

THE BLACK RIVER CYPRESS PRESERVE

In shaded nooks...the water is deep and its surface unruffled only by the play of the many fish as they leap up into the air or swim along the shallow edges. The shore is gentle in its descent and its sandy banks, amid the cool, dark and gloomy shades of the iron wood tier, with its festoons of moss hanging low, and gently waving to the whispering winds, invite the retreat of the fisherman, the poet and the philosopher.¹

Samuel D. McGill described the Black River near Kingstree, South Carolina in 1897. Located in central South Carolina the river arises in Lee County near Bishopville and flows southeasterly for about 150 miles to Georgetown County where it joins the Great Pee Dee River about four miles from the city of Georgetown. As a sub-basin of the Pee Dee, the river comprises about twenty-five percent of the total Pee Dee Basin. The Black River sub-basin contains 1,299,200 acres and drains 2030 square miles entirely within the coastal plain.²

The river takes its name from the color of its water, stained the color of strong tea when viewed close up, but appearing shiny black from a distance. South Carolina rivers which originate in the coastal plain transport little sediment. Their high tannic acid content, which stains the water, comes from the decomposition of swamp hardwoods and their leaves.³

While traversing its path to the sea the Black River meanders or develops loop-like winding turns. Meandering is basically a process of trading sediments from banks to bars. Sand eroded from a concave bank on the outside of an upriver curve travels only a short distance before it is deposited on bars along the inside of a bend. The current is fastest on the outside of the curve, so the outer bank erodes while the river deposits sand on the bar on the inside of the curve. This process produces uniform bends in similar materials on level territory. Each meander tends to become larger, and after a period of time two meanders meet. The small

¹Samuel D. McGill, *Narrative of Reminiscences in Williamsburg County* (Columbia: Bryan and Company, 1897), rpt., Kingstree, SC., Kingstree Lithographic Company, 1952), 271.

²South Carolina Water Resources Commission, *Pee Dee River Basin Framework Study*, State Water Plan, River Basin Studies, Report No. 118 (January, 1977), 292.

³Charles F. Kovacik and John J. Winberry, *South Carolina: The Making of a Landscape* (Columbia: University of South Carolina Press, 1987), 27.

segment of land separating them is worn away until it is cut through when the river is in flood stage. The course of the river is thus straightened, and the abandoned curve becomes an oxbow lake.⁴ The white sand bars contrast with the black water, while the deep shade under tree branches emphasizes the brilliant reflection of sunlight on the water at mid-day.

Because the land is usually flat, when the water flow from upstream increases, the water simply spreads out over the adjacent land forming swamps. The semi-tropical wetlands along the Black River provide an excellent habitat for abundant wildlife as well as giant cypress trees.

The Black River Cypress Preserve in Georgetown County, South Carolina borders Williamsburg County near Highway 41, known as “County Line Road” on the northwest, Black River on the south, and Big Dam Swamp on the east. The preserve comprises approximately 1000 acres including river swamp and bottomland. The park takes its name from the majestic bald cypress trees which flourish in the river swamp.

This property had an auspicious beginning since its first owner was a member of the nobility of the Proprietary English colony of Carolina. It serves as an example of the operation of The Fundamental Constitutions of Carolina, proclaimed in 1669 by the Lords Proprietors, which was the *de facto* government of the colony in the early years of settlement. Written by Sir Anthony Ashley Cooper and his secretary, John Locke, the document described a feudal society dominated by two levels of nobility, Landgraves and Caciques. The senior Landgrave was chairman or Palatine. At the bottom of society were free workers, called “leetmen,” and slaves. The category of leetmen did not last long with so much land available. Indeed, the feudal system was never popular locally and was never ratified by the provincial legislature.

Nevertheless, the Proprietors designated members of the nobility. A Cacique was entitled to a barony of 12,000 acres while a Landgrave could claim four baronies or 48,000 acres. The nobles seldom claimed all to which they were entitled because once they claimed land they had to pay a tax or quitrent on it. A common practice was to find a colonist who wanted to buy land and have the colonist to hire a surveyor and secure a plat. The Landgrave would then register the

⁴Stanley Schumm, ed., *River Morphology* (Stroudsburg, Pennsylvania: Dowden, Hutchinson, and Ross, Inc., 1972), 3. Frederic B. Loomis, *Physiography of the United States* (Garden City, New York: Doubleday, Doran and Comsny, Inc., 1937), 45.

land and sell it to the colonist.⁵

The first owner of the land that became the Black River Cypress Preserve was John Bayley Esq. of Ballinaclough, County Tipperary, Ireland. The Lords Proprietors of Carolina issued a patent declaring Bayley a Landgrave entitled to 48,000 acres in 1698.⁶ No explanation appears for this honor in the original documents. According to the Fundamental Constitutions of Carolina, titles were not for sale. Bayley had to pay £100, probably an advance on quitrents. Why he became a Landgrave remains a mystery. So far as the record discloses, he never came to America. His Landgrave's patent was addressed to "John Bayley Esq., near Nenaugh, [sic] Ireland."

Nenagh is a parish in Ireland in the 21st century, and Nenagh Castle is its most familiar landmark. Built about 1216, it was the main castle of the Butler family before they moved to Gowran, County Kilkenny in the 14th Century. The Butlers later became Earls of Ormond. Nenagh remained their principal seat until 1391 when it was moved to Kilkenny Castle.⁷

John Bayley married Elizabeth Prittie in 1690, and they were the parents of four children: Elizabeth and Henry (both died young), John (1691-1733), and Thomas (1700-1778).⁸ At John Bayley's death, his son of the same name inherited the title of Landgrave and the right to claim land in South Carolina. The younger Bayley did not come to America either. Instead he hired an attorney, Alexander Trench, to "sell the land except 8000 acres as convenient." The power of

⁵Henry A. M. Smith, *The Baronies of South Carolina* (Spartanburg, SC: The Reprint Company, 1908), 110-111. For a discussion of the Fundamental Constitutions, see Alexander Moore, "Fundamental Constitutions of Carolina," Walter Edgar, ed., *South Carolina Encyclopedia* (Columbia: University of South Carolina, 2006), 346-348. Under the feudal system tenants had to pay rent to the lord of the manor. They were sometimes called on for additional duties in the form of farm produce or labor. A quitrent was a monetary yearly payment which guaranteed that the settler was "quit" of any other demands.

⁶Commissions and Instructions of the Lords Proprietors, 1685-1715, 321-322, South Carolina Archives.

⁷Royal Society of Antiquaries of Ireland, 1925.

⁸The Church of Jesus Christ of Latter-day Saints, "FamilySearch Family Tree," database, *FamilySearch*(<http://www.familysearch.org>: person ID LZ42-QHF).

attorney was duly recorded in Charleston on November 9, 1722.⁹

This was an opportune time for Bayley to put his land on the market. The government land office was closed throughout the decade of the 1720s. In 1719, the colonists rebelled against the government of the Lords Proprietors, deposed the Proprietary governor, and requested status as a royal colony. They hoped royal rule would afford military protection from Native Americans, Spanish, and French. Since the Proprietors owned the Carolinas, it took time and extensive negotiation to bring the colonies under royal rule. No government land grants could be issued until the question of who owned the land could be settled.

It was however legal for a Landgrave to claim land under his patent. He could then sell it to a colonist. The location of the 48,000 acres was unspecified, so the prospective buyer would find unoccupied land that he wanted, and he or his attorney, Trench, would have the tract surveyed. Then Trench would attach the plat to a deed of conveyance from himself as attorney for Bayley and attest that Bayley was entitled to the land under his Landgrave's patent. Thus no direct grant from the government would appear for that parcel of land.¹⁰

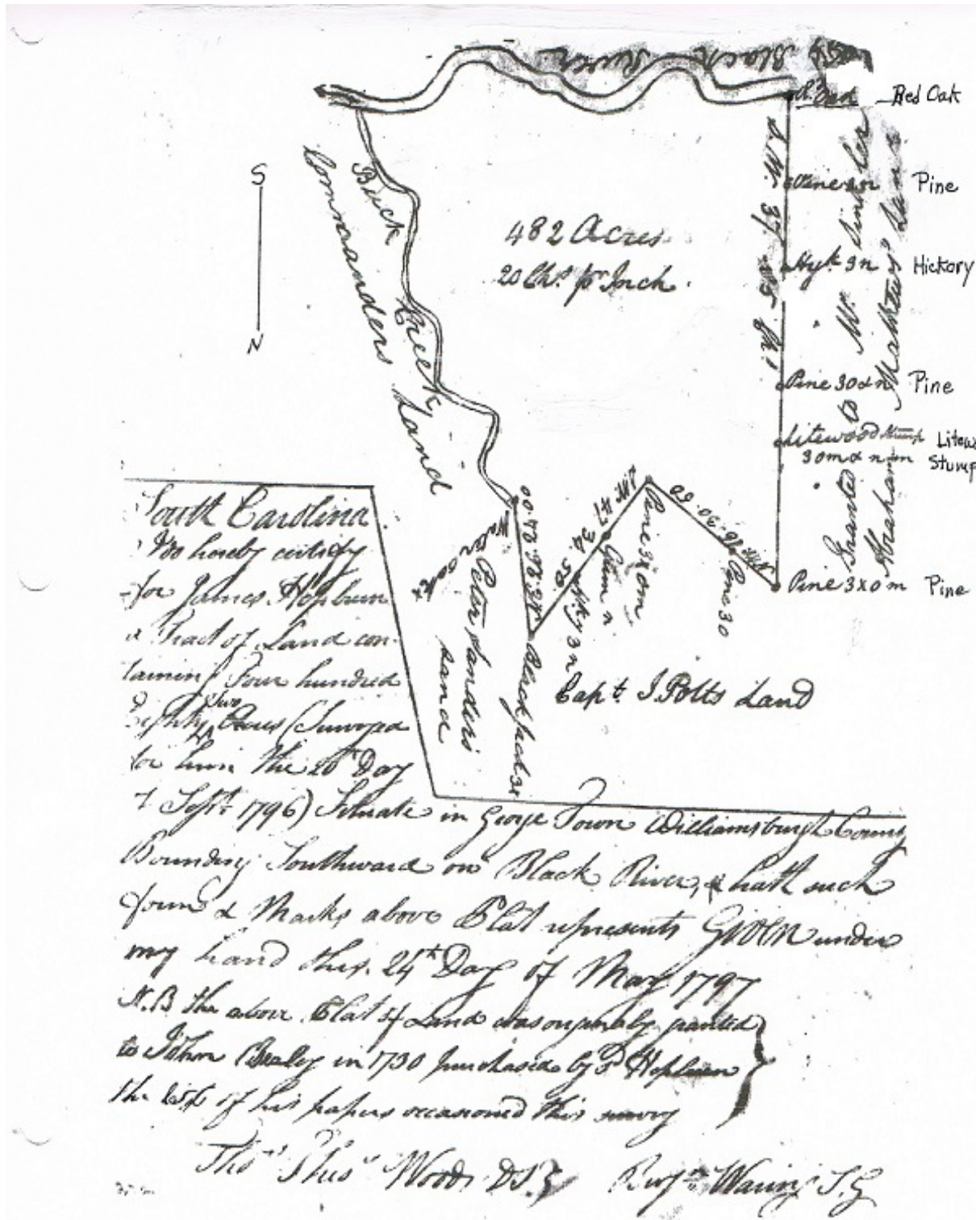
This was the case with the land that became the Black River Cypress Preserve. Most of the original plats for land granted on the upper Black River are recorded in the South Carolina Archives. James Hepburn purchased 482 acres from John Bayley through Alexander Trench in 1730 while the land office was closed. No original grant to the property is on record, and Hepburn apparently lost his copy of the plat. Perhaps this was why he did not file a Memorial documenting his ownership, which the royal government required when the land office reopened.

