

Hardin County:

OCCGS REFERENCE ONLY

## Will of William Fox - Hardin Co Ky

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e-mail :

William Fox is my 3rd Great Grandfather. He was born in Greene Co PA, the son of Martin Fox and Mary (McCulloch or ) McAbetty. William was one of three known children, Joseph, William and Elizabeth Fox. William married about 1834 to Anna Elizabeth Gump or Green. He was the only child of Martin Fox to have children. All of his children were born in Greene Co PA. He and his family are first known to be in Alepoo Township Greene Co PA, where he owned 46 acres and later owned as much as 200 acres. He was also a Justice of the Peace for a ten year period in Greene Co PA. Apparently he and part of his family came to Hardin Co Ky about 1866. Three of his daughters stayed in PA, Catherine Jane, Sarah, and Susanna.

His wife died in 1870 and he remarried in 1871 in Hardin Co Ky.

William was shot and killed by David William "William" Price on the 8 Sept 1877 in Hardin Co Ky. Apparent dispute over their land boundaries, William Price was a son-in-law to Henry B. Peck, his land adjoined the Fox land. Price pleaded self defense and due to a note that William Fox had written the day he died, nothing was done to Price. The note mentioned that William Fox intended to "kill Price or Price kill him"

William Fox's will was constested by his children on the 17 Sept 1877 in the Hardin Co Courts. The will was finally probated the 19 Nov 1877 in the Hardin Co Courts.

John T Viers, his son-in-law was the Executor to his will. Joh Fox, son of William Fox also protested that a note William Fox had written on the day he shot and killed, said that his estate was to be divided equal between all the heirs. This caused a lengthy court battle. Much of the estate was used up in court fees and attorney fees. His land was also sold at the court house steps by request of the children of which it brought less than half of what William Fox paid for the land. The estate was finally settled for the Fox Heirs in 1882.

### WILL of WILLIAM FOX

Book F pg 213

19 May 1876 Hardin Co Ky

In the name of God I William Fox of the County of Hardin and State of Kentucky Known Being of desinis to Settle my wordly affairs while capable of so doing being of sound mind and memory praises being og God for the same. Declare this to be my last will and testament in manner as follows.



First and principally I commission my soul in the hands of Almighty God my creator who gave it me.

2nd and after the payment of all my debts funeral expenses and having my will be fully paid.

3rd I give and bequeath to my wife "Seany" Ellen Fox the one third of all that I am worth at the time of my decease and her bed and bedding and other property belonging to her if she out lives me and if she dies before I do, I order her part to be divided in four equal shares to my daughter Susannah Ferguson and daughter Catharine Jane Barger and my daughter Lusinday Veirs and my son William Montgomery Fox if deceased, his three children, John William, Rosa Bell and Samuel Thomas.

4th I give and bequeath to my daughter Elizabeth Masters one dollar

5th I give and bequeath to my daughter Sarah Anderson one dollar.

6th I give and bequeath to my daughter Martha Anderson one dollar,

7th I give and bequeath to my son John Fox one dollar.

8th I give and bequeath to my daughter in law Margaret Jane Fox one dollar.

9th And I order all my property both real and personal sold and the money divided and all needy money and money coming to me at the time of my decease.

10th And I order the balance to be divided in the following manner equally between my daughters, Susannah Ferguson, Catharine Jane Barger, Lusinday Veirs and my son William Montgomery Fox, decease, his three children John William, Rosa Bell and Samuel Thomas to be paid to them the said three children in equal shares. The said three children is to have as much as Lusinday Veirs to be equally divided between the three to be paid to them at the full age of twenty one years of age or day of marriage and their money to be put on interest until it comes into their hands and if one or more of said children should die the survivors is to have their part.

To be done as soon after my decease as conveniences will permit.

I hereby appoint John T Veirs my Executor of this my will revoking all former wills by me made.

In witness whereof I the said William Fox have hereunto set my hand this 19 day of May 1876

William Fox (signed)

Signed and delivered by the said William Fox as and for his last will and testament in the presence of us both being present at the same time who at his request in his presents and in the presents of each other have hereunto subscribed our names as witness

J.W. Slack

C.W. Slack

### William Fox - Ancestry & Descendants of Greene Co PA & Hardin Co Ky

William FOX was born the 5th Nov 1814 in Greene Co PA. ( my 3rd Great Grandfather)

He is the grandson of Joseph Fox born June 1758 in Morris Co New Jersey and Jane "Jennie" Wilson. Joseph Fox served six years in the Revolutionary War. He first married an Indian Woman or part Indian, which there is no written proof of this has been found. There were 2 children born to this marriage. He next married Jane Wilson they had the following children; Martin, Isaac, Rebecca, Charity, John, James Wilson Fox and an un-named son. Joseph also married a third time to Eloner Hines Doddins, they had three children, Lot, George and Elisha, she was born after the death of her father. It is possible that Martin could be a son of his first marriage but no date has been found for either marriage. Joseph is first found in the 1800 Greene Co PA census. He remained in this area till his death, 13 Dec 1847. He is buried in Fox Cemetery Greene Co PA.

