

A History

of the
National Conservation Training Center Property
and surrounding area
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By Dan Everson



Preface

My purpose for writing this history of the NCTC property and surrounding lands has been to describe the families that lived here, their strategies for making a living from the natural resources it had to offer, and their activities during the time they occupied the land. Most of my professional career has been spent as a field biologist, and I don't have a long list of credentials as either a writer or historian. I simply ran across a story that intrigued me more and more as the details fell in place, and felt compelled to share it with others who might be interested in local history. My curiosity was first piqued during several afternoons I spent rambling over the property documenting the presence and distribution of plants. Old foundations and fence lines, broken pottery, bits of brick and glass all suggested a long history of use. Who were these people? What did the landscape look like before and after they arrived? Archaeological reports describing thousands of years of human occupation, the results of surveys and research conducted prior to the construction of NCTC facilities, also furthered an interest in who had lived here in the past. Local histories sometimes mentioned the people who had lived in the Terrapin Neck area, and I thought it might be interesting and useful to put these anecdotes and histories in a more systematic framework that would draw a more complete picture of their lives here. To the extent possible I have tried to make flesh and blood people- with motivations and real family histories- out of names, dates and various legal documents. For source materials I wanted to utilize reliably documented accounts and public records, which has led to many hours in archives, libraries and courthouses in West Virginia, Virginia, Maryland, Pennsylvania and Kentucky researching land grants, deeds, wills, letters and family genealogies; much time was also spent double-checking other authors' citations. Published "family lore" accounts tended to be riddled with uncertainties and outright impossibilities and were therefore avoided unless the accounts were confirmed by other evidence. Even so, I expect that there are mistakes and misinterpretations in this work, and though the writing style may seem confident of the facts, I remain open to other lines of evidence that may present alternative views. I started this project a *tabula rasa* with no particular historical axe to grind other than a desire for an accurate portrayal based on objective data.

Court houses and public records are excellent sources for objective facts, but have a drawback in that they tend to narrowly focus on the activities of landowners who, in this case, have been mostly relatively wealthy Caucasian males (with some notable exceptions); this history would be much richer and would benefit greatly from an equal amount of detail concerning Native Americans, female family members, the slaves, the indentured servants and hired help, the subsistence farmers, renters, and other cultural groups who spent a significant part of their lives in the Terrapin Neck area, but whose thoughts and activities went unrecorded. I have included their stories when they could be found, but unfortunately most of the details of their lives can only be imagined or extrapolated from other sources in the region. (If you are aware of sources I could use, please let me know). The public records I used may also leave the impression that family life centered around the acquisition, disposal or debated ownership of various pieces of property, which is of course misleading. Again we are left with trying to imagine their daily activities, their hopes and dreams, and what brought joy, frustration and meaning to the families and individuals herein described.

While reading the following Eurocentric version of events keep in mind that for a significant

period of time after the arrival of Europeans, the most common faces on the property were not white. One of the nearly invisible groups in the historical record from about 1750 through at least the 1850's is also likely to have been the largest – the enslaved people of African descent. Almost 40 percent of the people living in Virginia at the time of the first census in 1790 were held in slavery, while free blacks made up an additional 2 percent of the populace. Probate inventories and census records show that 10 to 20 slaves were based at the Springwood property at various times, and an equal number were associated with the RiverView Farm portion of the property. This suggests that on the property that has become the National Conservation Training Center, for about one hundred years the number of people living in chattel slavery outnumbered those of European descent by a ratio sometimes larger than 2:1. We get an occasional glimpse of their existence from probate inventories or tax assessments that include such information as first names, ages, and changes of ownership, but details of their families and experiences are mostly missing. That's a lot of missing history, and I have tried to honor their lives by including their names whenever I could find them.

I wish to thank several people who encouraged me in this work, including Mark Madison, FWS historian at NCTC, Karel Whyte, Swearingen family genealogist, Don Wood and Galtjo Geertsema at the Berkeley County Historical Society who were generous in helping me locate maps and innumerable details, and André Darger, former NCTC course leader who provided a forum for some of this information in his Employee Foundations course; the course provided a strong incentive to try to get the details right. Jessie Hendrix and Elizabeth Hyman were among those who were generous in taking the time to check for accuracy, and were themselves significant sources of information. Any mistakes that remain are all mine.

A note about the maps: surveys and maps obtained from Galtjo Geertsema, surveyor from Martinsburg, WV, were very valuable. Further deed descriptions obtained in the Berkeley (WV) Jefferson (WV), Frederick (MD and VA), Washington (MD) County courthouses also were used to help decipher what sometimes amounted to a quagmire of distances and bearings used to describe new property boundaries, portions of which were just copied verbatim from earlier surveys, mistakes and all. By using both early and later surveys, and surveys from adjacent properties that described the same lines, I have a reasonable degree of confidence in the maps, especially those near present-day NCTC. The property boundaries for Thomas Swearingen's heirs west of Shepherdstown in the enclosed 1770 map are based on Fairfax grants in the 1750s and 1760s and assume that parcels were not sold or added to in the meantime. The archives in the Kentucky History Center in Frankfort, Kentucky were invaluable in locating various land grants and other details related to the Revolutionary War period.

I consider this a work in progress and welcome new sources of information and further details on any of the topics I have written about.

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Disclaimer

The opinions and choices of material to include in this manuscript are those of the author. The US Government, the US Fish and Wildlife Service, and the National Conservation Training Center did not initiate, design or direct the writing of this manuscript and are not responsible for the accuracy, opinions or choice of materials. The author undertook this project solely to satisfy his curiosity, working on it intermittently during the occasional free moment of work time, as well as evenings and weekends over a several-year time span. As with any written history, the topics that are featured and the interpretation of events in this work are influenced by the biases and perceptions of the author, which include having grown up in a Scandinavian farming community in west-central Wisconsin. I have tried to be as inclusive as possible, so attention to certain cultural and socio-economic groups in this history should not be misconstrued as cultural myopia, but is instead an artifact of when, how, and for whom, public records were archived and indexed, as well as the tendency of our culture to follow and record the activities of limited members of a community or family. There are many voices missing in this work, not because these voices are unimportant or uninteresting, but because of the great difficulty, perhaps impossibility in many cases, of locating their words or accounts of their activities in the Terrapin Neck area. As I continue to search for information to fill some of these gaps, I make no claim to having written *the* history of the NCTC property, but merely a history that is at best incomplete, yet hopefully still interesting and useful. Tracking down and presenting the recorded history of the NCTC property has been a continual challenge, and has caused the author's wife to use the word "obsessed" on several occasions. Tracking down and presenting the *un*-recorded history of the Terrapin Neck area, in order to capture those missing voices, is a challenge that may only be accomplished with your help. Copies of the manuscript have been made available by NCTC as a courtesy to guests and others who may be interested in local history.

A History of the National Conservation Training Center Property

Abstract

The following is a time line of significant events that have affected the land and ownership of the property now comprising the National Conservation Training Center (NCTC), with an emphasis on the period from early European settlement until shortly after the Revolutionary War.

Included also are a few pages on 19th and 20th century history. Archeological evidence has shown that Native Americans utilized the site that became NCTC at least intermittently for more than 8000 years, and suggests that seasonal occupation ended about 700 years ago. European settlement of this area began in the 1720s, with newly arrived German settlers most recently from Pennsylvania, and other families especially from the Monocacy River valley in Maryland taking up lands along the western bank of the Potomac, then known as the Cohongoroota River. Some early European settlers in this area experienced many problems acquiring title to the land they occupied because of competing land claims of the Hite family and the Northern Neck Proprietary of Lord Fairfax. Two young Swearingen brothers, members of a slave-holding family with plantations in Maryland, acquired land near present-day Shepherdstown and on Terrapin Neck in the 1740s and 1750s, about twenty years after Europeans first began occupying the area. They first acquired patented property originally surveyed through the Hites and later also acquired grants through Lord Fairfax. Living on the frontier of a new country required an ability to run a self-sufficient plantation. They raised dairy and beef cattle, hogs, sheep and horses, grew corn, wheat, tobacco, rye and flax, and cultivated apple and pear orchards. They also must have raised other crops such as hemp and various other grains, fruits and vegetables commonly grown at the time, both as cash crops and to feed themselves and their slaves.

Thomas Swearingen ran plantations, a mill near Scrabble and a ferry service across the Potomac, while Van Swearingen was a sheriff, militia leader, and owner of the plantation that became NCTC. The Swearingens were intimately involved with the political, military and ecclesiastical issues of the day, particularly at local and regional levels. Their period of time here was a turbulent one, both locally and throughout the colonies, characterized by over 40 years of strife beginning with the French and Indian War in the 1750s, with various family members engaged in military struggles through the 1790s. Some of the Swearingen property and wealth was lost after the Revolutionary War because of an ancient lawsuit between competing land claims. The 1790s were years of transition, with deaths and lawsuits bringing about changes in land ownership in the Terrapin Neck area, though the Swearingens continued to run a plantation later known as RiverView Farm - now the western section of NCTC - until the Civil War. The eastern section of the NCTC property, referred to as the Springwood estate in this document, became part of the wealthy Shepherd family holdings at the beginning of the 19th century; they retained it for about a century. Parts of the original Swearingen estate were consolidated into a single property again in the early 1940s by the Hendrix family. A member of this family sold the property to the US Fish and Wildlife Service in March of 1992.

A note about names:

Several of the family names prominent in this history have been standardized to a common spelling. John Van Meter's name in other publications and documents may be spelled in various ways including Jan Van Metre, Van Meteren, Vanmater and Vanmetre. Joist Hite usually spelled his name Jost Heydt, but records may show Joost Heyd and other combinations. Swearingen may appear as Swaringen, Sweringen, VanSwearingen and other phonetic characterizations.

For the sake of simplicity I have referred to the western portion of the NCTC property as RiverView Farm and the eastern portion as Springwood throughout the document. It should be understood that both these names are of relatively recent vintage: *RiverView Farm* first appears on a deed in 1896, and *Springwood* is probably mid 20th century. Springwood in the past has had other appellations including *Mapleshade* (1920s) and *Shepherd's Lower Farm* (1870s-1890s). Nearby Shepherdstown has had other names such as Mecklenburg or Packhorse Ford which will occasionally appear in the text. Because property boundaries have changed over the years I also occasionally refer to now-adjacent properties as being part of RiverView Farm; for example the property now known as the Lost Drake Farm southwest of the NCTC entrance was the former home of Hezekiah Swearingen who eventually inherited the adjacent tract to the north that became RiverView Farm, which was largely developed by his son Van. The property now known as the Wild Goose Farm was also Swearingen property from 1828 to 1838. So to reduce confusion, in this document *RiverView Farm* will be used to describe those lands that were acquired by Hezekiah Swearingen from his father (who once owned both Springwood and RiverView Farm) in the late 18th century and remained with his heirs through the Civil War, while *Springwood* refers to the eastern portion of NCTC held by the Shepherds from about 1807 to 1907 that now includes the campus and the Hendrix life estate. How - and perhaps why - the Shepherd family acquired the Springwood property in the 19th century is a major theme of the following compilation.

Time line of Events

Native Americans lived intermittently along the edge of the river they called the Cohongoroota for thousands of years. Riverbottom lands provided fertile soil for their fields of squash and corn, and the rolling limestone uplands supported plentiful resources including large herds of buffalo and elk grazing in the meadows amidst scattered patches of oak-hickory forest. Village locations changed frequently based on the availability of resources and competition with other groups. The latest evidence for a seasonal encampment at the site that became NCTC is dated at about 400 years before Europeans first explored the lower Shenandoah Valley. Among the enduring legacies of the people who once lived here are the beautiful names given to local creeks and rivers: Shenandoah, Antietam, Opequon, Tuscarora, Conococheague, Cacapon.

Chapter 1 Early Colonial Period

1649 - Forty-two years after British colonists first landed at the site they named Jamestown, the British monarch-in-exile Charles II felt it necessary to be generous. His father, King Charles I, had recently been beheaded for, among other complaints, defying parliament, and religious zealotry that included having the noses and ears cut off subjects who refused to join the Anglican Church. Now young Charles had been forced by the equally zealous Puritan Roundheads to take sanctuary in Scotland and then France. He would wait 11 more years for the Restoration of the Monarchy, but in the meantime he promised a large land grant in Virginia, later known as the Northern Neck Proprietary, to six noblemen friends because of their support of the Crown in those troubled times. One hundred fifty years later, people living on Terrapin Neck near Shepherds Town, Virginia, would have cause to regret this generosity.

The newly-promised Proprietary was to include all the land between the Rappahannock and Potomac Rivers. Europeans didn't have a clue as to where these rivers actually began, there being a vague notion at the time that the rivers had their headwaters in the Blue Ridge somewhere off to the west of the settlements on the coast. The exiled heir to the throne and his friends had no idea how much land had just been given away, provided of course that young Charles should ever re-establish the British monarchy. More than 80 years would pass before a commission in Virginia set out to find the head springs of the two rivers and thus determine the boundaries, it having become apparent in the meantime that the Potomac actually passed through the Blue Ridge at present-day Harpers Ferry and had its headwaters well to the west in the Alleghenies.

This type of land grant was not unprecedented - other colonial proprietors in the mid-Atlantic region included Lord Baltimore in Maryland and William Penn in Pennsylvania. In fact Lord Baltimore's new proprietorship had been carved out of land originally promised to the Virginia colony, leading to frantic visits to the King and his court, as well as naval attacks in the Chesapeake Bay and several pitched battles between the competing British factions on several occasions through the 1650s. The British lords with interest in the New World competed for

high stakes - proprietors were given full governing rights inside their granted lands, and could make large amounts of money selling tracts of land to settlers. A settler interested in a plantation lifestyle could receive land by grant from the proprietor, and could then keep, sell, bequeath, or entail that land so long as they paid an annual quit rent per acre to the proprietor during the duration of their ownership. The colony of Virginia, on the other hand, was a Crown Colony, ruled by the current monarch in power, and administered through a Governor and Council in Williamsburg, Virginia. (The King originally did not rule over Virginia as Sovereign of England, but instead the colony was considered part of his feudal manor holdings, which meant he ruled over Virginia as a feudal lord, like the proprietors.) Lands granted by the colonial Council in Virginia, with the governor's stamp of approval, became known as King's Patents. Land speculators in Virginia who had been given Orders of Council for large tracts of land to sell and distribute, acting as middlemen, also offered another avenue for a settler to acquire a King's Patent. The Virginia Council, as well as the Northern Neck Proprietary, and a number of large land speculators eventually operated land offices in Virginia from which settlers could acquire land. The Virginia Council had a strong interest in locating settlers on the margin of the colony both as a source of revenue through land sales and rents, and as a buffer to the wilderness and all its hazards, which explains their eagerness to give out large land grants to speculating middlemen on the periphery who could draw in those settlers.

It is unknown when the Virginia colonists first heard of the new proprietary, but no doubt the Virginians were dismayed at the prospect of losing control of yet another large tract of land, having already been forced to give up the northern portion of the Chesapeake Bay country to the Calverts and Lord Baltimore. The new Northern Neck Proprietary seems to have generated fewer violent sparks than when Maryland was created, perhaps because most of the land lay to the unknown west beyond the tidewater settlements, and there was not an immediate influx of new governing authorities marking boundaries and clamoring for resources. The relatively small number of settlers in Virginia generally stayed close to their tidewater plantations for many years because of fear of Indians, and the threat was real - some 350 colonists were killed by Indians in the Virginia colony in 1641 alone (Couper 1952).

1660 - Charles II returned triumphantly to England as King after the death of Oliver Cromwell. Many of his loyal followers had lost much of their property while he was in exile and responded by moving to one of the colonies across the Atlantic, and at least several were grateful for having been granted large tracts of land in the New World as partial compensation.

1685 - Joist Hite was born in Bonfeld, Germany, son of a local butcher and a member of the Protestant church; he will play a major role in northern Virginia history (Jones et. al 1979).

1690 - By this year deaths and marriages had transferred the bulk of the Northern Neck Proprietary in Virginia into one family of the British peerage, Lord Fairfax (who had acquired it through marriage to a Culpeper). Lord and Lady Fairfax lived on large castled estates in England; they would never see their Virginia lands. Nevertheless, Lord Fairfax did employ agents in the Virginia Colony to administer the Proprietary and to see that the local Virginia

Council did not infringe on his lands between the Rappahannock and Potomac Rivers as the Council handed out their own grants in the region. The Virginia Council often ignored the Fairfax claim to the land and gave out land grants within the disputed area anyway. At this time the Virginia Colony was selling frontier lands not only to individual settler families but also to land speculators, who provided a service by surveying the land and bringing in additional settler families. The land speculators, in tandem with their settlers, were required to survey parcels of land and have them recorded for the issuance of a patent by the Governor or Proprietor. There wasn't always a strong distinction between the speculators and settlers because they often belonged to the same extended family. Once the governor issued a settler a patent, they then held a strong legal title to the land. In order to acquire a large land grant, land speculators were usually required to bring in a specified number of settlers to the colony by a specified deadline. The settlers then paid fees and rents to the large land speculators. The system necessarily meant that a lot of money traded hands; it also provided the potential for some of the middlemen to get rich, and created a strong financial incentive to attract settlers. Land patents from the Virginia Council and grants from the Fairfax Proprietary were mostly in the Coastal Plain and Piedmont areas of Virginia through the 1720's; the lower Shenandoah Valley on the western side of the Blue Ridge was largely unexplored before 1700, and will become the focus of the following narrative. Early Virginia history is replete with tales of European exploring parties setting out westward, walking up the moderate slopes of the Blue Ridge and gazing out over the Shenandoah Valley, supposedly uttering flowery phrases and waxing poetic over the lovely vision before them, followed by the congratulatory backslapping return with lusty tales of adventure describing hardships and toil for the ears of the more timid souls who had remained safely at home. You have to wonder, since a traverse of the Blue Ridge is hardly a Himalayan odyssey, if there were a few traders, trappers or Native Americans nearby thinking to themselves "big deal, my grandmother walks up there every week..."

The rise of the tobacco plantation culture in the colonies, especially in Maryland and Virginia, required an ever-increasing pool of reliable labor. The European indenture system wherein a settler's passage to the colony could be worked off over a period of years was not able to meet the demand for labor. Africans had first arrived in Virginia in 1619, when a Dutch ship brought 20 individuals to Jamestown - with families, property, history, culture, hopes and dreams of their own - that were sold into servitude for supplies. At first their status was more similar to that of European indentured servants, with some of them eventually becoming business and property owners. Virginia law gradually over several decades disenfranchised Africans, changing their status into slaves; it wasn't until 1662 that slavery was codified in Virginia statutes. By the 1690s large numbers of enslaved Africans began to be imported into the middle colonies. The majority of landowners were not slaveowners, and those that were often could afford only one or two slaves that worked alongside white family members. Most of the slaves in the colonies were concentrated on a relatively small number of very large plantations (Dufour 1994).

1693 - In Britain, the Fairfax family, who had acquired the rights to the Northern Neck Proprietary in Virginia, asked for and received confirmation of their Proprietary from the King.

They apparently hoped this would resolve once and for all who held title to the land between the Rappahannock and Potomac Rivers in that wild, uncivilized colony across the Atlantic. It didn't.

1699 - A new system of land grants became available to immigrants coming into the Virginia colony, referred to as treasury rights. This allowed anyone to purchase land, 100 acres for 10 shillings. To retain ownership, an annual quit rent and occupation of the property was necessary. This replaced the old system of acquiring land by bringing in settlers, known as head rights.

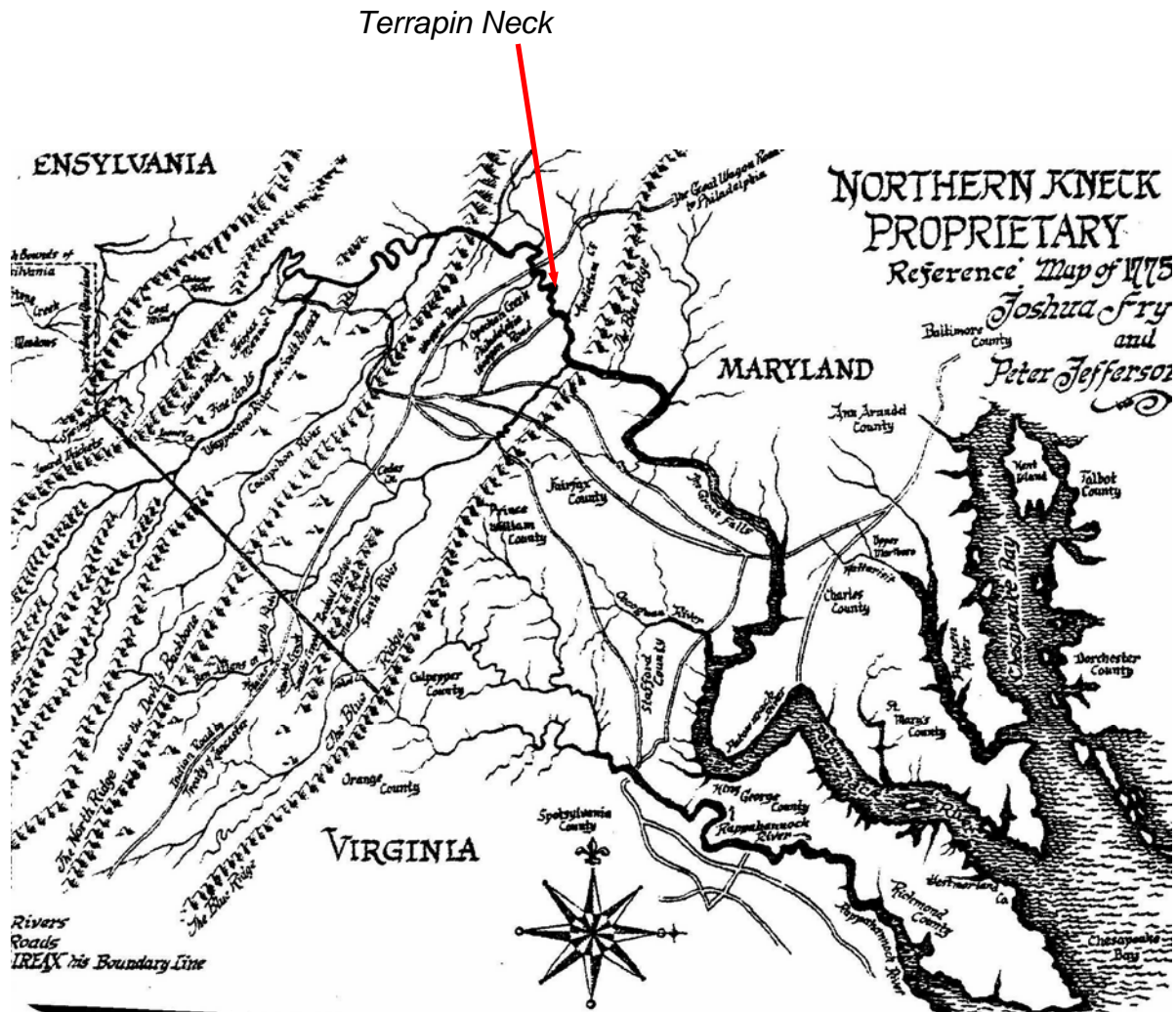
1702 - Robert Carter, in Williamsburg, Virginia, became the agent of Lord Fairfax. Until his death in 1732, he was particularly effective at controlling or at least lodging legal complaints (caveats) against infringements on Fairfax Proprietary lands. He eventually held all the important positions on the governing Council of the colony while at the same time acting as Fairfax's agent. His tenacity may have tended to reduce settlement in the lower Shenandoah Valley because of the difficulties in acquiring a clear legal title to the land. He and other Fairfax agents managed to steer many land grants toward members of their own families - thus adding significantly to the Carter, Fitzhugh, and Lee family fortunes in Virginia.

1705 - The Virginia colony passed a law forbidding the granting of patents in excess of 4000 acres; exceptions to this policy were sometimes given to companies and individuals. To the north in Pennsylvania, William Penn's Proprietary had now expanded to almost the Susquehanna River. Native American groups (at least those that were paid) tended to be more tolerant of the Pennsylvanian settlers because of Penn's policy of purchasing land from the local tribes. The English settlers in Virginia and Maryland, on the other hand, were referred to by the natives as "Long Knives" because of their habit of acquiring land by force. At this time the French were exploring and settling the Ohio Valley, and the Spanish were increasing their settlements in Florida and along the lower Mississippi.

1709 - Joist Hite, born in Germany, crossed the Atlantic and settled in New York with a number of other Dutch and German families, including his father and stepmother. He had married Anna Maria Mercklin 5 years before, and had worked as a linen weaver before setting sail from Rotterdam with several other local families; Anna had given birth to two children but they hadn't survived. Many history texts describe him then as a wealthy, distinguished businessman with the financial wherewithal and influence to organize and finance the journey to the New World for many families, and was supposedly even able to provide his own ships; the histories then go on to describe his inevitable continued success and prominence as a real estate entrepreneur in the New World. It would be interesting to see where this fable originated, as recent scholarship points to a more humble origin - he has been documented as crossing the Atlantic as one of a group of indentured servants who worked for a time at a failed business venture in New York. By 1714 he was apparently a landowner with a growing family living north of Philadelphia, and about 3 years later he owned a plantation and gristmill outside the present community of Schwenksville, Pennsylvania, a few miles north of Philadelphia, and was doing some weaving on the side (Jones et al. 1979). His later efforts at administering a large land grant in the lower Shenandoah Valley of Virginia will prove to be a major chapter in the history of the land that has

now become the National Conservation Training Center. In Britain, the Fifth Lord Fairfax died, leaving title to the bulk of the Northern Neck Proprietary in Lady Fairfax's hand, though her Culpeper family members retained a percentage of ownership as well.

1719 - Lady Fairfax died. Her 24-year old son Thomas, 6th Lord Fairfax, became the sole Proprietor of the Northern Neck in Virginia. He owned only a 1/6 interest in the Virginia proprietary outright, the other 5/6 he held only for his lifetime. He had rather reclusive, taciturn bachelor tendencies, and often preferred to spend his time alone on his British estates rather than engage in the typical aristocratic functions of a young British peer.



1720's - The debate over exactly when a permanent community in the Shepherdstown area first developed has not been resolved - some authors put the date as early as 1706, others 1719, others still later in the 1720s. If in fact Europeans lived in the area before 1720, they seem most likely to have been itinerant groups that stretch the definition of "community", since they seem not to

have built substantial cabins, churches, mills, or cleared extensive fields, or laid any claim - official or unofficial - to land or springs and water resources of the area; it's possible that one or more small European groups lived near present-day Shepherdstown in the manner of the Native Americans who still established small temporary camps in the region at the time, perhaps trapping, hunting, trading and gardening to survive. In the early to mid-1720s there seems not to have been an established group of people willing to defend their claims to any large land holdings near present-day Shepherdstown, the evidence being the number of springs, creeks and rich bottom lands -the most valuable real estate- that remained to be claimed in the late 1720s by families such as the Van Meters, Morgans, Shepherds and others (these families, of course, may have purchased or bartered the rights to these water sources from earlier arrivals who didn't intend to stay, though there is no evidence of this). So with due caution, the second half of the 1720s probably marked the arrival of the first long-term "settlers" into what became the Shepherdstown community. At the regional level, many of the early settlers coming into northern Virginia and northern Maryland were Germans most recently from the Lancaster and York areas of Pennsylvania. William Penn's agents had been busy in the Rhine Valley of Germany attempting to lure settlers into Penn's proprietary. After arriving by the shipload in Philadelphia and other ports, many of the newly arrived settlers stopped in the small established German communities in Pennsylvania such as York and Lancaster only long enough to ask for directions to the closest available land. Many of these settlers belonged to various sects of the Protestant faith seeking land and a place to practice free expressions of their faith, including Moravians, Quakers, Dunkers, and Friends. It is misleading in some respects to refer to them as "German", since many of them had spent only a short time in what was referred to as the Palatine area of Germany. Their Protestant faith had made them unwelcome in many parts of Europe, so they had sought refuge in the Palatinate and may have lived there less than a generation in many cases. William Penn's agents no doubt found them an attentive audience. After negotiating the wilderness paths south out of Pennsylvania (Mason and Dixon would not begin marking the legal border between Maryland and Pennsylvania until 1763 – many at the time considered Lancaster to be in Maryland), and their arrival on the other side of the Cohongoroota River in Virginia near the river ford, a few groups may have set about building cabins and clearing a bit of land for pasture and crops. The first arrivals had no readily available system in place to acquire legal title to the land they occupied, and had to depend on other settlers' willingness to recognize their "tomahawk rights", which refers to their method of marking property claims by blazing marks on the trunks of trees. New settlers would find it difficult to develop legal, cultural and social ties with Williamsburg and the other European-populated areas of Virginia because of the distance and lack of roads - therefore they were rather tenuously "Virginians" only in a narrow geographical context, and even that was debated for years until the leaders of the colonies agreed on which tributary constituted the main stem of the Potomac River. (Lawsuits debating the boundaries between Maryland, Virginia and Pennsylvania continued even up to the 20th century).

In a 1721 map made for Philomen Lloyd, the Secretary of the Maryland Colony, the area upstream of the mouth of the Monocacy River is described as "*Potommeck above Ye Inhabitants*" and shows the correct relative positions (and the present-day names) of the

Conococheague, Opequon, and Antietam creeks. An interesting map notation for an area near Opequon Creek about 8 miles west of NCTC near the present site of Bedington, West Virginia is “*Opeckhon Creek: A Salt Soyl called ye Elk’s Licking Place. Great Drovers of those Creatures resorting there to lick ye Earth*”.

Settlement of the northern (Lower) portion of the Shenandoah Valley was given impetus in 1722 with the Treaty of Albany between Virginia, Maryland, Pennsylvania and the Five Nations Indians (the Iroquois Confederacy, which included such groups as the Mohawks, Senecas, Cayugas, Oneidas and Onandagas). The northern Indians agreed not to cross the Cohongoroota (Potomac), or the Blue Ridge, without a pass (only 10 passes to be issued at a time), upon pain of death or slavery. This treaty clearly made piedmont Virginia and Maryland just to the east of the Blue Ridge very desirable for settlement by recently-arrived Europeans, allowing greater European familiarity with the Shenandoah Valley on the other side of the long ridge. Indians were still allowed to travel through and otherwise utilize the Shenandoah Valley along their Warrior’s Path, which extended from New York to the Carolinas. The powerful Iroquois, centered in New York, had fought tenaciously for many years with other tribes in eastern North America for control over trade and other resources, and seem to have benefited from this treaty at the expense of some of the other tribes under their “protection” in the mid-Atlantic region, a strategy they pursued at various councils through the early 1750s. The northern Iroquois negotiators, who claimed to speak for all the Native American groups in the area including the Shawnee and Delaware (Lenni-Lenape*), apparently were willing to sacrifice (for a fee) a large land area for which the Iroquois had a very tenuous claim even from the Native American perspective. The treaty still allowed the Iroquois Confederacy to outfit and send warparties south through the Shenandoah Valley to continue their long-term conflict for control over several southern tribes including the Cherokee and Catawba. European travel in the region was not constrained by any language in the treaty. (* Delaware is from a British family name (Lord De La Warr) given to a river by the colonists, and then to the native people living nearby; Lenni-Lenape is what the tribe living in the Delaware River Valley called themselves.)

1725 - Charles Mounts Anderson, early explorer and operator of an Indian trading post on the Monocacy River near present-day Frederick, Maryland, was asked by the Maryland Assembly to provide a meeting place at his home for a council with a local Indian tribe. A John Powell was charged with inviting the Indians, and was “*to go to Shuano town on Potomack, commonly called Opessa’s Town*”; he was provided calico shirts and scarlet worsted stockings to be used as gifts to help induce the Indians to attend. The purpose of the proposed council was to negotiate with the Shawnee over returning slaves they had been harboring - but the Shuano (Shawnee) Indians chose not to show up on the appointed date, and Anderson’s partner Israel Friend was sent back to invite them to visit Annapolis instead (Archives of Md, vol. 25 p 443, 451). Opessa’s Town is now called Oldtown, located on the Potomac River between Hancock and Cumberland, Maryland, about 50 miles west of Shepherdstown. Charles Anderson had been in the Indian trading business since at least 1712, when he was recorded as entering into a lawsuit in Cecil Co, Maryland, with the widow of Indian trader Jacque LeTort, who lived at the Indian town at Conestoga, Pennsylvania (see Diller, n.d). Charles Anderson had been involved with negotiations over these same slaves since at least 1722 when the Maryland Council, hearing he

was in Annapolis, had asked him to go to the Shuano town (Oldtown) with gifts of coats and socks, and a promise of a "*chain of friendship*" for "*so long as the sun and moon shall endure*", especially if they would give the slaves back (Md Archives, vol 25, p. 395).

1726 - John Van Meter and his family purchased a 200 acre tract from Lord Baltimore near present-day Frederick, Maryland in the Monocacy River valley settlement known as Monocacy Hundred. The Van Meters were of Dutch origin, and had been in the Dutch colonies near New York and New Jersey for several generations; at least some of them were slave owners, as John's grandfather mentioned 6 slaves in his will (K. B. Rogers, n.d.). All of John's children were born on land the family owned in New Jersey, but the family had moved west to Maryland by the early 1720s. John, 43, and occasionally his younger brother Isaac were itinerant traders in the Monocacy River valley, and they no doubt had some contact with Charles Anderson's Indian trading post there. Their father, nicknamed "the Dutchman on the Hudson", had also been a widely traveled Indian trader and supposedly had encouraged his sons to settle in the upper Potomac region he had once explored. The Van Meters were likely well acquainted with a fellow Dutch family named Swearingen living nearby at the time. The Van Meters certainly became acquainted with another family living in the neighborhood - John's daughter Elizabeth would marry Thomas Shepherd in a few years, and the young couple would, with Elizabeth's parents and several of their neighbors and relatives, soon take up land on the other side of the Cohongoroota River near a ford along the old wilderness trail, which the Shepherds years later developed as "Shepherdstown".

May of 1726 marked the death of Thomas Swearingen, a slave-owning plantation owner living not far from the Potomac River near present-day Chevy Chase, Maryland (a northern suburb of Washington DC). He left behind 3 daughters – Margaret, Luranna, and Mary – and two sons including Thomas, who was 18, and Van, who was a young lad of 7. All the children were bequeathed land in the will: Margaret and Luranna each received 40 acres of "Hills Choys", Mary received 96 acres of "Swearingens Pasture", Thomas received 70 acres of "Forest", and young Van received 70 acres of "Forest" and 20 acres of "Hills Choys". Van Swearingen will become a major focus of the rest of this narrative.

1727 - Sometime this decade a small number of German immigrants and others from colonies in Maryland and New Jersey may have begun forming a community near Pack Horse Ford on the Virginia side of the Cohongoroota River, along the old wilderness trail that had been used for thousands of years by the native Americans, located a mile or so south of the land later developed by the Shepherds. These first Europeans left few traces of their time spent here, vague church records, explorer's accounts and uncertain graves being the bulk of the evidence (see Dandridge 1910, Bushong 1941). There are records of Europeans exploring this area before 1729, though it may be stretching it a bit to call them a community before about 1730. Within a few years land sales and legal actions recorded at Virginia courthouses would provide better documentation of these and perhaps later arrivals, including the Morgans, Shepherds, Weltons and Van Meters. The Native Americans had not been forced to give up their use of the Shenandoah Valley at this time, by either violence or treaty, but the Europeans apparently felt

that the small numbers of Natives who traveled through the area did not present enough of a menace to keep them from settling there. The Natives were getting anxious, though: in a letter to the authorities in Maryland complaining of white incursions near the Cohongoroota (Potomac) in 1731-32, several Indian representatives of the Five Nations, including one Capt. Civility, specifically mentioned that they had sold land only to Israel Friend, the trading partner of Charles Anderson, near Antietam Creek on the eastern (Maryland) side of the Cohongoroota near Pack Horse Ford (Md Archives vol. 28, p.10-11). They considered any other whites settling in the area to be trespassing and urged the Maryland authorities to stop the surveying of property.

Among those possibly “trespassing” was 19-year-old Thomas Swearingen, who apparently made a claim for 115 acres of land on Little Antietam Creek, south of present-day Sharpsburg and Keedysville Maryland, dating from on or before Nov. 1727 in what is now Washington County Maryland. He patented this property on June 12, 1734 (website for a map of the location: midatlantic.rootsweb.com/MD/washington/plats/platmap.html). The property, later known as part of a much larger tract called Fellfoot owned by Tobias Stansbury of Baltimore, was purchased by Stansbury from Thomas Swearingen and his wife Sarah in the 1750s (Fred.Cty Md DB E, p433). This is the first record indicating that the Swearingens from near present-day Chevy Chase were interested in a new plantation further north in Maryland on the western side of the Blue Ridge, again located only a few miles from the Potomac. (A few other locally-prominent families such as the Chaplins made the same journey from tidewater Maryland at the same time).

1728 - Peter Beller and his wife, likely recent German immigrants, were baptized in a German religious community near Lancaster, Pennsylvania after helplessly watching their young daughter die (Klein 1926). They would soon be migrating further southwest to the colonial frontier beyond the Blue Ridge. (This may be a different Peter Beller than the one who eventually owned NCTC property, but the timing and circumstances seem right. There was also a Peter Bellar who had owned, prior to 1712, the same piece of property north of Philadelphia later purchased by Joist Hite [Phil Deed Book F, Vol 2, p. 48]).

1729 - Brothers John and Isaac Van Meter, explorers and traders from the Monocacy River valley in Maryland (Isaac and his family mostly remained in New Jersey at this time) built a cabin about 2 miles west of present-day Shepherdstown, West Virginia near where Route 45 crosses Rocky Marsh Run. They had spent some time in the last several years making contacts with authorities in Virginia about acquiring a large land grant, which included talks with Robert “King” Carter, representing Lord Fairfax and the Northern Neck Proprietary. They no doubt agonized over who held the rightful claim, the Virginia Colony, or Lord Fairfax in Great Britain?

