
Debbie Parker Wayne, "An Identity Crisis: Using Indirect Evidence to Prove That H. P. Davis and Passen Davis of Trinity County are One Man Who is the Son of Wiley Davis," *Texas State Genealogical Society Journal Stirpes* (March 2011): 43–49.

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An Identity Crisis: Using Indirect Evidence to Prove That H. P. Davis and Passen Davis of Trinity County are One Man Who is the Son of Wiley Davis

by Debbie Parker Wayne, Certified GenealogistSM

Wiley Davis's probate file in Angelina County, Texas, names a son Passen Davis of Trinity County, Texas. Trinity County records that survived two courthouse fires contain no reference to a Passen or P. Davis. This study correlates indirect evidence from many sources to show Passen Davis is the same man as H. P. Davis of Trinity County, and the same man as Harwell P. Davis who married Mary Ann Clark in Rusk County.

Trinity County experienced two courthouse fires after it was formed in 1850. In 1873 the courthouse and most of the records in it burned. Another fire in 1876 destroyed more records.¹ Extant records in the county clerk's office include deed records from 1873, and court, probate, and marriage records from 1876. One set of records very useful to genealogists, records of the tax assessor-collector, survive from the formation of the county.² Tax records often survive when other records do not and are invaluable when researching families in locations where other records have been lost. One useful feature of Texas tax records is that the original grantee of real property is usually named as well as the current owner or person paying the taxes. This allows tracing land ownership even when the name of the taxpayer changes and deeds have been lost. When analyzed in context with other information, tax records can be critical to proving relationships and identities.

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- 1 John Leffler and Christopher Long, "Trinity County," *Handbook of Texas Online, Digital Gateway to Texas History* (<http://www.tshaonline.org/handbook/online/articles/TT/hct9.html> : accessed 1 January 2010).
- 2 "Trinity County Records," County Records on Microfilm, Texas State Library and Archives Commission (TSLAC) (<http://www.tsl.state.tx.us/arc/local/trinity.html>: accessed 1 January 2010). See also Imogene Kinard Kennedy and J. Leon Kennedy, *Genealogical Records in Texas* (1987; reprint, Baltimore: Clearfield Co., 2005), 165.

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WILEY DAVIS'S HEIRS

One document lists the heirs of Wiley Davis. In his loose probate file in Angelina County, Texas, a petition names heirs:

1. S. P. Davis of Angelina County, son of Wiley, entitled to 1/7.
2. John L. Davis of Rusk County, son of Wiley, entitled to 1/7.
3. Wesley Davis of Angelina County, son of Wiley, entitled to 1/7.
4. James Davis of Angelina County, son of Wiley, entitled to 1/7.
5. Passen Davis of Trinity County, son of Wiley, entitled to 1/7.
6. Children of William Davis, deceased, son of Wiley: Joseph A. Davis, Wiley W. Davis, John W. Davis, Sarah Bennett, all of Trinity County; Berdine Davis, Wilburn Davis, Elizabeth Middleton, all of Angelina County; minor children of William: Martha J. Davis, William F. Davis, Charner P. Davis, Madison P. Davis, Vitus V. Davis, all of Angelina County; each "being entitled through their father the said William to his distributive share and to a distributive share each—one-thirteenth."
7. Children of Wiley's unnamed deceased daughter: Lewis Gideon, John P. Gideon, Martha I. Gideon, Emily Gideon, Joseph Gideon Junior, Julia Ann Hager, all minors except Julia Ann — each "entitled to the share of their mother, who was the wife of Joseph Gideon."³

3 Angelina County, Texas, probate case files, no. 64, Wiley Davis (1864), index jacket X-181, file box 5; County Clerk's Office, Lufkin, Passon Davis et al. v. S. P. Davis for partition, 18 May 1866. Only twelve children of William are named. William Davis's daughter Victoria, not named in the list of heirs in the probate file, is enumerated as 3/4 of a year old with William and Charlotte on the 1860 U.S. census, Angelina County, Texas, Second District, p. 113A (stamped), p. 55 (penned), dwelling and family 426, William Davis; digital images, *Ancestry.com* (<http://ancestry.com/> : accessed 29 April 2009); National Archives (NARA) micropublication M653, roll 1287. Victoria's name may have been omitted in error by the attorney or clerk writing the petition. The petition states William's portion is to be divided thirteen ways even though only twelve children are named.

