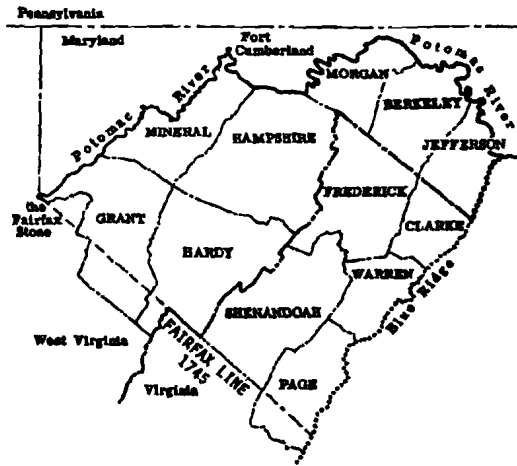


Pioneers of Old Frederick County, Virginia



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Marceline, Missouri
Walsworth Publishing Company
1995

Court Order of 27 May 1743.¹⁸⁵

He wrote his will on 15 February 1749 which was proved 14 February 1749/50 in Frederick County, Virginia; "Legatees and Executors" were William Davis and Samuel Walker.¹⁸⁶

HART

On 19 October 1734, Thomas Hart was an adjacent landowner when "John Hart and wife Ellenor" sold 137 acres in Warminster Township, Bucks County, Pennsylvania which he had received from his father John Hart, deceased.¹⁸⁷ Thomas was in Orange County on 29 March 1735 (the New Year began March 25) when he entered into an agreement with Jost Hite to buy 1,000 acres on Elk Branch on the "Waggon Road from Potomack to Opeckon" and an additional 500 acres "2 mile or more northward." According to the deposition of his son Thomas (b. 1723/24), Jost Hite signed a bond in the amount of 100 pounds guaranteeing a "good and lawful title to the two tracts: and his father was "to pay Hite 20 pounds at completion of survey and 20 pounds 1 year later" for a total price 40 of pounds for which Thomas gave Jost his bond on 29 March 1735.¹⁸⁸

James Wood surveyed 1,300 acres on Elk Branch for Jost Hite on 8 November 1735.¹⁸⁹ This constituted the total of Hart's land rather than the agreed upon 1,500 acres. (Tract 84, Map 3) Within this tract are the three communities of Shenandoah Junction at the southwest corner, Duffield in the center and Skeetersville on the east. The Warm Springs road (Jefferson County, West Virginia County Road 48/2) lies on the northernmost west side but not on his land and was where Thomas Sr. lived and had an "ordinary liscence" on 23 September 1742.¹⁹⁰ The Flowing Springs Road (Jefferson County, West Virginia County Road 17) was in the center of the tract and was probably the "Potomack to Opeckon Waggon Road."

Thomas was "appointed Constable in the room of Peter Hilton 25 March 1742" and was re-appointed on 27 April 1742; his bailiwick extended "from Opeckon to Bullskin." On 23 September 1742, he and three others were ordered by the Orange Court "to view and lay off a road from Jonas Hedges land in the gapp of North Mountain comonly called (Israel) Robinson Gapp...down to Westalls (Vestal's Ford)." The Court ordered that the land be cleared for this road on 27 May 1743 and at the same Court, it was ordered that the road which had been viewed from Teague's Ferry (Potomac River) to Bullskin to Kersey's Ferry (Shenandoah River) also be cleared with Thomas Hart selected to be overseer of the section from Teague's Ferry to "John

¹⁸⁵ Orange County, Virginia Court Book 3, p. 447.

¹⁸⁶ Frederick County, Virginia Will Book 1, p. 361.

¹⁸⁷ Philadelphia County, Pennsylvania Deed Book, F-8, p. 68.

¹⁸⁸ Hite/Fairfax Lawsuit, British Copy, pp. 119-125.

¹⁸⁹ Filson Club, Louisville Kentucky, Hite Family Manuscripts, Copy of Survey.

¹⁹⁰ Orange County, Virginia Court Book 3, p. 236.

Tradan's old place."¹⁹¹

Lewis Neill, assignee of Thomas Hart Sr., entered a warrant with Lord Fairfax's office on 28 September 1752 for 392 acres; the land was surveyed on 26 December 1752 and a grant issued on 3 January 1754. (Tract 84A) Melger Ingle, another assignee of Thomas Hart Sr., had 397 acres surveyed a day later and a grant was issued for it on 1 January 1754.¹⁹² (Tract 84A-1) This tract, from Lewis Neil's line to Flowing Springs Road, was the west line of son Miles Hart's home place containing 187 acres for which he received a Fairfax grant on 26 October 1756.¹⁹³

Thomas Hart Jr. was assigned power of attorney for his father on 3 September 1754¹⁹⁴ because Thomas Hart Sr. intended on moving to North Carolina. Jost Hite became aware of Hart Sr.'s intentions and filed a complaint in Frederick County, Virginia Superior Court on 17 October 1754, claiming a debt of 50 pounds for non-payment of the purchase price of the 1,300-acre surveyed land. Thomas Jr. and "one Morgan became Special Bail for his father and he proceeded on his journey" to North Carolina. Thomas Hart Jr. and Jacob Hite settled the dispute with this agreement: interest would not be charged; Hite would pay the survey fees, approximately 23 pounds, which would be deducted from the principal owed since Hart Sr. "had never enjoyed the full Quantity of Land stipulated in the contract and account of Col. Fairfax having entered a part"; Hite's 100 pound bond would be returned to Hite.¹⁹⁵

Miles Hart appointed his brother Thomas to hold his power of attorney on 26 October 1757¹⁹⁶ and probably moved to Orange County, North Carolina where he was residing when he sold his 187-acre home place to John Humphrey for 200 pounds on 1 December 1762.¹⁹⁷

Thomas Hart Jr. (now Sr.) sold 132 acres of his 323-acre Fairfax grant (of 5 July 1755) land to Thomas Hart Jr. on 16 October 1775.¹⁹⁸ This tract, "where Thos. Hart the younger now lives on Cabbin Run," was located south of the Neil and Engle surveyed land.