John Van Meter became the Constable of Monocose Hundred in Maryland in 1729, a position he would hold intermittently through 1734, suggesting that his Virginia cabin was a temporary dwelling at first. The Virginia cabin site eventually became his home in the mid-1730s and became part of a patented property of over 1700 acres that included most of the watershed of the spring-fed creek now known as Rocky Marsh Run. It’s interesting to note that John, who could presumably pick out the most desirable property in the entire area, deliberately picked out the wettest, marshiest site around, and for years his tract was referred to as the Van Meter Marsh patent. (Homeowners now living in this area are occasionally the subject of local newspaper

articles during wet years – the intermittently marshy aspect of the landscape has apparently become less desirable in recent years, and some would prefer that the perennial surface water, so attractive to the Van Meters, drained a little faster to the Potomac through the now-channelized sections of creek.) Before moving full time to Virginia, Van Meter lived in what was known as the Monocassie Hundred which encompassed an area extending from the mouth of the Monocacy River where it joined with the Potomac up into Pennsylvania, including the area now known as Frederick, Maryland. After writing a letter to authorities complaining of “abuses” by the settlers in Monocassie Hundred, Constable Van Meter was given a couple of deputies, including one Joseph Mounts (Tracy and Dern 1987).

Back in Williamsburg, the colonial capital of Virginia, Robert Carter unsuccessfully petitioned the King via the Virginia Council to stop issuing patents within or near the Fairfax Proprietary until the boundaries were determined. The colonists still didn’t know where the headwaters of the Potomac or Rappahannock Rivers were, and so couldn’t determine what lands were within the Proprietary; the Virginia Council perhaps saw a benefit in remaining obtuse about the boundary location for the time being. Many in Virginia preferred to interpret “head” of the Potomac as describing the head of navigation, which would make the Proprietary much smaller by including land only in the coastal plain. Fairfax, of course, preferred the “first fountain” definition.

Chapter 2 European Settlement of Terrapin Neck

1730 - On June 17, the Van Meter brothers, after petitioning the Virginia Council for land grants for themselves, their many children and diverse relatives, were successful in acquiring a combined 40,000 acre grant from the colonial government of Virginia in the lower Shenandoah Valley. Thirty thousand acres, or $\frac{3}{4}$ of the total, were to be located between the “Sherando” and “Operkin” (Shenandoah and Opequon) rivers - clearly well within the Northern Neck Proprietary also claimed by Lord Fairfax. The brothers together were required by the Council to settle themselves and 30 other families within two years to retain title to the acreage. Note that they were not given *all* the land between the Shenandoah and the Opequon, nor were they required to mark out a single large block of land. On the contrary, they were allowed to mark, survey and sell the best portions to themselves, their friends, and their new settler families, usually in parcels amounting to several hundred acres, until they eventually accumulated 40,000 acres. In short they were given the sole rights to a two-year hunting license for 10,000 acres within the forks of the Shenandoah River (an area including the heavily wooded upland called Massanutten Mountain, part of the George Washington National Forest, and the flatter land near Front Royal), as well as 30,000 acres bounded by the Shenandoah, Potomac and Opequon rivers. This also meant, of course, that the Van Meters had to be nervous about claiming ownership to land that someone may have already been living on and was willing to defend – other occupants, if any, could decide for themselves whether to purchase a legal title for their claim from the Van Meters during this two-year period. Other potential settlers could also approach the Virginia Council to gain title after the two years were up, and they probably also had to consider dealing with Lord

Fairfax's agents since Fairfax considered this part of his Proprietary (the text of the Van Meter grant is included in the appendix). John Van Meter, in his rounds as Constable of the Monocosie Hundred in Maryland, no doubt informed all his friends and neighbors of his new land grant, and the wonderful land they could acquire from him across the river in Virginia. The Van Meters and the Virginia Council were fully aware that Fairfax held a prior claim to the land, well before the petition was heard; in fact, in later legal proceedings, Fairfax pointed out that the Van Meters had approached him first for a grant (Couper 1952). In ignoring the Fairfax claim the Virginia Council and Governor Gooch probably considered it an opportune time to try to solidify their own claim, particularly since the neighboring colonies of Maryland and Pennsylvania were expanding rapidly. As settlers pushed westward in a search for land, legal boundaries in the colonies at this time were routinely redrawn, ignored or became obsolete. In the 40 years that the Proprietary had been in Fairfax hands, the Fairfax family had never shown any inclination to travel to the colony to personally administer their claim, and it was probably fairly easy to ignore the Fairfax agents when they started to complain. True to form, Robert Carter issued a caveat for Fairfax at the time that the Van Meter petition was being considered. (To keep the Fairfax claim alive, Fairfax's agent Robert Carter issued the first Fairfax grant in the Shenandoah Valley to a member of the Carter family 3 months later on September 22.)

The Van Meter brothers weren't alone in their petition for land in the lower Shenandoah Valley, as other land speculators acquired grants within the Fairfax Proprietary this year as well. The Virginia Council granted land on the west side of the Opequon River in Virginia to Quaker leaders Alexander Ross and Morgan Bryan with similar requirements for bringing in new settlers. Quakers from Pennsylvania and Maryland soon began packing up and moving to Virginia. The Quaker leadership in 1738 admonished them *"to keep a friendly correspondence with the native Indians, giving no occasion for offence"* and to emulate William Penn's example by always purchasing new settlements from the natives. They were further reminded that the province of Virginia had *"made an agreement with the natives to go as far as the mountains and no farther, and you are over and beyond the mountains, therefore out of that agreement; by which you lie open to the insults and incursions of the Southern Indians..."*(Kercheval 1833)

Jeremiah York was perhaps the first known permanent settler in the vicinity of present-day NCTC. Tax records show he had been living in Chester County, Pennsylvania since about 1718 (O'Dell 1995), but about 1730 he disappears from the tax rolls there. Records indicate a Jeremiah York living in the Monocosie Hundred near Pipe Creek north of present-day Frederick Maryland in the early 1730s (an old bible record indicates a son born there in 1732), but if this is the same York, he is not listed in the tax list of 1733, suggesting a possible date for his move west into Virginia, about the same time as the Van Meters and others from the Monocosie Hundred. He claimed the land within a tight meander of the Cohongoroota several miles north of Packhorse Ford that would soon be called Terrapin Neck. Old friends and neighbors of York from Pennsylvania settled nearby on the Maryland side of the river, including Samuel Finley and the Alred family; the Yorks and Alreds would later settle in North Carolina together as well.

1731 - Joist Hite, 45 years old, having listened to the tales of the open lands in the Shenandoah Valley of Virginia, decided to sell his property near Philadelphia to a John Pawling for £540 pounds. The Van Meter's large land grant in Virginia greatly interested him, so Hite and about 16 other families packed up and headed south through the wilderness, widening the old Indian trails where necessary to make room for their heavily laden wagons. He and the Van Meters soon struck a deal (some genealogical sources have described Joist as either John Van Meter's cousin or nephew; other documents suggest they were just well acquainted), and the Van Meter brothers sold him their claim to the 40,000 acres granted them the previous year, possibly because of nervousness over the existing dispute over title, or maybe it had been their plan to sell out all along. John Van Meter was perhaps tired of the added "abuses" that inevitably came along with the administration of land grants and settlers, and was happy to be relieved of the burden, especially when it put money in his pocket. He was nearly 50 years old and had been moving west to the frontier his entire adult life. His younger brother and partner Isaac had decided to stay in New Jersey rather than settle on his grant in Virginia, so Isaac wasn't going to be much help. (According to fairly well documented family lore, Isaac later returned to Virginia and was killed by Indians during the French and Indian War in 1757.) The land the Van Meters had already patented was also sold to Hite 3 years later in 1734, though they retained and lived on several large parcels in the Shepherdstown area. Hite also had an additional 100,000 acre grant in the Shenandoah Valley issued to him by the Virginia authorities that he shared with a group of partners. Hite already had a head start in attracting the required number of settlers to his land grants with the 16 families who had traveled with him from Philadelphia; they all had lived out of their wagons near the Van Meter cabin and Pack Horse Ford for a year while homes were built about 5 miles south of present-day Winchester on the upper Opequon. Joist and Anna Maria's children were still fairly young at the time: John was 17, Jacob was 12, Isaac was 10, Abraham was 2, and Joseph was a newborn (Jones et. al 1979). Over the years the Hite and Van Meter families would develop close ties from numerous marriages.

In addition to settling a specified number of families, Hite and his partners were required to have the 140,000 acres surveyed by **December 25, 1735** to retain control of the grant, the Virginia Council having granted a two-year extension to the original Van Meter Orders of Council. Thus began the anxious process of locating and surveying land and finding settlers to reach their quota. After setting up a land office (and operating an inn) south of present-day Winchester, Virginia, in addition to trying to attract new settlers and buyers into their area, the Hites began surveying and selling property to people in the Valley who were already living there, offering a title and a bond on a scrap of paper should the title ever prove defective. In return, the settlers had to pay a base fee, usually £3 pounds per hundred acres (which was six times the price charged by the Northern Neck Proprietary or the Virginia Council), and an annual "quit rent". This may have been unpopular with some settlers, who probably were familiar with the Fairfax claim and were waiting to work with Fairfax for title. It must have been a bit of a shock to those already living in the area for a newcomer like Hite to appear in their midst holding an exclusive claim to 140,000 acres granted by the Virginia Council, and asking them to purchase the property they lived on from him. The Hites apparently were not particularly well organized and acted more in the manner of traveling land "peddlers". Lord Baltimore in Maryland and William

Penn in Pennsylvania also considered this area as a possible expansion of their grants, and most of the settlers had actually come from those colonies. It would take a great leap of faith to buy land from the Hites. On the other hand, the Hites were in the neighborhood, the settlers could receive what looked like a bona fide title to the land without traveling to Williamsburg, they could pick and choose from among the choicest properties without regard to size or shape, and they were offered a form of title insurance. If a settler also happened to dislike the feudal Lords of Great Britain and their propensity to hand out property to relatives and privileged favorites, a fellow immigrant settler like themselves may have been seen as a more worthy person to conduct business with. Unfortunately, it was later found that the Hites and their partners kept poor records and conducted many shady transactions, including the recording of poor or fictitious surveys, the erasing of names on documents, and the like. Many of their land transactions were little more than a verbal barter of various goods. It was found later that fewer than a third of their supposed buyers actually lived on one large grant. It should be noted that the Hites were not particularly unusual in this regard, many other colonial land speculators had similar problems and solutions to them (Couper 1952).

1732 - Robert Carter, Fairfax's agent in Virginia, died. Fairfax lost an influential and powerful ally within Virginia's governing Council, though in fact Carter was a mixed blessing, having enriched himself and his heirs with land in the Northern Neck, and leaving administration of the Proprietary in some disarray with his passing (see Brown 1965). At one point, Robert Carter had amassed over 330,000 acres and owned about 1000 slaves (Wiencik 1988, p.13).

Nearer the head of Chesapeake Bay, Lord Baltimore and the Calverts took note of the tide of immigrants coming out of Pennsylvania looking for land. The Treaty of Albany with the natives notwithstanding, the leaders of the Maryland colony, "*being desirous to increase the number of honest people within our province*", offered land on very good terms between the Potomac and Susquehanna Rivers in order to capture some of the immigrants heading south into Virginia. A family could get 200 acres for free, with quit rents waived for three years, while single men or women could get 100 acres under the same terms (Md Archives vol. 28, p25-26). The measurement standard for honesty wasn't mentioned, but probably had something to do with not being an Indian or squatter.

1733 - Lord Fairfax, still in Great Britain, petitioned the King to stop the colony from issuing grants within his proprietary, and to finally! conduct a survey for a legal description. This was granted. To ensure that this ruling would not be ignored, Lord Fairfax decided to deliver the text of the decree himself by visiting Virginia - that wild backwater colony across the Atlantic - for the first time. Unfortunately for the later settlers on Terrapin Neck, he didn't arrive in Virginia until two years later.

1734 - A young Thomas Swearingen and his wife Sarah sold 68 acres, "*part of a tract of land called Forrest lying in Prince George County*" he had inherited from his father several years before (O'Dell 1995). It's unknown if he was thinking about life in Virginia at this time, or whether he was living on his now-patented Fellfoot property south of present-day Keedysville on

the Little Antietam, but those new grants available across the river in the Shenandoah Valley of Virginia were undoubtedly being discussed by many young men in Maryland.

This year the first Hite survey near Terrapin Neck was conducted. On May 30, surveyor Robert Brooke surveyed an 834 acre tract on the Cohongoroota (Potomac) River adjacent to Terrapin Neck between Shepherd Island and the mouth of Rocky Marsh Run (then known as Jones Mill Run). This was surveyed for three partners--**Charles Anderson**, Indian trader and negotiator from the Monocacy settlements in Maryland, **Joseph Mounts**, deputy of Constable Van Meter in Maryland, and **Josiah Jones**, who also had another 164-acre survey in his name alone a few miles upstream “*being in the first large bottom below the mouth of Opeckon Creek*” (copies of surveys are at Berkeley County Historical Society’s Belle Boyd House in Martinsburg, WV). Jones had lived there long enough to have already built a road and at least started construction on a mill near present-day Scrabble just west of NCTC. The presence of this mill and several others soon underway in the area about the same time suggests that settlers and grain fields were already becoming common. Anderson, Mounts and Jones probably had claimed this parcel several years before expecting to buy it from their old friends the Van Meters, who were setting up operations on a 1,786-acre parcel several miles to the south along the marshy upper reaches of what was then called Jones Mill Run, but the Van Meters had instead sold out to Joist Hite 3 years before. This was a case where the Hites surveyed 834 acres that were already claimed, and then sold the occupants the land and provided a title bond in case the title should ever prove defective (Hyman 1996).

Anderson, Mounts and Jones had moved into a wild country that still included significant numbers of bison, elk, bear, beaver, wolves, cougars - and Native Americans who traveled frequently through the area along their ancient trails. Much of the lower Shenandoah Valley to the west of Terrapin Neck was a prairie with scattered woodlots; larger woodlands tended to be in the vicinity of rivers and streams and along the ridges bordering the Valley. The rich limestone soils of Terrapin Neck would have tended to grow a mixed oak-hickory forest cover very quickly barring any significant disturbance, just as it does today (the woodland around the NCTC campus was an open pasture in the 1940s!) What did Anderson, Mounts and Jones find so attractive when they claimed this property? You can get some idea of what the Terrapin Neck area looked like by examining the text of their 1734 survey:

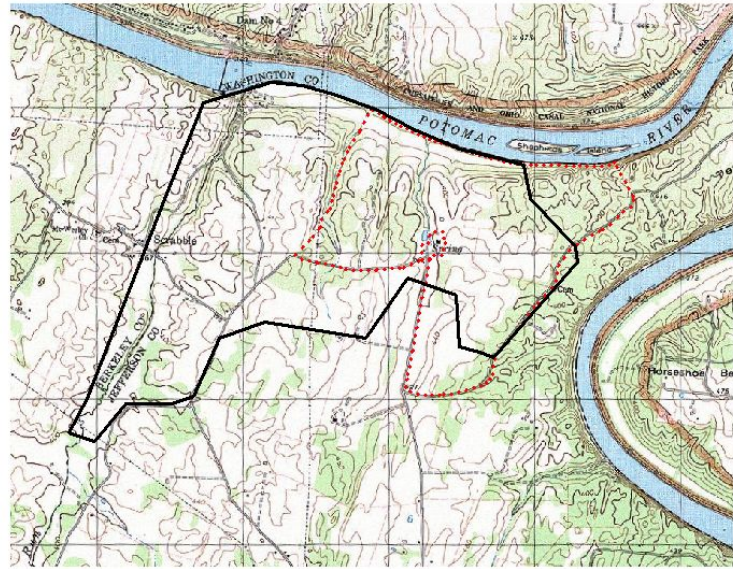
1734 Survey near Terrapin Neck

*Surveyed for Charles Anderson, Josiah Jones, and Joseph Mounts 834 Acres of Land Beginning at a **Walnut Tree** Standing at the Mouth of the Said Jones Mill Creek and on the West Side Cohongolooto Riv. And Thence down the Meanders Thereof 413 Poles to a **wt. Oak** opposite to an Island. Thence on the high land round the Several courses following Viz. So 40 po: to a **Hicory**. S 38 E 80 po: to a forked **wt. Oak**. So 26 po: to a large **Hicory**. S 40 W 183 po: to a **bla. oak**. N 60 W 46 to a **bla. Oak**. N 72 po. to a **wt. oak** on a knowl. N 70W 72 to a **bla. Oak**. S 50 W 88 to a **bla. oak**. S 70 W 74 to a large **w. Oak**. N 75 W 62 po. to a **bla: Oak**. S 62 W 80 po: to a **wt. Oak**. S 25 W 80 to a **Locust Tree**. N 70 W 19 po: to a **Hicory**. West 66 po: to a **wt. Oak** by a Spring. S E 80 po: to a **wt. oak**. NW 26 pole over the Mill Branch to a **Walnut Tree** beyond a Meadow. N35 E 40 po: to a **Hicory**. N 20 E 240 to a **wt. Oak**. And Thence N 40 W 230 pole to the Beginning This 30th day of May 1734.*

Rob't Brooke

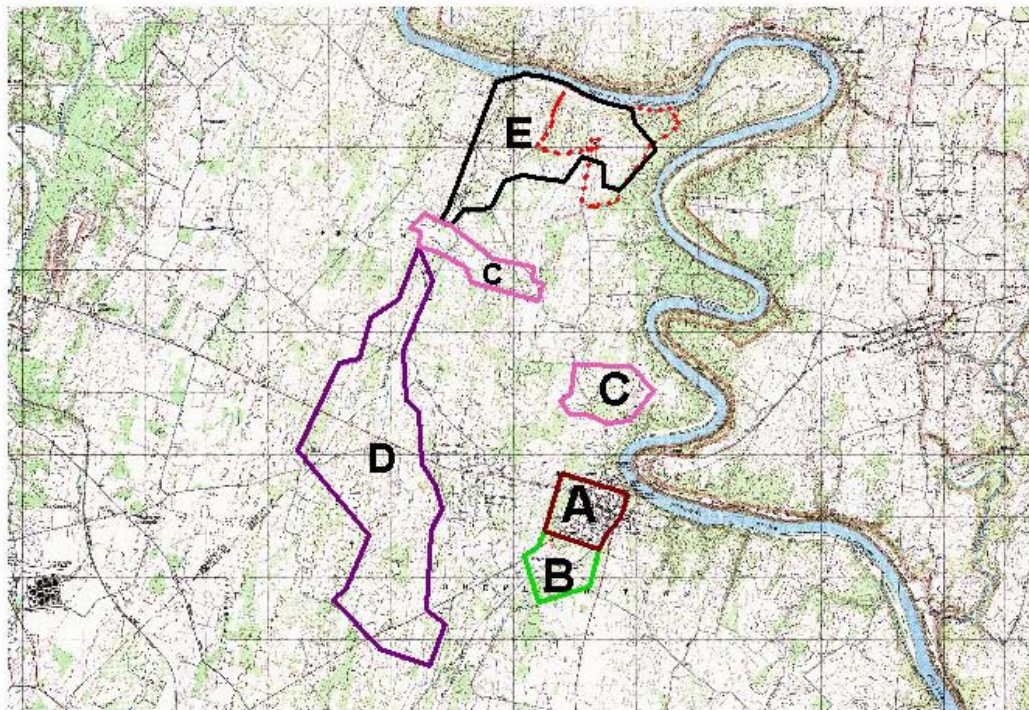
1734 Hite Survey

The island referred to above is now known as Shepherd Island, the Cohongoloota (various spellings) refers to the original name of the Potomac River, and Jones Mill Creek is now known as Rocky Marsh Run. A pole is 16.5 feet. Note that these same tree species are still commonly found on NCTC property. The Berkeley County Historical Society recently placed the “Jones Mill” site on the National Register of Historic Places - today a sign marks the site near present day Scrabble. The eastern portion of this 1734 patent is now occupied by NCTC.



The pattern seen in these early surveys shows that the new settlers, who could still pick from among the choicest properties, chose sites that contained a spring or stream, had access to river transportation routes, and probably had a few open areas for establishing crops. The text of the actual grant from Governor Gooch gives several other descriptive clues including “white oak against an island a little below the ford and running thence into the woods”, and “red oak in barren ground” (a meadow) located on the hilltop area east of the present-day NCTC entrance. Open areas were attractive if the soils were adequate for crops, but the new owners would have wanted plenty of trees nearby for building cabins, barns and other structures, as well as for firewood. The trees in the above survey were not likely part of a continuous closed-canopy oak-hickory forest, but perhaps were contained within thinly scattered woodlots, or along the edges of larger forest patches that were growing in the bottomlands. Fire, and grazing by herds of elk and buffalo were likely the primary means of retaining open sites on the rich soils near Terrapin Neck prior to - and during - the settlement by Europeans. The strange shape of the Anderson, Mounts and Jones survey shows their strategy of minimizing the amount of land they had to *pay for*, but maximizing the land area that they could utilize, by acquiring the water resources- including all the major springs- in the area. Another settler was unlikely to take up land next door and begin complaining about cattle trespass and wood removal unless there was a reliable source of water available. (This was still a common strategy used by settlers in the American west in the 19th century as well; by claiming the 160 acres around a spring, homesteaders could potentially have at their disposal many thousands of acres of semi-arid land). The 834-acre tract was patented the

Other 1734 Patents



- A Thomas Shepherd
- B John Welton
- C Richard Morgan
- D John Van Meter "Marsh" Patent
- E Poulson, Mounts and Jones
- ⋯ Present NCTC Boundary

same year by **Richard Poulson**, Mounts and Jones, who within several years began subdividing and selling portions of it. (Richard Polson is listed as a taxable in the Monocosie Hundred in 1733, another former Maryland neighbor of John Van Meter). The patent signed by Governor Gooch of the Virginia colony gave them a very strong legal claim of ownership to the property; they had achieved the goal of many of the early settlers by acquiring a *patented* tract of land. Why did Poulson take the place of Anderson on the patent? After all, Anderson's Indian trading post partner Israel Friend had also taken up land nearby along both sides of the river south of present-day Shepherdstown, probably in the 1720s. (Friend's title to the Maryland land apparently came from several generous Indian chiefs who considered him their friend - see Diller, undated. Thomas Swearingen would be executor of Friend's will in 1749). Anderson and Israel Friend were both descended from a Swedish Lutheran colony - New Sweden - along the Delaware River. And since Anderson's middle name was Mounts, one can assume he was closely related to deputy Joseph Mounts, one of the other patentees. (A Christopher Mounts, also related, had acted as an Indian interpreter for the Maryland Council back in August of 1700, further evidence that the Mounts and Anderson families had had several generations of frontier interactions with Native Americans, and may have derived a substantial portion of their incomes from these relationships - Md Archives v25, p.104). Anderson may have been nervous over the

Hite / Fairfax land dispute, and perhaps an agrarian lifestyle was ultimately unsuitable to someone who had spent so many years as an Indian trader on the frontier, and land speculation was his only real interest in the Virginia property. It could also have something to do with the fact that Anderson was in the Orange County, Virginia “gaol” by September 1735 for the murder of David Hopkins (O’Dell 1995), the charges brought by one Morgan Morgan and several other prominent early settlers in the area.

Robert Brooke completed several other surveys for the Hites in the area the same year (copies of these surveys are located at the Berkeley County Historical Society’s Belle Boyd House in Martinsburg, WV). In April, he surveyed 210 acres for Richard Morgan just north of present-day Shepherdstown. (This parcel was purchased by Van Swearingen 10 years later, and Thomas Swearingen, Jr. would eventually marry Morgan’s daughter). Brooke also surveyed a tract for a Welton in the same area. Later in October Brooke came back and surveyed 222 acres for Thomas Shepherd and his new wife Elizabeth Van Meter (who was related to the Hites - a relationship that likely played a factor in later legal proceedings on Terrapin Neck), to which Shepherd added a gristmill and sawmill some time later. Twenty years later part of this tract would be laid out into the town lots of Mecklenburg (Shepherdstown). The Morgan, Welton and Shepherd families, all of Welsh origin, had divided up and were utilizing the water resources of what is now referred to as Town Run and its small upstream, spring-fed tributaries, one of which begins in present-day Morgan’s Grove Park.

Note: the community of Shepherdstown has been referred to by a number of names over the years. From the 1720s to the 1750s it was commonly referred to as Pack Horse Ford, in reference to the ancient river crossing about a mile south of the present community. For a time it was called Swearingen’s Ferry, after Thomas Swearingen started a ferry in 1755. After 1762 it was legally known as Mecklenburg, or Maclinborough, using a variety of spellings. By the time of the Revolutionary War it was more commonly referred to as Shepherds Town. This name was given official sanction by the state authorities in 1798 (Dandridge 1910).

The Swearingen brothers of Maryland, Thomas and Van, were likely exploring the Virginia side of the river at this time. The actual date of one or both of the brothers *living* full time on the Virginia side of the Potomac is unknown, but was most likely in the early 1740s. Thomas with

Where Are the Native Americans?

Archeological evidence on the NCTC property has shown that Native Americans utilized the site intermittently upwards of 8000 years. Dating of cultural artifacts suggests that regular occupancy of the site ended about 1300 A.D.; this matches a regional pattern characterized by pronounced changes in the distribution and subsistence strategies of earlier cultural groups often correlated with a climate phenomenon known as the Little Ice Age. The very few European accounts of the area between the Shenandoah and Potomac Rivers in the 1720s indicate the area was utilized by small groups of natives for occasional seasonal subsistence including trapping, hunting, and the setting of fish traps to catch springtime sucker runs near present-day Harper’s Ferry. The I-81 corridor about 10 miles west of NCTC today roughly follows a major trail from New York to the Carolinas once used by various groups including the Lenni-Lenape, Shawnee and Catawba tribes; another ancient trail crossed the river at Pack Horse ford about a mile south of Shepherdstown. There seems not to have been any large or long-term settlements of Native Americans in the Shepherdstown area when Europeans began moving into the valley; the Maryland Council in the early 1700s spoke of Indian towns at Conestoga, Pennsylvania, the Shawnee town at present-day Oldtown, Maryland, a fort near Great Falls on the Potomac and several other tribes with towns around the Chesapeake Bay. A group of Tuscarora Indians, after fleeing the Carolinas sometime after 1715, lived at the site of present-day Martinsburg for a time (some accounts suggest they moved there after 1730), then left just prior to the French and Indian War in the 1750s. Note that these tribal names were often designations given to them by the Europeans – kinship patterns were complex and the natives themselves may have felt little connection to their assigned group.

his wife Sarah bought and sold several properties in Maryland between 1732 and 1744. By 1734 Thomas had patented his Fellfoot property near Keedysville, Maryland, was married and 26 years old. He was 11 years older than his brother Van, who was then a 15-year-old teenager. Thomas was probably the dominant male figure in Van's early life, as their father had died 8 years before. They likely had spent considerable time with their uncle Van Swearingen and his family who eventually established a home a few miles north of present-day Sharpsburg, not far from Thomas Swearingen's Fellfoot property on the Little Antietam (young Van would marry his first cousin from this family later). The Swearingen family had been involved with Maryland colonial politics and land use issues for several generations. Their great-grandfather's home in the then state capital of St. Mary's City at the mouth of the Potomac River was used as a meeting place for writing many of the early Maryland laws; he had served as Sheriff for a time, and ran a lodging and coffee house for the colony's leaders and merchants. The family was originally from Holland but became British citizens after arrival in the New World. Later generations were pragmatic in their choice of religious affiliation, abandoning Catholicism in the face of certain persecution by the colonial authorities of Maryland who wielded power through the Anglican Church. They eventually became moderately wealthy slave owners and undoubtedly were involved with the growing of tobacco on their lands. Each generation moved further up from the mouth of the Potomac River, and Van's father and uncles had several plantations near present-day Washington DC and Frederick, Maryland (see <http://genforum.genealogy.com/swearingen/>)

A busy wagon road from Conestoga, Pennsylvania to near present-day Winchester, Virginia was available for settlers to use by this time and soon afterward settlers could travel by wagon from Philadelphia all the way to the Carolinas on a road now known as the Great Philadelphia Wagon Road. To cross the Potomac, they could choose to ford near present-day Williamsport, Maryland, or cross at Pack Horse Ford a mile south of Thomas Shepherd's property when the water was low enough. A 1734 survey map in Virginia shows a ferry operating just south of Pack Horse Ford near the mouth of Antietam Creek on the Maryland side of the Potomac to Knott Island on the Virginia side, operated by a Samuel Taylor and used to haul iron ore for the new iron industry developing on or near Israel Friend's property. This would soon become the thriving mining and iron-producing town of Antietam, built near the ore deposit near the mouth of the creek of the same name. The ferry here may have been available for the occasional settler or traveler wishing to keep their feet dry, but because the colony of Virginia required public ferry operators to be licensed by an act of the Virginia Assembly, it could not legally be used for public transportation. Without a license, authorities wouldn't authorize new roads or require road maintenance to access it, important considerations if it was to be a money-making venture. The commercial possibilities for ferries were probably just beginning to be realized as hundreds of newly-arrived immigrants, both German and Scotch-Irish, were spreading out across Pennsylvania and traveling south along the wagon road west of the Blue Ridge down into the Shenandoah Valley. It has been estimated that 85% of the settlers moving into what became Frederick County, Virginia came from Pennsylvania, Delaware, New Jersey and northern Maryland (O'Dell 1995).

1735 - In May Lord Fairfax finally arrived in the Virginia colony for the first time to deliver the decree from the King to stop issuing patents within his Proprietary. You can imagine the stir in Williamsburg and the thoughts of those who had purchased property within the Fairfax claim. It was one thing to ignore a Lord on the other side of the ocean, but a different thing entirely when he was in town with an entourage and a handful of documents bearing the King's seal. Fairfax and his agents, including his recently-hired cousin William, immediately began to make plans for a survey of his Proprietary, and were inquiring about who had been given land within the Proprietary by the Council without their consent. The Van Meter/Hite grant was no doubt given prominent mention.

By July, mill owner Josiah Jones, one of the new owners of the patented tract near Terrapin Neck, was dead, leaving behind a wife and two children. His widow was ordered to appear in court to explain what she planned to do with her portion of the estate, including the mill. By September, Charles Anderson, one of the men named on the original survey for the property that became NCTC, was in jail for murder. The charges were eventually dropped, and Anderson moved to Oldtown further up the Potomac (O'Dell 1995). If slaves could find a refuge there with the Indians, perhaps he could too.

December 25 of this year marked the end of the Hite's 4-year period for legally surveying land to include in their grant. It seems they tried to sneak in at least one more survey, as will be seen - the deadline had been extended several times in the past so they seem to have assumed that it would be extended again whenever the assembly got a chance to take up the issue.

1736 - In January, a Jonathon Simmons bought about 315 acres on the eastern side of the Poulson, Mounts and Jones patent (now the Springwood portion of NCTC that includes the campus) from Joseph Mounts for 30 pounds (Orange County DB 2, p. 385). Richard Poulson was living there at the time near the island (O'Dell 1995). It is unknown if Simmons lived on his new property after the purchase, but it seems likely.

A Hite survey of 1200 acres including *all of Terrapin Neck* east of and adjacent to Jonathon Simmons new place was (probably) surveyed on May 21; **note that this took place 6 months after the Hite deadline.** (A map of this survey is located for the year 1777 later in this document). A John Browning, living in what is now Cecil County, Maryland not far south of Philadelphia, received a title bond of 200 pounds from the Hites almost six months later on November 6th for this property, suggesting that the survey was not conducted at the behest of Mr. Browning, but was undertaken by the Hites on behalf of someone else or with the hope of eventually finding someone to buy it. According to Virginia law Browning was then legally required to settle on and improve Terrapin Neck to retain title - he never did, but instead seems to have lived in northeastern Maryland until he died there five years later. The surveyor hired by the Hites on Terrapin Neck was James Wood, surveyor for Orange County, and later there is some controversy over whether he surveyed the previous November 10, as was alleged in court later by the Hites (albeit with no supporting documentation), or whether the survey was conducted on the date it was written in his log book, which was the following May 21 (Hyman

1996). Wood went on to later become the first clerk of the new court in Frederick County, and is known as the founder of Winchester, Virginia.

Why was a non-resident John Browning able to purchase this 1200-acre tract on Terrapin Neck, rather than the people who were (probably) living there? Assuming that Jeremiah York actually *did* settle there after 1730 (he disappears from Pennsylvania records after 1729, and is mentioned as living on Terrapin Neck by at least 1741 in a later court deposition by Anthony Turner, who came to the area in 1740 as a boy - see Chalkley vol. 2, p.95), and making a further assumption that later repeated court testimony was correct in showing that Browning never settled Terrapin Neck, we can speculate about what may have happened. Jeremiah York was either 1) ignored by the Hites and not consulted about purchasing the land he had claimed - this seems unlikely because of the surveys done by Brooke in the area in 1734; York also left south-eastern Pennsylvania about the same time as the Hites, suggesting they were acquainted; or more likely, 2) York refused or did not pursue a Hite survey and patent, possibly because of the invalid survey after December 25, or knowledge of the Fairfax claim and Fairfax's recent visit to Virginia, or some other misgiving or falling out with the Hites--and the Hites ignored York's unofficial "tomahawk rights" and sold it to Browning despite it already being claimed and possibly occupied.

York was under no obligation to buy from the Hites; remember the Hites were allowed to distribute only a maximum of 30,000 acres between the Shenandoah and the Opequon rivers before a December 1735 deadline, which had now passed. York could very well have been waiting to pursue a grant directly from the Virginia Council and Governor Gooch, or from Lord Fairfax (he did receive a Fairfax grant for the land finally in 1751). He could bide his time on his property in the Monocacy Hundred near Pipestone Creek while the dispute was being settled. York and Browning undoubtedly knew each other, since both were from the area southwest of Philadelphia near the Pennsylvania-Maryland border. Ironically, many settlers left the border area between Maryland and Pennsylvania south of Philadelphia to escape uncertain property titles because of a boundary dispute between Lord Baltimore and William Penn, who both claimed the area. York was no doubt chary about committing his money to an uncertain property transaction by this time.

Even if York and others had begun negotiating with Hite over a land purchase, the issue was rendered moot--the Hites and other speculators and settlers were prevented from patenting any more property between the Potomac and Rappahannock Rivers because of a Fairfax lawsuit about this time. This lawsuit effectively eliminated any settler's ability to acquire a clear legal title to land between the Rappahannock and Potomac Rivers for at least the next 15 years. Any contest between York and Browning over title to Terrapin Neck had to wait until the dispute between Hite and Fairfax was settled.

Progress *was* being made in describing the boundary of the Fairfax claim: the long-awaited search for the headwaters of the Potomac and Rappahannock Rivers, which would define the boundaries of Fairfax's Northern Neck Proprietary, started in October and took about 9 weeks.

The commission had two “teams”, being composed of members representing both Fairfax and the Virginia Council. After completion of their arduous survey, another year was spent drafting their separate reports and maps.

John Van Meter had exasperations this year beyond those associated with land grants. Consider the deposition of his daughter at an Orange County Court hearing:

Mary Jones of this county declares that on 13 Oct Robert Yeldall was with Cornelius Newkirk, and Robert Yelddall entered the house of John Vanmetre and asked Vanmetre's wife for a bottle he left there. The woman answered that she did not know of any bottle. He began to swear and say he would have his bottle, except she would cheat him of it, and if she did, he did not matter it, they were knaves, they had sworn the peace against James Davis, but he would stand by him, and that James Davis was able to drive them and all their generations, and if he would stand by him, and after they had been gone a while, they came back to the house again. Robert Yelddall rode up to the house door, and the fore part of his horse entered the inside of the house, and John Vanmeter struck the horse back. Mary (M) Jones. Sworn before Morgan Morgan. (Orange County Judgments, 1736; James Davis was Van Meter's son-in-law)

1738 - There were still some disputes between agents of the Virginia Council and the Fairfax team, so the results of the 1736 survey of the Proprietary were carried to England for a decision. Lord Fairfax agreed to honor all Crown grants issued by the Virginia Council within his Proprietary, including the Van Meter/Hite grants. The Terrapin Neck area was now included in the new county of Frederick, Virginia, there now being enough people in the lower Shenandoah Valley to warrant a court house of their own. Thomas Shepherd petitioned the Orange County, Virginia Court about this time, requesting to be discharged as “Constable Sherundo” as soon as Richard Morgan was sworn in his place (O'Dell 1995); in October Shepherd was also paid a bounty of 14 shillings for a wolf's head by certificate of Richard Morgan (FC VA Court Journal, in Smyth 1909).

1739 - From the time of the first settlements in the New World, Europeans had a strong interest in American flora and fauna, with many wealthy gentlemen becoming avid collectors. By this year John Clayton of Gloucester County, Virginia produced the first taxonomic work from America, entitled *Flora Virginica*.

Joist Hite's wife Anna Maria died at 52 years of age. Joist remarried two years later to Maria Magdalena, widow of his late friend Christian Neuschwanger. Their marriage included a prenuptial agreement specifying that she would provide love, obedience, cattle, money and other household stuff, in return for love, faithfulness and a home (Jones et. al 1979).

1741 - John Browning died at his home on the Eastern Shore of Maryland (actually in the northeastern corner of Maryland, not far from Philadelphia); he was only 36 years old. He willed “his” 1200-acre Terrapin Neck tract in Virginia, sold to him 5 years before by the Hites, to three of his children: George, Nicholas, and Rosamond (she eventually married a William Keating). The Hite-Fairfax dispute was still unresolved at this time, but luckily for Jeremiah York, there are no records of John Browning attempting to settle or press his claim to Terrapin Neck prior to

his death, though he apparently considered it valuable enough to pass on to his children. It would be more than 40 years before his grandchildren suddenly took an interest in the property again, as will be seen.

