

## Chapter IV

### JAMES<sup>3</sup> FERGUSON

My great-great-great Grandfather was James<sup>3</sup> Ferguson who was born ca 1740 in Goochland Co., VA, the oldest child of James<sup>2</sup> and Agnes Ferguson, prior to their move to Granville Co., NC.

The parentage of James<sup>3</sup> Ferguson can be established through deed records. On 23 Jul 1796, Mary Ferguson, widow of James<sup>3</sup> and her son Pleasant William Ferguson deeded 140 acres of land to her son, James<sup>4</sup> Ferguson, and reserved 20 acres for Mary (see deed on page 45). This acreage was part of the 300 acre grant which James<sup>2</sup> received in his original grant on 12 Dec 1767. Since there are no deeds transferring this acreage to James<sup>3</sup>, it must have been inherited by him from his father, James<sup>2</sup>. Please note that 140 acres had previously been sold to William McKinney on 9 Sep 1771, by James<sup>2</sup> and Agnes Ferguson. (See page 46 for this deed) Together, these two deeds plus the 20 acres reserved for Mary add up to the original 300 acre grant to James<sup>2</sup>.

James<sup>3</sup> Ferguson married Mary Lawrence ca. 1765 in NC. Family tradition holds that Mary was related to the Washingtons, but the relationship has not been established. Their marriage date can be approximated by the fact that their eldest son was born in 1766, as shown on his gravestone in Burnt Meeting House Cemetery in Chester Co., SC.

They had the following children:

Pleasant William	born 1766
Abraham	" ?
James	" ?
John (Lieut)	" 14 Aug 1773

Mrs. Ellet gives an account of the activities of James<sup>3</sup> in 1780 as follows [Women of the American Revolution, Vol. 3, Chapt. X, P. 198, Baker & Scribner, NY, 1850. Reprinted 1980-Corner House Publ.]: "Some months before the destruction of the log meeting-house mentioned in a preceding memoir, Samuel Ferguson, (brother of Col. James Ferguson the Tory) a 'country-born,' attending service there, had looked upon the face of Isabella Barber, and had seen that she was fair. The wooing and marriage followed in due time, the last event taking place a little before the fall of Charleston. The young couple were then living in the house of Isabella's father - Samuel Barber, - the brothers, Joseph and James, having taken to themselves wives, and fixed their homes on the opposite hill. They were in the field with Sumter while Samuel was enjoying a protracted honeymoon. His brothers were rampant loyalists, and were with the royal force at Rocky Mount, James<sup>3</sup> Ferguson having a colonel's commission. Samuel was a lover of hunting, and it was shrewdly suspected that in some of his forest excursions he went as far as that post; though if he ever did so, the occurrence was not mentioned to his young wife. They had more than once talked over the subject of the war, and the difference of opinion between her brothers and his own. Samuel was never strong in argument, not being highly gifted in mental endowments, whereas Isabella had sat under the preaching of a learned minister, had been regularly catechized, and indoctrinated in the Scriptures and the political creed of her people. Her husband was thus constrained to acknowledge that to her "beautiful countenance" she added Abigail's other accomplishment - "a good understanding" - and it usually happened that she had the best in every discussion."

"Col. Ferguson, having raised a hundred and fifty or more loyalists, was not a little proud of his new command, and his fine British uniform. He was a man of commanding appearance, and the honors heaped on him were very gratifying to his brothers, who like him, anticipated nothing but honor and riches in their military careers. But what was to be done with Samuel and his Irish wife, whose counsels had so far prevailed with him against

all their solicitations to join the King's party? At this time Col. Ferguson was preparing to accompany Capt Huck on his expedition. With his command he left Rocky Mount one morning, dressed in full uniform and mounted on a noble charger - the music of drum and fife sounding, and the colors of Old England flying. He could not help thinking that if his young sister-in-law could see him thus in the pomp of war, she would no longer detain her husband from a chance of the like promotion. It was not much out of his way to take the road by the house, - and then his martial appearance might have a proper effect upon that nest of Covenanters! He pleased himself with imagining the surprise of Isabella when she should see how much better he looked in a splendid uniform than in tow trousers and hunting- shirt. In the afternoon of the first day's march, the cavalcade of NY regulars and SC loyalists approached the house of old Barber. A messenger was dispatched to say that Col. Ferguson of His Majesty's army wished to speak with Samuel. Samuel presently made his appearance, looking rather awkward, and his brother, in a formal address, invited him to join him, saying he had come for that special purpose. "It may be", - he urged, "that I shall be made a lord; how then should I feel in hearing it said my brother was a rebel?"

