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THE ACQUISITION AND DISPOSAL OF PUBLIC LANDS OF THE U.S. ARMORY AT HARPER'S FERRY, WEST VIRGINIA 1796 - 1885

by

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Volume I

A Narrative History

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PREFACE

This study has been prepared as the first of a series on the history of Harpers Ferry after the Civil War. The following complex story of the acquisition and disposal of the public lands and buildings of the U.S. Armory at Harper's Ferry, West Virginia, lays the basic groundwork for all the economic and industrial development that did and did not take place at Harper's Ferry after the war. It also suggests the reasons why the town sank into a state of industrial and economic suspended animation for twenty years, from 1865 to 1885, and when, like Rip Van Winkle, Harper's Ferry awoke from its long sleep, the world had left the town far behind. Techological changes had rendered industry largely independen of water power and so when Harper's Ferry's water power was finally built, it was much less important and the town was never again to achieve the economic and industrial status that it had enjoyed before the Civil War.

The study has been divided into three sections, or volumes: Volume I, the present section, consists of a narrative history of the acquisition and disposal of the public lands at Harper's Ferry from 1796 to 1885. Volume II, contains a record of all deeds issued by the United States Government for the public lands at Harpers Ferry from 1852 to 1885, together with other data that documents the narrative history of Volume I. Volume III is comprised of the extensive series of letters, reports, and studies relating to the sale of the U.S. lands at Harpers Ferry during the years 1865 to 1885 that were published in the records of the U.S. Congress. These documents further support the narrative history of Volume I.

It is suggested that two further studies be programed to complete the chief industrial history of Harper's Ferry in the post Civil War years. The first and must important of these would be of Thomas H. Savery and Compan who redeveloped and utilized the water power of the Potomac and Shenandoah

Rivers for industrial purposes from 1886 to 1942.

Secondly, a similar study of the redevelopment of the water power of the Island of Virginius by Jonathan C. Child and John A. McCreight during the period 1867 to 1889, when their company failed.

When the mills of Savery & Company closed their doors forever in the 1940's, Harper's Ferry's days as an industrial center came to an end and the town began to die rapidly.

Charles W. Snell

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CHAPTER I

THE ACQUISITION OF LAND FOR THE U.S. ARMORY AT HARPER'S FERRY, VIRGINIA, 1796 to 1861

1. Title to the Lands, 1751 to 1796:

Nearly all of the real estate that formed the core of the U.S. Armory at Harper's Ferry's land holdings, 1796-1884, was originally held by Robert Harper, under two patents to him from Lord Thomas Fairfax, proprietor of the "northern neck" of Virginia, dated respectively April 5,1751 for 125 acres, and April 19,1762 for 92 acres, and also a patent from Governor Horatio Sharp of Maryland for an island, later known as Byrnes Island, in the Potomac, issued on July 28,1763.[1] Robert Harper, a mill-wright from Pennsylvania, resided at and improved his wilderness property at Harper's Ferry from 1751 until his death in October 1782. Under his will he bequeathed the western half, including his residence and flour and saw mills, which were located on or adjacent to the Hall Islands in the Shenandoah River, to his nephew Robert Griffith. The eastern half, which included his new stone tavern, Bldg. No. 1A, his ferry rights on the Potomac River, "and" all my estate, right, and title to the Maryland shore of said ferry, and also,... to and for ten acres upon what is called the Big Island, up the Potomac River, adjoining the ferry aforesaid,"[2] Harper left to his niece, Sarah Harper, who was the wife of John Wager, Sr. and residing in Philadelphia. The Wager family, who continued to live in Philadelphia,

1. Lord Fairfax's Deed of April 25,1751 to Robert Harper, is in Northern Neck Grants, Book 6, p. 496, 125 acres, Virginia State Library, Richmond, Virginia. Date on 2nd deed for 92 acres, dated April 19,176, from recital of facts in Thomas Rutherford and others to United States, deed of B. & S., February 20,1797, in National Archives Record Group No. 121, Entry 75, Warrenty Deeds and Correspondence, Harpers Ferry, W. Va., 1796-1880, Tray 1, Data on island from National Archives Record Group 153, Office of the the Judge Advocate General, Military Reservation Reservation Division, 1809-1942, Box 44, with copy of deed. Also see " Letter from the Attorney General in answer to a resolution of the House of March 26th last[1867], relative to the title to relative at Harper's Ferry," December 5,1867, printed in House of Representatives Executive Documents, Vol. 7, 40th Congress, 2nd Session, 1867-68, Serial No. 1330, Document No. 17, page 3- This includes an abstract of title of much of the land. Herafter refered as "Abstract of Title, SN.1330. For Harpers' deed of April 19,176?, see Harpers Ferry

during this period, leased out the ferry rights and tavern, and held title to the property from 1782 to 1796.

2. The United States Acquires Land for an Armory at Harpers Ferry, 1796-97.

An Act of Congress, approved April 2,1794, authorized the erection, repairing and operation of national arsenals and armories by the newly established U.S. Government. Acting under the terms of this law, President George Washington directed his Secretary of War to purchase the necessary lands and to establish a national armory at Harpers Ferry for the purpose of manufacturing arms.[3] Accordingly, on June 15,1796, John Wager, Sr. sold all of his wife's Harper's Ferry inheritance, except for six acres of land retained in what became known as the "Wager Six Acre Reservation, another three-quarters of an acre retained in what was called the "Wager Ferry Lot Reservation", and his ferry rights on the Potomac, to the United States Government for $ 7,016.66.[4] Included in this transaction for approximately 117 acres was his title to "an Island in the River Potomack opposite to Harper's Ferry containing about Twenty Acres."

On February 20,1797, Thomas Rutherford, William Darke, Van Rutherford, and Mary Rutherford, executors and executrix of Thomas Rutherford, Jr., deceased, in consideration of $ 10,000 paid by the United States, conveyed to "George Washington, President of the United States and his successors forever" about 310 acres of land

2."Last Will of Robert Harper of Berkeley County, Va., dated September 26, 1782, probated October 15,1782,National Archives Record Group No. 153, Military Reservation Division, Box No. 44. Portions also printed in "Abstract of Title", S.N. 1330, p. 3. For Will, see Appendix No. 2. p.94.

3.Public Statees at Large of the United States of America Vol. 1(1845),p.352, see Appendix 4,87 for copy of law.

4.Copy of Warrenty Deed, John Wager,Sr. et el, Berkeley County. Va., to U.S., June 15,1796, in Record Group No. 121, Public Buildings Service, Entry 75-Warrenty Deeds and Correspondence,1796-1884, for Public Lands of the U.S. Armory at Harpers Ferry, Va., Tray No. 1. "Abstract of Title, "S.N. 1330,p.4. See Appendix No. 2 for copy of this deed. p.98/

consisting of the western portion of the estate that Robert Harper had left to Robert Griffith and "which was subsequently [by deed dated January 9,1797) conveyed to the grantors by the heir at law of said Griffith." [5] Thus by the spring of 1797, at a total cost of $ 17,016.66, the United States Government had obtained title to 427 acres of land that was form the chief seat of the operations of the U.S. Armory at Harpers Ferry from 1796 to 1861.

There was, however, a downward adjustment of four acres in 1803. John Wager, Sr. died in 1803, and the executor of his estate, Edward Lucas, noticed that under the terms of Robert Harper's will, Wager should have established four acres of land around Harper's grave as a graveyard, but had failed to so. Also, as Wager had retained title to only six and three-quarters acres of land in Harpers Ferry, which was not near to Robert Harpers' grave, the Wager family could not now carry out Harpers' request. This ommission, the lawyer pointed out, might not only invalidate the Wager family title to their 6 3/4 acres but also the United States title to the 117 acres that had been acquired from Joh Wager. In order to correct this situation, Samuel Annin, Paymaster of the U.S. Armory at Harper's Ferry, surveyed and laid out the four acre cemetery in late 1803. [6]

The correct total acreage available after 1803 was thus 423 acres, and not 427 acres, as was listed in Ordnance Department records. Of the total of 423 acres, approximately 72 acres were used to establish the U.S. Musket Factory or Armory on the Potomac River, 13 acres to erect the U.S. Rifle, or Hall's Factory on the Hall Island in the Shenandoah River, and about 3/4 of an acre on Blocks A and B, Shenandoah Street, to construct two arsenal buildings in which

5. Copy of Warrenty Deed, Thomas Rutherford et ux, Berkeley County, Va., to United States, February 20,1797, in National Archives Record Group 121, Entry 75, Tray 1. For copy of deed, see Appendix No. 3. p.104.
" Abstract of Title," S.N. 1330, p.4.

6. The Survey of the Harper Cemeetery is recorded in Deed Book 3, p.108, Jefferson County, Courthouse, Charles Town, W. Va., Paymaster Samuel Annin to the Secretary of War, January 1804, notifying the Secretary of this action. Harpers Ferry NHP Microfilm Reel 18, Vol. 2, p.174.

to store the newly manufactured arms. The balance of the land, some 337¾ acres, was really surplus to the Armory's real needs. Events were to prove that in fact the United States owned too much land in Harper's Ferry and this was to create many problems for the Government as the population of Harper's Ferry began to expand as the Armory grew.

For a Map illustrating the 1796-97 acquisitions, see Map No. 2. on p.125.

3. Additions to the Original Holdings:

a. Friends' Ore Bank, 1800:

On May 8, 1800, Henry Lee and wife, in consideration of payment to them of $ 24,000, conveyed to the United States, " all the iron ore , with all the rights, &c., necessary for digging, raising and removing the same, in a certain tract of land in Berkeley[now Jefferson] County, Virginia, adjoining the Potomac, containing about 1,600 acres, which is a bank of iron ore known as ' Friends' ore bank," excepting so much thereof as has been conveyed by said Lee to John Potts and others. They also conveyed "one-half acre of land adjoining the said river, to be selected for the United States... by their agent.."7

On June 20,1800, John Potts and his wife, George North and his wife, and William Wilson, of Berkeley County and Alexandria, Virginia, in consideration of $ 42,000.00 conveyed to "John Adams, President,&c. his successors," "the right of digging ore from ' Friends' ore bank' held under said Henry Lee &C." AND 221 acres of and buildings of a tract known as the "Keep Tryste Furnace." 8 On September 21,1819,

8A. ...continued. Approved March 3,1819. U.S. Statues at Large, Vol. 3, p. 521. Also "Abstract of Title, SN.1330," p. 6. For copy of deeds See Appendix No. 2, pp. 110 and 117. ... September 19,1[illegible], Col. Bomford, Chief of Ordnance to Secretary of War. Jan.12,1837, National Archive RG 153, Box 45.

7. Warrenty Deed, Henry Lee et ux, Westmoreland County, Virginia, to the United States, May 8,1800. in National Archives Record Group 121, Entry 75, Tray No. 1. See Appendix 2, p. 107 for copy of deed. This Henry Lee was "light Horse Harry" Lee of Revolutionary fame and the father of Robert E. Lee. "Abstract of Title" S.N.1330,p.6.

8. "Warrenty Deed, George North et al., to United States, June 20,1800," National Archives Record Group No. 121, Entry 75, Tray 1. Also conveyed was a tract of land with buildings and improvements, located on the Potomac adjacent to the "Keep Tryste furnace" [illegible] lot was sold by the United States under the authority of [illegible]

the U.S. sold the acre Keep Tryste Furnace Tract to John Preacher for $ 15,000.00, thus reducing the total cost from $ 42,000 to $ 27,000 (840

Thus in 1800 and at a cost of $ 51,000 the United States obtained title to 1,600 acres of iron ore land known as the " Friends' Ore Bank ". This property was located on south bank of the Potomac River, in Jefferson County, several miles northwest of Harpers Ferry Armory, and was to be used to ensure a supply of iron for the manufacture of arms. The Ordnance Department,1800-1860, did not include this land as a part of the Armory property, but in the land disposal programs of the 1869-84 period, the Friends' Ore Bank was offered for sale as a part of the Armory real estate.

b. Timber Rights on 1395 acres of Land, 1813:

On August 20,1813, in consideration of $ 20,860.62½, Fernando Fairfax amd others sold to the United States the perpertural right to cut all "the trees,woods, and underwoods of every sort and denomination " on 1,395 5/8th acres of mountain land that lay on the south side of the Shenandoah River, opposite to Harpers Ferry, in Jefferson and Loudoun Counties,Virginia. This acquisition was known as "the Shannondale tract". The object of this purchase was to supply the public workshops, offices, and quarters of the U.S. Armory at Harper's Ferry, with wood for fuel and also to make charcoal which was utilized in the production of arms.[9] See Map No. 3, for a 1811 survey of the wood land tract.[P.137 and 139] Part[about 216.80 acres]of this 1,395-acre timber tract were included within the bounds of Harpers Ferry National Historical Park in 1953.

c. Ferry Rights on the Shenandoah River, 1818:

On October 27,1818, on the receipt of $ 5,000, Fernando Fairfax sold the ferry rights across the Shenandoah River , the ferry and a farry tract of 68 acres and 80 square perches of land, with the buildings, located on the south bank of the Shenandoah River, to the

9. Fernando Fairfax, et ux, to the United States, Deed of B. &. S. August 20,1813, in National Archives Record Group 121, Entry 75, Tray 1; Also recorded in Deed Book No. 8, p. 63, Jefferson County Courthouse, Charles Town,W.Va.- Also copy on Harpers Ferry NHP Microfilm Reel No. 24, Vol 6, pp.549-550. For copy of deed see Appendix No. 7. "Abstract of Title," S.N. 1330, p. 6. See Appendix No. 2,p.120 for deed.

United States.[10] The ferry was purchased to eliminate the high cost of ferrying wood cut on the 1,395 acres of timberland on the south side of the Shenandoah River over to the Armory side. The United States Armory operated the Shenandoah ferry under a leasing system from 1818 to 1843. In the latter year the first bridge, a toll bridge, was constructed over the Shenandoah at Harpers Ferry and the ferry ceased to function again till the toll bridge was destroyed in the Civil War. For the 1818 survey of the Shenandoah Ferry Lot, see Map No. 5. This 68 acre tract is included within the bounds of Harpers Ferry National Historical Park.

By 1819 the United States Armory at Harpers Ferry held title to a total of approximately 1,886 acres of land that had been acquired at a cost of $ 42,877.28. If the 1,600 acre Friends' Ore Bank is included, then the total acreage was 3,486 acres and the total cost, $ 93,877.28. In "A Statement of the expenditures at the United States Armory at Harper's Ferry, and of the arms made and repaired therein, from its establishment[1796] to the close of the year 1821," the Ordnance Department informed Congress that a total of $ 2,601,409.35 had been spent at Harper's Ferry. Of this total, $ 2,171,490.49 had been expended on the manufacture and repair of arms, $ 63, 458,49. for the packing and transportation of arms, $ 256,509.41 for the construction of buildings, mill-dams, canals, and other permanent improvements, $ 66,793.32 for the repair of buildings, canals, and dams, and $ 42,877.28 for the purchase of land. The acreage was stated to be 1,890 acres(thus including the 4 acres in Harpers Graveyard) and the total number of buildings, including 89 dwelling houses valued at $ 47,600.00, was 113 structures valued at a

10. A Warrenty Deed, Fernando Fairfax to the United States, October 27, 1818, in National Archives Record Group 121, Entry 75, Tray No. 1. Also recorded in Deed Book No. 10, p. 402, Jefferson County Courthouse, Charles Town, W.Va. Also copy of deed on Harpers Ferry NHP Microfilm Reel No. See "Abstract of Title," S.N. 1330, p. 5.
For deed, see Appendix No. 7, p.124, for maps, No. 4 and 5, see p.139 and 140.

total of $ 150,650. The report further stated that a total of 119,911 new muskets and 19,718 new rifles had been produced to date.[11]

d. Water Power Rights on the Shenandoah River, 1833:

In the 1830's, the Ordnance Department decided to greatly increase the production of John H. Hall's contract rifle and in order to accomplish the water power facilities on Halls Islands in the Shenandoah had to be expanded. To increase the flow of water, the existing U.S. dam had to be extended completely across the river and this would effect the water power of the John Strider, who owned the Gulph Mills, which were located immediately above or west of Halls Island. On June 27,1833, the United States Government paid Strider $ 2,600 for the use of the water in the Shenandoah between his mills and rifle factory on Halls Islands and also for his consent to construct the dam across the Shenandoah.[12]

With this acquisition, the total expenditures for land at Harpers Ferry, excluding the Friends' Ore Bank, stood at $ 45,477.28 and the acreage, excluding the 4 acre Harper Grave Yard, was 1,886 acres.

11. American State Papers: Military Affairs (Washington, D.C.,1834), II, 481-482.

12. Deed, John Strider and others, to the United States, June 27,1833, in National Archives Record Group 121, Entry 27, Tray 1. Deed also recorded in Deed Book 18, p. 431-432, Jefferson County Courthouse, Charles Town,W.Va. See also "Abstract of Title," S.N. 1330, p.5. For deed, see Appendix No. ?, p. 127. On March ?,1836, Congress appropriated $ 4,600 to purchase the water rights and construct the dam on the Shenandoah River, U.S. Statues at Large, IV, p.642.

4. U.S. Grants of Rights of Way Across Armory Property:

a. To the Potomac Company, 1806:

In an agreement dated March 3, 1806, the United States granted the Potomac Company the authority to construct a canal with locks through the public lands on Halls Island.[13] Potomac Company completed its construction of the the canal and locks on the Shenandoah River in 1807.

For the 1807 map illustrating this right of way, see "Plat No.62 with No title and a legend reading"Shewing the Shenandoah River, Shenandoah Canal, Hall's Island, and house where Robert Harper Died, his mills and races, Scale: 8 perches to an inch. Listed in National Archives Cartographic Section, Record Group No. 477, as Dr. 118-62. Map No. 43[14] This plat is in Harpers Ferry NHP Map Case, Drawer No. 9.

b. To the Winchester and Potomac Railroad Company, 1835:

On January 27, 1835, President Andrew Jackson granted the Winchester and Potomac Railroad Company a right of way for its tracks across the the U.S. lands along the Shenandoah River at Harpers Ferry. The grant specified that the right of way was to be 50 feet wide across Blocks A and B, Shenandoah Street, and 30 feet wide as it crossed Blocks C, D, E, and F, Shenandoah Street, and also on the Hall, or U.S. Rifle Factory, Islands. The grant further specified that the railroad track was to elevated and mounted on trestles as it crossed the U.S. lands in order to permit the inhabitants of these blocks free access to their lots.[15] The railroad company completed the construction of its lines and began operations in 1836.

13. Articles of Agreement, March 3, 1806, Thomas Jefferson, President of the United States and the Potomack Company, in National Archives Record Group 153, Military Reservation Dividion, Box 44. Copies of this agreement are on Harpers FERR NHP Microfilm Reel 22, Vol. 13, pp. 1265-1267. See Vol.III, p. 118 .See Vol.HI,p.148, for the Agreement and Map.

14. Armory Paymaster Samuel Annin letters of April 21 and May 14,1807 ,accompanying the plat are on Harpers Ferry NHP Microfilm Reel No. 18, Vol. 1, p. 50 and 52. See Vol. III, p.141-47, for right of way report and 1834 map.

15. see Report of Lieutenant Colonel Kearney and Captain Trunbull, of the Corps of Topographical Engineers, in reference to a Resolution of Congress Passed During its Last Session , Authorizing the President to Grant under Certain Conditions a Right of Way to the Winchester and Potomac Railroad Company over the Public Ground at Harpers Ferry, October 23,1834-Harpers Ferry NHP Microfilm Reel 17, Vol. 4, p. 272-273- Continued on next page.

To the Baltimore and Ohio Railroad Company, 1838

On November 5,1838, the United States granted the Baltimore and and Ohio Railroad Company a twenty-foot wide right-of-way through the U.S. Musket Factory yard up along the south bank of the Potomac River. The railroad company's right of way extended from the existing U.S. stone river wall 20 feet forward into the Potomac, meaning that the railroad had to built into the river.[16] The railroad entered Harpers Ferry, via its Potomac River bridge in June 1841, and in June 1842, began running on a trestle through the Musket Factory yard as far west as Hancock.

For a Water Tower, B & O. R.R., 1855.

On November 16,1855, Armory Superintendent Henry W. Clowe, acting under authority and instructions from the Secretary of War Jefferson Davis, with V. Brooks, President of the B & O. R.R. entered into a formal agreement[17] under which the B & O. R.R. Company was permitted to erect a brick water tower about 17 feet square and about 36 feet high in the musket factory yard, with the understanding that it would be removed if requested. The tower, erected in 1856, was destroyed on February 7,1862, during the Civil War.

15. Continued: and "Map of Harper's Ferry Shewing the Location of the Winchester and Potomac Railroad," drawn by Lieuts White, Allen, and R.S. Smith, U.S. Army, under the Direction of James Kearneym Lt. Col. and T.E., - 1835 Map No. 2 - approved by President Andrew Jackson, January 27,1835. Map A, 1834 in Vol. III, p. 146.

16. Agreement between J. R. Poinsett, Secretary of War, and Louis McLane, President of the B & O. R.R. Co., November 5,1838, National Archives R.G. 121, Public Buildings Service, Harpers Ferry Case No. 154 (MS). See Vol. III, P. 63, for agreement.

17. Agreement, November 16,1855, Harpers Ferry National HP Microfilm Reel 25, Volume 9, p. 936-937.

Agreement and Map in Vol. III, p. 63- Map on p. 66.

e. Bridge Across the Shenandoah River, 1843.

An August 1,1842, the Congress of the United States passed a law that granted the Shenandoah Bridge Company at Harper's Ferry the right to construct a toll bridge across the Shenandoah River at that town. The right was granted on condition that " all agents, servants and property [slaves] in the service of or belonging to the United States shall pass and be transported free of toll."[18] This bridge was completed in 1844 and was destroyed (after being rebuilt several times-1844-1860) by Virginia Confederate troops on June 28, 1861. With the destruction of bridge, the Shenandoah ferry rights reverted to the U.S. Government and were to be offered for sale at the public auction held at Harpers Ferry of Armory Property in December 1869.[19]

19. From August 12,1865 to 1869, the War Department granted the Shenandoah Bridge Company a temproary license to operate a ferry across the Shenandoah River at Harper's Ferry. The company stated that it wished to rebuilt the toll bridge and would operate the ferry during the period of construction. The Company operated the ferry but made no effort to r ebuilt the bridge. A Collection of Annual Reports and other Important Documents Relating to the Ordnance Department,...IV, 1047.

18. Attorney General of the U.S. to Secretary of War John B. Floyd, August 13, 1860, Harpers Ferry NHP Microfilm Reel No. 27, Volume 8, p.796-797, also see Volume 10, p. 973-975. Law in U.S. Statues at Large, Vol. 6,818-819,

for copy of 1842 law see Volume III, p. 147.

5. Acquiring Title To Buildings or Improvements erected by Private Individuals Erected on Armory Lands.

a. Housing for the Workmen, 1800-1832:

Housing the 200 to 250 Armory workmen and their families at Harpers Ferry during the first quarter of the 19th century was not an easy task because: (a) There was almost no housing available when the Armory began operations in 1800-1801 and the work force expanded much more rapidly then additional dwellings could be built.

(b) The normal remedies for solving these difficulties could not be applied at Harpers Ferry because there was no private land available for the workmen to purchase and on which they could erect their own homes. The United States Government owned all of the land at Harpers Ferry except six and 3/4th acres, which belonged to the Wager family. The Wager family refused to sell any of this property and leased it only at high ground rents to merchants who in turn erected stores and charged the Armory employees high prices to recoup their ground rents.

Armory superintendents attempted to solve the housing problem by adopting a two fold policy: 1st, funds were requested from Congress to construct Armory dwelling houses on the public land to be rented to the workmen; and 2nd: when the work force expanded faster than Congress appropriated money to erect more housing, the Armory superintendents permitted the workmen to build their own houses on the public land and also to make repairs, additions, and improvements to existing Armory-constructed public-owned dwellings.

By December 31,1821, a total of 87 dwelling houses and two school houses had been erected on the Armory land to house the work force of 271 men. Valued at $ 47,600, this total

of 89 buildings was comprised of

20 brick, 7 stone, and and 62 wood houses.[1]

On September 6,1823, Armory Superintendent James Stubblefield advised the Ordnance Department that there were 84 claims totalling $ 8,868.55 for improvements that Armory workmen had made to the dwellings standing on the public land at Harpers Ferry.[2] Funds were accordingly requested and received from Congress to settle these claims as follows:

Year (Fiscal)	No. of claims settled	Amount paid	Appropriated by Congress
1823	42	$ 5,758.30	
1824	13	1,671.96	
1825	5	1,031.60	
1826	4	0	
1827	6	200.00	
Paid:	70	$ 8,661.86 [3]	

While these claims were being settled, Armory workmen were busy erecting new houses and repairing and inproving existing dwellings on the the public lands at Harpers Ferry. Thus in February 1829 Superintendent Stubblefield advised the Ordnance Department that there were still 43 claims totalling $ 8,054.07 outstanding on the dwellings on public land.[4] Congress accordingly appropriated additional money which was expended as follows:

1830- 8 claims settled: $ 1,114.81¼
1831- 21 claims settled: 3,436.10 [5]

Total,1822-1831 104 claims: $ 13,212.77¼

1. American State Papers, Military Affairs, II, 481-482.
2. Harpers Ferry NHP Microfilm Reel 21, Volume 7, 696-698, also 43-44.
3. HFNHP Mircrofilm Reel 17, Volume 3, p.235-236; and National Armory Accounts,1823-1829, National Archives Record Group 156,Entry 935.
4. HFNHP M.Reel 17, Vol. 236.
5. NHNHP. M.Reel 20, v. 5,p. 421,437; Reel 22,Vol. 12,p.1124.

But the workmen at Harpers Ferry Armory were not yet done and the new Superintendent, George Rust, Jr. informed the Ordnance Department on October 29,1831 that he had a list of 67 unpaid claims totalling $ 6,346.50 before him.[6] Congress had had enough, and for four years refused to appropriate money to settle the outstanding claims. On January 7, 1832, the Ordnance Department also ordered the Superintendent of the Harpers Ferry to prohibit the further construction of new housing and the repair and improvement of Armory dwellings by the workmen.[7] This decision had been made by the Secretary of War.

Finally in 1836, in response to the repeated requests of the Ordnance Department, Congress appropriated $ 4,546 that the Department had asked to settle the outstanding 67 claims for $ 6,346.50 in improvements. (By error, apparently, the Ordnance Department had failed to request the full sum). The Department now ordered the Superintendent to settle the 67 claims by prorating the available money among the 67 workmen.[8] The Chief of the Ordnance Department decided that the claimants were to be paid at the rate of 71 cents to the dollar. These claims were and settled at paid this rate in the period April 1837 - September 1838.[9]

The grand total of cost of acquiring all claims for construction, repair, and improvements by private individuals of dwellings on Armory land, from 1800 to 1832, thus amounted 165 claims and $ 17,758.77½.

CONTINUED

On January 11, 1836 the Ordnance Dept asked Congress to appropriate $4,548 for Payment for Repairs and additions upon the Public Dwelling Houses, made by workmen to Armory, To whom they have been assigned as dwellings. - House of Representative Executive Documents, 24th Congress 1st Session 1835-1836, Vol 3, Serial no. 288 Document no 90, p. 7. and 9. Money appropriated July 2, 1836 - US Statutes at Large V p. 77

6. HFNHP Microfilm Reel 22, Vol 12, p.1124
7. HFNHP M. Reel 24, Vol. 11, p.1036.
8. HFNHP M. Reel 12, v. 3, 222-223; Reel 24, Vol. 9, p.837-840.
9. Reel 24, Vol. 9, p.837-840.

ARMORY DWELLINGS ON PUBLIC LANDS AT HARPERS FERRY

	1800	1810	1821	1832	1849	1860
Brick	0	8	20		54	20
Stone	0	1	7		33	11
Wood	1	6	62		61	2
Log		many cabins			0	0
Total:	1	15	89	127	148	33
Work Force	10	197	271	349	311	250
Families in housing		36	115		123	

The greatest number of dwellings was 185- in 1847; the government then begain demolishing the worst of them and by June 30,1848-the total stood at 161 houses.

b. Mercantile Buildings on Public Lands, 1816-1838:

In addition to allowing Armory workmen to build their homes on public land, Armory Superintendent James Stubblefield also permitted a few (nine) favored individuals to erect substantial mercantile structures on the public lands. He justified these "leases" by stating that these stores would introduce competition, hence reducing prices charged Armory workmen, into the market at Harpers Ferry which was controlled by the Wager family monopoly of private land in the town. The stores were built and opened, but the prices did not fall, as the Wager-land and public-land merchants cooperated to bilk the Armory workmen.

In 1829 the Ordnance Department took steps to acquire title to seven of these leases, which had an total appraised value of $ 14,075.00.[1] The addition of two more such leases soon brought the total to 9 claims with and estimated value of $ 16,290.00.[1A]

1. American State Papers, Military Affairs, Vol. IV, 145.

1A. On January 11, 1836 [as a Special Estimate, the Ordnance Department Requested Congress to appropriate $ 16,290.00 "For the Purchase of Buildings erected by Private Individuals, on the Public grounds at the Armory", House Rep. Ex. Doc. Second Session, 24th Congress 1st Session) 1835-36, Vol 3, Doc. 90, p. 2 and 9. Many Additional

on July 2, 1836,

Finally, Congress, in the appropriation made for the service of the Ordnance Department for the Year 1836 voted the requested total of $ 16,290 to settle these nine claims.[1] Eight of the nine claims were settled in the period 1837-38 for a total of $ 14,690.00. The ninth claimant, Dr. Nicholas Marmion haggled with the Ordnance Department for nine years and finally deeded his stone house, located on Lot No. 1, Block AA, Camp Hill, which he had built in 1829, to the U.S. Government for $ 2,000 in cash on November 30, 1847, thus ending the long struggle[2] to eliminate all private claims to buildings standing on the Armory Lot.

The grand total cost of this program was as follows:

Private Claims to:		
Dwellings, 1822-38:	claims	cost: 17,758.77¼
Stores, etc. 1831-47:	9 claims	cost 16,690.00
Total: 1822-1847:	claims	Cost $ 34,448.77¼

ACQUISITION OF WAGER LOTS FOR FIRE PROTECTION AND IMPROVEMENTS, 1847-1856:

From 1796 to 1848 only a 15-foot-wide alley separated the privately owned Wager Six Acre Reservation Lots from the workshops of the U.S. Musket Factory along the Potomac. As the town grew, these Wager Lots were covered with numerous house, stores, outbuildings, stables, etc., many of which were built of wood and hence highly flamable. As early at 1828 the Superintendent of the Armory had attempted to buy a one acre section of Wager land that threatened the factory buildings and the Wagers, who needed money, were willing to sell for $ 5,000. Congress, however, failed to appropriate the money for this purpose. With the coming of the railroads, Harpers Ferry expanded and the price of land shot up. By August 6, 1846, when Congress finally agreed to this land expansion program, the estimated cost of acquisition-and hence the appropriation, was $ 50,261.00![3]

1. HFNHP Microfilm Reel 20, Vol. 6, p.603. July 2, 1836, US Statues at Large V, p. 77.

2. Marmion to U.S., Deed of B & S., November 30, 1847, Deed Book 29, p.366; Jefferson County Courthouse, Charlestown, W.Va. This money came from a later appropriation

3. HFNHP Microfilm Reel 19, Vol. 14, p. 1419. On March 3, 1847, Congress passed a joint resolution authorizing the purchase of additional land at the Harper's Ferry Armory and "to the application for that purpose of so much of the sum appropriated for Repairs, Improvements, and new Machinery at Harper Ferry... Armory by the Act approved August 8, 1846, as the estimate shown to have been intended for the purchase of lands and buildings..." U.S. Statues at Large, Vol. 9, p. 207, see Appendix I, p. 90 included in the Total of $ 50,261.00 was $2,000 for Marmion's House and $1,500 for Purchase of Byrnes Island.

(a) Fire Protection Project($ 39,099.64)

In 1847-49, the U.S. Armory purchased nine Wager Lots complete, with all buildings on these properties, and the 25 foot deep sections of the northern ends of eight other Wager Lots that also fronted on the 15-foot wide alley that ran between the Six Acre Reservation and the U.S. Musket Factory Yard. The acquired lots extended from Wager Lot No. 15-subdivision No. 4 on the east, to Wager Lots No. 33 and 34 on the west. Fourteen buildings fronting on the alley were demolished and eight brick or stone dwellings fronting on High Street, and one stone smoke house were retained to serve as dwellings for Armory employees. The 25-foot deep northern end of all 17 Wager Lots were paved and added to the 15-foot wide alley to create a 40-foot wide fire-break and street that came to be known as Potomac or North Cliff Street.

The cost of acquiring this property was $ 28,933.98 and the work of building Potomac Street was completed in 1851.

In 1855-56, the U.S. Armory next purchased Wager Lots 13 and 17 complete with their buildings, and 25 feet deep parts of Lot 15, subdivisions 2 and 4, for a total of $ 10,165.66. The four buildings on these lots were demolished and the acquired land paved and made into streets in 1857. This project made Potomac Street a 40 foot wide street its complete length, to its junction with Shenandoah Street. Lot 17 was made into a new side street.(Compare Maps 4 and 5, also see Map 6 and 8). (See Chart No. 1)- 4

(b) Formal Entrance Project to Musket Factory Yard ($16,999.33)

The project of developing a more formal entrance to the Musket Factory Yard got underway in 1847-48, when the U.S. Armory purchased Wager Lot No. 12 and its two two-story brick stores for a total of $ 9,999.33(See Map No. 7). The buildings were demolished and a formal iron fence and brick wall was constructed across Lot No. 12 in 1849. In 1853-54, the U.S. Armory resumed work by acquiring Wager Lot No. 11 and its double two-story brick stores for a total of $ 7,000.(See Map No. 7 and No. 8). These buildings were also torn down and a matching formal iron fence and brick wall was erected across Lot No. 11 in 1855. (See Chart No. 2).

4. The Warrenty Deed, Memorandums of Agreement, Leases for all these Wager Lots are in National Archives Record Group No. 121, Public Buildings Service, Entry 75, Warrenty Deeds, Tray No. 1.. They have also been recorded in the Deed Book of Jefferson County, at the Charles Town Courthouse, as listed on Charts No. 1 and 2.

U.S. ARMORY CHART 1

ACQUISITION OF LAND FOR FIRE PROTECTION, 1847-1856

	Wager Lot No.	No. of Bldgs.	For Land	For Bldgs.	Date of Deeds	Purchased From:	Deed Book	Page
1.	13	0	$ 2,000	0	Dec.26,1855	Noah H. Swayne	35	296
2	13	2	0	5,000	1/31/56	John G. Wilson	35	295
3	15-2&4	1	850	850	2/13/56	Frederick A Roeder	35	299
4.	15-4	0	200	0	5/28/49	Susan Downey	30	487
5.	16	0	237	0	6/6/48	Frederick A. Roeder	30	230
6.	17	0	237	0	6/6/48	Frederick A. Roeder	30	231
7.	17	0	1,166.66	0	8/26/56	Frederick A. Roeder	36	135
8.	17	1	0	300.00	8/26/56	John G. Wilson	36	133
9.	18	0	1,806	0	7/1/47	Gerard B. Wager	29	115
10.	18	2	0	800	7/2/47	Samuel Lover	29	117
11.	19	0	750	0	6/30/47	Gerard B. Wager	29	121
12.	19	2	0	1,845	7/9/47	Ann Reed Estate	29	123
13.	20	0	833.33	0	6/8/47	Noah H. Swayne	29	343
14.	20	2	0	3,500	9/4/47	Philip Coons	29	346
15.	21	3	1,000	2,000	7/1/47	Gerard B. Wager	29	126
16.	22	0	1,000	0	7/1/47	Gerard B. Wager	30	236
17.	22	3	0	2,500	6/6/48	William McGraw Est.	30	235
(1) 18.**	23	0	900	0	3/7/48	James B. Wager	29	238
19.	24	0	200	0	6/8/47	Noah H. Swayne	29	347
20.	25	0	224.66	0	6/7/47	Alexander Kelly	29	348
21.	26	0	833.33	0	6/8/47	Noah H. Swayne	29	349
22.	26	3	0	2,250	9/14/47	Hugh McAleer	29	354
23	27	1	1,000	1,000	6/9/47	Michael Foley	29	355
24.	28	0	400	0	6/8/47	Noah H. Swayne	29	358
25	29	1	1,000	750	10/2/47	Martin Grace	29	360
26.	33	0	400	0	6/8/47	Noah H. Swayne	29	362
27	33	1	0	40	10/2/47	Martin Grace	29	364
	34	4	1,000	2,000	10/2/47	Martin Grace	29	365
	24	0	0	222.66	6/7/47	Alexander Kelly (1)	29	348
TOTAL	20 LOTS	26	$ 16,037.98	$ 23,061.66		$ 39,099.64		

8. Summary: Land Acquisition Program of the U.S. Armory at Harper's Ferry, Va., 1796- 1860:

Item	Purchased	Date	Price	Purchased from:
1	117 acres	6/15/96	$ 7,016.66	John Wager, Sr.
2	310 acres	2/20/97	10,000.00	Thomas Rutherford & others
	minus 4 a cres for Harpers Cemetery	1803	donated	U.S. to Harpers Ferry
	Subtotal: 423 acres	1803	$ 17,016.66	U.S. Armory Lands
3	Timber rights on 1,395 5/8th acres	8/20/13	20,860.62	Fernando Fairfax & others.
4	Ferry rights on the Shenandoah River & 68 acres.	10/27/18	5,000.00	Fernando Fairfax
5.	Water Power Rights on Shenandoah River	6/27/33	2,600.00	John Strider
6	Claims for repairs, construction, or improvements to about 95 Dwelling built on U. S. Land, 1810-32	1822 to 1839	17,758.77¼	To 171 individuals-employees of the Armory.
7.	Claims to 12 mercantile bldgs. erected on U.S. lands.	1836 to 1847	16,690.00	To nine individuals.
8.	For acquiring 1 acre in 6-acre reservation, 23 Wager Lots and 30 bldgs.	1847 to 1856	56,098.99	To 16 individuals in 33 transactions.
9.	Byrnes Island, 62 additional acres, Potomac River	2/7/48	1,500.00	To Patrick Byrnes & wife.
Subtotal: 1,949 a cres			$ 137,525.05¼	at Harpers Ferry
10	Friends'Ore Bank- 1,600 acress	5/8/ 1800	24,000.00	Henry Lee
11	Rights to Ore Bank Keep Tryste Furnace	6/20/ 1800	27,000.00	George North, John Potts, William Wilson
Subtotal-Friends Ore Bank 1,600 acres		1800	51,000.00	Potomac River, NW of Harpers Ferry about 2 miles
GRAND TOTAL: 3,549 acres			$ 188,525.05¼	Harpers Ferry Armory La nds

CHAPTER II

THE 1852 SALE OF PUBLIC LOTS AND HOUSES AT THE U.S. ARMORY AT HARPER'S FERRY, VA., 1852 to 1869.

1. Planning for the 1852 Sale, 1846-52:

On January 14,1846, after carefully considering the problems of the U.S. Armory at Harpers Ferry, Major John Symington, Superintendent of the Armory, first suggested to the Ordnance Department a land disposal program that he believed would solve many problems at both the Armory and in the town of Harpers Ferry. "I would propose the sale of a part of the public grounds," he wrote,".... In the hands of private individuals this ground would soon be built up with dwellings and suitable stores and shops &c. for mechanics of various crafts who cannot now possibly get a spot on which to exercise their calling; and in a year or two it would be reasonable to say, that a flourishing town; under wholesome municipal regulations would spring up where now is wanting everything to make a residence desirable.

"The ownership of all the ground in the vicinity of Harpers Ferry(except a small patch at the end of the Potomac Bridge) being in the U. States, is an insuperable bar to the growth and improvement of the place as a town and yet from the locality, there are fine points in this section that offer the same advantages for trade and business generally.

" To the U. States," Symington continued," the growth and propersity of the place would be advantageous, as affording a means at hand of procuring mechanical labor or certain supplies which have to be bought for at a distance. But a still greater advantage would result to the workmen employed in the Armory and their families. Many would no doubt become owners of property who are now only tenants at will on the public ground and consequently have no fixed house or interest in the place, and all could look to other sources for employment for their sons than this Armory, now the only chance. And in case of a suspension of labor in the shops or a partial discharge of hands they could have the means of employment to a certain extent in various ways, and not be left idle to consume what little they may have laid by.... It may be well... to remark that the portion of the public ground here alluded to[for possible sale] will not at any future time be needed for the purposes of the Armory- sufficient will be reserved near the site of the present Arsenal or store house to erect other store houses when required." 1

1. Major John Symington to Lt.Col. George Talcott of the Ordnance Department, January 14,1846, Harpers Ferry NHP Microfilm Reel 23,Vol. 7,p.627-629.

A year and a half later, Major Symington returned to the attack, writing on July 15, 1847, in submitting his estimate of funds for the erection and repair of buildings at the Armory for the fiscal year ending 30 June 1849:"... I must bring to your notice the condition of the dwelling houses at this place owned by the Government and occupied by the Officers and mechanics and others connected with the Armory. These houses, now comprising about nine tenths of the buildings(exclusive of the Government workshops & storehouses) included in the TOWN OF HARPER'S FERRY [There were 161 government-owned houses in 1848], were for the most part build upwards of 25 years ago, and generally of such indifferent materials, that nothwithstanding the constant repairs made to them, many are now utterly irrepairable.

"This with the impossiblity of procuring other quarters (The private property being closely built up and occupied) is so serious a drawback to the operations of the Armory, that measures must be taken without delay, to apply a remedy."

If the Government policy of providing housing on the public land for the workmen is to be continued, Symington noted, a large sum of money should be included in the estimates so that many new dwellings could be erected in the next few years. If this is not done, "I therefore suggest this,- to abandon the system of Government tenantry, which has thus far been a losing business, besides being productive of strife and ~~trouble~~, numerous and expensive suits at law, and all such ills, and to sell out such portions of the public lands at this place, that cannot possibly be needed for Government uses." [2]

Symington continued to argue his case and the Ordnance Department carefully considered the problem, but delayed making any decision until 1851. Meanwhile, in September, 1850, a petition was introduced in the Virginia General Assembly to incorporate Harpers Ferry as a town, thus permitting the establishment of the first town government. [3] The Act incorporating Harpers Ferry passed in March 1851. [4] The first election for Mayor, Recorder and Councilmen for the new Harpers Ferry Town Government was held in May 1851, and Jeremiah Fuss, Master-Builder at the Armory, was elected as the first mayor. [5]

2. Symington to Talcott, July 15, 1847, HFNHP M.Reel 23, Vol. 10, p. 924-926.
3. Virginia Free Press, Charles Town, Va., October 11, 1850, p. 3, c.3.
4. Ibid., March 21, 1851, p. 2, c.5
5. Ibid., May 9, 1851, p. 2, c.2.

