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- DATE: 28 October 2019 (updated 15 December 2022)
- REPORT TO: File
- SUBJECT Mills & Associates: Amherst County, Virginia, Court Orders—Including References to Bias/Byass/Byers, Hobson, Lavender, Learwood, Napier, Tilman, Toney, Wade, Walton, and White (Also Pre-1800 Overseer of the Poor Records for Amherst in General to Learn Community Patterns)
- BACKGROUND: About 1744, William Mills of Goochland and his older sons *Ambrose* and *Thomas*, applied for land grants on the Pedlar River and its waters, a region that soon became Albemarle County. After an active decade there of buying and selling land, William made his will in September 1755, stating that he was weak of body but sound of mind. Thereafter, he made no live appearance on record, suggesting that he died shortly after the will. The estate was held together by the widow until the youngest child, Jesse, came of age and married.
- Most of this Mills family left Albemarle before their part of the county was cut away to create Amherst. Specifically:
- Son **Thomas** predeceased his father, leaving a nearby land grant to two children: Ambrose Jr. and Elizabeth.
 - Son **William Jr.** moved to North Carolina about 1750. His own land grant would be finalized by his father's estate in 1765; he returned briefly in 1770 to sell it.
 - Son **Ambrose**, a resident of Lunenburg > Bedford from c1748, moved to the Carolinas in the wake of his father's will and death.
 - Daughter **Sarah**, had married Thomas Watts, son of William Mills's neighbor Edward Watts; she and Thomas accompanied Ambrose and his Thomas' own brothers (William and Edward Watts Jr.) to South Carolina.
 - Daughter **Elizabeth** had married Thomas Learwood before her father's will and lived with him in Bedford County. At some point after Learwood's death (which occurred about 1760), she wed John Ripley who moved her to South Carolina.
 - Daughters **Anne** and **Mildred "Milly"** would marry soon after the parental will, with Anne following her husband Lewis Witt to Bedford while Milly remained in Amherst with her husband William Lavender.¹
 - Son **Jesse** inherited the homeplace, under the terms of William's will. In 1766, after he came of age, he and his widowed mother settled the parental estate, sold the Pedlar River land and moved to Tye River to live near his new father-in-law (Thomas Tilman) and brother-in-law (William Walton).²

¹ The spelling of Mildred Mills' nickname is inconsistent across records. Most records call her "Milly." The court order for her in this document spell it "Milley."

² Several of my prior research reports provide the foundation for this one; all are archived online at E. S. Mills, *Historic Pathways* (<https://www.historicpathways.com>) under the "Research" tab. Particularly see these three:

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

Son Jesse would lose his land to debt, leaving no probate by which his offspring would be identified. My reconstruction of his family shows that most of his children left Amherst as well.³ Numerous offspring of his sister Milly would remain. After the creation of Nelson County from Amherst in 1807, some of them fell into Nelson.

OBJECTIVE: This research segment focuses on the surviving court records of Amherst from the 1765 (the earliest record book) through 1807, the period in which Jesse and Milly's children were born and grew to adulthood. Details from the original court orders—which have not been published and must be read page-by-page—will fill gaps in their lives left by deeds, probates, and tax rolls. Key associates will be included in the search, notably several families that out-migrated with the Mills offspring to other Virginia counties.

Executive Summary

The research notes in this report expand our knowledge of this family in several ways:

- **THOMAS JOPLIN:** William Mills in September 1755 appointed Joplin executor of his will, despite the fact that Joplin lived in a distant part of the county and no kinship or earlier connection has been found between them. A court order of 1778, herein, identifies Joplin as the father-in-law of Robert Davis, a witness to Mills' will; but it still leaves no explanation as to why Mills chose Joplin to serve with and advise his widow.
- **RIPLEY-MILLS:** These court orders narrow the period of the Ripley-Mills marriage. On 8 September 1767, John Ripley and wife Elizabeth sued William Mills's widow over the settlement of the estate. The surviving records do not reveal the nature of the complaint. The removal of the Ripleys to South Carolina can be dated after November 1768, when this suit was dismissed "at the consent of the parties."
- **JESSE MILLS:** The court orders also narrow the period in which Jesse's health or other issues created a radical change in his life. Debt plagued him almost from the time he moved to Tye River, but he managed to contain his issues until the close of Revolution. A series of court cases between 1782 and 1785 depict a life in a downward spiral, with debt suits, a charge of assault and battery against him by a neighbor who periodically operated a tavern (George Blaine), and his own charge of assault and battery against a female who was charged in that same court term for cohabiting with Blaine. His last appearance on the tax roll was 1782, by which time he had already lost his land but still

• "William Mills (c1695–c1755) of Goochland, Albemarle & Amherst Counties, Virginia; Spouse: Mary [—?—]: Research Notes," a work-in-progress last updated 23 February 2022.

• "Mills & Associates: Albemarle, Goochland & Southside VA, Preliminary Survey of Published Resources; Including Notes for Families Surnamed Byas, Joplin, Lavender, Learwood, Napier, Ripley, Toney, Walton, White, Witt, & Watts," report-to-file, 28 May 1816 (updated 23 February 2022).

• "Mills & Associates: Amherst County, VA, Preliminary Survey of Published Resources, 1764–c1811, Including Notes for Families Surnamed Byas, Burton, Joplin, Lavender, Learwood, Napier, Ripley, Toney, Walton, White, Witt & Watts," report to file, 28 August 2018 (updated 23 February 2022).

³ E. S. Mills, "Jesse Mills Sr. (c1743–aft1810) of Albemarle & Amherst Counties, Virginia; Spouse Lucy Tilman," a work-in-progress last updated 28 February 2022; archived at *Historic Pathways* under the "Research" tab.

owned two enslaved people.⁴ His last service as a petit juror (a man with a minimal amount of property) was in March 1783. While court records are lost for the much of the 1790s and early-1800s, the surviving records show no further action by or about him until 1810 when (in the previously discovered chancery case), he joined his brother-in-law in a suit to recover an enslaved woman that, his in-laws contended, was taken from him unjustly.

- GEORGE LAMBERT: My reconstruction of the Jesse Mills family (cited at note 3) proposes that Jesse was the father of one Elizabeth Mills who married in adjacent Bedford County in 1786, with a permission signed by George Lambert—a Revolutionary War officer from a prominent Bedford family that lived just across James River from Amherst. The present set of research notes show that Lambert also owned land in the Tye River region of Amherst and lived there for several years in the community of Jesse Mills, William Walton, and their Tilman in-laws.
- THOMAS TILMAN: No death record is known to exist for Jesse’s father-in-law. The chancery suit by Jesse and Thomas Tilman’s son Daniel contains a 30 September 1812 affidavit by the defendant saying the Tilman died “~~fourteen or fifteen~~ twelve or thirteen years ago” [i.e., 1799–1800] rather than “five years before the [1810] commencement of this suit” as alleged by the plaintiff in that case. A court order of 22 August 1800, in the research notes below, cited “Thomas Tilman *Junr.*,” implying that his father Thomas Sr. was still alive as of that date. The numerous debt suits against the elder Thomas Tilman in the 1780s and 1790s—including an effort in 1787–88 to reclaim the enslaved woman who had been taken from Jesse Mills—imply a reason why no estate record has been found for him.
- DISEASES OR EPIDEMICS: Milly (Mills) Lavender’s husband William, his apparent brother Charles, and her own mother Mary Mills all died in early 1776, suggesting a contagion of some sort within the community.
- OCCUPATIONS: These court minutes reveal the occupation and political offices of many men in the county whose occupations are not stated in land, probate, and tax records. For example, Thomas Ballew, father-in-law of Charles Lavender Jr., is identified as a hatter; and William Walton, brother-in-law of Jesse Mills, was reappointed a deputy sheriff in November 1767.
- ASSOCIATES: Much additional information has been gathered on other families who, at some point, associated with or intermarried with offspring of William and Mary Mills of the Pedlar.
- LAVENDER FAMILY RECONSTRUCTION: These court orders, coupled with the marriage records of the county and the tax records and deeds already gathered, allow us to reconstruct the Lavender family for three generations:
 - A 1784 court order informs us that William Lavender Sr.’s mother, Elizabeth was still alive but was a widow; the court ordered a division between her dower land and the widow’s dower held by William’s widow Milly Mills.
 - Given that William Sr.’s mother was still alive in 1784, then the “Charles Lavender Sr.” of Amherst, who executed a deed in 1793 with his wife Sally (and had a tithable son Allen over the age of 16 that same year), would be William Sr.’s brother rather than his father.
 - The 1793 deed by which Milly (Mills) Lavender and her son William Jr., with their spouses, sold the land they inherited from Milly’s husband identifies the acreage as part of the land patented to “Charles Lavender the elder” in 1746.”⁵
 - Together these documents identify three Charles Lavenders in the county:

⁴ E. S. Mills, “Mills & Associates: Amherst County, VA, Tax Rolls, 1782–1803,” report to file, 9 June 2019; archived at *Historic Pathways* under the “Research” tab.

⁵ Bailey Fulton Davis, *The Deeds of Amherst County, Virginia, 1761–1807 and Albemarle County, Virginia, 1748–1763* (Greenville, SC: Southern Historical Press, 1979), 278; citing Amherst Deed Book G: 254.

Charles Lavender I, “the elder,” who settled the region when it was part of Albemarle. With **wife Elizabeth**, he appears to have had four sons and at least one daughter in the county:

- A. **William Lavender Sr.**, born c1740; married Milly Mills and had sons:
- William Lavender Jr., born c1761, the eldest son who inherited the parental land under primogeniture; a Revolutionary War soldier, he married Sarah Stratton.
 - **Charles Lavender III, b. c1763**, called “Charles Jr.” in various court orders and tax entries; a Revolutionary war soldier, he married Lucy Ballew in 1785 and moved with her family to Edgefield Co., SC, before the 1790 census; he died there 5 May 1802.⁶
 - Mary Lavender, born c1765, married Richard Fortune in 1786.
 - George Lavender, born c1769, married Nancy Fortune.
 - Winston Lavender, born c1771; no wife identified; allegedly died 1804 in Burke Co., NC, to which he had moved with his mother and stepfather William Walton.
 - Anthony Lavender, born c1772; no wife identified; allegedly died 1802 in Burke Co., NC.
 - Elizabeth “Betsy” Lavender, born c1772; married Jesse Fortune in Amherst, 1793.
 - Mildred Lavender, born about 1774; no husband identified; would have moved to Burke Co., NC, with her mother and stepfather c1794.
- B. **Mary? Lavender**, born, say, 1745; married James? London by whom she had a son Lavinder London, born c1772–77 (first named on tax roll in 1793); Lavender married 1800 Jane Wright and was appointed a tobacco inspector for Amherst shortly thereafter. Amherst presents two candidates for Lavinder London’s father: James London who is first on record in Amherst in 1763, buying land,⁷ after which he bought and sold many tracts. One witness to James’s 1763 deed was Moses London, whose 1777 estate was inventoried by Charles Lavender. No wife or children were identified for Moses. James’ wife is named in deeds as Mary. (Online accounts of this family, which copy each other endlessly, irrationally assert that Lavinder London was b. 1791 to Larkin London (Lavender’s probable brother) and Larkin’s wife Mary Dillard; that couple’s marriage record is dated 1790, thereby making Lavinder 9 years old when he posted bond to marry Jane Wright in 1800.)⁸
- C. **John Lavender**, born, say, 1750, who died in 1776 leaving a widow; the court orders settling his estate mention no minor children.
- D. **Charles Lavender II**, born, say, 1755; called “Charles Sr.” in several court orders herein, executed a deed of sale in 1793 with **wife Sally** and remained in the county through at least November 1801 when, as administrator of the estate of his brother Allen, he was sued by William Lain. The 1793 personal tax roll of Amherst couples Charles Lavender with his eldest son who had reached tithable age:
- Allen Lavender

⁶ Charles Lavender (Priv., Cabell’s and Meriwether’s Regts., VA Line), Widow Lucy, No. W8025; digitized in “Revolutionary War Pensions,” *Fold3* (<https://www.fold3.com/image/25254588> and 109 subsequent images : accessed 17 May 2016)

⁷ Amherst Co. Deed Book A: 279.

⁸ As a starting point for the Londons, see Bailey Fulton Davis, *The Wills of Amherst County, Virginia, 1761–1865* (1785; reprint, Greenville, SC: Southern Historical Press, 1998), 219; and Bailey Fulton Davis, *The Deeds of Amherst County, Va. (1761–1852) & Albemarle County, VA (1748–1807)* (Greenville, SC: Southern Historical Press, 1979), 84; citing Amherst Co. Deed Book A: 279. See numerous other deeds for James and Mary.

- E. **Allen Lavender**, born about 1762, married Agatha Witt, daughter of Anne (Mills) Witt, whose sister Millie had married Allen's brother William. Died c1797 leaving seven children: Charles [**Charles Lavender IV**], Cliff, Elizabeth (m. Pleasant Crews), Nancy, John W., Bird, and Dosh.⁹

Note: Allen is commonly misidentified as a son of William and Milly (Mills) Lavender. That relationship is disproved by two facts spotlighted in this report:

- Allen's will of 1797 named his "brother Charles" as his executor. Charles filled that duty as a resident of Amherst. Meanwhile the Charles born of William and Milly (see Charles Lavender III, above) moved with his in-laws to Edgefield Co., SC, before 1790 and died there in 1802.
- The 1793 court suit in which the heirs of William Lavender sued the administratrix, Mildred Lavender, and her new husband for settlement of the estate, did not include Allen Lavender.¹⁰

Research Notes

2 JUNE 1766

"An Indenture of Mortgage between John Welsh of the one part and George Kippin & Company, merchants of Glasgow of the other part, and the receipt indorsed were proved by the oaths of Niell Campbell, **William Walton**, and George Monroe, the witnesses thereto, and with a Certificate of the proof thereof, ordered to be recorded."¹¹

"An Indenture of Bargain and sale between **Pearce Wade & David Wade** of the one part, and Henry Trent of the other part was acknowledged by the said Pearce Wade and proved as to the said David Wade by two of the Witnesses thereto and ordered to lie for further proof."¹²

COMMENT:

Proving a deed in court, as a prerequisite to it being recorded, required either the acknowledgment of the grantor and spouse or else the oaths of three witnesses. The Wade-Trent deed was not ordered to be recorded because one oath was lacking.

7 JULY 1766

"**William Lavender** Pltf against **William Walton** Deft, In case. This day came the parties by their attornies, and the Defendant prayed and has leave to Imparle till the next court, and then to plead."¹³

COMMENT:

Several years after Lavender's death, his middle-aged widow, Milly Mills, married this William Walton as her second husband.

⁹ Bedford Co., VA, Probate Records, 5: 195–97.

¹⁰ Amherst Co., Court Order Book 1790–1794, p. 509; imaged, *FamilySearch* digital film 8248729 > image 178.

¹¹ Amherst Co., Court Order Book, 2 June 1766–1769, p. 6; imaged, *Family Search* digital film 8151599 > image 12.

¹² Amherst Co., Court Order Book, 2 June 1766–1769, p. 7; imaged, *Family Search* digital film 8151599 > image 13.

¹³ Amherst Co., Court Order Book, 2 June 1766–1769, p. 23; imaged, *Family Search* digital film 8151599 > image 21.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

Imparl: “To have license to settle a litigation amicably; to obtain delay for adjustment.”¹⁴

5 AUGUST 1766

Jurors: Richard McCary, William Cabell, William Cheeke, Samuel Woods, William Henry, Menos Wright, Niell Campbell, Henry Rose, William Kennon, Matthew Tucker, **Jesse Mills**, and **Charles Toney**.¹⁵

“**William Lavender** Plt against **William Walton** Deft, In Case. This day came the Parties by their attornies, and the said Deft. saith that he did not assume in manner and form as the Plaintiff against him hath declared, and of this he puts himself upon the Country, and the Plaintiff likewise, and the cause is continued till the next [term] for the Trial of the Issue.”¹⁶

COMMENT:

“Putting one’s self upon the Country” was legalese for requesting a jury trial.

1 SEPTEMBER 1766

“An Indenture of Feoffment between **Jessee Mills** of the one part and Nathaniel Davis of the other part, with a Memorandum of Livery and seisen and receipt endorsed were acknowledged by the said Jessee Mills and ordered to be recorded, and **Lucy**, the wife of the said Jessee, personally appeared in Court, and being first privily examined as the law directs, voluntarily relinquished her right of Dower in the Estate conveyed by the said Indenture.”¹⁷

COMMENT:

Feoffment: “In the Middle Ages, especially under the European feudal system, feoffment or enfeoffment was the deed by which a person was given land in exchange for a pledge of service. This mechanism was later used to avoid restrictions on the passage of title in land by a system in which a landowner would give land to one person for the use of another. The common law of estates in land grew from this concept.”¹⁸

2 SEPTEMBER 1766

“**William Lavender** Plt. against **William Walton** Deft, In Case. This day came the parties by their attornies and thereupon came a Jury, to wit, Gabriel Penn, John Hargrove, William Spencer, Niell Campbell, Thomas White, George Penn, Thomas Reid, John Hardwick, Bennet Phillips, William Oglesby, Daniel Oneal, and Henry Rose, who being elected tried and sworn the truth to speak upon the issue joined went out of Court to consult of their Verdict, but not having agreed, returned a blank Verdict, and it is ordered that the issue be tried by a new Jury at the next Court.”¹⁹

6 OCTOBER 1766

Gabriel Penn is granted an ordinary license.²⁰

“An Indenture of bargain and Sale between Cornelius Thomas, George Hilton & Bethenia his wife, **Henry Hobson & Martha** his Wife, John Hughes and Judith his Wife, and **Jacob Michaux** and Sally his Wife, of the one part, and **James Nevil** of the other part, with the receipt endorsed were acknowledged by Cornelius Thomas, George Hilton, Henry Hobson & Martha his Wife, Jacob Michaux and Sally his Wife

¹⁴ Henry Campbell Black, *Black’s Law Dictionary*, 4th ed. (St. Paul, Minn.: West Publishing Co., 1951), 886.

¹⁵ Amherst Co., Court Order Book, 2 June 1766–1769, p. 45; imaged, *Family Search* digital film 8151599 > image 32.

¹⁶ Amherst Co., Court Order Book, 2 June 1766–1769, p. 51; imaged, *Family Search* digital film 8151599 > image 35.

¹⁷ Amherst Co., Court Order Book, 2 June 1766–1769, p. 59; imaged, *Family Search* digital film 8151599 > image 39.

¹⁸ *Wikipedia* (<https://en.Wikipedia.org/wiki/Feoffment> : accessed 25 January 2022), “Feoffment.”

¹⁹ Amherst Co., Court Order Book, 2 June 1766–1769, p. 76; imaged, *Family Search* digital film 8151599 > image 74.

²⁰ Amherst Co., Court Order Book, 2 June 1766–1769, p. 79; imaged, *Family Search* digital film 8151599 > image 49.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)
(the femes covert being first privately examined and relinquishing their right of Dower, according to law) was ordered to lie for the other parties.”

“An indenture of bargain and Sale between Jacob Michaux, and Sally his Wife of the one part, and Cornelius Thomas of the other part, with a memorandum of livery and Seisen endorsed were acknowledged by the said Jacob Michaux, and with a Certificate of the acknowledgment thereof ordered to be Recorded, and Sally Wife of the said Jacob, personally appeared in Court and being first privily examined as the Law directs voluntarily relinquished her Right of Dower in the Estate conveyed by the said Indenture.”²¹

“**William Lavender**, Plt. against **William Walton** Deft., In Case. This Cause is continued till the next Court.”²²

“**Jacob Michaux** who intermarried with **Sally Nevil**, to whom Cornelius Thomas Gentleman was Guardian came into Court and released the said Cornelius Thomas Gentleman from his said Guardianship.”²³

COMMENT:

See the preceding order involving Thomas, Hilton & wife, Hobson & wife, Hughes & wife, Michaux & Wife, and James Nevil. It would appear that all the wives were, like Sally, Nevils under the guardianship of Thomas.

A similar court order for an indenture of bargain and sale by all these parties also appears on p. 98 (3 February 1767).

1 DECEMBER 1766

“Ordered that Ambrose Jones be Surveyor of the road from Ruckers run to Captain Keys with the following Gang, to wit, Jameston Patterson, James Jackson, Bartholomew Ramsey, Daniel Oneal, Charles Oneal, Nicholas Wren, Benjamin Grayson, **Jesse Mills**, Thomas Burden, **William Lavender** & Ambrose Jones & their male labouring Tithables to work thereon.”²⁴

2 FEBRUARY 1767

“Present **James Nevil Gent.** [Suit of] James Nevel, against William Nichols, on the motion of Joseph Cabell he is allowed to enter himself Special Bail for ye Defendant.”²⁵

3 FEBRUARY 1767

Payment to be made “To **William Walton Deputy Sheriff** for thirty six Insolvents at nineteen pounds of Tobacco pr Poll [per head] after Deducting six pr Cent for his Commission: 0.0.643.”

Payment to be made “To **William Walton** for providing for Thomas Beard an Insolvent Debtor 20 days at 10 lb. of Tobacco pr Day at 10 pr hundred: 1.0.00.”

“To the same for providing for the same at the same: 1.0.00. To the same for providing for Thomas Panell same: 1.0.00”²⁶

²¹ Amherst Co., Court Order Book, 2 June 1766–1769, p. 81; imaged, *Family Search* digital film 8151599 > image 50.

²² Amherst Co., Court Order Book, 2 June 1766–1769, p. 84; imaged, *Family Search* digital film 8151599 > image 51.

²³ Amherst Co., Court Order Book, 2 June 1766–1769, p. 87; imaged, *Family Search* digital film 8151599 > image 53.

²⁴ Amherst Co., Court Order Book, 2 June 1766–1769, p. 89; imaged, *Family Search* digital film 8151599 > image 54.

²⁵ Amherst Co., Court Order Book, 2 June 1766–1769, p. 93; imaged, *Family Search* digital film 8151599 > image 56.

²⁶ Amherst Co., Court Order Book, 2 June 1766–1769, p. 95; imaged, *Family Search* digital film 8151599 > image 57.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

3 MARCH 1767

“John Loving Plt. against **Jessee Mills** Deft. This Suit is ordered to be Dismissed.”²⁷

Jessee Mills and **William Lavender** served on juries. Inventory of **William Mills** is returned to court and ordered to be recorded.²⁸

“**William Lavender** Plt. against **William Walton** Deft, In Case. This day came the parties by their attorneyes and thereupon came a Jury, ... [who] do say that the Defendant did assume upon himself in manner and form as the Plaintiff against him hath declared, and they do assess the Plaintiffs Damages by occasion thereof to four pounds four shillings. Therefore it is considered by the Court that the Plaintiff be non suited and together & with his Pledges & be in Mercy &c and that the said Defendant go hence without day [delay] and recover against the said Plaintiff Five shillings Damages, according to Law, and his costs by him about his defense in this behalf expended.”²⁹

COMMENT:

For the plaintiff to be “non-suited” meant that he was deemed to not have a valid suit.

4 MAY 1767

William Lavender is elected to the Grand Jury.³⁰

6 JULY 1767

Judgment against John Hodges and **Jessee Mills**, Hodges’ special bail, in a debt suit brought against Hodges by Thomas Dickerson. 12£ plus costs. James Nevil, Gent. reported that 9£ 1s 9p had been recently paid against the debt.³¹

Jessee Mills served on jury in case of John Loving vs. John Ryan.³²

7 JULY 1767

Jessee Mills served again on jury for this term.³³

3 AUGUST 1767

“An Indenture of bargain and Sale between Lunsford Lomax the younger (and William Cabell Junr. attorney for the executors of Philip Grymes Esquire Deceased) of the one part; and **Jessee Mills** of the other part, was acknowledged by the said Lunsford Lomax the Younger & William Cabell and with a Certificate of the acknowledgment thereof, ordered to be recorded.”³⁴

8 SEPTEMBER 1767

“John Ripley & Elizabeth his wife Plts. against **Mary Mills**, Executrix of **William Mills** Deceased, Deft. In Chancery. This day came as well the Plaintiffs by Edmund Winston their Council, as the Defendant by John Harvie her Council, and the Plaintiffs having filed their Bill, on the motion the Defendants time, till the next court is allowed her to consider the Plaintiffs Bill and then to answer it.”³⁵

²⁷ Amherst Co., Court Order Book, 2 June 1766–1769, p. 105; imaged, *Family Search* digital film 8151599 > image 62.

²⁸ Amherst Co., Court Order Book, 2 June 1766–1769, pp. 111–15; imaged, *Family Search* digital film 8151599 > images 65–67.

²⁹ Amherst Co., Court Order Book, 2 June 1766–1769, p. 120; imaged, *Family Search* digital film 8151599 > image 69.

³⁰ Amherst Co., Court Order Book, 2 June 1766–1769, p. 129; imaged, *Family Search* digital film 8151599 > image 74

³¹ Amherst Co., Court Order Book, 2 June 1766–1769, pp. 155–56; imaged, *Family Search* digital film 8151599 > image 92.

³² Amherst Co., Court Order Book, 2 June 1766–1769, p. 168; imaged, *Family Search* digital film 8151599 > image 99.

³³ Amherst Co., Court Order Book, 2 June 1766–1769, p. 179; imaged, *Family Search* digital film 8151599 > image 105.

³⁴ Amherst Co., Court Order Book, 2 June 1766–1769, p. 190; imaged, *Family Search* digital film 8151599 > image 110.

³⁵ Amherst Co., Court Order Book, 2 June 1766–1769, p. 212; imaged, *Family Search* digital film 8151599 > image 121.

COMMENT:

- Elizabeth, wife of Ripley, was née Mills—a daughter of William and Mary. She was also the widow of Thomas Learwood.
- **Jesse Mills** served again on jury for this term.³⁶

TO DO:

Seek possible surviving papers for attorney John Harvie.

2 NOVEMBER 1767

Court order

William Walton and William Loving took oath as under-sheriffs for Gabriel Penn, Sheriff.³⁷

7 DECEMBER 1767

William Lavender is to be paid for two wolf's head 0.0.200.

William Walton, deputy sheriff was paid 0.0.428 for "35 Insolvents at 13# of Tob^o pr. poll after deducting 6 P Cent for his Commission." "To the same for removing Andrew Lightle from the County Gaol 173 Miles @ 3\$ of Tobacco P. Mile 0.0.364.

"To **William Walton** for returning from Williamsburg 173 Miles 0.0.364.

"To the same for providing for John Davis an Insolvent Debtor 20 days @ 10# of Tobacco pr day at 10/pCent £1.0.0

"To the same for Summoning & attending Court for the examination of the sd Lighttle when not examined 0.0.14.

"To the same for the same, when examined 0.0.140.

To Commitment & Releasement of do. 0.0.14.

To the same for altering handcufs 0.1.3.³⁸

8 DECEMBER 1767

"**John Ripley & Elizabeth** his wife Plts. against **Mary Mills** executrix of **Wm. Mills** Decd. Deft. In Chancery. This day came as well the Plaintifs by Edmund Winston their attorney, as the defendant by John Harvie her attorney and the Defendant prays, and time is allowed him [*sic*] till next Court to file her answer to the Plaintifs bill."³⁹

"The attachment of **Jessee Mills** against the Estate of **John Hodges** is Dismissed, by order of the Plaintiff."

"The Attachment of **Ambrose Jones** against the Estate of **John Hodges** is Dismissed, by order of the Plaintiff."⁴⁰

³⁶ Amherst Co., Court Order Book, 2 June 1766–1769, p. 217; imaged, *Family Search* digital film 8151599 > image 124.

³⁷ Amherst Co., Court Order Book, 2 June 1766–1769, p. 226; imaged, *Family Search* digital film 8151599 > image 128.

³⁸ Amherst Co., Court Order Book, 2 June 1766–1769, pp. 234–35; imaged, *Family Search* digital film 8151599 > images 132–33.

³⁹ Amherst Co., Court Order Book, 2 June 1766–1769, p. 244; imaged, *Family Search* digital film 8151599 > image 137. No record of the Ripley-Mills/Learwood marriage has been found. It was previously known from the affidavit of her natural son John Mills *alias* Ripley filed in his Revolutionary War Pension Application; John Mills *alias* Ripley (priv., Capt. Rogers? Co., Genl. Hampton's Regt., SC), S9025, opened 2 April 1834, Athens, Ohio; file imaged in "Revolutionary War Pensions," *Fold3* (<https://www.fold3.com/image/25853045> and 19 subsequent numbers : accessed 1 June 2016).

⁴⁰ Amherst Co., Court Order Book, 2 June 1766–1769, p. 249; imaged, *Family Search* digital film 8151599 > image 140.

COMMENT:

Ambrose Jones needs to be added to the worklist of associates whose connection needs to be determined.

7 MARCH 1768

“George Stovall Junr. Gent. Sheriff of this county, together with **William Walton**, William Cabell, Daniel Gains, Cornelius Thomas, William Loving & Gabriel Penn, his Securities this day in court entered into and acknowledged their two several Bonds, the one in the Sum of five hundred pounds for the Collection and payment of the County Levy, and the other in the Sum of one thousand pounds for the collection & payment of the Land & Poll Tax, both respectively payable & condition as the law requires.”⁴¹

9 MARCH 1768

“**John Ripley & Elizabeth** his wife Plts. against **Mary Mills**, Executrix of **Wm. Mills** Decd. Deft. In chancery. This day came the Parties by their counsel and the Defendant prays, and has time till next court to file her answer to the Plaintiffs Bill.”⁴²

3 MAY 1768

Jesse Mills and **William Walton** serve as jurors for this term of court.⁴³

“**John Ripley & Elizabeth** his wife Plts. against **Mary Mills**, Executrix of **William Mills** Decd. Deft. In Chancery. On the motion of the Defendant by her counsel, time till the next Court is allowed her to file her answer in this cause.”⁴⁴

“On the Motion of **Jessee Mills**, a Witness for **William Lain** against Joseph Richards, It is ordered that the said William Lain pay him one hundred pounds of Nett Tob^o for four days attendance at this Court.”

William Walton and William Horsley served as bondmen for Henry Key’s ordinary license.⁴⁵

5 JULY 1768

“**John Ripley & Elizth** his Wife Plts. against **Mary Mills** Ex^x of **William Mills** Dec^d deft. In Chancery. This day came the Defendant by her Council, who filed her answer to the Plaintiffs Bill, and on the Motion of the Plaintiffs by their Council, time till the next Court is allowed them to Consider it.”⁴⁶

Jesse Mills and **William Walton** served on jury for the term.⁴⁷

5 SEPTEMBER 1768

“An Indenture of Bargain & Sale between **Jessee Mills & Lucy** his Wife of the one part, and Lucas Powell of the other part, with a Receipt Indorsed, were acknowledged by the said Jessee Mills and ordered to be Recorded, and the said Lucy personally appeared in Court, and being first privily examined as the Law directs voluntarily relinquished her right of Dower in the Estate conveyed by the said Indenture.”⁴⁸

“**John Ripley Plt.** [wife Elizabeth is not mentioned] against **Mary Mills** Executrix of **Wm. Mills** Decd Deft. In chancery. This day came the Parties by their Council and the Defendant having filed her answer on the

⁴¹ Amherst Co., Court Order Book, 2 June 1766–1769, p. 270; imaged, *Family Search* digital film 8151599 > image 150.

⁴² Amherst Co., Court Order Book, 2 June 1766–1769, p. 294; imaged, *Family Search* digital film 8151599 > image 162.

⁴³ Amherst Co., Court Order Book, 2 June 1766–1769, p. 324; imaged, *Family Search* digital film 8151599 > image 179.

⁴⁴ Amherst Co., Court Order Book, 2 June 1766–1769, p. 328; imaged, *Family Search* digital film 8151599 > image 181.

⁴⁵ Amherst Co., Court Order Book, 2 June 1766–1769, p. 339; imaged, *Family Search* digital film 8151599 > image 188.

⁴⁶ Amherst Co., Court Order Book, 2 June 1766–1769, p. 364; imaged, *Family Search* digital film 8151599 > image 201.

⁴⁷ Amherst Co., Court Order Book, 2 June 1766–1769, p. 369; imaged, *Family Search* digital film 8151599 > image 204.

⁴⁸ Amherst Co., Court Order Book, 2 June 1766–1769, p. 381; imaged, *Family Search* digital film 8151599 > image 210.

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Motion of the Plaintiff time till the next court is allowed to consider the said answer, and then to reply; and by consent of parties a commission is awarded them to examine & take the Deposition of **Jesse Mills** a witness in this Suit according to law.”⁴⁹

6 SEPTEMBER 1768

“Ordered that the Sheriff Summon twenty four of the most capable freeholders of this county, **not being ordinary keepers, Constables, Surveyors of highways, or owners or occupiers of a Mill**, to appear at November Court next to serve as a Grand Jury of Inquest for the body of this county.”⁵⁰

“**William Walton** appointed Surveyor of the road from the ferry landing on Tye river to the fork of the road, just below the Pounding Mill Creek, and from thence to **St. John’s Church**, with the following Gang, to wit, his own Male labouring Tithables, McDaniel’s Estate, Henry Key’s, Jacob Eades & George Kipper’s, to work thereon and keep the same in lawful repair. The road leading out of the River road, near **William Walton’s**, to Cabell’s ferry, is discontinued.

“On the Motion of **William Walton**, a Witness for Henry Key at the Suit of Thomas Dickerson, It is ordered that the said Henry Key pay him seventy five pounds of Nett Tobacco for Three days attendance at this Court, according to law.”⁵¹

7 NOVEMBER 1768

William Lavender to be paid 0.0.200 for “4 young Wolves heads.”⁵²

“**John Ripley & Elizabeth** his Wife Plts. against **Mary Mills** Executrix of **William Mills** Decd. Deft. In Chancery. This Suit is Dismissed, being agreed by the Parties.”⁵³

William Lavender served on jury.⁵⁴

6 MARCH 1769

“John Loving Plt. against **William Lavender** Deft. On a petition & Summons By consent of parties this suit is Dismissed at the Defendant’s Costs.”⁵⁵

“John Ryan Plt against **George Blain** Deft. In Debt. This day came the Plaintiff by Edmund Winston his Attorney and **William Walton** comes into Court and enters himself as Special Bail for the Defendant, whereupon the said Defendant saith that he cannot gainsay the Plaintiffs action, Therefore it is considered by the Court that Judgment be entered for the Plaintiff against the said Defendant for Seven pounds ten shillings & his Costs by him in this behalf expended, and the said Defendant in mercy &c and the Plaintiff agrees to stay Execution on this Judgment till June next.”⁵⁶

“**William Walton** Plt. against William Trice Deft. In Trespass assault & Battery.

“**William Walton**, Plt. against William Trice Deft. In Case for Slander.

By agreement of the parties these suits are Dismissed, at the Costs of the Defendant.”⁵⁷

⁴⁹ Amherst Co., Court Order Book, 2 June 1766–1769, p. 391; imaged, *Family Search* digital film 8151599 > image 216.

⁵⁰ Amherst Co., Court Order Book, 2 June 1766–1769, p. 393; imaged, *Family Search* digital film 8151599 > image 217.

⁵¹ Amherst Co., Court Order Book, 2 June 1766–1769, pp. 409–10; imaged, *Family Search* digital film 8151599 > image 225.

⁵² Amherst Co., Court Order Book, 2 June 1766–1769, p. 415; imaged, *Family Search* digital film 8151599 > image 229.

⁵³ Amherst Co., Court Order Book, 2 June 1766–1769, p. 434; imaged, *Family Search* digital film 8151599 > image 239.

⁵⁴ Amherst Co., Court Order Book, 2 June 1766–1769, p. 437; imaged, *Family Search* digital film 8151599 > image 241.

⁵⁵ Amherst Co., Court Order Book, 2 June 1766–1769, p. 455; imaged, *Family Search* digital film 8151599 > image 251.

⁵⁶ Amherst Co., Court Order Book, 2 June 1766–1769, p. 457; imaged, *Family Search* digital film 8151599 > image 252.

⁵⁷ Amherst Co., Court Order Book, 2 June 1766–1769, p. 459; imaged, *Family Search* digital film 8151599 > image 253.

7 MARCH 1769

“On the motion of William Spencer & **John Lavender**, two witnesses for Thomas Wilsher at the Suit of Samuel Baughan, It is ordered that the said the said [*sic*] Thomas Wilsher pay unto the said William Spencer one hundred pounds of Nett Tobacco & to the said **John Lavender** one hundred & twenty five points of Nett Tobacco for their attendance at this Court, according to Law.”⁵⁸

COMMENT:

This John Lavender would not be a son of Milly Mills by her marriage with William Lavender; that couple would have no son of age at this point. If William did not have a prior marriage, then it would appear that John was William’s brother, both being sons of the elder Charles.

“An Indenture of Gift between William Cabbell Senr. of the one part, and William Cabell Junr. of the other part was proved by the oath of **William Walton** and ordered to lie for further proof.”⁵⁹

“On the motion of **James Brown** Overseer for James Dickie, It’s ordered that George Monroe, James Coffee & John Coffee or any two of them being first sworn do view & Value the improvement in one hundred and Seventy three acres of Land in this County on Elk Creek, belonging to the said James Dickie, having regard to such accounts of the expences of the said James Dickie, as his Attorney Steward or Overseer shall make out by oath, or otherwise, and that they specially mention the several kinds of buildings & improvements on the same and upon what part of the said Land the same are made and return a Report thereof to the Court.”⁶⁰

3 JULY 1769

“Thomas Burgin Junr. Plt. against **Jessee Mills** Deft. In Trespass Assault & Battery. By agreement of the parties, this Suit is ordered to be Dismissed at the Costs of the Defendant.”⁶¹

COMMENT:

Thomas Burgin was a near neighbor of Jesse. See the road order of the next month, showing them both assigned to the “gang” to work the road that passed by their farms.

7 AUGUST 1769

“Ordered that **William Walton**, William Hansbrough, David Profit & Josiah Woods, or any three of them being first Sworn, do view the old road just below **William Walton’s** into the now road near Cabell’s Mill Creek, and report to the Court the conveniences & the inconveniences of the same.”

“Ordered that John Ryan, **William Lavender**, Henry Key, and William Martin, or any three of them, being first sworn, do view the most convenient way for a new road from the Main road near Key’s Meadow, into the main road leading to Rucker’s run & report to the Court the conveniences & the inconveniences thereof.”

“Ordered that Richard Tankersley Junr. be Surveyor of the road from Tye River ford to the top of the Mountain at Fenley’s Gap, with the following Gang, Vizt. the Male Labouring Tithables belonging to Mrs. Ann Rose, Hugh Rose, Patrick Rose & Edmund Wilcox; also Ambrose Jones, **William Lavender**, **Jessee Mills**, Dennis Burgin, Thomas Burgin, John Burch, Edward Grady, James Jackson & Richard Tankersley &

⁵⁸ Amherst Co., Court Order Book, 2 June 1766–1769, p. 475; imaged, *Family Search* digital film 8151599 > image 261.

⁵⁹ Amherst Co., Court Order Book, 2 June 1766–1769, p. 476; imaged, *Family Search* digital film 8151599 > image 261.

⁶⁰ Amherst Co., Court Order Book, 2 June 1766–1769, p. 477; imaged, *Family Search* digital film 8151599 > image 262.

⁶¹ Amherst Co., Court Order Book, 2 June 1766–1769, p. 508; imaged, *Family Search* digital film 8151599 > image 279.

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there male Labouring Tithables to work thereon & keep the same in Lawful repair.”⁶²

4 SEPTEMBER 1769

“Peyton Randolph Esqr., Bengamin Grymes & John Robinson Gent., Executors of the last will & Testament of Philip Grymes Esqr. Deceased, Plt. against **George Blain**, John Lyon, & **William Walton**. This day came as well the Plts by John Harvie their Attorney, as the Defendants in their proper persons, who acknowledge the Plaintifs Action to be just. Therefore it is Considered that the Plts. recover against the said Defendants one hundred & Sixty two pounds, the Debt in the Declaration mentioned, and their Costs by them in this behalf expended, and the said Defendants in Mercy &c. But this Judgment may be discharged by the payment of Eighty one pounds with Interest thereon to be computed after the rate of five per Centum per Annum from the twentieth day of August 1768 to the time of the payment, and the Costs, and the Plts agree to stay Execution on this Judgment till the first day of April next.”⁶³

COMMENT:

This suit apparently stems from Walton’s earlier service as special bail for Blaine.

This volume ends 5 September 1769. The next filmed volume begins 6 December 1773.

6 DECEMBER 1773

“A Bill of Sale from George Blain to **William Walton** and others was proved by the oath of Robert Montgomery and ordered to lie for further proof.”⁶⁴

7 DECEMBER 1773

“William Lain, Wag^r, Plaintiff against **John Lavender**, Defendant. In Debt. Dismissed.”⁶⁵

3 JANUARY 1774

“A Deed Indented from **William Lavender** to Edmund Wilcox was proved by the oaths of three witnesses and ordered to be recorded.”⁶⁶

COMMENT:

The clerk is now making abbreviated entries. For the petit jury, instead of naming twelve jurors, he names one and says “and eleven others.” Instead of naming witnesses who proved a deed, he is saying “proved by two witnesses” (or three). Instead of listing the landowners whose lands were surveyed by William Cabell, he simply says “Eight entries of land.” The practice would not change until October 1782. (Grand jurors would continue to be named.)

7 MARCH 1774

“Alexander Spiers, John Bowman & Comp^y Plaintifs against **George Lambert** Defend^t. Upon an

⁶² Amherst Co., Court Order Book, 2 June 1766–1769, pp. 520–21; imaged, *Family Search* digital film 8151599 > images 285–86.

⁶³ Amherst Co., Court Order Book, 2 June 1766–1769, pp. 524–25; imaged, *Family Search* digital film 8151599 > images 287–88.

⁶⁴ Amherst Co., Court Order Book 1773–1782, p. 2; imaged, *Family Search* digital film 8151599 > image 308.

⁶⁵ Amherst Co., Court Order Book 1773–1782, p. 9; imaged, *Family Search* digital film 8151599 > image 311.

⁶⁶ Amherst Co., Court Order Book 1773–1782, p. 25; imaged, *Family Search* digital film 8151599 > image 319.

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Attachment. This day came the Plaintiffs by their Attorney and the Attachment being levied in the hands of sundry Garnishees and the Defendant failing to appear, Judgment is granted the Plaintiffs against him for [lengthy blank space] and their Costs, and thereupon the said garnishees being sworn declared as follows: Lawrence Campbell that he owed the Defendant eight shillings and six pence, William Spencer that there is a debt from William Wilson and when received the sum of forty Shillings shall be paid, **George Penn** that he owes the Deft. one pound Seventeen Shillings and Eleven pence, Daniel Gaines gent that he owes the Deft. one pound, John Brown that he owes thirteen Shillings and nine pence, William Tucker that he owes one pound ten Shillings, Joseph Cabell that he owes three shillings and nine pence, Thomas Powell Jun^r that he owes nothing, and Robert Cawthen that he owes twenty-five Shillings to the said Defendant, all which said Sums are Condemned and ordered to be paid by the said Garnishees to the Plaintiffs and Peter Cartwell another Garnishee not appearing a Summons is awarded against returnable to the next Court to which time the Attachment is Continued.”⁶⁷

2 MAY 1774

“**William Walton** Plaintiff against Isaac Hill Defendant. In Case. Abated by the Sherifs return.”⁶⁸

3 MAY 1774

“George Kippen & Compy Plaintiffs against William Brabbin & **John Johnson (Indian)** Defendants. In Debt. This day came the Plaintiffs by their Attorney and the Defendant Brabbin being again Solemnly called still failed to appear, therefore it is considered that the Conditional Judgment in this Suit against him & **William Cabell & William Walton** who were his Common Bail, and the attachment awarded in this Suit against the Estate of the Defendant Johnson being executed and he failing to appear and give bail according to the rule of this Court, it is therefore considered upon the whole that the Plaintiffs for the reasons aforesaid recover against the said Defendant & the said Bail ten pounds ten Shillings and nine pence, the debt in the Declaration mentioned & their Costs in this behalf expended. But the Judgment (the Costs excepted) is to be discharged by the payment of five pounds five Shillings & four pence half penny, ninety pounds nett Tobacco & fifteen Shillings with legal Interest thereon from the first day of May 1772 till paid.”⁶⁹

“**William Walton** Plaintiff against John Graham Defendant. In Debt.” Judgment for Walton. £44.18.7½.⁷⁰

“Samuel Woods Plaintiff against William Dever Defendant. In Debt. **William Walton** entered himself as special bail for Dever.”⁷¹

“Alexander Spiers & Company Plaintiffs against **George Lambert** Defendant. On an attachment. The Defendant still failing to appear, on the motion of the Plaintiffs, Judgment is granted them against him for twenty one pounds four Shillings and eleven pence three farthings and their Costs, and it is ordered that the Several Garnishees Sworn at March Court do pay the respective Sums in their hands to the plaintiffs towards satisfying this Judgment.”⁷²

4 JULY 1774

Charles Burrows Plaintiff against Joseph Cabell Defendant. In Trespass Assault & Battery. This day came the parties by their attorneys and on the motion of the Deft. a Dedimus is awarded to take the

⁶⁷ Amherst Co., Court Order Book 1773–1782, p. 31; imaged, *Family Search* digital film 8151599 > image 322.

⁶⁸ Amherst Co., Court Order Book 1773–1782, p. 66; imaged, *Family Search* digital film 8151599 > image 341.

⁶⁹ Amherst Co., Court Order Book 1773–1782, p. 71; imaged, *Family Search* digital film 8151599 > image 343.

⁷⁰ Amherst Co., Court Order Book 1773–1782, p. 74; imaged, *Family Search* digital film 8151599 > image 345.

⁷¹ Amherst Co., Court Order Book 1773–1782, pp. 74–75; imaged, *Family Search* digital film 8151599 > image 345.

⁷² Amherst Co., Court Order Book 1773–1782, p. 83; imaged, *Family Search* digital film 8151599 > image 349.

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Depositions De bene esse of **William Penn** and **Eleanor Mills** Witnesses for the Defendant, he giving the plaintiff reasonable notice of the time and place of taking the same.”⁷³

COMMENT:

A *dedimus* was a writ by the court commissioning someone who was not a judge to act in the place of a judge, usually to examine a witness.⁷⁴

Eleanor Mills has not been identified, although her location and associations suggest she may be the widow of Thomas Mills, holding his land until Thomas’s heirs came of age and forced a settlement. Each time she has been found on record, she is a witness for Cabells, suggesting that she may be a Cabell by birth.

7 NOVEMBER 1774

“Richard Allcock is appointed Surveyor of the road in the room and district of William Spencer (who is discharged) with the male labouring Tithables of William Spencer, Thomas Ballowe, Alexr. Chisnel, John Kenneday & **Charles Lavender**, who are to attend & Obey his directions in clearing & keeping the said road in repair.”⁷⁵

5 FEBRUARY 1776

“On the Motion of **Milley Lavender**, Widow of **William Lavender** Deceased, Administration of the said William Lavenders Estate is granted her, whereupon she with Edmund Wilcox and George Gillaspie her Securitys entered into and Acknowledged their Bond in the penalty of One Thousand pounds, with the Condition Required by Law, and the said Milley Lavender took the Oath of an Administratrix according to Law.”

“Ordered that Lucas Powell, William Pollard, Richard Tankersley and Thomas Wilisher (or any three of them) they being first Sworn, do appraise in Current Money the Slaves and personal Estate of **William Lavender** Deced. and Return an Inventory & Appraisement thereof to this Court.”⁷⁶

COMMENT:

Edmund Wilcox, who served as surety for Milley, was the county clerk.

3 JUNE 1776

AMHERST COUNTY, VA

Court order

“Ordered that the Widow of **John Lavender** Deceased be Summoned to appear here at the next to Declare whether whether [sic] she will take upon herself the Administration of the said Decedent’s Estate.”⁷⁷

COMMENT:

Note that two Lavender males have died in a small timeframe: William Lavender, the husband of Milley Mills, and John Lavender, whose wife is not identified here.

The near-simultaneous death of two reasonably young men, bearing the same surname and living in the same neighborhood—coupled with the fact that no other Lavender family has been

⁷³ Amherst Co., Court Order Book 1773–1782, p. 102; imaged, *Family Search* digital film 8151599 > image 360.

⁷⁴ *Merriam Webster* ([merriam-webster.com/dictionary/dedimus](https://www.merriam-webster.com/dictionary/dedimus)).

⁷⁵ Amherst Co., Court Order Book 1773–1782, p. 117; imaged, *Family Search* digital film 8151599 > image 367.

⁷⁶ Amherst Co., Court Order Book 1773–1782, p. 147; imaged, *Family Search* digital film 8151599 > image 382.

⁷⁷ Amherst Co., Court Order Book 1773–1782, p. 152; imaged, *Family Search* digital film 8151599 > image 385.

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found in the county other than the offspring of Charles Lavender “the elder”—suggests the likelihood of a community contagion.

That premise is supported by the death of Milley Mills’ mother Mary in this same time frame (see note below).

