

*[The following report was begun by Joan Horsley prior to June 2008.  
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## **BENJAMIN DAVIS (II)**

**(1736 - 1797)**

**Virginia to Georgia --  
Carpenter and Revolutionary War Soldier**

Research Report by

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Based on her research as of June 2008

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

Note: seeing as this report was completed prior to June 2008, details found in later reports of Benjamin II's father and siblings could have a bearing on and/or could be added to what is found here.

# Benjamin Davis (II)

## (1736-1797)

### OVERVIEW

#### **BENJAMIN DAVIS (II) (1736 – 1797)**

#### **Virginia to Georgia - Carpenter and Revolutionary War Soldier**

Born 1736 in King William (or Caroline) County, Virginia

Grew up in Spotsylvania County, Virginia

Residence by 1775, Culpeper County, Virginia

A carpenter like his father

Served in the Revolutionary War 1777-1779

Moved to Elbert County, Georgia 1791

Married to Mary \_\_\_ (Bush?)

Died bet. 02 September 1796-24 Jul 1797 as resident of Elbert County, Georgia

Will dated 02 September 1796, recorded in Elbert County Court on 24 July 1797

### THE BENJAMIN DAVIS (II) FAMILY

Benjamin Davis (II) b. 1736 in King William Co., VA, d. bet. 02 Sept 1796-24 Jul 1797 in Greenbrier Co., Virginia/West Virginia. Resident of Elbert Co., Georgia. He m. Mary \_\_\_ in probably Culpeper Co., VA, [possibly the daughter of Edward Bush (alias Ridly)]. She was b. in Culpeper Co., VA, d. bet. 18 Nov 1790-02 Sept 1796 in Elbert Co., Georgia.

#### **Children of Benjamin Davis (II) and Mary \_\_\_:**

1. Ann Morning, b. abt 1776 in Culpeper Co., VA; d. aft 1796 in Georgia(?).
2. Mary, b. abt 1778 in Culpeper Co., VA; d. aft 1796 in Georgia(?).
3. Elizabeth, b. 03 Jan 1780 in Culpeper Co., VA; d. aft. 1860 in Elberton, Elbert Co., Georgia.
4. Benjamin (III), b. 13 May 1781 in Culpeper Co., VA; d. 03 Apr 1867 in Dahlonga, Lumpkin Co., Georgia. He married Martha "Patsy" Wansley on 10 May 1810 in Elbert Co., GA, daughter of John Wansley and Mildred Whitten. She was b. 01 Mar 1781 in Albemarle Co., VA; d. 10 May 1868 in Daglonga, Lumpkin Co., GA.

## A Narrative of the Life of Benjamin Davis (II)

Benjamin Davis II's father cannot be proved absolutely because no will or like document exists. But there is strong indirect evidence from numerous primary documents that Benjamin was the son of another Benjamin Davis (I), a master carpenter and builder of note in Spotsylvania and Culpeper County, Virginia. Benjamin Davis I was the original Davis of Davis Street, today still the heart of the county seat town of Culpeper, Virginia.

Benjamin Davis II's siblings included James Davis, John Davis, Sarah Davis (wife of Thomas Terry), and Mary Davis (wife of Daniel Jarrell), as proved in the will of James Davis written 19 February 1817, Madison (formerly Culpeper) County, Virginia. Strong indirect evidence shows another brother to be William Davis who died in Fayette County, Kentucky 1823.

Again, there is no primary document to prove the father of Benjamin's father Benjamin Davis I. But likewise, there is strong indirect evidence that Benjamin Davis I was the son of William Davis and Mary White of King William County, Virginia. William Davis is the proved son of John Davis of Queens Creek, York County, Virginia, a cloth merchant who came from England about 1635. John Davis died in 1664 with a son Thomas and son Benjamin in addition to William. That Benjamin Davis died in his teens before 1673, and Benjamin Davis I was probably named for him, with the name Benjamin passed down through his line for at least four more generations.

Benjamin II's likely grandmother Mary White was the proved daughter of Henry White and Mary Croshaw and granddaughter of Joseph Croshaw, both of York County, Virginia. William and Mary White Davis also had proved children John Davis and Sarah Davis wife of William Holloday, all of King William County. There were two other proved children who survived to a King William deed record of 19 May 1702 but these two are unnamed in the deed. One definitely seems to be Benjamin Davis I, and the other probably a son William Davis who died in Culpeper County in 1763 only a few weeks before Benjamin Davis I died in Culpeper as well.

Benjamin Davis II was a carpenter as were his father Benjamin and brother John Davis. Like all skilled craftsmen, carpenters in Colonial days were both essential and scarce, thus all the more valued in their communities. Carpenters of that time acted as the architects, civil engineers, and developers of their day. Benjamin could read and write as could all skilled craftsmen who served apprenticeships, but the wording and form of his will indicates he was well educated beyond the essentials. From about age 6 to 21 he lived in Spotsylvania County and could have attended a school in Fredericksburg run by Rev. James Marye, rector of St. George's Parish Church whose family had connections with Benjamin's. Also, Benjamin's father, Benjamin I, built the first addition to the St. George's Parish Church in Fredericksburg in the mid-1750's.

We have no first-hand information about Benjamin II from primary records until 1775, perhaps in large part because many of Culpeper's pre-Revolution record books have not survived, and possibly also because Benjamin was the youngest son. Most likely Benjamin moved to Culpeper from Spotsylvania when his father moved there in 1757. The younger Benjamin was just 21, and he is not found subsequently in Spotsylvania records. His early adulthood was probably spent living and working with his father in the family carpentry business. After his father's death in Culpeper in 1763, perhaps Benjamin worked with his eldest brother John, a master carpenter with apprentices, as was his father Benjamin I.

By 1759 their father Benjamin I had built houses on Culpeper land he was leasing from his Spotsylvania neighbor Robert Coleman. In that year Coleman broke the lease with Benjamin in order for the town of Culpeper to be established on Coleman's land, which he then subdivided and sold as town lots. The Act of the Virginia Assembly that created the town of Culpeper (then called Fairfax) specifies that Benjamin was allowed to keep his houses at a small reduction in land rent for the duration of his lease, but no lease record remains and the length of the terms is not known. However, Benjamin's sons Benjamin II, James and John all buy their first Culpeper properties of record between 1775 and 1778. (Their likely brother William, a planter, had already bought Culpeper land in 1761 and moved from Spotsylvania by 1765 to reside some miles north of Culpeper town, near where James owned land in 1777 and where John resided probably also from around that time.) Given the sons' land purchases, it may be that the Coleman lease ran out about 1775, and possibly the three brothers may have lived in Benjamin I's houses in Culpeper town during some of the interim years.

Benjamin Davis II married before about 1772 since he had at least 4 children born by 1781, when his apparently youngest child and only proved son Benjamin Davis II was born. (He was absent 1777-1779 in Revolutionary war service.) In 1790, his wife's name on a deed record was "Mary", and we assume she was the mother of at least the four children named in his will. (The problems of Mary's last name and identity are discussed under Notes for her.) In 1772 Benjamin would have been about 36 years old, somewhat later than genealogists consider "average age" to marry for the first time. Although it seems men in this family and among their cohorts did marry later than the presumed average, that is in their 30's to early 40's rather than 20's, still it is possible Benjamin had earlier children and even a first wife of whom we as yet have no knowledge.

Benjamin was living in Culpeper when the Revolutionary War began. He served in the Revolutionary War from March 1777 to March 1779 and was among those at Valley Forge the winter of 1777-8. His service record shows that of his 24 months in the army he spent 16 of those in one of several hospitals and was discharged after only two years, still too ill to complete the three years for which he had enlisted. Like many other things about Benjamin's life, the cause of his illness and prolonged recovery is a mystery. (A detailed discussion of his service record is in the Timeline of Records following this narrative. A separate report on Benjamin Davis in the Revolutionary War is in Addendum I at the end of this report.)

In 1775 Benjamin and his brother James bought almost adjacent land in the southeastern part of Culpeper County. It was here that Benjamin lived and raised his family for the next 15 years. Benjamin's home was on 36 acres at today's Wolfstown, Virginia in the foothills of the Blue Ridge Mountains with the highest peaks of today's Shenandoah National Park in the distance. That part of Culpeper County became Madison County in 1793.

At Wolfstown, Benjamin was surrounded by two of his siblings and their families. Benjamin lived next to his sister Sarah and her husband Thomas Terry. On another side lived his brother James Davis, whose son Robert Davis was just up the road. Benjamin's sister Mary and her husband Daniel Jarrell lived about 10 miles south at the Rapidan River on the Culpeper border with Orange County. Benjamin's brothers John Davis and William Davis resided in the northern part of Culpeper County, where his brother James' wife's family had lived, along with numerous of their former Spotsylvania close neighbors and friends. About the time Benjamin moved to Georgia, his nephew Frederick Davis, son of his brother John Davis, moved close to the Davis siblings at Wolfstown. Frederick's father John and the rest of John's known family had left Culpeper County about 1784 to locate 150 miles south in Pittsylvania County. This was shortly after Benjamin's brother William Davis moved from Culpeper County to Fayette County, Kentucky with Baptist minister Elijah Craig's "Traveling Church" towards the end of 1781.

Ten years later, Benjamin and his family joined the general wide-spread exodus from a Virginia still struggling economically from the effects of the Revolution. Following the War, new lands had opened up for settlement to the west such as the vast Kentucky Territory, and to the south such as Georgia where the program of Native Indian "removal" needed settlers to claim and establish themselves on the "vacated" lands. Even in the newer areas of southwestern Virginia itself as well as in Kentucky, the Carolina's (including Tennessee, which until 1796 was part of North Carolina), and Georgia larger tracts of land were available for lower prices per acre, often subsidized by grants and homesteading laws. This economic impetus to relocate was complimented by a general post-war desire for new lives and new opportunities in the new country won at such high and long-term costs to individuals and their communities.

On 18 September 1790, Benjamin and Mary sold their Wolftown land in preparation to move with at least four of their children from Culpeper County, Virginia to Elbert County, Georgia. A number of Virginia friends and neighbors had already made their way to Elbert (formerly Wilkes) County, Georgia, sometimes settling a while in northern North Carolina before moving on to Georgia. Benjamin and his family probably left Culpeper during the Winter of 1790-1791, as the time between fall harvest and spring planting was the preferred time to migrate South. They most likely traveled in the company of Culpeper area friends and neighbors, making their way down the Great Philadelphia Wagon Road that ran along the eastern side of the Appalachian Mountains. The Great Wagon Road was the "interstate highway" of its day, following a path first used by migrating buffalo and then Native Americans long before it became the major north-south transport route for early American settlers. The road took Benjamin and his family roughly through Danville Virginia, to the Moravian settlements at today's Winston-Salem North Carolina, on to Salisbury and Charlotte North Carolina, then Newberry South Carolina, and southwest across the Savannah River into Elbert County, Georgia.

Once in Georgia we again encounter a mystery regarding Benjamin's life. Contrary to several published accounts, no record exists of this Benjamin Davis obtaining his property in Elbert County either by grant or by deed of purchase. (The only Benjamin Davis who got a land grant in Elbert County is proved by primary records not to be our Benjamin. Details are in Timeline of Records below and in Addendum II at the end of this report.)

We know only from Benjamin's will that he did own land in Elbert County. In 1804, his son Benjamin (III) then age 23, sold 64 acres located on Coldwater Creek. Presumably this Coldwater Creek property was land that Benjamin III inherited and the location of his father Benjamin II's Elbert County residence.

That property is near the Savannah River about 3 miles north of today's Ruckersville. The Culpeper/Madison Rucker's had been close neighbors and friends of Benjamin II's family. His brother James Davis bought his first Wolftown area land in 1775 from Ephraim Rucker, who with his family remained close neighbors and friends. Ephraim's grandson Larkin Rucker married Benjamin II's niece Lucy Terry who grew up next to Benjamin in Virginia. The Culpeper/Madison Rucker's were related to the Rucker's of Ruckersville, Virginia, then in Orange County (now Greene), and to the Rucker's who incorporated the town of Ruckersville, Georgia in 1822. The town was near land where that branch of the Rucker family had lived since 1785 when they moved from Virginia.

This Coldwater Creek land that Benjamin III sold was originally granted to Lewis Stowers, whose family had lived not far from Benjamin in Culpeper County. (See Notes for Benjamin Davis III for more information on the family interconnections.) Probably Benjamin II bought the land from Lewis Stowers upon his arrival in Georgia, as Lewis by that time owned several tracts in the general Elbert County area. No record exists that gives the number of acres in this Stowers grant or the part sold to Benjamin. But we

might assume from Benjamin's profession as carpenter, not farmer, and from his 15-year history of owning only 36 acres in Virginia, that his Georgia property was no more than average size (100-200 acres at the most) and used as his will indicates--for personal farming and for building houses to lease for income rather than for cultivation of crops to sell or trade. As a carpenter, Benjamin also could have used his land to supply himself and others with building timber.

The absence of slaves to help develop the land is another indication that Benjamin's Elbert County property was probably modest. Virginia and Georgia census and tax records show that neither Benjamin Davis II nor his son Benjamin III owned slaves, and there is no indication in existing records that Benjamin I owned slaves. In each case this seems to have been a choice, since they were all of the means and social group to be slave-owners, and all of Benjamin II's brothers and brothers-in-law owned slaves.

