# Magazine of Virginia Genealogy



### VIRGINIA GENEALOGICAL SOCIETY

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The Virginia Genealogical Society, formed 7 October 1960, published several occasional bulletins between June 1961 and January 1963 when it began serial publication of the *Virginia Genealogical Society Quarterly Bulletin* issued in January, April, July and October. This title ran for seven volumes in a format 8½ by 11 inches, mimeographed, corner-stapled. Volume VIII (1970) was renamed the *Virginia Genealogical Society Quarterly*. A magazine format, 6 by 9 inches, saddle-stitched, with text reproduced from typewritten copy, was adopted in 1971, running through Volume XVIII, followed by three volumes issued as *The Quarterly of the Virginia Genealogical Society*. The present title and publication sequence (February, May, August, November) were adopted in February 1984 (Volume XXII, No. 1). Since that date, the magazine has attained a printed page count of approximately 320 pages per volume, not counting its index.

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# MAGAZINE OF VIRGINIA GENEALOGY

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# Correcting and Expanding the Record of the Rev. James Keith of Hamilton Parish

# by Gail Raney Fleischaker\*

When James Keith arrived on the Virginia shore, he could not have known that he would marry a daughter of the Randolphs, one of the most extensive and influential families of the Old Dominion, nor that several among his descendants would be distinguished in county, colonial, and, most famously, federal courts of law.

It is believed that Keith came from Scotland, but there are scant records of his life before his arrival in Virginia. Family legend claims he was born in direct descent of the noble Earls Marischal of Scotland, but this and other ancestral claims are unfounded, as will be shown in what follows. The earliest documented events that we have for Keith's life are his ordination as priest in the Church of England, 19 Jan 1728, <sup>1</sup> and his receipt of £20 in King's bounty toward passage to Virginia, 21 Mar 1728/9.<sup>2</sup> At this time, James Blair was the Bishop of London's Commissary in the Virginia Colony, <sup>3</sup> reporting directly to His Lordship on matters of parish and politics (and with no small measure of gossip), including most especially the disposition of clergy and church property throughout the colonial parishes. In the June 30<sup>th</sup> postscript to his letter of 29 June 1729, Blair

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<sup>&</sup>lt;sup>1</sup> "Orders, Licenses, Institutions and Collations, in the Time of the Right Rev. Edmund Gibson Lord Bishop of London, *viz.* from 1723 to 1748, drawn up from the Subscription Books during that Period by Wm Dickes, Secry," in *The Fulham Papers:Lambeth Palace Library*, 2nd ed. (World Microfilms Publications, reel 20, 42: 1–16). Note that in listing ordination dates, Dickes makes no reference to Old or New Style dating, scribing 19 Jan 1728 as the date of Keith's ordination as priest.

<sup>&</sup>lt;sup>2</sup> Treasury Quarterly Accounts, 1701–1855, T31\_111 folio 58, The National Archives, Kew, England.

<sup>&</sup>lt;sup>3</sup> George Maclaren Brydon, Virginia's Mother Church and the Political Conditions Under Which It Grew (Richmond: Virginia Historical Society, 1945).

wrote that "Mr. Keith and Mr. Dawson<sup>4</sup> I hear are in the same ship but are not as yet got up hither." If Keith and Dawson were indeed on the same ship,<sup>6</sup> we can set out a dateline for Keith's arrival between 30 June 1729 and 16 Aug 1729, the date of Dawson's first recorded appearance at the College of William and Mary.<sup>7</sup>

James Keith's colonial presence is first noted in records of Curle's (later St. John's) Church, located on Richard Randolph's plantation in Henrico Parish. Remains of the Henrico Parish vestry book were discovered in 1872–1873, and R. A. Brock transcribed and annotated the manuscript pages: 8 it is this 1874 work that stands as the earliest administrative record of Henrico Parish. The record begins with a meeting of the vestry at Curles Church on 28 Oct 1730 at which "The Reverend Mr. James Keith" is noted as "present." James Keith was present at succeeding vestry meetings over the next three years where, among other duties, he signed orders of payment, recorded collection of tithes and receipts, made appointments, directed land processions, and received [annual] payment for services rendered. The last citation for James Keith in the Henrico Parish Vestry Book is at the 12 Oct 1733 meeting where the vestry accepted his resignation (and where Keith was not present). 10 At the time of his resignation, Rev. Keith was romancing Mary Isham Randolph, daughter of Thomas Randolph of Tuckahoe — and two of her blood kin were active in parish administration: her uncle, Richard Randolph, was a vestryman, and her brother,

<sup>&</sup>lt;sup>4</sup> William Dawson, recently ordained by the Bishop of Oxford, was being brought from England to serve as Professor of Moral Philosophy at the College of William and Mary. James Blair, 8 Sept 1729 letter to Bishop Gibson, *Fulham Papers* 12: 142–143.

<sup>&</sup>lt;sup>5</sup> James Blair, June 30th postscript to 29 June 1729 letter to Bishop Gibson. Ibid., 134–135.

<sup>&</sup>lt;sup>6</sup> In the absence of a certified passenger list, there is no proof for the arrival of either man, but pursuing Blair's suggestion that Dawson and Keith were on the same ship leads to this series of tantalizing discoveries: Dawson paid for passage, provisions, and the building of his cabin on the ship Williamsburgh. Ibid., 132. The Williamsburgh was a three-masted square-rigged ship owned (and in 1725 and 1726 captained) by Isham Randolph. See Naval Office Shipping List for Virginia 1698–1769, miscellaneous microfilm 540, reels 1 & 2, Library of Virginia, Richmond. Accounting records for the sixpence fees paid to Greenwich Hospital show that the Williamsburgh entered the London harbor from Virginia on at least five occasions between 1725 and 1729. See Greenwich Hospital: General Accounts, Public Record Office Class Adm 68/194, Survey Report No. 06443 and Adm 68/195, SR 06444, microfilm, Virginia Colonial Records Project, Library of Virginia, Richmond. The Williamsburgh entered the James River harbor from London on at least six occasions between 1726 and 1731. Although the sequence of dates entering the two harbors allows for a Virginia-bound voyage in the summer of 1729, a James River harbor entrance cannot be documented since the pertinent report pages are missing from the record. See Naval Office Shipping List.

<sup>&</sup>lt;sup>7</sup> "Journal of the Meetings of the President and Masters of William and Mary College," William and Mary College Quarterly Historical Magazine 1 (Jan 1893): 130–131.

<sup>&</sup>lt;sup>8</sup> R. A. Brock, "Introduction," in *The Vestry Book of Henrico Parish, Virginia 1730–1773, Comprising a History of the Erection of, and Other Interesting Facts Connected with the Venerable St. John's Church, Richmond, Virginia, from the Original Manuscript with Notes and an Introduction* (Richmond, Va.: n.p.), x.

<sup>&</sup>lt;sup>9</sup> Brock, The Vestry Book of Henrico Parish, 3.

<sup>10</sup> Ibid., 16.

William Randolph, was a vestryman and church warden. <sup>11</sup> In his letter of 15 Jan 1734 to the Bishop of London, Commissary Blair, writing of Keith and Mary Isham, noted that family and "friends did so dislike his character that they would not let her marry him," <sup>12</sup> so it may well be that Keith's resignation was forced by the Randolphs. Whatever the case, Keith left the parish and Mary Isham apparently went with him.

