

JOHN B. HORSLEY – YORK COUNTY, SC DEEDS 1830-1839
Annotated Time Line 1825-1860

By Joan Horsley - Research as of July 2011

1825 – York County, SC

John B. Horsley and Pamela “Permelia” Macaw Huff marry in York County on 22 Sep 1825.

[Source: Date from Amos R. Horsley family Bible, copied in Scott & Horsley, Horsley Families of America (1986), p. 140]

1830 – U.S. Census – York County, SC

John B. HORSLEY - Males: 1(5-10), 1(20-30); Females: 2(<5), 1(20-30), 1(60-70)

Note:

The female age 60-70 in John B.’s household was probably his mother-in-law Agatha Huff (maiden name unknown).

Two other Horsley families were in York County this census. Richard Horsley (son of James Horsley Jr. who died 1810-1820) and Richard’s son David Horsley lived on the opposite side of York County from John B. and were listed 13 pages after John B. in this census. Research found no evidence of any connection or involvement between them in the records. DNA testing has confirmed the records research that James Jr.’s son (and Richard’s brother) William Horsley was not John B. Horsley’s father, William Horsley of Burke County, NC. Although related, the DNA results indicate that the John B. line and the James Jr. line most likely shared their last ancestor in common 11-13 generations ago, or no more recently than James Horsley Sr.’s great-grandfather born about 1600.

1830 (Mar) – John B. HORSLEY buys his first York County, SC land

Abstract

14 Mar 1830 - John Horsley from John McClure Jr., both of York District, SC
3.7 acres, York County, waters of Turkey Creek, part of Waggoner Survey. For: \$18.50
Bounded by J[?] Hope, Daniel McElmoyl
Signed: John McClure Jr.
Witnesses: James Hope, Isaac L. McClean Rec. __, 1830.

[Source: York Deed Book L, p. 369, No. 604. York County Courthouse, York, SC. Abstracted by J. Horsley]

Note:

This deed for “John Horsley” was for John B. Horsley according to the later deeds of sale. The only other John Horsley who had lived in York County up to this time was a son of Valentine Horsley. Valentine’s family, including son John, left York County in late 1821 or early 1822, and his son John was in Meriwether County, GA in the 1830 census.

The above deed for 3.7 acres was the first land John B. bought in York County. His York County deed records show he acquired a total of 258 acres between 1830 and 1835, then sold 80 acres in 1837. According to his final deed of sale before leaving York County in 1839, John B. and his family were residing on a tract of 168 acres.

This deed above and his later ones show John B. Horsley had basically two tracts of land on Turkey Creek and Bullocks Creek. These tracts were sold in different acreage parcels from how they were bought, yet from the total acres bought and sold and the various deed descriptions, it appears the properties were somehow adjoining. Turkey Creek and Bullocks Creek both flow into the Broad River a short distance apart near the town of Lockhart. The creeks get farther apart the more distance from the Broad River, so John B.'s land would be in an area just north or northeast of Lockhart.

The area where John B. lived was in the far southwestern part of York County near the eastern border of Union County and northwest corner of Chester County. This was on the opposite side of York County from the other Horsley families, who were in the far northeastern corner of York near where Mill Creek flows into the Catawba River (now Lake Wylie). While James Horsley Jr. and his grown children had once lived on adjacent properties on Mill Creek, the only family members remaining in York when John B. lived there were James Jr.'s son Richard and Richard's two grown children David and Susannah/Susan who still lived next to each other.

There is no evidence in the records of any interactions between John B. and the other Horsley families still in York. Also striking is the fact that people named in John B.'s five deeds have no apparent connections or associations with any of the Horsley families who had lived in York. The same holds for John B.'s wife's Huff family, as evidenced by her father's extensive probate records. (The only exception is John McCaw, who was named in several Horsley deeds prior to 1800 but only in his official capacity as County Clerk, not as a family friend as he was with the Huff/Sutton family.)

On the other hand, John B. lived in the same area where his wife Pamela's father Jonathan Huff owned land and among the same neighbors that the Huff family had since at least the 1800 census. This was also the same immediate area where John B.'s sister Mary Horsley and her husband Moses Parton and family were living after they moved to York County from John B.'s and Mary's home of Burke County, NC between 1830 and 1840. In fact, in the 1840 census just after John B. left York County, his sister Mary Horsley and Moses Parton's family is listed three households away from John B.'s brother-in-law Alexander Huff. (See note about Parton household in 1840 census below.)

