

Josiah Brandon's BURKE COUNTY, N.C., 1777-1800
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Introduction: There are many routes that can be followed in tracing one's forebears, It is very convenient to search wills and estates papers to find an ancestor. Marriage records provide names of brides, grooms and dates; census schedules give approximate ages (and much more beginning with that of 1850); and tax records indicate the land owned, the general area of residence, and sometimes gives clues to approximate age brackets of those taxed. Deeds can occasionally provide parentage for one or two generations, and court minutes can supply brief clues or facts over a wide range of record categories. Military pension records are often extremely valuable in the details provided on military service, as well as personal and family data, and even militia returns establish a person's presence at a particular place and time. But what does one do when these records were either destroyed or never existed?

Just such a situation is found prior to 1790 in what is now McDowell County, N.C. This location was part of western Rowan County from 1753 to 1777 and then was in western Burke County from 1777 to 1842, when McOowell was formed in the latter year. The earliest pioneer was in this area before 1740, and settlers began arriving by 1750 (this land was in Anson County from 1750-1753 and in Bladen County from 1734-1750; unfortunately, these counties also have many early records destroyed). Most of the early settlers fled eastward when the French and Indian War erupted, and it was only after peace returned in 1760 that migration resumed. In March 1763, the Granville Land Office closed, and it was impossible to obtain a valid title to any of the vacant land. Few of the legal transactions about this period appeared in the extant Rowan County records, one probable cause being the isolation of the area from the county seat at Salisbury.

One pioneer on the now McDowell County land was Colonel Alexander OSBURN, who led a detachment of militia against the Cherokee Indians in 1760. He apparently was impressed with this land, and staked a claim on a sizeable tract which included what is

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now the Pleasant Gardens community. Unfortunately, he delayed too long in obtaining a survey of this land, and the Granville Land Office was closed by the time the survey arrived there. While it is known he sold part of this land, deeds regarding such a transaction have not survived. It is only from a knowledge of the names of the early settlers and the local geography that any recognized entries in the Rowan County Inferior Court Minutes can help the problem. By 1770, and possibly earlier. Col. OSBURN was a justice, representing a district which included that part of Rowan on the west and south side of the Catawba River and that part which was east and north of that river, but west of First Little River (today's central Alexander County westward). Col. OSBURN lived on the east side of the Catawba below Oliphants Mill. In 1772, the road overseer was responsible for the road from Linville River (some 80 miles west of Salisbury) west to the present town of Old Fort (earlier Upper Fort site). When

Burke County was formed in 1777, court was held at various private residences in the county until 1784, when the county seat was established at Morganstown (now Morganton). Unfortunately, many of the county's court records and most of the land records were burned in April 1865 by Federal troops under the command of General George H. STONEHAN. This situation confronts many researchers today as something of a "no-man's land." My own research, however, has led me to believe that if "bits and pieces" could be assembled, a reasonable amount of material could be reconstructed concerning the early Burke County extent.

Recently. I was asked to find out more about the ancestry of Josiah BRANDON (b. 26 Jun 1761), who lived and married in Burke County until after 1800 when he removed to Tennessee. Records indicated that Josiah had served several tours with the American patriot forces in his "teens," and his father was a Captain in the Loyalist militia. but his name was only given as Captain BRANDON! Planned research suggested an effort to find the father's name and origin. A wealth, of information was generated in this effort, and in order to share it with others, I have divided this article into three sections for the benefit of the readers: Section 1 is a background story based on Josiah BRANDON's participation in the American Revolution from western North Carolina; Section 2 involves the search for Josiah's father's first name; and Section 3 is a bonus feature evolved from the basic research, and includes a map of land grants along the Catawba River in now McDowell County, giving the names and land ownership of some of the residents in the area at that time.

Section 1. In 1776, Josiah BRANDON entered service under Capt. Samuel DAVIDSON at Davidson's Fort, whose location today is the subject of speculation. DAVIDSON's company moved up the Catawba River and built another temporary fort, called "Upper Fort," now called Old Fort. This new fort was christened "Fort Royal." but most of the records refer to it as the Upper Fort. The 1796 Inferior Court Minutes of Burke County refer to it as "Samuel DAVIDSON's Fort." Though said Samuel lived near this fort during the Revolution, he supposedly moved downstream to John McDOWELL's Swan Pond tract

area. BRANDON spent his first three months of service fighting the Cherokee Indians at the age of 15 years. In the early part of the next Spring in 1777 and continuing until the Spring of 1779, he served under Capt. DAVIDSON three more tours of three months each. In the Fall of 1779, he again enlisted, this time as a light horse volunteer under Capt. George CUNNINGHAM, who had replaced DAVIDSON that Spring. CUNNINGHAM's forces formed scouting parties and left Upper Fort in pursuit of the Indians, crossing over the Blue Ridge Mountains, down the Swannanoa to the French Broad River, up that river to Cane Creek, up that creek to its head, recrossing the Blue Ridge and back to the fort with no general engagement with the Indians. The remainder of the tour was split between ranging duty and the fort.

