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Magazine of the

Jefferson County Historical Society

Volume XXV
December 1959

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Magazine of the

JEFFERSON COUNTY HISTORICAL SOCIETY



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JEFFERSON COUNTY HISTORICAL SOCIETY

Organized May 21, 1927

Headquarters — Esta Burton Hilleary Museum

Charles Town, West Virginia

OFFICERS

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Emeritus Directors — Susan Gregg Gibson, Charles Town; Sally Lee Powell, Shepherdstown.

ADDRESSES

(Delivered before the Society since December 1, 1958)

May 16 at Charles Town — "Jubal A. Early" by Dr. Millard K. Bushong.

November 7 at Charles Town — "Jefferson County in the News and Otherwise," A Symposium by A. D. Kenamond, Dr. O. C. Stine, the Reverend John W. Link, J. Burns Huyett, and Thornton T. Perry, Jr.

Membership — Open to all who have an interest in the history of Jefferson County. Annual dues of $1.00 should be paid to the Treasurer, Frank W. Buckles, before the meeting in May.

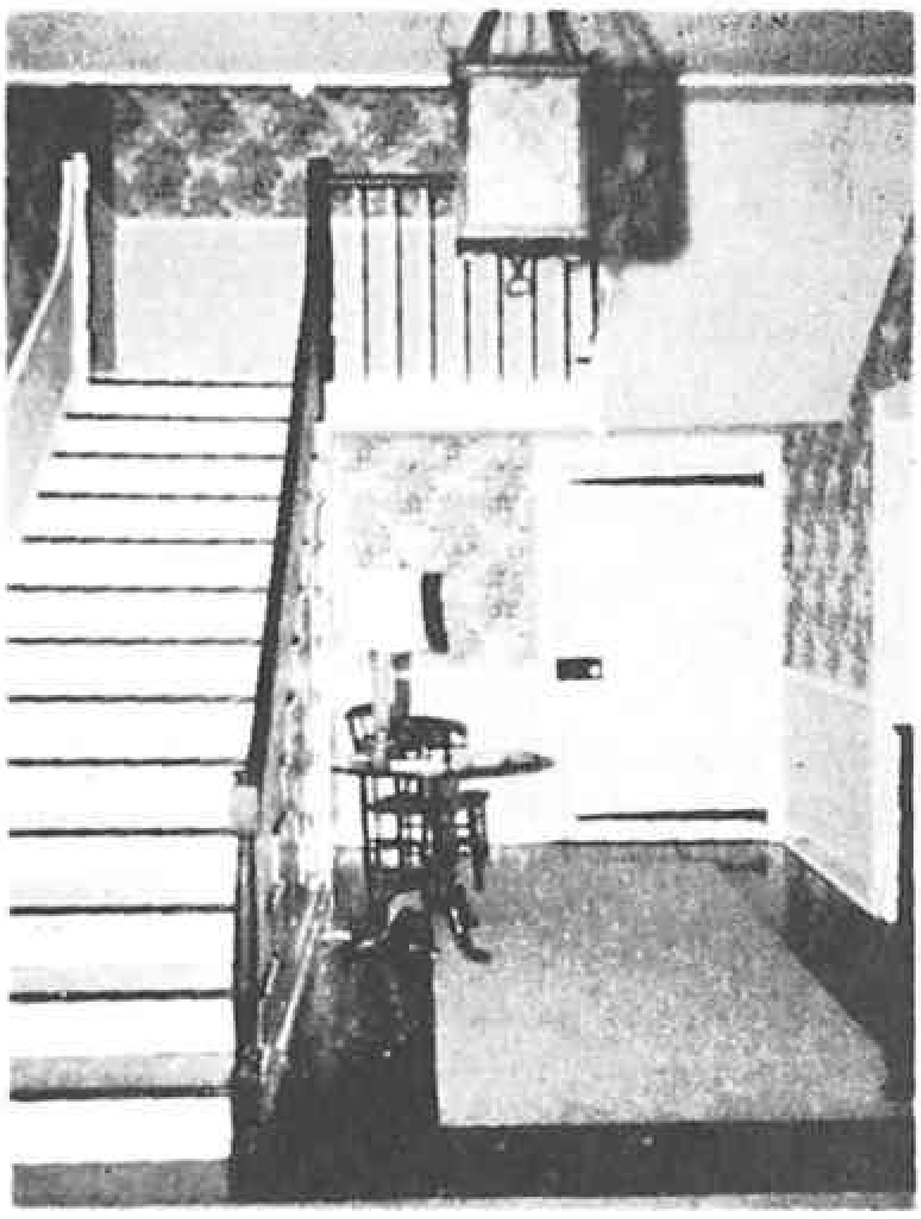
Price of the Magazine — $1.25 a copy. Copies of the 1937, 1938. 1939, 1940, 1943, 1944 and 1956 issues are no longer available.

Orders for the Magazine should be given to Treasurer Frank W. Buckles, Gap View Farm, Charles Town, West Virginia.

ALBUM OF HISTORICAL HOMES X

THE SHEPHERDSTOWN MANSE AND JOHN KEARSLEY

The Presbyterian Manse in Shepherdstown is the large brick dwelling on the northwest corner of Church and Main, or German, streets. For more than a hundred years it had twelve rooms, but about forty years ago three rooms at the north end were removed. It was thought that they had been the quarters for John Kearsley's "black boy Caleb" and his "black woman Lucy" and her two young daughters.



Hallway at the Manse

Three features of the Manse deserve special note. The hall on the west side was made a thing of beauty by its stairway with a finely turned walnut railing carrying all the way to the third story or attic, and the wide rear door with long strap hinges. Back of the hall, the balcony over a long porch is supported by massive pillars made round by the use of round-faced brick. The large double room east of the hall has deep-set windows and hand-carved mantels and may be partitioned by closing the six-section, full-height folding doors.

The Presbyterians secured a deed to the property on October 15, 1902, by paying B. F. Harrison $2,750. Their pastor, Dr. Charles Ghiselin, did not occupy it till 1903, allowing time to put a new roof on the dwelling.

B. F. Harrison got possession of the place on April 2, 1866. From April 13, 1869 till December 1873, serving as cashier, he used what is now the kitchen for the newly organized Jefferson Savings Bank, predecessor of the Jefferson Security Bank. Two months earlier, in October 1873, his daughter, Ida Virginia, had married Colonel Towner Schley, continuing to live in "the Manse" for the next twenty-five years. Towner and Ida Virginia Schley had four sons and three daughters — Harrison, Pinckney, Charles, John Ed, Meta, Mary ("Mamie"), and Virginia. Only John Ed, of Asheville, N. C., is now living, but he will make nostalgic references to his proud and happy days in the old mansion.

John Ed Schley (1818-1890), proprietor of the "Rockland" estate and father of Towner Schley, sold the Manse property to B. F. Harrison and Mary Catherine Hollida, his wife. He had bought it on March 26, 1860, from the heirs of his father-in-law, Benjamin F. Towner, who had paid the Lane brothers $2,520 for it on April 1, 1829. James S. Lane, Kearsley's "beloved friend" who seems to have been associated with him in the conduct of his mercantile business, had bought the property from John Kearsley's executor on July 26, 1820.

For many years John Kearsley was credited with building the Manse in 1796, but no one produced a record to show when he got Lot No. 5 on which it is located. Quite recently it was found in Deed Book 8, at page 411, Charles Town, that on June 2, 1814, John and Mary Line sold to John Kearsley part of Lot No. 5, 86 feet on German street and 127 feet on Church street for $1,000. The "appurtances" thereon were not described in the deed, but within a few years the value of the property had risen to $2,500. It thus appears that the north wing of the Manse had been built in 1796, or possibly a few years earlier, and that the five rooms and hall fronting on German street, with finer woodwork, were added by John Kearsley. A difference in the second floor levels of the two parts and the original separation of the second-story parts by a thick wall have been noted in this connection.

Deeds have been found for fourteen other lots in Shepherstown which John Kearsley acquired between 1778 and 1795. In 1796 he was carrying insurance on eight buildings. On Lot No. 4, on the corner across Church street to the east, he had a dwelling, store and warehouse, which his executor sold to his widow in 1820. On

the south side of Washington street, east of the Town Run, he owned three lots which recorded references in 1799 and again in 1806 identify as the place of his tannery. Other deeds show that he owned a little more than 800 acres in different parts of Jefferson county and had two lots in Martinsburg.