In August, 1851, Secretary of War C. M. Conrad inspected the Armory at Harpers Ferry and Major John Symington was able to induce the Secretary "to concur in the propriety of the measure that I have so long recommended, that is the sale of such portions of the Government land at this place, as will not be needed for the purposes of the Armory, preparatory to which a survey be made and town plat laid off, with streets, buildings, blocks, and reservations..." [6] On August 16, 1851, Col. George Talcott, Chief of Ordnance, submitted Major Symington's report to the Secretary of War and concurred in the Major's recommendations.[7] Secretary of War Conrad approved the plan on August 26 [8] and Col. Craig ordered Symington on August 28, 1851 to at once proceed with the prepartion of the plat for the town of Harper's Ferry.[9] On September 3, a board of three ordnance officers, consisting of Major John Symington. Lt. Col. James W. Ripley, Superintendent of the Springfield Armory, and Col. Benjamin Huger, the newly appointed Superintendent of the Harpers Ferry Armory, was established by the Chief of Ordnance to execute the town planning.[10]

Their detailed report was submitted to the Chief of Ordnance on September 24, 1851,[11] and the preliminary plats in November.[12] The Secretary of War approved the plan on December 25, 1851.[13]

2. Terms for the 1852 Sale:

In April, 1852, the surveyor S. Howell Brown, completed the master plat of the town of Harpers Ferry; "Map of Harpers Ferry, by S. Howell Brown, D.S., 1852" [Harpers Ferry NM-HF-9005] . On June 10, 1852, Secretary of War C. M. Conrad gave his final approval to the plan and plat and ordered: that "The Superintendent of the Armory is hereby directed to cause to be sold at public auction to the highest bidder, such of the lots as the Board of Officers...did by this report of 24 September last, recommend to be sold..." [14]

14. Reel 26, V. 3, p.264.

6. Symington to Col. Henry K. Craig, Ordnance Department, Aug.9,1851, HFNHP M.Reel 24, Vo.l. 5,414-419, including a copy of Symington's report on this subject
7. Reel 20, Vol. 1, p. 480
8. Reel 19, Vol. 5, p.468.
9. Reel 19, Vol. 5, 468.
10. Col. Craig to Symington, Sept. 3, 1851, Reel 19, Vol. 5,p.469.
11. For report see Reel 24, Vol. 8, p. 802-806.
12. Reel 20, Vol. 1, p.93-94;
13. Reel 19, Vol. 5, p. 482-483.

Under the terms of the sale, one fourth of the cash was to be payable on the day of the sale and the remainder in two equal installments of one and two years from the date of the sale. "If the whole amount of each instalment shall be punctually paid when the same shall fall due, no interest shall be charged thereon, otherwise interest at the rate of Six per cent per annum shall be charged on such instalment from the date of Sale until the final payment thereof..."

Armory workmen were to be allowed to purchase not more than two lots on the following terms:

"One fourth cash, and the remainder at one, two, three, and four years without interest, provided the purchasers agree that an amount equal to the 1/12 part of each annual instalment shall be deducted from their monthly wages. If any workmen should cease to be in the employment of the Government he shall thence forward as regards instalment remaining due on property purchased by him, be subject to the same conditions as other purchasers."

No deeds of conveyance for any of these lots were to be issued until the full price had been paid to the United States.[15]

On July 23, 1852, Col. Craig informed Superintendent Huger:

"The Secretary of War has this day given his sanction to the following rule:

"It being for the interest of the Armory, that the workmen should not be unnecessarily disturbed in their residence in consequence of the sale of lots at Harpers Ferry on the 1st of September, the Commanding Officer of the Armory is authorized to appraise such of the lots to be sold, with the buildings and improvements thereon, as are occupied by Armory workmen, whose services it is is desirable to retain, and to dispose of them, at private sale, to such occupants at the appraised value. No workman will be permitted to purchase at private sale, more than one lot on which he resides, together with the improvements thereon; and any lot offered as above, and declined to be purchased at the appraised value, will be disposed of at public sale."[16]

15. Reel 24, Vol. 8, 805-806.
16 Reel 19, .V. 6, p.510.

Mr. John Mohler, a farmer of the area, and Armory master builder Jeremiah Fuss were employed to appraise the 53 Government dwelling houses that were to be offered for sale.[17]

3. Results of the 1852 Sale, 1852-69:

Surveyor S. Howell Brown, on his Map of Harpers Ferry, dated 1852, laid out a total of 312 lots on the U.S. Public lands of the Armory at Harpers Ferry that were to be offered for sale on August 31 and September 1 and 2,1852. Included in the sale were 53 government dwelling houses.

The private sale of Government dwelling houses was held on August 31, and 50 Armory workmen purchased 50 houses and 51 lots(one house straddled two lots) at their appraised value, which totalled $ 31,525.00. Under the terms of the sale, they paid $ 8,153.00 in cash and bonds were issued for the balance,[18] which were payable in full by August 31,1856. Of this group of bidders, all but one workman (for Lot 4, Block H, Camp Hill) were to successfully complete their payments for their houses and lots, although some were not to make their final payment until 1869!

The public sale for the three remaining Government dwelling houses and 261 lots was held on September 1 and 2,1852. On these two days, 126 persons made bids on the three houses and 211 lots, but no bids were received on 50 vacant lots- many of the latter being located in ravines or any steep hillsides. Under the terms of sale, one-fourth of the total had to be paid in cash and three of the 126 bidders, with bids on four lots, refused to make the cash payment and dropped out. The remaining 123 bidders made the required payments, $ 7,818.95¼ for 204 lots and three houses. The total bid for these items was $ 27,034.83.[19] The grand total for the three-day sale stood at 53 houses, and 258 lots sold for total of $ 58,559.83. Of this figure

17. Harpers Ferry NHP Microfilm Reel 26, V. 4, 335-336; Reel 24, Vol. 8, p.751. Each man was paid $ 26.00 for this task.

18. "Account of Sales at Harpers Ferry Armory, made by Benjamin Huger, Bvt. Col. of Ordnance, Comm'dg,m of Lots and Dwelling Houses there occupied by workmen in the Armory, and sold to them by order of the Secretary of War, at a value, ascertained by the Appraisment, hereto annexed, of John Mohler, and Jeremiah Fuss, in August 1852, Harper's Ferry Armory, August 31,1852." Reel 24, Vol. 7, pp.611-617; Also Huger to Craig, Oct. 4,1852, Reel 24, V. 6, p.604.

19. The reports of the Harpers Ferry Paymaster on the sale, 1852 to December 31, 1860, are in National Archives Record Group No.153- Military Reservation Division, Harpers Ferry, W.Va., Box 45.

$ 15,951.95¼ was collected in cash in September 1852 and the balance due by 1856 was $ 42,476.99 3/4. The total number of individuals making payments on these lots and houses was 159.[20] About 216½ acres of U.S. land were sold off at the 1852 sale.

A second effort to dispose of the remaining unsold 54 vacant lots was made at a public sale that was held on February 17, 1853, but the auction was halted by the Armory superintendent when the highest bid received for any lot was five dollars.[21]

For the schedule of payments, 1852-1860- showing the a mount paid and number of deeds issued each year, see Chart No. 5, p. 28.

The Armory Paymaster's reports reveal that as of December 31,1860, 159 purchasers had paid in a total of $ 54,400.02[22] and that deeds for 196 lots had been issued to 133 individuals. The reports also show that 23 of these bidders, after making payments totalling $ 1,758.08 on 34 lots, failed to complete their payments, perhaps because of death, unemployment, or the Civil War. Title to these 34 lots reverted to the U.S. Government. Eighteen persons completed their payments on 28 lots after the Civil War, in the period 1866-69.

When the United States decided to dispose of all the Armory property after the war, A. B. Dyer, Bvt. Maj. Gen., Chief of Ordnance, on September 25,1869, issued a final notice on the 1852 sale, sending to delinquents the statement that "Persons who purchased lots in 1852, and have not fully paid for them, are notified that if they pay what is due before Tuesday of the sale [i.e. November 30,1869] the lots will be deeded to them. Otherwise they will be resold."[23]

The final results of the 1852 sale were as follows: During the period 1852 to 1869, 136 persons purchased in full 224 lots and 52 dwelling houses. A grand total of $ 56,227.43 was collected(exclusive of any interest that may have been collected for the period,1861- 68)

20. Ibid.

21. Harpers Ferry Microfilm Reel 24, Vol. 9, p.862. Supt. Huger to Craig, Feb. 17,1853.

22. National Archives R.G. 153, Box 45. Also Harpers Ferry NHP Reel 18,Vol.12, p.1205-C

23. in "Letter from the Chief Clerk of the War Department, Dec. 12,1873, in Senate Executive Documents, 43d Congress, 1st Session, Serial No. 1580, Document No. 6, p.14.

CHART NO. 3

Identification of U.S. Armory Dwelling Houses at Harpers Ferry that were demolished, removed, or sold for materials, 1814- 1852

	1812	1813	1814	1815	1816	1847	1848	1819	1850	1851	1852
No. of the house destroyed:			44	29	27	63	174	70	74	12	33
			-	34	28	142	175	71	78	13	45
				50	-	155	42	72	80	14	58
				51	-	-	82	73	86	15	79
				56	-	-	164	75	162	20	96
				60	-	-	-	76	-	21	113
				123	-	-	-	77	-	66	115
				150	-	-	-	81	-	83	152
				-	-	-	-	-	-	84	-
										85	167A
										87	170A
										88	171B
										89	
										90	
										91	
										92	
										93	
Total demolished		0	1	8	?	3	5	8	5	17	11
No. added	0	0	0	0	0	7	0	0	0	0	0
Total available		175	174	166	164	168					
Sold in 1852:											54
Left in Government hands after 1852 sale:											70
Added for Armory officers:						2					3
Total	175	175	174	166	164	170	165	157	152	135	73
	A. Slaughter houses demolished. B. Stables demolished.			No. by inventory			161	148	141	124	113
	Demolished, 1814-1852- 60 houses.					Erected by U.S., about 80 houses, 1796-1861.					

CHART No. 5

Proceeds collected from the 1852 Sale of Public Lots and House, Harpers Ferry

	Deeds Issued	Lots Bidded	Year	Amount		
1852	10	13 Lots	1852	$ 18,623.58	Total bid in 1852:	$ 58,559.83.
1853	0	Clots	1853	$ 10,272.23	Short fall- not paid of	
1854	10	27 lots	1854	9,349.33	this bid was	$ 2,442.50.
1855	8	13	1855	6,898.40		
1856	64	78	1856	5,615.64		
1857	20	28	1857	1,000.62		
Subbotal	112	159	Sub-Total	$ 51,759.96		
1858	4	8	1858	823.73	For payment in Full:	$ 54,469.33
1859	12	21	1859	1,618.90	From imcomplete payments :	1,758.08
1860	5	8	1860	197.43	Total:	$ 56,227.43
Subtotal	1852 to Dec. 31, 1860: 133	196		$ 54,400.02	Source :	National Archives Record Group No. 153
1866	5 - 5	1865-1869:		$ 1,827.41		Records of the Office of the Judge Advocate General- Military Reservati Division, 1809-1942- N. a.,
1867	1	1		$ 56,227.43		Boxes 44-45.
1868	8	15				
1869	4	7				
	151	224				
	134 different buyers of 224 lots.					

In this total there is included $ 1758.08 that was paid on 34 pieces of property that 23 bidders failed to pay in full for. In 1869, 88 vacant lots first offered for sale in 1852, were put up for auction again.

4. Use of the Proceeds of the 1852 Sale of Public Lands:

On April 23,1856, a joint resolution of Congress authorized the Secretary of War to apply the proceeds of the 1852 sale of lots at Harpers Ferry to the purchase of other lots and to making improvements to the public property at the Harpers Ferry Armory.[24] By June 30,1856, a grand total of $ 48,545.19 had been collected from the 1852 sale of land. Of this sum, $ 11,918.49 had already been expended. On June 28, 1856, Chief of Ordnance Craigm informed Armory Superintendent Henry W. Clowe that the Secretary of War had approved the expenditure of the remaining balance- $ 36,626.70 for the following projects at Harpers Ferry:[25]

1. To purchase Wager Lot No. 17 to be made into a town street and for the removal of the building thereon..... $ 1,666.00
2. For the construction of three quarters for the Master Armorer, Superintendent's Clerk, and the Paymaster's Clerk...$ 18,000.00
3. For grading and opening town streets..... $ 5,970.70
4. For repairing buildings and improving grounds at the U.S. Rifle Factory..... $ 6,873.00
5. Extending Arsenal Square..... $ 2,917.00
6. Enclosing grounds of new magazine and stock house..... 1,000.00
7. Cleaning town well on Fillmore Street and pump..... 200.00

The money thus collected from the citizens of Harpers Ferry for the sale of public lands in that town were thus largely spent for improvements in that village prior to the Civil War. Largely constructed from these founds were Armory Dwellings No. 30 and 31 on Camp Hill in 1856-57, and Armory Dwelling No. 1(Present Park Bldg. No. 36) in 1858-59, on Lot 2, Block B, Shenandoah Street. Proceeds from the sale were expended during the fiscal years ending on June 30 as follows: in 1857- $20,517.25; in 1858- $14,503.50; in 1859- $9,684.30- Total 44,705.55.[26]

24. Secretary of War to Secretary of the Treasury, May 7, 1856; and Sec. of Treas. to Sec. of War, May 10,1856, Reel No. 26, Vol. 5, p. 464,466. U.S. Statutes at Large Vol 11, p. 143, See Appendix p. 156

25. Reel 19, Vol. 9, p.871.

26. "Expenses of National Armories" in 1857, 1858, 1859 in Serial No. 955- House Docs. Vol 9, Doc No. 55, Serial No. 1004, House Doc Vol 5, No. 32; and Serial No. 1097- House Docs Vol 6, Doc No. 35.

Lots Sold at the Sale of U.S. Land held at Harper's Ferry, Virginia, August 31, September 1 and 2, 1852

CHART NO. 6

Block	Area	Numbers of lots sold.	No. sold
A	Shenandoah Street	(None offered for sale) U.S. Land	0
B	" "	Lot No. 5. (Lot 4 leased)	1
C	" "	1,2,3,4,5,6,7,8,9,10.	10
D	" "	1, 4, 5, 6, 7. (2 and 3 leased)	5
E	" "	1, 3, 4,5. (lot 2 leased)	4
A	Camp Hill	2,3,4,5,6,7. (1 and 8 leased)	6
B	" "	1,2,3,4,5,6,7,8,9,10,11,12.	12
C	" "	1,2,3,4,5,6,7,8,9.	9
D	" "	1, 3,4,5,6,7, 8,9. (2 leased)	8
House	High Street	House No. 55 with lot.	1
E	Camp Hill	1,2,3,4,5,6.	6
F	" "	1,2,3,4,5,6,7,8.	8
G	" "	1,2,3,4,5,6,7.	7
H	" "	1,2, 5,6,8,9,10 (3 leased)	7
I	" "	1,2,3,7,8,11,12,13,14,15,16. (9 leased)	11
J	" "	1, 4,8,9,14,15,16. (2,3,church lot leased)	7
K	" "	1,2,3,4,5,6,7,8,9,10,12,13,14,	13
L	" "	1,2,3,4,7,8,9.	7
M	" "	1,2,3,4,5.	5
N	" "	1, 4,5,6,7.	5
O	" "	1,2,3,4,5,6,7,8½,9,10,11,12,15,16.	14
P	" "	1,2,3,5,7,9,11,12,13,15,16,17,20.	13
Q	" "	7,9,10,11,12,13,14,	7
R	" "		0
S	" "		0
T	" "		0
U	" "		0
V	" "	7,8,9.	3
W	" "	1,2,3,4,5,6,7,8,9,12,13,14,15,16,17,18,19.	17
X	" "	1,2,3,4,5,6,7,8,9,10,11,13,14,15,16, 8½, 9½.	17
Z	" "	1,2,5,6,7,8.	6
1	" "	1,2,3,4	4
2	" "		0
3	" "	1,2,3,4,5.	5
Y	" "	1,2,3,4,5,6,7.	7
	TOTAL:	312 lot and 53 houses offered: Sold, 52 houses &	224

National Archives Record Group 121, Public Buildings Service, Entry No. 76-"Deeds from United States, Harpers Ferry, Ordnance Department," (2 vols.), Vol. I, pp. 1-201; 395-491. Sold to 134 buyers.

5. The Appraised Value of the U.S. Armory at Harper's Ferry, 1860-61

On November 16, 1861, Lt. Col. William Maynadier of the Ordnance Department, reported to Secretary of War Simon Cameron on the appraised value of the U.S. Armory at Harper's Ferry.

"The amount expended on the same [Armory] for land purchases at different times ..... $ 45,477.

"For improvements thereon, for water power, canals, enbankments, walls, and water privileges and for hydraulic machinery and buildings of all kinds..... 1,787,430.

Total [1796-1861], exclusive of the amount expended in the manufacture of arms, was..... $ 1,832,907.

"The last annual inventory of the property belonging to the United States at that Armory is dated June 30, 1860, in which the value of all the property on hand is apprised as follows:

1,669½ acres of land.....		$ 37,457.00
Mill dams, canals, water power, and hydraulic machinery, Forges, rolling mills, machine shops, dwellings, and other buildings.....		$ 341,221.00
Amount of Real Estate:		$ 611,957.00
Machinery used in workshops.....		$ 270,235.00
Tools used in workshops.....		109,560.00
Machinery and tools:		$ 379,795.00
Unwrought materials on hands.....	$ 100,043.00	193,616.00
Parts of arms in progress.....	93,573.00	
20,507 arms of different models in storage.....		285,145.00
Total Appraised Value of Armory, June 30, 1860:		$ 1,407,513.00

By April [15], 1861, the number of arms in storage when the Armory was destroyed, was reduced to 4,287.00, the value of which is about $ 64,000.00. [This reduced the] Appraised value from $ 1,470,513 in June 1860 to $ 1,207,668 in April 1861." [26]

26 Brig Gen. Stephen V. Benet, A Collection of Annual Reports and Other Important Papers Relating to the Ordnance Department Taken from the Records of the Chief of Ordnance, from Public Documents, and from other Sources, (4 vols., Washington, D.C., 1880), Vol. IV, 1043-1044. Lt.Col. Maynadier's total for land includes land purchased 1796 to 1833, but not Friends' Ore bank which cause another $ 51,000 in 1800. Byrnes Island, $ 1,500; 23 Wager lots at $ 56,098.99, etc. may be included in the total for improvements, but are certainly not in the land total of $ 45,477. From 1864 to 1868 the ordnance used the Harpers Ferry Armory as an Ordnance depot for the storage and preservation of munitions of war. The Armory was used for the purpose of a powder magazine, a stable, a repair shop, 9 storehouses, and 25 armory dwelling houses. Benet, A Collection a Report. Vol IV. 1048-1050.

CHAPTER III

THE SALE OF U.S. PUBLIC LANDS AT HARPERS FERRY, W. VA., 1869 - 1880

1. Preparations for the 1869 Sale:

On April 15,1861, Confederate troops seized the U.S. Armory at Harpers Ferry and held the works until June of that year. During that period they removed all of the arms-making machinery they could and fired the buildings before they retreated. At the end of the Civil War, only the heavy brick and stone walls of the Musket and Rifle Factory shops still stood and most of the machinery was gone or wrecked. Because of the exposed position of the Harpers Ferry Armory on the edge of the Confederancy and also because of the high cost of arms production at Harpers Ferry,1799-1861, in comparsion with those of the Springfield Armory in Massachusetts, the War Department decided not to rebuilt the Armory at Harpers Ferry.[A] Congress, on December 15, 1868, passed an act that authorized and directed the Secretary of War to sell at public auction the U.S. lands, buildings, machinery, and water power privileges at Harpers Ferry. The land in and adjacent to the armory amounted to 1,669½ acres.

Easy credit was to grented purchasers as the law specified that the property was to be"sold on credit of one and two years, taking bond on security from the purchaser, or purchasers, for the payment of the purchase-money." In other words, a purchaser did not have to put any cash down to get control of the property he bid on, but he was not to receive a deed until all payments were completed.

The law also directed that the proceeds of the sale should be used to (1) defray the expenses of the sale; (2) to refund "to the United States the principal sum of purchase money paid for said lands, tenements, and water privileges by the United States, and for the erection of buildings thereon."

(3). If any surplus should remain, the law directed the Secretary of War " to deliver this sum to such agent as the legislature of West Virginia should appoint, but upon condition that such surplus shall be received by the State of West Virginia, to be set apart, held, invested, used and applied as apart of the school fund of that State...." [1] The law itself did not specify how much money had to be raised before there was any surplus for the school fund, but later Congressional report indicates that the sum in mind was $ 500,000.00. [2]

1. United States Statues at Large, Vol. 15, 265-266. See Appendix, P. 90

2. "Report of Senate Committeee, January 26,1875, Senate Reports of Committees 43 Congress, 2nd Session, 1874-75, Vol. 1, Serial No. 1638, Report No. 356, P.

A. on May 16, 1866, A 13 Digest Bureau general Chief of ordnance, wrote Secretary of War E. M. Stanton: "Harpers Ferry Can not be rejected, because of its advantage for the Manufacture of Arms." and Recommended that the Land be Sold, Buildings Retained

Finally, the 1868 law authorized and directed the Secretary of War to convey by deed to Storer College at Harpers Ferry "the buildings with the lots on which they stand numbered [Armory Dwellings No.] 30, 31, 32, and also Building No. 25 with enough of the lot on which it stands to give a breath of 10 rods on High Street, otherwise known as Washington Street.... and also to convey by deed to the proper persons such other lands and buildings, portions of the aforesaid property, as have heretofore been set apart by the proper authorities for religious, charitable, and town purposes." [3]

S. Howell Brown, the surveyor who had prepared the map and plat for the 1852 sale, was again employed by the Ordnance Department to prepare the plat for the 1869 sale. His map, entitled "Map of Harper's Ferry-Plat of Harper's Ferry Armory Property laid off into lots for Sale in Pursuant to the Act of December 15,1868, finished by S. Howell Brown, Nov. 1,1869, Scale 165 feet per inch," approved by Secretary of War William W. Belknap on November 16,1869. On this map Brown subdivided the U.S. land that had not been divided in 1852, into 188 new building lots, this, with the 312 lots that had been laid out in 1852, brought the grand total of lots in Harpers Ferry to 500 lots. Two hundred and twenty-four of these lots and 53 dwellings had been sold at the 1852 sale, 31 more lots were now to be donated, and the balance of 245 lots, 243 house lots were to be offered for sale in 1869.

2. Donations of Lots and Buildings, 1869-70:

Thirty-one of the lots were reserved from the 1869 sale under the law of December 15,1868. On December 15,1869, the United States donated seven of these lots and four Armory dwelling houses to Storer College. The United States donated the balance of 24 lots on January 1, 1870 as follows: - 76 Totaling 112,147 square feet or a little over 2½ acres - three to the Board of Education for use as school lots, five to the Harpers Ferry town government for use as two town squares, a park, a cemetery, and a market house, including the structure in the last case, and one lot, with perhaps an old army dwelling on it to Virginia Lodge No. 1, Independent order of Odd Fellows, to replace their lodge structure that had been destroyed during the Civil War. The United States gave 15 lots to the six

3. U.S. Statues at Large, Vol. 15, p. 265-266. Appendix, p. 91.

church churches of Harpers Ferry for use as the sites of churches(5 lots), personages(9 lots) , and schools(one lot.). Five, and possibly 6, buildings were donated with these 31 lots.[4]

3. The 1869 Sale

On November 30, and December 1 and ?, 1869, the Ordnance Department offered 243 house lots, 13 dwellings, and one stable for sale at public auction. Also offered were the following five items:

(1) U.S. Musket Factory Grounds, 72 acres with ruins of factory buildings, remains of machinery, and the water power of the Potomac.

(2) U.S. Rifle Factory on Halls Islands, 13 acres, with ruins of factory buildings and remains of machinery, and the water power of the Shenandoah River.

(3) The ferry rights on the Shenandoah River, including a ferry lot in Harpers Ferry on Shenandoah Street, and a 68-acre ferry lot with two stone dwelling houses located on the south side of the Shenandoah River.

(4) The perpetural rights to cut timber on 1,395 5/8th acres of mountain land located on the south side of the Shenandoah River, opposite to Harpers Ferry.

(5) The right to dig iron ore on 1,600 acres of land in the Friends' Ore Bank, which was located on the south shore of the Potomac River about two miles northwest of Harpers Ferry.

The original cost of acquiring this 3,549 acres of land(including the 224 house lot sitesand 54 dwelling that had been sold for $ 56,227.13½ 1852), was $ 188,525.05½ . Of this total, $ 51,000.00 had been spent to purchase the Friends' Ore bank and $ 137,525.05 to purchase the 1,949 acres at and adjacent to Harper's Ferry.

On the basis of rampart rumors that a group of wealthy industrialists and were about to purchase the water power rights of the Potomac, Shenandoah Riversfor the purpose to erect new factories at Harpers Ferry, optimism was running high among the bidders on the days of the 1869 sale in Harpers

4. U.S. deeds granting these lots are in National Archives Group No. 121, Entry 76, "Deed from the United States, Ordnance Department," 2 vols., Vol. II, pp. 221- 229, and p. 251. The Donated acreage is from a letter from Gen A B Dyer, Chief of Ordnance to the Secretary of War, January 17, 1867, in Beard, a Collection of Annual Reports, IV, p. 1050.

Ferry. The bidding was intense and the buildings and lots in the lower part of the town, particularly those with commerical potential, were sold at high prices. All 248 offered items were taken by 121 bidders who agreed to pay a grand total of $ 297,793.50 for this property. The items were sold for the following prices:

1. Water power of the Potomac & Musket Factory Grounds:	$ 176,000.00
2. Water power of the Shenandoah & Rifle Factory grounds	30,000.00
3. Shenandoah River ferry rights and 68 acres.....	1,790.00
4. Timber rights on 1,395 5/8th acres.....	3,600.00
5. Friends' Ore Bank, 1,600 acres.....	13,100.00
6. For 243 lots and 14 buildings in Harpers Ferry, bid by 116 bidders,,,.....	73,303.50
TOTAL: 248 Items:	$ 297,793.50 (5)

Of the purchasers, only 18 people paid cash and in full [6] for their 20 lots at the time of the sale, paying a total of $ 836.00. One hundred and four bidders executed notes and bonds due in one and two years in the amount of $ 297, 296,957.50 for 185 lots and 5 items. Thirteen persons who bid on 29 lots refused to pay cash or sign bonds and the title to these lots reverted to the United States. Control of all the other items, however, passed to the apparent purchasers as soon as they executed their bonds in December 1869.[7]

With the exception of some 29 items, the Ordnance Department appeared to have successfully disposed of the U.S. Armory property at Harpers Ferry in the 1869 at high prices. The War Department, no doubt, considered this a smashing success, but this soon proved to be a complete illusion. Due to natural and man- made causes, the 1869 sale was an unmitigated disaster that plunged both the U.S. Government and the people of Harpers Ferry into a legal and economic morrass from which it would take 16 years

5. "Letter from the Chief Clerk of the War Department, communicating, in compliance with a Senate Resolution of December 4, 1873, information in relation to the sale of Government property at Harpers Ferry(1869), in Senate Executive Documents, 43d Congress, 1st Session, Serial No. 1580, Document No. 6, pages 2 to 11, has a detailed listing, lot by lot, of every bid, bidder, and the payments made or bonds signed. Document also includes a copy of Brown's 1869 Map of Harper's Ferry.

6. National Archives Record Group 121, Entry 76- "Deeds from United States, Harpers Ferry, Ordnance Department," II, pp. 1 to 17. Deeds for these 20 lots were issued Jan. 13, 1870.

7. Senate Executive Document No. 6, Serial No. 1580, p. 16-17- A. B. Dyer, chief of Ordnance to the Secretary of War, November 7, 1870. Records indicate that 13 bidders failed to sign bonds on 28 house lots valued at $ 7,939.00 and the timber rights, valued at $ 3,600.00.

Abstract of sale of United States property at and near Harper's Ferry, W. Va., sold at public auction, at the town of Harper's Ferry, on the 30th of November, and the 1st and 2d days of December, 1869, by J. Daniel Potterfield, auctioneer, as divided and laid out by S. Howell Brown, surveyor, as per map of 1869, approved by Hon. William W. Belknap, Secretary of War, November 16, 1869, made under the supervision of Capt. Daniel J. Young, O. S. K., acting under instructions from the Ordnance Department at Washington, in pursuance of an "Act providing for the sale of the lands, tenements, and water privileges belonging to the United States at and near Harper's Ferry, in the county of Jefferson, West Virginia," embracing also the unsold lots and lots purchased and not paid for, as per map and sale of 1852.

Block.	Lot.	Date of map.	Location and remarks.	Names of purchasers.	Amount.	Declined by purchaser and taken by—	Notes secured by bond for— One year. Date.	One year. Amount.	Two years. Date.	Two years. Amount.	When paid. First note.	When paid. Second note.	Date of deed.	Remarks.
	1	1869	The water power entire of the Potomac River as held by the United States, embracing site of old armory buildings, or musket factory, Byrnes Island, and all that strip of land and bluff bordering on the Potomac River, and lying between said river and the streets and lots as laid down on map of 1869.	Capt. F. C. Adams *	$176,000 00		Dec. 30, 1869	$88,000 00	Dec. 30, 1869	$88,000 00				
	2	1869	The water power entire of the Shenandoah River as held by the United States, embracing the site of the rifle factory, with all the appurtenances thereto belonging.	Capt. F. C. Adams *	30,000 00		Dec 16, 1869	15,000 00	Dec. 16, 1869	15,000 00				
	3	1869	The Shenandoah Ferry, with a tract of land containing 68¼ acres on the south side of the river, and a ferry lot on north side, with front on river of 243 feet; on Tell street, 193 feet; on Hamilton street, 66½ feet; and on Bridge street, 83 feet; two stone houses south side of river.	John W. Neer & Co	1,790 00		Dec. 6, 1869	875 00	Dec. 6, 1869	875 00				
	4	1869	The perpetual right to cut and remove wood from a tract of 1,3958 acres of mountain land lying on the south side of the Shenandoah River adjoining the ferry tract.	David M. King	3,600 00		Dec. 6, 1869	1,875 00	Dec. 6, 1869	1,875 00				
	5		The right to dig iron ore upon a tract of 1,600 acres of land bordering on the Potomac River, known as "Friends' Ore Bank," acquired from Henry Lee and others by deed, dated May 8, 1800.	William C. Bradley	13,100 00	John A. Ahl and Dan V. Ahl.	Dec. 6, 1869	6,550 00	Dec. 6, 1869	6,550 00				
			Northeast end of Arsenal lot, having on it the Old Superintendent's Office.											
A	1	1869	On Shenandoah	Thomas J. Burley	2,025 00		Dec. 6, 1869	1,012 50	Dec. 6, 1869	1,012 50				
A	2	1869	do	Capt. F. C. Adams	1,635 00		Dec. 16, 1869	1,852 50	Dec. 16, 1869	1,852 50				
A	3	1869	do	J. M. Decaulne	1,800 00		Dec. 6, 1869	1,900 00	Dec. 6, 1869	1,900 00				
A	4	1869	do	do	2,000 00									
A	5	1869	do	Capt. F. C. Adams	2,050 00	(See block A, lot 2)	Dec. 6, 1869	1,158 00	Dec. 6, 1869	1,158 00				
A	6	1869	do	John L. Walsh	2,025 00		Dec. 6, 1869	1,042 50	Dec. 6, 1869	1,042 50				
A	7	1869	do	Mary Conway	2,085 00		Dec. 6, 1869	925 00	Dec. 6, 1869	925 00				
B	1	1869	do	John H. Hodges	1,850 00									
B	2	1869	do	Withdrawn from sale by United States.	6,100 00									
B	3	1869	do	M. T., C. A., and Jas. C. McGraw.	5,100 00		Dec. 6, 1869	2,550 00	Dec. 6, 1869	2,550 00				
C	11	1869	do	P. H. Strode, for Edw'd Lucas's, jr., heirs.	100 00		Dec. 6, 1869	55 00	Dec. 6, 1869	55 00				
F	1	1869	do	Daniel Ames	1,650 00		Dec. 6, 1869	2,049 50	Dec. 6, 1869	2,049 50				
F	2	1869	do	John Wilson	1,200 00		Dec. 6, 1869	975 00	Dec. 6, 1869	975 00				
G	1	1869	do	Harriet M. Neer	150 00		Dec. 6, 1869	75 00	Dec. 6, 1869	75 00				
G	2	1869	do	Michael Doran	165 00		Dec. 6, 1869	82 50	Dec. 6, 1869	82 50				
G	3	1869	do	William Doran	160 00		Dec. 6, 1869	80 00	Dec. 6, 1869	80 00				
G	4	1869	do	Fenton V. Cockrell	95 00		Dec. 6, 1869	47 50	Dec. 6, 1869	47 50				
	1	1869	Lots north of Shenandoah st.	Joseph D. Holmes	3,125 00		Dec. 6, 1869	1,562 50	Dec. 6, 1869	1,562 50				
	2	1869	do	Isabella Leiscering	1,475 00		Dec. 6, 1869	737 50	Dec. 6, 1869	737 50				
	3	1869	do	Edward Tearney	720 00		Dec. 6, 1869	547 50	Dec. 6, 1869	547 50				
	4	1869	do	Daniel Ames	330 00	(See block F, lot 1)								

* Notes and bonds of F. C. Adams, sent to Secretary of War July 15, 1872, with recommendation that Department of Justice begin suit on same.

Abstract of sale of United States property at and near Harper's Ferry, W. Va., sold at public auction, at the town of Harper's Ferry, &c.—Continued.

Block.	Lot.	Date of map.	Location and remarks.	Names of purchasers.	Amount.	Declined by purchaser and taken by—	Notes secured by bond for— One year. Date.	One year. Amount.	Two years. Date.	Two years. Amount.	When paid. First note.	When paid. Second note.	Date of deed.	Remarks.
	5	1869	Lots north of Shenandoah st..	John Wilson	$150 00	(See block F, lot 2)								
	6	1869	....do	Thomas W. Gallagher	140 00									
	7	1869	....do	Mary A. Percival	160 00		Dec. 6, 1869	$84 00	Dec. 6, 1869	$84 00				
	8	1869	....do	Dorsey H. Irwin	165 00		Dec. 6, 1869	175 00	Dec. 6, 1869	175 00				
H	1	1869	On Shenandoah street	James Doody	40 00		Dec. 6, 1869	51 00	Dec. 6, 1869	51 00				
H	2	1869	....do	Isaac Gilbert	38 00		Dec. 6, 1869	509 00	Dec. 6, 1869	509 00				
H	3	1869	....do	George Freeman	30 00									
H	4	1869	....do	....do	30 00		Dec. 6, 1869	30 00	Dec. 6, 1869	30 00				
H	5	1869	....do	Daniel Ames	33 00									
H	6	1869	....do	....do	30 00	(See block F, lot 1)								
H	7	1869	....do	George Koonce	85 00									
I	1	1869	....do	George Freeman	30 00								Feb. 16, 1870	Paid cash.
I	2	1869	....do	Louise Evans	31 00		Dec. 6, 1869	15 00	Dec. 6, 1869	15 00				
I	3	1869	....do	....do	34 00		Dec. 6, 1869	42 50	Dec. 6, 1869	42 50				
I	4	1869	....do	Isaac Gilbert	30 00	(See block H, lot 2)								
I	5	1869	....do	Nicholas Marmion	105 00		Dec. 6, 1869	165 00	Dec. 6, 1869	165 00				
	18	....	In the Wager 6-acre reservation	Bridget Boerley	2, 600 00									
	19	....	....do	Patrick Daley	1, 425 00		Dec. 6, 1869	712 50	Dec. 6, 1869	712 50				
	20	....	....do	Mary D. Cochrane	2, 025 00		Dec. 6, 1869	1, 112 50	Dec. 6, 1869	1, 112 50				
	21	....	....do	Edith O'Donnell	2, 275 00		Dec. 6, 1869	1, 137 50	Dec. 6, 1869	1, 137 50	Dec. 6, 1871	Dec. 6, 1871	Jan. 10, 1872	
	22	....	....do	Edward Murphy	2, 375 00		Dec. 6, 1869	1, 187 50	Dec. 6, 1869	1, 187 50				
	26	....	....do	James McGraw	1, 000 00		Dec. 6, 1869	500 00	Dec. 6, 1869	500 00	Dec. 22, 1871	Dec. 22, 1871	Jan. 10, 1872	
	27	....	....do	Isaac Gilbert	950 00	(See block H, lot 2)								
	29	....	....do	Bridget Boerley	80 00									
	34	....	....do	Patrick O'Beirne	139 00		Dec. 6, 1869	245 25	Dec. 6, 1869	245 25			Jan. 13, 1872	Paid cash.
G	8	1869	Camp Hill	George Koonce	75 00									
H	7	1869	....do	Edmund H. Chambers	39 00								Feb. 16, 1870	Paid cash.
I	4	1869	....do	Lewis Seabold	105 00		Dec. 6, 1869	260 00	Dec. 6, 1869	260 00				
I	5	1869	....do	Francis Gannon	90 00		Dec. 6, 1869	52 50	Dec. 6, 1869	52 50				
I	6	1869	....do	Dorsey H. Irwin	25 00	(See lot 8, north of Shenandoah st.)	Dec. 6, 1869	100 00	Dec. 6, 1869	100 00				
I	10	1869	....do	John E. Irwin	31 00									
I	13	1869	....do	Nicholas Marmion	53 00	(See block I, lot 5)								
J	5	1869	At Union square	John A. Lashorn	70 00	Sarah A. McDaniel								
J	6	1869	....do	Zadock Butt	30 00									
J	7	1869	....do	J. Robinson Strayer	61 00		Dec. 6, 1869	15 00	Dec. 6, 1869	15 00				
J	10	1869	....do	Daniel Ames			Dec. 6, 1869	30 50	Dec. 6, 1869	30 50			April 4, 1870	Paid cash.
J	11	1869	....do	....do										
J	12	1869	....do	....do										
J	13	1869	....do	....do	86 00	(See block F, lot 1)								
L	5	1869	South side of Ridge street	George H. Bender	127 00									
L	6	1869	....do	William M. Graham	123 00		Dec. 6, 1869	63 50	Dec. 6, 1869	63 50				
N	2	1869	Between Ridge and Putnam sts.	Samuel Coleman	41 00		Dec. 6, 1869	61 50	Dec. 6, 1869	61 50				
N	3	1869	....do	James Warfield	40 00		Dec. 6, 1869	20 50	Dec. 6, 1869	20 50				
N	8	1869	....do	Oliver Hall	21 00		Dec. 6, 1869	20 00	Dec. 6, 1869	20 00				
N	9	1869	....do	Harrison Robinson	10 00		Dec. 6, 1869	10 50	Dec. 6, 1869	10 50				
N	10	1869	....do	James Musgrove	9 00								Jan. 13, 1870	Paid cash.
O	8	1869	....do	Samuel Irbey	43 00								Jan. 13, 1870	Paid cash.
O	9½	1869	....do	Jefferson Page	40 00		Dec. 6, 1869	21 50	Dec. 6, 1869	21 50				
O	14	1869	....do	Lydia A. Kilham	2 00		Dec. 6, 1869	20 00	Dec. 6, 1869	20 00				
P	4	1869	....do	Thomas A. Kirwan	60 00	James M. C. Board	Dec. 6, 1869	6 00	Dec. 6, 1869	6 00	Jan. 27, 1872	Jan. 27, 1872	Feb. 7, 1872	(See Z 3.)
P	6	1869	....do	John W. Marlatt	30 00		Dec. 6, 1869	30 00	Dec. 6, 1869	30 00				
P	8	1869	....do	John C. Storm	46 00		Dec. 6, 1869	15 00	Dec. 6, 1869	15 00				
P	10	1869	....do	Thomas A. Kirwan	110 00		Dec. 6, 1869	23 00	Dec. 6, 1869	23 00				
P	14	1869	....do	John Gilbert	80 00									
P	18	1869	....do	Harrison Robinson	30 00		Dec. 6, 1869	40 00	Dec. 6, 1869	40 00				
P	19	1869	....do	....do	32 00		Dec. 6, 1869	31 00	Dec. 6, 1869	31 00				
Q	8	1869	....do	Daniel Ames	11 00									
Q	1	1869	....do	....do	5 00									
Q	2	1869	....do	....do	5 00	(See block F, lot 1)								
Q	3	1869	....do	....do	13 00									
Q	4	1869	....do	....do	10 00									
Q	5	1869	....do	Wilbur A. Winters	13 00									
Q	6	1869	....do	Thomas Jefferson	5 00		Dec. 6, 1869	57 00	Dec. 6, 1869	57 00				
Q	15	1869	....do	Daniel Ames	16 00	(See block F, lot 1)								
Q	16	1869	....do	George Koonce	8 00								Jan. 13, 1870	Paid cash.
Q	17	1869	....do	Daniel Ames	7 00									
Q	18	1869	....do	....do	6 00	(See block F, lot 1)							Feb. 16, 1870	Paid cash.
Q	19	1869	....do	George Koonce	3 00									
Q	20	1869	....do	Wilbur A. Winters	6 00	(See block Q, lot 5)								
R	1	1869	North of Ridge street	Daniel Ames	48 00	(See block F, lot 1)							Feb. 16, 1870	Paid cash.
R	2	1869	....do	Nicholas Marmion	39 00									
R	3	1869	....do	....do	51 00	(See block I, lot 5)								
R	4	1869	....do	....do	60 00									
R	5	1869	....do	John L. Walsh	51 00	(See block A, lot 6)								

Abstract of sale of United States property at and near Harper's Ferry, W. Va., sold at public auction, at the town of Harper's Ferry, &c.—Continued.

