

## **Joseph and Eleanor (Cole) Clayton of Nelson County, Kentucky**

*Joseph Clayton was born around 1750, according to the preponderance of the evidence, in Chesterfield County, Virginia, son of Francis and Elizabeth Clayton. A few years after Francis's death, Joseph enlisted in a newly formed artillery company captained by a neighbor and member of a family allied to the Claytons, Drury Ragsdale. The first lieutenant and other members of the company were from St. Mary's County and other nearby areas of Maryland. He fought in the Revolutionary War as a private, taking part in various battles. He was discharged in 1780.*

*He married Eleanor Cole, a member of a core family of the St. Mary's Catholic community. It seems plausible that the couple were introduced to each other through some of Joseph's artillery mates.*

*About 1785, the couple moved to the Pottinger's Creek settlement in Nelson County, Kentucky as part of the initial wave of Maryland Catholic emigration there led by Basil Hayden, Joseph's brother-in-law. The group included St. Mary's neighbors and fellow-members of Joseph's artillery regiment. They remained a close-knit community for decades and even generations.*

*Joseph Clayton was a landowner and farmer. He and his wife Eleanor had eight children who survived to adulthood.*

*He died probably around 1814. His wife survived for a decade or so after that.*

\* \* \*

### **Notes on approach**

Family history of colonial and frontier America usually isn't straightforward. The institutions that would keep records, churches and civic jurisdictions, were just being established. Many of the records that were kept have been lost. Few of the settlers were from eminent families with proud traditions and carefully preserved lineages. To identify a pedigree with any claim to be supported by evidence, a researcher will generally need to assemble a history from motley bits of fact from disparate sources, supported by circumstantial evidence, plausibility, balance, and a certain amount of luck.

Documentation may come in various forms. (i) If they were recorded and preserved, vital records of births, marriages and deaths are the staples of traditional genealogy. Property records including wills, land deeds, and tax lists were most often well kept, but by their nature limited to those who had property. In particular, women could not own property, except when a widow acquired rights by dower to part of her husband's estate. (ii) Genetic data, carefully interpreted, can be revealing and decisive, but needs to be taken hand-in-hand with other evidence.<sup>1</sup> The conclusions from it can be no more accurate than the reported family trees it ties to, which I have found are of inconsistent quality. (iii) As eminent genealogist Elizabeth Shown Mills has

stressed,<sup>2</sup> migrations were of *groups*. The families discussed here maintained their ties with each other and with allied families for generations, even as they moved from place to place. (iv) Unusual given names, or repetitive patterns of common given names, often have identifying value.

In the end, it's a matter of judgment, choosing what belongs and what doesn't, deciding the meaning of ambiguous records, weighing different bodies of evidence, and finally deriving conclusions, running the gamut from very firm to quite tentative.

Sometimes I make mistakes. I made one in this history a while ago in overestimating the significance of a single piece of Maryland military documentation. I made another, an error of omission, in failing to think critically about the implications of genetic results drawn from a very small number of samples several generations later. *Caveat lector*. I wish I could offer the promise that I will never make a mistake again.

### Previous work

Some twenty years ago, Ann Whalen traced the origins of Joseph Clayton of Nelson County, Kentucky to Chesterfield County, Virginia. She reported the 1771 will of Francis Clayton there, as well as a 1762 tax list of Chesterfield including Francis and two of his children.<sup>3</sup> Walter Clayton, who is administrator of the FamilyTreeDNA Clayton site and a descendant of Francis Clayton, reviewed Y-DNA for the proposed two descent lines. He concluded that the two were “not even remotely related to each other,”<sup>4</sup> at least along the paternal lines. Later I found strong circumstantial and then documentary evidence placing Joseph as residing in St. Mary's County, Maryland.<sup>5, 6</sup>

The full story that follows, with the benefit of additional research, finds truth in each of these viewpoints. The Joseph Clayton who joined the Revolutionary War artillery and later went to Kentucky is in all probability the same as the Joseph Clayton of Chesterfield. Genetic evidence has been valuable in establishing what happened, but there are evidently some slips and gaps in the reported family trees that purport to link with it. Clearly, at some point around the time of the Revolutionary War, Joseph moved into the middle of a group of Catholic emigrants from St. Mary's to Kentucky.

This discussion aims to be a summary of life of Joseph Clayton. An earlier version with genealogical minutiae and paraphernalia is available for anyone interested.<sup>7</sup> Briefly speaking, I have changed my mind about Joseph's ancestry because of very good demographic and temporal fit, identifiable uncertainties about interpretation of the genetic evidence, and two very specific ties. (1) Both Francis and Elizabeth Clayton of Chesterfield, and Joseph and Eleanor Clayton of Nelson County, had five reported sons, four of whom were named William, John, Joseph and Thomas. Each name by itself is common, but I estimate that the likelihood of the *combination* occurring purely by coincidence is less than one in twenty.<sup>8</sup> (2) As will be discussed more fully below, Drury Ragsdale, captain of the artillery company that Joseph Clayton (later of Nelson County) joined, was a close neighbor of Joseph Clayton of Chesterfield County, and the two families were notably associated in their migrations. The odds of this pair of circumstances

happening just by chance seem to me almost infinitesimal. As Thoreau remarked, “Some circumstantial evidence is very strong, as when you find a trout in the milk.”<sup>9</sup>

## **Life of Joseph Clayton**

### Origins and youth

Joseph was evidently of age when his father Francis executed his will in 1771,<sup>10</sup> but not listed as an adult in earlier tax lists.<sup>11</sup> From these bits of evidence, a birth date of 1750 would be a reasonable but very approximate reading. Francis’s will assigns 50 acres of land to Joseph, but appears to leave them subordinate to his mother’s use of them until she died or remarried. No records have emerged of Elizabeth’s remarriage or death, but in any case, Joseph’s older brother William, as executor of their father’s estate, evidently sold all of the land in the settlement process.<sup>12</sup>

Francis’s other sons, from all I can see, were (except for John) moving to Granville County, North Carolina, and to the area of Spartanburg, South Carolina, where their cousins and uncles had obtained land grants and put down roots. The family of Drury Ragsdale came from then Lunenburg County, Virginia, immediately across the state border from Granville. These moves were part of migrations of larger sets of families who were associated for generations, including the Ragsdales, the Easleys, the Gowens, the Embrys, the Puryears, the Stovalls, and the Yanceys.<sup>13</sup> Much of the movement appears to have been motivated by the prospects of cheap land grants in new settlement areas.