In order to clear the title, another survey was made on September 20, 1796, after the American Revolution. Then a grant could be issued by the state of South Carolina. Hepburn also had a plat for 197 acres adjoining the first survey which was apparently part of his original purchase. The county line between Georgetown and Williamsburg was set in 1785, cutting through Hepburn's property. His house fell on the Williamsburg side of the line as evidenced by

⁹Charleston Deeds, Book D, p. 163. Charles Town was the official name of the city prior to 1783 when it became Charleston. For convenience, this paper will use Charleston throughout.

¹⁰Smith, *Baronies*, 111.

the fact that his estate papers were later filed in Williamsburg. The two surveys were probably necessary to facilitate paying taxes. These two surveys will be pictured and explained.



South Carolina

I do hereby certify for James Hopburn a Tract of Land containing Four hundred Eighty Two Acres (Surveyed for him the 20th Day of Sept. 1796. Situate in George Town Williamsburgh County Boundary Southward on Black River & hath such form & Marks above Plat represents GIVEN under my hand this 24th Day of May 1797

N.B. The above Plat of Land was originally granted to John Bealey in 1730 purchased by J. Hopburn the loss of his papers occasioned this survey.¹¹

Thos Thes Woods, D.S V
[Thomas Theapolis Woods, Deputy Surveyor]

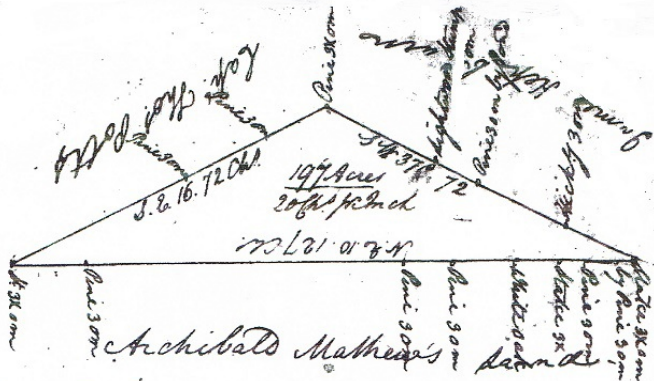
Benj Waring, SG
[Benjamin Waring, Surveyor General]

It was not unusual for names to be misspelled on plats. In this case, Hopburn was meant to be Hepburn. James Hepburn's name appears on other deeds and in the Prince Frederick Parish Register as Hepburn. The Georgetown - Williamsburg County line did not exist in 1730, but it is fortunate that the 1796 plat included it because it enables a precise identification of the land. Note that the plat states, "Situate in Georgetown Williamsburg County Boundary."¹²

Hepburn also registered a plat for 197 acres adjoining the plat described above. The 197-acre plat was on the Williamsburg side of the line.

¹¹South Carolina State Plats, S213190, V. 34, p. 571.

¹²The parishes, counties, and districts in South Carolina were constantly changing. Williamsburg did not officially become a county until 1804. For clarification, please see: Michael E Stauffer, *The Formation of Counties in South Carolina* (Columbia: South Carolina Department of Archives & History, 1994), *passim*.



South Carolina

I do hereby certify for James Hepburne
 a Tract of Land containing one hundred and ninety seven
 acres (Surveyed for him the 16th day of June 1797)
 situate in the District of George Town, Williamsburgh
 County North side of Black River, and hath such shape
 form marks buttings and boundings as the above Plat
 represents, Given under my Hand this 26th September 1798

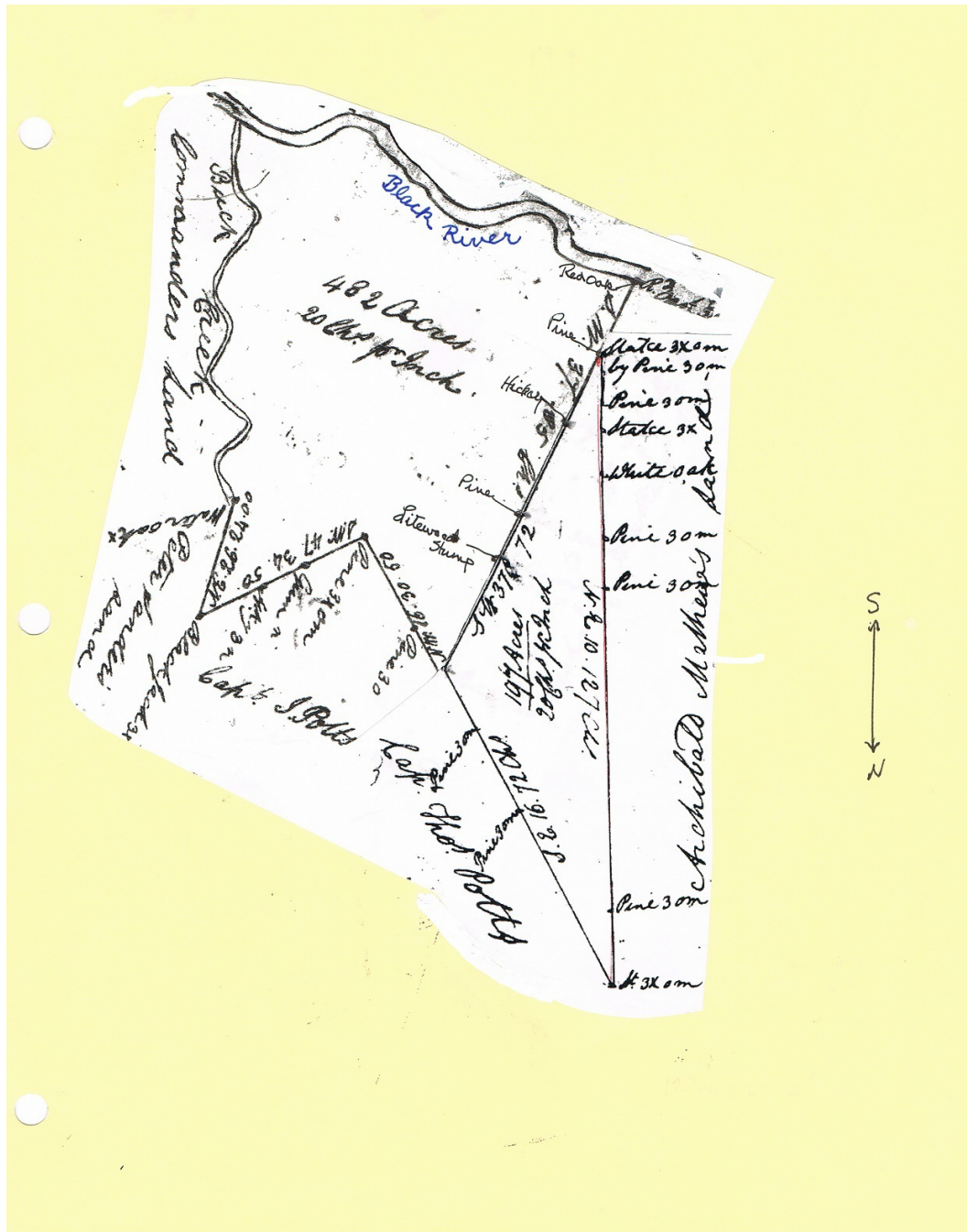
Thos. Theos. Woods
 Dep. Surv.

Benj. Waring
 SurGenl.

The preceding plat is inscribed: South Carolina
 I do hereby certify for James Hepburne a Tract of Land containing one hundred and ninety seven
 acres (Surveyed for him the 16th day of June 1797)
 Situate in the District of George Town, Williamsburgh County North side of Black River, and
 hath such shape form marks buttings and boundings as the above Plat represents, Given under
 my Hand this 26th September 1798.

Thos. Theos. Woods
 Dep. Surv.

Benjamin Waring
 SurGenl.



The two plats fit together thus. The surveyor marked the same trees on each plat so it is possible to line up a pine with 3x, a litewood stump, another pine, and a hickory to see how the plats fit together. The fact that the 197-acre plat does not go all the way to the river raises the question of whether there may have been a ferry landing there, but a surveyor would usually have noted it.

The land records provide proof that James Hepburn was in South Carolina by 1730, and

he had to be at least twenty-one years of age to purchase land. South Carolina was very thinly populated in the 1700s. Most people had connections or relationships by which they could be identified. James Hepburn seemed to appear out of nowhere. However, his name was probably familiar to the settlers of Scottish heritage who lived on the Black River.

