

*[The following report was begun by Joan Horsley prior to March 2012.
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JAMES DAVIS

(c1732 - 1824)

Research Report by

Joan Horsley

Based on her research as of March 2012

Website: www.JoanHorsley.org

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Acknowledgements

There are individuals that collaborated and/or shared with Joan along the way. It is impossible to name them and not leave someone out. Joan appreciated everyone who joined the research journey with her. And I believe I can speak for us when I say, “Joan was the most excellent researcher with the grit to endure the tediousness and preciseness needed to get it right. We miss her still.” ~Pam

Note to researchers: questions that Joan left and need further research are contained inside a box.

James Davis

(c1732-1824)

OVERVIEW

JAMES DAVIS

Born c1732, King William or Caroline County, Virginia

Master Carpenter -- Evidence?

St. George's Parish, Spotsylvania County, Virginia (according to 1755 deed)

St. Thomas Parish, Orange County, Virginia (according to 1766 deed)

Died bet. 1820-28 October 1824, in Madison (formerly Culpeper) County, Virginia

Married (1) Margaret ___ bef. 3 July 1766; and (2) Mary Price bet. 3 July 1766-June 1777 in Culpeper County, Virginia

The James Davis Family

James Davis, b. abt. 1732 in King William or Caroline County, Virginia; married Margaret ___ [possibly Eastham] bef. 3 July 1766 in Spotsylvania or Orange County, Virginia, (2) Mary Price bet. 3 July 1776-June 1777 in Culpeper County, Virginia; d. bet. 1820-28 October 1824 in Madison (formerly Culpeper) County Virginia. James' will was written in 1817.

Child of James and Margaret ___ Davis:

Robert Davis, b. abt. 1755 in Spotsylvania or Orange County, Virginia; m. Fanny Taylor in 1809; d. bet. 23 May -25 July, 1816 in Madison (formerly Culpeper) County, Virginia. He married Ann ___ abt. 1780 in Culpeper (later Madison) County, Virginia; d. 03 March 1817 in possibly Warren County, Kentucky.

TIMELINE OF RECORDS FOR JAMES DAVIS

1755

October 1755 - JAMES DAVIS with John SANDIGE file processioners report:

In Obedience to an order of Vestry St. George's Parish baring date the 8th day of Sepr 1755. Wee the Subscribers proceeds to procession the several Lines as followeth Viz'.

The line Between Joseph Peterson and Joseph HOLLODAY present David Sandage [SANDIGE] and Anthony GHOLSON. The Line Between Col°. Thos. Moore and Mrs. Seaton The Line Between Col°. Moore and James Rollins. The Line Between Thomas Pullium [PULLIAM] and James Rollins Junr. The Line Between Thomas Pullium and Thomas Rollins. The Line Between Danniell MUSICK and John Trusty. The Line Between John Sanddage [SANDIGE] and Charles SMITH. Given under our hands Octobr. 1755.

/s/ John SANDAGE, JAMES DAVIS

[Source: St. George's Parish Vestry Book, (p. 28/31-insert), St. George's Parish Spotsylvania Vestry Books 1726-1817, by John Frederick Dorman (Fredericksburg, Virginia, 1998; private printing), p. 93]

In the same 1755 processioning reports, James's brother William Davis owned nearby land was processioned with John's brother William Sandige (Jr):

WILLIAM DAVIS' land processioned with William SANDIGE (Jr)

In Obedience to an order of Vestry of St. George's Parish Baring Date the 8th day [of] Septemr. 1755. Wee the Subscribers proceed's to procession the several Line[s] as followeth Viz'

The Line Between Francis MERIWETHER and Edmund WALLER, The Line Between Francis MERIWETHER and Zachary LEWIS present Robert Huddleston...The line Between Edmund WALLER and Samuel Brown, Present Samuel Brown; The line Between Thomas Moore and WILLIAM DAVIS, Present WILLIAM DAVIS and William SANDIGE; The line Between Fr[ancisc] MERIWETHER and William DAVIS, Present William SANDIGE and WM. DAVIS; The line Between Thomas Moore and M". Seaton, Present Thos. Burros and John Brassfield; The line Between Mrs, Seaton and Humphrey Hill, *[Page 139 (142) (1)]*

[Source: St. George's Parish Spotsylvania Vestry Books 1726-1817, by John Frederick Dorman (Fredericksburg, Virginia, 1998; private printing), p 189-190]

1758

24 August 1758 - JAMES DAVIS is appointed Overseer of the road called HARRISONS Road in the room of Samuel KERCHAVILE & that he with the Gang that was under the said Samuel clear & keep the sd. Road in Repair

[Source: "Orange County Road Orders 1750-1800" by Ann Brush Miller (Orange County Historical Society, 1989, rev 2004) Online Edition]

Note:

In the introduction to Ann Miller's "Orange County Road Orders 1750-1800" she explains, "The establishment and maintenance of public roads was one of the most important functions of the County Court during the colonial period in Virginia. Each road was opened and maintained by an Overseer of Highways appointed by the Gentlemen Justices yearly. He was usually assigned all the 'Labouring Male Titheables' living on or near the road for this purpose. These individuals then furnished all their own tools, wagons, and teams and were required to labour for six days each year on the roads." Miller includes a section of Thomas Jefferson's Notes on the State of Virginia, 1781 which says in part: "The roads are

under the government of the county courts, subject to be controuled by the general court. They order new roads to be opened whenever they think them necessary. The inhabitants of the county are by them laid off into precincts, to each of which they allot a convenient portion of the public roads to be kept in repair."

[Source: "Orange County Road Orders 1750-1800" by Ann Brush Miller, Orange County Historical Society, August 1989, Revised April 2004, online at http://www.virginiadot.org/vtrc/main/online_reports/pdf/90-r6.pdf]

This Road Order indicates that James owned property here before his recorded land purchase three months after this Order. Also, his deed of purchase states he was then of Orange County. No deed exists for any previous land, but the names on this order and later ones show that the earlier property was in the same location as the later one.

This Road Order from 1751 for the same area includes names (in caps) connected with James and his family. Some of these were people on deeds witnessed by James' father Benjamin Davis that follow below:

Orange County Road Orders Part II

24 October 1751 O.S., Page 333

On the Petition of James Cox & others for a Road to be Cleared from the Hill below TERRYS RUN BRIDGE as the way was formerly Veiwed (sic) down to the County line by Anthony Streets George SMITH, THOMAS BURGESS and STEVEN I. K. SMITH having Veiwed the Same they being first sworn, reporteth that they find the same way to go upon a Level Ridge Mostly Barren Land Crossing no Water course nor low ground And do not find it hurtfull to any Settlement already made except the going through the Yard where Charles HARRISON now lives Therefore it is Ordered that the said Way be cleared as laid off by the Veiwers and made a good road & that the Male labouring Tithables of Thomas Gahagon, Matthew Cox, William Cox, Lancelot Ray, John Chapman, Peter MONTAGUE, James Mitchel, John Shackelford, Daniel Singleton PHILIP SINGLETON, JOHN HALEY, William HALEY, Edward HALEY THOMAS BROWNING, John Lankford Edwin Fleet, ANDREW HARRISON, Lawrence Harrison, Charles Harrison Lancelot WARREN Joseph Nowel, Robert Smithy, John Evins, Steven Shanought William Cudden John Cox Lawrence BATTALLES Quarter & John Claytons Quarter John Hyatt, Thomas MERRYs Zachary Allan & James Cox do Clear the same And that ANDREW HARRISON be Surveyor thereof & that he with the aforesaid Gang clear and keep the said Road in Repair according to Law

1751

28 November 1751 - James HERNDON 300a. of land to John HALEY, adj, Philip WATER's, James MICHAEL, Philip SINGLETON and Thomas BROWNING.

Witnesses: Benjamin PORTER, BENJAMIN DAVIS [father of JAMES DAVIS], John GRIGSBY
[Source: Orange County Deed Book 12 1751-1759, e-mail from NMD]

NOTE: 18 May 1736, O.S. p. 76 - O. C. Road Orders

Ordered that John Ashley clear a road the convenientest way from Colo: Willis's Mill run to Mitchells ford and that Robert EASTHAM Gent and Francis BROWNING mark the way the said Road is to be cleared.

1758

23 November 1758 - Deed from Thomas Burgess to James Davis - Orange County, Virginia

Know ye that I, THOMAS BURGESS and MARY his wife, of St. Thomas' Parish Orange County, to JAMES DAVIS of the Parish and County aforesaid, for £18 all my 100 acres of land in the County and Parish aforesaid, that I purchased of WM. STEVENS and the said Stevens purchased of ANDREW HARRISON, part of a grant of 1000 acres granted to the said Andrew Harrison by patent, bounded as followeth [adjacent to GEORGE DOWDY and ANDREW HARRISON, metes and bounds as given in the 1766 deed of sale]

Signed: THOMAS BURGESS, MARY BURGESS (both by mark)

Memorandum that Peaceable & Quiet Possession of the within Premises was Given by the within Named Thomas Burgess to the within Named James Davis by Delivering of Turf & Twig Of the Ground of the said Land as the usual Symbols of Livery and Siezen.

Witness our hands and Seals this 23rd Day of November 1758.

Signed: THOMAS BURGESS, MARY BURGESS (both by mark)

Witnesses: ANDREW MANNEN [Manning], ROGER BELL

At a Court held for Orange County on Thursday 23 November 1758, this Indenture with Memorandum of Livery & Siezen thereon endorsed was acknowledged by Thomas Burgess and Mary his wife parties there to this, Mary being first privally [privately] examined as the Law directs and ordered to be recorded.

Test: Geo. Taylor, Clerk

[Source: Orange County Deed Book 12, p. 483, Library of Virginia, Richmond, Virginia]

Notes:

"Livery of Seizen" means delivery of possession of the land. Anciently the transfer of land ownership was accomplished by a ceremony where the seller gave to the buyer a symbolic "twig and turf of the ground" being sold. This was replaced by the memorandum acknowledging the required ceremony, then by the more tedious and far less prosaic duplicate deeds of lease and release.

Thomas Burgess was a carpenter/builder and I have yet to find one, even of a much earlier date, who could not read and write. Perhaps the signing was done by a representative or marked simply for the sake of time and convenience.

Thomas Burgess was paid by Orange County for building a bridge between Louisa and Orange counties two years after Benjamin Davis was paid by Louisa and Spotsylvania for building a bridge further south on the Northanna.

Orange County Road Orders

16 March 1735, O.S. p. 59

On the petition of Thomas Chester and Jacob Funk it is ordered that they lay off and clear a road from where they Live to the lower end of BURGESSES Land and that William RUSSELL Anthony Scott & Samuell Scott or any two of them lay of a road from thence to Beverleys Quarter or the point of the little fork.

24 September 1742

The order for building a bridge Over ye NORTH ANNA being returned that Wm RUSSELL & George TAYLOR Gent had agreed with THOMAS BURGESS to build a bridge over the sd Northanna and had taken bond Its ordered that the said Bond be lodged in ye office.

[Orange County Road Orders, Miller]

Orange County Levy for the year 1750

The Court proceeded to lay the County levy (in lbs of tobacco)

To THOMAS BURGESS for building the Bridge of the Northanna between Louisa and this County - 1000

Also in this Levy:

To Joseph THOMAS, Gent, for taking one Inquest on a dead body - 93 lbs

Note:

Joseph THOMAS witnessed the 29 November 1734 Spotsylvania deed of BENJAMIN DAVIS' brother JOHN DAVIS of King William to William SANDIGE

To Benjamin CAVE for building Bridge over Mine Run - 1350 lbs

Note:

Mine Run was near the Spotsylvania border. In 1748 BENJAMIN DAVIS was paid by Spotsylvania County for building the "Mine Bridge" apparently on the Mine Road over the River Po near Spotsylvania Courthouse. Benjamin's daughter MARY DAVIS and her husband Daniel JARRELL lived later at Caves Ford, Culpeper/Madison County, across the Rapidan from the Orange County residence of Benjamin CAVE. Further north at now-Wolftown where JAMES DAVIS lived, his brother BENJAMIN DAVIS II's property was "on the road to Cave's Ford." There are a number of shared associates between our Davis's and Benjamin Cave's family.

To Thomas BALLARD for summoning a Jury of Inquest - 35 lbs

Note:

BENJAMIN DAVIS' daughter MARY and husband Daniel JARRELL lived on land at CAVES Ford in Culpeper/Madison they purchased from Bland and William BALLARD.

To Mr. Zachary LEWIS, King's Attorney - 1500

Note:

Brother of Susannah LEWIS, wife of Joseph Collins on Spotsylvania records with BENJAMIN DAVIS. Joseph. Zachary LEWIS was on the same 1755 processioners report with James' brother William DAVIS, meaning their lands were nearby. Zachary LEWIS had a young lawyer assisting him named George Wythe, who witnessed a Spotsylvania deed with Benjamin Davis in 1747. George Wythe later became a signer of the Declaration of Independence and the preeminent legal scholar of his day. His mother was Margaret Walker Wythe (daughter of George Walker) who was a well-educated woman of the day and taught him in the classics. She died when George was a teenager.

[<http://www.history.org/almanack/people/bios/biowythe.cfm>]

To Joseph EVE for building a pair of Stocks and Pillory - 500 lbs

Note:

Father of Rev. George EVE who later lived adjacent to JAMES DAVIS in Culpeper/Madison Co. and sold land in 1796 to James' son ROBERT DAVIS. Joseph EVE was the first builder of the later U. S. President James Madison's Orange County home Montpelier.

[Source: Orange County Order Book, 1747-1754, Orange County GenWeb Archives at <http://searches.rootsweb.com/usgenweb/archives/va/orange/court/misc0001.txt>]

5 February 1796. A line of Joseph Rogers, lines of Robert DAVIS, a line between Robert DAVIS & Joseph Roberts, present John Booten. (p. 24)

Joseph Rogers was son of Joseph Rogers and Lucy Burgess, daughter of THOMAS BURGESS who sold JAMES DAVIS his Orange County property in 1758. Burgess, a carpenter and bridge builder, lived near and probably worked with JAMES' carpenter/bridge builder father Benjamin DAVIS Sr. and about his same age. Another daughter of Thomas BURGESS married a RUCKER. Thomas BURGESS was married to Mary WARREN. Lewis researchers say that the Warren's were close to the Lewis's of the line of John LEWIS for whose estate administration BENJAMIN DAVIS posted security bond.

