

## BENJAMIN BORDEN: EARLY ROCKBRIDGE SETTLER

By Rose Mary Whiting Moseley

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THE JOURNAL of Mrs. Margaret Lewis<sup>1</sup> says: “Last spring, and this is 1737 now, John Lewis, visiting the seat of government, Williamsburg, met there one Burden [sic], but lately come as agent for Lord Thomas Fairfax. John was so pleased with his company that he must needs come back with him and hunt and explore. My sons took, in the chase, a young buffalo calf which the stranger much affected, and it was given to him. This was toward the end of his stay, for he made a pleasant inmate of our home some several months. He took the rude animal and made a present to the most worshipful Governor Gooch, who never having seen

so comical a monster in lower Virginia, did promptly favor the donor by entering on his official book full authority to Benj. Burden for locating 500,000 acres of land nigh to James River and Shenandoah waters, this on condition that he should, within ten (10) years, settle at least one hundred families within its limits. The Presbyterians of North Ireland, Scotland and adjacent portions of England do abide at home uneasily, and they will come freely to Burden’s bidding, for the people of this new settlement.”

1 Margaret Lynn (1693–1773), married John Lewis (1678–1762) in 1715 in Ulster, where they were both born. They emigrated to Orange County (now Augusta) about 1732. The Lewis family settled around Staunton, and through the 1740s John Lewis explored the Greenbrier region, where he was a partner in a land grant of about 100,000 acres.

Rose Mary Whiting (1881–1965) was born in Chicago and married Thomas Emmet Addis Moseley, who became a professor of French and Spanish at Virginia Military Institute. The Moseleys lived in Lexington between the world wars.



Above: Excerpt from the so-called Fry–Jefferson map, 1755, showing “Bordens Irish Track,” Courtesy of Library of Congress.

Another writer<sup>1</sup> rather testily says: “A silly story has been repeated time after time to the effect that Borden and Lewis visited the capital with a buffalo calf and presented it to Governor Gooch, causing that dignitary to be so tickled as to sign away the title to 100,000 acres of the public domain. Gooch, who was one of the best colonial executives, was too sensible a man to be carried off his feet by the present of a shaggy, ungainly and ungrown beast. A colonial land-grant like the one made in favor of Borden, was on stipulated conditions and with the concurrence of the Colonial Council.”

The governor, with the concurrence of the Council, could grant a huge block of land to an individual, or a group of men acting as a company. The theory of the order of council was to settle within a stated time a minimum number of families on the tract. The grantee was supposed to be restrained from charging more

than a specified price per acre. He issued deeds, just as though the block was owned by himself in fee-simple. In practice, there was created a proprietorship, usually non-resident, which enabled men influential with the colonial government to levy a burdensome tax on the settler without rendering in return a corresponding benefit. Much of the public domain was thus cornered by these influential men. The settler had to pay their price or go on to the very verge of settlement. The order of council method was monopolistic in its very nature.

Thus Governor Gooch was petitioned by “Benjamin Borden and William Robertson in behalf of themselves and divers Masters of Families, Inhabitants

### BENJAMIN BORDEN (1675–1743)

Borden was born in Monmouth County, New Jersey. By 1734 (age 59) he had resettled in the northern Shenandoah Valley. He achieved prominence as a tobacco farmer, land speculator and politician.

In 1735 the Virginia Governor’s Council, on behalf of the king, promised him up to 100,000 acres amid the branches and tributaries of the James River. The condition was that he would receive 1,000 acres for each cabin built on the tract. In 1739, after 92 cabins had been built, this claim was certified at 92,100 acres. His settlers were a diverse religious and ethnic lot, but enough were from Northern Ireland that the land was sometimes called the “Irish Tract.”

There seems to be no truth to the legend that a gift of a buffalo calf influenced the land grant to Borden; he received it because he was an ambitious and credible developer of the western frontier.

Borden died in 1743 near Winchester. He owned land other than just the Borden Grant in the Valley, about 120,000 acres in all, and his estate attracted many complicated lawsuits, which took 154 years to settle.

— Editor

of East Jerseys setting forth that they are desirous to Settle on the West Side of the great Mountain on Sherrando River and Praying a Grant of 100,000 acres of Land to be laid out for them in one or more Surveys beginning at or near that part of the Great Mountains which is intersected by the South Branch of James River, etc. To settle one family for each 1,000 acres within two years and provided the same do not interfere with the Grant made to John Tayloe and Thos. Lee, Esqs., and Wm. Beverly, Gent.

