

Robert Duke of Fairfield, deceased before 28JAN1785

Robert Duke of Fairfield has been identified by many names: Robert Duke of Kershaw Co., SC, because his will is on file in that county; Robert Duke of Camden District, because that is where he lived and died; Robert Duke of Fairfield District, because it is the specific part of the Camden District where he lived and died and the county where most of his probate papers are located; and finally Robert Duke of Kershaw/Fairfield, because it removes the ambiguity of the others. This note will use Robert Duke of Fairfield even though the Twenty Five Mile Creek area of the old Fairfield District, SC where he lived and died is now part of Richland County. That designation will serve to differentiate him from the another Robert Duke, Robert Duke, Jr., who also lived in the Twenty Five Mile Creek area and on Cedar Creek in Richland County.

In her first book, *The Duke Family*, Evelyn Brandenberger incorrectly identified Robert Duke of Fairfield as the one who married Priscilla Crenshaw. For more information about this error, see the study on Robert Duke of Dry Creek, Lancaster, SC.

Because his probate papers exist and are readily accessible, Robert Duke of Fairfield is the best known Camden District pioneer with the Duke surname. His will names five of his children: Thomas, Rachel, Moses, Aaron, and "... *my youngest son* ..." Jesse and divides the money realized from the sale of his movable estate and two tracts of land "... *among [my] Six youngest Children* ..." ¹ Additional probate papers yield the names of two more daughters: Hestor or Easter and Anne for a total of seven proved children ²

Genealogists have interpreted "*six youngest children*" many ways, often to add more children to the family of Robert Duke of Fairfield. At the time of the will, the two oldest children, Thomas and Rachael were married, Thomas to Mary Dougherty and Rachael to Peter Crim. If one assumes Thomas, the eldest son who Robert bequeathed "... *one Shilling Sterling* ...", had already received his inheritance, the phrase "*six youngest children*" was likely used to exclude him from the proceeds of the estate sale.

Guardianship records exist only for Hestor, Anne, and Jesse ³. The three minors applied for guardians in 1789. If there were other minor children, doubtless they would have also required a legal guardian at that time, too. The four oldest children: Thomas, Rachael, Moses, and Aaron were all adults by 1789 when the proceeds from the sale of the movable estate were divided. Other living children, or descendants of deceased children, would necessarily be mentioned in Robert Duke's will, just as Thomas was, to insure the will would not be contested. There is nothing in the probate papers of Robert Duke of Fairfield to imply more children, living or deceased, beyond the seven already mentioned.

The land owned by Robert Duke of Fairfield at the time of his death is described in his will: "... *Next, I Doe give to my two beloved Sons Moses Duke and Aaron Duke my plantation and Tract of land Whereon I now live on twenty five mile Creek* ..."; "... *Next I Do give to my youngest Son Jesse Duke a Tract of land on Sawneys Creeke Containing one hundred and fifty acres* ..."; "... *and I Do Likewise Leave my other two Tracts of Land one near the mouth of fishing Creek and the other near Careys old Saw mill to be Sold* ..." ⁴

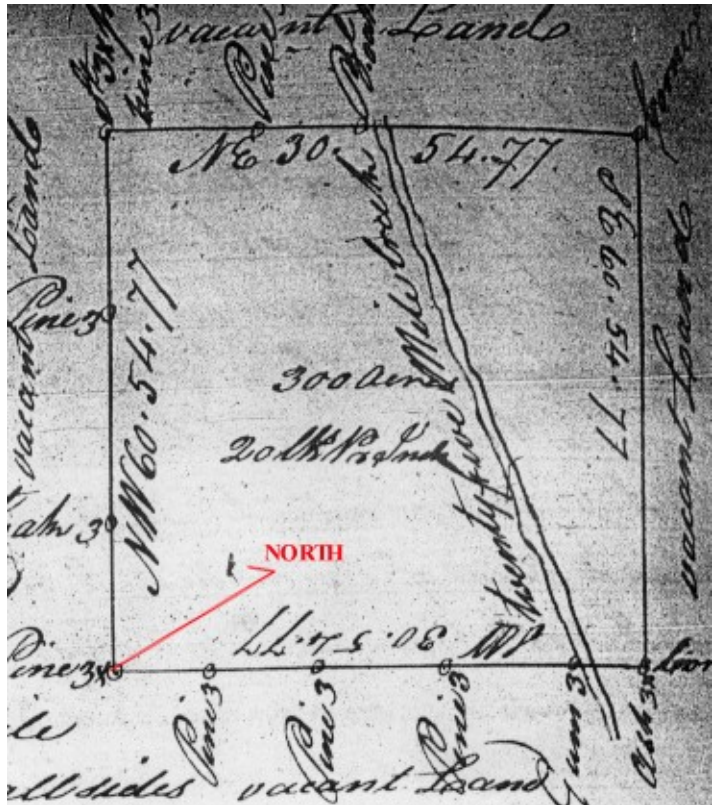
1 *Kershaw District, SC Loose Probate Records*, Package 746, Apartment 22, Robert Duke, Will, 10DEC1784.