1831 (Jan) – John B. HORSLEY acquires more land on Turkey Creek, York County

Abstract

18 Jan 1831 - Court of Equity, York District, SC

John Horsley v Elizabeth McElmoyl and the minor children of Daniel McElmoyl, dec'd

Suit found in favor of John Horsley awarding him title to:

173 acres, York Co., waters of Turkey Creek

Survey for Daniel McElmoyl, recorded 3 Apr 1826

Bounds by survey included Kennedy, McKnight "and others"

Signed by J. M. Martin, C.E.Y.D. [Equity Court, York District]

Witnesses: Wm. Wright, Daniel McElmoyl [Jr.] - Rec. 24 Feb 1831

[Source: York Co. Deed Book L, p. 408, No. 660. York Co. Courthouse, York, SC. Abstract by J. Horsley]

Following the above entry in the deed book is this deed from Elizabeth McElmoyl for herself and her "infant children," meaning they are under 21 years of age:

Abstract

18 Jan 1831 - Indenture "between John Horsley and Elizabeth McElmoyl and the Infant Children of Daniel McElmoyl Dec'd...Witnesseth that she said Elizabeth McElmoyl by Virtue of a Decretal order of the Court of Equity made July term 1830 is required to Execute a release and Conveyance as well for herself and for her wards the Infant Children of Daniel McElmoyl Dec'd hath granted, Bargained Sold" [etc., following the order of the Equity Court abstracted above]
Signed: Elizabeth McElmoyl [by signature] Wit: E. N. Gaither, [?] McNeel; Rec. 24 Feb 1831

[Source: York Co. Deed Book L, p. 409, No. 661. York County Courthouse, York, SC. Abstract by J. Horsley]

Survey of the land acquired by John B. Horsley referred to in above deed records:

8 Mar 1826 - Survey made for Daniel McElmoyle
For 173 acres on Turkey Creek, York District, Surveyed by Thomas Reid.
Names indexed: Kennedy; Daniel Leehorn; Daniel McElmoyle; George Mcnight; Moultree; Mary Pursley; Thomas Reid.
Locations: Broad River; Turkey Creek; York District

[Source: Online Index to State Plat Books (Columbia Series) 1796-1868. Series: S213192, Vol. 48, p. 31]

Note:

This land John B. obtained was apparently adjacent to the land he bought in 1830 with a bound of Daniel McElmoyl, who died before this suit ended 18 Jan 1831. I have not obtained a record of the court case for this suit (if, indeed, it still exists). Equity Court cases involved situations not strictly covered by statutes and laws and were argued on the basis of traditional common law and equitable settlement. Although only speculation, this case may be a situation where John B. and Daniel McElmoyl were in the process of an agreement or transaction that was not completed before McElmoyl died and to which his widow did not agree. Whatever the details, John B. Horsley won the case and acquired the land, with no cost recorded.

1831 (Feb) – John B. HORSLEY a bound on land on Turkey Creek, York County

15 February 1831 – Survey Plat for James Stewart
For 212 acres on Dry Branch, York District, Surveyed by Andrew M. Hanna.
Names Indexed: [Grant applicant] James Stewart; [Bounds, etc] JOHN HARSLEY(sic), E. A. Cranshaw, William McClure, Persly; [Surveyor] Andrew M. Hanna.
Locations: Broad River; Dry Branch; Turkey Creek; York District

[Source: Online Index to State Plat Books (Columbia Series) 1796-1868. Series S213192 Vol. 49, p. 300, Item 2. SC Archives Online at: <<http://www.archivesindex.sc.gov/onlinearchives/RecordDetail.aspx?RecordId=222770>>]

Note:

John B. Horsley purchased land on Turkey Creek in 1830 from John McClure Jr., probably kin to William McClure listed as a bound of this land being surveyed, as is John B. recorded here as "John

Harsley.” The land John B. acquired from the Widow McElmoyl in January 1831 was adjacent to John B.’s 1830 land on Turkey Creek.

In the 1820 census a William McClure was living near “Aggurth Huff,” the widow of Jonathan Huff and mother of John B.’s wife Pamela. Jonathan Huff died in 1815. (Records of the probate of his estate are available at: <www.joanhorsley.org>) A William McClure was also listed next to the family of John B.’s sister Mary Parton in the 1840 census.

1835 – John B. HORSLEY buys York County land on Bullocks Creek

Abstract

14 Aug 1835 - John Horsley from Hugh Cain, both of York District, SC
82 acres, York Co., Headwaters of Beaverdam Branch of Bullocks Creek
For: \$175

One half of a grant to Dickey; where Charles G. Simonds now lives

Bounded by John Hartness

Signed: Hugh Cain

Witnesses: N. P. Kennedy, Charles G. Simonds - Rec. 11 Nov 1836

Source: York Deed Book M, p. 184, No. 292. York County Courthouse, York, SC. Abstract by J. Horsley

Note:

This deed was witnessed by N. P. Kennedy. A “Kennedy” was a bound on the land on Turkey Creek that John B. acquired through his Equity Court suit in 1831. This “Kennedy” may be the same as N. P. Kennedy or at least a relation.

