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Volume LXIX
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Magazine of the

JEFFERSON COUNTY HISTORICAL SOCIETY



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"No man is fit to be entrusted with the control of the present who is ignorant of the past, and no people who are indifferent to their past need hope to make their future great."

"History by apprizing them of their past will enable them to judge of the future; it will avail them of the experience of other times and other nations; it will qualify them as judges of the actions and designs of man; it will enable them to know ambition under every disguise it may assume, and, knowing it, to defeat its views."

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JEFFERSON COUNTY HISTORICAL SOCIETY

Organized May 21, 1927
Post Office Box 485
Charles Town, West Virginia 25414

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Membership—Open to all who have interest in the history of Jefferson County. Annual dues of $10.00 may be sent to Membership Secretary, P.O. Box 485, Charles Town, WV 25414, after the beginning of the fiscal year on January 1. Life membership is $100.00.

PUBLICATIONS

One copy of the Magazine is mailed to each person holding a paid membership. Until the publication of next year's Magazine, members may purchase additional copies for $6.00 each; order these from The Society, Box 485, Charles Town. Original volumes or facsimile reproductions are available to all persons at $7.00 per Magazine.

The Society also has copies of various books and a video available:

The Washington Homes of Jefferson County. $10.00 mailed.

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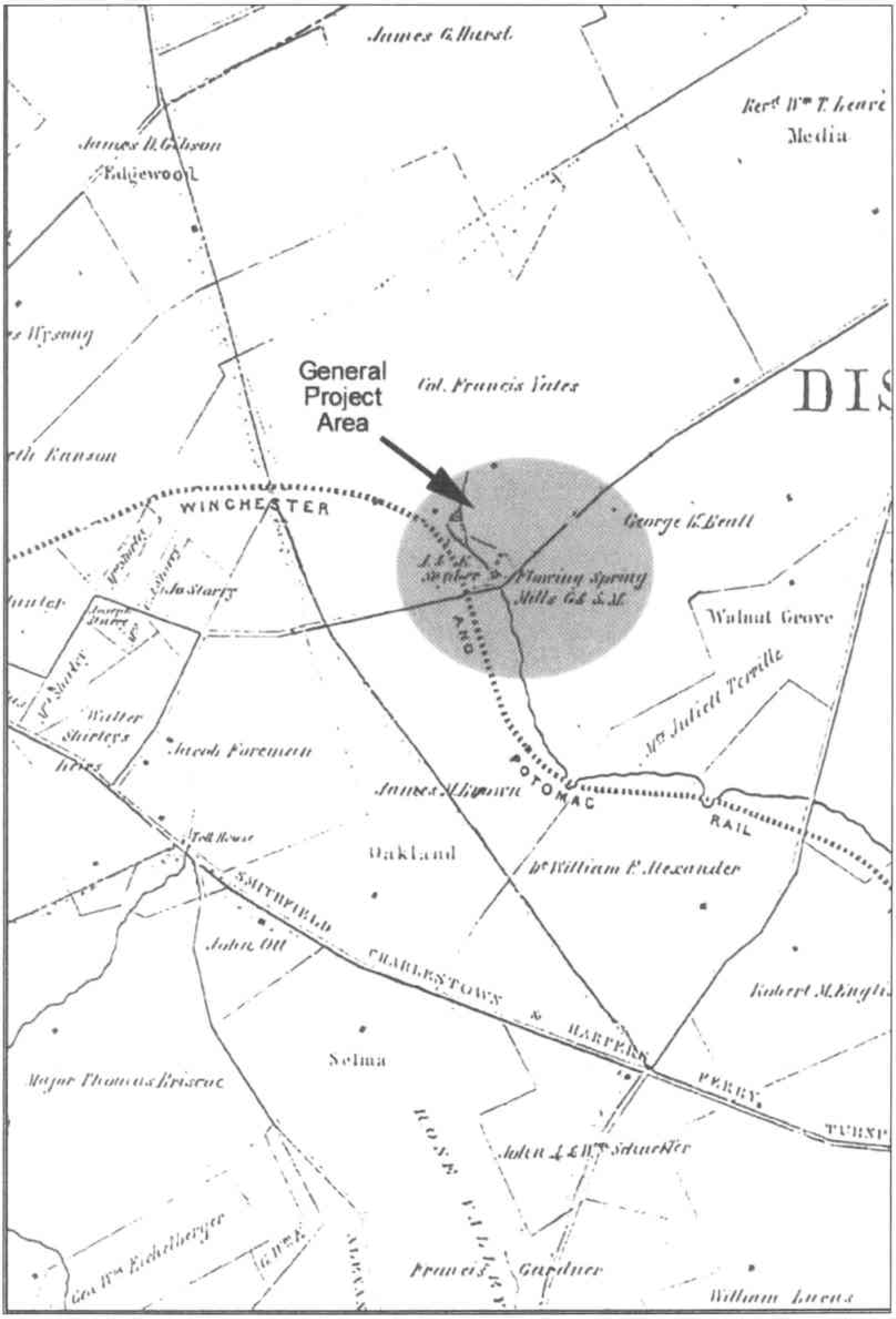


Figure 1: Portion of Samuel Howell Brown's 1854 map of Jefferson County, Virginia, showing project area.

Historical and Archaeological Investigations of the Flowing Springs Mill

William D. Updike M.S., RPA
Cultural Resource Analysts, Inc.

Cultural Resource Analysts, Inc. conducted Phase III archaeological data recovery for the Flowing Springs Mill site (46Jf340), located north of Charles Town, Jefferson County, West Virginia. The project was completed at the request of Terradon Corporation, acting on behalf of the West Virginia Department of Transportation, Division of Highways, for the Flowing Spring Road Improvement Project. The investigation followed a multi-task Research Design having four primary objectives. These were: 1) to locate historic documents and records that could be utilized to obtain information for the mill's history, and its significance to regional and national agricultural and industrial patterns; 2) through excavation define the plan and organization of the mill, possibly including the layout of machinery; 3) determine whether any of Oliver Evans' automatic machinery was applied to the mill; and 4) determine if the change from water to steam power was a reaction to increases in grain crop production and demand. The information derived from this research was used to address themes of Site Location, Site Form, Technological Change, and Raw Materials and Finished Goods, which are important to industrial archaeology.

Introduction

During October and November of 2001, Cultural Resource Analysts, Inc. (CRAI) of Hurricane, West Virginia completed archaeological excavation of the Flowing Springs Mill site (46Jf340), Jefferson County, West Virginia. The investigation was conducted at the request of Mr. Steve Engelhardt, Project Scientist, Terradon Corporation, on behalf of the West Virginia Division of Highways (WVDOH). The site was located approximately 1.1 miles northeast of Charles Town, north of Flowing Springs Run and west of WV 17 (Flowing Springs Road). The remains of the mill, which consisted primarily of stone rubble and floor and wall

remnants, were first identified during the Phase Ia investigation completed by CRAI personnel in 1998, and further defined during Phase Ib, and Phase II investigations in 1999 and 2001.[1] The excavation was conducted to mitigate anticipated impacts to the site resulting from the Flowing Springs Road Improvement Project.[2]

History of the Flowing Spring Mill

The first known reference to a mill on Flowing Springs Run occurs in 1792 deed, where Robert Rutherford, sold his home and mill on Flowing Springs to John Morrow. Rutherford had acquired this land from Charles Washington in 1783. It is also interesting to note that Robert Rutherford was a subscriber to Oliver Evans' *The Young Mill-Wright and Miller's Guide*, the most important book on mill construction and flour milling prior to the Civil War. This suggests that Rutherford was cognizant of changes in mill technology, possibly implementing some of these changes in his mill.[3]

Throughout the early development of the United States, gristmills were among the first industries established as the frontier advanced. A miller had connections both to the local agricultural and industrial spheres, as well as to markets in distant regions. Millers needed technical and commercial skills to produce and sell a high quality product. As such, their mills were frequently updated with improved equipment, including power driven hoists and bolters.[4]

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[1] J.M. Verbka, *Phase Ia Cultural Resources Evaluation for the Flowing Springs Road Improvement Project Near Charles Town, Jefferson County, West Virginia.* (Hurricane, West Virginia: Cultural Resource Analysts, Inc. 1998); W. D. Updike, A.O. Smith, C.M. Anslinger, and J.T. Kirkwood, *Phase Ib Archaeological Survey and Standing Structures Assessment of the Flowing Springs Road Improvement Project Near Charles Town, Harpers Ferry District, Jefferson County, West Virginia.* Contract Publication Series WV99-49. (Hurricane, West Virginia: Cultural Resource Analysts, Inc. 1999); W.D. Updike, *Phase II Archaeological Investigations for the Flowing Springs Mill Site (46JF340), Near Charles Town, Harpers Ferry District, Jefferson County, West Virginia.* Contract Publication Series WV01-06. (Hurricane, West Virginia: Cultural Resource Analysts, Inc. 2001).

[2] W.D. Updike, *Archaeological Data Recovery for the Flowing Springs Mill Site (46Jf340) Near Charlestown, Harpers Ferry District, Jefferson County, West Virginia.* Contract Publication Series WV02-15. (Hurricane, West Virginia: Cultural Resource Analysts, Inc. 2002).

[3] Berkeley County Deed Book 10:277. O. Evans, *The Young Mill-Wright & Miller's Guide.* ((1795) Philadelphia: The Oliver Evans Press Reprinted from the First Edition (1990)). List of Subscribers Page 2.

[4] Evans, *The Young Mill-Wright & Miller's Guide.*

The development of reliable roads and turnpikes, canals, and railroads set Jefferson County on a course of prosperity in the early nineteenth century. During the early to mid-nineteenth century, the Lower Shenandoah Valley area was the major grain-producing region in the United States. Virginia and the area that became West Virginia combined to produce nearly 60 percent of the flour and 35 percent of the corn in the Appalachian region. These products were shipped to "bulking centers" such as Winchester, Virginia, Hagerstown, Maryland, and Frederick, Maryland, from where they were distributed to Baltimore, Philadelphia, and Alexandria. From these ports, the products were redistributed to places as distant as Europe and South America.[5]

The next reference to the mill occurs on the 1809 Varle map of Frederick, Berkeley, and Jefferson Counties which depicts numerous mills and other industrial enterprises.[6] The heirs of John Peyton sold the Flowing Springs Mill again in 1817 to Stephen Cromwell. How Peyton acquired the mill is unclear, since no link between Morrow or Peyton was found. Cromwell purchased the mill and 11 acres for $5,300.[7]

In 1833, Stephen Cromwell, then residing in Union County, Kentucky, sold the mill to Aaron and Elisha Snyder for $5,000.[8] In 1836, Aaron Snyder in turn sold the mill to Abraham and Elisha Snyder for $5,000.[9] During 1837, Abraham Snyder made an agreement with John Yates, the adjoining landowner, to deepen and widen the mill's tailrace. This may suggest an attempt to increase the amount of fall, thereby increasing the waterpower potential of the mill, or maintenance of the tailrace for the removal of silt.[10]

Abraham Snyder was enumerated in the 1850 Manufacturing Census as owning a mill valued at $7,000, and producing 1,000 barrels of flour and 3,375 bushels of corn and rye valued at $7,750.[11] In 1854, the A&E Snyder Flowing Springs Mills Grist and Sawmill was depicted on a map

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[5] W.A. Dunaway, *The First American Frontier: Transition to Capitalism in Southern Appalachia, 1700-1860.* (Chapel Hill: University of North Carolina Press 1996), pp. 150, 201; C. Pursell, *The Machine in America: A Social History of Technology.* (Baltimore: John Hopkins University Press 1995) p. 93.

[6] C Varle. *Frederick, Berkeley, & Jefferson Counties in the State of Virginia.* Executed A.D. 1809 by Chas Varle, Engineer & Geographer, Philadelphia, Engraved by Benj. Jones, 1809.

[7] Jefferson County Deed Book 10:114.

[8] Jefferson County Deed Book 19:175.

[9] Jefferson County Deed Book 21:319.

[10] Jefferson County Deed Book 21:366.