Two centuries earlier, James Hepburn (1534-1578), the 4th Earl of Bothwell, became well known in Scottish history as the third husband of Mary, Queen of Scots. He was accused of plotting the murder of her second husband, Henry Stuart, Lord Darnley. Hepburn was acquitted, but circumstances were questionable, and the Scottish people turned against the couple. Mary took refuge in England where her cousin, Queen Elizabeth imprisoned her and later had her beheaded. Bothwell escaped to Denmark, but was imprisoned until his death.¹³

Although the name may have been infamous, at least one branch of the Hepburn family was known to be of the nobility, and a crime some two centuries in the past was probably not a significant detriment to James Hepburn's reputation in the eighteenth century as evidenced by the fact that he married Elizabeth Brockinton, daughter of wealthy landowner William Brockinton and his wife Sarah Griffin. Elizabeth was born about 1721. When her mother, Sarah Brockinton died in 1760, Elizabeth and James received a sizeable bequest, and James was one of the executors of Mrs. Brockinton's estate.¹⁴

Hepburn's purchase of land in 1730 coincided with a major development in back country South Carolina. Governor Robert Johnson proposed the establishment of ten townships on the frontier to accomplish three main purposes. The first was to encourage white Protestants to settle on the frontier to provide a buffer between the coastal region and the various dangers from Indians, French, and Spanish. Because slaves outnumbered whites by about two to one by 1730, white immigrants could lessen the perceived threat of insurrection. Finally, more settlers could

¹³Goldwyn Smith, *A History of England* (New York: Charles Scribner's Sons, 1957), 254.

¹⁴Caroline T. Moore, ed., *Abstracts of the Wills of the State of South Carolina 1760-1784* (Caroline T. Moore, 1969), III, 2. See also: Brockinton Genealogy, Local History Room, Georgetown County Library.

increase the economic productivity of the colony.¹⁵

One of the townships, Williamsburg, was located at the “King’s Tree,” only a short distance up the Black River from Hepburn’s property. Years before the survey of Williamsburg Township, an unknown explorer made his way up the river and discovered what he thought to be a white pine, a tree native to New England and reserved for the King because of its usefulness in making masts for the Royal Navy. The explorer marked the tree with a broad arrow and reported his action to the governor along with glowing comments about the land surrounding the tree.¹⁶

Williamsburg Township was surveyed in 1732, and shortly thereafter a colony of Scots-Irish arrived to settle the area. These were Scottish Presbyterians who had spent several years in Ireland before moving on to America. Members of the Witherspoon family were part of this group. The story of the experiences and hardships of the Witherspoons offers a detailed look at what it was like to settle the frontier of South Carolina on the Black River in the 1730s. James Hepburn would have faced challenges similar to those of the Witherspoons.¹⁷

It must have required great courage to set out into the wilderness with only the provisions that could be carried by boat. The vessel that was the “work horse” of the rivers was the periagua, made from a hollowed out cypress log that had been split and widened with a flat bottom down the center. The addition of planks along the sides could deepen the vessel. Four to ten oarsmen supplied motive power. The average periagua had the capacity to carry thirty to fifty

¹⁵Robert Meriwether, *The Expansion of South Carolina, 1729–1765* (Kingsport, Tennessee: Southern Publishers, Inc., 1940), 19-20. Only nine townships were eventually surveyed. The land projected for the tenth became part of Georgia.

¹⁶William Willis Boddie, *History of Williamsburg* (Columbia: The State Company, 1923. Reprint, Spartanburg, SC: The Reprint Company, 1980), 8.

¹⁷*An Early Manuscript Copy of the Witherspoon Family Chronicle and Later Notes on Related Families* (Columbia: reproduced for the Williamsburg County Historical Society by the State Printing Company, June, 1967), 39pp., *passim*. Copy given to the author by the Williamsburg County Historical Society Hereinafter cited as *Witherspoon Chronicle*. This document is also reproduced in Boddie (cited above) and in H. Roy Merrens, *The Colonial South Carolina Scene* (Columbia: University of South Carolina, 1977), pp. 122-129.

barrels.¹⁸

For the first settlers, the Black River wilderness was daunting indeed. Robert Witherspoon recalled, “We had a great deal of trouble and hardships in our first settling but the few inhabitants continued yet in health and strength. Yet we were still oppressed with fears on divers accounts, especially of being massacred by the Indians or bit by the snakes or torn by wild beasts or being lost or perished in the woods. Of the lost there was three persons.”¹⁹

Robert did not exaggerate. In the eighteenth century the Black River swamp was habitat for wolves, bears, panthers, wildcats, alligators, and numerous poisonous snakes. Another serious danger was that of getting lost. It is difficult for modern people to comprehend the very real danger of being lost forever in the forest, but with not even a path for guidance in some places, it did happen. Colonists learned to follow a brook downstream. It usually led to a river or settlement.

Despite the danger, the abundant wildlife, birds, waterfowl, and fish proved beneficial to the diet. In Great Britain, hunting was a privilege reserved for wealthy landowners who often employed gamekeepers to prevent poaching. The early land grants included the rights of “hunting, hawking, fishing, and fowling,” thus assuring a ready source of meat.

In addition, colonists found that there was plenty of forage for livestock in the forest to support large numbers of animals. Settlers fenced their crops and let the livestock run loose. They found it advantageous to register a specific mark with the court so that they could identify their own. For example, in 1731, John and Samuel Commander filed these statements:

John Commander of Prince Frederick Parish on North side of Black River enters and Records his Ear mark being a Flower de Luic [Fleur de Lis?] in the right Ear and a crop in the left ear for horses, cattle &ca [etc.] his Brand as in the margin.
“IC”

Samuel Commander of Prince Frederick Parish enters his brand as in the margin
“C” and his ear mark being a swallow in the right ear and a crop & 3 slits in the

¹⁸Suzanne Linder, “Periagua,” *South Carolina Encyclopedia*, 712.

¹⁹*Witherspoon Chronicle*, MS, 10.

left ear.²⁰

Neighbors would often cooperate in a yearly round-up to keep track of the animals and brand any new arrivals. They sometimes drove the animals into the fork of two creeks to facilitate capture.

Clearing land to plant crops was considerably more difficult. The settlers soon learned the Indian method of “girdling” trees by removing a circle of bark which caused the tree to die and shed its leaves, thus letting the sunlight reach the soil. Grain and vegetable crops could then be planted between the trunks. The hoe was the principal and sometimes the only farm implement.²¹ Under the township program the government provided basic tools. Each male over sixteen years old received one axe, one broad hoe, and one narrow hoe. A family unit received a small grinding mill to be cranked by hand.²²

Once the colonists had solved the immediate problem of producing enough food for survival, they could turn to other opportunities. The British Navy required huge amounts of naval stores: tar and pitch for waterproofing ship’s hulls, tall trees for masts, and hemp for making rope. Tapping the pines for resin or gathering dead wood to burn in tar pits did not require a large monetary investment, and the British offered a subsidy or “bounty” for the finished products.²³

The provincial Assembly offered bounties for hemp and flax in 1736. For “every hundred weight of water-rotted, well-cured and clean-dressed hemp,” they promised four pounds. Fifty shillings would be paid for every hundred pounds weight of water-rotted, well-cured and

²⁰Miscellaneous Records, WPA transcripts, S213004, ST 0464, Vol. 64 (1731-33), 527-528, South Carolina Archives.

²¹Oscar Theodore Barck, Jr., and Hugh Talmage Lefler, *Colonial America* (New York: Macmillan, 1958), 321-322.

²²J. G. Wardlaw, *Genealogy of the Witherspoon Family* (Yorkville, SC: no publisher, 1910), 6-8.

²³Barck and Lefler, 339. From 1729 to 1774, the bounty was £1 per ton for pitch, £1 10s for turpentine, £ 2 4s for tar, and £1 for masts.

clean-dressed flax.²⁴ This was good news to the Witherspoon family and other Williamsburg settlers who had learned the linen trade in Ireland. They were soon growing their own flax and weaving it into such fine linen that the governor had shirts made from it.²⁵

The revival of indigo culture brought a successful money crop to Black River farmers. The plant produced a rich blue dye which was very profitable. Eliza Lucas, a teenager who managed a plantation near Charleston, reported a successful crop in 1744. Later she and her husband, Charles Pinckney, gave samples of seed to other planters. In 1749, Parliament offered a bounty to encourage production.²⁶

The Hepburns likely prospered in the 1750s by growing indigo. There are several artesian wells on the Hepburn property, which would have been very beneficial for operating vats to process the dye. No records for James Hepburn personally have come to light, but it is likely that he was able to purchase slaves in the 1750s. Henry Laurens, a merchant and slave trader in Charleston wrote, “We shall have a great deal offered to us from such Persons as deal with us for Slaves from Williamsburgh Township which affords in general the best Indigo.”²⁷

Documentation that Hepburn owned slaves appeared in the Census of 1790. In addition to himself, his household included one free white female, one white male under sixteen years of age, and eleven slaves.²⁸ He had inherited a male slave named Cosam from Sarah Griffin Brockinton, his mother-in-law who died in 1760. Sarah left “my loving daughter Elizabeth Hepburn my Bed bedding & Furniture.....to my Loving Daughters Elizabeth Hepburn, Mary Jolley, Sarah Lane, & Hannah Hoole all my Wairing apparel such as Clothes Rings & Buttons to

²⁴Thomas Cooper and David J. McCord, eds., *Statutes at Large of South Carolina* (Columbia: 1836-1841), III, 436-437; hereinafter cited as *S. C. Statutes*.

²⁵Meriwether, *The Expansion of South Carolina*, 79-83.

²⁶For a discussion of indigo production, see: Suzanne Linder and Emily Johnson, *A River in Time: The Yadkin-Pee Dee River System* (Spartanburg, SC: Palmetto Conservation Foundation, 2000), 52-54.

²⁷Laurens, Letter Books, June 30, July 2, 31, 1755; as cited in Meriwether, 83.

²⁸Bureau of the Census, *Heads of Families, 1790, South Carolina* (Washington: Government Printing Office, 1908), 51.

be Equally Divided Between Them...” With apparel valued at £65 5s, she was a well-dressed lady.