1 August 1757 — Benjamin MARTIN [Sr] of Spotsylvania to Charles COLSON [also spelled Colston] of town of Fredericksburg, 260 acres except 100 acres part thereof which by the will of Henry Martin, father of said Benjamin Martin was devised to John Martin, son of John Martin. Adjacent to Francis KIMBROW (other metes & bounds). Lease 1 August 1757, release 1 November 1757. Recorded 1 November 1757.

Signed: Benjamin MARTIN

Witnesses: Wm. Allock [ALLCOCK], BENJA. DAVIS, Thoms. ROGERS

[Source: Spotsylvania Deed Book E, Part I, p. 397, Circuit Clerk's Office, Spotsylvania, Virginia]

Note: Thomas Rogers is brother of Joseph Rogers who married Lucy, daughter of Thomas Burgess who sold land to James Davis in 1758. It seems to be Joseph's son Joseph Rogers who owned land next to James' son Robert Davis in 1796 in Madison County.

2 August 1757 – Benjamin MARTIN of Spotsylvania Co. and Elizabeth, his wife, to Charles Colson of Fredksbg. £30 curr. 260 a. in Spotsylvania Co. (save one hundred acres, part thereof which by the will of Henry Martin, Dec'd., father of the sd. Benjamin, was devised to John Martin, son of John Martin of Spotsylvania Co.).

Wit: William Allcock, BENJAMIN DAVIS, Thomas ROGERS. Recorded November 6, 1757. [Spotsylvania Deed Book E, Crozier p. 205]

Benjamin DAVIS' son James Davis sells his Orange County land to Peter Mayre in 1766. Witnessed by John and Edward Hobday.

John Hutcheson Witness to the Will of James Davis, son of Thomas Davis of Spotsylvania:

JAMES DAVIS Spotsylvania Co., d. February 15, 1765, p. October 7, 1765. Wit. Thomas Wiatt, Joseph Allen, John Hutcherson, Henry Coleman. Ex. wife and son James. Leg. daughter Elizabeth; wife Mary; son John; son James; son Benjamin; son Charles; my four youngest children, William, Mary, Charles and Thomas.

[Spotsylvania Will Book D, p. 225, Crozier, p. 23]

Note:

Roger Bell's son William(?) [Also had sons, John, Joseph, Henry, and Thomas] on Road Orders with Benjamin Davis 13 April 1753. Roger also owned land granted ___ in Orange County not far from Harrison's grant of which James' land is a part.

Craig Kilby platted the land from the 1766 deed of sale and says, "This is a parallelogram tract of 127 poles on all sides. It begins at Andrew Harrison's corner to George Dowdy on the NE corner, runs NW along Harrison's line, then SE to Dowdy's corner, SE to Dowdy's line, then back up to the first point." Using plat maps of Orange County land grants, this land was at Terrys Run, which was a branch off the Northanna River near the Orange/Spotsylvania border. The location was a short distance southwest of James' father Benjamin's 1754 Spotsylvania land on the River Po just over the county line. It was also to the north of James' brother William's Spotsylvania land a short distance down the Northanna at the Louisa County line, where Benjamin had built a bridge in 1748.

The previous owner William Stevens seems to be the son of Charles Stevens and cousin of James Stevens Jr (s/o James Sr., Charles' brother) who sold land 1758 to James Davis' brother John Davis. A sister of James Stevens Jr. was Catherine Stevens. She married Joseph Carter and their daughter Mary Elizabeth Carter married James Davis, son of Thomas, whose Davis family seems somehow related to ours.

Another brother of James Stevens Sr. and Charles Stevens was Edward Stevens, with son James who married Elizabeth Thomas. Their son John Stevens married Sarah Montague, d/o Peter Montague, on records with James' father Benjamin. Their daughter Ann was the wife of Parmenus Bowker, a near-neighbor of Benjamin and on records with him and with Nicholas Hawkins. The Orange Co Order Book 6, p.233 shows: "22 Apr 1756 On the motion of Reubin Daniel [witness to James Davis' deed of sale in 1766] and Anhorit his Wife, Executors of Peter Mountague, deceased, and John Stevens who intermarried with Sarah, one of the decedent's daughters, it is ordered that Richard Thomas, Elijah Morton, John Pendleton and Roger Bell...settle the account of the administration of the Decedent's Estate..." (Richard Thomas was Elizabeth Thomas Steven's brother. Their parents were John Thomas and Katherine Harrison, related to Andrew Harrison, whose grandfather Andrew got the original patent on this land in 1728. Descendants of Andrew Harrison lived near James in Culpeper/Madison, purchased from his estate, and married a child of James' son Robert and of George Wilhoit, step-son of William Eastham who may be related to James.)

When widow Elizabeth Merry intermarried with Daniel Reuben in 1760, she deeds a gift to her son James Merry that is witnessed by Elijah Morton, Stephen I.K. Smith, Samuel Kerchevall. recorded 23 October 1760. All of these names are connected with James Davis or his father Benjamin and are important in tracing relationships in the families. James' brother Benjamin Davis II purchased his Culpeper land in 1775 from William Walker and his wife Ann Merry. Their son Merry Walker had land adjacent to James Davis, his brother Benjamin II, his brother-in-law Thomas Terry, his son Robert and William Eve in 1796. Robert Davis' land from George Eve "adjacent to Merry Walker" was where Robert lived. [Ref. also Simpson to Rucker 1796, adj. James Davis, Augustine Rucker, Thomas Terry, Merry Walker, Wm. Eve].

Andrew Harrison's land grant was adjacent to Gholson's. William Sandidge Sr names in his will daughter Sarah Gholson and son-in-law Gholson. [Spotsylvania will dated 11 March 1746, proved 2 June 1747]. William Sandidge bought from Benjamin Davis' brother John Davis of King William part of the land granted to John in 1719. It was located to the south of Terrys Run around today's Lake Anna where Benjamin's son William had land he sold in 1764. William also witnessed the sale by William Sandidge's widow Ann, then married to Joseph Martin, of Ann's dower share of the John Davis land to Francis Meriwether in 1755.

(SEE notes for Carter--William Stevens cousin of James Stevens who sold land to James' brother John, 3 October 1758. James' sister Catherine Stevens married Joseph Carter, parents of Mary Elizabeth Carter

who married the "other James Davis" [James C. Davis, b. 1719, son of Thomas Davis and Sarah Fielding(??). There is a Stevens family connected with the family of the "other" Davis group in Spotsylvania with names and associations so similar to ours. *This Stevens connection needs to be checked out. Our family and the other ones overlap in a number of ways, and it would truly be very coincidental for the two Davis families not to somehow be related. The early traditional genealogy of that other Davis family has been more or less set in stone for almost a century, thus few seem to have gone back to investigate. I believe with more current access to records some of that tradition needs a lot of correcting. Pertinent here is the fact that some of that other Davis family lived on Plentiful Run, not far from this land of James.)*

1760

Spotsylvania County

3 November 1760

John Clayton of Hanover Co., and Elizabeth, his wife, to William Hutcherson of Spotsylvania Co. £65 16s. curr. 329 a. in Spotsylvania Co. 2 March 1761. Wit: Andw. Manner

Book E Crozier, William Armstrong. Virginia County Records - Spotsylvania County, 1721-1800, Volume I.

21 October 1775 - Will of Nathaniel Dickenson

Leg. wife Elizabeth Dickenson, all my estate, real and personal, during her natural life, and then to be divided between the following: sons Nathaniel, Richard and Elijah Dickenson and Betty Pulliam and Fanny Garton, but if the said Fanny Garton should marry, she may enjoy her part during her life, and at her death it shall return to Elijah Garton's children; son William Dickenson.

Ex. wife Elizabeth and sons William and Nathaniel Dickenson.

Wit. Andrew MANNING, John Coleman, Hannah Coleman. Rec: 16 May 1776.

22 December 1760 – Bond of William Kelly to John Dillard Jr - security James Connor to convey 225 acres on Muddy Run purchased by William Kelly deceased, father of William Kelly...

Witness: William Green, BENJA. DAVIS, JAMES DAVIS

26 December 1760 – William Kelly son and heir of William Kelly of St Mark's Parish, planter, to John Dillard Jr of same, planter, £33 sh15 225 acres in Fork of Rapahanac north side of Muddy Run.

Witnesses: Ben Hoomes, Jno Latham, W. Robertson, John Hutchings, Thomas Hutchings, Robert Eastham Jr, Robert Latham

1761

19 February 1761 – Acknowledged by William GREEN, BENJ. DAVIS and JAMES DAVIS made oath that James Conner jointly acknowledged the bond.

[Source for all three deed records: Culpeper County Deed Book C, "Culpeper County Deed Book C 1757-1762" abstracted and compiled by John Frederick Dorman]

Note:

Benjamin Davis here may be James' father or his brother of the same name. William Kelly Jr's son William Kelly married Nancy Terry, daughter of James' sister Sarah and Thomas Terry. There is a chance that James' first wife Margaret was the sister of Robert Eastham Jr. The Dillard family had Culpeper property adjacent to Kalem Price, father of Mary Price, James' second wife. Robert Eastham Sr. also had adjacent property there, and when it was surveyed a chain-carrier was James Graves who with his wife Sarah witnessed Kalem Price's will. The Graves were relatives of James Davis' family and James Graves' father John Graves Jr. owned land near Benjamin Davis in Spotsylvania. John Graves Jr's children and

their spouses are on Spotsylvania deed records with James Davis' brother William Davis. John Latham witnessed a 1743 Culpeper deed of Edward Bush who may be the father of Mary Bush, wife of James' brother Benjamin. William Green was a bound on the 1777 grant issued to James Davis as the spouse of Mary Price, heir of Kalem Price. In 1778 William Green's widow was also a bound on a grant issued to James' brother John Davis and William Duncan.

15 March 1761 – BENJAMIN DAVIS of St. Mark's Parish, Culpeper County to Benjamin MARTIN Jr. of Spotsylvania County, £60 current money. 100 acres North side of the Po River, adjacent Lindsay [same as Nathan Hawkins in deed of purchase], Chew [John Chew in deed of purchase]. Recorded 7 April 1761 Signed: BENJ/A DAVIS (no wife named, no release of dower)

Witness: Charles Linch?, John Leavell, JAMES DAVIS [Benjamin's son]

[Source: *Spotsylvania Deed Book E*, p. 791, copy from Library of Virginia, Richmond, Virginia]

Note:

This Benjamin Davis is definitely James' father, not his brother. Benjamin Davis I had moved from Spotsylvania to Culpeper in late 1757 where he was building on the land leased from Robert Coleman that would become the town of Fairfax/Culpeper two years later. This deed was for the land that the elder Benjamin bought 6 August 1754 from Benjamin Martin Sr, with witnesses John Holloday, John Hawkins, and Joseph Collins. It was located to the southeast of Fredericksburg on the east side of the town of Spotsylvania.

27 August 1761 – Charles Kavanaugh of Culpeper and Anne his wife to Burkitt Davenport of the town of Fairfax, merchant. Mortgage to secure £72.10.4½ current money to be paid 3 September 1762. 488 acres and plantation where Charles Kavanaugh now lives on Jones's Swamp...part of a larger tract devised to Charles Kavanaugh by the will of his father Philemon Kavanaugh bounded by land of John Minor of Spotsylvania County, William Roane of Essex County and John Williams of Culpeper Co. Signed: Chas. Kavanaugh, Ann Kavanaugh.

Wit: BENJA. DAVIS, JAMES DAVIS,

Proved 17 September 1761 by BENJAMIN DAVIS, JAMES DAVIS

[Source: *Culpeper County Deed Book B*, p. 595, "*Culpeper County Deed Book B, Vol Two*" abstracted and compiled by John Frederick Dorman, (Wash. DC, 1972), p. 71]

Note: The land here was bounded by land of John Minor, which may be the same land that James' brother William, still living in Spotsylvania, bought 17 August 1761 from John Minor's widow Sarah Carr Minor.

21 November 1761 – GET FROM DORMAN ABSTRACTS VOL 2, P 81

James Davis, witness for land on Cannons River – from John Botts and Timothy Jenkins and Jemima Jenkins widow and relict of John Botts lately deceased of Culpeper Co...

1763

21 May 1763 – Culpeper County Court

DAVID HUDSON Plt agst. JAMES DAVIS Deft.

In Trespass Assault and Battery This day came the parties by their Attornies and thereupon came a Jury to wit...

Samuel Clayton, John Sanders, William Winn, Robert Sims, Oliver Towles, Birkett Davenport, John Tackett, Benjamin Hughes, James Ross, Charles Yancey, John Yeoman, & Samuel Moore who being elected tried and sworn the truth to speak upon the issue joined, upon their Oath do say that Defendt is Guilty as the Plt against him hath declared, and they do assess Plt's damages by occasion thereof to forty

shillings. Therefore it is considered by the Court that Plt recover against Defendt his damages aforesaid in form aforesaid assessed and his costs by him in this behalf expended, and the Defendt in mercy, &c. [Virginia County Court Records, Culpeper County, Virginia, 1763-1764 (McLean, Virginia: The Antient Press, McLean, Virginia, 1998) p. 60.]

On motion of John Leavell Junr a witness for David Hudson against James Davis being sworn ordered that David Hudson pay him 75 pounds of tobocco for three days attendence at this court as the law directs.

[Culpeper County Court Minutes, p. 363, Culpeper County Minute Book 1763-1764, Sparacio, p. 60-61]

August 1763 – Benjamin Davis I dies, Culpeper County.

1764

23 February 1764 – John HYATT is appointed Overseer of the Road in the Room of JAMES DAVIS from TERRYS RUN bridge to the [Orange/Spotsylvania] County line & that he With the gang that Was under the sd. DAVIS & those of MERRY's Estate, Mr. BATTABLES & Capt. DANIELS Clear & keep the sd. Road in repair.

[Source: "Orange County Road Orders 1750-1800" by Ann Brush Miller (Orange County Historical Society, 1989, rev 2004), p. 85]

1766

27 November 1766 – On the Petition of Reuben DANIEL to have a Veiw for a Road to Turn out by Capt. DANIELS & to go into the main Road by JAMES DAVISES Ordered that Richard THOMAS, Elijah MORTON, William MOORE and John VIVION Senr. or any three of them do Veiw the Same.

[Source: Orange County Court Minute Book 1, p. 117, "Orange County Road Orders 1750-1800" by Ann Brush Miller (Orange County Historical Society, 1989, rev 2004), p. 403]

Note:

This road order is dated four months after James contracts to sell his property, which Reuben Daniel witnessed. I have placed the record out of chronological order to show in "life sequence" who James' neighbors were at the time he sold and presumably moved to Culpeper. There are several reasons why his name could still appear after deed date. First, he was given 6 months to acknowledge the sale in court, sounding like what we would call a "closing date." However, it is not uncommon on a deed record for a bound to be the name of someone who was a former owner, not the current one. This could be because the clerk is copying the metes and bounds from an older version of the deed. It also could be because the property is still known locally by the name of a former owner.

