

CHAIN OF TITLE FOR WAGER LOT NO. 48

The James McGraw Lot- Site of Bldg. No. 41

1751 - 1953

Harpers Ferry National Historical Park

West Virginia

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5 pp.

SUMMARY

CHAIN OF TITLE, LOT No. 48 (Bldg. No. 41), 1751-1953

1. April 25, 1751 to October 15, 1782: Robert Harper.
2. October 15, 1782 to October 10, 1835: John Wager, Jr. and Sr., and heirs of John Wager, Jr. (1813-1835).
3. October 10, 1835 to August 1, 1865: Noah H. and Sarah A. Swayne.
4. August 1, 1865 to July 16, 1900: James McGraw, for \$1,800.
5. July 16, 1900 to October 24, 1908: To Abram and Victor Kaplon for \$600.
6. October 24, 1908 to September 6, 1952: Abram Kaplon.
7. September 6, 1952 to December 19, 1953: West Virginia, for about \$2,400.
8. December 19, 1953 to date: United States Government, National Park Service.

B. Chain of Title for Wager Lot No. 48 in the Wager Six Acre
Reservation, 1751 to 1953:

The land that was to include the future sites of the Lower Town at Harpers Ferry, Wager Lot No. 48, and the U.S. Armory, 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 state, 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

Wager's inholdings in this sea of Federally owned land were located in the lower town of Harpers Ferry and these gave him a monopoly of all the possible sites for mercantile and commercial development in the growing town. John Wager, Sr. died on September 21, 1803 in Philadelphia, just as arms production got underway at the new U. S. Armory at Harpers Ferry. John Wager, Jr., who inherited the two

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 (MS).

reserved tracts, was the first of the family to take up residence in Harpers Ferry, where he settled in 1803. On his death on October 22, 1813, the Six Acre Reservation and the Ferry Lot passed under his will in undivided ownership to his widow, Catherine Wager (died 1829) and to their four minor children: James Bates Wager, John William Stein Wager (who died March 22, 1823), Gerard Bond Wager, and Sarah Ann Wager.⁴

The Wager Heirs maintained their monopoly of privately owned land in Harpers Ferry from 1796 until 1834, when James Bates Wager suffered a "cash flow" problem and was forced to declare bankruptcy. Accordingly, on April 2, 1835, the Circuit Superior Court of Law and Chancery for Jefferson County, Virginia, appointed commissioners "to lay off and divide into three equal lots and parcels, the real estate at Harper's Ferry which descended to James B. Wager, Gerard B. Wager, and Sally Ann Wager, now Sally Ann Swayne, the wife of Noah H. Swayne, from their father, John Wager [Jr.], deceased."⁵ The Six Acre Reservation and the Ferry Lot, with the buildings and improvements upon them, were thus divided to 56 numbered lots and divided equally among the three surviving heirs. On October 10, 1835, the Court awarded Wager Lot No. 48 to Sarah Ann Swayne, the wife of Noah H. Swayne, and also the old stone house that stood on that tract.⁶

⁴ John Wager, Jr.'s Will is in Will Book No. 2 (1813-1816), pp. 92-94, Jefferson County Courthouse, Charles Town, W.Va.

⁵ Gibson and others vrs J. B. Wager, Decree, in Deed Book 29, pp. 140-141. Jefferson County Courthouse, Charles Town, W.Va.- henceforth all deed books are located at Charles Town, W.Va., unless otherwise specified. James B. Wager was thrown into prison for debt on July 7, 1834.

⁶ Deed Book 29, 140-141. See 1835 Plat, "The Wager Six Acre Reservation, Drawn by James M. Brown," in Deed Book 29, p. 140, Map No. 3, of this report.

Noah H. Swayne and his wife Sarah, who he had married at Harpers Ferry in 1832, resided in Ohio from 1832 to 1862. He was U. S. District Attorney of Ohio from 1831 to 1841 and an associate justice of the U. S. Supreme Court from 1862 to 1881.⁷ During the earlier period, 1835 to 1861, the Swaynes were absentee landlords and leased out Wager Lot 48 and its stone house.

The Swaynes owned Wager Lot No. 48 from October 10, 1835 to August 1, 1865. On this latter date, they sold the property to James McGraw of Harpers Ferry for \$1,800.⁸ This price suggests that the old stone house was probably still standing at that date.

On July 16, 1900, Special commissioners of the Jefferson County Circuit Court, acting on behalf of James C. McGraw and Katie A. McGraw, sold Wager Lot 48, which fronted 48 feet 10 inches on the north side of Shenandoah Street, to Victor and Abram Kaplon for \$600.⁹ The Kaplon brothers at once put their lot into trust to secure a note for \$4,500 and also promised to keep insurance on improvements on Lot 48 for \$5,000 during the life of the trust.¹⁰ This was down to pay for the construction of four-story Bldg. No. 41 on Wager Lot No. 48.

On October 24, 1908, Special Commissioners, acting for Victor Kaplon, sold Wager Lot 48 and Bldg. No. 41 to Abram Kaplon for \$4,850.¹¹ Abram Kaplon and his wife Bessie, sold Wager Lot No. 48 and Bldg. No. 41 to the State of West Virginia on September 6, 1952.¹² On

⁷ The Dictionary of American Biography, XVIII, 239-240.

