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Volume LXXI
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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
or
www.jeffctywvhistsoc.org

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Membership—Open to all who have interest in the history of Jefferson County. Annual dues of $15.00 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 $150.00.

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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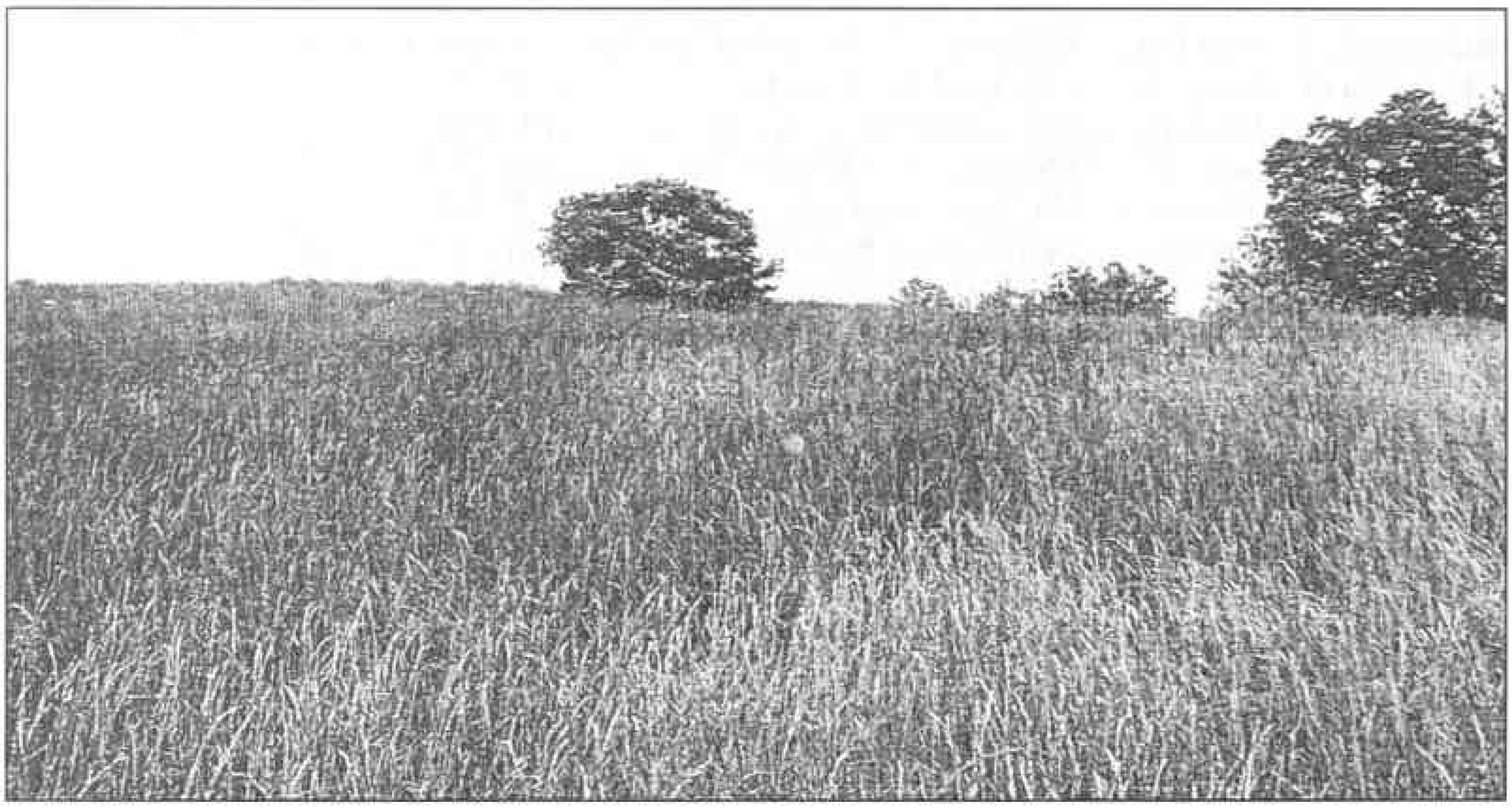
A History of the National Conservation Training Center Property

and surrounding area

Part Two/The Federal Period

Revision April 2004

by Dan Everson



[Editor's Note: Part One/The Colonial Period related the history of Native Americans and early Colonial settlers on the National Conservation Training Center property. It appeared in Volume LXX of the Magazine of the Jefferson County Historical Society, *December 2004. Appendices mentioned in this text will appear in a later Magazine.]*

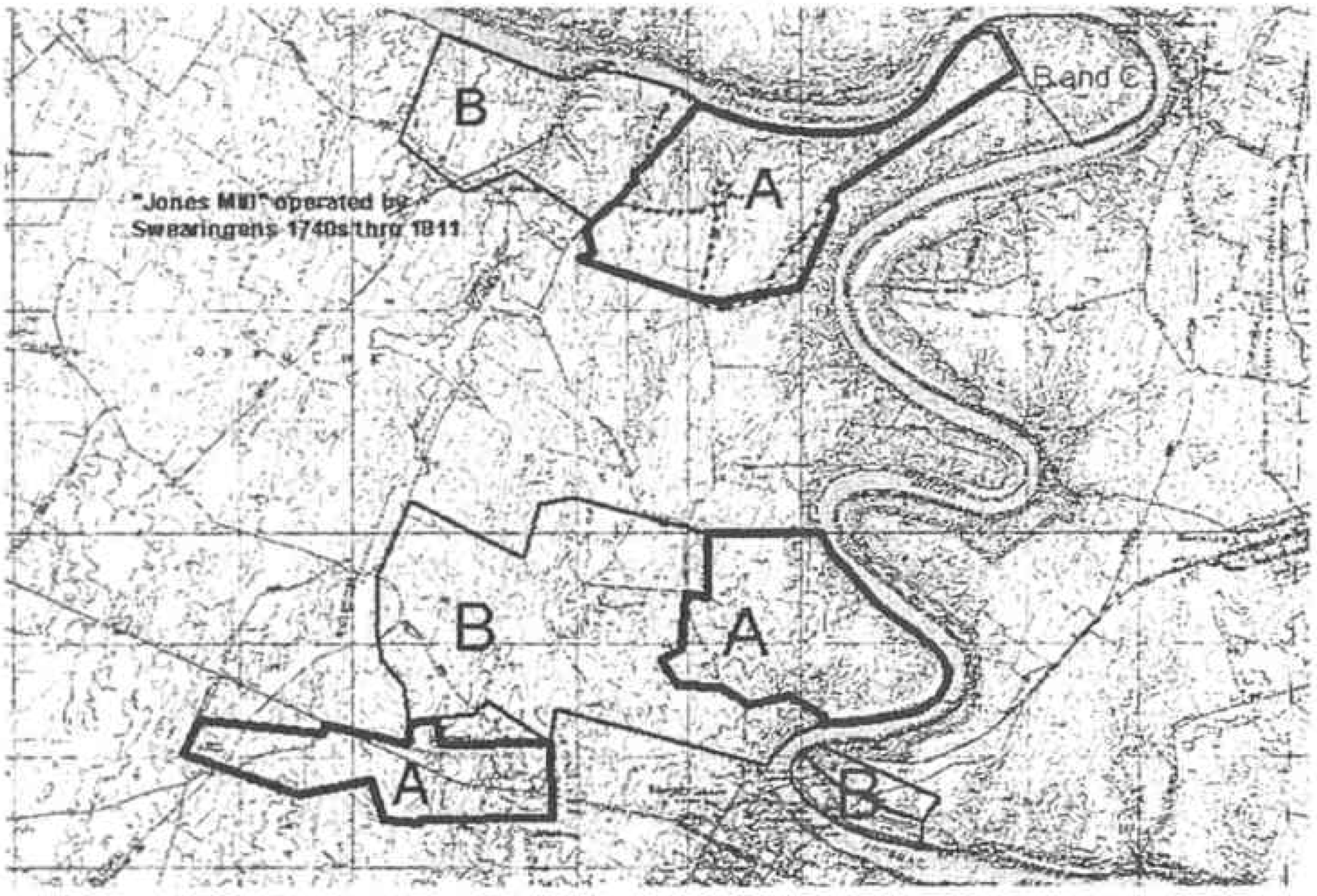
Chapter 4 War and Lawsuits Take Their Toll

1769 - Remember the Hites? On October 13, **twenty years** after the Hites had filed suit to regain land within the Fairfax proprietary, the General Court of Virginia finally took up the case and after some deliberation found in favor of the Hite heirs! and their purchasers on

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Dan Everson is a biologist with the US Fish and Wildlife Service currently in Daphne, Alabama. He spent ten years with the National Conservation Training Center near Shepherdstown, West Virginia.

Swearingen Family Property
circa early 1770s



lands that had been surveyed but not patented because of Fairfax. The colonies were already locked in a struggle with England that would culminate in the American Revolution, and it can be readily understood how a Virginia Colonial Court would give precedence to local colonial grants over those issued by a Lord of Great Britain—who had inherited a land grant rewarded by an English monarch in distress 120 years before. This ruling nullified Fairfax grants on the lands in question- including about 284 acres held by Col. Van Swearingen on Terrapin Neck! For most of the 27 surveys in contention, this simply meant that property owners were supposed to pay rents to the Hite heirs rather than Fairfax.

Potential changes of property ownership were rare, but in the case of Terrapin Neck, the Hite's purchaser Browning had never lived there, his heirs had never claimed it - but they now owned the land if other legal obligations didn't get in the way. (The Hites would later argue that the land on Terrapin Neck reverted to them because the Brownings had never occupied the property, a requirement for a legal title.) Six months prior to this ruling, on 4 April, Van sold 174 acres of the southwestern portion of his patented property near Terrapin Neck to his 22-year old son Hezekiah for 200 pounds (FCDB 12, p.664) - this property, roughly the location of the Lost Drake farm today across the road from NCTC, would eventually include RiverView Farm and the river frontage to the north of the road. Van also sold his original 210-acre patented property near Mecklenburg purchased from the Morgans to son Josiah at about the same time (FCDB 12, p.663). The court recognized the myriad potential problems with this ruling, and expected a long string of appeals. The court therefore put together a fact-finding commission composed of lawyers and surveyors from both the Fairfax and Hite parties, their assignment to find out who occupied the lands in question, and to ascertain how they held title. The commission would spend the next several months traveling from farm to farm running survey lines, interviewing the landholders and their neighbors and taking notes on the progression of events that led to their ownership of the land. David Shepherd, apparently concluding that the ferry business just wasn't going to go his way, decided to sell his property known as Pell Mell on the Maryland side of the river. He sold it in June 1769 to a Jacob Vandiver from Salem, New Jersey (the Vandivers also owned several lots in Mecklenburg). The property description this time took pains to explain that the survey began at a "bounded" black walnut (Fred. Cty Md DB M, p339). After Jacob's death sometime between 1772 and 1783, the Pell Mell property passed to his daughter Phoebe, who married a Dr. Clarkson Freeman. The Vandiver transaction may have been disputed by the Swearingens, since there is a record in October 1769 of a lawsuit in an Annapolis Court between David Shepherd and Thomas Swearingen, presumably over this property transaction. A Col. Thomas Prather, previously the sheriff of Frederick County, Maryland, was ordered to appear as a witness (Smyth, 1909). As will be seen, Pell Mell had not yet seen the last of the Shepherds. Col. Van Swearingen and nephew Thomas, Jr, staunch members of the Anglican form of worship (an important political consideration in colonial Maryland and Virginia, as

only Anglicans were eligible for official appointments), aided the Morgans in finishing the stone Episcopalian Church in Mecklenburg, which was built on the site of a previous log hut used as a church.

Virginia and other British colonies by this time were strongly critical of recent British attempts at taxation and support of armed forces in America, among other complaints. Following the lead of colonial governments in Massachusetts, New York and Philadelphia, the Virginia House of Burgesses (meeting in defiance of the governor's order to dissolve) voted to boycott British trade goods, luxury items and slaves; the boycott was largely ignored this year, but became more effective in 1774. Virginians were still indignant, as well, over the British policy of allowing the Cherokee and other tribes the continued ownership of Kentucky and other areas west of the Appalachians. Virginia land speculators were still hopeful of a successful reversal of prior rulings: while the Hard Labor Treaty of 1768 with the Cherokees gave the southern Indians sovereignty over Kentucky, the Iroquois in New York, acting as the "elder Brethren" of the Cherokee, sold the same land several months later to Virginia for ten thousand pounds in trade goods. (North versus South was not unique to the Civil War period, or whites). The Privy Council in England refused to recognize the supposed change in ownership, so the speculators still had to bide their time. What the Virginia speculators needed now was a pretense to renegotiate with the Cherokee, Mingo, Delaware, Shawnee and other tribes...(see Holton 1999)

1770 - The court-ordered fact-finding Commission arrived on Terrapin Neck. Col. Van Swearingen ordered them off the property and wouldn't allow any surveys (he was apparently the only one to do this out of all the hundreds of places the Commission visited.) He claimed he owned both sides of the property line that now runs under the NCTC footbridge, including the 200-acre tract he had recently been granted on Terrapin Neck, and denied that the court had any authority to conduct such a survey (McKay 1951); he had been the sheriff, after all and knew about such things. A neighbor who witnessed the confrontation later deposed that Van informed the Commission that the Hite survey was completed past the December 1735 survey deadline (Hyman 1996). The Commission never got a chance to interview any of the other occupants of Terrapin Neck. Because of this, Van Swearingen was the only landowner on Terrapin Neck asked to appear before the full Commission

to defend his claim, which in later years was to cause much misery and heartbreak for the other property owners on the Neck. But at the time the situation was looking good for the Swearingens because after testimony had been taken from the parties involved, the Commission seems to have agreed that indeed the survey on Terrapin Neck had been conducted after the deadline and therefore could not be claimed by the Hites, though this fact later seems not to have been important to the General Court (Hyman 1996). Since the Commission was only advisory, the Commission's findings were brought before the court, and everyone waited for a ruling.

On or before this time period, Col. Van seems to have purchased the rights to, then transferred, the old York/Chapline Fairfax grant out on the end of Terrapin Neck to Van Swearingen, Jr., (Jr was actually Col. Van's *nephew*, son of Thomas of the Ferry; Hyman 1996 notes the property transfer; Dandridge 1910 notes that Van Swearingen Jr is the son of Thomas of the Ferry, not Van's son. It seems to have been common practice for the younger of the myriad Thomas and Van Swearingens to use "Junior" after their names, even though they were the namesakes of an uncle. For example, Thomas Swearingen, son of Col. Van, signed his name Thomas Swearingen **Jr** in his will, probably to distinguish him from his older cousin who lived in the neighborhood. This can be so confusing...but stick with it - it's a good story). At any rate, this nephew Van Swearingen, known to genealogists as Indian Van, would have been about 28 years old, and in 1770 or shortly thereafter he and his family were on their way west to the wild frontier of Virginia on the banks of the Monongahela River in what is now southwestern Fayette County, Pennsylvania (Hassler's Notes). He would soon after become involved in the vicious fighting in the region between settlers and the natives, which erupted in 1774 in a conflict known as Lord Dunmore's War (at which time he acquired the moniker *Indian Van*). He would later become a soldier in the Revolution.

Other local Shepherdstown families, continuing in the tradition of their parents and grandparents, also moved to the western frontier and took up land near the eastern bank of the Ohio River near present day Wheeling and surrounding area, including Indian Van's brother Andrew Swearingen (who married Elizabeth Chapline), and the erstwhile ferryman David Shepherd, son of Shepherdstown founder Thomas Shepherd and older brother of Abraham Shepherd. Abraham Chapline, brother of Benjamin Chapline, made the same trip, as did several Van Meters. Building a cabin and raising a crop of grain eventually entitled

the new settlers to 400 acres, and also gave them a pre-emption right to an additional 1000 adjoining acres, though the legality of these grants was an open question depending on which who you talked to. Any time that governing authorities gave the slightest pretext for the opening of new lands on the frontier, there were thousands of Virginians waiting to take advantage; the above Shepherdstown-area families were part of several major waves of settlement to the Virginia frontier before, during, and after the American Revolution, with the specific goal of acquiring land before somebody else claimed it. Three commissioners appointed by Virginia authorities gave certificates of settlement, and provided that no one filed a caveat within 6 months of making a claim, the new settlers found themselves owners of patented tracts of land (Doddridge 1824). It would take a couple of decades to define the boundary between Virginia and Pennsylvania in that area but in the meantime they considered themselves Virginians (quite audacious, considering how far north of the Mason Dixon Line they were, which had just been surveyed over a five-year period beginning in 1763 to mark the line between Pennsylvania and Maryland. They apparently felt they were far enough west that this no longer mattered.). Letters and records indicate these frontier families kept in close contact with family and friends along the Potomac and frequently were involved with business and trading with the folks back home.

It is interesting that any land transaction on Terrapin Neck took place at all about 1769. After the 1770 court ruling the Chaplines surely must have wondered how they could sell this property legally, if at all. The Chapline and Swearingen families had many close connections in the eighteenth century: they both owned tobacco plantations on a tract of land called "Forest" near present-day Washington DC in the early 1700s, Col. Van's mother and Joseph Chapline's mother were sisters (daughters of Hugh Riley), a Joseph Chapline signed the 1726 will of Col. Van's father, both families became prominent in the Anglican Church, and the Swearingen brothers and Chapline brothers moved to the area that became Sharpsburg, Maryland about the same time in the 1730s and later held Fairfax grants across the river in Virginia at the same time in the 1750s. An agreement to buy the rights to the Chapline's Terrapin Neck property in Virginia may have been concluded with just a handshake and may have been part of an agreement to buy several other properties. Courthouse records show that a Van Swearingen Jr of Berkeley County Virginia (actually Col. Van's nephew) bought several lots in Sharpsburg and other property from the Chaplines in 1772 (FC Md DB P, p. 130,

163, DB N, p. 163). Deaths in the Chapline family had lowered their circumstances considerably of late: William Chapline of Virginia died in 1760, passing the Terrapin Neck property to son Benjamin, who is also described as having died young (according to Chalkley's records he is deceased by the 1790s, with a son William), while Joseph Chapline, prominent landowner, militia leader and founder of Sharpsburg, died in 1769. The remaining family members set about dividing up or selling their various land holdings on both sides of the river during this time period, including their tract on Terrapin Neck, originally acquired by Jeremiah York as a Fairfax grant. If York's original Fairfax grant was invalid, and the Hite-Browning claim was tenuous if not fraudulent, then who owned it? Anybody? Obviously the courts were going to have to decide, but in the meantime several parties began maneuvering to acquire the property. After the 1769 court ruling, Terrapin Neck land had become a "hot potato" suggesting that the Chapline heirs were willing to give up fighting for about 237 acres of prime waterfront real estate. Note that if the Chaplines acknowledged the court ruling, the land in fact was not theirs anymore to sell to the Swearingens; therefore the Swearingens must have purchased an option on the property, confident that the Hite-Browning claim would be proven invalid, but were kept from recording the sale at the courthouse because of the invalidation of Fairfax grants. If nephew Indian Van acquired this land before the ruling (deed searches at court houses haven't been successful in finding this transaction, though it is mentioned in other legal proceedings), perhaps the 1769 decree was what precipitated his move west. No doubt the 1770 Commission report encouraged the Swearingens to believe that the judge would declare the Hite survey on the Neck invalid, eligible for a Fairfax grant, and therefore owned by the present landholders. Later court records and letters imply that another individual - Abraham Shepherd - also would try to assert a claim for this property some time in the late 1770s, which would help fan the flames of a growing controversy.

1771 - The Fairfax appeal of the 1769 ruling was heard. The Court decided that the Hites and their subsequent purchasers held title to those lands that were already *patented* before Fairfax showed up, including the part of the 834 acre Poulson, Mounts and Jones patent held by Thomas Swearingen Jr, and Col. Van. The *surveyed but unpatented* Hite lands were to stay with the grantees of Lord Fairfax. This would appear to give Van and his nephew Van Jr title to their Fairfax grants on Terrapin Neck,

but for some reason the Court did not follow the Commission's finding of a late survey on Terrapin Neck, made an exception, and considered the Browning heirs the legal owners! If Van Jr didn't have enough of an excuse to head west to the Ohio River before, he certainly did now, and he could perhaps commiserate there with David Shepherd, who had recently failed in his bid for taking over the Swearingen ferry operation. The Hite lawyers had brazenly described Browning as the "original settler" on Terrapin Neck despite the fact that he and his heirs had lived on the Eastern Shore of Maryland and had never settled, and probably never even seen, the Neck - this fact somehow never became an important determinant. For the Hites these arguments eventually backfired, as the 1200 acres on Terrapin Neck could not now be claimed by the Hite family, after they had averred that it had been purchased by Browning. Undeterred, in 1786 the Hites would argue that Terrapin Neck belonged to them because - you guessed it - Browning had never settled there! It was a fine legal line that the Hites had to straddle - they had to use the 1736 Browning sale to show that there was a Hite survey on Terrapin Neck, but then they had to show that the sale was invalidated by the lack of a Browning settlement of the property, allowing the property to revert to them. The Browning heirs still living in the northeast corner of Maryland at this point seem to be unaware that their claim is even being discussed, and it certainly was not in anyone's interest to track them down and make them aware of the court decision. At any rate, the Swearingens had surely realized by this time that their claim to land outside the Poulson, Mounts and Jones patent on Terrapin Neck was in serious jeopardy. The Hite heirs were again in danger of losing a potential fortune, and they appealed to the Privy Council in London. The case was never heard because of the upcoming Revolution. The resulting political instability led to the disappearance of a viable appeals court system for Virginians for more than a decade, leaving the Swearingen holdings on Terrapin Neck in legal limbo at best.

Col. Van Swearingen acquired another 384-acre grant from Fairfax this year west of Hedgesville near Back Creek, in addition to the Kings Patents he had purchased near there several years before - perhaps as a way of making up any losses due to the ongoing Hite-Fairfax dispute.

1772 - Terrapin Neck became part of the newly-formed Berkeley County, Virginia, with Col. Van Swearingen issuing the oath of office to the new County officials. His nephew (Maj.) Thomas Swearingen was

chosen as one of the first tax assessors, his area of responsibility to include *"From the Mouth of Opequon, up the same to the Warm Spring Road, thence down said road to Robert Lemmons, thence to Potomac at Mecklenberg"*. Van's son Hezekiah served on the first grand jury, while the first coroners included Robert Worthington and a David Shepherd (Evans 1928). The colonial governor of Virginia Lord Dunmore was criticized in England for creating new counties, but he justified it by claiming the only way to control the outlying settlements in the lower valley and their "turbulent and refractory behavior" was to provide a nearby court house and local authority (Couper 1952). Literacy rates perhaps played a role in helping to form the rebellious opinions of the settlers in the lower valley; by the time of the Revolution 85% of adult males in New England could read and write, while about 60% of the men could read and write in Pennsylvania and Virginia (Dufour 1994).

1773 - Col. Van Swearingen continued his land acquisitions by purchasing 3 tracts (232, 123 and 42 acres) from Jacob Van Meter and his son Abraham Van Meter (BCDB 2, p.266-271). These lands paralleled the road leading to Martinsburg in what was then called the Van Meter Marsh area west of present-day Shepherdstown and included the tract containing John Van Meter's old home, outbuildings and orchard, and the area that has now become the Heatherfield subdivision, that John Van Meter had first settled in the 1730s. It's interesting to speculate what Thomas Shepherd's wife Elizabeth might have thought about a Swearingen now owning her father's old house and land. Van later gave the 232-acre parcel including the old Van Meter home site to his youngest son Thomas. These were Kings Patent lands, as Fairfax grants had perhaps lost some of their charm by this time. Jacob and Abraham Van Meter, like several of their neighbors, had also recently relocated to the Virginia frontier near the Ohio River, settling on Muddy Creek near its confluence with the west bank of the Monongahela River south of present-day Pittsburgh, PA.

An 18-year-old Benoni Swearingen, who had been given the rights to the Swearingen ferry operation as a 5-year-old upon his father's death in 1760, now continued the acquisition of land near the ferry landing on the Maryland side. He already owned the 50-acre "Spurgin's Lot" on the Maryland side that had been used as a ferry landing for about 18 years, and he now purchased the adjacent 75-acre *"tract or parcel of land called Easy Lot being part of a resurvey on part of AntiEatum Bottom laying*

and being situate on the side of Potomack River", from Levi Mills for a mere £6 pounds! (Fred. Cty MD DB U, p. 205).* This newly purchased Swearingen tract was of course directly across the river from Mecklenburg and the new Shepherd Fairfax grant, and in the ongoing chess match for ferry landing sites, the Swearingens had scored a significant "block". Imagine more smiles in the Swearingen camp, more seething from the Shepherds. The Shepherds may have been working with an alternative landing site in Maryland – the Washington County tax records for 1783 show a Thomas Shepherd assessed for 114 acres of the "Antietam Bottom" tract on the Maryland side of the River, which could only have been downstream in the direction of Pack Horse Ford, but again not opposite the town or their Fairfax grant in Virginia. (A William Shepherd, probably the grandfather of Abraham and David, purchased from John Moore 50 acres of Antietam Bottom on 16th April 1741). The same tax records show Benoni Swearingen assessed for 125 acres (Easy Lot and Spurgin's Lot opposite the town), and a Vandever "heir" assessed for 100 acres of "Pall Mall" (Pell Mell).

1774 – In mid-April, Jacob Hite, son of Joist Hite, sent his son Thomas and numerous other men, armed with guns, swords, pistols and axes, to storm the jail in Martinsburg; they overpowered the guards, released fifteen slaves being held there, and returned to Jacob Hite's where they armed the slaves (!) and waited for the sheriff's posse to return. The slaves and twenty-one horses had been taken from Hite several days before by the sheriff Adam Stephen to be put up for auction, after Hite had lost a lawsuit to a James Hunter for an unpaid debt. The depressed economy and the loss of money from a failed speculation in a questionable 150,000-acre Cherokee Indian land scheme in South Carolina were major factors in Hite's desperate bid to avoid absolute ruin by storming the jail. Hite managed to fend off the sheriff's posse, arranged to send at least several of his slaves south to the Cherokee country, and then had the temerity to sue the sheriff's men sent to arrest him. The poor economic conditions apparently created a great deal of local sympathy for Hite and other debtors in Virginia; easy credit, a desire for European luxuries, and Britain's monopoly on trade made repayment of debts a vexing problem for many Virginians - Sheriff

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* Levi Mills, married to Elizabeth Dunn, moved to the Ohio River settlements north of present-day Wheeling, WV near Short Creek where he died in 1805

Stephen himself in 1767 had had a warrant out for his arrest for non-payment of debts (Ward, 1989, p. 95). Local authorities, trying to avoid a general conflict, found it inexpedient to punish the Hite gang; only seven were charged, but acquitted, with breaching the peace. Hite soon traveled the Great Wagon Road south to set up a trading post and try to revive his claim, but was killed, along with his wife and children, by a band of angry Cherokee men July 1, 1776 (Holton 1999).

In response to several violent and deadly incidents between white settlers and Indians on the upper Ohio, the Governor of Virginia, Lord Dunmore, put together an expedition of about two thousand armed men to attack several Indian towns near the Ohio River. (Indian Van Swearingen and Abraham Chapline, who had moved from the Terrapin Neck area about 1769 to the Ohio River frontier, joined military units formed there at the time). The Natives were forced to make a number of land concessions, including all of Kentucky, to the Virginians. The Privy Council in Great Britain still would not recognize the new boundary, though, and added insult to injury by passing a bill giving the land west of the Ohio River to the province of Quebec, further agitating the now openly rebellious colonists in Virginia.

1775 - The Revolutionary War began. Van's eldest son Josiah, 31, enlisted in Capt. Hugh Stephenson's company, along with other local men including his cousin Joseph Swearingen and Abraham Shepherd, who became third lieutenant of the group after Thomas Hite declined the honor awarded by the local Committee of Safety. Their march to Boston, with their muskets, fringed buckskin clothing, homespun linen hunting shirts embroidered with the phrase *Liberty or Death* and other "Virginia Rifleman" accouterments to aid George Washington and the American army then laying siege to the British, has been immortalized as the "Beeline March" (see Dandridge 1910). Josiah, according to family lore, fought in the siege of Boston, was captured in New York by the British, was exchanged, and later became a militia captain under Generals Hand and McIntosh on the western frontier (his capture and exchange by the British have not been independently verified at this point - several of his fellow soldiers from Shepherdstown were imprisoned until 1779). Van's son Hezekiah, 28, enlisted about a year later under Capt. William Morgan, and Van's youngest son Thomas, 23, also became a soldier, most likely in the militia. (H.H Swearingen 1884). The Virginia government required all free white males between 16 and 50 years old to

at least join the county militia. Van retained his former title of Colonel of Militia for Berkeley County and was active gathering horses, men and supplies for the Revolutionary effort. Part of his job entailed subjecting a large number of rugged, independent frontiersmen, who perhaps had no personal quarrel with Great Britain, to the rigors of military discipline. Convincing these men - who no doubt had other priorities - to leave home and family for extended periods of time was a job for someone with instantly recognizable leadership skills, and not a little tact.

1776 - The Revolutionary War continued in earnest. Mecklenburg's founding father Thomas Shepherd died that year, dividing his property between his wife and children. His 5th son Abraham, then a 22-year-old captain in Washington's army, took a break from the war and presented his father's will to the court in August of 1776. The will of Thomas Shepherd gave Abraham any remaining lands not already given to his siblings. Pertinent to this narrative is the small riverside tract adjacent to present-day Princess street that contains the old tobacco warehouse and waterworks, which was given to son John Shepherd in the will. This property shared a corner near the river with the narrow, steep waterfront 1768 Fairfax grant to the south given to brother Abraham in the will. Sometime during Abraham's absence with the Continental Army in New York (a probable scenario), the Swearingens seem to have begun using the very northwest tip of this parcel as their new Virginia ferry landing! It's unknown exactly when the Swearingen ferry moved to this site from Swearingen property just upstream of Mecklenburg, but the move is unlikely to have been before 1776. There is evidence for a ferry at this location earlier: in the Dec. 5, 1763 Fairfax grant to William Brown, the corner between Shepherd and Brown is described as being at an elm tree *above* the mouth of the creek and the *"ferry landing"* – but this probably referred to the Shepherd's ferry that only ran for a short time in 1762-63 when they managed to wrest it for a year from the Swearingens. Part of the problem was that different surveys placed the corner of the Brown *and Shepherd properties at potentially different locations: "Elm Tree on the bank of Potomack River"* was used in the 1763 Brown survey, while a *"Lynn* (basswood) *standing on Riverbank"* was used in 1756 to describe the same corner for Richard Morgan; both trees are described as being exactly 42 poles (693 ft) from an old established property corner up the ravine, suggesting the lower corner near the river was the same for both surveys. The 1768 survey clearly shows the "Lynn" tree was about 66

feet back from the river's edge, while the Shepherd corner at the water's edge was described as a "limestone in the side of the river". Thomas Shepherd in his will used the rock at the river's edge to describe the corner of the ravine tract boundaries that he gave to son John, but older surveys used the tree further up the bank, suggesting a possible source of some later confusion.