Although this land John B. Horsley buys in 1835 is on Bullocks Creek and his previous land was described on Turkey Creek, the tracts apparently were adjacent, based on the parcels John sells in 1837 and 1839. The 1839 deed of sale mentions a Britchen Branch instead of Beaverdam Branch, but they are obviously referring to the same land.

Beaverdam Branch of Bullocks Creek was not the same as the large Beaverdam Creek that ran through another part of York County. (Counties often had a number of small streams named “Beaverdam” for obvious reasons, and many changed names later, perhaps because the term “Beaverdam” no longer applied.)

Bullocks Creek and Turkey Creek were branches of the Broad River that bounded the west side of York County and the east side of Union County, SC, and went up into North Carolina at what was then the border of Lincoln County, NC and Rutherford County, NC.

1837 – John B. HORSLEY sells York County land on Turkey Creek

Abstract

16 Jan 1837 - John Horsley to Jenkins Pressley, both of York District, SC
80.3 acres - Waters of Turkey Creek, part of Waggoner Old Survey & part of the McElmoyle tract.
For: \$200

Bounded by James Hope & John B. Horsley

[Also by William Wylee, John McClure, James Stewart Jr., William Ingram, Thomas Bratton. These names were cut off this deed when the original was pasted into a new record book binding, but they are included in the deed for the same land sold by Jenkins Pressley, the next entry in the deed book.]

Signed: J. B. Horsley Witnesses: Wm. Jamuson, William Ingram - Rec. 24 Feb 1837

Release of dower – Signed: Pamela Horsley, W. Jamuson Q. U. - 7 Feb 1837.

[Source: York Deed Book M, p. 226, No. 356. York County Courthouse, York, SC. Abstract by J. Horsley, comments in brackets added.]

Note:

A year and a half after John B. Horsley buys land on Bullocks Creek, he sells half of his land on Turkey Creek. The rest of the Turkey Creek land is included in his final sale of York County land in 1839, the whole tract then described as being on Bullocks Creek. The 1837 purchaser above, Jenkins Pressley, immediately (by next deed book entry) sold the same property for the same amount of money to James Stewart Jr. He was the son or other kin of the James “Steward” for whom the survey was made and recorded 15 February 1831, with a bound of “John Horsley” (see record above). A portion of the deed from J. B. Horsley in the original deed book was cut off at the bottom when pasted into a new deed book binding, but the missing bounds are included in Pressley’s deed of sale, which otherwise exactly matches the deed from John B. to Pressley.

Of the 30 or so deeds obtained that relate to York County properties of all Horsley families from 1790-1845, this 1837 deed of John B. is one of only two that includes a formal release of dower by the seller’s wife. (The other was a release in 1843 by Rachel Horsley, wife of Richard Horsley’s son David.) The law required a formal release of dower for all land sold by any married man. However, the law was frequently ignored, as the York County Horsley deeds illustrate.

By law, a wife was entitled to lifetime use of 1/3 of all real property owned by her husband at his death, called her dower. When a husband sold any land, his wife was required to release her dower portion in a formal way, under oath and apart from her husband, in order for the sale to be binding. Lawsuits could be and were brought to reclaim the wife’s dower if her formal release was not included in the deed transaction. The dower laws were fairly strictly enforced prior to the Revolution in the well-established portions of the Colonies. However, in frontier areas, which expanded rapidly after the Revolution, some county courts became very lax in abiding by and enforcing these laws. Sometimes it seems the wife’s signature on the deed was deemed adequate to meet the intentions of the law even when she was not named in the deed as a co-seller and she did not formally release her dower, but in York County (and others) often both the wife’s signature and her dower release are absent.

The release of dower was a specific process by the laws of most, if not all, colonies and later states whereby a wife would be examined privately and apart from her husband by a justice or other agent of the court. She was required to state under oath that she gave her permission for her dower portion to be sold, and that she was under no threat, duress, or coercion to do so. In situations where a wife could not “conveniently” travel to the county courthouse, the court would appoint justices to go to her

home to obtain the release. These laws go back to early Colonial times and were used for very practical purposes, since the care of a widow with no means of support was the responsibility of the county courts or parish vestry. Protecting her dower portion for her livelihood during widowhood saved what were often very limited and stretched county and parish tax revenues.

