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REPORT TO: File

SUBJECT Mills & Associates: Franklin County, Virginia, Extended Research

BACKGROUND: **William Mills**, born c1784–85 or 1787–88, reportedly in Franklin County; died c1863, apparently in Pulaski County, VA (cut 1839 from Montgomery and Wythe). He married 1815, in Franklin County, Drucilla Kemp, daughter of Robert Kemp and Milly Emundson, daughter of Richard) who wed 1786 in Franklin. Drucilla's stepmother was Sarah Mattox (daughter of Nathan), who married Robert Kemp in 1802. Bondsman for William's marriage to Drucilla was Stephen Standifer.¹

William Mills and Drucilla Kemp were the parents of nine children:

1. **JAMES HARRISON MILLS**, b. c1816; first appeared on Franklin Co. tax rolls, adjacent to William, in 1837. He has not been found after the Franklin roll of 1844.
2. **SAMUEL E(DMUNDSON?) MILLS**, b. 26 February 1818; died 31 July 1894, Talbot Co., GA; married (1) **Mary Ann Hobson**, 17 December 1841, Franklin Co., VA, with James Patterson as bondsman; (2) **Rebecca Amy Collier**, 19 March 1868, Upson Co., GA.
3. **WILLIAM B(RECKENRIDGE?) MILLS**, b. c1820, makes his first appearance in Franklin on the 1841 tax roll. On 19 October 1847, in Franklin Co., he married **Mary M. Matthews**. He died of gunshot wound, 30 April 1865, on his way home from war.
4. **SPARREL MILLS**, b. c1824, Franklin Co.; first appears on the Franklin Co. tax roll of 1845; married **Martha Susan Jarrett**, daughter of Allen Jarrett, 1848, in Henry Co., VA. In 1850, he and his in-laws and parents were all in Floyd Co. In 1852–54 he was taxed in Montgomery Co. The 1860 census of Montgomery cites him as a laborer, living among other laboring families, apparently on the substantial farm of Andrew J. Lucas. Postwar, he remained in Montgomery, and died after 3 May 1900, when he filed an application for a Confederate pension as a resident of Radford.
5. **ROBERT WILEY MILLS**, b. c1826; died 31 May 1862, Battle of Seven Pines near Richmond. He married 18 December 1843, Henry Co., VA, **Mary Jarrett**, daughter of Allen Jarrett. In 1850, as "Wiley Mills," he is enumerated as a farmer in Floyd Co. He enlisted at the Floyd Co. courthouse on 14 March 1862 (age 36) in Co. A, 24th VA Infantry, under Lt. G. M. Helms.
6. **CHARLES T. MILLS**, b. c1828, or 1833, Franklin Co.; married **Sarah E. Fleeman**, daughter of Elias and Patsy Fleeman," 22 December 1857, Montgomery Co., where they were enumerated in 1860. By 1870, they had moved to Claiborne Co., TN, by 1870. Both died after the 1880 census of Claiborne.
7. **SARAH "SALLIE" ANN MILLS**, b. ca. 1830, m. in Floyd Co., c16 December 1850, **William H. Key**, (parents unidentified). The 1850 census of Floyd places William, 23, "born in Giles Co.," in the home of George Key, 36, and wife Hannah Kester, adjacent to Sparrel Mills and his Jarrett in-laws. In 1860, the Keys lived in the Mills-Jarrett family cluster in Pulaski County's Western District. On 6 April 1864, as "Sarah A. Key," age 35, daughter of "William Mills" and "Drucella Mills," she m. a widower from Lovely Mount (now Radford) in Montgomery Co., **George Bradbury** (var. Bradberry), son of Mark. Sarah d. 1 July 1889, Summers Co., WV.

¹ For documentation of all details for William, Drucilla, and their children, see Elizabeth Shown Mills, "William Mills (b. c1783–88; d. c1863); Spouse Drucilla Kemp: Research Notes," a work-in-progress last updated 27 August 2021; archived at E. S. Mills, *Historic Pathways* (<https://www.historicpathways.com>), under the "Research" tab. Other relevant research reports at *Historic Pathways* are cited throughout this set of notes.

8. **MILLY FRANCES MILLS**, b. April 1832 (variously 1830, 1832, 1833) in Franklin Co.; died after the 6 June 1900 census visitation in Montgomery Co. and, apparently, before the April 1904 death of her husband whose obituary cites children but not a wife. On 27 July 1854 (by license of 22 July) in Floyd Co., Milly married **John B. Lawrence**, who had been born in Bedford Co., VA, as son of William and Agnes Lawrence.
9. **THOMAS R[ICHARD?] MILLS**, b. 11 March 1833, according to his death certificate; married *ca.* 27 August 1855, in Montgomery Co., **Sarah S. Nunnally** [*var.* **Nunley**], daughter of Richard and "B" Nunnally. The couple are cited on the 1860 census, Pulaski Co., VA, next door to both sets of parents. In 1880, they resided in Montgomery Co.; but by 1900 they were back in Pulaski Co. where he was employed as a "river ferryman."² Thomas died 5 April 1915 of "chronic Bright's disease."

See prior report of 28 August 2018, "Mills & Associates: Franklin & Floyd Counties, Virginia, Initial Survey. The present report will build upon those findings.

KEY ISSUES: William's birth family is unknown; but his Y-line is that of descendants of the Virginia immigrant John Witt/Whitt. **For the purpose of identification in this project—one that involves many William Millses—I am calling him William Mills-Witt.**

- The area that became Franklin County in 1785 was cut from Henry and Bedford Counties. The region north of Blackwater River was cut from Bedford (formerly Lunenburg). The region south of Blackwater River was cut from Henry (formerly Pittsylvania and Halifax).
- Prior to 1785, families surnamed Edmundson, Kemp, Maddox, Mills, and Standifer, lived and interacted in both Henry and Bedford.
- Only one Mills family has been placed in the Franklin County area at the time William was supposedly born there: a family headed by one **James Mills** who lived in the part of Bedford that was cut off to create Franklin. This James Mills had a son William (m. Elizabeth Abshire, 1796, in Franklin) who is now thoroughly disambiguated from William Mills-Witt.
- Henry County also had a contemporary settler named William Mills, husband of Elizabeth Fontaine. They, too, had a son William (William Fontaine Mills) who is now thoroughly disambiguated from William Mills-Witt.³

Witts/Whitts have been found in both Bedford and Henry, offshoots of the same family.⁴ If the change of the Mills surname to the Witt Y occurred with the conception of William, rather than before him, then I should especially watch for a Witt/Whitt male in proximity to a Mills female in the place and time of that conception.⁵

² 1900 U.S. census, Pulaski Co., VA, Dublin Magisterial dist., ED 43, sheet 17-B. 1910 U.S. census, Pulaski Co., VA, Dublin Magisterial Dist., stamped p. 27, ED 44, Sheet 1A, dwell./fam. 3.

³ See E. S. Mills, "Mills: Henry and Pittsylvania Counties, Virginia: Initial Survey," report to file dated 28 Augusts 2018; archived online at *Historic Pathways* under the "Research" tab.

⁴ See E. S. Mills, "Mills: Bedford County, Virginia: Extended Survey of Resources," report to file dated 28 August 2018. Also E. S. Mills, "Mills: Henry and Pittsylvania Counties, Virginia: Initial Survey," report to file dated 28 August 2018. Both are archived at *Historic Pathways* under the "Research" tab.

⁵ DNA evidence has established that William himself carried the Witt/Whitt Y. Male-line descendants of two different sons of William and Drucilla all carry the Witt/Whitt Y, with no genetic distance between them on 111-marker tests. The earliest tester for each son's line was Clay Mills (a descendant of Samuel E. Mills, b. 1818) and Edward E. Mills (a descendant of Robert Wiley Mills, b. c1824).

RESIDENCES:	1806–10	Franklin County
	1811	<i>Missing</i>
	1812–20	Franklin County
	1821–29	<i>Nothing found</i>
	1830–47	Franklin County
	1848	Moved to Floyd but not taxed there; typically a one-year lapse at move before being added to the tax roll
	1849–50	Floyd County (Franklin land taxed to him in Floyd; on Floyd 1850 census and 1849–51 tax rolls)
	1851–52	<i>Nothing found</i>
	1853	Montgomery tax roll along with Sparrel and a younger “William Jr.” who would not be his son; William and Drucilla’s son, William B., was taxed in Franklin
	1854–59	<i>Nothing found</i>
	1860	Pulaski County census with grown children
	1861–63?	Pulaski County apparent death place; death records missing
	1867	Montgomery County (widow Drucilla died while living with offspring)

ASSOCIATES: At William Mills-Witt’s first appearance on record in Franklin, 1806, he was entered onto the tax roll between **Booker Mullins** and **Samuel McCarrell** (aka Carrell). He remained between them until 1811, at which time William was dropped but Mullins and McCarrell continued to be taxed in the same position on the list.

The 1810 federal census of Franklin includes Mullins, but not Mills or McCarrell. One Samuel **Carrell** appears on the census of adjacent Montgomery county that year, as does one **Thomas Musgrove**. However, the age data for that Samuel Carrell and his household seems incompatible with known data for Samuel McCarrell.

In 1812, William reappears on the Franklin tax roll, positioned between Thomas **Mullins** and **Thomas Musgrove**. The 1820 census (semi-alphabetized) places him between “**Bowker**” and **Jacob Mullins**, his new in-law Gabriel Mattox, and the Mattox in-law, John **Manning**.

Concurrent Mills research in Montgomery and Giles counties—originally adjacent to Franklin—suggests the possibility of a relationship with two other families that settled near the mountain gaps that linked these counties:

1. NAPIER

This family came to Franklin and Montgomery from Fluvanna (formerly Albemarle). In Fluvanna, they were associates of the Thomas Tilman family, whose daughter Lucy married Jesse Mills of Amherst. One daughter of Lucy and Jesse, Sarah “Sally” Mills, appeared in Montgomery as a single mother in 1791, at which time she married Elijah Sartain of Stony Creek of New River. Elijah’s sister Sarah was married to Humphrey Blankenship, whose sister Mary was wed to Thomas Hughes Napier, formerly of Fluvanna and brother of the Napier males who settled Franklin.

Elijah and Sarah (Mills) Sartain, Humphrey and Sally (Sartain) Blankenship, and the widowed Mary (Blankenship) Napier with her sons all moved together from Montgomery to Gallia County, Ohio, c1815. **Sarah Mills is one of the two likely**

candidates for the mother of the William Mills-Witt, b. 1783–88, who married Drucilla Kemp.⁶

2. TONEY

William Toney, also formerly of Fluvanna (and Albemarle before that), settled north of the Blackwater at the head of Calas Mountain about the time Franklin was created. His son John Toney settled across the mountain at The Narrows of New River in current Giles where he operated a tavern and mills and owned other land on East River. There, in 1816, “William Mills” witnessed two documents for Toney. A page-by-page reading of all surviving courthouse records for Giles yielded no other trace of a contemporary William Mills in Giles.⁷

Toney was a close associate of one Benjamin White of Albemarle and Giles, whose middle-aged father John White took a new wife in August 1792, Montgomery Co. **That wife, Frances Mills of unknown origin, is the second prospect for William Mills-Witt’s mother,** if his birth did occur in 1784. Prior to marriage, in 1786 and 1788, she bore a son and daughter. Descendants of her son Samuel Mills carry the Y-DNA of the Adkins-Mullins family of Montgomery and Franklin.⁸



⁶ For all the evidence presently known for Sarah, see the following reports at *Historic Pathways* under the “Research” tab:

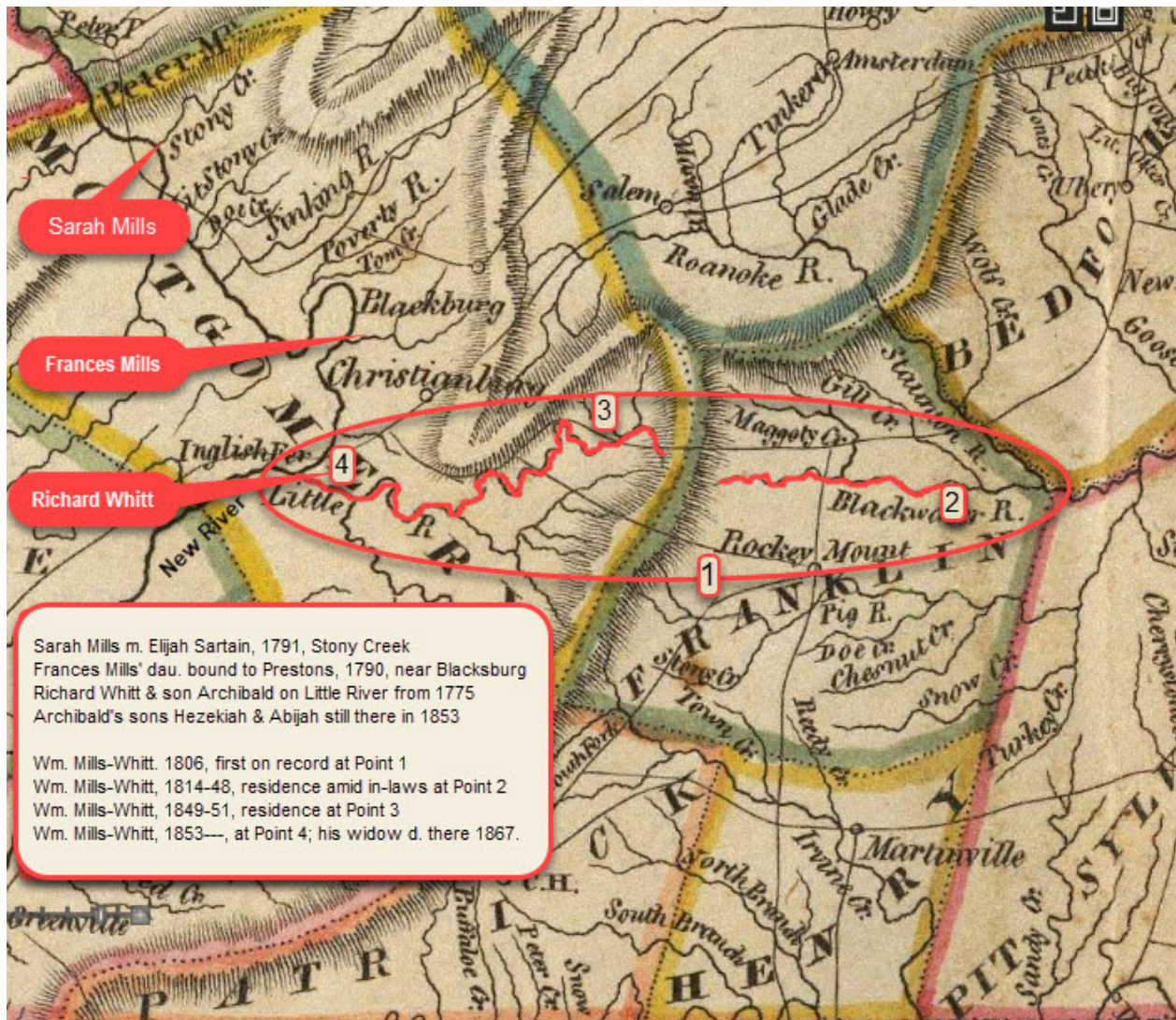
- “Jesse Mills Sr. (c1740–aft 1811) of Albemarle & Amherst Counties, Virginia; Spouse, Lucy Tilman: Research Notes,” a work in progress last updated 8 April 2021.
- “Gallia County, OH: Preliminary Research on Elijah Sartain, Wife Sarah Mills, and Related Families from Montgomery and Giles Counties, VA—Particularly Brumfield, Chapman, Napier, and Williams, report to file, 1 September 2021.
- “Mills & Associates, Giles County, Virginia: Principally Whites, with Selective Records for Byas, Brumfield, Chapman, Dingess, Napier, Sartain & Toney,” report to file, 8 February 2020 (updated 10 January 2021).
- “Mills & Associates: Montgomery County, VA, Extended Research (Bias, Sartain, Toney, White, Whitt/Witt,” report to file dated 20 September 2020.
- E. S. Mills, “Mills-White-Witt: Montgomery County, Virginia, Tax Roll Data 1782–1807,” report to file, 15 February 2020.

⁷ See the previously cited “Mills & Associates, Giles County, Virginia: Principally Whites, with Selective Records for ... Toney.” For the two leases, see Giles Co., VA, Deed Book B: 84–85; imaged, *FamilySearch* digital film 007894524.

⁸ For all that is known for Frances “Frankey” Mills, see these reports at *Historic Pathways* under the “Research” tab:

- E. S. Mills, “John White Sr. (c1740–1821); Spouses 1. Unidentified & 2. Frances “Frankey” Mills: Research Notes,” a work-in-progress last updated 18 January 2021;
- The previously cited Montgomery and Giles Co. reports; and
- E. S. Mills, “Mills & Associates: Montgomery & Fincastle Counties, Virginia: Preliminary Survey,” report to file dated 28 August 2018 (updated 10 September 2020).

Map 1
The Mills-Whitt World: From New River to the Blackwater via Little River & Dog Spur Gap



Executive Summary

Disambiguation between Multiple Williams:

This set of notes defines five different William Millses in Franklin County contemporaneously. By order of age or first appearance on record, they are

1. **William Mills “Sr.”** This man, of Maggoty and Elliott Creeks, was the son of the original settler James Mills and was married to Elizabeth Abshire. He died in 1841 leaving a will that named Elizabeth, their three sons Hiram, George, and Burrell (unmarried; later called William A. B. in records that disposed of the parental land) and four daughters: Leona Mills, Betsy Mills, Katharine Rucker, and Patsey Mills (the latter coupled in the will with “James Otey Mills ... my grandson”).
2. **William Mills “Jr.”**, as he is called from 1833 to 1837, married at the time to Mary “Polly” Showalter/Shewalter. Also a resident of the Maggoty and Elliott Creek area, he appears to be the son of one of William Sr.’s brothers—either Arthur Mills or James Mills Jr., whose widow Nancy (née Frame) remained in that region.
3. **William Mills** of the Blackwater, married to Drucilla Kemp.
4. **William A. Burrell Mills**. Son of William Sr. and Elizabeth Abshire, he was still single in 1841 when William Sr. died. In January 1847, he married Mary Abshire, with Anderson Starkey as his bondsman. On 4 October 1847, as “William A. B. Mills,” he, his wife “Mary E.,” and his mother Elizabeth sold William Sr.’s land to Anderson Starkey. William A. B. Mills left Franklin before the 1850 census.
5. **William B. Mills**, born about 1820 to William and Drucilla. In October 1847, he married Mary M. Matthews, with William C. Barber as surety. He and Mary appear on Franklin’s 1850 and 1860 censuses. He died 3 April 1865; and Mary remained in Franklin with their offspring.

Disposition of William and Drucilla’s Franklin County land:

William and Drucilla Mills inherited 151 acres on the Blackwater River from her father Robert Kemp in 1829–30. They remained on the land until 1848, when they moved up the Blackwater, across the county line into Floyd County, and then up New River to central Floyd. However, they did not dispose of the land that Drucilla had inherited from her father. Those 151 acres continued to be taxed to “William Mills (Floyd Co.)” until 1861. Absentee ownership of this type usually occurred when the owner rented out the land or—as apparent in this case—turned over the land to a family member to farm. That family member, in this case, was the only son who remained in Franklin County: William B. Mills.

In 1861 and 1862, the tax entries for Drucilla’s inherited land shifted to “William Mills, *Franklin County*.” Between the tax rolls of 1863 and 1865, three major changes occurred in the ownership or management of this land.

- William Sr. appears to have died in late 1862, after the last recorded death in Pulaski County, but before January 1863. At that time the land clearly passed to the possession of the son William B.
- Between 1863 and 1865, the Mills tract was reduced from 151 acres to 126 acres. No deed documents a transfer of title for the missing 25 acres. No court record has been found by which part of the tract was seized to satisfy a court judgment. However, tax rolls state that a new survey of the land was made in 1863 that reflected the loss of the acreage.
- William B. died in 1865, killed by gunshot on his way home from war.

An explanation for the missing land is found in a furlough request that William B. Mills made on 4 January 1863. As a private assigned by the Confederacy to “daily duty as Overseer,” he asked permission to return home because he had “some transactions to manage with regard to my land which requires my personal attention.” He then added: “unless I can go and attend to that matter it will be very much against the interest of myself and family, [being] a poor man with a wife and seven Children.” The

furlough was granted the next day with the notation “We can spare an overseer at this time better than hereafter.” That request coincides with the death period previously determined for William Mills-Witt.⁹

No tax roll exists for Franklin County in 1864. In 1865, the remaining 126 acres continued to be taxed to “William Mills” until 1895, with alterations as follows:

- 1872–1883. A notation beside the tax entry for “William Mills” states that the tax was to be paid by Wilson Cundiff.
- 1884. The notation was changed to “J. W. Hutt and Rhoda Cundiff pays.” [Rhoda Cundiff was the widow of Wilson; J. W. Hutt(s) appears to have been their son-in-law.
- 1885–86. The Mills tax assessment in 1886 was again reduced by 66 acres. Meanwhile, 1885 transactions in the settlement of the Cundiff estate conveyed two tracts of land—including one tract of 66 acres—to J. W. “Hutts.” The 66-acre tract was said to adjoin “Hutts Mill” (on Standifer Creek) and the east corner of “William’s line” [i.e., William Mills’ line].
- 1890. A commissioner was appointed to sell the interest that Rhoda Cundiff, deceased, held in the estate of her husband. The remaining Mills acreage was purchased by James A. Cundiff at a sale conducted by Commissioner Jno. P. Lee—but continued to be taxed to “William Mills.”
- 1893–94. The case J. W. Cundiff et al. vs. Cundiff et al. charged that Commissioner Lee still had not made the title to James A. Cundiff. That was done in February 1894, at which time the title included “60 acres ... a portion of a tract purchased by the said Wilson Cundiff in his lifetime from William Mills.” At that point, William Mills’s name is dropped from the land tax roll.

The 1894 deed’s recital of events attributed to the “lifetime” of William Mills—events that would have occurred three decades earlier—is clearly flawed. Cundiff did not begin to pay taxes on the land until 1872—nine years after the death of William Mills-Witt and seven years after the death of his son William B. Mills. At that time, the widow of William B. may have made an agreement to sell the land to Cundiff at some future point; but the actual sale clearly occurred in two different stages: first the sale of 66 acres, then the sale of the final 60.

Evidence found to date does not enable us to determine whether Cundiff was involved in the 1863 threat to William B.’s ownership of the land—a threat that resulted in the first loss of 25 acres. Considering that Cundiff’s involvement in the land is not documented until 1872, it is possible that the 1863 issue resulted from the death of William B.’s father and the need to stabilize his possession of the land that he had been occupying without a recorded title.

Napier: Potential Connection

Three Napier heads-of-household appear in Franklin County records about the time that William Mills-Witt was born in Franklin:

- **Robert Napier Sr.**, who entered land before 1788 at the juncture of Blackwater and Poplar Camp Creek, some four to five miles west of Kemp’s Ford (site of Robert Kemp, father-in-law of William Mills-Witt). In 1795 Robert executed a document from Rockingham County, NC—one by which Ashford Napier of Franklin gave to him a mortgage to his enslaved people and household furnishings to secure a debt Ashford owed to Robert. This Robert is said to have died in 1806, the year that William Mills-Witt first appeared on the Franklin Co. tax roll. No probate appears for him in Franklin County. *Rockingham County’s records need to be combed for him and, potentially, a bound child William Mills*

⁹ Beverly Merritt, *Civil War Records of Franklin County, Virginia, 1861–1865* (Ferrum, VA: Privately printed, 2007), 231. Also Beverly Merritt and Jane Zarn, *Voices of Franklin County, Virginia, 1861–1865* (Henry, VA: Jane Zarn, 2013), 290. In both volumes, the notes for “William Breckenridge Mills” have the semblance of credibility but they do not identify the source of any document (aside from Mary Ann’s petition) or the source of the middle name assigned to William.

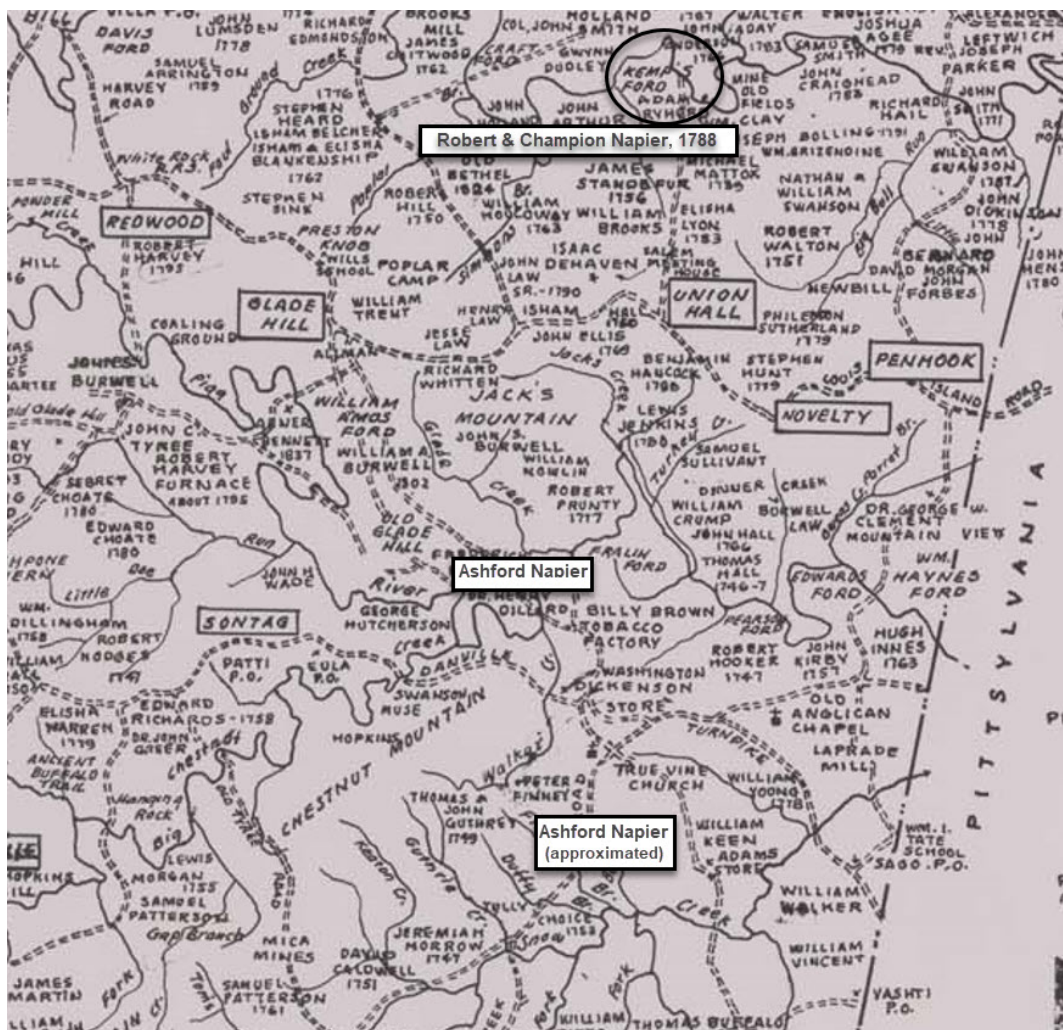
that may have been taken by him to Rockingham when he moved c1790–94.

- **Ashford Napier**, whose deeds place him on Maple Branch of Snow Creek, where he and wife Mary Ann sold land in 1787. (A younger Ashford C. Napier sold land on Panther Creek adjoining Ashford Napier in 1794, without a wife's participation.) In April 1800, Ashford gave a power-of-attorney to (his putative brothers) **Patrick Napier of Fluvanna** (associate of the Mills-Tilman family of Fluvanna and Amherst), Col. Thomas Napier of Georgia, and Champion Napier of Franklin Co. to conduct business for him—suggesting that Ashford owned property in all three locales.
- **Champion Napier** who sold land in 1790, with wife Gracey. That land, “on branches of Black Water,” joined Richard Edmondson, the grandfather of Drucilla Kemp who married William Mills-Witt in 1815.

Other Associated Families

This report includes newly extracted records on three families whose offspring married children of William Mills-Witt: Fleeman, Jarret, and Key.

Map 2
Napier-Kemp Locales, Franklin County, Blackwater River, c1788¹⁰



¹⁰ Gertrude C. Mann, J. R. Hildebrand, and George A. Kegley, *A Settlement Map of Franklin County, Virginia ... 1786 to 1886* (Rocky Mount: Franklin County Historical Society, 1976).

Research Notes

Comment: Franklin County materials used at the Library of Virginia are cited to the Franklin County book and page. Franklin County materials used online at FamilySearch.org are cited to both the original book and page; the FamilySearch images of those records are cited to film number > image numbers or the exact URL.

26? NOVEMBER 1785

FRANKLIN COUNTY, VA

Land purchase

Josiah Marcum (x) of Henry County, Virginia to **Robert Napier**, sale for 50£ on **Black water River** adjoining land of "**Sam^l Robert Napier, Peter Hollands, and Humphrey Edmondson**" ... crossing **Camp Creek ... Poplar Camp Creek ... and William Heard's old line.**" [Metes and bounds not copied here.] Witnesses: James Mason, Israel Standifer, John Haynes (x), Humphrey Edmondson.¹¹

COMMENT:

- The Napiers, formerly of Fluvanna County, are being considered as a "conduit" through which the single woman Sarah Mills arrived in Franklin County. Sarah's grandfather Thomas Tilman Sr., and uncles Thomas Jr. and Daniel were Napier associates in Fluvanna.
- By 1791, Sarah Mills relocated to Montgomery County where she married that year into the Sartain-Napier-Blankenship clan. From there, she would move with those three families to Gallia County, Ohio.
- Sarah's proposed premarital son Samuel Mills, b. c1788, remained in Franklin County where he first appeared on the tax roll in 1806 and, in 1815, married the daughter of Robert Camp/Kemp and the granddaughter of Richard Edmondson (see 1 February 1790 below).
- As seen under 1 February 1790, below, Champion Napier's land also lay in this same neighborhood, adjacent to Richard Edmondson.
- Note on the map below the proximity between Robert & Champion Napier and William Mills-Witt's father-in-law, Robert Kemp.

6 AUGUST 1786

FRANKLIN COUNTY, VA

Land purchase

John Gillaspy to **Benjamin White**, both of Franklin County, sale for 50£ Virginia money, receipt acknowledged, 154 acres in Franklin on **N fork of Chesnut Creek**, bounded as follows:

At **Warrins & Richardson** Corner post oak, thence with Warrin's line, S 65° E 168 poles to pointers, thence new lines N 18 E 252p, crossing 3 branches to a red oak, S 75 W 182p crossing a branch to a white oak in Richardson's line, thence with his line S 33 E 52p to a red oak, S 28 W 62p to a red oak, S 67 W 54p to the first station.

Signed: John Gillaspy. Witnesses: none named. Proved October 1786 court by acknowledgment of Jon Gillaspy & Anna his wife.¹²

COMMENT:

¹¹ Franklin Co., Deed Book 1 (1786–1789): 114–15; imaged, *FamilySearch* digital film 7894517, image 68.

¹² Franklin Co., Deed Book 1 (1786–1789): 96–97; imaged, *FamilySearch* digital film 7894517, image 59.

This Benjamin White has not been identified. His locale on the North Fork of Chesnut Creek lay just below the land of John Ferguson Wade/Waid, nephew of Samuel McCarrell in whose company William Mills-Witt first emerged in 1806. (The Settlement Map of Franklin misrenders Wade's name as "John S." rather than "John F."¹³)

6 NOVEMBER 1786

FRANKLIN COUNTY, VA

Land purchase

David Keeley [Kerley?] (s) and Elizabeth his wife of Franklin County to **Ashford Napier**, sale for 300£, 260 acres on M_____ Creek, adj. David Woodall and John Woodall [rest of metes and bounds are faded to illegibility]. Witnesses: John Dickerson, Alexander Reaves?, Joseph King.¹⁴

3 SEPTEMBER 1787

FRANKLIN COUNTY, VA

Land purchase

Daniel and Elizabeth Keeley [Kerley?] to Ashford Napier. "The Comwealth [*sic*] of Virginia To Robert Maxwell & Ambrose Blackburn Esqr., _____ or any two of them Justices of the Peace of Greenville County, Greeting. Whereas by his Certain Indenture of Feoffment hath unto **Ashford Napier** Conveyed of the County of Franklin One Certain Tract or Parcel of Land lying & being in the sd. County Franklin" [*sic*] containing an estimated 260 acres. "& Whereas **Elizabeth** the wife of the said **Daniel Keeley** [no Keeley has been previously mentioned] cannot Conveniently Travel to and from our said Court of Franklin, Know ye that we Trusting to your faithfull and Prescient? Circumspection in Examining Elizabeth the wife of the said David from & apart from her said Husband whether she Does fully & Voluntarily ... Relinquish her right Dower in and two the sd Land ... in the sd. County of Franklin When you have done it that you Certify to our Justices of our said County Court of Franklin under your hands & Seals Distinctly and Plainly you send together with this Witness Stephen Smith Clerk of sd. County Court at the Courthouse the third Day of September 1787." Elizabeth Keeley relinquished her rights before R^t Maxwell and Ambrose Blackburn, JPs [county not stated in the acknowledgement.

1 October 1787 "The Within Dedimus for the relinquishment of Elizabeth the Wife of David Keeley was returned & ordered to be recorded By the Court. Test: St. Smith, Cl."¹⁵

4 JUNE 1787

FRANKLIN COUNTY, VA

Land sale

Ashford Napier (s) and wife **Mary Ann** (s) of Franklin County to John Burgiss, sale for 30£, 228 acres on **Maple Branch** of **Snow Creek** in Franklin County. [Metes and bounds not copied.] No witnesses named. 4 June 1787, acknowledged in court by Ashford Napier.¹⁶

COMMENT:

Ashford Napier's location on Snow Creek puts him in southeast Franklin County, south and east of Chesnut Mountain.

¹³ At least eight different men named John Wade/Waid lived in Franklin County contemporaneously with William Mills-Whitt. One of those was the uncle of Mary Ann Hobson who married William's son Samuel E. Mills in 1841. For a disambiguation of the different John Wades/Waids and extracts or transcriptions of their Franklin County legal records, see E. S. Mills, "Hobsons/Hopsons & John Wades of Franklin County, Virginia (1786–c1850), Including Ferguson, Mills, Patterson & Other Associated Families," report to file 1 September 2021; archived at Historic Pathways under the "Research" tab.

¹⁴ Franklin Co., Deed Book 1 (1786–1789): 335–37; imaged, *FamilySearch* digital film 7894517, images 174–75.

¹⁵ Franklin Co., Deed Book 1 (1786–1789): 273–74; imaged, *FamilySearch* digital film 7894517, images 143–44.

¹⁶ Franklin Co., Deed Book 1 (1786–1789): 227–28; imaged, *FamilySearch* digital film 7894517, images 119–20.

4 MARCH 1788

FRANKLIN COUNTY, VA

Land purchase

“Commonwealth of Virginia to John Talbott, David Caswell, and Sydnor Cosby, Gentlemen of the County of Wilks [no state identified], greeting, whereas Daniel Richardson by his Certain Indenture of Bargain & Sale” this day sold to **Champion Napier** the fee simple estate of 300 acres in Franklin County, and whereas Fanny, wife of David Richardson cannot conveniently travel ... [etc. as with the Keely document above]. Separate examination was then made of Fanny in Wilkes Co. [no state named] 7 August 1788. Ordered to be recorded 1 October 1788, Franklin County.¹⁷

4 MARCH 1788

FRANKLIN COUNTY, VA

Legal suit

Richardson vs. Napier & al, Breach of covenant suit. **Champion Napier** (with Samuel Paterson & William Ryan as sureties) signed a bond in favor of Daniel Richardson, agreeing to pay for “two Reasonable Likly Negroes ... between the age of fifteen & twenty five years.” All three men signed. Witnesses: Nathan Ryan, Obadiah Richardson. John Dickinson and John Smith signed a notation that they “heard Paterson & Napier acknowledge.”

9 March 1788. Richardson penned a memorandum stating that **Champion “Napper,”** William Ryan & Saml. Patterson agreed not to pay “untill my Wife’s Dower of Rite is acknowledged & Recorded in Franklin to the **Land & Mill I sold to the said Napier.**” Witnesses: Barna Wells, Leonard Turley, Nathan Ryan.

11 March 178_ [illegible digit; the 8 is clear enough, even though the sequence of documents makes it appear to be wrong], Daniel Richardson assigned the bond to Saml. Calland. Witnesses: Obadiah Richardson, Saml. Tompkins Jr.

8 February 1790, **Champion Napier** with Thomas Townso? as surety, signed a bond in favor of Daniel Richardson, guaranteeing his appearance in the New London Court on 15th September next. Witness: Lewis Davis.

9 April 1790 Saml. Callard acknowledged that he had “Recd. of **Champion Napier** one Negro Boy in Part of the within bond.”

6 Nov 1792 “by Cash £37.0.0”

7 July 1794 writ issued to sheriff of Franklin to have **Champion Napier**, Samuel Patterson & William Ryan in court at New London at the next term.

16 April 1795 Robert Stockton appeared before David G. Talbot, a Justice of the Peace in Campbell Co., to pledge himself as special bail for **Champion Napier** in the suit against Napier by Daniel Richardson “for the benefit of Samuel Caland” in a suit depending in the District Court at New London.

April 1796, case dismissed.¹⁸

1788

FRANKLIN COUNTY, VA

Tax roll

William Walton, April 28, 1 white male tithe, 0 black tithes, 1 horse. Roll finalized 26 February 1789.¹⁹

¹⁷ Franklin Co., Deed Book 1 (1786–1789): 442–43; imaged, *FamilySearch* digital film 7894517, images 227–28.

¹⁸ Franklin Co., Determined Papers, 1793–1795, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8705559, images 321–31.

¹⁹ Franklin Co., VA, Personal Tax Roll 1788; Personal Property Tax Books Reel 120, Library of Virginia, Richmond.

COMMENT:

- Tax District not identified. James Mills was also in this district.
- William Walton was not there in 1786 or 1787.
- Walton is taxed again in 1789, but left before the roll of 1790.

9 NOVEMBER 1788

FRANKLIN COUNTY, VA

Land sale

Robert Napier (s) of Franklin County sells to William Godsey for 60£ 100 acres more or less in Franklin County on Black Water River, Beginning at Peter Hollen's [Holland's] line on **Poplar Camp Creek ... to Herd's** old line ... [metes and bounds not copied]. Witnesses: Robt. Napier Junr., William Aron, Jesse Estes. Proved 1 December 1788 by acknowledgment of Robt. Napier in court.²⁰

1 DECEMBER 1788

FRANKLIN COUNTY, VA

Land sale

Benjamin White (s) of Franklin County to **Faithfull Luke** of same, sale for 25£ cash in hand, 154 acres on **north fork of Chesnut Creek** in Franklin County, on Richardson's line. Witnesses: None. Acknowledged in court by Benjamin White and **wife Susannah White** on 1 December 1788.²¹

1789

FRANKLIN COUNTY, VA

Tax roll

William Walton, May 16, 2 white male tithes, 0 black tithes, 2 horses. Roll finalized 26 February 1789, Moses Greer's district [which includes James Mills], finalized 24 February 1790.²²

COMMENT:

William Walton is not there in 1790. He appears only on the rolls of 1788 and 1789.

On 20 April 1791, in the District Court held at New London, Campbell County, "William Walton" was called as a witness for Thomas Arthur of Franklin County, in the suit of Thomas Prunty against Arthur. "The said William Walton was Solemnly called but came not. Therefore It is considered by the Court that for his said Contempt he make his fine ... by the payment of Five Pounds, or One thousand Pounds of Tobacco unless he Shew sufficient Cause of his disability to attend at or before next Court."²³

The Prunty vs. Arthur case was for Assault and Battery, with Arthur found guilty (p. 157). Walton's place of residence was not stated.

4 NOVEMBER 1789

FRANKLIN COUNTY, VA

Estate division

"Pursuant to an order of Franklin Court to us Directed, we the Subscribers have Divided the Estate of **Richard Edmonson** [*sic*] Deceased which was presented to us, in the following manner—

- To John Edmonson, William Edmondson & Thomas Jones, one Negro woman named Rine, one child Sarah, and Do. Peter & one Bob, appraised to 119£, They Pay to **Robert Kemp** 2£.

²⁰ Franklin Co., Deed Book 1 (1786–1789): 464–65; imaged, *FamilySearch* digital film 7894517, images 238–39.

²¹ Franklin Co., Deed Book 1 (1786–1789): 461–62; imaged, *FamilySearch* digital film 7894517, image 237.

²² Franklin Co., VA, Personal Tax Roll 1789; Personal Property Tax Books Reel 120, Library of Virginia, Richmond.

²³ Franklin Co., VA, District Court Order Book 1, 1789–1808: 159; imaged, *FamilySearch* digital film 7898088, image 115.

- To **Robert Kemp** Two Negro Boys Nires & Lewis Valued at 37£.
- To Prissila Swanson & Thomas Edmundson, one Negro woman Named Dinah, They Paying to Samuel Edmondson 30 shillings.
- To Samuel Edmondson, A Negro Boy named Ben appraised to 15£.
- To Humphrey Edmondson, a Negro woman named Lucy, appraised to 60£, to pay to Philemon Edmondson 21£.
- To Richard Edmondson, one Negro man named Ben, appraised to 50£, to pay to Philemon Edmondson 8£ & to Saml. Edmondson 3£.
- To Philimon Edmonds [*sic*] to have a Negro Boy well appraised to Ten Pounds.

