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ODELL

*MARYLAND RENT ROLLS:*  
" "  
Baltimore and Anne Arundel Counties,  
1700-1707, 1705-1724

A Consolidation of Articles from  
the Maryland Historical Magazine



*Odell*

With a New Preface by Robert Barnes  
and a Foreword by George B. Scriven

Reprinted with a New Index  
By Anita Comtois



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1202?  
Oultons Garisson, 340 Acr Sur the 12 May 1696 for John Oulton Called Oultons Garrison Lyeing on the north side of Patapsco river in the woods part of the Rangers forrest begining at a bounded red oak on the East side of a glade of Jobe Evans by the Garrison posed by James Murrey rent  $\text{p}$  annum —.. 13..  $7\frac{1}{2}$

*C. Poss<sup>rs</sup> 163 a W<sup>m</sup> Talbott, y<sup>e</sup> residue belongs to y<sup>e</sup> orp<sup>s</sup> of James Murrey.*

Morgans Delight, 500 acr Sur the 2 June 1694 for James Murrey Lyeing in the woods on part of Little Brittain ridge begining at a bounded hickery of Jobe Evans posed by James Murry rent  $\text{p}$  annum 1.. —.. —

*C. Poss<sup>r</sup> y<sup>e</sup> heir of S<sup>d</sup> Murrey. Tho Cromwell marr<sup>d</sup> y<sup>e</sup> Wid<sup>o</sup>.*

Murryes Addition, 89 acr Sur the 25 Oct<sup>r</sup> 1695 for James Murry Lyeing on the north side of patapsco river on hunting ridge begining at a bounded red oak posed by Thomas Eden rent  $\text{p}$  annum —.. 3.. 7

Athell, 617 acr Sur the 12 Novemb<sup>r</sup> 1694 for James Murry Lyeing on the north side of patapsco river begining at a bounded red oak neare Davise run 100 part thereof in possession of Hector Macklane rent  $\text{p}$  annum —.. 4.. —

303 Acr part thereof in posestion of Thomas Beale rent  $\text{p}$  annum —.. 12..  $11\frac{1}{2}$

214 Acr residue thereof in the posestion of Thomas Odin rent  $\text{p}$  annum —.. 8.. 2

*C. Poss<sup>r</sup> Tho Odell.*

Duck Cove, 350 acr Sur the 17 Septemb<sup>r</sup> 1670 for Paule Kinsy on the west side of patapsco river begining at a bounded white oak vpon a point by a greate Marsh and running down the river posed by James Murry rent  $\text{p}$  annum —.. 7.. —

*C. Poss<sup>r</sup> Tho Cromwell for Murreys orp<sup>ns</sup>*

Georges Fancy, 100 acr Sur Jan<sup>ry</sup> 1685 for George Ashman on the patapsco river on the west side of Curteses Creek in poses-

tion of the Widdow Ashman for the orphant of the s<sup>d</sup> Ashman rent  $\text{p}$  annum —.. 4.. —

Mascalls Hope, 100 acr Sur the 30 June 1669 for Richard Mascall on the north side of Curtises Creek this Land runs into the waters soe Voide —.. 0.. —

*C. Not in C.*

Ashmans Hope, 512 acr Sur the 30 Novemb<sup>r</sup> 1694 for George Ashman on the north side of patapsco river on hunting ridge begining at a bounded white oak Standing by a greate run in the posestion of the Widdow Ashman for the orphants of George Ashman rent  $\text{p}$  annum 1.. —.. 6

*C. Poss<sup>r</sup> Tho Cromwell.*

Davids fancy, 100 acr Sur the 22 June 1671 for David Williams on the north side of patapsco on a branch Called Midle branch at a bounded Locust the bounded tree of David Pooles Land and now In the posestion of Thomas and William Cromwell rent  $\text{p}$  annum —.. 4.. —

*C. Poss<sup>r</sup> Tho Cromwell.*

Hunting Quarter, 134 acr Sur the 12<sup>th</sup> Decemb<sup>r</sup> 1679 for William Cromwell on the south side of patapsco on the west side of Curteses Creek now posed by Thomas Cromwell rent  $\text{p}$  annum —.. 5.. 4

Beare Neck, 140 acr Sur the 7 July 1671 for William Ball on the south side of patapsco river and on Curteses Creek at a bounded hickery and running vp the fork of the Creek posed by William Cromwell rent  $\text{p}$  annum —.. 2.. 10

*C. Bareneck.*

South Conton, 245 Acr Sur the 8 of August 1680 for Robert Clarkson on the south side of patapsco river at a bounded white oak by the side of rumly marsh  
165 acr thereof in posestion of William Cromwell rent  $\text{p}$  annum —.. 5.. —

Land, nor did he ever pay any Rent for it nor left it to any pson by name in his will, nor has any one claimed it.

Larkinston

300 A: Sur: 21: Octo: 1652 for Ellis Brown on the South side of South River—This Land Assig<sup>d</sup> & Patted in the name of John Brewer Anno 1663 Rent. —.. 6.. —

Poss<sup>r</sup> Capt. Tho: Odell for Brewers Orp<sup>ns</sup>  
he lives in Prin: Geo: County

Selby's Marsh

490 A: Sur: 29<sup>th</sup>: Sep: 1652 for Edward Selby on the west side South River —.. 9.. —

Poss<sup>rs</sup> 250 A: Hezekiah Lincicomb

100 A: John Gresham

30 A: ditto

50 A: Robert Ward

22 A: James Saunders

I can find noe more Possess<sup>rs</sup> of this Land 38 A. is wanting of their Divisions to make the Comple<sup>t</sup> but they hold the Land among them.