Martin FOX the first son of Joseph Fox and was born 7 Nov 1790 VA or WV. Martin married twice, first to Mary McCulloch McAbetty. Known issue to this family is Joseph born 12 Nov 1812 Greene Co PA, he married Mary Ann Glasscock and did not have any children. William born 5 Nov 1814 Greene Co PA and married Anna Elizabeth Gump or Green , and Elizabeth (died young). Martin second married Nancy Martin, they had 10 children, which would be half brothers and sisters to William Fox. Martin went to Guernsey Co Ohio with his brother Isaac. In 1820 Martin left Ohio and came back to Greene Co PA. By 1835 Martin and Nancy Fox went to Monongalia Co Va-WV. They lived in the area of Arnettsville Monongalia Co WV. Both Martin and Nancy died there and are buried in Fox Cemetery near Hagans WV. Martin died at the age of 94.

When Martin Fox went to Monongalia County WV his son William Fox married about this time to Anna Elizabeth Green (or Gump). They are found in the 1840 Census of Aleppo Township in Greene Co Pa and later in the Springhill Township of Greene Co Pa. William and Anna had 10 children, Elizabeth b.1835 Greene Co PA , Sarah b. 1837 Greene Co PA , Susanna b. 1839 Greene Co PA, Henry b. 1840 Greene Co PA d. 1863 near Fairfax Va, Catherine J. b.1842 Greene Co PA , Lucinda b 1843 Greene Co PA , Martha b 1845 Greene Co PA , John b 1846 Greene Co PA , William Montgomery b. 1850 Greene Co PA and Isaac Newton Fox b & d 1851 Greene Co PA .

William Fox seemed to be very active in the community, he was a Justice of the Peace for ten years and seemed to be active in the New Freeport Baptist Church in Springhill Township. Two of his children, Henry and Isaac Newton Fox are buried in the New Freeport Cem in Greene Co Pa. Henry died while serving in the Civil War. And Isaac Newton Fox died when he was 15 days old.

William Fox and his family left Greene Co PA about 1863. His whereabouts for 4 years are unknown. William is first found in Hardin Co Ky in June 1867, where he purchased 22 1/2 acres of land from the heirs of Wm Smith, on Mill Creek, Deed Bk.8 pg 385. Most of William's children came to Kentucky with him. Three daughters, Sarah, married John Anderson in Greene Co PA, Susanna, married Edward Ferguson in Greene Co PA, and Catherine, married Andrew Jackson "A.J." Barger in Greene Co PA, they did not come to Kentucky, Sarah and Susanna stayed in Greene Co PA. Catherine and her family moved to Marshall Co WVa. William's wife Anna died 3 Aug 1870 Hardin Co Ky and is buried in Mt Zion Baptist Church Cem. Hardin Co. This family is the only Fox's listed on the 1870 census of Hardin Co Ky. No other Fox families are listed in the 1850/60 census of Hardin County.

The following children came to Hardin Co Ky., Elizabeth Fox and she married Joseph Masters, both are buried in Sycamore Cem. Hardin Co Ky. Lucinda Fox, she married 3 times, Jacob Anderson, John T Viers, and John Gordon of which they divorced. Lucinda Fox Viers is buried in Cedar Creek Cem, Ft Knox Hardin Co Ky, she did not have any children, her husband John is also buried there.

Martha Fox came to Hardin Co with her father, she was already married to Joseph Anderson and they had 4 children. In later years they left Hardin County.

Both of William Fox's sons came to Hardin County. his son John M Fox was born 2 April 1846 Greene Co PA, he married 14 June 1868 Hardin Co.- Sarah Frances Moore born 25 Feb 1845 Hardin Co Ky. John was active in the Mt Zion Baptist Church in Hardin County. He was elected the first sexton of the church in 1875 and was paid \$8.00 a year. Sarah was the daughter of John P. Moore and Rachel Marlow. John M Fox died 1925 Hardin Co Ky and he is buried at Mt Zion Baptist Church Cem. The death date of his wife is unknown, her name is on the stone with John but a date is not recorded. John and Sarah had the following children:

Mary E. Fox b. 1869 d. 1870 buried Mt Zion Baptist Church Cem Hardin Co Ky

Henry Silas "Si" Fox b. 16 Aug 1870 Hardin Co Ky

John R. Fox b. 1873 Hardin Co Ky

William Thomas Fox b. 12 Dec 1875 Hardin Co Ky

Lena Bell Fox b. 1876 Hardin Co Ky

William Fox's son William Montgomery Fox (my 2nd Great Grandfather) also came to Ky with his father. He was known as Montgomery, he married 18 Oct 1869 Hardin Co Ky - Margaret Jane Moore b. Mar 1846 Hardin Co Ky. She is also the daughter of John P. Moore and Rachel Marlow.