The family farm was sold in 1773 and Joseph had acquired no land of his own. There are no records between then and his enlistment in the artillery, which is not surprising given the situation of new adulthood. There was no obvious direction for his life if he did not choose to follow his brothers’ footsteps to the Carolinas. He may have had a transient presence in St. Mary’s County, Maryland between the time of his father’s death and his military enlistment.

Somewhere along the line, Joseph learned to read and write, at least to the extent of being able to sign his name,<sup>14-16</sup> indicating he had some schooling from his family or others.

### Revolutionary War

In Colonel Charles Harrison’s Continental Artillery Regiment, “each artillery company was composed of four officers, one sergeant, four corporals, four bombardiers, eight gunners, and 48 matrosses.”<sup>17</sup> A matross was “a soldier next in rank below a gunner in a train of artillery, who acted as a kind of gunner or mate. In the U.S., this term was synonymous with private of artillery.”<sup>18, 19</sup>

On January 13, 1777, Drury Ragsdale of Virginia was appointed captain of a new company of Harrison’s regiment.<sup>20</sup> In the same month, Richard C. Waters of Maryland was transferred from another company and became its first lieutenant.<sup>21</sup> Each of the leaders drew later enlistees from his own home area, creating a melting pot of Marylanders and Virginians. James Waters, the lieutenant’s brother, enlisted in January.<sup>22</sup> Joseph Clayton enlisted in the company on

February 7.<sup>23</sup> Notley Mad[d]ox of St. Mary's County in Maryland enlisted as a bombardier on the same day.<sup>23</sup>

From Virginia origins, the newly formed regiment was joining into the Continental Army.<sup>17, 24</sup> It assembled at Williamsburg, Virginia in the spring of 1777 and did mainly garrison duty at Portsmouth and Yorktown, firing at hovering British ships and intercepting landing parties. The Regiment moved to Valley Forge to join George Washington's army in spring of 1778. From there, it went to various places in Pennsylvania, New Jersey and New York. Various muster and pay records for Joseph Clayton survive, including rosters of company members. He took part in various battles. He was last shown in muster rolls in March of 1780 in Morristown, New Jersey.<sup>23</sup>

Joseph received regular pay of 8½ dollars a month, with back pay of £111 13s 7d on July 8, 1783, of unclear worth given the multiple currencies in use and the overprinting of paper money to pay for the War effort. On the same date, he received a Military Warrant for two hundred acres of land, the entitlement of all enlisted men who served until the end of the War.<sup>25</sup> Such warrants were abstract promises of a parcel of land to be identified at some later date. The signs are that he sold his warrant to one David Nisbitt,<sup>26</sup> a member of a group of land speculators.<sup>27, 28</sup> The Ohio Military District, which was the only place where eventually Virginia Military Warrants were authorized for use, did not open until 1796, ten years after Joseph had settled in Nelson County, Kentucky. Parcels of land were randomly assigned to warrant holders or their assignees. The Ohio History Connection reports, "Most veterans did not choose to move to the United States Military District. They often chose to sell their lands without ever seeing them."<sup>29</sup> It was not until 1806 that Cornelius R. Sedam received the actual grant of 1,000 acres of land under warrants signed over by Joseph Clayton and five others.<sup>30</sup>

Some of Joseph's fellow-members of the Regiment would emigrate to the Pottinger's Creek settlement in Nelson County, Kentucky after the War. Philip O'Brian, listed as a gunner from Anne Arundel County, is included by Benedict Webb as among the original wave of migrants.<sup>31</sup> Phillip and his wife Elizabeth were godparents for the baptism by James Walton, S.J. in Newton, St. Mary's, of Judovic Thompson, son of Joseph and Ann Thompson.<sup>32, 33</sup> Phillip's son John was three lines away from the Claytons in the 1830 census.<sup>34</sup> Thomas Carter, a matross reported to be from Anne Arundel, was father of Barnabas Carter,<sup>35</sup> who would marry Joseph Clayton's daughter Sarah in 1802.<sup>16</sup> James Clarke, also a matross, was a resident of Nelson by 1790<sup>36</sup> and member of a family with whom the Claytons would have longstanding ties. He was the father of the James Clarke who was the Claytons' neighbor in 1830.<sup>37</sup>

### Post-War time in Maryland and marriage

At some point, Joseph moved to Maryland. An artillery list of 1779, a record set of uneven reliability,<sup>6</sup> shows him as from St. Mary's County, Maryland. "St. Mary's" may have been just an accommodation address loaned to him by some of his new artillery mates, the best thing he could come up with since he no longer had an abode in Virginia. Evidence does indicate that he was in Maryland for a few years after the end of his artillery enrollment.

Contemporary probate records of Kent County, Maryland show a handful of debts of Joseph Clayton. The earliest are in 1781 and 1784,<sup>38, 39</sup> totaling £13 of indebtedness by him. He paid these debts. In 1783, an updating of receipts by the probate account of Archibald Wright of Kent County, Maryland, shows Joseph Clayton's name immediately after that of Elizabeth Cole, Eleanor's sister.<sup>40</sup> Later debts, totaling £1 – 13s,<sup>41, 42</sup> are from some years after his move to Kentucky and are termed "desperate," a legal term connoting "non-collectible." I suspect this last set represent long-forgotten and forgiven ancient history, unremarkable: people routinely extended credit to each other in an era where banks and credit institutions for consumers were non-existent.

