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SURRY COUNTY WILL ABSTRACTS, 1771 - 1827 (AND OTHER REFERENCES)

by Fred Coffey

INTRODUCTION AND BACKGROUND:

I have now come to believe that my ancestor "Robert Walker Esq." was of Scottish ancestry, who probably came to America as an "Ulster Scot", or "Scots Irish", from Northern Ireland. And that he had a brother, David Walker. I believe that Robert and David first settled in Pennsylvania, and that they subsequently moved to North Carolina after about 1765 and before July 1768. Brother David died in about 1774/75, leaving at least 3 orphans, one named David.

As background, I observe it would have been very convenient for Robert and David to come to the Surry County, NC, area from Pennsylvania – because Pennsylvania is where the Moravians came from. The Moravians settled the area that became Surry County, and pioneered routes from Pennsylvania. And Robert became very involved with the Moravians – perhaps he even interacted with them back in Pennsylvania, or traveled south with one of their groups? He strategically placed his Tavern on one of their major routes, and they even marked his location on one of their maps! As background, you might find this interesting:

<http://www.coffey.ws/FamilyTree/FamilyNotes/MoravianRoads.pdf>

Robert and David Walker left an abundance of descendants, all of whom seemed obligated to name children "Robert" or "David", thus yielding abundant confusion.

An area of great confusion: There is a **David** named as an orphan of the **David** Walker Sr. who died circa 1775. And there is a **David** named as "my son" in the will of Robert Walker. And there are **FOUR** separate lines of descendants, all claiming to descend from a "**David**". The debate is covered in the following:

<http://www.coffey.ws/FamilyTree/FamilyNotes/Walker7Davids.pdf>

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This paper is primarily my effort to look at records for Robert and David, with particular focus on David (I've documented Robert to death elsewhere). And to see if I can begin to interpret them:

To begin, the earliest reference found for Robert is in "The Minutes of the Court of Pleas and Quarter Sessions. Rowan County, North Carolina". The entry for 19 July 1768 reads "**ROBERT WALKER** to have License to Keep an Ordinary at his home in Rowan with WM TEMPLE COLE & THOMAS STWEL as Securities".

Robert also appears on a 1768 tax list for Rowan County. So we know Robert, and probably David, got to NC no later than early 1768.

Note that part of Rowan County became Surry County in 1771. In 1789 Surry was split into Surry and Stokes. In 1849 and 1850 another split added Yadkin and Forsyth.

REFERENCES, AND THEIR INTERPRETATION:

Marcy Murdock pointed out that much information about Robert Walker, David Walker, and others could be found at the following source:

SURRY COUNTY NORTH CAROLINA WILL ABSTRACTS

Vols. 1-3 1771 - 1827

Abstracted and compiled by Jo White Linn Indexed by Edith Montcalm Clark

I (Fred Coffey) had actually seen this volume before, but quickly tossed it aside after looking in the index. These are the only Walkers that made the index:

Surry Will Abstracts Index:

Walker, Ann 6,10,19,21

Henry 12,43,44

Henry Jr. 43

Sarah 43

But there were actually MANY entries that did not make this index! Following are my "clippings" from the book. Here are two of the earliest references to Robert Walker:

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Surry Will Abstracts: "1:6a. Martin Armstrong, John Armstrong, **Robt. Walker** & William Roberson of Surry are bound to his majesty for 1000 pds. sterl. as Martin Armstrong is appointed Sheriff of Surry Co. 3 Apr. 1771. Wit: Jesse Benton. Rec. May Ct. 1771,

Surry Will Abstracts: "1:12a. Sept. Ct. 1772. People who had claims against the County: Griffith Rutherford, Gideon Wright, William Robertson, Richard Goode, John Armstrong, Charles McAnally, George Sprinkle, Anthony Hampton, William Rutlage, Thomas Evins. Paid at 4 pence per taxable: Gideon Wright 125, Chas. McAnally 103, James Mark 71, William Hall 95, John Duncan 96, **Robert Walker** 17, Moses Martin 121, Malcom Curry 70, Edward Riggs 330. No. of Taxables:1028.

NOTE: The earliest reference I found to **David** Walker was actually in the Surry County Court *Minutes* dated 14 May 1773. It says "MEMO: Search for (various records, plus) **David WALKER**, estate serch for and found." My guess is that this may only be a "memo" to the author of the abstracts. But if it reflects an actual activity by the court on 14 May 1773, then it means that David Walker died before 14 May 1773? However because of the way it is presented, I am suspicious the date may not be relevant!

