

# Hertford County Courthouse Common Chairs

By

Tom Newbern and Jim Melchor

Editor's note: For an enlarged view of figures, simply zoom in on your computer.

One of the most often overlooked and underappreciated forms of American furniture of the eighteenth and early nineteenth centuries is known as the “common chair”. Even the term used to describe this form, common chair, has an air of disrespect. Yet these unsung workhorses of the period often displayed a sophistication in design and construction that exceeded their intended use. These turned chairs, also called ladderback chairs, were used from the dining room to the back yard, and all points between. Examples made in northeastern North Carolina first received their due in John Bivins’ seminal work, *The Furniture of Coastal North Carolina 1700-1820*, published by the Museum of Early Southern Decorative Arts in 1988. In 2017, an exhibition of seventy-five eastern North Carolina examples, entitled “Uncommon Chairs”, was curated by Mark Wenger and Hiram Perkinson at Tryon’s Palace in New Bern. This was the first detailed examination of the turnings and decorative elements that identified a particular chair’s place of construction. The Edenton Historical Commission sponsored a smaller, yet equally detailed, exhibition at the Barker House in Edenton in 2022.

Examples from an identified group of northeastern North Carolina common chairs that hail from Hertford County were discussed and illustrated by Bivins and appeared in both the New Bern and Edenton exhibitions. It is rare to identify the maker of most any example of Southern furniture of the late eighteenth or early nineteenth centuries. This is especially true of a form as utilitarian as common chairs. One example from this Hertford County group, however, displays markings that may identify the group's maker. A name was written twice on the rear side of this chair's middle slat, along with "Winton NC". Numbers also appear above this writing that argue for the writing to have been placed on the chair at the time of its construction, as does the unfinished nature of this particular slat, apparently left in this condition to preserve the writing. Details of the markings discovered on this chair will be addressed later in this article.

Hertford County was formed from portions of Bertie, Chowan, and Northampton Counties on December 29, 1759, by an act of the Colonial Assembly.<sup>1</sup> Lands that became Hertford County were first explored in 1585 by Ralph Lane of the Roanoke expeditions. John Pory led a further exploration in 1622.<sup>2</sup> The first permanent European settlers arrived in what would become Hertford County in the fourth quarter of the seventeenth century. The county's first town, Winton, was incorporated in 1768 on 150 acres of land donated by Benjamin Wynns. Originally named Wynntown in his honor, Winton soon was named the county seat and thrived as a regional center of trade due to its location

on the Chowan River.<sup>3</sup> Edenton, located downstream near the mouth of the Chowan, was a major trade center serving Winton residents and other Chowan River planters and farmers. The Wynns family had extensive holdings along the Chowan near Winton and constructed several ocean-going ships which were floated downriver to Edenton where they were outfitted with cannon and crew.



From John MacRae's "A New Map of State of North Carolina", 1833  
(Library of Congress, Geography and Map Division)

The county thrived, and the records and legal documents telling its story were safely housed in the Hertford County Courthouse in Winton. Safe, that is, until the night of August 22, 1830. On that night, a person named Wright Allen purposely set fire to, and destroyed, the courthouse and the vast majority of the county's treasured records. Allen had been charged with forgery, and the act of arson was his attempt to destroy incriminating documents he believed were stored at the courthouse. Unknown to Allen, the evidence against him was actually being kept at the Murfreesboro home of the Hertford County Clerk of Court, Lewis Cowper. All Allen succeeded in accomplishing was to erase the records of the previous seventy years of Hertford County life. Allen was convicted and flogged at the county whipping post. The events of his later life are unknown, as the county records were burned a second time in 1862 by New York troops under the command of Colonel Rush Hawkins. Winton, along with its courthouse, was the first of many Southern towns to suffer that same fate during the Civil War.<sup>4</sup>

The series of common chairs that is the subject of this article survive with oral histories of having been used in the Hertford County Courthouse that replaced the courthouse burned by Wright Allen in 1830. It was completed around 1832. The only known surviving image of the 1832 courthouse was sketched just as the building was being consumed by fires set by Hawkins' troops (Fig. 1, Burning of Winton).