[11] 1850 United States Census of Manufacturers.

of Jefferson County.[12] This map depicts two adjacent houses, the mill, the mill pond and race on a roughly triangular piece of land (Figure 1, page 20). In 1856, Elisha Snyder released all claims to the mill and property to Abraham Snyder making him the sole owner.[13] In 1860, Abraham Snyder was again enumerated as owning a mill valued at over $15,000. Snyder produced 4,200 barrels of flour valued at $25,000 and 70,000 board feet of lumber valued at $3,500.[14]

In 1866, Snyder sold the mill to Francis Yates for $6,000.[15] In the 1870 Manufacturing Census, the mill was water powered and could turn the equivalent of 20 horsepower. It operated throughout the year and used three stones to grind grain. Yates employed one man to operate the mill, and he received $350 a year in salary. The mill received 4,000 bushels of wheat worth $4,800, and produced 880 barrels of flour worth $6,160. It received 2,000 bushels of corn worth $1,600 and ground it into the same amount of meal worth $2,000. Yates also milled 1,000 bushels of rye worth $1,000.[16]

Beginning in 1870, Yates made substantial improvements to the mill. A story in the *Virginia Free Press* reported that an "additional" story was being added to the mill house to afford increased storage capacity. Yates hired Benjamin Tomlinson to oversee improvements to the mill. He also made improvements to the millrace by deepening and widening the tailrace to increase the waterpower.[17] In 1872, the *Spirit of Jefferson* ran a story noting that the Flowing Springs Mill had been converted to steam. D.C. Fridinger was contracted to operate the steam equipment, Tomlinson, again, did the woodwork, and G.W. Mock prepared the structure for the steam engine. [18] Evidently, the capacity of the mill could no longer compete with larger mills in the area that were grinding 20,000 bushels of grain each year, so Yates decided to improve his operation. Milling technology in the United States had changed in the latter nineteenth century to include steam power and roller mills.[19]

Throughout the 1880s, Yates sold off much of his property. On October 9, 1891, Francis Yates sold 584.5 acres of land along Flowing

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[12] S. H. Brown, *Jefferson County Virginia*. From Actual Survey with Farm Limits. (1854).
[13] Jefferson County Deed Book 35:437.
[14] 1860 United States Census of Manufacturers
[15] Jefferson County Deed Book New Series 1:297
[16] 1870 United States Census of Manufacturers.
[17] *Virginia Free Press*. (Charles Town: West Virginia, September 24, 1870).
[18] *Spirit of Jefferson*. (Charles Town: West Virginia, September 10, 1872).
[19] Pursell, *The Machine in America*, p. 93.

Springs Run and the Winchester and Potomac Railroad to George Baylor. The tract included the mill and any buildings associated with its operation. Francis Yates died at his home at Flowing Springs in January 1892.[20]

Archaeological Investigations

The excavation for the Flowing Springs Mill site was designed to generate information for the plan and internal organization of the mill. As such, the collection of artifacts via traditional unit/level excavations was totally de-emphasized. Nevertheless, a modest assemblage of period and post-use artifacts was acquired. The artifacts provide important information for the types of devices and machinery used at the mill, as well as the types of grain processed. Exposure of remnant architecture provided information for construction methods and the organization and operation of the mill.

Mill Architecture

After the rubble was cleared from the mill building, three distinct architectural features were identified. These consisted of: 1) a stone building, 2) a stone wheel pit, and 3) a stone and brick addition (Figures 2 and 3, pages 26 and 27).

The stone portion of the mill represents the original building, likely constructed by Robert Rutherford during the 1780s. Rutherford appears to have followed mill construction conventions, constructing a building 40 x 32 feet in size. Because the northern portion of the mill building was inset into the scarp that separates the upland from the flood plain, it was necessary for some of the limestone bedrock to be removed for the construction of the basement. The discovery of drill holes in the bedrock indicates that drilling and blasting were used in the process.

The basement of the mill was constructed of dry-laid and mortared limestone blocks, with some pieces resting directly on bedrock. A fireplace was constructed in the northeast corner of the mill. Eventually the fireplace was closed off with brick. The east wall of the mill retained little integrity, and in the southwest corner of the mill, the wall was extensively disturbed and fragmented. It appeared this impact was the

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[20] Jefferson County Deed Book Y:92; *Spirit of Jefferson*, (Charles Town: West Virginia, January 5, 1892).



Figure 2: Photograph of excavated mill, looking north.

result of a combination of natural processes, which possibly include displacement from the tree roots and freeze-thaw cycles. Most of the building's southern wall was also missing, as a large depression was present in this area.

The floor of the mill was coated with a thin bed of non-reinforced concrete or mortar, less than 1 inch thick. In most places it rested on approximately 4 inches of limestone gravel fill. Uneven bedrock was located directly below the fill. The concrete floor was relatively intact in the northeast corner of the mill, the floor had been extensively damaged by the same natural processes, which appear to have damaged the walls. In the southern portion of the mill, the floor was entirely missing, having apparently been intentionally removed. It is unclear what happened to this part of the building though it might have been used for fill during the construction of the current bridge (2001), which carries WV 17 over Flowing Springs Run.

Two apparent raised post supports made from limestone blocks were identified in the floor of the mill building. The function of these posts can be interpreted as supports for an upper story or for bins for finished flour, as illustrated in drawings in the *Young Millwright and Millers Guide*.[21]

Interesting, the interior walls of the mill basement were coated in a

[21] Evans, *The Young Mill-Wright & Miller's Guide*, Plate VIII

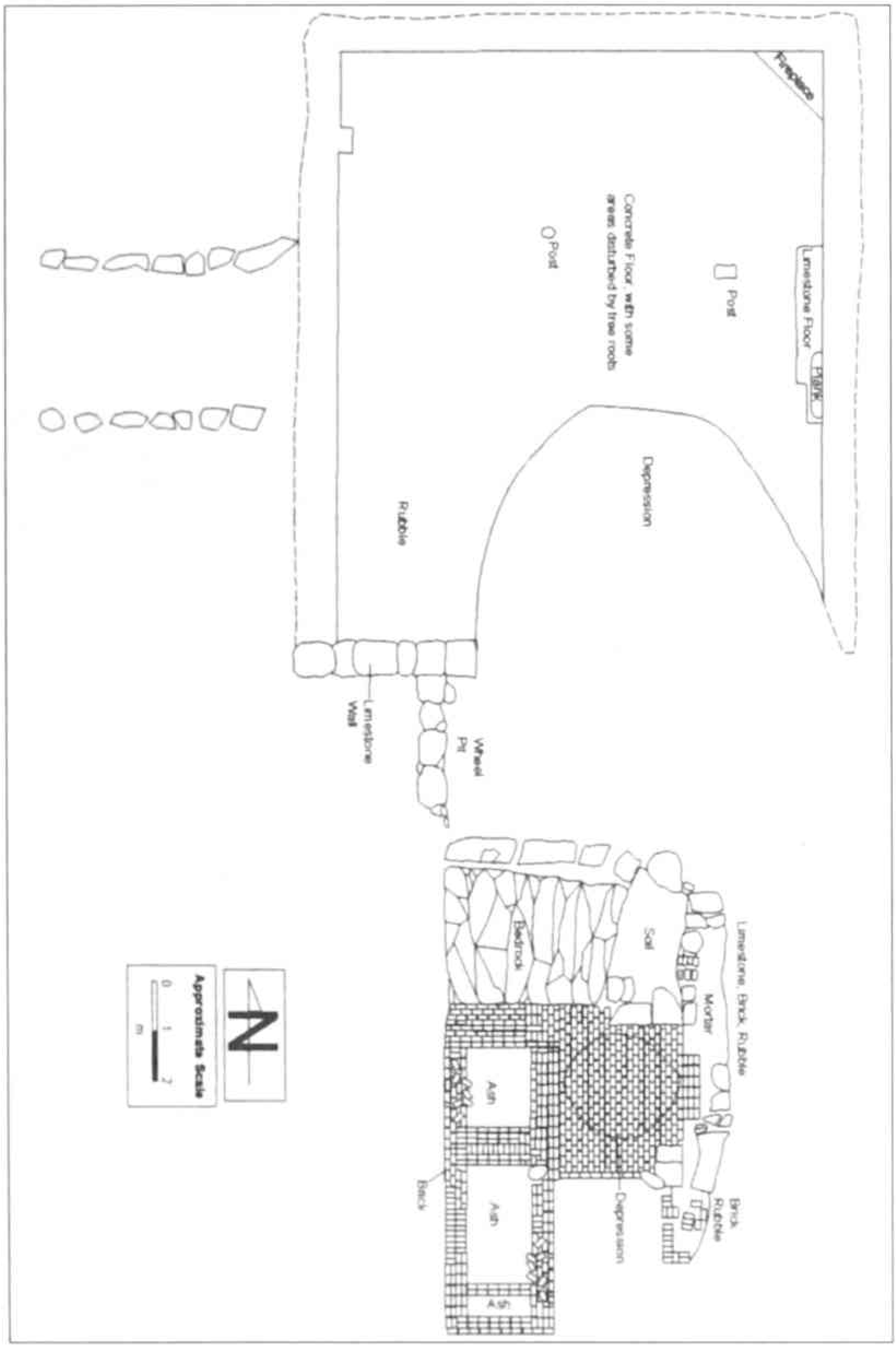


Figure 3: Plan drawing of excavated mill.

thin layer of mortar. This mortar was also applied to the brick covering the fireplace, suggesting that it possibly dates to the remodeling completed in the 1870s. The upper stories of the mill were apparently of frame construction, given the presence of large numbers of cut framing size nails. As only the basement walls were preserved, it was not possible to determine the placement of windows or doors.

Water Power System

The wheel pit for the mill's water wheel was located along the south wall of the mill. Unfortunately, the length of the wheel pit could not be determined because it was heavily impacted by disturbances possibly associated with prior constructions along WV 17. The western portion of the wheel pit was intact, and consisted of a dry-laid limestone wall, 11 feet wide and nearly 6 feet high. The west wall of the wheel pit was located 7 feet east of the mill's southwest corner. This wall sloped south, where a second stone wall, the outside wall for the wheel pit, was encountered. The southern wall of the wheel pit extended approximately 20 feet east. There was considerable disturbance in this area, which resulted when the mill was reconfigured to utilize steam power. In addition, evidence for more recent disturbance, possibly associated with previous construction along WV 17 was recognized.

It is unclear form historical research what type of water wheel was utilized at the Flowing Springs Mill. Given the shallowness of Flowing Springs Run, and the little available head, a breast wheel seems the best candidate. Breast wheels were adaptable to a variety of conditions, and were a very common type of waterwheel utilized throughout North America. The width of the wheel pit also suggests this, as breast wheels fit tightly in the wheel pit with the aid of a wooden frame. A breast wheel 8 or 10 feet in width could have been utilized in the wheel pit at Flowing Springs Mill. Because it is not known how high in the wall the waterwheel was located, it is not possible to calculate its diameter.

Steam Power System

South of the wheel pit a brick feature and two brick floors resting on bedrock were discovered. This feature likely represents the base of the steam engine boiler that was utilized during the final years of the mill's operation. This feature was 19 feet in length and 8.5 feet in width, with

the average width of the walls being 20 inches. The construction of the feature involved placing bricks in a thinly mortared common bond pattern. Inside the brick feature was a deposit of coal cinders and ash, mixed with numerous fragments of firebrick. Brick floors that ran flush with an exposure of bedrock were located to the north and east of the boiler base. Also in this area, were two sections of stone wall connected to a 20 foot long north-south tending stone wall.

Apparently the steam engine and boiler were housed in a separate building from the mill. Evidence of the physical plant consists of a two stone walls, one a portion of the original wheel pit, and the other, described above, either was a portion of the tail race or a wall built specifically to house the engine and boiler. The reasoning behind the interpretation that the stone wall was part of a tailrace was that it was made of stone rather than brick, which was the primary building material associated with the addition. Also, the stone wall had a 4 foot extension on its southern end made of loosely stacked brick, suggesting that it already existed but was added to when the steam engine was installed. It is also possible that the section of stone wall represents recycled material derived from the sawmill Snyder operated at Flowing Springs in the 1850s.

Historical Artifacts

A total of 94 artifacts were recovered during the excavations. These could be classified as being architectural, i.e. nails and window glass; domestic, i.e. ceramics and glass bottles; and manufacturing, i.e. coal, cinder, machine parts or millstones. Since this site represents a mill, most if not all of the ceramics and bottle glass derive either from nearby houses, or in the case of bottles, litter from Flowing Springs Road. The nineteenth century activities of flour and meal production were strongly suggested in the inventory of manufacturing artifacts associated with the mill.

As expected for an industrial site, artifacts related to the processing or manufacturing of a finished product were the most common type found. Recovered items include four iron wedges used to tighten pulleys and other pieces of machinery that drove shafts, a copper rivet used to join leather belt drives, a section of a bevel gear used to convert horizontal power to vertical power, and a piece of a drive shaft with a key-way on one end.