The new ferry landing of the Swearingens was located right at this uncertain property boundary, and a little parcel for a new ferry landing wouldn't be difficult to squeeze in just above the 1768 Shepherd grant – in fact the Entler family would still find a parcel containing "1 acre, 2 rods and 12 perches" of unclaimed land at the river edge in the early 19th century directly adjacent to the ferry landing that hadn't been covered by any prior surveys. The Swearingens may have moved the ferry landing to this property after the war started without consulting the Shepherds, and had perhaps filed their own claim with the Fairfax land office for the little half-acre parcel when they discovered that the Brown survey of 1763 didn't go all the way to the water. Or alternatively Thomas Shepherd and Benoni Swearingen may have had a "gentlemen's agreement" about using this landing on what was Shepherd property, as it no longer required the town (i.e. the Shepherds) to maintain a separate road to the ferry, and forced ferry users to travel through the local "business district" where perhaps they could be relieved of some of their money. If so, Abraham later seems to have been unaware of any agreement. Local townspeople likely appreciated not having to walk or ride from the Swearingen property upstream - it really was a handier site overall.

At any rate, despite his brother John being the most affected by a ferry there – John was given the ravine tract next to Princess Street leading to the ferry where the tobacco warehouse still stands today – it was Abraham who became upset about the Swearingens using a tiny corner patch of riverbank above the creek that debatably had been granted to his father. (Abraham later acquired John's ravine tract and built the tobacco warehouse there after 1788). From his father's will Abraham also received the annual lot rents (12 shillings sterling per lot) from 96+ lots in Mecklenburg for the remainder of his and his heirs days, and 1/2 of his father's personal estate after the funeral charges and debts were paid. Abraham has been described as the "feudal lord" of Shepherdstown from this time until 1793, when town decisions were made by an elected Board of Trustees, but with Abraham, of course, as President (Kenamond 1963). After returning to the Continental Army, Capt. Abraham Shepherd and

his men were captured in November in a rear-guard confrontation with elements of the pursuing British army, and were then imprisoned in New York. Officers, including Abraham, were imprisoned in private homes on Long Island, while the enlisted men joined thousands of others detained in wretched, over-crowded warehouses and prison ships who were dying in droves from disease and starvation.

1777 - Josiah Swearingen, eldest son of Col. Van, married Phoebe Strode, and they had a daughter named Eleanor the same year, suggesting Josiah had a little time at home between his duties with Washington's army and his later service on the western frontier (and also questions the family story of Josiah, an enlisted man, being captured by the British and exchanged - it is possible, but there aren't enough details to confirm or deny the story – it seems more likely that he left the army after his one-year term of enlistment expired, or after `a wound or illness, or deciding he had some important things to do at home.). Little Eleanor, affectionately known as "Nellie" was perhaps named for Phoebe's sister, Eleanor Strode. Nellie had three brothers-Thomas, James and Samuel-by 1784, suggesting Josiah's martial activities beginning in 1778 out near the Ohio River settlements were also of limited duration. Indian Van Swearingen (a.k.a. Van Swearingen Jr) with other militiamen from western Pennsylvania joined Washington's Army in New Jersey, and became a Captain in Daniel Morgan's Rifle Company. He and 20 of his men were captured at the Battle of Stillwater in September of 1777, and were released about a month later after the defeat of Burgoyne at Saratoga (Hassler's Notes).

The Berkeley County Rent Rolls for this time period indicate Col. Van Swearingen was being assessed for 1,760 acres of land in the county (Dandridge 1910). Col. Van Swearingen this year actually sold 100 acres of his 1760 Fairfax grant on Terrapin Neck to Adam Money of Washington County, Maryland (BCDB 4, p106).) With this transaction Van seems to have sold 100 acres that the 1771 court told him he no longer owned, though the issue was still under appeal. The Hites couldn't claim it because they had testified that Browning had purchased the land, and apparently the Brownings hadn't shown up to claim it either; it is very unlikely that the Browning heirs even knew the status of Terrapin Neck at the time. Surely Adam Money must have known the uncertain status of the property when he purchased it - he was assessed for a house and a lot in Sharpsburg, MD in 1783, so he apparently lived across the

river. Adam Money is also associated with Van's expedition to Kentucky several years later, suggesting they were well-acquainted, rather than Money being a victim of an unscrupulous land transaction. Perhaps Van sold it at a low price to a friend who was willing to take a chance?

This year Van was promoted by Governor Patrick Henry to the position of County Lieutenant recently vacated by Samuel Washington. Van's old job of Colonel of Militia was taken over by Phillip Pendleton. Van was repeatedly urged by the Governor of Virginia and the War Department to provide officers, troops and supplies, especially shoes and salt, for the Indian problem on the western frontier and elsewhere. Out west in the Wheeling area, Col. David Shepherd of Mecklenburg (Shepherdstown), in command of Fort Henry which was then under siege by attacking Indians, was relieved to have Col. Andrew Swearingen, Van's nephew, appear with men and supplies (J.H Newton 1879).

1778 Col. Van's son Hezekiah married Rebecca Turner in 1778, and they had two children, Van and Mary, by 1780, suggesting his soldier duties were also somewhat intermittent at this time. In the western theater of the war where Indian Van Swearingen and David Shepherd were located, there was a raid into Ohio in February that became infamous as the "Squaw Campaign", where 500 American men set out to raid an enemy storage area, but instead several of the men took out their frustrations by killing a few defenseless Indian women and children. British troops allied with the Indian tribes also continued their equally vicious attacks against colonial families and soldiers on the frontier; the British commander in Detroit was apparently paying for white scalps of any age or gender. Josiah Swearingen became captain of a militia company from Berkeley County sent west to the Ohio River settlements in the fall of 1778, where he apparently joined his cousin Indian Van who had recently returned there after his service with Washington's army (Dandridge 1910). A record in the Berkeley County court this year shows that another family member was likely along as well: *At a Court held for Berkeley County, 17th day of November 1778, Ordered that Thomas Swearingen , jun.* (Josiah's younger brother) *be recommended to his excellency the governor, and the Honourable Council, as a proper person to act as Lieutenant in a company of Militia of this County, Commanded by Captain Josiah Swearingen.* Capt. Abraham Shepherd was among those paroled this year from imprisonment in New York, after being captured by the British. After another few months with the army in

New York, he returned home in May and took no further direct part in the war, probably as a condition of his parole (Dandridge 1910). He immediately wrote his brother David living out on the Ohio River settlements, who had recently lost a son and a son-in-law during the fighting at Fort Henry:

May 22, 1778 Mecklengsburgh
Honored Brother

(I arrived yesterday). It is with infinite pleasure I inform you of my safe arrival home to my affectionate mother which [perhaps?] may tend something to soothe her unhappy situation. I find many things not according to my wish, but have some hopes of seeing them better. I condole with you for your misfortunes and hope your manly fortitude may ever support you in the most distressing misfortunes, and live in hopes of seeing better. I am on parole, no time limit for that reason you can't expect news my health is not perfect, but not dangerous ill. I left all my friends well on Long Island. Mother is well with all friends here. Remember me to all there. Sally has arrived safe here, 70 officers exchanged, 161 on Long Island 12000 suits of clothes compleat have arrived at Boston. Never let Hope the sole comforter of the wretched forsake you and believe Dear Sir I am with due Respect your most Dutiful and Affectionate

*Abraham Shepherd**

One of Abraham's first projects upon arrival back in Mecklenburg was to try to acquire the rights to the ferry then operated by the Swearingens across the Potomac, as his father had tried unsuccessfully to do about 15 years before, as well as his brother several years later. He may have thought that the confusion of war and resulting political upheaval, and the occasional absence of the ferry's operator, Benoni Swearingen due to his part-time soldier duties would create an opportunity. Perhaps one of the many things he had found *"not according to my wish"* was the discovery of the Swearingen ferry now using a landing next to, if not on, his narrow riverfront property (though it was his brother John who now owned the ravine tract and was more likely to be impacted by a ferry operation

* David Shepherd Papers, vol. 1

here). The Virginia Assembly, apparently busy with war concerns, ignored the already-operating Swearingen ferry and granted his petition!! Now the ferry was described as operating from the Shepherd property in Virginia to Thomas Swearingen's land in Maryland (imagine the sputtering red faces and waving arms in the Swearingen homes; also a quibble: Benoni owned the property on the Maryland side, not his brother Thomas). In January of 1779, in a letter to his brother David out near the Ohio River, Abraham expressed a concern over having his prisoner parole status revoked, wrote of his planned trip to Philadelphia to collect his military pay, and complained that someone had sold the gunpowder he was planning to send to David before Abraham could get there with a wagon, adding the cogent comment *"Believe Me - Mankind is not to be trusted"*. He also asked David to send horses, and ended by expressing the elation of the family after finally acquiring rights to the ferry:

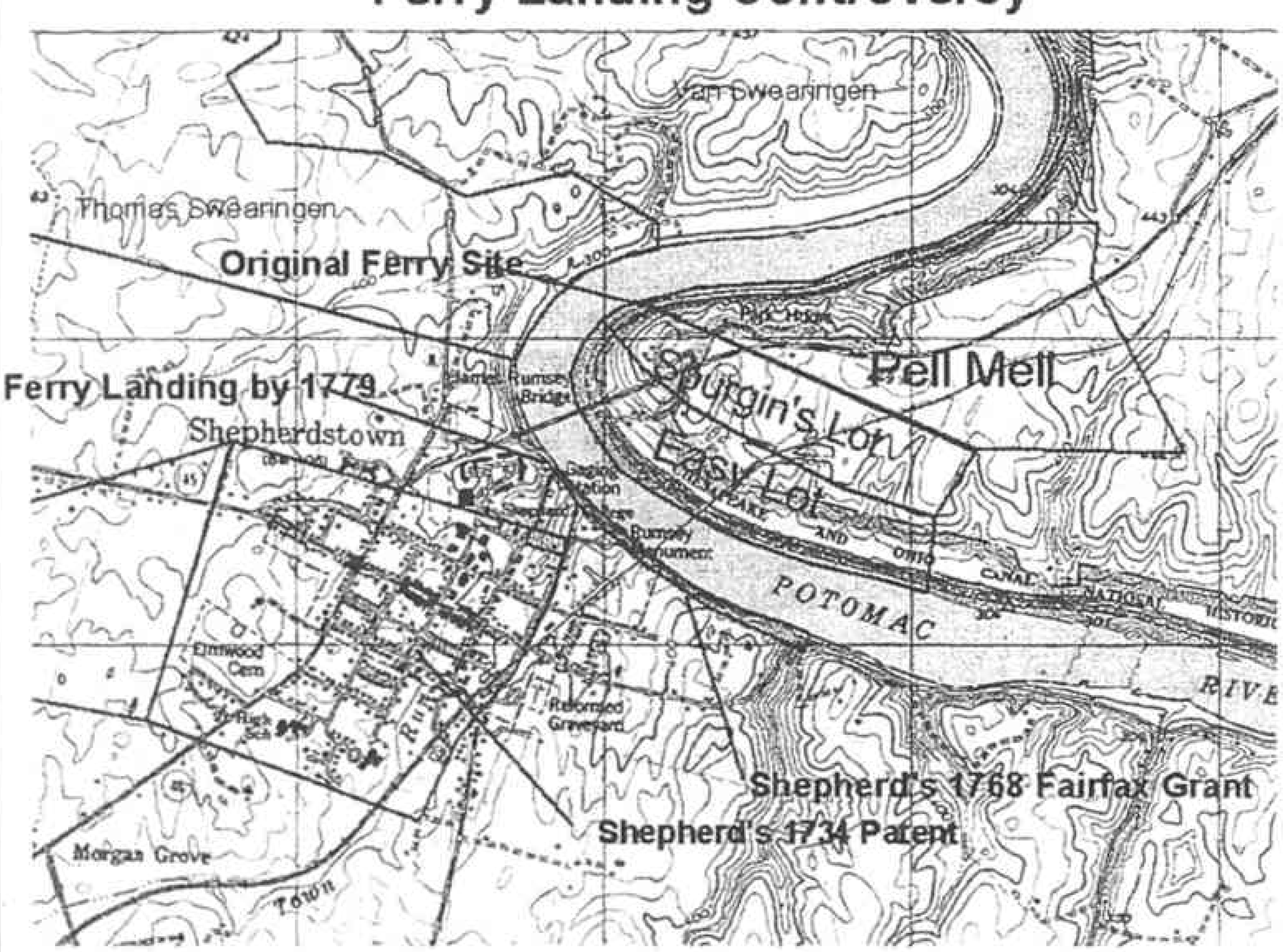
> *Mecklensburg, Jan 19, 1779... I am sorry to inform you I have some apprehensions of being called to the British, as I am not confident of my being exchanged. I have likewise the pleasure of informing you the ferry is established in my name. I expect the old trade to go on again of [ferrying?] tomorrow is the day appointed which we are to settle it without [leave?] they feighn would make me believe they meant nothing but honesty. The articles I have sent you Except the salt and Mohair I shall charge to your private account. I have spoke to Nate Tomson(?) to get a canoe made by spring which will carry forty bushels to Fort Cumberland he assures me of its being done but there is no certainty of his promises. I shall write to you from Philadelphia if my fate should be to remain a prisoner. Mother, since you were here, has been almost "delerious" but since this affair has asserted in my favor she appears in as good spirits and as hearty as I ever saw her in my life. I do everything to make her happy which I shall forever esteem my duty and greatest happiness...* (David Shepherd Papers, vol. 1).

"Mother", of course was John Van Meter's daughter Elizabeth, recently widowed, who like her father seems to have had a keen eye for the value of land. Other letters this same time period show that David and Abraham Shepherd were carrying on a brisk trade and speculating in various goods including horses, deer and bear skins, furs, beaver pelts (some of the skins and furs were acquired from military raids on Indian

towns), wheat, flour, lead, powder and salt. There are numerous references to prices of goods and the value of money, with Abraham urging his brother to settle his accounts and convert their money into commodities that would appreciate in value because of war-time scarcity in cities such as Philadelphia and Baltimore.

As he had for the older sons nine years before, Col. Van Swearingen deeded 232 acres of land near Shepherdstown to his youngest son Thomas; the land was located in the old Van Meter Marsh patent, a couple miles southwest of Terrapin Neck along what is now known as Rocky Marsh Run just south of present-day Rt. 45 and included John Van Meter's old homestead and orchard. Thomas was married by this time, but had no children.

Property Involved in the Ferry Landing Controversy



- Pell Mell owned by the Shepherds 1745-1769, 1797-1813
- Spurgin's Lot purchased by Swearingens in 1758
- Easy Lot purchased by Swearingens in 1773

1779 – Rejecting the conciliatory approach of the British authorities in determining the fate of Native Americans and their western lands, in June of 1779, the Virginia House of Delegates revived the Kentucky land claims of various speculators, including the bounty lands to be given to soldiers of the French and Indian War. The Swearingens and others in the Shepherdstown area immediately made plans to take advantage of this largesse. Adam Money sold his 100 acres of Terrapin Neck, bought from Col.Van Swearingen two years before, to a weaver named John Lowes from Washington County, Maryland (BCDB 5, p.382). Money had bought it for £133 pounds and sold it for £700 pounds (wartime inflation may account for some of this profit). In September, William Bennett, husband of Lurannah Swearingen and Van's son-in-law, gave power of attorney to his brother-in-law Josiah Swearingen in anticipation of a family trip to Kentucky that was being planned (BCDB 5, p.348). Col. Van Swearingen sold several tracts including his 101-acre tract near North Mountain to a John Shaffer, (BCDB 5, p.133), as well as his 234-acre Fairfax grant west of Hedgesville on Back Creek, sold to a Snodgrass who built the still-existing building known as the Snodgrass Tavern (BCDB5, p.345)

Both William Bennett and Adam Money traveled to Kentucky this year, along with Col. Van Swearingen, his nephew Maj. Thomas Swearingen, Benoni Swearingen and several other local men and women from the Shepherdstown area. In John Clinkenbeard's account in the Draper Manuscripts, he says that he, Col. Van Swearingen, William Bennett, Joshua Bennett, a Taylor, the Patrick Donaldson family, Pressley Anderson and several others in the party traveled along Boone's Trace - part of a nearly non-stop wagon train of thousands of Virginians - through Cumberland Gap and finally met several local Shepherdstown friends at a place that would be known as Strode's Fort near present-day Winchester, Kentucky. A more famous fort next door was called Boonesborough. Former ferry operators Major Thomas Swearingen and his young son Van (about 16 years old), and Benoni Swearingen and several other men arrived somewhat later in the fall, having narrowly avoided an Indian ambush en route (Dandridge 1910). Their main purpose in making the trip was to claim and survey land - they were eligible for bounty lands because of the family's military service in the French and Indian War, and they could also purchase lands that were now available via Treasury Grants. They were also purchasing other soldier's land grant rights. They may also have needed an excuse to get out of town for a while now that

the hot-headed Abraham Shepherd had taken over the ferry operation. They were not alone in their interest for land in Kentucky: in 1775 there were 300 whites living in the Bluegrass region, but by 1784 there were 30,000, and in the 1790 census there were over 73,000 settlers (Wharton and Barbour 1991). In the fall of 1779 they encountered a land full of buffalo, deer, elk, wolves, turkeys, bear, canebrakes, and forests. Clinkenbeard described setting wolf traps, clearing forest land, buffalo hunts and carrying surveying chains for Maj. Thomas Swearingen. They sometimes made their choice of which land to survey by having the women follow the cows around during the day to observe what they ate, or didn't eat, then picked out property composed of the more palatable vegetation. The first very cold winter they subsisted largely on buffalo meat and other game, which was plentiful for a time, but some settlers eventually resorted to hacking on the carcasses of frozen horses to survive. They were also worried about Tories in their midst: even Daniel Boone had been indicted for treason the year before by his fellow Kentuckians because of some questionable negotiations with the Indians, a charge for which he had recently successfully defended himself, but his wife Rebecca, related to loyalists in North Carolina, was forced to go back east because of all the ugly talk and suspicion. It's unclear how long Col. Van Swearingen and members of his party stayed in Kentucky, but Maj. Thomas Swearingen and his son Van, and perhaps Benoni Swearingen and others in their party including slaves spent the winter there. Clinkenbeard states that Major Thomas Swearingen of Shepherds Town stayed there until the Tories from the Carolinas (Daniel Boone?) finally left.

Meanwhile back in Shepherdstown: On November 17th, 1779, Abraham Shepherd and a Robert Cockburn (business partner?) signed a bond valued at £5000 pounds to the Governor of Virginia, Thomas Jefferson, agreeing to *"keep or cause to be kept a ferry from the land of Abraham Shepherd to the land of Benoni Swearingen"*. They had this obligation for only a few months, as it turned out (BCDB 5, p.411). In a repeat of history, the Virginia Assembly recognized its mistake the year before and repealed Abraham Shepherd's right to operate a ferry, because of its proximity to the Swearingen ferry (Henings Statutes Vol. 10, p. 197). In a February 13, 1780 letter to his brother David near present-day Wheeling, Abraham heatedly writes:

> *The philistia of Gath have got my act repealed by asserting to the assembly they had paid for the lot have had...possession for a*

*number of years and as many falsehoods as a very humble petition of two sides of an extraordinary...sheet of paper could contain. You will by no means fail sending me every account you know of the lot, as I am determined to have it brought to an issue immediately...** (David Shepherd Papers, vol.1).

An angry Abraham, denied a ferry business, would now try to assert ownership of the ferry landing being used by the Swearingens. The landing was by then located near (within?) the northern tip of a narrow waterfront Fairfax grant issued to Abraham's father in 1768.

1780 - Col. Van Swearingen's youngest son Thomas died in March, 28 years old. He left behind a wife, Hannah, but no children. The family bible in possession of J.S. Swearingen III indicates that he fell ill during the war, perhaps during the expedition to Ohio with his older brother Josiah in 1778, then came home and died, probably of tuberculosis. A will was written a month before his death.

Col. Van Swearingen seems to have taken a temporary leave of his position as County Lieutenant before Thomas's death, but was again receiving correspondence related to these duties by February of 1780 (Dandridge 1910); this may help bracket the time he spent traveling to and from Kentucky.

Swearingen adventures in Kentucky took an ominous turn the spring of 1780. Young Van Swearingen, Major Thomas's son, described by Clinkenbeard as a lad of about 16, was hunting with several others when Indians ambushed them after the hunting party had dismounted and left their horses behind to stalk game. Young Van escaped after jumping a creek and dropping his rifle, then was found a week later, very emaciated and starving, having eaten nothing but the "hind part of a squirrel" that he had stolen from a hawk. Other settlers who had traveled with the Swearingens the previous fall were not so lucky. Joshua Bennett, for example, was killed and had his bowels burnt out with a flaming chunk of wood. Others in the hunting party met a similar ghastly fate. Patrick Donaldson, another member of the group that traveled to Kentucky with the Swearingens, was shot and killed at a later time as were several others

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* Gath is an ancient city of Philistia; a philistine today is considered to be smug, ignorant and lacking in the social and cultural graces, but more likely he is making a reference to Philistia as the biblical land of wanderers, perhaps referring to the Swearingen's recent Kentucky trip.

through the coming months (Clinkenbeard account in Draper Manuscripts). Over the next two years, hundreds of new Kentucky settlers were killed by small and large groups of allied Indian and British troops, as they tried to force the upstart Americans out of Kentucky. Over 400 people in nearby Ruddle's Station were killed or captured and hauled to Detroit. Thomas Jefferson, in a letter to George Rogers Clark, perhaps echoed the sentiments of many Virginians when he gave his opinion that the Indians should either be exterminated or removed beyond the Great Lakes or the Illinois River, since "the same world will scarcely do for them and us" (Holton, 1999). Clearly this was a vicious time and place.

Back in Shepherdstown where life was relatively peaceful, Abraham Shepherd, the "feudal lord of Shepherdstown" married Eleanor Strode on Dec. 27, 1780, thereby becoming the brother-in-law of Josiah Swearingen (and an uncle to his children.) In letters to his brother David this year, Abraham tells him of the impending court date over the ferry landing issue and urges him to attend, as his evidence is *"very material"* and the lawyers *"insist on not having it tried until you are present"*. Abraham was just a boy when his father had attempted to get control of the ferry and acquired the Fairfax grant adjacent to the river, so Abraham apparently lacked knowledge of some of the details of the Swearingen's use of the property, information which he hoped to get his older brother to testify to in court. In an October 1780 letter to David he storms on:

> *"....I have secured several good friends am in the highest spirits on account of this affair am firmly of opinion I shall have it in my power to have full satisfaction for every insult which they have been good enough to bestow on my father, you and myself."* (David Shepherd Papers v. 1)

In another letter, a reference is apparently made to Indian Van Swearingen and his uncle Col. Van, suggesting that Abraham was now retaliating by trespassing on, or otherwise asserting a claim for, property that the Swearingen's felt they owned, very probably the old York/Chapline place on the end of the Neck:

> *"...Your old friend Van is down with us I am informed he has commenced a suit against me for the vacant land which his uncle entered by the river he has likewise talked as big as ever he did about [Jacks ?] place and Vandiveres. I expect he will give me some trouble as well as Mr. Vandivere..."*

Vandivere, of course, was the man who had bought Pell Mell from David Shepherd back in 1769, suggesting that the dispute over Pell Mell on the Maryland side of the river was still not resolved to everyone's satisfaction. Indian Van's lawsuit against Abraham wouldn't be resolved until 1799, and was continued even after the death of several of the parties involved (stay tuned). But in the meantime Abraham Shepherd had a sudden interest in the supposed "vacant" land out on Terrapin Neck, and turned his attention to that old Browning claim. Since the Swearingen's claim depended on the Browning title being invalid, maybe the Browning heirs would be interested in selling him their rather tenuous claim to the property....

Letters this year from Abraham Shepherd also update his brother David, still living on the Ohio River frontier, on war and family issues, but the letters overwhelmingly concentrate on business matters. A frequent request to his brother is to *"buy all the* [beaver pelts, deer skins, fur or bear skins] *you can lay your hands on"*. A revealing phrase in one letter: *"Money will be plenty and he who gets most now and knows how to keep it may in a litteral sence do well"*. Interestingly, this year his letters were no longer written from Mecklensburgh, but were now being written from *Shepherds Town*.

Indian Van Swearingen, after resigning from the army in August 1779, went back to farming in southwestern Pennsylvania about this time, acquiring several 400 acre grants of land in Washington County on both sides of the Monongahela River in February and April of 1780 (Ewing 1957). In the family tradition he started a ferry operation across the Monongahela at this time along the road between George Washington's Mill and Catfish Camp, (which became Washington, PA) a few miles south of present-day Interstate 70.

Here we go again - the tenacious Hite heirs, sensing an opportunity in the colonist's hatred for all things British, requested that their appeal of the 1771 ruling in favor of the Fairfax Proprietary be heard by the Virginia Court of Appeals. Terrapin Neck ownership would be revisited once again.

A will written by Major Thomas Swearingen this year (probably while he was in Kentucky) mentioned that he was engaged in a lawsuit with Abraham Shepherd over use of the half-acre lot used by the Swearingens as a ferry landing (BCWB 1, p. 414). Evidence that his brother Benoni now had the right to operate the ferry includes a record on the Berkeley County courthouse of Benoni's bond to the governor of Virginia, Thomas

Jefferson, for £10,000 pounds. This was co-signed by his brother Indian Van Swearingen, suggesting that Indian Van was a business partner in the ferry operation (and therefore a target of Abraham Shepherd's wrath). They agreed to *"keep or cause to be kept a Ferry from the land of Thomas Swearingen in the aforesaid county...over the Potomack River onto the land of said Benoni Swearingen in the State of Maryland"* and to *"give immediate passage to all Publick messengers and expresses when thereto required"*. (BCDB 5, p.572).

1781 - On Feb.3, Hezekiah Swearingen's wife Rebecca died, 26 years old, leaving behind her husband and two very young children. A sandstone marker in the graveyard near the present-day Hendrix estate can still be found with the initials R S. (Alternatively, this grave may be Col. Van's daughter Rebecca, though there are no records showing she survived long enough to live at this home). She was the first Swearingen we know of buried at the Springwood graveyard (of course she had been a Swearingen only a few short years). A Mary Bennet had been buried there the year before (infant of Lurannah Swearingen Bennet and her husband William Bennet). Hezekiah, 35 years old, apparently never remarried. Hezekiah and his children at that time were living about a quarter of a mile southwest of the entrance to NCTC at the site of the present-day Lost Drake Farm, as he wouldn't acquire the parcel to the north that contains the buildings now known as RiverView Farm until 1790.

Strode's Station in Kentucky withstood a one-day siege of 25 attacking Wyondotte Indians on March 1 of 1781, with two settler fatalities. It is unclear if there were any Swearingens there at the time, but young Van Swearingen, now about 18 years old, as well as his brothers Andrew and Thomas, would be spending much time there in the years to come, as would Adam Money and William Bennett and many other men from the Shepherdstown area. The extended Swearingen family, particularly on Thomas's side, would soon survey and patent many thousands of acres in the Bluegrass region of Kentucky, much of it acquired as bounty lands for their service in the French and Indian War. An intriguing note is found in the George Rogers Clark Papers of the Draper Manuscripts (Reel 23, Series J, Vol.8), where an old soldier of the Revolution, Mann Butler, interviewed in the 1830s claimed that a Thomas Swearingen and Daniel Boone were captured by Sir Banastre Tarleton's cavalry then engaged in a raid on Thomas Jefferson's Monticello home near Charlottesville, Virginia. Major Thomas

Swearingen had been a neighbor of Daniel Boone and his family in Kentucky the previous year, and Butler claims that they were both Delegates from Kentucky to the Virginia Legislature, who seem to have gotten caught up in the British invasion of southern Virginia; it seems very likely that this was Maj. Thomas Swearingen from Shepherdstown. They must have been released a short time later.

George Washington's Revolutionary Army, with the help of the French, defeated British regulars under Lord Cornwallis at Yorktown, Virginia, which effectively ended British control of their former colony. Col. Van Swearingen received several frantic letters during this time period requesting that he facilitate sending as much flour and liquor as possible to the American army besieging Cornwallis - a copy of one of these letters is included in the appendix (Dandridge 1910). It would be two more years before the peace treaty was enacted.

In 1781, Virginia relinquished its claim to lands in the Northwest Territories to the fledgling Federal government in exchange for being able to award bounty lands in the Virginia Military District in what is now south-central Ohio near Chillicothe. They still had to negotiate with the natives, and win the war, though, before settlement could commence.

Abraham Shepherd finally had his day in court over the ferry landing issue - he lost! - and wrote indignantly to his brother on September 13:

> *....I can inform you that Swearingen has [cost me?] in this land suit in the court...I am happy to tell you that the sensablest men on this bench was for me out of 7 4 was against me and 3 for me. I appealed immediately. The decision was that I should make the title which Lord Fairfax made father a very [pretty?] one Indeed that a young warrant should take my patented land which was many years older. I am in high spirits and confident of clipping their wings. Mr. Strode says if it costs 500 pounds I shall not give up so just a cause.* (David Shepherd Papers, vol 2).

In December, Lord Fairfax died, about two months after the defeat of Cornwallis in Yorktown. Because of his long-standing status as an American colonist with no close ties to the Tories, he and his Proprietary had remained unmolested during the struggle with England. But after his death, 5/6 of his interest in the Proprietary reverted to family members, and his vast assets in Virginia became a prize target. Unfortunately for certain contested portions of the Proprietary including Terrapin Neck, the family members acquiring his interest were British citizens.

1782 - an Act in the VA General Assembly provided that:

"Since the death of the late Proprietor of the Northern Neck, there is reason to suppose that the said proprietorship hath descended upon alien enemies: Be it therefore enacted that persons holding land in the Northern Neck shall retain sequestered, in their hands, all quit rents which are now due until the right of descent shall be more fully ascertained, and the General Assembly shall make final provision thereon." (Couper 1952)

One of the last battles of the Revolution occurred in the Wheeling area near the Ohio River, when a combined force of British irregulars and Indians again attacked Fort Henry, under command of Col. David Shepherd. The fort survived, but the strife would continue for years after the Revolutionary War was over. Again, the European parties to the violent Revolutionary dispute had come to an understanding of who was to control the land and its continued settlement. But the Indian Nations who had lived on the disputed landscape for centuries still had their own needs for space, freedom and resources, and like the Americans, were quite willing to continue utilizing violent means to gain them, with or without their sometime British allies.