“The patent to Borden was issued November 5, 1739. It ran as follows: ‘George the second by the grace of God of Great Britain, France and Ireland, etc. We do give, grant and confirm unto the said Benj. Borden and his heirs and assigns forever, One certain tract or parcel of land, containing 92,100 acres situate lying and being on the West side of the Blue Ridge in

the County of Augusta and on the north and northeast branches of James River between the Blue Ridge and North Mt., etc.’”<sup>2</sup>

There is a statement that Borden sailed to England and brought back a large company of settlers. This is very doubtful. Such action was not necessary. He did advertise his lands, and to such effect that more than 100 families located on the tract within the two years. Immigrants were arriving in Philadelphia almost every week, sometimes to the number of hundreds, and efficient advertising was certain to bring the desired results.

<sup>2</sup> Mrs. Moseley attributed this quote to a thesis written by Claude LaVarre at Washington and Lee University, no date noted. No copy exists today in the university library or in the Rockbridge public library.



The actual Borden Grant — signed on November 6, 1739, by King George II, conveying to Benjamin Borden title to land west of what are now called the Blue Ridge Mountains. The document is owned by Washington and Lee University and although damaged when it was given in 1928, it has been meticulously conserved.

Since the comfortable Quakers had a scant welcome for the newcomers in the small settled district, they pushed inland, the Germans moving rather to the right and the Ulstermen to the left. The Ulstermen became a frontier people as soon as they came to America. They were well-fitted to become such: They were overcomers by nature and did not shrink from facing difficulties. It was the Scotch-Irish who gave a dominant impress to the entire frontier. The Borden tract was primarily settled by Ulstermen and by occasional families East of the Blue Ridge.

WHEN IMMIGRATION began to flock into the Rockbridge area in the fall of 1737, it was not into an unknown land. Governor Gooch had given wide publicity to what had been seen by Spotswood and his companions. The prospectors who spied out the choicer portions of the Valley, with the in-

tention of covering them with orders of council (as in Borden’s case) or with patents of less ambitious size (as with that of John Peter Salling<sup>1</sup>) were desirous of seeing people come in. The colonial government encouraged the settlement of the Valley as a means of protecting the lower country from Indian incursions.

It had been assumed that it was a forbidding land. On the contrary it was found to be pleasant and fertile and abounding in game and fish. There were no Indian occupants, although a grassy prairie covered the lowlands between the Blue Ridge and the Alleghanies beyond, known as Indian meadows. These were fired by the Indians at the close of each hunting season so as to keep back the forest growth.

It was a vision to appeal to the land speculator, and it did not appeal in vain. In this class I think we may

<sup>1</sup> Oren Morton, *A History of Rockbridge County, Virginia* (McClure Company, Staunton), 1920, p. 26.

<sup>1</sup> See “The Diary of John Peter Salling: Early Rockbridge Adventurer,” *Rockbridge Epilogues*, No. 35, Summer 2022.

include Benjamin Borden. As a business man he was shrewd, alert and tactful. Besides Borden's Great Tract he is said to have owned land in several localities in the Shenandoah district and in New Jersey, his native state, where the name Bordertown commemorates an early settlement by the family.

Borden's Tract was south of Beverly's Manor.<sup>1</sup> The first settlers on the Tract were kinsmen of Lewis, Ephraim McDowell and his family. McDowell's daughter, Mary Greenlee, related, in a deposition taken in 1806, the circumstances under which her father went there. Her brother James McDowell had come into Beverly's Manor during the spring of 1737 and planted a crop of corn near Wood's Gap,<sup>2</sup> and in the fall her father, her brother John, and her husband and herself came to occupy the settlement.

It was just after the McDowells had established their camp on Linville Creek<sup>3</sup> that that an incident occurred which led to some change in their destination.

A man giving his name as Benjamin Borden came along and arranged to spend the night with them. He told them he had a grant of 100,000 acres or the waters of the James, if he could ever find it. To the man who could show him the boundaries he would give 1,000 acres. John McDowell replied that he was a surveyor and would accept the offer. A torch was lighted, McDowell showed his surveying instruments and Borden his papers. Each party was satisfied with the representations made by the other. At the house of John Lewis, where they remained a few days, a more formal contract was entered into.

Accompanied by John McDowell, Borden went on from Lewis's and camped at a spring where Midway now is.<sup>4</sup> From this point the men followed the outlet of the spring to South River, and continued to the mouth of

1 In present-day Augusta County, and created in more or less the same manner as the Borden Grant.  
2 In Augusta County, northeast of present-day Waynesboro.  
3 In Rockingham County, just north of present-day Harrisonburg, both undeveloped areas of Augusta at the time.  
4 Until the mid-20th century, Midway was the commonly used name for what is now Steeles Tavern.

that stream, returning by a course. Borden could now see that he was within the boundaries of his grant.

