

Radix Research

Specializing in Virginia Research and Research of German Immigrants. Translation of German Script

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February 18, 2008

Mr. N Douglas Payne, Jr.
2068 Buford Road
Bon Air, VA 23235

Dear Mr. Payne:

I have spent some time in an effort to identify the origins of John Phelps of Bedford County, Virginia. To do this, I have traced him back through several counties, and believe I have made some significant progress. However, the identity of his parents is still a mystery.

The enclosed report contains a synopsis of my effort and the findings.

Once you have had a chance to review the findings, please let me know if you have any questions, and if and how you would like me to proceed

Sincerely,



Brigitte Burkett

Research Report # 2

Date: February 18, 2008

Report to: Mr. N Douglas Payne, Jr., 2068 Buford Road, Bon Air, VA 23235

Subject: John Phelps of Bedford Co, VA

Background:

Objective:

Assignment: Search records available at the Library of Virginia and elsewhere which provide documentation for this family.

Repositories: Library of Virginia
Personal library
On line sources

Limitations: None

Underlying Problems: None.

Findings:

The will of John Phelps was proved in Bedford County in 1772. We do not know the exact date of his birth, but assume it is probably about 1700 +/- 10 years. His son, John Phelps, Jr was born ca 1730-1735.

At his death, John Phelps was a man of considerable land & property and social position. He had served as justice in Bedford County as well as an officer in the militia.

In an effort to distinguish among the several John Phelps, I searched the early land patents for references to all Phelps before 1725 and all patents to John Felps or Phelps before 1772.

The earliest land patent issued to anyone with the surname Felps or Phelps was to John Phelps in 1725 for land in Henrico County.

There were very few people with the surname Phelps mentioned in the land patent records prior to this date. This would suggest that the family may have come to Virginia from one of the other colonies rather than as a headright or an Adventurer from England. Given the many patents issued to John Phelps, one would think any earlier members of this family would also have had an interest in land acquisition. This did not seem to be the case in Virginia.

In 1690, Christopher Wormley was granted a patent of some 800 acres in Middlesex County, formerly Lancaster County, for the transportation of 16 persons, including Thomas Felps [LPB 8:62]. Given that a Thomas Phelps may be a brother or other relation of John Phelps, this importation should be kept in mind.

In 1714, Roger Phelps was a headright of William Brown, who received a patent in Surry County that year [LPB 10:231].

In 1727, Thomas Chew, gent., patented 400 acres in Spotsylvania County bounded on one side by Capt James Phelps' land [LPB 13:156]. There are, however, no references to a James Phelps or Felps in the early will or deed records of Spotsylvania County. The name Phelps in the patent may be due to a clerical error.

As mentioned above, John Phelps patented his first land in 1725. This was 100 acres of new land on the south side of James River at Bear Garden Creek which was issued on 24 March 1725 [LPB 12:406]

He subsequently patented 800 additional acres in Henrico County on the south side of the James River and the west side of Watson's Branch on 17 Sep 1731 [LPB 14:340]

The early transcribed wills and deeds of Henrico County mention Felps only once. In 1687, Nicholas Felps is witness to the deed of Edward Matthews to Derby Enroughty for 100 acres in Varina Parish on the north side of the James River [Henrico Wills & Deeds 1677-1692, p 444] It would seem there was no Phelps family resident in Henrico County prior to the arrival there of John Phelps

The next reference to Phelps in Henrico records is in 1732, when John Felps of St James Parish in Goochland County and wife Margaret sell to James Cocke of Henrico County 60 acres on the north side of Shockoe Creek at the mouth of Bacon Branch which Felps bought of Thomas Wood, Jr. John Felps signs the deed by mark [F] and Margaret relinquished dower [Henrico Wills & Deeds 1725-1737, p 381]. There is unfortunately no record of the original sale by Wood to Felps. This John Phelps is not the same man as the one who received the patent. It would seem both men arrived in Henrico County at about the same time.

There are no further references to Phelps in the transcribed records of Henrico County. I did not search the minute or order books as they are not indexed, and such a search would be very time consuming.

The land which John Phelps had patented fell into the newly formed county of Goochland, and it was here that he resided. He [or they] is mentioned routinely in the court order books of the county. He continued to patent land.

In 1733, John Phelps patented 400 acres of new land in Goochland County on the south side of the Rivanna River, adjacent to his former patent and the Skelton [LBP 15:105]

In early 1736, John Phelps patented 300 acres in Goochland County crossing Wolf Pit Branch [LPB:17:41].