Block.	Lot.	Date of map.	Location and remarks.	Names of purchasers.	Amount.	Declined by purchaser and taken by—	Notes secured by bond for— One year. Date.	One year. Amount.	Two years. Date.	Two years. Amount.	When paid. First note.	When paid. Second note.	Date of deed.	Remarks.
R	6	1869	North of Ridge street	Nicholas Marmion	$26 00	(See block I, lot 5)								
R	7	1869	do	Daniel Ames	10 00	(See block F, lot 1)								
R	8	1869	do	do	12 00									
S	1	1869	do	Truenan W. Potterfield	11 00								Jan. 13, 1870	Paid cash.
S	2	1869	do	David M. King	16 00	(See lot 4)								
S	3	1869	do	Daniel Ames	40 00	(See block F, lot 1)								
S	4	1869	do	do	38 00									
S	5	1869	do	Edward H. Chambers, for Meth. parsonage.	21 00	(See block H, lot 7, Camp Hill.)								
S	6	1869	do	do	10 00									
T	1	1869	do	Bettie E. Koonce	43 00								Jan. 13, 1870	Paid cash.
T	2	1869	do	Edward Tearney	65 00	(See lot 3, north of Shenandoah st.)							May 12, 1870	Paid cash.
T	3	1869	do	Joseph A. McFadden	45 00		Dec. 6, 1869	$22 50	Dec. 6, 1869	$22 50				
T	4	1869	do	Solomon V. Yantis	68 00		Dec. 6, 1869	34 00	Dec. 6, 1869	34 00				
U	1	1869	do	Mary A. Percival	8 00	(See lot 7, north of Shenandoah st.)								
U	2	1869	do	Ellen M. Brittain	12 00		Dec. 6, 1869	6 00	Dec. 6, 1869	6 00				
U	3	1869	do	David M. King	34 00	(See lot 4)								
U	4	1869	do	Harry King	44 00		Dec. 6, 1869	22 00	Dec. 6, 1869	22 00				
V	1	1869	Between Putnam and Van Wert streets.											
V	2	1869	do	Wilbur A. Winters	85 00	(See block Q, lot 3)								
V	3	1869	do											
V	4	1869	do											
V	5	1869	do											
V	6	1869	do	P. H. Strode, for himself and other heirs of Ed. Lucas, jr., deceased.	10 00	(See block C, lot 11)								
V	8	1869	do	Thomas A. Kirwan	50 00	Ann Jackson	Dec. 6, 1869	25 00	Dec. 6, 1869	25 00				
W	10	1869	do	Mary D. Price	5 00		Dec. 6, 1869	5 00	Dec. 6, 1869	5 00	Dec. 15, 1871	Dec. 15, 1871	Jan. 10, 1872	
W	11	1869	do	do	5 00									
X	12	1869	do	Nathan Johnson	16 00		Dec. 6, 1869	8 00	Dec. 6, 1869	8 00				
Z	3	1869	East of Paulding street	Lydia A. Kilham	10 00	(See block O, lot 14)					Jan. 27, 1872	Jan. 27, 1872	Feb. 7, 1872	
Z	4	1869	do	Colored M. E. Church	5 00								Jan. 13, 1870	Paid cash.
2	1	1869	Between Van Wert and North Cliff streets.	Nancy Blanham	15 00								Jan. 13, 1870	Paid cash.
2	2	1869	do	Ellen King	8 00		Dec. 6, 1869	74 00	Dec. 6, 1869	74 00				
2	3	1869	do	Francis Gannon	5 00	See block I, lot 5)								
2	4	1869	do	Patrick O'Beirne	6 50	(See lot 34, Wager reservation.)								
2	5	1869	do	Francis Zoll	4 00								Jan. 13, 1870	Paid cash.
2	6	1869	do	Nicholas Marmion	6 00	See block I, lot 5)								
2	7	1869	do	James Musgrove	10 00								Jan. 13, 1870	Paid cash.
AA	1	1869	Between Washington and Potomac streets.	Daniel Ames	1,225 00	(See block F, lot 1)								
AA	2	1869	do	Polly McArthur	1,750 00		Dec. 6, 1869	875 00	Dec. 6, 1869	875 00				
AA	3	1869	do	Patrick Higgins	225 00		Dec. 6, 1869	112 50	Dec. 6, 1869	112 50				
AA	4	1869	do	Mary A. Cavalier	220 00		Dec. 6, 1869	110 00	Dec. 6, 1869	110 00				
AA	5	1869	do	Edward Tearney	310 00	(See lot 3, north of Shenandoah st.)								
AA	6	1869	do	Michael Tearney	400 00		Dec. 6, 1869	262 50	Dec. 6, 1869	262 50				
AA	7	1869	do	Thomas A. Kirwan	250 00									
AA	8	1869	do	Henry Russel	10 00								Jan. 13, 1870	Paid cash.
AA	9	1869	do	Thomas A. Kirwan	470 00									
AA	10	1869	do	Thomas T. Earnshaw	600 00									
BB	1	1869	On Washington and Ridge sts.	Patrick O'Beirne	135 00	(See lot 34, Wager reservation.)								
BB	2	1869	do	John L. Walsh	100 00	(See block A, lot 6)								
BB	3	1869	do	Charles E. Beller	260 00		Dec. 6, 1869	130 00	Dec. 6, 1869	130 00				
BB	4	1869	do	John Fitzpatrick	160 00		Dec. 6, 1869	232 50	Dec. 6, 1869	232 00				
BB	5	1869	do	Thomas A. Kirwan	250 00									
BB	6	1869	do	Valinda Stipes	5 00								Jan. 13, 1870	Paid cash.
BB	7	1869	do	Patrick O'Beirne	210 00	(See lot 34, Wager reservation.)								
BB	8	1869	do	Thomas A. Kirwan	150 00									
BB	9	1869	do	do	240 00									
BB	10	1869	do	do	270 00									
CC	1	1869	On Washington and Clay sts.	David M. King	100 00	(See lot 4)								
CC	2	1869	do	Thomas H. Trail	190 00									
CC	3	1869	do	Edmond H. Chambers	200 00	(See block H, lot 7, Camp Hill)								
CC	4	1869	do	Thomas T. Earnshaw	150 00									
DD	1	1869	Between Fillmore and Clay sts.	John Billman	140 00		Dec. 6, 1869	70 00	Dec. 6, 1869	70 00				

Abstract of sale of United States property at and near Harper's Ferry, W. Va., sold at public auction, at the town of Harper's Ferry, &c.—Continued.

Block.	Lot.	Date of map.	Location and remarks.	Names of purchasers.	Amount.	Declined by purchaser and taken by—	Notes secured by bond for—				When paid,		Date of deed.	Remarks.
							One year.		Two years.					
							Date.	Amount.	Date.	Amount.	First note.	Second note.		
DD	2	1869	Between Fillmore and Clay sts.	Edmond H. Chambers	$250 00	(See block H, lot 7, Camp Hill.)								
DD	3	1869	....do....	Dorsey H. Irwin	120 00	(See lot 8, north of Shenandoah st.)								
DD	4	1869	....do....	James McGraw	240 00									
DD	5	1869	....do....	....do....	240 00									
DD	6	1869	....do....	John O'Farrell	190 00									
EE	1	1869	Between S. Cliff and Clay sts.	....do....	130 00		Dec. 6, 1869	$160 00	Dec. 6, 1869	$160 00				
EE	2	1869	....do....	John L. Walsh	140 00	(See block A, lot 6)								
EE	3	1869	....do....	John H. Hodges	140 00									
FF	1	1869	Camp Hill	Harrison Hough	240 00									
FF	2	1869	....do....	Abraham Clemmer	229 00									
FF	3	1869	....do....	....do....	240 00									
FF	4	1869	....do....	....do....	230 00		Dec. 6, 1869	489 50	Dec. 6, 1869	489 50				
FF	5	1869	....do....	John F. Conlahan	50 00		Dec. 6, 1869	25 00	Dec. 6, 1869	25 00				
FF	6	1869	....do....	Abraham Clemmer	46 00	(See block FF, lots 2, 3, and 4.)								
FF	7	1869	....do....	....do....	24 00									
FF	8	1869	....do....	J. P. Keller	40 00		Dec. 6, 1869	20 00	Dec. 6, 1869	20 00				
GG	1	1869	....do....	Rev. Jared Bowman, for Colored M. E. Church.	50 00								Jan. 13, 1870	Paid cash.
GG	2	1869	....do....	Ellen King	140 00	(See block 2, lot 2.)								
GG	3	1869	....do....	Abraham Clemmer	200 00	(See block FF, lots 2, 3, and 4.)								
GG	4	1869	....do....	John Fitzpatrick	180 00									
GG	5	1869	....do....	....do....	125 00	(See block BB, lot 4.)								
GG	6	1869	....do....	William Butts	90 00		Dec. 6, 1869	45 00	Dec. 6, 1869	45 00				
GG	7	1869	....do....	Edward Polls	60 00		Dec. 6, 1869	30 00	Dec. 6, 1869	30 00				
GG	8	1869	....do....	Mary I. Earnshaw	40 00		Dec. 6, 1869	20 00	Dec. 6, 1869	20 00				
HH	1	1869	....do....	Henry G. Rowson	200 00		Dec. 6, 1869	100 00	Dec. 6, 1869	100 00				
HH	2	1869	....do....	James L. Shewbridge	205 00								Jan. 13, 1870	Paid cash.
HH	3	1869	....do....	Daniel Ames	185 00									
HH	4	1869	....do....	....do....	160 00	(See block F, lot 1)								
HH	5	1869	....do....	Pompey Massey	105 00		Dec. 6, 1869	52 50	Dec. 6, 1869	52 50				
HH	6	1869	....do....	Anthony Bussey	80 00		Dec. 6, 1869	40 00	Dec. 6, 1869	40 00				
HH	7	1869	....do....	....do....	75 00									
HH	8	1869	....do....	....do....	125 00		Dec. 6, 1869	100 00	Dec. 6, 1869	100 00				
II	1	1869	....do....	Mary D. Young	1,200 00		Dec. 6, 1869	600 00	Dec. 6, 1869	600 00	Oct. 4, 1870	Nov. 27, 1871	Dec. 5, 1871	
II	3	1869	....do....	Va. Lodge No. 1, I. O. O. F.	130 00								Jan. 13, 1870	Paid cash.
JJ	1	1869	....do....	William Exner	115 00		Dec. 6, 1869	57 50	Dec. 6, 1869	57 50				
JJ	2	1869	....do....	Thomas A. Kirwan	120 00									
JJ	3	1869	....do....	....do....	150 00	John H. Marten	Dec. 6, 1869	135 00	Dec. 6, 1869	135 00				
JJ	4	1869	....do....	....do....	172 00									
JJ	5	1869	....do....	....do....	225 00	John T. Reed	Dec. 6, 1869	343 50	Dec. 6, 1869	343 50				
JJ	6	1869	....do....	....do....	253 00									
JJ	7	1869	....do....	....do....	220 00	James W. Hopwood.	Dec. 6, 1869	237 50	Dec. 6, 1869	237 50				
JJ	8	1869	....do....	Francis Gannon	105 00	(See block I, lot 5)								
JJ	9	1869	....do....	Thomas A. Kirwan	265 00									
JJ	10	1869	....do....	....do....	140 00									
JJ	11	1869	....do....	....do....	150 00	(See block JJ, lots 4 and 5.)								
JJ	12	1869	....do....	....do....	150 00									
JJ	13	1869	....do....	....do....	180 00									
JJ	14	1869	....do....	Mary D. Cochrane	200 00									
KK	1	1869	....do....	Thomas H. Trail	90 00		Dec. 6, 1869	45 00	Dec. 6, 1869	45 00				
KK	2	1869	....do....	Michael Tearney	125 00	(See block AA, lot 6)								
KK	3	1869	....do....	Thomas A. Kirwan	230 00	Mary B. Rodrick	Dec. 6, 1869	115 00	Dec. 6, 1869	115 00				
KK	4	1869	....do....	....do....	245 00	Sally J. D. Grubb	Dec. 6, 1869	122 50	Dec. 6, 1869	122 50				
KK	5	1869	....do....	....do....	260 00									
KK	6	1869	....do....	James Weaver	250 00		Dec. 6, 1869	125 00	Dec. 6, 1869	125 00				
KK	7	1869	....do....	George L. Weaver	300 00		Dec. 6, 1869	150 00	Dec. 6, 1869	150 00				
KK	8	1869	....do....	Julia A. Beale	90 00		Dec. 6, 1869	45 00	Dec. 6, 1869	45 00				
KK	9	1869	....do....	Thomas A. Kirwan	130 00									
KK	10	1869	....do....	....do....	155 00									
KK	11	1869	....do....	....do....	130 00									
KK	12	1869	....do....	....do....	124 00									
KK	13	1869	....do....	Caspar Hutzell	130 00		Dec. 6, 1869	65 00	Dec. 6, 1869	65 00				
KK	14	1869	....do....	Thomas A. Kirwan	150 00	John G. Mitchell	Dec. 6, 1869	75 00	Dec. 6, 1869	75 00				
LL	1	1869	....do....	Oliver Kemp	65 00								Jan. 13, 1870	Paid cash.
LL	2	1869	....do....	Daniel Ames	50 00									
LL	3	1869	....do....	....do....	56 00	(See block F, lot 1)								
LL	4	1869	....do....	James Dooly	62 00	(See block H, lot 1)								
LL	5	1869	....do....	Thomas B. Winters	61 00									
LL	6	1869	....do....	....do....	89 00		Dec. 6, 1869	75 00	Dec. 6, 1869	75 00				
LL	7	1869	....do....	Louisa Evans	20 00	(See block I, lots 2 and 3.)								

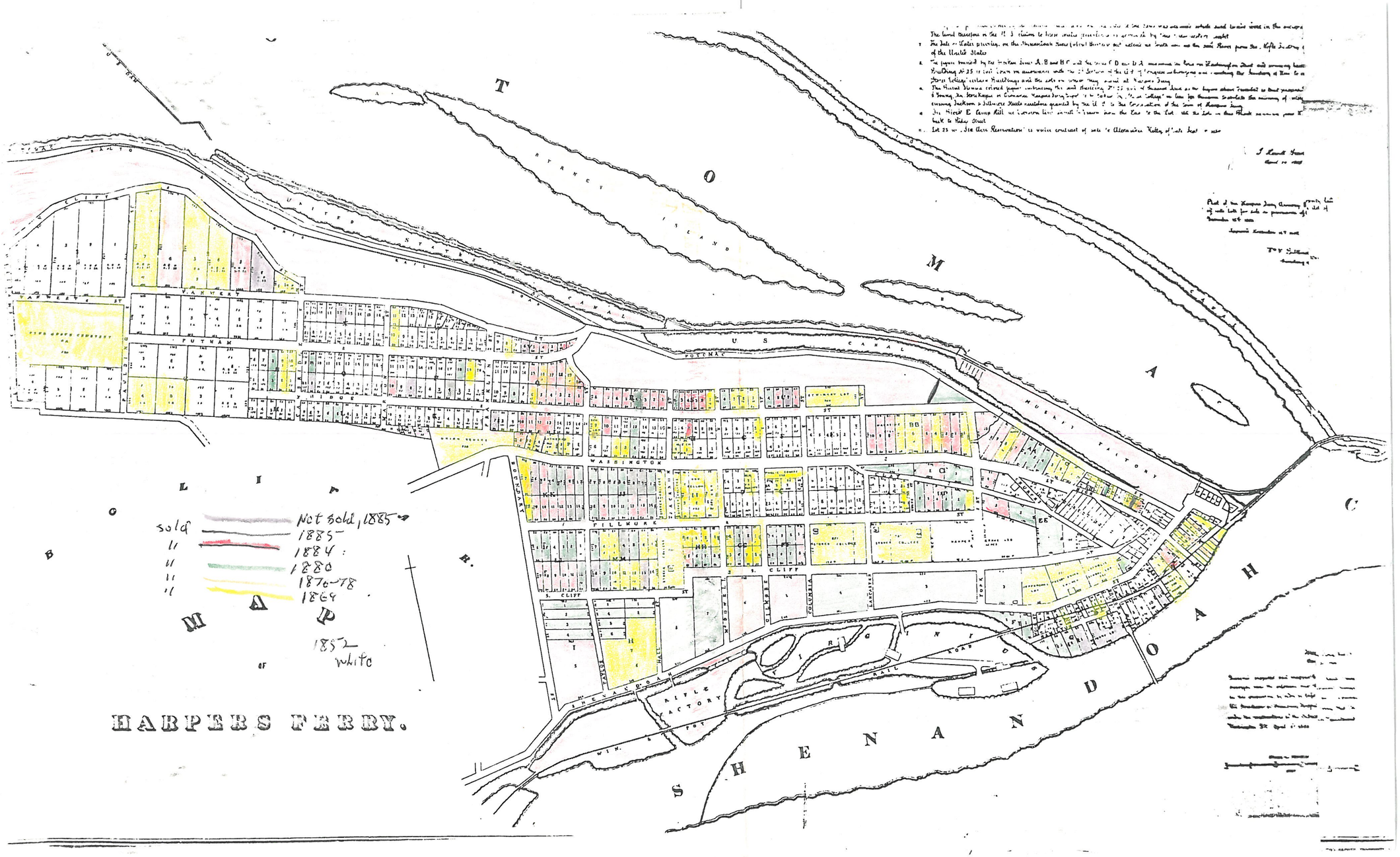
Abstract of sale of United States property at and near Harper's Ferry, W. Va., sold at public auction, at the town of Harper's Ferry, &c.—Continued.

Block.	Lot.	Date of map.	Location and remarks.	Names of purchasers.	Amount.	Declined by purchaser and taken by—	Notes secured by bond for— One year. Date.	Amount.	Two years. Date.	Amount.	When paid. First note.	Second note.	Date of deed.	Remarks.
LL	8	1869	Camp Hill	Dorsey H. Erwin	$25 00	(See lot 8, north of Shenandoah st.)								
LL	9	1869	do	do	15 00									
LL	10	1869	do	Daniel Ames	20 00									
LL	11	1869	do	do	22 00	(See block F, lot 1)								
LL	12	1869	do	do	31 00									
MM	1	1869	do	Arthur Lewis	120 00		Dec. 6, 1869	60 00	Dec. 6, 1869	60 00				
MM	2	1869	do	Henry P. Dean	110 00		Dec. 6, 1869	55 00	Dec. 6, 1869	55 00				
MM	3	1869	do	Owen Blanchfield	130 00		Dec. 6, 1869	65 00	Dec. 6, 1869	65 00				
MM	4	1869	do	Joseph T. Young	100 00		Dec. 6, 1869	50 00	Dec. 6, 1869	50 00				
MM	5	1869	do	George Koonce	65 00									
MM	6	1869	do	do	60 00								Feb. 16, 1870	Paid cash.
MM	7	1869	do	Trueman W. Potterfield	55 00								Feb. 16, 1870	Paid cash.
MM	8	1869	do	James H. Boden	60 00		Dec. 6, 1869	27 50	Dec. 6, 1869	27 50				
MM	9	1869	do	William B. Chambers	45 00		Dec. 6, 1869	30 00	Dec. 6, 1869	30 00				
MM	10	1869	do	Annie L. McCarty	44 00		Dec. 6, 1869	22 50	Dec. 6, 1869	22 50				
MM	11	1869	do	Thomas Jefferson	51 00								Jan. 13, 1870	Paid cash.
MM	12	1869	do	William B. Chambers	57 00		Dec. 6, 1869	25 50	Dec. 6, 1869	25 50				
MM	13	1869	do	Jacob Bird	51 00								Feb. 16, 1870	Paid cash.
MM	14	1869	do	Charles Hardy	55 00	Benjamin F. Hobbs	Dec. 6, 1869	25 50	Dec. 6, 1869	25 50				
							Dec. 6, 1869	27 50	Dec. 6, 1869	27 50				
			Total sales		297, 793 50									

MAP NO. 1

S. Howell Brown's 1869 Map of Harper's Ferry

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SUMMARY

CHAIN OF TITLE FOR WAGER LOT NO. _____

1. April 25, 1751 to October 15, 1782: Robert Harper.

2. October 15, 1782 to October 10, 1835: John Wager, Sr. and Jr., and the heirs of John Wager, Jr.(1813-1835).

3. October 10, 1835 to _____

B. Chain of Title for U.S. Lot No.1, North of Shenandoah Street, and Bldg. No. 45, 1751 - 1953:

The land that was to include the future sites of the U.S. Armory at Harpers Ferry, U.S. Lot No. 1, North of Shenandoah Street, and also the Lower Town of Harpers Ferry, was acquired by Robert Harper, a mill-wright from Pennsylvania, on April 25, 1751, in a deed for 125 acres, from Lord Thomas Fairfax.[1]

Robert Harper died at Harpers Ferry in October, 1782, and bequeathed this 125 acre estate to his niece, Sarah Harper, the daughter of his brother Joseph Harper and the wife of John Wager, Senior, of Philadelphia.[2]

On June 15, 1796, with the exception of six acres retained in the "Six Acre Reservation" and an additional three-quarters of an acre situated in the "Ferry Lot", John Wager, Sr. sold the balance of the estate, about 118¼ acres to the United States Government for $ 7,016.66 to be used for the purpose of establishing a National Armory at Harpers Ferry to manufacture arms.[3]

1. Fairfax Deed to Robert Harper, April 25,1751, Northern Neck Grants, Book 6, p.496, for 125 acres, in Virginia State Library, Richmond, Va.

2. Last Will of Robert Harper of Berkeley County, Va., dated 26 September, 1782. Office of the Judge Advocate General, Military Reservation Division, Reservation File, West Virginia, Box 41, Harpers Ferry(ms). National Archives Record Group 153. Deed probated in Berkeley County, Va., Oct. 15,1782.

3. Copy of Warranty Deed, John Wager, Sr. et ux, Berkeley County, Va., to the United States, June 15,1796. National Archives, R.G., 121, Public Service Building, Harpers Ferry Laminated Material(PS).

of Congressional and court action to extract themselves. During most of this period the economic and industrial decline of the town of Harpers Ferry was almost completely suspended.

4. A Natural Disaster, the Flood of 1870:

On Friday September 30, and Saturday, October 1, 1870 the greatest flood in the history of Harpers Ferry struck the town, when the Shenandoah River went on a rampage. "Every house on the south side of the [Shenandoah] street from the market house [Lot 4, Block B, Shenandoah Street, upstream or west] to the Island of Virginius was either entirely destroyed or badly injured." Some 42 lives, including 20 at Shenandoah City, were lost in this disaster.[8]

Many of the people who purchased U.S. lots along Shenandoah Street in 1869 were heavy losers. The fine brick stable, similiar in design to the John Brown fire engine house, standing on Lot 2, Block F, Shenandoah Street, and on which John G. Wilson had bid $ 1,800, was completely destroyed. The brick Armory Dwelling House No. 4, standing on Lot No. 1, Block F, Shenandoah Street, for which Damiel Ames had bid $ 1,650, was badly damaged. Mrs. Harriet M. Neer had purchased vacant lot No. 1, Block G, Shenandoah Street, for $ 150.00 and just finished erecting a new frame livery stable, 40 by 20 feet in size, at a cost of $ 250.00. James C. McGraw, who had purchased Armory Dwelling No. No 2, on Lot 3, Block B, Shenandoah Street, reported that the flood waters cracked the brick walls and raised the floors.[9]

On November 1, 1870, 25 of the purchasers of U.S. lots who lived in the lower town wrote to the Secretary of War appealing for a suspension of the first payment on their notes, which were due on December 6, 1870, until Congress could take action on this problem.

The citizens advanced two reasons for this request, writing with regards to the flood: "We are overwhelmed by the most terrible calamity which could at any time be the fate of any

8. Joseph Barry, "The Strange Story of Harper's Ferry, With Legends of the Surrounding County, (1903- 7th Reprint, Shepardstown, W.V., 1974), p. 164. A vivid account of the flood will be found on pp. 151-169.

9. The sad tale of these individual losses are to be found in National Archives Record Group No. 121, Public Buildings Service, Intry 78, Records concerning the Harpers Ferry Abatement Cases, 1868-1880, 2 trays. In a letter to the Secretary of War, dated Nov. 23, 1871, Damiel Ames reported that he had put the house on Lot 1, Block F, Shenandoah Street, "in perfect repair, and before it had been occupied a month, the property was damaged by the flood to the extent of $ 2,500, ... compelling immediate repairs of about $ 400 to prevent utter destruction." Senate Doc. 6, p. 18, Serial No. 1570

"community, namely, by the flood. This awful disaster is well known to the world, and needs no comment on our part than for to state that our business has been therefrom paralyzed, our debtors unable to meet their engagements to us, and the people without money to restore themselves to their former condition; and besides this, we who are able or have anything beforehand are daily solicited or volunteer to relieve the destitute in this extremity to the full extent of our several abilities in their urgent wants. These are our neighbors and friends, and no excuse will answer in this emergency."[10]

[Their second reason for requesting delay in the collection of payments is discussed in the section that follows].

Their petition was forwarded by A. K. Kitzmiller, Counsel for the parties, to Bvt. Brig Gen. A. B. Dyer Chief of Ordnance on November 4,1870. Dyer sent the petition to Secretary of War William W. Belknap on November 7, requesting instructions as to what action should be taken.[11] The Secretary of War did not response for seven months, so that the citizens of Harpers Ferry, in effect, unoffically received the requested suspension of payments. In a second letter to the Secretary of War on this problem, dated June 1,1871, Chief of Ordnance Dyer explained " As no instructions were communicated to me in pursuance of my request of 7th November ,1870, I have taken no action toward enforcing the payment of the one-year notes due last December, and all of them remain unpaid.

"It is believed that no serious damage will result to Government by letting these notes lie over until the two-year notes become due next December; and I repsectfully recommend that relief to this extent be granted to these memorialists."[12] After consulting with the Judge Advocate General, the Secretary of War approved on June 3,1871 the policy of suspending the collection, provided that the sureties should formally and in writing assent to such agreement.[13]

The Ordnance Department thus made no forceable effort to collect

10. Senate Executive Document No. 6, Serial No. 1580, p. 13.
11. Ibid., p. 12, 13.
12. Ibid., p. 16.
13. Ibid., 16, 17.

the notes that came due on December 6, 1870. By December 31,1872, three years after the sale, only 25 purchasers had paid in full, ~~the sum of~~ ~$ 5,686.00 under the terms of the 1869 sale, and received the deeds to their 33 lots and three houses. (See Chart 7 p. 46 Schedule of Payments for 1869 sale, 1869-1885) . Some 98 purchasers with bonds on ~~the~~ 178 lots owed the United States Government some $ 272,107.50 on this property. It was clear the War Department had a major problem on its hands.

5. Man-Made Disasters, 1870-1880:

The first hint of the inpending man-created problems, perhaps, came in the same letter of November 1,1870 from ~~the~~ 25 Harpers Ferry citizens appealing for a suspension of forceable collection of one year notes that came due on December 6,1870, in part, because of the flood damage to the property in their town. The petitioners also alledged that perhaps fraud or misleading information had induced them to bid such high prices at the 1869 sale. They wrote: " We put faith in widely-spread rumor and the corroborating statements of Captain [Francis F.] Adams," that it was"the intention and purposes of the purchaser[of the water power of the Potomac and Shenandoah River, which Adams purchased for $ 206,000], were without delay, to reconstruct and erect valuable factories and buildings on the lands heretofor owned by the United States and used and occupied by the Government as a national armory." Believeing "that our purchases under these circumstances would be a very good investment for business purposes in the future, and consequently we did bid off our respective lots at prices largely in excesss of their value under any circumstances than those to refered to."

"The meaning of this is," they continued," that the undersigned have been grievously disappointed by the parties from whom it was supposed better things would be expected." Captain Adams and his group of "private capitalists" had failed to take any steps to develop the water power at Harpers Ferry which they now controlled. 14

With the benefit of hindsight, it is clear that the fatal flaw in the sale of 1869 was due to the provision in the Act of 1868 which permitted the items to be sold on terms of easy credit and required

14. Senate Executive Doc. 6, Serial No. 1580, p. 12.

no cash down payment. Thus Captain Francis C. Adams and the band of speculators that he headed, were able, without putting one cent down, to control of the chief industrial resources of Harpers Ferry, namely the water power of the Potomac and Shenandoah Rivers, and the lands of the U.S. Musket Factory and U.S. Rifle Factory, for a paper bid of $ 206.000 - a sum that they were unable to pay and indeed, had no intention of ever developing these industrial properties.

George P. Fisher, U.S. District Attorney for the District of Colombia, investigated this group of "private capitalists" and reported to the U.S. Attorney in a letter dated June 14,1873, "I am statisfied, after consulting with Mr. Phillips. the deputy marshal of this District , that the sureties have not enough property in this District or elsewhere, to my knowledge, to reponse to more than one-fourth of the amount of said purchase-money[three bonds totalling of Francis C. Adams totalling $ 209,705.00 for the water power of the Potomac and Shenandoah River and for Lots 2 and 5, Block A, Shenandoah Street];

Continuing, Fisher noted: "The sureties on the bonds given for $ 3,705[Lots 2 and 5, Block A] are Clinton Lloyd, the chief clerk of the Clerk of the House of Representative; William B. Webb, a member of the bar of this District; and Francis A. McCartney, now deceased, formerly the disbursing clerk of the Post-Office Department. Some two years agao McCartney defaulted , became an inmate of the lunatic asylum, and died about 18 months ago utterly insolvent. Webb has property in this District assessed at $ 9,199 against which, I believe, there are no liens; and Llyod as an assessment of $ 10,244, subject to a lien for a large portion of that amount, say about one-half. The same parties and no others are sureties in the second bond, for $ 30,000 [on the water power of the Shenandoah]. Adams has no property in this District, so far as I can learn. The sureties on the third bond, for $ 176,000[for water power of the Potomac], are the same, with the addition of Samuel P. Brown, J. W. Fitzhugh, Nathaniel Wilson, and George H. Plant. The latter gentleman has an assessment of some $ 115,000, but it is so involved and encumbered that Mr. Phillips tells me that it is very difficult for him to make the money on executions already out against him. Wilson is assessed at $ 14,577; Fitzhugh at $ 1,000; and as to Brown, it is sufficient for me to say that the Government is already driven to withholding his salary as commissioner of the board of public works in order to make good his own default as navy-agent during the war. His deficit, as such, is over $ 40,000. To

CHART No. 7

SCHEDULE OF COLLECTIONS FOR THE DECEMBER 1869 SALE OF PUBLIC LOTS AND HOUSES AT THE U.S. ARMORY AT HARPERS FERRY, W. VA.

A. Collected in accordance with the Original Terms of the 1869 Sale

YEAR	Buyers	Lots	Houses	Amount Paid	Remarks
1870:	19	26	0	$ 1,189.00	
1871:	1	1	1	1,200.00	
1872:	5	6	2	3,297.00	
Total:	25	33	3	$ 5,686.00	(1)
1877:	1	1	0	82.12	Includes $ 22.12 in interest.
1880:	1	1	0	9.81	Includes 3.31 in interest.
TOTAL:	27	35	3	$ 5,777.93	[$ 25.43 in interest]
B. By U.S. District Court for W.VA.	2	2	0	1,090.00	Lots bid on by C.F. Adams in 1869
C. U.S. To B & O R.R. Co.	1	1	0	500.00-	1878-Byrnes Island
1869-1880	30	38	3	$ 8,367.93	Subtotal
D. ABATEMENT CASES:					
1879	11	12	3	$ 6,560.05	
1880:	18	25	3	3,108.30	
SUBTOTAL:	29	37	6	9,668.35	
1885 cases:	6	7	1	905.00	
TOTAL ABATEMENTS	35	44	7	$ 10,573.35	
GRAND TOTAL 1870- 1880:	65	82	10	$ 17,941.28	

(1) This total of $ 5,686.00 is also the figure used in the Committee on Military Affairs' Report of January 11,1873 on the state of the property sold at Harpers Ferry in 1869 collections,1869-1872, in House of Representatives' Reports, 42d Congress, 3D Session,1872-73, Vol. 1, Serial No. 1576- Report No. 21, p.1.

"recover one-third of the whole amount of these bonds here is, I think impossible; so does Phillips...."[15]

The actions of this group of "capitalists", or adventurers, revealed that their purpose in acquiring the Harpers Ferry property was not to develop it but to highjack the Baltimore and Ohio Railroad Company, whose main line west ran across the U.S. Musket Factory Yard under right of way that had been granted by the Secretary of War in 1838. Now claiming ownership of this right of way, the speculators announced that the B.& O. must either payup or find some other location for its main line west.

Because Adams and associates held control of the chief industrial assests of Harpers Ferry and owed $ 209,705.00 of the total of some $ 272,107.50 in outstanding unpaid bonds, the United States Government decided to move first against this group to reestablish the title of the United States to this property so that it could be resold to bona fide purchasers.

A. The Struggle in the Courts, 1872- 1876:

On July 20,1872, Secretary of War William W. Belknap requested that the U.S. Attorney-General institute suit immediately against Fracnis C. Adams for the sum of $ 209,705 due on three bonds. On February 3, 1873, George P. Fisher, the U.S. Attorney for the District of Columbia, brought suit in the U.S. District Court against Adams. Subequent to the bringing of this suit in D.C., a conference was held in Washington by the Attorney General of the United States, George H. Williams, George P. Fisher, N. Goff, the U.S. District Attorney for West Virginia, and the counsel for the sureties of Francis C. Adams. The latter objected to a decree, but agreed that if the Government would not proceed to a sale under a decree to enforce the vendor's lien for the entire purchase-money until the determination of a claim made by the Baltimore and Ohio Railroad Company, they would acknowledge service of process and thus expedite the suit. The sureties of Adams were informed that the Government had decided to press for a decree for the enorcement of the lien, and immediately after obtaining it, to institute proceedings to quiet title to the premises against the Baltimore and Ohio Railroad Company, and

15. Letter of the Attorney General, May 6, 1874, in Senate Executive Documents, 43 Congress, 1st Session, Serial No. 1581, Doc. No. 18, p. 7.

not to make sale until after the decision of the issue between the Government and the railroad company, so that the best price could be had for the property.

Suits in equity were filed by N. Goff, the U.S. District Attorney for West Virginia, against Adams and his sureties in the U.S. District Court for that State in July 1873 for the purpose of enforcing the vendor's lien. A decree was had from that court in September or October, 1873, for the sale of the property. In each case, the sale to be made by N. Goff, as trustee, at a time to be fixed by the future order of the court.

Prior to February 1873, the Baltimore and Ohio Railroad Company had brought suit in a State Court of West Virginia to quiet its title to its right of way across the U.S. Musket Factory yard at Harpers Ferry, which had been sold by the United States to Adams. The railroad company argued that as its main line, built under the 1838 agreement with the Secretary of War, was constructed on "fill" placed forward of the original bank into the Potomac River, and because the State of Maryland claimed jurdisdiction over the whole of the Potomac River to the medium high water mark on the origin West Virginia shore, their main line was located in Maryland and not in West Virginia, hence F.C. Adams had no claim under the 1838 grant of right of way to the existing main line. The railroad company further argued that their 1841 purchase of part of Patrick Byrnes's Island in the Potomac gave them title to their main line through the Musket Factory yard, under the Maryland deed for that island. By December 1874, this suit had been determined in favor of the railroad company. This decision not only eliminated the claims of Francis C. Adams to the main line tract, but it also meant that the water power of the Potomac at Harpers Ferry did not belong to the United States, as improvements that the railroad company made to to main line track at Harpers Ferry, in the form of culverts, fill, etc, was beginning to interfer with the flow of water in the old Armory Canal.

In January, 1874, the U.S. district attorney for West Virginia instituted a suit in equity in the United States District Court at Wheeling, W. Va., in the name of the United States and Francis C. Adams and his sureties, to remove the cloud from the title of the property sold to Adams by the decision in the West Virginia State Court upholding the validity of the Byrnes deed.[15]

15. Legal history is summarized in Senate Report No. 566, pp. 2-4, dated January 26, 1874, Senate Reports of Committees, Vol. 1, 43rd Congress, 2nd Session, 1874-75, Serial No. 1632, Actual correspondence of the U.S. Attorney

Judge Jackson of the U.S. District Court of West Virginia handed down the decision on November 17, 1875.(1) He found that the Baltimore & Ohio Railroad Company held title to its main line right-of-way through the U.S. Musket Factory tract at Harpers Ferry on the basis of the November 5th, 1838 agreement between Josel R. Poinsett, Secretary of War, and Louis McLane, President of the B & O. R.R. Co., and not by virture of the September 1841 deed from Patrick Byrnes.(2) The Court also found that the U.S. Government intended this grant of right of way to be a permament one as long as it was used as a railroad, thus freeing the railroad company from any claims of ownership by Francis C. Adams. Finally, the Court found that the United States held complete title to the water power rights of the Potomac and to the Musket Factory tract, thus eliminating all claims to ownership by the B & O Railroad Company and clearing away all clouds to the title of the main assests at Harpers Ferry.[16] Finally, six years after the 1869 sale, the United States once again held full title to the water power of the Potomac and Shenandoah Rivers and their related 85 acres of land.

In September 1876, acting as trustee for the U.S. District Court of West Virginia, N. Goff sold Lots No. 2 and 5, Block A., Shenandoah Street, for which F. C. Adams had bid a total of $ 3,705 in 1869, to two purchasers for a total of $ 1,090.00.[17] The United States repurchased the water rights to the Potomac and Shenandoah for $ 70,000 and received the deeds for these items from the District Court on April 17.1877.(17A)

17. Chief Clerk Webster Elmes, Department of Justice, Office of the Solicitor of the Treasury to Solicitor of the Treasury George F. Talbot, National Archives Record Group 121, Harpers Ferry Case No. 155. Letter included in James N. Noffsinger's Contributions Towards a Physical History," pp. 181- 184. 17A-Senate Reports of Committees 1883-84, Vol. 7, Serial No. 2179. Report No. 770- p.1.

15. Continued, regarding these question, December 17, 1872 to May 6, 1874, is published with "Letter of the Attorney-General, May 6, 1874, in Senate Executive Documents, 43d Congress, 1st Session, Serial No. 1581 Document No. 48, Part 1, 15 pages, and Part II, 2 pages.

16. National Archives Record Group 121, Public Buildings Service, Harpers Ferrt Material, Printed pamphlet, 9 paged. "District Court of the United States For the District of West Virginia, Opinion of the Court, Nov. 17, 1875, in the Case of the United States and Other Vs. the Baltimore and Ohio Railroad Company. Also printed pamphlet, 13 pages. Statement of Facts in the Harper's Ferry Case-The Government Vs. The Baltimore and Ohio by. F. C. Adams, nno date, but published after the Nov. 17, 1875 decision of the U.S. Court for West Virginia. These documents are in cluded in James P. Noffsinger, "Harpers Ferry, West Virginia, Contributions Towards A Physical History," pp.162-180.

On June 15, 1878, the United States sold Byrnes Island, which contained about 72 acres, [18] to the Baltimore and Ohio Railroad Company for $ 500.00.

Thus by June 1880, about 10½ years after the 1869 sale, the United States had succeeded in legally disposing only 35 items, including 3 houses, for a total $ 5,777.93 among 27 purchasers. (See Chart No. 7, page 46 schedule of payments).

Still uncollected and unsettled were the bonds in the amount of approximately $62,402.50, owed by about 97 citizens of Harpers Ferry for 184 lots or items. The United States Government now moved to settle this tangled mess.

B. The Struggle in Congress, 1870-1878:

In their letter to the Secretary of War, dated November 1,1870, the 25 petitioners of Harpers Ferry had advised that they intended to petition Congress at its next session in December 1870 "for such relief in the premises as it may deem constitutional and just to grant us under the circumstances." [19] Two such bills were introduced into Congress, one on December 19,1870 and the other on March 7, 1871, but neither of these matured into law. [20] In 1872 and 1873, the citizens of Harpers Ferry continued to seek relief and several bills were introduced that provided that they could be released from their purchases by the surrender of their lots in return for the cancelment of their bonds. [21] These also failed to pass. In 1874 and 1875, two bills were introduced which would have authorized the Attorney General of the United States to adjust the claims of the U.S. Government upon the purchasers of property at Harpers Ferry. Neither of these were enacted into law. [22] Efforts were continued without success until 1878, when a measure was finally enacted into law and approved on June 14, 1878. [23]

18. National Archives R.G. 121, Public Buildings Service, Entry 58- "Warrenty Deeds to Land Conveyed by the Ordnance Department, 1830-1927 (4 vols), Vol. III, p. 555, for deed.

19. Senate Executive Document No. 6, p. 13, Serial No. 1580.

20. Ibid., 16.

21. Senate Report No. 556, Serial No. 1632, p. 2, January 26,1875.

22. Ibid. and House Report No. 616, Serial No. 1626, May 27,1874.

23. Senate Reports No. 445, Serial No. 1790- May 29,1878.

The Actof June 14, 1878 (1) authorized the Solicitor of the Treasury, by and with the consent of the Secretary of War, to cancel contracts with and release all purchasers of lots at the Harpers Ferry sale of 1869 from their purchases, whenever these buyders had quit -claimed and released their lots to the U.S. Government by deed in such form as may be required by the Solicitor of the Treasury. Also such quit claims and releases had to be executed and tendered to the Secretary of War within four months from the passage of the act, that is, by October 14, 1878. (2) The Solicitor was authorized to offer for sale all such lots that had had their titles properly cleared under step 1.

(3) The Solicitor was also authorized to lease any of the Harpers Ferry property for any term of years, if he deemed it expedient.

(4). The Solicitor was further authorized to abate part of the purchase-money due from purchasers "who have made improvements upon lots of land purchased [in 1869]...Provided, That in his judgement such purchasers are legally or equitably entitled to such abatement: And Provided further, that such purchasers shall apply to the Solicitor for abatement within two months of the passage of this act, that is by August 14,1878, and in case of an abatement is made, shall pay the balance of the purchase money due after deducting the amount abated within sixty days, thereafter; otherwise, the debt to remain as if no abatment had been made." 24

1. The Abatement Cases, 1878-1880.

George W. Graham of Harpers Ferry acted as the local agent for Kenneth Rayner, the Solicitor of the Treasury, in the Abatement Cases. On September 5,1878, Graham advised the Solcitior, that "the whole number of applications for abatement were 43 - and two were sent direct to Washington." 25 The lists prepare by Graham on the purchasers reveal to some extent what they had been doing with their lots since 1869. These are shown on Chart No. 8 which follows:

25. National Archives Record Group No. 121, Public Buildings Service, Entry 78, Harpers Ferry Abatement Cases, 2 trays, Tray No. 1.

24. U.S. Statues At Large(1877-79), Vol. 20, p.130-131.

Chart No.8 By August 1878.

Purchaser, 1869	Block	Lot	Location	Improvements Made
1. Daniel Ames	AA	1	Camp Hill	Built cistern, wall, pump house, Repaired the house.
2. Julia A. Beale	KK	8	" "	Fenced her lot.
3. John Billman	DD	1	" "	"Built a comfortable house on lot.
4. Thomas J. Burley	A	1	Shenandoah St.	Spent $664.00 built a cellar and stable on lot. Put tin roofing new doors, etc in old stone building
5. Mary D. Cochrane Wager	Lot 20		6 Acre Res.	Has improved and repaired old house. new porches, roofing.
6. Samuel Coleman	N	2	Camp Hill	Built a small dwelling at cost of $ 125 on lot.
7. Mary Conway	A	7	Shenandoah Street	Built a good brick dwelling house and store on her lot for $ 5,114.00 plus $ 50.00 for fencing.
8. Patrick Daley	Wager Lot	19	6-Acre Res.	Improved the old armory house on Lot 19. $27.00 for porch, repairs to roof and brick walls.
9. Henry P. Deam	MM	2	Camp Hill.	Had built a dwelling house on lot.
10. J. M. Decaulner	A A	3 4	Shenandoah Street " "	$ 1,000 spent for shedding, fencing, stable, and yard for coal and stock.
11. Mary L. Earnsaw	GG	8	Camp Hill	She the widow of a U.S. soldier has fenced her lot and planted fruit trees .
12. Dorey H. Erwin	I	6	Camp Hill	Built a stable and slaughter house on lot.
13. John Fitzpatrick	BB GG CC	4 4 4	Camp Hill " " " "	had fenced these lots.
14. Francis Gannon	I	5	" "	had fenced this lot.
15. Patrick Higgins	AA	3	" "	Built a house on his lot.
16. Ann Jackson	V	8	" "	Colored lady- Built a house on her lot at cost of $ 200.
17. Thomas Jefferson	MM	11	" "	Built a house on lot.