Aside from his position as a churchman, John Kearsley had considerable prominence in the community. Over a period of seventeen years, from 1795 to 1811, he was almost continuously a member of the town's Court of Trustees and with few exceptions was made its president. As early as 1787 he was a justice of the peace, an office then of such importance that he was often referred to as Judge Kearsley. Frequently cited in support of James Rumsey's right to fame has been John Kearsley's attest to witnesses of the successful demonstration of his water-jet propelled boat on the Potomac at Shepherdstown in 1787.

Shepherdstown Presbyterians feel that it is altogether fitting that they should have for their Manse a dwelling brought to completion and occupied by John Kearsley, since he with Charles and John Morrow and William Buckles and John Mark were the bulwark of their church in the earlier years of its first resident pastor and the decade immediately preceding. On July 11, 1780, John Kearsley was one of the Presbyterian trustees to whom Abraham Shepherd deeded two lots on the southeast corner of King and Washington streets. Possibly it is just as well not to stress the fact that on December 20, 1790, he was one of the trustees authorized by the Virginia Assembly to conduct a lottery for funds to complete the Presbyterian church on these lots. Long an elder in the church, he was a commissioner to the General Assembly in 1799. He was also president of the Bible Society in Shepherdstown, as shown in a letter he addressed to his sister, Mrs. Margaret Henderson, of Centre Furnace, Centre County, Pa., on March 9, 1819.

There seems to be no record as to the date when he came to Shepherdstown. However, he is listed as a private in Captain William Morgan's Company in the fall of 1776. His military service was probably of short duration. His enlistment called for three months service. A Martinsburg certificate dated September 22, 1777, would indicate that he was then a sort of recruiting officer, since it shows that he "delivered to Samuel Gill,

Lt. in the 4th Va. Regt., one able body man named James Cullen, who enlisted in the 4th Va. Regt."

It seems evident that he came in from Pennsylvania. His father, Jonathan Kearsley (1718-1782), who came from Scotland about 1739, sat in the Synod of 1763 as an elder from Carlisle, where he was a merchant and apothecary for about twenty years. Two or three years before his death Jonathan Kearsley and his wife Jane (1720-1801) moved to Shippensburg, Pa.

On September 16, 1766, Jonathan Kearsley, merchant, of Carlisle, deeded a tract of 300 acres in Fannet Township, Cumberland County, Pa., to his son John, landholder, of West Pennsboro Township, Cumberland County. On August 5 1776, John Kearsley, of Shepherd's Town, Berkeley County, Virginia, shopkeeper, deeded this tract to Capt. Matthew Henderson, his brother-in-law.

John Kearsley's first wife was Nancy Morrow, Nancy being a nickname for Agnes, and his close association with John Morrow suggests that she was a sister of the three Morrow brothers in Shepherdstown, Thomas, Charles and John. There was a Morrow settlement a little to the south of Carlisle, near Gettysburg, a community "as Scotch and Presbyterian as any parish in Scotland."

John Kearsley was born October 20, 1745, and departed this life June 26, 1819, in Philadelphia, where he was buried in the graveyard at Fourth and Vine streets. He was then probably visiting his grandson, John Kearsley Mitchell, the young doctor whose medical education he had helped to finance, or attending some church council, or both.

He had one sister named Jane, who married the Reverend Matthew Woods, and another named Elizabeth, who married the Rev. Robert A. Cooper, D.D., of Carlisle. A brother, Captain Samuel, looked after his business interests in Centre County, Pa. He had three other sisters, whose names were not mentioned in his will, which states only that they were so well endowed that a small bequest would mean nothing to them.

The brother Samuel was the Captain Samuel Kearsley to whom his General, George Washington, presented the sword he used at Princeton.

John Kearsley married twice. His first wife, Nancy Morrow, died October 16, 1801, in her 55th year. Within the next four years he married Margaret, the widow of

Charles Stewart, of Centre County, Pa., from whom she had a substantial inheritance. The tombstones of both wives are in the old Presbyterian burial ground in Elmwood Cemetery, Shepherdstown. One of them shows that Margaret was born in 1771 and died in 1849.

John Kearsley had one son and six daughters. To son Jonathan he left the Rider farm of 258 acres, near Halltown, which he had bought from William Hall in 1800. This Jonathan had a daughter, Ann Margaret, who married Isaac Newton Carter, early proprietor of the Carter House in Charles Town and great-grandfather of Hodding Carter, the currently well-known Pulitzer-prize-winning editor of the Greenville, Mississippi, Democrat; three sons, John, George and Samuel; and grandson named Jonathan Kearsley. From son George, who was a Major in the Confederate Army, are descended the Charles Town Seldens and Wysongs.

John Kearsley's daughter Elizabeth, on June 17, 1790, married Dr. Alexander Mitchell, a native of Ayrshire, Scotland, who in 1786 cast his lot with Shepherdstown and its Presbyterian church. She died April 28, 1797, in her 25th year, and her husband in 1799, after which their son, John Kearsley Mitchell, born May 17, 1793, lived with his maternal grandmother till her death in 1801, when he went to his father's people in Scotland. Educated at the University of Edinburgh and the University of Pennsylvania, he began the practice of medicine in Philadelphia in 1819. He became distinguished both in his own right and as the father of Dr. S. Weir Mitchell, celebrated neurologist and well-known author of the historical novel, Hugh Wynne.

Daughter Sarah Morrow Kearsley married Joseph Riddle on September 13, 1789. Daughter Jane married John Sanderson. Daughter Margaret, on April 22, 1799, married John Mines, Presbyterian pastor at Leesburg, Va., from 1806 to 1822. Daughter Eleanor Mark Kearsley, on May 26, 1803, married Dr. Samuel J. Cramer, and has several descendants now living in Charles Town, among them being Mrs. Frank J. Beckwith, the young Beckwiths, and the grandchildren of the late Thomas R. Moore.

The Jefferson County Allemong, Kearney and Woods lines, rightly claiming Kearsley descent, trace their ancestry back to John Kearsley's sister Jane, who married the Reverend Matthew Woods.