1 JULY 1776

“Ordered that the Heir at Law of **William Mills** Deceased be Summoned to appear here at the Next Court to declare whether he will take upon himself the Administration of the Estate of **Mary Mills** Deceased.”⁷⁸

“On the Motion of William Lane, Administration of the Estate of **John Lavender** Deced. is granted him, Whereupon he with John Stratton his Security, Entered into and Acknowledged their Bond in the penalty of One Hundred and fifty pounds, with the Condition Required by Law, which Bond was ordered to be Recorded, and the said William Lane took the oath of an Administrator as the Law Directs.”⁷⁹

“Ordered that John Warren, Charles Warren, William Dillard and John Christian (or any three of them) they being first Sworn do appraise in Current Money the Slaves and personal Estate of **John Lavender** Deceased, and Return an Inventory & Appraisement thereof to this Court.”⁸⁰

COMMENT:

The “heir at law” of William Mills was his eldest son Ambrose. A court order of the next month (see below) explicitly identifies him as such. His status as “heir at law” to a man who left a will stems from the law of primogeniture that was still in force in Virginia.

Ambrose is not known to have returned to Amherst to attend this matter. On 7 August 1776 he was arrested and imprisoned in Rowan County by the newly formed Revolutionary “Safety Committee” who accused him of “induc[ing] the good people of this country to take up Arms and co-operate with the Indians in subjugating these United States.” He was not released until 7 September.⁸¹

5 AUGUST 1776

“Ordered that **Ambrose Mills** Son and Heir at Law of **William Mills** Deceased be Summoned to Appear here at the Next Court, to Declare whether he will take upon himself the Administration of the Estate of **Mary Mills** Deceased.”⁸²

“A Deed Indented from **Thomas Ballew** to Nathaniel Woodroof was proved by the oath of Killess Wright, **Charles Lavender** & Alexander Chisnall, the Witnesses thereto, and ordered to be Recorded.”⁸³

COMMENT:

In 1785, Ballew’s daughter Lucy married Charles Lavender Jr., grandson of Charles Lavender above, and the son of Milley Mills by Charles Sr.’s son William.

⁷⁸ Amherst Co., Court Order Book 1773–1782, p. 154; imaged, *Family Search* digital film 8151599 > image 386.

⁷⁹ Amherst Co., Court Order Book 1773–1782, p. 154; imaged, *Family Search* digital film 8151599 > image 386.

⁸⁰ Amherst Co., Court Order Book 1773–1782, p. 155; imaged, *Family Search* digital film 8151599 > image 386.

⁸¹ William L. Saunders, ed., *Colonial Records of North Carolina*, 10 vols. (Raleigh: P. M. Hale, State Printer, 1886–90), 730, 760.

⁸² Amherst Co., Court Order Book 1773–1782, p. 157; imaged, *Family Search* digital film 8151599 > image 387.

⁸³ Amherst Co., Court Order Book 1773–1782, p. 158; imaged, *Family Search* digital film 8151599 > image 388.

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4 NOVEMBER 1776

“On the Motion of Henry Barnes, It’s ordered that **William Walton**, Thomas Montgomery, John Montgomery, and William Deaver (or any three of them) they being first Sworn, do view a new way for a Road from the East Side of the said Barnes’s plantation, to the Main Road Leading to Henry Keys, and report the Conveniencies and Inconveniencies thereof to this Court.”⁸⁴

COMMENT:

Walton et al. returned their recommendation to the court on 3 February (p. 170). The road was ordered to be constructed, with John Loving Junr. as overseer.

3 FEBRUARY 1777

“A Deed Indented from **Jesse Mills** to Edmund Wilcox was proved by the Oath of George Gillespie, James Higgenbotham, and Joseph Cabell, the witnesses thereto and ordered to be Recorded.”⁸⁵

“Paul Vanvorhes Pltf against **Thomas Mill** [*sic*] Deft. On hearing the parties, this Suit is Dismissed at the Plaintifs Costs.”⁸⁶

COMMENT:

The name is clearly written as “Thomas Mill.” The “M” in the surname matches the scribe’s upper-case “M” in “Minutes,” four lines below. No Thomas Mill(s) has been otherwise identified in the county, since the death of the son of William and Mary Mills before his father’s 1755 will was written.

That Thomas Mills, according to William’s will, had two children: *Ambrose* and Elizabeth. No trace of Ambrose has been found after the date of that will. Elizabeth sold Thomas’s land in 1777, with her husband John Turner (both said to be of Charleston, SC).⁸⁷

4 MARCH 1777

“To **Jesse Mills** for Guarding James Arnold in Gaol 13 Days Committed for Felony at 25# Grose Tob^o pr Day ... 1.18.0.” Same entry for Richard Tankersley Junr.⁸⁸

“To William Lain Administrator of **John Lavender** Decd for one Wolfs head ... 0.16.8”⁸⁹

COMMENT:

William Lain earlier sued John Lavender for a debt. His appointment as administrator of Lavender’s estate, when Lavender left a widow, suggests that she may have been part of the Lain(e)/Layne family.

4 AUGUST 1777

“Ordered that Thomas Ballew, **Charles Lavender**, James Edmonds and Archillis Wright (or any three of them) they being first Sworn do appraise in Current Money the Slaves and personal Estate of Moses London Dec’d and Return an Inventory and Appraisement thereof to this Court.”⁹⁰

⁸⁴ Amherst Co., Court Order Book 1773–1782, p. 164; imaged, *Family Search* digital film 8151599 > image 391.

⁸⁵ Amherst Co., Court Order Book 1773–1782, p. 171; imaged, *Family Search* digital film 8151599 > image 394.

⁸⁶ Amherst Co., Court Order Book 1773–1782, p. 172; imaged, *Family Search* digital film 8151599 > image 395.

⁸⁷ Bailey Fulton Davis, *The Deeds of Amherst County, Virginia, 1761–1807; and Albemarle County, Virginia, 1748–1763* (Greenville, SC: Southern Historical Press, 1979), 179; citing Amherst Deed Book E:91. (The relevant abstracts have been checked for accuracy against the original deeds.)

⁸⁸ Amherst Co., Court Order Book 1773–1782, p. 177; imaged, *Family Search* digital film 8151599 > image 397.

⁸⁹ Amherst Co., Court Order Book 1773–1782, p. 178; imaged, *Family Search* digital film 8151599 > image 398.

⁹⁰ Amherst Co., Court Order Book 1773–1782, p. 196; imaged, *Family Search* digital film 8151599 > image 408.

1 SEPTEMBER 1777

“An Inventory and Appraisement of the Estate of **John Lavender** Deced. was this Day returned and ordered to be Recorded.”⁹¹

2 MARCH 1778

“David Woodroof is Appointed surveyor of the road from Davis’s Road to Henry Trents Ferry, And It’s ordered that he with his and the following persons’ Male Labouring Tithables keep the said Road in Repair according to Law. Viz^t: John Ownbey, Thomas Ownbey, **Joseph Goodwin, Micajah Goodwin,** Thomas Powell, **William Staton** & Henry Trent.”⁹²

COMMENT:

William Staton (aka Stratton, Stattum, Statton) was the father of Sarah who married William Lavender Jr. in April 1784.

6 APRIL 1778

“Agreeable to a Recognizance Entered into by Julius Galdon and **William Walton** his Security for the said Galdons Appearance here at this Court this Day, to Answer the Complaint of James Ward for a breach of the Peace, the said Galdon Appeared here accordingly, and his being a Soldier in the Continental Army, was Delivered into the Custody of James Dillard Jun^r, one of the Continental Officers.”⁹³

4 MAY 1778

“John Loving Jun^r is Recommended to his Excellency the Governour as a proper person to Execute the Office of a Captain of a Company of part of the Militia of this County, William Babb as first Lieutenant, **William Walton, Second Lieutenant** & Abraham Seay as Ensign of a Company of part of the Militia of this County.”⁹⁴

“ ... **William Walton** produced his [commission] appointing him Second Lieutenant ... ”⁹⁵

6 JULY 1778

“On the Motion of Charles Ashley a Licence is granted him to keep an Ordinary where he Lives, who with **William Walton**, his Security, Entered into and acknowledged Bond in the penalty of Fifty Pounds with the Condition Required by Law.”⁹⁶

“On the Motion of **George Blaine** a Licence is granted him to keep an Ordinary at his House, who with **Gabriel Penn Gent.**, his Security, entered into and Acknowledged their Bond in the penalty of Fifty pounds, with the Condition Required by Law.”⁹⁷

“Hugh Rose and Zacharias Taliaferro, Gent, **William Walton** & William Hughes are Appointed to view from time the Goal, now a Building by George Gilbert for the use of this County, and Report to this Court their Opinion Concerning the same.”⁹⁸

⁹¹ Amherst Co., Court Order Book 1773–1782, p. 198; imaged, *Family Search* digital film 8151599 > image 409.

⁹² Amherst Co., Court Order Book 1773–1782, p. 216; imaged, *Family Search* digital film 8151599 > image 419

⁹³ Amherst Co., Court Order Book 1773–1782, p. 221; imaged, *Family Search* digital film 8151599 > image 422

⁹⁴ Amherst Co., Court Order Book 1773–1782, p. 228; imaged, *Family Search* digital film 8151599 > image 425.

⁹⁵ Amherst Co., Court Order Book 1773–1782, p. 231; imaged, *Family Search* digital film 8151599 > image 427.

⁹⁶ Amherst Co., Court Order Book 1773–1782, p. 236; imaged, *Family Search* digital film 8151599 > image 429.

⁹⁷ Amherst Co., Court Order Book 1773–1782, p. 236; imaged, *Family Search* digital film 8151599 > image 429.

⁹⁸ Amherst Co., Court Order Book 1773–1782, p. 238; imaged, *Family Search* digital film 8151599 > image 430.

3 AUGUST 1778

“An Inventory and Appraisement of the Estate of **William Lavender** Deceased was this Day returned and ordered to be Recorded.”⁹⁹

COMMENT:

The microfilm of this court order book ends on 4 August 1778, p. 250. A new roll of microfilm begins with p. 251.

4 AUGUST 1778

“James Holley Burton Plaintiff against **William Walton** Deft. On a Petition. This Suit is Continued between the parties till next Court.”¹⁰⁰

“The Petition brought by **Jessee Mills** against James **Shannon** is Continued.”¹⁰¹

“Gilbert Bowman Junr. and Elizabeth his Wife Pltfs. against **William Walton** Defend^t. In Case for Slander. Came the Parties by their Attorneys and the said Defendant prays &c has further leave to imparle till the Next Court, and then to Plead.”¹⁰²

“**William Walton** Plaintiff against Theoderick Scruggs Defendant. In Case. Came the parties by their Attornies, and the said Defendant saith that he did not assume upon himself in manner and form as the Plaintiff against him hath declared and of this he puts himself on his Country and the plaintiff doth likewise the same, therefore the trial of the Issue is Referred till the Next Court.”¹⁰³

“George Penn Plaintiff against **George Lambert** Defendant. In Case. Came the parties by their Attorneys, and the said Defendant prays and has further Leave to Imparle till the Next Court & then to plead.”¹⁰⁴

“The Action of Trespass on the Case brought by James Mathews against **William Walton** is Continued.”¹⁰⁵

“The Action of Trespass on the Case brought by James Higginbotham against **William Walton** is Continued.”

The Action of Trespass on the Case brought by James Coles against **William Walton** is Continued.¹⁰⁶

“The Injunction in Chancery Obtained by **William Walton** against Thomas Lomax is Continued.”¹⁰⁷

“The Suit in Chancery brought by **Elizabeth Goodwin** against **Micajah Goodwin** is Continued.”¹⁰⁸

“**William Walton** Plaintiff against Theoderick Scruggs Defendant. Upon an Attachment. This Suit is Dismist at the Defendants Costs.”¹⁰⁹

“**John White** Plaintiff against **Hugh McCabe** Defendant. Upon an Attachment. The Constable having Returned on the Attachment Executed on a Horse restored John Davis Security for Debt and Cost in Case the Defendant be Cast, and the said Defendant being Solemnly Called failing to appear on the motion of

⁹⁹ Amherst Co., Court Order Book 1773–1782, p. 244; imaged, *Family Search* digital film 8151599 > image 433.

¹⁰⁰ Amherst Co., Court Order Book 1773–1782, p. 255; imaged, *Family Search* digital film 7856348 > image 12.

¹⁰¹ Amherst Co., Court Order Book 1773–1782, p. 261; imaged, *Family Search* digital film 7856348 > image 15.

¹⁰² Amherst Co., Court Order Book 1773–1782, p. 263; imaged, *Family Search* digital film 7856348 > image 16.

¹⁰³ Amherst Co., Court Order Book 1773–1782, p. 264; imaged, *Family Search* digital film 7856348 > image 16.

¹⁰⁴ Amherst Co., Court Order Book 1773–1782, p. 277; imaged, *Family Search* digital film 7856348 > image 23.

¹⁰⁵ Amherst Co., Court Order Book 1773–1782, p. 279; imaged, *Family Search* digital film 7856348 > image 24.

¹⁰⁶ Amherst Co., Court Order Book 1773–1782, pp. 280–81; imaged, *Family Search* digital film 7856348 > images 24–25.

¹⁰⁷ Amherst Co., Court Order Book 1773–1782, p. 283; imaged, *Family Search* digital film 7856348 > image 26.

¹⁰⁸ Amherst Co., Court Order Book 1773–1782, p. 283; imaged, *Family Search* digital film 7856348 > image 26.

¹⁰⁹ Amherst Co., Court Order Book 1773–1782, p. 285; imaged, *Family Search* digital film 7856348 > image 27.

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the Plaintiff It is ordered that a Summons Issue to have the said Davis Summoned to appear at the next Court to declare what Estate of the said Deft. he hath in his hands, and this Suit is Continued.”¹¹⁰

COMMENT:

This is the first reference I’ve seen to John White. There have been a couple of prior references to a James White.

7 SEPTEMBER 1778

“John Tuggle and Mary his Wife (she being first privily Examined according to Law) acknowledged their Deed Indented with the receipt thereon indorsed to **William Walton** to be their Act & Deed, and ordered to be Recorded.”¹¹¹

“The Petition brought by James Hally Burton against **William Walton** is Continued till the Next Court.”¹¹²

“The Petition brought by **Jessee Mills** against James **Shannon** is Continued between the parties till next Court.”¹¹³

“Gilbert Bowman Junr & Elizabeth his Wife Pltfs against **William Walton** Deft. In Case for Slander. This Suit is Continued between the parties till next Court.”¹¹⁴

“George Penn Plt. against **George Lambert** Deft. In Case. This Suit is Dismist at the Plaintifs Costs, and Judgment is granted the Deft. against the said Pltf for his Costs by him Expended in Defending the said Suit.”¹¹⁵

“**John White** Plt. against Hugh McCabe Deft. On an Attachment. This Suit abates by Reason of the defendants Death.”¹¹⁶

TO DO:

I need to seek McCabe’s inventory and estate sale to determine whether it offers additional information on this John White.

5 OCTOBER 1778

“James Hallyburton Pltf against **William Walton** Deft. On a Petition. This Suit is Dismis’d at the Defendants Costs.”¹¹⁷

2 NOVEMBER 1778

“Benjamin Rucker, **William Walton**, and William Hughes are appointed to View the prison built by George Gilbert for the Use of this County and See if it’s built agreeable to the said Gilberts Contract for that purpose, and report there opinion thereon to the Next Court that’s held for this County.”¹¹⁸

7 DECEMBER 1778

“The Gentlemen that were app^d to view the Goal built by George Girbert [*sic*] for the use of this County this Day returned their Report ... and find it done according to the Plan as far as we Can See, Except the

¹¹⁰ Amherst Co., Court Order Book 1773–1782, p. 286; imaged, *Family Search* digital film 7856348 > image 27.

¹¹¹ Amherst Co., Court Order Book 1773–1782, p. 291; imaged, *Family Search* digital film 7856348 > image 30.

¹¹² Amherst Co., Court Order Book 1773–1782, p. 303; imaged, *Family Search* digital film 7856348 > image 36.

¹¹³ Amherst Co., Court Order Book 1773–1782, p. 308; imaged, *Family Search* digital film 7856348 > image 38.

¹¹⁴ Amherst Co., Court Order Book 1773–1782, p. 309; imaged, *Family Search* digital film 7856348 > image 39.

¹¹⁵ Amherst Co., Court Order Book 1773–1782, p. 316; imaged, *Family Search* digital film 7856348 > image 42.

¹¹⁶ Amherst Co., Court Order Book 1773–1782, p. 318; imaged, *Family Search* digital film 7856348 > image 43.

¹¹⁷ Amherst Co., Court Order Book 1773–1782, p. 320; imaged, *Family Search* digital film 7856348 > image 44.

¹¹⁸ Amherst Co., Court Order Book 1773–1782, p. 333; imaged, *Family Search* digital film 7856348 > image 53.

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Windows which we believe to be sufficiently strong tho not Exactly agreeable to the plan. Given under our hands this 7th Day of December 1778, **W^m Walton**, Benj^a Rucker, William Hughes ...”¹¹⁹

7 JUNE 1779

“James Warren Pltf against **Charles Lavender** Deft. Assault & Battery. This Suit is Dismisd being agreed.”¹²⁰

“On the petition of **John Wade** a poor Ancient person, he is Exempted from paying the County Levy for the future.”¹²¹

3 APRIL 1780

“A Deed Indented from Martin Key and Charles Irving Attorneys for Henry key to Abraham Warwick was proved as to Martin Key by the Oath of Nicholas Cabell, **William Walton**, and Thomas Griffin Witnesses thereto and ordered to be Recorded.”¹²²

1 MAY 1780

“We of this Inquest Do present **Tilman Walton** for Retailing Liquors without License.” [eleven others were similarly charged—an inordinate number for the time and place.”¹²³

7 MAY 1781

“**William Walton**, Abraham Seay, and Thomas Hawkins are Recommended to his Excellency the Governer as proper persons to Execute the Office, the said Walton as first Lieutenant, Seay Second Lieutenant and Hawkins Ensign of a Company of the Militia of this County.”¹²⁴

“Alexander Reid Junr. Sheriff with Zacharias Taliaferro, **William Walton**, Samuel Higgenbotham, John Loving Jun., Hugh Rose, Gabriel Penn, and Edmund Wilcox his Securitys Entered into and Acknowledged their Bond in the Penalty of One hundred Thousand pounds, Conditioned for the said Reids faithfull Collecting & paying the Taxes, which Bond was ordered to be Recorded.” The same parties into a second bond under penalty of 33000 pounds for Reid’s “faithfull Collecting and paying the Tobacco Tax.”¹²⁵

6 AUGUST 1781

“Alexander Reid Jun. Sheriff with William Spencer, David Shelton, James Montgomery, William Bibb, William Harris Junr., Joseph Higginbotham Morrison and **William Walton** his Securitys Entered into and acknowledged their Bond in the penalty of one hundred Thousand pounds for the said Reid’s faithfull Collecting and paying Taxes agreeable to Law, which Bond is ordered to be Recorded.”¹²⁶

4 MARCH 1782

“Jane Davis, the Widow of **Robert Davis** Deced. personally appeared in Court and Refused to take upon her the Administration of her Decd. Husband’s Estate. On the Motion of **Thomas Jopling Father** to the said Jane Davis, Administration of the said Decedant’s Estate is granted him, who with Josiah Jopling his

¹¹⁹ Amherst Co., Court Order Book 1773–1782, p. 337; imaged, *Family Search* digital film 7856348 > image 55.

¹²⁰ Amherst Co., Court Order Book 1773–1782, p. 360; imaged, *Family Search* digital film 7856348 > image 68.

¹²¹ Amherst Co., Court Order Book 1773–1782, p. 361; imaged, *Family Search* digital film 7856348 > image 69.

¹²² Amherst Co., Court Order Book 1773–1782, p. 406; imaged, *Family Search* digital film 7856348 > image 92.

¹²³ Amherst Co., Court Order Book 1773–1782, p. 412; imaged, *Family Search* digital film 7856348 > image 95.

¹²⁴ Amherst Co., Court Order Book 1773–1782, p. 446; imaged, *Family Search* digital film 7856348 > image 112.

¹²⁵ Amherst Co., Court Order Book 1773–1782, p. 447; imaged, *Family Search* digital film 7856348 > image 113.

¹²⁶ Amherst Co., Court Order Book 1773–1782, p. 452; imaged, *Family Search* digital film 7856348 > image 115.

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Security entered into and Acknowledged their Bond in the penalty of four hundred pounds, and took the Oath agreeable to Law, and the said Bond was Ordered to be Recorded.”¹²⁷

COMMENT:

- Twenty-seven years earlier (1755), William Mills of the Pedlar made his will, with Robert Davis as witness, naming Thomas “Joblin” as his co-executor to serve with his wife/widow Mary Mills. (Jopling declined when William’s estate was finally opened in 1766, after the last child came of age.) No other association has been found between Mills and Joblin/Joplin, who was not a member of Mills community—although Davis was.
- In 1766, after William’s death, his youngest son Jesse inherited his Pedlar River land and sold it to Robert Davis’s father Nathaniel.

The essential questions remain: Why would Mills chose his neighbor’s father-in-law to execute his will and provide his widow with male guidance in her financial decisions? What was the pre-existing bond between William Mills and Thomas Joplin?

2 APRIL 1782

Extensive payments were ordered to claimants who provided goods and services during the war, including:

- To **William Walton** for 200# Beef pr Cert. May 4, 1781, Pro. Law. £1.13.4¹²⁸
- To **Thomas Jopling** for Thirty-Eight Days Service his Waggoner and four Days to Return [illegible prov’d in Court __2/6 £5.5.0
- To Ditto for the Service of Waggon Horse 143 Days proved in Court 7.3.0
- To Ditto for a Gray Gelding four feet Eight Inches High, about Twenty years old, p^d in Court 3.0.0
- To Ditto for a good well fixt? Waggon, good Cover, Double wove? Cloath, Imp^d [impressed] into Continental Service 25.0.0
- To Ditto for Compleat Gear for four Horses & Saddle 5.0.0¹²⁹

COMMENT:

Pages 489 and 490 have 11 more claims authorized for Jopling; another on p. 495.

1 JULY 1782

“A Certificate from under the hand of the Revd. M. Benjamin Coleman in these words, Amherst County to wit: These will Certify you that the following Persons were Joined together in the holy State of Matrimony the Day against the names perfixd and the Dates under neath Written, Edward Ware Jun. to Sally Thurmond, 7th May; **John Bush to Mary Tilman** 9th May Given under my hand this 30th Day of June 1782. Ben. Coleman.”¹³⁰

“On Recommendation from the Reverend Mr. Benjamin Coleman and the Elders of the Baptist Church, The Reverend Mr. Joseph Ballenger is hereby permitted to Celebrate the Rites of Matrimony, agreeable to the Act of Assembly declaring what shall be a Lawfull Marriage, to which Act the said Ballenger is Referred, whereupon he took the Oath of Allegiance to the State.”¹³¹

¹²⁷ Amherst Co., Court Order Book 1773–1782, p. 455; imaged, *Family Search* digital film 7856348 > image 122.

¹²⁸ Amherst Co., Court Order Book 1773–1782, p. 483; imaged, *Family Search* digital film 7856348 > image 133.

¹²⁹ Amherst Co., Court Order Book 1773–1782, p. 486; imaged, *Family Search* digital film 7856348 > image 134.

¹³⁰ Amherst Co., Court Order Book 1773–1782, p. 512; imaged, *Family Search* digital film 7856348 > image 151.

¹³¹ Amherst Co., Court Order Book 1782–1784, p. 2; imaged, *Family Search* digital film 7856348 > image 175.

COMMENT:

The Church Wardens of Amherst Parish are still being authorized to bind out children. (pp. 3, 5, &c.)

7 OCTOBER 1782

“Carter & Trent, Assignee of Robert Barnett Pltfs against **Jesse Mills** and Matthew Nightingale Defts. In Debt. Came the Plaintifs by Thomas Miller their Attorney, whereupon **John Merry Griffin** personally appeared in Court and undertook for the said Defts. that in Case they were Cast in this Action, they shall pay the Costs and Condemnation of the Court, or Render their Bodys to prison in Execution for the same, or that the said John Merry Griffin will pay the Condemnation for them, Whereupon the said Defendants by George Marten? their Attorney, saving and Reserving to themselves all advantages as well as to the Writ Declaration & Bond, prays and has Leave to Imparle here till the Next Court, and then to plead.”¹³²

COMMENT:

This is the first association I’ve seen between Jesse and John Merry Griffin. However, Griffin and Charles Irving were (in 1782) administrators of Samuel Staples, Decd. (p. 51, this vol.) —Staples being an old neighbor of the Millses on Pedlar Creek, where John Staples in 1755 had served as witness to Jesse’s father’s will.

“The Action on the Case for Slander brought by Gilbert Bowman Junior and Elizabeth his Wife against **William Walton** is Dismis’d the Plaintifs failing to prosecute their Suit.”¹³³

“**Jessee Mills** Pltf. against *Milley Ship* Deft. Trespass Assault & Battery. The Plaintiff altho thrice Solemnly Called failing to appear, On the Motion of the Defendant by James Reid her attorney this Suit is Dismis’d at the Plaintifs Costs.”¹³⁴

“The Commonwealth Pltf against *Milley Ship* Deft. Presentment of the Grand Jury for having a Bastard Child, The Defendant being duly Summoned & thrice Solemnly Called failing to appear, On the Motion of Thomas Miller Gent, Attorney for the Commonwealth, It’s Considered that the said Ship make her fine by the payment of Twenty shillings to the Church wardens of Amherst Parish for the use of the poor of the said Parish, and that she pay the Costs of this presentment. [Marginal note] Costs 127 # Tob. & 4%.”¹³⁵

“The Commonwealth Pltf against George Blaine Deft. Presentment of the Grand [Jury] for Living in Fornication with Milly Ship. The Defendant being Duly Summoned & thrice Solemnly Called failing to appear, On the Motion of Thomas Miller Gent. Attorney for the Commonwealth It’s Considered that the said Blaine make his fine by the payment of five hundred pounds of Tobacco and Costs to the Church wardens of Amherst Parish for the use of the poor of the said Parish, and that he pay the Costs of this presentment.” [Marginal note] costs 127 # Tob. & 4%.”¹³⁶

“The Commonwealth Pltf. against George Blaine Deft. Presentment of the Grand Jury for permitting Unlawfull Gaming in his House [his ordinary]. The Defendant being duly Summoned & thrice Solemnly Called failing to appear, On the Motion of Thomas Miller Gent. Attorney for the Commonwealth It’s

¹³² Amherst Co., Court Order Book 1782–1784, p. 25; imaged, *Family Search* digital film 7856348 > image 187.

¹³³ Amherst Co., Court Order Book 1782–1784, p. 34; imaged, *Family Search* digital film 7856348 > image 192.

¹³⁴ Amherst Co., Court Order Book 1782–1784, p. 42; imaged, *Family Search* digital film 7856348 > image 196.

¹³⁵ Amherst Co., Court Order Book 1782–1784, p. 43; imaged, *Family Search* digital film 7856348 > image 196.

¹³⁶ Amherst Co., Court Order Book 1782–1784, p. 44; imaged, *Family Search* digital film 7856348 > image 197.

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Considered that the said Blaine make his fine by the payment of five pounds to the Churchwardens of Amherst Parish for the use of the Poor of the said Parish & pay the Costs of this presentment. [Same costs.]”¹³⁷

COMMENT:

In 1785, the case George Blaine against Jesse Mills (charge not stated) was dismissed by the court after juror William Walton (Jesse’s brother-in-law) failed to appear.

“The Commonwealth Pltf. against Zacharias Phillips Deft. Presentment of the Grand Jury for Retailing Liquor with License. The Defendant being duly summoned & thrice Solemnly Called failed to appear, on the Motion of Thomas Miller Gent. Attorney for the Commonwealth It is Considered that the said **Tilman Walton** make his fine by the payment of [blank space] to the use of our Commonwealth, and that he pay the Costs of this presentment.” [marginal note] Costs 127# Tob. & 4 %.”¹³⁸

COMMENT:

The others who had been charged the same by the same grand jury were also “tried” in this court session with the same formulaic court order.

8 OCTOBER 1782

“**William Walton** Pltf against Thomas Lomax Deft. Injunction In Chancery. Came the Plaintiff by Edmund Winston his Attorney, and the said Defendant altho thrice Solemnly Called failing to appear and Answer to the Pltfs Bill of Complaint, On the Motion of the Plaintiff an Attachment is awarded him against the said Defendant, Returnable to the Next Court.”¹³⁹

“Elizabeth Goodwin Pltf against **Micajah Goodwin** Deft. In Chancery. This Suit is Dismiss’d.”¹⁴⁰

COMMENT:

The court clerk has resumed the practice of identifying all petit jurors, not just the foreman. George Blaine served during this session of court. The foregoing charges did not affect his standing as a citizen of the community. *However*, the 4 November 1782 term of court charges him with “retailing Liquors without being licensed,” (p. 64) thereby alerting us that he can no longer keep an ordinary legally.

“**William Walton** Pltf against Theodrick Scruggs Deft. In Case. This Suit is Continued till the Next Court at the Plaintiffs Costs.”¹⁴¹

“James Matthews Pltf against **William Walton** Deft. In Case. Came the parties by their Attornies aforesaid, and Came also a Jury to wit John Pope, Matthew Nightingale, Alexander Reid Min^r, George Blaine, Charles Stewart, **Thomas Watt**, David Davis, Robert Horsley, John Scott, Philip Smith, Henry Harper and John Campbell, who being Sworn to Try the issue Joind between the parties, upon their oath do say that the said Defendant is guilty of the Nonperformance of the promise in the Declaration mentioned, and do Assess the Damages by Reason thereof, to Thirty five pounds, Therefore It is Considered by the Court that the Plaintiff Recover against the said Defendant the aforesaid Sum of Thirty five pounds the Damages aforesaid by the Jurors aforesaid assessed, and also his Costs by him in this behalf Expended, and the said Deft. in Mercy &c.”¹⁴²

¹³⁷ Amherst Co., Court Order Book 1782–1784, p. 44; imaged, *Family Search* digital film 7856348 > image 197.

¹³⁸ Amherst Co., Court Order Book 1782–1784, p. 47; imaged, *Family Search* digital film 7856348 > image 198.

¹³⁹ Amherst Co., Court Order Book 1782–1784, p. 53; imaged, *Family Search* digital film 7856348 > image 201.

¹⁴⁰ Amherst Co., Court Order Book 1782–1784, p. 54; imaged, *Family Search* digital film 7856348 > image 202.

¹⁴¹ Amherst Co., Court Order Book 1782–1784, p. 56; imaged, *Family Search* digital film 7856348 > image 203.

¹⁴² Amherst Co., Court Order Book 1782–1784, p. 58; imaged, *Family Search* digital film 7856348 > image 204.

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“Carter and Trent Pltfs against **George Lambert** Deft. In Case.” Same jury as in the Walton case, judgment against Lambert for “Nonperformance of the promises” with damages set at 15 pounds, 15 shillings, and 8 pence.¹⁴³

COMMENT:

Other suits in this term involved “breach of promise,” suggesting that “Nonperformance of the promises” was a different issue.

4 NOVEMBER 1782

“The United States [owes]

To **William Walton** for a Smoothe Gun well fixt, Impressd Continental Service proved in Court £2.5.0.”¹⁴⁴

3 MARCH 1783

“Edmund Wilcox Pltf against **George Blaine** Deft. In Case. William Galaspie appeared in court and undertook for Blaine. Leave to Imparle until the next Court &c.”¹⁴⁵

“Lucretia Wade, and Abigail Harding Wade, Infants and Children of Pearce Wade Deceased by Richard Ballenger their Guardian, Clary Wade, Infant and Child of the said **Pearce Wade dec’d** by David Woodroof her Guardian, and Jeremiah Wade by John Dawson his next friend, David Wade, Pearce Wade, **J. White & Mary** his Wife, John Dawson and Charity his Wife, and Jane Wade, Infants and Children Sons and Daughters of Pearce Wade Deceased, Pltff

against John Hardwick Administrator &c of Pearce Wade Dec’d and Ballenger Wade Heir at Law of the said Pearce Wade Deceased, Defts. In Chancery

“By Consent of the parties, It is Ordered that the Administrator make up his Account of the said Decedents Estate, before Patrick Rose, Charles Rose, John Rose, Zacharias Taliaferro, Hugh Rose, Samuel Meredith and Gabriel Penn Gent. (or any four of them) and that they make a Report thereof to this County Court in order for a serial Decree.”¹⁴⁶

COMMENT:

Two “J White” males have appeared in these court minutes: James and John. Neither they nor Mary appear in the index to Davis’s published abstracts of Amherst deeds. Mary and “J White” also do not appear in Davis’s probate abstracts.

On 4 August 1783 (see that date below), *Sarah* White, widow of James White, filed for administration on his estate. By a process of elimination, Mary (Wade) White would appear to be the wife of John White. However,

- the identity of the John White of Amherst, who appears in few records of this era, has not been established.
- Four years after this court order (1787) one Benjamin White, son of John White and an unknown mother, married in Amherst to Ann “Nancy” Goodwin, daughter of Micajah Goodwin. Benjamin and his father John settled c1792 in Montgomery County, VA, and were subsequently cut off into Giles County in 1806.

A connection did exist between the Goodwins and the Pearce Wade family. In brief:

¹⁴³ Amherst Co., Court Order Book 1782–1784, p. 59; imaged, *Family Search* digital film 7856348 > image 204.

¹⁴⁴ Amherst Co., Court Order Book 1782–1784, p. 66; imaged, *Family Search* digital film 7856348 > image 208.

¹⁴⁵ Amherst Co., Court Order Book 1782–1784, p. 82; imaged, *Family Search* digital film 7856348 > image 216.

¹⁴⁶ Amherst Co., Court Order Book 1782–1784, p. 83; imaged, *Family Search* digital film 7856348 > image 216.

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- 6 August 1764, John Goodwin bought from Pearce Wade, 105 acres **W side Harris Cr.**¹⁴⁷
- 3 July 1768, John Goodwin gave son Micajah Goodwin 200 acres on **N side of Fluvanna** adj. land John bought of Rowland Horsley Birk: Witness: **Jno. Ownbey**, Geo. Goodwin, Jos. Goodwin, Rich. Goodwin.¹⁴⁸

4 MARCH 1783

“**William Walton** and William Galaspie Pltfs against Henry Tuggle and John Bush Defts. Petition on a Penal Bill. The Defendants being duly Summoned and altho Solemnly Called failing to appear on the Motion of the Pltfs by Thomas Miller Gent. their Attorney Judgment is Granted them against the said Defendants for the Sum of One hundred and ninety four pounds & Costs, But this Judgment (the Costs Excepted) is to be Discharged by the payment of One pound five shillings and Ten pence with five pr Cent pr Annum Interest thereon from the 10th Day of March One thousand Seven hundred and Eighty one till paid.”¹⁴⁹

“The Petition brought by **Jessee Mills** against James **Shannon** is Dismis’d.”¹⁵⁰

Tilman Walton served on jury.¹⁵¹

5 MARCH 1783

William Walton served on jury.¹⁵²

“Henry Page White Pltf against **William Walton** Deft. In Case. This Suit is Continued till the Next Court at the Pltfs Costs.”¹⁵³

Jessee Mills served on jury in the case of Samuel Ferguson against John West.¹⁵⁴

George Blaine Pltf against **Jessee Mills** Deft. Trespass Assault & Battery. Came as well the Plaintiff by James Reid his Attorney as the Defendant in his proper person, and by Consent of the parties, this Suit is Dismis’d at the Defendant’s Costs. [Marginal note:] Costs 210# tobacco and 15 / F. Fa. 24 July 1783.¹⁵⁵

COMMENT:

The issuance of the “F. Fa.” (fieri facias) in 1783 indicates that Jesse had not paid the costs of court and a writ was issued authorizing the sheriff to seize and sell enough of his property to cover the levy against him.

“The Action in the Case Brought by James Coles against **William Walton** is Dismis’d.”¹⁵⁶

“On the Motion of **William Walton** by George Muter his Attorney for Leave to file a Bill of Injunction to Stay Execution on a Judgment Obtained by James Matthews against the said Walton, On hearing the parties by their Attorneys, Leave is granted the said Walton to file his said Bill, On his giving Bond with Security in the Clks Office before Next Court.”¹⁵⁷

¹⁴⁷ Davis, *Deeds of Amherst County, Virginia (1761–1852) & Albemarle County, Virginia (1748–1807)*, 96; citing DB B: 124.

¹⁴⁸ Davis, *Deeds of Amherst County, Virginia (1761–1852) & Albemarle County, Virginia (1748–1807)*, 115; citing DB B: 442.

¹⁴⁹ Amherst Co., Court Order Book 1782–1784, p. 86; imaged, *Family Search* digital film 7856348 > image 218.

¹⁵⁰ Amherst Co., Court Order Book 1782–1784, p. 92; imaged, *Family Search* digital film 7856348 > image 221.

¹⁵¹ Amherst Co., Court Order Book 1782–1784, p. 93; imaged, *Family Search* digital film 7856348 > image 221.

¹⁵² Amherst Co., Court Order Book 1782–1784, p. 99; imaged, *Family Search* digital film 7856348 > image 224.

¹⁵³ Amherst Co., Court Order Book 1782–1784, p. 100; imaged, *Family Search* digital film 7856348 > image 225.

¹⁵⁴ Amherst Co., Court Order Book 1782–1784, p. 102; imaged, *Family Search* digital film 7856348 > image 226.

¹⁵⁵ Amherst Co., Court Order Book 1782–1784, p. 102; imaged, *Family Search* digital film 7856348 > image 226.

¹⁵⁶ Amherst Co., Court Order Book 1782–1784, p. 103; imaged, *Family Search* digital film 7856348 > image 226.

¹⁵⁷ Amherst Co., Court Order Book 1782–1784, p. 119; imaged, *Family Search* digital film 7856348 > image 234.

2 JUNE 1783

“Roderick McCulloch, Gent Sheriff is appointed to have the Necessary Repairs doe to the County Goal, and **William Walton** and Patrick Rose are appointed to View & Receive the said Goal when the Repairs are finished & make Report to this Court.”¹⁵⁸

“A Deed Indented with the Receipt thereon Indorsed from **James Byass** to William Camden was proved by the Oath of Joseph Tucker and George Duncan Witnesses thereof and ordered to lie for further proof.”¹⁵⁹

COMMENT:

On 4 August, the deed was additionally proved by John Duncan and ordered to be Recorded. (p. 138)

James Nevil is still in the county and is among the eight “gentlemen” appointed to “take a list of the Tithables in their Usual Bounds, and make Return thereof to the Clerk of this Court.”¹⁶⁰

4 AUGUST 1783

“On the Motion of **Sarah White, Widow of James White** Decd., Administration of the said Decedants Estate is given to her, who with Isaac & Anthony Rucker and William Chappel her Securitys, Entered into and Acknowledged Bond in the penalty of three hundred pounds, and took the Oath Reqd. by Law, and the said Bond was Ordered to be Recorded.”¹⁶¹

COMMENT:

This court order eliminates the possibility that the “J White” married to Mary Wade was James White.

“Agreeable to a report from under the hand of **William Walton** and Patrick Rose, Its ordered that the Sheriff pay to Augustine Steel the Sum of Ten pounds five shillings out of the County Money that’s in his hands for Repairing the County Goal.”¹⁶²

“John Wright Pltf against Jeremiah Walker and William Hawkins Defts. In Debt. The Defendants being duly Arrested and Solemnly Called fail to apper [*sic*], on the Motion of the Plaintiff by Thomas Miller, Gent. Judgment is granted the Plt against the said Defendants and **William Walton** and Adam Brown their Common Bails for the Debt in the Declaration, unless the said Defts. shall appear at the Next Court and plead to Issue.”¹⁶³

“Samuel Allen Pltf against **William Walton** Deft. In Case. Came the Plaintiff by Thomas Miller Gent. his Attorney, whereupon William Horsley personally appeared in Court and undertook for the said Deft. that in Case he should be Cast in this Action that he the said Deft. should pay the Costs and Condemnation of the Court or Render his Body to prison in Discharge thereof or that he the said Horsley will pay the Costs and Condemnation for him, whereupon the said Deft. by George Muten his Attorney Saveing & Reserving to himself all Advantage as well to the Writ as to the Declaration prays and has Leave till the Next Court to plead.”¹⁶⁴

“James Tilferd Pltf against **William Walton** & William Coffey Defts. In Debt. Came the Plaintiff by William

¹⁵⁸ Amherst Co., Court Order Book 1782–1784, p. 122; imaged, *Family Search* digital film 7856348 > image 236.

¹⁵⁹ Amherst Co., Court Order Book 1782–1784, p. 123; imaged, *Family Search* digital film 7856348 > image 236.

¹⁶⁰ Amherst Co., Court Order Book 1782–1784, p. 127; imaged, *Family Search* digital film 7856348 > image 238.

¹⁶¹ Amherst Co., Court Order Book 1782–1784, p. 139; imaged, *Family Search* digital film 7856348 > image 245.

¹⁶² Amherst Co., Court Order Book 1782–1784, p. 139; imaged, *Family Search* digital film 7856348 > image 245.

¹⁶³ Amherst Co., Court Order Book 1782–1784, p. 147; imaged, *Family Search* digital film 7856348 > image 249.

¹⁶⁴ Amherst Co., Court Order Book 1782–1784, p. 148; imaged, *Family Search* digital film 7856348 > image 249.

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Crawford his Attorney, whereupon Willm. Powell personally appeared in Court and undertook for the said Defendts. [etc., same boilerplate].”¹⁶⁵

5 AUGUST 1783

“**William Walton** Pltf against James Matthews Deft. Injunction In Chancery. Came as well the Pltf by George Muter his Attorney as the Deft. by Thomas Miller his attorney, and the said Deft. files his Answer to the sd. Pltfs Bill, and gave the Pltf Notice that at Next Court a motion will be made to Dissolve the Plaintifs Injunction.”¹⁶⁶

“Alexander Reid, Junr. Pltf. against Thomas Ballew (Hatter) & **William Walton** Defts. In Debt. Came the Plaintiff by James Reid Gent. his Attorney, whereupon Thomas Hawkins undertook for the said Defendants [etc., same boilerplate].”¹⁶⁷

“Josias Wood Pltf against William Galaspie, George Galaspie & **Wm. Walton** Defts. In Debt. “The Defendants being duly Arrested, and altho Solemnly Called, failing to appear, On the Motion of the Plaintiff by Thomas Miller Gent. his Attorney, It is Considered that Judgment be Entered for the Plaintiff against the said Defendants and William Ware and James Boling their Common Bail for the Debt in the Declaration mentioned unless the said Defendants shall appear at the Next Court and plead to Issue.”¹⁶⁸

“The Petition Brought by Smyth Tandy against **Charles Lavender** and John Christian is Dismiss’d being agreed.”¹⁶⁹

William Walton is foreman of one of the two juries for this court session.¹⁷⁰

“An Inventory and Appraisement of the Estate of **James White** Deceased was this Day Returned and ordered to be Recorded.”¹⁷¹

6 OCTOBER 1783

“Micajah Chiles Assee. of Thomas Key Pltf. against **Daniel Tilman** & John Williamson. Defts. In Debt. This Suit abated as to the Defendant Tilman by the Sherriffs Return, and the Defendant Williamson not being Arrested, on the Motion of the Plaintiff by his attorney an Attachment is considered awarded him against the said Deft. Williamson’s Estate for the Sum of fourteen pounds and Costs, Returnable to the Next Court.”¹⁷²

5 APRIL 1784

“Lucretia Wade & Abigale Hardwick Wade Infants and Children of **Pearce Wade, Deceased**, by Richard Ballenger their Guardian, Clary Wade, Infant and Child of the said Pearce Wade Deceased by David Woodroff her Guardian & Jeremiah Wade by John Dawson his Next friend, David Wade, Pearce Wade, **J. White** and **Mary his Wife**, John Dawson and Charity his Wife, and Jane Wade Infants and Children Sons and Daughters of Pearce Wade Decd. Pltffs.

against

John Hardwick Administrator &c of Pearce Wade, Decd & Ballenger Wade Heir at Law to the said Decedant, Defts. In Chancery.

¹⁶⁵ Amherst Co., Court Order Book 1782–1784, p. 154; imaged, *Family Search* digital film 7856348 > image 253.

¹⁶⁶ Amherst Co., Court Order Book 1782–1784, p. 157; imaged, *Family Search* digital film 7856348 > image 254.

¹⁶⁷ Amherst Co., Court Order Book 1782–1784, p. 148; imaged, *Family Search* digital film 7856348 > image 249.

¹⁶⁸ Amherst Co., Court Order Book 1782–1784, p. 158; imaged, *Family Search* digital film 7856348 > image 254.

¹⁶⁹ Amherst Co., Court Order Book 1782–1784, p. 163; imaged, *Family Search* digital film 7856348 > image 257.

¹⁷⁰ Amherst Co., Court Order Book 1782–1784, p. 168; imaged, *Family Search* digital film 7856348 > image 260.

¹⁷¹ Amherst Co., Court Order Book 1782–1784, p. 173; imaged, *Family Search* digital film 7856348 > image 262.

¹⁷² Amherst Co., Order Book, 1782–1784, p.199; imaged *Family Search* digital film 7856348 > image 275.

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“The Defendant Hardwick failing to Settle his Account of the said Decedants Estate agreeable to a former Order of this Court, On the Motion of the Plaintiffs by their Attorney an Attachment is awarded them against the said Defendant Hardwick Returnable to the Next Court.”¹⁷³

3 MAY 1784

William Walton served as grand jury foreman.¹⁷⁴

“Henry Pope White Pltf against **William Walton** Deft. In Case. Came the parties by their Attornies aforesaid and Came also a [petit] Jury .. who ... do say that the Defendant is Guilty in manner and form as the Plaintiff against him hath Declared and do Assess the Damages by Reason thereof to Eleven pounds Eight shillings ... and also his Costs by him in this behalf Expended, and the Defendant in Mercy &c.”¹⁷⁵

“Ordered that Henry Page White pay to **James Brown** One hundred and forty Six pounds of Tobacco and one shilling for his Attendance one Day at this Court and for Traveling once forty Six Mile from Buckingham County and for Ferriage at Cabell’s Ferry as a witness for the said White against **William Walton**.”¹⁷⁶

Abner Will [Witt] is jury foreman; also serving: **Tilman Walton**.¹⁷⁷

“Ordered that **William Walton** pay to John Bibb Two hundred and fifty pounds of Tobacco for his Attendance Ten Days at this Court as a witness for him at the Suit of Henry Page White.”¹⁷⁸

4 MAY 1784

William Walton served on jury for one trial and as jury foreman for another on which his son **Tilman Walton** also served.¹⁷⁹

“**William Walton** Pltf against Theodrick Scruggs Dect. In Case. This Suit is Continued till the Next Court at the Plaintiffs Costs.”¹⁸⁰

“Carter & Trent Assee. of Robert Barnett Pltfs against **Jesse Mills** and Matthias Nightingale Defts. In Debt. Came the parties by their attorneys aforesaid and Came also a Jury ... [who] Considered that the Pltfs Recover against the said Defendants the Sum of Sixteen pounds the Debt in the Declaration mentioned and also their Costs by them in this behalf Expended, But this Judgment (the Costs Excepted) is to be Discharged by the payment of Eight pounds with five pr Cent pr Annum Interest thereon from the first Day of October One thousand Seven hundred and **Seventy two** till paid, and the said Defts. in Mercy &c.”¹⁸¹

“John McDaniel Assee of Joseph Liveley Pltf against **William Walton** and John Bush Defts. In Debt. Came the Plaintiff by William Crawford Gent. his Attorney, whereupon Philip Thurmond undertook for the said Defendants ... whereupon the said Defts by Edmund Winston Gent. their Attorney prays and has leave till the Next Court to plead.”¹⁸²

¹⁷³ Amherst Co., Court Order Book 1782–1784, p. 217; imaged, *Family Search* digital film 7856348 > image 284.

¹⁷⁴ Amherst Co., Court Order Book 1782–1784, p. 223; imaged, *Family Search* digital film 7856348 > image 287.

¹⁷⁵ Amherst Co., Court Order Book 1782–1784, p. 228; imaged, *Family Search* digital film 7856348 > image 290.

¹⁷⁶ Amherst Co., Court Order Book 1782–1784, p. 233; imaged, *Family Search* digital film 7856348 > image 292.

¹⁷⁷ Amherst Co., Court Order Book 1782–1784, p. 232; imaged, *Family Search* digital film 7856348 > image 292.

¹⁷⁸ Amherst Co., Court Order Book 1782–1784, p. 233; imaged, *Family Search* digital film 7856348 > image 292.

¹⁷⁹ Amherst Co., Court Order Book 1782–1784, p. 236; imaged, *Family Search* digital film 7856348 > image 295.

¹⁸⁰ Amherst Co., Court Order Book 1782–1784, p. 239; imaged, *Family Search* digital film 7856348 > image 295.

¹⁸¹ Amherst Co., Court Order Book 1782–1784, p. 241; imaged, *Family Search* digital film 7856348 > image 296.

¹⁸² Amherst Co., Court Order Book 1782–1784, p. 268; imaged, *Family Search* digital film 7856348 > image 310.

COMMENT:

See earlier marriage record for John Bush to Mary Tilman, Walton's sister-in-law.