1783 - The Treaty of Paris ended hostilities with England. Though the Swearingens were also selling farm products to the army, the lack of hard currency and inflation in the newly established United States may have made repayment difficult. For example, the following receipt shows a transaction between Van and the Virginia Assembly:

"Received from Col. Van Swearingen thirty one and a half bushels of wheat for the use and account of the State of Virginia for which the said Col. Van Swearingen is entitled to receive from the Treasury of the said State the sum of six hundred thirty pounds current Money agreeable to an Act of Assembly". (Reddy 1930)

The same year the Swearingens in Berkeley County Publick Claims Court asked to be reimbursed for a number of items they had contributed to the war effort. Col. Van Swearingen put in a claim for a total of 230 pounds of flour, and over 95 bushels of wheat. Hezekiah claimed 10 bushels of wheat and a horse, while Josiah claimed 90 cords (?) of wood, 24 head of beef, 5 bushels of wheat, and for having spent 7 days collecting clothing. Hannah Swearingen, widow of Van's son Thomas,

contributed 9 bushels of wheat. Benoni Swearingen presented a long list of services he had provided by ferrying across the Potomac a group of British prisoners and their guards, including 27 wagons and teams, 4 "chairs", two carts, 30 riding horses, 24 officers, 299 noncommissioned officers and privates of the 1st Division of British, and 81 accompanying women on their march to Frederick, Maryland. The men pulling the ferry across the river for that crowd must have groaned loud and often about the British general Cornwallis moving into southern Virginia with his Army, leading to the removal of British prisoners to Maryland. Abraham Shepherd was reimbursed for two horses, and 8 casks of flour (Abercrombie and Slatten, n.d.; see the letter from the War Office to Van Swearingen in the appendix to see what may have prompted the Swearingens to provide these goods).

Inflation had highly depreciated paper currency, and what little hard currency was available was composed of a bewildering variety of coins from other countries that varied greatly in value from one region to another. John Witherspoon, a signer of the Declaration of Independence, wrote:

> *"For two or three years we constantly saw and were informed of creditors running away from their debtors, and debtors pursuing them in triumph and paying them without mercy"*. (Couper 1952).

During this period Abraham Shepherd in his letters had been urging his brother David to "Settle your Affairs, Don't delay one moment", suggesting the Shepherds were savvy to the financial state of affairs in the region.

Unpaid Revolutionary soldiers had been on the verge of mutiny for years and it had taken all of George Washington's persuasive powers to keep the army intact. In response to these problems, other forms of payment were made available, such as bounty lands in the northwest territory in Ohio and Kentucky, available to those soldiers who had at least three years of continuous service in the Continental Army (service in the county militia did not count). Virginia also passed an act that would provide either 60 lbs. in gold or silver, or a "healthy sound negro" at the option of the soldier, and would provide an additional 300 acres of bounty lands over and above what they received from the Continental Congress (Couper 1952). Virginia soon began surveying portions of the Kentucky and Ohio Territory for payment to its Revolutionary soldiers. Lands in Kentucky were granted to soldiers until 1792 when it became a state. Lands were then granted in Ohio until 1803, when it achieved

statehood. Major Joseph Swearingen (Thomas of the Ferry's son - he seems to have been the only Swearingen from the Shepherdstown area to have served the requisite 3 years in the army) acquired 3347 acres at least in part as compensation for service in the Revolutionary army (Doherty 1972). Van Swearingen (probably the younger Van, son of Major Thomas) acquired 1400 acres in Johnson's Fork of Licking Creek in June of 1784 by acquiring the rights from another assignee. Probably the same Van Swearingen acquired another 2000 acres on several tributaries of Licking Creek on 2 December, 1785. Col. Van Swearingen mentioned only 400 acres on *"Big Sandy Creek, a branch of the river Ohio"* later in his will, which were bounty lands from his French and Indian War service. Hezekiah received 500 acres on Hinkstons Fork of Licking Creek in May of 1786. A Thomas Swearingen (perhaps both Major Thomas Swearingen and his son combined) received grants for over 17,500 acres in the same vicinity; Major Thomas was eligible for acquiring land from both his and his father's service in the French and Indian War. In other words, the Swearingens from the Shepherdstown area together had acquired grants totaling well over 30,000 acres in Kentucky, much of it east of present-day Lexington near Winchester and Mt. Sterling, dwarfing their holdings in Maryland and the Shepherdstown area. The area is now considered the heart of the Kentucky Bluegrass region and has been known for many years for its thoroughbred horse farms, tobacco and Kentucky bourbon, a culture that developed at least in part because of the influx of settlers from Shepherds Town and other communities in the Old Dominion (Virginia Land Office grants can be searched at The Library of Virginia's website: www.lva.lib.va.us/dlp/index.htm; note that this area was known as Fayette County, Virginia at the time but would soon be broken up into Bourbon, Montgomery, Clark, Fleming, Bath and various other counties of Kentucky). Josiah Swearingen seems not to have acquired any land in Kentucky or Ohio, suggesting his military duties-or financial wherewithal-did not make him eligible for a significant amount of land.

Abraham Shepherd, having spent more than the requisite 3 years as an officer in the Continental Army, was also busy accumulating land in both Kentucky and Ohio- for example he acquired over 2400 acres in the Licking Creek drainage of Kentucky in 1786 and 1787.

In 1783 a James Bell was *"Bound unto Col. Van Swearingen in the sum of 25 pounds current money of Virginia"*, suggesting that the Swearingens could be approached for a loan now and then. (Copy of

document in Swearingen file, Belle Boyd House, Martinsburg, WV). From a later estate settlement document we find James Bell as a tailor making suits of clothing for Josiah Swearingen's children. Later still a James Bell is a boat owner floating goods to Alexandria markets from Shepherdstown (Dandridge 1910), a skill he may have acquired working for the Swearingens. In 1783 Col. Van Swearingen's tax records indicate 6 slaves under 16 years of age, 6 slaves over 16, 17 horses and 35 cattle. His sons Josiah and Hezekiah owned between them 10 slaves, 18 horses and 29 cattle. Abraham Shepherd owned 3 slaves over 16, about 11 horses and 10 cattle. Maj. Thomas Swearingen's tax records show he owned 73 horses this year.

1784 - The Potomac River Company was incorporated this year by the Virginia Assembly, their goal to clear the Potomac River of obstructions between the Appalachian town of Cumberland, Maryland and tidewater so as to permit year-round passage of flat-bottomed boats drawing about 12 inches of water and able to carry about 50 barrels of flour. George Washington was a major backer of this scheme and became its first president. James Rumsey was chosen as a superintendent of the works but soon retired to Shepherdstown to tinker with a boat-mounted steam engine he had been thinking about. At this time boats attempting to get to shipping ports in Alexandria with goods from Berkeley County had a rough passage during the few weeks of the year that navigation was even possible. The river was generally only navigable intermittently from February through May, when planters would load their goods onto rafts and boats of various kinds to attempt a passage to the Maryland and Virginia ports in Georgetown and Alexandria. The passage downstream to the Fall Line from Springwood would probably have taken about 2 days on average, much faster than any overland route. One of the Potomac Company's tasks was to remove the many fish traps that spanned the river channel from shore to shore. These had first been built and used by the native Americans and were then taken over and added to by the colonists. It wasn't until the 1930s that the state of Maryland - and the flood of 1936- put a stop to the widespread use of fish traps in the Potomac. The main obstacles that boaters had to contend with were several large rapids near Harpers Ferry, and several other large rapids located where the river dropped off the Piedmont onto the coastal plain at the Fall Line, called Great Falls and Little Falls. Most of the work of the Potomac Company over the years would entail hiring crews of several

hundred men to dig and blast out a series of channels and locks so that heavily laden boats could avoid these obstacles (Hahn 1984). The Potomac Company would eventually attempt to pay for these improvements by charging a series of tolls to boats at various locations along the route of the river, and by holding lotteries. Boat owners who tried to slip by without paying, in addition to a fine, could have their cargoes and boats taken from them. Boat owners had to license each of their boats and build them according to Potomac Company specifications, though the company wasn't too strict about boat shape and construction (Stanton 1993).

There may have been a compromise this year in Abraham Shepherd's appeal of the ferry landing decision. Berkeley County deed records show Abraham Shepherd selling the 1/2-acre lot to Benoni Swearingen in December 1784, though it was not recorded at the court house until six years later in 1790, and then only to acknowledge that Abraham's wife had given up her right of dower (BCDB 9, p.227). The Swearingen ferry continued to operate from this landing until 1849, when the rights were bought by the Virginia and Maryland Bridge Company.

Indian Van Swearingen, land "owner" on Terrapin Neck, but still living out in Washington County Pennsylvania, became a county commissioner there this year (Hassler's Notes).

1785 - For almost 40 years, the surveying of land in then-Berkeley County had been the responsibility of the Lord Fairfax land office. After the Revolution and Fairfax's death, Berkeley County needed an official surveyor for county lands - they appointed Josiah Swearingen.

Indian Van Swearingen wrote a letter to his cousin Josiah Swearingen in June of 1785, describing the worsening relationship with the natives in the Ohio River area. He explained that the Indian Nations in Ohio and other parts of the upper mid-West were complaining that they had been tricked into signing a treaty, and demanded that a new treaty be written. Indian Van had his own complaints about the terms of the treaty, and expressed his hope to Josiah that the treaty would be re-written so that it would no longer *"prevent every poor man from any chance of free land"*, implying that he considered himself and Josiah among these "poor men". He also requested Josiah to *"make money of all that falls into your hands of mine. I shall want winter stores, anything you can do for me in those matters will be thankfully acknowledged by me"*.

In another letter delivered by a Mr. Cox dated November 9th, 1785, he

explained to Josiah that he had just bought a new plantation from Mr. Cox, and as payment had drawn upon two Shepherdstown merchants for *"50 pounds in goods"* and asked Josiah to *"furnish the said merchants with all the grain and other stuff that is in your hands of mine to help satisfy what I shall owe them"*. Indian Van would send any remaining balance to Josiah *"at the shortest notice in skins or furs or money, therefore I leave that subject in confidence that you will see Mr. Cox fair play and him well satisfied."* He also expressed hope that *"there will be room for you and me on reasonable terms over the river. When that happens I will give you early notice that we may make a grab of land in the western country"*. He ends the letter by suggesting that Josiah has been seeing to the rental of his land out on Terrapin Neck: *"I like well your terms that you have let my land out upon. Give my compliments to your bedfellow and family and especially to my good old uncle Van"* (Van Swearingen Letters). These letters are interesting in several respects, showing that Shepherds Town was considered a civilized source of goods and materials for the folks then on the frontier, and Josiah and Indian Van, like David and Abraham Shepherd, were business partners interested in land speculation in Ohio who kept in regular contact by mail delivered by pack train operators or teamsters. Indian Van also derived a portion of his income from "his" land on Terrapin Neck, enough so that he could confidently send Mr. Cox down on a several-week journey to see cousin Josiah about getting paid; for his part Josiah was not only managing his own plantation near Shepherdstown but was also managing his cousin's property and supporting him with goods and services. The new plantation Indian Van had purchased was located on the eastern bank of the Ohio River at the site of present-day Wellsburg, in the Northern Panhandle of West Virginia. He may have acquired this property in order to keep his slaves; Pennsylvania had enacted an emancipation law in 1780, and the boundary issue between Virginia and Pennsylvania was about to be settled, clearly placing his property in Washington County in the free state of Pennsylvania. Indian Van Swearingen built a blockhouse fort for the protection of family and neighbors on this new land overlooking the present site of Wellsburg and the Ohio River, known as Swearingen's Fort. He built there also a big double cabin- "a pretentious mansion of the day"- about 1785. Local lore says that he traded a rifle for this lot from the Cox family (Wingerter 1912), though his letter quoted above shows that, unless he bought the rifle in Shepherdstown, some other goods in Shepherdstown were part of the transaction. Indian

Van married again in May of 1786 to an Eleanor Virgin, daughter of Jeremiah Virgin; he added three more children with this marriage to the three older children from a previous marriage. The Elmhurst mansion, on the National Register of Historical Places, was built on the site of Swearingen's Fort sometime after his death.

The newly-formed Potomac Company held its first annual meeting in Alexandria, Virginia. One of the shareholders in the new company was Capt. Abraham Shepherd, who attended the meeting "by proxy". Those present in person agreed to send a letter contracting Abraham Shepherd for the building of two strong boats for the use of the company, to be 35 feet long, 8 feet wide and not less than 20 inches deep *"in the common manner of the floats used at the ferries on the Potowmack above tide water"* (Corra Bacon-Foster 1912). So Abraham Shepherd, in a fashion, finally got in the ferry boat business. Whew.

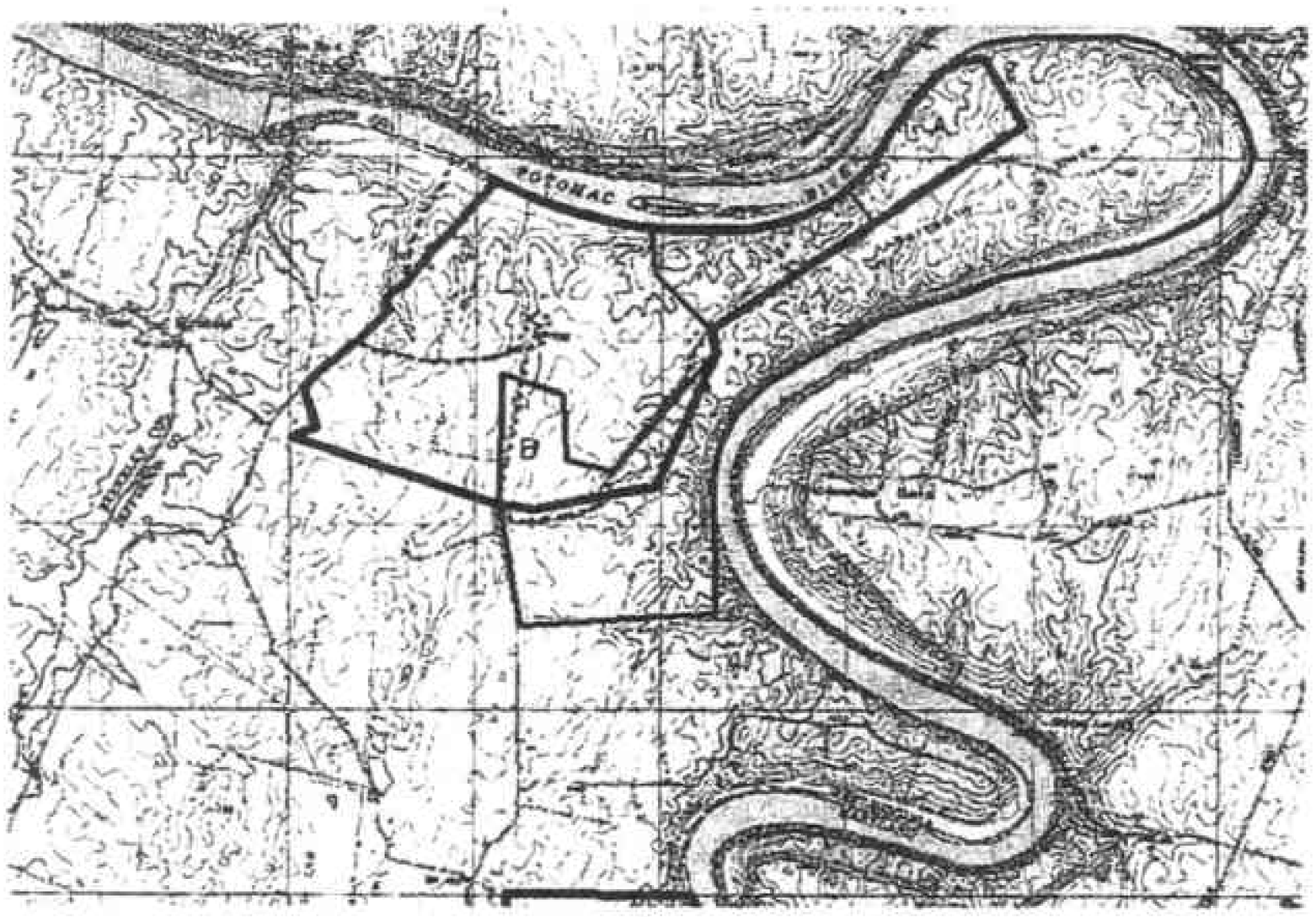
Chapter 5

Hite vs Fairfax and the End of the Colonial Period

1786 - The Hite-Fairfax lawsuit again. The Hite v Fairfax lawsuit regarding competing land claims was brought before the Virginia Courts for another round of acrimonious debate. The scales of justice this time tipped in favor of the Hite heirs, reinstating the original court decree of 1769 that nullified Fairfax grants on land the Hites had surveyed but had not been able to patent back in the 1730s! It's understandable how a Virginia court would tend to favor a grant given by the colonial Council to Hite, rather than honor grants issued by the former Proprietor who had ties to the hated European feudal system. All those Fairfax grantees living on land originally surveyed by the Hites, including the Swearingens, were now required to pay to the Hite heirs the rents and fees dating from 1750 - a very large sum of money. The Fairfax land office, now run by Thomas Bryan Martin, (Fairfax's nephew and namesake of Martinsburg), was no longer in a strong legal position to protect landowners holding a Fairfax title. The Hite heirs were not only seeking title to surveyed but unpatented lands once held by the family, as their original 1749 lawsuit requested, but also all those surveyed lands that couldn't show clear documentation of purchase from the Hites in the

1730s! In other words, the burden of proof was now on landholders to prove, **with documents**, that they had actually purchased their land from the Hites, ignoring the fact that the 1770 Commission had found the Hites notoriously lax in their documentation and record keeping. The Hite lawyers urged the Hites to try to *"recover of all intruders tho it should appear that we actually sold the land to others"* (Hyman 1996). Landholders on property claimed by the Hites without a clear chain of title back to the Hites were usually given the choice of buying or renting the property back from the Hite heirs at current prices. Judge Wythe described the Hites and their lawsuit "vexatious and oppressive" in part because of their unwillingness to settle out of court (Hyman 1996). Col. Van Swearingen was in an impossible situation because there couldn't be any documentation showing chain of ownership back to Hite on about 184 acres he currently held on Terrapin Neck—he and others on the Neck had only held title via Fairfax for 25+ years. His property within the original Poulson, Mounts and Jones patent was not in question, including most of

Overlap of Col. Van Swearingen and 1200 acre Browning Survey



A. 100 acres sold to Adam Money in 1777
B. 84 acres re-acquired in 1798

Springwood, because it was clearly within a Hite patent. There were about 100 farm units in Jefferson and Berkeley counties affected by this ruling, but uniquely, the 1200 acre parcel on Terrapin Neck was the only property in question that was never settled by a Hite purchaser, and the only one that was surveyed past the 1735 deadline. Landowners were given 90 days after being served with papers to appear in Court and defend their property. Because Van Swearingen had chased off the Commission in 1770, Van Swearingen was the only property holder on the Neck on the court's list asked to appear in court. His strategy appeared to be to find "some old paper" showing ownership back to Hite, which perhaps wasn't a bad strategy considering the Hite's notoriety for poor record keeping, fraud, etc. He did have documents from the sale of Jonathon Simmons/Peter Beller's land in 1762 (Springwood), and Joseph Poulson (RiverView Farm) in 1758. But this strategy did not allow him to bring up the fact that the 1736 survey on Terrapin Neck was invalid, or that the Brownings had never occupied the land; apparently previous rulings forced him to concede that these facts held no power. Surveyor Jonathan Clark (brother of both William Clark of "Lewis and Clark" fame, and frontier military leader George Rogers Clark) came to Terrapin Neck to survey boundaries and report on improvements and agricultural acreage for the court and the Hite heirs; he had a personal interest since he was married to a Hite. Clark described two Swearingen tracts within the Browning claim. The first tract of 184 acres, now roughly the area east of the footbridge and south of the guardshack at NCTC, contained three "cabbins", and the portion in cultivation and "in pretty good order" included "60 a. first rate high land". A second tract, the old York plantation out on the end of the Neck claimed by Indian Van Swearingen, was described as occupied by "Peter Palmer tenant to Van Swearingham" and contained "one indifferent cabin", 30 acres of bottom land and 40 acres of first rate high land, as well as 50 apple trees (P.S. Joyner n.d.). Other landholders on the Neck generally had small (16 by 20 feet) round-logged cabins with chimneys made of mud and sticks ("cat and clay"), small outbuildings without any doors, some cropland, and apple orchards containing 50 to 200 trees. This was of course in stark contrast to the large stone Swearingen mansion house in the neighborhood, with fireplaces in every room. You can imagine the steam coming out of old Col. Van Swearingen's ears as this survey took place, and since his 3 cabins were not described in any detail compared to the others on Terrapin Neck, this may suggest that Clark was not invited to take a closer look. A list of these Terrapin Neck property descriptions is included in the appendix.

Josiah Swearingen continued his duties as the new surveyor of Berkeley County. Tragically, Josiah's wife Phoebe died this same fateful year. She was only 29 years old, and left four children, 9,7,4 and 2 years old. She was buried at Springwood in the Swearingen cemetery adjacent to the present-day Hendrix house on NCTC property, near Hezekiah's wife who had died 5 years before. Phoebe was a sister to Abraham Shepherd's wife Eleanor, so presumably the Swearingen and Shepherd families would both have mourned at her graveside on the little hill east of the house (this hill and cemetery were part of a large orchard described in a 1797 property division, so you can also imagine the mourners surrounded by apple trees on three sides.)

Another Thomas Swearingen died this year, Col. Van's nephew Major Thomas Swearingen, son of Thomas of the Ferry. He lived next door in the stone house at the site of the mill he ran at the mouth of present-day Rocky Marsh Run. He had spent part of 1779 and 1780 exploring Kentucky territory and surveying property on an expedition with several locals, including his brother Benoni Swearingen, his son Van, and several of their slaves. His portion of the Kentucky lands would be passed on to his heirs including son Van, already in Kentucky; son Thomas, the "developer" of Hardscrabble and operator of the old Jones Mil; and son Andrew, who would later be given the task of administering the more than 30,000 acres of land in Kentucky. Major Thomas specified that four juvenile slaves, Adam, Dick, Charity and Nell, each with a mare, saddle and feather bed, were to be left to certain of his children; the rest of the enslaved Africans were to be divided up equally among his heirs, including his daughters Drusilla and Lydia (BCWB 1, p. 414) Thomas's will, written in October 1780, mentioned that he had been engaged in a lawsuit with Abraham Shepherd over recovering a 1/2-acre plot of land near the ferry landing; his brother Benoni had supposedly now settled this business with the purchase of the lot in 1784. Maj. Thomas had applied to the Washington County, Maryland Tax Commissioners in May of 1786 for permission to construct a tobacco inspection and storage warehouse on land near the ferry on the Maryland side of the river, but his bid was ultimately rejected and the warehouse was instead built upstream near Williamsport (Wayland 1907).

Shepherdstown (i.e. Abraham Shepherd) also petitioned the Virginia legislature for a tobacco warehouse this year, and again successfully in 1788, citing the favorable location of the town on the Potomac River (Crothers, n.d.) which was becoming more navigable every year as the

Potomac Company continued its work of clearing the river of obstructions. A warehouse was built eventually just above the Swearingen ferry landing on Princess Street. The timing of these petitions seems to indicate that tobacco was still a potentially valuable crop in the late 1780s, although wheat and other grains had also become a major export of the lower Shenandoah Valley. And Swearingens and Shepherds were again competing for the same business on opposite sides of the river; in this instance the Shepherds were more successful, though it is unknown if they ever made any money from the tobacco. Abraham Shepherd's account book for the 1790s doesn't seem to include any tobacco transactions, though it includes transactions from his other businesses including the distillery and sawmill (Shepherd Family Papers 1790-1862).

In May of 1786 young Van Swearingen and William Bennett attended the first court convened in Bourbon County, Kentucky. One of the first orders of business was to handle the estate of Joshua Bennett, presumably William's brother, who had been so brutally killed several years before.

Indian Van Swearingen, writing from his new plantation on the banks of the Ohio in March of 1786, gave an update to cousin Josiah on the ever-worsening conflict between the settlers and natives. He ends the letter with: "*...We are all well and wish the same to you and family, give my most respectful compliments to my old uncle your father and to all the family. My children Thos and Drusilla is coming to your neighborhood and I suppose will speak about their negros in the hands of Boydstone. I hope you will deliver to my brother Joseph a public certificate of 2400 dollars in his name.*" (Van Swearingen Letters). This letter may suggest Indian Van's strategy for keeping his slaves until his new plantation in the northern panhandle of Virginia was in order, and gives further evidence that Josiah acted in the capacity of a local business agent for his cousin, who still derived a portion of his income from land and slaves in the Shepherdstown area. Note that Boydstone (a.k.a. Boydston) mentioned in the above letter was a neighbor just south of Springwood who also had the misfortune of owning Terrapin Neck land that was embroiled in the Hite-Fairfax-Browning dispute.

1787 - Indian Van Swearingen had more important issues than fighting over land on Terrapin Neck this year. Writing from his home on the Ohio River, he penned a letter to the military authorities describing what

had recently happened to his son Thomas, and asking for help. A father's anguish is clear as he writes to a Col. Butler on 29th September, 1787:

Sir

*On Sunday evening last my son Thomas Swearingen was taken prisoner by the Indians ten miles up Cross Creek west(?) of Ohio - he was hunting for meat for a party of strangers three of which was found dead, two escaped - he had lent his gun that day to one of the party to hunt, and was without arms and I think was in a waste cabin by himself when he was taken - he may be dead, but the parties have not yet found him. If you think it is best that a message should be sent to the indian chiefs or others in that country that may have it in their power to be of service trying to save his life - if you have faith in me please to employ any indian or white man that may answer the purpose and I will pay to the utmost farthing your contract with them. I am not well or I should have come to you myself. I hope to have a line from you by the bearer. I spoke to a gentleman from Morgan Town which informed me a few days ago a party of indians was overtaken by a party of our people bearing off a number of horses from the inhabitants – two indians was killed and one white man, and the horses brought back. I am under many feeling apprehensions concerning my son, and I hope you will do every thing in your power and will forever oblige. Your most respectful, obedt. Servt (signed) Van Swearingen....**

Another account of the incident is in the form of a 16 Dec. 1787 letter from Indian Van Swearingen to his cousin Josiah Swearingen in Shepherds Town after the disappearance of Thomas:... *"I have this opportunity by Mr. Isaac Haston to inform you that my son Thomas is still missing and I can hear nothing from him. A great deal of search has been made for his bones in vain, the messenger that went into the nations to inquire after him has not yet returned. I am on a ugly frontier and lost my best gun when Dave Cox was killed. If I have any tenant that could be credited for a gun or two that is good with small bore, as maybe they can be payed in barter I wish you to send them to me by the bearer Haston and give credit for the same to the tenant. I should not ask such a*

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* Transcribed by Billy Markland, in Papers of the Continental Congress, National Archives M247-164i150 v2 pg. 561

unreasonable favor but I expect to be shut up or be after the Indians all next season and want to be well armed. If you have not made use of my certificate to answer some of my contracts please to send it to me as it may serve to assist me in securing my Pennsylvania lands which calls on me immediately for a large sum. Money is very scarce and we have no chance of getting any in this country. Send me a state of my affairs and your opinion of Hite's grant and of all other things you think of. You may send anything with safety by Mr. Haston. I am troublesome to you but I hope you will bear with patience. The Indians is constantly doing mischief and I expect a desperate war. The Indian Nations have sent a late letter to the Indian agent informing that they will not give any part of their land up to Congress except they lose it by the sword, and I believe they are backed by the British and their friends in the Canada and Detroit countries. Give my most respectful compliments to my good old uncle Van and to all the family..." (Van Swearingen Letters).

A third account of the same incident explains that Cox and Thomas Swearingen were among a group of young men collecting ginseng in the vicinity of Cross Creek. The Indians had captured or killed several others as they traveled upstream along the creek prior to reaching the group that included Cox and Swearingen (Draper Manuscripts, account by Caleb Wells). An interesting side note on a town south of Cross Creek: the name *Wheeling* is of Indian derivation for "Place of the Skull" in reference to human skulls on poles, placed as a warning by the Indians to the whites moving into the area— remember the Ohio River was the boundary the colonists had agreed to in 1744, though the French and Indian War in the mid-to late 1750s followed by the Revolutionary War had changed the political and demographic boundaries significantly. The Proprietary of Pennsylvania had "purchased" from the Indian Nations all the land east of the Ohio River in 1768, but land west of the Ohio River still belonged to the Indian Nations. The Indians were understandably serious about stopping expansion along this northern route, so westward expansion into Kentucky tended to follow Daniel Boone's southern route through Cumberland Gap.

Young Van Swearingen, son of Major Thomas and still living in Bourbon County Kentucky, apparently was considering a trip out of the area, possibly to make a trip back to Shepherds Town or to join the military forces gathering to deal with the Indian problem. The June 1787 court in Bourbon County recorded that he sold a Negro boy named Jim, 5 or 6 years old, to Ann Strode for 30 pounds. He also gave power of

attorney to a Michael Cassady, who would handle his financial affairs during his absence (Bourbon County Deed Book A, pp. 64 and 142).

James Rumsey launched his steamboat from the Swearingen ferry landing in Shepherdstown, and demonstrated it before a large group of astonished local dignitaries, including Capt. Abraham Shepherd, Col. Joseph Swearingen, Benoni Swearingen and a Van Swearingen. Shepherd's wife was among the small group of women allowed to ornament the boat during its first public viewing. An account of the spectators present described Capt. Abraham Shepherd, who was apparently a backer of the Rumsey invention: *"Captain Shepherd was a thin-visaged little man, of prominent features, full of energy, and a first-rate farmer, and unfailing friend of the church."* (Dandridge 1910).