In the winter of 1779, BRANDON joined Capt. BOYKIN's company in pursuit of Capt. William CUNNINGHAM, who commanded a company of British soldiers and Tories in South Carolina. BOYKIN left Brown's Station [probably Thomas BROWN's, located across the Catawba River from the south of Glades Creek near Cane Creek] in Burke County and joined with Captain ROEBUCK'S company and Capt. CASEY's dragoons on the Tiger River in South Carolina. Their efforts drove CUNNINGHAM to take shelter with British Lord RANDON's forces at the fortifications at Ninety Six. BRANDON remained in that vicinity until his tour expired, so he returned to Burke County. The following March (1780), BRANDON volunteered under Major McDOWELL to move against the Cherokees who had been terrorizing the North Carolina mountain frontier. Serving as a light horse force and reinforced by Major SINGLETON of Rutherford County, N.C., McDOWELL's volunteers destroyed several Indian towns, including Stecoa, and BRANDON was discharged at the end of twenty or thirty days after the Indians had-been driven back from the settled areas.

During this period, the greater parts of the states of Georgia and South Carolina had been overrun by the British forces, and parts of North Carolina were strongly under British control. BRANDON's father had been commissioned an officer before the Revolution, and in 1780, he was still an officer "under the claim of England." Young BRANDON was still under the age of 21 years. In the summer of 1780, the father, a Captain, brought his company into Burke County and compelled his son through persuasion and "by menaces," to join his group and support British Major Patrick FERGUSON. Both father and son made a junction with FERGUSON about seven days before the Battle of Kings Mountain. FERGUSON had a small body of British regulars and a larger Loyalist force under his command. On 6 October, after a tiring march, FERGUSON with a force of about 1,000 men camped near the North Carolina line on "Little Kings Mountain" in South Carolina, a spur of the Blue Ridge which rose some 60 feet above the countryside below. FERGUSON's "insulting" presence had already stirred the patriotic frontiersmen in western North Carolina and eastern Tennessee, and some 900 of them, carrying their own rations and rifles, were in pursuit. The frontiersmen arrived at the base of Kings Mountain about noon of 7 October under Cols. Isaac SHELBY, John SEVIER, Joseph McDOWELL and William CAMPBELL, and proceeded to surround it on the northeastern hump where

FERGUSON's forces had moved to concentrate their firepower. The American patriot attack began in the afternoon as the frontiersmen stormed up the slope under the protection of a heavy growth of trees. The Americans apparently surprised the British and opened an irregular but withering fire on FERGUSON's position. Ordered bayonet charges by the British failed to find the Americans awaiting them, and as soon as the British withdrew to regroup and make another charge, the Americans returned to their vacated positions and once more directed accurate fire against the British camp. The engagement only lasted one hour, and there is much evidence that Americans were out for revenge and did not but sporadically obey the command to "cease fire." FERGUSON'S little silver whistle by which he directed the British efforts soon went silent, when FERGUSON was killed with one foot still caught in a stirrup. second-in-command of the British, one Capt. Abraham de Peyster of New York, continued to resist for a short time, but eventually the Loyalists threw down

their arms, raised a white flag, and the battle ended. Although we have referred to the British forces versus American patriots in this engagement, only FERGUSON was a British soldier, and all the other participants were Americans. Some 700 surviving Loyalists surrendered, some 320 of the British force being casualties. The Americans suffered some 90 casualties. A small diary was found later with a 7 October notation: "The cursed rebels! Care upon us.. killed and Took every Soul and So My Dear Friends I bid you farewell for I am started to the warm country."² Josiah BRANDON's father was fatally wounded. Josiah was taken prisoner and marched to Quaker Meadows in Burke County. On about the sixth day after the battle, Josiah became "afflicted in his ankles" and could march no further. Major McDOWELL saw, recognized and pardoned the unfortunate youth who had been active in the patriot cause for 3 years, and then had been coerced to fighting for the Loyalists by his father.

BRANDON returned home to his widowed mother and quickly recovered from his affliction. A few weeks later, Indians made another attack near the Upper Fort, and among the numbers who fell victim was John DAVIDSON and his family, who were butchered in a most brutal and savage manner. To resist this new onslaught, Capt. SUMPTER enlisted the help of able-bodied men to assemble at the Upper Fort. There, under the command of a Capt. WALKER, these frontiersmen served for three months as spies and rangers, venturing forth in small detachments to protect the fort and the frontier.

