Burton's name recurs frequently in the records of land processioning. The existing vestry book of the parish begins with the year 1730. In 1731, Benjamin<sup>II</sup> with John Redford was processioner for the precinct "from Four Mile Creek to the river at the mouth of ffields Creek, all within the main road to the river." In 1735, Benjamin's lands lay in two precincts, being situated on both sides of Cornelius Creek which was often chosen as the dividing line for parish precincts. In the processioning for this year, a line was drawn "in the presence of Benjamin Burton, Jr." (his son); to be available as a witness Benjamin Jr., must then have been at least 14 years old. In the processioning of 1739, the plantation of Benjamin<sup>II</sup> adjoined that of John West. It is stated in the report that "the landmarks between William Burton, Senior (his uncle) and Benjamin Burton were renewed." The processioning of 1755 records that the lines of Benjamin Burton were not reviewed, in both the third and eighth precinct. In that year the third precinct comprised "all between Chikahominy Swamp and Upland Brook"—the "Bacon district;" there the report was that they had renewed the bounds of all the lands "Excepting a line between Nicholas Medor and Ben. Burton, the parties not agreeing to have done." The eighth precinct included "all between Cornelius and Two Mile Creek, the main county road and the river." Benjamin<sup>II</sup> was one of the processioners in this year for the eighth precinct, but did not sign the report.

The first map of the city of Richmond, prepared for its founder Col. Wm Byrd before 1737, shows that Benjamin Burton had lots numbers 41 and 42.

Like Hutchins<sup>I</sup>, Benjamin<sup>II</sup> held no public office except that of road surveyor. On the other hand he had a pro-

nounced taste for serving on juries, for he is mentioned as a juryman in 1738, 1739, 1742, 1744, 1745 and 1746.

The following abstracts from Henrico deeds and wills serve to indicate the relations between Benjamin<sup>II</sup> and his neighbors and kin:

The will of Mary (×) Cox, probated in February 1735 names her sons Richard and John, her daughter Obedience and her grand-daughter Edith Whitloe. This will was witnessed by Benj. Burton and Benj. Burton, Jr. This was, no doubt, the "daughter Mary Cox" of the will of Mrs. Jane Gower (1710). It is believed that Mrs. Gower was the sister of John<sup>I</sup> Burton, the grandfather of Benjamin<sup>II</sup>; it is also probable that the first wife of Benjamin<sup>II</sup> was a Cox. Robert<sup>II</sup> Burton, the elder brother of Benjamin, named a daughter Obedience.

Deed, June 6, 1737 from Benjamin Burton to Michell Turpin . . 'north side of James river . . where Richard Cox and William Finney (whose mother was a Cocke) join.' The witnesses were: Francis Redford, Milner Redford, and John Cox.

Will of the widow Sarah Cox of Henrico (relict of William) dated May 29, 1726, but not probated until January 20, 1747, in Goochland, mentions her grand-daughter Magdalene Burton, whom we identify as a daughter of Benjamin<sup>II</sup>. She married John Allday. To the will of William Cox (husband of Sarah) in 1711, Robert Burton, Jr. (the brother of Benjamin<sup>II</sup>), was a witness.

In January 1742 Benjamin Burton, John Aulday, Wm Finney and Job Short were appointed to appraise the estate of Miss Judith Cocke. John Burton was one of the administrators.

In that same year he took out a patent for 400 acres "Beginning at Robert Burton's Corner . . crossing Deep run." This land was, it seems, in Northwestern Henrico, on

the headwaters of the Chickahominy. Robert Burton was a son of Hutchins<sup>1</sup>.

In 1741 he was appointed surveyor of the road from "Turpin's old plantation to the courthouse." In 1743, William Randolph, John Bolling, Gent., Woodcocks Lortin and Henry and William Jordans were directed by the court to "assist Benjamin Burton with his own tithables in clearing and keeping in repair the road from the courthouse, of which the said Benjamin Burton was formerly overseer."

In January 1742, he was security for Mary Levins, his wife's sister, who was administering the estate of her late husband Richard Levins; their plantation had adjoined that of Benjamin.

In April 1743 Benjamin Burton was one of the securities for John Williamson, executor of the will of Cuthbert Williamson. Benjamin<sup>II</sup>, as we have seen, held lands in the Bacon-Williamson precinct of the parish.

In 1746 Benj. Burton was allowed by the court compensation for serving as witness for nine days for Mary Lewis.

In 1747 John Pleasants deeded to Benjamin Burton 100 acres "next to his own line" on Cornelius Creek.

Indenture, June 5, 1749 between "Benj. Burton, Sr., of Henrico and Jacob Burton son of the said Benjamin, for natural love & affection . . . parcel of land now in the possession of the said Jacob Burton . . . corner Abra. Bailey's . . . line Lisbet [Lusby] Turpin . . . Coles Run . . . 200 acres."

This was part of the original Longfield estate. Jacob Burton was, no doubt, named for his grandfather Jacob Ware.

In January 1751-2 Benjamin Burton, Benjamin Burton, Jr., and Jacob were on the election poll. They voted for William Randolph.

In June 1752, Benjamin Burton, Jacob Burton and Drury Wood were witnesses to a power of attorney of "Capt John



Rockett, Marriner" to Richard Rockett of Henrico. Richard Rockett was either a half brother or nephew of Jacob Burton's mother—the second wife of Benjamin.

Deed, December, 1754, Benj. Burton of Henrico to Jacob Burton . . . "one hundred pounds . . . 200 acres . . . Cornelius Creek . . . next to John West . . . John Whitlow . . . proved February 3, 1755." Benjamin Burton, Jr., was a witness to this deed.

In 1755 Benjamin<sup>II</sup> deeded 59 acres on Coles Run to William Randolph "bounded by the lines of the land which the said Randolph bought of Luzby Turpin" (who had it from Benjamin<sup>II</sup>) "and is all the land that belonged to the said Burton on the north side of said run."

Benjamin<sup>II</sup> was evidently in financial difficulties by this time as the sale of the ancestral lands shows. The first symptom of the family collapse, which extended to his son Benjamin Jr., and to his son-in-law John Allday as well, is found in an entry for December 1744 when an attachment was granted against the estate of Benj. Burton for a debt of 14 pounds. We have just noted that in 1754 and 1755 Benjamin<sup>II</sup> was selling lands which were part of his patrimony. By 1756 there is mention of a mortgage by him of negroes, etc, for £ 78-10-11 to Phil Watson "Merchant at Shacoe." In 1756 and 1757 the following individuals brought suit against Benjamin<sup>II</sup> in Henrico court—apparently all these actions being for debt: Nich. Yuille, Brazure Cocke, Thomas Donald, Obadiah Snell, and John Pyne. His son Benjamin, Jr. was involved to an even greater extent, as will be detailed later.

To show that misfortunes never come singly, in October 1756 a negro slave, valued at 50 pounds, belonging to Benj. Burton was sentenced to be hanged for a rape.

Benjamin<sup>II</sup> died in 1758. His will is found (p. 1777) among the Henrico "Loose Leaves" in the Virginia State Library. It shows no date nor signature at the bottom, owing to mutilation, but on the reverse (page 1778) appears the following: "At a court . . . September 4, 1758 . . . last will and Testament of Benjamin Burton, dec'd was proved in court by Jesse Burton Executor . . . proved by the oaths of John Stewart and Robert Taylor, two of the witnesses." The will mentions his wife Elizabeth, his sons Jesse, Jacob and John, and a daughter Magdalene. His son Benjamin, Jr., is not mentioned, nor is his daughter Rachel, but these omissions may be due to the fact that the lower portion of the will is missing. Benjamin, Jr., certainly survived his father; Rachel may have died in childhood.

The difficulties in which the estate was involved are described by the order book for 1764 which contains a command that Elizabeth Burton (widow) and Jesse (son) of Benjamin Burton, deceased, appear in court and give security for their executorship being carried out or deliver up same to the executors of John Williamson, the Younger, deceased.

For the identity of Elizabeth, the widow of Benjamin<sup>II</sup>, we are indebted to the will of Susannah Ware, dated February 8, 1734-5 and proved in Henrico May 5, 1735. She mentions her daughters Elizabeth Burton, Mary Levens, Martha Ridgway, Susannah Allen and Jane Childers. Mention is also made of Ware Rockett, Francis Rockett, Jacob Oglesby, Alice and Mourning Oglesby and Richard Levens. The last named owned lands in 1735 next to Benjamin<sup>II</sup> Burton as is shown by the reports of the processioners.

Susannah Ware, the testatrix in the above-mentioned will, was the widow of Jacob Ware, who died before 1708 as is proved by an action for debt brought in that year by "John Bolling, Gent, vs. Susanna Ware, administratrix and relict of Jacob Ware, deceased." When she made her will in 1734,

Susannah had been a widow for at least 26 years—surely the “all-Virginia record” for widowhood in Colonial times! Whether she really preferred that peculiar status is uncertain, but she had tried it before, as is shown by the fact that she was the widow of Rockett when she married the Rev. Jacob Ware. Mr. Ware had been the minister of St. Peter’s Parish, New Kent from 1690–95, and of Henrico parish from 1695 until his death about 1708 (Goodwins “The Colonial Church”). This statement is substantiated by a deposition found in Henrico Wills and Deeds 1714–1718 at page 76:

“John Redford, aged 42 years sayeth that he very well knew Mr. Jacob Ware who was minister of Henrico parish in Varina for about twenty years and that during that time he also knew Francis Ware who was reputed to be the eldest son of the said Jacob Ware.” April court, 1716.

It is possible that the marriage of Benjamin<sup>II</sup> and Elizabeth Ware took place as early as 1723 as an entry earlier in this chapter would seem to indicate. That would give to his sons Jesse, Jacob and John approximately correct ages when they, in turn, appeared in the Henrico records. Benjamin Burton, Jr., Rachel and Magdalene were probably children of a previous marriage—(conjecturally with a Cox).

That Benjamin<sup>II</sup> had a sister Magdalene, unmarried and in his care may be indicated by the entry in the records for the month of October 1754 when the estate of the late Samuel Gleadowe was settled “Benj. Burton on acct. of his sister Magdalene, 1–5–3.” Samuel Gleadowe died in that year; he was one of the original trustees of the town of Richmond (Hening VI. 281). If this assumption is correct, Magdalene Burton is the only daughter of Robert<sup>I</sup> Burton known to the compiler of these notes. It must be remembered that the will of Robert<sup>I</sup> has been lost.

*The Children of Benjamin<sup>11</sup> Burton of Henrico parish*

1. Benjamin Burton, Jr., is first mentioned as a witness to the processioning of his father's lands in 1735. He was probably sixteen to eighteen years old at the time. In the same year, together with his father and sister Rachel, he was witness to a deed. In 1742 a case of trespass was heard in Henrico court before the grand jury, brought by John Coles vs. Benjamin Burton, Jr. By 1751 he was married for there is a deed on record in that year from Benjamin Burton, Jr., to Thomas Parker, with mention of Goode's line, Benjamin Burton's line and Whitloes; "Anne, the wife of said Burton" relinquished her right of dower. In the same year Benjamin, Jr., was a witness to the will of John Kersey. In 1754 Langston Bacon deeded lot no. 109 of  $\frac{1}{2}$  an acre in Westham, Henrico county, to Benjamin Burton, Jr. In 1754 Benjamin Burton, Jr., Richard Pleasants and John Payne, Jr., witnessed a deed from Povall Carter of Henrico to John Payne of Goochland. On March 25, 1755, he witnessed a deed of Hutchins Burton (his uncle) the elder to Wm Williamson. In July 1756 Benj. Jr. was security for John Burton in the case of Elam vs. Burton.

He had at that time lands in the county of Goochland, as is proved by the three following deeds, abstracts of which were taken from Goochland Deed Books VII and VIII at pages 42, 44 and 426 respectively:

"Indenture .. 21 May 1755 .. Benjamin Burton Junr. of the county of Henrico .. and Gervas Elam of the same county .. £52-5-0 .. Tract .. on the head branches of the little Byrd in Goochland county .. 500 acres .. all that Seperate Piece .. of Land which Thomas Saunders (sold on Dec. 15, 1753) by the name of Thomas Saunders of Albemarle county .. to the said Benjamin Burton by the name of Benjamin Burton junr. of Henrico." Signed by

Benja. Burton Junr. and witnessed by Robt. Burton, John Bryan, John Burton and Joseph Elam.

“Indenture 18 Nov. between Benjamin Burton Junr. of the county of Henrico .. and David Davis of Goochland county .. four pounds .. tract .. in Goochland county .. fifty acres .. beginning at James George’s line on the road thence up the road to William Davises line .. to Holands line.” Signed by David Davis; no witnesses given.

“Indenture .. 15 Oct. 1764 between Joseph Elam of Henrico county and Benjamin Burton of Henrico .. four pounds ten shillings .. Tract .. in Goochland county .. 50 acres .. Beginning at James George’s line .. William Davis’ line .. Hollands line .. Benjamin’s Burton’s line.” Signed by Benja. Burton and witnessed by Edward Hill, Miles Taylor and John Orr.

So far, so good. The rest of the career of Benjamin Burton Jr. is one long record as a defendant in actions for debt. The names of the plaintiffs against him from 1756 to 1767 in Henrico court were: George Frith, Benj. Cocke, Jr., Garthwright, Arch. Dunlop, Gervas Elam, John & Robert Pleasants, Philip Watson, Ware Rockett, John Synes, mariner, Benj. New, Ludowick Farmer, Wm Anderson, Jas. Craige & Co., Wm Anderson & Co., Peter Warren, Thos. Yuille, James Vaughan (Benjamin’s brother Jesse was a co-defendant), John Ware, guardian of Elizabeth Ware; Edmund Pendleton, Patrick Henry, Richard Adams and Samuel Overton, Gents, managers of Harry Tompkins Lottery vs. Benj. Burton for debt 3–6, Nicholas and William Giles. Against such an avalanche of creditors we have a few items to record in which Benjamin Burton, Jr., turned and struck back at the mob of accusers! He was in 1760 a plaintiff in court against Duncan Gilles; in 1763 against William Gathright; and in

1764 against John New. To show the difference in a debtor's life in the England depicted by the eighteenth century novelists and the record of this unhappy man's career in Virginia, we may affirm that in England he would have languished in a noisome jail like the hero of Fielding's "Amelia." In Virginia, on the contrary, in the face of such a calendar of debts, Benjamin Burton, Jr., received a Land Patent in 1759 (Book 34, 243); was appointed a constable in 1762; received of James Lyle, merchant of Chesterfield, a lot of  $\frac{1}{2}$  an acre in Richmond in 1762; was summoned in 1763 to Williamsburg to testify against Hezekiah Bridgeman; was appointed a constable for the town of Richmond in 1765, and served on a jury in 1768. The attitude of Americans towards their English creditors after the Revolution some twenty years later takes a good deal of explaining. Evidently in Henrico in the middle of the eighteenth century, public sentiment was with the debtor. As a matter of fact, the merchant class in England had shown in many cases usurious ferocity in their exactions from the Virginia planters ever since the shipments of tobacco from the colony began. Creditors, generally, were hardly what might be called popular in Virginia.

The last entry we have in the matter of Benjamin Burton, Jr., is the suit of Hardyman & Wilcox vs. Benjamin Burton and John Ragland in the county court in June and September, 1768. Shortly after this Benjamin died, for in 1772, Rachel the orphan of Benjamin Burton, deceased, in charge of John Ragland, was supported by the parish.

Benjamin Burton, Jr., held property in Chesterfield at the time of his death. The inventory of the personal estate of a Benjamin Burton in Chesterfield was rendered in 1770, when the personality was sold at auction and Isham Allen received ten shillings for his service as auctioneer, or "cryer." The purchasers at this sale were James Lyle, Julius Allen and

Mr. Moore. The total sum realized was £185-11-5; a negro man fetching £70 and a negro woman £52. An entry in Chesterfield Order Book for February 1770 records that "Anna Burton widow of Benjamin Burton deceased be summoned to know if she will make administration of the said Benjamin Burton." The records show that the widow refused to serve as administratrix, for in the July court for 1771 in the case of "Jesse Burton agt. James Lyle, admr. of Benj. Burton dec'd," judgment was confessed for £42-9-8 and costs when assessed.

The valuation of the personal estate just mentioned as being sold in Chesterfield was performed in the odor of sanctity, for the record states that the appraisers were "first sworn on the holy evangelist"—somewhat of an ordeal for the latter.

It is possible that this Chesterfield estate was that acquired by patent on July 30, 1742 by Benjamin Burton in Henrico: 400 acres "Crossing Deep Run, beginning at Robert Burton's Corner," and that this was the "south-side" Robert, son of John Burton of Cobbs. There was, it is true, a "Deep Run" in the eastern end of north-side Henrico, but this patent seems more properly to refer to the "Deep Creek" in Elams Quarter, south of the James.

We turn now to the other children of Benjamin<sup>II</sup>.

ii. Rachel, the daughter of Benjamin<sup>II</sup> Burton, and aunt of the Rachel referred to in the preceding paragraphs was not mentioned in her father's will, and probably died before him. All that we know of her is that in 1735 she was, with her father and brother Benjamin, Jr., witness to a deed, made by Charles Cannon of Henrico County, of 200 acres on John Sincock and Deep Run.

iii. Magdalene, another daughter of Benjamin<sup>II</sup> married John Alday (or Allday), a near neighbor of Longfield. The Aldays lived on the west side of Cornelius creek. They like the family of Benjamin<sup>II</sup> fell upon hard times. When John

Aldey died, his orphans were supported by the parish, under the care of their uncle Jesse Burton. The cost of maintenance of these children mounted yearly. In 1761 the vestry appropriated for that purpose the sum of £7-10-4, in 1762, £13-4-3½, and in 1763, £18-13-0. This shows us clearly the reason for the concern of the vestry as to persons becoming a charge upon the parish; and perhaps explains the apparent harshness with which the incompetent or unfortunate, such as vagrants and bastards, were treated by the authorities. We have the name of only one of the "orphans" of John Aldey—Benjamin. This child was, no doubt, named for his grandfather Benjamin<sup>II</sup> Burton, and although four sons and a daughter survived the old man, no other grandson of his is known to us by name. It looks very much as if this line became extinct in the male line.

IV. John Burton, a son of Benjamin<sup>II</sup>, died in 1761, apparently unmarried. His will is found in Henrico "Loose Papers" under the date of 1761. He left to his brother Jesse "plantation given me by my father Benjamin joyning plantation where I now live . . . if he die, to my brother Jacob . . . land given me by my father Benjamin . . . sister Magdalene the Remainder of estate after death of Mother Elizabeth . . . to be equally divided between my brothers." The witnesses were William Cocke Redford, John Redford, Jr., and Stewart Redford. The will was proved by the two last named. The appraisers of the personal estate were Nicholas Giles, Josiah Bullington, Richard Ryals and John Burton (his cousin). The only other entry in the records which seems to apply to this John Burton is in July 1756, when Benjamin Burton, Jr., (his half-brother), was security for the defendant in the case of Elam vs. John Burton.

V. Jesse Burton, the son of Benjamin<sup>II</sup> is said to have been born about 1740. He was executor of his father's will in 1758.



Shortly afterwards, he was plaintiff in an action for trespass, assault and battery against Ephraim Magoffee. The suit was dismissed, as suits usually are when brought against a "fighting Irishman." The incident reminds the compiler of these notes of the New York of the eighteen seventies, when the "twenty-second street gang" terrorized the privileged children of Gramercy Park.

On October 16, 1761 he was named Executor with "Lensey" Parker, Executrix of the will of Thomas Perkins.

In 1762 Jesse and his cousin Charles Burton (son of Hutchins<sup>1</sup>) petitioned the House of Burgesses for the reward for taking up runaway slaves. The servant problem seems to have been acute in those times; a Virginia worthy, said to have been John Randolph of Roanoke, is credited some half century later with the observation that it would soon be time to discuss runaway masters!

In the processioning in Henrico, Jesse Burton is last mentioned in 1770. On October 1, 1771, there was an indenture (Loose Papers, v. page 2126) between Jesse Burton and James Vaughan on the one part and Lisbet Turpin for a consideration of 73 pounds conveying "all the now remaining (sic) parts of the land granted to said Jesse Burton by his father Benjamin Burton, dec'd, 130 acres bounded by the lands of William Randolph, dec'd, and Christopher Branch." Witnesses Miles Taylor, Joseph Redford, Joseph Goode.

Jesse, the son of Benjamin<sup>II</sup> died at the end of the year 1771. He had a wife Mary, to whom he was married at least as early as 1761, when their names were coupled in an indenture. They are not known to have had any children.

The source from which this Jesse Burton derived his given name is unknown. The other two men of the name mentioned in this narrative each were so called in honor of an uncle; Jesse Burton of Lynchburg for Jesse Cobbs, and Jesse the son of

Captain John Burton of Cumberland county for Jesse Merryman. But fashion in the giving of baptismal names runs in cycles. One could "date" a young woman of today by her first name. In Virginia, from about 1740 for several generations there was a rage for naming innocent boy children "Jesse."

vi. Jacob Burton, possibly the eldest son of Benjamin<sup>II</sup> and Elizabeth Ware Burton was of age in 1751 for he appears on the election poll of Henrico in that year. In 1752 Jane Scott petitioned against Hays Whitloe, Jr., Jacob Burton and others for trespass. In 1754 (June) Benjamin Burton, Jacob Burton and Drury Wood witnessed a power of attorney from John Rockett, mariner, to Richard Rockett. These Rocketts were grandchildren, by an earlier marriage, of the mother of Mrs. Benjamin<sup>II</sup> Burton.

In 1759, Jacob Burton and Nicholas Meador were pro-cessioners for the parish precinct between Gilleys and Cornelius Creek.

In 1762 there is recorded in Henrico an indenture between Jacob Burton and Mary his wife, Jesse Burton and Mary his wife, and Richard Adams. In 1764 William Garthwright, Eliza Mealey and Jacob Burton gave bond in court for the appearance of Lucy and David Scott. (Val. Pap. p. 1525).

Jacob Burton died in 1764. In that year Joshua Storrs brought suit against John Redford, administrator of Jacob Burton, deceased.

The closing chapters of the life of Benjamin<sup>II</sup> Burton make a melancholy tale. Pursued by financial misfortune, he and his sons were gradually selling their lands. The offspring of two of his children were supported by the Parish. When he died in 1758 Benjamin<sup>II</sup> left four sons. We do not know of a single grandson to perpetuate his name. The only favorable comment to be made on this fact is that the genealogist may breathe a sigh of relief!

*Chapter XX John<sup>I</sup> Burton of Longfield*

This John was the last of the Burtons to own the dwelling plantation of Longfield. His grandfather John<sup>I</sup> patented Longfield in 1665 and John<sup>II</sup> sold it in 1728.

Of the seven Henrico Burtons of the third generation John<sup>II</sup> is in one respect the most satisfactory to the biographer; because his father's name is established by direct primary proof. After that, he becomes the most unsatisfactory of all, because when he disappeared from Henrico records after selling Longfield, his subsequent career is largely a matter of pure conjecture.

The sale of Longfield by Robert<sup>I</sup> Burton's youngest son is recorded as follows in Henrico: 1728, September 1st.

“John Burton to John Anderson, in consideration of the sum of £240, a certain tract . . . of land, situate . . in Henrico on the North side of the James river commonly called . . Longfield, being all that plantation or plantations whereon Robert Burton father of the said John Burton lately dwelt, and whereon the said John Burton now dwelleth, containing by estimation 317 acres part of said land being granted unto John Burton by patent 22nd day of May, 1665, and by the said John Burton devised unto Robert Burton to whom also part of the said tract was granted by patent dated 16 July, 1717, and by whom the same was devised unto John Burton the feoffor . . always reserving to the said John Burton twenty-four square feet of land being the burying place on the plantation whereon Robert Burton lately dwelt.”

Witnesses: Joel Walker, Henry Branch and Richard Ward.

The patent of 1717 to his father, referred to in this deed was for only 17 acres; the original dwelling plantation of Longfield thus consisted of 300 acres.

The sale was apparently made to enable John<sup>II</sup> to discharge his debts. He was pursuing the American tradition of "three generations from shirt-sleeves to shirt-sleeves." If, however, as we shall endeavor to show in this chapter, he is the John Burton who appeared in Prince George county as a patentee of land in 1730, he subsequently "made good" on the frontier, even though his previous career in Henrico did not end in a burst of glory.

The Henrico order book in March 1723 records a suit of John Bolling vs. "John Burton son of Robert" for debt for £38-6- $\frac{1}{2}$ d. Robert Burton went security for his son John. November 1723. attachment by Sheriff Anderson against John Burton son of Robert. Nowell Burton thereupon entered himself as special bail for his younger brother John. The case was then temporarily dismissed.

The designation of John as "the son of Robert" shows that there was then in the parish another John Burton; this was, no doubt, John the son of Robert<sup>I</sup>'s brother, William<sup>I</sup> of the Level. This latter John was probably a little the older of the two.

In view of the fact that here we have two first cousins, living on adjoining plantations, of about an age, and of the same name it is difficult without some special designation by the clerk of record, to identify the references to each. The following items, however, seem to refer to John<sup>II</sup> of Longfield at a date when he had recently come of age; they show him to have been gifted with an exaggerated taste for litigation, and to have been either unfortunate in business or recklessly extravagant.

1721, March court, Henrico: Action in case between John Whitloe and John Burton, dismissed; November court, action

in case between John Burton Pet. and John Farrar, dismissed; February and March courts 1722, action in case Richard Wilkinson vs. John Burton for £2-12-7; February 1722, Conditional judgment for £41-1-10½ current money awarded Brazure Cocke and the costs of suit "is this day granted against Henry Anderson Sherif for the non-appearance of John Burton to answer the suit of the said Cocke . . . attachment against the estate of John Burton." This must have been disconcerting for Sheriff Anderson, who indeed abandoned his office the next year and joined the commission of the Peace. As for John, that *débonair* young man was probably off shooting while Brazure Cocke and the Sheriff impatiently awaited him in court; in November of that year is recorded the bounty to "John Burton for one wolf's head certified by John Woodson." However, the case reappeared in the June and August courts of 1723, and was finally dismissed. Perhaps old Robert<sup>I</sup> Burton paid the debt for his son.

Reference has been made to the contemporaneous suit of John Bolling for £38-6-½d against John of Longfield; in January 1723 judgment was granted "against the defendant and Robert Bolling who is returned in common bail, etc."

At length the dramatic unities were observed by the sale of the dwelling plantation of Longfield to John Anderson in September 1728. Meanwhile as already noted, Robert<sup>I</sup> had died.

The only other entry in Henrico records which we may with any assurance ascribe to this John was on October 2, 1727, when William Cox, John Burton and Benjamin Burton were appraisers of the estate of their neighbor John Taylor—and even this item may properly refer to John son of William<sup>I</sup>.

What became of John<sup>II</sup> after the sale of Longfield? His older brothers had already joined the trek up river to Goochland—it would be natural to assume that he followed their example. Of this, however there is no proof, and what

slender evidence there is seems to point in the opposite direction. There is some faint reason to believe that John<sup>II</sup> had been already living in Bristol Parish and that eventually he was a resident of Amelia County.

What remains of the Bristol Parish register contains the following entries:

“John, son of John Burton and Catherine, born 7th Sept.,  
bapt. 12th Oct. 1725.

“Catherine Burton, decst. 10th September 1725.”

These items do not fit comfortably into the pedigree of the south-side Burtons, but do exactly meet the situation disclosed by the suit of Jordan vs. Cox in Goochland. This suit concerned the distribution of four negroes belonging to the estate of William Cocke, who died about the year 1734. Slaves were real property (Hening III, 333) and passed by the laws of descent. Volume xxvii of William & Mary Quarterly contains at page 140 an article discussing at some length the suit of Jordan vs. Cox, which is recorded in Goochland Order Book VII, page 402, in 1734. This article states that William Cocke (son of Thomas<sup>2</sup> and grandson of Richard<sup>1</sup> of Brems) had issue: William<sup>3</sup>, Temperance<sup>3</sup>, Catherine<sup>3</sup>, Mary<sup>3</sup> & Sarah<sup>3</sup>; that William<sup>3</sup> died about 1734 leaving two children both of whom died aged not more than eight; that thereupon William<sup>3</sup> Cocke's 4 negroes descended in equal parts to his sisters: Sarah, wife of Thomas Jordan, Temperance, wife of Abraham Bailey, Mary, wife of John Redford sisters and co-heiresses of said William Cocke, and John Burton, Jr., son and heir of Catherine, then deceased, late wife of John Burton, said Catherine being a sister of said William Cocke. Sarah, the wife of the plaintiff (Thomas Jordan) in this suit, was at the time of intermarriage with the said plaintiff, the widow and relict of one William Cox, and the said William

Cox died before the death of the infants of aforesaid William Cocke. The defendant in this suit was John Cox, son and heir at law to said William Cox by the said Sarah. . . . about 1730 Sarah the wife of Thomas Jordan died.

Further references to this family group and to their transactions in property are as follows:

On January 3, 1742, "on motion of Abraham Bailey, John Redford, Junior, Thomas Jordan and John Burton, & their performing what is usual in such cases, certificate is granted them for obtaining letters of administration in due form on the estate of Miss Judith Cocke, dec'd."

On August 1, 1743, Thomas Jordan, then about 30 years old, and Sarah his wife, John Redford Junior and Mary his wife, Abraham Bailey and Temperance his wife acknowledged a deed to William Finney, who, through his mother Mary, was a grandson of Thomas Cocke. This deed recites that: "The said Mary, Temperance and Sarah relinquishing their right of inheritance to the land in sd. deed conveyed." From this it might appear that John Burton, who in right of his deceased mother Catherine would have been mentioned as one of these heirs, was dead by 1743; or that, if then living, his interest had been transferred to one of his aunts—though of this there is no evidence since Henrico deed books are missing for several years prior to this time. The land referred to was known as "Worlds End" and consisted of 400 acres; it was adjacent to Longfield. It was finally sold in 1747 by William Finney to William Randolph, and Francis Redford and Judith his wife "the relict of William Cocke" sold her dower rights in this estate to Randolph for five shillings.

There had been in April 1745 an action of trespass between "William Finney and John Burton an infant, plaintiffs vs. Charles Ballew" (Henrico Order Book); and again in 1746 Francis Redford brought suit in Chancery against Abram

Bailey, Thomas Jordan, Junior, and "John Burton an infant." If this is the John born to John and Catherine Burton in Bristol Parish in 1725, he would have been of age in September 1746.

That some members of this family connection had associations with south-side Henrico is shown by a deed in December 1745 of Thomas Burton, Senior, grandson of Thomas<sup>I</sup> of Cobbs to Ware Rockett of land on Falling Creek in Dale Parish. The witnesses were John Redford, Abraham Bailey and John Cox.

So far as the relationships shown by the suit of Jordan vs. Cox are concerned, there were three individuals then in Henrico County (or Goochland) of an age to have been the John Burton husband of Catherine Cocke, viz: 1, John<sup>II</sup> of Longfield; 2, John the son of William<sup>I</sup> of the Level; 3, John, Junior the son of John Burton of Cobbs. There are no known facts which would make impossible, or even inherently improbable the identification of any one of these three as the Burton mentioned in Jordan vs. Cox as husband of Catherine; nor in the scanty mentions of the name John Burton in the records of north side Henrico or Goochland between 1734 and 1750 is there much to distinguish John the son of Catherine from John the son of Benjamin<sup>II</sup>. Indeed in so far as these references in the records to John Burton junior or senior have any bearing on this puzzle, the probabilities point to John the son of William<sup>I</sup> of the Level, living in Goochland, as the widower of the late Catherine Cocke Burton. Attention is called to this view in the preceding chapter XI.

Nevertheless there are also circumstances favorable to the theory that the first cousin of the last mentioned John Burton, namely John<sup>II</sup> the last owner of Longfield, was the husband of Catherine who died in 1725 three days after giving birth to the son John. Whether or not this was the fact, it



seems entirely probable that John<sup>II</sup> was the individual referred to in the following entries in the Bristol Parish Register.

“Mary, Daughter of John and Sarah Burton born June 1728. Martha datt. of Jno. and Sarah Burton born 25th May, bap. September 23rd 1732. Rachell, D. of John and Sarah Burton born 13th February 1734.”

The name of Rachel is suggestive of the Burtons of Longfield. The birth of Martha may serve to identify her father with the John Burton who was security in 1748 in Amelia County for the marriage bond of his daughter Martha with Joseph Ward. This was John Burton of Flat Creek, who was Sheriff of Amelia in 1735.

The theory that John<sup>II</sup> who sold Longfield in 1728 had become a resident of Prince George (later Amelia) is based upon no substantial evidence—it is chiefly conjecture. The three witnesses to the deed of sale of Longfield were Joel Walker, Henry Branch and Richard Ward—south side names. Both before and after this date we find a John Burton in Bristol Parish who does not seem to belong to the family of Cobbs. The first reference to him is in an indenture of October 24, 1726 between John Reames of Prince George and John Bolling of Henrico, conveying 175 acres in the former county; John Burton and Francis Epes were two of the witnesses. (Prince George Records, p. 961).

There was another Burton family in the newly formed county of Amelia—that of Abraham<sup>I</sup> of Deep Creek. But John the Sheriff did not belong to that group; he lived miles further up the Appomattox, and actually much nearer to sons of Nowell<sup>I</sup> and of Hutchins<sup>I</sup> Burton who were planters on Guinea Creek and Let Alone Creek respectively—territory later part of Cumberland. He had settled on the southern side of the Appomattox, in Prince George county five years, at

least, before Amelia county was formed. This fact is established by references in three land patents of which abstracts follow:

1. Prince George county (Book XIII, p. 501) to—

“John Burton of Prince George county . . 400 acres . . upper side of Flat Creek opposite to Wills Island . . far-ginsons branch” September 28, 1730. (This was just two years after the sale of Longfield).