1742 - Peter Beller, a German shoemaker, and his wife Catherine, with 6-year old son Jacob were living on the patented property Jonathon Simmons had purchased 6 years previously near Terrapin Neck (now the Springwood portion of NCTC). They eventually purchased the property from Jonathon Simmons - but the transaction wasn't recorded at the courthouse until sometime after Simmons death four years later (FCDB 4, p.121-123). Beller may have lived in Lancaster County, Pennsylvania with Dunkers around 1728, and followed a common German settlement pattern by continuing south into the Shenandoah Valley. There were other German Protestant groups settling just to the west on the other side of the Opequon River, an area off-limits to the Hites. Many German settlers preferred to continue on toward North Carolina in order to avoid the contentious land ownership disputes between Hite and Fairfax, and others (Couper 1952). Beller probably followed the typical German style of growing crops and animal husbandry, and likely had a cabin and a barn on the property that would become NCTC (see chapter in Kercheval 1833).

1743 - Van Swearingen, 24, married his 21 year old first cousin Sarah Swearingen. Sarah and her family had likely been living about 5 miles north of Terrapin Neck across the river in Maryland by this time, not far from Thomas Swearingen's Fellfoot property south of Keedysville where Van had likely resided with his brother. Van and Sarah's children eventually include:

Josiah - b. 28 March, 1744, oldest son
Rebecca - b. 2 Oct 1745 (she apparently died young)
Hezekiah - b. 7 Feb 1747
Luranna - b. 13 Nov. 1748
Drusilla - b. 29 Oct 1750
Thomas - b. 22 Nov 1752

Indian claims and complaints now being entirely ignored, settlement of the riverside land in Maryland across from Thomas Shepherd's little community on the Potomac had been proceeding steadily for almost a decade, with several surveys already completed in the area now known as Ferry Hill. John Van Meter hired a survey for a 160 acre tract on the Potomac on the Maryland side of the river known as Pell Mell, which was just northeast of an adjacent tract downstream already surveyed and patented known as Antietam Bottom. Van Meter instructed the surveyor Joseph Chapline not to mark the western corner of Pell Mell - a black walnut tree on the riverbank - until after the lines of Antietam Bottom (patented in 1739 by John Moore) were known, so there wouldn't be any controversy over the boundary. Unfortunately the walnut tree was never marked and sure enough it later caused a lot of controversy (Fred. Cty Md DB J, p 939, deposition of Joseph Chapline).

1744 - The newlywed Van Swearingens bought a 210 acre Hite-surveyed, patented tract from Richard Morgan for 110 pounds just north of the Pack Horse Ford community (now part of the Cress Creek development), which became their first family residence in Virginia (FCDB 1, p.116). The deed refers to Richard Morgan as a “Gentleman”, while Van is described as a “Farmer”. Van’s older brother Thomas would acquire an adjacent 478 acres from a Fairfax grant six years later, site of a conspicuous circle of raised earth used by the native Indians sometime in the past (Kercheval 1833), that later became known as the Bellevue property. Local folklore includes the tale of a Delaware Indian chief who was supposedly captured in the vicinity by enemy Catawba Indians, and buried alive near the spring on what became the Swearingen estate. The spring on the property spurts instead of flows, according to the tale, because of the beating heart of the buried chief (Heatwole 1995). Thomas established a ferry across the Potomac on this property by 1753, and eventually owned plantations on both sides of the Potomac River.

Although there are no records that describe the lifestyle of the new Swearingen plantations in Virginia, from descriptions of common practices at the time we can surmise that the children, many of the household chores, as well as the farm animals and crops, were all attended to by slaves. Tobacco and other crops and animals were grown and sold for profit, but much of the land--and much of the effort--would necessarily have been directed toward the growing of corn, wheat, hogs, sheep, and beef, which formed the basis of their subsistence. Tobacco was the currency of choice for paying taxes and fines for several decades in colonial Virginia. The financial system then prevalent has been likened to growing cash in your back yard.

Landowners were assessed not only on real estate, but also on personal property such as horses and slaves. By Virginia law, planters were required to transport tobacco to a public inspection warehouse located in each county. Planters storing tobacco at the warehouse were given a receipt, which could be used as legal tender. Col. James Wood, clerk of the new Frederick County, in his Virginia Fee Book for 1744 recorded the Tobacco Assessment for selected settlers in the Terrapin Neck area as shown in Table 1.

Even though Van Swearingen was a “Farmer” and Richard Morgan was a “Gentleman”, Van appears to have nearly double the property worth taxing compared to Morgan, and even was assessed a higher fee than his neighbors the Van Meters. He owned only 222 acres, suggesting much of his wealth may have been in slaves and livestock. This list is missing some important people connected with the Terrapin Neck - Pack Horse Ford area at the time, such as Thomas Shepherd, who owned hundreds of acres of patented land, a gristmill and perhaps a sawmill by this time, and Thomas Swearingen, who

Table 1. 1744 Frederick County Tobacco Assessment

NAME	Pounds of Tobacco Assessed
Peter Beller	50
Joseph Mounts	96
Richard Poulson	5
Van Swearingen	190
Jonathon Simons (Simmons?) ye infant	560
Israel Friend	268
John and Jacob Hite	449
Joist Hite	109
Richard Morgan	105
John Welton	130
Isaac, Henry and Jacob Van Meter total	158

from Kerns, n.d.

would own a mill, much land, and a ferry operation in the years to come. Why is Van assessed but not his older brother? Thomas Swearingen was probably still living a few miles away across the river in Maryland on his Fellfoot property south of present-day Keedysville at the time of the assessment, but in May of 1744 he was the overseer of a new road being built from Thomas Shepherd's mill southwest to Jacob Hite's (present day Route 480), and took in some orphans associated with Jones Mill soon after. Terrapin Neck settlers also missing from the list include Jeremiah York - or anyone named Browning, suggesting there were minimal improvements on the disputed tract. The clerk of court, James Wood, may have known that York did not hold a patent to the land he (probably) lived on in Terrapin Neck, since it was Wood himself who had conducted the land survey there for the Hites ten years before. It is unknown why the Browning heirs were not assessed instead, unless the ownership question between Hite and Fairfax placed these people on a separate list. Did Frederick County assess only those who held a patented tract in 1744, or did Wood keep a separate list for those living on unpatented land? Researcher Kerns also noted some prominent individuals missing from the list for the Cacapon area for this year as well, and speculated that some settlers were too new to have come to the attention of the County authorities, or perhaps part of the Fee Book was missing. At any rate, this list strongly suggests that tobacco was a significant crop grown in the Terrapin Neck area at the time, though of course they didn't have to *grow* tobacco, and may have bartered other goods to acquire enough tobacco to pay their assessments.

Another Indian Treaty was negotiated this year, called the Treaty of Lancaster. Indian negotiators, again led by the Iroquois who claimed to speak for all the tribes of the mid-Atlantic region, at first strongly asserted their claim for lands west of the Blue Ridge by right of *conquest* (not by settlement, because there hadn't been any permanent Iroquois-related settlements in this area for some time), but ultimately signed over their rights to all lands between the Blue Ridge and Ohio River for £400 pounds. They were still allowed to travel their Indian Road between New York and the Carolinas, now roughly the route of Interstate 81 (see Md Archives v28, p336). This would now allow the legal settlement of the Maryland side of the River across from Shepherdstown, at least in terms of having accommodated (at least one of) the tribes.

Chapter 3 The Swearingens Become Prominent Under Lord Fairfax Rule

1745 - After years of dispute, the Fairfax Northern Neck Proprietary was defined and reaffirmed by the Privy Council in England, confirming the "first fountain" of the Cohongoroota as the head of the Potomac River, and making Fairfax the owner of over 5 million acres of Virginia! This essentially created two separate colonies within Virginia, at least in terms of acquiring a land grant, with Fairfax now in charge of all grants between the Rappahannock and Potomac Rivers. A survey was ordered to mark the western boundary that became known as the Fairfax Line, a boundary line running NW from near the present-day Big Meadow area of Shenandoah National Park to the head spring of the Potomac near present-day Davis, West Virginia; the surveyors laid a stone monument at the head spring, known as the Fairfax stone, and its various replacements can still be seen today. The surveyors included Peter Jefferson (father of the third president), and Robert Brooke (the son of the surveyor for the 1734 Anderson, Mounts and Jones survey near Terrapin Neck). This created a situation where the Hites and Fairfax now "owned" some of the same land. The Hites and Fairfax got in a squabble and Fairfax refused to honor Hite titles

despite what he agreed to in 1738 (Couper 1952). Hite apparently had taken a long time to grudgingly provide to Fairfax names of settlers on lands Hite had surveyed, along with a description of the property boundaries. When he finally did provide them, the records and property descriptions were terrible; Fairfax felt disinclined to issue grants to what he considered fictitious people living on property with uncertain boundaries, and also wondered why the name “Hite” frequently appeared in the ledger obviously replacing a number of other erased names. Later court documents show that a high percentage of the acreage did go to the Hite family, though this was by no means a transgression of the terms of the 1730 grant purchased from the Van Meters. Using the names and acreages listed on page 174 in McKay (1951), Jost Hite’s name is the “assignee” associated with 12 of 52 parcels surveyed and patented in 1734 under the Van Meter grant, amounting to 18,869 acres, or 41% of the total acreage of 46,248 acres. There were 36 other family names in the list, and if legitimate, this was 6 more than was strictly needed. The other 100,000-acre grant that Hite held with several partners was perhaps more of an issue, as it was found that only about a third of the listed families were actually living on the property in question.

Fairfax also objected to the Hite surveys for their tendency to lock up the water resources of an area. Many of the property boundaries of the Hite-surveyed lands included only the long, thin bottomlands bordering a stream, plus any adjacent choice uplands including the nearby springs. This made it difficult for later settlers to utilize adjacent property because of the lack of water. For example, in the Shepherdstown area John Van Meter acquired a long, thin parcel totaling 1,786 acres that included most of the narrow watershed of what is now known as Rocky Marsh Run, while the original Poulson, Mounts and Jones patent included extensive Potomac River frontage, the lower portion of Rocky Marsh Run, and an irregular shape designed to acquire the several major springs in the area. Richard Morgan acquired a skinny 290-acre patent between and perpendicular to the two grants listed above which included a spring and a meadow that ran into Rocky Marsh Run (now the site of The Conservation Fund’s Freshwater Institute). Israel Friend’s 300-acre patent was a long, narrow bottomland tract adjacent to the Potomac just downstream from Packhorse Ford on the Virginia side and was cited repeatedly by Fairfax as an example of just what he was complaining about. Fairfax preferred what he called a “regular survey” that followed the Virginia Assembly order of Oct. 22, 1712 which required that surveyed parcels should have a breadth of at least one-third of their length (Brown 1965).

Because his original legal land grant description referred to “*all that entire Tract, Territory, or porcon of Land situate, lying and beeing in America, and bounded by and within the heads of the Rivers of Rappahannock and Patawomecke...*”, Fairfax encouraged everyone to begin using the name “Potomac” for the river north of Harpers Ferry, instead of the old name of Cohongoroota, which was of Indian derivation from the sound of a honking goose. Lawyers could potentially create mischief for his newly-won Proprietary if the boundary for his claim was known by Cohongoroota rather than Potomac, so the original Indian name had to go.

Closer to home, Thomas Swearingen was appointed guardian of John and Sarah Jones, orphans of the deceased mill owner Josiah Jones and their more recently deceased mother (O’Dell 1995). Thomas and his family had apparently moved to the Jones Mill property near Terrapin Neck shortly before this time; Thomas Swearingen and his heirs would own and run the “Jones” mill near present-day Scrabble for more than 70 years. The mill location was adjacent to the

Cohongoroota, which would allow barrels of flour and grain to be boated downstream to markets when water levels were high enough. Mill operators in that day kept a percentage of the grain brought to their mills as payment, and then sold the accumulated grain or flour to generate a profit (Stanton 1993).

In 1745, Thomas Shepherd was appointed overseer of a local road, in place of Van Swearingen (Fred. Cty Court Journal, No. 2, p.2, in Smyth 1909).

This year also marked the death of John Van Meter, who had been living upstream of the Jones Mill near present-day Rocky Marsh Run about 2 miles west of the little community being developed by John's daughter Elizabeth and her husband Thomas Shepherd. John had spent the last years of his life raising horses in what became known as the Van Meter Marsh patent. He had given away in 1744 "*all stalyons, geldings, mares and colts, running in the woods, branded on the left shoulder with the letter M*" to various family members (Smyth 1909).

Note: Joseph and Remembrance Williams, brothers of Poulson's wife Ann, are mentioned in several deeds in the Frederick County Court House in Winchester on land near Jones Mill and the area that eventually becomes RiverView Farm within the Poulson, Mounts and Jones grant about this time. Two adjacent parcels were described with them as owners?, but they seem not to have taken possession of the properties; this is probably a case of double titles for the same property, the confusion in part from the ongoing Hite-Fairfax controversy.

1746 - A death threw Peter Beller's title to the Springwood property into doubt. By decree of the Frederick County court, May 1746, Peter Beller "*recovered from Jonathon Simmons/Seaman an infant heir-at-law to Jonathon Seaman, late of Frederick County*" the 317 acres Simmons Sr had bought from Joseph Mounts - the Springwood tract (described in Frederick County, VA Deed Book 4, p.121). It seems that Jonathon Simmons Sr died before the real estate sale to Beller was recorded (it was a long journey to the Frederick County Court House), automatically giving the property to Simmons, Jr., who was still a youngster. Beller filed suit in Chancery Court to recover the property, the court acknowledged Beller's ownership and "ordered" the infant to honor the transaction when he was legally old enough to do so - within six months of his 21st birthday (this finally took place in 1762, after Beller sold the property to Van Swearingen, as will be seen). One can imagine Beller standing on the hill overlooking the river and mumbling ruefully "*Mein Gott in Himmel*" over this state of affairs...

1747 -Twelve years after his first visit, Lord Fairfax came back to the Virginia colony from Great Britain to defend and administer his Proprietary claims. He had settled his affairs in the British Isles and planned to live the rest of his life in the Virginia colony. A map of his Proprietary was finally published this year.

1748 - Thomas Swearingen acquired a 222 acre parcel (purchased from Richard Poulson) near the mill and the mouth of Rocky Marsh Run (Frederick County, VA DB 1, p. 396). He may have taken over the operation of the old Jones Mill there at this time, along with taking on the responsibilities and care of the Jones orphans.

1749 - Lord Fairfax, now living in Virginia full time, set up a land office near Winchester (strategically located not far from the Hites) and began surveying and selling grants of land. If a settler wanted title to unclaimed land between the Rappahannock and Potomac Rivers, the only choice now was to deal with the Fairfax land office. Fairfax employed a number of young men to survey portions of his Proprietary, including George Washington. Fairfax was also

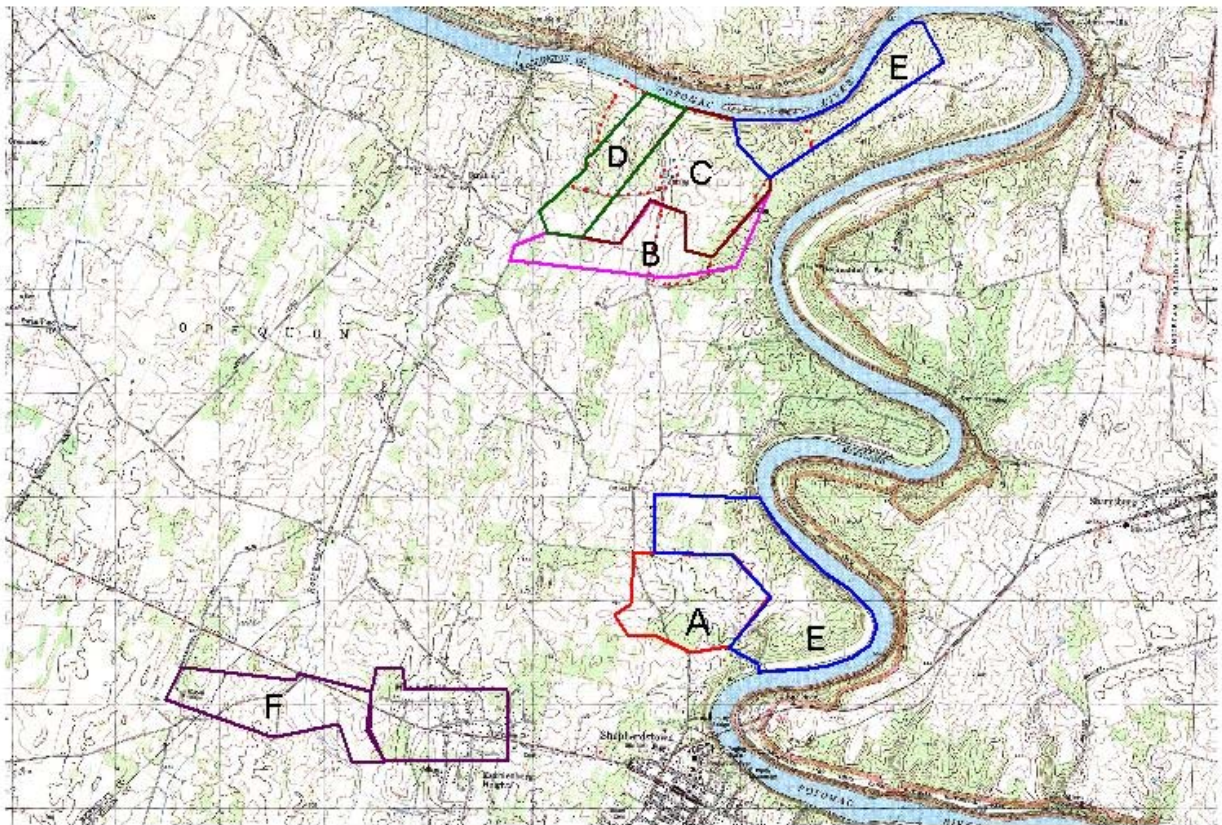
commissioned Justice of the Peace for all Northern Neck lands, and served as local magistrate, county lieutenant, and vestryman of the Anglican Church. “*Lord Fairfax, Baron of Cameron in that part of Great Britain called Scotland, Proprietor of the Northern Neck of Virginia*” was now established as the ruler of over 5 million acres. The Fairfax land office generally just re-granted land surveyed and sold by the Hites back to the Hites and their purchasers, despite all the squabbles, though this did not stop the antagonism between the two groups on the 27 contested parcels. Unfortunately Fairfax could not just re-grant the land on Terrapin Neck to the Hite purchaser (Browning), because Browning was dead and buried on the Eastern Shore of Maryland, had never settled the property, and had no heirs around claiming possession; the late date of the survey and sale may have also been a factor. The Swearingens, Jeremiah York and others in the vicinity of Terrapin Neck were among the first to apply to Fairfax for grants of land they already occupied and elsewhere.

The Hite family and their partners were likely a bitter, dejected lot at this time, though in the back of their minds all those years they must have considered the possibility that the Fairfax claim would be legally recognized. Despite almost 20 years of work their expected fortunes had not been realized and the courts offered their only hope of reclaiming their perceived losses. Predictably, Joist Hite and his partners filed their own lawsuit to test the validity of the Fairfax claim and to regain 36,686 acres of land that they had surveyed but hadn’t been able to patent because of Fairfax suddenly showing up out of the blue waving a decree from the King (including the 1200 acres on Terrapin Neck that had been surveyed 6 months past the deadline). The Hite land grants were in dire legal straits, and the Hite family certainly didn’t want to lose the bond money they would have to pay if their buyer’s titles proved defective! The Hites were only one of about a dozen groups of speculators who had been surveying and selling land in the Shenandoah Valley prior to Fairfax gaining legal title, but the Hites were the only land speculators who Fairfax could not seem to accommodate to their satisfaction, which Fairfax blamed in part on the Hite’s effrontery (Hyman 1996).

1750 - Peter Beller moved from his patented Springwood tract to a new 400 acre Fairfax grant near present-day Baker Heights (O’Dell 1995). With the 300+ patented acres on the Potomac and the new 400 acre grant, this suggests that Beller was primarily interested in plantation agriculture with shoemaking a sideline business benefiting friends and neighbors. Thomas Swearingen received a Fairfax grant of 478 acres next to his brother Van’s patented tract near present-day Shepherdstown; he had been living on the property near his mill, but was making plans for a new house and perhaps a ferry by this time, closer to Thomas Shepherd’s little town.

Farmers in the middle colonies, seeing diminishing returns from their fields, began using clover and grasses to help restore nitrogen to the soil about this time, 100 years after farmers in England first began the practice. Within a few years, wheat exports from these same middle colonies, including Maryland and northern Virginia, would account for about 20% of all colonial exports (Dufour 1994).

Van Swearingen Land Acquisitions in Terrapin Neck Area



- | | |
|-----------------------|-------------------------------|
| F | 1773 Purchase from Van Meters |
| E | 1760 Fairfax Grants |
| D | 1758 Purchase from Poulson |
| C | 1756 Purchase from Beller |
| B | 1752 Fairfax Grant |
| A | 1744 Purchase from Morgan |
| Present NCTC Boundary | |

1752 - On 14 January, Van Swearingen received a grant from Fairfax for 187 acres near the entry to present-day Terrapin Neck Road, just south of the Beller property (maps are from data provided by G. Geertsema). The shape of the grant indicated he may have had an eye on the Beller property to the north, because the two properties combined would create a much more square shape than the original 1734 Poulson, Mounts and Jones patent boundary, while the 187 acres alone would be small, strangely shaped, and provide no significant source of water. His first foray into Fairfax grants may have been a disappointing experience. Whoever recorded the deed got his name wrong (Van Swaringham), and the surveyor used the wrong tree to describe the western corner, creating an issue with an earlier survey by his neighbor to the south (Richard Morgan) that had to be remedied. He also purchased a warrant for, and had surveyed, an additional 321 river-front acres on the east side of his patented land purchased in 1744 (now the Cress Creek development), and waited for a grant to be issued. His family had grown to 6 children by this time. The vestry of the Episcopal Church of Frederick County may have had at least two tight-faced members in their meetings this year, as it included among its membership John Hite (son of Joist Hite), Lord Fairfax, and Thomas Swearingen (Couper 1952).

1753 - Van Swearingen paid for a warrant and survey for a 200 acre tract along the unpatented northern boundary of Terrapin Neck, but waited over 6 years for the official grant from Fairfax to be issued. The deed would later describe, in standard fashion, 400 acres of waste land currently not claimed by anyone. He couldn't claim all of Terrapin Neck since Jeremiah York already had a Fairfax grant for 323 acres out on the eastern end of the Neck, Vachel Medcalfe claimed an additional 300 acres, and Abraham James claimed 196 acres at the base of the Neck. Van and his neighbors almost certainly were aware of the Browning purchase in 1736, and the fact that the 1736 survey was completed past the deadline, but seemed willing to take a chance on Fairfax grants since a Browning had never asserted a right to the property. The surveyor for Fairfax was Thomas Rutherford, whose son eventually married Van's daughter Drucilla. Van Swearingen may have been living on Peter Beller's property (Springwood) by this time, but hadn't paid for it yet. His neighbor out on the end of the Neck, Jeremiah York, sold his 323 acres for which he had received a Fairfax grant two years before to a William Chapline for 58 pounds - thus indicating that Chapline was not particularly worried about the Hite/Browning claim at this point (FCDB 3, p. 90). York, on the other hand, avoided any further legal machinations over title to land in the Fairfax Proprietary by selling out and moving to North Carolina with several other local families.

1754 - British settlers, traders and explorers heading west over the Appalachian mountains ran into French settlers and explorers heading south and east, with tensions rising over which European group would control the upper Potomac area and the Ohio River Valley. Many of the Native American groups living in what are now Wisconsin, Illinois, Michigan, Ohio and New York had become familiar with the French traders and settlers during the more than 100 years of French exploration of the area, and some were convinced to ally with the French in their dispute with the British colonies. Several years later the British had their own Native allies for a short time, when the Cherokee and other groups in the Carolinas decided to weigh in on the side of the British. Later the Iroquois Confederacy sided with the British to use the growing British power to retain control over Native groups in the Ohio River valley. The various Indian groups across the continent had old alliances and scores to settle dating back decades or even hundreds of years, and it had long been common practice for them to travel thousands of miles to trade or

fight with other Natives - their participation in the British-French squabble over half a continent was a variation on a very familiar lifestyle for many of them.

By 1754 the French and Indian War had begun in earnest, the conflict – international in scope and also referred to as the Seven Years War – sparked by a young George Washington and a group of Virginians and Native Americans who together attacked a small party of Frenchmen sent to parley with the British group, killing and wounding (and eventually scalping) a number of them in a treacherous, less-than-honorable fashion even after a cease-fire had been in effect (*who did what and when* is still a matter of some controversy). Virginia's Governor Dinwiddie, who had picked Washington to lead the expedition, was a major stockholder in a business venture known as The Ohio Company, which hoped to realize enormous profits by settling and trading in the upper Ohio River country. (Note that this venture was located in what is now western Pennsylvania, an area well north of the Potomac River which had been clearly defined as the boundary of the Virginia colony – a Virginia claim for this area took some real chutzpa). This gave Dinwiddie a personal incentive to send an inexperienced, unmotivated, poorly outfitted, unpopular, expensive military expedition to protect the company's trading posts near present-day Pittsburgh, led by an enthusiastic 21-year-old surveyor named Washington intent on making a name for himself (see Anderson, 2001). Settlements in the lower Shenandoah Valley were attacked repeatedly by Indians over the next few years, and the terrified settlers occasionally dropped everything they were doing and banded together in panic-stricken caravans heading back east over the Blue Ridge. Several families and forts in the Martinsburg-Shepherdstown area were annihilated in raids; note that the terror was not a vicarious experience the Terrapin Neck settlers read about in the paper, but a horror that preyed on their imaginations every time a noise was heard in the night over a several year period. Peace would not come soon for the settlements further west; in fact, intermittent fighting in the upper Potomac Highlands and further west along the Ohio River would continue for more than 40 years. Authorities in Virginia committed a portion of their military forces to frontier forts to protect against war parties coming from the north, but an even larger number of militia were kept near home to protect the colony from a potential slave uprising. A fort was built in Thomas Shepherd's little town around this time to protect the local settlers, and most of the men were required to join the local militia. Shepherd had begun to lay out town lots by this time and felt compelled to offer them on good terms to keep people from running away from the strife-torn area (see Dandridge 1910). Interestingly, his wife Elizabeth's name was included on all the deeds over the years as co-owner and co-seller, indicating she considered herself a partner in the land business, an interest she may have picked up from her father John Van Meter. Thomas and Elizabeth Shepherd this year also became the proud parents of a fifth son, the eighth of their nine children; they named him Abraham. Abraham Shepherd will become a salient figure in the history of Terrapin Neck.

In his capacity now as a Justice of Frederick County, Thomas Swearingen took several depositions regarding the granting of land by the Fairfax land office (McKay 1951).

1755 - Title problems continued to plague many settlers in the area. For example, 100 acres of Thomas Swearingen's 222 acres near Scrabble were bought and sold several times by other parties who had bought it from Joseph Mounts, even though J. Poulson had sold all 222 acres in 1748 to Swearingen (Frederick Cty VA DB 4, p. 190 and 193). It's unknown if Swearingen knew about this at the time.

Thomas Swearingen also received official sanction from the Virginia Council to operate a Ferry “*from the land of Thomas Swearingen in the county of Frederick, over Potomack River, to the land opposite thereto in the province of Maryland*” just north of the land owned and being developed by the Shepherds as a new town; this area also became known as Swearingen’s Ferry at the time - distinguishing this river crossing from Harper’s Ferry, which was down the river a few miles, and Watkin’s Ferry to the north. First mention of a Swearingen ferry at this location is in a 6 March 1753 Frederick County court road order appointing Capt. Richard Morgan as “*overseer of the road from Jacob Hites to Mr Swearingen’s ferry*” (Luckman and Miller 2005). Thomas would be remembered ever after as “Thomas of the Ferry”. The regulation of public ferries in Virginia was controlled at the Virginia Assembly, meaning Thomas had to get a bill passed in the Virginia Assembly before public ferry operations could be officially sanctioned. Ferries in Maryland, on the other hand, were either sponsored by the county (the ferryman was a salaried county employee), or unregulated private enterprise until a ferry regulation law was passed in 1781, meaning that Thomas Swearingen did not have to get a separate license from the colonial authorities in Maryland. The growing little community near Pack Horse Ford (i.e. the Shepherds) agreed to maintain a road from the town to the ferry landing near the present-day Bellevue property, while Marylanders built a road along the route through present-day Boonsboro and Sharpsburg to the ferry landing on the Maryland side of the Potomac. Thomas Swearingen was authorized to charge three pence, three farthings per person, and the same amount per horse. Separate prices were specified for various carriages, carts and wagons, while tobacco hogsheads and cattle cost the same as a horse, each sheep or goat cost one-fifth of a horse, and each hog cost one-fourth of a horse (Henning’s Statutes, May 1755, 28th year of George II, Chapter 12, An Act appointing several new Ferries).

In 1755 he ferried General Edward Braddock and part of his military force across the river on their ill-fated expedition to fight the French and Indians near the site of present-day Pittsburgh, Pennsylvania. Maryland Governor Horatio Sharpe, namesake of Sharpsburg, accompanied the expedition, and later reported paying “*to Thomas Swearingen on Potomac for ferriage of General Braddock party and guard £8.2.0*” (Green and Hahn, Ferry Hill Plantation Journal). Thomas Swearingen Jr. is mentioned as a Captain of a militia company at this time, as was his father Thomas and later his uncle Van Swearingen (Chalkley, v.2, p.503). Militia leader Adam Stephen, in a Nov. 1755 report to George Washington, mentioned that “*Sweringhame was orderd out last Tuesday with 100 Men, to reconnoiter towards Sleepy-Creek, and the Warm Springs; but is not gone yet He & Caton cannot make up the number between them, so many have run off*” (George Washington Papers Colonial Series 2: 158-162).

Thomas Swearingen’s ferry landing on the Virginia side of the river presented no ownership issues because it was located on his own property. The ferry landing on the opposite side, though, was potentially a problem because the property was owned at first by his neighbors in Virginia. Directly across the river from his Virginia property was the black walnut tree dividing the property known as Pell Mell then owned by the Shepherd family, from the property called Spurgin’s Lot, owned by William Spurgin, part of a larger tract called Antietam Bottom. Swearingen chose to land the ferry on the downstream side of the black walnut on Spurgin’s property, which seems not to have bothered Spurgin since he sold the 50 acre property to Swearingen three years later (Fred. Cty Md DB F, p. 504). The Shepherds, on the other hand,

later seem to seriously question the property boundary between the ferry landing and Pell Mell and claimed that the Swearingens were using the wrong walnut tree as a boundary marker. And so the controversy begins.

In January of 1755, Maryland's Governor Sharpe traveled the Potomac River in a small boat from upstream near present-day Cumberland to tidewater at Georgetown, in order to assess what work needed to be done to make the river more navigable for boats floating military equipment and farm products. Baltimore merchants tended to balk at any scheme to promote Potomac River commerce, preferring that goods move through their own ports, so the lead for development of the Potomac River was carried on by Virginia mercantile interests, most notably a young George Washington who had been on his own inspection tours of the Potomac in August of that year (Hahn 1984). The Swearingens were likely using the Potomac to transport flour, tobacco, wheat and various other goods to the growing markets downstream in Alexandria and Georgetown. They were no doubt very familiar with the impassable Great Falls and Little Falls and other navigation hazards on the lower Potomac because they had grown up near the Fall Line, and still had relatives living there. Their farm products were likely offloaded above Great Falls and then loaded onto wagons for transport to the developing shipping ports on the tidal section of the river.

1756 - Van Swearingen purchased from Peter Beller 317 acres of the original Poulson, Mounts and Jones patent for 135 pounds (FCDB 4, p. 121). Now he officially owned the Springwood tract, which was just north of the Fairfax grant he had purchased several years before. Peter Beller may have been trying to escape all the troubles with title on Terrapin Neck - including waiting for the "infant" Simmons to sign a release when he reached the age of majority, the dispute between Hite and Fairfax on neighboring land, plus there were a lot of slaves and slave owners moving into the neighborhood which German Protestants generally objected to. Beller also gave Van Swearingen power of attorney to deal with any problems arising from this sale and young Simmons (FCDB 4, p.123). Apparently none of these problems dissuaded his neighbor Van Swearingen, who was a slave owner and may have been a distant relative of Simmons (Van's cousin and sister-in-law Elizabeth was married to another Jonathon Simmons, who died in 1761 in Prince George's County, MD). The Swearingen family also had the experience of the past two generations that settled frontier lands of Maryland; they may have been more comfortable with the inevitable problems in a new country. For example, Van's uncle (and father-in-law) had settled on a piece of property in Maryland about 5 miles north of Terrapin Neck on St. James Run, built a house and other improvements, and then discovered someone else (probably Lord Baltimore's 10,594 acre Conococheague Manor tract) had a prior claim - he had to settle for negotiating a lifetime lease for himself and his sons.

Note that some or all of the Springwood tract (now the eastern portion of NCTC) had been farmed by Europeans for more than 25 years before Van Swearingen acquired it officially, suggesting that reduced soil fertility may already have impacted the types of farming activities taking place on the new Swearingen plantation.

1757 - Thomas Swearingen polled 270 votes to George Washington's 40 votes for a seat in the Virginia House of Burgesses. His successful election meant that he, along with Hugh West, would represent Frederick County in the House sessions of March 25, 1756, April 30, 1757, and

March 30, 1758. His son, also named Thomas Swearingen, 22 years old and married to Mary Morgan, built a stone house next to his father's mill just west of present-day NCTC, which is still a private residence today. They had a son named Thomas (of course) that same year.

1758 - In September Van Swearingen purchased an adjacent 132 acres of the Poulson, Mounts and Jones patent for 70 pounds "Pennsylvania money" that eventually became RiverView Farm (Frederick Cty VA DB 5, p. 187) and is now the western portion of NCTC; the boundaries were somewhat different than present. This was purchased from Joseph Poulson; there is no evidence that this was later regranted by Fairfax, but like the adjacent Springwood parcel a patent from the 1730s already covered it. Van and his brother Thomas together now owned several miles of contiguous waterfront on the Potomac adjacent to Terrapin Neck. Thomas was likely the wealthier and more influential of the two brothers by this time, having acquired over 1600 acres of land on the Virginia side of the river alone, in addition to his property in Maryland (where his ferry landed) and elsewhere. He was the elected representative from Frederick County in the Virginia House of Burgesses and a captain in the local militia. He also owned a mill near Scrabble (Jones Mill), and owned the ferry business across the Potomac River. His ferry alone had the potential to make him a wealthy man. In Fry and Jefferson's map of Virginia for this time period, the Great Philadelphia Wagon Road is shown crossing the Potomac at Swearingen's Ferry. Settler families and assorted travelers numbering in the tens of thousands formed a steady procession south over this road at the time. Relatively low land prices in the Carolinas attracted newly-arrived immigrants as well as many settlers from the more northern colonies. It has been described as the most heavily traveled road in all America at the time, with perhaps more traffic than all the other main roads together (Rouse 1995). Some of these settlers, of course, chose to cross the Potomac further north at Watkins Ferry, established by the Virginia House of Burgesses Oct 9, 1744 at the site of present-day Williamsport, and they could cross at various fords when the water was low enough, but the Swearingen ferry, no doubt, did a considerable business. Also competing for business was Harpers Ferry a few river miles to the south, first mentioned in road maintenance court orders in 1755, but established officially a few years later in 1761 (Luckman and Miller 2005). Travelers in Virginia at this time could generally beg or barter meals, lodging and other needs, but if they wanted to cross the river without getting wet, they generally had to pay *cash*. A busy ferry operator therefore could expect to acquire bags of coin that other businesses and individuals would, of course, covet.

Thomas Swearingen was portrayed by George Washington, in a Oct. 9, 1757 letter to Governor Dinwiddie, "*as a man of great weight with the meaner class of people, and supposed by them to possess extensive knowledge*", the description resulting from an altercation in Winchester where several townspeople had been found with military stores hidden in their homes. Much to the annoyance of Washington, the other local magistrates preferred waiting for Thomas Swearingen to arrive before passing judgement. (George Washington had also described the settlers of the Shenandoah Valley as a "*parcel of barbarians*", Brown 1965). Lord Fairfax, in a September 1, 1756 letter to Washington, also expressed his less-than-enthusiastic opinion of Thomas Swearingen's handling of militia matters during the French and Indian War by writing "*Captain Swearingen... has always done everything in his power to occasion confusion if his advice was not taken in everything*" (George Washington Papers Colonial Series 3:384-85). The Swearingen's militia company at least had strict requirements for attendance: "*At a Court Martial held for Frederick County on Fryday the 27th October 1758 Ordered that Joshua Hedges of the Company*

commanded by Captain Thomas Swearingen be fined 10 shillings for absenting himself from One General Muster within a twelve months this last past" (Hedges family genealogy forum entry).

George Washington again ran for election for a seat in the Virginia House of Burgesses--in absentia because of military duties during the hostilities with the French (which he had helped instigate). Necessarily this time he had the campaign handled by friends. He defeated Thomas Swearingen by being much in the news with his military exploits and was perhaps aided by providing about a quart and a half of liquor per voter at the polls (Couper 1952). Locals Thomas Shepherd and his son David preferred not to back their close neighbor Thomas of the Ferry, and instead voted for Washington (Smyth 1909). Washington would now represent the "parcel of barbarians" at the Virginia Assembly. The war with the natives was still very much a concern for residents of the Shenandoah Valley. George Washington received a letter in July this year from Joist Hite's son John addressed to "*Coll^o. George Wasenton: ...Our Inhabitants is all Fled...and we are Generally in Great Fair of the Enemy upon us*" (George Washington Papers Colonial Series 5:254).

