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# “The Honor of Firing Before His Majesty”: Patrick Ferguson’s Will & the Royal Armouries’ Ferguson Rifle

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In November 2000, with assistance from the Heritage Lottery Fund, the Royal Armouries purchased an early example of a Ferguson Rifle – the first breech-loading rifle used by the British Army – from the William Keith Neal Collection.<sup>1</sup> It is inscribed ‘Fergus’ and ‘D Egg 15 London’, and bears the crescent moon crest of the Fergusons of Pitfour. It had previously been in the collection of the Fergusons of Pitfour, direct descendants of Patrick’s younger brother, George (1749-1820). The same collection also included a pair of double-barrelled flintlock pistols with hinged bayonets, which were sold the following year. These were inscribed ‘Pitfour’, indicating that they had probably belonged to the eldest of the Ferguson brothers, James (Jamie) Ferguson MP (1735-1820), who succeeded their father as laird in 1777.<sup>2</sup> However, the earliest history of these weapons remained uncertain. Although tradition has associated them with Patrick Ferguson himself, is there documentary evidence that they had been his? An alternative possibility was that he had them made as a commission from or as gifts for his older brother, who had then bequeathed them to the younger.

Patrick Ferguson’s will, the official transcript of which is in the National Archives at Kew, supports the tradition that these arms had probably been his. Patrick was nearly thirty-three, and captain of the light infantry company of the 70th Foot, when he made his will at Portsmouth on 15 March 1777. It was less than two weeks before he embarked for North America on active service, in command of his experimental rifle corps. He left his share of their sugar plantation at Castara in Tobago and the rifle patent to his brother George, whom he appointed sole executor of his estate:

I leave and bequeath to my brother George Ferguson all my share of the Estates in Tobago which belong to the said George Ferguson and myself consisting of about seven hundred and fifty Acres of Land with all the Buildings Slaves Cattle produce Utensils and other appurtenances And I do also leave and bequeath to my said Brother George Ferguson all my right and interest in and to a Patent obtained from his Majesty for the invention of various improvements upon fire arms bearing date December the second one thousand seven hundred and seventy six<sup>3</sup>

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<sup>1</sup> Christie’s, London, *Fine Antique Firearms from the W Keith Neal Collection*, Thursday 9 November 2000, Lot 69, catalogue pp. 80-81.

<sup>2</sup> See Christie’s, London, *Fine Antique Firearms from the W Keith Neal Collection*, Thursday 25 October 2001, Lot 220, catalogue p. 259.

<sup>3</sup> Will of Captain Patrick Ferguson (proved 13 August 1782), Records of the Prerogative Court of Canterbury,

From the profits of these, annuities were to be made to his mother and to his three sisters, Annie, Betty and Jeanie.

He then appended a codicil:

I desire that my Executor will deliver to my Brother James Ferguson the Silver mounted rifle Gun with which I had the honor of firing before his Majesty and any other of my Arms that the said James Ferguson may choose to keep as marks of my affection.<sup>4</sup>

The Royal Armouries rifle is mounted, not with sterling silver, but with tutenag, a white metal alloy. Patrick was living on his captain's pay, and had borrowed extensively to fund the rifle project, so this is not surprising on financial grounds. The description in the will may denote that the metal was *silver-coloured* or one of the group of alloys known as 'German silver'. If this is indeed the same rifle (and no alternative candidate has been suggested), it has the most exciting provenance for which one could hope: that it was Patrick's own, which he had used in the trial before George III and Queen Charlotte on 1 October 1776. It is possible that the pistols may also have formed part of the bequest to James, although Patrick had reservations about the safety of double-barrelled weapons, certainly on a larger scale as sporting guns. As he wrote to Betty's husband, Alexander Scrymgeour (later Scrymgeour-Wedderburn) of Birkhill:

I think double barrels very dangerous & as I beleive they are always much hurt in the brazing together & rendered untrue, I cannot in my concience provide you with one - particularly after Major Balfour —.<sup>5</sup>

We can trace the rifle's history back to the first experimental trial on 27 April 1776, at Woolwich. This took place before the Master General of the Ordnance, Lord Townshend (who had served with Patrick's uncle General James Murray in Canada), and Generals George Williamson and Thomas Desaguliers, distinguished officers at the Woolwich Arsenal, the latter a Fellow of the Royal Society. It was a success, but as Patrick wrote two days later:

on thursday next we are to have a second trial; in the mean time, I am about getting one or two properly made here. Indeed the execution of mine is so very bad that the invention appears to terrible Disadvantage.<sup>6</sup>

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National Archives, PROB 11/1094 ff. 172-73.

