

James Sims (1754-1845)
Pioneer of Nicholas County, West Virginia
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A little over two hundred years ago, our ancestor James Sims came to Kanawha County with his young wife Elizabeth Cotton and the children from his first marriage. He settled in the area of Kanawha County, Virginia, which later became Nicholas County, West Virginia.

James Sims, born 8 October 1754¹ in Culpeper County, Virginia, was the only child of Jeremiah Sims and Agatha Nalle. On 4 March 1768² a weak and sick Jeremiah Sims wrote his will which was probated 18 October 1768³ in Culpeper County. James was nearly 14 when his father died in 1768. Jeremiah left half of his estate to his beloved wife Agatha Sims and the other half to his loving son James Sims. In the event that James would die without heirs the estate was to be divided equally between Jeremiah's two nephews, Thomas Graves and Jonathan Sims or their heirs. Jeremiah appointed his loving wife Agatha and his loving friends Edward Sims, John Nalle Jr., and Henry Pendleton as executors of his will. The will was witnessed by Thomas Griffin, Moses Spicer, Henry Pendleton and John Nalle Jr.

"In the name of God Amen. I, Jeremiah Sims of the County of Culpeper being sick and weak but of perfect mind and memory blessed by God for it, Do constitute ordain and appoint, this my last will and testament in manner and form following (to wit) In the first place I bequeath my soul to God was gave it, and my Body to be decently buried. ITEM I lend unto my beloved wife, Agatha Sims one half of my estate both real and personal during her natural life, after my just debts are paid. ITEM I give and bequeath unto my loving son James Sims one half my estate both real and personal after my just debts are paid. ITEM My will and desire is that if my said son James Sims should dec without heir that my wife have the use of my whole estate during her natural life and then to be equally divided between my two nephews, Thomas Graves and Jonathan Sims or their heirs. ITEM I do constitute and appoint my beloved wife Agatha Sims executrix and my loving friends Edward Sims, John Nalle Jr. and Henry Pendleton executors of this my last will and testament. Witness my hand and seal this twenty fourth day of March 1768.

Jeremiah Sims (LS.)

Signed, sealed and acknowledged in presence of us:

Thomas Griffin and Moses Spicer, Henry Pendleton and John Nalle Jr.⁴

¹ Declaration of James Sims dated 18 February 1834 in order to obtain the benefits of the Act of Congress passed June 7th, 1832 (Revolutionary War Papers) transcribed from photocopies procured by David Fridley from the National Archives (pension claim file ref. # S 19464).

² Culpeper County, Virginia, Will Book A, pg. 466

³ Culpeper County, Virginia, Will Book A, pg. 466

⁴ Transcription courtesy of Rose Mary Sims Rudy (e-mail 13 Jan 2002)

Jeremiah's will establishes that James Sims was the son of Agatha and Jeremiah. Agatha Nalle was the daughter of John Nalle and Mary Brown. John Nalle's will, written 16 September 1780⁵ and probated in Culpeper County, Virginia, 19 August 1782⁶, mentions amongst his legatees his daughter Agatha Hill and her son James Sims. In the item concerning his daughter Agatha, John lends to her half the service of a Negro woman Jinncy (or Jinney) during her lifetime and the other half goes to the grandson James Sims from the time of his mother's marriage to Russell Hill. After Agatha's death the slave and her increase is willed to James Sims and his heirs forever. Agatha was also left ten shillings.

"Item. I Lend to my daughter Agatha Hill half the Service of a Negro Woman named Jinncy During my Daughters life the other half of the said Negroes Service to my Grandson James Sims from the time of My Daughters marriage to Russel Hill, and after My Daughters Descease I give the Said Negro Woman Jinncy and her Increase to my Grandson James Sims to him and his Heirs for Ever also Ten Shillings to my Daughter Agatha Hill and her Heirs for Ever."⁷

On 15 January 1776 in Culpeper County, Virginia, Russell Hill of Culpeper and one Agness (not Agatha) Wood of Culpeper entered into an agreement because of a marriage to be solemnized between the two of them shortly after the above date. In this document Agness Wood states and Russell agrees that any property, etc. she brings to the marriage is hers and if she should die before him said belongings and property will be given by Russell Hill to her son - James Sims and if James Sims should die before his mother then to James Sims' heirs. If Russell Hill should die before Agness Wood (Hill) then his property, etc. is to go to his sons and Agness agrees to this. Also, if Russell Hill should die before Agness then she would receive only her present estate that she brings into the marriage. This was witnessed by three men: Richard and John Vawter and John Breedlove.⁸ It is possible that James Sims' mother Agatha married a Mr. Wood between 1768 and 1775 and was widowed for a second time. There is no proof that the above Agness Wood is our Agatha Nalle but it is something to be researched. The fact that this Agness Wood has a son named James Sims and a marriage is to be solemnized between her and Russell Hill lends credit to this assumption.

James Sims married Phebe [--?--], born Abt. 1755 in Virginia, before 1777. Robert Owens notes that they were married 1775 in Culpeper County, Virginia⁹. (Note: Rose Mary Sims Rudy recently heard from Col. Owens; he told her his information was not to be considered as it has been successfully disputed by other researchers.) According to family tradition his wife was a cousin. It has not been proven that she was from the Sims or the Nalle side of the family. George R. Penick, Jr. in his compilation of information on the descendants of James Sims wrote that John H. Simms of Boomer, WV (1872-1950?), who did considerable family research,

⁵ Culpeper County, Virginia, Will Book B, pg.519-522

⁶ Culpeper County, Virginia, Will Book B, pg.519-522

⁷ *Nall Families of America including Nalle, Naul, Nalls*. Compiled and published by Sally Nall Dolphin and Charles Fuller Nall. 1978

⁸ Estep, Lee. E-mail dated February 7, 2002. Information he found in Culpeper County, VA, Deed Book H, page 189-190.

⁹ Owens, Robert. RootsWeb's WorldConnect Project. John Symes descendents. 25 August 2001. Online <http://worldconnect.rootsweb.com/cgi-bin/igm.cgi?op=GET&db=:107791&id=I9532> 23 October 2001.

seems to have been of the understanding that James' first wife's name may have been Phoebe Nalle (a cousin on his mother's side).¹⁰ It should be noted here that James' eldest son Jeremiah and his eldest daughter Elizabeth both named their eldest daughters Phoebe.

William H. Maginnis wrote in notes found in Virginia Bondurant Johnson's DAR file "As several persons named James Sims were recorded in Culpeper County, Va., between 1768 and 1808, I took note of the names of their wives and after some study came to the conclusion that the James Sims whose wife was named Phoebe was the one who moved to Bath County and later, after Phoebe was drowned, to Gauley river in what is now Nicholas county, W.Va."

Here an error in information needs to be noted. Many researchers have listed James Sims' first wife as his cousin Elizabeth Sims. However documentation has since been found to correct this. This documentation which includes the circumstances of Phebe's death in 1794 will be discussed in sequential order.

James and Phebe's first child Jeremiah, named after James' father, was born 24 May 1777¹¹. Most likely James missed out on the first three months of Jeremiah's life as he declared:

"In the month of June 1777 according to his recollection he was called into the service as a drafted militia man under Captain John Tutt for a tour of three months. He served as Orderly Sergeant in said Company. He resided then in Culpepper County Virginia, and said Company was collected in said County. The company was marched towards Fredericksburg, and kept moving about through the country around thereabout guarding it from the depredations of the British, Tories, and Negroes, and after Serving out his time he was discharged....."¹²

On 21 July 1777 James Sims and his wife Phebe deeded to "Martin Nalle son of John" a certain "parcel of land containing one hundred and eighteen acres... in the Great Fork of Rappahanock river Joining on Devils Run."¹³ Martin Nalle the brother of Agatha Nalle Sims was James' uncle. In 1785 in Culpeper County, Virginia, the Sims tract was sold by James Nalle to Francis Nalle (both brothers of Martin), "... Land being formerly the property of said Martin Nalle dec'd was given by him by will...."^{14,15}

¹⁰ A compilation of data on James Sims and his family by George R. Penick, Jr. of Arlington, Virginia, made in 1978, 1979 and 1980. This compilation will be referred to as *The Penick Papers*. Penick was a descendant of James' son William.

¹¹ David Fridley calculated his birthdate from age given at death on tombstone. Jeremiah died 19 January 1824 in German Twp, Clark Co, OH, at 46 years of age. His tombstone records his age as 46 yrs., 7 mos., 26 days. His body was interred in Callison Cemetery in German Twp, Clark Co, OH. Cemetery listing: <http://www.geocities.com/Heartland/Garden/3458/Townships/German/Callison.htm>

¹² Declaration of James Sims dated 18 February 1834 in order to obtain the benefits of the Act of Congress passed June 7th, 1832 (Revolutionary War Papers) transcribed from photocopies procured by David Fridley from the National Archives (pension claim file ref. # S 19464).

