The New Design

Blackwater Swamp, Surry County, Virginia



by Timothy Dean Hudson

♦ ♦ ♦ ♦ ♦ ♦

Contents

1. Introduction....2
2. The *"Surry Side"*....4
3. Surry's Backcountry Along the Blackwater Swamp....7
4. Maj. James Kee & The New Design....10
5. The New Design Tavern....14
6. Gaming Crackdown in Surry....19
7. A New Generation of Ownership....27
8. The Hub of Surry's Blackwater Swamp Backcountry....32
9. Notes....35

♦ ♦ ♦ ♦ ♦ ♦

Introduction

The landscape of Surry County, Virginia along the James River is dotted with relics of the plantation culture that originated early in the seventeenth century as the financial success of tobacco cultivation propelled landowners to aristocratic status. These include the plantations of Chippokes, Pleasant Point, Smith's Fort, Swann's Point, Mount Pleasant, Four Mile Tree, and the most famous, the Jacobean brick house built in 1665 by Authur Allen, a wealthy Surry County merchant and justice of the peace. In 1676, a group of insurgents led by Nathaniel Bacon occupied Allen's house, converted it into a fort, and fought a skirmish against English sailors. These events gave Allen's house its moniker, *"Bacon's Castle,"* now regarded as North America's oldest brick dwelling [1].

Bacon's Rebellion ultimately failed, but his uprising left an indelible imprint on both colonial Virginia and the southern United States. The Old Dominion's first full-scale armed revolt pitted the elite tobacco plantation owners living along the major rivers against Bacon's makeshift army. His followers included small farm owners living in the colony's backcountry, landless freedmen, indentured servants, and enslaved Africans. The failed rebellion's lasting impact stemmed from the colonial government's response: it promptly dissolved existing indentured servant policies and compensated from the loss of that labor by promoting the African slave trade, thereby institutionalizing chattel slavery throughout the English colonies. This ensured that the elite plantation culture would endure and dominate all other segments of society in Virginia, and later, in the South [2].

As the only modern remnant of this first insurrection in the English colonies, Bacon's Castle has become synonymous with Surry County, Virginia in the public consciousness. As the region's best-known landmark, it casts something of a shadow over the rest of Surry's past. While those pivotal events of 1676–1677 indeed placed Surry County on the world map, the region has enjoyed a rich history in the intervening centuries.

Surry has remained a rural locale with a predominantly agrarian society since its creation nearly four centuries ago. The wealthy landowners and their high-society culture dominated the northern swath of the county along the James River from the seventeenth century through the twentieth. The valuable tobacco they produced prompted the creation of the county's only villages, namely Cobham, Cabin Point, and Surry Court House, now the town of Surry. All were located along creeks that empty into the James River, making them convenient to the nearby tobacco estates.

Meanwhile, the southern portion of Surry County along the Blackwater Swamp formed the colony's backcountry and developed a markedly distinct culture. The fertile lowland soils of that

region proved ideal for the cultivation of corn, cotton, wheat, and sustenance crops, and it developed into a patchwork of small farms. These less affluent families and landless workers had to travel a significant distance to reach the villages near the river. Not until 1896 did Dendron form as a logging town along the north side of the Blackwater. This naturally raises a question: what local villages served the backwoods region before Dendron, during the bulk of the nineteenth century?

Because Bacon's Castle dominates the county's historical identity, the quieter story of Surry's backcountry–and the commercial hub that sustained it–has remained largely overlooked. Scattered and fragmentary references to a backcountry tavern named *"The New Design"* linger in contemporary records, and it is memorialized as the official name of Virginia Highway #616: *"New Design Road."* Local Surry County residents of the latter twentieth century report that *"The New Design"* is associated with the intersection of Virginia Highways #615 (Carsley Road) and #616, while several of the oldest residents recalled the remains of *"a long, single-story frame house in the field west of Rt. 615 before it turns right*" onto Highway 616 towards Dendron [3].

By analyzing land, court, and tax records, we see that The New Design was simultaneously a working plantation, a tavern, and a crossroads community. This article attempts to reconstruct the forgotten history of this backcountry commercial hub that shaped southern Surry County during the nineteenth century.

♦ ♦ ♦ ♦ ♦ ♦

The *"Surry Side"*

Surry County, Virginia lies along the inland border of *"Tidewater Virginia,"* the low-lying alluvial plain on the western shore of Chesapeake Bay that constitutes the region between the Atlantic Ocean and the Atlantic Seaboard Fall Line, a 900-mile escarpment where the Piedmont and Atlantic coast plains intersect in eastern North America.

Upon their arrival in 1607, the English colonists first landed in what is now Surry County five days before they tied their ships to the trees across the river on the large peninsula where they soon built Jamestown. They landed east of Upper Chippokes Creek near the modern village of Claremont to pay homage to the first group of Native Americans they encountered, the Quiyoughcohannocks.

The year after they established their settlement at Jamestown on the northeast bank of the James River, the settlers began keeping their hogs on the nearby 3,908-acre peninsula that juts into the river's brackish waters. This gave the neck of land its name, Hog Island, an area that now forms Surry County's northeastern corner.

In 1609, Capt. John Smith had a group of Jamestown colonists construct Smith's Fort on the banks of Gray's Creek, whose mouth opens into the James River opposite Jamestown. Other settlements soon formed across the river from Jamestown on the *"Surry Side,"* and the region initially formed part of the Corporation of Jamestown. In 1634, authorities divided the Virginia Colony into eight shires, putting both Jamestown and the vast, undefined region south of the river and to the southwest into James City County.

In 1652, Virginia's House of Burgesses designated the portion of James City County south of the James River as Surry County. It is located just across the river from the colonial capitals of Jamestown and Williamsburg. The river has formed Surry's northern border since the county's creation. During the seventeenth and eighteenth centuries, the James constituted Virginia's major thoroughfare, bustling with all varieties of ships heading from the Atlantic Ocean upriver to Richmond and other inland areas [1].

Tobacco production formed the backbone of Virginia's economy throughout the seventeenth and eighteenth centuries. While it constituted Tidewater Virginia's primary cash crop, the cultivation of high-grade, marketable tobacco required both a specific soil type and a narrow range of environmental conditions. The light, sandy, well-drained soils of the James-York Peninsula produced high-grade tobacco, as did the soils across the James River in the northern portion of Surry County paralleling the river. These upland soils proved ideal for producing the lucrative strain of tobacco known as *"sweet-scented"* [2].

The sale of tobacco initially propelled many families to financial success, and by the mid-1600s, vast tobacco plantations cultivated by numerous indentured servants and enslaved workers checkered the Tidewater, including in the lands along both sides of the James River and the northern swath of Surry County paralleling the river. A high-society plantation culture developed there, and the region became a prime producer of quality tobacco. The 1730 Tobacco Inspection Act was designed to ensure that Virginia only shipped the highest-grade tobacco to Europe. To this end, the Act created warehouses in the Tidewater counties along the main rivers to store tobacco for inspection before shipment to the European markets.

Most counties had only one warehouse, but the Virginia General Assembly created two in Surry, an indication of the volume and quality of the tobacco produced in the county. They located Surry's two warehouses on creeks that emptied into the James River: at Cabin Point, on Upper Chippokes Creek, and further downriver at Gray's Creek, whose mouth lies opposite the village of Cobham, the primary center of Surry County commerce during the 1600s and 1700s [3].

Although the cultivation of *"that bewitching vegetable"* brought immense financial success to many families living in the James-York Peninsula and along the lower James River, the market proved fickle and experienced a prolonged depression between 1680 and the mid-1730s. By 1727, the price of tobacco on the open market had plummeted, sinking so low that the new Royal Governor, Sir William Gooch, reported that *"an abundance of the planters are no longer able to live by it"* [4].

The volatility of the tobacco markets during this period provided the impetus for many residents of the James-York Peninsula, namely those living in James City and York Counties, to abandon tobacco production in the latter seventeenth and early eighteenth centuries in search of a more financially stable lifestyle. Many joined less affluent families and began settling in the backcountry along the Blackwater Swamp. The Treaty of 1646 between Virginia and the Powhatans identified the Blackwater Swamp as the boundary between them, but white settlement increased after Bacon's Rebellion. Virginia issued grants for land along the Blackwater by the mid-1680s, and the population gradually increased [5].

The Blackwater is a slow-moving channel originating near modern Petersburg, Virginia and flowing in a southeasterly direction through a floodplain littered with swampy forests primarily covered by bald cypress and tupelo that stretches towards North Carolina. Although a true blackwater river, the upper portion is known as the Blackwater Swamp. It parallels the James River on its south side. Unlike most of the region's waterways, the Blackwater does not open into Chesapeake Bay. Instead, it drains southward into North Carolina's Albemarle Sound.

Throughout the seventeenth and eighteenth centuries, the Blackwater formed a vital transportation artery, a gateway and important migration route from the Chesapeake Bay settlements to the Albemarle settlements of early North Carolina. The gradual influx of settlers into the backcountry increased the population of the Blackwater region, and in 1754, the General Assembly created Sussex County from the portion of southwestern Surry County south of the Blackwater Swamp.

This excision of the area to the south of the Blackwater into a distinct county left Surry fairly evenly divided geographically between the elite plantation country along the James River, including the county's only villages of Cobham, Cabin Point, and Cross Roads, later Surry Court House, and the backcountry along the Blackwater. Despite their proximity, the backwoods area seems far removed from the hustle of tobacco warehouses and high society of Surry's wealthy tobacco plantations along the river. With a landscape dotted by numerous small farms producing a wide array of crops rather than solely devoted to tobacco production, the backcountry developed its own distinct culture.

♦ ♦ ♦ ♦ ♦ ♦

Surry's Backcountry Along the Blackwater Swamp

The Blackwater Swamp territory of southern Surry County technically lies outside the James River Watershed, and its soils have completely different characteristics than the prime tobacco lands further north along the river. Although a few upland pockets could support tobacco, the region was dominated by the rich, heavy, moldy lowland soils typical of the Blackwater. These soils proved ideal for the cultivation of *"Indian Corn,"* or maize, wheat, flax, oats, and other grains, but not tobacco.

Although tobacco cultivation permeated Virginia culture throughout the colonial period, the volatility of the tobacco market caused the production of wheat, corn, and flax to become common across Virginia during the eighteenth century. This is especially true in areas with soils not ideally suited for yielding high-quality tobacco such as those along the Blackwater Swamp [1].

By 1739, Virginia annually exported 58,000 bushels of wheat and 83,000 bushels of Indian corn from the James, York, and Rappahannock Rivers to the West Indies and New England. These exports totaled £11,000, indicating that wheat and Indian corn had become profitable components of Virginia's agricultural economy by the mid-eighteenth century [2].

Given the soil characteristics of the Blackwater Swamp lands, most farms in the region focused their agricultural efforts on the cultivation of wheat, cotton, corn, flax, and other grains, with only a limited amount of tobacco. This pattern is unmistakable in the surviving agricultural records of southern Surry County between 1770 and 1815.

In 1770, the agricultural produce of Henry Watkins' farm included twenty-seven barrels and four bushels of corn, 4¼ bushels of wheat, 125 pounds of cotton, eight pounds of flax, *"a Parcel of Unbroke flax,"* and 755 pounds of *"Meet."* Watkins' inventory–diverse grains, flax, cotton, meat, and no tobacco whatsoever–reflects the agricultural reality of the Blackwater backcountry [3].

Surry County Justice John Watkins died in 1777, and his son conducted several sales of Watkins' possessions, including these agricultural products [4]:

"By the Sale of Corn"..... 15 shillings
"By the Sale of Cotton"..... £1 16s
"By the sale of Corn and Fodder"..... £12
"By the Sale of Cotton"..... £49 15s
"By the Sale of Corn"..... £7 10s

Doiley Kee lived nearby, and his agricultural products show the same reliance on corn, cotton, and flax that characterized the entire Blackwater region. His February 1779 agricultural products on

hand indicate that he raised livestock for mean and grew flax, cotton, and a large quantity of corn. Kee's estate owned [5]:

"Meat not Smoked" £10
"124^{lb} Cotton in Seed" £12 8s
"12^{lb} Cotton Picked" 16s
"28 Barrels, 3 Bushels Corn" £286
"11 Bushels Wheat £16.10.0 – 500^{lb} [wheat] *Blades £7.10.0"*.....£24

In 1786, the agricultural items belonging to the estate of Jesse Cocke included a flax wheel, a *"parcel of cotton,"* bushels of wheat, fifteen barrels of *"short Corn,"* fifty barrels of *"long"* corn, two barrels of *"rotten Corn,"* and *"a parcel of Tobacco"* [6]. This emphasizes that even before Eli Whitney invented his cotton gin in 1793, cotton had become a valuable agricultural commodity in Virginia's backcountry.

Other nearby farms had the same agricultural profile. In February 1787, Nathaniel Sebrell sold a portion of his farm that lay along the Blackwater Swamp to Isaac Ellis, who died later that year [7]. In October 1787, Ellis' agricultural products then on hand included sixty barrels of corn valued at £36, one flax wheel at £1 5s, a *"parcel of Wheat"* valued at 15 shillings, and a *"parcel of Tobacco"* valued at £3 [8]. Sheriff John Watkins' farm adjoined Nathaniel Sebrell's on the Blackwater Swamp, and after Watkins died in office in 1802, his farm products included [9]:

"87 barrels of sound corn"..... £43 10s
"15 bushels of wheat"..... £ 3 17s 6d
"43 feet of loges"..... £ 2 14s
"1461# pork"..... £ 18 5s 3d

At Frederick Cooper's death in 1805, the inventory of his estate reveals the same diversified, self-sufficient agricultural pattern. His small 100-acre farm produced grains, cotton, flax, pork, and bacon, and it generated raw materials such as plank and deerskins:

"A parcel Bread Corn supposed to be 18 Barrels"..... £10 16s
"A parcel of seed Cotton" £1 9s 2d
"A parcel of Oats in the Staw"..... £1 10s
"400 feet feather edge Plank"..... £1 4s
"A parcel of Bacon supposed to be 500^{lb}"..... £12 10s
"4 hives Bees…6 empty hives..... £2 12s 6d
"A parcel Flax"..... 10s

Cooper cured deerskins from which he presumably made the *"two leather bottom chairs"* that he left to his wife at his death [10]. His mix of crops, livestock products, and home-manufactured goods exemplifies the economic self-reliance of Blackwater backcountry farms.

When Nathaniel Sebrell Sr. died at the ripe old age of ninety-two in the fall of 1815, he had on hand thirty-two barrels of *"bread Corn"* valued at $160 plus two barrels of *"Short"* corn at $3.00, together with ten bushels of wheat worth $20. Besides growing cotton, corn, wheat, and flax, his sons and enslaved workers also felled bald cypress trees from the swamps along the Blackwater from which they made cypress shingles to sell. Sebrell had 40,000 cypress shingles on hand valued at $74 [11].

The evidence reveals a sharp agrarian divide within Surry County. Along the James River, elite plantations relied on enslaved labor to cultivate tobacco, while the small farms of the Blackwater Swamp produced hogs, corn, wheat, flax, oats, and cotton–crops suited to the region's lowland soils. Tobacco gave the river-plantation elite the disposable income to order luxuries from London and Paris to adorn their mansions overlooking the James. By contrast, the small farmers in the Blackwater Swamp backcountry were profoundly self-reliant, working their farms largely with their own labor, occasionally with the assistance of a few enslaved workers. These farmers focused on growing their own food, smoking their own meat, spinning their own wool and cotton, and tanning leather from cow hides or deerskins–a level of self-reliance that defined the Blackwater backcountry.

♦ ♦ ♦ ♦ ♦ ♦

Maj. James Kee & The New Design

James Kee was born between about 1750 and 1755 in southern Surry County, Virginia, the only known child of Doiley and Rebecca Kee. James married in 1774 to Jane Bailey, and they spent their lives in Surry's backcountry near the Blackwater Swamp. The 1778 death of his father placed James in possession of vast tracts of land and enslaved workers at a very young age, positioning Kee to become one of the most influential figures in Surry's backcountry [1].

As tensions with Great Britain intensified, James Kee aligned with the Patriot cause, and his military career advanced rapidly. Upon its formation on 5 February 1776, Kee served as a member of the Surry County Safety Committee [2]. On 25 March 1777, Surry County Court recommended that the Governor issue a commission to Kee as an ensign in Capt. Lemuel Cocke's Company of the Surry County Militia. A few months later, on August 26th, the Court recommended that Kee be appointed a lieutenant in Capt. Cocke's Company [3]. The activities of Surry County's militia companies during the conflict are not well documented, so precise details of Lt. Kee's military service are unknown. However, one soldier who served with Kee gave a first-hand account of the activities of Capt. Cocke's company.

In April 1781, the company mobilized in response to the threat posed by the British fleet as it sailed past Norfolk into the James River to pillage the region. The soldier later recalled that Cocke's men…

> *…was employed in marching backwards & forwards in the Counties of Surry, Isle of Wight, & Nansemond for the protection of those counties against the depredations of the British fleet which was then in the James River.*

The same soldier later served in another Surry militia company and recalled that in September the men crossed the James River, moving first to Williamsburg and then besieged Yorktown, where Lord Cornwallis had garrisoned his army [4]. As Lt. James Kee served under Capt. Cocke throughout the Revolutionary War, he likely participated in the service mentioned above.

On 27 May 1783, the Surry Court promoted Lemuel Cocke to lieutenant colonel of the 71st Battalion Virginia Militia for Surry County and James Kee to captain of his militia company. Kee was recommissioned as a captain on 24 April 1787. On 25 June 1793, the Court commissioned Kee as major of the regiment. He served at the rank of major through September 1794, when he resigned [5].

Maj. James Kee proved an extremely successful planter, and over the course of his life, he served in a wide variety of local governmental positions. On 26 November 1776, the Surry Court appointed James Kee as *"Surveyor of the Road"* [6]. In January 1782, the Court recommended him

as a Justice of the Peace for Surry County, and upon the Governor's approval, he was commissioned as a justice on May 28th. On July 28th, he was appointed as a justice on the Surry Chancery Court, and he served as a justice on both the Surry County Court and the Chancery Court for the next two decades [7].

On 26 August 1783, the Court appointed Kee as Commissioner of the Land Tax. They reappointed him to that role on 28 March 1786, but he resigned that December 26th [8]. Beginning on 25 July 1800, James Kee served two terms as Surry County Sheriff, and on 25 November 1801, he was appointed as Surry County Tax Collector for 1801–1802 [9].