On the completion of this last tour of duty, Josiah BRANDON returned home and married Rachel BROWN, daughter of Thomas. He first settled on Crooked Creek above his former home, and later settled above the fort on Newberry Fork. He became a Methodist minister, and about 1805, moved to Lincoln County, Tennessee, where he lived until his death on 5 November 1842. His close acquaintances were knowledgeable of his patriot and Loyalist

²The Fate of A Nation, by William P. Cumming and Hugh F. Rankin (London: Phaidon Press.1975), p. 288.

experiences, but him, the stigma of serving as a Tory with his father, followed him throughout his life.

When Congress passed the Pension Act of 1832 for Revolutionary War veterans. BRANDON engaged a lawyer, Col Archibald YELL (later Governor of Arkansas, who died at Buena Vista, Mexico, leading a regiment of Arkansas cavalry during the Mexican War), to prepare the papers. YELL said later: "He told me all in relation to his service with his father at Kings Mountain. I stated to him it was unnecessary for him to make that part of the statement." BRANDON received his pension, but three years later (1835), one Moses CHAMBERS wrote the Pension Office and complained that the pension allowance was being paid a "Tory" and should be refunded by the recipient. As a result, the pension allowance was withheld, but later restored as evidence was produced to vindicate Josiah BRANDON. The affidavits in support of this file are one of the most voluminous in the National Archives. They provide much information about Josiah BRANDON's family, his war service and some information on his descendants. The one bit of information which the papers failed to disclose is of major importance to this genealogical puzzle – the first name of "Captain BRANDON," the father of Josiah.

Section 2. The fragmented extant records of early Burke county, N. C., have led many researchers to believe in a story written in a letter from W. L. TWITTY to Lyman DRAPER which allegedly approves that the father of Josiah, Capt. BRANDON, was the son of George BRANDON (d. 1772) and was the eldest son, John. In relating this story, TWITTY was quoting a John WITHROW, who was repeating a story told by John WITHROW's father, James WITHROW, brother-in-law of John BRANDON. Not being satisfied with this, I have tried to establish Capt. BRANDON's first name from existing records. While there is evidence of land grants in old Burke County as early as 1751, it should be remembered that the French and Indian War drove most of the white settlers out of this area. It did not become peaceful again until about 1760. Even then, most settlements west of Salisbury followed the Catawba downstream rather than upstream. Actually, settlers only had about two or three years after the peace with the Indians to obtain title to the vacant land in the area encompassed by old Burke County. The Granville Land Office closed in March 1763 with the death of John CARTERET, Lord Granville. The flow of settlers, however, continued, and although they did not have title to their land, they did have ownership of their improvements, e. g., cleared and fenced fields, barns, and houses, and these improvements were often sold or passed on through inheritance. A study of the entries, warrants and surveys of land grants in this area provides some insight into the settlement of the land. To name just a few, John BRANDON, Esq., had large tracts surveyed near the Johns River in 1763 and also claimed a large bottom area (Brandons Bottom) along the Catawba River about seven miles west of present day Morganton. N.C.

The best approach to discovering the identity of Josiah's father appeared to be the tracing of each BRANDON who had come from Pennsylvania and settled around Salisbury, and then eliminate each one as it became obvious that that person could not be the Captain.

Such a search would trace BRANDONS over a period of some forty years. The task began, and after some hours of looking at available records, it was discovered that none of these showed any of the BRANDONS as being sympathetic to the British. These BRANDONS were extremely active in county affairs: two were Justices of the Peace, one was a coroner another a sheriff, two men were militia captains, and one was a Colonel. All pre-Revolutionary militia officers fought at Kings Mountain on the patriot side. None could have been Loyalist Captain BRANDON. It appeared that all male BRANDONS could be accounted for after that 1780 battle. The records did indicate that Josiah had gone to school with one James DAVIDSON, son of William, so the idea of plotting DAVIDSON and BRANDON land holdings developed as a means of determining who were close neighbors. At this stage of the search, it was found that BRANDONS were also living in southern, adjacent Tryon County, and that DAVIDSONS and BROWNS were also found there. The question that I then raised was whether I would have to plot all the deeds and land grants of these families all the way from Salisbury down through Tryon County to the vicinity of Greenville, South Carolina, or not.