Later that same year, John Phelps patented 400 acres on both sides of Fleming's Creek, on the north side of the Willis River adjacent to Henry Carey and Alexander Trent [LPB 17:168]

In 1736, John Phelps of Goochland County sold to Thomas Phelps for £20, 250 acres on Rockes Branch. No wife joined in this deed or relinquished dower. [Goochland DB 3:26]

In 1741, John Phelps and Mary of Goochland sold to Robert Baber, Jr of Caroline 300 acres on the Wolf Pit Branch [Goochland DB 4:137]. This deed is significant because it shows the presence of a second John Phelps in Goochland County. It is also the first reference I found to the relationship with the Baber family, which is reflected in a number of Phelps deeds and wills. Babers and Phelps continue to be allied as they pass through a number of different

counties.

Also in 1741, John Phelps and Mary sell to Robert Baber 250 acres on the James River, in the Bear Garden Creek to Thomas Phelps' line to a branch dividing the line between John & Thomas Phelps.

The land patented in 1725 was therefore patented by this John Phelps, and not the older John Phelps and Margaret.

John and Mary Phelps now turn their attention to Brunswick County. In 1742, John Phelps patents 140 acres in Brunswick County on the south side of the Otter River [LPB 20:357] and later that year, an additional 816 acres in Brunswick County on the ridge between the head of a branch of Buffalo and Elk Creek [LPB 20:384].

Meanwhile, John Phelps patented in Goochland County in 1745, 54 acres on a branch of Deep Creek, on the south side of the James River, adjoining his own line [LBP 24:113]

In 1746, John Phelps received two patents of 267 and 400 acres in Goochland County on a branch of Fleming's Creek adjoining John Payne, Wilkins & Edwards [LPB 25:94-5].

In 1742, Lunenburg County was formed from the western portion of Brunswick County. John Phelps patented in Lunenburg County in 1749, 444 acres on 'some branch of the south fork' of Little Otter River adjacent to Burleson and, that same year, 325 acres in Lunenburg on the south fork of the Little Otter River and Merry Camp Branch adjacent to Smith [LPB 27:339, 28:516]

Also at this time, Thomas and William Phelps had many patents. I did not review patents to these other Phelps at this time, although such a review may show some family relationships.

In 1746, John Phelps consolidated his patents in Goochland into a single patent of 1067 acres beginning in the low grounds of Fleming's Creek on the north side of Willis River adjacent to Henry Cary, James Wilkins, John Payne & Thomas Edwards. Consolidated were 400 acres from PB 17:168, 400 acres from PB 25:95 and 267 acres from PB 25:94 [LPB 29:470].

On 16 March 1747 the will of John Phelps was proved in Goochland County Court. He left to his son, John Phelps the use of the land for life on which he lived. The land is a subdivision of the elder John Phelps's land and is described as running from Joseph Woodson to John Pleasants line and crossing Sam's Branch. At the death of his son John, the land is left to John, the son of his son John.

The will also mentions son, Samuel Phelps, who receives 500 acres on Fleamons Creek, a part of the 1746 patent. Son William Phelps is given the remaining Fleamon's Creek land. Grandson John Phelps receives 54 acres joining Cardwell's land when he comes of age. Granddaughters Mary and Sarah Phelps are also mentioned and are both under age. Dorothy Learwood is given personal property, and no relationship is stated. Wife Margaret Phelps survived her husband and was given the use of the estate during her life. John Phelps signed this will by mark [F].

This will is significant as it clearly shows that the John Phelps of Lunenburg is not the son of this John Phelps. The John Phelps mentioned in this will is clearly living in Goochland County on a portion of his father's land.

Nor is John Phelps of Lunenburg a brother, as it is unlikely [but not impossible] that two brothers would have the same given name.

John Phelps of Goochland, who died in 1747 is therefore father to John, Samuel and William Phelps. I believe these are the Phelps of Cumberland County.

John Phelps of Lunenburg has settled in that county, where he was named one of the first justices.

In 1751, a land patent was issued to John Phelps for 280 acres on Troublesome Creek adjacent to his own line [LPB 30:200] and a subsequent patent in Halifax County for 1900 acres in the fork of Terrible Creek adjoining Robert Jones [LPB 39:90].