In the meantime, Virginia's General Assembly was in the process of reorganizing counties and parishes to accommodate the westward migration of the expanding population.<sup>13</sup> In a 1730 enactment, Hamilton Parish was formed from the northern portion of Overwharton Parish, and parishioners were directed to "meet at the church above Occoquan ferry" (the old Overwharton chapel) to elect a vestry. 14 In 1732, when the new Truro Parish was taken from Hamilton's eastern flank along the Potomac, the church at Occoquan, Hamilton's functional parish church, went with Truro. According to Groome, Hamilton then took an old church on Quantico Creek near the future town of Dumfries as its parish church<sup>15</sup> and started building a chapel closer to the hub of parish activity in the area near the Shenandoah Hunting Path and Elk Run. 16 In 1745, with the act that divided Hamilton Parish yet again (see Figure 1: Descent of Hamilton Parish & Fauquier County), the old Quantico/Dumfries church was assigned to the new (Dettingen) parish, <sup>17</sup> and the wooden chapel on Elk Run was designated Hamilton's parish church, thereafter called Elk Run Church. 18 That chapel was eventually replaced by a brick cruciform structure, 19 now the subject of an Elk Run site preservation and museum that was begun in 1999.<sup>20</sup>

Bishop Meade reports: "After the division of the former parish of Hamilton into Dettingen and Hamilton in the year 1745, the Rev. Mr. Keith continued to be

<sup>&</sup>lt;sup>11</sup> Ibid., 13.

<sup>&</sup>lt;sup>12</sup> Blair, 15 Jan 1734 letter to Bishop Gibson, Fulham 12: 142.

<sup>&</sup>lt;sup>13</sup> For a discussion of the "cavalier culture" as it continued in the colonial population's expansion through the Virginia colony, see David Hackett Fischer's *Albion's Seed: Four British Folkways in America*— *America: A Cultural History* (New York: Oxford University Press, 1989).

<sup>&</sup>lt;sup>14</sup> William Walter Hening, *Hening's Statutes at Large—Being a Collection of all the Laws of Virginia from the First Session of the Legislature, in the Year 1619*, transcribed from a 1969 facsimile reprint by Freddie L. Spradlin (Torrance, Calif.: http://vagenweb.org/hening/), 4: 304.

<sup>&</sup>lt;sup>15</sup> H. C. Groome, Fauquier During the Proprietorship: A Chronicle of the Colonization and Organization of a Northern Neck County, (1927; reprint, Westminster, Md.: Heritage Books, 2007), 138. Where Groome is otherwise meticulous in citing primary sources, he here points to a not-always-reliable secondary source in Bishop William Meade's Old Churches, Ministers, and Families of Virginia (Philadelphia: J. B. Lippincott Company, 1891), 2: 209), suggesting perhaps that Groome knew of no primary source for Hamilton's taking the Quantico/Dumfries church as its parish church.

<sup>&</sup>lt;sup>16</sup> Groome, Fauguier During the Proprietorship, 140.

<sup>&</sup>lt;sup>17</sup> Hening, 5: 259-261.

<sup>&</sup>lt;sup>18</sup> Groome, Fauquier During the Proprietorship, 140.

<sup>&</sup>lt;sup>19</sup> Ibid., again citing Meade (Old Churches, vol. 2), 216.

<sup>&</sup>lt;sup>20</sup> Elk Run Anglican Church, Site Preservation and Historic Park (http://www.elkrunchurch.org/about/).

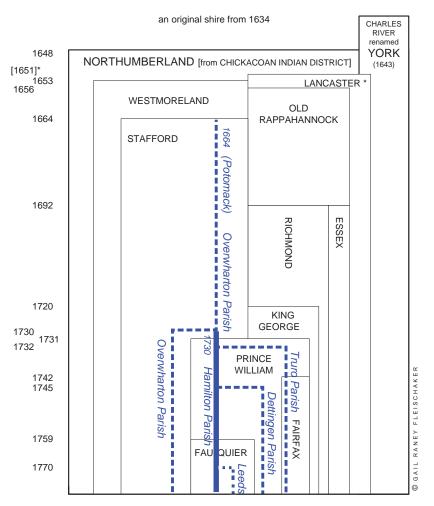


Figure 1. Descent of Hamilton Parish and Fauquier County, Virginia

Years given are the effective dates of formation/division cited in enactment, per *Hening's Statutes At Large*.

<sup>\*</sup> Lancaster County is cited as already existing in the Grand Assembly of April 1752; the date or manner of its formation does not appear.

minister in Hamilton. How long he had been minister of the whole parish is not known; . . . The vestry-book, which could have informed us, was placed in the clerk's office, and there torn up, page after page, by the clerks or others, for the purpose of lighting cigars or pipes."<sup>21</sup> Whether or not Meade's story is apocryphal, the fact remains that there is no vestry record of the early Hamilton parish, and in default of a vestry record, we are deprived of a primary source for reference to Rev. Mr. James Keith as the "first permanent minister" of Hamilton Parish.

Ministers at the time were basically itinerant throughout the entire parish and its chapels — not chiefly at the parish church as we now think of it — and offered service to other parishes as needs arose. Keith's activities during this period can thus be gleaned from records of neighboring parishes. Vestry minutes of Truro Parish were located by Rev. Philip Slaughter a few years before he died,<sup>22</sup> and from them he wrote a history of the parish that was very nearly complete at the time of his death in 1890.<sup>23</sup> Rev. Edward Goodwin, Historiographer of the Diocese of Virginia, subsequently re-wrote Slaughter's manuscript — annotating it and inserting items "of general interest" from the vestry minutes — and prepared *The History of Truro Parish in Virginia* for publication in 1908.<sup>24</sup> Since 1924, the vestry minute pages have "been on extended loan [from the Pohick Episcopal Church] with the Library of Congress"; since 2009, digitized images of the original pages have been available online.<sup>25</sup>

The minutes' earliest mention of James Keith occurs on 2 Feb 1736 when they note the baptism of a child by "the Rev. Mr. James Keith." The next is at the 23 Oct 1736 vestry meeting at which "the Rev. Mr. James Keith" was paid 10,544 pounds of tobacco<sup>27</sup> for officiating when Truro yet had no regular minister. In neither of these citations is Keith referenced as Hamilton's minister, although both Slaughter and Goodwin understood that to be the case — stating in their history that the vestry book "reveals the fact that the Rev. James Keith,"

<sup>&</sup>lt;sup>21</sup> Meade, 216.

<sup>&</sup>lt;sup>22</sup> Edward L. Goodwin, "Introduction," in Philip Slaughter, *The History of Truro Parish in Virginia* (Philadelphia: George W. Jacobs & Company, 1908), iii–iv.

<sup>&</sup>lt;sup>23</sup> Jane Chapman Slaughter, "Reverend Philip Slaughter: A Sketch," William and Mary College Quarterly Historical Magazine 16 (1936): 454.

<sup>&</sup>lt;sup>24</sup> Goodwin, in *History of Truro Parish in Virginia*, iv-v.

<sup>&</sup>lt;sup>25</sup> "The Truro Parish Colonial Vestry Book," *Pohick Church* (http://www.pohick.org/vestrybook.html).

<sup>&</sup>lt;sup>27</sup> The 1724 answers to Bishop Gibson's 1723 "queries to be answered by all the colonial clergy" cite an annual salary of 16,000 pounds of tobacco as standard, noting added payments for performing "other perquisites" such as marriages, baptisms, and funeral sermons. William Stevens Perry, *Historical Collections Relating to American Colonial Church, Volume I—Virginia*, (Hartford, Conn.: Church Press Company, 1870), 261–318.