Montgomery is listed on the 1870 census of Hardin Co and is also listed with his brother John on the 1870 Tax List of Hardin Co Ky. Montgomery died in 1873 at the age of 23. Montgomery and Margaret had the following children:

Amanda Jane Fox b. 1869 Hardin Co Ky d. 1870 Hardin Co Ky buried Mt Zion Baptist Church Cem.

John William Fox b 31 July 1870 Hardin Co Ky

Rosa Belle Fox. b. 2 March 1872 Hardin Co Ky

Samuel Thomas Fox b. 24 July 1873 Hardin Co Ky ( my Great Grandfather)

William Fox was only in Hardin Co Ky for a 10 year period before his death 8 Sept 1877 Hardin Co Ky. He is buried in Mt Zion Baptist Church Cem beside his first wife Anna. After the death of Anna he married Sarah Ellen "Sena or Seany" Stater/Stader on 1 Aug 1871 Hardin Co Ky. William was 56 and Sarah was 30 at this time. There was no issue to this marriage. From all the deeds, and tax list found for William Fox, it seems that he was fairly comfortable for this time period. He seemed to pay cash for everything. The last deed found in Hardin County for William Fox was dated 24 Jan 1872, for a lot he bought from John S. Meyer on Miles Street in Elizabethtown Ky. He signed a will in 1876 in Hardin Co Ky. From other sources I came across I kept finding information that William Fox was shot and killed by William Price. Documentation was finally found at the Ky Archives in Frankfort showing that the will of William Fox was contested by several of his children, on the 17th Sept 1877. The will was finally probated on 19 Nov 1877, with his son-in-law John T. Viers being executor. Documents found in the Circuit Court Records, 1876-1882, Box 86, Bundle 497, # 7823 Ordy, that William Fox had been shot by William Price, who was the son-in-law of Henry Peck at this time. Apparently William Price pleaded self defense and nothing was ever done to Price. From all the documents, it made mention that William Fox and William Price had conflicted over boundary land to their adjoining land. William Fox had also written a note in pencil to either his son John or his son-in-law John Viers, that he had made a will and ask that he see that his land be divided equally between his children. Dated 8 Sept 1877- quote " I intend to kill Price or else he kill me" unquote. So apparently William Fox knew something was going to happen between the two of them that day. Other depositions were made, one from a W.T. Bishop of Warren Co Mississippi, stating he had worked for William Fox for a number of years and he had talked with him thirty minutes before he was shot and killed.

From family stories and other court records, apparently most of the estate of William Fox was used up due to court cost and attorney fees, and the heirs only received \$17 from the estate.

NOTE: My many thanks to Charles S Fox of Houston Texas for helping me with the research of the Joseph Fox in Greene Co PA and Martin Fox in Greene Co PA and Monongalia WVa. Charles has worked on the Fox families for several years in Greene Co PA. He descendants from the second marriage of Martin Fox to Nancy Martin. Also note that these lines are half kin to my William Fox. His brother did not have any children and all the other children of Martin Fox are from his second marriage and William Fox is from his first marriage.

**Direct Line:**

William Fox b 5 Nov 1814 Greene Co PA d. 8 Sept 1877 Hardin Co Ky marr abt 1834 PA  
Anna Elizabeth Gump or Green - both buried Mt Zion Baptist Church Cem. Hardin Co Ky

William Montgomery Fox b. 1850 Greene Co PA d. 1873 Hardin Co Ky marr 18 Oct 1868  
Hardin Co Ky - Margaret Jane Moore - both buried Mt Zion Baptist Church Cem.



Fox family

## PROVING THE FOX FAMILY ANCESTRY

John F. Vallentine\*

Family tradition provided the Fox family of Chatham Co., N. Car., with bounteous reports and clues to its ancestry. But had it in the end thrown a curve and enticed the family to accept the wrong man as its pivotal ancestor? The tradition could be documented as being over 75 years old and was supported without question by at least three generations living on or near the old homesite. Were those few inconsistencies an omen or warning? Or was it only natural that some of the indirect evidence did not quite jibe with the ancestral tradition?

*The Problem and the Plan*

The ancestor Jacob Fox was born about 1775 (age 75 in 1850) apparently in Pennsylvania,<sup>1</sup> or in North Carolina according to tradition. He and his wife Susanna were both listed in the 1850 Census of Chatham Co., N. Car., he aged 75 and she aged 67 years. The family Bible provided proof that William Henry Fox, the ancestor of the next generation down, was b. 14 Oct. 1826 in Chatham Co., N. Car., and was the son of Jacob Fox and wife Susanna Starr.<sup>2</sup> But no direct evidence had been found in the records of Chatham Co. and adjacent vicinity to prove the parentage of Jacob Fox.