RICHARD THOMAS (Jr) was brother of Mary who married Thomas BARBOUR, and of Catherine who married Ambrose BARBOUR. The Barbour brothers were sons of James BARBOUR (II) who might be the father or other close relative of Amelia Barber/Barbour WANSLEY. Amelia and John Wansley's daughter Patsy married James Davis' nephew Benjamin DAVIS III in Elbert Co., Georgia. James BARBOUR's Culpeper land is a bound on a 1761 deed from Edward WATTS to William Johnston witnessed by Benjamin DAVIS (I or II). James Barbour's son Ambrose BARBOUR is a bound on the 1793 deed of the sale of Madison (previously Culpeper) land of Daniel and Mary DAVIS Jarrell, James' sister.

CHECK FOR SALE/PURCHASE THOMAS TO/FROM KALEM PRICE – Other places also.

ELIJAH MORTON of this road order makes connections from James' father Benjamin Davis down through James' son James Davis Jr in Kentucky and James' brother William Davis' daughters in the same

part of Kentucky. Elijah Morton married Elizabeth Hawkins 3 July 1745 [*Spotsylvania Will Book F, Crozier, p. 85*]. Elizabeth was daughter of John Hawkins and Mary (Long?). Their son and Elizabeth's brother Joseph Hawkins witnessed two 1750 bridge bonds of Benjamin Davis in Spotsylvania County. Elijah Morton was son of William Morton and Ann (probably Mothershead). Elijah's sister Jane Morton married Andrew Bourn, whose Culpeper County land was adjacent to James Davis' second wife Mary Price's father Kalem. Brothers James, William, and John Davis lived close to each other in this area of Culpeper in the 1760's and 1770's. Elijah's sister Ann Morton married Henry Bourn, Andrew's brother. Children of Henry and Ann Morton Bourn witnessed the Orange County will of Nathaniel Mothershead Sr., father of James Davis Jr.'s friend "from boyhood" per James Davis Jr's pension application 1733 who was then a resident of Paris, Bourbon County, Kentucky.

Elijah Morton and Elizabeth Hawkins had a daughter Agnes Morton who married William Quisenberry and are said to have gone to Fayette Co., Kentucky (though I have not been able to verify that). Fayette County is where James' brother William Davis went with Rev. Lewis Craig's Traveling Church in 1781.

PUT IN CRAIG CONNECTION W/ JOSEPH HAWKINS.
--

James' brother William Davis' daughter Mary married in Bourbon County in 1791 Vincent Cussenbury (spelled also Quisenberry, Cushenberry, etc), and William's daughter Sarah Davis married Vincent's brother Daniel Cussenbury. Vincent and Daniel were sons of Moses Cussenbury and wife Ann.

I believe that this Moses Cussenbury is probably a son of Thomas Quisenberry (whose mother, incidently, was a Mothershead). Many Quisenberry/Cusenbury researchers also think this is true, but have had no document for proof. However, the numerous connections between Quisenberry/Cusenbury and our Davis family both in Kentucky and Virginia seems to add substance to the possibility. Some examples of these connections include:

Thomas Quisenberry, possibly the father of Moses Cusenbury of Kentucky, was the father of Aaron whose son William Quisenberry married Agnes Morton. Another of Aaron's sons, Moses, married Mary Gatewood. Both the Morton's and Gatewood's have multiple connections to Benjamin Davis and particularly his son James Davis.

Thomas Quisenberry's son Aaron was married to Joyce Dudley, daughter of Robert Dudley, a witness in this Spotsylvania record of 1754 to Benjamin Davis' bridge maintenance bond:

7 June 1754. Maintenance Bond of BENJAMIN DAVIS to keep and maintain a good and sufficient bridge over MASSAPONAX at the place the road from Federicksgburgh (sic) to Bells crosses. Term of 5 years. Penal sum of 300 lbs. tobacco. No payment stipulated. Thomas BLANTON his security. Signed by BENJAMIN DAVIS and Thomas BLANTON;
Witnessed by Wm. CARR, Rb. [Robert] DUDLEY
[Source: *Spotsylvania Will Book B, Part II, p. 374*]

On 6 December 1756, Aaron Quesenburey (sic) bought 275 acres in Spotsylvania County from Joseph Collins and his wife Susannah (Lewis). Joseph Collins was on several records with Benjamin I. His son John Collins owned a Spotsylvania land grant adjacent to the land Benjamin surveyed for patent prior to 1742.

Aaron's son Moses Cushenberry and wife Ann, the parents of Vincent and Daniel who married William Davis' daughters, were members before 1790 of Rev. Lewis Craig's Bryants Station Baptist Church,

located 8 miles northeast of Lexington, Kentucky. William Davis went with Lewis Craig's Traveling Church to Kentucky in 1781. A note from the "Bryan Station Church Minutes 1798-1898, page 20" says Moses and Ann Cushenberry were "dism'd 1790 from BSBC" [Bryants Station Baptist Church] and "apparently joined CRBC, near Paris, Kentucky." Paris, Kentucky is where James Davis's possible son James Jr. lived, and this is the church whose minister witnessed James Davis Jr's pension application, which his friend "from boyhood" Nathaniel Mothershead also witnessed.

So, Elijah Morton's wife Elizabeth Hawkins makes a connection back to Benjamin Davis, father of James and William. Then with Elijah Morton, through Bourn, Quisenberry and Mothershead, we are able to see continuing family connections, first in Culpeper County, then in Kentucky even between children of brothers James and William Davis.

"MERRY" is Thomas MERRY whose daughter Ann married William WALKER from whom James' brother Benjamin DAVIS (II) bought land adjacent to James in Culpeper County in 1775. William WALKER's parents were Edward and Mary DANIEL, sister of _____. William and Ann Walker's son Merry WALKER is on later Madison (previously Culpeper) County deeds with James' son Robert DAVIS. William Stevens, an earlier owner of James' land (per the deed), may have been a relative of Thomas Merry's wife Elizabeth STEVENS.

1766

3 July 1766 – JAMES DAVIS of Orange County and MARGARET his wife to Peter MARYE of Spotsylvania County for £14 a parcel of land (called Palmira) "whereon we now live" in St. Thomas Parish Orange County containing 100 acres purchased from Thomas BURGESS who purchased it from William STEVENS and Sarah his wife who purchased it from Andrew HARRISON, which is part of a grant of 1000 acres by patent to the said Andrew HARRISON, bounded by said HARRISON and George DOWDY, corner red oak etc. James Davis and wife Margaret personally to appear in court within 6 months to acknowledge this deed in order to have same recorded.

Signed: JAMES DAVIS, MARGARET (x) DAVIS

Witnessed: Reuben DANIEL, John HOBDAV, Edward HOBDAV

In Margin: [Deed] Delivered to Peter Marye by boy & note October 1679

Note: Date recorded not noted, on next page not copied

[Source: Orange County Deed Book 14, p. 202, Library of Virginia, Richmond, Virginia (jhc copy)]

Metes and Bounds:

- A) 8 corner black oaks of said Harrison and George Dowdy along Harrison's line N 88 W 127 poles to
- B) white oak and Hickory in a valley in Harrison's line S 2 E 127 poles to
- C) 2 corner white oaks and a black oak S 88 E 127 poles to
- D) corner red and 2 white oaks in said Dowdy's line on side of a hill N 2 W 127 poles to
- A) the beginning.

Note:

Peter Marye was the son Rev. James Marye, rector of Spotsylvania's St. George's Parish Church, where James' father Benjamin Davis built the first addition in 1754. Peter Mayre was married to Eleanor Coleman Green. Eleanor was the daughter of Col. William Green and Ann Coleman, a cousin of Robert Coleman whose land James' father Benjamin leased and built upon in Culpeper that became the town of Culpeper. Today, Davis Street (first called Davis's street, Benjamin's residence) is the heart of historic downtown Culpeper.

William and Ann Green lived in Culpeper adjacent to land James' brother John Davis was granted in 1778. Peter Marye later moved to Culpeper about a mile from Slate Mills. He built the first turnpike across the Blue Ridge Mountains from Culpeper Court House through Thornton's Gap into the Shenandoah Valley, now known as Lee Highway. James' brother William Davis lived near Thornton's Gap on land he leased in 1765 from Presley Thornton. William, as well as his brothers James and John Davis, all had land not far from Slate Mills.

The following deed also connects Benjamin Davis (with Martin, Waller) to later deeds of sons William Davis (with Thornton), and James Davis (with Marye).

9 February 1749 – Benjamin MARTIN of St. George's Parish, Spotsylvania Co., to Edmund WALLER of sd. Par. and county. Deed of Lease. 150 a., part of the tract whereon Henry MARTIN, Dec'd., did live, joining Revd. James MARYE and John THORNTON, son of Collo. Francis THORNTON, Dec'd., on Hazel Run, in the par. and county afsd., etc., etc. Witnesses, Charles SNEAD, James WIGGLESWORTH, Richd. PHILLIPS, Junr.

Rec'd: 6 March 1749. [*Spotsylvania Deed Book D, Crozier p. 181*]

Peter Marye's father Reverend James Mayre also ran a school in Fredericksburg, where St. George's Parish Church still stands. Historians believe that among Rev. Mayre's pupils may have been George Washington who spent his formative years at Ferry Farm, just across the Rappahannock River from Fredericksburg. George's sister Betty and her husband Fielding Lewis attended this church, as did George's mother late in her life when in 1772 she moved nearer her daughter. In 1765 Rev. Marye and his son James Marye Jr. opened a school for slaves. The administrator of the school was George Washington's brother-in-law, Fielding Lewis, who was on Spotsylvania County road orders with Benjamin Davis in the 1750's. The school for slaves closed in 1770 for lack of attendance, but slaves continued to be educated to some degree in Sunday schools until an 1831 law forbid educating slaves.

[Source: "Education in Virginia" by Jane Kosa of the Central Rappahannock Regional Library, Fredericksburg, Virginia, online at www.historypoint.org]

Two witnesses on James Davis' 1766 deed to Peter Mayre were John and Edward Hobday, probable sons of Edward Hobday on the King William County Quit Rent Roll in 1704. On 18 May 1702 in King William, Benjamin's father William and brother John Davis gave bond to William Noyes for sale of land whose deed is now missing. The witnesses to that bond were Will Holloday (husband of William's daughter Sarah Davis) and Caleb Saunders. Caleb Saunders in turn is named in the 1704 King William will of William Rawlings, related to Elizabeth Rawlings who married John Holloday. One witness to William Rawling's will was Edward Hobday. This creates an interesting link between Benjamin's father and Benjamin's son, especially since the name Hobday seems very rare in this area.

There is a curious thing about Hobday. Legend says that George Washington had a tutor named "Hobby," but no one seems to know who this was. But it could well be one of the Hobday's. A John Hobday was presented with the first medal awarded by an American scientific society. The Virginian Society for the Promotion of Usefull Knowledge at its first meeting "awarded a monetary prize and gold medal to John Hobday for the invention of a 'most ingenious threshing machine.' " [*Colonial Williamsburg Journal, Autumn 2003*] There were several among the society's founding members with connections to James' father Benjamin Davis. Then Professor, later President, James Madison was related to Tavenor Beale who lived near James in Orange and for whom James' father Benjamin did carpentry work. Another founder was Dabney Carr, related to Sarah Carr Minor who sold Culpeper land to James' brother William Davis in 1761. Yet another founder of the scientific society was law professor George Wythe, who as a young man was co-witness with James' father Benjamin Davis on a Spotsylvania County deed. Given the local

connections and the rarity of the name Hobday, this scientist John Hobday seems the one on James' deed. (Some have published that the John Hobday of the award was from Gloucester County, while admitting that in fact no one knows. Gloucester was a guess based on Hobday's arranging in 1778 for a prominent Gloucester County manufacturer, Robert Nicolson, to collect the payments and subscription papers for Hobday's newly invented "Wheat Machine" and apparently to manufacture them. The first president of the Virginian Society in 1773, John Clayton, also was of Gloucester. He died the next year, and George Wythe and James Madison were among the newly elected officers.]

The Hobday's make another connection by this mention in Orange County Road Orders:

26 March 1767 - The Viewers have made their report of the way Petitioned for by REUBIN DANIEL and do say that it is a Good and Convenient Way Ordered that the said road be turned to Strike out of the Old way about one hundred yards above JOHN COLLINS's fence and thence to HOBDAYS Corner round his fence to the Old way.

[Source: Orange County Minute Book 1, p. 122, Orange County Road Orders 1750-1800 by Ann Brush Miller by Miller, p. 104, Online Edition]

James Davis was on road orders with Reuben Daniel, so this road orders shows James lived not only near the Hobday's but also near John Collins. He would be "Jr", the son of the John Collins who had a Spotsylvania patent adjacent to land Benjamin Davis surveyed by 1742. Benjamin also was on Spotsylvania records with John Sr's father Joseph Collins.

Edward Hobday died a short time before 28 November 1782 when Orange County Road Orders show, "John Daniel Appointed Overseer of the Road in the Room of Edward Hobday Deced."

John Daniel was related to Reuben Daniel, another witness on this deed, who was also on road orders with James Davis. Reuben's last wife was Elizabeth Stevens, widow of Thomas Merry, whose daughter Ann Merry Walker's family lived near James later in Culpeper/Madison. Elizabeth Stevens was also related to James Stevens who sold land to James Davis' brother John Davis in 1758, and to William Stevens, a recent previous owner of James' land. Reuben Daniel's Orange County will, dated 2 January 1779, proved 25 February 1779 names as executors his "friends" William Smith (brother of Steven, George, etc and married to one of Joseph Hawkins' granddaughters) and Edward Herndon (a son of Edward Herndon and Mary Brock whose deed to their son Joseph Benjamin Davis I witnessed, as well as two Orange County deeds of Edward Sr's brother James Herndon). Edward Herndon II's wife was Mary Duerson--in 1743 Benjamin Davis was on the jury of Joseph Penn vs. Thomas Duerson (Mary's father) and Henry Brock (Mary Duerson's mother's brother). Benjamin's surveyed land was adjacent to Joseph Brock in Spotsylvania County by 1742, and Joseph Brock was security to the bond Benjamin posted as guardian of Frances Boswell. The witnesses to Reuben Daniel's will were Wm. Plunkett, James Coleman, Thomas Merry, whom we discussed above, and Joseph Hawkins. Joseph was the son of John Hawkins who died in King William County--both James' father Benjamin and his brother were on records with Joseph Hawkins and others of this family. John Hobday also witnessed Reuben Daniel's will.