Much that has been published in early books and disseminated in recent years through the internet has confused our Benjamin Davis II's family with various unrelated Davis's (including Jefferson Davis), resulting in a significant amount of erroneous information and invalid assumptions when compared to primary documents (i.e., those written at the time of the event). The source and amount of Elbert County land owned by this Benjamin Davis (II) is a good case in point. Such confusions seem to have come about due to early unavailability of or access to historical records--a common problem prior to archival and technological advances of the later 1900's, failure to investigate adequately the available original primary documents in order to distinguish among same-named people where the surname of Davis was ubiquitous, and use of faulty compilations or abstracts. Although no family history is ever "finished" and mistakes of interpretation or identification are bound to be made (including by myself), new discoveries of early records and modern standards of genealogical research improve our chances for accuracy over the methods of earlier generations. (I address some of these Davis confusions in detail in the Timeline of Records which follows this narrative, in Addendum II on Pulliam's Mill that follows a report below on Benjamin's war service, and in my report on John Wansley's wife Amelia Barber. I refer the reader to those sections for more explanation.)

Benjamin Davis II died between 2 September 1796 and 24 July 1797, and even Benjamin's death is surrounded by mystery. His will, written 2 September 1796, was witnessed by his nephews Gibson, Elijah, and Simeon Jarrell, sons of Benjamin's sister Mary Davis and her husband Daniel Jarrell (Some think that Simeon may be a cousin rather than brother of the other two proved sons of Daniel Jarrell.) The Jarrell's had lived about 10 miles south of Benjamin near today's Uno, Virginia, but left the end of 1793 or very early 1794. By the early 1800's the Jarrell family was settled in Monroe County Virginia, now West Virginia. Daniel Jarrell died in Monroe County in 1804, and sons Elijah and Gibson were named as his executors.

The question regarding Benjamin's death becomes, where were the three Jarrell brothers living when they witnessed Benjamin Davis II's will in 1796? None of the Jarrell's were on the Land Tax Lists of 1796 for Greenbrier County, Virginia, the parent county of Monroe formed 1799. There is no evidence or suggestion in Georgia records that any of these three Jarrell's were ever in Georgia, much less the three together. They were all farmers and in 1792 apparently still living in their parents' home. It seems highly unlikely they would leave on an extended trip to Georgia together, particularly since the will was signed the beginning of September, right at harvest season.

The more likely explanation is that Benjamin for some reason had traveled back to Virginia where he wrote his will and had it witnessed after taking ill or getting injured or otherwise concerned he might not get back home to Georgia. (His will does say that he was "sick but of perfect memory...") That Benjamin's

will was written and signed somewhere other than Elbert County is also supported by the fact that the will in Elbert County was only entered into the record as "recorded" (as it would need to be for his property claims and the residence of his legatees) but never "proved" in Elbert County Court by the oaths of its witnesses as was commonly required by law. Whether Benjamin himself did in fact return to Georgia before dying or whether his will was delivered to Elbert County only after his death elsewhere is another unknown. No grave has been found for Benjamin Davis II.

Benjamin's wife Mary signed their 1790 Culpeper deed of sale but is not named in Benjamin's will, indicating she had died in the interim. (Could Benjamin have been traveling back to Virginia to bring home to Georgia another wife and mother for his children, at least one of whom was still in his mid-teens?) Benjamin's 1796 will names unmarried daughters Ann Morning, Mary, Elizabeth, and son Benjamin Davis (III), who was 16 at his father's death. The will indicates the children were living in the same household at the time. Benjamin makes particular provisions for the support of his minor son, and sets forth plans regarding the future distribution of his estate when his children "break up house keeping so as to separate from one another."

There is a final mystery that Benjamin Davis II presents to us: that is, who is the John Davis named in his will as his executor? After exhaustive searching, John's identity is still not clear. The John Davis who is Benjamin's brother lived in Pittsylvania County, Virginia after 1783, and died there in 1808, so given the geographic distance from Elbert County, Georgia, he is unlikely to be Benjamin's executor. The next possibility is John Davis, Revolutionary War soldier born in King William County, Virginia, thus possibly a distant relation, who lived in the same tax district with Benjamin in Culpeper County and moved to Elbert shortly before Benjamin did. There are very few records for this John Davis in either Culpeper or Elbert County to show names of his friends or associates, and none of those names connect closely, if at all, with Benjamin's family. However, his son John Davis Jr. named one son John Jones Davis and another son Littleton Early Davis (per unverified online information). A "Mr. John Jones Sr" was another executor named in Benjamin's will, and Benjamin's family in Culpeper and Elbert had close ties with the family and descendants of Jeremiah Early. This name association may indicate, as other records do not, an Elbert County association between Benjamin Davis and John Davis, Revolutionary Soldier, who could be Benjamin's executor. There are several other John Davis's in the Elbert County area who may be distant relatives from Virginia and cannot be ruled out as possible executors, but available information about them is extremely scanty. We are left with the question of Benjamin Davis II's executors as yet another still-unsolved mystery of Benjamin Davis II's life and death.

The mysteries of Benjamin Davis' life have afforded an opportunity to look into details of his life beyond what more straightforward records might have yielded. In time with more research and advances in tools such as DNA studies, hopefully we can get a clearer idea of Benjamin and his life. But the unknowns remind us that all lives are individual and no matter how ordinary any one person may appear on the surface, each life has essential mysteries beyond what public or family records can convey.



## Timeline of Records for Benjamin Davis (II)

### 1736

Benjamin's birth year of 1736 and birthplace of Virginia is given in the 1896 obituary of his grandson James Madison Davis that begins:

"James Madison Davis was born July 30, 1812, in Elbert County, Georgia. He was the son of Benjamin Davis Jr., who was born May 13th, 1781, in VIRGINIA. His grandfather was BENJAMIN DAVIS, born 1736, of WELSH descent."

*[Source: "The Lafayette Sun", Lafayette, Chambers County, Alabama, 1896, reprinted in "Tap Roots" (East AL Genealogical Society Publication), Vol 5, No. 3 p. 118 (Jan 1968). Caps mine. The full transcription of that article is under Notes for James Madison Davis.]*

### Notes:

Benjamin's county of birth was probably King William County, Virginia. That was where Benjamin Davis I was born and where the family appeared to reside before moving about 1742 up the Northanna River, also called the Pamunkey, to Spotsylvania County, which had been formed in 1721 from the northern part of King William. Since almost all early records for King William were burned in a courthouse fire, Benjamin I's exact residence cannot be proved prior to February 1742/3. However, there is abundant indirect evidence that Benjamin Davis I was the son of William Davis and Mary White who lived in the part of New Kent County that became King and Queen, then King William County. In the absence of records for him elsewhere in surviving records for surrounding counties, we can assume the family was still in King William prior to their move to Spotsylvania. Although the senior Benjamin does have one court record in Caroline in 1743, it seems he only did some work there while he resided in the adjacent counties (Caroline was formed 1728 from the northern part of King William that was adjacent to Spotsylvania).

William Davis, Benjamin I's probable father, was the proved son of John Davis of Queens Creek, York County, Virginia who died 1664. John was a cloth merchant and appears to be the former employee of Richard Perry of the Merchant Taylor's Company of London. For those reasons among others, this John may have been the John Davis who served an apprenticeship with the Merchant Taylor's Company before coming to Virginia about 1635. Records from the Guildhall Library in London show that apprentice John Davis was born in Shropshire, England. Shropshire is located on the border with Wales, and historically has always had a significant number of Welsh residents. This fits with the "Welsh descent" mentioned in James M. Davis' obituary.

### 1775 - Purchase of land Culpeper County, Virginia

18 September 1775 - William Walker of Culpeper Co. and wife Ann, to BENJAMIN DAVIS, CARPENTER of Culpeper Co., 30 acres in Bromfield Parish, Culpeper Co., bounded by Thomas Terry, John Simpson, Thomas Sampson, John Forrester, Kirtleys Road and "the road from the mountains to Caves Ford." No witnesses. Rec. same day.

*[Source: Culpeper County Deed Book H: 131-133 (Reel 5), Library of Virginia, Richmond, Virginia]*

Extract of deed with metes and bounds:

Indenture 18 September 1775 between William WALKER Gent, Merchant, parish of Bromfield, County of Culpeper in the Colony of Virginia and ANN his wife to BENJAMIN DAVISE [sic] CARPENTER of the parish, county, and colony aforesaid, in consideration of the sum of £12 current money of Virginia...to the

said Benjamin Davice [sic] his heirs and assigns forever one certain tract of land situate lying and being in the parish, county and colony aforesaid and in the fork of the Robinson and Rapid Ann [Rapidan] Rivers containing by estimation thirty [30] acres of land be the same more or less and is bounded as follows:

Beginning at a corner pine on the ROAD THAT LEADS FROM THE MOUNTAINS TO CAVES FORD ON THE RAPID ANN RIVER and running thence by a curved line of marked trees bearing from 60 to 83 degrees southwest 52 poles to a Spanish oak on a branch, thence up the said branch its several courses north and by south 33 poles to a white oak corner both these Corners in THOMAS TERRYs line, thence north 82 degrees west 40 poles to a pine corner in JOHN SIMPSONs, thence north 22 degrees east 100 poles to a white oak corner to said SIMPSONS, THOMAS SAMPSON AND JOHN FORISTER [FORRESTER] ON KIRTLEYS ROAD, thence DOWN THE ROAD THAT LEADS TO THE SAID CAVES FORD south 35 degrees east 46 poles south 22 degrees east 48 poles, thence south 35 degrees east 34 poles the several courses of the said Road to the first mentioned beginning.

"Memorandum the words & Ann his wife fifty Two Poles Interlined before Sealing and Delivery hereof."

Signed: William WALKER [his wife Ann does not sign and no release of dower recorded]; No Witnesses Recorded 18 September 1775 Test: James Jameson C. O. Court

Note:

From this deed, we know Benjamin was a Carpenter by profession, a highly valued and essential craft in Colonial Virginia. His father Benjamin I was a master carpenter of some note in Spotsylvania before moving to Culpeper five years before his death and building there in what shortly became the county seat town of Culpeper (first called Fairfax). Benjamin II's brother John Davis was also a master carpenter, contracting with two apprentices in Culpeper in 1765, two years after their father's death. We have no record of apprentices for Benjamin II, although he may have had them and records were not filed or are now missing. But my guess is that both Benjamin II and his eldest brother John worked in the family business for and with their father, who was a prodigious builder of bridges and public buildings as well as houses, some of which he may have built for investment as well as by contract for others. Benjamin II indicates he may have done the same by his request in his will that "when my children break up house keeping so as to separate (sic) from one another...my land and all the houses to be rented out and the rents go to support my beloved son, Benjamin Davis [III]."

THOMAS TERRY with adjacent land was Benjamin's brother-in-law, husband of his sister Sarah Davis. Benjamin's brother James' land was also adjacent to Thomas Terry's and James' son Robert lived in the immediate vicinity as well.

WILLIAM WALKER the seller of this land was married to Ann Merry, daughter of Thomas Merry, whose estate was on Orange County road orders with Benjamin's brother James Davis. Ann Merry's mother Elizabeth Stevens was related to William Stevens, a recent owner of the Terrys Run land James Davis bought in 1758. Just a few weeks earlier Benjamin II's and James' brother John Davis bought nearby Spotsylvania land from James Stevens, another relative, albeit more distant, of Ann Walker's mother Elizabeth Stevens.

William and Ann Merry Walker's son Merry Walker is on records with Benjamin's nephew Robert Davis, son of his brother James, who lived nearby. William Walker's daughter Mildred married William Wallis whose brother Oliver Wallis witnessed Benjamin's brother John Davis' sale of his Culpeper land in 1794 as a resident then of Pittsylvania County. Oliver Wallis was also a witness along with his brother George to a sale of Culpeper land 1792 to Michael Wallis/Wallace from the son (John), his wife (Milon), and widow (Elizabeth, then Hoomes) of William Davis who died 1763 in Culpeper and may be the brother of Benjamin Davis I.

#### Location of Benjamin's Property:

Benjamin's property was at the southwest corner of the present intersection of SR 230 and Shelby Road at today's Wolftown, Madison County, Virginia. Kirtley Road (at that point now SR 230) was the major road in the 1700's running eastward from the Blue Ridge Mountains all across the county to Culpeper Town and down through old Germanna to Fredericksburg, approximately where US 29 goes now. Shelby Road, then known as the Rapidan Road, is part of the old road from the mountains now in Shenandoah National Park, through Wolftown and southeast to Caves Ford on the Rapidan River, near where Benjamin sister Mary Jarrell lived. Caves Ford was just south of today's Madison Mills, Virginia, and about 3 miles from Orange, the county seat of Orange County. Shortly after Benjamin moved to Georgia, this area of Culpeper County became part of the new county of Madison, formed 1793.

We know from deed records and plat maps that Benjamin, James and Thomas Terry were adjacent neighbors. Starting in 1814, the property of James Davis is 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." William Terry was Benjamin's nephew by his sister Sarah, wife of Tomas Terry. William's sister Lucy Terry married Ephraim Rucker's grandson Larkin Rucker, related to the Rucker's of the towns of Ruckersville in Orange (now Greene) County, Virginia and in Elbert County, Georgia.