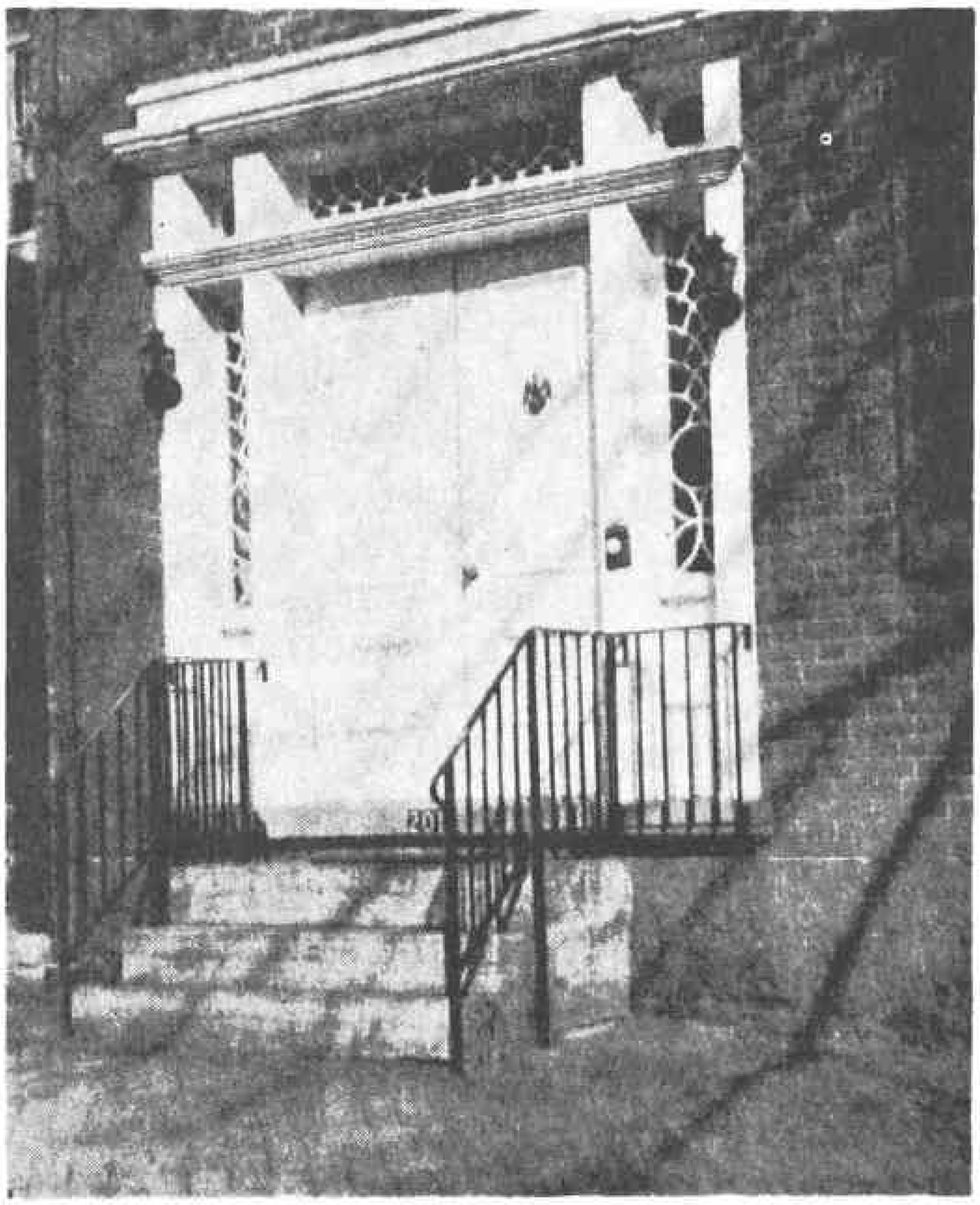
As John Kearsley neared the end of his long and useful life he might well have expressed a sentiment beautifully stated in the poetry of his great-grandson, S. Weir Mitchell:

I know the night is near at hand,
The mists lie low on hill and bay,
The autumn leaves are drifting by,
But I have had the day.

Yes, I have had, dear Lord, the day.
When at Thy call I have the night,
Brief be the twilight as I pass
From light to dark, from dark to light.

The preceding account brings together the results of a search through court records, wills, deeds, and marriages, in several counties, church records and the minutes of the Court of Trustees and Town Council of Shepherdstown. Also used were Ernest Earnest's biography of S. Weir Mitchell and an 84-page booklet entitled "Descendants of Jonathan Kearsley and Jane Kearsley of Carlisle, Pa.," pubished in 1900 by Elmer L. White, Pittsburgh, Pa., who married a great-niece of John Kearsley. The editor is greatly indebted to Miss Jean Kearsley Kearney, of Washington, D. C., and Mrs. Herbert Miller, of Shepherdstown, for the loan of that booklet.

Front Entrance to the Manse



THE HITE v FAIRFAX SUIT

(An address, delivered before the Society on November 15, 1958 by Miss Elizabeth K. Rogers.)

I had intended to begin this talk by saying that it was like "carrying coal to Newcastle," for me to discuss the Hite v Fairfax lawsuit with the Jefferson County Historical Society, until I heard on the radio that they are no longer mining coal at Newcastle. There are, however, three other members of your society who are to be blamed for this talk. The Kenamonds have done nothing to lessen your misery, in fact, they suggested it; and Linnie Schley is guilty because she is the person who directed me to the Records in the Case preserved by Mr. Eddy and his staff at the Handley Library in Winchester. I do not have all the answers to this lawsuit; but its study has given me a great deal of pleasure, some of which I hope to share with you.

The Plaintiffs and Defendants

All who have written about this case concede that the principal litigants were dead when it was decided, which is true; but no writer mentions that two of Jost Hite's partners, Robert Green and his uncle William Duff, were dead before the lawsuit started. Nor does anyone mention that there were eighty-two defendants, other than Lord Fairfax, named in the Bill of Complaint. William Green, a son of Jost Hite's partner, Robert Green, as well as three of Robert McKay's sons, James, Zachariah, and Robert, Junior, were defendants in 1749 and became plaintiffs in 1769. Many of the other defendants are familiar names in Jefferson County, such as: Paul Frowman, Jost Hite's son-in-law; George Robinson, McKay's son-in-law; George and Lawrence Washington, Thomas Hart, Richard Morgan, Thomas Rutherford, Richard Stephenson, David Vance and the Representatives of John Vanmeter.

The lawsuit does not seem to be what we would term a "friendly suit," but there is no evidence of personal animosity between the contestants. There is, however, a great deal of sly humor, occasional irony, especially by Lord Fairfax, and considerably more understanding of the objectives of the case in general than most writers have observed. The lawsuit was over the title to 140,000 acres of land, for the settlement of which Lieutenant Governor Gooch and his Virginia Council had given John

and Isaac Vanmeter orders in 1730, and Hite and McKay orders in 1731. The Vanmeter orders in council were for 40,000 acres with the stipulation that for every thousand acres granted them, one family was to be seated on the lands within two years. Jost Hite bought these orders from John and Isaac Vanmeter in 1731; then, with Robert McKay, he returned to Williamsburg and secured an additional order from Governor Gooch and his Council for 100,000 acres of land with the same stipulation for seating. These orders are to survey land described as being on the Shenandoah river, and all the lands were within the boundary of what is known as the Northern Neck of Virginia granted to Lord Fairfax's ancestors by the British kings.

The photographic copy of the Records in this Case at the Handley Library have several errors made by the clerks who transcribed the information to them. With the help of other printed sources, however, many of these errors can be corrected. The dates in this case have been interpreted such a number of different ways, it might be interesting to quote some of them from the Records. The suit began on July the 31st. 1749, and Jost Hite and Robert McKay filed their Bill of Complaint on October the 10th. that same year. Lord Fairfax replied fairly promptly on March the 22nd. in 1750, but the defendants who lived on Smith's Creek in Augusta County did not reply until almost four years later. George Wright and William Ewing's reply is not dated until more than 10 years after the suit began in the General Court of Virginia at Williamsburg.

Decisions and Appeals

There had been no decision in the case by October the 13th. 1769, and only interlocutory orders had been issued, when the suit was revived in the names of the heirs of the original grantees. The provisional decree of 1769 is interesting to us because, in order to enforce its decree, the court appointed a commission of eight prominent men, including Thomas Marshall, (the father of Supreme Court Justice, John Marshall) then Surveyor of Frederick County, "to examine and state a memorial, who, at present hold the lands in the surveys made for Jost Hite and others under sundry orders of council of this Colony before the 25th. of December 1735, showing the nature of their claim and of their title to the lands in question."

In large part the records are made up of the investigations by these Commissioners and of descriptions of the surveys made by Thomas Marshall.

The first final decision is dated October the 10th., 1771, and was signed on December the 15th. that year. This decision was handed down more than 22 years after the beginning of the lawsuit. Both sides appealed the decision to the King in his privy council in 1772, but the Revolutionary War prevented a decision on this appeal. On Tuesday the 29th. day of October 1780, 22 days after the Battle of King's Mountain, almost a year before Yorktown and the end of the War, the Representatives of Jost Hite and Robert Green brought the case before the Virginia Court of Appeals. This was after the Capitol had been moved from Williamsburg to Richmond, and thirty-one years after the suit began in the General Court there. In March 1781, again in April 1782, the case was postponed. Lord Fairfax was still living at Greenway Court when the appeal was started. He died, however, on December the 9th., 1781, before the records could be assembled for the appeal. The court took no notice of his death for four months and twenty days after he had passed away in his doctor's office at Winchester, Virginia. It was almost a year later, on October the 29th., 1782, after the records had been assembled, that the court gave the Hites permission to "revive this suit. . . against the Executors, administrators, and heir at law or other legal representative of the said Thomas Lord Fairfax."

