

## “THE TASHAPIATHACHO QUESTION”

September 26, 1999

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ABSTRACT: For many years Hockaday, Bristow and Brister family members have heard the persistent story of an ancestor who married an Indian woman named Tashapiathacho (one of several similar spellings). Until recently, no comprehensive research study had been undertaken to determine from among the story fragments what is true and what is false. During the summer of 1999, a team of family members developed a structured approach to studying the alleged marriage, pooled their collective knowledge and were able to identify three Bristow-Brister male ancestors who qualified as eligible marriage candidates who warranted further research. While working from primary source records the study team also discovered the existence of an actual Choctaw Indian woman named “Molly (widow of Tashapitahacho)” who lived in southern Mississippi during the early 1800s. Also, twelve questions were identified that when answered should resolve whether the alleged marriage involved an early Virginia Hockaday family member. Two interesting study byproducts were the identification of those persons who created the known versions of the marriage story and the postulation of a possible motive to explain (if the story is eventually found to be false) why the story may have been created in the first place. A research framework and methodology was also defined to provide a sharper, more objective focus within which to guide future family Tashapiathacho research efforts.

### I. INTRODUCTION

For many years Bristow, Brister and Hockaday family tradition has alleged the existence of an as yet unproved marriage between Warwick Hockaday (b. ca. 1699; d. ca. 1758) of Virginia and an Indian woman by the name of "Mary, Molly or Mollie Tashapiathacho." Variations of the story suggest the marriage may have occurred at a later date in Mississippi Territory or the State of Mississippi.

To date, many who have heard the story have passed it on without questioning its truthfulness; thereby perpetuating the story's myth, romanticism and possible falsity from one generation to the next. This has been done verbally, in writing and more recently, across the internet. Some may have

attempted to investigate whether the story was true. However, to our knowledge none were able to locate an 18<sup>th</sup> or 19<sup>th</sup> century Indian woman named “Tashapiathacho,” nor were they able to verify the truth of the story.

Out of concern that further unfounded repetition may in time create its own “truth,” family members took a fresh, objective look at this story during summer 1999. Our objectives were to:

1. Assess the likelihood that the marriage ever occurred,
2. Better understand where and when it might have occurred,
3. Identify male family members who were eligible marriage candidates,
4. Establish a framework within which to conduct future Tashapiathacho research,
5. Identify questions the answers to which will prove or refute the story once and for all,
6. Encourage future researchers to conduct original research making maximum use of primary record sources and discourage the continuing repetition of the story in its several unproved variations.

The Bristow-Brister-Hockaday family study team was most fortunate to have fourteen members who graciously shared their genealogical data and volunteered their time and considerable expertise as specialists in select areas, e.g., Hockaday-Bristow-Brister Genealogy, Colonial Virginia law, American Indian relations, etc. This report is the product of that helpful attitude and willingness to share exhibited by our Study Team Members whose names and email addresses appear below in alphabetical order:

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We encourage the reader to perform his or her own original research using the methodology and framework described herein to independently validate, extend and improve upon the findings described herein.

For the benefit of future researchers who wish to study this question, much of the detailed data from our Summer 1999 study is summarized below and posted in detail to the "Hockaday Family Genealogy

Forum" (<http://genforum.familytreemaker.com/hockaday/>). Upon completion, this final report was posted on both the "Hockaday Family Genealogy Forum" and the "Brister Family Genealogy Forum" (<http://genforum.genealogy.com/brister/>).

This study occurred in two phases. In Phase I, we examined the likelihood that the marriage involving Tashapiathacho and Warwick Hockaday (b. ca 1699) occurred in Virginia during the early to mid-1700s. In Phase II, we examined the likelihood that the marriage might have involved another male family member and occurred prior to 1817 in Mississippi Territory (including present day Alabama and Mississippi), after 1817 in the State of Mississippi or Alabama Territory; or after 1819 in the State of Alabama.

During Phase II, we examined both the Warwick Hockaday (b. ca. 1699) and Thompson Bristow (b. 1741 VA) male descendants to determine who among Warwick and Thompson's male children and grandchildren were "eligible" ("eligible" is discussed at length below) marriage candidates

As is often the case, retrospective studies of this nature tend to raise more questions than they answer. However, it is felt that the identification and documentation of relevant questions for future research is real progress toward eventually answering what we have called "The Tashapiathacho Question."

Historical or genealogical studies attempting to reach back two hundred years or more rarely discover absolute truths. We have taken care not to represent our findings as final, absolute truths – only "best estimates" based on currently available data that is known to us. For this reason, we believe our findings should be of interest to those seeking to increase objectivity and reduce romanticism in future Tashapiathacho research. In this spirit, it is our expectation that as new internet data become available, future family researchers will build upon, refine, extend and perfect the findings described herein.

As an aid to interpreting the data and historical considerations that bear on the study outcomes, following are several internet-accessible maps that describe the pertinent geography at times that are important to the events studied:

1600 Powhatan Confederacy tribes <http://geog.gmu.edu/gess/classes/geog380/natives.jpg>

1607 Virginia Indian tribes <http://scarlett.libs.uga.edu/darchive/hargrett/maps/1776w6.jpg>

1646 Virginia <http://scarlett.libs.uga.edu/darchive/hargrett/maps/1646d8.jpg>

1755 North and South Carolina <http://scarlett.libs.uga.edu/darchive/hargrett/maps/1755v5.jpg>

1765 North and South Carolina <http://scarlett.libs.uga.edu/darchive/hargrett/maps/1765k5.jpg>

1798 Mississippi Territory <http://www.rootsweb.com/~msjasper/1798.htm>

1803 Mississippi Territory <http://members.aol.com/JORDANJM2/1803MT.html>

1813 Mississippi counties <http://www.rootsweb.com/~msjasper/jasper13.htm>

1818 Alabama <http://members.aol.com/JORDANJM2/1818AL.html>

1819 Alabama Territory <http://www.archives.state.al.us/timeline/timefr.html>

1817-1819 Roane County TN <http://www.roanetn.com/historic.htm>

1820 eastern Indian nations <http://www.rootsweb.com/~itchocta/cn-east.html>

1823 Alabama State <http://www.archives.state.al.us/timeline/timefr.html>

1818-1830 Alabama counties <http://www.fortunecity.com/tinpan/nirvana/621/al-1800s.html>

