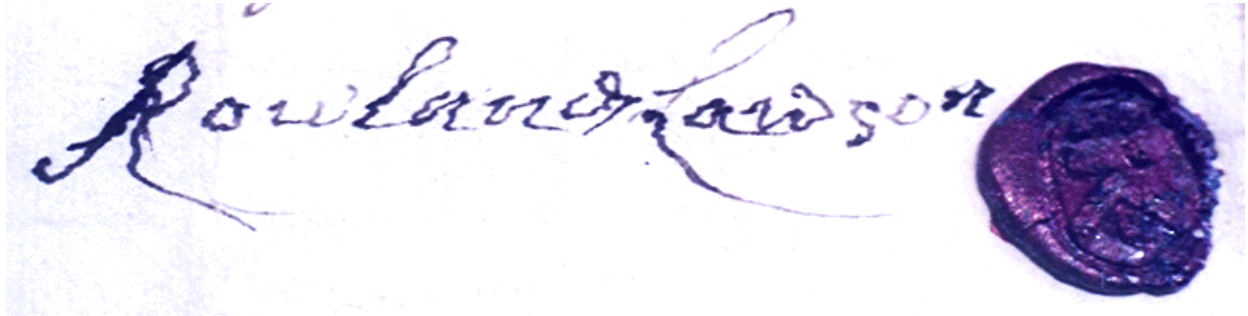


ANCESTRY OF SARAH (LAWSON) HATHAWAY
Wife of William Hathaway of Enon Hall
Lancaster County, Virginia

By
William P. Carrell II, B.A., J.D.
Louisville, Kentucky
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From the Will of Rowland Lawson II, 1704/5
Signature & Seal of Rowland Lawson II of Lancaster County, Virginia



The following is the entire known American ancestry of William Hathaway's wife, Sarah Lawson, of Enon Hall Plantation, Lancaster County, Virginia. This couple were the first Hathaway owners of Enon Hall.

Virtually all of the research for this lineage was done by Sandy Diggs and Diane Wilson of Matthews County, Virginia and by the author, who also did the analysis. Lyndon H. Hart III of Richmond also kindly contributed the important *Carter v. Pinckard* lawsuit. While this research was conducted over several years, it was compiled by the author for the submission of supplemental lineages on the author's membership in the Society of Colonial Wars from the following ancestors: William Hathaway, Lieut. Henry Lawson, Rowland Lawson II, Rowland Lawson, and Simon Sallard. The lineage to all five and their respective service were approved by the Society's Registrar General, Timothy Field Beard, F.A.S.G.

In addition, one published genealogy asserted that Simon Sallard's father-in-law, John Taylor, was the same person as the John Taylor who came to Virginia aboard the *Swan* in 1610.¹ No basis was, however, given in support of this claim. The author, with the assistance of Sandy Diggs, researched this possibility in 2005-2007 and discovered that the record evidence, in fact, creates a very compelling case for this identification.

The consolidation of the forgoing materials into this document was made in 2007 for its inclusion on the Enon Hall Plantation website.

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In the format below, the substantive information is presented in bold, and the bracketed remarks below each such item list the documents and provide the analysis, if any, needed to establish the information contained therein. Information that is extracted from a particular source, and/or other significant details pertaining thereto, is enclosed by the following: “{ }.” Maiden names are used exclusively, unless the name is directly quoted from, or is a title of, a source. When an individual's initials are used, they refer only to the appropriate ancestor named in the lineage and not necessarily to people with the same name referred to in the proofs: such abbreviations will only be used after the particular point in the lineage where the ancestor's name first appears. To prevent confusion among individuals with the same name, Roman numerals will appear after each name to denote different generations, even though the named individuals were never so identified.

The author and William Hathaway Chapman, who are fifth-great grandsons of Lieut. Lawson Hathaway of Enon Hall, are Generation 1, for purposes of the generation numbers presented below. Sarah (Lawson) Hathaway, from whom this study begins, is Generation 9.

¹Chester Horton Brent. *The Descendants of Hugh Brent*. Rutland, VT: The Tuttle Publishing Company, Inc., 1936, pages 26, 234 & 253.

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CHILDREN OF GENERATION 9:

[Will of William Hathaway, made 16 November 1771, probated 16 January 1772, Lancaster Co. VA Will Book 20, page 31 Ida J. Lee. *Abstracts of Lancaster County, Virginia, Wills. 1653-1800*. Greenville, SC: Southern Historical Press, Inc., 2004 reprint of 1959 original (“Lee”), page 107 {wife Sarah and children: Lawson, John, James, Thomas, Dolly, William & Mary}]

GENERATION 9: SARAH LAWSON

B. ca. 1710 in probably Lancaster Co. VA

[based on analysis below and her husband’s know birth; place based upon family’s residence in county]

D. after 16 November 1771 in probably Lancaster Co. VA

[Will of William Hathaway {Sarah listed}]

**M. by 18 February 1752 in probably Lancaster Co. VA
to WILLIAM HATHAWAY**

[Deed from “William Hathaway of the Parish of South farnham & County of Essex and Sarah his wife” to Joseph Man, 18 February 1752, Essex Co. VA Deed Book 1752-1754, pages 64-66² (“Hathaway/Man Deed”); Deed from John & Elizabeth “Biscoe” to “William Hathaway of Essex County,” 23 May 1749, Lancaster Co. VA Deed Book 14, page 252b (“Biscoe/Hathaway Deed”) {“Biscoe” conveyed slaves and other property to satisfy debt owned to Hathaway—conveyor was likely the nephew of William’s wife (see below) suggesting the marriage by this earlier date}; Will of William Hathaway {named wife Sarah}; place based upon Sarah’s county or origin; for Sarah’s maiden sumame, see proof below that she was the daughter of Henry Lawson II]

B. March 1706/7 in Lancaster Co. VA

[Established by the following:

- Deposition of William Hathaway of Lancaster County in Depositions in *Thomas Taff v. John Yerby*, Richmond Co. VA Acc. No. 25391, 13 September 1771, pages 29-31 {testified that he always understood that he was “born in the month of March in the Year of our Lord one thousand seven hundred and Six Seven”; stated that “Doctr. Robert Gibson” was his uncle and it implied that, as a boy, he resided with Gibson in Lancaster County}
- Will of Mary Phipps, made 12 June 1709, probated 10 August 1710, Lancaster Co. VA Will Book 10, pages 49-51 (abstracted in Lee at 176) {bequest left to God son “will hathaway”}
- William Hathaway v. Robert Gibson*, 12 May & 8 July 1730, Lancaster Co. VA Order Book 1729-1743, pages 12 & 18 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1729-1732*. #LR.OB-17/98, pages 16-17 & 25-26 {Hathaway sued for his part in the estate of Francis Hathaway, decd. from Gibson, who had possession of it}
- Inventory of Francis Hathaway, 10 June 1719, recorded 8 July 1719, Lancaster Co. VA Will Book 10, page 296 (abstracted in Lee at 107) {administrator was Robert Gibson}
- Hathaway/Man Deed
- Biscoe/Hathaway Deed
- Deed from Andrew Donaldson to William Hathaway of Lancaster Co., 10 September 1762,

²This deed and several other sources regarding William Hathaway, including his service as a Constable (see below), were discovered by WPC II’s cousin, William Hathaway Chapman of Enon Hall, Lancaster Co. VA, who has extensively researched the Hathaway family of Virginia.

recorded 13 September 1762, Lancaster Co. VA Lancaster Co. VA Deed Book 16, pages 233-34 (“Donaldson/Hathaway Deed”){documents the purchase of the 200 acres for £100}

In his 1771 deposition, WH stated that he was born in March of 1706/7 and that, as a boy, he regularly went to a mill in Lancaster County for his uncle, Dr. Robert Gibson—implying that he lived with him. His statement is confirmed by two additional records. First, the lawsuit of *Hathaway v. Gibson* documents William’s claim against the administrator of Francis Hathaway’s intestate probate estate—his uncle Robert Gibson—for his part of it, (presumably) as one of Francis’s heirs. Since Francis died in 1719, there was no reason for William to wait eleven years until 1730 to assert his claim, unless he were under age until close to that time. Thus, both the filing and the nature of this suit suggest that William had come of age recently, indicating his birth by 1709—a fact that is confirmed by the reference to him in the second document, which was his godmother Mary Phipps’s will made that year.

The fact that WH had a godmother in Lancaster County within two years of his birth, that Francis Hathaway died in this county just ten years after his birth, and that he apparently lived with his uncle Robert Gibson in this county as a boy suggest that he was born there, in spite of his subsequent residence in Essex County. His identity as the William Hathaway of Essex County is established by the Hathaway/Man Deed, which identifies the conveyor’s wife as Sarah—consistent with WH’s wife identified in his will: it is very unlikely that there would have been another couple so named in Virginia at this time, given the sparse number of Hathaways in the colony. The re-establishment of WH’s residence in Lancaster County is documented by the Donaldson/Hathaway Deed, which identifies this county as his residence. It also records the purchase of the land upon which Enon Hall was to be built, on Nantipoison Creek.³ And it was at Enon Hall that he gave his deposition in 1771.]

D. between 16 November 1771 & 16 January 1772 in Lancaster Co. VA
[Will of William Hathaway]

INFORMATION REGARDING—WILLIAM HATHAWAY:

CONSTABLE of Tappahannock, Essex Co. VA in 1760
[Constable Appointment, 18 August 1760, Essex Co. VA Order Book 23, page 186]

PURCHASER of Enon Hall in 1762
[Donaldson/Hathaway Deed]

PROBATE ESTATE valued £1,358.80 (included 17 slaves)

³The white clapboard Enon Hall plantation house still stands in Lancaster County. The oldest section is thought to have been built shortly after WH purchased the property in 1762. William Hathaway Chapman bought the house back into the family several years ago and is in the process of restoring it: see www.enonhall.com.