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Neither the loose probate file nor the probate minute books in Angelina County name all those who received shares once the final settlement was made.⁴ A second document in the probate file names the heirs, but has torn and missing sections of the page where the names of the heirs cannot be read.⁵ The name Passen Davis is readable, but not all of the other names of heirs can be ascertained. Because no direct evidence of a Passen Davis is found in extant records of Trinity County, indirect evidence from several sources must be correlated to determine his identity.

INDIRECT EVIDENCE

Tax Rolls and Confederate Muster Rolls

Several items listed on the Texas tax rolls are useful when tracing a person or family through a range of years—the name of the original land grantee for the property now owned by the taxpayer, property values and acreage, and quantities of slaves and stock. In Texas, the original grantee or patentee of each land parcel is usually named on the tax rolls.⁶ This name can be used to link families when the name of the current taxpayer changes and no deed record exists. The exact number of acres, slaves, and livestock on a tax list may vary from year to year as births, deaths, sales, or purchases occur. A large difference in the number of slaves or livestock from year to year might indicate two different people of differing economic status are listed. Property ownership in the tax lists help trace the Davis family.

Trinity County tax rolls do not name a Passen Davis or P. Davis. Only one candidate for the son of Wiley is found—H. P. Davis.⁷ No others with a first or second name beginning with “P” or with the initial "P" are listed. The land named on the following tax entries is consistent although the number of slaves and horses varies slightly from year to year and the name of the taxpayer varies:

- In 1850–1858, no H. P. Davis, under any spelling, is listed in Trinity County.

4 Angelina County, Texas, Probate Minutes, Volume A2, A3; County Clerk's Office, Lufkin; TSLAC microfilm roll 1035038. All Davis entries were checked.

5 Angelina County, Texas, probate case files, no. 64, Wiley Davis (1864), Wesley Davis citation, 26 May 1866.

6 H. P. N. Gammel, comp., *The Laws of Texas, 1822–1897* (Austin: Gammel Book Co., 1898), 2:183–202, sec. 7, “An Act To raise a Public Revenue by Direct Taxation”; digital images, University of North Texas Libraries, *The Portal to Texas History* (<http://texashistory.unt.edu/> : accessed 26 March 2010).

7 Trinity County, Texas, Tax rolls, 1850-1910; TSLAC microfilm no. 122801, Austin.

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- In 1859, H. P. Davis first appears and paid taxes on 320 acres on the original grant of F. Bignar, one slave, and seven horses.
- In 1860, H. P. Davis paid taxes on the same Bignar land, two slaves, and five horses.
- In 1861, M. A. Davis paid taxes on the same Bignar land, three slaves, and five horses.
- In 1862, Mary Ann Davis paid taxes on the same Bignar land, four slaves, five horses, and an additional 80 acres on the original grant of Wyatt Brasey or Beardsley, shown in later tax years as Beaseley.
- In 1863, no entry for H. P. or Mary Ann Davis is found. [It is not uncommon for Texas tax rolls during the Civil War years to be incomplete.]
- In 1864, Mary Ann Davis paid taxes on the same Bignar and Beaseley land, three slaves, and an unspecified number of horses. The total value of horses, cattle, and sheep is \$579.
- In 1865 through 1867, H. P. Davis paid taxes on the same Bignar and Beaseley land that Mary Ann paid for during the war, and horses, cattle, and sheep worth \$226. (Slavery was abolished after the war ended. No slaves are listed after 1865 for any taxpayer.)
- After 1867, H. P. Davis never appears on the tax rolls again.
- For most years from 1868 on, M. A. or Mary Ann Davis continued to pay taxes on the same land. Mary Ann added 80 acres from the original grant of John Kilgore in 1878. In some of the ensuing years her sons paid taxes on the Bignar and Beaseley land. The last year Mary Ann paid taxes was 1885.
- From 1886 through 1890 no Mary Ann or M. A. Davis is listed on the tax rolls.⁸