2. Amelia county book XVII, p. 113, June 5, 1736:

“1560 acres on the upper side of Flat Creek . . William Jackson’s line . . 400 acres of the said tract being formerly granted unto the said John Burton the 5th day of June, 1730, and the residue never before granted.”

3. Patent to James Mitchel, March 17, 1736, . . “318 acres on the upper side of Flatt Creek between the lines of John Burton, Wm Austin, etc. . . to Fergreson’s Horse Pen Branch.”

In 1734 the will of Thomas Roberts of Prince George county was witnessed by Edward Booker, John Burton and Edward Booker, Jr. (Amelia Wills I. 4).

The following citations are from the Order Book of Amelia and are taken from Watson’s “Southside Virginia” (pp. 67, 68, 69, 70):

“1736, John Burton, sheriff. 1739 Edward Booker gent, surveyor of road to be cleared from his house to the church. John Burton appointed to continue his road from Flatt Creek to the court House. 1740 John Burton, gent. to take list of tithables above Flatt Creek Ordered that Mr. Walker’s road be cleared from Saylor’s Creek to Crawfords and from thence into Burton’s road to Court House. Mr. Cock’s mill mentioned (Abraham Cock). 1741, John Burton, gent. fined for not keeping in repair road from Stock’s Creek to Sandy Creek. 1742. Samuel Cobbs road surveyor from fork Burton’s road to Knibbs Creek.”

In 1737 a Samuel Hudson is mentioned in connection with Flatt Creek; and in 1739 a William Hudson was surveyor of West Creek road. Hudson names predominate in the will of this John Burton which is given later.

In addition to the quotations from Mr. Watson's "Southside Virginia" just given, the following are taken from the Amelia records, referring to this family: "July 11, 1735, John Burton assigned a mark for his stock; Dec. 1738 Mr. John Burton is appointed overseer of the road in the room of Mr. John Dawson; October 1737, John Burton appears as a Commissioner of the Peace, along with Edward Booker, Charles Irby, Richard Booker, Henry Anderson, James Clarke and Thomas Tabb." In 1738(?) "On a petition of Samuel Cobbs praying that antlers of land belonging to John Burton, Gent. may be laid off and assigned him he having land on the opposite side in order to build a mill thereon the said Burton appearing not to object thereto. It is ordered that Thomas Tabb and Joseph Scott Gent. lay off and value the same." Jan. 17, 1745, John Burton, Gent. deed to "Thomas Hudson . . . 500 acres in Amelia north side of Flat Creek . . . on Major Branch . . . Wm Jackson's line . . . along a dividing line agreed on and marked by the said Burton and Hudson to Neals Branch . . . to Flat Creek." John Hudson, witness.

April, 21, 1747, "Ordered by the court that John Burton, Gent. agree with some person to Build or Repair Burton's Bridge."

This bridge across the Appomattox was named after Abraham Burton of Deep Creek—a distant cousin.

On May 30, 1760, there was recorded a deed from John Burton and Sarah his wife of the parish of Raleigh to Nicholas Hudson of the same parish, for £100, 428 acres on the upper

side of Flat Creek and on Neal's Branch. Signed John Burton, Sarah (×) Burton, and witnessed by Edward Booker, Francis Jackson and John (×) Brown. On January 20, 1760, John Burton "of the parish of Raleigh" deeded three negroes to his grand-daughter Sarah Hudson.

The following wills of Sheriff John Burton and of his widow Sarah Burton are undoubtedly those of the couple whose three daughters were registered at birth in the Bristol parish register, Mary, 1728, Martha, 1732, Rachel, 1734.

Amelia County Will book II, page 254: Will of John Burton of Amelia, dated 12 August 1776; inventory and appraisement March 18, 1778. Abstract:

"Wife Sarah .. 6 slaves .. grandson Robert Hudson & his Heirs .. the new survey of my land and 10 slaves .. nine head of cattle .. unto my wife Sarah .. during her natural life the old survey of land that I now live on also 12 slaves .. grandson Samuel Hudson 100 pounds .. unto my Grand Daughter Martha Burton money enough to buy her a young negro at my wife's death .. unto my Grandson Robert Hudson at my wife's death all the land and Slaves with their increase that I have lent her .. to his brother Edward Hudson .. to his brother William Hudson .. Grandson Robert Hudson and George Booker, Executors."

Signed JOHN BURTON.

Witnesses: George Booker, Richeson Booker, Efford Booker, William Booker, Marshall Booker. The inventory and appraisement was signed by John C. Cobbs, Chris. Ford, Francis Anderson.

This Burton testator had, it seems, "gone Hudson." The grand-daughter Martha Burton might seem to identify this testator with the father of a John Burton, Junior, of

Amelia who died in 1761 leaving a daughter Martha. Reference will be made to this individual at the conclusion of this chapter. It should be remembered that Sheriff John had a daughter Martha married to Joseph Ward in 1748; she may have had a daughter of her name married to one of the numerous Burtons of Amelia or Chesterfield.

The will of Sarah (×) Burton of Amelia, August 18, 1781, probably the widow of John whose will has just been given, mentions her daughters Mary Wood and Magdalene Walker; grandsons Wm Ward and Wm Walker; grand-daughters Mary Walker, daughter of Warren Walker and Mary Burton grand-daughter of "my deceased husband John Walker." Executor friend Edmund Booker. Witnesses: Samuel Booker, James Hudson and William Mann.

If testatrix was the Sarah, wife of John Burton of the entries of the Bristol parish register some fifty years earlier, it thus appears that she was the widow of John Walker when she married Burton as her second husband.

The account of this couple may conclude with items referring to these Hudsons in Amelia county records:

Will of Nicholas Hudson, dated, 1769, wife Sarah, sons Burton, John and Samuel. Executors friends John Chappel and Edmund Booker.

Marriage bond, October 28, 1779, Burton Hudson to Elizabeth Booker, George Booker security.

Will of John Hudson, dated 1777, brothers Burton and Samuel Hudson, sisters Mary and Magdalene Hudson. Witnesses Edmund Booker, Courados Piles, Marshall Booker.

Will of Burton Hudson, dated January 26, 1783, wife Elizabeth, daughter Sally Richeson Hudson. Executors wife Elizabeth and Richeson Booker.

Will of George Booker, 1791, mentions his grand-daughter Sally Richeson Booker.

A John Burton, Junior, in Amelia, to whom a passing allusion was made on a preceding page, was so designated because of the presence in the same county of John the Sheriff, but there is no proof of relationship. It would perhaps be obvious to claim this John Junior as the one born of Catherine in 1725 and thus offer him as a son of John the Sheriff by an earlier marriage, but the social atmosphere of the two men is very different, and John Junior was illiterate, in contrast to the older John. Nor is there any satisfactory evidence of association between them.

The first appearance in the records of this John, Jr., was on September 11, 1755 when he petitioned against Wm Watkins. On October 27, 1757, there was an indenture as follows: "John Booker of the county of Amelia & John Burton, Jr. of the same county .. 60 acres .. joining land of James Harris .. Covington's line .. to Stoney Bridge .. to Deviding line between Wm Baldwin & John B. Baldwin .. it being the land belonging to the ordinary that the said John Booker purchased." Signed John Booker. No witnesses recorded.

With only sixty acres of land, and a family of young children, John Junior must have been hard put to it. He lived only four years longer. An abstract of his will follows:

John Burton Jr., dated December 28, 1761: probated 28 January, 1762:— "decent Buril (sic) without Pomp or State .. one Negro man named Dick to be hired out yearly at Publick Action (sic) until .. The children be grone (sic) sufficient to be bound to some good trade or business .. until the youngest child Henry Burton comes of age .. my Daughter Rachel Cook (Cocke?) Burton .. my daughter Mary Burton .. my son John Burton .. to my loving wife Mary Burton all the rest of my goods and

chattels . . to she (sic) her heirs (etc) . . George Farley and  
John James Farley, Executors.” JOHN (X) BURTON.  
Witnesses: William Cross (sic) Craddock, Rich. Craddock,  
William Foster, Jr.

The intimacy with the Farleys suggests the family of John Burton of Nisom's Branch in Chesterfield County, treated of in chapter v of this narrative.

In accordance with the very sensible direction of the testator, on August 24, 1765 the court in Amelia ordered “that the church-wardens of Raleigh parish bind out the orphans of John Burton, decd. vz. Mary to John Bently and his wife, John to Nicholas Vaughan, Taylor, Martha to George Farley and his wife, and Henry according to law.”

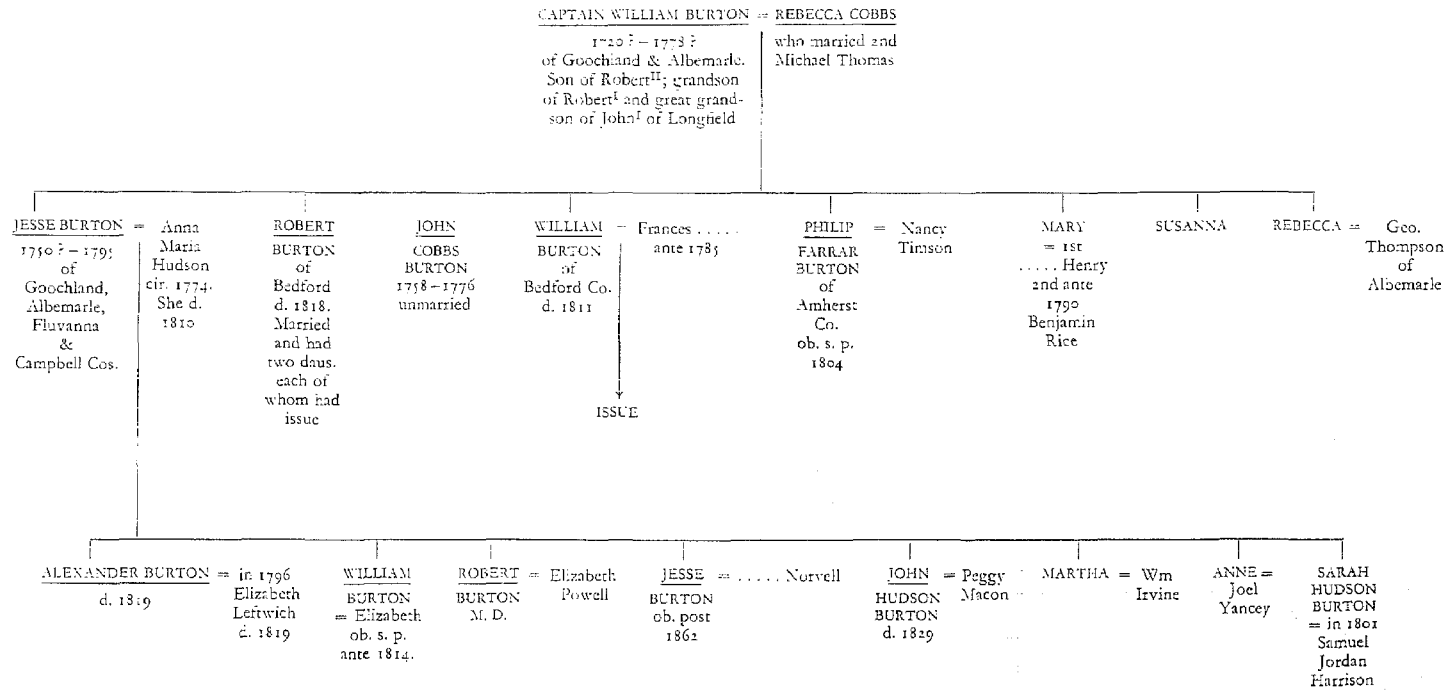
Of these children we have no further information, except that the marriage bond, December 3, 1781, of John Burton and Martha Cocke Farley, with William Craddock as security was filed in Amelia court. The 1782 census of Amelia mentions a John Burton as head of a family of 2 whites with 1 slave.

It is worth noting, in passing, that there was a Henry Burton (unplaced) on the Quit Rent Rolls of Charles City county in 1704, taxed on 100 acres (Va. Mag. XXXI. 314).





Chart No. 7





### *Chapter XXI Captain William Burton of Albemarle*

The rest of this chronicle will relate only to the direct descendants of Captain William Burton of Albemarle county. The pedigree of his line up to this point is from John<sup>I</sup> Burton of Longfield (d. 1690), through his son Robert<sup>I</sup> Burton of Longfield (d. inter 1723 and 1728), and through his son Robert<sup>II</sup> Burton of Goochland (d. 1748), to William<sup>II</sup> Burton. William<sup>II</sup> was the father of Jesse Burton of Lynchburg.

The narrative has, perhaps, been confusing because of the attempt to give all that is known of the large number of Henrico Burtons and of their descendants in the eighteenth century. Two other influences have served to add to the difficulty of telling a clear story of this family—the rapid growth of the population in Virginia causing the creation of so many new counties during these decades; and also the restlessness of the Burtons themselves. Captain William Burton lived in Henrico, Goochland and Albemarle counties, and his son Jesse in Albemarle, Fluvanna and Campbell counties. The Burtons seemed to have solved the problem of perpetual motion.

William<sup>II</sup> Burton was born about 1720 in Henrico, the son of Robert<sup>II</sup> and Priscilla Farrar, his wife. He must have been a small child when his father settled in the section of Henrico later to be known as Goochland. There is no clear evidence that William<sup>II</sup> was ever a resident in his maturity of the old district in Henrico, but this is suggested by an entry in 1748 in the Henrico processioning. In the precinct between “Cornelius’ and Four Mile Creek and thence back to the seven Pines Road,” the processioners for that year report that “the line between William Burton (living in Goochland)

and Benjamin Burton not processioned, the said William not being present.”

Whether after childhood he lived in Henrico or not, it was in 1747 that he became a landowner in Goochland. That was probably also the year in which he married Rebecca Cobbs.

In 1747 Robert<sup>II</sup> Burton of Goochland conveyed to William Burton of the same 350 acres on the east side of Dover Mill Creek for a consideration of £50 sterling. This was no doubt by way of provision for his son, for in the very next year Robert<sup>II</sup> Burton died, and in his will left to his son William only his table. In due course William<sup>II</sup> transferred this tract of land to his son Jesse. As the history of this chain of title is an important basis of the pedigree, a full account of the transfers will be given in the chapter concerning Jesse Burton of Lynchburg.

In 1748 William<sup>II</sup> Burton purchased for £80 from John Popham 200 acres in the parish of Southam bounding on Bucks Branch and on William Battersley, Thos. Dickens and Samuel Wright (Goochland Deeds v. 491) on the south side of the James river in what was later Cumberland county. He did not, however, like his uncle Nowell<sup>I</sup> continue the “trek” towards “southside Virginia,” but a few years later he decided to move up to Albemarle county. We find him mentioned in Goochland in 1749 when the inventory of the estate of Benjamin Woodson, dec’d, was rendered by William Miller, William Burton and John Curd.

The following further entries concerning him while still a resident of Goochland county are taken from its records:

On December 20, 1748, Giles Letcher, Wm Burton and Richard Lououn were witnesses to a deed by Jacob (X) Crow to John Watson Junior. On the same day, these three signed as witnesses a deed of Rene Laforce to the same John Watson, Junior.

An entry on the records, dated December 18, 1754, is of more than usual interest and thus is given at some length.

Goochland Deeds vi. p. 438:—“Know all men by these Presents that We William Pryor, Thomas Starke & William Burton, Gentlemen are holden & firmly bound unto our Soverign Lord King George the Second . . . sum of five hundred pounds . . . Whereas at a General Assembly lately held at the Capitol at Williamsburgt (sic) It was enacted that five shillings Current Money or Sixty pounds of nett Tobacco should be assessed and payable from each & every Tithable in the colony of Virginia towards Defraying the expence of the Expedition to Ohio, half of which is to be Levied on the people and payable to the Treasurer in April next . . . if the above Bounden William Pryor Sheriff of the county of Goochland shall well and truly collect the Levy . . . Then this obligation . . . to be void . . .”

Will. Pryor Sher	Seal.
Thos. Starke.	Seal.
William Burton.	Seal.

That William<sup>II</sup> Burton was still a resident of Goochland in 1757 is shown by the item in the order book on June 21 of that year in which “James Cole, George Payne & William Burton Gent Justices of the Peace for the county aforesaid are recommended to the Honble. Robert Dinwiddie” as suitable persons from whom to select a sheriff for the county.

In August 1758, John Perrit petitioned in Goochland Court against William Burton for trespass, assault and battery.

In 1752 William<sup>II</sup> Burton had surveyed for himself by Thomas Jefferson assistant surveyor, 400 acres in the Fork of James river and adjoining the north side of Mount Misery Creek. The patent for this tract was not received until

June 12, 1760. In the patent, mention is made of the lines of Chamberlaine and of Benjamin and Richard Cocke. On September 10, 1761, he sold this tract to Benjamin Harrison of Albemarle. (Deeds Liber III. 97). While he held these lands his father-in-law John Cobbs was an adjoining proprietor.

On February 14, 1761, William<sup>II</sup> Burton acquired 400 acres in another part of Albemarle county "on both sides of Buffalo Creek and on the branches of Darby's creek and on the north side of Fluvanna (James) river, beginning at pointers in William Burton's line." It is thus evident that he already had lands there, and that his patent was merely an addition to his estate on Buffalo Creek.

In 1762, on March 12, Mathew Jordan and Abraham Childers, the Churchwardens of St. Anne's Albemarle, of which parish William<sup>II</sup> was a vestryman, deeded to him the glebe land; and on December 30th of the same year he deeded to the churchwardens "400 acres for the use of a glebe, lying on both sides of Totear Creek." This tract lay near the court house at the eastern end of what now comprises Albemarle county, and was then bounded by the lands of John Rawlin, Charles Lynch and Matthew Harris. The Charles Lynch just mentioned was a Quaker and a Colonel in the Revolution under General Greene; in his attempt to maintain order and sustain the Revolutionary Government in his part of Virginia, he adopted disciplinary methods from which "Lynch law" was named. He was the brother of John Lynch, the founder of Lynchburg, of which Jesse, the son of Captain William Burton of Albemarle, was one of the original trustees.

In a former chapter on Robert<sup>II</sup> Burton of Goochland, mention was made of the fact that his three sons were all captains of the militia and members of the board of vestry in Goochland; Robert, William<sup>II</sup> and Noel.

William<sup>II</sup> was also Justice of the Peace in Goochland from 1754 to 1757. His brother Robert was J. P. there in 1759.

Like other members of his immediate family, Captain William Burton was in the habit of invoking the legal advice of Patrick Henry. The latter's fee book contains three items in 1767 of charges against Captain William Burton of Albemarle: "to fee ads Hopkins's Exrs. 5/ fee—£1-10-0 ad Kennon; To fee assumed for Berry ad Pleasants 15/; to fee ad Cary 15/."

In 1772 Captain William<sup>II</sup> Burton was vestryman of St. Anne's parish, Albemarle (Meade's Old Families and Churches, Vol. II p. 50). He was also a Justice of the Peace in Albemarle for many years, being "of the Quorum" from 1768 to 1773, and was second in the commission in the latter year. In all probability he was presiding Justice before he died.

John Hudson of Albemarle county (son of Captain Charles Hudson of Hanover county) in his will on June 20, 1768, appointed his "friend Captain William<sup>II</sup> Burton" one of his executors. Six years later William<sup>II</sup>'s son Jesse married the youngest daughter of the late John Hudson.

The identity of Captain William<sup>II</sup> Burton of Albemarle with William the son of Robert<sup>II</sup> and Priscilla Burton of Goochland is established by a deed, March 27, 1758 from Priscilla Burton (widow) of Goochland conveying to her son William Burton of Albemarle two negro children. The witnesses to this deed were John Laprade, William Wodlow and Perin Farrar.

About the year 1748 Captain William Burton, then of Goochland married Rebecca, the daughter of John Cobbs (of Goochland, Albemarle and Buckingham), and of Susanna his wife. (Douglas register and will of Captain William Burton.) A memorandum on the Cobbs family is given at the end of these notes. John Cobbs died before 1775, and his wife Susanna died in Buckingham county in 1772; the

Rev. Mr. Douglas went there from Goochland to preach her funeral sermon. (Douglas register.) To show the enterprising nature of this addition to the Burton blood, an extract from the Goochland Order book (1731—35 p. 3) is given.

“September court, 1731, upon information of the Rev. James Marye (the newly arrived French Huguenot clergyman) that Mr Dudley Digges hath been guilty of breaking the windows of the church of St. James parish and doing other illegal things there, ordered that the Sheriff with the Posse of the county do take into his custody the said Dudley Digges, John Shelley, John Cobb and John Naish his accomplices, and them safely keep till they enter into bond with security in £1000 sterling for their appearance at the next court to answer in the Premises.”

We do not know what the next court did to these malefactors. Possibly the social position of Dudley Digges covered this multitude of sins! Yet, we must remember that Alcibiades was banished from Athens for a similar offence. The correspondent who communicated the above item queries: “were they fresh air fiends, were they possessed of franco-phobia, did they object to the unorthodoxy of the Rev. James Marye, or were they incipient dissenters and objected to his orthodoxy, or were they simply intoxicated?”

The will of Captain<sup>II</sup> Burton of Albemarle is dated February 11, 1776, and probated in 1778 (Albemarle wills II. 360). An abstract follows: “I give unto my son Jesse Burton all the land I purchased of Moses Damnen (?) and whereon my son Jesse lately lived, also five negroes. My desire is that the land whereon I live be sold by executors and the money arising laid out in the purchase of other lands which are to be equally divided between my sons Robert Burton, John Cobbs Burton, William Burton and Philip



Farrar Burton. I lend to my wife during her natural life four negroes and at her death same to be divided among my four youngest sons and my daughters Polly and Susannah.

To my daughter Rebecca Thompson, 5 shillings. Estate to be kept together until my son William arrive at the age of 21 years. My executors to renew the suit against the executors of John Cobbs, deceased, for a marriage contract which is now depending and what shall be recovered from the said suit is to be divided between my sons Jesse, Robert, John, William and Philip, and my two daughters Polly and Susannah. I appoint my two sons Jesse Burton and Robert Burton my executors. WILLIAM BURTON."

Witnesses: Richard Perkins, Spencer Nowill, W. Henry.

A few days after executing this will, on February 15, 1776, he recorded a deed in Albemarle county as follows:

"I, William Burton of Albemarle county do give unto George Thompson of the said county my negro Jean if the said Thompson shall fail to recover the money due to himself and his wife from John Cobbs, deceased, by bond, then my promise to him was that he should have so much of my estate as either of my daughters." Witnesses: Polly Burton, John Burton. (Deeds, Albemarle county, VIII, 78).

Rebecca, the widow of Captain William<sup>II</sup> Burton married Michael Thomas, as is shown by a later record in Bedford county. She must have been at least 43 years old at the time of her second marriage.

*The Children of Captain William<sup>II</sup> Burton of Albemarle*

I. Jesse Burton, the oldest son, was born about 1750. Of him later.

II. Robert Burton, the second son, was at William & Mary College from 1772 to 1775. The Journal of the President and

Masters shows that his room-mates on the south side of the old dormitory staircase were Messrs. Todd and Shields (his cousin). In 1773 he was appointed a writing master, which marked a new era in the Burton family, as those who have read the preceding pages of this narrative will note. He left college in 1775.

On July 26, 1777, Christopher Anthony of Bedford county conveyed to Robert Burton of Fluvanna county (where he was evidently living with his brother Jesse) 200 acres in Bedford county adjoining the lands of Jefferson, Woodward and Rowland. (Bedford Deeds E. 522).

Robert Burton is mentioned again in the Bedford records of 1790 when his sister, the widow Mary Henry was about to remarry.

He was married though the name of his wife is unknown.

His will was dated August 6, 1818, and proved February 5, 1819. A brief abstract follows:

“Testator mentions his grandsons Robert B. Kelleay and Robert J. Robertson and his grand-daughter Harriet Ann Robinson (Robertson). He mentions his daughter Elizabeth Robertson, and appoints his friends George Whitlocke of Lynchburg and John North, Sr., of Bedford his executors.”

The will of Robert the son of Captain William Burton mentions no male issue. It is significant to note from his will that the old homogeneous type of Englishman in Virginia was passing; one of his daughters married an Irishman and the other a Scotchman. Up to this time the Burton stock in Virginia had remained almost purely English.

III. The third son of Captain William Burton was named John Cobbs Burton, after his mother's father. The Douglas register records: “Captain William Burton and Rebecca Cobbs

a son John Cobbs (Burton) born January 27, 1758." Like most of the European monarchs of his day, his birth was the most important event in his life. He died at the age of 18, unmarried. His will is recorded in Albemarle county (Liber II. 346). It was dated October 9, 1776, and proved the next month. This will was made, no doubt, with full knowledge of his father's will, but he certainly died before his father. An abstract follows:

"I, John Burton of Saint Anne's Parish in Albemarle county . . . I give to my sister Molly Burton, Sukey Burton, William Burton and Phil Burton all negroes that I have a right to from my father's last will and testament equally. To my brother William Burton and Phil Burton my part of the land left me by my father equally." John Thompson and Jesse Burton were witnesses.

IV. William Burton, the fourth son, was a minor at the time his father made his will. He was at William & Mary College with his brother Robert in 1772. Like Robert, William later settled in Bedford county. A deed recorded in Bedford dated April 22, 1805, reads as follows:

"Charles D. Jones (et al) . . . to William Burton, Senior, of Bedford county, 35 acres in Bedford county part of tract formerly belonging to John Jones, deceased, adjoining land of said Burton (William) Senior."

He is called "senior" because at that time his nephew William, the son of Jesse Burton was also a resident of Bedford. He married before 1785, and his wife was named Frances.

The will of William Burton of Bedford, dated November 3, 1810, and proved February 25, 1811, provided:

'that his estate should be kept together until December 1824, and then was to be divided among his sons and

daughters, namely William Burton, Charles Burton, Caroline Martin, Philip Burton and Howell Burton.' He appointed his son Edmund Burton and his son-in-law James Martin, executors. The will was witnessed by Bataille Harrison, William Douglas, Archibald Goff and Isaac Reynolds. The inventory was returned January 15, 1811. Testator had 18 slaves. (Bedford wills, d. pp. 4. 69. 126).

The division of his estate was returned January 25, 1825. The persons among whom the estate was distributed were all the sons named above in his will, and in addition James Martin and Josiah Turpin; evidently the husbands of the daughters of the late William Burton of Bedford.

In "Our Kin" (Ackerly & Parker) at page 379, we find the marriage bond of Frances Burton (born 1785) to Josiah Turpin of Bedford county March 6, 1810 with Edmund and Cynthia Burton as sureties. This couple had eight children (whose names are given). The second was William Burton Turpin, and the eighth was named Frances Burton Turpin, who in 1855 married P. F. Denton of Bedford.

The inventory of the estate of Philip, the son of William Burton of Bedford was presented in court January 24, 1825 (Liber F. 120).

v. Philip Farrar Burton, the fourth or perhaps youngest son of Captain William<sup>II</sup> of Albemarle was in 1782 a resident of Amherst county, where the following deeds are recorded. (Liber F. pp. 18 & 59). September 6, 1775, deed from Jessc Burton of Campbell county (his brother) to Philip F. Burton of Amherst for £400, 400 acres in Amherst on the south side of "Buffeloe river;" there is mention of John Penn's land and Huff's Creek. April 25, 1786, Philip Burton of Amherst and Nancy his wife to Joseph Barras "400 acres on Buffaloe River in said county and on Huff's Creek."

In 1792, John Jones and Frances his wife of Bedford deeded on October 22, 314 acres in Bedford to Philip Burton of Amherst county. A deed dated July 23, 1798 (Bedford Liber K. 236) by Philip Burton of Bedford to William Burton of the same conveyed 40 acres on Cheese Creek adjoining said William Burton's land. Ro. Burton was a witness.

The will of Philip Burton of Amherst was dated November 2, 1801, and proved December 17, 1804. He left to his wife Nancy Timson Burton the use for life of his dwelling plantation on Harris Creek in Amherst, and of his slaves; after her death "all to go to his natural son Patrick Clayton, son of Nancy Clayton, dec'd." (Amherst Liber IV, 464). Alexander Burton and Robert (his nephew) were appointed executors, but renounced. The inventory taken May 28, 1805, showed that he had possessed 26 slaves, some in Amherst and the rest in Bedford. It is probable that his wife Nancy Timson Burton was a near relative of Anne Hudson, the wife of his brother Jesse Burton.

Having now listed the sons of Captain William Burton of Albemarle and of Rebecca Cobbs his wife we pass to their three daughters; they were:—

vi. Mary, who married 1st after 1776 to . . . Henry, and 2nd before 1790, to Benjamin Rice.

vii. Susanna Burton, and

viii. Rebecca, who married George Thompson of Albemarle.



## *Chapter XXII Jesse Burton of Lynchburg*

In tracing this pedigree, we have now reached the central figure of our inquiry. Until very recently few of Jesse Burton's descendants knew from what stock he sprang. Family records and dim traditions have kept alive the memory of his name in many a home in the Southern States, and yet but very little is known of him personally. His last home, the "Oaks" near Lynchburg remained in the ownership of his descendants until well within this century, but all traces of the house have now vanished and the family burial ground is without headstones to mark the identity of those whose bodies lie below. The name of Jesse Burton, however, persisted through several generations of his issue. This method of survival after death is not, perhaps, always satisfactory to the ancestral shades. Burton, as a given name, has been handed down in different branches of the "kin" generation by generation, and is common today among those of his blood. As the present compiler is writing this page a Norvell Burton Harrison, aged four, a great-great-great-grandson of Jesse Burton of Lynchburg is making interesting experiments with an ink eraser upon this manuscript.

Jesse Burton was, as we have seen, the eldest son of Captain William Burton of Albemarle and of Rebecca Cobbs. He was born about 1750 on his father's plantation on Dover Mill Creek in Goochland county. Jesse was no doubt named after his uncle Jesse Cobbs. When about eight years old he moved with his parents a little further up the James, as was by then a custom of the Burtons "whereof the mind of man runneth not to the contrary."

The plantation on which they then settled was just across the Rivanna, in the forks of the James, the eastern end of Albemarle—soon to become Fluvanna county. Sometime before 1780 Jesse Burton moved on upward to Campbell county where his “lares et penates” came finally to rest, until he died there at his home “the Oaks” in 1795.

We have followed through many pages the migrations of this restless family of tobacco planters from the nest in which they appeared, possibly as early as 1636 in Charles City or in Henrico county, in successive pushes up the James towards the receding frontier until, one hundred and fifty years later we bring them to rest, and with them this chronicle, at Lynchburg. In all that time our Burtons had moved only about one hundred and fifty miles measured in a straight line across the map. During that period the family in direct line had been residents in five counties—Henrico, Goochland, Albemarle, Fluvanna and Campbell, and had played their parts in each. In every generation they had seated themselves within sight of the James, or its tributaries, and always they had planted and gathered their crops of tobacco in the soil made rich by the “great river.” When they came first to Virginia, Charles the First was their King by divine right; when Jesse Burton helped to found Lynchburg, Virginia, after a hard-fought revolution against George the Third, was a free republic.

The history of this family has not been enlivened by romantic incidents, and the telling of it in the form of notes concerning the individual members has not inspired flights of fancy. All that we know of these remote ancestors is the information yielded by the dry bones of county records. The most interesting feature of this family is, perhaps, the fact that they and all their kin were Virginians and entirely typical of their class. They were, moreover, of almost undiluted



English stock through all the generations with which this narrative deals.

It is to be regretted that material is not available for presenting a biography of Jesse Burton with some personal details, which might impart a human interest to the story. All we have of him, as of his ancestors, comes from the somewhat fragmentary records of that day and generation.

We shall first present, at the risk of reiteration, the records which identify Jesse Burton of Lynchburg as the son of Captain William Burton of Albemarle. The best evidence of this fact is contained in the chain of title to the lands on Dover Mill Creek in Goochland, to which reference has already been made. On November 15, 1731, John Woodson sold to Robert<sup>II</sup> Burton of Goochland 350 acres on the east side of Dover Mill Creek for £50. On November 27, 1747, Robert Burton of Goochland conveyed to William Burton of same 350 acres on the east side of Dover Mill Creek for a consideration of £50 sterling. In his will made the next year Robert<sup>II</sup> Burton left to his son William only a nominal legacy—the table which testator used. He had made provision for him by selling him the plantation which he had held for sixteen years, and no doubt greatly improved, for the price he had paid for it as virgin land. The description of the land and the names of the adjoining landowners in the deed of 1747 tally with those of the deed of 1731. (Liber v. 12, Goochland). In Liber XIII at page 644 of Virginia land patents (1774) there is the following entry:

“Whereas by one patent dated September 1709 was granted unto John Woodson one certain tract of land lying in Goochland county containing 990 acres on the east side of Dover Mill Creek which said tract was granted on condition of paying over quit rents and cultivating and

improving the same, and whereas William Burton in whom the right and title of part thereof supposed to contain 350 acres is since become vested but by a survey lately made is found to contain only 245 acres hath failed to pay such quit rents as to the said 245 acres and Jesse Burton hath made humble suit to our Lieutenant and Governor General and hath obtained a grant for same, etc, etc, . . . said 245 acres is thereupon granted to said Jesse Burton, July 5, 1774.'

The explanation of this is that Captain William Burton, finding that he did not have so much land as he was taxed for, stopped paying the quit rent with the deliberate intention of allowing his son to escheat it—William having himself held this land for more than twenty years.