[Estate Inventory of William Hathaway, 16 January 1772, Lancaster Co. VA Will Book 20, pages 32B-34A]

DAUGHTER OF GENERATION 10:

[Established by the following:

- Will of William Hathaway {wife Sarah and children: Lawson, John, James, Thomas, Dolly, William & Mary}
- Estate of Henry Lawson, Gent., 17 January 1755, Lancaster Co. VA Order Book 10, pages 294 & 392 {William Hathaway made administrator; see narrative below for more details}
- Estate Inventory of Henry Lawson, Gent., 17 January 1755, Lancaster Co. VA Deed & Will Book 15, pages 227b-228b {states the estate was divided among his children but does not name them; however, "Ms. Ann Lawson" and Elizabeth Briscoe, took exception to having two slaves included in the estate; estate valued at £245.16}
- Will of Ann Lawson, made 29 October & probated 29 November 1761, Lancaster Co. VA Deed & Will Book 16, pages 176-77 (abstracted in Lee at 139) {bequests of apparently all of her property were made to "William Hathaway Senr.," Winifred Lawson and her daughter Mary, James Hathaway, Elizabeth Hathaway, John Briscoe, Sarah Briscoe & Henry Lawson; William Hathaway, Sr. was named executor}
- Will of Henry Lawson, Jr., made 21 November 1751, probated 19 June 1752, Lancaster Co. VA Deed & Will Book 15, pages 96-97 (abstracted in Lee at 139) {named wife Winifred; William Hathaway an executor; John Briscoe a witness; and left property to his "children"}
- Marriage Bond of Robert Briscoe to Elizabeth Lawson, daughter of "Henry Lawson," 29 May 1727, Lancaster Co. VA Marriage Bonds {"Henry Lawson, Jr." and others were sureties for the bond}
- Indenture from Elizabeth Briscoe to "John Briscoe, Mary Hunton, Elizabeth Briscoe, Robert Briscoe, Sally Briscoe, Nancy Briscoe & William Briscoe her children," 14 April 1756, Lancaster Co. VA Deed & Will Book 15, page 244
- Estate Inventory of Robert Briscoe, 11 March 1747/8, recorded 13 May 1748, Lancaster Co. VA Deed & Will Book 14, pages 193-95 {John & Elizabeth Briscoe were administrators}
- William Hathaway, Jr. v. Dunn*, 1762-63, Essex Co. VA Order Book 24, page 277
- Donaldson/Hathaway Deed {Elizabeth Hathaway was a witness}
- Marriage Bond of Elizabeth Hathaway to Bartley James, 20 December 1763, Lancaster Co. VA Marriage Bonds, page 32 {John Hathaway was a witness}
- Katherine L. Brown & Nancy T. Sorrells. *People in Profile: Christ Church Parish, 1720-1750, Lancaster County, Virginia*. Irvington, VA: The Foundation for Historic Christ Church, 2002 ("Brown & Sorrells"), pages 48-56 & 81-84 {Briscoe connection documented}
- Deed from Henry & Mary Lawson to John Kelly, 12 September 1720, recorded 13 September 1720, Lancaster Co. VA Deed Book 11, pages 162-63 ("Lawson/Kelly Deed") {deed provided that, if Mary's son John Kelly died without issue, then this entailed land was to go to Henry & Mary's son Rowland Lawson and, if he died without issue, then to their son Henry Lawson}
- Deed from Henry & Mary Lawson to Epaphroditus Lawson, in trust, 12 September 1720, recorded 13 September 1720, Lancaster Co. VA Deed Book 11, pages 163-64 ("Lawson/Lawson Deed") {deed provided that, upon Mary's death, the land was to revert to her son Rowland Lawson in entail, with subsequent contingent reversions to her sons John

- Kelly and, in turn, Henry Lawson}
- Depositions of Henry Lawson & John Kelley, 25 & 28 November 1752 respectively, and Jury Verdict in *Charles Carter v. Thomas Pinckard*, November 1752, Lancaster Co. VA Judgments 9/1755, Box 5, Folder 18, Library of Virginia transcribed in part by WPC II ("*Carter v. Pinckard*")⁴
 - 1720 Lancaster Co. Tithables transcribed by the Foundation for Historic Christ Church {only one Henry Lawson was listed—with 8 tithables}
 - 1721 Northern Neck Proprietary Rent Rolls transcribed by the Foundation for Historic Christ Church {only one Henry Lawson was listed—with 375 acres; John Kelly listed with 125 acres}
 - Lease from John Kelly to Thomas Hunton, 8 July 1724, recorded 8 July 1724, Lancaster Co. VA Deed Book 11, pages 253-55 ("Kelly/Hunton Lease") {John Kelly leased the land conveyed to him in entail, in the Lawson/Kelly Deed, to Thomas Hunton for the longer of Hunton's life or that of his son Thomas Hunton, Jr.}
 - 1746 Lancaster Co. Tithables transcribed by the Foundation for Historic Christ Church {Henry Lawson, Sen. listed with Henry Jr. and 7 named slaves, for a total of 9 tithables}
 - 1748 & 1750 Northern Neck Proprietary Rent Rolls transcribed by the Foundation for Historic Christ Church {only one Henry Lawson listed—with 250 acres—and he was not denoted as "junior"; John Kelly listed with 50 acres}
 - Petition of Henry Lawson, gent. who married the widow of Walter Heard, 14 May 1742, Lancaster Co. Deed Book 8, pages 340-41 {see narrative below for details}
 - Petition of John Kelley, 9 October 1689, Lancaster Co. VA Order Book 1686-1696, page 109 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1687-1691*. #LR.OB-13/95, page 58 {as marrying Mary, daughter of Simon Sallard, decd., in which he requests Mary's share of her father's estate then in the possession of Thomas Baker}
 - Estate of John Kelley, decd., 11 March 1690/1, page 158 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1687-1691*. #LR.OB-13/95, page 89

William Hathaway's pivotal involvement with the 1755 Estate of Henry Lawson, Gent. ("HL"), the conveyances to him and his children in the Will of Ann Lawson, his role as the executor of that will and of the Will of Henry Lawson, Jr., and the fact that he named his eldest son Lawson constitute sufficient circumstantial evidence that his wife Sarah was the daughter of HL. Land and Tithables records confirm that HL was the same Henry Lawson who married Mary Sallard, widow of John Kelly, and that all of his children, including Sarah, were born of wife Mary.

William Hathaway's Wife Sarah Was The Daughter of HL.

The 1755 Estate of HL indicates that each "childs part" was to be distributed, but it does not identify them. However, the fact that Elizabeth Briscoe and "Ms. Ann Lawson" filed objections to having two of their slaves included in the Estate is evidence that they were two of HL's children. Their objection is also significant because it suggests that they were not HL's only surviving

⁴As noted above, the author is very grateful to Lyndon H. Hart III of Richmond, Virginia for informing him of this very important record. This multi-page loose-leaf suit contains fifteen depositions and numerous other documents covering over a century of family relations and land history.

children. If they were, there have been little reason for them to object as they would have each received half of the estate. But that would not be the case if there were additional heirs because HL's personal estate would have been equally divided amongst all them—thus, depriving the two daughters of the full value of their slaves.⁵

Elizabeth Briscoe's identification as one of HL's daughters is confirmed by her marriage bond to Robert Briscoe in 1727, in which, as "Elizabeth Lawson," she was identified as the daughter of "Henry Lawson." One of the sureties for this bond was, notably, "Henry Lawson, Jr."

Since the 1720 & 1746 Tithables records only reveal two Henry Lawsons in Lancaster County in each of these years, it is probable that Henry Lawson, Jr. was HL's son. This probability is increased by the fact that Henry Jr. still went by "junior" when he wrote his will in 1751, indicating that this designation was linked to HL, who was still alive.⁶ Moreover, the fact that Henry Jr. named William Hathaway as the executor of his will adds to the weight of this evidence because it was Hathaway who also served as the administrator of HL's estate four years later.

Additional evidence is found in the 1761 will of HL's unmarried daughter "Ms." Ann Lawson, in which she devised all of her property to the following: Winifred Lawson & her daughter Mary Lawson, "William Hathaway Senr.," James Hathaway, Elizabeth Hathaway, John Briscoe, Sarah Briscoe, and Henry Lawson. Since Winifred was the widow of Henry Lawson, Jr., per his 1751 will, it is clear from the bequests to her, her daughter Mary, and her presumed son Henry that Henry Jr. was testator Ann's brother and a son of HL.⁷

The significance of Ann's will, however, goes beyond the clarification of this relationship. Ann also devised property to John and Sarah Briscoe. Per Elizabeth Briscoe's 1756 indenture to her children, this John Briscoe was clearly her son John, and Sarah was obviously her daughter, who was identified by her nick-name "Sally" in the indenture.

Ann also made bequests to James, Elizabeth and William Hathaway "Senr."⁸ James Hathaway was obviously William Sr.'s son of that name. Elizabeth Hathaway was likely a daughter of William Sr.: her relationship is suggested by her marriage bond to Bartley James in late 1763,

⁵Sir William Blackstone. *Commentaries on the Laws of England*. A Facsimile of the First Edition of 1765-1769. Chicago & London: The University of Chicago Press, 1979. In 4 Volumes ("Blackstone"). Volume 2, pages 514-15 {describes intestacy law for descent of personal property}.

⁶It was common for the designations of "senior" and "junior" to rotate between generations, in the colonial period: so, one who was known as "junior" at one time may later become "senior" after his father's death and after he has a son or nephew by the same name, who became the new "junior."

⁷The devisee Henry is listed without any "junior" designation as the two older Henrys—HL and Henry, Jr.—were both dead by this point.

⁸He was designated "senior" to distinguish him from his son of the same name, who Essex County records establish was an adult by 1762 -63 and who was named in Hathaway's will.

which was witnessed by a known son of William Sr., John Hathaway. The fact that so many members of William Sr.'s family were given bequests by Ann is very significant and implies a blood relationship with his family.

William Sr.'s most significant involvement with the Lawsons, however, was his service as the administrator of HL's estate. He was so appointed after he "came to Court & made oath" that HL died "without making any Will as far as he knows or believes." The fact that Hathaway was able to make such a statement is strong evidence of his close relationship with HL. When this evidence is combined with the fact that Hathaway was of the right generation to be a son-in-law of HL, that his eldest son was named Lawson, plus his involvement with the estates of Henry Lawson, Jr. and Ann Lawson, and Ann's bequests to two of his children, the overwhelming weight of this evidence is sufficiently strong to warrant the conclusion that William Hathaway's wife Sarah was HL's daughter. (In fact, Elizabeth Briscoe's daughter Sarah was likely named for her.)

So, HL's known children are: Henry, Jr. who married Winifred; Rowland (see below); Sarah who married William Hathaway; Elizabeth who married Robert Briscoe; and Ann who never married.

HL Is The Henry Lawson Who Married Mary Sallard.

Ordinarily, one would not expect that HL, who died by 1755, would be the same Henry Lawson who married Mary Sallard, widow of John Kelly, over five decades earlier.⁹ Nonetheless, the Deposition of Henry Lawson establishes that to be the case: HL testified that he was 74 years old "or thereabouts," in 1752, and that he had married Mary Sallard, who was the widow of John Kelly and the daughter of Elizabeth Taylor Sallard.

Land records confirm the reliability of the aged HL's testimony. The 1720 Lawson/Kelly & Lawson/Lawson Deeds establish that a Henry Lawson, of the right generation to be HL, married Mary Sallard, widow of John Kelly. The former deed conveyed half of a 250 acre tract from her family to son John Kelly with reversions to her other sons, Rowland Lawson and Henry Lawson. In the latter deed, Mary retained a life estate in the other 125 acre half of this tract, with sons Rowland Lawson and Henry Lawson as alternate remaindermen. That same year, the Tithables records reveal only one Henry Lawson in Lancaster County, who was the head of a household, and he was obviously Mary's husband.