In addition, an iron pulley and two large wrought iron hangers, likely used to support scales of other heavy items were recovered, as were an iron bracket of unknown function, a iron leg from an unidentified machine, and a stanchion with a broken top. An iron machine part with a piece of a leaf spring attached to a bracket with a ratchet in the center and a bolt through the opposite end was recovered. The function of this machine part remains enigmatic; however, it might be part of a boiler or smutter, both machines that used a vibrating motion, which necessitated a spring attached to an adjustor.

Seven fragments of a French Buhr millstone were recovered. These fragments represent at least one millstone likely used to grind wheat into flour. A large section of a quartzite millstone was also recovered. This stone has been dressed, and had large and course cracking lines on the face of the stone. Stones such as this were commonly used to grind corn and other grains rather than wheat. The fragment of the stone suggests that it was approximately 40 inches in diameter with an 8 inch eye. Four large iron bolts similar to those used for mounting a steam engine to its base were recovered from the boiler area.

Discussion

The Flowing Springs Mill fits into regional and national agricultural and milling contexts. At one time, mills like that at Flowing Springs dotted the landscape of Jefferson County. At first these mills ground meal and flour for local use; however, with the rise of turnpikes, canals, and railroads Jefferson County mills adapted to manufacture flour for export. The agricultural census data suggest this as Jefferson County, and the surrounding counties of Virginia and Maryland produced large amounts of wheat, which was ground into flour and exported. However, by 1860, over half of the flour produced in the United States came from the Mississippi Valley, a trend that led to the decline of grain and flour production in this region[22]. Millers who wished to stay in business and compete with cheaper flour from the west had to adapt their mills to technological innovations such as steam power and rollers.

Archaeological evidence indicates that intact architectural features date from the water (1780s-1872) and steam powered (1872-?) periods of the mill's operation. Innovations in milling technology were applied to the Flowing Springs Mill throughout its use. The builder of the mill, Robert

[22] Dunaway, *The First American Frontier*, p. 316.

Rutherford, was a subscriber to Oliver Evans' *The Young Mill-Wright and Miller's Guide*, the most influential book of mill construction and the use of automatic milling machinery prior to the Civil War.[23] The dimensions of the Flowing Spring Mill were very close to those recommended by Evans, 32 -x-55 ft. (Flowing Springs was 32-x-51 ft., including the wheelpit, or 32-x-40 ft. without the wheel pit). Archaeological evidence for drive shafts, pulleys, and parts of grain cleaning or flour bolting machinery strongly suggest that the mill was automated to some degree. Unfortunately, further archaeological evidence of Evans' innovations remained elusive; however, this is not too surprising, as the mill was a dynamic system, with earlier innovations being replaced with new ones.

During the 1840s, modifications to the tailrace for increased water power were made, and in the 1870s Francis Yates increased the storage capacity of the mill and changed the water power system to steam power. This was done to make the mill more competitive with larger local mills, as well as to compete on a national level. Ultimately, the Flowing Springs Mill went out of service, either due to market conditions, or perhaps a fire, as suggested by burned nails and artifacts among the archaeological assemblage.

Artifacts recovered from the site represent a mixture of recent domestic and roadside refuse, and earlier materials dating from the nineteenth century use of the site as a mill. Domestic and Manufacturing materials were the most common. Not surprisingly, the artifact assemblage strongly suggests that the site did indeed function as a gristmill, primarily during the late nineteenth century. Both French Buhr and American millstones were recovered. Given the strong history of wheat agriculture and flour milling in the Jefferson County and the surrounding region, the presence of French Buhr stones at the site was not totally unexpected. French Buhr millstones were considered superior for the manufacture of flour, and were imported to the United States in large numbers. Also, the history of the Flowing Springs Mill suggests that corn and rye were ground into meal and flour during the mid-nineteenth century. The presence of a quartzite millstone with coarse cracking lines for grinding corn or rye corroborates the historical record.

Grist mill sites such as the Flowing Springs Mill offer opportunities to assess site specific adaptations to nineteenth century industrial practices. The collection of structural and artifactual data contributes to a broader database of knowledge about mill construction, equipment and power

[23] Evans, *The Young Mill-Wright & Miller's Guide*, Page 2 of the List of Subscribers.

sources in a geographic region. Furthermore, archaeological data combined with archival data make meaningful contributions to the knowledge of the industrial past when placed with the context of nineteenth century economic, technological, and social trends.

Acknowledgements

The successful completion of this project was made possible through the efforts of a number of individuals. Steven T. Engelhardt and Mike Jackobs of Terradon Corporation, and Mr. Roger Wise of the West Virginia Division of Highways, are thanked for providing project oversight and coordination. Their efforts are greatly appreciated.

Cultural Resource Analysts, Inc., personnel involved in the project included Richard Butler, Troy Kogel, Aaron Smith, Michael Orr, Michael Anslinger, and Darla Spencer. Mr. Butler and Mr. Kogel served as the field crew, and Mr. Smith helped gather the archival data. Mr. Orr drafted the CAD drawings. Mr. Anslinger provided logistical and editorial assistance, and Ms. Spencer was responsible for the production of the technical report on which this article is based.

The Washingtons of Jefferson County

Interview of Mr. John Augustine Washington, Family Historian, on 3 August 2001, by Mr. James T. Surkamp.

Portions of this interview appear in James T Surkamp, ed., *The Land Where We Were Dreamin': A Peoples History of Jefferson County, West Virginia* (2002): 18-26, in which Mr. Washington and Mr. Surkamp share a 2002 copyright. Those portions are reprinted with permission.

For more information on the early Washingtons in Jefferson County go on the Internet to http://www.lib.shepherdstown.wv.us/huntfield.documents.html.

ED: *What brought the Washington family to Frederick County, to the part that is today Jefferson County?*

JAW: It really begins with the fact that the old Tidewater was being worn out by tobacco cultivation without crop rotation. All the people in the Tidewater who could afford it were trying to acquire land in the far west, such as the present Jefferson County, to have some place to farm when their Tidewater lands were completely worn out.

Lawrence Washington (1718-1752)



"The Washington family tie with the Shenandoah Valley and the Jefferson County region begins with the marriage of George's older half brother, Lawrence, to Ann Fairfax in 1743. Of course the Fairfax family held the Northern Neck Proprietary as sort of an overlord with ownership of the entire, huge territory between the Potomac and Rappahanock Rivers and back to their sources. This included today's Jefferson County. Lawrence's lands would go after his death to his young half-brothers."

George Washington (1732-1799), Bullskin Plantation and Rock Hall



"As a very young man, George went with young George William Fairfax on some surveying trips back in this area and found what seemed to him the most fertile and beautiful land he had ever seen.

His first surveying fees were spent in acquiring a tract in what is now Jefferson County, the so-called Rock Hall tract, and over the years George would accumulate more land here."

JAW continues: George's older half-brother Lawrence died in 1752, and his four younger half-brothers George, Samuel, Charles and John Augustine inherited his accumulated land. So each of these four brothers had significant land holdings in this area from his earliest youth.

They continued to acquire more land here beyond what they inherited from Lawrence. In their lifetimes two of them, Samuel and Charles, eventually settled in what would be Jefferson County – Samuel at Harewood in 1770, and Charles at Happy Retreat in 1786. The grandchildren of John Augustine Washington settled here in the 1809-1812 period. They all built houses; their families flourished and became very numerous and really dominated the history of the region that is now Jefferson County. Perhaps the best evidence is the churchyard at Zion Episcopal Church in Charles Town, a crowded churchyard where perhaps half the burials are descendants of these Washington families.



Samuel Washington (1734-1781), Harewood and its Thread

"Samuel Washington continued to live in Stafford County near Fredericksburg until 1770. He is the Washington that was frequently married. Three young wives died one after another; and he married his fourth wife when he was twenty-nine. There's

reason to believe she brought a good deal of property with her, and I've always thought that it was partly with her resources that he began soon after this 1764 marriage to build the house at Harewood.



"He moved here in 1770 with his wife and children and during this whole period, both before and after he lived at Harewood, he was buying more and more land until eventually, by adding to what he inherited from his half-brother Lawrence. He held a total of 3810 acres that stretched in a long zig-zag north to south pattern and includes of course Harewood. This land over the years was divided and subdivided among children and grandchildren. The Harewood house and 260 acres there are still owned by his descendants.

"When you think about Col Sam Washington, it's hard not to think of him as the one that was married five times and died at the age of forty-seven. It wasn't his fault – or maybe it was – that his wives died at such a rapid rate. It's pretty clear that he had tuberculosis which we now know is a contagious disease and tuberculosis and pregnancy and childbirth do not go well together. The strain of pregnancy is very difficult for a woman who has tuberculosis. I've always thought that his young wives who kept dying so quickly had caught tuberculosis from him, became pregnant, and soon died as a result of the combination.

"Be that as it may, he was a good deal more distinguished a man than we usually think, for we tend to contrast him with his famous brother. Col. Sam was a leading citizen in Stafford County before he moved to what is

now Jefferson County and here he at once became vestryman and warden of the church, a member of the county court, colonel of the county militia and very much a leader of the community.

"His son by his fourth marriage, George Steptoe Washington, followed him at Harewood. Again we think of this Washington first because of his marriage. In 1793, he married Lucy Payne, the attractive sister of Dolley Madison and when Dolley Payne Todd married James Madison in 1794, they were married in the parlor at Harewood, where Lucy had been settled for a year. George Steptoe Washington, like his father, died of tuberculosis rather young, in his thirties. His widow, the young widow Lucy, in a few years married Judge Todd of Kentucky, a member of the Supreme Court. This was the first marriage ever performed in the President's House, now called the White House, in Washington. Their son, Dr. Samuel Walter Washington – that is, George Steptoe Washington and Lucy Payne's son – followed his father at Harewood. He had studied medicine at Philadelphia and married a Philadelphia girl, Louisa Clemson, whose brother was the founder of Clemson College in South Carolina, and, incidentally the brother-in-law of John C. Calhoun. The Washington family has continued generation after generation at Harewood and still owns the house.

"Out of the 3800 acres that Col. Samuel Washington eventually owned, more farms and houses have come than just Harewood: Barleywood, Locust Hill, Megwillie, Sulgrave, Richwood Hall, and Cedar Lawn."