¹³ Culpeper County, VA, Deed Book H pages 475-477.

¹⁴ *Nall Families of America including Nalle, Naul, Nalls*. Compiled and published by Sally Nall Dolphin and Charles Fuller Nall in 1978. pg. 36-37.

¹⁵ Culpeper County, VA, Deed Book H, pages 162-164.

A copy of the above deed must be procured or Deed Book H pages 475-477 must be consulted to verify the date of this transaction. If James' statement that he was called to service in June 1777 is correct then he would not have been in Culpeper County in July 1777. Another source lists a different date for this land deed:

"In Deed Book H, page 475, Culpeper, Va., in deed dated Dec. 17, 1779, 11 years after the date of Jeremiah Sims's will, James Sims and his wife Phoebe, conveyed to Martin Nalle 118 acres of land in Bromfield parish, in the Great Fork of the Rappahannock river. The land had been left to James Sims "by my father".¹⁶

In October 1780 James was again called into service as an Orderly Sergeant for a tour of three months. His wife Phebe was most likely 8 months pregnant with her second child when James marched in the direction of York Town. On 6 November 1780¹⁷ their second son William was born while he was away. As with his first son, James may have missed out on the first two months of his second son's life.

"On or about the 1st of October 1780 he was again called into the service as a drafted militia man, under according to best of his recollection Captain James Tutt, but whether that was really his name or not, he recollects him to have been a slim spare man. This was for another tour of three months. They were marched in the direction of York Town to aid in the Seige of that place, but before they reached that place Lord Cornwallis had surrendered. They assembled in the County of Culpepper Va and were placed under the Superior Command of Col Slaughter, after serving out his time he was discharged."¹⁸

As James and Phebe named their first son after James' father Jeremiah it is likely that they named their second son after Phebe's father. This gives us a choice of the following names for Phebe's father: William Sims, William Nalle, William [--?--] married to an [--?--] Sims, or William [--?--] married to an [--?--] Nalle.

It is believed that following the birth of Jeremiah (1777) and William (1780), James and Phebe's children were born as follows: Elizabeth (1782), Martin (bet. 1784-1790), John (1787), Mary (bet. 1788-1792), and Nancy Ann (1793). It is difficult to estimate the years of birth for these children as the ages on the available census records vary from one decade to the next. The possible years of birth for these children will be discussed in later sections dealing with the children of James Sims.

According to Penick, family history relates that James moved to Lowmoor, Virginia, about 1787 where he engaged in rifle making.¹⁹ Although no documentation has been found proving when James moved from Culpeper County, we have found

¹⁶ Maginnis, William H. Notes found in Virginia Bondurant Johnson's DAR file.

¹⁷ Date taken from tombstone in Beech Glen Cemetery, Beech Glen, Nicholas County, West Virginia (cemetery reading done June 2001 by a contact of Paul Guttman and supplied by him per e-mail February 2002)

¹⁸ Declaration of James Sims dated 18 February 1834 in order to obtain the benefits of the Act of Congress passed June 7th, 1832 (Revolutionary War Papers) transcribed from photocopies procured by David Fridley from the National Archives (pension claim file ref. # S 19464).

¹⁹ *The Penick Papers*. A compilation of data on James Sims and his family by George R. Penick, Jr. of Arlington, Virginia, made in 1978, 1979 and 1980.

that his wife Phebe died in early January 1794 in Bath County, Virginia.²⁰ They apparently lived in the Lowmoor/Clifton Forge area which was once part of Botetourt County (formed in 1770), then part of Bath County (formed in 1791 from Augusta, Botetourt, and Greenbrier), and now in Alleghany County (formed in 1822). From this we can assume that James moved from Culpeper County to Botetourt County. Family tradition is that James' wife was coming home from caring for a sick friend, fell from her horse, and drowned in the Jackson River. We have been able to verify this story with the coroner's inquest report dated 22 January 1794, which includes the following statement: "Phebe was accidentally drowned occasioned by the horse whereon she rode Rearing and plunging and throwing her into the water."

Phebe Simms
Inquisition Taken
the 22nd of January
1794 Before John
Dean Gent. Coroner

Bath County to wit

Inquisition indented taken ?

in the County aforesaid on the twenty second day of January in the year One thousand seven hundred and ninety four before me John Dean a Gentleman and of the Coroners of the Commonwealth for the County aforesaid upon view of the body of Phebe Sims late of said County then and there lying dead; and upon the Oathes of Robert Armstrong Jr., William Morris, John Scott, John Bird, Andrew Baurland, Thomas Barber, James Armstrong, Robert McClintic, William McClintic, John Somwalt, Paul Harpole and Adam Kimberlan, good and lawful men of the County aforesaid, who being Jurors and charged to inquire on the part of the Commonwealth, when where how and after what manner the said Phebe Sims came to her death, do say upon their Oathes, that the said Phebe was accidentally drowned occasioned by the horse whereon she rode Rearing and plunging and throwing her into the water. The witness whereof as well the aforesaid Coroner as the Jurors aforesaid have in this Inquisition put their Seals on the day and year aforesaid and at the place aforesaid.

John Dean Robt. Armstrong
 William Morris
 John Scott
 John Bird
 Andr. Baurland
 Thomas Barber
 Jas. Armstrong
 Robert McClintic
 William McClintic
 Johannes Zumqualt
 Paul Harpole
 Adam Kimberlan

²⁰ *Coroner's Inquest Report*, Photocopy of original document received from Rose Mary Sims Rudy.

In February 1995 Connie Metheny of Millboro, Virginia, became involved in a very interesting project of sorting through old original papers that had been stored in bundles and filed at the court house in Bath County. The Virginia State Library funded the work done to their specifications. The old records dated back to 1790 and the condition was good considering the age. There were cases that involved the Sims family, mostly over debts owed them or that they owed others. These papers will have to be found and perused. Mrs. Metheny did send to Rose Mary Sims Rudy a copy of a case in Judgment – Simms vs. Scott which was located in a file of old law cases for 1795. This verifies that the wife of James Sims had drowned and in this case it seems that John Scott accused the son, Jeremiah Sims, then nearly 17 years old, of causing the accident. James Sims defended his son and brought suit against Scott for one hundred pounds damage.

Sir Please to Issue a Writ vs John Scott for saying my son (Jeremiah)
was the Damn son of a bitch that Drowned his Mother
Col C. Cameron

Jas. Sims

Issued for Saying that Jeremiah Simms was the
Damned Son of a Bitch that Drowned his Mother

The Commonwealth of Virginia, to the Sheriff of Bath County, ?
You are hereby commanded to take John Scott
if he be found within your bailiwick , and him safely keep so that you have
his
body before the justices of our court, of our said county, at the court-house
on the Second
Tuesday in May next to answer Jeremiah Simms by James
Simms his father and ?? of
a plea of Trespass on the case damage one
hundred pounds
and have then there this writ, witness Charles Cameron, clerk of our said
court,
at the court-house, the 16th day of April 1794
in the 18th year of the Commonwealth.
Chas. Cameron²¹

The story of Phebe Sims' death has been repeated so many times that some very erroneous information can now be found in genealogy publications. One of these incorrect stories:

"The Settle-Suttle Family" by William Emmett Reese pg 456.
"While living near Clifton Forge, Virginia, *Elizabeth (Sims) Johnson* was drowned when her horse stumbled and fell while fording the Jackson River. She was returning home after an all night vigil with a sick neighbor. At date of her death, there were nine children in the family, Jeremiah, Jr., Anthony, Martin, William, Mary, Elizabeth, Virginia, Nancy and Dryden. After the sudden death of his wife, the *Rev. John Johnson* was restless and upon hearing of the illness of his cousin Frances--who had married Joshua Morris and in 1770 established a home in the wilderness of Peter's Creek in the Kanawha Valley--he decided to visit them, when upon arrival, to his great sorrow, he found that their daughters, Peggy and Betsey had been killed and scalped by Indians." (This entry is sourced as History of Kanawha County, George W. Atkinson, Charleston, 1876, p.21.)

²¹ Judgment – Simms vs Scott found in a file of old law cases for 1795 by Connie Metheny, Millboro, Virginia, and sent to Rose Mary Sims Rudy August 1, 1995.