Between 1780 and 1808, Maj. James Kee was the largest landowner in the vicinity of southern Surry County along the Blackwater Swamp, owning 1295 acres of land in 1787, 1547 acres in 1799, and 1635 acres in 1806 [10]. He developed a thriving plantation on his lands, utilizing the labor of the twenty-seven enslaved people he owned in 1787. In addition, his plantation maintained the largest concentration of buildings in southern Surry County, forming something of a small village. In 1784, seventeen white people lived in two dwelling houses at the Kee compound just north of the Blackwater Swamp. Besides the dwellings, Maj. Kee had erected at least eleven other buildings, including one *"School House,"* two detached kitchens, one log barn, one *"Log Quarter,"* three *"Log Cribs,"* one *"Log Hen House,"* one log house *"covered with Cypress Bark,"* and one *"Camp House upon Wheels"* [11]. This was the largest and most complex plantation compound in southern Surry County.

On 24 November 1795, Virginia's General Assembly authorized Surry County to begin holding court sessions at Robert McIntosh's *"Cross Roads"* as soon as McIntosh could erect a brick courthouse at his own expense [12]. This relocation of the Surry County Courthouse caused a ripple of changes to the southern portion of the county.

Centered at the mouth of Crouch's Creek several miles inland from the James River, Cross Roads lay at the juncture of the main eighteenth century thoroughfares through the region: the road leading from the northwestern Surry County commercial center of Cabin Point southeastwards towards Isle of Wight County and on towards Hampton and Norfolk, and the road leading from old Cobham on the James River due south towards Sussex and Southampton Counties and on towards North Carolina. It had long served as a way station for travelers, with John Owen Wallace operating a tavern at *"the cross Roads (his House)"* in March 1781 [13]. McIntosh acquired the property and began operating the tavern at Cross Roads beginning about 1785. This made Cross Roads a prime location for the new courthouse [14].

On 26 January 1796, Robert McIntosh and Surry's Justices agreed upon the general idea for the new courthouse at Cross Roads [15]. On March 23rd, in consideration *"of the friendly respect and attachment which they have for the said county,"* plus the sum of five shillings, Robert McIntosh and his wife gave the Justices of the Surry Court two acres, *"being a part of a tract of land known by the name of the Cross Roads"* [16].

On June 28th, McIntosh agreed to build both the new courthouse and brick *"Gaol and Prison"* according to the specifications ordered by the justices. Maj. James Kee actively participated in the process, accepting the land from McIntosh for the county and serving as a commissioner to let out bids for the construction of the county buildings at Cross Roads, including letting out bids for *"a Pillory and Stocks to be erected near the Prison and Goal"* [17].

McIntosh completed the new Surry Courthouse by the end of March 1797, and the Surry Court held their first session in the new building *"at the Cross Roads"* on 25 April 1797 [18]. The increased business activity around the courthouse and jail caused a village to form at Cross Roads. The small settlement soon became known as *"Surry Court House,"* causing *"Cross Roads"* to fade as a Surry County geographical landmark within a few years. The village has remained Surry's county seat until the present day, but by the early 1900s, residents shortened the village name from *"Surry Court House"* to *"Surry."*

Maj. James Kee's plantation lay about ten or twelve miles southwest of Cross Roads, and only about one mile from where the road leading from the Birch Island Bridge across the Blackwater Swamp to Cabin Point intersected with the road running from Cross Roads south towards Sussex County. Kee undoubtedly anticipated that moving the Surry Courthouse to Cross Roads would result in the development of a village at the county seat. He also must have recognized that establishing the county seat at Cross Roads would significantly increase the traffic on the road from there southward to Sussex County, and that the flat ground at the intersection point with the road leading from Birch Island Bridge across the Blackwater towards Cabin Point would make an ideal location for a public venue for Surry County locals living near him along the north side of the Blackwater Swamp.

On 31 August 1796, undoubtedly with the intent of capitalizing on this desirable location, Maj. James Kee paid £100 *"current money of Virginia"* for the 120-acre tract of land adjoining his existing plantation that included the intersection of these roads [19]. Over the next eighteen months, he constructed a plantation house and other buildings on his new tract of land, naming it *"The New Design"* [20]. Records from that period describe The New Design as situated on both the south side of *"Courthouse Road,"* the road leading to Cross Roads, later Surry Court House, and also

on the road leading from the Birch Island Bridge across the Blackwater to Cabin Point. This shows that Kee's plantation lay right at the roads' intersection [21]. By establishing The New Design at this crossroads, Kee created not only a new plantation but a new community center for the Blackwater backcountry.

Today, the site of The New Design lies just north of Highway 614 (Dripping Springs Road), named for the nearby Sebrell farm. In the early-to-mid twentieth century, locals still referred to the intersection of Highways 615 (Carsley Road) and 616 (New Design Road) as *"The New Design."* The crossroads sits roughly five miles northwest of the village of Dendron, the logging town established in 1896 [22].

♦ ♦ ♦ ♦ ♦ ♦

The New Design Tavern

Soon after purchasing the land that became The New Design, Maj. James Kee erected several storehouses on a one-acre lot beside his plantation house [1]. Another building there must have housed a shoe shop operated by John Stiles Sr., a shoemaker from New York who settled along the Blackwater Swamp in 1782 [2]. That year, Stiles married Mary, daughter of Kee's longtime neighbor, Nathaniel Sebrell Sr. [3], and after her death, he married Jane Cooper in 1788 [4]. In 1792, Stiles bought a 70-acre tract of land adjoining the farms of Nathaniel Sebrell, Emelia Cooper Collier, Jane's elder sister, and William Rose [5]. Stiles' land adjoined the 120 acres Maj. James Kee bought in 1796 on which he had built The New Design [6].

John Stiles did not earn his living by farming and presumably worked exclusively as a shoemaker. During the 1780s and 1790s, he may even have operated his shoe shop at the road intersection where Maj. Kee built The New Design in 1797. Throughout that period, William Rose owned the surrounding land, and John Stiles was involved with Rose between 1785 and the latter's death in 1797 [7].

In early 1798, Maj. James Kee opened the first documented tavern in the backcountry of southern Surry County, with shoemaker John Stiles working as the tavernkeeper. On 24 April 1798, Stiles signed a $150 bond to the Commonwealth of Virginia to secure his successful operation of an *"ordinary,"* or tavern, in one of the new buildings at The New Design. Maj. James Kee served as the security on Stiles' bond, which stipulated [8]:

> *…John Stiles hath obtained a license to keep an Ordinary at The New Design on the Lands of Ja^s^ Kee in the County of Surry, if therefore the said John Stiles doth constantly find and provide in his said Ordinary, good wholesome & cleanly lodging & diet for travellers* [sic] *& stableage* [sic]*, fodder & provender or pasturage & provender as the season shall require for their horses for and during the term of one year…& shall not suffer or permit any unlawful gaming in his house, nor on the sabath* [sic] *day suffer any person to tipple & drink more than is necessary – then this obligation to be void, otherwise to remain in full force.*

On October 23rd, six months after he officially became The New Design's first tavernkeeper, John and Jane Stiles sold their land to a neighbor, Jesse Stewart. This suggests that they had established permanent residence either in rooms adjoining the tavern or in a nearby house. John Stiles Sr. remained associated with The New Design Tavern for the next eight years [9].

Understanding the role of taverns in rural Virginia helps explain why Kee's establishment quickly became a focal point for the surrounding community. Taverns served a multitude of purposes throughout the colonial and early American periods. As carefully regulated public institutions, they provided a setting where both travelers and the local populace could buy a few

drinks, eat, spend the night, and watch entertainment. They served as the venues for political meetings, sessions of the local courts and assemblies, and for local elections. In most rural regions such as southern Surry County, Virginia, taverns often formed the only local meeting place, and thus they served as the scene for countless public and private functions [10].

Early in the eighteenth century, Virginia outlawed *"tippling houses"* or bars, requiring that sellers of intoxicating beverages by the glass also provide accommodations to travelers and their horses. This is evident in the wording of Stiles' 1798 tavern license that required him to provide *"…lodging & diet for travellers* [sic] *& stableage* [sic], *fodder & provender or pasturage…as the season shall require…"* This mandated melding of liquor retailers with innkeepers evolved during the seventeenth and eighteenth centuries as the moralistic philosophy of Puritan governments in both England and the colonies moved towards government-legislated morality [11].

In this era that pre-dated prohibition movements, taverns served a variety of distilled spirits, although rum, a liquor distinctive to British North America, formed the drink of choice throughout the Colonial and Early American periods [12]. The Surry County Court dictated the prices tavernkeepers charged on the common types of alcoholic drinks they provided. For the year 1798, the top-quality beverages included *"Good West India Rum,"* which cost £1 per gallon, Madeira wine, a fortified wine made on Portugal's Madeira Islands off the African coast that sold for six shillings per quart, and *"Good Virginia Brandy,"* which sold for ten shillings per gallon.

For mixed drinks, taverns sold a quart of *"toddy made of good rum and white sugar"* for two shillings, while one made with regular rum, including *"Continental Rum"* and tafia rum, cost only one shilling. A bottle of either *"strong beer"* or porter, a 1700s dark beer popular in London, went for two shillings, six pence, with a small bottle of cider or beer selling for only nine pence. The cheapest alcoholic drinks sold at Surry taverns went for four pence, including either unbottled cider or beer [13].

On particularly cold winter mornings, taverns along the mid-Atlantic east coast customarily served travelers *"a hearty draught"* of eggnog to fortify them against the severe weather. This eggnog was made with *"new milk"* beat together with eggs, rum, and sugar [14].

Ordinaries served three meals per day to both hungry locals and travelers, and in 1798, The New Design Tavern charged two shillings for breakfast and supper and two shillings, six pence for dinner, the midday meal [15]. Since the Stiles family lived at The New Design, we can expect that Jane Cooper Stiles oversaw the preparation of meals for the tavern's patrons.

Although no known first-hand accounts describing conditions at The New Design Tavern exist, in May 1797, Irishman Isaac Weld Jr. visited several taverns in nearby Nansemond County, writing

that, *"The accommodation at the taverns along this road I found most wretched."* The New Design Tavern opened the year after Weld's journey through southeastern Virginia, and its accommodations would have been comparable to what he experienced in the taverns of rural Nansemond County, located just south of Surry.

Weld complained bitterly of the tavern fare he was served, writing,

> *…nothing was to be had but rancid fish, fat salt pork, and bread made of Indian corn. For this indifferent fare also I had to wait oftentimes an hour or two.*

His European tastes had clearly not fully adapted to the ubiquitous use of corn, then termed *"Indian corn,"* in southeastern Virginia. However, he did admit that,

> *Indian corn bread, if well made, is tolerably good, but very few people can relish it on the first trial; it is a coarse, strong kind of bread, which has something of the taste of that made from oats. The best way of preparing it is in cakes; the large loaves made of it are always like dough in the middle.*

Writing for a European audience, Weld also commented about another common Southern dish made with corn and served in the rural taverns across the region that stood out to him [16]:

> *There is a dish also which they make of Indian corn, very common in Virginia and Maryland, called "hominy." It consists of pounded Indian corn and beans boiled together with milk till the whole mass becomes firm. This is eat* [sic]*, either hot or cold, with bacon, or with other meat.*

The fare at The New Design would have been similar–plain, corn-based, and typically prepared under the constraints of rural provisioning.

Taverns also served as inns, providing nightly accommodation for visitors traveling through the region as well as their horses. Guests in need of lodging at The New Design Tavern paid one shilling per night for themselves, while either pasturage or *"stableage"* for their horses cost six pence. Fodder for horses cost only 1½ pence, but those able to afford higher-quality feed for their animals could pay six pence for a gallon of oats and bran, or splurge on a gallon of Indian corn for one shilling [17]. When Stiles became the tavernkeeper at The New Design, he had two young sons, Jack, about fourteen, and Leroy, about nine. The boys undoubtedly helped to care for the horses of the tavern customers and performed other chores at their father's tavern [18].

On his journey from Norfolk to Richmond, Virginia in May 1797, Isaac Weld commented on the provisions the Nansemond County rural taverns offered to his horses, writing, *"As for my horses, they were almost starved."* Europeans typically stored hay for their animals during the winter months, whereas Southerners cut fodder, the leaves and stalks of corn plants, to feed their animals. Weld complained [19]:

Hay is scarcely ever made use of in this part of the country, but in place of it they feed their cattle upon fodder, that is, the leaves of the Indian corn plant. Not a bit of fodder, however, was to be had on the whole road from Norfolk to Richmond, excepting at two places; and the season having been remarkably dry, the little grass that had sprung up had been eat down every where by the cattle in the country. Oats were not to be had on any terms; and Indian corn was so scarce, that I had to send to one or two different houses before I could get even sufficient to give one feed each to my horses…

The people in the country endeavoured to account for this scarcity from the badness of the harvest the preceding year; but the fact, I believe was, that corn for exportation having been in great demand, and a most enormous price offered for it, the people had been tempted to dispose of a great deal more than they could well spare…so that they were all reduced to want.

In 1799 and 1800, John Stiles Sr. renewed his *"license to keep an ordinary at The New Design,"* with Maj. James Kee serving as Stiles' security on his bond for both years [20]. In 1801 and 1802, Benjamin Cocke obtained the tavern license at The New Design, with Maj. Kee's son, Thomas Kee, serving as Cocke's security [21]. A Surry County native, Cocke served in the Virginia Militia in 1780–1781 during the Revolutionary War, seeing action at the Battles of Petersburg and Siege of Yorktown. He had also established residence at The New Design, and in 1803, the Surry County Court appointed Cocke as a constable [22].

We have no indication why Cocke obtained the ordinary license for The New Design Tavern in 1801 and 1802 instead of John Stiles, but Stiles remained affiliated with the tavern during the two-year period when Cocke held the ordinary license. On Saturday, 15 May 1802, Lt. Peter Jemm, a local merchant and Surry Militia officer, became drunk at The New Design Tavern. In his inebriated state, Jemm apparently became angry and pulled his pistol on Stiles. Local officials arrested Jemm, and a grand jury indicted him, but when the case came to trial on August 24th, the Surry Court dismissed the charges. Incidentally, Jemm died the following year, although the circumstances of his early demise are unknown [23].

Between 1803 and 1806, John Stiles Sr. again held the ordinary license for The New Design Tavern in his own name, which granted him the authority to *"keep an ordinary at the House of James Kee, at his Plantation called New Design"* [24]. Stiles continued to face occasional problems with drunk patrons at the tavern. On Thursday, 12 May 1803, a gathering at The New Design Tavern included William Hicks and Nathaniel Thompson. Both men apparently overconsumed alcoholic drinks, and while under the influence, they behaved in a manner that attracted attention of other patrons.

The actions of Hicks and Thompson resulted in a grand jury investigation, and on May 24th, they indicted Hicks *"for being drunk at the New Design"* and Thompson *"for prophane* [sic] *swearing*

at the New Design." When the Surry Court heard their cases on August 23rd, Thompson appeared before the Court, pleaded guilty, and paid his fine of 83¢. Hicks pleaded not guilty and hired an attorney to argue his case. At his trial, the Court convicted him, assessing Hicks a fine of 83¢ plus court costs [25]. These episodes reveal The New Design not simply as a roadside tavern, but as a crossroads of community life–a place where travelers, neighbors, and the law regularly collided.

♦ ♦ ♦ ♦ ♦ ♦

Gaming Crackdown in Surry

Early in the eighteenth century, Puritan-inspired moralism spread throughout Virginia society, resulting in a moralistic trend prompting local politicians to discourage *"gaming,"* or gambling, on cards, billiards, and other games. Legislation restricting gaming began in 1705, when the Virginia General Assembly forbade any gaming on Sundays. Additional gambling legislation passed in the 1740s required tavernkeepers to prevent games of cards or dice in their taverns, regardless of whether the games involved gambling. Those laws exempted certain games from the ban, including backgammon, billiards, bowls, chess, and checkers.

Virginia's antigaming legislation of the eighteenth century was vague and unevenly enforced, with travelers between 1777 and 1800 reporting widespread betting on card and billiard games, as well as cockfights, throughout the Commonwealth. Many leading citizens openly defied antigaming laws, including influential political officials, well-known planters, and clergymen [1].

In May 1797, Irishman Isaac Weld Jr. found gambling prevalent in the taverns along the roads between Norfolk and Richmond, Virginia, a short distance south of Surry County. He wrote, *"I had scarcely alighted from my horse at the tavern"* in Richmond, *"when the landlord came to ask what game I was most partial to."* The establishment had separate rooms for farobanks, a French card game commonly used in gambling before poker became popular, hazard tables, and billiard tables, and the tavernkeeper eagerly awaited Weld's preference before directing him to his room of choice. Weld wrote that,

> *Not the smallest secrecy is employed in keeping these tables; they are always crowded with people, and the doors of the apartment are only shut to prevent the rabble from coming in.*

Weld reported that throughout eastern Virginia, there was,

> *…scarcely a petty tavern without a billiard room…always full of a set of idle low-lived fellows, drinking spirits or playing cards, if not engaged at the table.*

He found cockfighting was a favorite diversion among *"the lower class of people that partake of these amusements at the taverns."* Weld complained that having taverns *"thus invested by such a set of people renders travelling extremely unpleasant."* Many times, he said that he traveled farther in a day than he had planned, just *"to avoid the scenes of rioting and quarrelling that I have met with at the taverns,"* which were *"impossible to escape as long as you remain in the same house where they are carried on"* [2].

The antigaming legislation left considerable ambiguity regarding the legality of most popular games, including billiard tables. Although specifically permitted by the 1744 law, a 1779 antigaming law prohibited *"cards, dice, billiards"* in any tavern operating in Virginia. County courts

openly violated this law by licensing billiard tables, and newspapers regularly published advertisements for taverns offering billiard stables to the public [3]. For many Virginians, gaming was closely connected to their notions of personal liberty, class identity, and the proper reach of government. As a result, the public routinely ignored the antigaming legislation with impunity, and officials seemingly turned a blind eye.

These statewide tensions played out in Surry County as well. During most of the 1790s, Surry had only two taverns that operated near the two official tobacco inspection stations at Cabin Point and Cross Roads, which became known as Surry Court House soon after completion of the county's new courthouse there in April 1797. Richard Shackleford moved to Cabin Point in the early 1790s and soon began operating a tavern there [4]. In August 1795, Tax Commissioner John Cocke reported to the grand jury that Shackleford had failed to secure a license for his billiard table. The grand jury indicted Shackleford on August 25th, not for allowing the use of a billiard table in a tavern, but for failing to properly license it. A year later, the Court determined that the Grand Jury that indicted Shackleford had acted illegally, and they dismissed the charges against him [5].