Each Spring and Fall in 1783, 1784 and 1785, the case was continued. Finally, on Friday, April the 29th. 1786 (the Handley Transcript is dated May the 29th. which is obviously an error in copying the records.) ". . .the cause being partly heard. . .is continued till Monday next." Each day during the first week of May 1786, the case was ". . .continued till the next day." On Friday, May the 5th. it had been ". . .fully heard. . . but the Court are not yet advised of their judgment. . .they take time to consider thereof." Saturday, May the 6th, ". . .the court having maturely considered. . .are of opinion:" This final decree was not dated until Wednesday, November the 14th., 1787, 38 years, 3 months and 13 days after the suit began. Even then, the Fairfax heirs and executors were "permitted the liberty of appeal on any other question which had been especially stated in the cause."

H. C. Groome in Chapter X of **Fauquier During the Proprietorship,** published in 1927, relates the consequences of the litigation with Lord Fairfax and his heir at law or other legal representative which reduced the Fairfax land claim to insignificance. This litigation is reported in Hunter v Fairfax's devisee (Munford I, pp 218 et seq.) which came up in the Winchester District Court in 1791. It was taken to the Supreme Court of the United States in 1796 (Dallas III, p. 305) under the title of Fairfax's Devisee v Hunter's Lessee (Cranch VII, p 603). The decision of the Supreme Court in this case was discussed by the Virginia Court of Appeals in an assumed case, Hunter v Martin, devisee of Fairfax (Munford IV, p. 1 et seq.) for six consecutive days in 1815. The decision of the Virginia Court of Appeals dated December 16th., 1815, "not to obey the mandate of the Supreme Court of the United States" is one of the reasons that this lawsuit is as timely as tomorrow's newspaper.

Hite and Fairfax Titles

It is generally known that Hite and Company were many years obtaining a clear title to their lands in the Northern Neck, but very few realize that the Fairfax title to the lands in question antedated the Hite lawsuit by almost a hundred years. Both the Hites Bill of Complaint and Lord Fairfax's Reply begin by admitting the facts of the Charters to Lord Fairfax's ancestors. It all began with the grant of Charles the Second at "St. Germain en Laye, in 1649" to six Cavaliers who had supported his "late royal father of blessed memory. . ." for all that tract of land between the heads of the rivers Rappahannock and Potomac and the Bay of Chesapeake. Both sides in the dispute, also, admit that James the Second in 1688 regranted the whole tract to Thomas Lord Culpeper and that Thomas Lord Fairfax, Baron of Cameron in that part of Great Britain called Scotland is heir at law to Thomas Lord Culpeper. Lord Fairfax's Reply to the Bill of Complaint says that he became "seized and possessed of the lands in the year 1719."

George Washington was about five months old when Robert Carter died in August of 1732. Both Washington's birth and Carter's death are significant to the history of the Northern Neck of Virginia. It was Robert Carter's death which made it necessary for Lord Fairfax to take

an interest in his affairs in Virginia. The favorable decision of George the Second on April the 11th., 1745, in the case of Fairfax v Virginia, by which Lord Fairfax obtained what William Byrd termed his "so extensive pretensions of 5,262,000 acres of land" was due to the prudent management of the proprietary by Robert Carter, often called King Carter. In 1736, during Lord Fairfax's first trip to Virginia, the Colonial Legislature voted him the "sole proprietor of the Northern Neck," largely because they were anxious to have him approve many of their tidewater grants in which minor errors in deeding or irregularities in naming the proprietors had been made. There had also been many mistakes made in the kind of authority which the Virginia agents of the proprietors had been given to grant these lands. After the 1745 decision of George the Second, the only action remaining to perfect the boundary of this princely Domain was to run the Fairfax line. This line was run in 1746 from the headsprings of the Rappahannock and Potomac rivers, at which the commissioners had placed stones ten years previously in the dispute between Lord Fairfax and the Colony of Virginia.

Hite Charges Against Fairfax

The specific charges of Hite and McKay against Lord Fairfax were: (1) That Lord Fairfax had confederated with the other defendants in an attempt to defraud Hite and Company of their lands.
(2) That he had assigned the lands which were part of Hite and Company's orders in council to the other defendents in the case.
(3) That he had created a jealousy between Hite, McKay and their other partners in the lands granted.
(4) That he had conspired to have George William Fairfax elected a member of the Virginia Legislature, and had not taken Gabriel Jones, elected at the same time in 1748, into his confidence concerning the order of George the Second regarding Lord Fairfax's boundary as settled in 1745.
(5) That he had secured the passage of an act in the Virginia Legislature of 1748 to permit him to grant deeds only to those whose lands had passed the Seal of the Colony, and had denied that an order of council is always called a grant.
(6) That he had persuaded those to whom Hite had given bonds for their titles to combine against him and had

dissuaded them from joining the Hites in this suit by promising them their lands, if they would not join in the suit.
(7 That he did not give Hite and Company due notice before he opened his office for granting the lands in Frederick County, as he had promised them he would.

Counter Charges by Fairfax

Lord Fairfax's specific charges against the Hites were:
(1) That the Hites rather than encourage a back settlement in Virginia, had retarded the growth thereof, as they had not fulfilled their contract with the Virginia Government to settle one family for every thousand acres of their order in Council within the two years specified.
(2) That they sold lands without proper regard to form, order, custom, usage, equity or the laws of the Colony of Virginia.
(3) That the uncertainty of their boundaries resulted in their selling any part of the lands that anyone wanted anywhere within the proprietary, and that to the one who would give the greatest price for the land.
(4) That they ran for many miles upon the waters and included all the waters and springs in their lands, leaving out large tracts which were devoid of water for the benefit of small quantities of land.
(5) That the surveys of Robert Brooke for John Vanmeter, William Vestal, Jost Hite, John Littler, Paul Williams, Israel Friend, and Mark Woods well illustrated this point.
(6) That foreigners and strangers were not safe in trying to procure lands in Virginia but were intimidated by the Hites and Company.
(7) That their true aim was to raise fortunes for themselves and for their family at the expense of so valuable a part of the country.

Disputed Lands in Jefferson

The part of the disputed lands which interests the people of Jefferson County is that part of the Vanmeter tract not contested by William Russell's boundary dispute. It was the 20,000 acres described as being in "the fork of Shenando and Cohongoroota and extending thence to Opeckan and up the south branch thereof." If the letter of the law had been strictly adhered to, these

lands should have been settled and the deeds issued by 1732. The information concerning this area from Thomas Marshall's surveys and the reports of the Commissioners appointed by the court in 1769 can be considered fairly accurate. The Commissioners construed their instructions from the court as empowering the surveyors to "lay off any tract of land where all the persons living within the lines of the said tract, did not acknowledge that they were within those lines."

Some Jefferson County Tracts

The Elk Branch Tract, containing 1,300 acres, which George William Fairfax claimed by a deed from Lord Fairfax, was also claimed by Philip and John Ingle in their proper persons, and by Philip Ingle as guardian to George and William Ingle with Michael Ingle. John Smith, John Briscoe, Lewis Neill and William Darke also owned lands within this survey. These land owners produced Thomas Hart, Junior, as a witness to prove a contract between Jost Hite and his father Thomas Hart, Senior, from whom their titles were derived. They also had deeds from Lord Fairfax to cinch the deal. Joseph Darke, aged 68 on August the 27th., 1770, said: "he was with Jacob and John Hite at Thomas Hart's house and understood from a conversation relative to Col. (George Wm.) Fairfax's threatening to take up land which Jost Hite had contracted to sell to Thomas Hart, that Jacob and John Hite had advised Thomas Hart to enter the land in the Lord Fairfax's office, as it would cost but little." When he was asked whether Jost Hite was alive at the time of the conversation, replied: "he was." Smith, Briscoe, Neill and William Darke also produced Jost Hite's bond to Thomas Hart, Senior, which had been witnessed by Isaac Pennington and John Frost on the 27th. day of March in 1735. There are other depositions concerning these lands in the record, as also a power of attorney, dated the 3rd. day of September 1754, which Thomas Hart, Senior, gave to Thomas Hart, Junior, when Thomas Senior was about to leave Frederick County for Carolina.