In the following year, 1721, the Quit Rent Roll reveals that this Henry was taxed for 375 acres of land, and John Kelly was taxed for 125 acres. The latter acreage was obviously the half of the Sallard tract conveyed to Kelly in the Lawson/Kelly Deed. Kelly subsequently conveyed an

⁹Only 30% of colonial Virginians lived beyond age fifty: see Cary Carson, Norman F. Barka, William M. Kelso, Garry Wheeler Stone, and Dell Upton. "Impermanent Architecture in the Southern American Colonies." In Robert Blair St. George, ed. *Material Life in America, 1600-1800*. Boston: Northeastern University Press, 1988. page 143.

extended lease in this land to the Hunton family in 1724. The other 125 acre half was obviously a third of Henry Lawson's 375 acre total, for which he was taxed due to Mary's retention of the life estate in this acreage. The remaining 250 acre balance was Henry's own land.

By the 1740s & 1750, the Tithables and Quit Rent Rolls establish that there were, as before, two Henry Lawsons over age sixteen, but only "Henry Lawson Sr." was listed as owning land—250 acres. Notably, the fact that Henry Jr. was living in Henry Sr.'s household at the time all but confirms that he was the senior Henry's son.

Henry Sr.'s listing with only 250 acres in 1746 is consistent with his wife Mary's death by this point. At her death, her life estate in the 125 acre balance from the Lawson/Lawson Deed would end, and this acreage would pass to her son Rowland Lawson in entail, with alternate reversions to her other sons if he died without issue. So, it is reasonable to conclude that Henry's wife Mary had died by 1746. In fact, as noted below, she died at least four years before that, by 1742.

One probable reading of these records is that Mary Sallard's husband Henry was the Henry Lawson who was still living in 1750 and who appeared in them back to the 1720s. They, thus, provide independent evidence verifying HL's statements in his deposition. Consequently, HL was Mary Sallard's husband Henry Lawson.

Mary Sallard Was Sarah Lawson Hathaway's Mother.

It is notable that HL did remarry after his wife Mary's death. In 1742, HL, "who [had] married the widow & admin^rx of Walter Heard dec^d," moved that an accounting of Heard's "Instate Estate" be made and that the Estate's Negroes be divided between the widow and Heard's children. The requested disposition of this estate and the reference that HL had married the widow Heard both imply that he had recently married her. This marriage would have been too late for HL's second wife to be the mother of any of his children.

As noted, HL's first wife Mary Sallard had previously been married to John Kelley, by whom she had at least two children—John Kelley, Jr. and Blanch Kelly, per the depositions and Jury Verdict in *Carter v. Pinckard*. In his deposition, the younger John Kelley testified that he was 53 years old "or thereabouts" in 1752—putting his birth circa 1699. However, emphasis must be placed upon the "thereabouts" qualifier: both he and his sister had to have been born by the time of their father's death, which had occurred by the commencement of his intestate probate in 1690/1.

Mary then married HL between this date and ca. 1700, since her two known sons by him were deeded land interests without a guardian in the 1720 Lawson/Kelly & Lawson/Lawson Deeds—implying that they may have been of age at that time. Life expectancy probabilities confirm not only this conclusion but also suggest that HL's other children would have been close in age to these two siblings. Consistent with the fact that few people lived much beyond age sixty, HL's son Henry Jr. died by 1752, and daughter Ann died in 1761. Daughter Elizabeth's marriage to Robert Briscoe in 1727 is, likewise, consistent with her birth occurring not too many years removed from

1700. Similarly, William Hathaway was born in 1706/7, and it is reasonable to presume that his wife Sarah would have been close to his own age. That being the case, she would also have been close in age to HL's other children. It is, therefore, unlikely that any of HL's children were born much after ca. 1710. Since Mary Sallard was still alive in 1720, she was HL's wife at the time that all of his children were likely born, and his marriage to his second wife was, consequently, much too late for her to be their mother.

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The strength of this evidence is more than sufficient to justify the conclusion that HL and wife Mary Sallard were the parents of Sarah, wife of William Hathaway.]

GENERATION 10: Lieut. HENRY LAWSON

B. ca. 1678 in Lancaster Co. VA

[Deposition of Henry Lawson in *Carter v. Pinckard* {states he was "age Seventy four or thereabouts" in late November of 1752}; Confession of Judgment by James Haines to Henry Lawson, 9 July 1701, Lancaster Co. VA Order Book 1696-1702, page 140 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1699-1701*. #LR.OB-22/98, page 97 {establishes HL's birth by 1680, since he would have been an adult when this document was made}]

D. between 25 November 1752 & 17 January 1755 in Lancaster Co. VA

[[Deposition of Henry Lawson in *Carter v. Pinckard* {given on first date}; Estate of HL {commenced on latter date}]

M. between 11 March 1690/1 & ca. 1700 in probably Lancaster Co. VA to MARY SALLARD (KELLY)

[Deposition of Henry Lawson in *Carter v. Pinckard* {in former, HL states that he married Mary Sallard, widow of John Kelley}; Estate of John Kelley, decd.; Lawson/Kelly & Lawson/Lawson Deeds; see analysis above]

B. ca. 1670 in probably Lancaster Co. VA

[date based on birth of first son John Kelly; place based upon residence of parents]

D. by 14 May 1742 in probably Lancaster Co. VA

[Petition of Henry Lawson, gent.; see also analysis above]

INFORMATION REGARDING—Lieut. HENRY LAWSON:

LIEUTENANT of Lancaster Co. VA militia (Dragoons) in 1701/2

[Lancaster Co. VA Militia Muster, 1701/2, Lancaster Co. VA Order Book 1702-1713, page 160a abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1701-1703*. #LR.OB-23/99, page 22; *Calendar of State Papers Colonial Series, America and West Indies . . . Preserved in Her Majesty's Public Record Office*. W. Noel Sainsbury & The Hon. J. W. Fortescue, eds. London: Her Majesty's Stationary Office. In 12 Volumes, 1893-1912—including volume covering 1681-1685. page 156]

CONSTABLE of Lancaster Co. VA in 1706

[Lancaster Co. VA Constable Appointment, 1706, Lancaster Co. VA Order Book 1702-1713, page 147 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1703-1706*.

#LR.OB-24/99, page 100]

SHERIFF of Lancaster Co. VA in 1737/8

[Lancaster Co. VA Sheriff Appointment, 1737/8, Lancaster Co. VA Order Book 1729-1743, page 193 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1736-1739*. #LR.OB-19/98, page 57]

JUSTICE of Lancaster Co. VA 1731 & 1734-1739

[-Lancaster Co. VA Justice Lists, 1731, Lancaster Co. VA Order Book 1729-1743, page 38 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1729-1732*. #LR.OB-17/98, pages 54 & 55

--Lancaster Co. VA Justice Lists, 1736, Lancaster Co. VA Order Book 1729-1743, pages 109, 112, 121, 133 & 137 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1732-1736*. #LR.OB-18/98, pages 57, 58, 62, 78, 97 & 102

--Lancaster Co. VA Justice Lists, 1736-1739, Lancaster Co. VA Order Book 1729-1743, pages 139, 172, 175, 177, 179, 186, 189, 190, 197, 205, 212, 217, 220, 224, 230 & 232 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1736-1739*. #LR.OB-19/98, pages 1, 36, 39, 41, 42, 49, 52, 54, 60, 67, 73, 78, 81, 85, 90 & 92]

MEMBER & WARDEN OF THE VESTRY OF CHRIST CHURCH 1743-1746

[Margaret H. Tupper. *Christ Church Parish Vestry Book 1739-1786*. Irvington, VA: Foundation for Historic Christ Church, 1990, pages 9, 12, 15, 17-19, 21 & 96]

SON OF GENERATION 11:

[Established by the following

--Will of Rowland Lawson II, made 24 March 1704/5, probated 11 September 1706, Lancaster Co. Will Book 8, page 137 (abstracted in Lee at 137) {named sons Rowland & Henry; devised Henry an unspecified western portion of his land, which was the only land devised}

--Patent to Rowland Lawson II of 24 acres in Lancaster Co. VA, 8 June 1699, Northern Neck Land Patent Book 2, page 303 abstracted in Gertrude E. Gray. *Virginia Northern Neck Land Grants 1694-1742*. Baltimore: Genealogical Publishing Co., Inc., page 22

--Deeds of lease and release from Rowland & Jean Lawson to Henry Lawson, 8 September 1712, recorded 10 September 1712, Lancaster Co. VA Deed Book 9, pages 387-89 {conveyed 50 acres where Rowland then lived, which the said Rowland inherited from his father Rowland}

--Will of Rowland Lawson III, made 23 November 1716, probated 9 January 1716/7, Lancaster Co. VA Will Book 10, page 189 abstracted in Lee at 137 {wife was Jane}

--1721 Northern Neck Proprietary Rent Rolls {the only 3 Lawsons listed are Jane Lawson taxed for 900 acres, Henry Lawson taxed for 375 acres, and Epaphroditus Lawson for 200 acres}

--Brown & Sorrells at 72 {the Epaphroditus in the 1720s was the eldest son of John Lawson}

--Division of Cattle among Orphans of Rowland Lawson, decd., 14 September 1665, Lancaster Co. VA Record Book 3, pages 352-53 (abstracted in Duvall at 24) {the orphans were Rowland, Elizabeth, John, Henry and Letitia}

--Deed from Rowland Lawson II to Henry Lawson, 13 February 1668/9, Lancaster Co. VA Deed

- Book 4, page 60 (abstracted in Duvall at 40) {conveyed half of unspecified patent to younger brother Henry for him in trust until he turns 21; if he dies without issue, land to revert to RL II and his heirs}
- Deed from Rowland Lawson II to John Lawson, 13 November 1678, Lancaster Co. VA Deed Book 4, page 322 (abstracted in Duvall at 59) {conveyed unspecified amount of land to brother John}
 - Patent to Rowland Lawson of 1,300 acres in Lancaster Co. VA, 20 June 1651, VA Land Patent Book 2, page 330 abstracted in Nell Marion Nugent. *Cavaliers and Pioneers*. Richmond: Virginia State Library and Archives, 1992. In 3 Volumes (“Nugent”). Volume 1, page 217 {included 900 acres assigned to RL from brother Epaphroditus Lawson}
 - Patent to Rowland Lawson of 400 acres in Lancaster Co. VA, 6 October 1654, VA Land Patent Book 3, page 299 abstracted in 1 Nugent 297 {adjoined land of his 1651 patent}
 - Assignment of Rowland Lawson to brother Richard Lawson, 6 January 1655/6, Lancaster Co. VA Deed Book 1, page 205 {Rowland conveys his 400 acre patent to brother Richard}
 - Patent to Richard Lawson of 1,400 acres in Lancaster Co. VA, 6 October 1656, VA Land Patent Book 1, page 383 abstracted in 1 Nugent 318 and Assignment, 6 January 1655/6, Lancaster Co. VA Deed Book 1, page 205 {included 400 acres patented by RL on 6 Oct. 1654 and assigned to him}
 - Will of Richard Lawson, made 1658, probated 1658, Rappahanock Co. VA Records Book 1656-1696, pages 84-86 abstracted in William M. Sweeny. *Wills of Rappahanock County, Virginia 1656-1692*. Baltimore: Clearfield Company, Inc., 2000 reprint, pages 12-13 {land devised to wife for life then to Elizabeth, daughter of Epaphroditus Lawson}

Rowland Lawson II’s father, Rowland Lawson, patented a total of 1,700 acres in Lancaster County—in tracts of 1,300 acres and 400 acres respectively. The 1655/6 assignment by Rowland to his brother Richard and Richard’s 1655/6 patent establish that the 400 acre tract was conveyed to Richard shortly after it was issued to Rowland. Richard’s will establishes that this land did not return to Rowland’s heirs, as it was devised to their deceased brother Epaphroditus’s daughter Elizabeth Lawson.

