

The Battle of the Bills *Revisited*

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Irrefutable Evidence?

Did the July Tattler Newsletter article, THE BATTLE OF THE BILLS, prove its point? I don't think so. The total evidence presented consisted of a phrase in a deed, "William Thames of Crawford County". When you have read court records including deeds, wills and other documents for over 50 years, over 20 of which were purely for genealogical purposes, you learn you need more evidence than that for irrefutable proof. You learn a usually unimportant phrase written all day by a clerk is not always a provable fact.

Picture the following scenario: A man from a nearby county gets word his father has died and left him some land, and a brother wishes to buy the land he inherited. from his father. Since the property is in another state, the man learns an interstate deed must be processed through the office of the Governor of the State of Georgia. In preparation, he goes to the courthouse where the Court District he lives in is located and asks the clerk to write a deed selling the land to his brother.

Keep in mind that in that time period all legal documents were written by hand by clerks in courthouses. The District Court the man lives in is located in Crawford County, Georgia. The Clerk writes documents all day long for people and is in the habit of writing a the man's name followed by the words "of Crawford County". This clerk writes few interstate deeds, so he is concentrating on getting those parts that are critical to the interstate issue accurate and by pure habit puts the words "of Crawford County" after the name of the man who is to sign the document. The man for whom the deed is being written is concentrating on selling the land and getting payment, his interest is identification of the land and who pays how much to whom. The 1800-1900 court records of many states contain a surprising number of examples of just this kind of clerk's error. In most cases, there is other evidence to prove the entry is an error and the results are not affected. The document is signed by the man requesting the deed. The deed is then taken to the State Capital, which was at that time located in Milledgeville, Georgia. The deed was processed in the State Capital and sent on its way. No one asked for a Drivers License or other picture ID. The man wanting the deed told the clerk his name and what he wanted done, paid his fee and the job was done.

Witnesses?

It has been reported that the two witnesses to the deed made in Crawford County were residents of the area that became Crawford County. How many times have you been in

the Court House and a clerk recognizing you asked you to witness a person's signature, you did not know the person but the clerk well known by you vouched for their identity? The clerk had already identified the man, would you ask to see a picture ID even today? Not likely. If you have spent much time in small courthouses you would not.

It was not reported in the earlier article that examination of affidavits for land and pension applications show that William-born-1796 crossed the area that became Crawford County a number of times including twice when reporting for duty in Darien, Georgia and returning after discharge from the service. Travel then would have been by horse or wagon, and it is not unreasonable for the two witnesses to have known William-born-1796. Since the brother/uncle of William-born-1796 owned land in the area that became Crawford County, William may well have lived at his home for a time and thus been a familiar face to local residents. They may also have known the William born in 1812 or they may have just been in the courthouse and asked by the clerk to witness a deed. Another possibility is that they may have lived in the area that was Fayette or Henry County before Crawford County was formed from parts of both and did actually know the William involved.

When you are in a courthouse and are asked by a clerk you know to witness a document do you read and question every word and phrase in the document? I doubt it. This then becomes a clue--instead of proof--of which William signed the deed.

Residence of Signatory of Deed as Evidence

It is perfectly reasonable to look at a deed and assume the statement that a man was "of Crawford County" actually was living in Crawford County at the time. In a very high percentage of cases that will be a correct assumption, but during the 1850s in Georgia, and many other southern states, in the period when Indian Land was being converted to Georgia Counties and county line changes were being made almost weekly, and a pertinent question such as the identity of a man hinges on the wording, there needs to be some additional evidence that it is the same man.

There were four men named William Thames in the general area at the time of the execution of the deed. Three lived in the area that is today Crawford County: two being too young or otherwise proven not to be the signatory of the deed, and William who was living in Henry or Fayette County, part of which became Crawford County in about 1858. This leaves us with two possible candidates: William-born-1812 and William-born-1796.

Of course the easy way is to say OK, it is William-born-1812 who is living in the area that became Crawford County and discount William-born-1796 who was living in Henry or Fayette at the time. But is that solid evidence that would stand up in court for a genealogical decision? Not likely, without some corroborating evidence. Remember, we are dealing primarily with circumstantial evidence here, not a document that swears that the William who signed the deed was born in 1812.