According to family tradition Jacob Fox the ancestor had been named after his grandfather of the same name, who had lived and died in Pennsylvania. The Fox family had been established in Chatham Co. by Nicholas Fox and David Fox, presumably brothers, about the time of the Revolutionary War, reportedly coming overland from Bucks Co., Pa. Little was known about Nicholas and his family in North Carolina; it was believed he had died early or moved elsewhere; and his family seemed to have disappeared and moved West. On the other hand David Fox and most of his family remained in the Chatham Co. area and were well known.

Jacob Fox the ancestor resided near the old David Fox farm in Chatham Co. and was closely associated with proven children of David. David was known to have had a son Jacob; family tradition assured that his neighbor Jacob Fox was that son. True, it was known that both David and Nicholas named sons Jacob,

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these two traditionally being about the same age and growing up together in western Chatham Co. Family tradition related that the ancestor Jacob Fox had died about 1850 in Hendricks Co., Indiana. One belief was that he had been visiting relatives at the time; another was that he had moved there late in life. Still another report was that he had once visited relatives in Hendricks Co. but had died in Chatham Co. But he and his wife Susanna were still living in Chatham Co. in 1850; the widow Susanna continued to reside with her children in Chatham Co. until about 1860-1; and their son William Henry did not sell out and move West until 1870.

The research was (1) to prove or disprove the common ancestry of David and Nicholas Fox, (2) differentiate between the two Jacob Foxes of the next generation, and (3) prove the parentage of the two Jacob Foxes. It was obvious the research had to extend back from Chatham Co. to Pennsylvania, probably Bucks Co., and forward to Hendricks Co., Ind., to check out the connections there. Previous searches had failed to find a single record that proved the ancestry of Jacob Fox (b. 1775), the ancestor. Hopefully, a combination of several records evaluated together might provide the proof.

#### *Pennsylvania to North Carolina*

Jacob Fox of Bedminster Twp. made his will 31 Mar. 1783.<sup>3</sup> He devised to his wife Catherine "all the moveables which she has brought to me to our marriage," indicating that he had married her late in life. Jacob mentioned "the tenant that rented my place," left a legacy to the poor of Bedminster Twp., and directed that his personal estate, land, and tenements were to be sold after the death of his wife. Of major importance was the fact that Jacob specifically named five sons in his will: Jacob, John (having died previously), George, *Duvald* (*sic* David), and *Nicholas*. His will was probated by the Bucks County Court on 14 June 1785.

However, settlement of his estate did not occur until many years later and after the death of the widow. Probably becoming weary of waiting, the Directors of the Poor on 21 Oct. 1817 released to the heirs of Jacob Fox, deceased, late of Bedminster Twp., the devise left by Jacob's will to the poor of Bedminster.<sup>4</sup> The widow Catherine Fox of Bedminster Twp. made her will on 26 Jan. 1816, and it was probated 22-23 Aug. 1821.<sup>5</sup> She left all of her property to Polly *Engered*, "the girl that I raised," with no mention made of Jacob's sons. In 1821 Mary *Furnace*, devisee and sole executor of Catherine Fox, dec., who was a devisee of Jacob Fox, dec., petitioned to force Jacob's executors Michael Deterly and Jacob Stout to file an executive account.<sup>6</sup>

However, proof that Jacob's sons David and Nicholas were the same who moved to Chatham Co., N. Car., came from another



set of records. Beginning in 1818 and continuing until 1826, the heirs of Jacob Fox, deceased, provided powers of attorney to Jacob Fox of Bucks Co., another grandson named after him, to recover their shares from the estate. These powers of attorney included the following important entries:

- (1) On 24 Mar. 1823 *David Fox of Chatham Co., N. Car.*, a son of Jacob Fox of Bedminster Twp., deceased, granted said power of attorney.<sup>2</sup>
- (2) On 25 Mar. 1823 Jacob Fox and John Fox, administrators of the estate of *Nicholas Fox of Chatham Co., deceased*, a son of Jacob Fox of Bedminster Twp., deceased, granted said power of attorney.<sup>3</sup>

These records have bridged the gap between Bucks Co., Pa., and Chatham Co., N. Car. One family source has provided the information—this unsubstantiated and only traditional—that the mother of Jacob's sons was Lizzie Moyer, formerly of Wurttemberg, Germany.