As his father’s eldest son, Rowland II inherited the remaining 1,300 acre tract. He then deeded half of it to his underage brother Henry in 1668/9, which was to return to him if Henry died without issue. Rowland II also deeded another unspecified portion of this tract to his younger brother John. Subsequently, in 1699, Rowland II patented 24 additional acres at Mosquito Point. In his will, Rowland II devised an unspecified western portion of his land to his son Henry. Since no other land bequest was made in his will, Rowland II’s eldest son Rowland III inherited the balance of his property by operation of law.¹⁰ In a 1712 deed, Rowland III conveyed 50 acres of this land, where he then lived, to Henry Lawson.

The only land-owning Lawsons in Lancaster County at the time of the 1721 Quit Rent Roll

¹⁰See Blackstone at 214-17 {the eldest son inherited all of his parents’s land to the exclusion of any younger brothers and any sisters of any age}

were Henry with 375 acres, Rowland III's widow Jane with 900 acres, and John's son Epaphroditus with 200 acres—for a total of 1,350 acres (not including the 125 acres included under Henry for his wife Mary's life estate, as discussed in Generation 10 above). Since Rowland III obviously inherited the majority of his father's 1,300 acre patent and since the only Henry Lawson at the time had 375 acres—only 250 of which came from the Lawson family—it is clear that Rowland II's brother Henry died without issue. Since the only other land-owning Henry Lawson who could have been alive in 1721 was Rowland II's younger son, it is clear that HL was this individual.

Thus, Rowland II's 1,324 acres was divided as follows. Son Rowland III inherited 950 acres, but 50 of these acres were conveyed to brother Henry in 1712. This acreage was part of Henry's 250 acre holdings. Finally, the balance of Rowland II's land was the unspecified portion that he deeded to his brother John. Since John's eldest son Epaphroditus was taxed for 200 acres in 1721, it is clear that some, or all, of this acreage originally came from Rowland II. Thus, the total of the Lawson family's Lancaster County landholdings documented in the 1721 Rent Roll was just 26 acres greater than Rowland II's 1,324 acres that were distributed by deed and through probate. (In all likelihood, the 24 acres at Mosquito Point was rounded up to 25 acres, and the remaining 25 acre difference was an unrelated acquisition by John or John's son Epaphroditus.)

Consequently, Rowland II's total holdings are accounted for, and there was no other Henry, other than Rowland II's son Henry, who could have been HL.]

GENERATION 11: ROWLAND LAWSON II

B. ca. 14 September 1644 in probably Nansemond or Isle of Wight Co. VA

[Established by the following:

--Distribution of Estate to Rowland Lawson, son of Rowland Lawson, decd., 14 September 1665, Lancaster Co. Orders 3, 1656-1666, pages 353 (abstracted in Duvall at 24 and in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1662-1666*. #LR.OB-7/93, page 87) {distribution of RL II's portion of his father's estate made on this date as he had just come of age}

--Patent to Epaphroditus Lawson of 1,400 acres in Upper Norfolk (later Nansemond and now Isle of Wight¹¹) Co. VA, 15 February 1642/3, VA Land Patent Book 1, page 822 abstracted in 1 Nugent 135 ("Epaphroditus Patent") {two of the headrights included Rowland & Letitia Lawson—so, their eldest son RL II was probably born in this county; land patented on New Town Haven River}

--Patent to Epaphroditus Lawson of 200 acres in Warwickquicke (later Isle of Wight) Co. VA, 23 December 1636, VA Land Patent Book 1, page 407 abstracted in 1 Nugent 53

--Patent to Epaphroditus Lawson of 50 acres in Isle of Wight Co. VA, 20 November 1637, VA Land Patent Book 1, page 497 abstracted in 1 Nugent 75 {land described as being at mouth of New Town Haven River}

Patents show that the Lawson family resided in either Nansemond or Isle of Wight County

¹¹The land of this patent on New Town Haven River was taken into Isle of Wight County from Nansemond County through a 1674 act of the Virginia Assembly: see 2 Hening 318.

before settling in Lancaster County.]

D. between 13 December 1705 & 11 September 1706 in Lancaster Co. VA

[Tithables of Lancaster County, 13 December 1705, Lancaster Co. VA Order Book 1702-1713, page 138 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1703-1706*. #LR.OB-24/99, page 79 {Mr. Rowland Lawson taxed for 8}; Will of Rowland Lawson II {probated on latter date}]

M. by ca. 1675 in VA

to unknown

[Established by the following:

- Will of Rowland Lawson II {wife mentioned but not identified}
- Deposition of Henry Lawson in *Carter v. Pinckard* {with respect to land in Lancaster County, HL refers to his "Uncle Pinckard's Grand father"}
- Will of John Pinckard, made 24 March 1689/90, probated 10 December 1690, Lancaster Co. VA Will Book 8, page 7 abstracted in Lee at 176 {names sons John, Thomas & James and refers to daughters but does not name them; son Thomas gets the land whereon the testator then lived}
- Additional Jury Findings in *Carter v. Pinckard* {confirms that Capt. John Pinckard, who died in 1690, was the father of three sons including James, who died young without issue, John and Thomas Pinckard, who made his will in 1740}
- Claims of Charles Sallard, Benjamin Wale & John Pinckard on the Estate of Capt. John Pinckard, decd., 12 November 1691, Lancaster Co. VA Order Book 1686-1696, page 182 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1691-1695*. #LR.OB-14/95, pages 2-3 {indicates Sallard married Pinckard's daughter Rebecca and Wale married Pinckard's daughter Mary; Pinckard's widow Elizabeth mentioned}
- Mrs. Elizabeth Pinckard v. John Pinckard*, 11 March 1690/1, Lancaster Co. VA Order Book 1686-1696, page 159 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1687-1691*. #LR.OB-13/95, page 90 {describes Elizabeth as the "Widdow and Relicte" of John Pinckard, decd. and the Defendant John Pinckard as her "Sone in Law"}
- Certificate for Land Patent of Mr. John Pinckard, 12 October 1687, Lancaster Co. VA Order Book 1686-1696, page 45 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1687-1691*. #LR.OB-13/95, page 11 {headright included, in addition to himself, "his Sonne and Daughter" Mr. John Pinckard Junr. and Ms. Mary Pinckard}
- Will of James Chaplin, made 18 September 1682, probated 12 January 1682/3, Lancaster Co. VA Will Book 5, page 83 abstracted in Lee at 40-41 {all property was left to RL II except for 1 heifer, which was left to John Lawson}

The forgoing date is based upon HL's known birth and the fact that he had an elder brother. RL II's wife survived the making of his will, but no record identifies her first name.

Her identity is, however, suggested by HL's cryptic remark in his deposition: he refers to land in the possession of his "Uncle Pinckard's Grand father." The earliest Pinckard in Lancaster County was Capt. John Pinckard, who died in 1690. He registered a land patent in 1687 claiming headrights for himself and children John, Jr. and Mary. Since no headright was taken for a wife, it is probable that the mother of his children had already died in Britain. His wife in Virginia, Elizabeth, was not the mother of his children—since John Pinckard, Jr. was identified as her "Sone

in Law”–or step-son.

Capt. Pinckard’s son Thomas made his will in 1740 and was apparently an adult when his father devised him land in 1689/90. That Thomas was probably born not much earlier than ca. 1670 is consistent with the fact that his sister Rebecca married Charles Sallard, and Sallard’s sister Mary (see below) was also born in this same time period. For these reasons, it is likely that Capt. Pinckard was probably born ca. 1640–making him the same generation as RL II. Capt. John Pinckard is, thus, the only individual who could be the “Uncle Pinckard” referred to by HL in his deposition.

Since Capt. Pinckard was the first Pinckard in Lancaster County, it is clear that the “Grand father” to which HL referred was likely the grandfather of Capt. Pinckard’s second wife Elizabeth, since this individual owned land in Lancaster County. While Elizabeth’s maiden name and Lancaster County origins have not yet been established, she was apparently the sister of RL II’s wife and HL’s mother.

It is worth noting that HL’s relationship with the Pinckard family cannot come through his wife Mary Sallard’s family. Despite the fact that Mary’s brother Charles Sallard (see below) did marry one of Capt. Pinckard’s daughters, Mary’s lineage is sufficiently documented to rule out any connection.

It has been suggested that RL II married a daughter of James Chaplin, who devised all of his estate to RL II and his brother John Lawson. The fact that RL II was left most of the estate could indicate that RL II did marry a possible daughter of Chaplin. However, the fact that RL II’s brother John was also left a bequest suggests that Chaplin’s connection to the Lawson family went beyond just RL II’s wife.]

B. unknown

D. after 24 March 1704/5

[Will of Rowland Lawson II]

INFORMATION REGARDING–ROWLAND LAWSON II:

JUSTICE of Lancaster Co. VA 1681 & 1684-1698

[-Lancaster Co. VA Justice Lists, 1681, Lancaster Co. VA Order Book 1680-1686, page 68 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1678-1681.*

#LR.OB-11/93, page 96

--Lancaster Co. VA Justice Lists, 1684-1687, Lancaster Co. VA Order Book 1680-1686 & 1686-1696, pages 185, 188, 195, 215, 232, 241, 245 & 259 abstracted in Ruth & Sam Sparacio.

