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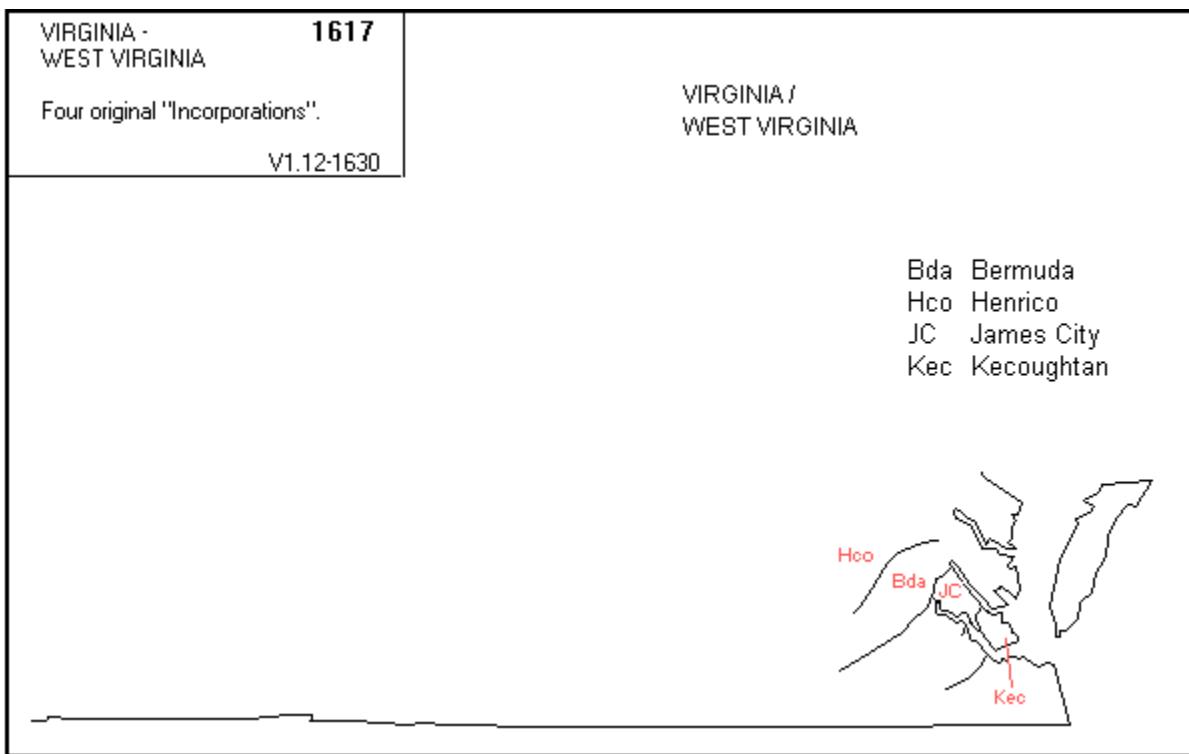


## THE EARLY YEARS—BEFORE 1700



### VIRGINIA AS IT BEGAN

To set the geographic scene for our research, we begin with the early geographic divisions of the Virginia colony:



According to the website Virginia Places (<http://www.virginiaplaces.com>):

