

Recorded the 7th of August 1712

Mr Tho: Correll Off to

Supplementall Inventory &c. Two kts Tobacco shipped on board the
Bessford Merch: Capt: Collins. bills lading taken in Mr J^r Wrights
name of Capt In: Bushrod - a plow & plow chains & 3 lights of glass

Turner vs Smith
Whereas Alexander Smith Turner came before me
and made oath on the holy Gospel that Alice Smith wife to Robert
Smith did agree with him to pay one hundred pounds of Tobacco
for her passage over the bay and that he hath received any part
thereof I do therefore order that Robert Smith pay the said sum
of one hundred pounds of Tobacco to the said Turner either may execute
Given under my hand this 17th day of December Anno Dom: 1712,

Tho: Bonam

1712 Rec^d Magistralis judgm^t 20
Aug^o Cor: ip: rec: ut: & bill costs 31st
J^o L. Offord £ 51

Allertons
Interrogato-
ries & depo-
sitions &c.

Interrogatories to be put to J^o and Selfe

- 1 Who did you serve your time with & how long since was it
- 2 Did you ever know that old Esq: Gerrard made or caused any Survey
to be made upon his lands
- 3 Did you ever know that in the above mentioned Survey he runn through
his Orchards any where near his dwelling house and from what
part he came with the said line and where he went with the same
and how long ago it was since he made the said Survey
- 4 Did you ever know or hear that the said Esq: Gerrard or his first
wife acknowledges or confesse that part of their Orchard stood upon
Col^o: Isaac Allertons land
- 5 Have you not often heard it reputed that part of that Orchard was
within the bounds of the said Allertons land and that he the said Al-
erton had often made Caper there without asking leave of any body
- 6 Do you know whether the said Gerrard cleared occupied and possessed
& claimed those grounds now called Poplar Kennell fields and whether
he ever claimed any lands above the said fields and how far above
- 7 Do you know who cleared & occupied those grounds which are now

200

inclosed in that part of Col^d. Lees corn field next to the road as you ride to Poplar Knolls bridge or next to that part or place where the Banqueting house once stood -

The answers of Jane Self aged seventy years or thereabouts to Interrogatories put to her on behalfe of Wills^{allerton} gent^e. by virtue of a Commission by him on that behalfe obtained 16. -
To the first she says she has been in the Country about fifty years and that she served Esq^r. Gerrard four years -

To the second she answers yes he did the second year they came over from Maryland -

To the third she answers she knows they came thro' one doore of the dwelling house and thro' the porch and as she believes was about fifty years agoe -

To the fourth not in their life time but since their death she has heard that two roes of the apple trees belong to Col^d. allerton -

To the fifth she answers in the affirmative -

To the sixth she answers yes he did clear & claime the fields and land about them. but how farr she knows not but a great way above them and that young John Gerrard shew'd her a plant plant-
ed by a Poplar almost by Tuckers ground which was in the life time of Esq^r. Gerrard & his wife -

To the seventh she answers in the negative -

Jane Selfe

Sworn before us Aug^r. 15th. 1713 -

Henry Ashton Thomas Lee Da. McCarty John Rushbrooke Francis Lee

Interrogatories to be put to Thomas Robinson sen^r & Mary Robinson his wife -

1st Do you know whether Col^d. Isaac allerton ever surveyed his land meaning that tract of land whereon he last lived being on the easternmost side of Machoticks River -

2^d Do you know how long agoe the said survey was made and whether it was not in the life time of old Esq^r. Gerrard -

3^d Do you know whether the said allerton in the said survey did runn through the said Gerrards orchard and what part of it and from whence they began to runn the said line & whether the said line did

4th Did you ever know that the said Bernard pretended to make any claim to the said survey or that he was any way interested in it?
5th Do you not know that the said Bernard in his life time and those that lived upon the same plantation and in the same house after his death had all or the greatest part of their fire wood from that part of the said allertons land that was next adjacent to the said orchard and that it was had by the leave & consent of the said allerton.

6th Did you never know it reputed in the said Bernards time and ever since that part of the said orchard did belong to the said allerton.

7th Do you not know that the said allerton always claimed that neck of land that was and is now called Napaomoo neck which lies between the head of a small creek running upon the Westmost side of Mr. Lane Bernards now dwelling house and the plantation now called Napaomooes quarter bounded by the 2^d small creek & Napaomoo creek.

8th Do you not know that the said allerton made use of it as his own and got timber from off it?

9th Was it not always reputed by the neighbourhood & inhabitants adjacent that that neck of land did belong to the said allerton and how long was it since you have heard it so reputed?

10th Do you know of any line trees now standing made by the said allerton in the aforementioned survey & where about they stand?