Rapid Ann Meeting House, organized in 1773, was one of the oldest Baptist churches in the area, and our Davis family members were almost certainly members. One of the charter members was Thomas Graves of Graves Mill, father of Joel Graves to whom Benjamin sold his property upon leaving for Georgia. Two of the founders of the Rapidan Church were Baptist ministers Elijah Craig and John Waller, both noted for their commitment to the Baptist faith and separation of Church and State, and for the persecutions and jail sentences to which they were subjected. In 1781 Elijah Craig led a large group of migrating families, many of them area Baptists, to Fayette County, Kentucky, where they began the first Baptist church there. One family among this "Traveling Church" was that of Benjamin's probable brother William Davis. Rev. John Waller was brother of Edmund and William Waller who were on Spotsylvania deeds with Benjamin's father Benjamin. Their father John Waller had land adjacent to Benjamin's father William Davis in King William County in 1696. Baptized as a Baptist in 1767, Rev. John Waller spent a total of 113 days in four Colonial jails. By the time he died in 1802 he had baptized more than 2,000 converts in Virginia, ordained 27 ministers, and constituted 18 churches.

The Baptist church of the Rapid Ann Meeting House was still active in Wolftown as Rapidan Baptist Church as of summer 2007.

George Eve, a Culpeper native, was a charter member of the Rapidan Church and was ordained there in 1775 to become one of its earliest preachers. George Eve lived near Benjamin and sold land to Benjamin's nephew Robert.

Benjamin's location was at the intersection of the two primary roads through that part of Culpeper towards county seats and river trade routes that transported goods and people south and east. The roads also led north and west towards communal gathering places such as Graves Mill, just north of Wolftown, and on across the top the Blue Ridge Mountains in both directions. This strategic location would have allowed great versatility for going where his carpentry skills were in demand and for receiving supplies and timber.

The following deed after Benjamin left for Georgia still bears his name on the property and further shows the proximity to brother James and brother-in-law Thomas Terry who is purchasing additional property here:

- - -

23 April 1794. Deed from William Walker to Thomas Terry for £100, 100 acres, "all that message 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]

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Another deed, Robert Davis to John Jackson in June 1796, shows Robert probably then had been living on land adjacent to John Jackson, thus seemingly next to his father James, uncle Benjamin, and aunt Sarah Davis Terry. [*Madison County Deed Book 1:395*] A deed of 1815 to his son William shows Robert then residing a mile up Kirtley's Road.

John Jackson Jr. (b. 1770) was married to Mary Herndon, granddaughter of William Herndon and Ann Drysdale. William's brother Edward Herndon II with his son Joseph was on a deed with Benjamin Davis I in Spotsylvania Co. in 1753, and Edward II's brother James Herndon was on two Orange County deeds with Benjamin I in 1751. Edward II's sons Edward III and Joseph witnessed a 1758 Spotsylvania deed of Benjamin I's son (and Benjamin II's brother) John Davis. Edward Herndon I has long been thought to be the husband of Mary Waller, sister of John Waller who lived adjacent to Benjamin I's birth family (William Davis and Mary White) in New Kent/K&Q/King William County in the late 1600's. Benjamin II's brother John Davis's wife Frances signed a release of dower in Pittsylvania County for a deed about 1786 witnessed by Jeremiah White, whose mother Esther Herndon was another grandchild of Edward and Mary Waller(?) Herndon.

That King William deed fragment is significant [*King William Record Book 2, Part 3, p. 10-11*] since it deals with land that John may have inherited through primogeniture. Benjamin Davis I's aunt Rebecca White apparently willed 300 acres in King William to descendants of her sister Mary White Davis, Benjamin I's mother. [*King William Record Book 1:8*] Since only a burned fragment of the release of dower for that deed exists, we may never know the exact property in order to prove definitively inheritance from Rebecca. But just the fact that John owned land in King William is in itself a significant indicator of heritage of John and his siblings. (See Notes for John Davis, son of Benjamin Davis I for more details.)

Benjamin II's son Benjamin Davis III sold land in Elbert County, Georgia in 1804, witnessed by Reuben White, related to Jeremiah White of Pittsylvania. Reuben's father Jeremiah White is on records in Spotsylvania County with Benjamin Davis I.

Benjamin II's brother John Davis had a granddaughter Amanda in Pittsylvania County who married in 1837 William Herndon, another descendant of Edward Herndon I and Mary Waller(?). So, through the Herndon's we have another of many ways to show the connections among the children of Benjamin Davis I, and connections with his likely parents William and Mary White Davis. In the absence of wills for William Davis of King William and Benjamin Davis I of Spotsylvania & Culpeper, it is the accumulation of this kind of "indirect evidence" from primary records and on-going mutual associations that allows us to discover and build the likely siblings and ancestors of Benjamin Davis II.

## 1777 - 1779

### Revolutionary War Service

Benjamin Davis enlisted 2 March 1777 for three years in Capt. Stephen Ashby's Company under the command of Col. James Wood, 12th Virginia Regiment. Although the unit and regiment names changed over time, he was in the same company under Col. Wood's command throughout his service and was not transferred as some accounts of Benjamin's service state. In June 1778, the unit, still under the command of Col. James Wood, was designated as Lieut. Col. John Nevill's Company of the 4th, 8th and 12th Virginia Regiment of Foot. Following a general reorganization by Gen. Washington in September 1778, the same company was designated, Col. James Wood's Company, 8th Regiment. During the reorganization, Capt. Ashby retired at age 68 "sick and infirmed", along with 50-60 other senior officers.

Beginning with the muster roll of September 1777 (the month of the Battle of Brandywine on 11 September) Benjamin spent 16 of the next 18 months in a hospital, first in Bethlehem Pennsylvania, then Valley Forge the Winter of 1777 through September 1778, and finally Princeton, NJ. Only in April and May of 1778 in Valley Forge was he listed in the muster rolls with no comment of sickness added. The records give no indication of whether Benjamin was wounded or ill from disease (or both) as apparently "sick" could mean either. Benjamin was a 41-year old carpenter used to hard outdoor labor in all kinds of weather, so for him to be in the hospital that long must have been something extreme. Why he neither died nor recovered during that year and a half is a mystery. It wasn't until March of 1779 that he apparently was well enough to go home, having to leave the army a year before his enlistment term was up. His last muster February 1779 states "sick, absent" meaning in a hospital away from where his company was located at the time, which was Middlebrook, New Jersey. He was probably in Princeton, where he had been in hospital December 1778. How Benjamin got 300 miles back to Virginia in late winter after such a siege of illness and still too sick to continue his service is another mystery.

Two years later in January of 1781 Benjamin was apparently recovered and deemed fit again for service, because he is listed in the Culpeper Class Lists of those eligible for the war draft.

*[Source: Compiled Service Records of Soldiers Who Served in the American Army During the Revolutionary War, Virginia 8th Regiment, Series M881, Role #1042, D; Benjamin Davis, 8th Virginia Regiment, Private, National Archives and Records Administration (NARA), Washington, DC, Research at NARA by Nicki Peak Birch, CG; Culpeper Classes, Library of Virginia Online Catalog]*

#### Note:

See Addendum I below for a full report on Benjamin's Revolutionary War service.

Ever since learning that there was an early Culpeper Minute Men unit, I have wondered why Benjamin did not serve with them or under a one of several commanding officers who were family neighbors and friends in Culpeper. So, I began looking for a connection between Benjamin and Col. Wood, Stephen Ashby, and/or Frederick Co., Virginia, where both commanding officers lived before the Revolution. Frederick County was formed from Orange in 1743; Culpeper from Orange in 1749, so there is at least physical proximity.

Col. James Wood, Jr. later became Gen. Wood, then Governor Wood of Virginia. His father James Wood, Sr. in 1735 became surveyor of Orange County, then surveyor and first County Clerk of Frederick Co when it was formed from Orange in 1743. James Wood Sr. platted the county seat of Winchester and owned prime properties around the area, which he knew well by virtue of his survey and county title work. James Wood, Sr. did not die until August 1759, so Benjamin Davis I and II very well could have had land

or title dealings with either James Wood, Sr. or Jr. Whether or not Benjamin II knew Col. Wood personally prior to their Revolutionary War service, he certainly would have known of Wood.

The son James Wood, Jr., later Col. James Wood, became County Clerk and Clerk of the Surveying Office of Frederick County after his father's death in 1759. He also bought and sold numerous properties himself, including selling George Washington the land for Fort Loudoun. (At age 17, George made the original survey of Culpeper County and town in 1749. I believe Benjamin Davis II and George Washington probably had known each other since their boyhoods near Fredericksburg, Virginia, even before George's 1749 Culpeper survey. See "Post Script" in my full report of the Revolutionary War service of Benjamin Davis II for details of my speculations.) Fort Loudoun in Wood's home of Winchester, Virginia, was Col. Washington's Headquarters during the French and Indian War. "George Washington was the one who fired the first shots in the far northwest Ohio country, and he organized the Virginia Regiment which protected the Virginia frontier after Braddock's defeat." [*Website of "Col. Washington's Frontier Forts Association"*]

The only person in Benjamin Davis II's Revolutionary War company under the command of Capt. Stephen Ashby with whom I have made familial and pre-war connections is the senior Vincent Tapp. Tapp's pension application states he enlisted in the war in Ashby's company in late 1776 or early 1777 from Wheeling, Virginia (now West Virginia). Benjamin Davis (II) entered the war in Ashby's company in March 1777, so may have enlisted in or near Wheeling himself. Wheeling was about 340 miles from Wolfstown, then in Culpeper County, where Benjamin had just bought land in 1775. Winchester, Frederick County, was about 77 miles from Wolfstown. The question becomes, why might Benjamin (or Vincent Tapp or Stephen Ashby's company, for that matter) be near Wheeling at that point in time?

In 1770 George Washington surveyed Wheeling (called Fort Fincastle 1774, then Fort Henry). In October of 1774, the part of the French & Indian Wars known in Virginia as Lord Dunmore's War, was brought to completion by a victory against the Indians at the Battle of Point Pleasant (on the Ohio River, about 100 miles south of Wheeling). In fall of 1777, Native American tribes of the surrounding areas once again joined to attack settlements along the Ohio River. However, by this time, Ashby's company was in far eastern Pennsylvania, where they participated in the Battle of Brandywine near Philadelphia on 11 September 1777. The activities of George Washington's troops, particularly Capt. Ashby's company during the intervening years 1775-1777 might give us a clue as to where Benjamin Davis II was living at the time and in what activities or occupation he was engaged.

Vincent Tapp was born about 1757. According to his Revolutionary War pension application, he enlisted for three years in the latter part of 1776 or early 1777 at Wheeling, Virginia (now in northernmost West Virginia at the Ohio and Pennsylvania borders). He served as Private and Sergeant in Stephen Ashby's Company, Col. James Woods Regiment, was wounded in Battle of Brandywine, participated in Battle of Monmouth, and was discharged Winter 1779 near Morristown, New Jersey.

After the war, Tapp moved to Albemarle County, taught school near Charlottesville, married and moved to Staunton, Augusta County. He was allowed Disability Pension under act of 1811, got increased pension under Act of 1816, then applied 19 January 1820 for fuller service pension as a resident of Staunton, age 63. Vincent Tapp died in Staunton, Augusta County, Virginia in March 1824, survived by his wife Susannah and a number of children.

[*Source: Revolutionary War Pensions, Claim S 41231, HeritageQuest Online*]

Susannah Gambill was daughter of Henry Gambill Jr of Hanover & Albemarle; son of Henry Gambill Sr & Mary Davenport (d/o Martin Davenport, and granddaughter of Davis Davenport, across Waller's land from

William Davis in King and Queen/King William.). Susannah was the great-granddaughter of Thomas Gambill whose Spotsylvania land patent at Elk Neck and Gunstock Swamp was adjacent to William's son John Davis of King William, brother of BENJAMIN DAVIS I.

Vincent and Susannah GAMBILL TAPP's daughter Frances Davenport Tapp married 1801 to Dabney Cosby. This Dabney Cosby was the great-grandson of David Cosby in Louisa Co. involved in 1760 in a debt suit in with John Wansley, father of Patsy Wansley who married Benjamin Davis III. David Cosby's mother was a Meriwether, related to Francis Meriwether to whom Wm Sandige Jr sold Elk Neck, Spotsylvania County land originally patented by BENJAMIN DAVIS I's brother JOHN DAVIS of King William. Benjamin I's son William DAVIS (brother of Benjamin Davis II who served in the Revolution with Vincent Tapp) also sold his Elk Neck land to Francis Meriwether in 1764. Benjamin I's son William DAVIS had bought Culpeper land in 1761 from John Minor Jr., whose wife Elizabeth was the daughter of David COSBY. (An interesting note here is that Dabney and Fanny Tapp Cosby moved to Raleigh, North Carolina about 1840, where Dabney, already a noted builder, continued his work building primarily brick public and commercial structures. Dabney and Fanny died in Raleigh in the 1860's and are buried in historic Oakwood Cemetery, about 15 minutes' drive from where I have lived the last 25 years. See <http://www.tappfamily.us/tng/histories/cosby.php>.)

[An interesting aside: James Wood, Sr. was "...a quasi-campaign manager for George Washington in his first electoral win for a seat in the House of Burgesses...The task for which he is best known [is] successfully serving as George Washington's campaign director and proxy in Frederick County's House of Burgesses election. Washington had been defeated in 1756 because, according to local lore, tavern keepers disapproved of his intolerance for soldiers going to the taverns. Washington revised his campaign strategy, appointing Wood to represent him at the polls. Wood provided "strong refreshments" for all voters, and Washington won his first election.

From: "James Wood Provided Foundation for The Roots Winchester," by Drew Houff, 'Winchester Star' January 2000 (online).]