FRIEND

In 1727, Israel Friend secured a Deed from the Indian Chiefs of the Five Nations for land beginning "at the mouth of Andietum Creek"¹⁹⁹ and operated a mill on this property prior to 1736.²⁰⁰

¹⁹¹ *Ibid.*, pp. 114, 150, 236, 447.

¹⁹² Joyner, Northern Neck Warrants and Surveys, Frederick County, Virginia, pp. 70, 80; Gray, Northern Neck Grants, H-412, H-414.

¹⁹³ Gray, Northern Neck Grants, H-720.

¹⁹⁴ Frederick County, Virginia Deed Book 3, p. 343.

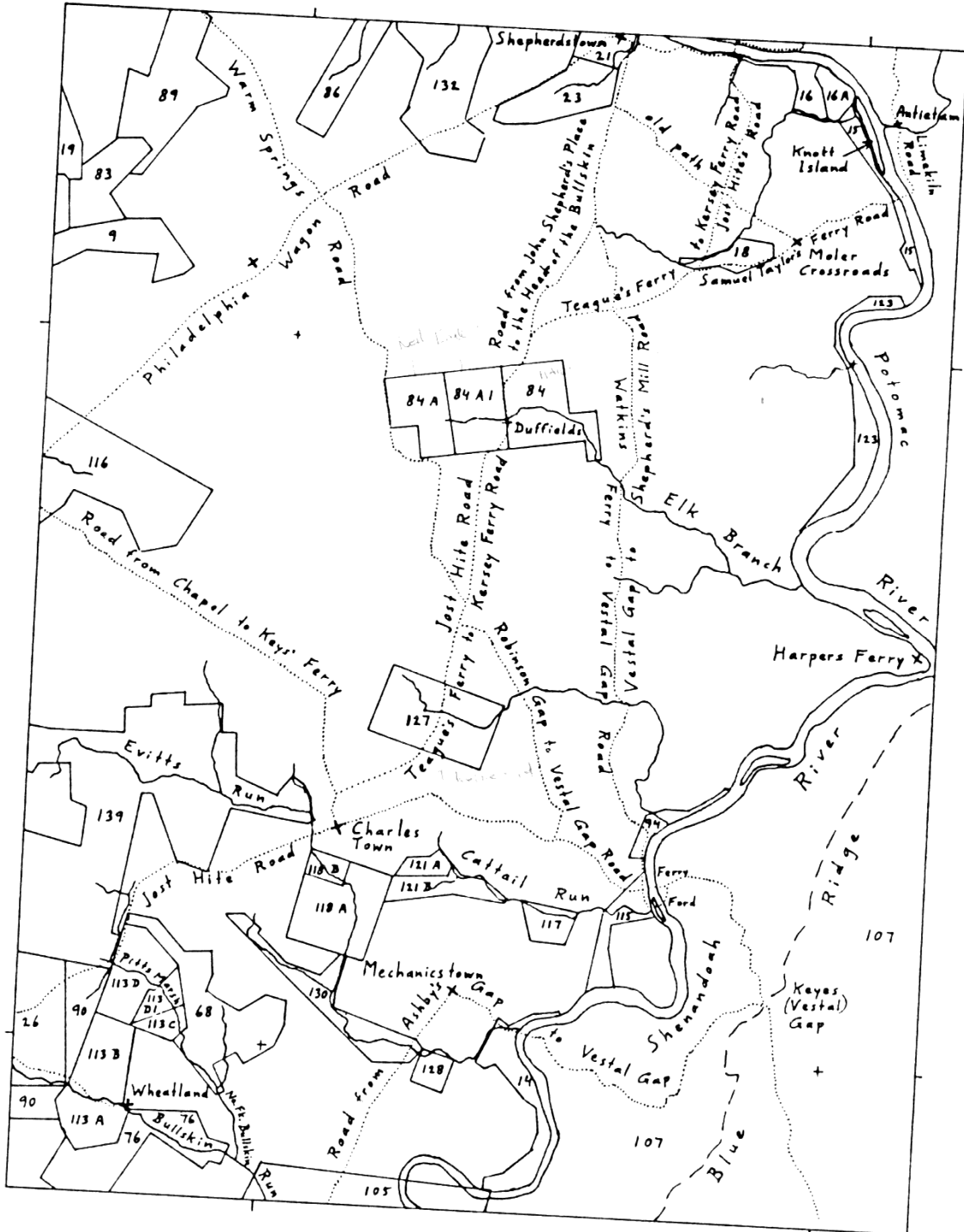
¹⁹⁵ Hite/Fairfax Lawsuit, British Copy, pp. 119-125.

¹⁹⁶ Frederick County, Virginia Deed Book 7, p. 260.

¹⁹⁷ *Ibid.*, Book 8, p. 179.

¹⁹⁸ Berkeley County, West Virginia Deed Book 5, p. 434.

¹⁹⁹ "Maryland State Highway Commission" sign at junction of Harpers Ferry Road and Limekiln Road.



Map 3
 Charles Town Area to Moler Crossroads Area