



**The
Catherine and Matilda Fitzgerald
Brief**

By G. Edward Neal



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Genealogy is an adventurist historical quest to learn something about who we are by discovering who our ancestors were. In some ways it may then serve to give our life meaning among the universe. As such, it is, or perhaps should be a quest for the truth. We owe ourselves and our ancestors nothing less.

G. Edward Neal



Introduction

Catherine “Caty” Fitzgerald has been for the most part ignored or misplaced by researchers for any number of reasons. Some due probably to assumptions regarding her age when she married James Durham in 1793 which, if so, incorrectly puts her in the wrong generation to be properly identified. Knowing James Durham’s and Caty’s ages of course puts a completely different light and perspective on things. Actually, Bartlett Fitzgerald, Caty’s brother, has also been misplaced somewhat and incorrectly associated with the wrong ancestors. Why, I do not know but I cover his story in another more comprehensive brief. While this paper is designed as a stand-alone story, so Caty and Tildy do not remain hidden by smoke and mirrors, Bartlett’s and Caty’s stories are forever intertwined through the Durham family of Nelson County Virginia.

Due probably in part to Caty being misplaced, her daughter Matilda “Tildy” Fitzgerald has also been ignored and perhaps even considered a “brick wall” by some researchers, particularly her Coffey descendants. One problem with identifying Tildy may be an abstract of her marriage record that transcribed her parent’s name incorrectly. Tildy’s status as an NPE, or someone having been born out of wedlock, has also raised the foggy mist of history a bit as one might expect. What is really interesting in this case, however, is the fact that we only need to look at, and understand, two documents to understand who these ladies were and where they belong within the Orange County and Nelson County Fitzgerald family. And in doing so, we also learn more about the most notable member of this family, Bartlett Fitzgerald, a revolutionary war veteran.

So, while these ladies have been basically hiding in plain sight, genealogically speaking, we can remove the smoke and mirrors using the paper trail they left, Exhibits A & B, and thereby reveal their true identities in order to honor them by recognizing and noting their proper place within the correct Fitzgerald and Coffey families.



Catherine “Caty” Fitzgerald

Catherine “Caty” Fitzgerald was born in Orange County Virginia circa 1764/66 and was most likely the daughter of James Fitzgerald Sr. and his wife Mary of Orange County Virginia. Mary may have been a Bartlett, as others have speculated, or perhaps a Hawkins but there is no evidence to support either. There was a Bartlett and a Hawkins family in Orange County and Caty’s brothers Bartlett and Benjamin both used the name Hawkins instead of Fitzgerald when they served in the Revolutionary Army, so the name Hawkins seems to be a likely suspect. It may be that Bartlett and Hawkins are both family names. Why Bartlett and Benjamin used the name Hawkins as an alias is not known but they returned to Fitzgerald after the war so it obviously had something to do with the war. While some have speculated that Hawkins was Bartlett’s middle name, that doesn’t seem likely since both brothers used it.

We know that Caty was born in Orange County because her brother Bartlett said in his Revolutionary pension application that he was born and raised in Orange County. We also know that Bartlett returned to Orange County in 1779 to recuperate from bayonet wounds he had received at Baylor’s Massacre in New Jersey in September of 1778. From that one can only logically conclude that Bartlett still had family and friends in Orange County in 1779. James Fitzgerald Sr. and Mary actually lived on the border between the Orange and Albemarle county lines on branches of Priddy’s Creek and parts of their land was in both counties. James Fitzgerald Sr. was the son of Walter Fitzgerald Jr. who lived in that part of Orange County that became Culpeper County in 1749 and was Spotsylvania County prior to that and Essex County prior to that. It is not known at this time if Walter was born in the Colonies or not.