Wrighton

100 A: Sur: 26: Nov. 1651 for Walter Mansfeild on the West side Road River Rent —.. 2.. —

Poss<sup>r</sup> Thomas Gassaway.

Pytherton

250 A: Sur: 20 June 1652 for W<sup>m</sup> Pyther on the west side South River. Rent —.. 5.. —

Poss<sup>r</sup> James Saunders for Parnalls Orp<sup>ns</sup>

Townhill choyce

180 A: Sur: 20: June 1652 for Patrick Gossum on the west side of South River and 90 A. Sur:

the same day for Edw<sup>d</sup> Townhill joyning to the former both now bear the name above & were the possession of Edward Searson & now of his relict the Widow Witchell in all 270 A: Rent —.. 5.. 5

Hasling

200 A: Sur: 20: Octo: 1652 for Jerome Hesling on the south side of South River. Rent —.. 4.. —

Poss<sup>r</sup> Hez: Lincicomb.

Howell

100 A: Sur: 26: Nov: 1651 for Tho: Howell near the 3 Island bay upon a bra: of Road River patt<sup>n</sup> in the name of Tho: Emerson. Rent —.. 2.. —

Poss<sup>r</sup> Thomas Rutland.

Puddington

160 A: Sur: 17: Xber 1658 for Geo: Puddington on the So: Side South River on the South Side of Burges Branch—this Land resurveyed by Edw<sup>d</sup> Burges . . . & found to be 222 A. Rent —.. 4.. 5

Poss<sup>r</sup> William Nicholson.

West Puddington

340 A: Sur: 18: Xber 1658 for Geo: Puddington on the south side of South River on the North side of Burges Branch. Rent —.. 6.. 10

Poss<sup>rs</sup> 227 A: D<sup>r</sup> Mord: Moor

113 A: Rich. Jones for Watkins Orp<sup>ns</sup>

—  
340  
—

Coxby

100 A: Sur: 6: Xber 1658 for Edw<sup>d</sup> Cox on the South side South River joyning to Collierby —.. 2.. —  
Poss<sup>r</sup> Rob: Ward.

Poss<sup>rs</sup> 200 A: Tho: Odell for Brewers Orp<sup>ns</sup>

100 A: W<sup>m</sup> Brewer

100 A: John Gresham

—  
400  
—

Younger Besson

50 A. Sur: 3 Nov. 1659 for Tho: Besson the younger on the South side So: River joyning to Bessonton. Rent —.. 1.. —

Poss<sup>r</sup> Robert Steward.

*C. Stewart.*

Townhill

400 A: Sur: 8: Xber 1659 for Edm<sup>d</sup> Townhill on the West side Road River on the No: side of Muddy bra: joyning to Brewerton. Rent —.. 8.. —

Poss<sup>rs</sup> 200 A: James Lewis

100 A: W<sup>m</sup> Disney

100 A: Stephen Warman in right of his wife Hester the daughter of Nicholas Gassaway.

Lapston

300 A: Sur: 9<sup>th</sup> Nov. 1659 for Adam Delapp near the mouth of South River joyning to the Land of W<sup>m</sup> Pennington. Rent —.. 6.. —

Poss<sup>r</sup> Robert Saunders.

*C. Sander's.*

Cheyney's Rest

300 A: Sur: 16: Xber 1661 for Rich<sup>d</sup> Cheyney on the So. side South River. Rent —.. 6.. —

Poss<sup>rs</sup> 180 A: Rich<sup>d</sup> Cheyney's wid<sup>o</sup>

50 A: Benj<sup>a</sup> Williams

40 A: Rob: Hopper

30 A: Dan: Clark Orp<sup>ns</sup>

—  
300  
—

p. 35

Cheyney's Resolution

700 A: Sur: 16 Xber 1661 for Rich<sup>d</sup> Cheyney joyning to Cheyney's Rest. Rent

This Land is by mistake thus Entred for it contains but 400 A: as appears by the Patt: at the

Rent —.. 8.. —

Poss<sup>rs</sup> 50 A: Tho: Cheyney

150 A: John Jacob

100 A: W<sup>m</sup> Jiams

130 A: Elinor Pindall

—  
430 30 A: over measured —.. —.. 7½

*C. Elenor Pindal.*

Cheyney's Purchase

100 A: Sur: 24<sup>th</sup> Xber 1661 for Rich<sup>d</sup> Cheyney on the So: side So: Riv<sup>r</sup> on the East Side of flat Creek Rent —.. 2.. —

Poss<sup>r</sup> W<sup>m</sup> Gray, but he is run away.

Cheyney's Hazard

100 A: Sur: 24<sup>th</sup> Xber 1661 for Rich<sup>d</sup> Cheyney on the South Side South River. Rent —.. 2.. —

Poss<sup>r</sup> John Durdin.

Beard's Habitation

700 A: Sur: 4<sup>th</sup> Jan<sup>ry</sup> 1661 for R<sup>d</sup> Beard on the South side West River joyning to West Puddington. Rent —.. 14.. —

And

Ayno

400 A: Sur: 3 Sep: 1682 for Henry Hanslap  
on the East Side of the North bra: of Pattuxt  
River.

Poss<sup>r</sup> Tho: Gassaway in right of his wife the  
daughter of the s<sup>d</sup> Hanslap.