1822 Indian map of Mississippi <http://www.holcomb.org/legacy/images/state400.jpg>

1833 Mississippi counties <http://www.rootsweb.com/~msjasper/jasper33.htm>

1839 Southeastern US <http://www.rootsweb.com/~algenweb/map1839.html>

1860 Mississippi counties <http://www.rootsweb.com/~msjasper/jasper60.htm>

## II. RESEARCH FINDINGS AND SUPPORTING DATA

### A. Phase I - Virginia

A review of the various statements alleging that Warwick Hockaday (b. ca. 1699) of Virginia married an Indian woman whose first name was Mary or Molly and whose surname included “Tashapiathacho” (or a similar spelling) reveals the marriage allegation appears to rest on three premises.

First, that Warwick Hockaday’s will included the surname “Tashapiathacho” following the name of his wife “Mary.” For example, “The Goodloe Genealogy” by Dr. Paul M. Goodloe states

“...his will was dated 10 Sep 1757 naming wife Mary or ‘Mollie’ Tashapiathacho.”

Second, that Warwick Hockaday’s wife, Mary (who was Warwick’s designated executrix) was an Indian. For example, Katherine Brister’s “A Brister Family in Mississippi” states

“Nancy was the daughter of Warrick and Mary (called Molly) Hockkaday of Charles County, Virginia. Molly Hockkaday was an Indian having the Indian name ‘Tashepiatheche’.”

Third, that Warwick and Mary were married in Virginia. This collateral belief appears to be based on Warwick having lived only in Virginia, never having left Virginia and his Indian wife belonging to one of the Powhatan Confederacy tribes located in the vicinity of Charles City County, Virginia.

Following are three Phase I findings and their respective sets of supporting data that address each of these three premises. The reader should note that supporting data are of three types. Presented in order from most to least significant, they include: (1) conclusions, based on the existence of recorded data, (2) inferences, based on the existence of recorded data that directly effects the subject of interest and (3) inferences, based on the absence of recorded data.

Inferences based on the absence of recorded data are considered significant only with respect to the number of years during which not a single piece of recorded data has been found on the subject of interest; despite the best efforts of many researchers. Inferential significance varies directly with the number of years during which data sought has not been found. For example, inferences based on having found no recorded data after 50 years of searching are considered more significant than inferences based on only 10 years of searching.

On their own, inferences are insufficient to prove genealogical assertions; they only offer guidance in the investigation of such assertions and occasionally - insights into non-traditional approaches that may be required if missing data is eventually to be located. Inferences also sharpen our understanding of the questions that must be answered if a genealogical assertion is to be proven. During our study, insights and questions of this nature were uncovered and have been recorded for the benefit of future researchers.

The degree to which our findings may be viewed as “factual” depends on: (1) the reader’s preconceptions about the stated finding and (2) the reader’s interpretation of the supporting data. Our purpose in publishing these three findings and their related sets of supporting data is to encourage future researchers to shift their research focus from previously unproductive areas to what we believe will prove to be several far more rewarding areas deserving future research emphasis:

The following three findings have been stated unambiguously in the form of declarative sentences in order to challenge future researchers to either prove or refute each statement of finding.

1. Finding # 1: The Warwick Hockaday (b. ca 1699; d. ca 1758, Charles City County, VA) will dated 10 September 1757 did not include the Indian surname “Tashapiathacho” or any variation of that name.
  - a. Supporting Data # 1: Warwick Hockaday’s 10 September 1757 has been either destroyed or lost. Therefore, verification of whether it does or does not include Mary’s surname may not be done at this time. On page 222 in “The Tugwell and Finch Families of Tennessee and Allied Families of Virginia and North Carolina” author, Sarah Finch Maiden Rollins, states in footnote 10:

“The fact that Warwick’s will is not extant was double-checked for me by William Lindsay Hopkins of Richmond, Virginia, author of “Some Wills From Burned Counties of Virginia,” 1987. Reputedly, Warwick’s will gave the surname of his wife; However, the 1769 deed that gives details of the will merely says ‘...his wife Mary.’ ”

It is not known if Mr. Hopkins’ search extended into counties adjacent to Charles City County, Virginia. The reader will note a question has been included at the end of this section on this question.

As reported by study team member, Bob Wylie, there is a book in the Charles City County historical library titled, “Charles City County Inventory Circuit Court Clerk,” compiled by B. Kirke white, Jr., published by the Archives Division, Virginia State Library (VSL), Richmond, VA, March 1976, that indicates on page 3 that there are no original wills in the VSL dated prior to 1789 or in the Charles City County court house dated prior to 1808.

Study team member, Bill Brister, suggests that there is some scant evidence to suggest that the fact that the 1769 deed does not show Mary's surname may also imply that her surname was also not originally recorded on Warwick Hockaday's 1757 will. Bill's reasoning is as follows.

The purpose of the 1769 deed was to ensure that the two signatories to that deed (Warwick's sons, Warwick Jr. and Samuel) were giving up any claim to title that they might have but without warranting that they had any title whatsoever. Whether the person preparing the quit claim deed was acting on behalf of the seller (Warwick Jr. and Samuel Hockaday) or on behalf of the buyer (John Minge of Charles City Co. VA) makes little difference.