1759 - Van Swearingen built a large, fine stone house on the Springwood tract, which included a fireplace in every room (several with beautiful surrounds) and such architectural details as marble hearthstones, wood moldings and other fine details - by no means a small, rough cabin like many of his neighbors lived in. The present house on the site, the private residence of Mrs. Hendrix, includes several later additions. Despite the French and Indian War, or perhaps *because* of the war and the profits that could be made, the latter half of the 1750s must have been flush times for the Swearingen clan, as Van, Thomas Sr and Thomas Jr were all able to complete fairly large new stone homes near the Potomac. Many British colonists in the Tidewater country at the time avoided building brick or stone homes because of a deep-rooted fear that they were unhealthy (Wiencek 1988, p.8), so the Swearingen's choice of building materials may have been noteworthy at the time, at least among the British crowd. Unhealthy or not, limestone couldn't be set on fire by marauding natives, and their Dutch heritage, German neighbors, and the limestone rock lying readily at hand in their fields may have all been factors in their decision to use stone.

By this time tobacco had started to stagnate as the major cash crop from Virginia as wheat and other cereal grains became increasingly more attractive for export. Demand for wheat and flour in the West Indies and southern Europe provided a ready market for American grains despite the Corn Laws that disallowed importation of grains into Great Britain. Virginia has been described as the premier exporter of Indian corn by the third quarter of the eighteenth century. The growing of grains rather than tobacco also had the effect of facilitating the establishment of towns rather than plantations because of all the services required to plant, harvest, mill, barrel, bake, and transport the grains (Siener 1985). Tobacco is mentioned as late as 1788 as a crop grown by the Swearingens, but records indicate they were growing a significant amount of wheat and other grains for market as well during this time period.

1760 - So much for the big new home on Thomas Swearingen's ferry property. June of 1760 marks the death of Van's brother Thomas of the Ferry, 52-year-old patriarch of a large family (his will was signed 4 April 1760, proved 3 June 1760, suggesting an illness [Fred. Cty

Courthouse, Winchester VA]). Thomas left behind a wife and 9 children, five of them 15 years old or younger; their uncle Van likely helped raise and support these children, including a boy who was later known to some as Van Swearingen Junior, though he was actually Col. Van Swearingen's nephew. Lands near Scrabble were willed to Thomas' sons, mostly to Thomas, Jr. (a.k.a. Major Thomas Swearingen) who continued to operate the mill with his brother Andrew. (Major Thomas's son Thomas (b. 1757), with his wife Margery, would eventually lay out a town they named "Hardscrabble" in the vicinity of the mill, which has been shortened to "Scrabble" - they may have been trying to develop a town like their neighbors the Shepherds). The ferry operation was left to son Benoni, along with the plantation on the Maryland side of the river. The actual operation of the ferry was undertaken by his brother Major Thomas for some time, as Benoni was only 5 years old at the time of his father's death. (It's unclear when Thomas actually became a Major, perhaps not until the Revolutionary War, but it will be used here to distinguish him from the other Thomas Swearingens around at the time).

Col. Van Swearingen finally received two grants from Fairfax that had been surveyed some years earlier, one of them the 321 acres near his original home tract and his brother's ferry (now east of the Cress Creek golf course). The other was the 200-acre tract next door on Terrapin Neck, which seemed a safe bet after 24 years of being unclaimed by the Brownings. Little did he know.

Van Swearingen's neighbor and cousin William Chapline who had bought the old York place out on the end of Terrapin Neck seven years earlier, died this year as well. His estate, including the neck of land where the Steamboat Run subdivision is today, was divided among his several children, with son Benjamin inheriting the Terrapin Neck property.

British military victories in Canada resulted in a change of colonial administration of that huge area to the north, putting an end to the formal military hostilities between the two European powers in America for the time being. The French were no longer sending large groups of soldiers and natives to attack the colonies in the mid-Atlantic region, but nonetheless the western periphery of the colonies remained a dangerous place to live for several generations of settlers. Because of their military service, the Swearingens would eventually be eligible for land grants in the territory west of the Appalachian Mountains in what became known as the Commonwealth of Kentucky. But the remoteness and continual danger from Indian attack, as well as British treaties allowing the land to remain with the Cherokees, kept Virginia's surveying parties who were responsible for recording the new military land grant boundaries from carrying out their surveys in the Bluegrass region for more than a dozen years. The French may have been forced to give up their claim to the area, but the native inhabitants certainly had not and were more than willing to continue using violent means to make their point.

By **1761**, Van Swearingen was Deputy of the King (Sheriff) and a leader of the county militia, and seemed fairly well connected with policy makers in the colony. For example this year he received a letter from a politically active George Washington looking for support in his bid for re-election to the House of Burgesses (note that G.W. *almost* slept here):

Mr. Stogden's
May 15, 1761

Dear Sir:

At the Cock fight on Saturday last I promis'd to be at a Wedding at Mendenhall's Mill yesterday, which together with an Affair that I had to settle on Bullsken (that detain'd me a day longer there than I expected) prevented my taking Shepherds Town and your House in my way, I intend this day to pass along the North Mountain, and to morrow attend a Meeting at McGills on the Cumberland Road and from thence to Winchester in order to wait my doom on Monday. I have made a just and proper use of the Inclos'd and as I shall pretty near finish my Tour to day, I send to you, that you may, if you think it expedient, communicate the contents to your Neighbors and Friends, Col. Stephens proceedings is a matter of the greatest amazement to me. I have come across sundry of his Letters directed to the Freeholders wherein he informs them that he acquitted himself of what was charged to him in the streets of Winchester while you were present, and goes on to draw Comparisons to prove his Innocence, which are by no means applicable unless he had continued them. However, His conduct throughout the whole is very obvious to all who will be convinced, but I find there are some that do not choose to have their Eyes opened. I hope my Interest in your Neighborhood still stands good, and as I have the greatest reason to believe you can be no Friend to a Person of Colo. Stephens Principles; I hope, and indeed make no doubt that you will contribute your aid towards shutting him out of the Public trust he is seeking, could Mercer's Friends and mine be hurried in at the first of the Poll it might be an advantage, but as Sheriff I know you cannot appear in this, nor would I by any mean have you do any thing that can give so designing a Man as Colo. Stephens the least trouble. (Doherty 1972)

Note: Colo. Stephens was the founder of Martinsburg and served with Washington as a leader in the Virginia Regiment during the French and Indian War and under Washington as a General during the Revolutionary War. Stephen's early military career was often dogged by controversy over poor record keeping, profiteering and insubordination in part brought on by the contempt that British officers in the regular army held for militia officers from the back woods of Virginia. Washington eventually dismissed him during the Revolution, partly for strategic mistakes on the battlefield, and partly for his reputation as a drunk. At least some of Stephen's men defended him by claiming he wasn't any drunker than an officer ought to be under the circumstances (see Ward, 1989). Stephens was very bitter and wrote disapprovingly of the ungentlemanly language Washington used toward him in the heat of the moment

Van has been called King Swearingen because of his position as a King's Deputy; he also held a position as a vestryman in the politically-important Anglican Church. The letter from candidate Washington above is interesting in that Washington was corresponding with the Sheriff, the local official charged with the responsibility for how and when elections were held, including when to open and close the polls. Washington clearly was advising Van on how to run an election that would give Washington an edge. In those days votes were proclaimed by voice, rather than by secret ballot, it being considered a manly act to voice your opinion loudly and clearly in public. Washington was hoping that the polling procedures would allow his name to be proclaimed first by a succession of men, which hopefully would generate enthusiasm and lead the way for other undecided voters who were standing nearby imbibing alcoholic beverages. Of course we now know that he did win re-election to the Virginia House of Burgesses, perhaps with a little help from Sheriff Van Swearingen. (Sheriffs were only allowed a two-year term of office, so this was not a position that Swearingen held for long, though he may have had other two-year terms.)

Joist Hite died in 1761, his lawsuit against the Fairfax Proprietary still unresolved. His heirs had no intention of letting the issue go away quietly, though, since given the right circumstances there was still the possibility that those old surveys could yield a small fortune.

Frederick County court proceedings “*ordered that a road be opened from Swearingen’s Ferry thro’ Shepherds Town to the old road that leads to Winchester Ordered that the same titheables that worked on the old road open the same*” (Luckman and Miller 2005). Apparently the route of the road to the ferry had been bypassing the town to the west. This order would make Duke Street a major thoroughfare, just as it is today.

1762 - On the 6th of October, Van Swearingen purchased the 334-acre Springwood tract again, this time from Jonathon Simmons, Jr. (Frederick County VA DB 7, p.56). The former infant Jonathon Simmons would have turned 21 this year, finally “of age” to legally turn over his right to the property acquired after his father’s death. Thomas Swearingen, Jr. bought a 100 acre property near Scrabble again (his father had first bought it in 1748) because of double titles from John and Mary Pearce (Frederick County Deed Book 7, p. 257). This now consolidated several miles of river frontage near Terrapin Neck between Van and his nephew Thomas.

Thomas Shepherd, who had laid out town lots for sale more than a decade before, incorporated Mecklenberg this year. He may have chosen the name Mecklenburg in honor of the new English Queen, Charlotte of Mecklenburg, who had recently become the blushing bride of King George the 3rd; (the town Charlotte, Virginia was incorporated the same day - Kenamond 1963). The new name may have also been an effort on the part of the Shepherd’s to head off any tendency for people to call the town Swearingen’s Ferry, since after all, this was the Shepherd’s little town. The little community included both German and English schools for the children (Dandridge 1910).

Apparently the money that could be made from a ferry across the river tempted another man to give it a try. An Act of the Virginia Assembly granted Thomas *Shepherd* the right to start a ferry service across the Potomac (Henings Statutes v8, p.164). Shepherd apparently had avoided mentioning the proximity of the Swearingen Ferry in his petition, perhaps trying to take advantage of the recent death of “Thomas of the Ferry”, whose will had specified the ferry operation was to go to his 5-year-old son Benoni. Unfortunately for Shepherd, his ferry Act was repealed by the Assembly a year later “*because the same being at a very small distance from a ferry already established from the land of Thomas Swearingen over Potomac in Maryland*”. Note that the Shepherds owned the adjacent riverside property upstream and north of the Swearingen Ferry landing in *Maryland*, known as Pell Mell, but did not yet officially own land on the riverbank in Virginia, and wouldn’t until 1768. A land grant in 1763 to one William Brown (it includes much of the north side of the ravine through which present-day Princess Street traverses the slope to the public boat landing) mentions a ferry landing at the site, but the Shepherds had not received a grant yet for title to the property. Exactly who owned this ferry landing site became quite a contentious matter for a number of years. At any rate, Swearingen heirs would continue their lucrative ferry monopoly for more than 60 years, though later legal battles with the Shepherd clan forced an occasional pause. As will be seen later in this manuscript, the debate between the Swearingens and Shepherds over a ferry carried on into the next generation--with repercussions for Terrapin Neck.

1763 - Perhaps in an attempt to cover all contingencies, Thomas Swearingen Jr applied for and received a 324-acre Fairfax grant for his lands around present-day Scrabble. He now held title

both via Fairfax and via the original Hite survey and King's patent for Poulson, Mounts and Jones. He also owned an adjacent Fairfax grant of 155 acres from his father's will.

The King and his Privy Council in England, trying to avoid further antagonism, and also to live up to promises made to the Natives living in the Ohio River valley during the recent war, forbid the American colonists to take possession of land west of the Alleghenies. Wealthier Virginians, who were looking forward to the day when large tracts of land could be acquired to the west, were contemptuous and critical of the Proclamation Line, and were incensed that they were being asked to pay taxes to support British soldiers that would protect these Indian lands, a factor that loomed large in the eventual decision to overturn the existing order in the upcoming American Revolution. For their part, the Privy Council in Great Britain did not want to continue to pay for expensive military expeditions to rescue settlers and forts on the frontier. The colony of Virginia, nevertheless, had designs on the region known as Kentucky for use as payment to officers and soldiers for their service in the French and Indian War, and many wealthy prominent Virginians, including Thomas Jefferson, George Washington, and James Madison were involved in various Kentucky land speculations in hopes of getting rich by selling tracts to settlers. Squatters and debtors fleeing their creditors were already flocking to the area, and the treaty, so galling to the land speculators whose success depended on a clear title, actually freed the squatters from the confining rules of the swarms of surveyors, land agents and other minor officials; they could rely on the old adage that "possession is nine-tenths of the law" and patiently wait for an opportunity to gain a patent, citing prior occupancy (Holton 1999).

In a widespread uprising throughout the upper Great Lakes and Ohio River region, Native tribal warriors forced many of the recently-arrived British colonial soldiers to withdraw from the region, in a year of vicious fighting referred to as Pontiac's Rebellion; raids were conducted as far east as Winchester, Virginia. Virginia's frontier was under attack again, and the authorities were particularly worried about the natives and enslaved blacks joining forces against the white colonists.

1764 - Van Swearingen bought lots 54 and 56 in Mecklenberg (Shepherdstown). He also received a Fairfax grant for 234 acres along both sides of Back Creek, west of present-day Hedgesville, indicating an interest in developing new farming operations away from Terrapin Neck. His sons, Josiah (20), and Hezekiah (17), were also old enough to independently manage plantation operations, and he likely owned enough slaves to provide labor for several properties.

David Shepherd, son of the town founder, entered a lawsuit in a Maryland court to establish once and for all the boundaries of a piece of property he had inherited from his mother across the river from the town, which was adjacent to and just upstream of the ferry landing in Maryland. This 162-acre property, referred to as "Pell Mell" was initially surveyed for David's grandfather John Van Meter back in 1743, several years before he died. After John's death, title passed to his daughter Elizabeth, who in turn passed it to her son David (Smyth 1909). The court appointed three neutral commissioners to referee the property boundary dispute and take testimony from witnesses. Whatever the source of the dispute, the original surveyors Joseph Chapline (the founder of Sharpsburg) and Jacob Van Meter remembered the location of the black walnut tree dividing the properties in Maryland as being *above* the present location of the Swearingen Ferry landing. They furthermore stated that the reason the walnut tree in question was not "bounded"

or marked at the time was because John Van Meter had instructed them not to mark it until the adjacent Antietam Bottom survey lines were known.

In trying to establish their own ferry at their town, perhaps the Shepherds wanted to try to extend their Pell Mell property in Maryland down around the river meander as far as possible in order to line up with land not already owned by the Swearingens on the Virginia side, but the above ruling may have stymied their efforts considerably. Nevertheless, a year later on August 8, 1765 David Shepherd and his friend Hugh Stephenson were recorded as giving bond to the King for the faithful keeping of the Ferry from “the land of Thomas Shepherd at Mecklenburg to the opposite shore in Maryland”, in another attempt to acquire the rights to the ferry (Fred. Co. Va Order Book 10, p.460 in Smyth 1909). The details are unclear, but this business seems to have been short-lived as well. Perhaps part of the problem was the Shepherds did not actually own any waterfront property on the Virginia shore as yet, but they were working on it. A glance at the legal description and map included on the old Hite survey in Virginia from 1734 shows that the surveyor drew the eastern boundary of the Shepherd patent several hundred feet back from the river’s edge; this may have been a deliberate omission by Thomas Shepherd at the time in order to avoid having to pay for steep and rocky land. But by the 1760s the bluff next to the river had become valuable enough to the Shepherds to apply for a Fairfax grant, which was finally issued in 1768. A William Brown had already laid claim to a small parcel on the north side of the ravine leading to the river where Princess Street is today, and Richard Morgan held title to the rest of the ravine except for a small sliver at the riverbank, so the new Shepherd riverside grant had to be located downstream of Brown below the mouth of the creek.

1766 - Another loss in the Swearingen family - Van Swearingen’s first wife Sarah died, 44 years old; their youngest children were teenagers at the time. Her burial site is unknown but it could have been at the Springwood property, or was perhaps near their old home (they had lived there about 15 years) in the present-day Cress Creek subdivision where a daughter also likely was buried. Another possibility was the plantation and mill operation to the west near North Mountain and Back Creek he was developing. Van eventually (before 1779) remarried to a Priscilla Metcalf, who may have already had a daughter named Peggy. (The Metcalf family also owned property on Terrapin Neck; Priscilla must have been quite a bit younger than Van, probably closer to the age of his children).

1768 - In October Col. Van Swearingen bought two separate tracts of 101 acres and 63 acres near North Mountain and present-day Hedgesville, now in the western portion of Berkeley County (FCDB 13, p.1, 88) and over 12 miles west of Terrapin Neck. Together with his 1764 Fairfax grant on lower Back Creek, his holdings near North Mountain now totaled nearly 400 acres, and may have been a response to the tenuous grants he held on Terrapin Neck, as well as the realization that there were a lot of soldiers and families moving west and needing supplies. These parcels were strategically located across the river from Maryland’s Fort Frederick and the busy new National Road leading to what is now western Pennsylvania; militia units and settlers from Virginia heading northwest were seen, perhaps, as a continuing business opportunity. The Green Springs iron furnace was also developing across the river starting in 1768, and would need many acres of hardwood trees for charcoal. He operated a mill on a small stream (Tunis’s Branch) on his 101-acre tract near present-day Little Georgetown on land originally patented by

John Hood; a ferry, known as Hougland's Ferry, crossed the Potomac River near his mill. In 1768 and 1769 local boosters kept Frederick County authorities busy with petitions for court orders assigning local landowners to survey and open roads to the mill and ferry, perhaps trying to create an attractive crossing point for travelers to and from the western frontier of Virginia (Luckman and Miller 2005). There are no records indicating that Hougland's Ferry was officially licensed by Virginia authorities, suggesting that the river crossing would never be as busy as the Watkins Ferry several miles downstream. The Hougland's sold out in 1772, and Van sold his 101-acre tract and mill, during the dark days of the Revolutionary War in 1779, to a John Schaffer. He also sold his Fairfax grant on Back Creek a few miles west on the other side of North Mountain to a Snodgrass, who opened the historic Snodgrass tavern (still standing) on the site, favored by George Washington and others (BCDB 5, p.345).

On January 15th, Thomas Shepherd received a Fairfax grant for a narrow strip of land bordering the Potomac, located just downstream of a ravine through which Princess Street now leads from the town to the river. The Shepherds now held title to shoreline property on both sides of the river, like their neighbors to the north, the Swearingens. Unfortunately Pell Mell in Maryland was located around the corner several hundred meters upstream, and the property directly across the river from their new grant, part of the Antietam Bottom survey known as "Easy Lot", was still owned by a Levi Mills; no doubt the Shepherds were inquiring about purchasing this property, since it would give them a straight route across the river. Fortunately, and probably deliberately, their new narrow strip of a grant on the Virginia shore contained a very good site for a ferry landing at its northern tip. In fact a 1763 grant to a William Brown mentioned a ferry landing here, probably used by the Shepherds during their short-lived attempt to operate a ferry in 1762-63. So the Shepherds likely had earlier purchased a warrant from the Northern Neck Proprietary for this narrow strip of land alongside the river, but like so many others in the Proprietary, had to wait several years until 1768 before the grant was finally issued. The corner between this Brown survey and the new Shepherd grant was about to become embroiled in controversy: the Shepherds seem to have assumed that the Brown tract began at the river's edge, just above their landing near the mouth of the creek. The corner was actually a basswood tree about 60 feet back from the river, leaving a narrow sliver of unclaimed land just upstream of the Shepherd ferry landing that still had access to the ravine heading up into town.

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 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). 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.

About 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 his nephew Van Swearingen, Jr.* This younger 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 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 (he may have acquired the moniker *Indian Van* at this time). He would later become an officer in the Revolutionary War. An unresolved question is why he continued to try to gain title to Terrapin Neck property long after he moved out of the area.

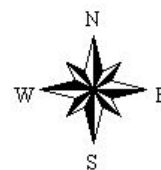
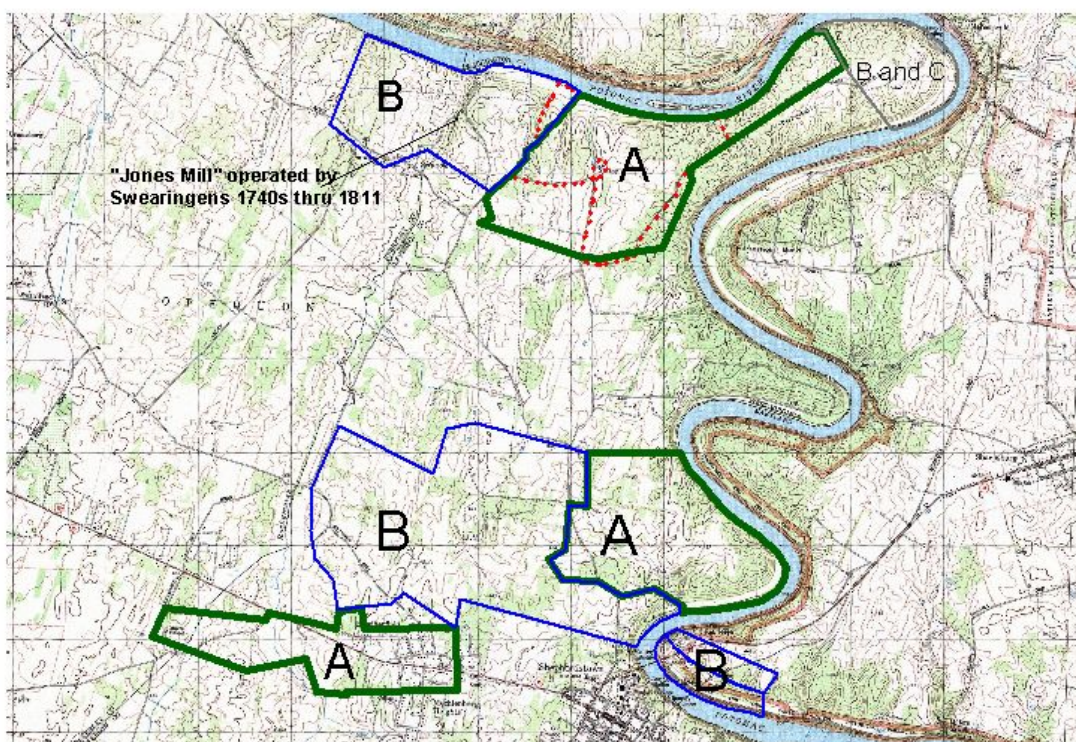
*Jr was actually Col. Van's *nephew*, son of Thomas of the Ferry; Hyman 1996 notes the property transfer; Dandridge 1910 notes that Van Swearingen Jr is the son of Thomas of the Ferry, not Van's son. It seems to have been common practice for the younger of the myriad Thomas and Van Swearingens to use "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)

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 colonial authority 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, and the language in Virginia's original charter was vague enough to allow a liberal interpretation of boundaries). 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.

Back to the 'sale' of the Chapline tract on the end of Terrapin Neck to the Swearingens: 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. Benjamin's brother Abraham Chapline, who became prominent in the early history of Kentucky, apparently was quite disgruntled about the lack of an inheritance after his father died, a major factor in his decision to move to the frontier. 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.

Swearingen Family Property circa early 1770s



If York's original Fairfax grant on Terrapin Neck was invalid, and the Hite-Browning claim was tenuous if not fraudulent, then who owned it? Anybody? Could it be sold to the Swearingens? 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 or otherwise filed a claim for 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. A 1780 letter from Abraham Shepherd described the land as "vacant" and that Col. Van Swearingen had "entered" a claim for it. If nephew Indian Van acquired an option for 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 on the west side of 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. This increased his holdings near North Mountain to over 750 acres.

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). Increased 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. Former owners 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 of the river. 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; 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). 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 Scottish merchant named 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 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 later acquitted, for breaching the peace. A bitter 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. Further agitating the now openly rebellious colonists in Virginia, 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.

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 this year, and left a will 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, one of the younger sons, any remaining lands not already given to his siblings, including the narrow riverfront tract acquired as a Fairfax grant in 1768; the upstream boundary of this tract was about in the middle of a steep ravine where Town Run emptied into the Potomac (now containing the old tobacco warehouse and waterworks). His brother John was given the land containing the ravine as well as the water-powered grist mill at the top of the ravine. These two Shepherd properties shared a corner at the bottom of the ravine with an adjacent property to the north granted to William Brown in 1763. Sometime during Abraham's absence with the Continental Army in New York (a probable scenario), the Swearingens seem to have begun using the bottom of the ravine as their new Virginia ferry landing! How was this possible since the Shepherds now owned the property? Or did they? 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 an earlier, short-lived ferry operation at this location: in the Dec. 5, 1763 Fairfax grant to William Brown, the property 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. The Swearingens seem to have take advantage of the fact that different surveys placed the corner of the Brown and Shepherd properties at different locations: "*Elm Tree on the bank of Potomack River*" was used in the 1763 Brown survey, while

a “*Lynn (basswood) standing on Riverbank*” had been used in 1756 to describe the same corner for Richard Morgan. Both surveys were consistent in placing this corner exactly 42 poles (693 ft) down the ravine from a locust tree on the Shepherd property line on top of the hill. Then a few years later in 1768 the Fairfax surveyor at the same corner began the survey “*at a Lynn the said Shepherd and William Brown’s corner by the side of the River*” (so far, so good) but then confused everything by ending the survey with “*...Limestone in the side of the river a corner to Shepherd and William Brown, finally S87 W four poles to the beginning*”. So is the corner to Shepherd and Brown a basswood tree four poles (66 feet) up the riverbank or is it the limestone in the side of the river? In his will Thomas Shepherd decided to use the rock at the river’s edge to describe the corner of the ravine tract that he gave to son John, even though other older surveys had established the corner further up the bank at the basswood tree. (Also note that the 1768 survey made no mention of a ferry landing in the vicinity, nor was it mentioned in Thomas Shepherd’s will).

The new Swearingen ferry landing 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 now owned by Abraham – in fact the Entler family in the early 1800s would still find a parcel containing “1 acre, 2 rods and 12 perches” of unclaimed riverfront adjacent to the ferry landing that hadn’t been covered by any prior surveys. The Swearingens seem to have moved the ferry landing to this site after the war started without consulting Abraham Shepherd, and later correspondence shows they had filed their own claim with the Fairfax land office for the little half-acre landing site when they discovered that the Brown survey of 1763 didn’t go all the way to the water. Thomas Shepherd and/or John Shepherd and Benoni Swearingen may have had an agreement about using this landing that included Shepherd property, as it no longer required the town (i.e. the Shepherds) to maintain a road to the other landing, 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 wanted no part of it. 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 John Shepherd being the most affected by a ferry there – John had been given the grist mill and ravine tract where Town Run dropped steeply into the Potomac, and ferry travelers would have to travel through this ravine along present-day Princess Street – it was Abraham Shepherd who became upset about the Swearingens using the riverbank that may or may not have included a tiny portion of his property, depending on which survey you chose to believe. (Abraham later acquired this mill and land from his brother 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 1776 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 captured

enlisted men from Shepherdstown joined thousands of others detained in wretched, overcrowded 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. Josiah's cousin 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 to western Pennsylvania and 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 Josiah's little brother was likely along as well: *At a Court held for Berkeley County, 17th day of November 1778, Ordered that Thomas Swearingen, jun. 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.* The Swearingen's western militia service was relatively short and uneventful: with several other militia companies they crossed the Ohio River into Indian territory, marched another 50 miles and took over an unoccupied Indian town south of present-day Canton, Ohio, built a fort called Fort Laurens, and marched home after being gone about three months.

Capt. Abraham Shepherd was among those paroled this year from imprisonment in New York, after being captured by the British in the fall of 1776. 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

David Shepherd Papers, vol. 1

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. It's possible that one of the many things he had found "*not according to my wish*" in the above letter was the discovery of the Swearingen ferry now using a landing next

to, if not on, his narrow riverfront property. The Virginia Assembly, apparently busy with war concerns, ignored the already-operating Swearingen ferry and granted his petition on October 9!!

Now a ferry was permitted to operate from Abraham Shepherd's "*land near Mecklenburg Town to the land of Thomas Swearingen in Md*" (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:

Mecklenburg, 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.

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

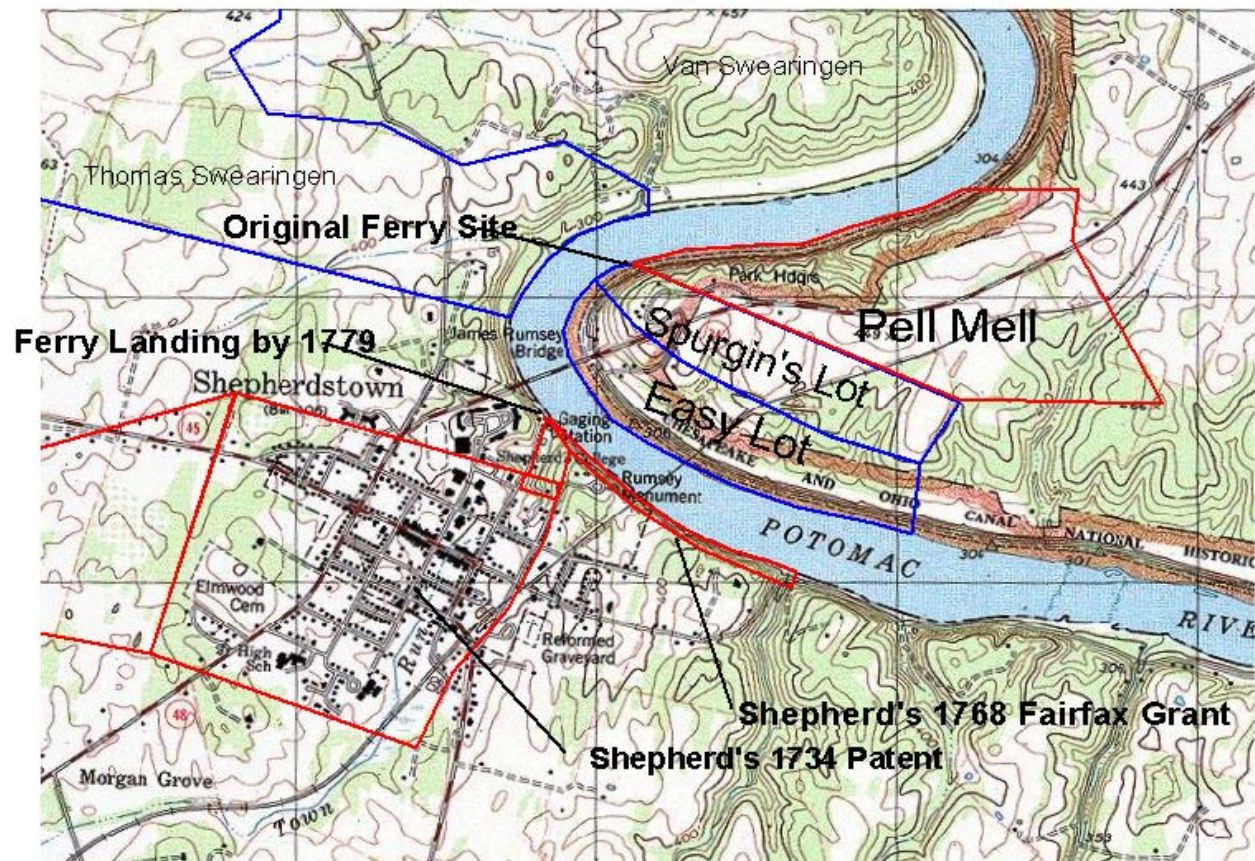
Terrapin Neck, bought from Col. Van Swearingen two years before, to a weaver named John Lewis from Washington County, Maryland (BCDB 5, p.382). Money purchased it for £133 pounds and sold it for £700 pounds (wartime inflation may account for some of this profit). In September, William Bennett, husband of Lurannah Swearingen and Van's son-in-law, gave power of attorney to his brother-in-law Josiah Swearingen in anticipation of the 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 continuous 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). Though this vast wagon train into Kentucky was in part a wartime act of defiance designed to settle large numbers of armed Virginians into a disputed territory, the main incentive for the Swearingens and others making the arduous journey 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 and were 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, and 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 had to resort 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. Thomas Swearingen and Daniel Boone were elected as Kentucky's delegates to the Virginia Assembly and traveled to Richmond together in April 1781.

Property Involved in the Ferry Landing Controversy



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

Meanwhile back in Shepherdstown: On May 31, Sarah Swearingen, widow of “Thomas of the Ferry” petitioned the Virginia Assembly for a repeal of the Act that established the Shepherd ferry – proceeds from the ferry had been her primary means of support for many years. In October the Virginia assembly received both a Citizen Protest against the discontinuance of the Shepherd’s Ferry, as well as a petition from Major Thomas Swearingen asking for a repeal of the Shepherd ferry (he may have dropped it off on the way to Kentucky). On November 17th, 1779, Abraham Shepherd and a Robert Cockburn (business partner?) forged ahead and signed a bond valued at £5000 pounds to Thomas Jefferson, then the Governor of Virginia, 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 authority 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).

[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.]

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 out hunting with a group that had dismounted and left their horses behind to stalk game when they were suddenly ambushed by Indians. 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 through the coming months (William Clinkenbeard account in Draper Manuscripts, 11CC54-66). 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 direct 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 littler sence do well*". Interestingly, this year his letters were no longer written from *Mecklenburgh*, but were now being written from *Shepherds Town*.

Indian Van Swearingen, after resigning from the army in August 1779, went back to farming and various other pursuits 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. The question of who actually owned Terrapin Neck 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 in 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 ever 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 Thomas Swearingen and Daniel Boone were captured by Sir Banastre Tarleton's cavalry then engaged in a raid on Thomas Jefferson's Monticello home and other targets 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. A biography of Daniel Boone confirms that Boone and Thomas Swearingen traveling to Richmond in April of 1781 to attend a session of the Virginia assembly. In May, as British forces moved up through North Carolina the assembly was forced to move to Charlottesville where it was interrupted by Tarleton's surprise cavalry raid. Boone was captured on June 4 while trying to sneak out a wagon-load of public records, and released a short time later; there was speculation that his Tory connections may have been useful again, but it seems more likely that he convinced his captors that he wasn't a prize catch. The other Kentucky delegate, Thomas Swearingen, was also captured, but unlike Boone, Swearingen did not attend the rest of the assembly session when it resumed, suggesting he may not have been released in time to attend the rest of the session, or he decided to go elsewhere (see Lofaro 2003).

In the fall of 1781, 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. War veterans from Shepherdstown and elsewhere were provided yet another opportunity to acquire large tracts of land on the western frontier. The new government 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 sensiblest 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 had been selling farm products to the army, the lack of hard currency and inflation in the newly established United States 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 wanted reimbursement 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 (but 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: ajax.lva.lib.va.us; 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). In a diary kept by George Washington in September of 1784, he noted that he was accompanied by Capt. Swearingen, the high sheriff, as he toured several thousand acres of land he had purchased in Washington County, Pennsylvania; Washington needed Sheriff Swearingen's help because he was attempting to evict several families of squatters who had built cabins and farms on his land. The issue eventually landed in court, where Washington's title was confirmed.

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. New tracts of land needing to be surveyed generally were in the less accessible, steeper portions of the county, or were small, oddly shaped tracts remaining unclaimed between several older properties; great care would have to be taken to ensure that any new claims did not overlap already existing patents. This suggests that Josiah's survey skills were more than rudimentary, and were recognized by other county officials.

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 in the letter 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. (Van had been a Pennsylvania Commissioner and signatory witness to the Treaty of Ft. McIntosh in January, which attempted to settle disputes between Natives and whites in the Ohio country largely by forcing the Natives to give up southern and eastern Ohio). 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 Shepherdstown 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; no doubt he preferred to think of himself as a slave-owning Virginian. 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 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's land (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 and lawyer Jonathan Clark (brother of both William Clark of "Lewis and Clark" fame, and frontier military leader George Rogers Clark) came to Terrapin Neck in August of 1786 to survey boundaries and report on improvements and agricultural acreage for the court and the Hite heirs; he also 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, and 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, and also was chosen, along with Daniel Boone, to represent Kentucky at the Virginia Assembly. 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 Mill, 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 (cited by another author as Wayland 1907, but not confirmed).

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....

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

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 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; she spent the time aboard knitting a sock. An account of the spectators present gives us a description of 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 appraisal 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). Records indicate the Eades had purchased Lot 41 in Mecklenburg in May of 1768; it seems likely that Elizabeth and her late husband were employees of the Swearingens. Since another bereaved widow- Priscilla -was now moving in, the arrangement must have come to a conclusion. (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.)

Abraham Shepherd’s Revenge

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

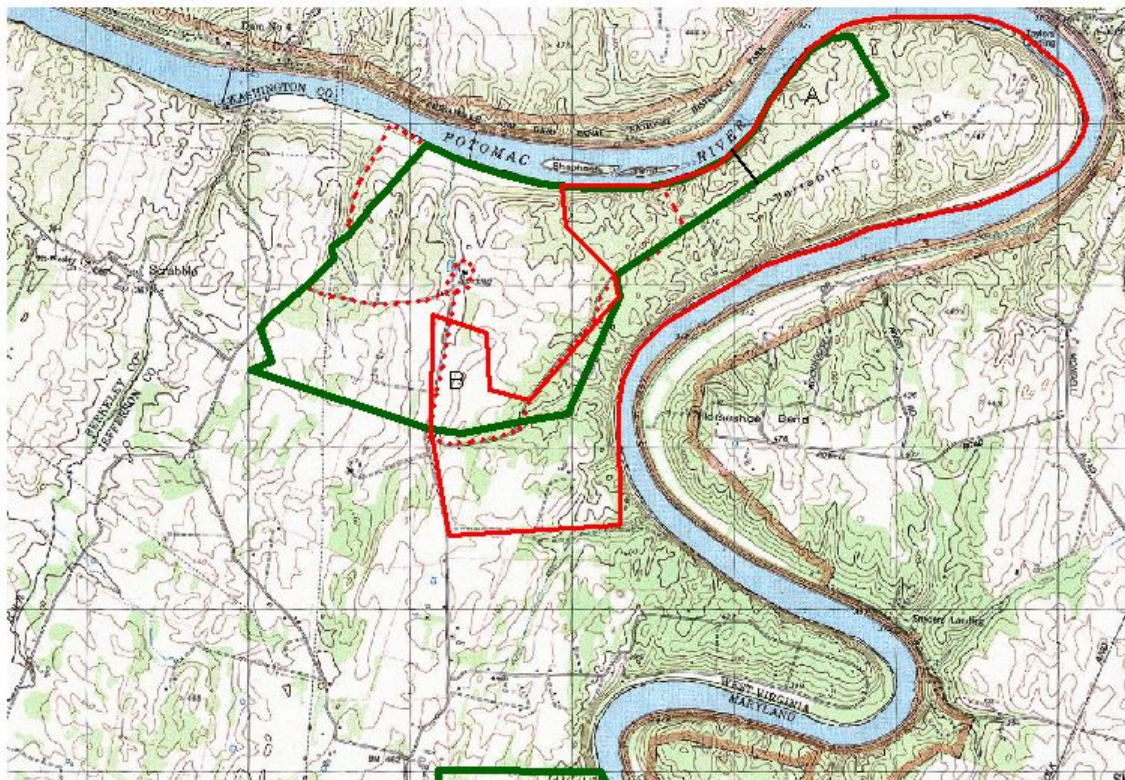
outside the boundaries of their town, may have been somewhat behind the extended Swearingen family, who held title to about 3280 acres in Berkeley County alone, lived in big stone houses near the river, ran a mill and the ferry business, and held powerful political and military positions. Abraham had been a very interested observer of the court decisions affecting Swearingen holdings on Terrapin Neck, considering all the trouble they had caused him and his father over the years.