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From: Jack Shotts, citing "Georgia Revolutionary War Soldiers' Graves", two volumes with continuous numbering of pages. Compiled by H. Ross Arnold, Jr. and H. Clifton Burnham (1993), p. 209:

"Benjamin Davis served as a Private in Cpt. Stephen Ashby's Co., 12th Regiment, Commanded by Col. James Wood, in the Revolutionary War. He enlisted Mar 2, 1777, for three years. He was transferred about June 1778 to LTC Neville's Co., 4th, 8th and 12 Regiment, commanded by Col. James Wood and was again transferred about October 1778 to Col. Wood's Co., 8th Regiment. He served at Valley Forge. His name last appears on the roll call for Sep (sic, should be Feb) 1779 as Absent - Sick."

Note:

Benjamin did not transfer units, but his unit did operate under different names. These "transfers" were actually just a reorganization and re-designation of the same units in which Benjamin originally enlisted. Capt. Ashby retired in 1778, about 70 years old.

The title of this book is misleading, in that many entries including Benjamin Davis are for soldiers whose graves have not been located.

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From: Ancestry.com - *The National Society Daughters of the American Revolution Daughters of the American Revolution Lineage Books, Volume 61, page 283* [Ancestry.com on-line]

*Mrs. Isabelle Sterling Price Charters. DAR ID Number: 60842:*

"Benjamin Davis (1735-1808) was a private in the 12th Virginia regiment, 1777. He died in Culpeper County, Va. Married to Mary Bush."

Note:

The death date and place are incorrect, and since there is no Benjamin Davis in Culpeper records after 1790, I have no idea on what that information was based.

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I received February 2007 a copy of Isabelle Sterling Price Charters' DAR application under Benjamin Davis from the Gainesville, Georgia, Colonel William Candler Chapter NSDAR (Isabelle was the Chapter's first Regent 1914).

Isabel Sterling Price Charters - National DAR #60842

Supplemental Application for Membership to the National Society of the Daughters of the American Revolution - Application dated March 27, 1914; Application approved July 1, 1914

"Benjamin Davis Sr. born 1735, died in Culpeper Co about 1808. Wife Mary Bush"

[No documentation given for this information; death date and place later corrected in DAR records]

"Benjamin Davis served in Capt. S. Ashby's 12th Virginia Regiment commanded by Col. Jas. Wood. He enlisted March 2, 1777, was transferred to Lt. Col. John Neville Co. 4th, 8th & 12th. His name last appears on the muster roll of the Co dated March 4, 1779, which shows him absent sick."

[Note: The March 4 muster was the report for the month of February.]

Documentation given as: "Certificate from War Department Adjutant General's Office"

Note:

This application is from Isabelle "Belle" Sterling Price, wife of W. A. Charters of Gainesville. Belle was born 15 February 1864, granddaughter of Martha Caroline Davis Martin who was the daughter of Martha "Patsy" Wansley and Benjamin Davis III, the son of Benjamin Davis II, the Revolutionary War soldier. Benjamin III and wife Patsy lived with their daughter Martha Caroline's family their last 30 years, so Belle's mother Martha Matilda grew up with them in her home and knew them into her adulthood. In that case, it is possible that Belle's mother learned of Mary Bush's name directly from Mary's son Benjamin III, which of course would be proof of her name. However, all that is only hypothetical deduction, and unfortunately so far I have found nothing in primary records to prove or disprove Mary's last name (although her first name is correct per 1790 deed), or to show absolutely which Bush family may be Mary's.

DAR Reviewer added below this: "See National Number 69468 (Add. 63)" I found that the National Number 69468 is for Katharine Otto, Isabelle Charters' niece, as follows:

From: Ancestry.com - The National Society of the Daughters of the American Revolution Volume 70, p 167

Mrs. Katharine Wansley Wilson Otto. DAR ID Number: 69468

Born in Lumpkin County, Georgia, Wife of Olaf Otto.

Gr-gr-gr-granddaughter of Benjamin Davis and Mary Bush, his wife



Benjamin Davis (1735-1808) enlisted, 1777, in Capt. Stephen Ashby's company, Col. James Wood's 12th Virginia regiment. He died in Culpeper County, Virginia.

Note:

Katharine Wansley Wilson Otto (1888-c1980) was the niece of Belle Charter, g-g-granddaughter of Benjamin and Mary Davis. In 1978 at age 90, Otto published a book called "The Genealogy of Martin-Price: With Barber genealogy establishing data on Barber-Wansley connection with Beck, Davis and allied families." The focus of her book is Barber and Price, but she does have a short section about her Davis line which comes through Benjamin Davis III and wife Patsy Wansley.

However, there are many serious errors and misrepresentations in this book in general, and literally none of her information about Benjamin Davis (II) or his pedigree is correct, when compared with primary documents, except for the basic fact the he served under Capt. Ashby and Col. Wood in the Revolution. Otto became interested in genealogy while in school in Washington DC, meaning much of her work was done around 1910. Her errors and false assumptions are not unusual in family genealogy done late 1800's and early 1900's, given the commonly-held conceptions of genealogy and the lack of early records in general. Accessing what records were available was difficult, as they usually were housed haphazardly in the back rooms and basements of county courthouses rather than organized in central repositories. But it is unfortunate that Otto's work with all its erroneous information is now widely disseminated on the internet through quotes from Frank Wansley's well-known Wansley book "From Rome to Ruckersville," which he acknowledges relies heavily on Otto's information that he took as given. Specific problems and errors in Otto's work are discussed under Notes for Amelia "Milly" Barber/Barbour, wife of John Wansley.

Belle's mother Martha grew up with Martha's grandfather Benjamin (III) living in her home, with her own parents Martha Caroline Davis and William Price. Martha was 30 years old when her grandfather Benjamin III died, so she knew him long and well. It seems feasible that Martha may have learned Benjamin III's mother's name directly from him, and then passed it on to her daughter Belle. But so far, we have little to no corroborating evidence.

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DAR records have since corrected Benjamin Davis' death date and place, based on a copy of his will recorded 24 July 1797 in Elbert Co., Georgia. His will was included in the DAR Supplemental Application of Emily Riddle McLemore, DAR National Number 805314, submitted 1 November 2002, approved 1 July 2004. I received a copy of Emily's application in November 2006, and subsequently talked with her by phone and e-mail. She has no additional information or documentation for Benjamin Davis' war service or for "Mary Bush" being his wife.

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From: DAR Message Board, RootsWeb.com - 27 September 2006  
[<http://boards.rootsweb.com/topics.organizations.dar/6681.1/mb.ashx>]

DAVIS, Benjamin: DAR Ancestor #A030207  
Born: 1735 in Virginia  
Died: before July 24, 1797 in Elbert Co., Georgia.  
He married Mary Bush  
Service: State of Virginia

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From: GAGenWeb Archives - Elbert County: Memorial to Revolutionary Soldiers  
[<http://ftp.rootsweb.com/pub/usgenweb/ga/elbert/military/revwar/revmemorial.txt>]

On 7 October 1995 the Stephen Heard Chapter, National Society, Daughters of the American Revolution, Elberton, Georgia, dedicated a memorial to Revolutionary Soldiers "whose estates and/or graves are in Elbert County, Georgia." The names appearing on that monument [includes only these Davis names]:

DAVIS, BENJAMIN

DAVIS, JOHN, Pvt.

## 1781

### Revolutionary War Draft

"List of the classes [draft groups] in Culpeper County for January 1781 for recruiting this state's quota of troops to serve in the Continental Army." (generally, males between 16 and 50).

BENJAMIN DAVIS - Class 80

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

Some researchers, including expert Germanna Colony genealogist and historian John Blankenbaker, think Class numbers relate to residence, meaning those in the same Class list lived next to each other. Other experts disagree, having found from deed records that the correlation does not hold. Veteran researcher Craig Kilby postulates that the lists were drawn up at one of the monthly musters and the men may have grouped with neighbors and friends or even with whom they were talking at the time. Also, many known residents are missing from the Class lists or appear as a draft in war service records but are not named in the Classes themselves.

In Benjamin's Class 80 appear his brother-in-law Thomas Terry who did live adjacent to Benjamin, and his brother James Davis who lived next to Thomas. (Depending on James' actual year of birth, he might be over draft age of 50 and this could be a younger James Davis who we know did serve in the war and could be related to James according to clues in some primary records. If it were the younger James on the Class List, he could be living with the elder James at the time.)

Benjamin's nephew Robert Davis, son of James, lived almost adjacent to the others, but was in Class 78. Also in Class 78 was a John Davis, probably the known Revolutionary Soldier whose pension application says he was born 1754 in King William County. This cannot be Benjamin's brother--besides being almost 20 years younger than Benjamin, and born 11 years after Benjamin's father was already in Spotsylvania, John's son and grandson wrote that John's father was also named John. However, this John Davis may be a relative, coming as he did from the same county where Benjamin was born. We have no deed records for this John, so while tax records show he lived in the same tax district as Benjamin, James and Thomas Terry, we cannot say how close. He moved to Elbert County, Georgia, about a year before Benjamin, and could be the John Davis whom Benjamin named as an executor in his will, but this is far from certain.

Missing from the Class lists are Benjamin's elder brothers John Davis (d. 1808, Pittsylvania County, Virginia) and William Davis (d. 1823, Fayette County, Kentucky) who were still living in Culpeper but likely over 50 at the time. Neither they nor Robert Davis have known Revolutionary War service.

*From: "The Statutes at Large of Virginia" by Emily Croom, November 1999*  
<http://www.houstonlibrary.org/clayton/clf/va005.html>

"By May of 1777, all free males between the ages of 16 and 50, with a few occupational exceptions, were required to be enrolled in the militia. Muster was to be held monthly except January and February. All privates and non-commissioned officers were to arm themselves with rifle and tomahawk, or a good firelock and bayonet, pouch and horn, or cartouch and cartridge box, and three charges of powder. They were instructed to keep on hand at least one pound of powder and four pounds of balls to be produced whenever called for by the county." [Citing Hening's "Statutes" 9:267 (1777)]

## **1782 through 1790**

Culpeper County, Virginia Land Tax Lists

BENJAMIN DAVIS - 36 acres – valued at 9 pounds [average for the area]

[Source: Culpeper County, Virginia Land Tax Records 1782-1813 (Reel 78), Library of Virginia]

Other DAVIS names on Culpeper County Land Tax Lists 1782-1811

Beginning with the first records in 1782 the general pattern was as follows:

In the same district as Benjamin:

James DAVIS (50 + 150 acres) - Benjamin's proved brother, d. 1824 Madison Co., Virginia

John DAVIS (50 acres) - Not Benjamin's brother per Rev War pension application and family manuscript by grandson, but possibly related; moved to Elbert County, Georgia a year or two before Benjamin and died there 1842; possibly but far from certain the John Davis named as executor of Benjamin's 1796 will.

Robert DAVIS (various acres) - Likely son of James Davis; d. 1816, Madison Co., Virginia; Robert's sons James, John, and William appear on the Madison tax lists after each comes of age. Son James is called "James Jr", designating the younger of the two James Davis's on the list, the elder being Benjamin's brother and Robert's likely father.

Thomas TERRY (various acres) - Husband of Benjamin's proved sister Sarah Davis

Frederick DAVIS (2-5/8 acres, a mill) - Son of John Davis d. 1808 Pittsylvania Co., Benjamin's likely brother. Frederick is on personal property lists 1789 through 1805, meaning in residence but paid land tax only 1800 through 1805.

Daniel JARRELL - Husband of Benjamin's proved sister Mary Davis. I did not get Daniel's tax list history except for Culpeper County personal property in 1792, his last year on that list; sold his then-Madison County land in 1793, and apparently left the area at that time, settling in Monroe County Virginia (now West Virginia) before 1804.

Note:

This tax district became Madison County after the county was created from Culpeper in 1793. Benjamin, James, Robert and Thomas Terry's families lived together at today's Wolfstown. Robert also had property a mile or two west near Hood. Benjamin's sister Mary Davis and her husband Daniel Jarrell lived about 10 miles southeast also in Madison County near the Rapidan River border with Orange County.

Together in a different tax district that stayed part of Culpeper after 1793:

James DAVIS (104 ac.): Benjamin's brother James' land grant which was his second wife Mary Price's inheritance from father Kalem Price d. 1758, Culpeper. This is not James' residence as proved by the fact there is no corresponding personal property tax for James Davis here.

John DAVIS (200 acres): Benjamin's likely brother - moved to Pittsylvania Co., Virginia c1784, sells this land 1794 as resident of Pittsylvania Co.

Note:

Likely brother William DAVIS moved to Kentucky the end of 1781, before these tax lists began in 1782. He owned land near brother John's property and brother James' land grant. He seems to be the same William Davis who leased and resided on orchard land in the part of Culpeper that became Rappahannock County, several miles to the north of his other land near John and James.

Henry DAVIS (240 acres): Same district as John and James; off list 1799; no known relation to Benjamin. May possibly be Henry Davis an Irish immigrant 1740 to Orange/Augusta Co with proved father James, mother Mary, brothers William, Samuel. He may also have owned land in Orange County.

In a separate tax district:

Mary DAVIS and son William DAVIS - widow and (adopted) son of David DAVIS d. 1782. No known relationship to Benjamin Davis II at this time.