8 Trinity County, Texas, Tax rolls, 1850-1910; TSLAC microfilm no. 122801, Austin: (1859) p. 5, line 9; (1860) p. 4, l. 10–11; (1861) p. 4, l. 13; (1862) p. 4, l. 6–7; (1864) p. 4, l. 16–17; (1865) p. 6, l. 4–5; (1866) p. 6, l. 3–4; (1867) p. 5, l. 21–22; (1868) p. 3, l. 9; (1869) p. 2, l. 12; (1870) the entire section of "D" entries is unreadable due to fading and the left side of the names being cut off; (1871) sec. 3, p. 3, l. 1; (1872) only fragments of pages exist, no Davis entries found; (1873) p. 5, l. 27; (1874) p. 8, l. 29–30; (1875) precinct 3, p. 2, l. 34; (1876) pct. 3, p. 1, l. 35–36; (1877) (not paginated), 7th page, l. 22–23; (1878) p. 7, l. 12; (1879–1881) no M. A. Davis found; (1882) p. 7, l. 4–5; (1883) p. 9, l. 32; (1884) p. 10, l. 8; (1885) p. 8, l. 3.

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It is reasonable to assume that H. P. Davis would have been away from home at times between 1861 and 1865 if he served during the Civil War. H. P. Davis enlisted in August 1861 as a private in the Texas Militia, 11th Brigade, Trinity County Cavalry, Beat No. 6.⁹ While H. P. Davis was likely away from home during the Civil War, Mary Ann Davis paid taxes on the same land as H. P. Davis. Mary Ann continued to pay taxes on this same land after H. P. Davis disappears from the tax rolls and is presumed to have died in 1867 or 1868. The fact that H. P. and Mary Ann paid taxes on the same land in different years indicate a relationship between the two.

Before moving to Trinity County the Davis family lived one county further north—in Houston County. H. P. Davis paid taxes in Houston County in 1853 through 1856. In 1853 through 1855 he owned 220 acres on the J. Walker original grant.¹⁰ No tax records for Davis were found for 1857 and 1858. In 1852 through 1854 Alexander Clark, a candidate for the father of Mary Ann (Clark) Davis,¹¹ also paid taxes in Houston County and owned land that was on the James Walker original grant. Alexander Clark paid taxes in Houston County through 1868 although he bought and sold land during these years.¹² The amount of property owned by H. P. Davis in Houston County is similar to that owned by H. P. Davis in Trinity County. Nothing indicates these are two different men.

9 Jean Carefoot, *A Guide to Genealogical Resources in the Texas State Archives* (Austin: Texas State Library, 1984), 33. Texas Confederate Muster Rolls are damaged and fragile and no longer accessible for general research. The muster roll data has been transcribed on index cards. *Index To Service Records Of Confederate Soldiers From Texas, 1861–1865*, 15 rolls (Austin: TSLAC, n.d.), roll 5, index card for H. P. Davis, Pvt., Res. Cav. Co., Beat No. 6, Trinity Co., 11th Brig. Texas Militia. See also, Kathryn Hooper Davis and Carolyn Reeves Ericson, *Trinity County, Texas in the Civil War* (Nacogdoches: Ericson Books, 2007), 23; Davis lists this entry as N. P. Davis. No N. P. Davis is found on the tax rolls for Trinity County. The microfilm copy of the index cards contains many striations that obscure the letters on the cards making it easy to read H. P. Davis as N. P. Davis. The H. P. Davis card is in the section with other given names that begin with the letter "H" and surname "Davis." The entire section of cards with given names that begin with the letter "N" and surname "Davis" was searched; no card was found for N. P. Davis in any Texas county. Presumably H. P. Davis was misread as N. P. Davis by Hooper Davis and Ericson.

10 Houston County, Texas, Tax rolls, 1838-1881; TSLAC microfilm no. 111301, Austin: (1853) p. 6, l. 26; (1854) p. 6, l. 26; (1855) p. 7, l. 21; (1856) p. 7, l. 11. (Both 1853 and 1854 are on the same page and line number, coincidentally.)

11 Rusk County, Texas, Marriage Book A:61, Harwell P. Davis to Miss Mary Ann Clark, 15 December 1847; County Clerk's Office, Henderson; TSLAC microfilm no. 1020943, Austin. The marriage is discussed further below.