6 JUNE 1784

"Ordered that Willilam Powell pay to **William Walton** Twenty five pounds of Tobacco for one Days Attendance at this Court as a Witness for the said Powell against John Camden." "Ordered that William Powell pay to **Tilman Walton** [ditto].¹⁸³

8 JUNE 1784

"John Allen Pltf against Henry Tuggle and **William Walton** Defts. In Debt. The Defendants being again Solemnly Called failing to appear, on the Motion of the Plaintiff by William Crawford Gent. his Attorney, It is Considered that the Order of Last November Court be Confirmed and that the Plaintiff Recover against the said Defendants and John Loving Jr. and **Tilman Walton** their Common Bail the Sum of Two thousand pounds of Crop Tobacco and Cask with five p Cent p Annum Interest thereon from [25 December 1781] till paid, the Debt in the Declaration mentioned and also his Costs by him in this behalf Expended."¹⁸⁴

William Walton and **Tilman Walton** served on one of the two juries for this term of court.¹⁸⁵

2 AUGUST 1784

"A Deed Indented from Thomas Lomax to **William Walton** was proved by the oath of Zacharias Taliaferro, Charles Rose, and John Fulcher Witnesses thereto, and the Receipt thereon Indorsed is proved by the Oath of Zacharias Taliaferro, and Ordered to be Recorded."¹⁸⁶

"A Deed Indented from **James Bias** to Lemaster Cooksey was proved by the Oath of Charles Burrass, Joseph Layne and William Camden Witnesses thereto, and ordered to be Recorded."¹⁸⁷

"James Thompson Pltf against Thomas Hawkins & Thomas Griffin Defts. In Debt. ... **William Walton** undertook for the Defendant ..."¹⁸⁸

"John Montgomery Pltf against John Depriest Deft. In Case. ... **William Walton** undertook for the defendant."¹⁸⁹

"Sherod Bugg Assee of Thomas Powell Pltf against Thomas Griffin Deft. In Debt." **William Walton** undertook for the defendant."¹⁹⁰

4 OCTOBER 1784

"**Tilman Walton** Pltf against Isaac Wright Deft. Petn by Account. Came the parties by their Attorneys, and on hearing, Judgment is granted the Pltf against the said Defendant for the Sum of five pounds and also for his Costs by him in this behalf expended."¹⁹¹

¹⁸³ Amherst Co., Court Order Book 1782–1784, p. 283; imaged, *Family Search* digital film 7856348 > image 321.

¹⁸⁴ Amherst Co., Court Order Book 1782–1784, p. 319; imaged, *Family Search* digital film 7856348 > image 339.

¹⁸⁵ Amherst Co., Court Order Book 1782–1784, p. 322; imaged, *Family Search* digital film 7856348 > image 340.

¹⁸⁶ Amherst Co., Court Order Book 1782–1784, p. 347; imaged, *Family Search* digital film 7856348 > image 352.

¹⁸⁷ Amherst Co., Court Order Book 1782–1784, p. 348; imaged, *Family Search* digital film 7856348 > image 353.

¹⁸⁸ Amherst Co., Court Order Book 1782–1784, p. 355; imaged, *Family Search* digital film 7856348 > image 358.

¹⁸⁹ Amherst Co., Court Order Book 1782–1784, p. 359; imaged, *Family Search* digital film 7856348 > image 360.

¹⁹⁰ Amherst Co., Court Order Book 1782–1784, p. 372; imaged, *Family Search* digital film 7856348 > image 367.

¹⁹¹ Amherst Co., Court Order Book 1782–1784, p. 411; imaged, *Family Search* digital film 7856348 > image 386.

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“**William Walton** Pltf against James Lively Deft. Petition by Account. Came the parties by their attorneys, and on hearing, Judgment is granted the Plaintiff against the said Defendant for the Sum of Two pounds & Nine Shillings and Two pence, and also for his Costs by him in this behalf Expended.”¹⁹²

“David Ross and Company Pltfs against William Galaspie & **Wm. Walton** Defts. In Debt. Galaspie had been Duly Arrested but did not appear when solemnly called, so judgment is issued against him and Joseph Edwards his Common Bail, unless he comes into the Next Court to plead. “Defendant Walton not being Arrested, an attachment is granted to the Pltfs against the said Deft. Walton’s Estate for the Sum of One thousand pounds of Crop Tobacco with Interest thereon from [1 April 1782] until paid, plus Costs, Returnable to the next Court.”¹⁹³

“Alexander Sinclair Assee of Forsythe & Sinclair Pltf against **Tilman Walton** Deft. In Debt.” Walton failed to appear. Judgment against him and his common bail, Charles Taliaferro Junr., for the debt specified in the declaration, unless he should appear at the next court term and plead.¹⁹⁴

“The Scire facias Brought by Thomas Lomax against William loving as Common Bail for **John Craghead** at the Suit of the said Lomax is Dismissed.”¹⁹⁵

COMMENT:

16 June 1794, Jas. Littrell, acting as attorney for Abner Witt “of Knox Co. and territory South of Ohio River” to Jos. Roberts for £70, N branch Davis. 1) 99 acres formerly that of Jno. Key. Lines: his own. 2) **Formerly that of Jno. Craighead 35 acres.** Lines his own. Wit: Bartlett Eades, Jas. Turner.”¹⁹⁶

Craighead had bought 141 acres (in two tracts) from John Key Jr. and wife Agnes on 5 March 1770, land patented to Henry Key. On 6 December 1773 John Craighead and wife Jenny sold his land (4 surveys of 309 acres) to John Boles, including the Key land on Lackey’s Mountain, Corbin Creek, and Davis Creek.¹⁹⁷

According to FamilySearch FamilyTree, John C. Craighead (L67T-WR4) m. Jane Elizabeth Leodicea Maxey (LR78-N5R). His sister Mary Elizabeth “Polly” Craighead (LV64-PHP) married “John Thomas” Kemp and was the mother of Robert Kemp whose daughter Drucilla, in 1815 Franklin County, married the parentless William Mills who carried a Witt Y.

In other words, when the propertyless William Mills emerged in Franklin County and married the daughter of the third-highest taxpayer in the county, he married into a family who had been Witt neighbors in Amherst.

At the time Craighead resided in Amherst, the Abner Witt land was in the possession of Abner’s father John Witt III. Abner’s younger brother William Witt, who was single when William Mills-Witt was conceived, was a young child at that time.

All known evidence to date (documentary research and genetic matches) suggests that this William (b. 1783 or 1788) was the son of Amherst’s Sarah Mills, daughter of Jesse and Lucy (Tilman) Mills. A proof argument is in progress.

¹⁹² Amherst Co., Court Order Book 1782–1784, p. 411; imaged, *Family Search* digital film 7856348 > image 386.

¹⁹³ Amherst Co., Court Order Book 1782–1784, p. 417; imaged, *Family Search* digital film 7856348 > image 389.

¹⁹⁴ Amherst Co., Court Order Book 1782–1784, p. 440; imaged, *Family Search* digital film 7856348 > image 405.

¹⁹⁵ Amherst Co., Court Order Book 1782–1784, p. 453; imaged, *Family Search* digital film 7856348 > image 408.

¹⁹⁶ Davis, *Deeds of Amherst County, VA. (1762–1852) & Albemarle County, VA. (1748–1807)*, 286; citing Deed Book G: 385.

¹⁹⁷ Davis, *Deeds of Amherst County, VA. (1762–1852) & Albemarle County, VA. (1748–1807)*, 118–19 citing Deed Book C:37; Davis, 152–53, citing Deed Book D:104.

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William Walton served on jury for this term of court and as foreman in some trials.¹⁹⁸

“**William Walton** & William Galaspie Pltf against James Willoughby and Allen Blair. In Debt.” Judgment for plaintiff. £9,282, plus costs; to be discharged by payment of £61.17.7 with interest from 18 March 1781 until paid.¹⁹⁹

“James Tilford Pltf against **William Walton** & William Coffey Deft. In Debt. Judgment for Plaintiff 20,120 pounds of crop tobacco of Byrds or Shockoe Inspection, plus costs; but judgment to be discharged for payment of 10,060 pounds with five p Cent interest from 3 March 1783 until paid.²⁰⁰

“John McDaniel Assignee of Joseph Liveley Pltf against **William Walton** and **John Bush**, Defts. In Debt. Judgment for plaintiff: 12,000 pounds of Merchantable Tobacco Inspected at Byrds or Sho’hoe’s Warehouse, plus costs. Judgment (but not costs) “is to be satisfied with payment of 6,000 pounds with 5 p Cent interest pr annum from 25 December 1781 until paid.²⁰¹

“Josiah Wood Pltf against William Galaspie, George Galaspie & **William Walton** Defts. In Debt. Judgment against Defendants for “46,000 pounds of Crop Inspected Tobacco of Shochoe, Byrds or Rocky Ridge Warehouse” plus costs, but judgment (costs excepted) to be satisfied by payment of 10,840 pounds of said tobacco with 5 pCent interest on 23,000 pounds from 25 December 1771 to 1 July 1782; also 5 pCent p annum Interest on 22,840 pounds from 1 July 1782 to 24 December 1783; also 5 p Cent interest on the aforesaid 10,840 pounds from 24 December 1783, until paid.²⁰²

1 NOVEMBER 1784

“A Deed Indented from Charles Ellis to Josiah Ellis was proved by the Oath of William Loving, **William Walton** and Joseph Goodwin, Witnesses thereto, and ordered to be Recorded.²⁰³

2 NOVEMBER 1784

“David Ross and Company Pltfs against William Galaspie & **William Walton** Defts. In Debt. Came the Plaintiffs by their Attorney aforesaid, whereupon the said Defendants being again Solemnly Called failing to appear, whereupon It is Considered that the Order of Last Court be Confirmed against the said Defendant Galaspie and Joseph Edwards his Common Bail for the Sum of One thousand pounds of Crop Tobacco of the Richmond or Manchester Inspection, with five pCent pAnnum Interest thereon from [1 April 1782] till paid, and also their Costs by them about their Suit in this behalf Expended, and an Attachment is awarded the Pltfs against the said Deft. **Walton’s** Estate for the Sum of One thousand pounds of Crop Tobacco of the Richmond or Manchester Inspection and Costs, returnable to the Next Court.”²⁰⁴

William Walton also served as jury foreman this day (p. 29; image 43), as well as juror in another trial (p. 35; image 47).

“Alexander Sinclair Assee of Sinclair & Forsythe Pltf. against **Tilman Walton** Deft. In Debt. ... Deft saith that he Cannot Deny the Pltfs Action but that he is Justly Indebted to him. ... Judgment is granted the Pltf ... for One Thousand Nine hundred forty Eight pounds of Crop Tobacco inspected at the City of Richmond ... and also his Costs by him in this behalf Expended, But this Judgment (the Costs Excepted) is

¹⁹⁸ Amherst Co., Court Order Book 1782–1784, pp. 455–62; imaged, *Family Search* digital film 7856348 > images 409–12.

¹⁹⁹ Amherst Co., Court Order Book 1782–1784, p. 462; imaged, *Family Search* digital film 7856348 > image 412.

²⁰⁰ Amherst Co., Court Order Book 1782–1784, p. 469; imaged, *Family Search* digital film 7856348 > image 416.

²⁰¹ Amherst Co., Court Order Book 1782–1784, pp. 498–99; imaged, *Family Search* digital film 7856348 > images 432–33.

²⁰² Amherst Co., Court Order Book 1782–1784, p. 503; imaged, *Family Search* digital film 7856348 > image 435.

²⁰³ Amherst Co., Court Order Book 1784–1787, p. 3; imaged, *Family Search* digital film 7856349 > image 30.

²⁰⁴ Amherst Co., Court Order Book 1784–1787, p. 17; imaged, *Family Search* digital film 7856349 > image 37.

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to be Discharged by the payment of Nine hundred and Seventy four pounds of the aforesaid Tobacco with five p Cent p Annum Interest thereon from [1 September 1783] till paid and the Pltf agreed to Stay Execution on this Judgment till the first Day of January Next.”²⁰⁵

“Thomas Lomax Pltf against **William Walton** Deft. On Replivy Bond. ... The said Deft agrees that Judgment may be Entered for the Plaintiff against him agreeable to the Bond ... Sum of Eighteen pounds and Costs; but this Judgment (the Costs Excepted) is to be Discharged by the payment of Eight pounds Seventeen Shillings and eleven pence half penny with five pCent Interest thereon from [24 May 1784] till paid.”²⁰⁶

3 NOVEMBER 1784

William Walton and **Abner Witt** served on the two juries this day.

“**William Walton** Pltf against Thomas Lomax Deft. On a Motion for Leave to file a Bill of Injunction to Stay further proceedings on a judgment obtained by the Defendant against the Pltf on a Replivy Bond, On hearing, an Injunction is granted the Plaintiff to Stay further proceedings on the aforesaid Replivy Bond, whereupon the Plaintiff with **Tilman Walton** his Security, Entered into and Acknowledged their Bond according to Law.”²⁰⁷

6 DECEMBER 1784

“James Hopkins Gent is Appointed in the first hundred in this County to Take a List from Each person within the same, of the Number of White persons in Each family therein and the Number of Buildings Distinguishing Dwelling Houses from other Buildings, and shall on or **before the first Day of March Next** deliver to the Clerk of this County a fair List ...”²⁰⁸

COMMENT:

Similar appointments were made in the other hundreds, with same deadline.

“Henry Page White Pltf against **William Walton** & John Montgomery Deft. On a Replivy Bond.” Deft failed to appear, judgment granted: £44 4s 9p plus costs, but is to be discharged by payment of £22 2s 4p & 1/2p plus 5 pCent interest from 12 July 1784 until paid.²⁰⁹

“John Allen Pltf against **William Walton** and John Montgomery Defts. On a Replivy Bond.” Defts failed to appear. Judgment for plaintiff 4,690 pounds of Crop Inspected Tobacco and costs; to be discharged (costs excepted) by payment of 2345 pounds of tobacco plus £2 3s 10p 1/2p with 5 pCent Interest from 20 July 1784 until paid.”²¹⁰

“Alexander Reid Jun Pltf against **William Walton** & John Montgomery Defts. On a Replivy Bond.” Defts failed to appear. Judgment for plaintiff: £21 9s 10p and costs, to be Discharged (costs excepted) by payment of £10 14s 11p with 5 pCent Interest from 12 July 1784 till paid.”²¹¹

7 FEBRUARY 1785

Appointments made to Hopkins and others “to Take a list [of] all Free Male persons above the Age of Twenty one years, slaves, Stud Horses ... Horses, Mares, Colts, Mules, Cattle of all Ages, Wheels of

²⁰⁵ Amherst Co., Court Order Book 1784–1787, p. 33; imaged, *Family Search* digital film 7856349 > image 45.

²⁰⁶ Amherst Co., Court Order Book 1784–1787, p. 38; imaged, *Family Search* digital film 7856349 > image 49.

²⁰⁷ Amherst Co., Court Order Book 1784–1787, pp. 40–42; imaged, *Family Search* digital film 7856349 > images 51–52.

²⁰⁸ Amherst Co., Court Order Book 1784–1787, p. 47; imaged, *Family Search* digital film 7856349 > image 54.

²⁰⁹ Amherst Co., Court Order Book 1784–1787, p. 51; imaged, *Family Search* digital film 7856349 > image 56.

²¹⁰ Amherst Co., Court Order Book 1784–1787, p. 51; imaged, *Family Search* digital film 7856349 > image 56.

²¹¹ Amherst Co., Court Order Book 1784–1787, pp. 52–53; imaged, *Family Search* digital film 7856349 > image 56.

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Coaches, Chariots, Phaetons, four-wheeled Chairs, Stage waggons, for Rideing Carriages, Chairs and two Wheeld Chaises, Billard Tables, Ordinary license and White tithables between the Age of **Sixteen & Twenty one**" and submit a "fair Alphabetical List" to the clerk before 20 April next.²¹²

MARCH TERM 1785

George Blaine against **Allen Lavender**. Came the Pltf by William Crawford Gent his Attorney whereupon Thomas Wilshire personally appeared and undertook for the Deft ... Deft should pay the Costs and Condemnation of the Court or Render his Body to prison in Discharge thereof or that he the Said Wilsher would pay the Costs and Condemnation for him."²¹³

COMMENT:

To be sued for debt, Allen was at least 21—i.e., born March 1764 or earlier.

7 MARCH 1785

"George Blaine Pltf. against **Allen Lavender** Deft. Trespass. Came the Plaintiff by William Crawford Gent. his Attorney, whereupon Thomas Wilsher personally appeared and undertook for the Deft. ...

also:

Blaine vs. **Allen Lavender** In Case. Wilsher again appeared and undertook for the defendant. [No further details on either case.]²¹⁴

8 MARCH 1785

"The Action of Trespass Assault and Battery brought by Peter Cartwright against **Charles Lavender** is Continued till the Next Court."²¹⁵

"Benjamin Wright Pltf against Edmund Winston as Special Bail for **William Guttrey** Deft. On a Scire Facias. Came as well the Plaintiff by William Crawford Gent. his Attorney as the Defendant in his proper person, whereupon the Deft. prays & has Oyer of the Record."²¹⁶

COMMENT:

Edmund Winston appears in other cases of this session as an attorney at law.

William Walton served as Special Bail for Defendant in the debt suit of John Montgomery vs. John Depriest.²¹⁷

"Ordered that the Sheriff Summon Twenty four Good and lawfull Freeholders of his Bailiwick that are neither Surveyors of Highways, Constables, Ordinary keepers or Overseers or Occupiers of Mills to attend at Next May Court to Serve as a Grand Jury for this County."²¹⁸

2 MAY 1785

"**William Walton** Pltf against Theoderick Scruggs Deft. On a Repliv Bond. Came as well the Pltf by Edmund Winston Gent. his Attorney as the Deft by Thomas Miller Gent his Attorney, and on hearing, Judgment is granted the Pltf ... for the Sum of fifty pounds & Costs, But this Judgment (the Costs

²¹² Amherst Co., Court Order Book 1784–1787, pp. 60–64; imaged, *Family Search* digital film 7856349 > images 61–63.

²¹³ Amherst Co., Court Order Book 1784–1787, p. 70; imaged, *FamilySearch* digital film 7867459 > image 66.

²¹⁴ Amherst Co., Court Order Book 1784–1787, p. 78; imaged, *Family Search* digital film 7856349 > image 72.

²¹⁵ Amherst Co., Court Order Book 1784–1787, p. 90; imaged, *Family Search* digital film 7856349 > image 80.

²¹⁶ Amherst Co., Court Order Book 1784–1787, p. 96; imaged, *Family Search* digital film 7856349 > image 83.

²¹⁷ Amherst Co., Court Order Book 1784–1787, p. 110; imaged, *Family Search* digital film 7856349 > image 90.

²¹⁸ Amherst Co., Court Order Book 1784–1787, p. 100; imaged, *FamilySearch* digital film 7856349 > image 85.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

Excepted) is to be Discharged by the payment of Twenty Six pounds five shillings with five p Cent p Annum Interest thereon” from 8 March 1784.²¹⁹

COMMENT:

A second similar but smaller suit by Walton vs. Scruggs was similarly decided in his favor.

“Theoderick Scruggs, Pltf against **William Walton** Deft. “On a Motion of Leave to file a Bill of Injunction to Stay further proceedings on the Smallest Judgment obtained this Day by the Deft against the Pltf. On hearing, Leave is granted the Plaintiff to file his Bill of Injunction against the said Defendant, to Stay farther proceedings on the aforesaid Judgment untill it Can be heard in Equity, whereupon the Plaintiff with John Cabell Gent. his Security Entered into and Acknowledged Bond according to Law.”²²⁰

“Fitzjarrell and Murrey pltfs. against **William Walton** and **Tilman Walton** Defts. In Debt. The Defendants not being Arrested, on the Motion of the Pltfs by William Crawford Gent. their Attorney, an Alias Capias is awarded him against the said Defts. Returnable to the Next Court.”²²¹

“David Ross and Compy Pltf against **William Walton** Deft. In Debt. “The Sheriff having Returned on the Attachment awarded in this Action that he had Levyd it on a Spoon of the Goods and Chattles of the Defdt. whereupon the Deft being Solemnly Called failing to appear, on the motion of the Pltf by his Attorney aforesaid Judgment is granted him against the said Defendant for the Sum of One thousand pounds of Crop Tobacco of the Richmond or Manchester Inspection with five p Cent p Annum Interest thereon from [1 April 1782] till paid.”²²²

“Hugh Rose Pltf against **William Walton** Deft. In Case. Came as well the Pltf by Thomas Miller Gent. his Attorney as the Deft. by Edmnd Winston Gent. his Attorney, whereupon the Deft prays and has Leave till the Next Court to plead.”²²³

“**William Walton** Pltf against James Titford Deft. On a motion for Lease to file a Bill of Injunction to Stay further proceedings on a Replivy Bond attained by the Deft. against the Pltf. Came as well the pltf by Edmund Winston Gent. his Attorney as the Deft. by William Crawford Gent. his Attorney and hearing Leave is granted the Pltf to file his Bill, on giving a Security, whereupon the Pltf with **Abner Witt** his Security Entered into and Acknowledged Bond according to Law.”²²⁴

Tilman Walton and **William Walton** served on juries.²²⁵

COMMENT:

Note the direct (and close) association between William Walton (uncle of Sarah Mills) and Abner Witt (brother of William Witt, primary candidate for the father of Sarah’s son William Mills-Witt).

MAY TERM 1785

“George Blaine against **Allen Lavender**. Came the parties by their Attorneys, whereupon the Deft. Saith that he is not Guilty in manner and form as the Pltf against him hath Declared, and of this he puts himself upon his country and the Pltf doth the same. Therefore the Trial of the Issue between them is Referred, till the Next Court.”²²⁶

²¹⁹ Amherst Co., Court Order Book 1784–1787, p. 118; imaged, *Family Search* digital film 7856349 > image 94.

²²⁰ Amherst Co., Court Order Book 1784–1787, p. 119; imaged, *Family Search* digital film 7856349 > image 94.

²²¹ Amherst Co., Court Order Book 1784–1787, p. 129; imaged, *Family Search* digital film 7856349 > image 99.

²²² Amherst Co., Court Order Book 1784–1787, p. 135; imaged, *Family Search* digital film 7856349 > image 102.

²²³ Amherst Co., Court Order Book 1784–1787, p. 144; imaged, *Family Search* digital film 7856349 > image 108.

²²⁴ Amherst Co., Court Order Book 1784–1787, p. 145; imaged, *Family Search* digital film 7856349 > image 108.

²²⁵ Amherst Co., Court Order Book 1784–1787, pp. 146, 148; imaged, *Family Search* digital film 7856349 > images 109–10.

²²⁶ Amherst Co., Court Order Book 1784–1787, p. 142; imaged, *FamilySearch* digital film 7856349 > image 107.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

COMMENT:

Gabriel Penn, Ambrose Rucker, William Cabell, James Dillard, and Josiah Ellis are the five “Gent. Justices” for the term.

“We the Grand Jury do present **Frances Evans** for Bearing a Child not Lawfully Begotten.”

“We the Grand Jury do present **Rosanna Sullivan** for bearing a Child not Lawfully Begotten.”

“We do Present George Peyton and Elizabeth Swinney for Living in aDultery [*sic*]. Also do present William Milstead’s Widow, her Christian Name Supposed to be Elizabeth, for Living in aDultery.

“Also Joseph Edwards and Mary Ann Ware for Living in aDultery.

“Also Benjamin Coffin and Elizabeth Going.”²²⁷

“George Blaine against **Jesse Mills**, came the Plaintiff by his Attorney aforesaid, whereupon Came a Jury to wit **William Walton**, William Coffey, Jesse Woodruff, John Mathews, Joseph Conner, Thomas Powell, Gideon Cones?, Samuel Meggenson, James Pamplin, Nicholas Pryor, Nicholas Horn and John Still, who being Sworn to Enquire of Damages in the Cause, whereupon the said Jury being Called and **William Walton** one of the Jurors failing to appear the said Jury is Discharged.”²²⁸

COMMENT:

Interesting legal maneuver. The jury is discharged because one juror, the defendant’s brother-in-law, did *not* appear.

4 MAY 1785

“Jeremiah Taylor Pltf against **Thomas Tilman**. In Case. The Defendant being again Solemnly Called and failing to appear On the Motion of the Plaintiff by William Crawford Gent. his attorney, the Order of Last March Court is Confirmed and that the Pltf. Recover against the Defendant and **William Horsley his Common Bail** his Damages which he hath Sustained by Occasion of the nonperformance of the premise and assumption of the said debt in the Declaration mentioned to be Assertained by an Enquiry thereof by a Jury at the Next Court.”²²⁹

“The Action of Trespass, Assault and Battery Brought by Peter Cartwright against **Charles Lavender** is Dismissd.”²³⁰

“The action in the Case brought by **Tilman Walton** against Isaac Wright is Continued till the Next Court.”²³¹

“**Lewis Witt** against George Blaine. By Consent of the parties by their Attorneys this Suit is Dismissed at the Defendants Costs.”²³²

COMMENT:

This is not the Lewis Witt who married Ann Mills. The two Lewises are part of the same Amherst and Bedford family, but the older Lewis, husband of Ann, has died by this point. This Lewis Witt was the brother of William Witt of Amherst, a potential father of William Mills-Witt by Sarah Mills, the daughter of Jesse and niece of Ann.

²²⁷ Amherst Co., Court Order Book 1784–1787, p. 117.

²²⁸ Amherst Co., Court Order Book 1784–1787, p. 148.

²²⁹ Amherst Co., Court Order Book 1784–1787, p. 159; imaged, *FamilySearch* digital film 7856349 > image 115.

²³⁰ Amherst Co., Court Order Book 1784–1787, p. 160.

²³¹ Amherst Co., Court Order Book 1784–1787, p. 185.

²³² Amherst Co., Court Order Book 1784–1787, p. 191.

6 JUNE 1785

“Wiatt Mills, Pltf. Against John Pope, Deft., Petition by Note. The Defendant being Duly Summoned & Solemnly Called, failing to Appear, on the motion of the Plaintiff by Thomas Miller, Gent., his Attorney, Judgment is granted the Plaintiff against the sd Defendt. for the Sum of One pound Eleven Shillings and Two pence with Legal Interest thereon from the Nineteenth Day of October one thousand Seven hundred and Eight five, till paid.”²³³

COMMENT:

Wiatt (aka Wyatt) Mills is said to be the son of David Mills of Albemarle, a descendant of the immigrant Nicholas Mills.²³⁴

JUNE TERM 1785

Commonwealth, Pltf, against Rosanna Sullivan, Deft., Presentment Grand Jury for Bearing Child not Lawfully Begotten. The Defendant not being Summoned, an Alias Summons is ordered against her Returnable to the Next Court.”²³⁵

COMMENT:

This session also heard Commonwealth charges against George Payton & Elizabeth Swinney, Elizabeth Milstead [alone], Joseph Edward & Mary Ann Ware & Benjamin Cofland & Elizabeth Goen” all for living in adultery. In the first three cases, all put themselves upon the mercy of the country. An alias Summons was ordered for Cosland & Goen. (same page)

“Theoderick Scruggs Pltf against **William Walton**, Deft., Injunction in Chancery. Came the parties by their Attorneys and on the Motion of the Deft. Time is given him till the Next Court to file to Answer to the Compts. Bill.”²³⁶

“Fitzjarrell and Murray Pltf. Against **Tilman Walton & William Walton** Defts. In Dept. Came the Plaintiffs by William Crawford Gent. his Attorney, whereupon James Pamplin personally appeared and became Special Bail for the Deft. William and the Deft. Tilman not being Arrested on the motion of the Plaintiff by his Attorney a Plurias Capias is awarded him against the Deft. Tilman Returnable to the next Court.”²³⁷

“Hugh Rose Pltf against **William Walton** Deft. In Case. Came the Parties by their Attorneys, whereupon the Defendant Pleads Generally to the Plaintiffs Declaration and puts himself on his Country and the Plaintiff doth the same therefore the Trial of the Issue between them is Referred till the Next Court.”²³⁸

“**William Walton**, Pltff against James Tilford, Deft. Injunction In Chancery. Comes the parties by their attorneys and on the motion of the Deft. there is given leave till the Next Court to Answer to the Complainants Bill.”²³⁹

²³³ Amherst Co., Court Order Book 1784–1787, p. 196.

²³⁴ Mrs. P. W. Hiden, “Nicholas Mills of Hanover County,” *Tyler’s Quarterly Historical and Genealogical Magazine* 14 (1933): 237–42, vol. 15 (1934): 38–64, vol. 25 (1943): 146–48; reprinted as *Genealogies of Virginia Families; From Tyler’s Quarterly Historical and Genealogical Magazine*, Gary Parks, ed., 4 vols. (Baltimore: Genealogical Pub. Co., 1981), 2: 669–703, particularly 685.

²³⁵ Amherst Co., Court Order Book 1784–1787, p. 214.

²³⁶ Amherst Co., Court Order Book 1784–1787, p. 215.

²³⁷ Amherst Co., Court Order Book 1784–1787, p. 220.

²³⁸ Amherst Co., Court Order Book 1784–1787, p. 224.

²³⁹ Amherst Co., Court Order Book 1784–1787, p. 225.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

“**William Whitten**, Pltf against Benjamin Wright, Deft. In Case. Came the parties by their Attorneys, whereupon the Deft. saith that he is not Guilty in manner and form as the Pltf against him hath Declared and of this he puts himself on his Country and the Pltf doth the same. Therefore the Trial of the Issue between them is Referred till the Next Court.”²⁴⁰

7 JUNE 1785

“The Action of Trespass brought by George Blaine against **Allen Lavender** is Continued till the Next Court.” (2 cases)²⁴¹

“The Action of Trespass brought by George Blaine against **Jesse Mills** is Continued till the Next Court.”²⁴²

4 JULY 1785

“Ordered that the Church wardens of Lexington Parish Bind out Leviney Harris and Betsy Harris, Bastard Children of Elizabeth Harriss according to Law.”

“Alexander Sinclair Pltf against George Blaine, John Montgomery & **Wm. Walton** Defts. On a Replevy Bond. it appearing that the Defendants hath had Legal Notice, whereupon it is Continued till the Next Court.”²⁴³

“Jeremiah Taylor, Pltf. Against **Thomas Tilman**, Deft., in Case By Consent this Suit is Dismissed at the Defendant’s Costs.”²⁴⁴

“John McDaniel Pltf against **William Walton & Tilman Walton** Defts. It appearing that the Defendant hath had a Legal Notice whereupon this motion is Continued till the Next Court.”²⁴⁵

SEPTEMBER TERM 1785

“Alexander Sinclair Pltf against George Blaine, John Montgomery and **William Walton** Defts. On a Replivy Bond. On the Motion of the Plaintiff by James Reid Gent. his Attorney, Judg. is granted him against the said Defendants for the Sum of One Thousand Six hundred and Sixty Six pounds of Crop Tobacco passed at the falls of James river and Costs. But this Judgment the Costs Excepted is to be Discharged by the payment of One hundred and fifty Seven pounds of the aforesaid Tobacco and Two pounds Ten Shillings and five pence half penny with Legal Interest on One thousand three hundred and thirty three pounds of Tobacco and two pounds Ten Shillings and five pence half penny from” 3 August 1784 to 5 July 1785 “also Interest on the aforesd one hundred and fifty Seven pounds of Tobacco and Two pounds Ten Shillings and five pence half penny” from 5 July 1785 till paid.”

“John McDaniel, Pltf. Against **William Walton & Tilman Walton Defts.** On a Replevy Bond. On the Motion of the Pltf by William Crawford gent. his attorney, Judgment is granted the Pltf against the said Defendants for the sum of Fourteen Thousand one hundred and fifty six pounds of Crop Tobacco of the Richmond Inspection and four pounds Twelve Shillings and Six pence and Costs (But this Judgment (the Costs Excepted) is to be Discharged by the payment of Seven Thousand and Seventy Eight Pounds of the aforesaid Tobacco and two pounds Six Shillings and three pence with Legal Interest thereon from the Seventh Day of February [1785] till paid.”²⁴⁶

²⁴⁰ Amherst Co., Court Order Book 1784–1787, p. 228.

²⁴¹ Amherst Co., Court Order Book 1784–1787, p. 231.

²⁴² Amherst Co., Court Order Book 1784–1787, p. 231.

²⁴³ Amherst Co., Court Order Book 1784–1787, p. 238.

²⁴⁴ Amherst Co., Court Order Book 1784–1787, p. 232.

²⁴⁵ Amherst Co., Court Order Book 1784–1787, p. 239.

²⁴⁶ Amherst Co., Court Order Book 1784–1787, p. 250.

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“Mary Downing, an Indented Servant Woman against **Tilman Walton** her master, On a Complaint for Ill Treatment and for not giving her proper Cloathing. Came the parties in their proper persons, and on hearing this Complaint is Dismiss’d.”²⁴⁷

“Theoderick Scruggs, Pltf. Against **William Walton** deft. Injunction In Chancery. Came the parties by their Attorneys and on the Motion of the Deft. Time is given him till the Next Court to Answer to the Complts Bill of Complaint.”²⁴⁸

“Fitzjarrell and Murray Pltfs against **Tilman Walton and William Walton** Defts. In Debt. Came as well the Pltfs by their attorney aforesaid as the Deft. William by his Attorney aforesaid, whereupon the Deft. William saith that he hath paid the Debt in the Declaration mentioned and of that he puts himself upon his Country and the Pltfs doth the same therefore the trial of the Issue between them is Referred till the Next Court and the Deft. Tilman being duly arrested and Solemnly Called failing to appear It is Considered that Judgment be Entered for the Pltfs against the said Deft Tilman and **Nathan Crawford** his Common Bail for the Debt in the Declaration mentioned unless the said Deft. Tilman shall appear at the Next Court and plead to Issue.”²⁴⁹

COMMENT:

On 17 November 1800, Nathan Crawford would post his bond as incoming sheriff of Amherst.²⁵⁰

SEPTEMBER COURT 1785

On the Motion of **John Byas**, It is Ordered that William Fenney pay to the said Byas Seventy five pounds of Green Tobacco for his attendance at this Court three Days as a Witness for him against **Joseph Laine**.²⁵¹

“**William Whitten**, Assee of Henry Robinson Pltf. Against Mathew Tucker and Daniel Tucker Defts. In Debt. Came the Pltf by William Crawford Gent. his Attorney, whereupon Ambrose Rucker Gent. became Special Bail for the Defendants, whereupon the Defendants by Thomas Miller Gent. their Attorney prays and has Leave till the Next Court to Imparle Specially.”²⁵²

“**Helen Halley Burton**, Executor of **James Halley Burton [Halliburton?]** Decd., Pltff, against **Jessee Mills** and **Tilman Walton**, Defts., in debt. Came the Pltf by James Reid Gent., her Attorney, whereupon Thomas Lee personally appeared and became Special Bail for the Defendant Walton, whereupon the Defen^t Walton by Edmund Winston Gent., his Attorney prays and has Leave, till the Next Court to plead, and the Deft. **Mills** not being Arrested on the Motion of the Plaintiff by her Attorney referd. An Attachment is awarded her against the said Deft. **Mills’s** Estate for the Sum of Forty three pounds and Costs Returnable to the Next Court.”²⁵³

“Frederick Scruggs Pltf. Against **William Walton** Deft. In Case. Came as well the Plaintiffs by Thomas Miller Gent. his Attorney as the Defendant by Edmund Winston Gent. his Attorney, whereupon the Defend^t. Saveing and Reversing to himself all advantages & Exception as well to the Writ Declaration &c prays and has leave till the Next Court to plead.”²⁵⁴

²⁴⁷ Amherst Co., Court Order Book 1784–1787, p. 263.

²⁴⁸ Amherst Co., Court Order Book 1784–1787, p. 274.

²⁴⁹ Amherst Co., Court Order Book 1784–1787, p. 276.

²⁵⁰ Amherst Co., Court Order Book 1799–1801, p. 366; imaged, *FamilySearch* digital film 8182133 > image 19.

²⁵¹ Amherst Co., Court Order Book 1784–1787, p. 283.

²⁵² Amherst Co., Court Order Book 1784–1787, p. 289–90.

²⁵³ Amherst Co., Court Order Book 1784–1787, p. 291.

²⁵⁴ Amherst Co., Court Order Book 1784–1787, p. 297.

7 SEPTEMBER 1785

“The Injunction in Chancery Obtained by **Thomas Lucas** against Thomas Lomax is Continued till the Next Court.

“The Injunction in Chancery Obtained by **William Walton** against Thomas Lomax is Continued till the Next Court.

“Lucretia Wade, Abigale Hardwick Wade, Clary Wade, Jeremiah Wade, David Wade, Pearce Wade, **J. White & Mary** his Wife and John Dawson & Charity his Wife and Jane Wade Infants and Children Son and daughters of **Pearce Wade Deceased**, Pltfs against John Hardwick Administrator of Pearce Wade Dec'd and Ballenger Wade heir at Law of the said Pearce Wade Deceased, Defts. This Cause is Continued Between the parties till the Next Court for the Depositions.”²⁵⁵

“The **Suit** in Chancery Commenced by Ballenger Wade against John Hardwick Administrator of Pearce Wade Deceased is **Dismis'd.**”

“**William Walton Pltf** against James Mathews, Deft. Injunction In Chancery. Came the parties by their Attorneys aforesaid whereupon the Depositions taken in this Cause being published the Same is Set for hearing.”²⁵⁶

“The Presentment of the Grand Jury against Benjamin Coffin and Elizabeth Goen for Living in a Dultery is Dismisd.

“The Presentment of the Grand Jury against Nathan Veale for Living in a Dultery with Jane Milstead is Dismisd.”²⁵⁷

NOVEMBER COURT 1785

“We the Grand Jury Do present Jemima Cash for having a Bastard Child from the Information of Henrick Arnold.”

“We the Grand Jury do present John Gutridge and Mary Carter the wife of Solomon Carter for living in a Dultery.”

“We the Grand Jury do present **Joseph Laine** and **Lucy Bias** for living in Adultery.

“We the Grand Jury do present **John Bias** and Susannah Nuckels for living in a Dultery.”

“We the Grand Jury do present Benjamin Wash and Jemima Payton for Living in a Dultery.

“We the Grand Jury do present Joseph Edwards and Mary Ann Ware for living in a Dultery.”²⁵⁸

COMMENT:

Re **Laine**:

- 21 March 1789 (bond), Lucy Ballow, Widow, married John Laine. Surety: **William Lavender**. Witnesses: George Dillard, Wm. Loving, Jr., Charles Layne.²⁵⁹
- 6 Aug 1794 (bond), “William Laine (a waterman), widower, & Rebecca Berry “each of Amherst Parish. Consent of Adamson Berry. Bondsman: Adamson Berry. Witnesses: Job. Burrus, **Wm. Lavendar.**”²⁶⁰

²⁵⁵ Amherst Co., Court Order Book 1784–1787, p. 302.

²⁵⁶ Amherst Co., Court Order Book 1784–1787, p. 303.

²⁵⁷ Amherst Co., Court Order Book 1784–1787, p. 306.

²⁵⁸ Amherst Co., Court Order Book 1784–1787, p. 317.

²⁵⁹ Amherst Co., Marriage Book 1: 49; imaged, Amherst Reel 37, Library of Virginia.

²⁶⁰ Amherst Co., Marriage Book 1: 94; imaged, Amherst Reel 37, Library of Virginia.

Re **Gutridge**:

- 6 June 1786, John Goodrich suit against William Carter Jun. for assault and battery; trial delayed until next term; at the 6 September term, the suit was dismissed by mutual consent at Carter's costs.²⁶¹
- c1786 (I didn't take note of date), John GOODRICH m. Mary Carter, widow. A couple of years earlier a Carter daughter married, with Solomon and Mary Carter giving permission.
- 23 Dec 1789 (bond) Samuel Elliott **Goodrich** m. Elizabeth **Walton**, with permission of his father James Goodrich and her father William Walton. Surety: Landon Carter, Witnesses: Jno. Taliaferro, Wm. Page, and William Walton.²⁶²

"Agreeable to a Commission from this Excellency the Governor, **Tilman Walton** Qualifies as Lieutenant for Company of the Militia of this County."²⁶³

"John McDaniel, an Indented Servant, against **William Walton & Tilmon Walton** Complaint for whipping him Naked. Came the parties in their proper persons and on hearing is Dismiss'd."²⁶⁴

"The Presentment of the Grand Jury against **Frances Evans** for having a Bastard Child is Continued till the Next Court.

"The presentment of the Grand Jury against Rosanna Sullivan for having a Bastard Child is Continued till the next Court.

"The Presentment of the Grand Jury against George Payton and Elizabeth Swinney for Living in aDultery together is Continued till the Next Court.

"The Injunction Obtained by Frederick Scruggs against **William Walton** is Continued till the Next Court."²⁶⁵

"The Injunction obtained by **William Walton** against James Tilford is Continued till the Next Court."²⁶⁶

"**William Whitten**, Assee of Henry Robinson Pltff against Matthew Tucker Junr. and Daniel Tucker Defts. In Debt. Came the parties by their Attorneys aforesaid, whereupon the Defts by their Attorney saith they hath paid the Debt in the Declaration mentioned and of that they put themselves upon their Country and the Pltf doth the Same therefore the trial of the Issue between them is Referd till the Next Court."²⁶⁷

[Widow Halley Burton] vs. **Jessee Mills** and **Tilman Walton**. "Came the Plaintiff by her Attorney aforesaid, Whereupon the Sheriff having Returned on the Attachment award against the Deft. **Mills's** Estate, whereupon the said Deft. **Mills** be Solemnly Called failing to appear, On the Motion of the Pltf by her Attorney aforesaid, Judgment is granted her against the s^d Deft. **Mills** for the Sum of Forty three pounds the Debt In the Declaration granted and Costs. But this Judgment (the Costs Excepted) is to be Discharged by the payment of Twenty ___ pounds Ten Shillings with Legal Interest thereupon the Seventh Day of June One Thousand Seven Hundred & Eighty Six? ___ paid, and the Attached Effects is Released, and the Deft. **Walton** by _____ Winston Gent his Attorney saith Both hath paid the Debt in

²⁶¹ Amherst Co., Court Order Book 1784–1787, pp. 216, 283.

²⁶² Amherst Co., Marriage Book 1: 55; imaged, Amherst Reel 37, Library of Virginia.

²⁶³ Amherst Co., Court Order Book 1784–1787, p. 320.

²⁶⁴ Amherst Co., Court Order Book 1784–1787, p. 322.

²⁶⁵ Amherst Co., Court Order Book 1784–1787, p. 328.

²⁶⁶ Amherst Co., Court Order Book 1784–1787, p. 334.

²⁶⁷ Amherst Co., Court Order Book 1784–1787, p. 321.

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the Declaration mentioned, and of that he puts himself upon his Country and the Pltff doth the same therefore the Tryal of the Issue between them is Referred till the next Court.”²⁶⁸

“The Action on the Case Brought by Samuel Allen against **William Walton** is Continued till the Next Court at the Pltfs Costs.”²⁶⁹

“**Thomas Thilman** Pltf against Jeremiah Taylor Deft. Trespass Assault & Battery & false Imprisonment. Came as well the Plaintiff by Thomas Miller Gent. his Attorney as the Deft. by William Crawford Gent. his Attorney, whereupon the Deft. prays and has Leave till the Next Court to Imparle.”²⁷⁰

“On the motion of **William Lavender Son and Heir of William Lavender**, Decd., who died intestate and Seized in fee in Certain Lands on Tye River in this County of about Two hundred Acres. It is Ordered that William Meridith, William Spencer, Stephen Watts, and Joseph Dillard or any three of them do attend the Surveyor of this County and Lay off **Mildred Lavenders**, widow of the said Decedant and to **Elizabeth Lavender**, mother of the Decedant their Respective thirds in the Lands of the said William Lavender Deceased according to Quantity and Quality and Attended by and in the Presence of the Heir William Lavender, and that they make a Report thereof to this Court.”²⁷¹

COMMENT:

- This court order informs us that William Lavender’s mother was still alive but was a widow.
- Therefore Charles Lavender Sr. of Amherst, who executed a deed in 1793 with his wife Sally, would be the brother rather than the father of William Lavender.
- The 1793 deed by which Milley and her son, with their spouses, sold the land they inherited from Milley’s husband identifies it as land patented to “Charles Lavender the elder” in 1746.”²⁷²
- Together these documents identify three Charles Lavenders in the county:²⁷³
 - **Charles Lavender I**, “the elder,” who settled the region when it was part of Albemarle. Husband of Elizabeth, he appears to have left three children at his death:
 - **Charles Lavender II**, called “Charles Sr.” in several of these court orders, executed a deed of sale in 1793 with wife Sally; and, according to the 1793 personal tax roll, had one son of tithable age: Allen Lavender.
 - **Charles Lavender III, b. about 1763** to Charles I’s son William Lavender sr. and wife Milly Mills. A Revolutionary War soldier called “Charles Jr.” in various court orders and tax entries, he married Lucy Ballew in 1785 and moved with her family to Edgefield Co., SC.

See the Executive Summary for a more-complete genealogy of this family.

NOVEMBER TERM 1785

“The Petition Brought by Zacharias Taliaferro against **William Walton** is Continued Between the parties till the Next Court.”²⁷⁴

²⁶⁸ Amherst Co., Court Order Book 1784–1787, p. 335.

²⁶⁹ Amherst Co., Court Order Book 1784–1787, p. 360.

²⁷⁰ Amherst Co., Court Order Book 1784–1787, p. 372.

²⁷¹ Amherst Co., Court Order Book 1784–1787, p. 385.

²⁷² Bailey Fulton Davis, *The Deeds of Amherst County, Virginia, 1761–1807 and Albemarle County, Virginia, 1748–1763* (Greenville, SC: Southern Historical Press, 1979), 278; citing Amherst Deed Book G: 254.

²⁷³ See the Executive Summary of this report, for an expansion of the Lavender family.

²⁷⁴ Amherst Co., Court Order Book 1784–1787, p. 386.

4 JULY 1786

“The Order for the Widows dower to be Laid off[f] out [of] the Land of **William Lavender** Dec’d is continued.”²⁷⁵

“Henry Cashwell Assenee of Thomas Powell Plaintiff against **Charles Lavender** Defendant. In Debt. The Defendant again failing to appear on the motion of the Plaintiff by William Crawford Gent his Attorney It’s considered that the order of the fourth of May Last be confirmed & that the Plaintiff recover against the said Defendant and Hezekiah Hargrove his common Bail the sum of five pounds ten Shillings and Costs to be Discharged Except the Costs by the payment of two pounds fifteen Shillings with legal Interest thereon from [10 October 1785] till paid.”²⁷⁶

“**Charles Lavender** Plaintiff against Aaron Campbell & Elizabeth his Wife Defendants. In Slander. The Defendants failing to appear on the motion of the Plaintiff by William Crawford Gent his Attorney It’s considered that the Order of the fourth of May Last be confirmed against the said Defendant and George Sutherland his common Bail for his Damages, which he hath sustained by reason of the nonperformance of a certain promise & Assumption of the said Defendant in the Declaration mentioned to be Assertained by an Enquiry thereof by a Jury at the next Term.”²⁷⁷

Wade et al vs. Hardwick & Wade: “Came the parties by their Attorneys aforesaid whereupon the Depositions n this Cause Being published by consent of the said parties this Cause is set for Hearing at the next Term.”²⁷⁸

COMMENT:

The case would not come up for hearing at the next (August) term.

“The Injunction in Chancery obtained by **William Walton** against Thomas Lomax is continued between the parties till the next rule.”

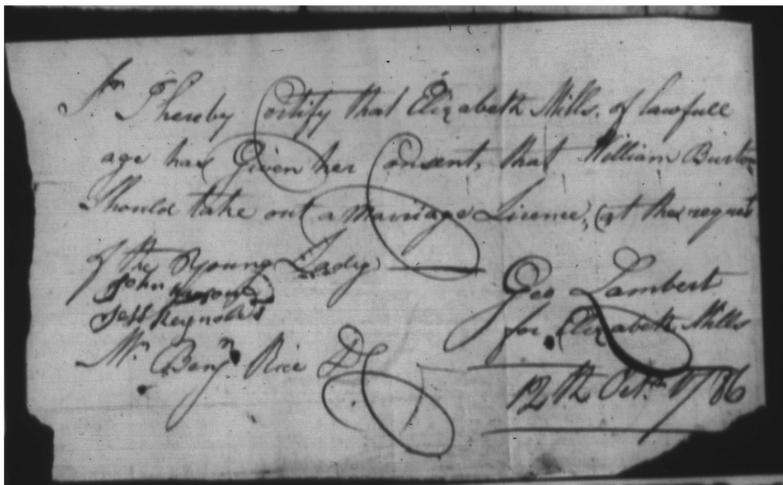
“The Injunction in Chancery obtained by Theodrick Scruggs agt. **William Walton** is continued Between them till the next rule.”²⁷⁹

12 OCTOBER 1786
BEDFORD COUNTY, VA

Marriage consent. William Burton and Elizabeth Mills

“I Hereby Certify that Elizabeth Mills, of lawfull age has Given her Consent that William Burton Should take out a marriage Licence (at the request of the young Lady).