McDowell and his family located on Timber Ridge. This was the first European man's settlement in the Borden Tract.

Borden remained about two years on his grant, spending a portion of the time with a Mrs. Hunter, whose daughter married a Green, and to whom Borden gave the place where they were living when he left. When Borden went back to his home near Winchester, he left his papers with John McDowell, to whose house many of the prospectors came in order to be shown the parcels they thought of buying.

In consideration of building a cabin, the settler was given 100 acres, with the privilege of buying additional land at the minimum price of 50 shillings per hundred acres. These cabin-rights were of vital importance to Borden. Each one validated his own title to 1,000 acres of his grant.

Among others who came to Virginia at this time was an Irish girl named Polly Mulhollin. She attired herself in the habit of a man; and with hunting shirt and moccasins went into Borden's grant for the purpose of making improvements and acquiring a title to land. Here she erected thirty cabins, by virtue of which she held 199 acres adjoining each. When Benjamin Borden the younger came on to make deeds to those who held cabin-rights, he was astonished to find so many in the name of Mulhollin. Investigation led to a discovery of the mystery, to the great mirth of the other claimants. Mrs. Lewis mentions this incident in her journal, and she also says:

"By this time Borden's settlement is fast filling up. There be some of the Established Church among them, but most of our neighbors are Scotch-Irish Presbyterians. It soundeth like the gathering of the clans to call over the McKees, McCues, McCampbells, McClungs, McKowns, Carutherses, Stewards, Wallaces and Lyles, together with the Browns, Prestons, Paxtons and Grigsbys."

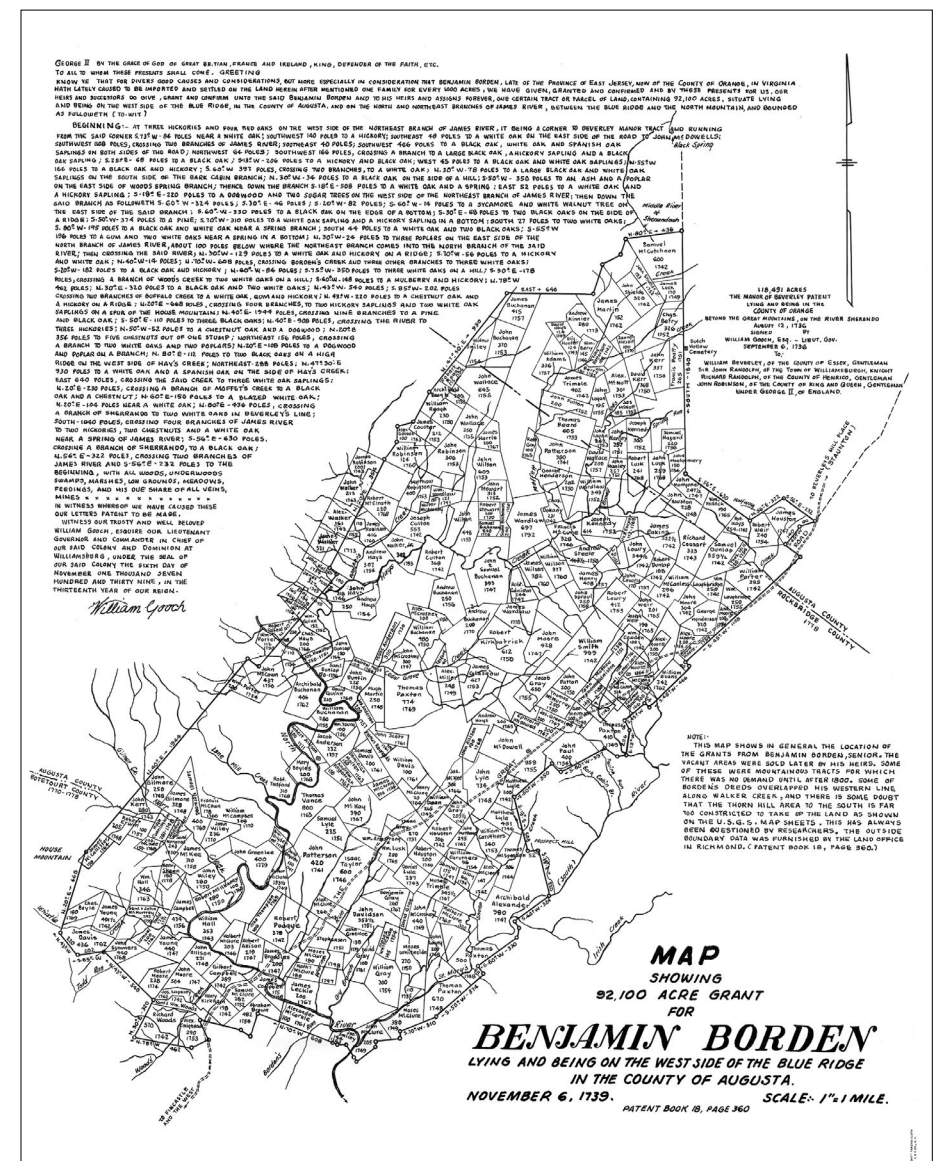
The surveying of the boundaries of the Tract was not done until after the counting of the cabin-rights.