Walter Fitzgerald Jr. also had a son named William who was probably the William Fitzgerald who was reported in the Augusta County records as being killed by the Indians in 1764. Walter also had a son named Thomas who served one year in the French and Indian War in 1758. Caty’s brothers Bartlett and Benjamin lived in Amherst/Nelson County and brother William remained in the Orange County area and died in Madison County. Her brother Daniel moved to Kentucky soon after serving in the Revolutionary War as did a sister whose name we do not know. We know she existed because she was mentioned in Daniel’s revolutionary pension papers which also confirms that Daniel and James S. Fitzgerald were brothers. James Fitzgerald Jr. also moved to Kentucky, soon after his father James Fitzgerald Sr. died and then moved on to Indiana.

It should be noted that James Fitzgerald Jr.’s full name was James Stephen Fitzgerald but there is no evidence that James Sr’s middle name was also Stephen and it would be a mistake to assume that it was. The use of senior and junior in records is to denote an older and a younger person with the same first and last name. They may or may not have the same middle name and in fact they are not always father and son. Sometimes it references an Uncle and a Nephew. It could even refer to people who are not even related although not as likely.



Catherine “Caty” Fitzgerald married James Durham in Amherst County Virginia on 28 October 1793. This marriage record tells us that Caty’s mother Mary remarried James’ father Thomas Durham. To be clear, there is no known record of Caty’s mother Mary marrying James’ father Thomas but there were no other Durhams in the area during this timeframe so it is a 99.9 percent safe conclusion that the Mary Durham on the marriage record was Thomas Durham’s wife. It is also a fairly safe conclusion that the Mary Durham on the marriage record was not the mother of James Durham. In turn then, we can safely conclude that this Mary Durham had been previously married and was Thomas Durham’s second wife. As evident in the marriage record of James Durham and Caty Fitzgerald, we can also safely conclude that she was Mary Fitzgerald prior to marrying Thomas Durham.

Interestingly, and critically important, is the question of how did Caty and her mother Mary of Orange County Virginia end up on the north fork of the Tye river where the Durham family lived. Or perhaps a better question is why. The answer is part speculation and part fact. The factual part, which is a large part of the answer, is Bartlett Fitzgerald lived there and was a neighbor to Thomas and James Durham. The speculation part only involves why Mary and Caty ended up there because that they did so, is fact. What seems likely, but has to be considered speculation, is that Mary Fitzgerald’s first husband James Fitzgerald Sr., died in Orange County sometime shortly before 1793, probably in 1788/89 according to tax and other records, and the widow Mary and her daughter Caty, and of course Caty’s daughter Tildy, who was born circa 1780, went to live with Bartlett Fitzgerald. The widow Mary Fitzgerald then at some point married the widower Thomas Durham and Caty married his son James Durham. Tildy then married Edmund S. Coffee Jr. who also lived on the north fork of the Tye river.

The key to identifying Catherine “Caty” Fitzgerald and her daughter Matilda “Tildy” Fitzgerald can be found in the marriage records of both when viewed together. In fact, it is actually amazing how much information can be found in these two documents particularly when examined together. What we see in Caty’s marriage record to James Durham in 1793 is that her mother was named Mary, that her mother had remarried Thomas Durham and that the most notable of these Fitzgeralds, Bartlett Fitzgerald, who we know was born and raised in Orange County, was her brother. And that in turn tells us that Caty was from Orange County Virginia and probably the daughter of James Fitzgerald Sr.

To confirm that Caty and Bartlett Fitzgerald were brother and sister, however, we first need to establish that Caty was in the same generation as Bartlett. To do that we only need to look at the marriage record of Tildy Fitzgerald to Edmond S. Coffey in 1798 to see that Caty was Tildy’s mother. The 1850 census record for Nelson County Virginia shows that Tildy was born circa 1780 which would make her around 18 when she married. More importantly, that means her mother, Caty Fitzgerald was most likely born in the 1760s and that puts her in Bartlett’s generation since we know he was born in 1759.