The following entry is from the November Court Session of 1774. It introduces the deceased David Walker, who is believed to be the brother of Robert Walker. And it also introduces "Ann", who may either be the widow of David, or the wife of Robert:

Surry Will Abstracts: "1:30. Inv. of est. of **David Walker** by Robert Walker & Ann Walker. n.d.

If this is indeed from the November 1774 Court, it would seem to say that David Walker died in or before 1774? However the notation "n.d." I think means "not dated", leaving open the possibility it was miss-filed?

(An early thought was that this, and subsequent appearances of the name "Ann", could be a confirmation of what had only been a theory. I had thought that the first wife of Robert MIGHT be named Ann, because his son Robert Jr. named his second daughter "Anne". There is a Scottish naming convention, which says a second daughter should be named after her paternal grandmother!)

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(However the records allow a second interpretation: It would also work if "Ann" was the name of David Walker's widow, and her appearances in conjunction with Robert Walker just means she was working with her BROTHER-IN-LAW Robert, to manage her husband's estate? It's not obvious which is correct.)

This next entry also seems to confirm that Robert and Ann were husband and wife (or brother and sister in law?), and were administrators of David's estate:

*Surry Will Abstracts: "1:46. Inv. of sale of David Walker decd. Buyers were: **Ann Walker, David Walker, Robert Walker**, Charles McCay, Jacob John Scott, Jacob Myers, John Holey, George Hyet, Andrew Lowery, **Robert Walker Sr.**, Peter Ludwick, John Growse, Martin Armstrong, Robert Lanier, Jo. Williams, Peter Shermer, Traugott Bagge, John Healey, etc. Total retnd to May Ct. 1775 by **Ann Walker & Robert Walker** admins. L44:12: 6.*

This estate sale for David Walker had been completed by May 1775, and the results returned to the court by Ann and Robert Walker. One item of considerable interest is that it says one of the buyers was "David Walker". Since it's hard for the deceased to attend, could this be his child David? If so, what was his age? Was someone buying on behalf of a minor child? Or maybe this was ROBERT's son David, who by some accounts might have been about 10 years old. Curious.

Also of interest, this is the only place in these Abstracts where I see a "Robert Walker", AND a "Robert Walker Sr.". I think that was necessary because Robert's son, Robert Jr., also was there. Everywhere else, I think any reference to "Robert Walker" refers to "Senior". (Robert Junior was born 1 Sept 1748, per Quaker records, so he would have been about age 27.)

Next is an abstract naming the children and guardians of the deceased David:

*Surry Will Abstracts: "1:93a. **Ann Walker**, William Dobson, Richard Goode, Joseph Winston are bound to Martin Armstrong, Robert Lanier, John Hudspeth, Matthew Brooks, Justices, for L500 N.C. money 12 Feb. 1778 as **Ann Walker** and William Dobson jointly are appointed guardians of **David Walker**, Lillias Walker and Hannah Walker, orphans of **David Walker decd.** Wit: Jos. Williams. Rec. Feb. Ct. 1778.*

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Assuming the author has the dates all right, I'm surprised that guardians are not appointed until 1778. Is this usual? (My thought: In 1778 there was an application for a land grant for "David Walker – a minor". Possibly they had to formalize the guardian's of David, before they could act to arrange his land grant? This land grant was coordinated with grants to Robert Walker, Esq., and the grants are discussed with my notes about Robert Esq.)

Also note, there is also a "Hannah" in Robert Walker's will – but probably not the same person? It's unclear, because for all his other children Robert refers to them as "son" or "daughter", but for Hannah no relationship is noted. She could be his niece?