#### *The Contemporary Jacob Foxes*

The next step in the research plan was to maximize identification of the two contemporary Jacob Foxes of the third generation (second generation in North Carolina), one being the ancestor Jacob Fox (b. 1775) and the other his apparent first cousin Jacob Fox (b. abt. 1777). Given primary emphasis in this differentiation were their vital statistics, their families, their places of residence, church and Bible records, and estate records.<sup>4</sup>

*Jacob Fox (b. 1775), the ancestor.* This Jacob Fox was b. 1775 (age 75 in 1850) in Pennsylvania, undoubtedly Bucks Co., and died prior to 24 Sep. 1851 (date of inventory) in Chatham Co., N. Car. He married (1) Margaret Smith (4 July 1769—probably 21 Apr. 1801) and had probably four children; (2) Margaret (surname unknown), d. probably May-July 1810 and had three children; (3) Susannah Starr (1783-1861 or 1862) and had five children. Jacob's 12 children were:

- (1) John, b. abt 1795; md. Tabitha.
- (2) Nicholas, b. 18 June 1797; md. Nancy Johnson.
- (3) Elizabeth, b. 1799; md. (Rev.) Anderson Craven.
- (4) Jacob (or David) (probable son), b. abt 1801; d. prior August 1816.
- (5) John George, b. 1 Aug. 1804; md. (1) Sarah Teague, (2) Eliza Fogleman Staley.
- (6) Sophina (Suthy), b. 7 July 1807; md. Mr. Johnson.
- (7) Millie, b. 22 May 1810; d. 1816-1820.
- (8) Anna Margaret (Peggy), b. 26 Feb. 1814; md. Atlas G. Davis.
- (9) Henry, b. 1 Jan. 1816; md. Caroline Kime.
- (10) Mary (Polly), b. 3 Apr. 1819; md. Arthur McCoy.



- (11) Jacob, b. 6 June 1822, d. prior 1830.  
(12) William Henry, b. 14 Oct. 1826 (the ancestor).

Jacob Fox (b. 1775) apparently lived his entire adult life in western Chatham Co., where he is listed in the 1800-1850 censuses. For each of the 1800-1840 censuses, the sex and birth years of existing children in the family were carefully compared with the number of people in the sex and age categories of the census. Agreement was nearly complete, thereby assuring continuing identity of the family of Jacob Fox (b. 1775). Two examples of this comparative process are as follows: (items in parentheses not in original census but added here for explanation only)

*1810 Census of Chatham Co., N. C.*

<i>males</i>	<i>females</i>
one 26-45 (1765-1784) (Jacob, b. 1775)	one 10-16 (1794-1800) (Elizabeth, b. 1799)
two 10-16 (1794-1800) (John, b. abt 1795) (Nicholas, b. 1797)	two 0-10 (1800-1810) (Sophia, b. 1807) (Millie, b. 1810)
two 0-10 (1800-1810) (Jacob, b. abt 1801) (George, b. 1804)	

*1830 Census of Chatham Co., N. C.*

<i>males</i>	<i>females</i>
one 50-60 (1770-1780) (Jacob, b. 1775)	one 40-50 (1780-1790) (Susanna, b. 1783)
one 10-15 (1815-1820) (Henry, b. 1816)	one 15-20 (1810-1815) (Peggy, b. 1814)
one 0-5 (1825-1830) (Wm. Henry, b. 1826)	one 5-10 (1820-1825) (Polly, b. 1819)

The birthdates of Jacob's children #1 and #4 were arrived at by calculation, that for #2 from family records, #3 by the 1850 Census of Randolph Co., N. C., #5-#8 from baptismal records of Richland Lutheran Church, Randolph Co., N. C.,<sup>10</sup> and #8-#12 by the family Bible.<sup>11</sup> In the Chatham County Court of Pleas and Quarter Sessions Minutes dated August 1816 is found the following entry: "Jacob Fox is appointed guardian to his children Betsey, Nicholas, John, George, Suthy, and Milly Fox. . . ." For reasons not yet fully explained, this guardianship pertained to his surviving minor children by his first two wives only, even though he had two children by his third wife Susannah Starr by this date.

On 24 Sep. 1851 an inventory and account of sales from the estate of Jacob Fox, deceased, was made by his administrators, Sampson Edwards and Henry Fox (a son).<sup>12</sup> Those purchasing personal property at the estate sale included William H. Fox (a son), George Fox of Jacob (a son), Mary Fox (probably his daughter), William Fox, the widow Fox, Anderson Craven (a son-in-law), and Calvin Fox (a grandson). However, details of the distribution of Jacob's remaining estate has not been found. Chatham Co. Deeds and North Carolina Land Grants document

the several tracts of land Jacob owned during his lifetime on waters of Rocky River and Brush Creek in Chatham Co.

*Jacob Fox (b. abt. 1777)*. This Jacob Fox was b. abt. 1777 either in Bucks Co., Pa., or after the Foxes arrived in North Carolina; he died 1837-1838 in Hendricks Co., Ind.; he apparently had only one wife and her name was Maria or Mary, b. 1783 (aged 67 in 1850) in North Carolina. They had the following children as proven by his will, all apparently b. in Chatham Co.:

- (1) David, b. 10 Oct. 1802; md. Martha Tumblestone.
- (2) Hannah, b. 23 Mar. 1805; md. James Domass.
- (3) Elizabeth, b. abt 1807; md. David R. Cox.
- (4) Asenath (Asenia), b. abt 1809; md. (1) Aaron Carter,  
(2) John Tincher.
- (5) Manassah, b. abt 1811; md. Sarah McClure.
- (6) Son (probable), b. abt 1813.
- (7) Mary, b. 1815 (age 35 in 1850); md. Samuel Montgomery.
- (8) Margaret, b. 1816 (age 34 in 1850); md. Bryant Taylor.
- (9) Jacob, b. 1818 (age 32 in 1850); md. Mary Ann Tincher.