[Signed] **Geo. Lambert** for Elizabeth Mills. [Witnesses]: John Marono? [Harsono? Jarronj? Nasrong?]
[Addressed to:] Mr. Benj. Rice DC



²⁷⁵ Amherst Co., VA, Rule Order Book 1786-1789, p. 30; imaged, FamilySearch digital film 8737605 > image 29.
²⁷⁶ Amherst Co., VA, Rule Order Book 1786-1789, p. 32; imaged, FamilySearch digital film 8737605 > image 31.
²⁷⁷ Amherst Co., VA, Rule Order Book 1786-1789, p. 36; imaged, FamilySearch digital film 8737605 > image 33.
²⁷⁸ Amherst Co., VA, Rule Order Book 1786-1789, p. 39; imaged, FamilySearch digital film 8737605 > image 34.
²⁷⁹ Amherst Co., VA, Rule Order Book 1786-1789, p. 40; imaged, FamilySearch digital film 8737605 > image 35.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)
[Bedford County].²⁸⁰

COMMENT:

Two young men named William Burton lived in Amherst and Bedford in this period. William Burton Sr., husband of Rebecca Cobbs, died about 1780 leaving legitimate sons and heirs named Jesse Burton, William Burton Jr., and Philip Farrar Burton. In Amherst 1790, William Jr. married Frances Penn; they subsequently moved to Bedford where William became a justice and produced numerous offspring.²⁸¹

Meanwhile, the 1787 personal tax roll of Amherst lists *two* William Burtons, first the legitimate son and heir; secondly, the natural son.

7 April

William Burton

1 wh male 21+, 0 wm 16-21, 3 blacks 16+, 4 blacks -16, 1 horse &c, 7 cattle

9 July

William Burton “(son nat) W Burton”

1 wh male 21+, 0 wm 16–21, 1 black 16+, 2 blacks –16, 2 horses &c, 4? cattle²⁸²

The “natural son” William Burton drops from the tax roll in 1788. Nothing more has been found yet for him or for his wife Elizabeth Mills. One William Burton appears about this time in Montgomery County, VA, but records found for him to-date do not connect (or disprove a connection) to Amherst County.

Lambert, a Revolutionary War captain, was the son of the wealthy Charles Lambert of Bedford’s Reid Creek. As shown in this set of research notes, George also owned land in Amherst, was a resident for several years. He also appears occasionally as a witness to deeds by landowners along both the Pedlar River (where Jesse Mills grew up) and the Tye River (where Jesse and his sister Milly (Mills) Lavender settled adjacent tracts). In both locales, he associated with neighbors and in-laws of Jesse and Milly.²⁸³

The Reid Creek location of the Lamberts place them many miles north of the neighborhood of Jesse’s sister Anne (Mills) Witt, who owned a ford across Otter River in East-Central Bedford. See Map 4. Given that prior to the 1795 marriage of Jesse and Lucy’s proved daughter Susannah to James Brown, consent and attestation of age was given by a planter on Tye River who said that Susannah (“daughter of Jesse”) had lived in his household for some years, it is likely that

²⁸⁰ Bedford Co., VA, Marriage Bonds, 1755A–1787B, for “B” section, date of 12 October, 1786, William Burton; imaged, Bedford Co. microfilm 176, Library of Virginia, Richmond.

²⁸¹ As a starting point for the tangled affairs of the Burton family, see the affidavit and release that Rebecca made to her son Jesse Burton on 3 January 1783, so that the will of his father (her husband) William Burton could be probated amid a chancery suit over the estate of her father John Cobbs; Amherst Deed Book I: 497.

²⁸² Amherst Co. 1788 personal tax roll, p. 3.

²⁸³ For example, see Amherst Co. Deed Book C: 499, wherein Geo. Lambert was witness to Bell-McCaul deed for land on Pedlar River and Buck Branch, **adjoining** Nathaniel Davis. (Davis, in 1766, had purchased the Mills plantation on Pedlar River from Jesse himself; Amherst Deed Book B: 128.) A fellow witness with Lambert to the Bell-McCaul deed was Jno. Stratton, whose sister Sarah would marry William Lavender, son of Jesse’s sister Milly (Mills) Lavender. Also see Amherst Co. Deed Book D: 1, Geo. Lambert as witness to mortgage from Jno. Thompson to Jos. Cabell and Jas. Higginbotham, all of Amherst, for land on Tye River adjoining James Brown, 17 Oct. 1772; Jesse Mills’s daughter Susannah in 1795 would marry a younger James Brown from this Tye River family. In November Court term 1787, George Lambert served on the petit jury with William and Jesse Walton, the brother-in-law and nephew of Jesse Mills. (Amherst Co., Court Order Book 1787–1790, pp. 140–6; imaged, *FamilySearch* digital film 7856350 > images 82–86.) For the Brown-Mills marriage, see this set of research notes, under 1795.

Lambert was acting in that same capacity when he wrote the permission for Elizabeth—i.e., she had lived in his household for some years.

The first witness to the consent penned by Lambert has not been identified. As seen in the image below, a clear reading of his signature is hampered by the fact that a tail of Lambert's "Y" extends down over the first part of his name and the upward loop of the "d" of the Reynold signature appears to add an "o" to the end of the name of the first witness.

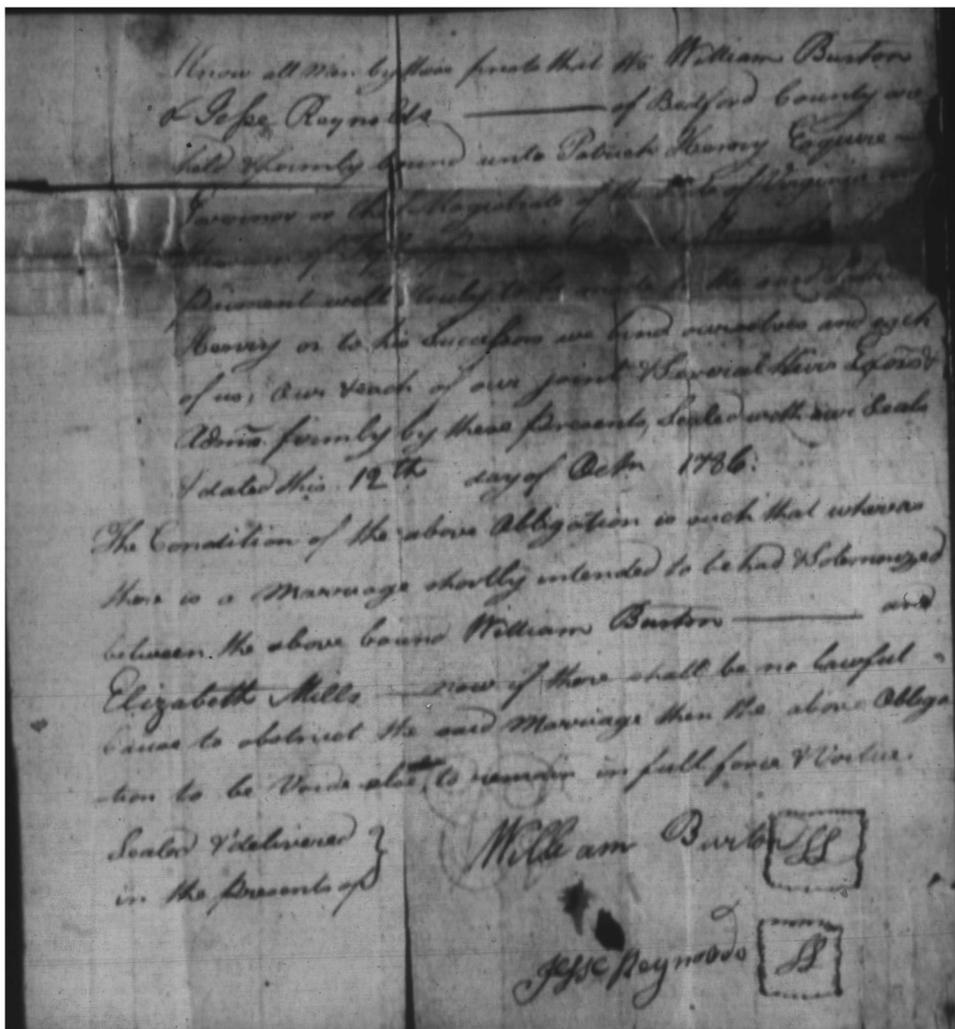
12 OCTOBER 1786
BEDFORD COUNTY, VA

Marriage bond.

"Know all Men by these presents that we **William Burton** & **Jesse Reynolds** of Bedford County are held & firmly bound unto Patrick Henry, Esquire, Governor or the Magistrates of the St^{te} of Virginia in the sum of Fifty Pounds Current Money for the Paiment well & truly to be made to the said Patrick Henry or to his Successors, we bind ourselves and each of us, our & each of our joint & Several Heirs Exors, Admrs firmly by these Presents, Sealed with our Seals & dated this 12th day of Oct^r 1786.

"The Condition of the above Obligation is such that whereas there is a Marriage shortly intended to be had & Solemnized

between the above bound **William Burton** and **Elizabeth Mills**, now if there shall be no lawful Cause to obstruct the said Marriage then the above Obligation to be Void, otherwise to remain in full force & Virtue.



MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

Sealed & delivered in the presence of: William Burton {LS} and Jesse Reynolds {s}.²⁸⁴

6 FEBRUARY 1786

“**William Walton** Pltf against James Tilford, Deft. Injuntion in Chancery. The Defendant by his Attorney hath given the Pltf. Notice that at the Next Court he Intends to Motion the Court to Dissolve the Pltfs Bill.”²⁸⁵

MARCH TERM 1786

“Thomas Lagen is appointed Surveyor of the Road from **Pamplin’s Master field** to **Megginson’s Road** and It is Ordered that he do with Benjamin Henderson, Andrew Smith, William Laine_[,] Waterman, Peter Cartwright, William Webb, **Winston Lavender**, Reuben Tyree, John Vice, William Vice, John **Josling**, **Charles Lavender**, Edward Branham, William Arrington, Henry Arrington and their hale Labouring Tithables, and the hale Labouring Tithables of the Widow Edmonds keep the said Road in Repair agreeable to Law.”²⁸⁶

COMMENT:

Winston Lavender should be 16 by this point—i.e., born March 1770 or earlier.

“The Last Will and Testament of **John Vias** Deceased was presented in Court and proved by the Oath of Daniel Perrow and Elizabeth Evans Witnesses thereto and Ordered to be Recorded.”²⁸⁷

Tilmon Walton is recommended to the governor a “proper person” to hold the office of Lieutenant of a Light Infantry company of the first Regiment of the Militia in Amherst County.²⁸⁸

7 MARCH 1786

“Caleb Ralls against **William Whitten**. On a fiere facias to have Execution in a Judgment Obtained by the Pltff against the said Defendant for the Sum of forty Seven pounds of Gen? Tobacco and fifteen shillings or 150 Tob. on the Seventh Day of October 1782. Came the Plaintiff by Thomas Miller Gent. his Attorney whereupon the Defendant being Solemnly Called failing to Appear, On the Motion of the Plaintiff by his Attorney aforesaid Execution is awarded the Plaintiff against the said Defendant agreeable to Judgemnt aforesaid and also for his Costs by him about his Suit in this behalf Expended.”²⁸⁹

“**Lucy Byass**, Pltf. Against **Obediah Byass**, Deft. In Case. The Defendant not being Arrested, On the Motion of the Pltf by William Crawford, Gent. his Attorney a Plurias capias is awarded the Pltf against the said Defendant Returnable to the Next Court.”²⁹⁰

Wiatt Mills against John Pope and Nathaniel Clark. On a Replivey Bond. It appearing on Affidavit [*torn page that can be filled in with wording from the case description above*, i.e. that the Defendant] had Legal Notice On the Motion of the Plaintiff by [*torn*] Gent. His Attorney, Judgment is granted him against the [said Defen]dants for Three pounds, Ten Shillings and One pence [and] also for his Costs in this behalf Expended.”²⁹¹

²⁸⁴ Bedford Co., VA, Marriage Bonds, 1755A–1787B, for “B” section, date of 12 October 1786, William Burton; imaged, Bedford Co. microfilm 176, Library of Virginia, Richmond.

²⁸⁵ Amherst Co., Court Order Book 1784–1787, p. 409.

²⁸⁶ Amherst Co., Court Order Book 1784–1787, p. 414.

²⁸⁷ Amherst Co., Court Order Book 1784–1787, p. 415.

²⁸⁸ Amherst Co., Court Order Book 1784–1787, p. 420.

²⁸⁹ Amherst Co., Court Order Book 1784–1787, p. 430.

²⁹⁰ Amherst Co., Court Order Book 1784–1787, p. 435.

²⁹¹ Amherst Co., Court Order Book 1784–1787, p. 444.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

“The Action in the Case of Hugh Rose against **William Walton** is Continued till [torn] Court.”²⁹²

“The presentment of the Grand Jury against Frances Evans for Bearing a Bastard Child is Continued till the Next Court.

“The presentment of the Grand Jury against Rosanna Sullivan for Bearing a Child not lawfully Begotten is Contd. Till the Next Court.

“The Presentment of the Grand Jury against George Layton & Elizabeth Swinney for Living in a Dultery is Continued till the next Court.”²⁹³

“The Injunction In Chancery Obtained by **William Walton** agst. James Tilford is Continued till the Next Court.”²⁹⁴

“**Thomas Thilman** Pltf against Jeremiah Taylor. Trespass Assault & Battery and false Imprisonment. Came the Parties by their Attorneys aforesaid, whereupon the Deft. saith that he is not Guilty in manner and form as the Plaintiff against him hath Declared and prays leave to give any Special matter in Evidence and puts himself [torn page; should be: upon the mercy of the] country and the Plaintiff doth the same therefore the [trial of the issue] between them is Referred till the Next Court.”²⁹⁵

“The Order for Laying off the Widows Dower in the Land of **William Lavinder** Deced. Is Continued till the Next Court for the Report.”²⁹⁶

“George Blaine against **Jesse Mills**. In Case. “Came the Plaintiff by James Reid, Gent. his Attorney, whereupon Came a Jury to witt: William Meredith, foreman, William Ware, William Oglesbey, Thomas Locas, John Christian, George Hylton, James Mathew, Caleb Higginbotham, Stephen Watts, Thomas West, **Tilman Walton** and Jonathan Willson who being Sworn well and truly to Enquire of Damages between the parties, upon their Oath do say that the Pltf ha__ [torn] damages by Reason of the Nonperformance of the promise? [torn] of the said Deft in the Declaration mentioned [torn] fifteen Shillings and Six pence half penny, Therefore? [torn] Considered that the Plaintiff Recover against the said Defendant and **William Walton** his Common Bail the aforesaid Sum of Nine pounds fifteen Shillings and Six pence half penny Damages aforesaid by the Jurors aforesd. Assessed and also his costs by him in this behalf Expended.”

Marginal notation: “Costs 440, Tob^o £15/. F. Fa. 15 Mar 1786”²⁹⁷

COMMENT:

- At this point of the book, the damage appears to be an ink blob. As one progresses into the book, the growing extent of damage suggests that it was more likely burned or worm-eaten.
- William Burton (William Jr., legitimate son and heir of William Sr.), individually and together with his brother Philip Farrar Burton, is undergoing a number of suits in this 1784–85 period.

1 MAY 1786

“We the Grand Jury do present John Gutridge for Living in Adultery with Mary Carter the wife of

²⁹² Amherst Co., Court Order Book 1784–1787, p. 447.

²⁹³ Amherst Co., Court Order Book 1784–1787, p. 455.

²⁹⁴ Amherst Co., Court Order Book 1784–1787, p. 457.

²⁹⁵ Amherst Co., Court Order Book 1784–1787, p. 465.

²⁹⁶ Amherst Co., Court Order Book 1784–1787, p. 474.

²⁹⁷ Amherst Co., Court Order Book 1784–1787, pp. 457–58.

Solomon Carter.”²⁹⁸

“**William Walton**, Pltf against Thomas Lomax, Deft. Injunction In Chancery. Came the parties by their Attorneys aforesaid, and on hearing the Bill Answer and other Exhibits in this Cause, It is Considered Ordered and Decreed that the Complainant ____ for Two Hundred & Eight pounds for the Differ _____ him by the Defendant and that he Recover ag_____ by him about his Suit in this Behalf Expended_____. Injunction be Dissolvd and that _____ at law, have the Benefit of the Remainder. _____.” [torn]”²⁹⁹

2 MAY 1786

“James Barnett, Excr of Thomas Moffitt Decd, Pltf. Against **William Lavender**. On a bond for Goods Sold on their Month Credit. On the Motion of the Plaintiff by James Reid Gent. his Attorney, and it appearing on affidavit that the Deft hath had Legal Notice, Execution is awarded him against the said Defendant for the Sum of Twenty one Pounds, and also for his Costs in his behalf Expended, which Execution, the Costs Excepted) is to be _____ by the payment of Ten Pounds Ten Shillings with Legal _____ from the first Day of August One Thousand [torn] Eighty five, till paid.”³⁰⁰

3 MAY 1786

“Fitzjarrell and Murray against **Tilman Walton & William Walton Defts**. In Debt. Came the plaintiffs by their Attorneys aforesaid, whereupon the Deft William by his Attorney waves his plea by him heretofore plead and saith that he is not further Informed what Defence to make; and the Deft. **Tilman** being against Solemnly Called failing to appear, therefore It is Considered that the Order of Last September Court be Confirmed against the Defendant Tilman and Nathan Crawford his Common Bail and that the Plaintiff Recover against the said Defendant and Nathan Crawford the Sum of Three hundred and Twelve pounds the Debt in their Declaration mentioned and also their Costs by them in this behalf Expended, But this Judgment (the Costs Excepted) is to be Discharged by the payment of one hundred and fifty six pounds with Legal Interest thereon from the Twenty Eighth Day of September [1784] till paid.”³⁰¹

“**William Whitten**, Assee of Henry Robinson Pltf. Against Matthew Tucker Jun. and Daniel Tucker, Defts. In Debt. Came the parties by their Attorneys aforesaid, whereupon the Defts attorney waves his plea by him heretofore plead, and Saith that he is not further Informed what Defence to make, therefore It is Considered that the Pltf Recover against the said Defendant the Sum of Eight Pounds the Debt in the Declaration mentioned and also his Costs by him in this behalf Expended, But this Judgment (the Costs Excepted) is to be Discharged by the payment of four pounds, with Legal Interest thereon from the first Day of June [1784], till paid.”³⁰²

“Helen Hally Burton Executor of James Halley Burton, Decd, Pltf. Against **Tilman Walton**. Came the parties by their Attorneys aforesaid, whereupon the Defts Attorney waves his plea by him heretofore plead, and saith that he is not further Informed what Defence to make, therefore It is Considered that the Pltf Recover against the said Defendant the sum of Forty three pounds, the Debt in the Declaration mentioned and also his Costs by him in this behalf expended But this Judgment (the Costs excepted) are to be Discharged by the paymt of Twenty [damaged] with legal interest thereon from the Seventh Day of ____ [1786], till paid.”³⁰³

²⁹⁸ Amherst Co., Court Order Book 1784–1787, p. 480.

²⁹⁹ Amherst Co., Court Order Book 1784–1787, p. 493.

³⁰⁰ Amherst Co., Court Order Book 1784–1787, p. 499.

³⁰¹ Amherst Co., Court Order Book 1784–1787, p. 499.

³⁰² Amherst Co., Court Order Book 1784–1787, p. 506.

³⁰³ Amherst Co., Court Order Book 1784–1787, p. 506.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

“On the motion of **Robert Wright**, it is Ordered that **Thomas Tilman** pay to the said Wright Two hundred and Eighteen pounds of Grose Tobacco for his Attendance at this Court two Days and for Traveling once forty-two Miles from **Fluvanna County** as a witness for him against Jeremiah Taylor.”³⁰⁴

4 MAY 1786

The Order made to lay off[f] the Widow’s dower in the Land of **William Lavender** Dec’d is Continued.”³⁰⁵

“Henry Cashwell As[sig]nee of Thomas Powell, Plaintiff against **Charles Lavender** Defendant, In Debt. The Defendant Being duly arrested failing to appear on the motion of the Pltf by William Crawford Gent his Attorney, Judgment is granted him against the said Defendant and Hezekiah Hartgrove his Common bail for the Debt in the Declaration mentioned unless the said Defendant shall appear at the Next Court and plead to Issue.”³⁰⁶

“**Charles Lavender** Plaintiff against Aaron Campbell & Elizabeth his wife defendant. In Slander. The Defendant Being duly arrested and failing to appear on the motion of the Plaintiff by William Crawford Gent his Attorney Judgment is granted him against the said Defendant and George Sutherland his common Bail for his Damages which he hath sustained by reason of the false & scandalous words in the Declaration mentioned unless the said Defendant shall appear at the next Rule & plead to Issue.”³⁰⁷

“The Petition Brought by Zacharias Taliaferro against **William Walton** is continued.”³⁰⁸

“Lucretia **Wade** and Abigail Hardwick Wade, Infants and Children of **Pearce Wade** Dec’d. by Richard Ballenger their Guardian, Clary Wade, Infant & Child of the said Pearce Wade Dec’d by David Woodroof her Guardian, and Jeremiah Wade by John Dawson his next friend, David Wade, Pearce Wade, **J. White** and **Mary his wife**, John Dawson & Charity his Wife and Jane Wade, Infants and Children sons and Daughters of Pearce Wade Deceased, Pltfs.

Against

John Hardwick Administrator &c of Pearce wade Dec’d & Ballenger Wade Heir at Law of the said Pearce Wade Deceased, Defts.

In Chancery. This Cause is continued Between the parties till the next Rule.”³⁰⁹

“**William Walton** Plaintiff against James Mathews Defendant. Injunction In Chancery. Came as well the Plaintiff by William Crawford Gent his Attorney as the Defendant by James Wilson Gent his Attorney And by consent of the parties this case is set for Hearing at the next Term.”

“Theoderick Scruggs Plaintiff against **William Walton** Defendant. Injunction in Chancery. This Cause is continued Between the parties till the next Rule.”³¹⁰

JULY TERM 1786

“**Lucy Byass** Pltf against **Obediah Byass**, Deft. In law. This Suit is Dismissed at the Plaintifs Costs, agreeable to a Note from under her hand.”³¹¹

³⁰⁴ Amherst Co., Court Order Book 1784–1787, p. 516; imaged, *FamilySearch* digital film 7856349 > image 313.

³⁰⁵ Amherst Co., VA, (County Court) Rule Order Book 1786–1789, p. 9; imaged, *FamilySearch* digital film 8737605 > image 16.

³⁰⁶ Amherst Co., Rule Order Book 1786–1789, pp. 13–14; imaged, *FamilySearch* digital film 8737605 > images 18–19.

³⁰⁷ Amherst Co., Rule Order Book 1786–1789, p. 17; imaged, *FamilySearch* digital film 8737605 > image 20.

³⁰⁸ Amherst Co., Rule Order Book 1786–1789, p. 23; imaged, *FamilySearch* digital film 8737605 > image 23.

³⁰⁹ Amherst Co., Rule Order Book 1786–1789, p. 25; imaged, *FamilySearch* digital film 8737605 > image 24.

³¹⁰ Amherst Co., Rule Order Book 1786–1789, p. 25; imaged, *FamilySearch* digital film 8737605 > image 24.

³¹¹ Amherst Co., Court Order Book 1784–1787, p. 524.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

“John and Joseph Henry Pltfs against **William Walton**. In Debt. Came as well the debt by John Breckenridge, Gent., his attorney, as the Deft in his proper person, whereupon the said Deft. saith that he Cannot Deny the Pltffs Action but that he is Justly indebted to him, the Debt in the Declaration mentioned, therefore it is [illegible] Recover against the said Defendant the Sum of Fifteen Pounds [illegible] shillings and five pence with Legal Interest thereon from [torn] February [1786] ... their Costs by them in this behalf Expended [illegible] Execution till the first Day of November next and the Deft. [illegible].”³¹²

COMMENT:

There are a couple of other suits against Tilman (by Charles Ashley) and William (by Samuel Allen) that are heavily eaten away. For want of time, I’m not attempting to transcribe them.

4 JULY 1786

“The Order for the Widows dower to be Laid of[f] out [of] the Land of **William Lavender** Dec’d is continued.”³¹³

“Henry Cashwell Assenee of Thomas Powell Plaintiff against **Charles Lavender** Defendant. In Debt. The Defendant again failing to appear on the motion of the Plaintiff by William Crawford Gent his Attorney It’s considered that the order of the fourth of May Last be confirmed & that the Plaintiff recover against the said Defendant and Hezekiah Hargrove his common Bail the sum of five pounds ten Shillings and Costs to be Discharged Except the Costs by the payment of two pounds fifteen Shillings with legal Interest thereon from the Tenth day of October One Thousand Seven Hundred & Eighty five till paid.”³¹⁴

“**Charles Lavender** Plaintiff against Aaron Campbell & Elizabeth his Wife Defendants. In Slander. The Defendants failing to appear on the motion of the Plaintiff by William Crawford Gent his Attorney It’s considered that the Order of the fourth of May Last be confirmed against the said Defendant and George Sutherland his common Bail for his Damages, which he hath sustained by reason of the nonperformance of a certain promise & Assumption of the said Defendant in the Declaration mentioned to be Assertained by an Enquiry thereof by a Jury at the next Term.”³¹⁵

Wade et al vs. Hardwick & Wade: “Came the parties by their Attorneys aforesaid whereupon the Depositions n this Cause Being published by consent of the said parties this Cause is set for Hearing at the next Term.”³¹⁶

COMMENT:

The case would not come up for hearing at the next (August) term.

“The Injunction in Chancery obtained by **William Walton** against Thomas Lomax is continued between the parties till the next rule.”

“The Injunction in Chancery obtained by Theodrick Scruggs agt. **William Walton** is continued Between them till the next rule.”³¹⁷

AUGUST TERM 1786

“The presentment of [eaten away] and Elizabeth Milstead for Living in aDultery [eaten away].”³¹⁸

³¹² Amherst Co., Court Order Book 1784–1787, p. 524.

³¹³ Amherst Co., Rule Order Book 1786–1789, p. 30; imaged, *FamilySearch* digital film 8737605 > image 29.

³¹⁴ Amherst Co., Rule Order Book 1786–1789, p. 32; imaged, *FamilySearch* digital film 8737605 > image 31.

³¹⁵ Amherst Co., Rule Order Book 1786–1789, p. 36; imaged, *FamilySearch* digital film 8737605 > image 33.

³¹⁶ Amherst Co., Rule Order Book 1786–1789, p. 39; imaged, *FamilySearch* digital film 8737605 > image 34.

³¹⁷ Amherst Co., Rule Order Book 1786–1789, p. 40; imaged, *FamilySearch* digital film 8737605 > image 35.

8 AUGUST 1786

“**Allen Lavender** [torn page] This Suit is [ink blob] the Defts Costs.”³¹⁹

9 AUGUST 1786

“Samuel Allen Pltf against **William Walton**. [Torn] Came the parties by [torn] Came Jury ... that the Plaintiff Recover Ten pounds Damages ...”³²⁰

COMMENT:

This document is almost entirely destroyed.

10 AUGUST 1786

“Thomas Powell Taylor, Plaintiff against **Charles Lavender** Defendant. On a Petition. The Defendant not being warned & on the motion of the Plaintiff by James Reed Gent his Atty an alias Summons is awarded him returnable to the next Term.”³²¹

“The Order for the widows dower in the lands of **William Lavender** Dec’d to be laid of[f] is continued.”³²²

SEPTEMBER TERM 1786

“On the Motion and Complaint of John Londeragin an Indented Servant against **Tilman Walton** his Master for Detaining him in Service, Judging his time of Service is Expired, Came as well the Pltf by John Breckinridge Gent. his Attorney, as the Deft in his proper person and on hearing It is Ordered that the said Walton be Summoned to appear at the Next Court to Answer the said Complt. And that the said Londeragin be Priviledged with the Necessary means to procure his Witnesses to attend at the Next Court.”

“On the Motion and Complaint of Edward Noonan an Indented Servant against **Tilman Walton** his Master for Detaining him in Service, Judging his time of Service being Expired, on hearing It is Ordered that the said Walton be Summoned to appear at the Next Court to Answer the said Complt. And that the said Noonan be Priviledged with the Necessary means to procure his Witnesses to attend at the Next Court.”³²³

“**William Burton** is Appointed Surveyor of the Road from the fork of Parkes’s Road below William Camden Crossing Buffaloe River at Meridiths Quarter into Lynches, and it is ordered that he do __th the following Gang to wit, his own Male Labouring Tithables, [hole in page] __ary Tucker, Daniel Tucker, Joseph Johns, Joseph Barn_____ Labouring Tithables, and their Male Labouring Tithables on Buffaloe where William Horsley is _____, according to Law.”³²⁴

COMMENT:

This would be the landowning William Burton Jr., the legitimate son and heir.

³¹⁸ Amherst Co., Court Order Book 1784–1787, p. 545.

³¹⁹ Amherst Co., Court Order Book 1784–1787, p. 505.

³²⁰ Amherst Co., Court Order Book 1784–1787, p. 544; imaged, *FamilySearch* digital film 7856349 > image 336.

³²¹ Amherst Co., Rule Order Book 1786–1789, p. 51; imaged, *FamilySearch* digital film 8737605 > image 40.

³²² Amherst Co., Rule Order Book 1786–1789, p. 63; imaged, *FamilySearch* digital film 8737605 > image 46.

³²³ Amherst Co., Court Order Book 1784–1787, p. 559.

³²⁴ Amherst Co., Court Order Book 1784–1787, p. 562.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

“On a Petition made by Gabriel Penn one of the Overseers of the Poor It is Ordered that John Swanson be Summoned to appear at the Next Court to Shew Cause why **David, Joseph, John and Gabriel Swanson Alias Bebee, Bastard Children**, Should not be Bound out according to Law.”³²⁵

COMMENT:

It is obvious that Amherst County did not act promptly on bastardy cases. This one would be at least eight or nine years old. The next term of court, October, had a similar case for “Daniel and **John Wade**, Bastard Children of **Nancy Wade**.”³²⁶

5 SEPTEMBER 1786

“The Presentment of the Grand Jury against **John Goodrich** for living in Adultery with **Molley Carter** the wife of Solomon Carter is Continued.”³²⁷

“**William Walton** Pltf against Thomas Lomax Deft. Injunction In Chancery. Came as well the Plaintiff by James Wilson Gent. his Attorney as the Defendant by Edmond Winston Gent his Attorney whereupon time till the Next Rule day is [awarded] the Defendant to Answer the Complainant’s Bill.”³²⁸

“The Injunction in Chancery obtained by Theodrick Scruggs against **William Walton** is Continued.” The Injunction in Chancery obtained by Theodrick Scruggs against **William Walton** is continued.³²⁹

2 OCTOBER 1786

“John Londeragan an Indented Servant Pltf against **Tillman Walton** his Master, Deft. On Complaint for his freedom. Came as well the Pltf by John Breckenridge Gent. his Attorney as the Deft in his Proper person, and On hearing It is the Opinion of the Court that the said Londeragan hath served his time of Service agreeable to his Indenture and he is accordingly Discharged from his Servitude, and his Indenture is Ordered to be [torn] and it is Ordered that the Deft. Walton pay the Costs, and [torn] pay to the said Londeragan three pounds Ten [torn].

“Edward Noonan an Indented Servant Pltf against **Tillman Walton** his Maser, Deft.” Much of this entry is eaten away. The gist of it is identical to the Londeragan case above, with Walton ordered to pay costs and to play Noonan three pounds, ten shillings.”³³⁰

3 OCTOBER 1786

“**William Walton** Pltf against Thomas Lomax Deft. Injunction in Chancery. On the motion of the Defendant further time till the next Rule is given him to Answer the Complainants Bill.”³³¹

COMMENT:

The Wade case that was supposed to be heard in August has not been mentioned again.

NOVEMBER TERM 1786

“The Presentment of the Grand Jury against **Frances Evans** for having a Bastard Child is continued.

“The Presentment of the Grand Jury [against] **Gemima Cash** for having a Bastard Child is Continued.

³²⁵ Amherst Co., Court Order Book 1784–1787, p. 563.

³²⁶ Amherst Co., Court Order Book 1784–1787, p. 564.

³²⁷ Amherst Co., Rule Order Book 1786–1789, p. 85; imaged, *FamilySearch* digital film 8737605 > image 57.

³²⁸ Amherst Co., Rule Order Book 1786–1789, p. 90; imaged, *FamilySearch* digital film 8737605 > image 60.

³²⁹ Amherst Co., Rule Order Book 1786–1789, p. 98; imaged, *FamilySearch* digital film 8737605 > image 64.

³³⁰ Amherst Co., Court Order Book 1784–1787, p. 565.

³³¹ Amherst Co., Rule Order Book 1786–1789, p. 98; imaged, *FamilySearch* digital film 8737605 > image 64.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

“The Presentment of the Grand Jury against John Goodrich & Mary Carter the wife of Solomon Carter for Living in a Dultery is continued.

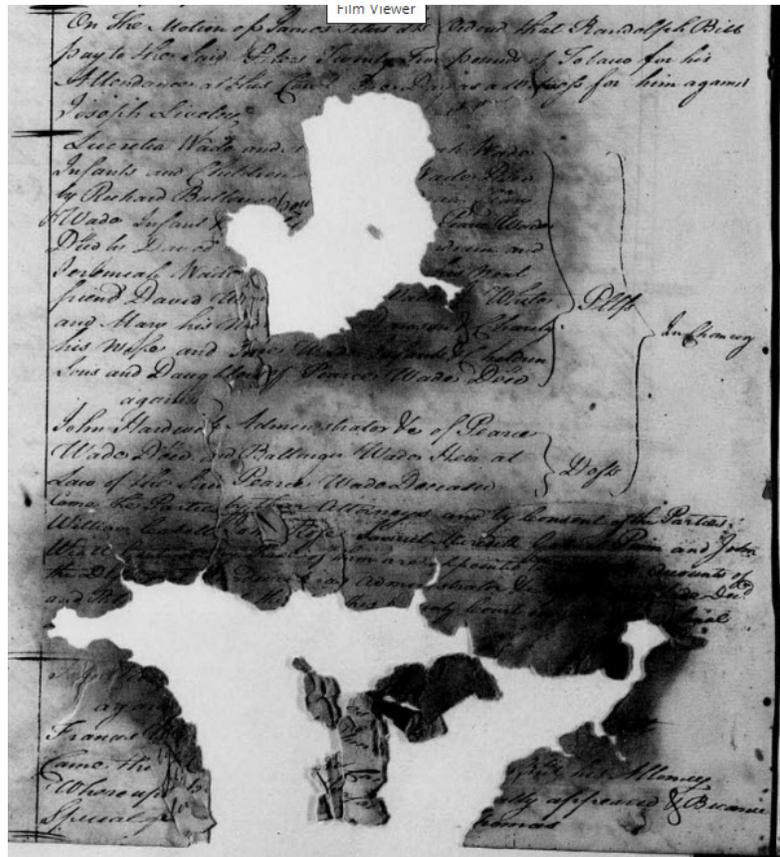
“The Presentment of the Grand Jury against Joseph **Laine** & **Lucy Bias** for Living in Adultery is Continued.”

“The Presentment of the Grand Jury against John **Byas** & Susannah Nickells for Living [torn] [Another similar entry is almost all torn away.]”³³²

Commonwealth against Joseph Milstead, Presentment of Grand Jury for Living in Adultery with **Elizabeth Milstead. William Walton** on jury. Milstead found Guilty and fined one thousand pounds of Tobacco plus costs. Costs paid 22 Jany 1787.

Similar case for Commonwealth against **Mary Peacock**, “for Bearing a **Bastard Child.**” Guilty, fined 20 shillings plus Costs. Cost paid 22 January 1787. Walton also served for several other cases, some of whose minutes are partially destroyed.³³³

“Irving Gall & Compy against Bartlett Eads. In Debt. “Came the Plaintiffs by William Crawford Gent., their Attorney Whereupon **Tilman Walton** and James Litteroll Personally appeared and Became Special Bail for the Defendant.”³³⁴



7 NOVEMBER 1786

Wade vs. Hardwick & Wade, In Chancery. “Come the Parties by their Attorneys and by Consent of the Parties **William Cabell, John Rose, Samuel Meredith, Gabriel Pinn** and **John Wiatt**, Gent. or any three of them are appointed to [illegible] the Def [crumbled] decree? [illegible] administrator &c [illegible] and Ret ... the ... this ... Court ...

COMMENT:

The court action is described in the bottom portion of the page that is badly charred and crumbled.

8 NOVEMBER 1786

“**Tilman Walton** against Fitzgarrell & Murrey. On a Motion for Leave to file a Bill of Injunction to Stay Justice procedures in a Judgment obtained at Common Law by the said Fitzjarrel & Murrey against the

³³² Amherst Co., Court Order Book 1784–1787, p. 572.

³³³ Amherst Co., Court Order Book 1784–1787, p. 578.

³³⁴ Amherst Co., Court Order Book 1784–1787, p. 583.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

Sd Walton. Came as well the Plaintiff by John Breckenridge his Attorney as the Defendants by William Crawford Gent. their Attorney And On hearing an Injunction is granted the Plaintiff to Stay all further proceedings at Common Law. Upon his Giving Bond & Security According to Law. Whereupon the Said **Tilman Walton** with John Montgomery & Thomas Powell Taylor his Securities Entered into and Acknowledged Bond on the Penalty of Two Hundred pounds Conditioned According to Law.”³³⁵

10 NOVEMBER 1786

“James Dillard Jun. Assee of Joseph Brown Pltf against **George Lambert** Deft. In debt.”³³⁶

COMMENT:

George Lambert has appeared in prior cases as Plaintiff. This suit *against* him indicates that, in 1786, he resided in Amherst. This is the year that he penned the permission for William Burton to obtain a license in Bedford Co. to marry Elizabeth Mills, at Elizabeth’s request.”

“Alexander Offett Assee of Nathaniel & Samuel Offetts Blaine & Co. Pltf against **William Lavender** Deft. In Debt. The Defendant Being duly arrested and failing to Appear, On the Motion of the Plaintiff by William Crawford Gent his Attorney, judgment is granted him against the sake Defendant and **Charles Lavender** his Common Bail for the Debt in the Declaration Mentioned unless the said Defendant Shall appear at the Next Rule and plead to Issue.”³³⁷

“On the Motion of **Thomas Tilman** Its ordered that William Laine pay to the Said Tilman One Hundred & Ninety five pounds of Tobacco for his Attendance at this Court Two Days and for Traveling Once Twenty Six Miles from **Fluvanna County** as a witness for him against Moses? Martin.”³³⁸

2 JANUARY 1787

“Alexander Offett Assee. of Nathaniel Offett & Co. Pltf against **Charles Lavender Junr.** Deft. In Debt. The Defendant again failing to appear, On the Motion of the Plaintiff by William Crawford Gent his Attorney, It’s Considered that the Order of the Tenth of November Last be Confirmed and that the Plaintiff [recover] against the said Defendant and **William Lavender** his Common Bail the Sum of Twenty four Pounds Six Shillings & Nine Pence and also his Costs by him about his suit in this Behalf Expended. But this Judgment the Costs Excepted is to be Discharged by the payment of Twelve Pounds three Shillings & Four pence with Legal Interest thereon from the Sixth Day of February [1786] until paid.”³³⁹

COMMENT:

Charles Lavender Jr., the son of Milley Mills and William Lavender Sr., was born before 6 February 1765, in order for him to legally incur a debt on 6 February 1786. The use of the appellation “Jr.” in this court suit suggests that Charles’ grandfather, Charles Sr., was still alive when this suit was launched.

“Alexander Offett Assee of Nathaniel & Samuel Offetts Blaine and Compy Pltf against **William Lavender** Deft. In Debt. The Defendant again failing to appear on the Motion of the Plaintiff by William Crawford Gent his Attorney, It’s Considered that the Order of the Tenth of Novembe Last be Confirmed and that the Pltf Recover against the Said Defendant and **Charles Lavender** his Common Bail the Sum of Twelve pound Fourteen Shillings and Six pence and Costs. But this Judgment the Costs Excepted is to be

³³⁵ Amherst Co., Court Order Book 1784–1787, p. 601.

³³⁶ Amherst Co., Rule Order Book 1786–1789, p. 108; imaged, *FamilySearch* digital film 8737605 > image 69.

³³⁷ Amherst Co., Rule Order Book 1786–1789, p. 124; imaged, *FamilySearch* digital film 8737605 > image 77.

³³⁸ Amherst Co., Court Order Book 1784–1787, p. 624; imaged, *FamilySearch* digital film 7856349 > image 410.

³³⁹ Amherst Co., Rule Order Book 1786–1789, p. 150; imaged, *FamilySearch* digital film 8737605 > image 90.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

Discharged by the payment of Six Pounds two Shillings & three pence with Legal Interest thereon from the Fifth Day of September One Thousand Seven Hundred & Eighty five [1785] till paid.”³⁴⁰

COMMENT:

This case should backdate **Charles Lavender Jr.’s birth before 5 September 1764**, in order for him to be of age to serve as special bail for his brother William on the date specified.

FEBRUARY TERM 1787

“On the Petition of Elizabeth **Guttery** It is Ordered that ... the Overseer of the Poor for the Fifth District Bind Out **Edward & Davis & David Guttery**, Children of the said Elizabeth Guttery to William Montgomery to Learn the Trade of Farmer.”³⁴¹

John ___ Daniel an Indented Servant Against **Tilm[on Walton]** his Master [Almost all of document at bottom of page is torn away] hath served his Time of Servitude agreeable to his Indenture And he is Accordingly Discharged from Further Servitude. And the said McDaniel Agrees that he hath Received from the said Walton his Freedom Dues. And on the Motion of the said McDaniel his Indenture is Ordered to be Recorded.”³⁴²

MARCH TERM 1787

“Commonwealth against **Francis Evans**. Presentment of the Grand Jury for Bearing a Child not Lawfully Begotten. The Defendant Being Duly Warned and Failing to appear on the Motion of the Plaintiffs by William Crawford, their Attorney, It is Considered that the Defendant make her fine by the payment of Twenty Shillings and also that she pay the Costs of this suit.” Marginal note: Costs 235 Tob. & 13/ Fifa 16 March 1787.”³⁴³

“Commonwealth against George Payton & Elizabeth _____ Defts. Presentment of the Grand Jury for Living in Adultery. The Defendant Being Duly Warned and Railing to appear on the motion of William Crawford, Gent. their Attorney, It is Considered that the Defendant Make their fine by the payment of One Thousand Pounds of Tobacco & Cash and that they pay the Costs of the suit.” Marginal note: “Costs 260 Tob & 15/ Fifa 16 March 1787.”³⁴⁴

COMMENT:

P. 639: Same charge against Gemima Cash, similarly handled.

P 640: Same charge against **John Byas** and Susannah Nicholls, similarly handled.

“**Thomas Tilman** against Jeremiah Taylor. Charges of Trespass, Assault & Battery & False Imprisonment. Tilman Walton and William Walton both serve on jury. Defendant found guilty and ordered to pay Thirteen pounds plus costs³⁴⁵

“Samuel Allen against **William Walton** and **Tilman Walton**. On Replevy Bond. It appearing upon Affidavit that the Defendants hath had Legal Notice On the Motion of the Plaintiff by William Crawford Gent, An Execution is awarded him against the Said Defendants for the Sum of Fifty Four Pounds Sixteen Shillings and Six pence, and also his Costs by him on this Behalf Expended. But the Judgment the Costs Executed is to be Discharged by the payment Seventy Seven Pounds Nine Shillings and Six Pence with Legal

³⁴⁰ Amherst Co., Rule Order Book 1786–1789, p. 155; imaged, *FamilySearch* digital film 8737605 > image 92.

³⁴¹ Amherst Co., Court Order Book 1784–1787, p. 632.

³⁴² Amherst Co., Court Order Book 1784–1787, p. 634.

³⁴³ Amherst Co., Court Order Book 1784–1787, p. 638.

³⁴⁴ Amherst Co., Court Order Book 1784–1787, p. 638.

³⁴⁵ Amherst Co., Court Order Book 1784–1787, p. 646.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

Interest thereon from the Sixth Day of November One Thousand Seven Hundred and Eighty Six till paid.”
Costs paid 5 Jun 1787.³⁴⁶

“**William Walton** Pltf against William Allin. On a Petition. The Defendant not being arrested, on the motion of the Plaintiff by John Breckenridge, Gent., his Attorney, an Alias Summons is awarded him against the Said Defendant Returnable to the Next Term.”³⁴⁷

8 MARCH 1787

“**Tilman Walton** Pltf against Charles Christian Deft. In Debt. The Defendant not being arrested, On the Motion of the Plaintiff by John Breckenridge Gent his Attorney, an Alias Capias is awarded him against the Said Defendant Returnable to the Next Term.

“**Tilman Walton** Assee of James Brooks Pltf against Ezra Morrison Deft. In Debt. The Defendant Being duley arrested and failing to appear, on the Motion of the Plaintiff by John Breckenridge Gent his Attorney, judgment is Granted him against the Said Defendant and Nathan Crawford his Common Bail for the Debt in the Declaration mentioned unless the Said Defendant Shall appear at the Next Rule and plead to Issue.”³⁴⁸

“William Campbell Assee of **Tilman Walton** Assee of Lewis McQueen Pltf against James Thompson. In Debt. The Defendant not being arrested, on the motion of the Pltf by William Crawford gent his Attorney, a Plurias Capias is awarded him against the said Defendant Returnable to the Next Term.”³⁴⁹

3 APRIL 1787

“**Tilman Walton** Assee of James Brooks Pltf against Ezra Morrison Deft. In Debt.” Morrison failed to appear. Order of 8 March last is confirmed. Walton to recover of Brooks and his Common Bail Nathan Crawford, 5£ 2s 11p to be discharged by paying 5£ plus interest from 26 August 1786.³⁵⁰

“The Injunction in Chancery Obtained by **William Walton** against Thomas Lomax is continued Between the parties till the Next Term.”³⁵¹

“**Tilman Walton** Pltf against Patrick Murray deft. Injunction In Chancery. The Defendant failing to Answer the Complainant’s Bill, on the motion of the Plaintiff by John Breckenridge his Atty aforesaid, an Attachment is awarded him against the said Defendant returnable to the Next Term.”³⁵²

“Commonwealth Pltf against **John Goodrich & Mary Carter** Defts. Presentment of the Grand Jury for Living in Adultery. Came as well the Plaintiff by William Crawford Gent. Attorney, as the Defendants by Edmond Winston Gent, their Attorney, whereupon the Defendants prays and has Oyer of the Record.”³⁵³

COMMENT:

Oyer: French word signifying to hear; in pleading it is a prayer or petition to the court, that the party may hear read to him the deed, &c., stated in the pleadings of the opposite party.³⁵⁴

³⁴⁶ Amherst Co., Court Order Book 1784–1787, p. 665.

³⁴⁷ Amherst Co., Rule Order Book 1786–1789, p. 202; imaged, *FamilySearch* digital film 8737605 > image116.

³⁴⁸ Amherst Co., Rule Order Book 1786–1789, p. 182; imaged, *FamilySearch* digital film 8737605 > image106.

³⁴⁹ Amherst Co., Rule Order Book 1786–1789, p. 191; imaged, *FamilySearch* digital film 8737605 > image111

³⁵⁰ Amherst Co., Rule Order Book 1786–1789, p. 210; imaged, *FamilySearch* digital film 8737605 > image120.

³⁵¹ Amherst Co., Rule Order Book 1786–1789, p. 225; imaged, *FamilySearch* digital film 8737605 > image129.

³⁵² Amherst Co., Rule Order Book 1786–1789, p. 229; imaged, *FamilySearch* digital film 8737605 > image131.

³⁵³ Amherst Co., Rule Order Book 1786–1789, p. 233; imaged, *FamilySearch* digital film 8737605 > image 134.

³⁵⁴ John Bouvier, *A Law Dictionary, Adapted to the Constitution and Laws of the United States* (1856), *oyer*; HTML edition, *The Free Dictionary* (<https://legal-dictionary.thefreedictionary.com/Oyer>).

MAY TERM 1787

“Hugh Rose against” **William Walton**. In case. Jury decides that the plaintiff “sustained Damages by occasion of the nonperformance of a Certain promise and Assumption of the said Defendant in the Declaration mentioned, to the Sum of Five Pounds One Shilling.” Said amount plus costs to be paid by Walton.³⁵⁵

“**Thomas Tilman** against **Elizabeth Upshaw Exor** of **Drury Christian** Dec’d. In Chancery. On the motion of the Defendant and on Affidavit a Commission is awarded her to Take the Deposition of **William Walton** De bene esse, on Giving the Plaintiff Legal notice of the time and place appointed for Taking the Same.”

“On the Motion of James Swoley It is Ordered that Hugh Rose pay to the said Swoley four Hundred and Twenty five pounds of Groce Tobacco for his Attendance at this Court Seventeen Days as a Witness for him against William Walton.” Ditto by Jonathan Wilson, twenty-four days.

“**Thomas Tilman** against Charles Christian. In Debt. Came the Plaintiff by John Breckenridge Gent his Attorney Whereupon Jeremiah Taylor personally appeared and Became Spencial Bail for the Defendant.”³⁵⁶

COMMENT:

Re the two Tilman-Christian suits above: in 1811 Daniel Tilman, Jesse Mills and wife Lucy née Tilman, and other Tilman heirs sued Elizabeth Christian in the Chancery Court meeting in Augusta County, regarding a slave that Lucy inherited from her grandfather Daniel Hix via her mother (Mrs. Thomas Tilman). Allegedly, the Christians illegally seized the slave for debts owed by Jesse.