The 1769 quit claim deed did mention an earlier 29 October 1765 deed that had been executed by the surviving spouse, Mary, and the other children. We do not have the 1765 deed, but arguably the one preparing the 1769 deed properly recited the names of the grantors. If the 1765 deed was prepared by John Minge (the purchaser), or someone on behalf of the purchaser, one would think that there would be some effort on his part to conform to the recitals made in the 1757 will. Certainly, that would be a competent practice today. However, if the one preparing the 1765 deed was acting on behalf of the seller, there might not be the same degree of concern over consistency in recitals between the 1757 will and the 1765 deed.

Therefore, the fact that the 1769 quit claim deed makes reference to the 1765 deed as having been executed by Warwick Hockaday's surviving wife, but does not include her maiden name is, at best, partial evidence that the earlier 1757 will may also not have included Mary's maiden name.

- b. Supporting Data # 2 When legal documents were prepared during Virginia's colonial period, it was customary to exclude the wife's maiden name as pointed out by team member, Jim Catron. This custom, when considered together with the immediately preceding discussion of the interrelationships between recitals in these three documents lends additional support to the premise that Mary's surname may never have been included in Warwick Hockaday's 1757 will.
- c. Supporting Data # 3: To the study team's knowledge, not one primary record (created in Virginia by Colonial Virginians), including Warwick Hockaday's 1757 will, has been found to prove the existence in Virginia of an Indian woman named "Mary, Molly or Mollie Tashapiathacho" who, during Warwick's lifetime:
  - (1) was a member of the Powhatan Confederacy,
  - (2) resided in or near Charles City County, VA or
  - (3) married Warwick Hockaday.

2. Finding # 2: Warwick Hockaday's (b. ca 1699) wife, Mary (who Warwick named as his Executrix) was a not an Indian woman whose surname included "Tashapiathacho," but a white woman whose surname is unknown at this time.

To appreciate the following supporting data, it is necessary that the reader understand that in the context of colonial Virginia legal proceedings and social discourse, blacks, mulattos and Indians were considered "non-persons," i.e., little more than cattle. In view of this prevailing colonial attitude, it is considered unlikely that an Indian would have been permitted to appear in the Charles City County Court or any colonial Virginia court in any official capacity whatsoever. The fact that Mary and her children all appeared in Charles City County Court several times between 1758-1769 as parties or witnesses suggests they were all white people.

More specifically, consider the following instances in the context of the laws cited:

- a. Supporting Data # 1: In 1691, the Virginia House of Burgesses passed an anti-miscegenation (anti-inter-racial marriage) law strictly forbidding intermarriage between whites (on the one hand) and Indians, Negroes or Mulattos (on the other). Per team member, Jim Catron, this law was not repealed until the 1960s (See 5 July, 1999 "Tashapiathacho" posting on the Hockaday Family Genealogy Forum). The law states:

"And for the prevention of that abominable mixture and spurious issue which hereafter may increase in this dominion, as well as by negroes, mulattoes, and Indians intermarrying with the English, or other white women, as by their unlawful accompanying with one another, Be it hereby enacted by the authorities aforesaid, and it is hereby enacted, That for the time to see, whatsoever English or other white man or woman being shall freely intermarry with a negro, mulatto, or Indian man or woman bond or free shall within three months after such marriage be banished and removed from this dominion forever, and that the justices of each respective countie within this dominion make it their particular care, that this act be put in effectual execution."

Assuming Warwick (the son of John Hockaday, a member of the Virginia House of Burgesses) and Mary's marriage occurred in Virginia and Mary had been an Indian, then their marriage would have occurred approximately forty to fifty years after passage of the 1691 law and would have resulted in:

- (1) a huge scandal,
- (2) Warwick Hockaday's banishment from Virginia as required by the 1691 law,
- (3) deep humiliation for the entire Hockaday family such that the incident would likely have resonated across the centuries to this day.

However, there is nothing to be found in the written or verbal record to suggest that such a scandal ever took place. To the contrary, Warwick Hockaday died in Charles City County, VA; not out-of-state as he would have had he been banished for having violated Virginia's anti-miscegenation law. Hence, Warwick and Mary's continued residence to the end of their days in Charles City County, Virginia stands as supporting testimony to the fact that Mary was a white woman and not an Indian.

- b. Supporting Data # 2: From Volume III "The Statutes at Large Being A Collection of all the Laws of Virginia, from the First Session of the Legislature In the Year 1619," by William Waller Hening, published 1823, there appears on page 298 an October 1705 Law of Virginia that states,

"XXXI ... That popish recusants (one refusing submission to the authority of the Church of England), convict(s), negroes, mulattoes and indian servants, and others not being christians, shall be deemed and taken to be persons incapable in law, to be witnesses in any cases whatsoever."

From volume IV, published 1820, there appears on page 298 a May 1732 Law of Virginia that states,

"VI. Be it further enacted, That no negro, mulatto, or indian, either a slave or free, shall hereafter be admitted in any court of this colony, to be sworn as a witness, or give evidence in any cause whatsoever, except upon the trial of a slave, for a capital offence..."

Had Mary been an Indian, her children by Warwick would have been "half-breeds" or, to use more current terminology, "half-bloods." Both the 1705 and 1732 laws cited would have prevented her children from appearing in Charles City County Court as witnesses or giving evidence in either the 29 October 1765 or the 1769 deed proceedings. The fact that Mary's children did appear in Charles City County Court on these occasions strongly suggests that they were not "half-bloods" and Mary, in turn, was not an Indian.