Her son Richard Brockinton received a slave named George, and her “Loving Sons Richard Brockinton & James Hepburn” were made executors of her estate. In return for receiving slaves worth £390 (Cosam) and £280 (boy, George), James and Richard were required to pay £250 to be equally divided among the daughters and a son, John Brockinton, within four years. The inventory of Sarah’s estate showed that she was owed debts of £105 and that she had “ready money” of £50 26s. The total value of her estate was £984 36s. Thomas Potts, John Commander, and Joseph Commander acted as appraisers of the estate. Potts owned land adjoining Hepburn, while the Commander and Brockinton families had been closely associated for many years. Both Samuel Commander and William Brockinton owned 2000 acres or more which they had acquired from Landgrave Thomas Smith by 1720. Smith owned a plantation at Goose Creek as well as many other properties, but his interest in the Indian trade north of Charleston prompted him to claim large tracts on Black River.²⁹

William Brockinton recorded in a Memorial that he had purchased 1500 acres from Landgrave Thomas Smith in 1720 and sold 500 acres of that tract to Thomas Potts. He combined the remaining 1000 acres with other land and secured a plat and grant for 2140 acres in 1735 and 1736 respectively. Brockinton’s 2140-acre grant bordered Samuel Commander on the east and Elisha Screven on the west (among others).³⁰

Elizabeth and James Hepburn had a large extended family in the Black River settlement. Their social life probably centered around family and church. It is likely that the Brockintons, Commanders and Hepburns were Antipedo Baptists, communicants who objected to infant (or pediatric) baptism. A New England minister of that persuasion, William Screven, brought his

²⁹Will of Sarah Brockinton, Will Book 1760-1767, 8; Inventory of Estate of Sarah Brockinton, Charleston Inventories, T,41. Biographical sketch of Thomas Smith (1664? – 1738), *Biographical Directory of the South Carolina House of Representatives*, II, 637-639.

³⁰Boddie, 74; Memorials, S111001, Vol. 3, p.108 (filed as Brockington. Note that the spellings Brockinton, Brockington, and Brockenton were used interchangeably.) Plat for 2140 acres filed as Brockenton, S213184, Vol. 2, p. 76; Colonial Grants, S213019, Vol. 2, p. 447.

congregation to Charleston in the 1690s, and he moved to the Winyah region in 1709. After his death in 1713, his son Elisha Screven was a leader of the group. Elisha was married to Hannah Commander, oldest daughter of Samuel Commander. The Antipedo Baptist congregation had built a meeting house by 1726, located on the Black River and what became Pump House Landing Road. The meeting house was also used by Presbyterians who soon outnumbered the Baptists.³¹

In January 1760, James Hepburn was able to purchase 370 acres for £300 from William Hughes. This was before the settlement of Sarah Brockinton's estate, so it is evidence of James' personal prosperity. The location of the purchase was farther down on the Black River, near Bohicket Creek, probably later part of Oatland plantation. Coincidentally, the first owner was Landgrave John Bayley, whose attorney sold 200 acres to Meredith Hughes in 1727. This tract does not pertain to the Black River Cypress Preserve except for the fact that it indicates James Hepburn's prosperity.³²

Hepburn had an unusually long life for the eighteenth century. He would have had to be at least twenty-one to own land in 1730, and his death is recorded in 1807. If he were the same James Hepburn who purchased the property in 1730, he would have been nearly a hundred years old. This was not impossible, but it would have been highly unusual. The settlement of his estate was recorded by David McClary, Ordinary of Williamsburg County.³³

Since Hepburn did not leave a will, McClary appointed Thomas Lane administrator of the estate. Lane was a neighbor. Thomas Potts, Stephen Miller, and Thomas Green were appraisers.

³¹Roy Talbert, Jr., and Meggan A. Farish, *The Antipedo Baptists of Georgetown County, South Carolina, 1710-2010* (Columbia: University of South Carolina, 2015), 19-23. There is an official historic marker, "1726 Dissenter Meeting House and Cemetery." GPS 33° 28.875' N; 79° 26.904' W. From Hwy 521 N turn R on Indian Hut Road; 5.5 mi. to stop sign, bear left 1.2 miles on Pump House Landing Road.

³²Deed Abstracts, Vol. III, p. 309. See also: Suzanne Linder and Marta Thacker, *Historical Atlas of the Rice Plantations of Georgetown County and the Santee River* (Columbia: South Carolina Archives, 2000), 526; map 398.

³³Williamsburg County, Court of Ordinary, Estate Record Book, 1806-1821, and Probate Records, Packet 19, Apartment 14; microfilm, South Carolina Archives. Hereinafter cited as James Hepburn Estate Papers. The "Ordinary" was the equivalent of the Probate Judge.

On August 22, 1807, they recorded the following:

Wearing Apparel.....	25
Library.....	4.25
Household Furniture.....	182.00
Kitchen Furniture.....	20.00
Plantation Tools.....	50.25
Livestock.....	201.00
Fire arms and ammunition...	16.00

Negro Woman Phebe	\$300
Do. [ditto] Peggy	300
Do. Sarah	350
Do. Delia	400
Do. Bess	300
Boy Cosam	300
Do. Ben	500
Do. London	500
Do. Carolina	500

Total	\$3999.10 ³⁴
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On September 4, 1807, Thomas Lane sent a petition to the Ordinary which sheds light on the details of the estate:

That whereas all the children of the said James Hepburn dec'd are minors and without a parent to live with or take care of them, and as there is no school in the neighborhood where the deceased lived, they will have to be boarded out to receive their education – that all the negroes of said estate are hired out the present year, and that he [Thomas Lane] intends hiring them out yearly untill the said children arrive at age – that the income hitherto on the plantation of the said deceased has been so small, he is induced to leave it waste hereafter – that nothing now remains on the said plantation but the stock of horses, cattle, & hogs – and sunary other articles of perishable property, & that he conceives it would be more for the benefit of said children to dispose of the property so remaining on the plantation and the money arising therefrom, to be put at interest – He, therefore, prays your Honor to grant him permission to dispose of at public sale, on a credit of twelve months, the whole of the stock of horses, cattle, & hogs – and the household & kitchen furniture, the plantation & carpenters tools, library, & fine arms, belonging to the estate aforesaid – the purchaser giving bond bearing

³⁴James Hepburn inherited a man named Cosam from Sarah Brockinton in 1760.

interest from the day of sale with approved security – and your Petitioner will ever pray –

Thomas Lane
Administrator

There follows a yearly accounting of income principally from hire of slaves and interest on delayed payments. In 1816, there was an interim appraisal, possibly because James Lane replaced Thomas Lane as administrator. Eleven slaves, rather than ten, were listed. Bess was absent, and two girls Sarah and Rebeccah were added. The accounts were closed out March 23, 1818, leaving a value of \$5998.05 ½ in cash. Closing the estate would indicate that the children had come of age. There is no record of sale of the slaves available . The lack of a record of division of assets raises questions. The executors kept careful records of income to the estate. Usually there would be a record of amounts paid out for care and education of the children. There should also be a record of division of the estate when all the children came of age.³⁵

Coming of age by 1818 would indicate that the children were born in the 1790s. The first census, conducted in 1790, indicated that James Hepburn's household consisted of one free white male over sixteen (himself), one under sixteen, one free white female (no age given), and eleven slaves. Until 1850, only the names of heads of households were given. Considering that he was of age to purchase land in 1730, Hepburn would have been in his eighties in the last decade of the century. He is not listed in the census of 1800 either in Williamsburg or Georgetown County.

The mystery is, who were the minor children mentioned in Hepburn's estate papers, and why was there no record of providing for them? It was very unusual to name the slaves and not give the names of the children. It appears that there may have been an attempt at secrecy.³⁶

James Hepburn would have been too old to serve in the army in the Revolution. However, his neighbors were very much involved on the patriot side. Francis Marion, who led

³⁵James Hepburn estate papers, Estate Record Book, 1806-1821, 28-29; Williamsburg County Probate Records, 1807-1818, Apartment 14, Packet 19, South Carolina Archives.

³⁶The author has read hundreds of estate papers over a career of more than thirty years and has never seen the slaves named and the heirs not named.

the Black River patriots, kept careful records of those who contributed supplies to the patriot cause. John Brockinton, a relative of Hepburn's wife Elizabeth, was vilified and punished for joining the Loyalists and fighting for the British. Is it possible that James Hepburn had a son and namesake who also joined the British? It would have been politically and socially advisable to keep that a secret.

James Hepburn (1752 ?- January 1798)

The *Dictionary of North Carolina Biography* offers a comprehensive sketch of the life of James Hepburn, "Loyalist, merchant, attorney, politician, and planter."³⁷ His birthplace is given as Scotland, but since the year and circumstances of his immigration to America are unknown, that assumption is open to question. He was a well-educated, personable young man who came of age during the very unsettled times of the American Revolution. Yet wherever fate led him, he seemed to find success.

Before the Revolution, Hepburn settled in Campbeltton (later Fayetteville), North Carolina, a thriving entrepot on the Cape Fear River where many Scots chose to live. He began his career as a clerk for the firm of Alston, Young, and Company, merchants trading extensively in Virginia and North Carolina. Next, he formed a partnership with Joseph Montfort, treasurer of the northern district of North Carolina, and Robert Nelson, merchant, for trading on the Cape Fear River. The venture was unsuccessful and the firm dissolved, but Hepburn had attained a certain local prominence, and he was appointed Justice of the Peace for Cumberland County in 1774. He was also licensed as an attorney and qualified in the courts of Cumberland, New Hanover, and Halifax counties.

By 1775, hostilities between the American Patriots and the British were intensifying. Hepburn flirted briefly with the Patriot cause, but when preparations for a battle ensued, he became secretary to Donald MacDonald, commander of the Loyalist forces. Hepburn participated in the Battle of Moore's Creek Bridge in February 1776, was captured by the Patriots

³⁷Robert J. Cain, "James Hepburn," *Dictionary of North Carolina Biography* (Chapel Hill: University of North Carolina, 6 vols., 1979-1996), III, 118 ff.. Hereinafter cited as DNCB.

and imprisoned successively at Halifax, Charlotte, Salisbury, and again at Halifax.³⁸

It is possible that Hepburn may have been part of a prisoner exchange. By June 1780, shortly after the British captured Charleston, he was a public notary and attorney there, and in 1782, he resided at 95 Church Street.³⁹ When the war ended, the British evacuated a large number of Loyalists to St. Augustine where Hepburn again rose to prominence as proctor of the court of vice-admiralty, attorney general, and member of the council of the province.