On 19 January 1798, the Virginia General Assembly passed a strict anti-gambling law that made all billiard tables *"liable to be seized and publicly burnt or destroyed."* Moreover, the law gave any citizen the right to file a lawsuit against a tavernkeeper for allowing unlawful gaming, and, if convicted, the law subjected the tavernkeeper to a $150 fine. It also empowered county justices to enforce the new law *"for the purpose of suppressing gaming,"* and to constantly recite the act in the charge issued to every grand jury. Over the new few years, certain county courts periodically became preoccupied with enforcing these gaming laws [6].

Gaming remained a political issue across Virginia for the next few years. A certain segment of the population viewed the antigaming laws as oppressive, and when the Courts ruled some of the antigaming legislation unconstitutional, they created further ambiguity and confusion. By early 1806, the Commonwealth's leading newspaper, Richmond's *"The Enquirer,"* pointed out the ineffectiveness of the previous century of antigaming legislation. They urged the legislature to either tolerate gaming and make it a revenue source, or else pass laws stringent enough to entirely suppress it. Their article generated greater public interest, with some declaring gaming *"a vice and deserves punishment,"* whereas others urged that the General Assembly replace the existing inadequate laws with a heavy tax [7].

Prior to 1806, the Virginia General Assembly's attempts to eliminate gaming in the Commonwealth largely remained an issue outside Surry County, with no cases of unlawful gaming appearing on the local court dockets. Something prompted a crackdown in Surry that year,

although precisely who or what is unclear. The ongoing discussions regarding the antigaming laws may have led a local government official or overzealous citizen to instigate an investigation. The gambling crackdown began in late 1806 and involved the keepers of all three ordinaries then operating in Surry County: the taverns at Surry Court House, Cabin Point, and The New Design.

On Tuesday, 25 November 1806, based upon evidence submitted by William Randolph Jr. and John Justiss, a Surry County grand jury indicted John Stiles Sr. *"for suffering of unlawful gaming in his Tavern at the New Design on the night of the 19th."* They also indicated Constable Benjamin Cocke *"for unlawful Gaming at the New Design on the 19th."* One of the justices serving on the Surry Court that day was Stiles' brother-in-law, Nicholas Sebrell, brother of Stiles' deceased first wife, Mary Sebrell. In addition to serving as a Surry justice of the peace, Sebrell also served in the Virginia General Assembly, representing Surry County citizens in the House of Delegates. The Surry County Court ordered the sheriff to summon John Stiles and Benjamin Cocke to appear the following Thursday, forty-eight hours later, to answer the charges.

The deputy assigned to deliver the summons to Cocke was unable to locate him, but he served the summons to John Stiles, who promptly secured the services of an attorney and appeared before the Surry Court on Thursday, November 27th. Stiles insisted that he was not guilty of the charges, while the attorney for the Commonwealth assured the Court that he had proof of Stiles' guilt. The Court ordered the case continued until the next court session.

After responding to the charge against him, John Stiles remained in the courthouse to serve as a juror in the case of Lightfoot vs. Cocke. John Justiss, one of the men who provided evidence to the grand jury that Stiles had allowed gambling in his tavern, served on the jury with him.

Later that same day, John Stiles reappeared before the Surry Court and testified that on November 19th, seven men had engaged in *"Gambling in his Tavern, at the New Design."* He identified the culprits as Richard Shackleford, the tavernkeeper and owner of the Cabin Point Tavern, German Ellis, Constable Benjamin Cocke, John Putney, John Justiss, William Mooring, and George Birdsong. Based upon Stiles' deposition, the Court filed gambling charges against each of them, and it issued summons ordering them to appear at the next court session to answer the charges [8].

John Stiles' strong denial of the charges filed against him, his hiring an attorney to help fight the allegations, and the information he provided to the Surry Court suggest that he had knowledge of gambling activities on the night of 19 November 1806 while he was not present. Regardless, as tavernkeeper, Stiles was responsible for events at his tavern anytime it was open, and the pending charges against him prevented his continued service as tavernkeeper. The Court did not consider

the case against Stiles for another nine months, and yet Maj. James Kee needed business at his tavern to continue. On 24 February 1807, William M. Davis obtained a license from the Surry County Court allowing him *"to keep an ordinary at The New Design"* for the next year. Thus, regardless of the legal outcome of the case against him, the gambling charges against John Stiles effectively ended his career as tavernkeeper at The New Design [9].

Several months after the grand jury had issued indictments for gaming at The New Design on that November evening in 1806, a different grand jury concluded their investigation into gaming at the Surry Court House Ordinary. On Tuesday, 24 March 1807, it issued indictments against the tavernkeeper, David Price, *"for suffering unlawful gaming in his house on or about"* 5 November 1806. They also indicted John Godwin of Nansemond County *"for keeping a Faro Bank at David Prices Tavern, and gaming at the same"* on the same day. Along with the charges against Godwin, the grand jury issued indictments against ten men from neighboring Isle of Wight County for *"gaming at Surry Court House in company with John Godwin"* that day. Stiles' brother-in-law, Nicholas Sebrell, sat on the court along with three other justices the day these indictments were issued [10].

The next day, March 25th, John Stiles and the others involved in the charges related to The New Design, including Constable Benjamin Cocke, appeared before the Court. With Nicholas Sebrell sitting as a justice that day, the Court ordered all cases continued until the next court session, without any of them entering a plea [11]. Sebrell's position on the bench added an additional layer of complexity, given his close family ties to Stiles and his influence in county affairs.

On 26 May 1807, the court session began without Nicholas Sebrell as justice, and after hearing three other cases, the Court postponed consideration of the charges against John Stiles until the next session. Nicholas Sebrell then came into Court and took his seat on the bench as justice while David Price and John Godwin came before the Court and entered pleas of not guilty. The Court continued the cases against them until the next day.

The Court next heard arguments in the case against Constable Benjamin Cocke. He entered a plea of not guilty, and the Court then impaneled a jury. Three men selected to serve on the jury had close ties to John Stiles, including David Sebrell, his brother-in-law, John Collier, Jane Cooper Stiles' nephew, and Jesse Carsley, a brother of Stiles' brother-in-law, Michael Carsley. After deliberations, the jury returned their verdict: *"We of the Jury find Benjamin Cocke guilty of Gambling, but not to* [a] *considerable amount."* The Court fined Cocke $100 plus costs [12].

Later that same day, May 26th, the Surry Court dealt with seven additional gambling cases, as six of the men from Isle of Wight County charged with gambling at David Price's Surry Court House

Tavern on the previous November 5th appeared in court and entered pleas of not guilty. Just before the Court adjourned that day, Richard Shackleford, the tavernkeeper at Cabin Point and man that John Stiles reported for gambling at The New Design the night of November 19th, came into Court and entered a plea of not guilty [13].

The next day, May 27th, the Court spent considerable time on the gambling cases. First, the remaining four men from Isle of Wight County charged with gambling at Surry Court House appeared before the Court to enter their pleas of not guilty [14]. Next, Richard Shackleford appeared with four of the other men John Stiles charged with gambling at The New Design: John Putney, John Justiss, William Mooring, and George Birdsong. The Court again postponed Shackleford's case, but upon Putney's plea of not guilty, the Court impaneled a jury. After hearing arguments, the Commonwealth's attorney filed a *"nolle proseque"* in the case. The Court accepted the Commonwealth's petition and thus dismissed the charges against Putney. They postponed the cases against Justiss and Birdsong, but William Mooring's attorney claimed he was arrested illegally. The Court ruled against this and fined him $30 plus costs of $11.85 for this action, leaving the gambling charges pending [15].

On 25 August 1807, the Surry Court finally acted on the gambling charges against John Stiles, the former tavernkeeper at The New Design, that had lingered for nine months. With his brother-in-law, Nicholas Sebrell, sitting as a justice on the court that day, the court minutes merely recorded, *"For reasons appearing to the court,"* in the case of the Commonwealth vs. John Stiles on charges of gambling, *"this cause is dismissed."* Although the Court dismissed the charges, the mere accusation significantly impacted Stiles' life. In addition to terminating his nearly nine years of service as tavernkeeper at The New Design, the charges also appear to have prompted his emigration from Surry County, Virginia a few years later [16].

Legal wrangling over the gaming charges at The New Design and Surry Court House Taverns continued to clog the Surry Court docket for the next three years. After dismissing the case against Stiles on 25 August 1807, the Surry Court again postponed the pending cases against the others charged with gambling at The New Design [17]. Next, they postponed the case against David Price for permitting gambling at the Surry Court House Tavern located in his house, followed by a new grand jury report. The grand jury indicted Price *"for keeping a house of public entertainment, and selling mixed liquors without a license, contrary to the Act of* [the Virginia General] *Assembly"* [18]. The grand jury acted on a technicality, as Price's ordinary license to operate a tavern at his house in the village of Surry Court House had expired on 23 April 1807 [19]. The pending gambling charges prevented both him and Richard Shackleford from renewing their ordinary licenses, and

Price had continued operation of his tavern near the courthouse without a license, prompting the grand jury indictment.

The next day, August 26th, the Court dismissed the indictment of Price for operating an ordinary without a license *"for good reasons,"* and they then renewed his ordinary license, making it valid back to the previous April. This absolved Price of any legal issues associated with his continual operation of the Surry Court House Tavern, despite the pending legal charges against him for allowing gambling [20].

The Surry Court continued to delay consideration of the cases against those charged in the November 1806 crackdown on gaming at The New Design and Surry Court House Taverns. On 25 November 1807, the Court ordered another postponement, including that against Cabin Point tavernkeeper Richard Shackleford. As in Price's case, Shackleford's ordinary license had expired at the end of April 1807, and due to the pending gambling charges, the Court did not renew it. He had apparently continued operation of the Cabin Point Tavern without a license, and on 23 February 1808, the Surry Court renewed his license, making it valid back to April 1st, 1807. Benjamin Cocke, the man convicted of gambling at The New Design, served as Shackleford's security on his bond [21].

The charges for gaming at The New Design on the night of 19 November 1806 lingered for three years. On 23 August 1808, the Surry Court dismissed the cases against Richard Shackleford, German Ellis, William Mooring, and George Birdsong [22]. The final case was against John Justiss, one of the men who initially provided evidence to the grand jury that John Stiles had allowed gambling at The New Design. For an unexplained reason, his case did not come before the Surry Court until 28 March 1809, when they dismissed the charges against him for *"Information"* [23].

Like the charges against those accused of gambling at The New Design, the charges stemming from the gambling sting at Surry Court House dragged on for several years. On 25 August 1807, the Surry Court continued the case against one of the Isle of Wight County men accused of gambling, Henry Harrison, but in the case against Francis Wrenn, a jury convicted him of gambling and assessed a fine of $20 plus $23.43 in court costs. Wrenn could not pay the fine, and so he was imprisoned in the county's jail [24].

The next day, the Court held jury trials for the gambling charges against three more of the Isle of Wight men: Joseph Jones, Joakim McKeil, and John Goodson. Three separate juries all returned verdicts of not guilty. The Court then postponed the cases against four more of the Isle of Wight men [25].

On 25 November 1807, the Court again postponed the remaining cases, and at the 25 May 1808 court session, they only considered the case against Thomas Hardy of Isle of Wight County. After impaneling a jury and hearing arguments, the jury returned a verdict of not guilty [26]. At the next session held on 23 August 1808, the court postponed the remaining cases, and these cases did not appear on the court docket again until 24 May 1809, when the court again postponed their consideration [27].

The Surry Court did not resolve the case against Surry Court House tavernkeeper David Price until 22 May 1810, when they finally heard the evidence presented by the Commonwealth's attorney against Price. Upon consideration, the Court dismissed the charges. Next, they continued the gambling cases against John Godwin, Henry Harrison, and George Brassel until the following day, and then impaneled three juries to hear the cases of Charles Wrenn, John Derring, and Robert T. Fulgham. The juries found Wrenn and Derring not guilty, but Fulgham's jury found him guilty and fined him $20 plus court costs of $27.65. Finally, the Court continued the case against Henry Harrison until the following day, but on the sessions of May 23rd and 24th, the Court dealt with other business [28].

The three remaining cases of the Surry Court House gambling sting had now lingered on the court docket for nearly four years, yet at their session of 29 August 1810, the Surry Court again ordered a postponement of the cases against John Godwin, Henry Harrison, and George Brassel [29]. At the next court session on 27 November 1810, the Court postponed Godwin's case until the next day, when they impaneled a jury and heard arguments presented by the Commonwealth's attorney. The jury found Godwin guilty of keeping a farobank at David Price's tavern. The Court fined Godwin $100 plus costs. He was unable to pay the fine, and so he was imprisoned [30].

The Court heard arguments in the final two gambling cases at their session of 26 March 1811. After hearing arguments in the cases against both Henry Harrison and George Brassel, the jury found them guilty and fined them $20 each plus costs [31].

This last court action finally concluded the antigaming vendetta against Surry County's three ordinaries that began in November 1806. The saga resulting from this crackdown appears to have accomplished little. Both Richard Shackleford and David Price owned their taverns and soon renewed their ordinary licenses and resumed normal operations.

However, as a mere employee at The New Design, John Stiles had no institutional protection. The gaming charges against him permanently derailed his career as tavernkeeper. By the time the court finally wrapped up the criminal charges stemming from the gaming issues, Stiles had already emigrated from Surry County, Virginia. By that point, Maj. James Kee had installed his son-in-law,

Thomas Bailey Jr., as tavernkeeper. A few years later, Kee gave ownership of The New Design plantation, including his plantation house, the tavern, and all other buildings to Bailey. The New Design would soon enter a new era under Bailey's management.

♦ ♦ ♦ ♦ ♦ ♦

A New Generation of Ownership

Surry County's gambling fiasco of 1806 triggered major changes at The New Design. William M. Davis, the man who obtained the ordinary license in 1807 after gaming charges were filed against the original tavernkeeper, John Stiles, operated the tavern for only one year.

On 23 February 1808, the Surry County Court issued the ordinary license for The New Design Tavern to Thomas Bailey Jr., and he renewed it each year through 1818 [1]. Bailey was Maj. James Kee's son-in-law, having married Kee's daughter, Elizabeth, about December 1806 [2]. On 27 October 1807, Maj. Kee gave Elizabeth and Thomas Bailey 183 acres of land surrounding The New Design [3], and on 26 December 1808, for £200, Kee and his wife sold Bailey the 130-acre tract consisting of The New Design [4]. Kee then retired to an adjoining tract of his land with his wife, Jane Bailey Kee, leaving his son-in-law in charge of all affairs at The New Design [5].

By early 1812, it appears that Maj. James Kee's health declined, prompting him to write his will on February 1st. Although he had previously sold The New Design to his son-in-law, he apparently feared that his other heirs might question his remaining property there, specifically the tavern furnishings. This prompted Kee to include this specific provision in his will:

> *To prevent any disputes that might arise concerning property in the possession of my son in law Thomas Bailey, I desire that the beds and other things he has may remain his property.*

After finalizing his will, Maj. Kee remained concerned about his connection to The New Design after his demise, prompting him to add this codicil to his will on April 27th:

> *The store houses at the New Design and one acre lot, I give to Thomas Bailey Junr…hoping he will attend to the affairs of* [my] *loving wife in a friendly manner.*

These provisions reveal Maj. Kee's anxiety about maintaining order at The New Design and the welfare of his wife after his death. Kee died a few months later, with his will filed in Court on August 25th [6]. With his demise, The New Design passed to a new generation of proprietors.

Thomas Bailey Jr. officially operated The New Design for just over a decade, from 1808 through 1819, but his tenure there proved financially unstable. By mid-1818, he had become indebted to Peter Booth, executor of the late John H. Washington, for $1,293.75. Bailey's inability to repay Booth forced him to mortgage the 283-acre tract of land *"known by the name of the New Design…whereon the said Thomas Bailey Jr now lives"* to Thomas Binns Ellis to indemnify Booth. The June 23rd mortgage described the land as adjoining that of Augustin Carsley, Jesse P. Warren, Nathaniel Cocke, John Collier, and *"the land whereon Mrs Jane Kee now resides"* [7].

Thomas Bailey's financial troubles soon overwhelmed him. He failed to repay his debt to the John H. Washington estate and defaulted on his mortgage. Peter Booth filed a lawsuit against Bailey

in the Surry Chancery Court in February 1820, and the Court appointed Archibald Davis as trustee to oversee the sale of The New Design [8]. Davis advertised the sale in the Norfolk newspaper in April and May [9]:



Real Estate at Auction.

By virtue of a decree of the County Court of Surry, pronounced on the 28th day of February, 1820,
WILL BE OFFERED FOR SALE,
To the highest bidder, for Cash, on the premises,
On SATURDAY the 13th day of May next,
That well known situation in the County aforesaid, called and known by the name of

THE NEW DESIGN,

Whereon Thomas Bailey, Jun'r, now resides, containing, by an old survey, 283 Acres, be the same more or less, or so much thereof as shall be sufficient to pay the debt and interest in the decree mentioned to Peter Booth, Ex'or of the last will and testament of John Washington, dec'd, and the contingent expenses of such sale. This situation possesses advantages over most of the lands in this part of the country, it being a good stand for a Tavern and a Grocery Store, and the soil is well adapted to the cultivation of Corn, Wheat, Oats, Cotton, &c. It is thought unnecessary to enter into a particular description of the Improvements on this land, as those inclined to purchase will, no doubt, view the same previous to the day of sale.

The Trustee will only convey such title as is vested in him by the decree aforesaid, which is founded on a Trust Deed.

Arch'd Davis, *Trustee.*

April 27. cp2w

As advertised, Davis conducted the sale on May 13th, with Robert Crawley Maynard Sr. casting the highest bid of $1436 [10]. On that same day, Thomas Bailey Jr. and his wife, the former Elizabeth L. Kee, signed the following document to ensure that Maynard had clear title to the property:

> *Witnesseth that whereas doubts have arisen with the said Robt. C. Maynard who purchased of Arch[d] Davis trustee…whether his title is compleat* [sic]*, and the said Thomas Bailey Jun. and Elizabeth his wife, being Willing and desirous to remove all doubts as regards any title that may be vested in them, or either of them…*

For $1.00, the Baileys conveyed to Maynard all their right, title, and interest in the 283-acre property *"Called and known by the name of the New Design"* [11]. With this final deed, the property passed fully out of the Kee-Bailey family's hands.

