**Key arguments provided by JC Rogers to define James, son of William d. 1749 as the James who moved to Elbert Co, GA 1800**

**9/2016 By D Phelps using material from Rogers.**

**A**s I see it, there are 4 arguments that have been presented by JC Rogers.   Three are identified by each argument having a James and wife Elizabeth. In my opinion a key argument is the James and William grant of 1756 as sons of William d. 1749, preceded by the 1750 surveys for them.

I hope I have the following correctly summarized.

**Argument 1**   A James (and wife Elizabeth) sold a property in 1797 first attained in 1756  by a patent for James andWilliam Phelps who are the sons of William d. 1749.

**Argument 2**   A James (and wife Elizabeth) of Bedford sold a property in 1772 first attained in 1749  by his father, who was William Phelps (son of Thomas d 1751).

**Argument 3**    A James (and wife Elizabeth) of  Campbell sell property in 1782 attained by A  William in 1771/72

**Argument 4** In 1800 James, while in Elbert Co, GA, sold property in Campbell Co - the Wreck Island Creek area . The two deeds, one recorded in GA and the other in Campbell Co prove that this James and wife Elizabeth are in Elbert Co, GA and are selling land on Wreck Island Creek in Campbell Co,

**Argument 1**   A James (and wife Elizabeth) sold a property in 1797 first attained in 1756  by a patent for James andWilliam Phelps.

**JC Rogers concluded that the 1756 patent and the deeds of 1784 and 1797 have the same metes and bounds and *were considered to be the same land*.**

1753  Bedford formed from Albemarle  Wreck Island  likely in both  Albemarle and Bedford

* 1)   1756, August 16. A James Phelps AND William Phelps receive a **patent** in **Albemarle** Co. VA (present Appomattox), 400a on the western fork of **Wreck Island Creek** adjacent William Still1761: Buckingham formed from Albemarle and Bedford  Likely WI Creek is in Buckingham and Bedford

1781/2:  Campbell formed from Bedford.    Wreck Island Creek continues to straddle the line between  Campbell  and Buckingham;

* 2)   1784  Campbell Co:  1784, June 15 James Phelps sold 100a,   more or less, on the upper West fork of Wreck Island Creek, to John Hunter, adj. George Stovall, patent line mentioned, dividing line mentioned, witnesses, Charles Hall, Thos. Carson, Robert Hunter.   Campbell Co. VA DB 1, p. 263-264 (present Appomattox)
* **3)  1797  Sept 9** James Phelps and wife **Elizabeth** sold 178a on both sides of Wrack          Island Creek to Isaac Crew*s,* adj. John Hunter, Shearer. (Campbell Co. Deed Book p 248-249

**Argument 2**   A James (and wife Elizabeth) of Bedford sold a property in 1772 first attained in 1749  by his father, who was William Phelps (son of Thomas d 1751).

1749, April 1  Albemarle patent to William Phelps, 400 ac   400a on a branch of Totier Creek adj. Mr. Stith [Stitt?], Doctor Nicholas, John Lewis, William Harris, and Hugh Rice Morris

1749. April 1  Albemarle patent to William Phelps, 350a adj. His own lines, Doctor Nicholas and Hugh Rice Morris

* 1753  Bedford formed from Albemarle  Wreck Island  likely in both  Albemarle and Bedford
* 1761: Buckingham formed from Albemarle and Bedford  Likely WI Creek is in Buckingham and Bedford
  + 1772, April 12:  Albemarle Co. Deed Book 6, pg. 17-19 “**James Phelps, of the county of Bedford**, and **Elizabeth, his wife**, on April 12, 1772, granted a deed to Robert Carter NICHOLAS of the city of Williamsburg, two tracts of *land granted to* ***William PHELPS, father of said James PHELPS***, by Patent dated April 1, **1749,** the one tract containing 400 acres, the other 350 acres, lying in the county of Albemarle**.”   Comment  by JC Rogers**: “ There is a very important comment on this deed that may help some of the county boundary questions:  *"The annexation of this commission appears in a certain schedule hereunto annexed Buckingham (to Wit)”*  There must have been some question even then as to what was in Buckingham and what was not.”

**Argument 3**    A James (and wife Elizabeth) of  Campbell sell property in 1782 attained by A  William in 1771/72  Campbell formed from Bedford in 1781/2

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* + 1771/72 , March 16  Albemarle William Phelps grant:   180 ac on both sides of a branch of Elk (Orth) Creek of the Fuvanna adj his own lines crossing Bairds or Calloways Road.

1781/2:  Campbell formed from Bedford.    Wreck Island Creek continues to straddle the line between  Campbell  and Buckingham;   **Rogers: When Campbell Co was formed in 1782 from Bedford, part of his lands were then in Campbell county.**

1782, May 2 **James Phelps and wife Elizabeth** Campbell Co. VA DB 1, P 22-23 (present Appomattox) 180a granted to William Phelps by patent bearing date 3/16/1772 to James Ratliff. James Ratliff living there, adj. John Pleasants, dec’d, John bolling, dec’d, Matthew Petycrew.  .   **Elizabeth**, his wife, was examined here as well.

**Argument 4** In 1800 James, while in Elbert Co, GA, sold property in Campbell Co - the Wreck Island Creek area . The two deeds, one recorded in GA and the other in Campbell Co prove that this James and wife Elizabeth are in Elbert Co, GA and are selling land on Wreck Island Creek in Campbell Co, [1]  The two deeds are:

1. Campbell Co, VA  Deed Book 5 , pp94-95, 800)"This Indenture made this twelfth day of March one thousand eight hundred **between James Phelps and Elizabeth Phelps his wife of the state of Georgia and county of Elbert of the one part and William Bradley of the state if Virginia and county of Buckingham of the other part…**.sum of one hundred pounds current money of Virginia……..tract or parcel of land containing one hundred acres be it the same more or less lying in the county **of Campbell** and state of Virginia on Wreck Island Creek…….tract formerly possessed by james Shearer, deceased and at present occupied by Alexander Caldwell…………........ signed by James Phelps and Elizabeth Phelps (she made her mark) in the presence of James Lee (his mark) , John Penn, A. Stinchcomb………….................Georgia Elbert County clerks office , registered in Book F, folio 119, the 12th day of March 1800, Middletown Woods, Clerk"…………....... Samuel Higginbotham attested that Middletown Woods was the clerk of court…………............."Certificates thereon indorsed were exhibited in Court of Campbell Co. and ordered to be recorded june 9th, 1800. Ro. Alexander, clerk
2. Elbert Co, GA. Deedbook F p119 **,** 1800     20 Mar. 1800. **James Phelps & Elizabeth his wife of Elbert Co. Ga.** To William Bradley of Buckingham Co. VA for one hundred pounds VA. Money, 100 acres in Campbell Co. VA on Wreck Island Creek… formerly possessed by Shearer, at present possessed by Alexander Caldwell, signed James Phelps, Elizabeth (X) Phelps, Wit. James (X) Lee, John Penn, A. Stinchcomb, Regd. 12, Mar. 1800

This 1800 deed that was made from Elbert Ga does not give metes and bounds but mentions joining the land of Isaac Crews. (He bought the land in the 1797 deed) and also mentions Shearer.