

DANIEL GAINES OF COLONIAL VIRGINIA

By Margaret Amundson

Once an error creeps into the cannon of a pedigree it is very hard to correct. Such is the case of a man named Daniel Gaines who came to Virginia in the mid 17th century. There are three major errors regarding Gaines' and his family that have been perpetuated in the literature over many years and postings to the Gaines message boards show they continue circulating in spite of the fact all of these errors have been corrected in the literature in some form or another. This paper is an attempt to place this information in the literature in a manner that hopefully will be so obvious that it will be hard to ignore and over time will replace the erroneous information.

The first is the failure to identify Daniel's wife Margaret (?) as the widow Rouzee. Based on the language in Daniel's will where he calls Ralph Rouzee and John Smith his sons-in-law¹ his daughters Margaret and Mary were married to these men in spite of the fact that elsewhere in the very same will it is obvious his daughter Mary had not reached her majority and was unmarried. The second mistake is related to his daughter Margaret who is all too frequently identified as the same Margaret who married John Prosser, Simon Miller and Hugh French and later John Sommerville.² The third is the assignment of a fourth child, a daughter, Elizabeth.³

All three of these mistakes are correctable when records related to Daniel and his kinship web are compiled and basic logic is applied to the findings. Unfortunately there are many genealogists who never progress beyond *the search* phase where they *look for someone else who has done the work*. Why reinvent the wheel? In order to establish a pedigree with integrity it is imperative one become a *critical researcher*. They must learn to evaluate the work of others and check it with the records that can establish the needed facts that will solve the problem. They must also question the information they already have. Sometimes it is hard to let go of a detail that has been in the literature for a long time. In this case a ten year old child baring a son defies logic. A precise marriage record may not be available for a couple but certain behaviors signal import life events. In Colonial Virginia a husband controlled his wife's property. A widow could represent herself before the court but once married her husband took control of the property.

In the case of Daniel Gaines the people he interacted with and their relationship to him and each other is important background information. One such person in his kinship web was John Catlett, another was Ralph Rouzee. These two names are present in the beginning of Daniel's *recorded life* and again when he writes his will, although close scrutiny shows they represent two generations of the names.

A CATLETT-ROUZEE-GAINES CONNECTION:

In the case of John¹ Catlett it is necessary to trace him to his origins in England to get an exact picture of family relationships. This can be accomplished easily because many printed sources are available on the family. In capsule form John^A Catlett the father of John Catlett¹ married Sarah Hawkins 10 April 1623.⁴ in County Kent, England. Their marriage was short lived as John wrote his will on 19 July 1625⁵.

¹ This has been construed to mean his daughter's Margaret and Mary married these men, when in fact Ralph was his step-son and John Smith married his step-daughter Sarah Rouzee. Early papers submitted for membership in Colonial Dames 17th Century are based on this misidentification.

<<http://genfourm.genealogy.com/Gaines> [message #]885; 886; 449>

² <<http://genfourm.genealogy.com/Gaines> [message #] 411; 302; 310; 605; 606>

<<http://genfourm.genealogy.com/Prosser> [message #] 761; 764> <<http://genfourm.genealogy.com/Miller> [message #] 1626; 13642; 9050; 4212; 1564>

³ <<http://genfourm.genealogy.com/Catlett> [message #] 730; 674; 361; 24>

⁴ David A. Avant, Jr., *Some Southern Colonial Families Volume 3* (Tallahassee, FL: A"Avant Studios, 1989), p. 52. "...John Catlet age 24 of Sittingbourne (at Preston nr. Faversham, Kent) to Sarah Hawkins, age 19.

⁵ *Ibid.*, p. 53.

Based on the language in his will John^A was not certain he was to become a parent, nevertheless a clause in his will makes the following provision for the child.