In 1784, Hepburn along with many southern Loyalists migrated to the Bahamas, another British colony. He became president of the Board of American Loyalists, a dissident group who demanded land and privileges as recompense for their service to the crown. The assembly expelled him and four of his supporters after which he retired to his cotton plantation. He married Mary Sophia McKenzie, and they were the parents of Eliza and John. James Hepburn died in 1798.⁴⁰

An intriguing notice appeared in the *Georgetown Gazette* of October 23, 1799, “Married in Charleston, on Tuesday evening, the 15th instant, by the Rev. Mr. Jenkins, Moses Glover, Esq., to Mrs. Hepburn, widow of James Hepburn, Esq., late of the town of Nassau, New Providence.” Glover was from a well respected affluent family, and he inherited a plantation on Sampit River from his father. He was elected to the state legislature in 1791 but resigned to become sheriff of Georgetown County. He again served in the legislature 1802-1804.⁴¹

The marriage settlement of Mary Sophia Hepburn and Moses Glover is on record in the

³⁸DNCB

³⁹John Tobler, Esq., *The Charlestown Directory* (Charlestown: R. Wells & Son, 1782), as cited in Ancestry.com. *U.K. and U.S. Directories, 1680-1830*, (Newcastle-upon-Tyne, England: Averro Publications, 1998). The house at 95 Church in 1782 does not survive.

⁴⁰Will of James Hepburn, Bahama Archives in the Georgia Historical Society, Savannah, Georgia. Bahama Wills, MF., Roll 4, x6002-04, 1790-1806. The will mentions Eliza Richardson and John Hepburn as children of Mary Sophia Hepburn.

⁴¹Brent Holcomb, *Marriage, Death, and Estate Notices from Georgetown, S.C. Newspapers 1791-1861* (Greenville, SC: Southern Historical Press, 1979), 10; *Biographical Directory of the House of Representatives*, IV, 236.

South Carolina Archives. At that time a married woman could not own property. Everything she owned became vested in her husband. The marriage settlement was a pre-nuptial agreement in which a woman's property was placed under the guardianship of trustees. The woman could spend the income, but it could not be used to pay the husband's debts. The property could only be sold with the approval of the trustees.

The marriage settlement of Mary Sophia Hepburn and Moses Glover was unusual in that the trustees were Alexander Taylor, Esquire, of Nassau, who was not present to sign the document, and Wilson Glover of South Carolina, planter and brother of Moses Glover. Usually trustees were relatives or attorneys of the bride.

The settlement mentions Negroes and other slaves and a plantation of 500 acres on the island of Saint Salvadore (later Cat Island) known as Fortunate Hill. Mary's property was to be free from the debts of Moses Glover but "subject to his exclusive interference and management during the joint lives of Moses and Mary." In case of death if there were no children, the slaves and land would become the property of the survivor. The settlement also provided that Moses Glover could sell or dispose of any or all of the slaves and land if Mary signed in the presence of two witnesses. Likewise, the trust could be revoked in the same way.⁴²

On November 20, 1800, Moses Glover petitioned the legislature of South Carolina for permission to import 120 slaves from the Bahamas. He explained that state law prohibited him from doing so and asked that a special act be passed to allow it. He avowed that the slaves would be utilized in his planting and not for the purpose of speculation. The petition was marked "agreed to."⁴³

On June 9, 1806, Judge Daniel Heyward approved a Deed of Separation for Mary Sophia Glover. No arguments were attached. The document stated that Moses and Mary Sophia Glover

⁴² Marriage Settlement, 1799, 368-370. The author has read hundreds of marriage settlements and has never seen one so unfavorable to the wife. The document ignored the fact that she had a married daughter, Eliza Hepburn Richardson and a teen-aged son, John Hepburn. There is no evidence to indicate that they came to America. They were mentioned in their father's will. (See note 40.)

⁴³Petitions to the General Assembly, S1655015, 1800-149-01, South Carolina Archives.

would separate and he agreed that she could live where she wished as if she were a femme sole. Possessions such as china, silver, a silver epergne, a carriage, and slaves whether in South Carolina or Nassau were to belong to Mary Sophia. The 500-acre plantation known as Fortunate Hill on Cat Island was also to be her property.⁴⁴

Moses Glover was listed in the Census of 1810 as a resident of Williamsburg County with no family members and no slaves. In 1811, he paid \$24.99 in taxes, making him the fifth wealthiest person in the district. There were only fifty-three in the district who paid more than \$10. Glover died in 1811, and there are two tax listings for Moses Glover (Estates), one for eight cents and one for twelve cents. The question arises, what was Glover's connection to Williamsburg County? Was it perhaps through his estranged wife, Mary Sophia Hepburn Glover? Although they were legally separated, they were still technically married. Any connection between Mary Hepburn Glover and James Hepburn of Black River was circumstantial. However, if Mary had inherited property in Williamsburg County, it is possible that Glover would have been assessed taxes on her property. Given that the property of Loyalists had been confiscated in the 1780s, it may have been advantageous to keep secret her involvement with James Hepburn of Cat Island.⁴⁵

The Revolutionary War in the Black River Region

It was late in the war when the Williamsburg militia on upper Black River became engaged in the Revolution in a major way, yet they played a pivotal role. They held a meeting in the churchyard of the Williamsburg Presbyterian Church and voted to take up arms. In need of leadership, they sent word to General Horatio Gates requesting an experienced Continental officer to take command. As events played out a truly great officer became available.

⁴⁴Miscellaneous Records, UUU, 510-518. Deed of Separation, Mary Sophia Glover and Thomas Foster, trustee, John Laurens North and Glen Drayton, witnesses. South Carolina Archives.

⁴⁵Williamsburg District Registry, Court of Common Pleas, Book B, as cited in Boddie, *History of Williamsburg*, 199, 201, 205.

The British captured Charleston in May, 1780, and took 5500 prisoners including the Second Regiment of which Francis Marion was an officer. Marion avoided capture because he was in the country recuperating from a broken ankle, occasioned by jumping from a second story window to avoid staying all night at a party where most of the guests were intoxicated. By July, he was able to ride. He gathered a small group of volunteers and went to North Carolina (near present-day Ramseur) to join General Gates. Marion's small group, all mounted, included some white, some black, and possibly Catawba Indian. They were not well-equipped or uniformed which provoked derision by Gates's soldiers who had to be restrained by their commanders. When Marion heard of the request of the Williamsburg militia, he volunteered for the position.

He joined the militia at Witherspoon's ferry on Lynches River near present day Johnsonville, South Carolina about August 17, 1780. Many of the troops had known Marion or had served with him earlier in the war, and they welcomed him with enthusiasm. Major John James of the militia had served with Marion, and Captain Henry Mouzon of Williamsburg was a cousin and fast friend.⁴⁶

Major James's teenage son, William Dobein James described Marion when they met: "He was rather below the middle stature of men, lean and swarthy. His body was well set, but his knees and ankles were badly formed; and he still limped upon one leg. He had a countenance remarkably steady; his nose was aquiline; his chin projecting; his forehead was large and high, and his eyes black and piercing." Despite his handicaps and his forty-eight years, he was still capable of enduring fatigue and every necessary privation. He wore a close fitting crimson jacket of coarse material and a leather cap (part of the uniform of the Second Regiment) with a silver crescent in front, inscribed, "Liberty or Death." The stalwart Black River men were not concerned about fancy uniforms or perceived handicaps. Courage and integrity far outshone

⁴⁶John Oller, *The Swamp Fox: How Francis Marion Saved the American Revolution* (New York: Da Capo Press, 2016), 4 - 6; Robert D. Bass, *Swamp Fox: The Life and Campaigns of General Francis Marion* (n.p.: Henry Holt and Company, 1959; rpt., Orangeburg, SC: The Sandlapper Store, 1974), 40.

surface appearances.⁴⁷

They soon got the bad news that General Gates had suffered a crushing defeat at Camden on August 15 and 16. Two days later British officer Banastre Tarleton and his Legion smashed militia General Thomas Sumter and his partisans at Fishing Creek in Chester County. Charleston was in the hands of the British, and the civil government of the province was no longer in operation.

At this point, Francis Marion and his Brigade were left alone in South Carolina to resist the opposition. Marion had fought the Cherokee in the French and Indian War and had learned something about the Indian style of warfare based on ambush and hit and run tactics. He developed a guerrilla style of striking hard and fast and then melting back into the swamp. Set apart from the hierarchy and restraints of the Continental Army, he could have resorted to the level of barbarism practiced by others at that time, but he never did. He refused to burn private homes or to torture prisoners. His friend and fellow officer, Peter Horry said, “He not only prevented all cruelty, in his own presence, but strictly forbade it in his absence.”⁴⁸

His fairness, expertise, and complete integrity earned him the loyalty of his troops. He endured all the hardships that they did. He became a folk hero who has been compared to Robin Hood, the English outlaw who took from the rich to help the poor. One of the most familiar stories in the Marion legend involved a British soldier who came from Georgetown to negotiate a prisoner exchange. Marion offered him the same dinner his men enjoyed – roasted sweet potato on a piece of bark. The amazed visitor remarked that surely this was not the usual fare. Marion replied that indeed it was, and they were fortunate when serving a guest to have more than the usual amount. The story goes that when the soldier got back to Georgetown he resigned his commission and declared that the British had no chance of defeating men of such endurance and sacrifice.

⁴⁷William Dobein James, *Swamp Fox: A Sketch of the Life of Brig. Gen. Francis Marion* (1821; rpt. Lexington, KY: Feather Trail Press, 2017), 26. Author’s note: The crescent appears on the South Carolina flag.

⁴⁸Oller, *Swamp Fox*, 17.

Marion's drink of choice was water with a little vinegar, the drink of the Roman Legions. Of course the germ theory of disease was unknown at that time, but the effect of the vinegar was to kill germs. Food poisoning and dysentery were rampant in most military camps in the eighteenth century, but it is possible that the vinegar helped to keep Marion healthy.⁴⁹

In January of 1781, Lieutenant Colonel Henry Lee of Virginia brought his Legion to join Marion in South Carolina. They worked together remarkably well in one of the most successful collaborations of Continentals and militia men in the war. In his memoirs, Lee praised Marion highly: "Beloved by his friends and respected by his enemies, he exhibited a luminous example of the beneficial effects to be produced by an individual who, with only small means at his command, possesses a virtuous heart, a strong head, and a mind directed to the common good."⁵⁰

As successful guerrilla fighters have learned through the years, it pays to stay on good terms with the local inhabitants. Marion never arbitrarily confiscated supplies. If he could not pay he gave a receipt which the donor could submit for payment after the war, and some did so. The South Carolina legislature passed a bill to exempt from law suits a list of officers who had received supplies, sometimes by force. Marion, who had been elected to the legislature after the war, rose from his seat and asked that his name be removed from the list. He declared, "If I have wronged any man I am willing to make him restitution. If in a single instance in the course of my command I have done that which I cannot fully justify, justice requires that I should suffer for it."⁵¹

South Carolina between the Santee on the south and the Pee Dee on the north with its tributaries Lynches River and Black River provided the setting for most of Francis Marion's activities from 1780 to 1782. The Black River Cypress Preserve is located squarely in this region. The importance of Marion's defense of this large area was duly noted by General Nathanael Greene, Continental Army commander in the south. Greene wrote to Marion:

⁴⁹Oller, 106.