- c. Supporting Data # 3: Not one primary record has been found in the State of Virginia in support of the assertion that Warwick ever married another woman (either before or after "Mary.") or to suggest that any of Warwick and Mary Hockaday's five children (including Mary Anne "Nancy") were "half-bloods".

In the event it is eventually proven that Mary and Warwick Hockaday married in England, then there is no doubt whatsoever that Mary was a white woman.

This issue deserves further research and several questions regarding the extent to which colonial law limited Native American legal prerogatives are included below.

3. Finding # 3: If a male member of the Bristow, Brister or Hockaday families named “Warwick” or “Warrick” or any other male family member living in the late 18<sup>th</sup> or early 19<sup>th</sup> century married an Indian woman named “Mary, Molly or Mollie Tashapiathacho,” the marriage did not occur in Virginia, but more likely in Mississippi Territory or one of the political subdivisions arising out of the old Mississippi Territory subsequent to 1817.
  - a. Supporting Data # 1: Some claim that Mary or Molly Tashapiathacho was a member of the Chickahominy Tribe (an original tribal member of the Powhatan Confederacy with tribal headquarters currently located at Providence Forge, VA) In a 25 June 1999 letter to Dennis Boswell, Chief Adkins of the Chickahominy Tribe states “the name ‘Tashapiathacho’ ... is not familiar to me.” The study team believes that if “Tashapiathacho” were a name consistent with the Chickahominy language, Chief Adkins would likely have recognized it.
  - b. Supporting Data # 2: A Choctaw woman by the name of “Molly, (widow of Tashapitahacho)” is known with absolute certainty to have lived on the west bank of Tallahoma Creek in either Jones or Jasper County, Mississippi during the period 27 Sept 1830 to 24 Aug 1831 as substantiated by a primary record source found in Mississippi in 1998 by Dennis Boswell (See Hockaday Family Genealogy Forum “Tashapiathacho” posting dated 25 June 1999). The team does not know how long before this period “Molly, (widow of Tashapitahacho)” lived in this southern Mississippi area or where she came from. From the source in which her name was found it may be safely concluded that she was a Choctaw Indian woman..

The source in which the Indian woman, “Molly, (widow of Tashapitahacho) was found is "1830 Choctaw Roll", subtitled "Armstrong Roll", Published by HISTREE, 23011 Moulton Pkwy C-8, Laguna Hills, CA 92653, Copyright 1985, 1988 by HISTREE, ISBN 0-942594-96-7.

- c. Supporting Data # 3: A Mississippi Choctaw linguist, responsible for preservation and translation of the Choctaw language at their headquarters in Philadelphia, Mississippi has confirmed in writing to Dennis Boswell that both the given name “Molly” or “Mollie” and the surname “Tashapiathacho” translate cleanly (without awkward interpretations or having to resort to proofs based on Anglo corruptions of the Choctaw language) from Choctaw into English as - “Wind” or “Breeze” (“Molly or Mollie”) “of the Mad Corn Stalk.” (Tashapiathacho). See Hockaday Family Genealogy Forum 26 June 1999 “Tashapiathacho” posting

d. Between the early 1950s and the early 1980s several researchers having Mississippi connections, who were investigating the Hockaday-Bristow-Brister families, have written, distributed and caused to be published (in very similar forms) the story of a marriage between a male descendant of the Hockaday family and an Indian woman by the name of Mary or “Molly” Tashapiathacho. These researchers include:

(1) Pattie Norris, of Indianola MS, who contributed to “The Goodloe Genealogy” and who (via her personal correspondence) distributed her version of the Mary “Molly” Tashapiathacho story in the 1970s and 1980s. Selected versions of Ms. Norris’ interpretation of this story include:

(Undated letter, suspected to be from early 1970s) “...Thompson Bristow, who mar. Mary Hockaday, dau of Warwick Hockaday and his wife who was an Indian.”

(27 March 1979 Letter from Andrew M. Brister) “In response to the question of Indian ancestry, please note that Tomson/Thomson Bristow married 1762/65 Mary Anne “Nancy” Hockaday, daughter of Warwick Hockaday who d. ca. 1758/62; his will was dated 10 Sep 1757 naming wife Mary or Millie Tashapiathacho. ... This information was presented to my (sp.) by Paul M Goodloe, Ph.D. 175 Prospect Street, East Orange, N.J. 07017. He probably obtained same from Mrs. Pattie Norris, Indianola, Mississippi, Miss Mildred Toaz, Kiowa, Oklahoma, or indirectly from Mrs. Nan R. Routson Wooster, Ohio.”

(2) Katherine Brister of Vicksburg MS who in 1982 authored “A Brister Family in Mississippi,” a hand-typed six page Brister family genealogy. Her unpublished story has been informally distributed to many during the last eighteen years and may be found in several Mississippi libraries. Katherine’s version of the Tashapiathacho story was..

“Thompson Brister, ..., married Nancy Hockkaday sometime between 1762 and 1765. Nancy was the daughter of Warrick and Mary (called Molly) Hockkaday of Charles County, Virginia. Molly Hockkaday was an Indian having the Indian name “Tashepiatheche”.”

(3) Bessie Leola Hodges Townsend of Attala County, MS, in her 1950 handwritten notes mentions “Mollie Tashapathico.” These notes were kept in a 3-ring notebook dated 1960. The notes were transcribed into typed form in 1990. In the typed version it is claimed that

“Thompson Brister’s wife, Nancy Hockaday, was the daughter of “Molly Tashapiathico,” a full-blooded Choctaw Indian who lived in Greenville District, South Carolina (with her husband, “Pessy” Hockaday).”

It is unclear who “Pessy” Hockaday was. Dennis Boswell was told by one who interviewed Bessie before she passed, that she learned of the “Tashapiathacho” story during a visit to the Choctaw Reservation in Philadelphia, MS.

