

John Phelps d 1772 of Bedford County

John Phelps d 1772 of Bedford County, Virginia was a member of the Virginia House of Burgesses, the forebear of the Virginia General Assembly, the oldest continuously operating legislative body in the western hemisphere. When Bedford was formed in December 1753 from the counties of Albemarle and Lunenburg, John Phelps, with William Callaway, served as one of Bedford's first two burgesses. Phelps served four assemblies in the House of Burgesses beginning August 22, 1754. At the time of his appointment, Phelps already enjoyed a reputation as a respected Justice in Lunenburg and Bedford counties¹ a Coroner in Lunenburg,² and an Anglican Vestryman in Lunenburg's Parish of Cumberland.³

We find the following information in *Our Kin: the genealogies of some of the early families who made history in the founding and development of Bedford County, Virginia*. Published 1930, author Mary Denham Ackerly wrote, "John Phelps, the first of the name of whom we have any authentic record, was already settled in Brunswick County, Va., when Lunenburg was taken from that county, and was one of the first Justices of the new county. He, with Matthew Talbot and others, was present at the first Court of Lunenburg County held May 5, 1746. When the increase in population made it necessary to form still another county from Lunenburg's territory, and Bedford came into being, we find John Phelps again at the head of affairs—Justice of the Peace, and a Justice of the County Court in Chancery."



The House of Burgesses in the 1750s

John Phelps' entered his first session as a burgess with fellow freshman Peter Jefferson of Albemarle County, father of future Declaration of Independence author, Thomas Jefferson. (Thomas Jefferson later represented Albemarle County in the House of Burgesses from 1769-1774). It is likely that Phelps was already acquainted with the family; in 1749 he was sworn in as Justice of the Peace and Justice of the Chancery with Field Jefferson, uncle of Thomas Jefferson, in Lunenburg County.⁴ The two also served as Vestrymen in the Parish of Cumberland.⁵ In addition to Jefferson, Phelps also served in the House of Burgesses with Augustine Washington of Westmoreland County, father of George Washington. In fact, he served in the company of many Virginians who would later become venerable leaders of the American Revolution: Peyton Randolph, Virginia Attorney General and later first president of the Continental Congress; Benjamin Harrison of "Berkeley" in Charles City County and George Wythe of Williamsburg, both signers of the Declaration of Independence and both representatives to the Continental Congress; Richard Bland of Prince George County, also a member of the Continental Congress. The oratorical and legislative experience these burgesses gained would serve them well in the years to follow when they would forge their own country after the defeat of the British at Yorktown in 1781. Indeed, the seeds of discontent with the Crown were sewn in the years immediately preceding the dissolution of the House of Burgesses in 1769.*

The last session John Phelps served in the House of Burgesses, August 5, 1755, was marked by an incident that proved to be a harbinger of events to follow. According to the *Colonial Virginia Register*, compiled by William Glover and Mary Newton Standard and published in 1902, burgess representative and Virginia militia Colonel James Patton of Augusta County was killed by Indians on his way home from the previous session held May 1, 1755. During the August 5th session, a writ was requested for an election in Augusta to fill Patton's vacancy.



The French and Indian War

The French and Indian War (1754-1763) made life on the Virginia frontier particularly dangerous, especially for men like Col. Patton and Capt. Phelps who lived west of Albemarle County. During the conflict the majority of Indian tribes sided with the French, with the one exception of the Iroquois Confederacy who fought on the side of Great Britain and the colonies.

Trading posts and forts were used by both the British and the French forces whose countries went to war over the vast disputed territory commonly referred to as the Ohio Country, bounded east to west by the Appalachian mountains and the Mississippi river, and north to south by the Great Lakes and the Gulf of Mexico. While serving as Lieutenant Governor Virginia from 1751 to 1758, Robert Dinwiddie began granting patents of land in the Ohio valley to Virginia citizens after learning the French were entrenching themselves in the region (at the time, Virginia stretched from the Chesapeake Bay to the Mississippi). In the winter of 1753-54, Dinwiddie sent a 21 year-old Virginia militia officer, George Washington, to deliver a letter on behalf of the Crown demanding the French vacate the region; however, the French—not surprisingly—refused. Throughout 1754 and 1755 there was much skirmishing, but the war didn't officially begin until May 15, 1756, when Britain declared war on the French, marking the beginning of what is referred to in Europe as the Seven Years' War. Washington suffered his first and only military defeat of his career during the war and mourned the death of his commander, Major General Edward Braddock whom he carried off the battlefield near present day Pittsburgh on 9 July, 1755. It wasn't until 1758 that the British tide began to turn with victories in the north at Fort Carillon (Ticonderoga) on Lake Champlain, and Fort Frontenac on the eastern edge of Lake Ontario. The war ended with the British victorious on 10 February 1763 upon the signing of the Treaty of Paris.

Capt. John Phelps' service in the French and Indian War

Phelps researcher Mary Gaglin writes that on August 20, 1756 Capt. John Phelps was commissioned to command a Company of Rangers to be raised in Bedford County to protect the settlers from the French and Indians in the area. There is also evidence to suggest that six years prior to his Ranger commission, John Phelps and other "Gentlemen" of Lunenburg County were sworn in as "Captains of the Foot in this County." ⁶ For their service in "the defence and protection of the frontier of this colony, against the incursions and depredations of the French, and their Indian allies" members of the Militia of the County of Bedford were paid in September 1758. Capt. John Phelps tops the long list of Bedford militia troops, receiving the sum of £2.8.0 for his service.⁷

Presumably, Captain Phelps returned to Bedford after the French and Indian War, living out the rest of his days quietly with his family on his land near Lynchburg, Virginia. He died in Bedford County in 1772. His will, recorded in Will Book "A" page 137, lists wife, Mary and children, Jane, Judith, Sarah, Ann, Mary, Betty, John, and Aggey. His son, Lt. John Phelps d 1801, also served as an officer in the militia, and later, as an officer in the Virginia line during the American Revolution.