1788 - Death of another patriarch - Col. Van Swearingen died, 69 years old. In his will, written several months before his death, he first told his heirs to divide his property between themselves equally (his wife and four children were each to get a fifth), then a day later added a codicil to ensure that his daughters received specific properties. His will specified, among other details, that the land was to be divided up so that water access was retained for each of the parcels, and son Hezekiah was to retain his use of the "water meadow" just west of the estate house (BCWB 1, p489). Van's direct heirs included 4 adult children, and his widow and second wife Priscilla and her daughter Peggy, who was still a child. A list of his personal property includes 13 slaves, 24 horses, about 30 beef or dairy cattle, 65 sheep, 66 hogs, various household goods and farming implements, and 9 beehives. The complete list is included in the appendix. Later additions to this list include 2 casks of "Cyder", 7 mill bags, 60 flour casks, 1 wagon, 1 harrow, over 260 bushels of wheat, 39 1/2 bushels of rye, 4 barrels of corn, 1 ton of hay, and 18 barrels of flour in Baltimore (BCWB 2, p39, 146). His estate also paid 320 pounds of tobacco for the recording of the will and appraisement of the estate, paid for the repair of three tobacco hogsheads, and sold 6 hogsheads of tobacco (for over £47), all suggesting that tobacco was still a cash crop on Swearingen land at this time.

1789 - The Swearingen siblings and heirs of Col. Van had not yet reached a final agreement over settlement of their father's estate, but apparently the 4 siblings expected trouble from their young stepmother: *"...whereas doubts have arisen and controverseys are like to take place*

respecting the will of the said Van Swearingen, so far as relates to the said Priscilla...", Priscilla was given 150 acres on the eastern side of the home tract - which was, of course, the acreage on Terrapin Neck that was involved with the Hite controversy! This parcel included "*the tenement whereon Elizabeth Eade now lives*", a spring at the river, and about 4 acres of meadow (suggesting 146 acres was not a meadow). She was also given the negro man James, a woman named Grace, and a boy named Clem, all to be "*held during her natural lifetime and no longer*". She and her heirs "forever" were given horses, furniture, kitchen items, 40 barrels of Indian corn, 100 bushels of wheat and one stack of hay in the meadow. She was forgiven a debt of 42 pounds, 15 shillings, eleven pence "*for sundry articles purchased at the sale of the said Van Swearingen*". The siblings also agreed to "*in some short convenient time finish the dwelling house of Elizabeth Eade*" for Priscilla "*in a complete manner*", and fence in a plot for a garden and build a barn. In return Priscilla had to agree to give up any further claim on the Swearingen estate. Priscilla, apparently unable to sign her name, made "her mark" on the agreement. Van's daughters Luranna and Drusilla, on the other hand, were able to sign their names to the document (Berkeley County Deed Book 10, p. 282 – a transcription is in the appendix). It seems apparent that the four siblings had no intention of letting their step-mother retain any control of their father's house and lands, though it had been her home for about 10 years or longer. Estate documents some years later confirm that Josiah and Van's estates did pay some money to fix up a house for Priscilla, though it is unknown how long she actually lived there. Considering that Priscilla was still young enough to remarry, it was perhaps a prudent move on the part of the Swearingen siblings if they wished the bulk of the Springwood property to remain connected with the Swearingen family (though it wasn't particularly honest and forthright to give her land that was tied up in a lawsuit). A note about Elizabeth Eade: her husband Robert Eade died a few months before Van Swearingen, the will witnessed by Van and Hezekiah (BCWB 2, p2). The Eades had purchased Lot 41 in Mecklenburg in May of 1768 and it is unknown why Elizabeth was now living in an unfinished cabin near Springwood. Since another bereaved widow- Priscilla -was now moving in, the arrangement must have been a temporary one. (A reasonable guess for this cabin site would be east of the NCTC commons building on a site overlooking the river where an old foundation can still be seen, referred to as the Entler house; the Entlers occupied this house site starting in the 1850s.)

Captain Abraham Shepherd now becomes prominent in the history of Terrapin Neck. He was the son of Thomas Shepherd, founder of Shepherdstown. The Shepherd family, like the Swearingens, had spent time on land in Prince Georges County, Maryland and near the Monocacy River before moving across the Potomac into Virginia in the early 1730s. The Shepherds and Swearingens had both become moderately prosperous, prominent families in the area, and squabbled over who would run a ferry business across the Potomac.

Abraham was a local lawyer/land speculator/businessman/hero of the Revolution who with his siblings literally "owned" Shepherdstown after the death of their father Thomas Shepherd in 1776 (Abraham did not have formal training in the law, but charged fees for acting as a lawyer in various capacities). The Shepherds in the second half of the 18th century had made their living from developing the town, as well as running a distillery, saw mill, tannery, grist mill and various farming, trading and mercantile operations. They held title to about 591 acres in Berkeley County by the time of Thomas' death in 1776, which was divided among the heirs. Prior to the Revolutionary War the Shepherds overall wealth and influence in the region, at least outside the boundaries of their town, may have been somewhat behind the extended Swearingen family, who held title to about 3280 acres in Berkeley County alone, lived in big stone houses near the river, ran a mill and the ferry business, and held powerful political and military positions. Abraham had been an interested observer of the court decisions affecting Swearingen holdings on Terrapin Neck, particularly after several Swearingen lawsuits had been filed against him. After the 1786 Court ruling in favor of the Hites (his wife and mother were related to the Hites and Van Meters), he sensed a serious opportunity and tracked down and notified the heirs of John Browning on the Eastern Shore of Maryland. He at first attempted to buy their old claim to Terrapin Neck. They refused to sell, but finally agreed to give him 1/6 of whatever he could get of their claim; Abraham then set about forcefully asserting the Browning claim into the ongoing Hite-Fairfax legal dispute. (It's interesting that 1/6 of the acreage of the Browning claim is just about the number of acres that Indian Van Swearingen owned on Terrapin Neck). Because the Hites had recently won in Hite v. Fairfax, Shepherd reasoned that the 1200 acres on Terrapin Neck should go to the Browning heirs, who had a complete set of documents showing their purchase from the Hites back in 1736. Shepherd may have been hoping that the Swearingens, Boydstons and other Neck landholders

would have to buy back the property from the Browning heirs, with him getting a percentage of the money changing hands. Or it seems very possible that he was after the land all along as payback for the disputes over a ferry, and stymied any attempt at an out-of-court settlement. If the defeat over the ferry business was his motivation, he was seeking revenge from the wrong Swearingens, and he also didn't seem to care about the several other families living there with no connection to the Swearingens who would also be affected by his legal actions. If he prevailed in his suit on behalf of the Brownings, Abraham could force the loss of a minor portion of the Swearingen land holdings at best, but some of the Swearingen neighbors on Terrapin Neck could lose *everything* they owned. In his court appeal, Abraham described the Swearingens and other landholders on Terrapin Neck as "intruders". The Swearingen "intruders" probably circulated in the same social strata as the Shepherds and even attended the same Church of England. It's unknown if they sat on the same side of the aisle.

Note that *three* groups were now contesting the ownership of Terrapin Neck:

1 - the Hite heirs claimed it because the 1736 purchaser Browning never settled the land; (they had argued in 1770 that they owned it because Browning was the first settler!);

2 - the Browning heirs claimed it (with Abraham Shepherd's urging) because their father bought it from the Hites back in 1736, and they had the complete set of documents to prove it;

3 - and the current holders of the land, who held title based on Fairfax grants issued in the 1750s. This group included the Col. Van Swearingen heirs, Indian Van Swearingen, and the Williamson, Lewis, Metcalf, and Boydston families.

For the heirs of Col. Van Swearingen, only about 184 acres outside of the original 1734 Poulson, Mounts and Jones patent was in question. Indian Van Swearingen, living out near the Ohio River, apparently still claimed several hundred acres of the old York/Chapline tract on the eastern end of Terrapin Neck, and may have been the true target of Abraham Shepherd's antagonism.

Legal abstractions were a side issue for the Shepherds at least a part of this time, as Abraham Shepherd and his wife Eleanor lost a 7-year-old son - James - this year. (They would name a later son James Hervey Shepherd). Abraham kept an account book through the 1790s which gives many interesting details of his various business accounts (Shepherd

Family Papers 1790-1862). He kept accounts of his legal fees and services for the Browning lawsuit in this book, and one interesting fee that recurs frequently in the 1790s is for "Clark's Notes", probably referring to the 1786 survey of Terrapin Neck by Jonathon Clark. Abraham billed a number of clients for "Clark's Notes" over several years including a James Vandivere, a Dr. Jacobus Vandivere (same person?) and the various Browning heirs. It's unclear what role the Vandiveres played in this particular lawsuit, since they were not related to the Brownings and held no claim for Terrapin Neck. What is clear, though, is that the dispute between the Swearingens, Shepherds, and Vandiveres that began in the 1760s was still being fought in the 1790s and perhaps later.

1790 - Because *"maney unreasonable delays has hitherto prevented a division of the said lands among the divisees"* Drusilla Swearingen Rutherford, one of the 4 sibling heirs of the deceased Col. Van Swearingen, apparently became impatient and took legal action to force her two brothers, Josiah and Hezekiah, and her sister Lurannah, into an agreement that would select several men to appraise and subdivide their late father's estate (BCDB 9, p. 344). So the appraisers were chosen and went to work. The 315 acres of the Springwood tract were valued at £1260 pounds; 190 acres of this property including the estate house went to Josiah, while the western remainder of 124 acres, including the river frontage, went to Hezekiah (now called RiverView Farm); Priscilla had received her 150 acres of this tract the year before. Hezekiah's new acreage included an odd corridor that cut across Josiah's property to the east, possibly in order to retain a route to the Terrapin Neck road and Shepherds Town, or perhaps to retain property where several slave cabins were likely located (what we now know as Shepherd Grade probably did not yet exist). The 242- acre tract close to Shepherdstown along the Potomac that Van had received in a 1760 Fairfax grant was valued at a little over £302 pounds, and was given to Lurannah and her husband William Bennett. Land near the old Van Meter Marsh patent (now the Heatherfield subdivision) totaling 173 acres, valued at over £432 pounds, went to Drusilla and her husband. To make up the difference in value between the properties, Josiah was required to pay sister Drusilla £64 pounds, 5 shillings in 3 equal payments over several years. Van's will had earlier specified that Drusilla should receive the 2 houses and lots in Shepherdstown while the sibling's half-sister Peggy, still a juvenile, was

to receive 400 acres of land near "Big Sandy Creek", a tributary of the Ohio River (her mother is 2nd wife Priscilla) - this was bounty land given to Van for war-time service.

The old Hite - Fairfax lawsuit continued to add to the family tension at this time. Judge Wythe threw out the Swearingen claim for their remaining Fairfax grants on Terrapin Neck in Hite v Fairfax. The "old paper from the Hites" strategy didn't work—the Swearingen case no doubt also weakened because of the death of the venerable Van. An attachment was ordered against the Swearingen estate in order to pay the back rent and profits to the Hites. But inexplicably, Judge Wythe then ruled that the 1786 ruling **should not go into effect** on Terrapin Neck, and title should go to the present holders of the land - his phrase was they *"should be quieted in their possession"*. The Swearingen heirs and others on Terrapin Neck no doubt rejoiced at this turn of affairs, and Priscilla, Josiah and Indian Van could now retain their parcels in question, but unfortunately, Wythe's ruling described them as *"Tenants of Browning's representatives"*, opening the door for a Browning appeal. The Swearingens did not appeal the ruling, perhaps because the end result was they retained title to the land, albeit as "tenants" of Abraham Shepherd. The other Terrapin Neck landowners, i.e. Boydston, Metcalf, Lewis, and Williamson, had still not been officially notified by any court that their titles were in question. Several months later Abraham Shepherd, the Browning representative who now, courtesy of the court, had some "tenants", urgently filed an appeal on behalf of the Browning heirs after he inadvertently heard about the Swearingen ruling (Hyman 1996).

Abraham Shepherd had other business to attend to that year as well. Late in 1790 George Washington visited the area on a tour of potential sites for a national capital. Shepherd and several other prominent local boosters had taken the trouble to collect subscriptions totaling $20,662.66 to help show their ability to defray the costs of constructing federal buildings (Crothers, n.d.). The Shepherdstown area, located in a region that could supply farm products to a rapidly growing new country, was experiencing a business boom as well; two towns in Berkeley County now exceeded 1000 people, Shepherds Town and Martinsburg. The first federal census in 1790 estimated that there were 3,893,635 people in the new United States. Virginia was the most populous state with 747,610 people counted (59% were white, 39% were enslaved Africans, 2% were free blacks).*

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* U.S. Bureau of Census First Census of the United States

1791 - John Marshall was another prominent Virginia attorney consulted by Shepherd and the Brownings in this case. Within a few years he would become the Chief Justice of the Supreme Court of the United States under the Jefferson administration, and he personally would eventually buy the remainder of the Fairfax holdings in Virginia. Shepherd did not have the legal stature of John Marshall and other prominent attorneys involved in the case, and Shepherd probably followed Marshall's lead in many aspects of the legal proceedings. In March of 1791, for example, John Marshall wrote Shepherd regarding the landholders on Terrapin Neck who held title via Fairfax, telling Shepherd *"to demand possession of them and if they refuse to give it, Let me know immediately - only their names, that I may commence suits against them - Let me know by what title they hold.."* Marshall had been involved in the Hite-Fairfax controversy for most of his legal career, arguing the case on the side of Fairfax. His added role in the Browning case on Terrapin Neck stemmed not necessarily from being for the Browning cause, but only because the Brownings were arguing, like the Fairfax estate, against the Hite claim (Hyman 1996). Judging by the above communication, he seems to have been unaware that the Terrapin Neck landholders had Fairfax grants, and when he was informed, he may have lost his enthusiasm for filing any lawsuits.

When Abraham Shepherd's appeal was heard on behalf of the Browning heirs, Judge Wythe reversed his own ruling! about allowing the present holders to retain possession of Terrapin Neck, but let stand his ruling against the Swearingens. After being involved with Fairfax and Hite-related litigation for most of his long career, he now seemed to want to wash his hands of the whole matter. The Hite attachment against the Swearingens now became a Browning attachment against the Swearingen property. Abraham Shepherd also argued successfully that since the other landowners had failed to submit their claims in court (they had never even been summoned!), legal title to the land must revert to the Brownings. With proper legal representation at this point Shepherd's arguments could have been easily dealt with, but good legal advice came too late for the people living on Terrapin Neck. The upshot: the judge previously had awarded an attachment to the Hite heirs only on Swearingen property, but Shepherd, via the Browning claim, used this as a tool to go after the whole 1200 acres! The Swearingens, Metcalfs, (Van's second wife's family), Williamsons, Boydstons and others were

on the verge of losing Terrapin Neck, after "owning" it for decades! On a cold rainy night in November, neighbor Thomas Boydston, a bachelor farmer living just south of Springwood, received his first official court notice that his title to the land was in question, in the form of Abraham Shepherd, the local sheriff and a lawyer threatening to throw him in jail if he didn't give up his land. Presumably they had also visited Josiah Swearingen about the same business recently. Shepherd's only legally enforceable action at this point was the Browning attachment against the Swearingens, yet he and the sheriff were fraudulently using it to threaten everyone on Terrapin Neck. After the death of Col. Van Swearingen, Boydston would now become galvanized into becoming the champion defender of the Terrapin Neck property holders (Hyman 1996).

Josiah Swearingen no longer held his position as the official surveyor for Berkeley County, having been replaced by David Hunter (Doherty 1972). He received this year another letter from his cousin Indian Van living on the Ohio River dated March17, 1791:

> *Sir, I am going to give you the late news in this neighborhood. The Indians lately killed and took seven people 2 miles from my fort and four others in the woods in this neighborhood. Brady [his son-in-law] and others 25 followed or scouted after the savages returned with 4 scalps and a great quantity of plunder.* They wounded Indians that escaped and killed a squaw by accident which they did not scalp. The Indians killed 17 Yankees in a blockhouse without loss of a man. As it is said we expect a bloody general savage war and should expect you in the field if you was as capable as you was when we was held back by rascal GL McIntosh. The Indians has burnt chiefly all the corn at the Garsey settlement at [Wheeling?], the inhabitants chiefly escaped into a stockade and after a 24 hours battle held the fort. I am sincerely sorry that I am confined to my home that I cannot do myself the pleasure of spending a few days with you this spring the war forbid. I expect you will come to see the army start this summer. If you should not I will visit you this fall.* (Van Swearingen Letters)

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* Brady and his men were later accused of "plundering" for their killing of the Delaware Indians at the Big Beaver Blockhouse on March 9, 1791, there being a strong question regarding the participation of this band in any depredations; rewards of $300 and $1000 were posted for the capture of Brady. His trial in Pittsburgh ended in a not guilty verdict, but the jury required him to pay the costs. See J.R. Warren 1978 article "Did Sam Brady Jump" in Milestones v.4(3), www.bchistory.org.

Indian Van's 30-year-old nephew, now of Bourbon County Kentucky (also named Van Swearingen), son of his brother Major Thomas Swearingen, would be one of several thousand young men helping to form the army mentioned in the above letter. Perhaps with a sense of foreboding young Van wrote his last will and testament in August of 1791, which was witnessed by his uncle Indian Van, Indian Van's wife Eleanor, and Indian Van's daughter Drusilla Brady and later recorded in Berkeley County, Virginia. He became a captain, unfortunately, in an army that was hurriedly formed, poorly trained, and suffered from a lack of supplies, leadership and armament. Berkeley County, Virginia, also contributed several dozen soldiers to the cause, including a General Darke and his sons. On November 4th, this young Van Swearingen was one of about 700 soldiers killed by a surprise Miami-led Indian attack against the entire American Army then marching to Indiana under General St. Clair; Van's will was presented to the Berkeley County court in July 1792. St. Clair was the second in a series of commanders who had been ordered by President Washington and the new Congress to put down the Indian menace once and for all. The Indians of course differed in their opinion of who was to blame for all the bloodshed on what the Americans called the "frontier" and the Indians called "home". The battle is known to history as "St. Clair's Defeat", and the loss sent shock waves of fear and disgust throughout the new country. A congressional investigation exonerated General St. Clair when it was discovered that the Secretary of War Henry Knox and his friend William Duer had stolen $55,000 of the $75,000 appropriated by Congress to buy supplies for the ragged, ill-equipped new army; Knox and Duer used the money for land speculation. In only three hours of fighting, more U.S. Army casualties occurred at the battlefield site now known as Fort Recovery on the Ohio-Indiana border than at any battle of the American Revolutionary War. The few surviving soldiers reported that the powder they were given was so poor that rifle balls were seen bouncing off their foes. American officers had been selectively targeted early in the battle, leaving the remaining soldiers in hopeless disarray. General Darke helped lead the escape for part of the army, but had to watch in horror as one of his sons was killed in the melee (Dandridge 1910). According to some accounts, the Indians lost only about 40 men. Military service and prestige had been beneficial to the Swearingens over the years, but it also resulted in the occasional funeral. Several years later, another battle on the same site, part of General Wayne's Campaign, would lead to an American victory and

finally settle - by the sword - the question of settlement of the Northwest Territory.

The deceased Van's brother Andrew, with his wife Polly, would now take over the administration of the Kentucky lands. The difficulties were numerous and familiar - competing claims and overlapping surveys would keep the courts and the Swearingens busy in Kentucky for decades to come. Land claims that were based on military warrants always took precedence, so it seems that most of the considerable Swearingen land holdings in Kentucky were eventually safely patented. The buffalo herds that had numbered in the thousands in Kentucky 20 years before were now completely gone, as were most of the other game animals. Horses, slaves, cattle, tobacco and hemp, much of it sold down the river to the Spanish/French settlement in New Orleans, were now a prominent part of the Kentucky landscape (Wharton and Barbour 1991).

The late Col. Van's widow Priscilla remarried to a Marcus Alder on Jan 20. It is unknown if she and her daughter were still living in the little cabin by the river that had been fixed up for her. At this point she still owned the 150 acres of land on the Potomac for the duration of her life, but events would soon lead to some significant changes. Her new husband Marcus was no doubt related to George Alder, who was a tenant recorded by surveyor Jonathan Clark in 1786 living on the Metcalf farm on Terrapin Neck (Priscilla was a Metcalf prior to her marriage to Col. Van).

1792 - In February, the heirs of Col. Van Swearingen signed a conveyance of the Terrapin Neck land in contention to the Browning heirs (BCDB 10, p.151) after being threatened with contempt of court and a jail sentence by Shepherd - the Brownings paid the Swearingens 5 shillings for the land, the traditional token amount. In fact, Shepherd had won only an attachment to the Swearingen property, but he seems to have convinced the Swearingens that this meant that they had to turn over the property, or perhaps they preferred to lose the property rather than other resources. This transaction now required that about 184 acres of the northern portion of Terrapin Neck be turned over to the Browning heirs - and 100 acres of this total came out of step-mother Priscilla and her new husband's 150 acres!!! Perhaps from the perspective of the four Swearingen siblings, this property had already been "lost" in 1789 when they had deeded it over to Priscilla for the duration of her natural life. Josiah Swearingen would lose (temporarily) 84 1/2 acres from the

remaining Springwood estate, now the southern portion of NCTC adjacent to Shepherd Grade and Terrapin Neck road. The Swearingen heirs also had to worry about paying the rents and profits dated from 1786. One wonders if Abraham Shepherd felt uncomfortable about relieving his fellow Revolutionary War comrade-in-arms and brother-in-law Josiah of his land and money.

Col. Van Swearingen's estate was billed 50 pounds this year by Abraham Shepherd for the hundred acres on Terrapin Neck that Van had sold to Adam Money in 1777, which was probably a percentage of the rents and profits owed for the Swearingen period of ownership (BCWB 2, p146). A new fence line now appeared, following the old Brooke survey line of 1734 starting at Shepherd Island and ending near Terrapin Neck Road, splitting Priscilla's property and leaving her and her new husband Marcus Alder with just 50 acres. This property line passes under the present-day NCTC footbridge. This same 50 acres would later be sold by the Swearingen siblings to Abraham Shepherd in 1798 (BCDB 17, p13) for 400 pounds. The siblings must have re-acquired their rights to the property in return for paying off the Alder's share of the Browning lawsuit - an estate settlement document shows in 1796 a payment of 25 pounds *"To rents paid William Keating for Marcus Alder as agreed by the Heirs of Van Swearingen Deceased"* and another 25 pounds *"To cash paid Abraham Shepherd in full of Alder's Claim on Estate"* (BCWB 3, pp463-472). This 50 acres is now the area of the NCTC campus that includes the Instructional buildings, lodges, and the Entry Auditorium.

At the same time that the Swearingens signed a conveyance of their property to the Brownings in 1792, so also did Boydston (on Feb. 6), Williamson (on Feb. 13), and John and Elizabeth Lewis (the Lowes?, on Feb. 20). Like the Swearingens, they had been threatened with contempt of court and jail time. But unlike the Swearingens, they didn't realize that because they had never been on a court list of landholders, never been served with court papers, and never been asked to appear in court, Shepherd had no legal right to demand this (Hyman 1996). Never mind that the 1736 survey was conducted past the deadline, and the Brownings had never settled the land, which were both legal requirements for retaining title back in 1736.

"Capt. Henry is now employed in clearing the Shepardstown Falls" was announced in the annual report of the Potomac Company, as they continued their work in clearing the Potomac River of obstructions (Corra Bacon-Foster 1912). The "Falls" most likely refers to the series of

limestone ledges near Packhorse Ford a mile or so south of town.

1793 - In December, Abraham Shepherd successfully argued in Chancery Court to get Terrapin Neck holders to move off the land and give title over to the Browning heirs. The court was also asked to figure out how much rent and profit the Browning heirs were owed. Neighbor Boydston was thrown in jail for a day after refusing to move off his land. A jury summoned into Shepherdstown by Shepherd had heard the case, and actually voted against Shepherd! in favor of the current land holders on the Neck. Local opinion apparently wasn't going to get Shepherd very far, so Shepherd appealed to the District Court at Winchester. The Winchester jury found for Shepherd and the Browning heirs, allowing the eviction of Boydston and others on the Neck. Boydston asked for an injunction against this ruling, which was granted.

Indian Van Swearingen, nephew of Col. Van, died at the age of 51 at his plantation on the Ohio River, leaving behind several adult children, as well as three juvenile children he had with his last wife Eleanor including a new son named Thomas (his first son Thomas was killed in 1787). His will divided up several plantations, slaves, two yoke of oxen, milk cows, a mill, still house and a smith shop. Because his estate was still tenuously connected to the old Yorke place out on Terrapin Neck, his heirs and executors would be dealing with the never-ending court case shortly. His will distributed various tracts of land in Pennsylvania and Virginia among his heirs, but made no explicit mention of the property on Terrapin Neck except to state that *"the profit arising therefrom the sail or otherwise of my estate which I have not mentioned in this will to be equally divided"* among his heirs.

Andre Michaux, the renowned French botanist, collected plants in then-Berkeley County (now Jefferson County) that he would be adding to his growing herbarium in Paris. Over the next ten years other prominent botanists including Frederick Pursh, Benjamin Barton and Thomas Nuttall would visit the area on collecting expeditions (Boone 1965).

1794 – *"In the year 1794 the French Revolution broke out, when bread stuffs of every kind suddenly became enormously high; in consequence of which the farmers in the Valley abandoned the cultivation of tobacco and turned their attention to wheat, which they raised in vast quantities for several years. It was no uncommon thing for the farmer, for several years after the commencement of the French Revolution, to sell his crops*

of wheat from one to two, and sometimes at two and a half dollars per bushel, and his flour from ten to fourteen dollars per barrel in our seaport towns." (from Kercheval 1833)

What did the Hites do with their newly-acquired money from the Fairfax lawsuit? Some of the money acquired by the Hites went to Isaac Hite, grandson of Joist Hite. Isaac was a veteran officer of the Revolutionary War, married James Madison's sister and was a friend of Thomas Jefferson. Jefferson, in fact, helped to design a new mansion for Isaac Hite, which was built of native limestone on Hite land south of Winchester between 1794 and 1797; the money for the new mansion undoubtedly came in part from the successful lawsuit against the Fairfax Proprietary. Isaac eventually owned over a hundred slaves and worked several thousand acres of land. The home, Belle Grove, today is recognized as a national landmark and remains nearly unaltered, and offers daily tours between April and October.

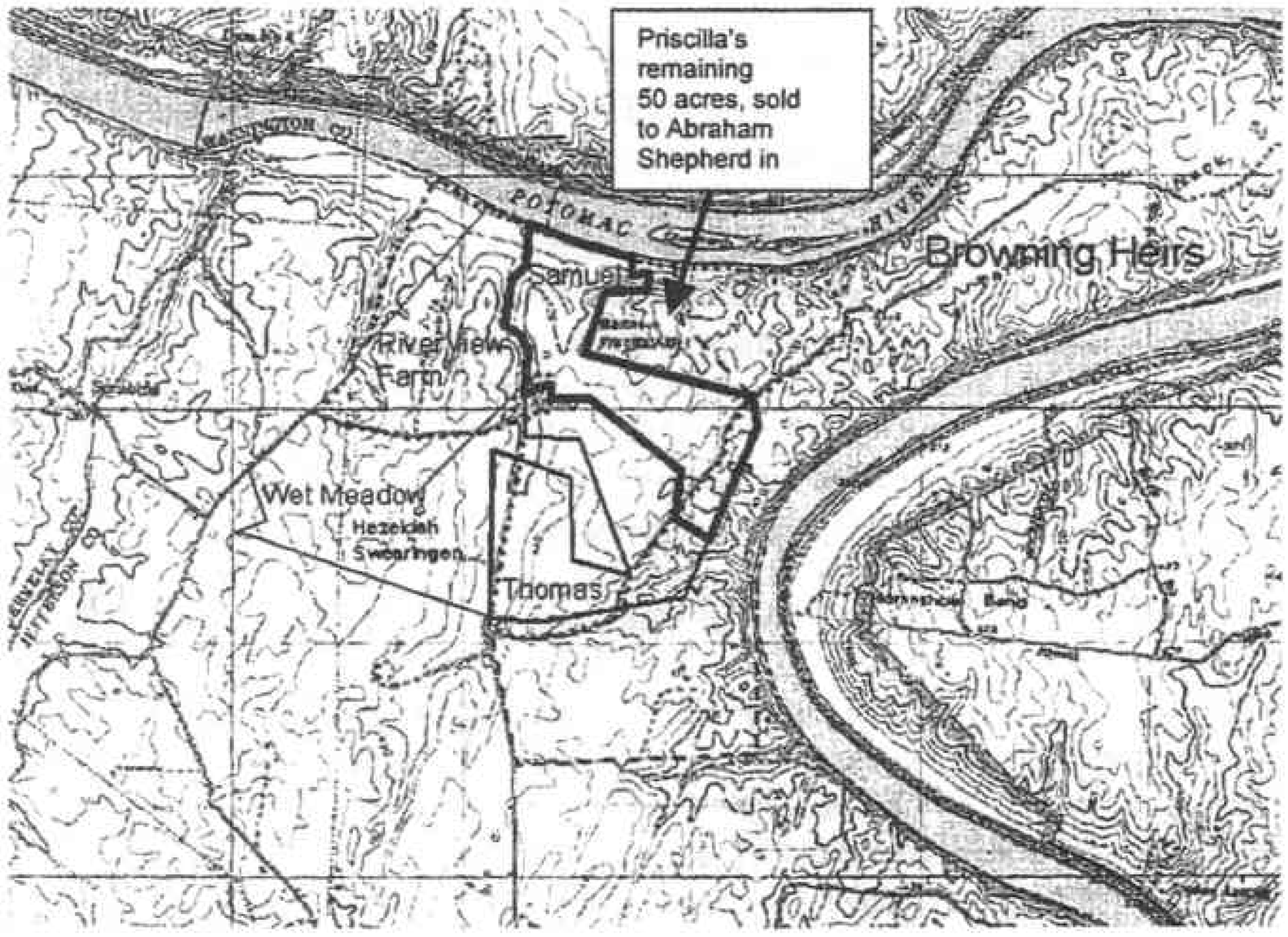
1795 - Tragedy strikes again - on August 9, Josiah Swearingen died, 51 years old (his cousin Van and his uncle Thomas died at almost the exact same age). There was not a will recorded at the courthouse, suggesting a more sudden death; the settlement of the estate over the next several years as the probate legalities were followed is detailed in over 9 pages in Berkeley County Will Book 3, pages 463-72. The children, now orphans, were 18, 16, 13 and 11 years old. Josiah was buried next to his wife, sister-in-law and two young nieces at Springwood. (There may be other burials there - we don't know where Col. Van, his first wife Sarah, his daughter Rebecca, or his son Thomas were buried, for example, and this seems a possible spot). The estate recorded the services of coffin-maker Robert Selby who made two caskets, one presumably for Josiah, the other for a negro woman. Two gallons of port wine were provided by William Blackford, apparently for the memorial services, and a quantity of whiskey was also necessary for the "Appraisement of Estate". A housekeeper, Sally Noland, was retained until the following March. Daughter Eleanor went to live with the Henry Bedinger family, while son James, born at Springwood and now 13 years old, took up clerking in Berryville the same year (H.H Swearingen). Brothers Thomas and Samuel were probably still living in the Shepherdstown area. Josiah's estate settlement gives an interesting glimpse of farming life in the mid-1790s. Crews were contracted over the next few years to plant, harvest, haul and clean many bushels of wheat and rye. One of the recurring

payments was for whisky and wine to the field crews, no doubt some or all of them slaves. For example, on July 9th, 1796 the crew went through 4 gallons of whisky and two quarts of wine. On November 7th another crew went through 5 1/4 gallons of whiskey while husking corn. Two quarts of whisky were paid men working for Eleanor. A sequence of payments in 1797 shows how some goods were brought to market: 27 flour casks were purchased from "Smurr and Williams", a payment was made for carriage of these casks to the river, another payment for 27 barrels of flour floated to "the falls" (Great Falls), another payment for storage at the falls, another for carriage to Alexandria, and then a final payment for cooperage and storage at Alexandria. Another shipment of 31 barrels of flour was sold at Norfolk, though there is no mention of how the flour got there. Also mentioned are 1 1/2 bushels of flax seed, a sale of timothy seed, and various quantities of corn. No mention is made of tobacco.