On both the Culpeper and Madison land and personal property tax lists there were Davis's who came and went, or who owned land but did not reside there. Most of these appear after Benjamin has left Virginia, and some I have not been able to identify. However, none seem closely related to Benjamin, based on research so far. (June 2007)

### **1782 through 1790**

Culpeper County, Virginia Personal Property Tax Lists

1782: List of Elijah Kirtley

BENJAMIN DAVIS, 1 white tithe, no slaves, 2 horses, 4 cattle, no wheels, tax £0.15.0

1783: List of Elijah Kirtley

BENJAMIN DAVIS, 1 white tithe over 21, no slaves, 2 horses, no cows, no wheels, tax £0.14.3

1784: List of Elijah Kirtley

BENJAMIN DAVIS, 1 white male over 21, no slaves, 2 horses, 5 cattle, tax £0.13.3; 1 tithe

1786: List of William Walker:

BENJAMIN DAVIS, 1 male, no slaves, 2 horses, 1 cow

1787: List of Goodrich Lightfoot:

BENJAMIN DAVIS, 1 male, 2 horses 3 cows

1788: List of John Hume:

BENJAMIN DAVIS, 1 male, 2 horses

1789: List of John Gibbs  
BENJAMIN DAVIS, 1 male, 2 horses

1790: List of John Gibbs:  
BENJAMIN DAVIS, 1 male, 1 horse

*[Source: Culpeper County Personal Property Tax Lists 1782-1802 (Reel 89), Library of Virginia, Richmond, Virginia. (Not paginated), Microfilm read by Craig Kilby]*

## 1790

Sale of Culpeper County, Virginia property

18 September 1790 - BENJAMIN DAVIS and WIFE MARY of Culpeper, to Joel Graves of same, for £50 current money of Virginia, 30 acres in Culpeper County purchased from William Walker, Gentleman, by deed of 18 September 1775 and giving same description, metes and bounds as that deed: the road that led from the mountain to Caves Ford on the Rapidan River, Thomas Terry, John Simpson, corner to said Simpson, Thomas Sampson and John Forrister on Kirtley's road. No witnesses. Recorded 18 November 1790

Signed: BENJAMIN DAVIS, MARY (x) DAVIS

20 September 1790 - Deed acknowledged by Benjamin Davis in Culpeper County Court. Test: John Jameson, Clerk of Court

Mary's Release of Dower. Recorded with Deed 18 November 1790.

*[Source: Culpeper Deed Book P, p. 500-502, Culpeper County Reel 8, Library of Virginia, Richmond, Virginia]*

Release of Dower

The Commonwealth of Virginia to William Walker, Mordecai Barbour Gentlemen Justices of Culpeper County, Greeting. Whereas Benjamin Davis and Mary his wife by their certain indenture of bargain & sale bearing date the 18th day of September 1790 have sold & conveyed unto Joel Graves the [feesimple?] estate of 30 acres of land lying and being in the County of Culpeper and whereas the [said] Mary cannot conveniently travel to our County Court of Culpeper to make acknowledgement of the said conveyance, we do therefore give unto you or any two of you power to receive the acknowledgement which the said Mary shall be willing to make before you of the conveyance aforesaid which is hereunto annexed, we do therefore command you or any two that you personally go to the said Mary and receive her acknowledgement of the same and examine her privily & apart from the said Benjamin her husband whether she doth the same freely and voluntarily without his persuasion or threats and whether she be willing the same shall be recorded in the County Court of Culpeper and when you have received her acknowledgement & examined her aforesaid that you distinctly & openly certify us thereof in our said Court under your hands and seals sending them their the said indenture and this writ witnessed John Jameson Clerk of our said County Court at the Courthouse aforesaid the 20th day of September 1790 and in the fifteenth year of the Commonwealth. Signed: John Jameson [Clerk of Court]

Persuant to the written commission to us directed we the subscribers went to the within named Mary Davis and did examine her separate & apart from her husband and she freely acknowledged the land agreeable to the deed hereunto annexed and [?] the same might be recorded in the County Court of Culpeper given under our hands & seals this 18th November 1790.

Signed: William Walker, Mordecai Barbour

At a Court held for Culpeper County 20th day of September 1790 this indenture of bargain & sale from Benjamin Davis & Mary his wife to Joel Graves was acknowledged by the said Benjamin which together with a commission hereto annexed and certificate thereon endorsed is also ordered to be recorded.  
Test: John Jameson, C O C.

**Note:**

This deed gives confirmation of Benjamin's wife's name as Mary. That her last name was Bush is known only by the DAR submission of Isabell Price Charters who does not give documentation or source. Since Mrs. Charters' submission gave the wrong death date (1808) and wrong death place (Culpeper) for Benjamin, the validity of his wife's maiden name as Bush is not certain.

Joel Graves, born about 1766, was the son of Thomas Graves, Jr. and Sarah Delaney of Graves Mill, on the north side of present-day Wolfstown. DNA studies done around 2007 have shown that contrary to extensive Graves research during the 1900's, neither this line of Graves nor the John Graves line of King William, Spotsylvania, and Culpeper are directly related to Capt. Thomas Graves whose line intermarried with early relatives of our Davis's. Our Davis's were related to those Graves from back in York County with the marriage of Capt. Thomas Graves' grandson Ralph Graves Sr. to Rachel Croshaw, sister of Benjamin Davis I's maternal grandmother Mary Croshaw wife of Henry White, and Ralph Graves Jr's marriage to Unity White, sister of Mary White Davis, Benjamin I's mother. However, it does seem noteworthy that our Davis family is involved with all three Graves lines from York through King and Queen/King William, to Spotsylvania, on to northern Culpeper down to the part of Culpeper that became Madison, and to Pittsylvania County through John Davis' connection with the William Swansen family. The line of Benjamin Davis II's brother William Davis also intermarried with King William/Spotsylvania Graves descendants in Kentucky in the early 1800's.

Joel Graves married 20 December 1794 his first cousin Sarah Graves, daughter of Isaac Graves and his second wife, Elizabeth Cowherd. [*Graves Family of Essex County, by Mrs. P. W. Hiden, W&M Quarterly, 1936*], Elizabeth was the daughter of Joseph Cowherd on records with Benjamin II's nephew Robert Davis. Joel Graves' father Isaac Graves' third wife was Jemima Holloday. She was the daughter of Joseph Holloday and wife Betty Lewis. Joseph was the brother of John Holloday (Jr) who witnessed the 1754 Spotsylvania deed of Benjamin II's father Benjamin Davis I. The Holloday's were surely related to William Holloday of King William who married Benjamin I's likely sister Sarah Holloday about 1702. Betty Lewis was the daughter of Zachary Lewis and Mary Waller. Zachary was the brother of Susannah Lewis Collins married to Joseph Collins on Spotsylvania records with Benjamin Davis I. Mary Waller was the daughter of John Waller whose land was adjacent to Benjamin II's grandfather William Davis in King William. John Waller's sons William and Edmund are on Spotsylvania records with Benjamin Davis I.

**Winter 1790-1791 -- Migration from Culpeper County, Virginia to Elbert County, Georgia**

Times were difficult after the Revolution with economic depression widespread especially among agricultural-based communities. Small farms and large plantations alike were mortgaged and lost during and after eight years of forced neglect while owners and laborers were off fighting the war. The draw of new opportunities and more land for less money spurred mass emigration from Virginia into newly opened lands in the West and the South as lingering Indians were "removed" and white settlement rewarded. Combined with the poor economic condition was the post-Revolution sense of a new world where things once unimaginable became realities with enough determination, belief and hard work, so adventure and dreams must have played a part in some emigrants' decisions as well. Skilled craftsmen

such as Benjamin the carpenter were always essential to a community, but they were particularly valuable and rare in new settlements on the frontiers, so plenty of work would be assured. Whatever their economic and personal motives, Benjamin and Mary said goodbye to Virginia where his Davis family had lived for over 150 years and took to the road.

Along with a number of Culpeper-area neighbors and friends, Benjamin and Mary and at least some of their children left for Elbert County, Georgia at the end of 1790 or early months of 1791. The road they must have taken was called the Great Philadelphia Wagon Road, the primary migration path to the South. First a buffalo migratory trail which then became an Indian hunting and trading route, the Great Wagon Road went approximately along today's US Highway 29 which goes from Baltimore and Washington D.C. to Culpeper, down the Blue Ridge Mountains to Roanoke Virginia, south along the foothills to Charlotte, North Carolina and Anderson, South Carolina, then across the Savannah River into Elbert County in the northeast part of Georgia.

It was customary to migrate in winter, as most were farmers who needed to complete the year's harvest before leaving, and to arrive in time to plant the new year's crops. Leaving family and friends, usually most personal belongings, household goods, farm animals and all but the most essential equipment behind, they made their way south in the cold, the mud, the ice and snow storms in the hopeful belief that the new life would reap benefits that made all the rest worthwhile.

#### **1791**

From: "Historical Collections of the Georgia Chapters, D.A.R., Vol. III, Records of Elbert Co., Georgia", originally printed 1930, p. 216

6 June 1791 – BEN DAVIS, 2000 [sic] acres [NOTE: NO confirming evidence for this entry.]
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According to research by specialist land record archive librarian Sandra Boling of the Georgia Archives and myself, all original documents relating to any deed or possible grant of land to our Benjamin Davis in Elbert County are missing, even though we know from Benjamin's will that he did own property there. An Elbert County deed of sale in 1804 from Benjamin Davis III may be for land he inherited from his father and gives our only real clue as to the location of Benjamin II's Elbert County land. The deed says the Cold Water Creek property was part of an original grant to Lewis Stowers (misspelled Towers in the deed) but there is no existing deed from Stowers to Davis, and apparently no record of this Stowers' grant from which we might learn more. (For details of this 1804 Elbert County deed see Notes for Benjamin Davis III.)

The "Historical Collections" entry above is in a section regarding Georgia Land Grants. Ms. Boling at the Georgia Archives sent and reviewed with me all documents relating to any land grant (including bounty certificates, warrants to survey and surveys) to a Benjamin Davis in Georgia. They prove that there was only one grant for land that was in or became Elbert County, and that one was definitely not for our Benjamin Davis. The admittedly confusing series of warrants and surveys prove that the land grant for 200 acres (not 2000) was for a Benjamin Davis who was a resident of Wilkes County by at least September 1784, six years before our Benjamin Davis II left Culpeper County, Virginia where he had resided continuously (except for war service in Virginia, Pennsylvania, and New Jersey) since at least 1775. When Elbert County was formed from Wilkes in late 1790, the property granted to the other Benjamin Davis became part of Elbert County. His heirs, apparently including another Benjamin Davis, filed warrants and surveys relating to the original grant as late as 1820.

Missing deeds prior to the 1800's such as the hypothetical one from Lewis Stowers to Benjamin Davis II are not unusual, caused by anything from courthouse fires and storage practices to individuals not taking their deeds to the County Court or courthouse for recording.

What does seem unusual is the missing documentation for the land grant entry cited above. The entry in "Historical Collections" is supposed to have been copied directly from Elbert County Georgia Land Court Records. Ms. Boling says the book, while not error-free, is generally considered reliable. However, the date of 6 June 1791 does not match any known grant date. The "2000 acres" is an obvious error, since Ms. Boling confirms that the maximum land grant by law by this date was 1000 acres, and grantees still had to show they could develop and improve the land (which usually meant they had ample laborers and/or slaves to work a large plantation of that size). Although those with privileged political patronage or high social standing (which nothing indicates Benjamin II had) sometimes bought land to re-sell, such transactions seem rather easy to track. So there seems no way at all for our Benjamin to have been granted anywhere near 2000 acres even had a grant been issued.

Another strange thing is that lack of any supporting evidence means that not just one document missing, as with a deed, but a series of records as required by the grant process: an application, a warrant to survey, the recording of the survey itself, issuing the grant with metes and bounds recorded (many of each still exist in Georgia, as opposed to only the grants themselves in pre-1800 Virginia). Also, there are no references in any later deed through 1820 for any land grant of that date, (as where a deed would include "first granted to" on such a date) No vestige of any grant to our Benjamin is found in the Georgia Archives or the Elbert County Clerk's Office.

Another strange thing is that the one-line entry in the book is an obvious addition off to one side, not in the single column with the other entries. Also, there was no accompanying comment as with the other entries such as the number of people in the families for which acreage was granted, or stating if it was an old warrant renewed. Plus, I've never seen another entry for ours or another Benjamin Davis in this era where a record just names them "Ben" rather than the full name or various abbreviations such a Benj., Benja., Benj/a, Benj/n, etc.

A full report on the records found for the Elbert land grant to obviously another Benjamin Davis is in Addendum II at the end of this report. In summary, the research findings were:

- 1) Our Benjamin Davis (II) did not get a land grant in Elbert County or in Wilkes County from which Elbert was formed. The only grant in Wilkes/Elbert for a Benjamin Davis was first applied for 10 September 1784 when a Warrant to Survey 200 acres was issued based on his own headrights. (A headright grant meant he was actually residing in Georgia, and allowed 100 acres for head of house, 50 acres for wife and each child, but an applicant still had to show they could "improve" or develop the amount of land granted.) The first Warrant to Survey in 1784 was at least 6 years before our Benjamin Davis left Virginia, as proved by the residents' personal property tax lists in Culpeper through 1790 and his September 1790 Culpeper deed of sale. A sale of part of the Wilkes/Elbert grant from Benjamin Davis to William Pulliam of "Pulliam's Mill" is dated 17 January 1789, and both parties are named as being then "of Wilkes County", from which Elbert was formed in December of 1790. The Georgia deed is dated 20 months before our Benjamin Davis sold his Culpeper property as a resident of Culpeper Virginia, where tax lists show he resided without interruption through 1790, so cannot be our Benjamin Davis II. No actual recording of this 200-acre grant in now-Elbert County still exists, but the 1789 deed regarding "Pulliam's Mill" says the grant was dated 31 March 1786.