We have no further word in records of the elder James until eight years later, nor of his brothers. That is not surprising given that all of the Road Orders and Court records for Culpeper are missing from this time period. Since James Davis was married to Mary Price by 1777, I think he probably moved from Orange after the sale here to Mary's then-deceased father's area of Culpeper (now Rappahannock) where his brother William Davis (and most likely brothers John and Benjamin II) had moved. As discussed below, he may have moved there because his then-wife Margaret's possible family was there.

1774

Dunmore's War

Virginia Governor Dunmore's "Little War" in 1774 was against primarily Shawnee and Mingo tribes on the western side of the Ohio River, some of whom were posing a threat to Virginia settlers to the east.

Ephraim Rucker was a colonel during the Revolution. [*Warren Skidmore, Lord Dunmore's Little War of 1774 (2002), p. 87-88*] Ephraim's son Elliot Rucker served with JAMES DAVIS in Dunmore's War. They served under another Wolftown and Graves Mill area neighbor Capt. James Kirtley (for whose father, Francis, Kirtleys Mountain was named), and their unit took part in the conclusive Battle of Point Pleasant. Point Pleasant is in today's Mason County, West Virginia—originally part of Greenbrier, then Kanawha County. (The names of soldiers listed on the monument to the Battle of Point Pleasant came from a West Virginia newspaper editor/publisher and DAR organizer "gleaned from the sources available" to her in 1909.

[*Livia Nye Simpson Poffenbarger, Battle of Point Pleasant (1909), p. 84*]

[*This is from a paragraph in Joan's Daniel and Mary Jarrell report.*]

Note:

The introduction to the records of Dunmore's War from the Library of Virginia website says:

"Dunmore' War was a conflict between the Colony of Virginia and the Native Americans of the Ohio Valley. Following increased raids and attacks on frontiersmen in this region, the Royal Governor of Virginia, Lord Dunmore, organized a large force of militia and marched to Fort Pitt arriving at the end of August 1774. Dunmore also ordered Colonel Andrew Lewis, commander of the southwestern Virginia militia, to raise an army in the south and meet Dunmore's force along the Ohio River. Lewis formed militia companies from Augusta, Bedford, Botetourt, **Culpeper**, Dunmore, Fincastle, and Kentucky counties. After Colonel Lewis' victory at the Battle of Point Pleasant, Dunmore successfully negotiated a peace treaty with the Delaware, Mingo, and Shawnee chiefs that prevented them from settling or hunting south of the Ohio River."

Lord Dunmore's War - 1774

1774 Fincastle - p 88

James Davis, Azariah Davis, William Myres, William Martin, William Fields

DAVIS

George Davis - p 87

Samuel Davis - p 86

Robert Davis - p 85

Charles Davis - p 84

Robert Davis - Scout - p 83

p. 83: Scouts: Robert Davis - 15 days of his time to go to Robt. Moffet

p. 85: Robert Davis (list 2) under Volunteers from Boutetout

[*Source: Virginia colonial militia, 1651-1776, Anonymous (Baltimore: Southern Book Co., 1954), p. 83, 85.*]

1775

15 May 1775 – Ephraim RUCKER sells to JAMES DAVIS. for £30 current money, 50 acres in the fork of the Rapid Ann and Robinson River, in Bromfield Parish. Recorded same day. No witnesses.

[*Source: Culpeper County Deed Book H. p. 16, Library of Virginia*]

Transcription of deed:

THIS INDENTURE made this fifteenth day of May the year of our Lord Christ one Thousand Seven Hundred and Seventy-five Between Ephraim RUCKER of the parish of Brumfield in the County of Culpeper and Colony of Virginia of the one part and JAMES DAVIS of the other part

WITNESSETH that he the said Ephraim Rucker for and in consideration of the Sum of thirty five pounds in hand paid by the said James Davis the receipt whereof he the said Ephraim Rucker doth by these presents Confess and Acknowledge himself to be fully Satisfied Contented and paid, hath given, granted Bargained Sold Enfeoffed and Confirmed and these presents do give grant Bargain sell Enfeoff and Confirm unto him the said James Davis his heirs and assigns forever one certain tract or parcel of Land Situate lying and being in the aforesaid parish of Brumfield in the County of Culpeper and Colony aforesaid lying and being in the fork of the Rapidan & Robinson River and containing fifty acres more or less and is Bounded as follows, to wit[:]

[A] Beginning at a Road at side the South side at a Double Chestnut thence up the Road to
[B] William EDENS [EDDINS] patent line Corner to a Road White Oak and thence with the said EDINS [EDDINS] line to
[C] John SIMPSONS corner to two pines thence South with the said SIMPSONS line to
[D] George EASTHAM's Corner to a Chestnut thence with the said EASTHAMS line to
[E] his Corner on Elk Run thence corner to
[F] a Red and white Oak thence with the said EASTHAMS line down the said line to
[G] [xxx] George COOKS corner red and white oak and thence bounded with the several courses of Cook's line to
[A] The beginning corner

And all and singular the profits Commodities [xxx] appurtenances to the said land and premises belonging and in any way is appertaining to have & to hold the above mentioned tract of land and premises as with the appurtenances unto him the said James Davis his heirs and assigns forever and the said Ephraim Rucker for himself his heirs the said Land and premises with their and every of their appurtenances unto him the said James Davis his heirs and assigns shall and will warrant & forever defend by these presents any person or persons having or Lawfully Claiming any Right or title thereto or any part thereof and [xxx] Ephraim Rucker for himself doth further [xxx] covenant promise and agree to and with the said James Davis his heirs and assigns that he the said Ephraim Rucker that at the time of Sealing and Delivery of these presents to St---ds Lawfully Seized of a Lawfull Estate in fee Simple of and in the above mentioned Land or premises and that he have good rightfull power and Lawfull Authority to Sell and Convey the Same in Manner and form aforesaid and that the Same shall be of forever unto him the said James Davis his heirs and assigns forever freely and Clearly E----d Acqanted and Discharged of and from all manner and formes Bargains Sales Gifts decrees wills or any other right or any Incumbrances whatsoever the Quitrents only excepted.

In Witness whereof the said Ephraim RUCKER has to these presents set his hand and fixed his Seal the day and date above written.

In presence of us /s/ Ephraim RUCKER

[No witnesses]

At a court held for Culpeper County May the 15th 1775 this Indenture was acknowledged by the said Ephraim Rucker and Ordered to be Recorded. Test, John Jameson, C.C

On Margin: "DD [Deed Delivered] to Jas. Davis the 2nd Day of August 1784"

[Source: Culpeper County Deed Book H. p. 16, Library of Virginia. Transcription by Craig Kilby]

Note: Changes to the original format of the deed above have made to facilitate the ease in reading and interpreting. The recorded copy of this deed is one continuous run-on paragraph. No spelling has been changed. Additions to the text are enclosed in brackets.

1777

23 June 1777 – Northern Neck Land Grant

312 acres of Culpeper County, granted to Waugh DARNALL, husband of Ann, one of the devisees of Cailem PRICE, deceased, JAMES DAVIS, husband of MARY, another devisee of the said PRICE, and Milly PRICE another devisee of the said PRICE, all of Culpeper County.

Being a tract of wash and ungranted land in the Gourd Vine Fork bounded as by a survey dated May 5th 1750 made for the said Cailem PRICE by Philip Clayton and forfeited by virtue of an advertisement issued from my office and recorded therein in Book N, thus allowed a deed to issue to the said Waugh DARNALL, JAMES DAVIS, and Milly PRICE for the land bounded as follows:

Beginning white oak corner to the said PRICE's patented land on the north side of the South fork of fork (sic) the Gourd Vine River, thence up the said river crossing the mouth of the Bessie Bell Run, thence to [---] Captain WILLIAM GREEN's fence along the said Gourd Vine, [---] forked red oak on a branch of Bessie Bell Run...crossing the said run.

[Source: Northern Neck Grants Q, 1775-1778, p. 153 (Reel 297), Library of Virginia on-line image]

Note:

The location of this property seems to be about 4 miles northeast of today's Boston, Culpeper County, Virginia almost on the Rappahannock County line, as marked on this USGS map:
<http://www.topozone.com/map.asp?lat=38.57936&lon=-78.10295&datum=nad83&u=4&layer=DRG&size=l&s=200>

James' portion of this grant through his wife Mary Price was 104 acres. Her father Kalem Price died testate in Culpeper 1758. From 1782 to 1813 James was charged land tax on this property. James did not live there during this time, as there was no personal property tax under his name in this district. James lived in the district that became Madison County in 1793 on his land at present-day Wolfstown. The 104 acres was always on the same Culpeper land tax list as John Davis, his brother, and Henry Davis, who is unidentified because I have found no other Culpeper records for Henry to learn more. James' brother William Davis also owned land near James and John but moved to Kentucky 1781 before tax lists began in 1782. I have found no deed of sale for this land.

Kalem Price's relative (possibly father) Edward Price was on Road Orders below with Henry Martin, father of Benjamin Martin from whom James' father Benjamin Davis I bought Spotsylvania land in 1754 originally belonging to Henry Martin. (Benjamin Davis is also on a deed with James Sparkes.)

Spotsylvania Co., Virginia Order Book 1724-1730, p. 83. November 2, 1725

On the petition of Henry Martin, overseer of the Nansapouar [Massaponax] Road, the hands of Edward Price, Charles Stuart and James Sparks to be added.

Kalem Price's will was witnessed by James and Sarah Graves. James Graves was son of John Graves who with John's brother Thomas were closely connected with Benjamin I and particularly with son William in Spotsylvania. The Graves were also related to Benjamin I by earlier Graves-Croshaw marriages. Kalem Price's will mentioned his adjacent neighbor John Barnhysle. His son John Hysle married Frances Pulliam, whose family also had long-time connections with our Davis's.

See reports for Benjamin I and his son William for details. Also notes for Mary Price regarding Hysle.

James Graves was a chain carrier for the survey of Robert Eastham's 2 April 1752 land grant adjacent to Kalem (Calem) Price's original grant which was adjacent to the one granted the heirs.

1781

JAMES DAVIS on Culpeper List of Classes for Revolutionary War draft of males between 16 and 50.

[Source: *Culpeper County List of Classes, Military Records, Library of Virginia, Richmond, Virginia, on-Line index*]

Note:

There is only one James Davis on the Culpeper Classes list, but there was a second James Davis in Culpeper who we know served in the Revolutionary by his Pension Application dated _____. In that statement, he says he was born 1761 in Culpeper where he entered the war.

1784

9 August 1784 – George WILHOIT and wife, ELIZABETH to James DAVIS, for 5000 lbs of tobacco and "natural affection," 150 acres, part of land originally granted to George EASTHAM, adj. Thomas and John RUCKER, side of Neals Mountain. No witnesses.

[Source: *Culpeper Deed Book M, p. 305, Library of Virginia, Richmond, Virginia*]

Transcription of deed:

This Indenture made this 9th day of August One thousand seven hundred and Eighty four Between GEORGE WILHOIT & ELIZABETH WILHOIT his Wife of C of one part & JAMES DAVIS of Parish, County & Colony aforesaid of other part Witnesseth that GEORGE WILHOIT & ELIZABETH his Wife for sum of Five thousand pounds of Crop Tobacco to them paid by JAMES DAVIS and ALSO FOR THE NATURAL AFFECTION THAT THEY HAVE AND DO BEAR TO SAID JAMES DAVIS by these presents do give bargain and sell unto JAMES DAVIS his heirs one certain tract of land lying in the Parish County & Colony aforesaid and contains by Estimation One hundred and fifty acres more or less (and is part of a Pattent formerly granted to GEORGE EASTHAM for Three hundred acres of land as by said Pattent may appear dated the sixth day of April One thousand seven hundred & thirty four) and is bounded Beginning at three white Oaks, Corner to THOMAS & JOHN RUCKER, & running thence North sixteen degrees West two hundred poles to a red and white Oak, thence South sixty two degrees West One hundred & twenty poles to a Chestnut & White Oak, thence South twenty degrees West One hundred & ninety poles to a Hickory and a Pine Corner on side of NEALS MOUNTAIN, thence North Eighty degrees East two hundred & thirty poles to the Beginning Together with all houses Orchards and Appurtenances to the same belonging To have and to hold the above mentioned tract of land with its appurtenances unto JAMES DAVIS his heirs And GEORGE WILHOIT & ELIZABETH his Wife will Warrant & forever defend by these present against any person In Witness where-in presence of
/s/ GEORGE WILHOIT [Elizabeth did not sign]

At a Court held for Culpeper County the 15th Novr 1784 This Indenture was acknowledged by the party & ordered recorded.

On margin of Indenture: Wilhoit to Davis. D.D. to Richd. Booten order Exr. of James Davis 10 Feby 1825
[Source: *Culpeper Co., Virginia, Deed Book M 1783-1785 pp. 305/307; transcription by Nancy Moyers Dodge*]

This is the series of land transactions for the same 150 acres that were in possession of JAMES DAVIS at his death in 1824. Based on the sequence and the deed wording "for natural affection," some Wilhoit researchers, including Nancy Moyers Dodge, speculate that a wife of James or his son(s) may have been related to George Wilhoit and/or George's stepfather William Eastham, son of George Eastham, the original owner of the land. The only explanation I can find is that James Davis' first wife Margaret was an Eastham, but her most likely father would be Col. Robert Eastham, and his relation to William Eastham is rather removed, much less to George Wilhoit. On the other hand, George Wilhoit did charge James Davis the going rate for the land, which may indicate their relationship was not a close one.

1. Land Grant to George Eastham

6 April 1734. Patent granted to George Essome [EASTHAM] 300 acres St. Marks Parish, Spotsylvania Co., in the Fork of the Rappahannock, bounded as follows...corner of Thomas and John RUCKER, alongside of Neals Mountain, in consideration of transporting one person John Cann[es?].

[Source: *Virginia Land Office Patents No. 15, 1732-1735 (v.1 & 2 p.1-522), p. 201 (Reel 13), Library of Virginia on-line images.*]

Land Grant 16 June 1730 to Thomas Rucker, adjacent to John Rucker, was also adjacent to Thomas Jackson, grandfather (by son Thomas) of John Jackson, adjacent to JAMES DAVIS before 1794 [MDB1:68] John Rucker was the brother of Ephraim Rucker from whom James bought land in 1775. Ephraim and Margaret Vawter Rucker were grandparents of Larkin Rucker who married James Davis' niece Lucy Terry in 1815.