A basic precept of a competent genealogical researcher is to "Go back one step at a time." Such wisdom surfaced when I made a decision to return to the Burke County records. While there was little ownership of land prior to 1778, and there would be even less in the way of confiscated property of Tories, I had noticed that many of the land grants gave the name of the previous occupant. Beginning with Burke County land grants to Thomas BROWN, father-in-law of Josiah BRANDON and continuing with the various DAVIDSONS, it soon became obvious that this land lay in what is now McDowell County. In the course of this search. I found a grant entered in 1778 by Benjamin COCHRAN for land where Richard TIDWELL had lived. The survey made in 1783, referred to his river boundary as following the line of the "widow BRANDON." A search of all BRANDON grants showed that none were on the Catawba River, so I began to look for some documentary evidence to this BRANDON tract across from Benjamin COCHRAN's which might furnish a clue to the Captain's first name. I checked the entries, warrants and surveys to over 2,000 land grants and all entries in the Entry Book or Burke County (the latter filed in the N.C. State Archives) through the year 1800, and pieced together a tract map along the Catawba River from above Old Fort (Upper Fort site during the Revolution) to below Pleasant Gardens. The completed tract map showed only one blank space which I could not fill along the river, unfortunately that of the missing BRANDON tract. Next I turned to the file of loose land papers filed at the Archives, and found what apparently had been a scrap used by the Court Clerk to note an order of appointment of a road overseer for later recording in the minute book. On the back side of this "scrap" Charles McDOWELL had written an entry of land for himself (#33 on tract map):

"...one hundred acres of land between the lower line of George DAVIDSON's place and the upper line of James GREENLEE's land he bought of Thomas BROWN – on both sides of the Catawba River - Including the improvements that Thomas BRANDON lived on..." (Underlining by author for emphasis)

From an analysis of the tract map I had drawn, it was obvious that the above entry description of Charles McDOWELL regarding "the improvements that Thomas BRANDON lived on" referred to the missing BRANDON tract, land on which Josiah BRANDON lived as a boy. George DAVIDSON's tract is #20, Thomas BROWN's tract is #28 (Josiah BRANDON's father-in-law) and Benjamin COCHRAN's tract is #32 – all of these surrounding the land described in Charles McDOWELL's entry (tract #33) which included Thomas BRANDON's improvements. The widow BRANDON's first name is another matter, a solution which may never be found. I have been unable to find any place that this tract (#33) was recorded either at the Land Grant Office of the Secretary of North Carolina or in the Burke County Entry Book for that period. The weight of evidence portrayed above and an analysis of the tract map offer documentary proof that Thomas BRANDON was the Loyalist Militia Captain, the father of Josiah.

Section 3. Guide to tract map of land along the Catawba River from Old Fort to Pleasant Gardens. (File #'s refer to those listed under Burke County and filed at the Land Grant Office; book, page and grant #'s refer to Grant Books also filed at the Land Grant Office.)

1. THOMAS HEMPHILL. File #1671. Entered 21 Apr 1790 & surveyed 9 Apr 1791. Grant #1642 in Book 80, p. 69.
2. JAMES EDMISTON. File #69. Entered 4 Nov 1778 & surveyed 13 Nov 1778 - "on both sides of the path that leads from the Upper Fort to Swannannoa.." Grant #69 in Book 28. p. 69.
3. GEORGE DAVIDSON, SR. File #1591. Entered 28 Sep 1779 & surveyed 27 Jun 1791 - "beginning near where Henry MORGAN lives.." Grant #1562 in Book 80, p. 43.
4. GEORGE DAVIDSON. File #305. . Entered 2 Sep 1778 & surveyed 6 Aug 1779 - "joining his own survey that Saml DAVIDSON lives on above ye mill.." Grant #306 in Book 28, p. 305.
5. GEORGE DAVIDSON JR File #1825. Entered 9 Feb 1778 & surveyed 9 Feb 1792 - "Joining and on the northwest of the land he purchased from John NEASBIT the place where James GRAHAM settled..." Grant #1891 in Book 85, p. 130.
6. JAMES EDMISTON. File #68. Entered 13 Nov 1778 - "on both sides of the path that leads from the Upper Fort to Swannannoa.." Grant #68 in Book 28, p. 68.
7. GEORGE DAVIDSON. File #571. Entered 28 Sep 1779 & surveyed 1 Oct 1782 - - "joining on the upper line of his survey whereon the fort now stands.." Grant #573 in Book 50, p. 203.
8. GEORGE DAVIDSON. File #241. Entered 10 Sep 1778 & surveyed 6 Aug 1779 - "including a meadow it being the same land entered and surveyed Andrew WADS (WOODS) and John NISBIT.." Grant #242 in Book 28, p. 241.
9. BENJAMIN DAVIDSON. File #33. Entered 3 Aug 1778 & surveyed 6 Aug 1778 - "extending up Newberrys forke and joining McCAFFERTYs place.." Grant #33 in Book 28. p. 33.