“On the motion of **William Lavender** It is Ordered that **William Laine** pay to the said Lavender one hundred and Twenty five Pounds of Groce [gross] Tobacco for his Attendance at this Court Five Days as a Witness for him against Moses Martin.” [Others ordered to be paid for similar service in same case: John Whittle, John Eubanks, Thomas Welsler.]³⁵⁷

9 MAY 1787

“James Mathews Pltf against **Tilman Walton** Deft. On a Replevy Bond. It appears on Affidavit that the Defendant hath had Legal notice. On the motion of the Plaintiff by William Crawford, Gent. his Attorney, Execution is awarded him against the said Defendant for the Sum of Sixty two Pounds and ___? for his Costs in this Behalf Expended, Which Execution the Costs Excepted is to be Discharged by the payment of thirty Pounds Nineteen Shillings and four pence half penny with Legal Interest thereon from [6 January 1787] till paid.”³⁵⁸

10 MAY 1787

“Commonwealth Pltf against **John Goodrich & Mary Carter** Defts. Presentment Grand Jury against them for Living in Adultery. Came well the Plaintiff by William Crawford Gent. Attorney as the Defendants by Edmond Winston Gent their Attorney, whereupon the Defts Saith they are not Guilty and of that put themselves upon their County and the Plaintiff doth the Same, therefore the Trial of the Issue Between them is Referred till the Next Term.”³⁵⁹

³⁵⁵ Amherst Co., Court Order Book 1787–90, pp. 3–4; imaged, *FamilySearch* digital film 007856350 > image 9.

³⁵⁶ Amherst Co., Court Order Book 1787–90, p. 6; imaged, *FamilySearch* digital film 007856350 > image 11.

³⁵⁷ Amherst Co., Court Order Book 1787–90, pp. 12–13; imaged, *FamilySearch* digital film 007856350 > image 14.

³⁵⁸ Amherst Co., Court Order Book 1787–1790, p. 41; imaged, *FamilySearch* digital film 007856350 > image 28.

³⁵⁹ Amherst Co., Rule Order Book 1786–1789, pp. 235–36; imaged, *FamilySearch* digital film 8737605 > image 135.

COMMENT:

- John Goodrich was also separately charged for “Living in Adultery with Mary Carter the Wife of Solomon Carter.” Same plea, same outcome.
- Similar charges against Benjamin Wash and Jemima Payton, Joseph Edwards and Mary Ann Ware, William Thurmon and Elizabeth Pryor. Same plea, same outcome.

“Moses Austin & Compy. Assee of Nathl. Offett & Co. Pltfs against **William Walton**. In Debt. Cont’d.³⁶⁰

“**Tilman Walton** Pltf against Patrick Murrey Deft. Injunction In Chancery. The Defendant failing to answer the Complainants Bill on the Motion of the Plaintiff by his Attorney aforesaid an Attachment with proclamation? is awarded him against the said Defendant Returnable to the Next Term.”³⁶¹

“**Thomas Thilman** Pltf against Elizabeth Upshaw Exorx. of Drury Christian Dec’d Deft. In Chancery. Came as well the Plaintiff by Edmond Winston Gent. his Attorney as the Defendant by William Crawford Gent. her Attorney. Whereupon the Deft. prays and has time till the Next Rule day to file hir Bill.”³⁶²

COMMENT:

This marks the beginning of the chancery case that was eventually heard in the District Court in Augusta, c1810—Tilman, Mills et al vs. Christian.

“**William Walton** Pltf against William Allin Deft. On a Petition. The Defendant not being Warned, on the Motion of the Plaintiff an Plurias summons is awarded him against the said Defendant Returnable to the Next Term.”

MAY TERM 1787

[Consecutive entries]

“Mary Ann Ware against Phillip Thurmond and Judith his wife. Trespass Assault and Battery. This Suit abates by reason of the Plaintiffs Inter-marriage.”

“Mary Ann Ware against Joseph Edwards & Eliner his Wife. Trespass Assault & Battery. This Suit is Dismissed by reason of the Plaintiffs inter-marriage.”

“Mary Ann Ware against Elizabeth Parks. Trespass, Assault & Battery. This Suit abates by reason of the Plaintiffs Inter-marriage.”

“Dudley Gatewood against **Milley Lavander Admr. of William Lavander**, Decd. On a Petition. This suit abated by the Plaintiff’s Death.”³⁶³

5 JUNE 1787

“**Tilman Walton** Pltf against Charles Christian Deft. In Debt. Came the Parties by their Attorneys aforesaid, whereupon the Defendant saith he hath paid the Debt in the Declaration mentioned and of that puts himself upon his Country and the Plaintiff doth the Same, therefore the Trial of the issue Between them is Referred till the Next Term.”³⁶⁴

7 AUGUST 1787

Charles Lavander Pltf against Aaron Campbell & Elizabeth Campbell his Wife Defts. In Case for Slander. Came the parties in their proper persons And by Consent this Suit is Dismissed being agreed.

³⁶⁰ Amherst Co., Rule Order Book 1786–1789, p. 254; imaged, *FamilySearch* digital film 8737605 > image 144.

³⁶¹ Amherst Co., Rule Order Book 1786–1789, p. 263; imaged, *FamilySearch* digital film 8737605 > image 150.

³⁶² Amherst Co., Rule Order Book 1786–1789, p. 263; imaged, *FamilySearch* digital film 8737605 > image 150.

³⁶³ Amherst Co., Court Order Book 1787–17, p. 33; imaged, *FamilySearch* digital film 007856350 > image 24.

³⁶⁴ Amherst Co., Rule Order Book 1786–1789, p. 272; imaged, *FamilySearch* digital film 8737605 > image 154.

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Tilman Walton served on jury.

“**Tilman Walton** Assee of James Brooks Pltf against Ann Depriest. Petition by Note. Came as Well the Plaintiff by John Breckenridge Gent. his Attorney as the Defendant in hir proper person. Whereupon the Defendant agrees that Judgment may be Entered for the Plaintiff against her Agreeable to the Note. Therefore It is Considered that the Plaintiff Recover against the said Defendant the Sum of Two Pounds two Shillings with Legal Interest thereon from [9 May 1786] till paid. And also his Costs by about his Suit in this Behalf Expended.”

“On the motion of George Galaspie, It is ordered that George Blaine pay to the said Glaspie Fifty pounds of Groce Tobacco for his Attendance at this Court two Days as a witness for him against **Allen Lavender**.”

“Theoderick Scruggs Pltf against **William Walton** Deft. In Case. This Suit is Dismissed for want of prosecution. And Judgmt is Granted the Defendant against the Plaintiff for his Costs by him Expended about his Defence at the suit of the said Theoderick Scruggs.”³⁶⁵

8 AUGUST 1787

“**Menon Mills** Pltf against Thomas Carpenter Deft. Petition by Note. This Suit is Continued Between the parties till the next Term.”³⁶⁶

“Alexander Offett Assee of Nathaniel & Samuel Offetts Blaine & Compy Pltf against **William Lavender** Deft. On a Replivy Bond. It appearing on Affidavit that the Defendant hath had Legal notice, on the motion of the Plaintiff by William Crawford Gent. his Attorney, Execution is awarded him against the Said Defendant for the Sum of nine Pounds fourteen Shillings and nine pence half penny and also for his Costs by him in this Behalf Expended. Which Execution the Costs Excepted is to be Discharged by the payment of Four Pounds Seventeen Shillings and four pence three farthings with legal Interest thereon from [26 April 1787] till paid.”³⁶⁷

“**Thomas Thilman** Pltf against Jeremiah Taylor Deft. On a Replevy Bond. It appearing on affidavit that the Defendant hath had Legal Notice, on the Motion of the Plaintiff by Edmond Winston Gent. his Attorney, Execution is awarded him against the said Defendant for the Sum of Forty Seven Pounds ten Shillings and nine pence, and also for the Costs by him in this Behalf Expended. Which Execution the Costs Excepted is to be Discharged by the payment of Twenty three Pounds fifteen Shillings and four pence half penny with Legal Interest thereon from [16 April 1787] till paid.”³⁶⁸

9 AUGUST 1787

“Moses Austin & Co. Assee of Nathl. Offutt & Co. Pltfs against **William Walton** Deft. In Debt. The Defendant being duly arrested and failing to appear on the motion of the Plaintiff by William Crawford Gent. his Attorney, Judgment is granted him against the said Defendant and William Horsley Gent. Sheriff for the Debt in the Declaration mentioned unless the said Defendt. shall appear at the next Rule and Plead to Issue.”³⁶⁹

“**William Walton** Assee of Nathl Offutt who was Assee of Mathew Harriss Pltf against Thomas Durham. In Debt. The Defendant not being arrested, On the motion of the Plaintiffs by John Breckenridge Gent.

³⁶⁵ Amherst Co., Court Order Book 1787–1790, pp. 73, 77, 90–91; imaged, *FamilySearch* digital film 007856350 > images 45, 47, 54–55.

³⁶⁶ Amherst Co., Court Order Book 1787–1790, p. 100; imaged, *FamilySearch* digital film 007856350 > image 59.

³⁶⁷ Amherst Co., Court Order Book 1787–1790, p. 105; imaged, *FamilySearch* digital film 007856350 > image 62.

³⁶⁸ Amherst Co., Court Order Book 1787–1790, p. 108; imaged, *FamilySearch* digital film 007856350 > image 63.

³⁶⁹ Amherst Co., Rule Order Book 1786–1789, p. 292; imaged, *FamilySearch* digital film 8737605 > image 166.

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his Attorney, an Alias Capias is awarded him against the said Defendant Returnable to the next Term.”³⁷⁰

“Thompson & Tease Pltfs against John Campbell (Hatter) Deft. In Debt. The Defendant being duly arrested and failing to appear on the motion of the Plaintiffs by John Breckenridge Gent. their Attorney, Judgment granted them against the said Defendant and William Lavender his Common Bail for the Debt in the Declaration mentioned unless the said Defendant shall appear at the next Rule and Plead to Issue.”³⁷¹

“Irving Gatt & Company Pltfs against **William Lavender** Deft. In Debt. The Defendant not being arrested, On the motion of the Plaintiffs by William Crawford their Attorney, An Alias Capias is awarded them against the said Defendant returnable to the next Term.”³⁷²

“George Blaine Pltf against **Allen Lavender** Deft. In Case. On the motion of the Defendant and On Affidavit a Commission is awarded him to Take deposition of John Montgomery on Giving the Plaintiff Legal notice of the Time and place appointed for Takeing the Same.” Two separate cases. “On the motion of John Montgomery, It is Ordered that Allen Lavender pay to the said Montgomery Three Hundred Pounds of Groce Tobacco for his Attendance at this Court Twelve Days as a Witness for him at the suit of George Blaine.”³⁷³

“Agreeable to a Return of Samuel Meredith and John Marr Overseers of the Poor for the Seventh Hundred, It is Ordered that the Overseers of the Poor for the said Hundred Bind one Dudley Rece Orphan of Claybourn? Rece? Deceased to **Tilman Walton** to Learn the Trade of a House Carpenter and Joiner.”³⁷⁴

COMMENT:

1 OCTOBER 1787

“On the Motion of Benjamin Clements and Mary his wife, And satesactory Proof the Court Doth Reverse an Order made to Bind out **Dudley Wade Rece [Rea?]** And It is Ordered that the Overseers of the Poor the Seventh District Be served with a Copy of this Order.”³⁷⁵

“**William Phillips** is apointed Surveyor of the Road from **George Phillips’s** to Smyth Tandy’s Mill on Buffaloe River with the following Gang To witt: George Phillips, **John Phillips**, Jacob Tyree, Richard Beane, Isaac Gibson, Charles Wilsher, John Rowzie, Samuel Megginson, John Kenady, Richard Bettersworth, Henry Stoneham and John Stewart And their Male Labouring Tithables. And It is ordered that he do with the aforesaid Gang keep the said Road in Repair According to Law.”³⁷⁶

3 SEPTEMBER 1787

“William Downing, who was Indented to Enoch Stekney, whose Indentures were afterwards assigned to Messrs Fitzjarrell and Murry and by them assigned to **Tilman Walton**, Pltf., against **Tilman Walton**, his present Master, Deft. On a motion for his Freedom. Came as Well the Plaintiff by John Nicholas Gent. his Attorney as the Defendant in his proper person. And on Hearing it is adjudged that the Plaintiff hath Completed with the Terms of the said Indenture And that he is now entitled to his freedom And that the Plaintiff recover against the Defendant his Costs by him in this Behalf expended.”³⁷⁷

³⁷⁰ Amherst Co., Rule Order Book 1786–1789, p. 305; imaged, *FamilySearch* digital film 8737605 > image 174.

³⁷¹ Amherst Co., Rule Order Book 1786–1789, p. 311; imaged, *FamilySearch* digital film 8737605 > image 177.

³⁷² Amherst Co., Rule Order Book 1786–1789, p. 319; imaged, *FamilySearch* digital film 8737605 > image 181.

³⁷³ Amherst Co., Court Order Book 1787–1790, p. 111; imaged, *FamilySearch* digital film 007856350 > image 67.

³⁷⁴ Amherst Co., Court Order Book 1787–1790, p. 116; imaged, *FamilySearch* digital film 007856350 > image 69.

³⁷⁵ Amherst Co., Court Order Book 1787–1790, p. 122; imaged, *FamilySearch* digital film 007856350 > image 72.

³⁷⁶ Amherst Co., Court Order Book 1787–1790, p. 118; imaged, *FamilySearch* digital film 007856350 > image 70.

³⁷⁷ Amherst Co., Court Order Book 1787–1790, p. 114; imaged, *FamilySearch* digital film 007856350 > image 68.

4 SEPTEMBER 1787

“Moses Austin & Co. Assee of Nathaniel Offutt & Co Pltfs against **William Walton** Deft. In Debt. The Defendant again failing to appear, On the motion of the Plaintiffs by William Crawford Gent. their Attorney, The Order of the Ninth of August Last is Confirm’d, and that the Plaintiffs recover against the said Defendant and William Horsley, Gent. Sheriff, the Sum of” 22£ 5s 2p “the Debt in the Declaration mentioned & Costs. To be Discharged (Except the Costs) by the payment of” 11£ 2s 77p “with Legal Interest thereon from” 23 August 1785, till paid.³⁷⁸

“Thompson & Teas Pltfs against John Campbell (Hatter) Deft. In Debt. The Defendant again failing to appear, On the motion of the Plaintiffs by John Breckenridge Gent. their Attorney, The order of the Ninth of August last is Confirmed, and that the Plaintiffs recover against the said Defendant & **William Lavender** his Common Bail the Sum of” 16£ 6s 10p “the Debt in the Declaration mentioned & Costs. To be Discharged (Except the Costs) by the payment of Eight pounds three Shillings & five pence with Legal Interest thereon from the first Day of April One thousand seven hundred & Eighty Seven, till paid.”³⁷⁹

1 OCTOBER 1787

“**William Walton** Acknowledged his Deed Indented with the Receipt thereon Indorsed to Abraham Seay to be his act and Deed and Ordered to be Recorded.”

COMMENT:

Note the absence of Walton’s wife in this proceeding—one in which the wife was to be questioned whether she was relinquishing her dower rights of her own free will. By implication here, Elizabeth (Tilman) Walton is now dead.

“**John Boush** is appointed Surveyor of the Road from the Top of Fendley’s Gap to Ray’s Path Below Nevel’s Quarter with the Following Gang To Wit: John Ball, John Bethell, Lewis Davis, Joell Davis, William Dixon, Jesse Martin, William Warwick, Jessee Kennady, Abraham Warsick, William Singleton, James Brown, **Allin Lavender**, William Brown, John Gregory and Micajah Becknall. And It is Ordered that he do with his Own and their Male Labouring Tithables keep the said Road in Repair according to Law.”

“A Deed Indented from **Joseph Laine** to Phillip Penn was proved by the Oath of Josiah Gillis and Ordered to Lie for further proof.”³⁸⁰

COMMENT:

By November 1787, the firm of Thompson and Teas is suing numerous locals for debt. The firm of Irving Gatt and Company are also launching suits.

NOVEMBER TERM 1787

William Walton is named to the grand jury.³⁸¹

Nelley Conner is charged with Bearing a Child unlawfully Begotten. She did not appear. On the motion of William Crawford, Gent. Deputy Attorney for the county, she was ordered to pay 20 shillings for the use of the poor in this county, in addition to costs of the suit.³⁸²

³⁷⁸ Amherst Co., Rule Order Book 1786–1789, p. 332; imaged, *FamilySearch* digital film 8737605 > image 187.

³⁷⁹ Amherst Co., Rule Order Book 1786–1789, p. 349; imaged, *FamilySearch* digital film 8737605 > image 198.

³⁸⁰ Amherst Co., Court Order Book 1787–1790, pp. 79–80; imaged, *FamilySearch* digital film 007856350 > image 71.

³⁸¹ Amherst Co., Court Order Book 1787–1790, p. 127; imaged, *FamilySearch* digital film 007856350 > image 75.

³⁸² Amherst Co., Court Order Book 1787–1790, p. 130; imaged, *FamilySearch* digital film 007856350 > image 77.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

Commonwealth vs. Elizabeth Milstead. Charged with Living in Adultery. Found guilty and ordered to pay 1000 pounds of Tobacco and cash, plus costs.³⁸³

COMMENT:

Subsequently, Joseph Milstead was charged with the same offense, with a notation that he was living with Elizabeth Milstead.

5 NOVEMBER 1787

Commonwealth vs. John Goodrich and Mary Carter. Charged with Living in Adultery. Found guilty and ordered to pay 1000 pounds of Tobacco and cash, plus costs.³⁸⁴

Commonwealth vs. Benjamin Wash & Jemima Payton. Charged with Living in Adultery. Found guilty and ordered to pay 1000 pounds of Tobacco and cash, plus costs.³⁸⁵

“The Commonwealth Pltf against Joseph Edwards & Mary Ann Ware Defts. Presentment of the Grand Jury for Living in Adultery. Came the parties by their Attorneys aforesaid, and Came also a Jury to witt John McDaniel foreman and Eleven others Good and lawfull men who being Sworn well and truly to Try the Issue Joind between the parties, upon their Oath do say that the Defts as [*sic*] Guilty, whereupon It is Considered that the Defts make their fine by the payment of One thousand pounds of Tobacco and Cask and that they pay the Costs.”³⁸⁶

6 NOVEMBER 1787

William Walton served on petit jury, also as foreman.

Tilman Walton is serving on petit jury. (p. 146 has him serving as foreman).

George Lambert served on petit jury. (p. 146)³⁸⁷

7 NOVEMBER 1787

“On the Motion of **Thilman Walton**, It is ordered that Lewis McQueen pay to the said Walton Three hundred and Twenty five pounds of Green Tobacco for his Attendance at this County Court thirteen Days as a Witness for him against Alexander McAlexander.”³⁸⁸

George Blaine vs. **Allen Lavender**. In case. “It is Considered that the Pltf Recover against the said Defendant the aforesaid sum of Twenty three pounds nine Shillings the Damages by the Jurors aforesaid Assessed and his Costs by him in this behalf Expended.”³⁸⁹

“James Dillard Junr., Assee of Joseph Brown Pltf against **George Lambert** Deft. In Debt. By Consent of the parties by their Attorneys this Suit is Continued till the Next Term at the Pltf’s Costs.”³⁹⁰

“John and Joseph Henry vs. **William Walton**. On a Replivey Bond. It appearing that the Deft hath Legal Notice, on the Motion of the Pltfs by John Breckinridge Gent. their Attorney, Execution is awarded them against the said Defendant for the Sum of Thirty Seven pounds nineteen Shillings and Six pence and Costs to be Discharged (the Costs Excepted) by the payment of Six Pounds nineteen Shillings and Nine pence, with Legal interest from: 9 July 1787 “until paid.” “On the motion of John Montgomery, It is

³⁸³ Amherst Co., Court Order Book 1787–1790, p. 131; imaged, *FamilySearch* digital film 007856350 > image 78.

³⁸⁴ Amherst Co., Court Order Book 1787–1790, p. 132; imaged, *FamilySearch* digital film 007856350 > image 78.

³⁸⁵ Amherst Co., Court Order Book 1787–1790, p. 133; imaged, *FamilySearch* digital film 007856350 > image 78.

³⁸⁶ Amherst Co., Court Order Book 1787–1790, p. 135; imaged, *FamilySearch* digital film 007856350 > image 80.

³⁸⁷ Amherst Co., Court Order Book 1787–1790, pp. 140–46; imaged, *FamilySearch* digital film 7856350 > images 82–86.

³⁸⁸ Amherst Co., Court Order Book 1787–1790, p. 143; imaged, *FamilySearch* digital film 7856350 > image 84.

³⁸⁹ Amherst Co., Court Order Book 1787–1790, p. 144; imaged, *FamilySearch* digital film 7856350 > image 84.

³⁹⁰ Amherst Co., Court Order Book 1787–1790, p. 148; imaged, *FamilySearch* digital film 7856350 > image 87.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

Ordered that Allen Lavender pay to the said Montgomery Three Hundred Pounds of Groce Tobacco for his Attendance at this Court Twelve Days as a Witness for him at the suit of George Blaine.”

“Hugh Rose vs. **William Walton**. On a Replivey Bond. It appearing that the Deft hath Legal Notice, on the Motion of the Pltfs by Edmund Winston Gent. his Attorney, Execution is awarded the Pltf against the said Deft. For the Sum of thirty Nine Pounds and Costs, to be Discharged by the payment of Nineteen pounds Six Shillings and Six pence with Legal Interest thereon from: 10 July 1787 “until paid, and the costs.”³⁹¹

“Shereod Bugg vs. **William Laine & William Lavender**. On Replivey Bond. It appearing on Affidavit that the Deft. Lavender hath had Legal Notices and the Deft. Laine Acknowledged notice, On the motion of the Pltf by William Crawford Gent. his Attorney, Execution is awarded the Plaintiff against the said Deft. For the Sum of Twenty pounds Eighteen Shillings and one penny half penny and Costs, to be Discharged (the Costs Excepted) by the payment of Ten pounds Nine Shillings and three farthings with Legal Interest thereon from “ 11 April 1787 “till paid.”³⁹²

8 NOVEMBER 1787

“**William Walton** Assee of Nathaniel Offutt who was Assignee of Mathew Harriss Pltf against Thomas Durham Deft. In Debt. Came the Plaintiff by John Breckenridge Gent. his Attorney, The Defendant not being arrested a Plurias Capias is awarded the Plaintiff against the said Defendant returnable to the next Term.”³⁹³

“Thompson & Teas Pltfs against William Bibb Junr. Deft. In Debt. Came the Plaintiffs by John Breckenridge Gent. their Attorney and the Defendant being duly arrested and failing to appear Judgment is granted the Plaintiffs against the said Defendant and Randolph Bibb and **William Lavender** his Common Bails for the Debt in the Declaration [*sic*] mentioned Unless the said Defendant shall appear at the next Rule and Plead to Issue.”

“Thompson & Teas Assee of George Blaine who was Assee of Jeremiah Walker against William Bibb Jr.” Same action. Same bails.³⁹⁴

“Irving Gatt & Company Plaintiffs against **William Lavender** Defendant. In Debt. Came the Plaintiffs by William Crawford Gent their Attorney, the Defendant being duly arrested and failing to appear, Judgment is granted the Plaintiffs against the said Defendant for the sum in the Declaration mentioned Unless the said Defendant shall appear at the next rule and Plead to Issue.”³⁹⁵

“Messrs. Thompson & Teas Pltfs against **William Walton** Deft. In Case. Came the Plaintiffs by John Breckenridge Gent. their Attorney and the Defendant being duly arrested failing to appear, Judgment is granted the Plaintiffs against the said Defendant and **Tilman Walton** his Common Bail for their Damages which they hath Sustained by reason of the nonperformance of a Certain promise and Assumption of the said Defendant in the Declaration mentioned Unless the said Defendant shall appear at the next Rule and Plead to Issue.”

“Messrs. Thompson & Teas Pltfs against **William Walton & Tilman Walton** Defts. In Debt. Came the Plaintiffs by John Breckenridge Gent. their Attorney and the Defendants being duly arrested failing to appear, Judgment is granted the Plaintiffs against the said Defendants & **William Stanley Gent. Sheriff**

³⁹¹ Amherst Co., Court Order Book 1787–1790, pp. 158–59; imaged, *FamilySearch* digital film 007856350 > images 92–93.

³⁹² Amherst Co., Court Order Book 1787–1790, p. 161.

³⁹³ Amherst Co., Rule Order Book 1786–1789, p. 371; imaged, *FamilySearch* digital film 8737605 > image 210.

³⁹⁴ Amherst Co., Rule Order Book 1786–1789, pp. 373–74; imaged, *FamilySearch* digital film 8737605 > image 211.

³⁹⁵ Amherst Co., Rule Order Book 1786–1789, p. 378; imaged, *FamilySearch* digital film 8737605 > image 213.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

for the Debt in the Declaration mentioned unless the said Defendant shall appear at the next Rule and Plead to Issue.”

“Messrs. Thompson & Teas Pltfs against **William Walton** Deft. In Debt. Came the Plaintiffs by John Breckenridge Gent. their Attorney and the Defendant being duly Arrested & failing to appear, Judgment is granted the Plaintiffs against the said Defendant and **Tilman Walton** his Common Bail for the Debt in the Declaration mentioned Unless the said Defendant shall appear at the next rule and Plead to Issue.”

“John Cabell Pltf against **William Walton** Deft. In Slander. Came the Plaintiff by John Breckenridge Gent. his Attorney and the Defendant being duly arrested and failing to appear, Judgment is granted the Plaintiff against the said Defendant for his Damage which he hath Sustained by Action of the Defendant Speaking of the Words in the Declaration mentioned Unless the said Defendant shall appear at the next rule and plead to Issue.”³⁹⁶

“**Allen Lavender** Pltf against John Montgomery Deft. In Case. Came the Plaintiff by John Breckenridge Gent. his Attorney and the Defendant being duly arrested and failing to appear Judgment is granted the Plaintiff against the said Defendant and Robert Wright his Common Bail for his Damages which he hath Sustained by reason of the nonperformance of a Certain promise and Assumption of the said Defendant in the Declaration mentioned Unless the said defendant shall appear at the next rule and Plead to Issue.”³⁹⁷

4 DECEMBER 1787

“Thompson & Teas Pltf against William Bibb Junr. Deft. In Debt.” Judgment for Plaintiff against Defendant and his Common Bails Randolph Bibb & **William Lavender**. 23£ 16s 4p and costs. Etc.

Ditto second case, same vs. same, 49£ 8s & costs.³⁹⁸

“Irving Galt & Compy Pltfs against **William Lavender** Deft. In debt. Lavender failed to appear. Judgment for Galt & Co. 54£ 10s & Costs. “But this Judgment (the Costs Excepted) [to be discharged] by the payment of” 18£ 15s 5p “with Legal Interest on Twenty Seven pounds five shillings from the Second Day of April one thousand seven hundred and Eighty Seven to the Eighteenth of June following. Also Interest on the aforesaid Eighteen pounds fifteen shillings and five p[ence] from the aforesaid Eighteenth Day of June one thousand Seven hundred and Eighty Seven till paid.”³⁹⁹

COMMENT:

The four cases against William Walton and Tilman Walton came back before the court. The Waltons did not appear. Judgments were issued against against them.⁴⁰⁰

“**Allen Lavender** Pltf against John Montgomery Deft. In case. Came the Plaintiff by John Breckenridge Gent. his Atty And the Defendant again failing to appear, the Order of the Eighth of November Last is Confirmed and that the Plaintiff Recover against the said Defendant and Robert Wright his Common bail his Damages which he hath Sustained by reason of the nonperformance of a Certain promise and Assumption of the said Defendant in the Declaration mentioned To be Assertained by an Enquiry thereof by a Jury at the next Term.”⁴⁰¹

³⁹⁶ Amherst Co., Rule Order Book 1786–1789, pp. 386–87 (4 cases); imaged, *FamilySearch* digital film 8737605 > images 217–18.

³⁹⁷ Amherst Co., Rule Order Book 1786–1789, p. 392; imaged, *FamilySearch* digital film 8737605 > image 221.

³⁹⁸ Amherst Co., Rule Order Book 1786–1789, pp. 405–6; imaged, *FamilySearch* digital film 8737605 > image 231.

³⁹⁹ Amherst Co., Rule Order Book 1786–1789, p. 409; imaged, *FamilySearch* digital film 8737605 > image 234.

⁴⁰⁰ Amherst Co., Rule Order Book 1786–1789, pp. 416–17; imaged, *FamilySearch* digital film 8737605 > image 237.

⁴⁰¹ Amherst Co., Rule Order Book 1786–1789, p. 421; imaged, *FamilySearch* digital film 8737605 > image 241.

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“**Thomas Thilman** Pltf against Elizabeth Upshaw Exr of Drury Christian Dec’d Deft. In Chancery. came as well the Plaintiff by Edmond Winston Gent. his Atty as the Defendant by William Crawford Gent. her Attorney. On the motion of the Defendant by her Attorney aforesaid, Time till the next Rule is given her to answer the Complainant’s Bill.”⁴⁰²

5 FEBRUARY 1788

COMMENT:

Three debt cases against William Walton and Tilman Walton came before the court. They claimed to have already paid the debt. Jury trial set for next term.⁴⁰³

Thompson and Teas are presenting in court a number of mortgages and deeds from those who had accounts at the store.⁴⁰⁴

4 MARCH 1788

“William Laine (Waterman) is appointed Surveyor of the Road in the Room of Thomas Largen to witt from **Buffaloe River** to Meggenson’s Road, and It is Ordered that he do with **Charles Lavender**, Edward Brannum Jesse Wright, Andrew Smith, John Via, William Via, Richard Fortune, John Proffitt, Josiah Wingfield, James Layne, Peter Cartwright, William Welch, William Smith, Zachariah Tyree and their Male Labouring Tithables, and the Male Labouring Tithables of Mary Edmonds and **Milley Lavender** keep the said Road in Repair according to Law.”⁴⁰⁵

COMMENT:

The Charles Lavender of this road order should be Charles Jr. His grandfather Charles would be past the age of doing labor on the road.

“William Whitten vs. Caleb Ralls. On a motion for Leave to file a bill of Injunction to Stay further proceedings on an Execution obtained by the said Rolls against the said Whitten. Came the Pltf by John Breckinridge Gent. his Attorney, and on hearing Leave is granted the Pltf to file his Bill on his giving Bond with Security whereupon the said Whitten with John Richardson his Security entered into and Acknowledged their Bond in the penalty of Ten pounds with the Condition Required by Law.”⁴⁰⁶

“Thompson and Teas against **William Walton & Tilman Walton**. In Debt, Came the Pltfs by John Breckenridge, Gent. their Attorney whereupon John Merry Griffin personally appeared and became Special Bail for the Deft Tilman, whereupon the Deft Tilman in his proper person saith that he paid the Debt in the Declaration mentioned and of that he puts himself upon his Country and the Pltfs doth the same—therefore the Trial of the Issue between them is Referred till the next term.”⁴⁰⁷

“Alexander Offutt Assignee Nathl Offutt & Compy. vs. **William Lavender** and William Laine. On a Replevy Bond. It appearing on Affidavit that the Defendants hath had legal Notice, On the motion of the Pltf by William Crawford Gent his Attorney, Execution is awarded him against the said Defts for the Sum of Twenty one pounds and Costs to be Discharged (the Costs Excepted) by the payment of fifteen pounds ten Shillings and nine pence with Legal Interest thereon from: 1 April 1787 “till paid.”⁴⁰⁸

⁴⁰² Amherst Co., Rule Order Book 1786–1789, p. 424; imaged, *FamilySearch* digital film 8737605 > image 242.

⁴⁰³ Amherst Co., Rule Order Book 1786–1789, p. 428; imaged, *FamilySearch* digital film 8737605 > image 244.

⁴⁰⁴ Amherst Co., Court Order Book 1787–1790, p. 169.

⁴⁰⁵ Amherst Co., Court Order Book 1787–1790, p. 170; imaged, *FamilySearch* digital film 007856350 > image 98.

⁴⁰⁶ Amherst Co., Court Order Book 1787–1790, p. 173; imaged, *FamilySearch* digital film 007856350 > image 100.

⁴⁰⁷ Amherst Co., Court Order Book 1787–1790, p. 183; imaged, *FamilySearch* digital film 007856350 > image 105.

⁴⁰⁸ Amherst Co., Court Order Book 1787–1790, p. 188; imaged, *FamilySearch* digital film 007856350 > image 107.

5 MARCH 1788

“**William Walton** Assee Nathl Offutt who was Asee Mathew Harriss Pltf against Thomas Durham Deft. In Debt.” Durham did not appear. Judgment against him and Peter Malborough his Common Bail, unless he appears at next term of court and pleas.”⁴⁰⁹

“Irving Galt & Company Pltf against **William Burton** Defendant. In Case. Came the Plaintiffs by Edmund Winston Gent. their Attorney, Whereupon the Sheriff having Returned on the Attachment awarded in this Suit that he had Levied it on one Small Table and knife Box the Goods and Chattles of the said Defendant; Whereupon the Defendant failing to appear, Judgment is granted the Plaintiffs against the sd. Defendant for their Damages which they hath Sustained by Reason of the Nonperformance of a Certain promise and Assumption of the said Defendant in the Decleration mentioned To be Ascertain’d by an Enquiry thereof by a Jury at the next Term.”⁴¹⁰

9 APRIL 1788

“**William Walton** Assee Nathl Offutt who was Assignee Mathew Harriss Pltf against Thomas Durham. In Debt. Came the Plaintiff by John Breckenridge Gent. his Attorney and the Defendant again failing to appear, the Order of the fifth of March Last is Confirmed, and that the Plaintiff Recover against the said Deft. and Peter Malborough his Common Bail the Sum of thirteen pounds and Costs, to be Discharged (Except the Costs) by the payment of Six pounds ten Shillings with Legal Interest thereon from the Twentieth Day of April One thousand Seven hundred and Eighty Six till paid.”⁴¹¹

MAY TERM 1788

William Walton is appointed foreman of the grand jury. It charges about 50 men in the county with “not attending the Election and Voting According to Law.” All are summoned to appear at the next term of court. Among those charged are Littlebery Witt, Colonel Christian, John and Isaac Tinsley, Smith Tandy.⁴¹²

James Dillard is called “James Dillard, *Gent.*, in the suit launched against him by Susannah Wilcox, dm. of Edmond Wilcox, Dec’d.”⁴¹³

7 MAY 1788

“**Tilman Walton** vs. Charles Christian. In Debt. Came the Plaintiff by John Breckenridge Gent. his attorney and the Defendant by Edmund Winston Gent. his Attorney, Whereupon the Defendants Attorney moves his plea by him heretofore plead and saith that he is not further Informed what Defence to make, Therefore it is Considered that the Plaintiff Recover against the said Defendant the Sum of One Hundred and Twenty Nine Pounds Eight Shillings the Debt in the Declaration mentioned and also his Costs on this behalf Expended. But the Judgment (the Costs Excepted) is to be Discharged by the payment of Sixty four Pounds fourteen Shillings with legal Interest thereon from” 23 January 1787 “till paid.”⁴¹⁴

⁴⁰⁹ Amherst Co., Rule Order Book 1786–1789, p. 432; imaged, *FamilySearch* digital film 8737605 > image 247.

⁴¹⁰ Amherst Co., Rule Order Book 1786–1789, p. 437; imaged, *FamilySearch* digital film 8737605 > image 250.

⁴¹¹ Amherst Co., Rule Order Book 1786–1789, p. 451; imaged, *FamilySearch* digital film 8737605 > image 258.

⁴¹² Amherst Co., Court Order Book 1787–1790, pp. 205–6; imaged, *FamilySearch* digital film 007856350 > image 116.

⁴¹³ Amherst Co., Court Order Book 1787–1790, p. 235; imaged, *FamilySearch* digital film 7856350 > image 131.

⁴¹⁴ Amherst Co., Court Order Book 1787–1790, p. 240; imaged, *FamilySearch* digital film 7856350 > image 133.

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“John Cabell Pltff against **William Walton** Deft. In Case for Slander. Came as well the Plaintiff by John Breckenridge Gent. his Attorney, as the Defendant in his proper person, Whereupon this Suit is Dismissed at the Defendants Costs agreeable to their Order Dated [7 May 1788].”⁴¹⁵

“The Action of Trespass on the Case brought by George Blaine against **Allen Lavender** is Continued between the parties till the next Term.”⁴¹⁶

8 MAY 1788

“Charles Christian Pltf against **Tilman Walton** Deft. On a motion for Leave to file a Bill of Injunction to stay further proceedings on a Judgment Obtained at Common Law by the said Walton against the said Christian. Came as well the Plaintiff by Edmund Winston Gent. his Attorney, as the Deft. by John Breckenridge Gent. his Attorney, and on hearing Leave is granted the Plaintiff to file his Bill to stay further proceedings on fifteen pounds, part of the aforesaid Judgment, On his givin [sic] Bond and Security in the Clerks Office on or before next Court.”⁴¹⁷

Tilman Walton vs. Ezra Morrison and James Brooks. On a repl^y bond. Judgment for Walton, payment of 7 lbs. 15 shillings, with legal interest from 5 November 1787 till paid.⁴¹⁸

9 MAY 1788

“**William Walton** Pltf against Thomas Lomax. Injunction In Chancery. Came the Plaintiff by Thomas Miller Gent. his Attorney, The Defendant failing to file his Answer to the Complainants Bill, Whereupon an Attachment awarded the Plaintiff against the said Defendant returnable to the next Term.”⁴¹⁹

“The Injunction In Chancery Obtained by **Tilman Walton** against Patrick Murray is Continued.”

“**Thomas Tilman** Pltf against Elizabeth Upshaw Executrix of Drury Christian Deceased, Deft. In Chancery. This Cause is Continued till the next rule for the Defendant to file her Answer to the Complainant’s Bill.”⁴²⁰

2 JUNE 1788

“**William Lavender** Acknowledged his Bill of Sale and the memorandum thereon Indorsed to Alexander Beydee Floster for Irving Gatt and Comp^y to be his Act and Deed and Ordered to be Recorded.”

Agreeable to a Certificate from Nancy Thompson, Widow of Robert Thompson Dec’d, Administration of the said Decedant’s Estate is granted to **John Mullins**, who with **William Walton** and John Clarkson his Securities Entered into and Acknowledged Bond in the Penalty of Five Hundred pounds, and took the Oath Required by Law, and Ordered to be Recorded.

Bazaleel Brown, Barnett Brown, John Maupin and Thomas Jarman or any three of them, they being first Sworn are appointed to appraise in Current Money the Slaves and personal Estate of Robert Thompson Dec’d and Return an Inventory and appraisal thereof to this County Court.”⁴²¹

JUNE TERM 1788

“George Davis is appointed Surveyor of the Road from John Richardsons into Thomases Road that leads to Davises Ferry at Thomas Waughs and it is ordered that he do with his Male Labouring Thithables,

⁴¹⁵ Amherst Co., Court Order Book 1787–1790, p. 245; imaged, *FamilySearch* digital film 7856350 > image 136.

⁴¹⁶ Amherst Co., Court Order Book 1787–1790, p. 250; imaged, *FamilySearch* digital film 7856350 > image 138.

⁴¹⁷ Amherst Co., Court Order Book 1787–1790, p. 255; imaged, *FamilySearch* digital film 7856350 > image 140.

⁴¹⁸ Amherst Co., Court Order Book 1787–1790, p. 268; imaged, *FamilySearch* digital film 7856350 > image 146.

⁴¹⁹ Amherst Co., Rule Order Book 1786–1789, p. 478; imaged, *FamilySearch* digital film 8737605 > image 273.

⁴²⁰ Amherst Co., Rule Order Book 1786–1789, p. 480; imaged, *FamilySearch* digital film 8737605 > image 274.

⁴²¹ Amherst Co., Court Order Book 1787–1790, p. 276; imaged, *FamilySearch* digital film 7856350 > image 150.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

John Richardson, Thomas Tucker, Jedediah Shoemaker, Drury Bowman, **John Goodrich**, James Nowlin, **John Byas**, **Jeremiah Whitten**, Ambrose Gatewood and their Male Labouring Tithes keep the said Road in Repair agreeable to Law."⁴²²

"James Stevens Junr is appointed Surveyor of the Road in the room of John Montgomery from Loving's Gap to the Courthouse Road by Davis's Shop, with the following Gang, Vizt. John Loving, William Loving, John Wright, **Tilman Walton**, Abraham Seay, William Depriest, James Stevens, John Davis, **James Brown**, Hezekiah Hargrove, and their Male Labouring Tithes keep the said Road in Repair agreeable to Law."⁴²³

William Whitten vs. Benjamin Wright. On Replevy Bond. Judgment for plaintiff (Edmund Winston, attorney) for 4 pounds 8 shillings and four pence, plus costs and legal interest from 10 January 1788 until paid.⁴²⁴

JULY TERM 1788

Grand jury presentment against 50 or so men for not voting in the last election is dismissed"⁴²⁵

8 JULY 1788

"**Thomas Tilman** Pltf against Elizabeth Upshaw Executrix of Drury Christian Deceased, Deft. In Chancery. Came the Plaintiff by Edmund Winston Gent. his Attorney and The Defendant failing to file his [*sic*] Answer to the Complainant's Bill, An Attachment is awarded the Plaintiff against the said Defendant returnable to the next Term."⁴²⁶

JULY TERM 1788

Grand jury presentment against John Goodrich for Living in Adultery with Mary Carter the wife of Solomon Carter is continued." Ditto for William Thurmond and Elizabeth Pryor. Ditto for William Gillespie with Elizabeth Pryor [*sic*].⁴²⁷

4 AUGUST 1788

"On the motion of **William Walton** It is ordered that Joseph Cabell pay to the said Walton Twenty five pounds of Green [gross?] Tobacco for his attendance at the County Court One Day as a Witness for him against Daniel Gaines."⁴²⁸

William Walton Assee Nathaniel Offutt who was Assee Mathew Harris Junr. vs. William Forbus & Mathew Harris. In Debt. John Breckenridge, attorney for plaintiff. "This Suit is Referd to John Dawson, James Turner and Hudson Martin and their award or any two of them is to be the Judgment of the Court."⁴²⁹

George Lambert served as foreman of the jury.⁴³⁰

AUGUST TERM 1788

"On the motion of **Tilman Walton** It is ordered that Lewis McQueen pay to the said Walton Twenty five pounds of Green [gross?]Tobacco for his Atendance at the County Court One Day as a Witness for him

⁴²² Amherst Co., Court Order Book 1787–1790, pp. 276–77; imaged, *FamilySearch* digital film 7856350 > images 150–51.

⁴²³ Amherst Co., Court Order Book 1787–1790, p. 278; imaged, *FamilySearch* digital film 7856350 > image 151.

⁴²⁴ Amherst Co., Court Order Book 1787–1790, p. 282; imaged, *FamilySearch* digital film 7856350 > image 153.

⁴²⁵ Amherst Co., Court Order Book 1787–1790, p. 290; imaged, *FamilySearch* digital film 7856350 > image 157.

⁴²⁶ Amherst Co., Rule Order Book 1786–1789, p. 492; imaged, *FamilySearch* digital film 8737605 > image 281.

⁴²⁷ Amherst Co., Court Order Book 1787–1790, p. 291; imaged, *FamilySearch* digital film 7856350 > image 158.

⁴²⁸ Amherst Co., Court Order Book 1787–1790, p. 298; imaged, *FamilySearch* digital film 7856350 > image 161.

⁴²⁹ Amherst Co., Court Order Book 1787–1790, p. 313; imaged, *FamilySearch* digital film 7856350 > image 169.

⁴³⁰ Amherst Co., Court Order Book 1787–1790, p. 323; imaged, *FamilySearch* digital film 7856350 > image 174.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)
against John Cabell.⁴³¹

Thompson & Teas against **William Walton & Tilman Walton**. In Debt. Jury finds for the defendants. They are entitled to recover of the Plaintiffs their Costs.⁴³²

“On the motion of **William Walton** It is ordered that **James Litterall** pay to the said Walton Two hundred and Seventy five pounds of green Tobacco for his Attendance at this County Court Eleven Days as a Witness for him at the suit of Richard Tankersley.”⁴³³

COMMENT:

James Litterell was an in-law of William and Abner Witt—suggesting that the Walton-Mills clan and the Witts had associates in common.

7 AUGUST 1788

“Charles Ellis Pltf against Mark Ware Deft. In Case. Came the Plaintiff by William Crawford Gent his Attorney, And the Defendant being duly arrested and failing to appear, Order is granted the Plaintiff against the said Defendant and **Larkin Byass** his Common Bail for the Debt in the Declaration mentioned, Unless the said Defendant shall appear at the next rule and plead to issue.”⁴³⁴

COMMENT:

This court order places Larkin Byass’s birth before 7 August 1767 and likely some time before that in order for him to serve as bail for Ware.

“**Thomas Tilman** Pltf against Elizabeth Upshaw Executrix of Drury Christian Deft. In Chancery.” Defendant’s attorney filed a length demurrer. No new details.⁴³⁵

“Charles Christian Pltf against **Tilman Walton** Deft. Injunction in Chancery. Came as well the Plaintiff by Edmond Winston Gent. his Attorney as the Defendant by John Breckenridge Gent. his Attorney Whereupon the Defendant files his Answer to the Complainants Bill, and gave the Plaintiff notice that at October Court next he shall make a motion to the Court to Desolve said Bill.”⁴³⁶

7 OCTOBER 1788

“The Petition (by Note) brought by **Minian Mills** against Thomas Carpenter is Continued till the next Term.”⁴³⁷

“The Petition (by Penal bill) brought by Thompson & Teas against **William Walton** is Continued till the next term.”

The Petition (by Note) brought by Thompson and Teas Assignee of Hudson Martin Junr., who was Assee. Of George Woodydy against **William Walton** is Continued.”⁴³⁸

“On the Motion of William Bibb One of the overseers of the poor in the first hundred, Its ordered that the overseers of the poor Bind Alexander Ship, Hiram Ship, and George Ship, Bastard Children of the late Milley Ship to George Blaine to Learn the Aft and Mistery of a Sadler.”⁴³⁹

⁴³¹ Amherst Co., Court Order Book 1787–1790, p. 333; imaged, *FamilySearch* digital film 7856350 > image 179.

⁴³² Amherst Co., Court Order Book 1787–1790, p. 335; imaged, *FamilySearch* digital film 7856350 > image 180.

⁴³³ Amherst Co., Court Order Book 1787–1790, p. 345; imaged, *FamilySearch* digital film 7856350 > image 185.

⁴³⁴ Amherst Co., Rule Order Book 1786–1789, p. 497; imaged, *FamilySearch* digital film 8737605 > image 284.

⁴³⁵ Amherst Co., Rule Order Book 1786–1789, p. 520; imaged, *FamilySearch* digital film 8737605 > image 295.

⁴³⁶ Amherst Co., Rule Order Book 1786–1789, p. 521; imaged, *FamilySearch* digital film 8737605 > image 296.

⁴³⁷ Amherst Co., Court Order Book 1787–1790, p. 370; imaged, *FamilySearch* digital film 7856350 > image 197.

⁴³⁸ Amherst Co., Court Order Book 1787–1790, p. 372; imaged, *FamilySearch* digital film 7856350 > image 198.

⁴³⁹ Amherst Co., Court Order Book 1787–1790, p. 375; imaged, *FamilySearch* digital film 7856350 > image 200.

COMMENT:

Milley Shipp, in 1782, was charged with “living in fornication” with George Blaine.

3 NOVEMBER 1788

“**Allen Lavender** vs. John Montgomery. In Case. John Breckenridge, atty for Lavender.” Judgment for plaintiff. Defendant puts himself upon the country. Trial scheduled for next term of court.⁴⁴⁰

“Thompson & Teas vs. **William Walton**. “By Consent of parties, this Suit is Referred to William Cabell Esqr. And his award is to be the Judgment of the Court.”⁴⁴¹

COMMENT:

T&T have four suits against Walton. One “In case,” one “In Debt,” one “on a Petition by Penal Bill,” and one “on a Petition by Note.” All were referred to Cabell for adjudication.

5 NOVEMBER 1788

“Charles Christian vs. **Tilman Walton**. Injunction in Chancery. Breckinridge for Walton. Court rules that the “Plaintiffs Bill be Dissolved and that the Defendant who was the Plaintiff at Common Law have the Benefit of the Balance of his Judgment obtained against the Plaintiff,” and costs.⁴⁴²

“**William Walton** Assee of Nathl Offutt who was Assee of Mathew Harris Junr. against William Forbus and Mathew Harris Senr. In Debt. Breckinridge for Walton.” Judgment for plaintiff. 8 pounds 15 shillings plus costs.⁴⁴³

“Irving Gatt & Compy. vs. **Tilman Walton**. In Debt. “**William Walton** personally appeared and undertook for the Defendant that in Case he should be Cast in the aforesaid Action that he the said Defendant should pay the Costs and Condemnation of the Court or render his Body to Prison in Discharge thereof.”⁴⁴⁴

NOVEMBER 1788—MARCH 1789

“References from November 1788 to March Court 1789.