2 *Fairfield District, SC Loose Probate Records*, File 1, Package 59, Sales Receipt, 31OCT1789.

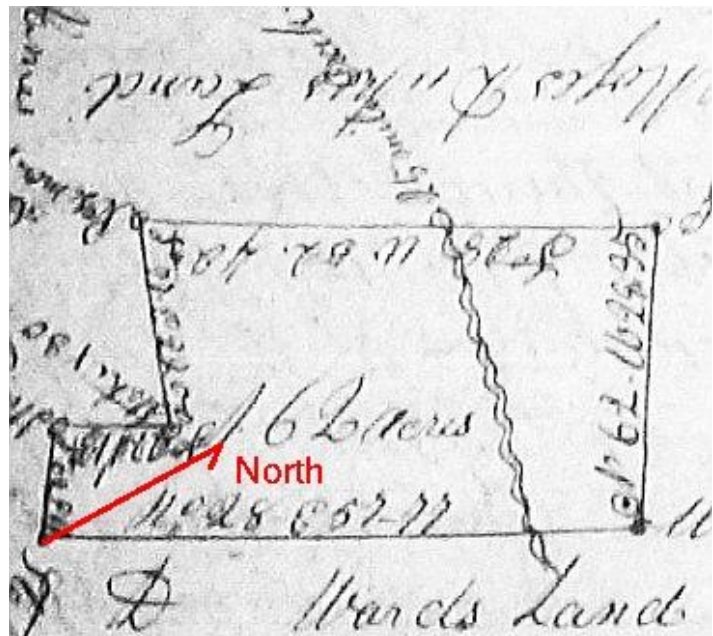
3 *Fairfield District, SC Will Book 1*, pages 30-31, see also *Fairfield District, SC Loose Probate Records*, File 1, Package 59.

4 *Kershaw District, SC Loose Probate Records*, Package 746, Apartment 22, Robert Duke, Will, 10DEC1784.

On 02FEB1836, Moses sold a portion of his share of his father's plantation to George Lorick.⁵ The conveyance describes the tract as "... all that plantation & tract of land lying & being in Fairfield on Twenty five Mile Creek containing three hundred [sic] acres, more or less, the same being the one half of the original grant to William Simmons for three hundred acres and dated 15th of March 1771 which said grant and plat may be referred to as a boundary of the said grant which was divided between myself & Aaron Duke in accordance with my Fathers will & the upper half thereof allotted to me ..." In the records, William Simmons had two 300 acre land grants on Twenty Five Mile Creek. The conveyance refers to the earlier one with a precept dated 17JUN1769, plat certified 19JUN1769 and recorded 04DEC1770, according to the plat.⁶ According to the memorial, dated 27MAY1771, the plat was certified 04DEC1770 and granted 15MAR1771.⁷ Note the plat shows Twenty Five Mile Creek being roughly perpendicular to north running west to east.



Aaron Duke had already sold his share of the William Simmons land grant. He sold land "... being a part of a three hundred [acre] survey originally granted to Wm. Simmons ... bearing the date the 15th of March 1717 [sic.] ..." to his son Reuben C. Duke on 07APR1821, recorded 10APR1821.⁸ At that time Reuben had the land re-plated. The new plat describes the 162 acres of land as "... bounded by lines running SE & SW by James D. Craig NE by Drury Ward No West by Samuel Duke & SW [sic] by Moses Dukes Land ..." The conveyance was witnessed by James D. Craig and John D. Wells.