12 Houston County, Texas, Tax rolls, 1838-1881; TSLAC microfilm no. 111301, Austin: (1852) p. 5, l. 1; (1853) p. 5, l. 11; (1854) p. 5, l. 32; (1855) p. 5, l. 16; (1856) p. 6, l. 16; (1857) p. 4B, l. 29; (1858) p. 7, l. 10; (1859) p. 6, l. 34; (1860) p. 5, l. 28; (1861) p. 5, l. 43; (1862) p. 8, l. 32; (1863) p. 8, l. 12; (1864) p. 7, l. 8; (1865) p. 7, l. 10; (1866) p. 10, l. 23; (1867) p. 8, l. 14; (1868) p. 10, l. 6.

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Before moving to Houston County the Davis family lived in Rusk County. Wiley and H. P. Davis both appear on Rusk County tax rolls in the 1840s and 1850s. H. P. Davis lived there in 1849 and 1851 as did Harry P. Davis in 1850.¹³ Harry is a likely nickname for Harwell. Wiley Davis lived there from 1848 through 1856, before moving to Angelina County where he lived from 1857 through 1864. S. P. Davis, also named as a son of Wiley Davis in the probate file, first appears on the Angelina County tax rolls in 1865 as administrator of Wiley Davis.¹⁴ Wiley disappears from Rusk County at the same time he appears in Angelina County. S. P. Davis is named as the administrator of Wiley in the probate file where Passen is named and S. P. appears as the administrator on the tax rolls supporting the conclusion these references are to the same Wiley Davis.

Texas General Land Office Grants

Wiley and Harwell Davis both received land grants from the Republic of Texas. The Texas General Land Office (TXGLO) handles all transfers of land ownership from the Republic or State to individuals. Texas gave headright grants to those who arrived by a specific date with earlier arrivals and married men receiving more land. An applicant provided information to prove eligibility for the grant. The application was reviewed by a commission and was approved or rejected. If approved, a certificate was issued. Due to the rampant land fraud during the years of the Republic of Texas and the early years as a state, a Board of Land Commissioners was formed in each county to certify claims as valid before land grants were patented.¹⁵ On 4 January 1841 Texas passed a law granting 640 acres to married men and 320 acres to single men who arrived in Texas between 1 January 1841 and 1 January 1842.¹⁶ These land records indirectly link Wiley and Harwell Passen or Parson Davis.

13 Rusk County, Texas, Tax rolls, 1842-1858; TSLAC microfilm no. 120101, Austin: (1849) p. 9, l. 14; (1850) p. 11, l. 25; (1851) p. 14, l. 10. The name as listed in 1850 might be interpreted as Henry or Harry, but appears to be Harry.

14 Rusk County, Texas, Tax rolls, 1842-1858: (1848) p. 6, l. 29; (1849) p. 8, l. 10; (1850) p. 10, l. 28; (1851) p. 13, l. 8; (1852) p. 11, l. 4; (1853) p. 18, l. 11; (1854) p. 14, l. 4; (1855) p. 16, l. 1; (1856) p. 16, l. 32. Angelina County, Texas, Tax rolls, 1846-1870; TSLAC microfilm no. 100301, Austin: (1857) not paginated, 4th page, taxpayer #112; (1858) p. 5, l. 11; (1859) p. 4, l. 12; (1860) p. 4, l. 17; (1861) p. 4, l. 23; (1862) p. 4, l. 43; (1863) p. 2, l. 2; (1864) p. 2, l. 2; (1865) p. 3, l. 14, S. P. Davis first appears as administrator for Wiley Davis.

15 Carolyn R. and Joe E. Ericson, *A Guide to Texas Research* (Nacogdoches: Ericson Books, 1993), 29–32.

16 H. P. N. Gammel, comp., *The Laws of Texas, 1822–1897* (Austin: Gammel Book Co., 1898), 2:555–557, sec. 1, "An Act Granting Land to Emigrants [sic]"; digital images, University of North Texas Libraries, *The Portal to Texas History* (<http://texashistory.unt.edu/> : accessed 26 March 2010).