This dower release of John B. Horsley's wife, which she signed by her own signature as Pamela Horsley, is an example of the typical wording for a formal release of dower.

South Carolina York District - I William Jamuson one of the justices of the Quorum for said [state and district] do hereby certify that PAMELA HORSLEY the wife [of] the within named JOHN B. HORSLEY did this day appear before me and upon being privately and separately examined by me did declare that she does freely voluntarily and without any compulsion dread or fear of a person or persons whomsoever renounce release and forever relinquish unto the within named Jenkins Pressley his heirs & assigns all her interests and estate and also all her right and claim of dower of in or to all and singular the premises within mentioned & released Given under my hand & seal this seventh day of February A.D.1837.[7 Feb 1837]
/s/ W. Jamuson Q.U. [Justice of the Quorum] /s/ PAMELA HORSLEY
[York Deed Book M, p. 227. Transcribed by J. Horsley, caps and comments in brackets added.]

1839 – John B. HORSLEY sells his last York County land - Bullocks Creek

Abstract

2 Feb 1839 - John B. Horsley to Jeremiah Tesney, both of York District, SC
168 acres, York Co., waters of Bullocks Creek Britchen branch; where John B. Horsley now resides.
For: \$517
Bounded by: John W. A. Harkness, Robert Gilfillin, Hugh Cain, Thomas Bratton
Signed: J. B. Horsley [wife did not sign or release dower]
Witnesses: A. J.[?] Hutchison, J. A. Brown - Rec. 25 Aug 1839

[Source: York County Deed Book M, p. 489 (new page 512), No. 758. York Courthouse. Abstract by J. Horsley]

Note:

This is John B. Horsley's final deed transaction before he left York County, SC probably that same year, as he is in Benton County, Alabama in the 1840 census. This tract, where the deed states he was residing at the time, represents the total land John B. still owned from his three land acquisitions described variously as being on both Turkey Creek and Bullocks Creek.

1840 – U. S. Census - Benton County, AL

John B. HOSLEY [sic]
Males: 2(<5), 1(5-10), 1(30-40); Females: 2(5-10), 2(10-15), 1(30-40)

Theophilus Hanley [error for Horsley?]
Males: 1(<5), 2(5-10), 2(10-15), 1(30-40); Females: 1(<5), 1(5-10), 1(20-30)

Note:

In this census, John B.'s name is clearly written as "Hosley" (a common early spelling of Horsley). *Horsley Families of America* (1986) says Theophilus T. Horsley was also in this census, but verifying him is a problem. A Theophilus Lantrun is on the same page as John B., and a Theophilus Hanley is listed one page before. The name Hanley is clearly written, and there was another Hanley/Henley family in the county in 1840. "Theophilus Hanley" may be an error for Horsley, or Theophilus Horsley may be missing, but he was at least living in the Benton County area by this time.

The 1850 census with Theophilus' children's ages and states of birth confirms that Theophilus was in Alabama by 1835. On 17 Aug 1838, Theophilus T. Horsley and one Newman Pounds jointly obtained a Federal land grant for 159.9 acres by assignment from Joseph Crook. [*US-BLM, General Land Office Records, Doc. 3318, Acc. No. AL3050_.208*] The land is in today's Cleburne County, formed in 1866 from parts of Benton County (re-named Calhoun in 1858), Randolph County, and Talladega County. Theophilus was in the 1850 census in Benton:

HORSLEY, T T - age 47 [b. c1803] - Farmer – Real Est. \$600 - born NC

J.- fem - 45 - NC

G P - male - 20 - Farmer - GA

J C - male - 18 - Farmer - GA

E - female - 15 - AL

M J - female -13 - AL

D M - male - 11 - AL

W - male - 9 - AL

T T - male - 5 – AL

1840 – U.S. Census – York County, SC – Family of Mary Horsley & Moses Parton

Moses Parton - Males: 1(under 5), 2(5-9), 2(10-14), 1(30-39); Fem: 1(5-9), 1(30-39)

Note:

Mary Horsley is John B. and T.T.'s sister. Mary married Moses Parton in Burke County, NC on 19 Feb 1828 by bond where she is named in the original record as "Marey Hasley" and "Marey Hosley" (both being proved variants of Horsley). Mary and Moses were still living in Burke County in the 1830 census, then moved to York County, SC by the 1840 census. Mary and Moses apparently moved to York because her brother John B. was there at the time, since the Parton family is listed in this census immediately among people recorded on John B.'s York County deeds as well as near to John B.'s brother-in-law Alexander Huff.