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, then living on the Eastern Shore of Maryland, of their potential claim to land in Virginia. 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 claimed 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 luckily still 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 or thwarted 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 their 1736 purchaser Browning never settled the land; (but they had also 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.

Overlap of Col. Van Swearingen and 1200 acre Browning Survey



- 1200 acre Browning Tract
- Van Swearingen
- Present NCTC Boundary

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

For the heirs of Col. Van Swearingen, only about 184 acres outside of the original 1734 Poulson, Mounts and Jones patent were 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).

Following their father's requirement in the will, the property division between Hezekiah and Josiah's new properties traveled back and forth across the little spring-fed creek as it flows north to the Potomac, evidence of which is still seen today in old fence lines and a survey stone east of NCTC's water treatment plant. 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 the Brownings to get in on the action if they should hear about it. 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. It wasn’t until several months later that 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 this 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.). A letter to George Washington from Joseph Chapline this year described a number of willing sellers near Shepherdstown and potential purchase prices, and notes that Abraham Shepherd was willing to sell the entire 162-acre Pell Mell tract across the river for the new capital, after having first offered to donate 40 acres (George Washington Papers Presidential Series 7:25-27); Shepherd didn’t own Pell Mell at the time, but did receive a deed for it in 1797. Newspapers in Great Britain mistakenly reported Shepherdstown as the choice for a new capital, as evidenced by a letter received by George Washington in January of 1791 from a William Gordon, who also had ideas about how to handle the resulting sewage:

...The papers have announced the neighbourhood of Shepherds Town for the permanent seat of the federal government. I crossed the Patomac in 1781 from Maryland to that Town, & have an idea that there were considerable falls at no great distance. Should there be such, could wish the Federal Town to be so situated, as that the river above the falls may, by a canal, supply a most capacious reservoir at the head of the town; from whence, by fire engines & pipes, water may be raised to supply water closets &c. from the lowest to the highest apartment in every one of the buildings, for the use of the family, & the carrying away of all soil, by subterraneous passages, into a grand common sewer running under the middle pavement of every street—the common sewers to be kept clean & sweet by letting the water of the reservoir into them at pleasure, through a number of sluices, which, carrying away with it all the collected filth of the town, shall empty itself in one stream below the falls.

(George Washington Papers Presidential Series 7:299-302; unfortunately this is pretty much how sewage systems were designed for communities on the Potomac until the passage of the Clean Water Act).

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 - 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 the Terrapin Neck 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, now an appeals court judge, 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, Boydston 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 March 17, 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)

(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 Van, still responsible for managing the Swearingin land holdings in Bourbon County, Kentucky, joined several thousand other 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 the Berkeley County, Virginia courthouse. He became a captain, unfortunately, in an army that was hurriedly formed, poorly trained, and suffering 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 Capt. 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 (and even some members of Congress) 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 for supplies for the ragged, ill-equipped new army. Knox and Duer used the stolen 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.

Andrew Swearingen, brother of the recently killed Van, 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 lawyers, 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, sold down the river at 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 again 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). These 50 acres now comprise 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 (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 acquiring and 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 son Thomas were buried, for example, and this seems a possible location). 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 - 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 Eleanor's 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).

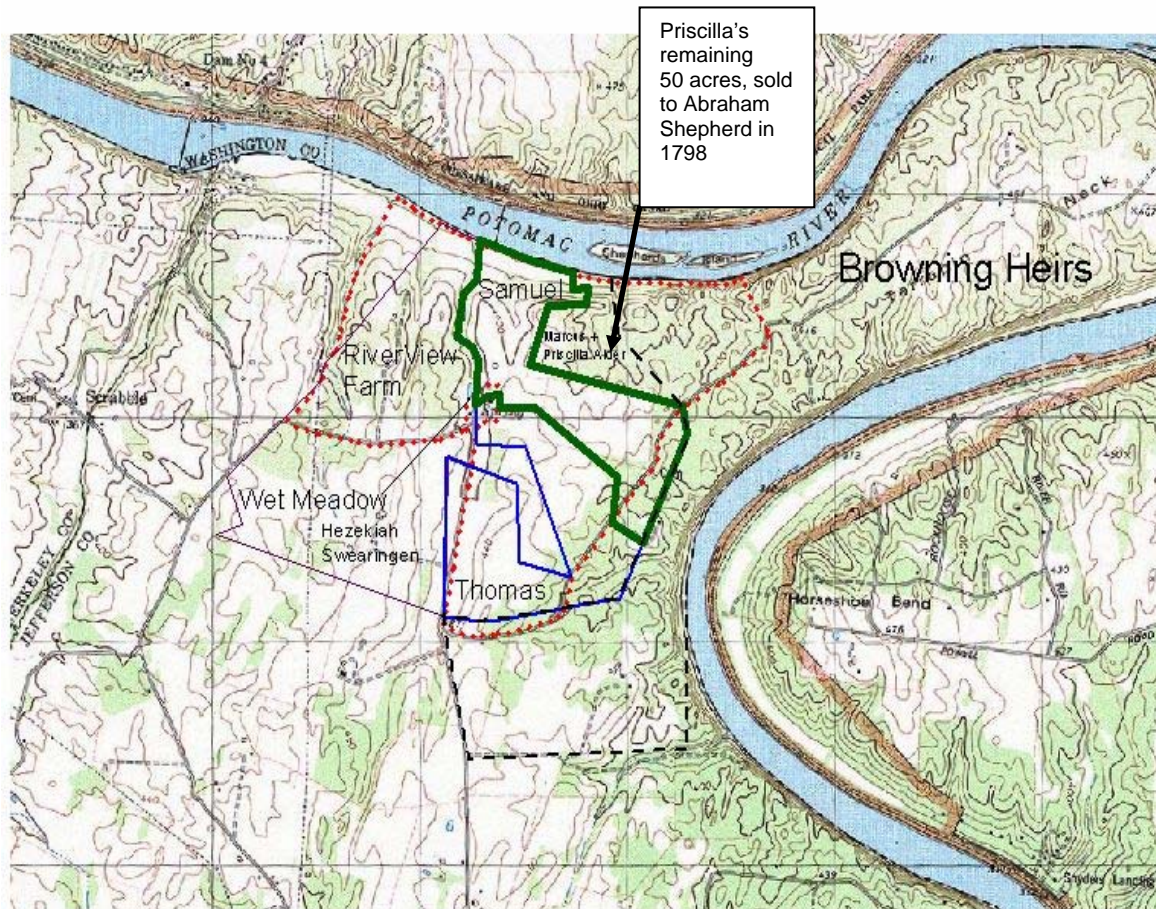
The Chancery Court issued an attachment against the Swearingen estate and other Terrapin Neck holders for contempt of court for not paying the Browning heirs the rents and profits due them from 1786.

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 is shown above and 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 estate - from Abraham's perspective the acres were also returned to his 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 uncle Abraham Shepherd. Priscilla's 100 acres on Terrapin Neck remained with the Brownings.

1797 Division of Josiah Swearingen's Springwood Estate



- New Browning Property Line
- 1797 to Samuel Swearingen 13 years old, 137 acres and 3 slaves
- 1797 to Thomas Swearingen 18 years old, 138 acres and 1 slave
- 1790 Riverview Farm
- Present NCTC Boundary

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).

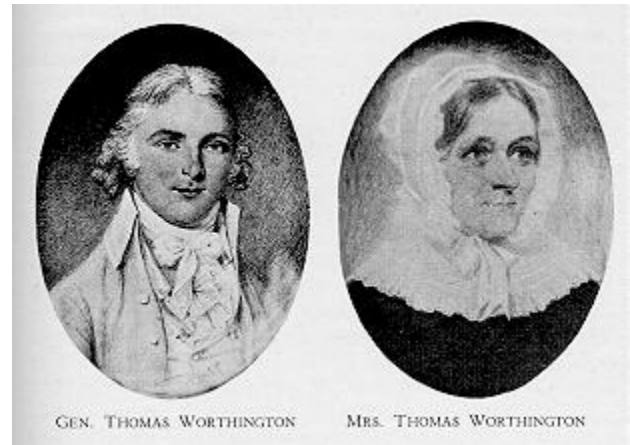
So there we have it. Since Abraham seems to have asked the question himself, he apparently wanted everyone to know that he was motivated to remove the landholders on Terrapin Neck because of his prior disagreements with the Swearingens over the rights to the ferry.

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).

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.



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). The will gave Benoni's third wife Hester 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.glorerecords.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 (present-day Lone Drake Farm) 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 were 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 in Shepherdstown 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.

(Electronic Text Center, University of Virginia Library)

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 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.

Abraham Shepherd's son Rezin Davis (R.D.), after apprenticing with a Baltimore shipping company as a teenager, in 1802 began setting up new mercantile and shipping partnerships down on the Gulf Coast in the steamy port city of New Orleans. R.D. and his various partners were able to take advantage of numerous friends and relatives from the Shepherdstown area that were developing businesses and plantations far upstream in western Pennsylvania, Ohio and Kentucky. R.D. Shepherd's old friends and neighbors needed a merchant to extend credit and provide goods in return for their pork, tobacco, cotton, wheat, lumber, hemp and other products being floated down the Ohio and Mississippi. For example, a letter from a John McCoy to Thomas Worthington in Chillicothe, Ohio shows that R.D. traveled north to Ohio the summer of 1813 trading in such goods as brown sugar, coffee and sundries. The letter also mentions the sale of cotton. (Ohio Hist. Soc. Archives). J.G. Clark, in his book *New Orleans 1718-1812: An*

Economic History, writes that Shepherd, Brown and Company sold on commission for firms in Mays Lick and Lexington, Kentucky, Pittsburgh, Pennsylvania, and Cincinnati, Ohio - all locations where pioneers from the Shepherdstown area had settled. The company also shipped large amounts of cotton and sugar to Baltimore and Philadelphia, and engaged in the slave trade. Eventually Shepherd would serve on the boards of over a dozen New Orleans banks and insurance companies and even became a planter himself sometime after 1815 (Clark 1970).

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 his nephew 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

required 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 dividing their properties still allowed both farms access to the water of the creek. These 4 acres are in the low-lying area west of the Hendrix estate house where the pond and cottage are today. One wonders if Hezekiah kept cattle in his half of the spring. At the time, the route from Shepherdstown to Abraham’s newly-acquired house may not have been as direct, as “Shepherd Grade” had probably not been built yet in its current alignment. Note the narrow, dog-legged corridor pointed toward Terrapin Neck owned by Hezekiah Swearingen on the map for year 1797 above, suggesting the route of a private road for Hezekiah connecting to the Terrapin Neck road.

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 – Abraham’s 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.

Chapter 6 RiverView Farm and the New Neighbors

1809 - A map of Jefferson County, Virginia was produced by Charles Varle, published in Philadelphia. The only prominent landowner shown on the map in the Terrapin Neck area is Abraham Shepherd, though land records show that the Browning heirs owned some Terrapin Neck property until at least the 1840s.

On the 6th of April, young Samuel Swearingen, described in the deed as a resident of Ohio, sold his 137 acres of Springwood behind the house next to the river to uncle Abraham Shepherd for \$3654 (JCDB 10, p. 109). Shepherd's neighbor to the west, Van Swearingen (grandson of Col. Van), still owned a narrow corridor pointing eastward from RiverView farm out to Terrapin Neck, effectively splitting Shepherd's property in two and possibly not allowing direct access from the direction of Shepherdstown (this corridor can be seen in the 1797 map)

Thomas Swearingen, mill operator at Hardscrabble, apparently concerned over his brother Andrew's handling of financial matters related to the family's Kentucky lands, decided to take action. In October 1809 he required his brother Andrew to sign a mortgage for his share of the Kentucky lands, giving Andrew six months to pay off his debt of \$2853. The entry in the deed book states that "*management of which lands has been committed entirely to the said Andrew Swearingen by the said Thomas Swearingen his brother*". Of perhaps greater interest is the description and location of the various parcels, which totaled more than 33,000 acres(!), only 2600 of which were described as unpatented (Bourbon County DB G, p.247). This total does not include the acreage also patented in Kentucky by various other Swearingen family members from the Shepherdstown area, including Joseph Swearingen or Benoni Swearingen's heirs.

1810 - Census records showed Hezekiah Swearingen living in a household with one free person, and 11 slaves. His son Van listed a white female (wife Elizabeth Morgan) and 4 slaves.

Neighbor Abraham Shepherd and his family were attended to by 18 slaves, and further to the south Marcus Alder and his wife Priscilla had 7 slaves.

1811 - Thomas Swearingen died, grandson of Thomas of the Ferry and founder of "Hardscrabble". In his will he divided the old "Jones Mill", his house and lands between his wife, his sisters' families, and his brother's children. His brother Andrew's *children* in Kentucky were given all the land that Thomas held or claimed in Kentucky (BCWB 4, p434). Sometime later the mill burned, and a free black woman was blamed and arrested. The Executor of Thomas's will is "(his) friend" Abraham Shepherd. The witness was Martha (Keating) Vansant, one of the Browning heirs and a relative newcomer to the neighborhood; she may have moved here to escape a bad marriage in Maryland - she apparently renounced any claim to property left her in her first husband's will (Hulse and Schneider, 1997 unpublished).

1812 - In October, Van Swearingen and Abraham Shepherd began a deal that would simplify the boundary between their respective properties and allow a more direct route from Shepherdstown

to Shepherd's recently acquired dwelling at Springwood. A little over ten acres comprising the narrow corridor pointing east to Terrapin Neck was sold by Van Swearingen to Abraham Shepherd for \$450 (JCDB 7, p.364). About the same time, Abraham Shepherd sold an adjacent 15 acre narrow triangle to Van Swearingen, which is now located on the west side of Shepherd Grade across from the entrance to NCTC; the price was also \$450 (JCDB 7, p.360). A road was likely built shortly after this time, extending from the Terrapin Neck road to the Shepherd estate house along the new property boundary, which eventually became known as Shepherd Grade.

1813 - Abraham Shepherd sold an old family property again - he subdivided Pell Mell on the Maryland side of the river into three parcels. The Blackford family, now operating the Ferry, would now incorporate part of Pell Mell into their Ferry Hill Plantation (WCDB Z, p.282 - 286).

1815 - The War of 1812 culminated early this year in a British defeat at the hands of Andrew Jackson's rag-tag army in New Orleans. In a letter written after the great Battle of New Orleans, Commander Daniel Patterson wrote to the Secretary of the Navy commending one R.D. Shepherd (son of Abraham Shepherd) for having "rendered me very essential assistance" as an aid-de-camp (Brannon, n.d.). Several days after the battle on January 19th, R.D. Shepherd was again enlisted by General Jackson to serve as half of a two-man delegation sent to the British army still on board their ships to demand the return of slaves; the delegation came away instead with the first electrifying news that the American and British governments had signed a peace treaty at Ghent back on December 24th prior to the battle, which they duly reported to Jackson and the local newspapers (Nolte 1934 p. 226). R.D. Shepherd had first arrived in New Orleans in September of 1802 at the behest of the shipping business he was working for in Baltimore. Shortly after his arrival in New Orleans, which had recently become an American territory, he cornered the market on sugar which made him and his employer a bundle of money. This allowed him shortly thereafter to develop several merchant and shipping partnerships based in New Orleans that traded in a wide variety of goods. In 1808 he married Lucy Taylor Gorham of Barnstable, Massachusetts, a niece of his former Baltimore employer William Taylor; they were blessed with five children in six years. This success was later tempered by the loss of his 25-year-old wife Lucy, who died at Sweet Springs, Monroe County VA, (now WV) on August 23, 1814 (Martinsburg Gazette Sept 8, 1814, p3. c.3). She died about 3 weeks after the death of one of her children at the same location (Smyth 1909), and it seems that all but one of the other children had also died by this time. A single daughter Ellen would survive, and R.D. never remarried. R.D. Shepherd was later described as "*one of the most successful, prudent and sagacious merchants ever engaged in commerce*" in New Orleans, and "*never embarked in any enterprise which did not have a profitable and generally brilliant result*", and was "*by far the largest property holder in the city*". Within a few years R.D.'s brothers, especially James, would be attending to the business in New Orleans while R.D. traveled in Europe and attended to his young daughter's education in Boston (Kenamond 1963, and obituary in New Orleans Daily Picayune, 18 Nov. 1865).

The table below is compiled from an exhaustive search of records by Dr. Gwendolyn Hall of Rutgers University and details at least some of the slave transactions by R.D. Shepherd's family and businesses in New Orleans through 1820. The records show that his large shipping business included the transport and sale of slaves, in addition to using slave labor, and that R.D. and his

wife had domestic slaves. One of the transactions listed R.D.'s wife Lucy as being from Plaquemine (probably the parish rather than the town) suggesting a location for their plantation.

Slave Records of R.D. Shepherd's family and businesses in New Orleans 1805-1820

Date	Transaction
1805-12-23	R.D. Shepherd and John Palphrey (a business partner) bought Nancy for \$450 from Elizabeth Fontage
1807-09-29	R.D. Shepherd sold Harry, 28, for \$700 to Arthur Morgan
1809-10-31	Lucy, R.D.s wife, bought Rachel, 17, for \$350 from Andre Robin
1809-12-17	Lucy bought George, 12, for \$700 from John McDonogh, a former business partner
1809-12-18	Lucy bought Phyllis, 18, for \$500 from Hart, Barlett, & Cox of Virginia
1809-12-19	R.D. sold Trim, 15, and Jack, 15, for \$600 and \$550 respectively, to William Brand
1810-05-17	R.D. sold Harry, 15, for \$600 to William Brand
1813-04-21	R.D. sold Charles, 25, for \$800 to Paul Lanusse
1814-04-27	R.D. sold Fanny, 19, for \$550 to Jane Butler
1818-05-26	R.D. Shepherd & CO sold a shipment of 27 slaves, mostly aged 15 to 25, to Germaine Musser for \$21,000
1818-08-10	R.D. sold Jacob, 15, for \$915 to Francois L. Guerin (R.D. acquired Jacob in Kentucky)
1819-06-04	Elizabeth M. Shepherd (a minor) bought Betsey, 12, for \$500 from Louis Lee
1820-03-16	James H. Shepherd, R.D.'s brother and employee, sold Lucy, 21, and daughter Mary, 4, for \$700 to Francois Trepagnier
1820-05-10	James H. Shepherd, , sold Lewis, 22, for \$650 to Sosthene and Zenon Roman of St. James

From: Hall, 2000. Afro-Louisiana History and Genealogy

1816 - Uriah Brown, a surveyor from Maryland, in his journal described the landscape between Martinsburg and Shepherdstown:

The First 6 Miles from Martinsburg Mountainous & Piny poor Ground bad farmers, plaster would help; now in Jefferson County Virginia, the next Six Miles to Sheppards Town, a Delighful Valley of Land (farmers good for nothing except 4 or 5) the Lime Stone too Troublesome in the roads and farms, Very Little wood not Enough to Spare to burn the Lime Stone, as the Land is worn out & would be a good thing to have those troublesome Stones Burned up & Strewed over the ground; at any rate a few years a very few years will force some of you to take some of those Lime Stones to make fences with your Land will afford it, but your Wood will not Afford you wood to make fences with use Plaster freely & you have as good Land in 4 or 5 years as heart Could wish...(in Dougherty 1972)

So it would appear that, by Brown's standards at least, the farms in the area by this time were poor and worn out, with few trees and a lot of rock. Diversified farming methods would be required to maintain a livelihood under these conditions, and many in the lower Shenandoah Valley, including the Swearingens, continued to develop extensive orchards along with their livestock and grain crops. It was still difficult to ship raw fruit to market, so it was commonly distilled into brandy and other spirits that could be stored and transported easily.

James Bell, having apparently branched out from his tailoring trade, advertised in a local paper this year that he had four boats available for floating barrels of flour down the Potomac to Alexandria, at a cost of a dollar per barrel (Dandridge 1910).

1817 - Hezekiah Swearingen died, and passed his remaining property to his son Van. It's unknown where Hezekiah was buried - his wife was buried at Springwood back in 1781, but her grave was on land owned by the Shepherds by the time of his death and therefore probably unavailable for his interment. Since he had lived most of his adult life at the site of present-day

Lone Drake farm across the road, he may have been buried there. Hezekiah's daughter Mary was married by this time to a neighbor James Foreman. His son Van was married to Elizabeth Morgan and by this time they had 3 sons, William, Hezekiah and James, and 2 daughters, Rebecca and Almira. Where did Van live? Since he owned the Riverview Farm tract (now the western portion of NCTC), it has been assumed that he lived there. The size and quality of the house on RiverView Farm, family probate inventories, and archeological work done on the site in the 1990s all indicate a relatively wealthy owner for the time (see Hulse and Desaulles 1997). But in fact there are no records indicating which of the houses Van and Elizabeth lived in before or after Hezekiah's death, so Van and his wife may have moved into Hezekiah's nicer stone and brick home at this time to get more room for their large family (now the house on Lone Drake farm), though this is conjecture. It's also possible that Van and Elizabeth had always lived with Hezekiah, who had never remarried after his wife's death more than 35 years before, or that the house on the RiverView Farm portion of today's NCTC was lived in by Hezekiah himself, or employees or slaves during the first few decades of the 19th century.

The Potomac Company's annual report indicated that even despite the past season's unusual low water, boats loaded with 50 to 60 barrels of flour had continuously passed down from Harpers Ferry (Corra Bacon-Foster 1912).

1820 - The federal census showed the Van and Elizabeth Swearingen household with 5 white males, 4 white females, 10 male slaves and 12 female slaves; he listed his occupation as Farmer.

1821 - A daughter of Van and Elizabeth was born this year and died a year later - she may have been the first to be buried in the new Swearingen graveyard on RiverView Farm. (This new Swearingen graveyard is located just south of NCTC's wastewater treatment plant.)

At the port in New Orleans, the brig *Mexican*, under Master John Wales, delivered its cargo which included a 14 year old female slave named Lucy, listed as 5 feet in height. She was shipped by Goodhuct & Co, of New York, and was delivered to R.D. Shepherd & Company in New Orleans. R.D. Shepherd's brother James was running the business in New Orleans and he received about the same time, aboard the Baltimore brig *Intelligence* under Master Benedict Jenkins, a shipment that included a 35 year old female mulatto slave named Phoebe Black, along with her two very young daughters. Their heights were not listed (Woodtor, n.d.).

1822 - Shepherds Town lawyer Thomas V. Swearingen, 38, living at the Bellevue tract originally owned by Thomas of the Ferry, died during his second term in Congress of an epidemic of "bilious fever" perhaps malaria (Aler 1888). Swearingen heirs would hold the property for only a few more years. Abraham Shepherd also died this same year. He gave "*To son Henry, the farm on which I now live, 321 acres formerly owned by Col. Van Swearingen*", while son Abram received the "*Neck Place and the 100 acres where he now lives, known as Boidstone's place*". Henry was then 29 years old, recently married to Frances "Fanny" Briscoe, while Abram Jr was 35. Their brother R.D. had already struck it rich in New Orleans by this time. The probate inventory (shown in full in the appendix) suggests some of Abraham's activities on the property that has become NCTC, and included: 7 "barshear" plows, 5 shovel plows, 64 hogs of various ages, 5 horses, 26 beef cattle, 5 milch cows, 190 head of sheep, 2 stills, 20 still tubs, 110 gallons of apple brandy, wheat, rye, oats, corn, and flax seed. At least 22

slaves were listed in the inventory, amounting to nearly 70% of the value of his personal property (JCWB 4, p.85.) When the estate was finally settled several years later, the accounts indicate that the slaves Emily and Amy, with their young children, were sold after his death for a total of \$600 (Amy's two older children, Bev and Harry, stayed behind), and that he owed \$49.91 to John Blackford, probably for ferry services (JCWB 6, p.222).

Henry Shepherd and his wife Fanny now settled in the old stone home originally built by Van Swearingen during the French and Indian War. A new wing was added to the house in the 1820s allowing Henry's mother Eleanor and her servants to live separately. Their first child Mary, born in 1824, lived only a year. Their second child was born in 1826 and was named Rezin Davis. Later siblings included Ann Elizabeth, Henry Jr., John, Abraham, and the youngest, James Touro, born in 1838.



Abraham Shepherd's initials on springhouse wall, Springwood.

1827 - The Potomac Company annual report indicated that toll collectors had been appointed at Williamsport, Shepherdstown and Harpers Ferry to gather tolls from freight boats passing these locations, in hopes of “a handsome increase of revenue” (Corra Bacon-Foster 1912). The company had struggled financially from the very beginning, and this may have been a last ditch effort to clear a profit. Forward-thinking businessmen were now planning a canal along the Potomac that could provide a more reliable method of transporting goods.

1828 - In January, Van Swearingen's wife Elizabeth died, 43 years old. She left behind 5 teenagers: William, James, Hezekiah, Rebecca and Almira, and 1 newborn daughter Elizabeth - suggesting the mother died from complications related to childbirth. In June, Van added 187 acres on the south side of the farm, purchasing it from the Webb family. This area is now the site of the Wild Goose mansion and surrounding property.

1830s - A cholera epidemic devastated several towns near the Potomac River, and had a particularly harsh effect on the Irish immigrants working in gangs constructing the new C & O Canal along the Maryland side of the river. Cholera can kill within a matter of hours, and accounts of September 1832 and 1833 describe horrific scenes of many unburied bodies of canal laborers lying about in fields adjacent to the Potomac River (Hahn 1993). Many fled the region, including John H. Bennett, great-grandson of Col. Van Swearingen. An obituary in the *Chillicothe News Advertiser* (March 23, 1903) described how he and his family initially fled to Missouri in 1831, where cholera soon caught up with them anyway. The surviving family members traveled back east to Chillicothe, Ohio by 1836.

The 1830 census shows the Van Swearingen household with 4 white males, 3 white females, 11 male slaves and 7 female slaves. He was one of the top 10 slaveholders in a county that averaged 2 or 3 slaves per middle class farm (Hulse and Dessauls 1997).

1831 – A wedding in the Swearingen family! Van's oldest daughter Rebecca, 20 years old, married George S. Kennedy on September 21, the ceremony conducted by Rev. William Monroe.

Henry Shepherd, living next door at Springwood, noted in his account ledger in October and November the payment of \$1.50 for "hauling flour to the boat". The following February he paid for hauling another 150 barrels of flour "to the river" (Shepherd Family Papers 1790-1862). His accounts for the 1830s and 40s mention a Merino ram, a Berkshire boar, and an Ayrshire bull put out to stud, as well as beef, pork, mutton, apples, cider, brandy, clover seed, oats, wheat, corn and potatoes. By the 1740s Henry and his brother R.D. owned equal shares in "blooded stock" that were kept on their lands near Terrapin Neck, the details carefully spelled out in R.D.'s precise handwriting. Politically speaking, Henry was a stalwart Democrat, and like his parents was active in the Episcopal Church in Shepherdstown. Two long-time workmen for Henry during the 1830s and 1840s are a George Price and a Robert Evans (Shepherd Family Papers, sect. 4). A typical notation in the account book:

Robert Evans has agreed to work and manage for Henry Shepherd for one year for the sum of one hundred and sixty dollars in cash and 12 bu of wheat, 16 bu corn, 300 lot[?] of pork.

1834 - Construction of the C & O Canal on the Maryland side of the Potomac River had now reached the Shepherdstown area. A dam (Dam Four) across the Potomac designed to feed water into the new canal, first started in 1832, was finished just upstream of RiverView Farm near the mouth of Jones Mill Run (now Rocky Marsh) and the old site of Thomas Swearingen's mill.

1836 - Another Swearingen sibling from RiverView farm married - Hezekiah H. Swearingen, 23 years old, married Isabella Lyle Henshaw on February 18. The ceremony was officiated by Rev. Woodbridge.

1837 - In March young newlywed Hezekiah Swearingen, apparently feeling a financial pinch at the time, somehow arranged for the town constable Milton J. Brown to pay off his debt of \$119.50 to Robert Magruder. In return Hezekiah deeded to Brown a sorrel saddle horse and a workhorse named Sam, though Hezekiah was to retain possession of the animals until he could pay off the loan (JCDB 21, p. 391). Brown was apparently wary enough about being repaid that he had the transaction recorded at the courthouse.

In May, Hezekiah's brother William Swearingen, 22 years old, bought a neighboring tract of 60 acres at auction "near Jones Spring Run" (JCDB 22, p. 92). He apparently left for Chillicothe, Ohio soon afterward without paying for the property, because in November his father Van agreed to pay \$1966.43 for the property in his stead (JCDB 22, p.338). So it would appear that William was also a little short of cash and perhaps felt he could find better opportunities elsewhere. (Chillicothe, Ohio, seems to be a frequent destination when the going got rough for the Swearingens along the Potomac - Eleanor Swearingen Worthington at Adena died in 1848). Estate records several years later reveal that Hezekiah and William also owed their father \$207.50 and \$150, respectively, for debts incurred during this time period.

The Swearingen brothers weren't the only ones experiencing a shortage of money just then. Nationally this phenomenon became known as the Panic of 1837, possibly one of the worst financial depressions experienced in the United States. President Andrew Jackson's federal banking policies exacerbated a severe shortage of gold needed to back the currency being issued across the country. Tens of thousands of people across the country went suddenly bankrupt, many more experienced imminent starvation, over 600 banks failed between May and December, and many more suspended payments in gold (note that William purchased a property in May about the time of the banking crash, and then by November we see he can't pay for it). Workers, if paid at all, were paid in an endless variety of locally issued scrip. The Swearingens on RiverView Farm were better off than most in that they still had land, crops, livestock and labor, but ready cash seems to have been in short supply. The depression would last until after 1843. Particularly hard hit were many banking institutions and large businesses in New Orleans, then the fourth largest city in the country. It's unknown how badly R.D. Shepherd and his brother James fared financially in New Orleans, but for James it was all over anyhow - he died in New Orleans on July 27th (a large monument now marks his grave in the Shepherd graveyard in Shepherdstown). R.D. had to travel to New Orleans to get things in order, and seems to have taken a stronger interest in his old Virginia home after this time. His business acumen may have seen possibilities on the Potomac now that the C & O Canal was in operation across the river, and the B & O Railroad was beginning to haul freight and passengers along roughly the same route.

1838 - On Sunday, Feb. 18 Van Swearingen died at his residence "at an advanced age" (Henley, n.d.), though his tombstone claims an age of 59 years, 2 months and 20-odd days. His will, written in January, specified that some land be sold, with the rest divided between two of his older children. He left 200 acres of his father's old "mansion track", a 22-year-old negro named Henry, all the farming tools, kitchen furniture, and the choice of **four houses** to his oldest son James. Daughter Rebecca Kennedy was to get the balance of this property, including a part of 14 acres purchased from a Dr. Henry Botelar. He specified that the 187-acre tract of land on the southern end of the farm, purchased from the Webbs in 1828 (JCDB 15, p.188) was to be sold, with son Hezekiah receiving \$1500 from the proceeds. Almira was to receive \$1000 from the land sale proceeds, a six year old slave girl named Ann, and a feather bed. (It seems to have been common practice for the Swearingens and perhaps others in the region to ensure that when young slaves were given away that they were outfitted with a feather bed and oftentimes a horse as part of the package.) The remainder of the selling price was to go to son William and daughter Elizabeth; one Edward Southward became the guardian of Elizabeth, and he acted as the agent for both William and Elizabeth (JCWB 9, p.265). William was also to receive 2 slaves, named Lewis (21 years old) and Hardridge (22 years old), while Elizabeth was to receive the slave Susan (6 years old), a feather bed, and a riding horse. The other 12 slaves were to be divided between James and Rebecca, except for the slave named Andrew Jackson who was given "liberty to choose which of my children he shall belong to." What was so special about Andrew Jackson that he alone was given this seemingly benevolent choice of masters? Andrew Jackson was 16 months old when the estate was appraised.

To meet these obligations the executors in October sold 192 acres of the southern portion of RiverView Farm, acquired ten years before in the vicinity of "Rattlesnake Spring" (near the present-day Wild Goose mansion), to Charles M. Shepherd, 38- year old son of Capt. Abraham

Shepherd for \$10,072 (JCDB 24, p.260); Charles was likely acting as the agent for his brother R.D. Shepherd. This sale was apparently interesting enough to make it into John Blackford's Ferry Hill Plantation Journal on Oct 19, where he recorded that "*Kenady and Swearingen sold the farm at \$51.75 per acre to Moses Shepherd*". (John Blackford had acquired rights to the Shepherdstown ferry after marrying Sara Swearingen, daughter of Benoni, and by later buying out her brother's share). Van was buried in the Swearingen plot on RiverView Farm next to his wife, where his headstone can still be seen on the hill above the water treatment plant. Son William Morgan Swearingen was by some accounts now headed for Texas, where he would spend the rest of his life. Daughter Rebecca and her husband George Kennedy at some point moved to Jericho Farm near Boonsboro, Maryland.

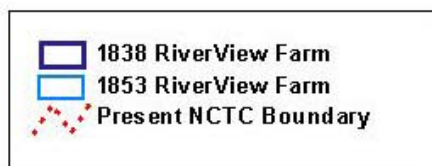
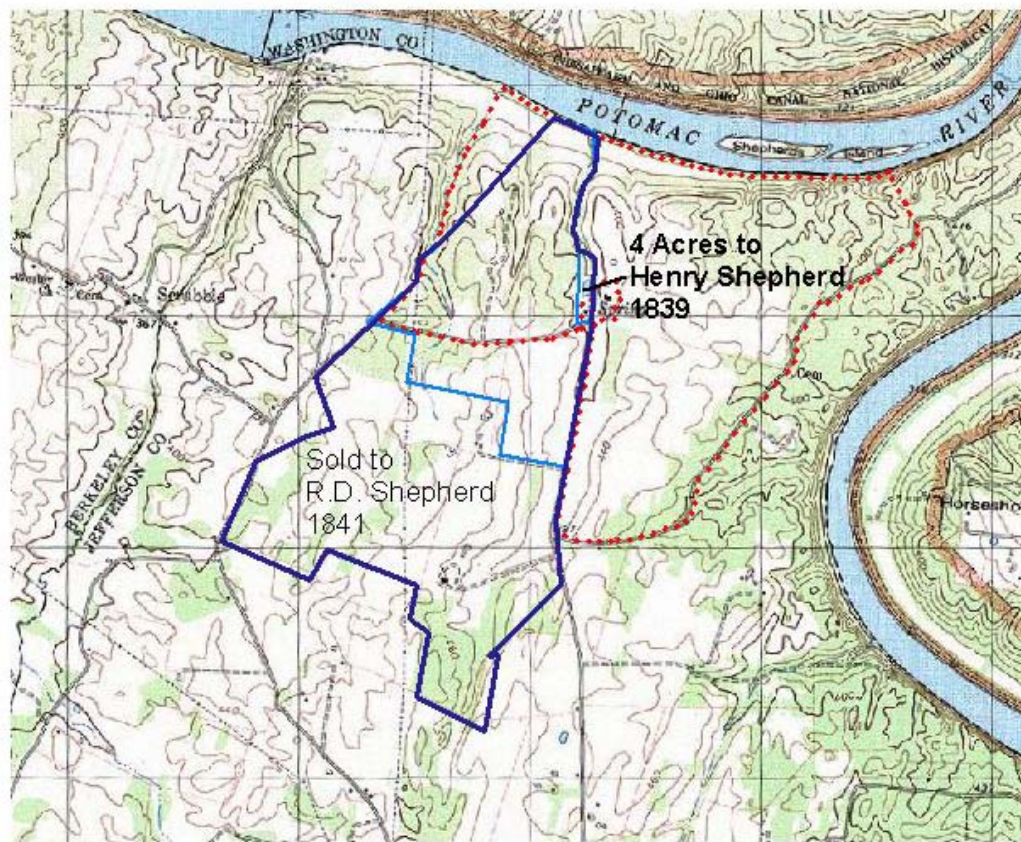
Van's estate included 20 slaves, numerous farming tools and implements, 38.5 acres of wheat, 58 sheep, 53 gallons of apple brandy, 426 bushels of corn, 12 horses, about 23 cattle and several dozen hogs. An estate sale was held after Van's death, at which James and Hezekiah Swearingen bought back much of the livestock. For example, James bought a brindle bull, several brindle cows and calves, 15 sheep and 45 hogs, 7 1/2 bushels of oats, 250 bushels of corn, 10 bushels of potatoes and 266 pounds of bacon, while Hezekiah purchased a horse, 5 sheep, 50 bushels of corn and 38 acres of wheat still in the ground (JCWB 9, p. 265). This suggests that James and Hezekiah had plans to continue farming the land first occupied by their great-grandfather.