How did Joseph Clayton, a total outsider, find his way into the middle of a very clannish, inbred group of St. Mary's Catholics? I imagine that the answer is, he married into it through a bride introduced to him by one of his artillery mates, perhaps James Clark.<sup>43</sup> Presumably Joseph and Eleanor were married in the first half of the 1780s, between his military discharge and the move to Kentucky. There are no known records of the marriage. It seems more plausible that it took place as a Catholic ceremony in St. Mary's or Kent, where there are no records for the relevant time and place,<sup>44</sup> than in Kentucky, where there are generally good records that should show it if it had happened there.

### Kentucky

Joseph and Eleanor Clayton's settlement in Kentucky was part of a noted migration of Maryland Catholics to the area. Benedict Webb's 1884 Centenary of Catholicity in Kentucky<sup>31</sup> provides what is still the classic reference on the emigration. It includes details of the events, places and colonists, including specifically a section on the settlement at Pottinger's Creek in Nelson County, which became Joseph Clayton's home. M.J. Spalding, the earliest historian of the Pottinger's Creek settlement, wrote in his Sketches<sup>45</sup> in 1844,

The first Catholic colony which emigrated to Kentucky, after those already named, was the one which accompanied the Haydons and Lancasters. They reached the new country some time in the year 1785; and located themselves chiefly on Pottinger's Creek, at the distance of from ten to fifteen miles from Bardstown. A few of them, however, settled in the more immediate vicinity of Bardstown. The selection of Pottinger's Creek as the location of the new Catholic colony, was unfortunate. The land was poor, and the situation uninviting. Yet, the nucleus of the new colony having been formed, these disadvantages were subsequently disregarded. The new Catholic emigrants from Maryland, continued to flock to the same neighbourhood. They preferred being near their brethren, and enjoying with them the advantages of their holy religion, to all other mere worldly considerations.

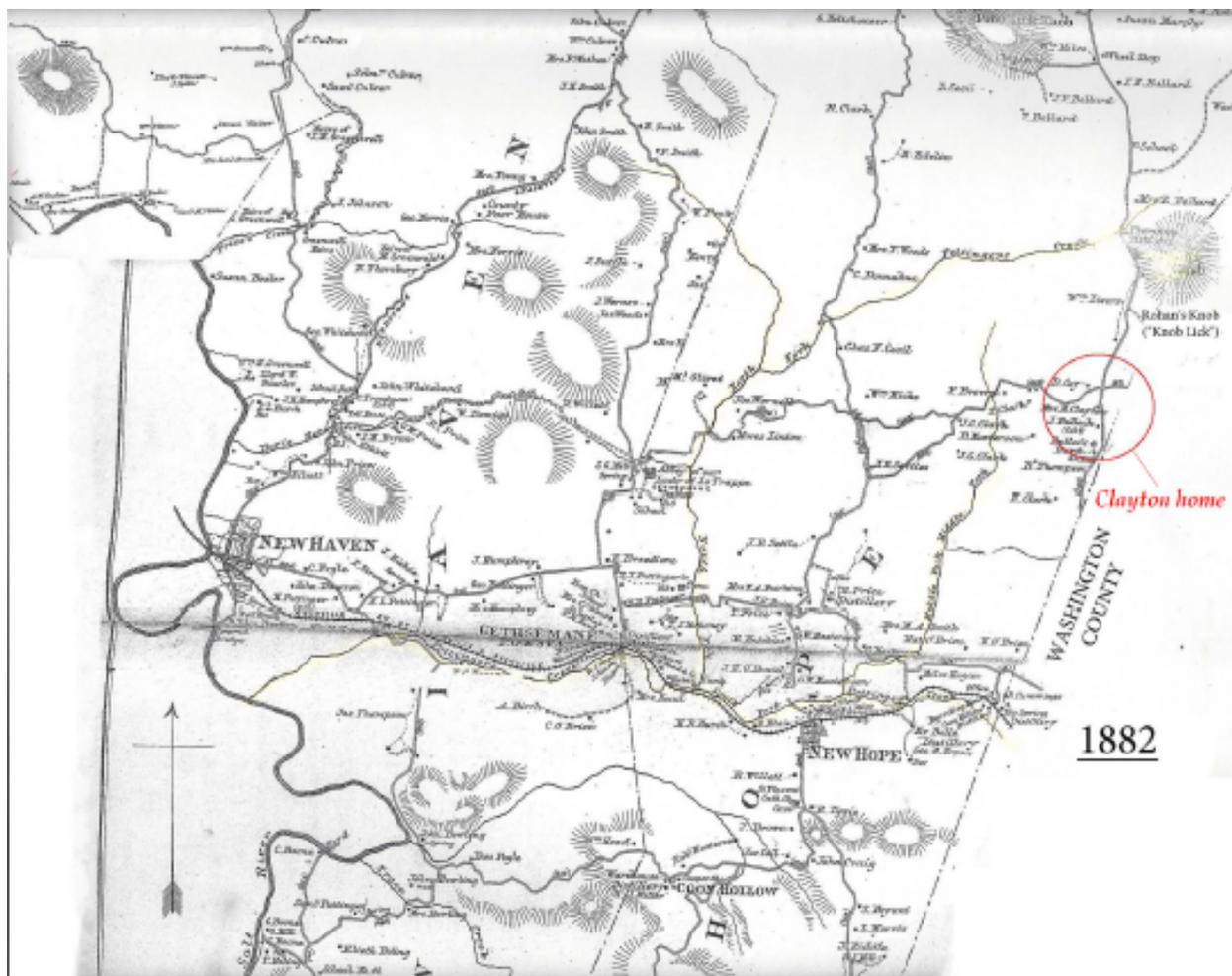
Basil Hayden, of the family cited by Spalding, was a leader of the 1785 migration and the husband of Henrietta Cole, the older sister of Joseph Clayton's wife, Eleanor Cole.