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On 6 May 1844, "Harly P. Davis" appeared before the Board of Land Commissioners of Harrison County. He was granted 320 acres due to a single man who arrived in Texas in December 1841. On a document dated 6 January 1845, a carat symbol indicates the first name "Harwell" should be inserted in front of the name "Parson Davis."¹⁷ Parson is probably a misspelling of Passen or the clerk didn't hear the name clearly. It is common to find names spelled in diverse ways in older documents.

Wiley Davis arrived in Texas near the same time as Harwell. Also on 6 May 1844, Wiley Davis appeared before the same board in Harrison County. Wiley was granted 640 acres due to a married man who arrived in Texas in October 1841.¹⁸ The fact that both men applied for land grants at the same land office on the same day supports the conclusion there may be a family relationship between the two men.¹⁹ It was common for part of a family to travel to a new area and for other family members to join them later. The documents in the land office files give different dates of arrival for Harwell P. and Wiley Davis—differing only by two months.

Marriage and Census Records

His name on the land grant links Harwell P. Davis to his wife. Harwell Parsen Davis is the name used on the Texas land grant given to a single man in 1845. Harwell P. Davis married Miss Mary Ann Clark in Rusk County on 15 December 1847.²⁰ Harrison County, where the land was granted, is adjacent to Rusk County, where the marriage took place. This marriage is consistent with the Trinity County tax rolls listing H. P. and Mary Ann Davis paying taxes on the same land in different years. The H. P. Davis in Houston County owns land near Alexander Clark, a man with the same surname as Mary Ann's maiden name. Alexander is a candidate for Mary Ann's father. Proof of that relationship is beyond the scope of this study.

17 Certificate no. 387, Harwell P. Davis, patented 12 December 1848, Harrison Land District, Third-class grant, file number 176; Texas General Land Office, Austin.

18 Certificate no. 338, Wiley Davis, patented 4 August 1854, Harrison Land District, Third-class grant, file number 449; TXGLO, Austin.

19 E. Wade Hone, *Land and Property Research in the United States* (Salt Lake City: Ancestry, 1998), 176.

20 Rusk County, Texas, Marriage Book A:61, Harwell P. Davis to Miss Mary Ann Clark, 15 December 1847.

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Wiley Davis's probate file names other heirs who can be linked to H. P. and Mary Ann Davis. In 1870 the widow of Wiley's son William lived near Mary Ann, then a widow. Several of William's sons lived with their mother.²¹ Other children of the two widows were nearby: William's son Joseph and daughter Sarah Bennett, and H. P.'s son John.²² This proximity is consistent with a link between these families.

Other census records support linking the H. P. Davis family in Rusk with the one in Trinity county. In Rusk County in 1850, H. P. Davis was age twenty-six and Mary Davis was age eighteen.²³ In Trinity County in 1860, H. P. Davis was age thirty and Mary A. Davis was age twenty-eight.²⁴ Although the age of H. P. is inconsistent on the two records, this is a common occurrence. The other facts are consistent with the same family being represented in both records. The ages of H. P. and Mary are also consistent with a couple of an age to marry in December 1847.

Death Records

Texas did not require death records until 1903 so none exists for H. P. Davis. Mary Ann or M. A. Davis paid taxes in Trinity County on the same property as H. P. Davis while he was away during the U. S. Civil War. Mary Ann also paid taxes after the death of H. P. Davis, sometime between 1867 when he last appeared on the tax rolls and 1870 when Mary Ann was named a widow. Family lore indicates H. P. Davis is buried in the