1796 - Josiah's daughter Eleanor, now an heiress with land and slaves, married Thomas Worthington, also from a wealthy, prominent local family. Worthington's grandfather, a Quaker, was one of the original settlers in the region back in the 1730's. Thomas's father married "out of meeting" and was disbarred from the group, but became prominent in the Anglican Church and later died during the Revolutionary War when Thomas was just a child (Jeff. County Hist. Soc. 1990, Dandridge 1910). In addition to administering his family's estate, young Worthington had been working recently in Shepherdstown as a part-time deputy sheriff. The wedding took place in the parlor of Eleanor's aunt and uncle - Capt. Abraham and Eleanor Shepherd. Apparently the Browning lawsuit had not lessened Nellie's affection for her aunt and uncle, and perhaps she wasn't aware of her uncle's role in all that had transpired . Thomas Worthington also became the legal guardian of his new wife's younger brothers. Worthington had recently returned from Ohio territory, having first been sent out to Ohio by General Darke to locate and survey Darke's land that had been given as bounty lands for his service in the Revolution; Darke eventually sold the land to Worthington at a low price. General Darke had become like a father to the young Worthington after losing all his sons in various military operations, including St. Clair's Defeat several years earlier. Josiah Swearingen didn't live long enough to acquire land "over the river" in Ohio, but all of his children would eventually settle there, in part because of this marriage to Worthington.

Josiah's estate settlement included bills for other sundry items such as school supplies, clothing and numerous silk handkerchiefs for young James and his brothers. James Bell was hired to make several suits of clothes. Also listed are several payments to Abraham Shepherd and the Browning heirs. For example, 87 pounds, 15 shillings, 8 pence were *"paid Joshua Browning 1/4 of 84 acres also in part for damages"*, while another 63 pounds were *"paid William Keating 1/4 of 84 acres also in part for damages"*. Exactly what these damages were is still an intriguing question, but perhaps referred to back rents. Another 181 pounds, 10 shillings were paid to *"Abraham Shepherd as per decree High Court of Chancery"*. James Wood, son of the surveyor of Terrapin Neck in 1736, was now Governor of Virginia. His wife was a sister-in-law to Drucilla Swearingen Rutherford (Col. Van's daughter).

1797 Division of Josiah Swearingen's Springwood Estate



The Chancery Court issued an attachment against the Swearingen estate and other Terrapin Neck holders for contempt of court for not paying the Browning heirs the rents and profits due them from 1786.

The Hessian Fly, *Mayetiola destructor*, named because it was supposedly introduced by straw brought in to New York by Hessian troops during the Revolutionary War, made its first appearance in Virginia. By the following year the fly almost completely destroyed the wheat crop in the vicinity of the Potomac River (Kercheval 1833). It remains as a serious pest of grain crops today. Josiah Swearingen's probate documents mention wheat numerous times in 1796, but it's unknown what percentage of the crop they may have lost.

1797- Because of the Boydston appeal, more court-ordered depositions were taken concerning Terrapin Neck lands. By order of the court, Josiah Swearingen's lands and 8 slaves were divided among his heirs by Abraham Shepherd and several others. In the court document, Josiah's property (the present-day Cress Creek golf course community) originally purchased from his father was described as *"The mansion tract of the said Josiah Swearingen situate and lying near Shepherdstown and joining the lands of Joseph Swearingen, William Bennett and the heirs of Martin Stip containing Two Hundred and twenty-four acres"*, while Springwood (NCTC) was referred to as *"One other tract of land, also near Shepherdstown on the potomack river and bounded by the lands of Hezekiah Swearingen, Browning heirs and lands now in possession of Marcus Alder containing Two Hundred seventy-five acres"*(Berkeley County Rerecorded Deed Book 1, p 431). The northern 137 acres of Springwood, the kitchen, and 3 slaves were given to Josiah's son Samuel, who was then just 13 years old! Sam eventually became a Capt. in the War of 1812 and had a long military career, rising to the rank of General. In later years he settled in Ohio near his siblings, and was a legislator, merchant and farmer; he died, like his father and mother, at a relatively young age, 48, in 1832. The south 138 acres of Springwood, 1 slave, and the house were given to Josiah's son Thomas, who was 18 years old at the time. He also eventually moved to Ohio to be with his brothers and sister, and after his first wife died he moved to Illinois. A map of the 1797 division of Springwood portrays the ownership of Terrapin Neck lands after the Browning lawsuit. Siblings James and Eleanor were each given a half of their father's tract near Shepherdstown, as well as slaves.

A Swearingen appeal was at least partially successful: on the fifth of June, 1797, the High Court of Chancery ordered that 84 1/2 acres of property, part of the April 1750 Fairfax grant to Col. Van Swearingen, be conveyed by the Brownings back to the heirs of Josiah Swearingen (JCDB 3, p.325). This acreage was not only returned to Josiah's heirs, it also went back to Abraham's teenage nephews; if Abraham had his eye on Springwood at the time he shed no tears over this "loss" from the Browning lands, as it might be more easily acquired if it remained "in the family". (This land is adjacent to present-day Shepherd Grade and Terrapin Neck Road on the south side of NCTC, and includes the fields now being converted to native warm season grasses.) The Browning heirs didn't hurry to carry out this order- Josiah's son Thomas was still waiting for this conveyance to take place in 1806 when he sold his land - to who else but Abraham Shepherd. Priscilla's 100 acres on Terrapin Neck remained with the Brownings. A day later on June 6, 1797 the same June Court required the administrators of Josiah's estate to pay the Brownings £60 pounds for past rents and profits in three installments, and held the Medcalf-Boydston-Willamson-Bennett defendants in contempt of court for not answering the court summons. This particular suit was "abated" for Indian Van Swearingen on account of his death.

On November 7th, 1797 Abraham Shepherd re-acquired the property across the river from Shepherdstown known as Pell Mell from the Freemans of New Jersey (his brother had sold it in 1769 to a Jacob Vandiver, who passed it to his daughter Phoebe and her husband Dr. Clarkson Freeman - Washington Cty DB K, p. 532). Abraham immediately entered into a 10-year agreement with a George Batson, who was to live on Pell Mell as part of a profit-sharing agreement, provided that George built a house and barn and cleared 20 acres over the next 5 years. Abraham reserved the right to remove firewood and plant fruit trees and other crops, mentioning wheat, rye, corn, oats, barley, tobacco and buckwheat. Abraham also agreed to provide nails, planks, shingles and brick (WC DB L, p.47).

1798 - Taking up the Terrapin Neck lawsuit appeal on behalf of Boydston and the Terrapin Neck landowners, the Richmond Court again found in favor of Shepherd and the Browning heirs. One of the witnesses for Thomas Boydston was John Welch, who, when questioned by Abraham Shepherd about why Shepherd had undertaken the Browning cause, answered:

> *"...he informed me some time in 1793 that he never should have undertaken that business at all had it not been for a long law suit between him and the Swearingens about Shepherds Town ferry and by reason of some unfair turn they took of him he had lost the ferry, and knowing or hearing that the Brownings had a claim to 1200 acres of land in Tarrapine Neck in which the Shepherds held some quantity of land and he determined to retaliate the loss of the ferry upon them by recovering from them that land and further saith not"*
> (Case Papers, Boydston v. Shepherd, #1, copy from E. Hyman).

So there we have it. Since Abraham seems to have asked the question himself, he apparently wanted everyone to know that he was motivated to remove the landholders on Terrapin Neck because of his prior disagreements with the Swearingens.

Terrapin Neck landholders were now evicted by the local sheriff, and the Browning heirs were allowed to take possession. One or more of them actually moved to Terrapin Neck within a few years, though some sold off their portion to Abraham Shepherd. Keating daughters eventually married into Sappington, Newman, Vansant, and Johnson families— the cemetery on Terrapin Neck Road is (reportedly) full of Keatings and Johnsons. Boydston appealed on procedural grounds to the Staunton Court, but his claim was getting weaker and weaker.

The three remaining Swearingen siblings and the administrator of Josiah's estate sold to Abraham Shepherd for £400 pounds the 50 remaining acres that had been part of step-mother Priscilla's share of the estate (BCDB 10, p282); however it was arranged, Priscilla was now off the property and Abraham had his first 50 acres of the Swearingen holdings, a parcel that now includes much of the NCTC campus. The transaction wasn't recorded at the Berkeley County courthouse until 1801, since part of the process entailed rounding up witnesses to vouch for the siblings having actually signed the document. Drusilla was vouched for on 6th Nov. 1798, Lurannah on 19th Jan. 1799, Henry Bedinger (representing Josiah's estate) and William Bennett on 21 Jan. 1799, and Hezekiah, the last holdout, wasn't vouched for until 23 Feb. 1801. In April of 1798, Priscilla and her new husband Marcus Alder purchased 127 acres directly south of the Boydston place along the road to Shepherdstown, probably using in part proceeds from the old Swearingen property (BCDB 14, p.571). Abraham Shepherd seems to have been the moneyman for the transaction: Alder was still making

payments to Abraham Shepherd's estate in the 1820s, which were in turn passed on to Thomas Toole, whose family originally owned the land (see JCWB 6, p.222).



Mrs. Thomas Worthington

Eleanor Swearingen and her new husband Thomas Worthington packed up their belongings and moved near the new village of Chillicothe, Ohio. The area was being surveyed for Virginia soldiers of the Revolution, and was formerly a large Shawnee Indian town site that would become famous in archeological circles for the large Hopewell Culture / Adena burial mounds. Eleanor was accompanied on the trip by her brothers James and Samuel and several other people who would become prominent in the early history of Ohio. The Worthingtons apparently had a strong dislike for the institution of slavery, and emancipated their slaves in Ohio (Sears 1958); Worthington soon became prominent in business and Ohio politics, serving in the Territorial Legislature 1799-1803, US Senate 1803-1807 and 1810-1814, and finally was Governor of Ohio 1814-1818.



Gen. Thomas Worthington

Benoni Swearingen died this year. He left his ferry operation, personal and real estate to his son Henry, and daughter Sarah, who was married to a John Blackford (Wash. Cty WB A, p. 395). His third wife Hester was given a patch of ground near Sharpsburg, their dwelling house (now 125 East Main Street in Sharpsburg), and a slave named Jane and her daughter, provided that Hester would give up her right of dower to the western lands in Kentucky. The ferry operation would now be known as Blackford's Ferry.

The former town of Mecklenburg was now officially renamed Shepherds Town (this was contracted to Shepherdstown after the Civil War). Abraham Shepherd at this time also was busy with land transactions out in Ohio. Between 1798 and 1813 he would patent some 6895 acres in the Virginia Military District near Chillicothe. He was the

original warrantee on less than half of this land, as he purchased or traded other warranted tracts from several other men, including a John Galt, Hugh Stephenson, Thomas Coverley, Jesse Bland and Robert Porterfield. A number of other Shepherds Town men had also been buying, selling and trading land there, including ferry operator Benoni Swearingen, who at one time had acquired 1000 acres from Abraham Shepherd (this land was originally warranted to a Christopher Brady, and was finally patented by a Joseph Petty). The only Swearingen with a warrant for land in Ohio was a Joseph Swearingen, possibly Benoni's brother, who put in for 227 acres; apparently most of the Swearingen family bounty lands were located in Kentucky. (View original Ohio General Land Office records at web site www.glorecords.blm.gov).

A tax was assessed this year on slaves and homes in Berkeley County Virginia. The rolls show that Josiah's estate was taxed for one slave (50 cents) and one home – Springwood ($840). Hezekiah next door was charged for 6 slaves ($3.00) and one home ($420), indicating that the farmhouse on RiverView Farm had not yet been built, or was just a minimal cabin at this time. Abraham Shepherd was charged for 4 slaves and two homes in the country ($210 and $157 – one of these was likely Priscilla's house), and two homes in Shepherdstown ($840 and $525) one of which was occupied by a Walter Selby. (Berkeley County Historical Society, 2003)

1799 - Ill health forced James Swearingen, son of Josiah, to give up his clerking job, so at 17 years of age, he moved to Chillicothe, Ohio, in 1799 after swapping his Virginia land near Shepherdstown with land owned by his brother-in-law Thomas Worthington out in Ohio. He began a long military career a year later. He was commissioned a 2nd Lieutenant in 1803 and was among those given the task of building Ft. Dearborn, near the city of Chicago. (H.H. Swearingen 1884).

The heirs of "Indian" Van Swearingen then living in Ohio County finally finished with their father's old lawsuit against Abraham Shepherd involving the property on the end of Terrapin Neck. In *Van Swearingen vs Abraham Shepherd*, the appeal listed as defendant the grandson! of William Chapline (Chalkley vol. 2, p. 105). William Chapline was the man who had sold the land to the Swearingens back about 1770 despite the court ruling that had turned the property over to the Hites, and the Chapline heirs several generations later would be dragged into court to carry on the squabble. The details from Chalkley are sketchy but it is

apparent that debate over land on Terrapin Neck spread a wide net of misery over multiple generations of several families, many of whom had long since even seen the place. This suit was archived under *April 1799 Circuit Court Causes Ended*, in the same batch with *Browning vs Swearingen* and *Boydston vs Shepherd*.

An entry in a Shepherd Family Account Book (sect. 3) for Moses Shepherd:

> *Received of Moses Shepherd one hundred and fifty dollars for the* [indecipherable] *Abraham Morgan of ShepherdsTown in part pay for negro girl bought by Abraham Shepherd from Abraham Morgan April the 12, 1799*

Abraham Shepherd's sawmill produced a large order of lumber of various sizes including "scantling", shingles, rafters and planks that was sold to the "United States" in October this year for buildings being erected presumably for the new Armory in Harper's Ferry. His distillery was very busy throughout the 1790s, with hundreds of gallons of brandy and whisky sold nearly every month (Shepherd Family Papers). He also found time to keep up with political problems besetting the new nation, including a recent dispute with France that was threatening to require the formation of another army. Consider a rather non-committal letter he received written in the handwriting of George Washington's secretary Tobias Lear:

> *Mount Vernon, October 21, 1799*
>
> *Sir: Your letter of the 15th inst. offering your services as Colonel in the Provisional Army, has been duly received. Whenever the appointment of the Officers of this Army shall take place, it will be pleasing to find, in the list of Candidates, the names of such as were valuable officers in our Revolutionary war. They will meet with due attention, and among them your letter will not be forgotten. I am etc.**

1800 - Abraham Shepherd and his wife had the last of their 8 children this year, with the birth of Charles M. Shepherd. Older brothers still alive included Henry, Rezin Davis, Abram, and James Hervey, along with sisters Annie and Eliza. Young Rezin was named for Rezin Davis, a

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* Electronic Text Center, University of Virginia Library

Revolutionary War colleague of Abraham's that had commanded the Light Horse Brigade from Hagerstown, Maryland

1802-1803 - The court made its final decree on the judgement levied against the Swearingen estate. Abraham Shepherd, the "thin-visaged little man, of prominent features, full of energy" would shortly begin acquiring various parcels of Terrapin Neck, and within a few years would own 750 acres of Terrapin Neck and the surrounding area. Much of the land acquired by Abraham Shepherd would stay in the Shepherd family for almost a century.

William Bennett, son-in-law of Col. Van and husband of Luranna, died in 1802, and one source lists him as buried in the Springwood cemetery along with Josiah, Phoebe and Rebecca Swearingen. Two other Bennetts, presumably William's daughters, are also listed as being buried there earlier - an infant Mary Bennet who died in 1779 (possibly while William was in Kentucky) and a second Mary Bennett, 6 years old, who died in 1790 (Tombstone Inscriptions Jefferson County WV).

By this year, many European plants with invasive properties had become well established in the lower Shenandoah Valley. For example, viper's bugloss, *Echium vulgare*, was already described as a "pernicious weed" in Jefferson County (Strausbaugh and Core).

In 1802 the Potomac Company completed a canal around Great Falls on the Potomac River, which made possible for the first time an uninterrupted passage between the lower Shenandoah Valley and shipping ports in Alexandria - for approximately three months out of the year when the water was high enough to float a cargo-laden boat.

1805-1806 - Final depositions were taken at Abert's Tavern in Shepherdstown regarding the Hite-Browning-Fairfax legal proceedings on Terrapin Neck. Local people were still perplexed at how the landholders on Terrapin Neck had lost their land. The merits of the landholder's claims had clearly not been presented to a court, and even back then the landholders on Terrapin Neck were considered victims of legal maneuvers to gather Fairfax assets in the wake of the Revolutionary War. Abraham Shepherd himself was quoted as saying by several there that at some point *"the business was so riveted that it could not be gone into again"*. Shepherd was also quoted in a Boydston case deposition as bemoaning his fate of having incurred *"the everlasting ill-will of these people"*. Shepherd was correct - in Boydston's will, he referred to his land as

having been *"wickedly, deceptively, artfully and fraudulently wrested from me by Abraham Shepherd"* and refused to concede the loss (Hyman 1996).

1807 - More of the Springwood tract was sold to Abraham Shepherd. Abraham prior to this time owned only the 50 acre parcel once owned by Priscilla, but now Josiah's son Thomas Swearingen, described in the deed as a resident of the "Northwestern Territory" sold his inherited 138 acres of Springwood to uncle Abraham Shepherd for $1380 dollars "current money of Pennsylvania" (JCDB 3, p325). This left 137 acres of Springwood adjacent to the river still in his brother Samuel's hands, though brother Samuel would also sell his portion to uncle Abraham in a couple of years. RiverView Farm to the west was still owned by Hezekiah Swearingen and his son Van, while the ferry service across the Potomac, the original Bellevue mansion and surrounding lands were also still owned by heirs of Thomas "of the Ferry" Swearingen. Another Thomas Swearingen with his wife Margery still owned and operated the mill and surrounding lands near Scrabble at this time. Why didn't young Thomas sell or rent the Springwood property to one of his numerous Swearingen relatives in the area? Hezekiah in particular should have been interested in the property, though it should be noted that there are no records of Hezekiah acquiring any local property other than that given to him by his father. Family feud? Did young Thomas, like his sister, have a warm regard for his uncle Abraham? Did Abraham Shepherd offer more than the Swearingens? Were the remaining Swearingens concerned about retaining title after over 35 years of wrangling over ownership of adjacent property, or just uninterested, or perhaps hard up for money after years of court battles? The young brothers could not hope to make a living from the small acreage on the Potomac, and many of their peers and neighbors were moving to Ohio and Kentucky. Perhaps it should not be too surprising that Abraham Shepherd ultimately ended up with the property, though not everyone in the neighborhood was happy with his methods of acquiring land. It's interesting that Hezekiah deeded the northern 140 acres of RiverView Farm adjacent to the new Shepherd property to his son Van this year, while he kept the southern half of the property. Son Van likely built the house and building complex west of the present-day NCTC water treatment plant shortly before or after this time. In the 1807 deed Hezekiah specifically asked that he be given the right to occupy and *gain profit for his own benefit for the remainder of his life "a piece of*

meadow ground containing about 4 acres called the wet meadow near Abraham Shepherd being part of the land conveyed to me by my father" (JCDB 4, p. 106). The springs within the wet meadow were perhaps the most reliable source of water for Hezekiah's property to the south, but were also the closest water supply to Shepherd's new house, the property line giving each of them access to a part of the spring, a legacy of the instructions given to the surveyors for Lord Fairfax in the 1750s. This 4 acres is the area west of the estate house where the pond and cottage are today. At the time, the route from Shepherdstown to the estate house may not have been as direct, as "Shepherd Grade" had probably not been built yet in its current alignment. The road to Shepherd's house would have had to go around the narrow corridor owned by the Swearingens on RiverView Farm, and entered from further east on Terrapin Neck.

The final court appeals of Boydston were exhausted, and the appeals court again favored Shepherd and the Brownings. Abraham Shepherd, 53 years old, was now living in the Springwood estate house with his family and slaves, and was on his way to acquiring over 750 acres of Terrapin Neck lands, including the old York tract that Indian Van Swearingen had struggled so many years to acquire legally, as well as the Boydston plantation – his fee for acquiring Terrapin Neck for the Browning heirs. Abraham's wife would now be living in the house next to her sister's grave. With Springwood as his trophy, possibly Abraham felt now that he had obtained *"full satisfaction for every insult which they have been good enough to bestow ..."*.

While finishing his first term in the US Senate representing Ohio, Thomas Worthington and his wife "Nellie" Swearingen built a large mansion—*Adena*— in Chillicothe, Ohio, described as the "most elegant mansion in that part of the west"; the facade bears more than a passing resemblance to the Swearingen mansion at Springwood. The architect was Benjamin Latrobe, who had also been assigned by President Thomas Jefferson several years earlier to complete the White House, Capitol and other federal buildings in Washington. Eleanor's brothers worked at Adena occasionally; in 1811-12 James was general supervisor of the estate and flour mills, while Thomas managed the textile mill and ropewalk in Chillicothe (Sears 1958). Adena is now on the National Register of Historic Places. One of the first sheriffs of Ross County, Ohio, which included Chillicothe, was also finishing up his first and only year in office - David Shepherd, grandson of the founder of Shepherdstown. He eventually became a surveyor, rancher, innkeeper,

and tavernkeeper, went bankrupt and moved to Pickaway County, then on to Illinois, where he spent the rest of his life.

Out in Kentucky, Andrew Swearingen and his wife Polly sold a number of small parcels of the family's Kentucky lands. The largest, about 1500 acres, sold for $1 and "certain services" to a Robert Hamilton. The deed mentioned that there was no guarantee that others hadn't also claimed it (Bourbon County DB F p 125). Predictably, courts eventually awarded 470 acres of this property to a Stephan Miller, and a year later Andrew's siblings back in Berkeley County Virginia, Thomas and Drusilla, were ordered by a Chancery Court to honor this and several other agreements (Bourbon Cty DB G, p15 and 134). This suggests that Andrew was selling some property without getting agreement from his siblings, and shows that the Swearingens -again - were also caught up in the frenzy of litigation over competing land claims occurring at that time in Kentucky. More trouble was to come.

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The Correspondence of Bettie Brittian Koonce, September 1862

Contributed by William L. Brockner



Bettie Brittian Koonce photographed in her later years while painting.

Courtesy of Mrs. Stafford H. Koonce.

Editor's Note: The recipient of Bettie Brittian Koonce's letters was her husband George Koonce, born in Steubenville, Ohio on April 17, 1818. In 1839, his name first appears in Jefferson County records when he advertised the sale of goods at his "S. Bolivar" shop. This shop was actually located contiguous to the Hall Rifle Factory on Virginius Island. George Koonce married Miss Emily Piles in 1840. Throughout the 1850s,

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he is identified in various documents as the Town Constable for Harpers Ferry. In 1860, after the death of his first wife, he married Bettie E. Brittian the daughter of Joseph Brittian, identified as an English born tavern keeper in the 1850 Census. In that same year, George Koonce became a Lieutenant in the Floyd Rifle Guards, a Federal unit started by United States Armory personnel. While there is no direct evidence that George Koonce fought in the Civil War, his membership in the Guards does make George Koonce's loyalty to the Union clear; it was a sentiment he shared with business men and other individuals connected to the Armory in Harpers Ferry. After the War, George Koonce remained very active in politics, serving in both the West Virginia Senate and House of Delegates in the 1850s and 70s. He was also a Deputy Sheriff and acted as an Election Commissioner in numerous elections. In 1874, he purchased a 180-acre farm near Halltown, which he named "Ellerslie" where he lived until his death in 1908 at the age of 90.

Bettie Koonce's letters take the form of a diary for the 16 days in September of 1862 when George Koonce was away on a trip to Washington, D.C. It was during this period that Confederate troops, under the command of Major General Thomas "Stonewall" Jackson, defeated the Union troops commanded by Colonel Dixon S. Miles in Harpers Ferry, capturing an approximately 12,500 Union soldiers. The battle, fought just before the Battle of Sharpsburg or Antietam, was critical for the Confederacy, helping them regain control over both the B&O Railroad and the C&O Canal. It is clear that Bettie Koonce's sympathies were with the Union, and they gave her a different perspective on the Confederate's victory. The letters were written on letter paper with pro-Union sentiments, such as "The continuance of the Union should be the primary object of every true Patriot", a theme reiterated by Bettie Koonce in her letters.

Bettie Koonce survived her husband and is listed as living on her "own income" with one of her seven children, a stepson and a boarder in the 1910 Census. Her granddaughter, Virginia K. Cosey, remembers her as an artist, sculptor and musician. She painted the walls of "Ellerslie" with images of flowers, animals and birds. She died in 1920 at the age of 83; her house was demolished in 1969.

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From: *Bettie E. Koonce, Harper's Ferry, Virginia* *Wednesday Eve*
To: *George Koonce, Esq., Washington, D.C.* *September 17, 1862*

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Harper's Ferry, Sept. 5th 1862. *Friday – George left. After leaving him on the street, I went up on the Hill at the Powder House to see if I could see him go over the Ravine. After some time I thought I recognized but do not know whether it was or not, watched him with streaming eyes until I could see him no more. Came to the House. Had some trouble with the soldiers who were at the Pear tree. Attended to my Household duties and went to my room between 8 and 9 o'clock – and shall I portray the agonies of the night – left alone, alone, alone to endure again those horrid hours of never easing pain, grief and feelings that are understood but by those only that truely love and enjoy the society of their Husband; how much I need his protection. I cannot describe the feeling I have when he is gone – only as a dull aching void, it seems as if a part of my Body had been taken for a time, and I am yearning for its return, cannot possibly exist without it, and so secure did I feel in his affections that do as I would, he would be the last to censure. But, Oh, he cannot but feel that he has avenged me. My God, strengthen me in this trying Hour; though I try to appear calm. Oh how I suffer – imprudent he may deem me, But how dear to my Soul is the knowledge of my innocence even in thought, but I must cease writing for my feelings over power me; May he reach a place of safety will be my constant prayer.*

12 o'clock – – – –
2 o'clock – how wretched. Oh I cannot sleep; it is a beautiful moonlight night; how I wish George was here.

Saturday 6th *– All is quiet. There is nothing to disturb the stillness of the nights: but the measured thread of the wakefull sentinel. Now I miss thee, my Husband through the long, long hours of the night; through the day, I have my many little duties of a housekeeper to perform; today I preserved one jar of pears, done very nicely. There came two gentlemen to buy some pears, but they were too green for eating. I picked up several of the nicest looking ones and gave them, and they went away after thanking me very much – but Charlie stirs; I shall lie down and endeavor to sleep if possible. They are changing the Guard.*

3 o'clock. Will Day never break. I have been up two or three times sitting at the window. How immeasurably long these dreary hours seem. No news from my Husband, but pray for his safety.

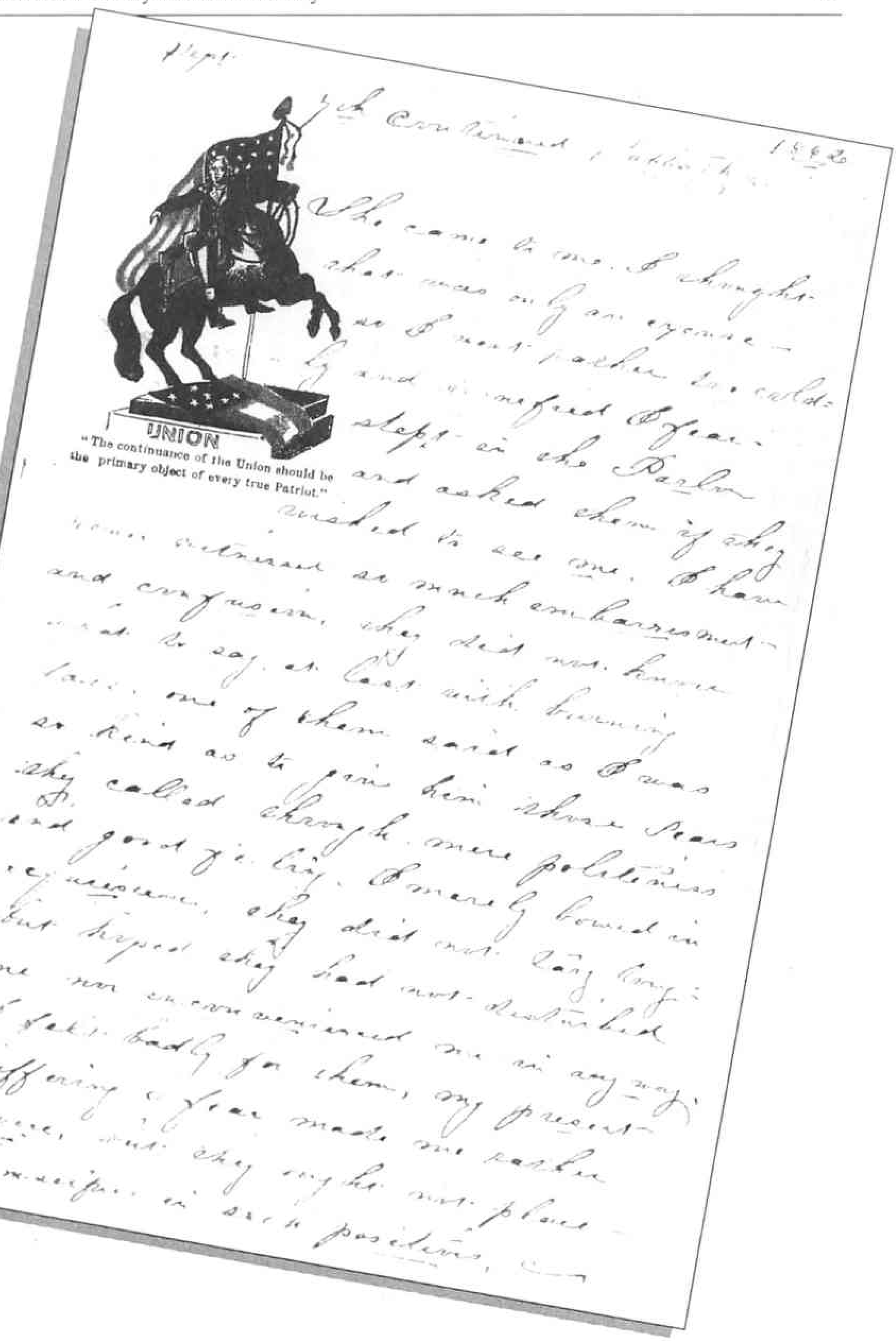
***7th – Sabbath Eve** – this night last week, George was here. How I wish for his presence. He never can imaging my suffering, nor never know the depth of my affection for him. Love him – yes – more than all else on Earth besides. Ah, I sometimes think too well, fool that I have been – thoughtlessly – this is my punishment. The doorbell rang. I was in my room. Mollie went to the door, and those same gentlemen that I gave the Pears to, came. They said to ask if we played sacred music. Mollie told them she did not. She then understood them to ask if they might play. She said she would ask her Ma. She came to me. I thought that was only an excuse – so I went rather too coldly, and dignified I fear – stept in the Parlor and asked them if they wished to see me. I have never witnessed so much embarrassment and confusion. They did not know what to say. At least with burning face, one of them said as I was so kind as to give him those pears, they called through mere politeness and good feeling. I merely bowed in acquiescence. They did not tarry long – but hoped they had not disturbed me nor inconvenienced me in any way. I felt badly for them. My present suffering, I fear made me rather severe, but they ought not place themselves in such positions.*

***Monday – 8th.** Nothing beyond the usual routine of duties. Washday. I had hoped to hear from George today; but sadly disappointed, but look forward for the morrow. Probably the mail will be brought in. How I long for one line.*

***Tues. 9th** – This morning I made two jars of peach marmalade. Those with one jar of grapes is all I shall put up not knowing how long we will be permitted to stay here – rumor says the Confederates are closing in on the Ferry.*

***Wed. – 10th.** Nothing of interest and still no intelligence of my Husband; why is it I cannot hear?*

***Thurs. 11th** – I went up to Harriet Graham's not knowing when I would get up again. It has been showering all day. Came back, almost sure I would get a letter but no letter. I wrote to Will, but now I cannot get any*



letter. I had hoped to learn through Will where George was. The Girls had company tonight. Doc. Fuller – he looks quite like George. I do not know him.