Lancaster County, Virginia Order Book 1682-1687. #LR.OB-12/95, pages 52, 54, 58, 69, 79, 84, 86, 92 & 106

--Lancaster Co. VA Justice Lists, 1686-1692, Lancaster Co. VA Order Book 1686-1696, pages 33, 72, 78, 82, 98-99, 104, 107-11, 117, 133, 140, 146, 151, 156, 161-63 & 167 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1687-1691.* #LR.OB-13/95, pages 5, 27, 32, 35, 50, 54, 57-60, 64, 74, 78, 82, 85, 88, 91-93 & 96

- Lancaster Co. VA Justice Lists, 1691-1692, Lancaster Co. VA Order Book 1686-1696, pages 179, 191, 194, 203 & 207 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1691-1695*. #LR.OB-14/95, pages 1, 9, 11, 17 & 19
- Lancaster Co. VA Justice Appointment, 1698, Lancaster Co. VA Order Book 1686-1696, page 40 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1695-1699*. #LR.OB-21/98, page 66 {refused re-appointment as justice due to ill health}

CONSTABLE of Lancaster Co. VA in 1670

[Lancaster Co. VA Constable Appointment, 1670, Lancaster Co. VA Order Book 1666-1680, page 150 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1670-1674*. #LR.OB-9/93, page 2]

HIGH SHERIFF of Lancaster Co. VA in 1692

[Lancaster Co. VA Sheriff Appointment & Listings, 1692, Lancaster Co. VA Order Book 1686-1696, pages 215, 238, 241-42, 256, 268 & 275 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1691-1695*. #LR.OB-14/95, pages 24, 40, 43, 53, 61 & 65]]

LANDHOLDINGS: 1,324 acres in Lancaster Co. VA

[see analysis above]

SON OF GENERATION 12:

[Distribution of Estate to Rowland Lawson II {RL II's father identified as Rowland}; Disposal of Cattle of Rowland Lawson, one of the heirs of Rowland Lawson, decd., 13 November 1661, Lancaster Co. VA Order Book 1656-1666, page 165 abstracted in Duvall at 13]

GENERATION 12: ROWLAND LAWSON

B. ca. 1620 in probably Yorkshire or Northumberland, Britain

[Epaphroditus Patent {one of the headrights included Rowland Lawson}; in addition to patent, proof of RL II's birth supports this conclusion; Will of Rowland Lawson II {the seal on the original will bears a coat of arms depicting three marlets between a chevron (see above); Sir Bernard Burke. *The General Armory of England, Scotland, Ireland and Wales*. Baltimore: Clearfield Company, Inc., 2000 reprint of 1842 original, page 590 {the coat of arms on RL II's will is the arms of Lawson of Brough Hall, Yorkshire and Longhirst, Northumberland}]

D. between 30 November 1659 & 15 November 1660 in Lancaster Co. VA

[-Reimbursement to "Mr. Lawson," 30 November 1659, Lancaster Co. VA Order Book Order Book 1656-1666, page 102 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1656-1661*. #LR.OB-6/93, page 62

--Order to pay Rev. David Linsey for services rendered by Vestrymen including Rowland Lawson, 28 September 1658, Lancaster Co. VA Order Book 1656-1666, page 59 abstracted in Duvall at 5-6

--Levy to "Widd. & Relict of Mr. Rowland Lawson, deced.," Lancaster Co. VA Order Book Order Book 1656-1666, page 128 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1656-1661*. #LR.OB-6/93, page 77

--Probate of Will of Rowland Lawson,¹² 8 May 1661, Lancaster Co. VA Order Book 1656-1666, page 142 abstracted in Duvall at 11]

M. by 1642

to LETITIA

[Epaphroditus Patent {lists "Lettice" along with Rowland}; Cattle List of Orphans of Rowland Lawson, decd., recorded by their mother Letitia Lawson, 14 September 1665, Lancaster Co. VA Order Book 1656-1666, page 352 abstracted in Duvall at 24 and Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1662-1666*. #LR.OB-7/93, page 86]

B. ca. 1620

[Epaphroditus Patent {two of the headrights included Rowland & Letitia Lawson}]

D. after 14 September 1665 in probably Lancaster Co. VA

[Cattle List of Orphans of Rowland Lawson, decd.]

INFORMATION REGARDING ROWLAND LAWSON:

JUSTICE of Lancaster Co. VA 1652-1659

[-Lancaster Co. VA Justice Lists, 1652-1659, Lancaster Co. VA Order Book 1656-1666, pages 5, 24, 33, 36, 38, 48, 53, 55, 71, 75, 81, 93 & 94 abstracted in Ruth & Sam Sparacio.

Lancaster County, Virginia Order Book 1656-1661. #LR.OB-6/93, pages 3, 15, 20, 22, 23, 30, 32, 34, 43, 46, 49, 56, 57 & 76

--Lancaster Co. VA Justice Lists, 1652-1657, Lancaster Co. VA Order Book 1652-1657, pages 2, 43, 61, 140, 143-44, 171, 189, 196, 210, 231, 252, 283 & 316 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1652-1657*. #LR.DW-1/91, pages 1, 15, 21, 53, 54, 64, 73, 76, 82, 90, 102, 115 & 133]

MEMBER OF THE VESTRY OF CHRIST CHURCH in 1658

[Order to pay Rev. David Linsey for services rendered by Vestrymen]

LANDHOLDINGS: 1,700 acres in Lancaster Co. VA

[Patent to Rowland Lawson of 1,300 acres in Lancaster Co. VA, 20 June 1651, VA Land Patent Book 1, page 330 abstracted in 1 Nugent 217; Patent to Rowland Lawson of 400 acres in Lancaster Co. VA, 6 October 1654, VA Land Patent Book 1, page 299 abstracted in 1 Nugent 297 {adjoined land of his 1651 patent}; see analysis above for additional details]

MARY SALLARD (KELLY), wife of Lieut. HENRY LAWSON (from page 10), was the DAUGHTER OF GENERATION 11:

[Established by the following:

--Depositions John Steptoe, Henry Lawson, John Kelley, & Nicholas Martin and Jury Verdict in *Carter v. Pinckard*

--Deed from Elizabeth Sallard to Thomas Baker, Charles Sallard and Mary & Elizabeth Sallard, 7 April 1679, in *Carter v. Pinckard* and Lancaster Co. VA Deed Book 4, pages 324-25

¹²Since this will is not found anywhere in Lancaster County's Court records, it has presumably been lost.

(transcribed by WPC II and abstracted in Lindsay O. Duvall. *Virginia Colonial Abstracts—Series 2, Vol. 2: Lancaster County, Virginia Court Orders and Deeds 1656-1680*. Greenville, SC: Southern Historical Press, Inc., 1990 reprint of 1979 original (“Duvall”), page 59) (“Sallard/Baker Deed”) {900 acres conveyed in various parts to Elizabeth’s three children—Charles Sallard, Mary Sallard & Elizabeth Sallard}

–Petition of John Kelley {as marrying Mary, daughter of Simon Sallard, decd., in which he requests Mary’s share of her father’s estate then in the possession of Thomas Baker}

--Estate of John Kelley, decd.

--Lawson/Kelly Deed {land conveyed was a 125 acre half of a 250 acre tract conveyed to Mary, then Kelly, by Thomas & Elizabeth Baker—said Elizabeth being Mary’s mother; deed provided that, if Mary’s son John Kelly died without issue, then this entailed land was to go to Henry & Mary’s son Rowland Lawson and, if he died without issue, then to their son Henry Lawson}

--Lawson/Lawson Deed {deed conveyed the other 125 acre half of the tract referred to in the Lawson/Kelly Deed to Epaphroditus Lawson as trustee—Mary to have a life estate in said land and, upon her death, it was to revert to her son Rowland Lawson in entail, with subsequent contingent reversions to her sons John Kelly and, in turn, Henry Lawson}

Both the Jury Verdict and the Depositions of John Steptoe, Henry Lawson, John Kelley, & Nicholas Martin, in *Carter v. Pinckard*, state without question that HL’s wife Mary was one of the three children of Elizabeth Taylor by her first husband, Simon Sallard.

These later records are verified by several records dating from the time of the events discussed. First and foremost is the 1679 Sallard/Baker Deed, in which widow Elizabeth Taylor Sallard conveyed 900 acres to her three children by Sallard, including Mary, just prior to her pending second marriage to Thomas Baker. Since both of her two daughters still had their maiden names, neither had married by this point. The two daughters were to split 500 acres, and they were only to take possession of their respective halves upon “the Day of marriage or when they come of age.”

By 1689, daughter Mary had married John Kelley, since he petitioned for her 250 acre share of her mother Elizabeth’s holdings, now due per the terms of the Sallard/Baker Deed. In the 1720 Lawson/Kelly & Lawson/Lawson Deeds, as previously noted, two halves of this 250 acre tract were conveyed in entail to two of Mary’s three sons, with reversions to her other sons. These deeds, therefore, confirm that Elizabeth Taylor Sallard’s daughter Mary was the same Mary Sallard, who eventually married HL and was the mother of his children.

So, HL’s wife Mary Sallard was the daughter of Elizabeth Taylor by her first husband Simon Sallard.]

GENERATION 11: ELIZABETH TAYLOR

B. between 28 January 1637/8 & 14 September 1644 in probably VA

[–Estate of John Taylor, decd., 27 January 1657/8, Lancaster Co. VA Orders Book 1656-1666, page 45 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1656-1661*. #LR.OB-6/93, page 28 {refers to orphans court—so children under age at this point}

--Cattle belonging to Elizabeth, daughter of John Taylor decd., to be delivered to her husband,

Simon Sallard, 14 September 1665, Lancaster Co. VA Order Book 1656-1666, page 352 (“Taylor Cattle Distribution”) abstracted in Duvall at 24 and Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1662-1666*. #LR.OB-7/93, page 86 {presumably adult when made}]

D. ca. 1713 in probably Lancaster Co. VA

[Deposition of Hugh Kelley & Jury Verdict in *Carter v. Pinckard* {states that Elizabeth died in about this time and that she married twice after Sallard, to Thomas Baker & John Brown, with no surviving issue from either marriage}; Will of Thomas Baker, made October & recorded 11 November 1698, Lancaster Co. VA Will Book 8, page 83 abstracted in Lee at 5 and Ruth & Sam Sparacio. *Lancaster County, Virginia Will Abstracts 1675-1689*. #LR.WB-4/92, pages 39 & 84 {wife Elizabeth named}]

**M. by 22 May 1669 in probably Lancaster Co. VA
to SIMON SALLARD**

[Taylor Cattle Distribution; Estate of Richard Taylor, 22 May 1669, Lancaster Co. VA Order Book 1666-1680, pages 108-9 abstracted in Duvall at 68-69 and Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1666-1669*. #LR.OB-8/93, page 80 {Simon Sallard’s wife was the heiress to the decedent, who was her brother}; Inventory of Simon Sallard, 9 July 1679, recorded 10 July 1679, Lancaster Co. VA Will Book 2, page 56 abstracted in Lee at 195 {returned by relict, Elizabeth “Berkit”}; since her father died in this county, she was probably married here]

B. by ca. 1644

[Taylor Cattle Distribution]

D. by 7 April 1679 in Lancaster Co. VA

[Sallard/Baker Deed; Inventory of Simon Sallard]

INFORMATION REGARDING SIMON SALLARD:

CONSTABLE of Lancaster Co. VA 1672-1673

[Lancaster Co. VA Constable Appointment, 1670, Lancaster Co. VA Order Book 1666-1680, pages 226 & 261 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1670-1674*. #LR.OB-9/93, pages 55 & 79]

DAUGHTER OF GENERATION 12:

[Established by the following:

--Taylor Cattle Distribution

--Estate of Richard Taylor {sister Elizabeth, wife of Simon Sallard, acquired his 950 acres}