** In 1769 the House of Burgesses was dissolved by the Governor in response to its actions against the Townshend Act, so named for Charles Townsend, British Chancellor of the Exchequer. Passed by Parliament in 1767, the Act placed a tax on common products imported into the American Colonies. These items included lead, paper, paint, glass, and tea. In contrast to the Stamp Act of 1765, the laws were not a direct tax, but a tax on imports. The most public display of protest toward the Act was carried out in 1773 in what has become known as the Boston Tea Party. Rather than continue to pay the oppressive import tax, colonial Bostonians dressed as Indians raided British ships carrying imported tea and dumped the leaves into Boston harbor.*

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SOURCES

The Statutes at Large; Being A Collection Of All The Laws Of Virginia, From The First Session Of The Legislature In The Year 1619. Volume VII. Franklin Press, Richmond, Virginia, 1820.

Our Kin: the genealogies of some of the early families who made history in the founding and development of Bedford County, Virginia. Mary Denham Ackerly. 1930

Colonial Virginia Register, compiled by William Glover and Mary Newton Standard, 1902.

The Encyclopædia Britannica, Eleventh Edition (1910–1911)

END NOTES

¹ Lunenburg Co., VA, Order Bk. 2, 1748-1752, 5 June 1749 - June Court - Robert JONES, Henry EMBRY, John HALL, Wm HAYWARD, Matthew TALBOT, Field JEFFERSON Wm WYNNE, James MITCHELL, David STOKES, Lewis DELONY, John PHELPS, W, HILL, John CALDWELL, Cornelius CARGILL, Abraham COOK, Hugh LAWSON, Thomas BOLLING, Liddal BACON, Thomas LANEAR, Robert Henry DYER, Wm CALDWEL, Peter FONTAINE, Abraham MARTIN, John COX, & Nicholas HAYLE Gentlemen, sworn as Justices of the Peace/Justices in the County Court in Chancery.

² Lunenburg Co., VA, Order Bk. 2, 1748-1752, June Court p.10. 2 June 1748 - John PHELPS, Gent. sworn as a Coroner of County.

³ Lunenburg Co., VA, Order Bk. 2, 1748-1752, Oct. Court 1749 p. 214. Elected Vestryman: 3 October 1749 - October Court. Vestrymen elected by freeholders & housekeepers of Parish of Cumberland, Lunenburg Co.: John EDLOE, Peter FONTAINE, junr, Field JEFFERSON, Francis EALEDGE, Wm EMBRY, Luke SMITH, THos BOULDIN, John PHELPS, John COX, Abraham MARTIN & Clement READ; each man signs conformable to doctrine of Church of England.

⁴ Lunenburg Co., VA, Order Bk. 2, 1748-1752, 5 June 1749.

⁵ Lunenburg Co., VA, Order Bk. 2, 1748-1752, Oct. Court 1749 p. 214.

⁶ Lunenburg Co., VA, Order Bk. 2, 1748-1752, July Court 1750 p. 290. "*And Francis ELLEDGE, John PHELPS, Wm CALDWELL, & Wm POOL Gentlemen were sworn as Captains of the Foot in this County.*"

⁷ 1758 - Bedford Co., VA - September 1758 - 32d George II. "Money paid to the Militia of the County of Bedford, and for Provisions furnished by sundry Inhabitants of the said county, viz. To John Phelps, as captain (£2.8.0)."

Special thanks to Phelps family researchers whose assistance contributed to this paper:

- Mary Galgin
- Elizabeth Harris
- William C. Payne
- Brian Phelps
- Douglas K. Phelps
- Mark Phelps
- J.C. Rogers
- Margaret Swanson

***Douglas Payne, Jr.** is a gggggg-grandson of Capt. John Phelps d 1772 of Bedford Co, VA and has deep roots in Bedford. Doug is a graduate of Fishburne Military School in Waynesboro, Virginia and Hampden-Sydney College. He lives with his wife, Ashby and son Turner, in Richmond, Virginia. His e-mail address is flaylepayne@verizon.net*

Lineage --

1. **Capt. John Phelps** (d 1772) of Bedford Co, VA m **Mary (?)**
2. **Betty Phelps** m **Francis Pollard** (b ca 1720 d 1771)*
3. **Sarah Frances Pollard** (1763-1810) m **Thomas Payne** (ca 1760-1847) in 1783 in Bedford Co, VA
4. **John Payne** (1788-1866) m **Sarah W Power** (ca 1789-1850) on 10 Dec 1814 in Bedford Co, VA
5. **James H Payne** (ca 1822-1882) m **Martha Ann Worley** (ca 1823-1851) on 21 Nov 1842 Bedford Co, VA
6. **John Henry Payne, CSA** (1844-1907) m **Manervia Angeline Forbes** (1842-1929) on 30 Mar 1864 in Franklin Co, VA
7. **James N Payne** (1886-1947) m **Lena Maude Mitchell** (1893-1977) on 1 Nov 1921 in Roanoke, VA
8. **N D Payne Sr** (b 1934-) m **Iva Jeanette Rakes** (b 1937) on 10 June 1955 in Roanoke, VA
9. **N Douglas Payne Jr** (b 1964) m **Ashby J Sanderson** (b 1969) on 1 May 1999 in Goochland Co, VA
10. **Turner Ashby Payne** (b 31 July 2000 in Henrico Co, VA)

** from Elizabeth Harris*