Unfortunately the above quotation is full of errors and cannot be considered a reliable source. The names in italics are incorrect. They should read Phebe Sims and James Sims. Rev. John Johnson and Elizabeth Sims, daughter of James Sims, were married 2 June 1802 in Kanawha County, (West) Virginia after James Sims settled in the area. Elizabeth Sims Johnson died in Fayette County 1 June 1845, the year of the terrible typhoid epidemic.²² Elizabeth Sims and Rev. John Johnson's children are listed as James, Amy, John Brown Jr., Phebe, William B., Rachel, Hannah, Mary, Elizabeth, Susannah, Harrison, and Barbara. The children listed on page 456 of *The Settle-Suttle Family* seem to be a mixture of James' children with his first and second wife as well as some children that have been attributed to him but not proved. We see here that Phebe Sims, the mother, and Elizabeth (Sims) Johnson, the daughter have been confused. "Elizabeth, wife of Rev. John, was noted for her kindness and skill in caring for the sick and needy; a characteristic for which her mother was well known."²³ From the above we cannot tell when Frances Simms Morris fell sick. She was born in 1755 and died in 1848 as per tombstone and estate settlement. The story related about the daughters being killed and scalped by Indians is also only partly true. According to Mildred Chapman Gibbs in her excellent book, "From Culpepper County to the Teays Valley," this happened to Henry Morris, brother of Joshua. Same victim daughters - Margaret and Betsey - Peter's Creek. Henry was born 1747, married to Mary Byrd. He was a reckless, macho man and settled, against advice, in remote Peter's Creek, Gauley River, 1791. The 2 girls were sent down a trail to drive the cows home for evening milking, and they were killed and scalped (1792). "The tragedy grieved and embittered him, and vowing no Indian would ever cross his path and live, he avenged the deaths of his daughters many times." We see from the above that the information that Mr. Reese gives is incorrect. It is not known if Mr. Reese misinterpreted the 1876 source for the Settle history or if it is also incorrect.

According to Maginnis "Joshua and Frances Simms Morris, who were among the first settlers in the Kanawha Valley in 1774, were back in Culpeper County, Virginia, in 1794, when their youngest son John was born. Frances died in the following year, but Joshua and his family continued to reside in Teas Valley, in what was then Kanawha County."²⁴ Frances Simms Morris did not die in 1795 as seen in this statement as well as in *The History of Fayette County West Virginia 1993*, pg. 449.

Another family tradition is that James Sims, learning that his dear cousin Frances Simms Morris, wife of Joshua Morris, was sick, went to Kanawha Valley:

"Following her death (refers to his first wife), James Simms married Nancy Cotton (this should be Elizabeth Cotton). Soon after this marriage, he went to Kanawha Valley to visit a cousin and also visited the Henry Morris home on Peter's Creek. Henry tried to persuade him to buy near him, but James being a great hunter, said, "No, this section is too thickly settled." So Henry took him on a hunting expedition down Peter's Creek, out across the Little Elk Mountain and started down Little Elk Creek where they found signs of bear, deer and wild turkey. James Sims then said, "Henry, if I can buy land

²² *The History of Fayette County West Virginia 1993* pg. 33

²³ *The History of Fayette County West Virginia 1993* pg. 33

²⁴ Maginnis, William H. "The Simms Family In Kanawha County – Part I", *West Virginia History: A Quarterly Magazine*, Volume VIII, April 1947, Number 3, pages 283-304; published by State Department of Archives and History, Charleston, West Virginia

on this creek, I'll be your neighbor soon." The land belonged to John Jones who lived at what is now Pratt. He had married a Morris and had purchased thousands of acres of land. He at once went to see Mr. Jones and they soon agreed on a price for 500 acres on Little Elk Creek: a plug horse and a flint lock rifle. As soon as he could make arrangements, he moved his family there."²⁵

William H. Maginnis relates the following story:

"In 1795, the year of General Anthony Wayne's treaty with the Indians at Greenville, Ohio, a James Sims of Culpeper County, Virginia, settled on Gauley River, a few miles from Kanawha Falls. In 1800, a deed recorded in Kanawha County transferred to him from John Jones of Culpeper County 123 acres above a ferry on that stream in what is now Nicholas County."²⁶

The order of events in these stories does not seem to fit. We know that Frances Simms Morris did not die in 1795. If James had visited her then and decided to move to Kanawha at that time why did he buy 240 acres on Bollors Ridge on the waters of Jacksons River on 19 August 1796²⁷?

Jas. Simms
240 acres
Botetourt
Examined
& defd to
Wm Deane the
28 June 1798
(the above written in left margin)

Robert Brooke Esquire Governor of the Commonwealth of Virginia to all to whom these Presents shall come Greeting Know ye that by Virtue of an Exchanged Treasury Warrant Number three hundred and sixty one, issued the twenty second day of April one thousand seven hundred and eighty eight. There is granted by the said Common=
=wealth unto James Simms, a certain tract or parcel of Land contain=
=ing two hundred and forty Acres by survey bearing date the twenty ninth day of June one thousand seven hundred eighty nine, Lying and being in the County of Botetourt on Bollors Ridge on the Waters of Jacksons River, and is bounded as followeth to Wit Beginning at two chestnuts on a hill, North twenty four degrees East three hundred and twenty poles to two Maples on a hill North sixty six degrees West one hundred and twenty poles to three Locust Bushes, thence South thirty four degrees West one hundred and twenty four poles to a large black Oak, thence South twenty degrees West two hundred poles to a Chestnut thence south sixty six degrees East one hundred and twenty poles to the beginning, with its appurtenances to have and to hold the said tract or parcel of Land with its appurtenances to the said James

²⁵ *Ancestors & Descendants of Thomas Sims of Culpeper County, Virginia Edmund Butler of Virginia and Kentucky with Allied Families & Other Culpeper Data.* "James Sims of Culpeper, Fayette & Nicholas Cos., (W) Va.", page 156. Compiled and published by Lela Wolfe Prewitt, Fairfield, Iowa, 1972.

²⁶ Maginnis, William H. "The Simms Family in Kanawha County - Part I". *West Virginia History: Quarterly Magazine*, Volume VIII, April 1947, Number 3, pages 283-304; published by State Department of Archives and History, Charleston, West Virginia

²⁷ Botetourt County, VA Grants 35, 1795-96 p.641. Found on website: HAYS/SIMS in Land Grants & Will Books from the Library of VA, Digital Files And Other Related Notes
http://freepages.genealogy.rootsweb.com/~janicekmc/hays_p3.htm

Simms and his Heirs forever. In Witness whereof the said Robert Brooke Esquire Governor of the Commonwealth of Virginia hath hereunto set his hand and caused the lesser seal of the said Commonwealth to be affixed at Richmond on the Nineteenth day of August In the year of our Lord one thousand seven hundred and Ninety six, and of the Commonwealth the twenty first.

Robert Brooke²⁸

Two months later James remarried. The marriage bond for James Sims and Elizabeth Cotton was signed 25 October 1796, surety Enock Cotton, and with Benjamin Cotton consenting for his daughter Elizabeth. The witnesses were Enock Cotton and Shadrick Cotton. No minister return was filed. From this I have estimated that she was less than 18 years of age placing her birth abt. 1779. Elizabeth is believed to have been the daughter of Benjamin Cotton and Francis Knox. Two years later, in October 1798, James and Elizabeth sold the land on Bollors Ridge to Alice McClintic.

"James Simms & Elizabeth his wife to Alice McClintic
Bath County, Virginia
Land Deed
October 27, 1798

This Indenture made the 27th day of October one Thousand seven hundred Ninety eight Between James Simms & Elizabeth his wife of the County of Bath of the one part & Alice McClintic of the same County of the other part witnesseth that the said James Simms & Elizabeth his wife for and in Consideration of five shillings Current Money to them in Hand paid doth bargain & sell unto the said Alice McClintic & her Heirs one Certain tract or parcel of Land in the said County of Bath containing two hundred & forty acres on Ballars Ridge on the Waters of Jacksons River & bounded as follows to Wit Beginning at two Chestnuts on a hill N 24° E 320 poles to two Maples on a hill 66° W(?) 120 poles to three Locust Bushes thence S 34° W 124 poles to a large Black Oak thence S 20° W 200 poles to a Chestnut Thence S 66° E 120 poles to the Beginning Together with all its appurtenances To have & to hold the said two hundred & forty acres of Land with all its appurtenances to to the said Alice McClintic & her Heirs to the sole use & of her heirs & assigns forever And the said James Simms & Elizabeth his wife for Themselves & their heirs doth Covenant with the Alice McClintic & her Heirs that they the said James Simms & Elizabeth his wife & their heirs the said Land with the appurtenances unto the said Alice McClintic & her heirs against all persons whatsoever will for Warrant & Defend In Witness whereof the said James Simms has hereunto subscribed his Name & affixed his seal the Day & Year above Written signed sealed & delivered in the presence of

Samuel Vance
Thos. Milhollin
Wm. ?? Dean
??