Chart No.8 August 1878

Purchasers, 1869	Block	Lot	Location	Improvements made.
18. Nathan Jackson	X	12	Camp Hill	"a colored lady- built a house on the lot small
19. Arthur Lewis	MM	1	" "	had fenced his lot.
20. John H. Martin	JJ JJ	2 3	Camp Hill	had fenced his lots and planted fruit trees.
21. Polly McArthur	AA	2	" "	had put this old brick house in good order.
22. Joseph A. McFadden	T	3	" "	had fenced his lot.
23. James McGraw [pd. $1,000.00 cash, 1869-tried unsuccessfully to abate in 1878].	Wager Lot	26	6-Acre Reservation	Has built back porch on old house, stonework under house, new timbers to support house, new stable.
24. James C. McGraw & others (Park Bldg. 34-35). Has spent $ 1,61.32 improving house & Lot	B	3	Shenandoah Street	House damaged in floods of 1870 and 1877. Built an ice house and stable, brick pavement, cistern, sewer in yard, brick support in cellar for the old house.
25. Edward Murphy	Wager Lot	22	6-Acre Res.	Old stone house, new roofing, timbers, glass, doors, blinds, outbuildings and fences.
26. Harriet M. Neer	G	1	Shenandoah St.	had built a livery stable on lot for $ 250. This destroyed by flood in 1870. Lot vacant in 1878.
27. Joseph D. Holmes	Lot No. 1 North of Shenandoah Street			Park Bldg. No. 45- repairs to roof and porch, built a new outbuilding.
28. Patrick O'Beirnes	Wager Lot No. 2 BB BB	34 4 1 7	Six Acre Res. Camp Hill " " " "	Fenced lots and planted fruit trees,
29. Edith O'Donnell [paid $ [illegible] ?,275 cash, 1869-tried unsuccessfully to abate this price in 1878]	Wager Lot	21	6-Acre Res.	Improved old stone house, new porches, floors, doors, windows, cistern, fencing.
30. Mary A. Percival	Lot No. 7 north of Shenandoah Street			has fenced part of lot.
31. John T. Reed Also JJ 10 and 11.	JJ JJ	4 5	Camp Hill " "	has fenced his lots and planted fruit trees.
32. Harrison Robinson	N	9	" "	built a dwelling house at a cost of $ 85 on lot.
33. Henry G. Rowson	HH	1	" "	has built "a nice house" on his lot.

Chart No. 8 August 1878

Purchasers, 1869	Block	Lot	Location	Improvements Made
34. John L. Walsh	A	6	Shenandoah Street.	Had spent $382.82, half the cost of constructing a brick wall of the house on Lot 6, Block A, so that he use it as a side wall wher he erected his own brick building on Lot 6. Was using Lot 6 as a garden.
35. George L. Weaver	JJ	7	Camp Hill	Had built a house on his lot.
36. James Boden	MM	8	" "	Had fenced his lot. (25)

The applications for abatement were reviewed by Kenneth Rayner, the Solicitor of the Treasury. Several applicants, including James McGraw and Edith O'Donnell, had completed payments in full under the original terms and hence were found to be ineligible to have their prices abated. Two others, Mrs. Florence Kirwin and Lawrence A. Montague, who had purchased Lots 2 and 5, Block A, Shenandoah Street, from the U.S. District Court of West Virginia in 1876, also applied to have their prices abated but were eliminated on the grounds that these sale did not come under the Act of June 14, 1878. Several more applicants had their petitions rejected because they filed after the August 14, 1878 deadline. Among these was poor Mrs. Harriet M. Neer, whose application to abate the price on Lot 1, Block G, Shenandoah Street, was dated August 15! Some applicants also changed their mind about buying their property, even at abated prices. Joseph B. Holmes, who had lived in Park Bldg. No. 45, on Lot No. 1 North of Shenandoah Street, fell into this last category. (26)

In the period 1878-1880, the Solicitor abated the prices for 29 purchasers on 37 lots from the 1869 total bid of $ 39,755.00 to the final price of $ 9,666.35. Deeds to the abated lots were issued in the period October 31, 1879 to November 16, 1880. (27) Included in this group were the 1600 acres of the Friends Ore Bank; the original bid of $ 13,100 for this property was abated to $ 3,500.

25. National Archives Record Croup 121, Public Buildings Service, Entry 78- Records Concering H arpers Perry Abatement Cases, 1868-1888, two trays. These include 25 letters to George W. Graham, August 6, 1878, asking to have their prices abated and several lists and reports listing improvements made on lots. 26. Ibid.

27, National Archives Record Group 121, Entry No. 76, "Deeds from the United States, Harpers Ferry, Ordnance Department" (2 vols) II, pp. 27 to 59.

In 1885 the Secretary of War bargined with six more 1869 bidders who had been using seven lots and one house since that sale. They reached an agreement and the Secretary of War, in effect, abated the total of their 1869 bid of $ 2,735.00 for the the seven lots, to $ 905.00. Included in this group was Mary D. Cochrane, who had apparently refused the offered abated price for Wager Lot no. 20 and its house in 1878-80. Deeds for the seven additional lot were issued in the period January 28,1885 to June 26,1885.[28]

Fifteen of the 1869 purchasers, after successfully abating the prices, assigned their titles on 24 lots to 14 other buyers. The U.S. deeds for the 38 abated 24 lots were made out to the 14 other assignees individuals in 1879-1880, and 1885.

Final results of the abatement program, 1878 to 1885, were as follows:

Date	1869 bid.	No. of buyers	No. of Lots	Abated price:
1879-80	$ 39,755.00	29	37	$ 9,668.35
1885	$ 2,735.00	6	7	905.00
TOTAL:	$ 42,490.00	35	44	$ 10,573.35

Of the total collected, $ 7,037.35 was for 43 lots located in Harpers Ferry and $ 3,500.00 was for the 1,600 acre Friends' Ore Bank, which was located near Harper's Ferry.

2. The Bond Cancellation Program, 1878 :

Section 1 of the Act of June 14,1878 authorized the Solicitor of the Treasury, by and with the consent of the Secretary of War, to cancel contracts with and release the 1869 purchasers of land from their bonds, provided that the buyers quit-claim and released these lots to the United States. This program was to be executed within four months of the passage of the Act, or by October 14,1878.

28. National Archives R.G. 121, Entry No. 6. These 1885 agreements have been loosely inserted in Vol. II, following page 60.

Between July 1 and October 14, 1878, Solicitor Kenneth Rayner received the bonds and quit claim deeds from 54 to 56 purchasers for 124 house lots that they had purchased in 1869. The total amount of their cancelled bonds came to $ 19,435.00.[29] Twelve of these purchasers had bonds cancelled on some lots and the prices abated on the others.

As has been mentioned, 13 purchasers on December 6,1869, had refused to signs bonds, on 29 items. The title to these properties, of course, reverted to the United States. By the end of 1878, the title to 154 items valued at $ 240,679.00 at the 1869 had been cleared as follows:

Date	Buyers	Lots	Total of Cancelled Bonds	
12/6/69	12	28	$ 7,939.00	
12/6/69	1	1	3,600.00	Timber rights
Subtotal:	13	29	11,539.00	
1878	53	121	19,364.00	
By cancel.	66	150	$ 30,864.00	
1876-77	1	4	209,705.00	U.S.Court-F.C. Adams
Total Cleared	67	154	$ 240,679.00	
Cleared by Abatement: 1878-80:	35	44	42,490.00	abated to $ 10.573.35
Grand Total	102	198	$ 285,160.00	
Not cleared		50	12,633.50	about.
Total Bid in 1869	121	248	$ 297,793.50	

29. National Archives Record Group 121, Public Buildings Service, Entry 77. One tray, which contains 49 "Cancelled Bonds of the 1869 Sale of Public Lots," for 111 lots that were cancelled July 1-October 14,1878. Four bonds for 10 lots are not included in this tray. The Solicitor of the Treasury's final report on the 1880 and 1884 sales, to the Attorney General, dated October 29, 1885, however, documents that these four bonds on 10 lots were cancelled in 1878 and lists the exact date of cancellation. Report in House of Representatives Executive Documents, Vol. 20, Document No. 7, Part 4, pp. 290-293, Serial No. 2387. In a letter dated January 23, 1882, the Solicitor of the Treasury reported he had cancelled bonds on 124 house lots. Of these 121 have been identified as being offered by 53 purchases. The total number having bonds cancelled thus must have been from 54 to 56 purchasers. The other 3 lots have not been identified, but Wager Lot No. 27 was probably one. House of Rep. Executive Documents, Serial No. 2027, Doc, No. 66, p. 2.

LOTS SOLD AT THE SALE OF U.S. PUBLIC LANDS AT HARPER'S FERRY, WEST VIRGINIA, NOVEMBER 30, December 1 and 2, 1869
Including September 1876 Court Sale of 2 lots. CHART NO. 9

Block	Area	Numbers of lots sold	No. sold
A	Shenandoah Street	1,2,3,4,5,6,7. (2 and 5 in 1876)	7
B	" "	1,3. (donated lot 4)	2
D	" "	(Donated Lots 2nd 3)	0
E.	" "	(donated Lot ?)	0
H	" "	7.	1
Wager Lots, 6-Acre Reservation		19,20,21,22,26, 29, 34.	7
A	Camp Hill	(donated Lots 1 and 8)	0
D	" "	(donated Lot ?)	0
G	" "	8.	1
H	" "	(donated Lots No. 3 and 4)	0
I	" "	5,6. (donated Lot No. 9)	2
J	" "	5. (donated 2,3, and church lot)	1
N	" "	2,9,10.	3
O	" "	14.	1
P	" "	4,19	2
Q	" "	6,16,19.	3
S	" "	1.	1
T	" "	1,2,3.	3
V	" "	8.	1
W	" "	10,11.	2
Z	" "	3,4.	2
No.2	" "	1,4,5, 7.	4
AA	" "	1,2,3,8.	4
BB	" "	1,4,6,7.	4
DD	" "	1.	1
GG	" "	1,4,5,7, 8.	5
HH	" "	1,2,3,4.	4
II	" "	1,3. (Donated 2 and Storer College Lot)	2
JJ	" "	2, 3. (donated two lots to Storer College)	2
KK	" "	7,8, 13,14.	4
LL	" "	1, 4.	2
MM	" "	1,2,4,5,6, 10,11,12, 14.	9
Total:	Offered 243 house lots & 14 bldgs. Sold 9 houses and Donated 31 lots	in1869-70.	80
Friends'	Ore Bank	1,600 acres sold in 1869	1
Byrnes Island in Potomac River. 72 acres, sold in 1878			1
Of 248 items sold for $ 297,793.50, 82 items actually sold for $ 17,941.28			82

National Archives Record Group No. 121, Public Buildings Service, Entry No. 76 (2 vols.) Vol. II, pp. 1-60, donated lots, 221-229, and 251.
62 purchasers for 82 items.
Seven of these lots were not settled until 1885: These were Wager Lot 20, Six Acre Reservation, and on Camp Hill, Block P, Lot 4; Block KK, Lots 2, and 3; Block LL, Lots 13,14; and Block MM, Lot 4.

6. THE FINAL RESULTS OF THE 1869 Sale:

In 1869 248 items had apparently been sold at Harpers Ferry for the sum of $? 297,793.50. Not until July 1,1885, however, would it have been possible to calculate exactly what had been disposed of and what amount of money had been collected. The evidence presented in this chapter reveals that the actual results of sale of 1869 were as follows:

Years	Method	Buyers	Lots	Houses	Amount Collected
1869-77	Under terms of sale	27	35	3	$ 5,777.93
1876	U.S. District Court	2	?	0	1,090.00
1878	U.S.	1	1	0	500.00 Byrnes Island
1878-85	Abatement	35	44	7	10,573.35
GRAND TOTAL		65	82	10	$ 17,941.28

7. A Final Day in Court, The Shenandoah Ferry Rights,1878.

John W. Neer and Company, on December 6,1869, had signed bonds totalling $ 1,790.00 for the ferry rights across the Shenandoah River at Harpers Ferry, a ferry lot in that town, and a 68 acre ferry lot with two stone dwellings on it, the latter being located on the south shore of the river. Neer and Company took control of the ferry, and without paying any of their purchase money, operated the ferry and utilized the lots from 1869 until early 1878.[29] On July 13,1878, George Neer, who was the security for John W. Neer's bonds for the Shenandoah Ferry Rights, wrote to Kenneth Rayner, the Solicitor of the Treasury, and requested permission to return these bonds and have them cancelled. For reasons that are not apparent in the National Archives records, Neer's bonds were apparently not cancelled. The fact that these ferry rights were at that time in court may have been the reason the notes were not cancelled in 1878.[30]

30. Letter of George Neer in National Archives R.G. 121, Entry 78, Tray 2.

29. Senate Exective Doc. No. 6, p. 2-3, Serial Number 1580; Shepardstown Register, W.Va., June 8,1878, copy of newspaper article in National Archives Record Group 153. Office of the Judge Advocate General, Militiary Reservation Division, 1809-1942, Box 41.

On August 16,1878, George W. Graham, the Solicitor's agent at Harpers Ferry submitted an application from Harriet M. Neer, who had purchased vacant lot No. 1, Block G. Shenandoah Street, which was located adjacent to the Shenandoah Ferry Lot- [redacted] upstream or west thereof, in 1869 for $ 150.00. Mrs. Neer had not paid her bonds and was applying to have the price abated . In this letter she also announced that she had "assigned all her rights and title to this lot" to Mr. James M. Mason.[31] The deadline for filing for abatement under the terms of the Act of June 14, 1878, was August 14,1878- hence Mrs Neer's letter, which was dated the 15th, was found to be ineligible for abatement.

James M. Mason, wrote to the Solicitpr in September 1878, stating that Mrs. Neer had [redacted] conveyed her interest in Lot 1, Block G to him On February 27,1878, and that he now wished to purchase to be used in conjunction with " my Ferry at Harpers Ferry."[32] Lot 1, Block G.,

In the spring of 1878, James M. Mason, of Charlestown, W.Va., who claimed to own lands adjoining the United States ferry across the Shenandoah River at Harpers Ferry, made application to the Circuit Court of Jefferson County, W. Va., for a license to establish a ferry alongside of the the U.S.-Neer ferry, claiming that, under the laws of Virginia and West Virginia, "which declare that any disuse of a ferry franchise for two years discontinue same." Mason conceded that the United States had purchased the ferry rights in 1813 and utilized them under lease arrangements until 1844, when a toll bridge was completed across the river. From 1844 to 1861, when the Confederates burned the bridge, Mason argued, the United States had failed to operate its ferry. Applying the State law to this case, the Circuit Court of Jefferson County accepted Mason's arguement and

31. National Archives Record Group 121, Entry 78, Tray No. 1.

32. Ibid.

declared that the U.S. Government-Neer ferry was not a legal one.

Attorney James D. Butt, of Harper's Ferry and acting as an agent for the Government, and General N. Goff, Jr., United States District Attorney for West Virginia, made application to Judge Jackson of the U. S. District Court for West Virginia, at Wheeling, for an injunction to restrain Mason from operating his ferry under the County Court decree

Mason and his attorney, D. B. Lucas of Charlestown, argued before Judge Jackson that the Government could not own a franchise, and that if it could, still it was not in existence in 1869 by reason of the disuse for twenty years; hence the United States had no ferry to sell in 1869 and also that the Federal Court could not interefere with the judgement of the County Court, under which Mason claimed to run his ferry.

Judge Jackson overruled the objections raised by Mason and Lucas and decided that the U.S. Government could buy any sort of property when they needed it; that when purchased for a constitutional purpose the State laws could not affect it, and that non-use could not be set up against the United States. The injunction requested by the U.S Attorney was thus granted.[33]

33. Shepardstown Register, W.Va., June 8,1878, in National Archives R.G. 153, Box 44. It was not argued in court, but the Act of Congress of August 1,1842, which granted the Shenandoah Bridge Company the right to construct a toll bridge across the Shenandoah, was granted on condition that "all agents, servants[slaves], and property in the service of or belonging to the United States shall pass and be transported free of toll." This same reservation had be made from 1813-to 1844, when the U.S. leased out the operation of the ferry under contract. It would appear therefore that the U.S. was exercising its ferry rights during the operation of the bridge, 1844-1861. The U.S. again leased its ferry rights to the Shenandoah Bridge Company under a Temporary Lease from August 12, 1865 to 1869.

The deed for the Ferry Rights, indicates that the U.S. Attorney Nathan Goff had taken John W. Neer and Company into the U.S. Court in 1878 in order to oppose James M. Mason's claims to the ferry rights. Following this victory in court, in which United States rights to the ferry were cleared, Neer's bonds were cancelled and acting under orders from the U.S. Court , the U.S. ferry rights on the Shenandoah, the 68-acre ferry lot on the south side of the river, and the ferry lot on the north side in Harpers Ferry were offered for sale at public auction on February 14,1880 by Attorney Goff. The high bidder, at $ 605.00 was Joshua Cavalier, who received his deed for this property on May 22,1880.[34]

Lot,1, Block G., Shenandoah Street.

As has been several times noted, Mrs. Harriet M. Neer, whose request for an abatement of the price of $ 150 she bid on Lot 1, Block G, Shenandoah Street, was rejected by the U.S. in 1878, assigned her rights to James M. Mason, ferry operater,on February 27,1878. When he lost his case in court, he no longer needed Mrs. Neer"s claim, and Lot 1, Block G, just stood there and was not offered at sale in 1880 or 1884. In 1886 James D. Butt, the Harpers Ferry attorney who had assisted Goff in the 1878 ferry right case, obtained Mr. Neer's 1878 abatement request to lot 1, Block G from the lady and offered to buy the property from the United States. Apparently deciding that some money was better than none, the Secretary of War finally abated the price of Lot 1, by reducing it from $ 150 to $ 118.00,which Butt paid on April 17,1886.[35]

34. Deed of B. &. S. Special Commissioner Goff, for U.S. to Cavalier, May 22,1880, Deed Book _____, P._____, Jefferson County Court House, Charles Town, W. Va., John W. Neer's 1869 bid for the ferry rights had been $ 1,700.00.

35. Deed of B. &. S., U.S. to James D. Butt, April 17,1886. Deed Book P, pp. 226-229. The deed traces the abatement back to the 1878 claim of Mrs. Neer.

CHAPTER IV

THE MAY 25, 1880 SALE OF PUBLIC LANDS AT HARPER'S FERRY

1. Planning for another Sale, 1878-80:

After about one and one-half years of effort, the Solicitor of the Treasury, Kenneth Rayner, assisted by the U.S. District Attorney for West Virginia, N. Goff, Jr, had been able to clear the title to 150 items that had originally been "sold" at the 1869 sale. The Act of June 14, 1878, section 3, authorized the Solicitor to offer for sale all such lots that had their titles properly cleared. Section 4 also authorized him to lease any of Government property for any term of years," if he deemed it expedient." [1]

Accordingly, Solicitor Rayner decided to offer 126 items, including (1) the water power of the Potomac; (2) the water power of the Shenandoah; (3) the timber rights on 1,395 acres of land, and (4) 123 building lots with seven buildings standing on them. The sale was to be held at Harpers Ferry, W. Va., on May 25, 1880 at 1: p.M. Under the terms of the sale all purchases under $ 50.00 had to be paid for in cash and purchases exceeding that sum had to pay one-third of that amount in cash and the balance in one and two years with 6% interest, with a lien being reserved on the property to secure payment of the notes. Purchasers could paid all in cash if they chose, but the settlements has to be made in ten days. There was to be no easy credit and obtaining control of property without putting down any money, as had been the case in 1869. [2]

(For the 123 offered for sale in 1880, see Chart No. 11, p. 62. The Solicitor also had under his control in 1880 29 additional lots, See Chart No. 12, p. 66, that he offered only for lease and not for sale in 1880.)

1. U.S. Statuesat Large, Vol. 20, 130-131. See Appendix, p 92.

2." Announcement," by Kenneth Rayner, Solicitorof the Treasury, run in newspapers along the East coast in early 1880, National Archives R.G. 121. Entry 75, Tray 2.

CHART NO. 11

Lots offered for Sale at Harper's Ferry, May 25,1880

Block	Area	Lots	No. of Lots
F	Shenandoah Street-	1, with brick house, No. 2 vacant.	2
G	Shenandoah	" Lots No. 2, 3, and 4, vacant	3
H	Shenandoah	" Lots No. 1,2,3,4,5,6 vacant	6
I	Shenandoah Street	Lots No. 1,2,3,4,5, vacant	5
North of	Shenandoah St.	No. 1, stone house, 2, stone house, 3,4,5,7,8,	7
Wager Lot	27- Six Acre Reservation-	Lot with stone house	1
H	Camp Hill	Lot No. 7	1
I	Camp Hill	Lot No. 4, 13	2
J	Camp Hill	Lots No. 6, 10, 11, 12, 13	5
L	Camp Hill	Lots No. 5, 6.	2
N	Camp Hill	Lots No. 3, 8.	2
O	Camp Hill	Lot No. 9½	1
P	Camp Hill	Lot No. 6, 14, 18.	3
Q	Camp Hill	Lot Nos. 1,2,3,4,5,8,15, 17, 18, 20.	10
R	Camp Hill	Lot Nos. 1, 2, 3, 4, 5, 6, 7, 8.	8
S	Camp Hill	Lots No. 2,3,4,5,6.	5
T	Camp Hill	Lot No. 4.	1
U	Camp Hill	Lots No. 1 and 4.	2
V	Camp Hill	Lots No. 1,2,3,4,5.	5
NO. 2	Camp Hill	Lots No. 3 and 6.	2
AA	Camp Hill	Lots No. 4,5,6.	3
BB	Camp Hill	Lots No. 2, 3.	2
CC	Camp Hill	Lots No. 1 and 3.	2
DD	Camp Hill	Lots No. 2, 3, 4, 6.	4
EE	Camp Hill	Lots No. 1 and 2.	2
FF	Camp Hill	Lots No. 2,3,4,5,6,7.	6
GG	Camp Hill	Lots No. 3 and 6.	2
HH	Camp Hill	Lots No. 6,7,8.	3
JJ	Camp Hill	Lots No. 1, 4,5,6,7,8,10,11,14.	9
KK	Camp Hill	Lots No. 1,2,3,4.	4
LL	Camp Hill	Lots No. 2,3,5,6,7,8,9,10,11, 12.	10
MM	Camp Hill	Lots No. 3, 7, 9.	3
		4 houses and	123
Water Power of the		Potomac and 72 acres, Musket Factory Yard.	1
Water Power of Shenandoah and 13 acres, Halls Island			1
Timber rights on		1,395 5/8th acres	11
Total No. of items		123 lots and 4 houses:	126

?. The May 25, 1880 Sale:

Solicitor Kenneth Rayner attended the sale at Harper's Ferry in person and reported to the Secretary of the Treasury on January 23,1882:

"Accordingly, on the 25th of May, 1880, under the authority of the special [1878] and general law, respectively, I offered for sale by public auction at Harper's Ferry, the lots prevously quit-claimed to the United States, 124 in number [he had created an additional lot, carved out of the Musket Factory tract, which was located on Potomac Street and known as the "Bluff Lot."]....as also two pieces of water-power previously acquired in payment of [F.C. Adams'] debt. The proposed sale was advertised for three months as provided by law in several newspapers published in the vicinity, and for a less period in the principal newspapers in the great manufacturing and commerical centers of Boston, New York, Philadelphia, Baltimore, Pittsburgh, and Cincinnati; as also by hand-bills distributed and displayed at about 100 post-offices in the adjacent and neighboring States. I should say that notwithstanding this general and extensive advertisement, no inquiry was received at this office, either verbally or in writing, indicating any desire to be informed as to the volume, capacity, or adaptability of the water-power, with a view to a purchase of the property.

"At the time appointed, I attended the sale in person. The lots were cried off in the order they appeared in the printed catalogue distributed among the crowd present, and 81 were sold, realizing the sum of $ 4,644.00, leaving 43 unsold, subject to further action under the special act. The Potomac water-power property was also offered, but only one bid of $ 10,000 was received therefor. This was considered so disproportioned to the great value of the property that the same was withdrawn from sale. Before proceeding to the place of sale I had a conference with the Secretary of the Treasury, as the sale was subject to his approval under the provisions of law in regard to the reservation of a bid on the part of the United States, in order to prevent an undue sacrifice of the property. It was determined at this conference that the same [Potomac water power] should realize to the government not less than $ 50,000. No offer being made for the Shenandoah water-power, it was not put up for sale.....

" In addition to the property already mentioned, there are 29 town lots belonging to the United States, which were not quit-claimed to the government under the provisions of the act of 1878, and like the water-power property, did not become subject to sale under that act. There is no authority of law to sell these lots. As in the case of the water-power property, they may be leased for a term of years. Two of these lots are improved by dwelling houses in

"very bad repair. These two I have rented for a small monthly or quarterly rent."

" In regard to the water-power property, I have had no opportunity to lease the same. There has been some correspondence with parties concerning a project of this sort, but it embraced no substantial offer worthy of consideration. Indeed, I doubt whether it is practicable to lease the property to the advantage of the government...."

After discussing how the former great industrial plant of the Armory, with its substantial dams, canals, ruins of buildings and machinery had been lying abandoned for 20 years, the Solicitor turned to the Shenandoah plant, commenting:

" The water-power of the Shenandoah, as constructed and used in early times [1810-61], is now of little value, because of the changes in the river-bed made from time to time by devastating floods [in 1870 and 1877], so memorable in the region, and of the almost certain prospect of frequent overflow."..."

"For two decades this whole property, on both rivers, has been going to destruction by the filling up of the canals or race-ways, through floods in the river principally; but by the continuous disintegration of the dams; by the loss of material through the depredation of trespassers; and by the rust and decay consequent upon the exposure to the weather. There would accordingly seem to be no reason on the part of the government to hold the property for better prices, but every reason to part with for any reasonable sum that may be offered..." [3]

3. Results of the 1880 Sale:

The deeds issued for these items, show that 74 house lots and four houses were sold on May 25,1880 for a total of $ 3,978.00. In addition the 1,395 5/8 acre timber rights property was subdivided into two tracts, one of 512 acres and the other of 883 acres, which were sold to two parties for a grand total of $ 560.00. Total proceeds of May 25,1880 sale were thus 75 items sold to 27 purchasers for a total of $ 4,538.00.[4] The records also indicate that after this date, and probably in 1881, the Solicitor sold five additional house lots to four purchasers for a total of $ 120.00.[5]

5. These five lots were: Camp Hill: Block P, Lots 6 and 14; Block Q, Lot 8, and Block JJ, Lots 7 and 8, see Solicitor's final report for the sale of May 25, 1880, dated October 29,1885, in House of Representatives' Executive Documents, Vol. 20, 49th Congress, 1st Session, 1885-86, Serial No. 2387, Doc. 20, pp. 290-291.

3. K. Rayner, Solicitor of the Treasury, to Charles J. Folger, Secretary of the Treasury, January 23,1882, in House of Representatives Excecutive Documents, Vol. 19, Serial No. 2027, Document No. 66, pp. 3-5.

4. National Archives Record Group No. 121, Public Buildings Service, Entry 58- "Warranty Deeds to Lands Conveyed by the Ordnance Department, 1830-1927, Vol. III, 559-590.

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With this added to the May 25,1880 sale, the final results by January 23,1882, stood as follows:

Year	Buyers	Lots	Houses	Amount Paid
1880	27	74	4	$ 3,978.00
1881	4	5	0	120.00
Total:	31	79	4	4,098.00
1880	2	2	0	560.00 Timber rights, 2 tract
Total:	33	81	4	$ 4,658.00

For the 79 house lots sold in 1880-81, see Chart No. 12, on page 66.

The Solicitor's Final Report to the Attorney Greneral on the May 25,1880 sale, dated October 29,1885,[6] also gives the final total for the 1880-81 sales as $ 4,658.00.

Chart No. 12 also shows 26 lots that we re offered for lease, but not for sale, in 1880.

With the U.S. Ferry rights and two lots, sold for $ 605.00 at a special auction on February 14, 1880 included, the grand total of the 1880-1881 sales stood at 34 buyers, 82 lots, 4 houses, and the total amount paid was $ 5,263.00.

6. Ibid., Rep. Executive Doc. 20, p.291, Serial No. 2387.

LOTS SOLD AT THE SALE OF U.S. PUBLIC LANDS AT HARPER'S FERRY, WEST VIRGINIA, ON MAY 25, 1880, and for Five Lots sold in 1881.

CHART NO. 12

Block	Area	No. of Lots sold	No. sold
F	Shenandoah Street	1,2.	2
G	" "	2,3, 4.	3
H	" "	1,2,3,4,5, 6.	6
I	" "	1,2,3,4.	4
B	" "	(No. 2 for lease only)	0
Lot North of Shenandoah Street		1,2,3,4, 7,8. (No. 6 for lease only)	6
Wager Lots, 6-acre Lots		27. (Lot 18 & 20, 2 houses, for lease only)	1
I	Camp Hill	4,13. (Lot 10 for lease only)	2
L	" "	5, 6.	2
N	" "	3, 8.	2
O	" "	9½.	1
P	" "	6,14, 18. (Lots No. 8 and 10 for lease only)	3
Q	" "	8. (Lot 4, Block 4, not sold)	1
R	" "	4.	1
S	" "	6.	1
T	" "	4.	1
U	" "	4.	1
AA	" "	4,5, 6. (Lots 7,9, and 10 for lease only).	3
BB	" "	(Lots 5,8,9,10 for lease only).	0
CC	" "	1, 3. (Lot No. 2 for lease only).	2
DD	" "	2,3, 6. (Lots No. 4 and 5 for lease only)	3
EE	" "	1, 2. (3 and 4 for lease only)	2
FF	" "	2,3, 4,5, 6,7,.	6
GG	" "	3, 6. (Lot No. 2 for lease only).	2
HH	" "	6,7,8.	3
JJ	" "	1, 4, 5,6,7,8,10,11,14. (12 and 13 for lease.)	9
KK	" "	1,3,4, (5, 9,10,11, 12 for lease only) (13,14 not sold)	3
LL	" "	2,3, 5, 6, 12. (13 and 14 not sold)	5
MM	" "	3, 7, 9. Plus "Bluff Lot, Potomac Street (4 not s)	4
Total: 123 house lots and 4 houses offered, 1880: Sold 4 houses and			79
Timber rights on 1,395 5.8th acres in one lot, this divided into two lots.		Rights on 512 acres----------	1
		Rights on 883 acres----------	1
Total, 1880-81: 81 items for $ 4,658, with 4 houses. $560 for timber rights and $ 4,098.00 for 79 house lots and 4 houses. 30 buyers.			81
plus		26 lots under U.S. control for lease only:	

National Archives Record Group 121, Public Buildings Service, Entry 58, "Warrenty Deeds to Land Conveyed by the Ordnance Department, 1830-1927," (4 vols.) Vol. III, pp.555, and 559 to 593.

Turning Cases over to the U.S. District Attorney for West Virginia, 1880-1881:

In 1880, after having abated, and sold cancelled bonds for a total of 192 items, there still remained a number of purchasers who had failed to either abate their lots or cancel their bonds. The Solicitor of the Treasury refered the bonds and notes of these people to N. Goff, JR.II the U.S. District Attorney for West Virginia, at Wheeling, for action in the U.S. District Coubry for West Virginia, to force the people to pay or return the title for the property to the United States:

CHART NO. 13

Chart	Date of Action	Purchaser	Lot	Block	Location	Remarks
1.	May 12,1880	Jacob Bird- $51.00	13	MM	Camp Hill	Not cleared in 1884.
2.	May 12,1880	James M.C. Bird.$60.00	4	P	" "	abated for $10.00in1885
3.	May 12,1880	James H. Boden-$60.00	8	MM	" "	not cleared in 1884.
4.	May 12,1880	Ellen M. Brittain- 12.00	2	U	" "	not cleared in 1884
5.	May 12,1880	Mary D. Cochrane 2,205. Wager	lot 20- 6 Acre Res.			abated for $755.00 in 1885
6	May 12,1880:	Caspar Hutzell $ 130.00	13	KK	Camp Hill	Abated for $20.00 in 1885
7.	May 12,1880	Samuel Irbey -$ 42.00	8	O	" "	Not settled in 1884.
8.	March 23,1881	Nathan Johnson -$ 16.00	12	X	" "	Not settled in 1884.
9.	May 12,1880	Ellen King -$ 148.00	2 2	No.2 GG	" " " "	Not settled in in 1884.
10.	May 12,1880 & heirs	P.H. Strode $ 110.00 of Edward Lucas,Jr. 10.00	11 6	C V	Shenandoah Street	11 sold for $31 in 1885.
11.	March 23,1881	John H. Martin-270.00	2 3	JJ JJ	Camp Hill	abated to 80.00 in 1885.
12.	May 12,1880	John G. Mitchell 150.00	14	KK	" "	Abated to 20.00 in 1885.
13	May 12,1880	John C. Storm 46.00	8	P	" "	Not cleared in 1884.

CHART No. 13

Date of Action-	Purchaser-Bid	Lot	Block	Location	Remarks.
14 (None)	J. Robinson Strayer- 61.00	7	J	Camp Hill	Not offered for sale in 1884.
15 March 23,1881	James Weaver -250.00	6	KK	" "	Not cleared in 1884.
16. May 12,1880	Joseph T. Young-100.00	4	MM	" "	abates & pays 20.00 in 1885.
16 purchasers	Value: $4,021.00	20 lots.		(34)	

It would appear that this referral to the U.S. District Attorney had, or could have had, the effect of inducing six people to bargain with the Secretary of War in 1885 and purchase their 7 lots at abated prices.

34. National Archives Record Group No. 121, Entry 77, Tray 2.

CHARPER V

THE OCTOBER 22,1884 Sale of PUBLIC LOTS AT HARPERSS FERRY WEST VIRGINIA, AND 1885 ACTIONS.

1. Preparing for the 1884 Sale, 1882-84:

By January 1882, the Secretary of the Treasury, the Secretary of War, and the Solicitor of the Treasury were convineed that because of vast changes that had occurred in industrial techonology since 1861 and also because of 20 years of complete neglect, the water power facilities at Harper's Ferry could no longer be sold at high prices.[1] They believed that Congress should be informed of this problem and that a law should be passed which would authorize the water power rights to sold at lower and more realistic prices.

Congress took action on the matter and after studying the question passed a law that was approved on July 4,1884. This Act " authorized and directed," the Solicitor of the Treasury, " to make sale of all the real estate and riparian rights now owned by the Government of the United States at Harper's Ferry,... such sale to be at public auction, without reservation, ... to the highest bidder..... Provided , that the property shall not be sold for less sum than twenty thousand dollars." The last being a large reduction from the $ 206,000 bid for these water rights in 1869.

Section 2 of the act directed that at least one-third of the purchase made had to be paid in cash, and the credit portion was to bear interest at the rate of six percent per annum. After making their cash payments, the purchasers were "to be let into possession of the premises so purchased" but they were not to receive their deeds until they completed their final payments.[2]

1. Letter from the Secretary of the Treasury in repsonse to a resolution of the House of the 16th instant[1882], relative to the sale or lease of certain real estate and riparian rights at Harper's Ferry, W.Va., dated January 27,1882, with other letters, in House of Represenatives Exectitive Documents, 47th Congress, 1st Session, Vol. 19, Serial No. 2027, Doc. No. 66, 5 pages.

2. U.S. Statues At Large, Vol. 23, p.69. See p 93, Appendix

Under the terms of the sale of October ??,1884, all purchases under " $ 100.00 had to be made in cash , over that sum, one-third in cash, one third in one year, and one-third in two years. [3]

2. The October ??,1884 Sale:

Accordingly, on October ??,1884, at 1 p.m., 76 items, including 74 house lots with two houses, and the water power of the Potomac and Shenandoah Rivers were offered at public auction at Harper's Perry.(See Chart No. 14 for the 76 items offered).

Seventy-five items, including the water power of both rivers, and 73 house lots and 2 houses w ere sold for a grand total of $ 32,325.76 to 28 purchasers. [4] (See Chart No. 15 for the 75 items sold).

The money was paid as follows:

	Buyers	Lots	Houses	Amount paid.	
	27	73	2	$ 6,415.00	
	1	1 Water Power Potomac 1 Water power of Shenandoah ---------		25,100.00 810.00	Thomas H.Savery
Total	28	75	2	$ 32,325.76	

Deeds were issued as follows:

Year	To Purchasers	For Lots	
1884:	18	42	Cash
1885	2	2	
1886:	8	30	
1887	1	1	
Total	29	75	

All paid the amounts due in accordance with the terms of the sale and the last deed, [5] for the water power of the Potomac, was issued on April 12,1887.

3. National Archives Record Group 121, Entry 75, Tray ?- adveristment for the 1884 sale.

4. National Archives Record Group No. 121, Public Buildings Service, Entry No. 79. "Records of Federal Land sold at auction on Oct.??,1884-Sales of Harper's Ferry Lots," one volumes. Also R.G. 121, Entry 58-"Warrenty Deeds to Land Conveyed by the Ordnance Department, 1830-1927," III, pp. 596-626; and final report of the Solicitor of the Treasury for the October ??,1884 sale, dated October 29,1885, in House of Representatives Exeeutive Reports, Vol. 20, 49th Congress, 1st Session, 1885-86, Serial No. 2387; Dec. 7, Part 2, pages 292-293.

5. R.G. 121. Entry 58, Warrenty Deeds, Vol. III, p. 624.

CHART NO 14

Lots Offered for Sale at Harper's Ferry, October 22, 1884, 1 p.m.

Block	Area	No. of the lots offered	No. offered
B	Shenandoah Street	Lot No. 2, brick house.	1
I	" "	5.	1
Lots North of Wager Lots-6-acre Res.	" "	5 and 6.	2
		18, with brick house. (Lot 20 not offered)	1
H	Camp Hill	7.	1
I	" "	10.	1
J	" "	6, 10, 11, 12, 13, (Lot 7 not offered)	5
P	" "	10. (4 and 8 not offered).	1
Q	" "	1, 2, 3, 4, 5, 15, 17, 18, 20.	9
R	" "	1, 2, 3, 5, 6, 7, 8.	7
S	" "	2, 3, 4, 5.	4
U	" "	1, 3.	2
V	" "	1, 2, 3, 4, 5. (lot 6 not offered).	5
No. 2	" "	2, 3, 6.	3
AA	" "	7, 9, 10.	3
BB	" "	2, 3, 5, 8, 9, 10.	6
CC	" "	2, 4.	2
DD	" "	4, 5.	2
EE	" "	3.	1
FF	" "	1, 8.	2
HH	" "	5.	1
JJ	" "	9, 12, 13 (2 and 3 not offered).	3
KK	" "	2, 5, 9, 10, 11, 12 (6, 13, 14 not offered).	6
LL	" "	7, 8, 9, 10, 11.	5
MM	" "	(Lots 4, 8, 13 not offered)	0
	74 lots and 2 houses offered for sale:		74
water	power of the Potomac River and 72 acres, Musket Factory grounds		1
Water	power of Shenandoah River, 13 acres, Rifle Factory grounds		1
TOTAL:	76 items		76

Advertisement, National Archives Record Group No. 121, Entry 75-WarentyDeeds and Correspondence, 1796-1884, for Public Lands at Harper's Ferry, Va.", Tray No. 2.

LOTS SOLD AT THE SALE OF U.S. PUBLIC LAND AT HARPER'S FERRY, WEST VIRGINIA, ON OCTOBER 22, 1884

CHART NO. 15

Block	Area	No. of the lots sold	No. sold
B	Shenandoah Street	2.	1
C	" "	(Lot 11- not sold)	0
G	" "	(Lot 1- not sold)	0
Ferry Lot	" "	(ferry rights ,68 acres of land and two houses, south side of Shenandoah, not sold).	0
I	" "	5.	1
Lots North of	" "	5, 6.	2
Wager	6 Acre Reservation	18. (Lot No. 23 not sold to 1897) (20 sold in 1885).	1
H	Camp Hill	7.	1
I	" "	10.	1
J	" "	6, 10,11,12,13. (Lot 7 not sold)	5
O	" "	(Lot 8 not sold)	0
P	" "	10. (Lot 8 not sold)(4 sold in 1885)	1
K	" "	(lot 11, no record of being sold)	0
Q	" "	1,2,3,4,5, 15, 17,18, 20.	9
R	" "	1,2,3,4,5,6,7, 8.	7
S	" "	2,3,4,5.	4
U	" "	1, 3. (Lot ? not sold).	2
V	" "	1,2,3,4,5. (Lot 6 not sold)	5
Y	" "	(Lot 12 not sold).	0
No. 2	" "	3, 6. (lot ? not sold).	2
AA	" "	7, 9, 10.	3
BB	" "	2,3, 5, 8, 9, 10.	6
CC	" "	2, 4.	2
DD	" "	4, 5.	2
EE	" "	3.	1
FF	" "	1, 8.	2
GG	" "	(Lot ? not sold).	0
HH	" "	5. (Block JJ, 2, 3 sold in 1885).	1
JJ	" "	9, 12, 13. (Block KK, 13,14, sold 1885).	3
KK	" "	2, 5, 9, 10, 11, 12. (Lot 6 sold in 1902).	6
LL	" "	7, 8, 9, 10, 11.	5
MM	" "	(4 sold,1885 Lots 8 and 13 not sold).	0
73 house lots and 2 houses offered:		Sold 2 houses and	73
Water power of the Potomac, with 72 acres of land.....			1
Water Power of the Shenandoah River with 13 acres of land.....			1
GRAND TOTAL : 75 items sold for $ 32,325.76. $ 6,115.76 for 73 lots 16 house lots still not sold in 1885. Sold to 28 purchasers.			75

National Archives Record Group 121, Public Buildings Service, Entry 58, "Warrently Deeds to Land Conveyed by the Ordnance Department, 1830-1927," (4 vols), Vol. III, pp.596 to 626.
Also R.G. 121, Entry No. 79- "Records of Federal Land Sold at Auction on October 22,1884, Sales of Harper's Ferry Lots Sales Book, one volume.