Joseph's earliest documented appearance in Nelson was in 1786, when he, Henry Brunts and John Wright witnessed the will of John Brunts,<sup>46</sup> who owned land on Pottinger's Creek,<sup>47</sup> near the later Clayton home.

In 1788, Joseph Clayton and William Hayden were witnesses of a bond by Charles Ewing to sell land to Peter Brown.<sup>48</sup> In 1789, the Nelson County Court determined, “For reasons appearing to the Court, It is ordered that Joseph Clayton be exempted from the payment of public Levies in this County.”<sup>49</sup> It is possible that he received exemptions, in this and other years, for his Revolutionary War service, although such exemptions were unusual, by no means automatic.<sup>50</sup> “Joseph Claton” appears in the tax books of 1792, with no land, four horses and seven cattle, immediately below the line for Joseph Clark.<sup>51</sup> In 1793 he had sixty-six acres of land – a figure reported more or less consistently afterwards – and the same livestock, with various Clarks on the same page of the tax listings.<sup>52</sup> The annual tax books and other records do not tell us where Joseph and Eleanor were living in their first five years in Nelson. One hypothesis is that they were in the household of Basil and Henrietta Hayden, for at least a while.

On October 3, 1793, Joseph Clayton was listed on court records as a bondsman for the marriage of George Clarke and widow Sarah Brothers,<sup>53</sup> *née* Lee.<sup>54</sup> In 1794, he registered his earmark for livestock with the County Court: “Joseph Claytons Mark Crop in the left ear & a hole & underbit in the right ear is ord<sup>d</sup>. to record.”<sup>55</sup> In 1795, he took a near neighbor, John Mills, to the Washington County Court of Quarter Sessions on a charge of trespassing, seeking damages of £40. The case was settled outside of court by early the next year.<sup>56</sup> On August 2, 1797, “J. Joseph Clayton” signed and recorded an instrument<sup>14</sup> saying that he “hath bargained & sold the north end of his plantation where the said Clayton now lives on” to Charles Duncaster of Washington County, who at the same time assigned the rights to Adam Fogle and Joseph Fogle. The conveyance notes that Joseph Clayton had the land from Charles Ewing, a land investor with many doings in Nelson and nearby Washington Counties. The land abutted property of Philip Mattingly. Witnesses were Charles Hayden and Mary Hayden. The Nelson County Register of Deeds finds no reference to Joseph Clayton’s purchase in its index.<sup>57</sup> The language of the instrument follows the form of a confirmatory deed, with the parties aiming to legitimize an earlier oral transaction, and unclear legal title, after the fact. In 1799, Joseph Clayton, living on the waters of Pottinger’s Creek, reported having found a stray yearling steer.<sup>58</sup>

On December 18, 1800, Joseph bought 100 acres of land for £5 from James Witherow,<sup>59</sup> who with Samuel Pottinger obtained an early land patent in the area.<sup>26</sup> The land is described as being “on the west side of the Knob lick fork of Pottingers Creek,” later called Rohan’s Knob, close to the border of Washington County. It is noted to abut land owned by John Head and land owned by Jeremiah Worthing. In 1801, the tax books<sup>60</sup> show Joseph Clayton with three parcels of land: the first 46 acres, originally entered by William Russell, who was present in the area as early as 1781;<sup>61</sup> the second 150 acres, originally entered by Peter Abell, surveyed in 1783;<sup>62</sup> and the third 100 acres, originally entered by Samuel Pottinger, eponym of Pottinger’s Creek. This last parcel is evidently the one purchased late in 1800. An 1882 map (following page) shows Maria *née* Hayden, wife of Joseph’s oldest son, John, still living on a part of the land (far right hand side). The location is visible on Fogle Road (named after the assignees under the 1797 document) today on Google Maps.<sup>63</sup> Tax books for the following years generally show Joseph as having 46 acres, more or less. At the 1807 estate auction for George Clark, whose bondsman Joseph was in 1793, he bought a pitcher and a teapot.<sup>64</sup> In 1810, tax books list him on a line next to Sarah Clark, George’s widow.<sup>65</sup>



In the 1810 census,<sup>66</sup> Joseph is listed as the head of a household consisting of himself (45+ years old, so b. < 1765), one male 16-25 (b. 1785-95), two males 10-15 (b. 1795-1800) and one male < 10. There is one female, presumably his wife, aged 26-44 (b. 1765-85) and one female 10-15 (b. 1795-1800). Around that time, he deposed that he had seen Adam Fogle “almost every day” after Fogle’s release from confinement for the manslaughter of his wife, and that Fogle did not appear to have possession of his reason well enough to make a competent will.<sup>67</sup> In 1812, Joseph was noted to be serving as surety for James Ballard in a court case.<sup>48</sup> Joseph appears in tax books through 1813, again on a line next to Sarah Clark.<sup>68</sup>

The 1813 records provide the last trace of him I can find. By 1816, the tax books<sup>69</sup> indicate that son John Clayton had taken over responsibility for the land formerly taxed to Joseph. Both sons, John and William, reported one male over twenty-one in their households. Between the households of John and William, there are five persons reported engaged in agriculture, matching the number of Joseph’s sons, with no apparent place for Joseph. In 1821, the younger Joseph witnessed neighbor Phillip Mattingly’s will,<sup>70</sup> a possible sign that the elder Joseph, who was of Phillip’s generation and his logical peer, was no longer present. He was certainly dead by 1823, when the marriage bond for his daughter Catherine noted the approval of “Widow Eleanor Clayton.”<sup>71</sup> All in all, I suspect Joseph died in 1814, with a much later, third-

hand reference to his death in a doubtful affidavit<sup>72</sup> as being in 1824 confused by a decade. There was no probate process upon Joseph's death. The land was passed on to his children without formal conveyance, and personal property apparently assigned by family agreement.