<sup>4</sup> *Ibid.*.

<sup>5</sup> Patrick Ferguson to Alexander Scrymgeour, London, 4 November [1776], Scrymgeour-Wedderburn Papers 140/2/56. Henry Balfour of Dunbog (1741-76), Major, 1st Regiment (Royal Scots), was an older brother of Nisbet Balfour, with whom Patrick later served. He died at Fort George, Inverness, on 1 October 1776, after being shot in the head by another of his brothers while fowling. Patrick Ferguson's comment implies that a faulty double-barrelled gun was to blame.

This is his first mention of having a higher quality rifle made in London.

By 30 May, he wrote to Betty:

My Rifle is in a fair way – by the unanimous suffrages of every officer who has seen it, has it been recommended as superior to any Musket Rifle or other fire arm now in use, & Lord Townsend now talks of having some hundreds made.

He explained:

Every defect is now got the better off, & those very faults which serv'd as Jibs<sup>7</sup> to the whole being now corrected, I have nothing to fear. As to promotion, I do not expect any; & yet I think something may be perhaps done, If I was supported by any Interest. I mean if possible to attract his Majestys attention next Week, & as my Labors have been very disinterested, perhaps if properly supported I might get rank. I write Jamie on this subject this night & shall be obliged to you to enquire whither or not he receives my Letter. I have declined every kind of Interest untill the merit of my invention should make its own way – that time is now arrived, & freinds may be of most essential use – I wish to be introduced to his Majesty, which the Privy Seal can easily bring about, & then if I am thought to deserve it rank may be allow'd me, if I meet with support. –

I am almost decided to take out a patent. I foresee that the East India Company, the west India Militias, as well as the army & Militias at home will come into it, & it is only £70 ventured for a great Object. – altho the invention is not entirely my own, yet its application to the only Arm where it can be of use is mine, & moreover there are several original improvements (without which it will not Answer) which are entirely mine. – I shall also have the Custom of all nick-nacky People & Gentlemen who have deer parks or keep Game keepers in the Highlands.

I trouble you with this to show it to my brother in case my letter to him is lost. –

I have been solicited for a Sight of it by several officers of rank, & I yesterday took an Opportunity at the Kings Levy of puffing it to Col: Harcourt (Lord Harcourts Son)<sup>8</sup> in hearing of many People. –

He added, in apology for his handwriting: “By the By, I have a Custom of exercising myself in my room with my Rifle-Gun, to keep my hand in, which makes them shake afterwards when I write.”<sup>9</sup> However, since the Royal Armouries rifle bears the number '15', the rifle mentioned here was probably an earlier prototype.

Patrick demonstrated his rifle again on 1 June at Woolwich. This time, Townshend and Desaguliers were accompanied by Generals Lord Amherst and Edward Harvey:

This Morning at one o Clock I was waked ~~out of Bed~~ by a Message from Lord Townsend desiring me to be at Woolwich by Eleven – At Eleven I was there accordingly altho the Day was rainy and I was not in my most active mood – at one Lord Townsend arrived attended by Lord

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<sup>6</sup> To Alexander Scrymgeour, the Tower of London, 29 April 1776, Scrymgeour-Wedderburn Papers (National Register of Archives (Scotland) 783) 140/2/49.

<sup>7</sup>This word is difficult to read, but “jibs” – hindrances – seems likely.

<sup>8</sup> William Harcourt, Lieutenant Colonel, 16th Light Dragoons, was the son of the Lord Lieutenant of Ireland.

<sup>9</sup> To Betty Scrymgeour, [London], 30 May [1776], Scrymgeour-Wedderburn Papers 140/2/50.

