

The Battle of the Bills

by Dale Dobson

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Welcome to The Battle of the Bills, the sometimes rowdy and rancorous debate about which William Thames of Georgia is the true son and heir of the Rev. David Thames of Cumberland County, N.C. Perhaps it's just my devilish nature that incites me to bring this subject up again after it has seemingly simmered down. The letters to the Thames list have tapered off and the rhetoric has cooled.

At our inaugural T/TFA meeting, I had short conversations with at least three different attendees concerning this controversy, and these were folks I had never met or corresponded with. But all of us were interested in the debate that had transpired over the last months, and the passions that the debate inflamed. >Because of that interest, I determined to make The Battle of the Bills the subject of the first article of this newsletter.

There is a group who contends that the William Thames who was living in Crawford County, Ga., in the 1850s and '60s was the son of the Rev. David. Another camp asserts that the William Thames who settled in Clayton County, Ga., was David's son. The purpose of this article is to take a fresh look at the various claims and discuss their merits. I should mention, in the interest of full disclosure, that while I don't descend from either of the two Williams, I do claim descent from the Rev. David. I base that claim in part on a deed that is one of several deeds made between heirs of the Rev. David that concern the disposition of his estate. This series of deeds is important because they give us strong evidence as to the identity of the Rev. David's children. The deeds, which are all on microfilm at the Cumberland County Deed Court in Fayetteville, N.C., are as follows:

- 1: *John Thames to James Thames.* John Thames of Perry County, Ala., son of David Thames, sells his rights to his father's real estate and land lying in Cumberland County, N.C., to James Thames for \$75.00. Dated February 21, 1855. Page 640, Book 80
- 2: *Calvin Thames to James Thames.* Calvin Thames of Sumter County, Ala., son of David Thames, sells his rights to his father's real estate and land situated in Cumberland County, N.C., to James Thames on November 12, 1860. Page 442, Book 55
- 3: *Theophilus Evans to James Thames.* Theophilus Evans of Cumberland County, N.C., grandson of David Thames, sells his rights to his grandfather's real estate and land lying in Cumberland County, N.C., to James Thames on July 15, 1860. Page 635, Book 55
- 4: *Lucy Plummer to Joseph Thames.* Lucy Plummer of Cumberland County, N.C., daughter of David Thames, sells her rights to her father's real estate and land lying in

Cumberland County, N.C., to Joseph Thames for \$50.00. Dated February 2, 1848. Page 478, Book 54

and finally,

5: [*William Thames to James Thames*](#). William Thames of Crawford County, Ga., son of David Thames, sells his rights to his father's real estate and land lying in Cumberland County, N.C., to James Thames of Bladen County, N.C., for \$75.00. Dated March 1, 1853. Page 267, Book 54

I included the first four deeds to establish for the reader what was being recorded: that David Thames had died and that James Thames and Joseph Thames were buying the rights of their (I assume) siblings in order to consolidate the property.

In my case, I descend from John Thames of Perry County, Ala. Since I know this, and I know from various other sources that he was, indeed, in Perry County around that time, I am confident that my John Thames is a son of the Rev. David Thames of Cumberland County, N.C. As the old saying goes, "If it walks like a duck and quacks like a duck, it's probably a duck."

By the same logic, it seems reasonable to say that the William Thames who was living in Crawford County, Ga., in 1853 is a son and heir of the Rev. David, unless there is some compelling evidence to the contrary. It may just be a curious coincidence that John Thames, born January 1834 and Calvin Thames, born May 1838, the youngest surviving children of the Rev. David, made their deeds soon after they reached the age of their majority in 1855 and 1860, respectively.

The argument has been made that perhaps the clerk who recorded the deed between William Thames and James Thames made a mistake and incorrectly wrote Crawford County instead of Clayton County. After all, the reasoning goes, we've all seen mistakes in the handwritten deeds. I would suggest that while it is possible that a clerk could make that mistake, it is unlikely and should not be assumed unless there is clear evidence. It has also been suggested that the William who settled in Clayton County could have been in Crawford without physically moving because of the creation of new counties and the resulting shifts in county boundaries. According to the Carl Vinson Institute of Government, University of Georgia Crawford County Courthouse website [<http://www.cviog.uga.edu/Projects/gainfo/courthouses/crawfordCH.htm>], Crawford County, Ga., was created in 1824 entirely from Houston County, Ga., which was the second of five counties (Dooley, Houston, Monroe, Henry and Fayette) created from Indian lands by the Georgia Land Lottery Act of 1821. Houston County was never part of either Fayette or Henry counties. Clayton County, Ga., was created on Nov. 30, 1858, entirely from portions of Fayette County, Ga., and Henry County, Ga. Fayette County had been created in May 15, 1821, from lands ceded by Indians. Henry County was created at the same time from those Indian lands ceded in the Treaty of Indian Springs, Jan. 8, 1821. The lands that became Crawford County, Ga., were never part of Clayton

County, Ga. The lands that became Clayton County, Ga., were never part of Crawford County. [\[Click here to view the map\]](#)

There is a deed, between William Thames, father of David Thames, and David, made on June 7, 1803, in which William, for “good will, love and affection” for his son David, grants David 140 acres. There isn’t room here to transcribe the entire deed, but a portion of it does bear on this question. About three quarters of the way through the deed, there is a provision in which William makes some exceptions. The first, and the one we are interested in, is an exception for timber rights, “First is to say all that parcel of land on the River under fence with the privileges of Rail timber during the natural life of His son William Theames and no longer.” According to one interpretation, the deed refers to the life of David’s son William. It has been posited by some that since this deed was made in 1803, the William living in Crawford County in 1853 wasn’t born until 1813 - he couldn’t be the William referred to in the 1803 deed and is therefore precluded from being the son of William. It is certainly possible that the elder William excepted the timber rights in favor of his grandson, but in my opinion, the argument is based on an erroneous interpretation of the deed. It assumes that the phrase, “His son William Theames,” refers to David’s son William. I believe that “His son William Theames,” refers to William’s son William.

Lee Ponder, our acting president and a descendant of William of Clayton County, has been kind enough to send me some of his thoughts on this subject. He believes that William of Clayton was the son of the Rev. David. After reading his paper and many posts on the Thames List, I must respectfully disagree. Lee quotes a death notice in the June 1, 1893, Christian Index that states that William was born in April 1796 and came to Georgia at age 12. We know that Rev. David died in 1840. We know that David inherited a sizable estate from his father and by all appearances was a stable man of some worth. Under those circumstances, how many of us, if we were in David’s shoes, would have allowed a 12-year-old to leave home and move hundreds of miles away to what was then the frontier? I wouldn’t allow it, and somehow I rather doubt that the Rev. David did either.

The folks who are trying to eliminate William of Crawford County as the heir are playing a mental game of Twister. No doubt their intentions are good; their motives pure. But, I feel that the mental gymnastics required to eliminate the Crawford County William defy logic and credulity. To me the issue always goes back to the deed that states that William Thames of Crawford County, Ga., sells his rights to his father David Thames’ estate.

That is definite. That is what is known. The rest is supposition.