...Sara my wife to have two cherry gardens in Sittingbourne contains 4 acres for her natural life. If my wife is with child at the time of my decease then the two cherry gardens to child for ever after the decease of my wife...⁶

John¹ Catlett, the immigrant of our interest was baptized 12 March 1625/26 in Canterbury, County, Kent. After her husband's death, Sarah (Hawkins) Catlett returned to her parent's home where she gave birth to John¹ Catlett. Sarah married Lodowick Rouzee of Ashford, Doctor of Physic, on 19 September 1626. Sarah was identified as "Sarah Catlet of St. Peter, Canterbury, widow, about 24, relict of John Catlet late of Sittingbourne, gent, deceased, at Bethersden."⁷ The couple had six children who were John¹ Catlett's half siblings.

WHEN DID GAINES MARRY?

It is important to establish the date of a marriage event for Daniel in order to solve problems one and two. It is also important to identify who the wife of Daniel Gaines was before the couple married. In this case the marriage date of Gaines is derived from the record whereby John Catlett turned over the property of his half brother's children to Gaines in January 1662 in Old Rappahannock County, Virginia. The 1662 event signaled a recent marriage to the children's mother thus identifying her as Margaret, the widow of Ralph Rouzee. Tradition has called her Margaret Bernard, because the couple named a child Bernard. However there are no corroborating records supporting this conclusion. From this January 1662 date it is reasonable to conclude the issue of the Gaines-(?) Rouzee union were born no earlier than late 1663.⁸

In January 1662, Daniell Gaines requesteth that there be recorded for Sarah Rouzee daughter of Ralph Rouzee deced six female cattell (to say) four cows one heiffer and one Calf cropped of both Ears and a hole in the further Ear

And for Ralph Rouzee (son of Ralph Rouzee deced) two female Cattle (to say) one cow and one calf cropped of both ears and a hole in the left ear which the sd Catle are delivered unto Daniell Gaines by John Catlett who hath obliged him the sd Gaines to deliver the abovementioned Catle & femal Increase to the abovesaid Sarah and Ralph Rouzee when they come of age or day of Marriage to Sarah Rouzee which shall first happen the sd Catle being the half part of those formerly in copartner-ship between John Catlett and Ralph Rouzee deceased⁹

WILL OF DANIEL GAINES

The next record of importance to this Gaines study is the will Daniel Gaines signed in 1682.

In the Name of God Amen, I Daniell Gaines of the Parish of Sittenburne in the County of Rappa: being in good health of Body & of sound & perfect memory Praise be therefore given to Almighty God do make and Ordaine this my last Will & Testament in manner and forme following That is to say ffirst & Principally I commend my soul unto the hands of Almighty god hoping through the merrits death & Passions of my Saviour Jesus Christ to have full & free Pardon and forgiveness of all my sins and the inherit everlasting Life, and my body I remit to the Earth to be decently buried at the descretion

⁶ Ibid., p. 53.

⁷ Ibid., p. 57.

⁸ January 1662 was towards the end of the year therefore after 25 March the year was 1663.

⁹ Ruth and Sam Sparacio, ed., *Deed Abstracts of Old Rappahannock County, Virginia (Part II of 1656-1664 Transcript)* (McLean, VA: Privately published, 1989), p. 25.

of Exec^x hereafter named. And as touching the dispericon of all such worldly Estate as it hath pleased God to bless upon me. I give & dispose thereof as followeth.

Impris it is my Will that all my Debt's that justly are to any ?? be well & truly Paid & in the first place that the Orfants of Colo John Catlett decd to be paid out of the negroes & other Goods that did belong to the sd Colo Catlets Estate the Negroes & Goods to be pd as they were appraised to me as may appeare by Inventory.

Item. I give & bequeath unto my unto my[sic] Son, Bernard all my Land that I now live upon to him & his heires lawfully begotten & that he shall not let sell or mortgage any part or parcell of the same so long as his Two Sisters, Margret & Mary or their heires be alive. It is my Will that if all my Children die without heires of their Bodyes then my land to fall to my Grandson, John Smyth & to his heires forever

Item. I give to my Daughter Mary the Mare Colt that now sucks on Mare Betty and all her Encrease to her & her heires for Ever. Item It is my Will that the Mare Heyfer & Hogs that I have given to my grandson in Law John Smith be & remaine to his proper use forever.