Jacob was listed as head of household with his family in 1820 in Chatham Co., N. C., and in 1830 in Hendricks Co., Ind. A comparison of the sex and birth years of his known children with the number of people in the sex and age categories for these two censuses are as follows: (items in parentheses not in original census but added here for explanation only)

*1820 Census of Chatham Co., N. C.*

<i>males</i>	<i>females</i>
one 26-45 (1775-1794) (Jacob, b. 1777)	one 26-45 (1775-1794) (Maria, b. 1783)
one 16-26 (1794-1804) (David, b. 1802)	three 10-16 (1804-1810) (Hannah, b. 1805) (Elizabeth, b. abt 1807) (Asenath, b. abt 1809)
three 0-10 (1810-1820) (Manassah, b. abt 1811) (unknown, b. abt 1813) (Jacob, b. 1818)	two 0-10 (1810-1820) (Mary, b. 1815) (Margaret, b. 1816)

*1830 Census of Hendricks Co., Ind.*

<i>males</i>	<i>females</i>
one 50-60 (1770-1780) (Jacob, b. 1777)	one 40-50 (1780-1790) (Maria, b. 1783)
two 15-20 (1810-1815) (Manassah, b. abt 1811) (uncertain, b. abt 1813)	one 20-30 (1800-1810) (Asenath, b. 1809)
one 10-15 (1815-1820) (Jacob, b. 1818)	one 10-15 (1815-1820) (Mary, b. 1815)
	one 5-10 (1820-1825) (Margaret, b. 1816)

It appears that it was the widow Maria (aged 50-60 years) who was residing in the household of her son-in-law in Hendricks Co. in 1840. In 1850 Maria, age 67 and born in North Carolina, was residing in the family of James Domass, her son-in-law, in



Monroe Twp., Morgan Co., Ind. Jacob had moved to Hendricks Co., Ind., prior to 20 Feb. 1827, when he received a land grant from the U.S. government for 160 a., it being the NW $\frac{1}{4}$ , Sec. 11 (T15N R2W).<sup>12</sup> In his will made 15 July 1837 and probated 15 Mar. 1838,<sup>13</sup> Jacob provided for his wife and specified the names of his eight children. At his estate sale on 31 Mar. 1838, people buying personal property included Mary Fox, John Tincher, and Briant Taylor.<sup>14</sup>

Prior to his death and on 8 July 1837, Jacob Fox and his wife Mary sold the north half of his land grant to their son David.<sup>15</sup> The south half was willed by Jacob to his son Jacob, who then on 1 Jan. 1840 sold it to Lemmon Christie with his mother releasing her dower rights.<sup>17</sup>

### *Solving the Problem*

Further searching in the records of Pennsylvania, North Carolina, and Indiana demonstrated that both David and his brother Nicholas had sons named Jacob who lived to maturity. After David Fox's death, his heirs including his son Jacob Fox on 3 Mar. 1824 jointly sold three tracts of land in Chatham Co. from David's estate.<sup>18</sup> "Jacob Fox of David" also attended an estate sale in Chatham Co. on 11 Dec. 1823.<sup>19</sup> Following Nicholas's death, letters of administration on his estate were granted on 11 Aug. 1812 to his sons John and Jacob Fox.<sup>20</sup> The August 1812 court of Chatham Co. ordered that one year's provisions be paid off to Nicholas's widow Margaret.<sup>21</sup> Both David and his brother Nicholas died intestate; both sons Jacob were joint grantors in selling lands from the estates of their respective fathers. However, North Carolina law at that time did not require their wives to co-sign, and they did not, thereby thwarting one avenue of identifying the two Jacob Fox first cousins. A re-examination of the official records still failed to find a single one that, by itself, provided direct evidence as to which brother was the father of Jacob Fox the ancestor.

The next step was to determine if a combination of multiple records would provide the necessary proof. As a result it was readily proven that David's son Jacob had been the one that moved to Hendricks Co., Indiana, and then demonstrated that Jacob Fox the ancestor, in spite of tradition, was a son of Nicholas and not David. The interrelationship of records was evaluated as follows.

