

Barclay Branches

Carolyn L. Barkley, FSA Scot

The following is a continuation of the reprinting of an article that was submitted for publication in the Broadside by clan member Weeden Nichols. It was written by Dr. Robert Humphreys, the husband of Weeden's first cousin, Glenda Gay Henderson Humphreys. Our thanks to Dr. Humphreys for his permission to do so. The article, begun in the Summer 2006 issue, is completed here. The footnote numbers, which continue from the first segment, have been adapted here to fit a serialized presentation, but include the same content and format as in the original.

Robert and Leah Barkley of Rowan County, North Carolina, Revisited

By Robert P. Humphreys, PhD

Continued from the *Barclay Broadside*, Summer 2006

Robert's initial land purchase in 1761 was not in the Jersey Settlement but some 20 miles south on Buffalo Creek. What drew Robert to purchase land on Buffalo creek when several of his associates had already bought land in the Jersey Settlement is not clear. However, other men he knew continued to purchase land in the Jersey Settlement (Table 1), and he may have been encouraged to purchase land in that area by his friendships.

Table 1—Robert Barkley Associates Who Purchase Land in Jersey Settlement

| Name | Reference | Witness(es) | Location |
|-----------------------|------------|--|---|
| James McCay | 4: 677-768 | James Smith; William Giles | On Swearing Creek near Jersey Meeting House ²³ |
| Andrew Smith | 5: 168 | Robert Rainey | In Tract #9 on Swearing Creek |
| John Davis | 5: 169 | James Smith | Tract #9 adjacent to Col. Hunt |
| Benjamin Merrell | 5: 170 | Robert Rainey; Alex. Ford; John Rainey | Tract #9 |
| Mrs. Benjamin Merrell | 5: 171 | Robert Rainey; Alex Ford | Tract #9 |
| Israel Cox | 5: 172 | Robert Rainey; Alex. Ford; John Rainey | Tract #9 |
| James Smith | 5: 174 | Robert Rainey; Alex. Ford; John Rainey | Tract #9 adjacent to Willis Ellis and John McGuire |

It was not until March 25, 1763 that Robert purchased land in the Jersey Settlement that became known as his Home Plantation. This land adjoined both John Davis and Israel Cox. As described in the previous section regarding his property ownership, Robert did not continually own this property, but he appears to have lived on it continually after its initial purchase. Given the long period of time between the purchases of land on Buffalo creek and in the Jersey Settlement, Robert probably moved his family from the Jersey Settlement to Buffalo Creek, and then moved them back when land was bought in Jersey Settlement.

Several of the men previously mentioned as associates of Robert Barkley in the Jersey Settlement were members of the Jersey Church. Even though a church building existed in the Jersey Settlement as early as 1755, the church

(Continued on page 10)

did not have a legal title to it until 20 years later. In 1775, James MaCay [sic], Esq., Benjamin Rounceville, and Herman Butner, Trustees of the United Congregation of the Jersey Meeting House, consisting of the professors of the Church of England, the Church of Scotland, and the Baptists, purchased from William Frohock²⁴ three acres and twenty poles of land that included the Meeting House and burying ground. The witnesses to the purchase, James Smith and Pete Hedrick, were most likely members of the church as well. The land was part of a tract devised by John Frohock to his brother William.²⁵

The Frohocks arrived in Rowan County in 1725 from Bucks County, Pennsylvania.²⁶ John Frohock was a surveyor for Henry Eustace McCulloh, and was probably the wealthiest and most influential person in Rowan County when he died in 1772.²⁷ Whether or not John achieved his wealth and influence through legitimate means is questionable. He had also been Clerk of Court, and his brother William was Deputy Sheriff of Rowan County²⁸ during the mid to late 1760s and early 1870s when corruption and extortion by sheriffs and court officials was common practice.²⁹ An example of these practices was a fee of fifteen dollars charged for a marriage license when the law allowed one dollar.³⁰

Failing to convince the assembly to provide relief from these practices in 1764-65, small farmers in Orange County formed an association called Regulators who pledged to pay only legal taxes and fees, and to abide by the will of the majority.³¹ However, Gov. William Tryon, the provincial council, and the courts were against them and they were still unable to obtain relief. Tensions between the two groups escalated until the Governor decided to teach the Regulators a lesson.³² He assembled a force of eleven hundred men with six cannons, and was camped on the banks of Alamance Creek in Orange County on May 14, 1771 to terrify the Regulators.³³

The news spread that Governor Tryon was coming, and by the evening of May 14th some two thousand Regulators were gathered five or six miles west of Tryon's camp. They had no commander, and less than half of them had guns.