Add deed from George to William & Edward Eastham, 150 ac each from the 300-acre grant – probably Orange County records.

George and his wife, Mary, in 1760, gave 150 acres each to their sons, Edward and William. This land was originally the 300-acre land patent granted to George Eastham (as Essom) in 1734. [*Our Eastham Generations in America 1637-1963* by George and Helen Dunn, LDS; cat number P.B. 929.2, #325, posted by Terry Eastham, *Eastham GenForum* #288.]

Note from Bud Miller's Eastham Report:

George EASTHAM (Edward-2, Edward (Essom)-1) was born about 1705 in __, Virginia. He died between 1780 and 1785. [Source: *FTM CD16#666.*]

George EASTHAM and Mary BIRD were married in 1726 in Spotsylvania, Virginia. Mary BIRD was born about 1715 in VA. She died between 1760 and 1768 in Culpeper, Virginia.

DEATH: After 1760, bef 1768 because she wasn't mentioned in the land transfers to son James.

Prepared by: Roland B. Miller Jr (Bud)

2. Same land from William Eastham to George Wilhoit, "for fatherly love and natural affection for his son-in-law."

12 August 1769. William EASTHAM [son of George Eastham] of Bromfield Parish ... to George WILHOIT of same....for natural love and fatherly affection for his son-in-law, George WILHOIT.... 150 a. in fork of Rappidan River ... adj. to Thomas & John RUCKER

Witnesses by Richard Vawter, Michael Garr & John Finks

Culpeper Co., Virginia Deed Book E p. 714-715

From: Nancy Moyers Dodge

http://archiver.rootsweb.com/th/read/germanna_colonies/1998-04/0891706861

She also cites "Beyond Germanna" - "The Case of George Wilhoit" - John C. Wilhoit, Jr., v.10, n.5, pp.588-589, 1998.

William Eastham was a son of George Eastham who received the original land patent. There are good indications that William Eastham married 2nd George Wilhoit's mother, Catharine Broyles Wilhoit, widow of Adam Wilhoit.

The deed phrase "son-in-law" at that time most commonly meant stepson or "son-by-law" and Wilhoit researchers, including Nancy Moyers Dodge, have found evidence in Hebron Church attendance records that George Wilhoit could well be William Eastham's stepson.

From NMD:

George Wilhoit's parents were Adam Wilhoit and Catharine Boyles.

Adam Wilhoit wrote his will 30 March 1763- Probated 21 July 1763 Witnesses to the will were:

John Wayland (m. Catharine, dau. of Jacob Broyle) Jacob Broyle (Brother of Adam's wife Catharine) and WILLIAM EASTHAM. (At this time, I do not know of any connection between Wm. Eastham and the Broyles or Wilhoits other than as neighbors.)

George Wilhoit would have been only age 10 or 11 in 1763.

Appraisers of Adam Wilhoit's estate were neighbors Wm. Walker, Ephraim Rucker & James Rucker.

3. Same land George Wilhoit got from William Eastham he now gives to John Davis for 5000 lbs. tobacco and "natural affection".

9 August 1784. George WILHOIT and wife, ELIZABETH to James DAVIS for 5000 lbs. tobacco and "also for the natural affection they have and do bear to said James DAVIS... 150 acres of land...corner to Thomas & John RUCKER...side of Neals Mountain...part of a patent formerly granted to George EASTHAM 6 Apr 1734.

[Culpeper Co., Virginia Deed Book M pp 305-307]

Note:

The phrase "for natural affection" usually indicates a familial relationship. Originally some Wilhoit researchers thought this might mean that James Davis or an unknown son married a daughter that George Wilhoit may have had by an unknown Eastham wife. However, that is highly unlikely. For one thing, James Davis would have been 30 years older than any daughter of George. No one has found evidence of a previous marriage for George Wilhoit (in fact, age factors alone make it unlikely). And we have not found evidence of any son of James marrying such a hypothetical daughter of George Wilhoit and an unknown first wife.

However, there could well be a more straightforward answer: that James Davis' first wife Margaret may be an Eastham. We can tell from names on records that James Davis' family and the Eastham's had many common associates, and the families probably knew each other even back in King William and King and Queen counties in the late 1600's. In 1760, James Davis and his father Benjamin Davis were involved in a Culpeper deed transaction with Robert Eastham Jr., James sold his Orange Co land with wife Margaret in 1766.

By 1777 James Davis was married to Mary Price, whose father had a land grant adjacent to Robert Eastham Sr. in Culpeper. Chain carrier for Robert Eastham's patent [year?] was James Graves who also witnessed Kalem Price's will in 1758. James Graves and his family had come from King William, where Benjamin Davis' son James Davis was born, and where the families undoubtedly had known each other. (The Davis' were related by marriage to another line of Graves.) In Spotsylvania, the families of James Graves and James Davis lived close together.

James Davis' possible brother William Davis bought Culpeper land in 1761 while still a resident of Spotsylvania, and the deed was delivered to James Graves who had already removed to Culpeper and owned land close to William's purchase. James Davis was granted Culpeper land in 1777 through his wife

Mary Price's inheritance, close to where Eastham, Graves, and James' brothers William and John Davis all had land.

James and his wife Margaret had a son Robert, not a name previously found in our Davis line. He might have been named for Robert Eastham, possibly Margaret's father, who died c1791 intestate (although there may be divisions of property that need to be checked.

From my file Wilhoit Eastham -- Notes NMD (also therein are Nancy's mentions of Catherine Broyles' then as Eastham attendance with her children at Hebron Church) – may want to put all this as an addendum:

Nancy Moyer Dodge presents I believe credible evidence that the wife of William Eastham named Catherine in the ___ deed was George Wilhoit's widowed mother, Catherine Broyles Wilhoit. This would make George Wilhoit a stepson of William Eastham. In the ___ deed William Eastham calls George Wilhoit his "son-in-law", and in Colonial documents "son-in-law" often meant stepson (ie, "son by law"), which seems to me to be the usage that best matches the direct and indirect evidence here.

When George Wilhoit sells this same parcel of land to James Davis in 1784, he sells for 5000 pounds of tobacco and "natural affection," indicating some kind of familial relationship between George Wilhoit and James Davis. I believe that the relationship may be through the Eastham's, especially since, so far, I cannot find any way that James Davis was related to George Wilhoit through George's mother or father or through any unknown daughter of George. The fact that James Davis was born about 1732 makes it highly unlikely that he was ever married to a hypothetical daughter of George Wilhoit (b. c1748-52) and a hypothetical first wife, allegedly an unknown daughter of William Eastham. Plus, in that scenario such a daughter of George Wilhoit probably would have been born no earlier than about 1769, thus only about 15 years old in 1784, the year of the deed to James Davis, who in that year would be about 52. (While such age differences certainly were not impossible, the age difference combined with the necessity of positing 3 hypothetical persons--unknown daughter of William Eastham, unknown first wife of George Wilhoit, unknown daughter of George Wilhoit and an unknown wife, the daughter of William Eastham--makes this relationship scenario seem rather forced and improbable.)

Instead, I think it more likely that James Davis' first wife Margaret may have been a sister of William Eastham, George Wilhoit's possible stepfather. Margaret died between 1766, when she and James sell their land in Orange County, and 1777 when James gets a share of a Culpeper land patent as the inheritance of his second wife Mary Price.

Although at this point it is only speculation, I think it feasible that James and Margaret may have moved from Orange to Culpeper in order to live near his brothers William and John Davis, and possibly her family, since the Davis brothers lived not far from Robert Eastham. Robert Eastham's Culpeper land was also near to long-time Davis family friend James Graves (a chain carrier on one of Eastham's Culpeper patents), and next to the patent of Kalem Price, whose daughter Mary later became James Davis' second wife. Also, Robert Eastham Jr (Margaret's would-be brother) and James Davis with his father Benjamin Davis were all witnesses on a Culpeper land transaction 26 December 1760.

1794

23 April 1794 – Deed from William WALKER to Thomas TERRY for £100, 100 acres, "all that messuage or Tenement" [where he now lives], adjacent to Benjamin DAVIS's line, John JACKSON's line, JAMES DAVIS's line. No witnesses. Recorded 24 April 1794.

[Source: Madison Deed Book 1, p. 68, Library of Virginia, Richmond, Virginia, abstract by Craig Kilby]

Note: This is after Benjamin has left for Georgia, and sold his land 1791 to Joel Graves.

23 September 1794 – Alexander SIMPSON & Anne his wife of Bromfield Parish, to John HARRISON. Land near the mountain called Neale Mountain in Fork of Rapidan and Robinson Rivers...50 acres...JAMES DAVIS's line at chestnut box oak...John JACKSON round the mountain...along Jackson's line...Joining Thomas TERRY...chestnut on Davis' line, the beginning.

Signed: Alexander Simpson, Anne (x) Simpson

Not witnessed. Rec. 23 October 1794.

On margin: "DD to John Harrison 7th Feby 1795."

[Source: Madison Co. Deed Book 1, p. 142, Deed Abstracts of Madison County Virginia 1793-1804, comp. Ruth & Sam Sparacio (McLean, Virginia: Private Printing, 1986). Joan has copy of original.]

Note:

Alexander Simpson and Ann "Nancy" Harrison are parents of Leroy Simpson who bought the land later called Allen Mountain Farm from ROBERT DAVIS' son James Davis and wife Sally Harrison, and ROBERT's widow Ann on 3 March 1817. Alexander Simpson, the grantor here, was a son of John Simpson whose land was adjacent to ROBERT's father JAMES' brother Benjamin DAVIS II (purchased 1775). Another bound of that land of Benjamin was his brother-in-law Thomas TERRY who was adjacent himself to JAMES DAVIS. (The JAMES DAVIS on all the Culpeper and early Madison records is ROBERT's father JAMES, not his son James who was not 21 until c1808.)

John Harrison, the grantee in this deed, was the brother of Anne/Nancy Harrison Simpson (wife of Alexander, granting her dower here). John and Anne/Nancy were also siblings of George Harrison whose daughter was Robert's son James Davis' wife Sally Harrison.

This deed below from Alexander Simpson's brother William Simpson shows more of the neighbors of JAMES DAVIS and his brother-in-law Thomas TERRY who lived adjacent to James:

1796

19 March 1796 – George EVE and Elizabeth his wife to ROBERT DAVIS, 162 acres, corner to John Jackson, Capt. William Kirtley, Thomas Sampson. Witnessed by William Eve, Merry Walker "witness for George Eve" and William Sampson.

George & Elizabeth Eve both sign by signature. Recorded 23 June 1796. On margin, "Examined & delivered Wm. DAVIS [son of ROBERT] Nov 30th 1815."

[Source: Madison County Deed Book 1, p. 395, Madison County Courthouse, Madison, Virginia]

Release of Elizabeth Eve's dower for sale above:

25 August 1796. Commission to Merry Walker, Adam Banks and William Eve Gents. Whereas George Eve and Elizabeth by Indenture 19 March 1796 sold 162 acres of land to ROBERT DAVIS, privately examined Elizabeth. Recorded 27 Oct 1796.

[Source: Madison County Deed Book 2, p. 16, Sparacio]

Note:

This land was part of the vast properties owned by Francis Kirtley Sr. (d. 1763). From there it passed to Francis' son James Kirtley, who sold to Francis' daughter Sarah Kirtley and her husband Jonathan Cowherd, then to Jonathan Cowherd Jr. to George Eve, who soon sold it to Robert Davis. (Robert's will erroneously refers to this as the land he bought from Jonathan Coward.) Francis Kirtley's daughter Mary

Kirtley and her husband James Collins were the grandparents of Mary Collins (daughter of Francis Collins), who married William Terry in 1817.

A deed of It seems that this 162 acres from George Eve, originally Kirtley land, is the land Robert gives to his son-in-law James Beck 1 Dec 1815. On the same date, Robert gives an adjacent parcel (on the east side, purchased from Jeremiah Jarrell) of 172 acres to his son William, reserving 50 acres as part of the land Robert and Ann were living at the time. (More DeedMapper platting is needed for all Robert's deeds.)

Simpson deeds in 1794 and 1796 show that their lands are surrounded also by Thomas Terry (husband of James' sister Sarah Davis), Augustine Rucker (father of Larkin, who married Thomas and Sarah's daughter Lucy Terry), John Jackson (whose son John Jr. married a Herndon, a family connected our Davis's in many ways), Merry Walker (whose parents and grandparents were with James in Orange County around 1760), and William Eve, son of Rev. George Eve (with Davis connections in King George County who are probably relatives of our line). James' brother Benjamin left for Georgia in 1791, but his land also was adjacent from 1775, when he bought land next to James (4 months later) from Merry Walker's parents William and Ann Merry Walker. This deed still records his name as bounds.

Get original to verify names.

5 February 1796 – A line of Joseph ROGERS, lines of Robert DAVIS, a line between Robert DAVIS & Joseph ROBERTS, present John BOOTEN.

[Source: *Madison County Processioners' Returns 1796-1800*, p. 24. Reel 28. Library of Virginia, Richmond, Virginia]

Note:

Robert DAVIS was James' son. Joseph ROGERS (Joseph Hale Rogers) was son of Joseph ROGERS and Lucy BURGESS. Her father was Thomas BURGESS, a carpenter and bridge builder, who sold JAMES DAVIS his Orange County property in 1758 (probably where Robert was born). John BOOTEN was the son of Ambrose and Thomagen RUCKER BOOTEN and half-brother of Larkin RUCKER who married JAMES DAVIS' niece Lucy TERRY in 1815. John BOOTEN was also the father of Richard C. BOOTEN, executor of James' will. Thomagen RUCKER was the daughter of Ephraim RUCKER who sold James his land on Elk Run in 1775. John BOOTEN's wife Frances CLARK was the sister of James CLARK, an executor of James' son Robert DAVIS' will.

11 April 1796 – William SIMPSON & wife Frankey of Parish of Bromfield, County of Madison to John RUCKER of same, for £20, 30 acres in parish and county aforesaid, corner to said [John] RUCKER and JAMES DAVIS, corner to said SIMPSON and RUCKER, on or near top of NEAL'S MOUNTAIN, corner on WALKER's line, corner to said WALKER and RUCKER, corner in or near George EASTHAM's line.

Signed: William Simpson, Frankey (x) Simpson

Witnesses: JAMES DAVIS, Augustine RUCKER, THOMAS (x) TERRY, Merry WALKER, Wm. EVE

[Source: *Madison Deed Book 2*, p. 28, *Madison County Courthouse, Madison, Virginia*]

1796 (Date not noted)

The lands of Thomas TERRY & John HARRISON, line between said TERRY and JAMES DAVIS processioned, both present...DAVIS also adjoins Angus RUCKER.