David Fox, Sr., of Chatham Co., for love and affection, gave to his son Jacob Fox, also of Chatham Co., a tract of 150 acres on the waters of Cane Creek by lands of Thomas Whitehead.<sup>22</sup> This deed was made 23 Apr. 1803 but not proved until August 1832. Then on 11 Aug. 1832 Jacob Fox of Hendricks Co., Ind., sold this same tract, i.e. 150 acres on the waters of Cane Creek by lands of Thomas Whitehead, to Joseph Hadley of Chatham Co.<sup>23</sup> The



latter deed was also proved in August 1832 and had been executed by Jacob's attorney, Joshua Hadley. On 3 Apr. 1824, while still a resident of Chatham Co., Jacob Fox had sold Joshua Hadley two tracts of land on Cane Creek.<sup>24</sup>

This same Joshua Hadley, as attorney for Jacob Fox, received Jacob's \$110 share from the estate of Nicholas Fox of David on 18 Aug. 1828, said Nicholas Fox of David having committed suicide and leaving his brothers and sisters as heirs.<sup>25</sup> To insure against unknown debts against the estate of Nicholas Fox of David, his administrator required that each of the heirs provide a refunding bond in case part of the money had to be called back in. Signing Jacob's refunding bond on 18 Aug. 1828 was his attorney Joshua Hadley. This combination of land and estate records enabled the parentage of Jacob Fox of Hendricks Co., Ind., to be proven.

This substantiates the deduction that the ancestor Jacob Fox must then be Jacob son of Nicholas. However, this conclusion is not without a considerable amount of other supporting indirect evidence. After the death of Nicholas Fox, Sr., his heirs "mutually and jointly entered into a covenant with each other to deliver to each other deeds to convey rights of land to each other according to the value of each tract which may fall to the share of each other." Four such deeds were made in 1814 and one in 1825.<sup>26</sup> Jacob signed these deeds as a son and heir of Nicholas Fox (Sr.), deceased, and also as the guardian of his sister Mariah's children, for whom he had been appointed guardian on 15 Nov. 1814,<sup>27</sup> with Barney Fox and Nicholas Fox (uncles) as security. However, the apparent deed by which Jacob of Nicholas received his share cannot be found today and was apparently never recorded. Also, records of final settlement of Nicholas's estate were apparently lost or destroyed and cannot be located.

Both Nicholas Fox (Sr.) and his brother David blocked up several adjacent tracts of land during their lifetime into two rather large farms, that of Nicholas lying immediately south of and adjacent to that of David. Although the ancestor Jacob Fox never appears as a grantee in the Chatham Co. deeds, he owned at least three tracts of land in his later life described only by metes-and-bounds with reference to creeks and adjacent land-owners. Although the land descriptions are somewhat vague, it seems almost certain that all three were located within the outside perimeter of the farm originally assembled by Nicholas (Sr.). Except for 37 a, Jacob received by grant from the state of North Carolina on 4 Nov. 1815,<sup>28</sup> it appears that Jacob could have received his lands only through inheritance from the estate of Nicholas (Sr), thus assuring that he was the same person as Jacob of Nicholas.

The 37-acre land grant provides additional evidence to this conclusion. The land entry described the tract as being by

Warren's line, Bray's line, Bray's corner, Barney Fox's corner (a son of Nicholas), and *Jacob's own land* (presumably from the estate of Nicholas), but the land warrant for the same tract described it as joining the lands of James Bray, George Gee, and the *heirs of Nicholas*. Following the tradition of utilizing close relatives and associates, Jacob Fox the ancestor provided Nicholas Fox (apparently Nicholas of Nicholas) and Joseph Warren (son-in-law of Nicholas) as his chainsmen. In an earlier land suit the ancestor Jacob Fox as assignee of Scurlock brought suit against Robert Stinson, Sr., but the court decreed in favor of Stinson. As part of his suit Jacob had had his claim resurveyed. And it is probably significant that Jacob provided John Fox (probably the son of Nicholas) and Barnet Fox (the son of Nicholas) as his official chainbearers.<sup>20</sup>

Family tradition has it that the father of Jacob Fox the ancestor first resided on his home tract in a two-room, two-story log cabin but later built a larger house a short distance away. Jacob then moved his family into the cabin but later, after his father's death, into the large house to live with his mother. The tradition continues that after his mother's death, Jacob and family remained and this became their permanent home and home tract.<sup>21</sup> If true, this tradition would provide further evidence that David Sr. could not have been his parent because David outlived his wife and David's home place went to his son-in-law David Reitsman.<sup>22</sup>

The tradition that Jacob Fox owned and made his home on the home tract of his father—but the father being Nicholas rather than David—is supported by consecutive descriptions given to an adjacent tract of land. On 11 Jan. 1830 this adjacent tract of 79 acres on Rocky River and Teague's Branch was sold by a David Fox to William Carter.<sup>23</sup> In the 1830 deed one leg of the boundary was described as bounding "widow Fox's dower land" for a short distance on the southeast corner. Following Carter's death shortly thereafter, the county court on 9 Aug. 1830 awarded his daughter Rachel Carter 45 acres out of the 79 acres including the pertinent boundary leg.<sup>24</sup> And then on 2 Nov. 1852 when Rachel sold the 45 acres to George Fox of Jacob, this leg was again described as bounding the "widow Fox's dower."<sup>25</sup>

It seems certain that no one "widow Fox" fits into the 1830-1852 time frame. However, the only alternative explanation is that this reference applies to two widow Foxes. It seems certain the one referred to in 1830 could only have been old Nicholas's widow Margaretha, who died in 1833. Further explanation is that, their son Jacob (the ancestor) having gained title to his mother's dower land but then dying prior to 24 Sep. 1851, it was Jacob's widow Susannah and her dower rights referred to in the 1852 deed. This suggests that with all of the weaknesses inherent



in the metes-and-bounds survey the listing of names of adjacent landowners can be used as an identifying technique.