On July 5, 1775 (Liber x, 527 Goochland) there is a deed:

“William Burton and Rebecca his wife and Jesse Burton and Ann his wife, all of the county of Albemarle, conveying 254 acres in Goochland county on the east side of Dover (Mill) Creek to Matthew Woodson . . . 200 pounds current money . . . 145 acres . . . on the line of John Laprade and William Farrar . . . to a branch called Burton's Branch.” The witnesses were Charles, Josiah and John Woodson and David (×) Clarkson.

This tract was held by Jesse's grandfather and father and then by himself—44 years in all. It came originally to the Burtons from the Woodsons, and in the end, went back to the Woodsons. William Burton joined his son Jesse in the deed of 1775 to quiet title after the escheat. This marks the end of the Goochland chapter of this branch of the Burton family.

The identity of Jesse Burton of (Lynchburg) Campbell county with Jesse Burton of Albemarle is proved by an act in Hening's Statues XVI page 308 (chapter 32) and by the will of Jesse Burton himself, recorded at Rustburg.

The record from Hening just cited, is as follows:

“An act granting to Alexander Burton the duplicate of a lost certificate. Whereas it appears that Robert Burton one of the executors named in the last will and testament of William Burton deceased, did on the 17th of May, 1780, pay into the public treasury of the state, the sum of thirty one hundred and ninety three dollars, to be applied to his credit in account with James and Robert Donald & Co., British subjects, according to the sequestration law; that the original receipt was lost and it was afterwards advised by the executor that a new one be given, which, being lost also, the treasurer was not at liberty to issue a new certificate. Be it therefore enacted by the General Assembly that the treasurer shall be and he hereby is authorised and required to settle and liquidate the sum so deposited by the said Robert Burton, executor as aforesaid, and to grant to Alexander Burton, executor of Jesse Burton, deceased a certificate therefor.” This act was passed December 17, 1806.

We know that Jesse Burton and Robert Burton were appointed executors under the will of their father Captain William Burton of Albemarle. We know that Jesse Burton of Lynchburg appointed his son Alexander Burton one of his executors. We do not find any other Alexander Burton in Virginia at that time. We know that Captain William Burton of Albemarle joined in a deed in 1775 in Goochland (cited above) with Jesse Burton of Albemarle and Anne his wife; and that Jesse Burton of Lynchburg had a wife Anne. Finally we know from the will of Captain William Burton that he had a son Philip Burton, and that Jesse Burton of Lynchburg had a brother Philip—the only Philip Burton found in all this long record down to his time. All of these facts taken

together demonstrate the truth of the statement that Jesse Burton of Lynchburg was Jesse the son of Captain William Burton of Albemarle.

Moreover, in a release recorded in Amherst county (deeds, Liber E. 377) from the widow Rebecca Burton to "my son Jesse Burton" in 1783 reference is made to (her father) John Cobbs and to the will of William Burton (her late husband) deceased. This release concerned the suit on a marriage bond which Captain William Burton in his will (1776) directs his executors to resume against the executors of John Cobbs (his father-in-law) deceased. The Burtons seem to have won the suit—as Burtons usually did—but no permanent breach was created thereby between the two families, since there were several Burton-Cobbs marriages in the next two generations. This seems a more "clubbable" manner of healing a dispute between families than that adopted in Kentucky and there euphuistically known as a "feud."

Having thus, at some lengths, given the "carte d'identité" of Jesse Burton the son of Captain William, we shall give a list of his land holdings after he had disposed of the Dover Mill Creek tract in 1775.

In the following year, 1776, September 20th, Thomas Jefferson (who had just written the Declaration of Independence) and Martha his wife, of Albemarle county deeded to Jesse Burton of the same county, three tracts in the county of Bedford containing 896 acres adjoining the lands of Blankenship and Cherwood on Tomahawk Creek, and Blackwater river. Blackwater was subsequently known as Burton's Creek, and these lands lie just outside the present city of Lynchburg. Fifty years later Jesse Burton's sons, as we shall see, were still living on these lands. To the deed just cited, Christopher Hudson, the brother of Jesse Burton's wife, was a witness. (Bedford Deeds, E. 483).

On August 18, 1777, Joseph Anthony, Senior, of Bedford county conveyed to Jesse Burton of Fluvanna (formerly part of Albemarle) for £550, 400 acres in Bedford county on Lynch's Creek, adjoining land of Philip Morris. (Bedford Deeds E. 513).

On September 12, 1777, Jesse Burton of Fluvanna county conveyed to Martin Key of the same place, for a consideration of £2000, three certain tracts lying in the said county adjoining one another, containing 900 acres, beginning at a horn-beam on the north side of Fluvanna river (the James) and bounding on the river. (Fluvanna Deeds, Liber 1. 34). This deed indicates that Jesse Burton was "pulling up stakes" and preparing to move further up the river to his new lands on Blackwater, Tomahawk and Lynch's Creeks. He still had a small holding of land in Fluvanna for on March 23, 1793, Jesse Burton of the county of Campbell deeded for £20 to James Hopkins of Albemarle, 11½ acres lying in Fluvanna county "on the north side of Fluvanna river beginning at an oak stump standing on the river bank, a corner of the land of Martin Key." John Hudson, a brother of the wife of Jesse Burton, witnessed this deed.

Martin Key at one time was Sheriff of the county of Fluvanna, which had been carved out of Albemarle. An interesting record of affairs in the county is preserved in a petition to the House of Delegates of Virginia in October 1777. Sundry inhabitants of Fluvanna county represented in this petition that at the court for August 1777 "Wilson Miles Cary, John Ware, Roger Thompson, William Henry, George Thompson, Thomas Napier, Jesse Burton and Martin Key, gentlemen, justices of the Peace attended," and:—

"that after swearing in Mr. Key sheriff of the said county the next business was to appoint a clerk; that the candidates for that office were Mr. Francis Eppes Harris, Mr. John

Timberlake and Mr. John Cobbs (probably the later Colonel John Cobbs of Georgia, a brother-in-law of Jesse Burton); that the first person voted for was Mr. Harris and after one or two votes in his favor, Mr. Henry introduced Mr. Cobbs as a purchaser who said he was willing to give 250 l. for the place; that this brought on a debate on the legality of selling the clerkship; that Mr. Henry, the two Mr. Thompsons and Mr. Burton argued in favor of selling, and being opposed by Messrs. Cary and Ware, who argued it to be directly against law, and productive of the most evil consequences, then endeavored to convert the idea of selling into that of giving the place to anyone who should make a present to the county of 250 l. That the question was then put whether the office should be sold or not and that all but Mr. Henry were against selling; that the question was then put who should be appointed clerk, and the voices for Mr. Harris were, Messrs. Cary, Napier and Ware; for Mr. Cobbs, Messrs. Henry, George Thompson and William (sic) Burton, that the votes being thus equally divided, Mr. Roger Thompson after deliberating some time said he must in consideration of the 250 l. agreeable to the instruction of the people give his vote in favor of Mr. Cobbs; that during the whole time this matter was under consideration Mr. Cobbs did not disavow himself a purchaser, and that as the majority bestowed the clerkship upon that gentleman, who was wholly unacquainted with the business of a clerk's office, in preference to Mr. Timberlake and Mr. Harris, who were recommended as persons well versed and qualified for the business, they cannot but conclude the office was sold or as it was urged to Mr. Cobbs in consideration of his making a free donation to the county of 250 l.; and praying that an enquiry may be made into the said transaction."

The year 1777 was in the midst of the revolution. The members of the Commission of the Peace engaged in this debate were born Englishmen in Virginia, and the purchase and sale of office and commissions in the government service had been the common practice in England. With the lofty ideals of the French Encyclopaedists which were being breathed into colonial life in America by Thomas Jefferson, Samuel Adams, Benjamin Franklin and their associates, the idea of purchase of office became anathema. This was the generally accepted view of later generations in both England and America. From this was born the modern English Civil Service, perhaps the most exalted achievement of democracy.

Shortly before the year 1780, Jesse Burton settled on his Bedford lands, now a part of the new county of Campbell. When the new town of Lynchburg was founded in 1785, Jesse Burton was one of the original trustees.

His last acquisition of lands was on October 4, 1787, when Thomas Butler deeded him 94½ acres in Campbell county "on both sides of Dreaming Creek" adjacent to Lynch's Creek.

In his will (1795) Jesse Burton disposed of the following tracts of land:

1. His dwelling plantation called "Turpins Lott" of 300 acres.
2. "Ballows Lott," 300 acres purchased of Thomas Jefferson.
3. "Jefferson's Lott," 300 acres purchased of Thomas Jefferson.
4. The 500 acres bought from Joseph Anthony and Thomas Butler, or 1400 acres all in Campbell county.

Aside from his land transactions we know very little of Jesse Burton, except for the information given in his will.

The first public office he is known to have filled is that of Justice of the Peace, indicating in his day in Virginia as in England a definite social status and influence. He was J. P. of

Albemarle (as his father had been) in 1773; J. P. of Fluvanna in 1777, and is said to have been J. P. later of Campbell county, though of that we have no proof. He was sheriff of Campbell county in 1781. He is frequently referred to among his descendants as "Captain," but there is no record of his having held a commission in the militia as did his father and uncles. In the recording of his will he is referred to as "gent," though by the end of the century the significance of the designation had diminished.

Jesse Burton married before January 5, 1775, for on that date his wife joined with him in the deed of the Dover Mill Creek lands in Goochland. His wife was the youngest child of John Hudson of Albemarle whose will written June 20, 1768, refers to his daughter "Annemariah" Hudson as being then under age. To her he left five negroes. This will appointed testator's "friend Captain William Burton" (father of Jesse) an executor.

John Hudson was the son of Captain Charles Hudson of Hanover county, at one time sheriff of his county, and proprietor of large tracts of land. John, the brother of Captain Charles Hudson had a son George who became the grandfather of Henry Clay. The wife of John Hudson son of Charles, and mother of Mrs. Jesse Burton was Anne Jones, daughter of Lane Jones; the latter, who married Anne, daughter of Major William Barber, was a son of Orlando Jones, the Burgess, whose wife was a daughter of Gideon Macon, also a Burgess. Orlando Jones was a son of the Revd. Rowland Jones (d. 1688), rector of the famous Bruton parish church.

After her marriage to Jesse Burton his wife was known as Anne Burton, dropping the second name Maria. She had evidently been named for her Aunt Anna Maria Jones the lady who was rather famous in the old records for four "successful" marriages. The name Anna Maria, however, did



not "down" so easily as Mrs. Jesse Burton may have hoped when she ceased using the name "Maria" herself, for the name reappeared frequently among her descendants. For example her son Robert Burton named a daughter Anne Maria; her daughter Anne who married Major Joel Yancey had a grand-daughter Anne Maria Rodes; Mrs. Burton's daughter Sarah Hudson Burton who married Samuel Jordan Harrison named her first daughter Anne Maria Harrison. The last named like her grandmother Mrs. Jesse Burton dropped the "Maria" and was always known as simply Ann—she married William Wiatt Norvell of Lynchburg.

In various land transactions noted above to which Jesse Burton was a party, his brothers-in-law Christopher Hudson and John Hudson were witnesses—evidently the associations between the "in-laws" were cordial. The perpetuation of the Hudson names among the sons and grandsons of Jesse Burton was noticeable; he himself named a son John Hudson Burton and a daughter Sarah Hudson Burton; his son Jesse had a son named Christopher; his daughter Anne had a grandson Virginius Hudson Rodes.

From his will we know that Jesse Burton lived prosperously at his home near Lynchburg, and that he had 57 slaves and a "high blooded mare," the pedigree of which cannot be traced. This mare was bequeathed in his will to his sons Alexander and John Hudson Burton. Jesse Burton was only about 44 years old when he died. In the abstract of his will which follows, the bequests of slaves and of the blooded mare are omitted.

Will of Jesse Burton of Campbell county, dated April 12, 1795, probated in Campbell December 3, 1795.

"Item, to my beloved wife during her widowhood the house and tenement whereon I now live, containing 300

acres . . after which to revert to my son John Hudson Burton; item, to my daughter Patsy Irvine, 20 shillings; item, to my son Alexander Burton the 300 acres of land I bought of Thomas Jefferson and known by the name of "Ballow's Lott;" item, I give to my son John Hudson Burton the 300 acres of "Jefferson's Lott;" item, the 500 acres I bought of Joseph Anthony and Thomas Butler (to) be sold by executors and the money arising from the sale thereof be equally divided amongst my following sons (vizt) William Burton, Robert Burton and Jesse Burton; item, it is my will and desire that my estate be kept together until all my just debts are paid. My will and desire is that if either of my sons die before they arrive to lawfull age and without heirs, that my estate be divided amongst the survivors of them, and if either of my two single daughters die before marriage or after marriage without leaving issue, that then their portion return to and be equally divided among the then surviving children, Patsy Irvine in both cases excepted. I hereby constitute and appoint my son Alexander Burton, William Henderson and my brother Philipp Burton my executors. JESSE BURTON."

Witnesses: George Cabell, Wm Irvine and Walter Moseley.

This will also mentions his daughters Nancy Burton and Sally Burton, both then (1795) under age. It is evident that testator had already made provision for his daughter Martha (Patsy) at the time of her marriage to William Irvine.

The inventory of the estate of Jesse Burton, Gent., deceased, was filed on February 4, 1796 (Campbell Wills Liber 1. 293). Mention is here made of Mrs. Anne Burton.

On September 1, 1796, there was filed in court an accounting of the estate of Jesse Burton as follows:

“Paid Robert Burton’s bond on account said to be his being under age. (This refers, no doubt, to the marriage of Robert Burton, one of the younger sons of Jesse Burton, which took place directly after his father’s death and when Robert was only 17 or 18 years old). 1797, Paid Robert Burton, Senior (this refers to Jesse Burton’s brother who lived to 1819). Paid James Poindexter schooling for John and Sally Burton. Paid Jesse Burton board 1795. Paid Wiatt Powell, 1797 (this was the father-in-law of Robert who married under age, and it may have been another instalment due on the marriage bond).

Paid Robert Burton for his dealings, 1795; paid Bob Burton’s board at Millers. Boarding Robert Burton, Jr.”

On October 10, 1814, there was entered in court in Campbell county the statement of the division of the balance of Jesse Burton’s estate which was shared between Samuel J. Harrison (husband of Jesse Burton’s daughter Sally) Robert Burton, Joel Yancey (husband of Jesse Burton’s daughter Nancy), Jesse Burton, John Burton and Alexander Burton. Mention is made of the “representatives of William Burton, deceased.”

Anne Hudson Burton, the widow of Jesse, died intestate before May 14, 1810. Her youngest son, John Hudson Burton who succeeded her on her death in possession of the “dwelling plantation” the Oaks, was administrator of her estate. (Campbell Wills Liber IV. 245). The inventory of her estate was filed September 28, 1812.



*Chapter XXIII The Descendants of Jesse Burton of Lynchburg*

The following tables give a list of the descendants of Jesse Burton so far as known to the present writer. No attempt has been made in this work to follow down all the lines of descent. One hundred and thirty seven years have passed since Jesse Burton's death, and those of his blood are scattered far and wide. It has been calculated that a man who lived at his time in Virginia may have ten thousand descendants today.

In presenting the pedigree which follows the modern form of numbering the generations has been followed, starting from Jesse Burton as the first. This work can be of interest, of course, only to those of the Burton stock—and probably to very few of them! If the text is too obscure, even amiable kinsfolk may balk at reading it. When more than three or four generations are numbered in regular order the genealogical table becomes very confusing to the "lay" reader; he feels like the ordinary harassed citizen when he takes up a double entry statement by a chartered accountant.

We begin then, with Jesse Burton of Lynchburg as number one. His children are given in the enumeration shown by his will, followed by those of their descendants known to the compiler:

1. Alexander<sup>2</sup> Burton, who married in 1796 Elizabeth the daughter of William and Elizabeth Leftwich of Bedford county, Virginia. He lived on Tomahawk Creek near Rock Castle and Blackwater Creeks in Campbell county just outside Lynchburg, and adjoining the lands of his brother John<sup>2</sup> Hudson Burton of the Oaks. Alexander Burton died there between the dates January 1819 and May 1820. His wife died

in 1819. ("Leftwich-Turner Families of Virginia" Hopkins). They had two children:

1. Alexander<sup>3</sup> Burton, called "Sawney" who moved to Little Rock Arkansas, and died there (will 1838) leaving a son William<sup>4</sup> Burton of Missouri.
2. Elizabeth<sup>3</sup> Leftwich Burton, born in Lynchburg July 17, 1819, who married Edwin Walton of Bedford county Virginia, afterwards of Tennessee (Va. Mag. Hist. xv. 197).

ii. William<sup>2</sup> Burton who married Elizabeth . . . of Bedford county, and died before 1814 leaving no issue.

iii. Robert<sup>2</sup> Burton who married when under age Elizabeth the daughter of Wiatt Powell of Amherst county, Virginia, and was a doctor of medicine. He resided for some years at Warren, Albemarle county, on the James river, and later removed to Buckingham county, where he died. He is said to have lived to a "ripe old age." Their children were:

1. Anna Maria<sup>3</sup> Burton, born 1796; she married in Albemarle county, Virginia, October 5, 1816, John Lawrence Marye, the son of James and Mildred (Slaughter) Marye, who was born in Spottsylvania county, near Fredericksburg, February 9, 1798. She was his first wife and the mother of his ten children. John Lawrence Marye studied law and accumulated a fair fortune, but lost it in the war between the states. He built "Brompton" (Marye's Heights) near Fredericksburg in 1838 which was severely damaged in the famous battle there; and there he died July 25, 1868. Their children were:

i. James<sup>4</sup> Braxton Marye, M.D., born March 4, 1818, and died September 26, 1893. He married November 25, 1840, Jane Christian Jett, daughter of William Storke Jett and Jane (Turner) Jett of "Walnut Hill" Westmoreland county, Virginia. They had seven children as follows:

- (a) William<sup>5</sup> Nelson Marye, born at Brompton September 7, 1841, and died in Baltimore April 25, 1929. He and his two brothers John Lawrence Marye and James Alfred Marye were confederate soldiers. He married in 1881, Elizabeth Mary Bose Gittings (1853—1928) of Baltimore, the daughter of David Sterett Gittings, M.D. of "Roslyn" Baltimore county and of Arabella Young Gittings and had issue one child, William<sup>6</sup> Bose Marye, born September 3, 1886.
- (b) John Lawrence<sup>5</sup> Marye born November 29, 1843, died January 18, 1919, unmarried.
- (c) Ann Maria<sup>5</sup> Marye born February 20, 1846, died May 26, 1930, unmarried.
- (d) James Alfred<sup>5</sup> Marye, born November 12, 1847, died January 11, 1926. He married Anna Morris of Philadelphia and had no issue.
- (e) Robert<sup>5</sup> Marye, born August 29, 1857, died January 31, 1908. He married Helen Canby of Baltimore, and had issue: Robert<sup>6</sup> Turner Marye (now deceased) and William<sup>6</sup> Canby Marye, and a daughter who died in infancy.
- (f) Jane<sup>5</sup> Turner Marye, born April 5, 1859, and died October 16, 1863.
- ii. Robert<sup>4</sup> Burton Marye, who married first Mary Madison and second Jane Waller.
- iii. Col. Morton<sup>4</sup> Marye. He settled in Richmond, Virginia, where he was state auditor. He married Hemoisel Voss, and had several children, one of whom (a) Robert<sup>5</sup> Voss Marye is chief counsel for the Bell Telephone Company and lives at Haverford, Pa. Another (b) is Thornton<sup>5</sup> Marye, an architect.
- iv. John<sup>4</sup> Lawrence Marye who married Mildred S. Brown.
- v. Lawrence<sup>4</sup> (Slaughter) Marye who married Maria W. Wilson.
- vi. Edward<sup>4</sup> Avenmore Marye.
- vii. Anne Maria<sup>4</sup> Marye who married Robert Dabney.
- viii. Evelyn<sup>4</sup> Marye.
- ix. Charles<sup>4</sup> Bonnycastle Marye, who was named after a professor of mathematics at the university of Virginia.

x. Alexander<sup>4</sup> Stuart Marye, who married Margaret Tilghman of Talbot county, Maryland, and had one child Tench<sup>5</sup> Tilghman Marye, now living.

To return now to the other children of Robert<sup>2</sup> (son of Jesse<sup>1</sup> Burton) and Elizabeth (Powell) his wife; they were:

2. William<sup>3</sup> Burton.

3. Jesse<sup>3</sup> Burton who married a Miss Cobbs of Buckingham county, Virginia.

4. Mary<sup>3</sup> Burton who married a Mr. Allen and moved to Fayette county, Tennessee.

5. Addison<sup>3</sup> W. Burton who married 1st a Miss Cobbs and 2nd (in 1844) a Miss Farrar. By his first marriage he had a son Robert<sup>4</sup> Marye Burton of Farmville, Virginia, the father of John<sup>5</sup> Marye Burton of Richmond, and of Mrs. Cox<sup>5</sup> of Farmville.

To resume once more the enumeration of Jesse<sup>1</sup> Burton's children:

iv. Jesse<sup>2</sup> Burton of Seneca River, Campbell county, was a representative in the Virginia legislature. He married Elizabeth the daughter of Mr. Norvell of Lynchburg and died after 1862. Their children were:

1. Christopher<sup>3</sup> Burton, known as "Kit."

2. Jesse<sup>3</sup> Burton.

3. Martha<sup>3</sup> Burton.

4. Edmund<sup>3</sup> Burton.

5. Emmeline<sup>3</sup> Burton.

6. John<sup>3</sup> Hudson Burton who moved to Alabama when young. When he left home his father presented him with 500 dollars and a gun—the latter perhaps the more useful gift for a young pioneer in Alabama. He was a lawyer and a planter and left issue a daughter (living 1891) who married Dr T. R. Ward and had the following children: (a) Dr E. Burton<sup>5</sup> Ward of Telma, Alabama, (b) T.<sup>5</sup> R. Ward of Telma, and (c) Bessie<sup>5</sup> Norvell Ward.



v. John<sup>2</sup> Hudson Burton of the Oaks near Lynchburg, was the youngest son of Jesse<sup>1</sup> Burton, and in the received tradition of his family, had the dwelling plantation by his father's will. He died in 1829. His wife was Margaret (Peggy) Macon, the daughter of John and Grace Cowan Macon of Powhatan county. By her he had the following ten children:

1. John<sup>3</sup> Burton who died unmarried.

2. Jesse Alexander<sup>3</sup> Burton, born October 11, 1807, and died September 26, 1886. He married September 10, 1834, Damaris Cobbs, daughter of John Lewis and Susan Hamner Cobbs. They had issue:

i. Margaret<sup>4</sup> Macon Burton, born August 1836, died August 21, 1886, who married James Samuel Mackey, of Rockbridge, son of John P. and Phoebe Alexander Mackey, on February 7, 1865. They had issue: (a) Alfred Price Mackey, born February 13, 1866 who married 1st Mary Juliet Lackey, daughter of H. A. and Margaret Wilson Lackey and had issue; he married 2nd Flora Edna McFadden, daughter of Jos. McFadden and had issue; (b) Leila Mitford Mackey, born August 11, 1868 and married April 26, 1894 her cousin Charles P. Nowlin (see below); (c) Alexander Burton Mackey, who was born March 19, 1871, and married December 23, 1897 Agnes Lockett Morton, daughter of Henry and Susan Daniel Morton, of Charlotte County; they had issue; (d) Mary Damaris Mackey, born May 27, 1873 and married December 27, 1899 Venable Watkins Davis, son of Jno. Henry and Frances Daniel Davis of Charlotte County, and had issue; (e) Carrie Cobbs Mackey, who was born March 21, 1879.

ii. Susan<sup>4</sup> Hamner Burton, born December 28, 1838, died January 11, 1913. She married in 1864 James Bowker Nowlin of Campbell county, son of Matthew Bates Nowlin and Elizabeth Preston Nowlin. They had issue: (a) Charles<sup>5</sup> Price Nowlin, born October 11, 1864, and died January 29, 1927.

He was a minister of the Methodist Protestant church of the Maryland conference. He married April 26, 1894, his cousin Lelia Mitford Mackey and left issue. (b) Virginia<sup>5</sup> Susan Nowlin who died unmarried November 1887. (c) John<sup>5</sup> Burton Nowlin, born July 23, 1873, who married Roberta Ellis Hall, daughter of Thomas and Nannie Ellis Hall and has issue. (d) Jesse<sup>5</sup> Graham Nowlin, born November 23, 1879.

The other children of Jesse Alexander<sup>3</sup> Burton (1807—1886) and Damaris Cobbs were:

iii. Elizabeth<sup>4</sup> Clay Burton, born May 1, 1843, who died in March 1926. She married July 25, 1888, James Samuel Mackey and had no issue.

iv. John<sup>4</sup> Madison Burton, who married Ella, the daughter of George Berry of Culpepper county, and had issue: (a) Mabel<sup>5</sup> (b) Edith<sup>5</sup> (c) George<sup>5</sup> Berry Burton (d) Marvin<sup>5</sup> Burton (died in France 1918) (e) Ruth<sup>5</sup> who married A. W. Gillette, and (f) Jesse<sup>5</sup> Parks Burton.

The third son of John<sup>2</sup> Hudson Burton of the Oaks was: 3. Revd. Robert<sup>3</sup> Oswald Burton (1811—1891) who moved to North Carolina and married there Elizabeth Joyner and by her had the following children: i. John<sup>4</sup> Burton, unmarried; ii. Andrew<sup>4</sup> Burton, unmarried; iii. Robert<sup>4</sup> Burton who has three daughters; iv. Henry<sup>4</sup> Burton, who married Anna Bass and had a daughter named Anna<sup>5</sup> Bass Burton. v. Charles<sup>4</sup> Skinner Burton, the youngest of this family.

The Revd. Robert<sup>3</sup> Oswald Burton married 2nd Elizabeth Pierson and had by her the following children: vi. James<sup>4</sup> Burton—who married; vii. Berta<sup>4</sup> Burton who married Mr. Simmons; viii. Olivia<sup>4</sup> Burton who married Mr. Burwell; ix. Edward<sup>4</sup> Burton who married; x. Virginius<sup>4</sup> Burton.

The fourth son of John<sup>2</sup> Hudson Burton of the Oaks was:—

4. Edward<sup>3</sup> J. Burton who lived until after 1893. He married Mary Patteson, and had issue:

i. Samuel<sup>4</sup> Patteson Burton who married Miss Cheatham and had issue (a) Bessie<sup>5</sup> Burton who married Frank Ogden—no issue; (b) Frank<sup>5</sup> Burton who married Berbee Penn, and had children; Frances<sup>6</sup>, Frank<sup>6</sup> Burton, Jr., and Lawrence<sup>6</sup> Burton.

ii. Edward<sup>4</sup> Hudson Burton who married Miss Haden and had no issue.

iii. Isabella<sup>4</sup> Hunt Burton who never married.

iv. Lawrence<sup>4</sup> Burton who married Carrie Bumbough and had one daughter, Clare<sup>5</sup> Burton who married J. M. Long and had no issue.

v. Margaret<sup>4</sup> Macon Burton, who married W. E. Nelms and had issue, Edward<sup>5</sup>, William<sup>5</sup> Lee, Mary<sup>5</sup>, Margaret<sup>5</sup>, and Virginia<sup>5</sup>.

The fifth child of John<sup>2</sup> Hudson Burton of the Oaks was:

5. Grace<sup>3</sup> Ann Burton who married Dr James H. Patteson and had the following children:

i. James<sup>4</sup> M. Patteson who married Caroline Brown and had issue: (a) Mary<sup>5</sup> Grace who married Ashby Perry and had children Elizabeth<sup>6</sup>, Ashby<sup>6</sup> Patteson and Virginia<sup>6</sup>. (b) Carolina<sup>5</sup> who married Dr Wallace Hill Gilkerson—no issue. (c) Ida<sup>5</sup> T. who married Austin E. Belew. (d) Ella Virginia<sup>5</sup> who never married. (e) Benjamin<sup>5</sup> H. Patteson, who never married. (f) Elizabeth<sup>5</sup> W. who never married. (g) James<sup>5</sup> M. Patteson, Jr., (h) Randolph<sup>5</sup> Lewis Patteson.

The second child of Grace<sup>3</sup> Ann Burton who married Dr James H. Patteson was:

ii. Macon B.<sup>4</sup> Patteson who married Ella Florence Corling and had issue (a) Corling<sup>5</sup> Patteson who died young, and (b) Mary<sup>5</sup> Uhle Patteson who married Giles Henry Miller and had issue Giles Henry<sup>6</sup> Miller, Jr., Macon<sup>6</sup> Patteson, Samuel<sup>6</sup>, who died young, Florence<sup>6</sup> and Mary<sup>6</sup>.

The third child of Grace<sup>3</sup> Ann Burton who married Dr James H. Patteson was:

iii. Samuel<sup>4</sup> Patteson who married 1st Henrietta Rucker and had by her one daughter Lucy<sup>5</sup>, who married John Francis West and has a daughter Margaret<sup>6</sup> Macon Patteson West; Samuel<sup>4</sup> Patteson married 2nd Victoria Rucker, and by her had two children, Henrietta<sup>5</sup> who married Henry O. White and had no children and Thomas<sup>5</sup> R. Patteson who never married.

The fourth child of Grace<sup>3</sup> Ann Burton and Dr James H. Patteson was:

iv. Virginia Margaret<sup>4</sup>, who never married.

To resume once more the register of the children of John<sup>2</sup> Hudson Burton of the Oaks, it continues:

6. Virginia<sup>3</sup> Burton who died unmarried.

7. Margaret<sup>3</sup> Macon Burton who died unmarried.

8. Cornelia<sup>3</sup> Burton who married Edward D. Christian, a lawyer of Lynchburg, and had the following issue:

i. Dudley<sup>4</sup> Christian who married but died without issue.

ii. Judge Frank<sup>4</sup> P. Christian of the Corporation court of Lynchburg who married in January 1890 Mary Lou Dearing daughter of General James Dearing and has the following children: (a) J.<sup>5</sup> Dearing Christian, (b) C.<sup>5</sup> Lynch Christian, (c) Frank<sup>5</sup> P. Christian, Jr., (d) Cornelia<sup>5</sup> Christian and (e) Harrison<sup>5</sup> Christian.

iii. John<sup>4</sup> H. Christian who married Minnie Hass and had issue: (a) Hallam<sup>5</sup> Christian, (b) John<sup>5</sup> H. Christian, (c) Muriel<sup>5</sup> Christian, (d) Talford<sup>5</sup> Christian and (e) Isabella<sup>5</sup> Christian.

iv. Elizabeth<sup>4</sup> Christian who married Lucien Snead and had no children.

v. William<sup>4</sup> Asbury Christian who married Anna the daughter of Judge McMullan of Madison, Virginia, and had two daughters, Edith<sup>5</sup> and Grace<sup>5</sup>.

vi. Grace<sup>4</sup> Christian, who never married.

The ninth and tenth of the children of John<sup>2</sup> Hudson Burton of the Oaks were daughters, Martha Eliza<sup>3</sup> Burton and Kathryn<sup>3</sup> Burton, the latter of whom died unmarried.

9. Martha Eliza<sup>3</sup> Burton married 1<sup>st</sup> Thomas Poindexter of Bedford county, and 2<sup>nd</sup> Dr Robert Thompson. By her first husband she had two sons and three daughters. The sons, William<sup>4</sup> Holcomb Poindexter and Thomas<sup>4</sup> Poindexter both died in the army in the confederate service and left no issue. A daughter Virginia<sup>4</sup> Burton Poindexter died unmarried. The other two daughters married and had issue as follows:

iv. Sally<sup>4</sup> Ragland Poindexter married Captain Thomas West and had nine children, of whom the third son Eugene<sup>5</sup> Ragland West and the two youngest of the family, namely: Sally<sup>5</sup> Ragland West and Robert<sup>5</sup> Ashton West did not marry. The other six children had issue as follows: (a) Thomas<sup>5</sup> Poindexter West, who married Sally Ford and had two daughters, Dorothy<sup>6</sup> Spottswood Ford West and Virginia<sup>6</sup> Burton Ford West, who died in infancy. (b) John Francis<sup>5</sup> West who married his cousin Lucy Patteson and had issue: Margaret<sup>6</sup> Macon West, (c) Cornelia<sup>5</sup> Christian West who married J. W. Painter and had issue: Virginia<sup>6</sup> Painter and Francis<sup>6</sup> Painter. (d) Sidney<sup>5</sup> Duncan West who married Pearl Phillips; issue: three daughters; Mabel<sup>6</sup>, Grace<sup>6</sup> and Mary<sup>6</sup>. (e) Josephine<sup>5</sup> West, who married Edward Brockenborough, and had issue: Edward<sup>6</sup>, John<sup>6</sup>, Eugene<sup>6</sup> and Gladys<sup>6</sup>. (f) Edgar<sup>5</sup> West who married, but it is not known whether he had any children.

v. The other daughter of Martha Eliza<sup>3</sup> Burton and Thomas Poindexter was Margaret<sup>4</sup> Macon Poindexter who was born July 7, 1848. She married Captain William Fox Moore, and had two children: (a) William<sup>5</sup> Moore, unmarried and (b) Elizabeth<sup>5</sup> Moore who married Frederick Mitchell

and had issue: William<sup>6</sup> Fox Mitchell, Macon<sup>6</sup> Mitchell, Robert<sup>6</sup> Mitchell and Margaret<sup>6</sup> Mitchell.