Robert C. Maynard was a Cabin Point merchant and planter. Given that he was aged forty-five or older in 1810, he was probably born between about 1770 and 1774 [12]. Details on Maynard's

early life are murky, but he was probably a brother of Edward Cross Maynard Sr., who arrived in Surry County in late 1789 and settled in Cabin Point [13]. On 27 April 1790, Edward C. Maynard received a license to *"keep an Ordinary at his house on Cabin Point"* [14]. In 1792, Edward Maynard obtained a license to operate an ordinary *"at the house lately occupied by Thos. Fletcher at Cabin Point."* His tavern license was renewed in 1793, but he appears to have left Surry County for 1794–1795 [15]. He returned by 1796 and operated a tavern at Cabin Point through 1802 [16].

Robert C. Maynard is first found in the Surry County records on 30 March 1798, when he paid his free male tithe in his own name [17]. He paid his own tithe again in 1799, but not in 1800 or 1801 [18]. Maynard returned to Surry County by 1 February 1802, when he paid $3.75 for a three-month license to retail merchandise under the name of *"Robert Maynard & Co."* On March 1st, officials gave him credit for extending his merchant's license for a full twelve months [19]. Maynard continued to work as a merchant for the next decade. On 8 June 1803, he posted bond to obtain a license to marry Martha Lucas, with their marriage performed the following day [20].

In 1805–1806, Robert and Martha Maynard obtained a total of 105 acres of land near Cabin Point, including land formerly owned by Martha's father, John Lucas [21]. They prospered over the next decade, presumably cultivating tobacco. On 23 October 1815, they sold their 105 acres for $800 to William Allen, one of the largest landowners in the region [22].

Thomas Bailey Jr. obtained his last license to operate The New Design Tavern on 25 May 1818, presumably serving as tavernkeeper until early 1819. On 24 May 1819, the Surry County Court granted the ordinary license for The New Design Tavern to Thomas W. Bage, with Henry Bailey and Thomas Bailey Jr. serving as Bage's security [23].

Soon after purchasing The New Design on 13 May 1820, Robert C. and Martha Maynard moved from Cabin Point to their new plantation. On September 25th, Maynard petitioned the Surry Court for a license to operate an ordinary at The New Design. After he paid the $10.50 ordinary tax, the Court issued this decree:

> *On motion of Robert C. Maynard…it appearing to the satisfaction of the Court that he is a man of good character, not addicted to drunkenness or Gameing* [sic]*: he is Licenced* [sic] *to keep an Ordinary at his house until the first day of May next…*

Archibald Davis, the man who served as trustee in selling the property Maynard a few months earlier, served as Maynard's security on his ordinary bond [24].

Robert C. Maynard renewed his tavern license at The New Design Tavern in September 1821, with the Surry Court decreeing that in their opinion, Maynard was *"a man of good Character, not*

addicted to drunkenness or Gameing" [sic], who would *"keep an Orderly and useful house."* The following year, they described Maynard as

> *…a man of honesty, probity, and good demeanor, and not addicted to drunkenness or gaming, and that he will keep an orderly and useful house of entertainment…"*

The Court granted Maynard a license allowing him *"to keep an Ordinary at his house called the New Design"* for the ensuing year [25].

By early 1823, Robert C. Maynard's health had begun to fail. On March 3rd, describing himself as *"being sick and weak in body,"* he signed his will, appointing his *"beloved wife,"* Martha, and *"my friend,"* Walter Spratley Sr., as his executors. Spratley had grown up in southern Surry County near The New Design on the farm of his maternal grandfather, Nathaniel Sebrell Sr.. Orphaned as a young teenager, Spratley had moved to Cabin Point about 1798 and operated the tavern there and worked as a justice of the peace.

In his will, Robert C. Maynard directed that his wife, *"if she remains a widow shall have the use of my plantation called New Design,"* together with all of his property until his youngest son came of age. After her death, he left The New Design to his two sons, stipulating that it was *"to be equally divided having in view quantity and quality."* Among those witnessing his will was William Maynard, a local constable, militia captain, and the son of Edward C. Maynard Sr., the presumed brother of Robert C. Maynard [26].

Robert C. Maynard died within a few months of March 3rd, for Martha Maynard presented his will to the Surry Court on May 26th, when they approved her as his executor after she signed a bond for $15,000. Maynard's nephew, William Maynard, appeared with her before the Court to prove the will as a witness to Robert's signature [27].

Robert C. Maynard's death left The New Design without a tavernkeeper, and a few months after his death, Martha Maynard appeared before the Surry Court to renew the license in her own name. Women in Virginia had a long history of serving as tavernkeepers going back into the colonial period. In fact, tavernkeeping had served as the one respectable public position for middle- and upper-class women throughout the eighteenth century [28]. On 27 October 1823, Surry's justices approved Martha's petition and granted her a license *"to keep an Ordinary at her dwelling house at the New Design"* [29]. She renewed her tavern license at The New Design annually through 1 May 1829 [30].

Surry County maintained detailed tavern licenses from the 1790s through the 1820s, but they become more sporadic in the 1830s. Martha Maynard does not appear to have continued operating the tavern after 1829, and it is unclear who served as tavernkeeper beginning in the 1830s.

Records show that The New Design continued serving as an important gathering place for the region into the 1850s, so the tavern presumably continued operation until the Civil War.

Beginning in 1824, the land taxes on The New Design were paid for the next half-century in the name of Martha Maynard [31], but after 1829, her role shifted from tavernkeeper to long-term steward of the plantation. She maintained her own household in Surry County into the 1840s [32]. Between 1846 and 1848, she began to put her affairs in order in preparation to leave Surry and join her children out of state. Martha described herself as a Surry County resident on 21 June 1848, when she gave a 75-acre tract of land in Surry County to her daughter, Sarah Ellis [33].

By 1850, Martha had left Surry County and joined her son, Robert C. Maynard Jr. across the state line in Franklin County, North Carolina [34]. She died in Raleigh, North Carolina on 2 June 1857 [35].

Although Robert C. Maynard's 1823 will stipulated that The New Design should be divided between his sons after Martha's death, the property remained undivided through 1873. That year, the taxes were still paid in Martha's name on the 283-acre property described as The New Design, some sixteen years after her death [36]. Thus, by the mid-1870s, The New Design remained legally frozen in the past, still tied to the name of a woman who had left Virginia decades earlier.

♦ ♦ ♦ ♦ ♦ ♦

The Hub of Surry's Blackwater Swamp Backcountry

Soon after Maj. James Kee established The New Design about 1797, the storehouses, shoe shop, and tavern located on a one-acre lot evolved into a small village. For at least the next half-century, it formed the hub of commercial activity for the backcountry region along the north side of the Blackwater Swamp in southern Surry County [1]. The New Design's location at the intersection of the roads leading towards the county's two important villages, Cabin Point and Surry Court House, made it the only way station for travelers as they journeyed across Surry. For locals, it became a regional landmark, and the area's primary gathering place for public events such as political speeches, elections, militia musters, and other public events.

On 26 August 1800, Jesse Stewart, the man who had bought John Stiles' 70 acres of land that adjoined The New Design in 1798, complained to a Surry County grand jury about the condition of *"the road leading from the new design to Mrs. Pettways."* In response, the grand jury ordered that the clerk issue a summons to the road surveyor, ordering him to appear before the Court *"for not keeping the same in good repair"* [2].

No known record gives the number of residents of The New Design, but between 1800 and 1830, it appears that several locals established residence there. Besides the tavernkeeper, Stiles, and his family, the families of Maj. James Kee's married children also probably lived there. John Watkins and his family lived on their farm near The New Design, with his property adjoining the farm of Nathaniel Sebrell [3]. Watkins was appointed as the Surry County Sheriff in July 1802, but he died only a few months later, about November 1802 [4].

Sheriff Watkins' two sons inherited his land, and Watkins' widow, Elizabeth, moved to The New Design sometime before her death in 1813. The Watkins family's thirteen enslaved people continued to live there, including six elderly individuals, two apparently infirm. On 7 January 1815, Archibald Davis, Capt. David Sebrell, and Edwin Rogers appraised these enslaved people belonging to *"…the estate of John Watkins dec^{d} at the new Design"* [5].

In the early 1800s, the countryside surrounding The New Design fell into the Birch Island Precinct. Within only a few years of its opening, the Surry County Court began routinely ordering local elections held at The New Design, undoubtedly at the tavern [6]. The Court continued to hold elections in the Birch Island Precinct at The New Design for the next four decades. In February 1816, Archibald Davis oversaw the election at The New Design Tavern, which resulted in the county's only successful election of overseers. At all other precincts, an insufficient number of voters cast their ballots, forcing the Court to appoint overseers [7]. In the elections held on 13 March 1819, Peter T. Spratley oversaw a successful election at The New Design Tavern, while an

insufficient number of voters appeared at Surry Court House, the county seat, again forcing the Surry Court to appoint overseers there [8]. The names of Surry County's precincts changed by the 1840s, when what was the Birch Island Precinct evolved into the *"New Design"* district. In 1848, the county's local political subdivisions included Surry Court House, Walls Bridge, Cabin Point, and The New Design [9].

Surry County Militia records date only from 1840, when the local militia unit was called the *"New Design Company."* During the 1840s, the Surry County Militia Regiment held regular musters several times per year at various locations across the county. The general musters in the southern portion of Surry were held at The New Design [10].

Situated at a key crossroads, The New Design quickly became a fixed point in the region's geography. The road running south toward the Birch Island Bridge across the Blackwater Swamp into Sussex County appears repeatedly in early deed descriptions. On 22 July 1809, Maj. James Kee and his wife, Jane, sold Thomas Ellis Jr. a 388-acre tract described as lying *"on the road from the New Design to Birch Island,"* near *"Roses branch"* and Nathaniel Sebrell's mill pond [11]. On 2 March 1813, John G. and Elizabeth S. Sharp used nearly identical language when selling Joe Ellis a 47½-acre tract *"on the road leading from the New Design to Birch Island Bridges"* [12]. In 1823, Richmond newspapers advertised land located on *"the public roads leading from Surry Courthouse to Cabin Point and the New Design"* [13].

By mid-century, The New Design's role as a geographic anchor was firmly established [14]. On 26 April 1852, several residents petitioned the Surry Court to open a public road *"leading from the New Design to Black Water,"* prompting the Court to appoint Stephen Ellis, Boling Ellis, Richard Hines, and Robert W. Faison to examine the route. They filed their report on May 24th, concluding that the three-mile road *"from the New Design road to the Swamp"* could be built for $50 and would cross the lands of Stephen Ellis, Mrs. Watkins, and Mrs. Clanton. The Court approved the project and notified the Sussex County Court that Surry would build the bridge and abutment on its side if Sussex constructed the bridge over the main run of the Blackwater Swamp [15].

Deeds from this period continued to anchor property descriptions to The New Design, including a 120-acre tract sold in 1852 *"on the south side of the main road leading from Carsley's meeting house to the New Design"* [16], and a 60-acre tract sold in 1860 bounded by *"the New Design road"* and the new road *"leading from Birdsongs mill to the New Design road"* [17]. These references continued into the 1860s, but the Civil War and the upheavals that followed began to shift the forces that had made The New Design a regional hub.

In the decades that followed the Civil War, the region's economic center of gravity continued to shift. During the 1890s, the explosive growth of the logging industry led to the formation of the village of Dendron a few miles away. By this time, The New Design Tavern had long since been shuttered, with the former bustling activity surrounding the tavern now only a faint memory. What had once served as the beating heart of the Blackwater backcountry faded into memory, preserved only in road names and local tradition.

♦ ♦ ♦ ♦ ♦ ♦

Notes

Introduction

1. Bohannan, Aurelius Wilson. *Old Surry: Thumb-Nail Sketches of Places of Historic Interest in Surry County, Virginia.* Petersburg, VA: Plummer Printing Co., 1927, pp. 13–40.
2. Billings, Warren M. "The Causes of Bacon's Rebellion: Some Suggestions." *Virginia Magazine of History and Biography,* Vol. 78, 1970, pp. 409–435. Bohannan, pp. 15–16. Rice, James D. "Bacon's Rebellion in Indian Country." *Journal of American History,* Vol. 101, 2014, pp. 726–750.
3. Surry County, Virginia Historical Society Newsletter, December 2004 and March 2005.

The *"Surry Side"*

1. Bohannan, pp. 7–11. Boddie, John Bennett. *Colonial Surry.* Baltimore: Genealogical Publishing, 1974, pp. 14–17, 25.
2. Lukezic, Craig. "Soils and Settlement Location in 18th Century Colonial Tidewater Virginia." *Historical Archaeology,* Vol. 24, 1990, p. 4.
3. Hening, William Waller, ed. *The Statutes at Large; Being a Collection of all the Laws of Virginia from the First Session of the Legislature, in the Year 1619.* Richmond, VA: Samuel Pleasants, 1814, Vol. IV:
   p. 241: *"At a General Assembly Begun and Held at Williamsburg, the first day of February, anno dom. 1727…And from thence continued…to the twenty-first day of May, 1730…"*
   p. 247: May 1730; *"An Act for amending the Staple of Tobacco; and for preventing Frauds in his Majesty's Customs."*
   p. 266: *"That a public warehouse or warehouses shall be kept, and the same are hereby appointed to be kept at the following places…At Cabbin* [sic] *Point, in Surry;…At Gray's Creek, in Surry, where the Agents houses were."*
4. Lorenz, Stacy L. "'To Do Justice to His Majesty, the Merchant and the Planter': Governor William Gooch and the Virginia Tobacco Inspection Act of 1730." *Virginia Magazine of History and Biography,* Vol. 108, 2000, pp. 345–352.
5. Virginia Patent Book 7 (1679–1689), Vol. 1 and 2, p. 464 (Richard Washington, 200 acres, 20 April 1685); Patent Book 8 (1689–1695), pp. 88–89 (Richard Washington, 772 acres, 23 October 1690). Both of Washington's grants lay along the north side of the Blackwater Swamp in modern Surry County.

Surry's Backcountry Along the Blackwater Swamp

1. Lukezic, p. 3. Walsh, Lorena S. "Plantation Management in the Chesapeake, 1620–1820." *Journal of Economic History*, Vol. 49, 1989, pp. 394, 396–397.
2. Gill, Harold B. Jr. "Wheat Culture in Colonial Virginia." *Agricultural History,* Vol. 52, 1978, p. 381.
3. Surry County VA Wills, Etc. Book 10a (1768–1779), pp. 80–82; Surry County VA Wills, Inventories & Estate Accounts (1770–1873), LDS Film #4124979, Images #1373–1374, #2097–2098 (Inventory of Estate of Henry Watkins; appraisers: Michl. Nicholson, Nathaniel Sebrell, Robert Andrews).
4. Surry County VA Wills, Etc. Book 10a (1768–1779):
   pp. 471–472: Will of John Watkins Sr., written 7 April 1777, filed with the Surry Court 22 July 1777.
   pp. 522–524: Account of Estate of John Watkins Sr., filed with Surry Court on 23 February 1779.
   Surry County VA Wills, Inventories & Estate Inventories #2 (1770–1873), LDS Film #4125015, Images #124–125 (Account of Estate of John Watkins Sr., filed with Surry Court on 23 February 1779).
5. Surry County VA Deeds, Wills, Etc., Book 11 (1778–1783), pp. 87–89 (*"An Inventory and Appraisement of the Estate of Doiley Kee, taken the 27th of February 1779,"* filed with the Surry Court by Rebecca Kee, Administrator, 24 August 1779).
6. Surry County VA Will Book 12 (1783–1792), pp. 146–147 (Inventory of Estate of Jesse Cocks, made 13 December 1786, filed in court on 23 January 1787; executrix: Rebecca Cocks; appraisers: Nathaniel Sebrell, Jonathan Ellis, Stephen Sorsby). Jesse's widow, Rebecca, was the widow of Doiley Kee who died in 1778. See 1780 Surry County VA Marriage Bonds, LDS Film #4129123, Image #8: Jesse Cocks to *"Rebecca Kee (Widow),"* 26 December 1780.
7. Surry County VA Deed Book 12 (1783–1787), pp. 244–245; Surry County VA Indentures (1699–1796), LDS Film #4123079, Image #799 (Nathaniel Sebrell to Isaac Ellis, 26 February 1787; witnesses: Benjamin Rose, John Rose, Benjamin Ellis).
8. Surry County VA Will Book 12 (1783–1792), pp. 179–180; Surry County VA Wills, Inventories & Estate Accounts (1770–1873), LDS Film #4124979, Images #1550–1551, #2274–2275 (Inventory of Isaac Ellis Estate, 25 October 1787; appraisers: Nathaniel Sebrell, Frederick Cooper, William Justiss).
9. Surry County VA Will Book 1 (1792–1804), pp. 612–614 (*"An Inventory and Appraisement"* of the estate of John Watkins, deceased, taken 7 January 1803, filed in court 25 April 1803; appraisers: David Sebrell, John Watkins, *"Nathl Sebrell"*).

10. Surry County VA Wills, Etc. Book 2 (1804–1815):
    p. 80: Will of Frederick Cooper, dated 22 April 1805, filed in court 28 January 1806.
    pp. 183–185: Inventory of the Frederick Cooper Estate, made 4 March 1806, filed 23 June 1807.
    pp. 193–194: Estate Sale of Frederick Cooper, held 14 March 1806, filed in court 28 July 1807.
11. Surry County VA Wills, Etc. Book 4 (1822–1827), pp. 203–205 (Inventory of the Estate of Nathaniel Sebrell Sr., made 10 December 1816, filed with Surry Court by David Sebrell, executor, on 27 October 1823).

Maj. James Kee & The New Design

1. Surry County VA Deeds, Wills, Etc. Book 11 (1778–1783):
    pp. 40–41: Rebekah Kee Widow of Doiley Kee Dower Lands, 6 March 1779). The commissioners appointed to *"lay off and ascertain the Dower of the said Rebekah Kee of the Lands & Slaves belonging to the Estate of the said Doiley Kee"* stated that *"we were particularly appointed and requested by Rebekah Kee Widow of Doiley Kee deceased late of Surry County, and James Kee, Heir at Law…"* The commissioners allotted her 150 acres adjoining the lines of James Kee and Nathaniel Sebrell.
    pp. 87–89: *"An Inventory and Appraisement of the Estate of Doiley Kee, taken the 27th of February 1779,"* filed with the Surry Court by Rebecca Kee, Administrator, 24 August 1779.