Jefferson County is also the location of the 360 acres on the South Side of Opeckon which Burkett Reagan, John Lemon, Edward Mercer and Jacob Vandiver claimed under deeds from Lord Fairfax. The widow of John Patton, named Mary, who was about 73 years old on the 10th

day of September 1770, was ill when Mr. John Lemon secured her deposition regarding the lands. With the consent of the Hites, the deposition was not taken before the Commisioners. This land, then known as Rocky Marsh, was in Orange County when Mary Patton's husband, John Patton, bought it from John Lilburn about 1739, for forty pounds. After John Patton's death, Mary Patton's son Samuel Patton sold it to Edward Mercer and to John Lemon. A John Smith born in 1716, deposed concerning these lands and the Hites admitted that Fancis, son of John Lilburn, who was Hite's devisee, had sold some of the land to Burket Reagan. John Lemon had sold a part of what he held to his son, Alexander Lemon, who had sold it to Jacob Vandiver.

The 1,200 acres on the West Side of Sherundo adjoining Joseph Mounts is undoubtedly in Jefferson County; although the survey, dated on November the 10th., 1735, was not filed with the papers. This survey which was said to have been bounded by the West Side of Hungluto (Cohongoroota) joined the lands of Joseph Mounts, Richard Poulson and Josiah Jones. It was demanded by the Hites that these lands be run out and surveyed by the commissioners appointed by the court. Before Thomas Marshall could make the survey, however, on September the 12th., 1770, Van Swearingen, Senior, appeared and forbade him the survey, claiming the lands on both sides of the said line. Van Swearingen also acknowledged that he held 200 acres of land within the Hites claim, besides other lands. When Marshall told him that the Commissioners appointed by the General Court had authorized him to make the survey, Van Sweagingen denied the power of such a court to direct a survey of his lands. Although the lands were apparently not surveyed by Marshall, he reported in memorandum that: "Van Swearingen, Senior, Peter Williamson, Thomas Boidstone, William Green, John Hadecalf, Vaile Hadecalf, the heirs of William Chaplain, deceased, and James Foremans, guardian to orphans were alledged by the Hites to hold each of them part of the 1,200 acres of land."

Beyond the Berkeley County Line

The 206 acres on Swan Pond which were surveyed by James Wood on November the 13th., 1735 for Jost Hite showed that the Right Honorable Lord Fairfax, William Maxwell of Pennsylvania, and Jacob Morgan, in right

of his son, an infant, possessed these lands. There were 450 acres instead of the 206 acres which the survey was supposed to contain. In 1770, William Morgan as heir at law to Richard Morgan, deceased, laid claim to the survey and in support of the said claim produced a receipt from Jost Hite dated the 13th. of April 1734 for payment for two tracts of land containing 450 acres for which Hite was to procure patents at his charge. Lord Fairfax claimed his lands within the survey by deed from the Proprietary office to Thomas Bryan Martin and by conveyance from Thomas Bryan Martin to himself. The others in possession of the lands did not appear to claim the parts respectively held by them.

An area which appears to be near, if not in the boundary of the Jefferson County of today is the 400 acres on what is called the South Side of Opeckon held by Abraham Vanmeter, John Keywood, John Burden and Jacob Beller or Bellew. Abraham Vanmeter had 200 acres, part of which he held by deed from Lord Fairfax and part by the will of his father, John Vanmeter. He produced Henry Vanmeter as a witness to prove that Vanmeter had forewarned Keywood from building on the premises, saying it was his land by a contract from Jost Hite. John Keywood claimed by deed from Lord Fairfax which was dated in 1754, and John Dixon and Moses Keywood deposed that when John Baylis surveyed the lands between Keywood and Vanmeter, that Vanmeter, himself, set the post and the stone in the ground which was to mark their boundary. John Burden (spelled Bourden and Borden, who I think was a son of the Benjamin Borden of Smith's Creek and other extensive land holdings in the Northern Neck) claimed by conveyance from Thomas Speake and James Lindsey who had the land from John Lindsey, who, in turn, had a deed from Lord Fairfax. Jacob Beller or Bellew, claimed by conveyance from his father, who had a deed from Lord Fairfax. John Lafarge claimed the part which had not been claimed by Abraham Vanmeter, by the will of John Vanmeter, his grandfather. In 1770 these 200 acres were in the possession of John Keywood, John Burden, and Jacob Beller or some of them.

The Bullskin Tract

No one can doubt that the Bullskin tract of 655 acres which George William Fairfax, Esquire, James Keith, William Grubb, Michael Pike, Owen Thomas, and the

heirs of George Lee, deceased, were in possession in 1770 was in Jefferson County. The 850 acre Bullskin tract on which George Washington, John Augustine Washington, James Russell, Owen Thomas, David Castleman, and John McCormack owned lands could also be pin-pointed by almost any Jefferson County school boy. This tract began South of the head spring of Bullskin and according to Thomas Marshall contained only 677 acres. Abraham Hite and James Lee acted as chainmen for the 1770 survey of Thomas Marshall. George Washington who possessed 425 acres of this land had bought it from George Johnston who had bought it from Lewis Thomas, to whom, even the complainants of 1770 admitted, Jost Hite had sold the land. The letter written by George Washington on August the 28th., 1786, from Vol. 37 of Fitzpatrick's edition of **Washington's Writings**, explains much of the sentiment of that day on the 1786 decision in the case: "I wrote so fully to you at the time I enclosed the papers which respected the land on which you live, that I did not intend to have said anything more on the subject of Hite's claim; but the other day one of the tenants on the same land (living near the head spring of Bullskin) informed me that he had been forwarned from sowing winter grain on his place. It will behoove you to make use of all the means I put in your power to oppose their claim. I think they were ample if properly set to view, against every other claim than the original purchase money. . .I understand that Commissioners are appointed who are to examine the legal objections to the Judgment, where there are any. It would be well for you, therefor, not only to appear before these; but to get some able Lawyer to consider the papers I sent you, state the advantages it admits, and if allowed, appear in support of it. I have applied, as I wrote you in my last that I should do, to the representatives of George Johnston (of whom I bought the land) for the original Bond of Jost Hite, but it is not to be found among his papers, and ought in my opinion to be searched after in the Proprietor's Office. . ."

The Hites also admitted that Jost Hite had assigned 400 acres of this same survey to Patrick Matthews for which they had not received any consideration. Cartmell says that Patrick Matthews lived on the South Side of Bullskin in 1749/50, on land which was surveyed by George Washington, and Fitzpatrick's **Colonial Traveler,** reports that George Washington surveyed for Mr. Robert

Johnston on October the 25th. 1752, "pursuant to a warrant from the Proprietor's office, a certain tract of land in Frederick County commonly known by the name of Patrick Mathews' survey." James Russell, said to have been in England, held his lands under Patrick Mathews. David Castleman, John McCormack and Owen Thomas held by deeds from Lord Fairfax, and John Augustine Washington did not appear to lay any claim to the land he held within the survey.

From Bullskin to the Opequon

Other Jefferson County lands in the dispute were the 200 acres which John Briscoe, Simeon Hyett and Adam Livingston owned in 1770. Lord Fairfax's attorney objected to any survey which crossed the Opeckon to the Westward, alleging that Vanmeter's order of council under which they claimed was wholly confined to the East side of Opeckon. John Brisco had a deed from Lord Fairfax and produced John Smith, William Rankin, Joseph Edwards, Thomas Mason, and David Lewis as witnesses to testify that his lands were those on which Andrew Hampton had lived after he moved, in 1734 or 1735, from Bullskin Marsh to Opeckon Creek. Hampton who had the lands from Jost Hite sold part of them to Jacob Brooks and part to David Lewis. Jacob Brooks had entered his lands in Lord Fairfax's office and John Baylis had surveyed them for Brooks who then sold to Dr. Brisco. Simeon Hyett and Adam Livingston also claimed by purchase from Andrew Hampton and used the same witnesses as John Brisco for their proof. There were other Jefferson County lands in the disputed territory but we can not spend any more time on this part of the lawsuit.