On the morning of the 15th they sent one more plea for Tryon to respect their rights, and he promised a reply by noon the next day. Early the next morning Tryon moved his army within a half-mile of the Regulators and sent a message that they must lay down their arms, go home, and obey their King. The Regulators refused, but sent Robert Thompson to entreat with the Governor. As he returned to join the ranks of the patriots, Governor Tryon took a gun from one of his soldiers and killed Thompson. The battle that ensued only lasted two hours, and resulted in a rout of the poorly equipped and prepared Regulators.³⁴

Benjamin Merrill, who had been a Captain of the Rowan County Militia prior to the Regulator movement, was on his way to join the Regulators at Alamance with a company of over three hundred men when he intercepted Gen. H. Waddell and forced him to flee to Salisbury. After hearing of the Governor's victory, he disbanded his men and returned home.³⁵

Capt. Merrill was taken prisoner by Col. Fanning and brought to Tryon's Jersey Settlement camp on June 1, 1771 where he was put in chains and taken to Hillsborough for trial.³⁶ He was convicted of treason, and in passing sentence on him the Chief Justice concluded with the following words:

I must now close my afflicting duty, by pronouncing upon you the awful Sentence of the Law; which is that you Benjamin Merrill, be carried to the place from whence you came, that you be drawn from thence to the Place of Execution, where you are to be hanged by the neck; that you are to be cut down while yet alive, that your bowels be taken out and burnt before your face, that your head be cut off, your body divided into four quarters, and this be at your Majesty's disposal; and the Lord have Mercy on Your Soul.³⁷

The Regulator movement ended with the execution of Benjamin Merrill and six others at Hillsborough on June 19, 1771.³⁸ Prior to his execution, Merrill requested that some part of his estate be granted to his widow and children.³⁹ This petition was eventually granted and Jemima Smith Merrill and her children remained on Benjamin's land. She was reported to have been deeply depressed and blind.⁴⁰ She was remarried in February 1775 to Harmon Butner, a member of the Jersey Church, and lived about twenty-five [more] years.

Unfortunately the early Jersey Church records during the time that Robert and Leah Barkley may have established membership have been lost. However, Robert not only had friends who were members of the Jersey

Church, but his oldest son Samuel and his wife Mary Davis were also members. The minutes that were begun again in 1784 reflect that Samuel and Mary joined the Church "by experience."⁴¹

Perhaps it was fitting that Robert Barkley's heirs, Robert Jr. and Walter, sold his Home Plantation, his Weaver Davis Place, and land that he purchased from the State to Thomas Durham, the pastor of Jersey Baptist Church.⁴²

Robert Barkley's Revolutionary War Service

The common practice for community protection was to enlist young men when they reached the age of 16 and enroll them in a local militia or home guard. The first evidence I found of Robert Barkley serving in one of these units was in May 1759⁴³ when Capt. Jonathan Hunt led a group of men on "Scout." Robert was a private in this unit.

It appears that Robert continued to serve in these militia units with advances in responsibility and rank. His commission as a Captain appears to have been recorded in the Court of Pleas and Quarter Sessions of November 4, 1772. The minutes of this court session reflect that several men including Capt. Robert Barkley "produced their commissions in court and qualified and signed the test agreeable to law."⁴⁴ In March 1775 he was referred to as Capt. Robert Barkley when he sold an estimated 500 acres on both sides of Buffalo Creek to Yeoman William Gibson.⁴⁵

Verification of Robert's involvement in the Revolutionary War is contained in the Treasurer's and Controller's Papers held by the North Carolina Department of Cultural Resources [North Carolina State Archives] in Raleigh, North Carolina. These papers include Revolutionary War Pay Vouchers⁴⁶ and Army Accounts⁴⁷ generated by the State of North Carolina during the war. Details contained in these papers clearly indicate that Robert was an American Patriot, and that he not only supported the Patriot cause with goods, but also formed a "Light Horse" company of militia from Rowan County that aided the war effort in South Carolina.

No specific battle in South Carolina is mentioned or suggested in these documents, and their dates indicate that Robert's involvement in the Revolutionary War, or at least his involvement associated with these documents, occurred before October 1779. Unless Robert had later undocumented Revolutionary War service, he did not participate in the well-known South Carolina battles at Kings Mountain (1780), and Cowpens (1781). However, there were numerous places where he and his company could have provided "aid to the war effort in South Carolina" since over 200 battles and skirmishes took place in that state.⁴⁸

North Carolina promised land in its recruitment of soldiers for the Continental Line and to fulfill this promise the state set aside a large tract on land in her western area that became Davidson and Sumner Counties in Tennessee.⁴⁹ The state subsequently issued more than 6500 warrants for grants of these bounty lands through 1797.⁵⁰ Tennessee became the sixteenth state on June 1, 1797 and continued to issue these grants after 1800.⁵¹ No evidence has been found that Robert Barkley received any North Carolina bounty land grant for his Revolutionary War service, nor should any be expected since militia soldiers were not entitled to this land.⁵²

Likewise, no Revolutionary War pension records were found for Robert Barkley. It appears that both he and his wife died long before any Acts of Congress would have made them eligible for a pension. These Acts were passed between 1818 and 1853.⁵³ The earliest acts were applicable to soldiers of the Continental establishment with at least nine months service.⁵⁴ An act approved in June 1832 expanded the applicability to veterans with at least six months service, irrespective of the type of service.⁵⁵ It was not until July 1836 that an act was passed to include widows of veterans with the minimum requisite service providing they were married to the veteran before the expiration of the last period of the veteran's service.