Borden's Grant as recorded in 1737 and re-created in 1964. Courtesy of the Rockbridge Historical Society.

This circumstance will account for the extraordinarily irregular outline. More than sixty angles are described in the patent. Separate parcels were not always surveyed before purchase, but were described by general boundaries. James Buchanan says his father's land was paid for before survey, although certain boundaries were agreed upon. However, the younger Borden did not observe these bounds, and referees decided in his favor. Mrs. Greenlee says people sometimes squatted in the grant, and without first contracting with "old Borden." William Patton says that parcels passed from hand to hand prior to the making of any deed. This circumstance helps to explain why the names of some of the settlers do not appear in the deeds issued by the Bordens.

THE DEATH of Benjamin Borden Sr. in 1743 left the proprietary interests in the Tract in much confusion. Many bargains with the newcomers had been reached, but in rather numerous instances the settler was living on land to which his claim was incomplete. Judge McDowell very justly remarks that the business of the estate was intricate and very troublesome. The elder Borden had either sold or given away many tracts that there was no account of among his papers. Disputes arose and some of the contestants made good their claims.

Benjamin Borden was probably less than fifty years old when he died, leaving personal effects valued at \$487.00. The house furnishings were simple and primitive, many of them being listed as "old" and of little value Borden was survived by three sons, Benjamin, John and Joseph, and seven daughters. The spring



following Borden's death, his son Benjamin appeared in Rockbridge with authority under his father's will to adjust all matters with the settlers on the Grant.

The quit-rents coming due every year on the unsold portion of the Tract were a burden to the younger man. One deponent says a parcel was sometimes sold off merely to get the money for this purpose. It was the practice of the Bordens to sign no deeds until the purchase money had been paid in full.

Benjamin Borden Jr. married the widow of John McDowell and lived at Thorn Hill, afterward the Bowyer estate, which lies on Wood's Creek two miles southwest of Lexington. That his home was just outside the Tract is explainable on the supposition, which is almost a certainty, that his wife, whose maiden name was Magdalena

Woods, was a sister to Richard Woods, who settled here in 1738. Here, in April, 1753, the younger Borden died of smallpox.

Joseph Borden, the youngest brother, came to live with Benjamin Jr. and went to school. The fall after the latter died he went away by dark — claiming that he could not get along with his sister-in-law. About twenty years later he again appeared in the Tract and told Samuel McDowell that he had bought out the claim of his sister, Mrs. Worthington. He paid his sister \$300.00 for her interest in her tract of 1,000 acres, and because of this land he brought suit against his niece, Martha Harvey, and her Husband Robert. The almost interminable depositions and other proceedings during the period 1790–1807 fill two large volumes in the office of the circuit court at Staunton. The kernel of the whole trouble was the provision in the will of Benjamin Sr. that five of his daughters should have 5,000 acres that was “all good land.” Judge McDowell deposed that as a boy he was a chain-bearer for the surveying parties in the Tract and thus became very familiar with the ground. He said it was not possible to embrace 1,000 acres of choice land in a single survey, and that it would require from fifteen to twenty surveys to cover the total of 5,000 acres.

Joseph Borden died in 1803 at his home in Iredell County, N.C., but the suit dragged its weary length along, and was at length merged into the suit of Peck vs. Borden. It appeared in the docket term after term with monotonous regularity. The Borden heirs became more numerous year by year, and the case never seemed ready for settlement. About 1885 the circuit Judge ordered the funds into the hands of the court, amounting with interest to some \$5,000, to be paid to the army of heirs. The case was then stricken from the docket. It had involved the legality of all the Borden titles, but no landholder in the Tract was dispossessed.

**P**ASSING THE ENTIRE BORDEN MATTER in review, it appears in the light of a long-continued nuisance and an unjustifiable and injurious monopoly. The elder Borden had performed no public service to warrant so large a benefit from the public domain. The heirs, with the one exception of Benjamin Jr., were non-residents. There was never any sound reason why the individual purchases should not have been patents issuing from the state. A vast amount of litigation and other forms of annoyance would thus have been avoided. ■