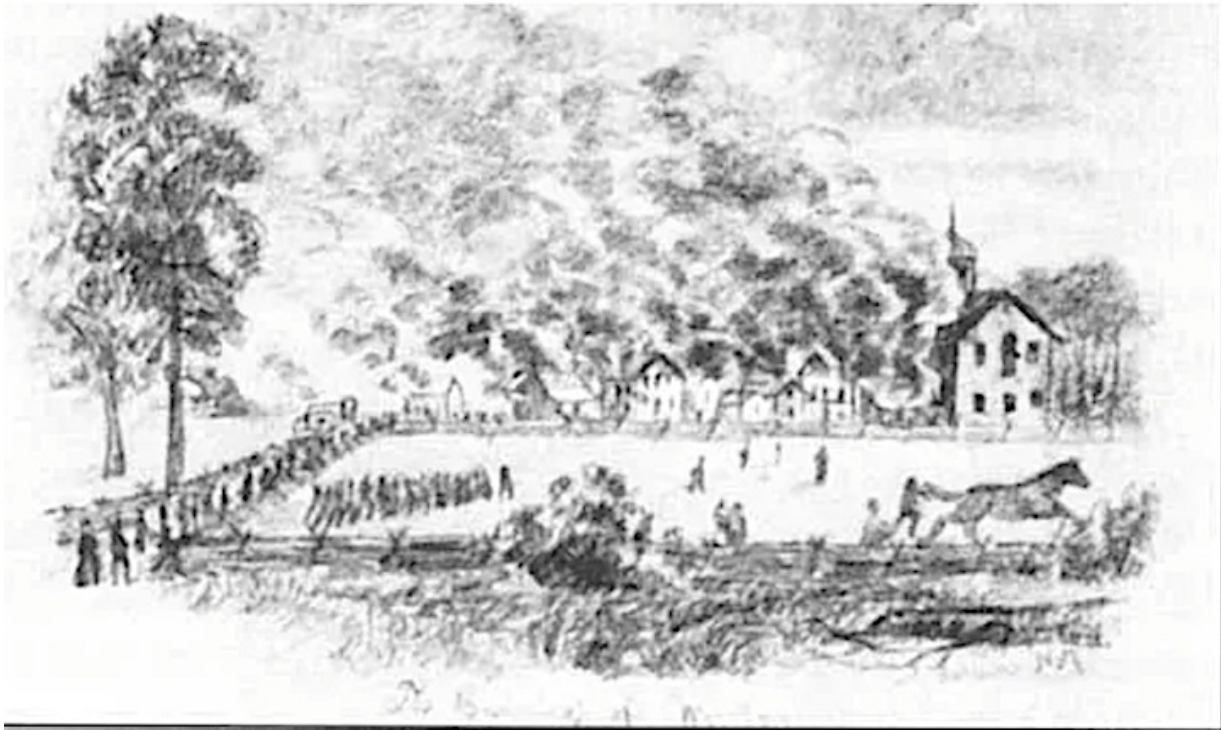


Figure 1

Some of these courthouse chairs display a stamp of the initials NC in a rectangle on the back of a slat. This stamp served to signify government ownership, and these stamps offer verification of the oral histories of their use at the courthouse in Winton. The vast majority of surviving chairs from this group with provenances hail from the Winton area.