2) No land grant to any Benjamin Davis was for 2000 acres, as written in DAR publication "Historical Collections of the Georgia Chapters, D. A. R., Vol. III, Records of Elbert Co., Georgia", originally printed 1930:

"6 June 1791 – Ben Davis, 2000 acres" (p. 216)

Not only was that large a grant illegal by that date, but the only grant for any land in Elbert County to a Benjamin Davis was for 200 acres, so the "2000" has to be a typographical error. The date of 6 June 1791 does not match any grant to a Benjamin Davis, but may be when the 200 acres granted 31 March 1786 to Benjamin Davis was first noted in Elbert County which was formed December 1790 from Wilkes. (There is the chance the reference and date in "Historical Collections" could be when our Benjamin Davis II bought all or part of the Stowers grant for which neither grant nor deed has survived, but that is only and simply pure speculation.)

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### **1796-1797**

Will of Benjamin Davis

Dated 2 September 1796; Recorded 24 July 1797 in Elbert County, Georgia.

Names daughter Ann Morning, Elizabeth, Mary; son Benjamin; no wife; has "houses" and land; indicates all four children living together in his residence of Elbert County, Georgia.

Executors: John Jones Sr and John Davis, whose identity is uncertain, but both may be previously of Culpeper.

Witnesses: Benjamin's nephews Gibson, Simion, and Elijah Jarrell, sons (or two sons and a nephew) of Benjamin's sister Mary Davis, wife of Daniel Jarrell of Virginia.

Will only "recorded" in Elbert County, not "proved" there by the oaths of the witnesses.

It is not known where Benjamin actually died or was buried.

**WILL OF BENJAMIN DAVIS**  
**Dated 2 September 1796; Recorded 24 July 1797**

In the name of God Amen, September the second in the year of our Lord One Thousand Seven Hundred and Ninety-Six, I, Benjamin Davis being sick but of perfect memory thanks be to God for the same do make and ordain this my Last Will and Testament in manner and form following Viz:

Item, I give and bequeath to my beloved daughter Ann Morning Davis a feather bed furniture that she generally lys on, and black horse by name of Jack to her and her heirs forever.

Item, I give and bequeath to my beloved daughter Mary Davis Thirty Dollars Cash.

Item, I give and bequeath to my beloved Daughter Elizabeth Davis the feather bed which I generally lies upon with all the furniture and one butter pot and a hemp hackle and loom with the geer to her and her heirs forever.

Item, I give and bequeath to my beloved son Benjamin Davis the land I now live on with all the houses, one sorrell mare colt one cow by name of Mott and her yearling calf and if the said Benjamin Davis should die without an heir then all his part to return to his sister, Elizabeth Davis.

My will and desire is that when my children break up house keeping so as to seperate from one another then the stock of cattle and hogs and kitchen furniture all to be sold for cash and equally divided amongst all my children. Then my land and all the houses to be rented out and the rents go to support my beloved son, Benjamin Davis.

And I do hereby appoint Mr. John Jones, Senior and John Davis to be my Executors of this my last Will and Testament and I do hereby make avoid and disanull all other wills formally by me made and acknowledged this only to be my Last Will and Testament and Witness my hand and Seal.

Signed: Benjamin Davis (Seal)

Test: Gibson Jarrell, Simion Jarrell, Elijah Jarrell

Recorded the above Will the 24th day of July 1797 by W. Higginbotham, Reg. Pro. L.C.

*[Source: Elbert County Georgia Ordinary, Estate Records, Wills and Mixed Records, 1791-1803, Book B, p. 23. Transcription by Jack Shotts, verified by original copy of will in my files.]*

Probate of Estate: Negative search, Georgia Archives, Atlanta, Georgia.

An extensive search was made November 2006 in the Georgia Archives for further Elbert County probate records. There are no records of Guardianship Bonds, Administrative Bonds, Annual Returns or Mixed Records. An entry in Elbert County, Court of Ordinary, Estate Records Miscellaneous Records 1791-1833 dated July 27, 1797 gives only the names of the two executors in the will. An entry in Elbert County, Court of Ordinary, Letters of Guardianship, Book B shows only a copy of the will.

Note:

This will was witnessed by Benjamin's nephews, sons of his sister Mary Davis and her husband Daniel Jarrell. (Gibson and Elijah are proved sons by Daniel's will; Simeon is likely another son, but could be a nephew.) The Jarrell family sold their land in Culpeper/Madison County, Virginia in 1793 and were settled in Monroe County, now West Virginia, before 1804. Apparently, Benjamin had traveled from Georgia back to Virginia in 1796 (perhaps to bring back a new wife after Mary's death?).

Benjamin's will in Elbert County was not "proved" by the oaths of the witnesses, as law required; it was only recorded. That may mean that when Benjamin died in Elbert County the witnesses, still in Virginia, were not available to testify to their signatures in Georgia Court. But it also may mean that Benjamin died

before getting back home to Georgia, and his will was sent on by the family for recording in Elbert County where his children and property were. No grave has been found for Benjamin Davis II.

The identity of the two executors, John Jones Sr. and John Davis, is still uncertain, even after extensive research. Some think that John Jones Sr. was the one who was born in Orange County and married Ann Shackelford and died after 1797. This fits well with the fact that Benjamin Davis III sold Elbert County land in 1804 to Edmund Shackelford, a relative of Ann. It also fits with the fact that John Jones' son, known as "Sr" himself after his father's death, in 1811 gave to his granddaughters whose father was Joseph Chipman, 97 acres on Coldwater Creek (EDBN:160), also the location of the land Benjamin Davis III sold in 1804 to Edmund Shackelford. However, the elder John Jones is said to have married in Albemarle County, and a John Jones appears (needs re-checking) to be still on Albemarle County Road Orders after the year 1796, the year Benjamin II wrote his will. (Unknown at this point how many John Jones there were at the time in Albemarle.) There is a John Jones family in Culpeper that seems to be in a location and among people that would connect them with our Culpeper Davis's, but I have been unsuccessful in finding out additional or detailed information about this Culpeper John Jones.

John Davis, the other named executor, would not be the John Davis who appears to be Benjamin's brother. His brother John moved from Culpeper to Pittsylvania County, Virginia in 1784, and lived there until his death in 1808. Benjamin's executor may be the John Davis Revolutionary War soldier, born 1754 in King William County, who entered the Revolution from Culpeper in 1777 and moved to Elbert County, Georgia about 1790. However, primary records in Culpeper, Virginia and in Elbert, Georgia especially before 1800, are just about non-existent for this John Davis RS, so almost nothing can be learned about his relationship to and involvement with Benjamin II's family in either location. (For details and records found so far, see Notes for John Davis, R. S. in my files.)

**ADDENDUM I:  
REPORT ON BENJAMIN DAVIS II - REVOLUTIONARY WAR SERVICE  
March 2, 1777 through February 1779**

From: Compiled Service Records of Soldiers Who Served in the American Army During the Revolutionary War, Virginia 8th Regiment, Series M881, Role #1042, D  
Benjamin Davis, 8th Virginia Regiment, Private [also designated at times 4th, 12th]  
National Archives and Records Administration (NARA), Washington, DC  
Research at NARA by Nicki Peak Birch, Certified Genealogist

The compiled service record for Benjamin Davis shows he enlisted on 2 March 1777 for three years in Capt. Stephen Ashby's company under the command of Col. James Wood, 12th Virginia Regiment. For the first six months, there is no note of anything unusual in Benjamin's muster roll records. But beginning in September of 1777 he is listed as sick in various hospitals for 16 of the next 18 months until he leaves the Army March 1779, a year before his enlistment time is over, apparently due to continuing health problems. (Details listed below.)

This discovery was both startling and mysterious. What could have kept a man who was a carpenter by profession, used to hard outdoor labor in all kinds of conditions, too sick for active duty for so long, neither dying (as with smallpox or typhoid), nor recovering enough to return home sooner (as with early TB or syphilis), then living apparently normally for 18 years thereafter. Even severe scabies, the scourge of Valley Forge, could not have incapacitated him for a year and a half. And in fact, two years after his discharge Benjamin was apparently healthy enough to be able to serve again in the war, as he was listed in the January 1781 Culpeper County "classes" of those eligible for the military draft. Ten years later at age 55, he was robust enough to move his family from a relatively settled life in Virginia to a still-undeveloped area of Georgia. And judging from the eminently sane words and tone of his highly personalized and literate will, when Benjamin died in 1797 at age 61 he at least did not die of syphilis, one of the more common Revolutionary War diseases. So, what could his prolonged war illness have been?

I have read books and articles on illness and hospitals during the Revolution, asked opinions of several experts on the Revolutionary War, including professional genealogist Nicki Birch who obtained copies for me of Benjamin's war records from the National Archives in Washington, D.C.; and talked with several doctors of my acquaintance about the effects of various diseases common during the Revolution. I also studied the complete muster rolls for Benjamin's company available as digital images on [www.footnote.com](http://www.footnote.com). Yet much of the mystery remains.

The best I can surmise is that Benjamin may have been wounded in the Battle of Brandywine on 11 September 1777, in which his company participated. On the muster and pay rolls I examined, there was usually no notation distinguishing wounds versus disease, all were simply listed "sick" unless a soldier died of his wounds. Also, I found that "sick in camp" was a different status than "sick in hospital" or simply "sick" with a place-name where the hospital was located. The former apparently meant a man was sick enough in his tent not to be able to perform his duties, but not serious enough for the hospital, where conditions were often so extreme that most men would rather die than risk going there. Benjamin, however, spent 16 months in such places. In a perverse way, surviving that speaks to his underlying health and strength.

The September 1777 muster roll (dated October 13), the first muster roll after the Battle of Brandywine, says by Benjamin's name only "Bethlehem", but it appears that all on that list with just a place-name noted were indeed sick in a hospital at the place given. When I checked the original muster roll, I found that no one on September's list is noted as "sick" (which would be almost impossible, even had there not just been a battle--no other muster has no one sick). I also found that the "sick" from the previous month were listed in September's roll with just a place-name. Since the purpose of the muster rolls was to report who and how many were on active duty and to account for those inactive or temporarily re-assigned, apparently in this case just naming a place served that purpose without any additional note of "sick" (especially for a hurried clerk late filing his report).

The co-incidence of Benjamin's being unfit for duty at the end of September in Bethlehem, Pennsylvania seems telling, since the entire town of Bethlehem was appropriated as a hospital center to try to accommodate the wounded and ill after the American defeat at the Battle of Brandywine.

Whatever the cause--a wound, a resulting infection, the diseases rampant both in and out of the hospitals or perhaps a combination of all three--Benjamin was in the hospital from September 1777 through March 1778. Of those seven months, most were in the hospital in Valley Forge, Pennsylvania where his company spent the infamous Winter of 1777-78.

Sandra Ferguson wrote this about conditions at Valley Forge:

'Christmas 1777 may have been the bleakest our nation has ever known, and nowhere more so than at Valley Forge...The rag-tag troops had been marched from Whitemarsh to the banks of the Schuylkill River, where they had to camp for several days because of blinding snow and then icy rains. Once there they crossed the river and plodded on to Valley Forge, where it was expected they would find provisions, left there earlier. Unfortunately, the British, after the battle of Brandywine, found the hidden provisions and destroyed them, so that when the troops finally arrived, there was nothing awaiting them.

'Their pitiful state is reflected in the words of men who actually saw them; "An army of skeletons appeared before our eyes naked, starved, sick and discouraged," wrote New York's Governor Morris of the Continental Congress. The Marquis de Lafayette wrote: "The unfortunate soldiers were in want of everything; they had neither coats nor hats, nor shirts, nor shoes. Their feet and their legs froze until they were black, and it was often necessary to amputate them." George Washington, who always thought first of his troops, accused the Congress of "little feeling for the naked and distressed soldiers. I feel superabundantly for them, and from my soul pity those miseries, which it is neither in my power to relieve or prevent." ... [A]s the new year opened it was reported that stores of blankets, shoes, and clothing were virtually exhausted. On January 2nd there were no more animals to slaughter [for meat]...Far from their homes and families, these cold and hungry men clung only to their faith in General Washington, and their hope for an independent nation...'

As terrible as conditions were in the camp in general, they were even worse in the camp hospital. Men who had a choice often preferred to risk dying in their tents rather than go to the hospital where the same lack of necessities like clothes, blankets, food and sanitation plus overcrowding spread infectious diseases even faster than the camp at large. An article on Revolutionary War hospitals in the journal "Pennsylvania History" says the hospital situation was so horrendous that "General Wayne even declared that he would rather fight the British under great odds than be required to inspect camp hospital."

Illness was a severe problem among Washington's troops that fall and winter. The Valley Forge National Historic Park website says that in late 1777, "The prevalence of disease undoubtedly contributed to the

demoralization of the army. Over seventeen percent of the troops were listed as sick in October, twenty-five percent in November, and when the army trudged off to Valley Forge in late December, thirty-two percent of Washington's men...were listed as unfit for duty." So, the fact that Benjamin was sick is not surprising, only that he was incapacitated for so long without recovery or death.