In 1754 Bedford County was formed from a portion of Lunenburg County. John Phelps' land fell into the new county and he was again named as one of the first justices of Bedford County.

Records of Bedford County, Virginia

Bedford County Chancery Causes: The index to these cases are on the Library of Virginia website. The actual case files are still in the county courthouse.

1759-003	Yuille v Phelps
1763-004	Franklin v Sackfield
1770-007	Phelps v Oglesby
1773-004	Haynes v exors of John Phelps

References in the Court Order Books:

Book 1a 1754-1758, pg 2: John Phelps recommended as justice of the peace. Pg 3, qualified.

Other references in the court order books are routine and deal with business of the county. There are a few debt cases which John Phelps brought against others.

Records of Lunenburg County, Virginia

John Phelps was a justice of the peace in Lunenburg County. Also in this county as land owners were Samuel Phelps and Thomas Phelps.

DB 7:82 Samuel Phelps to Charles Hames, 100 acres with plantation, part of Caleb Blackwelder tract. 5 Mar 1761. Wife Elizabeth releases dower.

DB 6: These wills not read: Samuel & Elizabeth, p 22, 23
Thomas & Sarah, p 22, 24

DB 5:567 Samuel & Elizabeth Phelps of Lunenburg to John Smith, land on Juniper Creek
5 Feb 1760

DB 4:35 3 Jan 1755 Martin Pfifer of Cumberland Parish to Samuel Phelps of same,
831 acres adjacent Tuck, Blackwelder.

DB 4: 171 2 Sep 1755 Samuel Phelps to William Phelps 350 acres adjacent to Samuel Phelps on Horsepen Branch along line of Caleb Blackwelder, part which Samuel Phelps bought from Pfifer.

3:267 John Phelps of Cumberland Parish, Gentleman to Thomas Yuille, merchant of

Cumberland Parish. Copy of this enclosed.

DB 1&2 Several references to John Phelps and Thomas Phelps.

Records of Brunswick County, Virginia

There were no Phelps mentioned in the St Andrews Parish records.

There were no Phelps mentioned in the Bristol Parish records.

There were no Phelps mentioned in the Brunswick County marriage records.

There were no Phelps mentioned in the wills and deeds of Brunswick County other than those records included with this report.

Records of Cumberland County, Virginia

William Phelps of Buckingham County was an appraiser of the estate of Moss in 1773.

John Phelps, John Barnes and Francis Crow appraised the estate of Micajah Mosby in 1774.

The estate of John Phelps was appraised 4 Mar 1777 by John Barnes, John Webster and Poindexter Mosby. I believe this John Phelps was the son or possibly grandson of John Phelps of Goochland.

The will of Samuel Phelps in 1790 [Cumberland WB 2:482] gave 5 acres in Mecklenburg County 'that her grandmother lives on' to his wife. One of the executors of this will was John Phelps of Charles County. Samuel Phelps married Elizabeth, daughter of Anthony Hughes before 1760, when he is named in the will of Anthony Hughes of Lunenburg County [WB 2:191]. Mecklenburg DB 1:149 gives reference to the 5 acres.

Cumberland County Deed Books with references to Phelps:

2:91 William and Samuel Phelps to Alexander Trent, 1067 acres on north branch of the Willis River, both sides Fleming Creek bounded by Trent and Payne.

2:200 1755, Samuel Phelps to John Pleasants of Henrico. Land devised by will of father on Deep Creek near courthouse bounded by Pleasants and Wm Phelps. Wife Elizabeth released dower.

2:202 1755, To Richard Bandy, land purchased of Josias Payne, 200 acres. Elizabeth released dower.

2:212 26 mar 1755, Margaret, widow of John Phelps to son William, land and plantation where John lived, which is to go to William at her death, now quitclaimed to William.

2:223 William Phelps to John Carlyle 29 mar 1755 433 acres formerly in St James Parish now Southam Parish where John Phelps lived and 133 acres lately purchased of William Stone.

3:506 John Phelps Jr to Nicholas Johnson 1764, 100 acres, part of 400 acre grant to Edmund Butler in 1748.

Records of Goochland County, Virginia

Goochland Court Orders: From transcribed court order book 1 & 2, M McConnaughey p 56: Mary Mullins v John Phelps, trespass
Oct 1729:

paid for 4 Wolf's heads
William Cannon v John Felps
Edward Scott v John Philps, for debt
John Felps on a jury

Nov 1729:

Matthew Sims v John Phelps for trespass
Cannon v Phelps, continued
Sims v Phelps, continued

Dec 1729:

Cannon v Felps, dismissed

Through 1730, John Phelps is mentioned several times in small squabbles and as sitting on a jury. I did not search later court order books.