The 1885 sale; Eight Lots:

At the close of the October 22,1884, the United States had still not disposed of 23 house lots and one dwelling house. Between January 28 and June 26, 1885, the Secretary of War, as has been noted, was able to sell seven more lots to six of the 1869 bidders by abating the total bid from $ 2,735.00 to $ 905.00. The following lots were included in the 1885 sales: Wager Lot 20 with a dwelling in the Wager Six Acre Reservation; and on Camp Hill, Block P, Lot 4; Block JJ, Lots 2 and 3; Block KK, Lots 13 and 14; and Block MM, Lot 4.[5] Because these prices were abated and all buyers purchased the same lots they had bid on in 1869. This group of lots and their proceeds have been included under the figures for the 1869 sale (See page 46).

U.S. Attorney Herman Goff had also taken the case of P. H. Strode and Lucas heirs, who had bid $ 100.00 on vacant Lot 11, Block C, Shenandoah Street, in 1869 and paid nothing for the property, to court and was able to clear the title.[6] On December 16, 1885, James McGraw purchased Lot 11 from the United States for $ 31.00.

Finally, on April 17,1886, the Secretary of War abated the price of $ 150 bid on Lot 1, Block G. Shenandoah Street, to $ 118.00 and this lot was purchased at the abated figure by James D. Butt.[7] This left left 15 U.S. lots, one with a house on it, undisposed of on December 31,1886.

5. National Archives Record Group 121, Entry 76,"Deeds from the United States, Harpers Ferry, Ordnance Department," II, following page 60. The deeds for these seven lots have been loosely inserted in this volume for the December 1869 sale.

6. Deed of B. &. S., December 16,1885, Special Commissioner for U.S. Court to McGraw, Deed Book [illegible], p. 54. The Solicitor of the Treasury had turned the case of Lot 11,Block C,over to the U.S. District Attorney to clear the title in 1880-81.

7. Deed Book P, pp.226-229.

CHAPTER VI

SUMMARY, THE LAND DISPOSAL PROGRAM AT THE U.S. ARMORY AT HARPER'S FERRY, WEST VIRGINIA, 1852 to 1885:

On June 23,1885, just 89 years and eight days from the date when the United States Government had purchased the first tract of land for the purpose of establishing a national armory at Harper's Ferry, the Solicitor of the Treasury and the Secretary of War succeeded in disposing of the last batch of Armory land at that town. From the fall of 1798 when the first small group of armorers had arrived at the tiny settlement at Harper's Ferry, until April 15,1861, when Confederate troops from Virginia seized the Armory, the economic growth, industrial development, and prosperity of the town had been almost entirely dependent on the operations of the National Armory. Employed in the armory workshops were between 200 to 400 men annually.A

The Confederate destruction of the U.S. Armory at Harper's Ferry and removal of most of the machinery, by June 28, 1861, proved to be a nearly fatal blow to the economic future of the town. For almost 25 years, from 1861 to 1886, the chief industrial assets of Harpers Ferry, namely, the water power of the Potomac and Shenandoah Rivers, with an extensive system of dams, canals, ruined factories, and abandoned machinery, lay idle beyond the control of man, while two great floods increased the destruction that had been wrought by war, the action of time, and the depedrations of man. For twenty-five years, the economy and development of the town of Harper's Ferry stood almost completely paralyzed before the water wheels began to turn again.[1]

For sixteen of those 25 years, the suspended industrial development appears to have been due to two factors: first, to a carelessly written law, the Act of December 15,1868, which permitted the property of the United States to be sold on credit only, required no cash down payment,

1. During this period on the Baltimore and Ohio Railroad and a small industrial redevelopment on the Island of Virginius offered employment to the former Armory workers. The industry on Virginius was also severelly damaged in the floods of 1870 and 1877.

A Between 1796 and December 30, 1860, the United States spent a grand total of $10,408,596.47 at the Harpers Ferry Armory. This included $1,525,051 1/4 for land, $1,633,971.59 3/4 for the construction and repair of armory's

and allowed the " purchaser" to take control of the property. . The second factor was a small group of unscrupulous speculators headed by Francis C. Adams, who took full advantage of the easy credit terms, and at little or no cost to themselves, obtained complete control of the chief industrial assests of Harper's Ferry, not for the purpose of rebuilding the water power, but of using the property to highjack the Baltimore and Ohio Railroad Company.

The apparent success of the great 1869 sale of public property- the disposal of some 248 itmes for $ 297,793.50 turned out to be a complete illusion. The United States Covernment, the purchasers, and the town of Harpers Ferry were plunged into a legal morrass that required five years of action in the U.S. Courts (1872-1876) and two acts of Congress (1878 and 1884) to extract themselves from. By the time when the United States was able to resell the water power of the Potomac and Shenandoah to a party who intended to actually develop it, technological changes in industrial engery had caused the golden age of water power to pass. Industry was to revive at Harper's Ferry, but never again on the scale that had existed prior to 1861. Because of flood damages, the mills on the Island of Virginus closed down forever in 1889 . But the Shenandoah Wood Pulp Mill, located on the lower Hall, or U.S. Rifle Factory, Island, was erected in 1887 and continued to operate until 1937. In the early 1890's Thomas H. Savery next developed a similiar wood pulp mill on the Potomac River, which continued to function until about 1942.

The land disposal programs of the U.S. Armory at Harpers Ferry, from 1852 to 1885, can be summarized as follows:

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CHART NO. 16

SALE OF PUBLIC LANDS OF THE U.S. ARMORY AT HARPER'S FERRY, VIRGINIA, 1852 to 1885

Year	Purchasers	Lots	Houses	Amount	Payments Completed
1852	136	224	52	$ 56,227.43	(1852-1868)
1869	56	72	9	[illegible]	(1869-1880)
1869	10	31	4	Donated	1869-70.
1876	2	2	0	1,090.00	(1876-77)
1880	27	74	4	3,978.00	1880
1881	4	5	0	120.00	1881
1884	27	73	2	[illegible]	1884-86.
1885	[illegible]	[illegible]	1	936.00	1885.
Subtotal	269	489	72	$ [illegible]	In Town
Other Items:					
1878	1	1	0	500.00	Byrnes Isl., 72 acr
1880	2	2	0	560.00	Timber rights on 1395 acres.
1880	1	1	0	605.00	Ferry rights, 68 acres, plus ferry lot.
1884	1	1	0	810.00	Water power, 13 ac on Shenandoah
1884		1	0	25,100.00	Water power, 72 ac on Potomac
Subtotal:	274	495	72	$ [illegible]	Harper's Ferry Armory
1869-79	1	1	0	3,500.00	Friends' Ore Bank, 1,600 acres.
Grand Total:	275	496	72	$ [illegible]	[illegible] acres
1886	1	1	0	118.00	
Not sold in 1887	-	[illegible]	1	-	in Harpers Ferry
ITEMS	-	509	73		3,549 acres

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CHART NO. 17

A BALANCE SHEET * THE ACQUISITION AND DISPOSAL OF THE PUBLIC LANDS OF THE U.S. ARMORY AT HARPER'S FERRY, WEST VIRGINIA,

1796 to 1886

ITEMS	Costs of Acquisition	Proceeds from sales of
92 acres im U.S. Musket Factory tract on Potomac; 13 acres in U.S. Rifle Factory on Shenandoah; One acre in U.S. Arsenal tract, Water power of the Potomac and Shenandoah Rivers; 338 acres of residental land subdivided into 503 house lots. Total, 424 acres	$110.164.42	$ 106,741.47
Perpetual Rights to cut timber on 1,395 5/8th acres of land on south side of Shenandoah River, opposite to Harper's Ferry	20,860.62	560.00
Byrnes Island in Potomac River, 72 acres, opposite to Harper's Ferry	1,500.00	500.00
Ferry Rights on the Shenandoah River, 68 acres and 2 houses on south bank, ferry lot in Harper's Ferry	5,000	605.00
Subtotal- Armory at Harper's Ferry 1,949 acres.	$ 137,525.05¼	$ 108,406.47
Friends' Ore Bank on the Potomac, 1,600 acres	51,000.00	3,500.00
GRAND TOTAL: 3,549 acres	$ 188,525.05¼	$ 111,906.47
Not sold, in 1887: One house and 13 house lots in Harper's Ferry		

+ sold in 1886- 1 lot for $118.00, Lot 1, Block G., Shenandoah Street.

Epilogue- unsold lots, 1887

As of January 1, 1887, there were still 13 United States lots at Harpers Ferry that had not been sold:

Lot No. 11, Block K, Camp Hill, has been offered for sale in 1852. Michael Price had bid $ 139.00 for the lot but never completed his payments for the plot. The lot was never offered for sale in 1869, 1880, and 1884. From its strange shape and its location, Lot No.11 was probably a vertical lot- a non-lot, located on the edge of a cliff or in a ravine.

Wager Lot. No. 23, in the Wager Six Acre Reservation, was purchased by the United States Government for $ 900.00 on March 7,1848. Alexander Kelly, a blacksmith, who had sold his leasehold to part of Lot 23 and his title to part of Lot No. 24 to the United States, agreed to purchase Lot No. 23 for $ 900.00. The U.S. credited Kelly with $ 447.32, the money owed him for the sections of Lots 23 and 24, and billed him for the balance, $ 450.68, which the blacksmith agreed to pay in two installments. For reasons best known to himself, Kelly failed to make any further payments, but he and his heirs possessed, used, and paid the taxes on Wager Lot No. 23 from 1848 to 1893. The United States, finally noticing the failure to pay, took possession of Wager Lot 23 in 1893 and on March 8 of that year leased the property to E. S. Cummings, under the terms of the Act of June 14, 1878. Cummings was still renting the lot in 1897, when "Miss Hendricks, the only legal heir" of Alexander Kelly applied to the Solicitor of the Treasury for permission to buy the property at the 1847 balance of $ 450.68. The Secretary of War apparently approved(or failed to disapprove) of this araangement by March 12, 1897 and Wager Lot No. 23 was probably sold to Miss Hendericks for $ 450.68. (1)

(1) A rectal of the facts in this case is in National Archives Record Group No. 153, Office of the Judge Advocate General, in Box 45. The U.S. deed for Lot 23, if issued, is not in the National Archives records.

Lot 6, Block KK, Camp Hill-James Weaver bid $ 250.00 on the lot at the 1869 sale, [redacted] failed to [redacted] pay the purchase price or have his bond cancelled in in 1878. The lot was not offered for sale in 1884. George L. Weaver agreed to pay $ 46.00 for the lot in 1902 and on December 11,1902, the Secretary of War issued the deed to Weaver for the vacant lot.[2]

On May 12,1880 and March 23,1881, the Solicitor of the Treasury turned the bonds of the 1869 bidders over to the U.S. District Attorney for West Virginia for collection or to clear the title for the following NINE lots: on Camp Hill: Lot 8, Block O; Lot 2, Block U; Lot 6 Block V; Lot 2, Block No. 2; Lot 8- Block P,; Lot 12- Block X; Lot 2, Block GG; Lots 8 and 13, [redacted] in Block MM.[3] National Archives Record Groups 121 and 152 do not contain any information revealing the fate of these lots. The same is true for Lot 7, Block J, which the Solicitor did not include on the list sent for action to the U.S. Attorney. None of these lots were offered for sale on October 22,1884.

The Solicitor had the authority to lease the above listed lots and may have done so; the U.S. Attorney may also have sold some of the lots in the U.S. District Court for West Virginia, but as has been remarked- the records of these deeds or leasings are not in the National Archives Record Groups that were studied.

2. National Archives Record Group 121, Entry 76,"Vol. II, p. 60- This was the final deed to be entered in the volume that contains all of the deeds that were issued as a result of the 1869 sale.

3. A Special Commissioner sold Lot No. 11, Block C, Shenandoah Street, to James McGraw for $_____ on _____ Deed Book P, p.54, Registry of Deeds, Jefferson County, Court House, Charles Town, W.Va.

BIBLOGRAPHY: Primary Sources:

A. National Archives Record Group No. 121, Public Buildings Service:

1. Entry 58: "Warrenty Deeds to Land Conveyed by the Ordnance Department, 1830-1927 (4 vols), Vol. III, pp. 555- to 626 inclusive, has the deeds for the Harpers Ferry lots sold at the May 25,1880 and October 22,1884 sales.

2. Entry 76: "Deeds From the United States, Harper's Ferry, Ordnance Department," (2 vols.). Vol. I, page 1- 201 and 403 to 491 has all of the deeds issued as as result of the 1852 sale of Harpers Ferry Lots. Volume II, pp.1 to 59, has all of the deeds issued as a result of the 1869 sale. Deeds for lots donated by the United States in 1870 are on Pages 221- 251. Deeds for the sven lots abated in 1885 are inserted after page 59 in Vol. I.

3. Entry 77: One Tray- Cancelled Bonds of the 1869 Harpers Ferry Sale of public lots.

4. Entry 78: Harpers Ferry Abatement Cases under the Act of June 14, 1878, from the 1869 sale of public lots. Two trays. 1869-1880.

5. Entry 79: "Records of Federal Land Sold at Auction on October 22,1884," Sales of Harpers Ferry Lots, One vol.

6. Entry: 75: Two Trays: Warrenty Deeds and correspondence,1796-1884, for Public Lands of the U.S. Armory at Harpers Ferry, Va. Includes early land purchase deeds and deeds and leases of the 1847-56 purchase of Wager Six Acre Reservation Lots for some $ 50,000.

B. National Archives Record Groups No. 153 : Office of the Judge Advocate General, Military Reservation Division, 1809-1942, West Virginia.

2 Boxes, No. 44 and 45. and correspondence from Armory officals

1. Box 44. Deedsfor purchase of Land for U.S. Armory at Harpers Ferry , 1796-1860. Agreement of U.S. with Potomac Company, 1807, for right of way through U.S. Lands along the Shenandoah River. Lists and inventories of U.S. Dwelling houses, 1848, 1849,1850, and 1851.

2. Box 45 Data relating to the sale of U.S. Public Lands at Harpers Ferry in 1852, including a complete set of U.S. Armory Paymasters' reports 1852-1860 on the collection of payments on lots and houses from the 1852 sale. Also data on Wa ger Lot No. 23, 1847-1897.

C. Deed Books, Registry of Deeds, Jefferson County, Courthouse, Charles Town, W. Va.

D. Data from the Congressional Documents Series on the Sales of Public Lands of the U.S. Armory at Harpers Ferry, 1867- 1885.

1. "Letter from the Attorney General in Answer to A Resolution of the House of 26th March last[1867], relative to the title to property at Harpers Ferry," December 5,1867. House of Representatives Executive Documents, 40th Congress, 2d Session, 1867-1868, Vol. 7, Serial No. 1330. Document No. 17, 7 pages, includes an abstract of title for much of land.

2. "Annual Report of the Chief of Ordnance to the Secretary of War, October 24,1871," House of Representatives Executive Documents, Vol. 2, Part 1, 42 Congress, 2nd Session, 1871-72, Serial No. 1503, p. 252-253. Report failure of purchasers at 1869 sale to make payments due on their bonds.

3. "Joint Resolution of the Legislature of West Virginia in favor of the passing of a bill to resell the Water Privileges at Harpers Ferry, January 17, 1873," in House of Representatives Miscellaneous Documents Vol. 26, 42 Congress, 3d Session, 1872-73, Serial No. 1572. Document No. 69. one page.

4. Report to accompany bill S. 67 by the Committee on Military Affairs... for the relief of the purchases of property at Harper's Ferry...,"January 11,1873, in House of Representatives Reports, 42 Congress 3d Session, 1872-73, Serial No. 1576, Vol. 1, Report No. 21, two pages.

5. "Letter from the Secretary of War Relative to A Bill[H.R. 3594] to authorize the Attorney-General to adjust the claim of the Government upon the purchasers of property at Harpers Ferry," February 13,1873, House of Representatives Executive Documents, 42 Congress, 3d Session, 1872-73, Vol. 11, Serial No. 1569, Document No. 214, one page.

6. "Letter from the Chief Clerk of the War Department, communicating, in compliance with the Senate Resolution of Deeember 4,1873, information in relation to the[1869] sale of Government property at Harpers Ferry,", December 12,1873, in Senate Executive Documents, 43d Congress, 1st Session, 1873-74, Serial No. 1580, Vol. 1, Document No. 6, 32 pages, including a copy of the"Map of Harpers Ferry," by S. Howell Brown, April 2,1869, showing the 245 lots of public land offered for sale in November-December 1869. This document, which is a major source of information on the period, publishes scores of letters,1870- to July 15,1873 regarding the sale. Pages 2 to 11 consist of a detailed listing of every bidder and every price bid for each of the 245 lots and a record of each bidders payments on his bonds,1870-1873,

at the 1869 sale. A Copy of Exective Document No. 6 was included in Jame P. Noffsinger's "Harpers Ferry, West Virginia, Contributions Towards a Physical History," (Typescript, National Park Service, Eastern Office of Design and Construction, Philadelphia, Pa., November 1958), pp. 135-161.

7. Letter of the Attorney General Transmitting, in compliance with a Senate Resolution of January 21,1874, information relative to the sale of Government propeety at Harper's Ferry," May 6,1874," In Senate Executive Documents, 43d Congress, 1st Session, 1873-74 Vol. 2, Serial No. 1581, Document No. 48,Part 1, 16 pages, publishing scores of letters,December 17,1872 to May 1874, relating the lands at Harpers Ferry. A major source.

8. Letter from the Attorney-General Communicating a communication of the United State attorney[N. Goff,Jr.] for the district of West Virginia, in relation to the sale of Government Property at Harper's Ferry," May 14, 1874, Senate Excutive Documents, 43d Congress, 1st Session, 1873-74, Vol. 2, Serial No. 1581, Doc. No. 48, Part 2, two pages.

9." Report from the Committee on the Judiciary to Accompany bill H.R. 549 to authorize the Attorney-General to adjust the clain of the Government upon the purchasers of property at Harper's Ferry," May 27,1874, House of Representatives Reports 43d Congress 1st Session, 1873-74, Serial No. 1626. Report No. 616, 3 pages.

10." Report of a Senate Committee to accompany bill S. 454 to authorize the Attorney-General to ad just the claim of the Government upon the purchasers of property at Harper's Ferry," January 26,1875, Senate Reports of Committee, 43rd Congress, 2nd Session, 1874-75, Vol. 1, Serial No. 1632. Report No. 556, fourpages. Also reprinted complete,pages 5-to 50, Senate Executive Document No. 6-Serial No. 1580.

11. " Report to accompany bill S. 774 of the Senate Committee on Claims... authorizing the Solicitor of the Treasury, by and with the consent of the Secretary of War, to cancel certain contracts for the sale of lots of land made at Harper's Ferry in the year 1869, a nd resell the same, and sell or lease all other real estate and riparian rights now owned by the United States, at Harper's Ferry, W. Va.," May 29,1878. Senate Reports, 45th Congress, 2nd Session, Vol. 2, Serial No. 1790, Report No. 445, four pages. 1877-78,

12. "Report of the Solicitor of the Treasury to the Attorney-General," November 17,1881," Senate Executive Documents, 1881-82, Vol. 1, Serial No. 1896. pp. 78-80, and 92. Reports progress on abating land cases at Harpers Ferry under the Act of June 14,1878 .

13. "Letter from the Secretary of the Treasury in response to a resolution of the House of the 16th instant[January, 1882], relative to the sale or lease of certain real estate and riparian rights at Harper's Ferry, W. Va.," January 27, 1882," House of Representatives Executive Documents, 47th Congress, 1st Seesion, Vol. 19, Serial No. 2027, Document No. 66, five pages. Reports results of sale of May 25, 1880 and discusses problems regarding the remaining unsold public land.

14."Report to accompany H.R. 1625 from the Committee on Education... to direct and authorize the Secretary of War to coney by deed a certain lot in the town of Harper's Ferry, W.Va., to the Board of Education of that district, for common-school purposes," in House of Representatives Reports of Committees, Vol. 5 , 48th Congress,1st Session, Serial No. 2257. Report No. 1353, one page. No action was apparently taken on this proposed donation.

15. " Report to accompany bill H.R.1628 from the Committee on Public Buildings and Grounds regarding the Sale of United States Lands at Harper's Ferry, West Virginia ," May 7, 1884, House of Representatives Reports of Committees, Vol.6, 48th Congress, 1st Session, 1883-1884, Serial No. 2258, Report No. 1525, two pages.

16. "Report to Accompany bill H.R. 1628 from the Senate Committee on Military Affairs, authorizing and directing the sale of the real estate and riparian rights now owned by the United States at Harper's Ferrym in the State of West Virginia," June 24,1884, Senate Reports of Committees, 48th Congress, 1st Session, 1883-84, Vol. 7, Serial No. 2179 . Report No. 770, 3 pages.

17. "Annual Report of the Solicitor of the Treasury to the Attorney-General," October 29,1885, House of Representatives Executive Documents, Vol. 20, 49th Congress, 1st session, 1885-86, Serial No. 2387. Document No. 7, Part Q, pp.290-291- Detailed report on the lots sold, purchasers and money collected from the May 25,1880 sale of public lots at Harpers Ferry; Pages 292-293, similarly detailed report on the October 22,1884 sale of public land at Harpers Ferry, W. Va.

E. United States Statúes at Large(1794-1884).

F. National Archives Record Group No. 92- Office of the Quartermaster General, Consolidated Correspondence File, Harpers Ferry, West Virginia. 1886 letters relating to Q.M. U.S. Military Railroad buildings and also claims for military damage to private structures.

G. Shepardtown Register, W.Va., June 8,1878. Long article on trial in U.S. District Court for West Virginia, Wheeling, regarding the 1813 ferry rights of the United States on the Shenandoah River. Copy of article in National Archive Record Group 153, Box 44.

for one year; and the further sum of three hundred and forty thousand dollars, to be applied, under the direction of the President of the United States, in the purchase of arms, ammunition and military stores; which said several sums shall be paid out of the duties on imports and tonnage, to the end of the present year.

Section 5. And be it further enacted, That an annual account of the expenses of the national armouries be laid before the legislature of the United States, together with an account of the arms made and repaired therein.

Approved, April 2, 1794.

Biblography: Secondary Sources, covering period:1796-1865

1. Smith, Philip R., Jr., "Survey of Lots and Dwelling Houses on Camp Hill, 1852-1861, Harpers Ferry National Monument," (Typescript, Harpers Ferry NM, April 17,1959, 69 pp.).

2 Snell, Charles W., " A Comprehensive History of the Construction, Maintenance, and Numbers of Armory Dwelling Houses, 1796-1869," (Typescript, Harpers Ferry NM, Revised January 13,1959, 140 pp., 3 maps.).

3. Sullivan, Arthur L., "Historic Buildings Site Survey Report: Wager Lots No. 17 to 34, 1782-1869, High Street Studies No. 1, Harpers Ferry National Monument," (Typescript, Harpers Ferry NM., Revised May 15,1959) 90 pp.

Shenandoah Street Studies:

4. Snell, Charles W., "Historic Building Site Survey Report: History of Lots 1 to 11, Block C, Shenandoah Street, 1796 to 1865, Harpers Ferry National Monument," (NPS typescript, Harpers Ferry National Monument, January 23,1959), 118 pages, 11 maps, and 9 photos. Project No. HF-27A.

5. Snell, Charles W., "Historic Building Site Survey Report:History of Lots No. 1 to 7, Block D, Shenandoah Street, 1796-1865, Harpers Ferry National Monument," (NPS typescript, Harpers Ferry National Monument, January 30,1959), 69 pp., 8 maps, and 3 photos. Project No. HF-27B

6. Snell, Charles W., "Historic Building Site Survey Report: History of Lots No. 1 to 5, Block E, Shenandoah Street, 1796-1865, Harpers Ferry National Monument," (NPS typescript, Harpers Ferry National Monument, February 3,1959), 54 pp., 8 maps, and 2 photos. Project No. HF-27C

7. Snell, Charles W., "Historic Building Site Survey Report: History of Block F, Block G, and the U.S. Ferry Lots, Shenandoah Street, 1796-1869, Harpers Ferry National Monument, (NPS typescript, Harpers Ferry National Monument, February 9, 1959), 59 pp., 10 maps, 3 photos. Project HF- D.

8. Snell, Charles W., "Historic Building Site Survey Report: History of Catholic School Lot, Presbyterian Church Lot, and Jefferson's Lot, Shenandoah Street, 1796-1869" (NP.S. Typescript, Harpers Ferry National Monument, February 11,1959), 44 pages.

9. Smith, Philip R.Jr., "History of Loudoun Heights, 1813-1880,Harper Ferry National Monument," (NPS Typescript, Harpers Ferry N.M., June 9,1959), 51 pages.

10. Smith, Philip R.Jr., "History of Harper's Graveyard and the Pine Grove Cemetery, Camp Hill, 1803-1865," (NPS Typescri Harpers Ferry National Monument, April ?,1859), 7

11. Smith, Philip R. Jr.," History of the Public School, the Harpers Ferry Female Seminary, and Armory Magazine Lots, Camp Hill, 1796-1868, Harpers Ferry National Monume (NPS Typescript, Harpers Ferry N.M., April 2,1859,) 16 pages.

Churches:

12. Smith, Philip R. Jr.," History of the Methodist Episcopal Chur 1818-1888, and the Free Church, 1818-45," (N.P.S. Typescript, Harpers Ferry National Monument, Mar 1959) 13 pages.

13. Smith Philip R.Jr., "History of St Peter's Roman Catholic Ch 1830-1868," (Typescript, Harpers Ferry N.M., March 11,1959), 15 pages.

14. Smith, Philip R.Jr., "History of the Methodist Protestant and Odd Fellows Hall, 1843-1868," (NPS Typescript Harpers Ferry National Monument, March 12,1959),

15. Snell, Charles W.,"History of the Presbyterian Church, 184 (NPS Typescript, Harpers Ferry National Monumen June 9,1959), 15 pp.

16 Smith, Philip R.Jr.,"Historic Building Report, Part II, His Data Section for the Protestant Episcopal Ch 1847-1895, St. John's Church, Bldg. No. 48 (NPS Typescript, Harpers Ferry National Mom May 25,1959), 11 pp.

17 Smith, Philip R. Jr.,"History of the Evangelican Lutheran Church, Camp Hill, 1850-1868," (NPS typescri Harpers Ferry National Monument, March 31,1

Also see Historic Structure Reports for Bldgs. No.34-35, 36, 45, and 48, for Buildings used by the U.S. Armory,1796- and Philip R. Smith's Histories of Armory Dwellings No. 30, 31, and 32, Camp Hill.

APPENDIX

PART I - U.S. LAWS RELATING TO THE ACQUISITION AND DISPOSAL OF PUBLIC LANDS AT THE U.S. ARMORY AT HARPER'S FERRY, WEST VIRGINIA, 1794 to 1884

April 2, 1794 Act

Public Statues at large of the United States of America
Vol. 1, 1st - 5th Congress 1789-1799, 1845, p.352

An Act of Congress providing for the erection of the arsenal.

Third Congress Sess. I. Chapter 14 1794

"Chap. XIV - An Act to provide for the erecting and repairing of Arsenals and Magazines, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the safe keeping of the military stores, there shall be established under the direction of the President of the United States, three or four arsenals with magazines, as he shall judge most expedient, in such places as will best accommodate the different parts of the United States. Either or both of the arsenals heretofore used at Springfield and Carlisle, to be continued as part of the said number, at his discretion: Provided, that none of the said arsenals be erected, until purchases of the land necessary for their accommodation be made with the consent of the legislature of the state, in which the same is intended to be erected.

Section 2. And be it further enacted, That there shall be established, at each of the aforesaid arsenals, a national armoury, in which shall be employed one superintendent, and one master-armourer (who shall be appointed by the President of the United States) and as many workmen as the Secretary for the department of war shall, from time to time, deem necessary, so that the whole number at all the armouries shall not exceed one hundred. And the said superintendents shall each receive as a compensation, seventy dollars per month, and the said master-armourer each, fifty dollars per month.

Section 3. And be it further enacted, That there shall be employed an officer, whose duty it shall be (under the direction of the department of war) to superintend the receiving, safe keeping and distribution of the military stores of the United States, and to call to account all persons, to whom the same may be intrusted: he shall receive for his compensation, at the rate of one hundred and twenty-five dollars per month, and shall be appointed by the President of the United States.

Section 4. And be it further enacted, That a sum not exceeding fifty-nine thousand dollars, be appropriated for the erecting and repairing of the arsenals and magazines aforesaid, and a sum not exceeding twenty-two thousand eight hundred and sixty-five dollars for defraying the expense of the national armouries,

U.S. STATUES AT LARGE, VOL. 3, p. 521

ACT OF MARCH 3, 1819

STATUTE II.
March 3, 1819.

CHAP. XC.—*An Act to authorize the Secretary of War to convey a lot or parcel of land, belonging to the United States, lying in Jefferson county, in the state of Virginia.*

The Secretary of War authorized to convey Keep-Tryst Furnace, &c. upon terms conducive to the interest of the United States.

The money to be deposited in the Treasury.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of War be, and he is hereby, authorized to convey, by deed, in fee simple, to a certain John Peacher, a lot, or parcel of land, with the appurtenances belonging to the same, lying in Jefferson county, in the state of Virginia, called the Keep-Tryst Furnace, and containing two hundred and twenty-one acres, belonging to the United States, upon such terms as he may think most conducive to the interest of the United States; and the money arising from the sale thereof to deposit in the treasury of the United States.

APPROVED, March 3, 1819.

Tract sold to John Peacher on 21 September 1819 for $ 15,000.00

Col. George Bomford, Chief of Ordnance, to B. H. Butler, Secretary of War; January 12, 1837:

"...although a very large sum was paid by the War Department [in 1800] for this right to dig ore viz. $ 24,000 to General Lee [for 1,600 acres] and $ 42,000 to Potts, Wilson and North[for the right to dig on Lee's 1,600 acres and the 221 acre Keep Tryst Furnace] minus $ 15,000 for which the 221 acre tract sold [in 1819] and although the ore is considered as of the very first quality yet it has never been made available to the U.S. and unless the National Armory should be established (somewhere in the neighborhood) it probably never can be..." [National Archives Record Group 153, Office of the Judge Advocate General, Military Reservation File, 1809-1942, Box 45.]

Thomas C. Miller of Gettysburg, Pa., entered into an agreement with Col. Bomford to dig ore on the Friends' Ore Bank, writting on July 26,1837: "I went to work to prepare iron suitable for Harper's Ferry Armory. Already I have delivered two tons." McPherson and Brien also claimed the right to dig ore off the Friends' Ore Bank and their workers forfced Miller's men off this tract, leading to a contest in court.

Joint Resolution of Congress, March 3, 1847:

[No. 9.]—*A Resolution concerning the Purchase of additional Lands for the Use of the United States Armories at Harper's Ferry and Springfield.*

March 3, 1847.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the assent of Congress be, and is hereby, given to the purchase of additional lands for the use of the United States armories at Harper's Ferry and Springfield, and to the application for that purpose of so much of the sums appropriated for repairs, improvements, and new machinery at Harper's Ferry and Springfield armories, by the act approved August eighth, eighteen hundred and forty-six, as the estimates show to have been intended for the purchase of lands and buildings for said armories.

The purchase of additional lands authorized at Harper's Ferry and Springfield.

1846, ch. 95

APPROVED, March 3, 1847.

U.S. STATUES AT LARGE, Vol. 9, p.69.

Appropriations Act of August 3, 1846- Extract for the Ordnance Department.

Contingencies.

For the purchase of ordnance, ordnance stores, and supplies, one hundred thousand dollars.

Ordnance, and ordnance stores

For current expenses of the ordnance service, one hundred thousand dollars.

Current expenses.

For manufacture of arms at the national armories, three hundred thousand dollars.

Manufacture of arms.

For repairs and improvements, and new machinery, at Springfield armory, one hundred and twenty-five thousand dollars.

Repairs, &c., at Springfield.

And the sum of five thousand dollars, out of the appropriation made for the said objects by the act approved March third, eighteen hundred and forty-five, is declared to have been intended for the purchase of the lots adjoining the armory ground, as expressed in the estimates, to which purpose it has been applied. And of the sum allowed by the said act to be applied to repairs at the national armories, such amount as in the judgment of the Secretary of War may be necessary, not exceeding fifteen thousand dollars, may be applied to the purchase of land from individuals and from the town of Springfield, Massachusetts, and the assent of Congress is hereby given to such purchase.

$5,000, out of appropriation of act of 1845, ch. 65, declared to be for purchase of lots adjoining armory ground, &c.

For repairs and improvements, and new machinery, at Harper's Ferry armory, one hundred and twenty-eight thousand three hundred and sixty-one dollars.

Repairs, &c., at Harper's Ferry.

PUBLIC ACTS OF THE FORTIETH CONGRESS

OF THE

UNITED STATES,

Passed at the Third Session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the seventh day of December, A. D. 1868, *and was adjourned without day on Thursday, the fourth day of March, A. D.* 1869.

ANDREW JOHNSON, President. BENJAMIN F. WADE, President of the Senate. SCHUYLER COLFAX, Speaker of the House of Representatives, until the third day of March, A. D. 1869, on which day he resigned, and THEODORE M. POMEROY was elected Speaker, and so acted for the remainder of the session.

CHAP. II. — *An Act providing for the Sale of the Lands, Tenements, and Water Privileges belonging to the United States at and near Harper's Ferry, in the County of Jefferson, West Virginia.* Dec. 15, 1868.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to make sale at public auction of the lands, tenements, and water privileges belonging to the United States, at and near Harper's Ferry, in the county of Jefferson, West Virginia, except as hereinafter provided, in such parcels as shall, in his opinion, be best adapted to secure the greatest amount of money therefor, on a credit of one and two years, taking bond and security from the purchaser or purchasers for the payment of the purchase-money; and that the proceeds of such sale shall be applied by him as follows: *Provided*, That no such sale shall be made until the time, terms, and place thereof shall have been published in one of the principal newspapers in each of the cities of Washington, New York, and Cincinnati for sixty days prior to the day of sale:

Secretary of War to sell at auction the property of the United States at Harper's Ferry.

Terms of sale.

Advertisement in newspapers.

First, in defraying the expenses of making said sale.

Second, in refunding to the United States the principal sum of purchase-money paid for said lands, tenements, and water privileges by the United States, and for the erection of buildings thereon.

Proceeds of sale, how applied.

Third, if any surplus remain, he shall deliver the same to such agent as the legislature of the State of West Virginia shall appoint to receive the same; but upon condition that such surplus shall be received by the State of West Virginia, to be set apart, held, invested, used, and applied as a part of the school fund of that State, under and by virtue of, and in manner and form as provided in section first of the tenth article of the constitution of West Virginia, and for no other purpose. And on making such sale of the said lands, tenements, and water privileges, or any part thereof, the said Secretary of War is hereby empowered and required, on receiving the purchase-money in full, to execute all necessary deeds therefor to the purchaser or purchasers thereof, on behalf of the United States.

Surplus to go to West Virginia as part of school fund of the State.

Secretary of War to execute deeds.

SEC. 2. *And be it further enacted*, That the Secretary of War be authorized and directed to convey by deed to Storer College, an institution of learning chartered by the State of West Virginia, all those certain portions of the aforesaid property, namely: the buildings, with the lots on which they stand, numbered thirty, thirty-one, and thirty-two, and also building numbered twenty-five, with enough of the lot on which it stands to give a breadth of ten rods on High Street, otherwise known as Washington Street, all of said buildings and lots being situated at Harper's Ferry aforesaid, being the same which have heretofore been assigned by the War Department to the bureau of refugees, freedmen, and abandoned lands, for educational purposes; and also to convey by deed to the proper persons all such other lands and buildings, portions of the aforesaid property, as have heretofore been set apart by the proper authority for religious, charitable, and town purposes.

Secretary of War to convey portions to Storer College;

and other portions to other persons.

APPROVED, December 15, 1868.

United States Statues at Large (1877-79), Vol. 20, 130-131.

June 14, 1878.

CHAP. 192.—An act authorizing the Solicitor of the Treasury by and with the consent of the Secretary of War, to cancel certain contracts for the sale of lots of land made at Harper's Ferry in the year eighteen hundred and sixty-nine by the United States, to resell the same, and sell or lease all other real estate and riparian rights now owned by the United States at Harper's Ferry, West Virginia.

Purchasers at Harper's Ferry to be released, on quitting claim.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Solicitor of the Treasury, by and with the consent of the Secretary of War, be, and he is hereby, authorized to cancel contracts with and release each and all purchasers of lots of land from their purchases made on the thirtieth day of November, eighteen hundred and sixty-nine, at and near Harper's Ferry, West Virginia, whenever such purchaser or purchasers shall quit-claim and release said lots or parcels of land to the Government of the United States by deed in such form as may be required by the Solicitor of the Treasury: *Provided*, That such quit claim and release shall be executed and tendered to the Secretary of War within four months from the passage of this act.

Proviso.

Release of purchaser.

SEC. 2. That whenever any of the said lots and parcels of land shall be quit-claimed and released in pursuance of section one of this act, the Solicitor of the Treasury shall, by and with the consent of the Secretary of War, cancel the obligation of the purchaser or purchasers thereof and release the same from all liability to the Government of the United States for the purchase money of such lot or lots of land. And the Solicitor of the Treasury shall, when he deems it expedient to subserve the interests of the government, have the power, and he is hereby authorized to offer for sale said lots or parcels of land, so quit-claimed and released by auction, after first giving notice of the time, terms, and place of sale in pursuance of existing law, upon such terms as in his judgment he may deem expedient.

Lots may be offered again.

Solicitor of the Treasury may sell or lease.

SEC. 3. That the Solicitor of the Treasury is further authorized to make sale, in pursuance of law, of the whole or any part of said property, or, if he deem it expedient and better for the public welfare, lease for any term of years and part or all other real estate and riparian rights now owned by the Government of the United States at or near Harper's Ferry, Jefferson County, West Virginia.

Abatement of purchase-money.

SEC. 4. That the Solicitor of the Treasury be, and he is hereby, authorized to abate part of the purchase-money due from purchasers who have made improvements upon lots of land purchased as aforesaid at Harper's Ferry: *Provided*, That in his judgment such purchasers are legally or equitably entitled to such abatement: *And provided further*, That such purchasers shall application to the Solicitor for abatement within two months from the passage of this act, and, in case an abatement is made, shall pay the balance of the purchase money due after deducting the amount abated within sixty days thereafter; otherwise, the debt to remain as if no abatement had been made.

Proviso.

Conditions of abatement.

Date of effect.

SEC. 5. This act shall be in force from its passage.

Approved, June 14, 1878.

UNITES STATES STATUES AT LARGE,
1883-1885, Vol. 23, p.69
48th Congress, Session I, 1884

CHAP. 176.—An act authorizing and directing the sale of the real estate and riparian rights now owned by the United States at Harper's Ferry, in the State of West Virginia. July 4, 1884.

Sale of real estate and riparian rights of U. S. at Harper's Ferry, West Virginia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Solicitor of the Treasury is hereby authorized and directed to make sale of all the real estate and riparian rights now owned by the Government of the United States at Harper's Ferry, in the State of West Virginia, such sale to be at public auction, without reservation, except as hereinafter provided, to the highest bidder, and after not less than four weeks, public advertisement of the same, in such newspapers as the Solicitor, with the consent of the Secretary of the Treasury, may select for such publication: *Provided*, That the property shall not be sold for a less sum than twenty thousand dollars.

Proviso.

Conditions and terms of sale.

SEC. 2. That said real estate and riparian rights shall be sold either as an entirety or in such parcels and divisions as in the judgment of the said Solicitor shall be most promotive of the interests of the United States, and upon such terms as to cash payment and credits as the Secretary of the Treasury may prescribe, but so that at least one-third of the purchase-money shall be paid in cash, and the credit portion shall bear interest at the rate of six per centum per annum.

Conveyance of title.

SEC. 3. That upon the compliance of any purchaser or purchasers of the whole of any parcel purchased as aforesaid with the terms of sale, such purchaser or purchasers shall be let into possession of the premises so purchased; and upon full payment of the purchase-money and interest (if any be due), the Solicitor of the Treasury, for and in behalf of the United States, shall make, seal, and deliver to the purchaser or purchasers good and sufficient deed or deeds, conveying all the right, title, interest, and estate of the United States in said property or parcel thereof, as the case may be, in fee simple.

SEC. 4. That this act shall be in force from its passage.

Approved, July 4, 1884.

APPENDIX PART II -

U.S. DEEDS TO THE PUBLIC LANDS OF THE U.S. ARMORY AT HARPER'S FERRY, 1796-. 1833

Items No. 1 to 9, Transcribed by James P. Noffsinger in the National Archives, Washington, D. C. in 1958, and copied from his: "Harpers Ferry, West Virginia. Contributions Towards a Physical History," (National Park Service Typescript, Eastern Office of Design and Construction, Philadelphia, Pa., November 1958),.

Items No. 10 and 11 transcribed by Charles W. Snell, 1979.

Last Will of Robert Harper, Berkeley County, Virginia, September 26,1782. Copy from National Archives Record Group No. 153, Office of the Judge Advocate General, Military Reservation Division, Reservation File, 1809-1942, West Virginia, Box No. 44, Washington, D.C.