11th Do you know who cleared those grounds now called Poplar kenoll fields and whether the said Bernard did not occupy and claime them as his lands.

12th Do you know who cleared & occupied those grounds which are now inclosed in that part of Col^lds corn fields next to the road as you ride to Poplar kenoll bridge or next to the place where the langquitts house once stood.

13th Do you know how long the said Isaac Allerton & his son Willoughby allerton have been in quiet & peaceable possession of the said land or did you ever hear that any body pretended to make any claime to any part of it till within a few years of the death of John Bernards the younger and the last of that name.

The answers of Thomas Robinson aged twenty four years

to Interrogatives put to him in behalfe of Wille. Allerton by ver-
tue of a Commission by him in that behalfe obtained 16.

To the first Interrogatory answers yes he has heard he did -

To the second answers yes true in the life of Capt. Gerrard and as he
has heard about fifty two years ago -

To the third answers he heard they began to survey at a swamp below
the banquetting house and went thro' Gerrards orchard near Capt. Ger-
rards kitchen and took in Cuffys house and set a plant to the head of
Gerrards Creek -

To the fourth Interrogatory he answers in the negative -

To the fifth he answers that both Newton & Johnson own'd they did get
fire wood of the said land took in the said Survey -

To the sixth he answers not in Gerrards time but in Newtons and John-
sons he has -

To the seventh he answers that he has heard that Col^d. Allerton has had
some Cyder for Rent some yeares and that he has heard Mr. Johnson
tenant in possession own part of the orchard to be Col^d. Allertons and
that part of the land where he got firing -

To the eighth he answers in the affirmative -

To the ninth answers in the affirmative -

To the tenth answers It has been so reputed ever since he came in the Coun-
try which is about forty eight yeares ago -

To the eleventh he answers yes his master John Williams & Col^d. Allerton
both shor'd him some line trees near to footmans -

To the twelfth he answers he knows not who clear'd 'em but Gerrard
did tend the old field & had three Tob^l. houses in the old field -

To the thirteenth he answers he knows not who clear'd 'em all but Tho-
mas Sanders clear'd that part next to the road for Capt. John Lee
Thomas Robinson

Sworn before us 15th day of Aug^r 1713 - John Bushrod Cla.

McCarty Thomas Lee Francis Lee & Ben. Ashtons.

The answers of a Mary Robinson wife of Thomas Robinson to
Interrogatives putt to her in behalfe of Wille. Allerton Gen^d. by ver-
tue of a Commission by him in that behalfe obtained 16.

To the first she answers yes she has heard he did survey his land
she has heard it from his own mouth & severall others -

To the second she answers yes 'twas a great while ago may be forty

20th she asks whether she has heard that Allerton did survey and that he went to the first of Bonard's estates as the Bonard folks told her but knows not what part of the orchard and that they run by a line tree being a gum (shrub by fortune not race ground) that parted John Williams & Col^d Allerton and ran up Bonard's corner.

To the fourth she answers in the negative.
To the fifth she answers she knows that there that lies there since Bonard has got facing within Col^d Allerton's line as they told her where it went.

To the sixth she answers in the affirmative.
To the seventh she answers yes for forty years & upwards and she hears he was to have a quantity of Cyder every year for it but knows not exactly how much and that she never knew any one lay any claims to it till within a few years of the death of the young John Bonard.

To the eighth she answers yes he claimed it all.
To the ninth she answers negatively. To the tenth she answers yes in the affirmative and that she has heard it so reputed for this forty years & upwards. To the eleventh she knows nothing more than what she has already declared relating to the guns.
To the 12th she answers yes Capt. Bonard cleared & claimed the ground & there a quarter there. To the thirteenth she answers yes Thomas Sanders over-awed to Capt. In. Lee cleared them. Mary Robinson sworn before 15th day of Aug^r 1713. In. Bushrod Da' Mcarty Tho Lee J^r & de Hon. Ashton.

Interrogatories to be put to Dan^d O'cany

- 1 Do you know where that spot or parcel of ground lies that was formerly called Peccato's fields.
- 2 Do you know who cleared those grounds which are now inclosed in that part of Col^d Lee's corn fields that lies next to the road as you go to Poplar known bridge or next to that part or place where the tan-quitting house once stood.
- 3 Do you know who cleared occupied & possessed those lands that are now called Poplar known fields and whether old Capt. Bonard did not claim as far as those fields went.
- 4 Have you not often heard it reputed that part of old Capt. Bonard

orchard was within the bounds of Col^l Isaac Allertons land -
Do you not know that the said Allerton made a gap from of the
said orchard -

The answers of Dant^o O'cany to interrogatories put to him on be-
half of W^{lls}. Allerton given by virtue of a Commission by him in
that behalf obtained &c.