James Sims
her
Elizabeth X Sims
mark

²⁸ Transcribed from images received from David Fridley on February 11, 2002 per e-mail, downloaded from the Digital Library of the Library of Virginia (<http://www.lva.lib.va.us/dlp/index.htm>).

Bath County ??? Court 1798

This Indenture of Bargain and Sale Between James Simms and Elizabeth his wife of the one part and Alice McClintic of the other part proved in Court by the Witnesses thereto and ordered to be Recorded with the commission & ? examination of the said Elizabeth ?

Teste Chas. Cameron CBC

The Commonwealth of Virginia to Samuel Vance & Thomas Milhollin Gentlemen Greeling(?) whereas James Sims and Elizabeth his wife by their Certain indenture of Bargain and Sale Bearing date the 27 day of October 1798 have sold and Conveyed unto Alice McClintic two hundred & forty Acres of Land with the appurtenances lying and being in the said County of Bath and Whereas the said Elizabeth Sims Cannot Conveniently travel to our County Court of Bath to make Acknowledgement of the said Conveyance therefore we do Give unto you or any two or more of you power to receive acknowledgement Which the said Elizabeth Sims shall Make before you of the said Conveyance aforesaid Contained in the said indenture which is hereunto annexed and we therefore Command you that you do personally go to the said Elizabeth Sims and Receive her Acknowledgement of the same and Examine her privately and apart from the said James Sims her husband Whether She doth the same freely and vaulenterily without his persuation or threats and Whether She be Willing that the same should be Recorded in Our said County Court of Bath and when you have Received her Acknowledgement and Examination as aforesaid that you have distinctly and openly Certify us therefore in our Said County Court under you hand and Seals Sending their the said indenture & this writ witness Charles Cameron Clerk of our said Court at the Courthouse of the said County the 13th day of September 1798 and 23rd year of the Commonwealth.

? White DC

Bath County

By Virtue of this Commission hereunto annexed we the Subscribers did on the 27th day of Oct. in the year of the Commonwealth and in the year of our Lord Christ 1798 personally go to the Within Named Elizabeth Sims and having examined her privately and apart from the Within named James Sims her husband do certify that she declared that she freely and vaulenterely acknowledged the Conveyance Contained in the Indenture hereunto annexed Without his persuation or threats of her said husband and that she was willing the same should be recorded in the county court of Bath Witness our hands and seals the day above Mentioned.

Samuel Vance
Thos. Milhollen"

The location of this land may be near the town of Bolar on the boundary between Bath and Highland County, Virginia. Bolar Gap, Bolar Run, Bolar Spring, and the Jackson River are all in the vicinity of Bolar. Another location could be in the area of Bolar Mountain north of Lake Moomaw and north-northwest of Lowmoor and Clifton Forge.

The relationship between the Sims and the McClintic must be noted here. James' eldest son Jeremiah married Sarah Milhollen daughter of Thomas Milhollen

and Jane McClintic in 1800. Jane was the sister of Alice McClintic's deceased husband William.

William Griffie Brown wrote in his *History of Nicholas County, West Virginia*, copyright 1954:

"James Simms, the first of the name to come to Nicholas County, came from Bath County in 1787 and located at the mouth of Little Elk Creek on Gauley River. He was a gunsmith and the Simms rifle was praised for its accuracy."

From the previously mentioned documents and sources it is more likely that James Sims came to Little Elk Creek, then in Kanawha County, after his marriage to Elizabeth Cotton in 1796 or even after they sold their land in Bath County in 1798 but before 1800 when he bought the tract from John Jones. Another source dates his move to about 1798:

"Then he (William Johnson Sr.) and his sons, William, John, Nelson and James, moved to Gauley River in what is now Nicholas County, W. Va. near and below the mouth of Little Elk about 1798. There William, Jr., married Nancy Sims, a daughter of James Sims, who had also moved on Gauley from Virginia with the Johnsons."²⁹

The first documented proof of James' residence in Kanawha County is found in the 1800 Jones to Sims land deed:

This Indenture made this Eighth Day of April in the year of our Lord one Thousand Eight hundred, Between John Jones, of & Frances his wife of the County Kanawha and State of Virginia of the one part and James Sims of County & State aforesaid of the other part Witnesseth. The John Jones & Frances his wife for and in Consideration of the sum of five shilling to them in hand by the said James Sims the ___ whereof they do hereby acknowledge hath Given Granted Bargained & Sold & by these presents do give grant bargain & sell unto the said James Sims, his heirs or Assigns forever a Certain Tract or parcel of land lying & being in the County of Kanawha Containing one hundred & seventy three acres on Gauley River above the Ferry and bounded as follows to wit: Beginning at a Lynn & bank of the South Side of Gauley River at Deer Lick. East of two Lynns to a Corner in the Patten?, Running East thirty five poles to a Buckeye ___ South Sixty Degrees East 198 poles to three bushes on bank of the River north two hundred poles crossing the river to two White Oaks on a Hill, South seventy five degrees North one hundred & fifty four poles to a Stake in the ___ thence South seventy six poles crossing the river to the Beginning to have and to hold the said tract of land with its appurtenances To the said James Sims, his Heirs or Assigns forever, and the said John Jones & Frances his wife, for themselves heirs Executors Administrators Doth Covenant & agree to and with the said the said James Sims, that they will relinquish there Claim, or Claims to the said James Sims, his heirs forever. In Witness

²⁹ Laidley, William Sydney (1839-1917). *History of Charleston and Kanawha County, West Virginia and Representative Citizens*, published Chicago IL; Richmond-Arnold Publishing, 1911.

Whereto the said John Jones & Frances his wife hath hereunto set their hand & seal this Day and year above written.

John Jones (his mark)

Kanawha County April Court 1800

This Deed from John Jones, & Frances his wife to James Sims was presented in Court and duly Acknowledged by the said John Jones and the same is ordered to Record, and that a Commission Issue to take the private Examination of Frances the said wife To ___ her right of dower in the Premises.

Teste John Reynolds Clk³⁰

"James Simms" is seen along with his sons "William Simms" and "Martin Simms" on the tax lists of Kanawha County, (West) Virginia in 1809. "Edward Simms", believed by some researchers to be a son of James Sims, is also found on this tax list.

In 1810 we find "James Simms" in Kanawha County, (West) Virginia, with 1 male 0-10 yo (James Jr.), 1 male over 45 yo (James), 3 females under 10 yo (Margaret, Sarah, Mildred), 1 female 26 and under 45 yo (Elizabeth), and 5 slaves. By 1810 all of James' children by his first marriage had left home as we see that the children listed with him were all born between 1800 and 1809.³¹³²

In 1820 Hedgman Triplett enumerated the Nicholas County, (West) Virginia Census where we find James Sims with 2 males under 10 yo (Dryden, Charles), 1 male over 45 yo (James), 2 females under 10 yo (Jane & Sarah), 2 females 10 & under 16 yo (Margaret, Mildred), 1 female 26 and under 45 yo (Elizabeth).³³

In 1830 in Nicholas County, (West) Virginia, we find James Sims with 1 male 5 and under 10 yo (George W.), 2 males 15 and under 20 yo (Dryden & Charles), 1 male 70 and under 80 yo (James), 1 female 15 and under 20 yo (Jane, only unmarried daughter still at home), 1 female 40 under under 50 yo (Elizabeth), and 5 slaves: 1 male 10 and under 20, 1 male 20 and under 30, 2 female 10 and under 24, 1 female 24 & under 36.³⁴

Then in 1832 we find James acquiring further land in Nicholas County, (West) Virginia.

"Sims Deed Nicholas County November 1, 1832

John Floyd Esquire, Governor of the Commonwealth of Virginia:
TO ALL TO WHOM these Presents shall come, GREETING: KNOW YE, That in

³⁰ Transcribed from photocopy of page from the Kanawha County (West) Virginia Deed Book A-391 supplied by Rose Mary Sims Rudy in February 2002.

³¹ Falin, Becky. US GenWeb Archives. 1810 Kanawha County, WV. Pg 15 Ln #23. 5 August 1998. Online <ftp://ftp.rootsweb.com/pub/usgenweb/wv/kanawha/census/1810.txt> 4 October 2001

³² 1810 Kanawha County (W)Va Census, compiled by David A. Turner & Sigfus Olafson, published by Kanawha Valley Genealogical society, Inc., P.O. Box 8555, South Charleston, West Virginia 25303, 1991.