Item. It is my Will that the first Living Child that my Negro Cate doth bring be given to my Daughter Margaret and to her heires for ever & if it lives to the age of Three yeares to be in Lieu of a man Servant, otherwise to be in no stead

Item. I do give to my Son, Bernard my Silver hilted sword & Belt & my Seale Ring Item I give unto my deare & Loveing Wife, Margret, One Third of all my Estate in Lieu of her Dowre.

Item. My Will is that the other two parts of my Estate be devided between my Three Children, Bernard, Margret and Mary And no part of it be apprised but to be Inventoried & delivered in kind.

Item. It is my Will that my Daughter Margaret have a good feather Bead & furniture at my death in full of her part of my bedding. Item It is my Will that my daughter Mary have the use of so much housing & Land as she needs soe long as she Continued unmarried.

Item. It is my Will that as soone as it Can a man Servant be bought with Tobacco for my Daughter Margaret in part of her porcon.

Item. it is my Will that my Wife, son Bernard and Daughter Mary Keep their shares together for their menteyance doing their best by their Endeavours to Encrease the same as long as my Wife Continues Widdow or so long as either of my Children Continue unmarried and at the day of Marriage of my Wife or of either of my Children then my Childrens part to be delivered them in kind.

Item My will is that my Two Children Bernard & Mary have as many things apeice out of my Estate as my Daughter Margaret hath had already & the rest to be devided between them Equally by my loveing Kinsman, John Catlett & Sons in Law John Smyth and Ralph Rousey, and not to go to Law one with the other. Item it is my Will that my Estate be Inventoryed within Ten dayes after my decease

Item I give to my deare & Loving Wife Twenty shillings to buy her a Mourning Ring to ware for my sake & to my Two daughters each of them a Ring of Ten shillings price Item, it is my Will that if I die haveing no Tobacco in my house that my Servants bee & remaine together till they make a good Crop of Arenoco Tobacco out of which my Wife having first taken her Third then my son Bernard & daughter Mary have out of the rest each of them as much as my Daughter Margret hath already then if any be remaining over & above to be devided equally between them all Three.

Item. It is my Will that my Children have their Estate at the death or day of Marriage of my Wife whether they be of age or not.

Item It is my Will the Children of Colnll John Catlett remaine with my Wife till they Come of age if my Wife Continue unmarried.

Item, I nominate & appont my dear and Loveing Wife my sole Execut^x of this my last Will and testament. and Guardian to my Children so longe as she Lives a Widdow. In Witness whereof I the s^d Daniell Gaines to this my last Will & Testamt do sett my hand & Seale this Eighteenth of August in the yeare of our Lord One Thousand six hundred Eighty & Two.

Signed Sealed & delivered and declared this to be my last Will & Testament in the presence of

Daniel Gaines [Seale]¹⁰

Wm [mark] Murrow }

John Catlett } The words (and ring) was interlined before the signing & sealing of the same

Wm Browne }

Wee the Subscribers do hereby testifie and declare upon or Oaths wee did see Capt Danll Gaines within menconed as his last Will & Testament and was then in perfect sense & Memory to the best of our Knowledge

.Recorded 1 die 8bris Ano 1684

This will contains important information both stated and implied. In the first clause Daniel directs the property belonging to the orphans of John Catlett be separated from his. To his son Bernard he leaves his land, his silver hilted sword, belt and seale ring. He named Bernard's two sisters, Margaret and Mary and entailed the land as long as his sister's or their heirs are living. He then says if all of his children die without issue that his land is to go to his grandson John Smith. Further along in the will he calls John Smith his grandson-in-law. Used in this context the term means step-grandson. Some researchers have interpreted this wording to mean Daniel's daughters married Ralph Rouzee and John Smith. Daniel stopped short of saying his children Bernard and Mary were underage but he makes provision regarding their property should their mother die or remarry before they come of age. The wording of the will implies none of his children had issue when he signed it in 1682. Daniel further directs should his wife remarry his children Mary and Bernard were to have their estate even if they were not of age. From this clause a reasonable conclusion is that his children although not yet of age, were old enough to take care of their property should his wife remarry. This was a technique frequently found in the early Virginia records whereby fathers protected their children's estates from being looted by stepfathers. This age determination is also consistent with a marriage date of 1662 for Daniel and his wife Margaret (?) Rouzee Gaines.