To further confirm that Caty was Bartlett Fitzgerald’s sister, as can be seen in Exhibit A, Caty’s marriage record identifies a Patrick Fitzgerald as her brother. Interestingly, however, when the clerk entered the marriage bond data into the Amherst County Register of Marriages, (Bartlett)



was written above Patrick Fitzgerald's name. The clerk had also written (Catherine) under Caty's name obviously to indicate her name was Catherine. One can interpret this in different ways of course including the clerk was indicating that Patrick was actually Patrick Bartlett Fitzgerald or Bartlett Patrick Fitzgerald but either way, and perhaps more importantly, Bartlett is clearly being identified as Caty's brother.

Tildy Fitzgerald's marriage to Edmund S. Coffee Jr. in 1798 shows that her mother was Caty Durham and that her "stepfather" was James Durham. Since Caty obviously had a daughter when she married James Durham, and since according to Tildy Fitzgerald's marriage record James Durham was not her father, the question becomes whether Tildy was born out of wedlock or not. Or perhaps the question should be was Caty a Fitzgerald by birth or by marriage. She could of course be both if she had married a Fitzgerald cousin. The answer can be found in the marriage bond for James and Caty which identifies James as a bachelor and Caty as a spinster. No matter how one interprets the term "spinster", it was never used to identify a widow, divorcee or anyone other than a single unmarried woman.

When they married in 1793, James Durham was about 27, according to Amherst County tax and other records, which made his status a bachelor and Caty was about 29, which would have obviously made her a spinster, with or without child. Therefore, one can only conclude that Caty had not been married before marrying James Durham and that Matilda "Tildy" Fitzgerald was born out of wedlock or was an NPE (Non Parental Event) if you prefer. Caty was clearly born a Fitzgerald and since her daughter was named Fitzgerald, it is tempting to conclude that Caty had been married to a Fitzgerald prior to marrying James Durham and that the use of the term spinster was a mistake. The records, however, simply do not support that conclusion.

It is not clear when Mary (Unknown) Fitzgerald Durham died but Thomas Durham died circa 1796. James Durham and Caty Fitzgerald remained in Nelson County where James died sometime around 1833. James and Caty did not have any known children of their own and exactly when Caty died is not known. James' nephew James Durham returned from Casey County Kentucky as a teenager to live with his Uncle James and Aunt Caty and has been misidentified by some as their son due to him being identified as James Jr., which of course does not always denote father and son. The tax records clearly identify him as the son of David Milton Durham, however, and his mother was Jane Coleman who was a sister to Maskey Coleman, Bartlett Fitzgerald's wife. He later married Lorinda Taylor and remained in Nelson County until his Uncle James passed away and then returned to Casey County sometime before 1840. At that point, there were no more Durhams left in Nelson County.



Matilda “Tildy” Fitzgerald

Matilda “Tildy” Fitzgerald was the daughter of Catherine “Caty” Fitzgerald and was born circa 1780 probably in Orange County Virginia. She was born out of wedlock and her father’s name is unknown. She moved with her mother Caty and grandmother Mary to the north fork of the Tye river area on Fork Mountain in Nelson County Virginia sometime prior to 1793 when her grandfather James Fitzgerald Sr. died. It is of course possible that Tildy and her mother Caty left Orange County before Mary Fitzgerald did and that is why Mary moved to Fork Mountain. Tildy Fitzgerald married Edmond S. Coffey Jr. in Amherst County on 3 January 1798. Edmond S. Coffey Sr. owned land on Fork Mountain in the same area as the Fitzgeralds and Durhams during that timeframe.