Equality

140 A: Sur: 30<sup>th</sup> June 1684 for James Saund-  
ers at a bo<sup>d</sup> Oak by Johns Cabbin bra: Rent —. 5.. 7<sup>1</sup>/<sub>4</sub>  
Poss<sup>r</sup> James Saunders.

Phelp's Choyce

200 A: Sur: 12<sup>th</sup>; Octob 1682 for Walter  
Phelps on the West Side of the North Bra: of  
Puttuxent River. Rent —. 8.. —  
Poss<sup>r</sup> Walter Phelps

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MARYLAND RENT ROLLS.

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*South River Hundred—1707:*

Pole Cat Hill

391 A: Sur: 21<sup>st</sup> Feb: 1684 for John Gather  
in the fork of Puttuxt<sup>t</sup> River on the South Side  
of the North Bra: thereof Rent —. 15.. 7<sup>3</sup>/<sub>4</sub>  
Poss<sup>r</sup> Benj<sup>a</sup> Gather

Brewers Chance

152 A: Sur: 16 Mar: 1684 for John Brewer  
on the South Side South River Rent —. 6.. 1  
Poss<sup>r</sup> Tho: Odell of Prin: Geo: Co. for Brew-  
ers Orph<sup>ns</sup>

---

Grays Land

17 A: Sur: 15<sup>th</sup> Jan<sup>ry</sup> 1684 for John Gray on  
the South Side South River on the North Side  
Jacobs Creek Rent —. —. 8  
Poss<sup>r</sup> Charles Tilly

Robin-hoods-Forrest

1976 A: Sur: 5<sup>th</sup> June 1686 for Rich<sup>d</sup> Snow-  
don in the fork of Pattuxent River Rent 3.. 19.. 0  
Poss<sup>r</sup> Rich<sup>d</sup> Snowden  
C. *Robinhood Forest.*





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*The History*  
*of*  
NEWBERRY COUNTY  
*South Carolina*

VOLUME ONE: 1749-1860

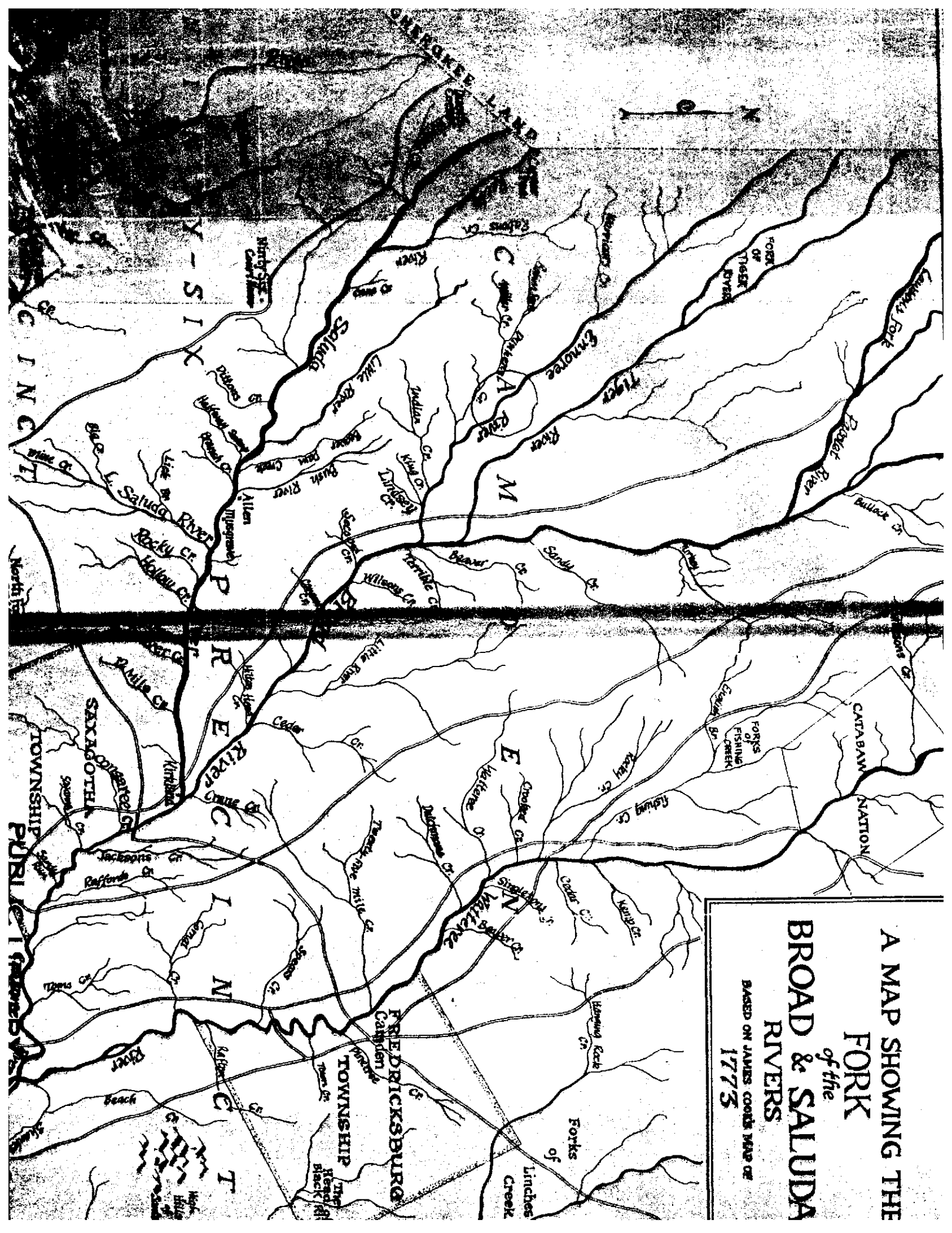
By Thomas H. Pope

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A MAP SHOWING THE  
**BROAD FORK**  
*of the*  
**SALUDA RIVERS**  
 BASED ON JAMES COOK'S MAP OF  
 1773



leading from it together with the names of the adjoining landowners. John Gasser was one of the latter.<sup>13</sup>