The next April and May 1778 Benjamin was apparently well enough to be back in active service, as there is no comment for him on those muster lists. But beginning in June and on through September he was again listed sick in Valley Forge. Benjamin's company had moved out of Camp Valley Forge for the summer campaign (Paramus, New Jersey in June, White Plains, New York by August), so apparently, he again was in serious enough condition to be unable to move with them or to go home. Since the usual diseases either killed you or you recovered in days or weeks, we might guess that a wound got re-infected or re-injured, then possibly again a series of the contagious diseases or afflictions endemic to this era and this war, even (sometimes especially) in the hospitals themselves.

October and November of 1778 Benjamin's muster rolls list him "sick in Jersey", but his hospital was not in Middlebrook NJ where his unit quartered with Gen. Washington for that winter. Comparing a number of muster lists both for Benjamin's unit and others, I found they gave a place name only when the soldier was separated from where their unit was stationed. For example, we know from other sources that December 1777 through March 1778 Benjamin's company was in Valley Forge, and Benjamin is noted in those months as "at hospital." His unit moved out in summer with Gen. Washington, and so in June, July, and August Benjamin is listed as "sick Valley Forge."

The next month, December of 1778, Benjamin is listed sick in Princeton NJ, while his company was still in Middlebrook. So, it may be that he had been in a Princeton hospital the two previous months, as well as on through January and February of 1779, when his muster roll simply says "sick absent." That is the last entry of Benjamin's service record, so apparently by March 1779 he finally was deemed able to be released from a hospital, but still not well enough to finish his term of enlistment which was to continue for another year. How Benjamin made it home in that condition, about 300 miles and still wintertime, is yet another mystery.

It is difficult to evaluate the effect of Benjamin's devastating war years on his remaining 18 years of life. He did not apply for a pension available to those who were disabled or incapable of earning a living. He did not lose the land he owned prior to the war, as many did through war-related illnesses and resulting economic difficulties. He was able to make the arduous move to Georgia in 1791 when he was 56 years old. He apparently was able to continue his carpentry and building work, even under frontier-life conditions in Georgia, as he mentioned in his will his houses other than his family's residence which he presumably built. There are even strong indications that he made a return trip from Georgia to Virginia, although it may have been that trip that caused or hastened his death, and he probably died before making it make back home to Georgia. Benjamin was 61 when he died, which was young for the men in his family. His older brothers lived much longer--John died at about 80 years old, and William and James lived into their 90's. But his brothers had not served in the Revolution, and we can only assume that made the difference.

Our country won its independence at a terrible cost to countless soldiers, their families, and their communities. The high price they paid is rarely mentioned in the usual school studies and popular programming on the Revolution, much less on the Fourth of July. But to know and to remember is to honor them rightly. I have read more in-depth history of the Revolution while researching Benjamin and other Revolutionary veteran ancestors than I did even in college, and much new historical research has been published since then as well. I have read scores of veterans' applications for the pension offered to

Revolutionary War soldiers in 1832. They tell of their war service in sparse, low-keyed ways. Nonetheless they are surprisingly immediate and dramatic, even more so by what is unsaid between the lines of facts. The accumulated Revolutionary War history I have learned is chilling and relentless in its extreme hardship, disease, starvation, hunger, cold, lack of basic supplies such as shoes and blankets and coats and even a gun; brutality and mayhem by both sides against their enemies, even when "the enemies" were non-combatant neighbors; shortages of food and money for necessities for wives left back home with a houseful of children and no one to plant and tend the crops and make house and equipment repairs; economic hardship in the postwar years even for those not sickened or maimed, having to revive farms that had deteriorated in the absence of their men during the war; to say nothing of ordinary farmers and small shop owners and the like who had particularly daunting experiences such as being captives of the British or the Indians, spies and amputees. Many suffered the rest of their lives in illness and disability. And from pension applications and families' stories it seems a number of soldiers suffered the kind of prolonged mental and emotional disability we now know as combat-related post-traumatic stress syndrome. The Revolutionary War was hell on those in the military and those left at home, and the hell did not always end with the peace treaty.

Benjamin's post-war life seems more fortunate than many, at least from what we can glean from the few records we have. But his months on end of illness in hair-raising military hospitals is one of the most puzzling and heart-rending stories I have found, and I along with those I have consulted dearly wish he had left us his version. Benjamin's life seems full of mysteries, and his prolonged illness during his war service is yet one more.

#### **BENJAMIN DAVIS MUSTER ROLLS**

Muster for	Roll Date	Comment	Roll originated	Unit Name*
1777				
Mar-Jun	Aug 5			Capt Ashby, Col Wood, 12th VA Reg
July	Aug 5			
Aug	Sep 3			
Sept	Oct 13	[Sick] Bethlehem		
Oct	Nov 4	Sick**		
Nov	Dec 24	Sick in Hospital		
Dec	Jan 7	Sick in Hospital	[Valley Forge]	
1778				
Jan	Feb -	Sick in Hospital		
Feb	Mar 6	At Hospital		
Mar	Apr 3	At Hospital		
Apr	May 2	No Comment	Valley Forge	
May	Jun 6	No Comment		
June	Jul 12	Sick Valley Forge	Paramus NJ	Lt Col Neville/Col Wood 4th 8th 12th VA
July	Aug 3	Sick Valley Forge	White Plains NY	Lt Col Neville, Col. Wood, 4th VA Reg
Aug	Sep 2	Sick Valley Forge	White Plains NY	
Sept	Oct 3	Sick Valley Forge		Lieut Col's Co., Col Wood, 8th VA Reg
Oct	Dec -	Sick Jersey	Middlebrook, NJ	Col. James Wood's Co., 8th VA Reg
Nov	Dec 19	Sick Jersey	Middlebrook, NJ^	
Dec	Jan 14	Sick Princeton	Middlebrook, NJ	
1779				
Jan	Feb 4	Sick, absent^^	Middlebrook, NJ	

Feb            Mar 4            Sick, absent            Middlebrook, NJ

\* Published accounts of Benjamin's war service say he "transferred" twice to other units. Actually, Benjamin was in the same company his entire time of service. The designations of all the companies changed throughout the summer of 1778, until Gen. Washington's overall reorganization was completed by October 1778. Benjamin's company was first called "Captain Stephen Ashby's Company of the 12th Virginia Regiment of Foot commanded by Col. James Wood." In June 1778, the muster reads "Lieutenant Col. John Neville's Company of the 4th, 8th, and 12th Virginia Regiment of Foot, commanded by Col. James Wood." The next month, July 1778, the muster names the same officers, Lt. Col. John Neville and Col James Wood, but their company is now part of the 4th Virginia Regiment. In September, it is called "The Lieutenant Col.'s Company of the 8th Virginia Regiment of Foot, commanded by James Wood." Then beginning in October with Washington's general reorganization it is called "Col. James Wood's Company, 8th Virginia Regiment." The change in designations is noted on the Index Cards for the Compiled Service Records, NARA. The dates are from the muster rolls themselves found in digital form at [www.footnotes.com](http://www.footnotes.com).

\*\* The NARA Index Card for this month's muster has "Picket" which is then struck out. On the muster roll image found at [www.footnotes.com](http://www.footnotes.com), the rows are slanted, so the crossed-out "picket" is the notation for the person named under Benjamin. The notation on the correct line for Benjamin is simply "sick."

^ Middlebrook was a small village in Somerset County NJ now absorbed by the town of Bound Brook just to the southeast. Middlebrook is where Gen. Washington headquartered his troops for the Winter of 1778-1779. From there they could move to protect New Jersey, threaten New York and Staten Island (then held by the British), and quickly re-enforce the New York Highlands guarding the Hudson River.

[From "*The Middlebrook Winter Encampment*" by Glenn Valis, referencing "*Middlebrook, The American's Eagle's Nest*" by Carl Prince, available from the Somerset County Historical Society and found at <http://www.doublegv.com/ggv/battles/midbrk.html>]

^^ This designation "sick, absent" was the general phrase for being sick, presumably in a hospital, elsewhere than the soldier's unit was located, as opposed to "sick, present." Why these later musters do not name the places, I do not know, for the company officers would know or need know where their men were. Some of the report forms changed over time, and notations varied depending on the clerk or circumstances, so perhaps another kind of report gave the location. But since the unit was still in the same place and it was dead of winter, it seems safe to assume that Benjamin was still in Princeton.

During 1777-1778 the Virginia 12th Regiment served at Brandywine, Paoli, Germantown, White Marsh, Matson's Ford, Valley Forge, Crooked Billet, Barren Hill, and Monmouth.

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Online Encyclopedias such as Wikipedia for articles on various battles and Virginia regiments

Sandra Ferguson quote was posted 24 December 2007 to the Elbert County Georgia Mail List by Chandler Eavenson, citing the Old Chester, Pennsylvania website

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#### POST SCRIPT: SPECULATIONS (ONLY) ON BENJAMIN DAVIS & GEORGE WASHINGTON

Benjamin and his family surely knew George Washington as a boy and young man as well as members of his family. Only four years older than Benjamin, George and his family moved in 1738 when he was six from Westmoreland County to Ferry Farm, on the other side of the Rappahannock River from Fredericksburg. Within five years, by 1743, Benjamin's family moved from King William County to land in Spotsylvania about 15-20 miles from Fredericksburg, the commercial and shipping center of that area of Virginia.

Historians believe young George Washington probably attended a school in Fredericksburg run by Rev. James Marye, rector of St. George's Parish. I think it likely Benjamin also attended that school. (Not only could Benjamin read and write, which often wealthy men could not do, but I believe the unusually fine style and wording of his will indicates a formal education.) In 1766, when Benjamin's brother James Davis sold his Orange County property, he sold to Rev. Marye's son Peter Marye whose wife Elinor "Ellen" Coleman Green's family were also longtime friends of Benjamin's family. Members of George Washington's family attended St. George's Parish Church in Fredericksburg where Benjamin's father built the first addition to the church beginning in 1754. Fielding Lewis, who married George's sister Betty in 1750 and became George's close friend, had land near Benjamin's father by at least 1753. In 1765 Rev. Marye and his son James Jr. (Peter Marye's brother) opened a school for slaves, and Fielding Lewis was school administrator. (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. See: "Education in Virginia" by Jane Kosa of the Central Rappahannock Regional Library, Fredericksburg, Virginia, online at [www.historypoint.org](http://www.historypoint.org).)

As a younger son, George Washington knew he could not count on the inheritance and advantages that benefited his older brothers, so he chose to learn the profession of surveyor. His mentor was George Hume, on Spotsylvania records with many people connected with Benjamin. George Hume's father-in-law was George Proctor, a close friend of James' wife Mary Price's likely grandfather Edward Price. In any case, as a builder, Benjamin's father would have worked closely with the local surveyors, and as both

professions were rare, they would have comprised a small community. Later in Culpeper/Madison County, George Hume's son Charles lived (perhaps on land inherited from father George) close to Benjamin and his brother James and sister Sarah Terry, and adjacent to Benjamin's nephew Robert Davis.

In 1749, the General Assembly of Virginia created the new county of Culpeper from the western portion of Orange County. George Hume's pupil, 17-year-old George Washington, was engaged to do the initial survey of the county including the plan for the courthouse town. By that time Benjamin's father already had completed a number of major bridge building projects for Spotsylvania, Louisa, and Orange County. Especially given his later connection with Robert Coleman in the building and development of the courthouse town, I believe that he also probably built the first courthouse and jail in the town shortly after George Washington's survey. (None of the pre-Revolution Culpeper County Court records have survived except several months of 1763-64.)

If Benjamin's wife Mary was, indeed, the daughter of Edward Bush, then other connections with George Washington's family appear. Edward Bush was a carpenter born and raised in Westmoreland County. We have only one deed record for him in Westmoreland, purchased in 1737 when Edward was about 24 years old. His 80 acres were on Popes Creek where George Washington's family lived before moving to Ferry Farm the next year. In fact, a mill on a section of the same original 200-acre tract was owned by George's father Augustine Washington. Almost surely Edward would have done carpentry work for the Washington estate. But there may have been a longer-term connection. When Edward sells this Westmoreland land 25 October 1742 after moving to Orange/Culpeper, the witnesses are relatives and close friends of the Washington's.

## **ADDENDUM II: Benjamin Davis of Pulliam's Mill, Elbert County, Georgia**

Georgia State Archives Research regarding Land Grant to "a" Benjamin Davis and Benjamin Davis of Pulliam's Mill in consultation with and assistance of Sandra Bolling, Senior Archive Librarian.

Records at the Georgia Archives in Atlanta show there is only one Benjamin Davis with a land grant in Elbert County (granted when the property was still in Wilkes, prior to Elbert County's formation in 1790). This coincides with information in "Index to the Headright and Bounty Grants of Georgia 1756-1909" (Rev Ed), edited by Rev. Silas Emmett Lucas Jr, that says:

Grantee: Davis, Benj.; Location: Wilkes; Grant Book FFF, p. 344; 200 acres; granted 1785. [date of warrant to survey; grant itself missing; later deed says granted 1786]

Grantee: Davis, Benj. (heirs of); Location: Elbert; Grant Book O.5, p. 173; 50 acres; granted 1820 [reissue of lost warrant]

This Benjamin Davis was a resident of Georgia by 10 September 1784 when he was granted a Warrant to Survey 200 acres in Wilkes County based upon his own headrights. A replacement Warrant to Survey was issued to the same Benjamin Davis "in lieu of old warrant" on 17 October 1785. That Benjamin Davis was a resident of Wilkes County by a deed dated 17 January 1789, selling part of his grant to William Pulliam, including a mill known as Pulliam's Mill.