"Isabella was within hearing while the Colonel was endeavoring to persuade her husband, and came forward at the last word. "I am a rebel!" she said proudly - as glorying in the name: "my brothers are rebels, and the dog Trip is a rebel too! Now, James, I would rather see you with a sheep on your back, than tricked out in all these fine clothes! Above all, I am told you have our minister chained by the foot like a felon! Rebel and be free! that is my creed!" Then turning to her husband, "we have often talked it over, Samuel," she said, "and you could never justify their unhallowed practices - coming here to make slaves of us who would die first, and plundering, stealing cows, and the like. Now, in the presence of the British army I tell you, if you go with them you may stay with them - for I am no longer your wife! You know well if Joe or Jemmy should happen to see you in such company, they would pick you out as a mark not to be missed."

"Samuel was unable to withstand this determination of his bonny Isabel, whom he loved the better for her spirit. He requested his brother to excuse his going at this time; he might report him a true subject of the King, but his wife being rather on the wrong side, he would content himself with doing what he could at home to serve His Majesty and bring back the rebels. Could Isabel but be convinced, he might be able to turn the whole clan of Covenanters; "for she is never afraid to speak her mind." Thus he spoke while in his heart he felt sure that his wife would stand firm, and doubted if after all she were not in the right. His brothers shook hands with him, and the Colonel bade him be faithful and have courage, and he would no doubt obtain a commission for him."

"The party scoured the country round about, punishing rebel men and women, sending prisoners to Rocky Mount, enlisting loyalists, and thrashing out wheat at different farms, to be sent to White's Mills for grinding. After Huck was slain in the action at Williamson's, another of the officers, mounted his horse, which became restive, the new rider's legs being much longer than the Dutch Captain's, and threw him against a stump. He died afterwards of the injuries received in the fall. Col. Ferguson was to be seen everywhere endeavoring to rally the scattered force. A fatal shot brought him from his horse - his head striking the ground, and one of his brothers had his hand torn to pieces. The brothers scattered with the rest of the men and were hid for weeks in the woods - their wives bringing them food in the dead hours of night."

There can be no doubt that he was a devoted Loyalist to the King during the Revolutionary War in the Up country of SC in 1780. Perhaps he was just an opportunist as Mrs. Ellet infers in her book, or perhaps the fact that he was from an "old" family in this country and had acquired land from the King influenced his politics, as contrasted to the many Scots who had migrated here during the mid 1700's after two uprisings in Scotland were suppressed and all aspects of Scottish culture, including the Celtic language and dress, were deemed illegal. The immigrants brought with them an intense hatred of the English, and as tensions between colonists and the English grew, Scots, especially those in the Southern Colonies, came out on the side of the revolutionaries, only too willing to fight their old enemies.

The fact that the war in the Up Country of SC was indeed a civil war is recounted in the "The Pageant of America" page 233, where the following statement is made: "In 1780 and 1781 SC witnessed civil warfare in its

ugliest form. From the successful defense of Charleston early in the war the state had been in the hands of the Patriots. But the people of the region were not of one mind. The back country was settled by a variety of nationalities, who were living more or less separated from one another. Some of these pioneers had but recently come to America. Many village communities were fiercely loyal to the ancient British Government. Others chafed under the political power of the planters on the coast. For practically half a decade the Patriot legislature had held the Loyalists in check with a heavy hand. The fall of Charleston turned the tables. With the British army in control of the state the Loyalists rose to avenge the sufferings which they had been compelled to endure. This drove the Patriots to maddened counter-thrusts."