Just as with Windsor chairs of the period that bear makers' stamps, only a small percentage of these chairs display the NC stamps. The survival of walnut examples offers proof that the same maker of the courthouse chairs constructed identical sets of chairs for private purchase by Winton area residents. The fact that multiple stamped examples survived the second burning of the courthouse during the Civil War demonstrates that the courthouse seating must have been updated before 1862 with the older chairs dispersed to the citizenry, probably by public

sale before that date. Two of the stamped examples are armchairs with histories of having been used in the courthouse of 1832 (Fig. 2, Hertford County Courthouse three-slat armchair; woods-maple & hickory) (Fig. 3, NC stamp). Undoubtedly, a number of these former courthouse chairs were still lost in the fire of 1862 in private Winton dwellings.



Figure 2



Figure 3

The widespread use of chairs as seating for individuals in regional courthouse settings was a nineteenth century development. In the late seventeenth century, most people stood in Virginia and North Carolina courtrooms. This included the viewing public as well as the rare instance when a jury was called upon to render a decision. The chief magistrate was often seated in a ceremonial “chair” which was usually more of an architectural feature, while other magistrates were usually seated on adjoining benches with cushions supplied for some semblance of comfort. Elements of the chief magistrate’s chair and flanking benches for other magistrates remain in the Edenton Courthouse of 1767.

One of the first regional reforms in the seating of juries occurred in Middlesex County, Virginia, in 1710, when a backless bench was placed in front of the magistrates’ seats for the jury’s use. Lancaster County, Virginia, followed suit the next year with the purchase of two backless benches for the use of the jury. By the time of the American Revolution, many Virginia courthouses had moved to curved, fixed benches for juries positioned before the magistrates’ seats. While this became standard practice in Virginia, a second alternative was to place the petit, or trial, jury on benches in a specified area, or “box”, set at right angles to the magistrates’ bench. This placement is found in Edenton’s Courthouse of 1767.<sup>5</sup>

Attorneys advocated for their clients in regional courts from the seventeenth century. During this early period, they simply stepped



forward from the standing masses to plead their client's case. As the status, training, and professionalism of attorneys increased during the eighteenth century, benches were placed facing the magistrates for the attorneys' use, and eventually bars were installed to separate the court personnel and attorneys from the masses. By the late eighteenth century to the early nineteenth century, the floor of that area of the courtroom was often raised, offering prestige to the proceedings.<sup>6</sup>



Patrick Henry arguing the "Parson's Cause" by George Cooke, 1834

From the first quarter to the middle of the nineteenth century, regional courthouses began removing magistrate benches and replacing them with individual chairs. Amelia County, Virginia, made this change in 1849, followed by Goochland County, Virginia, in 1857.<sup>7</sup> Chowan

County in North Carolina substituted chairs for benches for justices of the court in 1850, and county records of the period note the purchase of sets of chairs for the courthouse. One of these sets of chairs was purchased in November 1850 and was specified for the use of juries.<sup>8</sup> Before the first quarter of the nineteenth century, most petit juries deliberated in jury rooms furnished with a center table surrounded by backless benches, so individual chairs must have been a welcome relief. Warren County, Virginia, shared this newly found luxury with the attorneys in 1836 with the purchase of a “trial table” and chairs for the individual attorneys.<sup>9</sup> The survival of arm and side chairs with oral histories of having been used in the Hertford County Courthouse of 1832, verified by some displaying the NC stamp in a rectangle signifying government ownership, shows that Hertford County officials took the occasion of the burning by Wright Allen to modernize seating in their new courthouse.

Five armchairs from this courthouse group are known to survive, three with three slats and two with four slats. The use of the NC stamp on at least two of the three-slat chairs offers further evidence of their presence in the Hertford County Courthouse of 1832. There are minor decorative differences, which is not unusual considering several apprentices and journeymen must have been involved in so large a commission. All three three-slat chairs display rounded arms. They, like all chairs from this group, contain teardrop finials over cove over half-round turnings. The legs and stiles are enhanced with single ring turnings. Two of these three-slat armchairs have arm supports topped with what have been

termed “chocolate kiss” elements, based on their resemblance to the famous modern candy. One of the two bears an NC stamp. The front legs of the third three-slat armchair extend upward and simply taper where they meet the arms. This third chair also displays the NC stamp, offering proof that variances in design, in this case the treatment of the upper portion of the arm supports, were accepted in the courthouse commission.