We now come back to those children of Jesse<sup>1</sup> Burton of Lynchburg from whom we have not yet given tables of descent. The five sons and their children have already been described, and there now remain the three daughters of Jesse<sup>1</sup> and Anne Hudson Burton his wife, before we reach the end of this narrative.

vi. Martha<sup>2</sup> Burton, their eldest daughter, was married before the death of her father in 1795 to William Irvine of Bedford (died 1829) the son of William Irvine (d. 1767) of Bedford who came from Irvine, Scotland, and who had married Mary (Polly) Anthony of Bedford. Their home in that county was on the Otter river after which it was named, and was about seven miles from New London. "Otter" is said still to be in possession of the Irvine family. The children of Martha<sup>2</sup> Burton and William Irvine her husband were (as given [in part] in Mr. R. H. Early's "Campbell Chronicles"):

1. Edmund<sup>3</sup> Irvine of Rocky Mount, Virginia.
2. Judge Robert<sup>3</sup> Irvine of West Virginia.
3. A daughter<sup>3</sup> who married Dr Paul Cabell of Amherst county.
4. Alexander<sup>3</sup> Irvine of Campbell county.
5. James<sup>3</sup> Irvine of Campbell county.
6. Addison<sup>3</sup> Irvine who married a Miss Bradford of Lynchburg and later moved to California.
7. A daughter<sup>3</sup> who married Mr. Gwathmey of Lynchburg and had two daughters, one of whom married Bishop Doggett, and the other married Robert Whitehead of Nelson county, Virginia, a lawyer.
8. Jesse<sup>3</sup> Irvine, who married Clementina, the daughter of Col William Cabell of Union Hill, and had the following issue: i. William<sup>4</sup> Cabell Irvine, who married Mary daughter

of Meriwether Lewis of Milton, North Carolina; ii. Anne<sup>4</sup> Cabell Irvine, who married David Flournay; iii. Edward<sup>4</sup> Cabell Irvine, a member of the Virginia Legislature in 1873 from Campbell county, who married 1st Jane, daughter of Meriwether Lewis, and 2nd Mrs. Merrett; iv. Sarah<sup>4</sup> C. Irvine, who married Judge Asa Dickinson of Prince Edward county; v. Mary<sup>4</sup> E. Irvine, who married Philip D. Christian of Lynchburg; vi. Jesse<sup>4</sup> Irvine, who married Margaret the daughter of Dr Paul C. Venable, C. S. A.; vii. Juliet<sup>4</sup> M. Irvine, who married the Revd. David W. Shanks; viii. Margaret<sup>4</sup> F. Irvine, who married Thomas Rosser of Campbell county; ix. Alexander<sup>4</sup> Irvine, who married Lockie T. the daughter of Captain Henry Brown, and had issue: (a) John<sup>5</sup> B. Irvine and (b) William<sup>5</sup> Henry Irvine, who married Anna, the daughter of Col. James Sinkler of South Carolina and of his wife Anna, daughter of Col. John Huger of Charleston.

vii. The second of the three daughters of Jesse<sup>1</sup> Burton of Lynchburg was Anne<sup>2</sup> (Nancy), who was the first wife of Major Joel Yancey of Bedford county, the son of Captain Robert Yancey of the Revolutionary Army, who had married a Miss Duke, sister of the mother of Henry Clay. Their son Major Joel Yancey was an officer in the war of 1812. A brief biography of him is given in Tyler's Cyclopedic (iv. 224) as follows: "He was a typical Virginia gentleman of his day, owning a large and fine estate near Forest Depot Bedford county, where he built a commodious brick mansion and entertained his friends there with the lavish hospitality for which the south was then noted." He and his brother-in-law, John Hudson Burton must have been congenial spirits. In the next generation the "joie de vivre" had been condemned by Methodists and Presbyterians, and the home life of old Virginia became somewhat a matter of tradition. The children of Nancy<sup>2</sup> Burton and Major Joel Yancey were:

1. Joel<sup>3</sup> Yancey, who was mentioned in the youthful letters of his cousin Robert Jordan Harrison of Lynchburg; he then disappears from our records.

2. Martha<sup>3</sup> Yancey born 1803, who married November 23, 1822, General David Rodes (1795—1862) a hero of the Mexican war, who was the son of Matthew Rodes (1765—1839) of Albemarle county, and his wife Anne Blackwell (1779—1853). General David Rodes was clerk of the court at Lynchburg, and left issue:

i. Virginius<sup>4</sup> Hudson Rodes (born Jan. 5, 1829, died Jan. 3, 1879) who died in Mississippi unmarried. He was on the staff of General Robert E. Rodes during the war for Southern Independence.

ii. Anne<sup>4</sup> Maria Rodes (born April 9, 1827, died May 18, 1847) who married Maurice Langhorne.

iii. Robert<sup>4</sup> Emmet Rodes (born March 30, 1829 died September 19, 1864). He was born in Lynchburg, graduated at the Virginia Military Institute in 1848, was professor there for several years and then moved to Mobile, Alabama. (Appleton's Cyclopaedia). He married Virginia Hortense Woodruff at Tuscaloosa, Alabama. He was one of the best generals developed in the war between the States, and was killed at the second battle of Winchester, and buried in Lynchburg. General Robert E. Rodes had children: (a) Robert<sup>5</sup> Rodes who left issue, and (b) Belle<sup>5</sup> Yancey Rodes who married J. W. Trainor of Savannah, Georgia.

iv. Sally<sup>4</sup> Harrison Rodes, who married Wm J. Nelson of Staunton, Virginia (d. 1886) and had twelve children.

viii. The youngest child of Jesse<sup>1</sup> and Anne Hudson Burton was "Sally"—Sarah<sup>2</sup> Hudson Burton, who was born in 1784 in Lynchburg and died there February 20, 1839. She was eleven years old at the time of her father's death, and at the age of 16, on February 28, 1801, married Samuel Jordan



Harrison (1771–1846) of Lynchburg, the first Recorder of that town and a successful tobacco merchant—for many years a purchasing agent for the French “Regie.” There is an agreeable description of this couple in Mrs. Cabell’s “Recollections of Lynchburg” (1858). The present writer has a large collection of family letters to and from the members of this Lynchburg circle, giving a very pleasant impression of them all. Biographies of Samuel Jordan Harrison, of his son Jesse<sup>3</sup> Burton Harrison, and of the latter’s son Burton<sup>4</sup> Norvell Harrison were printed in 1910 in the “Harrisons of Skiminoe.” The compiler of these notes has a miniature of Samuel Jordan Harrison, an oil painting of Samuel’s brother William Harrison of Lynchburg, and some silver spoons which were the present of Sarah<sup>2</sup> Hudson Burton Harrison to her son on the occasion of the birth of her grandson Burton<sup>4</sup> Norvell Harrison in 1838.

Samuel Jordan Harrison was the eldest son of William Harrison (1740–1819) of Queen’s Creek, York county, Virginia. In 1790 he came to Bedford county as a clerk in the business of his uncle Christopher Anthony, a noted Quaker. The mother of Samuel Jordan Harrison was Margaret Jordan (1747–1831) the daughter and granddaughter of Quaker preachers. To judge from her letters, she was somewhat of a preacher herself. With the new ideas and new spirit which came in with the success of the American Revolution, many mother hens were disturbed to find that they had hatched out a brood of ducklings. Samuel and William Harrison were brought up in the strictest practices of the Quakers, but when they branched out for themselves at Lynchburg, they fell by the wayside. Samuel was full of “bonhomie” and gaiety of spirit. He joined the masonic lodge and was promptly expelled from the Society of Friends. Next his brother William was expelled by them for “swearing and betting on the races.”

When Sally<sup>2</sup> Burton in 1801 married Samuel Jordan Harrison, she was, no doubt, an object of some suspicion to her Quaker mother-in-law, for Sally was the daughter of one who had been a large slave holder, and was known to have been devoted to the turf and evidently of a convivial nature. Her brother John<sup>2</sup> Hudson Burton who succeeded to the "Oaks" was no better in Quaker estimation than his father had been. Altogether Sally must have found the stage set for one of the classic "mother-in-law" dramas. But little Sally Burton stood up for herself. On the birth of their first daughter in 1803, Samuel Jordan Harrison wrote to his parents that they would name her "Anne Margaret" for the respective mothers of his wife and of himself, but Sally insisted that her daughter be named "Anne Maria" after her own mother—and so she was. Samuel and Sarah<sup>2</sup> Harrison rounded out their lives together in perfect devotion and sympathy. A faint atmosphere of uncongeniality between the Burtons of Lynchburg and their Harrison "in-laws" of York county lingered on. Sally's oldest son, when he came of age, changed his name from Robert Jordan Harrison to Robert Addison Harrison. Of the many grandchildren of Sally, only one bore her maiden surname—Burton Norvell Harrison—hence the silver spoons which keep alive the pleasant memory of Sally in a far away household in Scotland.

The "dissenting" churches were a destructive force in Virginia society. The Quakers, of course, were old offenders, their peculiar dress and idiom, their disapproval of the various enjoyments of their neighbors and probably, as well, their aggressive humility had long disturbed the social atmosphere. With the revolution came the disestablishment of the church, and soon various religious sects were sowing the seeds of dissension in Virginia families.

The children of Sarah<sup>2</sup> Hudson Burton and Samuel Jordan Harrison were:

1. Robert<sup>3</sup> Jordan Harrison, born November 11, 1801, and died February 2, 1864. His youth in Virginia was somewhat turbulent and he soon left the family nest at Lynchburg. His boyish letters contain several references to shooting partridges at "Uncle John Burton's." The Oaks was near enough for the lad to ride there on his pony from Lynchburg. He moved to Kentucky about 1821 having that year married Rachel Howard who died leaving him three daughters. His second marriage was to a Miss Bryan of Greenup county Kentucky, by whom he had the following children:

i. Thomas<sup>4</sup> Bryan Harrison of Vanceburg, Kentucky, whose children were (a) Thomas<sup>5</sup> Harrison born 1870 and (b) Margaret<sup>5</sup> Harrison, born 1871.

ii. Katherine<sup>4</sup> Harrison, who married Thomas Thomas of Vanceburg.

iii. Mary<sup>4</sup> Harrison who married Robert Thomas of Vanceburg.

iv. Elizabeth<sup>4</sup> Harrison who married a Mr. Cole of Missouri.

v. Nannie<sup>4</sup> Harrison (d. 1888) who married a Mr. Stricklett.

vi. Julia<sup>4</sup> Harrison (d. 1888) who married a Mr. Murphy.

2. Ann Maria<sup>3</sup> Harrison, born May 6, 1803, and died in 1886. She lived all her life in Lynchburg. She married in 1818 when 15 years old, Captain William Wiatt Norvell (b. 1795) of Lynchburg, a man of public spirit and good judgment, who was always an agreeable and stalwart friend and adviser of his relatives "in-law." Both Mr. Norvell and his wife, the "Aunt Anne" of family letters, have left a pleasant memory of their personalities. They had two daughters: i. Emmeline<sup>4</sup> Norvell who married James Langhorne of Lynchburg; ii. Anne<sup>4</sup> Norvell who married in 1844 Winston Radford, the son of Dr William Radford of Bedford and of Rebecca Winston, his wife. They had issue as follows: (a) William<sup>5</sup> Norvell Radford born 1846, died 1872, unmarried; (b) Annie<sup>5</sup>

Elizabeth Radford born 1848, married Geo. Madison Kent, died 1898, no issue; (c) Emma<sup>5</sup> Norvell Radford, born 1850, married Wm Murray Chalmers and had the following children: Annie<sup>6</sup> Winston Chalmers, who died in infancy, Sarah<sup>6</sup> Elizabeth Chalmers, who died in infancy, Emma<sup>6</sup> Radford Chalmers married Waller G. Wills, David<sup>6</sup> Chalmers, William<sup>6</sup> Murray Chalmers, Frances<sup>6</sup> Virginia Chalmers who married Dr Waller Jameson; (d) Lucy<sup>5</sup> Harrison Radford born 1852, died 1931 unmarried; (e) Winston<sup>5</sup> Radford, born 1854, married Lucy Randolph Chambliss in 1886, and died in 1891. They had three children Selene<sup>6</sup> Norvell Radford who married C. Delevan Montague, Winston<sup>6</sup> Chambliss Radford, and Annie<sup>6</sup> Elizabeth Radford who married Byrd Page; (f) Wilhelmina<sup>5</sup> Jordan Radford, born 1856, married in 1881 Revd. Arthur P. Gray<sup>I</sup>, and died in 1922. They had four children, as follows: Revd. Arthur<sup>6</sup> P. Gray<sup>II</sup> who married Elizabeth Stuart Derby, Ellen<sup>6</sup> Douglas Gray who married Richard B. Tyler, Norvell<sup>6</sup> Radford Gray, died in infancy, and Winston<sup>6</sup> Gray who died in infancy. (g) John<sup>5</sup> Blair Radford, born 1858, died 1892 unmarried; (h) Kate<sup>5</sup> Vernon Radford, born 1861, married Louis Eggleston in 1887 and died in 1893. They had three children, Louise<sup>6</sup> Norvell Eggleston, Annie<sup>6</sup> Radford Eggleston, died in infancy and William<sup>6</sup> Trent Eggleston who died an infant.

3. Jesse<sup>3</sup> Burton Harrison, born April 4, 1805, in Lynchburg and died January 8, 1841, in New Orleans, who was educated at Hampden—Sidney college, at Harvard and at the university of Göttingen. He was a lawyer and litterateur. He married Frances Anne Brand (1819—1884) the daughter of William Brand of New Orleans who was born in Hanover county, Virginia. They left two children:

i. Burton<sup>4</sup> Norvell Harrison, born July 7, 1838, in New Orleans and died March 22, 1904, in Washington, D. C. He

was educated at Yale; was an instructor at Oxford college in Mississippi; and then, during the war, the private secretary of President Jefferson Davis. He practised at the New York bar during the rest of his life. He married in 1867 Constance Cary of Fairfax county, Virginia, and left three sons: (a) Fairfax<sup>5</sup> Harrison, born March 13, 1869; (b) Francis<sup>5</sup> Burton Harrison, born December 18, 1873, and Archibald<sup>5</sup> Cary Harrison, born October 17, 1876, and died April 11, 1928, in London; all three of them married and had issue.

ii. Anna<sup>4</sup> Porter Harrison, born in New Orleans in 1840 and died in Maysville, Kentucky, April 2, 1921, who married George W. Sulser, born in Maysville in 1837 and died there in 1901. They had three children: (a) Burton<sup>5</sup> Harrison Sulser, born 1876, of Maysville, who is unmarried; (b) Alexander<sup>5</sup> Gordon Sulser, born 1878, who married Mrs. Nell Hopkins Hughes, a widow, and has no issue; (c) Ethel<sup>5</sup> Brand Sulser, born April 22, 1880, of Maysville, who is unmarried.

To return now to the children of Sarah<sup>2</sup> Hudson Burton and Samuel Jordan Harrison, the fourth was:

4. Martha<sup>3</sup> Harrison, born February 14, 1809, and died after 1883. She married in 1825 Robert Robinson of New York City and had two sons:

i. Edward<sup>4</sup> Robinson, who never married.

ii. Samuel<sup>4</sup> Harrison Robinson, who died in 1839 unmarried.

5. Lucy<sup>3</sup> Harrison, who was born February 3, 1813, at Lynchburg and died there October 29, 1888. She married in 1831 Lorenzo Norvell, a merchant of Lynchburg, who in 1865 was the cashier of the Lynchburg National Bank. Lucy was a bright and charming girl as appears from her letters. They had six children:

i. Edward<sup>4</sup> Norvell, born 1832.

ii. Robert<sup>4</sup> Norvell, born 1833.

iii. Charles<sup>4</sup> Norvell.

iv. William<sup>4</sup> Norvell, born 1839, who died in infancy.

v. Mary<sup>4</sup> Norvell, who married John M. Miller, cashier of the first National Bank of Lynchburg, in which position he was in due course followed by their son, E.<sup>5</sup>P. Miller. Their daughter Mary<sup>5</sup> Miller married Daniel A. Payne, president of the Lynchburg Trust and Savings Bank.

6. Margaret<sup>3</sup> Harrison, born at Lynchburg March 19, 1815 and died January 16, 1868, who married James Metcalf of Campbell county and died leaving no issue.

7. William<sup>3</sup> Burton Harrison, who was born June 6, 1818, at Lynchburg and died after 1889 in Hannibal, Missouri, where he was a judge. At the age of 18 he went to Clarksville, Tennessee, and while there changed his middle name from Burton to Preston, writing home in explanation that in Clarksville at that time there were two William Burton Harrisons and two more William Harrisons! A situation calculated to drive a genealogist to acts of violence. From Tennessee he moved to St. Louis in a clerical position. While there he married in 1839 Margaret the daughter of George Morton of St. Louis. Later he moved to Hannibal, where he became a lawyer. His children by his marriage to Margaret Morton were:

i. Samuel<sup>4</sup> Jordan Harrison, recorder of the city of Hannibal, who married and had issue, of whom we have no information.

ii. George<sup>4</sup> Morton Harrison. Who married and had at least three children.

iii. Ellen<sup>4</sup> Harrison, who married Guy Bryan of St. Louis and had five childres.

iv. Margaret<sup>4</sup>, who married Dr. E. C. Hays and had issue.

v. Nannie<sup>4</sup> Harrison, who married James C. Fuller of St. Paul, Minnesota.

vi. Sally<sup>4</sup> Harrison, who married Lieut. S. R. Colladay.

In 1850 Judge William<sup>3</sup> Preston Harrison married as his second wife Miss Nannie Bullock of Kentucky, and had by her the following children:

- vii. Frank<sup>4</sup> Winfield Harrison, of St. Paul's, Minnesota.
- viii. Lucy<sup>4</sup> Harrison, who married Charles A. Fuller of Minneapolis.
- ix. Elizabeth<sup>4</sup> Harrison.
- x. Alleen<sup>4</sup> Harrison, who married Frank R. Collins.
- xi. Thomas<sup>4</sup> Q. Harrison.
- xii. William<sup>4</sup> Preston Harrison.
- xiii. Jessie<sup>4</sup> McVeagh Harrison, born 1878.

The eighth child of Sarah<sup>2</sup> Hudson Burton and Samuel Jordan Harrison was named after his father:

8. Samuel Jordan Harrison, born 1821 in Lynchburg and died in Brooklyn, New York, in 1901. He was trained as a merchant and became a successful banker in Richmond, Virginia. After the war he moved to New York. He married Nannie, the daughter of John Caskie of Richmond, and had by her three sons.

i. Caskie Harrison, educated at Rugby School, England, and for many years principal of the Brooklyn Latin School, New York. He died in 1902. He married and had the following children: (a) Margaret Caskie<sup>5</sup> Harrison (1873—1905), who married in 1902 the Revd. Saunders R. Guignard and died leaving a daughter Jane<sup>6</sup> Bruce Guignard, born 1903. (b) Alice<sup>5</sup> Perry Harrison (1876—1900). (c) Lucy<sup>5</sup> Norvell Harrison, born 1878. (d) Henry<sup>5</sup> Sydnor Harrison, born 1880 and died July 15, 1930—the well-known novelist. He never married. (e) Edmund<sup>5</sup> Caskie Harrison, born in 1882 and died in the military service 1918. He was unmarried.

The other children of Samuel<sup>3</sup> Jordan Harrison were:

ii. and iii., Norvell<sup>4</sup> and Percy<sup>4</sup>, both of whom were educated at Rugby School, England, and both died unmarried.

9. The youngest child of Sarah<sup>2</sup> Hudson Burton Harrison was the Revd. John<sup>3</sup> Alexander Harrison, born 1823 at Lynchburg, who was educated as a clergyman and died in 1907 as the rector of St. John's church at Selma, Alabama. He married Emma Moreau of St. Louis and had three children:

i. John<sup>4</sup> Harrison, a St. Louis lawyer, who married Eliza Ann Eads.

ii. Sarah<sup>4</sup> Harrison, who never married.

iii. Revd. Jesse<sup>4</sup> Burton Harrison, a teacher in the Newman school of New Orleans.

This completes the table of those descendants of Jesse<sup>1</sup> Burton of Lynchburg whose names are known to the compiler of these notes. If in the presentation of this list, errors of commission or omission have been recorded, corrections will be gratefully received. If any of the author's kinsfolk have had the industry or perseverance to read all of the foregoing narrative, it is to be hoped that they will have gained at least a composite picture of their Burton ancestors.

Each individual is composed, body and "soul", of his ancestors. This is the premise of all scientific argument on biology. It is, indeed, generally accepted in stock breeding, but when we come to the pedigree from which we, ourselves, derive, our "protective coloring" permits us to indulge in dreams of splendour. The Burtons of Henrico, at least, committed no follies of that sort.



## APPENDIX



## APPENDIX I

### *Miscellaneous References to Burtons in English Records indicating American Connections*

No attempt has been made by the compiler of these notes to trace the origin in England of the James River Burtons. It would be a fascinating and probably fatiguing task—exhausting both the nervous energy and the purse of the American. For the most part, the records in England are intact, but so diffuse and scattered through so many jurisdictions that a staff of archivists must perforce be engaged in the search. An amateur English genealogist recently confessed that his father and then he, himself, had spent between them forty years searching the records with the net result that they had discovered the given name of one ancestress in the seventeenth century. The present writer, following in his own father's footsteps has completed the cycle of forty years with even less result than the other enthusiast just described. No doubt the original documents are in existence, but the ingenuity required to overcome the enamelled inertia of the custodians of those relics of the past would baffle even a Chinese philosopher.

The following notes are taken from merely random observation. The first selection comes from that veritable treasure house, Mr. Henry F. Waters' "Genealogical Gleanings in England." Mr. Waters spent a good part of his long and valuable life in Somerset House, and examined 250,000 wills. Of these he published abstracts which gave, in his opinion, indications of relationship with persons who helped to found the Colonies of New England and Virginia. Abstracts of twenty-two of these wills follow:

EDMOND BURTON, citizen and clothworker of London, 10 April, 1577.  
Proved 23 April 1577.

To be buried in the church of St. Martin's where I now dwell. . . .  
. . . I do give to my wife three hundred pounds, and the rest of my goods, . . . .to my children to be divided equally. . . . Bequests to the hospital of the Grey Friars, . . . .to the Company of Clothworkers, of which Company I am one, etc. I do forgive my brother Deves all such sums of money as he doth owe me, and I give Anne Deves, my cousin, ten pounds, and to my cousin William Burton six pounds thirteen

shillings and fourpence, and to my cousin John Burton forty shillings. Gifts to Lucy Hoocker, if she continue with me, and to Richard Southwick. . . . . My well beloved father and mother, to wit, my father in law Mr. John Knighton and his wife. I give to my son Symes and his wife, and to John Le, each of them, a black gown at fifteen shillings a yard. My god daughter Martha Golston. My sister Maryett. My well beloved wife and my eldest son Humfrey Burton, to be executors, and my brother George Knighton and my son Symes overseers. . . . . Reference to "my small children." Mary Symes my daughter's daughter. One of the witnesses was Randall Symes. Proved by Dionis Burton, the relict, and Humfrey Burton, the executors. *P.C.C. Daughtry, 13.*

[See the will of John Scrogges of Patmer, in (New England) Register for 1894 (Vol. xlvi, p. 123; *ante*, p. 824), who mentions mother-in-law Dyonice Burton and brother-in-law Mr. Randolfe Symmes. See also Register for 1895 (Vol. xlix., pp. 485-6; *ante*, p. 1065) for other notes about the family of Randall Symmes. For pedigree of this Burton family, see Vis. of London, 1568 (Harl. Soc. Pub., Vol. I, p. 31). H. F. W.]

EDMOND BURTON, of St. Martin's Orgar, in the city of London, draper, 7 January 1605, proved 7 February 1605.

To be buried in this parish church. To my well beloved wife, . . . . . her third part due unto her by the custom of this city a full thousand pounds. I give her my dwellinghouse here in London so long as she shall continue unmarried. . . . . I give her also the lease of the house and land at Hadham, Herts. And I make her executrix. The residue I give unto my son Edmunde, to be paid unto him at his full age of one and twenty years. Twenty nobles to be bestowed upon a dinner for the Company of Drapers. Reference to the lease of the moiety of my dwelling house made unto me by my brother Mr. Doctor Aylmet (Aylmer?)'. Among the witnesses were Theoph. Ailmer and Randall Symes.

Proved by Cicely, the relict, etc., of the deceased. *P.C.C. Stafford, 10.*

JOHN BURTON, of London, gentleman, 7 December 1626. Proved 23 June 1627.

I give and bequeath my manor of Barons in Essex and all messuages, lands, tenements, etc., thereunto belonging, situate in the parishes of Purleigh and Haseley, Essex, unto my son William Burton for life, and then to the heirs male and female of his body, etc., next to John Russell, &c., then to Henry Rawlinson, clerk, etc. And for default of such issue,

etc., I give the half part of the said manor, messuages, lands, etc., to the Company of Vintners, and their successors for ever; . . . . Other bequests to son William (including a messuage or tenement called the Three Tuns, on the Bankside, Surrey). Also my sword and inlaid musket and bandiclers, and my horseman's pistol, and all my Latin and French books, together with my Prayer Book which my father left unto me as my whole legacy. To my wife Elizabeth, my lease of certain tenements on the millbank at Westminster, and of a lease of certain cellars under the long Armory in Milk Street (and other property). To my brother in law William Handcorne, five pounds (for a ring), and to his two daughters twenty pounds apiece, at sixteen or days of marriage. The Company of the Vintners, ten pounds to buy them a cup in the form of a tun, with a burr on the top of it.

Item, I do give and bequeath unto the Knot of my cousins, vizt., Mr. Henry Fryer, Mr. Windevor, Mr. Mavericke, Mr. Symon Younge, Mr. John Burton in Gracious Street, London, Mr. Paul Chapman, Mr. Thomas Wentworth, Mr. Walter Meeke, Mr. Lowe, Mr. Haughfen, Mr. Richard Hewlett, Mr. Carre Coventry, Mr. Richard March, and Mr. Andrew Burton, four pounds, to pay for a supper for them to meet together. To every one of my said cousins, ten shillings apiece, to buy them bandstring rings to wear in remembrance of me. Two hundred pounds to the said John Russell if he live to the age of one and twenty years. To Mr. Felix Wilson of the White Friars, London, forty shillings (for a ring); also to Mr. George Vernon and his wife. My wife's now daughter by her former husband. My son William to be sole executor, and the said Mr. Henry Fryer, Mr. Felix Wilson, Mr. Edward Wendover, Mr. Symon Younge, citizen and embroider[er] of London, Mr. John Lane of London, haberdasher, Mr. Andrew Burton, of Gray's Inn, and Mr. Thomas Wentworth, the younger, overseers.

Commission issued 23 June 1627 to Elizabeth Burton, the relict, to administer during the minority of the executor, who took upon himself the executorship 22 May 1640. *P.C.C. Skynner, 60.*

SIR ROBERT PEAKE, knight, citizen and goldsmith of London, 15 May, 1666, with codicil made 27 September, 1666, proved 26 July 1667, by Gregory and Benjamin Peake.

To my cousin and some time servant, George Lyddall, in Virginia, gentleman, three hundred pounds in three years. . . . To my some time servant, Michael Tucker, in Virginia, husbandman, ten pounds. . . . To

my cousin James Waters, the son of Joseph Waters, fifty pounds. To my cousin——Waters, relict of Samuel Waters, skinner, deceased, twenty pounds. To friend Doctor James Hide, of Oxford, and his wife Margaret Hide, fifty pounds, and to their son Robert, my godson, fifty pounds. To my good friend and valentine Mary St. Loe, of the parish of Dunstons in the East, London, widow, one thousand pounds in ten years . . . To Mrs. Mary Burton, wife of Mr. Thomas Burton, of London, gentleman, and their son Robert, my godson, etc. To my godson Tristram Huddlestone, son of Nicholzs Huddlestone, of London, skinner, etc. To Edward Hunt of London, vintner, and Elizabeth his wife. To my friend Edward Jerman. To good friend Richard Loans, of London. To John Peake, esquire, eldest son of Sir William Peake, knight, of London, Alderman, and his brother Benjamin, second son of Sir William, &c. To Mrs. Elizabeth Vanbrugh, wife of Mr. Giles Vanbrugh, merchant, both my singular good friends, and to others. *P.C.C. Carr, 96.*

WILL OF MARGARET SIMONDS, late widow of John Simonds, late of Kunckles Alley in London, deceased, her nuncupative will, August 1665.

To daughter Margaret Burton, who is now beyond the seas. Proved 6 March, 1667, by Margaret Burton. *P.C.C. Hene, 36.*

WILL OF DOROTHY LANE, of London, widow, 17 January 1605, . . . . St. Dunstons in the East, London, where I am a parishioner.

. . . . To my cousin Bennet Burton . . . . my two tenements and two acres in Saffron Walden in the county of Essex which late were Symon Burton's, my late brother's deceased . . . . and unto Jane and Joane Burton, daughters of my late brother Symon Burton, of Saffron Walden . . . . etc. Proved 4 March 1608. *P.C.C. Dorsett, 23.*

WILL OF EDMUND SPINCKES, of Warmington, in the county of Northampton, clerk, 2 October 1669. Proved 11 August 1671.

Mentions "Boniface Burton, now or late of Boston in New England, my uncle and mother's brother and only brother." Mr. Waters's note to this will states that this was "Old Father Boniface Burton" who died in 1669, said to be 115 years old. *P.C.C. Duke, 107.*

WILL OF NICHOLAS BACON, of Shrubland Hall, Bargham, in the county of Suffolk, 30 March 1658. Proved 25 February 1658—9, ancestor of the distinguished Bacon family of Virginia.

Leaves bequest to "Mr. George Burton, the attorney that lives at Wickham." *P.C.C. Pell, 93.*

WILL OF JOHN CHAMBERLAINE, of London, gentleman, 18 June 1627. Proved 13 March 1627(8).

"To be buried in the parish of St. Olave's in the Old Jury, where I was born and christened, and where my father, my mother, my brother Robert, and other friends [*i. e.*, relations] are interred." John Burton was a witness to this will. *P.C.C. Barrington, 25.*

WILL OF MARGARET PRESCOTT, of the parish of St. Thomas the Apostle, London, widow, 1 November 1639. Proved 3 January 1639—40.

"To my sister's daughter Margaret Parker and her husband Thomas Parker, and all their five children. To my son in law Stephen Burton, and my daughter Martha his wife," &c. &c. *P.C.C. Coventry, 5.*

WILL OF JOHN HOOKER, of Marefield, in the county of Leicester, gentleman, 1 January 1654. Proved 26 November 1655.

"To my cousin Alice Burton, ten pounds," etc. Mr. Waters in his note states that this is the will of a brother of the Rev. Thomas Hooker, the first minister of Hartford, Connecticut. *P.C.C. Aylett, 403.*

WILL OF JOHN SAYER, of Wapping, Middlesex, mariner, 2 May 1651. Proved 12 May 1655.

"To my son Burton and his wife twenty shillings apiece." [From the large number of "sons" of different surnames mentioned in this will, one is forced to the conclusion that testator had either a superabundance of married daughters, or else a very respectable number of godsons. On the other hand he may have gone in for marrying widows, and accumulated a creditable number of stepsons.] *P.C.C. Aylett, 107.*

WILL OF RICHARD GREGSON, 21 August 1640. Proved 31 August 1640.

"To be buried in the church of St. Augustins St. Austin's Gate." Mentions "Thomas Gregson in New England." Leaves to "Nicho. my eldest son whatsoever shall be recovered of Roger Stephens and George Burtun," etc. Thomas Gregson, according to Mr. Waters, was the first treasurer of New Haven. *P.C.C. Coventry, 116.*

WILL OF AGNES LYGHT, widow, of the parish of St. Lawrence Marston, 20 November 1523. Proved 15 December 1523.

Leaves to "Richard Burton, vicar of Horley, six shillings eight pence to pray for my soul and my husband's soul in his bedroll."

*P.C.C. Bodfelde, 15.*

MR. EDMUND BURTON is mentioned in the will of Thomas Hewitt, citizen and clothmaker of London, 10 October 1575. Proved 19 June 1576.

"My body to be buried in the parish church of St. Clement, where I am a parishoner. To the pool of the parish of Wales in the county of York, where I was born."

*P.C.C. Carew, 14.*

WILL OF ROBERT WILSON, citizen and draper of London, 2 January 1639. Proved 18 January 1639.

"My body to be buried in the parish church of St. Bennett Sherhogg in Cheap Ward in London . . . . or no further out of the said city than Stoke Newington, Midd." The editor in his note to this will calls attention to the fact that in 1635 Katherine, Robert and two Richard Wilsons came to Virginia. The will mentions "Elizabeth Burton, daughter of Elizabeth Burton, my wife's kinswoman, dwelling with me."

*P.C.C. Coventry, 11.*

WILL OF ROWLAND THOMPSON, citizen and haberdasher of London, 31 May 1662. Proved 7 August 1662.

"St. Stephen, Coleman Street, London . . . . wife Barbara . . . . my daughter Sarah Burton, wife of Daniel Burton of Apwood in the county of Huntington, clerk, with remainder to my grand-daughter Barbara Burton, her daughter. I give to my daughter Barbarah Clarke, of New England, widow, five pounds."

*Com. of London (1660-1664) B. 31. L. 167.*

WILL OF THOMAS LORD HOWARD, of Bindon, 23 Elizabeth. Proved 14 February 1582.

Mentions his "brother-in-law Richard Burton, of Carshalton in Surrey, esq."

*P.C.C. Rowe, 13.*

WILL OF ELIZABETH JUXON, of St. Michael Pater Noster in the Royal, London, widow, late wife of Mr. Thomas Juxon, whilst he lived citizen and merchant-taylor of London, 12 December 1637. Proved 12 January 1637(8).

"To Thomas Walter, late servant to my late son in law Sampson Cotton, five pounds. The same to Elizabeth Burton, daughter of my brother Toby Ireland."