<sup>&</sup>lt;sup>28</sup> Parishes often stood without ministers for a considerable length of time. For Truro, it was five years from the parish's 1732 division to the 1737 vestry meeting at which Rev. Charles Green was "received into and entertained as Minister" of the Parish. "The Truro Parish Colonial Vestry Book," 17.

of Hamilton Parish, the grandfather of Chief Justice Marshall, also officiated in this [Truro] Parish, when it was without a minister,"<sup>29</sup> imputing Keith's position at Hamilton despite its not being cited as such in the Truro vestry minutes. And at the new Dettingen Parish, minutes of the 14 Oct 1745 vestry meeting show payment of 4,064 pounds of tobacco for "part of the Rev. James Keith's salary,<sup>30</sup> a sum that would be consistent with compensation owed to Hamilton's minister for services continued after the separation and before a Dettingen minister could be installed.

But vestry books aren't the only source of information for James Keith's whereabouts. Prince William County deed books show that in 1740 Keith purchased 1,025 acres of land "being on Wolf Run (which is a branch of Occoquon) on the upper side above the falls thereof in the Parish of Hamilton in the County of Prince William." Although this land on the eastern side of the Occoquon was in Prince William County at its purchase, the property fell in the new Fairfax County with the 1742 division of Prince William. The Wolf Run land is thereby the likely basis for Keith's appearing on the list of voters in the 1744 election of burgesses in Fairfax County<sup>32</sup> in which "An elector could vote in every country [sic] in which he owned a freehold of 25 acres of improved land, or 100 acres if unimproved."

It may be supposed that during his Hamilton ministry in the 1730s and 1740s, Rev. James Keith, Mary Isham Randolph, and their growing family<sup>34</sup> lived at the parsonage on the original glebe near Darrell's Run and the Elk Run church in the lower/southern portion of the parish. But in defining the formation of Dettingen Parish in 1744, the Virginia General Assembly required that after September 1746, the original Hamilton glebe be put up for sale, stipulating that until it was sold, the original glebe and its parsonage house were to be used by "the present minister" of Hamilton Parish<sup>35</sup>—and in 1744, that would have been Rev. James Keith.

<sup>&</sup>lt;sup>29</sup> Philip Slaughter, Truro Parish, 12.

<sup>&</sup>lt;sup>30</sup> Records of Dettingen Parish, Prince William County, Virginia, Vestry Book, 1745–1785 (Dumfries, Va.: Historic Dumfries Virginia, 1976), 3.

<sup>&</sup>lt;sup>31</sup> Prince William County Deed Book E, 1740–1741, pp. 136–140.

<sup>&</sup>lt;sup>32</sup> Philip Slaughter, Truro Parish, 130.

<sup>33</sup> Ibid., 128

<sup>&</sup>lt;sup>34</sup> James Keith, b. 1734; John Keith, b. 1735; Thomas Keith, b. 1736; Mary Randolph Keith, b. 1737; Judith Keith, b. ca. 1738; Isham Keith, b. 1739; Elizabeth Keith, b. 1745; and Alexander Keith, b. 1748. First-born James Keith's age at death is noted in his obituary, *Intelligencer* (Lexington, Va.), 30 Oct 1824; as is that of his youngest brother Alexander, *Richmond Commercial Compiler*, 27 Feb 1822, Obituaries, "Henley Index," *Library of Virginia* (http://www.lva.virginia.gov/). Year of birth of other children is suggested based upon multiple sources.

<sup>&</sup>lt;sup>35</sup> Hening, 5: 261. Note that in possessing a glebe (land), a parish did not necessarily promise a livable parsonage (dwelling). See the full gamut of clergy responses re *glebe* in Perry, *Historical Collections Relating to American Colonial Church, Volume I—Virginia*, 261–318). The statute here refers to "said glebe, as it now stands ... to be deemed and taken ... as the parsonage house and glebe of the parish of Hamilton," and further requires said minister to "keep the same in tenantable repair," implying that at the time of writing, there was a parsonage on the glebe and it was indeed livable.

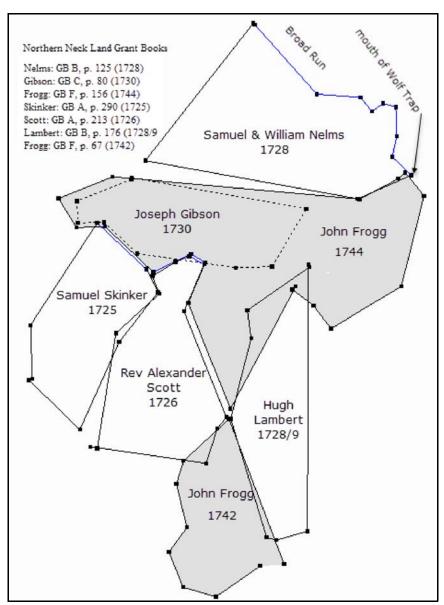


Figure 2. Northern Neck grants east side of Pignut Ridge, south of Broad Run.

Editor's note: Frogg's 1744 grant, which includes Gibson's 1730 grant, has what appears to be a copyist error that sends his line west through the middle of Scott's grant rather than east and parallel with it. That error is corrected here, but Frogg's grants still overlap adjacent grants. The Nelms grant, which borders Broad Run, allows the placement of the property.

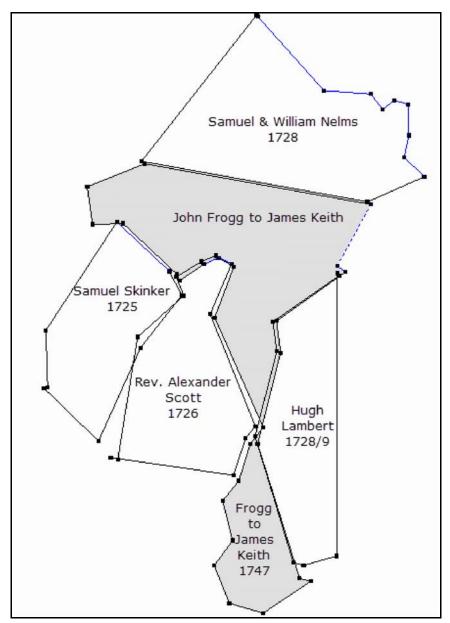
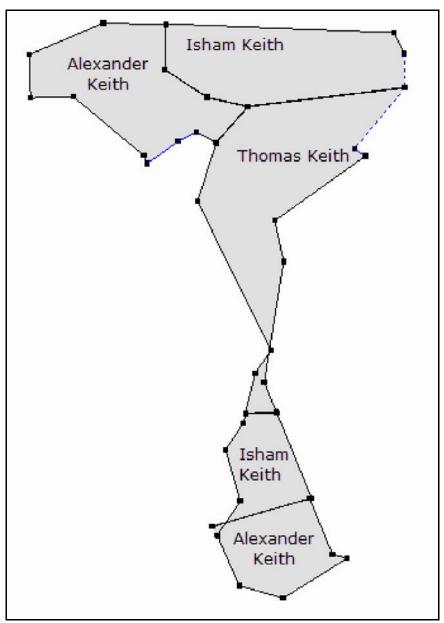


Figure 3. James Keith's 1747 purchase (shaded) of Frogg's corrected grants.