Neighbor Henry Shepherd was not listed as a buyer in the sale; no doubt the livestock lacked the necessary pedigree. Henry and Fanny's last child, James Touro, was also born this year (*Touro* is from Judah Touro, Jewish business partner and friend of R.D. Shepherd in New Orleans. R.D. saved his life during the Battle of New Orleans when they were both young men).

1839 - On February 9, the executors of Van's estate sold the 60 acres that Van had been forced to buy because of William's lack of cash two years before, to neighbors George and John Hollida for \$1832 (JCDB 23, p. 265). In March, neighbor Henry Shepherd purchased for \$100 about 4 acres of land next to the spring on the Swearingen property line west of his house, now the location of the cottage and pond near the sharp turn in the road next to the Springwood estate house (JCDB 23, p. 270). This would now give Henry Shepherd complete access to both heads of the spring there; this was once the "wet meadow" set aside for old Hezekiah Swearingen back in 1788 in his father's will.

Van's daughter Almira Swearingen, 24 years old, married James Markell on November 7, the ceremony officiated by Rev. Morrison (VA. Free Press, Nov. 14, 1839, p3,c2.); they had a daughter Elizabeth (Betty?) one year later. In the 1840 census James Markell is shown living in Virginia with 2 white females, presumably his wife and daughter, and two female slaves. Markell had worked in Lancaster Pennsylvania in the late 1820s to early 1830s for the merchant John Newton Lane before moving to Shepherdstown with Lane's new mercantile business about 1835. Markell then took over the business in 1840, a business called Webb & Markell, with partner Willoughby L Webb, Lane's nephew also from Lancaster. Their business was located on German Street in Shepherdstown from 1840 to 1848, and occupied the western portion of Lot 1 (JCDB 27, p. 137).

RiverView Farm - Early 19th Century



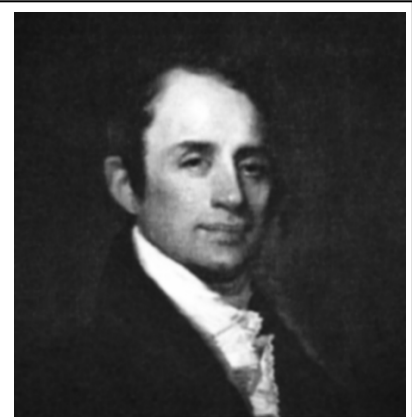
The American West still held its attractions for those in Shepherdstown, and the local papers often reported on the circumstances of family members who had recently tried to make a go of it in the territories. For example, a Markell family member, possibly Daniel Markell, James's brother, from Shepherdstown lost all 3 of his children including 6-year-old John Baker Markell in St. Charles, Missouri within a 9 month period in 1838-1839 (in Henley, n.d., Virginia Free Press, Charles Town, VA, March 29, 1838, p. 3, c.4.

Isabella Henshaw didn't stay long in the Swearingen family - on June 18, Hezekiah Swearingen, her husband of three years, died an untimely death "at the home of Mrs Henshaw" (Henley, n.d.). James Swearingen would now have to continue farming without the help of his brother.

In 1839, J.F. Cannell, 18 Castle Street, Liverpool England printed a little pamphlet entitled "**A CATALOGUE OF Pure Durham SHORT-HORNED CATTLE, Leicestershire Sheep, BERKSHIRE AND SUFFOLK HOGS, Selected by J.C. Etches, of Barton Park, Near Derby, for R.D. SHEPHERD, ESQ., of Shepherdstown, Virginia and New Orleans, United States IN MAY, 1839.**" The pamphlet then itemized various animals including their previous owners, extensive genealogies, and various prizes won at area livestock shows. One example is for:

MINNA, light roaned heifer, calved February 14, 1838, bred by R. Pilkington, Esq., of Windle Hall, got by Windle, (bred by the Rev. H. Berry, by Henwood, 2114), dam Annetta, by Hopewell (2135), g d Bellona, by Belvedere (1706), gr g d by Blucher (1725), gr gr g d Mr. Stephenson's favourite Red Cow. This heifer, as a calf, won the sweepstakes at Liverpool, in October, 1838; her dam won the premium at Liverpool for the best one-year-old heifer, in 1836, the two-year-old premium and sweepstakes in 1837, and in 1838 she was shown for the best dairy cow and sweepstakes, also for the best cow of any breed, all of which prizes she took; and in the same year was shown as a three-year-old at Manchester, and obtained the premium. Neither cow nor calf has ever been beat!!!

1841 - Rezin Davis (R.D) Shepherd, son of Capt. Abraham Shepherd, after making several million dollars in business and real estate and somehow surviving the financial disasters of the past several years in New Orleans, bought 468 acres of land west and south of his brother Henry, which included 196 acres of RiverView Farm that had been purchased 3 years before by his brother Charles, as well as the portion of RiverView Farm that Rebecca Swearingen Kennedy had inherited about the same time. Shepherd began building his Wild Goose mansion shortly thereafter (Kenamond 1963). He filled his new stables, barns and pastures at least partly with imported horses, cattle, sheep and hogs from Europe, each animal of known and impeccable pedigree; some of these animals he and his brother Henry owned jointly. R.D and his brother Henry Shepherd, along with their relatives and heirs would own the majority of the Terrapin Neck area for about the next 60 years. R.D. Shepherd signed a petition to Congress along with numerous other "*planters and sugar manufactures in the state of*



R.D. Shepherd

Louisiana” in June of 1842 that asked for an increase in the duties on imported sugar. This suggests that he still had a strong financial interest in the sugar industry in New Orleans, which, according to the petition, was in danger of outright destruction and could result in “ *a national loss to an extent beyond calculation, would lead to expropriation of almost every planter connected with it*” (Louisiana State Courier October 1984).

On July 12, James Swearingen, new owner of what remained of RiverView Farm, married his sweetheart Margaret Darby. He had about 200 acres, several houses, livestock, slaves, and now a 16- year-old wife to begin a new life on RiverView Farm. The Swearingen farm was now considerably smaller than when his father was alive, a large portion, including his father’s stone and brick home, having recently been incorporated into the Shepherd’s new Wild Goose farm.

1842 - Well, so much for a new start: the little rock-walled cemetery on RiverView Farm hosted another funeral--James Swearingen’s wife Margaret died, 17 years old (he was 32). Her headstone can still be seen. An infant son of Margaret and James is also listed as buried there, suggesting a contributing factor in her death.

Next door at the Shepherd’s, the October 1842 entries in Henry Shepherd’s account book include:

<i>To cash paid for Negro Lam</i>	<i>\$445.00</i>
<i>To cash paid for hats for Negro Men</i>	<i>2.25</i>

1843 - James Swearingen had enough. After losing a father, wife, infant son, and brother within a 4- year period, and seeing much of his boyhood home sold to the Shepherds by his sister, his remaining small farm on the Potomac and the Shepherdstown area in general had undoubtedly lost some of its charm. In a deed dated 1st April, 1843, he sold the remaining 197 acres of RiverView Farm to his 15-year-old sister Elizabeth Swearingen, and an Elizabeth Morgan Markell for \$10,000 (JCDB 26, p. 519; Elizabeth Morgan Markell seems to be his niece - the 3-year-old daughter of James and Almira Markell). One account shows James Swearingen re-marrying to Mary Gleeves, moving to Missouri, and then on to Texas, perhaps to be with his brother William (H.H Swearingen 1884). His choice of Missouri as a new home was no doubt influenced by the Missouri Compromise of 1821 that allowed slavery within its boundaries. This is supported by an account from April 29, 1843 that lists the expenses for transporting the African slaves belonging to James from Shepherdstown to Fort Osage, Missouri (Markell Papers, U-VA.) RiverView Farm was now owned by two young female family members.

Why didn’t James Swearingen sell the farm to sister Almira? Almira, wife of James Markell, died a few months later on Sept. 10, suggesting she may have been dangerously ill back in April when James Swearingen sold the farm. A letter from June of 1841 had mentioned that Almira had been sick even then, suggesting a lingering illness. She left behind her husband James, a young daughter Elizabeth, and three remaining siblings. RiverView Farm and the Swearingens had surely seen too many deaths during the past several years.

1846-47 - Widower James Markell, still a prominent merchant in town with Webb & Markell, served two terms as mayor of Shepherdstown. Business receipts in the 1840s include references to a great variety of goods including beef, lindsey, wheat, flour, cotton, buttons, scarves, boots,

nails, saltpetre, ribbons and pharmaceuticals. Webb and Markell also developed a water powered “woolen factory” in the 1840s over the creek on the corner of Princess and High Streets (now a café) in Shepherdstown, roughly 80 feet by 40 feet, with a stone first floor and log second and third floors, and a wood shingle roof; a Civil War-era description noted that it was coated with a blue stucco. They purchased bulk quantities of wool, both washed and unwashed, from local farmers and used the factory for carding, spinning and dyeing. The description in the insurance application also noted that there were “*no slaves engaged about the premises*” (Markell Papers, UVA, 1840-1849 folder).

1848 - James Markell’s now 8 year old daughter Elizabeth Morgan Markell died on Feb 23. A letter in the Markell Papers dated Feb. 17th, 1848 mentioned the hope for a reversal of “*the sickness of your little girl*”, so it seems she had been sick for several weeks before her death. For now the RiverView Farm property was still owned by 20-year-old Elizabeth Swearingen, and if young Elizabeth Markell was the co-owner mentioned in the deed of April 1843, her portion was now inherited by her father James Markell. After losing his wife and only daughter, the grieving Markell dissolved his partnership with Willoughby Webb late in 1848 and left town for a time, going to Baltimore and starting a new business called Kennedy & Markell, selling goods such as cement, clover seed, and flour. Unfortunately, the woolen factory operation in Shepherdstown ended badly within the next several years, with lingering recriminations and lawsuits over money with a supervisor named Price.

In April of 1849 Markell signed a one-year agreement with George S. Horne to manage the RiverView Farm property, for \$125 dollars, three barrels of flour, ten bushels of corn, five hundred pounds of pork and ten bushels of “keeping apples”. The agreement also mentioned horses, cattle and other livestock, suggesting that numerous farming operations were ongoing and profitable at the time. A section in the agreement that required George to “*cook and wash for the hands should Betty be unable to do it*” was crossed out, George apparently balking at the addition of any domestic duties that his wife couldn’t handle.

1850 - Elizabeth Swearingen and James Markell apparently found they had a lot in common in addition to joint ownership of RiverView Farm, and the shared experience of having attended many of the same funerals over the last 11 years. Elizabeth Swearingen married her deceased sister’s husband James Markell, recently returned from Baltimore, in Frederick County, Maryland on the 18th of June (Frederick Cty, Md Marriage Records via Karel Whyte). They eventually had 4 daughters (Elinora, Almira, Sallie, Mary), the first in 1852 when Elizabeth was 24 years old; three of the daughters survived. They took up residence by at least 1853 at RiverView Farm, as indicated by a letter from a Shepherdstown resident asking to use his house in town since he was no longer using it. He also was back in the dry goods business in Shepherdstown by 1851, and was given permission to construct a coal and lumberyard near the C & O Canal’s Shepherdstown Lift Lock across the river from Shepherdstown. (Markell Papers, U-VA). A note in the Markell Papers written in 1851 shows one of many business transactions with town residents at this time:

Mr. James Markell – please send me one pound best tea & send bill – pray do not send the kind that stains the paper wrapper – as the sign of Pruzic acid – what I have been told it is color’d with, is rather too aparent [sic] – respectfully, M.S. Suffield.

James's new wife Elizabeth Swearingen Markell would seem to have had a rather tragic young life - her mother died within days of her birth, she lost her father and became an orphan at 10, lost a brother before she was 11, lost a sister-in-law at 14, lost her sister at 15, lost her niece at 20, then at 24 married a man she had attended many of these funerals with--her sister's widower--before starting a family. One of her four daughters died as a child in 1855, and she buried her husband when she was 43. Elizabeth died in 1901, 73 years old.

Next door at the Shepherd's, the 1850 census shows that R.D. Shepherd, described as a 65-year-old white farmer, had an overseer named Eli Sloan, a 26-year-old stonemason named Conrad Smith, and a gardener named George Beck. The Beck family included wife Louisa and five children ranging in age from 14 years to 1 month; some of these employees and their family members were likely living in the house built by Hezekiah Swearingen at the present-day Lone Drake Farm. Interestingly, Conrad Smith and George Beck were both born in Germany, and seem to have come to Virginia in the early 1840s at the time that the Wild Goose Farm was first developed, based on the birthplaces of the various Beck children. This also corresponds well with the Conrad Crowe family, shown living on Terrapin Neck Road in 1852 in an area now known as the old Foutz farm on the eastern side of NCTC. The Crowe family was also from Germany, with the first children born in Germany and the later children in Virginia after about 1842. The Crowes seem to have owned their own small patch of land and don't appear in the Shepherd accounts, so they may not have been employed by the Shepherds. Napoleon Hiteman, also born in Germany, was listed along with his wife and 5 children living with the Henry Shepherd family (he appears in Henry's account book for the first time in 1847). This suggests that many of the employees, as well as the livestock, of the extended Shepherd farming operations were "imported" from Europe; the number of slaves at this time is unknown, but the presence of an "Overseer" at Wild Goose Farm is suggestive. R.D Shepherd had property valued at \$240,000 dollars, while Henry's was valued at \$25,000. Henry and R.D's mother Eleanor, now 91 years old and likely still living with Henry in the home acquired by her husband Abraham back in 1809 (Springwood), had property worth an additional \$10,000; she died about two years later.

1852 - S. Howell Brown produced a map of Jefferson County Virginia, made from actual surveys of farm limits. The map shows numerous land divisions adjacent to and east of Springwood once owned by the Browning heirs (now the eastern portion of the NCTC campus), including small farmsteads owned by, in addition to the Crowes listed above, G.W. Sappington and Joseph Entler, respectively, who were both hotel keepers in Shepherdstown.

Henry Shepherd's account book for 1852 includes a conversation he must have had with his neighbor:

James Markell recipe for coff drops
take 2 oz of liquirish ball one oz of salts of Tarter
add three pints of water and let it boil about half a way,
take a table spoon full at a time for a grown person

Henry's children and slaves may have given him more than a passing interest in cough remedies over the years. After graduating from St. James College near Hagerstown, Maryland, his second son Henry Shepherd **Jr** was now managing his uncle's business in New Orleans. Henry Jr's younger siblings were still teenagers at this time. His older brother R.D., despite being the namesake of the wealthy uncle who had struck it rich in New Orleans, was not designated to manage the New Orleans businesses. Henry Sr.'s account book for the 1850s includes frequent mention of "hog killings", the ledger indicating several dozen hogs at a time killed at various times of the year. This shows that hogs were one of the primary animals raised for food or possibly income at this time (Shepherd Family papers 1790-1862). In 1853, the Jefferson County Death Record indicates that Sally, one of Henry's slaves, died of unknown causes; Sally's mother's name was Effie (Death Register Bk 1, p6, L. 3).

Eleanor Shepherd, long-time widow of Abraham Shepherd, also died in September of 1853, at 93 years of age. A description of her was written by a friend in *Old Churches, Ministers, and Families of Virginia, Article LXXII*:

She was most faithful in the use of all the means appointed of God in his Church for "the perfecting of his saints,"--in prayer private and public, in the participation of the Lord's Supper, in the strict observance of the Lord's Day, in fasting and alms, in simplicity and cheapness of apparel, in self-denial that she might have to give to the poor and good objects. She was conscientious even to scrupulousness. Her sons delighted in fine cattle, and, at great expense and with great care, became possessed of some of the finest in the land, and sold the young ones at high prices. She has often told me that she could not be reconciled to their asking and receiving such enormous prices for poor little lambs and calves; and she took care to be in no way partakers with them.

1854-55 – A letter in November 1854 mentioned that the entire Markell family at RiverView Farm was "*sick with chills and fever*", and another letter in July of 1855 addressed to James was "*very sorry to hear of your misfortune you have had a really hard time of it in Terrapin Neck*", and hoped "*you are mending rapidly and that your daughter is well again*". Apparently the house needed some mending as well: a bill from a Wm Brashears in May of 1855 charged Markell for re-shingling his roof, putting in a new door and frame, and extending the back porch. The tragedy finally plays out in another letter in September trying to comfort Markell in his "*bereavement*", and a January 1856 letter from Markell explained that his wife and remaining daughter Almira were living in Maryland for a time to avoid the memory of their "*darling child*". (Markell Papers, U-VA)

1857 - This year the internationally acclaimed Shakespearean actress Charlotte Cushman was pleased to receive a visit from her bent old white-haired - but rich - benefactor from Boston, R.D. Shepherd (Leach 1970). The Wild Goose Farm in Virginia was still his part-time country residence at this time, while business interests and his daughter kept him in Boston and other cities much of the year. His nephew Henry Shepherd II had been entrusted with the family business in New Orleans eight years earlier in 1849. Aler in 1888 described R.D. Shepherd as "*...strong in intellect, rigid in system, firm and inflexible in conviction, of uncompromising integrity and extraordinary executive ability. Still he was generous and kind-hearted, distributing large sums of money among those of his kin whom he deemed worthy...*".

1858 – This year featured back-to-back weddings in the Shepherd family, though the distance between them was considerable: R.D. Shepherd II, son of Henry and Fanny Shepherd and namesake of his wealthy uncle, married a local Shepherdstown belle named Elizabeth Stockton Boteler on June 9, 1858 (JC Marriage Records, p. 514); her father was a prominent local politician. A day later in New Orleans, his brother Henry Shepherd Jr married Azemia McLean, daughter of a Scottish merchant. Four sons would be born to Henry and Azemia in New Orleans in the coming years, the first in 1859, the last in 1871. The drumbeats of war were sounding, and New Orleans would prove to be an interesting, if not frightening, place for a prominent merchant in the shipping and real estate business, while his brother's home in Virginia would also prove to be located near much of the coming conflict. Little did the newly-weds realize how the conflict would engulf them; some of the Shepherds would not survive the war.

1860-64 - Civil War - Local men entered both armies in large numbers. The Shepherdstown area was repeatedly traversed by small and large military forces throughout the war, with neighboring families often on opposite sides of the conflict. Proximity to railroads made the area of strategic value, which played a large part in Jefferson and Berkeley counties becoming part of the new state of West Virginia.

In 1860, the census shows James Markell (age 48) and his wife Elizabeth (31) with 2 daughters (Almira age 8, and Mary age 2) living at least part time at RiverView Farm. They were also living with a white laborer named William White (25), a black laborer named Wilson Ross (25), and a mulatto laborer named Frederick Butler (30). Markell at the time listed his occupation as tanner, though this was likely just a small part of his business activities. In the 1850s the Jefferson County Births and Deaths records indicate the death of 1 child, three slave births and 4 slave deaths, the cause of deaths included dysentery and pneumonia (Hulse and Dessauls 1997). The Markell's real estate was appraised at \$11,080, and the personal estate at \$6980; in comparison neighbor Henry Shepherd Sr. at Springwood had \$30,000 in real estate and \$30,000 in personal estate; this accounting does not include the value of slaves. Markell, though a slave owner, apparently felt little sympathy for the Southern cause being trumpeted by many of his neighbors, his reluctance based in part on financial considerations. His correspondence in January of 1861 includes a reference to a recent Post Office application that stressed his disavowal of the doctrine of secession. In November 1860 he received a letter from a friend in Alexandria in whose sentiments he may have concurred:

“Whether they will carry out their hastily made up resolutions, and secede or not, one thing the fuss they have made and are making is playing the mischief with money matters and of consequence a stagnation in trade. And if continued will break up a number of merchants who would get along if it were not for this excitement. I do not pretend to know much about what effect, a dissolution of the Union would have on us here on the line, as it were between the two belligerents, one thing I think, however, that neither the North or the South will be benefitted.”

In February of 1861 as the battle lines began to be drawn tighter another letter states:

“I know very well, however, that for Maryland and Virginia to be connected with South Carolina and other cotton states in a Southern Confederacy would result very disastrous to the agricultural portion of the commissions, or in other words interest.” (Markell Papers, U-VA)

The C & O Canal and Dam 4, just upstream of the Markell and Shepherd properties, was of strategic value for both sides of the coming conflict (the canal provided much of the coal for Washington DC) and by mid-1861, following the first major battle at Bull Run, contingents of the Union army were constantly on patrol guarding the dam and Canal on the Maryland side of the river. Small groups of soldiers and skulking individuals made the occasional scouting foray across the river into "Dixie". Men on both sides of the river participated in sniping, glowering, spying, and lobbing shells and insults at each other. A journal kept by William Hemphill of Company E of the 12th Regiment of the Kosciusko Guards of Indiana stationed in late 1861 on the Maryland side of the river gives us a picture of what the early part of the war was like in this neighborhood, and inadvertently provides details of Henry Shepherd's livestock and food stores "requisitioned" by the Union men:

Oct. 13th – marched to Williamsport on the upper Potomac passing some very beautiful country. Here we find the 1st Maryland and 1st Virginia regiments in camp and we rested ourselves on the 14th preparatory to a march on the 15th to our destination, which it now appears is to be on picket duty at Dam No. 4. However unsatisfactory to us this arrangement may be we will have to submit as some regiment must fill the place in the line.

Oct. 15th – marched in company with Co. A and Co. H through Downs-ville, A going to Shepherd's Island – E and H to Dam No. 4 while the balance of the Regiment is stationed at Sharpsburg and Antietam Bridge with Headquarters at Sharpsburg. After a march of about ten miles we went into camp in an old field on a hill overlooking the river, about one mile from the dam relieving a company of the 1st Virginia Regiment.

Oct 16th – Heavy firing down the river which we subsequently learned was a brisk fight between Col. Geary's forces and the Rebels at Harpers Ferry.

Oct. 17th – Some of the men came in reporting a strong rebel force on the Virginia side, preparing for an attack on our position. They were planting a battery etc. Upon examination it proved to be two negroes with a wagon gathering corn.

Oct. 18th – Received a dispatch from Col. Link that an attack was threatened by a strong force on Dam No. 4 with instructions to defend it at all hazards. The men are all anxious to burn powder.

*Oct. 19th – A force of about 75 men from Companies D, E and K crossed the river, which returned about 10 o'clock a.m. with 3 prisoners, 2 horses, 6 mules, 21 fat hogs, turkeys, chickens, hams, butter, etc. in abundance. So for a time we will fare sumptuously. The circumstances under which the above property was captured was a little peculiar. On the 16th the writer was instructed by Maj. Hubler, commanding the post, to examine the roads, ravines, houses, etc. on the Virginia shore in the neighborhood of Hardscrabble and Shepherdstown and make a plat of the scene for the guidance of the force sent over on the 19th, whose main object was to be the capture of **Henry Shepherd** and a rebel picket force stationed on his premises. The plat was made and every important point noted, so that there could be no mistake made.*

The expedition consisted of details from Co. K commanded by Capt. Draper and Co. E commanded by Lieut. Milice of 12th Indiana and a portion of Co. D NY Vols commanded by

*Capt. Robinson. Capt. Draper being ranking officer was placed in command and fully instructed as to the plan. A portion of Co. A under Capt. Morrison was ordered to cross the river at **Shepherd's Island** [down the hill from NCTC's campus] and move to a position which would effectually cut off the retreat of any one from Shepherd's. Owing to a dense fog which prevailed and the failure of Capt. Morrison to occupy the position assigned him, Shepherd and his son with the picket made their escape, excepting the men who were captured and who upon being brought into camp, took the oath of allegiance and were allowed to return home. Capt. Draper from some cause returned to camp very soon, leaving his force to take care of themselves. Capt. Robinson as soon as he found himself in command ordered his men back to camp, advising Lieut. Milice to return also. Lieut. Milice determined to carry out the orders as far as possible and proceeded to search the premises [Springwood], making all the captures that were made and returned to camp at 10 o'clock.*

The journal goes on to describe a miserable winter spent on the Maryland hilltop overlooking the Potomac, including several small-scale battles, constant sniping from the Virginia shoreline, and other soldier stories. (See website: freepages.history.rootsweb.com/~kosco/kosguardintro.html)

Henry Shepherd's account book shows a pronounced drop in activity starting about midway through 1860; only a handful of transactions were recorded through 1862, when the account book finally ends. No doubt hungry Yankee army contingents posted across the river interrupted his commercial activities a great deal. Two of Henry and Fanny's sons died during the war, though the circumstances of their deaths are unreported: R.D. died in November of 1862, two months after the nearby battle of Antietam, but about a month before his son (also named R.D) was born; he had been married to Elizabeth Boteler, daughter of Alexander Boteler of Shepherdstown who served on Stonewall Jackson's staff and in the Confederate Congress. James Touro Shepherd, youngest son of Henry and Fanny, also died during the war.

Henry, now over 70 years old, was eventually "interviewed" by the Union Army at least once:

Nov. 24, 1864 - A party of two hundred and fifty or three hundred Yankees passed through town on their way from Martinsburg to Harpers Ferry. Some of them went to Tom Butler's and there arrested John Keplinger and then to Henry Shepherd's and arrested and took him away.

Dec. 1, 1864 - Henry Shepherd released and returned home...

(Extract from a diary kept by a Shepherdstown resident, submitted by D.C. Gallaher to December 1996 Magazine of the Jefferson County Historical Society, vol. LXII).

At the time the Union forces were scouring the area looking for anyone associated with Mosby's raiders, who were a notorious irregular military group fighting on behalf of the confederacy that banded together to inflict surprise raids on Union forces, then disbanded, disappeared and resumed their roles as innocent farmers and shopkeepers. According to several genealogical sources with no supporting documentation, Henry Shepherd Sr.'s son Abraham was captured by Union soldiers at one point and condemned to hang--a penalty usually reserved for spies and raiders such as Mosby's - but was exchanged for captured Union soldiers instead. Another source says he was in the regular Confederate army, was on detached duty as a courier during the battle at Gettysburg, and was later captured and eventually imprisoned at Ft. McHenry in

Baltimore for nearly a year (Am. Hist. Soc., 1923). The war was an emotional and financial disaster for many including the Shepherds, but the shipping and real estate business still run by Henry Jr. in New Orleans allowed at least some members of the Shepherd family to recover financially. Aler, in 1888, wrote that *“Like hosts of Southerners (Henry Jr.) was crushed financially by the war, but with a business capacity that rebounds from reverses and overcomes them unaided, and by the force alone of his own energies, he has recuperated his fortunes and risen again to the comforts of plenty”*.

Note: A Civil War era Union army belt buckle was discovered on the Entler Farm (just east of the Commons building near where the Indiana soldiers crossed in the fog in 1861) during an archeological survey prior to the construction of NCTC. At least several of the Entlers were ardent Confederates: Mary Louise Entler Herrington, then a young daughter of local hotel keeper Joseph Entler who owned the farm where the NCTC Commons building is today, recorded that early in the war she and several other young girls made a Confederate flag for the local military unit Company B, modified from a Union flag provided by R.D. Shepherd from one of his ships (Herrington, n.d.); she was later arrested for sneaking letters and messages for the Southern Cause. Her brother Cato Moore Entler was a member of Confederate Company B. Joseph Entler’s son Philip A. Entler and his wife Sarah lived at the Entler Farm (now part of NCTC), at least after the war, but there are no records indicating their activities during the conflict. It seems likely that the Entler Farm was used to support the operations of the Entler’s Great Western Hotel and stable operations in Shepherdstown, a business that catered to teamsters and traders.

James Markell’s old wool factory on the corner of Princess and High Streets in Shepherdstown, after years of litigation, recriminations and neglect, still held together well enough to serve as a temporary hospital for wounded soldiers during the battle of Antietam in September of 1862. Mary Bedinger Mitchell, writing for *The Century Magazine* in July 1886, described the “old blue factory” which was hit twice by cannon fire during the battle, thus:

...an antiquated, crazy, dismal building of blue stucco that peeled off in great blotches. It had been shut up for years and was in the last stages of dilapidation. The doorways were boarded up; its windows looked through eyeless sockets; boards were missing from the floor, leaving only rafters to bridge alarming gaps; while in one place at least, it was possible to look down through successive openings, from the upper story to the basement, whence came back the sound of rushing water, for the stream, that had once turned the machinery (long since departed), still ran under archways in the foundations of the building.”

1865 - An advertisement appeared in the Shepherdstown *Register* on September 9:

JEFFERSON LAND FOR SALE. The subscriber wishes to sell at Private Sale about 223 ACRES of the BEST LIMESTONE LAND, susceptible of a division in two Tracts, lying between R.D. and Henry Shepherd, one mile from the Chesapeake & Ohio Canal, and 7 miles from the Baltimore and Ohio Railroad. Improvements good. Has upon it two fine Large Orchards and about 50 OR 60 ACRES of the very best TIMBER. Well watered, there being six or eight springs. Terms made to accommodate the purchaser. J.S. Markell. September 9, 1865.

The Civil War, of course, put an end to the slave-based agricultural economy of the area, and it was slow to recover. The Markells, owners of RiverView Farm, had fallen on hard times. The Markell Papers include a copy of an appeal to the confederate forces at "Camp Opequon" to pay for corn taken from his property. James Markell in a letter dated October 1866 explained why he couldn't pay a debt:

"I have not had the control of my place since the war commenced and even now I am kept out of it, and do not expect to have possession of it until the 1st of April next. I am now in Martinsburg working for 25\$ a month, my family are living in a house on the Hensell farm near Shepherdstown....My tenants unfortunately for me are radicals they have been doing as they please and this year I did not get wheat enough to seed the land and furnish bread for my family... R.D. Shepherd's heirs (the Brooks of Boston) are anxious to buy a part of my farm. I willingly agree to sell but they are like most rich men, unwilling to give a fair price."

Business receipts after the war suggest the Markells continued some limited mercantile work, but Elizabeth was also working as a "doctor" and dressmaker, and in 1867 James was paid \$5 for fixing a fence. Their daughter Almira, attending the Linden Hall girl's school in Lititz, Pennsylvania in 1868, wrote her father asking to be allowed to give up her geography class because she was being harassed for being a Southerner (Markell Papers, U-VA). On the other side of the fence, the Shepherd family at Springwood managed to maintain their property ownership and continue their life near Terrapin Neck, albeit without their former "servants" -- and two sons.

In November, R.D. Shepherd Sr. died of typhoid fever, after having retired and become a recluse on his Wild Goose Farm some years before. The war must have been a tremendous burden on R.D. during the last years of his life: much of his business was still in New Orleans, a southern port city fought over and occupied by northern military forces for much of the war, while his daughter, grandsons, and other business interests were located in the decidedly Yankee bastion of Boston. His Wild Goose Farm had heard the footsteps, rifles and cannon of armies on both sides of the conflict, so it can perhaps be understood why R.D. would look for peace in a world gone mad by quietly living at his immaculate estate, eschewing visits by even his relatives (although rooting for and assisting the Confederacy where possible). His will specified that various family members could keep everything that he had given them over the years, and all his property, including the "Medford" estate in Middlesex County, Massachusetts, and his real estate holdings in New Orleans, were to be divided between his daughter Ellen Brooks and her two sons, Peter Brooks and Shepherd Brooks (JC Records WB, p.21). It is assumed that nephew Henry II, already in New Orleans, continued to manage the operations there for the Brooks family members. Henry would later retire from the New Orleans business and come back to live in West Virginia full-time with his wife, Azemia (McLean) Shepherd, daughter of a prominent New Orleans merchant, and four sons in 1878. Henry Jr. took over ownership of the Wild Goose Farm in 1878, as well as the farm of his father, thus creating the necessity of distinguishing between his Upper (Wild Goose) and Lower (Springwood) farms.

1869- RiverView Farm, now down to 152 acres, was sold. Thornton W. Mason and wife Ellen paid \$660 to James Markell, and also had to pay off two other bonds of \$1231 and \$1891 held by a trustee E. J. Lee, suggesting a foreclosure was at least imminent (JCDB 4 - 1869-70, p. 231).

The Brooks brothers from Boston purchased the part of the farm on the south side of the road adjacent to their Wild Goose Farm. The 1870 census shows the Mason household at RiverView Farm with 9 children, and a 10-year- old mulatto day laborer named James Brown. Continuing the tradition of many previous owners of RiverView farm in the 19th century, Thornton died within a couple of years of acquiring the property.

1870 - Henry Shepherd Sr., born in 1793 and the owner of Springwood, died in October 1870 of “general debility”. He was survived by his wife Fanny (Briscoe) Shepherd, and four of their remaining children, among them Henry Jr who had spent his adult life in New Orleans, but



Shepherd's Lower Farm, ca. 1870s

would soon be managing the upper and lower farms near Terrapin Neck. Henry Sr.'s will mentions the four remaining children: Henry Jr, Anne Elizabeth, John and Abram, and mentions that his son R.D. is deceased, with the heirs already amply provided for by both Henry Sr and R.D. Sr. The will specified that his entire estate in Jefferson County was to go to his wife Fanny, and upon her death the property was to go to both Anne Elizabeth and Henry Jr. Henry Jr could

in turn buy out his sister's half when the time came for \$8000 (JC Recorders WB p. 153). A description in the local paper some years later describes Henry Sr. as "*not inclined to public life*", and "*devoted almost exclusively to agricultural pursuits*" (Shep. Register 4 Sept 1891).

1872 - James Markell died. He was living in Shepherdstown with his wife Elizabeth, youngest daughter Sallie and two African-American servants, one of them a child of 7; he died of erysipelas, a bacterial disease of the skin. His wife Elizabeth began taking in boarders sometime after his death.

1876 - RiverView Farm was purchased by Henry St. John Shepherd, grandson of Abraham Shepherd and cousin of Henry, after the death of Thornton Mason. Edgar Mason, the 25-year-old eldest son of Thornton (clerk in a dry goods store in 1870), contested the sale in court, with his mother as the defendant. The dispute wasn't resolved until 10 years later.

1878 - Henry and Azemia Shepherd moved from New Orleans back to Jefferson County with their boys after Henry's retirement. Henry had spent most of his adult life handling his uncle's business in the southern port city and had amassed quite a fortune of his own. He arranged with his Brooks cousins to take over the Wild Goose Farm and moved there with his wife and sons. (The Brooks brothers were divesting themselves of property in New Orleans at this time and were re-investing in real estate in a new boom town - Chicago). Henry's eldest son R.D., in the family tradition, started his professional career by handling some of the New Orleans real estate business for a time. He had spent 3 semesters at the University of Virginia at Charlottesville but left without finishing his degree. At some point drama and theatre captured R.D.'s imagination and he joined a club in New Orleans that promoted the works of Shakespeare. His stage presence soon garnered attention and within a few years led to a new career as a thespian.

1881 - Fanny Shepherd, widow of Henry Shepherd Sr., died of "old age" at the age of 81. Her son John had already died of a "spinal affliction" two years prior, and her unmarried daughter Anne Elizabeth died two years later of cancer at the age of 52. Presumably Henry Jr., who had moved into the Wild Goose Farm with his family three years before, paid his sister Anne \$8000 for her half of their father's estate before her death, as specified in their father's will.

1886 - RiverView farm was finally assimilated into the adjacent Shepherd family domain when the court ruled that it had been purchased by Henry St. John Shepherd. A life-long bachelor (?), Henry St. John may have rented the place to tenants or to Henry Shepherd next door at least part of the time (the Shepherdstown Register in Feb. 1892 mentioned that he had relocated to Roanoke Virginia.) RiverView Farm seemed to continue its long period of decline after this time. Henry St. John apparently was the first to refer to it as RiverView Farm in a deed.

1888 - The Shepherd family's upper and lower farms were given a glowing report in Aler's (1888) book of the history of Berkeley County (though the property had become part of Jefferson County in 1801). A photo of Springwood - the Lower Farm - ca. 1870's is shown above, and Aler's full description is included in the appendix of this document. Henry Shepherd Jr's eldest son Rezin Davis (R.D.), after attending Washington and Lee College and the University of Virginia at Charlottesville, and pursuing a short career managing the family real estate in New Orleans, had by this time become a renowned Shakespearean actor, "tragedian and artist" using

the stage name R.D. MacLean, from his mother Azemia's maiden name. Apparently Azemia and Henry were estranged at this period of time: she lived in a house in Shepherdstown part of the year and spent winters with her mother in New Orleans. She and Henry had reached a financial settlement that included the house in Shepherdstown, but in return she could make no claim on the estate when he died (Shep. Register, Oct 23, 1891).

Aler also described R.D.'s brother, a young industrious Henry Shepherd (III) with "*already marked business capacity*" who has been given "*the general supervision of his extensive farming operations*", with his "*thorough knowledge of the best methods of raising and developing thorough-breds of all kinds*". Aler confidently predicted "*an honorable and prosperous future - and that he will prove a worthy successor to his illustrious father*". Another family genealogist described young Henry III as "a fancy stock breeder and farmer" (Smyth, 1909).

The Shepherdstown Register, in numerous issues throughout the early 1890s, kept very good track of the Shepherd family's various comings and goings. For example, Jan 16 1891 notes that the McLean Prescott Troupe, composed of R.D. Shepherd, his girlfriend (later wife) Miss Marie Prescott, and R.D.'s brother Augustus, had been forced to spend a few days in Shepherdstown because the theatre in New York where they intended to put on their play had burned. Later the June 5th edition noted that the McLean Prescott Company had finished their engagements for the season and had returned to Shepherdstown.

In 1890, Henry Shepherd Sr finished a project for which many in town were quite enthusiastic. The local paper, in a later eulogy, described in gushing language the "*magnificent macadam roadway*" Henry built "*solely at his own expense*" between his Wild Goose Farm and Shepherdstown. The dirt roadway to town had already been maintained in an excellent manner by Henry's numerous workmen for a number of years (it was often used as a horse racetrack), but the new pavement was a cause for real excitement and at least one writer described it as "*the finest in the state*". The road seems to have attracted many people out for a Sunday buggy ride in the countryside.