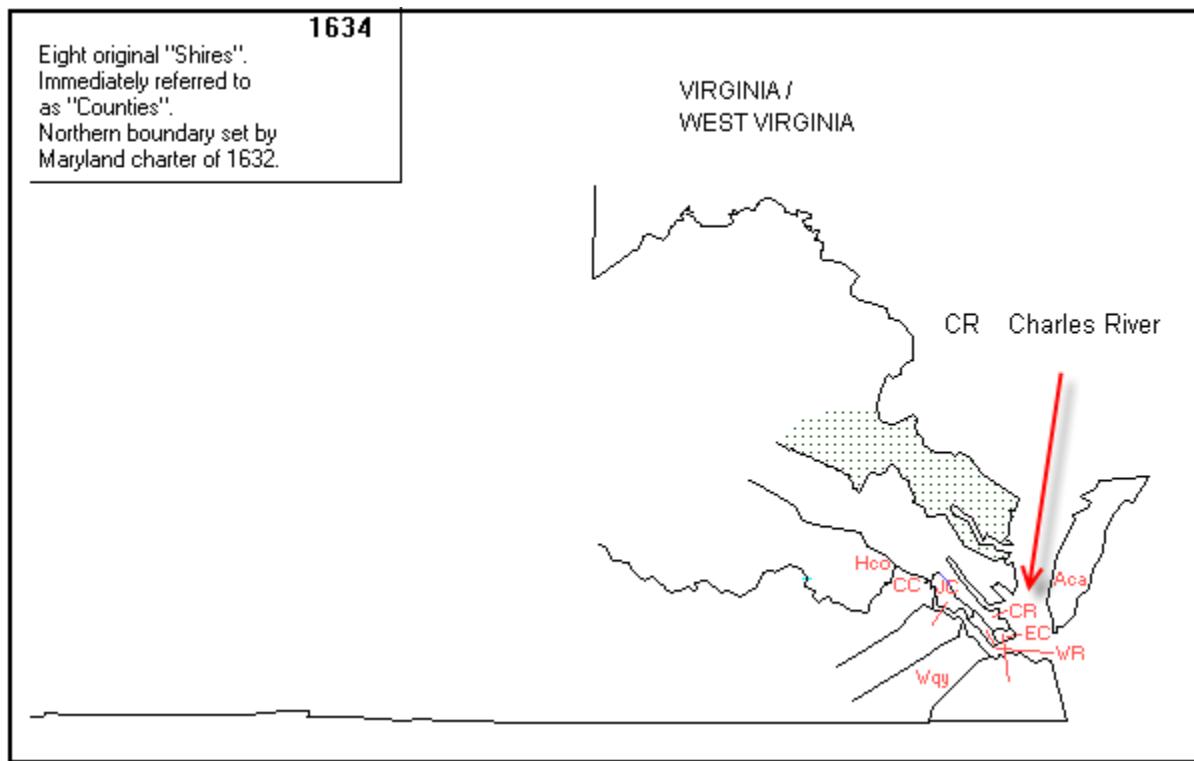
By 1617 the Virginia colony had been divided into the Incorporations of Henricus, Charles City, James City, and Kecoughtan.

In 1618 King James I granted the Third Charter with provisions for elected representatives to help govern the colony. In 1619 the eleven small settlements within the four Incorporations elected representatives to a General Assembly. [There were also "particular plantations" outside the direct control of the London Company. The first General Assembly rejected representatives that were elected from Martin's Brandon, in today's Prince George county, because that particular plantation had highlighted that they were governed by separate rules.]

Starting in 1619 the General Assembly handled executive, legislative, and judicial issues. It created the first courts to handle small lawsuits in 1621, but the population increase - to about 5,000 colonists in 1634 - caused the administrative workload to become a hassle. In 1634 the General Assembly chartered eight shires, which were called "counties" afterwards.

The first eight counties were the four existing Incorporations (Charles City, Elizabeth City - which replaced the "heathen" name of Kecoughtan, Henrico, and James City) plus four new areas: Accomack, Charles River, Warrosquyoake, and Warwick River. The boundaries of the eight counties were drawn so most colonists could reach their county court sessions, where justices dealt with property issues and criminal accusations, in one day.

The area of our interest in those first eight counties was first named **Charles River County**:



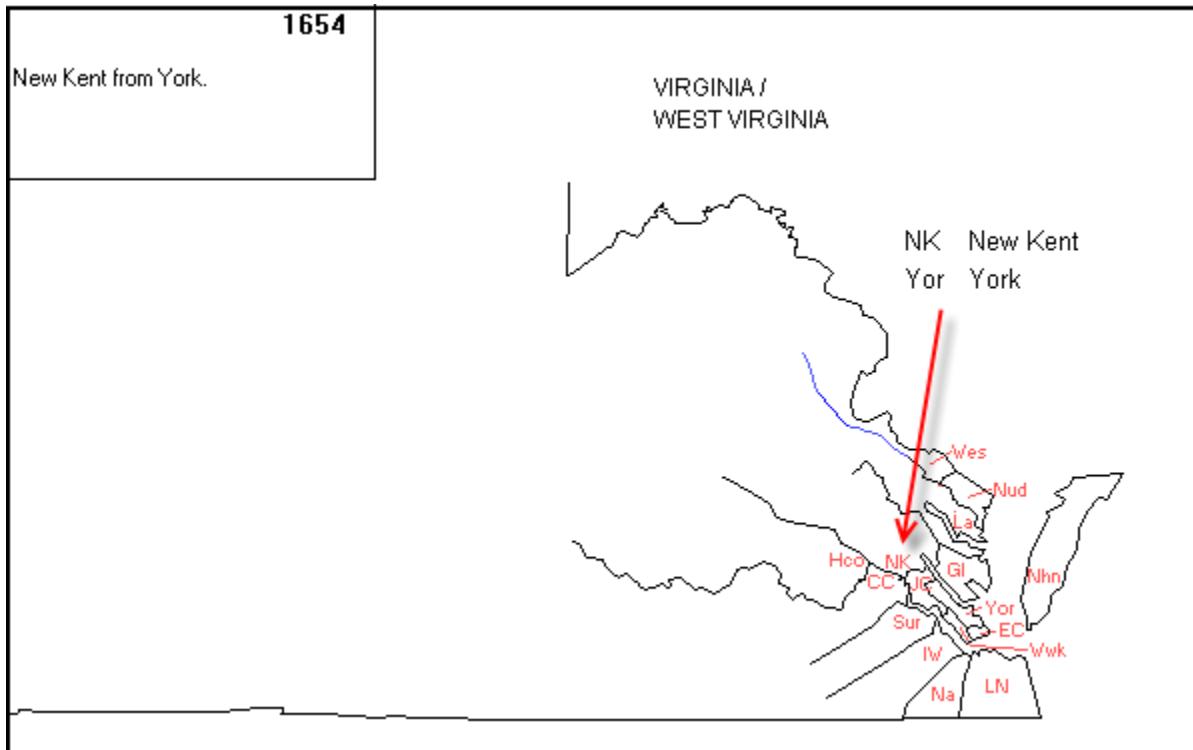
*Originally, the river now known as the York River was known as the Pamunkey River. The River name was changed to Charles River in 1634 simultaneous with the creation of Charles River Shire (County).*

**1643 – NAME CHANGE:** Charles River County changed its name to **York County**.

*According to the Virginia Places website: "York County was originally named Charles River County, and was one of the first 8 counties created in 1634. Nine years later it was renamed, shifting the honor of the name from King Charles I to his younger son James, the Duke of York. [Charles I was still recognized in the colony by the names of Charles City County.] ... Yorktown was the major port in Virginia during the 1600s."*

*With the change in the name of the County came a change in the name of the river. What had been the Pamunkey and then the Charles River became the York River. It was navigable for many miles.*

**1654 – COUNTY LINES CHANGE:** **New Kent County** was created from York County.



*New Kent County appears to have been named for the area of England called Kent. (An alternative theory is that it was named for Kent Island, in the upper waters of the Chesapeake Bay.) The County included the lands west of the point where the York River divided into the Pamunkey River to the south and the Mattaponi (or Mattaponi, as the modern spelling has fixed on) River to the north. It is that particular stretch of land, between those two rivers, called the Pamunkey Neck, where the critical events we examine began. And the earliest recorded event of interest to our examination is the grant of a specific tract of land, to be called the Talbott-Downes grant.*

- ❖ **18 December 1667 - LAND PATENT:** John Talbott and Elias Downes, 1,600 acres in **New Kent County** on the south side of Mattaponi, beginning a little below sunken ground, etc, to forks of Fawnes branch, to land of Edward Holmes, etc. For transportation of 32 persons, including William Claiborne, William Morris and Margaret Woodward. (*Virginia Patents 6:97*)