Crown Grants in 1734

To complete the evidence on the Vanmeter tracts, the Attorney for Lord Fairfax, Gabriel Jones, the able Valley lawyer, presented a sample of the grants made by Governor Gooch to Jost Hite and a list of approximately 40 different persons who had approved deeds which had passed and been patented by the Crown, from the office of the Secretary of the Colony. These lands were in excess of 47,000 acres which the Lord Fairfax thought would easily satisfy the requirements of the Vanmeter orders. These deeds were dated as of the 21st day of August and the 3rd. day of October in 1734. The members of the Jefferson County Historical Society will recognize many of

these names such as: John and Rees Smith, Henry Willis, Israel Friend, Richard Morgan's 500 acres, Josiah Jones, William Vestal, and the 270 acres which had been granted to Paul Williams, later sold to General Adam Stephen on the 10th of May 1750. A plat of the Paul Williams tract, the land on which the Bower mansion now stands, shows that it straddles the Opequon for a considerable distance and illustrates the attempts of early settlers to preempt the well-watered lands.

Thomas Shepherd Lands

The Thomas Shepherd tract of 222 acres of which Helen B. Pendleton, in the Magazine of the Jefferson County Historical Association for December 1936 writes: "Thomas Shepherd obtained a patent for 222 acres of land from Governor Gooch of Virginia. This land, transferred by Jost Hite, who had originally obtained it from Isaac and John Vanmeter, was obtained by Hite in 1731 and transferred to Thomas Shepherd in 1734. There is no guesswork about these dates, nor that this tract was the location of the little town called Mecklenburg and many years later named Shepherdstown." Musser records that the 222 acre Hite lands were not all the land that Shepherd owned. He had a grant of 457 acres from Fairfax near Jacob Vanmeter and Joseph Chaplain in 1751. He also purchased 50 acres from Richard Morgan in August of 1752.

The Conclusion

This small summary of some of the contentions on both sides shows that in this, as in every lawsuit, there were two sides to the question. It also shows that the court decisions in this case reflected the times as well as the rights of the people in the case. The decisions appear, to me, to have been made as nearly fair as is possible for men to be; yet this fairness often resulted in hardship for the individuals involved. In each instance when decisions were made, the court ordered: "bring in your deeds, your bonds, and your receipts, and show us the title to your lands in the dispute." That seems fair enough to us now, but how many of the people of that day had their papers and bonds for the lands after having endured two shooting wars, the French and Indian and the Revolutionary War, as well as numerous forays and excursions such as Dunmore's War, the Fort

Necessity and Fort Duquesne conflicts? They had also participated in the exploration and construction of forts so widely separated as Fort Cumberland and Fort Loudon in Winchester from Fort Defiance and Fort Loudon in the Cherokee Country below Knoxville, Tennessee. These particular pioneers played an important role in most of these activities. When even George Washington, who was most careful of his business papers, was unable to locate the bond from Jost Hite for his lands, is it any wonder that many of the people concerned in this lawsuit packed up their plunder, tied the cow to their wagon, whistled up the dog, shouldered their rifle and followed in the footsteps of John and William Clarke, sons of William Clarke, of whom Valentine Sevier, the father of Tennessee's first Governor, when asked by the Commissioners of 1770, "what has become of John and William Clarke," after they sold their lands to Burr Harrison, answered: "they gone to Carolina."

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HAWTHORNE AT HARPERS FERRY

To list, anthologize, and discuss the travel narratives pertaining to Harpers Ferry would require no inconsiderable volume, because for two hundred years that village has been the goal of excursionists ranging from Washington Irving to Woodrow Wilson. Little mention has been made, however, of the visit of Nathaniel Hawthorne, whose account of Harpers Ferry is one of the most interesting.

In March and April of 1862 Hawthorne journeyed from Massachusetts to Washington to spend a month as the guest of his friend, Horatio Bridge, Chief of the Naval Bureau of Provisions and Clothing. During his stay with Commodore Bridge, he made two excursions into Virginia, the first to Harpers Ferry and the other to Fortress Monroe, and in July, 1863, his narrative of these excursions appeared in his article, "Chiefly About War Matters by a Peaceable Man," published in the **Atlantic Monthlty.**

Because his narrative of Harpers Ferry is not widely known, it is being republished below. As the reader will doubtless discover himself, Hawthorne's impressions were not entirely favorable, but it should be remembered that the war, a dismal month, and the author's advanced age were not factors contributing to a joyous mood. If he was not flattering, he nevertheless was eminently fair in his appraisal. His criticism of John Brown is sufficient proof of his freedom from the usual Massachusetts "ism," especially abolitionism.

Cecil Eby

From "Chiefly About War Matters"

Another of our excursions was to Harper's Ferry,— the Directors of the Baltimore and Ohio Railroad having kindly invited us to accompany them on the first trip over the newly laid track, after its breaking up by the Rebels. It began to rain, in the early morning, pretty soon after we left Washington, and continued to pour a cataract throughout the day; so that the aspect of the country was dreary, where it would otherwise have been delightful, as we entered among the hill-scenery that is formed by the subsiding swells of the Alleghanies. The latter part of our journey lay along the shore of the Potomac, in its upper course, where the margin of that noble river is bordered by gray, over-hanging crags, beneath which— and sometimes right through them— the railroad takes its way. In one place the Rebels had attempted to arrest a train by precipitating an immense mass of rock down upon the track, by the side of which it still lay, deeply imbedded in the ground, and looking as if it might have lain there since the Deluge. The scenery grew even more picturesque as we proceeded, the bluffs becoming very bold in their descent upon the river, which, at Harper's Ferry, presents as striking a vista among the hills as a painter could desire to see. But a beautiful landscape is a luxury, and luxuries are

thrown away amid discomfort; and when we alighted in the tenacious mud and almost fathomless puddle, on the hither side of the Ferry (the ultimate point to which the cars proceeded, since the railroad bridge had been destroyed by the Rebels), I cannot remember that any very rapturous emotions were awakened by the scenery.

We paddled and floundered over the ruins of the track, and scrambled down an embankment, crossed the Potomac by a pontoon-bridge, a thousand feet in length, over the narrow line of which—level with the river, and rising and subsiding with it— General Banks had recently led his whole army, with its ponderous artillery and heavy laden wagons. Yet our own tread made it vibrate. The broken bridge of the railroad was a little below us, and at the base of one of its massive piers, in the rocky bed of the river, lay a locomotive, which the Rebels had precipitated there.

As we passed over, we looked towards the Virginia shore, and beheld the little town of Harper's Ferry, gathered about the base of a round hill and climbing up its steep acclivity; so that it somewhat resembled the Etruscan cities which I have seen among the Apennines, rushing, as it were, down an apparently breakneck height. About midway of the ascent stood a shabby brick church, towards which a difficult path went scrambling up the precipice, indicating, one would say, a very fervent aspiration on the part of the worshippers, unless there was some easier mode of access in another direction. Immediately on the shore of the Potomac, and extending back towards the town, lay the dismal ruins of the United States arsenal and armory, consisting of piles of broken bricks and a waste of shapless demolition, amid which we saw gun-barrels in heaps of hundreds together. They were the relics of the conflagration, bent with the heat of the fire, and rusted with the wintry rain to which they had since been exposed. The brightest sunshine could not have made the scene cheerful, nor have taken away the gloom from the dilapidated town; for, besides the natural shabbiness, and decayed, unthrifty look of a Virginia village, it has an inexpressible forlorn look resulting from the devastations of war and its occupation by both armies alternately. Yet there would be a less striking contrast between Southern and New England villages, if the former were as much in the habit of using white paint as we are. It is prodigiously efficacious in putting a bright face upon a bad matter.