“Certified under our hands this 4 Day of November 1789. [Signed] Hugh Innes, Frederick Rives, Ben Cook. Returned to court May 1790 or recording.”²⁴

7 OCTOBER 1789

FRANKLIN COUNTY, VA

Association

Joel Chitwood and **Ashford Napier** execute a bond in favor of John Hook for 76£ 9 shillings. On 26 August 1789 the District Court directed the Franklin County sheriff to bring Joel Chitwood before the court to answer Hook’s suit when the case is called. Chitwood and Napier’s bond ensures that Chitwood will appear, under penalty of paying Hook the full amount of the bond. Witnesses: Ste. Smith, John Hale.²⁵

1 FEBRUARY 1790

FRANKLIN COUNTY, VA

Land sale

Champion Napier (s) and wife Gracey (s) of Franklin County to Richard Roberson, sale for 14£, 126 acres in Franklin County “on branches of Black Water” adjoining **Richard Edmondson**’s old line [metes and bounds not copied here]. Witnesses: None. Acknowledged by Champion Napier 1 February 1790 in court. Wife **Catherine Napier** relinquished her rights.²⁶

7 MARCH 1791

FRANKLIN COUNTY, VA

Association

John Wilks (s) and **Robert Napier** (s) post bond for 132£ 19 shillings, payable to Arthur Robertson. Condition: On 8 February 1791, the District Court directed the Franklin County sheriff to bring Wilks into custody on charges of debt owed to Robertson, whenever the case came before the court. Witnesses: John Hale, William Crump. Wilks’s bond, with Napier as surety, guaranteed that he would appear as ordered. Wilks’s writing obligatory of 3 March 1790 was witnessed by John Wilks Jr. (x).²⁷

7 MARCH 1791

FRANKLIN COUNTY, VA

Association

²⁴ Franklin Co., Will Book 1 with Inventories & Accounts (1786–1812), 50; imaged, *FamilySearch* digital film 7644994, image 53.

²⁵ Franklin Co., Determined Papers, 1789–1791, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8705554, image 420.

²⁶ Franklin Co., Deed Book 2 (1789–1792): 88–89; imaged, *FamilySearch* digital film 7894517, image 312.

²⁷ Franklin Co., Determined Papers, 1789–1791, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8705554, images 693–95.

"This day, **Robert Napier** came before me a magistrate for the sd. County and undertook as Special bail for John Wilks at the suit of Arthur Robertson in the District Court at New London ..." Signed: Robt. Napier. Acknowledged: Jonathan Richeson.²⁸

COMMENT:

Handwritten copies of the Wilks-Napier-Robertson documents filed in this court term are also on FS film 870555 at images 239–44.

OCTOBER 1791

FRANKLIN COUNTY, VA

Tax roll

"List of Insolvent lands in the county of Franklin for the year 1790."

James Edmondson, 336 acres valued at 0.2.2²⁹

NOVEMBER COURT 1792

FRANKLIN COUNTY, VA

Tax roll

"A List of insolvents taken in Franklin County by William Ryan DS for Jonathan Richardson Sheriff for the year 1791 ...

Richard Edmondson 200a valued at 0.3.10 ½

Richard Edmondson 100a valued at 0.1.7

James Edmondson 336a valued at 0.1.1³⁰

COMMENT:

Ditto for 1792 tax, certified November 1793.

2 DECEMBER 1793

FRANKLIN COUNTY, VA

Land sale

Robert Napier Jr. (s) to Fergus Cron [Crow?], sale for 50£ 200 acres by estimation of S branch of **Bull Run**, adjoining Isaac David, Fergus' line, **Standifer** [metes not copied]. No witnesses: Acknowledged in December 1793 term by Robert Napier Jr.³¹

APRIL 1794

FRANKLIN COUNTY, VA

Legal suit

"Samuel Staples complains of **Ashford Napier** in custody &c ... whereas the said Deft. at the parish of [blank] & County aforesaid on the [blank] day of Augt? [1793] with force and arms did enter the close of the said Plf and within the close of the said Plf. did break open the Dwelling House of the said Plf. and did there and then abuse and mistreat the said Plf. and other enormities did then and there commit to the great injury of the said Plf. & against the peace and dignity of this Commonwealth and to the damage of the Plf. two hundred pounds, therefore he brings suit."

6 November 1793, summons issued for Napier

²⁸ Franklin Co., Determined Papers, 1789–1791, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8705554, image 739.

²⁹ Folder: "Franklin County Delinquent & Insolvent Lists, 1790–1813," Accession No. 23707: Franklin County Tax and Fiscal Records / Marriage Records and Vital Statistics / Miscellaneous Court Records &c, 1790–1804; Library of Virginia, Richmond.

³⁰ Folder: "Franklin County Delinquent & Insolvent Lists, 1790–1813," Accession No. 23707: Franklin County Tax and Fiscal Records / Marriage Records and Vital Statistics / Miscellaneous Court Records &c, 1790–1804; Library of Virginia, Richmond.

³¹ Franklin Co., Deed Book 3 (1793–1800): 46; imaged, *FamilySearch* digital film 7898084, image 52.

15 September 1794, Napier appeared before Thos. Clark, JP of Campbell County [where the District Court was seated] to say that he did not know the case was ready to go to trial and he has material witnesses who need to be called, so he requested a continuation.

Witness lists for Staples:

Sept 1794: Thomas Trent, George Gordon Binnham, John Wooldridge Jun., Mary Staples

April 1795: Prior Wright, Thomas Trent, George Gordon Burnham, John Wooldridge, Robert Wright

Sept 1795: George Gordon Burnham, Thomas Trent, Mary Staples, John Wooldridge

Witness list for Napier:

April 1795: Robert Wright

21 September 1795, judgment for Napier.³²

25 APRIL 1794

FRANKLIN COUNTY, VA

Land sale

Ashford C. Napier (s/ Ashford Napier) to Hugh Hughs, for 30£ sale of 60 acres adjoining Burwell Rives and Ashford Napier on Panter [**Panther**] **Branch** joining John Woodall up to David Woodall's line, then to Frederick Rives's line to Burwel Rives' line [metes not copied]. Witnesses: Robert Napier Jr., Burwel Rives, **William Napier**. Acknowledged by Ashford Napier in April 1795 term of court.³³

SEPTEMBER TERM 1794

FRANKLIN COUNTY, VA

Civic role

Robert Napier served as foreman on jury trying Isham Blankenship on the charge of stealing 25 pounds of bar iron valued at 8 shillings and 4 pence. Joel Chitwood witness. Not guilty.³⁴

4 MARCH 1795

FRANKLIN COUNTY, VA

Mortgage

Ashford Napier (s) of Franklin County to **Robert Napier** of Rockingham County, NC, sale for 400£, of which the said Ashford Napier acknowledgeth himself Justly indebted to the said Robert Napier and Desires to pay and Secure unto him and for the further Consideration of the sum of" 6 shillings, conveys seven "Negroe Slaves ... Benjamin, Nan, Peter, Harry, David [two names missing, later identified as Benjamin Jean, Nan, Peter, Henry, David & Tiller], household furnishings, etc. Debt due 10 April next. Acknowledged April court 1795 by Ashford Napier.³⁵

COMMENT:

Regarding Robert Napier's move to Rockingham County, NC:

- As previously noted, when William Mills-Witt first appeared on the 1806 tax roll as a propertyless adult male, he was coupled with the young landowner, Samuel McCarrell.
- McCarrell's mother was the daughter of the wealthy John Ferguson (d. 1789) whose family clustered between Pigg River and Storey Creek—and (roadwise) between Wade's Stage Stop and Standefur's Stage Stop—a bit southwest of the Washington Iron Works.

³² Franklin Co., Determined Papers, 1794–1796, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8705560, images 565–76.

³³ Franklin Co., Deed Book 3 (1793–1800): 231; imaged, *FamilySearch* digital film 7898084, image 146.

³⁴ Franklin Co., Determined Papers, 1792–1794, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8705557, images 454–56.

³⁵ Franklin Co., Deed Book 3 (1793–1800): 265; imaged, *FamilySearch* digital film 7898084, image 163.

- John Ferguson's daughter, Fanny Ferguson (McCarrell's aunt) was married to, but estranged from, Moses Wade who also left Franklin in the 1790s for Rockingham County, NC.³⁶ The 1800 census places Robert Napier's 55 households from Moses Wade on a census that had 1121 families.³⁷

6 JULY 1795

FRANKLIN COUNTY, VA

Land purchase

William Logan (s) to **Benjamin White**, both of Franklin County, for 35£, sale of 77 acres in Franklin County on Waters of **Chestnut**, adj. William Thompson and Benjamin White. No witnesses. Proved July Court 1795 by acknowledgment of William Logan.³⁸

20 MAY 1797

FRANKLIN COUNTY, VA

Land partition

"Surveyed and laid off for **Frances Wade** by virtue of an order of the Worshipful Court of Franklin 100 acres of land agreeable to the will of the late **John Ferguson** deceased ..." ³⁹

COMMENT:

In the file with this are similar surveys for other Ferguson heirs ...Thomas, George, Elizabeth (the widow, 1807.

The documents in this MS BC 1051112 collection appears to be keyed to Franklin County's "Determined Papers" but most are much more detailed, with land plats showing divisions and lists of property and many, many lists of enslaved people going to various heirs.

15 SEPTEMBER 1797

FRANKLIN COUNTY, VA

Civic role

Ashford Napier, Skelton Brown, Robert Prunty, Chattin Donoway, James Tapscot, and Wm. Bozwell are named as witnesses for the District Court trial at New London, wherein Moses Hodges "late of the County of Franklin labourer" was charged with stealing one sorrel gelding worth 60£ from Ashford Napier on 12 November 1796. "Disch[arge]d on the G Jury's finding the Indict[men]t not a True Bill."⁴⁰

NOVEMBER 1797

FRANKLIN COUNTY, VA

Tax roll

"A list of Taxable Lands for the District of Lewis Turnbull DS for Moses Greer Sheriff that are insolvent 1796 ...

Edmundson, Richard, 200a &c

Toney, Pondexter & Cary Toney from **Wm Toney**, 240a &c

³⁶ See E. S. Mills, "Hobsons/Hopsons & John Wades of Franklin County, Virginia (1786–c1850), Including Ferguson, Mills, Patterson & Other Associated Families," pp. 7–8, report to file 21 November 2021; archived at *Historic Pathways* under the "Research" tab.

³⁷ 1800 U.S. census, Rockingham Co., NC, p. 464 (line 6) and p. 467 (line 2) "Robert Napper.

³⁸ Franklin Co., Deed Book 3 (1793–1800): 221–22; imaged, *FamilySearch* digital film 7898084, image 141.

³⁹ Folder: "Reel 247, Sequence #695–#750," MS BC 1051112: Franklin Co. Court Records, Partitions, 1807–1900; Library of Virginia, Richmond.

⁴⁰ Franklin Co., Determined Papers, 1796–1798, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8705562, images 267–68.

"A List of insolvent Lands Returned by Swinfield Hill, Sheriff of Franklin County, for the year 1797 ..

Richard Edmondson 200a / "Where removed: State of Georgia" 0/3/0

James Edmondson --- / "Where removed: State of Georgia" 0/1/1⁴¹

13 JANUARY 1798

FRANKLIN COUNTY, VA

Moses Wade (s) authorizes **Fanny Wade** of Franklin County to receive from **George Ferguson** "the whole proportion of the Estate due to her as one of the legatees of Charles Ferguson deceased." Witnesses: Agness Perkins, Mary Burton, Lewis Daves, **Samuel McCarroll**. Proved in October 1798 term of court by oaths of Lewis Davis and Samuel McCarroll.⁴²

26 NOVEMBER 1798

FRANKLIN COUNTY, VA

Land lease

Ashford Napier (s) leases to Skelton Brown, a tract of 158 on S side of **Pigg River**, "part of the tract of Land I now Live on," bounded by **Rocky Creek**, and Pigg River, below the **Rocky Clift**." Witnesses: **Jno. Napier, Will. Napier, Ashford Napier**, John Martin, his X mark. Acknowledged in February 1799 term of court by Ashford Napier.⁴³

7 OCTOBER 1799

FRANKLIN COUNTY, VA

Land sale

Ashford Napier (s) and wife **Anne Napier** (s) of Franklin County to Robert Prunty for 450£ cash, sell 463 acres on N side of **Pigg River** opposite the mouth of **Mountain Creek**, then down river ... Burwell Rive's line ... **Panther Branch** ... up to **Rockey Run** ... Potter's & **William Napier's** line to a branch, then down branch to **Mountain Creek** [metes not copied]. Witnesses: None named. Acknowledged by Ann, who relinquished dower rights, October term 1799.⁴⁴

7 OCTOBER 1799

FRANKLIN COUNTY, VA

Bill of sale

Robert Prunty sells to **Ashford Napier**, both of Franklin County, VA, "four negroes, A woman and three children, namely Alice, Phillip, Moses and Dolly." Undated. Acknowledged by Prunty 7 October 1799 in Franklin County court.⁴⁵

1799–1800

FRANKLIN COUNTY, VA

"A List of insolvent land within the county of Franklin for the year 1799 & Collected in the year 1800 by Joseph Hale DS."

Edmondson, Richard & James (again)

John Waid 175a / "Where removed: Unknown" .34

George Key 100a "no such land" .28

Poindexter **Toney** 240a / Washington Co./ .57

⁴¹ Folder: "Franklin County Delinquent & Insolvent Lists, 1790–1813," Accession No. 23707: Franklin County Tax and Fiscal Records / Marriage Records and Vital Statistics / Miscellaneous Court Records &c, 1790–1804; Library of Virginia, Richmond.

⁴² Franklin Co., Deed Book 3 (1793–1800): 612; imaged, *FamilySearch* digital film 7898084, image 338.

⁴³ Franklin Co., Deed Book 3 (1793–1800): 658; imaged, *FamilySearch* digital film 7898084, image 361.

⁴⁴ Franklin Co., Deed Book 4 (1800–1804): 206; imaged, *FamilySearch* digital film 7898084, image 507.

⁴⁵ Franklin Co., Deed Book 4 (1800–1804): 270; imaged, *FamilySearch* digital film 7898084, image 539.

“ “ 120a ? same/ .26
Bartlett **Wade** 379 /Henry Co./ .38

COMMENT:

These same individuals continued on for several years. I did not have time to get each year's details.

4 APRIL 1800

FRANKLIN COUNTY, VA

Power of attorney

Ashford Napier (s) of Franklin County “for divers good Causes, but more especially to have my property protected and my business lawfully transacted, do by these Presents make, ordain, constitute, and appoint for me, and to my use, and in my stead, the following Gentlemen as Trustees for me (Viz.) **Patrick Napier** of **Fluvannal** [*sic*] County, **Col^o Thomas Napier** of the State of **Georgia**, James Law, Thomas Law, and Marck Farlin of North Carolina, James Prunty, John Brown, and **Champion Napier** of Franklin County, Virginia, which above mentioned Gentlemen, or any two of them are hereby empowered by my consent to sell & dispose of my property and to pay all my just debts, as far forth as to them may seem right and just, and the Remainder of my Estate ... provided that no Slaves should be sold for the payment of debts unless my other property should prove insufficient. — and after my said debts are paid, the remainder my will and desire is that it be disposed of in the manner following ..

“I reserve to the use of myself and wife one third part of my Estate and one third part to my **son Ashford** and **Fanney Napier**, and the other third to my **Daughters Mary Anne** and **Susannah Napier**, and at the decease of myself or wife, the half of the third part which I have reserved to myself & wife to be given to my Daughter Susannah, and at the death of the other party (to wit) me or my wife, I give the other half of said Property to my Daughter Mary Anne Napier. ...”

Witnesses: Ben Cook, Jno. Cook. Junen court 1801, proved by oath of the subscribing witnesses.⁴⁶

COMMENT:

The tenor of this document implies that Ashford Napier owns property physically in Fluvanna, Georgia, and North Carolina, as well as Franklin County.

26 MAY 1801

BEDFORD COUNTY, VA

Civic role

Jesse Witt served on jury in the case Joshua Halley vs. Julius Curle, heard at the Bedford County courthouse.⁴⁷

7 DECEMBER 1801

FRANKLIN COUNTY, VA

Road order

“We the Re[vie]wers apointed by the Worshiple Court of Franklin have reviewed a road according to the order the nearest and bet way to Corneliouses ford Beginning at James Town then Through John Hezers Field then y Adam Teels Jr. then by John Showalters, then through Booker Richardson's lane, and then through Thomas Wright's Lane, the through Jaco Harkriders field, then through Thos. Paynes Lane then to Corneliuses Ford. We also recommend John Hiser, John Showalter, Thos. Wright & Thos. Payne as Surveyor of the Road. Signed: Thos. Wright, Adam Teel, John Showalter, John Hizer.”

⁴⁶ Franklin Co., Deed Book 4 (1800–1804): 237; imaged, *FamilySearch* digital film 7898084, image 523.

⁴⁷ Franklin Co., Determined Papers, 1801–1802, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8705567, image 411.

“Hands” assigned to John Showalter ... **Wm. Mills, George Mills.**⁴⁸

COMMENT:

No previously known document has suggested parentage for George. I have proposed him as a son of James and brother of William, based on the fact that no other Mills family resided in the county during the few short years that he was here. The above document now places directly in association with William, in the neighborhood in which James owned land for the last four decades of his life. As a rule, young men were assigned to work the stretch of road on which they lived.

APRIL 1802

FRANKLIN COUNTY, VA

Road order

“List of hands to work under John Hiser, Surveyor of the new Road from German Town to Ellix Creek by Adam Teal Jr.’s ... Reuben Slone, Edward Slone ... Clifford Slone ... **Jesse Frame** ...”⁴⁹

COMMENT:

This folder has numerous other “gang” lists for the Blackwater, running from Gills’ Creek to the western bounds of the county.

APRIL 1802 [SIC]

FRANKLIN COUNTY, VA

Road order

“List hands to work under John Showalter Surveyor of the Road from Ellix Creek to Booker Richeson’s, to wit: Abraham Showalter, George Teel ... **William Mills, George Mills, Arthur Mills,** ... Jesse Slone ...”⁵⁰

COMMENT:

Again, this road order links George to two proved sons of James Mills of Maggity and Elliott’s Creek.

The date is flagged here because, even though it is clearly written as 1802, it appears in the folder for 1803–4.

31 JULY 1802

FRANKLIN COUNTY, VA

Land purchase

Daniel Jett (s) and wife Sara of Green County, GA, sell to **Maryanne Napier** of Franklin County, Virginia, 195 acres on Keaton’s Creek, a branch of Snow Creek, in Franklin County, “it being the said Land whereon the said Jett formerly lived which Land was conveyed by Deed to said Jett from Abel Edwards,” which deed has the metes and bounds of the property. Witnesses: **John Napier**, Elisha Keen, Jesse Prunty, Skelton Brown. 7 February 1803, proved in court by oath of John Napier; 4 April 1803, proved by oaths of Elisha Keen and Skelton Brown.⁵¹

JUNE 1803

⁴⁸ Folder: “Roads & Bridges, 1801–1802,” MS BC1184654: Franklin County Court Records, 1779–1818; Library of Virginia, Richmond.

⁴⁹ Folder: “Roads & Bridges, 1801–1802,” MS BC1184654: Franklin County Court Records, 1779–1818; Library of Virginia, Richmond.

⁵⁰ Folder: “Roads & Bridges, 1803–1804,” MS BC1184654: Franklin County Court Records, 1779–1818; Library of Virginia, Richmond.

⁵¹ Franklin Co., Deed Book 4 (1800–1804): 448–49; imaged, *FamilySearch* digital film 7898084, images 628–29.

FRANKLIN COUNTY, VA

Road order

“Ordered that Conrod Batz be appointed Surveyor of the road from Ellis’s Creek to Maggotty, and the following hands are allotted to work under him, to wit, Abraham Showalter, George Teal ... John Stover, **William Mills, George Mills, Arthur Mills**, ... Jesse Slone ... A Copy, teste. James Callaway, C.C.”⁵²

1 SEPTEMBER 1803

FRANKLIN COUNTY, VA

Land purchase

George Shratteen [signed **George Chastain**] of Franklin County to **John Napper** of **Patrick County**, sell for 60£, 248 acres in Franklin County on the branches of **Otter Creek**, joining George Staton. Witnesses: Charles Rakes, George Staton Jur., George Staton Sr. Proved in September 1803 term of court by oaths of the three witnesses.⁵³

1804? [sic]

FRANKLIN COUNTY, VA

Road order

“Tho. Crutcher Surveyor of the Road from the Cross Road at Cole’s Cabin to Franklin Courthouse with the following hands, Daniel Hickerson, **Mrs. Ferguson’s hands**, Jno. Rodgers & hands, William Harris & Hands, William Lee, **Samuel McCarroll** & hands & Willis **Menefee**.”⁵⁴

COMMENT:

This is the neighborhood in which William Mills-Witt first appeared on the 1806 tax roll, listed immediately after Samuel McCarroll, his list having been turned in the same day as McCarroll and Booker Mullins. It appears likely that Mills was one of McCarroll’s unidentified “hands” (i.e., employees, non-landowning family members, or enslaved men) who were assigned road duty with him.

JANUARY 1804

FRANKLIN COUNTY, VA

Road order

“A List of Jacob Micle hands to work on the Road from the Courthouse, a Cross Grassey hill to Black Water, Viz: John **Ferguson** & hands ... **Thos. McCarell** ...”⁵⁵

1804

FRANKLIN COUNTY, VA

Land processioning

“A List of lands Processioned in Capt. Jonathan Halls Company by Charles Morris in the year 1804.”

William Ferguson 222 acres

Daniel Prillaman 196 acres, in presence of Dennis Prillaman

Jacob Prillaman 1212 acres, in presence of Jacob Prillaman

Peter Saunders Jr. 1156 acres, in presence of Andrew Pearson

John Prillaman 500 acres in presence of Jacob Prillaman

⁵² Folder: “Roads & Bridges, 1803–1804,” MS BC1184654: Franklin County Court Records, 1779–1818; Library of Virginia, Richmond.

⁵³ Franklin Co., Deed Book 4 (1800–1804): 498; imaged, *FamilySearch* digital film 7898084, image 653.

⁵⁴ Folder: “Roads & Bridges, 1803–1804,” MS BC1184654: Franklin County Court Records, 1779–1818; Library of Virginia, Richmond.

⁵⁵ Folder: “Roads & Bridges, 1803–1804,” MS BC1184654: Franklin County Court Records, 1779–1818; Library of Virginia, Richmond.

Jacob Prillaman 50 acres in presence of “ “
Bradey Wade, 250 acres in presence of Bradley Wade
Castleton Wade, 252 acres in presence of Castleton Wade
John Ferguson Jr., one tract.⁵⁶

MARCH 1804

FRANKLIN COUNTY, VA

Land processioning

“A List of Land returned by William Wright & Guy Smith processioned by them in the year 1804 in the bounds of Capn. William Wrights Compy of Militia, Franklin County, Virginia.” Submitted: March 1804

p. 3

Owners Names: **James Mills**

No. acres: 300

Present: **George Mills**

COMMENT:

No previously known document has suggested parentage for George. I has proposed him as a son of James, based on the fact that no other Mills family resided in the county during the few short years that he was here. The above document now places him on the land of James, acting for James in a legal matter.⁵⁷

4 JUNE 1804

FRANKLIN COUNTY, VA

Land sale

“This Indenture of bargain and sale between **Maryann Napier (x), Elisha Keen, Robert Napier, William Napier, David Napier, John Napier, Skelton Brown, Ashford Napier, and John Whitesell**, all of the one part, to Sterlin Cooper, sale for 180£ a tract of 225 acres in Franklin County, Bounded as Follows:

Beginning at **Cooper** and **Jarrat’s** corner and thence sd Jarrat’s Line to **Saml. Lutterel’s** line, thence with sd. Litterell’s line to **George Peak’s line**, thence with sd. Peak’s line to a red oak Corner on **Benjamin Cook’s** line, thence with said Cook’s line to pointers on **Jimmerson’s** line, thence with sd. Jimmerson’s line to corner pointers, thence to a corner white oak on Sterlin Cooper’s line, thence to the first station.”

Witnesses: **Allen Jarrett** (as to M. Napier, Jno. Napier, David Napier, Elisha Keen, Jno. Whitesell, Wm. Napier & Skelton Brown) Silas Lattrell, William Cooper (“as to the same”), Richd. Stockton (as to Elisha Keen, Ro. Napier & Ashford Napier), Adda Garratt, his X mark (“as to the same), Haley Andrews (“as to the same”).

“This Indenture of bargain and sale between Maryann Napier, Elisha Keen, Robert Napier, William Napier, David Napier, John Napier, Skelton Brown, Ashford Napier, and John Whitesell, all of the one part, and Sterlin Cooper of the other part was exhibited into the said office and proved as to the said Elisha Keen Robert Napier and Ashford Napier by the oath of Richard Stockton and Adda Garatt, two of the subscribing witnesses hereto—And in the said county court clerk’s office August 6 1838. This said Indenture was further proved by the oath of H. Andrews one other subscribing witness hereto and admitted to record.”⁵⁸

⁵⁶ Folder: “Lists of Land Processioned, 1800–1803–1804,” Accession No. 23707: Franklin County Tax and Fiscal Records / Marriage Records and Vital Statistics / Miscellaneous Court Records &c, 1790–1865; Library of Virginia, Richmond.

⁵⁷ Subfolder: “Processioners Returns, 1795–1805,” Folder: “Land Records, 1799–1806,” MS BC1184654; Library of Virginia, Richmond.

⁵⁸ Franklin Co., Deed Book 15 (1836–1839): 484; imaged, *FamilySearch* digital film 8190424, image 273.

COMMENT:

Ashford Napier, Sr., alleged son of Robert Napier by wife Mary Tarleton Hughes and husband of Mary Ann Staples, is said to have died in Franklin County in 1801.⁵⁹ (I have not yet had time to verify these assertions.)

If correct, then the land of Ashford Napier was adjacent to the residence of **Adda Jarrett and young Allen Jarret, whose daughters subsequently married two sons of William and Drucilla (Kemp) Mills**. At the time of this document, William Mills-Witt would have been an older teen, of unknown residence.

**JULY COURT 1804
FRANKLIN COUNTY, VA**

"Ordered that Daniel Hickerson be appointed Surveyor of the Road from Rockey Mount to the cross Roads at Coles' Cabbin in place of Thomas Crutcher, and the former hands are allotted for his Gang.

"The hands who worked under Thomas Crutcher are Mrs. Ferguson's hands, John Rodgers & hands, William Harris and hands, William Lee, **Samuel McCarrell** & hands (and Willis Menefee). A Copy. James Callaway C. F. C."⁶⁰

**2 SEPTEMBER 1804
FRANKLIN COUNTY, VA**

Power of attorney

Meary Beaty (+), late of Albemarle County, Widow, appoints her "trusty friend **Champion Napier** of Franklin county her attorney to act for her with regard to her "negroes, Lands, Stock, & property of any kind. Witnesses: George O. Price, John Jarrald, Bennett Willis, his + mark, James McVey Senr. Proved 3 September 1804 in court by oaths of George Price and John Jarrell.⁶¹

**DECEMBER 1804
FRANKLIN COUNTY, VA**

Court Order

"The Last Will and Testament of **William Toney** dec'd was prov^d by the oaths of two of the subscribing witnesses & O[rdered] R[ecorde]^d on the motion of James Toney and **John Toney** tst. Exrs therein named who qualified according to Law and together with William Greer & Luke Standifer their Securities have posted bond in this behalf ..." ⁶²

COMMENT:

This John Toney was the Montgomery County planter, mill operator, and ordinary keeper of that name for whom William Mills-Witt witnessed two land leases in 1816.

**2 APRIL 1805
FRANKLIN COUNTY, VA**

Association

James Anderson & Jane his wife, and William Anderson Junr. and Nancy his wife, of Buckingham Co., to **Peter Guerrant Junr.**, sale of land, for 2300£ lying on both sides of south fork of Blackwater River, containing 1266.5 acres by estimation, bounded by Joseph Price dec'd, Joseph

⁵⁹ sued777, Smith Family Tree," user-contributed tree, *Ancestry* (<https://www.ancestry.com/family-tree/person/tree/22873886/person/19796778270/facts> : accessed 17 October 2021), "Ashford Napier" Facts page, citing derivative sources.

⁶⁰ Folder: "Roads & Bridges, 1803–1804," MS MS BC1184654: Franklin County Court Records, 1779–1818; Library of Virginia, Richmond.

⁶¹ Franklin Co., Deed Book 4 (1800–1804): 631; imaged, *FamilySearch* digital film 7898084, image 719.

⁶² Franklin Co., Court Order Book 1800–1805, p. 353; imaged, *FamilySearch* digital film 7897650.

Price Junior, George Snuffer, John Wilson, William Kelly, and Abram Ritter. Witnesses: Wm. Guerrant, Dan. Guerrant, John Anderson, William Anderson. "Teste, **Jno. Hobson Jr.**, Wm. Guerrant, John Anderson, Dan. Guerrant as to J & W Anderson."

10 December 1811, "William Anderson Jr. for himself & his brother James Anderson acknowledged before us ... that the above deed was their act & Deed. ... Witnesses **John Hobson Jr.**, Wm. Ford, William Johnson, George O. Price, **John Toney Jr.**

6 January 1812, At a court held for Franklin County ... This Indenture ... was acknowledged by the said William Anderson Jr. for himself and as attorney in fact for James Anderson."

Marginal note: Exd. & D^d [Delivered to] John R. Guerrant June 1814."⁶³

COMMENT:

Peter Guerrant Jr. and Sr, acquired Montgomery County land that would become Floyd Co. Some of that land lay adjacent to the land that William Mills rented (from either **Henry Iddings** or **Samuel D. Light**) between 1849 and 1852. Peter Jr. was also, in that time frame, a justice of the peace in Floyd.

As noted below, John Hobson was a resident of Buckingham County.

2 APRIL 1805

FRANKLIN COUNTY, VA

Association

Peter Guerrant Junior of Franklin County to **John Hobson** and Oglesby Scruggs of Buckingham. To secure the payment of 2,300 lbs. to James Anderson and William Anderson Junior, both of Buckingham [terms stated at length] Guerrant mortgages land in Franklin adjoining Joseph Price deceased, Jos. Price Junior, George Snuffer, John Wilson, William Kelly, and Abram Ritter, 1260.5 acres by estimation and a number of enslaved people. Witnesses: Wm. Guerrant, Dan. Guerrant, John Anderson, William Anderson.

10 December 1811, Peter Guerrant Jr. acknowledged that this deed of trust was his own act before witnesses George O. Price, **John Toney Jr.**, Wm. Ford, William Johnson.

6 January 1812, Peter Guerrant Jr. acknowledged the document in court and it was ordered to be recorded.⁶⁴

15 MAY 1805

FRANKLIN COUNTY, VA

Legal suit

Aaron B. Wilson vs. **Samuel McCarroll**, assault and battery. Warrant issued this day for McCarroll. No other documents. September 1805: Suit dismissed.⁶⁵

OCTOBER 1804

FRANKLIN COUNTY, VA

Road order

"List of hands under Robt. **Wade** ... Robert **Waid**, Charles **Waid**, Elizabeth **Ferguson** her Hands, **George Menefie**, his hands."⁶⁶

⁶³ Franklin Co., Deed Book 6 (1811–1814): 240–41; imaged, *FamilySearch* digital film 7898085.

⁶⁴ Franklin Co., Deed Book 6 (1811–1814): 241–43; imaged, *FamilySearch* digital film 7898085.

⁶⁵ Franklin Co., Determined Papers, 1805–1806, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8705573, images 34–35.

⁶⁶ Folder: "Roads & Bridges, 1803–1804," MS BC1184654: Franklin County Court Records, 1779–1818; Library of Virginia, Richmond.

JANUARY 1805

FRANKLIN COUNTY, VA

Road order

“Ordered that George Harter Sen be appointed Surveyor of the Road from Early + Roads to whare the same intersects with the Road Leading to Wm. Taylor’s Store to Turnbull’s Mill and the Following hands to be his gang to wit: George Teal and hands, Michael Crow Sr. and Ditto, Joseph Hambrick Do., John Sampels Do., Phillip Fisher Do., Moses Millar, **James Mills Sr. Do., James Mills Jr., Arthur Mills**, Abraham Shorewalter Do., John Maguire?, Peter Teal, Georg Harter Jur.”⁶⁷

JUNE 1805 [sic]

FRANKLIN COUNTY, VA

Road order

“William Mullins is appointed Surveyor of the Road from David Goodes to Nicholas Creek, with the following allotment of hands, to wit, Waddy Thompson & hands, Jacob Prillaman, Joseph Standley, George Turner, David Robertson, **William Mullins jun. and Book Mullins**, William Standley Junior, Thomas Standley, John Standley, Larkin Standley, Richard Guillaums, George Guillaums, Robert Guillaums, James Young, John Young, George Lamb, James Martin & James Barnes. a copy teste, Ja. Callaway C of C. [names then added in a different hand:] Luke Standley, Jesse **Mullins**, Daniel Hickson, Thos. Rees, Peter Yong [sic], William Standly Senr., Obadiah Stover.”⁶⁸

COMMENT:

Note that the Mullinses are not said to have hands. Booker Mullins on the 1806 tax roll appears in this cluster of tithables who submitted list on same day: *Samuel McCarrell, William Mills, Booker Mullins*. The fact that Mullins above had no hands suggests that Mills was, indeed, one of McCarrell’s hands.

6 JANUARY 1806

FRANKLIN COUNTY, VA

Road order

6 JANUARY 1806

“Martin Saiser? Surveyor the Road from Col. Hairston’s Mill to the ford of Pigg River – the following hands: Peter Saunders & Co. Hands, Bennit Willis’s Hands, Isaac Richards, **Paul Frame**, John Wilkerson, John Williams, Thomas Brother Hands, Owen Ruble, **Bradley Wade, Anderson Wade**, John Hale, Jacob Peay, John Walker, Henry Troup, **Castleton Wade**, William Wilkerson, Christian Saiser?”⁶⁹

1806 [As dated by archives]

FRANKLIN COUNTY, VA

Road order

“Petition for a Road from Jack’s Glade to the Lynchburg Road near James Bolles ... **John Frame** ... James Patterson ... Robert Prunty ... Daniel Low? ... Samuel Ashworth.”⁷⁰

⁶⁷ Folder: “Roads & Bridges, 1804–1805,” MS BC1184654: Franklin County Court Records, 1779–1818; Library of Virginia, Richmond.

⁶⁸ Folder: “Roads & Bridges, 1806–1808, 18010–1812,” MS BC1184654: Franklin County Court Records, 1779–1818; Library of Virginia, Richmond. Although the document is dated June 1805, it is in the folder for 1806 and later.

⁶⁹ Folder: “Roads & Bridges, 1804–1805,” MS BC1184654: Franklin County Court Records, 1779–1818; Library of Virginia, Richmond.

⁷⁰ Folder: “Roads & Bridges, 1804–1805,” MS BC1184654: Franklin County Court Records, 1779–1818; Library of Virginia, Richmond.

31 JANUARY 1807

FRANKLIN COUNTY, VA

Land purchase

John Craighead (x) and wife Bettsey (signed Betsey Craighead) to **Robert Camp** [Robert Kemp], all of Franklin, for \$200 cash, sell 80 acres on S side of Black Water river, in Greer's Island, following Robt. Camp's line to Black Water at the **Fish Trap** "with one half of the profits of the said Trap" and from there up the river to the beginning. Witnesses: **George Key**, Zebedee Maxey, Nicholas Robinson. Acknowledged by John and "Bettsey," who relinquished her dower, in court on 2 February 1807.⁷¹

COMMENT:

Robert Camp/Kemp's mother was Mary "Polly" Craghead, sister of John.

2 FEBRUARY 1807

FRANKLIN COUNTY, VA

Estate inventory

Estate of Thomas Robertson, inventoried by Lewis Davis, Thomas Crutcher, and **George Menefee**. Included "one Bond on **Saml. McCarroll** pble [payable] 17th Octo. 1807 [for] 6.-.-." Similar notes on Lewis Davis, Melker Waggoner, Walker Waggoner, John Griffith, smaller amounts, all due same date."⁷²

COMMENT:

- This Samuel McCarroll/McCarrell is the young landowner with whom William Mills is coupled in 1806 when he first came onto Franklin's tax roll as a propertyless tithable. McCarroll also owned land in Montgomery Co. that was purchased by his grandfather John Ferguson Sr.
- Thomas Robertson was married to Naomi Wade, daughter of Moses Wade and wife Fanny Ferguson (i.e., Samuel McCarrell's aunt).⁷³
- George Menefee was McCarroll's cousin on the Ferguson side.
- The McCarrell-Menefee/Menefee land lay roughly at Locale 1 on Map 1. From there, the Menefee land extended east toward the center of the county.

4 APRIL 1808

FRANKLIN COUNTY, VA

Land sale

John Napper (s) and wife **Elizabeth** (s) to Arthur Robertson, all of Franklin County, for 100£, sell 248 acres on the branches of **Otter Creek**, Franklin County, adjoining George Staton [metes and bounds not copied]. Witnesses: None. Acknowledged by John and Elizabeth, with Elizabeth's relinquishment of dower, in Franklin County court on 4 April 1808.⁷⁴

2 JANUARY 1809

FRANKLIN COUNTY, VA

Court order

"A letter of attorney from **James Ferguson** to **Samuel McCarrell** prov^d & O R^d."⁷⁵

MARCH 1809

⁷¹ Franklin Co., Deed Book 5 (1804–1811): 306; imaged, *FamilySearch* digital film 7898085, image 165.

⁷² Franklin Co., Will Book 1: 289; imaged, *FamilySearch* digital film 007644994.

⁷³ For more on the Robertson-Wade couple, see See E. S. Mills, "Hobsons/Hopsons & John Wades of Franklin County, Virginia (1786–c1850), Including Ferguson, Mills, Patterson & Other Associated Families," pp. 7–8, report to file 1 September 2021; archived at *Historic Pathways* under the "Research" tab.

⁷⁴ Franklin Co., Deed Book 5 (1804–1811): 453–54; imaged, *FamilySearch* digital film 7898085, image 239.

⁷⁵ Franklin Co., Court Order Book 1806–1811: 246; imaged, *FamilySearch* digital film 7897650.

FRANKLIN COUNTY, VA

Court order

“Thomas McCarroll v. Thomas Hatton. All^d Jud for Pltff for £11.7.9 + costs with six per centum per annum Interest thereon from 2d April 1806 til paid and costs. Francis Hill a Garnishee being sworn saith he owes the Defendant a Sum Sufficient to discharge this Jud. for which Jud. is rendered against him.”⁷⁶

COMMENT:

Thomas McCarroll was father of Samuel McCarroll and husband of Mary Ferguson.

8 MARCH 1809

FRANKLIN COUNTY, VA

Court order

Booker Mullins paid for 130 hours patrolling: \$7.50⁷⁷

MARCH 1809

FRANKLIN COUNTY, VA

Court order

“James Mills & wife v. George Wright. Dismissed at Defts. costs per award.”⁷⁸

COMMENT:

See 4 September 1820, below, for “James Mills vs. Jno. Wright.”

9 AUGUST 1809

FRANKLIN COUNTY, VA

Court order

Jury sworn for trial of James Mozeley & Co. v Jubal Turner includes **Samuel McCarrell**.

“Nancy Ader vs. **Samuel McCarroll**. Dism^e Plt. not fur. pro.”⁷⁹

11 AUGUST 1809

FRANKLIN COUNTY, VA

Court order

Jury sworn for trials of Martin McGee v John Cook & David Willis and Lidia Carles v William Brooks includes **Booker Mullins**.⁸⁰

6 NOVEMBER 1809

FRANKLIN COUNTY, VA

Court order

“Bowker Mullin, Obediah White, and William Standley posted bond (\$200 for Mullin; \$100 for White and Standley) on condition that Bowker Mullins shall keep the peace and be of good behavior toward the citizens of this Commonwealth, and especially toward a certain John Hunter for a year and a day.”⁸¹

1 DECEMBER 1809

⁷⁶ Franklin Co., Court Order Book 1806–1811: 254.

⁷⁷ Franklin Co., Court Order Book 1806–1811: 262.

⁷⁸ Franklin Co., Court Order Book 1806–1811: 255.

⁷⁹ Franklin Co., Court Order Book 1806–1811: 298–99.

⁸⁰ Franklin Co., Court Order Book 1806–1811: 305.

⁸¹ Franklin Co., Court Order Book 1806–1811: 320.

FRANKLIN COUNTY, VA

Land sale

John & Robert Craghead, Executors of **John Craghead** deceased. of Franklin & Bedford County” to Floyd Payne “of said County.” Sale for 183£ 10 shillings, 182 acres in Franklin County, on S side of **Blackwater**, beginning at **Bull Run** then past Waggon road to county line [metes and bounds not copied]. No witnesses. Acknowledged in court 1 January 1810 by John and Robert.⁸²

1 DECEMBER 1809

FRANKLIN COUNTY, VA

John & Robert Craghead, Executors of **John Craghead** deceased. of Franklin & Bedford County” to Isaiah Craghead “of said County.” Sale for 102£ 1 shilling, 266 acres in Franklin County, no waterway or adjacent neighbors cited, one reference to “the river” [metes and bounds not copied]. No witnesses. Acknowledged in court 1 January 1810 by John and Robert.⁸³

COMMENT:

On 3 February 1810, to secure payment of a debt to Austin Leftwich of Bedford Co., Arther H. Robertson of Pittsylvania County and William Wright of Franklin County, Isaiah executed a trust deed for this land to Daniel Brown and Silas Garrett, with permission to advertise the land for sale “as soon as conveniently they can” after 15 February 1810.⁸⁴

1 DECEMBER 1809

FRANKLIN COUNTY, VA

John & Robert Craghead, Executors of **John Craghead** deceased. of Franklin & Bedford County” to **George Key** “of said County.” Sale for 106£, 106 acres in Franklin County, on N side of Black Water River, beginning at the mouth of **Haw Branch** [metes and bounds not copied]. No witnesses. Acknowledged in court 1 January 1810 by John and Robert.⁸⁵

1 DECEMBER 1809

FRANKLIN COUNTY, VA

John & Robert Craghead, Executors of **John Craghead** deceased. of Franklin & Bedford County” to Robert Powell Senr. “of said County.” Sale for 271£, 300 acres in Franklin County, on **Millr Run branch** [metes and bounds not copied]. No witnesses. Acknowledged in court 1 January 1810 by John and Robert.⁸⁶

1 DECEMBER 1809

FRANKLIN COUNTY, VA

John & Robert Craghead, Executors of **John Craghead** deceased. of Franklin & Bedford County” to Nehemiah Hundley “of said County.” Sale for 175£ 5 shillings, 161 acres in Franklin County, on **N** bank of **Black Water** [metes and bounds not copied]. No witnesses. Acknowledged in court 1 January 1810 by John and Robert.⁸⁷

1 DECEMBER 1809

FRANKLIN COUNTY, VA

John & Robert Craghead, Executors of **John Craghead** deceased. of Franklin & Bedford County” to Thomas Leftwich of Bedford County. Sale for 228£, 160 acres in Franklin County, “in the fork of **Stanton** and

⁸² Franklin Co., Deed Book 5 (1804–1811): 669–70; imaged, *FamilySearch* digital film 7898085, image 348.