James D. Craig, the adjacent land owner and witness mentioned above, was married to Aaron Duke's daughter Frances. Earlier, on 20DEC1819 and 13MAY1820, Aaron and oth-

5
6
7
8

ers conveyed two small tracts of land totaling nineteen and a quarter acres to his son-in-law.⁹ These conveyances don't appear to be recorded in the Deed Books, but are described in a 30MAR1822 conveyance between James D. Craig and Samuel Duke: "... also two other tracts adjoining the same one of which being conveyed unto the said James Craig by Robert Duke & Aron Duke by deed bearing date the 20th day of december 1819 bounded by a line running SE by said Craigs own land all other sides by Jacob, Robert & A Dukes the other being conveyed to said Craig by Aaron Duke by deed bearing date the 13th day of May1820 bounded by lines running No W by said Craigs own lands & SE & SW by Aaron Dukes land ..."

This conveyance contains the information needed to precisely locate where Robert Duke of Fairfield's lived and likely died. In addition to the 19+ acres from Aaron Duke, James D. Craig sold Samuel Duke another tract of land: "... a tract originally granted to the said Samuel Duke by pattent bearing date the 6th of Sept 1802 & conveyed unto the said James D. Craig by deed bearing date 2nd of March 1816 bounding by a line running NE by D Ward NW by Robert & Aron Duke SW by Elisha Jones & SE by round Top Branch & James Wilsons lands the above boundaries including forty acres more or less originally granted to Samuel Nipper ..." According to the conveyance there were 169 ½ acres in this tract on Round Top Branch.

The 06SEP1802 Samuel Duke land grant referred to in the conveyance was surveyed 03JUL1802 and certified 12AUG1802. A triangular-shaped 73 acre tract, it apparently encompasses the vacant land between the William Simmons 1771 grant, then owned by Moses and Aaron Duke and the 1774 Samuel Nipper land grant, then owned, at least in part, by Patrick Norris. Samuel Duke purchased twenty acres of land on Round Top Branch "... an extract of one hundred acres of land originally granted unto Samuel Nipper ..." from Patrick Norris on 02JAN1806, recorded 03APR1809. The tract was described as "... Bounded W on Samuel Dukes land and all the land lying on the Lower and E Side of a branch of round top ..."

Robert Duke of Fairfield's homestead straddled Twenty Five Mile Creek where the creek flows from west to east, north and upstream of Roundtop Branch. His land was located about two miles due east of Blythewood, Richland Co., SC near Langfords Crossroads.

Robert's oldest known son was named Thomas Duke. Thomas married Mary Dougherty, the daughter of John and Judith Dougherty. Thomas first appears in the records on 01DEC1772 when a warrant of survey was issued in his name.

On 23OCT1773, in Thomas Duke's behalf, the surveyor Edward Hampton recorded a survey for a tract of land containing one hundred acres located "on the waters of the Twenty five Mile Creek being a branch of the Wateree River." Between the years 1731 and 1775, as part of the land grant process, to help resolve and prevent duplicate or overlapping claims, South Carolina required each grantee to make public and register the information about the land grant in the form of a memorial⁵. According to Thomas' memorial, dated 15FEB1775, he acquired the land grant on 31AUG1774. Thomas Duke's land grant was situated between one for William Simmons to the southwest and one for William Ferguson to the northeast. An addendum to Thomas' memorial states the ownership of the grant was delivered to Robert Duke on 13JUL1775. The Robert Duke mentioned in the addendum was likely the father of Thomas Duke.

Land grants in the South Carolina Province were sized according to the number of persons, or headrights, in the household.⁸ After 1755, the single head of household qualified for maximum of one hundred acres. Each additional person in the household: male, female, wife, child, servant, or slave added

9

fifty acres to the maximum. Thomas Duke's land grant was for 100 acres. If Thomas were married, he would have qualified for an additional 50 acres, and while he wasn't required to take the maximum amount, it is likely he would have done so.

The land grant process required a person appear in the Governor's Council Chamber, present a petition and substantiate the headrights claim. If successful, the person would receive a Warrant of Survey from the Secretary of the Council. The Warrant of Survey was a precept to the colony's surveyors, authorizing them to complete the survey and certify the plat. The survey done by Edward Hampton for Thomas Duke lists 01DEC1772 as the date of the precept. Thomas Duke is not named in the Council Journal for that date; however, his father is. Robert Duke is listed a single time as a petitioner requesting a Warrant of Survey for one hundred acres. Judging from the record of his land grants, he was very persuasive because on December 1, 1772 he apparently received two warrants of one hundred acres each, plus the one for his son Thomas.