*Twenty-nine years later Elias Downes sold 939 acres of this tract to Major John Waller of King & Queen County, whereupon Waller commissioned a resurvey of the parcel he had bought of Downes. In his notes and plat, surveyor James Taylor Davis referenced Davenport's Plantation and Landing and land belonging to one Thomas Baker as adjoining (see 29 May 1696 below). Because of its importance in helping establish time and place for our key players, the full patent to Talbott and Downes follows:*

## TALBOTT-DOWNES PATENT OF 1667

"To all Etc. Whereas Etc and Now know ye that I the said Sir William Berkeley Knt [Knight] Governor Etc do with the Consent of the Council of State give and grant unto John Talbott and Elias Downes Sixteen Hundred Acres of Land lying and being in the **County of New Kent** on the South Side of Mattapony River. Beginning at a White Oak a little below Sunken Ground [,] thence into the Woods SW ½ Westerly to a red oak 180 poles. Thence NW by W 160 poles to a Hickory [,] thence NW and by N 320 poles to a red oak Corner Tree in the Forks of Fawnes Branch [,] which Corner Tree divides the Land of Edward Holmes and this Divident, thence down Fawnes Branch NNE 200 Poles to a Poplar, thence East by North 180 Poles to a red oak, the NE by E 20 [?] Poles, thence NE 20 Poles to a red oak, thence N ½ Easterly 46 poles to a White Oak, thence NE by N 40 Poles to a Pine by the River Side on the Lower Side of Fawnes Branch, the run of said Branch dividing this Divident from the land of said Holmes, thence SE ½ Easterly down the River 168 Poles, thence E ½ Northerly 153 Poles on the mouth of a Small [Swamp] that comes out of the Sunken Ground, thence South E etc by 205 poles to a White Oak, [to] the first station where it began, being bounded with marked Trees all round. The said Land being due unto them [the said Talbott and Downes] for the Transportation of two and thirty persons into this colony Etc. To have and to hold Etc. To be held Etc yielding & paying Etc [Quit Rents due the King]...Dated this Eighteenth Day of December in the Year Lord [sic]. Copy Test Ben: Waller & Matt: Kemp, C.S.O."

Source: This abbreviated copy of the Talbott-Downes patent is filed with *Waller Family Papers*, Accession #260356, Library of Virginia, Richmond. Benjamin Waller, one of the principals in a litigation, was an attorney and an official in the Land Office in the mid-Eighteenth Century.

### A POSSIBLE BEGINNING OF THE BAKERS OF OUR INTEREST: WILLIAM AND THOMAS BAKER, SURELY FROM ENGLAND, HAVE HEADRIGHTS USED TO BUY LAND

- ❖ 7 April 1671 – LAND PATENT: Captain Josias Pickes, 3,500 acres in **New Kent County** on the North side of Mattapony River, beginning near the mouth of a slash at the upper end of the bank where the Monge did formerly live, adjoining a level near the Morratico Indians. For transportation of 70 persons including Jacob Lumpkin (as Limken), Josias Pickes, **William Baker**, and **Thomas Baker**. (*Virginia Patents*, 6:351)

*Pickes was apparently a sea captain who acquired a number of headrights in his own name by multiple voyages from England to Virginia. Captain Jacob Lumpkin was a colorful figure in King & Queen County (North side of Mattaponi) in the early 1690s. His land was to the north of the area of our particular interest, but it is not the land we concern ourselves with here. Rather, it is the transportees who are of interest.*

*As of 1696, a Thomas Baker had married Mary Downes, sister of Elias Downes who sold the land adjoining Davis Davenport in 1696 to Major John Waller. Baker was given 100 acres adjoining Waller's tract by Downes. Subsequently, Thomas Bakers (there were surely two or three in succession) were near to or adjoined Davenports in their moves up Pamunkey Neck.*

*In the late 1720s-early 1730s, a Thomas Baker, reportedly the son of a William Baker and who had brothers named Josiah and William, married Davis Davenport's granddaughter Dorothy, daughter of Martin Davenport. Their eldest son was named William and they also had a son named Josiah. The Bakers and Davenports, as well as other related families, were intermarried and in concurrent settlement in Spotsylvania, Louisa, and Culpeper counties in Virginia, and then in Western North Carolina from the early years of the Eighteenth Century and forward.*