⁸³ Franklin Co., Deed Book 5 (1804–1811): 670–71; imaged, *FamilySearch* digital film 7898085, images 348–49.

⁸⁴ Franklin Co., Deed Book 6 (1811–1814): 25–26; imaged, *FamilySearch* digital film 7898085, images 429–30.

⁸⁵ Franklin Co., Deed Book 5 (1804–1811): 671–72; imaged, *FamilySearch* digital film 7898085, image 349.

⁸⁶ Franklin Co., Deed Book 5 (1804–1811): 671; imaged, *FamilySearch* digital film 7898085, image 349.

⁸⁷ Franklin Co., Deed Book 5 (1804–1811): 673; imaged, *FamilySearch* digital film 7898085, image 350.

Black Water" [metes and bounds not copied]. No witnesses. Acknowledged in court 1 January 1810 by John and Robert.⁸⁸

1 DECEMBER 1809

FRANKLIN COUNTY, VA

John & Robert Craghead, Executors of **John Craghead** deceased. of Franklin & Bedford County" to **Elizabeth Craghead** "of said County." Sale for 253£ 10 shillings, 255 acres in Franklin County, no landmarks or waterways mentioned except "the river" and "Wagon road" [metes and bounds not copied]. No witnesses. Acknowledged in court 1 January 1810 by John and Robert.⁸⁹

6 MARCH 1810

FRANKLIN COUNTY, VA

Court order

Jury sworn for trial of John Wysong v George Radford. **Bowker Mullins** served on jury.⁹⁰

6 MARCH 1810

FRANKLIN COUNTY, VA

Court order

Peter Saunders Sr assee. v James Bird & **Saml. McCarroll**. John Doughten Spl B^l for Saml. McCarroll.⁹¹

17 MAY 1810

FRANKLIN COUNTY, VA

Community service

Inquest on the body of Julius 'a negro boy slave the property of William Robertson." Jury of inquest included Stephen Smith, Skelton Taylor, Amos Ellison, Jasper Franklin, James Greer, Leonard Hutts, Charles Hopkins, William Clarkson, Valentine Wysong, Valentine Oyler Senr., Valentine Oyler Junr., Joseph Wysong, Ezekiel Dowdy, Henry Wysong, William Smith, Robert Childress, James Amos, **George Mills**. The jury found that he hung himself, from the bough of a dogwood, with a black cord.⁹²

COMMENT:

And Jeffrey Epstein hung himself.

2 JUNE 1810

FRANKLIN COUNTY, VA

Witness

Clifford Slone to George Wright, sale for 37£ 10 shillings, all the interest of Sloan has in the estate of Hartman Doran, deceased, by virtue of Slone's marriage with Peggy Doran, including all right to the land Hartman Doran owned on the waters of Gills Creek adjoining William Wright, **Peter Abshire**, and others. Signed: Clifford Slone, Peggy Slone. Witnesses: Joseph Wright, Solomon Wright, **William Mills**.⁹³

COMMENT:

This William would be the son of James Mills who bought a part of the land owned by Clifford's

⁸⁸ Franklin Co., Deed Book 5 (1804–1811): 674; imaged, *FamilySearch* digital film 7898085, image 350.

⁸⁹ Franklin Co., Deed Book 5 (1804–1811): 675; imaged, *FamilySearch* digital film 7898085, image 351.

⁹⁰ Franklin Co., Court Order Book 1806–1811: 339.

⁹¹ Franklin Co., Court Order Book 1806–1811: 422.

⁹² Franklin Co., Deed Book 6 (1811–1814): 148–49; imaged, *FamilySearch* digital film 7898085.

⁹³ Franklin Co., Deed Book 6 (1811–1814): 10–11; imaged, *FamilySearch* digital film 7898085.

father James Slone. This William Mills was married to Peter Abshire's daughter Elizabeth.

5 JUNE 1810

FRANKLIN COUNTY, VA

Court order

Jury sworn for trial of William & John Callaway v Daniel Gillespie. **Bowker Mullins** served on jury.⁹⁴

7 AUGUST 1810

FRANKLIN COUNTY, VA

Court order

Jury sworn for trials of Calhoun Gatewood & Co. vs. Adda Garratt [Jarrett] and Adam Ader v. William Akers includes **George Mills**.⁹⁵

COMMENT:

In 1799, the stated requirement for serving as juryman was to be "possessed of visible estate both real & personal of the value of £100 [and] in no wise akin to the said" defendant.⁹⁶

The "both real & personal" would seem to mean "real and/or personal" given that no landholding can be found for George Mills.

Note: In a subsequent murder trial, in the same court the following year, the financial requirement was \$300.⁹⁷

31 AUGUST 1810

FRANKLIN COUNTY, VA

Land purchase

James Wingo to **Booth Napier**, both of Franklin County, sale for 25£, 80 acres on Poplar Camp Creek adjacent to Thomas Napier [metes & bounds not copied]. Witnesses: Samuel Ashworth, Thomas Hamblin, John Wingo, Drewry Wingo. Acknowledged by Napier and **wife Keziah**, with Keziah relinquishing her dower right, on 1 October 1810.⁹⁸

COMMENT:

Robert Napier of Poplar Camp Creek, near Kemp's Ford, is said to have died 1806 leaving a son Booth Wooten Napier by his wife Elizabeth Champion.⁹⁹

6 NOVEMBER 1810

FRANKLIN COUNTY, VA

Court order

Jury sworn for trial of John Watson v. James Watson's Executors includes **George Mills**.

Jury sworn for trial of Leonard Cheatham Sr. v John Early's Exors includes **Arthur Mills**.¹⁰⁰

⁹⁴ Franklin Co., Court Order Book 1806–1811: 355.

⁹⁵ Franklin Co., Court Order Book 1806–1811: 376–77.

⁹⁶ As stated explicitly in the case Commonwealth vs. James Pratt, District Court, New London, VA. See Franklin Co., Determined Papers, 1799–1800, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8705564, image 237.

⁹⁷ Franklin Co., Determined Papers, 1799–1800, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8705564, image 459.

⁹⁸ Franklin Co., Deed Book 6 (1811–1814): 59–60; imaged, *FamilySearch* digital film 7898085, image 446.

⁹⁹ Mark Sunkel, "Sunkel Family Tree," user-contributed tree, *Ancestry* (<https://www.ancestry.com/family-tree/person/tree/23731972/person/162261762014/facts> : accessed 18 August 2021), "Robert Booth Napier" Facts page. The death date is not documented. **Franklin Co., Will Book 2, 1804–1901, does not include a probate for Robert Napier.** Considering the 4 March 1795 document created by Robert Napier of Rockingham, it seems more likely that the death occurred there. **I have not yet researched Rockingham Co., NC, for probate, deeds, court minutes, tax rolls or any other type of record except censuses.**

COMMENT:

This George Mills appears to be a son of the Maggoty and Elliott Creeks settler, James Mills. He did not remain in Franklin County or else died as a young adult. Because he did not own land, there would be no probate record for him, if he died there.¹⁰¹

Arthur Mills was a proved son of James of the Maggoty.

3 DECEMBER 1810

FRANKLIN COUNTY, VA

Land sale

Booth Napier [signed Bouth Napier] to James Williamson, both of Franklin County, sells for 105£ a tract of 114 acres on **Poplar Camp Creek** [metes and bounds not copied]. Witnesses: None. Acknowledged by Napier in court on 4 February 1811.¹⁰²

DECEMBER 1810

"William Campbell is appointed Surveyor of the road from the crossroads between Thomas Hales & Luke Standefer's to Washington Iron Works with the Allotment of hands filed to wit **Robert Waid**, Josiah Roberts, Luke Hills, Nehemiah **Mullis**, Lewis Davis, George Davis, **George Ferguson** & hands. A Copy C. Tate D. C. F. C."

"Jacob Prillaman is appointed Surveyor of the Road from Nicholas's Creek above Saunders's Mill to David Goodes, with the allotment of hands filed, to wit, James James & hands, Robdr Brammer, Goerge Turner, **Booker Mullins** William Standley Sr., John Standley, Obediah Stover, Richard Guilliams, George Guilliams, Peter Young, James Young, John Young, and Sebret Young. A Copy. C. Tate. D. C. F. C."¹⁰³

MAY 1811

FRANKLIN COUNTY, VA

Court order

List of persons to be paid "for Serving as Patrolers" ...

Edward Abshire, 28 hours @ 75 cents for 12 hours = 1.75

William Mills, 28 hours @ .75 cents for 12 hours = 1.75 & others¹⁰⁴

COMMENT:

This, like all the prior entries, should be the William Mills who married Elizabeth Abshire. The young William Mills-Witt, who was not yet a property owner or taxpayer, had not worked himself into a position of public trust within the community.

31 MAY 1811

ROCKINGHAM COUNTY, NC

Slave registration

"I, Robert Galloway, Clerk of the County Court of Pleas and quarter sessions for the County of **Rockingham** do hereby Certify that the said Court is a court of record in the County and state Aforesaid. That upon sufficient testimony it appearing to the Court that **Moses Napier** is entitled to a negro girl named **Massey** and that said Napier is an Inhabitant of Virginia, on Motion it is ordered and certified by

¹⁰⁰ Franklin Co., Court Order Book 1806–1811: 392–93.

¹⁰¹ See E. S. Mills, "James Mills (bef. 1750—c1823-24); Wife: [?Octavia Breckinridge?]: Research Notes," a work-in-progress last updated 28 December 2019; archived online at *Historic Pathways* under the "Research" tab.

¹⁰² Franklin Co., Deed Book 6 (1811–1814): 110–11; imaged, *FamilySearch* digital film 7898085, images 471–72.

¹⁰³ Folder: "Roads & Bridges, 1806–1808, 18010–1812," MS BC1184654: Franklin County Court Records, 1779–1818; Library of Virginia, Richmond.

¹⁰⁴ Franklin Co., Court Order Book 1806–1811: 430.

the Court aforesaid that the late Governor Alexander Martin by his last will and testament duly made and published bequeathed to **Sarah Martin, now the wife of Moses Napier**, a negro girl by the name of Massey to her, her heirs and assigns forever, that the said negro girl is about the age of fourteen, of a black complexion, and hath been since the decease of the said Alexander Martin until now in this County. That the said Moses Napier by virtue of a lawful marriage with the said Sarah his wife is entitled to the property in the said negro girl. In testimony whereof I have hereunto set my hand and affixed the seal of my office at Rockingham aforesaid this 31 day of May 1811. Ro. Gallaway, C.C.” Certificate presented to Franklin County court on 1 July 1811 for recording.¹⁰⁵

1 JULY 1811

FRANKLIN COUNTY, VA

Court order

“Devalt Crowl is appointed Surveyor of the Road from the Bridge across Magotty at Turnbull’s Mill to John Ferguson’s Mill with the allotment of hands filed.”

“David Kinzie v **James Mills**— Cont^d.”¹⁰⁶

1 SEPTEMBER 1811

FRANKLIN COUNTY, VA

Land purchase

Dudley Lumsden to **Thomas Napier**, for 74£, sells 81 acres on Blackwater River in Franklin County, “Beginning at the mouth of a Branch on the River ... “ [metes and bounds not copied, no reference to adjacent landowners]. Signed: Dudley Lumsden, Sally Lumsden. No witnesses named. Acknowledged in court by the Lumsdens on 2 September 1811, at which time Sally relinquished her dower rights.¹⁰⁷

SEPTEMBER 1811

FRANKLIN COUNTY, VA

Road order

“The following hands are Alloted to work under **Obadiah White**, Surveyor of the Road from Hickey’s Cabbins to the South End of the Entrey ridge to wit: Rober Boyd, Tarlton Boyd, Noah Doss, **Samuel McCarrell** & hands, Stephen King hands, James Martin, John Houser, William **Stanly**, James Houser, John Martin, John Barrett, William Thompson, James Martin, **Daniel Prillamon**. A Copy Teste James Callaway C. F.C.”¹⁰⁸

6–7 NOVEMBER 1811

FRANKLIN COUNTY, VA

Court order

James Mills serves on jury in case of Adam Bowman v Daniel Plyborn and Robert Henry assee. vs. Richard Becket.¹⁰⁹

COMMENT:

Two adult James Mills have been in the county for more than a decade: the father who settled there before it was created in 1785 and the son who married in 1799. The record does not state

¹⁰⁵ Franklin Co., Deed Book 6 (1811–1814): 160–61; imaged, *FamilySearch* digital film 7898085, images 496–97.

¹⁰⁶ Franklin Co., Court Order Book 1806–1811: 445.

¹⁰⁷ Franklin Co., Deed Book 6 (1811–1814): 174–75; imaged, *FamilySearch* digital film 7898085, images 503–4.

¹⁰⁸ Folder: “Roads & Bridges, 1806–1808, 18010–1812,” MS BC1184654: Franklin County Court Records, 1779–1818; Library of Virginia, Richmond.

¹⁰⁹ Franklin Co., Court Order Book 1811–1817: 13, 15; imaged, *FamilySearch* [<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CS4V-R3VT-H?i=89&cat=397106>], digital film 007898092, made from FHL microfilm 31517.

which man served. The fact that the court did not feel a need to distinguish between the two suggests that only one of them remained in the county in 1811 or that only one of them was eligible for jury duty. James Sr. was at that time a landowner. No land has been found for James Jr., who would die before the 1820 census.

6 JANUARY 1812

FRANKLIN COUNTY, VA

Sale of land

Thomas Napper and wife **Susanna** to Jesse Perdue, all of Franklin County, for 72£ 18 shillings, sale of 81 acres on S side of Blackwater River "Beginning at the mouth of a Branch on the river" [metes and bounds not copied; neighbors not named]. No witnesses. Acknowledged in court by Thomas and Susanna on 6 January 1812, with dower relinquishment by Susanna.¹¹⁰

7 FEBRUARY 1812

FRANKLIN COUNTY, VA

Public service

A jury of inquest appointed to investigate the effects of a mill dam proposed by Caleb Hippenstall met and assessed the effect on "fish of passage and ordinary navigation," report that Hippenstall owns the land on both sides of the waterway and that no others will be effected nor will the "neighbours be annoyed by the stagnation of the water." Jurors were Saml. Hale, **Robert Camp**, Wm. Smith, Thos. Dudley, Henry Smith, Thos. Hiett, Benjamin Barnard, Peter Barnard, John Craghead, George Radford, Benja. Booth, Levi Dudley and Matthew Farmer.¹¹¹

COMMENT:

- This Robert Camp/Kemp was father of Drucilla and eventual father-in-law of William Mills-Witt.
- On 14 October 1814, one William Mills signed a similar petition in Montgomery Co. (with Samuel Maddox (a Kemp-Camp in-law), James Light, John Shockey, and others), requesting "a law compelling owners of dams and other obstructions across the Roanoke River to make slopes or otherwise to provide for the passage of fish."¹¹² No contemporary William Mills has been found in Montgomery Co. who might be the person involved there in the fishing industry.

1 JUNE 1812

FRANKLIN COUNTY, VA

Court order

Bowker Mullins was paid \$2.44 for 39 hours patrolling. One of 55 or so males.¹¹³

3 JUNE 1812

FRANKLIN COUNTY, VA

Court order

William Mills served on jury in case of Robert Scarborough v Robert Guillams.¹¹⁴

COMMENT:

¹¹⁰ Franklin Co., Deed Book 6 (1811–1814): 237; imaged, *FamilySearch* digital film 7898085, image 535

¹¹¹ Franklin Co., Deed Book 6 (1811–1814): 368–69; imaged, *FamilySearch* digital film 7898085.

¹¹² "Legislative Petitions Digital Collection," database with images, Library of Virginia, *Virginia Memory* (<http://www.virginiamemory.com/collections/petitions> : accessed 19 February 2019); citing accession Number 36121, Box 171, Folder 95.

¹¹³ Franklin Co., Court Order Book 1811–1817: 49.

¹¹⁴ Franklin Co., Court Order Book 1811–1817: 59.

Again there is no appendix to the name to indicate which William Mills. There were two of poll age cited in this year's tax roll: William, husband of Elizabeth Abshire; and the younger William who would marry Drucilla Kemp. However, the younger William did not own land. The older William farmed with his landowning father James.

I've also noticed that the use of Sr. or Jr. is extremely rare in the juror lists. It is seen for deeds and court cases, but the distinction is not usually made when identifying jurors.

One alternative way to potentially identify a juror—when unrelated same-name men exist in the county—is to consider whether kinsmen also served on the same jury. Frequently these lists include a group of related men who appear to have come to court together—and often because one or more of them is also involved in a suit being tried at that term. See, for example, the coupling of George and Arthur Mills in prior jury notes.

6 JULY 1812

FRANKLIN COUNTY, VA

Road order

"Isaiah White is appointed Surveyor of the road from Wilks's Creek to the top of the hill against Hawkins's house, with the following allotment of hands, to wit, Billy Hutcheson's **male tythes**, Jesse Prunty & his **male Tythes** ... **Allan Jarrat** ..." ¹¹⁵

COMMENT:

This document tells us that "hands" were to be "male tythes"—i.e., 21 or older.

5 APRIL 1813

FRANKLIN COUNTY, VA

Land purchase

Stephen Dudley & wife Patsey, together with Richard Robertson, sell to **Robert Camp** for 110£, a tract of 112.5 acres in Franklin County. [Metes & bounds not copied; no watercourse or neighbors named.] All grantors signed. No witnesses. Acknowledged in court by the grantors on 5 April 1813 after Patsey relinquished her rights. ¹¹⁶

COMMENT:

It is likely that this is inherited land through the Robertson family.

7 JUNE 1813

FRANKLIN COUNTY, VA

Court order

Peter Boon v. **George Mills**—Joseph Wyson Sp[ecia]l B[ai]l.

Deed from **Allen Jarratt** & wife To Martin McGhee, further proved by 2 witnesses. ¹¹⁷

COMMENT:

In the 1840s, two of Allen Jarratt's daughters would marry sons of William Mills-Witt and wife Drucilla Kemp.

8 JUNE 1813

FRANKLIN COUNTY, VA

¹¹⁵ Folder: "Roads & Bridges, 1806–1808, 18010–1812," MS BC1184654: Franklin County Court Records, 1779–1818; Library of Virginia, Richmond.

¹¹⁶ Franklin Co., Deed Book 6 (1811–1814): 365; imaged, *FamilySearch* digital film 7898085, image 599.

¹¹⁷ Franklin Co., Court Order Book 1811–1817: 129–30.

Court order

Peter Boon v. **George Mills** — “Joseph Wysong the Sp^l B^l for the Def^t Surrendered him here in Court and prayed into Custody — & Jn^o Dodd fur. Sp^l B^l.”¹¹⁸

10 JUNE 1813

FRANKLIN COUNTY, VA

Court order

Dickensons & Shrewsbury v. **Allen Jarrott** &c. Plea waved & Is^d according to Specialty & costs.

“A Deed from **Allen Jarratt** & wife to Martin McGhee, fur. prov^d & OR^d.”¹¹⁹

1 MARCH 1814

FRANKLIN COUNTY, VA

Quitclaim

“State of S Carolina, Greenville District: This day personally appeared Before me one of the Justices of the peace for the District aforesaid Thomas MCarrell and **Mary MCarrell** his wife Legatees of **Charles Furgeson** deceased and voluntarily acknowledged that they were willing to relinquish all their right title claim and Interest to a certain tract or parcel of Land being and lying in the State of Virginia Franklin County being part of a Tract or parcel of Land formerly belonging to **John Fargeson** Deceased and Devised by him to his son the said Charles Furgeson, who Died without heir and we the said Thomas MCarrell and Mary MCarrell his wife do hereby volenteritarily [*sic*] Relinquish all and every our Right title claim and Interest to the above mentioned Lands to **Samuel MCarrell** his heirs and assigns for ever, for value of him Receivd.” Signed: Thos. MCarrell; Mary MCarrell her X mark. Witnesses: Philip Meroney, J.P. Jerred Shirley [?], James Warren. Certified 28 October 1814 by Geo. W. Earle, C.C., Greenville District, SC. Presented for filing to Franklin County court on 7 November 1814.¹²⁰

1 NOVEMBER 1814

FRANKLIN COUNTY, VA

Power of attorney

“James Ferguson and Elizabeth Ferguson” of North Carolina [no county cited] give their power of attorney to “**Samuel Macerell** of the state of South Carolina, to “ask, demand, sue for recover and receive of and from George Ferguson and John Fargason,” both of Franklin County, Virginia, all sums due James and Elizabeth. Signed: James Ferguson, Elizabeth Ferguson her X mark. Witnesses: James Ferguson Junr., Charles Parson (x).

October [*sic* Term 1814, **Wilks County, NC**, “The within Power of attorney was duly proved in Court by the oath of James Forguson Junr.” 2 October 1814: “duly Registered ... Book H and page 436,” Wilks County.

7 November 1814 “At a Court held for Franklin County ... this Letter of attorney from James Ferguson and **Elizabeth his wife**, To Samuel McCarroll with the certificates herean [herein] endorsed was produced in Court and ordered to be recorded.”¹²¹

2 NOVEMBER 1813

FRANKLIN COUNTY, VA

Court order

William Mills serves on jury in case of John Vandover vs. Jno. Highley, together with Booth **Napier**,

¹¹⁸ Franklin Co., Court Order Book 1811–1817: 136.

¹¹⁹ Franklin Co., Court Order Book 1811–1817: 143–44.

¹²⁰ Franklin Co., Deed Book 7 (1813–1817): 193–94; imaged, *FamilySearch* digital film 7898086, images 112–13.

¹²¹ Franklin Co., Deed Book 7 (1813–1817): 192–93; imaged, *FamilySearch* digital film 7898086, image 112.

Thomas **Napier**, **George Furguson** and others.¹²²

COMMENT:

This William should be the William of Maggoty and Elliott Creek (husband of Elizabeth Abshire) rather than the younger and propertyless William who wed Drucilla Kemp in 1815.

7 NOVEMBER 1814

FRANKLIN COUNTY, VA

Court order

"A Letter of Attorney from **James Ferguson** & wife to **Samuel McCarroll** Certified & OR^d."

"A Deed of Release from **Thomas McCarroll** & wife of their Interest in a Tract of Land formerly belonging to **John Ferguson** Certified & OR^d."¹²³

COMMENT:

Thomas McCarroll was father of Samuel; his wife was a daughter of the late John Ferguson Sr. and sister of Fanny Ferguson who married Moses Wade/Waid.

25 NOVEMBER 1814

FRANKLIN COUNTY, VA

Land sale

Mary Jarrett (late **Mary Spangler**) & **Allen Jarrett** her husband of Franklin County, to Martin McGee, for \$ ____ 44 acres ("it being the balance of the [120] acres assigned the said Mary Jarrett out of Lands of her deceased father **George Spangler**" lying on **Ryans Creek** in Franklin County, adjoining the lines of George Spangler Jr., Nancy Spangler & McGee's own line "and the lines of the large survey including **Turkey Cock Mountain**." Price not stated. Both sellers X'd. Witnesses: Peter C. Stockton, Howard Hix his X mark, Thos. C Hix his X mark.

"Whereas the within Land is conveyed to Jno. Choice & Jesse Prunty in trust, to secure to Zachariah Finney, the sum of one hundred Dollars, we the sd. Zachariah Finney, Jno. Choie & Jesse Prunty relinquished all pretensions to any claim on the sd. Land. Signed by all three parties. Witnesses: Peter C. Stockton, Howard Hix (supposedly a signature), and Dibdale Hix. Proved by oaths of Stockton, Howard Hix, and Thos. C. Hix in court on 6 March 1815."¹²⁴

COMMENT:

Turkey Cock Mountain is SE of Snow Creek, which is SE of Big Chestnut Creek and Pigg River in lower Franklin, above the Henry County line. It is in the area settled by Ashford Napier.

2 JANUARY 1815

FRANKLIN COUNTY, VA

Court order

"A Deed from ... **Sam^l McCarroll** to Charles Waid, [illegible word] — prv^d & OR^d."¹²⁵

4 FEBRUARY 1815

FRANKLIN COUNTY, VA

Charles Waid(s) and wife **Elizabeth** (signed "Eliza Waid") and **John Waid** (s) to **Robert Waid**, all of Franklin, sale, for \$1000, "four ninth parts, or four shares out of nine in that undivided tract of Land which was devised by the Last Will and Testament of **John Ferguson** deceased to his son **Charles**

¹²² Franklin Co., Court Order Book 1811–1817: 171.

¹²³ Franklin Co., Court Order Book 1811–1817: 228.

¹²⁴ Franklin Co., Deed Book 7 (1813–1817): 250–51; imaged, *FamilySearch* digital film 7898086, image 141.

¹²⁵ Franklin Co., Court Order Book 1811–1817: 240.

Ferguson who died intestate and without Issue, and the whole of the same Tract having since become vested in **Fanny Waid** & her Children, and **William Weaks** and his wife. The said Fanny Waid and her Children at this time being entitled to eight parts out of nine in the same.” Witnesses: William **Standefer**, Larkin Taylor, Andrew Thompson. 6 August 1815, George Turner and George Menefee, Justices of the peace, certify that they questioned Elizabeth separate from her husband and that she freely relinquished her dower rights. Proved in court 7 August 1815 by oaths of Standefer, Taylor, and Thompson.¹²⁶

5 FEBRUARY 1815

FRANKLIN COUNTY

Land purchase

Henry Law Sr. to **Talton Napier** for \$543 cash sells 131 acres on **Mountain fork** .. head of a small branch thence & over the same to the creek, thence up the creek ... [metes not copied; no neighbors named] No witnesses. 19 April 1816, Milly Law, wife of Henry, appeared before justices Peter Saunders and Edmund Tate to relinquish her dower. 4 March 1816, deed acknowledged 4 March 1816 in court by Henry Law Sr.¹²⁷

4 SEPTEMBER 1815

FRANKLIN COUNTY, VA

Court order

“A Letter of attorney from **William Weaks** & wife To George W. **Ferguson**, produced proved & ordered to be recorded.”¹²⁸

COMMENT:

William Weaks was married to a Ferguson, a sister to Mrs. Thomas McCarroll. Samuel McCarroll, when he came to adulthood a few years earlier, had bought from Weaks the Montgomery County land that Mrs. Weaks had inherited from her father. (See my previously cited Montgomery County reports.)

6 NOVEMBER 1815

FRANKLIN COUNTY, VA

Court order

“Matthew Farmer is appointed Surveyor of the Road from the Pittsylvania Road to **Robert Kemps** at Black Water with the allotment of hands filed.”¹²⁹

COMMENT:

Conspicuously absent from these court minutes is Stephen Standifer who served as surety for the 1815 marriage bond of William Mills and Drucilla Kemp. As research continues in these court records, I’ve not found any reference to Stephen. Nor have I yet found him in any other locale to which he might have migrated.

7 MARCH 1816

FRANKLIN COUNTY, VA

Court order

“James Campbell assee v Thomas Stewart. **Sparrel Hale**, Sp^l Bail.”¹³⁰

¹²⁶ Franklin Co., Deed Book 7 (1813–1817): 286–87; imaged, *FamilySearch* digital film 7898086, image 159.

¹²⁷ Franklin Co., Deed Book 7 (1813–1817): 391–92; imaged, *FamilySearch* digital film 7898086, images 212–13.

¹²⁸ Franklin Co., Court Order Book 1811–1817: 295.

¹²⁹ Franklin Co., Court Order Book 1811–1817: 299.

¹³⁰ Franklin Co., Court Order Book 1811–1817: 324.

COMMENT:

This is the first reference I've found to Sparrel Hale in these minutes. From this point on, he appears occasionally as a juror, despite his youth.

NOVEMBER 1817

FRANKLIN COUNTY, VA

Road order

"Road from the Ford of Gills Creek at Peter Bernard, thence by Stephen English to **Kemps ford** on BWater. **Gwin Dudley** recommended the Surveyor with the following allotment of hands: Viz: Levi Dudley's, Stephen English, Gwin Dudley's, Nathan Greer's, Stephen Dudley & Wyatt Smith."¹³¹

DECEMBER 1817

FRANKLIN COUNTY, VA

Road order

"Ro. Kemp Sr. Rd. December 1817"¹³²

COMMENT:

This is an otherwise blank sheet of paper, with the above quoted words appearing as a label on the backside. It appears that he was appointed (or was to be appointed) a road overseer. Typically, his appointment and his list of hands would appear on the reverse of the document.

1 DECEMBER 1817

FRANKLIN COUNTY, VA

Court order

"**Robert Kemp** is appointed Surveyor of the Road from the Pittsylvania line to the ford of Black Water at Robert Kemps, in place of Matthew Farmer with the allotment of hands filed.

"James **Toney** is appointed Surveyor of the Road from **Henderson's ford** on Black Water to the Richmond Road with the allotment of hands filed."¹³³

2 MARCH 1818

FRANKLIN COUNTY, VA

Court order

Grand jury for this term of court consisted of James S. Hail (foreman), Isaiah Craghead, Thomas Payne, David Thurmond, William Mullins, **Bowker Mullins**, Thomas **Standley**, Jeremiah **Ferguson**, William Brooks, John Pate, Henry Kingery, William B. Cockran, David Price, Charles Lumsden, **Jourdan Kemp**, Larkin **Standley**, and Jacob Frisburn?"¹³⁴

2 MARCH 1818

FRANKLIN COUNTY, VA

Court order

"**Jourdan Kemp** is Recommended as Capt in 1st Battn. & 110th Regt. in place of George Crump resigned."

"Tyree G. Newbill as Ensign in the same in the place of **Jourdan Kemp** ~~resigned~~ promoted."¹³⁵

¹³¹ Folder: "Roads & Bridges, 1817-1818," MS BC1184654: Franklin County Court Records, 1779-1818; Library of Virginia, Richmond.

¹³² Folder: "Roads & Bridges, 1817-1818," MS BC1184654: Franklin County Court Records, 1779-1818; Library of Virginia, Richmond.

¹³³ Franklin Co., Court Order Book 1817-1822: 35.

¹³⁴ Franklin Co., Court Order Book 1817-1822: 42.

¹³⁵ Franklin Co., Court Order Book 1817-1822: 45.

1 JUNE 1818

FRANKLIN COUNTY, VA

Court order

"Bowker Mullins serves on jury in case of Commonwealth vs. Shores P. Turner."¹³⁶

COMMENT:

Preceding and subsequent pages offer a number of suits against Sparrel Hale, individually and jointly with Samuel Hale.

Bowker/Booker Mullins continues to serve in other cases this month.

13 JUNE 1818

FRANKLIN COUNTY, VA

Court order

"Jeremiah Barrett v. Bowker Mullins — W E set aside —Not Guilty and son assault & issues, a Jury sworn to by the same ... Returned a verdict for the Defendant and Judgment accordingly."¹³⁷

COMMENT:

The phrasing used before "... a Jury" in the first court order appears repeatedly in these court orders. It is obviously a form of shorthand for pleas and processes; but I have yet to see it written out in full.

3 AUGUST 1818

FRANKLIN COUNTY, VA

Court order

"Ordered that Ransom Sutherland, Tyree G. Newbill, Jourdan Kemp, and William Kemp, or any three of them settle the account current of Joseph Crow, admr. of Fergus Crow decd. and make Report &c."¹³⁸

3 AUGUST 1818

FRANKLIN COUNTY, VA

Court order

Robert Kemp served on jury for case of Commonwealth v Wm. Booth.¹³⁹

7 SEPTEMBER 1818

FRANKLIN COUNTY, VA

Court order

"Robert Kemp is appointed Surveyor of the Road from the **K fork** to the **ford** of Black Water at said Kemp's with the allotment of hands filed."¹⁴⁰

SEPTEMBER 1818

FRANKLIN COUNTY, VA

Road order

"A list of Hands to work under Robert Kemp Surveyor of the Rode from the Kay fork to the ford of Blackwater to Said Kemps: Wm. Smith & Hands, Isham Cundiff, Peter Husl_____ and son, Leron Brezendine & Hands, Stephen Hunt, Wm. Robbertson, Richard Robbertson, **John Kemp** and hands, **Robert Kemp** and hands, **Thomas Kemp** and hands, Isaac Brezend [sic] and hands, ~~Abraham~~ Sack &

¹³⁶ Franklin Co., Court Order Book 1817–1822: 65.

¹³⁷ Franklin Co., Court Order Book 1817–1822: 72.

¹³⁸ Franklin Co., Court Order Book 1817–1822: 81.

¹³⁹ Franklin Co., Court Order Book 1817–1822: 82.

¹⁴⁰ Franklin Co., Court Order Book 1817–1822: 92.

George Ellis, John B. Brizendine, [on reverse:] Joseph Smith, Matthew Farmer & Wm. J., **Wm. Kemp**, John Mattocks, Thoms. E[n]glish and hands."¹⁴¹

5 OCTOBER 1818

FRANKLIN COUNTY, VA

Court order

"Levy **Dudley** is appointed Surveyor of the Road from Black Water at **Robert Kemps** to Leftwich & Davis' Store in place of Gwin **Dudley**, with the former allotment of hands."¹⁴²

COMMENT:

Gwin Dudley's son James was married to a daughter of Robert Kemp and, thus, was the new brother-in-law of William Mills-Witt.

2 NOVEMBER 1818

FRANKLIN COUNTY, VA

Court order

"A List of hands filed to work under Levi Dudley surveyor of the Road from Black Water at **Robert Kemp's** by Leftwich & Davis' Store and from thence to Hendricks Mill."¹⁴³

3 MAY 1819

FRANKLIN COUNTY, VA

Court order

"On the motion of Stephen **Preston** Jr & Co who paid the Clerk of this County the sum of eighteen Dollars, a license is granted them to keep an ordinary in **German Town** in this County until the first day of May next, they having given bond and security according to law."¹⁴⁴

COMMENT:

German Town School is a site in NW Franklin County, N of Black Water and W of Maggoty Creek, around the junction of Highways 687 and 635, about 4 miles as the crow flies from the Roanoke Co. line.

7 JUNE 1819

FRANKLIN COUNTY, VA

Court order

Jourdan Kemp serves on jury.¹⁴⁵

COMMENT:

This court session refers to the road from **Fleming Saunders' Shop** to **Hairston's Store**. 5 July 1819 minutes (p. 161) appoint Robert Hairston surveyor of the road from Pigg River in Fleming Saunder's lane to Samuel Hairston's old place.

TO DO:

These notes identify at least five sets of merchant's account books for William's years in Franklin. NUCMC and other manuscript catalogs need to be searched to determine whether books from either business still survives and whether he was a customer. Those three are

¹⁴¹ Folder: "Roads & Bridges, 1817–1818," MS BC1184654: Franklin County Court Records, 1779–1818; Library of Virginia, Richmond.

¹⁴² Franklin Co., Court Order Book 1817–1822: 97.

¹⁴³ Franklin Co., Court Order Book 1817–1822: 100.

¹⁴⁴ Franklin Co., Court Order Book 1817–1822: 137.

¹⁴⁵ Franklin Co., Court Order Book 1817–1822: 144.

- Leftwich & Davis' store (1818, north side of Blackwater)
- Townes & Hale, merchants (1819)
- Dickensens's store (1826, near Robert Kemp)
- Fleming Saunders' shop
- Hairston's store (near the **Dug Spur & Daniel's Run Road**; called "Hairston's old store" 1839)
- Luke Wade & Co. (c1830–1840s)
- Christopher Babcock (1835)

5 JULY 1819

FRANKLIN COUNTY, VA

Court order

"John Bowman is appointed surveyor of the road from the ford of Maggoty at Slone's Mill to the ford of Black Water at Claiborne's, in place of Edward Abshire, with the allotment of hands filed."¹⁴⁶

6 SEPTEMBER 1819

FRANKLIN COUNTY, VA

Court order

"Ordered that the Sheriff of this County out of the Deposition in his hand for the year 1819, pay to John Wills the Clerk of the **Superior Court of Chancery for Lynchburg District** the sum of [\$20.22] being the Counties Quota of a sum necessarily expended by the said John Wills in renting an office for the said Court of Chancery, until one was provided by the corporation of Lynchburg."¹⁴⁷

4 OCTOBER 1819

FRANKLIN COUNTY, VA

Court order

"**Thomas English** & others against **Stephen English** & others. In Chancery. Stephen English is appointed Special Guardian to the Infant Defendants to defend them in this suit and This cause this day came on to be heard on the Bill & answers, and was argued by Counsel, on consideration whereof the Court doth adjudge order & decree that Joseph Smith, William Smith, John M. Holland, Bernard G. Hendrick, and **Jourdan Kemp** (who are hereby appointed commissioners for this purpose) do assign to **Adra Kemp** one third part of the Lands and slaves belonging to the **Estate of William English decd**, and that they do after duly advertising the time and place of Sale sell to the highest Bidder the remaining two thirds of the said Estate Consisting of Lands and Slaves, on a Credit of twelve months requiring Bond and good Security to be given by the purchase and assign the proceeds to the Complainants and Defendants equally, except **William Kemp** and **Adra** his wife – and make Report to the Court, giving to the infant Defendants six months after their respective disabilities shall be removed to shew Cause against this Decree."¹⁴⁸

COMMENT:

Adra (var. Adria) was the widow of William English, remarried to a Kemp uncle of Drucilla.

2 NOVEMBER 1819

FRANKLIN COUNTY, VA

Court order

"An Indictment agt. **Sparrel Hale** for Assault & Battery, a true bill."¹⁴⁹

¹⁴⁶ Franklin Co., Court Order Book 1817–1822: 161.

¹⁴⁷ Franklin Co., Court Order Book 1817–1822: 176.

¹⁴⁸ Franklin Co., Court Order Book 1817–1822: 179.

¹⁴⁹ Franklin Co., Court Order Book 1817–1822: 188.

COMMENT:

Twelve men are indicted by the grand jury in this term for similar offense, suggesting a group brawl. There have been earlier charges against Sparrel for other misdemeanors and debts.

22 DECEMBER 1819

FRANKLIN COUNTY, VA

Estate sale

Auction of goods of **Wm. English Dec^d**, November 22, 1819. Buyers included: Walter Kemp (2 purchases), Stephen Dudley, Guinn Dudley, Levi Dudley, John Kemp Jr., William Kemp (7 purchases), [skip 2], **William Mills** (5 plates, \$.26), Zeb Maxey, William Kemp, Thomas Kemp, Zeb Maxey, William Kemp (4 more purchases) ... William Kemp, Zeb Maxey, **William Mills** (1 Churn), William Kemp, Zeb Maxey, Jordan Kemp, William Kemp (2 more purchases).

"At a Court held for Franklin County the 7th day of December 1829, This account of sale of the Estate of William English dec^d was returned and ordered to be recorded."¹⁵⁰

COMMENT:

This William Mills should be the William who married Drucilla Kemp—i.e., now brother-in-law to James Dudley and the Kems.

5 JUNE 1820

FRANKLIN COUNTY, VA

Court order

"**William Mills** assee v Jn^o Law == Anthony Street Sp^l B^l – Office Jud. set aside – Paym^t & issue."¹⁵¹

COMMENT:

I have not developed sufficient context to determine whether this is William Mills of the Blackwater or William Mills (son of James) of Maggoty Creek.

5 JUNE 1820

FRANKLIN COUNTY, VA

Court order

"On the motion of **James Callaway** by his attorney, a Writ of ad quod damnum is awarded him for the purpose of having the legal Inquest made on his seat proposed for the erection of **Water Grist mill & saw mill** on his own land on **Black Water River** in this county, he being proprietor of the land on both sides of the said Stream, to be executed on the third Tuesday in this month."¹⁵²

6 JUNE 1820

FRANKLIN COUNTY, VA

Court order

"On the motion of the attorney prosecuting for the Commonwealth, It is ordered that **Robert Kemp**, surveyor of the public Road leading from Black Water near his house into the Lew's Island Road at the K. Fork in this County be summoned to appear here on the first Monday in August next to shew cause why an Information should not be filed against him for not keeping the said Road in repair on the third day of this month and within six months last past."¹⁵³

6 JUNE 1820

¹⁵⁰ Franklin Co., Will Book 4, With Inventories and Accounts (1829–1837): 59; imaged, *FamilySearch* digital film 764495.

¹⁵¹ Franklin Co., Court Order Book 1817–1822: 245.

¹⁵² Franklin Co., Court Order Book 1817–1822: 247.

¹⁵³ Franklin Co., Court Order Book 1817–1822: 254.

FRANKLIN COUNTY, VA

Court order

“Common Wealth agt. Lewis Hodges – In six cases

The same v. Reuben Hodges – In two cases

The same v George Ferguson -----

The same v James Young -----

The same v. **William Mills** – in four cases

The same v George Menafee -----

The same v Jeremiah Ferguson -----

“On Presentments for profane Swearing --

“On the motion of the Defendants by their attornies, It is ordered that these several Presentments be quashed. It is the opinion of the Court that Lewis Davis, one of the Grand Jury by Whom the said Presents were made, was not a free holder, and therefore not a legally qualified Grand Juror.”¹⁵⁴

COMMENT:

Given that Fergusons and Menafees were kinsmen of Samuel McCarrell in whose presence William Mills-Witt first appeared in 1806 and for several years thereafter, the coupling here might suggest that the William of this record was William Mills-Witt. *However*, note below that, in this same court term, Arthur Mills (son of James and brother of William Sr.) gave a deed of trust to Eli *Ferguson*. Apparently both sets of Millses (William of the Black Water and the James Mills offspring of the Maggoty) associated with the Fergusons. Numerous documents do place George Ferguson north of the Blackwater in the western half of the county.