In 1848, Joseph Clayton's son William filed a bounty land warrant suggesting, inaccurately, that his father had not received or transferred such a land claim. In 1851, eighty-four year old Peter Blair swore to an affidavit in support of the application.<sup>72</sup> The affidavit stated that Peter Blair had a brother, John Blair, who knew Joseph Clayton during the War stating, again inaccurately, that Joseph Clayton "as He was informed & believes [served] in the Virginia line" and "as he was informed and believes... died on the [blank] day of [blank] 1824," listing the surviving and deceased children, with their families. Because the bounty land warrant contains clear inaccuracies, the reported 1824 death date should not be considered as trustworthy – especially given Eleanor Clayton's status as a widow by 1823.

### *Children*

Joseph and Eleanor had at least eight reported children who survived into adulthood: Sarah (Sally), Mary (Polly), John, William, Thomas, Joseph, Charles and Catherine.<sup>72</sup>

In 1802, Sarah Clayton married Barnaby Carter,<sup>16</sup> son of Thomas Carter,<sup>35</sup> and possibly nephew of early Kentucky explorer Benjamin Carter.<sup>61</sup> Sarah's father signed her bond, which would be sufficient consent for a minor's marriage. In 1808, Mary ("Polly") Clayton married John Ford.<sup>15</sup> In 1816, John Clayton first appeared in Nelson tax books.<sup>69</sup> In 1817, he married Maria Hayden.<sup>73</sup> In 1816 Joseph Clayton (the younger) made his first appearance in tax lists. In 1819, he married Susan(nah) Clark<sup>74</sup>. In 1821, he witnessed the will of Phillip Mattingly.<sup>70</sup> In 1816, William Clayton first appeared in tax lists. In 1821, he married Eliza Nolin.<sup>75</sup> In 1823, "widow Eleanor Clayton" approved of the marriage of Catherine Clayton, her daughter, to Joseph Hayden, according to the testimony of Charles Clayton.<sup>71</sup> The consent indicates that Catherine was under twenty-one at that time. In 1830, Charles Clayton married Barbara Hagan.<sup>76</sup> Nelson tax lists for 1821-39 show Thomas Clayton, most often apparently living with William Clayton.<sup>77</sup> The 1830 Federal Census<sup>34</sup> shows two males age 30 - 40 in the household headed by William, the second presumably being Thomas, unmarried.

The list of heirs in the 1851 affidavit<sup>72</sup> does not include Thomas, corroborating other evidence that he had died by then, without ever being married. The affidavit reports erroneously that Sarah Clayton had no children. It is hard to know what to make of this, because the question of heritage rights was critical to the issue at hand. Perhaps there was a family estrangement. The list include a James Clayton, calling him a son when I think he is a grandson.

Joseph Clayton was stable and law-abiding, an enlisted man of good standing in the War, literate at least to the extent of being able to sign his own name,<sup>14</sup> and a landowner in an agrarian economy, making him middle-class according to the standards of the time and place.

## Eleanor and the Cole family

### *Evidence*

There is virtually no direct information about Joseph's wife in traditional records, except that the 1810 census reports that she was born from 1765 to 1784.<sup>66</sup> She appears as "widow Eleanor Clayton" in the 1823 marriage bond for her daughter Catherine.<sup>71</sup> The evidence that her surname was Cole is, however, quite strong. (1) The circumstantial evidence is detailed and extensive, described in another manuscript.<sup>43</sup> The circumstantial evidence by itself constituted a case that I and others found reasonable, on the face of it. I will not reiterate that material here, except where aspects of the discussion are relevant to the current purpose of portraying her life. (2) Results from subsequent genetic test of a contemporary Clayton were "strongly linked" to Eleanor's father, Robert.<sup>78</sup> (3) Most recently, I have found Joseph Clayton's name is documented in Kent, Maryland immediately adjacent to that of Elizabeth Cole, Eleanor's sister.<sup>40</sup> All in all, the data become very convincing to me, and I will accept the link as established in this discussion.

### *Eleanor Cole*

Eleanor was one of seven known children of Robert Cole, a member of a noted Catholic family of St. Mary's, and one of his two wives, in all probability the earlier, Ann Greenwell. Eleanor was born perhaps in the late 1750s. She was the next younger child after Henrietta Cole, who is discussed below.<sup>43</sup>

Eleanor's father, Robert Cole, died in 1771 in her childhood, leaving her an orphan. His wife Ann had died sometime before then. His will<sup>79</sup> names his three sons-in-law, Basil Hayden, Robert Mattingly and Richard Melton, as administrators of his estate. That made them guardians of the *property* of Eleanor and his other minor children. It did not, however, make them guardians of her *person*, who would have had responsibility for personal and physical needs, such as food, clothing, housing, education, and social welfare. At that time, there were no formal procedures for adoption as we know it today; the first adoption statutes in the country were enacted in the 1850s<sup>80</sup>. Arrangements for routine and special care of a minor child were generally worked out informally by family and friends. Since Basil Hayden married Henrietta Cole and was one of the estate administrators, it seems reasonable to guess that they would have been involved in Eleanor's care, plausibly to the extent of taking her into their household.

There are no explicit records of Eleanor in during the early decades of Joseph's and her stay in Nelson County, which is not unusual for a woman at that time. The partially legible 1820 census image<sup>81</sup> for the couple's son John includes a female over 45, who might or might not be Joseph's widow Eleanor. She was probably alive at the time of the 1830 census<sup>34</sup>, and clearly dead by 1848.<sup>72</sup>

### *Henrietta Cole*

Henrietta Cole, Eleanor's older sister, was born July 2, 1754.<sup>82</sup> By 1771, she married Basil Hayden.<sup>83</sup> The couple had some fifteen children from 1772 to 1798, many of whom died

early. In 1785, the couple moved to Kentucky, Basil being a leader of the migration.<sup>31, 84</sup> Henrietta died in 1837.