Friday – 12th *– No mail today at all. Rather exciting times – say the Confederates are in great number in Maryland, Louden and Charlestown. How can I stand them – one week today since George went away and still no intelligence – one long week of misery, and worse coming now the blockade is down. It stops all communication. I hear Sister Mary is in Winchester with Ma. Lilly has been very ill, but is better. How I long to behold the loved ones at home once more.*

Saturday – 13th. *The Confederates commenced firing on the Federal Pickets between 4 and five o'clock this morning. Col. Miles ordered to* [blank]

They were fighting all day until about 5 - 6 o'clock. They spiked their cannon and came down the mountain. There is considerable dissatisfaction among the men. The Enemy having no artillery, they could not of taken their pains. They were fighting most of the time up where they call it the lookout – right above the querry – most of the men in action were raw recruits – some of them hardly knew how to load a gun. There were wounded.

14th – Sabbath *–They have been cannonading and shelling all Day. This has indeed been a sad and exciting fearful Day. The Confederates have three batteries on Louden Heights and two on Maryland – they have no mercy on the women and children. The shell were flying - - - -*

Sabbath Morn – 14th Sept. 1862. *- - - -in every direction, but there was a higher hand interposed and wonderful to relate scarcely one of their Shells bursted. There was more than a dozen fell near the House. One fell down in the lane at the end of the House and made quite a hole. The other struck the House making the Bricks fly – glanced over and through the roof of the smokehouse, the ammunitions waggons were standing in front of the House and Horses hitched to them, strange to say, they never hit the wagon, but hit one of the horses and not a man was hurt the whole day. The one from the Maryland mountain was not as dangerous for the ball fell far short of the mark very often. The Louden Mountain being nearer where they had the battery. There was some fighting near sundown at the upper Breastworks up in Bolivar. The Confederates trying to get in. They were up to the Louden Bridge. I suppose tomorrow will be an awfull day, if not reinforced they will have to surrender. The Cavalry*

started tonight about 8 o'clock to fight their way through Maryland. Doctor Fuller came to say to the Girls Goodbye. There were three thousand of cavalry.

Monday – 15th *– With the dawn of Day, the firing commence, Kept on until about 6 o'clock when Col. Miles was severely wounded by a piece of shell. Then they were Ordered to surrender and up went the White Flag, not however without a great many regrets. Some of the men were very indignant – did not wish to surrender. They were angry when ordered to spike their Guns and leave the Mountain. The Garabaldi Guards went up on Sunday and brought away the ammunition. As a woman I cannot describe my feelings when I saw the beautiful Flag of my dearly loved country hauled down to give place to that insignificant piece of the Southern Confederates. To that Flag [my flag] will I ever look for protection. May it not be long before our Glorious banner may be freely and Gloriously blowing. Would that we had another Washington "The continuance of the Union should be the primary object of every true Patriot". Yes, true Patriotism – where shall I look for one that has the Good of his country purely at Heart. It is these disaffected Men of Office that is running our Great and Glorious Government – one of the best that ever ruled a Nation. Why, oh Why should it be thus, I blush to see us so divided but enough – I cannot express myself as strongly as I feel. Jackson says if they had not of surrendered soon, he was going to send Hot shell in here, wich no doubt he would as he had very little compassion the Days before. My impression he has become perfectly desperate. He has come to the conclusion that it is coming winter and his men are naked and the only way to do is to rush boldly on. His men are filthy, dirty, and allmost naked, barefooted and he is not much better looking. He makes his men do some quick marching. There he has the advantage. They want to say they captured our Brave Cavalry. It hurts them to think they got away. I believe they wounded them and may Kind Heaven protect them.*

[Note – an insert on this days writing says *"There were from 14 to 16 thousand men – one or two regiments – were three month men and their time was up.*]

Sept. 15, 1862 – cont'd. *I gave two Federal Officers their breakfast. In a short time, the Confederates were in here – great many I knew – they soon commenced hauling off the goods.*

Tuesday – 16th. *They were patrolling yesterday and today. I suppose they were afraid they would be attacked, so they are in a hurry sending the Troops off. Sent off the Heavy 5th Artillery of New York and this morning the rest. Tom Shrive was here and Mike Price. I write a letter to Willard – gave to one of the Federal Soldiers – said he would deliver it. I do not know who I am indebted for this kindness. May he allways meet with like kindness; there has been heavy firing in the direction of Boonsborough all Day.*

Wednesday 17th *– Firing commenced again this Morning. I have not heard it since the Confederates have finished their burning tonight. Yesterday Eve, the Railroad Bridge and this Eve the Pontoon Bridge. I believe they send Col. Miles body off today. I did not know he was Dead until then. For some reason they would not send the Federal sick off today – afraid they will be attacked and their being here will afford them some protection. Walter Duke came down today – he has grown quite tall. Says Ma and sister are coming down in a few days. I have not heard from Mr. Koonce yet. I feel wretchedly. Alvernon Cross and several Ladies and Gentlemen just came in. I do not know the Gents – one is a Doc Wheeler – one the storekeeper Henry Daniels.*

I presume they will go away tomorrow; there is some talk of them burning some of the Houses. I sincerely Hope it is not so. They could hardly do anything so mean as they claim to be the honorable Party. At all events they will cause me a sleepless night, though they cannot be much worse.

Thursday – 18th. *They did not burn the Pontoon Bridge untill tonight and the Carpenter shop belonging to the Government, and the Telegraph Office, and the Lockhouse over the River and the Canal Carpenter Shop. It is supposed they will all leave. (that is what few they left behind to do this burning. – Harriet Graham was here. All well.*

Friday 19th *– Several of the Confederates were hurt very badly whilst setting fire to the tressling. Fell through and one of them broke his leg and arm. May and sister Mary came today. How happy I was to see them. Sister is looking thin and badly, but so great is her loss, I do not wonder at her appearance. Lilly and Walter have grown. Just when they need a fathers protection and watchfull care, he is taken from them. May they ever follow the dictations of their kind Mother and they will never go*



Bettie Brittian Koonce with her husband, George, on their front porch at "Ellerslie."

Courtesy of Mrs. Stafford H. Koonce.

astray. Ma is looking badly also. Poor Ma has her troubles in this World – may she be rewarded in the next. She brought me a very pretty dress, ever kind Ma – never can I repay your never varying kindness, would that I was not so powerless; she says everything is taken out of Winchester. The Southern people followed the Army right along and bought the merchants entirely out. Sister says in Richmond they are charging $10.00 for a pair of Morracca Boots, and paid for the only black dress she could get wich is calico 33 cts per yeard and everything accordingly.

Saturday – 20th *No letter. No word from George yet. It seems to me if*

he knew my misery – yet how can I get a letter. I am so out of heart living this way that I allmost despair of ever having any satisfaction this side of my Grave. My Heart is so Sad, so awfully depressed that I loose all Hope of ever being the same gladsome person as of yore. I can hear that language. Yes those bitter burning words are ever ringing in my ears – they seem as if written upon my Brain with a burning hand. Yes I am highminded. I ask myself the question – can I stand this, then comes the full knowledge of my Love for him, and I am a weak woman again. Could I but express myself – but I do not wish anyone to know my sufferings. I will stop this theme or I shall go wild. I went down street for the first time since I have been Home – got a piece of calico paid 16 cts per yd. Mrs. Cross was in to see Ma.

Sunday 21st *– This has been more quiet and pleasant than the last Sabbath. The Federal Troops have torn down the remainder and cleared away the Pontoon Bridge, I suppose probably for another. There is part of a regiment over there. I wish the girls and Ma went over to the Powder House to see them Ford the river and then went over to the Graveyard. How miserably bad the last resting place of our Friends is, all overgrown with weeds and burying the Soldiers in there when there is no room for them.*

Harpers Ferry shows seriously the effect of war times; I wrote yet once again to Willard to know if George had arrived in Washington. I send this by a Gentel Lady Mis. Emma Procul whose Father has been keeping store here untill the Confederates came in. She is going Home to Philadelphia and kindly offered to take a letter for me. Hope soon to hear from him.

Thomas J. Clark and James A. Clark, CSA

by Janice Cox Brown

Thomas J. Clark, PVT. CSA

Thomas J. Clark was born about 1836 and reared in Jefferson County, Georgia, the oldest son of David and Elizabeth Clark. He apparently moved to Florida where he may have had relatives, who gave him a job there. He is first found listed in the 1860 census in Hamilton County at age 24, with his wife, Martha, age 17. In the winter of 1858, on January 21, he married Martha Ann Law in Hamilton County, Florida. They had one child, Eliza Irvin Clark, born October 10, 1861, who married Joseph L. Altman in Hamilton County on November 23, 1876. This couple later moved to Texas and became my great grandparents.

Thomas Clark enlisted at age twenty-one in Company F, 5th Florida Infantry, along with several of his friends from Hamilton County. Company F was organized and commanded by Captain John Frink, and it was under his command that Thomas saw action that summer in 1862.

According to letters written to his wife, Martha Ann, Company F was ready to fight and marched forward to participate in several major battles, one being on August 30, 1862, called the Second Battle of Manassas. Union General John Pope's defeat of August 29-30 was known to the Federals variously as "Manassas" and "2nd Bull Run." When faced with the combination of Robert E. Lee's strategy and Stonewall Jackson's tactics, Pope lost complete control of the situation and got his short-lived army soundly defeated. It was generally called "Second Manassas" by the Confederates.

The next big battle that Thomas Clark fought in was the Battle of Sharpsburg (called Antietam by the Federals). The Confederates generally named their battles after the nearest village or community; the

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Janice Cox Brown has conducted genealogical and oral history research on her family for 42 years and is currently writing books on her paternal and maternal lines. She was also co-founder and charter president of the East Texas Genealogical Society. She lives in Tyler, Texas.

Yankees named theirs after the nearest river or steam of water.

The only battle fought on Maryland soil, the Battle of Sharpsburg was Lee's decision to make a stand and his conduct of the battle was magnificent. During the 16th his force managed to coalesce among the low ridges east and north of the town, although when the Federals attacked at dawn on September 17, 1862, Lee's Army of Northern Virginia was still under-strength by thousands of troops.

At the end of the day Lee's Army had held its ground but at tremendous cost, and the battle was reported to be the deadliest one-day engagement in American military history. It also marked the first time in our annals that photographs were taken of the dead on a battlefield. In just twenty-four hours, the pastures around the horrified town of Sharpsburg were strewn with 23,000 dead and wounded soldiers. The fields and woods surrounding the once quiet towns of Sharpsburg, Keedysville and Boonsboro were blanketed with tent hospitals and makeshift graveyards. Thomas Clark became one of the war casualties when he was wounded in his leg and breast. The young soldier was moved into the town of Shepherdstown, Virginia, just across the Potomac, nine miles from Harper's Ferry, and was cared for there by Ellie Rentch, until he died three weeks later on November 11, 1862.

Typed transcripts of very faded ink handwritten letters from Civil War soldier, Thomas J. Clark, to his wife, Martha Ann (Law) Clark, were given to me by my great-aunt, Gladys Altman. Thomas J. Clark was her grandfather. Thomas and Martha Ann Law married in January 1858 in Hamilton County, Florida. Four letters and a poem that Thomas wrote to his wife follows. Three were written while he was in Florida camps; the fourth letter was written from Fredericksburg, Maryland:

State of Florida
Duvall Co.
June 30, 1862

Dear Wife:

I tak my pen in hand to let you know I am well at this time and I hop this few lines come to hand that may find you the same. Have got a place for you to bord at about half mile from camps and I want you to get Tom to brang you to Lake Citey next Monday. The tran leaves ther at eighth o'clock in the morning. you can com to your

aunt Sarah Roberds next Sunday and com next morning to the tran by eighth o'clock in the morning and some of them to meet you thear that day weak that you may go back hom. I want you to brng twenty dollars of State money if you have got hit and if you have not got hit brang other and brang ten pouns of bacon. You never will be sorey of your trip. You will larn a heap. I will git the condukter to see you com to the rit plase. We moved agin in three mils of Jacksonvill.

Thomas J. Clark

One month later, Thomas wrote a second letter:

State of Florida,
Jefferson Co
Camp Bailey
July 29, 1862

Dear Wife.

I tak my pen in hand to let you know I am well at this time and I hop thes few lines may find you and all the res of the family injoying the same blesin. Mi dear, I want you to live rit and pray for me that I may return hom from the fron lein to see you once mor. Don't be uneasey about me. We have orders to leave next Friday for gina (Virginia) and I don't know whether I will ever see you agin in this world. if I don't, I hop we will meet in a better world to com. mi dear I don't want you and the baby to stay at hom at knight if Ben (?) cant stay on that can proteck you. tell all of the family howdy for me. I sent $15 dollars to you by William Hunter and send me that other undar shirt if you get any chance. when you rite, back your letar to me in care Capiten Frinks 5fifth regment and hit will com to me any where I may be. nothing mor. your afection husban until deth.

Thomas J. Clark

Two days later, Thomas Clark wrote a third letter to Martha, his wife:

State of Florida,
gefferson Co
July 31, 1862

Dear Wife.

I take my pen in hand to let you know I am well at this tim and I hop when this few lines come to hand that may find you the same I want you to sen me under shirt and two par of pants to John Frinks an he will bring them to me. we are looking to march tomorrow morning. I would be glad to see you once mor but there is no chanch. you and all the rest must rit to me. you have a bettar chanch than me.

Thomas J. Clark

Fourth letter to Martha Ann (Law) Clark, written about five weeks later:

Frederick Maryland
September 7, 1862

Dear wife, I take my pen in hand to let you know I am well as common except for bad cold and march most to death. we are in Maryland and see hard times and we was in enormase batel. we was blest with His power. we lost not a captain. shells and graf shot fell in bursted and hit som few of our regiment but God blest us. I don't know whether you will get this. if you do rite me as soon as you can and let me know how you and all the rest is.

Miles and William Hunter is well. Mi dear wife I want you to pray for me. I hop I will se you agin. we are a long ways a part. I would rite ofner but when we stopt I am down. we march day and nite sometimes. sleep one hour and sometimes all night. I put mi trust in you that I will se you agin. nothing mor. your affection husband. back your letter Richmon, car G.C. Hatley, fifth regiment.

Thomas J. Clark

On the back of his letter was written:

"have not hear from you since I left _____. I have walked over more ded yankes than I ever want to do again."

The Battle of Sharpsburg (called Antietam by the Yankees) as fought in Maryland on September 17, 1862 and is remembered as "the bloodiest day" in American military history.

Next comes a typed transcript of a very faded ink, handwritten poem from Civil War soldier, Thomas J. Clark, written home to his wife, Martha Ann (Law) Clark in Hamilton County, Florida, where she lived with her eleven month old daughter, Eliza Irvin Clark, born October 10, 1861, as she waited for her husband to come home from the war.

A Soldiers Lief (Life)

Farewell to you my darling
oh farewell my dear
do not weap for my long absents
while I am presents hear.

Sents it has bin my misfortune
a soldier for to be
Dear darling, live contented
and do not weap for me.

To fight we are reminded
and I for one moust go
and for my life my darling
I dare not answer no.

She wrung her little white hands
and mournfully did cry
You will go and be a solder
and in the war you'll die.

As sentinel you'll be wounded
in the Battelfield be slane
My hart will brake like thounder
if I never see you a gain.

The Cannons loudly roring
the balls in showering fly
The fifes and drums are Beating
to drown the deadly cry

Away up in the mountain
to teary there a while
Away from my dear darling
a thousand & thousand mile.

Letter written to Martha (Law) Clark, who lived in Hamilton County, Florida, by the woman in Shepherdstown, Virginia, who took care of and nursed Thomas J. Clark after he was wounded September 17, 1862 in the Battle of Sharpsburg (Antietam) in Maryland during the Civil War. Thomas Clark died three weeks later, and Ellie Rentch wrote Martha Clark to inform her of her husband's death:

Shepherdstown, Virginia
November 14, 1862

Dear Mrs. Clark.

It becomes my painful duty to inform you of the death of your husband. He died in this town some two or three days ago.

He was wounded in the breast and leg in the battle of Maryland. I attended to him myself some two or three weeks before he died, and took him his meals.

He told me to write and tell you that he was getting along very well and would try to get home as soon as he was able. He got worse afterwards and died.

He says you must sell his cotton and pay his debts – pay his cousin, the first one – three hundred dollars that he owes him and do the best you can.

I send you a lock of his hair which I cut for you.

I sympathize with you very much in the loss of your husband, but he died in a glorious cause fighting for our country's interests.

If you want further particulars write to me and I will give them to you.

direct to Ellie Rentch
Shepherdstown
Jefferson County, Virginia

James A. Clark, CSA

On September 10, 1861, James A. Clark of Jefferson County, Georgia, the son of David and Elizabeth Clark and younger brother of Thomas J. Clark, enlisted in a company of soldiers being raised by James G. Cain, who was elected the captain. This company became known locally as the "Jefferson Greys," sometimes called the "Jeff Greys." James Clark was friends with many of the boys who also enlisted, including James Stapleton, the second lieutenant. The group was mustered in under Major Calhoun at Camp Stephens, Georgia for the period of the war.

James was later appointed 4th Corporal of the Jefferson Greys and on July 20, 1862 was made Color Corporal.

The Jefferson Greys became Company I, attached to the 28th Infantry Regiment. The 28th Infantry Regiment was organized at Big Shanty, Georgia, during July and August, recruiting members from Irwin, Sumter, Washington, Crawford, Cherokee, Stewart, Toombs, Jefferson, and Emanuel counties. When it was ordered to Virginia in April 1862, the unit contained 518 soldiers, and served in General Featherston's and Colquitt's Brigade. It participated in the various campaigns of the army of Northern Virginia from Williamsburg to Chancellorsville, then moved to Charleston, South Carolina, and later to Florida where it fought at Olustee.

Sent back to Virginia, it was active at Drewry's Bluff, Cold Harbor, and the Petersburg trenches north of the James River. Of the 371 engaged at Seven Pines, the unit lost thirty-two percent. It reported 73 casualties during the Maryland Campaign, 34 at Chancellorsville, and 95 at Olustee. In 1865 the regiment saw action in North Carolina and surrendered with the Army of Tennessee.

The field commanders were Colonels Tully Graybill and T. J. Warthen; Lieutenant Colonels James G. Cain, William P. Crawford, George A. Hall; and Major James J. Banning.

A letter was given to Janice Cox Brown by my great-aunt, Gladys Altman, after her death in Pampa, Texas, December 19, 1973. The letter below was written by James Clark to his sister-in-law, Martha Ann (Law) Clark during the Civil War. James was the younger brother of Martha Ann's husband, Thomas Clark, who enlisted in the war in Hamilton County, Florida, where he and Martha were living. At the time this letter was written by James, Thomas had died of wounds suffered at the Battle

of Sharpsburg, Maryland (called Antietam by the Yankees).

Camp of 25th GA Regt.
Baldwin, Fla.
April 18th, 1864

Dear Sister

I have the honor to acknowledge the recept of your kind faver, bareing date April 7th which gave me grate pleasure to heare from you & to hear that you was still enjoying the grate blessing of health for it is one of the gratest blessings that ever was bestowed upon people.

Dear sister, I have no news worth communicating to you at preasant. only the report here is that the Yankees are all gon from here & we are now cooking with Rations. to leave we donot know where. but it is supposed that we will go some where about Charleston or Savannah & I expect we will have to march it too. If we do I will not like it at all for they have sent some off on the Train & I think we are as much entitle to go on the Train as any of the Troops. but such is the fruits of war.

I supposed Dear Sister you said you hope that I would get the chance to come & see you before I left the State, but I will not get to come as we will leave here soon. probably today. or tomorrow. Not withstanding, I would like to see the girls you spoke of. I can imagin that I could have a nice time with them. I also would like to see your little child you spoke of. it would give me grate pleasure indeed to see you all. I know I could have a nice time. If I could only get there. but I don't expect tht I will ever get there until the war ends if I am so fortuneat as to be one of its servivers which I hope I will Oh, what a happy time it will be when this war ends. Though it is hard to tell when it will end. I ope this summer will end it – I trust the good Lord will speake peace to the land as he did when he was in the ship on the sea in a storm for it seames that this war has lasted long enough. it is a bad cruel & wicked war. Ancient History never have told of such a war as this before.

as I have no news, I will close hopeing to here from you soon. you can direct your letters to Lake City until I write you to change. I am as ever your true & affectionate brother.

James Clarke[1]

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[1] It appears that the surname of Clark was sometimes spelled with an "e" for both spellings appear in the records.

Notes and Sources

The Shepherds Town Academy

Contributed by Earl L. Jackson, Jr.

Background

Some years ago one of the heirs of Louise Briscoe entrusted me with a collection of documents dating back to the 1790s. I have almost completed the donation of those documents to the most appropriate facilities that can ensure their preservation and availability. The notebook of the minutes of the Board of Trustees of the Shepherds Town Seminary (later Academy) from November 1812 through July 1821 along with related correspondence have been donated to Shepherd University.

Most of the early schools served the middle class and operated as private institutions, taught by itinerant masters, and supported by tuition fees. Both an English and a German school were established in Shepherdstown, then Mecklenburg, prior to 1762.

A free public school system operated by the church served the indigent poor. In 1785 the state church was formally disestablished and a free public school system was transferred to county and state authorities. A state literary fund was established in 1810 to provide for the education of the poor. However, the free public school system was honeycombed with fraud and corruption and the poor received little education.

In early November 1811 citizens met to establish a school which was called the Shepherds Town Seminary. The term seminary was soon replaced by academy. The Shepherds Town Academy was incorporated by the general assembly on January 3, 1814. In 1820 Abraham Shepherd donated a half acre lot "for the purpose of building thereon an academy." In 1832 the trustees asked for proposals for the construction of a building "of brick or stone with a cypress roof." The general assembly authorized a lottery for that purpose in 1833. Shepherds Town Academy operated at least until 1850 when it petitioned the general assembly for financial aid.

In 1846 the assembly provided for the establishment of a district public school system controlled by elected commissioners. Each county continued to receive a prorata share of the literary fund. Education was free and a levy provided most of the funding. In 1850 Jefferson County

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Born and raised in the West, Earl L. Jackson, Jr., has been a resident of Charles Town, West Virginia since the mid 1970's. His retirement in the 1990's has left more time for his avocations – local history, book collecting and genealogy.

was the second county in present West Virginia to establish a free district public school system.

Minutes of the Board of Trustees

At a meeting of the following persons Vis: J. Brown, Van Bennett, Daniel Buckles, Robert Worthington, Thomas V. Swearingen, Charles Rutz, P. Marmaduke, and Thomas Tool at the house of John Wingard's in Sheperdstown Nov. 11th 1812, the above named persons, being a majority of the subscribers to a school about to be established in said town under the direction of Trustees, provided (missing) of Chairman and Secretary to said (missing) Van Bennett was chosen Chairman & Robert Worthington as Secretary. It was moved by a member of said meeting that the members present do proceed to the choice of fifteen persons as Trustees, which was accordingly done – and upon counting the votes the following persons appeared to be chosen Vis: Rev'd John Matthews, Rev'd Lewis Mayer, John Morrow, John Kearsley, William Morgan, Daniel Bedinger, John Baker, James Brown, Daniel Buckles, Robert Worthington, Van Bennett, Thomas V. Swearingen, Daniel Morgan, Presley Marmaduke, and Aaron Jewitt.

Ordered that any five of said Trustees do form a board to transact business for said school.

Ordered that James Brown & Presley Marmaduke be appointed by said meeting to inform such persons as are chosen Trustees of said choice and that they are requested to attend on Friday evening next at four oclock at the house of Tho(ma)s James in order to adopt such measures as may be thought most adviseable to carry said school into operation _ ordered that the meeting do now adjourn and that the chairman and secretary do sign the proceedings.

R. Worthington, Secy Van Bennett, Chairman

At a meeting of nine of the persons elected as Trustees of a school about to be established in Shepherdstown at the home of Thomas James on the 13th Nov 1812, to wit John Kearsly, Lewis Mayer, Robert Worthington, Thos V. Swearingen, James Brown, Van Bennett, Daniel Buckles, Presley Marmaduke & Aaron Jewitt . . . A motion was then made & seconded to proceed to the Election of a person to act as Pres. of the Trustees – when on counting the votes, no one candidate had a majority – and on motion to take a second ballot the Rev'd Lewis Mayer had a majority of votes and was declared duty elected.

On motion to ballot for a Treasurer, Robert Worthington was declared

to be duly elected.

On balloting for a person to act as Secretary, Presley Marmaduke was duly elected.

On motion to appoint a committee to examine such persons as shall offer themselves candidates for the office of Instructor, when the Rev'd J. Mathews, Lewis Mayer, Daniel Bedinger, John Kearsley and Aaron Jewitt were unanimously appointed.

On motion to appoint a committee to draft a code of Bye Laws for the governance of the school the following persons were appointed to wit: Rev'd John Matthews, Rev'd Lewis Mayer & Aaron Jewitt.

The following persons were appointed a commmittee to provide a house for the use (of) the school and to provide all the necessary supplies for carrying the school into immediate operation and render an account of their expendatures to the Treasurer to wit James Brown, D. Buckles, P. Marmaduke.

Ordered that the minutes of this meeting be signed by the Chairman & Sec'y.

A. Jewitt, Secy J. Kearsley, Chairman

At a meeting of six of the Trustees of a school about to be established in Shepherds Town at the house of John Wingard on the 19th Nov. 1812 to wit Rev'd Lewis Mayer, John Matthews, James Brown, Robert Worthington & Aaron Jewitt.

The report of the committee appointed to examine the Teacher was rec'd and approved and ordered to be recorded and the rep't filed.

Ordered that the school be named the Shepherds Town Seminary.

The committee to provide a suitable house for the reception of the school have reported which has been received and ordered to be filed. Ordered that the committee do carry out the other part of said order into execution and make report thereof.

Ordered that Mr. John McFarland be employed as the Teacher of said Seminary on the following terms to wit: he is to be allowed the privilage and benefit arising from the tuition of thirty schoolers provided it does not exceed two hundred & fifty dollars the first session and that he receives one quarters tuition advance provided it is paid into the hands of the Treasurer.

Ordered that Robert Worthington, Daniel Buckles, Van Bennett & P. Marmaduke be appointed a committee to raise by subscription a contingint fund.

Ordered that the subscribers to be summoneed to attend a meeting of

the board of Trustees on Saturday the 21st Int. at the home of John Wingard at four o'clock.

Ordered that the minutes of this meeting be signed by the President and Secretary.

P. Marmaduke, Sec'y Lewis Mayer, Pres.

At a meeting of seven of the Trustees agreeable to an adjourment at the house of John Wingard this 21st day of November 1812, to wit: Van Bennett, D. Buckles, James Brown, Aaron Jewitt, Robert Worthington, and John Unseld, one of the subscribers. Van Bennett was appointed president pro tem & Aaron Jewitt Sec'y pro tem.

Ordered that the meeting be adjourned to meet again on Wednesday next at the school house at 10 o'clock AM when the punctual attendance of all the subscribers is requested. At which time the school will be opened.

A. Jewitt, Sec'y P. Tem Van Bennett, Prestem

Shepherds Town 25 Nov. 1812

Agreeable to an adjournment, five of the Trustees met, To wit: James Brown, Van Bennett, Daniel Buckles, Robert Worthington & P. Marmaduke and Charles Rutz and John Briscoe, two of the subscribers, when D. Buckles was appointed President Protem.

Ordered that this meeting be adjourned to meet at 10 o'clock A.M. –

P. Marmaduke, Sec'y Danl Buckles, P. Protem

Shepherds Town Seminary 26 Nov

Agreeable to an ajournment nine of the Trustees met, To wit: Lewis Mayer, Pres, John Mathews, John Morrow, William Morgan, James Brown, Dan'l Buckles, Aaron Jewitt, R. Worthington & P. Marmaduke. and also Walter B. Selby, John Unseld & Charles C. Rutz & Jacob Craft four of the subscribers. When said Seminary was opened by the President with an appropriate address & a prayer suitable to the occasion.