To the first (yes he has heard that where the banquetting house stood
was called Peccatoners fields -

To the second he answers in the negative -

To the third he answers he has heard that Capt^r Gerrard cleared and built
upon 'em and that he claimed as far as they went -

To the fourth answers in the affirmative -

To the fifth he answers (yes he has heard so) -

Dant^o O'cany

Aug^t. 15th 1713 Sworn to before us Det^y McCarly Thomas
Lee Hen^y. Ashton M^r. Bushrod Francis Lee -

Interrogatories to be put to James Lanhorn -

1 Did you ever hear it reputed that part of that orchard which for-
merly belonged to old Capt^r Gerrard was within the bounds of Col^l
Isaac Allertons land and how long since it was so reputed to your
knowledge -

The answer of James Lanhorn aged seventy eight years
to the above Interrogative -

To the first (yes ever since he liv'd at Col^l Allertons mill he has heard
it so reputed -

James Lanhorn -

Aug^t. 15th 1713 Sworn to before us - Thomas Lee Det^y McCarly M^r.
Bushrod Henry Ashton Francis Lee -

Interrogatories to be put to John Wright Smith -

1 Did you ever hear it reputed that part of that orchard which for-
merly belonged to old Capt^r Gerrard was within the bounds of Col^l
Isaac Allertons land and how long since was it that you have heard
it so reputed -

The answer of John Wright Smith to the above Interrogatory

To the first he answers (yes he has heard it so reputed this twenty
eight years by Col^l Allerton & severall others -

John Wright -

Sworn before us Aug^t. the 15th 1713 - Henry Ashton Det^y McCarly
M^r. Bushrod Thomas Lee Francis Lee -

1st Do you know or did you ever hear that that orchard which formerly belonged to old Capt. Burrard was within the bounds of Coll^d. Allertons land & what part of it and where the line was said to run and from whence it came -

2^d Do you know or did you ever hear that the said Allerton claimed part of the said orchard & made Cypers from it -

3^d Do you know or did you ever hear whether that neck of land that was & is now called Nagawmoo neck did belong to the said Allerton and whether he did not always claim it & get timber from of it -

4th Do you know or did you ever hear of any line trees now standing and where do they stand -

The answers of John Holliday to Interrogatives put to him on behalf of Wills. Allerton Gent^d. by virtue of a Commission by him in that behalf obtain'd &c.

To the first he answers that about thirty years ago he has heard old Mr. Newton say that if Coll^d. Allerton had his due he would come thro' the entry of Newtons dwelling house and that he had heard several others say so particularly John Henmore & Robert Knight and that he has heard that about a quarter part of the orchard did belong to Coll^d. Allerton and that the line of Coll^d. Allerton as he has heard came from an Ashters pond by Allertons and to the plantation where Thomas Robinson liv'd and ran up that cove thro' the woods to Newtons plantation and that he saw a crooked hickory reputed to be one of Coll^d. Allertons line trees standing mid way between the quarter & Newtons house and that he saw one Sheppard a son of old Mr. Newtons gate it -
To the 2^d he answers in the negative -

To the third he answers in the affirmative -

To the fourth answers that about thirty two years ago Henry Maun-
ders shon'd Coll^d. Richard Lee a gum tree which he said was Coll^d. Allertons line tree and that the tree stood near to Thomas Robinsons house -

John Holliday

Sworn before us Aug^t. 15th 1712 Henry Ashton Thomas Lee Da.
Mr. Carly John Puchard Francis Lee

Interrogatives to be put to Mr. Thomas Newton -

Did you know or did you ever hear it reputed that part of that orchard that formerly belonged to old Capt. Burrard was within the bound

of Col^d Allerton's land whether he ever saw any part of it or not
Do you know whether he ever saw any part of the
said orchard & whether he ever saw any part of any way or whether any
body pretended to hinder him from making of a way
3^d Did you ever hear whether Col^d Allerton had made any survey
upon this land whether he did not run this the orchard and what
part of it he run this where he began and where the line went and
who your heard say so and how long since it was said to be done
4th Do you know or did you ever hear that Col^d Allerton in his
life time and those that lived upon the same plantation and in the same
house after his death had all or the greatest part of their fire wood
from off that part of the said Allerton's land that lies next to the said
orchard by the consent of the s^d Allertons and not otherwise
5th How long have you known the s^d Allerton this son Willoughby
Allerton to be in peaceable and quiet possession of the said lands or
did you ever hear any body pretend to claim any part of it till within
in a few years of the death of John Gerrard the younger & last of
that name

The answers of Thomas Newton to Interrogatories put to him on
behalf of Wille^m Allerton Esq^r by virtue of a Commission by
him in that behalf obtained 16th