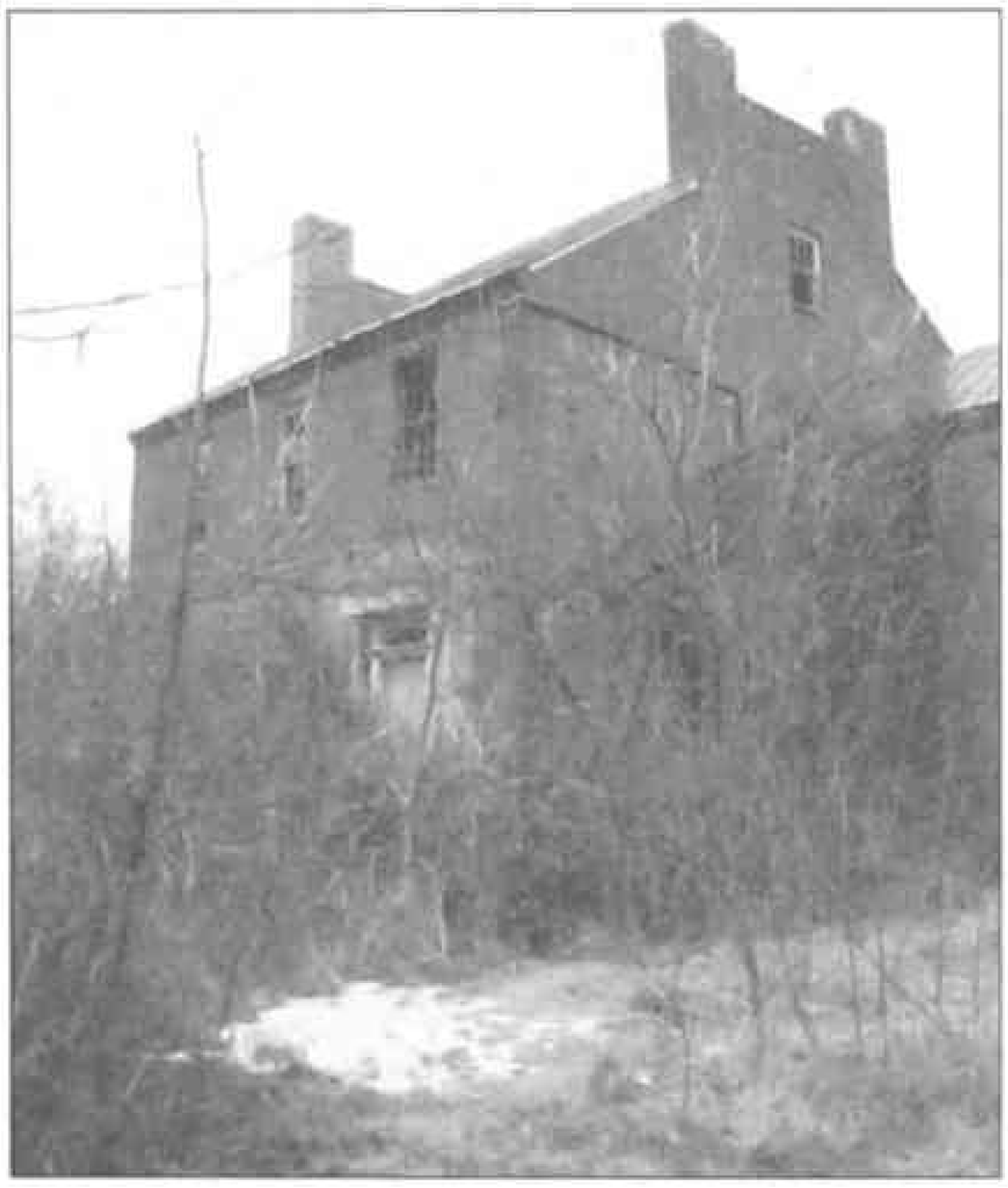
Cedar Lawn



"Col. Sam left one surviving son by his second wife as well as two sons and a daughter by his fourth wife to carry on his family. The son by the second wife, Thornton Washington, in turn, married twice and yet died at the age of 29 and left a son by each wife. Thornton's older son, John Thornton Augustine Washington lived to a decent old age for a change. At least he was over fifty. He married a Miss Bedinger from Shepherdstown and built the house called Cedar Lawn, where he had a family of thirteen children. The Cedar Lawn family produced Benjamin Franklin Washington who led the Mining Company of Virginia. That family all moved to southern West Virginia, Missouri, California and elsewhere, but away from Charles Town. They had been numerous here until the 1850s.

Megwillie

"When George Steptoe Washington died in 1809 and his widow remarried, his older son, Dr. Samuel Walter Washington, kept Harewood and his younger surviving son, William Temple Washington, took a piece of the Harewood land and built about 1828 the house called Megwillie, which seems like an odd name until you realize his wife's name was Margaret and Megwillie stood for "Margaret" and "William." This house the family did not keep for very long because around 1856, before the Civil War, they had left the county and gone down to live near Fredericksburg. Megwillie went into the ownership of the Amblers and has had various owners since. The house burned in, I believe the 1920s, and the present Megwillie was subsequently built on the foundation and is owned by the Megahas."



Barleywood

"William Temple Washington of Megwillie had a daughter, Mrs. McPherson for whom about 1840 he built a house near Megwillie called Barleywood, which is very little known or remembered. The McPhersons did not live there

long and I believe about 1853 returned to Frederick County, Maryland, whence the husband had come."

Locust Hill

"Doctor Samuel Walter Washington, the third Washington to own Harewood, had, besides a son, three daughters, Christian, Lucy, and Annie, all of whom got pieces of the Harewood property. Daughter Christian, who married her third cousin, Richard Scott Blackburn Washington of Blakeley, would remain at Harewood after Blakeley burned in 1864.

"Her sister, Mrs. Lucy Washington Packett built a house called Locust Hill, which is toward Charles Town and is now the site of a real estate development by the same name. The Locust Hill property is especially remembered for a skirmish and small battle that occurred there during the Civil War. I myself remember being told by my Great-aunt Christine about how, as a little girl of seven or eight, she and other children ran away from this house through the corn while the Yankees shot at them."

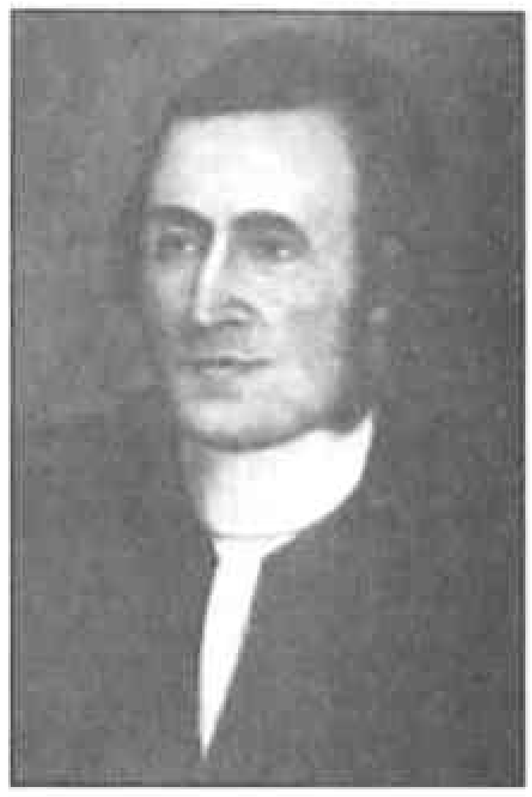
Sulgrave

"Mrs. Annie Washington Brown – whom I call Aunt Annie Brown – was the third daughter of Dr. Samuel and Louisa Washington. She married Thomas A. Brown and they built and lived at a house called Sulgrave farther out from Charles Town, which the last I knew is still standing. This parcel of land may originally have been the share of George Steptoe Washington, Jr., (1806-1831). This youngest son of George Steptoe Washington left no children."

Richwood Hall

"While Samuel's son, George Steptoe Washington, inherited Harewood, a piece of the Harewood land, named Richwood Hall, was cut off also for another son, Lawrence Augustine Washington. Here this youngest surviving son of Col. Sam, lived with his wife Julia Wood from Winchester before he moved to what is now Wheeling, West Virginia. His family eventually went down the river about 1850 to Texas and settled there."

Charles Washington (1738-1799), Happy Retreat, and Its Thread



"The second brother to settle in Charles Town was Charles Washington, and 'in Charles Town' is just the right way to say it because he laid out the village of Charles Town on his farm, called Happy Retreat. He subdivided it and sold lots in the village that had been surveyed. This was a conventional way to make some money out of a farm, an early form of real estate development. Charles also had acquired other land and I really don't know how many acres he eventually had. His descendants sold off the property they had here and moved away fairly early and were gone from the county by the 1820s.

"Charles, the youngest brother, had had a son, George Augustine Washington, who was a major in the Revolution and who then settled near Mt. Vernon with his wife, Fanny Bassett, who was Martha Washington's niece. He and Fanny both died quite young leaving three children; and in his will, General Washington was particularly generous to these children because of their mother's connection to Martha and because George Augustine Washington had been a valuable assistant to him in the war and as sort of a manager of Mt. Vernon after the Revolution until George Augustine's death.

"One of George Augustine's boys grew up and married a Charles Town girl, Maria Frame, whose father was an early Irish merchant here in Charles Town. This family continued to live down on the piece at Mt. Vernon they inherited from the General, which they called Wellington, but eventually they came up to this area – not in Jefferson County, but over near Winchester in Frederick County. They purchased a stone house called Waverly, near Hopewell Friends Meeting. They were close



friends as well as distant relatives of all the Washingtons in Jefferson County. That family died out with Miss Nannie Bird Washington and her mother, who died in 1919 and 1920."

John Augustine Washington (1736-1787), Prospect Hill and the Mount Vernon Connection



This brother's descendants would include the last three family members to own and manage Mt. Vernon. Their land in Jefferson County, first called Prospect Hill, would be the site of the better-known residences, Blakeley and Claymont. All the owners of Mt. Vernon in order were: Lawrence Washington; briefly his baby daughter, Mildred; General Washington; the General's nephew, Justice Bushrod Washington; the second of three John Augustine Washingtons, an orphaned nephew that Justice Bushrod raised at Mt. Vernon; John Augustine's widow, Jane Charlotte Washington; and the third John Augustine Washington, their son. The last three spent half of each year at Blakeley in Jefferson County, the other half at Mt. Vernon from 1832 until its sale by the third John Augustine in 1858. - ED.

JAW continues:

"The third brother whose family loomed in the history of Jefferson County was the family of the General's brother, John Augustine. John Augustine had at least 2700 acres in a large tract here in Jefferson County on which he was paying taxes in the 1770s, and he called this Prospect Hill. It went on his death to his younger son, Corbin. George Washington strongly advised Corbin to come out here and live, but Corbin refused his uncle's advice and instead built and settled near Alexandria in Fairfax County, because his wife Hannah Lee's relatives were there and she wanted to be near to them. Corbin and his wife, however, both died very young in 1799 and 1802; their orphans were brought up at Mount Vernon by their Uncle Judge Bushrod Washington, who sat on the U.S. Supreme Court with Justice John Marshall for thirty years. Under their parents'

will, the three sons of Corbin inherited his 2700 acres in Jefferson County. One by one, as they became twenty-one years-old, they came out here and lived."

John Augustine Washington in line to inherit Mt. Vernon, built the more modest Blakeley on his 900-acre parcel. –ED.





Brother Bushrod Corbin Washington employed some 90 slaves to build his palatial 34-room mansion called Claymont, that faced Blakeley some 600 yards away. – ED.

"The oldest son, Richard Henry Lee Washington, occupied the old, small two-story house called Prospect Hill on his 900-acre portion but he died as a young bachelor and his property was divided among his sister and two brothers. We don't know much about Richard Henry Lee

Washington, but we do have a little, printed invitation to one of the Fairfaxes to come to a party at Prospect Hill. It was a dancing party and it was called for twelve noon and since the house was diminutive, they must have danced outdoors on the lawn.

"When Richard died unmarried in 1819, his 900 acres went one-third to Blakeley (the second John A. Washington), one third to Claymont (Bushrod Corbin Washington) and one-third to his sister, Mary Lee Washington, who was the wife of a lawyer named Noblet Herbert. Mrs. Herbert and her husband lived in Alexandria and would not have spent much time in Jefferson County, I imagine. Unfortunately, they soon died quite young in 1825 and 1827. They left two sons: Bushrod Washington Herbert and Noblet Herbert Jr., who had inherited this 300 acres and the little house – shall we say cottage – of Prospect Hill. These two orphan boys were brought up by their uncles at Blakeley and Claymont. The older boy, Bushrod Herbert, lived at Claymont because the children there were older than their cousins; the younger son, Noblet Herbert, lived at Blakeley where the children were younger than the Claymont children.

"1849 came, and Noblet Herbert, Jr. at the age of something like twenty-five went on the gold rush with the Charles Town Mining group under Benjamin Franklin Washington of Cedar Lawn, and unfortunately was murdered in the gold fields in 1852 by Mexicans he had hired to run a mule train for him. His brother, Bushrod Herbert, then became the sole owner of the 300 acres and of Prospect Hill. Bushrod Herbert lived there as an old bachelor, and after the Civil War, he stayed on there cared for by a colored family, the Johnsons, who had been his slaves before he war. They took care of him until his death in 1888. The house was apparently little changed. My cousin, Margaret Chew was born in 1875, and I knew her very well. She had lived at Blakeley for a while as a child and remembered going over and calling on Cousin Bush Herbert at Prospect Hill. She described the Prospect Hill house to me many years ago before she died. Obviously when Bush Herbert died a lonely old bachelor, he had sold part of the 300 acres, but he left the house and what was remaining to the Johnson family who had stayed by him and had taken care of him for all those years after the war. The various transfers of property within the Johnson family over the next years are a complicated story in themselves. By the 1920s the house was abandoned and derelict, ready to fall down and a danger to anyone who came by and invaded the property.