    1774 Surry County VA Marriage Bonds, LDS Film #4129116, Image #22 (James Kee to *"Jane Bailey Orphan of Thomas Bailey,"* 22 February 1774).
2. Coleman, Charles Washington. "The County Committees of 1774-'75 in Virginia: II." *The William and Mary College Quarterly Historical Magazine.* Vol. 5, p. 249. The Surry County Safety Committee was formed on 5 February 1776 and included *"James Kee."*
3. Surry County VA Order Book (1775–1785):
    p. 34: Court session 25 March 1777;
    p. 37: *"Ordered that James Kee be Recommended to his Excellency the Governor, as a fit and able Person to execute the Office of Ensign of the Militia of this County in Captain Lemuel Cocke's Company."*
    p. 42: Court session 26 August 1777;
    p. 44: *"Ordered that the following Persons Recommended to his Excellency the Governor as fit and able to execute the several Offices of the Militia of this County in their respective Companies, namely…James Kee second Lieutenant & Stirling Hill Ensign in Capt. Lemuel Cockes Company…"*
    p. 44: Court session of 23 September 1777;
    pp. 45–46: *"…James Kee…came into Court and took the oath of Officers of Militia of this County and in their respective Commissions."*
4. Revolutionary War Pension Application #S7239, John Moring, Surry County, Virginia Militia, originally filed 12 November 1832, Chatham County, NC Court of Pleas & Quarter Sessions.
5. Surry County VA Order Book (1775–1785):
    p. 236: Court session 27 May 1783;
    p. 239: *"Ordered that the following Persons be recommended to his Excellency the Governor as being fit and able to execute the Offices of their respective Commissions in the Militia of this County, to wit,…James Kee and Jesse Warren, Captains…"*
    p. 296: Court session of 25 May 1784;
    p. 299: *"James Kee Gent having been heretofore appointed a Captain in the Militia of this County, this day produced his Commission (dated May 27th 1783) and took the oath of Office.*

    Order Book (1786–1789):
    p. 219: Court session 24 April 1787;
    p. 220: *"James Kee, Jacob Faulcon, William Bailey, Stephen Sorsby, and Jesse Warren Gent. Being heretofore recommended to the Executive as fit and proper persons to execute the Office of Captain of Militia of this County, this day produced their Commissions and was sworn into Office accordingly."*

    Order Book (1789–1794):
    p. 429: Court session 25 June 1793;
    p. 430: *"The following persons being commissioned Officers in the militia of this county came into Court, produced their commissions and took the oaths prescribed by law, respectively, to wit., Lemuel Cocke Lieutenant Colonel Commandant…James Kee Major…"*
    p. 509: Court session 23 September 1794; *"Militia Officers recommended to his Excellency the Governor, to wit. Samuel Blow Major in the room of James Kee who has resigned."*
6. Surry County VA Order Book (1775–1785):
    p. 27: Court Session of 26 November 1776;
    p. 28: *"Ordered that James Kee be appointed Surveyor of the Road in the room of James Gilchrist who is discharged from that office & that he keep the same in lawful Repair with the Hands Subject to work thereon"*

7. Surry County VA Order Book (1775–1785):
   p. 134: Court session 23 January 1782; *"Ordered that the following persons be recommended to his Excellency the Governor in Council as being fit and able to execute the office of Justice of the Peace for this County…James Kee, John Watkins…"*
   p. 144: Court session 28 May 1782;
   p. 149: *"…James Kee, and John Watkins Gent. Being heretofore recommended as Justices of the Peace for this County came into Court and…took the oath of fidelity and the oath of Justice of the Peace for this County."*
   p. 155: Court session 23 July 1782;
   p. 156: *"…James Kee and John Watkins Gent. Named in the Commission of the Peace for this County and having respectively heretofore taken the oaths of Fidelity and of Justice of the Peace for said County came into Court and also took the oath of Justice in the County Court in Chancery."*
   The order books show Kee's service as justice on the Surry County Court through 1800, when he became sheriff.
8. Surry County VA Order Book (1775–1785):
   p. 255: Court session 26 August 1783;
   p. 258: *"John Watkins and James Kee Gen^{t} being appointed Commissioners of the Land Tax in this County, came into Court and took the oath of Office."*
   Order Book (1786–1789):
   p. 8: Court session 28 March 1786;
   p. 9: *"Ordered that James Kee and John Watkins Gen^{t} be continued Commissioners of the land Tax in this County."*
   p. 171: Court session 26 December 1786;
   p. 172: *"James Kee Gentleman being heretofore appointed a Commissioner of the land Tax in this County, came into Court and resigned the said Office…"*
9. Surry County VA Order Book (1795–1800):
   p. 534: Court session 24 June 1800;
   p. 536: *"Ordered that James Kee, John Watkins, and Josiah Wilson be recommended to the executive as fit and proper persons for one of them to be commissioned Sheriff of this County for the year ensuing."*
   p. 544: Court session 22 July 1800;
   p. 545: *"James Kee Gent having been commissioned Sheriff of this County for the year ensuing, this day appeared in Court and entered into and acknowledged bonds with security according to Law…"*
   Order Book (1800–1804):
   p. 99: Court session 22 September 1801;
   p. 101: *"James Kee G^{t}* [gentleman] *Sheriff being recommissioned Sheriff of the County came into Court entered into bond and made oath agreeable to law which said bonds are ordered to be recorded."*
   Surry County VA Deed Book 2 (1799–1804):
   pp. 37–41: Bonds of James Kee, appointed Surry County Sheriff, 22 July 1800; securities included Thomas Kee, John Justiss, and John Tillott.
   pp. 174–178: Bonds of James Kee, appointed Surry County Sheriff, 22 September 1801; securities included Thomas Kee and John Tillott.
   pp. 210–211: Bond of James Kee, appointed Surry County *"collector of the county levy"* assessed on 27 October 1801, bond dated 25 November 1801; securities: Archibald Davis and Thomas Kee.
10. Surry County VA Land Tax Books (1782–1800), LDS Film #8742699, Image #37: 1787, James Kee; Image #286: 1799, James Kee. 1806 Surry County VA Land Tax Book, LDS #4121832, Image #10: James Kee. 1787 Surry County VA Personal Property Tax Book, LDS #8458765, Image #82: James Kee.
11. Surry County VA Census of Persons and Buildings (1772–1785), LDS Film #4131664, Image #34 (*"A List of white Persons and Buildings in Johnchecohunk Precinct in Surry County, taken by James Kee, 1784"*); Image #35, line #16: James Kee.
12. Shepherd, Samuel. *The Statutes at Large of Virginia, from October Session 1792, to December Session 1806, Inclusive.* Vol. I. Richmond: Samuel Shepherd, 1835, p. 378: *"An ACT to alter the place of holding courts in the county of Surry,"* passed 24 November 1795.
13. Surry County VA Order Book (1775–1785):
   p. 123: Court session 27 March 1781;
   p. 124: *"On the Motion of John Owen Wallace, leave is granted him to keep an Ordinary at the cross Roads (his House) in this County for the ensuing Year whereupon he together with approved Security entered into & acknowledged a Bond Conditioned as the Law directs."*
14. Surry County VA Business Licenses (1783–1856), LDS Film #4131659, Images:
   #4: Robert *"Mackintosh,"* license *"to keep an Ordinary at his house,"* 23 April 1788.
   #106: Robert McIntosh, license *"to keep an Ordinary at the cross roads,"* 27 March 1792.
   #292: Robert McIntosh, license *"to keep an Ordinary at his House in the County of Surry,"* 28 March 1786.

During the eighteenth and early nineteenth centuries, the term *"ordinary"* was the term used for what we now refer to as taverns.

15. Surry County VA Order Book (1795–1800):
    p. 69: Court session 26 January 1796;
    p. 71: *"At the instance of Robert McIntosh the Court having taken under consideration the building a Court house at the Cross Roads for the use of this County, to be performed by the said McIntosh agreeable to an Act of the last General Assembly…are of the opinion that the said McIntosh should take a model of the present Courthouse, as well as to the size of it as to the form, except having two additional Windows, to be placed adjacent to the bench, which the said McIntosh agrees to put in at his own expense; it is thereupon ordered by the Court that the said Robert McIntosh govern himself accordingly."*
16. Surry County VA Deed Book 1 (1792–1799), pp. 350–351 (Robert and Martha McIntosh to Surry Justices, 23 March 1796). The McIntoshes gave the Surry justices the two acres of land *"so long as the said Cross Roads shall be the place of holding Courts for the said county of Surry."* It was described as lying *"…on the west side of the road, and near the granary."*
17. Surry County VA Order Book (1795–1800):
    p. 89: Court session 28 June 1796;
    p. 92: *"Ordered that Lemuel Cocke, James Kee,…let to the lowest Undertaker the building of a Gaol and Prison (under one roof) at the Cross roads on the log of ground conveyed by Robert McIntosh to the Justices of this County…"*). The justices gave precise specifications of the layout and materials used in the constructions, ordering it to be 20' long, 16' wide, 10' pitch, the walls, gable ends, and partition constructed of brick. They ordered one room for *"Debtors"* and a separate one for *"Criminals,"* with both rooms having a *"spout fixed in the wall and on the back side of it for the passage of Urine and Ordure."*
18. Surry County VA Order Book (1795–1800):
    p. 139: Court session 28 March 1797;
    pp. 140–141: *"It appearing to the satisfaction of this court that the Court house built by Robert McIntosh at the Cross Roads for the use of this county…is ready for the reception of the court in April next, it is therefore ordered that when this court adjourn to the court in course, they adjourn to the said Cross Roads, there to hold a court, &c."*
19. Surry County VA Deed Book 1 (1792–1799), pp. 393–394 (William and Patty Ellis to James Kee, 31 August 1796). Kee purchased 120 acres of land described as
    "…all that tract or parcel of Land which he the said William Ellis purchased of John Rose and Benjamin Rose by a deed of bargain and sale in the year 1795."
    The 120 acres James Kee purchased in 1796 came from land owned by William Rose Jr. prior to 1786. That year, Rose sold 60 acres of his land to his son, John, and an adjoining 60 acres to his son, Benjamin. The trail of land deeds that tract Kee's land since 1786:
    Surry County VA Deed Book 12 (1783–1787), all three records here made on 26 September 1786:
    pp. 217–218: Bonds £500 each of Benjamin Rose and John Rose to William Rose, with Benjamin and John promising to allow William Rose and his wife, Elizabeth Rose, *"to remain on the land…unmolested in the full enjoyment as well of the houses, Orchards, and every thing thereon, as of the land during their natural lines."*
    pp. 235–236: William Rose sells John Rose 60 acres of land described as,
    "Beginning at a Shrub white Oak on the Line [of] *James Kee, thence along the said Kees line, to the line of Benjamin Ellis Junior thence along the said Ellis Line to the line of Drewry Dewell, and so along the said Dewells line to the mouth of a small branch, then up the said branch through the Plantation to a Timber white Oak on the south side of the branch, and so along a line of marked Trees to the first station."*
    pp. 236–237: William Rose sells Benjamin Rose 60 acres of land described as,
    "Beginning at a Shrub white Oak on the Line [of] *James Kee thence along the said Kee's line to a pine a corner to the said James Kee, John Collier and Randal Jordan thence by the line of Randal Jordan to the line of Rogers and Drewry Dewell then along the said D. Dewells line to the mouth of a small Branch thence up the said Branch through the Plantation to a Timber white Oak thence by a line of marked Trees to the beginning."*
    Surry County VA Deed Book 1 (1792–1799):
    pp. 320–322: On 26 October 1795, John and Celia Rose and Benjamin and Lucy Rose sell William Ellis,
    "…all that tract or parcel of Land which we became possessed of by virtue of Deeds of bargain and sale from William Rose which was duly recorded in the County Court of Surry in September 1786, containing by estimation one hundred and twenty acres…bounded by the Lands of James Kee, the land commonly called Rogers, thence to Benjamin Ellis' line, and so along his line to the said James Kee's line…"

20. In December 1808, James and Jane Kee sold their son-in-law, Thomas Bailey Jr., a 130-acre tract of land that constituted the heart of The New Design, although the Kees did not refer to it by that name in this document. The land tax records all described the 130-acre tract as *"New Design"* and adjoining the lands of John Collier and Rebecca Cypress. In 1818, Bailey mortgaged *"a certain tract or tracts or parcels of Land or Lands known by the name of the New Design,"* describing it as 283 acres. The land tax records show this as the total of the 130-acre tract identified as *"New Design,"* plus a 183-acre tract described as adjoining New Design. References:
    - Surry County VA Deed Book 3 (1804–1811), p. 450: James and Jane Kee to Thomas Bailey Jr., 26 December 1808. The Kees sold 130 acres adjoining Edwin Rogers, *"Rebk^y^ Cypress,"* and Robert Ellis, and described as
      *…one certain tract or parcel of Land on which he now lives called Roses…south of the Courthouse road…*on *the Birch Island Road, thence up said road to a pine at Jordans path…*
      The Kees described the land they sold as *"Roses,"* indicating that it was the tract he bought from William Ellis in 1796, who had obtained it from John and Benjamin Rose in 1795.
    - Surry County VA Deed Book 6 (1818–1823), pp. 67–68: *"Thomas Bailey jr in order to secure a debt due to Peter Booth Executor of the said John H. Washington"* of $1293.75, Bailey mortgaged land to Thomas B. Ellis, 23 June 1818. Bailey sold Ellis a total of 283 acres bounded by Augustin Carsley, Jesse P. Warren, Nathaniel Cockes, John Collier, *"and the land whereon Mrs Jane Kee now resides"* and described as
      …a certain tract or tracts or parcels of Land or Lands known by the name of the New Design…whereon the said Thomas Bailey jr now lives…
    - 1813 Surry County VA Land Tax Book, LDS Film #4121840, Image #08, #10: Thomas Bailey Jr.; 130 acres: *"New Design Adjoining John Collier & R. Cypress;"* 183 acres: *"West of Jordans path Adjoining N. Design"*
    - 1816 Surry County VA Land Tax Book, LDS Film #4124801, Image #07, #1: *"Thomas Bailey jun.;"* 100 acres: *"New Design adjoining John Collier & R. Cypress;"* 183 acres: *"Adjoining John Collier and New Design"*
    - 1817 Surry County VA Land Tax Book, LDS Film #4124808, Image #07, #9: *"Thomas Bailey jr;"* 100 acres: *"New Design adjoining R. Cypress;"* 183 acres: *"Adjoining John Collier and New Design"*
    - 1819 Surry County VA Land Tax Book, LDS Film #4124817, Image #08, #16: *"Thomas Bailey jr;"* 100 acres: *"New Design adj^n^ R. Cypress;"* 183 acres: *"Adjoining New Design & Jno Collier"*
21. This series of Surry County, Virginia deeds describe the location of The New Design:
    - Deed Book 3 (1804–1811), p. 450: James and Jane Kee to Thomas Bailey Jr., 26 December 1808. The 130 acres the Kees sold was described as
      …lying and being in the county of Surry to the south of the Courthouse road…near a branch to a pine on the Birch Island road…thence by a line of new marked trees near said path to the Courthouse road to a pine…
    - Deed Book 3 (1804–1811), pp. 474–476: James and Jane Kee to Thomas Ellis Jr., 22 July 1809. The Kees sold an adjoining 388-acre tract described as lying *"on the road from the New Design to Birch Island."*
    - Deed Book 4 (1811–1815), pp. 223–224: John G. and Elizabeth Sharp to Joe Ellis, 2 March 1813. The Sharps sold a 47½-acre tract of land lying *"on the road leading from the New Design to Birch Island Bridge."*
22. Surry County, Virginia Historical Society Newsletter, December 2004 and March 2005.

The New Design Tavern

1. Surry County VA Wills, Etc. Book 2 (1804–1815), pp. 486–488 (Will of James Kee, written 1 February 1812, codicil added 27 April 1812, filed in court on 25 August 1812). In his will, James Kee left to his son-in-law, Thomas Bailey Jr., *"The store houses at the New Design and one acre lot."*
2. Surry County VA Order Book (1786–1789):
   p. 292: Court session of 25 September 1787;
   p. 294: John Stiles, *"a native of the State of New York (by trade a Shoemaker),"* took the *"oath of fidelity."*
3. Surry County VA Marriage Bonds, 1782, LDS Film #4129125, Images #40–41; Surry County VA Marriage Register (1763–1853), p. 11, LDS Film #7579167, Image 133 (John Stiles to Mary Sebrell, *"Spinster;"* 9 December 1782). For documentation that Nathaniel was Mary's father, see the biographies of Nathaniel Sebrell Sr. and John Stiles.
4. Surry County VA Marriage Bonds, 1788, LDS Film # LDS#4129138, Images #28–29; Surry County VA Marriage Register (1763–1853), p. 23, LDS Film #7579167, Image 145 (John Stiles to Jane Cooper *"of full age,"* 22 July 1788).
5. Surry County VA Deed Book 1 (1792–1799), pp. 21–23; Surry County VA Indentures (1699–1796), LDS Film #4123079, Image #519 (Randolph Jordan to John Stiles, 10 September 1792; witnesses: J. Kee, Nathaniel Stewart, Benjamin Collier). The deed states that the land Stiles purchased lay *"adjoining the lands of John Collier deceased, the land of John Tillott, of Nathaniel Sebrell, of William Lamb and William Rose."* John Collier had married Emelia Cooper, the daughter of George Cooper, who identified her and Jane as his daughters in his will. See:
   Surry County VA Wills, Etc. Book 11 (1778–1783), pp. 229–230: Will of George Cooper, dated 14 October [1781], filed in court 26 March 1782.