6 JUNE 1820

FRANKLIN COUNTY, VA

Court order

“**James Mills** v Hiram Wright – Writ of Enquiry set aside – not Guilty & son assault. Issue. A Jury sworn to try the same, to wit: Robert T. Woods, **Sparrel Hale**, Elisha Greer, John Craighead, Thomas Heptinstall, Peter Lyon, John Parker, William Price, Eli Ferguson, Lewis Wysong and John Hill & Jesse Saunders returned a verd^t for the Plaintiff for Twenty one dollars Damages and Jud. accordingly.”¹⁵⁵

COMMENT:

This would appear to be the elderly James Sr. The tax rolls imply that James Jr. has died and the 1820 census enumerates Jr.’s widow Nancy as a head-of-household.

On 18 January 1819 Sparrel Hale was a partner with Joseph H. Townes in the mercantile firm of Townes and Hale. See Determined Papers, 1828–29, digital film 8704987, numerous references.

6 JUNE 1820

FRANKLIN COUNTY, VA

Court order

“William Terry’s exors v. William Markham & John Tyree. The Plaintiff filed a Special replication of Estoppel in Writing in the Words following, to wit, ‘Terry’s exors agt. Markham &c—and the said Robert Campbell Executor &c which replication of Estoppel being overruled by the Court the Plaintiffs filed Special Replication to the Defendants Pleas, and issues being joined thereon, a Jury, to wit, Elijah Cooley, Meredith Dillion, Jonathan Davis, William Stone, **William Mills**, Jacob Stone, Robert Board, Marlin Dillion, Thomas Hale, Otey Taylor, William Cooper, and Hailey Andrews – four ~~Three~~—sev several Exceptions taken by the Pltff to the opinion of the Court – returned a Verd^t for the Plaintiff for Three

¹⁵⁴ Franklin Co., Court Order Book 1817–1822: 255.

¹⁵⁵ Franklin Co., Court Order Book 1817–1822: 255.

hundred and seventy four dollars Damages, and on the motion of the Defendants by their attorney, for a new trial, the same is granted them on paying the Plaintiff his costs at this term.”¹⁵⁶

COMMENT:

This juror should be William of Maggoty and Elliott Creek, who owned land with his father amid the Stones.

6 JUNE 1820

FRANKLIN COUNTY, VA

Court order

“A Deed of Trust from **Arthur Mills** to same [Eli Ferguson] ackn^d by the said Eli Ferguson.”¹⁵⁷

7 AUGUST 1820

FRANKLIN COUNTY, VA

Court order

“Com. Wealth v **Robert Kemp** – Rule Disch^d.”¹⁵⁸

COMMENT:

This day was also the official census day in 1820—i.e., the first Monday in August.

8 AUGUST 1820

FRANKLIN COUNTY, VA

Court order

“On the motion of the attorney prosecuting for the Common Wealth It is ordered that **Abraham Abshire** Labourer and Surveyor of the public Road from the ford of **Maggotty** to the forks of the Road Commonly Called the **Carlina [Carolina] Road** thence leading to the forks of the Road at Isaac Nafe’s in this County, be summoned to appear here on the first Monday in November term next, to shew cause why an Information should not be filed against him for not keeping the said Road in repair on the seventh day of August 1820 and within the Six months then next preceding.”

“Common Wealth v. **Abraham Abshire Sr.** – For reasons appearing to the Court the Presentment made at this term by the Grand Jury agt. the Def. is quashed.”¹⁵⁹

3 SEPTEMBER 1820

FRANKLIN COUNTY, VA

Court order

“**James Mills** v. Jno. Wright – M^o on D. Bond – Notice Proc^d by the Affi^d of the Dep^y Shff. Defts. called & not appearing, Jud. for Plaintiff according to specicately? & costs.”¹⁶⁰

27 JANUARY 1821

FRANKLIN COUNTY, VA

Land purchase

Joab Early and wife Ruth to **William Mills**, for \$200, sale of 67 acres “Beginning at a White Oak S28 W88 po[les] to a white oak in **Mills’ line**, thence with that line N45 W59 po. to a white Oak, N 25 W 82 po. to a White Oak, N 25 E 74 po to a white Oak, S 41 E142 po to the Beginning. No witnesses. Wife Ruth

¹⁵⁶ Franklin Co., Court Order Book 1817–1822: 256.

¹⁵⁷ Franklin Co., Court Order Book 1817–1822: 256.

¹⁵⁸ Franklin Co., Court Order Book 1817–1822: 276.

¹⁵⁹ Franklin Co., Court Order Book 1817–1822: 278, 280.

¹⁶⁰ Franklin Co., Court Order Book 1817–1822: 291.

relinquished her dower rights before Moses Greer Jr. and Patrick Hix, justices of the peace, 27 January 1821. Deed acknowledged by Early in open court on 16 March 1821.¹⁶¹

COMMENT:

This William Mills should be the William of Maggoty and Elliott Creeks, son of James and husband of Elizabeth Abshire. His father James was an associate of the Earlys since at least the early 1780s in Bedford. The reference to “Mills’ line” above appears to be a reference to the land James settled and, about this time, turned over to his eldest son William.”

Meanwhile, William Mills-Witt did not pay tax on land in the 1820s and appears to have owned none other than the tract he later inherited from his father-in-law.

9 MARCH 1821

FRANKLIN COUNTY, VA

Court order

“**Wm Mills** assee. v. John Law—plea waved—and dismiss^d as to Joseph Boling.”¹⁶²

COMMENT:

This William appears to be William Mills-Witt. John Law was taxed annually in Prunty’s District (not the Moses Greer district in which we find the James Mills clan of Maggoty and Elliot Creeks). Law in 1817 submitted his tax list the same day as William Mills-Witt.

4 FEBRUARY 1822

FRANKLIN COUNTY, VA

Court order

“Sam^l & Sp^l Hale v. **Arthur Mills &c.** Def^{ts} called and not appearing Jud[gment] for Plaintiff according to specialty & Costs.”¹⁶³

1 JULY 1822

FRANKLIN COUNTY, VA

Court order

“Ordered that **Levi Dudley** be appointed Surveyor of the Publick Road from **Robert Kemps Ford** on Black Water to the fork of the road at Stephen Englishes, with the allotment of hands filed.”¹⁶⁴

1 JULY 1822

FRANKLIN COUNTY, VA

Court order

“**Westley Key**, Henry Akers, and Edw^d Lamberth this day appeared in discharge of a Recognizance entered into by them on the 14th day of June 1822 before Sam^l Hairston a Justice of the peace for this County, for the personal appearance of the said Westley Key also for his keeping the peace towards **Nancy Mills**, and the said Nancy Mills declaring further to prosecute if and upon the Premises, it is Ordered that the said Westley Key, Henry Akers & Edward Lamberth be acquitted and discharged from their undertakings Severally in the premises.”¹⁶⁵

COMMENT:

- Presumably, this Nancy Mills is Nancy Frame, widow of James Jr.

¹⁶¹ Franklin Co., Deed Book 9 (1820–1822): 254–55; imaged, *FamilySearch* digital film 7897649, image 143.

¹⁶² Franklin Co., Court Order Book 1817–1822: 338.

¹⁶³ Franklin Co., Court Order Book 1817–1822: 432.

¹⁶⁴ Franklin Co., Court Order Book 1822–1824: 26.

¹⁶⁵ Franklin Co., Court Order Book 1822–1824: 26.

- In December 1850 in Floyd Co., William & Drucilla's daughter Sally married William H. Key. His parents are not yet identified, but he is said by the 1850 census to be a native of Giles rather than Franklin. The Keys of Franklin and surrounding counties are reportedly rooted in the Keys of Amherst > Nelson Counties.¹⁶⁶
- Past this point in the court-order book, there are pages whose writing is so faded that thorough and reliable reading is impossible.

9 AUGUST 1822

FRANKLIN COUNTY, VA

Court order

Sparrel Hale is now a county justice.¹⁶⁷

SEPTEMBER 1822

FRANKLIN COUNTY, VA

Court order

"James **Akers** appointed Surveyor of the Road from the **ford of Blackwater** at **Lamberts**, thence up blackwater &? Millar's Spur to the Montgomery line on the top of the Mountain, thence along the same to the **bent road** in place of David Peters, with the allotment of hands filed."¹⁶⁸

29 NOVEMBER 1822

FRANKLIN COUNTY, VA

Land purchase

Jacob Prillaman to **John Kemp**, for \$800, sale of 341 acres beginning at **Real's Road** ... to Mavety's line [no other neighbors named, lengthy metes and bounds not copied]. No witnesses named. Signed Jacob Prillaman and Elizabeth "Preleman." 29 November 1822, dower relinquishment by Elizabeth before Saml. Hairston and George Turner, JPs. 2 December 1822, the JP certifications were filed in court and the deed ordered to be recorded.¹⁶⁹

MARCH 1823

FRANKLIN COUNTY, VA

Court order

"On the Motion of **Jordan Kemp** it is ordered that Lewis Hancock, Burwell Law Jr., Benjamin Hancock & Philemon Sutherland, after being first sworn, do view the way for a public Road from the house of s^d **Kemp** into the Public Road leading from the Court house to Loos Island through the lands of **Gabriel Mattox, James Dudley** & Ransom Sutherland, and report to the Court the Conveniences & Inconveniences resulting therefrom as well to the Public as to Individuals."¹⁷⁰

COMMENT:

- James Dudley was Robert Kemp's son-in-law. Jordan is alleged to be Robert's brother. Robert's last wife was Sarah Mattox/Maddox.
- Gabriel Mattox's location is noted here, given his appearances in records created by and for William and Drucilla.

¹⁶⁶ "Virginia Compiled Marriages, 1740–1850," *Ancestry* (<https://www.ancestry.com> : 6 February 2020), database entry for William H. Key and Sarah Ann Mills. 1850 U.S. census, Floyd Co., pop. sch., p. 406, dwell./fam. 421–23/421–23. Also 1860 U.S. census, Pulaski Co., TN, "Western District: Newbern P.O.," p. 29, dwelling/family 198/193.

¹⁶⁷ Franklin Co., Court Order Book 1822–1824: 49.

¹⁶⁸ Franklin Co., Court Order Book 1822–1824: 54.

¹⁶⁹ Franklin Co., Deed Book 10 (1822–1824): 172–73; imaged, *FamilySearch* digital film 7897649, image 379.

¹⁷⁰ Franklin Co., Court Order Book 1822–1824: 95.

- Ransom Sutherland in 1815 submitted his list on the same day as William Mills. In other years, other Sutherlands/Southerlands submitted on the same day. This road order places them within 3 miles or so of Robert Kemp's land.

2 JUNE 1823

FRANKLIN COUNTY, VA

Court order

"The Viewers appointed at the Last term to view a way for a Road from **Jourdan Kemps** to the **Lews Island Road** near the **K Fork** having this day reported _____ thereto, On the motion of **Jourdan Kemp** it is ordered that **Gabriel Mattox**, **James Dudley** and Ransom Sutherland, the Owners of the Lands through which it is proposed to run the said Road be Summoned to appear here on the first day of the next Term to shew cause why the said Road should not be opened agreeable to said Report."¹⁷¹

4 AUGUST 1823

FRANKLIN COUNTY, VA

Court order

"On the motion of **Jourdan Kemp**, It is ordered that a Public Road be established from Jourdan Kemps to the Lews Island Road near the **K^d fork**, agreeable to the Report of the Viewers and the inquest of the Jury taken and this day returned. And **James Dudley** is appointed to Open the same and then act as Surveyor thereof with the allotment of hands filed."¹⁷²

1 SEPTEMBER 1823

FRANKLIN COUNTY, VA

Court order

"On the motion of **Gabriel Mattox** by his Attorney, It is moved that Pleasant Dickerson, John Graves, John Glass, William C. Tyree? or any three of them do after being first sworn, View the nearest and best Way for a Public Road from **Jourdan Kemps** to the Lews Island road near the **K^e Fork** and to report to the Court what alterations of the new Road lately established will conduce to Public and private Conveniences or inconveniences."¹⁷³

6 OCTOBER 1823

FRANKLIN COUNTY, VA

Court order

"On the motion of Francis Divers &al. it is ordered that John J. Burwell, Lemuel C. Gilbert, **Robert Kemp Jr.** and Richard Robinson or any three of them ... do view the nearest and best way for a public Road to turn out of the Main Road at Poindexter's field, thence through the Lands of Daniel Ward, Thomas **Dudley**, crossing **Blackwater** at Websters old ford, thence to the Jerman Town Road, and to report to the Court the conveniences and inconveniences resulting there from as well to the public and individuals."¹⁷⁴

2 FEBRUARY 1824

FRANKLIN COUNTY, VA

Court order

"A Deed from ... David Robertson to **Bowker Mullins** ack^d & O R^d"¹⁷⁵

¹⁷¹ Franklin Co., Court Order Book 1822–1824: 143.

¹⁷² Franklin Co., Court Order Book 1822–1824: 179.

¹⁷³ Franklin Co., Court Order Book 1822–1824: 198.

¹⁷⁴ Franklin Co., Court Order Book 1822–1824: 204.

¹⁷⁵ Franklin Co., Court Order Book 1822–1824: 244.

4 MARCH 1824
FRANKLIN COUNTY, VA
Court order

Bowker Mullins served on jury.¹⁷⁶

7 JUNE 1824
FRANKLIN COUNTY, VA
Court order

Bowker Mullins served on grand jury.¹⁷⁷

COMMENT:

There continue to be numerous suits against Sparrel and Samuel Hale. Up to this point, I've seen no other man named Sparrel in the records, aside from Sparrel Hale who is, by now, a "gentleman justice." Samuel Hale was deputy sheriff in August 1824 (p. 340). Other justices serving with Sparrel included two of his kinsmen: Peter Saunders and Samuel Saunders (p. 349).

30 DECEMBER 1824
FRANKLIN COUNTY, VA
Land sale

Tarlton Napier to Samuel Gilbert, both of Franklin County, sale for \$1223.25 cash, 175 acres on waters of **Simmones Creek**, adj. said Gilbert's line. Signed Tarlton Napier, **Susanah Napier**. Moses Greer Jr. and John M. Holland, JPs, certify that Susannah Napier, wife of Tarlton, relinquished her dower rights before them on 5 March 1825. Deed acknowledged in court by Tarlton Napier 3 October 1825, at which time the wife was also said to be "Susannah."¹⁷⁸

NOVEMBER 1825
FRANKLIN COUNTY, VA
Court order

Bowker Mullins is again on a jury.¹⁷⁹

2 DECEMBER 1825
FRANKLIN COUNTY, VA
Court order

"**Ruben Mills** v William Pratt?. App^l. By Request of the parties Moses Greer is substituted as a Receiver? in this cause in place of John Sample who is unable to act."¹⁸⁰

6 MARCH 1826
FRANKLIN COUNTY, VA
Court order

"R _____ Boles? is appointed Surveyor of the Road from the ford of Blackwater at **Robert Kemps** to _____ Lewis Island _____ to Dickenson's Store in place of **Robert Kemp** with the allotment of hands filed."¹⁸¹

6 MARCH 1826

¹⁷⁶ Franklin Co., Court Order Book 1822–1824: 272.

¹⁷⁷ Franklin Co., Court Order Book 1822–1824: 289.

¹⁷⁸ Franklin Co., Deed Book 11 (1824–1827): 211–12; imaged, *FamilySearch* digital film 8190423, image 137.

¹⁷⁹ Franklin Co., Court Order Book 1824–1828: 122? Page numbers at this point are not visible or only partially visible.

¹⁸⁰ Franklin Co., Court Order Book 1824–1828: 135.

¹⁸¹ Franklin Co., Court Order Book 1824–1828: 150.

FRANKLIN COUNTY, VA

Court order

“An Indictment against **Levi Dudley** surveyor of the Road from **Stephen English** to **Kemp’s ford** on Blackwater river for not keeping the same in repair. A true bill.”¹⁸²

8 MARCH 1826

FRANKLIN COUNTY, VA

Court order

John Mills serves on jury.”¹⁸³

COMMENT:

This is clearly written as Mills, not Miles. However, no “John Mills” has been identified in the county. There was a John Metts, from a family whose surname often was written in a manner similar to Mills.

13 AUGUST 1827

FRANKLIN COUNTY, VA

Land sale

Boothe Napier (s) of Franklin County to John M. Holland, sale for \$568, 142 acres on **Poplar Camp Creek** [no neighbors named; metes and bounds not copied]. Acknowledged same day by Napier before justices Jno. Dillard and Jabez Gravely. Presented to court 3 September 1827.¹⁸⁴

7 NOVEMBER 1827

FRANKLIN COUNTY, VA

Court order

Bowker Mullins again serves on jury.”¹⁸⁵ (He was also on jury on 7 November 1826, p. 233)

1828

FRANKLIN COUNTY, VA

Court order

Nothing found on the legible pages.

COMMENT:

This record book ends after 5 May 1828. The next record book begins in 1830.

17 AUGUST 1829

FRANKLIN COUNTY, VA

Will

Robert Pasley, last will and testament. Bequests to “heirs of my son Robert Pasley, Decd .. and their mother Frances Pasley; wife; son John Pasley; heirs of **daughter Mary Dudley** Decd, Lewis and **Guin Dudley**; daughter Sally; **daughter Nancy Dudley**; daughter Susannah Wright; daughter Joamia Dillion; son William Pasley; Sarah and Mary Williamson, heirs of my daughter Keziah Williamson Decd., to be held for them until they turn 21; daughter Rhoda Cockran; son Solomon Pasley. Witnesses: Samuel Helm, Jarvis Robertson Jr., Owin Hutts, **Jordan Kemp**, Michael Hutts (x) his mark. Proved 3 Jan. 1831.¹⁸⁶

¹⁸² Franklin Co., Court Order Book 1824–1828: 151.

¹⁸³ Franklin Co., Court Order Book 1824–1828: 158.

¹⁸⁴ Franklin Co., Deed Book 12 (1837–1830): 50–51; imaged, *FamilySearch* digital film 8190423, image 383.

¹⁸⁵ Franklin Co., Court Order Book 1824–1828, page numbers are worn away in this section.

¹⁸⁶ Franklin Co., Will Book 3 with Inventories & Accounts (1825–1833): 501–2.

11 MARCH 1830

FRANKLIN COUNTY, VA

Probate sale

Robert Kemp's estate. Purchases by **Wm. Mills**. Items not identified: \$33.53. Significantly more than any other heir.¹⁸⁷

29 MAY 1830

FRANKLIN COUNTY, VA

Estate sale

"List of the property sold of **John Webster** on the 29th May 1830 ... **Jesse Mills** D^r To 2 Slays and harness \$1.80.¹⁸⁸

COMMENT:

- None of the other purchasers were known associates of either William Mills-Witt (and in-laws) or the Millses of Elliot's Creek & the Maggoty.
- *FamilySearch's* FamilyTree asserts (without evidence) that this Jesse was son of Arthur Mills.
- No other reference to Jesse has been found in reading these court minutes, determined papers, deeds, and probate records, suggesting that he was not a permanent resident of Franklin County.

8 JUNE 1830

FRANKLIN COUNTY, VA

Court order

"Inventory & appraisement of the Estate of **Robert Kemp** decd ret^d & O R^d."¹⁸⁹

8 JUNE 1830

FRANKLIN COUNTY, VA

Court order

"**James Dudley** & others against **John Kemp** & others. This cause this day came to be heard upon the purpose? formerly _____ and by consent of the parties the Court doth adjudge, order and de_____ that the Commissioners appointed by an interlocutory decree _____ named in this issue ____ on making distribution of the _____ estate whereof **Robert Kemp** died seized **take into account the advancements made by the said intestate in his life time to his children**, the parties to this cause at the time they were made and report pursuant to the principles of the decree aforesaid not _____ in the order of this day. And now this cause again coming on to be heard upon the report of Moses Greer Jr., Matthew B. Nowlin and John M. Holland commissioners in the County appointed by the decree aforesaid to which there is no exception the court upon Consideration doth confirm the same and the Court doth further order adjudge and decree that the rest of the suit be apportioned equally between the Parties to this suit."¹⁹⁰

8 JUNE 1830

FRANKLIN COUNTY, VA

Estate division

Robert Kemp's estate. Heirs:

¹⁸⁷ Franklin Co., Will Book 3 with Inventories & Accounts (1825–1833): 404–5.

¹⁸⁸ Franklin Co., Will Book 4 with Inventories & Accounts (1829–1837): 87.

¹⁸⁹ Franklin Co., Court Order Book 1830–1835: 6.

¹⁹⁰ Franklin Co., Court Order Book 1830–1835: 9.

Widow Sarah Kemp: 177 acres land as her dower, also her one third part of slaves, consisting of Negro man Caleb (\$400) and Negro man Lews (\$275) = \$675.00

James Dudley: “advancements made in decedant’s lifetime” (\$82), 80 acres of land (\$400), 1 Negro woman Hannah and child (\$325) “and **William Mills** to pay him (\$.40) = \$807.40 [to equalize the amounts inherited].

William Mills: “advancements made in the intestate life time” (\$82), lot of land 151 acres (\$400), 2 Negro Boys Jackson & Buck (\$400) and he to pay to Jno. Kemp (\$40.40), James Kemp (\$31.40), Wm. Kemp (\$2.40) and James Dudley (\$.40) = 807.40

William Kemp: “Advancements made in intestate’s life time (\$82), 163 acres (\$523), 1 negro Cynthia (\$200), **Wm. Mills** to pay (\$2.40) = 807.40.

James Kemp: “Amt. of advancements made in the intestator life time (\$351.00), Negro man Neros (\$300), Negro boy Minter (\$125.00) and **Wm. Mills** to pay him (\$31.40).

John Kemp: “Advancements made in the intestates lifetime (\$767) and **Wm. Mills** to pay him (\$40.40) = \$807.40.¹⁹¹

COMMENT:

There follows a description of each heir’s land. See image. William Mills’s portion is described as:

151 acres beginning at a spanish oak on the river, off 52° E92 poles to pointers on a branch, thence up the same as it meanders 130 poles to a red oak, off S85° E82 poles to pointers, N8° W128 poles to a persimmon tree, N65° W140 poles to a willow on river, then up the same as it meanders to beginning.¹⁹²

3 AUGUST 1830

FRANKLIN COUNTY, VA

Court order

“Ordered that John __ Bur____, John M. Holland, James _____, Matthew B. Nowlin and E _____ Sutherland or any three of them after being _____ do _____ and settle the account Current of **John Kemp Jr. & James Kemp** administrators of **Robert Kemp decd.** & make report to court.”¹⁹³

7 NOVEMBER 1831

FRANKLIN COUNTY, VA

Court order

“**Robert Kemp** [Jr.] came into Court and together with **Gabriel Mattox**, Peter H. Holland, Stephen Smith, and Andrew H. Turner executed their bond to Stephen Dudley and Thomas English in the penalty of \$6000 conditioned to save harmless & indemnify the said Stephen Dudley & Thomas English securities for the said Robert Kemp’s administration of the Estate of **Thomas Kemp Decd.**”¹⁹⁴

COMMENT:

¹⁹¹ Franklin Co., Will Book 4 with Inventories & Accounts (1829–37): 163–65.

¹⁹² Franklin Co., Will Book 4: 163. The heir James Dudley married Nancy Kemp by bond dated 19 September 1804; see Marshall Wingfield, *Marriage Bonds of Franklin County, Virginia* (Memphis: West Tennessee Genealogical Society, 1939), 78. To be of age to marry in 1804, Nancy should be a full sister of Drucilla—i.e., the daughter of Millie Edmondson rather than Sarah Maddox. Online trees assert that James Dudley was born about 1784 in Bedford Co. as son of Gwyn Dudley and Mary E. Hail(e). The Hailes were the first family in Franklin to whom I can attach the unusual name “Sparrel” as a given name. After the birth of the first Sparrel Haile in 1797 to the prominent John Haile and wife Theodosia Saunders (daughter of Col. Peter Saunders and Mary Sparrel), a rash of Franklin County boys would be named Sparrel across the next three decades.

¹⁹³ Franklin Co., Court Order Book 1830–1835: 32.

¹⁹⁴ Franklin Co., Court Order Book 1830–1835: 143.

In June 1830, neither Robert Kemp Jr. nor Thomas Kemp were named among the heirs of Robert Kemp Sr.

23 NOVEMBER 1831

FRANKLIN COUNTY, VA

Probate sales account

Estate of **Thomas Kemp** ... "**William Mills** to Sundries ... \$10.00." Account filed 6 January 1834.¹⁹⁵

7 DECEMBER 1831

FRANKLIN COUNTY, VA

Probate account

"A/ct. of bonds due to the Estate of Robt. Pasley Sr. Dec^d." Bonds ranged from \$356.63 to \$3.81. The smallest was "**Wm Mills** Debt and Int. \$3.81."¹⁹⁶

30 DECEMBER 1831

FRANKLIN COUNTY, VA

Probate account current

"Solomon & John Pasley, Executors of Robert Pasley, decd. In account Current with the Estate of the said Robert Pasley Decd.

"To Cash recd of John Kemp :	65.51
-------------------------------------	-------

"To Cash of William Mill :	3.81 ¹⁹⁷
-----------------------------------	---------------------

[Etc.]

4 JUNE 1832

FRANKLIN COUNTY, VA

Court order

"Account Current of the estate of **Robert Kemp** decd' Rec'd Cont^d"¹⁹⁸

AUGUST 1832

FRANKLIN COUNTY, VA

Court order

"Dickerson & Nowlin vs. **William Mills**, judgment confessed by the Deft. for \$176.56 cents with legal Interest thereon from the first of March 1832, and the costs, with a stay of Execution until the 1st day of January next."¹⁹⁹

MARCH 1833

FRANKLIN COUNTY, VA

Legal suit

Frame 686: "Franklin County to wit ... Benjamin Betz complains of Wm. C. Ashworth & Mary Betz in custody &c of a plea Trespass on the case. For that whereas the said plaintiff heretofore to wit on the [blank] day of [blank] in year [blank] at the County aforesaid was lawfully possess^d as of his own property of certain cattle to wit one horse and being so posses^d Thereof he the said plttff afterwards to wit on the day and hour first above mentioned at the County aforesaid casually lost the said horse out of his possession. And the same afterwards to wit on the day & year lost aforesaid at the County aforesaid

¹⁹⁵ Franklin Co., Will Book 4 With Inventories & Accounts (1829–1837): 345–47.

¹⁹⁶ Franklin Co., Will Book 4 With Inventories & Accounts (1829–1837): 67.

¹⁹⁷ Franklin Co., Will Book 4 With Inventories & Accounts (1829–1837): 391.

¹⁹⁸ Franklin Co., Court Order Book 1830–1835: 207.

¹⁹⁹ Franklin Co., Court Order Book 1830–1835: 238.

Came to the possession of the s^d dfts. by finding. Yet the said dfts. well knowing the said horse to be the property of the said pltff & of right to belong & appertain to him but contriving and fraudulently intending craftily & subtly to deceive the said pltff in this behalf hath not yet delivered the said horse to the said pltff. Tho often requested to do so & hath hitherto wholly refused so to do & afterwards on the day & year aforesaid & County aforesaid converted & disposed of the said horse to their own use to damage of the s^d pltff. \$ [blank space] & therefore brings suit. [signed] Wells pq.

Frame 687: "Betz vs Betz's admrs. This is an action on the Case, no bail req^d. To April rules 1833. Superior Court. Executed on Mary Betzs 22^d March 1833 & on William C. Ashworth the 25th March 1833. **Solomon Pasley** per Patrick Hix Sh.

Frame 688: 11 March 1833. Summons issued to "Mary Betz and William C. Ashworth Administrators with the Will annexed of Conrad Betz dec^d ... to answer Benjamin Betz of a plea of Trespass on the Case, Damage one hundred dollars."

Frame 692: 10 May 1833. Summons issued to John Frailin.

Frame 694: 2 April 1833. Court orders the sheriff of Franklin Co. to summon "Joel Hauper, Jacob Beckner, Jacob A? Frailin and **William Mills Jr.**"²⁰⁰

COMMENT:

The case of Commonwealth vs. "William Dillion son of Arthur" charges him with assaulting Michael Crantz "at William C. Ashworth's school House." (1 August 1828, digital film 8704987, frames 249-252, particularly 251)

In December 1828 a summons was also issued to William C. Ashworth, Patrick Hix, John Bowman, Elijah Poteet, Sally Bond, Mary Hix (wife of Jeremiah Hix) and John Pasley as witnesses in the breach-of-promise suit filed by the "infant" Milly C. Bond against Ambrose Abshire (Ibid., frame 702). William Gunson was the "next friend" who sued on Milly's behalf. Patrick Hix was then the county sheriff. Other witnesses were summoned later, including Jincy Ashworth (image 714). Image 718 has a full list of witnesses, the dates they appeared, and the amounts paid to each—but no mileage..

This William Mills "Jr." should be the Elliott's Creek man noted under 1834 below, a man who married into the Shewalter/Showalter family.

5 AUGUST 1833

FRANKLIN COUNTY, VA

Court order

"Grand Jury of inquest included ... John Kemp ... **William Mills Sr.**, Isaac Abshire, Adam Wray, John Arthur Jr."²⁰¹

COMMENT:

The published index to this book cites this as William Mills Jr., but the suffix to the name is clearly a long-tailed 'S.' (I am reading these volumes page-by-page, for context, rather than using the published indexes to identify specific "relevant" pages.)

5 AUGUST 1833

FRANKLIN COUNTY, VA

Court order

²⁰⁰ Franklin Co., Determined Papers, 1833, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8704990 > images 684–95.

²⁰¹ Franklin Co., Court Order Book 1830–1835: 327.

“Ordered that Samuel Saunders, George Turner, George Standley, and Jacob Prillaman or any three of them after being sworn according to law, do settle the a/c current of **Booker Mullins** admr. of Wm. Mullins dec^d & report &c.”²⁰²

15 AUGUST 1833

FRANKLIN COUNTY, VA

Deed

Blackburn Akers and wife Elizabeth of **Floyd County** sell to James Young of Franklin, for \$96, 290 acres land in Franklin on waters of Nicholases Creek. [Metes & bounds not copied.] Signed Blackburn Akers; Elizabeth her X mark Akers.²⁰³

2 SEPTEMBER 1833

FRANKLIN COUNTY, VA

Court order

“Ordered that John M. Holland, James Robertson, Jordan Robertson, Hopkins Nowlin and **Thos. English** or any three of them after being sworn do state and setele [settle] the account Current of **Robert Kemps Admrs.** and make report to Court.”²⁰⁴

18 SEPTEMBER 1833

FRANKLIN COUNTY, VA

Deed

John Kemp and wife Margaret to Robert Hairston, sale for \$250, 341 acres of land conveyed to Kemp by Jacob Prillaman on 29 November 1822. [Metes & bounds not copied.]²⁰⁵

13 NOVEMBER 1833

FRANKLIN COUNTY, VA

Probate account current

Estate of **Thomas Kemp, Robert Kemp** [Jr.], adm.

“By cash received of ... **Gabrail Mattacts** \$4.06; By cash received of **Wesley A. White** \$3.70” ...

“Amount Credits brought forward “By Cash received of **William Mills** Debt. in \$10.25.”²⁰⁶

COMMENT:

Gabriel Maddox was a brother of Drucilla’s stepmother, Sarah Maddox (daughter of Nathan).

The presence of “Wesley A. White” in the estate settlement of Thomas Kemp could be of considerable significance to the identity of Thomas’s in-law, William Mills. Consider these points:

- In August 1827, in Giles County, **Wesley White, David Mills**, Benjamin White [first cousin of David Mills], John Conner, Zachariah Crawford and a couple of dozen others were jointly given a title-clearance deed by James and Charlotte Hector covering lands they had purchased “on the N side of Bluestone River, Giles County,” beginning on the S “side of a ridge, near the forks of a branch & near Jas. White’s corner.”²⁰⁷
- David Mills was the son of Samuel Mills of Giles, the premarital son of Frances “Frankey” (Mills) White, one of the two potential mothers for William Mills-Witt.

²⁰² Franklin Co., Court Order Book 1830–1835: 327.

²⁰³ Franklin Co., Deed Book 14 (1833–1836): 99–100; imaged, *FamilySearch* digital film 7894518 > image 395.

²⁰⁴ Franklin Co., Court Order Book 1830–35: 340.

²⁰⁵ Franklin Co., Deed Book 14 (1833–1836): 45–46; imaged, *FamilySearch* digital film 7894518 > image 358.

²⁰⁶ Franklin Co., Will Book 4 with Inventories & Accounts (1829–1837): 245–47.

²⁰⁷ Giles Co., VA, Deed Book C: 414. This volume does not have its own index at back or front.

- The Wesley White of Giles almost certainly was a son of David Mills's grandmother Frances by John White Sr., whom she married in 1792, Montgomery County. Wesley should not be confused with his same-aged half-uncle Benjamin Wesley White, son of Benjamin White and grandson of John White Sr.
- John Conner and Zachariah Crawford were the two men whose 1816 and 1817 Giles Co. leases of land from John Toney were witnessed by **William Mills**. Exhaustive research on Frances and Samuel Mills and their White kin in the resources of Montgomery and Giles Counties reveals no other William Mills connection.
- This "Wesley A. White" does not appear on the Franklin County tax rolls of 1827–35, not even in this year 1833 (and on through 1835) when all male tithables are named whether they had taxable property or not. He does not appear to have been a resident of Franklin. That point raises a question: *Why was he (like William Mills) indebted to William's in-law?*

TO DO:

Pursue this Wesley White to determine whether he is or is not the Giles County man.

4 DECEMBER 1843

FRANKLIN COUNTY, VA

Court order

"Wade & wife agt. **Hobson** & al— In chancery. This day this cause came on finally to be heard, by consent of parties upon the bill, answers, exhibits & report of Commissioner **John Wade**, and was argued by Counsel. On consideration whereof the court doth confirm said report and doth further adjudge order & decree that the said John Wade shall after first paying the costs of this suit and the expenses of sale, divide the residue of said money into eight equal parts and retain one eighth part thereof in his own right, one other eighth part as the purchaser of **Watkins Hobson**, one other eighth part as the purchaser of **Richard Hobson**, one other eighth part as the purchaser of **John Terry & Henrietta** his wife, one other eighth part as the purchaser of **William Hobson** and **Benjamin Hobson**, only heirs of **Benjamin Hobson decd.**, one other eighth part as the purchaser of **William Hobson** and **Benjamin Hobson** of the reversion of **Sarah Sweeney's** interest under the will of **Matthew Hobson decd.** upon condition that the said John Wade pays to the said Sarah Sweeney annually the legal interest on that amount, till her death, and also four sevenths of one eighth part thereof as the purchaser of **James Wall, Charles Wall, Matthew Wall & Elizabeth Brandon** late Elizabeth Wall, being their interest under **Sarah Wall** in said estate and that the said John Wade pay over three sevenths of one eighth part thereof to the three infant children of **Sarah Whitfield**, formerly **Sarah Wall**, and the other eighth part thereof to **Timothy Stamps** on application."²⁰⁸

COMMENT:

For identification of these Hobson family members, and much additional data, see E. S. Mills, "Hobsons/Hopsons & John Wades of Franklin County, Virginia (1786–c1850), Including Ferguson, Mills, Patterson & Other Associated Families," report to file 1 September 2021; archived at *Historic Pathways* under the "Research" tab.

3 FEBRUARY 1834

FRANKLIN COUNTY, VA

Court order

"Account Current of the admrs. of **Robert Kemp** decd the same [Returned and Continued]."²⁰⁹

²⁰⁸ Franklin Co., VA, Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > images 363–64.

²⁰⁹ Franklin Co., Court Order Book 1830–1835: 372.

3 FEBRUARY 1834

FRANKLIN COUNTY, VA

Estate sale

Stephen King, decd. Buyers included **Booker Mullins** and Joseph Mullins. Also “Perigin **Mills** [Wills?] \$4.44.” Other purchases were Luke Standley, William Clay, “Samuel Smith of Town Creek.” Items not identified.²¹⁰

COMMENT:

The name Mills is clearly written as such in this document. An earlier document in this book also dealt with “Perigine Wills.” The name at that point was very clearly written with a “W”, with the open space at the top and sharp points on the bottom, while surrounding words beginning with “M” were written with very rounded tops on the “M” and open bottoms.

4 MARCH 1834

FRANKLIN COUNTY, VA

Court order

“Account Current of the admrs. of **Robert Kemp** decd the same [Returned and Continued].”²¹¹.

13 MARCH 1834

FRANKLIN COUNTY, VA

Deed

Solomon Pasley and Milly his wife, with Solomon also acting for “**John Kemp** of the County of **Callaway, Mo.** in the State of Missouri, by letter of attorney dated 10 September 1831, to sell 204 acres conveyed to Kemp and Pasley by Nancy Benson and Judea her mother on 30 January 1819, lying on Waters of Staunton River, now sell the land to **Robert Craghead** for \$800. [Metes & bounds not copied.]”²¹²

COMMENT:

The mother of Robert Kemp/Camp was a Craghead.

27 MAY 1834

FRANKLIN COUNTY, VA

Deed of trust

William Mills Jr. of the County of Franklin to Daniel Ferguson of same. “Whereas the said Wm Mills Jr. is indebted to Sally Shewalter” for \$127.10, with lawful interest from this date, Mills gives a deed of trust, to be held by Ferguson, who has paid \$1, for “half of one tract of land containing 74 acres” in Franklin County adjoining Jacob Peters, Abram **Teel**, “being the same bought of Jacob Peters by Sally & Polley Shewalter,” also 5 head of cattle, 4 head of hogs, 4 beds & bedsteads and furniture, 1 Bureau, 1 chest, 1 flax wheel, 1 cotton wheel, 1 candle stand, 6 chairs, 1 coffee mill, 1 looking glass, 1 table, 1 pot, 1 dutch oven, 1 skillet, 1 frying pan, a parcel of Crockery & earthen ware, 1 side saddle, 2 bar Shir plows. On condition that William Mills pay the due sum on or before 25 December 1837. Signed: William his x mark Mills Jr., Daniel Ferguson, Sally Shewalter.²¹³

COMMENT:

²¹⁰ Franklin Co., Will Book 5 with Inventories & Accounts (1837–1845): 122–23.

²¹¹ Franklin Co., Court Order Book 1830–1835: 384.

²¹² Franklin Co., Deed Book 13 (1830–1833): 368–69, John Kemp Sr. to Pasley, power of attorney, 10 September 1831; Deed Book 14 (1833–1836), 79–80, Pasley to Craghead; imaged, *FamilySearch* digital film 7894518 > images 199–200, 375–76.

²¹³ Franklin Co., Deed Book 14 (1833–1836): 117–18; imaged, *FamilySearch* digital film 7894518, images 394–95

This William Mills should be the William of 3 February 1836, below, who (as “Sally Showalter & William Mills and his wife Polly”) deeded 74 acres on “Elects” [Elliott’s] Creek to Daniel Nafe and then dropped from the county tax rolls.

He appears to be the William Mills who was intermittently taxed thereafter in Floyd with Larken and Anderson Mills who also lived intermittently in both counties. He was not a landowner in his own right (by purchase or inheritance). Rather, he came to hold a half-interest in Shewalter land through his marriage.

2 JUNE 1834

FRANKLIN COUNTY, VA

Court order

“A Deed of Trust from **Wm. Mills** to Danl. Ferguson – Ack^d & O. R^d.”²¹⁴

COMMENT:

This would be the deed of trust dated 27 May 1834, above, executed by “William Jr.”

31 OCTOBER 1834

FRANKLIN COUNTY, VA

Deed

William Mills and Siller Mills his wife of the first part, **Solomon Pasley** of the second part, and **Guin Dudley Sr.** of the Third part. Whereas William Mills is indebted to Guin for \$205.62 by note dated 31 October 1834 and William Mills and Siller his wife are willing to secure the debt. Pasley, as trustee, has paid Mills \$1 and will hold the title to

One certain tract or parcel of land lying and being in the County of Franklin, on Blackwater River and Standerfer’s Creek, containing 150 acres described as

Beginning at a Spanish oak in the river off S 20? [30?] E 93 poles to pointers on a branch, Thence up the same as it meanders 130 poles to a red budd Off S 85 E 82 poles to pointers, N 8W 128 poles to a tree, N 65 West 140 poles to a willow on the river, up the same as it meanders to the beginning

Also two horses, one a bright the othe[r] a dark bay, 7 head of cattle marked with a swaller fork in each ear, 1 house of tobacco, 5 stalks of oats, 3 blade stacks, 3 top stacks, the crop of corn which is now on the plantation, 3 beds, bedsteads, and furniture, 6 chairs, 1 pot, 1 oven, 1 skillet, 6 plates, 2 dishes, 1 set knives & forks?, 1 Cotton wheel, 1 flax wheel, 1 table, ____ of flax, 1 fire shovel, 2 water vessels, 1 powdering? tub, 1 set shewmakers tools, set of cups and saucers, 4 poles axes, 3 ____ hoes, 2 ploughs, plough gear, one mattock, one dozen Turkeys, 4 hens, 2 soller?, 1 churn, 2 augurs, 1 hand saw, 1 drawing knife. Signed William his X mark Mills; Siller her x mark Mills.²¹⁵

COMMENT:

Much of this document is faded to the point that a complete transcription is unfeasible.

The following comparison of items mortgaged in this deed of trust with those in the mortgage executed in May 1834 by “William Mills Jr.” without a wife’s participation, includes both significant similarities and significant differences.

²¹⁴ Franklin Co., Court Order Book 1830–1835: 400.

²¹⁵ Franklin Co., Deed Book 14 (1833–1836), 214–16; imaged, *FamilySearch* digital film 7894518, images 443–44.

May 1834 Deed, "William Mills Jr."