The most unusual feature found on two of the three-slat armchairs is that the top ends of the proper right arms have been crudely cut back at a taper (See Fig. 2) (Fig. 4, Hertford County Courthouse three-slat armchair).



Figure 4



Really only one scenario logically explains this treatment, and it does relate to a courtroom setting. The explanation is that these two chairs may well be two of the chairs supplied for the courtroom trial attorneys, along with a “trial table”, as supplied in Warren County, Virginia, in 1836. Trial attorneys, then as now, often turn their chairs at an angle to allow them to view the judge and the witness stand to their front, while at the same time keeping the jury in view sitting in a jury box to their right or left. If these chairs were constructed with their arm heights matching the height of the attorneys’ tables, this angling of the chairs would sit them uncomfortably back from the tables. The beveled right arm ends would allow the attorneys to sit at the desired angle and be slightly closer to their table. The facts that the arms are crudely cut down and the beveled arms are on the same side on both armchairs, argue for this scenario and that the action was one born out of necessity and annoyance. If this is the correct explanation, it also may allow a view into a lost courtroom where the jury box was set to the proper left of the attorneys.

Further proof is offered by the survival of six armchairs with histories of construction for and use in the neighboring Gates County Courthouse of 1836. At least one of these armchairs has received the same rough beveling of its proper right arm (Fig. 5, Gates County Courthouse armchair).



Figure 5



Two other Gates County Courthouse armchairs display the same crude beveling to both their arms, matching the treatment of the third three-slat Hertford County Courthouse armchair, probably signifying its use elsewhere in the courtroom. Perhaps they were used by the Clerk of Court in their respective counties, where they would have been seated in an individual chair in front of the judges' bench (Fig. 6, Hertford County Courthouse three-slat armchair) (Fig. 7, NC stamp on Fig. 6).



Figure 6



Figure 7



The two armchairs with four slats also were undoubtedly used in the Hertford County Courthouse, as is their histories. They both display the same finials and single ring turnings as other chairs in the series. One has rounded arms with supports that simply narrow at the top like one of the three-slat examples (Fig. 8, Hertford County Courthouse four-slat armchair). The other has flat arms (Fig. 9, Hertford County Courthouse four-slat armchair).



Figure 8



Figure 9

Again, the proper right arm of this second four-slat armchair has been crudely cut back at a taper like two of the previous three-slat examples, possibly signifying its use at one of the counsel tables at some point in its history. The fact that the same proper right arm is tapered off does



argue that these flat arms are original to the chair and may represent an individual court official's input to the maker. The four slats may signify a greater significance than those with three slats and may originally have been intended for use by one of the judges or magistrates, or possible in the witness stand.

The vast majority of chairs created for the Hertford County Courthouse of 1832 would have been side chairs, and examples have been seen with the NC stamp signifying government ownership. A large number would have been needed for audience seating in the courtroom itself. Chairs were needed for the jury in the jury box, as well as in the jury room for deliberation. Chairs also were needed in the various offices housed in the courthouse, including the Clerk of Court's Office. However, considering sets of side chairs also were produced by the maker for private individuals, unless the side chair is one of the few marked examples, it is difficult to separate the courthouse examples from those made for private purchase.

While chairs by this maker descended in a number of Winton area families, perhaps the largest assembly after they left the courthouse was gathered by the Jordan family of Gray Gables in Winton, built in 1899 for James S. Mitchell.<sup>10</sup> At least two of the courthouse armchairs were collected by this family. Several side chairs from the Jordan collection were sold at Gray Gables in 2016. Although they match exactly decoratively, they, and other examples of side chairs examined, range in height from approximately 34 inches to approximately 36 inches when

they show minimal wear to the lower tapered sections of their legs. Two from the Gray Gables' sale appear to retain their original rush seats (Fig. 10, Hertford County side chairs; woods-left all hickory, right maple & hickory).