⁵⁰Oller, 114-115; Henry Lee, *Memoirs of the War in the Southern Department of the United States* (New York: University Publishing Company, 1869),

⁵¹ Bass, *Swamp Fox*, 240-241.

History affords no instance wherein an officer has kept possession of a Country under so many disadvantages as you have. Surrounded on every side with a superior force, hunted from every quarter with veteran troops, you have found means to elude all their attempts, and to keep alive the expiring hopes of an oppressed militia, when all succour seemed to be cut off. To fight the enemy with prospect of victory is nothing; but to fight with intrepidity under the constant impression of a defeat, and inspire irregular troops to do it, is a talent peculiar to yourself.⁵²

John Oller, historian and author of the most recent (2016) and well-researched biography of Marion holds the experience and credentials to say that unlike so many heroes with feet of clay, Francis Marion holds up to scrutiny. “The more one learns about him, the more he inspires admiration....As the sign at his gravesite says, the legend may obscure the Swamp Fox, but the reality of what he did has never dimmed.”⁵³

So – what does Francis Marion have to do with the Black River Cypress Preserve? He was called to lead the men of the Black River region in an endeavor which seemed impossible. Rather than focusing on overwhelming odds, Marion developed a guerrilla style of hit and run warfare that inflicted small losses on the enemy that all together created a large drain on British morale and resources.⁵⁴

Marion’s field of operations as a whole was much like the topography of the Preserve. Visitors to the park can envision what it was like to ride horseback through the woods, sometimes in the dark. They can imagine how uncomfortable camping out in a swamp to avoid adversaries might be and how a leader might inspire volunteers to risk their lives in such circumstances. Seeing the Black River is actually visiting the setting of Francis Marion’s campaigns.

⁵²Dennis M. Conrad, ed., *The Papers of General Nathanael Greene* (Chapel Hill: University of North Carolina Press, 1995), VIII, 144-145, Nathanael Greene to Francis Marion, April 24, 1781.

⁵³Oller, 247.

⁵⁴Oller, 9.

Black River Preserve in the Early Nineteenth Century

Prior to 1785, most legal documents were recorded in Charleston. After that date, local documents such as deeds, wills, and estate papers were recorded in the judicial districts which did not always coincide with counties. Williamsburg County was part of the Georgetown Judicial District until 1804 when legal documents began to be recorded locally. Georgetown County documents between 1785 and 1865 were lost during the Civil War. This makes it very difficult to trace land records during that period. Fortunately, some Williamsburg documents after 1804 survive.⁵⁵

After the Revolution, the state of South Carolina took over ownership of unclaimed land and began issuing grants. These state grants were recorded in Columbia, and many of the original plats survive. The next record of the land owned by James Hepburn is a plat issued to Henry Clark Durant and Thomas Hughs Potts King. It is 1000 acres bordered by the county line, the estate of Gilbert Johnson, the Black River, Big Dam Swamp, and Zachariah Martin.⁵⁶ The surveyor of the plat was Thomas S. King.⁵⁷

The federal census records for 1810, 1820, and 1830 list only one Henry Durant in South Carolina. He was a resident of Horry County, who served in the state legislature. Thomas Hughs Potts King is not listed in 1830, but Thomas S. King is listed in Williamsburg County.⁵⁸

A study of the probate records and deed records of Williamsburg County indicates that there was a Henry Clark Durant who was a stepson of Thomas S. King. Why Henry C. Durant did not appear in the census is unknown, but it could have been that he and his wife, Mary Steel

⁵⁵Michael Stauffer, *The Formation of Counties in South Carolina* (Columbia: South Carolina Department of Archives and History, 1994), 9-13.

⁵⁶South Carolina State Plats, February 9 1833, S213192, v. 50, p. 285. Zachariah Martin, 162 acres, May 24, 1797, S213190, v.34, p. 572.

⁵⁷South Carolina State Plats, February 9 1833, S213192, v. 50, p. 285. Zachariah Martin, 162 acres, May 24, 1797, S213190, v.34, p. 572.

⁵⁸1830 United States Federal Census, All Saints Parish, Horry County, South Carolina, Series: M19; Roll: 170; p.278; Williamsburg County, p. 241. See also: N. Louise Bailey Mary L. Morgan, and Carolyn R. Taylor, *Biographical Directory of the South Carolina Senate 1776-1985* (Columbia: University of South Carolina Press, 1986), 444.

Durant, were living with family. Until 1850, only the name of the head of household was given in the census. Thomas Steel appeared in the 1830 census in Williamsburg County with 11 white persons and 32 slaves in his household. In 1839, Thomas Steele,(name spelled differently in various documents) Williamsburg planter, bequeathed a tract of land on White's Bay to his son-in-law, Henry C. Durant, and a share of his (then) 31 slaves to his daughter Mary Durant. Thomas L [possibly S?]. King witnessed the probate of Steele's will. The will also mentions, among others, a son of Thomas Steel, John J. Steel.⁵⁹

Henry C. Durant's relationship to King is documented in a deed from Rebeckah Potts, Stephen Miller, and John Potts, heirs of Thomas H. Potts of Chester District, for two plantations in Williamsburg, one of 500 acres and one of 400 acres, sold to Durant for \$1000. The 500 acre tract on Birch Creek was designated as a home for Thomas S. King and his wife Maria King. It bordered the 400 acre tract.⁶⁰ In another deed, Henry Durant made a legal gift of two slaves, Harriet and another unnamed, "for love and affection I bear to my mother Maria King." Thomas S. King and William Johnston witnessed this deed April 5, 1834.⁶¹

Judging by his land purchases, Durant prospered in the 1820s. The cotton gin was in general use by that time, and on topographical maps the small creek that runs through Durant's land is called "Gin Branch." Georgetown District farmers also experimented with tobacco production. It was a heavy type, somewhat like burley, which was cured in the sun. The average price was seven cents per pound, but in 1823, it sold for forty cents. In addition, a sawmill was established in Kingstree in 1820, which offered another means of profit.⁶²

This foreshadowed an important change, for after the Civil War, forest products would dominate the economy of the Black River region. Historian George Rogers declared, "The

⁵⁹ Elaine Eaddy, *Williamsburg County Probate Records, 1806-ca.1900 and Notes from Other Miscellaneous Sources* (Hemingway, SC: Three Rivers Historical Society, n.d.), 165-166. Will of Thomas Steele, proved April 29, 1839, packet 11 in apartment 27.

⁶⁰Elaine Eaddy, *Williamsburg County, S. C. , Abstracts of Deed Books C and D* (Hemingway, SC: D. Lawrence Eaddy, 1982), Book C, 386, April 6, 1829.

⁶¹Eaddy, Deed Book D, 356-357, April 5, 1834.

⁶²Boddie, *History of Williamsburg*, 250-251; Rogers, *History of Georgetown*, 166.

twentieth century in Georgetown County has belonged to wood products as the nineteenth century had belonged to rice.”⁶³ The land owned by Durant and King would be well suited to take advantage of the trend.

Forest Products Gain Importance

The next available deed which references the tract in question is a sale from L. J. Steele to Richard H. Kellahan for \$250 on October 1, 1883. There was no listing for L. J. Steele as “grantee” purchasing the land, so it may have passed by will or the deed may have been before the Civil War and was therefore destroyed. The fact that Henry Durant was married to Mary Steel(e) lends credence to the assumption that the property passed by will. Notary J. J. Steele, Jr., signed the deed from L. J. Steele in 1883. It specified that 1000 acres was granted to H. C. Durant and Thomas H. P. King in 1834, excepting 200 acres sold to W. F. Small on the northeast side and eight acres near the Baptist Church and land of R. H. Kellahan. On April 4, 1874, Kellahan had purchased 150 acres from Hugh McArn, located on County Line Road from Whitman’s [previously Potatoe] Ferry on Black River to the public road from Georgetown to Kingstree. Kellahan purchased 261 acres on Big Dam Swamp from John Long on August 17, 1874, bordering north on the run of Big Dam Swamp, east on Harry Cumbee, south the estate of Gilbert Johnson, and west on Mrs. Pipkin (granted to D. J. Pipkin, December 15, 1824).⁶⁴

William Willis Boddie, writing the *History of Williamsburg* in 1923, noted that soon after the Northeastern Railway was completed in 1856 from Charleston through Kingstree and northward, there came from North Carolina “a multitude of turpentine workers and distillers who began to develop the lumber and naval stores industries.” According to Boddie, Richard Kellahan arrived in Kingstree “without a dollar in the world.” A local lawyer, M. J. Hirsch, saw his potential and “grub-staked him for three days. Mr. Kellahan went into the woods and chipped

⁶³Rogers, 498.

⁶⁴Georgetown County Deeds, Book H, 601-601; Book E, 161; 213, South Carolina Archives.

turpentine trees until he became a millionaire.”⁶⁵

Kellahan’s purchases from Steele, McArn, and Long gave him about 1000 acres from which to harvest naval stores and lumber with access to Black River at the ferry landing. He could transport his products by water to Georgetown or a short distance upriver to Kingstree to intersect with the railroad.⁶⁶ In addition, the F. Rhem and Sons Company operated steamboats from Black Mingo to intersect with Black River near Brown’s Ferry.⁶⁷ The industrial schedule of the 1880 federal census indicates that he owned a sawmill which had operated four months in 1879. The Black River Cypress Preserve tract was probably a significant influence in the development of Kellahan’s career. Before the first bank opened in Kingstree in 1901, Kellahan was able to offer personal loans to fill the need. He was elected to the state legislature in 1908, 1912, and 1914, and also served as Mayor of Kingstree.⁶⁸

Kellahan utilized the property for about ten years and sold to Hardeth Harvey Ivey on November 13, 1893 for \$2000. At that point the property consisted of 1276 acres, 293 acres in Williamsburg County and 983 acres in Georgetown County.⁶⁹ Ivey was a farmer, but he had been appointed postmaster of Corey in Williamsburg County in 1892. He and his wife Rhoda lived in “Mingo,” probably Mingo Township. Hardeth Ivey died December 10, 1899, and was buried in the Ivey family cemetery in or near Andrews, South Carolina.⁷⁰

The heirs of H. H. Ivey: Rhoda Ivey, Minnie Smith, William D. Ivey, Mortie Fulton, and Ada Johnson, sold the same property to James W. Morris for \$6000 on December 13, 1909. It

⁶⁵ Boddie, *History of Williamsburg*, 327.