See James Keith deeds, 1747, Accession 20622 and 20621, Personal Papers Collection, Archives and Manuscripts, Library of Virginia, Richmond.



**Figure 4**. Mapped metes and bounds for the 1778 post-will division of James Keith's Pignut Ridge property.

Fauquier County Deed Book 6, pp. 522-525.

In June and July 1746, Hamilton Parish church wardens purchased two adjoining parcels of land on Licking Run in Germantown for the parish's new glebe. <sup>36</sup> The old glebe did not sell until 1748, <sup>37</sup> but in the summer of 1747, Keith had purchased two adjoining parcels from John Frogg, <sup>38</sup> joining some of the earliest grantees on land south of the Pignut Ridge in the population's expansion into the upper/northern portion of the parish (see Figures 2–4<sup>39</sup>). Keith could well have moved his family there in anticipation of the old glebe's being sold before a parsonage could be constructed on the new glebe. The 1747 Pignut Ridge land remained in the family through the next generation, divided in 1778 according to the terms of James Keith's will among his three youngest sons Thomas, Isham, and Alexander (see Figure 4<sup>40</sup>).

James Keith died in Prince William County<sup>41</sup> sometime in the winter of 1752 or early spring of 1753,<sup>42</sup> leaving Mary Isham with eight children between the ages of four and eighteen years. There is no known documentation of James Keith's death date: Keith's will was proved in June 1753 at the Prince William County court<sup>43</sup> but the will itself does not appear in the county's extant will books. Executors of the will<sup>44</sup> include Keith's widow, Mary Isham, and three gentlemen with considerable stature in the social and administrative strata of the colony: Peter Randolph, Mary Isham's cousin, son of her uncle William Randolph II of Turkey Island;<sup>45</sup> Rev. Charles Green, the first regular minister of Truro Parish;<sup>46</sup>

<sup>&</sup>lt;sup>36</sup> Prince William County Deed Book I, 1745–1746, pp. 127, 230.

<sup>&</sup>lt;sup>37</sup> "Hamilton Parish Glebes," in *Fauquier Historical Society Bulletin* 3-4 (1924), 505, citing a report in the *Journals of the House of Burgesses of Virginia* (Richmond: Virginia State Library), 7: 325.

<sup>&</sup>lt;sup>38</sup> James Keith, Deeds, 1747 July, Accession 20621, 20622, Personal Papers Collection, Archives and Manuscripts, Library of Virginia, Richmond.

<sup>&</sup>lt;sup>39</sup> Groome, Fauquier During the Proprietorship, 101. Samuel Skinker grant, Northern Neck Grants A, 1722-1726, p. 174, database and digital images, "Virginia Land Office Patents and Grants," Library of Virginia (http://www.lva.virginia.gov/). James Keith, Deeds, July 1747.

<sup>&</sup>lt;sup>40</sup> Fauquier County Deed Book 6, pp. 522–525. According to the Prince William County rent rolls for 1751–1752 Keith owned a total of 2,532 acres at the time of his death, greater than the Pignut Ridge property by 876 acres. Whether that difference is due to an error in the rent rolls or (more likely) to Keith's having other deed(s) could not be here determined due to record loss. Greg Mason, "A Rental for Prince William County from Michalmass 1751 to Ditto 1752," Prince William County Tax Lists 1738–1784, *Prince William Public Library System* (eservice.pwcgov.org/library/digitalLibrary/).

<sup>&</sup>lt;sup>41</sup> Because Fauquier County was not established until 1759, it is not accurate to say that James Keith "died in Fauquier County" in 1752 or 1753 (see Figure 1: Descent of Hamilton Parish & Fauquier County).

<sup>&</sup>lt;sup>42</sup> John Neavill's suit against Keith was dismissed 31 May 1753, "the defendant being dead." Prince William County Minute Book, 1752–1753, p. 146.

<sup>&</sup>lt;sup>43</sup> Prince William County Minute Book, 1752–1753, pp. 25, 163.

<sup>&</sup>lt;sup>44</sup> Prince William County Order Book, 1755–1757, pp. 25, 78-79.

<sup>&</sup>lt;sup>45</sup> Jefferson Randolph Anderson, "Tuckahoe and the Tuckahoe Randolphs," *Virginia Magazine of History and Biography* 45, No.1 (1937): 68.

<sup>&</sup>lt;sup>46</sup> Philip Slaughter, Truro Parish, 13.

and William Stith, Mary Isham's brother-in-law and third president of William and Mary College, 1752–1755. 47

Mary Isham lived into old age, residing on the Pignut Ridge land, then in Leeds Parish, under the care of her son Thomas.<sup>48</sup>

#### CLAIMANTS AND THEIR CLAIMS

Ancestral claims for the Rev. James Keith appear chiefly in biographies of Chief Justice John Marshall,<sup>49</sup> citing Keith as Marshall's maternal grandfather, and in genealogies of early colonial families.<sup>50</sup> Four Marshall biographers who make claims for Keith's heritage are Allen B. Magruder (1885),<sup>51</sup> Albert J. Beveridge (1916),<sup>52</sup> David Goldsmith Loth (1949),<sup>53</sup> and Jean Edward Smith (1996).<sup>54</sup> Historians of colonial families who make ancestral claims include William McClung Paxton (1885),<sup>55</sup> Thomas Marshall Green (1899),<sup>56</sup> Bishop William

<sup>&</sup>lt;sup>47</sup> "List of Presidents of the College of William & Mary," Wikipedia (https://en.wikipedia.org/).

<sup>&</sup>lt;sup>48</sup> Fauquier County Deed Book 5, 1772–1774, p. 212.

<sup>&</sup>lt;sup>49</sup> Claims to James Keith's heritage are also found in several addresses during the centenary celebrations of John Marshall's installation as Chief Justice of the United States. See John Forrest Dillon, comp. and ed., *John Marshall: Life, Character, and Judicial Services as Portrayed in the Centenary and Memorial Addresses and Proceedings Throughout the United States on Marshall Day, 1901* (Chicago: Callaghan & Co., 1903), 2: 133, 192, 307. In a separate centenary address, Charles Freeman Libby quotes (without citation) Magruder's claim in *John Marshall: An Address Delivered at the College on February 4, 1901, the Centenary of the Installation of John Marshall as Chief Justice of the United States* (Brunswick, Me.: Bowdoin College, 1901), 6.

<sup>&</sup>lt;sup>50</sup> One exception (neither Marshall biography nor colonial genealogy) is the 1876 anniversary discourse delivered by Rev. John Lindsay, then rector of St. James' Church in Warrenton, who referred to James Keith not by his relationship to John Marshall or to colonial genealogy but as the first regular minister of Hamilton Parish. Lindsay describes Keith as "a native of Scotland" who came first to this country, returned to England for holy orders, then came back once again to Virginia "to pursue the life of a clergyman." *Hamilton Parish 1730–1876: An Anniversary Discourse Delivered by the Rector Rev. John S. Lindsay in St. James Church, Warrenton, Virginia, on the Eighth Sunday after Trinity, August 6<sup>th</sup>, 1876 (Baltimore: Printing House of Sherwood & Co, 1876), 5.* 

<sup>&</sup>lt;sup>51</sup> Allan B. Magruder, *John Marshall, American Statesmen*, vol. 10, series ed. John Torrey Morse, (Boston: Houghton, Mifflin & Co, 1885).

<sup>&</sup>lt;sup>52</sup> Albert J. Beveridge, *The Life of John Marshall* (Boston: Houghton Mifflin Company, 1916).