Figure 10

The chair to the left was exposed to fire to the point the wood was actually charred and damaged. The tops of both legs of the chair to the right bear evidence of a favorite period pastime, whittling. Figure 11, a closer view of one of the seats in Figure 10, is typical for the period of the chairs in this article (Fig. 11, Rush seat from left chair in Fig. 10).



Figure 11

One leg and the upper slat of the left chair in Figure 12, both chairs again from the Gray Gables' sale, display the same whittling damage (Fig. 12, Hertford County side chairs; woods-left all maple, right maple & hickory). Even with the slight height differences, when all four chairs, here with the addition of a fifth chair with diagonal top stretchers to be discussed later in this article, are lined up side by side, the consistency of seat height and stretcher placement gives a sense of unity that is in keeping with their being used in a large set in one location (Fig. 13, Hertford County side chairs).





Figure 12



Figure 13

The maker of this series of chairs also made a child's rocker, which was sold in the Jordan sale at Gray Gables (Fig. 14, Hertford County child's rocker).



Figure 14



The beveled, unworn condition of the lower legs and the close placement of the stretchers show it began life in this form. A second unusual form is the surprisingly large armchair seen in Figure 15 with what appears to be its original splint seat.



Figure 15



For as long as can be remembered by family members, it sat on the sound-side porch at Scotch Hall, the Capehart home overlooking Albemarle Sound in neighboring Bertie County near the mouth of the Chowan River. It lacks the delicacy of the courthouse armchairs and appears to have been made with exterior use in mind. Winton is located upriver from Scotch Hall, and one family member postulates, probably correctly, that it represents a gift from a Winton area visitor around the time the house was completed in 1838.

The most damaging use of these common chairs occurred when the sitter engaged in the natural tendency to lean back against a wall while seated. Many a common chair has met its fate and many a sitter has met the floor due to this activity. The maker of these chairs devised an ingenious way to deal with this structural issue. On some of the side chairs, he set the top, side stretchers at a downward angle from front to back (Fig. 16, Side chair with diagonal stretchers; woods-maple & hickory). This would help disperse the sitter's weight downward if the chair was leaned back at an angle. While little in the study of Southern furniture is unique, there are no known examples of this structural technique by other makers.



Figure 16

A number of examples by this maker survive. At one time, five or six of these chairs with diagonal upper side stretchers were located at Gray Gables in Winton, one of which was sold at the 2016 auction. Another example, with its seat matching Figure 11, descended in the family of Harry Jones of Winton (Fig. 17, Jones family side chair with diagonal stretchers).



Figure 17



Fortunately, at least one of this form survives retaining its NC stamp on the back of its middle slat, proving their use at the Hertford County Courthouse of 1832. Although it is possible that some may have been sold for private use, it is also possible that they were all constructed for and used originally at the courthouse, where especially damaging treatment would be expected. But before we are too hard on the conduct of Hertford County's citizens of 1832, we need to consider the conduct of the county's citizens of today. A quick glance at the back wall of Hertford County's fifth and newest courthouse of 2015 offers clear evidence that in the last 190 years, Hertford County citizens have not lost their propensity for relaxing and leaning back during court sessions (Fig. 18, Stained rear courtroom wall of current Hertford County Courthouse).



Figure 18

A set of five walnut examples by this maker undoubtedly represents chairs created for private purchase (Fig. 19, Hertford Count walnut side chair, one of five; wood-all walnut).



Figure 19



They measure 36 1/2 inches tall. They have been part of the furnishings of the King-Parker house since its construction around 1850, and probably served the house that predated the present structure (Fig. 20, King-Parker house).