³³ Bryant, Neva Jane Stout. USGenWeb Archives. 1820 Federal Census Nicholas County, Virginia. Page No. 204B. 25 July 2001. Note: transcription has not been proofread. Online <ftp://ftp.rootsweb.com/pub/usgenweb/wv/nicholas/census/1820.txt> 3 October 2001

³⁴ Bryant, Neva Jane Stout. USGenWeb Archives. 1830 Federal Census Nicholas County, Virginia. 25 July 2001/October 2001. Online <ftp://ftp.rootsweb.com/pub/usgenweb/wv/nicholas/census/1830c.txt> 13 November 2001

conformity with a Survey, made on the eighth day of May 1831, by Virtue of a Land Office Treasury Warrant N° 7425 issued December 14th 1823

there is granted by the said Commonwealth, unto James Sims,

A certain Tract or Parcel of Land, containing Seventy-five acres situated in Nicholas County, on the South Sides of Gauley River and bounded as followeth to Wit: Beginning at a lynn and berch at a dear Lick Corner to his Old Survey East 35 poles to a buckeye Corner to Same S. 60 E. 36 poles to two berches on the bank of the River Corner Same and James G. Neil, thence leaving Same and with Neil S. 85 W. 14 poles to an Ash and Sugar tree on the Side of the Mountain Corner Same and with S. 50 W. 108 poles to two Chestnuts near the top and leaving S. 78 W. 35 poles along the side of the Mountain to a Stake on the Side of the Same N. 8 ½ W. 148 poles to the beginning ---

TO HAVE AND TO HOLD the said Tract or Parcel of Land, with its appurtenances to the said

James Sims and his heirs forever.

IN WITNESS WHEREOF, the said John Floyd Esquire Governor of the Commonwealth of Virginia, hath hereunto set his Hand, and caused the Lesser Seal of the said Commonwealth to be affixed, at Richmond, on the first day of November is the year of our Lord one thousand eight hundred and thirty-two and of the Commonwealth the 57th

John Floyd"

In 1834 James appeared before his son William Sims, a Justice of the Peace in the county of Nicholas, and made a declaration that he had served as a soldier in the Revolutionary War.

"A Copy of the Declaration of James Sims

State of Virginia
Nicholas County

On this eighteenth day of February 1834 personally appeared before me William Sims a Justice of the Peace in and for the county of Nicholas in the State of Virginia, and as Such a member of the County Court of Nicholas, which is a Court of Record, James Sims aged seventy nine years on the 8th day of October next, who being first dully Sworn according to law doth on his oath make the following declaration in order to obtain the benefit of the Act of Congress passed June the 7th 1832. That he entered the Service of the United States under the following named officers and Served as herein Stated. In the month of June 1777 according to his recollection he was called into the service as a drafted militia man under Captain John Tutt for a tour of three months. He served as Orderly Sergeant in said Company. He resided then in Culpepper County Virginia, and said Company was collected in said County. The company was marched towards Fred

=ericksburg, and kept moving about through the country around thereabout guarding it from the depredations of the British, Tories, and Negroes, and after Serving out his time he was discharged, but whether it was in writing or verbally he does not recollect.

On or about the 1st of October 1780 he was again called into the service as a drafted militia man, under according to best of his recollection Captain James Tutt, but whether that was really his name or not, he recollects him to have been a slim spare man. This was for another tour of three months. They were marched in the direction of York Town to aid in the Seige of that place, but before they reached that place Lord Cornwallis had surrendered. They assembled in the County of Culpepper Va and were placed under the Superior Command of Col Slaughter, after serving out his time he was discharged but whether in writing or not he does not recollect. He served in the company as Orderly Sergeant. He was born in Culpepper County Va on the 8th day of October 1754. He has a record of his age at home. He was living in Culpepper County Va when called into the Service where he continued to live until the year 1800. when he moved to the place of his present residence in Nicholas County, but which was then Kenhawa County Va. He was called into the service as a drafted Militia man. He has stated the names of the officers under whom he served, and the general circumstances of his Service according to his recollection in the foregoing detail. He was discharged from the Service at the end of both tours, but he does not know whether it was in writing or not, but if in writing he does not know what has become of it. He is known to Jonathan Windsor and Henry Tritt of his neighbourhood (there being no clergyman who can be procured) who can certify to his character for veracity and their general belief of his Services as a Soldier of the Revolution. He knows of no documentary evidence whereby to prove his services, and he knows of no person whose testimony he can procure who can testify to his services. He hereby relinquishes every claim whatsoever to a pension or annuity except the present, and declares that his name is not on the pension roll of the Agency of any State. Sworn to and subscribed the day and year aforesaid.

James Sims

We Jonathan Windsor and Isaac Collins residing in the County of Nicholas in the neighbourhood of the aforesaid James Sims hereby certify that we are well acquainted with the said James Sims who has subscribed and Sworn to the above declaration, that we believe him to be about seventy nine years of age, that he is reputed and believed in the neighbourhood where he resides to have been a Soldier of the Revolution and that we concur in that opinion. Sworn to and Subscribed the day and year aforesaid.

Isaac Collins

Jonathan Windsor

Henry Tritt

And the said Justice of the Peace do hereby declare my opinion after the investigation of the matter, and after putting the interrogatories prescribed by the War Department that the

above named applicant was a revolutionary Soldier and served as he states, and I do further certify that it appears to me that Jonathan Windsor and Henry Tritt, who have signed the preceeding certificate are residents in the neighbourhood of the said James Sims and credible persons and that their statement is entitled to Credit. I further certify that there is no clergyman residing in the neighbourhood of the said applicant, and that the said James Sims from age and bodily infirmity, in my opinion, is unable safely to attend any Court of Record in his said County. He resides about 20 miles from the Court House. I further certify that from a long and intimate acquaintance with the said applicant, I have generally heard it said that he was a Revolutionary Soldier and I have no doubt myself. I further certify that the foregoing are the original proceedings of myself in the matter of the application of the said James Sims for a pension. Witness my hand and seal at the County of Nicholas aforesaid the day and year aforesaid.

William Sims

I Samuel Price Clerk of the County Court of Nicholas County do hereby certify that William Sims Esq. Was on the eighteenth day of this month and yet is a Magistrate in the said County of Nicholas duly commissioned, qualified and acting as such that full faith and credit are due to all his acting and doings as such and the within signature purporting to his is genuine.

In testimony whereof I have here unto set my hand and affixed the seal of my said Office this 20th day of February AD. 1834. and the 58th year of our Independence

Saml Price³⁵

He was allowed pension for service of six months as sergeant in the Virginia troops, War of the Revolution, on his application. James Sims of Nicholas in the State of Virginia who was a Sergeant in the regiment commanded by Col. Slaughter in the Virginia line was inscribed on the Roll of Virginia at the rate of 30 Dollars per annum to commence 4 March 1831. Arrears in the amount of \$90 for the period from 4 March 1831 to the 4 March 1834 and a semi-annual allowance of \$15 for the period ending the 4 September 1834 were paid to James Sims for a total of \$105.

Penick found further documentation concerning this pension. One document appears to be a statement or letter of reply to the Pension Bureau in 1835 by James Sims after someone (possibly the U.S. Attorney at Winchester) questioned the authenticity of his claim to be a veteran of the Revolution. Penick believed James' pension was revoked and that he never drew any money.

James Sims Pensioner Serv 9 mo. Receives \$30 pension. I the undersigned James Sims in pursuance of the requisites of the Secretary of the War gives the following narrative _____ services as a Soldier in the War of the Revolution & statement of my age to-wit. I am in my 79th year of age. I am a native of Culpepper County & lived in that county during the War of the

³⁵ Declaration of James Sims dated 18 February 1834 in order to obtain the benefits of the Act of Congress passed June 7th, 1832 (Revolutionary War Papers) transcribed from photocopies procured by David Fridley from the National Archives (pension claim file ref. # S 19464).

