

8 March 1985

Dear Robert,

Many thanks for the photocopies of the pictures of Jacob Levi and Elizabeth Ann Folk. I am having them "touched up" and photographed in reduced size for inclusion in the proposed Folk book.

On 9 April 1862 Jacob Levi Folk enlisted in the Confederate States Army to serve for the period of the war, and was assigned as a private to Company D, 24<sup>th</sup> Regiment of S. C. Volunteer Infantry. In 1862 he was promoted to sergeant; in 1863 promoted to junior 2nd lieutenant; in early 1864 promoted to 1st lieutenant; on 16 December 1864 he was captured by the enemy in fighting near Nashville, Tenn., and forwarded to the military prison at Louisville, Ky.; on 20 December 1864 he was transferred to prison on Johnson Island (near Sandusky, Ohio); on 16 June 1865 was paroled after taking the oath of allegiance to the United States.

In 1862, when Jacob Levi Folk was assigned to service, St. Col. Ellison Capers was ranking officer of the battalion of which Company D was a unit. Later, as Col. Ellison Capers, he was ranking officer of the 24<sup>th</sup> Regiment of which the said battalion was a unit; and still later, as Brig. Gen. Ellison Capers, he was ranking officer of the brigade of which the 24<sup>th</sup> Regiment was a unit. — (Confederate History of South Carolina, Vol. V. — By Brig. Gen. Ellison Capers — 1899.) He became an Episcopal minister, and after his elevation to the bishopric of the Protestant Episcopal Diocese in South Carolina he (Bishop Ellison Capers) was known as "the Soldier Bishop." He also served for many years as Chaplain General of the United Confederate Veterans. — (Names in South Carolina, Vol. XIX, p. 22.)

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It appears that he was highly esteemed by the men who served under him during the War Between the States; and Jacob Levi Folk, being one of them, named his second son "Elison Capers Folk" in honor of him. The Methodist preachers of the Capers family were: - Bishop William Capers, his son William J. Capers, his half-brother Samuel Wragg Capers, and his nephew Thomas H. Capers.

As a starting point from which to extend further discussion of the Daniel-Zeigler relationship, we will look again at the 1790 (so-called) and 1800 census records. These records, and all others in which I was interested, were copied by me from the originals in the census Bureau at Washington, D.C., while I was a resident in that city. As is my custom, I triple checked the copies which I made to assure myself of their correctness. In the light of the complaint of 1911 when compared with the said census records, I am confident that all of the children of Mrs. Ann Daniel by her first husband are correctly identified as stated in my letter of 16 February 1985. There is no reason to think that Elizabeth and Mary would not have been living with their mother at the time of the 1800 census, or that James Daniel's daughter (Ann) was not then living in the house with them. - (Note differences in ages.)

The family Bible of Conrad Zeigler shows that his first wife, Elizabeth (daughter of Mrs. Ann Daniel) was born on 11 October 1791 and died on 5 November 1826. She and Conrad were married about 1803. The 1800 census record erroneously shows her as then being from 10 to 16 years of age. Due to several causes (misunderstanding or carelessness of the census taker, guessing without

Knowledge of the actual age, willful misstatement, etc.) all of the census <sup>records</sup> contain errors as to the age of many persons. The age of Jacob Zeigler's first wife, Mary (daughter of Mrs. Ann Daniel), is correctly shown in the 1800 census, she then being from 10 to 16 years of age. Being younger than Elizabeth, she reasonably was born about 1783 or 1784. However, as shown by the census record she was several years older than James Daniel's daughter Ann who married Jacob Zeigler in 1804.

At the time of the 1790 census James Daniel was the owner of 42 slaves, and the first husband of Mrs. Ann Daniel was the owner of 41 slaves. At the time of the 1800 census James is shown as the owner of 40 slaves, most of whom doubtless were the property of his wife who had inherited them from her previous marriages. From certain records it is evident that some of his slaves previously had been deeded to Michael Zeigler in trust for his daughter Ann Daniel. It is uncertain whether (in 1800) he and his children, his wife and her two youngest children were living in his own house or the Robinson house which his wife had the use of "during her lifetime."

Re. my letter of 23 October 1984: - Please read that portion pertaining to the 7000 acres of land acquired by James Daniel. It was covered by seven separate grants, each for 1000 acres. - (State Land Grants, Book 37, pages 19, 20, 21, 22, 23, 24, and 25.) This is the land which was sold in <sup>1839 or</sup> 1840 in settlement of Jacob Zeigler's estate. Before I learned of this acquisition Mrs. Paul Jones Zeigler only told me that she "once saw the deed which gave to Jacob Zeigler thousands of acres of land," and my later findings corroborated her statement concerning the

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quantity of land. The said deed ~~was~~ was that one given by Michael Zeigler to Jacob Zeigler on 18 January 1806. - (Barnwell County Deed Book D, page 324.) However, the entry for this deed in the said deed book is meager and incomplete. In essence it shows only that Michael deeded to Jacob "right, claim, and title to the within premises, having received compensation for the same." Witnesses were Conrad Zeigler and Ann Daniel (wife of James Daniel). There ~~was~~ certainly was much more to this transaction which, for some ~~undetermined~~ reason, was not recorded. No description of "the within premises" is given. The "compensation" received by Michael ~~evidently~~ <sup>was</sup> for his service in acting as trustee for James Daniel's daughter (Ann) who then was the wife of Jacob Zeigler.