Therefore, this could not be our Benjamin Davis of Culpeper County, since he is still a resident of Culpeper County Virginia through 18 September 1790, as proved by Culpeper personal property tax lists and a deed of sale of that date.

The Wilkes County, Georgia deed dated 17 January 1789 from Benjamin Davis to William Pulliam states that the land being sold was part of a grant to Benjamin Davis dated 31 March 1786. That is the only primary record of the date, as the actual grant record is not found in the Georgia Archives or records at the Elbert County Courthouse. (Rev. Lucas' compiled list cites date of 1785, and must refer to the Warrant to Survey. I am missing the citation for my copies of this and 14 other warrants for "a" Benjamin Davis in other counties obtained from the Georgia Archives during this search.)

In the DAR publication "Historical Collections of the Georgia Chapters, D.A.R., Vol. III, Records of Elbert Co., GA", originally printed 1930, there is the following entry, typed to one side out of line with the other entries. It also has no notation of how many headrights or whether it is a renewal of an old warrant--standard information included in other entries for that section. It merely says: 6 June 1791 – Ben Davis, 2000 acres (p. 216)

There is no record anywhere in the Georgia Archives or at the Elbert County Courthouse of a grant to a Benjamin Davis with that date. There are no supporting documents at all for such a grant (i.e., application, warrant to survey, plat survey, grant or tax list). And in fact, the 2000 acres were impossible, as a grant of that size was by law no longer allowed at that time. There was only one land grant to a Benjamin Davis for land in Elbert County, and that was for the one surveyed shortly after 17 October 1785, and granted 31 March 1786 per 1789 deed.

The only explanation for the DAR book entry seems to be: The date of 6 June 1791 may be when this land grant parcel was noted in some Elbert County record, possibly as part of an initial county survey or

districting map shortly after Elbert was formed from Wilkes on 10 December 1790. The "2000" acres is obviously a typographical error for 200 acres.

But the confusion does not end there. On 3 November 1806, a warrant to survey 50 acres in Elbert County was issued to "the Heirs of Benjamin Davis, descd, in lieu of an old warrant of said Benj. Davis which has been lost or mislaid." The survey of this land was dated the next day and the plat map shows these bounds:

Lewis Davis (w), John Walton's land (n), vacant (e), Wm. Pulliam's land (s), Jos. Pulliam (sw corner)

Chain carriers were Benjamin Davis, presumably the son/heir of the original grantee Benjamin Davis, and Benjamin Pulliam, who must be an heir of William Pulliam who had bought 10 acres of the original Benj. Davis grant in 1789.

The ensuing survey plat and accompanying 1806 warrant was to be returned to the Surveyor General within 2 years for the issuance of the grant itself. Instead it was not until 18 December 1820 that the grant was issued to "Heirs of Benj/n. Davis their heirs and assigns" for these 50 acres in Elbert County. The 1820 grant gives bounds as: NE by vacant lands; NW by Walton's lands; SW & SE by Pulliams', and [Lewis] Davis land. Again, Lewis Davis appears to be of the family, heirs, and/or assigns of the original grantee Benjamin Davis in 1785-6.

This trail of records proves conclusively that this, the only Georgia grant in Elbert County for a Benjamin Davis, was not for our Benjamin Davis, who did not move from Culpeper to Georgia until after September of 1790.

I have not been able to establish positively the identity of the Benjamin Davis of this land grant and "Pulliam's Mill." However, from the names of Joseph Davis and Lewis Davis with nearby land, it seems this Benjamin may be somehow related to the family of Absolom Davis Sr. (d. 1807, Elbert County, Georgia). Absolom Davis' father was Richard Davis of the part of King William County that became Caroline County, Virginia, adjacent to Spotsylvania County. While in Caroline, Richard Davis is on records with a James Terry, and one of Richard's daughters married a Terry, certainly related to the brothers Thomas and James Terry of King William.

Ironically, this clearly brings us close in place and time, and probably relationship, to the family of our Benjamin Davis II. He was born in King William, moved to Spotsylvania, the family had many associates in Caroline, and his sister married a descendant of the Terry's of King William. The family also had close ties with the Pulliam's of King William and Spotsylvania. A one-time ward of his father Benjamin Davis I, Frances Boswell, married a Spotsylvania Pulliam, and two of her brothers were Benjamin I's apprentices. Although I have not been able to trace William Pulliam of Elbert County, Georgia back in time and place, it seems almost certain he was of the same general Pulliam family in Virginia. Although there is no tight proof, in large part due to courthouse fires, there is I believe a chance that Absolom Davis' father Richard Davis of Caroline and Granville, North Carolina could be descended from the Richard Davis of New Kent/King and Queen County and Queens Creek York County, possibly a brother of Benjamin Davis II's great-grandfather John Davis also of Queens Creek.

PRIMARY RECORDS RELATING TO ELBERT COUNTY LAND GRANT OF A BENJAMIN DAVIS (not Benjamin Davis II d.1797)

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Warrant to Survey

10 September 1784 - BENJAMIN DAVIS

200 acres - Wilkes County - on Doves Creek - by his own headrights [1 head household, 2 wife/children]

Signed: Sanders Walker, CWC

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Warrant to Survey (Replacement)

17 October 1785 - BENJAMIN DAVIS - 200 acres - Wilkes County - "in lieu of old warrant" - stated he was required to record plat and transmit a copy together with this warrant to the Surveyor General within 6 months from this date. /s/ Benj. Catching

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Wilkes/Elbert County Deed

17 January 1789 - From BENJAMIN DAVIS of Wilkes County unto WILLIAM PULLIAM of same. £100, 10 acres including the grist mill known by the name of PULLIAM'S MILL bounded westwardly by Stewman & eastwardly by a stream or draft below the mill on all other sides unknown. Being part of 10 acres granted BENJAMIN DAVIS 31 March 1786 for 200 acres on BEAVERDAM CREEK.

Signed: Benj. Davis Witness: Benjamin SANDERS Rec. 17 April 1792, Elbert County

[*Elbert Deed Book A, p. 67a, Elbert County Superior Court, Deeds Mortgages, Georgia Archives, Atlanta, Georgia*]

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Elbert County formed from Wilkes County 10 December 1790. [*M. M. Farmer*]

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11 January 1796 - Memorandum of Agreement between JOSEPH DAVIS unto William Bibb. For the use of a mill race, BEAVERDAM CREEK, and mill & mill dam 40 pounds. Registered September 15, 1802 [*Elbert Deed Book H, p. 25, cited by Bill Frazier*]

Note: This seems to refer to the same "Pulliam's Mill" area, and Joseph Davis must be of the family of Benjamin Davis of Wilkes, the original grantee of the land that later contained Pulliam's Mill.

In the 1785 Wilkes County Tax Lists (The Early Records of Georgia, Volume II), there is a household of Absolom Davis (5½ polls) and two entries away a household of his sons Absolom Davis Jr. (1 poll) with Joseph Davis (1 poll) living with him. Absolom Davis Sr. also had a son named Lewis Davis. Lewis Davis was a bound on the survey for a replacement warrant to survey in 1806.

There is a survey map for a warrant to survey dated 9 October 1783, executed 20 October 1783 for Augustine Davis for 200 acres in (then) Wilkes County on "branch of Mill Creek." The adjoining lands a vacant, and there is no other identifying description of the location. This could be Absolom Davis Sr.'s son Augustine Davis who died 1785, Wilkes County (Absolom also had a brother Augustine Davis, but he lived just over the Savannah River in Long Cane, SC).

Although the relationship is uncertain and far from proved, the Benjamin Davis of the Wilkes/Elbert County land grant seems to be connected to this family of Absolom Davis Sr. Absolom Davis Sr. wrote his will in 1807, shortly before he died the same year. He did not include a son Benjamin. But Benjamin Davis of the Pulliam's Mill land died before 3 November 1806, when his heirs applied for a replacement warrant for land in the same place. Because he had adult heirs by 1806, this Benjamin Davis probably was born before 1760 and would be the right age for a son of Absolom Sr.

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Warrant to Survey - 3 November 1806 - Heirs of Benjamin Davis - 50 acres - Elbert County, Georgia

To Richardson Hunt, Esqr. Surveyor of Elbert County, authorized to lay out 50 acres unto the Heirs of Benjamin Davis, descd, in lieu of an old warrant of said Benj. Davis which has been lost or mislaid, Hunt to record a plat of same and transmit with warrant to the Surveyor General within 2 years.

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Survey - 1806 - Heirs of Benjamin Davis  
3 November 1806 - Warrant to Survey - Elbert County - 50 acres  
Surveyed 4 November 1806 by R. Hunt SEC; Advertised 4 November 1806

Chain Carriers: Benjamin Davis, Benjamin Pulliam  
Survey plat map shows bounds as:  
Lewis Davis (w), John Walton's land (n), vacant (e), Wm. Pulliam's land (s), Jos. Pulliam (sw corner)

*[Source: Georgia Secretary Surveyor General Plat, 1802-1824 Plat Book YY, p. 208 (Indexed) Reel No. 2-2229, Georgia Archives, Atlanta, Georgia]*

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Land Grant - 1820  
18 December 1820 - Grant to Heirs of Benj/n. Davis their heirs and assigns - 50 acres - Elbert County  
Bounded NE by vacant lands; NW by Walton's lands; SW & SE by Pulliams', and [Lewis] Davis land.

Signed: John Clark (Governor), Elisha Hood SED  
Registered 19 December 1820

*[Source: Georgia Secretary of State Surveyor General Land Grants 1820-1823 Grant Book \_\_, p. 173 (Indexed), Reel No. 2-2317, Georgia Archives, Atlanta, Georgia]*

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### Historical Information

Benjamin seemed to have Elbert County land at least on Coldwater Creek near Vann's Creek. (Coldwater Creek was the location of the property that Benjamin Davis (III) sold in 1804, probably the land he inherited by his father's will. Coldwater Creek was also where Benjamin III's Wansley in-laws lived). This article tells of a Revolutionary War engagement fought at Vann's Creek in 1779, 12 years before Benjamin's arrival.

Atlanta Journal-Constitution - 2 December 2007

#### MONUMENT DEDICATED TO REVOLUTION SKIRMISH

By Charles T. Gay

Pop quiz: It was a battle on Georgia soil, Americans fighting Americans in a bloody struggle for independence. The Battle of Atlanta, right?  
Wrong war.

Eight decades earlier, patriots of the new nation and colonists loyal to England slew each other in a series of bitter clashes in Georgia during the Revolutionary War. One of those battles was a small but sanguinary affair near the Savannah River known as Vann's Creek, also called Cherokee Ford. It was a skirmish really - a mostly forgotten chapter in the story of our country's birth.

But not everyone forgot. On Saturday, the first monument to the 1779 fight between Patriots and Loyalists will be dedicated near the site, at Richard B. Russell State Park near Elberton.

The memorial is the product of three years' work by the Sons of the American Revolution, said Stuart Lyle, a member of the Samuel Elbert chapter who helped champion the effort.

Some accounts indicated the fighting was miles away, Lyle said, even on the South Carolina side of the river. Research confirmed the battle was in Georgia, in modern-day Elbert County.

So, what happened at Vann's Creek? The clash presaged a better-known engagement three days later, the Patriot victory at Kettle Creek over the same Loyalist force.

The battles were part of a bigger, Southern story: British commanders were bogged down in the North, so they turned their sights South, where they believed much of the population favored their cause. Georgia, perceived as a loyal colony, would be the first test of the Southern strategy, said Steven J. Rauch, command historian at Fort Gordon in Augusta and an expert on the Revolution in Georgia.

British forces captured Savannah and Augusta, then moved into the sparsely settled backcountry seeking recruits. One newly raised "Tory" group, under a South Carolinian named Colonel Boyd (first name lost to history), was heading to Augusta when it was surprised on February 11, 1779, by Georgia and South Carolina patriot militia at Vann's Creek.

The Loyalists had 600 to 900 troops, while the Patriots had 120, but the terrain, dense with tall canebrakes, offered poor visibility. It's likely neither side knew the other's size. The Patriots retreated after suffering 16 men killed or wounded and 18 captured. Loyalist casualties probably amounted to 100 men killed, wounded and missing. Some newly minted Tories, not ready for battle, deserted.

The numbers were small, but Rauch notes everyone involved was American - no British regulars. In fact, the battle pitted Southerner against Southerner.

"It wasn't Gettysburg or Kennesaw Mountain, but American men fought and died on both sides," said Rauch, the keynote speaker for the dedication ceremony.

Days later, Boyd's Tories suffered heavier losses against a bigger Patriot force at nearby Kettle Creek. The Loyalists made it to Augusta, but with fewer than half of the men Boyd had recruited. The British had gotten a taste of the determined opposition that would turn the war in the Carolinas, leading to Patriot victory at Yorktown, Virginia.

On Saturday, organizers will unveil a 6-foot granite marker, approved by the state Department of Natural Resources, that describes the battle and honors those who served.

Wreaths will be laid, a band will play, and a Patriot militia color guard will fire a musket salute.

#### IF YOU GO

Dedication of Vann's Creek historical marker

When: 11 a.m. Saturday, December 8

Where: Richard B. Russell State Park, beach area, 9 miles east of Elberton, on Ruckersville Road off Georgia 77

Featured speaker: Steven Rauch, command historian at Fort Gordon

Other events: Unveiling of monument, presentation of wreaths, musket salute by Col. Elijah Clarke militia.

Submitted to the GAGenWeb Elbert County Archives by Chandler Eavenson  
GAELBERT-L post 2 December 2007.

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