⁶⁶The Northeastern Railroad was built from Charleston northward through Kingstree and caused a shift in some trade from Georgetown to Charleston. See Boddie, 323-325.

⁶⁷F. Rhem and Sons Company Records (#469), East Carolina Manuscript Collection, J. Y. Joyne Library, East Carolina University, Greenville, North Carolina. See appendix.

⁶⁸Boddie, 327, 463, 496, 525; Ancestry.com, US Selected Federal Census, non-Population Schedules, Industrial, 1880, Lumber Mills and Saw Mills.

⁶⁹Georgetown County, SC, Deeds, O:428.

⁷⁰1880 U. S. Federal Census, South Carolina, Roll: 1243, p. 1600; South Carolina Death Records, 1821-1865, South Carolina Archives.

was bounded north by R. H. Kellahan and Mill Branch; east by R. H. Kellahan and Thomas Ethridge, known as the “War Tract;” South by lands of estate of J. C. Ethridge and estate of Fulton; and West by Black River.⁷¹

James (Jim) Morris was listed in the 1910 census as living in Effingham, Florence County, South Carolina, with his wife Ella and children Maud (19), and Jule (13). He owned his farm. After purchasing the Black River tract, the family moved to Georgetown County to a home on Pea House Ferry Road. Later plats indicate that this was an alternate name for Big Dam Swamp Road. The Census of 1920 listed Morris as a general farmer and employer.⁷²

James Morris sold the 983 acres in Georgetown County to M. B. Mansen on January 15, 1918, for \$6830. Morris took a mortgage on the property, and apparently Mansen could not keep up the payments. Mansen sold the property to Walter Andrews (for whom the town of Andrews was named) and John H. White for \$9000 with the stipulation that they would assume the mortgage to Morris for \$6825. Andrews then sold his half to White April 3, 1920.⁷³ White took on another mortgage with Atlantic Life Insurance Company.⁷⁴ The Bank of Andrews was ordered to liquidate, and in 1925 John White sold the property to W. W. Bradley, State Bank Examiner as receiver for the Bank of Andrews. In 1922, C. M. Baldwin had conducted a survey of the property and found it to contain 1177 acres. In the final analysis, the bank returned the land to James W. Morris in 1928.⁷⁵

⁷¹Georgetown County Deeds, C-1:89.

⁷²1910 U. S. Federal Census, South Carolina, Roll: T624_1457; p. 12A; 1920 Census, Roll T625_1696, p.18A. Unfortunately the census does not say what his employees did, but it was probably general farm labor or forestry. Maud was possibly a sister, and Jule was a boy, Julian.

⁷³Georgetown County Deeds, Morris to Mansen: N-1, 289; Mansen to Andrews and White: Q1, 36; Andrews to White: P-1, 243.

⁷⁴Georgetown County Mortgage Book H, p. 410; Plat Book B, p. 123.

⁷⁵Georgetown Deeds, White to W. W. Bradley, State Bank Examiner as Receiver for Bank of Andrews, E-2, p. 15; White to Atlantic Life Insurance Company, Mortgage Book H, p. 410; 1177 acre plat by C. M. Baldwin, Georgetown Plat Book D, p. 123; (some technical transactions omitted), H. S. Parsons, Receiver of Bank of Andrews to J. W. Morris, Deed Book G-2, p. 195.

Meanwhile, the principals involved in the above transactions were busy founding the Andrews Bank and Trust Company which was chartered December 18, 1924, and opened for business in January 1925. The bank was based on the investments of fourteen stockholders including John H. White, James W. Morris, the W. H. Andrews Company and the wife of the company proprietor, Mrs. Walter H. Andrews. She was the former Mayde Matheson, daughter of wealthy entrepreneur of Marlboro County, Alexander Matheson. As a substantial stockholder, Mrs. Andrews was elected the first president of the bank.

In its early days the bank accepted pigs, cows, cotton and tobacco crops as well as automobiles as collateral. It was a close association between officials, stockholders, and depositors. During the Great Depression, the “bank men” went up and down Main Street asking depositors not to write checks for thirty days while the bank stabilized. The ploy worked, and the bank survived the depression and later established branches in Georgetown and Pawley’s Island.⁷⁶

James Morris still owned his Black River property in 1930 when he and his wife Ella were living in Mingo Township of Williamsburg County. He listed his street as Warsaw and Andrews. A village called “Morrisville” is located in Mingo on the road to Warsaw and Andrews.⁷⁷

On March 16, 1940, Morris sold 872 acres to Dolphin Dunnaha Overton, trading under the name of the Overton Manufacturing Company. The land was bordered on the west by “County Line Road which divides Georgetown County from Williamsburg County and other lands of J. W Morris which this tract was originally a part of.”⁷⁸

According to Dolphin Overton IV, his grandfather Dolphin Overton Jr. owned quite a bit of timber property in the Andrews area over the years. “He was a sawmiller by trade and manufactured tobacco containers called hogsheads also.” He was an avid outdoorsman and would have hunted on the property. “He had a cabin on the Black River and would fish there

⁷⁶“They Made It Happen! History–Humility & Humor Mark the Origin of Andrews Bank & Trust Co.,” *The Georgetown Times*, May 11, 1972.

⁷⁷Federal Census of 1930, Mingo, Williamsburg County, South Carolina, T626.

⁷⁸Georgetown Deeds, D-3, p. 156; Plat Book E, p. 114.

quite a bit I was told.”⁷⁹

The Overton Manufacturing Company produced tobacco hogshead materials and shipped to the tobacco growing states of the southeast as well as Canada. A hogshead was a large barrel, forty-seven inches in diameter, top and bottom, and forty-eight inches in height. The moisture content of the materials was very important to insure a tight package and prevent mold. Writing in 1949, reporter Tim Andrews described the capacity of the operation:

Covering some fifteen acres, the plant has a capacity of 3000 circled head, 80,000 feet of jointed staves, and 10,000 cross pieces per day, employing as many as 150 workers at the peak of its operations. All machinery is individually motorized, including sawmill and lumber transfer cars, and the plant operates two of the latest type Moore Cross Circulating Dry Kilns....One of the most interesting phases of the Overton enterprise is the beautiful modern airport, Overton Field maintained about two miles from Andrews on Highway 511.⁸⁰

Manufacturing on that scale required large amounts of lumber. Dolphin Overton cruised timber from the air in an Aeronca C3. He taught his son to fly, and Dolphin Overton III was flying solo at age 16. He left the Citadel to serve in the Navy in the closing years of World War II and afterwards graduated from the United States Military Academy at West Point in 1949. He joined the newly formed United States Air Force and went on to become a famous flying ace in the Korean War. The story of his amazing service has become legendary. His son Dolphin Overton IV served as a Navy pilot in the Gulf War time frame, flying an A6 Intruder.⁸¹

Dolphin Overton Jr. sold the Black River tract in 1951 to Malcolm Lee McLeod and Wilson W. Smith, general partners under the name of McLeod and Smith. Several of their children were listed on the deed. McLeod had large holdings of timber properties. At one time or another he or his company owned twenty-two former rice plantations in what would later be

⁷⁹Dolphin Overton IV to Suzanne Hurley, December 3, 2018. Mr. Overton is not sure where the cabin was located.

⁸⁰Tim Andrews, “Palmetto Uniquities: Overton Manufacturing Company,” *South Carolina Magazine* (April 1949).

⁸¹http://military.wikia.com/wiki/Dolphin_D._Overton, Web. Accessed December 4, 2018. “Article incorporates public domain material from websites or documents of the United States Army Center of Military History.”

termed the ACE Basin - formed by the Ashepoo, Combahee, and Edisto Rivers between Charleston and Savannah. Although large-scale rice planting had disappeared by the 1950s, McLeod harvested about 11,000 bushels of rice in 1951. This was an interesting experiment, but his primary business concern was timber. McLeod did not keep the Black River property long. He sold out to his partners Wilson W. Smith and family in March 1952.⁸²

In 1959, the Smiths sold to Allston D. Calhoun a total of 1047.5 acres “more or less.” In addition to the Overton tract of 872 (?) acres, Wilson Smith had bought 105.5 acres from B. F. Fulton, and 2.25 acres from Bertie Watford and sold 24 acres to Albert Tilton.⁸³

Allston Calhoun was a native of Greenwood, South Carolina. He attended Davidson College and graduated from the United States Naval Academy in 1924. He sold the Black River property to Canal Wood Corporation on July 13, 1964.⁸⁴

Canal Wood was established in 1937 by E. Craig Wall, Sr., and R. H. Gibson. Located in Conway, South Carolina, its main purpose was to supply pulpwood to the newly-formed International Paper pulpwood mill located in Georgetown. The Canal Wood web site states that “By the year 2000, Canal Wood was specializing in raw wood fiber procurement and reforestation services in eleven states across the Southeast, servicing over 400 manufacturing facilities annually.” Canal Wood kept the Black River tract only a few months and sold to W. J. Carter, Richard M. White, and S. Itly Wilson on December 31, 1964.⁸⁵

The executors of the estate of S. Itly Wilson, along with W. J. Carter, and Richard M.

⁸²Georgetown Deeds, Overton to McLeod and Smith, Y-3, p.290; Deed from McLeod to Smith, Book Y-3, p. 465. Suzanne C. Linder, *Historical Atlas of the Rice Plantations of the ACE River Basin – 1860* (Columbia: South Carolina Archives, 1995), 479-480. To arrive at the number of 22 plantations, the author counted the listed properties in the deeds. It is approximate, but gives an idea of the extent of McLeod’s holdings.