#### THE ENOREE AND LITTLE RIVER SETTLEMENTS

The Enoree and its tributaries were settled by Virginians, Pennsylvanians, and North Carolinians who came down the Catawba Path from the Shenandoah Valley. They were largely of English or Scotch-Irish descent. Some of them, including John Gordon, Thomas Gordon, and Jacob Pennington, obtained patents from the Governor of North Carolina reciting that the territory between the Enoree and Tyger Rivers was in Anson County, North Carolina. Later these settlers had to apply for grants from the Governor of South Carolina for their lands.

Let it be thought that only the provincial government of North Carolina was ignorant about the upcountry, the confusion in South Carolina grants of that period is similarly revealing. The four coastal counties of Craven, Berkeley, Colleton, and Granville ran from the seacoast to the upper limits of the colony. The Santee River divided Craven and Berkeley, and there was no confusion about the boundary until it reached the junction of the Broad and Saluda rivers. From that point northward, however, there was doubt as to whether the Saluda or the Broad was the dividing line. The result was that grants to adjoining lands in the Fork between the rivers would refer to one as being in Craven and to the other as being in Berkeley. This confusion persisted until Ninety Six District was established, although the Saluda was the county boundary and present-day Newberry, Laurens, Spartanburg, and Union were in Craven County.

The other principal early settlement in Newberry County was in the Little River-Bush River section which was also settled by Virginians, Pennsylvanians, and North Carolinians. This, with the Enoree and Dutch Fork settlements, constituted the early centers of population.

From time to time troops of rangers were employed as protection for the upcountrymen against the Indians. In the spring of 1748, two troops of fourteen men each were enlisted under Captains John Fairchild and James Francis to range the country "from the Congarees to Ninety-six and thence to the Catawba Nation," the range including the Fork between the Broad and Saluda. These rangers had orders to

<sup>13</sup> Plat Book VIII, 346 (and original plat in loose files, State Archives).

put to death all French and French Indians captured going to or from the Catawba lands. These troops were discharged a few months later.

The French continued to poison the minds of the Indians and in May 1751, the Commons House of Assembly resolved to equip four troops of rangers, each consisting of a captain, lieutenant, twenty men, and Indian guides. They were commanded by Captains John Fairchild, Roger Gibson, James McPherson, and Christian Minick and remained in service for four months.<sup>14</sup>

Becoming alarmed at Indian depredations, such as the murder of the settlers on Buffalo Creek in November 1754, "the inhabitants of Saludy, Enoree and parts adjacent" presented their petition to Governor Glen and the Council on February 4, 1755, asking for a troop of rangers to protect them.<sup>15</sup>

The Humble petitioners could not banish from their minds the cruel and Inhuman treatment of their fellow subjects then lately perpetrated on Buffalo Creek by their Common Enemy, The Bloody face of those Barbarians was stil fresh in their memory and would needs remain so, Whilst they were equally opposed as those unhappy Mortals were, and consequently liable to the like calamity Relying on the Providence of an Almighty God, they had more than once, Bravely withstood, and With Resolution, waited the Arrival of a Savage Enemy, when sufficient circumstances, and Credible Informations, gave them reason to expect a Visit, hourly from them, Neither should they be wanting to exert themselves

<sup>14</sup> Wm. Roy Smith, *South Carolina as a Royal Province, 1719-1776*, New York, 1903, p. 184.

<sup>15</sup> Journal of the Council for 1755, pp. 32-34. Those who signed the petition were Andrew Brown, Edward Paine, Bononi Fowler, John Odell, John F. Caisy, Isaac Pennington, John Gordon, Joseph Kelley, Jacob Pennington, Zach. Sparks, Abraham Pennington, Henry Pitts, Philip Thomas, Curdliss Cox, William Curry, William B. Bishop, James X Ronalds, William Daniel, Patrick Weldon, Henry Golman, Saml Ramsey, John Bostick, James Welch, Moses Singnefield, Dan'l Pitts, Robt Smith, Rich<sup>d</sup> Tate, W<sup>m</sup> McQueen, William West, Thos Ortetom, James Smith, Thomas Houghton, Thomas Anderson, Coonroad Gallman, Jo<sup>s</sup> Page, Pheli Murphi, James Commerford, W<sup>m</sup> Broadway, David Ball, Thomas Jones, Michael Minne, W<sup>m</sup> Slow, Will<sup>m</sup> Turk, James Francis, Charles Banks, Will<sup>m</sup> Lyer, Jona: Reed, John: Gallman, Ed: Gampson, Jam<sup>s</sup> Williams, Robt R. Box, John Helms, Benj. D. Dickins, Thomas Gary, Charles Gary, John Pennington, John Carroll, Thomas Johnson, Thomas Callison, James Chapel, John Forster, Henry Forster, Will<sup>m</sup> Smith, Rich<sup>d</sup> X (his mark) Jackson, James Mitchell, James Anderson, David X (his mark) Kelly, William Shinay, Edward Cob, Daniel Low, Benj<sup>n</sup> Burgess, W<sup>m</sup> Coe, Jacob Bony, T<sup>s</sup> Singnefield, Patrick Kelly, James Dey, Thomas Gill, Enoch Anderson, Daniel Burnet, Joseph X Duckett, Sam<sup>l</sup> Thomas, Rich<sup>d</sup> Allison, John Bebery, John Turk, John Pondall, Pierce Costillo, Major Shavers, Will<sup>m</sup> Cross.