Surry County VA Will Book 1 (1792–1804), pp. 92–94: *"Inventory and appraisement of the Estate of John Collier deceased late of Surry County, taken the 8th of February 1791." "I Emelia Collier Admrx of the Estate of John Collier deceased do certify the above to be a true and perfect Inventory of the said Estate."*

6. The following records show that the 70 acres John Stiles bought in 1792 and sold in 1798 adjoined the 120 acres that James Kee purchased in 1796 and on which he then built *"The New Design."* One key is the reference to the *"land commonly called Rogers,"* which was the tract bought in 1787 by William Lamb, administrator of Thomas Rogers, and sold in 1795 to Edwin Rogers, Thomas' only surviving son:
   - Sussex County VA Will Book D (1782–1789), pp. 164–166: Account of Estate of Thomas Rogers, deceased; William Lamb, administrator, made 9 December 1778, filed with Sussex County on 19 June 1783
   - Surry County VA Deed Book 12 (1783–1787), pp. 241–242: Samuel Rose to William Lamb, 8 January 1787
   - Surry County VA Deed Book 1 (1792–1799), pp. 21–23: Randolph Jordan to John Stiles, 10 September 1792
   - Surry County VA Deed Book 1 (1792–1799), pp. 320–322: John and Celia Rose and Benjamin and Lucy Rose to William Ellis, 26 October 1795
   - Surry County VA Deed Book 1 (1792–1799), pp. 403–404: William Lamb to Edwin Rogers *"(surviving heir of Thomas Rogers),"* 25 November 1795
   - Surry County VA Deed Book 1 (1792–1799), pp. 627–628: John and Jane Stiles to Jesse Stewart, 23 October 1798

   The following is a chronology of the owners of the land that adjoined the 120-acre tract that James Kee purchased in 1796 on which he built The New Design:
   - 1778: William Lamb began serving as the administrator of the estate of Thomas Rogers.
   - 1786: William Rose sold 120 acres of his land to his sons, Benjamin and John Rose, described as adjoining the lands of James Kee, John Collier, *"Randal Jordan,"* and *"the line of Rogers."*
   - 1787: William Lamb purchased 75 acres from Samuel Rose, *"Heir at law to his Brother William Rose,"* described as lying along Collier's line, *"on Jordans line,"* and adjoining Nathaniel Sebrell.
   - 1792: John Stiles purchased 70 acres from Randolph Jordan, described as adjoining the lands of the late John Collier, Nathaniel Sebrell, William Lamb, and William Rose.
   - 1795: John and Benjamin Rose sold their 120 acres obtained from their father, William Rose, to William Ellis, describing it as bounded by the lands of James Kee and the *"land commonly called Rogers,"*
   - 1795: William Lamb sells the 75 acres he bought from Samuel Rose to Edwin Rogers, *"surviving heir of Thomas Rogers,"* with the land described as adjoining Collier's line, Jordan's line, and Nathaniel Sebrell.
   - 1798: John and Jane Stiles sell their 70-acre tract, describing it as bounded by Edwin Rogers, James Kee, Nathaniel Sebrell, and *"the road leading from Birch Island bridge to Cabin Point."*
7. Surry County VA Will Book 1 (1792–1804):
   - pp. 242–243: Will of William Rose, 16 March 1785, filed in court 24 October 1797; witnesses: *"Nathl Sebrell,"* Burwell Sharp, John Stiles [his mark].
   - pp. 281–282: Inventory of the Estate of William Rose, taken 28 October 1798 [sic–1797], filed in court on 24 July 1798; appraisers: Edmund Carsley, John Stiles, John Tillott.

   Surry County VA Wills, Inventories & Estate Inventories (1770–1825), LDS Film #4124947, Images 468–469 (Will of William Rose, written 16 March 1785, proved in court 24 October 1797). Surry County VA Order Book (1795–1800):
   - p. 195: *"Ordered that David Sebrell, John Stiles, John Tillott and Edmund Carsley…do appraise the personal estate of William Rose deceased,"* 24 October 1797.
   - p. 258: Court session 24 July 1798;
   - p. 262: *"An Inventory and Appraisement of the Estate of William Rose decd was this day returned to Court, and was ordered to be recorded."*

   Tax records between 1783 and 1806 show that John Stiles owned no livestock or land, implying that he did not earn his living by farming. For details, see the John Stiles Biography.
8. Surry County VA Business Licenses (1783–1856), LDS Film #4131659, Image #192 (Bond of John Stiles for license to *"keep an Ordinary at The New Design on the Lands of Jas Kee,"* 24 April 1798). Surry County VA Order Book (1795–1800), p. 236 (Court grants John Stiles a license *"to keep an Ordinary at the New Design on the lands of James Kee Gentleman in this county for one year next ensuing,"* 24 April 1798).
9. Surry County VA Deed Book 1 (1792–1799):
   - pp. 627–628: John and Jane Stiles to Jesse Stewart, 23 October 1798. The Stiles sold 70 acres of land adjoining lands of Edwin Rogers, James Kee, Nathaniel Sebrell, John Watkins, John Tillott, and *"the road leading from Birth Island Bridge to Cabin Point."*
   - pp. 645–646: On 23 January 1799, Clerk of Surry County Court Jacob Faulcon signed an order for any two of Justices James Kee, John Watkins, and Archibald Cocke to receive the acknowledgement of Jane Stiles, wife of John Stiles, for the sale of a 75-acre tract of land:

…whereas…Jane cannot conveniently travel to our Court of our said county to acknowledge the same therefore we do give unto you or any two of you more of you power to receive the acknowledgement.

On 22 January 1799, John Watkins and Archibald Cocke made affidavit that, *"Jane Stiles came before us and renounced her right of dower there."*

10. Struzinski, Steven. "The Tavern in Colonial America." *The Gettysburg Historical Journal*, Vol. 1, Article 7, 2002, pp. 29–32. Thorp, Daniel B. "Taverns and Tavern Culture on the Southern Colonial Frontier: Rowan County, North Carolina, 1753–1776." *The Journal of Southern History,* Vol. 62, No. 4, 1996, pp. 661–663.
11. Yoder, Paton. "Tavern Regulation in Virginia: Rationale and Reality." *The Virginia Magazine of History and Biography,* Vol. 87, No. 3, 1979, pp. 263–264, 266, 273–274.
12. Struzinski, p. 33.
13. Surry County VA Order Book (1775–1785):
    p. 296: Court session 27 April 1784;
    p. 298: *"Rates of Liquors, Diet &c for the present year."*
    Surry County VA Order Book (1795–1800):
    pp. 183–184: Court session 24 August 1797: *"Ordered that the rates of Liquors, Diet, Lodging, Pasturage and so forth, stand rated as follows, to wit…"*
    p. 251: Court session 20 June 1798;
    p. 253: *"Ordered that the rates of Liquors, Diet, Lodging &c &c be rated as follows."*
    All items and prices given come from the 1798 court order, although the prices were almost identical in 1797. Both the 1784 and 1798 rates described the top-quality alcohol as *"Good West India Rum,"* but the 1797 and 1798 rates only identified the lower-quality versions as *"All other Rum."* The 1784 rates identified the lower quality rums as *"Tafia and Continental Rum."*
14. Weld, Isaac Jr. *Travels Through the States of North America and the Provinces of Upper and Lower Canada, During the Years 1795, 1796, and 1797.* Vol. I. 2nd ed. London: John Stockdale, 1799, p. 98. On his journey from Baltimore, Maryland to Philadelphia, Weld described the customary eggnog that American travelers consumed before they left on cold winter mornings.
15. Surry County VA Order Book (1795–1800):
    p. 251: Court session 20 June 1798;
    p. 253: *"Ordered that the rates of Liquors, Diet, Lodging &c &c be rated as follows."*
    "Dinner" referred to the midday meal for Southerners of that era, and it constituted the largest meal of the day. Even in modern times, rural Southerners still refer to the midday man as *"dinner,"* with the evening one known as *"supper."*
16. Weld, pp. 178, 182–184.
17. Surry County VA Order Book (1795–1800):
    p. 251: Court session 20 June 1798;
    p. 253: *"Ordered that the rates of Liquors, Diet, Lodging &c &c be rated as follows."*
18. Coffee County TN Will and Probate Records, LDS Film #4727878, Images 73–74. Coffee County TN Will Book 1 (1833–1859), pp. 40–41, LDS Film #4776229, Image #37 [original]. Coffee County TN Will Book 1 (1833–1860) [typed], pp. 34–35, LDS Film #4769001, Images 622–623 (Will of John Stiles, written 6 November 1841, proved 4 March 1844). John Stiles Sr. identified John and Leroy Stiles as his sons. For details of their ages, see the biography of John Stiles Sr.
19. Weld, p. 184.
20. Surry County VA Business License (1783–1856), LDS Film #4131659, Images:
    #48–49: John Stiles, *"license to keep an Ordinary at the New design…,"* James Kee, security, 22 April 1800.
    #50–51: John Stiles, *"license to keep an ordinary at The New Design…,"* James Kee, security, 23 April 1799.
21. Surry County VA Business License (1783–1856), LDS Film #4131659, Images:
    #172–173: *"Benja* Cocks," *"license to keep an Ordinary at his house at the New Design…,"* Thomas Kee, security, 27 April 1802.
    #180–181: Benjamin Cocks, *"license to keep an Ordinary at his house called the New design,"* Thomas Kee, security, 28 April 1801.
    Surry County VA Order Book (1801–1804):
    p. 35: Court session 28 April 1801;
    p. 39: *"Leave is given Benjamin Cockes to keep an Ordinary at the house of James Kee Gt Known by the name of the New design."*
    p. 224: Court session 27 April 1802;
    p. 227: *"On the motion of Benjamin Cocks a license is granted him to keep an ordinary at his house."*
22. Revolutionary War Pension Application #S39351, Benjamin Cocks, Virginia. Surry County VA Order Book (1801–1804):

p. 482: Court session 28 June 1803;
p. 487: Benjamin Cockes appointed constable; summoned to appear in July;
p. 508: Court session of 26 July 1803;
p. 514: Benjamin *"Cocks"* appointed constable, *"Thomas Cocks jun."* security.

Surry County VA Deed Book 2 (1799–1804), p. 416 (Bond of Benjamin Cocke as Constable, 26 July 1803; securities: *"Thoˢ Cockes,"* Moreland James).

23. Surry County VA Personal Property Tax Books, LDS Film #8458765:
    1798, Image #654: *"A List of Persons Licenced* [sic] *to Retail Merchandise,"* #7: *"Peter Jemm & Cº."*
    1799, Image #697: *"A List of Persons Licenced* [sic] *to retail Merchandise,"* #5: *"Peter Jemm."*
    1800, Image #737: *"A List of Persons Licenced* [sic] *to Retail Merchandise in the Year 1800,"* #8: *"Peter Jemm."*

    Surry County VA Personal Property Tax Books, LDS Film #8188299:
    1801, Image #489: *"A List of Retail Merchants in Surry County in the Y⁴ 1801,"* #5: *"Peter Jemm."*
    1802, Image #527: *"A List of Persons Licenced* [sic] to *retail Merchandise since my last Return;"* Peter Jemm is not listed.
    1803, Image #570: *"A List of Persons Licenced* [sic] to *retail Merchandise since my last return;"* #1: *"Peter Jemm."*

Surry County VA Order Book (1795–1800):
p. 172: Court session 28 June 1797;
p. 175: Peter Jemm recommended as *"Lieutenant in Captain David Cockes company."*

Surry County VA Order Book (1801–1804):
p. 289: Court session 24 August 1802;
p. 291: *"The Commonwealth against Peter Jemm, deft. Upon a presentment of the Grand Jury for getting drunk and presenting a Pistol against John Stiles, at the New design on the 15th day of May 1802. This prosecution for reasons appearing to the Court is dismissed."*

Surry County VA Administrators Bonds (1797–1815), p. 38 (James Stewart, bond as Administrator of the estate of Peter Jemm, 22 November 1803).

24. Surry County VA Business License (1783–1856), LDS Film #4131659, Images:
    #142–143: John Stiles *"a license to keep an ordinary at the House of James Kee at his Plantation called New Design,"* 23 April 1805.
    #144–145: John Stiles *"a license to keep an ordinary at the New Design,"* 24 April 1804.
    #174–175: John Stiles *"a license to keep an Ordinary at the New Design,"* 26 April 1803.
    #473: *"Recᵈ of Mr. John Stiles"* $12.50 *"in full for permission to obtain a Tavern license from the above date to 1807,"* 22 April 1806.
    #566: *"Received from Mr. John Stiles"* $12.*50 "in full of his Tavern License for the year 1805,"* 23 April 1805.
25. Surry County VA Order Book (1801–1804):
    p. 394: Grand jury indictments of Nathaniel Thompson and William Hicks, 24 May 1803;
    p. 516: Court session 23 August 1803;
    p. 519: *"The Commonwealth against Nathaniel Thompson, Upon a Presentment of the Grand Jury for profane swearing,"* appeared in court and fined 83¢.
    p. 520: *"The Commonwealth against William Hicks, upon a Presentment of the Grand Jury for getting drunk,"* after attorney arguments, fined 83¢ plus costs; Nicholas Hite and Benjamin Bilbo testified as witnesses against Hicks, each paid 53¢.

Gaming Crackdown in Surry

1. Yoder, pp. 265–268.
2. Weld, pp. 191–192.
3. Yoder, p. 266. *"Virginia Gazette and Weekly Advertiser"* (Richmond, VA), 8 November 1787, p. 3, column 2. *"The Virginia Independent Chronicle"* (Richmond, VA), 1 October 1788, p. 4, column 3.
4. Surry County VA Business License (1783–1856), LDS Film #4131659, Image #190 (Richard Shackleford *"license to keep an Ordinary at his New House at Cabin Point,"* Thomas Bailey, security, 24 April 1798). Shackleford did not obtain an ordinary license in his own name until 1798, but from the court minutes, he at least owned a billiard table that he had set up in one of the taverns, presumably at Cabin Point.
5. Surry County VA Order Book (1795–1800):
    p. 48: Court session 25 August 1795, Grand Jury *"do present Richard Shackleford for not listing his Billiard Table."*
    pp. 96–97: Court session 23 August 1796, *"The Commonwealth against Richard Shackleford, Presentment of the Grand Jury."*

In this era, court officials used the terms *"present"* and *"presentment"* in the same manner that we use *"indict"* or *"indictment"* today.

6. Shepherd, Samuel. *The Statutes at Large of Virginia, from October Session 1792, to December Session 1806, Inclusive.* Vol. II. Richmond: Samuel Shepherd, 1835, pp. 75–76 (*"An ACT to amend the act, intitled, "An act to prevent unlawful gaming,"* passed 19 January 1798). Yoder, pp. 266–267.
7. *"The Enquirer"* (Richmond, VA), 2 January 1806, p. 3, column 4. *"Virginia Argus"* (Richmond, VA), January 10 (p. 3, column 3), 21 (p. 3, columns 3–4), and 28 (p. 3, column 4), 1806.
8. Surry County VA Order Book (1804–1807):
   p. 452: Court session 25 November 1806, present Nicholas Sebrell, *"Gentleman Justices."*
   p. 455: Grand jury indictments: John Stiles for *"unlawful gaming in his Tavern at the New Design"* and Benjamin Cocke for *"unlawful Gaming at the New Design,"* both *"on the night of"* 19 November 1806;
   p. 475: *"The Commonwealth against John Stiles;" "Lightfoot against Cocke adm,"* 27 November 1806;
   p. 477: *"John Stiles came into court and informed the court upon oath that Richard Shackleford, German Ellis, Benjamin Cocke, John Putney, John Justiss, William Mooring, and George Birdsong did on"* 19 November 1806, *"engage in Gambling in his Tavern, at The New Design."*

   Nicholas Sebrell did not sit on the Surry Court a justice on November 27th.
9. Surry County VA Business License (1783–1856), LDS Film #4131659, Image #40 (William M. Davis *"license to keep an ordinary at The New Design,"* 24 February 1807, William Bailey, security). Surry County VA Order Book (1804–1807):
   p. 493: Court session 24 February 1807;
   p. 500: William M. Davis *"On his motion he is Licenced* [sic] *to keep an Ordinary at the new design for twelve months,"* 24 February 1807.
10. Surry County VA Order Book (1804–1807), pp. 500–501: Court session 24 March 1807. Based upon evidence presented in court by Langley C. Wills, James Holt, and Thomas Perkins, the Grand Jury issued these presentments [indictments] for offences occurring on 5 November 1806:
    - *"David Price for suffering unlawful gaming in his house."*
    - *"John Godwin of Nansemond County, for keeping a Faro Bank at David Prices Tavern, and gaming at the same"*
    - Charles Wren, Henry Harrison, Francis Wren, Joseph Jones, Joakim McKeil, John Goodson, George Brassel, John Derring, Robert Fulgham, and Thomas Hardy of Isle of Wight County *"for unlawful gaming at Surry Courthouse in company with John Godwin…"*
11. Surry County VA Order Book (1804–1807):
    p. 505: Court session 25 March 1807, *"Gentleman Justices: William Boyce, Beverly Booth, Archibald Cocke, Nicholas Sebrell, Archibald Davis."*
    pp. 506–507: *"Commonwealth against Stiles, Summons. For reasons appearing to the court this cause is continued until the next court of quarter sessions."* The Court took similar action in the summons against Cocke, Shackleford, Ellis, Putney, Justiss, Moring, and Birdsong.
12. Surry County VA Order Book (1807–1811):
    p. 2: Court session of 26 May 1807, *"Gentlemen Justices"* included William Boyce, Robert McIntosh, Archibald Cocke, John H. Cocke;
    p. 3: *"The Commonwealth against John Stiles…the cause is continued until the next court;" "The Commonwealth against David Price;" "The Commonwealth against John Godwin."*
    p. 4: *"The Commonwealth against Benjamin Cocke: Summons for Gambling."*

    Both Price and Godwin entered pleas of not guilty.
13. Surry County VA Order Book (1807–1811), pp. 6–8 (Court session of 26 May 1807). Towards the end of their 26 May 1807 session, these men appeared before the Surry Court to enter pleas of not guilty in the gambling charges at Surry Court House Tavern against them: Joakim McKeil, John Goodson, George Brassel, John Derring, Robert Fulgham, and Thomas Hardy. Richard Shackleford, tavernkeeper at Cabin Point Tavern, appeared last that day, and entered a plea of not guilty in the charges against him for gambling at The New Design Tavern. After hearing their pleas, the Surry Court ordered all cases *"continued"* until the next court session.
14. Surry County VA Order Book (1807–1811), pp. 8–9, 12–13 (Court session appears to have been Wednesday, May 27th, but the date was omitted from the court minutes). These four men appeared before the Surry Court to enter pleas of not guilty in the gambling charges at Surry Court House Tavern against them: Charles Wrenn, Francis Wrenn, Henry Harrison, and Joseph Jones. After hearing their pleas, the Surry Court ordered all cases *"continued"* until the next court session. For some unknown reason, on pp. 12–13 of the court minutes, the gambling charges against David Price, John Godwin, and the ten men from Isle of Wight County were again entered in the minutes with the notation, *"For reasons appearing to the court this cause is continued until the next court of quarter sessions."* It appears that merely a record of the court's actions in the cases, as all had already been noted in the minutes as continued.