*P.C.C. Lee, 5.*



The following will in Mr. Waters' book is probably that of the mother of the brother-in-law of the foregoing———Dame Hester Pye, of London, widow, 1641, who mentions:

"My cousin Elizabeth Burton and her children." *P.C.C.Crane, 26.*

WILL OF THOMAS MATHEW (November 1665, proved 27 March 1667), "some years Maior of a Regt. now millenor in Grais In Lane in Holburn, London."

"To my daughter Mary living in Virgene in Mary Land with one Mr. Cames, £3." William Burton was a witness. *P.C.C.Carr, 39.*

The three following abstracts of wills are taken from "American Colonists in English Records, First Series," published by George Sherwood, in London, 1932:—

*In the Principal Probate Registry, London.*

*P.C.C. 30 and 34 Goare*

1632, Dec. 7.

BURTON, GEORGE, of Stepney, Middlesex, "being bound on a journey to New England," a bachelor, his will names nephew Thomas, son of John Burton.

Ellis, Mr. John, of St. Clement Danes, his house.

Ward, Stephen.

Burton, John and Thomas, witnesses.

Administration, 27 February 1636, to John the brother, and John Ellis, uncle on the mother's side of Thomas Burton the nephew, by sentence of the Court.

Crookes, Sarah, *alias* Burton, and

Coombe, Amy, *alias* Burton, the sisters, contest the will.

*In the Principal Probate Registry, London.*

*P.C.C. 127 Sadler*

1635, Nov. 26.

MASON, JOHN, of London, esquire, in his will wishes to be buried in St. Peter's, Westminster; gives legacy to poor of Southampton. Names wife Anne, King's Lynn, Norfolk, "where I was borne."

My county of New Hampshire or manor of Mason Hall in New England.  
 Moore, Dorothe, my sister, and her children.  
 Baldwyn, Beatrice.  
 Greene, Mr. Josua, and his wife, my brother in law.  
 Lambert, Mr. Edward, my brother in law and his wife.  
 Burton, Mr. Henrie, my brother in law and his wife.  
 Wollaston, Mr. John, my brother in law and his wife.  
 Mason, Mr. Robert, of Greenwich, his wife and mother, my cousins.  
 Geere, Mr. Thomas, and his wife, my cousins.  
 Mason, Thomas, gentleman.  
 Gippes, Mr. Thomas, and his wife, my cousins.  
 Tufton, John, Anne, Robert, and Mary, my grandchildren.  
 Mason, Dr Robert, my cousin, Chancellor of the diocese of Winchester.  
 My lands at Capeham, of Wagen upon the South side of Sagadahocke  
 in New England called Masonia.  
 Proved at London 22 December 1635, by Anne, the relict.

*In the Principal Probate Registry, London*

*P.C.C. 61 Lee*

*1636, Sept. 22.*

GOODFELLOWE, ALLEN, of London, yeoman, "now bound to sea on a voyage to Virginia;" his will names his mother Ann, brothers Christopher, William, John and Edward, sisters Mary and Elizabeth.  
 Rainscroft, Anne, my sister, wife of Mr. R., upholder.  
 Newman, Joane, wife of John.  
 King, Henry, scrivener.  
 Burton, Thomas, and  
 Walker, John are witnesses.

Proved at London, 21 May, 1638, by Christopher Goodfellowe, the brother.

*Note from the Records of Essex County, Virginia,*

*as published in Tyler's Quarterly, Volume VII., p. 62:--*

"William Underwood, son and heir of William Underwood, late of Rappahannock in Virginia, in the parts of America, appoints my well beloved Uncle William Mo[seley] . . . guardian and attorney for me . . . to dispose of the same. &c., at my departure out of Virginia, given

and bequeathed to me by his last will and testament, to the said William Mosceley transporting to my Uncle Edward Burton, of Kederminster, in the county of Worcester, gentleman. I the said William Underwood am under age that is to say at the age of fourteen years and one quarter. Before Thomas Hartwell, a notary public in the City of Bristol, 22 July 1663."

A John Burton and John Austin patented 817 acres in Rappahanock County in 1673. (Va. County Rec. IX., 1, p. 3).

WILL OF JOAN YERDYSLEY, of Drayton in Hales, dated October 31, 1537.

"Bequests to Helene, daughter of John Pole, Margaret Smythe, Thomasyn Wylde, Robert Burton, Jone Yerdesley, Kateryn Yerdesley, Beatrix Blackhurst, Elene Coke, Raffe Yerdesley and Helen Smith," etc. Witnesses, Sir Thomas Ryder, priest, Raffe Wylde, John Pole, Robert Burton.

Proved 27 January 1537-8. (Va. Mag. XXV., p. 104).

WILL OF MARTHA GARRETT, of Scottow, co. Norfolk, dated February 3, 1625/6.

"To my daughter Temporaunce Yardlie *alias* Flowerdewe . . . . To Mr. Burton, minister of Olton, 10s. to preach my funeral sermon," etc.

Proved December 4, 1626. (Va. Mag. XXV., p. 209).



## APPENDIX II

### *Note on the Nowell, Norvell, Family, in the Seventeenth Century. Virginia*

In an earlier chapter upon Nowell<sup>1</sup> Burton, reference was made to the source from which the name Nowell entered the Burton family. The memorandum which follows brings together the notes made in the search for Nowells in Virginia before 1700. Nowell Burton was born about 1692. His mother Mary, the wife of Robert<sup>1</sup> Burton was probably a Nowell—the daughter of John Nowell, merchant of Charles City County and of Lydia [Perkins] his wife. The relations in later days between the Nowell and Burton families provide no especial evidence of kinship, unless we except the somewhat unsubstantial fact that in 1776 the will of Captain William Burton of Albemarle, the nephew of the first Nowell Burton, was witnessed by Spencer Norvil of Goochland and Albemarle counties. There were, it is true, Nowells—with names John and Robert—in Henrico, in Cumberland, and in Mecklenburg, neighbours of our Burtons during the eighteenth century—but no evidence of intimacy or relationship.

The spelling of the name of which we now treat deserves a special paragraph. Nowell Burton wrote his name as just given, but, as we have seen, it was spelled in some eight different methods in the records during his life time. Similar variations appear in the case of other individuals of the name. From all the evidence we may conclude that the following are variants of the same name: Nowell, Norvell, Newell, Noel, Norwell, Norrell, Norvill, and Norvil. One hesitates to be so dogmatic about including the name Nevill; whether Colonel James Nevill, of Albemarle county, (will 1752) was of the same stock, as is sometimes stated, is quite uncertain. Towards the end of the eighteenth century the name generally given to members of the family was Norvell; indeed two accepted authorities of some forty years ago, the late Alexander Brown and the late Wilson Miles Cary, wrote the name of Norvell Burton (the first) as just given.

During the decades of the first settlement of Virginia, the given names of the immigrants were almost invariably the ordinary Christian names of English baptism. Later on, the custom of baptising a child with the surname of a relative became general. This we may assume to have

been the case when Nowell Burton was christened in or about the year 1692. We have already instanced an extreme and even absurd case of this nature, some decades later, when two ludicrous names were given by his parents to Young Nightingale Burton! To-day, in England, Noel is popular as a given name, but that may be due to the very aristocratic associations of the name in English history. The earliest appearance in Virginia of one bearing this as a first name was Nowell Floyd, a headright in 1637 of Humphrey Higginson, gentleman, of Archers Hope. In 1642 Joseph Royall claimed one Nowell Hurim [*sic*] as a headright. Some decades later we note Nowell Burton, Nowell Baskerville (a grandson of Captain Hugh Norvell of James City county), and Noel Waddill (St. Peter's parish register); also a Noel Nunally and a Noel Blankinship mentioned in Will Book II of Chesterfield County at page 57, in 1774.

The following compilation of Nowell references in the early Virginia records was made in the search for relationship with the Burtons.

For the sake of convenience the Nowell items have been divided into three groups, those in Essex county, those in the Isle of Wight and Warwick counties, and those found in York and James City counties. In all probability the individuals in the second and third groups are of one stock, and from them most of the later Nowells and Norvells of the James Valley and of Lunenburg are descended.

*Noels in Essex and Rappahanock Counties, Virginia*

Cornelius Noel had lands in Rappahanock at least as early as 1665 (Deed Book III, 342). He was made a "free denizen" of Virginia in 1666, as is shown by the Randolph manuscript (Va. Mag. XVII, 244). By origin he was a Dutchman "borne in Holland, professing ye Protestant Religion." He is stated in the act of naturalization to have "long lived in this county servant and freeman and of the Reformed religion." In a record in Rappahanock county in 1690 mention is made of Cornelius "Nowell" (Va. Co. Rec. IX. 7). His will is recorded in Essex County, dated January 10, and proved June 20, 1699. It mentions wife Elizabeth Noel, son James, land called "New Holland," daughter Elizabeth Noel (under age), son Daniel Noel, daughter Mary Clertsom, daughter Margaret Conallee, son Cornelius Noel (under age), son James Noel (under age). The will was signed Cornelius Nowell; witnesses William Vickrey, Thomas Hucklecott (?). His son Daniel had a son Bernard Noel, whose wife was named Sarah, and a daughter Margaret who

married John Vawter; and perhaps other children. The Rappahanock records also mention a Richard Nowell and a Ralph Noel, 1695, who was then bound to Robert Hooke till 21.

In the quit rent rolls of Essex, 1704, "Dall" (Dan'l?) Nowell is credited with 400 acres, and "widd<sup>o</sup> Newell" with three hundred acres of land. (Va. Mag. Hist. XXXIII, p. 370).

Dan'l Noell and James Noell were appraisers in Essex of the estate of Abner Gray in 1717 (Valentine Papers). The Essex County records mention a "Daniel Nowel, Junr." in 1720; a "James Noell, Jr." in 1735; a Bernard Noell and Sarah his wife in 1735, while from 1736 to 1740, Bernard, Samuel, Benjamin, John and Edward Noel, or Noell are on the lists.

A Burton family in Essex County at the end of the seventeenth and early in the eighteenth century, of which mention is made in another appendix, had no apparent relationship with our Burtons of Henrico.

It may be worth noting that Colonel James Nevill of Albemarle county (will 1752) bore a christian name which belonged to the Noels of Essex, and that he gave the name Cornelius to his son by Lucy Thomas.

It is possible that the name Noel which appears in 1730, 1754, and 1755, as given in baptism to sons of the Waddell family of New Kent (St. Peter's parish register), is derived from the Essex Noels. Associations were close between the families of Essex and those of Hanover when that county was carved out of New Kent.

*Norvells, Nowells, in Isle of Wight and Warwick Counties*

About the year 1619, William Norvell (or Nowell) had a plantation in Isle of Wight county next to that of Robert Pitt. When, on January 6, 1639-40, the act of the General Assembly fixed the boundary between Isle of Wight and Lower Norfolk counties, the line ran "from the main river into the woods southerly into the plantation of William Norvell and Mr. Robert Pitt;" these two estates remained in Isle of Wight county. (W. & M., 2nd series. IV. 152).

In 1630, a Thomas Nowell was a landowner in Warwick county, directly opposite Isle of Wight across the James river. This Thomas Nowell's lands were on Skiffe's creek which divides Warwick from James City county. In one patent he is referred to as "Mr." Thomas Nowell. (The Researcher, 1. 220). His nearest neighbours on Skiffe's Creek were John Averie and Dr John Pott, and adjoining the latter in

1628 lived a Robert Hutchins. This is a curious coincidence of the names of Nowell and Hutchins in view of the fact that some sixty or seventy years later in Henrico county the brothers Nowell Burton and Hutchins Burton were launched upon the world!

Thomas Nowell of Skiffe's Creek died before August 17, 1635 (Va. Mag. II. 181; III. 281; IV. 422), but there was still a Thomas Nowell, presumably his son, living on Skiffe's Creek in 1658, when he received a patent for 700 acres there. The name was also spelled "Newell" in the records.

In 1648 a "Peeter Norrell" was a headright of Wm. Barret "upon the eastern most side of Chickahominy river commonly called by the name of Warrany Old Town." There is, of course, no proof that because he was a headright of a man who lived there, this Peter Norrell settled in or near Warrany Old Town.

In 1679 a William Nowell was among the headrights of Robert Harmon for land in New Kent County (Book VII., p. 118).

*Newells, Nowells, Norvells, in York and James City Counties*

We come now to the latter part of the seventeenth century, and to six persons, any one of five of whom, so far as dates and localities are concerned, might well have been a grand parent of Nowell Burton. These individuals are (in addition to the Thomas Nowell of the patent of 1658 on Skiffe's Creek on the borders of James City, in Warwick County), Jonathan and David Newell or Nowell of York county: John Nowell and later Mrs. Lydia Nowell, his widow, of James City and Charles City counties, and George and Hugh Norvell of James City county. There was also a contemporary Edward Norvell in Virginia, but all that we know of him is contained in the act of administration of his estate in the P.C.C. in London, 1689, which states that he was "late at Virginia, bachelor, deceased," and letters of administration were granted to "Elizabeth Quint, attorney for Edward Nowell, now in Cornwall, father of the deceased."

Jonathan and David Nowell were residents of York county, Virginia, and had lands also in New Kent and James City. Jonathan was a merchant of importance, and came, it is thought, from London. He was in York county as early as 1659, having brought over with him a Rebecca Newell. He died about 1671 leaving a widow Elizabeth, but no children. David was a brother of Jonathan and was his heir-at-law, and as such



sold some of Jonathan's lands after the latter's death. David married Mrs. Lactetia Barber, a widow of York county. This marriage took place too late to make it possible that she was the mother of Mary, the wife of Robert<sup>1</sup> Burton of Longfield, but it is quite probable that David had an earlier wife in Virginia. He wound up his affairs and left Virginia in 1681 and was "of London" in 1684. He apparently died in London soon after 1684 but a search there for his will or administration has been unsuccessful.

In the land office in Richmond, Liber V., p. 626, is recorded the grant, September 6, 1665, to Mr. David Newell of 320 acres of land in New Kent "beginning at a corner of the land of Robert Garrett .. crosses the Indian path .. to a bounded gum that standeth by Westover path .. N. E. to Mrs. Elizabeth Jone's corner." In Liber VI., p. 95, grant January 3, 1667, to Mr. Jonathan Newell and Mr. Ambrose Clare, 2500 acres in New Kent on the south side of York river. This land ran to a point above the main forks of York river.

The following items are taken from the records of York county.

Deeds, Orders, Wills, etc., 1657-1662, p. 138:—Jonathan Newell, merchant, bound for York river.

*Ibid*, p. 61. At a court held August 24, 1659, a certificate was granted to Mr. Jonathan Newell for 800 acres of land for the transportation of 16 persons into this county, Jonathan Newell (twice), Rebekah Newell, and others.

*Ibid*, 1665-1672, p. 47. Bond dated September 10, 1664, Henry Gooch and Millicent, his wife, widow of Robert Kinsey, the brother of Hugh Kinsey, obligate themselves to convey to Jonathan Newell, 1,200 acres in New Kent Co.—Jonathan Newell, of the parish and county of York, merchant. Witness, Matthew Harrison. The witness is probably the individual of that name who is listed in "Bristol and America" as having come to Virginia after 1663.

*Ibid*, in 1671 administration of the estate of Jonathan Newell issued to Elizabeth Newell the deceased's relict.

*Ibid*, p. 3. Mrs. Elizabeth Newell, administratrix of Mr. Jonathan Newell, deceased, declared Mr. James Bray (of the council) and Mr. William Cole, her attorneys for the management of any concern relating to the decedent's estate.

*Ibid*, p. 139, appraisement of estate of Mr. Jonathan Newell, late of York parish and county, merchant, deceased, according to order of court, February 29, 1671-2. The inventory is witnessed by Elizabeth Nowell, the widow. The personalty amounted to £554.1s.2d., which

included the valuation of four Turkish servants. There is a long list of debtors to the estate but no Nowell except his brother David—and no debtors in Henrico.

Court held April 24, 1673, York county: "whereas John Baskerville recovered of Mr. Thomas Bushrod, 500 lbs. tobacco for fees expended in a difference between Mrs. Letitia Barber (for whom the said Bushrod appeared) and Mr. Philip Watkins, and Mr. David Newell having since married the said Laetitia, it is therefore ordered that the said Newell pay the sum of 500 pounds of tobacco, with the costs of that suit between the said Baskerville and Bushrod."

It is to be noted that George Baskerville, the son of John, married Sarah the daughter of Captain Hugh Norvell (or Nowell), of James City county.

*Ibid*, 1677-1684, p. 169. November 27, 1679: "To all persons to whom these presents, etc. I David Nowell, the only brother and heir of Jonathan Nowell, late of York county, merchant, deceased, sendeth greeting, Whereas Jonathan Nowell had in his life time purchased a certain tract of land from one George Gill, with a mill and appurtenances, situated in York county . . . and the said Jonathan dyed in the possession of the same . . . said David Nowell now conveys said tract unto William Cole." Witnesses, George Brent and Bernard Sykes. The first witness was probably the son of Giles Brent of Peace in Westmoreland county. George Brent inherited the Queen's Creek lands formerly belonging to Dr Jeremiah Harrison, and sold them to the vestry in 1673 as a glebe for Bruton parish.

*Ibid*, p. 170. Power of attorney, November 28, 1679, "David Nowell, brother and heir of Jonathan Nowell, late of York county, merchant, deceased, to William Cole of county of Warwick, esquire, plantation which Jonathan Nowell purchased of Henry Gooch, March 3, 1664, and of which he died possessed." In connection with the name of Gooch, the will of William Clayborne is worth noting; in this he mentions his sister Ursula, the wife of William Gouch; the will was witnessed by William Gough, Tabitha Newell, and Mary Clayborne ("Notes from King William county," Va. Mag. XXXVII, 279, no date but apparently about 1677). Tabitha was a name found in the Minge (Baskerville) family in later generations.

Deeds, Orders, Wills, York county, 1677-1684, p. 406. "David Newell of New Kent county, gent., bound for England, gives bond to convey to the executors of Mr. Richard Auborne, deceased, to whom he is indebted, 250 acres on Chickahominy Run, called "Pocoson," July 3, 1681.

*Ibid*, p. 300. Deed, March 8, 1680, David Nowell to Richard Haley, of York county, planter, 200 acres in Charles City county upon Chickahominy Swamp run, part of a greater tract, bounding on land which the said Nowell lately sold to Mr. Rowland Jones; Edward Hyland and Christopher Walter, witnesses.

*Ibid*, p. 326. "I, David Newell, gentleman, sell unto Peter Butts, 200 acres in Charles City co., in Chickahominy Swamp, adjoining land lately sold by the said Newell to Mr. Richard Haley, April 7, 1681."

*Ibid*, p. 327. "David Newell for divers good causes to William Flowers, the son of Ralph Flowers, senior, of York county, 100 acres in Charles City county on Chickahominy Swamp adjoining land lately sold by said Nowell to Mr. Peter Butts."

Deeds, Orders, Wills, etc., 1687—1691, York county, p. 515. "To all christian people, etc., I, Ralph Flowers, of the parish and county of York, attorney for David Nowell, of London, gentleman, having in the said Nowell's absence paid several sums of money and tobaccos on the said Nowell (*sic*) per acct., and by virtue of a letter of attorney to me granted from the said Nowell bearing date June ye 2nd 1681, as therein may more largely appear, I am therby authorized and impowered to make sale of lands the said Nowell hath and standeth seized of in the collony, to the clear and full interest of discharging all debts . . . . I . . . . have granted to ye said (Joseph) Topping 500 acres of land . . . . on Chickahominy Swamp in Charles City county."

In this connection we note the item in the old Charles City county book as follows:—"April 4, 1661, It is ordered that John Burton shall possesse the estate of George Toppin, decd."

The mention of Ralph Flowers as attorney for David Nowell may indicate relationship; if so, the Flower family of York county may be a *trait d'union* between the Nowells and the Allen family. The Flowers were allied by marriage both to the Allens and to the Cockes of Henrico. William Allen of York (1630—1677) left a son born 1671 and others unknown, since he died intestate. One of his daughters married Ralph Flowers (information from Mr. J. W. Allen of Scarsdale, New York). The Allen family of New Kent provided a wife for Nowell Burton as well as for Hutchins Burton. William<sup>2</sup> Cocke (1655—1693) of Henrico married in 1689 as his second wife Sarah Flower, "of James City county" (*Va. Mag. Hist.* III. 411). Sarah, the wife of William Cocke, had a daughter Catherine, who married John Burton (*W. & M.*, XXVII, 140). This was probably John<sup>II</sup> the last owner of Longfield in Henrico. The widow

Sarah Cocke (or Cox) of Henrico, in her will made in 1726, but not probated until 1747, left a bequest to her grand-daughter Magdalen Burton (Hopkins of Virginia).

One member of the Flower family, Jeffrey by name, resided in Gloucester county, Virginia, where Edward Allen also lived. Jeffrey Flower died in 1726 and was buried in Abingdon parish. The arms on his tomb are those of Flower, Chilton, co. Wilts, England (W. M. II. 219). He died intestate and administration in England was granted to Noblet Ruddock, of the city of Bristol, merchant, "as attorney for Lucy Flower, now in Ireland, widow, mother of Jeffrey Flower, late of Virginia, bachelor, deceased." In Virginia, Peter Whiting was granted administration of his property in Gloucester county (Va. Mag. Hist., XI. 71, and Tyler's Quarterly, XII. 238).

So far as the records show, neither Jonathan nor David Newell of York county left issue, though it is of course possible that the latter married and had children before his marriage to the widow Laetitia Barber.

*Captain Hugh Norwell or Norvell of James City County*

The next of these families to which reference will be made is that of Captain Hugh Norvell of James City county. His plantation was just over the boundary of York county near Williamsburg and is located by the following citation from a patent in the Virginia Land Office, Book X., p. 179: June 16, 1714, "Nicholas Valentine, of James City Co., 240 acres in Wilmington parish, James City Co., beginning at mouth of Morgan's Swamp, adjoining Thomas Cowles, dec'd, Captain Norwell's, John Bush, Jones Swamp, John Vere, dec'd." The records of James City have been destroyed, but the following items concerning Captain Hugh Norvell are found in the books of York county or of Bruton parish.

A George Norvell was a vestryman of Bruton parish and died in 1686. He was succeeded some years later in that position by Hugh Norvell in 1694, in 1697 and again (as "Captain" Hugh Norvell) in 1704 and 1710. Once his name was spelled Norvell in the parish register, and it is so given by Dr Lyon G. Tyler, the greatest authority on the history and families of York county.

In Liber X, York county, page 514, dated 1694, we find the following: "Captain Hugh Norvill as prochain ami to his daughter Elizabeth Norvile hath judgment granted him against Mr. Robert Harrison and

Mrs. Elizabeth Archer (wife of Captain James Archer) executors of Mrs. Katherine Besouth, dec'd, for present payment and delivery of a young negro being due by bill," etc.

"Hugh Norwell" was one of the six trustees for laying out the site of Williamsburg in 1705 (Hening, III. 425).

In Liber XII, York county, 1703-4, among purchasers at the sale of the effects of Wm. White, junr., were William Spencer and Hugh Norvell (Robert Harrison security).

In 1704, Hugh "Norrell" is on the quit rent roll of James City Co. for 328 acres.

In 1705, his wife died, for the Bruton parish register records the death of "Sara wife of Captain Hugh Howell" (*sic*).

He was a juror at the trial of the Tuscarora Indians in 1710 (Journal of the House of Burgesses). In the same year he is noted on the records of the House as a petitioner.

In 1710 he was a witness to the will of Robert Harrison whose sister Amedea had married James Minge of Charles City county, thus being allied to the Baskerville and Norvell families.

Hugh Norvell and Mungo Inglis at about this time were feoffees of lots in Williamsburg (York county Liber XIII).

In Liber XIV, York, 1714-1715, there is note of the fact that Hugh Norvell the younger was paid 40 pounds of tobacco for one day's evidence in the suit of Hugh Norvell, senior, against Gabriel Maupin (tailor). In the same book is recorded the petition of Hugh Norvell, senior, against James Morris, carpenter, for not properly instructing Hugh Nowell, junior, and the consequent transfer of the latter's apprenticeship to Henry Cary. This young apprentice may be the individual whose will, dated October 10, 1759, is recorded in Lunenburg county, mentioning daughters Elizabeth Sandford, and Mary Norvell, and "beloved wife Mary," providing, however, that at her death his estate be sold "and the money arising therefrom to be equally divided between the rest of my five children, provided always that my said wife Mary may not waste or imbezell any of the money arising from my estate." His admiration for Mary was tempered by discretion!

Captain Hugh Norvell died in 1719 (Bruton parish register). That he had several children is certain. Elizabeth and Hugh have been already mentioned. A George Norvell of Bruton parish, whose daughter Sarah (born 1730) is mentioned in the William and Mary Quarterly, 2nd series, X. 180, as having married Jeffrey Robertson, may have been another son.

Sarah, a daughter of Captain Hugh Nowell married George Baskerville of York county, and their issue are mentioned in an earlier chapter of this work dealing with the children and grandchildren of Nowell Burton in Mecklenburg county. An interesting article on the Baskerville—Minge—Norvell connection in York county is found in *William and Mary Quarterly*, XVII, at page 227.

William Norvell, president of the Virginia Convention in 1775, an event so graphically described by Hugh Blair Grigsby, is said to have been the grandson of Captain Hugh Norvell. Either from Captain Hugh, or from Mrs. Lydia Nowell, whom we shall next discuss, are probably descended the Nowells found in the next generations in almost all the counties watered by the James river and the Chickahominy.

*John Nowell of James City and Charles City, and Lydia Nowell*

On August 26, 1635, a "Jon. Nowells" was among the headrights of Captain Frances Epes in a patent for 1700 acres in Charles City County at City Point, about five miles from Cobbs. There was also a John Nowell in the muster at Mulberry Island in 1624, who came to Virginia in the *Margaret and John* (1622?).

Whether either of these was the individual of whom we now write is uncertain. It seems probable that the references in the two following items from the Surrey County records do refer to this John Nowell:

"I Jno Newell an Attor of Joseph Beaman of London Mcht doe hereby appoint my Loveinge ffriend Mr. Wm. Marriott to be in my stead & place for the sd. Beaman . . . . . allowe the sd. Marriott sallary . . . . after the rate of twelve P Cent." 14th May 1658. Signed: Jno. Newell. Witn: Rich. (X) Jarratt.

[N. B. Captain William Marriott married *ante* May 10, 1660, Mrs. Susanna Swann, daughter of Colonel Thomas Swann of the Council.]

"Received this 10th of Dec. 1662, of John Clements 380 p. Tobs & Cask it being part of a bill to ye sd. Clements & Thomas . . . . . due to be paid to Mr. Jno. Newell." Signed: Rich: Newell. Witn: Antho. Spiltimber.

We reach firm foundations, however, in the entry in the one surviving Charles City County book as follows:—

"I, John Nowell . . . . . appoint my loving friend Mr. Stephen Hamelin & my loving wife Lidia Nowell to be my . . . . . lawfull Attornies . . . . . in all my affairs whatsoever . . . . . 5 (?) March 1660

Mary's Mount." Signed: John Nowell. Test: Francis (X) Dancy, Edw. (X) Gely. Recorded June 3, 1665.

This Stephen Hamlin came from York County and patented lands in Charles City; in 1654 he was burgess for that part of Charles City later known as Prince George County (Tyler's Cyclopaedia I. 250).

It has been believed that Mrs. Lydia Nowell was related to William Frye, who acquired tracts of land in James City County in 1643, 1653, 1655 and 1656, which were granted to Mrs. Lydia Nowell in 1690 in one tract, and re-patented by her (1752 acres) in 1693. However, these lands seem to have passed entirely out of the Frye family when they escheated for lack of an heir to Joseph, the son of William Frye, and their acquisition by Mrs. Nowell was evidently not by reason of any blood relationship with the previous owners.

This William Frye seems to have come to James City County before 1635 from Crewkerne in Co. Somerset, England (Va. Mag. XXVII. 301).

As we have just suggested, Lydia Nowell could hardly have been an heir of William Frye, but the tradition of relationship seems to be made more possible by the following reference in Virginia Land Book VII at page 95:—

".... unto Thomas Bobby ..... 500 acres ..... West side of Chickahominy river in the County of James City ..... S. W. upon the Land of Humphrey England. N. W. upon the land of Thomas Worden, and east upon the River, the said land being formerly granted unto William frye by Pattent dated the 29th of August 1643 and by Lydia Noell and Elizabeth Jones by deed dated the 7th August 1680, assigned to the said Thomas Bobby ..... dated 3rd April 1681."

This Elizabeth Jones was, no doubt, the sister of Lydia.

Land Book VIII on pages 65 and 66 records other references to these tracts of land, noting how they descended from William Frye to his son, Joseph; and upon the latter's death "without will or heir," they escheated.

Mrs. Lydia Nowell, who defied Virginia tradition by remaining a widow, was, we believe, the daughter of Nicholas Perkins of Charles City, who died about 1654. His widow Mary Perkins thereafter married Dr Richard Parker of Charles City and later Henrico Counties. Two of the sons of John<sup>I</sup> Burton of Longfield married into this family; William<sup>I</sup> Burton of the "Level" married Mary Parker in 1688, and Robert<sup>I</sup> Burton married Mary the daughter of John Nowell the merchant of Charles City and of Lydia [Perkins] his wife.

The following abstracts from the records of Charles City and Henrico give the basis for our conclusions just stated:

Charles City County Records 1655-65. page 62: "This present writing witnesseth that I Richard Parker do freely give consent to and with Mary Perkins that she shall make over unto herselfe all the estate of her late decd. husband left her as by his will doth app[ear]e both here & in Englonde, and further I do enjoyn myself to bring her children up to Larning, to ye true intent and meaning hereof. I the sd. Richd. Parker hereunto sett my hand dated this last day of July 1656." (Signed) Richd. Parker. Test: Richard Delabree.

*Ibid*, page 87. February 4, 1656(-7). "Whereas I Richard Parker chirurgeon, did fully agree to the signing, sealing, delivery . . . . estate belonging to my now wife Mary Parker, for divers good causes . . . ."

*Ibid*, page 232, in a deposition made April 3, 1660, Richard Parker gave his age as thirty-one.

*Ibid*, page 159. October 1658: "I Richard Parker having exchanged one Cowe called Rose which belongeth to Elizabeth ye orphan of Nicholas Perkins dec'd; also unto Lydia Perkins, one heyfer of about two yeares & a half old named Coal." Tes: Wm. Fisher.

*Ibid*, page 498: "Upon petition and request of Nicholas Perkins orphan for his release to the Cort the Cort hath appointed Richd. Parker to be . . . . guardian of the sd. Nicholas Perkins & his estate which the sd. Nicholas Perkins being of yeares of seaventeene doth wholly intrust to his sd. guardian."

*Ibid*, page 499. September 15, 1665: "To the Worsipfull ye Com-miss<sup>rs</sup> of Charles City Com: The petition of Elizabeth Perkins Humbly presented That my father in Lawe [stepfather] Rich<sup>d</sup>. Parker did according to Act putt in Security for ye delivery of my estate . . . . it is that I am now 21 yeares of age & desire to be possess-ed w<sup>th</sup> what belongeth to me, it is ready for me if yo<sup>r</sup> Wo<sup>sh</sup>hipps be pleased to give ord<sup>r</sup> for ye delivery & I shall forthw<sup>th</sup> discharge yo<sup>r</sup> Worshipp from [illegible] estate."

Test: Ho. Pryse. (Signed) Elizabeth (x) Perkins.

One might comment in passing that Dr Richard Parker had not fulfilled his promise of nine years previous, to bring his stepchildren up to "Larning," since Elizabeth, aged 21, could not yet sign her own name. Richard Parker had meanwhile moved to Four Mile Creek in Henrico County, as a separate memorandum on the Parker family will show



hereafter. It was thus necessary for the Charles City Court, in response to the petition of Elizabeth Perkins to make the following entry:—

“The Clarke is appointed to request ye Cort of Henrico to take security of Rich<sup>d</sup>. Parker for ye estate & educa<sup>o</sup>n of the two youngest children of Nicholas Perkins decd. and satisfie the security is taken to the Cort whereby they may be discharged from the sd. estate.”

It thus appears that when they moved to the head of Four Mile Creek to patent 350 acres there in 1669 (Va. Mag. V. 445) the eminent physician Dr Richard Parker who gave up the competition with two other members of his own profession at that time practising in Charles City, brought with him, besides his children by a former marriage, three little Perkins mouths to feed, viz., Elizabeth, born 1644, Nicholas, born 1647, and a third, name unknown. Lydia, who was probably the eldest, was born about 1642, and to her we ascribe not only the role of wife to John Nowell, merchant of Charles City, but also a long subsequent career, lasting at least until 1693, as a wealthy landowner, entered on the records as Mrs. Lydia Nowell. Of this assumption no positive proof is at hand; the evidence is only circumstantial. The Perkins were inextricably involved in the affairs of the Henrico Burtons, and Nowell<sup>I</sup> Burton started his career as a landowner in a nest of Perkins and Parkers. Nicholas Perkins the first had already in 1650 patented 170 acres in Bermuda Hundred, Henrico County, “beginning at a marked oake in Coles his swamp”—Coles Run was a landmark in the patent of John Burton in 1665. Among the headrights of this Nicholas Perkins was Mary Perkins, presumably his wife—the later Mrs. Richard Parker.

Leaving, now, the Parkers for a later and complementary memorandum, there follow the few remaining items concerning John Nowell the merchant in the one old surviving Charles City County record; covering the decade 1655–65, at pages 484 and 531, on February 4 and June 3, 1664—both recording debts due to Nowell. Thereafter we know Mrs. Lydia Nowell only as a widow of record. That this couple left descendants in Prince George County appears probable from an entry in the records of that county for June 5, 1760, where an indenture between John Hamilton and William Wallace was witnessed by Edward Newell, Benjamin Woodward and Lydia Newell.