--Sallard/Baker Deed {conveys 900 acres}

--Depositions of Henry Lawson & Hugh Kelley and Jury Verdict in *Carter v. Pinckard* {affirmatively states this parentage}]

GENERATION 12: JOHN TAYLOR

B. ca. 1590 in probably Britain

[Listing of John Taylor in Muster of 1624/5 of Virginia transcribed in John Frederick Dorman. *Adventurers of Purse and Person*. 4th Edition, in 3 Volumes (“APP”). Baltimore: Genealogical Publishing Co., Inc. 2004-2007. Volume 1, page 59 {states John Taylor age 34 in early 1624/5}]

D. by 10 January 1652/3 in VA

[Administration of Estate of John Taylor, decd., 10 January 1652/3, Lancaster Co. VA Order Book 1652-1657, page 24 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1652-1657*. #LR.DW-1/91, pages 8-9]

**M. by 1644 in probably VA
to ELIZABETH**

[Administration of Estate of John Taylor, decd. {given to relict Elizabeth}; Estate of Richard Taylor; date based upon daughter Elizabeth's known birth]

B. ca. 1615

[estimate based on the date of her death and the birth date of her youngest child Richard by 1648]

D. after 10 September 1679 in probably Lancaster Co. VA

[Marriage Record of Elizabeth Horton, widow of Tobias Horton Senr., to Mr. Robert Hughs, 10 September 1679, Lancaster Co. VA Orders 1666-1680, page 492 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1678-1681*. #LR.OB-11/93, page 35]

INFORMATION REGARDING--JOHN TAYLOR:

LANDHOLDINGS: 1,000 acres in Isle of Wight & Lancaster Cos. VA

[The documentation and analysis is set forth below. Taylor had 50 acres that he patented in Isle of Wight County in 1637. Since he likely died in that county, this land had probably not been sold when he patented the 950 acres in Lancaster County, just before his death.]

VALUE OF ESTATE: 10,090 lbs. of tobacco (or £100.90¹³)

[Inventory of John Taylor, 2 October 1654, recorded 10 October 1654, Lancaster Co. VA Will Book 2, page 54 abstracted in Lee at 216 and in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1654-1661*. #LR.DW-2/91, pages 47-48]

CAME TO VIRGINIA aboard the ship *Swan* in 1610

[Established by the following:

--Listing of John Taylor in the Muster of 1624/5

--H. R. McIlwaine. *Minutes of the Council and General Court*. Richmond: Virginia State Library, 1979 reprint ("MCGC")

--Patent to John Taylor "Yeoman & Ancient Planter" of 50 acres in the "Corporation of Elizabeth City," 20 September 1624, VA Land Patent Book 1, page 26 abstracted in 1 Nugent 5 ("Taylor Patent")

--Patent to John Taylor of 50 acres in Isle of Wight Co., 22 November 1637, VA Land Patent Book 1, page 500 abstracted in 1 Nugent 76

--Patent to Thomas Harwood of 100 acres in York Co., 20 November 1637, VA Land Patent Book 1, page 498 abstracted in 1 Nugent 75 {right to 50 acres assigned by John Taylor}

--Patent to Sarah Cloyden, widow, of 200 acres in Isle of Wight Co., 28 May 1638, VA Land

¹³See Estate Appraisal of Capt. Joseph Bridger II, recorded 13 April 1713/4, Isle of Wight Co. VA General Record Book 2, page 576: tobacco grown in this county at the time was selling for a penny a pound.

- Patent Book 1, page 560 abstracted in 1 Nugent 89 {headrights included John Taylor and Tobias Horton}
- Debts paid by Tobias Horton out of the Estate of John Taylor decd., 29 July 1657, Lancaster Co. VA Will Book 2, page 54 {debts paid to Coll. William Claybourne, Mr. Bennett, Wm. Hancock, Abraham Moone, Mr. Marsh, and "one for charges arrested to James Towne" totaling 6,173 lbs. tobacco}
 - Depositions of Henry Lawson & Hugh Kelley & Jury Verdict in *Carter v. Pinckard*
 - Patent to John Taylor of 400 acres in Lancaster Co., 29 November 1652, VA Land Patent Book 3, page 119 abstracted in 1 Nugent 263
 - Patent to John Taylor of 100, 400 & 450 acres in Lancaster Co., 18 March 1662/3, VA Land Patent Book 4, pages 128-29 abstracted in 1 Nugent 437 {was repatent of these tracts dated 17 & 29 November 1652 for land on a creek of Fleets Bay and on the north side of the Rappahanock River near the head of Fleet's Neck}
 - Mrs. L. C. Anderson's "The Taylor Family of Northumberland and Lancaster Counties, Virginia," in *The Virginia Magazine of History and Biography*. Vol. 35, pages 211-18 & 309-12 and Vol. 36, pages 388-89 ("Taylor Article")
 - Will of Tobias Horton, made 8 June 1668, probated 14 June 1669, recorded 13 March 1740/1, Lancaster Co. VA Will Book 13, page 196 abstracted in Lee at 117-18 {names wife Elizabeth, sons Tobias & Robert Horton, daughter Rebecca, and "son in law" Richard Taylor}
 - Administration of Estate of Tobias Horton, decd., 14 July 1669, Lancaster Co. VA Order Book 1666-1680, page 114 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1666-1680*. #LR.OB-8/93, page 83 {widow Elizabeth appointed administratrix; conveys to her "Sonne in Law" Uriah Angell "the thirds of ye lande due to her as Relict of ye sde. Taylor"}
 - Record of cows due to the Orphans of John Taylor & William Winterborne, 14 May 1662, Lancaster Co. VA Order Book 1656-1666, page 176 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1662-1666*. #LR.OB-7/93, page 1 {confession by "the now Wife of Toby Horton" regarding cows "belonging to the Orphts. of John Taylor & Willm. Winterborne both long since deced." in his possession that are to be "delivered for the use of the sd. Orphts."}
 - Estate of Richard Taylor {950 acres of land of descendent, at Fleet's Bay, ordered surveyed}
 - Deed from Simon & Elizabeth Sallard to Thomas Lawrence, 11 March 1677/8, Lancaster Co. VA Deed Book 1666-1682, page 286 abstracted in Duvall at 56-57 {16 acres of a 450 acre patent of John Taylor was conveyed}
 - Will of Robert Chambers, made 4 February 1653/4, probated 10 April 1654, Lancaster Co. VA Records Book 1652-1657, page 8 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Deed & Will Abstracts 1654-1661*. #LR.DW-02/91, pages 4-5 {devised "Mrs. Tayler" one cow at Anthony "Fullyham's" for endeavoring to cure him}

*** **

In the 7 February 1624/5 Muster for Elizabeth City appears:

John Taylor aged 34 in the *Swan* 1610
Rebecca Taylor aged 22 in the *Margett and John* 1623¹⁴

Since only a “Mrs. Taylor” at Martin’s Hundred is named in the 1623/4 Lists of the Living and the Dead,¹⁵ John Taylor and possibly his wife Rebecca were either missed in that census or were abroad when it was taken.

John Taylor appears in two different records in McIlwaine’s *Minutes of the Council and General Court*. A deposition of John Taylor of Elizabeth City, age 37, was given on 23 June 1625 regarding cattle belonging to Sir Thomas & “Lady” Dale (MCGC 73-74). John Taylor also appears in a muster of men from Berkeley Hundred, then “planted at *sherley hundred*,” which was noted in the 3 January 1624/5 session of the Council (MCGC 38). If this John Taylor were a different individual, then he apparently died or returned to England shortly thereafter, as the only John Taylor in the 1624/5 Muster was the aforementioned Elizabeth City resident.

On 20 September 1624, John Taylor of Newport News (in what later became Warwick County), “Yeoman & Ancient Planter,”¹⁶ patented 50 acres in the Parish of Kiccoughtan, Corporation of Elizabeth City “being one half of his first devdt.,” in the Taylor Patent. This patent indicates that he had not yet taken up the other half of this 100 acre patent right. An 8 November 1633 note at the end of this patent indicates that he was given leave of Court to surrender this 100 acre right in Elizabeth City so that he could “take it up where hee shall.” He was also granted leave to claim an additional 50 acres for the transportation of his wife, Rebecca Ravening, provided that he could prove that she paid her own passage in the *Bonny Bess* (or *Mary & John*) in 1623.

It is clear from this patent’s addendum that John Taylor intended to use his patent rights in another part of Virginia. Surviving patent records reveal only one patent issued to a John Taylor near the time of the 1633 court order: a 50 acre patent was issued to this John Taylor for land in Isle of Wight County on 22 November 1637, for his “personal adventure.” Two days earlier, on 20 November 1637, Thomas Harwood patented 100 acres in York County, on the New Poquoson River. The right to 50 of its acres had been assigned to him by John Taylor and was due to Taylor for “his per. adv.” Notably, New Poquoson River is not far from where Taylor was living in 1624/5.

¹⁴1 APP 59.

¹⁵Lists of the Living and the Dead, 1623/4, transcribed in John Camden Hotten. *The Original Lists of Persons of Quality 1600-1700*. Baltimore: Clearfield Company, Inc., 1996 reprint of 1874 original, page 181.

¹⁶Those who had settled in Virginia by 1616 and who paid their own passage were able to claim a right to 100 acres provided that they had resided in the colony for three years at the time the application was made. Such individuals were contemporaneously designated as “Ancient Planters” (1 APP xix).

These patent records likely involve John Taylor the Ancient Planter for the following reasons. First, the latter patent involved land that was close to where Taylor was living in 1624/5 and could, therefore, easily involve half of the 100 acres released in 1633. The fact that Taylor was due the assigned patent right for his “personal adventure” supports this conclusion. Second, the other 50 acre half is accounted for by John Taylor’s Isle of Wight County patent. The fact that this patent was issued in 1637 is consistent with the beginning of the patent process a year or so after 1633, since, on average, it took two to three years to complete the process—and sometimes longer.¹⁷ Significantly, this patent right was also based upon this John Taylor’s “personal adventure.” Third, this patent is the only surviving land patent claimed by a John Taylor between 1624 and 1648.¹⁸ Since it is unlikely that the Ancient Planter would wait until 1648 to re-use his patent rights, it is reasonable to conclude that he was the Isle of Wight County patentee.

Finally, a move by John Taylor the short distance up the James River from Elizabeth City to Isle of Wight County is consistent with documented settlement patterns. Land patent records establish that Isle of Wight County experienced a significant increase in settlement beginning in 1635. At least three known early Virginia families, who lived in Elizabeth City at the time of the 1624/5 Muster, are known to have settled in Isle of Wight County—two within just a few years after 1635 and the other a few years later. The first was Joseph Cobb, who patented 400 acres in the county in 1637.¹⁹ He came to Virginia in 1613, and was an Ancient Planter, even though no “record now surviving” identifies him as such.²⁰ The second individual was Cobb’s brother-in-law, Farrar Flinton, who came to Virginia in 1612.²¹ The third was the Lupo family. Brothers Albiano, who like Taylor came in the *Swan* in 1610, and Philip, who came in 1621, were living in Elizabeth City when the Muster was taken. Philip’s son, Philip, subsequently settled in Isle of Wight County.²²

A fourth individual, Robert Newman, came to Virginia in 1618 and was also in Elizabeth City at the time of the Muster. In fact, it was in his Muster that John & Rebecca Taylor appeared

¹⁷See Edmund S. Morgan. “Headrights and Head Counts.” *The Virginia Magazine*. Vol. 80, pages 361-71.