on any Emergency, had they the like timely Notice, But how could they promise themselves that? They ought not expect Providence to work Miracles, for their Defence And the Enemy they had to deal with, might be compared to a Wolf—slyly stealing after his prey, which His Excellency and Honours well know to be the method of the Heathen Enemy. Then humbly presumed, it could not be thought otherwise than probable, that as those foresighted Barbarians, glutted themselves with the blood, they seem to take such delight in Spilling, and with impunity escaped free That either themselves or others of the like blood thirsty Disposition, flushed with that Success, would encourage each other, for another Attempt of the like nature, which to prevent, And that they might be disappointed, of their cruel & inhuman expectations, they Humbly prayed His Excellency and Honourable Council with the Honble House of Assembly, to enable them, by a timely assistance, to be prepared for their reception, They were certainly the people that lay open to the Inroads of those Savage Wretches, and a Defence there might be the Country's Safeguard, their Lands were rich and they wanted nothing but hands to make that a flourishing part of the Province. And they humbly presumed no method would prove more effectual, than the Completion of the request of this, their Humble Petition, They were that year preparing, and hoped to raise some hundreds of Indigo for Market, which they doubted not would quickly forward, the Cultivating of that profitable Weed in these parts, Would their generous legislature but fulfil their Humble request wch was, a Troop of Rangers, of strength sufficient to withstand the Enemy, and Competent Wages to Encourage Men of Resolution, as well as to enable them to perform their Duty, and obey their Superiours, with alacrity & Vigour. They further hoped that it might seem reasonable to their Honourable & Worthy Patriots, that their Petition if complied with (which they humbly with one reverence prayed for) Would not only Dissipate the Anxious fears of their then Settlement but add a cheerful Vigour to their Industry, joined with a grateful sense of the regard taken of them, But also be a means of converting their Woods into Plantations, by encouraging hundreds to reside with us, that would otherwise pass by into Georgia, when they heard, and saw the Provident Care of Carolina of Her Frontiers.

Those with many other Inducements, which might be added, Well known to their Worthy Superiours, they humbly hoped would gain them a favourable Audience, and stir up in the minds of their Honble Legislature, a Generous Ardour, to prevent a blow, they had so much reason to expect the approaching Spring, which thro' the Blessing of Providence might Also save the lives of many a helpless Infant, who by the said Providence might live to express their grateful acknowledgment by their future readiness to serve their KING and COUNTRY.

As a delay in this matter might be of ill consequence in Sundry Shapes

They therefore Humbly Prayed His Excellency and Honble Council, with the Honble House of Assembly would take into Consideration, and Grant their Humble Petition.

The Council approved the petition and sent it to the Commons House of Assembly which, on February 7, 1755, passed a resolution providing a troop of fifty men to range the country from the Broad to the Savannah rivers. The Assembly recommended one William Gray as captain. Glen rebuked the Assembly for interfering with his executive prerogatives and commissioned Captain Francis (one of the petitioners) to lead the rangers. The Assembly requested the governor to reconsider; he then recalled the commission and issued one for Gray. Gray served for only six days before he abandoned the command and went home. Captain Francis was restored to command.<sup>16</sup> In 1759, two small troops were enlisted under Captains Fairchild and Hunt to range the area between the Broad and Saluda rivers.

Of the eighty-eight petitioners, Thomas Gary, Charles Gary, Robert Box, and Thomas Johnson are identifiable as settlers on Bush River while Abraham, Isaac, and Jacob Pennington, John Gordon, Benoni Fowler, John Odell, John Casey, and Joseph Duckett are of the Enoree settlement. Others lived south of the Saluda River and some in the Dutch Fork. The fact that the petition bore that many names is indicative that the area between the rivers was rapidly being settled.

The backcountry had a population of nearly seven thousand whites and only three hundred slaves in 1759.<sup>17</sup> The manner of distributing land is interesting. For those poor Protestants induced to come to Carolina from Germany, Switzerland, and Ireland, the provincial government provided inducements in the form of transportation, free land, and some provisions and farm tools.

The head of each such family was allowed 100 acres of land for himself and 50 acres for each member of his family. These grants were called "bounties," and a distinction was made between "bounty" grants and other grants. The grantee of a bounty grant received his land for nothing, and it was exempt from quitrents for ten years. Naturally the coastal planters encouraged such immigration because it provided a buffer between them and the Indians; it also increased the white population and thus contributed to their safety from slave revolt.

<sup>16</sup> Meriwether, op. cit., p. 123.

<sup>17</sup> Ibid., p. 160.

Understandably, the people in the upcountry, after suffering more than those in other sections, and after being driven to the war by the stupidity of the British commanders, felt that it was largely due to their efforts that the British were expelled from Carolina. Consequently, they anticipated a free society in which they could determine their own future without the galling yoke of those on the coast. It would be many years before this anticipation came true. This was brought home to them at the convention to ratify the federal Constitution in 1788 and in the Constitutional Convention of 1790.