After Daniel's death the below records show what happened to the Catlett children's property and give evidence of a third marriage for Margaret, his widow.

2 October 1684 The Court doe order Mr. Henry Awbrey, Capt. Saml Blomfeild Mr. Robt Plea and Mr. John Smith Junyr to meet at ye House of Capt. Daniel Gaines late deced on the twentieth Instant then & there to take & sever the Estate of ye orphans of Col John Catlett deced out of and from the Estate of the Said Capt Daniel Gaines, And that in this separation respect be had to ye Inventory and Apprisement of the said Collonll Catlett Estate the end the Orphants may in specie (as nere as possible) as well as value receive ye Estate of their Deceased Father: It is likewise further ordered that the above named Mr Awbrey Capt. Blimfeild, Mr. Plea & John Smith doe take a just and perfect Inventory & Apprismt of the Estate so severed, And delivr: in ye same upon Oath to the next Court held on the South side the River; As also that the said Estate remaine in

¹⁰ William Montgomery Sweeny, comp., *Wills of Rappahannock County, Virginia 1656-1692*, (Lynchburg, VA, Greenville, S. C.: Southern Historical Press, Inc., 1947/1998, p. 108-109.

the hands of the Relict & Execurx of the above named Capt Daniel Gaines untill the next South side Court as aforesaid where such further proceedings will be had therein¹¹

1 April 1685 Ordered that Mr. John Daningerfield at the next Court held for this count on the South side the River give in good & sufficient security for so much of the Estate of Colonll John Catlett deced as is now coming to his possession by marrying the Relict & sole Execurx of Capt Danll Gaines under whose trust & care the aforesd Estate was¹²

MARGARET WHO?

There are several messages on the Gaines, Prosser, Miller or French Genfourm Bulletin Boards that have a subject lines with Margaret *Gaines* the wife of either Hugh French or Simon Miller in them. Anthony Prosser the son of Margaret (?) and John Prosser was born by 1673, the year his father John signed his will and named him among his legatees. The eldest child of Daniel Gaines and wife, Margaret would be no older than ten years in 1673; an age not acceptable for marriage in that society.

There is no evidence any investigation into the information proving or disproving these facts was ever conducted before passing it on to other unsuspecting arm chair genealogists. So how does one check this type of information? They look for records created by or on behalf of the person and check to see if the statement is true. Does that mean they look for a marriage record with the exact date, when hope of finding one is nil? Of course not, but they can build a biography based on dates when Daniel appeared in court that will help to build a framework for further analysis.

After reading Daniel's will it is apparent his children Bernard and Mary were too young to be married. By implication his daughter Margaret's marriage, is fairly recent because he wants her to have property associated with setting up a household. Was Margaret, the daughter of Daniel Gaines, the same Margaret who married John Prosser as so many have stated over the years?

Women seldom created records on their own behalf, therefore records for the men in their lives are important in establishing the milestones. A comparison of the age of the two Margaret's answers the above question. In this part of the case study three of the four men who married Margaret (maiden name as yet unknown) died testate so the wills of these men are important to read and the various provisions, dates and names noted and assembled in chronological order.

MARGARET (?) PROSSER, MILLER, FRENCH AND LATER SOMMERVILLE:

28 August 1673 John Prosser signed his will and named four sons including a son Anthony.¹³

30 June 1677 Prosser's will presented for probate.¹⁴

16 February 1679 Simon Miller signed his will and named six Miller children as well as his wife's son Anthony Prosser.¹⁵

30 November 1683 Margaret as *widow* of Simon enters into a lease agreement with Andrew Harrison.

7 May 1684 Simon Miller's will accepted for probate.¹⁶

5 March 1684/5 Margaret's last appearance in the records as relict of Simon Miller.¹⁷

6 May 1685 Hugh French in court on behalf of the widow of Simon Miller whom he married.

¹¹ Sparacio, comps., *Order Book Abstracts of (Old) Rappahannock County, Virginia 1683-1685* (McLean, VA: The Antient Press, 1990), p. 43.