[Source: *Madison County Processioners' Returns 1796-1800*, p. 40. Reel 28. Library of Virginia, Richmond, Virginia]

Note:

Thomas TERRY was James' brother-in-law. John HARRISON was the brother of George HARRISON whose daughter Sarah married James' son Robert DAVIS' son James. John and George were most likely

related to the Andrew Harrison who got a 1728 land grant at Terrys Run in then Spotsylvania but later Orange County where James DAVIS bought land in 1758 from Thomas BURGESS.

The above deed from Alexander Simpson's brother William Simpson, shows more of the neighbors of JAMES DAVIS and his brother-in-law Thomas TERRY who lived adjacent to James, including George Eastham.

- - - - -

1799

15 February 1799 – ROBERT DAVIS buys from Estate of Thomas Kirtley, dec.

He helps appraise value

5 January 1800 – Abraham Kirtley m. Leah Simpson, daughter of Wm. Simpson 1805 - deed from Joseph Conrad & Obediah Anderson to Robert Davis, 9/26/1805. [*Madison County Deed Book 4, p. 148*] 450 lbs. for 320 acres, near Hood, Virginia.

1 December 1800 – Indenture between Adam Banks & Isaac Davis; ISAAC DAVIS & JEREMIAH KIRTLEY [brother of Elizabeth Kirtley who m. Isaac Davis, brother of a Robert Davis] legatees of WM. KIRTLEY

28 June 1804 – Robert Davis to take inventory for Thomas Terry, dec.

28 February 1799 – ROBERT DAVIS, Joel GRAVES, and Charles HUME returned appraisal of the estate of Thomas Kirtley.

Estate of Thomas Kirtley [#2]

"Know all men . . . we Frances Kirtley [#21], John Millar [#28/1], and Thomas Kirtley [#22] . . . bound . . . in the sum of ten thousand dollars . . . 24th January 1799. Condition of the above . . . that Francis Kirtley, executor of the last will and testament of Thomas Kirtley, dec'd, do make a true and perfect inventory . . . At a court held . . . 24th January 1799 . . . bond acknowledged and ordered to be recorded."

"Appraisal of the estate of Thomas Kirtley, deceased . . . value not totalled . . . made by appraisers Charles Hume [#213/1], Robert Davis, Joel Graves [#511/1]. Returned unto court 28th February 1799 and ordered to be recorded."

"An account of the sales of the part of the estate of Thomas Kirtley, dec'd, sold by Francis Kirtley, executor of the said estate . . . sold 15 February 1799 . . . total amount of sale £ 134.3.4. Returned into court 28th February 1799 and ordered to be recorded."

[Source: *Madison County Will Book 1, p. 212-217.*]

Note:

Francis Kirtley's daughter Mary Kirtley and her husband James Collins were the grandparents of Mary Collins (daughter of Francis Collins), who married William Terry in 1817.

1801

22 January 1801 – Merry Walker to John Walker, Jr., \$1000, ½ acre joining the publick lott whereon Court House stands bounded NW corner of said Lott at Locust Stake to Market Street, George Good. To pay rent of \$1.00 yearly on 1st of October to William Carpenter, Sr., and not to retail liquor without leave.

Witnessed by Alexander Hunton, George W. Hunton, JAMES DAVIS.

Recorded 22 January 1801. On Margin "DD to Jno Walker Jr. C.M.C. [Clerk of Madison County] Rec. 2nd July 1802.

[Source: *Madison Deed Book 2, p. 511, Deed Abstracts of Madison County Virginia 1793-1804 by Ruth & Sam Sparacio (McLean, Virginia: Private Printing, 1986), p. 101*]

1802

3 December 1802 – Alexander Garrell and Sarah his wife to Ailsey Tippitt, 150 acres on German Ridge bounded by Churchill Blakey, William Tate, Ailsey Tipitt, Edmund Gaines, John Wayland.

/s/ Alexander (x) Jarrell, Sary (x) Jarrell

Witnessed by Berryman Jennings, William Early, JAMES DAVIS.

Proved 26 August 1803

Teste: John Walker, Jr. CMC

Recorded 25 August 1803. On margin: Exam'd & deliv'd to Wm. Tippitt March 20th 1816.

[Source: *Madison County Deed Book 3, p. 434, Deed Abstracts of Madison County Virginia 1793-1804 by Ruth & Sparacio (McLean, Virginia.)*]

Note: Alexander Jarrell was related to Daniel Jarrell, husband of James' sister Mary (possibly the son of Daniel's brother Jeremiah). German Ridge was on the east side of the Rapidan, at that point sometimes called Staunton River, from now-Wolftown at the south up to Graves Mill. Churchill Blakey is on several deeds with James' son Robert. William Early was part of the large Early clan in Madison and related to Joel Early whose family went to Elbert Co., Georgia with James' brother Benjamin.

In 1780, Alexander Jarrell bought 150 acres adjacent to William Booten's land—"on the south end of the German Ridge" [CDBK:206], and Culpeper land tax records show Joshua Jarrell and Alexander's son William Jarrell lived on this land after Alexander moved next to Daniel Jarrell at the lower Rapidan in later 1782. [Culp Land Tax Lists 1782--1813. Reel 78, LVA] Land and personal property tax lists also show that Richard Jarrell lived just north or east of this German Ridge area among Germanna Colony neighbors. [Culp PP Tax, Reel 89, LVA] Joshua Jarrell bought land near Daniel in 1789 [Culp Land Tax 1789, MadDB1:17], and William Jarrell bought part of Daniel's land when Daniel left the area in 1793.

[MadDB1:9] In 1802, Alexander Jarrell sold his 150 acres on German Ridge to Ailsey Tippett.

[MadDB3:434-435, Sparacio; Joan has copy of original.] Scheel's historical map of Madison County shows a mountain on the southern part of German Ridge as being named "Tippett (Jarrell) Mountain" with a local road around its base named Jarrell Road that meets the main road, then called Kirtleys Road (now State Route 230), about a mile east of the crossroads center of Wolftown. (Scheel drew from earlier maps, historical documents, and local knowledge but does not state when the names originated or if they are still in use today.) [Eugene M. Scheel, *Historical Map of Madison County, VA, 1984*]

[This paragraph is also in Joan's Daniel and Mary Davis Jarrell Report, p. 8-9.]

1804

28 June 1804 – THOMAS TERRY Estate Administrative Bond; William TERRY, Administrator; John RUCKER and Robert DAVIS, security - \$5000

[Source: *Madison Will Book 2, p. 6, Madison County Courthouse, Madison, Virginia*]

Note:

William Terry was the son of Thomas Terry, husband of Sarah Davis, James' sister. John Rucker was a neighbor, son of Ephraim Rucker who sold Thomas' brother-in-law James Davis his land in 1775 to which Thomas lived adjacent. John Rucker's nephew Larkin Rucker married Thomas' daughter Lucy in 1815. Robert Davis was Thomas' nephew, son of James Davis.

23 August 1804 – JAMES DAVIS, John HARRISON, and John JACKSON presented to the Madison County Court the Inventory and Appraisal they did for Thomas TERRY's estate.

[Source: *Madison Will Book 2, p. 6, Madison County Courthouse, Madison, Virginia*]

Note:

James Davis was the brother of Sarah Davis, wife of Thomas Terry, whose land was adjacent to James. John Harrison and John Jackson were also adjacent neighbors, and John Jackson assigned his Madison County land grant to Thomas Terry in 1799. John Jackson Jr. married Mary Herndon, a great-granddaughter of Edward Herndon and Mary (Waller?) whose descendants have many connections with our Davis family. John Harrison was the uncle of Sarah Harrison who married James Davis, son of Robert Davis who was this James Davis' son. Sarah Harrison's father George Harrison and John Harrison were brothers of Ann "Nancy" Harrison who married Alexander Simpson. Their son Leroy Simpson bought Robert's land from his son James and widow Ann that became known as "Allen Mountain Farm" just west of Hood, Virginia. These Harrisons are almost certainly related to the Andrew Harrison whose land grant of 1728 was where James Davis bought in 1758, at Terrys Run, by then in Orange County just over the Spotsylvania line. John Harrison and two of his sons were purchasers of James' estate.

JAMES DAVIS - Land Tax Records 1782 - 1825

Culpeper County Land Tax Records 1782-1792

- 1782-84 James Davis, 50 acres
- 1785 Alterations. James Davis, 150 acres from George Wilhoit
- 1787-1789 James Davis, 50 acres and 150 acres
- 1790 Not listed
- 1791 List of John Gibbs. James Davis 50 and 150 acres.
- 1792 List of John Gibbs. James Davis 50 and 150 acres.

Madison County Land Tax Records 1793-1825

- 1793-1816 JAMES DAVIS, 50 acres and 150 acres.
- 1817 JAMES DAVIS, 50 and 150 acres, adjacent to Richard C. Booten, 7 miles SW of court house.
- 1818-1825 JAMES DAVIS, 330 acres on Cave's Road adj. Richard C. Booten. 7 miles SW of Court House. (No corresponding deed for the additional 130 acres)
- 1826-1829 NO DAVIS taxed for land

Starting in 1814, the lands of James Davis are listed as 7 miles Southwest of the Madison County Court House "on Cave's Road near the Rapid Ann meeting house bounded by William Terry and others."

1782-1813 - Personal Property Tax Lists for JAMES DAVIS

CULPEPER COUNTY PERSONAL PROPERTY TAX LISTS

1782 - List of Elijah Kirtley
JAMES DAVIS, slave George, 1 white tithe, 1 slave, 3 horses, 6 cattle, no wheels, £1.7.6
Also Benjamin, John and Robert DAVIS

1783 - List of Elijah Kirtley
JAMES DAVIS, negro George; 1 white tithe, 1 slave, 2 horses, 3 cows, tax £1.4.9
Also Benjamin, John and Robert DAVIS

1784 - List of Elijah Kirtley
JAMES DAVIS, 1 white male over 21, 1 slave over 16, 1 horse, 3 cattle; tax £1.4.6

Also Benjamin, John and Robert DAVIS

1786 - List of William Walker

JAMES DAVIS, 1 male, 1 slave, 2 horses, 4 cattle

Also Benjamin, John and Robert DAVIS

1787 - List of Goodrich Lightfoot

JAMES DAVIS, 1 male, 1 slave 16+, 2 horses, 5 cows

Also Benjamin, John, Robert, and Charles DAVIS (Charles, h/o Hannah Gaines, has no male tithes)

1788 - List of John Hume

JAMES DAVIS, 1 male, 1 slave, 2 horses

Also Benjamin, John, and Robert DAVIS

1789 - List of John Gibbs

JAMES DAVIS missing from list

Others were Benjamin, John, Robert, Charles, and Frederick DAVIS (prob.son of another elder John, almost certainly James' brother.)

1790 - List of John Gibbs

JAMES DAVIS, 1 male, 1 slave, 2 horses

Also Benjamin, Robert, Frederick DAVIS; John gone, moved to Georgia about 1791

1791 - List of John Gibbs

JAMES DAVIS, 1 male, 2 slaves, 2 horses

Also Robert DAVIS; Frederick missing; Benjamin gone to GA

1792 - List of John Gibbs

JAMES DAVIS, 1 male, 2 slaves, 2 horses

Also Robert and Frederick DAVIS

[Source: Culpeper County Personal Property Tax Lists 1782-1802, Reel 89, Library of Virginia, Richmond, Virginia; research by Craig Kilby November 2006, March 2007.]

This area now becomes Madison County, formed from Culpeper in 1793, with no separate districts.

MADISON COUNTY PERSONAL PROPERTY TAX LISTS

1793, 1794, 1795 - JAMES DAVIS missing from list; only Robert and Frederick DAVIS

1796

JAMES DAVIS - 1 male, 2 slaves, 4 horses

Also Robert and Frederick DAVIS

1797

JAMES DAVIS - 1 male, 2 slaves, 3 horses

Also Robert DAVIS; Frederick DAVIS missing

1798

JAMES DAVIS - 1 male, 2 slaves, 3 horses
Also Robert DAVIS; Frederick DAVIS missing

1799

JAMES DAVIS - 1 male, 2 slaves, 4 horses
Also Robert and Frederick DAVIS

1800

JAMES DAVIS missing; Robert and Frederick DAVIS on list

1801

JAMES DAVIS - 1 male, 2 slaves, 5 horses
Robert and Frederick DAVIS missing

1802

JAMES DAVIS - 1 male, 3 slaves, 4 horses
Also Robert with 1 son over 16, Frederick and Cudden DAVIS [Cudden of Orange Co., son of Joseph]

1803

JAMES DAVIS - 1 male, 3 slaves, 4 horses
Also Robert and Frederick DAVIS; Cudden missing

1804

JAMES DAVIS - 1 male, 3 slaves, 2 horses
Also Robert and 2 sons over 16, Frederick, and Cudden DAVIS

1805

JAMES DAVIS - 1 male, 3 slaves, 4 horses
Also Robert and 2 sons over 16, and Frederick DAVIS; Cudden DAVIS missing

1806

JAMES DAVIS - 1 male, 3 slaves, 4 horses
Also Robert and 3 sons over 16, and Cudden DAVIS; Frederick DAVIS now gone

1807

JAMES DAVIS - 1 male, 3 slaves, 5 horses
Also Robert and 3 sons over 16, Cudden and Walker DAVIS

1808 - Tax List missing

1809

JAMES DAVIS - 1 male, 3 slaves, 5 horses
Also Robert and 1 son, Robert's son William, Cudden and Walker DAVIS; 1 son of Robert (James?) missing

1810

JAMES DAVIS - 1 male, 4 slaves, 5 horses
Also Robert Davis, his 3 sons James, John and William DAVIS;

1811

JAMES DAVIS - 1 male, 4 slaves, 5 horses

Also Robert, sons James, John and William; and Walker DAVIS; Cudden & Henry gone from list

1812

JAMES DAVIS - 1 male, 4 slaves, 5 horses

Also Robert's sons James, John, and William DAVIS; Robert and Walker missing

1813

JAMES DAVIS - 1 male, 5 slaves, 4 horses

Also Robert, sons John and William, Walker DAVIS; Robert's son James missing

[Source: Madison County Personal Property Tax Lists 1793-1815, Library of Virginia (Reel 220). Researched by Craig Kilby March 2007]

U. S. Census

1810 - Virginia, Madison Co.

JAMES DAVIS: one male 45+; 11 slaves

1820 - Virginia, Madison Co.