½ tract of land, 74 acres
 5 cattle
 4 beds, bedsteads, furniture
 6 chairs.....
 1 pot.....
 1 dutch oven.....
 1 skillet.....
 1 parcel of crockery & earthen ware
 1 cotton wheel.....
 1 flax wheel.....
 2 ploughs

Other items

4 hogs
 1 bureau
 1 chest
 1 candle stand
 1 coffee mill
 1 looking glass
 1 frying pan
 1 side saddle
 1 coffee mill
 1 looking glass

October 1834 Deed, "William Mills" & wife Siller

150 acres
 7 cattle
 3 beds, bedsteads, furniture
 6 chairs
 1 pot
 1 oven
 1 skillet
 6 plates, 2 dishes
 1 cotton wheel
 1 flax wheel
 2 ploughs & gear

Other items

1 mattock
 1 dozen turkeys
 4 hens
 2 sollers?
 1 churn
 2 augurs
 1 hand saw
 1 drawing knife
 1 tobacco house
 5 stalks oats
 3 blade stacks
 3 top stacks
 crop of corn

The two have similarities but are not the same. The William of the May 1834 deed of trust sold those 74 acres in 1836 (see below) via a deed that named the landowners as "Sally Showalter & **William Mills** and his wife **Polly**."

26 JANUARY 1835
FRANKLIN COUNTY, VA
 Deed

William Mills Sr. and Betsey his wife, to Henry Stover, all of Franklin Co., sale, for \$6 paid by Stover, the receipt whereof is hereby acknowledged, conveys one tract of land "containing 2 acres more or less on the waters of Elliots Creek in Franklin County described as

Beginning at a chesnut tree near the road, thence up a branch to a rock, thence SE 20 po. to a do__chesnuts, thence 2? E to the road and with it to the beginning.

Both sellers made their marks. No witnesses are named. J.P.s Patrick Hix and Joab Early certify that Mills appeared before them on 26 January 1835 and acknowledged the same as his act and deed. They also certify that Betsey Mills, wife of William, appeared before them and relinquished her dower rights the same day.²¹⁶

COMMENT:

²¹⁶ Franklin Co., Deed Book 14 (1833–1836): 262–63; imaged, *FamilySearch* digital film 7894518, image 467.

- This William Sr. would be the son of James Sr. and husband of Elizabeth Abshire.
- Two acres was typically the size of a mill or ferry site.

19 FEBRUARY 1835

FRANKLIN COUNTY, VA

Deed

Edward Gray of the first part, Cary Gray of the second part (both residents of Franklin Co.) and **Robert Wiley** of the **County of Floyd** as party of the third part, Deed of Trust. "Whereas the said Robert Wiley was the security for the said Edward Gray for the sum of \$51.50 on a bond executed by him and the said Robert Wiley to Charles Willis adm. of David Willis and whereas the said Robert Wiley ... has paid a large portion of the said debt and has assumed and undertaken to pay the balance thereof on the first of March next for the said Edward Gray ... Edward Gray has agreed ... to secure and save the said Robert Wiley harmless [within] twelve months ... to pay the money aforesaid, so advanced." Therefore Edward Gray gives a deed of trust on 1 gray mare, 1 cow and calf, 1 rifle Gun, 2 beds and furniture, all the ___ of his household furniture, 1 man's saddle, 10 barrels of corn, and a parcel of oats and fodder. Edward Gray signed.²¹⁷

COMMENT:

William and Drucilla Kemp gave the name "Robert Wiley" to the son they produced in 1826. No evidence suggests a reason for their choice of that name. One Robert Wiley, prior to Floyd County's creation, was a merchant (c1810) in Botetourt County. William and Drucilla in the late 1840s, would move to Floyd County.

On 21 March 1835 (p. 279), Cary Gray executed a mortgage for his land, placing it on Daniel's Run. **Daniel's Run** was the waterway at the mountain gap between Franklin and Floyd, extending into Floyd as a branch of Little River. See my Floyd Co. notes.²¹⁸

However, the 17 August 1837 bail bond, below, suggests that the William Mills who was a Gray associate was William Sr. of the Maggoty and Elliott's Creek, husband of Elizabeth Abshire.

25 APRIL 1835

FRANKLIN COUNTY, VA

Inventory

Estate of Christopher Babcock, merchant. "Cash Received of

Stephen Smith in part J. D.	\$35.00
Jerusha Chandler by A. S. Brooks	1.127
John H. Ashworth by A. S. Brooks	11.127
William Mills by A. S. Brooks	20.35
do. do. B.GH. by A. S. Brooks	4.36
DO. DO. DO. DO.	7.05 ²¹⁹

COMMENT:

This merchant's estate includes Kemps, Englishes, Toney's, Hutts, Pasleys, and other residents of Blackwater, suggesting that the William of this record was more likely Williams Mills-Witt.

²¹⁷ Franklin Co., Deed Book 14 (1833–1836): 270; imaged, *FamilySearch* digital film 7894518, image 471.

²¹⁸ E. S. Mills, "Mills & Associates of Floyd County, Virginia: Conner, Idding, Key, Light, Smith (Bird & John), Walters, Wilson," report to file, 1 September 2021; archived at *Historic Pathways* under the "Research" tab.

²¹⁹ Franklin Co., VA, Circuit Court Will Book 2 (1804–1901): 77; imaged, *FamilySearch* digital film 7645001, image 56. NOTE: The earliest record I spotted in this book was an account from 1789 (debts of Mrs. Ann Smith) that was filed in 1807 in the settlement of her estate under Stephen Smith.

6 JULY 1835

FRANKLIN COUNTY, VA

Land sale

James Toney to **John Smith** for \$150, sale of 25 acres on branches of **Blackwater River**, beginning at Websters and Toney's spanish oak corner Signed **James Toney. Milley Toney**. No witnesses: Relinquishment by Milley in court on 6 July 1835.²²⁰

COMMENT:

There were multiple John Smith's in Franklin—including a prominent John A. Smith who always used the middle initial.

On 20 February 1842, "Peggy Smith d/o John," married Samuel D. Light, a young constable from Floyd County. The 1850 census taker found William and Drucilla Mills living next door to Samuel and Peggy Light, possibly working land that Light bought in 1847.²²¹

If this John Smith is the one whose daughter married Constable Light, then his purchase of a homestead from James Toney would provide a tenuous link to William Mills who in 1816 witnessed land leases for James' brother John Toney in Giles County.

3 FEBRUARY 1836

FRANKLIN COUNTY, VA

Deed

Sally Showalter & **William Mills** and his wife **Polly** of the one part, and Daniel Nafe of the other part, Witnesseth that the sd. Sally Showalter & William Mills and Polly his wife," for \$362.00 in hand paid, sell to Daniel Nafe a tract of 74 acres on "Elects" [Elliott's] Creek in Franklin County described as

Beginning at a forked red oak in the old line, thence N 21 W 108 poles to a White oak, N 37 W 120 poles to pointes in Jacob Peters line, thence with it E 50 poles to a black Jack South 32 E 60 poles to a red Oak, S 60 E 24 poles to a white oak, S 20 E 121 poles to a stake in **Sample's line**, with it S 62 W 44 poles to the beginning.

Signed: Sally her X mark Showalter; William Mls [*sic*], Poly [*sic*] Mills.

5 March 1836, J.P.s Benj. Booth and Ste. Wood certify that Polly came before them to relinquish her dower. They submitted the document for recording on 9 March 1836.²²²

6 MAY 1836

FRANKLIN COUNTY, VA

Trust deed

Richard Nunley (s) to John Wright, both of Franklin County. Whereas Nunley is indebted to Pendleton Wright for \$250, he secures the debt with a deed of trust to the following property: 2 Horses, one cart, **One Bed**, Bedstead & furniture, 2 Cows & Calves, 6 Chairs, one pot, one oven, one skillet, one cupboard and contents, plantation utensils of every description, his "present crop of Tobacco, Corn, Wheat, Rye, and Oats, also my crop of 1836, now growing, one Sow & pigs, and one pair of flat Irons." If the debt is paid before 7 August 1837, then this deed becomes null and void.²²³

COMMENT:

²²⁰ Franklin Co., Deed Book 14 (1833–1836): 332; imaged, *FamilySearch* digital film 7894518, image 502.

²²¹ See E. S. Mills, "Mills & Associates of Floyd County, Virginia: Conner, Idding, Key, Light, Smith (Bird & John), Walters, Wilson," report to file, 1 September 2021; archived at *Historic Pathways* under the "Research" tab.

²²² Franklin Co., Deed Book 14 (1833–1836): 448–49; imaged, *FamilySearch* digital film 7894518, image 561.

²²³ Franklin Co., Deed Book 14 (1833–36): 505–6; imaged, *FamilySearch* digital film 7894518, images 590–91.

Also see my previously cited Hobson & Wade report for many other records on the Nunley/Nunnely family that involved Luke Wade & Co., John H. Wade, and the latter's uncle John Wade Sr.

6 MAY 1836

FRANKLIN COUNTY, VA

Trust deed

William G. Nunley (x) to John Wright, both of Franklin County. Whereas Nunley is indebted to Pendleton Wright for \$40 due by bond on demand, bearing date of 2 July 1836, he wishes to secure the debt by giving a trust deed to John Wright for the following: Two pots, one skillet, one coffee pot, one Bucket, half dozen spoons, one set of knives and forks, one set of plates, one set of cups & saucers, 2 tin tumblers, 2 Jugs, 4 hoes, 1 axe, **one Bed**, Bedstead & furniture, one gray horse, one horse cart, all his crop now growing consisting of "Tobacco &c." Debt to be paid before 6 August 1837; if not, then this deed goes into effect.²²⁴

7 AUGUST 1836

FRANKLIN COUNTY, VA

Estate settlement

Jesse Webster, decd., account current. "George McVay & Polly Webster, Administrators. In a/c with the Estate of Jesse Webster Decd. ... One Bond on **Arthur Mills** due 4th day of February 1836 for \$3.61."²²⁵

11 FEBRUARY 1837

FRANKLIN COUNTY, VA

Donation

James Toney conveys to **Mary Jane, Elizabeth, Susannah B., and Bird W. Toney** and Aaron **Mcvey** all of Franklin County, for \$1, a tract of 137 acres on N fork of Blackwater, being land devised to him by the will of his father **William Toney**. Also another tract on **Little Creek** containing 176 acres which was given to James by the Commonwealth of Virginia, along with slaves Hannah, Catherine, Ju___, Kitrey?, Andrew, Samuel, Charlotte, May and Jackson, three yead of Hooves stock of cattle, hogs and sheep, Household and Kitchen furniture and utensils and plantation tools including plow and waggon gear and harness, saddle and bridle, with the future increase of the said slaves and personal property, together with all other estate of any kind. All parties signed. Witnesses: J. G. Carper, Ro. T. Woods.²²⁶

COMMENT:

This type of conveyance was typically one from a father to the children who agreed to care for him in his declining years.

17 AUGUST 1837

FRANKLIN COUNTY, VA

Special bail bond

"**William Mills** of the said county personally appeared before me, J. P. Woods deputy Sheriff for Peter Saunders Sheriff of the county aforesaid, and undertook for **John Gray** at the suit of Peter Abshire who sues for the Benefit of Thomas ___ Jones in an action of Debt for Fifty Dollars now depending in the Superior Court of the county aforesaid, that in case the said John Gray shall be cast in the said suit, the said John Gray will pay and satisfy the condemnation of the Court, or render his body to prison, in execution for the same, or that **William Mills** ... will do it for him. Given under my hand, this 17 day of

²²⁴ Franklin Co., Deed Book 14 (1833–36): 506–7; imaged, *FamilySearch* digital film 7894518, image 591.

²²⁵ Franklin Co., Will Book 5 With Inventories & Accounts (1837–1845): 6; imaged, *FamilySearch* digital film 7644996.

²²⁶ Franklin Co., Deed Book 15 (1836–39): 146–47; imaged, *FamilySearch* digital film 8190424, image 87.

Augst 1837, J. P. Woods. William Mills & Jno. Gray have acknowledged the above recognizance of bail, and in testimony thereof, have hereunto affixed hand and seal this 19 day of Aust. 1837. [Signed] William (his X mark) Mills.”²²⁷

COMMENT:

The Abshire connection suggests this is William Mills Sr., husband of Elizabeth Abshire.

24 AUGUST 1837

FRANKLIN COUNTY, VA

Summons

William Childress, Peter Teel and **Arthur Mills** were summoned to appear on 2 October next “to testify and the truth to speak on behalf of Marcus Creasey in a certain matter of controversy then and there depending and undetermined between said Creasey, plaintiff, and Henry T. Callaway Deft.”²²⁸

5 SEPTEMBER 1837

FRANKLIN COUNTY, VA

Debts

“Recd the following Bonds & a/ct of Taylor & Persingger to collect according To Law—One note on William A. Wright for \$10.40 due 1 November 1836; an a/ct on do. [ditto, the same] for \$6.45 due 1 May 1837—One note on **Washington Nunelee** for \$5.93 [due] 1 November 1836; 1 do. on do. for \$12.10 due 1 May 1837—1 do. on **Thomas Nunelee** for \$2.30 cents due 1 May 1837. [Signed] John A. Smith, Ct. B. W. D.”²²⁹

10 OCTOBER 1837

FRANKLIN COUNTY, VA

Association

“I assign the within bond to Leroy N. Law for value Rec’d of him as witness my hand & Seal this 10 Day of October 1837. **John Craghead**, his X mark. Witnesses: Henry Law, Robert L. Dudley, **James H. Mills**.” The referenced bond was a note by Polly Craghead, administratrix of T___?, to John Craghead for \$400.75 dated 22 April 1837 and witnessed by Henry Law.²³⁰

COMMENT:

The bond was filed in two interrelated lawsuits heard in several 1840–43 terms of Court:

- John Craghead vs. Polly Craghead
- Leroy B. Law, assignee vs. Polly Craghead

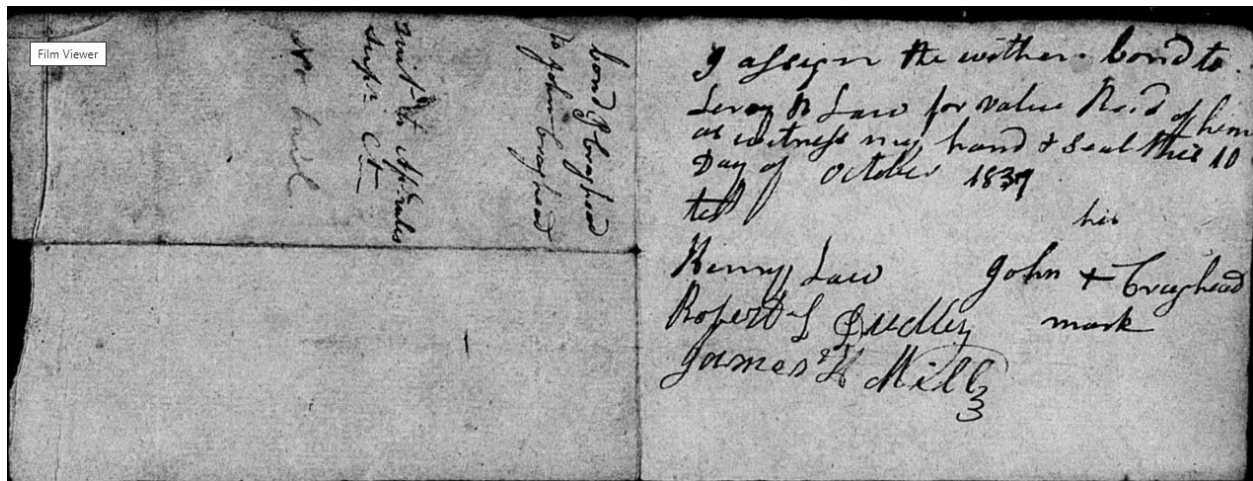
This is the only sample I have to-date of the signature of James H. Mills (aka James Harrison Mills) who came onto the county tax rolls in this year 1837 and dropped out after 1844.

²²⁷ Franklin Co., Determined Papers, 1837–1838, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8704993 > image 510.

²²⁸ Franklin Co., Determined Papers, 1837–1838, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8704993 > image 596.

²²⁹ Franklin Co., Determined Papers, 1847–1848, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706552, image 295.

²³⁰ Franklin Co., Determined Papers, 1843, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706543, images 199–207. Digital film 8706544, image 539, states that Polly was administratrix of **Timothy** Craghead’s estate.



1 JANUARY 1838

FRANKLIN COUNTY, VA

Probate account

"This Account Current of Moses Janney and **Sparrel Janney**, Guardians of the Infant Children of Aaron Janney decd was returned and continued for exceptions."²³¹

COMMENT:

This is the first reference I've found in the county to an adult named Sparrel, other than Sparrel Hale whose grandmother was a Sparrel. This Sparrel Janney was of legal age, placing his birth before 1 January 1817—about the time that Sparrel Hale was coming of age. Subsequently, there grew to adulthood in Franklin many young men named Sparrel.

3 APRIL 1838

FRANKLIN COUNTY, VA

Summons

William Childress, Peter Teel, **Arthur Mills**, and **John A. Smith** were summoned to appear on 2 May next "to testify and the truth to speak on behalf of Marcus Creasey in a certain matter of controversy then and there depending and undetermined between said Creasey, plaintiff, and Henry T. Callaway defendant."²³²

3 MAY 1838

FRANKLIN COUNTY, VA

Thomas Hepenstall and wife Tabitha to **Charles Toney**, all of Franklin County, sell for \$1000, a tract of 157 acres in Franklin County. No neighbors or landmarks cited. Metes and bounds not copied. No witnesses. On same day Tabitha appeared before John M. Holland and Solomon Pasley, Justices of the Peace of Franklin, to relinquish her dower rights and Thomas acknowledged the deed. Certificate of JPs presented in court 7 May 1838.²³³

12 JULY 1838

FRANKLIN COUNTY, VA

²³¹ Franklin Co., Will Book 5 with Inventories & Accounts (1837–1845): 94.

²³² Franklin Co., Determined Papers, 1837–1838, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8704993 > image 598.

²³³ Franklin Co., Deed Book 15 (1836–1839): 457–58; imaged, *FamilySearch* digital film 8190424, image 260.

Estate account current

"This Estate of Peter Holland dec^d In Acct Current with John M. Holland Exor. ...

"11 June 1838 By Cash [Received] of John Holland in part his bond \$101.00

"12 July 1838 By Cash [Received] of **Wm. Mills** debt & Interest \$9.44

[*skip several*]

"2 February 1838 By Cash of Holland & **Dudley** in part bond \$65"

[Numerous entries follow for "Holland & **Dudley**, different dates]

[Signed] 4 July 1840 J. S. Burwell, Joseph Rives.²³⁴

COMMENT:

The extent to which the Dudleys were involved in this estate suggests the William Mills of this document is the Dudley in-law—i.e., husband of Drucilla Kemp.

19 JULY 1838

FRANKLIN COUNTY, VA

Legal suit

"Governor for &c vs. Rives, Woods et al." Suit filed July 1845 on behalf of William A. Street & Co., including William A. Street, Abram T. **Holland** & Stephen F. Smith. George W. Rives, Constable, was appointed on 8 March 1838. He posted bond with Saml. H. & Wiley P. Woods, sureties, for \$2,000, guaranteeing that he would properly carry out the duties of his office. However, he failed to collect bonds that were due, specifically

- Jerusha & Stephen Chandler for \$10.40 due 4 August 1833
- **John and Mary Craghead** for \$1.02 due 1 March 1836
- Chs. W. Ashworth for \$16.39 ½ due 1 March 1837
- Hiram Hall for \$5.84 due 1 March 1838
- Hock Bradley for \$15.36 due 1 March 1837
- "**John Craghead** Bull [Run]" for \$1.50 due [date not provided.]

Etc. The complaint is accompanied by the following acknowledgment that Rives compiled when he came into office:

"Recd. of Wm. A. Street &c^o? 19th July 1838, 1 Bond on

(1)

• Jerusha & Stephen Chandler	for	\$10.40	Due 4 Agt. 1833
• John & Mary Craghead	for	\$1.03	Due 1 March 1836
• Chas. W. Ashworth	for	\$16.39 ½	Due 1 March 1837
• Homer [Honore?] Hall		\$5.84	Due 1 March 1838
• Arch Bradley		\$15:34	Due 1 March 1837
• John Craghead Bull [Run]		<u>\$1.50</u>	Due 1 March 1837
		\$50.49 1/2	

(2)

• Mary Cragheads A/C for	for	\$11.12	Due 1 March 1838
• J. Mills & J. Cundiff for	for	\$.63	Due 1 March 1838
• James Kirks	for	\$1.25	Due 1 March 1838
• Thos. James Bond	for	\$5.24	Due 1 March 1838
• J. H. Milles	for	\$5.11	Due 1 March 1838
		<u>- \$3.42</u>	

²³⁴ Franklin Co., Will Book 5 with Inventories & Accounts (1837–1845): 284–91, particularly p. 285 for Wm Mills.

	\$1.69	
• Jesse Williams A/C	\$.63	Due 1 march 1838
• Do. Saunders A/C	<u>\$.44</u>	
	\$24.39	

(3)

• Street Holland & co. Bonds	for	\$2.55	Due 1 March 1838
• C. W. Ashworth A/C	for	\$6.62	Due 1 March 1838
• Arch Bradley Note		\$4.65	Due 1 March 1838
• Jerusha Chandler A/C		\$4.18	Due 1 March 1838
• John Craghead Bond		\$5.86	Due 1 March 1838
• H. Hall & Willson Cundiff		<u>\$6.30</u>	Due 1 March 1837
		\$30.16	

(4)

- Wm. A. Street agent for J. Kemp
- Hau & Cundiff Bond for \$8.11 Due 1 Nov^m 1837

All of Which I am to Collect & Account for according to Law this date above written"

[Signed:] George W. Rives, Constable.²³⁵

COMMENT:

Note the coupling of "J. Mills & J. Cundiff." The order of the names suggests that Cundiff signed this bond for J. Mills [J. H. Mills, aka James H., aka Harrison], to secure a debt owed by Mills.

James Harrison Mills disappeared from Franklin's records (by death or removal) after the tax list of 1844, apparently with this bond still unpaid. In his absence, Cundiff would have been liable. This may well be the foundation of the curious Mills/Cundiff actions of the 1860s–1890s below, whereby William B. Mills in 1863 was threatened with losing part of the family land—and did lose 25 acres of it before 1865—after which Wilson Cundiff took over paying tax on the land until his death in 1881, after which his widow and son took over the Mills land in two parts between 1885 and 1895.

29 AUGUST 1839

FRANKLIN COUNTY, VA

Legal suit

John **Nunley** (X Nunnely) appeared before G. H. Powell, deputy for Samuel Saunders, Sheriff, agreeing to be the special bail for **Richard Nunley** in a debt suit filed against him by Thomas S. Jones & Co. \$74.50 due from January 1837. Warrant had been issued on 30 July 1839. Nunley had signed a bond for the amount due on 24 August 1837, with **Zachfield Wade Jr.** as witness.²³⁶

COMMENT:

Richard Nunnely's daughter Sarah S., on 27 August 1855 in Montgomery County, married William and Drucilla Mills's youngest son Thomas R. Mills.²³⁷ Records found to date for him suggest that he was primarily employed as an overseer. The Franklin County determined papers frequently couple him, John, and Washington Nunnely with the Wade family into which William

²³⁵ Franklin Co., Determined Papers, 1846–1847, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706550, images 143–91, particularly image 161 for the transcribed list.

²³⁶ Franklin Co., Determined Papers, 1838–1839, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8704996, image 516–523.

²³⁷ "Virginia Marriages, 1785–1940," database, *FamilySearch* (<https://familysearch.org/ark:/61903/1:1:XRS5-C2L> : 11 February 2018); citing Montgomery, Virginia, reference n 34; FHL microfilm 2,048,462.

and Drucilla's son Samuel married.

Apparently, in 9 December 1839, Richard settled the suit with another promissory note which came due in 1841; thus a continuation of this suit appears amid 1841 cases. See 9 December 1839 below.

John Nunley and Washington Nunley appear to have found wives (before 1852) in the Wright family north of the Blackwater: Omev and Rhoda, respectively. See the suit brought by Skelton Wright, Rite Wright, Asa Wright, John Nunley and Omev his wife, Washington Nunley and Rhoda his wife, Elizabeth Wright, Nelson Abshire and Polly his wife, Matthew Wright, John Wright, Pendleton Wright and Nancy his wife, William Wright, James Wright, Lewis Wright, and Otey **Wright vs. John A. Smith** et al. (including William Turnbull and Thomas C. Callaway), being a suit for debt that exceeded \$8,000. Warrants were issued in 1851 and 1852 by **E. B. Wade**, who the 1860 census places in the "Southwest District" of Franklin County. Dozens of documents from the suit are scattered through the last couple of hundred images of *FamilySearch* digital film 8706559, the 200s of 8706560, and 490s of 8706561. For example, see 8706560, image 248.

9 DECEMBER 1839

FRANKLIN COUNTY, VA

Promissory note

Signed by **Richard Nunnelly** and "**John Nunelly** X his mark" for \$100.54 in favor of Thomas S. Jones & Co.; witness L. H? Powell. In February term 1841, Jones & Co. sued a summons was issued to Richard and John. A notation on the back of the summons says "Near Boon's Mill." Notation dated March 1841: paid off."²³⁸

3 MARCH 1840

FRANKLIN COUNTY, VA

Estate inventory

"Commonwealth vs. Wm. Moore – New Summons awarded returnable to 1st day of June Court next ... The same agt. **Saml. Mills** – the same."²³⁹

COMMENT:

William and Drucilla's second son Samuel E., born February 1818, is now of age. No other Samuel Mills has been placed in the county.

2 JUNE 1840

FRANKLIN COUNTY, VA

Estate inventory

"Commonwealth agt **Samuel Mills** – Defts motion to quash the Information filed in this cause overruled & exceptions filed &c and [pleads] not guilty & issue & a jury sworn to try the same to wit Wiley Ferguson, Robert P. Hairston, Daniel K. Forgie, Creed H. Adams, Foster James, Thomas **Dudley Jr.**, Wiley Easter, Matthias Crook, Stewart Tinsley, Jacob Fishburn, Peter Fisher & Abel Long & not agreeing on a verdict, a Juror withdrawn & the cause contd till August Court next."²⁴⁰

²³⁸ Franklin Co., Determined Papers, 1840–1841, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8704999, images 341–44.

²³⁹ Franklin Co., VA, Order Book 1836–1840, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-L?i=177&cat=397106> : accessed 8 January 2020) > image 178.

²⁴⁰ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SSX3-B?i=194&cat=397106> : accessed 8 January 2020) > image 195.

29 JULY 1840

FRANKLIN COUNTY, VA

Promissory note

Case: Thomas S. Jones & Co. vs. Nunally & Smith.

Washington Nunelee (x) and John A. Smith signed a promissory note to Thos. S. Jones & Co. Both were sued for the debt in July 1841, “Doctor B. F. Rives” [a current deputy sheriff in the county] appeared before another current deputy G. W. Rives (sheriff Geo. Turner), to serve as special bail for Smith. **John H. Wade** appeared before “Doctor B. F. Rives” that same day to serve as special bail for “Nunelle.”²⁴¹

COMMENT:

In an earlier case, Zackfield Wade [Jr.] served as special bail for Richard Nunelly, while his brother John H. Wade is now special bail for Washington Nunelee.

4 AUGUST 1840

FRANKLIN COUNTY, VA

Court order

“Commonwealth vs. Caleb Hodges – not guilty [plea] & issue & a jury sworn to wit Joel Cooper, Iles Cooper, Wm. Galaspy, Jno. R. Forbes, Jno. B. Lyon, **James H. Mills**, Samuel I. Hog, Gwinn Dudley, Wm. Willard, Peyton Standley, Robt. Pinckard & Jno. Young & returned a verdict of not guilty & judgment accordingly.”

“The same vs. **Saml. Mills** – contd.”²⁴²

COMMENT:

This James H. Mills was the eldest son of William and Drucilla.

4 NOVEMBER 1840

FRANKLIN COUNTY, VA

Court order

“The same [Commonwealth] vs. **Saml. Mills** – contd.”²⁴³

20 NOVEMBER 1840

FRANKLIN COUNTY, VA

Land purchase

John Mangus [Mangers] and wife Hannah to **Washington Nunley** for \$421, sell (1) 106 acres on the waters of **Magoty Creek** [no neighbors named; metes and bounds not copied] purchased of Watkins Jones & Morman; and (2) about 30 acres adjoining the above, “being part of a Tract of which **James Wray** died possessed and which by his Will became the property of Jacovers Wray, who also deeded the same to Watkins Jones & Morman who Deeded the same to John Mangus ... subject to the life Estate of the mother of the said Jecoves Wray,” adjoining Isaac Abshas [*sic*], Adam Wray. No witnesses: Acknowledgment by John Mangers and relinquishment by Hannah before justices Moses Greer and Cyrus Price, 20 November 1840.²⁴⁴

25 DECEMBER 1840

²⁴¹ Franklin Co., Determined Papers, 1840–1841, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8704999, image 336.

²⁴² Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 203.

²⁴³ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 216.

²⁴⁴ Franklin Co., Deed Book 16 (1839–18): 433–34; imaged, *FamilySearch* digital film 8190424, image 566.

FRANKLIN COUNTY, VA

Estate account

"Thomas B. Greer, Trustee, for the wife of William Webb and Children, in Account Current, with the same up to the 25th December 1840. ...

1836	To this amount due as per Negro's hire	\$8
1837	To this sum the hire of Patt	20
	To Ditto the Hire of Mary	15
	To Ditto the Hire of Jim	25
	To Ditto the Hire of Sparrel	12

COMMENT:

This set of entries is repeated, more or less, through 1840.

"1840 ...

No. 7

"Ditto [By this amt. paid ...] to Col^o Thones [Thomas] for Services rendered and to be rendered in the Suits relative to the rights of Webb wife & Children to the Negroes ... \$30

"By Order on Anderson Mills	8.50
"By rent of my place for the year 1840	15.00

No. 6

"By Wimmers Order	1.25
-------------------	------

No. 5

"By Clerk's Tickets	6.11" ²⁴⁵
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COMMENT:

The "my place" mentioned in this case appears to be a self-reference by Thomas B. Greer, the man who is compiling this account.

18 FEBRUARY 1841

FRANKLIN COUNTY, VA

Land sale

John Nunley (x) and **Naoma** his wife and William Wright (x) and Nancy his wife, heirs and legatees of John Wright, dec'd, to **William Waid**, for \$255, sell "all the Interest thay now have or may hereafter accrue to them from the estate which consists of" 331 acres on both sides of **Magoty Creek** "bounded by the lines of Usalin Pate, Peter Hale's heirs, Daniel Peters, and Samuel Flora. Also convey "one Negroe man named Martin, one old Negroe Woman named Smithy, one Negroe boy named Joshua, one Negroe woman named Sarah and two children named Jack and Martin, one Negroe Woman named Mary and her two children named Lusey and Jim, also all money and bonds in the hands of the Administrators or may come into their hands from the Estate of John Wright. Acknowledged by the husbands, with wives' relinquishment on 19 February 1841 before Samuel Helm and Moses Greer, Justices of the Peace."²⁴⁶

2 MARCH 1841

FRANKLIN COUNTY, VA

Court order

²⁴⁵ Franklin Co., Will Book 5 With Inventories & Accounts (1837–1845): 197–99, particularly p. 99 for Anderson Mills.

²⁴⁶ Franklin Co., Deed Book 16 (1839–1841): 460–61; imaged, *FamilySearch* digital film 8190424, images 579–80.

"Commonwealth vs. **Saml. Mills**, a jury sworn to try the issue joined to wit: Saml. Patterson, Benjn. T. Bird, **Hiram Mills**, John Crum, Luke Bird, Stephen Martin, Wm. Poteet, Henry Thurmon, Daniel Shiveley, Booker Law, James Martin & Elijah Campbell and returned a verdict of not guilty and judgment accordingly and rule agt. **Wm. A. Burwell** a witness for the commonwealth discharged."²⁴⁷

COMMENT:

The fact that Hiram Mills served on the jury trying Samuel Mills cannot be taken to mean that the two were not related. Had they been brothers or father and son, Hiram would not serve; but these court minutes are full of cases in which we see more-distant kinships between jurors and parties to the suits they decided.

Hiram Mills is the older brother of William A. Burrell Mills, who bore the same name as the man who charged Samuel Mills with the unidentified offense that brought him into court.

7 JUNE 1841

FRANKLIN COUNTY, VA

Court order

"**Solomon Pasley** is appointed Surveyor of the road from **Kemp's ford** on Blackwater to the Gills Creek road in place of Jordan Robertson with the former list of hands."²⁴⁸

13 SEPTEMBER 1841

FRANKLIN COUNTY, VA

Will

"Know all men by these presents that I **William Mills** of the County of Franklin and State of Virginia, Being weak in body, but in perfect mind and memory, thanks be to God for his mercies bestowed on me, do make and ordain this my last Will and Testament in the following manner. First of all is my desire that all my just debts and funeral expenses be paid out of my Estate that it has pleased God to bless me with. Secondly I will and bequeath to my beloved **wife Elizabeth Mills** the whole of my Estate during her life consisting of my land that I live on, also two head of Horses, Seven head of Cattle, Sixteen head of Hogs, Eight head of Sheep, together with all my Household and Kitchen furniture, Plantation Utensils &c. If my **Daughter Patsey** lives with her mother until she marries, her mother is [to] furnish her with a Bed and Bed furniture left at the discession of her mother. Now it is my request that my son **Burrell W. Mills** at the death of his mother shall have the Land I live on containing 127 acres be the same more or less it is also my request at the death of my wife that my Estate that will be at my wife's death, Land excepted, shall be sold and equally divided between my six Children namely **Hiram Mills, George Mills, Leona Mills, Betsy Mills, Katharine Rucker, Patsey Mills** also **James Otey Mills** is my **grandson** if he lives with my wife until he is of age, he is to have an equal part with the above named six children. I leave my Shot Gun for the benefit of the Plantation. Now **if my son Burrell should marry or leave his mother** it shall be left in the hands of my Executors to rent or lease the land for the benefit of my wife during her life. Also I desire that my present Crop of all kind shall be left to my wife and family that lives with her, for their support, and pay my just debts. Last of all I constitute and appoint my wife **Elizabeth Mills & Hiram Mills** as sole Executors to my last Will and Testament. As witness my hand and seal this 13th day of September in the year of our Lord 1841.

Signed: **William X his mark Mills**. Witness: Gabriel Swanson, Anderson Starkey, Henry Stover.

²⁴⁷ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch*(<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 230.

²⁴⁸ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch*(<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 237.

At a court held for Franklin County at the Courthouse the 2nd day of November 1841, This last Will and Testament of William Mills decd was produced in Court & proved by the oath of Anderson Starkey and Henry Stover two of the subscribing witnesses to said Will and ordered to be recorded. Also on the motion of Hiram Mills the Executor therein named, who made oath & gave bond & security according to law, certificate is granted him for obtaining a probat[e] thereof in due form. Elizabeth Mills the Executrix named in said Will, appearing in Court & refusing to qualify as such. Teste: Moses G. Carper, C.F.C.”²⁴⁹

COMMENT:

Clearly the “William Mills Jr.” of 1834 was not the unmarried “Burrell William,” aka William A. B.

13 SEPTEMBER 1841

FRANKLIN COUNTY, VA

Estate inventory

“Appraisement of the Personal Estate of George Webster Decd. ... scythe, cradle, pair of lasts, pistol & caps, razor, cloth brush, small book, clock, lot of castings, ink stan[d] small foreman[t]s to Cust Screws,” 1 Leather apron, 1 pocket book, 1 money pass.” \$17.12 ½ total. Submitted by Steward Tinsley, William B. Brock Jr., **Hiram Mills**, James G. Wright, Administrator.²⁵⁰

NOVEMBER 1841

FRANKLIN COUNTY, VA

Court order

“On the motion of William A. Street (& at the request of **Nancy Dudley**, widow of **James Dudley** decd.) who made Oath and gave bond & security according to law, certificate is granted him for obtaining letters of administration on the estate of the said James Dudley decd. in due form.

“Ordered that Gwyn Dudley, Christopher Booth, John A. Burwell, Andrew S. Brooks, and Benjamin Semones or any three of them, after being sworn for the purpose, do appraise in current money, the personal estate of James Dudley decd and return the appraisement to court.”²⁵¹

“John Jesse is appointed Surveyor of the road from **Col. Hairston’s old store** to the forks of the **Dug Spur & Daniel’s Run Road** in place of James Shepherd with the list of hands filed.”²⁵²

COMMENT:

Nancy Dudley was née Kemp, a sister of Drucilla.

2 NOVEMBER 1841

FRANKLIN COUNTY, VA

Court order

“The last Will and Testament of **William Mills** decd. was produced in Court & proved by the oath of **Anderson Starkey** and **Henry Stover**, two of the subscribing witnesses to said Will and ordered to be recorded. And on the motion of **Hiram Mills**, the executor therein named, who made oath & gave bond & security according to law, certificate is granted him for obtaining a probat [sic] thereon in due form. **Elizabeth Mills**, the Executrix named in said will, appearing in court & refusing to qualify as such. Ordered that **Stephen Keslar**, **Anderson Starkey**, and **Henry Stover**, after being sworn for the purpose, do appraise in current money the personal estate of Wm. Mills decd. and return the appraisement to Court.” ...

²⁴⁹ Franklin Co., Will Book 5 With Inventories & Accounts (1837–1845): 336; imaged, *FamilySearch* digital film 7644996.

²⁵⁰ Franklin Co., Will Book 5 With Inventories & Accounts (1837–1845): 350; imaged, *FamilySearch* digital film 7644996.

²⁵¹ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 257.

²⁵² *Ibid.*

"Hannah Webb agt. Fisher & Anderson. A Jury sworn to enquire of damages, to wit: **Hiram Mills**, Harvey Hiatt, Geo. W. Crump, Jno. W. Poindexter, Joseph Horsley, William Waid, John Potter, Abram Childress, Fleming Forbes, Wm. B. Beach, Austin Starkey & Hay Turnbull, and assessed the plaintiffs damages to \$48.00 with interest from the 27th day of December 1839, & judgment accordingly."

"Commonwealth agt. Abram Crum—a Jury sworn to wit: **Hiram Mills** [etc. as above] & returned a verdict of not guilty & judgment accordingly."²⁵³

2 NOVEMBER 1841

FRANKLIN COUNTY, VA

Court order

"Dudley & al agt. Dudley & al. In Chancery. **Thomas Dudley** is appointed guardian ad litem to the infant defendants **Julia & James A. Dudley** to defend their rights in this suit. And now this cause came on this day to be heard by consent, on the bill, the answers of the defendants, the exhibits & examination of witnesses and was argued by counsel, on consideration whereof the Court doth adjudge, order and decree that John S. Burwell, John M. Holland and Joseph Rives be appointed Commissioners for that purpose (any two of whom may act) do go upon the lands of which **James Dudley** died seized, and allot one third thereof to **Nancy Dudley** his widow, for her dower, having regard to quantity as well as quality, and that they also allot her one third of the negroes—that the same Commissioners or any two of them, after advertising the time and place of sale, sell at public auction at the late residence of James Dudley decd. the remainder of the lands & negroes aforesaid, the lands on a credit of one & two years and the slaves on a credit of twelve months, taking bond and approved security of the purchasers, and that they report their proceedings to the court in order to a final decree."²⁵⁴

6 DECEMBER 1841

FRANKLIN COUNTY, VA

Court order

"Ordered that **Henry L. Muse**, **Pleasant Dickenson**, **John S. Brown**, **William Hutcherson** & **Henry Frailin** or any three of them be appointed Commissioners to divide and assign to the legal heirs of **Benjamin Hobson** decd. the **dower slaves** of **Mary Ann Hobson** late widow of said **Benjamin Hobson**, if the same can be divided in kind & if not, that they then appraise the said dower slaves and make report to court."²⁵⁵

COMMENT:

The use of this record to determine the parentage of Samuel E. Mills's wife is being developed in a separate proof argument.²⁵⁶

Henry L. Muse made his will 17 February 1845 (proved 9 May 1845), naming wife Elizabeth (executrix) and daughters "Elizabeth Muse" (with reference to "her husband," unnamed, and a "legacy willed her by her grandfather") and "Julia Muse" (with reference to "her husband," unnamed, and a "legacy willed her by her grandfather"). "On the marriage of my said daughter (unnamed) her mother shall give her household property, as much as we gave our daughter

²⁵³ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 260.

²⁵⁴ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 261.

²⁵⁵ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 263.

²⁵⁶ For more on the Hobson-Wade family, see E. S. Mills, "Hobsons/Hopsons & John Wades of Franklin County, Virginia (1786–c1850), Including Ferguson, Mills, Patterson & Other Associated Families," report to file, 21 November 2021; archived at *Historic Pathways* under the Research tab.

Elizabeth. ... In case either of my daughters depart this life without any child surviving her, the estate given to her shall go to her surviving sister for life. In case Julia makes no will she being unmarried & to her children at her death or to her children immediately if the mother be not living.” Witnesses: Norbone M. Taliaferro, Richd. M. Taliaferro, Pleasant Dickinson.²⁵⁷

7 FEBRUARY 1842

FRANKLIN COUNTY, VA

Court order

“On the motion of Joseph Hiett, it is ordered that Jacob Fishburn, Thomas Frith, Charles R. Mason and **William Menafee** or any three of them, do view a way for a proposed alteration of the road from the ford of the creek at **George Menefee’s** plantation on **Chesnut Creek** to the top of the ridge at Joseph Hiett’s plantation and report to Court the conveniences & inconveniences resulting therefrom as well to the public as to individuals.”²⁵⁸

COMMENT:

Chestnut Creek was a branch of Pigg River, southwest of Rocky Mount.

8 FEBRUARY 1842

FRANKLIN COUNTY, VA

Legal suit

Pendleton Wright v. **Richard Nunalle**, debt. Summons issued on 8 February to Richard Nunalle to appear on the first Monday of March, next, to answer Wright’s plea of trespass in the case in assumpsit, damages of \$150.