Sarah White vs. Dudley Callaway. Debt. Com. Order vs. Deft & Bail. Com. Order Confd for Lpy? & Costs.”⁴⁴⁵

COMMENT:

Was Sarah the widow of the late James White?

DECEMBER TERM 1788

“On the motion of Nathan Crawford, one of the overseers of the Poor, It’s ordered that the said Crawford bind out **William Carroll** a Bastard child of **Mary Carroll** to John Thompson to learn the Trade of [blank] agreeable to law.”⁴⁴⁶

FEBRUARY TERM 1789

Tilman Walton is appointed to the Grand Jury.⁴⁴⁷

⁴⁴⁰ Amherst Co., Court Order Book 1787–1790, p. 386; imaged, *FamilySearch* digital film 7856350 > image 205.

⁴⁴¹ Amherst Co., Court Order Book 1787–1790, p. 389; imaged, *FamilySearch* digital film 7856350 > image 207.

⁴⁴² Amherst Co., Court Order Book 1787–1790, p. 396; imaged, *FamilySearch* digital film 7856350 > image 210.

⁴⁴³ Amherst Co., Court Order Book 1787–1790, p. 398; imaged, *FamilySearch* digital film 7856350 > image 211.

⁴⁴⁴ Amherst Co., Court Order Book 1787–1790, p. 399; imaged, *FamilySearch* digital film 7856350 > image 212.

⁴⁴⁵ Amherst Co., Rule Order Book 1786–1789, p. 561; imaged, *FamilySearch* digital film 8737605 > image 321.

⁴⁴⁶ Amherst Co., Court Order Book 1787–1790, p. 411; imaged, *FamilySearch* digital film 7856350 > image 218.

3 MARCH 1789

“Lucinda Wade and Abigaile Hardwick Wade, Infants and Children of **Pearce Wade** Dec’d by Richard Ballenger their Guardian; Clary Wade Infant and Child of the said Pearce Wade Dec’d by David Woodroff her Guardian; & Jeremiah Wade by John Dawson his next friend; David Wade; Pearce Wade; **J. White** and **Mary** his Wife; and Jane Wade, Infants and Children, Sons & Daughters of Pearce Wade Deceased, Pltffs against John Hardwick Adm. &c of Pearce Wade Dec’d & Ballenger Wade, Heir at Law of the said Pearce Wade Deceased, Defts. In Chancery. Came the Plaintiffs by William Crawford gent. their attorney, and **by a former Order of this County Court, the Accounts, Papers, Vouchers &c of the parties existing in this Cause being referred to William Cabell, John Rose, Samuel Meredith, Gabriel Penn, and John Wiatt Gent.** or any three of them to Settle & Adjust the same and make a Report thereof to this County Court for a final Decree, **the report being accordingly returned to this Court** which are in these words to witt:”

COMMENT:

There follows a two-page tabulation of alterations in accountings previously made, followed by two pages of dense narrative that explained anomalies found in the administration of the estate, all dated 28 February 1789 and signed by John Rose, Samuel Meredith and Gabl. Penn. From this, I draw the following:

- A settlement was made of John Hardwick’s administration of Pearce Wade’s estate on 4 January 1774.
- **Pearce Wade was dead before 25 July 1771** when (Voucher No. 2) Hardwick transferred tobacco to or from ?M. Irving.”
- **The reference to Mary (Wade) White being a minor apparently refers to her status at the time of her father’s death.**
- Many depositions are referenced, documents in which various individuals spoke to their knowledge of or involvement in matters dealing with the estate.
- The estate included a mill that processed grain for the public, a mill rented out after Pearce’s death.
- John Hardwick turned over to the commission £691.9 “paper money” belonging to the estate.
- John Hardwick is to “pay to the Plaintiffs and the Defendant Ballenger Wade the Heir at Law to the said Pearce Wade Dec’d the Sum of” £276 6s 2½p, also £ 10s 9½p and costs.⁴⁴⁸

The court decreed in favor of the Commissioners’ report. The following day, John Hardwick appealed the finding “to the high Court of Chancery,” giving his “Bond and Security agreeable to Law.”⁴⁴⁹

MARCH TERM 1789

Tilman Walton vs. Patrick Murrey. Breckinridge for Walton. Judgment for Walton, with costs to be paid to him.⁴⁵⁰

⁴⁴⁷ Amherst Co., Court Order Book 1787–1790, p. 414; imaged, *FamilySearch* digital film 7856350 > image 219.

⁴⁴⁸ Amherst Co., Court Order Book 1787–1790, pp. 446–51; imaged, *FamilySearch* digital film 7856350 > images 235–38.

⁴⁴⁹ Amherst Co., Court Order Book 1787–1790, p. 456; imaged, *FamilySearch* digital film 7856350 > image 240.

⁴⁵⁰ Amherst Co., Court Order Book 1787–1790, pp. 451–52; imaged, *FamilySearch* digital film 7856350 > image 238.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

4 MAY 1789

William Walton is foreman of the grand jury, with **Tilman Walton** also serving.⁴⁵¹

“Irving Galt & Compy Pltfs against **Tilman Walton** Deft. In Debt. Came the Plaintiffs by William Crawford Gent. their Attorney, Whereupon **William Walton** personally appeared and became Special Bail for the Defendant.”⁴⁵²

MAY TERM 1789

Thompson & Teas vs. **William Walton**. Breckinridge for T&T. Defendant agrees that a judgment may be entered against him for 50£ 17sh and 6p, plus costs.”⁴⁵³

COMMENT:

All four T&T suits against WW were settled in this term. Walton agreed to pay the judgments for the first three (the other two amounts being 617 pounds of Richmond Inspected Tobacco and 3L 18sh 11p). In the fourth case, Judgment was for Walton, with him to recover costs expended.

MAY TERM 1789

“**Sarah White** Pltf against Dudley Callaway Deft. In Debt. Came the Plaintiff by William Crawford Gent. his [*sic*] Attorney, and the Deft. failing to appear, therefore the order of the fifth of March last is confirmed and that the Plaintiff recover against the said Defendant and Archelaus Mitchell his Common Bail the Sum of Six pounds with legal Interest thereon from” 1 May 1788 “till paid, and also her Costs by her about her Suit in this behalf expended.”⁴⁵⁴

1 JUNE 1789

“A Deed Indented from Jessee Shasteen [**Chastain**] and Elizabeth **Wade** to Jacob Puckett with the Receipt thereon Indorsed was proved by the Oath of Alexander McAlexander, Micajah Burnett, Zachariah Burnett, and William Burnett Witnesses thereto and Ordered to be Recorded. And a Commission for the privy Examination of Elinor the wife of the said Jesse Shastain was this Day returned and also Ordered to be Recorded.”

“A Deed Indented from **Samuel Denny** to William Burnett with the Receipt thereon Indorsed was proved by the Oath of Alexander McAlexander, Micajah Burnett, Zachariah Burnett & Jacob Rucker, witnesses thereto and ordered to be Recorded, and a Commission for the privy examination of **Elizabeth the Wife** of the said Samuel Denny was this Day Returned and Ordered to be Recorded.”

“A Deed Indented from **Paul Thilman** to Richard Chandler was proved by the Oath of James Franklin and John Floyd Witnesses thereto and Ordered to lie for further proof.”⁴⁵⁵

6 JULY 1789

“**William Walton** Acknowledged his Deed Indented to Abraham Seay to be his Act and Deed, and Ordered to be Recorded.”⁴⁵⁶

“A Deed Indented from **Paul Tilman** to Nathaniel Clark was proved by the Oath of Henley Drummond a Witness thereto, and ordered to lie for further proof.”

⁴⁵¹ Amherst Co., Court Order Book 1787–1790, p. 470; imaged, *FamilySearch* digital film 7856350 > image 240.

⁴⁵² Amherst Co., Court Order Book 1787–1790, p. 476; imaged, *FamilySearch* digital film 7856350 > image 250.

⁴⁵³ Amherst Co., Court Order Book 1787–1790, p. 478; imaged, *FamilySearch* digital film 7856350 > image 251.

⁴⁵⁴ Amherst Co., Rule Order Book 1786–1789, p. 568; imaged, *FamilySearch* digital film 8737605 > image 328.

⁴⁵⁵ Amherst Co., Court Order Book 1787–1790, pp. 485–86; imaged, *FamilySearch* digital film 7856350 > image 255.

⁴⁵⁶ Amherst Co., Court Order Book 1787–1790, pp. 492–93; imaged, *FamilySearch* digital film 7856350 > images 263–64.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

“A Deed Indented from **Paul Thilman** to Richard Chandler was further proved by the Oath of William Horsley Junr. a Witness thereto and Ordered to be Recorded.”⁴⁵⁷

JULY TERM 1789

“Agreeable to a Return from Gabriel Penn Gent. One of the Overseers of the poor in the [blank] District, Its Ordered that the said Penn do bind out **Thomas Evans** a Molatto Bastard Child of **Hannah Evans** to Samuel Brown to learn the Trade of black Smith according to law.”⁴⁵⁸

3 AUGUST 1789

William Walton served as foreman of the grand jury. Among their presentments: Joseph Milstead and Elizabeth Milstead (again) for “Living in Adultry Contrary to Law, within one Month Last.”⁴⁵⁹

“John Davis Pltf against **Tilman Walton** Deft. In Debt. By Direction of the Plaintiff this Suit is Dismissed at His Costs.”⁴⁶⁰

Thomas Thilman against Elizabeth Upshaw, Est of Drury Christian, Decd. Deft. “In Chancery. Came the Parties by their Attornies aforesaid, and on the motion of the Defendant and on Affidavit a Commission is granted him to take the Deposition of [blank] Tilman the Wife of **Daniel Tilman** and [blank] Moore of **Fluvanna County** on his giving the Plaintiff Legal notice of the time and place for taking the Same.”⁴⁶¹

COMMENT:

1783

FLUVANNA COUNTY, VA

Tax roll

(p. 7)

Dan^l Tilman (Jack, Poll) 1 wh tithe 21+, 2 Negroes 10+, 0 “young Negroes,” 2 horses, 4 cattle

Surrounding entries:

William Neaves, Thomas Winns, John Hunt, John Pevey, DAN^l TILMAN, Thomas Cawthorn, Austin Moody, George Butler, Stephen Sea, Thomas Davis, Estate of Allen Cocke dec’d/Wm. Sadler Overs^r ...

(p. 9)

Thomas Tilman 1 wh tithe 21+, 6 Negroes 10+, 5 young Negroes, 5 horses, 14 cattle⁴⁶²

[skip 9]

Thomas Tilman 1 wh tithe 21+, 1 Negro 10+, 0 young Negroes

Surrounding entries:

Rich^d Murry, Jn^o Pattice, Thomas Tindale, Jn^o Morris, Wiliam Scott, THOMAS TILMAN, Robert Haislep, Warren Moore, Jn^o Moore, Reuben Herndon, Jo^s Herndon, Rich^d Hall, George Pevey, William Burgess, Jno. Burgess, THOMAS TILMAN [again], Jonathan Wilson, Christopher Woolie, Robert Pucket ...

⁴⁵⁷ Amherst Co., Court Order Book 1787–1790, p. 494; imaged, *FamilySearch* digital film 7856350 > image 266.

⁴⁵⁸ Amherst Co., Court Order Book 1787–1790, p. 499; imaged, *FamilySearch* digital film 7856350 > image 269.

⁴⁵⁹ Amherst Co., Court Order Book 1787–1790, pp. 501–2; imaged, *FamilySearch* digital film 7856350 > image 270.

⁴⁶⁰ Amherst Co., Court Order Book 1787–1790, p. 504; imaged, *FamilySearch* digital film 7856350 > image 271.

⁴⁶¹ Amherst Co., Court Order Book 1787–1790, p. 507; imaged, *FamilySearch* digital film 7856350 > image 273.

⁴⁶² Fluvanna Co., 1783 Personal Tax Roll, p.7 [unalphabetized]; imaged, at *BinnsGenealogy* (<http://www.binns genealogy.com/MembersOnlyArea/pdfs/Fluvanna/1783Personal/04.pdf> : accessed 5 August 2019).

COMMENT:

Slaves are not named for the two Thomas Tilmans. Jesse Mills is not there with his in-laws.

AUGUST TERM 1789

Irving Gatt & Compy vs. **Tilman Walton**. "In Debt. Came the Plaintiffs by William Crawford Gent., their Attorney And the Defendant in his proper person argues that Judgment may be Entered for the Plaintiff against him for the Debt in the Declaration mentioned. Therefore Judgment is granted the Plaintiff against the said Defendant for the Sum of Sixty pounds and Cents [*sic*]. But this Judgment the Costs Excepted) is to be Discharged by the payment of Thirty pounds with Legal Interest thereon from: 29 July 1788 "till paid."⁴⁶³

William Walton against Caleb Ralls. "Injunction In Chancery. Came the Parties in their Proper persons, and by Consent this Suit is Dismissed at the Plaintiff's costs."⁴⁶⁴

AUGUST–NOVEMBER 1789

"References from August to November 1789: **William Lavender's** Widow's Dower in Land to be laid of[f] Order. Continued for report."⁴⁶⁵

"Appearances from May to August 1789 ... John Davis against **Tilman Walton**. Debt. Dismissed in Court."⁴⁶⁶

"Chancery Causes from August to November 1789 ... **Thomas Thilman** against Elizabeth Upshaw Executrix of Drury Christian Decd. In Chancery. Ruled to Answer."⁴⁶⁷

7 SEPTEMBER 1789

Will of **Thomas Jopling [Sr.]**, Dec'd is presented by Josiah Jopling and James Jopling, the executors named therein."⁴⁶⁸

"Agreeable to a Return from Benjamin Coleman, one of the overseers of the poor in the fourth hundred, Its Ordered that the said Overseer or Overseers of the Poor in the said Hundred do bind out **Elizabeth Harris, Bastard Child of Elizabeth Harris** to John Bauhlott agreeable to law.

"Agreeable to a Return from Benjamin Coleman, one of the overseers of the poor in the fourth hundred, Its Ordered that the said Overseer or Overseers of the Poor in the said Hundred do bind out **Jane Tungett** and **John Martin Tungett** to Jeremiah Tungett. The said John Martin Tungett to learn the Coopers Trade."

"Agreeable to a return from Josiah Ellis, One of the Overseers of the poor in the fourth hundred, Its Ordered that the said Overseer or Overseers of the poor for the said hundred do bind out **Betsy Given**, Orphan Child of John Givin to James Shasteen to learn the Trade of Spinster And **Arthur Given** to Thomas Morriss to learn the trade of a Cooper."

"Agreeable to a return from Josiah Ellis, One of the Overseers of the poor in the fourth hundred, Its Ordered that the said Overseer or Overseers of the poor for the said hundred do bind out **Noell Whitton** an orphan Child of **Aaron Whitten** to [blank] Coleman to learn the Trade of [blank]."

⁴⁶³ Amherst Co., Court Order Book 1787–1790, p. 509; imaged, *FamilySearch* digital film 7856350 > image 274.

⁴⁶⁴ Amherst Co., Court Order Book 1787–1790, p. 522; imaged, *FamilySearch* digital film 7856350 > image 281.

⁴⁶⁵ Amherst Co., Rule Order Book 1786–1789, p. 586; imaged, *FamilySearch* digital film 8737605 > image 340.

⁴⁶⁶ Amherst Co., Rule Order Book 1786–1789, p. 587; imaged, *FamilySearch* digital film 8737605 > image 341.

⁴⁶⁷ Amherst Co., Rule Order Book 1786–1789, p. 589; imaged, *FamilySearch* digital film 8737605 > image 343.

⁴⁶⁸ Amherst Co., Court Order Book 1787–1790, p. 532; imaged, *FamilySearch* digital film 7856350 > image 285.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

“Agreeable to return from Josiah Ellis one of the Overseers of the Poor in the fourth hundred, Its Ordered that the said Overseer or Overseers of the poor for the said Hundred do bind out **Roseannah Gue** to [blank] to learn the Trade of Spinster, and **John Gue** to [blank] to learn the Trade of [blank], Orphans of **John Gue** Deced.”⁴⁶⁹

OCTOBER TERM 1789

“Agreeable to a return from William Bibb one of the Overseers of the Poor in the first District, It’s Ordered that the said overseer or the Overseers of the poor in the said District Bind out **Betsey Pruet** Bastard Child of Amey Pruet, and **Fanny Gowing** a Molatto bastard agreeable to Law.”

“**Allen Lavender** is appointed Surveyor of the Road from the Top of the Mountain at Findleys Gap to Rays path, and it is ordered that he do with the usual Gang keep the said Road in repair according to Law.”

“Agreeable to a Petition from **Elizabeth Guttery** and William Montgomery, It’s ordered that the Overseers of the poor for the [blank] District Bind out **Edward** and **David Guttery**, Children of the said Elizabeth Guttery agreeable to Law.”

“On the Motion of **Margaret Gue**, and on hearing the former Order Directing the Overseers of the poor to Bind out the said Gue’s Children, is Reversed, and it is Ordered that the said Gue Children Remain in her Care.”

“The following Gang is added to the Gang that Labours on Road whereof **Allen Lavender** is Surveyor, Vizt. from Findley’s Gap to Ray’s Path: Charles Layne, Thomas Robertson, George Wright, Randolph Laine, Joseph Welch, John Tyree, **Joseph Laine** and John Wray.”⁴⁷⁰

William Walton vs. William Meredith. “On a Petition by Account. This Suit is Continued till the next Term at the Plaintiffs Costs.”⁴⁷¹

6 OCTOBER 1789

“**Minian Mills** Pltf against Thomas Carpenter Deft. On a Petition by Note. This Suit is Continue between the Parties till the next Term.”⁴⁷²

COMMENT:

“Minian” (Menon) Mills belongs to the Mills family of Albemarle.

Benjamin Wright against **William Whitten**. “On a Motion for leave to file a Bill of Injunction to stay further proceedings one Judgment obtained by the said Whitten against the said Wright. On hearing leave as granted him to file his said Bill on his giving Bond and Security, Whereupon the said Wright with Bartlett Cash his Security entered into and Acknowledged their Bond in the Penalty of Twenty Pounds with the Condition required by Law.”⁴⁷³

John Biddlecomb vs. **William Lavender**. “On a Petition in Trover & Conversion for a Red cow white Found a Yearling & Calf of the Value of Five pounds. Came as well the Plaintiff by William Crawford Gent his Attorney as the Defendant in his proper persons, And by Consent of parties the Dispute subsisting between them is Referred to William Spencer and James Higginbotham and if they Disagree the Opinion

⁴⁶⁹ Amherst Co., Court Order Book 1787–1790, pp. 532–33; imaged, *FamilySearch* digital film 7856350 > images 285–86.

⁴⁷⁰ Amherst Co., Court Order Book 1787–1790, pp. 539–40; imaged, *FamilySearch* digital film 7856350 > image 289.

⁴⁷¹ Amherst Co., Court Order Book 1787–1790, p. 548; imaged, *FamilySearch* digital film 7856350 > image 294.

⁴⁷² Amherst Co., Court Order Book 1787–1790, p. 557; imaged, *FamilySearch* digital film 7856350 > image 299.

⁴⁷³ Amherst Co., Court Order Book 1787–1790, p. 559; imaged, *FamilySearch* digital film 7856350 > image 300.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

their umpire, and then award of the award of [sic] any two of them Returned to this County Court to be the Judgment of the said Court.”⁴⁷⁴

COMMENT:

“Trover is an action brought to recover the value of personal items of property, wrongfully converted by another to his own use. The action seeks a remedy for the *conversion*, not the taking of the item. The remedy sought is the replacement value of the property before it was converted for the other's use.”⁴⁷⁵

“The key differences between conversion and civil theft are that the claim of conversion requires the demand (and its refusal) to return the property, whereas civil theft requires the specific intent to permanently deprive the plaintiff of the use or benefit of the property (in conversion, theoretically, the exercise of control could be for only a limited period followed by return).”⁴⁷⁶

2 NOVEMBER 1789

William Walton again served as foreman of the Grand Jury, with **Tilman Walton** as fellow juror.⁴⁷⁷

“The Presentment of the Grand Jury against **William Laine** (Waterman) as surveyor of the Road from the old Muster Feeld Ford on Buffaloe River into Migginsons Road on hearing is Dismisd.”⁴⁷⁸

Commonwealth against **Joseph Milstead** and **Elizabeth Milstead**. “Presentment of the Grand Jury for Living in Adultery contrary to Law. Came as well the Plaintiff & William Crawford Gent. Deputy Atty. For this County—as the Defendants by John Breckenridge Gent., their Attorney, Whereupon by Consent [of] the parties this suit is Continued till the next Term.”⁴⁷⁹

George Blaine vs. **Allen Lavender**. “In Case. This Suit is Continued till the next Term at the Plaintiffs costs.”⁴⁸⁰

William Walton, foreman, and **Tilman Walton** served on petit jury.⁴⁸¹ **George Lambert** also served as jury foreman.⁴⁸²

7 DECEMBER 1789

“Agreeable to return from William Bibb, one of the Overseers of the Poor for the [blank] Hundred, Its Ordered that the said Overseer or Overseers of the poor of this said Hundred do bind out **Ambrose Chase**, a Bastard Child of **Liddy Chase** to Thomas Watt to learn the Trade of a Taylor, also bind out **James Mathews**, a Child of John Mathews to Jesse Martin to learn the Trade of a Blacksmith.”

“**Paul Thilman** acknowledged his Deed Indented to Nathaniel Clark also the Receipt thereon Indorsed to be his Act and Deed and Ordered to be Recorded.”⁴⁸³

⁴⁷⁴ Amherst Co., Court Order Book 1787–1790, p. 560; imaged, *FamilySearch* digital film 7856350 > image 300.

⁴⁷⁵ “Civil Causes of Action – Trover and Conversion Law and Legal Definition,” *USLegal* (<https://definitions.uslegal.com/c/civil-causes-of-action-trover-and-conversion/> : accessed 6 April 2021).

⁴⁷⁶ “Conversion, Trover, & Detinue,” Jeff Vail, *Vail-Law* (<https://www.vail-law.com/post/conversion-trover-detinue> : accessed 6 April 2021).

⁴⁷⁷ Amherst Co., Court Order Book 1787–1790, p. 561; imaged, *FamilySearch* digital film 7856350 > image 301.

⁴⁷⁸ Amherst Co., Court Order Book 1787–1790, p. 563; imaged, *FamilySearch* digital film 7856350 > image 303.

⁴⁷⁹ Amherst Co., Court Order Book 1787–1790, p. 567; imaged, *FamilySearch* digital film 7856350 > image 304.

⁴⁸⁰ Amherst Co., Court Order Book 1787–1790, p. 567; imaged, *FamilySearch* digital film 7856350 > image 304.

⁴⁸¹ Amherst Co., Court Order Book 1787–1790, p. 574; imaged, *FamilySearch* digital film 7856350 > image 307.

⁴⁸² Amherst Co., Court Order Book 1787–1790, p. 583; imaged, *FamilySearch* digital film 7856350 > image 312.

⁴⁸³ Amherst Co., Court Order Book 1787–1790, p. 596; imaged, *FamilySearch* digital film 7856350 > image 318.

4 JANUARY 1790

“On the Petition of Thomas L.L. Wall, James Higginbotham, William Spencer, John Stratton, and **William Laine** are appointed to View the present Road that Runs through the said Thomas L. L. Wall’s land and a new way to turn the said Road off the said Walls Land and Report to this County Court the Convenience and inconveniences that may attend the said Road and the proprietors names of the Land through which the said Road shall Run, and whether they consent the same shall Run as viewed or not.”

“Agreeable to a Return from Nathan Crawford one of the Overseers of the poor for the [blank] Hundred, Its Ordered that the said Overseer or Overseers of the Poor for the said Hundred Bind out **William Bowden** as Bastard Child of **Ann Bowden** to Thomas H. Talbert to learn the Trade of a wagon maker.”⁴⁸⁴

“Agreeable to a Return from William Bibb one of the Overseers of the poor for the [blank] Hundred, It’s Ordered that Gabriel Penn one of the overseer of the poor Bind out **Moses Gibson** a Bastard Child of **Elizabeth Adkinson**, formally [formerly] **Elizabeth Gibson**, to William Moss to learn the Trade of a Carpenter.

“Agreeable to a return from William Bibb, one of the Overseers of the Poor for the [blank] Hundred. It’s ordered that the said Overseer or Overseers of the poor for the said Hundred Bind out **William Toney** a Bastard Child of **Mary Toney** to William Moss to learn the Trade of a Carpenter.”⁴⁸⁵

COMMENT:

Given the identity of Penn as one of the overseers of this hundred, it would appear to be the same hundred in which the Mills-Lavender clan lived.

1 MARCH 1790

William Walton is again foreman of the Grand Jury. He is serving with William Teas (formerly of Thompson & Teas who prosecuted four suits against Walton) and Joseph Milstead who is in that same court term charged by the Commonwealth with living in adultery. **Tilmon Walton** served on the petit jury for the Milstead case.

Commonwealth vs. Joseph Milstead and Elizabeth Milstead. Presentment of the Grand jury for Living in Adultery. “Came the Plaintiff by William Crawford Gent. Deputy Attorney for this Commonwealth as the Defendant by John Breckenridge, Gent. his Attorney. And came also a Jury ... Who being sworn all and truly to try the Issue join^d between the Parties, Whereupon the Defendant by his Attorney fil^d Exceptions to the Judgment of the Court respecting the Testimony offered on behalf of the Commonwealth which Exceptions were sealed by the Court, and are in these words to wit: ... [there follows a repetitive statement] and upon their oath do find the Defendants Guilty, Therefore it is Considered the Plaintiff recover against the said Defendants the Sum of One Thousand pounds of Tobacco and Cask, and also the Costs in this behalf expended.”⁴⁸⁶

2 MARCH 1790

Benjamin Wright against **William Whitton**. “Injunction in Chancery. Came the parties by their Attorneys aforesaid, and on a motion to dissolve the Bill on hearing the Bill Answer and other Exhibits in the Cause it is the Opinion of the Court that the said Bill be Desolved, and that the Defed^t Who was the Plaintiff at Common Law have the benefit of his Judgment at Law, and also that he recover his Costs by him about his Defence in this behalf expended.”⁴⁸⁷

⁴⁸⁴ Amherst Co., Court Order Book 1787–1790, p. 600; imaged, *FamilySearch* digital film 7856350 > image 320.

⁴⁸⁵ Amherst Co., Court Order Book 1787–1790, p. 604; imaged, *FamilySearch* digital film 7856350 > image 322.

⁴⁸⁶ Amherst Co., Court Order Book 1787–1790, p. 608; imaged, *FamilySearch* digital film 7856350 > image 324.

⁴⁸⁷ Amherst Co., Court Order Book 1787–1790, p. 612; imaged, *FamilySearch* digital film 7856350 > image 327.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

Allen Lavender vs. John McGomery. "In Case. This Suit is Dismissed at the Defendants costs."⁴⁸⁸

"On the motion of **Tilman Walton**, It's Ordered that John Swanson pay to the said Walton One hundred and fifty pounds of Groce Tobacco for his attendance at this County Court Six Days (two of which at this Court) as a Witness for him against Lewis McWane."⁴⁸⁹

3 MARCH 1790

Irving Gatt & Compy vs. **Tilman Walton**. "In Debt. Came the Plaintiffs by William Crawford Gent. their Attorney, and the Defendant in his proper person waves his plea by him heretofore plead, and saith that he cannot deny the Plaintiffs Action against him but that he is Justly Indebted the Plaintiffs the Debt in the Declaration mentioned. Whereupon Judgment is granted the Plaintiffs against the said Defendant for the Sum of Seventeen pounds five shillings the Debt in the Declaration mentioned and Costs – to be Discharged (Except the Costs) by the payment of Eight pounds twelve Shillings and Six pence with Legal Interest thereon from" 7 May 1787, "till paid."⁴⁹⁰

5 APRIL 1790

"On the motion of Samuel Furguson, Its Ordered that the Sheriff Summons [*sic*] **Tilman Walton** to appear at May Court next to Answer the Complaint of the said Forguson for not furnishing Daniel Forguson his apprentice with proper clothing."⁴⁹¹

3 MAY 1790

William Walton is again foreman of the Grand Jury. Presentment, "on the Information of George Davis," of **John Byers & Susannah Nuckols** for Living in Adultery within one Month Last past." Also "on the Information of George Davis," presentment of **Joseph Lain Senr. & Lucy Byers** for Living in Adultery within one Month last past."⁴⁹²

"**William Lavender** Assee of Adam Brown who was Assignee of William Lavender against Nicholas Pamplin. In Debt. Came the Plaintiff by William Crawford Gent. his attorney, whereupon **William Horsley** personally appeared in Court and became Special Bail for the said Defendant, therefore the Office Judgment that was Obtained the fourth Day of March last and the Defendant in his proper person saith that he hath paid the Debt in the Declaration mentioned, and of that he puts himself upon his Country and the Plaintiff doth the same, therefore the trial of the Issue between them is referred to the next term."⁴⁹³

"Samuel Ferguson against **Tilman Walton** On a Complaint for not furnishing Daniel Ferguson the said Waltons apprentice with necessary clothing. Came as well the Plaintiff by William Crawford Gent. his Attorney as the Defendant by John Breckenridge Gent., his attorney, Whereupon and on hearing the said Complaint is Dismissed at the Plaintiffs Costs, and Judgment is granted the Defendant against the said Plaintiff for his Costs by him about his Defense in this behalf Expended."

"On the motion of **William Walton** It's Ordered that **Tilman Walton** pay to the said William Walton Twenty five pounds of Green Tobacco for his Attendance at this County Court One Day as a Witness for him at the Suit of Samuel Forguson.

⁴⁸⁸ Amherst Co., Court Order Book 1787–1790, p. 614; imaged, *FamilySearch* digital film 7856350 > image 328.

⁴⁸⁹ Amherst Co., Court Order Book 1787–1790, p. 634; imaged, *FamilySearch* digital film 7856350 > image 334.

⁴⁹⁰ Amherst Co., Court Order Book 1787–1790, pp. 627–28; imaged, *FamilySearch* digital film 7856350 > image 336.

⁴⁹¹ Amherst Co., Court Order Book 1787–1790, p. 631; imaged, *FamilySearch* digital film 7856350 > image 338.

⁴⁹² Amherst Co., Court Order Book 1787–1790, p. 632; imaged, *FamilySearch* digital film 7856350 > image 338.

⁴⁹³ Amherst Co., Court Order Book 1787–1790, p. 639; imaged, *FamilySearch* digital film 7856350 > image 348.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

“On the motion of **John Bush**, It’s ordered that **Tilman Walton** pay to the said Bush Twenty five pounds of Green Tobacco for his Attendance at the County Court One Day as a Witness for him at the Suit of Samuel Farguson.”

“On the Motion of Lucious [Lewis?] McQueen, It’s Ordered that **Tilman Walton** pay to the said McQueen Twenty five pounds of Green Tobacco for his Attendance at this County Court one Day as a Witness for him at the Suit of Samuel Farguson.⁴⁹⁴

“On the Motion of **Samuel Goodrich**, It’s Ordered that **Tilman Walton** pay to the said McQueen Twenty five pounds of Green Tobacco for his Attendance at this County Court one Day as a Witness for him at the Suit of Samuel Farguson.”

COMMENT:

Samuel Eliot Goodrich married Tilman Walton’s sister in 1789.⁴⁹⁵

“On the Motion of Robert Wright, It’s Ordered that **Tilman Walton** pay to the said Wright Twenty five pounds of Green Tobacco for his Attendance at this County Court one Day as a Witness for him at the Suit of Samuel Farguson.

“On the Motion of William Middlebrook, It’s Ordered that **Tilman Walton** pay to the said Middlebrook Twenty five pounds of Green Tobacco for his Attendance at this County Court one Day as a Witness for him at the Suit of Samuel Farguson.⁴⁹⁶

COMMENT:

There were no similar orders for Samuel Ferguson (the father?) to pay his witnesses. Apparently he had none.

5 MAY 1790

“George Blair Pltf against **Allen Lavender** Deft. In Case. This Suit is Continued at the Plaintiff’s Costs, and by Consent of the parties to be tried the first Day of August Court next.”⁴⁹⁷

7 JUNE 1790

“A Deed Indented from **William Burton** to Lindsey Coleman was further proved by the Oath of Jesse Clemons a Witness thereto and Ordered to be Recorded.”

“Abraham Seay is appointed Surveyor of the Road in the room of **William Walton** from the Head of Ruckers Run to Lovings Road with the Usual Gang, and it’s ordered that he do with the Usual Gang and his own Male Labouring Tithes keep the said Road in repair according to Law.”⁴⁹⁸

8 JUNE 1790

John Biddlecomb against **William Lavender**. On a petition Trover & Conversion for a Red Cow white faced a yearling and Calf. The Defendant being duly Warned and failing to appear, On the Motion of the Plaintiff by William Crawford Gent. his Attorney, Judgment is granted him against the said Defendant for a Red Cow with a white face, a yearling and Calf (if to be had) or Five pounds, and also for his Costs by him about his Suit in this behalf expended.”

⁴⁹⁴ Amherst Co., Court Order Book 1787–1790, p. 652; imaged, *FamilySearch* digital film 7856350 > image 349.

⁴⁹⁵ William Montgomery Sweeny, *Marriage Bonds and Other Marriage Records of Amherst County, Virginia, 1763–1800* (1937; reprinted, Santa Maria, CA: Janaway Publishing, 2011), 33.

⁴⁹⁶ Amherst Co., Court Order Book 1787–1790, p. 653; imaged, *FamilySearch* digital film 7856350 > image 350.

⁴⁹⁷ Amherst Co., Court Order Book 1787–1790, p. 665; imaged, *FamilySearch* digital film 7856350 > image 357.

⁴⁹⁸ Amherst Co., Court Order Book 1787–1790, p. 673; imaged, *FamilySearch* digital film 7856350 > image 361.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

“On the Motion of Jane Biddlecomb It’s ordered that John Biddlecomb pay to the said Jane Biddlecomb Two hundred and twenty five pounds of Groce Tobacco for her Attendance at this County Court nine days as a Witness for him against **William Lavender**.”⁴⁹⁹

Clough Shelton & Comp^y against **William Lavender**. On a petition by note. The Defendant being duly warned and failing to appear, On the motion of the Plaintiffs by John Breckenridge, Gent., their Attorney, Judgment is granted them against the said defendant for the Sum of Two Pounds Six Shillings and Six pence, with Legal Interest thereon from” 7 July 1787, “till paid and also their Costs by them on this behalf expended.”⁵⁰⁰

JUNE TERM 1790

“On the motion of **John Stratton** It’s Ordered that **William Lain (Wagr.)** pay to the said Stratton Twenty five pounds of Groce Tobacco for his Attendance at this County Court One Day as a witness for him against John Bradshaw.”⁵⁰¹

COMMENT:

There are two William Lains (*var.* Laynes) in this set of court minutes. One is called “waggoner” and the other “waterman” to differentiate between them.

5 JULY 1790

“A Deed Indented from the Trustees of the Town of Warminster to William Gatt & Comp^y was proved by the Oath of John Thompson, **Tilman Walton**, and James Stevens Jun. Witnesses thereto and Ordered to be Recorded.”

“**William Walton** Acknowledged his Deed to Abraham Seay, also the receipt thereon Indented to be his Act and Deed and Ordered be Recorded.”⁵⁰²

6 SEPTEMBER 1790

“William Warwick the third Inspector at Swan Creek Warehouse having resigned his Office, It is Ordered that **John Boush** be Recommended to his Excellency the Governor as a proper Person to Succeed him.”⁵⁰³

“**William Walton** Acknowledged his Deed Indented to Joel Ponton to be his Act and Deed, and the same is Ordered to be Recorded.

“**William Walton** Acknowledged his Deed Indented to **Thomas Fortune** also the Receipt thereon Indented to be his Act and Deed, and the same is Ordered to be Recorded.”⁵⁰⁴

4 OCTOBER 1790

“A Deed Indented from **Marbel Stone** and **Mary Stone** his wife and **Hezekiah Stone** and **Jane** his Wife to Duncan McLaughlin and Compy was proved by the oath of **John Napier**, **John Napier junr.** and John Williamson, Witnesses thereto and the same is Ordered to be Recorded.”⁵⁰⁵

⁴⁹⁹ Amherst Co., Court Order Book 1787–1790, pp. 695–96; imaged, *FamilySearch* digital film 7856350 > image 372.

⁵⁰⁰ Amherst Co., Court Order Book 1787–1790, p. 705; imaged, *FamilySearch* digital film 7856350 > image 377.

⁵⁰¹ Amherst Co., Court Order Book 1787–1790, p. 706; imaged, *FamilySearch* digital film 7856350 > image 377.

⁵⁰² Amherst Co., Court Order Book 1790–1794, p. 3; imaged, *FamilySearch* digital film 7856350 > image 400.

⁵⁰³ Amherst Co., Court Order Book 1790–1794, p. 8; imaged, *FamilySearch* digital film 7856350 > image 404.

⁵⁰⁴ Amherst Co., Court Order Book 1790–1794, p. 13; imaged, *FamilySearch* digital film 7856350 > image 407.

⁵⁰⁵ Amherst Co., Court Order Book 1790–1794, p. 15; imaged, *FamilySearch* digital film 7856350 > image 408.

COMMENT:

Marvel Stone [*var.* Marble, Marbel] was from the family of Mourning Stone and Col. Ambrose Mills who married c1745 in Albemarle. The name Marvel was carried down among Ambrose's descendants.

"John Rowsey and Mary his Wife she being first privily Examined Acknowledged their Deed Indented to **Charles Lavender** to be their Act and Deed, and the same is Ordered to be Recorded."⁵⁰⁶

"Agreeable to a return from William Bibb One of the Overseers of the Poor for the first Hundred It's Ordered that the said overseer or Overseers of the Poor for the said Hundred do Bind out **Dorthey Bailey** a Bastard Child of Sally Bailey to George Blaine to lear[n] the Trade of a Spinster agreeable to Law .., [and] Bind out **Nancy Mathews** a Daughter of John Mathews to Jesse Martin to learn the Trade of a Spinster agreeable to Law."⁵⁰⁷

1 NOVEMBER 1790

"**John Bush** is by a Commission bearing date [6 October 1790] from his Excellency the Governor appointed an Additional Inspector of Tobacco at Swan Creek Warehouse. Whereupon the said Bush with Nelson Crawford and Benjamin Coleman his Securities entered into and acknowledged Bond in the penalty of one thousand pounds with the Condition required by Law, and took the Oath agreeable to Law."⁵⁰⁸

"A Grand jury for the Body of the County, to wit, **William Walton, Foreman**, Joseph Penn ... John Witt ... returned with the following Presentments." Items include: "Philip Thurmond Junr for living in Adultery with Virgin [*sic*] Taylor within two months last past on the information of Unity **Evans**."⁵⁰⁹

COMMENT:

Subsequently, in same term of court, Philip Thurmond Junr. was charged with an assault on Unity Evans during August 1790 in the Parish of Lexington, wherein he "did then and there with sticks, fists, whips and other unlawful Weapons, beat, Wound, and evilly treat Unity **Evans** ... so that her life was much despaired of."⁵¹⁰

"Carter Page and Daniel Ross, Executors of Archibald Cary Decd., Pltfs against David Patterson Deft. In Debt. Came the Plaintiffs by William Crawford Gent. their Attorney, Whereupon Tilman Walton personally appeared in Court and undertook for the said Defendant that in Case he should be Cast in the said Action, that he the said Deft. should pay the Cots and Condemnation of the Court, or Render his Body to Prison in Discharge thereof, or that he the said Tilman Walton would pay the Costs and Condemnation of the Court for him." Tilman also served on jury, this term.⁵¹¹

"Commonwealth against John Byers & Susannah Nickols," Presentment of the Grand Jury against them for living in Adultery. Jury (including **Tilman Walton** and **John Witt**) find the Defendants Guilty. The couple is fined "1000 pounds of Tobacco and Cash and also the Costs in this behalf expended."⁵¹²

⁵⁰⁶ Amherst Co., Court Order Book 1790–1794, p. 19; imaged, *FamilySearch* digital film 7856350 > image 410.

⁵⁰⁷ Amherst Co., Court Order Book 1790–1794, p. 22; imaged, *FamilySearch* digital film 7856350 > image 412.

⁵⁰⁸ Amherst Co., Court Order Book 1790–1794, p. 24; imaged, *FamilySearch* digital film 7856350 > image 413.

⁵⁰⁹ Amherst Co., Court Order Book 1790–1794, p. 25; imaged, *FamilySearch* digital film 7856350 > image 413.

⁵¹⁰ Amherst Co., Court Order Book 1790–1794, p. 28; imaged, *FamilySearch* digital film 7856350 > image 415.

⁵¹¹ Amherst Co., Court Order Book 1790–1794, pp. 27, 29; imaged, *FamilySearch* digital film 7856350 > images 414–15.

⁵¹² Amherst Co., Court Order Book 1790–1794, pp. 28–29; imaged, *FamilySearch* digital film 7856350 > image 415.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

“George Kippin & Comp^y Pltf against William Walton Deft. In Debt. ... Whereupon Thomas Fortune and Tilman Walton personally appeared in Court and undertook for the said Defendant that in Case he should be Cast in the said Action [etc.].”⁵¹³

Gabriel Penn is the new sheriff.⁵¹⁴

2 NOVEMBER 1790

“**William Lavender** Pltf against John Biddlecomb Deft. On a motion for leave to file a Bill of Injunction to stay further proceedings on an Execution obtained by the said Beddlecomb against said Lavender, Came the Plaintiff by Philip Gooch Gent. his Attorney and on hearing leave is granted him to file his said Bill, on his giving Bond and Security agreeable to Law, Whereupon the said **Lavender** with George Hylton his Security entered into and Acknowledged their Bond in the penalty of Twenty pounds with the Condition Required by Law.”⁵¹⁵

“**Allen Lavender** Assee. Of Nathan Ward Pltf against William Laine Wag^r & William Laine Watⁿ Defts. In Debt” Plaintiff appeared by his attorney Philip Gooch. Defendants agreed that judgment may be entered against them for the Debt mention in the declaration plus costs. Judgment for 18£ 16 shillings debt, to be Discharged by the payment of 9 pounds 8 shillings with Legal interest from 1 June 1786 until paid, plus costs.⁵¹⁶

Charles Rose against Richard Tankersley. “In Case.” John Merry Griffin and **William Lavender** became special bail for Tankersley. Issues to be adjudicated by Abraham Warwick and Laurence Campbell Gent.⁵¹⁷

COMMENT:

John Merry Griffin earlier stood special bail for Jesse Mills, Lavender’s uncle. In November 1792, John Merry Griffin “widower” married Ester Wright, spinster daughter of Robert Wright Sr.”⁵¹⁸

7 FEBRUARY 1791

“Overseers of the Poor for the said District [of William Cabell Jr. and William Bibb] Bind out Ambrose Chase a Child of **Liddy Chase** to Thomas Watt to Learn the Trade of a Taylor.”⁵¹⁹

“A nuncupative Will of Matthew Phillips Deceased was presented in court by Anne Phillips the Widow of the said Decedent. Whereupon it is Ordered that the Clerk Issue Summons to have the said Anne Phillips Widow of the said Decedant, and John Phillips Heir and next of kin of the said Decedant Summoned to appear at April Court next to Contest the said Will.”⁵²⁰

TO DO:

Pursue this Widow Anne Phillips to see if she was the same Widow Anne Philipps who married Jesse Mills Jr. in 1799.

William Walton against William Meridith. On a Petition by Account. This Suit is Continued between the Parties, and by Consent the same is to be Tried the first day of March Court next.

⁵¹³ Amherst Co., Court Order Book 1790–1794, p. 32; imaged, *FamilySearch* digital film 7856350 > image 417.

⁵¹⁴ Amherst Co., Court Order Book 1790–1794, p. 36; imaged, *FamilySearch* digital film 7856350 > image 419.

⁵¹⁵ Amherst Co., Court Order Book 1790–1794, p. 41; imaged, *FamilySearch* digital film 7856350 > image 421.

⁵¹⁶ Amherst Co., Court Order Book 1790–1794, p. 43; imaged, *FamilySearch* digital film 7856350 > image 422.

⁵¹⁷ Amherst Co., Court Order Book 1790–1794, p. 45; imaged, *FamilySearch* digital film 7856350 > image 423.

⁵¹⁸ Sweeny, *Marriage Bonds and Other Marriage Records of Amherst County, Virginia, 1763–1800*, 34.

⁵¹⁹ Amherst Co., Court Order Book 1790–1794, p. 66; imaged, *FamilySearch* digital film 7856350 > image 434.

⁵²⁰ Amherst Co., Court Order Book 1790–1794, p. 67; imaged, *FamilySearch* digital film 7856350 > image 434.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

“On the Motion of **Tilman Walton** It’s Ordered that **William Walton** pay to the said Tilman Walton Six hundred pounds of Gross Tobacco for his attendance at this County Court twenty four days as a Witness for him against William Meredith.”⁵²¹

“**Minian Mills** Pltf against Thomas Carpenter Deft. On a Petition by Note. Came the Plaintiff by Robert Jouett Gent. his Attorney whereupon and on hearing Judgment is granted the Plaintiff against the said Defendant for the Sum of Four pounds with Legal Interest thereon from the Twenty eighth day of April One thousand Seven hundred and Eighty five, till paid. And also for his Costs by him about his Suit in this behalf expended.”⁵²²

“John Lockart failing to appear agreeable to an Order and Summons of this Court to shew cause why his Daughter **Keziah** should not be Bound out agreeable to law, Whereupon it is Ordered that the Overseer or Overseers of the Poor for the _____ District [sic] Bind out said **Keziah Lockart** to John Alford to Learn the Occupation of a Spinster.”⁵²³

7 MARCH 1791

“Commonwealth against **John Goodrich**. Presentment Grand jury against him for Living in Adultery with **Mary Carter**. Came the Plaintiff by William Crawford Gent. Deputy Attorney for this Commonwealth Whereupon and on hearing this Presentment is Dismissed.

“Commonwealth vs. William Thurmond ... for Living in Adultery with Elizabeth Pryor.” Dismissed.

“Commonwealth vs. William Galaspie ... for Living in Adultery with Elizabeth Pryor [sic]. Dismissed.”⁵²⁴

Tilman Walton is on jury for this term.⁵²⁵

“Charles Iwing Assignee of Henry Key against **William Walton** & George Blaine. In Debt. ... Whereupon **Tilman Walton** personally appeared in Court and became Special Bail for the Defendants, therefore the Office Judgment Obtained the Seventh Day of December last is set aside, and the Defendants by Philip Gooch Gent. their Attorney saith that they have paid the Debt in the Declaration mentioned and of that they put themselves upon the Country and the Plaintiff doth the same therefore the Trial of this Issue between them is referred till the next Term.”

“Charles Iwing Assee of Henry Key Pltf against **William Walton & Henry Bibb** Deft. In Debt.” Ditto above.”⁵²⁶

“Commonwealth Pltf against Joseph Milstead Jr. Deft. Complaint of Lucy Brown respecting a Bastard Child. This Complaint is Continued till the next Term.”⁵²⁷

“Commonwealth against **Joseph Layne Senr. & Lucy Byers** Defts. Presentment Grand Jury for Living in Adultery. The Defendants not being Summoned on the Motion of the pltf by William Crawford Gent. Deputy Attorney for this Commonwealth an Alias Summons is awarded the Plaintiff against the said Defendant returnable to the next Term.

“Commonwealth against Philip Thurmond. Presentment for Living in Adultery with Virginia Taylor. Jury trial, **Thomas Fortune** foreman. ... Upon Oath do say that the Defendant is not Guilty of Living in Adultery as aforesaid. Therefore the said Presentment is Dismissed.

⁵²¹ Amherst Co., Court Order Book 1790–1794, p. 75; imaged, *FamilySearch* digital film 7856350 > image 438.

⁵²² Amherst Co., Court Order Book 1790–1794, p. 79; imaged, *FamilySearch* digital film 7856350 > image 440.

⁵²³ Amherst Co., Court Order Book 1790–1794, p. 86; imaged, *FamilySearch* digital film 7856350 > image 444.

⁵²⁴ Amherst Co., Court Order Book 1790–1794, pp. 106–7; imaged, *FamilySearch* digital film 7856350 > image 454.

⁵²⁵ Amherst Co., Court Order Book 1790–1794, p. 108; imaged, *FamilySearch* digital film 7856350 > image 455.

⁵²⁶ Amherst Co., Court Order Book 1790–1794, p. 110; imaged, *FamilySearch* digital film 7856350 > image 456.

⁵²⁷ Amherst Co., Court Order Book 1790–1794, p. 112; imaged, *FamilySearch* digital film 7856350 > image 457.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

“Commonwealth against Philip Thurmond Junr., Indictment for Committing an Assault on the Body of **Unity Evans**. This Indictment is Continued till the next Term.”⁵²⁸

COMMENT:

The Milstead case was dismissed in May 1791 “for want of Prosecution.” (p. 147)

Daniel Farguson an Apprentice to **Tilman Walton** against Tilman Walton. Complaint for ill Treatment. Came as well the Plaintiff by John Breckenridge Gent his attorney, as the Defendant by William Crawford, Gent his Attorney, Whereupon and on hearing the said Complaint is Dismissed and its ordered that the said Farguson return to his Masters Service.