Our interest, however, centres in the power of attorney of which an abstract is given a few pages back. We have already proposed the theory that Lydia Perkins, then about 17 years of age, had married John Nowell—probably in 1658. It is, however, the mention of Mary’s

Mount as the place at which the power of attorney was executed by John Nowell, which summons from the misty past more fascinating speculations. Mary's Mount was in Warwick County opposite the shore of Isle of Wight County. Governor Samuel Mathews named his place Mary's Mount also.

The surviving Whitakers of Warwick County in the middle of that century were of the same stock as William the "Apostle to Virginia" (Va. Mag. XI. p. 147), and were descended from Elizabeth the sister of Alexander Nowell, the Dean of St. Pauls, London, whose long life covered almost exactly the whole sixteenth century. Without entrenching upon the Dictionary of National Biography, it is sufficient to say that both Dean Nowell and his nephew William Whitaker were among the most distinguished scholars of their age, and that the Whitakers of Warwick and James City Counties, Virginia, were not only definitely of this line, but illustrated its virtues. It may be an effort of the imagination, but we like to believe that the John Nowell who executed in 1660 the power of attorney at Mary's Mount to his wife Lydia was of this Nowell family, and was the grandfather of Nowell Burton. To him, by this time, the matter is of no importance. By 1665 he had disappeared from the records, and, we presume, from all other questionnaires, such as those which to-day poison mundane existence.

## APPENDIX III

### *The Parker Family in Henrico*

The marriage in 1688 of William, son of John<sup>1</sup> Burton of Longfield with Mary Parker, noted in Moore's History of Henrico Parish, introduces us to an interesting family connection.

Members of this family are found both in the records of Charles City and Henrico. In 1632 a Thomas Parker was a landowner at "Varinas;" in 1635 a patent was issued to Elizabeth Parker, widow, for 200 acres in Varina "between the land granted to William Dawkes and the glebe land, and abutting on the Longfield and other land now in the occupation of said Elizabeth Parker;" due 100 acres in right of her first husband William Sharpe who was an ancient planter in the time of Sir Thomas Dale, &c. (Va. Mag. V. 343).

It seems probable, however, that the Mary Parker who married William Burton was the granddaughter of Dr Richard Parker who in 1669 obtained a patent for 350 acres on the head of Four Mile Creek. He had come from Charles City county, where there were two other physicians in the field. The following items concerning him are found in Charles City records:—page 62,

"This prent writing witnesseth that I Richard Parker do freely give concent to & with Mary Perkins that she shall make over unto herself all the estate of her late dec'd husband left her as by his will doth app(ear) both here and in England etc, etc." July 31, 1656.

In the following February an entry on page 87 shows that "Richard Parker chirurgion" was already married to the widow Perkins. An entry on page 498 shows that by September 4th 1664, Richard Parker was then living in Henrico. In a deposition made by him on April 3, 1660, Richard Parker gave his age as thirty one. This would make him 27 at the time of his marriage to the widow Perkins; he was then a widower with several children as will appear in the interesting article entitled "Parkers of Browsholme, Yorkshire" quoted at some length from Virginia Magazine of History V. page 442, and given at the end of this appendix. One of these children was probably the William Parker who was the father of Mary.

Apparently after the death of this William Parker, his widow launched on a second matrimonial venture, for in the Henrico records under the

date of August 1, 1683, John Milner made a deed of gift of "one Indian girl" to his wife's daughter Mary Parker, "for love and affection." The witnesses were Peter Field and Edward (×) Hatcher. In the following year, on October 1, 1684, a second entry confirms this theory, for "upon the petition of Katherine Milner Relict & Admx of John Milner decd shewing that there is inventoried & apprized as a part of ye sd deced' estate severall . . . belong to ye orphans of Will Parker dec'd." In 1686 the will of Mrs. Katherine Isham in Henrico mentioned her "friend Mary Parker."

William, Richard and Thomas Parker, presumably brothers or half-brothers of Mary, figure in the Henrico records toward the end of the century. In 1696 William Parker was sued twice by the rich merchant John Woodson, first for taking a canoe and next for making off with a horse. Parker won the first and lost the second suit. Evidently the merchants were not the only acquisitive men in Henrico. Richard Parker (Jr.) is mentioned in Bruce's "Social History of Virginia" as racing his horses on the Varina course from 1682 to 1701—several times in matches against a noted horse belonging to Edward Hatcher.

In 1705 William Parker paid quit rents in Henrico on 100 acres while at the same time two Parkers who had remained in Charles City county, Thomas and James, owned 1667 acres and 160 acres respectively.

Richard Parker (Jr.) had a wife Elizabeth in 1696 and Thomas Parker, (presumably his brother) married Mary the relict of Thomas Welles.

This memorandum may conclude with the following article on the Parkers in England, which gives a quaint and satisfactory background to this family before their frontier days in Henrico:—

#### Parkers of Browsholme, Yorkshire, England

(Va. Mag. V. p. 442)

The following extract from an old common-place book at Browsholme, the old home of the Parker family in Yorkshire, may interest some of that name now in Virginia:

"September ye 1st, 1673, Will Parker, Arch Deacon of Cornwall & Justice of Peace of ye same county, was second brother of Tho. Parker of Browsholme, Esq'r, who went from Browsh. into Cornwall about ye yeare 1580, whoe he married it is not knowne, but her Christian name was Joane, and was a mighty thrifty provident woman, and ye said Will had two sonnes, James and Will, and his house is called Traugoe in ye parish of Wartegin, in Cornwall, and about

sixteen miles of Launston, ye size two towne of ye said county. James, his eldest sonne, was married to Katterren, eldest daughter of Sir Richard Buller, of Shillingham, in ye said county, her porcon was £2500, ye s'd Buller beinge a man of £7000 p. annum; Will ye younger brother, Parson of Stoacke in Cornwall, ye parsonage beinge worth £300 p. an., and who was never married.

James had by ye said Katterren Buller 21 children, viz:—

Katterren, ye eldest died young.

Alice, ye 2nd, married Mr. Smith, a Lawyer of Linneowe in S'nt Niot p'ish, had issue two daughters.

Will Parker ye 3rd child, was married to Major Syks daughter, and had in porcon £2500, and issue 15 children, viz: Will., Robt., the rest are daughters, and is yet a child bearing woman, ye said Will doth live in Tregrite in St. Maybias parrish in ye said county, being 7 miles from Treugoe, his father's home; there hath been sutes betwixt his father and him which hath impared the estate.

Katterren, ye 4th child of ye above James, died about 7 yeares of age.

Robt., ye 5th child, was a prentice in London, and died within halfe a yeare yt he came from his prenteship.

James, ye 6th child, Captain of a foote Company, died about 35 yeares of age.

Cordelia, ye 7th child, was married to Mr. Father, Parson of Stoacks in Cornwall, and issue three children.

Anthony, ye 8th child, died young.

Rich'd, ye 9th child, Dr of Physicke, went into Virginy, married a Londoner & had issue six children. Liveth upon S'nt James river in ye uplands of Virginy & hath been High Sherife of ye s'd county.

Mary, ye 10th, married Mr. Lower, of Biefindte in ye parrish of Wartegin in s'd county.

Francis, ye 11th, was prentice in London to Mr. Threvenhir, a Lininge Draper in Cheapside; served about four years of his time & then went into Portingall. Soe came back and is at present a Corporal to Colonel Sulker in ye Duke of York's Regiment of foote and is Clarke of ye said Company (added in a later hand); afterwards slayne in ye Engagement betwixt ye Dutch and us, haveinge both his legs shott of upon w'ch he immediately died.

Jane, ye 12, a maid, and lives with her father at Traugoe.

George, ye 13, prentice to a wollings draper at Hunginton 12 myles of Exeter; went from there into Virginy.

Eliz., ye 14, died about 14 yeares of age.

Jo., ye 15, Master of Arts at Oxf'd and Minister of Milo in Cornwall; married ye widow of Justice Trevenhir and had issue by her one sonne.

Joan, ye 16, married Mr. Nicolls, Minister of Larrick in Cornwall; had issue 2 daug.

The 17, still borne.

The 18 & 19, died unchristened.

Rowland, ye 20th, is a Corporal in Prince Ruperd's Regiment of Dragonnes; Sir Jo. Tabot is Lieutenant Colonell, James Walker his Captain, now quartered at Hull, who gave this information at Browsholme, 1673, Sept. ye 1st.

Katterren, ye 21st, married to one Mr. Bray, a Shopkeeper in London at ye Signe of ye Cap in hand at ye back syde of S'nt Clemans, and hath issue one daughter. Since removed to ye Maypole in ye Strand."

## APPENDIX IV

### *Memorandum on the Family of John Cobbs of Goochland and Buckingham counties, Virginia*

The information upon which this memorandum is based came from Mr. William B. Marye of Baltimore, who has made an exhaustive study of the early generations of the Cobbs family, and has very kindly given the compiler of these notes permission to make use of the results of his studies. Our interest in the Cobbs lies chiefly in the fact that Captain William Burton of Albemarle county married Rebecca, the daughter of John Cobbs, who thus became the mother of Jesse Burton of Lynchburg.

The chief sources of the material gathered by Mr. Marye were as follows: (1) Researches in the records of York, Goochland and Albemarle counties, Virginia; (2) William & Mary Quarterly XIX, 51; (3) The Lewis Genealogy; (4) Rootes Genealogy in Virginia Historical Magazine IV, 337; (5) and the Douglas register. In the following memorandum taken from Mr. Marye's (unpublished) article on the Cobbs family, citations of authority for statements made are not given unless they seem to the compiler to deal with debatable questions; for the conclusions reached, the full responsibility lies with the present writer.

The line of descent of John Cobbs of Goochland and Buckingham was from Ambrose Cobbs<sup>(1)</sup> of York county; Robert Cobbs<sup>(2)</sup> of York county; Robert Cobbs<sup>(3)</sup> of York county to John Cobbs the subject of this sketch. A brief mention will now be made of the careers, so far as known, of these individuals.

#### *Ambrose Cobbs<sup>(1)</sup>*

Ambrose Cobbs, the immigrant, was granted on July 25, 1639, 350 acres on the Appomattox river, in the then county of Henrico, for the transportation of himself, Anne his wife, Margaret his daughter, Robert his son, Richard Barker, Hugh Barker and Thomas Harvey. This was the estate thereafter known as "Cobbs" to which many references appear in the preceding narrative. He had, in addition to the children born in England and mentioned as his "headrights," sons Thomas, Ambrose and possibly William. He died before May 1, 1656.

*Robert Cobbs (2)*

He was the son of Ambrose the immigrant; was born in England in 1627 and died in York county, Virginia, December 29, 1682. He lived on Queen's Creek, (York County) and in 1658, was churchwarden of the parish, and vestryman as late as 1674. A near neighbor in 1669 was Richard Thorpe. In 1661 John Woods executed a power of attorney to "his well-beloved friend Robert Cobbs." He was appointed Justice of the Peace of York county, March 23, 1676-7 and served in that capacity until 1682 when he was appointed High Sheriff of York. In that same year he died. He married Elizabeth (Thorpe?) who died October 7, 1684, aged 50 years. In 1655 Robert Wilkinson of York county made his will in which he directed that Robert Cobbs was to have charge of his children. Robert Cobbs (2) was evidently a man of consequence in York county; he was a friend of Colonel Daniel Parkes, and was an executor of his will in 1679-80. Robert Cobbs and Elizabeth his wife had issue: 1. Edmond Cobbs; 2. Ambrose Cobbs, who died 1718 leaving several sons including one John; 3. Robert Cobbs, 3rd son, of whom later. 4. Otho Cobbs. The unusual name of Otho may have come from the Thorpe family for Captain Otho Thorpe, a J.P. together with Robert Cobbs in 1677 was later one of the appraisers of Robert's estate. It is for these reasons that we have suggested Thorpe as the maiden name of Elizabeth, the wife of Robert. When this Elizabeth Cobbs died in 1685, Mr. Thomas Thorpe and Mr. Thomas Cobbs went security for the administration of her estate. 5. A fifth child of Robert and Elizabeth Cobbs was a daughter who married William Kerle.

*Robert Cobbs (3)*

Was generally styled Robert Cobbs, Jr., to distinguish him from his father, and in later life generally designated as "Sr.", for he had a nephew of the same name. He was the third son of Robert and Elizabeth Cobbs of York county. He inherited no land. He was a legatee under the will of his brother, Edmond Cobbs in 1690-1, and was a beneficiary of the will of his uncle Thomas Cobbs in 1702. In 1693-4 he was a constable of the upper precincts of Bruton parish; he lived on Queens Creek in that precinct. In 1695 he was one of the securities for "Mr. Abraham Vinckler guardian to William Jones orphan of Rowland Jones, clerk." In 1696 Matthew Jeffreys deeded as a gift to "Robert Cobbs of Bruton



parish, York county, planter, . . . 50 acres . . . at the head of Queens Creek beginning at ye old mill and so running up a little swamp . . . ending at a field now of late known as Silvester Tutnam's field." Otho Cobbs witnessed this deed. In the Quit Rent Roll for York in 1704, Robert Cobbs is credited with 100 acres. In 1721 he sold 45 acres of his plantation, and the other 55 acres were sold on January 13, 1727-8 by Vinckler Cobbs and John Cobbs, "executors of the will of Robert Cobbs late of York county, senior, deceased." The will of Robert Cobbs<sup>(3)</sup> dated July 27, 1727, and proved September 18, 1727, made his two sons, Vinckler Cobbs and John Cobbs his executors, and directed them to sell his plantation, which, as we have seen, was done within four months of the probate of the will. His remaining 55 acres realized the sum of £35. The wife of Robert Cobbs was undoubtedly Rebecca, the daughter of Abraham Vinckler of James City, of which county the boundary line with York was only a few miles from Queens Creek. Abraham Vinckler came to Virginia before the year 1673, and was naturalized on April 25, 1679. His wife, Lydia Vinckler was probably a relative of the family of the Rev. Rowland Jones, the first Rector of Bruton parish. Robert Cobbs had a daughter Lydia who died in 1712. A nephew of Robert Cobbs, generally designated "Robert Cobbs, Jr.," also had a first wife named Rebecca, the daughter of William Pinkethman of York county. Robert Cobbs, Jr., left no male issue. He was a vestryman of Bruton parish, and died in 1725.

Robert Cobbs<sup>(3)</sup> and his wife Rebecca (Vinckler) had (besides other children of whom the names are unknown) three sons: 1. John Cobbs<sup>4</sup>, Thomas Cobbs<sup>4</sup> and Vinckler Cobbs<sup>4</sup>. This John Cobbs<sup>4</sup> was, we feel convinced, John Cobbs of Goochland and Buckingham. His brother Vinckler Cobbs<sup>4</sup> resided in Hanover county, where he is mentioned in the records as a landowner as early as 1727. He seems to have lived until nearly 1757 and in 1763 the processioners of Hanover mention the lands of "Vinckler Cobbs' orphans." His wife was named Judith—she may have been a Meriweather; it is not improbable that Samuel Cobbs of Louisa county (d. 1758) was one of his four sons. Thomas Cobbs<sup>4</sup> was probably the one of that name who died in Albemarle county where his will was proved in 1761, leaving children Charles, Thomas and Mary.

Down to this point in the pedigree, the authorities cited at the heading of this memorandum are in substantial agreement. The records of York county are practically intact from early days. It is when the next generation of Cobbs men left the family nest on Queens Creek and joined in the migration up country that direct proof of their derivation from

the stock in York county fails. There were Cobbs beginning with the end of the second decade of the eighteenth century in Hanover, Amelia, Louisa and Goochland, Albemarle, Buckingham and later in Campbell counties. That many, if not all of these, were closely related, seems to be accepted by a consensus of opinion. The authorities generally are satisfied that they came from York county. That John Cobbs of Goochland and Buckingham did so, we are convinced, but evidence of this fact rests upon family names and associations. The arguments in support of this view and as to the identity of the father and mother of this John Cobbs will now be given in direct quotations from the article and letters of Mr. William B. Marye.

“There seems to be little, if any, reasonable doubt that Robert Cobbs<sup>3</sup>, married Rebecca Vinckler, a daughter of Abraham Vinckler, of James City county. We have already shown that Robert Cobbs went bond for Abraham Vinckler in 1695. Robert Cobbs had a wife Rebecca in 1704. Rebecca Cobbs witnessed a deed from John Walker to his daughter Judith dated Nov. 16, 1723, and recorded in York county. Robert Cobbs had a son named Vinckler (or Vinkler). The wife of Abraham Vinckler was named Lydia. Robert Cobbs had a daughter named Lydia. No other person named Vinckler is known to have lived in Virginia in the time of Robert Cobbs and Abraham Vinckler. James City county, where Abraham Vinckler lived, and York county, where Robert Cobbs lived, adjoined each other (n. b. the headwaters of Queen’s Creek were very near Williamsburg). Both Cobbs and Vinckler attended the same church . . . My belief is that our John Cobbs (of Goochland and Buckingham) came of the York county family, and it is pretty certain that he was one of two persons. Ambrose Cobbs (d. 1718) and his brother Robert Cobbs<sup>3</sup> Jr., (d. 1727) both of York county each had a son named John (each also had a son Thomas). Consideration, of course, must be given the fact that we do not know the names of the children of Otho Cobbs, brother of Ambrose and Robert, and of Wm Cobbs (d. 1705) first cousin of these three. Assuming that our John Cobbs was one of these two Johns, we raise the question which one he was. I think it is more likely that he was the son of Robert Cobbs. This Robert had a wife Rebecca in 1704. Strong circumstantial evidence leads to the conclusion that she was Rebecca Vinckler, the daughter of Abraham Vinckler, gent, of James City county. It is true that Robert Cobbs, the younger, a son of Ambrose Cobbs, had a first wife named Rebecca, but their marriage, on good evidence, took place in 1712. Now our John Cobbs had a daughter

named Rebecca, from whom we are descended. Another reason is this: I find no certain mention of John Cobbs, son of Ambrose, after 1718; but John Cobbs son of Robert, acted as one of the executors of his father's estate in 1727. In 1731 our John Cobbs appears as a resident of Goochland county. . . . It is recorded in the York county records that the will of William Pinketham was proved February 16, 1712, by William Eaton and Sarah his wife and Rebecca Pinketham, executors. . . Rebecca Pinketham afterwards (Feb. 29, 1712-13) married Robert Cobbs as his first wife; she died in 1715 leaving two daughters Elizabeth and Rebecca Cobbs. The second wife of this Robert Cobbs was Elizabeth, daughter of Daniel Allen; after the death of Robert his widow Elizabeth married Samuel Weldon (Va. Mag. Hist. XIII p. 196)" . . . "From the foregoing records it is apparent that the Robert Cobbs of York county who had wife Rebecca in 1704 could not have been the Robert Cobbs, Jr., who married his first wife, Rebecca Pinketham after 1712. They had a daughter Rebecca who was too young to have been the one who witnessed the deed of 1723, since she was only eight years old at the time. The only Robert Cobbs who could have been the husband of Rebecca Cobbs in 1704 was the Robert who died in 1727. It must have been his wife who signed the deed of 1723 and she died between that date and 1727, as no mention is made of her in Robert's will."

"As there seems to be good reason to believe that John Cobbs of Goochland, Albemarle and Buckingham counties was identical either with Ambrose Cobbs' son John or with Robert Cobbs' son John (see above) the fact that Ambrose makes no mention of Rebecca in his will but that Robert had a wife Rebecca (Vinckler) makes it seem the more likely that John of Albemarle, etc., was the son of Robert and Rebecca (Vinckler) Cobbs. It is known that he (John) had a daughter Rebecca Cobbs. She married first Captain William Burton of Albemarle and second Michael Thomas."

The following facts concerning John Cobbs are abstracted from Mr. Marye's notes. While it is not definitely proved that the first two items refer to the same individual as do those which follow, it seems quite probable that it is the same John Cobbs.

*John Cobbs in York county records*

Mention has already been made of the fact that on September 18th 1727, John Cobbs and his brother Vinckler, as executors, proved their

father's will. The only other reference to John in these records is on January 19 and February 16, 1735, in a suit by Edward Jacqueline against John Cobbs and James Shields. On July 17, 1732, the grand jury of York county made a presentment against Susanna Cobbs, which was dismissed. If this was Susanna, the wife of John Cobbs, it indicates that she came from this county.

*John Cobbs in Hanover county records*

The vestry book of St. Paul's parish contains a record in the processioning of 1731 to the effect that the lands of John Cobbs were not reviewed "because said Cobbs did not appear." In 1739, however, his lands were processioned. It will be remembered that his brother Vinckler Cobbs was during that period a resident of Hanover county.

*John Cobbs of Goochland and of Buckingham counties*

Goochland order book No. 1., Sept. court 1731—Rev. James Marye presented Dudley Digges, John Cobb and others for breaking the windows of the church of St. James, Northam.

Deed dated May 19, 1735, from John Cobbs of Goochland county (Va. Mag. XXIV. 199).

Grants to John Cobbs in 1734 for two tracts of 400 acres each in Goochland county (Va. county records VII. 28).

Grant to John Cobbs, September 25, 1746, 400 acres in Goochland "on the south branch of Crookes Creek in the fork of James river, beginning at a bounded pine of Dudley Digge's, gent." Mention of the land of George Payne, Jr. (Va. Land Grants, Liber XXIV, p. 475).

In his will dated May 25, 1747, William Walton of the parish of St. James, Northam, Goochland, appointed his wife, John Cobbs and George Walton, executors. Testator mentions eldest son William; younger son Jesse; eldest daughter Susanna; son William under age; daughters—Mary, Anne, Louisa and Frances. He disposed of 2520 acres of land, of which part lay in Goochland and part in Albemarle.

On April 21, 1748, John Cobbs of Goochland purchased of Ashford Hughes of the same, for £50, 200 acres on the north side of James river adjoining Major Bowler Cocke. Thomas Cobbs (his brother) was a witness.

Grant to John Cobbs, August 20, 1748, of 400 acres in Albemarle county on both sides of Crooks Creek. Mention of the land of George Payne (Liber XXVI, p. 676). [Crooke's Creek flows into the Fluvanna (James) just above the forks of the Rivanna].

Grant to John Cobbs, December 1, 1748, 115 acres in Albemarle county on both sides of Cary Creek of Rivanna river, beginning at a pine of Benjamin Woodson's (Liber XVII, p. 11). (The headwaters of Cary's Creek and of Crooke's Creek are close together).

Deed recorded in Albemarle county, February 12, 1750, from James Nevil of Albemarle to John Cobbs of Goochland, 500 acres on the south side of Fluvanna river (James) at the mouth of Watkin's Creek (Albemarle Deeds Liber I. 208). The authors of "Lewis and kindred Families" state that John Cobbs lived on this land, which fell in Buckingham, when that county was created.

John Cobbs, gent, Justice of the Peace of Goochland county 1751 and 1752 (Goochland Order Book V. 71. 121).

Indenture November 24, 1766 between James Nevil, Cornelius Thomas, James Brown, George Hilton and Bethenia his wife, of the county of Amherst, Henry Hopson and Martha his wife, John Hughes and Judith his wife, of the county of Cumberland, of the one part, to John Cobbs of the county of Buckingham, of the other part . . . 200 pounds . . . 1850 acres, the greater part lying and being in the county of Cumberland and the residue in the county of Buckingham, being a tract formerly granted to James Nevil, deceased, "and by his last will given to the above said parties." This land bounded on the land of John Cobbs, 165 poles, on the land of James Daniel, crossed Watkin's Creek, and bounded on the lands of Richard Taylor and of Philip Mayo (Cumberland Deeds IV, 119).

"Evidently this land adjoined the 500 acres acquired by John Cobbs of James Nevil in 1750, which lay on Watkin's Creek. This purchase made John Cobbs' holdings 2350 acres in all, if none of the 500 acres had been sold and nothing more acquired before 1766. We may be reasonably sure that this was the land on which John Cobbs spent the latter part of his life. He died before 1776 (will of William Burton). In the Douglas register are the following entries: "Mrs. Cobbs funeral, March 12, 1772. Mrs. Cobbs funeral sermon in Buckingham, March 13, 1772."

"John Cobbs and Susanna his wife had issue:

1. Colonel John Cobbs of Georgia.
2. Rebecca, who married (1st) William Burton and (2nd) Michael Thomas.

3. Jesse Cobbs? In the D.A.R. Lineage Book (LI. p. 100) is the record of Jesse Cobbs (1730—1807) a member of the constitutional Convention of N. C. 1776 and of the Assembly, 1778. Commissary 1st Battalion of Volunteers 1778. He was born in Virginia and died in Kingston, North Carolina.”

Colonel John Cobbs, son of the subject of this memorandum, was in North Carolina in 1769, in which year, in Granville county his contract was entered to marry Mildred Lewis, daughter of Howell Lewis of Albemarle county, Virginia. He went to Georgia before 1784 and in 1791 made a deed of gift describing himself as “of Columbia county” in that state. In 1784 we find him described in the tax books of Goochland, Virginia, as “John Cobbs of Georgia.” His son John Addison Cobbs (1783—1855) was the father of U. S. Senator Howell Cobbs.

As there exists a difference of opinion between the authorities on the parentage of Col. John Cobbs of Georgia, the following quotation from Mr. Marye is presented:

“The authors of ‘Lewis and Kindred Families’ are certain that the John Cobbs who married Mildred Lewis was the brother of Samuel and of Edmond Cobbs (of Louisa county). I am by no means sure that they are right. It is practically certain that John Cobbs of Goochland and of Buckingham had a son John who was living in Georgia in 1791. It seems possible, if not probable, that this John was the one who married Mildred Lewis; but I do not believe that Samuel and Edmond were his brothers. Attention is here called to the fact that Col. John Cobbs of Georgia had a son John Addison Cobbs; Jesse Burton of Campbell county, son of Rebecca the sister of Col. John Cobbs had a grandson (a Harrison) who assumed the middle name of Addison; Dr Robert Burton of Albemarle and Buckingham counties, a son of Jesse Burton, had a son named Addison Burton; William Burton of Amherst and Bedford counties, the brother of Jesse Burton had, among others, sons named Addison, Howell and Edmond Burton.”

The name Addison appears in the Cobbs-Burton family for the first time with John Addison Cobbs who was born in 1783. We have no knowledge as to the origin of this name; but since we are uncertain as to the maiden surname of Susanna, the wife of John Cobbs of Goochland and Buckingham, one may conjecture that it came from her family.

Mr. Marye’s notes cover exhaustively all known members of this Cobbs family in Virginia in the eighteenth century. A few only of his interesting pages on the widely-spread Cobbs family have been

incorporated in this memorandum,—only those, in fact, which bear directly upon the subject of the ancestry of Jesse Burton of Lynchburg.

For the “sake of the record” the following additional quotations from Mr. Marye’s notes are added:

1. “I have seen pretty good evidence that the Walton family, to which I believe our John Cobbs was related, originally settled in New Kent county. In the register of St. Peter’s Parish, New Kent, I find the names of William, George, Thomas and Robert Walton. These were the names of the Goochland county Waltons. I find, moreover, that a Joseph Walton of New Kent had a son named Jesse. My theory is that John Cobbs, on leaving York county, first settled in Hanover, a county carved out of New Kent. Perhaps William Walton’s wife, Susanna, was a Cobbs, or perhaps John Cobb’s wife, Susanna was related to the Waltons. You will see that I found Susanna Cobbs in York county. You will observe in these notes the occurrence of the names of Perkins and Coleman. From the Douglas register I have ascertained that Richard Perkins and his wife Susanna Coleman had a son Richard who was born Nov. 30, 1756, and other children born later. Betsie Coleman and Howell Lewis were married in Goochland May 3, 1780. Mary Perkins and James Crawford were married in Goochland Nov. 27, 1753. Susanna Coleman and Richard Clayton had a child born July 14, 1766.”

2. “There is recorded in Bedford county a power of attorney, dated 1791, from Jesse Burton of Campbell county, to George Hancock of Botetourt County, Va., authorizing him to collect a debt due from Colonel John Cobbs of the State of Georgia to the legatees of William Burton, deceased, by bond dated 1786, which said bond was taken in the name of Jesse Burton and Robert Burton, executors of said William Burton. Evidently the Chancery Suit was settled between 1783 and 1786. In his will Captain William Burton directs his executors to renew the suit against the executors of John Cobbs deceased. . .” The chancery suit mentioned was in reference to a marriage bond; a more extended description of this suit is contained in the main narrative.





## APPENDIX V

### *Burton Land Records in Mecklenburg County, Va.*

In the foregoing chronicle of the Burton families of the James River region, no effort has been made, except in the instance of the line of Jesse Burton of Lynchburg, to carry the story further than the time of the birth of the American Republic. Frequent mention has been made, however, of the migration of descendants of both Thomas and John Burton from the James to the rich region on the banks of the Roanoke which in 1765 became Mecklenburg County.

In the hope that it may be of some slight service to those of our far distant kinsfolk in search of their own ancestry, we include the following table of Burton entries in the land records of Mecklenburg, as kindly furnished by Mr. H. F. Hutcheson, clerk of the county (1932):

*Extracts from Land Books*—(These are not perfect until the year 1817)—

"A.D. 1780: Robert Burton 500 acres. Hutchings Burton, 165. Josiah Burton, 130. Abraham Burton, 285. Peter Burton 305. Chas. Burton, 150. Chas. Burton, 139½. John Burton, 727. Thos. Burton, 385. Jas. Burton, 100. Capt John Burton, 687. Hutchings Burton (Long), 100. Benj. Burton, 100. Capt. Peter Burton, 407½.

A.D. 1800: Jas. Burton, 100 acres. Capt. John Burton, 687. Peter Burton, Jr. est 115. Hutchings Burton, Sr. 120. Capt. Peter Burton, 457½. Micajah Burton, dec'd, 60. Chas. Burton, Sr. 155. Thomas Burton, 120. Hutchings Burton (Fortunate), 98½. John Burton, 275.

A.D. 1817: Peter Burton (seems to be son of Capt. Burton), 387½ acres on Allens Creek. Chas. Burton, 155 acres on Butcher's Creek. Thomas Burton (a resident of Georgia), 234 acres on Allen's Creek. Chas. Burton, 120 acres on Bluestone Creek. Robt. Burton est. 30 acres southside of Roanoke river. James Burton, 30 acres on west side of Floyd Branch. James Burton, est. 100 acres on Great Creek. Robert Burton, 30 acres on Hinton Hill road South Roanoke river. John Burton, 90 acres William Mill Road.

A.D. 1840: Peter Burton, 503½ acres on Allen's Creek. Mary Burton widow of Owen Burton, 60 acres on Aaron's Creek. Elizabeth Burton, 36½ acres on Bluestone Creek. Jones Burton, 100 acres Great Creek. W. James Burton, 30 acres on Great Creek.

*“Deeds.* (Taken from the index of Deeds beginning in 1764).

Book No. 1: Benjamin Hatcher to Hutchins Burton; Edward Bevill to Abraham Burton; Robert Rowland to Chas. Burton; Benj. Hantcher to Chas. Burton; Mary Burton to Abraham Burton; Stephen Willis to Chas. Burton; John Coleman to Abraham Burton.

Book No. 2.: John Burton to Robt. Burton; Julius Burton to Chas. Duncan & Co.; John Burton to Stephen Mallet & Co.; Allen Burton to John Coleman; Allen Burton to Zack King; Chas. Burton to Thos. Berry; same to Jno. Avery; same to Mark Moore; Jas. Tucker to Robert Burton; Jas Aken to Allen Burton; Jas Nowell to Jas. Burton; Zack Perkins to Allen Burton; John Lynch to Julius Burton.

Book No. 3.: Robt. Burton to John Hall; Chas. Burton to William Hunt; Hutchins Burton to Jos. Damron; Robt. Burton to David Dorth; Jno. Burton to David Dorth; John Burton to George Baskervill; Henry Deloney to John Burton; Murry to Robt. Burton; Rich'd Stith to Peter Burton.

Book No. 4.: Chas. Burton to Thos. Wilbourn; same to James Harrison; Robt. Burton to Jacob Chavis; same to Jas. Royster; same to Robt. Christopher; same to Allen Freeman; Robt. Burton to M'thews Marable; same to Jacob Chavis; Wm Robinson to Burton & Dorth (Robert Burton & Noah Dorth); Wm Bowen & Co., to Hutchings Burton; same to Wm Burton; Wm Robinson to Robt. Burton; Richard Ballard to same; Robt. Christopher to same.

Book No. 5.: Robert Burton to Wm Bartlett; Chas. Burton to Hutchings Burton; Robt. Burton to Thomas Brander; Robt. Burton to John Burton; Robert Burton to David Penticost; Peter F. Jefferson to John Burton; Henry Delony to same; Jas. Holloway to same.

Book No. 6.: Mary Ann Burton to Peter Burton; Benj. Burton to Wm Green; Archer Burton to Robt. Burton; Wm Baskerville to John Burton; John Burton to Wm Baskerville; same to Ray Moss; Rich'd Stith to Peter Burton; Jas. Tucker to Thos. Burton; Hudson Tucker to Robt. Burton.

Book No. 7.: Chas. Burton to John Quinichett; Jas. Burton to Frederick Collier; same to Anthony Burnett; Robt. Burton to Henry Hester; Thos. Burton to Peter Burton; John Burton to Isaac Pully; Jas. Marshall to Chas. Burton; Wm Baskerville to John Burton; David Adams to John Burton; Z. Smith to John Burton; Harry Teazer to Robt. Burton; Henry Walker to Chas. Burton; Thos. Swepson to same.