- (4) Sarah N. Spencer of Bogue Chitto, MS, in “Mississippi Bristers, Ancestors and Descendants, Twelve Generations, 1649 – 1995 , states on page 16

“...that Nancy Hockaday was the daughter of Warrick Hockaday and Mary (Molly) Tashapiathacho Hockaday of Charles County, Virginia.”

- (5) The “Mississippi Genealogical Exchange” (MGE) of Jackson MS published in their Volume 30, Spring 1984 periodical of the same name that

“Thompson Brister and wife, Nancy Hockaday, lived in Greenville District, South Carolina near Pendleton Courthouse in 1770. Nancy was the daughter of Molly Tashapiathacho, widow or Molly Hockaday (Choctaw Indian)....”

This published article carries the subtitle, “Compiled by Moses Andrew Brister and Arranged by Robert Hanks Brister.” Yet, these two Bristers predeceased by many years the publication of this 1984 article. An examination of Moses Andrew Brister’s original Brister family writings and Robert Hanks Brister’s personal papers (now residing in the Special Collections Department at the University of Texas, Arlington, Texas) confirms that neither of these gentleman made any written assertion concerning a marriage involving an Indian named Tashapiathacho.

It remains unclear who (ca. 1984) embellished upon Moses Andrew Brister’s original 1896 handwritten manuscript by adding the Tashapiathacho legend prior to it being submitted for publication in 1984. However, it is quite clear that such an addition to the original manuscript was done without Moses Andrew Brister’s knowledge or approval for he died in 1936, forty-eight years before the MGE publication date and existing versions of his Brister family genealogy papers do not contain the Tashapiathacho story.

Dennis Boswell has sent a letter to the person who was the MGE Editor in 1984 to determine who submitted this article for publication. As of the date on which this document was finalized, a response had not been received.

- e. In 1946, the U.S. Congress passed the Indian Claims Commission (ICC) Act. This Act created a special tribunal within the U.S. Court system to handle cases for tribal descendants seeking compensation for government inequities, treaty violations and land losses. The ICC settled dozens of claims to varying degrees of satisfaction, in most cases awarding modest cash settlements as compensation.

The Mississippi Band of Choctaw Indians and their descendants sought at this time to redress U.S. Government treaty violations that extended across 160 years and six treaties (1786, 1801, 1805, 1816, 1820 and 1830). By the late 1940s and early 1950s, interest among Mississippi residents who had any reason at all to believe they descended through a marital connection with a full-blooded Choctaw of the late 18<sup>th</sup> or early 19<sup>th</sup> century reached a near fever pitch. An undetermined number of families filed land claims during this period that appear to have been based (at best) on fragmentary and unproved genealogical lines of descendance. These claims were prepared and submitted to William T. Weir, the Attorney for Petitioners, with a “Let’s try it.” or “If it worked for family ‘X’ it should work for us.” motivation.

One condition of the Treaty of Dancing Rabbit Creek (1830) as clarified in 1842 was that to qualify for a land allotment, the claimant must be one of the 1,832 individuals named on what is now known as the “Armstrong Roll,” prepared by Major Armstrong in the early 1830s. As mentioned earlier, “Molly, (Widow of Tashapitahacho)’s name is recorded on the Armstrong Roll. It appears her name’s presence on the Armstrong Roll may be a contributing factor in the original creation of the several versions of the Tashapiathacho marriage story, the earliest of which appeared in the 1950s coincident with the ICC’s land claim review activities.

For a complete chronology of Choctaw treaty activities leading up to 1946, the reader is referred to “BRIEF, INDIAN CLAIMS COMMISSION of the UNITED STATES OF AMERICA, The Mississippi Band of Choctaw Indians, Petitioners. vs. The United States of America, Defendant. Docket No. 52. Brief for the Petitioners prepared by William T. Weir, Attorney for Petitioners.”

- f. During our study, not one version of the Tashapiathacho story, researched, published and distributed by Virginia genealogists, was discovered. The only extant versions of this story appear to have been created in Mississippi by Mississippi researchers. Not one of the stories of which the study team is aware carries a citation with which to prove the story or from which to determine its origin.
- g. The one archival source that consistently arises in discussions about this alleged marriage is in Mississippi – The Attala County Library, a branch of the Mid-Mississippi Regional

Library System, located at 201 S. Huntington Street, Kosciusko, MS 39090-9002.  
Telephone: (601) 289-5151.

For these four reasons, the study team believes that if the alleged marriage involving an Indian woman “Tashapiathacho” actually happened, the truth surrounding its occurrence will eventually be found in the records, history and genealogy of the Mississippi Territory as discussed below under, “Phase II - Mississippi Territory.”

4. Unanswered questions relating to the possibility that an Indian woman by the name of “Mary, Molly or Mollie Tashapiathacho” lived in Virginia and married Warwick Hockaday (b. ca 1699).

During the Virginia phase of this study, several questions arose which the team was unable to answer in the time and with the resources available. Since these questions relate in important and material ways to the possibility that the marriage may have occurred in Virginia during the 1700s, they are recorded below (in no particular order) for use by future researchers:

- a. When and where was Warwick Hockaday born?
- b. When and where was Warwick Hockaday’s wife Mary born?
- c. What was Warwick Hockaday’s wife Mary’s surname?
- d. When and where were Warwick Hockaday and Mary married?
- e. Did Mary immigrate to Virginia with Warwick Hockaday or did they meet and marry in Virginia?
- f. When and where were Warwick and Mary Hockaday’s children born?”
- g. When and where did Warwick Hockaday’s wife Mary die?
- h. Did Warwick Hockaday’s sons William and Warwick Jr. marry? What were the names of their wives?
- i. Does a filed and recorded copy of Warwick Hockaday’s 10 September 1757 will exist today in counties adjacent to Charles City County, VA because Warwick may have owned property in those counties or designated heirs who were residents of those counties? Adjacent counties include James City County, New Kent County, Henrico County and across the James River, Chesterfield County, Prince George County and Surry County
- j. Under what, if any circumstances did Virginia law in the 1700s permit a Native American to appear in court in the capacity of Executrix? Similarly, did colonial Virginia courts make a distinction between “witnesses” and “parties” to a legal proceeding?