In 1888, Philip Entler died. The farm he owned just east of the Shepherds, where the NCTC Commons building is today, had undergone several boundary changes over the years, but would soon be incorporated into an 86-acre farm being pieced together by George F. Turner

1891 – The July 3rd edition of the Shepherdstown Register noted that Henry Shepherd, "*whose health has not been good for several months past, has gone to Virginia Beach with the hope of being physically benefited*". He was accompanied by the local Dr. Tanner. He must have come back feeling better, because on July 17 the paper included this item:

Owing to the large number of visitors recently, especially on Sunday evenings attracted partly by the fine drive to the Wild Goose Farm, Mr. Shepherd has decided to show such persons some evidence of friendly recognition and hospitality. In keeping with this spirit, he has arranged to tender each visitor to the farm on Sunday evenings, between six and eight o'clock, some lemonade, ice cream or fruit. The refreshments will be served upon the shaded lawn of the mansion near the inner avenue gate.

On August 7 the paper noted that Henry, with 4 unmarried sons, had sent out more than 500 invitations for a series of dances to be held at the Wild Goose, and special trains had been hired

to collect the invitees from many area towns. The young people in the area were excitedly preparing for the dances for some weeks; those in town not invited no doubt did their best to pretend that they didn't really care about any fancy dances out at the Shepherd's...

Alas, it was to be Henry's last hurrah. Henry Shepherd II died on September 30 of "paralysis" at 62 years of age (JC Death Register, B5, p. 45), though according to the paper on Oct. 2 he had died of a "*fatal stroke of apoplexy*" while riding in his carriage back from town. His coachman Graham didn't notice his demise until after they had arrived back at the Wild Goose Farm. Two of his sons, R.D. and Augustus, were in Topeka, Kansas on tour with their acting company at the time. R.D., the eldest son, came back to Shepherdstown, while Augustus and Miss Prescott continued their engagements. Jefferson County took over the maintenance of "Shepherd Grade" at this time (Smyth, 1909). In his will Henry divided all his property between his four sons, R.D., Henry, William and Augustus, each getting a certain percentage based on their ages (JCWB B, p.24). Other newspapers in the region apparently made some wild and unfounded statements about the will, causing the Shepherdstown *Register* to print the will in its entirety on Oct. 23. The ages of the four sons added up to 79, and each of their ages was divided by 79 to determine their portion of the inheritance, described as over a million dollars, which included the Wild Goose Farm and the Lower Farm (now NCTC). The Aler account quoted above suggests that second son Henry, then in his early 20s, after having been schooled at the Virginia Military Academy and St. James College near Hagerstown, Maryland, had been supervising the farming operations of the combined properties for several years.

The four sons would now have to come to terms over who would own and live in the various houses and properties. Perhaps to facilitate these decisions, in the spring of 1892 they took to the trains and met in Chicago, traveling to several cities including New Orleans (Henry brought an alligator back to entertain his friends). R.D., the eldest son and executor, took over the Wild Goose Farm. Henry (III) moved out of the Lower Farm and took possession of a house in Shepherdstown in May of 1892, while Augustus and William took the Lower Farm (Springwood) as their portion of the inheritance. The July 1, 1892 paper noted that the two brothers, referred to as Mssrs. A.M. and W.J. Shepherd, were making a trip to Baltimore and Washington to acquire furnishings for the old Swearingen farmhouse that would make it equal in grandeur and "*surpass in comfort*" the Wild Goose Farm, no small task. They also began buying racehorses (trotters) at several locations around the country, particularly in New York, and various editions of the local paper described their latest purchases and the speeds they had attained between their farm and Shepherdstown. Thus began a project known as the Shepherd Stock Farm, which included the planting of 4000 peach trees "*in the nature of an experiment*". Augustus (A.M.) gave up his career on the stage at this time, but his brother R.D. and Marie Prescott, now married, began the theatre season in Richmond in August.

On July 8, 1892 the Shepherdstown *Register* noted that:

"Mr. Henry St. John Shepherd [the owner of RiverView Farm] and Mr. John Rice are prospecting for oil in the neighborhood of Shepherdstown. They have a machine that smells the oil, no matter how deep underground it may be."

1893 – In January Henry Shepherd III married Minnie Reinhart, daughter of the local postmaster. They honeymooned in New Orleans and Florida. A son, Henry IV, was born

December 30, 1893. They purchased a property just north of town overlooking the river called “Cliff Cottage” from the Lemon family for \$20,000 where they intended to make their family home; the family by now also included two St. Bernard dogs.

R.D. and his wife Marie returned to the Wild Goose Farm in March of 1893, intending to retire from the stage and devote their time to managing the estate. The Wild Goose Farm later that summer included such additions as a creamery and 40-cow dairy herd, and some Kentucky Thoroughbred racehorses for which the paper included this notice on June 30th:

Mr. R.D. Shepherd has had a half-mile racetrack laid out upon his Wild Goose Farm near Shepherdstown upon which he will speed the Kentucky Thoroughbreds recently purchased by him.

(This is likely the oval track that can still be seen just to the north of the NCTC entrance).

The reason for R.D. and his wife’s retirement from the stage becomes apparent in September, when the paper notes that Marie died on an operating table in New York, during a last-hope attempt to remove an abdominal tumor from which she had been suffering for some time. R.D. was at her side as she died.

1894 - Brothers Augustus (A.M.) and William (W.J.) Shepherd, according to the Nov. 29, 1894 Shepherdstown *Register* had recently purchased (for over \$3530) several noted racehorses at Madison Square Garden in New York City for their new stock farm operation at their Lower Farm:

There are now 33 head of horses on the Shepherd Stock Farm, fifteen of which are trotted daily, and it is the earnest desire of the owners to be able to start out with a string of horses that will enable them to do credit to the community in which they live.

An earlier article in the August 23 edition of the paper mentioned that the Shepherd brothers were exhibiting “*eleven fine trotters*” at the local Morgan’s Grove Fair. Augustus Shepherd, after an education at St. James College in Maryland and a short stint at the University of Virginia, for a time had aspired to the stage like his older brother R.D. but moved back to Shepherdstown in 1893. His brother William graduated from the University of Virginia in 1893. One report describes them as owning “such noted horses as *Queen Gothard*, 2.14 ¼, *Nellie D*, 2.18 ¼; *Jennie C*, 2.23 ½; *Royal Penn*, 2.10 ¼; and *Director Joe*, 2.09 ½.” (see Shepherd postings by Nel Hatcher at Rootsweb link at <http://homepages.rootsweb.com/~nhatcher/miller/index.htm>. The world record mile for trotters in 1885 was 2:08, the first sub-2 minute mile was achieved in 1903; in other words, the Shepherd horses were only a few seconds off world record speeds.)

1895 - a plat recorded in the Jefferson County courthouse on 3 March describes a “*plat of W.J. and A.M. Shepherd Stock Farm containing 312 acres formerly “the lower” farm of Henry Shepherd and adjoining George F. Turner, the Potomac River, J.R. Johnson, R.D. Shepherd, Henry St. John Shepherd, the Terrapin Neck Road, Shepherd’s Pike and Shepherd Island*” (Thompson 1984). The new property boundary included the horse track south of the house, probably built by R.D. in 1893. A copy of this plat was found in the attic of the estate house at Springwood some years ago, and now hangs on a wall there. The Shepherdstown *Register* for April 4 includes the following two items and, together with the plat described above, suggests there were some rather sudden and major changes in the management of the Shepherd farm

operations, perhaps related to the lingering effects of the severe economic downturn referred to as the Panic of 1893:

Mrs. Azemia Shepherd has bought the half interest of her son Wm. J. Shepherd in the Lower Farm owned by Wm. J. and A.M. Shepherd, four miles north of Shepherdstown. The price paid, we understand, is \$8,000.

W.J. and A.M. Shepherd, of the Shepherd Stock Farm, and R.D. Shepherd, of Wild Goose Farm, near Shepherdstown, have concluded to dispose of their racehorses and will sell all except a few to be kept for their personal use. Henry Shepherd [their brother] has bought from them a fine stallion....If the rest are not bought by the people of this vicinity, they will ship them to Lexington, Kentucky.

So it seems that William either desperately needed cash, or had decided to part ways with his brother Augustus. Horse racing would no longer be the primary business interest of the Shepherd brothers.

Henry Shepherd the 3rd apparently found interesting things to do around town despite no longer being involved in direct management of the farms. Another item in the *Register* that spring concerned his purchase of a small steam yacht, the *Minnehaha*, that he had recently purchased in Georgetown and had moved to Shepherdstown:

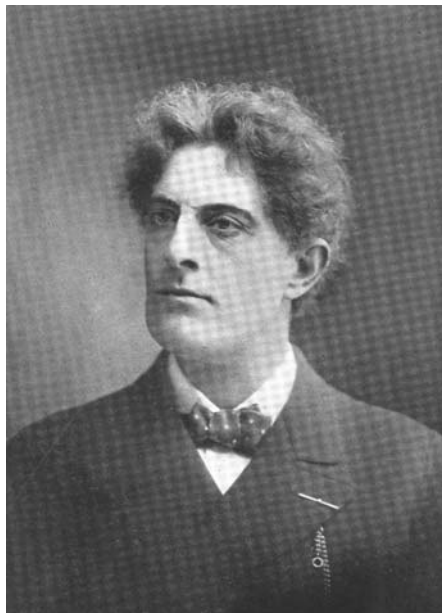
"It is a graceful vessel and will carry eight or ten persons very comfortably. It is propelled by a coal oil engine and flies along at eight to ten miles per hour. It runs smoothly over the placid Potomac which is here so beautiful, and we have no doubt it will prove a source of much pleasure to its owner and his friends. Allan Lucas and John Jones compose the crew of the boat."

The June 27 edition of the paper then includes this item:

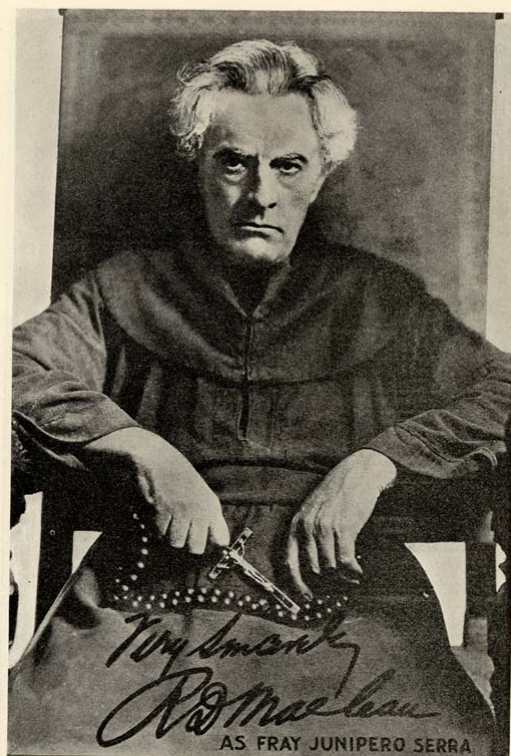
Mr. Henry Shepherd's steam yacht *Minnehaha* met with bad luck Tuesday night. Mr. Shepherd with several friends went up the canal as far as Kearfoots Lock on the boat and returned late in the evening. When a short distance above the Shepherdstown Lock someone in the boat attempted to change position, and somehow or other the little vessel upset and went to the bottom of the canal upside down. All the occupants escaped with no other damage than a very complete sousing in the water.

1896 – being young and wealthy didn't shield against calamity or tragedy. Young Henry Shepherd III died on March 4 a few weeks after his 28th birthday, his honorable and prosperous future somewhat short-lived. While at the train station in nearby Shenandoah Junction, he somehow got onto the tracks and was hit by a passing freight train. The obituary in the Shepherdstown *Register* noted that he was living on Main Street in Shepherdstown with his wife, the former Minnie Reinhart, and a two-year old son (Henry IV). Minutes before his death he had been at a Dr. Marshall's office, and had written a "*long and affectionate*" letter to his mother; he apparently had not purchased a ticket to board a train. According to the article "*He was a young man who had many winning traits of character, and he had a large circle of friends here and elsewhere*"...."*Mr. Shepherd was one of the wealthiest young men of this community, having inherited considerable property from his father*". About this time, Mrs. Henry Shepherd began a business on the north side of town on their newly-purchased property overlooking the Potomac known as the "Bellevue Boarding House", catering to Washingtonians and dignitaries looking for a comfortable lodging or vacation spot.

Within a few years, the Shepherd family's ownership of their old farms came to an end. The Shepherd's Lower Farm, after being in the family nearly a hundred years, was sold to a Col. Johnson in 1907. Brothers A.M. and W.J. Shepherd apparently were still buying and racing trotting horses after this time, though not on the old family farm. The local paper mentioned on Feb. 10, 1910 that they had again bought several famous trotters at a sale in Madison Square Garden; the horses were initially going to Exmore, Virginia on the southern tip of the Eastern Shore of Chesapeake Bay, but would eventually be brought to Shepherdstown. Henry St. John Shepherd, erstwhile oil prospector and the owner of RiverView Farm, died of dropsy in 1901 at the age of 76; he had been living in a room in a building owned by Thomas Files, and gave the farm to his sister Mary in return for the \$3500 he had borrowed from her (JCWB C, p.5). His will was not witnessed by anyone, but specified that his funeral should not cost more than \$100. RiverView Farm was sold out of the family by his sister in 1902. William and Augustus's famous brother R.D. sold the Wild Goose Farm in 1911 and moved to Hollywood to try a career in the movies with his second wife, actress Odette Tyler (her real name was Elizabeth Lee "Bessie" Kirkland); by then the two had been traveling the country together for more than a decade putting on productions of Shakespeare's plays. Silent film credits for R.D. include *The Bishop of the Ozarks* (1923), *Bag and Baggage* (1923), *Don't Neglect Your Wife* (1921), *Number 99* (1920), *The Silver Horde* (1920), *The Little Shepherd of Kingdom Come* (1920), *Full of Pep* (1919), *The Best Man* (1919)). His mother Azemia McLean Shepherd died on October 2, 1915 and was buried in Shepherdstown. Her grandson Henry Shepherd the 4th died August 2, 1942 and was also buried in Shepherdstown, while his son Henry Shepherd the 5th, who lived at the Bellevue property north of Shepherdstown, died the summer of 2007. R.D. died in California in June of 1948, leaving his house and belongings to his housekeeper.



Left: Cover Photo, *The Dramatic Mirror*, early 1890's from Odell's *Annals of the New York Stage*. Middle: R.D. MacLean from *The Player's Blue Book*, A. D. Storms, 1901. Right: R.D. MacLean as King Richard III, appearing the week of December 2, 1925 at the Westwood Theatre in Los Angeles. Three images courtesy of Curt Mason, White House Farm, Summit Point, WV.



High Lights on The Mission Play

IN AN ARTICLE written for *Century Magazine* several years ago, Doctor Henry VanDyke of Princeton University declared the Mission Play to be "The Greatest of the World's Pageant Dramas." And Willard Huntington Wright writing in *Harpers Magazine* declared the Mission Play to be "The First Successful Combination in History of the Pageant and the Drama."

The first performance of the Mission Play was given in San Gabriel on the night of April 29, 1912. Consecutive seasons of the play have been given annually since that date, each season averaging a period of four months.

The Mission Play has broken all records for number of performances in one place of any drama or pageant of either ancient or modern times. Tonight marks the 3140th performance.

A greater number of the world's distinguished people have witnessed the Mission Play than is credited to any other stage production. More than two million people have attended its performances. The present year marks its 20th consecutive year.

The Mission Play is a dramatization of the early history of California, faithfully and accurately portrayed. Those witnessing tonight's performance may accept the presentation as a true portrayal of history.

The Mission Play is given annually at San Gabriel in a theatre specially erected for it by patriotic citizens of California through a non-profit corporation of which Mr. W. I. Hollingsworth is President; W. D. Pontius, Vice-President; Samuel K. Rindge, Secretary; and George I. Cochran, Treasurer.



R.D. MacLean on playbill for long-running Mission Play in California – 1930s

Epilogue

The Shepherd family and later history is not as detailed in this account as it could be, and only some general themes have been followed during their period of ownership in the 19th century. The Shepherds in the second half of the nineteenth century did not require their Upper and Lower farms to be self-supporting. They made money through businesses in New Orleans and elsewhere, and applied their wealth to their estates in West Virginia. Through their workmen and farm managers, they continued to raise a variety of livestock and grow a number of crops on these farms. Some members of the Shepherd family continued to receive ground rents from lot holders in Shepherdstown throughout most of the 19th century. R.D. Shepherd built and donated the central portion of the prominent Shepherdstown building now known as McMurran Hall as a Town Hall in 1859; additions to the building in 1866 allowed its temporary use as the Jefferson County Court House. Shepherd family members were also instrumental in forming a state teachers college in town, which has evolved into Shepherd College, part of the West Virginia University system.

By the beginning of the 20th century, the Springwood estate, or Lower Shepherd Farm, was up for sale. In 1907 it was purchased by a Colonel IV Johnson, former state auditor of West Virginia who had been living in Roanoke, Virginia (JCDB 99, p212). An April 1907 edition of the Shepherdstown *Register* recorded that he was in town looking for property to buy, and on May 30, 1907 the paper noted that he and his family were moving into the Lower Farm. He was there only a short time, as 3 years later he sold it to a William H. Martin of Waynesville, Illinois (JCDB 103, p500), who moved in with his wife and two daughters in April of 1910. Martin had been born in the Shepherdstown area way back in 1831 (!), had moved west to Ohio as a young man working as a blacksmith and farmer, joined the Union army during the Civil War, outlived his first wife, married again in 1898 and started a second family (two daughters), and finally decided to retire in Shepherdstown at the age of 79. When he died in November of 1928 at 97 years of age he was described as the oldest man in Jefferson County (Shep. *Register*, Nov.22, 1928). Martin added several of the farm buildings seen on the property today, including the barn that had been lost in a fire. Martin moved into town a few years before his death and rented the house to tenants, a practice continued by his wife Estelle after his death.

The farm was sold to Dr. N.B. Hendrix in 1941 (JCDB 174, p323), who was the first surgeon at the Kings Daughters Hospital in Martinsburg; he bought Springwood as an investment property but continued to live in Martinsburg. One of his sons, N.B. Hendrix Jr., lived at Springwood until about 1961. Hendrix Sr. also bought RiverView Farm and an adjacent parcel to the east of Springwood, once again consolidating much of the original colonial Van Swearingen estate. The entire property was willed to Charles and Jessie Hendrix in 1969. Charles was a Navy submarine captain, Naval Academy Class of 1939, who first moved with Jessie to Springwood in 1960. Jessie was originally from California and was working for an admiral there when she met Charles. Prior to WWII she had been a congressional administrative assistant working for Congressman Frank Buck. They married at the Naval Academy Chapel in 1946 and had various duty stations including Hawaii and Washington prior to moving to West Virginia. Charles and Jessie spent about two years doing minor refurbishing and modernizing of the old Swearingen mansion, including sealing up several of the fireplaces and adding a modern kitchen, discovering a huge old kitchen fireplace complete with blackened iron cookpot behind a wall in the process.

Floors, walls, moldings, fireplace mantles and other architectural details are reportedly original from 1759, though undoubtedly the Shepherds made a considerable number of changes. The farming operation on the Hendrix Springwood estate, in part run by local farmer Bill Knighten for many years, eventually included over 300 Hereford beef cattle, 70 hogs, and 200 Suffolk sheep. Farming operations were taken over by the local Griffith family in about 1977. The sheep herd started as daughter Mary's 4-H project, and eventually grew large enough to pay for her undergraduate degree at Shepherd College (Jessie Hendrix, pers. comm). Charles Hendrix spent many years commuting daily between his farm and the Naval Academy in Annapolis, where he had started the Oceanography program; he died in 1976. Jessie Hendrix sold the property to the US Fish and Wildlife Service in March of 1992, retaining the Springwood mansion and several surrounding acres. Daughter Mary holds a PhD from Harvard University and is now Dr. Mary Hendrix, professor and head of the Department of Anatomy and Cell Biology at the University of Iowa College of Medicine. Jessie Hendrix died peacefully at home in April of 2008.



The RiverView Farm house, shown during demolition in 1984 (lower photo) and in a Fraley family photo from the 1940s, and other buildings that comprised RiverView Farm were dismantled, hauled away or buried in 1984, though the foundations of several buildings can still be seen; the last tenants lived there in the 1950s. It had been sold by a member of the Shepherd family in 1902 to Jacob Rush, who seems to have been in default when he sold it in turn to David Jones in 1935. Jones sold it in 1941 to NB Hendrix.



The eastern portion of NCTC, acquired by the Browning heirs in their lawsuit in the 1790s, contains the remains of at least two farmsteads. One of the houses was occupied by the Entler family from 1851 to about 1888 near

the river; only a foundation and basement depression is still visible just north of the pond. The other house and outbuildings near Terrapin Neck Road were part of a working farmstead as late as 1938 (it is visible on an aerial photograph taken as part of the National Aerial Photography Program in Feb. 1938). This 86 1/2 acre farmstead, pieced together after 1888 from 3 separate smaller parcels including the former Entler farm, was owned by George F. Turner from 1887 to 1909, William J Foutz from 1909 to 1936, briefly by Jefferson Security Bank in 1936, Ernest Stutzman from 1936 to 1941, and Gilbert Wright from 1941 to 1943, when it was purchased by the Hendrix family. A road now overgrown in the woods was first shown on a county map published in the 1920s and is still visible in a 1938 aerial photo. According to Charles Hanshew of Martinsburg, WV, the steep terminus of the road down to the river bottom was built by his family in the mid-1930s. His family pitched two large tents complete with carpeting on "Foutz's Bottom" during the summer months for recreation and to escape the heat in Martinsburg. The road may also have been used for access to a commercial fishing operation (called "fishpots") on Shepherd Island and around Terrapin Neck, run by the Lemen family from the 1890s to the 1930s, and gave access to a recreational cabin built by Ernest and Leone Stutzman (ca 1937) during their ownership - the cabin's old chimney can still be seen down the hill north of the commons building. Ernest was a longtime professor at Shepherd College in Shepherdstown, and finished his career as a researcher at a Veterans Administration Hospital. The house on this farmstead near Terrapin Neck Road, occupied by German native Conrad Crowe and his family in the 1850s, was torn down in the late 1960s after it became an attractive nuisance to local youths. Local resident Sharon Smith remembers as a teenager in 1967 a long-abandoned, small house with peeling white paint and reddish metal roof with two bedrooms upstairs, a kitchen and general living quarters on the main floor, a cistern/root cellar below ground accessed through the back door and porch, and lots of old blue canning jars lining the windowsills. A single small barn is still standing among the old foundations and debris in the woods.

Archaeological work has documented the remains of human cultures that utilized this property on the Potomac River going back more than 8000 years - the river terrace in particular has numerous artifacts including potsherds, hearth stones, projectile points and lithic scatters. The mere 270 years of occupation by a European culture pales in comparison. From a visual standpoint, the look of the overall landscape today probably has not changed dramatically from the time of the first European settlement. The scattered trees, patches of forest, and open meadows seen today would not seem unfamiliar to Poulson, Mounts and Jones. Nearly all of the trees around the campus and lodges have grown since the 1940s. The Swearingens would also not feel out of place with the farming operations here during the 20th century. Cattle, horses, sheep, hogs, corn, wheat, and hay were laboriously brought here in the 1730s and 1740s and have persisted to nearly the present day. The activities on a 1760s-era plantation that featured a relatively wealthy, public-spirited landowner supervising the farming operation in the European feudal tradition, with the labor supplied by others - slaves in this case - eking out a largely subsistence lifestyle on the land, can still be seen in some lesser degree with the small tenant farming operations of the 1930s on RiverView Farm, with a tenant supplying labor in return for a house, garden patch, facilities for a few cattle and chickens, and a profit-sharing agreement with the owner. The main difference being, of course, the ability of the laborer to choose his habitation, landlord, and subsistence lifestyle.

Floristically speaking, the biggest changes on the landscape can be seen in the composition of the herbaceous plants in the meadows, fence rows and forest floor. Non-native European annuals are now a prominent part of the NCTC plant list; the native plants are still on the property, but many have been crowded to the edges, hollows and slopes that could not be reached by plow and hungry grazing animals. The first efforts at conservation in the 1930s, some of which are now seen as undesirable and wrong-headed, have also left their effects on the landscape. Consider Japanese honeysuckle, once used to control erosion but now draping and choking forest edges, and the impenetrable thickets of multiflora rose, once touted as a way to provide wildlife habitat along fencerows, now making a walk through the woods a more sensory experience than one might have bargained for.

I would like to end this history with the thought that even hundreds of years after spending time on a landscape, your story can still be told- because the evidence persists (though motivations are harder to fathom after a number of years). We have within each of us the ability to leave a legacy of thoughtful decisions, care and appreciation of the land that surrounds and sustains us. May we strive to ensure that our conservation efforts are rewarded with future writers who can find positive things to say about us.

Uncover Skull, Bones of Revolutionary War Hero

Wellsburg, WV – Feb 17, Workman working under Contractor B.O. Cresap, engaged in [???elling] of property near the James Paull estate on Pleasant Ave this morning uncovered a skeleton and bones believed to be that of Captain Van Swearingen, who served under Washington in the Revolutionary War and was later sheriff of Washington County, PA. Local historians claim that Van Swearingen had acquired the property from the Indians in trade for a rifle. It is known that the Van Swearingen family had used the property as a burial plot. The bones will be turned over to some local historical society, the contractor said.

Steubenville Herald Star, 17 Feb. 1942.

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(Note: most deed and will books are referenced in the text. BC = Berkeley County, JC = Jefferson County, FC = Frederick County, WC= Washington County, WB= Will Book, DB= Deed Book.)

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Appendix

Text of John Van Meter's 1730 Virginia Land Grant

At a Council held at the Capital the 17th day of June, 1730. Present: The Governor.

Robert Carter
James Blair
Wm. Byrd
John Robinson
John Curtis, Esqrs.

John Carter
Rd. Fitzwilliam
John Grymes
Wm. Dandridge

Several petitions being this day offered to the Board for leave to take up land on the River Sherando on the North-west side of the Great Mountains, Robert Carter, Esqr., Agent for the Proprietors of the Northern Neck moved that it might be entered that he on behalf of the said Proprietors claimed the land on the said River Sherando as belonging to the sd. Proprietors & with the limits of the Grants it belonged sole to the Proprietors to grant the sd. lands wch moven at his request is entered and then the Board proceeded to the hearing of the sd. Petitions.

On reading at this Board the Petition of John Van Metre setting forth that he is desirous to take up a Tract of land in the Colony on the West side of the Great Mountains for the settlement of himself & Eleven children & also that divers of his Relations & friends living in the Government of New York are also desirous to move with their families & Effects to Settle in the same place if a Sufficient Quantity of Land may be assigned them for that purpose & praying that ten thousand acres of land lying in the forks of Sherando River including the places called by the names of Cedar Lick and Stony Lick and running up between the branches of the sd. River to complete that quantity & twenty thousand acres not already taken up by Robert Carter & Mann Page, Esqr., or any other, - lying in the fork between the sd. River Sherando and the River Cohongaroola & extending thence to Opeckon & up the South Branch thereof may be assigned for the Habitation of himself his family & friends. The Governor with the advise of the Council is pleased to give leave to the sd. John Vanmeter to take up the sd. first mentioned tract of ten thousand acres for the Settlement of himself and his family. And that as soon as the Petitioner shall bring on the last mentioned tract 20 families to inhabit on that this Board is satisfied so many are to remove thither Leave be & it is hereby granted him for surveying the last mentioned Tract of twenty thousand acres within the limits above described in so many Several Dividens as the petr. & his sd. partners shall think fit. And it is further ordered that no person be permitted to enter for or take up any part of the afsd. Lands in the meantime provided that the sd. Vanmeter & his family & the twenty other families of his Relations and friends do settle thereon within the space of two years according to his proposal.

Isaac Vanmeter of the Province of West Jersey having by his petition to this Board set forth that he & Divers other Germans Families are desirous to settle themselves on the West side of the Great Mountains in this Colony he the Petitioner has been to view the lands in those parts & has discovered a place where further such Settlement may Conveniently be made & not yet taken up or possessed by any of the english Inhabitants & praying that ten thousand acres of Land lying between the Land surveyed for Robert Carter, Esqr. the fork of Sherundo River & the River Opeckon in as many several Tracts or Dividends as shall be necessary for the Accomodation and settlement of ten families (including his own), which he proposes to bring to the sd. Land. The Governor with the advise of the Council is pleas'd to order as it is hereby Ordered that the sd. Isaac Vanmeter for himself and his Partners have leave to take up the sd. Quantity of ten thousand acres of Land within the limits above described & that if he bring the above Number of Families to dwell there within two yeares Patents be granted him & them for the same in such several Tracts & Dividends as they shall think fit & in the Mean time that the same shall be reserv'd free from the entry of any other p'son.

Journal of the Governor and Council (1721-1734), p. 364. Richmond VA.

Note – spelling has been standardized.

We can get a glimpse of Revolutionary War era farming practices in Berkeley County, Virginia from the diary of a Thomas Creswell:

April 13th, 1777.....I have been brought up to no trade, therefore have no prospect of recruiting my fortune by merchandizing.....

I am well convinced that I could have lived much better and made more money, as a Farmer in this country, with five hundred pound, than I can in England, with two thousand. Agriculture is in such an infant state and the value of land so low that anyone with the least spark of industry might make what money they please. As a proof of it I will here subjoin a plan I formed to myself in the Spring of 1775, as times were then.

An estimate of the cost and profit of an Estate containing 500 acres supposing it is in Frederick or Berkly County in Virginia

Cost	Vir. Currency		
	£	s.	d.
To the purchase of 500 acres of land @ 40s per	1000		
To 30 Breeding Mares £30	900		
To one Stallion imported	100		
To 20 Cows and 10 Oxen @ £4	120		
To 20 two-year-old Cattle @ 30/-	30		
To 30 Ewes and 20 Wethers @ 12/6	30		
To 5 Men Servants and 2 Women @ £20/-	140		
To 20 Hogs at 10s/-	10		
To Poultry	2		
To Clothing 5 Men and 2 Women @ 50/- ea.	17:	10:	0
To 1 Waggon	20		
To 2 Carts	20		
To 4 Ploughs @ 30/-	6		
To 2 Harrows @ 40/-	4		
To Gear for Waggons, Carts, Ploughs and other necessary implements of husbandry	30		
Annual quit rent of 500 acres @ 2/6 per 100 acres	12:	6	
To 8 tithables @ 10s/- per tithable	4		
	£2434:	2:	6

Profits of an Estate of 500 acres in Frederick or Berkly County, Virginia.

Profits	Vir. Currency		
	£	s.	d.
By 20 year-old Colts at £10	200		
By the season of 50 Mares exclusive of my own @ £4		200	
By 10 Fat Oxen out of my own stock at £10	100		
By 20 Sheep fed on turnips and sold in spring	20		
By 10 Oxen purchased in the fall, fed on Turnips and sold in the spring supposing each of them to clear £3	30		
By produce of 30 acres of wheat at 12 bushels to the acre sold @ 2/6	45		
By 150 lbs. of wool at 1/6	11:	5:	0
	606:	5:	0
Exchange at 25 percent, the sterling cost is	£	1947	6:
Sterling profit	£	485:	22

The calculation is made with ample allowance on the Costs, and a very moderate one on the Profits. On the Costs in particular from Mares of £30 value and the Horse imported, they very often sell at 2 year old for £30, and sometimes more if they are likely for the Course. The Cost of the land is not very high. The best land, in such large tracts, seldom averages more than 35 s/- per acre, tho' perhaps one third of it is cleared from woods. All taxes are included under the article Tithable, Church, Poor and Road, &c. Except the Quit Rents, which are paid to Lord Fairfax as the Proprietor of the Northern Neck of Virginia. The value of manure is not known here. If it is, they are too lazy to make use of it. Their method is to clear a piece of land from the woods, generally put it in wheat the first year, Indian corn the next, and so alternately for six or seven years together. By that time the strength of the land is gone and they say it is worn out, throw it out to the Woods again, and set about clearing another piece. In a few

years it will recover its fertility sufficient to bring Indian corn, which is of great use amongst them, both for their negros, horses and all sorts of cattle. It makes very indifferent bread and I look upon it as a troublesome and expensive thing to cultivate. It is planted in hills, about 1600 of them in an acre, in the month of April, ploughed or rather hoed every fortnight till the month of August. By that time it is fixed in the ear, they take no further pains with it till November, when they pluck the blades of the stalk for fodder for the cattle in Winter. The ear remains on the stalk till near Christmas to harden and dry. Indeed, it would keep there all winter without taking the least damage. The plant grows from 4 feet to 12 feet high and produces from 12 to 30 Bushels to the acre, according to the richness of the land and the attendance. They seldom plant more than two grains in one hill, if any extra ones shoot from the roots of these they are broken off before the ear is formed. Sometimes they sow wheat amongst the corn and get a crop extraordinary. Wheat is sown in the month of September, they are obliged to sow it early or the severe frosts in winter would kill it. Generally a bushel to the acre. Rye, Barley, Oats, Peas, Beans, Hemp and Flax grows very well here, and would produce excellent crops if they would take considerable pains in tilling the land and making it fit to receive the seed. It is really astonishing that it produces any thing but weeds, as they seldom plough more than two inches deep and leave one third of the land undisturbed. I have seen Hemp 14 feet high. I am not a judge of this article, but I have been told by the people that are, it is equal in goodness to the Riga Hemp. It is a pity the cultivation of this useful plant is not more encouraged in this part of the world. It would be the means of saving large sums we pay to Russians annually for this article, among ourselves.

In short, the land will produce anything if only they will be at pains to cultivate. I do not know any reason why crops of wheat might not be produced here, equal in quantity and quality to the general crops in England if the people would take the same method. I have seen Wheat weighed 60 and 63 pounds per bushel very frequently. The cultivation of this article is not altogether profitable, because the market is precarious. When Russia, Poland and Germany are at Peace, Grain can be purchased cheaper there than in America. Consequently they must undersell the Americans at the Spanish, Portugal and Mediterranean markets. The West Indies are the only certain markets they have and in a Country where almost all are Farmers, the price must be low and very little demand, if there was no exportation. But Beef, Pork, and Horses will always bear a good price while we have a trade with West India Islands and the raising of these things are not attended with any great expense. In the back parts of the country there is no bounds to their outlet. When there is a plentiful Mast (what they call Mast are acorns, Walnuts, Chestnuts, and all wild fruits) the Hogs will get fat in the woods with little, or no corn. Great quantities are killed as soon as they are taken out of the woods, salted, barrelled and sent to the West Indies. Sells from 12 to 27 shillings Currency per hundred.

The bacon cured here is not to be equalled in any part of the world, their hams in particular. They first rub them over with brown sugar and let them lie all night. This extracts the watery particles. They let them lie in salt for 10 days or a fortnight. Some rub them with hickory ashes instead of saltpetre, it makes them red as the saltpetre and gives them a pleasant taste. Then they are hung up in the smoke house and a slow smoky fire kept under them for three or four weeks, nothing but hickory wood is burnt in these smoke-houses. This gives them an agreeable flavour, far preferable to Westphalia Hams, not only that, but it prevents them from going rancid and will preserve them for several years by giving them a fresh smoking now and then. Beef cured in this manner is but very indifferent eating. Indeed the Beef in this country is not equal to the goodness to the English, it may be as fat, but not so juicy. I think it is time to go to bed.

In Couper 1953 p. 577-579

Letter from the War Office to Colonel Van Swearingen

Richmond, Sep 2nd, 1781

Sir,

The arrival of a French fleet of 28 ships of the line & six frigates, with 3000 troops at this critical period, must give the highest satisfaction to every man interested in the happiness of his country. Vigorous exertions on our part will ensure to us the conquest of the British Army. There is not, I hope, a man in Virginia who will not step forth to improve this favorable opportunity of relieving his country from the distresses of an invading army. On you, sir, I call as the head of the militia of your County to send into the field every man who can be furnished with a gun of any sort. Expedition is the life of all military operations. Let it be remembered that the destruction of Burgoyne's army was in a great measure affected by the manly behavior of the northern militia, and Virginia has now a most glorious opportunity of signalling herself. A number of horses, saddles, and bridles will be wanted. Some of the best sort for the General and field officers; others of an inferior sort for the artillery, and to mount 100 dragoons which the Count de Graffe has bro't with him. As the services of these horses will be required only for a short time, I expect that Gentlemen will lend them most cheerfully, after having them appraised in specie for fear of losses.

I would beg your attention to another object of much importance. For so large an army large supplies of provisions and liquors will be necessary. I wish you to press the commissioner of your County to procure flour, spirits, and cattle, to be brought to some particular place in the County, ready to be delivered to the order of the Commissary General; but particularly flour and spirits. I hope every person who has wheat will prepare part of it immediately for the mills. Wagons are also exceptionally wanted, endeavor to procure as many as possible of them on hire at ten shillings a day & depreciation. I could wish them to be loaded with liquors for the use of the army. It is not in my power to ascertain the depreciation that will be allowed for the specie prices at which the different supplies will be valued, but the Assembly will doubtless act with generosity on this occasion.

*I am, with much respect, etc.,
Thos. Nelson*

Since writing the above I have received intelligence from the northward that requires very large supplies of Provisions, Forage, Liquors & Waggon to be placed on the route from Alexandria to Fredricksburg. Not a moment is to be lost in the execution of this business.

T. Nelson

(published in Dandridge 1910)

Terrapin Neck Farm Improvements - Jonathan Clark's Notebook - August 1786

Listed below are farm improvements on Terrapin Neck land involved with the Browning claim. Compare these houses with Van Swearingen's large stone home with fireplaces in each room and various architectural embellishments, built back in 1759. Note that "cat and clay" refers to sticks and mud.