<sup>&</sup>lt;sup>53</sup> David Goldsmith Loth, *Chief Justice: John Marshall and the Growth of the Republic* (New York: W. W. Norton, 1949).

<sup>&</sup>lt;sup>54</sup> Jean Edward Smith, *John Marshall: Definer of a Nation* (New York: Henry Holt and Co., 1996).

<sup>&</sup>lt;sup>55</sup> William McClung Paxton, *The Marshall Family, or a Genealogical Chart of the Descendants of John Marshall and Elizabeth Markham, His Wife, Sketches of Individuals and Notices of Families Connected with Them* (Cincinnati: Robert Clarke & Company, 1885).

<sup>&</sup>lt;sup>56</sup> Thomas Marshall Green, *Historic Families of Kentucky*, *First Series* (Cincinnati: Robert Clarke & Company, 1889). It should be noted that two of these earliest story tellers were related—to John Marshall and to each other: William McClung Paxton and Thomas Marshall Green were second cousins, their respective mothers (Anna Maria Marshall and Mary Keith Marshall) were first cousins, and their respective grandfathers (Alexander Keith Marshall and Thomas A. Marshall) were brothers of John Marshall. *Early Colonial Settlers of Southern Maryland and Virginia's Northern Neck Counties* (http://colonial-settlers-md-va.us/getperson.php?personID=I004725&tree=Tree1).

Meade (1891),<sup>57</sup> Louise Pecquet du Bellet (1907),<sup>58</sup> Stella Pickett Hardy (1911),<sup>59</sup> Lyon Gardner Tyler (1915),<sup>60</sup> Katherine Isham Keith (1923),<sup>61</sup> H. C. Groome (1927),<sup>62</sup> Frederick A. Virkus (1937),<sup>63</sup> Jefferson Randolph Anderson (1937),<sup>64</sup> VMHB reviewer of Mrs. Somerville's "Chart" (1948),65 and Frederick Lewis Weis (1976).66

Although Magruder's and Paxton's are the earliest entries in the lists above and were published in the same year (1885), the two authors have very different intentions: Magruder's work is entirely devoted to John Marshall, appearing in the Houghton Mifflin series of volumes on "American Statesmen" that began in 1882. Magruder's assertion that Rev James Keith was "cousin-german to the last Earl Marischal and to Field-Marshal James Keith" is his only claim for Keith's ancestry and occurs only as an aside in telling John Marshall's story. 67 On the other hand. Paxton's book is an extended genealogy of the Marshall family.<sup>68</sup> and it is in this work that Paxton lays out details of Rev James Keith's supposed origins:<sup>69</sup> born in Scotland in 1696, cousin-german [first cousin] to the last Earl Marischal, educated at Marischal College in Aberdeen, participated in the Jacobite rebellion of 1715, received holy orders, and fled to Virginia. And it is this basic story that is reiterated in later works with only slight variation and no

<sup>&</sup>lt;sup>57</sup> William Meade, Old Churches, Ministers, and Families of Virginia, vol.2 (Philadelphia: J B Lippincott Company, 1891).

<sup>&</sup>lt;sup>58</sup> Louise Pecquet du Bellet, Some Prominent Virginia Families, vol. 2 (Lynchburg, Va.: J P Bell

Company, 1907).

59 Stella Pickett Hardy, Colonial Families of the Southern States of America: A History and Genealogy of Colonial Families Who Settled in the Colonies Prior to the Revolution, 2nd. ed. (Baltimore: Southern Book Co., 1958).

<sup>60</sup> Lyon Gardner Tyler, ed., Encyclopedia of Virginia Biography, vol. 5 (New York: Lewis Historical Publishing Company, 1915).

<sup>61</sup> Katherine Isham Keith, "James Keith of Fauquier," Fauquier Historical Society Bulletin No 3 (1923): 287-302.

<sup>&</sup>lt;sup>62</sup> Groome, Fauquier During the Proprietorship, 1927.

<sup>&</sup>lt;sup>63</sup> Frederick A. Virkus, ed., The Compendium of American Genealogy: The Standard Genealogical Encyclopedia of First Families of America, vol. 6, (Chicago: Institute of American Geneaology, 1937). <sup>64</sup> Anderson, "Tuckahoe and the Tuckahoe Randolphs," 70–71.

<sup>65</sup> Review [author unknown] of R. N. Somerville's "Chart of the Descendants of the Reverend James Keith (1696-1753) and His Wife Mary Isham Randolph," Virginia Magazine of History and Biography 56, No 1 (1948): 109-110.

<sup>&</sup>lt;sup>66</sup> Frederick Lewis Weis, The Colonial Clergy of Virginia, North Carolina and South Carolina, (Baltimore: Genealogical Publishing Company, 1976).

<sup>&</sup>lt;sup>67</sup> Magruder, John Marshall, American Statesmen, 5.

<sup>&</sup>lt;sup>68</sup> The Marshall Family is devoted to following Paxton's maternal lines; a later volume is devoted to his paternal lines. See The Paxtons: Their Origin in Scotland, and Their Migrations Through England and Ireland, to the Colony of Pennsylvania, Whence They Moved South and West, and Found Homes in Many States and Territories (Platte City, Mo.: Landmark Print, 1903).

<sup>&</sup>lt;sup>69</sup> In his introduction Paxton states, "This volume is intended for a book of reference. . . . I have dealt in facts, rather than panegyric." Yet only two pages later, Paxton writes that "Tradition is the only authority the Marshall family have [sic] for claiming descent from William le Mareschal, ...," and it is fair to wonder if "family tradition" is his authority for James Keith's ancestral heritage as well. Paxton, The Marshall Family, 3, 5.

apparent question,<sup>70</sup> although later claimants differ as to Keith's specific birth date and place (some making no claim to birth date, some claiming only "Scotland" as birth place)<sup>71</sup> and two differ from Paxton's claim for Keith's participation in the Jacobite rebellion.<sup>72</sup>

The chief difference among all claimants concerns James Keith's father: two claimants<sup>73</sup> repeat Paxton's claim that Keith's father was Bishop Robert Keith, uncle and guardian of the Earl Marischal and a professor at Marischal College, eleven claimants make no claim at all, <sup>74</sup> and three claimants present entirely different cases, as follows. First, Pecquet du Bellet lifts and repeats Paxton's claim that "Parson James Keith . . .was a son of a professor in the Marischal College of Aberdeen" but crucially omits the words "a son of," <sup>75</sup> an omission that would make Keith himself "a professor in the Marischal College." Second, whether or not Stella Pickett Hardy is descended from Paxton's Marshall-Pickett lines, she takes an altogether different route from Paxton's (without citing any basis for same), proffering instead a descent from Alexander Keith of Pittendrum rather than from the Earls Marischal. <sup>76</sup> And third, Jean Edward Smith claims that James Keith's father was George, uncle and tutor to the Earl Marischal and a professor at Marischal College who lost his chair in 1717. <sup>77</sup>

### **Researching the Claims**

Each of the claims for Rev. James Keith's ancestral heritage is vulnerable to the critique from a reviewer of the Hardy genealogy: "If Rev. James Keith was son

<sup>&</sup>lt;sup>70</sup> Although James Keith is not mentioned directly in *The Diary of Robert Rose* (Verona, Va.: McClure Press, 1977), the diary's editor and annotator, Ralph Emmett Fall, references James Keith's Scottish ancestry (Ibid., 227 note 430), citing Marguerite Du Pont Lee's *Virginia Ghosts* (Berryville, Va.: Virginia Book Company, 1966), 153 as his source, where Lee has simply repeated (without citation) Paxton's basic claims of James Keith's ancestry (Paxton, 24–25).