"Cousin Forrest Brown, whose family had Sulgrave, was a lawyer in

Charles Town. He had the Prospect Hill house torn so it would no longer be a public menace. That was, I believe, in 1926. He found a packet of letters there that had belonged to Bush Herbert including an interesting letter from his brother Noblet Herbert in California. My great Aunt Betty in Charles Town had these letters and lent them to me in the 1940s, and I copied them all carefully and later published the Noblet Herbert letter from the gold fields in the *California Historical Magazine*. I returned the letters to Aunt Betty but at some subsequent time they somehow disappeared and her family no longer knows what happened to them. However I do have a complete verbatim transcript of them and so know something of the personality of Bush Herbert. My recollection of Cousin Margaret's description of Prospect Hill is that it was a small frame dwelling with small central entrance hall and a narrow staircase, so that there was a second floor and a room on each side of that entrance hall. She said nothing about the inevitable outbuildings associated with it, that must have existed: barns, slave quarters, kitchen, smoke house, whatever there would have been."

Burnlea on the later Prospect Hill

"The farm called Burnlea apparently is on part of the original 2700 acres that was Prospect Hill. Burnlea belonged to cousin Nannie Burnett. Charles Washington, the founder of Charles Town, had a daughter, Mildred, who married Mr. Thomas Hammond. She and her babies soon died and Mr. Hammond stayed on at Happy Retreat, Charles Washington's home. He later moved to Shannon Hill, the old Fairfax place, with his new wife, Ann Newton Collins. They had seven children and among them was Anna or Nannie Hammond, who married Mr. Burnett. She was, thus what you might call a connection, but not a relation and did not have the Washington mother. Still she was regarded as a close friend and was called "Cousin Nannie" by all the Washingtons.

"In 1864, the family at Blakeley had gone over to the adjacent Claymont to have morning prayer one Sunday. While they were gone, a chimney fire at Blakeley caught the roof on fire and spread. The family rushed back from Claymont. The houses, of course, are within sight of each other across a little valley. They did their best to bring furniture and possessions out of the house and save what they could. The brick walls stood, but the house was pretty well destroyed inside the walls. They lost a tremendous

amount of their possessions and memorabilia. Cousin Charley Alexander, who was dying of tuberculosis, was on a bed in the parlor and had to be carried out of the burning home. My great-grandmother, who'd been Christian Washington of Harewood, was running around trying to get water to dampen things that had been carried out so that sparks wouldn't start new fires on them. Cousin Nannie Burnett, the cousin who was not a cousin, took one look at what was happening and went and got her carriage and made Christian get in the carriage and took her home to Burnlea. That night Christian had her ninth and last child, my great-uncle William Dettertburn Washington. and that's the way the account of the Blakeley fire always ends. The last sentence of the tale is always: 'And that was the night Dettertburn was born.' So no matter what anyone says about Uncle Dettertburn's birthplace, he was born at Burnlea, and not Blakeley or Harewood."

The Mount Vernon Washingtons

JAW continues:

"After Richard Henry Lee Washington, the next brother in that family, John Augustine Washington, who built Blakeley was in line to inherit – he was promised he would inherit – Mt. Vernon, when his childless uncle, the Judge (Bushrod) died, as indeed occurred, so he built a comparatively modest, yet still a rather large house on his third of the Prospect Hill tract and the family viewed this over the years more as a summer retreat to get away from the humidity, mosquitoes, malaria and heat of Mt. Vernon. They would come up here to the mountains for a healthier and less oppressive summer. John Augustine Washington and his brother, Bushrod Corbin, had married two sisters. We have two brothers marrying two sisters. The second couple – Bushrod Corbin Washington and Anna Maria Thomasina Blackburn – knew that they were not going to inherit Mt. Vernon. So when they built Claymont, they built a monster of a house, which I think is still perhaps the largest house ever built in West Virginia, a little impractical for a family to keep up today.

"These Blackburn girls, to further complicate the family connections, were orphaned nieces of 'Judge Bushrod' Washington's, so Mrs. Washington's two orphaned nieces married her husband's two orphaned nephews. These Blackburn girls and their other sisters were very strong

members of the Episcopal Church in its period of revival. The Episcopal Church had gone into a decline after the Revolution because it had seemed associated with the established church of the colonial government, and therefore with the colonial government and Britain. But it began to come back, particularly under the leadership of Bishop William Meade. Some people became very enthusiastic lay supporters and the Blackburn women were among them to the extent that Bishop Meade's classic book *Old Churches, Ministers and Families of Virginia*, especially refers to these Blackburn girls as 'the first fruits and some of the most valuable fruits of my early ministry.' The lady whose husband built Claymont kept a diary which, though I've never seen it, I am told is nothing but one long series of religious and pious reflections, and has none of the historic and genealogical material that we would like to find in a diary.'

The "Alexander" Washingtons

"After the complications of the Blackburn marriages, perhaps the next tangle almost as complicated is the Alexander Washington set of connections. John A. Washington and Jane Charlotte Blackburn, the ones who built Blakeley and inherited Mt. Vernon, had two sons and also a daughter, their oldest child, Maria – her full name was Anna Maria Thomasina Blackburn Washington. She married an estimable gentleman, a physician from Alexandria, named Dr. William Fontaine Alexander. They had seven children and one gets tired of mentioning tuberculosis, but she died of tuberculosis after having the seven children,. When they settled in Jefferson County in a farm called Walnut Farm, which her mother, Jane Charlotte Blackburn Washington, had purchased for them – their only descendants come from a daughter who was a Mrs. Ranson in Staunton.

"But there are more Alexanders over at Claymont. Bushrod Corbin, the builder of Claymont, besides the son who succeeded him there – Thomas Blackburn Washington – also had a daughter named Hannah Lee Washington.

"She was visiting Mt. Vernon in 1835 when she proceeded to elope with a man who her family did not want her to marry. He was a young widower. His name was William Pearson Alexander – not to be confused with Dr.

William Fontaine Alexander. They were first cousins once removed.

"William P. Alexander came out of King George County. He and his new wife lived in a variety of places, including King George County and Fairfax County until they finally settled up with her father at Claymont. A house was apparently built on the Claymont property for them, but the enormous house at Claymont was plenty big to house everybody and they seemed to live there a good deal of the time. This marriage produced nine children but eventually ended in a divorce and William P. Alexander went away, married again and died. His wife, Hannah Lee Washington Alexander, lived much as a widow would live in black mourning dress to a great old age in Charles Town.

The Alexanders, who were so very prominent around Charles Town in the period, shall we say, from 1850 to 1950, were all descendants of this couple."

Jane Charlotte Blackburn Washington: The Mistress of Mt. Vernon

JAW continues: One of the most conspicuous people in the history of the Washington family always seemed to me to be "Grandmother Jane." This was Jane Charlotte Blackburn. She was the orphaned niece of Judge Bushrod's wife, and married the second John Augustine Washington, the builder of Blakeley and inheritor from the Judge of Mt. Vernon.

"When her husband died in 1832, he left his entire estate to his wife to be divided as she pleased among her children. So Jane Charlotte became the owner of Mt Vernon and remained so until the place went to her older son and this she confirmed in her will in 1855. The family, as I said, considered Blakeley a summer retreat from the heat and the bad climate of the tidewater area of Mt. Vernon. The family had always been burdened with the responsibility of slaves, and they felt this burden to be a serious and unwelcome responsibility, just as George Washington had felt. One thing that they had done from the beginning was to support the American Colonization Society which founded Liberia, a free nation on the coast of Africa to which they would send freed slaves. The trouble with this project was that it was a very expensive thing to do – to educate slaves to the point where they could be self-sufficient and then transport them over to Africa and give them enough support to have books, a start to get going and become independent. Judge Bushrod Washington, while he sat on the Supreme Court of the United States, was President of the

American Colonization Society, and the family always supported it. Indeed Jane Charlotte, in her 1855 will, provided for one slave, named William Lyon, to be educated and transported to Liberia if he chose." (A parcel near Claymont on the 1883 map of the county indicates a parcel owned by a man of the same name. –ED).

"Col. Lewis William" Washington and "Uncle Dick" Washington

"One other member of the Washington family who settled here was Col. Lewis William Washington. His land came to him in a different fashion. He was a close relative of other Washingtons. His mother, Jane Washington, had been a sister of Judge Bushrod Washington and Corbin Washington, the father of the Blakeley and Claymont builders. This sister, Jane, had married a cousin – a half-first-cousin named William Augustine Washington – and these were Col. Lewis William's grandparents. Col. Lewis William's mother was a Miss Beall from Georgetown near Washington, D.C. and it was Beall land that Col. Lewis William inherited here in Jefferson County. He had lived in Baltimore with his wife until her death in 1844 and then settled here as a widower on a farm called Beallair. He, of course, was captured by John Brown in 1859 at the time of the Harper's Ferry raid and was Brown's prisoner at Harper's Ferry for a time.

"Another member of the family enters into the story here. Richard Blackburn Washington, my great-grandfather who was the son of the builder of Blakeley. He was a famous squirrel shot and he was among the citizens who went over to Harper's Ferry in response to the emergency created by John Brown and was credited with having shot one of the raiders from some tremendous distance and killing him in one of the incidents before the U.S. Army arrived and dislodged Brown from the armory."

The Civil War

"Of course the whole slavery question was one of the factors that led to the Civil War, and the Civil War really destroyed the Washington family in Jefferson County. All the other families in the area, in Jefferson and adjacent counties, suffered because it was a war fought against civilians and civilian property and not just against armies. This was an area which

kept changing control, first under Confederate, then under Union, then under Confederate, then under Union rule; and it changed constantly during the war. Of course all the local people were very strong Confederates, as it was their state of Virginia which had been invaded, and they were defending their homes against the invaders. And this led to many casualties.

"The Washington and Alexander families suffered, particularly the Claymont Washingtons. Thomas Blackburn had two sons, George and Jimmy, who died during the war in the Confederate army and the sister, Mrs. Hannah Alexander, had two sons who died in the war.

"One of the Washington boys, George, who had been born on February 22nd in 1842 and died in 1863, was in love with and perhaps engaged to, his cousin, my great aunt, Elizabeth Washington of Harewood. It was only several years after the war she married an old widower, Mr. Flagg.

"The John A. Washington who got Mt. Vernon from his mother, Jane Charlotte and father, John Augustine Washington, was born in 1821 and lived of course at Mt. Vernon. His younger brother inherited Blakeley from their parents. The families did a lot of going back-and-forth and the two families would be together at one or the other house.

"John Augustine and his wife, Eleanor Selden, had seven children. He was the last Washington to own Mt Vernon. To preserve it he sold it to the Mt. Vernon Ladies Association in 1858. Of their seven children, the older ones were daughters and the sons were very young when the war came along. In 1860, Eleanor Washington died in childbirth, leaving their seven children with John Augustine.

Father John Augustine entered the army as a lieutenant colonel on General Lee's staff, with his children being cared for by other family members."

(He even shared a tent with Gen. Robert E. Lee on his first campaign. John Augustine would pray at cot-side on his knees each morning and evening. On September 13th, 1861, he was killed at Elk Water on Cheat Mountain, when he reconnoitered too far into enemy-held territory. A distant relative to John Augustine and a childhood friend, Gen. Lee was hit hard by one of the first personal losses he would experience in the War. He wrote his friend's eldest daughter breaking the awful news –ED)

JAW continues: John Augustine's younger brother, my great-grandfather, is still referred to as Uncle Dick, because he was uncle to so many people. Uncle Dick – the good marksman – quixotically entered the Confederate army as a private even though he was thirty-nine years old and almost twice the average age of the enlistees. He felt that it was wrong to accept a commission merely because of one's general ability, family connections, and position in the community. However when his brother was killed leaving seven orphans, Gen. Lee ordered Dick to go home and quit this nonsense and take care of his responsibilities. Uncle Dick had seven children of his own, as well as the seven orphans of his brother to be responsible for. His sister, Mrs. William Fontaine Alexander, had died followed by her widower's death in 1862, also leaving in Uncle Dick's strained care their four children.

"This was not easy – the children were scattered at three different farms. The Mt. Vernon people were at Waveland in Fauquier County; Uncle Dick's own family was at Blakeley, then at Harewood. The Alexanders had Walnut Farm over on the other side of Charles Town. Travel was very difficult. It was constantly a question of whether you were going into Union territory, or from Union territory to Confederate territory, across the lines to get from one place to another. The Confederates, when they came along, had to be fed; and the Union army, when it came along, took all the food, to say nothing of the livestock. The Union army under orders from Gen. Sheridan deliberately burned all the fences on the farms to make it impossible to keep livestock or grow crops. They stole possessions from the houses, they stole clothes. In one instance I've never been able to understand, my Great-Uncle John, who was a hunchback and sixteen or seventeen years old, was herding some cattle from one field to another when the Union soldiers captured him and sent him to a military prison in Washington. His grandmother, who had been Miss Clemson from Philadelphia, got on the train and went down to Washington. She went to see Mr. Lincoln and got from him permission for the boy to come out of the prison and live with relatives, the Walter Jones family, in Washington and go to school.