"In the Name of God Amen. I Robert Harper of Berkeley County in the Commonwealth of Virginia being sick and weak in Body but sound in Memory and Judgement calling to mind the frailty and vicissitudes of life and succeeding Eternity do hereby make Constitute, ordain and appoint this to be my last will and Testament revoking, disallowing and rescinding all other Wills or Testament by me heretofore made in manner and form as follows Viz. I leave my Body to the Earth to be burried [sic.] in a decent manner at the discretion of my Executors after mentioned and recommend [sic.] my Soul to the hands of that God who gave it in hopes of a glorious Resurrection [sic.] there the atonement and ato[n]ement of our Lord and Saviour Jesus Christ: and for what Worldy Estate it hath pleased God to bestow upon me I give leave and bequeath a & follows after my Just Debts Death Bed and Funeral Expenses are paid off Viz. Imprimis I give Leave and Bequeath to my Nephew Robert Griffith one moiety or half of my Ferry Survey to form a Straight & direct line to run along the two fences on the East Side or that Side next to the Ferry The one fence lying on the North and the other on the South Side of the road leading from the Ferry to Winchester the Sides of the above mentioned Fences to be a derector [sic] or to Show where each end of the Devision [sic.] line Shall terminate, The end of the line leading to Potowmack to terminate as Soon as it Strikes that River, the end leading to Shenandoah to keep a Straight Course till it likewise strikes said River and to Contain and Include the Island opposite where the said line strikes, Thence to Run up my Line Joining Samples line, to Continue with said line

[Second Page]

and to Include Ninety Acres of a New Survey Thence to Continue its Course till where the Devision [sic.] line Shall Strike Potowmack River Including therewith my Saw Mill and Grist mill with all The utensils belonging to both Mills, likewise I do leave unto my said Nephew all my moveable Estate whatsoever Except my negroe wench Dock.——

2[dly] I give leave and bequeath unto my Niece [sic.] Sarah Harper Daughter of my Brother Joseph Harper Joiner and Cabinet maker late of Philadelphia or her heirs my Ferry and Ferry house on Potowmack River and all the remainder of my ferry survey not before devised to Robert Griffith together with all my Estate Right and Title to the Maryland Shore of the Said Ferry, and also all my Estate Right and Title to and for Ten Acres upon what is now called The big Island up Potowmack River adjoining

the Ferry aforesaid But it is my will that neither my said Neice [sic] Sarah or her husband if alive shall enjoy the said Ferry and Lands hereby devised and bequeathed longer than their natural life or Lives, and it is likewise my will that my said Niece Sarah or her Husband Shall and may have full power and authority to leave and bequeath the said Ferry and lands to them devised as above to either of their sons whom they Shall Judge most deserving Thereof and in case of failure of male line to leave and give the premises aforesaid to either of Their Daughters as may appear to them or the survivor of them the most suitable It is likewise my will that my Debts all and sundry Shall be paid out of the rents of my Ferry by my Executors aftermentioned who are hereby empowered to retain the same till all Just Claims and Demands against my Estate are paid off and discharged——

Thirdly It is my will in Consideration of what is above

[Third Page]

devised and made over to my said Neice [sic] Sarah that she her or assigns shall be obliged to ferry over at the Ferry above-mentioned passage free every person or persons who shall bring with them Grist of any kind to the Mills on the Lands now belonging to me adjoining the same——

Fourthly, I hereby give leave and bequeath unto my Neipher [sic] Joseph Vreen a Tract of land Containing Three hundred acres of Land Lying at the mouth of Indian Run Sleepy Creek in Berkeley County being the same as was purchased by me from Aron Rice——

Fifthly, I hereby give and leave and bequeath unto my Nephew Robert Harper Josiah Harper, Jonas Vreen, Hezekiah Vreen and Israel Vreen the whole amount of what my Negroe wench Beck Shall bring to be equally Devided [sic] and Shared amongst them, and for that purpose it is my will that my Executors Shall as Soon as Convenient for them after my Decease Cause the said Negroe Wench Beck to be Sold——

And for the more sure causing this my Last will and Testament to be put into due Execution, I do hereby ordain nominate Constitute and appoint and by these presents have ordained nominated Constituted and appointed my well beloved friends Edward Lucas John Ryan of Berkeley County and Robert Griffith of Bedford County in the Commonwealth [sic] of Virginia to be my only true and Lawfull [sic] Executors for the purposes before mentioned, hereby ratifying and Confirming all and whatsoever my said attorneys shall lawfully do with regard to the premises, and They or either of Them Shall not be liable to any Neglect or Omissions respecting the Same, In Witness whereof I have here unto set my hand and seal unto this my Last Will and Testament This Twenty Sixth Day of September in the year of our Lord

No. 1

[Fourth Page]

one Thousand Seven Hundred and Eighty Two-

Signed sealed published pronounced and declared by the said Robert Harper to be his Last Will and Testament in presence of us-
R. M. Knight
T [?] Hamilton
John Duncan
William Duncan
Wm Darke

Robert Harper

Be it known to all men by these Presents that I Robert Harper of the County of Berkeley & Commonwealth of Virginia, have made & declared my Last Will and Testament in writing Bearing date this first day of october one Thousand Seven Hundred and Eighty-Two, I Robert Harper by this present Co--il [?] do ratify confirm s[d] last will & Testament, and it is further my Last will that four acres of Land most Convenient round my Grave yard Shall be laid off By my Executors & be inti--ly [?] Appropriate to the use of a grave yard and all my Debts due by Bond note or Back Debt and all the rents now due from my ferry Be By my Executors disposed of in the best manner Towards Erecting a grave yard and Building a church on s[d] four acres of Land, [?] He--ing [?] a head and foot stone for my Wife so [?] grave and likewise for my own and my will and meaning is that this co codicil be adjudged to be a part and parcel of my last will and Testament and that all things contained therein, be faithfully and truly preformed [sic,] and as fully and amply in every respect as if the same had been declaired [sic,] and sit [sic,] down in my last will & testament as Witness my hand this first Day October one thousand Seven hundred and Eighty-two
Signed in presence of us
R. M. Knight
Wm Darke
James Claypoole

Robert Harper his mark

No. 1

At a court held for Berkeley County the 15th day of October 1782 This last will and Testament together with the codecil [sic] annexed of Robert Harper Deceased Was presented to court by John Ryan Edward Lucas and Robert Griffith the Executors wherein named who made Oath thereto according to Law and the same being provd [sic] by the Oaths of Robert M. Knight William Darke and William Duncan witnesses thereto and ordered to be recorded and on the motion of the said Executors who entered into Bond with William Darke and John Briscoe Junr their securities in the penalty of five Hundred pounds conditioned for their true and faithful administration of the said Estate Certificate is granted them for obtaining a probate thereof in due form

Teste

Will Drew

A Copy Teste

D.Hunter CBCn

Deed No. 2

John Wager, Sr. and Others, Berkeley County, Virginia, to the United States, June 15,1796, for Approximately 117 acres of land, 20 acres for an Island in the Potomac River. National Archives Record Group 121, Public Buildings Service, Entry No. 75-Warrenty Deeds and Correspondence,1796-1884, for Public Lands at Harper's Ferry, W. Va. 2 trays.

1)

"This Indenture made this fifteenth day of June in the year one thousand seven hundred and ninety six Between John Wager Senior and his wife Mercy John Wager Junior and Margrett Wager all of Berkeley County In the Commonwealth of Virginia and Mary Wager of the City of Philadelphia of the one part and George Washington president of the United States of the other part, witnesseth that the said John Wager Senior and his said wife John Wager Junior Margrett Wager and Mary Wager for and consideration of the Sum of Seven Thousand and Sixteen Dollars and Two Thirds of a Dollar Lawfull money to them in hand paid before the Ensealing and Delivery of these presents on account of the United States by the said George Washington president of the said United States the receipt whereof they the said John Wager Senior and his said wife John Wager Junior Margrett Wager and Mary Wager do hereby acknowledge and thereof the said United States do forever Exonerate and Acquit and for and in Consideration of the Covenants herein after Reserved on the part of the United States to be kept and performed have granted bargained and sold alien Release and Confirm and by these presents do grant bargain and sell alien Release and Confirm unto the said George Washington president of the United States & his successors forever the following parcels or Tracts of Land that is to say an Island in the River Potomack opposite to Harpers ferry Containing Twenty Acres more or Less, also all that parcel of Land / except as is herein after excepted situate in the said County of Berkeley Commonly known by the name of Harpers ferry Tract, which was devised by the Last will of Robert Harper bearing date on or about the Twenty sixth day of September one Thousand Seven hundred and Eighty two unto his neice Sarah Harper and is bounded by the River Potomack, on the outside by the River Shenandoah on another side and by the line dividing it from the Tract or parcel of Land devised by the said Robert Harper unto Robert Griffith on the other side / Excepting, six acres part thereof where upon the Buildings occupied by the said John Wager Senior now stands to be laid off in one parcel and bounded by the Road Leading

2)
up the Shenandoah River on the one side by the west side of the Garden fence belonging to the Dwelling house of the said John Wager Senior and a line Extending from thence Northerly to include a Stable on the north side of said Dwelling house on another side thence Easterly till within one hundred and fifty feet from the Bank of the River potomack, then Southerly till it strikes the Road aforesaid Leading from the ferry up the Shennandoah, Excepting also a piece of Land for the ferry Landing one hundred and ten feet from the bank of the River Potomack from the Bank of that River potomack near the north end of a stone house down to the point where the waters of the Potomack and Shennandoah Rivers Join, the aforesaid piece of Land being intended by the parties to lay along the Bank of the River potomack & to be in all parts one Hundred & Ten feet wide from the said Bank and to begin on the said Bank near the said stone house and to extend with the said River down to the point of Junction with the Shennandoah Together with all houses Except as before Excepted ways and waters Except as is herein after provided and Covenanted woods Commodities advantages and hereditaments to the hereby granted premises belonging or in any manner appertaining (Except as herein before hath been or herein after shall be Excepted or otherwise provided and the Reversions and Reversions Remainder and Remainders Rents issues and profits thereof, and all the Right Title Interest and Clause in Law or Equity of them the said John Wager Senior and his said wife John Wager Junior, Margrett wager and Mary wager, and each of them of in and to Concerning the premises herein granted Subject to the Covenants Exceptions and provision herein Contained and Expressed, to have & to hold the said parcels of Land and appurtenances except as herein Excepted reserved and Covenanted unto him the said George Washington president of the United States and his successors forever to and for the use and behoof of the said united States forever and to and for no other use or behoof whatsoever and free and clear of all and every charge and Incumbrance Whatsoever Except as herein Contained and Expressed and the said George Washington president of the united States for himself and his successors do the Covenant and agree for and on behalf of the said united States with the said John Wager Senior and his

3)
said wife John Wager Junior Margrett Wager and Mary Wager and their heirs Executors administrators and assigns that the several owner or owners possessor or possessors occupier and occupiers of the Land and premises herein and hereby Excepted and not Conveyed and their heirs and assigns shall have the right and priveledge of keeping the publick Ferry or ferrys from the said Landing at the Junctions of the said Rivers accross each to the opposite

shore and of Landing at any time when the Current of either River shall make it Neddessary the boat or boats Employed in the said ferriage or any part of the hereby granted premises and so long as the United States are furnished and accomodated with addequate means of Transporting accross each River to and from the said ferry Landing whatsoever shall be requested for publick use or purpose it shall not be Lawfull for the said united States at their own expence to Transport any person or thing from the said ferry Landing accross Either River or from the oppoite side of Either River to the said Ferry Landing but whenever and so often as the United States shall not be furnished with same and immediate transportation of any person or persons thing or things to the end that unreasonable Deley or Interruption may not be suffered in their affairs, it shall be Lawfull for the united States aforesaid at their own Expence to Transport at to and from the said ferry Landing any person or persons thing or things or publick account which for the general good shall be Expedient and the said John Wager Senior for himself and his heirs Executors and administrators doth declare Covenant and agree to and with the said George Washington president of the United and his successors forever that he the said John Wager Senior in pursuance of the intent of the Last will of Robert Harper hath Elected and Appointed his son the said John Wager Junior to take and to have and hold the said parcel of Land devised by the last will aforesaid unto the said Sarah Harper his late wife who has Departed this Life without making any devise or appointment thereof and that he the said John Wager Senior will not make any other appointment or any Request whatsoever thereof, And it is mutually agreed between the said John Wager Senior and his said wife John Wager Junior and Margrett Wager and Mary Wager and their Respective heirs

on the one part and the said George Washington president of the United States and his successors on the other part that it shall be Lawfull for Tobias Lear his Executors administrators and assigns to have hold and Enjoy all that part of the hereby granted premises for and During the Term of his Contract that is to say for the space of Seven years Commencing from the day of December Last any thing herein to the Contrary, notwith standing but subject to such future agreement as the said Tobias Lear his Executors or Administrators shall make with the united States and the said John Wager Senior and his said wife John Wager Junior Margrett Wager and Mary Wager severally and for their several heirs Executors and administrators the hereby granted premises and their appurtenances

subject to the Exceptions and Covenants and provisions aforesaid unto him the said George Washington president of the united States and his successors for the use of the united States as aforesaid against the said John Wager senior and his said wife John Wager Junior Margrett Wager and Mary Wager and their heirs Jointly and Severally and against the Claim of all and every person and persons whatsoever will warrant and shall forever Defend by these presents, In witness whereof the parties have here unto set their hands and seals the Day and year first above written signed sealed and Delivered in

the presence of ——— John Wager [LS]
Arthur Shaaf & George Scott &
Robert Whittett as to John Wager
John Wager Jun & Margrett Wager John Wager Jun [LS]
and by the said Mary Wager in the
presence of us Fred, Beales Phil,T, Margrett Wager [LS]
Dunn - - - - - - - - - - - - - - -
Mary Wager [LS]

Memorandum of the Courses of the Six acres reserved to John Wager In and mentioned in the foregoing Deed, Viz Beginning at a stake standing the west side the ferry Road one hundred and fifty feet from the Bank of the River potomack and Running thence S° 50- W 26 N poles to a stake on the Edge of a hill near the Shannandoah Bottom and on the side of a slate Rock between a Mulberry and hop wood Tree both marked with three Chops on one side thence N° 48 W 40 poles to a Chestnut tree on the side of a hill marked as a Corner then N° 50 E 22 poles to a stake at the side of a Broad Rock, then S° 53 E 40 poles to the aforesaid Beginning Containing and now laid Down for six acres of Land

5)
Surveyed at the Request of Mr. Tobias Leir as being the Six Acres Reserved by Mr John Wager and other in the sale of their Lands Given under my hand May 17th - 17⅞ Signed,
a true Copy witness John Davenport
John Wager John Wager Junior,

Memorandum that on the Fifteenth day of June one Thousand Seven hundred and ninety six we Received from George Washington president of the United States on their Account by the hands of Tobias Lear the sum of Six Thousand Six Hundred and Sixty Six Dollars and Two Thirds of a Dollar also Three hundred and fifty Dollars making the full consideration within mentioned Viz. Seven Thousand and Sixteen Dollars and Two Thirds of a Dollar. In witness whereof

we have hereunto set our hands and seals the day and year last mentioned

Attested by
Arthur Shaaf & Co° Scott Jun
Robert Whittett as to John Wager
John Wager Jun & Margrett Wager
and to the signing of the said
Mary Wager by us Fred^k Bealles-
Phil. T. Dunn, witnesses at the
signing of Geo^r Washington——
Thomas Peter, Ge°W Craik

John Wager [LS]
John Wager Jr [LS]
Margrett Wager [LS]
Mary Wager [LS]

G^r//Washington [LS]

Whereas Certain Causes have prevented the Recording of this annexed Deed Conveyed Certain Land from John Wager and John Wager Jr to the United States Now Thereof be it Known that we the Subscribers a party to the aforesaid Deed do Consent Covenant and agree to and with the United States that the aforesaid non Recording of said Deed does and shall not in any way Invalidate the same and we do by these presents acknowledge said Deed to be Just true and firm and that the date thereof shall be on the first day of February one Thousand Seven Hundred and Ninety Seven Instead of the fifteenth day of June one Thousand Seven Hundred and Ninety Six and that the Recording thereof take place from and after the said first day of February any thing in

6
the Deed aforesaid to the Contrary notwith standing Given under our hands and seals at Harpers ferry in the County of Berkeley Commonwealth of Virginia this first day of February one Thousand Seven Hundred and ninety Seven Sealed Signed and Delivered

John Wager [LS]

in presence of - - - - - - -
Robt Whittett, Thos Wilson
William Merideth

John Wager Jun [LS]

City of Philadelphia So^t

Before me Matthew Clarkson Esqr Mayor of the City of Philadelphia came Mary Wager one of the Grantors in the within written Indenture named and in Due form of Law acknowledged the same to be her act and Deed and Desired it might be Recorded as such she being nineteen years ~~and upwards~~

In Testimony whereof I the said Mayor have hereunto
set my hand and Caused the Seal of the Mayoralty of
(LS) the said City to be hereunto affixed the Twenty Third
( ) day of June in the year of our Lord one Thousand Seven
hundred and ninety six——— Matthew Clarkson mayor

At a Court held for Berkeley County the 24th day of July
1797 this Indenture was acknowledged by John Wager John
Wager Junior two of the parties thereto which together with
the duly Authenticated Certificate, as to the Execution of
Mary wager the other party, and the other endorsements there
on appearing, is ordered to be recorded

By The Court
Teste
Mo Hunter, CBC

A Copy
Teste
DA Hunter CBC

Deed from Thomas Rutherford and Others, Berkeley County, Virginia, to the United States, February 20, 1797, for approximately 310 acres of land at Harper's Ferry. National Archives Record Group No. 121, Public Buildings Service, Entry No. 75.

"This Indenture made this twentieth Day of February in the year of our Lord one Thousand Seven Hundred & ninety Seven Between Thomas Rutherford William Darke van Rutherford & Mary Rutherford Execr & Executrix of Thomas Rutherford Junior Deceased of the County of Berkeley & State of Virginia of the one part and George Washington president of the United States for and behalf of the said United States of the other part, witnesseth that the said Executors and Executrix by virtue of the last will and Testament of the said Thomas Rutherford Junior deceased and for & in consideration of the sum of Ten Thousand Dollars to them in hand paid by the said George Washington president of the United States for and in behalf of the said United States the Receipt whereof they do hereby acknowledge and thereof do forever release acquit acquit & discharge the said United States. They the said Executors and Executrix do hereby grant bargain sell alien release and Confirm' unto the said George Washington president of the United States & his successor for ever, A Certain Tract or parcel of Land Situate Lying and being in the said County of Berkeley & near the Confluence of the Rivers Potomack and Shennandoah and bounded as follows, Beginning at Three Sycamores corner to Thomas Wilson, on the North Bank of Shenodoah and running thence with the said Wilsons line north two Degrees west one hundred & thirty six poles to a white Oak corner- Thence North Seventy Three Degrees west Thirty Six poles to a stake in a field thence north Seventy nine Degrees west one hundred & Sixty Eight poles to a small white oak Growing out of stump Corner to said wilson & the Lands of potts wilson 16°, Thence with their line North six degrees East one hundred & five poles to a stake on the banks of potomack where the corner of the entire tract stood thence down Potomack river north sixty three degrees East Sixty Two poles, thence South Sixty one Degrees East three hundred and fifteen poles to a Chestnut stump near a marked Sugar tree thence leaving Potomack and Closing the entire Tract with the line of a piece

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parcelar tract of Land Conveyed to the United States by John Wager & his wife Mary John Wager Jun and Margrett Wager South one hundred and sixteen poles to a small black oak Tree on the bank of Shennandoah, thence up the same with its meanders North Eighty Seven degrees west Sixteen poles South Seventy four degrees west twenty poles, South Twenty eight

degrees west thirty four poles, South seventy degrees west Twenty eight poles, west twenty poles, North Eighty two degrees west Twenty six poles North Seventy Eight degrees west fifteen poles to the Beginning Containing Three hundred & Ten acres be the same more or less which said Tract or parcel of land Contains one moiety of a Tract of Land Granted to Robert Harper Deceased by the late Lord Fairfax proprietor of the northern neck by Patent bearing date on the fifth day of april in the year of our Lord one Thousand Seven Hundred and fifty one & also one entire tract granted to the said Robert Harper deceased by the said proprietor by patent bearing date on the nineteenth day of april in the year of our Lord one thousand Seven hundred and sixty two & were devised by the said Robert Harper by his last will & Testament duly proved & recorded in the Court of the said County of Berkeley to a Certain Robert Griffith now deceased & Conveyed by Robert Griffiths eldest son and heir at Law of the said Robert Griffith deceased by his deed bearing date on the ninth day of January last part, to the aforesaid Thomas Rutherford William Darke van Rutherford & Mary Rutherford Executors and Executrix of Thomas Rutherford Junior deceased, And all Houses Buildings orchards Meadows ways waters waterCources Mills, mill dams & other appurtenances whatsoever to the said Tract of Land hereby Conveyed belonging or in any wise appurtaining, to have and to hold the said Tract of Land hereby Conveyed together with all & singular the appurtenances thereunto belonging unto the said George Washington & his succes ors presidents of the United States and for the use of the said United States forever, to & for the use & behoof of the said united States

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& to and for no other use or Behoof whatsoever and free and Clear of every charge or incumbrance whatsoever, And the said Thomas Rutherford William Darke van Rutherford & Mary Rutherford for themselves their heirs the aforesaid Tract of Land hereby Conveyed with all and Singular the appurtenances thereunto belonging unto the said George Washington president of the united States & his Successors for the use of the united States as aforesaid against them the said Thomas Rutherford William Darke van Rutherford & Mary Rutherford & their heirs Jointly & Severally & against the Claim of all & every person or persons whatsoever shall and will warrant & forever defend by these presents, In witness whereof the parties to these presents have hereunto set their hands and seals the day and year first above written signed sealed and delivered,

in presence of——— Thomas Rutherford [LS]
Thomas White, Paul Ceedmore
Heronomous Probock William ——— William Darke [LS]
Delayca John Grantham Junr // Van Rutherford [LS]
Thomas Smallwood Lemuel James Mary Rutherford [LS]
witness to the signature of George Washington
Tobias Lear, B Dandridge, George W. Craik George Washington [LS]
3 March 1797

This Deed is Deemed sufficient in Law
Chas Lee attorney Genr us

At a Court held for Berkeley County the 25th day of September 1797 This Indenture was acknowledged by Thomas Rutherford and Van Rutherford two of the parties thereto and ordered to Lie and at Court held for the said County the 24th day of Septem ber 1798 the same was further acknowledged by William Darke and Mary Rutherford two other parties thereto and ordered to be Recorded by the Court Teste J Bedinger CBC

A Copy Teste D Hunter CBC"

Deed No. 4

Henry Lee and Others, Westmoreland County, Virginia, to the United States, May 8, 1800, for the right to dig iron ore on 1,600 acres of land known as the Friends' Ore Bank. National Archives Record Group 121, Public Publ Buildings Service, Entry 75.

"Know all men by these presents that we Henry Lee of Westmoreland county in Virginia and Anne his wife for and in consideration of the sum of Twenty four thousand dollars to the said Henry Lee in hand paid by the President of the United States of America for and in behalf of the said United States the receipt whereof is hereby acknowledged have granted bargained and sold and by these presents do grant bargain & sell alien and confirm unto the said United States forever all the iron ore in a certain tract of land situate in the County of Berkley in the said commonwealth adjoining the River potomack near to the Keep Tristo furnace containing about sixteen hundred acres in which is a bank of Iron ore known by the name of Friends ore bank (excepting so much of said ore, as has been sold and conveyed by the said Henry Lee unto John Potts William Wilson and George North by his deed duly executed and recorded and also all the right of the said Henry Lee to dig ore in any part of the said tract of land and to remove the same provided the earth dug shall be laid level and also the free and absolute use of roads through the said land & wharves on the river for the purpose of moving the said ore and moreover all the annual rent reserved to be paid for ever unto the said Henry Lee his heirs and assigns by the said John Potts William Wilson & George North their heirs or assigns issuing out of the said tract of land and every part thereof, and also one half acre of land adjoining the said river to be selected for the United States aforesaid by their agent duly authorized by the Secretary of War under the direction of the President of the United States together with all the rights privileges and advantages necessary for the digging raising and removing the said ore, to have and to hold the hereby granted premises with their appurtenances unto the said United States for ever to their only use and behoof free and clear from all claims charges mortgages judgments and incumbrances whatsoever excepting the right interest and estate before mentioned sold and conveyed by the aforesaid Henry Lee unto the said John Potts William Wilson and George North

And

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And the said Henry Lee for himself and his heirs doth covenant promise and agree to and with the said United States that the said Henry Lee and his heirs will make do and execute all such other and further deed or deeds in law, as may be reasonably

hereafter required on the part of the said United States for the more perfect assurance of the premises and every part and parcel thereof hereby intended to be sold granted bargained and sold unto the said United States according to the true meaning and intent of these presents.

And the said Henry Lee for himself and his heirs, the said hereby granted premises and every part and parcel of them, and especially the ore in Friends ore bank aforesaid in manner aforesaid granted against him and his heirs and against all and every other person and persons whatsoever to the said United States and their assigns forever will warrant and forever defend by these presents. In Witness whereof We the said Henry & Anne have severally hereunto set our hands & seals this eight day of may in the year one thousand eight hundred at Philadelphia

Signed

Henry Lee [L.S.]
Ann Lee [L.S.]

Sealed signed and
delivered in the
presence of
Al. Thorns
Ch. J Goldsborough
Jos. Nicols Jun.
Tho. Turner

Pennsylvania Ss
On the ninth day of May in the year one thousand eight hundred before me Edward Shippen Chief Justice of the

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the Supreme Court of Pennsylvania came the within named Henry Lee and Ann his wife and acknowledged the within written instrument to be their act and deed and desired the same might be recorded as such She the said Ann being me examined separately and apart from her said husband and declaring that she executed the same freely and voluntarily without any compulsion or coercion of her said husband and she being of full age and the contents made known to her In Witness whereof I have hereunto set my hand and seal

Signed
Edw. Shippen [L.S.]

No. 1

John Goulding, a Clerk in the War office, Deposeth, that the above is a true copy of General Henry Lee's deed for the land, ore and privileges hereby intended to be conveyed to the United States, taken from the record book of Contracts and deeds belonging to the War Department, into which the said John Goulding copied it from the original; which original deed was in the War Office on the 8th of November 1800, when the house and papers belonging to the said office were destroyed by fire; and that he has no doubt the said deed was then destroyed as all the papers in the same apartment were at that time destroyed. To the best of his knowledge and belief

Sworn to, before me this 21st March 1801

Danl Reintzel Mayor of George Town"

Deed No. 5

Deed of George North, William Wilson, and John Potts, and Others to the United States, June 20, 1800, the right to dig iron ore on the Friends' Ore Bank and 221 acres of the Keep Tryst Furnace. National Archives Record Group 121, Public Buildings Service, Intry No. 75.

"This Indenture made this twentieth day of June, one thousand eight hundred, between George North and Eliza his wife of Berkeley County and William Wilson and John Potts and Eliza his wife of the Town of Alexandria all in the State of Virginia of the one part, and John Adams President of the United States of the other part, Whereas Henry Lee did by an article of agreement bearing date the twenty fifth day of August one thousand, seven hundred & eighty nine, sell and convey to the said Wilson, North & Potts and to Robert E. Hobart the right of digging ore from Friends ore Bank under certain conditions and stipulations and for a certain rent reserved to be paid to the said Henry Lee for the use of this said ore as is therein expressed. Now therefore this Indenture Witnesseth that the said William Wilson, George North and Eliza his wife and John Potts and Eliza his wife for and in consideration of Forty two thousand Dollars to them in hand paid by the said John Adams on behalf of the said United States at or before the sealing and delivery of these presents the receipt whereof is hereby acknowledged have granted, bargained and sold aliend /sic./ and confirmed and by these presents do grant bargain and sell alien and confirm unto the said John Adams President as aforesaid his successor and successors in Office for the use and on behalf of the United States, Two hundred & Twenty one Acres of land be the same more or less except as herein after excepted, situate and lying in

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Berkeley County on the Bank of Potomack River the same being part of a tract called the Furnace Tract, late the property of John Semple deceased, which was sold by John Lawson, George Gilpin & Levine Powell Commissioners appointed by virtue of a decree of the High Court of Chancery to superintend the sale thereof on the foreclosure of a mortgage given by the said John Semple to the Honorable Philip Ludwell Lee Esqr to satisfy debts due to the Creditors of the said John Semple, and conveyed by Henry Lee and Matilda his wife and Ludwell Lee and Flora his wife to Richard Bland Lee the purchaser of the said tract at the sale of the Commissioners aforesaid and by the said Richard Bland Lee conveyed to the said Henry Lee, and by the said Henry Lee and Matilda his wife conveyed to the said William Wilson George North John Potts and Robert E. Hobart which said Robert E. Hobart has since by his Indenture

dated the first day of May, One thousand, eight hundred, conveyed his one fourth part of the premises aforesaid to the said William Wilson & John Potts as will more fully and at large appear by a reference to the several deeds recorded in Berkeley County and which said tract is bounded as follows: To wit Beginning as /sic/ an Elm near a marked Sycamore on the bank of the river Potomack below the Furnace and running thence South seventy one degrees west eighty eight poles to a double bodied black oak sappling /sic/ on the East sige of a valley thence North twenty nine degrees west fifty poles to sundry

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marked saplins on a steep hill side on the south side of Elk branch, thense up said branch North sixty nine degrees west seventy six poles to a stake between two red oaks near a meadow, thence south fifty one degrees west twenty five poles to sundry marked saplings on a North Hill side, thence North Eighty nine degrees west thirty six poles to a walnut thence south seventy six degrees west twenty poles to a stake between an Elm and Lynn tree by a clift of rocks, thence south fifty degrees west nineteen poles to two red oaks and a Locust on the North side of a steep hill, thence North fifty nine degrees west, sixty seven poles to two white oak saplings in a valley, thence North fourteen degrees west one hundred & thirteen poles to two white oaks on the north side of the branch five or six poles from the said branch on the side of a hill, thence North forty two degrees east twenty four poles to sundry marked saplings supposed to be on William Stroops line, thence along said line south seventy seven degrees east two hundred & sixty poles down to Stroops corner standing on the Bank of the river, thence down the meanders of the river South twenty degrees east twenty six poles, south thirty degrees east, forty eight poles, thence south forty six degrees east seventy poles to the beginning except Four acres and forty two roods sold to Frederick Sligh & bounded as follows: Beginning at a stone one rood from a small white oak in the original line of Henry Lee and Matilda his wifes /sic/ deed to George North, William Wilson, John Potts & Robert E. Hobart and running thence with the same North fourteen degrees thirty minutes west twenty five poles to two small white

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Oak saplings corner to the said deed, still with the same North forty one degrees thirty minutes East twenty four poles

to sundry marked saplings corner to said deed in Sligha /sic./ line, thence with the same south seventy six degrees thirty minutes east twenty two poles to two white oak saplings standing on the East side of the head of a Hollow leading down to Elk branch then leaving Sligha /sic./ line and the line of this deed south thirty nine degrees thirty minutes west forty eight poles to the aforesaid beginning. Containing four Acres & forty two roods and all the houses, Buildings, Mills Furnaces, waters, water courses, Improvements, Hereditaments, Appurtenances whatsoever belonging or in any manner appertaining to the premises hereby granted, and also the right of digging ore from Friends ore Bank held under Henry Lee aforesaid in pursuance of the agreement aforesaid and the reversion and reversions, remainder and remainders, rents, issues & profits thereof and of every part thereof. To Have and to Hold the said tract of land, Hereditaments right of digging ore and all and singular the premises before described with their appurtenances, unto the said John Adams his successor and successors in office for the only proper use & behoof of the said United States forever. And the said George North, William Wilson & John Potts for themselves & their heirs hereby covenant & promise to and with the said John Adams his successor and successors in Office that they will at any time & at all times when the same shall be required on the part of the United States execute any other or further instrument of writing for the more effectually conveying or assuring a perfect & sure title to the premises hereby

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granted And lastly the said William Wilson, George North & Eliza his wife and John Potts & Eliza his wife & their heirs the hereby granted tract of land, Hereditaments, right of digging ore and all and singular the premises before described with their appurtenances unto the said John Adams his successor and successors in Office for the use of the United States aforesaid against the claim & demand of all persons whatsoever by these presents shall and will warrant and forever defend. In Witness whereof the parties to these presents have hereinto set their hands & seals the day and year first within written.

Sealed & Delivered
in the presence of

Wm Wilson /Seal/
John Potts /Seal/
Eliza Potts /Seal/
George North /Seal/
Eliza North /Seal/

G. W. Humphreys
Thomas Smallwood
Louis Evans

George Gilpin
Wm Herbert

Duncan Niron
P. Ramsay
James Wilson Jr.

No. 5

Berkeley L.L.

The Commonwealth of Virginia, To George Gilpin, Wm Herbert & Richard Conway, Gentlemen Justices of County, Greeting, Whereas William Wilson John Potts & Eliza his wife & George North & Eliza his wife by their certain Indenture of Bargain & sale bearing date the twentieth day of June, one thousand, eight hundred

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have sold and conveyed unto John Adams President of the United States and his successors and successors in Office the fee simple estate of and in a certain tract or parcel of land, lying and being in the said County of Berkley /sic./, containing two hundred & twenty one Acres (more or less) & including Keep Tryste Furnace. And whereas the said Eliza wife of John Potts cannot conveniently travel to the court aforesaid County of Berkley /sic./, & acknowledge the same, therefore we command you or any two or more of you, that you personally go to the said Eliza wife of John Potts and receive her aknowledgement thereof, and examine her privately and apart from her said husband, whether she does the same freely & voluntarily, without his persuasions or threats and whether she is willing the same shall be recorded in our said County Court together with this commission annexed, & when you have received her acknowledgement and examined her as aforesaid, that you distinctly and plainly certify us thereof under your hands & seals, sending then there this writ, and the said Indenture. Witness Henry Bedinger Clark of our said Court, at the Court House aforesaid the twentieth day of November, One thousand eight hundred, & in the 25th year of this Commonwealth.

H Bedinger

Fairfax County St

In obedience to the within Dedimus We the subscribers Justices of the Peace for the County aforesaid went to the within named Eliza wife of John Potts & examined

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her apart from her said husband who acknowledged that she freely & voluntarily executed the within mentioned Deed and desired that the same might be recorded as her act

& deed. In Witness whereof we have hereunto set our hands & seals this twenty fifth day of November, One thousand eight hundred

George Gilpin /Seal/
Wm Herbert /Seal/

Berkely /sic./ Sc.

The Commonwealth of Virginia, To William Dark, Van Rutherford & Abram Devenport Gentlemen Justices of Berkeley County, Greeting. Whereas George North Eliza his wife, John Potts & Eliza his wife, & William Wilson by their certain Indenture of Bargain & Sale bearing date the Twentieth day of June, one thousand eight hundred have sold & conveyed unto John Adams President of the United States, for the use of the United States the fee simple estate of and in a certain Tract or parcel of land lying & being in the County of Berkeley containing two hundred & twenty one acres. And whereas the said Eliza North wife of the said George North cannot conveniently travel to the Court of our said County of Berkeley to acknowledge the same, therefore we command you, or any two or more of you, that you personally go to the said Eliza North and receive her acknowledgement thereof, and examine her privately and part from her said husband whether she do the same freely & voluntarily without his persuasions or threats, and whether she is willing the same shall be recorded in our said County Court, together with this commission

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annexed and when you have received her acknowledgment and examined her as aforesaid, that you distinctly and plainly certify us thereof, under your hands & seals sending then there this writ & the said Indenture.
Witness Henry Bedinger Clerk of our said Court, at the Court house aforesaid the 20th day of November, one thousand eight hundred & in the year of this commonwealth.

H Bedinger

In obedience to the within Commission to us directed We have examined the within named Elizabeth North seperately /sic./ & apart from her said husband, & she has voluntarily

relinquished her right of power to the within mentioned tract of land & wishes that we may so certify. Given under our hands & seals this 21st day of November 1800.

Wm Dark /Seal/
Van Rutherford /Seal/

25th November 1800

the Attorney General of the United States is humbly of opinion that the foregoing instrument of conveyance from William Wilson, John Potts & Eliza his wife, George North & Eliza his wife is a sufficient conveyance according to the laws of Virginia of the lands & heriditaments /sic/ therein mentioned

/Signed/ Charles Lee

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Fairfax County L

In obedience to the within Dedimus, We the Subscribers Justices of the Peace for the County aforesaid went to the within named Eliza wife of John Potts and examined her seperately /sic/ and apart from her said husband who acknowledged that she freely and voluntarily executed the Deed within mentioned without either the threats or persuasions of her husband and desired that the same might be recorded as her act and deed, In Witness whereof we have hereunto set our hands & seals this twenty fifth day of November, one thousand eight hundred.

George Gilpin /Seal/
Wm Herbert /Seal/

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Berkeley LL

The Commonwealth of Virginia to William Dark, Van Rutherford & Abram Devenport, Gentlemen, Justices of Berkeley County, Greeting. Whereas John Potts & Eliza his wife, George North & Eliza his wife & William Wilson by their certain Indenture of Bargain & sale bearing date the first day of June One thousand eight hundred, have sold and conveyed unto John Adams President of the United States for

the use of the said United States, the fee simple estate of and in a certain tract or parcel of land lying and being in the county of Berkely [sic] aforesaid containing four Acres and fifty roods of land. And whereas the said Eliza North wife of the sd. George North cannot conveniently travel to the Court of our said County of Berkely [sic] to acknowledge the same, therefore we command you or any two or more of you, that you personally go to the said Eliza North wife of the said George North, and receive her acknowledgement thereof, and examine her privately and apart from her said husband whether she do the same freely & voluntarily, without his persuasions or threats, and whether she is willing the same shall be recorded in our said County Court together with this commission annexed and when you have received such her acknowledgement and examined her as aforesaid, that you distinctly & plainly certify us thereof, under your hands & seals sending them there this writ, and the said Indenture.

Witness Henry Bedinger Clerk of our said Court

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at the Court house aforesaid the 20th day of November One thousand eight hundred and in the 25th year of this Commonwealth

H Bedinger

In obedience to the within commission to us directed we have examined the within named Elizabeth North seperately [sic] and apart from her said husband and she has voluntary [sic] relinquished her right of power to the within mentioned tract of land and wishes that we may so certify. Given under our hands and seals this 21st day of November 1800.

Wm Dark [Seal]
Van Rutherford [Seal]

25th November 1800

The Attorney General of the United States is humbly of opinion that the foregoing instrument of vonveyance from William Wilson, John Potts & Eliza his wife George North & Eliza his wife is a sufficient conveyance according to the laws of Virginia of the land therein described.

signed, Charles Lee"

No. 6

William Wilson and Others, to the United States, June 1,1800, for $ 10.00 gives up lease on four acres near Keep Tryst Furnance. National Archives Record Group 121, Public Buildings Service, Entry No. 75.

"This Indenture made this first day of June, One thousand eight hundred Between William Wilson, John Potts & Eliza his wife, of the Town of Alexandria and George North & Eliza his wife of Berkeley County all of the State of Virginia of the one part And John Adams President of the United States for and on behalf of the said United States of the other part Witnesseth that the said William Wilson, John Potts & Eliza his wife and George North & Eliza his wife, for and in consideration of the sum of Ten Dollars to them in hand paid by the said John Adams on behalf of the said United States, as or before the sealing and delivery of these presents, the recept whereof is hereby acknowledged, Have Granted, Bargained & sold, Aliened & confirmed, and by these presents do Grant, Bargain & sell Alien & confirm unto the said John Adams President as aforesaid this successor & successors in office for the use and on behalf of the said United States Four Acres & fifty roods of land lying & being in the County of Berkeley aforesaid near Keep tryste Furnace abounded as follows

/to wit/ Beginning at a stake, Corner to Sly and John Merit & running thence with the line

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of George North & company & the said Leyh, North seventy nine degrees west, thirty four poles to a spanish Oak, standing on the East side of Darks road, thence along the East side of the same, North thirteen degrees forty five minutes East Twenty three poles to a Black oak, standing on said side of the Road, then leaving the road and running thence South seventy nine degrees East Twenty six poles and fifteen links to a locust Stake, and a pile of Stones in the line of said Slight & Merrit, then with the same, South three degrees thirty minutes East, twenty three poles, to the aforesaid beginning, Containing four acres and fifty roods of land, And all buildings, Improvements, & appurtenances whatsoever to the said premises hereby granted belonging or in anywise appertaining, and the Reversions and Remainders, Rents, Issues and profits thereof And of every part thereof, To Have and to Hold the said tract of land, Hereditaments and all and singular the premises before described with their appurtenances unto the said John Adams his Succesaor and Successors in Office for the

only proper use I behoof of the said United States forever, and the said William Wilson, John Potts & George North for themselves and their Heirs, hereby Covenant & promise to and with the said

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John Adams, his successor & successors in Office, that they will at any time & at all times when the same shall be required on the part of the United States Execute any other or further Instrument of writing for the more effectually conveying or assuring a perfect & sure title to the same premises hereby granted.

And lastly, the said William Wilson, John Potts, and George North & Eliza Potts wife of John Potts & Eliza North, wife of George North and their heirs, The hereby granted tract of land & Hereditaments, and all and singular the premises before described with their appurtenances unto the said John Adams his successor & successors in office for the use of the United States aforesaid against the claim & demand of all persons whatsoever by these presents shall and will warrant and forever defend.

In Witness whereof the parties to these presents have hereunto set their hands & seals the day and year first within written.

Sealed & delivered
in presence of

Lewis Evans
G. H. Humphreys
Thos Smallwood

George Gilpin
Wm Herbert

For J. Potts

Duncan Nixon I Ps WW
T. Ramsay to W. Wilson
James Wilson Jr. to Ditto

Wm Wilson /Seal/
John Potts /Seal/
Eliza Potts /Seal/
George North /Seal/
Eliza North /Seal/

/Fourth Page/

Berkeley L.S.

The Commonwealth of Virginia, To George Gilpin, William Herbert & Richard Conway, Gentlemen, Justices of
County, Greeting whereas William Wilson,

John Potts & Eliza his wife & George North & Eliza his wife by their certain Indenture of bargain & sale bearing date the first day of June, one thousand eight hundred have sold and conveyed unto John Adams President of the United States and his Successor and Successors in Office the fee simple estate of and in a certain tract of or piece of land lying & being in the said County of Berkeley containing four acres and fifty rods of land. And whereas the said Eliza, wife of John Potts cannot conveniently travel to the Court of our said County of Berkeley to acknowledge the same, therefore we command you, or any two or more of you, that you personally go to the said Eliza wife of the said John Potts & receive her acknowledgement thereof, and examinine /sic./ her privately and apart from her said husband whether she does the same freely and voluntarily without his persuasions or threats and whether she is willing the same shall be recorded in our said County Court together with this commission annexed and when you have received her acknowledgement and examined her as aforesaid that you distinctly and plainly certify us thereof under our hands & seals, sending then there this writ and the said Indenture. Witness Henry Bedinger Clerk of our said Court, at the Court House aforesaid the twentieth day of November, One thousand eight hundred and in the year of this Commonwealth.

signed
H. Bedinger

Deed from Ferdinando Fairfax, Jefferson County, Virginia, and Others, to the United States, August 20,1813, for 1,395 5/8th acres on south side of the Shenandoah River- perpetural rights to cut timber on. National Archives Record Group No. 121, Public Buildings Service, Entry 75. Also on Harpers Ferry National Historical Park Microfilm Reel No. 24, Volume 8, pp. 549-555.