5

### *Establishing Federal, State, and County Government*

WITH THE ADVENT OF A TROUBLED PEACE IN 1783, the people of South Carolina set about stabilizing their government. The great majority of white citizens lived in the districts of Ninety Six, Orangeburg, Cheraw, and Camden. But these districts were allowed smaller representation than their population warranted. Each of these districts was too large for efficient administration. Particularly was Ninety Six District unwieldy, reaching as it did from the fall line to the North Carolina border and from the Savannah to the Broad.

With a view to making this large area more manageable, the general assembly in 1783 elected commissioners to divide Ninety Six District into counties of convenient size. The commissioners were Andrew Pickens, Richard Anderson, Thomas Brandon, Levi Keysey (Casey), Philemon Waters, Arthur Simpkins, and Simon Berwick. Of these Casey and Waters were from the area which became Newberry County.<sup>1</sup>

To add to the woes of the upcountry after the devastating civil war between Whigs and Tories, South Carolina suffered crop failures in 1784 and 1785. Money was scarce, debtors were unable to pay their creditors, and speculation was rife. Wallace says that "no price was considered too high for lands, slaves, or British luxuries if they could only be gotten on credit."<sup>2</sup> Stay laws and paper money, adopted to relieve distress, were seized upon as means for fraud or quick speculative wealth.

<sup>1</sup> *Statutes*, IV, 561; O'Neill, op. cit., pp. 12-13.

<sup>2</sup> David Duncan Wallace, *South Carolina: A Short History*, Chapel Hill, 1951, p. 333.

Recognizing the economic crisis, Governor Moultrie asked the general assembly for "an interposition of the Legislature in private contracts." In answer to this plea, an act was passed for "regulating sales under executions," designed to protect true value but not to prevent forced sales.<sup>3</sup>

In 1785, legislation divided Ninety Six District into six counties, Edgefield, Abbeville, Laurens, Spartanburg, Union, and Newberry [spelled "Newbury" in the act]. Newberry was bounded from a point beginning at the Island ford on Saluda River, thence along the old road to Odel's ford, on Enoree River, thence down Enoree River to Anderson's ford, thence along the road to Hill's ford on Tyger River, thence down the same to the mouth, thence down Broad River to a point thereon, eight miles below the Ninety Six District line, thence to the mouth of Bear Creek on Saluda River, and thence up the Saluda River to Island ford.<sup>4</sup>

The area included a part of the Dutch Fork then lying in Orangeburg District, and this portion remained a part of Newberry until it became a part of Lexington County in 1788. This area furnished some of the leaders of Newberry County in its infancy and may be described simply as the territory between the two rivers having as its southern boundary the line from a point below the mouth of Wateree Creek on Broad to the mouth of Bear Creek on Saluda.

It cannot be determined for whom or what Newberry County was named. In the early acts the spelling was sometimes "Newbury" and sometimes "Newberry." The post office at the courthouse was called "Newbury" for the first twenty years after its establishment in 1798. John Belton O'Neill, who was born only eight years after the county was established, could not learn the origin of the name even though he had the opportunity of talking to those active in politics at the time; he finally settled on the fanciful theory that the county was given its name because of its beauty and its resemblance to a new berry.<sup>5</sup> John A. Chapman disagreed and concluded it more likely that the county was named for a town.<sup>6</sup> The newspapers and legislative records of the period throw no light on the problem.

In 1785, the county court act was passed. In view of its importance, the act and its implementation will be discussed in the next chapter.

<sup>3</sup> George C. Rogers, Jr., "South Carolina Ratifies the Federal Constitution," *Proceedings of the South Carolina Historical Association*, 1961, p. 44.

<sup>4</sup> *Statutes*, IV, 661.

<sup>5</sup> O'Neill, *op. cit.*, pp. 7-8.

<sup>6</sup> John A. Chapman, Part II, *Annals of Newberry*, Newberry, 1892, pp. 447-8.

Symptomatic of the times was the attempted "land grab" by Jonas Beard. Colonel of the militia, member of the house of representatives, justice of the peace, he was a leading citizen of Saxe Gotha before and after the Revolution. In 1786, Beard obtained a warrant of survey for all vacant lands in the Fork between the Broad and Saluda, from the confluence of the two rivers to a point thirty-one miles up the Broad and then for a distance of sixteen miles across the neck to the Saluda. Naturally the settlers in the Fork were horrified to learn of this great grant of 51,300 acres to Beard; to protect their own grants in the area, they were required to exhibit their titles. Many of these instruments had been lost during the war and they were at the mercy of the speculator. As a result of their protests of understandable outrage, the general assembly in 1788 passed an act voiding the grant to Beard.<sup>7</sup> He was just too greedy, although many of his contemporaries obtained large tracts by devious means. His effort, however, is without equal in the Fork.

In 1787, the Constitutional Convention in Philadelphia proposed the adoption of the United States Constitution. Unless a strong government could be established and given the power to regulate commerce, to control a common currency, to provide for the common defense, and to insure a united nation, the separate states would soon founder. The Founding Fathers wrought well in meeting the problems of society as a whole but they neglected to safeguard the rights of the individual in that no bill of rights was included. This omission nearly caused failure of adoption of the Constitution, which was finally ratified by several states only after assurance was given that this defect would be remedied.

No such assurance was needed in South Carolina when the convention to consider adoption of the Constitution met in Charleston in May 1788. The people of Charleston were overwhelmingly for ratification, whether they were planters, merchants, professional men, or mechanics. Dr. Rogers says that there were not fifty citizens of Charleston against ratification.<sup>8</sup> In that atmosphere, the delegates from the upcountry were almost unanimously against the Constitution. But they constituted only a third of the convention, and the more numerous delegates from the coastal area were equally determined and unified.