"Life was really tough for these families. When the war was over, not only was the labor gone, but all the facilities for farming and existing were gone: the seed corn, the fences, the cattle, the horses – everything was gone. That they hung on to any property was remarkable. They did for a while, but they had large families and such property as there was

would be divided when someone died among a number of people. Eventually they left the farm and moved into Charles Town or many states away. They had all scattered all over the country.

"These families, as I say grew, flourished, and populated the territory for the nineteenth and well into the twentieth century. Although there are very few of the descendants left in Charles Town today. I think of Walter Washington, Betsy Wells and Nancy Truettner. There may be one or two others but there are not many."

I can still think of one other fragment, another branch of the Washington family that was in this region. Out near Middleway on a farm are the graves of two Washington women who came from Spy Hill, King George County, and descended from cousins of George Washington. There was a man here in Charles Town, William Pinckard Flood, who was sheriff of Jefferson County in, I believe the 1830s and 1840s. One of the graves is that of his wife, Nancy Washington (1777-1832). Her mother, Harriet Peyton Washington, married as her second husband, in 1800, Francis Whiting, and came to live on Bullskin farm here. Beside Mrs. Flood, her niece is buried. She was Amelia Washington (1808-1831), the first wife of Dr. Mann Page Nelson of Middleway. Her sister Cecilia was Mrs. Edward Bacon Burwell, also apparently of Middleway, but as a young widow she married Dr. John Owen and is buried at the Old Chapel in Clarke County. The Flood family remained in Jefferson County for many years, but have not been easy to trace, and they do not seem to have been close to their numerous Washington kinfolk.

The Railroad at Potomac Cliffs, Shepherdstown

Editor's Note — No one in the late 1870s could have imagined the impact that the Potomac River railroad crossing would have on eastern railroad construction and railroad strategy over the next century. Certainly, no person could have predicted the modern international and national economic implications of the commerce that daily passes Shepherdstown's river crossing. Indeed, today, only the most sagacious residents fully comprehend the strategic and economic presence of the Norfolk Southern Corporation in the county and town. The Shepherd family that originally owned the cliffs for the railroad bridge abutment had a vague, contemporary idea of the local effect of construction of the Shenandoah Valley Railroad.

Original construction of the Shenandoah Valley Railroad occurred in several stages by various construction companies. Several possibilities for its southern terminus existed. E. W. Clark & Company of Philadelphia began building the railroad in the 1870s from Hagerstown, Maryland, southward toward the Potomac. The new road would enjoy connections in Hub City with the Pennsylvania Railroad, the Baltimore and Ohio, and later with the Western Maryland. John Saterlee & Company of New York had built the line from the Potomac through Jefferson County to the Virginia line at Gaylord when E. W. Clark & Company bought the construction company. By 1879, trains ran from Shepherdstown to the Shenandoah River at Riverton Junction, near Front Royal. By August 1880, the Potomac River bridge and the link between Shepherdstown and Hagerstown opened to traffic. By the spring of 1881, the railroad reached Waynesboro, Virginia, where it connected with the Chesapeake and Ohio Railway. Eventually, the Shenandoah Valley Railroad reached Big Lick (Roanoke) where it connected with the Norfolk & Western Railway.

Frederick J. Kimball, who was the dynamic president of the Norfolk and Western, was the leader of Shenandoah Valley railroad construction. He represented E. W. Clark & Company's financial holdings. Kimball became chairman of the Shenandoah Valley Construction Company in 1878 and president of the railroad in 1881 until the latter became a part

of the Norfolk and Western in 1885. He and other railroad men visualized the Shenandoah Valley Railroad becoming a great mineral hauler (similar to the Lehigh Valley Railroad in Pennsylvania) that supplied local iron manufacturers with coal and coke. For several reasons, the vision was not to be fulfilled.

William Hicks Travers was the Jefferson County attorney for the railroad construction and operating company. Born in Dorchester County, Maryland, in 1833, he married a daughter of Rebecca Lane Houston Hunter of Charles Town and divided his time between Baltimore and Charles Town until 1861 when he finally settled in Virginia. He represented the Shenandoah Valley Railroad Company's successful appeal in the present case.

Until recent years, the Shenandoah Valley division of the Norfolk and Western served as a connection between Roanoke and Hagerstown carrying general merchandise and coal traffic. The route's fortunes varied considerably, depending on the commercial and economic relationships with other eastern railroads. For some time, the Pennsylvania Railroad controlled the Norfolk and Western, and traffic interchange depended on the needs of the dominant enterprise.The last three decades have witnessed great corporate change and realignment among eastern and southern railroads. The present Norfolk Southern Corporation was created on 23 July 1980. On 1 June 1982, the Norfolk Southern acquired control of the Norfolk and Western Railway Company and the Southern Railway Company. On 31 December 1990, the Norfolk Southern transferred all Norfolk and Western common stock to the Southern Railway and changed the Southern Railway Company's name to the Norfolk Southern Railway Company. In the 1990s, the Norfolk Southern negotiated various operating agreements with the Conrail system that increased traffic through Hagerstown from the New York and New Jersey port area and from other portions of Conrail's Pennsylvania Railroad and New York Central System. On 1 June 1999, the Norfolk Southern Corporation and the CSX Corporation acquired Conrail's rail routes and assets. Norfolk Southern holds 58 percent economic interest and a 50 percent voting interest in the shared assets of Conrail. In 2003, Norfolk Southern and CSX moved to establish direct ownership and control of their respective portion of Conrail that they had already operationally divided and of a few portions that they share.

The mileage of the Norfolk Southern Corporation expanded approximately 50 percent upon the acquisition of Conrail. Its reach

extends, significantly, to the New York/New Jersey ports and to Cleveland, Detroit, and Chicago. This development has greatly increased the traffic through Shepherdstown and Jefferson County as the Shenandoah Valley branch is on the most direct route from Harrisburg and the New York area to Atlanta.

The nature of commodities carried has always been varied and sometimes surprising. In the 1970s, the line bore radioactive nuclear waste from northeastern power plant reactors to a South Carolina dump. The Barnum & Bailey Circus train has passed. When the Norfolk Southern had a joint operating agreement with Conrail, the railroad carried compacted garbage in special containers from New York to Virginia landfills. Another interesting interchange is the carriage of carloads of Canadian softwood lumber south and of Southern softwood lumber northward.

Probably the greatest revolution in carriage is the Norfolk Southern's attempt to take cargoes from the trucking industry and international containers from ports of entry. The corporation has invested heavily in the Intermodal business in special equipment, maintenance of regular schedules, and Intermodal hubs (terminals). The two area hubs that most affect the Shenandoah Valley line are the John W. Whitaker Intermodal terminal at Austill, Georgia, near Atlanta, and the Rutherford Hub and Enola Yard at Harrisburg. The latter hub is at the intersection of both east-west and north-south traffic.

In the present legal case, heard and decided in the West Virginia Supreme Court of Appeals in Charles Town, the Shepherds, who were represented by George Baylor and George M. Beltzhoover, claim that railroad construction of their land would depreciate their saw- and grist-mill, warehouse, and wharf on the river. In their immediate future, they were undoubtedly correct, but for subsequent decades, they could not possibly have imagined what impact their natural abutment would have on national economic life. In the end, their apprehensions were not compensated. The high court judge, Thomas Claiborne Green, who wrote the court's opinion was also a Jefferson County lawyer who was familiar with the locale and its people. The other judges in this unanimous decision were Okey Johnson, Adam C. Snyder, and Samuel Woods.

SHENANDOAH VALLEY RAILROAD CO. v. SHEPHERD *et al.*

Submitted September 8, 1885 — Decided October 2, 1885.

25 W. Va. 672

[672] [673] GREEN, JUDGE, furnishes the following statement of the case:

This was a proceeding in the circuit court of Jefferson county instituted by the Shenandoah Valley Railroad Company to condemn a strip of land sixty-six feet wide and ninety feet long lying on the bank of the Potomac river at Shepherdstown in said county belonging to Fanny Shepherd, Alexander B. Shepherd and R. Davis Shepherd, in which Mrs. Elizabeth S. Shepherd had a dower interest. The proceedings in the case were all regular, and the commissioners appointed by the court reported, that they were of the opinion, that $1,587.50 would be a just compensation for so much of said real estate as was proposed to be taken by the Railroad Company, which land was described in the report and stated to be then occupied partly by the road-bed and track of said railroad and partly by the abutment and southern end of the bridge of said railroad company where it crosses the Potomac river. As well as for damage to the residue of said tract beyond the peculiar benefits, which will be derived in respect to such residue from the work to be constructed. This report was filed May 15, 1883. The Shenandoah Valley Railroad Company excepted to the report and demanded a jury to ascertain the compensation to be paid to the defendants for this strip of land taken from them by the company. On March 4, 1884, the jury who had been properly elected, tried and sworn and had viewed the premises and heard the evidence and arguments of counsel, found their verdict ascertaining, the compensation due the defendants for this strip of land proposed to be taken by the plaintiff to be $1,000.00 including damage to the residue of the real estate beyond the peculiar benefits, which will be derived in respect to such residue from the construction of this railroad. The strip of land taken from the defendants is described in this verdict, just as it was described in the application of the railroad company for the appointment of commissioners.

[674] The Shenandoah Valley Railroad Company moved the court to set aside this verdict and to grant it a new trial, which the court refused

and entered up a judgment for the defendants against the Plaintiffs for their costs. The plaintiff took a bill of exceptions called in the record, bill of exceptions No. 3, to this ruling and judgment of the court; and in this bill of exceptions all the facts proven and all the evidence are certified. From the evidence so certified and the facts apparent on the face of the deed, under which the defendants claim, and a map which was also given in evidence, it appears, that all the facts proven before the jury were as follows: The tract or parcel of land owned by the defendants, through which the railroad passes, lying principally between two streets of Shepherdstown, if they were extended to the Potomac river, and belonging to these defendants and all claimed under the same deed, was a narrow strip of ground immediately on the bank of the Potomac. This long slip is only about thirty yards wide and is a cliff on the Potomac river. The land to be taken by the railroad is the piece occupied by the railroad in crossing this long slip and is ninety feet long by sixty-six feet wide. It constitutes a natural abutment for the railroad bridge across the Potomac; and it would save between $6,000.00 and $7,000.00 to the railroad company in building this bridge, as it would cost the company this amount to build an equally good artificial abutment.

If in estimating the value of this parcel of land we were to exclude its enhanced value because of its being a natural abutment for a bridge, its value would be fifty dollars. The facts bearing on the estimate of the damage to the residue of the tract of land owned by the defendants, caused by the construction of the railroad is as follows: This long slip of land along the Potomac described in the deed, under which the defendants claim as "river cliff on the Potomac down to Teagues run," connects with the parcel of land owned by the defendants, which lies principally between two parallel streets of Shepherdstown, it they were extended to the Potomac river, the point where this narrow slip or "Potomac cliffs" con- [675] nects with this parcel of land lying principally between the extension of these streets to the Potomac river, is from fifty to seventy-five yards up the river from the railroad bridge. The street, which if extended would bound this parcel of land on the eastern side, is called Mill street; and on the western side it is bounded principally by a county-road extending from the end of Princess street in Shepherdstown to the Potomac river, where there is a county-bridge across the Potomac. This county-road runs nearly parallel with Mill street extended, so that this parcel of land is in its general form a parallelogram and contains according to the testimony of Mrs. Elizabeth S. Shepherd about two

acres, though the map indicates that it contains a considerably larger quantity. On this parcel of land of two acres or more are a saw-mill, a grist-mill and a warehouse and along the river part of it is a wharf. As the railroad track lies entirely east of Mill street extended, the grist-mill must be at least one hundred yards from the railroad-track, and the saw-mill at least 150 yards from it. The railroad-track must also be on ground very much elevated above either the saw-mill or grist-mill, as the railroad is on a high bluff, while these mills are on a run, which empties into the Potomac river 200 yards from the railroad-track. The warehouse is about 200 yards from the railroad track on the extreme western border of the tract and on the county-road leading to the bridge. Very near this county-bridge is a ferry across the Potomac. The exact location of the wharf is not noted on the map but it can not be less than fifty yards from the railroad-track and bridge. There was no testimony before the jury to indicate that any damage would result to the residue of the tract by the construction of the railroad, except that Mrs. Elizabeth S. Shepherd, one of the defendants, says that the warehouse, wharf and mill-property were greatly depreciated by the fact that the railroad company had taken sixty-six by ninety feet for the purposes, to which it is to be appropriated.