In summary, the conclusion reached has been that many of the Fox family traditions can be corroborated but that the tradition as to Jacob the ancestor's father being David is false but rather being the brother Nicholas (Sr.).

#### FOOTNOTES

<sup>1</sup>1850 Census of Chatham Co., N. Car. (Upper Regiment, household no. 914).

<sup>2</sup>Family Bible, in possession of Mrs. Evelyn Fox Hartness, 1002 Clarendon St., Fayetteville, N. Car. 28305.

<sup>3</sup>Bucks Co., Pa., Wills, 4:392.

<sup>4</sup>Bucks Co., Pa., Deeds, 46:166.

<sup>5</sup>Bucks Co., Pa., Wills, 10:35.

<sup>6</sup>Bucks Co., Pa., Orphans Court Dockets, 5:515.

<sup>7</sup>Bucks Co., Pa., Miscellaneous Books, 4:347.

<sup>8</sup>Bucks Co., Pa., Miscellaneous Books, 4:348.

<sup>9</sup>Documentation and additional information about the immediate families of these two Jacob Foxes can be found in: John Franklin Vallentine, *Fox Family History (1707-1976)* (Ashland, Kansas: Fox Family Reunion, 1976), 85-90.

<sup>10</sup>Records of Richland Lutheran Church, Randolph Co., N. Car. (Translations of original located at Lutheran Synod Library, Salisbury, N. Car.).

<sup>11</sup>Refer to footnote no. 2.

<sup>12</sup>Chatham Co., N. Car., Accounts, 1850-1857:142.

<sup>13</sup>Hendricks Co., Ind., Deeds, 5:465.

<sup>14</sup>Hendricks Co., Ind., Wills, 1:56.

<sup>15</sup>Hendricks Co., Ind., Probate Court Complete Record, 2:209.

<sup>16</sup>Hendricks Co., Ind., Deeds, 5:455.

<sup>17</sup>Hendricks Co., Ind., Deeds, 7:360.

<sup>18</sup>Chatham Co., N. Car., Deeds, Z:222, Z:237, Z:236.

<sup>19</sup>Chatham Co., N. Car., Inventories and Settlements, entry dated 11 Dec. 1823.

<sup>20</sup>Chatham Co., N. Car., Estates (Nicholas Fox file at North Carolina Department of Archives & History, Raleigh).

<sup>21</sup>Chatham Co., N. Car., Minutes of Court of Pleas and Quarter Sessions, entry made at August 1812 term.

<sup>22</sup>Chatham Co., N. Car., Deeds, AC:283.

<sup>23</sup>Chatham Co., N. Car., Deeds, AC:269.

<sup>24</sup>Chatham Co., N. Car., Deeds, Z:300, Z:301.

<sup>25</sup>Chatham Co., N. Car., Estates (Nicholas Fox, Jr., at North Carolina Department of Archives & History, Raleigh).

<sup>26</sup>Chatham Co., N. Car., Deeds, T:265 (to John Fox), W:319 (to Catherine Fox), X:313 (to David Fox), AA:355 (to Nicholas Fox), Z:367 (dated 23 Apr. 1825 to John Thompson and wife Elizabeth, Josiah Fox, and George Fox, children of Mariah, deceased).

<sup>27</sup>Chatham Co., N. Car., Minutes of Court of Pleas and Quarter Sessions, entry made 15 Nov. 1814.

<sup>28</sup>North Carolina Land Grants (North Carolina Department of Archives & History).



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<sup>20</sup>Chatham Co., N. Car., Minutes of Court of Pleas and Quarter Sessions, entry made 10 Nov. 1797.

<sup>20</sup>Letters dated 12 Dec. 1976 and 14 Jan. 1977 from Mr. J. M. Cooper, 1110 Oklahoma St., Kannapolis, N. Car.

<sup>21</sup>Chatham Co., N. Car., Deeds, Z:237; dated 3 Mar. 1824.

<sup>22</sup>Chatham Co., N. Car., Deeds, AB:340.

<sup>23</sup>Chatham Co., N. Car., Minutes of Court of Pleas and Quarter Sessions, entry of survey dated 9 Aug. 1830.

<sup>24</sup>Chatham Co., N. Car., Deeds, AK:250.

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