Revolution. In my nieneteenth or twentieth year of age (I cant tell in what year) I was drafted for 3 mo. & marched from Cupepper Country under Capt. John Tults (?) (don't recollect the names of his subaltern officers) Capt Tults company was attached to a Regt commanded by Col Jno Slaughter which went from Culpepper. The Regt. Marched to Norfolk. Can't recollect the names of any towns through which we marched on going to Norfolk. We were discharged at Norfolk in time to get home before the three months expired. In less than one year after the preceding term, (I cant tell in what year) I was drafted again for 3 mo. And hired a substitute whose name was William Noll (?) gave him \$500 in continental money and a new rifle gun. In the year in which Cornwallis was captured at Yorktown I was drafted again for 3 mo. Set out from Culpepper under a Capt. Whose name I have forgotten. We were preparing to set out on the march for nearly one week, when the news of Cornwallis' defeat was received & we were ordered to return home & done so, having been in service this latter term about one week - I was a Sergeant & they ended my services -- Saml Price wrote my Declaration to whom I gave this same narrative of my service. That I now give. I agreed to give him \$20 if he brought me my money In _____ of all which I hereto subscribe my name. Jany 10, 1835

His
James X Sims
Mark

Another document found in the pension file of James Sims:

William Sims, son of James Sims, says that his father gave Price the same account of his service that he has given. (?)

Spencer Hill aged 73 says he has known Sims since he Hill was 10 years old. They were raised and lived in the same neighborhood during the War of the Rev^o - never heard of his being in service as a soldier. nor does he believe he ever was. - that Sims has been all his life a boasting & loquacious man. and a great egotist - & that he never pretended that he was in service until since the passage of the Pension Law. Hill has been a neighbour to him all their lives--

Jos. b. Nutt concurs in the statement given by Hill -- they are both respectable men --

H. Coby (?)

W. G. Singleton
Jan'y 15, 1835

James Sims

Pensioner

Nicholas County

Fraud - withdrawn

no money

The original application papers were sent to W. G. Singleton, U.S. District Attorney, at Winchester, Virginia, on 13 March 1835. Upon an examination of his

claim by the U.S. District Attorney, his name was dropped from the pension rolls, 21 March 1835, as it was shown that he did not render the alleged service.

James Sims is listed on the Statement of Nicholas County, West Virginia, “a statement showing the names, rank, and other data relating to persons residing in West Virginia counties, who have been inscribed on the pension list under the Act of Congress passed on the 7th of June, 1832.”³⁶ Information listed as follows: Name: James Sims; Rank: Private; Annual Allowance: \$30.00; Sums received: [blank]; Description of Service: Virginia militia; When placed on Pension Roll: 21 April 1833; Commencement of Pension: 4 March 1831; Age: 79.

James Sims was a blacksmith and gunsmith. According to James P. Whister, it was reported by Rev. Donnelley (Beckley newspaper, 24 September 1965) that he owned slaves and used them in his work. Donnelley also reported known guns by Sims, although Mr. Whister wrote that he had never seen any.³⁷

Col. Edward Campbell, author of a series of articles which appeared in the Chronicle in 1883, wrote about James Sims:

Going up Gauley River to the mouth of Little Elk, which empties into the river two miles above the ford, we come to the settlement made by J. Windsor. James Sims also made a small improvement at this place. He came from Jackson’s River in Bath County, Virginia. He was a gunsmith and blacksmith, and did but little farming. He had a large family of children, both male and female. Mr. Sims also brought the first darkies that were ever seen in these parts. He had two sons that were also gunsmiths and made the best of rifle guns. As these guns were much in demand with the increasing settlers they did a lucrative business. They both married young, and settled near their father and did some farming in addition to their work on guns. James lived to see his family settled here and elsewhere. His sons, William and Martin, remained here until they were old men and died leaving large families. James Sims was said to be 90 years old when he died.³⁸

Col. Edward Campbell, the son of John Campbell and Nancy Hughes, was born in 1800 and acquired the basics of an education from his parents. Shortly after the formation of Nicholas County in 1818, he was appointed a justice of the peace and travelled throughout the county performing legal services for many of the outlying settlers who found it inconvenient if not impossible to make the long trip into Summersville. Campbell possessed an extraordinary memory for names and facts about the earliest inhabitants of Nicholas County, and some sixty years following his days as a travelling justice, he wrote down his reminiscences of the early settlers and the way in which they lived. Campbell’s memoirs have always been held in high esteem by historians, and where validation is possible he has seldom been found in error in any of his remarks.³⁹

³⁶ *The West Virginia Heritage Encyclopedia, Volume Nine, Supplemental Series, The Soldiery of West Virginia*. Edited and Published by Jim Comstock, Richmond, West Virginia, 1974.

³⁷ *Gunsmiths of West Virginia* by James P. Whister, pg. 105

³⁸ *Nicholas County, (West) Virginia Records of the Pioneers 1818-1860*, “Early Settlers of Nicholas County, Virginia” by Edward Campbell, pg. 63

³⁹ *Nicholas County, (West) Virginia Records of the Pioneers 1818-1860*, “Early Settlers of Nicholas County, Virginia” by Edward Campbell, pg. 54

James reportedly brought eighteen slaves with him to Nicholas County. We have found documentation for at least two of these slaves. Lawrence M. Huddleston, Belle, WV, author of *The Huddlestons My Kin* had in his possession the original bill of sale from James Sims to John Huddleston for the slave "July Hulen" when June Settle Ciocca visited him at home more than 12 years ago. At the time she did not realize her relationship to James Sims. On 9 February 2002 in an e-mail in which she shared the photo of this bill of sale, she wrote: "Larry told me that James Sims had previously sold July Helen's mother to the Huddlestons and that both mother and daughter were so heart-broken, he agreed to sell them the child also. Larry had no children and my understanding is that his immense genealogical collection was donated to the archives in Charleston. I would assume that is where this document can now be found."

"I James Sims of Nicholas County
and state of Virginia have bargain
=ed and sold one yallow girl named July
Hulen aged six years for the sum of
one hundred and eighty dollars to me
in hand paid to John Huddleston of
the county of Fayatt and state
afore sd (said) and will warrent and defend
the title of sd (said) slave to the sd (said) Huddleston
and his heirs forever in witness whereof
I have set my hand and seal this twenty
ninth day of November Eighteen hundred
and thirty three
James Sims Seal
witnesses present
Joseph McNutt
Elizabeth Tritt
third witness illegible"

Isaac Sims, a slave of James Sims, is documented in three different papers,
first:

"1836 James Sims to Isaac Sims
(note in margin "Delivered to Isaac Sims Sept. 9th 1842")

Know all men by these presents that I James Simms Sr. of the County
of Nicholas and State of Virginia having heretofore made my last
Will and Testament in which I have disposed of all my Estate real
and personal including my slave property except one slave
my Negro man Isaac which said Negro slave Isaac I heretofore
intended to emancipate and set free according to the laws of this
Commonwealth upon certain Conditions thereafter to be mentioned
and put to writing. Now this Instrument of writing Witnesseth
that in Consideration of the premises and for others
good causes moving me thereto. I do hereby and by virtue and force of
these
presents emancipate and set free forever my aforesaid Negro slave Isaac
upon
the following condition to wit that is to say that the said Isaac causes to be
paid to me one hundred and fifty dollars good and lawful money of Virginia
fifty dollars of which is to be paid in hand which said fifty dollars is this
day paid to me and the receipt whereof is hereby acknowledged fifty dollars
of which the said Isaac shall cause to be paid on or before the 1st day of

April 1836 and fifty dollars the last payment thereof the said Isaac shall cause to be paid to me on or before the first day of May 1836 and it is furthermore agreed to on my part and which I hereby in addition to the foregoing make known that in the event of my death before the payment of the fifty dollars which is next due after the date of this writing that then and in that case the said fifty dollars nor the aforesaid fifty dollars the last instalment or payment above mentioned nor either of said payments or instalments shall be required or exacted by my heirs, Executors, administrators or assigns nor shall they or either of them cause the said Isaac to pay either of said payments or instalments of fifty dollars nor shall his failure to pay the same in any manner affect or do away with the force of these presents in emancipating and setting free the said Isaac after my death according to the laws of this Commonwealth now in force. And it is furthermore agreed to on my part that in the event of my death after the payment to me of the aforesaid fifty dollars which next becomes due after the date of this writing as above mentioned that then and in that case the last payment or instalment of fifty dollars the said Isaac shall be exempt from the payment of in the same manner and to the same effect as I have exempted him from the payment of the fifty dollars which first becomes due as is mentioned and set forth in the preceding paragraph. Ant it is furthermore agreed upon my part that in the event of the death of the said Isaac before my death that then and in that case I do hereby promise and agree that any money or monies or payments which the said Isaac may cause to be made paid to me or which may have been in any way paid to me on account of the promises shall be appropriated by me or my heirs Executors ? in cause of my death, in the following manner: That is to say that whereas the said Isaac has two children named George Addison and Harriett Jane by his wife Emily now dead and owned in her life time by Joseph McNutt and feeling a natural love and affection for his aforesaid children and wishing to provide for the comfort and happiness of the same I do hereby promise and agree as before mentioned to appropriate the money paid to me after his death that happening before mine as above stated to such use or uses for the benefit of the above named children of the said Isaac as will best promote their spiritual and temporal welfare agreeable to their condition and character in this state and according to the Laws and usages of this Commonwealth. To the true performance of the above I do hereby bind myself my heirs Executors Administrators as witness my hand and seal this 9th day of March 1836