This may soften Ellet's account of our Tory colonel a bit, even if he was on the "wrong" side.

In any case, James<sup>3</sup> was well known, and hated by many in the community. The feelings were so strong that even in the 1920's and 1930's, Mrs. Jean Agee, who grew up in the area, reports that the elders still roundly criticized him.

The following dispatch from Maj. Thomas Blount to Governor Nash dated 23 Jul 1780, describes the battle at Williamson's where James was killed:

"Three successful attacks have been made on the Enemy. The particulars of the first I gave you in a former Letter. The second was on a Party of about one hundred and thirty tories, Commanded by Colo. Ferguson, a noted tory from the Northward, and seventy Light Horse of Catheart's Legion, Commanded by a Capt. Hook on the 12th Inst. by a party of 80 or 90 Militia, under the command of Colo. Neale. The surprise was compleat. Ferguson, Hook, a Lieut. and 11 others were killed on the ground, and a major, .2 Lients. & 27 taken, many of whom are since dead of their wounds; the remainder are dispersed. Some accountments for Light Horse & a number of horses were also taken; of the exact number we have not yet a certain account, but it is supposed the whole. Our loss was only one man wounded."

Williamson's was in what is now the northwest corner of York Co., SC., near the Broad River.

James was about 40 years of age at the time of his death.

Once again, the tragedy of the war in Upper SC can be seen in the fact that one of my other great-great-great grandfathers, Matthew Johnston, was killed on 18 Aug 1780, fighting with the Patriots ("Whigs" or "Rebels"), less than a month from the death of James<sup>3</sup>.

In spite of the notoriety of James, his brother Samuel and his wife Isabella Barber worked hard during the war to alleviate the suffering of their neighbors, and Mrs. Ellet reports as follows on page 203:

"About three quarters of a mile north of Rossville, at the bend of Rocky Creek, is a deep ravine, the sides of which are precipitous, but may be descended by grasping the bushes along the path. In the depths of this ravine was a cave, excavated by human labor, about ten feet deep and as many in width. This place at the present day is a marvel to the country people, who are unable to conjecture at what period, or for what purpose, the cave was originally constructed. It was here that Samuel Ferguson deposited the articles entrusted to his care by the benevolent Isabella, when receiving the goods from the women, for fear of involving her husband, should the royalists discover that whig property had been secreted. The corn brought to him for safe keeping Ferguson put into his own crib, and satisfied the women by milking for them, and by various needful services. It was understood, for prudence' sake, that he leaned to the loyalist side of the controversy, while his wife was a firm whig; though in reality he had been won over, in heart, to her opinions. By their joint exertions the distresses of the neighborhood were much relieved, and his brothers found advantage in adopting the same course, deserving the good offices of the women by the kindly assistance thus rendered them. All this was brought about by the efforts of a woman, who well merited to be called, as she was by all who knew her, "the good Isabella Ferguson." Her prudence so restored good feeling between the people and the Ferguson family, that they came

to be regarded rather as benefactors than enemies, and at the close of the war were almost the only loyalists permitted to remain in that part of the country. Their descendants are among the most worthy citizens of Chester District."

It was not until 1785 that Mary Ferguson applied for appointment as administratrix of her husband's estate. It seems impossible that it could have taken five years to get an estate into court, but it must be remembered, by the reader, that during this period of the Revolutionary War the fight in SC as has been shown earlier in this chapter, was basically a civil war, and it was difficult to get access to a court.

Present day Chester Co. was part of the Camden Judicial District during the period of our interest, which explains why we find the estate records of Colonel James Ferguson, in the Kershaw Co. records [James Ferguson, Apt. 24, package 849, Kershaw Co., SC, Probate Records].