15 February 1844, summons issued to **John Wade** and Nelson Abshire to testify on behalf of Pendleton Wright. Stephen Turnbull returned the summons in May 1844 saying he had executed on Abshire, but “Waid no inhabiter of my County.” Continued to May 1844.²⁵⁹

5 MARCH 1842

FRANKLIN COUNTY, VA

Estate settlement

“Andrew S. Brooks Administrator of William Robbins deceased in account Current with the Estate of the said William Robbins Deceased ... 7 August 1837 Amount paid **James Patterson** former shff, as pr List of sundry Tax Accounts \$22.49.” The account’s last entry is dated 5 March 1842 and the account was filed for recording that day in county court.²⁶⁰

COMMENT:

On 17 December 1841, when William Mills-Witt’s second-born son Samuel E. Mills took out a bond to marry the younger Mary Ann Hobson, James Patterson was his bondsman.²⁶¹

JULY–AUGUST 1842

FRANKLIN COUNTY, VA

Legal suit

²⁵⁷ Franklin Co., Circuit Court Will Book 2 (1804–1901): 99–100; imaged, *FamilySearch* digital film 7645001, images 67–68.

²⁵⁸ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 266.

²⁵⁹ Franklin Co., Determined Papers, 1844, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706545, images 774–80.

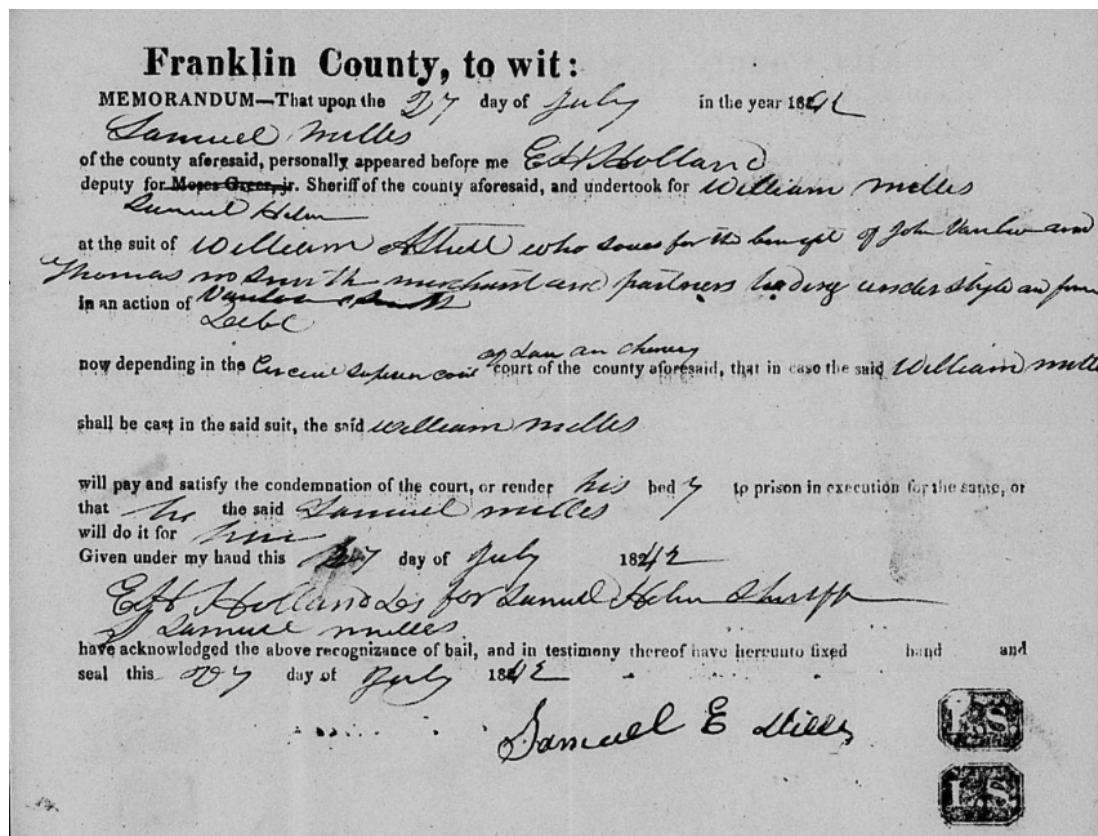
²⁶⁰ Franklin Co., Will Book 5 With Inventories & Accounts (1837–1845): 384.

²⁶¹ Franklin Co., Marriage Bond 2857; Clerk’s Office, Rocky Mount; personally obtained 1978.

William A. Street vs. "William Mills Senr." Debt of \$71.68 with interest from 1 January 1842 due to John Van Lew and Thomas M. Smith, merchants and partners trading under style and firm of Vanlew & Smith. Damages: \$50. Summons issued to William Milles 5 July 1842. On 7 July Samuel Milles (signed Samuel E. Mills) went before E. H. Holland, deputy for Samuel Helm, sheriff, to undertake for William. William's note, dated 1 July 1842, and "signed" with his X, was witnessed by Thos. Pinckard.²⁶²

COMMENT:

This is the only known signature, to date, for Samuel E. Mills.



On demand with Interest from the first day of January last I promised to pay William A. Street the just and full sum of Twenty and dollars & Eighty Cents Current Money of Virginia for Value Received as witness my hand and Seal this 1st day of July 1842
Thos Pinckard
William A. Street
Seal

²⁶² Franklin County, VA, Determined Papers, 1839, unnumbered, unalphabetized; imaged, FamilySearch digital film 8706541, images 202–7.

4 JULY 1842

FRANKLIN COUNTY, VA

Court order

"Ordered that **Henry L. Muse, Wm. A. Street, Pleasant Dickinson, and William Hutcherson** or any three of them after being sworn for the purpose, do state and settle the account current of **Samuel Patterson**, Exor. of Saml. Patterson decd. and make report to court."²⁶³

COMMENT:

Muse, Dickinson, and Hutcherson, in December 1841, were appointed to lay off the dower slaves of Mary Ann Hobson, widow of Benjamin Hobson. Eleven days later, another Mary Ann Hobson married Samuel Mills, with James Patterson as bondsman.

2 AUGUST 1842

FRANKLIN COUNTY, VA

Court order

"**James Dudley's** admr. agt. **Wm. Kemp**. A jury sworn to inquire of damages to wit: William Young, Jacob G. Mackenheimer, Frederick R. Brown, Robert P. Hairston, Edwd. Lambert, Geo. Hutchison, Jesse Law, Harvey Hutt, Stephen Martin, Jas. C. Harper, Wm. Campbell, and Wm. L. Stockton, & returned a verdict for the plaintiff for \$25.27 cents damages with interest from 10 Sept. 1836 till paid & judgment accordingly."²⁶⁴

COMMENT:

William Kemp was brother-in-law of the late James Dudley.

21 OCTOBER 1842

FRANKLIN COUNTY, VA

Court order

"John H. Wade Plff against **Richard Nunley** Deft. In Debt. This day came the parties in their proper persons and thereupon the defendant acknowledges the plaintiffs action for the debt & interest in the writ of capias mentioned, and the costs. Therefore it is considered that the plaintiff recover against the Defendant Two hundred and fifty dollars with legal interest thereon from the 21st day of October 1842 till payment [of] the debt and interest aforesaid, and his costs by him about his suit in this behalf expended..<"²⁶⁵

COMMENT:

In August 1855, in Montgomery Co., Nunley's daughter Sarah married William and Drucilla's son Thomas.²⁶⁶

OCTOBER 1842–OCTOBER 1845

FRANKLIN COUNTY, VA

Indictment

²⁶³ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 295.

²⁶⁴ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 298.

²⁶⁵ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 308.

²⁶⁶ "Virginia Marriages, 1785–1940," database, *FamilySearch* (<https://familysearch.org/ark:/61903/1:1:XRS5-C2L> : 11 February 2018), Thos. R. Mills and Sarah S. Nunnally, 27 Aug 1855; citing Montgomery, Virginia, reference n 34; FHL microfilm 2,048,462.

Commonwealth vs. Richard C. D. Fowler. October 1842 indictment for committing an assault on **John Nunnally** at Nunally's house, on evidence of John Nunnally. Summons to Fowler returned "not found." October 1843, Nunally was ordered to show cause before the first day of next term as to why he should not be required to give surety for costs in the case. Summons issued 16 July to sheriff of Roanoke County, who executed it. 23 August 1845 Jacob Fowler served as special bail for Richard C. D. Fowler, both of Roanoke.²⁶⁷

7 NOVEMBER 1842
FRANKLIN COUNTY, VA

Court order

"**Wade** & al. agt. **Hobson** & al. In Chy [Chancery]. This day cause came on to be heard by consent of parties, upon the bill answers and exhibits &c and was argued by counsel, and the court being satisfied that a distribution in kind of the slaves of which **Mary Ann Hobson died** possessed, would be impracticable, doth adjudge, order, and decree that John Wade, who is hereby appointed a commissioner for that purpose, shall after first advertising the time & place of sale for twenty days, proceed to sell the said slaves in the bill mentioned upon a credit of twelve months, taking bond and good security of the purchasers, and report his proceedings to court, in order to a final decree."²⁶⁸

COMMENT:

Subsequent proceedings in this case identify Wade as John Wade. He was the father-in-law of James Patterson who served as bondsman for Samuel E. Mills to marry Mary Ann Hobson in December 1841. Those proceedings also imply that John Wade was married to one of the heirs to a larger Hobson estate that was being simultaneously settled.

7 NOVEMBER 1842
FRANKLIN COUNTY, VA

Court order

"Dudley &c vs. Dudley &c. In Chy. Report of Commissioners appointed to sell the slaves &c of **James Dudley's** estate returned."²⁶⁹

15 NOVEMBER 1842
FRANKLIN COUNTY, VA

Legal suit

Kemp vs. Brooks & Pelter. **James Kemp** charges that on [blank] day of [blank] in 1842 "with force and arms" Isaac D. Brooks and James Pelter did "beat, hurt, wounded, and injured a certain slave named [blank], the property of the plaintiff, "of great value, to wit of the value of \$1,000" so greatly that "the said slave was unable to work for a long time, to wit, for one month, and during all that time, the said plaintiff intirely lost and was deprived of al benefit of said slave." 15 November 1842, a summons issued for Brooks and Pelter. No subsequent papers; the 1842 papers were filed in Fall 1848.²⁷⁰

26 NOVEMBER 1842
FRANKLIN COUNTY, VA

²⁶⁷ Franklin Co., Determined Papers, 1845, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706547, images 458–467.

²⁶⁸ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 310.

²⁶⁹ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 310.

²⁷⁰ Franklin Co., Determined Papers, 1848–1849, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706554, image 451–54.

Association

Wade & Abshire, Commrs. vs. Asa Holland & S. H. Holland alias Smithson H. Holland. Suit before the court from June 1840 through October 1844, with judgment for Defendants. On 15 October 1842, in response to a judgment in the Superior Court of Bedford on Samul McConnolay? & John J. Robertson, for \$100, judgment in the name of Holland & Booth, H&B signed over the note to **John H. Wade**, with John Arthur as witness. On 26 November 1842, **John H. Wade** assigned it to Nelson Absher, with **Isaac Wade** and **Richard Nunnally** as witnesses. Etc.²⁷¹

COMMENT:

Wade & Nelson Abshire, commissioners, also sued Asa Wright and George F. Wright in a separate case running concurrently and filmed consecutively with this one for more than a hundred images. Image 323 is his petition against **Hiram Mills** and Abram Teel, administrators with the will annexed of George Wright, decd.

Following the Wright suit, is yet another by Luke Wade & Co. against Clarissa Boon for debt, with summons issued to her on 20 May 1844 (begin image 346).

Following the brief Boon issue, there begins a new installment of the Wright vs. Wright case, with Hiram Mills as *adm. de bonis non* with Teel for George Wright's estate (image 350 etc.)

Following that is filmed the case of John F. Waid vs. Otey Kinsey, new husband of Rhoda Wright. This series of Wade–Wright documents running from 1842 through 1844 ends at image 374.

NOVEMBER 1842

FRANKLIN COUNTY, VA

Legal suit

John H. Wade vs. George Wright and Peter Abshire. On 19 January 1838 they had made to him an obligatory note for \$550, etc. On 7 November, **Hiram Mills** went before Alexr. Ferguson deputy for Samuel Helm, sheriff, and undertook for Wright and Abshire. Hiram signed.²⁷²

NOVEMBER 1842–MAY 1843

FRANKLIN COUNTY, VA

Legal suit

Booker Mullins, assignee of Peyton Stanley vs. Joseph Arthur. **William Craghead** undertook for Arthur.

5 DECEMBER 1842

FRANKLIN COUNTY, VA

Court order

"Acct. Curr. of **Saml. Patterson's** exors —The same" [i.e., Returned and recorded]²⁷³

2 JANUARY 1843

FRANKLIN COUNTY, VA

Court order

"Inventory &c of the estate of **Wm. Mills** decd. Ret'd & R'd."²⁷⁴

²⁷¹ Franklin Co., Determined Papers, 1844, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8573784, images 264–75.

²⁷² Franklin Co., Determined Papers, 1842–1843, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706541, image 487–91.

²⁷³ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 315.

²⁷⁴ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 317.

COMMENT:

This William Mills was the husband of Elizabeth Abshire and son of the original settler James Mills Sr.

2 JANUARY 1843

FRANKLIN COUNTY, VA

Association

William **Craghead** appeared before W. T. Helm, deputy for sheriff Samuel Helm, to “undertake” (commit himself to serve as special bail) for **Joseph Arthur** in the suit of **Booker Mullins**, assignee of **Peyton Stanley**.²⁷⁵

6 MARCH 1843

FRANKLIN COUNTY, VA

Court order

“Ordered that Cyrus Price, Wm. B. Beach & **Hiram Mills**, after being sworn according to law, do state & settle the accts. of James G. Wright, Admr. of Geo. Webster dec’d and report to court.

“John A. Wright and William A. B. Wright, & Mary Wright, the executors named in the last will & testament of George Wright decd. refusing to qualify as such—On the motion of **Hiram Mills** and Abram Teal, who made oath and gave bond & security conditioned according to law, certificate is granted them for obtaining letters of administration in due form on the estate of said George Wright decd. with his will annexed.”²⁷⁶

“Commonwealth agt. Robert Williams—[Pleads] Not guilty & issue, and a jury sworn to try the same—to wit Isaac Janney, David Willis, Saml. Hoy, Benja. Bird., **Saml. E. Mills**, Booker Law, Stephen English, Thomas W. Murrill, William Dudley, Isaac D. Brooks, Jno. O. W. Haynes & William Campbell [has] returned a verdict of guilty and assess his fine to one cent, & judgment accordingly & costs.”²⁷⁷

14 MARCH 1843

FRANKLIN COUNTY, VA

Estate settlement

“Saml. S. P. Thompson & William P. Thompson, Administrators with the Estate of Thomas Thompson Decd. ... Bond on **Hiram Mills** \$2.00 [and] Int on same \$.42.”²⁷⁸

30 MARCH 1843

FRANKLIN COUNTY, VA

Association

Summons issued to **James M Mills** to appear on 4 May to testify in behalf of Henry W. Skelton, plaintiff, against Matthias Chitwood Deft, involving a note executed by Chitwood (x) in favor of Henry W. Shelton for \$69, with Tazll. Taliaferro as witness.²⁷⁹

COMMENT:

²⁷⁵ Franklin Co., Determined Papers, 1843, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706543, image 225.

²⁷⁶ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > images 323–24.

²⁷⁷ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 324.

²⁷⁸ Franklin Co., Will Book 5 with Inventories & Accounts (1837–1845): 731; imaged, *FamilySearch* digital film 7644996.

²⁷⁹ Franklin Co., Determined Papers, 1844, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8573784, images 126–43.

- The paperwork in this bundle runs from November 1842 through October 1844. There is nothing further on Mills.
- I have found no James M Mills in the county, not on tax rolls or any other kind of record. It seems probable, considering penmanship, that this was meant to be **James H Mills** who is last on record with the 1843 tax roll of Franklin County.

1 APRIL 1843

FRANKLIN COUNTY, VA

Estate inventory

"Agreeable to order of Court the 6th day of March 1843, we proceeded to appraise the Estate of George Wright Sr., Dec^d. ... John Flora, John Bowman, Stephen Kasler, **Hiram Mills** & Abram Teel Admrs. Files 1 May 1843.²⁸⁰

APRIL–MAY 1843

FRANKLIN COUNTY, VA

Legal suit

Wright's admrs. vs. Wright's admrs. **Hiram Mills** and Abram Teel, administrators with the will annexed of George Wright deceased complain of **John H. Wade** and Nelson Abshire, administrators of the personal estate of John Wright deceased. On 14 November 1837 John Wright and John A. **Smith** contracted for a debt of \$80.54 that they did not pay during John Wright's lifetime, with **Hiram Mills** as witness. All three men signed.²⁸¹

APRIL–MAY 1843

FRANKLIN COUNTY, VA

Legal suit

Wright's admrs. vs. Wright's admrs. "**Hiram Mills** and Abram Teel, administrators with the will annexed of George Wright, deceased, complain of **John H. Wade** and Nelson Abshire, administrators of the personal estate of John Wright deceased." Summons issued 13 March 1843 to Wade and Nelson, served by Stephen Turnbull. Debt of \$80.54 owed by note of 14 December 1837 signed by John Wright with **John A. Smith** as surety and **Hiram Mills** as witness.²⁸²

Mills and Teal then sue Smith. Summons issued 13 March to Smith, served by Turnbull.²⁸³

2 MAY 1843

FRANKLIN COUNTY, VA

Legal suit

Summons issued to John Brown and **Andrew Mills** to appear at next term of court to testify on behalf of William Creasy in the suit of Creasy vs. Harvey Clayton &c. that had been before the court since 1841. Subsequent summons issued May 1844, 25 August 1845, and 8 September 1846. Every time, the deputy reported that Andrew was not a resident of the county." On the first occasion, deputy Stephen Turnbull stated that he had left "a written notice in the neighborhood for Andrew Mills." Others summoned included Pleasant Creasyn and Isaac Naff (1841), Jacob Clingingpeel and Nancy his wife (1842), Benjamin

²⁸⁰ Franklin Co., Will Book 5 with Inventories & Accounts (1837–1845): 476–78; imaged, *FamilySearch* digital film 7644996.

²⁸¹ Franklin Co., Determined Papers, 1842–1843, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706541, images 525–34.

²⁸² Franklin Co., Determined Papers, 1843, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706542, images 782–87.

²⁸³ Franklin Co., Determined Papers, 1843, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706542, images 788–91.

Witt (1845, with Nancy Clinginpeel). Nancy Clinginpeel gave an affidavit from Bedford Co. on 20 July 1843. No depositions appear for the others who were summoned.²⁸⁴

COMMENT:

Andrew Mills appears intermittently on Floyd County and Franklin County tax rolls in this decade. He is possibly the son of the late James Mills Jr. by wife Nancy Frame, who continued to live in the Elliott's and Maggoty Creeks area of Franklin County.

5 JUNE 1843

FRANKLIN COUNTY, VA

Court order

"Ferguson &c vs. Ray's admr. & al. In Chy. Richard Tharp having intermarried with the defendant Parthena Ray & **Cornelius Mills** having intermarried with the defendant **Sarah Ray** since the institution of this suit, on the motion of the said Richard Tharp & Cornelius Mills and by consent of parties, it is ordered that they be made party defendants to this suit, and that the same be in future proceedings against them as party defendants with their said wives." ...

"Thomas Law vs. **Saml. Mills**—Office Judgment set aside & special plea filed & issue."²⁸⁵

7-8 AUGUST 1843

FRANKLIN COUNTY, VA

Court order

Samuel E. Mills served on a jury in the case of Commonwealth agt. Saml. Helm, Sheriff & Jailor of Franklin Co. Verdict: guilty. Fine \$15 and costs.

Hiram Mills served on jury in case of Commonwealth agt. Caleb Hodges [charge not shown]. Verdict: Guilty. Fine \$6.66 and costs.

"Ordered that Abram Teel, James G. Wright and James Webster after being sworn for the purpose do state and settle the accounts current of **Hiram Mills** Execr. of **William Mills** Decd. and make report to court."

"**Samuel Mills**" serves on the jury in the case of Commonwealth agt. Henry Jameson. Verdict: guilty. Fine "one cent & ... costs.

Hiram Mills serves on the jury in the case of Commonwealth agt. Goodman A. Wright & Jno. Abshire. Verdict: guilty. Fine "one cent ... & the costs.

Hiram Mills serves on jury in the case of John Akers vs. Daniel Akers. Verdict for plaintiff \$100 damages with interest from 1 January 1840 until paid, plus costs.

James Patterson served on jury in case of **John Nunley** vs. William Waid. Verdict for defendant.

Samuel E. Mills served on jury in case of Jacob G. Mackinheimer assignee vs. Jehu A. Bradnor. Verdict for defendant.

"Thomas Law vs. **Samuel Mills** — Contd. for the Plff."²⁸⁶

OCTOBER 1843

²⁸⁴ Franklin Co., Determined Papers, 1846–1847, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706550, image 678–725, specifically 680–81 for the Mills summons.

²⁸⁵ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 335. See also images 362–63 for a subsequent and much-more detailed account of this case.

²⁸⁶ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > images 346–49.

FRANKLIN COUNTY, VA

Court order

“Dudley vs. Dudley & al. In chancery. **Thomas Dudley** is appointed guardian ad litem to defend **Silas Dudley, James Henry Dudley, Mary Frances Dudley & Harriet Mildred Dudley**, infant defendants in this cause. And now this cause came on this day by consent to be heard on the bill, the answers of the defendants, the exhibits & was argued by counsel, on consideration whereon, the court doth adjudge order & decree that **Thomas Dudley, Solomon Pasley** and **Moses Greer** appointed commissioners for that purpose, do divide the lands and slaves of **Stephen Dudley** decd. between his children, parties to this suit, equally charging in the said division **Samuel Powell** with \$400 & a horse saddle & bridle at \$60 & a cow & calf, bed & furniture, **Caleb Hepstinstall** with \$460, a cow & calf, bed & furniture, **Isaac Brooks** with \$460, a cow & calf, bed and furniture, **the plaintiff** with \$200, a horse saddle & bridle at \$60 and a cow & calf, bed & furniture, and that they report their proceedings to the court in order to a final decree.

“On the motion of **Thomas W. Dudley** who made oath and gave bond & security conditional according to law, certificate is granted him for obtaining letters of administration de bonis non with the will annexed of **Stephen Dudley** decd. in due form.

“Ordered that Samuel B. Morgan, Henry English, Thomas N. Bernard and Robert Powell or any three of them, after being sworn for the purpose, do appraise in current money the personal estate of Stephen Dudley decd. & return the appraisement to court.”²⁸⁷

7 OCTOBER 1843

FRANKLIN COUNTY, VA

Assault

“The Grand Jurors of the Commonwealth impannelled and sworn for the said County, upon their oaths do present that **William H. Sneed**, late of said County, on the 7th day of October 1843 at the County aforesaid in and upon one **Samuel E. Mills** an assault did make and him the said **Samuel E. Mills** did then & there beat wound and ill treat to the great damage of the said **Samuel E. Mills** and against the peace and dignity of the Commonwealth.

This indictment is found on the evidence of **Samuel E. Mills** a witness called on by the Grand Jury & sworn in Court to give evidence.”

Reverse: “Commonwealth vs. William H. Sneed, Indictment for a breach of the peace. A true Bill, Chr. Wingfield Foreman.

1843 Oct. 9: V. facias vs. Deft.

1844 May 10: Capias vs. Deft.

1844 Oct. Dismd.²⁸⁸

ALSO:

“The Grand Jurors of the Commonwealth impannelled and sworn for the said County, upon their oaths do present that William H. Sneed, late of said County, on the 7th day of October 1843 at the County aforesaid in and upon one **Harrison Mills** an assault did make and him the said **Harrison Mills** did then & there beat wound and ill treat to the great damage of the said **Harrison Mills** and against the peace and dignity of the Commonwealth.

²⁸⁷ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 355.

²⁸⁸ Franklin Co., Determined Papers, 1844, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8573784, images 757–63.

This indictment is found on the evidence of **Samuel E. Mills** a witness called on by the Grand Jury & sworn in Court to give evidence."

Reverse: "Commonwealth vs. William H. Snead, Indictment for a breach of the peace. A true Bill, Chr. Wingfield Foreman.

1843 Oct. 9: V. facias vs. Deft.

1844 May 10: Capias vs. Deft.

1844 Oct. Quashed

Virginia County of Circuit Superior Court of Law and Chancery for said County

The Grand Jurors of the Commonwealth impeached and sworn for the said County, upon their oaths do present that William H. Snead late of said County on the 14th day of October 1843 at the County aforesaid in and upon one Harrison Mills an assault did make and him the said Harrison Mills did then & there beat wound and ill treat to the great damage of the said Harrison Mills and against the peace and dignity of the Commonwealth

This Indictment is found on the evidence of Samuel E. Mills a witness called on by the Grand Jury & sworn in Court to give evidence

15 February 1844 Summons issued for Snead, returned by Deputy Tazewell Price, acting for Sheriff Showers Price. Returned May 1844 by Deputy Price with statement "Not found."

15 July 1844 Capias issued. Returned by Deputy Price with notation "Executed 1st Oct. 1844 & Wm. A. Street, Bail." Snead X'd his bond. Street signed.

Oct. 1844 The case was quashed.²⁸⁹

COMMENT:

The surviving papers do not specify why the case was quashed. There is no testimony or affidavit by Samuel Mills. In 1844, James H[arrison] Mills made his last appearance on the tax rolls and I have found no further record of him.

The 1850 census reports only two adult Harrison Mills in the U.S.

²⁸⁹ Franklin Co., Determined Papers, 1844, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8573784, images 680–88. See also images 757–58.

- Orange Co., NY—a 34-year old farmer worth \$9,000 whose birthplace is said to be NY.
- Loudon Co., VA—a 31-year old “manager” with the following data:

Harrison Mills, 31, male, manager, b. VA

Frances Mills, 24, female, b. VA

Lucy Mills, 0?, female

[*living adjacent to and apparently working for*]

Jo__? Beverly, 54, male, farmer, \$19,500

Jane? Beverly, 52, b. Washington D.C.

Betsy Beverly, 23, female, b.

Wm. Beverly, 22, male, Farmer

Mary Beverly, 20, female, b. VA²⁹⁰

The Loudoun County Harrison’s occupation is consistent with that of William & Drucilla’s sons; however, the location is not. The 1860, 1870, and 1880 censuses show that he remained in Loudoun. *FindAGrave* offers a tombstone of appropriate vintage with a birthdate of 8 December 1819 (at least three years too young).²⁹¹ This Harrison Mills married Frances R. Muse, 27 January 1844, in Loudoun.²⁹²

7 NOVEMBER 1843

FRANKLIN COUNTY, VA

James H. Mills and **Saml. E. Mills** serve on jury in case of Booth & Davis agt. Wm. & James Anderson. Judgment for defendant.

James H. Mills serves on the jury for case “R. Pasley’s exors for &c vs. Wm. Pasley.” Verdict for the defendant.

James H. Mills serves on the jury for the case “Isaac Jones Jr. vs. Merit Price’s admr.” Judgment for defendant.

“Thomas Law vs. **Saml Mills**—Contd at Plffs costs.”²⁹³

4 DECEMBER 1843

FRANKLIN COUNTY, VA

Court order

“Account current of **Wm. Mills’s** exor. again presented in court and ordered to be recorded.”²⁹⁴

4 DECEMBER 1843

FRANKLIN COUNTY, VA

Court order

“Wade & wife agt. **Hobson** & al— In chancery. This day this cause came on finally to be heard, by consent of parties upon the bill, answers, exhibits & report of Commissioner **John Wade**, and was argued by Counsel. On consideration whereof the court doth confirm said report and doth further adjudge order & decree that the said John Wade shall after first paying the costs of this suit and the

²⁹⁰ 1850 U.S. census, Loudoun Co., VA, pop. sch., p. 343 (stamped), dwellings 457–58, families 457–58.

²⁹¹ *FindAGrave* (<https://www.findagrave.com/memorial/44481014/harrison-mills>), memorial and photograph by Betty Fain.

²⁹² “Virginia, U.S., Select Marriages, 1745–1940,” database, *Ancestry* (<https://www.ancestry.com/discoveryui-content/view/98676:60214> : accessed 18 August 2021), citing FHL Film 0032373, “Reference ID 2:3Z25KKF.” It offers no explanation of what (or what agency) the reference number represents.

²⁹³ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 359–61.

²⁹⁴ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 362.

expenses of sale, divide the residue of said money into eight equal parts and retain one eighth part thereof in his own right, one other eighth part as the purchaser of **Watkins Hobson**, one other eighth part as the purchaser of **Richard Hobson**, one other eighth part as the purchaser of **John Terry & Henrietta** his wife, one other eighth part as the purchaser of **William Hobson** and **Benjamin Hobson**, only heirs of **Benjamin Hobson decd.**, one other eighth part as the purchaser of **William Hobson** and **Benjamin Hobson** of the reversion of **Sarah Sweeney's** interest under the will of **Matthew Hobson decd.** upon condition that the said John Wade pays to the said Sarah Sweeney annually the legal interest on that amount, till her death, and also four sevenths of one eighth part thereof as the purchaser of **James Wall, Charles Wall, Matthew Wall & Elizabeth Brandon** late Elizabeth Wall, being their interest under **Sarah Wall** in said estate and that the said John Wade pay over three sevenths of one eighth part thereof to the three infant children of **Sarah Whitfield**, formerly **Sarah Wall**, and the other eighth part thereof to **Timothy Stamps** on application.”²⁹⁵

COMMENT:

The use of this record to determine the parentage of Samuel E. Mills's wife is being developed in a separate proof argument.²⁹⁶

4 DECEMBER 1843

FRANKLIN COUNTY, VA

Court order

“Ordered that **James Patterson** be appointed a comr. to state and settle the acct. current of **Moses Greer** admr. of Henry Frailin decd. & report to court.”²⁹⁷

21 DECEMBER 1843

FRANKLIN COUNTY, VA

Land sale

Washington Nunley (x) to Asa Wright. Sale for \$140 “his interest both real and personal (which was acquired by purchase of William Wright, son of John Wright, decd.) in the estate both real & personal ... of the said John Wright decd.” late of Franklin County, “which said interest was conveyed to the said **Nunley** the said William Wright by deed” of 3 March 1843. Acknowledged, Clerk's office, 21 December 1843.²⁹⁸

23 DECEMBER 1843

FRANKLIN COUNTY, VA

Estate sale

Nancy Dudley, Decd., Robert S. Dudley, adm. **Samuel E. Mills** 1 lot pork & bacon \$4.20²⁹⁹

COMMENT:

This Nancy Dudley should be Samuel's aunt Nancy (Kemp) Dudley, widow of James Dudley.

1 JANUARY 1844

FRANKLIN COUNTY, VA

²⁹⁵ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > images 363–64.

²⁹⁶ For more on the Hobson-Wade family, see E. S. Mills, “Hobsons/Hopsons & John Wades of Franklin County, Virginia (1786–c1850), Including Ferguson, Mills, Patterson & Other Associated Families,” report to file, 1 November 2021; archived at *Historic Pathways* under the Research tab.

²⁹⁷ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 365.

²⁹⁸ Franklin Co., Deed Book 18 (1842–1844): 269–70; imaged, *FamilySearch* digital film 8572262, image 412.

²⁹⁹ Franklin Co., Will Book 5 With Inventories & Accounts (1837–1845): 692–96, esp. 696 for Samuel E. Mills.

Court order

"**James A. Dudley** being of proper age, came into Court & made choice of **Wm. Dudley** as guardian of his property & person, whereupon he gave bond & security according to law."³⁰⁰

5 FEBRUARY 1844

FRANKLIN COUNTY, VA

Court order

"James Price is appointed Surveyor of the road from the forks of the road above Henry T. Callaway's to the **foot of the mountain at Daniel's run**, in place of Owen Price with the former list of hands."³⁰¹

10 FEBRUARY 1844

FRANKLIN COUNTY, VA

Association

Hiram Mills witnessed a promissory note by William Childress to Jacob Abshire.³⁰²

5 MARCH 1844

FRANKLIN COUNTY, VA

Court order

"**Saml E. Mills**" serves on jury for Commonwealth agt. John O. Purdue and, as "**Samuel E. Mills**," for Commonwealth v. Meshack Turner.³⁰³

6 MARCH 1844

FRANKLIN COUNTY, VA

Court order

"Thomas Law agt. **Samuel Mills**, a jury sworn & affirmed to try the issue joined to wit: John Bowman, John Cook, Nicholas Kempleton, James Ennies, Thomas F. Taylor, William W. Greer, Peter P. Davis, John Hunter, John Plybon, William Muse, Wm. A. J. Finney and Wm Campbell— & jurors withdrawn Demurs? to evidence & joinder & demurrer overruled and judgment for the debt in the declaration mentioned & the costs."³⁰⁴

COMMENT:

See also 4 March 1845, below, for Thomas Law vs. Jno. Patterson.

7 MARCH 1844

FRANKLIN COUNTY, VA

Legal suit

Summons issued to Jacob Abshire, George Boitnett, George W. Overstreet, John Brown, Peter Teal, **Neal Mills**, Jonathan Clinginpeel, and Wiley Frailin, to appear in court on 4 Mary to testify on behalf of Joseph Horsley (x) in his suit against Capt. Wm. Childress. Childress on 16 January 1841 had contracted with Horsley to be his overseer, in exchange for 1/7th part of the crops (grain, tobacco) produced by Horsley

³⁰⁰ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 366.

³⁰¹ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 369.

³⁰² Franklin Co., Determined Papers, 1845, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706545 > image 181. Another copy appears at 8706546 > image 60.

³⁰³ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > images 373–74.

³⁰⁴ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 376.

and the “hands” of Childress (Tom, Wesly, Andy, Manuel, Seal, Polly & Hanner). Witnesses: Abram Childress, John Brown.³⁰⁵

COMMENT:

“Neal” Mills would be Cornelius Mills, son of James Sr.

18 MARCH 1844

FRANKLIN COUNTY, VA

Legal suit

Writ of *supersedeas*: “The commonwealth of Virginia to the Sheriff of Franklin County, greeting. We command you that from all further proceedings on a Judgement of the County Court of Franklin rendered on the 6th day of March 1844, in an action of debt between Thomas Law plaintiff, and **Samuel Mills** defendant, whereby it was considered that the plaintiff recover against the defendant the sum of [\$45] with interest thereon from the 19th day of May 1842, till paid, and \$10.27 cents costs, **you altogether supersede**; which Judgment before our Circuit Superior Court of Law and Chancery for the said County of Franklin, for cause of error in the same to be corrected, on the petition of the said **Samuel Mills**, we have caused to come, he the said **Samuel Mills** having given security to prosecute with effect, and if the judgment aforesaid shall be affirmed, to pay the same, and all such damages and costs as shall be awarded. We also command you that you give notice to the said Thomas Law, that he be before the Judge of our said Circuit Superior Court at the Courthouse, on the first day of the next Term, then and there to have a rehearing of the whole matter in the judgment aforesaid contained. And have then there this writ. Witness Caleb Tate clerk of our said Circuit Superior Court the 18th day of March 1844 in the 68th year of the Commonwealth.”

19 May 1844, Samuel E. Mills posted bond for \$100, with **Edmund Irvine** as **surety**.

COMMENT:

“Edmond Irven” appears on the 1850 census of Franklin County as an attorney.

[No date]: “To the Honourable judge of the circuit superior court of Law and chancery for the county of Franklin. The petition of **Samuel E. Mills** respectfully represents that he is aggrieved by the final judgment of the county court of Franklin, rendered on the 6 day of March 1844 in an action of debt, wherein Thomas Law was plaintiff and **William Mills** and the said **Samuel Mills** defendants. A transcript of the record of the judgment complained of is herewith presented, by which it will be perceived that the case is as follows:

- Thomas Law brought an action of debt in the county court of Franklin upon a bond, purporting on its face to have been executed by one **William Mills** and your petitioner. To this action, your petitioner at the June term of said court [no year given], and by leave of said court, filed the plea of *non est factum* [“it is not a fact”—i.e., it is not his deed] to which there was a general implication and issue was joined thereon.
- At the March term of said court, 1844, this cause came on to be tried and thereupon your petitioner by no counsel filed a demurrer to the evidence, adduced by said plaintiff in support of his action aforesaid, to which demurrer there was a joinder on the part of the said plaintiff, and a judgment of said court in favour of said plaintiff, all of which will more fully and at large appear by the annexed transcript of the record of said action.

Your petitioner assigns the following error in said judgment. **1st** Because the supposed writing obligatory having been executed in the absence of **Samuel E. Mills** (your petitioner) and by a third person merely authorised by parol [orally] and not by power of attorney given under the hand and seal of said **Samuel**

³⁰⁵ Franklin Co., Determined Papers, 1844–1845, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706546, images 521–36.

E. Mills, and a delivery by him, or any one else in his presence, and at his request having been expressly negated? by the testimony, his subsequent bare acknowledgment that he considered himself bound by the cause did not make the said supposed writing obligatory his act and deed; and the judgment of the court ought to have been that the matter shown in evidence was not sufficient in point of law, to maintain the issue joined on the part of the said plaintiff. And for the said error, he prays *a eu persedias* [?] to the judgment aforesaid. [Signed] **Samuel E. Mills** by Edwd. Irvine his counsel.

"I Edmund Irvine an attorney, practicing in the circuit superior court of law and chancery for the county of Franklin, do certify that in my opinion there is sufficient matter for reversing the judgment complained of in the foregoing petition. [Signed] Edwd. Irvine."

[no date] Thomas Law, by his attorney William B. Crump, rejoined and included transcripts of several documents. Among them was the summons issued 3 January 1843 "to take William Mills and Samuel Mills if they be found within your bailiwick." That summons was endorsed by Deputy Sheriff E. H. Holland as follows: "Executed on **Samuel Mills & William Mills Jr.**, special Bail." **William Mills no inhabitant of my bailiwick.**"

COMMENT:

William B. Mills does not appear on the Franklin County tax roll in that year 1843. William Sr. and Samuel do appear, as does James H. Mills (William and Drucilla's oldest son). No William Mills was taxed in Floyd Co. in 1843. In 1844, both William Millses were taxed in Franklin.

The rejoinder also asserts

- that "the Defendant **Samuel Mills** being arrested and not appearing [in court], on the motion of the plaintiff by his attorney, it is ordered that judgment be entered against [him] and ... that this suit abate against the Defendant **William Mills**."
- "And at another day, to wit: At Rules held in the Clerks Office of the said Court in the month of April 1843, the Defendant **Samuel Mills** still failing to appear it was ordered that the last rule made against him in this suit be confirmed."
- "And at another day, to wit: At a Court of Quarter Sessions held for the said County at the Courthouse on the 6th day of June 1843 came the parties by their attorneys, and on the motion of the Defendant, the judgment entered in the Office in this suit was set aside, and leave given him to plead, and thereupon by his attorney he filed a special plea" saying essentially the same thing that was asserted in his appeal."
- On 5 June 1843 before M. G. Booth, J.P., Samuel E. Mills made oath that the plea was true."
- 6 March 1844 at a jury trial, after hearing the evidence, juror John Bowman withdrew, the other jurors were dismissed, and "the Defendant by his attorney filed a demurrer to the evidence ... And also showed in evidence by **John Patterson** a witness that Samuel Mills was not present at the time said supposed writing obligatory was executed, but that the same was executed by the said John Patterson [variously written as John P. Patterson], a third person, by parol authority from said Mills, and delivered by the said Patterson to the said Plaintiff [**Samuel E. Mills**]. The said Patterson further stated that the said Mills acknowledged to him afterwards that he said Mills had given to the said Patterson the parol authority to execute said bond and that he was bound by said bond, but the said Patterson further stated that at the time of said subsequent acknowledgement said bond was not exhibited to said Mills and that said Mills never delivered said bond himself."
- The judgment of the county court is then copied into the rejoinder."

Notation on the rejoinder:

- "Plaintiffs costs \$10.27 cents"
- "Defendants Do. 3.77 cts."
- "Do. for this record 1.30 cts"

Notation on wrapper at image 993:

- “1844 March 18th: Bond & Secy. given and Supersedeas issued.
- “1844 May: Jud. of Co. Co. [county court] reversed and Jud. for costs here and in Co. Co.”³⁰⁶

6 MAY 1844

FRANKLIN COUNTY, VA

Court suit

Summons issued to **Hiram Mills** to appear on 4 May [sic] “to testify and the truth to speak in behalf of [David S.] Webster & [George] Kinsey for &c. against John Wimmer.”³⁰⁷

MAY 1844

FRANKLIN COUNTY, VA

Court suit

Thomas law, plaintiff vs. **Samuel Mills deft.** Continuation. The writ of supersedeas from 18 March 1844, the subsequent bond by Mills and Irvin, the petition by Mills through attorney Irvin, and Law’s rejoinder (all originally presented in March 1844 court) are all repeated here. No new documents are added.³⁰⁸

3 JUNE 1844

FRANKLIN COUNTY, VA

Court order

“Samuel H. Wood Plff agt. **Richard Nunelly** Deft—In Debt. The defendant being in custody of the Sheriff on a writ of capias issued out in this cause, was brought into this office [Clerk’s Office] and thereupon acknowledged the plaintiffs action for the debt and interest in the said writ mentioned and the costs. Therefore it is considered that the plaintiff recover against the defendant \$37.29 cents with legal interest thereon from the 9th day of March 1844 till paid, the debt & interest aforesaid, and his costs by him about his suit in this behalf expended—and the said defendant was not prayed in custody.”³⁰⁹

2 JULY 1844

FRANKLIN COUNTY, VA

Legal suit

Summons to Abram Teel and **Hiram Mills**, administrators with the will annexed of George Wright, Decd., to answer a plea of debt filed against them by John Arthur. Teel and Mills are to appear in court on the first Monday of August, next.³¹⁰

1 SEPTEMBER 1844

FRANKLIN COUNTY, VA

Court order

“The last Will & Testament of Mary Ashworth Decd. produced in court and proved by the oath of Asa Holland, John Booth, and **Archer Mills**, the subscribing witnesses thereto and ordered to be recorded. And on motion of David Durram who made oath and gave bond and security according to law, certificate

³⁰⁶ Franklin Co., Determined Papers, 1844, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8573784, images 993–1008.