- Col. Van Swearingen: 3 cabins, 60 acres first rate high land [he had about 183 acres that overlapped the Browning claim at this time; most of his property, including his home, was outside this survey. His name was mis-spelled as Swearingham in the notebook.]
- Peter Williamson: 20 acres first rate high land
- Vachel Medcalf: half worn log dwelling house 25 by 20 with an outside stone chimney;
a log barn worth 0-0-0;
old round log kitchen 20 by 16 with inside cat & clay chimney;
round log corn house 16 by 8 covered by clap boards, 3 years built;
60 acres first rate high land;
160 apple trees
- Amos Medcalf - son: old log cabin 16 by 12 [land assessed to his father, but "tended between them"]
- George Alder, tenant: round log cabin 20 by 16 with a floor above and below;
very old round log barn 44 by 20 covered with clap boards, no doors
and worth very little;
45 acres first rate high land
- Thomas Boydston: old round log dwelling house 20 by 16 covered with clap boards
with outside cat and clay chimney;
old round log kitchen 16 by 12 covered with clapboards with outside
cat and clay chimney;
new round log barn 60 by 20 covered with clap boards, no floor or doors;
36 acres first rate high land;
70 apple trees
- Peter Palmer:
(tenant of
Van Swearingen) one indifferent cabin;
30 acres bottom land;
40 acres first rate high land; 50 apple trees
- John Lewis: round log cabin 26 by 20 with inside cat & clay chimney;
2 round log pens 16 foot each with 14 foot floor between them, the
rafters raised but no cover;
20 acres first rate high land;
100 apple trees planted 5 years
- Benjamin Boydston: one scalped log dwelling house 20 by 18, planked with two floors &
plank partition;
one round log kitchen 20 by 18 with stone chimney between the two
houses; one fireplace to the kitchen & two to the dwelling house
- Thomas Boydston: one framed dwelling house 26 by 20 with three rooms, plastered below and
unfinished above, with one double and one single outside chimney;
stone cellar 20 by 14, and a portico the length of the house 5 feet wide, house
built 20 years;
old round log kitchen 26 by 18 covered with clap boards, with cat & clay outside
chimney;
one very old round log out house 20 by 14 covered with clap boards;
one round log barn 66 by 22, finished, built 16 years;
110 acres first rate high land, *In P.S Joyner, Northern Neck Warrants and Surveys, Vol IV.*
200 apple trees *Original in Clark-Hite Papers, Filson Club, Louisville, Ky*

Will of Col. Van Swearingen
Berkeley County Will Book 1, p. 489

In the Name of God Amen I Van Swearingen of the County of Berkeley in the State of Virginia being of Sound mind and memory do make and ordain this my last Will and Testament in manner and for following that is to say I give and bequeath unto my living wife Priscilla Swearingen the three following slaves to wit James, Clem and a woman named Grace to the said Priscilla her heirs and assigns forever. I also give to my said wife my two gray mares which were usually called hers also the Gray work horse being the one which is the Brother to the aforesaid mare to her, her heirs and assigns forever; also give and bequeath to my Said wife Priscilla Swearingen one fifth part in portion of all my lands or Real Estate comprehending the houses and other buildings wherein I now Dwell which she is to have, possess and enjoy during her natural life. I also give and bequeath to my said wife Priscilla one fifth part of the remainder of my slaves also one fifth part of all my stock also one fifth part of all my Personal Estate of what ever nature or kind forever to her heirs and assigns forever. Item I give and bequeath unto Peggy Swearingen being the daughter of the above named Priscilla four hundred Acres of Land Situate on Big Sandy Creek a branch of the River Ohio and is a part of the Land formerly Surveyed for the officers and soldiers of the Virginia Regiment to her, her heirs and assigns forever yet Nevertheless that in Case of the Death of the Said Peggy before She arrives to Lawful age, or having no Issue to inherit in that Case my Will is that the above described four hundred acres of land Shall then Revert to my Sons and Daughters herein after mentioned to be equally Divided between them, their and each of their heirs and assigns forever. Item I also give and bequeath to the before named Peggy Swearingen one Sorrel mare and Colt being the mare Generally Called hers to her heirs and assigns forever. Item I give and bequeath unto my two Sons Josiah Swearingen and Hezekiah Swearingen also unto my two Daughters Lurannah Bennett the wife of William Bennett and unto Druscilla Rutherford the Wife of Thomas Rutherford all my lands or Real Estate which has not been already Divided in manner of which to be Duly Divided between them and each of them my aforesaid Sons and Daughters which I give to them and each of them Respectively to their and each of their Heirs and assigns forever. Item I also give and bequeath unto my two Sons also unto my aforesaid Two Daughters the Reversion of the one fifth part of my Lands or Real Estate being Divided to Priscilla my Wife in manner aforesaid to be equally divided amongst them my aforesaid Sons and Daughters after the Decease of my Said wife to them Respectively their and each of their Respective heirs and assigns forever. Item I do also give and Devise unto my two Sons Josiah and Hezekiah also unto my aforesaid Two Daughters Lurannah and Druscilla all the Remainder of my Slaves being not already Devised in manner aforesaid and also all my personal Estate or Property not already Devised in manner aforesaid of every Kind or nature whatsoever to be equally Divided between my aforesaid Sons and Daughters which I give to them Respectively their and each of their Respective Heirs and assigns forever. Item my Will is and I do hereby order my Executors hereinafter named that they pay Due regard in Dividing of my aforesaid Lands So as to accommodate each Respective Lot of Division with a part of portion of the Water meadow and Water Conveniences and that the meadow now in possession & occupied by my aforesaid Son Hezekiah Swearingen with a part of the Spring of Water near my new Dwelling House Shall be comprehended in the Said Hezekiah Lot of Division be it in Such manner as to be least detrimental to the other lots in making the Said Division and lastly I do hereby nominate Constitute and appoint my aforesaid two Sons Josiah Swearingen Hezekiah Swearingen and Thomas Rutherford Executors of this my Last Will and Testament Ratifying and Confirming this to be my last Will and Testament Testimony whereof I have hereunto set my hand and affixed my seal the fifth Day of April Anno Domo one Thousand Seven hundred and Eighty Eight 1788.

Van Swearingen

Sealed Signed Published and Declared by the said Van Swearingen to be his last will and Testament in presence of

her

T Rutherford Charles Swearingen Driscilla X Harp Thomas Swearingen
Mark

Codicil to the annexed will of Van Swearingen. Item I give and bequeath to Lurannah Bennet my Daughter one hundred and fifty one acres of land Situated on the Banks of the River Potomack Including that plantation whereon She and her husband William Bennett now Dwells in the County of Berkeley which aforesaid one hundred and fifty one acres I give to her, her Heirs and assigns forever, and my will is that the Said one hundred and fifty one Acres of Land shall not be Considered in making the Division of my other lands as in my annexed will or her part is expressed But that the Said Lurannah Bennett Shall Draw and possess her equal part or portion therein agreeable to my Said Will in the same manner as tho this bequest had not been made. Item I give and bequeath unto my Daughter Druscilla Rutherford the wife of Thomas Rutherford the two Houses and two Lotts which I possess in the town of Mechlenburg or Shepherds Town to her, her heirs and assigns forever, which I give to her over and above what I have already allotted to her in my annexed Will is therefore not to be considered in the Division of my lands or real property but my will is that my Said Daughter shall Draw and possess her equal proportion therein in the Same Manner as tho this bequest had not been made. In Testimony whereof I have hereunto Set my hand and affixed my Seal this Sixth Day of April 1788.

Van Swearingen

Sealed Signed and published and Declared
by the said Van Swearingen as his Codicil
to his will annexed in presence of

Joseph Swearingen Rusen Bashies [Rezin Brashears?] Frederick Davison

At a Court held for Berkeley County the 17th day of June 1788 This last will and Testament of Van Swearingen Deceased was presented in Court by Thomas Rutherford one of the Executors therein named who made oath thereto according to Law and the Same being proved by the oaths of Charles Swearingen, Driscilla Harp and Thomas Swearingen and the Codicil by the oaths of Joseph Swearingen, Rusen Bashies and Frederick Davison Witnesses thereto and ordered to be Recorded and on the motion of the Said Executors who entered into Bond with Abr Shepherd & Joseph Swearingen in the Penalty of Two Thousand pounds Conditioned for his True and faithful administration of the Said Estate Certificate is granted him for obtaining a probate thereof in Due form of Law

Teste

Mo Hunter Cl Court

Note: Do = Ditto

Berkeley County Will Book 2, Page 10

Inventory of the Estate of Colo Van Swearingen dec'd taken in pursuance of an order of the County Court of Berkeley by the Subscribers they being first duly sworn

June 24th 1788

Negro Jerry £70 Jim £70 George £60 Jack £40	£ 240- 0 - 0
Harry £35 Clem £50 Ralph £32 Grace £64	181- 0 - 0
Daniel (a child) £6 Rachel £50 Tom (a child) £6	62- 0 - 0
Nancy £64 Esther £25	89 - 0 - 0
Horses &c One Sorrell Mare and Colt £12 One Iron Gray horse £16	28- 0 - 0
Do Sorrell Mare with a Star and Snip (and Colt)	16- 0 - 0
Do Gray Mare and Colt £10 Do old Bay Mare and Colt £8	18- 0 - 0
Do Gray horse branded with stirrup £6 Do old sorrell Horse with Blaze £1	7- 0 - 0
Do Roan Colt with a Star in the forehead	8- 0 - 0
Do Large Gray horse with a blaze and 1 white foot	16- 0 - 0
Do Dark Gray horse Colt 2 years old with a blaze	7- 0 - 0
Do Dar Bay Mare branded with 5 dots	6- 0 - 0
Do Large black horse with wall eyes	4- 0 - 0
Do Large Gray Mare	16- 0 - 0
Do Young black Mare with a blaze in the forehead	1- 0 - 0
Do Bay work horse £ 9 Do Gray Do Do £ 8	17- 0 - 0
Do old Sorrell horse with hind feet white	3- 0 - 0
Do old brown Do £3 large Gray Mare flee Bitten £8	11- 0 - 0
The large Gray work horse	10- 0 - 0
The Cattle large steers	8- 0 - 0
7 Young Steers and one Bull at £2-4 each	17-12- 0
4 Yearling Steers at 18/ each	3-12- 0
5 (2 year old Heiffers at £1-16 each	9- 0 - 0
1 Yearling Heiffer 18/ 1 white Yearling Do £1 One Black Cow £ 3	4-18- 0
11 Cows (or a Calves belonging) at £3 - 5 each	35- 0 - 0
65 Sheep young and old at 8/ each	26- 0 - 0
66 Hogs young and old at 18/ each	33- 0 - 0
6 Plow Swingle Trees Clevices &c included at 30/	9- 0 - 0
1 Anvil £4-1 - 1 B-- £6 one piece iron £1 One Vice £1-4	12- 4 - 0
The Small Tools Belonging to the Shop	1- 10-0
1 old waggon hand screw 18/ one wind Mill £3-11	4- 8 - 0
The Irons of one old Do 5/ Cutting Box 8/ 1 flax Brake 4/	9-17- 0
8 pair of old Gears £5 5 Hoes 7/ 2 Mattocks 14/	6- 1 - 0
6 Axes £1-4 One Chest of Drawers £4-10 two looking Glass £2	7-14 -0
1 Small Square table 6/ 1 Round Tea Table £1 one Small square Do 6/	1-12 -0
1 Large folding Do with Rollers £2 One Small Do £1-4	3- 4 - 0
1 Small Stand 10/ 1 Corner Cupboard with Glass Doars £2-18	2-18- 0
11 Tea Spoons £1-13 One pair of Sugar Tongs 7/	2- 0 - 0
1 Carved Silver Sugar Dish £1-16 two queen China Dishes 5/10	2- 1 -10
12 Do Plates 3/ 6 Deff Ditto 1/3 5 breakfast Plates 10d	0- 5 - 1
2 Dozen China Cups & Saucers and 1 Cream pot 12/ 2 Tea Cannisters 1/4	0-13 -4

1 Old Glass Mug and two tumblers 1/3	4 Wine Glasses 2/10	0- 3 -3
2 Tea Pots 1 old Coffee Pot 1/6	Sundry other articles of queen China 4/	0- 5 - 6
4 Bottles 3/3	1 Coffee 1 Funnell 4/	1 Desk and Book Case £6-10
2 Flax Hackels 14/	2 Trunks 3/6	3 Augers 2/6
Sundry old Iron Tools 10/	2 Flat Irons 8/	1 Feather Bed 2 Sheetz
1 Calico Counterpin	1 Boulster	2 Pillows with Bases
1 Bedstead and Cover		8- 0 - 0
1 Ditto Feather Bed 2 Sheets	one Boulster 2 Pillows with Cases	1 Patch Work
Counterpin Bedstead Cord and rug		8- 0 - 0
1 Bed and under Do 2 Sheets	1 Boulster 1 Pillow with Case	1 Blanket Bedstead
and Cord		8- 0 - 0
1 Bed 2 Sheets 1 Blanket	1 Patchwork Counterpin	1 Boulster one pillow with
Case with bedstead & Cord		8- 0 - 0
1 Bed 1 Boulster & 2 Pillows ,5	1 Bed 3 Pillows £4-10	9- 10-0
1 Green Rug £1 - 18	13 Blankets at 10/ each	£6-10
a quantity of wool Supposed to be 98 lbs	at 1/6	7- 7 - 0
1 Side of upper Leather and Part of another side	with half of a Side of Soul Leather	1-10- 0
1 old Chest and other Lumber as Nails &c		0-14- 0
2 Dozen Chair Frames at 10/	3-0-0	about 10 pounds Leather 2/2 pr ----
One Mattress 8/	2 Setts of new Curtains at ,3-10	£ 7- 8 - 0
1 Large Jug 1 Pickle Pot 7/	1 half Bushel and two Riddles 9/	0-16- 0
1 Small Sword £1-10	ten Split Bottom Chairs at 1/16	2- 8 - 0
9 Beehives 8/	£3-12	One large brass Kettle 60/
5 Pots with hooks to each 8/	£2	two dutch Oven 6/ - 12/
3 Pot racks 9/	£8-7	One Frying Pan 1 Shovel One Spit
1 pr fire Tongs & one Fluh fork 8/		1-15- 0
1 Tubb 2 pails 3 bucketts & Trays 10/	2 Hogs and 9 old Casks	£1-6
10 Hogsheads at 5/	£2-10	two double Barrells & 3 Single Do 12/
Sundry old Keggs Casks &c 5/	about 1/3 Barrell Tar 6/	0-11- 0
13 knives and 17 forks 18/	9 Pewter dishes	£2-18
21 Do Plates at 1/8	£1-12	Ditto Do at 1/ -12/3
Do Basons 3/-9/		2-17- 0
2 Tin Pans Tin Cups & Spoons 4/	1 old Copper Coffee Pot	Lantharn & knife Box 7/6
1 Old Tea Kettle 4/	2 brass Candlesticks	1 iron Do 1 Toaster & Sacage knife
and Mortar & Pestle 8/	1 Can & Jack 2/	1 Stile 8 £
5 old Still Tubs and 1 old Kegg 5/	1 Weavers Loom	£1-10
1 Small grindstone 4/	1 churn 1 Strainer	1 Pewter Bason & 5 Milk Pots 7/0
1 Apple Mill 18/	4 Table Cloaths	£1-4
1 pair of Gate Hinges	1 Tomahawk & old Chissell	4/6
1 Salmon gramer 8/	Westlys hymn Book 2/6	2 Law Books 10/
a large Bible 12/		1- 4 - 6
Herdes Meditations 3/	1 Small Stole 10d	1 Cross Cut Saw £1-8
1 Riffles Gun Powder & Shot Bag		3-12- 0
Charles Morrow Thomas Turner	Benja Boydston Thos O dell	£1057 - 6- 10

At a Court held for Berkeley County the 16th day of December 1788 This Inventory and Appraisement of the Estate of Van Swearingen dec'd was returned & ordered to be recorded-
Teste

Mo Hunter C.B.C.

originally transcribed by Don C. Wood, Martinsburg WV in 1978

Agreement between the four adult children of Col. Van Swearingen and Priscilla, their father's second wife.

This deed made this twenty sixth day of January in the year of our lord one thousand seven hundred and eighty-nine between Josiah Swearingen, Hezekiah Swearingen and Thomas Rutherford & Drusilla his wife & William Bennet and Lurannah his wife Executors and Devisees of the late Van Swearingen deceased, of the one part and Priscilla Swearingen another of the Devisees of the said Van Swearingen deceased Witnesseth that 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, it has been mutually agreed upon by & between the said parties The children & legatees of the said Priscilla, that a certain part of the estate of the said Van Swearingen should be laid off and assigned to the said Priscilla in lieu of [?] full for her clauses as a devisee as aforesaid, now for carrying the said Agreement into full execution They the said Josiah Swearingen, Hezekiah Swearingen, Thomas Rutherford and Drusilla his wife William Bennet & Lurannah his wife Do and each of these doth by these presents grant release and confirm unto the said Priscilla Swearingen One hundred and fifty acres of land being part of the tract whereon the said Van Swearingen lately lived to be paid off on the lower side of the home tract including the Tenement whereon Elizabeth Eade now lives also including a spring at the river and about four acres of meadow or meadow ground and the following slaves to wit a negroe man called James a negro boy called Clem & a negro woman called Grace to have and to hold the said land & slaves for and during her natural life and no longer, and they the said children & legatees do further grant release to the said Priscilla and her heirs forever the following articles to wit Two large gray mares and one gray work horse, two feather beds and their furniture compleat two tables & one chest of drawers & cupboard and the furniture usually kept therein all the chairs made use of in the mansion house the smallest of the cooking glasses, one full third part of the kitchen furniture together with forty barrels of Indian Corn one hundred bushels of wheat and one stack of hay in the meadow, And the said Josiah Swearingen Hezekiah Swearingen & Thomas Rutherford Executors of the said Van Swearingen deceased do by these presents release and forever acquit the said Priscilla & her heirs & [assigns?] for the sum of forty two pounds fifteen shillings and eleven pence which the said Priscilla stands indebted to the said Executors for sundry Articles purchased at the Sale of the said Van Swearingen estate & the said executors together with the said William Bennett do hereby Covenant and agree with the said Priscilla Swearingen that they will at their own joint expense & in some short convenient time finish the dwelling house of Elizabeth Eade for the use of the said Priscilla in a compleat manner and that they will pale in a convenient piece of ground near thereto for a garden & will also build and erect for the said Priscilla in a convenient place near the said house a good and convenient barn, In consideration whereof the said Priscilla Swearingen for her self her heirs executors & [assigns?] doth hereby release and forever Quit claimes unto the said Josiah Swearingen, Hezekiah Swearingen, Thomas Rutherford & Drusilla his wife & William Bennet & Lurannah his wife and to their heirs and assigns forever all and every other part or parts of the said Van Swearingen's estate be the same in lands slaves money goods or chattels to which the said Priscilla hath or could have any claim ordered and whatsoever by virtue of the will of the said Van Swearingen deceased or in any other manner whatsoever. In witness whereof the said parties have hereunto set their hand and seals the day & year first above written.

Sealed and Delivered in presence of Edward O Williams, William Brice, Rawleigh Morgan Josiah Swearingen, Hezekiah Swearingen, Thomas Rutherford, William Bennett, Priscilla P. Swearingen [**her mark**], Drusilla Rutherford

At a court held for Berkeley County the () day of February 1789 this indenture was proved by the oaths of Edward O Williams and William Brice witnesses thereto and ordered to [?] further proof and a court held for the said county the 15th day of May 1792. This indenture was further proved by the oath of Rawleigh Morgan another witness thereto and ordered to be recorded.

Teste Mo Hunter

Personal Estate of Van Swearingen (1778 – 1838)

He was the grandson of Col. Van Swearingen, probably built the house and farmstead that became known as RiverView Farm, though it is unknown if he actually lived there. Inventory was taken in spring of 1838. The grouping of items in the list seems to indicate that belongings in 3 homes and at least two farmsteads were inventoried, the first two houses having very modest furnishings. This correlates well with the property records and his will, which mentions 4 houses. One of the homes was his father Hezekiah's located where the present Lone Drake farm is today, which Van and his family may have lived in as well. Two other homes, with only their foundations remaining, are located at present-day NCTC near the water treatment plant; at least one of these was likely a slave quarters. The location of the fourth home is conjectural, but may be related to the foundation near the spring on the western boundary of the NCTC property and may also have been used as servant's quarters.

a black man named Humphrey aged 60 years	50.00
a Negro man called Ralph supposed to be about 60 years	50.00
1 Negro man called Andy aged about 35 years	600.00
1 Negro man called Henry aged about 22 years	700.00
1 Negro man called Hardridge aged about 22 years	600.00
1 Negro man called Lewis with some imperfection in the ankle aged about 22 years	500.00
1 Negro man called Sy or Josiah aged about 18 years	550.00
1 Negro man called George aged about 16 years	400.00
1 Negro man called Thornton aged about 14 years	450.00
1 Negro boy called Warren about 12 years	400.00
1 Negro girl called Mary about 10 years	250.00
1 Negro girl called Ann about 6 years	250.00
1 Negro girl called Susan about 6 years	200.00
1 Negro boy called Ben aged about 5 years	200.00
1 boy called Andrew Jackson aged about 16 months	75.00
1 Negro woman called Jill aged about 25 years and her infant	400.00
1 Negro woman named Betty usually in bad health age 46	20.00
2 Negro women called Nancy and Eve very old and infirm	2.00
1 Bay mark 60.00, 1 sorrel horse 60.00	120.00
1 sorrel horse 80.00, 1 brown mare 70.00	150.00
1 gray mare 65.00, 1 brown horse 75.00	140.00
1 black mare 75.00, 1 dark brown mare 50.00	125.00
1 old roan horse 25.00, 1 brown horse 50.00	75.00
1 roan mare 1.00, 1 roan colt 35.00	36.00
1 white faced cow 14.00, 1 red and white cow 18.00	32.00
1 roan cow 15.00, 1 black heifer 15.00	30.00
1 red heifer and calf 15.00, 1 red and white cow 18.00	33.00
1 white faced cow 18.00, 1 bull 20.00	38.00
3 sows and 14 pigs 30.00, 1 calf 3.00	33.00
1 plantation wagon with body and wood ladders	50.00
426 bushels corn (0.50 each)	210.00
7.5 bushels oats (0.30 each)	2.25
1 cast 20.00, 28 mulberry livestock posts (0.15 each)	24.20
a lot of oak fencing plank containing 3439 feet	38.69
1 lot joice containing 18 prs (0.40 each)	7.25
1 lot lath containing 2067 feet (0.60 per hundred)	24.20
593 feet poplar plank	8.00
1 pair long ladders 6.00, 1 barshare plough 5.00	11.00
1 barshare plough 5.00, 1 double shovel plough 5.00	10.00
2 single shovel ploughs 1.25 each, 1 harrow 4.00	6.50
1 feed trough 1.00, 2 flax brakes (0.50 each)	2.00
1 double and 2 single trees 1.00, 1 fifth chain stretchers 3.00	4.00
326 ½ hemp 0.06, 1 barrel flour 7.50	27.09
a lot of farming implements in the tool house consisting of mattocks, shovels, spades, forks, log chains and other chains	25.00

929 ½ w bacon 0.10, 72 w dried or corned beef 0.06	97.27
1 bedstead with bedding 25.00, 1 bedstead with bedding 20.00	45.00
4 chairs 0.50, 1 old desk and bookcase 2.50	4.50
1 shotgun 10.00, 1 surveyors staff chain and compass 15.00	25.00
1 lot hogsheads barrels and co in the large cellar	10.00
53 gallons Apple Brandy 0.50, 1 copper kettle 10.00	36.50
2 half bushel measures 0.25, 47 bushels potatoes 0.25	12.25
6 sets wagon gears and c 6.00, 1 cutting box bucket and shovel	40.00
1 new plantation wagon and stretchers	120.00
1 pair long ladders 8.00, 1 windmill 30.00	38.00
1 lot rakes and forks 1.00, 4 grain cradles lot 10.00	11.00
1 white faced cow and calf 12.00, 1 white faced cow 15.00	27.00
1 white faced cow & calf 16.00, 1 bull 20.00, 1 red steer 12.00	51.00
1 red steer 18.00, 1 red steer 22.00, 1 red steer 20.00	58.00
1 yearling calf 6.00, 1 red steer 20.00, 1 black steer 12.00	40.00
1 heifer calf 5.00, 2 calves 3.00 each	11.00
2 sows with young pigs	20.00
18 hogs 5.00, 34 shoat 2.50, 2 harrows 8.00	151.00
hoes, shovel, corn rakes & sledge 2.50, 1 barshare plough 3.00	5.00
1 barshare plough 12.00, 1 barshare plough 14.00	26.00
2 barshare ploughs 8.00, 5 double shovel ploughs (4.00 each)	36.00
6 single shovel plough 1.00 per, 1 lot single trees, double trees and stretchers 10.00	16.00
1 digging iron, crowbar 3.00, 2 sets plough gears, collar & c 5	8.00
2 collars and three sets gears 5.00, 1 cutting box 2.50	7.50
2 shovels and dung fork 2.00, 2 desks 3.00 each	8.00
2 tables 3.00, 7 chairs 0.50 per, 1 corner cupboard 2.00	8.50
1 bedstead bed and bedding 5.00, 1 crosscut saw	7.50
3 spinning wheels for 1.50, 1 lot kitchen utensils at old house	13.50
58 sheep with some lambs 3.25 each	188.50
38.5 acres wheat in the ground at the Markle place (8.00 per)	303.00
8 racks, 2 axes, 2 drawing knives, 2 grindstones with pitchforks	7.00
20 hogs (6.00 per), 28 shoats (2.50 per), 1 calf 4.00	194.00
21 new bags (0.375 per), 21 old bags ((0.12 per)	10.39
1 chest 1.00, 1 clothes press 5.00	6.00
1 lot kitchen furniture, safe, cupboard, corner cupboard and c.	28.00
9 chairs (0.50 per), 1 table 6.00, 2 stand and 2 tables 6.00	16.50
1 stove and pipe 15.00, irons, shovels and tongs 2.00	17.00
1 box knives, forks & waiters 3.00, 6 large and 6 small spoons 18.00	21.00
1 pair pistols 5.00, 1 secretary and bookcase 30.00	35.00
1 bureau 8.00, 1 work stand 3.00, 1 clock 50.00	61.00
1 bedstead, bed and bedding 30.00, 2 waiters 1.50, 1 case 2.00	8.50
25 yards figd carpeting (0.50 per), 6 yards stripe carpet (0.371 per)	14.75
1 low post bedstead, bed & bedding 30.00, 6 chairs 0.50 per	33.00
1 high post bedstead, bed, bedding 35.00	35.00
1 wash stand, bowel, pitcher 3.00, toilet table & dressing glass	4.50
3 blankets, 1 coverlet, 4 spreads 12.00, 1 stand 1.00	13.00
16 yards carpeting (0.25 per), 32 yards new carpeting (0.8715 per)	14.75
1 high post bedstead & bedding 30.00, toilet table & glass 10.00	31.00
3 barrels flour (0.50 per), 8 sheets and table cloths 10.00	32.00
1 stove 12.00, 2 sets plough gears and cart gears 6.00	18.00
1 corn barrel (0.50), 1 sleigh 15.00	15.50
TOTAL	9219.19

Personal Estate of Abraham Shepherd, 1822. Jefferson County Will Book 4, p. 85.

Abraham Shepherd acquired the house and land where this personal property was inventoried, formerly the home of Col. Van Swearingen and today known as Springwood, from the orphaned grandsons of Col. Van Swearingen in 1807-1809 after they moved to Ohio with their sister.

An Inventory and appraisement of the negroes and other personal property belonging to the estate of Abram Shepherd, dec'd.

Five coulter and one plow shear	2.00
One lot of chains	6.00
One old bar shear plough & singletree	.75
Three grubbing hoes & eight weeding hoes	2.50
Four rakes & Five shovels	2.00
Crow bar, sledgehammer & digging iron	4.00
Three iron forks & corn rake	1.50
Crosscut saw	1.00
One old waggon	8.00
Two harrows	6.00
Five barshear plows	25.00
Five shovel plows	5.00
Five worm harrows	3.00
One large wood sleds	.25
One old sleigh	2.00
Four old setts of Gears Five Halter chains	3.50
One cutting box & pitch fork	2.00
One pair traces & backband	1.00
One Flasc break [<i>flax brake</i>]	1.00
One cart	12.00
One old waggon	25.00
Twenty nine pen hogs for pork	145.00
Flasc seed Forty cents per bushel Five Hogsheads	10.00
Four horses/ one gray mare, 2 sorrels, 1 bay	170.00
One bull	15.00
Six steers	55.00
Eight yearlings	32.00
One steer	12.00
Ten head of cattle different ages	30.00
Wheat 87 ½ cents per bushel	
Rye 54 ½ cents per bushel	
Oats 35 cents per bushel	
One Fan	18.00
One hundred & ninety head of Sheep	380.00
Five milch cows	50.00
Corn \$2.50 per barrel	
Two old waggon wheels	6.00
Five brood sows & thirty shoats	50.00
Two asses [not sure of spelling?]	2.00
One grindstone	1.00

One scythe & cradle & two mowing scythes	3.00
one ton of plaster	10.00
one old sorrel horse Dick	10.00
one negro Jenny aged 60 years	10.00
“ “ Rosey “ 32 “ and her 5 children	
Isaac, George, Elias, Daniel & Mary	1280.00
One negro, Amy & her two youngest children	425.00
“ “ Bev child of Amy	150.00
“ “ Harry “ “ “	150.00
“ “ Julia aged 20 years & child	200.00
“ “ Emmily “ 17 “ & infant child	300.00
“ “ Tom “ 70	.25
“ “ Sam “ 80	.25
“ “ Jerry “ 70	.25
“ “ David “ 30	450.00
“ “ Baker “ 47	10.00
“ “ Charles “ 47	250.00
One Road wagon & 2 setts of wheels, 4 horses	
with their Geer, Jackscrews & feed trough	300.00
Seven Hogsheads	13.00
Two stills with worm & worm tub	60.00
Hay per ton \$ 8.00	
110 gallons apple Brandy @ 30 cts per gallon	33.00
Twenty still tubs	20.00
One crow bar mason hammer, 2 Inch auger	
& wheelbarrow	5.00

We the undersigned do hereby certify that the above is a correct inventory & appraisement of the slaves & other personal property of Abram Shepherd deceased taken the 12th day of November 1822.

Daniel Buckles
Abraham Chapline
Isaac Chapline

Jefferson County Court

Description of Shepherd's Upper and Lower Farms in 1888 by F.V. Aler. NCTC property was then called the Lower Shepherd Farm. Wild Goose Farm is still a private residence just south of NCTC.

HENRY SHEPHERD, ESQ.

THE REWARD OF ENERGY AND INDUSTRY A GRAND SUCCESS

A MAGNIFICENT COUNTRY SEAT

WILD GOOSE FARM

AN ELEGANT RESIDENCE, SURROUNDED BY WELL CULTIVATED AND
IMPROVED LANDS AND MODERN STRUCTURES.

One of the most attractive country seats in the Eastern portion of our Mountain State, is the time honored manor of the well-known Shepherd Estate, four miles North of Shepherdstown, in Jefferson County.

Looking out from a gently reclining hill, on the picturesque Potomac, with its varied and beautiful scenery, this old Virginia Homestead is one of those well remembered resorts, which in ante-bellum days were the pride and boast of the people of the South.

This part was then owned by the late Mr. R.D. Shepherd, a wealthy and distinguished member of the family, by whom it was christened "Wild Goose Farm."

This magnificent estate, which altogether embraces about a thousand acres of the most fertile and productive land in this section of the country, has since been purchased by Mr. Henry Shepherd, who is its present owner, and by whom it has been greatly improved, especially that portion upon which he and his family reside, and which he calls his *Upper Farm*.

Passing up a long avenue of well grown and carefully selected forest trees - beech, linden, maple, and others - we approach the mansion. Here on a knoll, embowered 'mid a profusion of waving willows, stately poplars, and quaking aspens, stands the residence, built in a quadrangular shape, with two extended wings - a pretentious frame structure of a comparatively modern architecture.

To some it may not seem effectively grand, but around it is woven a web of early family history, of intense interest to the living representatives of an aristocratic ancestry, long since passed away.

We enter through a Gothic porch, a spacious hall, leading to the parlors, which are simply but richly furnished - skillfully reflecting mirrors and choice paintings adding to the pleasing effect.

The library, adjoining, is a most unique and handsomely furnished room, and in the dining and bed-rooms in elegance and taste correspond with the parlor and library.

From a wide piazza, in a lovely window in front, we look down upon a miniature lake, on which sport the graceful swan, lordly geese and countless Muscovies.

A view of the garden presents a happy blending of the useful and ornamental - real vegetable gardening decorated. In fact, an observing eye will see at a glance over the surrounding grounds, beds, mounds and terraces, vines, shrubbery and arbors, that Mr Shepherd exhibits the same fondness for embellishment, garden, park and landscape, as do the English people of fortune and culture.

From the dwelling a fine gravelly walk leads down to the dairy and spring, while northward two white shelly roadways wind around a diamond-shaped centre plat, converging at the barn.

The stables, in which the well-bred driving horses stand, are constructed after the best models, and the mangers furnished with the latest contrivances for safe feeding.

The carriage room, with oiled floor, is equipped with barouches, phaetons, falling tops and village carts, while the room connecting exhibits a fine display of harness, most admirably arranged, - altogether affording the material for several handsome turnouts.

Around the stables are a number of fox and rabbit cages, while near by howl a pack of anxious hounds, ready for the chase - sport in which Mr. S. sometimes indulges.

Across from the stables is an octagon Japanese Pagoda, tastefully designed and painted, and surmounted by a gilt ball, weather cock and wild goose. Here stands the morning sentinal, who at appointed hours strikes the bell, giving signal and summons for all the workmen to repair to labor.

The barn and extended range of stables are planned and equipped with a view to the greatest convenience and usefulness.

A long row of painted shedding contains and shelters the various agricultural implements, all assorted and kept with the same system and care which mark everything about the premises.

Hostlers and watchmen are constantly on duty about the barn and stables, taking care of the property and the large herds of valuable cattle, sheep and hogs - all in quality and condition in keeping with the fine order of things so plainly visible wherever you turn.

Passing down the avenue from Wild Goose you behold dotted here and there over the farm, a number of modern style cottages where dwell the workmen in plenty, comfort and contentment.

Leaving the avenue and entering upon the well known Shepherd Grade, a mile drive over a fine stretch of wide level road, long famous as the course upon which the speed of many a steed was tried in other days, and you arrive at another branch of the Shepherd Homestead, now known as the *Lower Farm*.

This was the life-long residence of Mr. Henry Shepherd, Sr., the father of the present owner and proprietor, as also that of the grandfather, Capt. Abram Shepherd, who in the language of a memorial by an eminent divine of Virginia, "served with distinction in the Revolutionary War under Col. Hugh Stephenson. He marched with his company from Shepherdstown to Boston, in July, 1775, and in March, 1776, returned to New York. He was in the celebrated battle of Kings Bridge, Nov 16th, 1776, and after Col. Rawlings and Major Otho H. Williams, of Maryland, were wounded, he commanded the Rifle Regiment of Maryland and Virginia during the remainder of the action. He received a letter from Gen. Washington but two months before the General's death, speaking of him as a valuable officer in the Revolutionary War."

Here is a unique and queerly constructed large stone mansion, built more than a century ago, and while Mr. S. is making many improvements in the surroundings, including barns, stables and other buildings, yet the main dwelling itself is preserved, unoccupied by any one, in its original state, and its internal arrangement and much of the old time furniture still kept intact, even the old desk and armchair and huge inkstand remain as left by his father, in marked contrast with the too common spirit of the day, which soon loses attachment for old landmarks, and in the desire for change entirely obliterates them.

Situated on a beautiful incline, shaded by tall oaks and hardy locusts, its white walls look out in their virgin purity from amid the drooping foliage, giving an air and appearance of some ancient castle, but its chief glory is storied rather in traditions and memory of a venerated ancestry than in the architectural beauty or symmetry of the structure.

So which Thomas Swearingen is that? To help reduce confusion over the numerous Van and Thomas Swearingens mentioned in the text, a partial family tree is shown below for the two brothers from Maryland who began buying land near present-day Shepherdstown in the 1740s. Included are only children mentioned in the manuscript; for a more complete genealogy see the Swearingen forum at www.genforum.genealogy.com/swearingen, especially Karel L. Whyte 2000, Six Generations of Swearingens: Descendants of Gerret Vanswearingen at the family tree link in <http://home.neo.rr.com/thorn/swearingen>

Thomas “of the Ferry” Swearingen d. 1760

Started ferry in 1755

He had 9 children including:

Benoni Swearingen

-died 1798

-given ferry when 5

-in MD legislature

Two Children:

Sara - m. John Blackford

Henry - died in Kentucky

Maj. Thomas Swearingen

-died 1786

- lot of Kentucky land

- home, mill near Scrabble

Five Children including:

Thomas - founder of Scrabble, ran mill, d. 1811

Van - killed at St. Clair's Defeat

Andrew - later managed Kentucky lands

Indian Van Swearingen

-died 1793

-moved to Ohio River abt 1772

-filed lawsuit v. Abraham

Shepherd about Terrapin Neck

-aka Van Swearingen Jr

At least Six children including

Thomas - killed by Indians near Ohio River 1787

Thomas II – born between 1787 and 1793

Col. Van Swearingen - d. 1788

Owned plantation that became NCTC

Brother of Thomas “of the Ferry” Swearingen

He had 6 children including:

Josiah Swearingen

-died 1795

-surveyor, soldier

-inherited Springwood

Four Children:

Eleanor - m. Thomas Worthington

James

Thomas

Samuel

note: all 4 moved to Ohio. Thomas and Samuel sold Springwood to Abraham Shepherd after Josiah's death.

Hezekiah Swearingen

-died 1817

-owned plantation across

road from Springwood

Two Children:

Van - owned RiverView Farm complex

Mary - m. James Foreman

note: Van's children inherited, broke up, sold RiverView Farm between 1838-1869

Thomas Swearingen

-died as young man in 1780

- wife Hannah

- given John Van Meter's home

no children