*Baker Family Genealogy claims that the Thomas who married Dorothy Davenport was born in Pennsylvania of a family that first arrived in America in 1635. That identification, as has been outlined above and will be discussed at various points below, is problematic at best. Moreover, the presence of a Thomas Baker line in the neighborhood of Davis and Martin Davenport from at least 1696 forward suggests that a Virginia origin for our Baker Family is far more likely. Marriages among commoners in those days, a description fitting both the Davenports and Bakers, were preponderantly among neighboring families, work days being long, travel being done by horse or foot, and parents exercising their influence.*

#### See APPENDIX B – OTHER EARLY BAKERS

- ❖ **20 April 1687 - LAND PATENT:** Mr. William Mallory, 3,740 acres in Pamunkey Neck, **New Kent County**, as surveyed by Colonel William Claiborne, Decd., for Captain Roger Mallory. Beginning at Acquinton Main Swamp run, to Nathaniel Barker's plantation, by the Ferry path, by Mr. Woodward's path, crossing Nicatewance Swamp, by George Slaughter's plantation, in sight of Thomas Peaswhite's plantation, to the corner of John Talbot and Samuel Ousteen [Austin], nigh to the Ridge path, to Mr. Randall, to where Henry Maize lives... For transportation of 75 persons, including Jane Downes, Richard Downes. (*Virginia Patents 7:572*)

*The Mallorys and Woodwards had been in possession of Indian land for at least thirty years when this patent was finally obtained. They were adjoining landowners – although legally at the time they had no titles except what they might have obtained by lease or purchase from the Indians.*

*This patent is noted because it adjoined the John Talbott-Elias Downes patent of 1667, and like every mention of that tract until 1696 only John Talbott was mentioned. By 1696 John Talbott was gone and Elias Downes was the sole proprietor. Elias was still engaging in land activities into the 1730s, hence was either a very young man or a child when the 1,600-acres were granted to him and John Talbott jointly. Who Jane Downes and Richard Downes, transportees cited, were is yet unknown, but they may have been Elias Downes' parents, for he did have a sister Mary who married Thomas Baker, and the Mallorys had been in Talbott-Downes neighborhood for almost forty years when Elias sold the largest part of the patent.*

*Note that, in early Davenport research, an Elias Davenport had tentatively been identified as another son of Davis Davenport because of the Elias Downes' proximity to Davenport Plantation and Landing in 1696, as well as other Davenport and Pamunkey Neck connections. DNA analysis (2004) established conclusively that Elias had the same Davenport paternity as did Martin and Thomas, sons of Davis.*

**10 September 1668 – ESCHEATMENT:** A jury in **New Kent County** was impanelled to determine whether 650 acres belonging to Humphrey Davis, a landholder in the county, should escheat to the Crown. The jury, whose members included one **Martin Baker**, found Davis to have died intestate seized of 650 acres. (Inquisitions of Escheated Lands, *Virginia Genealogist*, 19:133)

*Escheatment was the process of judicial review of whether a patent holder had lived up to his commitment to the King to seat and seed a specified number of acres within a specified period, or if the patent holder had died intestate or without heirs, or if the patent holder was still an alien at the time of his death, or if the patent holder was subject to forfeit of lands because of a criminal conviction.*

*At this time the relationship, if any, between this Martin Baker and our Bakers is unknown. However, the name Martin in the Bakers of early New Kent County is of particular interest, since the Thomas Baker who married Dorothy, daughter of Martin Davenport, Sr., had a son named Martin. In past decades Davenport family researchers had credited grandson Martin Baker as a namesake of his Grandfather Davenport. Now, we are not so sure, for records such as this show that there were Martin Bakers in Virginia records long before Davis Davenport appeared to give his eldest son the Martin name.*