JAMES DAVIS: one male 45+, 5 in agriculture, 12 slaves

In the 1820 census, there are only three DAVIS heads-of-house in Madison County. The other two besides JAMES DAVIS were Samuel and Walker, both 26-45 years old. They are not known (or likely) descendants of James, Benjamin or Robert, but I have not yet located their family ties.

Samuel Davis - - - - 1 -/2 1 - 1 - 2 0 slaves

Walker Davis 1 - - - 1 - /1 - 1 - 1 [1] 0 slaves [age 39 per Rockingham Co death record below]

After James' death in 1824, the only Davis in the next Madison County census (1830) is a John Davis,

WILL of JAMES DAVIS

Written 19 February 1817; Proved 28 October 1824, Madison County, Virginia

In the name of God Amen, I JAMES DAVIS of the County of Madison and State of Virginia calling to mind the uncertainty of life and certainty of Death do dispose of my worldly effects in manner following

Item 1st. I do hereby immediately after my decease set free and liberate my negro man George from bondage on account of his extraordinary merit and good faith with which he has served me.

Item 2nd. I give to my nephew WILLIAM TERRY one hundred and thirty acres of land to be laid off at the north end of the tract on which I now live in which the orchard and buildings are to be included and two negroes Bob and Rose and the increase from the date hereof and one hundred dollars and one wagon and gear to him and his heirs forever.

Item 3rd. I give to my niece SALLY TERRY two negro girls Beck and Eve and their increase from the date hereof but if in case my said niece Sally should die without leaving issue my desire is that the above named girl Eve and her increase shall fall to my niece LUCY RUCKER and her heirs forever; but in case my said niece Sally should have issue then my desire is that Eve and her increase and her heirs forever [5 words illegible due to striated microfilm copy] it is expressly understood that Beck and her increase is given forever.

Item 4th. I give to my niece LUCY RUCKER one negro woman Milly and her increase from the date hereof and her heirs forever.

Item 5th. I give my nephew JOHN TERRY one negro man Sam to him and his heirs forever.

Item 6th. I give to POLLY GULLY my bed bedstead and furniture and fifty dollars to her and her heirs forever.

Item 7th. I give to Elijah DeBOARD twenty dollars for partly building a house on my land.

Item 8th. My will and desire is that after my decease all the balance of my estate both real and personal of whatever nature or kind so ever it may be, be sold upon a credit of twelve months and the proceeds of such sale after paying all my just debts [go to] my BROTHER JOHN DAVIS [and] the children of my BROTHER BENJAMIN DAVIS and the children of my SISTER MARY JARRELL (that is to say my brother John to have one equal third part, children of my brother Benjamin one equal third part, and the children of my sister Mary the remaining equal third part to them and their heirs forever).

Item 9th. I constitute and appoint Richard C BOOTEN and WILLIAM TERRY executors of this my last will and testament hereby revoking all others. In witness whereof I have set my hand & seal this 19th day of February one thousand eight hundred and seventeen.

Signed Sealed & Delivered /s/ JAMES DAVIS

In the Presence of us

Wm JACKSON

Elijah DEBOARD

John ROWZEE, Jr.

Ambrose BOOTON

Will proved 28 October 1824 [over 7 years after it was written] by the oaths of Wm. JACKSON, John ROWZEE, Jr, and Ambrose BOOTEN. On the motion of Richard C. BOOTEN executor therein named, certificate of probate was issued in due form. William TERRY the other executor named having refused to take upon himself the execution thereof. [Commonly, only one executor served.]

[Source: Madison County Virginia Will Book 4, pp 312-313, Library of Virginia, Richmond, Virginia, transcription by Craig Kilby, confirmed by copy in my files. Minor changes to the original format and punctuation have been made to facilitate the ease in reading and interpreting. No spelling has been changed. Additions to the text by Craig and myself are enclosed in brackets.]

* * * * *

Inventory and Appraisement of Estate of JAMES DAVIS
Dated 29 October 1824; recorded 22 May 1828

Appraisal made by William MORGAN, John ROWZEE, Jr., and Joseph EARLY.

Includes 19 slaves George, Tom, Isaac, Bob, Moses, Beck & child, Rose, India (Judea?) & Liz, Nancy, Mary, Milley & 3 children, Matilda, Abraham, and Fanny; 6 plows, waggon & gear, 3 horses, cattle, hogs, sheep, still cap, apple mill, and 40 gallons of brandy.

Total appraised value of \$3,441.00

[Source: Madison County Will Book 5, p. 152, Madison County Courthouse, Madison, Virginia]

* * * * *

Sale of Estate of JAMES DAVIS
Held 2 December 1824; Recorded 24 October 1826

Purchasers were POLLY GULLEY, John COLLINS, WILLIAM TERRY, John C. HARRISON, Reubin C. Sims, John HARRISON, Richard C. BOOTON, John Terrill, Landon Harvey, James COLLINS, W. N. ROSE, Job Goodall, Elijah POWELL, Joseph EARLY (216 acres), John DAVIS [not brother, probably nephew John Jr], William Humphreys, GIBSON JARRELL, Francis Melion, Lewis HARRISON, ELIJAH JARRELL, David Seal, William W. McClun (or William W. M. Clun), Jacob Haines, William HARRISON, Thornton HARRISON, Joshua Gee, Gideon Dunn, Davis Boler, Aneas Bradley, Allen RUCKER, Edwin Nichols, Abraham JARRELL, James SIMPSON, Elijah DeBoard.

Debts due the estate from Larkin RUCKER, George C. King, William TERRY, Landon Harvey.

Total proceeds: \$3,717.28 1/2.

[Source: Madison County Will Book 5, p. 60, Madison County Courthouse, Madison, Virginia. Capitals added for persons either known to be related to James or connected in records with him or his family--JH]

DISCUSSION OF THE WILL AND PROBATE OF JAMES DAVIS

Part I: Notes on Some People Named in the Will

1. Brother BENJAMIN DAVIS lived adjacent to James in Culpeper County (later Madison County) from 1782 through 1790. He moved to Elbert Co., Georgia in 1791, where his will written 2 Sep 1796 (no place given) was recorded 24 July 1797. His will was witnessed by Elijah, Gibson, and Simeon JARRELL, sons (or sons and their cousin Simeon) of Daniel JARRELL and Mary DAVIS, named as James' sister in this will. Since the JARRELL's lived in Virginia in 1796, and Benjamin's will was not proved, only recorded, in Elbert County where he resided, it appears as though Benjamin was back in Virginia visiting the JARRELL's at the time he wrote his 1796 will.

2. Sister MARY JARRELL, wife of Daniel JARRELL, died after 1793 in Monroe Co., Virginia, now West Virginia. [Ref. *Madison County, Virginia DB 1:17*] It was their sons Elijah and Gibson and son or nephew Simeon JARRELL who witnessed James' brother Benjamin Davis' will. Elijah and Gibson were also purchasers of James' estate as well as heirs by his will. The family had lived about 10 miles south of James near Uno, Virginia and close to the Rapidan River border with Orange County before moving west in the mid-1790's. But many of Daniel's Jarrell family still lived in James' area, including brother Jeremiah Jarrell who lived very close, and sold land to James' son Robert in 1816, shortly before Robert's death.

3. Brother JOHN DAVIS is almost certainly the John DAVIS who lived near James DAVIS both in Spotsylvania and in Culpeper, and who moved to Pittsylvania Co., Virginia about 1784. There is a large body of evidence in records and family associations that connects John with brothers James and William and with their father Benjamin DAVIS I. Conversely there is no indication of any other Davis besides the elder Benjamin DAVIS who could be the father of these people. Nor is there any other DAVIS family with any evident connection with this John, with two exceptions: George Davis, John's apprentice, son of William Davis d. 1763 Culpeper, who had his own son John (married to Milon) who lived in Stafford and King George County; and William Davis of Pittsylvania who might be George's brother. This latter William had a proved brother Noir Davis, and no one by that or a similar name is found anywhere around John Davis in Spotsylvania or Culpeper, so seems in no way our John's brother.

I have found no other known John Davis who could be James's brother. There was a John DAVIS who resided for 8 years after the Revolution in same Culpeper (later Madison) County tax district as James. But while there might be a rather removed family connection, it seems highly unlikely he was James' brother, for the following reasons. This John DAVIS' Revolutionary War pension application states he entered the war from Culpeper where he lived until moving to Elbert County, Georgia in 1791. But it also says he was born 1754 in King William County, over 10 years after James' father Benjamin left King William and 10 years or more after the birth of Benjamin's youngest child (making this John about 22 years younger than James). In addition, the grandson of John DAVIS Revolutionary Soldier wrote a family history with the stated help of his father, John's son, that says the father of John (R. S.), also named John Davis, "disappeared" about 1765 after leaving from King William County on a trip "south." None of this fits with the pattern of records we have found for James, his siblings, or his likely father Benjamin Davis I (relationship by indirect, but strong, evidence). Likewise, in the will of John Davis R. S. in 1842 in Elbert Co., Georgia, none of the names mentioned have any known connection with our Davis family, even though James' brother Benjamin Davis II moved to Elbert County along with many other Culpeper area families about the same time as John R. S. This John may be an executor of James' brother Benjamin II's estate in Georgia in 1797, but even that is uncertain. (Since King William County records for the relevant time period were lost to fire, this John's father John is not known. But given that the younger John was in

Culpeper by age 23 and lived near James and siblings in Culpeper, John R. S. might be a grandson of Benjamin Davis I's brother John Davis of King William.)

A significant problem about James' "brother John" arises from the fact that the John DAVIS who seems by an abundance of strong indirect evidence to be James' brother John died in Pittsylvania County in 1808. This was 9 years before James' will was dated with wording as though his brother John were still alive. While that is very unusual, it is not unknown to happen. I have seen at least two other occasions in Colonial times of family members not known to be dead being named in a will, and have even read of a set of letters from a son to a mother who had died a number of years prior. John DAVIS' son Frederick lived near JAMES DAVIS and his sisters and brother Benjamin in Madison County, but Frederick left the Madison tax lists in 1806. Frederick DAVIS is named in his father John's Pittsylvania County will dated 27 February 1807 (proved 19 Sep 1808) and was bequeathed the land where John and his wife resided. But Frederick appears to have died by September 1809, since he is not included, as law would require, when John Davis' heirs sell Pittsylvania land at that time. If, as it seems, Frederick had been the long-time link between his father John and his uncle James after John left Culpeper in 1784, perhaps with Frederick gone and shortly thereafter deceased, then news had stopped. This is understandable in light of the fact that John's family in Pittsylvania seems to have had difficult times after his death. Administration of his estate was not assigned to his widow Frances until a year following his death after his two sons John and William refused executorship. Frances died in 1821, yet neither her nor John's estate was cleared up until eleven years later in 1832 (24 years after John's death), when two heirs were preparing to move to Missouri. James naming his brother in his will rather than only John's children, as was the case with his two siblings Mary and Benjamin II known to be deceased, meant that John would have the benefit of the inheritance if he were still alive, and if not his children would still get their share James intended.

The connections are numerous and strong linking the John Davis who died in Pittsylvania with James' father and family. If the John Davis who died 1808 in Pittsylvania County is not James' brother John, then I am completely at a loss who it could be, since in extensive research of all Davis's in the Culpeper County area I have found no evidence for any other possibilities. Strangely, and yet fortunately, except for the fact that James Davis is on several Culpeper deeds with his father Benjamin, the evidence in records for this John being Benjamin's son is some of the closest and most straightforward of all the other children.

4. All of the nieces and nephews named in this will are the children of THOMAS TERRY and SARAH DAVIS, sister of JAMES DAVIS. Four of Terry's children were not named: Mary Terry Gulley and James Terry were deceased, Joseph Terry and Nancy Terry Kelly were alive as of December 1817 when they signed a Madison County deed, but their residence then is unknown.

[Ref. Land Grant to Heirs of Thomas Terry 14 May 1811, Northern Neck Grants A, No. 2, 1805-1812, p. 409-411, Library of Virginia Reel 306, Library of Virginia, Richmond, Virginia, and Madison County Deed Book 6:253, heirs of Thomas Terry to widow Sarah Terry and son William Terry.]

By 1775 the TERRY's had lived adjacent to JAMES DAVIS and his brother BENJAMIN DAVIS, and as an adult James' son ROBERT DAVIS lived with his family just up the road, while sister Mary Jarrell was only 10 miles to the south. Since all of James' siblings except his sister Sarah Terry had moved away, almost all out of state, and after Robert's death in 1816 James' grandchildren were also leaving, it makes sense that he would leave the particular bequests of his will, mostly land and slaves, to his only family still near at hand and with whom he had obviously been very close.

Niece Lucy TERRY married Larkin RUCKER 21 February 1815, Madison Co., Virginia, thus named as Lucy RUCKER in James' 1817 will. *[Madison County Virginia Marriage Register 1, 1793 - 1905, Library of Virginia*

Reel 27] Larkin was the son of Thomagen RUCKER and her second husband, her cousin Augustine RUCKER, whose land shared a common third bound with JAMES DAVIS. Larkin was also the grandson of Ephraim and Margaret Vawter RUCKER who sold land to JAMES DAVIS in 1775, his first land of record in then-Culpeper County.

5. Polly GULLEY is the only child of Richard GULLEY and James' niece Mary TERRY. Mary TERRY GULLEY died before 1804. Polly/Mary's identity and her line of inheritance are specified in the 1811 land grant to heirs of Thomas TERRY. Polly also purchased from JAMES DAVIS' estate.

6. Executor Richard C. BOOTEN was related to Ambrose BOOTEN whose wife was Thomagen RUCKER, mother of Larkin RUCKER (h/o Lucy TERRY, above) by her second husband, her cousin Augustine RUCKER. Thomagen was the daughter of Ephraim RUCKER from whom James DAVIS bought in 1775 land now in Wolfstown, Virginia, where James resided at least from 1782 until his death. Richard BOOTEN's wife was Lucy SCOTT, who might be related to the Isaac SCOTT on a 1753 Spotsylvania County deed with James' father Benjamin DAVIS. That deed was for land sold by Edward HERNDON and his wife Mary (Brock) to their son Joseph, who with his brother Edward Herndon Jr. witnessed the 1758 purchase of John DAVIS' Spotsylvania land located near James' Orange County land purchased only a few weeks later.

7. William JACKSON, a will witness, was a son of John JACKSON who also lived adjacent to the DAVIS's. John Jackson, John Harrison, and JAMES DAVIS made the inventory and appraisal of James' brother-in-law Thomas Terry's estate in 1804. John JACKSON Jr's wife was Mary HERNDON, a granddaughter of William Herndon, brother of Edward and James Herndon who are on Spotsylvania and Orange County records with James' father Benjamin DAVIS I. Edward's sons Joseph and Ed Jr. are on a Spotsylvania deed with James Davis' brother John DAVIS. John DAVIS' granddaughter Amanda married William HERNDON. And John's son Frederick DAVIS bought land in Madison near James DAVIS from Eliot HERNDON also of that family line.