Amherst General Harvey & General Desiguliers – the Rain & wind were against me, but notwithstanding the Rifle met with no discredit, as it perform'd four things never before accomplish'd.

1<sup>st</sup> it put 15 balls into a target at 200 yards in 5 Minutes – 2<sup>d</sup>. It fired 6 good Shots in a Minute 3<sup>d</sup>. it put a ball at 100 yards into the bulls Eye laying upon its back – 4<sup>th</sup>.ly it fired four Shots in a minute advancing at the rate of four Miles p<sup>r</sup>. Hour – 5<sup>th</sup>.ly after pouring a bottle of water into the barrel & Pan when loaded in half a Minute she fired as well as ever. – The trials are now I suppose over untill an arm can be found that will do any one of these five things.<sup>10</sup>

On 21 June, there was another trial before an audience that included the Prince de Salm, the Corsican General Pasquale di Paoli, the Portuguese Envoy Extraordinary Luis Pinto de Sousa Coutinho, and the Prince de Ligne. Patrick wrote: “I have at 300 yards fired better than I expected, having put three balls out of four into a Compass of two feet in the Center of their Target – I also fired at 100 yards seven deadly shots in one minute...”<sup>11</sup>

During the summer, he travelled to Birmingham, to oversee the production of the first hundred rifles for use by an experimental corps that he hoped to raise.<sup>12</sup> More trials followed.

The demonstration before the king and queen took place on 1 October 1776. Patrick's account, dated London, 2 October 1776, was sent first to his parents, who then gave it to Betty and Alexander Scrymgeour:

yesterday I had the honor of exhibiting various experiments with my Rifle Gun before their majesties in Windsor forrest, which happened in the following manner. Knowing that the King retires there three days every week & having some acquaintances in the Reg.<sup>t</sup> which mounts guard upon him I proposed to Fotheringham (Pouries Son Macleods Nephew)<sup>13</sup> who happens to command there, that I would bring down some rifles & teach his men the use of them, in hopes that his Majesty might hear of them. Fother.<sup>m</sup> of course was glad of the opportunity & so set out last friday morning. I had only been three days at work with my Disciples when yesterday morning I had a message from the King by Col. Egerton<sup>14</sup> to inform me that his Majesty meant

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<sup>10</sup> To Alexander Scrymgeour, [London, 1 June 1776], Scrymgeour-Wedderburn Papers 140/2/51.

<sup>11</sup> To Alexander Scrymgeour, [London] 21 June 1776, Scrymgeour-Wedderburn Papers 140/2/52.

<sup>12</sup> To Alexander Scrymgeour, Birmingham, 4 July 1776, Scrymgeour-Wedderburn Papers 140/2/53.

<sup>13</sup> Alexander Ogilvy Fotheringham (1744-1812): son of Thomas Fotheringham of Pourie, Forfarshire; later Colonel; he succeeded to the Pourie estate in 1790. His paternal grandmother, Ann Fraser, had previously been married to Norman McLeod, Chief of McLeod. There were family ties to Patrick's maternal relatives, the Murrays.

<sup>14</sup> William Egerton (1720s-83): Sub-Brigadier 2nd Troop Horse Guards, 1755; Captain, 1764; Cornet and Major, 1771; 2nd Lieutenant and Lieutenant-Colonel, 1773; retired 1779. He had court connections, having