James Sims

Witness

Joseph McNutt
John Huddleston
Bernard Hendrick

I have this day received this full consideration in good and lawful money cald for in this foregoing Instrument of writing as witness my hand & Seal

James Sims

Witness

Joseph McNutt
John Huddleston
Bernard Hendrick"

The second is a letter of manumission for the slave Isaac which is framed and hanging in the Nicholas County Courthouse in Summersville right below the sign

that says "Information". A Morris researcher Sherry Levoy and his husband Robert visited the courthouse and photographed the letter which is transcribed below:

"Know all men by these presents that I James Sims of the County of Nicholas in consideration of a large sum of money paid to me by my slave Isaac as for the additional considerations of his fidelity to me I have on this day manumitted and let him the said Isaac free. To remain and continue from hence forward to all intents and purposes entirely free and discharged from servitude to me my heirs and assigns forever. And for the purpose of removing any difficulty as to the identity of the said Isaac and to enable him to enjoy his Freedom in the most absolute and perfect manner. I also hereby certify and state that the said Isaac was born my slave, that he has resided with me up to this date that he is very black, his stature about five feet five inches, of slender make and about forty three years old, that he has had his right leg broken just above his ankle. In testimony whereof I have hereto set my hand and seal this 26th day of September 1836.

James Sims

in the presence of
? ?
Joseph McNutt
John Huddleston
Edward ?
Bernerd Hendrick
John Hill"

The original of the third document can be found at the Virginia State Library in the archives division. It reads as follows:

A PETITION FROM NICHOLAS COUNTY, VIRGINIA
TO GRANT PERMANENT RESIDENCE TO ISAAC SIMS
1836⁴⁰

To the Legislature of Virginia

Your Petitioners humbly represent that JAMES SIMS of the County of Nicholas has recently emancipated ISAAC a blackman who is desirous of remaining in the Commonwealth, your Petitioners represent that there are but very few slaves in the County of Nicholas not exceeding sixty -- nor is there more than one other coloured person in the County who is free -- your Petitioners further state the said black man ISAAC is an exceedingly honest industrious and useful man addicted to no vicious habits whatsoever, but peaceful & inoffensive & meek in all his intercourse & business with the country -- your Petitioners would be truly gratified should this Legislature in its wisdom think proper to grant his application -- your Petitioners are well convinced that no mischief can result to the country

⁴⁰ Transcribed from *Nicholas County, (West) Virginia Records of the Pioneers 1818-1860*, pages 35-38, received from Rose Mary Sims Rudy by fax on March 20, 2002.

James Sims of Nicholas County

by doing so and as a precedent in this part of the state
nothing of evil is to be apprehended.

Saml Price	David Mays
John H. Robinson	William Sims
E. S. Duncan	Robert Hughes Jr
Johnson Reynolds	Edward Sims Jr
Benj. H. Smith	Jeremiah Sims
P. B. Wethered	Martin Sims
John McWhorter	Co. John Sims
Ro Hamilton	Anderson Sims
L. D. Wilson	Charles Sims
Addison McLaughlin	William Morris
John McDermott	Joshua Morris
Thomas Miller	John H. Morris
Jacob D. McClain	Thomas Elliott
Thm. Hill	Aron Loyd
Mathew Hughes	G. C. Landcraft
Charley Reynolds	William Sims
Robert Hill	Edward Rion
Harrison A. Low	William R. Summers
George Reynolds	Edward Campbell
Andrew Odle	George Rader Sr
John Kincaid	John Foster
James Nichols	Jas. G. Murray
James Walkub	James Bryant
William Hamrick	G. W. Grose
John Dunbar	David Bare
Robert McCutchen	Lemasters Stephenson
William Miller	Jacob C. Chapman
Allen Ewing	John Groves
Jacob Drennen	John G. Stephenson
Joseph Darlington	Jacob Chapman
J. D. Sutton	Michael Rader
J. M. Alderson	John Linch
J. McClung	Andre Skidmore
James R. Henderson	Isaac Gregory
James a. Walker	Fielding McClung
R. Duffield	Abner Stephenson
Seth Thayer	Wm. Bell
Thomas Legg	Cortes Stephenson
Joshua Stephenson	John Rader
Wm. D. Cottle	J. G. Neel
Samuel Nichols	T. B. Thomas
Joel Hamrick	Alexander Grove
David Stuart	James Simany
Jefferson Grose	Joseph McClung
(?) Dorsey	Daniel Falkler
J. Warren	Henry (?)
Richard A. Arters	William Chapman
William Taylor	David Moore
Wilson Arters	David R. Hamilton
Philip Duffy	Moses Hill
R. Kelly	Ira Davis
Elij. Lightner	Jacob Odell
James Lightner	Wm. Hughs
James Kelly	Wm. Bryant
J. M. Hamilton	George Fitzwatters
John McCue	Andrew Neil

James Sims of Nicholas County

John McClung	Robert Neil
S. A. Hamilton	Samuel Hutchison
Edward McClung	George Hardweg
Nathan Groves	John Morris
Peter Duffy	John Duffy
J. McMillian	B. L. Boggs
Wm. Livesay	M. A. Triplett
Jacob Hutchison	William M. Boggs
David Hanna	John Trout
David Peebles	James Grose
Adam Given	Robert Keenan
Elverton T. Walker	Isaac Fitzwater
Thomas M. Fitzwater	Nathaniel Hughes
Thomas B. Morris	Hiram S. Marsh
W. Summers Sr.	S. Backhouse
Henry Morris	Jos. Montgomery
John Smith	L. C. Buster
Thomas T. Marton	Thos. Hawkins
Peter Coleman	Thos. Hines
John Backhouse	Cyrus Hedge
William Bird	John Slack
Cornelius Dorsey	James B. Cole
Pascal Backhouse	Austin McCorgil
Joseph Backhouse	Nathan Huddleston
Jeremy G. Odel	William Kincaid
Joseph Backhouse	James Settle
William Hillard	Bolen Ballenger
William Smith	John Johnson Jr.
Bernard Hendrick	James Likens
Mathew Kaincaid	John P. Huddleston
John Dorsey	W. Tyree
John Fitzwater	Hiram Curry
John Dorsey Sr	P. Keenan
Dryden Sims	E. Hutson
Hudson N. Dickenson	Henry Montgomery
Miles Hansen	John Huddleston
Jas. H. Miller	John Hill
P. W. Buster	Joseph Huddleston
Pleasant Hawkins	Henry Tritt
Seaton B. Prowsy	William Huggins
James B. Murray	Robert Huggins
James J. Sims	Robert Heuse
(Name Illegible)	John Heuse
Leonard Cury	S. A. Masterson
William Johnson	Joseph W. Nutt
Jno. McNutt	Jno. Carton
F. T. Hughes	Adam Johnson
Fenton McMorrow	Wm. Kelly
Job Huddleston	Taswell W. Hues
Nelson Sims	Andrew Kenan
Joseph Reams	(?) Price
Francis Cincaid	E. R. Hutchison
William Loyd	Joseph Young
Thos. S. Buster	Edda Young
Moses Coleman	William Martin
T. B. Hamilton	Thos. L. Lewis
John Kincaid	Wm. Myles
Thos. J. Huddleston	William Kincaid Jr.
John Johnson	Gataspher Kincaid

Me_?_J. Conly
Levi B. Murrey
Edward Hughs
Joshua Foster

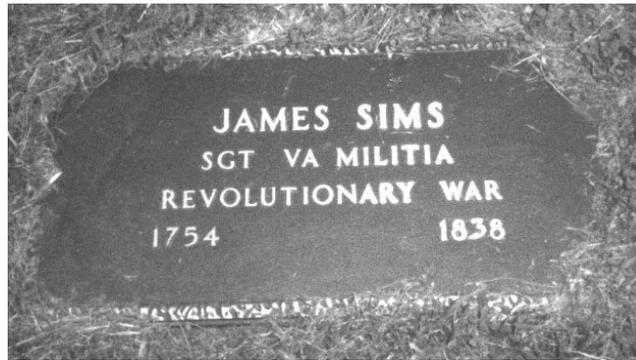
Benjamin Darlington
H_?_Long
Joel Alexander

James Sims is last seen on a census in Nicholas County, (West) Virginia in 1840. He is listed as James Sims Sr. with the following persons in his household: 1 male under 5, 1 male 10 and under 15, 1 male 15 and under 20 (George W.), 1 male 80 and under 90 (James), 1 female 50 and under 60 (Elizabeth), 1 male slave 10 and under 24 making a total of 6 members in the household. Four of these persons were employed in agriculture.⁴¹ The two youngest males in the household were likely grandsons of James and Elizabeth.