<sup>&</sup>lt;sup>71</sup> In claiming that Keith "in 1715 was a youth of nineteen" (Ibid.), Paxton asserts Keith's birth in 1696, a birth year claimed also by Virkus, 786; Anderson, 70; VMHB reviewer of Somerville chart, 109; and Weis, 29; and approximated by Smith, 24. In citing Scotland as home to the Earl Marischal Keiths, Paxton infers Scotland as the James Keith's birthplace, claimed also by Meade, 216; Hardy, 311; Tyler, 604, 871; Anderson, 70; and Weis, 29. Peterhead is further specified by Green, 103; Keith, 287; Groome, 141; Virkus, 786; and the VMHB reviewer of the Somerville chart, 109.

<sup>&</sup>lt;sup>72</sup> Neither the VMHB reviewer, 109, nor Weis, 29, join Paxton's claim for Keith's participation in the Jacobite rebellion.

<sup>&</sup>lt;sup>73</sup> Both Tyler, 613, and Virkus, 786, join Paxton's claim that James Keith was a son of Robert Keith.
<sup>74</sup> Among the nine claimants who make no claim as to Rev James Keith's father, Beveridge, 17, and Groome. 141. write only that Keith was "a younger son of a distinguished family." and the VMHB

reviewer that James Keith was "evidently of an ancient line of ancestry," 109.

75 Pecquet du Bellet, 475. Because her description is otherwise word-for-word with Paxton's, the

<sup>&</sup>lt;sup>75</sup> Pecquet du Bellet, 475. Because her description is otherwise word-for-word with Paxton's, the omission of "the son of" must be a typographic error, confirmed in the very next sentence that begins "The professor was Bishop of the Episcopal Church, and the uncle and guardian ..." where "the professor" clearly cannot refer to James Keith.

<sup>&</sup>lt;sup>76</sup> Hardy, 311.

<sup>&</sup>lt;sup>77</sup> Smith, 534, note 26.

of [here fill in the claimant's candidate], proof of it should have been given."<sup>78</sup> Searching the various claims begins with the assertion of his Scottish birth as a descendent in line of the Earls Marischal. Figure 5 depicts that lineage from William Keith, 3<sup>rd</sup> Earl Marischal, through the Marischal<sup>79</sup> and the Pittendrum<sup>80</sup> lines and can be referred to in what follows to refute the several claims for Rev. James Keith's peerage ancestry.

### The claim that Rev. James Keith was born in Scotland in 1696:

A 1696 birth in Scotland is commonly cited for the Rev. James Keith, with or without further claims as to ancestral heritage. 81 And yes, records of the Scottish peerage do indeed show such a birth time and place: for James Edward Frances Keith, brother to George Keith, the 10<sup>th</sup> Earl Marischal of Scotland, born in 1696 at the Castle of Inverugie near Peterhead, Scotland. 82 The facts of that man's birth, education, participation in the 1715 Jacobite rebellion, and service in Spain, Ukraine, and finally, in Prussia as Field Marshall under Frederick the Great, are not debated here or elsewhere, but there is nothing among those facts that points to the Rev. James Keith of Virginia. Field Marshall James Keith would have been well known in the late nineteenth century when the earliest claimants here were publishing; Scotland is not an unlikely birthplace for a surnamed Keith, nor is a birth year of 1696 totally unreasonable for an adult arriving in the colonies in the 1720s, so without looking further, this may have been a simple case of mistaken identity. Yet the fact that Field Marshall James Keith died having never married<sup>83</sup> contradicts what was known of the Rev. James Keith in the late nineteenth century and should have precluded casting the former's life events as Rev. James Keith's heritage.

<sup>&</sup>lt;sup>78</sup> Review [author unknown] of Stella Pickett Hardy's "Colonial Families of the Southern States of America—A History and Genealogy of Colonial Families Who Settled in the Colonies Prior to the Revolution" *Virginia Magazine of History and Biography* 19, No 4 (1911), 447.

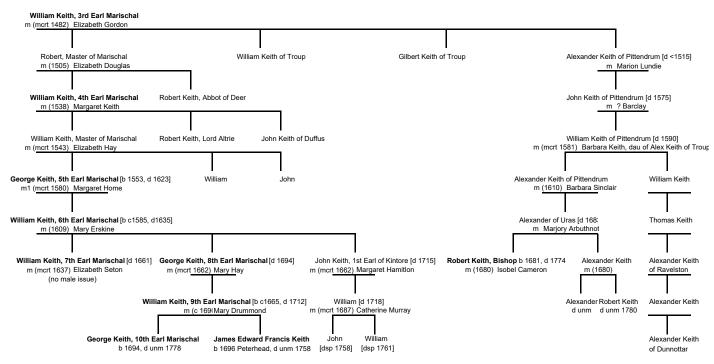
<sup>&</sup>lt;sup>79</sup> Sources for the Marischal lineage: Sir James Balfour Paul, ed., *The Scots Peerage — Founded on Wood's Edition of Sir Robert Douglas's Peerage of Scotland Containing An Historical and Genealogical Account of the Nobility of That Kingdom* (Edinburgh: David Douglas, 1909), 6: 25–65; Cokayne, George Edward [G.E.C.], ed., *The Complete Peerage or a History of the House of Lords and All Its Members from the Earliest Times, Revised and Much Enlarged by The Hon. Vicary Gibbs* (London: St Catherine Press, 1932), 8: 464-487. Sources for the Kintore lineage: Paul, *The Scots Peerage* (1908), 5: 240–242; Cokayne, *The Complete Peerage* (1929), 7: 327–329.

Sources for the Pittendrum lineage: Paul, *The Scots Peerage* (1909), 6: 44–45. Sources for Bishop Robert Keith's place in that lineage: John Parker Lawson [J. P. L.], "Preface" and "Biographical Sketch of the Right Reverend Bishop Keith," in Bishop Robert Keith, *History of the Affairs of Church and State in Scotland: From the Beginning of the Reformation to the Year 1568* (Edinburgh: Alex. Laurie & Company for the Spottiswoode Society, 1844), 1: v–viii, ix–xc.; P. J. Anderson, "The Heirs of the Keiths," *Scottish Notes and Queries* 7, No. 12 (1894): 177, 184-185; D. M. Bertie, ed., *Scottish Episcopal Clergy*, 1689–2000 (Edinburgh: T&T Clark, 2000), 74.

<sup>&</sup>lt;sup>81</sup> Without claiming a birth year, Loth writes that whereas James Keith was "[W]ell along in middle age when he married [ca.1933], he was almost an old man by the time his children were grown." Loth, 17.

<sup>82</sup> Paul, 6: 61; Cokayne, 8: 485.

<sup>83</sup> Paul, 6: 62; Cokayne, 8: 486.



dsp (descessit sine prole): died without issue d unm: died unmarried mcrt: marriage certificate

Figure 5. Family tree of the Earls Marischal, lineage from William Keith, 3rd Earl Marischal

The claim that Rev. James Keith was first cousin to the 10th (last) Earl Marischal: William Keith, 9th Earl Marischal, was an only son, 84 and thus his son, George Keith, 10th Earl Marischal, had neither uncle nor cousins (see Figure 5).