During the progress of the trial two other bills of exception were taken by the Shenandoah Valley Railroad Company. They were as follows:

"BILL OF EXCEPTIONS NO. 1.

"Be it remembered that on the trial of the cause testi- [676]mony was introduced by the defendants tending to show that the bank of the river embraced within the 90x66 feet proposed to be taken by the Shenandoah Valley Railroad Company and belonging to the defendants, was valuable as a natural abutment for a bridge; thereupon the court, at the instance of the defendants, instructed the jury as follows:

"INSTRUCTIONS.

"The court instructs the jury that in ascertaining the value of the land proposed to be taken by the S. V. R. R. Co., which it may be legitimately used or appropriated, including its value to the proprietors as a natural abutment for a bridge, but in considering its value they will do so without considering its enhanced value by reason of the construction of the said Shenandoah Valley Railroad.

"And at the instance of the said Shenandoah Valley Railroad Company, the court instructed the jury as follows:

"INSTRUCTIONS.

"The court instructs the jury that in estimating the value of the land taken by the Shenandoah Valley Railroad Company for its purpose in this case, it will consider its actual value at the time it was taken and not its prospective value with reference to any mere possible uses, but only with reference to such ones as may be reasonably expected in the immediate future.

"To the granting of which said first named instruction, the Shenandoah Valley Railroad Company excepted, and prayed that this its bill of exceptions should be signed, sealed and enrolled as part of the record, which is accordingly done."

"BILL OF EXCEPTIONS, NO. 2.

"Be it remembered that on the trial of the issue in this case, the defendants introduced as a witness Mrs. E. S. Shepherd, to whom they propounded the following questions, after having proven the facts set out as proven in bill of exceptions No. 3 as to the improvements and uses of the property shown in part in plat B., to which reference is hereby made:

"First Question--Was the wharf property depreciated by reason of the taking of the 90x66 feet for the purposes for which it was sought to be appropriated?

[677]"Second Question—Was the mill property depreciated by reason of the taking of the 90x66 feet for the purposes for which it was sought to be appropriated?

"Third Question—Was the warehouse property depreciated by reason of the taking of the 90x66 feet for purposes for which it was sought to be appropriated?

"To which said several question the Shenandoah Valley Railroad Company objected, but the court overruled the said objections, and the said witness answered the said questions respectively as follows:

"1. The wharf property was greatly depreciated thereby.

"2. The mill property was greatly depreciated thereby.

"3. The warehouse property was greatly depreciated thereby.

"To which said action of the court overruling the said objections and permitting the said witness to answer the said questions as aforesaid, the said Shenandoah Valley Railroad Company excepted, and asked that this bill of exceptions should be signed, sealed and enrolled and made a part of the record, which is accordingly done."

To the judgment of the circuit court rendered March 4, 1884, refusing

to award a new trial to the Shenandoah Valley Railroad Company it obtained an appeal and supersedeas.

W. H. *Travers* for plaintiff in error.

G. Baylor and *G. M. Beltzhoover* for defendants in error.

GREEN, JUDGE:

The instructions set out in the first bill of exceptions were intended to lay down a rule to govern the jury in its appraisement of the value of the parcel of land ninety feet long by sixty-six feet wide taken by the railroad company from the defendants. Upon this question Judge Field in delivering the opinion of the Supreme Court of the United States in *Boom Company* v. *Paterson*, 98 U. S. 408, says: "So many and varied are the circumstances to be taken into account in determining the value of property condemned for public purposes, that it is perhaps impossible to formulate a rule to govern its appraisement in all cases. Exceptional circumstances will modify the most carefully governed rule; but as a general [678] thing, we should say that the compensation to the owner is to be estimated by reference to the uses for which the property is suitable, having regard to the existing business or wants of the community, or such as may reasonably be expected in the immediate future." Just preceding this Justice Field had said: "In determining the value of land appropriated for public purposes the same considerations are to be regarded as in a sale of property between private parties. The inquiry in such cases must be what is the property worth in the market, viewed not merely with reference to the uses to which it is applied, but with reference to the uses for which it is plainly adapted; that is to say, what is it worth from its availability for valuable uses. Property is not to be deemed worthless because the owner allows it to go to waste, or to be regarded as valueless because he is unable to put it to any use. Others may be able to use it and make it subserve the necessities or conveniences of life. Its capacity of being made thus available gives it a market-value which can be readily estimated."

In that case the defendant, Paterson, owned certain islands in the Mississippi river above St. Anthony's Falls. The position of these islands especially fitted them in connection with the west bank of the river to form a boom of very extensive dimensions at a very small cost. The jury found a general verdict for $9,358.33, but found specially, that the compensation which the owner of the land was entitled to, if the adaptability of these islands for boom-purposes was not considered, would be $300.00; but if it was considered, his just compensation they

estimated at $9,058.33. The company asked a new trial and the court granted the motion, unless the proprietor would reduce the verdict to $5,500.00, which he elected to do; and judgment was rendered accordingly. In the opinion of the Supreme Court it appears, that the boom-company claimed, that no one but them [*sic*] could use these islands for boom-purposes, they [*sic*] having by their charter a monopoly of this business on the river. And, as I understand the court, if this had been true, the value of these islands for boom-purposes should not have been included in the estimate of the proprietor's compensation; but as this boom-company had no such monopoly, the special value of [679] these islands for boom-purposes was properly considered in fixing the compensation of the proprietor. (pp. 408-9.) It appears from this case, that the Mississippi river is a navigable stream above St. Anthony's Falls, and that booming of timber on it was a business; and though the evidence is not stated very fully, yet from what is said in the opinion, I think, the inference is but fair, that this business of booming was such as to add to the market-value of these islands because of their adaptability for booming purposes. In the paragraph we have quoted, Judge Field says: "Regard should be had to the existing business or wants of the community or such as may be reasonably expected in the immediate future." I presume in this case there must have been evidence, which justified the jury and court in holding that the market value of these islands was increased by the condition of the existing boom-business on this part of the Mississippi river or by what could be regarded would be the condition of this boom-business in the immediate future. I am the more persuaded that this was so, because the court cites approvingly on page 410 the case of *Young* v. *Harrison*, 17 Ga. 30, where the court say of this case: "In it, where land necessary for the abutment of a bridge was appropriated, the supreme court of Georgia held , that its value was not to be restricted to its agricultural or productive capacities, but that enquiry might be made as to all the purposes to which it could be applied having reference to the existing and prospective wants of the community. Its value as a bridge-site was, therefore, allowed in the estimate of compensation to be awarded to the owner." My inference from this case, relied upon the defendant in error, is that which is drawn by the reporter in the syllabus of the case and that is: "In determining the value of land appropriated for public purposes, the same considerations are to be regarded as in a sale between private parties, the enquiry in such case being, what from their availability for valuable uses, are they worth in market." And "as a

general rule, compensation to the owner is to be estimated by reference to the uses for which the appropriated lands are suitable, having regard to the existing business or wants of the community, or such as may be reasonably expected in the immediate future." It seems [680] to me, that the law is as correctly and as definitely laid down in the syllabus of this case as it can well be done, except that instead of using the words in the connection "or such as may be reasonably expected in the immediate future," I would deem the law more accurately stated if the language had been: "or such as may be reasonably expected in the near future." The value of property at a remote future time is inadmissable as a basis for assessing its present value; it partakes too much of the speculative. See *Everett* v. *Union Pacific Railroad Co.*, 10 American and English Railway Cases, 204, 206. The wants of the community in the future must be in a future not so remote as not to affect the present market value. (See *Cobb* v. *Boston*, 112 Mass. 183.)

Not confining ourselves to the facts set forth in the preamble to the instructions given by the court, as set forth in the first bill of exceptions, but looking to all the evidence in the case, as set forth in the third bill of exceptions, which we have a right to do, can the plaintiff in error object to the instructions contained in the first bill of exceptions? If we take the two instructions set out in the first bill of exceptions together, it seems to me, while the law is not as definitely and clearly laid down, as it might have been in connection with the actual evidence in the case, and while the first instruction, the one given at the instance of the defendants, was perhaps calculated from the nature of the facts in proof in the case to mislead the jury, yet, as the law laid down by it can not be in itself said to be erroneous, and as the plaintiff asked no modification of the instruction, I do not think a new trial ought to be awarded because of anything appearing in the first bill of exceptions. But this instruction, if the request had been made by the plaintiff below, ought to have been modified so as to read: "The court instructs the jury, that in ascertaining the value of the land proposed to be taken by the Shenandoah Valley Railroad Company they may properly enquire into its value by reason of its being a natural abutment for a bridge across the Potomac, but in making such estimate they must have reference to the existing needs of the community for another bridge across the Potomac at or near Shepherdstown or to the probable need of such other bridge across the Potomac at or near [681] Shepherdstown in the near future; but in considering the market-value of this natural abutment of this bridge they must not consider the uses to

which the Shenandoah Valley Railroad Company had put this ground in constructing its railroad." When so modified and given the instruction asked by the railroad company set out in the first bill of exception need not have been given, as it would have been covered by the above instruction.

Having stated as accurately as can be done the rule proving the appraisement of the real estate actually taken, I will now consider how the damage to the residue of the tract beyond the peculiar benefit to the same from the construction of the road should be estimated. In the first place it is settled that no benefit , which the residue of the tract derives from the construction of the road in common with other adjoining tracts, can be abated from the damage to the residue of the tract; as by the very words of the statute, to justify such abatement, the damage, the damage must be abated only by the peculiar benefit to the tract; such for instance as draining it by the construction of the railroad. It would obviously unjust to the proprietors, if by an abatement of their damages they were made to pay for benefits enjoyed by them in common with persons, through whose lands the railroad did not pass. It would seem to be equally obvious, that the railroad company ought not to be required to pay for damage to the residue of the tract, where such damage was only such as the proprietors of the land suffered in common with other owners of land , through which the railroad did not pass, where such damage was such as such owners, through whose land the railroad did no pass, could not recover for. In other words the railroad company ought not to pay the proprietors for damage to the residue of the tract, when such damage was of such a character, as made it common to the entire neighborhood, though it may have arisen from the construction and operation of the railroad. Such damage is *damnum absque injuria* and ought not to be recovered. As for example damage resulting from the loss of custom to one's mill, wharf or store, though they be on the tract of land, through which the railroad passes, is not such damage as can be estimated by the commissioner or by the jury in as- [682]ssessing damage to the residue of the tract. Such damage is only such as is sustained by the proprietors of the tract, through which the railroad passes, in common with all other owners of the mills, wharves and stores in the neighborhood, on land through which the railroad did not pass. It is not properly damage to the property arising from the construction of the railroad, but is more properly speaking damage to the trade of the proprietors resulting from the subsequent use of the railroad. (*Cadonian Railway Company* v. *Walker's Trustees*, L. R.

7 App. Case 6; Am. & Eng. Railroad Cases, 536.7; *Brand's Case*, 4 H. L. 171; *Rex* v. *London Dock Co.*, 5 Ad. & E. 163.)

To justify the making of an allowance for damage to the residue of the tract, the damage must be such as results directly and proximately to the property itself from the construction and operation of the railroad, such for instance as the obstruction of access to the property, the obstructing or diverting of a mill-race, the increased danger of fire to a store in consequence of the proximity of the railroad-track. It is very obvious that no damage of this description was sustained by the mills, wharf or warehouse in the case before us, regarding them, as I do, as a part of the tract, through which the railroad passed. The saw-mill and grist-mill were on a run which flowed through this tract of land; but the map shows, that the railroad was constructed on a bluff, which was not nearer to this run, where it passed through this tract, than 100 yards. Of course the mill-races of these mills could have neither been obstructed, diverted nor in any manner interfered with by the railroad; and the mills themselves could have been in no way directly injured by the construction or running of the railroad. It could not have endangered them by fire from the locomotives; it could in no way have obstructed any road to them or in any way have injured them proximately or directly; and the same is obviously true of the warehouse, which was situated on a road some 200 yards distant from the railroad; and though, for all that appears in the record, the wharf may have been within fifty or seventy-five yards of the railroad, yet, as it was on a level with the river, and the railroad was elevated above it on a bluff of a very considerable height, it is impossible that it could [683] have been injured in any manner directly or proximately by the railroad. No road to it could have been obstructed by the railroad-track. Nor could any other direct injury, which I conceive of, be done to it by the railroad. It is true, the map does not on its face show the elevation of the railroad above the river, but it must have been considerable, as it was necessarily on a level with the railroad-bridge, which must have been considerably elevated above the river.