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- 21 1870 U.S. census, Trinity County, Texas, Pennington PO, p. 324A (stamped), dw./fam. 55, Charlotte Davis; digital images, *Ancestry.com* (<http://ancestry.com/> : accessed 2 January 2010); NARA micropublication M593, roll 1606.
1870 U.S. census, Trinity County, Texas, Western District, Sumpter PO, p. 327A (stamped), dw./fam. 95, Marie Davis; digital images, *Ancestry.com* (<http://ancestry.com/> : accessed 2 January 2010); NARA micropublication M593, roll 1606.
- 22 1870 U.S. census, Trinity County, Texas, Pennington PO, p. 324A (stamped), dw./fam. 56, Joseph Davis and dw./fam. 57, Sarah and Richmond Bennett; digital images, *Ancestry.com* (<http://ancestry.com/> : accessed 2 January 2010); NARA micropublication M593, roll 1606.
1870 U.S. census, Trinity County, Texas, Pennington PO, p. 326B (stamped), dw./fam. 89, John Davis; digital images, *Ancestry.com* (<http://ancestry.com/> : accessed 2 January 2010); NARA micropublication M593, roll 1606.
- 23 1850 U.S. Census, Rusk County, Texas, p. 304B (stamped), dw./fam. 971, H. P. Davis; digital images, *Ancestry.com* (<http://ancestry.com/> : accessed 15 February 2009); NARA micropublication M432, roll 914.
- 24 1860 U.S. Census, Trinity County, Texas, p. 318A (stamped), dw./fam. 228, H. P. Davis; digital images, *Ancestry.com* (<http://ancestry.com/> : accessed 15 February 2009); NARA micropublication M653, roll 1306.

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Ivie Cemetery, just over the Trinity County line in Houston County.²⁵ No headstone for H. P. Davis is listed in cemetery transcripts.²⁶ A descendant placed a marker in recent years in the place where the family believes H. P. Davis is buried.²⁷ Because the headstone was not placed near the time of death it does not provide primary information on the death of H. P. Davis. It does indicate the family today believes Harwell P. Davis died about 1867. This is supported by his disappearance from the tax rolls after 1867. The burial place provides further evidence of links between the Davises in Houston and Trinity County.

Deed and Probate Records

Deed and probate records are useful when linking families and sometimes directly state relationships between those named. This was not the case with H. P. Davis. No probate records in Trinity County were found for H. P. or Harwell or Passen Davis, under any initials or possible spelling variations.²⁸ This is likely due to the destruction of records in the courthouse fires mentioned above.

Trinity County deed indexes contain no mention of Passen or P. Davis.²⁹ One deed names the heirs-at-law of H. P. Davis as Mary A. Davis, A. Z. Davis, A. Davis, J. W. Davis, and A. M. and Mahala Lenard.³⁰ This links H. P. Davis and Mary A. Davis and does not conflict in any way with the conclusions made. Although it is not a rule, often the spouse is the first name mentioned in a list of heirs. No evidence for the existence of any other person who might be Passen Davis was found in Trinity County.

25 Clell Davis, "Descendants of Thomas Davis," p. 5, Davis Family folder, vertical files; Ora McMullen Genealogy Room, Kurth Memorial Library, Lufkin, Texas. Copies also in the hands of several family members.

26 "Ivie Baptist Church Cemetery," TXGenWeb Project (http://www.rootsweb.ancestry.com/~txhousto/cemeteries/cemetery_Ivie.htm : accessed 16 January 2010). Also, no H. P. Davis entry is found in Joseph W. Hensley and Patricia Bartley Hensley, *Trinity County, Texas, Cemeteries: For Those Interested In Preserving Our Heritage* (Groveton, Texas: Trinity County Historical Commission, 1992).

27 Jad Davis, Round Rock, Texas, to author, e-mail, 29 January 2010, "Proof of H. P. Davis as son of Wiley Davis"; privately held by author.

28 Trinity County, Texas, Probate Minutes, 1876-1882 Vol. A, 1882-1886 Vol. B, 1886-1894 Vol. C; TSLAC microfilm no. 1005083, Austin.

29 Trinity County, Texas, Index to Deeds, Vol. 1; County Clerk's Office, Groveton.

30 Trinity County, Texas, Deeds, E:76–77, Heirs of H. P. Davis to James Davis, 21 January 1878; County Clerk's Office, Groveton.

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Other Passen Davises

Passen Davis is not a common name. An online search for the exact name "passen davis" and similar names finds only one 1850 census record with a Passon Davis living in Jackson Parish, Louisiana, family trees with Harwell Passen Davis as a son of Wiley Davis, one other man in the 1600s with the middle name Paysen, and one Mary Paysen Davis living in the Massachusetts area in the 1850s.³¹ Even though many records are not available online, the findings parallel the lack of the name Passen Davis in Trinity County records. If Passen Davis was a different man than H. P. Davis it is likely his name would be found in some records, but it is not.