The claim that Rev. James Keith was son of Bishop Robert Keith: According to Scots peerage and ecclesiastic histories, Bishop Robert Keith had no male offspring, 85 in his own words, "having only one daughter." 86

The claim that Rev. James Keith was a professor at Marischal College: According to records of the Marischal College and University, there was no professor or lecturer named James Keith in the years 1625–1860.87

The claim that Rev. James Keith descended from Alexander Keith of Pittendrum: The male descent from Alexander Keith of Pittendrum, fourth son of William Keith, 3rd Earl Marischal, ended with Alexander Keith of Dunnotar. In that line there are several Alexanders, one John, two Williams, and one Thomas, but there is no James (see Figure 5).88

The claim that Rev. James Keith was son of a professor at Marischal College: Offspring of Marischal College professors are not listed in the Marischal records, 89 but that fact neither proves nor disproves the claim.

Marischal and a professor at Marischal College who lost his chair in 1717: George Keith was neither uncle nor tutor to the Earl Marischal, nor was he a professor at Marischal College. First, the Earl Marischal had no paternal uncle since his father was an only child (as noted above), and second, it was Robert Keith, later Bishop, a 1699 graduate (not professor) of Marischal College who for seven years was tutor and preceptor to the Earl Marischal.<sup>90</sup> Yes, there was a

The claim that Rev. James Keith was son of George, uncle and tutor to the Earl

George Keith who was Regent (not a professor) at Marischal College who did indeed lose his chair, but in 1714 (not 1717)—and for adultery with a (named) married woman, 91 not for "siding with the Pretender" as claimed, 92

<sup>84</sup> Paul, 6: 61; Cokayne, 8: 484.

<sup>85</sup> P. J. Anderson, Scottish Notes, 177, 184–185; Bertie, 74.

<sup>86</sup> Bishop Robert Keith, "Vindication of Mr. Robert Keith, and of his young grand-nephew Alexander Keith, from the unfriendly representation of Mr. Alexander Keith, Junior, of Ravelston" (inserted at the end of History of the Affairs of Church and State, 1884), 1: lxxxix.

<sup>&</sup>lt;sup>87</sup> P. J. Anderson, ed., Fasti Academiae Mariscallanae Aberdonensis: Selections from the Records of the Marischal College and University 1593-1860, Vol. 2: Officers, Graduates, and Alumni (Aberdeen: [printed for The New Spalding Club], 1898), 51-74.

<sup>88</sup> Paul, 6: 44-45.

<sup>89</sup> P. J. Anderson, *Fasti*, 3–80.

<sup>90</sup> Bishop Robert Keith, xii; Bertie, 74.

<sup>91</sup> P. J. Anderson, Fasti, 39.

<sup>&</sup>lt;sup>92</sup> Smith, 534 note 29.

### The claim that Rev. James Keith was educated at Marischal College:

According to records of the Marischal College and University, Field Marshal James Edward Francis Keith was a graduate in 1715,<sup>93</sup> but no other James or Jacobus Keith is listed among students or graduates between 1671 and 1792.<sup>94</sup>

### "LEGEND OF THE RANDOLPHS": A CAUTIONARY TALE OF SECONDARY SOURCES

In addition to his fabled story of Keith's ancestry, Paxton's 1885 narrative includes a "Legend of the Randolphs," a melodramatic story of Mary Isham Randolph's elopement and marriage, her brothers' revenge, and her subsequent insanity. <sup>95</sup> Tracking the elaboration of this "legend," and its journey forward as fact, provides a cautionary tale in the use of secondary sources. <sup>96</sup>

### The trail begins with Paxton:

The story is told that when Mary Isham Randolph was blooming into womanhood, she was induced by the bailiff upon the estate of Tuckahoe to elope with him. There was great excitement among the family and neighbors, and threats were freely made by the brothers. Some years ago, the Diary of Col. Byrd, who lived at about the period referred to, was published in the *Southern Literary Messenger*, and he records the excitement in the family of the Randolphs, on the occasion of the elopement of one of the daughters. The search for the fugitives for a time was fruitless. At length their retreat was discovered on Elk Island, in James River. The angry brothers came upon them by night, murdered the bailiff and the child, and brought their sister home. The deed of blood and cruelty so affected the wife and mother that she became deranged.

... Years passed. Mary Randolph married Parson James Keith. A family of children had grown up around them. The tragedy at Elk Island had been forgotten. The bailiff was supposed to be dead. But, one day Mrs. Keith received a letter, and, on opening it, found that it purported to be from the Bailiff. It stated that he still lived; that he

<sup>93</sup> P. J. Anderson, Fasti, 292.

<sup>&</sup>lt;sup>94</sup> Ibid., 186–375. In reference to the alleged licentiousness of colonial clergy in general, Smith (533, note 20) cites Alexander Keith's assertion that James Keith was "a shadowy seventeenth-century alumnus of Marischal College [who went to America and became the ancestor of John Marshal]." *A Thousand Years of Aberdeen* (Aberdeen: Aberdeen University Press, 1972), 213, note 1. Yet if Rev. James Keith was born in 1697, as Smith avers (Smith, 25), Keith could not be a seventeenth-century alumnus of *any* college, and the assertion is untenable on its very face.

<sup>95</sup> At the top of one page, Paxton remarks that "Stories are told of this lady that need confirmation," yet at the bottom of the very same page (Paxton, 25), Paxton presents that story as legend — as having "dealt in facts, "rather than panegyric," as he states in his Introduction (Paxton, 3).
96 Paxton's narrative also includes "The Keith Legend," the lurid tale of a fellow student of Keith's

<sup>&</sup>lt;sup>96</sup> Paxton's narrative also includes "The Keith Legend," the lurid tale of a fellow student of Keith's from Scotland, a secret pact with a pledge that whoever of them died first should "return to the other with the truth or falsity of the Bible," and the subsequent visitation of the friend's spirit to Keith's household, followed by Keith's death six months later (Paxton, 30). This second legend is repeated nearly verbatim in Lee's *Virginia Ghosts*, 154–155.

that was left as dead, had revived, had changed his name, and had fled to foreign countries; after years of wandering had returned to look upon his lawful wife; had found her married and happy; that he would not afflict her by claiming her as his own, but advised her to be happy and forget him, who had more than died for her love, for she should hear no more of him. This letter was perhaps written by some evil-disposed person, or may have been only a practical joke. However that may be, it unhinged the mind of Mrs. Keith. She vainly sought for him, and throughout the remnant of her days her insanity manifested itself by a quiet melancholy, varied by some sudden freak of folly.<sup>97</sup>

Beveridge is close on Paxton's heels, following him throughout, 98 but adds this note:

With this lady [Mary Isham Randolph] the tradition deals most unkindly and in highly colored pictures. <sup>99</sup> An elopement, the deadly revenge of outraged brothers, a broken heart and resulting insanity overcome by gentle treatment, only to be reinduced in old age by a fraudulent Enoch Arden letter apparently written by the lost love of her youth—such are some of the incidents with which this story clothes Marshall's maternal grandmother. <sup>100</sup>

Smith repeats and embellishes Paxton's basic "legend," marking the end of the trail thus:

In the early 1730s Mary Isham Randolph, the eldest daughter of Thomas and Judith of Tuckahoe, then a young girl of sixteen or seventeen, fell in love and eloped with a slave overseer from her uncle Isham's Dungeness plantation — an Irishman by the name of Enoch Arden. The two were married secretly and had a child. Eventually they were discovered to be living on remote Elk Island in the James River. According to family chroniclers, the enraged Randolphs descended on the island, killed Arden and the baby, and took Mary back to Tuckahoe. The tragic loss of her husband and child shattered Mary's sanity. <sup>101</sup>

Several questions arise in following this trail. First, Paxton claims the source for his "Legend of the Randolphs" was a diary, written by Col. [William] Byrd and published in the *Southern Literary Messenger*, yet Paxton's claim for publication of such a diary is not borne out in an online search of that journal's complete archive [1834–1864] at the University of Michigan. 102 Although it is not known

<sup>&</sup>lt;sup>97</sup> Paxton, 25–26.