15. Surry County VA Order Book (1807–1811), pp. 10–11 (Court session appears to have been Wednesday, May 27th, but the date was omitted from the court minutes). John Justiss entered his plea of not guilty, with his case postponed. The Court continued the case against George Birdsong until the next session, and it does not appear that he entered any plea.
16. Surry County VA Order Book (1807–1811):
    p. 28: Court session of 25 August 1807; *"Present: William Boyce, Nicholas Sebrell, Beverly Booth, & William Scammell, Gentlemen Justices."*
    p. 30: *"The Commonwealth against John Stiles: Summons for Gambling. For reasons appearing to the court this cause is dismissed."*
17. Surry County VA Order Book (1807–1811):
    p. 28: Court session of 25 August 1807;
    pp. 30–31: The Court ordered the gambling cases against Richard Shackleford, German Ellis, John Justiss, William Mooring, and George Birdsong *"continued until the next court of quarter sessions."*
18. Surry County VA Order Book (1807–1811):
    p. 28: Court session of 25 August 1807;
    p. 31: *"The Commonwealth against David Price: Sums for permitg Gambling in his Tavern;"* grand jury indictments: David Price.
19. Surry County VA Business License (1783–1856), LDS Film #4131659, Image #14 (David Price, *"license to keep an ordinary at his House,"* dated 27 May 1806, license valid *"for and during the term of one year from the 23rd day of April last"*).
20. Surry County VA Order Book (1807–1811):
    p. 33: Court session of 26 August 1807;
    pp. 37–38: *"The Commonwealth against David Price, Presentment* [indictment] *found against him at the present Term;" "On motion of David Price who gave Bond with Robert McIntosh his security, his Ordinary License is renewed for one year from April last."*

    Surry County VA Business License (1783–1856), LDS Film #4131659, Image #126 (David Price, *"license to keep an ordinary at Surry Court house,"* dated 26 August 1807, license valid *"for and during the term of one year from the first day of April last past"*).
21. Surry County VA Order Book (1807–1811):
    p. 60: Gambling cases against Richard Shackleford, German Ellis, William Mooring, and George Birdsong postponed, 25 November 1807;
    p. 89: Court session 23 February 1808;
    p. 91: *"Richard Shackleford came into court and gave Bond for his ordinary License from the first day of May last."*

    Surry County VA Business License (1783–1856), LDS Film #4131659, Images:
    #16: Richard Shackleford, *"License to keep an Ordinary at Cabin Point…for the term of one year from the first day of April last until the 1st May next,"* 23 February 1808; security: Benjamin Cocke;
    #327: Richard Shackleford, *"license to keep an ordinary at Cabin Point…for the term of one year from 23rd day of April last passed,"* 27 May 1806.
22. Surry County VA Order Book (1807–1811):
    p. 145: Court session of 23 August 1808;
    p. 147: Charges for gambling dismissed against Richard Shackleford, German Ellis, William Mooring, and George Birdsong.
23. Surry County VA Order Book (1807–1811), p. 206: Court session 28 March 1809:
    "The Commonwealth against John Justiss, Information, For reasons appearing to the court this cause is dismissed."

    This case for *"Information"* is presumably the gambling charge against Justiss. There is no other reference to any case against John Justiss in this time period.
24. Surry County VA Order Book (1807–1811):
    p. 28: Court session of 25 August 1807;
    p. 32: Gambling case against Henry Harrison continued.
    p. 33: Case heard: *"The Commonwealth against Francis Wrenn, Summons for Gambling."* The jury's verdict: *"We of the Jury find the defendant guilty and assess the fine to twenty dollars."* The minutes continued:
        "It is therefore considered by the court that the Commonwealth recover against the defendant the fine aforesaid in manner aforesaid assessed, amounting to the sum of twenty dollars and also for her costs in this behalf expended. The said defendant may be taken &c."

Wrenn's fine plus costs amounted to $23.43. The final phrase in the Court's order following Wrenn's conviction is not found after the verdicts in other cases. It implies that Wrenn was imprisoned, perhaps due to an inability to pay his fine.

25. Surry County VA Order Book (1807–1811):
    p. 33: Court session of 26 August 1807;
    pp. 34–35: Gambling cases against Joseph Jones, Joakim McKeil, and John Goodson; jury verdicts all not guilty
    p. 36: Gambling cases against George Brassel, John Derring, Robert Fulgham, and Thomas Hardy all continued.
26. Surry County VA Order Book (1807–1811):
    pp. 60–61: Court session of 25 November 1807. The Court ordered the gambling cases against David Price, John Godwin, Francis Wrenn, Henry Harrison, George Brassel, John Derring, Robert Fulgham, and Thomas Hardy all continued. The reference to a pending case against Francis Wrenn is a clerical error, for he had been convicted and imprisoned at the previous court session in August. The pending case was against Charles Wrenn.
    p. 121: Court session of 25 May 1808. Case heard:
    "The Commonwealth against Thomas Hardy, Sum^s for Gambling."
    Jury verdict: *"We of the Jury find the defendant not guilty."*
27. Surry County VA Order Book (1807–1811):
    p. 145: Court session of 23 August 1808;
    p. 148: Gambling cases against David Price, John Godwin, Charles Wrenn, Henry Harrison, George Brassel, and Robert Fulgham all continued (no reference made to the case against John Derring, presumably a clerical omission).
    p. 224: Court session of 24 May 1809;
    pp. 235–236: The Court ordered the gambling cases against David Price, John Godwin, Francis Wrenn [sic–Charles Wrenn], Henry Harrison, George Brassel, John Derring, and Robert Fulgham all continued.
28. Surry County VA Order Book (1807–1811):
    p. 339: Court session of 22 May 1810;
    p. 343: *"The Commonwealth against David Price, Information for Suffering Gambling; This cause this day came on to be heard and was argued by counsel whereupon it is considered by the Court that the same be dismissed."*
    pp. 343–344: Gambling cases against John Godwin, Henry Harrison, George *"Bassel"* [Brassel] all *"continued until to-morrow."*
    p. 344: *"The Commonwealth against Charles Wrenn, Sum^s for Gambling,"* the jury *"returned their verdict for the defendant."*
    p. 345: *"The Commonwealth against John Derring, Sum^s for Gambling,"* the jury *"returned their verdict for the defendant;" "The Commonwealth against Robert T. Fulgham, Sum^s for Gambling,"* the jury verdict: *"We the Jury find the defendant guilty and asses his damages $20."*
29. Surry County VA Order Book (1807–1811):
    p. 406: Court session of 29 August 1810;
    pp. 408–409: Gambling cases against John Godwin, Henry Harrison, and George Brassel: *"On motion of the defendant and for reasons appearing to the court this cause is continued until the next court of quarter sessions."*
30. Surry County VA Order Book (1807–1811):
    p. 420: Court session of 27 November 1810;
    p. 423: John Godwin case *"is continued until to-morrow;"*
    p. 426: Court session of 28 November 1810;
    p. 427: *"The Commonwealth against John Godwin, Information for unlawful Gambling;"* jury verdict:
    "We of the Jury find John Godwin of Nansemond County the defendant guilty of keeping a playing at a faro bank table at David Prices tavern on or about the fifth November 1806."
    The court minutes continued:
    "It is therefore considered by the court that the Commonwealth do recover against the defendant One hundred dollars his fine, and also her costs in this behalf expended and the said defendant may be taken &c."
    The last phrase seems to imply that Godwin was unable to pay his fine and was imprisoned. Although the minutes ordered a fine of $100, the clerk's notes in the margin recorded the fine as only $20. After adding court costs, the total assessed was $36.36. It is unclear if the mistake was caught.
31. Surry County VA Order Book (1807–1811):
    p. 451: Court session of 26 March 1811;

p. 453: Case heard: *"The Commonwealth against Henry Harrison, Summons for Gambling."* The jury impaneled in the case included John Stiles' brother-in-law, David Sebrell, John Watkins, who later married Sebrell's daughter, Elizabeth Faulcon Sebrell, and Sebrell neighbors Miles Burgess and John Velvin. The jury verdict: *"We of the Jury do find the defendant Harrison guilty."* The Court assessed him a fine of $20 plus costs, which brought the amount he had to pay to $31.52.

p. 454: Case heard: *"The Commonwealth against George Brassel, Summons for Gambling."* The same jury heard this case as Harrison's. The jury verdict: *"We of the Jury find the defendant Brassel guilty."* The Court assessed him a fine of $20 plus costs, which brought the amount he had to pay to $29.32.

A New Generation of Ownership

1. Surry County VA Business License (1783–1856), LDS Film #4131659, Images:
   #12: *"Thomas Bailey jr hath obtained a License to keep an Ordinary at the New Design,"* 27 May 1816
   #20: Thomas Bailey Jr, *"hath obtained a license to keep an ordinary at the New Design,"* 23 February 1808
   #24: *"Thomas Bailey junior…a License to keep an Ordinary at his House (called New Design),"* 26 May 1817
   #28: *"Thomas Bailey Jr…a license to keep an ordinary at the New Design,"* 28 May 1811
   #34: *"Thomas Bailey jun^{r}…a license to keep an Ordinary at the New Design,"* 22 May 1810
   #114: *"Thomas Bailey jr….a License to keep an Ordinary at the New Design,"* 26 May 1812
   #399: *"Thomas Bailey Jr hath obtained a License to keep an Ordinary at New Design,"* 25 May 1818
   #405: *"Thomas Bailey hath obtained a license to keep an Ordinary at the New Design,"* 22 May 1815
   #423: Thomas Bailey Jr. *"hath obtained a license to keep an ordinary at New Design,"* 23 May 1814
   Surry County VA Order Book (1811–1815), pp. 198–199:
   "On motion Thomas Bailey who paid the sum of sixteen dollars and seventy five cents tax, his ordinary License is renewed for one year," 25 May 1813.
   There is no record of the New Design ordinary license for the year 1809, either among the surviving original ordinary licenses or in the order book.
2. 1806 Surry County VA Marriage Bonds, LDS Film #4129158, Image #38 (Thomas Bailey Jr. to *"Eliz^{a} Lasscelles Kee,"* 17 December 1806).
3. Surry County VA Deed Book 3 (1804–1811), pp. 277–278 (James Kee to *"Thomas Bailey junior"* and Elizabeth Lasscells Bailey, 27 October 1807; *"all the Land lying North of my Mill Pond which I bought of Nathaniel Stewart and Stephen Stewart"*).
4. Surry County VA Deed Book 3 (1804–1811), p. 450 (James and Jane Kee to Thomas Bailey Jr., 26 December 1808; sells 130 acres of *"one certain tract or parcel of Land on which he now lives called "Roses"*). Numerous later documents show that this 130-acre tract was *"The New Design,"* including:
   - 1813 Surry County VA Land Tax Book, LDS Film #4121840, Image #08: Thomas Bailey Jr. 130 acres *"New Design adjoining John Collier;"* 183 acres *"West of Jordans path Adjoining N. Design"*).
   - 1816 Surry County VA Land Tax Book, LDS Film #4124801, Image #07: *"Thomas Bailey jun."* (130 acres *"New Design adjoining John Collier;"* 183 acres *"Adjoining John Collier and New Design"*).
   - 1817 Surry County VA Land Tax Book, LDS Film #4124808, Image #07: Thomas Bailey Jr. (130 acres *"New Design adjoining R. Cypress;"* 183 acres *"Adjoining John Collier and New Design"*).

   Kee's 1808 deed to Bailey referred to the 130-acre tract as *"Roses,"* the description given in the deeds of the tract in 1795–1796, and not *"The New Design"* like later deeds did. The use of *"Roses"* refers to the original ownership of the land by the late William Rose Sr. Kee purchased the 130 acres on 31 August 1796 from William and Patty Ellis, land they bought from John and Benjamin Rose the previous year; see Surry County VA Deed Book 1 (1792–1799), pp. 393–395 (William and Patty Ellis to James Kee, 31 August 1796).
5. 1774 Surry County VA Marriage Bonds, LDS Film #4129116, Image #22 (James Kee to *"Jane Bailey Orphan of Thomas Bailey,"* 22 February 1774).
6. Surry County VA Wills, Etc. Book 2 (1804–1815), pp. 486–488 (Will of James Kee, written 1 February 1812, codicil added 27 April 1812, filed in court on 25 August 1812). In his will, James Kee left to his son-in-law, Thomas Bailey Jr., *"The store houses at the New Design and one acre lot."*
7. Surry County VA Deed Book 6 (1818–1823), pp. 67–68 (Thomas Bailey Jr. mortgages Thomas B. Ellis to indemnify Peter Booth, *"executor of John H. Washington dec^{d},"* 23 June 1818). Bailey owed a debt of $1,293.75 to Booth.
8. Surry County VA Chancery Causes #1821-012, Drawer #91: Peter Booth, Executor of John H. Washington, vs. Thomas Bailey Jr. Case filed 28 February 1820. Archibald Davis, Trustee, sold *"The New Design"* on 22 May 1820.
9. *"Commercial American Beacon and Norfolk & Portsmouth Daily Advertiser"* (Norfolk, VA), April 27 (p. 3, column 4) and 29 (p. 2, column 5), and May 2 (p. 3, column 5), 4 (p. 3, column 5), 6 (p. 2, column 3), 10 (p. 3, column 4), 11 (p. 1, column 5), and 12 (p. 3, column 5), 1820.

10. Surry County VA Deed Book 6 (1818–1823), pp. 129–130 (Archibald Davis, *"trustee appointed by the County Court of Surry,"* to Robert C. Maynard, 13 May 1820). Davis sold Maynard a 283-acre tract of *"Land called and known by the name of the New Design."*
11. Surry County VA Deed Book 6 (1818–1823), p. 130 (Thomas Bailey Jr. and *"Elizabeth his wife"* to Robert C. Maynard, 13 May 1820).
12. 1810 Surry County VA Federal Census, p. 672, line #13: Robert C. Maynard. His household enumeration included one male under ten, one male aged 45 and older, one female under ten, one female aged 10–16, and 7 slaves. It appears that Maynard's wife, Martha Lucas, to whom he had married in 1803, was omitted, unless for some reason she lived elsewhere at the time that Capt. David Sebrell, the 1810 marshal who enumerated the census of Surry County, visited Maynard's house.
13. 1790 Surry County VA Personal Property Tax Book, LDS Film #8458765, Image #240, #7: Edward Maynard. He paid taxes on 1 white tithe, 3 black tithes above 16: Patt, Crewy, King, 2 horses, mares, or colts, and one ordinary license. No Maynards paid Surry County taxes in the 1780s, suggesting that Maynard arrived in Surry County in late 1789 or early 1790.
14. Surry County VA Order Book (1789–1794):
    p. 126: Court session 27 April 1790;
    p. 127: *"On the motion of Edward C. Maynard who entered into bond according to law leave is granted him to keep an Ordinary at his house on Cabin Point for one year next ensuing."*

    Surry County VA Business License (1783–1856), LDS Film #4131659, Images #457–458: *"Edward Cross Maynard,"* bond for ordinary license, 27 April 1790.
15. Surry County VA Business License (1783–1856), LDS Film #4131659, Images #210–211 (*"Edward Maynard hath obtained a license to keep an Ordinary at the house lately occupied by Tho. Fletcher at Cabin Point…,"* bond dated 28 February 1792). Surry County VA Order Book (1789–1794):
    p. 312: Court session 28 February 1792: *"On the motion of Edward Maynard he has leave granted him to keep an Ordinary at Cabin Point in the house lately occupied by Thomas Fletcher, whereupon he entered into bond with security agreeable to law;"*
    p. 407: Court session 26 March 1793: *"On the motion of Edward Maynard his Ordinary license is renewed for the ensuing year…"*

    1793 Surry County VA Personal Property Tax Book, LDS Film #8458765, Image #426, #13: Edward Maynard. Maynard paid 1793 taxes on three slaves, Ned and *"Patt,"* both aged over sixteen years, on Cresy, aged over twelve and under sixteen, one horse or mare, and one ordinary license. He did not pay Surry County personal property taxes in either 1794 or 1795.
16. Surry County VA Personal Property Tax Books, LDS Film #8458765:
    1796: Image #563, #7: Edward Maynard
    1797: Image #599, #1: Edward Maynard
    1798: Image #639, #16: Edward Maynard
    1799: Image #683, #3: Edward Maynard
    1800: Image #723, #19: Edward Maynard

    LDS Film #8188299:
    1801: Image #477, #10: Edward Maynard
    1802: Image #514, #2: Edward Maynard
    1803: Image #556, #18: Edward Maynard

    Surry County VA Order Book (1801–1804), p. 13 (Court session 24 March 1801: *"On the motion of Edward Maynard, a License is granted him to keep an Ordinary at his House for one year next ensuing…"*). Surry County VA Business License (1783–1856), LDS Film #4131659, Images #186–187: *"Edward Maynard hath obtained a license to keep an ordinary at his house in Cabin Point…,"* bond dated 24 March 1801. Tax records show Edward Maynard charged with an ordinary license each year between 1796 and 1802. He was not charged with an ordinary license beginning in 1803. It is odd that the order books do not mention Maynard's ordinary license except for 1801.
17. 1798 Surry County VA Personal Property Tax Book, LDS Film #8458765, Image #641, #10: Robert Maynard.
18. 1799 Surry County VA Personal Property Tax Book, LDS Film #8458765, Image #684, #8: Robert Maynard.
19. 1802 Surry County VA Personal Property Tax Book, LDS Film #8188299:
    Image #515, #10: Robert Maynard, one free male tithe.
    Image #527: *"A List of Persons Licenced* [sic] *to retail Merchandise since my last Return;"* #3: *"Robert Maynard & Co 1st February, 3 Months - $3.75;"* #14: *"Robert Maynard & Co, 12 Months, $15."*
20. 1803 Surry County VA Marriage Bonds, LDS Film #4129151, Image #42 (Robert C. Maynard to Martha Lucas, 8 June 1803). Surry County VA Marriage Register (1768–1853), LDS Film #7579167, Image #68, p. 64 (Robert C. Maynard to Martha Lucas, 8 June 1803; parents: *"John Lucas, dec'd, father, Sarah Lucas, g'd'n"*). Surry County VA

Marriage Returns (1785–1854), LDS Film #4131988, Image #33, p. 18 (Robert C. Maynard to Martha Lucas, 9 June 1803).