**9 October 1673 – WARRANT ISSUED:** Governor Sir William Berkeley to Escheator of **New Kent County** to determine if George Browne died seized of property. Among the 12 jurors who found that Browne died seized of 200 acres “and the same doth escheate to his Majestie noe heire appeareing” was **Thomas Baker**. (Inquisitions of Escheated Lands, *Virginia Genealogist*, 20:174)

*Although unproven, and perhaps incapable of proof, it is likely that this Thomas Baker is the same Baker who was husband to Mary Downes.*

*Jury service in Colonial Virginia required freeholder status. Generally that meant land ownership (usually 50 acres or more) or at least ownership of such substantial personal assets as to substitute for land ownership.*

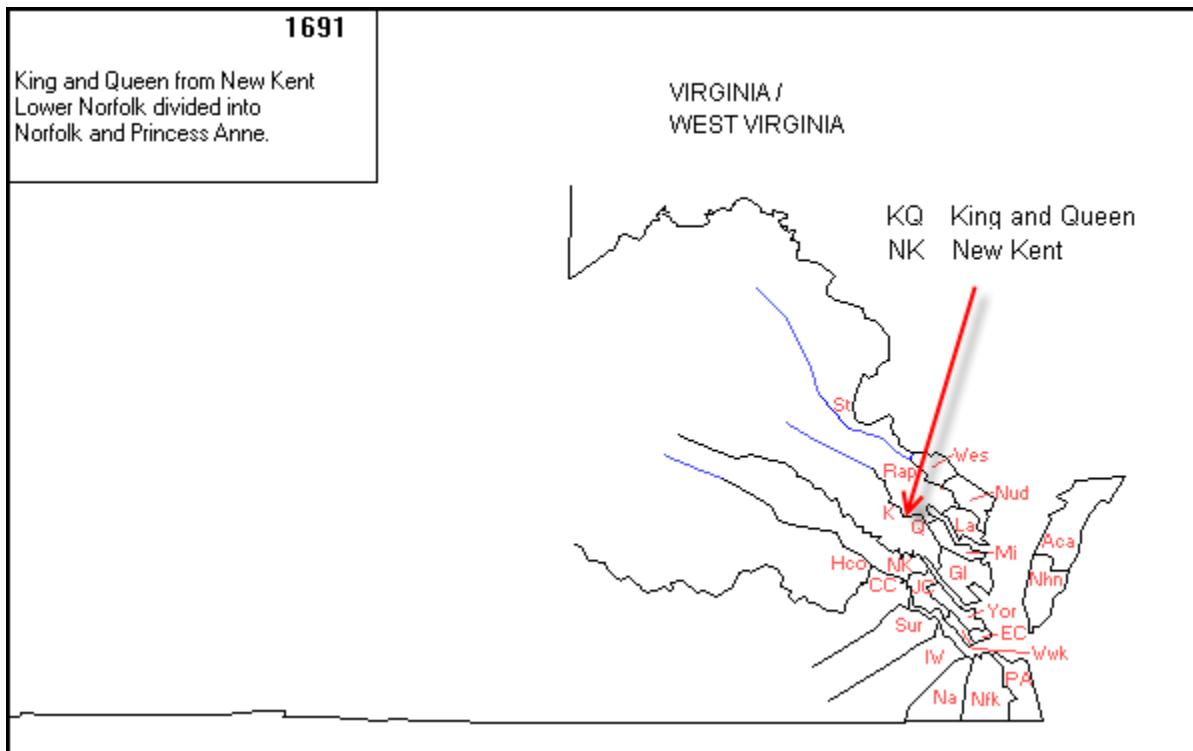
❖ **24 April 1689 – LAND PATENT:** Job Howes, about 500 acres in **New Kent County** in Pamunkey Neck, being land purchased by Mr. John York from George Chapman on 19 Jan 1682, as recorded in New Kent County, beginning at said Chapman's Old Field, adjoining **Thomas Baker**, John Hollins, Colonel John West, and Joseph Norment on the Spring branch, escheated from said York by inquisition under Christopher Wormeley, Esqr., and now granted to said Howes... /s/ Nathan Bacon. (*Virginia Patents*, 7:716)