There was one small shop which appeared to have nothing for sale. A single man and one or two boys were all the inhabitants in view, except the Yankee sentinels and soldiers, belonging to Massachusetts regiments, who were scattered about pretty numerously. A guard-house stood on the slope of the hill; and in the level street at its base were the offices of the Provost-Marshal and other military authorities, to whom we forthwith reported ourselves. The Provost-Marshal kindly sent a corporal to guide us to the little building which John Brown seized upon as his fortress, and which, after it was stormed by the United States marines, became his temporary prison. It is an old engine-house, rusty and shabby, like every other work of man's hands in this God-forsaken town, and stands fronting upon the river, only a short distance from the bank, nearly at the point where the pontoon-bridge touches the Virginia shore. In its front wall, on each side of the door, are two or three ragged loop-holes, which John Brown perforated for his defence, knocking out merely a brick or two, so as to give himself and his garrison as sight over their rifles. Through these orifices, the sturdy old man dealt a good deal of deadly mischief among his assailants, until they broke down the door by thrusting against it with a ladder, and tumbled headlong in upon him. Nobody was ever more justly hanged. He won his martyrdom fairly, and took it firmly. He himself, I am persuaded (such was his natural integrity), would have acknowledged that Virginia had a right to take the life which he had staked and lost; although it would have been better for her, in the hour that is fast coming, if she could generously have forgotten the criminality of his attempt in its enormous folly. On the other hand, any common-sensible man, looking at the matter unsentimentally, must have felt a certain intellectual satisfaction in seeing him hanged, if it were only in requital of his preposterous miscalculation of possibilities.

The engine-house is now a place of confinement for Rebel prisoners. A Massachusetts soldier stood on guard, but readily permitted our whole party to enter. It was a wretched place. A room of perhaps twenty-five feet square occupied the whole interior of the building, having an iron stove in its centre, whence a rusty funnel ascended toward a hole in the roof, which served the purposes of ventilation, as well as for the exit of smoke. We found ourselves right in the midst of the Rebels, some of whom lay on heaps of straw, asleep, or, at all events,

giving no sign of consciousness; others sat in the corners of the room, huddled close together, and staring with a lazy kind of interest at the visitors; two were astride of some planks, playing with the dirtiest pack of cards that I ever happened to see. There was only one figure in the least military among all these twenty prisoners of war,— a man with a dark, intelligent, moustached face, wearing a shabby cotton uniform, which he had contrived to arrange with a degree of soldierly smartness, though it had evidently borne the brunt of a very filthy campaign. He stood erect, and talked freely with those who addressed him, telling them his place of residence, the number of his regiment, the circumstances of his capture, and such other particulars as their Northern inquisitiveness pompted them to ask. I liked the manliness of his deportment; he was neither sullen, peppery, or contumacious, but bore himself as if whatever animosity he had felt towards his enemies was left upon the battlefield, and would not be resumed till he had again a weapon in his hand.

. . . (and on through three long paragraphs to the end).

PRESIDENT TYLER AT THE CARTER HOUSE

Charles Town showed its pleasure at President Tyler's visit there by arranging a banquet in his honor at the Carter House. On this occasion the President and his suite were on their way to the medicinal springs at Bath, or Berkeley Springs, and a stop was made in Charles Town, partly to provide a break in their long journey. Anne Middleton Holmes in her biography of Mary Mildred Sullivan reports Mrs. Sullivan's recollection of being permitted as the little Mary Mildred Hammond to stand beside her mother "at the time she was invited to receive with President Tyler." The biography doesn't give the date of the visit, but, if the trip to Berkeley Springs was for the benefit of the first Mrs. Tyler, an invalid, it must have been in 1841 or 1842.



2

Old John Brown after his capture. Reproduced by courtesy of Duke University, its owner.



3

John Brown in court at Charlestown, Va. Owned by Boyd B. Stutler.



4

Old Brown. On fly leaf Senate Investigating Committee's Report on Affair at Harpers Ferry. Owned by Boyd B. Stutler.

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ALEXANDER R. BOTELER'S SKETCHES OF JOHN BROWN

By Boyd B. Stutler

A century ago one of the most distinguished — also one of the most colorful — citizens of the Shepherdstown community and of Jefferson County was Alexander Robinson Boteler. He was a native son who had many interests in civil and public life, and was a man possessed of many talents — not the least of which was inherited artisitic ability which came to him through his direct descent from the world-famous Peale[1] family of artists of Philadelphia. Socially inclined, he had cultivated a fine capacity for friendship, and for many years was counted one of the strongest pillars of the area social structure.

When most men of his era made simple notes of events in their journals and diaries, Boteler was well equipped to go a step farther; he not only made notes but drew graphic sketches to illustrate the incident or the personality. Thus, when John Brown with his "Army of Liberation" of twenty-one men descended on Harpers Ferry on October 16, 1859, Mr. Boteler — who had just been elected to Congress — was present with his ready pencil. How many sketches he made of the raiders and of the dramatic scenes connected with the raid, trial and execution of the leaders, probably will never be known — much of his early work was destroyed when, as an act of reprisal for his adherence to the Confederacy, General David Hunter ordered a detachment of Federal troops to burn his home, "Fountain Rock," on July 19, 1864. But it is known that he made four sketches of John Brown, three of which have survived. Possibly the fourth one, the earliest sketch, still exists, but if so it has eluded diligent searches in the collection of the Military Historical Society of Boston, Massachusetts, the last known owner. One of the surviving sketches is owned by Duke University Library, Durham, North Carolina, and two are held in the Stutler collection, Charleston, West Virginia.

1. See, " The Peales," by Oliver Jensen, in **American Heritage**, April, 1955, vol. 6, No. 3, pp 40-51. Portraits, reproductions of paintings, genealogical chart and adequate descriptive text.

The career of Alexander R. Boteler was varied, colorful and at time romantic. He has been the subject of biographical studies in several books and magazines,[2] but a brief flash-back seems to be in order for background and to get the man himself into perspective.

He was born in Shepherdstown on May 16, 1815, the son of Dr. Henry and Priscilla Robinson Boteler. On his mother's side he was the great-grandson of Charles Willson Peale, the noted artist who is particularly remembered for his many portraits of Washington and whose place in the cultural history of the country is so secure that the U. S. Postal Department issued a 3-cent commemorative postage stamp in his honor in 1955. Boteler's mother died when he was five years old and he was sent to Baltimore to live with his Robinson grandparents. The natural artistic talent of the boy began to develop early, but Grandfather Robinson took a very dim view of artists and their insecure, uncertain economic status. He wanted the boy to turn to more practical things and threatened to whip him if he ever caught him painting or drawing. Given the advantage of a liberal education, Boteler was graduated from Princeton College with the class of 1835. The following year he was married to Helen Macomb Stockson and established his home at "Fountain Rock," near Shepherdstown, which had been his father's home place.

Naturally enough, as a community leader, he was drawn into politics. As a Whig he was a Winfield Scott presidential elector in 1852, but on the break-up of that party he turned to the Americans, or Know-Nothings, and was a presidential elector in 1856. In 1858 he was elected to Congress on the Know-Nothing ticket, unseating the veteran Charles James Faulkner, of Martinsburg. Though his term officially began on March 4, 1859, it was not until December, when Congress convened, that he took his seat.

When Civil War broke he elected to go with the South. He was elected a member of the Virginia Assembly, CSA, to represent Jefferson County, but before he took his seat he was named a member of the Confederate Provisional Congress, and was later elected to the 1st Confederate

2. See, "Alexander Robinson Boteler," (by A. D. Kenamond), in **Magazine of Jefferson County Historical Society,** December, 1954, vol. 20, pp 19-27; **Dictionary of American Biography,** edited by Allen Johnson, (New York, 1928), vol. 2, etc.

Congress. But while in that office he served in the field as volunteer aide to Stonewall Jackson in 1862, and after Jackson's death went to the staff of Jeb Stuart in the same capacity.

In post-war years, after his citizenship had been restored in 1871, he served as West Virginia's Commissioner at the Centennial Exposition, Philadelphia, 1871-1876; as a member of the Tariff Commission by appointment of President Arthur, and as assistant attorney in the Department of Justice, 1882-1883, and as Clerk of Pardons, in the same Department, 1884-1889. He retired from public life and returned to his home at Shepherdstown, where for years he had been concerned with industrial and public improvement projects.

In the late summer of 1859 Mr. Boteler got on board a train at Point of Rocks, enroute to Harpers Ferry. Seated near him was a stranger of such striking appearance that he could not resist making a quick pencil sketch. He made no effort to approach the man and at that time did not know the identity of his subject, but on reaching his home he handed the sketch to his wife with the comment that it was a genuine picture of the Wandering Jew.