This Indenture made this twentieth day of August in the year one thousand eight hundred & thirteen between Fernando Fairfax of Jefferson County in the State of Virginia, and Eliza B. Fairfax his wife, of the first part, Thomas Swann of Alexandria in the District of Columbia, Attorney at law, & Edmund I Lee of the same place, attorney at Law, administrators of the goods & chattles of William Byrd Page late of Frederick county in the State of Virginia, deceased, of the second part, and John Armstrong Secretary of War, of the third part, - Witnesseth that, whereas the President of the United States, in pursuance & execution of Certain Acts of Congress in such case provided, hath heretofore purchased for the use of ~~the U.S. of~~ the United States, a site for an Arsenal and Manufactory of arms at Harpers Ferry; and whereas, the said John Armstrong, acting for and on behalf of the United States, under the order & by the directions of the President of the United States, in pursuance and in the further execution of the said acts of Congress, hath contracted, in writing, with the said Ferdinando Fairfax for the purchase of trees timber & roads herein after to be particularly described and granted, and the perpetual vesture of the same, by way of additional appurtenance to the said site at Harpers Ferry and for the supply of timber & firewood for the purposes thereof: and whereas the said Ferdinando Fairfax on the day day of in the year one thousand eight hundred & in the life time of the said William B. Page, did, together with a great quantity of other lands, mortgage the lands whereof the perpetual vesture of the trees, timber & woods is to be granted as aforesaid, by way of collateral security for a certain debt by him due & owing to the said William B. Page. And whereas it was collaterally agreed between the said William B Page in his life time, and the said Ferdinando Fairfax, that he the said Ferdinando might at any time or times within the term of years from the time of making the said agreement (which term is not yet expired) dispose of any part or parcel of the said mortgaged premises, absolutely exonerated & clear of the operation and effect of the said Mortgage, and of all manner of lien & incumbrance from the debt aforesaid, he the said Ferdinando Fairfax giving equivilent security & satisfaction either by applying the proceeds from such sale or sales to the payment of the said debt, or otherwise as the parties or their executors or administrators might agree in each case; which agreement yet remains in full force & effect, in no wise repealed, disaffirmed or annulled: Now this Indenture witnesseth, That the said Ferdinando Fairfax, for & in consideration of the sum of twenty thousand eight hundred & sixty dollars & sixty two cents, current money, to him in hand paid by the said John Armstrong, at & before the sealing and delivery of these presents, out of the public moneys appropriated for the purpose, the due & faithful payment whereof they the said Ferdinando Fairfax, Thomas Swann, & Edmund Lee do by these presents respectively acknowledge and thereof and therefrom do in their respective rights aforesaid, acquit release and discharge the said John Armstrong and his successors in office and his and their assigns forever, and the lands whereof the vesture of the trees, timber & woods is to be granted as aforesaid, hath given, granted, bargained sold, aliended, enfeoffed, and confirmed, and by these presents doth give, grant, bargain,

sell, alien, enfeoff and confirm, unto the said John Armstrong, Secretary of War as aforesaid, acting in the behalf, and by the directions aforesaid, all & singular the trees, timber, woods & under woods, of every sort and denomination and the absolute, exclusive & perpetual vesture of the same, being or to be, growing or to grow, planted or to be planted, in & upon all that tract & parcel of land containing thirteen hundred & ninety five acres two roods and twenty perches of land, situate lying and being chiefly in Jefferson County aforesaid and partly in Loudoun County, and comprising all the lands within the lines boundaries courses & distances, surveyed laid off & described by John Mathias, surveyor of Loudon County, out of the larger tract commonly known & distinguished as the Shannondale tract, the plat & certificate of which survey bearing date the 17th July 1811, is here unto annexed as part & parcel of this indenture, and specifies, exhibits & describes the lines, boundaries, courses & distances aforesaid, and the superficial contents & number of acres of the land hereby cited, that is to say, all the lands described within the said survey and laid down in two parcels, the one containing an area of 1215 a. 3 4. 37p., the other an area of 179 a. 1r. 23 p. and the absolute irrevocable & perpetual right, privilege, license & authority, exclusive of the said Ferdinando Fairfax his heirs & assigns, and of all & every person & Persons whatsoever claiming or to claim by, through or under him or them, for all & singular the officers, servants, laborers & artificers, in the employment or acting under the authority of the United States, or of the President of the United States, or of the said John Armstrong & his successors in office, and of his or their assigns, or of any officer or department of the United States thereunto duly appointed, & authorized, in all time to come, to enter and re-enter upon the said lands, and there to lay, pitch, cut, deposit and remove, and from and of the same to take and carry away all trees, timbers, woods & underwoods, of every sort kind & denomination whatsoever, thereupon or therein being or to be, growing or to grow, planted or to be planted, and to enclose, keep, and preserve the same, and in all things to use and enjoy the _____ vesture of all such trees, timber, woods & underwoods, as absolutely, fully & perpetually as if the absolute property & right of soil had been herein & hereby granted & conveyed: and free and perpetual ingress, upon the said lands, together with the right of way, and of making building & preserving roads & ways through the said lands; and the said Thomas Swann and Edmund L. Lee, administrators as aforesaid in consideration of the premises, and of an equivilent satisfaction & security by the said Ferdinando Fairfax, to them given & secured, for the debt by him due & owing to the said William B. Page as aforesaid, do, by these presents, grant, remise, release & quit claim unto the said John Armstrong, Secretary of War as aforesaid, and to his successors in office, and to his and their assigns forever, all & every claim, demand, suit, action & right of action in law or equity, whatever, all & every covenant & obligation in law or fact, express or implied, & all & every lien & incumbrance in law or equity, whatsoever, touching or in any manner affecting the said lands, or in any manner growing or arising out of the said Mortgage & the debt due & owing

from the said Ferdinando Fairfax to the Said William B. Page in his lifetime as aforesaid; To Have and to hold all & singular the trees, timber, woods and underwoods aforesaid, and the absolute & perpetual vesture of the same as aforesaid together with all & singular the above described & granted premises, rights, privileges, easement, commodities & appurtenances aforesaid, unto the said John Armstrong, Secretary of War as aforesaid, to his successors in office and to his and their assigns forever, for & in behalf of the United States of America, and to & for their only proper use & behalf in perpetuity as aforesaid and that free clear, and absolutely and forever acquitted released & discharged of & from all liens & incumbrances whatsoever; and the said Ferdinando Fairfax, for himself, his heirs, executors & administrators doth by these presents grant, covenant & agree to & with the said John Armstrong and his successors in office, and with his & their assigns, that the said Ferdinando Fairfax is, at the time of the sealing and delivery of these presents, seized of a good, sure & indefeasible estate of inheritance in the said lands, and is well & truly entitle to bargain, sell & grant, as aforesaid, the perpetual vesture of all the said trees, timber, woods & underwoods, free, clear, and absolutely & forever acquited, discharged & released of & from all liens & incumbrances whatsoever, that the said John Armstrong and his successors in office and his & their assigns shall & may, in all time to come, quietly & peaceably have, possess, use & enjoy the perpetual & absolute vesture of the trees, timber, woods & underwoods aforesaid, and all & singular the rights, privileges, easements, commodities, premises & appurtenances, hereinto fore described & granted, without any let, hinderance, molestation, interruption or interference whatsoever from him the said Ferdinando Fairfax or his heirs, or from any person or persons whatsoever, claiming or to claim by, through or under him or them; and that he the said Ferdinando Fairfax and his heirs, shall & will forever warrant & defend the same unto the said John Armstrong, and his successors in office, and his & their assigns, against all & every claim, demand, suit, action, & right of action whatsoever, of him the said Ferdinando Fairfax and his heirs, and of all & every person & persons whatsoever; And lastly that he the said Ferdinando Fairfax & his heirs, shall & will, at any time or times hereafter upon the reasonable request, and at the proper cost & charge of the said John Armstrong or of his successors in office, or of any officer of the United States thereunto properly authorized, duly make execute and deliver any such other deed or conveyance, as shall or may be advised & devised, on the behalf of the United States, for the further & better assuance of the above described & granted premises for the use, benefit & behoof of the United States as aforesaid. Provided however, and this Indenture is upon the express proviso & condition, that if the said Ferdinando Fairfax his heirs or assigns shall desire and propose to use, exercise or enjoy any specific rights, authority, profit, or emolument appertaining to such proprietary right of soil as yet remains to the said Ferdinando Fairfax, separate & distinct from & independent of what is herein before granted as aforesaid, which right, authority, profit or emolument cannot

be so used, exercised, or enjoyed without directly or indirectly hindering interrupting, or interfering with the absolute, exclusive & perpetual use, enjoyment, & exercise of the property, or rights of property, vesture rights, privileges, commodities, easements or appurtenances hereinbefore described & granted; and if it shall appear that such hindrance, interruption or interference is immaterial or unessential, or is partial & inconsiderable, then and in that case the said John Armstrong, or his successors in office, or his or their assignes, and the said Ferdinando Fairfax or his heirs shall instantly appoint one or more arbitrators to ascertain and liquidate the amount of damage to arise from such hinderances, interuption, or interferance; and upon payment of the amount so ascertained and liquidated, the said John Armstrong or his successors in Office, or his or their assigns shall grant unto the said Ferdinando Fairfax or his heirs a license to proceed with the use, exercise or enjoyment of the specific right, authority, profit or emolument proposed as aforesaid. In witness whereof the parties of the first & second parts above named have hereunto set their hands & seals the day & year above written.

Deed No. 8

Deed, Ferfinando Fairfax to the United States, October 27,1818, for Ferry Rights on the Shenandoah River and a ferry tract of 68 acres on the south sid e of the river. National Archives Record Group No. 121, Public Buildings Service, Entry 75.

"This Indenture made this 27th day of October, in the year of our Lord one thousand eight hundred & eighteen, by and between Ferdinando Fairfax of the City of Washington & District of Columbia, of the one part and James Monroe, President of the United States of America of the other part, Witnesseth, That the said Ferdinando Fairfax for & in consideration of the sum of Five Thousand Dollars, to him in hand paid by the said James Monroe, at and before the sealing & delivery of these presents (the receipt whereof is hereby acknowledged) hath granted bargained sold, and by these presents doth grant bargain & sell unto the said James Monroe all that tract or parcel of Land lying & being situate at the Mouth of the River Shenandoah in the County of Jefferson in Virginia (being part of a larger tract called Shannondale, which as to situation title and boundaries, is more particularly described in a deed made by the said Fairfax to the Executive of the United States, of the right of cutting wood on a certain part thereof as therein designated by its proper metes & bounds, which Deed is of record in the Court of the said County of Jefferson) and bounded as follows: Beginning at a spring near & on the S.E. side of the said River Shenandoah, at the lower end of a hollow or drain, running into the said River from the side of the Blue Ridge Mountains, a corner to the said Woodcutting purchase; extending thence with the lines thereof South twenty four degrees East, fifty eight and a half poles (by measurement on the ground passing at forty two poles a spruce pine) to a heap of stones; thence South seventy eight degrees East, eighty seven & a half poles to a black oak on the Blue ridge; thence North fifty four & three quarter degrees East, fifty eight & a half poles, to a chestnut oak by a large rock; thence North seventeen & a half degrees East, thirty & a quarter poles to a pine on a Cliff; thence North twelve degrees West to the River Potowmac; and thence by and with the several meanders of the River Potowmac & Shenandoah, to the place of Beginning; containing sixty eight acres and eighty square perches; be the same more or less. To have and to hold all & singular the premises hereby granted unto him the said James Monroe president of the United States, and his successors in that office, his & other assigns forever, to & for the use & benefit of the people of the United States, forever; together with the Ferry, the Buildings, and every other right, member and appurtenance to the premises hereby conveyed belonging or

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in anywise appertaining, and the remainder, rents, issues, & profits thereof, subject to the tenure of Job Harding (if he rightfully may or can hold) under a certain agreement made with him by the said Fairfax, for a short term therein expressed; excepting & reserving all mines of metal & precious minerals, to him the said Ferdinando Fairfax his heirs & assigns, he & they making reasonable compensation for actual damage (if any occasioned to the premises, in digging, laying, & removing the same. And the said Ferdinando Fairfax, for himself his heirs Ex^rs and Adm^rs doth hereby covenant to & with the said James Monroe President as aforesaid that the said Fairfax now at the time of executing this Indenture, is seized of good & perfect Estate & title in fee simple in the premises hereby conveyed, and that he hath a good right to convey the same in manner aforesaid; and moreover that he will forever will and truly Warrant & defend the same against all lawful claims whatsoever.

In testimony whereof he the said Ferdinando Fairfax doth hereunto set his hand and seal the day first above written.

Ferd^no Fairfax

Signed sealed & delivered in the presence of
Decius Wadsworth
Thomas C. Ringgold
/Jno Mee——l/"

"City of Washington }
District of Columbia }

Be it remembered that on this 31st day of October in the year one thousand eight hundred and eighteen, personally appeared the subscriber Mayor of the City of Washington, Ferdinando Fairfax and acknowledged the within instrument of writing to be his act and deed delivered for the purposes therein mentioned

(City Seal Wash. 1802) In Testimony whereof I have hereunto set my hand and caused the Seal of the Corporation of the City of Washington to be affixed the date above written

G. Orr

Be it remembered that on the 17th day of November 1818 This Indenture of Bargain & Sale was produced to me Robert Gales Bite Clerk of the County Court of Jefferson, duly authenticated from under the hand of Benj G. Orr Mayor of the City of Washington, which together with the seal of the City annexed was admitted to record, Agreeably to an act of Assembly in such cases made & provided —

Teste

Robt. G. Bite Clk."

Deed, John Strider and Others, to the United States, June 27, 1833, for water power rights on the Shenandoah River. National Archives Record Group No. 121, Public Buildings Service, Entry 75.

"This Indenture made this twenty seventh day of June, in the year of our Lord One Thousand Eight Hundred and thirty three Between John Strider and Sarah his wife of the County of Jefferson and State of Virginia of the one part, and the United States of America by the Hon. Lewis Cass, Secretary of War of the other part, Witnesseth that the said John Strider and Sarah his wife for an in consideration of the sum of Two Thousand Six hundred Dollars, lawful money of the United States to them in hand paid by the said United States of America (through the Hon. Lewis Cass Secretary of War), at and before the ensealling and delivery here of the receipt whereof is hereby acknowledged, Have Granted, Bargained, and sold, aliened, enfeoffed, released and confirmed, and by these presents do grant, Bargain & sell alien, enfeoff, release, and confirm unto the United States of America and their assigns forever all the right, title, interest claim and demand whatsoever of the said John Strider, and Sarah his wife, of, and to the use and priviledge /sic./ of the waters of the Shenandoah river between the mills of the said Strider called the Gulph Mills, and the public works belonging to the United States on said river below the fall in the river from the said mills to the termination of the land of said Strider being Two feet Three inches, commencing Two feet five inches below the top of an iron bar now inserted in a rock, situated in the tail race of the mill of said Strider; said bar being twenty three feet six inches distant from the south corner of said mill. The said John Strider and Sarah his wife for the consideration before mentioned grant, bargain, and sell unto the United States of America the priviledge /sic,/ of completing and perfecting the dams now extending partly across the Shenandoah river, above and nearly opposite the said Gulph Mills, so as to increase the supply of water to any extent, passing down the canal that leads to the Rifle Factory; also the priviledge /sic./ of increasing the depth and width of the present canal, extending from the dams last mentioned past the mills of said Strider to the Rifle Factory; also the priviledge /sic./ of increasing and extending the dam or dams at the head of the canal or race which supplies the mills of said Strider with water, and of increasing the depth and width of said canal or race, and of constructing wasteweirs /sic./ in the same, at such places as may be considered necessary by the Superintendent of the Harpers ferry Armory, his successor, or any future agent of the United States, for obtaining water

Item 10

From "Warrenty Deeds to Lands Conveyed by the Ordnance Department, 1830-1927" (4 vols), Vol. III, p. 615- National Archives Record Group No. 121, Public Buildings Service, Entry No. 58, Washington, D.C. 130

Survey of the Hall Rifle Factory Island for the U.S. by S. Howell Brown, February 28, 1885: 13 Acres.

"Survey of the Shenandoah Property at Harpers Ferry known as Hall's Rifle Factory"-

Beginning at an auger hole in the point of a rock about two poles from the Canal on the north side of Shenandoah Street - a corner to the Corporation of Harpers Ferry and Bolivar, being at the west line of Boundary Street and is the point of compromise between the United States and Major George Rowles in a suit pending in the Circuit Superior Court of Law and Chancery for Jeffersons County in the year 1827 [Figure 1 on plat] running thence with a compromise line along Shenandoah Street S 48° W 23.5 poles to a stone at the edge of the Canal, four poles above the point where the north post of the old gate lock stood [figure 2 on plat] thence with another compromise line crossing the Canal and the Winchester and Potomac Railroad, S 65° 45' E 17.3 poles to a stone at the margin of the Shenandoah River at the extension of the west line of Boundary Street [figure 3] thence S 74° E five poles to a stake in the water, it being the corner fixed at 28.? poles from the sycamore tree, a conrer in the 125 acre patent in a survey made for the United States in the year 1827 by William Castleman, Surveyer of Frederick County, and James M. Brown, Surveyor , of Jefferson County, Va., in running out the lines of the Rutherford Grant [figure 4] thence with the lines of said Survey, south 78° E 26 poles to a stake in the water [figure 5] thence N 74° E 28 poles to a stake in the water [Figure 6] thence N 38° 30' E 8.8 poles to the end of the stone wing wall to an abutment on the Winchester and Potomac Railroad . [figure 7] thence with said wall East 5.3 poles to the corner of the abutment [figure 8] thence with face of the same North 1.9 poles to the other corner thereof [Figure 9] thence with the guard wall at the lower or east end of the island N 11° E 8.6 poles crossing waste way

In Witness whereof the said John Strider and Sarah his wife have hereunto set their hands and affixed their seals the day and year first written.

John Strider /LS/
Sarah Strider /LS/

Jefferson County to wit:

We James B. Wager and Geo. B. Stephenson Justices of the peace for the County aforesaid in the State of Virginia do hereby certify that John Strider party to a certain deed bearing bearing date on the 27th day of June 1333 and hereto annexed personally appeared before us in our County aforesaid and acknowledged the same to be his act and deed and desired us to certify the said acknowledgement to the Clerk of the County Court of Jefferson in order that the said deed may be recorded.

Given under our hands and seals this 27th day of June 1833.

James B. Wager /LS/
Geo. B. Stephenson /LS/

Jefferson County to wit:

We James Be. Wager and Geo. B. Stephenson Justices of the peace for the County aforesaid in the State of Virginia do hereby certify that Sarah Strider the wife of John Strider parties to a certain deed bearing date on the 27th day of June 1833 and hereto annexed personally appeared before us in our county aforesaid and being examined by us privily and apart from her husband and having the deed aforesaid fully explained to her she the said Sarah acknowledged the same to be her act and deed and declared that she had willingly signed sealed and delivered the same and that she wished not to retract it.

Given under our hands and seals this 27th day of June 1833.

James B. Wager /LS/
Geo. B. Stephenson /LS/

for the public works now established, or which may hereafter be established by the United States at, or near, the Rifle Factory on the Shenandoah river; provided however that such wasteiers /sic./ shall not be so constructed as to prevent the free passage to the mills of said Strider of whatever quantity of water he may require, without, however lessening the force or quantity of water required by the United States. And the said John Strider and Sarah his wife, for the consideration before mentioned, grant and convey to the United States of America and their assigns forever the privilledge /sic./ of erecting a dam or dams, partly or entirely across the Shenandoah river at any point or points below the mills of said Strider, the height of which however, shall not be more than eight inches above the top of an iron bar now inserted in a rock, situated near the upper end of the Island on which the Rifle Factory is located, being the second rock of a ledge of rocks, extending from said Island nearly across the Shenandoah river in the direction of South 3/4° West: the said iron bar is inserted in said rock so that the top thereof is even with surface of the highest point of said rock, and in order to identify it the more particularly, the following bearings and distances have been ascertained, measuring from said bar, viz; to the inner angle of a large rock near the south margin of the Shenandoah river South 44° East; to the East Chimney of the dwelling house occupied by John H. Hall on Camp Hill North 66 1/4° East; to the East corner of the new stone addition to the dwelling house of said Strider South 43 1/4° West; to the West corner of stone building No. H /or 11 ?/ attached to the Rifle Factory North 45 1/4° East distant Two hundred and forty seven feet; and to the East corner of the stoone /sic./ building formerly belonging to Timothy Herrington deed North 29 1/2° West Two hundred and twenty six fegt. To Have and to hold the said use, priviledge, /sic./ and enjoyment of the water power before mentioned hereby granted and conveyed unto the United States of America and their assigns forever. And the said John Strider and Sarah his wife, for themselves, their heirs, Executors, and Administrators, do hereby covenant and agree to warrant and defend the whole of the water power and the right of using it as aforementioned hereby granted and conveyed unto the United States of America, and their assigns forever free from the claim of them the said John Strider and Sarah his wife and from the claim or claims of every other person or persons whatsoever. And the said John Strider and Sarah his wife for the consideration before expressed, release & exonerate the United States from all claim whatever for the previous use of the water power hereby conveyed.

"to an angle in the wall [Figure 10] thence N 46° 30' E 10.55 poles 131 to another angle in said wall opposite the Locks [Figure 11] thence N 78° 30' E 7.6 poles to a forked sycamore tree standing on the lower point of the island [figure 12] thence crossing the boat course just below the locks N 10° 45' W 4.7 poles to the north side of the stone wall at the south line of Shenandoah Street [figure 13] thence along said street S 79° 15' W 16.6 poles to the head of the locks at the north side of the wall [figure 14] thence along the north side of the wall S 86° 15' W 14.8 poles to the east end of a large stone on the top of the wall at an angle in the same [Figure 15] thence S 85° W 16.5 poles to a point opposite the middle of the old bridge over the Canal to "Halls Rifle Works" [figure 16] thence S 86° W 22.15 poles opposite to and near a solid rock in the road [figure 17] thence following the curve of the wall 10.5 poles to a stone at the west line of Boundary Street extended [Figure 18] and finally with said extension N 4° 30' E 1.8 poles to the beginning, containing 13 acres, one rood, and 10 perches."

Copied by Charles W. Snell, October 1979.

Item 11

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National Archives Record
Group No. 121-Public
Buildings Service- Entry
75, Tray No. 2.
Washington, D.C.

The United States of America to Thomas H. Savery: 72 acres.

Survey of "Potomac Property" [U.S. Musket Factory Grounds] at Harpers Ferry, W. Va., by S. Howell Brown, S., J.C., March 28,1885.

Beginning at a point on the bank of the Potomac River at the corner of one of the Wager Lot Reservations in line with the stone wall at the lower end of the Armory Yard (see Fig. 1 in the plat hereto annexed) running thence with the stone wall, S 43° W 4.8 poles to an angle in said wall(fig.2) thence continuing with the wall in part, following along the north line of Shenandoah Street S 51° 45" W 9.8 poles to the corner of the Armory Yard wall at Potomac Street, being at the line of the Wager Six Acre Reservation (fig. 3) thence along the southwest side of wall, with said Potomac Street, N 49° 15 ' W 33.9 poles to an angle in the same (fig. 4) thence N 45° 15' W 32.3 poles to another angle (fig. 5) thence N 43° W 41.6 poles to the west side of the upper column on the said wall (fig. 6) thence crossing Potomac Street and running with the line of a lot [the Bluff Lot] sold by the United States to Alexander Murphy S 45° W 16.7 poles to a stone in the north line of Ridge Street (fig. 7) thence with said line N 76° 30' W 17 poles to a stone at the intersection of the same with the east line of Lancaster Street(Fig. 8) thence with it, N 13° 30' E 8 poles to a stone at the, terminons of said street (Fig 9) thence with the back line of the Seminary[school] Lot and of Blocks U,T, and S N 76° 30' W 66.5 poles to a stone (fig.10) thence again with the rear line of Blocks S and R N 74° 30' W 42.9 poles to a stone at the east line of Taylor Street (Fig. 11) thence extending said line N 15° 30' E 2 poles to a s tone (Fig. 12) thence following the street lines N 26° W 3.5 poles to a stone (Fig. 13) thence N 16° 30' W 3.8 poles to a stone in a ravine at the east line of Putnam Street (Fig. 14) thence with said line N 30° 30' E 16 poles to the Baltimore and Ohio Railroad at the east end of the culvert wall (Fig. 15) thence along the railroad N 60° W 3 poles to a stone above the west side of the culvert wall, at the north line of Van Wert Street (Fig 16) thence with the said street lines S 70° W 5.3 poles to a pine tree (Fig. 17) thence N 80° W 8 poles to a stone (Fig) 18) thence N. 70° W 13 poles to a stone (Fig. 19) thence

N 64° 30' W 9.5 poles to a stone (Fig. 20) thence N 57° 30' W 19.95 poles to a stone (Fig. 21) thence N 65° W 10.9 poles to a stone (Fig. 22) thence N 72° W 14.1 poles to a stone (Fig. 23) thence N 74° 30' W 26.1 poles to a stone at the east line of Cambridge Street (Fig. 24) thence extending said street line N 15° 30' E 6.5 poles to a stone at the termination of said street and the beginning of North Cliff Street (Fig. 25) thence following the north side of the last named street N 55° 30' E 11.3 poles to an iron bolt in a rock (Fig. 26) thence N 29° W 15 poles to a stone (Fig. 27) thence N 34° W 9 poles to a high rock (Fig. 28) thence N 51° 30' W 10 poles crossing a small stream of water in a deep ravine to a iron bolt in a rock just north of said stream, it being 5.7 poles above the face of the culvert, through which the streams passes under the Baltimore and Ohio Railroad (Fig. 29) thence N 38° 30' W 13 poles to a pine tree (fig. 30) thence N 65° 30' W 11 poles to a stone (Fig. 31), thence N 85° W 23.75 poles to a stone (Fig. 32) thence N. 77° 30' W 10.9 poles to a stone (Fig. 33) thence S 73° 15' W 11.8 poles to a stake (Fig. 34) thence S 60° 15' W 15.1 poles to a stone (Fig. 35) thence S 68° W 10.34 poles to a stone in the original Patent line, now the line of Samuel W. Strider (Fig. 36), thence with said line N 7° E 42 poles to a stone on the bank of the Potomac River (Fig. 37) thence down the river with the meanders thereof, following the color line on the Plat, embracing the Canal, wagon road, and Baltimore and Ohio Railroad, to the place of Beginning, containing 71 acres.*

Given under my hand the 28th day of March 1885.

S. Howell Brown S[urveyor] J[efferson] C[ounty].

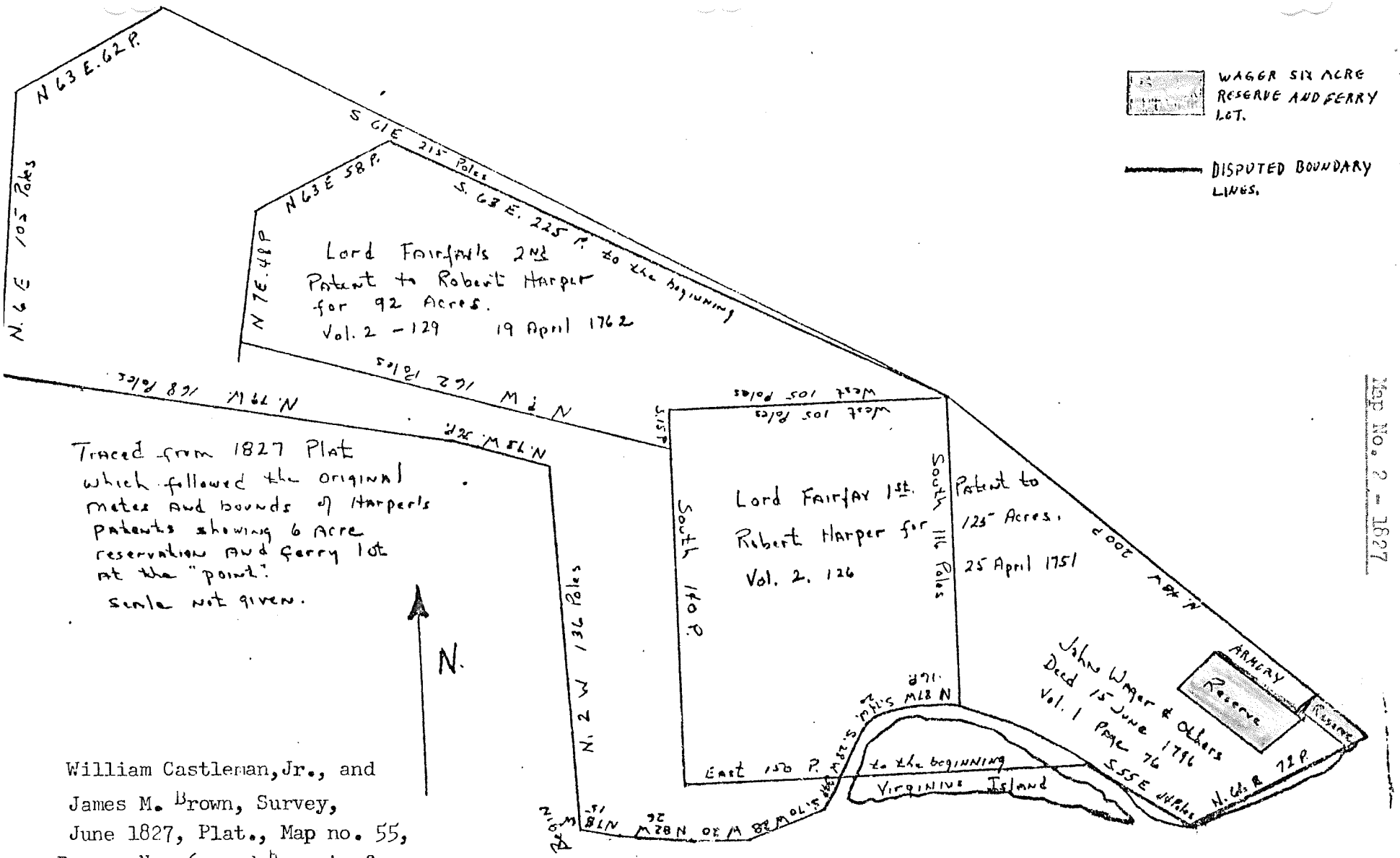
* in a revised map prepared Dec. 10, 1885- Brown estimated the acreage at slightly more than 72 acres.

MAPS

Map No. 2

William Castleman, Jr. and James M. Brown's Survey of the U.S. Armory p ublic lands at Harpers Ferry, Va., June 1827.

Plotting the bonds of the 1796-97 deeds.



William Castleman, Jr., and James M. Brown, Survey, June 1827, Plat., Map no. 55, Drawer No. 6, and Report of Surveyor Castleman, National Archives.

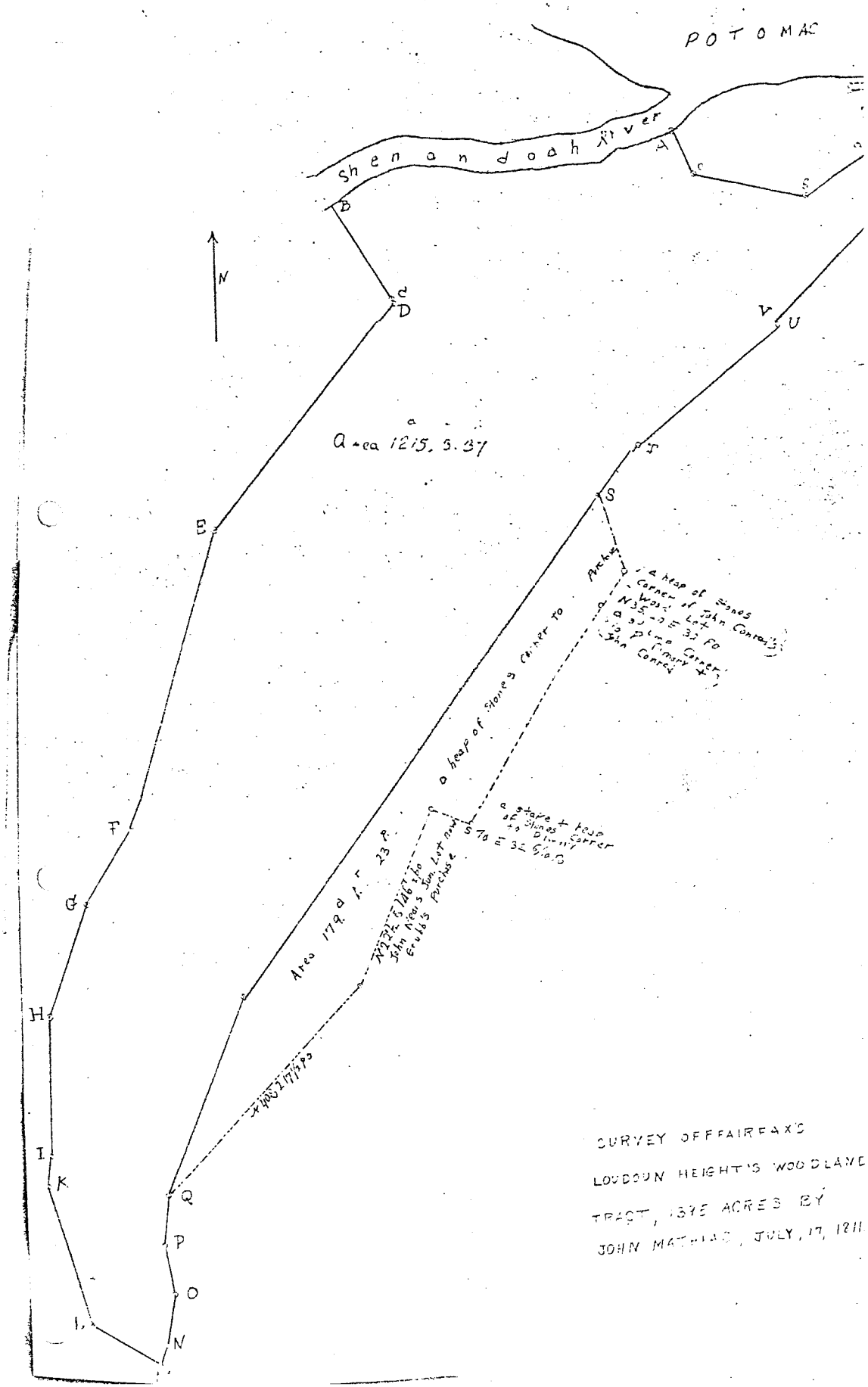
MAP No. 3

Copy of Survey of Loudoun Heights Woodland of Fernando Fairfax Made by John Mathias, July 17, 1811. Map No. 53, Drawer No. 7, Harpers Ferry National Historical Park Map Case. 1,395 5/8th acres.

For Copy of William McPherson's Survey of Loudoun H eights Woodland, dated September 14,1811, see Map No. 52, Harpers Ferry National HP Map Ca se.

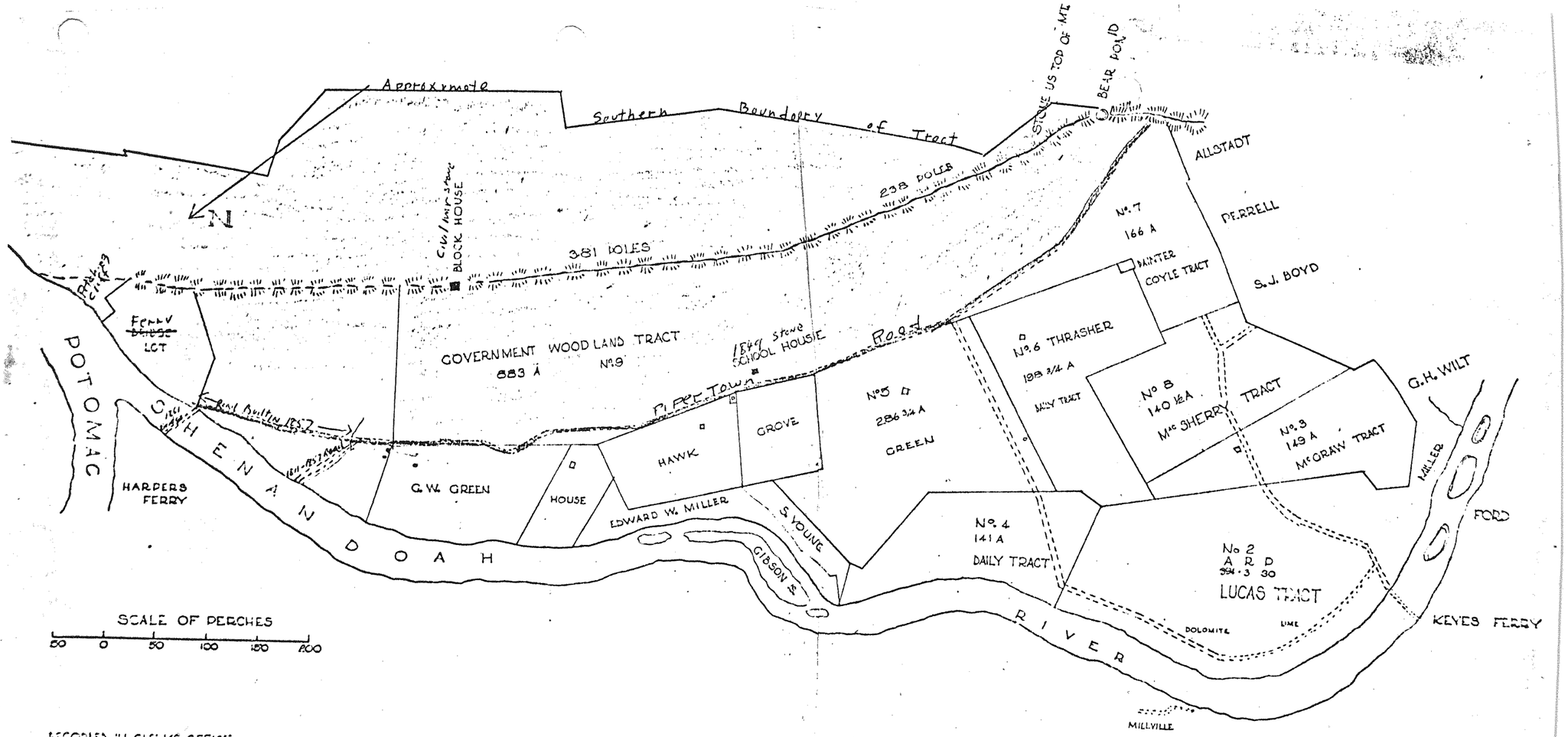
Surveys from the National Archives, Washington, D.C.

Map No. 3- 1811 Survey of 1,395 5/8th acres of timber lands, Loudoun Heights.



SURVEY OF FAIRFAX'S LOUDOUN HEIGHT'S WOODLAND TRACT, 1395 ACRES BY JOHN MATHIAS, JULY, 17, 1811

MAP No. 4 - 1959 map showing the 1,395 5/8th acres of timber land and the 68 acre Perry tract on south side of Shenandoah.



SCALE OF PERCHES

50 0 50 100 150 200

RECORDED IN CLERKS OFFICE
COUNTY OF JEFFERSON, W. VA.
DEED BOOK # 90
PAGE 287

TRACING OF C. BECKERS MAP
TRACED BY N.B.S, FEB 1959

No. 17

Timber rights on 1,395 acres

APPENDIX

Copy of Deed of Ferdinando Fairfax to Secretary of War For Loudoun Heights Woodland, 1395 acres, August 20, 1813, Reel 24, V.6, pp.549-555, National Archives R. G.

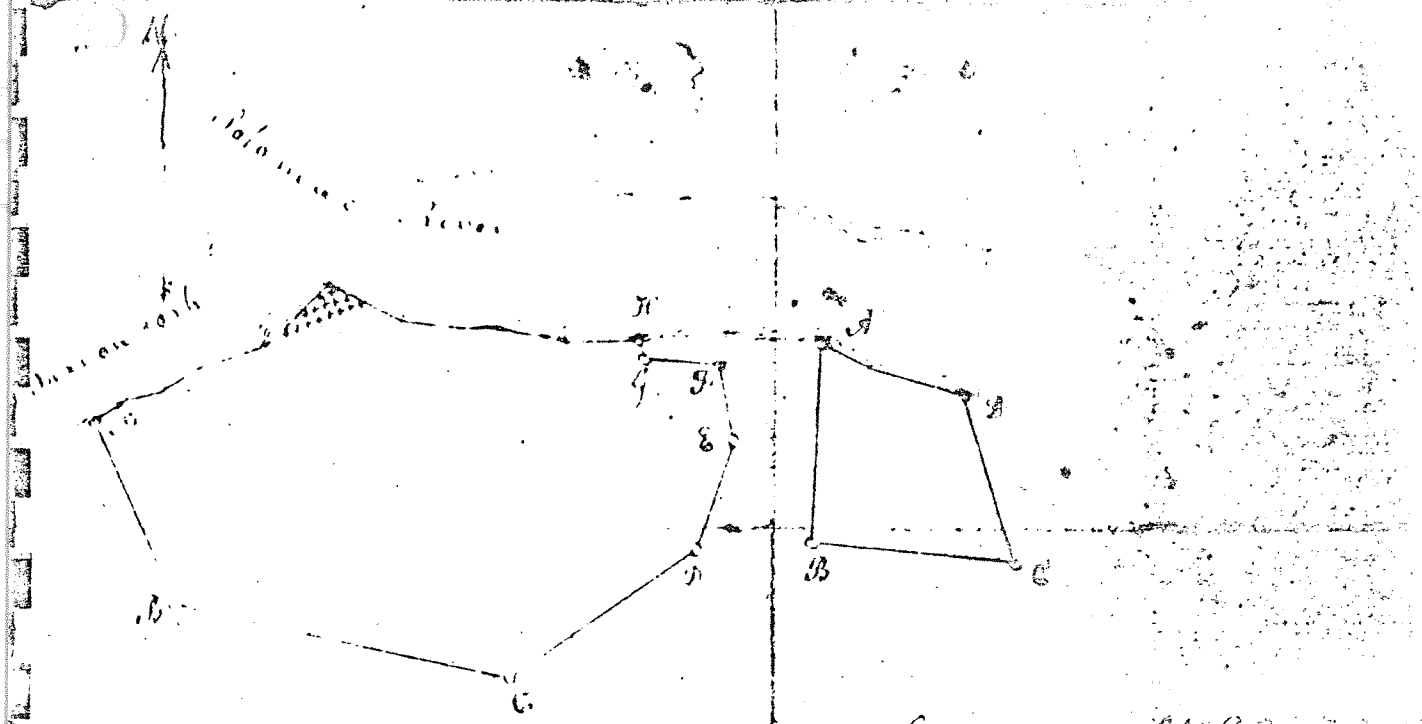
Map No. 5

Plat of Ferry Tract on South Side of Shenandoah River, Loudoun Heights, conveyed by Fernando Fairfax to the United States, 68 acres and 80 square perches. Prepared by Jon Mathias, April 1818.

Harpers Ferry National Historical Park Photostatic Collection, Map No. 56, Map Case, Drawer No. 7. Original in National Archives, Washington, D.C.