Here's another reference to the estate of the children, from the next court session in May 1778 (the court met every 3 months):

*Surry Will Abstracts: "1:102. Acct. of est. of children of **David Walker** decd by **Ann Walker** & William Dobson, guardians. 13 May 1778. Cash recd of Robert Warwick L4, ditto **Robert Walker** LI. Rec. May Ct. 1778.*

And another, same court session, involving Robert Walker himself:

*Surry Will Abstracts: "1:107a. **Robert Walker**, William Dobson, Martin Armstrong & Michael Howzer are bound to John Hudspeth, Charles McAnally & Robert Lanier, Surry Co. Justices, for L200 proc 14 May 1788 (sic) as **Walker** & Dobson are bound guardians of **David Walker**, orphan of **David Walker** decd, making exhibit to the Justices in 3 mos. of their guardianship accts. Wit: Jo. Williams, Clk. Rec. May Ct. 1778.*

I could find no further references to David in the Will Abstracts. However since I'm interested in ANYTHING about Robert, the following two entries are also of interest:

*Surry Will Abstracts: "1:172. **Robert Walker**, William Shepperd, John Armstrong are bound to Gov. Alex. Martin for ... 17 Aug. 1780 as sd **Walker** is appointed Tax Commissioner. Wit: Jos. Williams. Rec. Aug. Ct. 17 82.*

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***Surry Will Abstracts:** "2:19a. Aaron Denney of Wilkes Co., N.C. yeoman binds his dau, Elizabeth Hyne Denny, 10, to John Randleman until she becomes 18. 12 April 1783. Wit: **Rob. Walker**, Jesse Knighten. Rec. Nov. Ct. 1783.*

We have the full will of Robert Walker elsewhere, but for completeness here is the summary from the abstract:

***Surry Will Abstracts:** "2:68. Will of **Robert Walker** of Richmond, Surry Co. .. Mar. 1786. Wife Mary gets negro Peter, choice of plantations, etc. Son James gets 400 A on E side Tenn. R. & 300 A on Duck R. & L50 when he comes of age. He is to be educated in Eng-lish, arithmetic & astronomy. **Son David** gets 300 A on Duck Crk, 500 A on W side Tenn. R., 500 A on E side Tenn. R. & L25 **when he comes of age** & L5 to buy a watch, buckles & hat & a negro. Dau. Polly (by last wife) gets negro Lucy, horse & saddle, etc. Dau. Betsy (by last wife) gets negro child Masen, horse 6: saddle, etc. Son Robert gets 300 A on Duck R & 5 sh. & 300 A & L50. Robert Walker, son of my son William, gets 300 A on W side Tenn. R & L25 for his learning. Son of my son John Walker if he has a son called Robert Walker - same as above. Robert Wright, my grandson, son of Silly Wright - 200 A on E side Tenn R. Mary Miller, dau of Betsy Biller - 200 A on W side Tenn R. Sons William & John Walker get 5 sh ea. Daus. Elizabeth Miller & Mary Wright get 5 sh. ea. Mary Walker & Hannah Walker ea. get 5 sh. Exrs: wf Mary, son Robert, Col. Martin Armstrong. No wit. Handwriting prvd by Joseph Williams, John Randleman, Malcum Curry, William Hughlett, John Armstrong, John Thos. Longino, James Gaines. Rec. Aug. Ct. 1786.*

There is a Surry Court *minutes* record dated 16 Feb 1787, after Robert Senior's death, which, in the same single paragraph, orders David Walker, William Walker, and Robert Walker (Junior) to inspect a particular road. Since they appear together, these almost have to be the David/William/Robert named in the Will, and it would seem to make it clear that David had reach adulthood by this date. If he reached age 21 between March 1786 and Feb 1787, he must have been born about 1765? (Alternatively, he could have been considered "adult" because he got married?)

There was a *North Carolina State Census 1784-87*. There were no "David Walkers" listed as head of household. Robert Walker Esq. was actually the census taker for part of Surry County before his death, and there is room in Robert's own head count for a David. (Robert reports 1 white male 21-60, 2 white males under 21 and over 60, 4 white females, and 5 blacks). Robert's

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census report was filed February 1786, so I believe David was at home on that date.

Also in the Court *Minutes*, there is one more David Walker reference after Robert's death: For 14 May 1788 it reads "Deed from David WALKER and wife to Nathan PIKE, oath Joseph McPHARSON". I note that there are also February and May records for James and John Walker, who are named in the will as sons of Robert Esquire. So I think this David is also one of the named "sons" of Robert. And the point is that he HAS A WIFE, and must have married between 1786 and 1788?

Now note that Surry County was split in 1789, adding a new county, Stokes. And in the *1790 Federal Census* there is a David Walker in Stokes County. The household has 1 male over 16, 3 males under 16, and 2 females. IF it's the same David, it would seem almost impossible for this to be David plus a wife plus 4 kids. However it would not be unusual if one or two older nephews or nieces were living in the household to help out. So it is still possible this is the same David. One could still argue this better fits the idea that "David son of David" and "David son of Robert" are two different people?