Henry Hampton, Esq., Ordinary for the Camden District, issued the following notice concerning the estate of Colonel James Ferguson on the 24th February, 1785: "WHEREAS Mary Ferguson-hath applied to me for Letters of Administration of all & singular the Goods & Chattels, Rights & Credits of James Ferguson -- late of the said District Deceased; as widow to the Deceased-

These are therefore to Cite and Admonish all and singular the Kindred and Creditors of the said deceased to be and appear before me in the Court of Ordinary for the said District to be held at my Plantation, near Winnsborough on the twenty fourth Day of March next -- to show cause if any they have why the said administration should not be granted -- . . . Given under my Hand and Seal . . . To be published & returned certified."

On the reverse of this document are the following two endorsements: "These are to Certifi that I read the within Contents before the Congr at Sharon Meeting house on Fishing Creek this 12 Day of March 1785. /s/ W<sup>m</sup>. Martin Min<sup>r</sup>."

"24 Feby 1785 James Ferguson's Estate  
Mary Ferguson Admx read 12 March at Fishing Creek"

It was customary, when required to post bond for performance, to have relatives, or friends sign the document as security for the amount required. The Clerk of the Court instructed Philip Walker, Esqr, a neighbor of the late Colonel's to have the following bond signed by the widow and two "sufficient securities": "Know all men by these presents that we Mary Ferguson and Samuel Farguson and Rob<sup>t</sup>. Farguson of the State of SC and Camden District are jointly and severally holden & firmly Obliged unto Henry Hampton Esq<sup>r</sup>. Ordinary of the said District in the full Sum of three thousand Pounds Sterling to be paid unto the said Henry Hampton or his successor (for the time being in the said Office) Attorney, or Assigns, the which payment well & truly to be made, we bind ourselves, jointly, severally & firmly by these presents, Sealed with our Seals and Dated this 23rd Day of March Anno Domini one thousand Seven Hundred and Eighty five and in the ninth year of American Independence -- Whereas administration of all and singular the goods & chattels, Rights & Credits of James Farguson -- late of the said Dis<sup>t</sup>. Deceased, were lately granted by the said Henry Hampton unto the said Mary Farguson.

Now the Condition of the Obligation is such, that if the said Mary Farguson shall & do well & truly administer all and singular the Goods & Chattels, Rights and Credits w<sup>ch</sup>. were of the said James<sup>3</sup> Farguson deceased, and which shall come into the Hands of the said Mary Farguson -- to be administered, and make distribution of all that shall remain after paym<sup>t</sup>. of the said Deceased's Debts and funeral expenses in a due course of Law, then this Obligation to be void, Otherwise to remain of full force & virtue--

Mary (her [+] mark) Farguson  
Samuel Farguson

Rob<sup>t</sup>. Farguson

Sealed and delivered in the presence of  
/s/ Phil Walker:

The fact that Samuel and Robert were willing to act as security for Mary on a bond of this amount further strengthens the evidence that they were two of the sons of James and Agnes Ferguson and brothers of Colonel James Ferguson.

On 25 March 1785, the Ordinary appointed Thomas Dugan, William Wiley, Edward McFadian, John Steedman, and Robert Martin to appraise that part of the Ferguson estate, except ready cash, that might be shown them by the Administratrix. The following -appraisal indicates that Col. Ferguson was a man of some substance: "APRAISE BILL of the Godd & Chattles of Ja<sup>s</sup>. Farguson Des<sup>t</sup>. Shown To us by Mary Farguson Administratir of the Same Certified This Thurtieth Day of Ap<sup>l</sup>. 1785

	£	s	p
viz Eleven Head of Black Cattle	71	5	0
Eighteen Head of Hogs	21	0	0
One Horse & Mear	80	0	0
Seven Head of Sheep	19	10	0
A negro Fellow, Wench & Two Childer	600	0	0
One Coat & Gunn	50	0	0
Household Furniture	69	19	0
Plantation Implimt <sup>s</sup> .	23	7	6
Likewise one Bond for 27..16 of old Currency	935	?	8
N: Carolina Currency Bearing Date 1773,	133	11	8
or			
			Sterling

Likewise an Order Ans\_red for W<sup>m</sup>. Farguson  
Des<sup>t</sup>. to W<sup>m</sup>. Boyken of £50 Old Currency Look<sup>d</sup>. on as  
Insolvent Debts or Cradits . . . . ."