On motion of one of the members to take the question to the subscribers whether or not one Dollar should be levied on each scholar to defray the expenses of Fuel & ???? for the winter session which was confirmed by a unanimous vote of eight subscribers present.

A constitution was submitted to the subscribers vesting powers in the Trustees which was signed by those present and ordered to be filed.

Ordered that the proceedings be signed by the president and attested by the secretary.

P. Marmaduke, Sec'y Lewis Mayer Pres.

Shepherds Town February 15th 1813

At a meeting of twelve of the Trustees of the Shephered Town Seminary to Wit: Lewis Mayer, President. John Mathews, John Kearsley, John Morrow, Daniel Bedinger, James Brown, Daniel Buckles, Van Bennett, Daniel Morgan, Aaron Jewitt, Robert Worthington & P. Marmaduke.

Ordered that the Committee who was appointed in a former order to procure a school house and all other necessary articles for the immediate use of the school do make report.

The above named Committee made their Report which was laid before the Board and was then ordered to be filed.

Ordered that the committee that was to solicite contributions for the contingency fund be instructed to collect and pay the same over to the Treasurer.

Ordered that the Committee who was appointed to procure the necessary supplies for the school do draw on the Treasurer for their respective accounts as filed.

Ordered that James Brown, Aaron Jewitt, P. Marmaduke be appointed a standing committee until the end of the session & that the said committee have power to draw on the Treasurer for all necessary expenditures for the said school.

Ordered that the proceedings be signed by the president and atested by the Secretary.

P. Marmaduke, Sec'y Lewis Mayer, Pres.

Shepherds Town 3rd of May 1813

At meeting of the Trustees of the Shepherds Town Seminary Vis. Lewis Mayer, John Kearsley, John (missing), Bedinger, Daniel Morgan, Van Bennett (missing) Daniel Buckles, William Morgan, John (missing) Thomas V. Swearingen & P. Marmaduke – (missing) of examining the (missing) having examined said school adjourned (missing) at four o'clock –

P. Marmaduke, Sec'y

Agreeable to an adjournment the following (missing) at the schoolhouse Vis: Lewis Mayer, (missing) ersley, Daniel Bedinger, Daniel

Morgan, Van (missing) tt, Daniel Buckles, William Morgan, John Morrow, Thomas Van Swearingen & P. Marmaduke – when it was resolved that John Morrow, John Kearsley, Van Bennett & Thomas Van Swearingen be a committee to preserve order regularity during the exhibition this evening in the Church.

Resolved that the following rules & regulations be adopted for government of the Trustees, Students & Teacher of the Shepherds Town Seminary. Vis: Bye laws of the board of Trustees of the Shepherds Town Seminary, passed agreeable to the powers vested in said board by the constitution adopt and signed by the subscribers to the Seminary.

For the government of the Board of Trustees

Article 1

Sect. 1 All elections of officers shall be by ballot & a majority of the whole number of Trustees present shall be necessary to make a choice.

Sect. 2 In the absence of the President and Secretary, or one of them, President or Secretary, or either, as the case may be, shall (missing) pro tempore.

Sect. 3 When the offices of President, Secretary or Treasurer, or if either shall have been (missing) such vacancy shall be filled as (missing) convenient; and the person who (missing), shall hold the office until (missing) tion of the term during which (missing) occurred.

Sect. 4 The President, Secretary, and Treasurer hold their office during one year (missing) not resign then without the count of (missing).

Article 2

Sect. 1 The President shall preside in every (missing) of the board, and shall determine all (missing) order subject, however, to an appeal from his decision, he shall put the question on the passage or rejection of any proposition & declare the state of the ????, he shall give the casting vote when the board shall be equally divided; he shall nominate all committees, subject to the decision of the board; he shall power to call a special meeting of the board; he shall receive applications for the office of Teacher and carry on all communications on that subject & lay the same before the board at their meeting.

Sect. 2 The Secretary shall have charge of the records and papers belong to the Board; he shall when the Board are convened read the communications which may have been made to them,

and when required any part of the laws bye laws or proceedings; he shall keep a journal of the proceedings at any meeting and enter it in the record, preserving also the original; he shall publish all notifications to the members of the Board or other persons concerned in the siminary; he shall furnish whatever stationary may be ???? for the use of the Board, and present his account to the Treasurer who shall pay it out of the contingent fund.

Sect. 3 The Treasurer shall receive and take charge of all monies belonging to the Board of Trustees; he shall keep a regular account of the number of pupils in each class attending the seminary of the monies received from them of the sums received of gratuitious donations of his disbursements on account of the siminary and lay the same before the Board at ???? of the session he shall ???? applications for and grant certificates of admission into the siminary as should be here after provided ???? shall settle all accounts which may be authorized by the Board but if in his opinion an account or charge be exorbinate he shall suspend the payment there of and lay it before the Board at the next meeting.

Article 3

The board may appoint the time of their next meeting; a special meeting may also be called by the President; ???? meet on the Monday next preceeding the end of every session; and if no meeting shall have been held in the interval at the end of three months thereafter.

Article 4

Sect. 1 Every member of the board may deliver his sentiments on the subject of any motion; but none shall speak when another is speaking and every speaker shall rise from his seat and address himself to the President.

Sect. 2 An amendment shall be considered before the original motion and a second amendment shall have presidence of the first, but no motion shall be considered whilst another is ???? unless it be made in the form of an amendment except a motion for postponement or adjournment.

Sect. 3 The report of a committee which is to be made the subject of a vote shall in every case conclude with a resolution on the matter to which it may relate.

Sect. 4 No member present at any meeting shall withdraw before adjournment without permission of the Board.

Sect. 5 The President shall call to order any member who dissents from the rules of the Board.

For the government of the Seminary

Article 1

The branches of learning that shall be taught in the Seminary shall be the following Vis: English reading & writing, arithmetic, grammer, composition, elocution, logic, geography, the use of the globes, and the latin and greek languages.

Article 2

Sect. 1 The number of pupils to be admitted to the Seminary shall not exceed thirty only otherwise provided by the Board of Trustees.

Sect. 2 The pupils shall be classed as follows Vis: The first class shall consist of those who learn. the second class shall comprehend those who study. The third class shall comprise those who study.

Sect. 3 The price of tuition shall be as follows, to wit. for pupils in the first class (blank) per session. for pupils in the second class (blank) per session & for pupils in the third class (blank).

Article 3

A session shall commence on the ???? day of November (Crossed out and May inserted) and end on the last day of (blank) (October had been written in very faintly) and again commence on the (blank) day of (blank) and end on the (blank) day of (blank).

The former shall be called the winter session and the later the summer session. A vacation shall be granted for a term not to exceed four weeks.

Article 4

An explanation of these requirements shall be made on the part of the pupils at the end of every session. The Teacher in conjunction with the standing committee of the Board shall make the necessary arrangements for that purpose & give notice thereof to the Trustees and the parents, guardians of the pupils.

Rewards shall be given to those pupils who shall have distinguished themselves of the contingent ???? well warrant it and the Teacher in

conjunction with the afore mentioned committee shall determine the quality of those rewards provided that the amount of them do not exceed fifteen dollars.

Article 5

A standing committee of three members shall be appointed at the end of the present session to continue until the final day of November next and thereafter at the commencement of every term as soon as the officers of the Board shall have been chosen to continue during the year. It shall be the duty of the standing committee to procure all necessary supplies for the seminary and to make report of their proceedings to the Board at every meeting. Their powers shall not extend to the furnishing of any extraordinary supplies except by a special order of the Board to that effect.

Article 6

All monies received otherwise than for tuition shall constitute a contingent fund subject to the orders of the Board.

Article 7

Sect. 1 Every application for admission into the Seminary shall be made to the Treasurer, who (if permitted by Section 1 of Article 2) shall give to the applicant a certificate of admission addressed to the Teacher stating the name of the pupil & the number of the class into which he or she is to be admitted & the teacher shall thereupon receive & instruct such student accordingly.

Sect. 2 Whenever a pupil is removed out of one class into another or quits the school the Teacher shall forthwith give notice there of to the Treasurer, to be noted in his school account as required in Section 3 Article 2 of the first ????.

Article 8

Sect. 1 No pupil shall be admitted into the Siminary for a shorter term than one session. If anyone be admitted after the commencement of a session he or she shall be ???? to continue during the next succeeding session as well as during the remainder of the existing one, unless he or she, or his or her parent, guardian, or patron be willing to consider that remainder a full session.

Sect. 2 No pupil shall be removed out of one class into another, except at the commencement or middle of a session.

Article 9

All tuition money shall be paid to the Treasurer in advance.

Article 10

Sect. 1 Every pupil shall pay into the contingent fund at the commencement of the winter session one dollar & fifty cents and at the commencement of the summer session one dollar.

Sect. 2 Every student of geography who shall make use of the globes and atlas belonging to the seminary, shall more over pay at the beginning of every session during which he or she desires to have the use of them (blank) cents and for the later (blank) cents.

Rule III
The Government of the Pupils

Article 1

Sect. 1 The pupils shall attend punctually during the hours appointed for school exercises and shall during those hours apply themselves diligently to their studies. They shall not make an inproper noise, nor go out without permission from the Teacher nor stay out longer than necessary, nor leave the school before dissmission unless specially permitted to do so.

Sect. 2 No student shall use any profane or indecent language nor have in his possession any vulgar, obscene or ???? books nor any unchaste or indecent print or painting.

Sect. 3 No pupil shall behave disrespectfully to the Teacher nor to his fellow pupils, nor to any other person, either on or out of the school room, nor on any pretense quarrel or fight with his fellow pupil.

Sect. 4 The pupils shall not play in the school, nor room nor behave disorderly on coming or going from school. The pupils shall alternately when required by the Teacher keep the school room in order, swept & cleaned, and perform whatever services it is customary in Seminaries of learning to require of pupils.

Article 2

When any damage shall have been wantonly done to the school house or the property of the Seminary it shall be repaired at the expense of him or her or them who committed the injury, or of their patrons, parents or guardians and the Teacher is hereby required to make the necessary enquiries relative to lay the result of them before the standing committee without delay.

Article 3

If any student be habitually negligent or disorderly and after being frequently repremanded or punished there be no prospect of his reformation. He shall be expelled.

Article 4

It shall be the duty of the Teacher for any violation of these rules, or for the offence discribed in article 2 to repremand or otherwise to punish the offender at his discretion, forbearing, however the infliction of stripes until other modes of punishment shall have been found ineffective, but in such cases as in his opinion may require more serious ????, he shall give the necessary information, as soon as may be to the President of the Board.

Resolved that Daniel Bedinger, Daniel Buckles, James Brown & Presley Marmaduke be appointed a standing committee during the session commenceing the first of May next.

Resolved that the above committee publish in the Martinsburg and Charles Town papers there having been an examination of the students of the above Siminary & the manner in which the students acquited themselves.

Ordered that the proceedings be signed by the president and attested by the Sec'y.

Teste

P. Marmaduke, Sec'y Lewis Mayer, President

Shepherds Town June 17th 1813

At a meeting of eight of the Trustees of the Shepherds Town Seminary vis: John Mathews, D. Bedinger, John Baker, Robert Worthington, W. Morgan, James Brown, Van Bennett & A. Jewitt.

On motion the Rev'd John Mathews was appointed President Protempore & A. Jewitt Secy'y Protem, On motion of Mr. Baker, it was ordered that the Teacher be permitted to retain the additional seven scholars that have already entered.

On motion of Mr. Baker, it was ordered that as soon as the Teacher shall have received assurances of the reception of ten scholars more than the number already ????, or when the whole number shall amount to forty-seven, he shall give notice there of to the President – who shall immediately call a meeting of the trustees.

On the motion of Mr. Worthington it was ordered that (missing) of the Seminary do furnish the (missing) with a statement of all the Tuition (missing) has collected from subscribers (missing).

Ordered that the standing committee (missing) public notice in such

manner (missing) think proper, or the vacancy in (missing).

Ordered that the Treasurer pay Mr. McFarland (missing) all the money that arose (missing) the last session –

On motion of Mr. Jewitt, it is ordered that a committee be appointed to arrange the studies of the several classes and that the committee consist of the President, the Rev'd John Mathews, J. Baker & Aaron Jewitt who are to make report.

J. Mathews, Pr. pro tem

Shepherds Town July 9th 1813

At a meeting of the Trustees of the Shepherds Town Seminary, Vis. Lewis Mayer, John Mathews, John Kearsley, James Brown, Thomas V. Swearingen, Aaron Jewitt & Presley Marmaduke.

Whereas Mr. Samuel Fee was introduced by Mr. McFarland to the board as a suitable person to be employed as an assistant in the Seminary, he was accordingly engaged for the balance of the present session at a salary of one hundred dollars, with an addition of twenty five dollars more should the increase of the school justify the same.

On motion of Mr. Kearsley to establish regular school hours: when it was determined in the following manner from eight until twelve in the morning and from two until half past five in the evening during the summer session & from nine until twelve in the morning & from one until four during the winter session.

Ordered that the Treasurer do pay the Teacher his salary quarterly.

P. Marmaduke, Sect'y Lewis Mayer, Pres.

Doctor John Briscoe to the Trustees of the Shepherds town Seminary

May 1813	For Tuition of 1 scholar in the Third Class		$ 7.50
	For Tax on above		$ 1.00
Oct'r 1813	For Tuition of 1 scholar in the second Class		$10.00
	For Tax on above		.50
Oct'r "	By account against John McFarland	$7	$ 7.00
	Bal due		$12.00

Oct'r 19th 1813 rec'd the above in full for R. Worthington, Treasurer

Jacob L. Wettzheimer

Shepherds Town

At a meeting of the Trustees of the Shepherds Town Seminary at the school house on Wednesday 27th October 1813, present Lewis Mayer, Pres. & Presley Marmaduke, D. Morgan, Worthington & J. Brown.

Ordered that the further consideration of Mr. John McFarland's application for an additional salary for his services as Teacher during the first session, to be taken from the surplus moneys, which may remain in the hands of the Treasurer from the last session tuition be postponed until the next meeting.

Ordered that an election for Trustees of the Seminary take place on Monday the 8th Nov'r next and that the Secretary cause publick notice thereof be given in the Farmers Repository & the Martinsburg Gazette, and that notice in like manner be given that the next session will commence on the day following that election.

Ordered that the next meeting of the board take place on friday week at 9 o'clock A.M. & that the Secretary give notice of same.

J.S. Brown, Sect. Lewis Mayer, Pres.

At a meeting of the Trustees on friday the 5th of Nov. 1813 at the School House, present the Rev'd Lewis Mayer, Presd't., Rev. John Matthews, Daniel Bedinger, Daniel Buckles, Thomas Van Swearingen, Robert Worthington, Van Bennett, & James Brown, Sect'y Pro Tem.

The standing committee having made their report, the same was ordered to be filed with the papers of the Trustees.

The treasurer having reported, and the same approved; it was ordered that the balance therein stated be paid, and the books together with the papers be delivered over to the next Treasurer.

Ordered that the Teacher be furnished by the Secretary with a copy of the rules in relation to the Seminary.

Ordered that Mr. McFarland account to the Treasurer, for what monies he has received from individuals during the second session.

Ordered that Mr. McFarland receive $250 for his services for the second session as Teacher and that the Treasurer pay to him the balance which may now be due him.

Ordered that Mr. McFarland's application for surplus tuition monies arising from the 2nd session can not be complied with.

Resolved unanimously that the President is Justly entitled to the thanks of the Board of Trustees for his labours & unremitted assiduity during the existence of the institution.

Resolved that the board now adjourn.

J. Brown, Sect'y Pro Tem Lewis Mayer, Pres.

At a meeting of the subscribers of the Shepherds Town Seminary at the school house on monday the 8th Nov'r 1813 agreeable to notice, for the

purpose of electing 15 persons to act as Trustees in conformity to the rules of the institution. Walter S. Selby was appointed chairman and James Brown Secretary. Where upon the meeting proceeded to a choice by ballot and upon counting the same it was found that the following gentlemen were duly elected to wit: Rev'd Lewis Mayer, Rev'd John Matthews, John Baker, James Brown, Robert Worthington, Daniel Buckles, Van Bennett, Daniel Bedinger, Thomas Van Swearinger, Aaron Jewitt, Daniel Morgan, Doc'r John Briscoe, Thomas Toole, Van Rutherford & Walter B. Selby.

Ordered that the Secretary notify the Trustees elected, that this meeting is adjourned to meet this afternoon at the Globe Tavern at candlelight in order to appoint a President, Treasurer & Secretary and that they be requested to attend.

Agreeable to the forgoing order the following Trustees (as elected) appeared in person and took their seats to wit. Rev'd Lewis Mayer, Walter B. Selby, Robert Worthington, Doc'r John Briscoe, Thomas Van Swearingen, Daniel Buckles & James Brown & by proxy Van Bennett & Thomas Toole, whereupon (W.B. Selby being continued president & James Brown Secretary) they proceeded to the choice of three officers and on the counting of the ballots, it was found that the Rev'd Lewis Mayer was duly elected president, Robert Worthington Treasurer, and Thomas Van Swearingen Secretary

Resolved that this meeting do now adjourn.

Teste

Brown

At the meeting of the Trustees of the Shepherds Town Seminary on Monday morning the 8th of Nov. 1813.

Present the Rev'd Lewis Mayer, Presd't, Daniel Buckles, Walter B. Selby, John Briscoe, James Brown, Robert Worthington, Van Bennett & Thomas Van Swearingen where upon the board proceeded to the selection of a Teacher for the ensuring session to commence on the 9th Inst. where John McFarland was unanimously chosen Teacher for the session aforesaid.

Ordered that the Teacher aforesaid be allowed a salary of two hundred and fifty dollars for each session unless the board of trustees should employ an assistant teacher then and in that case, the salary of this Teacher aforesaid shall be two hundred and twenty five dollars for the present session.

Resolved the standing committee be composed of the following members vis. Daniel Buckles, James Brown, John Briscoe and Daniel

Bedinger.

Resolved that it is expedient that a standing committee be appointed to visit the academy from time to time and report to the board of Trustees such things as to them should seem necessary that the board of Trustees should be made acquainted with and that the following gentlemen compose the committee above mentioned. vis. Walter B. Selby, John Baker, Aaron Jewitt & the Rev'd W. Matthews.

Resolved that it shall be the duty of the visiting committee to visit the academy once every fortnight.

Ordered that the Teacher of the Shepherds Town Academy Require each student to furnish himself or herself with a character Book and that he the Teacher state explicitly in a fair hand on every Saturday the manner in which the student conducted him or herself During the week. In that he notify the students that those character Books are to be preserved and laid before the Trustees at each examination.

Ordered that the tax on each student for the next session for one dollar and twenty five cents.

Resolved that the board meet again on monday next at 3 o'clock at the academy.

Ordered that the board now adjourn.

Teste

Thomas Van Swearingen, Sec'y Lewis Mayer, Pres.

At a meeting of the Trustees of the Shepherds Town Academy on the 15 Nov. 1813.

Present the Rev'd Lewis Mayer, President, Robert Worthington, Daniel Morgan, James Brown, John Baker, John Briscoe, Van Rutherford, and Thomas Van Swearingen.

Resolved that a petition be presented to the next General assembly of the commonwealth for an act of incorporation of the Trustees of this seminary and that John Baker, Robert Worthington and Daniel Morgan be a committee to draft said petition.

Ordered that James Brown and Robert Worthington be a committee to confer with Mr. John McFarland & Mr. Samuel Fee upon the subject of being employed in the Seminary.

Ordered that this board now adjourn to meet again this evening at candlelight at Mr. James tavern.

Thomas Van Swearingen, Sect'y Lewis Mayer, Pres.

At a meeting of the Trustees of the Shepherds Town Seminary on Monday evening the 15 Nov. 1813 at Mr. James Tavern.

Present the Rev'd. Lewis Mayer, Presed't, John Baker, Robert Worthington, John Briscoe, James Brown, Van Rutherford & Thomas Van Swearingen.

Ordered that Mr. Samuel Fee be employed as an assistant Teacher in the Seminary and that his salary be two hundred dollars for his services the present session and provided the Tuition fund will justify it, at the expiration of this session, he shall receive an addition of twenty five dollars to his salary and it is also understood that if after the said addition there should be any surplus of the tuition fund then said surplus shall be divided equally between Mr. McFarland and Mr. Fee provided that neither of their salaries amount to more than two hundred & fifty dollars for the session.

Ordered that the visiting committee divide and allot to each of the aforesaid Teachers each for Tuition the pupils in this Seminary in such way as to them may seem proper.

Ordered that the Treasurer purchase a pair of globes now in the use at the Seminary at forty two dollars price if they can not be had for less.

Ordered that the Secretary publish in the Martinsburg & Charles Town papers that this institution is now open for the reception of a few students and that he state the different branches of learning taught in the Seminary & that it is furnished with globes & modern atlas.

Ordered that the board now adjourn.

Thomas Worthington, Sect'y Lewis Mayer, Pres.

At a meeting of the Trustees of the Shepherds Town Seminary on Wednesday evening the 12th of January 1814.

Present the Rev'd Lewis Mayer, Presd't. & the Rev'd John Matthews, Aaron Jewitt, Walter B. Selby, James Brown, John Briscoe & Thomas Van Swearingen.

Ordered the standing committee notify the parents or guardians of each of the students now of the Seminary, who have not paid for the tuition of their student for the present session, that it is absolutely necessary that they should pay the said amount immediately to the Treasurer.

Ordered that the board now adjourn.

Teste

Thomas Van Swearingen, Sect. Lewis Mayer, Pres.

At a meeting of the Trustees of the Shepherds Town seminary the 11th of April 1814.

Present Aaron Jewitt, James Brown, John Briscoe, Daniel Buckles, Robert Worthington, Walter B. Selby & Thomas Van Swearingen, when

Aaron Jewitt was appointed President Pro. Tem.

The standing committee made their report which was received and ordered to be put on file.

The Treasurer made his report which was examined and ordered to be filed.

Ordered that James Brown and Presley Marmaduke do pay into the hands of the Treasurer $3 being for the rent of the school house for the year ending 1st April 1814. Ordered that the standing committee inform those who have not paid the amount of their tax and tuition to this institution, that it is absolutely necessary they should pay this balance immediately.

Ordered that a committee of five of the Trustees be appointed to superintend the examination of the students and that the following gentlemen be the committee. Vis: The Rev'd John Matthews, the Rev'd Lewis Mayer, John Baker, Aaron Jewitt & Thomas Van Swearingen.

Ordered that a tax of twenty five cents for each grown person & half that for each child be imposed upon all the spectators at the exhibition of the students of this institution except the parents or guardians of students, the Trustees and the elders of the church in which the exhibition shall be.

Ordered that the board now adjourn.

Thomas Van Swearingen, Sect A. Jewistt Pres. Tem.

At a meeting of the Trustees of the Shepherds Town Academy Saturday the 23rd of April 1814. Present the Rev'd Lewis Mayer, John Baker, Daniel Bedinger, Aaron Jewitt, Walter B. Selby, James Brown, Daniel Buckles, Robert Worthington, and Thomas Van Swearingen.

Whereupon the Rev'd Lewis Mayer was renamed ???? chairman and Thomas Van Swearingen was duly selected Secretary until another shall be elected in persuent to the by laws, which may hereafter be established.

Ordered that Robert Worthington be appointed Treasurer to this board and the penalty of the bond ???? to be given by the law incorporating the Trustees of the Shepherds Town Academy one thousand dollars conditioned as said law directs.

Ordered the Rev'd John Matthews, John Baker and Aaron Jewitt be a committee to draft a system of by laws, rules, and regulations for the government of the academy and that they report to the board on Wednesday the 4th of May.

Ordered that the Rev'd Lewis Mayer be appointed President of the board of Trustees of the Shepherds Town Academy.

Ordered that the board now adjourn to meet again on wednesday the 4th of May.

Thomas Van Swearingen, Sect'y Lewis Mayer, Chairman

At a meeting of the Trustees of the Shepherds Town Academy on the 4th of May 1814 agreeable to adjournment. Present the Rev'd Lewis Mayer, President, the Rev'd John Matthews, John Baker, John Briscoe, Aaron Jewitt, Daniel Buckles, James Brown, Walter B. Selby. The Secretary being absent, Aaron Jewitt was appointed Secretary pro tempore.

The committee appointed at the last meeting to draft rules and regulations for the government of the academy made their report in the words & figures following ???? Bye Laws, ????, ???? which report was amended and accepted and declared to be the bye laws of the academy.

Ordered that James Brown, Daniel Buckles and John Briscoe be the committee of supplies.

Ordered that the Secretary give public notice in the Martinsburgh Gazette that the school will go into operation on Monday the 9th of May.

Ordered that the board now adjourn until Saturday next. That the Secretary in the mean time give notice to all the Trustees to meet at 8 o'clock for the purpose of electing one or more Instructors.

Thomas Van Swearingen, Sect'y Lewis Mayer, Pres.

At a meeting of the trustees of the Shepherds Town Academy on the 9th of May 1814, present the Rev'd Lewis Mayer, the Rev'd John Matthews, John Baker, A. Jewitt, John Briscoe, R. Worthington, James (Brown?), Walter B. Selby, Thomas Van Swearingen & Daniel Buckles.

Ordered that the Secretary have printed as soon as may be 50 copies of the Bye Laws with the articles of incorporation of the Academy and draw on the Treasurer for the sum necessary for paying the expense and deliver them to the committee of supplies. One copy to be delivered by them to each of the Trustees.

Ordered that the Teacher be chosen by ballot.

???? ordered that one teacher only be appointed to superintend the Academy.

Whereupon the Board proceeded to ballot for one for the ensuing session and Mr. Samuel Lee was duly chosen.

Ordered that the teacher shall not ???? instruct more than thirty students during the ensuing session. Those first applying have the preference unless a sufficient number should justify (in the opinion of the Trustees) the employment of an ????.

Ordered that the salary of the Teacher for the ensuing session shall be placed at $225. And if the conduct, assiduity, and attention of the Teacher

(unable to make out several words) in the opinion of the Trustees will justify it, an addition of $25 will be made at the end of the session.

Ordered that the Board adjourn without delay.

At a meeting of the Trustees on Monday the 17th of October 1814 present Rev'd Lewis Mayer. W. B. Selby, R. Worthington, D. Buckles, James Brown, John Buckles, John Briscoe & A. Jewitt.

In the absense of the Secretary A. Jewitt was appointed Secretary, pro tem.

Ordered that the Trustees now proceed to the examination of the school. whereupon they did proceed with the examination until night.

Ordered that the board adjourn till tomorrow at 9 o'clock.

A Jewitt, Sec't, Pro Tem

At a meeting of the Trustees on the 18th of October 1814 agreeably to adjournment, present Rev'd Lewis Mayer, John Baker, W. B. Selby, D. Buckles, R. Worthington, James Brown, & A. Jewitt. The Sec'y being absent A. Jewitt was appointed Secretary Pro Tem. The Trustees finished the examination of the pupils.

Ordered that the committee of supplies notify all persons indebted to the Trustees to pay their several balances into the hands of the Treasurer.

Ordered that the board adjourn to meet on the 4th Friday in Nov. next.

A. Jewitt, Sec'y Pro Tem

At a meeting of the Trustees of the Shepherds Town Academy on the 30th of December 1814, present Rev'd Lewis Mayer, Rev'd Jno Matthews, John Baker, Jas. Brown, Jno. Briscoe, Van Bennett, W. B. Selby & A. Jewitt.

In the absence of the Secretary A. Jewitt was appointed Sec'y Pro Tem.

On motion ordered that the Trustees accept the following propositions made by John McFarland vis that he will take charge of the Academy upon the following conditions: that the usual sums for tax and tuition shall be levied on each scholar that from the aggregate shall be deducted the house rent and other expenses accruing from between the 3rd day of January next and the first day of April next and the balance he agrees to receive as his salary.

Ordered that the board adjourn sine die.

A. Jewitt, Sec'y Pro Tem , Pres.

At a meeting of the Trustees of the Shepherds Town Academy on the 24th day of Oct 1815, Present the Rev'd John Matthews, Thos. Van

Swearingen, Daniel Buckles, John Briscoe, Jnr. & James Brown.

When the Trustees proceeded to the election of officers –

The Rev'd Lewis Mayer - President
Thos. Van Swearingen - Sec'y
James Brown - Treasurer

Walter B. Selby, Van Rutherford, Van Bennett, and Daniel Buckles appointed a committee of supplies.

(Upper half of page missing)

(Probably listed members of the Visiting committee
(missing) proceed to appoint
(missing) charge of the Academy
(missing) following conditions
(missing) ?? of $500 and also the
(missing) of any number of pupils
(missing) Academy above thirty
(missing) the Treasurer pay to
(missing) ?? has been the unofficial
(missing) monies in his hand
(missing) tuition since said
(missing) ?? had charge of said
(missing) adjourned sine die.

At a meeting of the Trustees of the Shepherds Town Academy Dec. 15, 1815, present

Rev' Lewis Mayer, President
Aaron Jewitt, Sec'y Pro Tem

James Brown, Treasurer, and the Rev'd John Matthews, Daniel Bedinger and John Baker.

Ordered that the bye-laws be so amended that the absence of the President, the Secretary shall have power to call meetings of the Trustees and in the absence of the Secretary, the Treasurer shall be authorized to serve notice of meeting; and in the absence of the Presidient & Secretary, the Treeasurer shall be authorized both to call a meeting and serve notice.-

Ordered that the committee of supplies do immediately procure a house for the use of the school until (Upper half of page missing)

of the school until (missing)
Ordered that the (missing)
a commmittee or ??? (missing)
settle with John M??? (missing)

and ???? from (missing)
Adjourned sine die.
A. Jewitt, Sec'y Pro Tem

At a meeting of (missing)
Shepherds Town Academy on (missing)
1816. Present W. B. (missing)
Jno Baker, James Br (missing)
Aaron Jewitt & D (missing)
The President (missing)
was appointed Pre (missing)
Complaint havin (missing)
that some of the ???? (missing)
misconduct in a num (missing)
On motion ordered (missing)
them the Bye-Laws of (missing)
them a gentle admonis (missing)

Ordered that Mr. Johnathan B. Buckles be employed as an assistant instructor in the Academy, whose salary is to be at the rate of $300 per year, if the funds will admit of it

A. Jewitt, Sec'y Pro Tem Walter B. Selby, Pres. Pro Tem

Doctor John Briscoe
To Treasury Shepherds Town Academy

To tuition of Brother	1st Class	12.50
tax winter session		1.50
		14.00

Rec'd Shep's Town April 13, 1816 from Doctor John Briscoe for the purpose above stated.
J. Brown

At a meeting of the Trustees of the Shepherds Town Academy on the 5th day of November 1817 Present Rev'd Jno Mathews, John Briscoe, Jr., James Brown, W.B. Selby, Thomas Toole, John Baker and Aaron Jewitt.