21. Verification of Robert C. Maynard obtained this land between 1804 and 1805 comes from the Land Tax Books:
    1804 Surry County VA Land Tax Book, LDS Film #4121826, Image #17–18: The only Maynard listed as owning Surry County land is Edward Maynard.
    1805 Surry County VA Land Tax Book, LDS Film #4121830:
    Image #17, #15: Robert C. Maynard, 100 acres
    Image #25: *"A list of alienations, alterations, divisions and additions of Landed property in Surry county 1805;"*
    Image #27: #13: *"Robert C. Maynard deed from Sarah Lucas."*

    The deed from Sarah Lucas to Maynard has not been located and does not appear to have been filed in the Surry records. These Surry County, Virginia land transactions show Maynard's purchases of small tracts adjoining the land he obtained from Lucas:
    Deed Book 8 (1760–1769), pp. 253–254: John Cocke and Thomas and Ann Holt to James Buchanan, *"Merchant,"* sell a four-acre tract *"lying & being near Cabbin* [sic] *Point"* and on the *"South Side of the low point Road"* for £42 *"Current Money of Virginia,"* 16 February 1765. The value of this small tract suggests that it perhaps included a mill.
    Deed Book 3 (1804–1811), p. 219: Thomas Peter, John P. Cocke, and Thomas Cocke, *"appointed as commissioners by a decree of the Superior Court of Chancery holden in Richmond in the suit between Martha Field and others – Plaintiffs and Susanna Marston formerly Susanna Buchannan…,"* decree dated 23 March 1805, to Robert C. Maynard, for £114 10s, *"all that land…conveyed to James Buchanan by John Cocke and Thomas Holt…"* in the deed dated 16 February 1765, 12 October 1805.
    Deed Book 3 (1804–1811), pp. 274–275: Samuel Butler and his wife, Martha Ruffin, sell Robert C. Maynard a four-acre tract adjoining lands of Thomas Harris and Robet C. Maynard, 10 May 1806.
22. Surry County VA Deed Book 5 (1815–1818), pp. 110–111 (Robert C. and Martha Maynard to William Allen, 23 October 1815). For $800, the Maynards sold a 105-acre tract of land adjoining the lands of William Harwood (known as *"Burnt Cypris"*) and William Allen (known as *"Lucases Mill Quarter"*), bounded by Sunkenmarsh Creek.
23. Surry County VA Business License (1783–1856), LDS Film #4131659, Images:
    #399: *"Thomas Bailey Jr hath obtained a License to keep an Ordinary at New Design,"* 25 May 1818
    #439: *"Thos. W. Bage hath obtained a License to keep an Ordinary at the New Design,"* 24 May 1819; security: Henry Bailey, Thomas Bailey. The latter Bailey's signature appears to read: *"Thomas Bailey Jr."*
24. Surry County VA Order Book (1820–1822):
    p. 70: Court session 25 September 1820;
    p. 71: *"On motion of Robert C. Maynard who paid the sum of ten dollars and fifty cents the tax assessed by the Commissioner, and it appearing to the satisfaction of the Court…he is Licenced* [sic] *to keep an Ordinary at his house until the first day of May next…"*

    Surry County VA Business License (1783–1856), LDS Film #4131659, Images #435–436: *"Robert C. Maynard hath obtained a License to keep an Ordinary at the New Design,"* 25 September 1820; security: Archibald Davis.
25. Surry County VA Order Book (1820–1822):
    p. 234: Court session 24 September 1821;
    p. 235: *"On motion of Robert C. Maynard, who paid the sum of ten dollars and fifty cents the tax assessed by the Commissioner, and it appearing to the Court that he is a man of good Character, not addicted to drunkenness or Gameing* [sic]*: and the Court being of the opinion that he will keep an Orderly and useful house, he is Licenced* [sic] *to keep an Ordinary at the New Design from the first day of October to the first day of May next…"*
    p. 433: Court session 23 September 1822;
    p. 438: *"On the Motion of Robert C. Maynard who hath paid to the Clerk of this Court sum of Twelve Dollars the tax assessed by Law, and It being the opinion of the Court that he is a man of honesty, probity, and good demeanor and not addicted to drunkenness or gaming, and that he will keep an orderly and useful house of entertainment, a License is therefore granted him to keep an Ordinary at his house called the New Design from the first day of October to the first day of May following…"*
26. Surry County VA Wills, Etc. Book 4 (1822–1827), pp. 126–128 (Will of Robert C. Maynard, signed 3 March 1823, filed with the Surry Court 26 May 1823). For details on Walter Spratley Sr., see the Capt. Walter Spratley Sr. Biography. William Maynard served as a Surry County constable beginning in 1813:
    Surry County VA Deed Book 4 (1811–1815), p. 245: Constable bond of William Maynard, 23 June 1813; security: Edward Maynard.
    Surry County VA Deed Book 5 (1815–1818), p. 20: Constable bond of William Maynard, 24 July 1815; security: Walter Spratley Sr.

William Maynard served as captain in the Surry County militia by the latter 1810s, as he resigned as captain just prior to 25 May 1822, when the Surry Court appointed Walter Spratley as captain in Maynard's place; see Surry County VA Order Book (1820–1822):

p. 305: Court session 25 March 1822);

p. 308: *"…proceeded to the recommendation of Militia Officers, and do recommend as follows…Walter Spratley Sen.* [to be Commissioned] *Captain in the same Battalion in the room of William Maynard who has resigned…"*

27. Surry County VA Executors Bonds (1816–1831), p. 67 (Bond of Martha Maynard, executor of Robert C. Maynard, 26 May 1823; security: George C. Collier, William S. Lucus, Richard McCollister; bond: $15,000).
28. Meacham, Sarah Hand. "Keeping the Trade: The Persistence of Tavernkeeping among Middling Women in Colonial Virginia." *Early American Studies,* Vol. 3, No. 1, 2005, pp. 140–163.
29. Surry County VA Order Book (1823–1825):

    p. 163: Court session 27 October 1823;

    p. 167: *"On motion of Martha Maynard…A license is granted her to keep an Ordinary at her dwelling house at the New Design until the first day of May next…"*

    Surry County VA Business License (1783–1856), LDS Film #4131659, Images #168–169: *"Martha Maynard hath obtained a license to keep an Ordinary at her dwelling house…,"* 27 October 1823.
30. Surry County VA Business License (1783–1856), LDS Film #4131659, Images:

    #58–59: *"Martha Maynard hath obtained a license to keep an Ordinary at the New Design…,"* 27 October 1828; security: William Maynard.

    #162–163: *"Martha Maynard hath obtained a License to keep an Ordinary at her house at New Design…,"* 24 October 1825.

    #242–243: Receipt of Martha Maynard for $10 *"for her Ordinary License,"* Jas. D. Edwards, *"Shff.,"* 24 September 1827.

    #355–356: *"Martha Maynard hath obtained a License to keep an ordinary at her house at the New Design…,"* 27 November 1826; security: William Maynard

    #373–374: *"Martha Maynard hath obtained a license to keep an Ordinary at New Design…,"* 24 September 1827; security: William Maynard.

    #548–549: *"1826. October 7th. Recd of Mrs Martha Maynard the sum of eleven dollars fifty cents the Tax imposed by the Law on an Ordinary Keeper from this time till May next 1827. Samuel J. Bishop deputy of Jas. D. Edwards shff."*

    #598: *"Octr 4th 1828. Recd of Mrs Martha Maynard ten dollars & 50 cents in full for the tax imposed by Law on a license to Keep a tavern at her House in the County of Surry till May 1st 1829. W. E. Bailey Shff."*
31. Surry County VA Land Tax Books:

    1824: LDS Film #4124841, Image #15, #12: Martha Maynard: 283 acres, described as *"New Design ad. Est. Nat. Cocks,"* and she held the property for *"widowhood."*

    1858: LDS Film #4126604, Image #24, "M" names, #2: Martha Maynard: 283 acres, described as *"at New Design adj. Wm Briggs,"* and she held the property for *"Widowhood."*

    1870: LDS Film #4126654, Image #24, #1: Martha Maynard, Guilford Township, 283 acres, described as *"at New design adj. Wm. Briggs,"* and she held the property for *"Widowhood."*

    1873: LDS Film #4126698, Image #76, #5: Martha Maynard, Guilford Township, 283 acres, described as *"adj. New design & Wm Briggs,"* and she held the property for *"Widowhood."*

    The Surry County land tax books exist throughout this period and show the taxes paid in Martha's name through 1873.
32. 1830 Surry County VA Federal Census, p. 170, #5: Martha Maynard. 1840 Surry County VA Federal Census, p. 225, #17: Martha Maynard.
33. Surry County VA Deed Book 13 (1848–1857), p. 76 (Martha Maynard *"for the natural love and affection she bears to her daughter Sarah Ellis,"* 21 June 1848; deed attested to by Martha Maynard at the Town of Petersburg).
34. 1850 Franklin County NC Federal Census, p. 344b, Dwelling #414, line #4: Robert C. Maynard (age: 35; Merchant; real estate: $6000; born: Virginia); line #10: Martha Maynard (age: 65; born: Virginia).
35. *"Spirit of the Age"* (Raleigh, NC), 17 June 1857, p. 3, column 5. City Cemetery (Raleigh, Nc), tombstone of *"Martha Maynard"* (10 Jun 1784–2 Jun 1857). The obituary gave Martha's birthdate as 10 June 1784 and death date as 2 June 1857.
36. 1873 Surry County VA Land Tax Book, LDS Film #4126698, Image #76, #5: Martha Maynard, Guilford Township, 283 acres, described as *"adj. New design & Wm Briggs,"* and she held the property for *"Widowhood."*

The Hub of Surry's Blackwater Swamp Backcountry

1. Surry County VA Wills, Etc. Book 2 (1804–1815), pp. 486–488 (Will of James Kee, written 1 February 1812, codicil added 27 April 1812, filed in court on 25 August 1812). In the codicil to his will, Maj. Kee left to his son-in-law, Thomas Bailey Jr., *"The store houses at the New Design and one acre lot."*
2. Surry County VA Order Book (1795–1800), p. 549 (*"We of the grand jury do present the Surveyor of the road leading from the new design to Mrs. Pettways for not keeping the same in good repair,"* 26 August 1800).
3. Surry County VA Deed Book 13 (1788–1792), pp. 192–193 (William Blunt of Sussex County to John Watkins of Surry County, 22 June 1790). Blunt sold Watkins a 735-acre tract of land known as *"Washington's,"* bounded by *"Washington's old Mill Pond"* and the lands of John Tillott, Henry Jordan, deceased, *"Nathl Sebrell's line,"* and *"the line of Isaac Ellis deceased."* Ellis had purchased his land from Sebrell in 1786.
4. Surry County VA Deed Book 2 (1799–1804):
   pp. 272–276: Bonds of John Watkins as Surry County Sheriff, 27 July 1802;
   pp. 303–305: Bonds of Josiah Wilson as Surry County Sheriff, 23 November 1802.
   Surry County VA Will Book 1 (1792–1804), pp. 571–573 (Will of John Watkins Sr., written September 1 and 6, 1802, filed in court 23 November 1802). Surry County VA Chancery Causes #1816-038, Drawer #87: Robert Henry Watkins vs. admins. of John Watkins Sr.
5. The statements regarding the 1813 death of Elizabeth Watkins and the number of infirm slaves come from:
   Surry County VA Will Book 1 (1792–1804), pp. 612–614: *"An Inventory and Appraisement of the estate of John Watkins deceased taken this 7th day of January 1803."*
   Surry County VA Deed Book 2 (1804–1815), pp. 537–538: Will of Elizabeth Watkins, signed 9 March 1813, filed with the Surry County Court on 28 September 1813.
   Surry County VA Wills, Etc. Book 3 (1815–1821), pp. 9–10: *"Appraisement of the unadministered part of the estate of John Watkins dec^{d} at the new Design,"* made 7 January 1815; appraisers: *"Arch^{d} Davis,"* David Sebrell, Edwin Rogers.
   The 1803 inventory of Watkins' enslaved people listed Tabb and Jenny, then elderly due to their reduced value, as well as Beck, Tillar, Jacob, and Hannah, also elderly due to their reduced value. In 1815, Tabb and Jenny had no value, indicating their advanced age and probable physical disability, while the other four had very limited value.
6. Surry County VA Order Book (1801–1804):
   p. 621: Court session 29 February 1804;
   p. 625: *"Ordered that James Smith Lane do superintend the election of three discreet and fit persons being free holders of, and resident within Birth island precinct, to act within the said precinct as Overseers of the Poor…that he hold the said election at the New Design on the third Monday in March next"*
   pp. 625–626: *"Ordered that Josiah Wilson Gentleman Sheriff…advertise at the New design that an election of the Overseers of the Poor, of Birch island precinct…"*
   Surry County VA Order Book (1807–1811):
   p. 321: Court session 27 March 1810;
   p. 327: *"Ordered that Archibald Cocks do superintend the election of Overseers of the Poor in Birch Island Precinct at the New Design on Saturday the 21st Inst…"*
7. Surry County VA Order Book (1815–1820):
   p. 119: Court session 25 December 1815;
   p. 120: *"Ordered that an election of Overseers of the Poor for Southwark Parish be held on the second Saturday in February next, and that the sheriff advertise the same at Surry court house, Cabin Point, Walls Bridge and Hunnifords Bridge: That John Faulcon Superintend the election at Surry Court house for Grays Creek precinct…Archibald Davis at the New Design for Birch Island Precinct…"*
   p. 130: Court session 26 February 1816;
   p. 135: *"Ordered that David Booth, Micajah Holt and Peter T. Spratley who were reported as duly elected Overseers of the Poor in Birch Island Precinct be summoned to the next court to qualify according to Law; John Faulcon superintendent in Grays Creek precinct made report that there was no election of Overseers of the Poor in said precinct, there not being a sufficient number of votes given…James P. Bell superintendent in Hunnifords Precinct, made report that there was no election of overseers of the Poor in said precinct…It appearing the Court that there was no election in Wakefield Precinct…"*
8. Surry County VA Order Book (1815–1820):
   p. 504: Court session 22 February 1819;
   p. 507: *"Ordered that William Randolph be appointed Superintendent for the election of Overseers of the Poor for Grays Creek Precinct, at Surry Courthouse…Peter T. Spratley in Birch Island Precinct at the New Design…That the said Superintendents hold an election of the free holders and house keepers of their respective precincts, at the places aforesaid on the thirteenth day of March next…"*
   p. 508: Court session 22 March 1819;

p. 509: *"There being no election of Overseers of the Poor in Grays Creek Precinct, the Court proceeded to appoint…"*

p. 510: *"John Spratley, Randolph Fitchell, and Richard Cocke having been elected Overseers of the Poor in Birch Island Precinct…"*

9. *"Richmond Enquirer"* (Richmond, VA), 13 October 1848, p. 2, column 6.
10. Surry County VA Militia Records (1840–1861), LDS Film #8742677, Images:
    #20: *"At a Court of inquiry and assessment of fines held for the 2nd Battalion 71st Regt at the New Design in the County of Surry on the 20th day of Oct 1842;" "8th day of Oct 1842. Adjutant Faulcon's return of N. Designs Company…"*
    #21: *"At a Court of inquiry and assessment of fines held for the 2nd Battalion 71st Regt at the New Design in the County of Surry on the 20th day of October 1842;" "Adjutant Faulcon's return of N. Design Company"*
    #28: *"At a Court of inquiry and assessment of fines held for the 2nd Battalion 71st Regt at the New Design in the County of Surry on the 18th day of November 1843"*
    #31: *"At a Regimental Court of inquiry and assessment of fines held for the 71st Regiment on the 8th day of Decr 1843"*
    #33: *"Ordered that Jacob Faulcon Adjutant to this Regiment be allowed four dollars per day for attending one day at the Regimental muster and three days at the training making 16 dollars, also four dollars for training the New Design company and returning a list of delinquents for the same amounting in the whole to the sum of $20."*
    #36: *"At a Court of inquiry and assessment of fines held for the Second Battalion 71st Regiment at the New Design in the County of Surry, on the 9th day of Nov 1844. Present: Major Thomas Barham, Capt. William H. G. Tatum, Capt. Thomas Collier…"*
    #43: *"At a Court of inquiry and assessment of fines held for the 2nd Battalion 71st Regt at the New Design in the County of Surry on the 15th day of Nov 1845."*
11. Surry County VA Deed Book 3 (1804–1811), pp. 474–475 (James and Jane Kee to Thomas Ellis Jr., 22 July 1809).
12. Surry County VA Deed Book 4 (1811–1815), pp. 223–224 (John G. and Elizabeth S. Sharp to Joe Ellis, 2 March 1813).
13. *"Richmond Enquirer,"* 21 March 1823, p. 1, column 2.
14. Surry County VA Land Tax Records:
    1842, LDS Film #4126561:
    Image #05: William Briggs, *"Wife's dower,"* 373 acres described as *"Adj. New Design;"*
    Image #14: Martha Maynard, 283 acres described as *"New Design, ad. Wm Briggs;"* Baker W. Nunnally, 110 acres described as *"Adj. New Design."*
    1857, LDS Film #4126602:
    Image #06: William Briggs, *"Wife's dower,"* 223 acres described as *"Adj. New Design & E. F. Watkins;"*
    Image #23: Martha Maynard, 283 acres described as *"At New Design, adj. Wm Briggs;"*
    Image #24: Baker W. Nunnally, 110 acres described as *"Adj. New Design & Theophilus E. Maynard."*
    Surry County VA Deed Book 14 (1857–1864), pp. 6–7 (Baker W. and Rebecca Nunnally to Whitnel Pully, 27 October 1856). The Nunnallys sold a 110-acre tract of land adjoining the lands of Mary Collier, Martha Maynard, and *"Edwin Rogers decd,"* but the deed gave no additional landmarks.
15. Surry County VA Order Book (1843–1852):
    p. 522: Court session 26 April 1852;
    p. 524: *"Upon the Petition of John W. Lane, Thomas Harris, Robert W. Faison, and others…to open a public road leading from the New Design to Black Water…"*
    p. 526: Court session 24 May 1852;
    p. 529: *"Upon the petition of John W. Lane and others setting forth that it will be beneficial to the neighbors to open a public road leading from the New Design to Black Water Swamp. Stephen Ellis, Richard Hines and Robert W. Faison three of the persons appointed at the last Court to view the ground along which the said road is proposed road be conducted…this day made a report in these words, 'We the viewers of the new road leading from the New Design road to the Swamp about three miles in length…'"*
16. Surry County VA Deed Book 13 (1848–1857),
    p. 489: John C. and Mary Burgess to John V. Burgess, 15 June 1852;
    p. 658: John V. and Elizabeth Burgess to *"Jack Ruff (fn),"* 22 January 1855.
17. Surry County VA Deed Book 14 (1857–1864), p. 309 (Whitmell and Matilda A. W. Pully to Robert W. Faison, 12 November 1860). This tract was owned by Edwin Rogers in the 1790s and adjoined the land Maj. James Kee bought in 1796 on which he built The New Design. Matilda was the only surviving heir of Edwin Rogers.

♦ ♦ ♦ ♦ ♦ ♦