Wm.Wiley /s/ . . . Thomas Dugan /s/ . . . Robert Martin /s/

The Inventory above, together with the lands which Mary and her son Pleasant William sold, indicate that James<sup>3</sup> had accumulated a rather large estate.

The Revolutionary War Records, in the state Archives at Columbia, are filed under the given name, and, as there were several James Fergusons it is hard to differentiate among them for the records of Colonel James. The James Ferguson who fought for the British, having been killed in 1780, would not have been able, in 1785, to sign a request for payment of an indent.: therefore, the only papers that could apply to his in this file would have been those asking for payment of a Negro slave. Mary Ferguson made oath on 23 Jul 1785, "that this Negro was taken for the use of the public by General Sumter's orders and delivered for the same by me." John McKinney, John Stedman, and John Ferguson (?) appraised a Negro fellow, named Robin, belonging to the Estate of James Ferguson, and taken for the public use at twenty pounds eight shillings and sixpence Sterling - Signed and sealed before James Knox, /p/ July 18, 1785 [SC State Archives, Records of the Comptroller General, AA2356].

The only children of Colonel James Ferguson and his wife, Mary, that have been identified are the four sons Pleasant William, Abraham, Jr., James III, and John. We know them through deeds by which Pleasant William and their mother sell each a portion of the landed estate of their father. At this time, the law of primogeniture or right of inheritance of the eldest son was still in effect in the State of SC. Since both James<sup>2</sup>, and his son

James<sup>3</sup>, died intestate, apparently Pleasant William and his father inherited as eldest sons. How else can we explain the fact that Pleasant William joined his mother as the party of the first part in the following land sales.

January 5, 1788, Mary Ferguson, widow of Colonel James, and her eldest son, Pleasant William, executed a deed by which they sold to John Ferguson a tract of 200 acres representing ". . . a certain grant Bearing Date the 10th Day of May 1768 & under the hand of his Excellency the Right Hon'ble Charles Graville Montagu Capt. General in & over the Province of So. Carolina now Sate Did give grant unto Jas. Ferguson<sup>3</sup> Dec'd a plantation Tract of Land Containing two hundred acres in Craven County Now Chester on the S. W. side of Catawba River on the head of two Small Branches of Rockey Creek . . ." [Book A, Chester District Conveyances, Chester, SC, p. 489.] It appears that this may be land Pleasant William inherited from his father by virtue of being the oldest son and, in which, his mother had a dower right.

Not until 1796 has another sale of land by Mary and her son Pleasant William been found. On 22 Jul 1796, they sold a tract of one hundred acres to Abraham Ferguson, Jr., for fifty pounds Sterling. The description of the tract is as follows:

". . . whereas in & by a certain Grant bearing Date the thirtieth day of April 1769 . . . unto Sam'l Knox Deceased a Plantation tract of 100 acres on fishing creek, in Craven County (Now Chester) Bounded on the N. E. side by William McKinney's land & S. E. then vacant & the other part Thomas Martin's Land & all other sides vacant lands . . . the aforesaid tract . . . was sold . . . by the said Samuel Knox to William Lard . . . January 21 1769 & likewise Sold & Released by said William Lard . . . the 23rd day of August 1771 to James Ferguson . . ." [Book E, Chester District Conveyances, Chester, SC, p. 219.] They reserved the use & benefits of this tract for Mary Ferguson during the remainder of her life [Book E, Chester District Conveyances, Chester, SC, p. 220].