Figure 20

Family lore states that the maker came to the property, roughed out the stock for these chairs from walnut trees on site, then returned after the



wood had seasoned to construct the chairs.<sup>11</sup> They were undoubtedly made by the same individual who constructed the courthouse set, and it would not have been difficult to transport a small lathe to the site by wagon. The King-Parker house is located just south of the road from Winton to Murfreesboro about five miles from Winton.

As stated at the beginning of this article, one chair may hold the key to identifying the individual who constructed this series of armchairs and side chairs for the Hertford County Courthouse of 1832, as well as matching sets of chairs sold to families in and around Winton. This chair was purchased over 30 years ago from a noted area collector who had purchased it from a family living just outside of the Winton town limits (Fig. 21, Hertford County Courthouse side chair; wood-all maple).



Figure 21

It was obviously a good example from the courthouse group with all its original elements except for a replaced seat. It did not display the NC stamp. When it was taken outside and sunlight hit the chair back, handwriting on the back of the middle slat was illuminated.

The chair, which is 34 inches tall, is a standard example from the group with teardrop-shaped finials over cove over half-round turnings. Single ring turnings adorn its legs and stiles. The top of each of its slats is flat at each end for about an inch from each stile. The remainder of the top edge is beveled. (Fig. 22, Top of slats of Fig. 21).



Figure 22

What is unusual is that the kerf marks created when the middle slat was sawn were never removed from the front side or the rear side where it is signed. Although the kerf marks were not removed from the front of the middle slat, it was finished like the rest of the chair and shows consistent wear and patina. The rear of the slat, again with kerf marks not removed, was never finished, preserving and making more visible the signature of the apparent maker. No other known chair from this series shares these features, offering compelling evidence that the writing was placed on the rear of the middle slat of this chair during its construction on what by all appearances is an original element of this chair (Fig. 23, Writing on rear of middle slat of Fig. 21).



Figure 23



The writing on the middle slat of the chair is as follows from the proper right end moving towards the middle of the slat: the number 45 over the circled and underlined number 46, WS Herring, Winton NC, WS Herring, Winton NC, Herring. The handwriting is fluid, consistent, and does not appear to have been hindered or affected by the fact it was written on a wood surface. The number 45 and the circled and underlined number 46 make it appear that something was being counted, or rather initially miscounted and then corrected, circled, and underlined. Since the writing on the chair was placed there during construction, and 46 is not divisible by three, the items being counted do not appear to have been separate chair slats for these three-slat chairs. The most obvious answer is that the chairs themselves, or perhaps the gathered elements that would comprise 46 chairs, were being counted. The only logical time 46 of these side chairs would have been together for counting was during the construction of the courthouse series, making this an unstamped example of a courthouse chair.

The question becomes, who was Herring? Herring was not a local name during this period. No Herrings appear in the census records of Hertford County or the adjoining counties of Bertie, Gates, or Northampton, from 1790 through 1840, well after these chairs were constructed for the new courthouse of 1832. The 1870 census of Bertie County does list a James H. Herring with a son Whitmell S., who was born in 1855.<sup>12</sup> This Whitmell did live for a time in Winton in later years. Despite the evidence that the writing as placed on the slat during

construction, as this slat was apparently purposely never finished by removing kerf marks or by receiving a finish on its rear surface in an effort to preserve the writing, a closer look at this individual is appropriate.

In 1870, Whitmell was a 15-year-old farm laborer living in the home of his father in the Mitchell Township in north-central Bertie County.<sup>13</sup> He was not listed in the 1880 or 1890 censuses. By 1900, he was a boarder in the Liverman Hotel in Aulander, still in the Mitchell Township. The census lists his trade as a bookkeeper and notes both he and his mother were born in Virginia.<sup>14</sup> The 1910 census listed him as a 54-year-old widower who lived alone in Winton in a rented house. It stated he was involved in general merchandise but was not an employer or an employee, so he most likely did not work in a store.<sup>15</sup> By 1920, he was living in the Winton home of a Martha Herring with no occupation listed.<sup>16</sup>