“**Thomas Goodrich** an apprentice to **Tilman Walton** against Tilman Walton. Complaint for Ill Treatment.” Same decision.⁵²⁹

“George Kippin & Compy against **William Walton**. In Debt. Came the Plaintiff by John Breckenridge Gent. their Attorney, whereupon **Thomas Fortune** one of the said Defendants Special Bail personally appeared in Court with the said Defendant and Delivered him to the Court. Whereupon **Samuel Goodrich** personally appeared in Court and became Special Bail for the Defendant.”⁵³⁰

8 MARCH 1791

William Walton and **Tilman Walton** are on jury for this term.⁵³¹

Archer Allen against **Thomas Thilman & Tilman Walton**. In Debt. Came the Plaintiff by Robert Garland Gent. his attorney whereupon **William Walton** personally appeared in Court and became Special Bail for the said Defendants and the Defendants in this proper person agrees that Judgment may be entered for the Plaintiff against them for the Debt in the Declaration mentioned and also for his Costs by him about his suit in this behalf expended. Whereupon Judgment is granted the Plaintiff against the said Defendant for the Sum of Twenty six pounds. The Debt in the Declaration mentioned.”⁵³²

COMMENT:

There were both a Thomas Tilman Sr. and a Thomas Tilman Jr. in Amherst at this time. In a subsequent suit launched by Thomas Jr. and siblings in 1810, against the widow Elizabeth Christian, she argued that Thomas Sr. had died before 1800.

“On the Motion of **Mary Carter**, It’s Ordered that **John Goodrich** pay to the said Carter One hundred and twenty five pounds of Gross Tobacco for her Attendance at this County Court five days as a Witness for him at the Suit of John Sledd.

“On the motion of William Carter [same] ... On the Motion of Peter Carter [same].”⁵³³

COMMENT:

Between the names “Mary” and “Carter” someone has penned, in a different hand, the words “Ann Ellis” as though to say that she was née Mary Ann Ellis.

9 MARCH 1791

“On the Motion of **Tilman Walton** It’s Ordered that John Swanson pay to the said Walton Three hundred

⁵²⁸ Amherst Co., Court Order Book 1790–1794, pp. 112–15; imaged, *FamilySearch* digital film 7856350 > images 457–18.

⁵²⁹ Amherst Co., Court Order Book 1790–1794, pp. 116–17; imaged, *FamilySearch* digital film 7856350 > image 440.

⁵³⁰ Amherst Co., Court Order Book 1790–1794, p. 118; imaged, *FamilySearch* digital film 7856350 > image 460.

⁵³¹ Amherst Co., Court Order Book 1790–1794, p. 121; imaged, *FamilySearch* digital film 7856350 > image 461.

⁵³² Amherst Co., Court Order Book 1790–1794, p. 136; imaged, *FamilySearch* digital film 7856350 > image 469.

⁵³³ Amherst Co., Court Order Book 1790–1794, p. 128; imaged, *FamilySearch* digital film 7856350 > image 465.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)
and Seventy five pounds of Gross Tobacco for his Attendance at this County Court fifteen Days as a
Witness for him against Lewis McWane.”⁵³⁴

2 MAY 1791

“Commonwealth against **Joseph Laine & Lucy Byers**. Presentment Grand jury for Living in Adultery. The
Defendants not being Summoned On the Motion of the Pltf by William Crawford Gent Deputy Attorney
for this Commonwealth a Plurias Summons is awarded him against the said Defendants returnable to
the next Term.”

“Commonwealth against Joseph Milstead Junr. Complaint of Lucy Brown respecting a Bastard Child. This
Complaint is Dismissed for want of Prosecution.”⁵³⁵

3 MAY 1791

William Walton and **Tilman Walton** are on jury for this term. William is foreman in suit of Joseph Cabell
against George Sutherland. Also for random subsequent cases.⁵³⁶

4 MAY 1791

“John Scott against **Patrick Napier**. Upon an Attachment. By Consent of Parties this Suit is Dismissed (by
Note from under their Hands) each party paying his own Costs.

George Blaine against **Allen Lavender**. In Case. This Suit is Continued between the Parties till the next
Term.”⁵³⁷

“On the Motion of **Larkin Byers**, It is Ordered that Charles Burks pay to the said **Byers** Two hundred and
Twenty five pounds of Gross Tobacco for his Attendance at this County Court nine Days as a Witness for
him at the suit of John Sale Guardian &c to Nancy Sale.⁵³⁸

5 MAY 1791

“On the Motion of **William Walton** It is Ordered that **James Litterell** pay to the said Walton one hundred
pounds of Gross Tobacco for his Attendance at this County Court four days as a Witness for him at the
suit of **Richard Tankersley**.”⁵³⁹

6 JUNE 1791

“Agreeable to a return from Nathan Crawford One of the Overseers of the poor of the Second hundred,
it is ordered that the said Overseer or Overseers of the poore for the said Hundred do bind out **Richard
Fling**, a Bastard Child of Mary Fling to Ephraim Blaine to learn the Trade of a Carpenter, agreeable to
Law.” Ditto “**Isaac Gray** a Bastard Child of Nancy Gray to Leonard Hayle to learn the Trade of a Weaver
agreeable to Law.”⁵⁴⁰

“**William Walton** against William Meredith. On a Petition by Account. Came as well the Plaintiff by John
Breckenridge Gent. his Attorney, as the Defendant by William Crawford Gent. his Attorney, Whereupon

⁵³⁴ Amherst Co., Court Order Book 1790–1794, p. 136; imaged, *FamilySearch* digital film 7856350 > image 469.

⁵³⁵ Amherst Co., Court Order Book 1790–1794, pp. 146–47; imaged, *FamilySearch* digital film 7856350 > image 474.

⁵³⁶ Amherst Co., Court Order Book 1790–1794, pp. 162, 173, 178–90; imaged, *FamilySearch* digital film 7856350 > images
482–97.

⁵³⁷ Amherst Co., Court Order Book 1790–1794, pp. 164, 172; imaged, *FamilySearch* digital film 7856350 > images 481, 487.

⁵³⁸ Amherst Co., Court Order Book 1790–1794, p. 176; imaged, *FamilySearch* digital film 7856350 > image 489.

⁵³⁹ Amherst Co., Court Order Book 1790–1794, p. 192; imaged, *FamilySearch* digital film 7856350 > image 497.

⁵⁴⁰ Amherst Co., Court Order Book 1790–1794, p. 201; imaged, *FamilySearch* digital film 8248729 > image 11.

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and on hearing Judgment is granted the Plaintiff against the said Defendant for the Sum of forty shillings, and also for his Costs ...”⁵⁴¹

1 AUGUST 1791

“On the Motion of Joseph Baker, It is Ordered that John Cabell pay to the said Baker one hundred and Seventy eight pounds of Gross Tobacco for his attendance at this County Court two Days and for Traveling Once Thirty two Miles from Buckingham County as a Witness for him against **William Walton**.”⁵⁴²

Commonwealth vs. **Joseph Laine** and **Lucy Byas**. Another Plurias Summons to be issued.

Commonwealth vs. Philip Thurmond for assaulting **Unity Evans**. He pleads not guilty, asks for jury trial, was found guilty and fined 15 pounds damages, plus costs. He appeals. Suit is continued.

“**Allen Lavender** being Summoned as Jury Man, Solemny [*sic*] called and failed to attend, therefore he is fined agreeable to Law, and that he make his fine by the payment of Four hundred pounds of Tobacco for the use of this Commonwealth.”⁵⁴³

2 AUGUST 1791

Walton is jury foreman. **Tilman Walton** serves on jury. Also for several subsequent cases.⁵⁴⁴

Charles Iwing Assee of Henry Key against **William Walton** & George Blaine. Defendants acknowledge the debt. Judgment against them for 21£ 5 shillings and costs, to be Discharged by payment of 10£ 12 shillings and six pence with legal interest from 1 May 1774 [*sic*]. “The Plaintiff agrees to stay Execution on this Judgment ‘till Christmas next.”

Charles Iwing Ass^{ee} of Henry Key against **William Walton** and Henry Bib. Same action. Debt for 10 pounds and costs, to be Discharged by paying 5£ with legal interest from 1 May 1774. Stay until Christmas.⁵⁴⁵

Clough Shelton & Compy against **Tilman Walton**. John Breckenridge for plaintiff, Robert Garland for Deft. **William Walton** appeared as Special Bail for the Defendant, who asserts that he has paid the debt and puts himself on the country for a trial at next term.⁵⁴⁶

3 AUGUST 1791

“James Jameson, Elizabeth Jameson, John Doty and Rebecca his wife and **Thomas Farley** and Margaret his Wife, Children of Thomas Jameson and Martha his wife, against Alexander Reed Jr?. In Chancery.⁵⁴⁷

“William Lee & James Lee Sons of William Lee Dec’d Infants under the Age of Twenty one years by John Wiatt their next Friend, Pltffs, against Ballenger **Wade**, Pearce Wade, David Wade, Jeremiah Wade, Robert Mayes & Susannah his Wife, **Reuben White & Mary his wife**, Roland Tankersley and Clary his Wife, James Mays and Lucretia his wife, John Reynolds and Abigail his Wife, Walter Key and Jane his Wife, Elizabeth Roach and Charity Dawson, Defts. In Chancery. Came the Parties by their attorneys, Whereupon, and on hearing the Bill, Answer and other exhibits in this Cause, it is Ordered and Decreed that the Legal representatives of **Pearce Wade Dec’d**, Defendants hereto together with John Harwick

⁵⁴¹ Amherst Co., Court Order Book 1790–1794, p. 206; imaged, *FamilySearch* digital film 8248729 > image 14.

⁵⁴² Amherst Co., Court Order Book 1790–1794, p. 218; imaged, *FamilySearch* digital film 8248729 > image 21.

⁵⁴³ Amherst Co., Court Order Book 1790–1794, p. 222–23, 227; imaged, *FamilySearch* digital film 8248729 > images 23–25.

⁵⁴⁴ Amherst Co., Court Order Book 1790–1794, p. 229; imaged, *FamilySearch* digital film 8248729 > image 26.

⁵⁴⁵ Amherst Co., Court Order Book 1790–1794, pp. 241–42; imaged, *FamilySearch* digital film 8248729 > images 31–32.

⁵⁴⁶ Amherst Co., Court Order Book 1790–1794, p. 244; imaged, *FamilySearch* digital film 8248729 > image 34.

⁵⁴⁷ Amherst Co., Court Order Book 1790–1794, p. 245; imaged, *FamilySearch* digital film 8248729 > image 34.

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the administrator convey in fee simple a good and Sufficient Title to William Lee and James Lee Sons and Devises of William Lee Dec'd to the Land and Appurtenances with the Mill in the Bill mentioned.”⁵⁴⁸

COMMENT:

In all the other proceedings involving the Pearce Wade estate, the heirs included “J White and Mary his wife.” This reference to **Reuben White**, with wife Mary, is the only one I have found in this set of court orders; and I find no other reference to a “Reuben White” in the published abstracts of deeds, estates, and wills of Amherst.

“On the Motion of **John Mills** it is Ordered that John Bradshaw pay to the said Mills three hundred and twenty-nine pounds of Gross Tobacco for his attendance at this County Court nine days and for Traveling once Twenty six miles from **Albemarle County** as a Witness for him at the Suit of Thompson and Teas.”⁵⁴⁹

COMMENT:

The suit of Thompson & Teas vs. John Bradshaw “Upon an Attachment” was heard earlier that session, with a jury trial under William Walton, foreman. The jury found that “the Defendant did Abscond, and find for the Plaintiffs the Debt in the Declaration mentioned and One penny Damages. ... that the Plaintiffs recover against the said Defendant the sum of Seventy eight pounds ten Shillings and Eleven pence, also Twenty-eight pounds Six Shillings & Eleven pence, Nine pounds nineteen Shillings and Eleven pence ... to be Discharged by the payment of Thirty nine pounds five Shillings and five pence half penny with Legal Interest” from 1 April 1786, also [other sums]...” (pp. 251–52)

“**Tilman Walton** personally appeared in Court and relinquished all his right in his attendance except Ferry hundred and Twenty five pounds of Gross Tobo. for Seventeen days as a witness for **William Walton** against William Meredith.”⁵⁵⁰

5 SEPTEMBER 1791

“**George Phillips** personally appeared in Court agreeable to Recognizance being charged by **Elizabeth Hetherton** of begetting a Bastard Child on her Body which is likely to become chargeable to the County, the said Elizabeth Hetherton being called and failed to appear, On hearing it is Ordered that the said George Phillips find Security to be Bound with him in the Sum of Twelve pounds to be paid to the Overseers of the Poor and to their Successors with Condition that the said George Phillips keep [blank] Hetherton, a **Male Bastard Child of Elizabeth Hetherton** from being chargeable to this County during the Term of three Years. Whereupon the said George Phillips with Jeremiah Phillips his Security personally appeared in Court and Acknowledged themselves to be Indebted to the Overseers of the Poor and to their Successors in the Sum of Twelve pounds—Four pounds part thereof to be paid by the last day of October next, and Four pounds at the last day of October One thousand Seven hundred and Ninety two, and Four pounds at the last Day of October One thousand Seven hundred and Ninety-three.”⁵⁵¹

⁵⁴⁸ Amherst Co., Court Order Book 1790–1794, p. 248; imaged, *FamilySearch* digital film 8248729 > image 36.

⁵⁴⁹ Amherst Co., Court Order Book 1790–1794, p. 254; imaged, *FamilySearch* digital film 8248729 > image 39.

⁵⁵⁰ Amherst Co., Court Order Book 1790–1794, p. 271; imaged, *FamilySearch* digital film 8248729 > image 49.

⁵⁵¹ Amherst Co., Court Order Book 1790–1794, p. 277; imaged, *FamilySearch* digital film 8248729 > image 52.

3 OCTOBER 1791

“Ordered that the Overseers of the Poor bind out **Dolley Bailey** aged Six years the Sixteenth day of February next, a Bastard Child of **Sally Bailey** to **Mary Dillard** to learn the Trade of a Spinster agreeable to Law. It appearing to the Court that the former Order of Court made to bind out the said Dolley Bailey to George Blaine hath not been complied with, and it appearing that the said **Mary Dillard** is a much fitter person to bind the said Dolley Bailey to.”⁵⁵²

COMMENT:

George Blaine, in 1782, was charged with selling liquor with a license and with “living in fornication” with Milly Shipp. By 1788, Milley had died and her orphaned children were bound to him. In 1790, as a “widower,” he remarried;⁵⁵³ so he did have a wife at the time the overseers proposed binding the young Dolley Bailey to him.

4 OCTOBER 1791

William Bones against **Tilman Walton**. On a Petition by Note. Bonds requests that the suit be dismissed and Philip Gooch, Atty for defendant requests judgment for costs. Granted.⁵⁵⁴

William Laine (Wag^r) against **Charles Lavender**. On a Petition by Account. Plaintiff is awarded a commission to take the deposition of William Gatt.⁵⁵⁵

Allen Blair against **Tilman Walton** On a Petition by Note. Suit Dismissed at Defendant’s costs.⁵⁵⁶

7 NOVEMBER 1791

William Walton is foreman of the Grand Jury.⁵⁵⁷

“Commonwealth vs. **Joseph Laine Sr.** and **Lucy Byers**. Presentment of the Grand jury of Living in Adultery. This Presentment is Dismissed by the Sheriffs return.”⁵⁵⁸

“Benjamin Payne against **Tilman Walton**. In Debt. The Office Judgment Obtained in this Cause is set aside and the Defendant in his proper person agrees that the Judgment may be entered for the plaintiff against him for the Debt in the Declaration mentioned ... Eight pounds Eight Shillings and Six pence ... and costs, to be Discharged (except the Costs) by the payment of Four pounds four Shillings & three pence with Legal Interest” from 19 Nov 1789.

Clough Shelton & Comp^y against **Tilman Walton**. In Debt. **William Walton** appeared as special Bail for defendant, asks that the Order of 5 August last be set aside and that Defendant be allowed to put himself on the country. The trial is referred to the next term.⁵⁵⁹

8 NOVEMBER 1791

Abraham and William Warwick, Assignee of John Wright, against **Charles Lavender**. William Laine appeared as Special bail for the defendant and asks that the Common Order of last 5 August be set aside and that defendant be put upon the country. Trial referred to next term.⁵⁶⁰

⁵⁵² Amherst Co., Court Order Book 1790–1794, p. 290; imaged, *FamilySearch* digital film 8248729 > image 59.

⁵⁵³ Sweeny, *Marriage Bonds and Other Marriage Records of Amherst County, Virginia, 1763–1800*, 10.

⁵⁵⁴ Amherst Co., Court Order Book 1790–1794, p. 302; imaged, *FamilySearch* digital film 8248729 > image 65.

⁵⁵⁵ Amherst Co., Court Order Book 1790–1794, p. 304; imaged, *FamilySearch* digital film 8248729 > image 66.

⁵⁵⁶ Amherst Co., Court Order Book 1790–1794, p. 313; imaged, *FamilySearch* digital film 8248729 > image 70.

⁵⁵⁷ Amherst Co., Court Order Book 1790–1794, p. 320; imaged, *FamilySearch* digital film 8248729 > image 74.

⁵⁵⁸ Amherst Co., Court Order Book 1790–1794, p. 328; imaged, *FamilySearch* digital film 8248729 > image 78.

⁵⁵⁹ Amherst Co., Court Order Book 1790–1794, pp. 332–33; imaged, *FamilySearch* digital film 8248729 > image 80.

⁵⁶⁰ Amherst Co., Court Order Book 1790–1794, p. 345; imaged, *FamilySearch* digital film 8248729 > image 86.

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Nelson Crawford, Assignee of John Bradshaw against **Charles** and **Allen Lavender**. In Debt. James Pamplin appeared as Special Bail for the defendants, asked for order of 5 August [etc.] to be set aside, and they put themselves upon the country. Trial referred until next term.⁵⁶¹

5 DECEMBER 1791

“A Deed Indented from **Thomas Shannon** and **Mary Shannon** his Wife to James Bishop was proved by the Oath of John Henderson, Archd. Campbell, and John Thompson Witnesses thereto, and the same was Ordered to be Recorded.” Ditto for deed from the Shannons to John Nowls, proved by same witnesses.⁵⁶²

20 FEBRUARY 1792

“Agreeable to a return from Samuel Meredith one of the Overseers of the poor in the fourth hundred, it is ordered that the Sd overseer or Overseers of the poor in the Sd hundred bind out **Samuel Courtney** an orphan Boy according to law to Joseph Burk to learn the art and trade of a sadler.”⁵⁶³

19–20 MARCH 1792

“George Blair vs. **Allen Lavender**. In case—on the motion of the pltf and for reasons appearing to the Court this suit is continued until the next term at the pltfs cost.”⁵⁶⁴

Tilman Walton, William Walton, and William Lavender serve on various juries.⁵⁶⁵

21 MARCH 1792

“On the motion of William Lain (waggoner) for leave to enjoin so much of a Judgment obtained by **Allen Lavender** against him as amounts to eight pounds twelve Shillings and three pence on hearing it is ordered that so much of the Judgment as amounts to the aforesd. sum ... be enjoined till the further order of this Court upon the Sd. William Lain’s giving bond and security, whereup[on] he with William Hardwick his security entered into bond under the penalty of twenty pounds conditioned as the Law directs.”⁵⁶⁶

Clough Shelton & Co vs. **Tilman Walton**. In Debt. Jury finds that the defendant has paid the debt and that he should recover costs of Clough & Co.

Hudson Martin &c vs. **Tilman Walton** as special bail for John Wood. ... on 8 April 1789, sum of 11 pounds 12 shillings, 9 pence, half-penny, with legal costs from 7 February 1788. Also 200 pounds of Gross Tobacco and 16 shillings and six pence for costs.⁵⁶⁷

16 APRIL 1792

Marriage bond. **William Walton** and **Mildred Lavender**. Surety: William Lavender; witnesses: Owen Harkins, William L. Crawford.⁵⁶⁸

21 MAY 1792

William Walton is jury foreman. **Tilman Walton** and **William Lavender** serve on juries.⁵⁶⁹

⁵⁶¹ Amherst Co., Court Order Book 1790–1794, p. 347; imaged, *FamilySearch* digital film 8248729 > image 87.

⁵⁶² Amherst Co., Court Order Book 1790–1794, p. 362; imaged, *FamilySearch* digital film 8248729 > image 96.

⁵⁶³ Amherst Co., Court Order Book 1790–1794, p. 370; imaged, *FamilySearch* digital film 8248729 > image 102.

⁵⁶⁴ Amherst Co., Court Order Book 1790–1794, p. 373; imaged, *FamilySearch* digital film 8248729 > image 103.

⁵⁶⁵ Amherst Co., Court Order Book 1790–1794, pp. 376–85; imaged, *FamilySearch* digital film 8248729 > images 105–11.

⁵⁶⁶ Amherst Co., Court Order Book 1790–1794, p. 385; imaged, *FamilySearch* digital film 8248729 > image 111.

⁵⁶⁷ Amherst Co., Court Order Book 1790–1794, pp. 388–89; imaged, *FamilySearch* digital film 8248729 > images 113–14.

⁵⁶⁸ Amherst Co. Marriage Book 1: 74; imaged, Amherst Reel 37, Library of Virginia.

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“**Nelson Crawford** Ass[ignee] of **John Bradshaw vs. Charles Lavender** and **Allen Lavender**. In Debt. Jury trial Judgment for plaintiffs with interest from 1 March 1789.⁵⁷⁰

Abraham & William Warwicks, ass. of John Wright, vs. **Charles Lavender**. Defendant confesses judgment. Debt to be discharged by payment of 13 pounds with interest from 1 October 1789.”⁵⁷¹

COMMENT:

See the case above in which John Mills traveled from Albemarle to testify on behalf of John Bradshaw when he was sued by Thompson & Teas. This John Mills, as son of Jesse, would be first cousin of the Lavenders who gave a note to John Bradshaw, which was then transferred to Crawford.

23 MAY 1792

“Hudson Martin & Co. Pltfs vs. **Tilman Walton** as Special bail for John Wood deft.” Walton had undertaken for Wood in March 1789. In April 1789 judgment was rendered against Wood, who has not paid the same nor “rendered his body to prison nor hath the Deft. done it for him.” The Defendant says he cannot deny the plaintiffs’ charges. Judgment against him for £11 12s 9p half penny with legal interest from 7 April 1788 till paid, plus 100 pounds of gross Tobacco and 16s 6p, also 207 pounds gross tobacco and 15s, plus costs.⁵⁷²

24 MAY 1792

“**George Lambert** Complainant vs. Carter & Trent & John Swann, respdts. In chancery. Court orders that the complainant’s bill be dismissed.⁵⁷³

18 JUNE 1792

“**William Walton** [written as “Wattom”] to James Wells a deed indented with a receipt endorsed was this day acknowledged in open Court and ordered to be recorded.”

“A deed from **William Walton** [“Watton”] to Abraham Seay acknowledged in Open Court and Ordered to be recorded.”⁵⁷⁴

16 JULY 1792

AMHERST COUNTY, VA

Court order

“Agreeable to a report from Anthony Rucker and David Woodrooff two of the overseers of the poor for the third hundred, It is ordered that **John Majors** an orphan boy & son to **Lucy Majors** be bound out by the Sd. overseers according to Law to Samuel Poindexter to learn the art and mistery of a Carpenter.”⁵⁷⁵

20 AUGUST 1792

“On the report of Samuel Meredith one of the overseers of the poor for the fourth hundred of this County, it is ordered that **Elizabeth King** an orphan Girl be bound out according to Law by the Sd.

⁵⁶⁹ Amherst Co., Court Order Book 1790–1794, pp. 392–401; imaged, *FamilySearch* digital film 8248729 > images 115–20.

⁵⁷⁰ Amherst Co., Court Order Book 1790–1794, p. 400; imaged, *FamilySearch* digital film 8248729 > image 120.

⁵⁷¹ Amherst Co., Court Order Book 1790–1794, p. 404; imaged, *FamilySearch* digital film 8248729 > image 122.

⁵⁷² Amherst Co., Court Order Book 1790–1794, pp. 411–12; imaged, *FamilySearch* digital film 8248729 > images 125–26.

⁵⁷³ Amherst Co., Court Order Book 1790–1794, p. 413; imaged, *FamilySearch* digital film 8248729 > image 126.

⁵⁷⁴ Amherst Co., Court Order Book 1790–1794, pp. 419–20; imaged, *FamilySearch* digital film 8248729 > images 129–30.

⁵⁷⁵ Amherst Co., Court Order Book 1790–1794, pp. 424–25; imaged, *FamilySearch* digital film 8248729 > image 132.

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Overseers of the poor to Jeremiah Tungate. [Also] **Joseph King** an orphan boy be bound out ... to James Clements."⁵⁷⁶

22 AUGUST 1792

"**William Lain** vs **Allen Lavender**. Injunction in Chancery. On the motion of the Deft to dissolve the Sd injunction," legal notice of this motion being given to the complainant, on hearing it is considered by the Court that the complainants' injunction be dissolved. Judgment for the defendant to recover his costs.⁵⁷⁷

17 SEPTEMBER 1792

"**Charles Lavender** and **Sally** his wife to William Spencer, a deed of Trust proven by the oaths of James Savage and Samuel Spencur subscribing witnesses thereto and the same is ordered to lie for further proof."⁵⁷⁸

COMMENT:

This new county clerk, William Sidney Crawford, frequently writes his 't' and 'l' the same—with no cross through the 't.' Thus "Witt" is "Will" and "Watt" is Wall."

Charles Lavender *Jr.* married Lucy Ballew. The inclusion of "Sally his wife" in the deed above tells us that the seller was Charles Lavender Sr.

15 OCTOBER 1792

"Agreeable to a report of Nathan Crawford one of the Overseers of the poor for the Second hundred it is ordered that **William Bowden** a bastard Boy of Ann Bowden who was bound to Thomas H. Talbot who has since removed to Kentucky be bound out to Jacob Roberts according to Law to learn the trade of a blacksmith. [Also] **Elie Ailstock** a bastard child [no mother named] be bound out ... to William Leigh."

"Agreeable to a report of Josiah Ellis an overseer of the poor for the fourth hundred it is ordered that **John Carpenter** an Orphan Boy be bound out to William Moss according to Law to learn the trade of a carpenter."⁵⁷⁹

16 OCTOBER 1792

Patrick Napier vs. John Christian exor of John D. Coleman Decd. Also **Patrick Napier** vs. John Goolsby. Both petitions for debt. Both continued until next term on motion of the plaintiff's attorney. Also **Thomas Napier** vs. John Goolsby, ditto.

"William Lain Pltf vs. **Charles Lavender** Deft. In Petition for debt. On hearing, Judgement is granted the pltf against the Deft. for the Sum of four pounds nine Shillings and six pence with legal interest thereon from the 7th day of June 1791 till paid & cost."

"On the motion of Samuel Brown it is ordered that **William Lain** pay him seventy-five pounds of Gros Tobacco for his attendance at this Court three days for him as witness in his suit against **Charles Lavender**."⁵⁸⁰

20 NOVEMBER 1792

"**William Walton** Pltf vs. Thompson & Teas Defts. In case. Hezekiah Hartgrove personally appeared in

⁵⁷⁶ Amherst Co., Court Order Book 1790–1794, p. 430; imaged, *FamilySearch* digital film 8248729 > image 135.

⁵⁷⁷ Amherst Co., Court Order Book 1790–1794, p. 446; imaged, *FamilySearch* digital film 8248729 > image 143.

⁵⁷⁸ Amherst Co., Court Order Book 1790–1794, p. 451; imaged, *FamilySearch* digital film 8248729 > image 145.

⁵⁷⁹ Amherst Co., Court Order Book 1790–1794, pp. 455–56; imaged, *FamilySearch* digital film 8248729 > images 147–48.

⁵⁸⁰ Amherst Co., Court Order Book 1790–1794, p. 456; imaged, *FamilySearch* digital film 8248729 > image 148.

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Court and undertook for the Defts. ...”

Nicholas Pamplin vs. **William Lavender**. **William Lain** as special bail for defendant. Debt acknowledged. To be discharged by payment of 3 pounds 13 shillings and 8 pence, with interest from 3 August 1791.⁵⁸¹

Larkin Byass vs. Charles Ellis. In Case. To be adjudicated by Edmund Goodrich, David Burks, and Ambrose Eubank or any two of them.

“The Overseers of the poor for Amherst County in the Second hundred Pltf vs. **Jeremiah Philips & Geo. Phillips** Defts. On a motion for Judgment on a bond conditioned for the maintenance of a bastard child, legal notice acknowledged by the Defts. and by consent of parties continued till tomorrow.”⁵⁸²

17 DECEMBER 1792

“On the motion of William Spencer it is ordered that **William Lain** (waterman), Joseph Welch, **William Lavender** and Josiah Wingfield or any three of them being first sworn do view a way for altering the public road running on the top of the Buffaloe ridge at the foot of the S.C. ridge to the mouth of Tye river and make report of the conveniences and inconveniences attending the Same to this Court.”⁵⁸³

21 JANUARY 1793

“William Lain (Wagoner) to James Franklin a deed of trust with receipt enclosed proven by the oaths of John Strutton and **William Lavender** subscribing witnesses thereto and ordered to be recorded.”

“**Charles Lavender** to John Tyler and Alexander Johns a deed indented proven by the oaths of William Spencer and George Dillard subscribing witnesses and ordered to lie for further proof.”

“Agreeable to a report from Anthony Rucker and David Woodroff two of the Overseers of the poor for the third hundred, it is ordered that **John Moss** a mulatto orphan boy be bound out according to Law to Micajah Clark to learn the trade of a Carpenter & **Betsey Moss** an orphan Girl to Nehemiah Rozzell—also **Edward Guttry** an orphan boy be bound out to William Howard & **David Guttry** to William Brown, each according to Law to learn the trade of a carpenter.”⁵⁸⁴

18 MARCH 1793

“Alexander Brydie ass[ignee] of Irving Galt & Co. Pltf vs. **William Walton & Tilman Walton** Defts. On motion for Judgment on a bond conditioned for the delivery of property taken by virtue of an execution of this Court the Sd pltf against the Dft William, which bond became forfeited by the Sd. property not being delivered on the day and at the place of Sale appointed by the Sheriff. This day came the Pltf by his attorney and it appearing by satisfactory [evidence] to the Court that the Dfts have had legal notice of this motion and the Sd Defendants being solemnly called came not. Therefore it is considered by the Court that the Pltf recover against them the sum of fifty-four pounds eight shillings and three pence and also his costs by him about his suit in this behalf expended and the Sd Defts in mercy &c. But this Judgment the costs excepted is to be discharged by the payment of fifteen pounds and eleven pence current money of Virginia with legal interest thereon to be computed after the rate of five Pcentum pr annum from the 17th day of January 1793 till paid.”

“Same Pltf vs. Same Dft. On motion for Judgment on a bond conditioned ...” Same premises and actions as above. Debt of £24 16s 3p plus costs to be discharged by payment of £12 8s 2p with legal interest at 5

⁵⁸¹ Amherst Co., Court Order Book 1790–1794, p. 477; imaged, *FamilySearch* digital film 8248729 > image 161.

⁵⁸² Amherst Co., Court Order Book 1790–1794, p. 481; imaged, *FamilySearch* digital film 8248729 > image 163.

⁵⁸³ Amherst Co., Court Order Book 1790–1794, p. 495; imaged, *FamilySearch* digital film 8248729 > image 171.

⁵⁸⁴ Amherst Co., Court Order Book 1790–1794, pp. 496–97; imaged, *FamilySearch* digital film 8248729 > image 172.

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percent from 17 January 1793 till paid.⁵⁸⁵

Tilman Walton and **William Walton** serve on jury in case of Irving Galt & Co. vs. James Lain.⁵⁸⁶

Charles “Strattram,” Pltf vs. **Willam & Allen Lavender**, Defts. In Debt. John “Strutton” appeared in court and undertook for the defendants, who put themselves upon the country.⁵⁸⁷

COMMENT:

William Lavender married Sarah Stratton, daughter of John, according to his pension application which states that they were wed by “Reverend Holmes” of the Episcopalian church “without license from the clerk.”⁵⁸⁸

20 MARCH 1793

“**William Lavender, Charles Lavender, George Lavender, Richard Fortune** and **Mary** his wife, **Elizabeth Lavender, Winston Lavender,** and **Anthony Lavender,** children of and claimants of the estate of **William Lavender** Decd., Complainants against **William Walton** and **Mildred** his wife, formerly Mildred Lavender, administratrix of Sd. William Lavender Decd. and **Mildred Lavender** an infant under the age of twenty-one years, Defts. in Chancery.

- By order of the Court **George Lavender** is appointed guardian for the Special purpose of defending the Sd. infant in this case.
- And the same came on to be heard by consent of parties on the bill and answer of the Defts and by consent of parties it is ordered and decreed that Gabriel Penn, Samuel Meredith, James Higginbotham, James Franklin, and William Spencer or any three of them do settle and adjust the accounts of the Dft. Mildred Walton formerly Mildred Lavender admx. of her former Deceased husband, and do allot to her third and legal proportion of the personal estate of the Sd. William Lavender Deceased and distribute amongst the Children and legal representatives of Sd William Lavender decd. the remainder of his personal estate, share and share alike, according to the Laws and customs of this Commonwealth, including in the Sd. distribution a Negro Wench **Jean and her children** excepting her **Child Tom** and make a report of the Same to this Court in order for a final decree.”⁵⁸⁹

COMMENT:

Note that Allen Lavender is not named in this suit as an heir of William Lavender, decd.

“On the motion and Petition of Coleman Garland Wright, Francis Wright and Robert Henson, apprentices to **Tilman Walton** to be released from further servitude to the Sd Walton on account of ill treatment, The parties being heard by their attornies and from the examination of the sundry witnesses touching the precepts, it is the Opinion and Judgment of the Court that the Sd. Apprentices be removed from further service or duty to the Sd Tilman Walton their master and may recover against him their cost by them about this suit in this behalf expended; and it is further ordered that the Overseers of the poor for the Second Hundred bind out the Sd orphans according to Law to some discreet person to learn the trade of a carpenter.”

“On the motion of William Harris one of the Overseers of the poor for the Second hundred for Judgment against **George Phillips** and **Jeremiah Phillips** on their bond given for the maintenance of [blank]

⁵⁸⁵ Amherst Co., Court Order Book 1790–1794, p. 503; imaged, *FamilySearch* digital film 8248729 > image 175.

⁵⁸⁶ Amherst Co., Court Order Book 1790–1794, p. 505; imaged, *FamilySearch* digital film 8248729 > image 176.

⁵⁸⁷ Amherst Co., Court Order Book 1790–1794, p. 506; imaged, *FamilySearch* digital film 8248729 > image 177.

⁵⁸⁸ William Lavender (Private Capt. Allen’s Co., Col. Taylor’s Regt., Virginia Line), no. W20189 in “Revolutionary War Pensions,” Fold3 (<https://www.fold3.com/image/25255701> and 33 subsequent numbers).

⁵⁸⁹ Amherst Co., Court Order Book 1790–1794, p. 509; imaged, *FamilySearch* digital film 8248729 > image 178.

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Hetherton, a bastard child of **Elizabeth Hetherton** on hearing the Sd motion is dismissed with Costs.”

“On the motion of James Vigust, William Smith, Norman Kidd, Joel Ponton, **George Lavender, Anderson Lavender** & Benjamin Henderson, it is ordered that Coleman Garland Wright, Francis Wright and Robert Henderson pay each of them twenty-five pounds of gross Tobacco for their Several attendances at this Court one day as witnesses for them in their motion against **Tilman Walton**.⁵⁹⁰

William Lavender served on jury.⁵⁹¹

COMMENT:

This is the only reference found to an “Anderson” Lavender in Amherst in this period. Given his coupling with George, it is likely that “Anderson” was a transcription error for “Anthony.”

14 APRIL 1793

“It is ordered that the overseers of the poor for the third Hundred do bind out **Nancy Findley**, an orphan girl according to Law to **William Gutrey**.”

“The viewers appointed to view a way for a public road from the **ford on Tye river** above the Courthouse thro’ **Ruckers run Gap** and thence to the **mouth of Tye river** returned their report and William Cabell, Mary Edmonds, William Bibb, Charles Rose, John Alford, James **Landrum**, John Thompson, John Ball, Robert Carter Harrison, Samuel Edmonds and William Crisp, the proprietors of the Lands thro which the road is to run having certified their consent to the Same, It is ordered that the Same be established, and that William Alford and his Gang, Young **Landrum** & his Gang, James Dillard and his gang and Colo. William Cabell’s Gang do open the said road under the direction of William Bibb.”⁵⁹²

“On the motion of William Warwick, it is ordered that **John Boush**, John Ball and Richard Murrow they being first sworn do view a way for a public road from the **Gap of Findley’s mountain** below Abram Warwick’s thence the most convenient rout to the road leading from **Rucker’s run gap** to the **mouth of Tye river** and report to this Court the Conveniences and inconveniences attending the Same.”⁵⁹³

20 MAY 1793

William Walton served on jury.

“**Thomas Shannon** Pltf vs. John Knowles & John Tompson. in Debt. This day came the pltf by his Attorney and the Dfts. in their proper persons ... judgment for plaintiff.”⁵⁹⁴

21 MAY 1793

“**William Walton** Pltf vs. John Thompson & William Teas Defts. In case. This day came the parties by their attornies and on the motion of the Dft. the Office judgment and writ of inquiry in this cause is set aside and for plea saith that he did not undertake and assume upon himself in form and manner as the pltf against him hath declared and of this he puts himself upon the Country and the pltf doth likewise the Same, whereupon came a jury ...” Judgment for plaintiff £13 10s 10p half-penny current money of Virginia, plus costs.⁵⁹⁵

“Charles Stattam Pltf vs. **William Lavender** and **Allen Lavender** Defts. In Debt. Defendants, by their attornies, say they cannot deny the debt. Judgment against them 1440 pounds of crop tobacco of

⁵⁹⁰ Amherst Co., Court Order Book 1790–1794, p. 509; imaged, *FamilySearch* digital film 8248729 > image 178.

⁵⁹¹ Amherst Co., Court Order Book 1790–1794, p. 514; imaged, *FamilySearch* digital film 8248729 > image 181.

⁵⁹² Amherst Co., Court Order Book 1790–1794, pp. 517–18; imaged, *FamilySearch* digital film 8248729 > images 182–83.

⁵⁹³ Amherst Co., Court Order Book 1790–1794, p. 519; imaged, *FamilySearch* digital film 8248729 > image 183.

⁵⁹⁴ Amherst Co., Court Order Book 1790–1794, p. 521; imaged, *FamilySearch* digital film 8248729 > image 184.

⁵⁹⁵ Amherst Co., Court Order Book 1790–1794, p. 532; imaged, *FamilySearch* digital film 8248729 > image 190.

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Richmond or Manchester inspect, plus costs; to be discharged (costs excepted) by paying half of that with legal interest from 1 January 1791 until paid.⁵⁹⁶

“Abram and William Warick for the benefit of **Tilman Walton** Plf. vs. William Bones, deft. In debt. Jury. Judgment for plaintiff.⁵⁹⁷

Jessee Mills [Jr.] of Amherst Parish and Rachel Hudson of Amherst Parish. Joshua Hudson, parent, gave consent. Surety: Reuben Hudson. Witnesses: Owen Haskins, Rush Hudson.⁵⁹⁸

COMMENT:

Jesse Mills Jr. sued the estate of his late wife’s father on behalf of their daughter Rachel. Owen Haskins was witness for many, many entries. He may be a county clerk.

17 JUNE 1793

“**William Walton** and **Mildred** his wife to James Wills, a deed indented, she being first privily examined and relinquishing her right of dower, was acknowledged in Open Court and the Same is ordered to be recorded.”

“On the report of John Barnett one of the Overseers of the poor for the Second hundred it is ordered that **John Boutwell Fitzgerald** an orphan boy be bound out to James McAlexander according to Law.”⁵⁹⁹

18 JUNE 1793

“On the motion of George Blair to enjoin a Judgment and all further proceedings thereon of this Court obtained against him by Joseph Mays. On hearing the bill is received and it is ordered that all further proceedings on the Judgment aforesd. cease till the further order and evidence of this Court whereupon the Sd Blair with **Tilmon Walton** entered into and acknowledged bond in the penalty of fifty pounds conditioned as the Law directs.”

“James Edmunds Pltf vs. **Tilman Walton** Deft. In Petition for Debt. Judgment confessed for two pounds nineteen Shillings and eight pence with legal interest thereon from the 18th day of September 1792 till paid & costs.”⁶⁰⁰

“William Lain Pltf vs. **Allen Lavender** Deft. In Petition for debt. This cause is continued at the pltf’s costs till the next term.”⁶⁰¹

“On the motion of **John Boush** and Thomas Butler it is ordered that George Butler pay each of them fifty pounds of gross Tobacco for their respective attendance two days at this Court as witnesses for him in his suit against **John Laine**.”

“**William Lavender** and **Sarah** his wife, **William Walton** and **Mildred** his wife to Lewis Tindall a deed indented with a receipt endorsed, the Sd. Sarah and Mildred being first privily examined and having relinquished their dower was acknowledged in Court and ordered to be recorded.”⁶⁰²

“Jabez Campden this day personally appeared in Court in discharge of his recognizance dated the 13th July 1793 taken in consequences of having begotten a Bastard child on the body of **Francis Pendleton**

⁵⁹⁶ Amherst Co., Court Order Book 1790–1794, p. 538; imaged, *FamilySearch* digital film 8248729 > image 193.

⁵⁹⁷ Amherst Co., Court Order Book 1790–1794, p. 539; imaged, *FamilySearch* digital film 8248729 > image 193.

⁵⁹⁸ Amherst Co. Marriage Book 1: 84; imaged, Amherst Reel 37, Library of Virginia. Amherst Co., Marriage Bonds and Consents, 1791–1793, chronologically arranged; imaged, Amherst Co. microfilm roll 107, Library of Virginia.

⁵⁹⁹ Amherst Co., Court Order Book 1790–1794, p. 545; imaged, *FamilySearch* digital film 8248729 > image 196.

⁶⁰⁰ Amherst Co., Court Order Book 1790–1794, p. 550; imaged, *FamilySearch* digital film 8248729 > image 199.

⁶⁰¹ Amherst Co., Court Order Book 1790–1794, p. 560; imaged, *FamilySearch* digital film 8248729 > image 204.

⁶⁰² Amherst Co., Court Order Book 1790–1794, p. 564; imaged, *FamilySearch* digital film 8248729 > image 207.

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which is likely to become chargeable to the County; on hearing it is considered by the Court and ordered that the Sd. Jabez Campden find security for the payment of sixteen pounds to be paid in four annual payments of four pounds each to be applied to the Overseers of the Poor. Whereupon the Sd. Jabez with Henry Campden his Security acknowledge themselves severally indebted ...”⁶⁰³

19 AUGUST 1793

“John Wiatt Assee of Galt & Co. Pltf against David Patteson Deft. In Dect. **Tilman Walton** comes into Court and undertakes for the Deft. ...”⁶⁰⁴

“Bransford west Plt. against **Tilman Walton** Deft. In Debt. David Patteson comes into Court and undertakes for the Deft ... Ordered that the Judgment obtained in the office against him for want of appearance be set aside.”⁶⁰⁵

16 SEPTEMBER 1793

“Alexander Brydie Pltf against **Tilman Walton** and **William Walton** Def. On a motion upon a Bond given for the forthcoming & delivery or property taken on a Writ of Fieri Facias sued out of this Court by the Plaintiff against the Estate of the said Tilman Walton. This day came as well the Pltf by his Attorney as the Defts. **Tilman Walton** in his proper person and the said Defendant acknowledgeth legal notice of this motion. Therefore It is Considered by the Court that the Plf. recover against the said Defendant Eighty eight pounds one shilling and three pence the penalty of said Bond and his Costs by him in this behalf expended And the said Deft. in mercy &c. But this Judgment the Costs excepted may be discharged by the payment of Forty four pounds and seven pence half penny with legal Interest thereon from the 1st day of July 1793 til paid. And by Consent of Parties this motion is continue against **William Walton** til the next Court.”⁶⁰⁶

21 OCTOBER 1793

“On the motion of William Loving It is Ordered that Hezekiah Hartgrove George Loving **Allen Lavender** and James Stevens Junr. or any three of them being first sworn before a Justice of this County do view a way for a public Road from the Courthouse Road near Thomas Nevils Harrisons Mill Path across Spencer’s Road thence the most direct & convenient Rout to Ruckers Run Gap and report to the Court the Conveniences and Inconveniences attending the same.”⁶⁰⁷

“Agreeable to a Report of Samuel Meredith an Overseer of the Poor for the fourth hundred It is Ordered that **Keziah Scott** a bastard Child of **Mary Scott** be bound out according to Law.”

“Ordered that the Overseers of the poor for the second hundred do bind out **Elenor Rice** an Orphan Child of **Martha Rice** according to Law.”⁶⁰⁸

22 OCTOBER 1793

“Upon the Petition of Nelson Clarkson against **William Walton** for a debt due by Account, This day came the Parties by their Attornies who being fully heard It is Considered by the Court that this Petition be dismissed and that Deft. recovered against the Plf. his costs by him in this behalf expended.”

⁶⁰³ Amherst Co., Court Order Book 1790–1794, p. 546; imaged, *FamilySearch* digital film 8248729 > image 207.

⁶⁰⁴ Amherst Co., Court Order Book 1790–1794, p. 575; imaged, *FamilySearch* digital film 8248729 > image 214.

⁶⁰⁵ Amherst Co., Court Order Book 1790–1794, p. 576; imaged, *FamilySearch* digital film 8248729 > image 215.

⁶⁰⁶ Amherst Co., Court Order Book 1790–1794, p. 608; imaged, *FamilySearch* digital film 8248729 > image 231.

⁶⁰⁷ Amherst Co., Court Order Book 1790–1794, p. 614; imaged, *FamilySearch* digital film 8248729 > image 234.

⁶⁰⁸ Amherst Co., Court Order Book 1790–1794, p. 620; imaged, *FamilySearch* digital film 8248729 > image 237.

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“On the motion of **John Walton** a witness for Nelson Clarkson against **William Walton**, It is Ordered that the said Nelson Clarkson pay him one Dollar six Cents for attending this Court two Days.”⁶⁰⁹

18 NOVEMBER 1793

“Samuel Allen Pltf against **William Laine** Deft. **Tilman Walton** served on jury.

“Andrew Moorland Plf. against **Tilman Walton** Deft. In Case. On the motion of the Defendant and for reasons appearing to the Court a Commission is awarded him to examine and take the Deposition of **William Walton** de bene esse on giving the Pltf reasonable notice of the time and place of executing the same.”⁶¹⁰

“**William Walton** Pltf against Thomas Lomax Deft. In Chancery. The Defendant having stood out all process of Contempt It is Decreed & Ordered that the Complainant’s Bill be taken as confessed, that the Matter and equity thereof be decreed accordingly and that the Deft. who was Pltf at common Law be forever barred and precluded from any benefit of the Judgment in the Bill mentioned and that the Complainant recover against the Deft. his Costs by him about his Suit in this behalf expended.”⁶¹¹

20 NOVEMBER 1793

Tilman Walton and **William Walton** both served on juries this day.⁶¹²

21 NOVEMBER 1793

“Bransford West Plf against **Tilman Walton** Deft. In Debt. This Day came the Parties by their Attornies and the Deft. relinquishing his former plea acknowledgeth the Pltfs Action, Therefore It is Considered by the Court that the Pltf recover against the Deft. One hundred pounds ten shillings, the Debt in the Declaration mentioned, and his Costs by him about his Suit in this behalf expended, and the said Deft. in mercy &c. But this Judgment the Costs excepted may be discharged by the payment of Fifty pounds five shillings lawful Money of Virginia with legal Interest thereon from the 23d Day of November 1792 till paid.”⁶¹³

16 DECEMBER 1793

“Ordered that Jesse Wright be appointed an Overseer of the road leading from the **fork of Migginson’s Road** along the **Buffaloe Ridge** and keep the same in repair with the Male labouring Tithables of William Spencer at his **James River plantation**, of John Profitt, John Bowman, Barnett Stephens, Andrew Smith, James **Laine**, **William Lavender**, Nathan Tyre, William Via, Josiah Wingfield, Moses Kidd, John Gillanwater, John Ray, David Via, James Phillips, Joel Walker, Betty Evans, George Hylton at his lower Plantation and of **Charles Lavender**.”

“Agreeable to a Report from Samuel Meredith one of the Overseers of the poor for the fourth hundred, It is Ordered that **John Scott** a bastard boy of **Mary Scott** be bound out according to Law.”⁶¹⁴

“**Tilman Walton** assigned to a road crew for a new road from Courthouse Road near Thomas Nevils, to Harrison’s Mill path across Spencer’s Road, then to Rucker’s Run Gap.”⁶¹⁵

⁶⁰⁹ Amherst Co., Court Order Book 1790–1794, pp. 626–27; imaged, *FamilySearch* digital film 8248729 > image 240.

⁶¹⁰ Amherst Co., Court Order Book 1790–1794, pp. 640–41; imaged, *FamilySearch* digital film 8248729 > image 247.

⁶¹¹ Amherst Co., Court Order Book 1790–1794, p. 645; imaged, *FamilySearch* digital film 8248729 > image 249.