John Brown raided at Harpers Ferry late on Sunday night, October 16, 1859. Mr. Boteler was at his home, but learned of the disturbance early on Monday morning. Calling for his horse, he rode to the scene of action as quickly as possible, arriving in time to see Captain Ephraim Alburtis with his picked-up Martinsburg company, make a gallant assault on the engine house to which Brown and his surviving company had withdrawn. And early on Tuesday morning he stood with Colonel Robert E. Lee at the gate of the Armory enclosure and watched the Marines batter down the engine house door and drag Brown and the other prisoners out into the open.

Congressman Boteler was given exceptional opportunity to see and talk with the leader, with permission of Colonel Lee. When he interviewed the sorely wounded Brown as he lay on the floor of one of the Armory buildings he again made a rapid sketch, but it did not occur to him then that this was the same man he had seen on the train. Again, when he reached his home he handed the sketch to Mrs. Boteler.

"There," he said, "you see old John Brown." Mrs. Boteler scanned the rough sketch and remarked that she

had seen this man before, and after searching through a desk drawer drew out the picture of the Wandering Jew. Mr. Boteler had unwittingly sketched old John Brown.

In 1887, when some economic need pressed, Mr. Boteler sold this pencil sketch, together with six oil paintings of Confederate leaders, to the Military Historical Society of Boston. The oil paintings are still retained by the Society, but the pencil sketch can not be located.[3] It was probably the most interesting of the group of four known sketches because it was, as Mr. Boteler said, inspired by interested curiosity in a "strange old man with fingers like the talons of a bird. . .his hair went up in spikes, his jaws and mouth were very strong, and he had an eye that would look you through and through. His nose was like an eagle's, and there was something fascinating about him, yet superstitious, and I made a sketch of him and called it the Wandering Jew." [4]

The second sketch, made immediately after Brown's capture at Harpers Ferry, was preserved in a scrap book and after several years of knocking about was finally acquired by the Library of Duke University, at Durham, North Carolina, where it is still held. This is the roughest drawn of the three surviving sketches, made under nervous and emotional strain only a short time after the raid had been definitely suppressed — it is not a faithful delineation of the features of Brown, at the same time it very certainly was not intended as a caricature.

The third sketch was made under equally dramatic circumstances. Mr. Boteler attended the trial of John Brown at Charles Town, which followed a few days after the end of the raid. On November 2nd when Brown arose from his seat to hear Judge Richard Parker pronounce the sentence to death by hanging, Mr. Boteler drew a sheet of paper from his pocket and rapidly pencilled a head and shoulder sketch, stressing the eagle's nose and piercing eye which had so impressed him at their chance meeting on the train a few weeks previously. To identify the sheet he endorsed it: "Drawn in Court as John Brown arose to receive the sentence of death. A. R. Boteler, M.C., Va."

3. Letter, Evelyn M. Turner, Librarian, to Boyd B. Stutler, August 26, 1940 and letters to A. D. Kenamond various dates 1959.
4. Interview by George Alfred Townsend, ("Gath"), in **Cincinnati Enquirer,** May 2, 1883; reprinted in **Shepherdstown Register,** January 11, 1934.

While residing in Washington, Mr. Boteler became an intimate friend of Colonel Thomas Donaldson, long connected with Smithsonian Institute, whom he humorously dubbed "a snapper-up of unconsidered trifles."[5] Early in 1885 he gave Colonel Donaldson a number of pieces associated with the John Brown raid, including the sketch made in the court room, a John Brown pike brought out of the engine house by Lieutenant Israel Green, who commanded the Marine detachment, and given to the Congressman; a lead cap and screw from Brown's Virginia coffin and some letters. All of these pieces were acquired for the Stutler collection at the sale of Colonel Donaldson's effects at an auction house in New York.

The fourth sketch is in pencil on the fly leaf of the **Report of the Select Committee of the Senate to Investigate the Harpers Ferry Invasion,** (usually called the **Mason Report**), which could not have been drawn earlier than late June, 1860. It is a more finished piece of work, with firm lines and delicate shading, and is evidently intended to depict the same dramatic moment when Brown was sentenced. It was probably intended as a finished version of the court room sketch. That Mr. Boteler intended to preserve the book and sketch is attested by the fact that he extra-illustrated it by inserting a print of Alfred Berghaus' sketch of Brown riding on his coffin on the way to the gallows; a letter from Francis Yates, of Flowing Springs, one of the Overseers of the Poor of Jefferson County, asking the Congressman to obtain Government funds to the amount of $55 to pay for the burial of "the eleven insurgents who were killed at Harpers Ferry," and some other pertinent pieces. This book, finely bound with the extra-illustrations and the John Brown sketch, is also in the Stutler collection. After passing through a New York auction house, it was acquired from a **rare book** dealer in the mid-west.

None of the three sketches accompanying this article have ever heretofore been published. In fact, though without art training of any sort, Mr. Boteler was a very competent draftsman, but he made no commercial use of his artistic talent. Banned from drawing or painting in his early youth, he made free use of this natural or inherited skill after release from parental restraint. His

5. Letter, Boteler to Donaldson, February 19, 1885, transmitting an autograph letter of Lieutenant Israel Green (later, Major, M.C., CSA), now in Stutler collection.

sketches, portraits and caricatures were made as a personal hobby to the delight of his friends.

He did publish one small book with his own illustrations, **My Ride to the Barbeque**, by an ex-member of Congress, issued in New York in 1860. His name does not appear on the title page, nor signed on the several sketch illustrations, giving complete anonymity to the work, which is now very scarce and is an eagerly sought for collector's piece. But just why he chose to call himself an "ex-member of Congress" while still a member of that body is something of a mystery.

His maiden speech in Congress, delivered January 25, 1860, on the organization of the House and failure to elect a Speaker, was really a denunciation of the Republican party and the John Brown raid. The speech was published in pamphlet form and was given wide distribution throughout the country. But of his literary work perhaps the best known is his "Recollections of the John Brown Raid," in **Century Magazine** for July, 1883, which is still quoted by historians and biographers as one of the most authoritative eye-witness accounts of the raid.

"POYSON" FIELDS

Several old deeds to Jefferson County lands have contained such references as "a small Hickory standing in a Poyson Field" and "a Locust on the north side of the said Warm Springs Road in a Large Poyson field." The Nicholas Lemen, Nicholas Mercer, and John Pagan tracts, the latter being an Adam Stephen tract embracing part of "Hazelfield," had "Poyson" fields. Most readers wondered why a patch of poison ivy could be regarded as a landmark. So, Dr. O. C. Stine, finding a "Poyson" field mentioned in the 1751 deed to "Elmwood," set about to determine its significance. It appears that "poyson" is a likely variation of "an Indian word, local in Virginia as meaning a low marshland." In context the word suggests to Dr. Stine "more or less open low land distinguished from a real marshland by being drained or swampy only in wet seasons."

CENTENNIAL AT HARPERS FERRY

Following the custom of recording the county's outstanding historical event of the year, note is herewith made of the Centennial Observance of the John Brown Raid. Widely publicized, the four-day affair, October 16 through October 18, brought an estimated 65,000 visitors to the old town of Harpers Ferry.

Each day there was a performance of "The Prophet," the official Centennial play written by Dr. Edwin Wallace Dace.

Friday, October 16, was Historians' Day, with a luncheon at Hill Top Hotel and a thoroughly objective and dispassionate panel discussion of John Brown, his raid, trial, and conviction of murder and treason.

Saturday was Governor's Day and Sunday, the Homecoming Day.

Other events were a demonstration drill by the Sharpsburg Rifles and the re-enactment of the taking of the Fort and John Brown by Forney's Battalion, United States Marine Corps.

A historical booklet published for the occasion is well worth preserving.

COUNTY BOOKSHELF

The Old South Illustrated by Porte Crayon. Edited by Cecil D. Eby, Jr., a member of the Jefferson County Historical Society. The University of North Carolina Press, Chapel Hill. October 10, 1959.

The Road to Harpers Ferry. By J. C. Furnas, a member of the Jefferson County Historical Society. Sloane's New York, N. Y. October 16, 1959.

Pioneers on the Bullskin. By Mignon Larche, a member of the Jefferson County Historical Society. Times-Echo Publishing Company, Eureka Springs, Arkansas. December 1, 1959.

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