Nothing about this man's background offers an explanation for a signature on an 1830 period chair that was signed on the back of a slat at the time of construction and never finished to preserve the writing. It certainly does not explain the number 45 over the circled and underlined number 46, which appears to document the number of chairs first miscounted and subsequently correctly counted at the time of their construction. Fortunately, Whitmell Herring's signature survives in his father's Bertie County estate.<sup>17</sup> His signature is not consistent with the signature on the chair. The Ws begin and end differently. The Ss end

differently. No elements of the Hs are consistent. The estate signature's two Rs and two-humped N are all rounded and exactly match each other. The chair signatures' Rs are squared at the tops and the N is peaked. The estate signature's G returns under the last name while the chair signatures' Gs end straight down under the Gs. So, one signature has no relationship to the other and removes Whitmell as a possible source of the writing on the chair.

With Whitmell eliminated, who was the Herring who signed the 1832 Hertford County Courthouse side chair in question? Any construction or furnishing records pertaining to the 1832 courthouse were destroyed by Federal troops in 1862 when they burned the town. One of the few county records not consumed in 1862 was the Minutes of the Court of Pleas from 1830 through 1844. These records show that court was opened on Tuesday, May 29, 1832, at 10am with four justices present. It is not known if the new courthouse was sufficiently completed to house the court or whether it met at another location.

One of the cases tried that day proves the presence of a William Herring in Winton during the period these chairs were constructed. He was not a Hertford County native as no Herring families resided in the county or in surrounding counties during this period. However, a skilled, itinerant craftsman would not have been unusual for a commission as large as the courthouse chairs.



Herring was the plaintiff and brought suit against David Roberts of Murfreesboro in detinue. A suit in detinue is a civil action to recover personal property held by another lawfully but without the right to keep such property. The most common example is the purchase of an item with the monetary obligation never fully satisfied. In this case, Herring sued for the recovery of a bed.

The jury was empanelled and evidence was heard. The verdict was returned in favor of Herring and the jury assessed his damages at forty dollars to be discharged upon the return of the bed by Roberts to Herring.<sup>18</sup> The most likely scenario is that Herring constructed a bed and sold it to Roberts for forty dollars. Roberts took possession of the bed but never paid Herring, so Roberts had to either return the bed to the assumed maker, Herring, or pay Herring its value. This case is important to the question of the identity of the Herring who constructed the courthouse chairs because most beds, especially forty-dollar beds in the 1830s, were turned, the same skills necessary to create the series of courthouse chairs. This offers evidence that a man with a name consistent with the name that was written on the chair slat during construction was in Hertford County at the time of the chairs' construction, and appears to have been engaged in the turning trade that was so necessary to produce the chair series for the courthouse and for other patrons. Furthermore, it should be noted that a William Herring, the son of Jonathan Herring, was apprenticed to Benjamin Cowell in 1804 in nearby Currituck County to learn the house carpenter's trade,

which training could well have included the turning of stair balusters, newel posts, and other elements.<sup>19</sup>

Only one other Hertford County record pertaining to Herring could be found. The records of Murfreesboro merchant Thomas Dwyer show three debts owed by William Herring to Dwyer, two in 1832 and one in 1834. During the November 1834 term of the Hertford County Court of Pleas, they were listed, along with a number of other debts in Dwyer's estate, and termed "desperate", so considered not to be recoverable.<sup>20</sup>

This most likely means Herring had secreted himself away from Hertford County and could not be located, or he had died. It is telling that this large series of chairs was constructed just at the time of Herring's presence in the county and does not seem to have evolved stylistically over an extended period of time. Chairs with characteristics of this series of chairs have not been found to have been made in other locations after this series was constructed, adding weight to the premise that Herring probably died. Hopefully, future research will clarify the fate of chairmaker William Herring of Winton.

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Figure 1 is courtesy of the Museum of Early Southern Decorative Arts.

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