⁶¹² Amherst Co., Court Order Book 1790–1794, p. 659; imaged, *FamilySearch* digital film 8248729 > image 260.

⁶¹³ Amherst Co., Court Order Book 1790–1794, p. 679; imaged, *FamilySearch* digital film 8248729 > image 270.

⁶¹⁴ Amherst Co., Court Order Book 1790–1794, p. 688; imaged, *FamilySearch* digital film 8248729 > image 275.

⁶¹⁵ Amherst Co., Court Order Book 1790–1794, p. 689; imaged, *FamilySearch* digital film 8248729 > image 275.

20 JANUARY 1794

“**William Key** this day personally appeared in Court in discharge of his recognizance entered into the 17th day of December 1793 for his appearance in this Court to answer the Complaint of **Lucy Goodrich** for having begotten on her body a Bastard Child, whereupon on hearing It is Ordered that the said William Key enter into a Recognizance for his appearance at the next Court to be holden for the County and thereupon the said William Key together with Martin Key his Security acknowledged themselves severally bound ...”⁶¹⁶

17 FEBRUARY 1794

“An Indenture of Bargain and Sale between **John Boush** of the one part and Charles Watts of the other part together with the Receipt thereon indorsed was acknowledged by the said John Boush party thereto and ordered to be recorded.

“An Indenture of Bargain and Sale between **John Boush** of the one part and Wiatt Boush of the other part together with the Receipt thereon endorsed was acknowledged by the said John Boush a party thereto and ordered to be recorded.”⁶¹⁷

“An Indenture of Bargain and Sale between **William Walton** of the one part and **Joseph Roberts** of the other part together with the Receipt thereon endorsed was proven by the oaths of Benjamin Henderson and Eddy Fortune witnesses thereto and ordered to lie for further proof.”⁶¹⁸

TO DO:

Check the deed books to see (assuming this indenture was eventually recorded) the exact location of the land. Joseph Roberts was part of the William and Abner Witt clan. I suspect at least one of their tracts adjoined at least one tract of William Walton.

“**William Key** this day appeared in Court in discharge of his recognizance ... to answer the charge of **Lucy Goodrich** ... for having begotten a Bastard Child on [her] body.” Key is ordered to “find sufficient Security for the payment of Twenty pounds for the purpose of maintaining the aforesaid Bastard Child to be paid ... five pounds on the first day of May next, and the Ballance in three annual payments on the first Day of May in each year and the said Key ‘having departed this Court’ without Leave and having failed to give the said Security It is Considered by the Court that his Recognizance be forfeited and proceeded on according to Law.”⁶¹⁹

COMMENT:

This order book ends on 21 February 1794. According to FHL cataloging: “March 1794 to May 1799 missing at time of microfilming.”

The next volume in this series is labeled 1799–1801.

30 MAY 1795

Marriage. James Brown and **Susanna Mills** “each of Amherst Parish.” “Parents or Guardian of Wife: Jesse Mills.” Security and Witnesses: John Lancaster; W. S. Crawford, Jos. Burrus.”⁶²⁰

COMMENT:

The marriage bond and consent as published, is dated 12 April 1795. The document itself is

⁶¹⁶ Amherst Co., Court Order Book 1790–1794, p. 698; imaged, *FamilySearch* digital film 8248729 > image 281.

⁶¹⁷ Amherst Co., Court Order Book 1790–1794, p. 702; imaged, *FamilySearch* digital film 8248729 > image 283.

⁶¹⁸ Amherst Co., Court Order Book 1790–1794, p. 705; imaged, *FamilySearch* digital film 8248729 > image 284.

⁶¹⁹ Amherst Co., Court Order Book 1790–1794, pp. 706–7; imaged, *FamilySearch* digital film 8248729 > image 285.

⁶²⁰ Amherst Co., Marriage Book 1: 101; imaged, Amherst Reel 37, Library of Virginia.

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dated 30 May 1795. Thus it is filed in the folder labeled “May 7–30, 1795.”⁶²¹

17 JUNE 1799

“A Bill of Sale from **William Lavender** to Galt & Garland was proven by the Oaths of Spotswood Garland and William Edmunds Junr. Witnesses thereto and ordered to be Recorded.”

“Upon the petition of James Nowell Assee of Jesse Dehart for the benefit of **William Lavender** against John Lackey for a debt due by Note ...”⁶²²

COMMENT;

By common practice, lackey would have given a note to William Lavender for a debt he owed Lavender—after which Lavender, being strapped for cash, would have sold the note to Jesse Dehart at discount or given Dehart the Lackey note in payment for a debt that Lavender might have owed Nowell. Dehart then sold the note to Nowell, who has the means to prosecute the debt legally.

“Ordered that the Overseers of the Poor do bind out **Barnett Cash** an Orphan son of Joseph Cash decd. according to law to Hiram McGinnes to learn the Trade of a Saddler.”⁶²³

15 JULY 1799

“Pleasant Martin Plf. against **William Lavender** and John Strutton defts. On a Motion upon a bond given for the forthcoming & delivery of property taken on a writ of Fieri facias sued out of this Court by the Plf. against the Estate of the Deft. Lavender. This day came as well the Plf. by his Attorney as the Deft. Lavender in his proper person and the said Deft. acknowledging legal notice of this Motion saith that he can not gainsay the same. Therefore, it is Considered by the Court that the Plf. recover against the Deft. Lavender Twenty three pounds three Shillings and six pence the penalty of the said bond and his costs by him in this behalf expended. But this Judgment (the Costs excepted) may be discharged by the payment of Eleven eleven [*sic*] Shillings and nine pence with legal Interest thereon from the seventeenth day of June 1799 til paid.”⁶²⁴

COMMENT:

Between the two instances of “Eleven,” there should be the word “pounds,” making the sum to be paid within the range typically awarded. A payment of just eleven shillings on a 23 pound debt would have been wildly unusual. The most-common assessment made by jurors in this place and time was roughly one-half of the original sum.

19–20 AUGUST 1799

“James McClain Plf. against **William Lavender** Deft. In Trespass Assault & Battery. Dismissed, the Plf. not further prosecuting.”

“**William Lavender** Plf. against David Wright Deft. In Case. This day came the Parties by their Attorneys and thereupon came a Jury ... [who] do say that the Deft. did assume upon himself in manner and form as the Plf. against him hath declared and they do assess the Plf’s. damages by occasion of the breach of that assumption to Seven pounds sixteen Shillings and seven pence half penny besides his Costs.

⁶²¹ Amherst Co., Marriage Bonds and Consents, 1793–1796, chronologically arranged; imaged, Amherst Co. microfilm roll 187, Library of Virginia.

⁶²² Amherst Co., Court Order Book 1799–1801, pp. 3, 12; imaged, *FamilySearch* digital film 8247629 > images 324, 331.

⁶²³ Amherst Co., Court Order Book 1799–1801, p. 18; imaged, *FamilySearch* digital film 8247629 > image 334.

⁶²⁴ Amherst Co., Court Order Book 1799–1801, p. 20; imaged, *FamilySearch* digital film 8247629 > image 336.

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Therefore It is Considered by the Court that the Plf. recover against the Deft. his damages aforesaid in form aforesaid assessed and his Costs by him about his Suit in this behalf expended And the said Deft. in Mercy &c.”

“On the motion of **William Lavender** a Witness on behalf of John Hagar at the suit of Elisha Peters, It is Ordered that the said Hagar pay him one Dollar fifty nine Cents for attending this Court three Days.”

“John Watten Plf. against **William Lavender** Deft. In Case. This day came the Plf by his Attorney and on his motion the Office Judgment and Writ of Enquiry awarded in this Cause is setaside [sic] and the same is discontinued the Pltf. not further prosecuting.”

“Michael Damon Plf. against **Thomas Tilman** Deft. & James Staton Assee. of John Wharton Plf. against **Thomas Tilman** Dft. Jacob Kenney comes into Court and undertakes for the Deft. ... It is Ordered that the Judgments obtained in the Office against him for want of appearance be set aside.”⁶²⁵

16 SEPTEMBER 1799

“An Indenture of Apprenticeship Between John Loving and Elisha Estis of the one part, the said Loving & Estis being overseers of the poor, and Hiram McGinnis of the other part was acknowledged by the said parties thereto and ordered to be recorded.”⁶²⁶

18 NOVEMBER 1799

“James Hopkins Plt. against Michael Damon and William Bailey Defts. In Debt. **Thomas Tilman** comes into Court and undertakes for the Deft.”

“**William Lavender** Plt. against John Graves Deft. In Debt. John M. Griffin comes into Court and undertakes for the Deft. ...⁶²⁷

20–21 NOVEMBER 1799

“George Kippin & Company Plts. against **Tilman Walton**. Deft. In Debt. Continued til the next Term by Consent of the Parties.”

“James Leonard Plt. against **William Lavender** Deft. In Case. John Strutton comes into Court and undertakes for the Deft.

William Lavender also served on jury in between his own cases.

“James Leonard Plt. against **William Lavender** Deft. In Case. On the motion of the Deft. by his Attorney who pleaded non assumpsit and **the Gaming Act** to which the Plt. replied generally, it is Ordered that the judgment and Writ of enquiry obtained in the Office against him, for want of Appearance be setaside.”

George Dillard Assee of Moses Penn Plf. against **William Lavender** Deft. In Debt. Samuel Bell comes into Court and undertakes for the Defendant ... It is Ordered that the Judgment obtained in the Office against him for want of appearance be setaside.”⁶²⁸

16 DECEMBER 1799

“A Deed of Trust from **Thomas Tilman** to James Murphy was proven by the Oaths of Parmenius Bryant

⁶²⁵ Amherst Co., Court Order Book 1799–1801, pp. 30, 38, 51–52; imaged, *FamilySearch* digital film 8247629 > images 341, 345, 351–52.

⁶²⁶ Amherst Co., Court Order Book 1799–1801, p. 68; imaged, *FamilySearch* digital film 8247629 > image 360.

⁶²⁷ Amherst Co., Court Order Book 1799–1801, p. 89; imaged, *FamilySearch* digital film 8247629 > image 370.

⁶²⁸ Amherst Co., Court Order Book 1799–1801, pp. 101, 110–15, 118; imaged, *FamilySearch* digital film 8247629 > images 376, 381–83, 385.

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and James Hansborough Witnesses thereto and ordered to be recorded.”⁶²⁹

“Ordered that the Overseers of the Poor of this Third Hundred in this County do bind out **Henry Madeiras** an orphan child of [blank] Madeiras decd. to William Knight to learn the trade and Mystery of a Saddler.”⁶³⁰

17 MARCH 1800

“Dyer & Clarkson Plts. against **Thomas Tilman Junr.** Deft. In Debt. John Campbell (Waggoner) comes into Court and undertakes for the Deft. ... It is Ordered that the Judgment obtained in the Office against him for want of Appearance be setaside.”⁶³¹

19 MARCH 1800

“**William Lavender** Plt. against John Graves Deft. In Debt. John M. Griffin, Special Bail for the Defendant, surrendered his body in open Court according to his undertaking and from his recognizance is discharged. Whereupon the said Deft. acknowledgeth the Plts. Action. Therefore It is Considered by the Court that the Pltff recover against the Deft. Sixty three pounds the debt in the Declaration mentioned and his Costs by him about his Suit in this behalf expended, and the said Deft. in Mercy &c. But this Judgment (the Costs excepted) may be discharged by the payment of Thirty one pounds ten Shillings Current Money of Virginia with legal Interest thereon from the twelfth day of March 1799 til paid.”

Tilman Walton did jury duty this day, and also on the 21st.⁶³²

22 MARCH 1800

“**Menan Mills** Assee of Josiah Ellis Sheriff of Amherst County Plt. against John Lackey & Joseph H. Morrison Defts. In Debt. Writ of Enquiry awarded the Plaintiffs.”⁶³³

COMMENT:

This Menan Mills is from the Albemarle Millses.

21 APRIL 1800

“A Release of Dower between **Mary Bush** widow and relict of John Bush decd. of the one part and Elisha Estis of the other part was returned duly certified to have been acknowledged by the said Mary in the State of Kentucky to be her act and Deed, the same is recorded.”

“A Power of Attorney from William Walton Bush, Mary Bush admx of John Bush decd., Aaron Sharp and Anna his Wife late Anna Bush, Robert Richards Guardian to Jonathan Bush and William Bush Guardian to Betsey, Polly, Thomas Tilman, Tilman Nelson, Pleasant Landon, Merier and Lucy Bush, heirs and representatives of John Bush decd. to Wyatt Bush was returned duly certified from the County of Clarke in the State of Kentucky and the same is ordered to be recorded.”

“A Release of Dower from Mary Bush, Widow and relict of John Bush decd. to **Charles Watts** was returned from the State of Kentucky to have been acknowledged by the said Mary to be her Act and deed the same is ordered to be recorded.”⁶³⁴

William Lavender did jury duty.⁶³⁵

⁶²⁹ Amherst Co., Court Order Book 1799–1801, p. 118; imaged, *FamilySearch* digital film 8247629 > image 385.

⁶³⁰ Amherst Co., Court Order Book 1799–1801, p. 120; imaged, *FamilySearch* digital film 8247629 > image 386.

⁶³¹ Amherst Co., Court Order Book 1799–1801, p. 134; imaged, *FamilySearch* digital film 8247629 > image 393.

⁶³² Amherst Co., Court Order Book 1799–1801, pp. 145, 148, 156; imaged, *FamilySearch* digital film 8247629 > images 398, 400, 405.

⁶³³ Amherst Co., Court Order Book 1799–1801, p. 162; imaged, *FamilySearch* digital film 8247629 > image 408.

⁶³⁴ Amherst Co., Court Order Book 1799–1801, p. 169; imaged, *FamilySearch* digital film 8247629 > image 411.

20 MAY 1800

“**William Lavender** Plt. against Martha Horsley Exorx & John Horsley and Roderick McCulloch Exors of Wm. Horsley decd., Defts. In Chancery. The Defendants having been duly summoned and still failing to file their Answer an Attachment is awarded against them for their said Contempt.”

“John Warren Plt. against **William Lavender** deft. In Trespass Assault and Battery. On the motion of the Deft. by his Attorney, It is ordered that the Judgment and writ of enquiry awarded against him in the office for the want of appearance be set aside and thereupon the Deft. saith that he is not guilty of the Trespass Assault & Battery as in the Declaration against him is alledged and of this he putteth himself upon the Cuntry [sic] and the Plf. likewise and the cause is continued til the next Quarterly Court. And it being proven to the satisfaction of the Court that the Plf. in this action is not a resident of this state on the motion of the Deft. by his Attorney the Plf. is ordered to give security for Costs within sixty days from this date according to Law.”

William Lavender also did jury duty this day.⁶³⁶

23 MAY 1800

“James Leonard Plt. against **William Lavender** Deft. In Case. Continued til August Court next at the motion and costs of the Defendant.”

“James Staton Assee of John Wharton Plt. against **Thomas Tilman** Deft. In Debt. This day came the Parties by their Attornies whereupon the Deft. waving his plea by him heretofore plead acknowledgeth the Plt. action. Therefore it is considered by the Court that the Plt. recover against the Deft. the sum of Fifteen pounds the debt in the declaration mentioned, likewise his Costs by him about his Suit in this behalf expended, and the said Deft. in Mercy &c. But this Judgment (the Costs excepted) may be discharged by the payment of Seven pounds ten shillings Current money with legal Interest thereon from the first day of October 1793 til paid.”

“On the motion of **William Lavender** a witness on behalf of Jos. Seay at the suit of Jno. Loving It is ordered that the said Jos. Seay pay him one Dollar fifty nine Cents for attending this Court three days.”⁶³⁷

21 JULY 1800

“John E. Fitzpatrick Plt. against Thomas Nevil & **Anthony Lavender** Defts. Upon a motion on a bond given for the forthcoming and delivery of property taken on a writ of Fieri Facias sued out of this Court by the Plt against the Estate of the Deft. Thomas Nevil. This day came the Plt. by his Attorney and it appearing by satisfactory proof to the Court that the Deft. Thomas Nevil has had legal notice of this motion. On hearing It is considered by the Court that the Plt. recover against the Deft. Thomas Nevil the sum of Fourteen pounds and three pence the penalty of the said Bond likewise his costs by him about his motion expended and the said Deft. in Mercy &c. But this Judgment the costs excepted may be discharged by the payment of Seven pounds ten shillings and one penny half penny with legal Interest thereon from the 19th day of May 1800 til paid.”⁶³⁸

⁶³⁵ Amherst Co., Court Order Book 1799–1801, p. 191; imaged, *FamilySearch* digital film 8247629 > image 422.

⁶³⁶ Amherst Co., Court Order Book 1799–1801, pp. 185, 196, 200; imaged, *FamilySearch* digital film 8247629 > images 419, 425, 427.

⁶³⁷ Amherst Co., Court Order Book 1799–1801, pp. 215–16; imaged, *FamilySearch* digital film 8247629 > images 434–35.

⁶³⁸ Amherst Co., Court Order Book 1799–1801, p. 227; imaged, *FamilySearch* digital film 8247629 > image 440.

COMMENT:

No mention is made of any judgment against Lavender, who apparently served as surety for Nevil on a bond.

22 JULY 1800

“Upon the Petition of Robert Starrett against **William Lavender** for debt due by note. This day came the Plt. by his Attorney and the Deft. having been duly summoned, On hearing it is considered by the Court that the Plt. recover against the Deft. the sum of Eighteen Dollars with legal Interest thereon from the 17th day of May [1799] til paid and Costs.”

“Upon the Petition of Henry Smith against **William Lavender** for debt due by note. This day came the Pltf. by his Attorney and the Deft. having been duly summoned ... [ditto above 3£ 2s 6p with legal Interest from 30 July 1799.]”

“Samuel & John Clarke Pltf. against William Lavender Deft. Upon a Petition due by Note. This day came the Plts. by their Attorney and the Deft. having been duly Summoned ... [ditto, 2£ 11s with legal interest from 18 November 1799].⁶³⁹

20 AUGUST 1800

“James Leonard Plt. against **William Lavender** Dft. In Case. This day came the Parties by their Attornies whereupon the Dft. pleads the Gaming Act in addition to his former plea to which the Plt replied generally and thereupon a Jury was summoned and impannelled, to wit We the Jury find for the Plaintiff twelve pounds ten shillings Damage, whereupon on the motion of the Dft. for a new Trial to be had herein the same is overruled. Therefore, It is considered by the Court that the Plt. recover against the Dft. his Damages aforesaid in form aforesaid assessed likewise his Costs by him about his Damages aforesaid in form aforesaid assessed likewise his Costs by him about his suit in this behalf expended, and the said Dft. in Mercy &c.”

“George Kippin & Company Pltf against **William Walton** Dft. In Debt. Continued til the next Quarterly Court.”⁶⁴⁰

COMMENT:

William Walton, for the past several years, has been a resident of North Carolina.

“George Dillard Assee of Moses Penn Plt. against **William Lavender** Dft. In Debt. This day came the Parties by their attornies, whereupon the Dft. waving his plea by him heretofore plead acknowledgeth the Plts action. Therefore It is considered by the Court that the Plts recover against the Dft. the sum of Twelve Pounds with legal interest thereon, from the first day of September 1797 til paid likewise his costs by him about this suit in this behalf expended and the said Dft. in mercy &c.”⁶⁴¹

22 AUGUST 1800

“On the motion of **William Lavender** a witness on behalf of William Laine (Waggoner) against James Franklin, It is ordered that the said Laine pay him one dollar six Cents for attending this Court two days.”

“William Penn, George Penn, Thomas Penn & David A. Garland Exors of George Penn decd Plts. against **William Lavender**, John Stratton & William Stratton. On a Motion upon a Bond given for the forthcoming and delivery of property taken on a Writ of Fieri facias sued out of this Court by the Plts. against the Estate of the Defts. **William Lavender** and John Stratton. This day came the Pls. by their

⁶³⁹ Amherst Co., Court Order Book 1799–1801, pp. 240, 245; imaged, *FamilySearch* digital film 8247629 > images 447, 449.

⁶⁴⁰ Amherst Co., Court Order Book 1799–1801, pp. 271, 275; imaged, *FamilySearch* digital film 8247629 > images 462, 464.

⁶⁴¹ Amherst Co., Court Order Book 1799–1801, p. 279; imaged, *FamilySearch* digital film 8247629 > image 466.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

Attorney & It appearing by satisfactory proof to the Court that the Defts. have had legal notice of this motion, they were solemnly called but came not. Therefore, it is considered by the Court that the Plts. recover against the Defs. the sum of sixty nine pounds five shillings & six pence the penalty of the aforesaid Bond, likewise their Costs in this behalf expended, and the Defs. in mercy &c. But this Judgment (the costs excepted) may be discharged by the payment of thirty four pounds twelve shillings and nine pence with legal Interest thereon from [15 October 1798] til paid.”

“Thomas Williams Plt. against **Anthony Lavender** Dft. In Case. James Spencer comes into Court and undertakes for the Dft. that in case he shall be cast in this suit he shall satisfy and pay the condemnation of the Court or render his body to prison in execution for the same or that he the said James Spencer will do it for him.”⁶⁴²

“Dyer & Clarkson Plts. against **Thomas Tilman Junr.** Dft. In Debt. This day came the parties by their attornies whereupon the Dft waving his plea by him heretofore plead acknowledgeth the Plts action. Therefore It is considered by the Court that the Plts recover against the Dft the sum of fifty three pounds one shilling the debt in the declaration mentioned likewise their costs by them about their suit in this behalf expended and the said Dft. in Mercy &c. But this judgment the costs excepted may be discharged by the payment of twenty six pounds ten shillings with legal interest thereon from the 24th day of November 1798 til paid.”

“On the motion of **James Harrison** a witness on behalf of Thomas Penn at the suit of Joseph C. Migginson. It is ordered that the said Penn pay him four dollars twenty four Cents for attending Court eight days.”⁶⁴³

23 AUGUST 1800

“**William Lavender** Plt. against Thomas Brent Dft. In Trespass Assault & Battery. Continued til the next Quarterly Court.

“**William Lavender** heir &c Plt against James Savage Dft. In Detinue. Continued til the next Term.

“**Menan Mills** Assee of Josiah Ellis, Sheriff of Amherst County Plt. against John Lackey & Joseph H. Morrison.” Jury trial, judgment for plaintiff.

“**Jesse Mills** Plt. against Joshua Hudson Dft. On the motion of the Dft. by his Attorney who pleaded the general issue, It is ordered that the Judgment and writ of Enquiry obtained against him in the Office for the want of appearance be set aside and the cause is continued til the next Term.”

COMMENT:

- Menan Mills was of Albemarle.
- Jesse Mills is Jesse Jr., suing the brother of his late wife over the inheritance of their child from her father.

“John Warren Plt. against **William Lavender** Dft. In Trespass assault & Battery. Continued til the next Quarterly Court by consent of Parties.”⁶⁴⁴

15 SEPTEMBER 1800

“Ordered that **George Lavender** be appointed Surveyor of the Road in the room of Thomas Jones who is discharged from that office and that he keep the said Road in repair with usual Gang according to

⁶⁴² Amherst Co., Court Order Book 1799–1801, pp. 292, 297–98; imaged, *FamilySearch* digital film 8247629 > images 473, 475, 477.

⁶⁴³ Amherst Co., Court Order Book 1799–1801, p. 300; imaged, *FamilySearch* digital film 8247629 > image 478.

⁶⁴⁴ Amherst Co., Court Order Book 1799–1801, p. 309; imaged, *FamilySearch* digital film 8182133 > image 482.

Law.”⁶⁴⁵

OCTOBER TERM 1800

“Upon the Petition of Hiram McGinnes against **Thomas Tilman** for debt due by account. This day came the Plf. by his attorney and the Dft. having been duly summoned. On hearing It is considered by the Court that the Plf. recover against the Dft. the sum of Eleven Dollars and Costs.”⁶⁴⁶

17–19 NOVEMBER 1800

“**Larkin Bias** Plf. vs. Moses Rucker & Philip Thurmond Jnr. Defts. On a motion upon a bond given for the forthcoming and delivery of property taken on a writ of fieri facias sued out of this Court by the Plf. against the Estate of the Dft. Moses Rucker. This day came the Plf. by his Attorneys and it appearing to the satisfaction of the Court that the Dft. Moses Rucker hath had legal notice of this motion, he was solemnly called but came not. Therefore It is considered by the Court that the Plf. recover against the said Dft. the sum of nineteen pounds one shilling and ten pence the penalty of the aforesaid bond, likewise his costs by him in this behalf expended and the said Deft. in Mercy &c. But this Judgment (the costs excepted) may be discharged by the payment of nine pounds one shilling & eleven pence with legal interest thereon from the 14th day of October [1800] til paid.”

“Moses Rucker Plf. vs. Larkin Biass Dft.” Rucker requested an injunction against the above order and was granted it upon his posting bond with William Thurmond as his security.⁶⁴⁷

16 FEBRUARY 1801

“Hiram McGinnes Plf. against **Thomas Tilman** and Landon Brent Dfts. On a Motion upon a Bond given for the forthcoming and delivery of property taken on a writ of Fieri Facias issued out of this Court by the Plf. against the Estate of Dft. Thomas Tilman. This day came the Plaintiff by his Attorney and it appearing to the satisfaction of this motion: On hearing It is considered by the Court that the Plf. recover against the said Defendant the sum of nine pounds and nine pence, the penalty of the aforesaid bond, likewise his costs by him in this behalf expended, and the said Defendant in Mercy &c. But this Judgment the costs excepted may be discharged by the payment of Four pounds ten shillings and four pence half penny with legal interest thereon from the 9th day of December 1800 till paid.”

“On the motion of **James Harrison** a witness on behalf of Thomas Penn at the suit of Joseph C. Migginson. It is ordered that the said Penn pay him four dollars twenty four Cents for attending Court eight days.”

“**William Lavender** Plt. against Thomas Brent Dft. In Trespass Assault & Battery. Continued til the next Quarterly Court.

“**William Lavender** heir &c Plt against James Savage Dft. In Detinue. Continued til the next Term.”⁶⁴⁸

16 MARCH 1801

“Ordered that the Overseers of the Poor do bind out **Lewis Martin** to Ezekiel Hill to learn the art trade and mistery of a Carpenter.”⁶⁴⁹

⁶⁴⁵ Amherst Co., Court Order Book 1799–1801, p. 329; imaged, *FamilySearch* digital film 8182133 > image 492.

⁶⁴⁶ Amherst Co., Court Order Book 1799–1801, p. 353; imaged, *FamilySearch* digital film 8182133 > image 512.

⁶⁴⁷ Amherst Co., Court Order Book 1799–1801, pp. 362, 381; imaged, *FamilySearch* digital film 8182133 > images 17, 26.

⁶⁴⁸ Amherst Co., Court Order Book 1799–1801, p. 406; imaged, *FamilySearch* digital film 8182133 > image 41.

⁶⁴⁹ Amherst Co., Court Order Book 1799–1801, p. 412; imaged, *FamilySearch* digital film 8182133 > image 44.

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18 MARCH 1801

“**William Lavender** Plf. against John Graves Dft. In Debt. The Defendant having been delivered up by his special bail and prayed in Custody, On the Motion of the Plf by his Counsel the Deft is released from custody and it is ordered that the Plf have the benefit of an Execution against the goods and chattels of the Dft.”⁶⁵⁰

21 MARCH 1801

“**Wm. Lavender** heirs &c vs. James Savage. In Detinue. ... Continued till the next quarterly Court.”

“**Jesse Mills** Plf. vs. Joshua Hudson Deft. In Trover. Dismissed being agreed by the Parties.”⁶⁵¹

“**William Lavender** Plf. vs. Thomas Brent Dft. In Trespass Assault & Battery. This day came the Plf. by his Attorney and thereupon came also a Jury to wit: **Richard Tankersley** [and eleven others] who being sworn well and truly to enquire of damages between the parties in this cause upon their oath do say that the Plf. hath sustained damages by occasion of the Trespass assault & Battery in the Declaration mentioned to thirty Dollars besides his Costs. Therefore, It is considered by the Court that the plf. recover against the Dft. his damages aforesaid in form aforesaid, likewise his costs by him about his suit in this behalf expended, and they the said Dft. may be taken &c.”

“John Warren Plf. vs. **William Lavender** Deft. In Trespass Assault & Battery. Dismissed, the Plf. failing to give Security for costs agreeable to a former order.”⁶⁵²

“On the motion of **William Lavender** and Achillis Wright witnesses on behalf of Joseph Seay at the suit of John Loving. It is ordered that the said Jos. Seay pay them one Dollar fifty nine Cents each for attending this Court three days.”⁶⁵³

20 APRIL 1801

“A Deed of Trust from **Charles Lavender** to James Murphy was proven by the oaths of Daniel Higginbotham and Samuel Edmunds Jr. witnesses thereto and ordered to be Recorded.”⁶⁵⁴

COMMENT:

Note the absence of reference to a wife’s relinquishment of dower rights, suggesting that his wife Sally has died.

18 MAY 1801

“On the motion of **Arthur White**, Reubin Pendleton, James Harrison, Thomas Moor, Jesse Woodroof and John McGann, witnesses on behalf of John B. Trent at the motion of the Commonwealth, It is ordered that the said Jno. B. Trent pay them fifty three cents each for attending this Court one day.”⁶⁵⁵

22–23 MAY 1801

“**William Lavender** Plf. against **William Lavender’s admix &c.**, Dft. In Chancery. The Dfts **William Walton & Mildred** his wife not having entered their appearance and given security according to the Act of Assembly and the rules of this Court, and it appearing to the satisfaction of the Court that they are not inhabitants of this state, Therefore on the motion of the Complnt by his Counsel It is ordered that

⁶⁵⁰ Amherst Co., Court Order Book 1799–1801, p. 430; imaged, *FamilySearch* digital film 8182133 > image 53.

⁶⁵¹ Amherst Co., Court Order Book 1799–1801, p. 447; imaged, *FamilySearch* digital film 8182133 > image 61.

⁶⁵² Amherst Co., Court Order Book 1799–1801, p. 448; imaged, *FamilySearch* digital film 8182133 > image 62.

⁶⁵³ Amherst Co., Court Order Book 1799–1801, p. 452; imaged, *FamilySearch* digital film 8182133 > image 64.

⁶⁵⁴ Amherst Co., Court Order Book 1799–1801, p. 453; imaged, *FamilySearch* digital film 8182133 > image 64.

⁶⁵⁵ Amherst Co., Court Order Book 1799–1801, p. 463; imaged, *FamilySearch* digital film 8182133 > image 69.

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the said Dfts do appear here on the third Monday in August next and answer the bill of the Complnt, and that a copy of this order be forthwith inserted in the **Lynchburg Gazette** for four weeks successively and that another copy be posted up at the front door of the Courthouse of this County on some Court days.”

“**William Lavender**, Plf. vs. James Savage, Dft. In Detinue. Continued till the next Quarterly Court.”

“On the motion of **William Lavender** a Witness on behalf of William Laine against James Franklin, It is ordered that the said Laine pay him one dollar six Cents for attending this Court two days.”⁶⁵⁶

COMMENT:

William Lavender also served on the jury this term.

16 JUNE 1801

“Upon the Petition of Charles A. Lewis against **Charles Lavender** for debt due by note, This day came the Plf. by his Attorney and the Dft. having been duly summoned, On hearing It is considered by the Court that the Plf. recover against the Dft. the sum of four pounds with legal interest thereon from the 15th day of September 1798 till paid and Costs.”

“On the Petition of Robert Rives & Company against **Thomas Tilman** for debt due by account. This day came the Plf. by their attorney and the Dft. having been duly summoned, On hearing It is considered by the Court that the Plf. recover against the Dft. the sum of four pounds one shilling and ten pence with legal Interest thereon from the 1st day of June 1800 till paid and Costs.”⁶⁵⁷

COMMENT:

There followed a second suit by Brown Rives & Company against Thomas Tilman. Same procedures. Same results. 5£ 9sh 2p.

17–18 NOVEMBER 1801

“**Charles Lavender** administrator of **Allen Lavender** decd. Plf. against William Laine (Wagg) and **William Lavender** Defts. On a Motion upon a Bond taken for the forthcoming and delivery of property taken on a Writ of Fieri facias sued out of this Court by the Plaintiff **Allen Lavender** in his life time against the Estate of the Defendant William Laine [waggoner]. This day came the Plaintiff by his Attorney and it appearing by satisfactory proof to the Court that the Defendants have had legal notice of this motion, they were solemnly called but came not. Therefore It is considered by the Court that the Plf. recover against the Defendants the sum of Thirty seven pounds sixteen shillings, the penalty of the aforesaid Bond, likewise his costs by him about his motion in this behalf expended, and the said Dft. in mercy &c. But this Judgment may be discharged by the payment of Eighteen pounds eighteen shillings with legal Interest thereon from [18 November 1795] till payment and the costs.”

“William Laine (Wagg.) Pltf. against **Charles Lavender** administrator of Allen Lavender decd. Dft. In Chancery. On the Motion of the Complainant by his Attorney who filed his Bill, the Commonwealth’s Writ of Injunction is awarded him to stay all further proceedings on a Judgment recovered against him by the Defendant in the Bill mentioned till the further Order of this Court concerning the same; on his entering into Bond with sufficient security in the penalty of Twenty five pounds.”⁶⁵⁸

⁶⁵⁶ Amherst Co., Court Order Book 1799–1801, pp. 501, 509–10; imaged, *FamilySearch* digital film 8182133 > images 88, 92–93.

⁶⁵⁷ Amherst Co., Court Order Book 1799–1801, pp. 521, 523; imaged, *FamilySearch* digital film 8182133 > images 98–99.

⁶⁵⁸ Amherst Co., Court Order Book 1799–1801, pp. 619, 621; imaged, *FamilySearch* digital film 8182133 > images 151–52.

COMMENT:

This Charles Lavender is the one variously called “Charles Sr.”—i.e., the son of Charles “the elder” and the brother of both William Lavender Sr. and Allen Lavender. This is not the Charles Lavender “Jr.” who was son of William Lavender by Milly Mills.

18 JANUARY 1802

“On the motion of James Floyd for a view of a road, and John Christian the only person immediately interested being present in Court and consenting to the same It is ordered that a road be opened on the north side of **Buffaloe River**, beginning on **Joseph Lane’s** land, thence up the river crossing above the apple trees, thence up **stoney Creek** above the **island**, crossing Stoney Creek to the mill; also from the top of the **Mill hill** where said Floyd framed his **saw mill** down the lines of said Floyd and Christian to the said road at Stoney Creek. And it is further ordered that Wiley Campbell, with the following hands viz.— Joel Campbell, Jno. Hutcheson, Absalom Howl, John Coleman, Isaiah Atkinson, **William Lavender**, William Baker, and James L. Turner and their male labouring tithes do open the said roads.”

“Henry & James Woods Plaintiffs against **William Lavender** Defendant. In Debt. Joseph Laye [Layne], special for the defendant, surrendered him here in Court, therefore the said Joseph Lane [Layne] from his undertaking and recognizance in this part made is discharged; and on the prayer of the Plaintiff the said Deft. is committed to the custody of the Sheriff of this County to remain in the Common Jail for debtors untill he shall have satisfied the Plaintiffs demand or shall be otherwise discharged by due course of law. Whereupon Hudson M. Garland and John Campbell (Wag.) come into Court and undertake for the defendant that in case he shall be cast in this suit, he shall satisfy and pay the costs and condemnation of the Court or render his body to prison in execution for the same, or that they the said Hudson M. Garland and John Campbell will do it for him; and thereupon it is ordered that the said defendant be forthwith discharged from custody.”⁶⁵⁹

16 MARCH 1802

“**William Lavender** heir at Law of **William Lavender** deceased, Pltff vs. **William Walton & Mildred** his wife, late **Mildred Lavender**, Admx of William Lavender decd. & others, Defts. In Chancery. The Defendants William Walton & Mildred his wife not having entered their appearance and given security agreeably to the Act of Assembly and the Rules of this Court, and it appearing to the satisfaction of the Court that the said defendants are not inhabitants of this Country: On the motion of the Complainant by his Counsel, it is ordered that the said deft. do appear here on the third Monday in August next and answer the bill of the Complainant and that a Copy of this order be forth with inserted in the **Lynchburg Gazette** for eight weeks successively and posted up at the front door of the Courthouse of this County on some Court Day.”⁶⁶⁰

17–18 MARCH 1802

“Henderson McCaul & Co. pltffs, vs. Alexander Reid, William Harris, and **William Walton**, Dfts. On a motion upon a bond given to replevy goods taken on a writ of Fieri facias issued out of this Court by the Pltffs against the estate of the Dft. Alexander Reid — This day came the Plaintiffs by their Attorney, whereupon the Deft. William Harris acknowledgeth legal notice of this motion, the same is continued till the 2d day of May term next.”

⁶⁵⁹ Amherst Co., Court Order Book 1801–1802, pp. 13–14; imaged, *FamilySearch* digital film 8182133 > images 190–91.

⁶⁶⁰ Amherst Co., Court Order Book 1801–1802, p. 38; imaged, *FamilySearch* digital film 8182133 > image 203.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

“Henry & James Woods Pltffs vs. **William Lavender** Deft. In Debt. On the motion of the Defendant by his Attorney who pleaded payment to which the Plaintiffs replied generally, It is ordered that the Judgment obtained in the Office against him for the want of appearance be set aside.”⁶⁶¹

19 MARCH 1802

“**William Lavender**, heir at law of **William Lavender** decd. Pltff vs. James Savage Dft. In Detinue. Writ of Enquiry set aside and dismissed, the Pltff not further prosecuting.”

William Lavender also served on jury this day.⁶⁶²

“**Benjamin White** against Finny Bryant. In Covenant ... continued till the next quarterly Term at motion and costs of the several Defendants.”

“Pleasant Magann Plf. against **Arthur White** Dft. In Debt. This day came the Parties by their Attornies, and thereupon came also a Jury ... who ... say that the Deft. hath not paid the debt in the Declaration mentioned, as the Plf. by replying hath alledged, and they do assess the Pltfs damages by occasion of the detention thereof to one penny, besides his costs. Therefore It is considered by the Court that the Plf. recover against the Deft. the sum of Twenty four pounds eight shillings the debt aforesaid the legal Interest thereon from [25 December 1800] till paid together with his Damages aforesaid in form aforesaid assessed and his costs, by him about his suit in this behalf expended and the said Deft. in mercy &c.”⁶⁶³

COMMENT:

Arthur White was “of Albemarle” when he married Sukey Magann, spinster, in October 1777. One Benjamin White, bachelor, married Nancy Goodwin, spinster daughter of Micajah Goodwin in July 1787.⁶⁶⁴ Benjamin and Nancy settled in Giles County, VA, where one Arthur White also appears c1806–7.⁶⁶⁵ I have not found, to this point, any other Benjamin White in Amherst, aside from the one who married Nancy.

18 MAY 1802

“**Benjamin White** Plf against Finny Bryant Dft. In Convenant. On the Motion of the Defendant by his Attorney who pleaded Covenants not broken and Covenants performed, It is Ordered that the judgment and writ of Enquiry awarded against him in the office for the want of appearance, be set aside, and the trial of the issues is referred till the next Quarterly Court by consent of the Parties.”⁶⁶⁶

COMMENT:

Finny Bryant also served on the jury at this term, along with other men whose cases were being heard and, therefore, were present at court; Benjamin White did not serve.

19 MAY 1802

“George Kippin & Company Plts. against Alexander Reid Jr., William Harris & **Wm. Walton** Dfts. On a motion upon a Bond given to Replevy Goods taken on a Writ of Fieri facias sued out of this Court by the Plaintiffs against the Estate of the Defendant Alexander Reid.” The bond was dated **7 July 1774**, and

⁶⁶¹ Amherst Co., Court Order Book 1801–1802, pp. 45, 53; imaged, *FamilySearch* digital film 8182133 > images 206, 210.

⁶⁶² Amherst Co., Court Order Book 1801–1802, pp. 61, 66; imaged, *FamilySearch* digital film 8182133 > images 214, 217.

⁶⁶³ Amherst Co., Court Order Book 1801–1802, pp. 67, 74; imaged, *FamilySearch* digital film 8182133 > images 217, 221.

⁶⁶⁴ Sweeny, *Marriage Bonds and Other Marriage Records of Amherst County, Virginia, 1763–1800*, 81.

⁶⁶⁵ See Elizabeth Shown Mills, “Mills & Associates, Giles County, Virginia: Principally Whites, with Selective Records for Byas, Brumfield, Chapman, Dingess, Napier, Sartain & Toney Families,” report to file, 8 February 2020 (updated 10 January 2021); archived online at Mills, *Historic Pathways* (<https://www.historicpathways.com>) under the “Research” tab.

⁶⁶⁶ Amherst Co., Court Order Book 1801–1802, p. 103; imaged, *FamilySearch* digital film 8182133 > image 236.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

signed by “**William Walton**” as a surety for Reid. “The Court determined that the said writing obligatory was illegally taken ... It is considered by the Court that the motion for a Judgment thereon be overruled and that the said William Harris, the only Deft. who has had notice of this motion ... recover against the Pltf. his costs.” The Plaintiff prays an appeal to the next District Court to be held in Charlottesville and posted bond for 20£, with Philip Gooch and Wm. H. Cabell as Securities.⁶⁶⁷

COMMENT:

The next case on the docket was “Henderson McCall & Company against “Alexander Reid Jr., William Harris and **Wm. Walton** of the Defendant Alexander Reid Jr.” Similar results.

“Brown Rives & Company Plf against **William Lavender** Dft. In Debt. **George Lavender** comes into Court and undertakes for the Dft. ... It is Ordered that the Judgment obtained in the office against him for the want of appearance be set aside.”⁶⁶⁸

20 MAY 1802

“**Benjamin White** Plf. against Finny Bryant Dft. In Covenant. On the Motion of the Defendant by his Attorney who pleaded Covenants not broken and Covenants performed, It is Ordered that the Judgment and writ of Enquiry awarded in the Office against him for the want of appearance be set aside, and thereupon came a Jury to wit: **Caleb Watts** ... Conyers **White** [and ten others] who ... do say that the Defendant hath not performed the Covenant in the Declaration mentioned ... [and] assess the Plf. damage by occasion thereof to Two pounds four shillings and nine pence besides his costs ...” John Peyton served as witness for Finny Bryant.⁶⁶⁹

COMMENT:

Judgment was issued for Benjamin on 17 August 1802; appeal, same term.⁶⁷⁰

21 MAY 1802

“Bolling Mitchell vs. **Benjamin White**. In covenant.⁶⁷¹

COMMENT:

Benjamin White of Montgomery County (who married Nancy Goodwin here in Amherst) is taxed this year in Montgomery. The above Benjamin, who is being sued in Amherst, would almost certainly be a resident of Amherst and, thus, a different man.

22 JUNE 1802

“Henry and James Woods Plfs. against **William Lavender** Dft. In Debt. This day came the Parties by their Attornies and the Defendant relinquishing his plea by him heretofore plead saith that he cannot gainsay the Plaintiff’s action. Therefore It is considered by the Court that the Plts. recover against the Defendant the sum of Seventeen pounds twelve shillings the debt in the Declaration mentioned likewise their costs by them about their suit in this behalf expended, and the said Dft. in mercy &c. But this Judgment (the costs excepted) may be discharged by the payment of Eight pounds sixteen shillings with legal Interest thereon from the twelfth day of June [1800] till payment.”⁶⁷²

⁶⁶⁷ Amherst Co., Court Order Book 1801–1802, pp. 118–19; imaged, *FamilySearch* digital film 8182133 > image 245.

⁶⁶⁸ Amherst Co., Court Order Book 1801–1802, p. 124; imaged, *FamilySearch* digital film 8182133 > image 248.

⁶⁶⁹ Amherst Co., Court Order Book 1801–1802, pp.134–35; imaged, *FamilySearch* digital film 8182133 > image 253.

⁶⁷⁰ Amherst Co., Court Order Book 1801–1802, pp. 264, 287; imaged, *FamilySearch* digital film 8182133 > images 331, 342.

⁶⁷¹ Amherst Co., Court Order Book 1801–1802, p. 151; imaged, *FamilySearch* digital film 8182133 > image 264.

⁶⁷² Amherst Co., Court Order Book 1801–1802, pp. 166–67; imaged, *FamilySearch* digital film 8182133 > image 272.

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“Matthew C. Bowles ... Plt. against **Thomas Tilman** Deft. Upon Petitions. The defendants not having been summoned and not appearing, on the motion of the several plaintiffs by their attorneys, It is ordered that Alias Summonses be awarded against the said defendants returnable to the next court.”

“James Hopkins Plf. against **Daniel Tilman** Deft. Upon Petitions. ... [Ditto the Thomas Tilman case.]”⁶⁷³

COMMENT:

The Tilman cases were each on a combined list of similar actions.

23 JUNE 1802

“**William Lavender** Plf. against John Horseley and Roderick McCulloch Executors of the last Will and testament of William Horseley deceased Defts. In Chancery. On the motion of the Plaintiff and for reasons appearing to the Court an attachment is awarded against the defendants to cause them to appear in Court and answer the bill of the Complainant.”⁶⁷⁴

24 JUNE 1802

“George Dillard, administrator of **Anthony Lavender** deceased for the benefit of Jacob Gill, Plf. against Hugh Rose and William Spencer Deft. Upon petition for money due by single bill. It is ordered that this suit be abated as to the Defendant Hugh Rose And the defendant Spencer by his Attorney pleaded the Gaming act And on hearing It is considered by the Court that the defendant recover against the Plaintiff his costs by him about his defence in this behalf expended.”⁶⁷⁵

COMMENT:

The preamble to this court session (p. 213, image 303) errs in dating the session as “fourth of June.” The preceding pages recorded the orders for 22 and 23 June. The next session date would be the 24th, not the 4th.

17 AUGUST 1802

“Gatt and Garland Plts. against **William Lavender** Deft. In Debt. This day came the Plts. by their attorney and the Defendant in his proper person came and confessed the Plts. action for the Debt in the Declaration mentioned. Therefore with the assent of the Plaintiffs it is considered by the Court that the Plaintiffs recover [from] the said Deft. the sum of One hundred and twenty five pounds one shilling and six pence the Debt in the Declaration mentioned and their costs by them about their suit in this behalf expended, and the said Defendant in mercy &c. But this Judgment may be discharged by the payment of Sixty two pounds ten shillings and nine pence with legal interest thereon from the 23d day of June 1798 till paid and the Costs.”⁶⁷⁶

18 AUGUST 1802

“On the motion of James Peters, **William Lavender** and James Laine, Witnesses on behalf of William Laine (Wagr) against James Franklin; It is ordered that the said Laine, Wagr, pay to the said Jas. Peters \$2.12, to the said Wm. Lavender \$2.12 for attending this Court for four days each, to the said James Laine 43.18 for attending this Court four days and May Court last two days.”⁶⁷⁷

⁶⁷³ Amherst Co., Court Order Book 1801–1802, pp. 191–92; imaged, *FamilySearch* digital film 8182133 > images 291–92.

⁶⁷⁴ Amherst Co., Court Order Book 1801–1802, p. 207; imaged, *FamilySearch* digital film 8182133 > image 300.

⁶⁷⁵ Amherst Co., Court Order Book 1801–1802, pp. 215–16; imaged, *FamilySearch* digital film 8182133 > images 305–6.

⁶⁷⁶ Amherst Co., Court Order Book 1801–1802, p. 250; imaged, *FamilySearch* digital film 8182133 > image 377.

⁶⁷⁷ Amherst Co., Court Order Book 1801–1802, pp. 301–2; imaged, *FamilySearch* digital film 8182133 > images 349, 351.

MILLS: Mills & Associates: Amherst County, Virginia, Court Orders (2019, updated 25 April 2022)

20 OCTOBER 1802

Marriage bond. **James Bias** and Elizabeth **Whitten**. Parents or Guardian of wife: Jeremiah Whitten, father, decd., Wm. Whitten, Guardian. Bondsman: John C. Goode; Witnesses: S. Garland, David Bailey, Berry Whitten, **Larkin Bias (Biers)**" ⁶⁷⁸

COMMENT:

This is the first Byass, Bias marriage in the register.

5 DECEMBER 1802

Marriage bond. **Abram Stratton** and **Mary Lavender**. Surety: William Lavender. Witness: S. Garland. ⁶⁷⁹

6 DECEMBER 1802

Marriage bond. **James Franklin** and **Nancy Whitten**. Surety: William Camden Jr. No witnesses. ⁶⁸⁰

10 NOVEMBER 1806

Marriage Bond. **Robert Mills** and **Sally Campbell**. No parents named. No consents. Surety: Francis Campbell; witness: "S. Garland." ⁶⁸¹

COMMENT:

Garland was also a witness for numerous marriage bonds, suggesting that he was a county official or the county clerk. Having just one witness named was relatively uncommon in this group of records.

⁶⁷⁸ Amherst Co. Marriage Book 1: 167; imaged, Amherst Reel 37, Library of Virginia.

⁶⁷⁹ Amherst Co. Marriage Book 1: 167; imaged, Amherst Reel 37, Library of Virginia.

⁶⁸⁰ Amherst Co. Marriage Book 1: 167; imaged, Amherst Reel 37, Library of Virginia.

⁶⁸¹ Amherst Co. Marriage Bonds and Consents, 1806–1808, chronologically arranged; imaged, Amherst Co. microfilm roll 113, Library of Virginia.