To the first he answers that ever since his memory he heard it reputed by
his father & mother that two roes did belong to Col^d Allerton

To the 2^d he answers he has seen Col^d Allerton's cart come to Gerrard's
orchard and Cyder away from Mr. Johnsons Cyder trough and that he
has heard Col^d Allerton's people say times for the use of the two roes
of apple trees

To the 3^d he answers he has heard his mother say that there was a sur-
vey made by Col^d Allerton or Col^d Allerton but which he knows not and
that she said they came by the chimney of the dwelling house next to
the end of the land and that he knows this ever since he can remember
and that his father has shew'd him a poplar as he believes which stood
at Chick Mary's Spring and told him 'twas Col^d Allerton's corner tree

To the fourth he answers he has heard his father and mother say they
have had liberty to get firing from Col^d Allerton's land

To the fifth he answers he has known Col^d Allerton & his son
ever since his memory being about four & thirty years of age and

that he had been offered by the said Bernard offered
proposals made of said to the said Bernard for his life time -
The Affairton.

Aug. 15th 1713 - shown before us - Thomas the Bar. M. Carty then
asked the Witness, Francis the -

Interrogatories to be put to Mr. Daniell Stobs -

1. Do you know or did you ever hear it reputed that part of that orchard
which formerly belonged to old Capt. Bernard was within the bounds of
Col^l Isaac Allerton's land and how long since it was you have heard
it so reputed -

2. Do you know whether was the said Allerton made Cyder in the said
orchard and whether he ever asked leave of any body to make Cyder or
whether any body pretended to molest or hinder him or those that he
sent for that purpose -

3. How long have you known the said Allerton & his son W. Allerton
to be in quiet & peaceable possession of the said land or did you
ever hear any body pretend to claim any part of it till within a
few years of the death of John Bernard the younger and last of
the name -

4. Do you know whether the said Allerton always claimed that neck
of land that was and is now called Napaemoco neck which lies be-
tween the head of a small Creek or cove on the Westernmost side of
the now dwelling house of Mr. Isaac Bernard and the plantation now
called Napaemoco quarter bounded by the & small Creek or Cove and
Napaemoco Creek -

5. Do you know whether the said Allerton made use of it as his own &
gott timber from of it -

6. Was it not always reputed by the neighbourhood and inhabitants
adjacent that that neck of land did belong to the said Allerton and
how long was it since you have heard it so reputed -

The answers of Mr. Daniell Stobs to the Interrogatories put to him
on behalf of Col^l Allerton by virtue of a Commission by him in
that behalf obtained &c.

To the first he answers that ever since he came to this Country being
about twenty six years ago he has heard part of the said orchard was
reputed to belong to Col^l Allerton -

To the second he answers that he has hope beat open at Mr. Johnsons for his master Coll: Allerton but whether he ac^t transfer the same he knowis not but Mr. Johnson has been by when he was there and did not molest or hinder them—

To the third he answers that always's reputed to be Coll: Allertons land from a Wallenuth by the banquetting house running through the orchard of Esq: Gerrard and that he never heard any body claimed within that line till within a few years of the death of John Gerrard late dead—

To the fourth he answers he has always understood it to be his Masters Coll: Isaac Allertons—

To the fifth he answers he does not know that old Coll: Allerton ever gott any timber in that neck—

To the sixth he answers he has always since he came into this Country heard it reputed to belong to Coll: Allerton—

Dant: Tibbs

Aug: 14: 15th 1713, Sworne to before us— Dant: M: Carty Thomas Esq: Th: Bushrod Hen: Ashton Jfr: Lee

The ord: for taking the bo: for exami- acens is entered in the booke ord: K fo 218

By virtue of the within order to us directed we did meet at the Clarks Office for the said County and did swear and examine all such witnesses as the within named Willoughby Allerton nominated to us whose Depositions are annexed to the severall Interrogatories and sheweth returned. Given under our hands this 15th day of August 1713.

D: M: Carty Thomas Lee

Hen: Ashton Th: Bushrod Francis Lee

Westmoret: At a Court held for the said County the 26th day of Aug: 1713 On the motion of Willoughby Allerton Gent: the severall Interrogatories and answers therunto taken by virtue of the within Commission is admitt to record—

Test Tho: Sorrell D: Geo: P: Curdson Thum

Recordat: tertio die Sep: 1713

McCartys Sale to Paine

This Indenture made this 21st day of August in the twelfth year of the reign of our Sovereign lady Anna by the Grace of God of Great Brittain France & Ireland Queen defender of the faith &c. annu: Dom: 1713 Between Daniell M: Carty of the parish of Cople in the County of Westmoreland on the one part and Williams Payne