1818 Plat of
68 acre Ferry Tract

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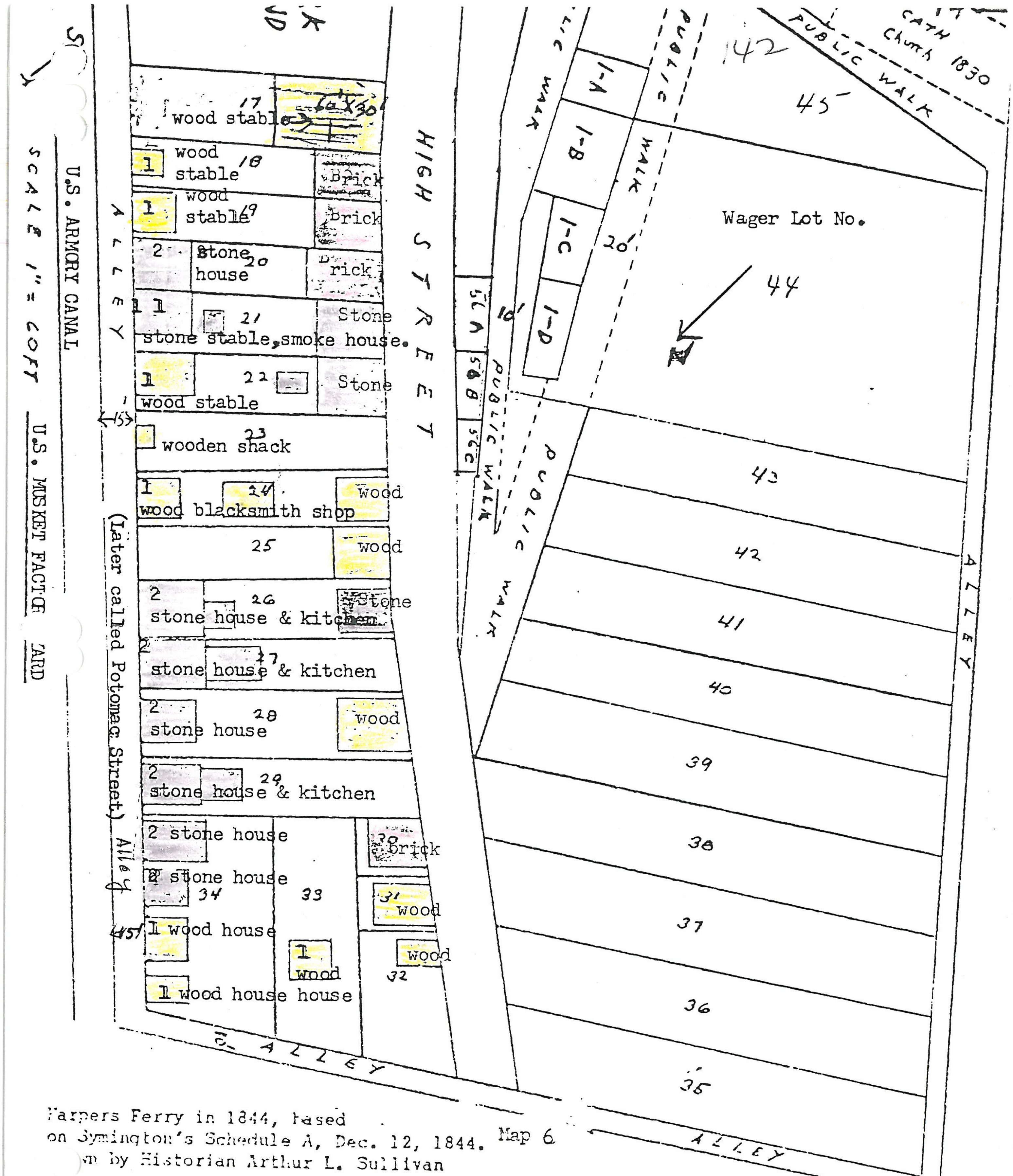
Surveyed a [illegible] Potomac River [illegible] a Corner to Pt Ferry [illegible] States, thence [illegible] the Centre of Three Black Oak & corner [illegible] Ferry Purchase and [illegible] thence S 24 1/2 [illegible] of Stones in [illegible] to a Pine corner [illegible] W 18 3/4 [illegible] on the [illegible] passed the [illegible] thence with [illegible] Meanders [illegible]

2 1. 10

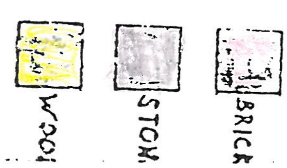
Surveyed a part of the Ferry Tract belonging to Simon Lewis Esqr. for Potomac River [illegible] Beginning at a Stone on the Shore of Potomac River at the mouth of a Small Creek [illegible] Ferry Purchase S 24 E 58 1/2 po: to a Stone Marked [illegible] on the ground to B a Black Oak & Stones Marked [illegible] thence S 78 E 8 1/2 po: to C, a Black Oak on the Ridge, thence N 54 1/4 E 58 1/2 po: to D, a Chestnut Oak by a large Rock, thence N 17 1/2 E 30 1/4 po: to E, a Pine on a Hill, thence N 12 W 10 po: to F, a Rock thence S 85 1/2 W 2 po: to G, a Pile of Stones thence N 14 W 11 1/2 po: to H, a Maple a corner to the Ferry [illegible] thence with the Potomac and thereon Meanders Round to the Beg.

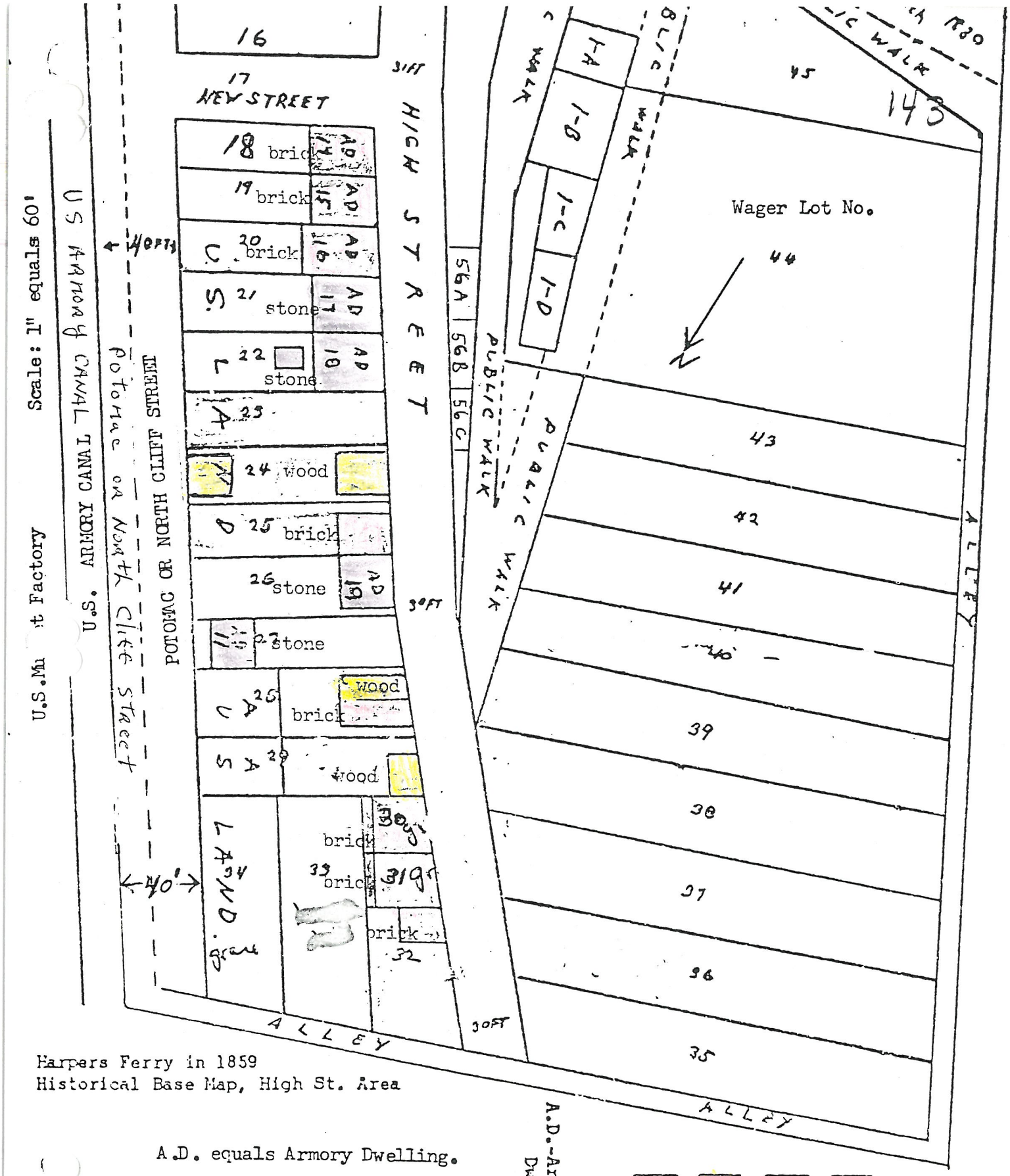
68. 2. 0

Jno. Mathews Surv.



Harpers Ferry in 1844, based on Symington's Schedule A, Dec. 12, 1844. Map 6
...wn by Historian Arthur L. Sullivan

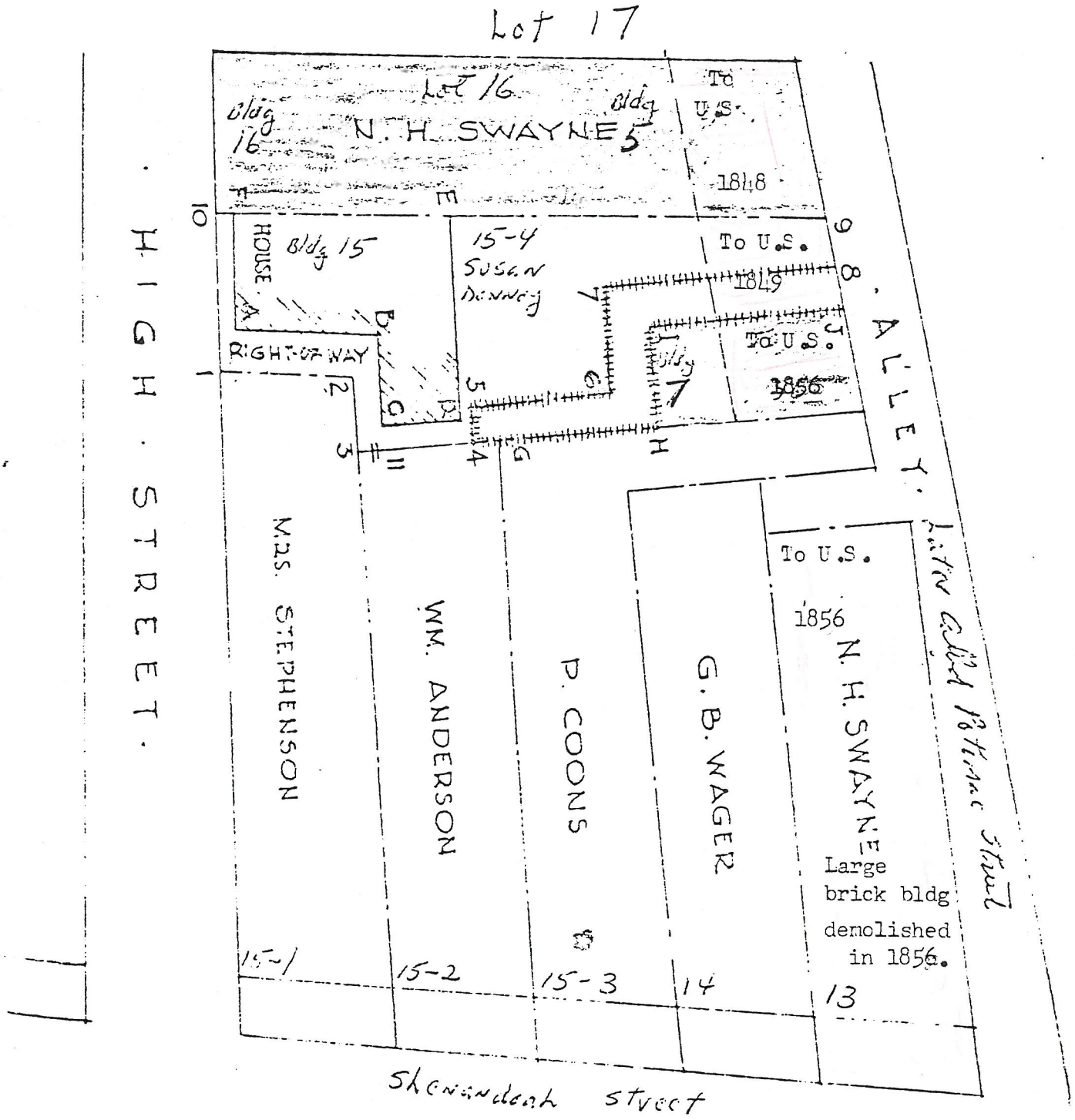




Harpers Ferry in 1859
Historical Base Map, High St. Area

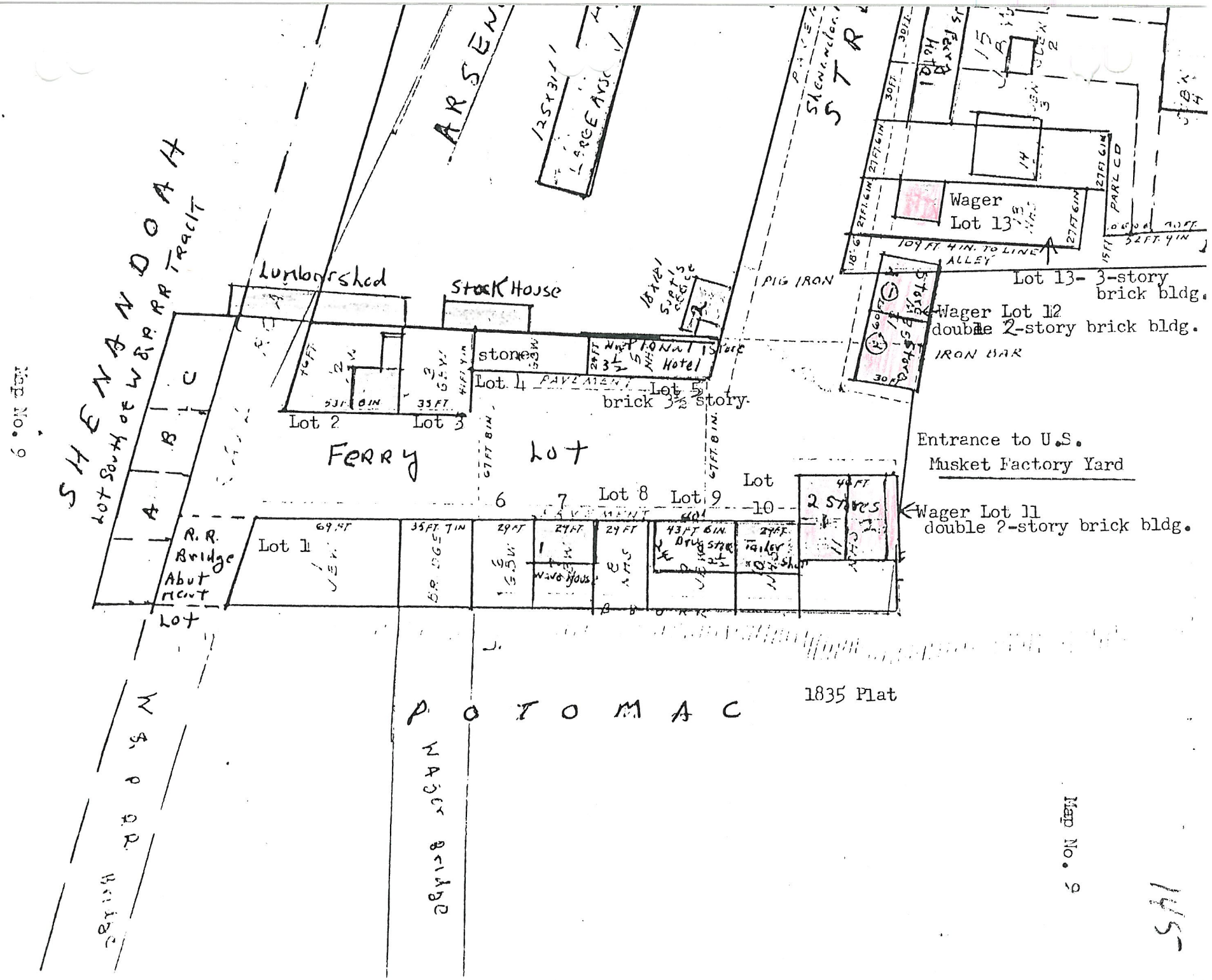
A.D. equals Armory Dwelling.

Map No. 7

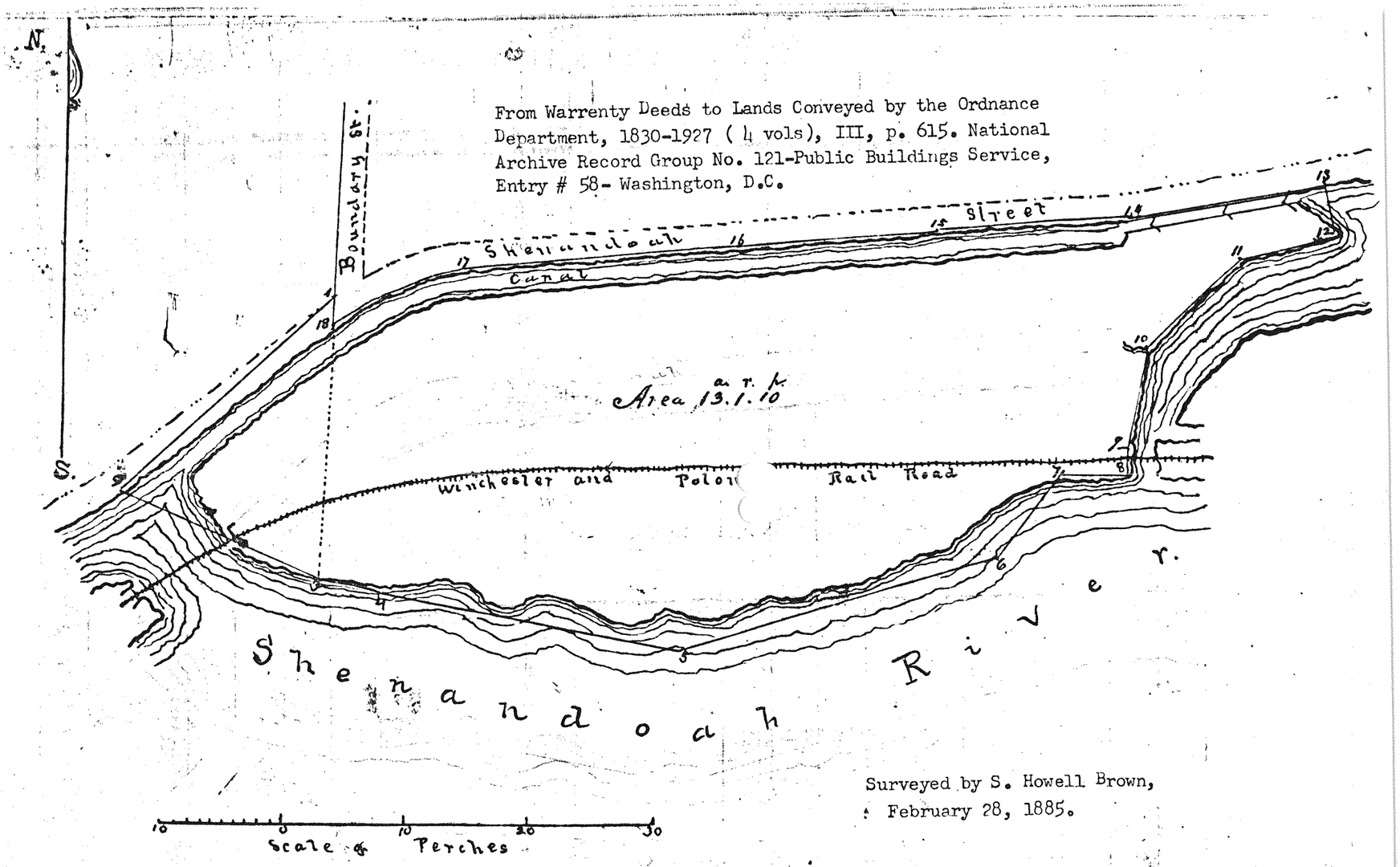


1848 plat

Map No. 8


SHENANDOAH
Lot South of RR Tract
ARSENAL
Lumbershed
Stock House
stone
Hotel
Lot 4
Lot 5
brick 3½ story
Lot 2
Lot 3
Ferry Lot
PIG IRON
IRON BAR
Wager
Lot 13
Lot 13- 3-story
brick bldg.
Wager Lot 12
double 2-story brick bldg.
Entrance to U.S.
Musket Factory Yard
Wager Lot 11
double ?-story brick bldg.
Lot 1
R.R. Bridge Abutment
Lot
6
7
Lot 8
Lot 9
Lot 10
2 Stores
Drug Store
Tailor
Shop
P O T O M A C
1835 Plat
Map No. 9
Map No. 9

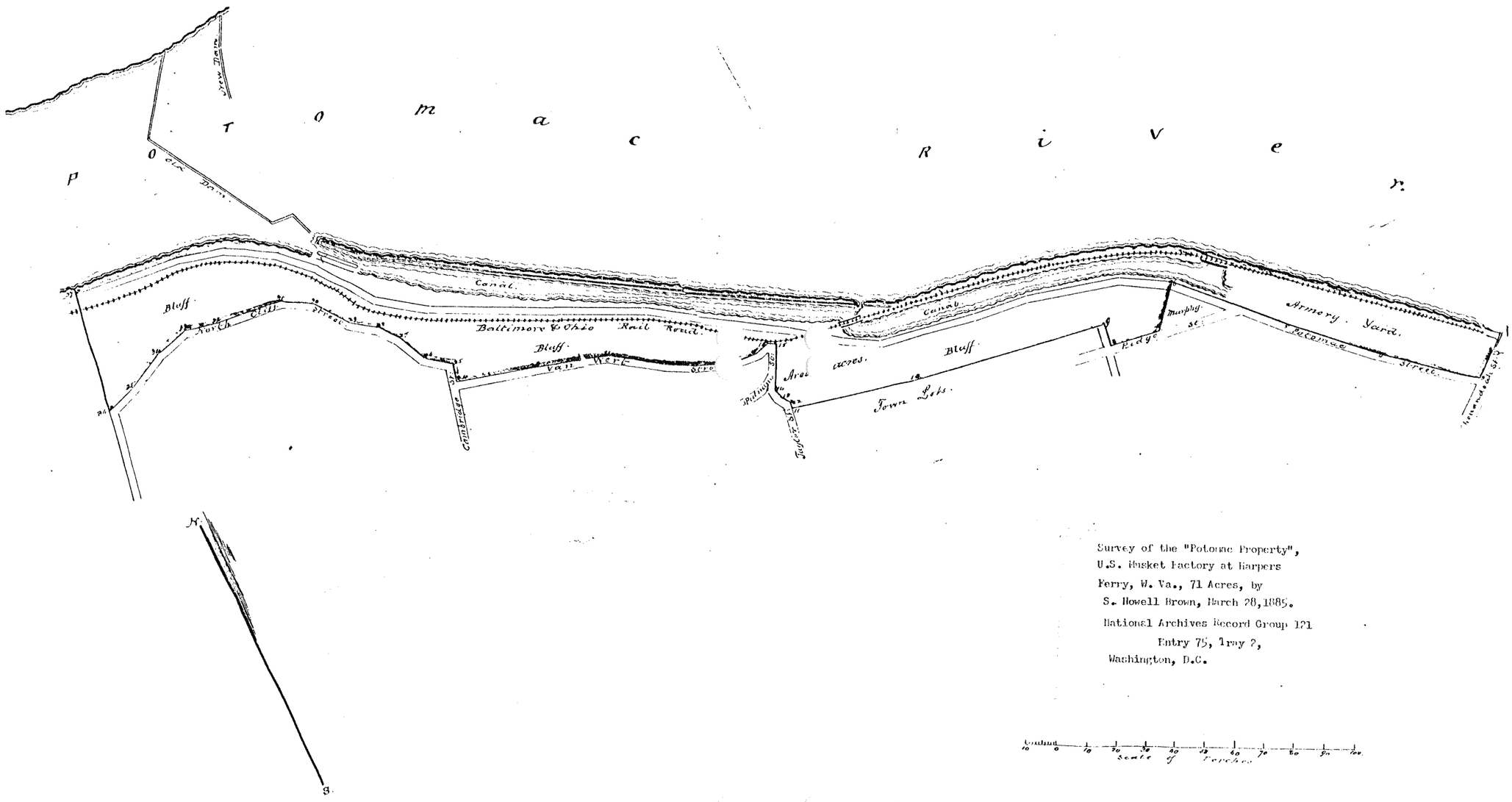
Map No. 10- U.S. Rifle Factory - 1885



From Warrenty Deeds to Lands Conveyed by the Ordnance Department, 1830-1927 (4 vols), III, p. 615. National Archive Record Group No. 121-Public Buildings Service, Entry # 58- Washington, D.C.

Surveyed by S. Howell Brown, February 28, 1885.

Map No. 11- U.S. Musket Factory Grounds, 1885



Survey of the "Potomac Property",
U.S. Musket Factory at Harpers
Ferry, W. Va., 71 Acres, by
S. Howell Brown, March 28, 1885.
National Archives Record Group 121
Entry 75, Tray 2,
Washington, D.C.

Scale of Perches

APPENDIX III

Superintendent of Harper's Ferry Armory, Major John Symington's Estimates of December 12,1844 to Chief of Ordnance, Lt. Col. George Talcott, which follows, of the cost of acquiring the lot and buildings in the Wager Six Acre Reservation that fronted on the U.S. Musket Factory., from Serial No. 464, 28th Congress 2nd Session, 1844-45, House of Representative Executive Documents Vol. 464, Document No. 43, pp. 6-12.

Document No. 43 was prepared to accompany and explain Major John Symington's " Map of Harper's Ferry, dated December 1844, which showed in detail the lots and Wager Lot buildings the Armory hoped to purcha se. See Narrative History text, pages 15 to 19.

p 149 Dec 12, 1844

Doc no 43, p 6
House of Rep Executive
Docs Vol 2
28th Congress
2nd Session
1844-45
Serial 464

Hon. [illegible]

HARPER'S FERRY ARMORY, *December* 12, 1844

SIR: I have the honor to enclose, herewith, schedules A and B, with a plat of a part of the public property at this place, with the adjacent lots belonging to private individuals.

These schedules and plat exhibit the relative locality of some of the public buildings, and of such lots and parts of lots adjoining, belonging to private individuals, with a description of the improvements thereon, and the price for which the whole can be purchased for the United States from the respective owners.

These papers have been prepared with the full belief that when the danger and inconvenience of having private property, over which the United States have no control, so immediately contiguous to public buildings of great value, are made known and understood, speedy arrangements will be made to purchase and own such private property, and thus secure the control of it to the United States.

The considerations to offer for the purchase of this property are, to secure the public buildings bordering the armory canal from danger of fire occurring along the alley; to which casualty there is great liability, from the many stables and small shanties situate thereon.

The public buildings adjoining are generally filled with machinery, and immensely valuable; the loss of any one of which would be threefold the value of the whole of these private lots with their improvements—not to consider the loss to be sustained by a general interruption to the operations of the armory.

But even should fire originate in the rear of one of the public buildings, the confined situation of this narrow alley would be a serious (perhaps insurmountable) bar to its being checked; as was the case on May, 1841, when a valuable building was totally consumed from fire occurring in a shed in the rear, covering one of the water wheels. Could access have been had readily, and room to play the engines on this alley, the fire would have been promptly put out before it communicated to the main building.

Another great inconvenience is, that this alley is, for the most part, occupied by stables rented by the tenants of the lots, whose residences are generally on High street, or Shenandoah street, to their premises; here is received their wood and other supplies, and it is made a place of deposite for all the filth and offal made in the vicinity—its only place of removal, when it is removed, being into the armory canal; thus occasioning labor and expense in cleaning out from time to time.

This too has been a fruitful source, and perhaps the chief one, of the sickness that at times prevails.

There are other reasons that may be urged; but as you, from your knowledge of the locality and the condition of things, are familiar with them, I shall not now touch on them.

The schedule A includes the whole of such lots, and the improvements thereon, [illegible] High street and the alley, that can be purchased. Also the two lots and buildings [illegible] and 12 at the entrance of the armory enclosure, about which [illegible] and considering all things, I would strongly recommend that this entire purchase be made, rather than a part as indicated in schedule B.* The purchase would secure

* The [illegible] A [illegible] the buildings [illegible] B would [illegible] only.

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good comfortable dwellings on High street, suitable for inspectors &c. [illegible] where quarters are found [illegible] to them. And these quartered, besides, chaplain, &c., being removed, and the alley permanently widened to a broad avenue of (say) 40 feet, they could have the armory buildings always under view, and the dwellings between these dwellings and the armory neatly cultivated. There is a want of good buildings for dwellings for the armorers. The greater part of those built many years since, of wood, and in low damp situations, are in wretched bad condition, continually requiring repairs, so as to consume in a great degree the amount received from rents. The purchase of those in schedule A would secure many good residences, so much needed to be occupied in place of so many of the old structures now tottering in decay, and consuming, by continual expenses for repairs, the rent fund.

The lots Nos. 11 and 12 are covered entirely with buildings occupied as stores. They are situated, as you will perceive on the plat, in front of the armory enclosure, and allowing only a narrow entrance to the armory. This approach is most generally filled with horses, wagons, &c., and the empty packages turned out from the stores, and is the usual mart where the country people exhibit their products for sale, rendering the place filthy, and frequently interrupting the entrance into the armory.

This nuisance can only be corrected by purchasing out the property.

Schedule B is submitted only as an alternative, in the event of the whole of the appropriation asked for in A not being obtained.

This list embraces, besides the lots Nos. 11 and 12, a part of those extending down from High street to the alley bordering the canal. Twenty-five feet of the lower end of each of these lots would include the stables, sheds, &c., from which danger is to be apprehended; this, added to the width of the alley, 15 feet, would interpose a clear space of 40 feet, besides the width of the canal, between the public buildings and any structures the proprietors of the lots might choose to put up hereafter.

Part of the lots embraced in this schedule, as will be seen on reference to the plat, will have to be purchased entire, as the owners are unwilling to sell a part.

This arrangement, however, in addition, would still leave the armory lot as a receptacle for filth and the washing of the street; therefore I suggest that the schedule A be only considered. Besides, the additional rent of the entire lots will secure dwelling-houses that are fully worth the money; and I must observe that the cost at which the buildings have been put down is generally below a present fair valuation of them, with perhaps the exception of a part of lot No. 12, at the entrance gate. The price asked by the owner is high, though he states that to be the amount which would yield at 6 per cent. the rent that he has been offered for the property—that is $360 per annum.

Both these schedules provide for the purchase of Dr. Marmion's building, which he, by permission many years since, erected on the public land. [illegible] is the last of the several objects; and it is desirable, I [illegible] arranged, if the terms which he offers can be approved, that the building be valued by Mr. [illegible], the master carpenter, who [illegible] and who puts down the valuation at $2,200,—the sum which Dr. Marmion proposes to sell for, $2200.

[illegible]'s paper from is herewith enclosed.

[illegible] with this subject, I submit also a proposition from Mr.

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Byrnes, the owner of a part of what is called "Byrnes's island" [illegible] of the island being already in the possession and occupancy [illegible] States.

As the price asked appears to be reasonable, ($1,500,) I would [illegible] the purchase of it, as the only means of keeping off bad neighbors, affording excellent gardening ground for the armorers, who would [illegible] to cultivate it on sufferance.

I am, sir, very respectfully, &c.,

JOHN SYMINGTON,
Major of O

Lieut. Col. GEORGE TALCOTT,
Ordnance Department, Washington City.

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Schedule of lots and improvements thereon, owned by private individuals, adjoining the public buildings at the Harper's Ferry armory, with description of the improvements on each lot, and the price for which the whole can be purchased—these lots being included within the yellow lines marked on the accompanying plat.

Number of lot.	Owner of ground.	Owner of buildings.	Description of the buildings, &c.	Price of ground.	Price of buildings.	Total.
11	Mrs. Swayne -	Richard D. Doran	Double brick building, 40 by 40 feet, 2 stories high, with finished garret and shingled roof; cellar underneath; an open gallery in front; back buildings of brick, 2 stories; lower story occupied as stores, upper story and garret as dwellings - - - - - - -	$2,286	$4,000	$6,286
Part of 12	G. B. Wager -	Richard D. Doran	Two-story brick building, with finished garret and cellar, 35 by 20 feet, covered with shingles; lower story occupied part as a drug and general variety store, and part as a shoemaker's shop; the upper story, including garret, as dwellings - - - - - -	1,600	1,600	3,200
Part of 12	Henry Yost -	Henry Yost -	Two-story brick building, continuation of the building above-described, and under same roof, 25 by 30 feet; lower story occupied as a general variety store, upper story as a dwelling - - - - -	-	-	5,000
16	Mrs. Swayne -	- - -	A large wooden stable, 60 by 30 feet, and loft above - - - -	182	218	400
17	Mrs. Swayne -	J. G. Wilson -	A small wooden house, 16 by 14 feet, 1 story - - - -	182	18	200
18	G. B. Wager -	Samuel Lover -	On High street a 2-story brick house, 30 by 22 feet, covered with shingles, and cellar underneath; on the alley a stable for wood, with loft for hay	725	1,700	2,425
19	G. B. Wager -	Charles Button -	On High street a 2-story brick house, 30 by 22 feet, covered with shingles, and cellar underneath; a porch in front and rear; on the alley a wooden stable, with hay loft 20 by 18 feet - - - - -	725	1,700	2,425
20	G. B. Wager -	Philip Coons -	On High street a 2-story brick house, with basement, and cellar under basement, 31 by 23 feet, covered with slate, well finished; on the alley a 2-story stone house, 26 by 22 feet, covered with shingles - - -	725	2,500	3,225
21	G. B. Wager -	G. B. Wager -	On High street a 2-story stone house, with basement, 30 by 26 feet, covered with slate, with back buildings, all well finished; on the alley a stone stable 26 by 20 feet, with hay loft; also, a stone smoke-house 10 by 9 feet	750	2,050	2,800
22	G. B. Wager -	William Megraw	On High street a 2-story stone house, with basement, 30 by 26 feet, covered with slate, well finished, and a stone corn-house 11 by 9 feet; on the alley a wooden stable 27 by 20 feet, with hay loft - - -	750	2,250	3,000

Schedule A $50,266.00 —
Money appropriated by Congress on
August 8, 1846, 45.5 Statutes at Large page 128, 69

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Schedule of lots and parts of lots, &c.—Continued.

Number of lot.	Owner of ground.	Owner of buildings.	Description of the buildings, &c.	Price of ground.	Price of buildings.	Total.
23	Mary Thompson	Mary Thompson	A small wooden building of little value on the alley	-	-	$900
24	Mrs. Swayne	A. Kelley	On Ninth street a 2-story frame house, with basement, 21 by 20 feet, covered with shingles; in the middle of the lot is a 1-story frame house 24 by 16; on the alley a wood blacksmith's shop 20 by 18 feet	-	-	
25	A. & R. Cross	A. & R. Cross	On Ninth street a wooden shanty of little value, 25 by 25 feet	$750	$850	1,600
26	Mrs. Swayne	P. Hagan	On Ninth street a 2-story stone house, with basement, 24 by 20 feet, covered with shingles; on the alley a 2-story stone kitchen, 30 by 26 feet, covered with slate, and a 1-story stone kitchen, 14 by 12 feet	600	50	650
27	M. Foley	M. Foley	On Ninth street, on the alley, a 2-story stone house, 30 by 20 feet, covered with slate, and a 2-story stone kitchen, 28 by 16 feet, shingle roof	800	1,800	2,600
28	Mrs. Swayne	P. Hagan	On Ninth street a stone foundation, and a wooden building partly erected, 30 by 25 feet; on the alley a 2-story stone house, 26 by 20 feet, slated roof	-	-	2,000
29	Mason Grace	M. Grace	Vacant on Ninth street, on the alley, a 2-story stone house, 28 by 20 feet, with a 1-story stone kitchen, 18 by 15 feet, both covered with slate	800	1,200	2,000
30	M. Breckbaugh	M. Breckbaugh	A 2-story frame house, with basement, 26 by 22 feet, well finished	-	-	1,500
31	Mrs. Swayne	Mrs. Swayne	Store-house and an old wood building	-	-	1,700
32	M. Grace	M. Grace	A 1-story wooden building of little value; used as a gate	350	60	410
33	Mrs. Swayne	Mrs. Swayne	A 1-story wooden building of little value	-	-	1,100
34	M. Grace	M. Grace	On the alley a 2-story stone house, 30 by 18 feet; another stone house 2 stories, 20 by 18 feet; a 1-story wooden house, 30 by 20 feet, and another 1-story building, 20 by 12; the stone houses are partially new; the wood house of little value	350	40	230
35	United States	Dr. N. Marmon	A stone house, 2 stories, with basement and gallery, 65 by 22 feet; also, a wooden 1-story house, 16 by 14 feet	-	-	3,000
			For payment for part of C. Byrne's ground	-	-	2,000
				-	-	1,500
						59,223

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B.

Schedule of lots and parts of lots, and improvements thereon, owned by private individuals, adjoining the public buildings at the Harper's Ferry armory, with description of the improvements on each lot, and the price for which the whole can be purchased—these lots and parts of lots being included within the blue lines marked on the accompanying plat.

Number of lot.	Owner of ground.	Owner of buildings.	Description of the buildings.	Price of ground.	Price of buildings.	Total.
11	Mrs. Swayne -	Richard D. Doran	A double 2-story brick building, with gallery, finished garret and cellar, 40 by 40 feet, covered with shingles; back building of brick, 2 stories; lower story a store, upper story dwellings - - - -	$2,286	$4,000	$6,286
Part of 12	G. B. Wager -	Richard D. Doran	A 2-story brick building, and finished garret and cellar, 35 by 30 feet, shingle roof; lower story drug store and shoemaker's shop, upper story dwellings - - - - - - - -	1,600	1,600	3,200
Part of 12	Henry Yost -	Henry Yost -	A 2-story brick building, continuation of the foregoing described building, 25 by 30 feet, same finish; lower story country store, upper story dwellings - - - - - - - -	-	-	5,000
16	Mrs. Swayne -	- -	A large wooden stable, with hay loft, 60 by 30 feet - - -	182	218	400
17	Mrs. Swayne -	J. G. Wilson -	A small wooden house, 16 by 14 feet, 1 story - - - -	182	18	200
18	G. B. Wager -	S. Lover -	A wood stable, with hay loft, of little value - - - -	182	18	200
19	G. B. Wager -	Charles Berton -	A small wood stable, with hay loft, 20 by 18 feet - - - -	182	38	220
20	G. B. Wager -	Philip Coons -	A 2-story stone house, 26 by 22 feet, covered with slate - - -	182	1,000	1,182
21	G. B. Wager -	G. B. Wager -	A 2-story stone house on High street, with basement, 30 by 26 feet, covered with slate, with back buildings all well finished; on the alley a stone stable 26 by 20 feet, with hay loft; also, a stone smoke-house 10 by 9 feet - - - - - - - -	750	2,050	2,800
22	G. B. Wager -	William Murray	A wooden stable, with hay loft, 27 by 20 feet - - - -	182	48	230
23	M. Thompson -	M. Thompson -	A small wooden building - - - - - - - -	200	20	220
24	Mrs. Swayne -	A. Kelley -	A wood black smith's shop, 20 by 18 feet - - - - -	182	218	400
25	A. & R. Cross -	A. & R. Cross -	A small wood stable - - - - - - - -	600	50	650
26	Mrs. Swayne -	P. Hagan -	A 2-story stone house, 30 by 26 feet, slated roof, and a 1-story stone kitchen, 14 by 12 feet - - - - - - - -	190	900	1,090
27	M. Foley -	M. Foley -	A 2-story stone house, 30 by 20 feet, slated roof, and 2-story stone kitchen, 28 by 16 feet; shingle roof - - - - - - - -	-	-	2,000
28	Mrs. Swayne -	P. Hagan -	A 2-story stone house, 26 by 20 feet, slated roof - - - -	180	900	1,080

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Schedule of lots and parts of lots, &c.—Continued.

Number of lot	Owner of ground.	Owner of buildings.	Description of the buildings	Price of ground.	Price of buildings.	Total.
29	M. Grace	M. Grace	A 2-story stone house, 20 by 20 feet, with a 1-story stone kitchen, 15 by 15 feet, both slated			$1,500
31	M. Grace	M. Grace	A 2-story stone house, 30 by 15 feet, another stone house, 2-story, 30 by 15 feet—these partially new, and a 1-story wooden house, 25 by 20 feet, and one other 1-story wooden house, 20 by 12 feet—the wooden buildings of little value			3,000
41	United States	D. N. Marmaton	A 2-story stone house, with barracks and gallery, 35 by 22 feet, and a wooden 1-story back building			2,000
						31,644

HARPER'S FERRY ARMORY, *December 12, 1844.*

JOHN SYMINGTON,
Major of Ordnance.

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April 23, 1856

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US Statutes at Large

[No. 5.] *Joint Resolution relating to the Public Lands appertaining to the Springfield and Harper's Ferry Armories, and the North Carolina Arsenal.* April 23, 1856.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be hereby authorized, to exchange and convey the unoccupied land and appurtenances belonging to the United States, known as the Lower Water shops, at the Springfield Armory, in the State of Massachusetts, for such other lands contiguous to the lands attached to said Armory upon the hill at Springfield, as he may deem necessary and proper for the improvement and convenience of said Armory, or in his discretion to sell the said tract known as the lower work shops and appurtenances, and to invest the proceeds of the same, or such part thereof as may be required, in the purchase of such lots or lands contiguous to the said Armory on the hill, as he may deem suitable and proper. For this purpose, he is hereby authorized to convey the title of the United States to the lands and appurtenances hereby authorized to be sold and conveyed, and to receive from individuals or corporate proprietors, deeds and titles to the lands so exchanged, sold or purchased. Exchange of lands at Springfield, Mass.

SEC. 2. *And be it further resolved*, That the Secretary of War be and he is hereby authorized to apply so much of the proceeds of the recent sale of land and lots at Harper's Ferry, as he may deem advisable, to the purchase of such other lots at that place, as he may deem necessary to the safety and convenience of the public buildings belonging to the United States, and that he apply the residue of the proceeds of said sales to the improvement of the property retained by the United States. Proceeds of sale of land at Harper's Ferry may be applied to purchase other land.

SEC. 3. *And be it further resolved*, That the Secretary of War be also authorized to make sale of such portion of the site of the United States Arsenal at Fayetteville, North Carolina, as in his judgment is not required for public purposes, and apply the proceeds of such sale, or so much thereof as may be necessary, to the purchase of such additional land for the use of said arsenal, as he may deem necessary. He is for this purpose, authorized to convey the title of the United States for the lands which he may sell to the purchaser, and to receive proper deeds and titles for the lands which may be purchased by him, as aforesaid. Sale of land at Fayetteville. Application of proceeds.

APPROVED, April 23, 1856.

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