On motion John Mathews was appointed Chairman and Aaron Jewitt Sec'y. The time of selecting officers having expired, on motion the Trustees proceeded to the election of officers. When on balloting it appeared that the Rev'd John Mathews as duly elected President. He having a majority of all the votes. Aaron Jewitt was elected Secretary, and James Brown, Treasurer.

Van Bennett appeared and took his seat.

On motion of Mr. Jewitt the price of tuition is to be raised as follows. Vis. The price of the tuition of the first class shall be for the present session at the rate of $15 per session. Those of the second class $12.50,. Those of the 3rd class $10.00.

Robinson is appointed tutor for the present session with a salary at the rate of $500 per annum.

The vestry of St. Andrews having given their permission to the Trustees to use the episcopal church for a school house the present session, Mr. Selby & Mr. Brown are accordingly appointed a committee to make arrangements for putting the school into operation.

A. Jewitt, Sec'y

At a meeting of the Trustees of the Shepherds Town Academy on the 10th day of April 1818 at the house of James Brown.

Present the Rev'd Mayer, Walter B. Selby, James Brown, Van Bennett, Thos Toole & Aaron Jewitt.

On motion Lewis Mayer was appointed president Protempore.

John Baker appeared and took his seat.

On motion the Trustees proceeded to elect a fit person to fill the vacancy occasioned by the death of Daniel Bedinger, Esquire. When the Rev'd Benjamin Allen was declared elected.

Adjourned to meet again on Tuedsay the 14th instant at 10 o'clock A.M.

A. Jewitt, Sec'y Pres.

At a meeting of the Trustees of Shepherdstown Academy on Tuesday the 14th day of April agreeable to adjournment at the house of James Brown. Present.

Rev'd Lewis Mayer
James Brown
John Baker
Thomas Toole
Aaron Jewitt
Van Bennett
Van Rutherford

Rev'd Lewis Mayer was appointed Pres. Pro Tem.

On motion resolved that the board now proceed to the election of officers Whereupon the board proceeded to bring in their ballots accordingly. When on counting the ballots it appeared that the Rev'd John Mathews was duly elected President. Aaron Jewitt Secretary and James

Brown Treasurer.

Thos Toole, James Brown & Walter B. Selby were appointed a committee of supplies.

Mathews, Allen, Baker & Jewitt a visiting committee.

It was then moved and seconded that the Trustees proceed in a body to the examination of the school. Which service being peformed, the board adjourned to meet again on Saturday at 11 o'clock.

A. Jewitt, Sec'y Pres.

At a meeting of the Trustees of Shepherds Town Academy at the house of James Brown on the 2nd day of April 1818. Present Van Bennett
James Brown
Benajmin Allen
John Briscoe
John Baker &
A. Jewitt

On motion Benj. Allen was appointed President Pro. Tem.

Ordered that the Secretary do immediately proceed to publish a notice the National Intelligencer that the school is vacant and to receive proposals from and correspond with any person, who may wish to take charge of the school. And then the Board ajourned.

A. Jewitt, Sec'y Pres.

At a meeting of the Trustees of the Shepherdown Academy on the 15th day September 1818, Present Thos. V. Swearingen, John Baker, James Brown, John Briscoe & Aaron Jewitt.

On motion Thos. V. Swearingen was appointed President Pro Tem. The several communications rec'd from various perons in conformity with the resolution of the board passed on the 2nd day of August 1818, were laid before the Board, and there being only a quorum present, it was resolved that the board now adjourn until the 19th instant.

A. Jewitt, Sec'y Pres.

At a meeting of the Trustees of the Shepherdstown Acadmy on the 19th day of September 1818, Present
Walter B. Selby
James Brown
Van Rutherford
Thos. V. Swearingen
John Briscoe
John Baker &
Aaron Jewitt

On motion James Brown is appionted President.
Several communications, which had been Rec'd by the Secretary, were laid before the board, whereupon it was moved and seconded that N. S. Reed, the Principal of Washington Academy be put in nomination for the office of Principal of this institution, when on counting the votes, it appeared that he was unanimously elected.

Ordered that the Secretary do inform Mr. Reed of his election.

Ordered that the Board do now adjourn.

A. Jewitt, Sec'y

At a meeting of the Trustees of the Shepherds Town Academy on friday the 30th of October 1818, Present: John Mathews, President
John Brown
John Baker
John Briscoe &
Aaron Jewitt

Ordered tha the salary of Mr. Reed, the instructor of our Academy, be fixed at $750 certain and $800 if the funds will admit of it.

Van Bennett & W. B. Selby appeared and took their seats.

The committee of supplies were directed to procure a place for the school for one month, if in their power, and have it prepared so that the school may commence on Monday next being the first Monday of November.

Orderd that the Secretary do publish a notice in the American Eagle that the school is in operation.

Ordered that the Board now adjourn.

A Jewitt, Sec'y Pres.

At a meeting of the Trustees of the Shepherds Town Academy at the ???? room Mr. James Brown on Friday the 16th of April 1819, Present: Rev'd Lewis Mayer, James Brown, John Briscoe, John Baker, Walter B. Selby, Van Bennett & Aaron Jewitt.

Rev'd Lewis Mayer appointed Pres. pro. tem

A communication was received from Thomas Toole resigning ???? as a member of this Board. Whereupon a motion was made and accepted that this Board do now proceed to fill vacancy occasioned by the resignation of said T. Toole. When Doctor Henry Boteler was put in nomination and unanimously elected.

A motion was then made and seconded that the Board do now proceed to the election of officers and decided in the affimative. When the board

proceeded to bring in their ballots for president, when the Rev'd John Mathews had a majority of votes and was duly elected.

The board then proceeded to elect a secretary. He having a majority of the votes.

The board then elected James Brown Treasurer.

The president Pro. Tem. then proceeded to nominate the various committees. When John Briscoe, John Baker, Henry Boteler & Aaron Jewitt were appointed a visiting committee.

Walter B. Selby, Van Bennett & Daniel Buckles were appointed a committee of supplies.

Doctor John Briscoe obtained leave of absence.

Resolved that the writing commmittee be instructed to enquire, what amendments, if any ought to be made to the present Bye-Laws of the Academy and make report to the Board.

Ordered that the Treasurer pay Aaron Jewitt four dollars and ninety-one cents, the amount which he filed.

Ordered that the treasurer proceed to collect all arrearages for tuition due to the Trustees for last session deducting from said tuition a due proportion for the time by the teacher's late indisposition.

Ordered that the Treasurer pay Conrad Shindler four dollars and ninety-five cents. The amount of his account which he filed.

Ordered that the Board adjourn to meet again at this place on the 8th day of May next at 10 o'clock.

A. Jewitt Pres.

At a meeting of the Trustees of the Shepherds Town Academy on wednesday the 16th of June 1819, present Rev'd John Mathews, Pres., James Brown, John Baker, Henry Boteler, John Briscoe & Aaron Jewitt.

Resolved that the Secretary be directed to procure an assistant for the Shepherds Town Academy whose compensation shall not exceed $180.

Ordered that the Treasurer proceed to collect all arrears due the Trustees.

Ordered that Aaron Jewitt, John Briscoe, Henry Boteler be a committee to apply to Capt. Abraham Shepherd for a conveyance to the Trustees of the Shepherds Town Academy of a suitable lot on which to build an Academy. That said committee, if they succeed in obtaining said lot, make an estimate & report to the Trustees the probable expence of building an Academy on said lot of brick of a suitable & convenient size.

Ordered that James Brown, John Baker, & Aaron Jewitt be a committee in conjunction with the teacher for the purpose of making the necessary arrangements for the examination of the pupils of the Academy

on the 30th instant & give notice thereof to their parents and guardians.

Ordered that the board now adjourn to meet again on wednesday the 30th instant at the episcopal church.

A Jewitt, Sec'y Pres.

We the subscribers do promise and oblige ourselves, our heirs, executors or administrators to pay the several sums of money annexed to our respective name for the purpose of purchasing a suitable lot and building an Academy thereon in or near Shepherdstown.

Subscribers Names	
Henry Boteler	$60.00
Wm Butler	$60.00
George Reynolds	$60.00
Daniel Buckles	$30.00
John G. Cookus	$50.00
William McMurran	$10.00
Edward Lucas, Snr.	$10.00
James McMurran	$ 5.00
Robert Lucas	$10.00

(NOTE): Above document not dated)

At a meeting of the Trustees of the Shepherdstown Academy at the episcopal church on wednesday the 30th day of June 1819 agreeable to ajournment, present Rev'd John Mathews, Pres., Rev'd L. Mayers, Rev'd B. Allen, John Briscoe, James Brown, Van Bennett, Van Rutherford, H. Boteler, Aaron Jewitt.

Ordered that the Trustees procced to examine the school before attending any other business.

It was moved and seconded that so long as the number of scholars continues too large for the instructor that he be permitted to employ some one of the pupils who is competant to teach small children, and that the one thus employed have his tuition free and the question being put thereupon it passed in the negative.

and then the board adjourned.

A Jewitt, Sec'y

At a meeting of the trustees of the Shepherds Town Acadmy at the room of James Brown on the 14h day of July 1819, Present W. S. Selby, T V. Swearingen, Henry Boteler, James Brown, John Briscoe, John Baker and Aaron Jewitt.

H Boteler, Pres. Pro Tem

Resolved that David Snively be employed as an assistant in the Sherpherds Town Academy for one session, whose salary shall be $45.

Ordered that the secretary be directed to inform Mr. Snively of his appointment and enter into a contract with him on his behalf of the Trustees.

Resolved that there be a fourth class admitted into said school to consist of children, who learn only spelling and reading.

Resolved that the tuition of the 4th Class be $15 per annum for each pupil.

At a meeting of the Shepherds Town academy at the house of James Brown on Saturday the 6th day of November 1819, present Rev'd Jno Mathews, Pres. James Brown, Van Bennett, Walter B. Selby, John Baker, Aaron Jewitt, Thos. V. Swearingen.

A communication was rec'd from Mr. Read, the teacher, giving an account of the general state of the school – and read in the following words to wit:

"To the Board of Trustees" etc.

Ordered tha the Treasurer pay Richard Williams one dollar.

Ordered that the board now adjourn.

A. Jewitt, Sec'y

At a meeting of the Trustees of the Shepherds Town Academy at Mr. Browns room on the 28th day of January 1820, present Rev'd Jno Mathews, Pres., James Brown, Van Bennett, John Baker, Aaron Jewitt,

Resolved that a female class be added to the school at the lowest rate of tuition. Ordered that there be a general meeting of the Trustees notified on the 2nd Wednesday of Feb'y next at 10 o'clock.

Ordered that the Treasurer pay Peter A. Young $7.75 being an acc't. asigned by Robinson & Harper

Ordered that the Treasurer pay Geo. W. Sappington $4.

Ordered that the Treasurer pay Selby and Wysong $23.81.

Ordered that the meeting do now adjourn.

At the meeting of the Trustees of the Shepherds Town Academy at the house of James Brown on Monday the 10th day of April 1820, present Rev'd Jno Mathews, Pres., Henry Boteler, John Baker, John Briscoe, James Brown & Van Bennett.

Aaron Jewitt, Esq., Secretary being absent, James Brown was appointed Secretary Pro. Tem.

A motion was then made and seconded, which was decided in the

affirmative, that the Board now proceed to the election of officers for the ensuing year, as prescribed by the Bye Laws of this institution – whereupon counting the ballots it was found that the Rev'd John Mathews was elected president, Aaron Jewitt Secretary and James Brown Treasurer.

Ordered that the Trustees meet again at this place on Friday next the 14th instant at 9 o'clock A.M.

Ordered that the Board now adjourn.

James Brown, Sec'y Pro. Tem.

At a meeting of the Trustees of the Shepherdstown Academy on the 15th day of April 1820, present Henry Boteler, W. S. Selby, John Briscoe, John Baker, James Brown and A. Jewitt.

A communication as rec'd from Nathan S. Read, Principal of the Academy resigning his office at the end of the present session.

Whereupon a motion was and seconded to accept the same and the motion being put thereupon passed in the affirmative.

On motion ordered that the Treasurer be authorized to take measures for collecting all monies due to the Academy up to the commencement of the present term.

Ordered that the Secretary be authorized to take such means for procuring another principal to take charge of the Academy on the 15th day of July next as he may diem expedient.

A communication was rec'd from Garret Winekoope concerning the sickness of his son praying for a remission of a proportional part of the tuition and the question being put thereupon was decided in the negative.

Ordered that all time lost by Mr. Read should be deducted from his salary.

And then the Board adjourned.

A. Jewittt, Sec'y

At a meeting of the Trustees of the Shepherds Town Academy at the house of James Brown on the 20 day of June 1820, present John Mathews, Pres., Thos. V. Swearingen, Henry Boteler, John Briscoe & James Brown.

James Brown is appointed Secretary Pro. Tem.

On motion of John Briscoe and seconded.

Resolved that the order passed at a former meeting directing the Treasurer to deduct from Nathan S. Read's salary as teacher a sum equivalent to all the time which he has been absent from the school be rescinded so far as relates to his visit to New Haven in the months of Sepr

and October last but in no other respect and that the Treasurer charge him with the sum of $2.50 which was deducted from the school account of Capt. Bennett in consequence of his absence at the time.

Thomas S. Bennett is appointed Trustee of the Shepherdstown academy in the place of Robert Worthington, resigned.

Mr. David Snively having made known to the Board of Trustees now sitting that Mr. Snider of Sharpsburg and himself are desirous of taking upon their own account and responsibility the Shepherds Town Academy for one year from the first day of July next together with all the school furniture ???? belonging to the said institution and to pay the rent of the school house for the remainder of the time for which the Trustees have taken it for the purpose of conduting and caring on the school to the best advantage on such conditions and under such regulations as shall be fixed upon by them & the Trustees – Wherefore an motion ordered that Thomas V. Swearingen, Henry Boteler & James Brown or any two of them be a committee to ???? the said Snider and Snively and do enter into a definit arrangement with them on the subject and report to the next meeting.

Ordered that the board now adjourn to meet again at this place on the 30th instant.

James Brown, sec'y Pro Tem

At a meeting of the Trustees of the Shepherds town Academy on the 30th day of June agreeable to adjournment Present Rev. Jno Mathews, Pres't, James Brown, Walter B. Selby, Henry Boteler, John Baker & John Briscoe.

The Rev'd Lewis Mayer one of the Trustees, having sent in his resignation, the board proceeded to supply his place. when James S. Lane was unanimously elected.

Ordered that John Baker be added to the committee heretofore appointed at the last meeting of the board to enter into arrangements with G. W. Snider & David Snively concerning their taking charge of the Academy.

The said committee not having reported to this meeting, directed to report to the next meeting.

Ordered that the Treasurer upon settling with Nathan S. Read, the late teacher in this academy, if a balance should be found in his favor & there should not be funds enough in his hands to discharge said balance shall draw from John Baker for the amount of said balance, to be paid out of any funds he may have in his hands belonging to the Academy, and it is further ordered that whatever sum may be drawn from said Baker shall be

refunded to him for use of the Academy, by the Treasurer, as he may make collections from those indebted to the Treasurer for tuition.

and the board ajourned.

A. Jewitt, Sec'y

At a meeting of the Trustees of the Shepherds Town Academy on the 6th day of July 1820 Present Rev'd Jno Mathews, Pres't, Walter B. Selby, Henry Boteler, James Brown & John Briscoe.

John Baker appointed Sec'y Pro Tem.

The committee appointed heretofore to enter into arrangements with G. W. Snider & David Snively respecting taking charge of the Academy beg leave to report – That they have had an interview with Mssrs Snider and Snively & were unable to effect any arrangement with them.

Ordered that Henry Boteler, Walter S. Selby, James S. Lane & Thomas S. Bennett or any two of them do settle the acc't of the treasurer and report.

Present Aaron Jewitt, Sec'y

The Secretary having been unable to procure a suitable person to take charge of the Academy at the commencement of the summer session in pursuant of an order hereafter made.

It is ordered that the Secretary do further prosecute his endeavor to obtain a suitable person to take charge of the Academy as soon as Possible.

and the meeting then adjourned.

Aaron Jewitt, Sec'y

At a meeting of the Trustees of the Shepherds Town Academy on 22 day of July 1820 – Present Thos. V. Swearingen, Van Bennett, Van Rutherford, Henry Boteler, James Brown, James S. Lane, Thomas L. Bennett, A. Jewitt.

When the Secretary made known to the Board that he had engaged Mr. G. W. Snider to take charge of the Academy Subject to their approbation.

Whereupon it was moved and seconded that said contract be approved and the question being put thereupon, it passed in the affirmative. For the above contract see the secretary's letter to Mr. Snider on file.

and the board adjourned.

A. Jewitt Sec'y

At a meeting of the Trustees of the Shepherds Town Academy on the 31st day of July 1820 at the school room – Present Rev'd John Matthews, Pres't, Thos. V. Swearingen, Henry Boteler, James S. Lane, John Baker,

James Brown & A. Jewitt.

Mr. G. W. Snider appeared and took charge of the Academy and submitted to the Trustees of the Academy a system of Bye-Laws, Wehreupon

Ordered that H. Boteler, Thos. Swearingen, John Baker & Aaron Jewitt be a committee to revise the rules and regulations for the discipline of the school who are to report their proceedings to the next meeting of the Trustees.

Ordered adjourned.

A. Jewitt, Sec'y

At a meeting of the Trustees of the Shepherds Town Academy on the 10th day of March 1821, present J. Mathews, Pres't, H. Boteler, W. B. Selby, T. S. Bennett, Thomas V. Swearingen, J. Brown & Aaron Jewitt.

Ordered that the Trustees rent the house at present occupied by the school at $40 per year.

Ordered that H. Boteler and Aaron Jewitt be a committee to rent the lower part of the school house to any solvent person.

Ordered that notice be given Mr. G. W. Snider the present instructor, that the Trustees will want the house now occupied by him as a school house, on the first day of next April.

Ordered that the Treasurer be directed to collect all monies owned the Trustees.

Ordered that Mssers Mathews and Jewitt be a committee to engage a teacher. and then the Board ajourned to meet again on Saturday the 24th inst. at candle light.

A. Jewitt, Sec'y

At a meeting of the Trustees of the Shepherds Town Academy on Saturday the 24th day of March 1821, Present John Mathews, H. Boteler, W. B. Selby, John Baker, James Brown & Aaron Jewitt.

A communication was received from G. W. Snider resigning (missing) office of Principal of the Academy.

H. Boteler & Aaron Jewitt, appointed at the last meeting to rent the lower part of the school house reported that they had rented the same to Lind (missing) for $15 per annum.

Ordered that John Baker pay W. B. Selby $15.33 1/3 out of any money that may be in his hands or any that may come into his hands belonging to the Trustees not otherwise appropriated.

and then the board adjourned –

A. Jewitt

At a meeting of the Trustees of the Shepherds Town Academy on the 2nd day of April 1821, Present Rev'd John Mathews, Pres., Thomas S. Bennett, John Briscoe, John Baker, James Brown, Henry Boteler, Thos. V. Swearingen, Aaron Jewitt.

Ordered that Mr. Mathews, Mr. Baker, Mr. Swearingen & Doc't Boteler be a committee to examine Mr. Ellsworth's credentials and engage him to take charge of the Academy for six months at the rate of $450 per annum if they find him qualified.

Ordered that Mr. Mathews, Mr. Swearingen, Doctor Briscoe & Aaron Jewitt be a visiting committee.

And then the board adjourned.

A. Jewitt, Sec'y

At a meeting of the Trustees of the Shepherds Town Academy on Saturday the 30th day of June 1821, Present Rev'd John Mathews, Pres't, James Brown, James S. Lane, T. V. Swearingen, A. Jewitt.

The Trustees proceeded to the examination of the school.

Ordered that the Sec'y put a notice into the next Virginia Monitor stating when the next session will commence, and that there will be a meeting of the Trustees the 16th day of July next and then the board adjourned.

A. Jewitt, Sec'y

At a meeting of the Trustees of the Shepherds Town Academy on Monday the 16th day of July 1821, Present J. Mathews, Pres't, H. Boteler, James S. Lane, James Brown, John Baker, Aaron Jewitt, Thos. V. Swearingen.

It having been ascertained that there is a deficiency of $57.30 for the last quarter, and whereas said deficiency has been paid by John Mathews, Thos. V. Swearingen, John Baker, Joseph McMurran, & Aaron Jewitt in proportion to the tution of their several scholars, as will appear by reference to the Treasurer's books. It is therefore resolved that said money paid as aforesaid shall be refunded to those, who have advanced it whenever the funds of the institution will admit of it.

Ordered that Rev'd John Mathews, Thos. V. Swearingen & Aaron Jewitt be a committee to make a report of the state of the school at the last examination and publish a statement thereof in the Monitor.

Ordered that the board adjourn to meet again tomorrow morning at 8 o'clock.

A. Jewitt, Sec'y

At a meeting of the Trustees of the Shepherds Town Academy agreeable to adjournment on the 17h day of July 1821, Present John Mathews, Pres't., Thos. V. Swearingen, Jas. S. Lane, John Baker, James Brown & Aaron Jewitt.

The committee appointed yesterday to make report on the state of the school – made their report in the words and figures following to wit "The committee ????" and on motion it was ordered that said report accepted & published in the "Virginia Monitor."

and then the board adjourned.

A. Jewitt, Sec'y

Jan'y 1828
Received of Dr. John Briscoe for W. Bennett, eleven dollars on tuition acct.

R. ?ichman

July 22nd 1829
Mr. Denny
Sir

I am sorry to find that one, or the other, of my little son's return, almost everyday from school very sick. And speaking of the circumstance today at Mr. Cookus' Store, Mr. C observed that he thought it was owing to the school-room being kept to warm that you keep the windows and doors shut during school hours. If that be the case you will oblige me as well as your other ???? by removing the cause.

With great respect
I am yours
J. Briscoe

March and April 1833

In response to an ad in the March 12th National Intelligencer John Briscoe, John Quigley, and John T. Cookus received inquiries from applicants in Delaware, Long Island, Baltimore and Easton, MD, and Alexandria, Charlottesville, Romney, and Williamsburg, VA.

Index of Names Associated with the Academy

Name	*First Date Mentioned*
Rev'd Benjamin Allen (Trustee)	April 10, 1818
John Baker (Trustee)	November 11, 1812
Daniel Bedinger (Trustee) (Died before April 10, 1818)	November 11, 1812
Capt. Thomas S. Bennett (Trustee)	June 20, 1820
Van Bennett (Trustee)	November 11, 1812
Doctor Henry Boteler (Trustee)	April 16, 1819
Doctor John Briscoe (Trustee)	November 25, 1812
James Brown (Trustee)	November 11, 1812
Daniel Buckles (Trustee)	November 11, 1812
Jonathan B. Buckles (Assistant Instructor)	December 15, 1815
William Butler	Undated document, probably June 1819
Cookus (storekeeper)	July 22, 1829
John T. Cookus	Undated document, probably June 1819
Jacob Craft (Subscriber)	November 26, 1812
Frederick Ellsworth (Principal)	April 2, 1821
Samuel Fee (or Lee) (Assistant Teacher)	July 9, 1813
Thomas James (Tavern owner)	November 11, 1813
Aaron Jewitt (Trustee)	November 11, 1812
John Kearsley (Trustee)	November 11, 1812
James S. Lane (Trustee)	June 30, 1820
Edward Lucas	Undated document, probably June 1819
Robert Lucas	Undated document, probably June 1819
Presley Marmaduke (Trustee)	November 11, 1812
Rev'd John Mathews (Trustee)	November 11, 1812
Rev'd Lewis Mayer (Trustee) (Resigned June 30, 1820)	November 11, 1812
John McFarland (Teacher)	November 19, 1812
James McMurran	Undated document, probably June 1819
Joseph McMurran	July 16, 1821
William McMurran	Undated document, probably June 1819
Daniel Morgan (Trustee)	November 11, 1812

Name	*First Date Mentioned*
William Morgan (Trustee)	November 11, 1812
John Morrow (Trustee)	November 11, 1812
John Quigley	March 1833
Nathan S. Read (Principal)	September 19, 1818
George Reynolds	Undated document, probably June 1819
Robinson (Tutor)	November 5, 1817
Charles C. Ruts (Subscriber)	November 11, 1812
George W. Sappington	January 28, 1820
Walter B. Selby (Trustee)	November 26, 1812
Abraham Shepherd	June 16, 1819
Conrad Shindler	April 16, 1819
G. W. Snider (of Sharpsburg) (Principal, resigned March 24, 1821)	June 20, 1820
David Snively (Assistant Instructor)	July 14, 1819
Thomas Toole (Trustee) (Resigned April 16, 1819)	November 11, 1812
John Unseld (Subscriber)	November 21, 1812
Thomas Van Swearingen (Trustee)	November 11, 1812
Jacob L. Weltzheimer	October 19, 1813
Richard Williams	November 6, 1819
Garrett Winekoope	April 15, 1820
John Winegard	November 11, 1812
Robert Worthington (Trustee)	November 11, 1812
Wysong	January 28, 1820
Peter A. Young	January 28, 1820

SOURCES

(www.wvculture.org/history/academies.html)

Magazine of the Jefferson County Historical Society (JCHS), Volume V, December 1939, Shepherdstown Schools, 1782-1872.

Charles H. Ambler, *A History of Education in West Virginia*, Huntington, WV, c1951.

Danske Dandridge, *Historic Shepherdstown*, Charlottesville, VA, 1910.

Clifford S. Musser, *History of Shepherdstown*, Shepherdstown, WV, 1931.



White House Farm

By Carmen Creamer

This year the annual Society picnic was superbly hosted on August 3rd, 2005 by Mr. and Mrs. Curtis Mason at their home, White House Farm, located immediately east of Summit Point on Summit Point Road. The event flourished in the good weather, for while the sun was hot, the yard was well shaded and members flocked under the food tent for all the wonderful pot luck dishes. The picnic took on a special flavor with music provided by the Martin Family Band, which was graciously arranged by our host.

One of the oldest farms in Jefferson County, the 396 acres was purchased from Jost Hite by Dr. John McCormick, a Scots-Irish immigrant, in May 1740. A three-story stone farmhouse was erected by Dr. McCormick by 1742. The property was surveyed by George Washington for Lord Fairfax in 1752. The property also contains what is thought to be the oldest standing stone barn in West Virginia, an early springhouse, and a wooden curing shed. Dr. McCormick was a prosperous and prominent country doctor, as indicated by his 1768 estate inventory. He was also known for the horses bred at White House Farm. Dr. McCormick and his wife Ann had six sons and two daughters; however, the farm was bequeathed to his youngest son, Andrew. During the Revolutionary War, Andrew McCormick and his wife Nancy housed Washington's troops, as well as providing them with horses. After the

War. Andrew operated an inn on the property, for he received an "ordinary" license in February 18, 1794. Andrew McCormick sold the farm to John Locke in September of 1807; John's brother George managed the ordinary, now called White House Tavern.

By 1845, Eleanor Locke, John's daughter, and her husband Joseph Morrow lived in the house. In addition to farming, Joseph Morrow operated a blacksmith shop across the road near the springhouse. Major Harry Gilmor, CSA and his men were attacked by a group of Union soldiers, led by Captain George Somers, in front of the house. Major Gilmor shot and killed Captain Somers; the house, springhouse and blacksmith shop and the event were portrayed by James Taylor in several images found in his Civil War Sketchbook.

The Morrow family renovated the house in the late 1800s, and later owners added several rooms. Between 1929 and 1940 the farm was owned by Luther and Lelia Naylor, who converted the stone barn into a milking barn, adding a silo. The dairy continued until about 1950, when Col. and Mrs. Edward Blake purchased the property. It was passed on to John and Alice Blake Van Tol in 1974, who sold the farm in 1984.

Mr. and Mrs. Curtis Mason purchased the property in 1998. Their restoration and renovation of the property have included a 2002 restoration of the springhouse, a 2004-05 restoration of the stone barn (the roof collapsed after a heavy snow) and renovations to the house. One lovely new feature of the property is a dining room mural on four walls that portray other local historic homes dating to the 18th century. Virginia McLaughlin, an artist from Frederick, Maryland created the mural and was at the picnic to discuss her work. In addition to renovating several rooms and chimneys, the Masons also have remodeled the kitchen and established lovely gardens in the rear and to the side of the house. Another guest, Roland Cadle of Village Restoration and Consulting of Claysburg, Pennsylvania was on hand to discuss his restoration of the stone barn. More on the history of White House Farm, as well as pictures of the picnic, can be found on the Mason's wonderful website, whitehousefarmwv.org.

The Society's Board of Directors would like to thank Mr. and Mrs. Mason for opening their house to us, Magnolia Tree for catering the chicken, barbeque and lemonade, Boy Scout Troops 42 and 948 for helping with parking, and Betsy Wells, our Programs Chairman, for arranging the event. Please contact Betsy Wells if you would like to offer your historic home as the site for next year's picnic.

Editor's Notes

As this issue of the Magazine comes to a close, I wanted to first extend the Historical Society's thanks to two past editors: first, Dr. John E. Stealey III, who served as editor for many years and kept the Magazine going through some lean years and second, Marie Tyler-McGraw, who served as interim editor last year and got Volume LXX out. Much of what you see in the current volume is the result of Marie Tyler-McGraw's work last year; it was her efforts that procured publication rights to Dan Everson's excellent history of the National Conservation Training Center property. I could not have put this volume together if it had not been for all her hard work on the Magazine last year.

I am serving as this year's interim editor and hope to continue with the Magazine for at least a few years. We need articles, photographs, memories and transcribed documents from **you** to continue the great tradition of the Jefferson County Historical Society's publication history, which began with the first Magazine in 1935. The Publications Committee of the Society has planned an ambitious publication schedule, beginning with the recent reprint of *Between the Shenandoah and Potomac: Historic Homes of Jefferson County, West Virginia (Virginia).* In the coming year, we hope to reprint the Charles Town Bicentennial booklet and *Tombstone Inscriptions of Jefferson County, West Virginia, 1687-1980,* as well as produce *Between the Shenandoah and the Potomac: A Visual History of Jefferson County* on DVD. Our quarterly newsletter, **The Guardian**, will keep you up-to-date on these efforts.

Send your articles, photographs, transcribed documents or other information for the Magazine to:

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or send an email to our website: www.jeffctywvhistsoc.org. Soon you will be able to purchase our publications on-line at our website.

Thank you for your contributions.

Carmen W. Creamer
Interim Editor