But it is contended by the appellee's counsel, that, though all the evidence offered to the jury or all facts proven before them during the trial were certified by the court, yet the jury may have acted upon other facts not before this Court, which they obtained by their personal view of the premises, and therefore, as this Court can not know all the facts, on which they acted, the verdict of the jury should never be set aside by an appellate court, because the damages are regarded as excessive. It is

unquestionably true, that an appellate court ought never to set aside the verdict of a jury in a condemnation case, where the jury have viewed the premises, unless the facts proven in court before the jury are such as show their verdict to be grossly excessive in amount, after supposing that everything was seen by them upon the view, which tended to increase the damage, which could be supposed to be seen on a view of the premises, and which is not utterly inconsistent with the facts actually shown to have been proven in court. Such utterly inconsistent facts will not however be supposed by the appellate court to have appeared upon the view of the jury. Thus in this case this Court can not suppose that the view of the jury showed them that the warehouse was endangered by fire from the locomotives, as it was proven by the map, which was before the jury at the trial, that it was 200 yards distant from the railroad.

I am therefore of opinion, that the circuit court erred in permitting the three questions set out in the second bill of exceptions to be propounded to Mrs. Shepherd, one of the defendants. In answer to these questions she said, that the wharf-property, the mill-property and the warehouse-property were greatly depreciated by reason of the taking of ninety by sixty feet of the land of the defendants by [684] the railroad company for the purposes, for which it was sought to be appropriated by the company. She obviously meant that the business done at there mills, warehouse and wharf would be greatly ruined by the competition which the running of cars on the railroad would bring about. This, we have seen, was a damage, which the jury had no right to consider in making their verdict. The record shows by the preamble set out in bill of exceptions No. 2, that the facts, which had been proven, when these questions were propounded, that neither of the mills, the warehouse, not the wharf could by any possibility be injured or damaged proximately or directly by the building of the railroad; and as this was entirely obvious, the court ought not to have permitted questions to be propounded to Mrs. Shepherd, her answers to which could not according to a correct view of the law tend to enlighten the jury in the performance of their duty but might as doubtless they did tend to mislead them. Such questions might be very proper, if the facts before the court did not show, as in this case they did, that the answering of them could not enlighten the jury but might mislead them.

Of course I can not tell how the jury arrived at their verdict of $1,000.00 in this case; but, as the proof was clear, that excluding this supposed damage to the mills and warehouse and wharf and the value of the land as a natural abutment for a bridge it could not have exceeded

$150.00, the estimate of the jury must have been made up to a large extent from this supposed damage or from a valuation by the jury of this land as a natural abutment to a bridge. Now I have shown, that in valuing this ground as a natural abutment to a bridge the jury must have reference to the existing and prospective wants of the community, whom the bridge would accommodate. Upon this important point there was absolutely no evidence before the jury except that to be derived from the map produced in evidence and what appeared upon it. It is true the jury and this Court can take judicial notice, that the Chesapeake and Ohio canal runs along the bank of the Potomac river opposite Shepherdstown, and from this fact an inference might justly be drawn, that there would be considerable trade and business between Shepherds- [685]town and Jefferson county and this canal, and that a bridge would be wanted probably at Shepherdstown to accommodate this trade and business. But the map produced before the jury had marked upon it a road from Shepherdstown to the Potomac and not only a county-bridge across it but also a ferry. Whether these are sufficient to accommodate the public, or whether there was then a demand for another bridge at or near Shepherdstown for the accommodation either in reference to the existing business or to the prospective business in the near future could not be inferred from this the only testimony before the jury. It could not be ascertained by an inspection of the premises by the jury upon their view of the ground but could only be proven by witnesses before the jury. No such proof was offered; and it does seem to me, that upon correct principles of law, such as I have laid down, on this very scanty and unsatisfactory evidence as to the existing business or wants of the community or such as might reasonably be expected in the near future the jury would not have been justified in assessing the value of this ground as a natural abutment for a bridge across the Potomac river at $950.00, as they, it would seem, must have done, unless they allowed for this supposed damage to these mills, warehouse and wharf, which they ought not to have done.

I have stated, that with the exception of the facts appearing on the map before the jury there was no evidence of what demand, if any, there was for a bridge other than the one then in existence across the Potomac at or near Shepherdstown. It is true, that Mrs. Shepherd, one of the defendants, does say, that she estimates this ninety feet by sixty feet taken by the railroad company at $5,000.00. "And she estimates this value from the fact that it is used as an abutment for a railroad-bridge; that she had always valued it as an abutment for a bridge, before the railroad came

there; was worth that much not to have a bridge built upon it." This opinion of Mrs. Shepherd, a party interested, would certainly be a very unsafe foundation for the verdict of a jury. She says she always valued it as an abutment for a bridge. In this she was probably right. But that furnishes no information, on which a jury could fix its value. What she meant by saying it "was worth $5,000.00 not to have a bridge built [686] upon it," is difficult to say. The literal meaning of such language is, I suppose, that in her opinion it was worth $5,000.00 leaving out of consideration its value as a natural abutment for a bridge. But it is impossible that she could have meant this, as four farmers residing in Jefferson county concur in estimating this property, which they had examined, as worth but $50.00, excluding from their estimate its value as a natural abutment for a bridge; and there is no evidence to show that this is an under estimate. I suppose Mrs. Shepherd meant to say, she thought this property was worth $5,000.00 even though the railroad company had not built the bridge there. But as she furnishes none of the facts which it has been shown is necessary for any one to put a proper estimate on the present value of a natural abutment for a bridge, her opinion was entitled to very little weight before the jury.

For these reasons I am of opinion, that the circuit court erred in not setting aside the verdict of the jury and granting a new trial on the motion of the railroad-company; and that for that reason its judgment should be reversed and a new trial awarded, and the cause remanded to the circuit court to be proceeded with according to the principles laid down in this opinion.

REVERSED. REMANDED.

Tudor Hall

Mrs. John Philip Creamer III

Between the Shenandoah and The Potomac: Historic Homes of Jefferson County, West Virginia, published by the Historical Society in 1990 lists eleven Bicentennial Farms still owned by the descendants of the original settlers of Jefferson County. Tudor Hall, located in the southwestern part of the county close to Middleway, was one of these Bicentennial Farms. A number of the eleven have since passed out of family hands, but we were privileged on August 6th to have our annual picnic at Tudor Hall, which remains with a family that originally settled in Jefferson County – the Granthams. The present owners, James and Lillian Grantham were our hosts, and were joined by James' sons, Amon and William Gibson (Billy) Grantham. Amon's son, James Grantham was also present.

After a wonderful chicken, barbecue and pot-luck picnic in the front yard of Tudor Hall, Amon Grantham gave a brief talk of the history of the family and its home before the membership was invited to tour the house. The story begins with John Grantham, born in 1740. He was the son of a John Grantham from Fairfax who died around 1754. John and his brother, Joseph Grantham became the wards of John Smith; it is thought that they were related to him, perhaps through his wife. John Smith came to Jefferson County and settled in the vicinity of Smithfield, now known as Middleway, around 1730. It appears John Grantham came to the county around the time of his father's death, but he did not obtain formal title to his property from John Smith until September 20, 1766. The Smith and Grantham farms adjoined each other, and John Grantham married Sarah Smith, which may account for the date of the property transfer. John Grantham built a comfortable log house near a spring, near the location of an old tenant house still standing on the farm southwest of this house. Close to the site of the old homestead is the old family graveyard. Over the years, John Grantham purchased additional acres and at his death in 1822, willed a farm to each of his five children and his grandson Joseph. James Grantham, (b. 1793), John's son by his second marriage to Margaret Goodwin, inherited the home farm, called Tudor Hall, and began building a brick house on the property in 1820, with a stone

kitchen and quarters nearby. He and his sister, Mary Grantham, moved into the house in 1822. Mary eventually married James Shirley and moved to an adjoining farm.

James Grantham married Phoebe La Rue of Clarke County, Virginia in 1824 and they raised their family at Tudor Hall. James Grantham died at the beginning of the Civil War, on June 20, 1861, and left Tudor Hall to the only son to survive him, John James Grantham. John James, known as "the Colonel", and his wife, Mary Eliza Bowen of Albemarle County, Virginia, married in 1863, and after the end of the war, raised their family at Tudor Hall. During these years, general farming was the way of life at Tudor Hall, with the main agricultural products probably being wheat and corn. Again, only one son survived his father, Thomas James Grantham, known as James Grantham. He inherited Tudor Hall in 1912 upon the death of his father, building a tenant house at the old homestead site and a bank barn. James Grantham married Mary Nelson White in 1895, and they had two daughters, Frances White and Mary Bowen, survive into adulthood. Together they inherited Tudor Hall in 1923.

Frances White Grantham and her husband, a distant cousin, Joseph Amon Grantham, bought out her sister and began extensive renovation of the property. The first bank barn, destroyed by fire, was rebuilt and still stands behind the house. Their most ambitious project was to rebuild the brick house, which was in poor condition from deteriorating brick and mortar, in 1929. The house was rebuilt somewhat smaller than the original, but retains the old hand carved mantels, as well as the wooden window frames, entrance porch and doorway. The old winding stairway with its walnut rail was also put back into the house. Joseph Amon Grantham also added a 20-stall dairy barn and milk house to the property, and ran a sizable dairy farm operation. James Amon Grantham operated the dairy farm upon his father's death in 1944, inheriting the property from his mother in 1985.

Tudor Hall is still a farm. James Grantham had some of the old farm equipment on display – a spring wagon, an 1890 Syracuse plow, and a wheat fan as well as an old doctor's buggy. Tudor Hall's operations have been passed from James Grantham to James Amon Grantham, Jr., called Amon, and William Gibson Grantham, called Billy or Gib. Amon runs cattle on the farm; Billy raises vegetables and produce which he sells at his stand, the Tudor Hall Farm Market, and at the farmer's market in Shepherdstown.

An Editor's Valedictory Comment

This issue of the journal, volume LXIX, concludes the present editor's service. His editorship began with Volume XLVII, the December 1981 issue, twenty-four years ago, with his presidency of the Jefferson County Historical Society. Little did he know that the position would consume more than a generation of his life. During this time, he held a demanding, full-time academic position as Professor of History in Shepherd College.

The editor's lot is to work with many different authors of diverse temperaments and capability in producing material for publication. The editor has enjoyed a universally pleasant experience with all contributors, and he wishes to convey his gratitude to all for their work and understanding over the years. The many members of the board of directors of the Society have always been fully supportive of this scholarly endeavor.

The editor has served as a writer of over a half dozen articles in his tenure. Necessity to produce a periodical number in a reasonable time, not vanity or professional fulfillment, spurred this output. This circumstance has unfortunately delayed the appearance of the present issue more than usual.

Of course, availability of worthy, publishable materials has been the enduring problem that has plagued the editor's tenure and will concern his successor. The journal does not enjoy a great backlog of articles. It is subject to the vagaries of what drops through the transom. This situation does affect magazine quality and content by preventing editorial reflection and planning. Nevertheless, the present editor remained somewhat discriminating in acceptance of submissions. He sometimes demanded revision, rejected some pieces, and resisted padding the journal with frivolous reprints. He initiated the Trivia section in an attempt to secure brief articles or interesting notes. As a professional historian, he tried, with moderate success, to use his contacts to broaden the normal fare by encouraging the production of articles on diverse subjects by talented amateurs and professionals with varied interests. Another obvious achievement has been the expansion of the periodical's length to diversify the content of each issue beyond what was the norm.

The editor wishes to express especial thanks to Ms. Clare Hendrix of Winchester Printers Inc. for her editorial and artistic contributions over the years. Each journal issue benefited from her expedient, tactful, and always constructive ministrations that have made the task easier and more enjoyable.

In the end, the published annual magazine has been and will remain the most significant, tangible, and permanent accomplishment of the Jefferson County Historical Society. The body of knowledge that is contained in and diffused by its pages well-reflects Jefferson County and regional historical development and will constitute a significant source that will influence future interpretations. Historians, producing works of national significance, especially in the antebellum and the Civil War fields, have often cited the journal. The periodical's sixty-nine year run is a remarkable achievement for a local historical society.

May it enjoy a prosperous future.