<sup>&</sup>lt;sup>98</sup> Beveridge, 16–18.

<sup>&</sup>lt;sup>99</sup> Where Beveridge refers merely to Mary's being cast in "highly colored pictures," Loth is more forthright, referring to "a number of romantic but unlikely stories about her early loves and adventures." Loth, 17.

<sup>100</sup> Beveridge, 18, note 7.

<sup>101</sup> Smith, 24.

<sup>102</sup> Of the 51,729 items in the archived collection of the *Southern Literary Messenger*, "Byrd, Henry T." is the only return for an author search on "Byrd." *Making of America Journal Articles* (http://quod.lib.umich.edu/m/moajrnl?c=moajrnl&cc=moajrnl&key=author&page=browse&value=b yrd&Submit=Submit).

with certainty what of Byrd's writings Paxton might have seen in years preceding 1885 (the year of his own publication), possible sources include a compilation of Byrd's writings printed in 1841<sup>103</sup> and another drawn from an edition of Byrd's papers printed in 1866.<sup>104</sup> Both compilations include "A Progress to the Mines"— a diary of travels, conversations, and repasts that may or may not have been Paxton's true source.<sup>105</sup> The diary, written in 1732, includes an account of a conversation with Mary Isham's mother, the then-recent widow of Thomas Randolph, and her sister-in-law "Mrs. Fleming." Here's Byrd in "A Progress to the Mines":

I ... pursued my Journey to Mr. Randolph's, at Tuckahoe ... Here I found Mrs. Fleming, who was packing up her Baggage with design to follow her Husband the next day, who was gone to a new Settlement in Goochland. The Widow smiled graciously upon me, and entertain'd me very handsomely. Here I learnt all the tragical Story of her Daughter's humble Marriage with her Uncle's Overseer. Besides the meanness of this mortal's Aspect, the Man has not one visible Qualification, except Impudence, to recommend him to a Female's Inclinations. But there is sometimes such a Charm in that Hibernian Endowment, that frail Woman can't withstand it, tho' it stand alone without any other Recommendation. Had she run away with a Gentleman or a pretty Fellow, there might have been some Excuse for her, tho' he were of inferior Fortune: but to stoop to a dirty Plebian, without any kind of merit, is the lowest Prostitution. I found the Family justly enraged at it. 106

Whether or not this particular Byrd diary prompted Paxton's "legend," it is indicative of Byrd's style of writing, and as such, points to the vast distance covered at the very start of the trail — from Byrd's one-sentence report of the "tragical story" of "a humble marriage" to Paxton's florid elaboration as "legend."

Second, compare Paxton's and Smith's telling in the passages above and it appears that Smith detours in quoting sources for Paxton's legend, in some instances using language from the 1732 Byrd diary, in others using language as Paxton cites it — referring, for example, to Byrd's "overseer" (not to Paxton's "bailiff"), describing him as "an Irishman" (Byrd's "Hibernian") where Paxton makes no attribution as to his heritage.

<sup>&</sup>lt;sup>103</sup> Edward Ruffin, ed., The Westover Manuscripts: Containing the History of the Dividing Line Betwixt Virginia and North Carolina; A Journey to the Land of Eden, A. D. 1733; And A Progress to the Mines. Written from 1728 to 1736, and Now First Published Westover Manuscripts, William Byrd, of Westover (Petersburg: Printed by Edmund and Julian C. Ruffin, 1841).

<sup>&</sup>lt;sup>104</sup> Bassett explicitly cites the Wynne 1866 edition as the source for his compilation of Byrd writings (John Spencer Bassett, ed., *The Writings of "Colonel William Byrd of Westover in Virginia Esar."* (New York: Doubleday, Page & Co. 1901), v.

Esqr." (New York: Doubleday, Page & Co, 1901), v.

105 It is this Byrd account that Kemper cites at length in his note on Thomas Randolph at the 8 Feb
1727 meeting of the Virginia Council (Charles E. Kemper, ed., "Virginia Council Journals 1726–1753,
Vol. 605–1418," Virginia Magazine of History and Biography 32, No. 4 (1924): 392–394.

<sup>106</sup> Bassett, 338.

Finally, and more critically, is Smith's embellishment of Paxton's legend in identifying the overseer/bailiff "by the name of Enoch Arden." But this is clearly a misreading of Beveridge's text: in writing of an "Enoch Arden letter," Beveridge refers to Enoch Arden not as a letter writer but as a legal term for a marriage in which a husband, disappeared and thought dead, returns to find his wife remarried<sup>107</sup> — the situation in Tennyson's 1864 poem that gives the Enoch Arden statutes their name. The legend's letter to Mary Isham Randolph is "fraudulent" in the allegation of its being written at all: in the Tennyson poem, the returning husband decides *not* to write a letter and so not disturb the now-happy woman. <sup>108</sup>

At trail's end, it is this embroidered account that is found in recent biographies<sup>109</sup> and online genealogies,<sup>110</sup> asserting as if fact that Enoch Arden was the first husband of twice-married Mary Isham Randolph. But the truth is that the "legend" is a fabrication, perpetuated by unquestioned reiteration of secondary sources.

Although a loss of particular records has left gaps in the history of the Rev. James Keith, his wife Mary Isham Randolph, and the parishes he served, researching a variety of records has helped to flesh out a fuller picture. And those same research techniques have, in turn, provided information needed to evaluate family legends—stories that were authored and continue to be told by others who fail to examine their provenance or question their veracity. Indeed, this research has proved demonstrative in that regard and serves, one hopes, as a caution that undocumented stories—no matter how frequently they are repeated, or by whom—are stories only: they do not constitute family history.

<sup>&</sup>lt;sup>107</sup> Robert E. Oliphant and Nancy Ver Steegh, *Family Law*, 2nd ed. (Frederick, Md.: Aspen Publishers, 2007), 60.

 $<sup>^{108}</sup>$  "Enoch Arden,"  $Encyclopedia\ Britanica$  (https://www.britannica.com/topic/Enoch-Ardenpoem-by-Tennyson).

<sup>109</sup> Examples of the legend's perpetration in recent biographies include Michael Knox Beran's in *Jefferson's Demons: Portrait of a Restless Mind* (New York: Free Press, 2003), 209 and Jaquelin Payne Taylor's in *Love and War: The Eventful Life & Times of Polly & John Marshall* (Bloomington, Ind.: iUniverse, 2011), 18.

<sup>110</sup> Examples of the legend's perpetration in online genealogies include Hard Honesty (http://rdhardesty.blogspot.com/2013/11/young-fellows-upon-wrong-pursuits.html); genealogieonline (https://www.genealogieonline.nl/en/the-forgotten-ones/P18224.php); and any number of individual sites at MyHeritage (https://www.myheritage.com/).