¹² *Ibid.*, p.75.

¹³ William Montgomery Sweeny, comp., *Wills of Rappahannock County, Virginia 1656-1692*, (Lynchburg, VA, Greenville, S. C.: Southern Historical Press, Inc., 1947/1998. p. 55.

¹⁴ *Ibid.*

¹⁵ *Ibid.*, 92-93.

¹⁶ Sparacio, comps., *Order Book Abstracts of [Old] Rappahannock County, Virginia 1683-1685* (McLean, VA: The Antient Press, 1990), pp. 51,71.

¹⁷ *Ibid.*, pp. 81, 84, 85.

MARGARET GAINES:

January 1662 Daniel Gaines in court regarding the property of Ralph and Sarah Rowzee. The property transferred hands from John Catlett the half brother of Ralph Rowzee deceased, to Daniel Gaines the children's new step-father. This record establishes a time frame for the marriage of Daniel Gaines and the widow Rouzee and determines the range wherein a first child could have been born.

1682 Daniel Gaines signed his last will and testament. He named his wife Margaret, and two daughter's Margaret, Mary and a son Bernard, sons-in-law Ralph Rowzee and John Smith and a grandson-in-law John Smith.

When records on the two Margaret's are compared it is apparent Margaret the daughter of Daniel Gaines, was too young to be the same Margaret who married John Prosser and gave birth to a son Anthony by 1673, therefore they are not the same person.

ELIZABETH, A FOURTH CHILD FOR DANIEL?

President James Madison drew a pedigree chart that shows several generations of his ancestors. It is preserved in The Library of Congress. The chart shows his grandmother was the daughter of John² Catlett and a wife with the surname Gaines, *no-first-name-given*. Several years ago the National Society of Madison Family Descendants computer enhanced this chart and inserted the given name Elizabeth along with the name Gaines. Why? Probably for the same reason Gary Boyd Roberts in his work on the genealogies of American Presidents also used the name Elizabeth for the President's Gaines ancestress in his early editions.

In all fairness to both the Madison family and Roberts, one doesn't have to go too far to find a print source naming Daniel Gaines' daughter "Elizabeth" as the wife of John² Catlett. This in spite of the fact that Daniel Gaines named no daughter Elizabeth in his 1682/84, Old Rappahannock County, Virginia will. The provision regarding the cherry gardens in the will of John^A is important because John² Catlett sold this land and his wife at that time, whose name was Mary, released her dower interest.¹⁸ The year was 1706 and the record is recorded in Essex County and is the only record giving a first name of a wife for John² Catlett. Daniel Gaines did have a daughter named Mary and it is more than likely she who was the Gaines wife of John² Catlett.

All three problems associated with Daniel Gaines can be resolved when the records created by him and members of his kinship web are read, analyzed and compared. Once a time frame for his marriage is recognized and evidence of his wife's identity is duly noted, Daniel's will takes on a different and more plausible meaning. His daughter's Margaret and Mary did not marry Ralph Rouzee or John Smith as some have concluded. Ralph Rouzee was his stepson and John Smith married Sarah Rouzee his step daughter. This couple had a son John Smith who became Daniel's residual heir should all of his children die without issue. When the dates for Margaret (?) Prosser, Miller, French and later Sommerville are compared with Margaret the daughter of Daniel Gaines the answer is obvious. They were not the same Margaret. Daniel's will combined with the 1706 record for the cherry gardens owned by John Catlett lays to rest the question of a fourth child for Daniel and wife Margaret. There was no Elizabeth Gaines in this family.

¹⁸ Ruth and Sam Sparacio, comps. *Deed and Will Abstracts of Essex County, Virginia 1701-1704*, (McLean, VA: The Antient Press, 1991), 19-20.