DNA

Since about 1999–2000 DNA tests have been offered for genealogical purposes. Y chromosome DNA tests can help determine common kinship in a male line, but cannot provide proof as to which man might be the father of another. Thirty-seven markers were tested on a descendant of Wiley's son William Davis and sixty-seven markers were tested on a descendant of Harwell Passen Davis. Only the thirty-seven markers tested on both can be compared. Table 1 shows the relationship to Wiley Davis of the two men whose DNA was tested.

A haplogroup is a "population descended from a common ancestor."³² Because both Davis DNA samples are in haplogroup R1b1b2a1b the two men share a common ancestor. The two DNA samples match on thirty-six of thirty-seven markers. There is a 50% statistical probability the most recent common ancestor between the two lived no longer than four generations ago. There is a 95% probability the common ancestor lived no longer than eight generations ago.³³

31 All category search on Ancestry.com (<http://www.ancestry.com/> : accessed 24 April 2010); using the name filter options added in April 2010 to restrict matches to exact, similar, and phonetic matches both on "passen" as given name and "davis" as surname. Checking for exact initials "h p" gives a few more hits, but none appear to be the H. P. Davis described in this study.

32 "Glossary of Genetic Terms — 2010," International Society of Genetic Genealogists (http://www.isogg.org/tree/ISOGG_Glossary.html : accessed 15 January 2010).

33 "Understanding Your 37 Markers," Family Tree DNA (http://www.familytreedna.com/tr_Y37M.pdf : accessed 16

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Table 1. Relationship of DNA-tested descendants of two sons of Wiley Davis.	
Harwell Passen, son of Wiley	William, son of Wiley
son of Harwell	son of William
grandson of Harwell	grandson of William
great-grandson of Harwell	great-grandson of William
2nd-great-grandson of Harwell	2nd-great-grandson of William DNA sample 2 Haplogroup R1b1b2a1b DYS 576 = 16
3rd-great-grandson of Harwell DNA sample 1 Haplogroup R1b1b2a1b DYS 576 = 17	

The number of generations between Wiley and the two tested descendants falls within the 95% statistical probability of eight generations. From Wiley Davis to the descendant who provided DNA sample one there are six generations. From Wiley to the descendant who provided sample two there are five generations. The match does not prove conclusively Wiley is the common ancestor of Harwell and William. It does prove the two DNA sample providers are closely related.

The Family Tree DNA testing company says those who match on thirty-six of thirty-seven markers are tightly related; it's most likely any mismatch will be found within markers *DYS 576, 570, CDY_a or CDY_b*; and "[v]ery few people achieve this close level of a match."³⁴ The two Davis DNA samples differ only on marker *DYS 576* where sample one has a value of 17 and sample two 16. *DYS 576* is considered to be a fast-moving marker.³⁵ When two people differ only on one fast-moving marker, they are probably more closely related

January 2010), 3.

34 "Interpreting Genetic Distance Within Surname Projects," *Family Tree DNA*

(<http://www.familytreedna.com/genetic-distance-markers.aspx?testtype=37> : accessed 15 January 2010).

35 "Y DNA: Marker Selection," *Facts & Genes Newsletter*, Vol. 6, No. 2, 17 April 2007, *Family Tree DNA*

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than if they differ on other markers.³⁶ This allows for a higher probability of a common ancestor within eight generations, supporting, but not proving, the conclusion that both William and Harwell Passen are sons of Wiley Davis.

Chronology

The chronological pattern of all the records found on H. P. Davis, Harwell P. Davis, Harwell Passen or Parsen Davis, and Passen Davis are consistent with a representation of the life of one man. There are no conflicts that might lead one to believe two men were involved. Table 2 illustrates the chronology based on the records found.

POSSIBLE CONFLICTING EVIDENCE

Neither Harwell P. or Passen Davis is named as a son of Wiley in the Davis family vertical files in the genealogical collection at a library near Wiley's last home.³⁷ The documents in the files include many assertions of fact with very few sources documented. It is impossible to determine how the authors arrived at the list of children included for each family. Each author apparently concentrated primarily on his own line and did not attempt to compile a comprehensive list of all descendants. Because of the overwhelming evidence linking Harwell P. Davis and H. P. Davis, and the naming of Passen Davis as Wiley's son in his probate file, the omission of Harwell or Passen in the vertical files is assumed to be due to incomplete research and does not represent a significant conflict with the conclusion of this study.