to see them at five in the afternoon. Altho' my Six associates were by no means masters of their business, yet the three days practice had made them at least a match for four times their number of Grenadiers so I took the field with a tolerable opinion of my Troops and some confidence in my own Generalship At the hour appointed their Majestys came arm & arm into the field & as the design had been kept secret they were not troubled with mob. I begun by making the men fire at a Target at 100 y.<sup>ds</sup> As they were alarmed by the Kings presence they did not acquit themselves so well as they had done by themselves, but still well enough to shew the Rifle. After they had finished I took the liberty of observing to his maj<sup>y</sup> that the soldiers were more disturbd by his presence than they would have been by that of their enemy. When I was proceeding to fire his Majesty askd me how many shots I could fire in a minute. I answered that I had fired 7. He said Lord Townsend had told him so I took the liberty of adding that altho I could fire that number of random Shots yet I could not undertake to bring down above five of his Majesties Enemys in that time. He laughd very heartily & went back to the Queen who was some paces behind & upon his repeating this there was a second general laugh. His majesty had express'd uneasiness whilst the men were firing at some people who were standing within a few y.<sup>ds</sup> of the mark. I took the liberty of assuring H. M. that I would without hesitation stand within a yard of it, and after they had had a fortnights practice offered to hold the Target in my hand. he said it was better let alone I fired nine shots viz. three upon my back and the other six as fast as I could standing and put five balls into the black Spot and the other four within four inches of it. The Emperor of Germany would have given me a Diploma constituting me Archrifleman throughout his Empire had I done this with the assistance of the best rest and taking five minutes to each shot. I felt that it was impossible to fire ill before the King, but this was beyond my hopes. This was done in less than two minutes. The king was pleased afterwards to examine my equipment, as well as a dress calculated for Service which I had brought into the field upon another man on purpose and after considering the lightness certainty and expedition of my Rifle Gun with the quantity of amunition a man could easily carry he was pleased to observe in my hearing "he is an army in himself" I had mentioned to him, that to have balls go with truth & force, they require to be smaller than the bore of the Gun & that untill this method of loading occurred, the loss of time more than counterbalanced that advantage but that now we had the certainty of the one with double the expedition of the other. He conceived my meaning instantly (which not one man in a thousand would have done) and explaind it to those about him, before he left the field he expressed the highest approbation; observing that some had objected to this new invention, but that he saw every thing for it, and nothing agt it. He afterwards ask'd Col. Egerton if I was not Gen.<sup>l</sup> Murrays Nephew & told him I had been recommended to him by Gen.<sup>l</sup> Howe when with the Light Companys at Salisbury I took the liberty of presenting the King with a Sketch & description of the rifle Gun, in which its advantages are touched upon in as few words as I could contrive.<sup>15</sup>

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been a gentleman usher to George III's mother, Augusta, Princess of Wales, 1761-2. He was Clerk of the Jewel Office, 1761-83. MP for Brackley, 1768-80. Lieutenant-Governor, Scilly Isles, 1776-79.

<sup>15</sup> To unnamed recipients (his parents, Lord and Lady Pitfour), London, 2 October 1776, Scrymgeour-Wedderburn Papers 140/1/43. In his letter to Alexander Scrymgeour, dated London, 4 November [1776], he indicated that it had originally been sent to his mother: see Scrymgeour-Wedderburn Papers 140/2/56.

The rifle used in this trial is the one identified in Patrick's will as his chief bequest to his older brother James. If this is the Royal Armouries rifle, as its provenance strongly suggests, it is particularly exciting that its designer and owner has left this first-hand account of it.

Patrick wrote to thank General Sir William Howe – a strong advocate of light infantry, who had first noticed his talents at the training camp on Salisbury Plain in 1774 – for his recommendation. As he explained to Betty, he sent the letter via Howe's American ADC, Major Cornelius Cuyler, 55th Foot:

...I have taken the Opportunity of the return of General Howes Aid du Camp to America, to write a Letter of acknowledgements to that Gallant amiable & Noble Person, for the very unmerited Obligation he has laid me under in mentioning of me to his Majesty, and I have at the same time endeavour'd to interest him in the adoption of my Bantling,<sup>16</sup> which Lord Townshend I find, by a Letter his Lordship was pleased to honor me with yesterday, begins to take a fatherly Charge of: & indeed all along he has not been disposed to hurt it but now that a certain person<sup>17</sup> who saw it at windsor has been pleased to stand God Father, it will probably find freinds –<sup>18</sup>

He petitioned the King for a commission to command an experimental rifle corps in the field, but still hoped that the war could be ended by negotiation: “that a reconciliation may be the Consequence of the Successes of the Howes, & of the generous terms that they will notwithstanding hold out, in which Case I will not regrete that my Hobby should go to sleep.”<sup>19</sup>

The patent was approved on 2 December 1776. He received private orders from individual officers and the East India Company for rifles. These were financially necessary: he had paid for the early models and trials from his own pay, and had been forced to borrow money from wealthier family members, including his cousin William Johnstone Pulteney (Thomas Telford's great patron), to pay for the patent. He appointed a protégé of Johnstone Pulteney, Mr Oliphant, of 12 Great Tower Street, London, as his agent for his patents and the manufacture of the rifles.<sup>20</sup> John Hunt and Durs Egg were to make them.