The most thorough and best documented coverage of Henrietta's life I have found is at the Nielsen Hayden genealogy website.<sup>85</sup> Her life had some interesting and colorful aspects. During her husband's life, Henrietta carried on a confessed affair, presumably with Charles Ewing, a local real estate speculator, whom she married following Basil Hayden's death. (Charles Ewing is also notable as a person from whom Basil Hayden and Joseph Clayton had both bought land.<sup>14</sup>) Basil Hayden's will speaks of his own children but in different phrasing refers to "my wife's son, William Hayden." Rev. Stephen T. Badin, the minister of the local Catholic congregation, wrote to his bishop, "The widow HAYDEN who has disgraced herself in marriage, has renewed her past scandals and finished by marrying *heterodoxum coram heterodoxo* (a protestant by a protestant)."<sup>85, 86</sup> The second marriage ended in divorce on the grounds that Charles Ewing was already married, which required a special act of the Kentucky Legislature.<sup>87</sup> Needless to say, such doings created some notoriety and scandal.

### **Earlier lineage**

#### Francis and Elizabeth Clayton

Both Y-DNA testing and extensive circumstantial evidence, documented in primary sources, link Francis to other Claytons in tidewater Virginia, Granville County in North Carolina, and the then Ninety Six District of South Carolina. I believe that Francis's father was probably a William Clayton, originally of northern Virginia. Both traditional documentation and genetic results as well point to remote origins in Lancashire, England.

To date, I have been able to find no definite information about Elizabeth, other than the single mention of her given name in Francis' will.

My research on Joseph's parents is described in a separate document.<sup>13</sup>

#### Eleanor Cole

The ancestors of the Cole family have been well researched and documented. I will not repeat that lineage here, but refer those interested to other sources of information. The very authoritative *Early Colonial Settlers of Southern Maryland and Virginia's Northern Neck*<sup>88</sup> website covers that line. The *Nielsen Hayden genealogy* site includes nearly all of that material and much of additional interest as well.<sup>89</sup> An excellent book on the early Cole family and the life of early colonial Maryland is *Robert Cole's World: Agriculture & Society in Early Maryland*, by Lois Green Carr and others.<sup>90</sup>

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## Notes

1. FamilyTreeDNA. Y-DNA: Clark(e). <https://www.familytreedna.com/groups/clark/about/background>, viewed April 26, 2021. Notes: Please see the excellent discussion in the first set of bulleted text in the home page.
2. Elizabeth Shown Mills. Evidence Explained: Historical Analysis, Citation & Source Usage. <https://www.evidenceexplained.com/content/quicklesson-11-identity-problems-fan-principle>, viewed February 11, 2021.
3. Ann Whalen. Clayton family in Virginia. <http://listlva.lib.va.us/scripts/wa.exe?A2=VA-ROOTS;8d117c25.0212>, viewed December 13, 2020.
4. Walter Clayton. Joseph Clayton of Nelson KY is not the son of Francis Clayton of Chesterfield VA. <https://www.genealogy.com/forum/surnames/topics/clayton/3814/>, viewed December 13, 2020. Notes: Similar comments are posted in Ancestry.
5. Nordberg, P. Joseph Clayton of Saint Mary's County, Maryland and Nelson County, Kentucky. <http://www.paulnordberg.net/pdfs/joseph-clayton.pdf>, viewed December 15, 2020.
6. Maryland State Archives. A Return of the Officers and Privates belonging to the State of Maryland 921 Feb. 17 and Attach'd to the Corps hereafter Specified under the Resolution of Congress VII 174 of the 15th of March 1779. [http://mdhistory.msa.maryland.gov/msaref05/msa\\_te\\_1\\_171/html/msa\\_te\\_1\\_171-0066.html](http://mdhistory.msa.maryland.gov/msaref05/msa_te_1_171/html/msa_te_1_171-0066.html), viewed December 12, 2020.
7. Nordberg, P. Origins of Joseph Clayton of Nelson County, Kentucky. <http://www.paulnordberg.net/pdfs/origins-of-joseph-clayton.pdf>, viewed December 21, 2020. Notes: This file was replaced by a later version covering Joseph Clayton and his wife Eleanor, but is still available online.
8. I counted the first 100 given names of sons named in men's wills in Will Book 1 of Chesterfield County (1749-1757). Of these, 16 were John, 8 were Joseph, 11 were Thomas, and 14 were William. If the frequencies of the names John, Joseph, Thomas and William are  $x_1 \dots x_4$ , then the probability that four out of the five names would match purely by chance are something like  $P = \prod_{n=1}^4 (x_n - 1)^5 \approx 0.0464$ . That would satisfy the criterion of  $P < 0.05$  commonly used in science; or in non-technical terms, the chances are 95% against it happening by accident.
9. Quotes. Henry David Thoreau. <https://www.quotes.net/quote/4845>, viewed December 16, 2020. Notes: The observation was made amid a controversy about claims that area dairy farmers were watering down their milk before its sale.
10. Will of Francis Clayton. Chesterfield County, Virginia, November 4, 1771 (will date). Book 2, Page 67, <https://www.familysearch.org/ark:/61903/3:1:3QS7-99PC-3J6S?cat=417637>, viewed December 12, 2020. The will was signed with a mark. It was witnessed by Benjamin Beasley, David Choakley (Chaulkley) and Benjamin Choakley. The Chesterfield County Court ordered it to record in the Court's August 1772 session.
11. Chesterfield County, Virginia Tithables, 1762. <http://freepages.rootsweb.com/~genbel/genealogy/sept04/chestervatithables.htm>, viewed December 18, 2020.
12. Deed, William Clayton to Branch Tanner. Chesterfield County, Virginia, Book 7, Page 306. September 18, 1773. <https://www.familysearch.org/ark:/61903/3:1:3Q9M-CS4C-9SJJ-J?i=160&cat=406477>, viewed December 13, 2020.
13. Paul Nordberg. Notes on Francis Clayton of Chesterfield, Virginia. <http://www.paulnordberg.net/pdfs/francis-clayton.pdf>, viewed April 11, 2020; revised August 2024.