Although the age of majority was twenty-one, as it is today, it was not unknown in the province of South Carolina for young adults still in their teens to claim to be household heads. This allowed a family with older children to qualify for one hundred acres per child rather than the fifty. We believe the preceding paragraphs argue that Thomas was one of those young adults; he qualified for only 100 acres, his father presented the petition for the land, and he conveyed the land to his father. Thomas could have been as old as twenty-one or as young as ten on December 1, 1772 when his petition was presented. Accordingly, on this data alone we would set his birth year between 1751 and 1762. However, we know Thomas had a younger brother, Moses, who was born about 1764. Thomas also had a younger sister, Rachael, who is believed to be older than Moses. Taking this into consideration, we believe Thomas was likely born after 1751 and before 1760.

Thomas and Mary Duke lived their adult lives on Twenty Five Mile Creek. Public records concerning their life can be found in Kershaw, Fairfield, and Richland counties, or districts, as they were called while Thomas was alive. Their estates were probated in Fairfield County. Today, the part of the old Fairfield District where they made their home and raised their children is located in the extreme north-eastern part of Richland County, SC. The land Thomas was granted¹ in 1774, paid taxes² on in 1787, and his grandson, James, sold³ in 1816 is northeast of the Twenty Five Mile Creek, about five miles east-southeast of Blythewood.

Mary, the widow of Thomas Duke, was listed on the 1800 US Census for Fairfield County, South Carolina. The listing for her household indicates a female between the ages of twenty-six and forty-five years. Mary re-married circa 1808 to Samuel Duke, thought to be a cousin of her deceased husband. On the 1810 US Census for Fairfield County, South Carolina, a female, aged forty-five years or older, is listed in the Samuel Duke household. Using the two census listings, we set Mary's birth year between 1755-1765. We can substantiate a birth year for Mary of 1755 or later using the petition Mary's father, John Dougherty, read before the Governor's Council on 02SEP1755 where he implies he is married without children ("...that the petitioner hath a Wife for whom and himself...").

Thomas Duke's father, Robert, died before January 28, 1785 leaving Thomas, a "beloved son", one shilling. We believe Thomas wasn't included in the will because he had already received his inheritance. On 11OCT1787, Thomas Duke paid taxes on 100 acres of land on Twenty Five Mile Creek. After Thomas' death, we believe Mary and her children continued to farm the 100 acres on Twenty Five Mile Creek. We believe this is the 100 acres granted to Thomas that his father returned to him as part of his inheritance. **On 07DEC1785, Thomas and Mary Dukes sold 100 acres on Wateree Creek to Robert and John Ellison.**

In 1792, not long before his death, Thomas signed a note of indenture with John Dougherty. The appraisal of Thomas' estate indicates that at the time of Thomas Duke's death, Moses and Aaron, two of his younger brothers, owed him money.

Thomas Duke died intestate before 10APR1793. His widow, Mary, was executrix of his estate and arranged for the appraisal and the estate sale. The records show that on 05DEC1807, Mary Duke, widow and executrix, received receipts from two of the children, Robert and Mary, for their portion of the movable estate. By that date, the daughter, Mary, was married to Jesse Horn and the son, Robert, was at least 21.

Later, on 21APR1808, Samuel Duke, "on behalf of his wife" reported to probate court on the Thomas' estate. Samuel Duke apparently married Mary (Dougherty) Duke in early 1808. We have been unable to find record of an earlier marriage for Samuel. Later records show that Samuel Duke acknowledged, and provided for, a natural daughter named Harriet Duke, born about 1800.

Mary died before 17JAN1815 when Thomas Duke estate was finally settled. The surviving children signing the final receipt were: Robert, Jesse Horn for wife Mary, John D., and James. In the probate file there is an additional final receipt, undated, signed by Robert Duke and by Jeremiah Duke. Jeremiah Duke is now believed to be the young son of Robert Duke. The final receipt was also for the heir's portions of the estate of Mary's parents, John and Judith Dougherty.

Robert Duke's children:

Thomas Duke married Mary Dougherty

Rachael Duke. She married Peter Crim.

Moses Duke married Mary Faust, sister of Peggy Faust

Aaron Duke married Peggy Fauset, sister of Mary Faust

Hester/Easter/Esther Duke married William Wilson

Anne Duke married Meredith Taylor

Robert's youngest son was named Jesse.

Robert Duke of Fairfield named his wife Nancy in his will. Her surname is now thought to be Abbott, the sister of John Abbott.