On the same day, they executed another deed by which they sold to John Ferguson<sup>3</sup>, for fifty pounds Sterling, a 100 acre tract described as follows: ". . . by a certain grant bearing the date the 28th day of October 1774 . . . did give to John Graves a Plantation tract of 100 acres of Land, Situate lying on fishing Creek in Craven County /now Chester/ bounded to the SE on William McKinney's Land SW of James Ferguson's Land, & on the Other sides by Vacant Land, . . . the said Tract of one hundred acres is sold . . . by the said John Graves to James Ferguson<sup>2</sup>, Dec'd. by Indenture bearing Date the 28th day of August 1776 . . ." [Book E, Chester District Conveyances, Chester, SC, p. 223]

Thus, we have a series of four deeds which prove the identity of Mary Ferguson and her sons, Pleasant William, Abraham Jr.; James III, and John (later known as John Ferguson Lieut). In the deed of January 5, 1788, the party of the first part is identified as ". . . Pleasant William Farguson & Mary Farguson widow of James Farguson Dec'd . . ." Two of the remaining deeds were proven before Hugh McClure on July 25, 1796, and the last one on July 26, 1796. James<sup>4</sup>, was one of the witnesses to the signing of Abraham's and John's deeds, and John was one of those witnessing the signing of James' deed. In each case the brother making oath swore that ". . . he was personally present & that he say Pleasant William Ferguson and his mother Mary Ferguson sign the within Deed . . ." [Book E, Chester District Conveyances, Chester, SC, p. 220, 222, 223.]

There are two further references in Chester County records positively identifying Mary Ferguson the mother of Pleasant William, James III, John, and Abraham Ferguson Jr. In the course of affairs connected with the administration of her husband's estate, she brought two law suits against one who must have owed money to her husband's estate. In the first case, when court was in session on June 29, 1795, she withdrew her suit: "Mary Ferguson Administratrix of James Ferguson Deceased vs William Hagan upon an Attachment in case which is Desolved at the plts costs (Dlk p.d 6/6 in full atty also p.d) [Chester County, South Carolina, Minutes of the County Court, by Holcomb & Parker, p. 330].

On 28 July, 1796, she brought suit against Charles Orr & James Elliott, Administrators of William Higgins deceased, and was awarded £3-19-3 and costs of the suit. The first suit must have been withdrawn because of

the death of the defendant [Chester County, South Carolina, Minutes of the County Court, by Holcomb & Parker, p. 356].

The last appearance of the Colonel's widow in the court records of Chester County occurs in 1810 when she signed a deed in which she ". . . Sold and released unto my Son John Ferguson as aforesaid All my Claim of Dower of the land I formerly lived on Originally granted to Sarah Knox . . ." [Book O, Chester County Conveyances, Chester, SC, p. 496/7.]

We find no evidence to show the burial place of Colonel and Mrs. James Ferguson, however, the soldiers killed at the Battle of Huck's Defeat were buried on the field which would account for the fact that there is no monument to him. His wife is probably buried in an unmarked grave in Burnt Meeting House Graveyard.

On 23 July 1796, Pleasant William Ferguson and Mary Ferguson of the one part and James<sup>4</sup> Ferguson of the other part sheweth that whereas in and by a certain Grant bearing the date 12th day December, 1768, under the hand of his Excellency the Right Honorable Lord Charles Granville Montague Captain General and Commissioner in Chief in and for the Province of South Carolina (now State\_ ----- did give and grant unto James Ferguson<sup>2</sup>, deceased a plantation tract of land containing 300 acres, being and lying on both sides of Fishing Creek in the province aforesaid, 140 acres being sold and released to William McKinney being that part ----- . Likewise 20 acres of said remaining tract of 300 acres is to be laid off ----- where the said Mary Ferguson lives ----- the remainder supposed to contain 140 acres [Book E, Chester County Conveyances, Chester, SC, p. 221.]

On 9 Sep 1771 James<sup>2</sup> Ferguson and Agnes his wife of the one part and W<sup>m</sup>. McKinney of the other part ----- . Whereas in and by a certain Grant bearing the date 12 December 1768 Charles Granville Montague Captain General and Governor in Chief in and over the province aforesaid ---- do give and grant to James Ferguson<sup>2</sup> a plantation containing 300 acres situate on Fishing Creek ----- have granted, bargained, sold to the said William McKinney ----- 140 acres ----- [Book B, Chester County Conveyances, Chester, SC.]