- k. Might Warwick Hockaday and “Mary, Molly or Mollie Tashapiathacho” not have been married but simply have cohabited or might an Indian named “Mary” have been Warwick Hockaday’s live-in housekeeper following, perhaps, the death of Warwick’s white wife who was also named Mary?
- l. As suggested by Joan Wright, might Mary, after the death (ca. 1758) of her husband Warwick and the settlement of his estate, have moved to North Carolina to be with her children; taken up with a Cherokee, “Tashapiathacho,” and subsequently moved to Mississippi Territory? This is an unlikely event, but nevertheless a possibility. Had this occurred (disregarding apparent age implications), it may relate to our having located one “Molly (widow of Tashapitahacho)” living in Mississippi Territory in 1831.

## B. Phase II - Mississippi Territory

### 1. Historical Background

Between 1785 and 1854, the United States Government ratified fifty-six treaties with the Cherokee, Chickasaw, Creek and Choctaw tribes of the southeast United States. As a direct result, millions of acres of rich farmland were opened to cultivation by white settlers at very attractive prices when older Atlantic coast states were becoming overcrowded and their soils depleted. Simultaneously, the indigenous Indian tribes of the old southeast began their gradual forced relocation to Indian Territory, located primarily in what would become Oklahoma.

Mississippi Territory was formed by an Act of Congress in 1798 and the Choctaw treaties of 1801 and 1805 opened up for settlement the land that became Pike, Amite, Lincoln, Lawrence and Adams Counties. Shortly thereafter, Mississippi Territory was divided into the states of Mississippi (1817) and Alabama (1819).

The Indian treaties and the War of 1812 were largely responsible for attracting thousands of yeoman farmers, merchants, ex-soldiers and missionaries into southwest Mississippi Territory. Included were our Bristow and Brister forebears who first encountered the Cherokee and Choctaw tribes of Alabama and Mississippi during this same period

During 1800-1835 the ratio of Indians to whites was larger than at any time after white settlement began in the Mississippi Territory. Hence, the likelihood of white/Indian inter-marriages occurring in Mississippi Territory was also greater during this period than at any other time. For this reason, coupled with the need to bound the scope of the Phase II study, 1800-1835 was taken to be the time period of Phase II analysis.

## 2. Phase II Research Methodology

### a. Male Family Member Selection

Phase I (Virginia) examined only one male family member, Warwick Hockaday (b. ca 1699) as a potential Tashapiathacho marriage candidate. However, Phase II (Mississippi Territory) could potentially involve a much larger number of male family member descendants. Hence, it became necessary to further limit the Phase II study scope to include only the male children and grandchildren of Warrick Hockaday (b. ca 1699) and Thompson Bristow (b. 1741). This was considered reasonable since these two generations almost perfectly overlay the Phase II period of interest (1800-1835). It appears that these two Hockaday-Bristow-Brister generations include fifty-one male children and grandchildren. However, the team must admit that many of the records used to arrive at this number are lacking in reliability and consistency.

For each of these fifty-one children and grandchildren, a time line was developed to identify, by year, the child's birth date and location, residence locations, marriage date and location, wife's full name and death date and location. Since only approximate dates were needed for this study, "ca." dates (calculated primarily from census returns) were used to identify birth, and death events. Other collateral sources were used to establish event dates not readily available from census data.

The data used to construct the fifty-one time lines was, with few exceptions (census data), the same data that any Bristow-Brister researcher who has worked on the family lines for at least 10-15 years is quite likely to have in his or her own files. In the present case, care was taken to reconcile all these sources against each other and arrive at the most accurate data possible in the time available. The detailed time line data was not included in this report in order to encourage others to perform their own original research or, at a minimum, reconcile report findings against their data.

### b. Tashapiathacho Marriage Candidate Selection Criteria

After time lines were completed, Tashapiathacho marriage candidates were selected by identifying only those individuals who satisfied the following criteria during 1800-1835:

- (1) Married AND
- (2) Whose wife's complete name is unknown AND
- (3) Whose adult residence is unknown OR is known to have been in Mississippi Territory (including the states of Alabama and Mississippi)

AND those individuals who during 1800-1835 were:

- (1) Unmarried or marital status unknown AND
- (2) Of marriageable age (16-60) AND
- (3) Whose adult residence is unknown OR known to have been in Mississippi Territory (including the states of Alabama and Mississippi)

Male family members, not satisfying either of these criteria, were discarded during the balance of Phase II.

c. Marriage Circumstances Not Considered

Due to a lack of relevant data and study team time constraints, there were three marriage possibilities that were not considered in Phase II. These appear to have a low probability of occurrence but are worth mentioning. They include Hockaday-Bristow-Brister male children or grandchildren who:

- (1) Were first married to a woman whose full name is known to us; she predeceased him and he subsequently married a woman who could have been “Mary, Molly or Mollie Tashapiathacho.”
- (2) Could have first married “Mary, Molly or Mollie Tashapiathacho;” he survived her and subsequently married a woman whose full name is known to us,
- (3) Were married to a woman whose name is known to us and that woman was, in fact, “Mary, Molly or Mollie Tashapiathacho” who at some point in time had changed her name or simply adopted a name that is known to us.