Who was the Son of Rev. David Thames, the Writer of the Will?

The question behind all the discussions and arguments at issue here is, which man was the son of Rev. David Thames, whose will bequeathed the land to his son William Thames? The question arose when a researcher produced a paper called "the Nicholson Bible" which listed, among others, some, but not all, of Rev. David's children and wives with some births and deaths. Some of the dates fit information known from other sources, but some does not.

The next logical step is to verify the Bible Record. Investigation revealed that instead of a copy of a provable family Bible it was a torn, loose paper someone said was found in an unidentified Bible owned by a person named Nicholson. A grandson of Rev. David Thames married a Nicholson, but so far no evidence has been produced to identify that family as the owner of the Bible. The list did include a William Thames born in 1812, but it did not identify the parents.

David Thames Family Records

David Thames records show that daughter Sarah was born 4 February 1809 and died 1 September 1810. Daughter Harriett was born about 1813, no month found. Daughter Lydia was born 22 August 1815, so 1813 is reasonable for Harriett. This barely leaves room for a son born in 1812. A list of David's children listing William-born-1796, the first child of David and Hannah, but not including William-born-1812, was examined by Mr. William Pate, the historian for the Cape Fear Baptist Church where David and his father preached. Mr. Pate furnished Hannah's name and information to correct that on some of the children, but did not question William, the first child. Nor did he list a William born 1812 among the children. Again, circumstantial evidence, not proof, but pertinent to the question.

Would the historian of the Church who was intimately familiar with the church records and families not question a son William born in 1796 if there had been a son William born in 1812? He accepted Harriett born about 1813 and Sarah born 4 Feb. 1809, would he not have noticed the missing William-born-1812 if he existed in the family?

Other Sources of Information on William

Some years ago another Thames researcher, who has published her works, interviewed a number of people in the area where David and his father William, lived. She came away convinced by traditions learned from old local families that David was age 15 or 16 when his son William was born, and along with other information supporting that David's son William was raised by David's parents who had a son, Samuel, only six years older than William. It was not revealed whether this William was born out of wedlock or was the cause of a "shotgun wedding", but only that because of David and Hannah's age William was raised by his grandparents. The birth dates of Rev. David and William-born-1796 have been proven with solid evidence.

It is this uncle Samuel, raised with William, who William apparently thought of more as a brother than an uncle, who traveled to Georgia at about age 18 when William was about

12 years old and Samuel about 18. It is likely that John, son of David and brother of William, traveled with the group and went on to Perry County, Alabama while Samuel and William remained in Georgia. It was this Samuel that was in the same outfit with William during the War of 1812. This same Samuel acquired land in Monticello, Fayette County, Georgia, which later became part of Crawford County, Georgia, and the land was sold for taxes by the County of Crawford after Samuel was killed in the fighting. At the same time that Samuel acquired the land, William-born-1796 also lived in Monticello, Fayette County (as evidenced by the 1850 census for Fayette County), when Samuel acquired the land, but that land was in the part that was transferred to Crawford by the time it sold for taxes, thus a Sheriff's deed from Crawford County transferred the land.

Williams' Brother Samuel Felled by a British Bullet

In later years, Susan Camilla, a daughter of William-born-1796, told in a newspaper article that William's brother Samuel was killed by a British Bullet. No doubt William thought of Samuel as a brother because they were raised like brothers. There was no son Samuel in any list of David's children, but David had a brother Samuel only slightly older than his son William.

Georgia's Many County Line Changes During its Growth from Indian Land

This is a good place to examine the [Georgia County Formation Maps](#) (from [segenealogy.com](#)). A current Georgia map makes it appear quite a distance from Fayette County (Fay) to Crawford County (Cra). That is not the case if you look at an map of formation of Georgia Counties. Houston County (Ho) was formed in 1821, where today's map shows Crawford County on the northern border of "old" Houston County. Just north of Houston County was Monroe County (Mro), and Henry County (Hen) was just north of Monroe. Fayette County was on the western border of Henry, reaching down to the Henry County border. (The 1830 census shows William in Henry County.)