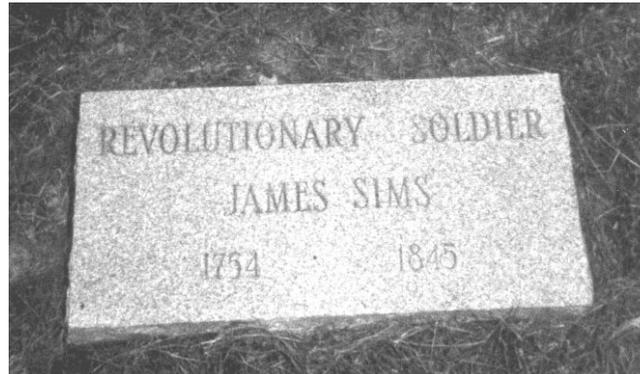
James Sims' homestead was located at the mouth of Little Elk Creek on Gauley River at what is now called Swiss, West Virginia. He is buried in the churchyard cemetery of the Sims Memorial M.(*Methodist*) E.(*Episcopalian*) Church. The church was built in 1922 on land donated by the Sims family and stands on the spot of his original 2-story log house.⁴² The exact site of his grave is now in doubt as the original stone marker was displaced and lost many years ago but it has been said that he is buried near a large cedar tree. It is reasonable to assume that Elizabeth, his second wife, is buried beside him. Richard Morrison, a descendant of James' youngest son George Washington Sims, visited the cemetery located behind the church. A caretaker told Richard and his wife Nancy that the bodies of many slaves were buried among and along beside the Sims. Their graves are only marked with large creek stones, some lying at the foot of a Sims burial plot. There are two markers in the graveyard for James Sims:

⁴¹ Fridley, David. e-mail dated 10 October 2001 with 1840 census image attached.

⁴² *The Penick Papers*



Grave Marker #1



Grave Marker #2

Grave marker #1 was secured from the Veterans Administration in 1979 by George R. Penick, Jr. It shows his date of death as 1838 as that was assumed to have been the year he died by some older family members that Penick spoke with. It would be interesting to learn who placed marker #2 as we now know that James was still living in 1840 at the time of the census.

Documents verifying the dates of death of James Sims and his wife Elizabeth, who died first, have not been found. In 1848 a partition suit was filed in the Circuit Supreme Court of Law and Chancery for Nicholas County, George H. Lee, Judge, seeking to have the court provide for the sale of the 125 acre farm near Beech Glen which was left by James Sims when he died. The problem with this document is 1. we do not know if it is a true transcript of the original or a summary 2. James is listed as having died in 1836 when we know that he was still living in 1840 and 3. there are names listed that may be transcribed incorrectly, for example Sarah Hyphy which may be Sarah Hughes. The year of death may be a typing error as it is 12 years prior to the time that the suit was filed. It is very likely that this should read 1846. Penick's compilation also discusses this suit and no variations were found in the information he listed and the information found in a typewritten letter dated 8 June 1947 from Willard E. Simms of Cozaddale, Ohio, to John T. Simms, of Charleston, West Virginia found in the DAR file of Virginia Bondurant Johnson.

"Atty John Reynolds filed suit in 1848 in the circuit supreme court of law and chancery for Nicholas County, Geo. H. Lee being judge; seeking to have the court provide for the sale of the 125 acre farm near Beech Glen, I believe, which was left by James Sims when he died in 1836. The bill of complaint represented that William, Martin, John, James, Dryden, Charles, Washington Sims; Joseph Darlington and Jane (Sims) Darlington, his wife; Joel Settle and Mildred (Sims) Settle, his wife; and Nancy (Sims) Johnson respectfully

represent that James Sims, the father of your orators and oratresses departed this life on the ___ day of ___ 1836 intestate and leaving no widow and leaving besides your orators and oratresses to survive him the following heirs at law to-wit: the children of Jeremiah Sims, dec'd (he having died 1824 near Springfield O.) who live in the western country, the names of whom are unknown; also the children of Elizabeth Johnson, dec'd, formerly Elizabeth Sims: to-wit, John Johnson, Wm. Johnson, Harrison Johnson, James Johnson, James Settle and Rachel his wife; William H(?)ale and Amy his wife, John Backhouse and Phoebe his wife; _____ Montgomery and Elizabeth his wife; Sarah Hyphy, John Kincaid and Mary his wife; also the children of Mary Hughes, formerly Mary Sims, to-wit, Tazewell Hughes, Andrew Hughes, Nelson Johnson and Elizabeth his wife; Johnson Foster and Mary his wife; also the children of Margaret Hughes, formerly Margaret Sims, to-wit, Matthew Kincaid and Susan his wife; Ann Hughes, Robert Hughes, John Hughes, the last three are infants; also the children of Sarah Foster, formerly Sarah Sims, to-wit, Jordan Hickson and Mariah his wife; James Foster, Peyton Foster, Charles Foster, and Milton Sims, the last three but one are infants, and the same James Sims, the father of your orators and oratresses died seized of a tract of land containing 125 acres in Nicholas county, on the Gauley river, etc., etc.

"The matter was finally settled in the spring term of court 1853. It sold for \$183 and the costs approximated \$160, thus leaving about \$22.50 to be distributed."⁴³

The above clearly lists the following children for James Sims: William, Martin, John, James, Dryden, Charles, Washington, Jane, Mildred, Nancy, Jeremiah (dec'd), Elizabeth (dec'd), Mary (dec'd), Margaret (dec'd), Sarah (dec'd). Using known dates of birth and ages found on the census we have been able to list the children in nearest possible order of birth and determine the mother of each. The order in which the living sons are listed in the suit is also their order of birth; while the living daughters are listed youngest to oldest; the deceased daughters are listed oldest to youngest. Using this information we have been able to group the children with their mother.

Children of JAMES SIMS and PHEBE [--?--] are:

- i. JEREMIAH⁵ SIMS, b. 24 May 1777, Culpeper County, Virginia; d. 19 January 1824, German Township, Clark County, Ohio.
- ii. WILLIAM SIMS SR., b.6 November 1780, Culpeper County, Virginia; d.5 October 1854, Nicholas County, (West) Virginia.
- iii. ELIZABETH SIMS, b. Abt. 1782, Culpeper County, Virginia; d.1 June 1845, Fayette County, (West) Virginia.
- iv. MARTIN SIMS, b. Bet. 1784 - 1790; d. Bet. 1854 - 1860.
- v. JOHN SIMS, b.15 May 1787; d. October 15, 1869, Kanawha County, West Virginia.
- vi. MARY SIMS, b. Abt. 1787; d. Bef. 1848.
- vii. NANCY ANN SIMS, b. Abt. 1793, Culpeper County, Virginia; d. Bet. 1860 - 1870, Poca District, Kanawha County, West Virginia.

Children of JAMES SIMS and ELIZABETH COTTON are:

⁴³ Hughes, Eve. E-mail dated June 13, 2001. This information, taken from a file containing papers for application for membership in the DAR for Virginia Bondurant Johnson, was passed to her by another researcher.

James Sims of Nicholas County

- viii. JAMES SIMS, JR., b. Abt. 1801, Kanawha County, (West) Virginia; died unknown but last seen in 1850 census of Kanawha County, (West) Virginia).
- ix. MARGARET⁵ SIMS, b. Bet. 1801 - 1804; d. Bef. 1848.
- x. SARAH SIMS, b. Bet. 1804 - 1806; d. Bet. 1837 - 1848.
- xi. MILDRED SIMS, b. Abt. 1806, Nicholas County, (West) Virginia; d. May 1882, Fayette County, West Virginia.
- xii. JANE L. SIMS, b. Abt. 1810, Virginia; d. Aft. 1880.
- xiii. CHARLES FULLERTON SIMS, b.13 August 1815, Swiss, Nicholas County, (West) Virginia; d. 26 April 1891, Swiss, Nicholas County, (West) Virginia.
- xiv. DRYDEN SIMS, b. Abt. 1818, Kanawha County, (West) Virginia; d. Abt. 1880, St. Clair County, Missouri.
- xv. GEORGE WASHINGTON SIMS, b. Abt. 1821, Nicholas County, (West) Virginia; d. abt. 1920

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