³⁰⁷ Franklin Co., Determined Papers, 1844, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706545, image 719.

³⁰⁸ Franklin Co., Determined Papers, 1844, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706545, images 960–73.

³⁰⁹ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 387.

³¹⁰ Franklin Co., Determined Papers, 1849–1850, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706556, image 662.

is granted him for obtaining a probate of said will in due form.”³¹¹

5 SEPTEMBER 1844
FRANKLIN COUNTY, VA

Legal suit

Wm. A. Street, on 5 September 1844, signed a promissory note to **Allen Jarrott** for \$82 “for value Received of him.” Witness: William Campbell. On 30 November 1844 he assigned the note to J. D. Watkins “for value received.” On 9 July 1845, a summons was issued to William A. Street in the case of John D. Watkins vs. Street for payment of that debt. On 22 July, E. D. Holland appeared before Tazewell Price, deputy for Sheriff Showers Price, to undertake for Street.³¹²

7 OCTOBER 1844
FRANKLIN COUNTY, VA

Court order

“**Wade & wife** vs. **Hobson** & al. In Chancery. On the petition of Sarah Sweeney, and by consent of the parties, it is ordered that the decree pronounced in this cause on the 4th day of December last, so far as the interest of the said Sweeney is concerned, be opined? & set aside and thereupon this cause again came on to be heard by consent of the parties on the papers formerly read, and the petition aforesaid of the said Sarah Sweeney, on consideration whereof, and by consent of parties, the court doth adjudge, order and decree, that John Wade, the receiver appointed to collect & distribute the proceeds arising from the sale of the slaves in the proceedings mentioned, instead of retaining one eighth part of the proceeds of said sale as the purchaser of the reversionary interest of **William Hobson, Benjamin Hobson**, of said **Sarah Sweeney**’s interest in the estate of **Matthew Hobson decd.** that he pay the said one eighth part of the proceeds of said sale after deducting therefrom the costs of suit and expenses of sale, to the said Sarah Sweeney or her legal representatives and the court doth adjudge & order that the said decree of the 4th December last in all other respects stand and be confirmed. But the said Sarah Sweeney is not to have the benefit of this decree, untill she shall have executed to the said **John Wade** bond with good security conditioned for the refunding and payment, at her death, of the amount of the sum so decreed to be paid to her.”³¹³

COMMENT:

The use of this record to determine the parentage of Samuel E. Mills’s wife is being developed in a separate proof argument.

7 OCTOBER 1844
FRANKLIN COUNTY, VA

Court order

“On the motion of Samuel A. **Patterson** who made oath and gave bond and security according to law, certificate is granted him for obtaining letters of administration on the estate of **Lydia Patterson** decd. in due form.

³¹¹ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 397.

³¹² Franklin Co., Determined Papers, 1845–1846, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706548, images 220–24.

³¹³ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 400.

"Ordered that David Jones, H. J? [F?] Terry, John **Patterson** and **John Wade** or any three of them after being sworn for the purpose, do appraise in current money the personal estate of Lydia Patterson decd. and return the appraisement to court."³¹⁴

15 OCTOBER 1844

FRANKLIN COUNTY, VA

Legal suit

Mrs. Ann Toney, for the benefit of Pleasant Preston & Thomas S. Leftwich, trading as Preston & Leftwich, vs. Charles Toney. 15 October 1844: Charles Toney penned a promissory note in favor of Ann, promising to pay \$120, plus interest from that date, with the note due that same day. 3 September 1845, Ann Toney assigned "the above claim on **Charles Toney**" to Calvin T. Smith. 10 May 1847, in Bedford Co., Elizabeth Scruggs (x) was questioned about her knowledge of the debt; her deposition identifies Ann Toney as her sister and the late Elizabeth Williams as their mother. Same day (10 May 1847) Martha Scruggs (x) was deposed; Martha is identified as the daughter of Elizabeth Scruggs and granddaughter of Elizabeth Williams. Charles Toney was the son of Ann Toney.³¹⁵

12 NOVEMBER 1844

FRANKLIN COUNTY, VA

Land sale

Washington Nunley (x) & **Rodah** (x) his wife to **Stephen Kesler**, all of Franklin County, for \$350.00, sell 106 acres on waters of **Magoty Creek** [no neighbors named; metes not copied], purchased of Watkins, Jones & Moorman; also an adjoining tract "being a part of a tract of which James Wray died possessed ... [see earlier deed by which Nunley bought this land]. Acknowledged, with wife's relinquishment, 12 November 1844 before Samuel H. Woods and Zadock Bernard, Justices of Franklin County."³¹⁶

2 DECEMBER 1844

FRANKLIN COUNTY, VA

Court order

"Ordered that Samuel B. Morgan, Wm. Bernard, George **Dudley**, and Gabriel **Mattox** or any three of them after being sworn for the purpose, do appraise in current money the personal estate of **Nancy Dudley dec'd** & return the appraisement to court."³¹⁷

COMMENT:

This Nancy Dudley would seem to be Nancy Kemp, sister of Drucilla.

2 DECEMBER 1844

FRANKLIN COUNTY, VA

Court order

Hiram Mills served on jury in the case of Peter Kesley vs. Henry Shoemaker.³¹⁸

6 JANUARY 1845

FRANKLIN COUNTY, VA

³¹⁴ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 400.

³¹⁵ Franklin Co., Determined Papers, 1848–1849, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706554, images 925–50.

³¹⁶ Franklin Co., Deed Book 18 (1842–1844): 499–500; imaged, *FamilySearch* digital film 8572262, image 530.

³¹⁷ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 410.

³¹⁸ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 412.

Court order

"Saml. Patterson agt. **Wm. Mills &c.** D. Bond, notice proved, Defendant called & not appearing. Judgment according to spl. & costs."³¹⁹

COMMENT:

Given the Patterson association, this should be William Mills-Witt.

17 JANUARY 1845

FRANKLIN COUNTY, VA

Legal suit

Summons issued for **John A Wade** and Jubal Overstreet to answer the suit against them by Asa Holland and Smithson H. Holland, merchants trading under the style of A. V. & S. H. Holland, as assignees of Jemima Teal. \$62.50. Damages: \$20. On 1 January 1844, Wade and Overstreet signed a note for that amount to pay Jamima Teal "for the hire of Creed and too return him with the usual clothing." On 26 October 1844, Jamima Teal (x) assigned the note to A. & W. W. Holland, with Terry Teal (s) as witness.³²⁰

3 FEBRUARY 1845

FRANKLIN COUNTY, VA

Court order

"Ordered that Moses Greer, Jno. Bowman & Saml S. P. Thompson, after being sworn for the purpose, do state & settle the account current of **Hiram Mills & Abram Teel** admrs. of George Wright decd. & report to court."

"Benjamin Price is appointed Surveyor of the **road** from the **foot of the mountain at Daniels run to the Floyd line** in place of Carey Gray with the former list of hands."³²¹

25 FEBRUARY 1845

FRANKLIN COUNTY, VA

Estate inventory

"**Hiram Mills** & Abram Teel In a/c current with Estate of George Wright Sr. Decd. ... By Cash Paid ... **Hiram Mills** \$110.60." Assets include "By **Hiram Mills** Land \$200.00." Report dated 25 February 1845 submitted at March Term of court, where it was accepted and ordered recorded.³²²

3 MARCH 1845

FRANKLIN COUNTY, VA

Court order

"Inventory &c of the estate of **Nancy Dudley** decd. Retd. & O. Rd.

"A Deed from **Wm. Kemp** & wife to Coleman English. Certified & Ord."³²³

COMMENT:

Drucilla had four siblings in the county when her father died. Her sister Nancy is now dead. Her brother John left for Callaway County, MO, in the 1830s.³²⁴ That leaves her with only the brothers James and William.

³¹⁹ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 412.

³²⁰ Franklin Co., Determined Papers, 1844–1845, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706546, images 537–44.

³²¹ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 414.

³²² Franklin Co., Will Book 6 With Inventories & Accounts (1845–1849): 110–13, esp. 113 for James H. Mills.

³²³ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 416.

William also may have left the county by now. On 9 November 1842, William Kemp (x) and wife Katharine (x) of Franklin Co. sold for \$400 a tract of 100 acres on Camp Branch bounded by "Henry English, Thomas English and others." Witnesses: **Wilson Cundiff**, James Robertson, Robert Crum his X mark.³²⁵

4 MARCH 1845

FRANKLIN COUNTY, VA

Court order

"Thomas Law agt. **Jno. Patterson** Nil debit & general demurrer to declaration & Joinder & issue & contd."³²⁶

COMMENT:

- See 5 March 1844 for Thomas Law agt. Samuel Mills.
- *Nil Debit* was a pleading by which the legitimacy of the alleged debt was denied.

5 MARCH 1845

FRANKLIN COUNTY, VA

Court order

"On the motion of John Wimmer it is ordered that Charles B. Reynolds, James S. Callaway & **Hiram Mills** after being sworn for the purpose do view a way for a public road from John R. Guerrants to the top of the mountain at John Wimmers, and report to court the convenience & inconveniences resulting therefrom as well to the public as to individuals."

"**Waid** &c vs. **Waid** & al—In Chy—On motion it is ordered that this suit be removed to the Circuit Superior Court of Law & Chancery of this County to be there proceeded in and tried."³²⁷

7 APRIL 1845

FRANKLIN COUNTY, VA

Court order

"Ordered that **Wm. Hutcherson, John Wade**, Andrew S. Brooks and **Saml. Mattox**, or any three of them after being sworn for the purpose, do appraise in current money the personal estate of **Elizabeth Frailin Jr.**, decd. & return the appraisement to court."³²⁸

COMMENT:

- William Hutcherson in 1841 was an associate of the John Wade who owned a mill on Pig River.³²⁹
- William Hutcherson, Henry L. Muse, Pleasant Dickenson, John S. Brown, and Henry Frailin in December 1841 were commissioners to divide the dower slaves of Mary Ann Hobson, late widow of Benjamin Hobson.³³⁰

³²⁴ Franklin Co., Deed Book 14 (1833–1836): 78–80; imaged, *FamilySearch* digital film 7894518 > images 375–76.

³²⁵ Franklin Co., Deed Book 19 (1845–1849): 52–53; imaged, *FamilySearch* digital film 8572263 > image 45.

³²⁶ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 419.

³²⁷ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 419.

³²⁸ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 422.

³²⁹ Franklin Co., Determined Papers, 1841, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8705000, images 505–6.

³³⁰ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 295.

- William Hutcherson, Dickinson, Muse, and Wm. A. Street in July 1842 were commissioners settling the account current of Samuel Patterson, executor of Samuel Patterson, deceased.³³¹

This John Wade in 1851 was called **John Wade Sr.** (as opposed to John Wade Jr. who was then a county deputy sheriff), in suit by **William Hutcherson's** administrator against **James Patterson**, executor of Lankford Brizindine.³³²

28 APRIL 1845

FRANKLIN COUNTY, VA

Legal suit

Summons issued for John Showalter, William Greer, and **Hiram Mills** to appear on 4 May next, to testify for John H. Ferguson in the suit Jacob Abshire vs. John H. Ferguson.³³³

23 MAY 1845

FRANKLIN COUNTY, VA

Deed of trust

Richard Nunally to Otey Kinsey of second part and Samuel H. Woods and John A. Smith of third part. Nunally is indebted to Smith for \$65 and secures the debt with a trust deed to his personal property: "Two feather Beds and furniture, and two bedsteads, one cherry bureau, one safe, and all the balance of his household and kitchen furniture of any description, one yearling, one bay mare, six shoats, and one sow, also all his entire interest which he now has or may have in the present crop (now growing) of corn, Oats, Tobacco, and rye." Debt due 23 May 1846. If debt not paid on time, then the deed takes effect. Acknowledged by Nunley in court 23 May 1845.³³⁴

2 JUNE 1845

FRANKLIN COUNTY, VA

Court order

"**James Kemp** for &c vs. David Moore —The same [i.e. "office Judgment set aside, payment & issue & contd."]³³⁵

3 JUNE 1845

FRANKLIN COUNTY, VA

Court order

William Mills and **Richd. Nunally** and **Thos. Law** served on jury in the case of Commonwealth vs. Lafayette Hatcher.

"Thomas Law agt. John Patterson—Dismissed at Plff's costs."³³⁶

This would appear to be William Mills-Witt. The older William Mills (husband of Elizabeth Abshire) is now dead. His son William self-identified as William A. B., while William and Drucilla's son of that name self-identified as William B.

³³¹ Franklin Co., Order Book 1840–1845, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 295.

³³² Franklin Co., Determined Papers, 1852–53, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706561, images 437–50, 713, 715, 717, 723, 729, 744.

³³³ Franklin Co., Determined Papers, 1846, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706549, image 454.

³³⁴ Franklin Co., Deed Book 19 (1845–1847): 87–88; imaged, *FamilySearch* digital film 8572263, images 62–63.

³³⁵ Franklin Co., Order Book 1845–1850, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 436.

³³⁶ Franklin Co., Order Book 1845–1850, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > images 438–39.

7 JUNE 1845

FRANKLIN COUNTY, VA

Legal suit

George Gilmer vs. William **Jarrott**. Debt for \$50 plus legal interest from 6 June 1842. Damages \$20. Summons to Jarrott issued 7 June 1845. The 6 June 1842 note carried signature line of Wm. Jarrett (x), with N. Taliaferro as witness. William L. Stockton, on 26 June 1845, appeared before Tazewell Price, deputy for Showers Price, Sheriff, to undertake for Jarrott.³³⁷

27 JUNE 1845

FRANKLIN COUNTY, VA

Legal suit

Joseph & Pleasant Dickinson, administrators of Pleasant Dickinson, decd., vs. **James Kemp**. Suit for debt of \$236.37 with interest from 20 February 1841. Damages: \$20. Suit stems from a receipt of 20 February 1845 whereby Robert Hodges, on 20 February 1841, requested Kemp to pay \$236.37 “in part payment for the Land I have deeded to you this day”—a request Kemp accepted in writing, with Charles Powell as witness to both documents.³³⁸

6 OCTOBER 1845

FRANKLIN COUNTY, VA

Court order

“Ordered that **Hiram Mills**, William Webster, William Akers and John Webster or any two of them after being sworn for the purpose do appraise in current money the personal estate of **Burd W. Toney** Decd and return the appraisement to court.” **James Toney** is adm.

The full court sat in session to pick an additional justice for the county. Among those who received sufficient votes to be “recommended” [to the governor?] were **James Patterson** and **Thomas Dudley Jr.**

“Ordered that the hands of **Andrew Patterson** be taken from William Powell’s list of hands & added to the list of **James Patterson**, as surveyor of the road.” [The road and the bounds of Patterson’s district are not named.]³³⁹

20 OCTOBER 1845

FRANKLIN COUNTY, VA

Estate inventory

“A List and appraisement of the personal property of John M. Holland Dec^d 20th October 1845 ... A List of Accounts due the estate of John M. Holland dec^d: ... [skip 23] **James H. Mills** \$.63”³⁴⁰

COMMENT:

This is the last record I have found for James H. Mills. However, we cannot assume from it that James H. Mills was still alive or still in the county.

5 NOVEMBER 1845

FRANKLIN COUNTY, VA

Court order

³³⁷ Franklin Co., Determined Papers, 1845, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706547, image 716–712.

³³⁸ Franklin Co., Determined Papers, 1845, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706547, images 545–552.

³³⁹ Franklin Co., Order Book 1845–1850, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > images 451–53.

³⁴⁰ Franklin Co., Will Book 6 With Inventories & Accounts (1845–1849): 177–79.

“Ordered that Andrew S. Brooks, Stephen F. Smith and James **Robertson**, after being sworn for the purpose, do state & settle the account current of **Wm. A. Street** admr. of **James Dudley dec’d** and make report to court.”

‘On the motion of George W. Kinsey, it is ordered that Richard F. Darnall, **Hiram Mills**, William P. Thompson & Saml. S. P. Thompson or any three of them after being sworn for the purpose, do view a way for a public road from some point near Wm. Akers’s on the Boon’s Mill Road to Blackwater Meetinghouse & report to Court the conveniences & inconveniences resulting therefrom as well to the public as to individuals.”³⁴¹

COMMENT:

This James Robertson was also appointed (February 1846) with Solomon Pasley to distribute the residue of the estate of Stephen Dudley, Decd. (image 464).

1 DECEMBER 1845

FRANKLIN COUNTY, VA

Estate settlement

Undated document filed 1 December 1845. “We in obedience to the order of the Court has met and settled the accounts of Thomas & Parmenas English, administrators of the estate of Charles H. English Deceased and made the following report ... “Cr[edit] By moneys paid the estate by Parmenas English ... **William Mills a/c paid \$9.30.**”³⁴²

COMMENT:

This William should be William Mills-Witt, whose inherited land neighbored the Englishes on the Blackwater.

1 DECEMBER 1845

FRANKLIN COUNTY, VA

Court order

“Taylor agt. Boon & al. — In Chy. On the motion of the infant defendant Wm. Robertson, by **Mills Robertson** his father & legal Guardian. It is ordered that the said **Mills Robertson** be substituted and appointed Guardian ad litem to the said defendant in the place & stead of Moses G. Carper to defend his rights in this suit, and on the further motion of the said defts. Robertson by the said Mills Robertson his Guardian ad litem And for reasons appearing to the court, leave is given the said defendant to file a cross bill in the suit.”³⁴³

COMMENT:

This is the first reference I’ve encountered to this Mills Robertson. His FindAGrave memorial asserts that he was born 10 April 1796 in Bedford County to Jeffrey and Nancy (Dickinson) Robertson and that he is buried in Bedford’s Old Dickerson Cemetery at Moneta.³⁴⁴ By bond dated 2 April 1832, he married May Taylor in Franklin County.³⁴⁵

³⁴¹ Franklin Co., Order Book 1845–1850, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 439.

³⁴² Franklin Co., Will Book 5 With Inventories & Accounts (1837–1845): 766–69, p. 767 specifically for William Mills.

³⁴³ Franklin Co., Order Book 1845–1850, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 461.

³⁴⁴ *FindAGrave* (<https://www.findagrave.com/memorial/153355520/mills-robertson> : 3 July 2021), “Mills Robertson” memorial 153355520, created by Bedford Genealogical Society 6 October 2015; no evidence is cited for the parentage or birth date, no death date is given, and no tombstone image is provided.

³⁴⁵ “Franklin County, Virginia, Marriage Bond Index, 1786–1858, database, *Ancestry* (<https://www.ancestry.com/discoveryui-content/view/3763:4004> : 3 July 2021), citing “page 196” without identification of the book in which that page appears.

Published records for Bedford County also offer two other "Mills Robertson" marriages:³⁴⁶

- 1821, 3, 15: Mills Robertson & Elizabeth S. Walker, dtr of "R., Sr.," Jeffy Robertson, surety.
- 1845, 12, 22: Mills Robertson & Mary Preston, dtr of Joel, with Jesse B. Preston, surety. Married by Thomas T. Goggin.

Almost certainly, there were two generations of Mills Robertsons in Bedford; none of the above details suggest a connection to the Millses of Franklin County or to those of Albemarle > Amherst, from which Anne Mills (daughter of William and Mary) married c.1758 to Lewis Witt and settled with him in Bedford.

1 DECEMBER 1845

FRANKLIN COUNTY, VA

Court order

"Ordered **John Wade** and **James Patterson** after being sworn for the purpose do state and settle the Account Current of Joseph and Pleasant Dickinson, admrs. of Pleasant Dickinson Decd. and make report to court."

"Ordered that **William Hutchinson**, Lankford Brizendine, David Jones & Hezekiah F. **Toney** or any three of them after being sworn for the purpose do state & settle the account Current of **Samuel Patterson**, Executor of **Samuel Patterson** Dec'd. and make report to Court."³⁴⁷

COMMENT:

The Pleasant Dickinson and Samuel Patterson accounts were returned and ordered to be recorded in February term (image 465).

18 JUNE 1845

FRANKLIN COUNTY, VA

Deed of trust

John Nunley (x) to John Arthur, of second part, and John A. Smith of third part. Nunley is indebted to Smith for \$73.84. To secure the debt, he gives a deed of trustee (with Arthur as trustee) to "Two Feather Beds, Steads and furniture, one desk, one trunk, six chairs, one Table together with all his household and Kitchen furniture of every description, one milch Cow, all his crop of corn, Oats, Wheat & Tobacco now growing, plantation tools of every description." Debt is due 18 June 1846. Acknowledged 18 June 1845 in court, by John Nunley.³⁴⁸

4 SEPTEMBER 1845

FRANKLIN COUNTY, VA

Deed of trust

Washington Nunley (x) and wife **Rhoda** to Moses G. Carper. Nunley is indebted to John A. Smith for \$25 with legal interest from 14 August 1841, plus \$6.88 costs as per judgment in county court of Franklin. Also for another \$30 with interest from 28 June 1842 and \$6.93 costs, from the case of John H. Wade assignee of John Nunnalie vs. Washington Nunnalie and Asa Wright. Also further indebted to John A. Smith for \$8.36 due by note on demand. And indebted to Stephen Kesley for \$300 in annual payments of \$50 each. To secure these debts, Washington and Rhoda sign over all their "right, title, and interest in and to the Dower estate of Elizabeth Wright, Widow of the said John Wright dec'd, 3 head of cattle, one

³⁴⁶ William Wade Hinshaw, ed., *Encyclopedia of American Quaker Genealogy, 1607–1943*, 6 vols. (1936: reprinted, Baltimore: Genealogical Publishing Co., 1969), 6: 985. The list of Bedford County marriages published by Hinshaw are not identified as Quaker records; rather they appear as "Bedford County" records.

³⁴⁷ Franklin Co., Order Book 1845–1850, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 461.

³⁴⁸ Franklin Co., Deed Book 19 (1845–1847): 103–4; imaged, *FamilySearch* digital film 8572263, image 71.

horse, 7 Head of Hogs, all growing crop of Corn & Tobacco.” All debts are to be paid 1 January next. Witnesses: William B. Beach Jr., **Hiram Mills**. Acknowledged by Washington Nunley in court 5 September 1845.³⁴⁹

17 FEBRUARY 1846
FRANKLIN COUNTY, VA

Estate inventory

“Inventory & appraisement of the personal property of **Burd W. Toney** Dec^d. ... agreeable to an order of Court 6 October 1845, We **Hiram Mills**, William Webster & John Webster proceeded to appraise the personal estate of Burd W. Toney, Dec^d the 17th day of February 1846 ...”³⁵⁰

19 FEBRUARY 1846
FRANKLIN COUNTY, VA

Legal suit

Summons issued to Martin Tyree and **William Mills** to appear at the courthouse on 6 May next, to testify on behalf of Thomas J. Draper in his suit against Thomas J. Holland and Ebenezer Holland, tobaccoists, trading under the name T J. & E. Holland. Debt from 1844 for \$500. Case began September 1845. In April 1846 Draper acknowledged receiving a debt from the Hollands as assignees of Nancy Dickinson, in a suit being heard in Henry Co. for \$67.50 due 1 January 1845 against “me & Wm. Thomason which is to be applied as an offset against a suit now pending in the current superior court of Franklin County in my name against said Hollands.” Others who were summoned to testify for Draper:

- 6 October 1846 to Daniel M. Bird
- 12 October 1846 to Martin Tyree, William B. Clay and John Patterson
- 7 April 1846 to John Patterson and William Heard
- 5 April 1847 to Thomas B. Davis, Andrew H. Turner & William S. Thomason
- 3 May 1847 to Martin Tyree and Daniel M. Bird
- 6 May 1847 to John Adams

No affidavits are found for any of the above. Jury found for Draper, with damage of \$148.19.³⁵¹

COMMENT:

The Holland, Patterson, Tyree, and Clay connections suggest this is William Mills-Witt.

2 MARCH 1846
FRANKLIN COUNTY, VA

Court order

“Pleasant Dickinson’s admrs. agt. **Adda Jarratt** &c. D Bond. Notice proved. Defendants called and not appearing, judgment according to specialty & the costs. The same agt. The Same—The Same.”³⁵²

19 JUNE 1846
FRANKLIN COUNTY, VA

Deed of trust

Richard Nunley (s) to Otey Kinsey of second part and John A. Smith of third part. Nunley is indebted to Smith for \$65. To secure the debt he gives a deed of trust to his “right, title, and interest” in and two his

³⁴⁹ Franklin Co., Deed Book 19 (1845–1847): 174–75; imaged, *FamilySearch* digital film 8572263, image 106.

³⁵⁰ Franklin Co., Will Book 6 With Inventories & Accounts (1845–1849): 43.

³⁵¹ Franklin Co., Determined Papers, 1846–1847, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706550, images 834–58, specifically 848 for the Mills summons.

³⁵² Franklin Co., Order Book 1845–1850, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 465.

present crop of corn, wheat, oats and tobacco which is now growing on the plantation of Otey Kinsey. [No reference to his household goods or to the interest that has accrued on the debt since 1845.] Acknowledged 19 June 1846 in court by Nunley.³⁵³

6 JULY 1846

FRANKLIN COUNTY, VA

Court order

"A Deed from **Hiram Mills**, do. [ditto, referring back to the word "Exr." in the entry above] to Ferdinand Pine. Ackd. & O. R^d." ³⁵⁴

3 SEPTEMBER 1846

FRANKLIN COUNTY, VA

Deed of Trust

John Nunley (x) to John Arthur of second part and John A. Smith of third part. Nunley is indebted to Smith for \$73.84, the amount of a court judgment for Smith against "said Nunely." To secure the debt, Nunley gives a deed of trust to his present crop of tobacco, corn, oats, and wheat. [No reference to the household goods that were mortgaged the prior year or to the accrued interest.] Nunley acknowledged the deed in court on 3 September 1846.³⁵⁵

7 DECEMBER 1846

FRANKLIN COUNTY, VA

Court order

"Ordered that **James Patterson** and **John Wade** or either of them after being sworn for the Purpose do state and settle the account current of Joseph Dickenson admr. of **Pleasant Dickinson** Decd. and make report to court." ³⁵⁶

19 DECEMBER 1846

FRANKLIN COUNTY, VA

Estate settlement

Estate of **John F. Waid**. "Persuant to an order of the County Court of Franklin on the 7th day of December, to us directed we the Commissioners have proceeded to Davide and allot the slaves belonging to the Estate of John F. Waid Decd between **Mary Waid** the widow of said John F. Waid and **William Waid** son of the said John F. Waid Decd. Filed 1 February 1847.

Also included: Division of Land, plat showing adjacent neighbors (**Jno. Ferguson** at N, Wm. Luke at W, Bannan?, Wright, Wm. Mavity, Nichol's Creek at SE, Daniel's Run through middle—including **juncture of Nichol's Creek & Daniel's Run**) and the following lots:

- Dower Lot No. 1: Home house, 214 acres
- Dower Lot No. 2: Brannan's place, 150 acres (at NE)
- Lot No. 3: William Waid, Brick Yard tract, 427 acres
- Lot No. 4: William Waid, "George Ferguson, 231 acres"
- Lot No. 5: William Waid, "S. H. Ferguson[']s tract]," 53.29 acres ³⁵⁷

³⁵³ Franklin Co., Deed Book 19 (1845–1847): 323; imaged, *FamilySearch* digital film 8572263, image 181.

³⁵⁴ Franklin Co., Order Book 1845–1850, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 479.

³⁵⁵ Franklin Co., Deed Book 19 (1845–1847): 371–72; imaged, *FamilySearch* digital film 8572263, images 205–6.

³⁵⁶ Franklin Co., Order Book 1845–1850, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 494.

³⁵⁷ Franklin Co., Will Book 6 with Inventories & Accounts (1845–1849): 195–96; imaged, *FamilySearch* digital film 7644996, image 529.

COMMENT:

John Ferguson Waid's neighborhood appears to be the area in which William Mills-Witt made his first appearance on the tax roll of 1806. Waid was first cousin of Samuel McCarrell in whose employ William Mills-Witt appears to have been in 1806.

This estate partition, with plats, is not included in the loose partitions held by the Library of Virginia.³⁵⁸

4 JANUARY 1847

FRANKLIN COUNTY, VA

Marriage bond.

William Mills and Mary Abshire. Anderson Starkey, surety.³⁵⁹

COMMENT:

The groom is William A. Burrell Mills, son of William Mills Sr. and wife Elizabeth Abshire. See the 1843 will of William Sr. (above) and the October 1847 sale (below) of William Sr.'s land by the young couple and William A. B.'s mother Elizabeth.

Cf. the William Mills—Mary M. Matthews marriage below, in October of this year.

12 JANUARY 1847

FRANKLIN COUNTY, VA

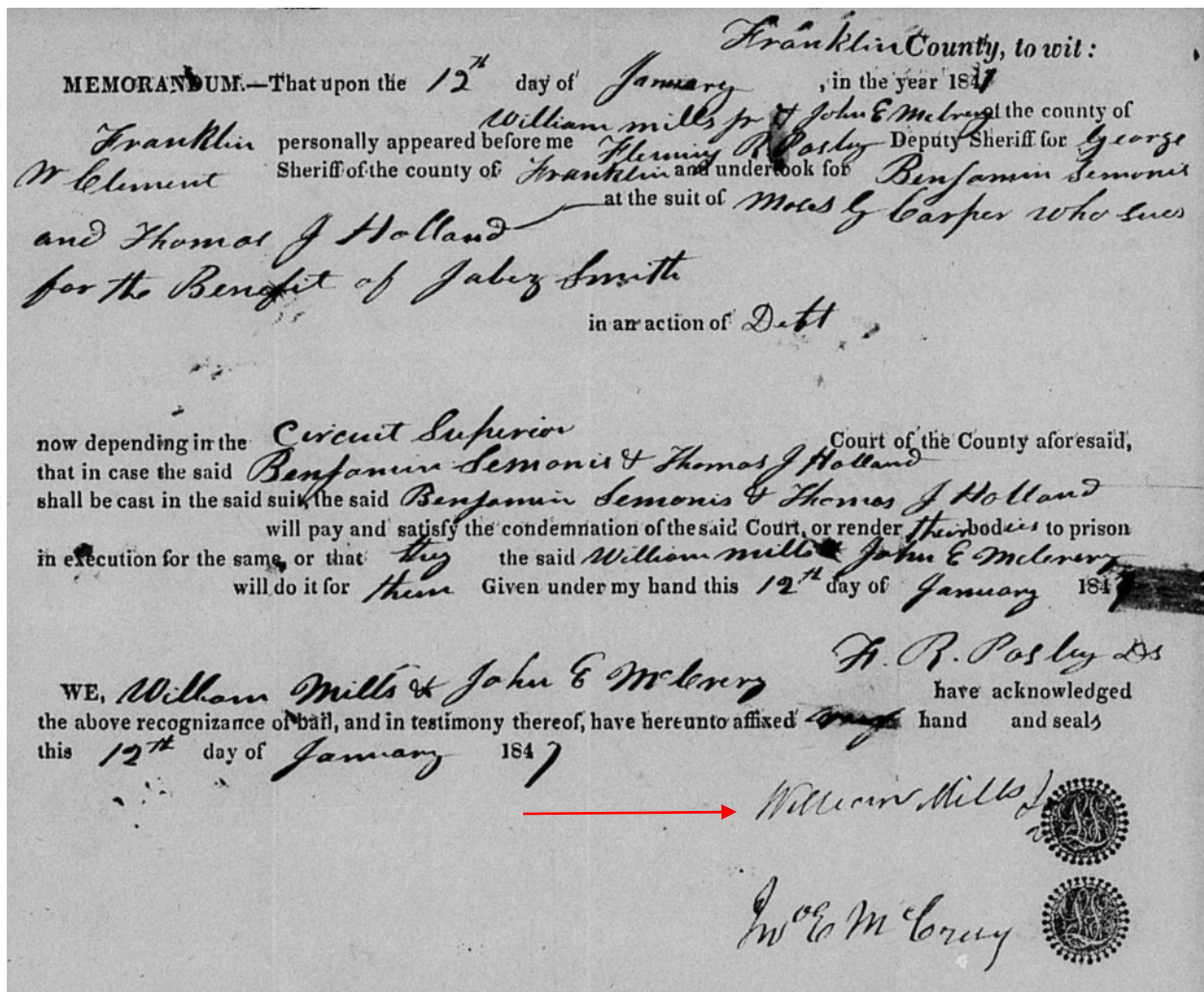
Legal suit

Carper for & vs. Simonis &c. Benjamin Simonis and Thomas J. Holland were indebted to Moses G. Carper who sued for the benefit of Jabez Smith on a plea of debt for \$165.00 with interest from 4 April 1845 and damages of \$10. On 5 January, a summons was issued to Simonis and Holland. On 12 January "**William Mills Jr.**" and Jno. E. McCrery appeared before Fleming R. Pasley, deputy for George W. Clement, Sheriff, and undertook for Simones and Holland. William Mills Jr. signed.³⁶⁰

³⁵⁸ Folders: "Reel 247, Sequence #695-#750," "Reel 248, Sequence #410-705," and "Reel 28, Sequence #706-1032," 1814-1890; MS BC 1051112: Franklin Co. Court Records, Partitions, 1807-1900; Library of Virginia, Richmond.

³⁵⁹ Franklin Co., Marriage Bond Book 1, 1786-1853: 67, citing marriage bond 2862.

³⁶⁰ Franklin Co., Determined Papers, 1841-42, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706550, image 648.



3 MAY 1847

FRANKLIN COUNTY, VA

Court order

Hiram Mills served on jury for William D. Duncan? vs. William Campbell.³⁶¹

9 JUNE 1847

FRANKLIN COUNTY, VA

Court order

Annual payments to those to whom the county is indebted. Includes "Samuel Mills for Patrolling \$56."³⁶²

24 JUNE 1847

FRANKLIN COUNTY, VA

Deed of trust

Richard Nunley (s) to Nathaniel C. Claiborne of the second part and John A. Smith. Nunley is indebted to

³⁶¹ Franklin Co., Order Book 1845–1850, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 509.

³⁶² Franklin Co., Order Book 1845–1850, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 518.

Smith for \$70 due on 1 June 1847 [*sic*]. To secure the debt he signs this deed of trust conveying his entire interest in his presently growing crop of corn, oats, wheat, and tobacco. If he pays the debt before 1 May 1848, the deed of trust is void. Acknowledged 26 June 1847 in court by Richard “Nuneley.”³⁶³

6 SEPTEMBER 1847
FRANKLIN COUNTY, VA

Court order

“Ordered that Solomon Pasley and **James Robertson** do after being sworn for the purpose do state and settle the Account Current of **Robert L. Dudley**, admr. of **Nancy Dudley** Decd and make report to court.”³⁶⁴

4 OCTOBER 1847
FRANKLIN COUNTY, VA

Deed

Elizabeth Mills, William A. B. Mills, and **Mary E. Mills**, his wife, sell to A. Starkey for \$150 cash and \$150 to be paid 1 May 1851, 89 acres described as beginning at chestnut tree near Elliot’s Creek, running with Henry Stover’s line to Tenor Smith’s line, with her line to Abraham Kinsy’s line, then with his line to Southerland Ross’s line, running with his line to Joab Early’s line, running with his line to A. Starky’s line, and with his line to the beginning.³⁶⁵

COMMENT:

This Elizabeth Mills is widow of William Sr. (i.e., William of James). William Sr.’s will left occupancy wights to his land to his son “Burrel W.,” an occupancy to be shared with the widow Elizabeth. Given Elizabeth is now selling the land with “William A. B.” and wife, William A. B. should be one and the same as “Burrel W.,” the son and heir.

19 OCTOBER 1847
FRANKLIN COUNTY, VA

Marriage bond.

William Mills and Mary M. Matthews. Wm. C. Barber, surety.³⁶⁶

COMMENT:

This William is William B. (aka William Breckenridge), son of William and Drucilla. The William Mills who married Mary E. Abshire left the county with Mary after selling his inherited land.

The 1850 census of Franklin presents only one William and Mary. William is 30, Mary is 22. With them are John W. Mills aged 3, and James W. Mills aged 1.³⁶⁷

William C. Barber in 1857 was appointed a U.S. postmaster at Union Hall, in NE Franklin Co.³⁶⁸ The 1850 census of Franklin identifies him as a 28-year-old tailor living in the Dudley-Maddox-Hutts neighborhood—i.e., that of William Mills-Witt and his son William B.

³⁶³ Franklin Co., Deed Book 20 (1847–1849): 62–63; imaged, *FamilySearch* digital film 8572263, image 324.

³⁶⁴ Franklin Co., Order Book 1845–1850, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 527.

³⁶⁵ Franklin Co., Deed Book 20 (1847–1849): 125; imaged, *FamilySearch* digital film 8572263.

³⁶⁶ Franklin Co., Marriage Bond Book 1 (1786–1853): 67, citing marriage bond 2861.

³⁶⁷ 1850 U.S. census, Franklin Co., VA, p. 197v, dwelling 2012, family 2001.

³⁶⁸ “U.S., Appointments of U.S. Postmasters, 1832–1971,” database with images, *Ancestry* (https://www.ancestry.com/imageviewer/collections/1932/images/30439_065517-00038) > Virginia > Fluvanna–Jefferson > image 37; imaged from National Archives microfilm publication M841, *Record of Appointment of Postmasters 1832–September 30, 1971*, roll 132, filming Vol. 16 (1844–56), p. 104.

21 FEBRUARY 1848

FRANKLIN COUNTY, VA

Legal suit

Commonwealth vs. George W. Overstreet and **Alexander Nunley**. Summons issued to both for “breach of the peace by mutually assaulting each other.” 26 September 1848, Austin Shepherd served as surety for Overstreet’s bond.³⁶⁹

4 APRIL 1848

FRANKLIN COUNTY, VA

Court order

“**Arthur Mills** agt. Wm. Pratt—appeal—Referred—Contd for award. Wm. Pratt, the appellee’s admr. being dead, revived in name of Stephen Turnbull, admr. de bonis non.” ...

“**Adda Jarratt** agt. William Duncan—Appeal—Cont’d.”³⁷⁰

COMMENT:

At this term of court there are a rash of court cases being dropped or altered because one party had died. Either the court has been derelict in keeping up to date or else there has been a rash of deaths in the county.

26 APRIL 1848

FRANKLIN COUNTY, VA

Estate settlement

“The Estate of **Nancy Dudley** Dec^d In account with Robt. Dudley the Admr. ... To cash received of ... **Sam^l E. Mills** \$6.20.”³⁷¹

COMMENT:

Samuel E. Mills was the nephew of Nancy (Kemp) Dudley, again suggesting that this “Nancy Dudley” was née Nancy Kemp.

OCTOBER 1848

FRANKLIN COUNTY, VA

Court order

“Ordered that Samuel Jamerson, **Hiram Mills**, Terry Teel, John Jamerson & Lewis H. Turnbull or any three of them after being sworn for the purpose do appraise in current money the personal Estate of Jacob Abshire Decd and return the appraisement to court.”³⁷²

OCTOBER 1848

FRANKLIN COUNTY, VA

Legal suit

John Laws exrs vs. Henry Law. **James P. Hutts** and John **Patterson**, executors of John Law.³⁷³

³⁶⁹ Franklin Co., Determined Papers, 1848–1849, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706554, images 361–67.

³⁷⁰ Franklin Co., Order Book 1845–1850, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 550.

³⁷¹ Franklin Co., Will Book 6 with Inventories & Accounts (1845–1849): 43; imaged, *FamilySearch* digital film 7544996.

³⁷² Franklin Co., Order Book 1845–1850, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 574.

³⁷³ Franklin Co., Determined Papers, 1850–1851, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706558, image 569.

COMMENTS:

Note the Hutts and Patterson connection. A generation later, one James H. Hutts would end up in possession of William Mills's land.

10 MAY 1849

FRANKLIN COUNTY, VA

Breach of peace

Commonwealth vs. **Hiram Mills**. Indictment filed. Summons issued 5 July 1849. Jury found Mills not guilty. No further details.³⁷⁴

4 JUNE 1849

FRANKLIN COUNTY, VA

Court order

"Ordered that **James Patterson** be appointed a commissioner to state and settle the account current of Joseph Dickinson admr. of Ransom Sutherland decd. and make report to court."³⁷⁵

2 JULY 1849

FRANKLIN COUNTY, VA

Court order

"This day **James Patterson** produced an account of his services as a Commissioner of the Revenue and the court have considered that 75 days were required for the said Commissioner to perform the services aforesaid."³⁷⁶

3 SEPTEMBER 1849

FRANKLIN COUNTY, VA

Court order

"Ordered that **James Patterson** and **Peter Saunders** after being sworn for the purpose do state and settle the account current of John Patterson and James P. Hutto [Hutts?], Executors of John Law Decd. and make report to Court and also to state and settle the account current of James P. Hutto, Administrator of Mary Law Decd & make report to court."³⁷⁷

COMMENT:

I am not continuing to gather notes on James Patterson unless I encounter something that speaks directly to Mills and Hobson. The notes gathered up to this point sufficiently establish his position in Franklin's social and political structure and identifies his core network of associates.

6 NOVEMBER 1849

FRANKLIN COUNTY, VA

Court order

"Davis &c agt. **Hobson &c—In Chy.**

"Ro. A. Scott" is appointed "Guardian ad litem to the infant Defendants to defend them in this suit." [infants not named]. "The Court doth adjudge, order and decree that the tract of Land in the Bill

³⁷⁴ Franklin Co., Determined Papers, 1849, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706555, images 256–60.

³⁷⁵ Franklin Co., Order Book 1845–1850, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 601.

³⁷⁶ Franklin Co., Order Book 1845–1850, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 609.

³⁷⁷ Franklin Co., Order Book 1845–1850, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 617.

mentioned (after the same shall have been first advertised in some newspaper published in the town of Lynchburg and at the most public places in the neighbourhood of said Lands for at least three weekes be sold on the premises to the highest bidder at public auction on a credit of one, two & three years for equal installments (except as to a sum sufficient to defray the expenses of sale and the rest of this suit for ____ cash is to be required) ...”³⁷⁸

TO DO:

Read the Lynchburg newspapers for this period for additional information on parties and location of land.