⁸³The numbers do not exactly add up, but the deed from Overton to McLeod and Smith noted that the tract was said to contain 917 acres, but a plat of 1940 found 872 acres. Purchase from Fulton, Book 24, p. 393; from Watford, Book 5, p. 112.

⁸⁴U. S School Yearbooks, 1900-1990 [database online], Provo, UT: Ancestry.com.; Georgetown Deeds, Book 61, p. 51.

⁸⁵ <http://www.canalwood.com/>; Georgetown Deeds, Book 63, p.267; Plat Book R, p.9.

White sold to Drayton B. Floyd on April 6, 1973 for \$155,000. On September 12, 1974, Floyd sold the land to South Carolina Department of Parks, Recreation, and Tourism for \$338,350.⁸⁶

The next owner would be International Paper Company. Founded in 1898, the company is now (2018) the world's premier manufacturer of container board and corrugated packaging as well as uncoated paper for printing, absorbent materials, and other products. International Paper employs more than 50,000 people in twenty-four countries.⁸⁷

Georgetown County was suffering from the devastating economic effects of the depression of the 1930s when Warren T. White, industrial agent for the Seaboard Railroad, brought the Seaboard Company and the county to cooperate in founding a paper mill. The Seaboard Company had closed its shops in Andrews and gone into receivership. A new industry would be very beneficial to revitalizing the railroad. Construction began in October 1936 on a 525-acre site bordering the Sampit River. Historian George Rogers wrote, "The presence of the International Paper Company has transformed the county." By 1960, the company employed 2350 people out of a total county population in the 1960 census of 34,798. Its shipping helped to revitalize the port of Georgetown.⁸⁸

South Carolina Department of Parks, Recreation, and Tourism wanted to establish a park in Fairfield County in the Wateree River watershed. The project was called "New Horizons." International Paper owned 1316 acres in Fairfield County that PRT wanted for the park, so PRT purchased the 1048 acres on Black River and exchanged with International Paper for the Fairfield County tract with some additional land negotiated separately to account for the difference in acreage. The increase in price from \$155,000 to \$338,350, but the author is not aware of all the circumstances. Possibly the exchange brought about a tax advantage. It appears that the New Horizons project never reached fruition.⁸⁹

⁸⁶Georgetown Deeds, Book 63, p. 267; White, Carter, and estate of Wilson to Floyd, Book 112, p. 157; Floyd to PRT, Book 125, p. 116.

⁸⁷[Http://www.internationalpaper.com](http://www.internationalpaper.com), Web, December 10, 2018.

⁸⁸Rogers, *History of Georgetown County*, 503-505.

⁸⁹T. C. Hayden of International Paper Company to James B. Moore, Georgetown Attorney, January 31, 1975, files of Resource Management Service, Inc., Birmingham, Alabama.

International Paper (IP) wanted to own the Black River tract to support the wood flow to its Georgetown pulp mill, which was complemented by a sawmill on Sampit River (later sold to a Canadian company, Interfor). The tract was referred to by IP as the “John’s Lake Tract” because of the oxbow lake on the property, just off the main “run” of Black River. In their management of the tract, the company cut some of the hardwood on the southern portion of the tract that was not in the tidal swamp and allowed the forest to regenerate naturally. The tidal swamp did not lend itself to harvesting because any harvesting in this area would have been very limited and by primitive means because of the operational challenges of the site. Due to tidal influence, it would not support any mechanical operation. The pine acres on the tract were managed as a working forest with typical silvicultural treatments and harvesting practices.

In 2006, the executives of International Paper took steps to get out of timberland management. This involved the sale of approximately 5.1 million acres of forestlands for about \$6.1 billion. The largest purchaser by far was Resource Management Service, LLC (RMS), a global forestry-centered investment management company headquartered in Birmingham, Alabama. The 2006 sale was rumored to be the largest transaction in the United States since the Louisiana Purchase in 1803.⁹⁰

Resource Management Service created an investment vehicle named Red Mountain Timberland, LLC (RMT) to lead a consortium of buyers to participate in the huge transaction. The largest buyer in the consortium by far was RMT. The forest assets of RMT are managed by RMS on behalf of underlying investors such as pensions, endowments, and foundations. The portfolios are often designed to provide retirement benefits or to fund university endowment projects. The aim of RMS is to produce both cash flow and capital appreciation in order to generate the highest possible financial return for their investors by growing and selling timber

Courtesy of Alex Hinson, Executive Vice President for Investments. South Carolina Department of Parks, Recreation, and Tourism to International Paper Company, Georgetown Deeds, Book X, p. 290.

⁹⁰The rumor would be difficult to document, but could be true. The United States purchased about 828,000 square miles or 529,920,000 acres from France in 1803 for about \$15 million.

while also investing in the continuing productivity of the forest.⁹¹

While under the ownership of RMS, negotiations were initiated with The Nature Conservancy to explore the possibilities of a conservation easement on the hardwood acres. This was an alternative way to generate income from the asset, while preserving an ecologically rich area for wildlife and future generations. Beginning at the river and running to the high water mark, the easement permitted hunting and recreation, but excluded timber harvesting, new road construction, and drainage.⁹²

Gilbert Butler, an entrepreneur and philanthropist, purchased the Black River tract through his non-profit corporation, Open Space Land Trust, Inc., from Resource Management Service on December 15, 2015. ~~It is his intention to establish a park to be open to the public.~~

⁹¹Alex Hinson to Suzanne Hurley, May 9, 2018.

⁹²David Watford, RMS District Manager, to Chuck Harrell, Area Manager, May 3, 2018. Forwarded to Suzanne Hurley by Alex Hinson, RMS Vice President for Investments, May 9, 2018.

Appendix I

Potatoe⁹³ Ferry

The traditional location for Potatoe Ferry on the Black River has been at or near the point at which the river crosses from Georgetown County into Williamsburg County. Early maps indicate that possibly a previous location may have been farther down the river. The James Cook map of 1773 shows the ferry opposite Commander and down river from Potts.⁹⁴ The Henry Mouzon map of 1775 is very similar to the Cook map, but it shows a road leading from the Santee River, crossing the Black River at Potatoe Ferry. It also shows Potato Ferry as east or down-river from Big Dam Swamp (not labeled). The Stuart-Faden map of 1780 is almost identical to the Mouzon map. The question of location arises with the survey by William Hemingway for the Mills' Atlas of 1825. This map shows Potato Ferry at the traditional location near the county line.

The Witherspoon family came up the Black River by boat in 1735, disembarked at Potatoe Ferry, and spent several nights in Samuel Commander's barn. The Henry Mouzon map of 1775 shows "Commander" on the north side of Black River opposite Potatoe Ferry. Of course boundaries could have changed in the forty years that intervened between the Witherspoons' voyage up the river and the publishing of Mouzon's map. Henry Mouzon was a native of Williamsburg Township, and he also fought with Francis Marion whose men utilized Potato Ferry, so he would surely have known the location.⁹⁵

However, William P. Cumming, an authority on early maps, found that there were two Henry Mouzons who were first cousins. Captain Henry Mouzon Jr. of Kingstree is usually credited with producing the map, but Cumming found that his handwriting did not match that of the map maker. In addition, Henry Mouzon of St. Stephen's Parish owned surveyor's

⁹³The modern correct spelling is "potato," but 18th and 19th century documents use "Potatoe."

⁹⁴ Captain Thomas Potts appears on the northern border of James Hepburn's plat of 1796. Series 213190, Vol. 34, p. 571. Potts fought with Marion.

⁹⁵Bass, *Swamp Fox*, 62.

instruments. He died in 1777, and no plats signed by him appear after that time. Cumming says that the evidence is not conclusive, but is persuasive, indicating that Captain Henry Mouzon of Kingstree was not the mapmaker.⁹⁶

A careful perusal of the *Statutes at Large of South Carolina* and the *Journals of the Commons House of Assembly* gave no indication of where Potatoe Ferry was located prior to the Revolution. There was, however, another Potatoe Ferry located at Richard Woodberry's Landing on the Little Pee Dee River which should not be confused with the Black River ferry.⁹⁷

The question of location arises with the survey of Georgetown County by William Hemingway for the Mills' Atlas of 1825. This map shows Potatoe Ferry at the traditional location on the county line. It had probably been there for some time.

By 1795, Black River Potatoe Ferry was clearly located at the county line on a road from Lenud's Ferry on the Santee River to Potatoe Ferry on the Black and on to Britton's Ferry on the Pee Dee. After 1795, Potatoe Ferry regularly appears on the record.⁹⁸ In 1806 Potatoe Ferry was vested in William Rowell for a period of fourteen years. It was during this period that the famous Methodist bishop and circuit rider, Francis Asbury, mentioned crossing at Potatoe Ferry on January 1, 1810. Apparently Rowell did not continue for the full contract.⁹⁹ The ferry was vested in Thomas Skrine for a term of seven years in 1814. The legislature specified what the charges would be. A four-wheeled carriage would cost fifty cents; a carriage with two wheels, twenty-five cents; a man and horse, six and one quarter cents; a led horse, two cents; a foot passenger, two cents; every head of cattle, sheep goats, or hogs, two cents; and for every

⁹⁶William P. Cumming, *The Southeast in Early Maps*, Third Edition revised by Louis De Vorsey, Jr. (Chapel Hill: University of North Carolina Press, 1998), 33.

⁹⁷Thomas Cooper and David McCord, eds., *The Statutes at Large of South Carolina* (Columbia: 1836-1841), IX, 429.

⁹⁸*Statutes*, IX, 366.

⁹⁹Bodie, *History of Williamsburg*, 209-210; Elmer T. Clark, ed., *The Journal and Letters of Francis Asbury* (Nashville: Abingdon Press, 1958), II, 627.

hogshead of tobacco, twenty-five cents.¹⁰⁰

A resolution, signed John Graham, a loose paper with no date, appears in the records of the General Assembly of South Carolina. It states, “Resolved that the committee on roads ferrys & Bridges be required to enquire and report upon the expediency of chartering a certain ferry on Black river known as Potatoe ferry.” Graham served in the SC House 1822-23 and the Senate 1825-29. No further action on the resolution was found.¹⁰¹

¹⁰⁰*Statutes, IX, 477.*

¹⁰¹Resolutions of the General Assembly, S165018, Item 00138.