Book No. 8.: John Burton to John Farrar; Micajah Burton to Jno. Puryear; Abraham Burton to Peter Burton; Robt. Burton to Sam'l

Goode; Micajah Burton to Robt. Burton; Hutchings Burton to Martin Gillispie; Mary Burton to John Farrar; John Burton to Chas. Kelly; Catherine Tucker to Robt. Burton; Hudson Tucker to same; Wm Starling to Chas. Burton; Henry Atkinson to Micajah Burton; John Ragsdale to Hutchings Burton.

Book No. 9.: Hutchings Burton, Sr., to Hutchings Burton, Jr.; Jas. Burton to Willie Harrison; Abraham Burton to Jas. Quinichett; Thos. Burton to Peter Burton; same to Daniel Hunt; Wm Burton to Roger Gregory; Thos. Burton to Robt. Burton to Jas. Quinichett; John Robertson to Peter Burton; Jno. Bevil to Peter Burton; Isham Tucker to Robt. Burton; Sam'l Hopkins to same.

Book No. 10.: Robt. Burton to Mark Alexander; same to Wm Hendrick; Chas. Burton to Wm Allgood; Wm Burton to Gordon Bridgett; Wm Allgood to Chas. Burton; same to Wm Burton.

Book No. 11.: Hutchings Burton to Chas. Burton; Wm Burton to Daniel Hunt; Jno. Mize to Wm Burton; Lambert to Jas. Burton, Jr.; same to Robt. Burton; John Mize to John Burton, Comr.

Book No. 12.: Chas. Burton to Robt. Marshall.

Book No. 13.: Rob't. Burton's Exor. to M. Rolfe; Chas. Burton to W. B. Marshall; Jno. Burton to Allen Burton; Wm Burton to Jas. Butler; Hutchings Burton to Jas. Boyd; John Burton to Jno. Crowder; Wm Burton to Francis Moody.

Book No. 14.: John Burton to Wm Burton; Robt. Burton to Wm Apperson; Edwin Hyde to Hutchings Burton; Robt. Burton to Phil. Johnson.

Book No. 15.: Allen Burton to Martha Crook; same to Baskervill and Hicks; Wm Burton to M. Rolfe; same to Birchett & Royster.

Book No. 16.: Peter Burton to M. Tucker; Wm Burton to Robt. Burton; Allen Burton to H. Apperson; Wm Burton to Richard Puryear; same to Jas. Embanks; Hutchings Burton to Kean & Jones; Allen Burton to Sam. Tarry; Hutchings Burton to D. Ragsdale."

Book No. 15 of Mecklenburg county deeds brings us down through the year 1817. Burtons of the given names of John, Peter, William and James are found in the deed books down to 1865 at least.



## APPENDIX VI

### *Burtons, Heads of Families, Virginia Census 1782-85*

The following list of Burtons who were included in the state enumerations of Virginia in the years 1782-1785 were published in 1908 by the director of the United States Census. They are intended to replace, so far as they go, the records of the first Census of the United States in 1790, filed in the State Department at Washington. These returns for six of the states, including Virginia then the most populous state in the Union were destroyed when the British burned the Capitol at Washington during the war of 1812. These returns of the state enumeration of Virginia cover only about one-half of the counties in the state—all the rest were destroyed.

The figures following the names in the following list refer to two different enumerations in Virginia—that of 1782-3, indicated by two figures representing first the number of white persons returned by the head of the family, and second the blacks under his control; and that of 1784-5, consisting of three figures; first giving the number of white souls in the house, second the number of dwelling houses and third the "other buildings."

While the tracing of the Burton family of Virginia after the Revolution is, strictly speaking, outside the scope of the present work—except in the case of the descendants of Jesse Burton of Lynchburg—it is the hope of the compiler that the information may be of some use to those of his distant kinsmen who are interested in the subject.

Able Burton, Amelia Co.	-	-	-	-	-	-	7- 8.
Abram Burton, Mecklenburg Co.	-	-	-	-	-	-	3-12.
Abram Burton, Chesterfield Co.	-	-	-	-	-	-	1- 9.
Allen Burton, Amelia Co.	-	-	-	-	-	-	1- 2.
Allen Burton, Cumberland Co.	-	-	-	-	-	-	4-11.
Allen Burton, Halifax Co.	-	-	-	-	-	-	7- 1- 1.
Ambrose Burton, Orange Co.	-	-	-	-	-	-	9- 1.
Archer Burton, Mecklenburg Co.	-	-	-	-	-	-	2- 0.
Benjamin Burton, Fairfax Co.	-	-	-	-	-	-	2- 1.
Benjamin Burton, Mecklenburg Co.	-	-	-	-	-	-	6- 1.
Benjamin Burton, Fairfax Co.	-	-	-	-	-	-	3- 1- 0.

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Charles Burton, Mecklenburg Co.	-	-	-	-	5- 4.
Charles Burton, Pittsylvania Co.	-	-	-	-	9- 4.
Charles Burton, Chesterfield Co.	-	-	-	-	7- 9.
Charles Burton, Powhatan Co.	-	-	-	-	4- 6.
David Burton & (Wm Angelea), Cumberland Co.	-	-	-	-	13- 1- 4.
Edmond Burton, Orange Co.	-	-	-	-	6- 1- 0.
Edward Burton, Pittsylvania Co.	-	-	-	-	3- 0.
Edward Burton, Pittsylvania Co.	-	-	-	-	4- 0- 3.
Elijah Burton, Pittsylvania Co.	-	-	-	-	8- 0- 1.
Elisha Burton, Pittsylvania Co.	-	-	-	-	8- 0.
Ellinor Burton, Amherst Co.	-	-	-	-	3- 1- 4.
Henry Burton, Gloucester Co.	-	-	-	-	5- 9.
Henry Burton, Gloucester Co.	-	-	-	-	6- 1- 10.
Hutchins Burton, Mecklenburg Co.	-	-	-	-	5- 0.
James Burton, Charlotte Co.	-	-	-	-	3- 0.
James Burton, Mecklenburg Co.	-	-	-	-	8- 0.
James Burton, Orange Co.	-	-	-	-	4- 1.
James Burton, Pittsylvania Co.	-	-	-	-	11- 0.
James Burton, Orange Co.	-	-	-	-	5- 1- 1.
James Burton, Pittsylvania Co.	-	-	-	-	10- 1- 0.
James Holly Burton, Amherst Co.	-	-	-	-	4- 1.
John Burton, Amelia Co.	-	-	-	-	2- 1.
John Burton, Cumberland Co.	-	-	-	-	8- 16.
John Burton, Cumberland Co.	-	-	-	-	3- 3.
John Burton, Mecklenburg Co.	-	-	-	-	8- 18.
John Burton, Orange Co.	-	-	-	-	8- 4.
John Burton, Chesterfield Co.	-	-	-	-	6- 8.
John Burton, Chesterfield Co.	-	-	-	-	4- 12.
John Burton, Chesterfield Co.	-	-	-	-	3- 4.
John Burton, Shenandoah Co.	-	-	-	-	9- 0.
John Burton, Cumberland Co.	-	-	-	-	7- 1- 6.
John Burton, Cumberland Co.	-	-	-	-	6- 1- 1.
John Burton, Gloucester Co.	-	-	-	-	5- 1- 0.
John Burton, Orange Co.	-	-	-	-	8- 2- 1.
John Burton, Pittsylvania Co.	-	-	-	-	1- 0- 0.
John Burton, City of Richmond—age 19—no occupation.	-	-	-	-	
Mary Burton, Cumberland Co.	-	-	-	-	6- 1- 3.
May Burton, Orange Co.	-	-	-	-	4- 7.
May Burton, Orange Co.	-	-	-	-	4- 2- 4.

OF COLONIAL VIRGINIA

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May Burton, Jun <sup>r</sup> , Orange Co.	-	.	-	-	-	5- 7.
May Burton, Jun <sup>r</sup> , Orange Co.	-	-	-	-	-	6- 2- 4.
Nancy Burton, Pittsylvania Co.	-	-	-	-	-	5- 0- 5.
Peter Burton, Mecklenburg Co.	-	-	-	-	-	12- 6.
Philip Burton, Amherst Co.	-	-	-	-	-	1- 5.
Rachel Burton, Stafford Co.	-	-	-	-	-	9- 0- 0.
Richard Burton, Northumberland Co.	-	-	-	-	-	8- 0.
Robert Burton, Mecklenburg Co.	-	-	-	-	-	9- 8.
Sam <sup>l</sup> Burton, Prince Edward Co.	-	-	-	-	-	5- 1- 0.
Susana Burton, Chesterfield Co.	-	-	-	-	-	2- 6.
Thomas Burton, Charlotte Co.	-	-	-	-	-	7- 1.
Thomas Burton, Mecklenburg Co.	-	-	-	-	-	6- 3.
Thomas Burton, Chesterfield Co.	-	-	-	-	-	1- 8.
Thomas Burton, Chesterfield Co.	-	-	-	-	-	5- 7.
Thos. Burton, Sr., Chesterfield Co.	-	-	-	-	-	1- 9.
Tho <sup>s</sup> A. Burton, Nansemond Co.	-	-	-	-	-	3-11.
William Burton, Amherst Co.	-	-	-	-	-	4- 6.
William Burton, Chesterfield Co.	-	-	-	-	-	1- 1.
William Burton, Northumberland Co.	-	-	-	-	-	5- 2.
W <sup>m</sup> Burton, Pittsylvania Co.	-	-	-	-	-	3- 1.
William Burton, Amelia Co.	-	-	-	-	-	10- 4.
William Burton, Cumberland Co.	-	-	-	-	-	3- 0.
William Burton, Cumberland Co.	-	-	-	-	-	4- 1- 0.
William Burton, Northumberland Co.	-	-	-	-	-	10- 1- 2.
William Burton, Amelia Co.	-	-	-	-	-	6- 2- 3.
William Burton, Orange Co.	-	-	-	-	-	2- 1- 1.
William Burton, Pittsylvania Co.	-	-	-	-	-	4- 0- 2.
William Burton, Pittsylvania Co.	-	-	-	-	-	7- 0- 1.
William Burton, city of Richmond, having hired negro George to Polly Crouch.						
William Allen Burton, Cumberland Co.	-	-	-	-	-	2- 5.





## APPENDIX VII

### *Some Nineteenth Century Henrico Burtons*

Through the kindness of Mrs. Henry Meanley and of Miss Mary Shepperson of Richmond, Virginia, access has been given to their notes on the Burton family of Henrico and especially to the family bible of Thomas the son of Martin Burton, which is still in existence. The following notes refer to the descendants of Martin Burton beginning with his children as enumerated in his will of 1791, with a mention of whom Chapter XI of the foregoing narrative has dealt. While the arrangement of the material which follows is due to the Compiler of these Chronicles, the facts are given as received without any further reference to records of which the dates fall outside the general scope of this work.

#### *The Children of Martin Burton (will 1791)*

1. William Burton, the name of whose wife is unknown, had issue (1) Thomas, who married Lucy Stith Bradley (?) and had the following children (a) Edwin Burton, Jr., (1814—1857) married Martha P. Jones (1825—1849); (b) Martin Burton (1806—1883); (c) Benjamin M. Burton; (d) Robert M. Burton (1818—1861); (2) Aaron Burton who married Maria Ann Trueheart (?) (and had issue); (3) William Burton who married Mary Mosby in 1803 (and had issue); (4) Marcia Burton who married Bartholomew Trueheart in 1818; (5) Peggy Burton who married William Owen in 1817; (6) Edwin Burton who married Susanna Pleasants Storrs Nov. 25, 1822 and left issue, and (7) Elizabeth Burton who "married a Winston."

#### *Notes by compiler:*

The marriage on October 9, 1794 of Elizabeth Burton to Isaac Winston has been the occasion of several more or less confusing and contradictory references in works on Virginia history and genealogy. Moore's History of Henrico parish (notes p. 191) states that "Peter Winston, son of James, had a son named Isaac Winston who married Elizabeth daughter of Captain William Burton;" (this should have been William the son of Martin Burton). The compiler of this narrative is indebted to Mr. Peter Winston of Richmond (1932) for the information that this

Peter Winston was not the son of James, but of Isaac Winston by his wife Marianna Fontaine. Another reference to this marriage is found in the Valentine Papers at page 2376 where it is stated that Miss Elizabeth Burton in Henrico married in 1794 Isaac Winston, who was born in 1768; that she was the daughter of William Burton, and the bridegroom was the son of Peter and Elizabeth Povall Winston. (This Peter Winston had died some ten years previously and the appraisal of his estate was rendered to the court in 1785 by Martin Burton, Samuel Williamson, Benjamin Sheppard and James Ryall).

The issue of the marriage of this Elizabeth Burton to Isaac Winston were as follows:—Twins, Polly & Elizabeth Winston, born June 22, 1795. Mary (Polly) married Col. Wm. Wingfield and Elizabeth married Chas. Park Goodall.

Emily Winston, born July 29, 1796; she married Thomas Meredith in 1817.

William Winston, born July 25, 1797. He moved later to Jacksonville, Mississippi.

Amanda Winston, born April 7, 1800, who married James Williamson in 1821.

Peter Winston, born Dec. 10, 1801, who was the father of Prof. Charles Winston of Richmond College.

Isaac Winston, born Dec. 2, 1803, and married in 1826 to Martha Johnson.

Alfred Winston born June 4, 1809, who married as his first wife Lucy Burton.

Edwin Winston, born March 15, 1807, and died young.

Thomas B. Winston, who was mentioned in the will of his grandfather William Burton. He lived in Mexico and later in Louisiana.

For the above data we are indebted to Mr. Peter Winston of Richmond (1932).

Having thus indicated the lines of descent from William the son of Martin Burton of the will of 1791, we return now to the other children named in this will:—

2. John Burton, who married Elizabeth....? and died in 1828 (Book 7. page 193). They had three sons and five daughters, viz: (i) John Burton (ii) Martin Burton (iii) Fountaine Burton (will 1834 Book 9. p. 65); (iv) Mary Burton (v) Sarah Burton (vi) Lucy Burton who married Alfred Winston, son of Isaac and Elizabeth Winston; (vii) Tabitha Burton who married Jacob Smith in 1806 and (viii) Nancy Burton who married Benjamin Mann in 1818.

*Note* by compiler: This is evidently the Captain John Burton of Henrico whose obituary notice in the "Whig" on May 24, 1828 mentions that he had served in the Revolutionary War and left eight children surviving him. He died May 20, 1828 aged 74.

3. The third named son of Martin Burton (d. 1792) was Daniel Burton who married Sallie Owen (?). (Deed Book 24. p. 536, 1822, mention of Daniel Burton and his wife Sarah and of his residence of "Springfield"). They had three sons and two daughters, as follows: (i) William M. Burton who married Lucy [Stith Binford, daughter of John M. Binford of Greenville County, in 1817, as stated in Tyler's Quarterly, Volume VI]; (ii) Reuben Burton who married Mary M. Burton, May 24, 1824; (iii) Thomas O. Burton who married Louisa [H. Turner of Greenville County in 1820, with consent of Thomas Turner as mentioned in Tyler's Quarterly, Volume VI], and had issue one daughter and five sons, viz: Thomas, Daniel, William, James and George. Thomas O. Burton resided at "Walkerton." His will was proved January 2, 1860. (iv) Susan Burton, who married in 1793 Joseph C. Pleasants, the son of Joseph Pleasants who had died in 1785 making William Burton an executor of his will. (See also Val. Pap. p. 1116). (v) Mary Burton.

Daniel Burton was surety in 1791 for the marriage bond in Henrico of Martha Jordan to Benjamin Allen, Senior, of Cumberland county. (Val. Pap. p. 654).

*Notes:* If the compiler has correctly transcribed the date of the marriage of (iv) Susan Burton above, she was not only older than the others but may have been the child of an earlier marriage. The (ii) Reuben Burton of the above notes appears in Henrico records (Book VI. p. 80) in the following entries:

"R. E. Burton adms. account of the estate of Rebecca E. Burton dec'd In acct. with Wm Burton, admr. In cash paid Reuben Burton & Co. . . . . To cash paid Thomas Burton. . . .

Cr. By Mary Burton, balance in the hands of the admr. of the sum of 1184 dollars & 82 cents which goes to Jos. C. Pleasants, Mary Burton, Reuben Burton and Wm M. Burton the sum of 410 dollars 40 cents each . . to Tho. Q. Burton 204 dollars 20 cents. Signed by Isaac Winston, John Sheppard, Lydal Bowles, Mosby Shepard."

4. The fourth named, and probably the youngest son of Martin Burton of the will of 1791 was Thomas, whose family bible is still in existence. His residences were "The Meadow Plantation" and "Chestnut Hill." He died on November 29, 1830. His wife had died on March 7, 1812.

On September 18, 1793, Thomas Burton married Clementina Pleasants, and "Elizabeth Pleasants (widow of Joseph who died in 1785) her mother and guardian consents" as is recorded in the marriage bond. (Val. Pap. 1137).

Of this marriage the issue were as follows: (i) Samuel F. Burton, born January 24, 1796; (ii) William H. Burton, born Jan. 3, 1798, and died in August 1860. On October 8, 1824, he married Mary Ann Burrows; (iii) Eliza J. Burton, born January 11, 1801, and married Abner Pleasants August 23, 1823; (iv) Sophia Burton, born January 20, 1803, and died December 8, 1861; she married Edmund Redd of Chestnut Hill, Henrico. He was born in November 1799 and died October 13, 1836 (and left issue); (v) Joseph Corbin Burton, born May 30, 1805, and married Eliza Ann Harwood in 1833; (vi) Thomas Augustus Burton, born December 25, 1807 and (vii) Gustavus P. Burton, born November 10, 1809.

## APPENDIX VIII

### *Burtons of Rappahanock & Orange*

Men of the name had been settled on the Rappahanock River since the middle of the seventeenth century. A Robert Burton was tithable in Lancaster County in 1656 (Va. Co. Records VI. 122). In that same year a John Burton patented 900 acres in Lancaster. On November 3, 1662, Richard Burton was witness in Rappahanock County to a power of attorney in favor of John Catlet (Rap. Records, book 1656-64). The same book, on February 11, 1663/4, records a power of attorney by William Underwood of that county to his uncle William Moseley, and mentioning "my uncle Edward Burton of Kederminster (sic) in the county of Worchester, gent." In 1673 John Burton and John Austin jointly patented 817 acres in Rappahanock County. (Va. County Records, IX. p. 3.)

The Henrico records (III, p. 184) contain the following:

"Reported two persons on suspicion of Runaways by name as they declare Robt. Burton & Thos. Clark & living in ye County of St. Marys in Maryland now traveling .. towards the south .. ordered returned by the Constable." On page 217 of the same book, in the October Court 1686 is the report of an investigation into this matter by William Glover, J. P. of Henrico, and brother-in-law of our Robert<sup>1</sup> Burton. He found that the 'runaway' Robert Burton was "servant to John Martin of Rappahannock County." The runaway was ordered returned.

A Thomas and an Isaac Burton appear in the records of Middlesex County, Virginia, toward the close of the seventeenth century. The Christ Church parish register contains the following items concerning this stock:

- "1678, July 11, Joseph Mason & Elizabeth Burton was married.
- 1727, Isaac Burton dyed April ye 21 & was buried April ye 25.
- 1773, John Askins & Anne Burton married Sept. 4.
- 17[74], William son of Thomas & Mary Burton was born, Nov. 25.
- 1778, James Burton & Sarah Currey of King & Queen County married Dec. 3.
- 1783, James Burton & Frances Yarrington (King & Queen Co.) married Oct. 23. 1783.
- 1786, Reuben Layton & Elizabeth Burton married Oct. 29.
- 1791, Simon Burton & Nancy Robinson married Jan. 23."

The Middlesex County Order Book for July 23, 1667 mentions the grant of administration on the estate of John Burton to Christopher Robinson (the successful merchant).

Although we thus find that individuals named Thomas, John, Robert and Isaac Burton were living on the Rappahanock in the second half of the seventeenth century, there is no evidence whatever to connect them with our Henrico Burtons.

It is different, however, as to the Burton family of Orange County. The founder of that tribe of Burtons was John Burton of Caroline, who died in 1735. While we have no proof that he came from the Rappahanock, there is no doubt that he and his family had close relations with Middlesex County. His son, May Burton, Senior, of Orange County married Hannah, the daughter of John Medley of Middlesex, and their son married in 1776 Martha Head of the Middlesex family of that name. As early as 1698 a Thomas Burton in Middlesex had witnessed the will of a Mary Head. (Valentine Papers, 169).

May Burton, senior, lived in Orange County on the upper Rapidan. He and his wife Hannah (Medley) had at least three sons, all of whom served in the army during the Revolutionary war: Captain May Burton, Junior, Captain James Burton and Ensign William Burton, afterwards of Cheriton, Missouri. The last named was born in Orange in 1755 and died in Missouri October 14, 1842; his wife was Sarah Sandford of Orange County, Virginia.

Captain May Burton, Junior, married on September 29, 1776, Martha Head, and of their eleven children, only one was a son, Benjamin, born June 22, 1784. The family bible of Captain May Burton has survived, and records the marriages of eight of his ten daughters. Several of them, like their uncle William, settled in Missouri.

The above information concerning the Orange County Burtons is taken from articles published in the *William & Mary Quarterly*, Volume XI, pages 213-14; the same periodical (Second Series) VIII, page 211, and from the *Virginia Magazine of History & Biography* Volume XXXVIII, page 174.

The following marriage bonds are recorded in Orange County: January 19, 1779, James Burton and Mary, daughter of Jeremiah White. Witnesses John and Richard White. April 3, 1779, James Burton and Betsy Goodridge.

December 25, 1806 William Burton and Ann Goodridge; witnesses Betsy Burton, Polly W. Burton; bondsman, W<sup>m</sup> Rucker.

## APPENDIX IX

### *"Burton"*

*Abstracts from Northampton and Accomack County Records  
Made by the late Stratton Nottingham of Onancock, Virginia*

Francis Burton headright under David Williamson — Certificate granted 16 Feb. 1665/6—v. i—p. 115.

"Whereas James Camwell, Nich: Laurance, W<sup>m</sup> Burton, Xp: Calvert & Roger Turnor were summoned to appeare for being absent at a Muster held on ye 18th of December last past, and this Day proveing Lawfull excuses They are therefore acquitted of a fine paying Court charges." 17 Jan. 1666/7—v. iii—p. 14.

"William Burton—His marke of Cattle  
The Right eare Cropt & a hole  
The left eare slitt."

Recorded 9th June, 1668—v. ii—p. 69.

Col. Edmund Scarburgh of the County of Accomack to William Burton of the same place, planter—Sale—400 acres of land situate, lying and being in the said County of Accomack in a Forked Neck made by two branches of Nicocomson at Seaboard side, bounding Southward by the marked trees of 1000 acres of land laid out for Arthur Robins, Eastward by Watchpreage Maine Northermost branch &c.—Consideration 4000 lbs. tobacco & caske—27 Oct. 1668—v. ii—p. 85.

Arthur Robins of the upper part of Northampton County to William Burton of the County aforesaid, planter—Sale—1000 acres of land commonly called the Forked Neck, situate, lying and being at Little Matomkin, als Watchpreage, in the County aforesaid and now in the possession of the said William Burton or his assigns, bounded Southerly upon a Creeke called Nicowamson, als little Mattomkin, being between the land of Mr. Edward Revell & the said Forked Neck; Northerly upon little Matomkin Creek, als Watchpreague, being between the said Forked Neck and the land of Mr. William Custis &c.—Consideration 18000 lbs. tobacco & caske—16 June, 1673—Rec. 25 June, 1673—v. iv—p. 216.

Barbary Robins, wife of Arthur Robins, release of dower p. 218.

“In a difference betweene William Burton pl<sup>t</sup> and Jn<sup>o</sup> Wallop Def<sup>t</sup> concerning a survey of Land, it is ordered by the Court the Sute be dismissed with Costs of Sute.”—19 May 1674—v. v—p. 144.

William Burton on Jury—Court 19 May 1674—v. v—p. 144.

William Burton Elected Vestryman for the Upper Parish—1672—v. iv—p. 193.

William Burton Appointed Surveyor 1675—v. v—p. 376.

Robert Burton appointed guardian to John Truit—19 Dec. 1676—v. vii—p. 20.

William Burton vs. John Mallony—Court order that the said John Mallony shall forthwith make payment of the sum of 735 lbs. tobacco & cask with costs of suit, or else give good and sufficient security for the said sum on the 10 of October next, als execution—12 Nov. 1677—v. ix—p. 16.

“These are to Certifie those whome these presents may concerne that whereas I the Subscriber have formerly gon under the name of Robert Spencer from my Infancy and now being better Informed out of England by Letters from my relations my true and right name is Robt Burton and So to remaine henceforward till death

January the 19th 1677  
his usual marke

Robt R Burton  
his marke

Witness George West  
Robt Watson.”

Recorded 29 Jan. 1677/8—v. vi—p. 84.

Baptis Newcome of the County of Accomack to Robert Burton of the same County—Sale—All my right and title to 400 acres of land purchased of Capt. Daniel Jenifer by Robert Spencer and I the said Baptis Newcome in the year 1673, situate, lying and being in the Northern side of the Northern Branch of the forked Branch of the middle branch of Muddy Creeke, and bounded on the Southern part thereof beginning at the marked trees of George Truit, Jr., now in the possession of John Barnes and others, known by the name of Joseph Newton’s land—Consideration 5400 lbs. tobacco & caske—20 Feb. 1677/8. Rec. 26 Feb. 1677/8—v. vi—p. 89.



Robert Spencer headright under John Davis—Certificate granted 18 Dec. 1665—v. i—p. 107.

John West to William Burton—Sale—One dividant or tract of land containing 400 acres situate, lying and being in the woods in a forke of Little Matomkin Creeke, bounded Southerly by a line of marked trees, being the Northermost bounds of a dividant of land containing 1000 acres formerly Arthur Robins & now in the possession of him, the said Burton; Easterly by a line of marked trees being the Westermost bounds of a tract of land containing 400 acres formerly purchased of Col. Edmund Scarburgh by the said Burton &c.—Consideration not given—16 June 1678—Rec. 19 Aug. 1678—v. vi—p. 113.

The difference between William Burton, Plaintiff, and Nathaniel Bradford, Defendant, referred to a jury who returned the following verdict—“wee of the Jury find according to evidence that the defendant is Guilty—Given under my hand the 16<sup>th</sup> of Aprill 1678  
Maximillian Gore fforeman.”

Verdict confirmed by the Court and ordered that the said Bradford make payment according to the 125 Act of Assembly to the said Burton for the unlawful killing of hoggs the said Burton being sole Propriet<sup>r</sup> and Informer, the penalties imposed by the said Act the sum of 2000 lbs. of tobacco & caske together with costs of suit and execution.

Nathaniel Bradford appealed to the 8 day of the next General Court, giving security according to law—v. vii—p. 134.

William Burton made it appear to the Court that the estate of John Reeves is indebted to him for a Match-coat lent in his lifetime, containing two yards of trading cloth—Ordered that the said Burton be paid 100 lbs. tobacco out of the said estate—26 May 1679—v. viii—p. 79.

William Burton vs. Daniel Penfax—Order of attachment for 262 lbs. tobacco granted, the said William Burton giving security according to law. 8 Nov. 1679—v. viii—p. 118.

“Robert Burton’s Brank marke & eare marke of Cattle as follows:  
R B. y<sup>e</sup> Brand marke Slitt on the right Eare and a hole in y<sup>e</sup> left.”  
Recorded 25 Aug. 1680—v. vi—p. 224.

William Burton granted certificate for 200 acres of land due by rights underwritten:

John How, Martha Short, Elizabeth Brown, John Risha—  
16 Aug. 1681—D & W 1678—1682—p. 248.

Petition of William Burton and Thomas Bagwell—“That yo<sup>r</sup> pet<sup>r</sup> have Lately Pattented an Island Called Matomkin Island and by reason of the late takeing up y<sup>e</sup> same there in no Road whereby y<sup>e</sup> pet<sup>r</sup> may transport themselves, Cattle & other necessaryes to y<sup>e</sup> Water side &c.” Petition for Road—3 Jan. 1681/2—v. vi—p. 293.

“Whereas there are severall differences depending between William Burton & Capt. William Custis and the said Capt. Custis and William Burton & wife &c. w<sup>ch</sup> was Referred to this Court for determinacon and the said Burton & wife being sick and thereby unable to attend the Court requested the said differences might be referred to y<sup>e</sup> next Court, the Court with the consent of the said Custis have continued all the said actions to y<sup>e</sup> next Court”—17 May 1682—v. viii—p. 298.

Whereas William Burton brought an action of assault & battery ag<sup>st</sup> Capt. William Custis w<sup>ch</sup> was referred to this Court for determinacon, the Court having examined all evidence presented left the matter of fact to a jury . . . . who found ten pds of tobacco damage for y<sup>e</sup> plaintiff w<sup>th</sup> cost of suit, from which verdict the said Capt. Custis appealed to the 4 day of the next General Court—17 June, 1682—v. viii—p. 309.

Capt. William Custis brought an information to this Court against Ann, the wife of William Burton, upon the Act of Indempnity for contemptious and defamatory words spoken by her in reference to his office as one of his Majesties Justices of the Peace, the Court having maturely examined the same and all evidences doe find the words charged were passionately spoken by the said Ann occasioned by aggravation in discourse betwixt them . . . . Ordered that the said Ann be acquitted of the said Information and that each bear their own charges—From which order Capt. Custis appealed to the 4th day of the next General Court—17 June, 1682—v. viii—p. 311.

“Certificate is this day granted to y<sup>e</sup> next Assem<sup>bl</sup>y to William Burton for 23 y<sup>ds</sup> of Virgini<sup>a</sup> Woollen Cloath he having made Legall prooffe thereof”—16 Aug. 1683—v. ix—p. 18.

“This day William Burton pduced to y<sup>e</sup> Court 21 y<sup>ds</sup> of Virginia Woollen Cloath and haveing made Legall prooffe thereof Certificate is accordingly granted him to y<sup>e</sup> next Assembly”—13 Nov. 1683—v. ix—p. 24.

Robert Burton Constable in 1689—v. ix—p. 159.

William Burton & Thomas Bagwell arrested John Barker to this Court in an action of the case to the damage of 20,000lbs. of tobacco & caske, and he failing to appear and the Sheriff having made return of Nicholas Millechop, Thomas Powell and John Simkin as Baile for the said Barker’s appearance, it is ordered in case of a Nihil dicit next Court of the said Barker that then the Secureties stand and abide y<sup>e</sup> award of the Court—20 Feb. 1689—v. ix—p. 177.

Whereas William Burton and Thomas Bagwell brought their action of the case against John Barker and declared against him that there is a Plantation & Stock of Cattle in the County of Sussex in Pennsylvania in Joynt tenancy did intrust the said Barker with their said stock, who did kill and mark 7 head of cattle and converted them to his own use to their damage 20,000 lbs. tobacco & caske, and order past last Court against Nicholas Millechop, Thomas Powell and John Simkin as Baile for the said Barker’s appearance, and this day coming upon trial the Court thought fit to refer the matter of fact to a jury . . . . who found for the plaintiffs in the sum of 3,500 lbs. tobacco & caske with costs of suit, and the said Barker not appearing the plaintiffs moved for judgment against the said Nicholas Millechop as Baile aforesaid—Ordered that the said verdict be confirmed and that the said Millechop, security as aforesaid, forthwith make payment of the said sum of 3,500 lbs. tobacco & caske with costs of suit & execution—19 Mar. 1689—v. ix—p. 181.

Ordered that Mr. William Burton be appointed to take the list of tithables for this present year in the presincts that was formerly Capt. William Custis—17 Mar. 1691—v. x—p. 66.

William Burton Commissioned Justice of the Peace 1692—v. xi—p. 7.  
In 1694—v. xi—p. 59.  
In 1695—v. xi—p. 75.

William Burton—Will dated 5 Jan. 1695—Pro. 18 Feb. 1695/6—v. xi—p. 100. To eldest son William Burton a dividant of land on the Seaboard side in the County of Accomack in a place called the Forked Neck near the plantation where I now live, the exact quantity at present being uncertain, but supposed to contain about 700 acres, more or less.

To my 3rd son Thomas Burton the Southern part of the aforesaid Forked Neck.

To my 6th son Stratton Burton all the land formerly purchased by me of Col. John West and adjoining the land heretofore given to my son Thomas, together with all the land beginning at the main branch and running along the said branch unto a marked white oak a little way over the path, and by a line drawn from the said oak south-west unto the 400 acres by me formerly purchased of Col. Edmund Scarborough.

To my 2nd son John Burton and to his heirs all my land contained in a patent granted by Sr. Edm: Andross, K<sup>t</sup>, bearing date at New York the 20 day of September, 1677, being for 1000 acres of land situate, lying and being in the County of Sussex in the Territories of Pennsylvania, being called Long Neck, the North-eastern side of said Neck, being one-half of the said dividant and by me formerly conveyed to Thomas Bagwell, late of Accomack County, dec., so that the south-west side of the said Neck, being one-half the said dividant by estimation 500 acres, more or less, I give to my said son John.

To my 4th son Benjamin Burton and to his heirs 600 acres situate, lying and being near Assateag on the Seaboard side in Somerset County, Maryland, commonly called the "Diocce," which said land I formerly purchased of Henry Bishop by deed dated 6 Jan. 1686.

To my 5th son Joseph Burton 387½ acres, being the one moiety of 775 acres on the North side of the Indian River in Sussex County in the Territories of Pennsylvania, being formerly patented by Mr. Thomas Welburne and by him sold to John Baker of whom I purchased the same.

To my 7th son Woolsey Burton the remaining one-half of said land on the North side of Indian River.