As shown in the two preceding paragraphs, it is a recorded fact that James Daniel was the owner of 42 slaves and 7000 acres of land before his marriage to Mrs. Ann Robinson, and that in the settlement of Jacob Zeigler's estate 51 Negro slaves were sold on 31 December 1838, and land to the value of \$7,000.00 was sold during the latter part of 1839 or in early January 1840. In response to a complaint of Ann Zeigler (widow of Jacob Zeigler) and others vs. William Zeigler, relating to a partition of land belonging to the estate of Jacob Zeigler, deceased, on 13 January 1840 the following order was issued and signed by Judge David Johnson. - (Barnwell County, S.C., Court of Equity Records: R-39, 1820-1841, Reports and Minutes, page 175; Estate Papers of Jacob Zeigler.)

"On hearing the return of the Commissioners to the writ of

Parties in this case and on motion of Patterson the Com-plainant's solicitor it is ordered that the Complainant Ann Zeigler do pay over to the other parties the sum of \$7,000.00 deducting 1/3 part to which she is herself en- titled as follows, that is to say: -

To Nathan Zeigler	-----	\$ 466.66
To John Weisinger + Martha M. his wife	-----	466.66
To Evan D. Felder + Jane E. his wife	-----	466.66
To Henry M. Zeigler	-----	466.66
To Gowan Zeigler	-----	466.66
To Joseph Zeigler	-----	466.66
To William Zeigler	-----	466.66
To herself (as her part of the real estate of the intestate Jacob Zeigler her late husband.)	-----	2,333.40 "

Persons Not Mentioned Above

To Daniel J. Brenton + Mary W. his wife	-----	466.66
To Jacob J. Zeigler	-----	466.66
To James W. Zeigler	-----	466.66
Total	-----	\$7,000.00

Note. - The solicitor (Patterson) might have been the A. Pat-  
terson who on 11 February 1927 witnessed the will of Mrs.  
Ann Daniel. The document showing the complaint  
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of Mrs. Ann Zeigler was not available to this writer, it then being among some misplaced records in a storeroom.

In reply to the requests and questions contained in your letter of 25 February 1985 I submit the following.

(R) James Daniel's deed of property to Michael Zeigler in trust for his daughter was executed while both of them lived in old Orangeburgh District, and the deed was recorded in the courthouse in the present town of Orangeburg. As stated in previous correspondence, the records in that courthouse were destroyed during the War Between the States. Therefore, it is impossible to obtain a copy of the deed or a reference to the book and page number in/on which the deed was recorded. The clerk of court and the probate judge at Orangeburg told me about the destruction of these records. In the Foreword of his book "Orangeburgh District, South Carolina, Returns In Partition From The Court Of Equity, 1824-1837,"

Brent H. Holcomb

states: - "This volume is one of the few volumes (if not the only one) to have survived the courthouse fire of Orangeburg in 1865. Perhaps it was in the office of a judge or lawyer, rather than in the courthouse itself." - However, the circumstantial evidence in this case, and in the

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case of item (B), is so strong that in effect it proves itself.

(B) I made only an abstract of Michael <sup>Zeigler's</sup> deed of 18 January 1806 to his son Jacob Zeigler, as shown on the reverse side of page 2 of this letter. Note the reference to Deed Book D, page 324.

(C) Thos. A. Patterson who witnessed the will of Mrs. Ann Daniel probably was the lawyer who wrote her will and her solicitor in the complaint leading to Judge David Johnson's order issued on 13 January 1840. Ann Catherine Bendarwis evidently was the widow of James Bendarwis and the daughter-in-law of Mrs. Daniel.

(d) It does bother me very much that Conrad and Elizabeth Zeigler married children of Mrs. Ann Daniel. This probably happened because the two families were not known to each other until a short while before 1800 and the Zeiglers were not informed as to the background of the said children.

Upon the arrival of the immigrant Frederick Zeigler in Charleston, S.C. — in 1752/3 — his sons William and Michael were "bound out" for

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service to someone who probably lived within or near the Charleston area. — (Speculation: — Was the "someone" to whom Michael was bound related to Martha Bixet who was Michael's first wife? She was living in or near Charleston when they married.) — During the Revolutionary War Michael performed military duty in the Charleston area.

The first known record of land acquired by Michael was a grant issued to him on 26 September 1772 for 200 acres situated in "St. George Parish, Berkeley County, South of Indian Field Swamp," this then being within the Charleston District area. The situation apparently was a few miles northwest of the present town of St. George, near Highway 178 where it crosses the boundary line between Berkeley and Orangeburg Counties, and near land previously granted to Michael's brother Johannes B. G. Zeigler. In 1792, after moving to the present Bamberg County, Michael sold this land to David Hughes of St. George Parish. In this transaction his name is shown as Michael Zeigler (otherwise Seabler), to correct the erroneous spelling of his surname in the grant of 1772.

After the Revolutionary War Michael moved to St. Phillips - St. Michael's Parish and resided in or near the city of Charleston, where he (as Michel Seiler)



was included in the 1790 census. He evidently made this move for the purpose of educating his children. — It has been remarked that "the children of Michael Zeigler appear to have had an advanced education." — In 1790 all of the children except two apparently were boarding in the home of John Clements whose widow (?) is thought to have been Michael's second wife — Mrs. Mary Milledred Clements.

At the time of the 1800 census Conrad, Jacob, and Elizabeth Zeigler were living with their father in the present Bamberg County. It apparently was shortly before or after that time that they became acquainted with James Daniel, his wife and her children who then lived in Orangeburg County several miles above the South Edisto River. This acquaintance, without knowledge of the background of Mrs. Daniel's children, resulted in the unfortunate marriages of the said three children of Michael Zeigler.

To the best of my ability in the light of available records, I have herein responded to your requests and questions. As far as this response goes I hope that it will give you a clearer picture and better understanding of the Daniel-Zeigler relationship.

My love and best wishes to you and Cora.

Sincerely,  
Earle.

(Any comment?)