Edmond S. Coffey Jr. most likely died 1855/56 when his estate was probated. Matilda Fitzgerald Coffey’s will was dated 5 August 1866 and she probably died soon after that while in her eighties. Edmond S. Coffey apparently did not leave a will; however, he made an indenture dealing with the disposition of his Negro slaves upon his death. The indenture was somehow deemed to have a legal problem so his wife Matilda and children came up with an agreement on what to do with the slaves and other property and presented it to the Circuit Court in Nelson County in what amounts to a petition. The petition, as I will call it, names Edmond S. Coffey’s wife as Matilda Coffey and his children as John W. Coffey, Joseph Coffey, Joel Campbell husband of Nancy Coffey, ?Carson? W. Parrish husband of Mary S. Coffey and Henry B. Coffey. The petition refers to two Deeds of Trust by Edmond S. Coffey in which he made provisions for the payment deaths and the negro slaves to be divided among his children and after their deaths to their children. This deed was deemed to be illegal so he made a second Deed of Trust in an effort to ensure his “negro property” ended up in the hands of his children. It is not clear but the second deed may also have been declared not legally proper in estate law and hence the petition.

The petition Matilda and her children presented to the court basically states that Matilda Coffey made an agreement with her children whereby she would get for life the “Mansion House”, tract of land and the household and kitchen furniture, plantation tools and stocks on the property and the following slaves; Winney, Franky & Phillis and her children James and Alexander and after her death to be divided among her children. Interestingly, Matilda in her will dated 5 August 1866 wanted enough of the money from the current crop to go towards buying Franky a sunbonnet and the rest would go to her son Henry B. Coffey who it rightfully belongs to. Matilda also wanted Franky to have her cow for the service she has rendered in taking care of her, provided Franky stays with Henry. Otherwise she doesn’t get the cow. Although Franky was a slave, this was in 1866 and she was now a newly freed person. She also willed some household items to Henry, Clancey and Polly. It’s not clear who Clancey is unless it’s Polly’s husband whose name has been close to illegible in other documents.

In Matilda’s will, dated 5 August 1866, she said that she had prevailed upon her son H. B. Coffey to come home and take care of her and that as a good and faithful son he did so. She also made



reference to the current crop being his *“in-as-much as this is his land and home”* and that there was not to be any rent against him. She said this because of an agreement Henry made with his mother Matilda and his siblings when his father died. The agreement was basically that the Mansion House and property would be for Matilda during her lifetime and that Henry would then inherit it when his mother died, provided he pay his siblings \$50 each. Technically, the property belonged to Henry once all concerned agreed to the arrangement in 1855/6. That is why Matilda said in her will that the crop was Henry’s anyway.

Another agreement among the siblings concerned how to divide their father’s negro slaves, Wyatt, Bob, Lucy, Lizzie, and Betsy. Interesting because what they did was have each slave valued, then wrote the amount on a “ticket” along with the name of the slave and each sibling then drew the tickets. As a result, Joel Campbell and his wife Nancy drew Wyatt valued at \$500, John W. Coffey drew Bob valued at \$600, Joseph Coffey drew Lucy valued at \$400 and ?Carson? Parrish and his wife Polly drew Betsy valued at \$500. A boy named Henry was not drawn and it was decided that he should be sold at public auction and the money equally divided. Edmond S. Coffey also owned various small mountain tracts that no one was interested in so they were also sold to help pay off debts.

The children of Edmond S. Coffey Jr. and Matilda “Tildy” Fitzgerald:

1. Nancy Coffey
married Joel Campbell
2. John W. Coffey
married Susanna Coffey
3. Joseph Coffey
married Elizabeth Phillips
4. Mary Steel Coffey
married C. W. Parrish (The “C” may be for Carson or Clancy?)
5. Henry Benjamin Coffey
married Mary “Polly” Campbell

(the children may not be listed in their proper order of birth)



EXHIBIT A

Item 1.