Records of Albemarle County, Virginia

These records need to be examined more thoroughly

Miscellaneous Findings:

Many early Virginia county records have been abstracted and published by John Frederick Dorman and by the Antient Press. The cumulative indexes to these records have also been published. The earliest references to any Phelps were found in Westmoreland County, which mention Ann, Cuthbert, Thomas & William Phelps. David Phelps is mentioned in Lancaster County ca 1650. Elizabeth, James, John, Mary, Thomas and William are mentioned in Albemarle County.

Quaker records did not contain any significant references to Phelps.

There were Phelps in Fluvanna & Buckingham County, both 'burned' counties, in the latter half of the 18th century.

Conclusions:

There were not many people named Phelps in the colony prior to 1725. The Phelps who remain in Virginia seem to descend from the Phelps who settled in Goochland and Albemarle County. There were 2 men named John Phelps in Goochland by 1725, and they may or may not have been related. They were not father and son.

John Phelps of Bedford is the same as the John Phelps who patented land in Henrico County in 1725. He made his way from Henrico to Goochland to Brunswick to Lunenburg to Bedford. His wife was named Mary.

Thomas Phelps of Albemarle County may be a brother. The will of Thomas Phelps mentions sons John, Thomas and others. There is a connection to the Baber family and Thomas Phelps names his brother in law Baber, while John Phelps sold most of his Henrico land to a Baber. The term brother in law at one time also referred to step brother. Therefore, John Phelps' mother may have married a Baber as her second husband. Babers continue to be closely associated with Phelps in Bedford County. Robert Baber was from Caroline County. I believe this association should be investigated further.

There was a large Phelps family in Anne Arundel County, MD. I have not yet looked at the records of this county or other nearby Maryland counties. It would however make sense that one of the branches of this Maryland family made its way south into Virginia.

I found references to both Phelps and Babers in the record fragments of King and Queen and Caroline County. It is quite possible these families were seated here prior to moving to Goochland.

Suggestions for Further Research:

Search records of Albemarle, Campbell, Caroline & Westmoreland County
Search records of Maryland border counties
Search Maryland wills and probates.

Records Searched:

Wills, deeds and court orders of Henrico, Goochland, Cumberland, Brunswick, Lunenburg and Prince Edward County, Virginia
Virginia Land Patents
Published sources of Virginia Genealogy on Broderbund CD 162, 186, 187, 205, 174, 503, 510 & 192
Published Phelps genealogies
Chancery Records index at the Library of Virginia
Bible records at the Library of Virginia

Materials Included with this Report:

The Phelps Family of Virginia and Kentucky, Nancy R Roy, p 1-10
Goochland County, Virginia Deed Book 5:389
Abstracts of Bedford County, Virginia Wills, Inventories and Accounts, J Whitten, p 34
Bedford County, Virginia Deeds 1761-1766, TLC Genealogy, p 63-4
Deed & Will Abstracts of Albemarle County, Virginia, 1748-1752, Antient Press, p 1, 10
Lunenburg County, Virginia Deed Book 6, June B Evans, p 18
Lunenburg Co, VA Deed Book 3, June Banks Evans, p 31, 48
Lunenburg Co, VA Deed Books 1&2, June Banks Evans, p 39
Index to Deeds of Bedford County, Virginia, p 107, 135
CD 503: Virginia Will Records: Abstracts of Fluvanna County, VA, p 108
CD 175: Virginia Land Records : Goochland County wills and deeds, p 76, 80
CD 175: Virginia Will Records: Notes from records of York County, p 438
CD 205: Edward P Valentine Papers, Vol 2: 966, 3:1938
CD 187: Virginia Colonial Abstracts, vol 2: King & Queen, p 196, 330
CD 186: Virginia Gleanings in England, p 126
Heritage of Bedford County, Virginia, 2003: John Phelps
Bedford Villages, Lost & Found, vol 1, p 272
Brunswick County, Virginia Deeds 1740-1744, TLC Genealogy, p 53
Brunswick County, Virginia Deeds 1745-1749, TLC Genealogy, p 3, 11
Phelps Marshall Kinship, Nancy McBride, p 39-41