The delegates from the Lower District between the Broad and Saluda rivers were Judge Aedanus Burke, John Lindsey, Philemon Waters,

<sup>7</sup> *Statutes*, V, 74.

<sup>8</sup> Rogers, *op. cit.*, p. 59.



individual justice lay to the county court and from that tribunal to the district court at Ninety Six.

The county court was directed also to name a county sheriff, a clerk, and a coroner and to approve the appointment of a deputy clerk and a deputy sheriff. The county, however, was not designated a legislative unit.

When the acts were passed establishing Newberry County and the Newberry County Court, Michael Leitner was senator from the Lower District between Broad and Saluda; the house members were John Hampton, George Ruff, John Adam Summer, and Robert Rutherford.<sup>3</sup> Although Senator Leitner wanted to name himself one of the county justices, the house delegation overrode him.<sup>4</sup> Consequently, the original court consisted of Colonel Robert Rutherford, Colonel Levi Casey, George Ruff, Robert Gillam, John Lindsey, Colonel Philemon Waters, and Levi Manning.<sup>5</sup>

The county court was organized at the house of Colonel Rutherford on September 5, 1785, with Justices Rutherford, Gillam, Ruff, and Casey present.<sup>6</sup> William Malone was appointed clerk of court, and he named Thomas Brooks Rutherford, son of the justice, his deputy. Thomas Gordon produced his commission as sheriff, posted bond for a two-year term, and named Benjamin Gordon his deputy.

Other business of the court during its initial session was the licensing of Michael Kinard, Jacob Leitner, George Ruff, David Ruff, and John Adam Summer to keep taverns at their homes, the naming of commissioners to lay a road from Hogg's Branch on the Charleston road to Harbert's ferry on Broad River, the drawing of a grand and petit jury to serve at the December term; the establishing of rates for liquors, lodgings, stabliage and pasturage; the appointment of overseers of various sections of roads in the county; and ordering one deed to be recorded. The clerk was directed to circulate advertisements forbidding the sale of spiritous liquors by the small without obtaining a license.

The first grand jury drawn consisted of Edward Finch, William

<sup>3</sup> *Journals of Senate and House of Representatives*, 1785.

<sup>4</sup> Manuscript, Senate Committee Report on Personnel of County Courts, loose file, State Archives.

<sup>5</sup> O'Neill, *Annals of Newberry*, pp. 13-14.

<sup>6</sup> *Minutes of the County Court, Book A*, Newberry County. The original minutes were lost after being copied by WPA workers in 1936. Typed copies of Book A are in the State Archives and in the South Caroliniana Library. The data in this chapter came from these minutes.

Wadlington, Edward Wadlington, Braswell Robertson, Bartlett Satterwhite, John Sweetingburgh, James Caldwell (of Saluda River), Thomas Harbert, John Adam Summer, Jr., James Williams, Jeremiah Williams, Levi Manning, Abner Casey, Ephraim Cannon, John O'dell, Williamson Lyles, Francis Summer, David Edwards, and John Lindsey.<sup>7</sup>

It is apparent that the county was organized by men from the Broad River and Enoree sections of the county. The sheriff, the clerk, their deputies, the justices in attendance and most of the jurors drawn for the ensuing term were from those sections. The licenses to sell liquor were granted to Broad River men.

At the December term four lawyers were enrolled to practice—Jacob Brown, Daniel Brown, Charles Goodwin, and William Shaw. Jacob Brown was appointed the first county attorney.

In 1786 the court was increased by two justices and in 1787 was further increased to eleven county justices. Under these acts others who served as county justices were William Caldwell, John Means, John Hampton, Colonel James Mayson, William Wadlington, Dr. Jacob Roberts Brown, Thomas Willoughby Waters, and Mercer Babb. Jesse Brooks was elected but declined to serve.

In 1787 Robert Gillam was elected sheriff for a two-year term to succeed Thomas Gordon. John Means was elected treasurer of the county. Although convicted of bastardy within the year, he continued to be a leading citizen.

Prior to the deletion of the area in the Dutch Fork from Newberry County, it was agreed that the courthouse should be placed at or within a mile and a half of the house of John Coate. When the county area was decreased, the court considered establishing the courthouse on the land of Samuel Teague, near the Tea Table Rock, but John Coate offered to give two acres to the county in March 1789, and his offer was accepted. Colonel Philemon Waters and William Caldwell, deputy surveyors, laid out the land for erecting the public buildings thereon and made a plat showing the public square bounded by the present Caldwell, Main, McKibben and Boyce streets.

<sup>7</sup> The first petit jury drawn consisted of James Sheppard, Jr., Ephraim Lyles, Robert Gillam, Jr., William Calmes, William Murry, Sr., William Taylor, Sr., Abel Anderson, James Beard, Daniel Dison, John Valentine, Robert Johnston (Indian Creek), John Fulmer, Sr., Richard Fowler, George Harriss, William Wilson, Sr., Henry Summer, Marcus Littleton, Benjamin Hampton, Thomas Matthews, Barth'o Johnston, James Kelly, Joseph Hampton, William Hutchinson, Barth'o Gaurtman, John Wallis, Frederick Gray and John Virdin.