4 MARCH 1850

FRANKLIN COUNTY, VA

Court order

“**Samuel D. Light** presented an account against the commonwealth amounting to \$18.50 which was examined, allowed, and ordered to be certified to the Auditor of Public Accounts.”³⁷⁹

COMMENT:

Samuel D. Light was in 1850 a constable in adjacent Floyd County. He was also the adjacent neighbor to William and Drucilla on the 1850 Floyd census and the apparent owner of the land that William was then farming.

Note that this court order does not identify Light, suggesting that he was well known to court officials in Franklin. I have found only one connection for him in Franklin: In 1842 he married Peggy Smith of Franklin, “daughter of John.”³⁸⁰ I’ve not identified which John Smith family to which Peggy belongs.

3 JUNE 1850

FRANKLIN COUNTY, VA

Land tax roll

James Patterson’s list: Delivered 3 June 1850

William Mills (Floyd Co.) 151a Blackwater, 18 m. NE of courthouse, \$3 [*sic*] per a, \$453 total value, 46¢ tax.

COMMENT:

For pre-1850 tax roll data on William Mills-Witt and his Blackwater land, see my report “Mills & Associates: Franklin & Floyd Counties, Virginia: Initial Survey,” report to file, updated 28 May 2019; archived online at *Historic Pathways* under the “Research” tab.

4 JUNE 1850

FRANKLIN COUNTY, VA

Court order

“The declaration of **Mrs. Adria Kemp** claiming a pension under the act of Congress of Feby 2d 1848, together with the accompanying evidence and documents were produced in Court & examined and the Court being satisfied therewith, do order that the same be certified in due form to the department of the Interior.

³⁷⁸ Franklin Co., Order Book 1845–1850, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > 626.

³⁷⁹ Franklin Co., Order Book 1845–1850, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 638.

³⁸⁰ Therese A. Fisher, *Marriages in the New River Valley: Montgomery, Floyd, Pulaski, & Giles* (Bowie, MD: Heritage Books, 2008), 143.

"The declaration of **Mrs. Patsy Robertson**, widow of Richd. Robertson decd. claiming the balance of pension due her decd. husband, together with the accompanying documents, was produced in court and examined and the court being satisfied therewith doth order that the same be certified in due form to the department of the Interior."³⁸¹

4 JUNE 1850

FRANKLIN COUNTY, VA

Court order

Annual list of payments to be made by the county, includes:

"To **James Patterson** for copies of property Books for Election Commrs. \$30.00"³⁸²

11 JUNE 1851

FRANKLIN COUNTY, VA

Land tax roll

James Patterson's list: Delivered 11 June 1851

William Mills (Floyd Co.) 151a Blackwater, **18 m. NE** of courthouse, \$4.50 [sic] per a, \$679.50 total value, 82¢ tax.³⁸³ (Roll 443)

COMMENT:

"James Dudley Decd" is still carried on the tax roll for

- 52, 80, 60, and 34 acres 16m E of courthouse
- 54½ acres 20m NE of courthouse

Other Dudleys

- Guinn & John 16 miles NE on Bull Rull
- Thomas, was 15 and 22m NE on Blackwater and 18 NE on Bull Run
- Thomas W. 20 NE on Blackwater
- James H. 22m NE on Blackwater
- Harriet Mildred 22m NE on Blackwater
- Mary Frances 22m NE on Blackwater
- Silas J. 22m NE on Blackwater

Mattoxos:

- Gabriel 45, 68, and 209 acres on Waters Jacks Creek, **18m E**
- David P. 101 acres, Waters of Jacks Creek, **18m E**
- Samuel G. 287 Pig River, 10m E

Others at 10-20m NE on Blackwater:

- Craighead, Townsend 139a Blackwater, 20m
- English, Stephen Sr. 240a, Blackwater, **18m**
- English, Henry 27 & 267a, Blackwater, **18m**
- English, Charles Decd 177a, Blackwater, **18m**
- English, Coleman 120 "Near Blackwater," **18m**

³⁸¹ Franklin Co., Order Book 1845–1850, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 654..

³⁸² Franklin Co., Order Book 1845–1850, unnumbered page; imaged, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSL6-SS6Y-W?i=202&cat=397106> : accessed 8 January 2020) > image 659.

³⁸³ Franklin Co., Land Tax Rolls 1851; Land tax microfilm 443, Library of Virginia, Richmond. From this point on, all Franklin Co. tax data is from this set. Rather than create a new footnote for each of the next forty-plus years, I will cite the roll number parenthetically, as shown above.

- English, Stephen D., Thomas J. B., Henry F & George (Jams? Sons), Blackwater, 110½ 16mE; 9, 77 ½, 46, 98, 63 ½ @ **18m NE**
- Fay, Lucinda (F.N.) 14a “Near Blackwater” **18m NE**
- Holland, Mary 490a “Waters Blackwater” 10m NE
- Housman, Peter, George & David, Summons Creek 15m NE
- Jefferson, Lucy (Life interest) 10a5 Waters of Pig River, **18m NE?**
- Kemp, Addra, 2½ a Blackwater 20m NE [1853 list cites him as deceased]
- Kemp, James, 100 3/4a Owens Creek & Bull Run 20 NE [no other Kemps/Camps in district]
- Keys, Elizabeth 40a Rocky Fork Town Creek 15m SW
- Metts, John 294a Summons Creek 10m NE
- Mitchell, Thomas J. 205a, Poplar Camp Creek 10m NE
- Morgan, Samuel B. 114½a, Blackwater, **18m NE**
- Poindexter, John Decd 25a Blackwater, 10m NE
- Poindexter, Cephas 6 & 105a Poplar Camp Creek, 12m NE
- Robertson, James, 194a Standifer’s Creek **18m NE**
- Robertson, Richard Decd. 113½ conv to Polly Robertson; 36a Standifer’s Creek **18m NE**
- Ray, William 62a Staunton River 20m NE
- Smith, Stephen F. 233a Blackwater 15m NE
- Wingo, Drury Decd. 80a Poplar Camp Creek 12m NE

Others of interest

- Ferguson, George W & Stephen (John’s sons) 317 on Pig River 7E
- Light: none found
- Mullins, Booker: 150 Town Creek 15m SW
- Napier: none found
- Patterson, James 830 Chesnut Creek 10m SE
- Patterson, James & John Wade Jr., 86a, Chesnut Creek 11m **SE** “from Saml”
- Prillaman, Daniel Sr, William, David, Jacob, John 200a? 15?m SW on Nicholas Creek, Town Creek, and water of Smith River
- Smith, John: None in district

District 2 (Chatham T. Pollard)

- Light: None
- Smith, John G **Missouri**, 25a Blackwater 15m NE [still taxed on this in 1852, at which time “Right Smith” was also said to be in Missouri]
- Smith, Stephen 25a, 230a, Blackwater 10m NE
- Smith, Henry Jr. 225a, Blackwater 15m NE
- Smith, Henry Sr. [c800a], Blackwater 12m NE
- Smith, Henry J 155a, Blackwater 10m NE
- Smith, **John Decd.** 404a “Fork” 25m NE
- Saunders, Henry 24 ½ a Staunton Rive 20m NE

26 AUGUST 1851—15 FEBRUARY 1853

FRANKLIN COUNTY, VA

Summons

M. G. Carper, Clerk of Court, issues summons to Sheriff to have John C. Hutcherson and **John Wade Sr.** appear before the court on 4th day of October Term 1851 to testify on behalf of **James Patterson**,

Executor of Lankford Brizentine, decd., in suit of William Brizentine's administrator vs. James Patterson, Exr. 15 February 1853, new summons issued to the pair to appear on the 3rd day of June Term 1853.³⁸⁴

26 August 1851, summons to John C. Hutcherson, **John Wade Sr.**, **Samuel G. Mattox**, Benjamin Semonis, David Frailin, Andrew S. Brooks, John S. Brown, William M. Featherston, and **Wily W. Matthews** to appear on 4th day of October Term 1851 to testify on behalf of "James Patterson, Executor of Lankford Brizidine Decd." in suit against him by William Hutcherson's administrator." The suit dates back to a 15 January 1827 promissory note by Lankford Brizentine to William Hutcherson, with Adam Law as witness. Administrators for Hutcherson were Mitchell M. Woody and Lucinda Hutcherson.³⁸⁵

26 February 1852, summons issued to John C. Hutcherson, **John Wade Sr.**, **Samuel G. Mattox**, Benjamin Semonas, David Frailin, Andrew S. Brooks, John S. Brown, William M. Featherstone, Wiley W. Matthews, James Bottom, and William B. Clay, to appear on the 4th day of May Term 1852 to testify on behalf of James Patterson, Executor of Lankford Brizentine Decd., in suit by "William Hutcherson's administrators" against said Patterson as aforesaid."³⁸⁶

16 August 1852, summons to same, to testify for same on 3d day of October Term 1852.³⁸⁷

12 October 1852, summons to **Wiley W. Matthews** to appear on 3d [sic] day of October Term 1852 to testify on behalf of "Lankford Brizentine's Exor."³⁸⁸

COMMENT:

On 19 October 1847, William and Drucilla's son William B. Mills married Mary M. **Matthews**, whose parents appear to still be unidentified by descendants. They named their first son John William Mills and their second son James **Wiley** Mills.

OCTOBER 1851–MAY 1852

FRANKLIN COUNTY, VA

Misdemeanor case

10 October 1851	Commonwealth vs. Hiram Mills , Indictment for a breach of the peace. A true Bill.
15 September 1851	allegedly committed an assault on Samuel W. Akers.
26 February 1852	summons issued against William Thompson to testify on behalf of the Commonwealth.
26 February 1952	summons issued against Hiram Mills.
9 March 1852	summons served on Mills.
1 st day May Term 1852	Mills & Thompson were to appear in court.
10 May 1852	summons issued for Mills.
10 May 1852	"Jury & Jud." Fine \$3.00. Total fees: \$11.61. ³⁸⁹

COMMENT:

Similar case papers appears for Hiram Mills on *FamilySearch* digital film 8706561. I did not

³⁸⁴ Franklin Co., Determined Papers, 1852–1853, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706561, images 437–50, particularly 442, 446.

³⁸⁵ Franklin Co., Determined Papers, 1852–1853, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706561, images 723, 729, 744.

³⁸⁶ Franklin Co., Determined Papers, 1852–1853, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706561, image 713.

³⁸⁷ Franklin Co., Determined Papers, 1852–1853, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706561, image 715.

³⁸⁸ Franklin Co., Determined Papers, 1852–1853, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706561, image 717.

³⁸⁹ Franklin Co., Determined Papers, 1850–52, unnumbered, unalphabetized; imaged, *FamilySearch* digital film 8706559, images 629–34.

continue gathering data on Hiram past 8706559 (1850–52) as his Mills line is not my principal interest.

4 OCTOBER 1852

FRANKLIN COUNTY, VA

Land tax roll

James Patterson's list: Delivered 4 October 1852

William Mills (Floyd Co.) 151a Blackwater, **18 m. NE** of courthouse, \$4.50 [*sic*] per a, \$679.50 total value, 82¢ tax. (Roll 443)

Others of interest

District 2 (Lawrence N. Powell)

- Dudley, Mary (life) 151a Blackwater 12m NE
- Dudley, **Sparrell**, 107a Blackwater 12 NE
- Dudley, Ransom, 107a Blackwater, 12m NE
- Dudley, Robert 5 ½ Staunton River 20m NE
- Dudley William 42a Fowl Ground 8m NE
- Early, Jubal A. 50a Gills Creek 15m N
- Early, Samuel H. (Kanawha), 250 & 700a Gills Creek 15m N
- Early, Robert H. (Kanawha) 55a Gills Creek, 15m N
- Light: none found
- Napier: none found

29 AUGUST 1853

FRANKLIN COUNTY, VA

Land tax roll

Henry S. Woody's List: Delivered 29 August

William Mills (Floyd Co.) 151a Blackwater, 18 m. NE of courthouse, \$4.50 [*sic*] per a, \$679.50 total value, 1.36¢ tax. (Roll 443)

COMMENT:

William Mills-Witt is no longer in Floyd County. He is taxed this year in Montgomery. Apparently his same-name son in Franklin kept the tax paid each year and the tax commissioner never questioned whether the information was up to date, given that the taxes continued to be paid. This (Floyd Co.) statement would not be corrected until 1861.

5 JULY 1854

FRANKLIN COUNTY, VA

Land tax roll

Henry S. Woody's List: Delivered 5 July

William Mills (Floyd Co.) 151a Blackwater, 18 m. NE of courthouse, \$4.50 [*sic*] per a, \$679.50 total value, 1.36¢ tax. (Roll 443)

5 JULY 1855

FRANKLIN COUNTY, VA

Land tax roll

Jacob G. Mackenheimer's list: Delivered 15 June

William Mills (Floyd Co.) 151a Blackwater, 18 m. NE of courthouse, \$4.50 [*sic*] per a, \$679.50 total value, 1.36¢ tax. (Roll 443)

16 JUNE 1856

FRANKLIN COUNTY, VA

Land tax roll

Jacob G. Mackenheimer's list: Delivered 15 June

William Mills (Floyd Co.) 151a Blackwater, 18 m. NE of courthouse, \$4.50 [sic] per a, \$679.50 total value, 1.36¢ tax. (Roll 444)

15 JUNE 1857

FRANKLIN COUNTY, VA

Land tax roll

Jacob G. Mackenheimer's list: Delivered 15 June

William Mills (Floyd Co.) 151a Blackwater, 18 m. NE of courthouse, \$5.00 per a, \$755 total value, 3.02¢ tax. (Roll 444)

16 JUNE 1858

FRANKLIN COUNTY, VA

Land tax roll

Jacob G. Mackenheimer's list: Delivered 16 June

William Mills (Floyd Co.) 151a Blackwater, 18 m. NE of courthouse, \$5.00 per a, \$755 total value, 3.02¢ tax. (Roll 444)

4 JULY 1859

FRANKLIN COUNTY, VA

Land tax roll

R. C. Bennett's list: Delivered 4 July 1859

William Mills (Floyd Co.) 151a Blackwater, 18 m. NE of courthouse, \$5.00 per a, \$755 total value, 3.02¢ tax. (Roll 444)

8 JUNE 1860

FRANKLIN COUNTY, VA

Land tax roll

Bennett's list: Delivered 8 June 1859

Wm Mills (Floid Co.) 151a Blackwater, 18 m. NE of courthouse, \$5.00 per a, \$755 total value, 3.02¢ tax. (Roll 444)

18 JUNE 1861

FRANKLIN COUNTY, VA

Land tax roll

Bennett's list: 18 June 1861

Wm Mills (Floid Co.) 151a Blackwater, 18 m. NE of courthouse, \$5.00 per a, \$755 total value, 3.02¢ tax.

Dudley, Tilghman P.L. 172a 3r 7p on Blackwater **18 m. NE**

“ “ “ 333a Pig River 4m E

“ “ “ 654 “ “

“ “ “ 120 Glade Creek [no distance or direction] (Roll 445)

COMMENT:

I have not identified Tilman/Tilghman Dudley's parents or determined whether he descended from the Tilmans who intermarried with the Millses of Amherst County.

7 JUNE 1862

FRANKLIN COUNTY, VA

Land tax roll

Bennett's list: 7 June

Wm Mills, Franklin Co. 151a Blackwater, 18 m. NE of courthouse, \$5 per a, \$755 total value, 4.53¢ tax.
(Roll 445)

4 JANUARY 1863

FRANKLIN COUNTY, VA

Military record

"Mills, William Breckenridge, Private, 34/I, Infantry; enlisted 03-20-62 at Liberty; 'Sick in camp' 08-31-62 through 10-31-62; 'Sick in camp' 04-30-63; 'On daily duty as Overseer of Negroes since Nov 20 [18]63' 12-31-63; 'On detached service at Ft. Clifton since May 16 [18]64'; asked for furlough 01-04-63: 'I have a child very sick and I have not seen my family for near two years, since having a furlough, since I have been in service. *I have also some transactions to manage with regard to my land which requires my personal attention, and unless I can go and attend to that matter it will be very much against the interest of myself and family.* I am a poor man with a wife and seven Children' granted furlough 01-04-64 'We can spare an Overseer at this time better than hereafter'; postwar record states he was killed accidentally 04-03-65 on the way home; born in Franklin County. **Mary Ann Mills**, Court Order Book 19, Page 70 and 71, applied for widow's pension. (Emphasis added by ESM)³⁹⁰

1 JULY 1863

FRANKLIN COUNTY, VA

Land tax roll

Bennett's list: 1 July 1863

Wm Mills, Franklin Co. 151a Blackwater, 18 m. NE of courthouse, \$5 per a, \$755 total value, 5.75¢ tax.
Remarks: "By recent survey." (Roll 445)

COMMENT:

This survey would appear to be performed as part of William B. Mills's 1863 defense of his land ownership.

1864

FRANKLIN COUNTY, VA

Land tax roll

None.

1865

FRANKLIN COUNTY, VA

Land tax roll

Bennett's list: delivered 13 February 1866

Wm Mills, Franklin Co. 126a Blackwater, 18 m. NE of courthouse, \$5 per a, \$650 total value, \$1.26 tax.
Remarks: "By recent survey." (Roll 445)

COMMENT:

There is no explanation as to what happened to William's other 25 acres. It is debatable whether he had a second survey made within two years or whether the "by recent survey" remark was simply a carryover from the last surviving roll. If so, it would seem that the decrease in acreage

³⁹⁰ Beverly Merritt, *Civil War Records of Franklin County, Virginia, 1861–1865* (Ferrum, VA: Privately printed, 2007), 231. Also Beverly Merritt and Jane Zarn, *Voices of Franklin County, Virginia, 1861–1865* (Henry, VA: Jane Zarn, 2013), 290. In both volumes, the notes for "William Breckenridge Mills" have the semblance of credibility but they do not identify the source of any document (aside from Mary Ann's petition) or the source of the middle name assigned to William.

should have been made on the 1863 roll. There is no new addition of 25 acres to anyone named Mills. [I did not have time to read the full roll in search of any and all 25-acre additions or to read the remarks on all pages.]

Meanwhile, son William B. who appears to have been occupying the land from 1848, entered CSA service in 1862 (and died in May 1865).

25 JULY 1866

FRANKLIN COUNTY, VA

Land tax roll

W. C. Bennett's list: delivered 25 July 1866

Wm Mills, Franklin Co. 126a Blackwater, 18 m. NE of courthouse, \$5 per a, \$650 total value, \$1.26 tax.
(roll 446)

1867

FRANKLIN COUNTY, VA

Land tax roll

W. C. Bennett's list: delivered [no date]

Wm Mills, Franklin Co. 126a Blackwater, 18 m. NE of courthouse, \$5 per a, \$630 total value, \$1.89 tax.
(roll 446)

1 JUNE 1868

FRANKLIN COUNTY, VA

Land tax roll

W. C. Bennett's list: delivered 1 June

Wm Mills, Franklin Co. 126a Blackwater, 18 m. NE of courthouse, \$5 per a, \$630 total value, \$1.89 tax.
(roll 446)

11 MAY 1869

FRANKLIN COUNTY, VA

Land tax roll

Winborn C. Bennett's list: delivered 11 May

Wm Mills, Franklin Co. 126a Blackwater, 18 m. NE of courthouse, \$5 per a, \$630 total value, \$3.15 tax.
(roll 446)

27 OCTOBER 1870

FRANKLIN COUNTY, VA

Land tax roll

Winborn C. Bennett's list: delivered 27 October 1870

Wm Mills, Franklin Co. 126a Blackwater, 18 m. NE of courthouse, \$5 per a, \$630 total value, \$5.15 tax.
(roll 446)

23 JUNE 1871

FRANKLIN COUNTY, VA

Land tax roll

Union Hall Township

William S. Arrington list: delivered 23 June 1871

Wm Mills, Franklin Co. 126a Blk Water, 18 m. NE of courthouse, \$3 per a, \$378 total value, \$1.89 tax.
(roll 603)

3 AUGUST 1872

FRANKLIN COUNTY, VA

Land tax roll

Union Hall Township

William S. Arrington list: delivered 3 August 1872

Wm Mills, Franklin Co. 126a Blk Water, 18 m. NE of courthouse, \$3 per a, \$378 total value, \$1.89 tax.
"Wilson Cunniff to pay."

Wilson Cuniff, Franklin Co., 71a Blk Water, NE 15m & 68 1/2a Standifer's Creek NE 15m (roll 616)

COMMENT:

The reference to Cuniff (aka Cundiff) implies that Cuniff was now renting the land.

28 JULY 1873

FRANKLIN COUNTY, VA

Land tax roll

Union Hall Township

William S. Arrington list: delivered 28 July 1873

William Mills, Franklin Co. 126a Blk Water, 18 m. NE of courthouse, \$3 per a, \$378 total value, \$1.89 tax
"Wilson Cunniff to pay." (roll 629)

29 AUGUST 1874

FRANKLIN COUNTY, VA

Land tax roll

Union Hall Township

William S. Arrington list: delivered 29 August 1874

William Mills, Franklin Co. 126a Blk Water, 18 m. NE of courthouse, \$3 per a, \$378 total value, \$1.89 tax
"Wilson Cunniff to pay." (roll 640)

27 JULY 1875

FRANKLIN COUNTY, VA

Land tax roll

Union Hall Township

William S. Arrington list: delivered 25 July 1875

William Mills, Franklin Co. 126a Blk Water, 18 m. NE of courthouse, \$3 per a, \$378 total value, \$1.89 tax
"Wilson Cunniff to pay." (roll 654)

29 AUGUST 1876

FRANKLIN COUNTY, VA

Land tax roll

2nd Dist: William S. Arrington list: delivered 29 August 1876

William Mills, Franklin Co. 126a Blk Water, 18 m. NE of courthouse, \$3 per a, \$378 total value, \$1.89 tax
"Wilson Cunniff pays." (roll 668)

COMMENT:

Adda Kemp estate still hasn't been settled, even though the tax rolls have had "Dec'd" beside her name for about 10 years.

4 SEPTEMBER 1877

FRANKLIN COUNTY, VA

Land tax roll

2nd Dist: William S. Arrington list: delivered 4 September 1877

William Mills, Franklin Co. 126a Blk Water, 18 m. NE of courthouse, \$3 per a, \$378 total value, \$1.89 tax
“Wilson Cunniff pays.” (roll 680)

COMMENT:

There are a goodly number of entries now, saying that rent is paid by someone other than the landowner.

30 AUGUST 1878

FRANKLIN COUNTY, VA

Land tax roll

2nd Dist: William S. Arrington list: delivered 30 August 1878

William Mills, Franklin Co. 126a Blk Water, 18 m. NE of courthouse, \$3 per a, \$378 total value, \$1.89 tax
“Wilson Cunniff pays.” (roll 694)

29 AUGUST 1879

FRANKLIN COUNTY, VA

Land tax roll (roll 707)

COMMENT:

Roll not in drawer across the several days of this visit to LoV.

9 JULY 1880

FRANKLIN COUNTY, VA

Land tax roll

2nd Dist: Thos. R. Hancock's list: delivered 9 July 1880

William Mills, Franklin Co. 126a Blk Water, 18 m. NE of courthouse, \$3 per a, \$378 total value, \$1.89 tax
“Wilson Cunniff pays.” (roll 721)

15 JUNE 1881

FRANKLIN COUNTY, VA

Land tax roll

2nd Dist: delivered 15 June 1881

William Mills, Franklin Co. 126a Blk Water, 18 m. NE of courthouse, \$3 per a, \$378 total value, \$1.89 tax
“Wilson Cunniff pays.” (roll 734)

26 AUGUST 1882

FRANKLIN COUNTY, VA

Land tax roll

2nd Dist: delivered 26 August 1882

William Mills, Franklin Co. 126a Blk Water, 18 m. NE of courthouse, \$2.75 per a, \$346.50 total value,
\$1.39 tax “Wilson Cunniff pays.” (roll 749)

13 JULY 1883

FRANKLIN COUNTY, VA

Land tax roll

2nd Dist: delivered 13 July 1883

William Mills, Franklin Co. 126a Blk Water, 18 m. NE of courthouse, \$2.75 per a, \$346.50 total value,
\$1.39 tax “Wilson Cunniff pays.” (roll 765)

1884

FRANKLIN COUNTY, VA

Land tax roll

2nd Dist: delivered [date?]

William Mills, Franklin Co. 126a Blk Water, 18 m. NE of courthouse, \$2.75 per a, \$346.50 total value, \$1.39 tax *"Wilson Cunniff pays."* (roll 780)

13 AUGUST 1885

FRANKLIN COUNTY, VA

Land tax roll

2nd Dist: delivered 13 August 1885

William Mills, Franklin Co. 126a Blk Water, 18 m. NE of courthouse, \$2.75 per a, \$346.50 total value, \$1.39 tax *"J.W. Hutt & Rhoda Cundiff pays."* (roll 799)

COMMENT:

Wilson Cundiff is carried on the tax rolls for the same land as first noted for him above. Beside his entries, a notation says *"D. T? Brown pays."*

15 AUGUST 1885

FRANKLIN COUNTY, VA

Deed

P. H. Dillard, Commissioner of the Circuit Court of Franklin County in the chancery cause of Francis Wright vs. **Wilson Cundiff's** heirs, to **James H. Hutts**, both of Franklin Co. "In pursuance of a decree in said cause and in consideration of the sum of five dollars ... doth grant ... a certain lot or parcel of land lying in Franklin County Va. containing 56 acres more or less and bounded as follows: "Beginning at 'A' Pointers in a branch at **Hutts Mill pond** and running with said branch ..."

"Also a certain other parcel of land containing **66 acres** more or less lying ... near Hutts Mills and bounded as follows:

Beginning at 'A' pointers in **old line** and running a dividing line N 45 E50p to 'B' a Red Bud N 30 E 62p to 'C' pointers in old line and with it S 62 E24p to 'D' pointers, S 5 E 154p to 'E' Corner of **William's** line, N 78 W 72p to Hutts Mill creek and with it as it meanders to the beginning.

Acknowledged in clerk's office by Dillard on 7 September 1885.³⁹¹

COMMENT:

The tax roll of 1886, below, reduces William Mills's acreage to 60. The remaining 66 acres seems to be the acreage referenced above as "66 acres ... near Hutts Mills." The above reference to a dividing line and an "old line" implies that a new survey had been made to separate the part taken by Wilson Cundiff and the part retained by William Mills.

The deed created by Commissioner Dillard did not previously mention any adjacent neighbor named William. **It seems likely that the "William's line" reference should have been "William Mills' line."**

3 AUGUST 1886

FRANKLIN COUNTY, VA

Land tax roll

2nd Dist: delivered 3 August 1886

³⁹¹ Franklin Co., Deed Book 37 (1884–1886): 292–93.

William Mills, Franklin Co. 60a Blk Water, 15? m. NE of courthouse, \$2.75per a, \$165 total value, \$.67 tax "66 A to James Hutt" (roll 819)

COMMENT:

James W. "Hutt" is also taxed on 122 acres on Standifer Creek "from Wilson Cundiff" but nothing on Blackwater.

30 JULY 1887

FRANKLIN COUNTY, VA

Land tax roll

2nd Dist: William S. Harrington list: delivered 30 July 1887

William Mills, Franklin Co. 60a Blk Water, 15? m. NE of courthouse, \$2.75per a, \$165 total value, \$.66 tax [no notation of anyone else paying the tax] (roll 835)

COMMENT:

James W. Hutt is taxed on a new listing for 114 acres on Blackwater, 15m NE, \$4 per acre. Remarks: "Lands Thos. **Dudley** Decd." There is no reference to 66 acres from Mills.

19 JULY 1888

FRANKLIN COUNTY, VA

Land tax roll

2nd Dist: William S. Harrington list: delivered 19 July 1888

William Mills, Franklin Co. 60a Blk Water, 15 m. NE of courthouse, \$2.75per a, \$165 total value, \$.66 tax [No notation of anyone else paying the tax.] (roll 851)

17 JULY 1889

FRANKLIN COUNTY, VA

Land tax roll

2nd Dist: delivered 17 July 1889

William Mills, Franklin Co. 60a Blk Water, 15 m. NE of courthouse, \$2.75per a, \$165 total value, \$.66 tax [No notation of anyone else paying the tax.] (roll 868)

COMMENT:

The remarks column carries a long line through it, with no explanation. A similar line is used for several other taxpayers in the district.

I checked the end of the district and the end of the whole tax roll to see if a list of delinquents appear. I found none.

25 JULY 1890

FRANKLIN COUNTY, VA

Land tax roll

2nd Dist: William S. Arrington's list: delivered 25 July 1890

William Mills, Franklin Co. 60a Blk Water, 16 m. NE of courthouse, \$2.75per a, \$165 total value, \$.66 tax [No notation of anyone else paying the tax.] (roll 888)

COMMENT:

The long line carried in the remarks column the prior year is no longer there although it appears for some others.

3 AUGUST 1891

FRANKLIN COUNTY, VA

Land tax roll

2nd Dist: William S. Arrington list: delivered 3 August 1891

William Mills, Franklin Co. 60a Blk Water, 16 m. NE of courthouse, \$2.50 per a, \$150 total value, \$.60 tax
[No notation of anyone else paying the tax.] (roll 909)

COMMENT:

The long line is again added across the remarks column.

2 JULY 1892

FRANKLIN COUNTY, VA

Land tax roll

2nd Dist: W. F. Poindexter's list: delivered 2 July 1892

William Mills, Franklin Co. 60a Blk Water, 16 m. NE of courthouse, \$2.50 per a, \$150 total value, \$.60 tax
[No notation of anyone else paying the tax.] (roll 932)

COMMENT:

The long line across the remarks column is again removed.

8 AUGUST 1893

FRANKLIN COUNTY, VA

Land tax roll

2nd Dist: William S. Arrington list: delivered 8 August 1893

William Mills, Franklin Co. 60a Blk Water, 16 m. NE of courthouse, \$2.50 per a, \$150 total value, \$.60 tax
[No notation of anyone else paying the tax.] (roll 957)

COMMENT:

The long line is not there.

16 FEBRUARY 1894

FRANKLIN COUNTY, VA

Deed

"Between Jno. P. Lee Commissioner as hereinafter mentioned ... and James A. Cundiff, party of the second part; whereas the Circuit Court of Franklin County did order and decree at its May Term 1890 in a certain suit there depending therein under the short style of Cundiff J. W. and al vs. Cundiff & als. That Jno. P. Lee who was thereby appointed a Commissioner for the purpose should sell at Public auction the land in the proceedings of the said suit .. being the deiver [*sic*] estate of **Rhoda Cundiff** now deceased in the lands of **Wilson Cundiff** dec'd, and whereas the said Commr Lee did sell the said land and James A. Cundiff became the purchaser thereof at the price of [\$375] which sale being reported to the Court was confirmed by a decree entered at the May Term 1891 and whereas the said Court did by the decree entered at the May term 1893 order that Jno P. Lee who was thereby appointed a commissioner for the purpose should convey the said land to the said James A. Cundif, he having paid all the purchase money therefor. Now Therefore this Indenture ... for the sum of one dollar .. [Lee] doth hereby grant ... unto [Cundiff] with special warranty the said tract of land lying and being in Franklin County, Virginia, on Blackwater River adjoining the lands of George Brown and James Hutts and Containing Sixty acres more or less. This is a portion of a tract of land purchased by the said Wilson Cundiff in his lifetime from **Wm Mills ...**"

Acknowledged in the Clerks Office by Lee on 19 February 1894.³⁹²

COMMENT:

³⁹² Franklin Co., Deed Book 44 (1893–1894): 169–70; imaged, *FamilySearch* digital film 8579334 > images 124–25.

1871	126 acres: Owner is William Mills
1872	126 acres: Owner is William Mills, but "Wilson Cunniff to pay"
1885	126 acres: Owner is William Mills, but "J. W. Hutt & Rhoda Cundiff pays"
1886	60 acres: owner is William Mills, but "66 acres to James Hutt"
1887-1894	60 acres: owner is William Mills. No remarks about payee
1895	60 acres: William Mills "to James Cundiff"

27 JULY 1894

FRANKLIN COUNTY, VA

Land tax roll

2nd Dist: William S. Arrington list: delivered 27 July 1894

William Mills, Franklin Co. 60a Blk Water, 16 m. NE of courthouse, \$2.50 per a, \$150 total value, \$.60 tax
[No notation of anyone else paying the tax.] (roll 984)

COMMENT:

The long line is not there.

26 JULY 1895

FRANKLIN COUNTY, VA

Land tax roll

2nd Dist: William S. Arrington list: delivered 26 July 1895

William Mills, Franklin Co. 60a Blk Water, 16 m. NE of courthouse, \$2.50 per a, \$150 total value, \$0 tax
Remarks: "To James Cundiff" (roll 1010)

COMMENT:

At this point, the tax roll is updated and the land is not thereafter charged to "William Mills."



CHECKLIST

Sources Used & Future Work

Court Records

- County Court Order Books 1786–1850. FS digital film 7898091, 7897650, 7898090, 7898092, 8141192, 8190425
- Order Book, October 1811–1817. Library of Virginia (LoV), Franklin Co. microfilm reel 29
- Determined Papers, 1789–1791. FS digital film 8705554
- Determined Papers, 1789–1792. FS digital film 8705555
- Determined Papers, 1790–1793. FS digital film 8705556
- Determined Papers, 1792–1794. FS digital film 8705557
- Determined Papers, 1781–1794. FS digital film 8705558
- Determined Papers, 1793–1795. FS digital film 8705559
- Determined Papers, 1794–1796. FS digital film 8705560
- Determined Papers, 1795–1798. FS digital film 8705561
- Determined Papers, 1796–1797. FS digital film 8573782
- Determined Papers, 1796–1798. FS digital film 8705562

- Determined Papers, 1797–1799. FS digital film 8705563
- Determined Papers, 1799–1800. FS digital film 8705564
- Determined Papers, 1800–1801. FS digital film 8705565
- Determined Papers, 1801–1802. FS digital film 8705566
- Determined Papers, 1801–1802. FS digital film 8705567
- Determined Papers, 1802–1803. FS digital film 8705568
- Determined Papers, 1803–1804. FS digital film 8705569
- Determined Papers, 1804. FS digital film 8705570
- Determined Papers, 1804–1806. FS digital film 8705571
- Determined Papers, 1804–1806. FS digital film 8705572
- Determined Papers, 1805–1806. FS digital film 8705573
- Determined Papers, 1806–1807. FS digital film 8705574
- Determined Papers, 1807–1808. FS digital film 8573783
- Determined Papers, 1808. FS digital film 8706537
- Determined Papers, 1806–1808. FS digital film 8706538
- Determined Papers, 1808–1811. FS digital film 8706539
- Determined Papers, 1811–1820. Library of Virginia (LoV), Franklin Co. microfilm reels 120–123
- **Determined Papers, 1821–1825. Missing at FamilySearch**
- **Determined Papers, 1825–1826. FS digital film 8704985 (have not yet read)**
- **Determined Papers, 1827–1828. FS digital film 8704986 (have not yet read)**
- Determined Papers, 1828–1829. FS digital film 8704987
- Determined Papers, 1829–1830. FS digital film 8704988
- Determined Papers, 1831–1832. FS digital film 8704989
- Determined Papers, 1832–1833. FS digital film 8704990
- Determined Papers, 1833–1834. FS digital film 8704991
- Determined Papers, 1834–1836. FS digital film 8704992
- Determined Papers, 1836–1837. FS digital film 8573775
- Determined Papers, 1837–1838. FS digital film 8704993
- Determined Papers, 1838. FS digital film 8704994
- Determined Papers, 1838. FS digital film 8704995
- Determined Papers, 1838–1839. FS digital film 8704996
- Determined Papers, 1839. FS digital film 8704997
- Determined Papers, 1840. FS digital film 8704998
- Determined Papers, 1840–1841. FS digital film 8704999
- Determined Papers, 1841. FS digital film 8705000
- Determined papers, 1841–1842. FS digital film 8705001
- Determined papers, 1842. FS digital film 8705002
- Determined papers, 1842. FS digital film 8705003
- Determined papers, 1842–1843. FS digital film 8706541
- Determined papers, 1843. FS digital film 8706542
- Determined papers, 1843. FS digital film 8706543
- Determined Papers, 1843–44. FS digital film 8706544
- Determined Papers, 1844. FS digital film 8573784
- Determined Papers, 1844. FS digital film 8706545
- Determined Papers, 1844–1845. FS digital film 8706546
- Determined Papers, 1845. FS digital film 8706547
- Determined Papers, 1845–1846. FS digital film 8706548

- Determined Papers, 1846. FS digital film 8706549
 - Determined Papers, 1846–1847. FS digital film 8706550
 - Determined Papers, 1847. FS digital film 8706551
 - Determined Papers, 1847–48. FS digital film 8706552
 - Determined Papers, 1848. FS digital film 8706553
 - Determined Papers, 1848–1849. FS digital film 8706554
 - Determined Papers, 1849. FS digital film 8706555
 - Determined Papers, 1849–1850. FS digital film 8706556
 - Determined Papers, 1850–1851. FS digital film 8706557
 - Determined Papers, 1850–1851. FS digital film 8706558
 - Determined Papers, 1850–1852. FS digital film 8706559
 - Determined Papers, 1852. FS digital film 8706560
 - Determined Papers, 1852–1853. FS digital film 8706561
- [Stopped reading this series at this point]**
- Determined Papers, 1841–1898 [*sic*]. FS digital film 8705518
- [The papers are heavily in the 1870s–1890s, but the first case goes back to a will of the 1790s and the latest I spotted were 1900.]

Deeds: County Clerk

Used via the clerk's index, but I have not read page-by-page:

- Deed Records, Books 1–22 (1786–1853). Library of Virginia and *FamilySearch*

Deeds: District Court

- General Index to Deeds, Grantor, 1786–1897. FS digital film 007898083
- General Index to Deeds, Grantee, 1786–1897. FS digital film 007897648
- Deeds, vols. 1–45 (1785–1895)
- Bonds, Deeds, Book No. 2 (1802–1814)
- “Index to Land Suits, District Court, 1805–1818.” LoV, Franklin Co. reel 40. Library of Virginia

Fiduciary Records

- Guardians' Accounts, 1805–1833, 1833–1855, 1852–1864. LoV Franklin Co. reels 493, 282–2833, 284–285

Marriage Records

- “Marriage Bonds, 1813 (I)–1818.” Loose papers chronologically arranged. LoV Franklin Co. reel 47
- Marriage Returns, 1786–1858. LoV Franklin Co. reels 92–93

Probate Records

- General Index to Wills, A–K and L–Z, 1796–1948. FS digital film 007644993
- Will Book 1 with Inventories & Accounts, 1786–1812. FS digital film 7644994
- Will Book 2 with Inventories & Accounts, 1812–1825. FS digital film 7644994
- Will Book 3 with Inventories & Accounts, 1825–1833. FS digital film 7644995
- Will Book 4 with Inventories & Accounts, 1829–1837. FS digital film 7644995
- Will Book 5 with Inventories & Accounts, 1837–1845. FS digital film 7644996

- Will Book 6 with Inventories & Accounts, 1845–1849. FS digital film 7644996
- Will Book 7 with Inventories & Accounts, 1849–1852 . FS digital film 7644997
- Will Book 8 with Inventories & Accounts, 1852–1854. FS digital film 7644997
- Will Book 9 with Inventories & Accounts, 1854–1859. FS digital film 7644998
- Will Book 10 with Inventories & Accounts, 1856–1859. FS digital film 7644998
- Will Book 11 with Inventories & Accounts, 1859–1861. FS digital film 7644999
- Will Book 12 with Inventories & Accounts, 1861–1863. FS digital film 7644999
- Will Book 13 with Inventories & Accounts, 1863–1864. FS digital film 7645000
- Will Book 14 with Inventories & Accounts, 1864–1866. FS digital film 7645000
- Will Book 15 (1866–1871). FS digital film 7541299
- Will Inventories, Accounts. Arranged alphabetically. **LoV**, Franklin Co. reels 650–672

Surveyor's Office

- Plat Book 1, 1792–1811; LoV Franklin Co. microfilm reel 40

Have not yet used:

- Plat books, 1811–1891; FS digital film 8141191

Tax Records

- Land Tax Records, 1786–1895. **LoV**, Franklin Co., land tax microfilm
- Personal Property Tax Records, 1786–1850. **LoV**, Franklin Co., personal tax microfilm

Miscellaneous Records (Library of Virginia)

Accession No. 23707:

Franklin County Tax and Fiscal Records / Marriage Records and Vital Statistics/ Miscellaneous Court Records &c, 1790–1865

- Folder: Lists of Land Proccessioned, 1800–1803–1804
- Folder: Franklin Co. Delinquent & Insolvent Lists, 1790–1813

MS BC1184654

Franklin County Court Records, 1779–1818

- Folder: Land Records, 1799–1806; Proccessioners Returns, 1795–1805
- Folder: Roads & Bridges, 1801–1802
- Folder: Roads & Bridges, 1803–1804
- Folder: Roads & Bridges, 1804–1805
- Folder: Roads & Bridges, 1806–1808, 1810–1812
- Folder: Roads & Bridges, 1813–1816
- Folder: Roads & Bridges, 1817–1818
- Folder: Roads & Bridges, Undated

MS BC1051112

Franklin Co. Court Records, Partitions, 1807–1900

- Folder: Reel 247, Sequence #695–750 (random dates 1797–1890)
- Folder: Reel 248, Sequence #410–705 (random dates 1814–1890)
- Folder: Reel 248, Sequence #706–1032 (random dates 1814–1890)

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Note: Although the title does not say so, this is only an index—a database print-out showing defendant, plaintiff, date, and page number.

MILLS: Mills & Associates: Franklin County, VA: Extended Survey 2021; Revised 7 July 2022

- . *Franklin County, Virginia, Historical Inventory: Writer's Project Administration Stories, 1936–1940*. Rocky Mount, VA: Jacob Dill, publisher, 1917.
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- . *Franklin County, Virginia, Will Book Index, 1786–1986*. No Place: Privately printed, no date.
- . *History of Franklin County, Virginia: "Miss Essie" Wade Smith*. Henry, VA: P.p., 2017.
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