¹⁸Patent to John Ellis, James Jones & John Taylor of 500 acres in Northampton Co., 9 April 1648, VA Land Patent Book 2, page 115 abstracted in 1 Nugent 171.

¹⁹Patent to Joseph Cobb of 400 acres in Isle of Wight Co., 4 August 1637, VA Land Patent Book 1, page 506 abstracted in 1 Nugent 77.

²⁰See 1 APP 702.

²¹1 APP 702.

²²2 APP 496-97.

at that time.²³ Presumptively, it was this Robert Newman who patented three tracts of land on the Nansemond River in 1636 and 1637—in Upper New Norfolk (later Nansemond) County, which is adjacent to Isle of Wight County and directly across the James River from Warwick County.²⁴ Described in one patent as a “Planter of Blunt Point,” in Warwick County, Newman patented land in that county in 1639/40 not far from where Taylor had previously lived.²⁵ The fact that the man, with whom John Taylor previously lived, patented land in the late 1630s very near the county in which Taylor also patented land at the same time is noteworthy. A move by John Taylor from the Elizabeth City/Warwick County area to Isle of Wight County in the mid 1630s is, therefore, consistent with the settlement patterns documented by these four individuals/families.

The fact that John Taylor was not specifically identified as an “Ancient Planter,” in the 1637 Isle of Wight County patent, does not preclude his identification as this individual. Again, Joseph Cobb’s 1637 Isle of Wight County patent is illustrative: even though one of its eight headrights was for his own “personal adventure,” Cobb was not identified as an “Ancient Planter” in this patent. It is possible that Cobb’s personal headright of 50 acres may be a use (or re-use) of half of the land that was due to him as an Ancient Planter, or it could have been earned for a return trip from Britain instead. The potential for the former is, however, significant given the lack of any surviving records regarding the 100 acres due to Cobb as an Ancient Planter.

Further, the claim for 100 acres as an “Ancient Planter” need only be made once. Once land was received under that legal right, which ostensibly would be for the claimant’s own “personal adventure,” any re-use of the patent rights did not necessarily require the repetition of the Ancient Planter status. It appears that may have been the situation with Joseph Cobb. Thus, once John Taylor was vested with the 100 acre right and it was released to him for use elsewhere, the fact that Isle of Wight County patentee Taylor was not specifically identified as an Ancient Planter is of little significance. Indeed, since he is likely the same John Taylor who sold the 50 acre right to Thomas Harwood, then his entire 100 acre grant as an Ancient Planter can be completely accounted for.

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Notably, the name John Taylor does not appear in any surviving Isle of Wight County record from the seventeenth century, and very few other Taylors do as well. Since few of this county’s

²³1 APP 59.

²⁴Patents to Robert Newman of 50 acres, 150 acres & 50 acres in Upper New Norfolk Co., 22 November 1636 and 21 September & 23 October 1637, VA Land Patent Book 1, pages 398, 482 & 489 abstracted in 1 Nugent 51, 71 & 73.

²⁵Deed from John Perrott of Marrys Mount to Robert Newman, Planter of Bunt Point, 11 November 1635, VA Land Patent Book 1, page 649 abstracted in 1 Nugent 109 and Patent to Robert Newman of 650 acres in Warwick Co., 10 March 1639/40, VA Land Patent Book 1, page 660 abstracted in 1 Nugent 112.

records predating 1662 survive, patentee John Taylor likely either died in the county or moved away prior to this year. One additional patent record makes the latter possibility by far the most likely, for at least his family. On 28 May 1638, Sarah Cloyd, widow, patented 200 acres in Isle of Wight County. Two of its headrights were for John Taylor and Tobias Horton.²⁶ Given the sparsity of Taylors in this county at the time, this John Taylor is likely the same as the Isle of Wight County patentee. If so, he sold Cloyd a headright earned either for a return trip from Britain or, more likely, for the 50 acres due for wife Rebecca Ravening's transport, per the 1633 patent order. This patent, then, leads to another settlement pattern.

In 1651, Lancaster County was formed, and its area was opening up for settlement. Two of its most distinguished early families were the Carters and the Lawsons, who settled in what became Christ Church Parish. Both families had moved to this county from the Isle of Wight and Nansemond County area. Col. John Carter, father of Robert "King" Carter, had settled on the Nansemond River by 1643 and was in Lancaster County by 1652.²⁷ Brothers Epaphroditus and Rowland Lawson settled on the New Town Haven River by 1636, in what was then Nansemond County but later became Isle of Wight County.²⁸ Similar to Carter, they and their brother Richard Lawson first appear in Lancaster County in 1651 and 1656 respectively.²⁹ In addition, Hugh Brent appears as a headright in an Isle of Wight County patent and then settled in Lancaster County by 1649.³⁰

Moreover, Robert Newman also settled on the Northern Neck, in adjoining Northumberland County, by 1651.³¹ He left a will in this county in 1655 and is the only Robert Newman identified

²⁶The author gratefully acknowledges Mrs. James (Sandy) Diggs of Matthews Co. VA for pointing out this important record as well as for suggesting several other areas research. It was Mrs. Diggs who first suggested to the author that the John Taylor of Lancaster County might be the Ancient Planter.

²⁷See Katherine L. Brown. *Robert "King" Carter: Builder of Christ Church*. Foundation for Historic Christ Church, 2001, pp. 4-5.

²⁸Patents to Epaphroditus Lawson in Isle of Wight Co., 23 December 1636, 20 November 1637, 15 February 1642/3, VA Land Patent Book 1, pages 407, 497 & 822 abstracted in 1 Nugent 53, 75 & 135.

²⁹Patents to Rowland Lawson of 1,300 acres & 400 acres in Lancaster Co. VA, 20 June 1651 & 6 October 1654, VA Land Patent Book 2 & 3, page 330 & 299 abstracted in 1 Nugent 217 & 297 and Patent to Richard Lawson of 1,400 acres on Rappahannock River, 6 October 1656, VA Land Patent Book 3, page 319 abstracted in 1 Nugent 318 {400 acres of which being assigned to him by Rowland Lawson}.

³⁰Brent at 20-22.

³¹Patent to Robert Newman of 814 acres in Northumberland Co., 1 April 1651, VA Land Patent Book 2, page 300 abstracted in 1 Nugent 209.

by Torrence leaving a probate estate in seventeenth century Virginia.³² Given the relative rarity of his name and the fact that the Robert Newman of the Elizabeth City Muster was born ca. 1600, it is reasonable to conclude that these Robert Newmans are the same individual.³³ The fact that this individual lived in the same household as John Taylor at the time of the 1624/5 Muster, patented land near Isle of Wight County in the late 1630s, and then was an early settler in the Northern Neck is very significant because John Taylor followed this same pattern.

The Jury in *Carter v. Pinckard* concluded that the three Lancaster County land patents for 950 acres, dating to November of 1652 (of which only one survives), were granted to Elizabeth (Taylor) Sallard's father, John Taylor (hereinafter "JT"). Even though he died within months of this time, the three tracts making up this total acreage were repatented in his name in 1662/3, in patents that do survive. A century later, in November of 1752, seventy-eight-year-old Hugh Kelley gave his deposition and stated:

that John Taylor father of the aforstd M^{rs}. Sallard he has heard lived upon the James River . . . [and] never lived in . . . [Lancaster] County and that he has heard M^{rs}. Sallard Daughter of the s^d. Taylor was brought up from James River by one Horton who married the Mother of the s^d. M^{rs}. Sallard to Musketo point where she lived in a Small home [adjoining the land of Tobias Horton].

JT's estate records confirm that the "one Horton" who married his widow was Tobias Horton. Kelley gave his unidentified "mother in law" as the source for this information.

If Kelley's statement can be believed, then it constitutes direct proof that JT did, in fact, come from the James River area—consistent with his residence in Isle of Wight County. Kelley's comment that Taylor did not himself ever live in Lancaster County is potentially contradicted by the fact that JT's "relict" Elizabeth filed the petition to commence his intestate probate estate in that county on 10 January 1652/3. This filing could be explained by her move to the county and the fact that most of Taylor's probable assets—his 950 acres—were located there. Even if he did die in this county, the overall reliability of Kelley's testimony regarding JT is not impugned by such a relatively minor inconsistency. This testimony was completely extraneous to the issues upon which Kelley was testifying—which dealt with the boundaries and subsequent title history of a portion of

³²Clayton Torrence. *Virginia Wills and Administrations 1632-1800*. Baltimore: Genealogical Publishing Co., Inc., 1995 reprint of 1930 original, page 312 and Will of Robert Newman, made 2 January & 20 January 1655/6, Northumberland Co. VA Records Book 1652-1658, page 63R abstracted in Frank V. Walczyk. *Northumberland County Record Book 1652-1658*. Coram NY: Peter's Row, page 68.

³³1 APP 59.

Taylor's land. Consequently, Kelley would have had no motive to fabricate it. Indeed, Kelley's statement that JT came from the James River area is consistent with the well documented settlement pattern set forth above.

It is, therefore, notable that JT's estate is the earliest Taylor probate record in Virginia discovered by Clayton Torrence, in his extensive study of Virginia probate records prior to 1800.³⁴ Also notable, JT's land in Lancaster County was adjacent to that of Tobias Horton's, in the Fleet's Bay area—as documented by Kelley's deposition and the patents issued to Toby Horton, Gervase Dodson and George Whale.³⁵ Another prior Isle of Wight County resident and early Lancaster County settler, Hugh Brent, also owned land adjacent to Horton.³⁶

JT's Isle of Wight County origins are further suggested by two additional records that complement Hugh Kelley's testimony. The first are his estate records, which reveal that one of his creditors was early Lancaster County resident, Abraham Moone. Since the only other early Moone in Virginia was John Moone, from Isle of Wight County (see 2 APP 677-79), it is possible that Abraham also was originally from Isle of Wight County. If correct, then JT would likely have incurred his debt to him in that county—especially if Kelley is correct that JT never resided in newly-settled Lancaster County.

JT's prior residence in Isle of Wight County is further supported by the second record—the 1653/4 Will of Robert Chambers of Lancaster County. This man, with expressed New England ties, devised a cow to “Mrs. Tayler in consideration of her charge & indeavour [sic] to cure” him of his “Infirmities.” The cow was, significantly, in the possession of Anthony “Fullyham,” and he was undoubtedly the Anthony Fulgham, who left a will in Isle of Wight County in 1678, as Torrence

³⁴Torrence at 414-16.