In January 1777 Patrick received Townshend and Harvey's permission to train 200 recruits at Chatham for his rifle corps.<sup>21</sup> However, after news of defeats at Trenton on 26 December and Princeton

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<sup>16</sup> infant, i.e. the rifle.

<sup>17</sup> The King.

<sup>18</sup> To Betty Scrymgeour, London, 21 October 1776, Scrymgeour-Wedderburn Papers 140/2/55.

<sup>19</sup> To Alexander Scrymgeour, London, 4 November 1776, Scrymgeour-Wedderburn Papers 140/2/56.

<sup>20</sup> To Alexander Scrymgeour, London, 28 January 1777, Scrymgeour-Wedderburn Papers 140/2/64-65.

<sup>21</sup> *Ibid.*

on 3 January, he was ordered by Harvey to make ready more quickly, with only 100 men.<sup>22</sup> He received his command on 6 March. It was intended as a short-term experiment only: at the end of one campaign, he and his men were to return to their original regiments, unless Howe specified otherwise.<sup>23</sup>

On 24 March, nine days after making his will, Patrick wrote from Portsmouth to his sister Betty: “In a few hours we shall all be happy, & free from trouble, by being fairly at Sea.”<sup>24</sup> He and his men set sail on board the *Christopher*, and arrived in New York on 26 May, after a voyage of nine weeks. The rifle corps – uniformed in the green cloth that had been sent out with them – saw action in New Jersey, and took part in the expedition to the Chesapeake. Howe was impressed, and assured Patrick at the beginning of September that he intended to expand the experimental rifle corps “with numbers beyond what I could pretend to expect”.<sup>25</sup> However, this was not to be. The corps was disbanded after Patrick was shot and seriously wounded during the battle of Brandywine on 11 September 1777.

The wound, through his right elbow-joint, threatened both his life and his career. For several months, he fought to keep his arm, and endured repeated surgery to remove fragments of bone.<sup>26</sup> He avoided amputation, but his right arm was permanently crippled. It was 13 May 1778 before he was fit to return to service<sup>27</sup> – just as his patron, General Sir William Howe, was on the point of returning home.

Further plans for the Ferguson Rifle and a rifle corps equipped with it were suspended, although Patrick saw a future for it when he returned home:

...I am Confident that a man of Character who has proved so publickly the reality of what the arms profess and who by rejecting geu-ga ornaments and all other pretences to impose upon the publick has aim'd only at Supplying them with arms in point both of materials workmanship and

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<sup>22</sup> To Alexander Scrymgeour, Chatham Barracks, Kent, 21 February 1777, Scrymgeour-Wedderburn Papers 140/2/66.

<sup>23</sup> To Alexander Scrymgeour, Amboy, New Jersey, 29 June 1777 – Staten Island, New York, 8 July 1777, Scrymgeour-Wedderburn Papers 140/2/70-71.

<sup>24</sup> To Betty Scrymgeour, Portsmouth, 24 March 1777, Scrymgeour-Wedderburn Papers 140/2/68.

<sup>25</sup> To unidentified recipient, probably John Home or Hume, Philadelphia, c. February 1778, Edinburgh University Library, Laing MSS, La 11, 456.

<sup>26</sup> To Alexander Scrymgeour, Philadelphia, 23 December 1777, Scrymgeour-Wedderburn Papers 140/2/72, and to unidentified recipient, probably John Home or Hume, Philadelphia, c. February 1778, Edinburgh University Library, Laing MSS, La 11, 456.

<sup>27</sup> To Alexander Scrymgeour, Philadelphia, 17 April–12 May 1778, Scrymgeour-Wedderburn Papers 140/2/75-6.



Construction fit for every purpose and at half the price charged by a fashionable Gunsmith must gain the publick Confidence Consequent by the general custom and be enabled by a very small profit on each arm to reap the reward his moderation and industry deserves.