Moses Parton's family is listed next to William McClure, who lived near John B.'s mother-in-law in the 1820 census, and John B. bought his first land in 1830 from John McClure. Listed two down is Alexander Huff/Hoff, a brother of John B.'s wife Pamela. Further down the same page is widow Martha Cain, and John B. bought land in 1835 from Hugh Cain, who was also listed as a bound (adjacent landowner) of the land John B. sold in 1839 where he was then residing. On the previous census page are: Enoch McClean, and John B.'s 1830 deed was witnessed by Isaac McClean; several Pursley/Pressley families including Mary Pursley, a bound on land John acquired in 1831; and Thos. Bratten. Thomas Bratten is a bound with John McClure on land John B. sells in 1837 to Jenkins Pressley (also spelled Pursley). An 1831 survey shows bounds of William McClure, "John Harsley" (John B.), and Pursly. Obviously, the Parton family lived very near John B. prior to his leaving York late 1839 to early 1840.

Between 1840 and 1850, Moses and Mary Horsley Parton moved to Greene County, TN, then on to nearby Sevier County, TN by 1860. In both Tennessee counties, they lived among numerous relatives of Moses Parton. (An interesting aside: Moses Parton's brother Benjamin Parton was the ancestor of today's popular singer and entertainer Dolly Parton.)

1850 – U. S. Census – Carroll County, GA - Family of John B. Horsley

HORSLEY, J. B. - age 44 - Farmer - Real Est. \$1000 - born NC
 Permilia [Pamela] - 46 - SC
 Martha - 16 - SC
 Jonathan - 14 - SC
 Rob't - 12 - SC
 Amos - 10 - AL
 Augustus - 8 - AL [listed as male, but was female]
 Eveline - 6 - GA
 Jn'o T. - 4 - GA

Note:

By this 1850 census, John B. and family had moved from Benton County, AL to Carroll County, GA which at that time was adjacent to the east side of Benton.

According to the authors of *Horsley Families of America*, Brenda Scott Horsley and Roy D. Horsley who are descendants of John B., family stories say John B. Horsley left his family in Carroll County, GA between 1854-1860 and went, perhaps west, "with a red-headed widow who was a school teacher." [p. 22] They also write that a son of John B., Amos R. Horsley, told his son Gerome that his father had left and Amos had "seen the devil (the woman) at church."

This appears to be a true story. The 1860 census lists John B.'s wife "Permilia Horsley" as head-of-house still in Carroll County, Georgia, and the same census shows a John B. Horsley, born about 1803 in North Carolina, living in Greene County, Arkansas with a different wife and children. By the age and birthplace of the youngest child listed, John B. had been in Arkansas at least since 1858:

1860 - Greene County, AR (P. O. Herndon)
 Horsley, John B. - age 57 [b. c1803] - Farmer - Real Est: \$1000, Pers. Est: \$400 - born NC
 Elizabeth P. E. - 48 - Housekeeper - b. TN
 Mahala - 21 - Housekeeper - GA
 Jane - 16 - Housekeeper - SC
 John T. - 2 - AR

Apparently Mahala and Jane were Elizabeth's daughters, and John T. was a child of John B. and Elizabeth. (John B. and Pamela also had a son named John T., born c1847.) If the family stories are correct, as they seem to be, and this is Pamela/Permelia's husband John B. Horsley, then John B. and Elizabeth likely were not legally married, although of course in that place and time they would want to appear to be. I can find none of this family in the 1870 census or thereafter.

[An Ancestry.com database "U.S. IRS Tax Assessment Lists, 1862-1918" lists a J. B. Horsley in Georgia in the 1860's. However, the original images show these are for James B. Horsley of Oglethorpe Co, GA, a grandson of Valentine Horsley.]

John B.'s wife Permelia (Pamela Huff) Horsley is shown in the 1860 census in Carroll County, GA (Post Office, Bowden, GA) as head-of-house, age 56, with a daughter, Permelia A. age 16, and son, John T. age 14, still in the home. She is listed as a farmer with no real estate and \$100 in personal estate as opposed to John B.'s \$1000 real estate and \$400 personal estate in this census.

According to authors Scott and Horsley, Pamela "Permelia" M. Huff Horsley died in Carroll County, GA on 3 Apr 1888 and is buried in the Horsley Cemetery (also called the Old Poplar Springs Church Cemetery) near Bowden, GA.

By 1860, some of John B. and Pamela's children and grandchildren as well as some of Theophilus Horsley's children and their families had moved to St. Clair County, AL, which at the time was on the west side of Benton (re-named Calhoun) County, AL. The brothers' families continued to be involved with and live near each other in Alabama for at least another hundred years.

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Contact: JHGenResearch-Horsley@yahoo.com

www.joanhorsley.org