³⁵Patent to Toby Horton of 350 acres in Lancaster Co., 1 February 1653/4, VA Land Patent Book 3, page 266 abstracted in 1 Nugent 289 {land between two “maine creeks issueing out of Fleetes Bay” adjacent to the “land of John Taylor, dec'd.”}; Deed from Sam. Mathewes, Esq. to Mr. Gervase Dodson, 3 March 1656/7, Lancaster Co. VA Order Book 1654-1661, page 190 abstracted in Ruth & Sam Sparacio. *Lancaster County, Virginia Order Book 1654-1661*. #LR.DW-2/91, page 106 {600 acres conveyed located on Corrotoman Creek, which issued out of Fleet's Bay, adjoined the land of “John Taylor, deced.”}; Patent to Gervase Dodson of 600 acres in Lancaster Co., 3 March 1656/7, VA Land Patent Book 4, page 81 abstracted in 1 Nugent 343 {land on south side of Corrotoman Creek “issueing out of Fleets Bay” adjacent to the land surveyed for Toby Horton and the land of John Taylor, decd.}; Patent to Gervase Dodson of 500 acres in Lancaster Co., 29 November 1658, VA Land Patent Book 4, page 238 abstracted in 1 Nugent 382 {land at the head of Corrotoman Creek issuing out of Fleets Bay adjacent to the land of John Taylor, decd.}; Patent to Mr. George Whale of 1,400 acres in Lancaster Co., 10 October 1662, VA Land Patent Book 4, page 311 abstracted in 1 Nugent 400 {land on south side of Corrotoman Creek adjacent to the land surveyed for Toby Horton and the land of John Taylor, decd.}

³⁶Brent at 20-22.

reveals no other individuals with this unusual name at the time.³⁷ The fact that JT's widow had ostensible ties with this Isle of Wight County resident, albeit through Chambers, is significant.

These two records coupled with the close association between JT's family and Tobias Horton in both Lancaster County and Isle of Wight County are very significant. Indeed, these appearances in two different regions of Tidewater Virginia are too remarkable to be a coincidence. It is, therefore, reasonable to conclude that JT was the same John Taylor who appeared in Mrs. Cloyden's Isle of Wight County patent and who patented land in this county in 1637. Since the evidence is also sufficient to conclude that this John Taylor was the Ancient Planter, then his first wife Rebecca had obviously died, and he had remarried to wife Elizabeth. His birth ca. 1590 would make him about 62 years old when he died by 1652/3, which would be in line with life expectancies in Virginia at this time.

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Another John Taylor patented land with James Jones in 1664 between branches of the Wiccomico and Corrotoman Rivers.³⁸ Notably, it was clearly this John Taylor who, together with Jones and one other individual, patented land in Northampton County, on Virginia's Eastern Shore, in 1648.³⁹ While the first of these patents involved land not far from JT's land, this patentee cannot be JT because the evidence in the *Carter v. Pinckard* suit all but indicates that the 950 acres patented by JT in 1652 was the only land that he owned in this area, and it is unlikely that a patent for new land would have been taken out in his name, in 1664, so many years after his death.

Moreover, research in the Taylor Article reasonably establishes that this patentee John Taylor lived in Northumberland County, was age 30 in 1657/8—as stated in a Northampton County Court record involving Jones, married Alice Gaskins, and left a will proved in 1702.⁴⁰ His birth in ca. 1627 conclusively establishes that he was not the Ancient Planter, since the latter was born ca. 1590.

The Taylor Article also documents another early John Taylor, who died intestate in Northumberland County in 1667 leaving a son William. The late date of his death makes his identification as the Ancient Planter extremely unlikely, since the Ancient Planter would have been nearly eighty years old at that time.

³⁷See Will of Anthony Fulgham, made 14 October & probated 9 December 1678, Isle of Wight Co. VA Will & Deed Book 2, pages 168-69 and Torrence at 161-62.

³⁸Patent to James Jones & John Taylor of 1,000 acres in Lancaster Co., 22 June 1664, VA Land Patent Book 5, page 207 abstracted in 1 Nugent 461.

³⁹Patent to John Ellis, James Jones & John Taylor of 500 acres in Northampton Co., 9 April 1648, VA Land Patent Book 2, page 115 abstracted in 1 Nugent 171.

⁴⁰2 APP 56.

The following are the earliest patents listing a John Taylor as a headright:

<u>Page of 1 Nugent</u>	<u>Year</u>	<u>Patentee</u>	<u>Patent Location</u>
28	1635	Jeremiah Clement	n. side of James River
33	1635	Francis Fowler	James City Co.
42	1636	Robert Lucas	Charles River Co.
176	1648	George Hardy, et al.	Isle of Wight Co.
198	1650	Thomas Gerrard	Northumberland Co.
218	1650	James Foster	Nansemond Co.
221	1651	John Senior	n. side Piankatank River

Only three of these listings are early enough to have any potential relevance to the John Taylor who patented the land in Isle of Wight County in 1637 and, then, only if they represent additional headrights that Taylor earned and then sold to the patentees.

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In 1669, JT's under-age son, Richard Taylor, died intestate without issue while en route back to Virginia from Britain "aboard ye ship ffrienship of London." Since his probate record indicates that his sister Elizabeth's husband was his sole heir, it establishes that she was JT's only surviving child and that there were no surviving issue of any other predeceased child. This record also reveals that Richard left 950 acres Fleet's Bay. This land was clearly the 950 acres in the same locality that was originally patented by JT and which the *Carter v. Pinckard* lawsuit indicates passed to Elizabeth and her descendants. It was, presumably, this land that was referenced in the foregoing deed and patents of Toby Horton, Gervase Dodson and George Whale mentioning the land of the deceased John Taylor. Simon & Elizabeth Sallard then sold a 17 acre portion of this total to Thomas Lawrence, and the deed specifically states that the 450 acre tract, out of which it was taken, had been originally patented by John Taylor.⁴¹ Elizabeth conveyed the approximate 900 acre balance to her three children in the Sallard/Baker Deed.

The fact that Richard was under-age in 1669 establishes that he was born no earlier than 1648, which was less than five years before his father's death. It could, therefore, be argued that the relatively late births of JT's daughter Elizabeth, who was born between 1637/8 & 1644, and son Richard suggest that JT was relatively young when he died. Such a conclusion, then, would arguably rule out his identification as the Ancient Planter, since that John Taylor was born ca. 1590. However, it was not unheard of for men in their fifties to have children with much younger wives. In fact, the Ancient Planter was 12 years older than his wife Rebecca Ravening, and, if the age gap with wife Elizabeth were just a few years wider, she could be the mother of these children.

⁴¹Deed from Simon & Elizabeth Sallard to Thomas Lawrence, 11 March 1677/8, Lancaster Co. VA Deed Book 1666-1682, page 286 abstracted in Duvall at 56-57 {16 acres of a 450 acre patent of John Taylor was conveyed}

For instance, the Christ Church (Middlesex County) Parish Records establish that Christopher Sutton (1678/9-1737) had children by wife Hope Beaumont who were born between 1704/5 and 1732—a span of nearly thirty years, with his last child born when Sutton was 53.⁴² Thus, Richard Taylor’s birth within five years of his father’s death does not weaken his father’s identification as the Ancient Planter, and such a late birth would be explicable if his parents had been married before.

Record evidence establishes that to be the case for JT’s wife Elizabeth. Following his death, she married Tobias Horton, as the Record of cows due to the Orphans of John Taylor & William Winterborne and the Administration of Horton’s estate establish. The former record documented Elizabeth’s confession that her husband Horton held cows “belonging to the Orphts. of John Taylor & Willm. Winterborne both long since deced.” Her involvement in this proceeding all but indicates that, before Taylor, she was married to Winterborne.⁴³

This conclusion is confirmed by the fact that, per the 1669 Estate of Tobias Horton, she had a “Sonne in Law,” Uriah Angell. As noted, Richard Taylor’s Estate establishes that his sister Elizabeth (Taylor) Sallard was his sole heiress in 1669. Thus, Angell cannot have been married to another child of John Taylor, since Taylor’s only surviving heir was Elizabeth Sallard. The term “son in law,” at this time, was used to refer to a step-son as well as its modern meaning.⁴⁴ The latter is more likely here because Elizabeth conveyed Angell her one-third interest in JT’s land.⁴⁵ She would not likely have been so generous if Angell were a mere step-son. So, it is reasonable to conclude that Angell was married to a daughter of Elizabeth by her marriage to a husband other than JT. Her marriage to Tobias Horton is not a possibility because Horton only names one daughter in his will, Rebecca, and she was married to Thomas Martin.⁴⁶ Also, Angell’s only known wife was named Susannah. Thus, the relationship must arise from a marriage that Elizabeth had prior to JT, and William Winterborne is the only candidate.

⁴²See Register of Christ Church Parish, Middlesex Co. VA transcribed in *Christ Church Parish Register: Middlesex County Virginia 1653-1812*. Originally published by the National Society of Colonial Dames in the State of Virginia, 1897; revised version by John Otto Yurechko, Westminster, MD: Willow Bend Books, 2000, pages 7, 148, 44, 48, 50, 54, 66, 70, 75, 80, 83, 86, 89 & 95.

⁴³The author has been unable to find any other reference to Winterborne in contemporary Virginia records.

⁴⁴1 APP xxiv.

⁴⁵Although this conveyance does not state that the interest conveyed was a mere life estate, that is what Elizabeth’s dower one-third share would have been. See Blackstone at 128-39.

⁴⁶See Inventory of Thomas Martin, made 9 January 1687/8, recorded 12 April 1688, Lancaster Co. VA Will Book 5, page 119 abstracted in Lee at 149 {Rebecca Corroll was “relict”} and Sallard/Baker Deed {Elizabeth Sallard refers to Thomas Martin as her “brother in Law”—or step-brother}.

Consequently, the fact that Elizabeth had an earlier marriage with children before her marriage to JT explains why she had her two known children by him so close to his death and suggests that she was relatively old at the time. Since JT would likely have been at least as old as his wife, it is reasonable to conclude that he too was relatively old when these two children were born and that it was possible for him to have had an earlier marriage as well. These facts are, therefore, consistent with his identification as the Ancient Planter.

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The overwhelming weight of available evidence is sufficiently strong to establish that John Taylor, Ancient Planter was the 1637 Isle of Wight County patentee of the same name. Due to the lack of other known John Taylors in the latter county, his identification as the John Taylor named with Tobias Horton in Mrs. Cloyden's Isle of Wight County patent is also reasonable. This John Taylor was, without question, the John Taylor who patented land in Lancaster County in 1652 and whose estate was probated there in 1652/3 because of his documented ties with Horton. Moreover, Hugh Kelley's testimony confirms this John Taylor's relationship with Tobias Horton dated from his family's residence in the James River area. This John Taylor is, thus, by far the best—and is indeed the only—candidate revealed in surviving Virginia records to be the Ancient Planter.]