*Job Howes was a Magistrate of Northside New Kent, who became the Clerk of Courts for King & Queen County when it was erected out of New Kent north of Mattaponi River in 1691.*

*Thomas Baker was now a freeholder of some degree on land near West Point, the tip of Pamunkey Neck where the Pamunkey and Mattaponi come together to form the York River. West Point was the seat of Colonel John West, who owned large acreage inherited from his father Colonel John West, Royal Governor of Virginia in the mid-1630s and the first English aristocrat to settle in Pamunkey Neck (c1650), and who had been dead since the mid-1660s. In 1696, Baker, married to Mary Downes, was given 100 acres seventeen*

*miles up the Mattaponi River on the south bank by his brother-in-law concurrent with Elias Downes selling 939 acres to Major John Waller (see below). The Waller tract was adjoined by Davis Davenport's plantation and landing on the upriver (northwest) side.*

**1691 – COUNTY LINES CHANGE:** **King & Queen County** was created from New Kent County. The Pamunkey Neck area north of the Pamunkey River thus became King & Queen County.



*With this division, the Pamunkey Neck was split off from New Kent County and Pamunkey Neck area north of the Pamunkey River became King & Queen County..*

❖ **29 May 1696 - SURVEY:** James Taylor, surveyor of **King & Queen County**, made a survey of 939 acres for Major John Waller and an adjoining 100 acres for **Thomas Baker**, which identified **Davis Davenport's Plantation** and **Landing** on the Mattaponi River. Here follows a transcription of Taylor's survey notes:

*[Page has no heading, left half is blank]*

[The following key letters relate directly to the survey and identify benchmarks.]

- A The beginning Swamp below davis davenport's landing.  
=
- B A Marked White Oake in ye forks of the swamp  
=
- C A Small Spanish Oak on a ridge on ye south side of ye road now  
Mrs. Marr  
=
- D A White Oake of Thomas Bakers on ye same side of ye road as C

- =  
E An ash in a small branch being Another of **Baker's** corners
- =  
F A small hickory by a great pond and path being Another corner  
of **Bakers**
- =  
G A Great White Oake standing on ye River Side against Mr.  
Walker's Quarter below Sunken ground.
- =  
[Not stated but assumed, thence upriver to the Beginning Point A]
- =  
**D:E:F:K** is [sic] all **Thomas Bakers** Corners as they are by his  
deed expost [exposed]
- =  
K A Red Oake on ye south side of year Road near Wm Davis being  
ye other Corner of **Bakers**.

[Right half of note sheet with no heading]

"The plot or figure of nine hundred and thirty nine acres of Land belonging to Mr. John Waller which he bought of Elias Downes and one hundred acres more or less [given?] by said Downes to his sister now wife of **Thomas Baker** [,] which said lands lyeth in **Pamunk Neck** over against Mr. John Walker & bounded as followeth [:] beginning at ye mouth of a swamp or branch Just below **davenports landing** [,] running up ye said Swamp or branch several twists and turnings to A marked great White oake standing in ye fork of ye said branch [,] thence south twenty degrees west eighty poles to a [unreadable] oak on A ridge in Sight of Mrs. Marr on ye south side of ye road [,] thence South East by East twenty poles to A white oake on **Bakers** [,] yet whole course now being one hundred poles to A red oake on ye south side of ye road neare Wm Davis[,]  
thence north fifty degrees East five hundred and sixty poles to A great White oake standing on ye river side over against Mr. Walkers Quarter[,] thence upriver ye favor all courses to ye place where it begun. May ye 28<sup>th</sup> 1696. Measured by /s/ James Taylor." **Source:** *Waller Family Papers, 1667-1816*, Accession #260356, Library of Virginia, Richmond.

*"Over against" means "across from." Compare Taylor's survey description with the description of the tract patented by John Talbott and Elias Downes in 1667 (see above).*

*What is, of course, significant for our purposes here is the fact that – with the discovery of this survey in the Waller Family Papers – there is now record proof showing that one Thomas Baker and Davis Davenport were neighbors by 1696. The Waller tract was adjoined by Davis Davenport's plantation and landing on the upriver (northwest) side.*

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