1775 until the cessation of hostilities. He served as justice of the peace in 1775, tax assessor and collector in 1769 and again in 1784-86, and senator in 1781.<sup>20</sup>

#### EARLY ROADS AND FERRIES

To the early settlers the streams were vital, both as a source of drinking water and of power for the grist mills. They were also an impediment to the wagon roads which were necessary to trade with the coast. Roads generally followed the high ground, thereby avoiding unnecessary crossings over the rivers and creeks. The small streams draining the watersheds of the Fork could be avoided, but the Broad and Saluda had to be crossed. Thus, from the beginning of settlement of the Fork, ferries were established over these two large rivers forming the boundaries of the area.

The first ferry franchise over the Saluda was granted in 1765 to Moses Kirkland, later a leader of the Regulators and still later a Tory officer. The act granting this franchise provided for a public road from Gordon's Fort on Enoree River to the ferry at Kirkland's on Saluda, and appointed Kirkland, Thomas Kennerly, and Zachariah Hollinshead commissioners to build it from the ferry to Wateree Creek. Captain Thomas Bond, John Adam Sommers [*sic*], and John Salman were commissioners from Wateree Creek to Cannon's Creek; and Captain Edward Musgrove, Captain Thomas Gordon, and Captain Daniel Horsey, commissioners from Cannon's Creek to Gordon's Fort. This earliest road in the Fork paralleled Broad River and was known as the "River Road."<sup>21</sup>

Three years later the inhabitants living "in the Fork of Broad and Saluda Rivers, and Bush and Rayburn's Creeks" petitioned the general assembly for a ferry over Saluda River and a road from Orangeburg to Saluda and thence to Bush and Rayburn's creeks. Ferry rights were granted to two Quakers newly moved from Pine Tree Hill (Camden), Samuel Kelly and John Milhous, who owned the lands on either side of the river. Commissioners named to build the road were Andrew Brown, John Milhous, James Cheek, William Booth, Barnabus Arthur, John Fisher, and John Furnas. All males, sixteen to sixty, living within ten miles of the road were obligated to make and keep the road in

repair. The Bush River Road was the second public road established in the Fork.<sup>22</sup>

In 1770, a ferry was established on the Broad River above Peak at Martin Scheurer's (Shirer's), and one across the Saluda River at Saluda Old Town at lands of Charles Carson and William Turner. Commissioners were directed to lay out a road from Carson's ferry to Reedy River; they were John Caldwell, Joseph Davenport, William Turner, Jr., Lewis Jones, Richard Turner, John Edwards, and Jacob Bowman.<sup>23</sup> In the same year, Robert Cunningham was granted the ferry rights at Indian Island ford on the Saluda at the later boundary between Newberry and Laurens counties.<sup>24</sup>

Commissioners named to lay out a road from Indian Island ford to Hendrick's mill on the Enoree were Robert Cunningham, Thomas Dalrymple, William Leargen, Charles Pitts, and William Gary. Commissioners for the road from the Enoree to Fish Dam ford on the Broad River were William Wofford, John Caldwell, William Hendricks, Thomas Gordon, and Jacob Pennington.<sup>25</sup> Thus by this act the road later known as the Ninety Six Road (which became the boundary between Newberry and Laurens counties) was built; it provided for travel from Fish Dam ford to Ninety Six and thence to Augusta, Georgia.

Other ferries established before the end of the eighteenth century included Cook's over the Saluda in 1777, Weaver's over the Saluda in 1784, Thomas Harbert's over the Broad in 1785, Waters' over the Saluda at the mouth of Bush River in 1786, Waters' over Saluda at mouth of Rocky Creek in 1788, Kelly's over Saluda in 1789, Higgins's over Saluda in 1795, Lyles's over Broad in 1796, and Calk's over Saluda in 1800.<sup>26</sup> Thomas Chappel was granted the right to build a bridge over the Saluda in 1792, but evidently this bridge was destroyed because he was given ferry rights in 1800.<sup>27</sup>

The early network of roads in present Newberry County connected these ferries and generally ran along the high ground between the

<sup>22</sup> *Ibid.*, 221. This ferry was subsequently known as Lee's, then Bates', and later as McNary's.

<sup>23</sup> *Ibid.*, 238.

<sup>24</sup> *Ibid.*, 230.

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*, IX, 246, 284, 292, 302, 307, 321, 362, 373, and 397. Lyles's ford became known as Ashford's ferry after 1807.

<sup>27</sup> *Ibid.*, 347 and 397.

<sup>20</sup> O'Neill, *op. cit.*, pp. 194-5.

<sup>21</sup> *Statutes*, IX, 207.

*Newberry County South Carolina Probate Estate Abstracts*  
*VOLUME 2* continues from volume one as personal notes compiled while  
studying estate records of early settlers and descendants of what is now  
Newberry County, South Carolina.

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In abstracting these early records, we encountered many names and other words with various spellings. Spelling variations occurred because often people who transcribed Last Will and Testaments, letters, or other written documents spelled the names or other words phonetically as they were dictated. In our abstracts we printed most names and other words according to their most commonly accepted form.

Great care has been taken to produce this work as error-free as possible, but mistakes occur. Please bring to our attention any errors you encounter.

These abstracts should be used to help locate an original document for further study.

We wish to thank Judge Peggy Schumpert and other friends at the Newberry County Courthouse for treating us "like family".

We wish to thank our families—Donald, Michelle, Kevin, & Leitha Bundrick, and Linda, Jonathan, & David Suber—for their continued support and patience in having a genealogist in the family.

18 December 1989

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Glenda Bundrick  
Andy Suber



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*Maryland*

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Martha

1790 John Jr