

**Edward Herndon - Mary Waller** Posted by: Cynthia Forde (ID \*\*\*\*\*2046) Date: February 05, 2006 at 18:01:01 of 2592

I am posting the research report from Heritage Consulting in Salt Lake City regarding the Waller and **Herndon** Ancestry:

The report will attempt to identify Mary Waller, who married Edward **Herndon**. Mary is believed to have come from England with her brother, Col. John Waller. Much has been written about this family, some of which is speculative and lacking documentation. The counties in which the Waller and **Herndon** families lived were "burned" counties, having lost their records to disasters of men and nature. These include **New Kent**, **Caroline**, and **King William** Counties. This lack of records hampers the study of relationships.

In order to become oriented to the place and time frame relevant to these ancestors, internet searches were made. In Ancestry.com's World Tree project, no less than 437 postings surfaced for Edward **Herndon** and Mary Waller. A sampling of these have been included here, showing that Edward lived from about 1678 to 1758 in Virginia. His presumed wife, Mary Waller, is believed to have been born 23 May 1674 in Newport Pagnell, Buckinghamshire, England. Eight children are listed for the couple. The IGI shows a birth date of Mary Waller, matching that of the World Tree Project. Mary's parents are believed to be John Waller and Mary Pomfrett.

The original parish registers of Newport Pagnell do indeed show that Mary Waller was baptized on that date, probably born a few days or weeks earlier. The priest's notation tells that she was the "daughter of John," but does not include her mother's name. The IGI contains a posting concerning the marriage of John Waller to Mary Pomfrett, revealing that the marriage took place 13 January 1669 in Walton Parish. These records do show indeed that John Waller and Mrs. Mary Pomfrett married in Walton Parish.

It appears that John married a young widow. Since John and Mary were married in 1669, they were likely born sometime in the 1740's. The immigration record showing a Mary Waller coming to America would have occurred when Mary was quite elderly, perhaps 80 years old. The sources for the immigration records, in which Mary Waller's name appears, tell that these 1723 immigrants were felons, being banished from England. It does not seem likely that this Mary Waller could have been the widow of Dr. John Waller of Newport Pagnell. She could not be traveling with a group of felons, nor at such an advanced age.

Another point against this Mary being the widow of Dr. John Waller of Newport Pagnell is that Mary's name appears in the records several years before 1723. In 1720, she received four hundred acres on the south side of the Mattaponi Creek, adjacent John Waller and Phillip Todd. The actual patent bears the date of February 21, 1720, and patents were often issued a few years after the initial survey and occupation of the land. Dr. John Waller of

Newport Pagnell did not die until 1723, so it defies logic that his wife would leave him in his old age to go to America.

A detailed study of the Waller family entitled, "The Wallers of Endfield, King **William** County, Virginia, by Andrew Lewis Riffe, gives documented information on the family. Dr. John Waller's will was written 21 August 1716, and has been abstracted into the report. He named his sons, Benjamin, **William**, Thomas, John and Edmund, and his daughter, Jemima. No Mary was included in the will, either as his wife or his daughter. This strongly suggests that his wife had predeceased him. It also strikes a blow at the theory that Edward **Herndon**'s wife was Mary Waller, daughter of John Waller. John would have been about seventy years old in 1716. He died in August of 1723.

Riffe's excellent treatise is careful not to jump to conclusions or to accept any undocumented information as fact. He points out that John Waller, Jr. the son of John Waller and Mary Pomfrett, had arrived in America by 1696. In May of that year, he had surveyed the 1029 acres in King and Queen County that would become Endfield, his home place. Sixty-five years later, John Waller, Jr.'s son, John, brought suit concerning the division of Endfield among John, Jr.'s heirs. A plat map was produced, showing lines dividing the land between John Waller, Thomas Waller, Mary Waller and Benjamin Waller. Mr. Riffe states, "It was Thomas Waller's and Mary Waller's portions of this land that John Waller (their father, the original owner) sold to Benjamin Waller.

This implies that Mary Waller, found mentioned frequently in the land records, was the daughter or married daughter-in-law of John Waller (Col.). Mr. Riffe makes no attempt to identify her further. He does make reference to two articles in Virginia Historical magazines, which supposedly give a strong case for Mary Waller being the wife of Edward **Herndon**. The first comes from the **William** and Mary College Quarterly. The author of this article, whose name is not shown, asserts that the will of Dr. John Waller of Newport Pagnell contains a phrase which refers to the eldest daughter, Mary, living in Virginia. This is incorrect, as Riffe's transcription of the will contained no mention of Mary. In fact, the only daughter married in the will was Jemima. The author of this article goes on to show that Mrs. Mary Waller lived near Edward **Herndon**, providing strong circumstantial evidence that Edward had married her daughter, Mary Waller. These arguments are weak, based on the reasons already given.

Riffe's treatise also makes reference to The **Herndon** Family of Virginia, by John Goodwin **Herndon**. This book, part of a multi-volumed set, was located in the Family History Library's collection. The author cites the source of the **Herndon**-Waller marriage to Mr. Moncure D. Conway. The same assumption underlies this theory, that Mrs. Mary Waller, still alive in 1729, was the mother of Mary Waller, born in 1674, and therefore, the wife of Edward **Herndon**, because he lived nearby. The supporting evidence for Mr. **Herndon**'s assertion is a letter written in 1787 to Joseph **Herndon**, a grandson of Edward. In the letter, he referred to his cousin, Jack Waller. It

seems that by 1787, after two more generations since Edward had come along, there would have been plenty of opportunities for the **Herndon** and Waller families to intermarry. This bit of evidence seems insufficient to conclude that Edward **Herndon** had married Mary Waller. Although such may indeed be the case, it seems that hasty judgment may have come into play early on. Once such conclusions get into print, they are circulated and eventually carved into stone. Edward may have married a Waller relative, but nothing has been found to indicate that his wife was named Mary.

In summary, these are the points against the supposition that Edward **Herndon**'s wife was Mary Waller, daughter of John Waller and Mary Pomfrett.

- Dr. John Waller of England died in 1723. His will did not mention a daughter, Mary, suggesting she could have predeceased him. His will also made no mention of his wife, which would be very peculiar had she still been alive.

- Dr. John's wife would not leave him before his death, at the age of nearly eighty, and go to America.

- It is highly unlikely she would still be alive in 1739 at nearly one hundred years of age.

- No document exists that even gives Edward **Herndon**'s wife's first name as Mary.

- There were several Wallers in the area, and by 1720, a **new** generation had come to maturity in America. One of these younger Wallers could have left a widow named Mary.

It is very unlikely that any **new** evidence will be located concerning these families, especially considering that most of the records have been destroyed in the counties where they lived. Research at this point focuses on the careful interpretation of the existing records, with a skeptical eye toward published genealogies.

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After making this report available... I will also report that the Library of Virginia has copies of a Waller family tree ca. 1900. Edward **Herndon** is included as the spouse of Mary Waller. It seems that there is a family tradition of a Waller **Herndon** marriage - but highly unlikely that Mary Waller was the daughter of Dr. John Waller.