The lower part of today's Clayton County, where William-born-1796 settled, was part of Henry County. Thus the "Thames place" in Clayton County of today was only about 50 miles from Crawford County of today. Crawford was earlier larger and closer, not the extreme distance suggested by a glance at today's map. More importantly, the site of the Superior Court serving the area was located in Monticello which meant that court business and legal documents made by residents of Henry County were conducted in Monticello.

Twelve Year Old Leaves Family and Migrates South to Georgia

Would you allow a 12 year old son to leave home and travel from Cumberland County NC to Georgia? Probably not today. In 1808 things were much different, and particularly in this family. If in 1808 William was living with his grandfather, and his uncle with whom he had been raised, possibly his brother John and a number of other relatives were migrating south, would you try to stop him from going along? Maybe David did, we will never know, but we do know that he did go to Georgia.

Besides, by that time David had a large family and William likely felt more connected to his grandfather's family than to David's. William, having been raised by his grandfather, would David--his father--have been very likely to try very hard to prevent William from going south with some aunts, uncles, a brother and an uncles? If he did, it is unlikely he would have been very successful.

Many 12 year olds worked alongside the men all day on farms in 1808; they were not still in school as are children of today. Many 12, 13 and 14 year olds carried a rifle in the American Revolution and in the War of 1812, some even in the Civil War, so it does not seem impossible that William, son of David, came to Georgia at age 12.

Source of Age of Migration

The announcement of William's death by the Southern Christian Index issue of 1 June 1893, made that statement in his obituary. The SOUTHERN CHRISTIAN INDEX of 1 June 1893 reported:

"Bro. William Thames born NC 27 Apr 1796. He removed to Georgia at the age of 12 years.

He married Rachael Taylor December 22nd 1813 and joined the Missionary Baptist church 1818 and was baptized by Syrus White.

In January 1829, Bro Thames and his wife joined Sharon Church, Henry county by letter. In June 1829 he was elected clerk of church and served as such until December 1837..."

This supports the migration at age 12, the date of birth and the residence in Henry Co., Georgia where several of his children were born.

Deed Rev. William Thames to Son David Thames 1803 Cumberland County, NC

Then there is recorded in Book 20 page 21 Cumberland County Deeds a deed dated 7 June 1803 in which William, father of David Thames, transfers his remaining land to David. The deed gives something of an abstract or chain of title on the property, but one interesting part is one of two exceptions. The one exception pertinent to the question here is: "First is to say all that parcel of land on the River under fense with the privileges of rail timber during the natural life of His son William Theames and no longer." This exception clearly identifies William, son of David in 1803.

A copy of this deed found in the archives in Raleigh, N.C. was read by some to say "...during the natural life of this sd William Theames and no longer." This along with the statement in the 1853 deed, "William Thames of Crawford County" and the paper

identified as the Nicholson Bible, are claimed to be undeniable proof that the William-born-1812 was the son of Rev. David Thames of Grays Creek, Cumberland County, N.C. The copy made from the film in Raleigh is very difficult to read and it is easy to see how it could be interpreted to read that way.

Fortunately, a copy of the deed obtained in Fayetteville is much clearer. The copy was printed on glossy paper, making it more legible. When enlarged from the glossy copy, and it is even much more legible. Many agree that the deed does read "...during the natural life of His son William Theames and no longer." This excepted tract is believed to be the land devised to William by his father David.

Irrefutable Proof?

Does this prove without a shadow of a doubt which William was son of Rev. David Thames of Cumberland County, North Carolina NC? It does not, but as with all cases of circumstantial evidence, without the existence of clear physical evidence, the preponderance of evidence found is customarily accepted as the most likely conclusion.

Following this custom, the circumstantial evidence thus far supports the conclusion that William-born-1796 was the son of Rev. David Thames and not the William Thames born in 1812, and that William-born-1796 was also the man that signed the deed in Monticello, Georgia in 1853. It is unlikely that we will have better evidence until the parents of the William-born-1812 are identified.

As always, in genealogy you can consider the evidence you find, assign it the weight you feel proper, and reach conclusions based thereon. First it is important to ascertain the validity of the evidence before reaching a conclusion. Also, as always, if more evidence shows up the conclusion may change. In this case it appears more reasonable that William-born-1796 was the son of David Thames whose devised property is being resold.

If you disagree, that is your right. Hopefully in time some additional evidence will be uncovered that will clearly prove the question.