3. Male Family Member Selection

The Warwick Hockaday (b. ca 1699) and Thompson Bristow (b. 1741, VA) families include the following fifty-one male children and grandchildren:

Father	Child	Grandchild	Wife
Warwick Hockaday	James	Warwick	Mary
		William	Judith ?
	William	William	Mary E. Shaw
		Warwick Jr.	Ann Powell
		Samuel	?
			?
			? Day

Father	Child	Grandchild	Wife
Thompson Bristow			Mary "Nancy" Hockaday
	Warrick	James John A. William R. Warrick H.  George W. Samuel J. Elisha Thomas	Mary Estes ? Jane Ackorage Martha Lucinda ? Anselena Jane Head Rachel Loe Elizabeth Walker Drucilla Erwin
	Thompson M.	Thompson M. Jr.	Susan Mitchell Elizabeth Ellison Susie V. Fugate
	William T.	Zedekiah or Zedidiah William Daniel	Rosanna ? or Susannah ? Susannah Brister *  Sarah Jourdan Clarrissa Jourdan
	Benjamin E. Sr.	William Allison Curtis James W. Albert W.Byrd  Benjamin E. Jr. Lew Allen Walter	Sarah "Sally" Dillard Joicy Chandler Martha M. Tynes Elizabeth Ann Brewer Rebecca Hickman L.E. Burnett Tabitha Chandler ? Clark Cynthia Jones Sarah C. Smith
	George	William	Ann or Anna Sullivan Emily (Smart) Bradley

Father	Child	Grandchild	Wife
	Samuel	Thompson William B . George Wilson	Rosannah Nolan Martha Ann Hickman Feriby Hickman Laney Jordan Lucinda Rayburn
		Warrick Samuel Hockaday	Melinda Martin Temperance Brister Tennessee Temple
		John A.	Elizabeth “Betsy” Brister**
	Hockaday	Edmond	Anna H. Hodges Malinda Holland Norman Judah E. (Miller) Coats
		Samuel	Serena Guess Viola Crowder
		Moses Drury	Samantha Roberts Mary L. Moore Georgia Ann Brennan
		Hockaday Jr. Zachariah	Died unmarried Amanda Rebecca Moore
	John Sr.	Thompson John Jr.	Edna Parkman Lucinda Woods Maria Holman Ann Durden
		Benjamin Allen Samuel H. Needham R. Francis M.	? Mary C. Ringo Elizabeth Merchant Sarah Ann Bess Julie Ann Powell

\* Daughter of child, Samuel Bristow

\*\* Daughter of child, Thompson M. Brister

#### 4. Tashapiathacho Marriage Candidate Selection

These fifty-one eligible male family members were reduced to three Tashapiathacho marriage candidates by applying the two marriage candidate selection criteria against the known time line events for each eligible male family member.

##### a. Warwick Hockaday's male children and grandchildren

Warwick Hockaday's male children and grandchildren were discarded during this phase for several reasons.

- (1) James and Samuel married women whose names are known to us and there is no evidence to suggest they traveled any further from Virginia than North Carolina.
- (2) William and Warwick Jr., although both have an unknown marital status, are likewise thought not to have traveled any further from Virginia than North Carolina. It is also quite likely both would have both been too old to be marriage candidates during 1800-1835, based on the estimated birth dates of their brother, James (ca. 1735) and sister, Mary "Nancy" (ca. 1743). Also, it is claimed by Hugh F. Hockaday in his work, "The Genesis of the Hockaday Family in America," that Warwick Jr. died while a prisoner of the British in the Revolutionary War.

Note also that the unknown marital status of William and Warwick Jr. was captured in the form of an unanswered Phase I question as discussed above.

- (3) Warwick Hockaday's only two known grandchildren (by James), Warwick and William, married women whose names are known to us.

##### b. Thompson Bristow's male children and male grandchildren

Based on data contributed by team members and application of the two marriage candidate selection criteria, three Thompson Bristow descendants were selected as candidates for the alleged husband of "Mary, Molly or Mollie Tashapiathacho." Of these three candidates, two are considered viable.

The remaining candidate, although eligible according to the marriage candidate selection criteria, is considered non-viable because we have no basic genealogical descriptive data for him other than his name. He is included below as a matter of record only.

(1) Viable Marriage Candidates

(a) WILLIAM R. BRISTOW (Thompson Bristow's grandson by Warrick Bristow)

William R. Bristow, is reported to have been born in either 1799 or 1805, possibly in Tennessee. He is said to have married a woman by the name of Martha or Mary Ann (surname unknown) in 1837. By 1850 he was living in Madison Parish, Louisiana. During his youth, he also may have traveled through Alabama and Mississippi as a member of his father's household and during this period may have come in contact with both Choctaw and Cherokee Indians. His occupation is unknown and his wife's surname is unknown.

(b) BENJAMIN BRISTOW (Thompson Bristow's grandson by John Bristow)

Benjamin Bristow is said to have been born about 1817. All that seems to be known about his whereabouts is what may be surmised from his father's various reported Mississippi residence locations in Yalobusha, Yazoo and Lawrence Counties. Benjamin's marital status is unknown.

According to Dee Brister, there is a possibility that this "Benjamin" is the same "Benjamin" who is noted to be living with William Bristow's sons, William Jr. and Daniel in the 1840 Census of the Republic of Texas, Liberty County. As of the date on which this report was finalized, this had not been proven and is included here only as a possible research lead for others to follow.

(2) Non-Viable Marriage Candidates

The following Tashapiathacho marriage candidate, although satisfying the marriage candidate selection criteria, has received no further analysis other than documenting his name because he lacks even basic genealogical data. However, according to the criteria in use, he does represent a potential Tashapiathacho marriage candidate.