14. Confirmatory deed, Joseph Clayton to Charles Duncaster. Nelson County, Kentucky, Book 5, Page 201. August 2, 1796. <https://www.familysearch.org/ark:/61903/3:1:3Q9M-CS4V-BP25?cat=273862>, viewed December 15, 2020.
15. Marriage bond of John Ford and Mary Clayton. Nelson County, Kentucky, November 28, 1808. <https://www.familysearch.org/ark:/61903/3:1:939K-BSC1-V?i=113&cc=1804888>, viewed March 17, 2017. Mary's father, Joseph Clayton, provided bond. Of note, his original signature is on the bond.
16. Marriage bond of Barnabas Carter and Joseph Clayton. Nelson County, Kentucky, November 21, 1802. A photocopy of the original, supplied by the Nelson County Clerk's office, is in possession of Paul Nordberg. Joseph Clayton supplied bond, and signed the instrument.
17. Wikipedia. Charles Harrison (general). [https://en.wikipedia.org/wiki/Charles\\_Harrison\\_\(general\)](https://en.wikipedia.org/wiki/Charles_Harrison_(general)), viewed March 11, 2017.
18. Definition of *matross*. Oxford English Dictionary. Oxford University Press (Oxford 1933). Volume VI, p. 239.
19. Somehow or the other, the story began that Joseph Clayton acquired the nickname "Matross" during his artillery service, and that the nickname stuck. From there, it became "Matoos" and "Maytross" and turned into a baptismal name. It is a curious notion that people don't know when he was born, when he married, or when he died, but are willing to credit that we know such details of his adult life as his nickname. The story of the "nickname" Matross has spread widely across the internet. I have found its presence a very good and convenient marker of poor genealogy research.
20. Pension application of Drury Ragsdale. Library of Virginia, August 24, 1789. <https://revwarapps.org/blwt1854-300.pdf>, viewed December 14, 2020. The pension application notes that he was commissioned an officer on January 13, 1777 and served until the end of the War.
21. Southern Campaigns Revolutionary War Pension Statements & Rosters. Richard C. Waters VAS2145. <http://revwarapps.org/VAS2145.pdf>, viewed December 15, 2020.
22. Library of Virginia. Waters, James. [https://lva.primo.exlibrisgroup.com/view/action/uresolver.do?operation=resolveService&package\\_service\\_id=1791936190005756&institutionId=5756&customerId=5755](https://lva.primo.exlibrisgroup.com/view/action/uresolver.do?operation=resolveService&package_service_id=1791936190005756&institutionId=5756&customerId=5755), viewed December 15, 2020.
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28. Brookes-Smith, J.E., Master Index, Virginia Surveys and Grants 1774-1791. 1976, Frankfort, Kentucky: Kentucky Historical Society. <https://www.familysearch.org/library/books/records/item/329859-master-index-virginia-surveys-and-grants-1774-1791?viewer=1&offset=0#page=1&viewer=picture&o=info&n=0&q=>, viewed December 18, 2020.

29. Ohio History Connection. United States Military District.  
[http://www.ohiohistorycentral.org/w/United\\_States\\_Military\\_District?rec=811](http://www.ohiohistorycentral.org/w/United_States_Military_District?rec=811), viewed June 20, 2018.
30. Bureau of Land Management of the U.S. Department of the Interior. General Land Office Records.  
[https://glorerecords.blm.gov/details/patent/default.aspx?accession=OH1920\\_\\_265&docClass=STA&sid=2xxdoaa0.125#patentDetailsTabIndex=1](https://glorerecords.blm.gov/details/patent/default.aspx?accession=OH1920__265&docClass=STA&sid=2xxdoaa0.125#patentDetailsTabIndex=1), viewed June 20, 2018.
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32. Birth of Judovic Thompson. St. Mary's County, Maryland, August 29, 1773.  
<https://www.familysearch.org/ark:/61903/1:1:Q298-31RM>, viewed February 26, 2018.
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<https://familysearch.org/ark:/61903/3:1:33SQ-GYYF-LWZ?mode=g&i=4&cc=1803958>, viewed March 15, 2017.
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37. Will of James Clark. Nelson County, Kentucky, November 22, 1807. Book B, Page 264,  
<https://www.familysearch.org/ark:/61903/3:1:33SQ-GP3Y-XN?i=144&wc=37RT-6T5%3A173614801%2C173721001&cc=1875188>, viewed February 25, 2018.
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<https://www.familysearch.org/ark:/61903/3:1:33S7-9TRK-9SQN?i=131>, viewed October 12, 2024.
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<https://www.familysearch.org/ark:/61903/3:1:33S7-9TRK-9S9Z?i=126&cc=1803986>, viewed October 11, 2024.
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<https://archive.org/stream/sketchesofearlyc00spal#page/n5/mode/2up>, viewed March 24, 2017.
46. Will of John Brients. Nelson County, September 4, 1786 (will date). Book (unnumbered, called Probate Records, 1784-1790), Page 32, <https://www.familysearch.org/ark:/61903/3:1:33S7-9P35-9QNY?i=22&cc=1875188&cat=432057>, viewed December 19, 2020. Witnesses of the will were John Wright, Nancy Brients and Joseph Clayton.
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<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CS4V-BG2H?lang=en&i=17>, viewed August 20, 2025.
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49. County Court, Nelson, Kentucky. Petition for exemption from taxes. Petitioner determined exempt. 1789. County Court order books of Nelson County 1785-1825.  
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<https://familysearch.org/ark:/61903/3:1:3Q9M-CSMQ-VSCV-Z?mode=g&i=26&cat=156788>, viewed March 8, 2017. The tax lists are grouped by the first letter of last name, but within that letter provide some notion of geographic order.
52. Tax books, 1792 - 1894, Nelson County, Kentucky, 1793.  
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<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CS3G-NGDL?cat=436900>, viewed May 11, 2017.
56. Court of Quarter Sessions, Washington County, Kentucky. Joseph Clayton, plaintiff, against John Mills, defendant. Charge of trespassing, seeking damages of £40, settled out of court. March 1796. Archives and Records Management Division, Kentucky Department for Libraries and Archives. Record of case of Clayton v. Mills, March 1796. Image of certified copy in possession of Paul Nordberg.
57. Letter from Mary Ellen Moore, Old Records Department, Nelson County Clerk, Kentucky, to Paul Nordberg, March 16, 2017.
58. Kentucky, N.C. Stray animal book, 1799-1807.  
<https://www.familysearch.org/ark:/61903/3:1:3QHV-F3Z8-M9J3-B?cat=429352>, viewed June 2, 2019. Notes: Joseph Clayton found a stray yearling steer.