I fear Oliphant only in one point, that he will conceive there is an advantage in large Charges: if he does or gives way to a variety of Conceits farewell all hopes of profit - The method pointed out by Common Sense and which I have Strictly enjoin'd is, to endeavour to gain the Publick Confidence and to preserve it by never putting forth or Suffering to be made arms in any respect uncompleat for use either in point of Strength, safety or of answering the purpose in firing - to Confine ourselves to a very moderate profit, to be fully as good as our word to the Gunsmiths Hunt and Egg who are under articles to make the arms, and by no means to look for an immediate profit. To avoid dispute with other Gunsmiths as much as possible and by no means to exasperate the whole body of them - by reflections however merited of their ignorance and imposition untill we have gained the publick confidence and are not to be hurt by their evil report, and in Short not to endeavour to force a market so much by the authority of the patent as to win it by being reasonable and useful. I wish George to get the Letters I have written to Oliphant on that head Copy'd and to send them to you, also my article of agreement with Oliphant and those with Hunt and with Egg. they will let Jamie and you into the whole design and arangement. Egg is bound under a penalty to rifle some hundred Barrels per month if wanted, Hunt to furnish everything else, the goodness specifyed and the price. It is three to one that it turns out a Project of great profit I think if not mismanaged: have you seen the advertisements put in by Oliphant? as this project is of no risk or expence and may turn out very important I wish you to Comunicate with Oliphant upon it. the nail ought to be struck on the head immediately - at any rate when I come home I cannot possibly fail to turn it to Some account and to contribute I hope by their general use and facilitating the art of Shooting at a mark to our internal defence.<sup>28</sup>

In America, Patrick devoted his energies to building a working relationship with Howe's successor, Sir Henry Clinton. He was given command of a new light infantry unit, combining regular troops with Loyal Americans, which carried out a number of daring raids. He also wrote satirical articles for *Rivington's Royal Gazette*, a New York Loyalist newspaper. In 1779, Clinton appointed him Governor and Commandant of Stony Point and of Verplanck's Point on the Hudson. He sailed south in December that year as commander of the American Volunteers (a uniformed Loyalist regiment from New York and New Jersey).

Clinton promoted Patrick Major of the 71st Foot (Fraser's Highlanders) in April 1780 (backdated), but he never served with them as a regimental officer. Instead, he was appointed Inspector of Militia on 22 May 1780, and recruited and trained Loyalists in Georgia and the Carolinas. He was killed in action at the battle of King's Mountain, South Carolina, on 7 October 1780, aged thirty-six, in command of a force of Loyal Americans (the American Volunteers and southern militia). He lies near where he fell, his reputed mistress, 'Virginia Sal', beside him.

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<sup>28</sup> *Ibid.*.

Patrick's widowed mother and siblings received the news of his death in December 1780. His will, with the codicil, was proved at London on 13 August 1782,

before the Worshipful John Fisher Doctor of Laws Surrogate of the Right Worshipful Peter Calvert also Doctor of Laws Master Keeper or Commissary of the Prerogative Court of Canterbury lawfully constituted by the Oath of George Ferguson Esquire the Brother of the deceased the sole executor named in the said Will to whom Administrat was granted of all and singular the Goods Chattels and Credits of the said deceased he having been first sworn duly to administer.<sup>29</sup>

In conclusion, the will seems to confirm the provenance of the Royal Armouries rifle, giving it a brief but important and colourful role in the history of the development of military firearms. What other arms, if any, were included in the bequest – “any other of my Arms that the said James Ferguson may choose to keep as marks of my affection” – cannot, at this time, be determined. However, it does not rule out the possibility that the Pitfour pistols, also formerly in the Keith Neal Collection, may have been part of it.

#### **Acknowledgements:**

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For further reading, see M. M. Gilchrist, *Patrick Ferguson: 'A Man of Some Genius'* (NMS Publishing/Royal Armouries, Edinburgh, 2003) ISBN 1901663744.

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<sup>29</sup> Will of Captain Patrick Ferguson (proved 13 August 1782), Records of the Prerogative Court of Canterbury, National Archives, PROB 11/1094 ff. 172-73.