(a) JAMES BRISTOW (Thompson Bristow's grandson by Warrick Bristow)

(3) Other Possible Marriage Candidates

WARRICK BRISTOW (Thompson Bristow's son) is carried forward for several reasons. Strictly speaking, he does not satisfy the "Tashapiathacho Marriage Candidate Selection Criteria" for it is reasonably clear that as a young man he was married and his wife's name was Mary Estes. However, Warrick Bristow may also satisfy any of the "Marriage Circumstances Not Considered" which appear in section B.-2.-c.-(1), (2), (3).

Briefly, the reasons he is being carried forward as a potential marriage candidate include the following items, all of which are considered to be “loose ends”:

- (a) It is thought by some (Goodloe, Rollins and Spencer) that Warrick Bristow resided in Yalobusha County, Mississippi at some time between 1815 and 1818. To the study team’s knowledge, no information exists to prove or disprove this assertion.
- (b) Yalobusha County, Mississippi was in the northern section of the pre-1830 Choctaw Indian Nation in Mississippi Territory.
- (c) The “Christian Advocate”, Nashville edition, January 11, 1855 includes a biography on Warrick Bristow. The biography is silent on where he resided during 1815-1818.
- (d) According to Dee Brister, Warrick is listed in the Roane County, TN tax records for the years 1814 and 1815 suggesting he left Roane County during 1815 for an unknown destination.
- (e) “Yalobusha County History”, (ISBN 0-88107-004-1; Page F233, Article F382) states, “a Jehu Cotter Murray married as his first wife, Mary Brister, the daughter of a Methodist Minister in the New Albany area.”
- (f) New Albany is the county seat of Union County which was formed in 1870 from Pontotoc County (originally formed in 1836) and Tippah County (originally formed in 1832). New Albany is about forty miles from Yalobusha County.
- (g) Warrick Bristow was a Methodist Minister and had a daughter named Mary born ca. 1796. The only other Bristow-Brister Methodist Minister know to the study team was Benjamin E. Brister Sr. who lived out his life in Lawrence County, Mississippi, is not known to have traveled to Yalobusha County and did not have a daughter named Mary.
- (h) Warrick Bristow was a circuit riding Methodist Minister. During the years he may have resided in Yalobusha County (1815-1818) his circuit could have been what is popularly known as the “Choctaw Circuit” which would have served to introduce him to many Choctaw encampments and Choctaw women.
- (i) At a later time (1818-the 1840s), his Dekalb County, Alabama residence would, similarly have placed Warrick Bristow in proximity to Indians of various tribes.
- (j) Coincidentally, his wife’s given name was also “Mary,” the same name as our elusive Indian woman and it is not known when Warrick’s wife, “Mary (Estes) Bristow” died or whether he remarried after her death.

### III FUTURE RESEARCH DIRECTIONS

If you happen to find the framework for analysis used in this report appealing and wish to pursue this approach in further researching “The Tashapiathacho Question,” the following suggestions may assist you in getting started:

#### A. For Researchers interested in colonial Virginia

1. Familiarize yourself with this document, the various colonial Virginia archival repositories and find out who else is actively researching the Hockaday family.
2. Familiarize yourself with colonial Virginia geography, history (with emphasis on the area in and around Charles City County and surrounding counties) and social and legal customs relating to women and Native Americans.
3. Familiarize yourself with what is known about the Warwick Hockaday (b. ca. 1699) family genealogy. Work with other Hockaday researchers to refine Warwick Hockaday’s family structure and to establish connections between Warwick Hockaday’s family and his neighboring families and the parent Hockaday branch.
4. Among the unanswered questions identified above in section II-A.-4., select several closely related questions that are of particular interest to you and focus your research on those few areas instead of attempting to cover every issue simultaneously.
5. Above all, attempt to discover primary source citations to support your work

#### B. For Researchers interested in Mississippi Territory (including Alabama and Mississippi)

1. Familiarize yourself with this document, the various Mississippi Territory archival repositories and find out who else is actively researching the Bristow-Brister families.
2. Familiarize yourself with Mississippi Territory geography, history and the manner in which the various political subdivisions (territory, states, counties and communities) were created with particular emphasis on DeKalb County, Alabama, Yalobusha County, Mississippi and the other south-central and southwest Mississippi counties discussed previously.
3. Familiarize yourself with Bristow-Brister family genealogy with emphasis on those family members shown above in section II-B.-3 and the three viable and non-viable Tashapiathacho marriage candidates identified above.

4. Construct your own year-by-year timelines for each of the fifty-one Bristow-Brister male family members and determine for yourself who you believe to be the viable and non-viable marriage candidates.
5. Focus further research on viable candidates, resorting to your list of non-viable candidates only after exhausting your viable candidate research possibilities.
6. Having completed these first five steps, extend your time horizon from 1835 to 1860 and include Thompson Bristow's male great grandchildren for any one of his sons you may wish to study in more depth; perhaps the one through which you descend.
7. Familiarize yourself with the internet-accessible Native American data bases at the National Archives in Washington, D.C. and try working from a Native American point of reference BACK TO what you know about the Bristow-Brister family members instead of from a Bristow-Brister family point of reference TOWARD A Native American connection.
8. In satisfaction of the need for an occasional needed diversion and as you learn more about the Bristow-Brister male family members, you may wish to examine more closely the "Marriage circumstances not considered" (included above under section II-B.-2.-c.) after completing step 5., above.
9. Above all, attempt to discover primary source citations to support your work

Good luck and good hunting!

Please forward your comments, suggested revisions, genealogical data corrections and supporting source citations to Dennis K. Boswell. Following review and acceptance, they will be published in periodic updates to this Version 1 document.

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