59. Deed from James Witherowe to Joseph Claiton. Nelson County, Kentucky, Book 5, Page 642. December 18, 1800. <https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSKX-S3F6-G?i=352&cat=273862>, viewed December 17, 2020.
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70. Philip Mattingly will. Nelson County, Kentucky, Executed March 27, 1821. Book D, Page 323, <https://www.familysearch.org/ark:/61903/3:1:33S7-9P3Y-F79?i=183&cc=1875188&cat=247372>, viewed December 17, 2017. The will was witnessed by Benjamin Thompson, Thomas Clark and Joseph Clayton, Jr. Joseph Clayton signed with a mark.
71. Marriage bond of Joseph Hayden and Catharine Clayton. Nelson County, Kentucky. <https://www.familysearch.org/ark:/61903/3:1:939K-YJSL-X?i=419&cc=1804888>, viewed March 11, 2017.
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73. Marriage register, John Clayton and Maria Hayden. Nelson County, Kentucky, April 6, 1817. <https://www.familysearch.org/ark:/61903/3:1:3QSQ-G9S7-Q3VS?i=38&cc=1804888>, viewed March 11, 2017. The marriage was performed by Catholic Reverend S.T. Badin.

74. Marriage record of Joseph Clayton to Susan Clark. Washington County, Kentucky, August 17, 1819. <https://www.familysearch.org/ark:/61903/3:1:3QS7-993Y-HDJF?i=302&cc=1804888>, viewed March 11, 2017.
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76. Marriage record, Charles Clayton and Barbara Hagan. Nelson County, Kentucky, April 21, 1830. <https://www.familysearch.org/ark:/61903/3:1:939K-YX9F-GP?i=29&cc=1804888>, viewed March 11, 2017.
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79. Will of Robert Cole. Maryland Prerogative Court, November 26, 1771. Book 38, Page 416, [http://msa.maryland.gov/megafile/msa/stagser/s500/s538/000000/000054/pdf/msa\\_s538\\_000054.pdf](http://msa.maryland.gov/megafile/msa/stagser/s500/s538/000000/000054/pdf/msa_s538_000054.pdf), viewed March 18, 2018.
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81. United States Census 1820, Bardstown, Nelson County, Kentucky. <https://www.familysearch.org/ark:/61903/3:1:33SQ-GYY1-SC8D?i=17&cc=1803955>, viewed February 26, 2018.
82. Transcription of Bible records of Leo Hayden. National Society Daughters of the American Revolution, DAR Library. In Kentucky DAR GRC [Genealogical Records Chairman], Series 1, Volume 319, p. 84. Copy of record in possession of Paul Nordberg.
83. Early Colonial Settlers of Southern Maryland and Virginias Northern Neck Counties. Robert Cole. <https://www.colonial-settlers-md-va.us/getperson.php?personID=I012010&tree=Tree1>, viewed March 21, 2018.
84. In 1792, Washington County was split off from Nelson, making the Haydens residents of the new county, though very close to the new border with Nelson.
85. Patrick and Teresa Nielsen Hayden. Nielsen Hayden genealogy: Henrietta Cole. <http://nielsenhayden.com/genealogy-tng/getperson.php?personID=I155&tree=nh1>, viewed March 21, 2018.
86. Reno, L.D., A Journey Through Time: The Times Chronicle. The County Times, Hollywood, MD, 2011. <https://www.scribd.com/document/79537276/2011-02-24>, viewed March 7, 2024.
87. William Littell Esq., The Statute Law of Kentucky. Vol. III. 1811. [http://mdhistory.msa.maryland.gov/msaref10/msa\\_te\\_1\\_061/html/msa\\_te\\_1\\_061-0452.html](http://mdhistory.msa.maryland.gov/msaref10/msa_te_1_061/html/msa_te_1_061-0452.html), viewed December 26, 2020. Chapter CCCCXXXVI of the Laws, as approved on February 3, 1808, *An ACT concerning the marriage of Henrietta Ewing*, provides, “This act authorised her to sue Charles Ewing for divorce, in the Nelson court, and to obtain it on a jury’s finding that he had separated from her, and intermarried with Mary Flint, and continued to live in adultery with said Mary.”
88. Early Colonial Settlers of Southern Maryland and Virginias Northern Neck Counties. Eleanor Cole. <https://www.colonial-settlers-md-va.us/getperson.php?personID=I101653&tree=Tree1>, viewed March 28, 2018. Notes: The Eleanor Cole shown here is not the same as the Eleanor hypothesized to have married Joseph Clayton, but this card shows how the family picture fits together.

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90. Carr, L.G., R.R. Menard, and L.S. Walsh, Robert Cole's World: Agriculture & Society in Early Maryland. 1991: The University of North Carolina Press. <sup>267</sup> pages.