LONGER TERM CENSUS REFERENCES:

There are several things to be learned from future census years that may have a bearing on the David(s) of Surry County:

The 1800 Federal Census identifies two David Walkers, one in Surry County, and one in Stokes County. (Remember, Stokes was originally part of Surry). Here are the statistics:

<u>1800 Federal Census</u>	<u>David From Surry County</u>	<u>David From Stokes County</u>
Free White Males Under 10	-	3
Free White Males 10 thru 15	1	2
Free White Males 26 thru 44	-	1
Free White Males 45 and Over	1	-
Free White Females Under 10	2	-
Free White Females 16 thru 25	1	-

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Free White Females 26 thru 44	-	1
Free White Females 45 and over	1	1
Total Number in Household	6	8

I'm inclined to discard the "David from Surry County", because the household appears to be headed by a husband and wife both over age 45. That means born before 1755. That just doesn't work. This is likely an unrelated family.

The "David from Stokes County" is a much better fit. Plus "Stokes" would encompass modern "Walkertown" where we would expect to find descendants of our David/Robert. It appears to be headed by a husband and wife age 26 thru 44 (i.e., born 1756-74). There is a female over age 45, but I'm inclined to think "mother in law"?

Neither of these fit well with the "David Walker" Marcy Walker Murdock wrote about. She said:

*"(My ancestor was) **David Walker** approximately 1776-1853. According to his tombstone it states he is approximately 77 years, so by doing the Math is about 1776. According to the Surry County Court records of 14 May 1778, David Walker is an orphan. A condition of Obligation for Guardians Robert Walker and William Dobson were appointed for David Walker until he reaches legal age. This obligation was for David Walker the father deceased. David Walker 1776 is buried in Ebenezer Cemetery, Warrick Co., Indiana. His wife is Malinda "Millie" Pinnix (1791 - ?). They were married on 24 Sept. 1809 in Surry Co, North Carolina according to the marriage records.*

(CAUTION: Marcy is ASSUMING her ancestor is the "orphan" David, i.e., the son of the deceased David. I think that is possible, but I do not yet see it as proven. Fred.)

If her David indeed was born about 1776, but was not married until 1809, then it's not surprising we don't find him in the 1790 or 1800 census. He would likely be working as a hired hand in the household of some other family. So absence there is not a worry.

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I'm a little bothered by the age analysis: Even if he were only an infant when father David died, he would have been born by about 1775. So he should be about age 79 in 1853. I found on "find-a-grave" the tombstone she mentions, saying age "about 77", suggesting birth about 1776. Also found him in the 1850 census for Warrick, Indiana, with an implied birth year of about 1781. However ALL these are within reasonable range for someone who might not have been sure exactly when he was born – like an orphan?

The DNA test says Marcy's ancestors are definitely related to the Walkers from Surry County. So I think she has a plausible claim to "orphan David". But so do some others.

I'm very intrigued by one aspect of the David Walker found in the [*1850 Federal Census for Forsyth, NC*](#), (Forsyth was spun off from Stokes). He is age 67 (suggests birth about 1767) and claims he was born in **Pennsylvania**. This is the one who "Find-a-grave" reports is buried in Love Methodist Church Cemetery in Walkertown, with a reported birth date of 14 Sep 1765. Also buried there is his son, David Walker Jr. (2 Oct 1788 – 13 Jul 1864), who married Martha Crook Bennett. "Junior" is the head of household in that 1850 census, and this is all consistent.

The important thing is the **PENNSYLVANIA** birth, circa 1765. The earliest records we have found for Robert in North Carolina are 1768, and this David could be a son of either Robert or David Sr.

I do see in the [*1850 Federal Census for Forsyth, NC*](#), that one of Randy and Ralph Walker's ancestors (Alvis) is there. Given the proximity, they are almost certainly also sons of the David Walker who said he was born in Pennsylvania?

I can't find any OTHER descendant of Robert Senior (or David Senior) who was old enough to have been born before Robert/David moved to North Carolina, and who lived until the census (1850) asked for birth location. But this David bears witness to a **Pennsylvania** origin.

My own ancestor, Robert Walker Jr., was born 1 Sep 1748. He did not survive to the 1850 census, which is the first one where people reported their origins.

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However Robert Junior could well have also been born in Pennsylvania. Or maybe in Northern Ireland, coming to America with his father's family?