This is an exact replica of the marriage record of James Durham and Caty Fitzgerald as found in the Amherst County Virginia Register of Marriages.

| Date | Husband | Wife | Parent of Husband or Guardian | Parent of Wife or Guardian | Surety & Witnesses |
|-----------|---------------|---------------------------------|-------------------------------|----------------------------|-------------------------------------|
| 10/8/1793 | Durham, James | Fitzgerald, Caty (Catherine) | Durham, Thomas | Durham, Mary Mother | Bartlett Fitzgerald J. Ballinger |
| | | | | | William Coffee |
| | | | | (Bartlett) | Samuel Meridith |
| | | | | Fitzgerald, Patrick | |
| | | | | Brother | |
| | | Each of Amherst Parish | | | |

Item 2.

This is an abstract of the marriage of James Durham and Caty Fitzgerald compiled by William Montgomery Sweeny:

“Durham, James, bachelor, and Caty Fitzgerald, spinster, October 28, 1793. Bartlett Fitzgerald, surety. Consent of his father, Thomas Durham. Consent of her mother, Mary Durham. Patrick Fitzgerald made oath that Caty Fitzgerald (his sister) was 21 years of age”.

I learned early on in my genealogical research not to trust abstracts because they are sometimes wrong or in some cases imply something that isn't there. For example, if you only use this abstract you might assume, unless you recognize what bachelor and spinster mean, that James and Caty were underage since they both have the consent of his father, in James' case and the consent of her mother in Caty's case. In fact, James and Caty were well over 21 in 1793 and didn't legally need the consent of anyone to marry. It was merely a formality and tradition. When Patrick Fitzgerald said his sister was 21 years of age what he is actually confirming is that Caty was an adult of 21 or over. James would have been around 27 and Caty around 29 when they married hence the use of “bachelor” and “spinster”.



EXHIBIT B

Item 1.

This is an Exact replicate of the marriage record of Edmond S. Coffee Jr. and Matilda “Tildy” Fitzgerald as found in the Amherst County Virginia Register of Marriages.

| Date | Husband | Wife | Parent of Husband or Guardian | Parent of Wife or Guardian | Surety & Witnesses |
|----------|--------------------|-------------------|-------------------------------|----------------------------|--------------------|
| 1/3/1798 | Coffee, Edmond Jr. | Fitzgerald, Tildy | Coffee, Edmond | Durham, James | Edward Coffee |
| | | | | Stepfather | Isaac Durham |
| | | | | | W. Walker |
| | | | | | |
| | | | | Durham, Caty | |
| | | | | Mother | |
| | | | | | |

Item 2

This is an abstract of the marriage of Edmund Coffey and Tildy Fitzgerald compiled by William Montgomery Sweeny:

“Coffee, Edmund and Tildy Fitzgerald, spinster, January 3, 1798. Edmund Coffee, surety. Consent of her mother, Caty Duncan and her step-father James Duncan. Edmund Coffee, Jr. made oath that Edmund Coffee, son of Edmund Coffee was 21 years of age”.

There is at least one critical error, and one I would describe as fatal, with this abstract. The error is in transcribing James and Caty’s name as Duncan instead of Durham. The unknowing researcher that accepts this abstract as a valid sole source will have a very difficult time of identifying Tildy’s parents and connecting this marriage record with the record of James and Caty Fitzgerald Durham. Another error is stating that Edmund Coffey Jr. made oath regarding Edmund Coffey’s age when it should have been Edmund Sr. made oath of Edmund Jr.’s age.

Although Edmund Coffey Jr.’s age is given as 21 years or older, he is not identified as a bachelor. Tildy, however, is identified as a spinster. If the age on the 1850 Nelson County census is correct, Tildy would have been 18 years-old in 1798. It isn’t always clear at what age a woman is identified as a spinster in marriage records but it always, inherently so, refers to an unmarried woman. A cursory review of Amherst County marriages seems to indicate that the term spinster was used for any single woman, not previously married, regardless of age. With Tildy, it may be that she was 19 or 20 in 1798 but not likely any older considering the estimated age of her mother Caty of circa 1764/66. She may also have been a little younger than 18. The fact that Tildy was an NPE muddies the water somewhat on valid assumptions in this regard.