To my three first mentioned sons William, Thomas and Stratton all my right, title and interest, being one-half, of and to the Island called "Cador" (Cedar) Island situate in Accomack County being formerly in partnership with Thomas Bagwell late of the said County, dec., the said Island being by estimation 1150 acres.

To my 8th son Jacob Burton 450 acres, being part of a dividant of 600 acres formerly purchased of Thomas Jones, lying near Lewis Towne

in the Territories of Pennsylvania, which said land lies on Indian River contiguous to the land heretofore by me given to my son John, the other 150 acres belonging to William Bagwell of Accomack County must be paid out for him adjoining upon the land that was formerly his father Thomas Bagwell's, lately dec.

To my 9th son Samuel Burton 500 acres situate on the south side of Indian River which I formerly bought of John Barker and for which I have paid the full purchase price, but as the land has not yet been conveyed to me I charge my son William Burton that he fail not as expeditiously as may be to use his best endeavours to secure a good and sufficient patent or conveyance of the same either in my son Samuel's name or if it be in his own name to convey the same as soon as conveniency will permit to my said son Samuel.

All my lands that I have in this county shall be entailed on, among and between my three sons William, Thomas and Stratton & their heirs, only my Island to remain in Joynt tenancy equally among or between my surviving sons, and in like manner I order and entail what lands I have given in the county of Sussex in the Territories of Pennsylvania among and between my before mentioned sons John, Joseph and Woolsey.

To each of my nine sons personalty, cattle &c. to be delivered to each of them when they arrive at age of twenty-one years, if their mother shall live so long, but if she die before that time then to be delivered at the age of 18 years.

I give the Milstones that are now at Henry Bagwell's, together with the materials thereto belonging, between my loving wife and my son William during her life, and at her death to my son William; also the still and materials thereto belonging which I have sent to England for when the same shall arrive, they paying equally what shall be due for the same.

To my wife Ann Burton her choice of one moiety of all the houses that are now upon my plantation where I now live, and at the Pointe, and also one moiety of the orchard and all other conveniences during her natural life, and also the use of all my negroes, and after her decease the negroes to be equally divided between my youngest children.

To my daughter Agnes Revill 10<sup>s</sup> of gold for a legacy, and to her daughter Frances one small gold ring, and to her son Edward and dau. Elizabeth to each of them one 10<sup>s</sup> piece of gold.

Balance of estate to wife Ann & her heirs. Wife and son William Exrs. Friend John Hill of Lewes Towne in the Territories of Penna. overseer.

(signed) Willi: Burton (seal)

Witness: John Revell, Robert Scott, James Smith, Robert Edge.

William Burton, son of William Burton late of this County, dec., petition to the Court setting forth that his father did by his last will and testament appoint him joint executor with his mother, desired to relinquish y<sup>t</sup> charge in open court, and that the same might be entered upon record, which is ordered to be recorded.—18 Feb. 1695—v. x—p. 182.

Ann Burton, wid. of William Burton, m. ii James Alexander—

James Alexander—Will dated 14 Jan. 1708—Pro. 1 Feb. 1708/9—v. xi—p. 463—To son in law William Burton the long table & frame with ½ dozen Leather Chairs after the dec. of my wife, his mother, a large bible and one of the Duftaile chests.

To John Burton my pistolls & holsters & bullit molde.

To Thomas Burton a brod Cloath Coate of oringe culler, a jackitt & briches of drugit of a white culler.

To Benjamin Burton my great coat & beaver hat.

To Joseph Burton my boots & felt hat & a pare of shag briches.

To Stratton Burton a suit of cloaths lined with red, carpenter tools &c.

To Woolsey Burton my new gun & bulit molds.

To Jacob Burton a coat of fine Carsey & my sword & silver buckles.

To Samuel Burton & heirs 100 acres at Jengoteage adjoining a dividend belonging to Col. John West, negro Prince, personalty &c.

To my wife Ann one-half or moiety of my new sloop now in Pungoteage with one-half of all her riggen, sales &c. & the other one-half to my loving kinsman Benjamin Clugston provided that if my Kinsman come not within 12 months or a year to claim this my gift after my dec., then I give the said one-half of my sloop to Stratton Burton. Wife Ann resid. legatee & Exec.

Signed James Alexander (seal)

Witt: William Custis, Francis Wharton, Delight Sheald.

Ann Alexander, widow—Will dated 6 Sept. 1711—Pro. 4 Mar. 1711/12—v. xi—p. 560—To son William negro Tom together with all my hoggs except two breeding sows which I give to my son Stratton Burton.

To son William my Cyder Casks, Iron Potts & Kettles, he to pay the pots to his two brothers to whom by their father's will they were bequeathed.

To son William 2 long table cloths which were made for the Long Table, an Iron bound case of Bottles & a desk which was his father's, corn, grain &c.

To son Thomas cattle, sheep, personalty.

To son Thomas' wife my side saddle covered with Buckes leather, my Mantle & lace gard. To son Thomas his two children named Thomas & Patience each of them one cow calfe & to his daughter Ann a two year old heifer.

To son Benjamin a hackle, tobacco, cattle & to his son William a cow and calfe; to his daughter Ann a cow and calfe; to his son John a two year old heifer.

To son Joseph two steers; to his son a two year old heifer.

To my son Stratton Burton's daughter "Leeze" a two year old heifer.

To my son Benjamin's wife Elizabeth a piece of Scotch cloth &c.

To my son Stratton a chest which was my husband Alexander's.

To my son Woolsey Burton personalty & 40-£ in money.

To son Jacob Burton personalty.

To son Samuel Burton personalty.

To granddaughter Agnes Burton my side saddle, gold ring &c.

To granddaughters Elizabeth & Ann Revell and Agnes Burton all my wearing clothes except what is before give.

Son in law John Revell. To granddaughters Rachell & Sarah Revell one mare to run as a joint stock between them.

To grandson Edward Revell cattle.

To son in law John Revell all the money I have in the hands of Mr. Perry & Lane, Merchants in London.

Balance of estate to be divided between my 8 sons William, Thomas, Benjamin, Joseph, Stratton, Woolsey, Jacob and Samuel. Son William  
Exr. signum

(Signed) Ann A Alexander (seal)

Witt: Wm. Custis, John Oaggem.

William Burton appointed Constable in place of Edmund Allen—  
1700—v. xii—p. 90.

Stratton Burton presented an account against the estate of Thomas Taylor dec. for the sum of 480-£ tobacco—Judgment for the Plaintiff in the sum of 480-£ tobacco out of the estate of Thomas Taylor with costs of suit als execution—5 Apr. 1709—v. xiii—p. 135.

William Burton sworn Justice of the Peace 3 July 1711—v. xiv—p. 21.

William Burton Churchwarden 1712—v. xiv—p. 45.

This day Mr. Robert Burton of Sussex County upon Dillaware petitioned the Court for administration on the estate of his son in law, Perry Leatherbury late of this County, dec., he dying intestate and he the said Burton being the greatest creditor & Edmund Leatherbury, brother and heir at law to the said dec. being present in court did consent to the same, therefore ordered that letters of administration be granted the said Robert Burton, he giving security as the law directs and presenting Mr. William Burton and Daniel Welburne as security. 3 Sept. 1717—v. xvii—p. 1.

Mr. William Burton sworn Justice of the Peace 17 Aug. 1722—v. xviii—p. 45.

This day Mr. William Burton was Sworne Sheriff for this County & entered into bond as the law directs—7 Aug. 1722—v. xviii—p. 45.

William Burton sworn Sheriff 2 July 1723—v. xviii—p. 60.

Theophilus Pugh & Mary, his wife, of the County of Nansemond in the Colony of Virginia, Merchant, to friend Stratton Burton of Accomack, Planter—Power of Attorney to make over a certain tract of land in Accomack County on the Seaboard side on the South side of Assawoman Creek as per deed bearing date 18 Mar. 1723—Rec. 19 Mar. 1723—v. xvi—part i—p. 532.

Theophilus Pugh and Mary, his wife, of Nansemond County in the Colony of Virginia, Merchant, to Samuel Burton of Northampton County, Virginia, Planter—Sale—A certain tract of land situate, lying and being in Accomack County on the Seaboard side on the south side of Assawoman Creek, being a parcel of land formerly given by Nicholas Millechops to his son Richard Millechops, containing 216 acres, more or less—Consideration 125 £ current money of Virginia—18 Mar. 1723—Rec. 7 Apr. 1724—v. xvi—Part i—p. 533—Acknowledged by Stratton Burton, Attorney for Theophilus Pugh and wife.

Nathaniel Bradford & Elizabeth, his wife, to William Burton of Accomack County, Gent: Sale—375 acres of land, sand hills, marshes



and by some called Beaches, situate, lying and being in the County of Accomack on the North end of a sandy beach which is on the South side of Assawoman Inlett on the Seaboard side . . . . the said 375 acres, more or less, was granted by patent bearing date 3 Nov. 1686 unto Daniel Jenifer, & by the said Jenifer sold and conveyed unto George Parker by deed dated 18 Sept. 1688, and by the said George Parker (my father) by his last will and testament given and bequeathed unto me (his daughter) now Elizabeth Bradford, which said deed and will being upon record in Accomack County reference is thereunto made—Consideration 30-£ current money of Virginia—1 Dec. 1724—Rec. 7 Dec. 1724—v. xvi—part i—p. 579.

William Black, Clerk, to William Burton, Gent:—Sale—100 acres of land situate, lying and being on the Seaboard side in Accomack County, on an Island that lyeth to the westward of an Island called Hobson's Choice & divided from the said Hobson's Choice by a Creek; bounded easterly and northward by a Creek and Westward by a line drawn from the mouth of a Gutt south & by west 260 poles to the mouth of another Gutt—These lands being due unto George Truit, Jr. by and for the Transportation of two persons into this Colony of Virginia whose names are mentioned in the patent for this land dated 28 Apr. 1691 and by a deed of sale made over to me, William Black, the 4th Sept. 1711—Consideration 10-£ Current Silver money of Virginia—5 Jan. 1724—Rec. 25 Jan. 1724/5—v. xvi—Part i—p. 589.

John Barnes of Accomack County to William Burton of the same County—Sale—175 acres of land, sand hills and marshes and by some called beaches, situate, lying and being in the County of Accomack on the North end of Rack Island by some called Beaches, it being formerly granted to my father John Barnes and George Parker by patent dated 22 Dec. 1682, & by my father's last will and testament bequeathed to me, his son—Consideration 5-£ current money of Virginia and 1000 lbs. tobacco. 6 Apr. 1726—Rec. 15 Apr. 1726—Witnessed by Thomas Burton, William Burton, Jr., Edmund Bayly.

Esther Barnes, wife of John Barnes, release of dower p. 62—v. xvi—part ii—

John Metcalfe of Accomack County to William Burton of the same County—Sale—100 acres of sand hills & marshes commonly known and

called by the name of Isaacs Beach, situate in the County of Accomack in the Inlet between Cedar Island and Feckes and now joyning to Feckes Island at the seaboard side, being formerly granted to my father Isaac Metcalfe by patent dated 1687—Consideration 10£ current money of Virginia—Dated 2—————A. D. 1727—Rec. 1 Aug. 1727—Witnessed by Stratton Burton, Thomas Burton & Henry Davis.

Elizabeth Metcalfe, wife of John Metcalfe, release of Dower—v. xvi—part ii—p. 148.

William Burton, Sr., and Mary Burton, his wife, late Mary Snead (dau. of Lt. Col. John West-S.N.) of the Parish of Accomack in the County of Accomack to John Snead of the same place—That the said William Burton, Sr. and Mary, his wife, for divers considerations them thereunto moving, but more especially for the Preferment of the said John Snead, eldest son of Mary by Robert Snead, her former husband, dec., and for his further advancement have given granted &c. to the said John Snead and his heirs, all that house or messuage being the Mansion house of Robert Snead lately dec. & Mary his wife, now Burton, and all the orchards, gardens, lands, tenements, pastures &c. to the said messuage and premises belonging or in anywise appertaining, which said lands are a fourth part of the lands which Col. John West devised to his four daughters, Catherine, Mary (now Mary Snead) Ann and Scarborough West, upon condition that the said John Snead shall permit his two sisters Ann and Catherine as often and as long as they shall think proper to enjoy half the messuage together with one-half the land to work their respective negroes on until they or either of them shall marry—4 Dec. 1728—Rec. 4 Dec. 1728—v. xvi—part ii—p. 269.

Samuel Burton—Will dated 29 Mar. 1728—Pro. 3 Dec. 1728—v. xvi—part ii—p. 272. To wife Priscilla Burton two negroes Jack and Jemmy and four negro women named Billis, Moll, Hagar and Phillis and one negro man named Peter during her widowhood, and then to be equally divided between my children.

To son John Burton my plantation down at Magette Bay in Northampton County called Golden Quarter containing 534 acres, to him and his heirs; 10 head of young cattle; 10 head of young sheep; personalty; 4 negroes, Betty, Grace, Geminie, East<sup>r</sup>, Peter, Sarah, Jude, Frank and a boy called Frank; these others are the increase of the four first named negroes.

OF COLONIAL VIRGINIA

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To son Samuel Burton plantation where I now live containing 216 acres, to him and his heirs.

To son Eligals Burton 100 acres in the woods near Gingoteague and my negro boys Tom, Harry and Solomon; to him and his heirs.

To son Samuel negro boy Daniel; girl Rose.

To dau. Ann Burton negro girls Jane and Dinah.

To dau. Mary Burton negroes Patience and Comfort.

Personal estate to be equally divided between wife and 4 children, Samuel, Eligals, Ann and Mary Burton.

I leave the care of my son John Burton to my brother Stratton Burton, with all his estate, real and personal, until he arrives to the age of 21 years, and if he should not live to that age his estate to return to his two brothers Samuel and Eligals Burton. Wife Priscilla sole Executrix.

(signed) Samuel Burton (seal)

Witness: Benn<sup>t</sup>: Scarburgh, John Tankred, Elizabeth Abbott, Temperance Scarburgh.

Samuel Burton, dec.—Inventory & Appraisement—Order dated 3 Dec. 1728—Returned 1 Feb. 1728/9 by Benn<sup>t</sup>: Scarburgh, John Tankard and Mason Abbott—v. xvi—part ii—p. 305.

George Parker & John Justice of the one part and William Burton of the County of Accomack of the other part—Sale—175 acres of land, sand hills marshes & by some called Beaches, situate, lying and being in the County of Accomack on the South end of a sandy beach which is the north side of Great Matomkin Inlett on the Seaboard side; the said 175 acres having been granted by patent bearing date Dec. 22, 1682, unto John Barnes and George Parker—Consideration 20-£ current money—1 Apr. 1729—Rec. 1 Apr. 1729—v. xvi—part ii—p. 316.

John Walthom of the Indian River in Sussex County, Yeoman, to friend Stratton Burton—Power of Attorney to make over all my right, title and interest of a certain tract or parcel of land lying between the land of Thomas Gascoynes & Richard Bayly on Craddock in Accomack County—15 Feb. 1728/9—Woolsey Burton one of the witnesses—v. xx—part i—

William Robinson of Princess Ann County in the Colony of Virginia, to Mr. Stratton Burton of Accomack County—Sale—A certain tract or

parcel of land situate, lying and being in the said County of Accomack on a Branch called Burton's Branch, which fell to me, the said William Robinson, by being the heir at law to Col. Tully Robinson, dec., containing 115 A. more or less—Consideration 3000 lbs. tobacco—28 July 1729—Rec. 5 Aug. 1729—v. xx—part i—p. 29.

William Burton of Accomack—Will dated 18 Nov. 1730—Pro. 2 Feb. 1730/31—v. xx—part i—p. 122—To wife Mary Burton my sorrel horse and saddle, and my will is that Jack, Thom, Monday and Frank do remain on the plantation to do any service or labor my wife shall employ them in during her natural life, & if she accepts their service it shall debar her of her thirds in any of the other negroes,—Tobacco, Corn &c.

To my two daughters in law Ann and Catherine Snead two shares of my crop made when Spencer Johnson was overseer here, and two shares of the corn made on my plantation this year.

To daughter Agnes the use of my slaves Peter with Pegg and her two children during her natural life, and at her death to be divided between her children.

To my son William and his heirs 250 acres of land and Marsh I bought of William Clark lying upon Pothooks Creek near Lewis Town with Easter, Ben, Leah, Daniel and Comfort, negroes, also my new saddle, new boots, silver Tankard, pistols, holsters and sword.

To my nephew Thomas Burton one yearling mare, and to my three nephews Joshua, Samuel and Joseph each of them a mare colt.

To my two nephews Caleb and Abner Burton my bay mare called Rose.

To my grandson John West a yearling mare.

To my son William at the death of my wife slave Frank, and my slaves Jack, Thom and Monday to the children of my daughter Agnis already born and to be born.

Wife and two children resid. legatees, they to be my executors.

(signed) William Burton (seal)

Witt: Stratton Burton, Will: Arbuckle.

William Burton, dec.—Inventory and Appraisement of estate—Order dated 2 Feb. 1730—Returned 2 Mar. 1730 by Thomas Burton, Robert Coleburn, John Bagwell. v. xx—part i—p. 131.

In obedience to an order of Court dated 2 Feb. 1730 we, the subscribers have audited the acco<sup>t</sup> between John Millechop, Adm<sup>r</sup> of Samuel Burton,

dec., & William & John Handy, Guardians of Samuel, Elijah, Anne and Mary Burton, orphans of the said Samuel, and divided the estate as followeth (viz<sup>t</sup>) Bal. in hand as per account £87 15s 1<sup>1</sup>/<sub>2</sub>d delivered to William & John Handy for the use of the said orphans—Signed by Benn<sup>t</sup>: Scarburgh, John Tankred, James Wishart—v. xx—part i—p. 142.

Thomas Burton of Accomack—Will dated 4 May 1735—Pro. 1 July 1735—v. xx—part i—p. 459—To son Joshua Burton the land and plantation whereon I now live being 500 acres, to him and his male heirs, & for want of heirs to my son Samuel Burton and his male heirs & for want of such heirs to my son Joseph and his male heirs.

To son Joshua Burton my part of the Island called Cedar Island.

To daughter Patience Armitrader two sheep.

Balance of estate to be divided between my children except my daughter Patience Armitrader, only my wife to have two parts with my children. Son Joshua Exr. (signed) Thomas Burton (seal)  
Witt: Samuel Beech, John Wharton, Robert Coleburn.

Thomas Burton, dec.—Division of estate between his wife and children—"we the subscribers have done the same and these the parts that are in minority as followeth:

Joseph Burton's part of his father's estate.

Susannah Burton's part of her father's estate.

Amy Burton's part of her father's estate.

Anne Burton's part of her father's estate."

Returned June Court 1736 by Robert Coleburn, John Wharton, Nickless Guy—v. xx—part i—p. 496.

Caleb Burton of the County of Accomack, planter, to Abner Burton of the same place—Sale—A certain messuage and piece of land situate, lying and being in the County aforesaid containing 200 acres, adjoining the land of Henry Armitrader, Joshua Burton and my own land—Consideration 30£ current money of Virginia—26 Mar. 1738—Rec. 28 Aug. 1739—D. B. i—p. 111.

On the petition of Caleb Burton who came into Court and made oath that Stratton Burton, dec., died without making any will . . . . letters of administration granted the said Caleb Burton, and his mother, widow of the dec. Stratton Burton, being present consented thereto—1 Feb. 1736—v. xxi—p. 203.

Richard Savage, of Accomack—Will dated 2 May 1739—Pro. 29 May 1739—v. xxii—w—p. 140—Bequest to daughter Michal Burton. (Michal m. Caleb Burton—See division of his estate).

William Burton of Northampton County, Gent: to Ralph Justice of Accomack County, Gent:—Sale—“All and singular the Land and Beeches lying and being in the County of Accomack on the Seaboard side between Wallops Island & Matompkin which was heretofore conveyed to William Burton, late of Accomack County, Gent:, father of the above named William whose heir at law the said William first named is by William Black of Accomack County, Clerk, dec., by deed acknowledged in Accomack, and by John Barnes of Accomack, aforesaid, dec., by one other deed acknowledged in Accomack, containing by estimation 350 acres”—Consideration Twenty five—Current money of Virginia—26 Mar. 1740—Rec. 26 Mar. 1740—D.B. i—p. 149.

Nathaniel Bradford of Accomack County, Planter, & Elizabeth, his wife, daughter and devisee of George Parker of the said County dec., to William Burton of Northampton County, Gent:, eldest son and heir at law of William Burton late of the said County of Accomack, Gent: dec., of the one part and Ralph Justice of Accomack County, Gent: of the other part—That the said William Burton and the said Nathaniel and Elizabeth for and in consideration of 15 £ current money of Virginia do convey to the said Ralph Justice 375 acres of land, Marshes, Sand hills and Beeches lying and being in the County of Accomack on the North end of a sandy beach which lies on the South side of Assawoman Inlet on the Seaboard side, commonly known by the names of Hobson's Choice and Kickotank Island, the 375 acres having been heretofore granted by patent to Daniel Jenifer and by him conveyed and sold to the said George Parker, and by the said George Parker in his last will and testament devised to the said Elizabeth, his daughter, in fee. 26 Mar. 1740—Rec. 26 Mar. 1740—D.B. i—p. 151.

Amey Burton—Will dated 24 Nov. 1745—Pro. 30 July 1746—v. xxiii—w—p. 296—To son Joseph Burton negro boy Daniel.

To son Joshua Burton 1<sup>s</sup>

To daughter Patience Armitrader 1<sup>s</sup>

To daughter Agnes Garrison 1<sup>s</sup>

Balance of estate to be equally divided between my three daughters  
Susannah, Amey and Anne Burton—Son Joseph and daughter Susannah  
Burton Exrs.

her  
(signed) Amey (×) Burton (seal)  
mark

Witt: (none)

Proved by William Spiers and John Shield.

Samuel Burton of the County of Accomack, Gent: to Severn Taylor of the County aforesaid, planter—Sale—All that tract or parcel of land lying and being at Jingoteague in Accomack County aforesaid which Samuel Burton, Gent: dec. devised to his son Elijah Burton by his last will and testament, and the said Elijah Burton has since died without issue so that the aforesaid land descended to the aforesaid Samuel Burton the younger as heir at law to the said Elijah Burton, dec., the same containing 100 acres, more or less—Consideration 8£ 15<sup>s</sup> current money of Virginia—26 Aug. 1746—Rec. 26 Aug. 1746—D.B. i—p. 514.

Samuel Burton of Accomack, Gent: to Thomas Tathem of the same place, planter—Sale—A certain tract or parcel of land situate, lying and being in the county aforesaid adjoining the land of Mason Abbott, Abbott Warrington, Jonathan Shield and Philip Fisher, containing by estimation 85 acres—Consideration 30£ current money of Virginia—26 Aug. 1747—Rec. 23 Feb. 1747/8—D.B. ii—p. 87.

Joshua Burton, the son of Thomas Burton, dec., of the County of Accomack, planter, to James Rule of the County aforesaid—Whereas William Burton of the county aforesaid was in his lifetime, to-wit: on the 5 Jan. 1695, seized of and in 200 acres of land lying on Cedar Island in the County aforesaid upon the seaside, and being so thereof seized on the day and date aforesaid by his last will duly proved and recorded in Accomack County Court did give the said 200 acres to his son Thomas Burton, the father of the said Joshua Burton, in fee tail, by means whereof the said Thomas Burton entered upon the said land as tenant for life, and being so thereof seized died and left the said Joshua Burton solely seized of the premises, by means whereof the said Joshua entered into the said 200 acres and was and still is thereof seized in fee tail; and this indenture further witnesseth that the said Joshua in order to dock the entail of the aforesaid 200 acres and effectually vest the fee simple estate

in the said James Rule did, pursuant to an Act of Assembly of this Colony made in the 8th year of the Reign of King George the ii sue out of the Secretary's Office of this Colony his Majesties writ in nature of an ad quod Damnum to the Sheriff of Accomack directed and bearing date 14 July 1746, by virtue of which writ John Wise, Gent., Sheriff of said County made and took an inquisition by which among other things it was by the oaths of the 12 men in the said inquisition mentioned found that the said 200 acres were of the value of 35.£ good and lawfull money of the Kingdom of Great Britain and no more, and that the same were a separate parcel and not parcel of or contiguous to the other entailed lands in seizen and possession of the said Joshua Burton, &c.—Consideration 3000lbs. of Inspected Tobacco and 6.£ current money of Virginia—25 Sept. 1746—Rec. 27 Mar. 1750—D. B. ii—p. 254.

Samuel Burton—Will dated 7 Jan. 1750—Pro. 29 Jan. 1750—v. xxiv-w—p. 157—I give my executors hereafter named full power to sell so many of my slaves as they shall think fit to make a purchase of the land and plantation where I now live for my son. Balance of estate to be divided between my wife and three Children, Ann, John and Priscilla. Friend Edmund Bayly Exr. (signed) Saml Burton (seal)  
Witt: William Gray, George Abbott, John Sturgis—  
In order of probate Tabitha Burton, widow of Samuel, qualified.

Edmund Bayly—Will dated 13 Jan. 1750—Pro. 26 Mar. 1751—v. xxiv-w—p. 186—Bequest to daughter Tabitha Burton; slaves & personal estate; named as one of executors.

Samuel Burton, dec.—Inventory and Appraisement—Order dated 29 Jan. 1750—Returned by Tabitha Burton, Administratrix, William Beavans, Charles Stockley, Robert Abbott—v. xxiv-w—p. 246.

William Burton of the County of Northampton, Gent: and Margaret, his wife, to Thomas Parramore—Sale—A certain Beech or Island now joining to the north end of an island or beach called Fitches Island, containing, by estimation, 100 acres, lying in Accomack County on the Seaboard side, which William Burton the elder, father of the said William purchased from a certain John Metcalf—Consideration 50.£ current money of Virginia—9 May 1750—Rec. 29 May 1750—D. B. ii—p. 264.



Caleb Burton, dec.—Division of Estate—Order dated 28 Dec. 1762—  
The widow's thirds.

Stratton Burton, his part.

Rachel Burton, her part.

Leah Burton, her part.

Cornelius Burton, his part.

Wolzey Burton, his part.

John Burton, his part.

Elizabeth Burton, her part.

Mary Burton, her part.

Returned by Michol Burton, Adm'x., John Savage, Rowland Savage,  
Francis Savage—v. xxvii-w—p. 157.

Joseph Burton, dec.—Division of his estate—Order dated 30 June,  
1763—

Littleton Armitrader's part.

Samuel Burton's part.

Catherine Burton's part.

Patience Burton's part.

Returned 27 Sept. 1763 by John Coleburn, John Spiers, Samuel  
Beach—v. xxvii-w—p. 210.

William Burton of the County of Accomack, to Mary Cole of the  
County of Northampton—Sale—Cattle—5 Jan. 1665—v. vii—p. 10.

Jabez Mau(or "n")d Fisher, Esq., heir at law to Thomas Booth, dec.,  
of Sussex on Delaware, James Fisher of Sussex County to William  
Burton, Jr., of Northampton County in the Colony of Virginia—Sale—  
"Two parts in five it being the residue of the land and appurtenances  
whereof Daniel Eyre late of Northampton was seized, lying and being  
in the County of Northampton aforesaid, in the precincts of Maggoty Bay,  
containing by estimation 733 acres—Consideration 78£ current money"  
—23 Nov. 1737—Rec. 14 Dec. 1737—D. B. xviii—p. 108.

Will of John Robins dated 13 Dec. 1739—Pro. 8 July 1740—Wills  
xviii—p. 359—"Item—I give to my granddaughter Margaret Burton my  
negro girl Belinda, to her and her heirs forever. Item—I give unto my  
daughter Margaret Burton my negro Wench Phillis and negro Boy Luke,  
to her and her heirs forever." To daughter Margaret Burton my silver

Beaker. Son Edward Robins and William Burton to take care of my grandson John Robins & his estate according to his dec. father's will till he come to the age of 18. "I do nominate and appoint my wife (Katherine-S.N.) & two sons Edward Robins and William Burton my true and lawful Executors."

Walter Carter of Northampton, Planter, & Sarah, his wife, to William Burton of the same County, Gent: of the other part—Sale—"All that part of a tract of land whereof George Clarke late of the County aforesaid, planter, lately died possessed, lying and being in Old Plantation Neck in the aforesaid County which was since the death of the aforesaid George Clarke her father assigned to her." Consideration—14 £ 10<sup>s</sup>—7 Dec. 1745—11 Mar. 1745/6—D.B. xviii—p. 319.

William Burton of the County of Northampton, Gent: to Ralph Pigot of the said County—Sale—All that tract of land with the houses & other appurtenances situate, lying and being on the Seaside in the County aforesaid, formerly known by the name of Daniel Eyres Plantation, and which said William Burton purchased of Jacob Mand Fisher, Esq., heir at law of Thomas Booth, Jacob Fisher, James Miers & Margery his wife, Jabez Mand Fisher and Joshua Fisher, which will more plainly appear from the several deeds recorded in the said County of Northampton, containing 733 acres, more or less. Consideration 900 £ Current money of Virginia—7 July 1742—Rec. 8 July 1742—D.B. 1—p. 208.

John Burton, being very sick of body &c., Will dated 16 Apr. 1746—Rec. 8 July 1746—Wills xix—p. 254—To son William Burton plantation that I bought of Levy Moore, containing 150 acres, more or less. To son John the plantation I now live on containing 534 acres. To wife Esther Burton & my three children, William, John & Susanna Burton all my negroes to be equally divided between them. Wife and three children resid. legatees. Wife to have use of children's estate to bring them up.  
Wife Exec. his

(Signed) John Joh Burton (L. S.)  
mark.

Witness: Elizabeth Harmanson, Ralph Pigot, Mary Pigot.

William Burton—Bond as Sheriff of Northampton County—Not dated—Rec. 11 Aug. 1747—Joachim Michael, and Azel Benthall sec. D.B. xviii—p. 354.

Ralph Pigot of the County of Northampton, Gent: to William Burton of the county aforesaid, Gent:—Sale—All that tract of land with the houses and other improvements situate, lying and being in Old Plantation Neck in the aforesaid County of Northampton, where the said Ralph Pigot now lives, containing 639 acres, more or less, bounded according to a survey of the said land made by Luke Johnson, late surveyor of the said County—Consideration 1100-£ Current money of Virginia—7 July, 1742—Rec. 7 July 1742—D. B. xviii—p. 207.

Katherine Robins—Will dated 23 Feb. 1754—Pro. 9 Apr. 1754—Wills xx—p. 517—Daughter Esther Pugh—To granddaughter Mary Burton my mourning ring marked M Burton. Granddaughter Margaret Burton—To the three children of my daughter Margaret Burton, dec., viz: William Waters, Margaret Burton and Mary Burton—Son William Burton and Grandson John Robins Exrs.

Elizabeth Harmanson—Division of estate between Elizabeth Kendall, Elishe Kendall, Margaret Ker, Elizabeth Harmanson, Thomas Respass, John Burton and Susanna Burton—Returned 13 Dec. 1757—Wills xxi—p. 311—(John Burton m. Esther Harmanson, dau. of Elizabeth & Thomas Harmanson—She m. ii Thomas Respass—S. N.)

William Burton—Will dated 1 Nov. 1769—Pro. 13 Feb. 1770—Wills xxiv—p. 238—I give all my tract of land lying in Old Plantation Neck in this County, containing 1600 acres to my daughter Margaret Savage and also the following slaves: Old Luke & Rachel his wife, Patience, Armsbury, Chocolate &c. Jack her husband and their two children Appy and Jacob, Minney, Moses, Ben, Joe, Daniel, Harry, Bess, his wife, Emanuel, Lydia, Tamor, Sylla, Hannah, Spencer & Sam, and for want of heirs I give the said tract of land and all the slaves above mentioned to my granddaughter Mary Burton Bolling, and for want of heirs to my Cousin John Burton. (Mary Burton m. Robert Bolling of the County of Buckingham 3 June, 1763, William Waters of the City of Williamsburg sec. Consent of William Burton, Gent: father of Mary—Marriage License Bond—S. N.) If my granddaughter Mary Burton Bolling should live to the age of 17 years, and not before, I give her the sum of 5000-£ current money of Virginia, and my Executors to pay for her support after the rate of 25-£ yearly from the date of my death until she arrive to the age of 15 years, and from the age of 15 years to the age of 17 years after the

rate of 50£ per annum. To granddaughter Mary Burton Bolling my negro girl Nelly. To Kinsman John West of Accomack 100£ current money. To daughter Margaret my tract of land in Mossongoe in Accomack containing about 600 acres, also my tract of land in North Carolina containing about 320 acres. Balance of negroes with their increase not before mentioned I give to my daughter Margaret and her heirs. My will is that if my granddaughter Mary Burton Bolling or her heirs should ever disturb or molest my daughter Margaret or her heirs in the quiet and peaceable possession of that tract of land in Savage's Neck or any part thereof devised to my said daughter, that then the legacy of 5000£ heretofore given my said granddaughter to be null and void, and in such case I give my said granddaughter only 20<sup>s</sup> of my estate.. I have already given to my son in law Robert Bolling after his marriage with my daughter Mary, dec., 600£ and upwards, and have also devised to his daughter, my said granddaughter if she should live to the age of 17 years, the sum of 5000£, and have also in the meantime provided for her maintenance & support, I hope my said son in law will be content without any legacy in this my will. To my kinsman Mr. Teackle Robins the sum of 50£. To friend Mr. Griffin Stith, one of my executors, the sum of 25£ providing he qualified and acts as such. Daughter Margaret resid. legatee. Griffin Stith, Teackle Robins, Littleton Savage and daughter Margaret Exrs. (signed) William Burton (L.S.)  
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