8. Missing from James' will is any reference to children or grandchildren, even though there is strong evidence he had both, who had lived almost next door. But the will itself, written when James was 85, gives clues as to why.

Records and associations seem to show clearly that ROBERT DAVIS of Culpeper/Madison, who lived nearby just up the road from James and his siblings at present-day Wolfstown was James' son. Among other records, we find:

1) It was ROBERT DAVIS who swore in Madison County Court to the legal heirs of James' brother-in-law THOMAS TERRY (who would be Robert's uncle) when a land grant for which Thomas had applied was issued after Thomas' death. [*Northern Neck Survey Book A, p. 54*]

With Thomas' brother-in-law JAMES DAVIS still alive and living next door to his family, why would the court accept the oath of Robert if he were not as close a relation as James? In fact, by blood ROBERT DAVIS as James's son would be even closer related to the heirs.

2) ROBERT DAVIS was also security on the administrative bond for THOMAS TERRY's estate by Thomas' son WILLIAM TERRY, who would be Robert's first cousin. [*MWB2:6*]

3) In the land processioning of 5 February 1796, ROBERT DAVIS was adjacent to JOSEPH ROGERS (Jr). [*Madison County Processioners' Returns 1796-1800, p. 24*]. JOSEPH ROGERS JR was a grandson of

THOMAS BURGESS, from whom JAMES DAVIS bought Orange County land in 1758 at Terrys Run, where James was residing when he sold the land in 1766. [ODB12:483, 14:202]

THOMAS BURGESS was a carpenter and bridge builder, as was James' father BENJAMIN DAVIS I, so was no doubt a friend of the family. As James' son, ROBERT DAVIS would have spent his childhood on the Orange County land from the grandfather of his Culpeper/Madison next-door-neighbor JOSEPH ROGERS.

The person recorded as present at the processioning of ROBERT DAVIS' and Joseph Rogers' was JOHN BOOTEN, brother of the executor of JAMES DAVIS' will REUBEN C. BOOTEN, who lived adjacent to James. [MWB3:312; Madison County Land Tax Records 1817, 1818]

JOHN BOOTEN was the son of AMBROSE BOOTEN and THOMAGEN RUCKER and half-brother to LARKIN RUCKER. Larkin was the husband of LUCY TERRY [Madison Marriage Register 1], daughter of THOMAS TERRY and SARAH DAVIS and JAMES DAVIS' niece and legatee.

THOMAGEN RUCKER was the daughter of EPHRAIM RUCKER and Margaret (Vawter) from whom JAMES DAVIS bought his first Culpeper/Madison land of record in 1775. [Culpeper County Deed Book H. p. 16, Library of Virginia.]

JOHN BOOTEN's wife was FRANCES CLARK whose brother JAMES CLARK was an executor of ROBERT DAVIS' estate. [Madison County Will Book 3, Reel 17, Library of Virginia, Richmond, Virginia.]

The mother of FRANCES CLARK and JAMES CLARK was Bathsheba SAMPSON whose father JOHN SAMPSON lived adjacent to JAMES DAVIS' brother Benjamin Davis, who lived adjacent to Thomas Terry, adjacent to James Davis. Citation needed.

4) One of the securities on the executor bond for ROBERT DAVIS' estate in 1816 was GEORGE WILHOIT [Madison County Will Book 3:238]. On 9 August 1784, George Wilhoit and his wife Elizabeth (Utz) sold 150 acres to JAMES DAVIS for 5000 lbs. tobacco and "Also for the natural affection that they have and do bear to said James Davis." [Culpeper County Deed Book M:305] The wording "for natural affection" usually indicated the parties were related by blood or by marriage. [Will Book 2, p. 6, Madison County Courthouse, Madison, Virginia]

Note: William Terry was Thomas' son. Robert Davis was Thomas' nephew, son of James Davis, brother of Thomas' wife Sarah Davis. John Rucker was a neighbor, son of Ephraim Rucker who sold Thomas' brother-in-law James Davis his land in 1775 to which Thomas lived adjacent. John Rucker's nephew Larkin Rucker married Thomas' daughter Lucy in 1815.

5 February 1796. A line of Joseph Rogers, lines of Robert DAVIS, a line between Robert DAVIS & Joseph Roberts, present John Booten. [Madison County Processioners' Returns 1796-1800, p. 24]
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I believe there is some evidence that James' first wife Margaret was a daughter of Robert Eastham. She had already died when Robert Eastham wrote his will, and he does not include any grandchildren of James and Margaret, but that in itself does not negate the possibility that Margaret could be his daughter. The most significant evidence other than numerous common Davis-Eastham associations is the deed to James from George Wilhoit "for natural affection."

Wilhoit researcher Nancy Moyer Dodge and others have discovered from Hebron Church records that George Wilhoit's widowed mother married second Robert Eastham's son William, so George Wilhoit was William Eastham's stepson. The land George Wilhoit sells to James "for natural affection" and 5000 lbs. tobacco was originally granted to George Eastham, then inherited by Robert Eastham, then his son William Eastham. William gifted the land to George Wilhoit, "my son-in-law", which in Colonial law meant "stepson" or "son-by-law" more often than an in-law by marriage (which it seems George was not). Also, on 22 December 1760 James Davis and his father Benjamin Davis witness the security bond for a deed of William Kelly [Jr] to John Dillard Jr. The deed itself was witnessed by an unusual array of people, including Robert Eastham Jr, William Eastham's brother. James' niece Nancy Terry later married William Kelly III.

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Robert died July 1816, and shortly thereafter Robert's remaining children and his widow began selling their Madison land in preparation to move to Kentucky. I believe it is very likely that James re-wrote his will "revoking all others" at this time in light of his son Robert's death and Robert's children's (James' grandchildren's) plans to leave the state. The last sale by Robert's widow Ann was dated 3 March 1817 in Madison County to Leroy Simpson.

Although of advanced years, James' will says nothing about being "sick and weak of body", and indeed he lived another seven and a half years. So apparently illness was not his motivation for this will. As was a common practice, James probably gave gifts of inheritance to his grandchildren before their departure, thus not needing to include them in his will. His revised will left some of his land and slaves to his nieces and nephews living adjacent to him. He then dispersed the assets from his remaining estate among other relatives, who while removed from the area, still had close contact with James as we discuss shortly.

9. Also missing are two other likely siblings of James Davis: WILLIAM DAVIS and unlikely sister ELIZABETH DAVIS COLLINS. William moved from Culpeper to Kentucky in 1781 with Elijah Craig's "Traveling Church" the core of whom were area Baptists. William Davis died in Fayette County, Kentucky in 1823. Elizabeth, whose maiden name and spouse come from John Frederick Dorman's "The Robertson Family of Culpeper Co., Virginia", married Lewis Collins in Spotsylvania about 1750 and moved to North Carolina before 1783, then as a widow went to what became Kershaw Co., South Carolina, where she died apparently before 1800. If Elizabeth was, indeed, Benjamin's daughter (the research to confirm that is still incomplete) she was probably the eldest sibling, born c1726.

James did not have direct involvement with any of William's and Elizabeth's children as he did with John's son Frederick who lived near James for 16 years at least until 1806, two years before John died and three years before Frederick died as well.

James' siblings Mary Jarrell and Benjamin left Culpeper/Madison in the early to mid-1790's, but there were other close ties that continued with them. Mary's sons' uncle Jeremiah Jarrell lived near to James. Shortly before James wrote his will, Jeremiah in 1816 sold land to James' son Robert, so we know the families were still involved. (In that same year 1816 in Georgia, Benjamin's son Benjamin Davis III named his son Garland, apparently for Jeremiah's son Garland Jarrell, with whom Benjamin III would have grown up). Benjamin Davis III lived in Elbert County Georgia until 1815-1820, where also resided Richard Gulley, father of James Davis' great-niece Polly Gully, legatee of James' will and probably his housekeeper. So, the Georgia branch of the family also would most likely have remained in close touch.

Of course, James was not obligated to include all, or even any, of his siblings in his will. But since he did, and since our proof of their identity and of the additional two siblings is only through indirect evidence, it

helps to account here for who is named, who not, and why. Yet even taking into account the odd situation with brother John, nothing seems to disprove by fact or by logic the five likely siblings of James that our research indicates are all children of Benjamin Davis I.

Part II: Notes on Appraisal and Inventory of the Estate

Joseph EARLY was the son of Joseph Early (d. 1783, Culpeper) and grandson of Jeremiah Early (d. 1787, Orange). James and his family's connections with the Early's are numerous and intertwining, at least in part because the Culpeper/Madison branch lived nearby. Joseph Early Sr. lived across Ephraim Rucker's land from James and his siblings Benjamin II and Sarah Terry. Close also was Joseph's brother Joel Early, who moved his family to Wilkes/Elbert County, Georgia shortly before Benjamin II moved there, and the families remained connected in Georgia. In 1820 in Georgia Benjamin II's son Benjamin Davis III named his son for Joel's son Eleazer Early with whom the youngest Benjamin would have grown up in Culpeper.

Joseph Rogers Jr. was married to Ann Early, sister of Joseph and Joel Early. Joseph Rogers Jr. had land adjacent to James' son ROBERT DAVIS. Joseph Rogers Jr. was the grandson of Thomas Burgess, from whom James Davis bought land in 1758 in Orange County near Terrys Run on the old Andrew Harrison patent. (This was probably where his son Robert Davis was born.) Another sister, Sarah Early, married William Kirtley with land adjacent to JAMES' son ROBERT.

To be continued, including other Kirtley connections, also with the Isaac Davis family Albemarle. Joseph Early Jr. also bought all of James' remaining unbequeathed land. Etc.
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Part III: Notes on Some Purchasers of the Estate

1. John COLLINS and James COLLINS were relatives (probably the brothers) of Polly COLLINS who married on 15 September 1817 William TERRY, JAMES DAVIS' nephew, heir, and a named executor. [*Madison Co., Virginia Marriages, Vogt*]. Polly was listed in the marriage record as daughter of Frances COLLINS. His parents were James COLLINS and Mary KIRTLEY, daughter of Francis Kirtley whose land was near James DAVIS in Culpeper/Madison. Mary Kirtley was also the sister of William Kirtley who married Sarah Early, Jeremiah's daughter. Some of William Kirtley's inherited land later became the property of Robert DAVIS, James' son.

On 16 August 1756, 300 acres of land then in Orange County was granted to Honourous Powell for importing 6 persons. [*PB33:243*] These included a William Sims and a James Collins. (Headrights were bought, sold and transferred like currency and were sometimes used many years after issuing.) This may be the James COLLINS who married Mary Kirtley, and William Sims may be related to Reubin C. Simms, another purchaser of James Davis' estate.

James' brother John Davis died in Pittsylvania County, Virginia in 1808. His daughter Sally married Robert Powell, who posted administrative bond for widow Frances Davis in 1809. Robert Powell was almost certainly of the Powell family, including Honorius, who had land in the part of Culpeper near James Davis.

2. John HARRISON lived adjacent to JAMES DAVIS. The Harrisons were related to Andrew HARRISON who got a 1728 land patent at Terrys Run then in Spotsylvania County, James Davis bought part of this

land in 1758, then just over the Orange County line. John C., William, Lewis and Thornton HARRISON were sons of John. Thornton HARRISON was married to Lucy TERRILL, sister of John TERRILL also an estate purchaser.

John's brother George HARRISON had a son John HARRISON who married George WILHOIT's daughter Sarah. George WILHOIT seems to have a familial relationship with JAMES DAVIS, since when George and wife Elizabeth Utz sold Culpeper land to James in 1784 it was for 5000 lbs. tobacco and "natural affection." George WILHOIT also posted security on the executor bond of the estate of James' son ROBERT DAVIS. George HARRISON's daughter Sarah married Robert DAVIS' son James Monroe DAVIS.

3. Reuben C. SIMS was married 22 October 1812 in Madison County to Frances GRAVES, granddaughter of Thomas Graves of Graves Mill, not far up Kirtley Road from where James and the Davis relatives lived at now the center of Wolfstown. Thomas Graves' son Joel Graves bought JAMES DAVIS' brother Benjamin II's land when Benjamin moved to Georgia in 1791. Reuben C. Simms lived near James, and when Reuben he left for Illinois in the 1830's, he sold his land to William N. ROSE, another purchaser of James' estate. The old "Rose Tavern" house still stands today, about 2 miles south from the Wolfstown crossroads, possibly on land previously owned by Benjamin Davis II.

4. John DAVIS who purchased from James' estate was probably his brother John's son John. John Jr. was living in Pittsylvania County, where his father and family had moved from Culpeper about 1784, so it would not have been hard for James' executor to locate heirs of his brother John. Where John Jr. lived in Pittsylvania was about 140 miles from Madison County, but the road was the well-traveled Old Philadelphia Wagon Road, and at age about 45 John Jr. could have made the trip with no trouble in 3-4 days. The distance was less than half as far as what it would take the Jarrell brothers to come from Boone County, Virginia/West Virginia. John Jr. was born in Culpeper County, and it was his brother Frederick who lived near James for 16 years before leaving for Pittsylvania himself in 1806, where he died 2-3 years later.

James Davis' estate sale was held December 1824. There is no John Davis in the 1820 Madison County census, but there is one age 30-40 (wife 20-30) in 1830 but gone by 1840. So, there is a chance that the purchaser John Davis may be just a recent arrival and temporary neighbor, glad to buy equipment or supplies.

5. Elijah JARRELL and Gibson JARRELL were sons of James DAVIS' sister Mary, and were included in James' bequest to "children of my sister Mary Jarrell." At the time of the estate sale Elijah and Gibson were residents of Boone County, Virginia (now West Virginia) where their family had moved after leaving Madison in the mid-1790's. Elijah's and Gibson's uncle Jeremiah JARRELL (brother of their father Daniel JARRELL) lived near JAMES DAVIS and family, and also sold land to Robert DAVIS shortly before Robert's death. This land appears to have had a shared third boundary with the land James' brother Benjamin owned before leaving for Georgia which was adjacent to the property of his brother JAMES DAVIS and brother-in-law Thomas TERRY. It was Mary JARRELL's sons Elijah and Gibson and son or nephew Simeon JARRELL who witnessed James' brother Benjamin's 1796 will, probably on a trip by Benjamin back to Virginia.

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