(<http://www.familytreedna.com/news-letter.aspx?v=6&i=2> : accessed 10 May 2007).

36 "I hear about 'fast moving markers'...what does that mean," Family Tree DNA, Group Administrator Page, "The GAP Quick Interpretation Guide," (<http://www.familytreedna.com/ftGroupQIGuide.html> : accessed 16 January 2010).

37 Multiple documents by various authors, Davis Family folders, vertical files; Ora McMullen Genealogy Room, Kurth Memorial Library, Lufkin, Texas.

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Table 2. H. P. / Passen / Harwell Passen Davis Chronology — See text for source citations.

Date	Name	Event
December 1841	Harwell Parsen [Passen] Davis	arrived in Texas as a single man in the same area and the same general time frame as Wiley Davis
6 May 1844	Harly P. Davis	requested 320 acre grant allowed a single man –Wiley Davis appeared before the same board on the same day
6 January 1845	Harwell Passen Davis	received the 320 acre grant
15 December 1847	Harwell P. Davis	married Mary Ann Clark in Rusk County
1849	H. P. Davis	paid taxes in Rusk County
1850	Harry P. Davis	paid taxes in Rusk County
1850	H. P. Davis	lived with wife Mary in Rusk County
1851	H. P. Davis	paid taxes in Rusk County
1853–1856	H. P. Davis	paid taxes in Houston County and lived near Alexander Clark
1859-1860	H. P. Davis	paid taxes in Trinity County
1860	H. P. Davis	lived with wife Mary A. in Trinity County
August 1861	H. P. Davis	enlisted in the Texas Militia in Trinity County, Beat 6
1861, 1862, 1864	M. A. or Mary Ann Davis	paid taxes in Trinity County
1865-1866	H. P. Davis	paid taxes in Trinity County
18 May 1866	Passen Davis	named in the Wiley Davis probate case as “of Trinity County”
1867	H. P. Davis	paid taxes in Trinity County
1867-1868	Harwell P. Davis	family lore indicates Davis died
1868-1885	M. A. or Mary Ann Davis	paid taxes in Trinity County
1870	Marie [Mary] Davis	lived in Trinity County near other Wiley Davis descendants—named as a widow
21 January 1878	H. P. Davis	heirs are named in a Trinity County deed as Mary A. Davis, A. Z. Davis, A. Davis, J. W. Davis, and A. M. and Mahala Lenard

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SUMMARY

Analysis and correlation of state land records, county records in areas of Texas where the Davis families resided, and federal census records show:

- Passen Davis of Trinity County is directly named in Wiley's probate file.
- The only person named in Trinity County records who might represent Passen is H. P. Davis.
- Mary Ann Davis paid taxes on the same land as H. P. in years when H. P. Davis is not listed in the tax rolls.
- H. P. Davis lived near Alexander Clark, possibly Mary Ann's father, just across the county line in Houston County before moving to Trinity County.
- Wiley Davis and Harry P. / H. P. Davis paid taxes in Rusk County during years in common.
- Harwell Parsen [Passen] Davis and Wiley Davis arrived in Texas the same year and requested land grants on the same day before the same commission.
- Harwell P. Davis married Mary Ann Clark in Rusk County.
- Mary, widow of H. P. Davis of Trinity County, lived near other heirs of Wiley Davis.
- Family lore indicates Harwell P. Davis is a son of Wiley Davis.
- Deeds in Trinity County indicate Mary A. is one of the heirs of H. P. She is named first in the list of heirs.
- DNA evidence indicates descendants of Harwell P. and William Davis are closely related.
- The chronology of all events is consistent with representing the life of one man.

Although the names "Harwell" or "H. P." do not appear in the list of heirs of Wiley Davis, the evidence is all consistent with the conclusion that Passen Davis of Trinity County, H. P. Davis of Trinity and Houston Counties, Harwell P. Davis of Rusk County, and the Harwell Parsen Davis who received a Texas land grant from the Harrison County Board of Land Commissioners are the same man and that this same man is the son of Wiley Davis.