Robert Barkley's Other Public and Private Services

In addition to his militia (home guard) and Revolutionary War service, Robert Barkley performed numerous civic duties and found the time to help other people while taking care of his own plantation and interests. These activities, as recorded in the minutes of the Court of Pleas and Quarter Sessions⁵⁶, are summarized in Table 2 [on the following page].

Lest the impression be left that all went well for Robert, the court minutes⁵⁷ reflect that six suits were filed against him and that he filed a suit against James Anderson. Also on May 3, 1780, he was asked to show cause for not paying a fine for failing to appear as a juror.

Table 2—Robert Barkley's Civic and Private Services

| Activity | Description |
|----------------|--|
| Jury Duty | <ul style="list-style-type: none"> • Served on 8 different cases. |
| Road Committee | <ul style="list-style-type: none"> • Along with several others was ordered to |
| Constable | <ul style="list-style-type: none"> • Appointed Constable in the place of Moses Cox in the Court meeting of January 21-22, 1772. |
| Sessor | <ul style="list-style-type: none"> • Appointed to this position for Capt. Davis' district on May 8, 1778. (This appears to be a tax district in which he was an assessor.) |
| Bondsman | <ul style="list-style-type: none"> • Provided security in an orphan's case for John Jones on 18 August 1769. • Acted on bond for the widow of Joseph McLain as administrator on August 1, 1775. • Gave bond for Josiah Rounsevale for sheriff for one year on November 3, 1779. |
| Administrator | <ul style="list-style-type: none"> • Appointed as the administrator for John Freeman on February 4, 1772. |

Notes

23. *A History of Watauga County, North Carolina*. John Preston, E. Waddey Co., Richmond, 1915.
24. *A History of Rowan County, North Carolina*. John Ruple, J. J. Brunner, Salisbury, N.C., 1881. Published on heritagequest.com.
25. Ibid.
26. *Rowan County, North Carolina Tax Lists, 1757-1800, Annotated Transcriptions*. Jo White Linn.
27. Ibid.
28. Ibid.
29. "Regulator Movement," *The Columbia Encyclopedia*, Sixth edition, 2001.
30. *Captain Benjamin Merrill and the Merrill Family of North Carolina*, William Ernest Merrill, M.S., published and place of publication unknown, 1935. Published on heritagequest.com.
31. "Regulator Movement," *The Columbia Encyclopedia*, Sixth edition, 2001.
32. *Captain Benjamin Merrill and the Merrill Family of North Carolina*, William Ernest Merrill, M.S., published and place of publication unknown, 1935. Published on heritagequest.com.
33. Ibid.
34. Ibid.
35. Ibid.
36. Ibid.
37. Ibid.
38. Ibid.
39. Ibid.
40. Ibid.
41. *Jersey Settlement and Robert Barkley and Leah of Rowan County, N.C.*, Dr. Teddy Barclay Pope, January 11, 200. Published: <http://roostweb.com/~ncrowan/jersey.html>.
42. "Thomas Durham—Jersey Settlement Baptist Church. On the Davidson County, N.C. Message Board, Elaine D. Bargatze states that her ggggrandfather was Thomas Durham (1760-1823), that he was minister of the Jersey Baptist Church, and moved to Smith County, Tenn. in 1814. Published: <http://boards.ancestry.com/mbexec/message/rw/localities.usa.states.northcarolina>.
43. *Rowan County, North Carolina Tax Lists, 1757-1800, Annotated Transcriptions*. Jo White Linn.
44. Rowan County, North Carolina Court of Pleas and Quarter Sessions, Abstracts of Minutes, 1753-1759. LDS Microfilm No. 313783.
45. Rowan County, North Carolina Deed Book 9, p. 314, dated March 21, 1775.
46. Treasurer's and Controller's Papers, Revolutionary War Pay Vouchers: a) Voucher 182 for Capt. Robert Barkley, and b) Voucher 185 for Capt. Robert Barkley, North Carolina Department of Cultural Resources [North Carolina State Archives], Raleigh, North Carolina.
47. Treasurer's and Controller's Papers, Army Accounts: a) Volume A, p. 28 and 178; b) Volume B, p. 188; and c) Volume III, p. 41,1, North Carolina Department of Cultural Resources [North Carolina State Archives], Raleigh, North Carolina.
48. *A Brief History of South Carolina*. South Carolina Archives and History, www.state.sc.us/scdah/history.html.