⁸ Deed of Bill and Sale, August 1, 1865, Deed Book 1, p. 182.

⁹ Deed of B. & S., July 16, 1900, Deed Book 89, p. 243.

¹⁰ Deed of Trust, September 29, 1900, Deed Book 89, p. 245.

¹¹ Deed of B. & S., October 24, 1908, Deed Book 101, p. 407.

¹² Deed of B. & S., September 6, 1952, Deed Book 189, p. 287.

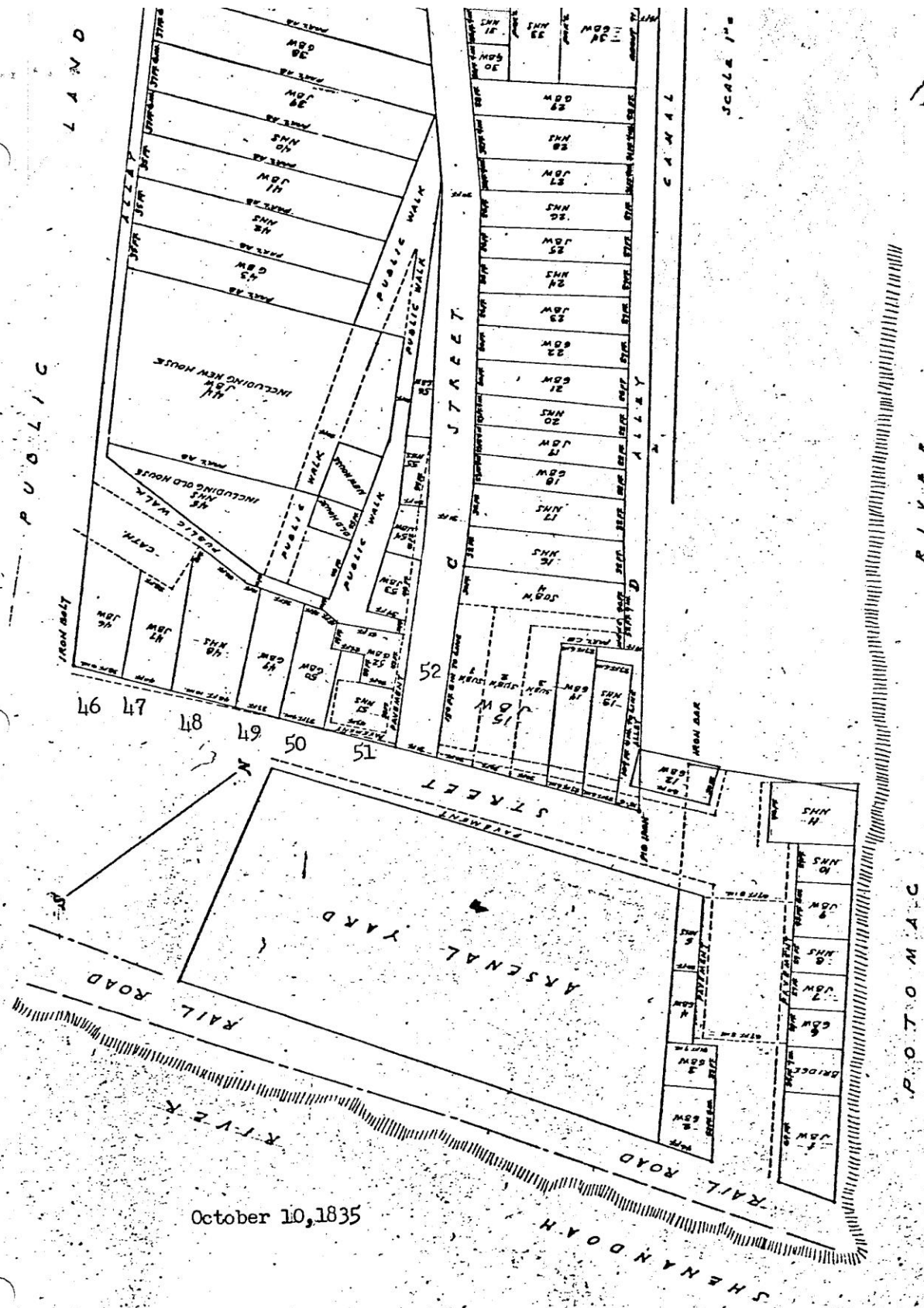
December 19, 1953, the State of West Virginia donated Lot No. 48 and Bldg. 41 to the United States Government for inclusion in Harpers Ferry National Monument.¹³

A plat of Wager Lot No. 48, dated October 24, 1908 and appearing in Deed Book 101 at page 407, indicates that at that date Wager Lot No. 48 fronted 49.30 feet on the north side of Shenandoah Street, extended back on the southwest line with Lot No. 47 to the public walk 100.24 feet, ran with the public walk to the Catholic Church 50.11 feet, and ran along the northeast line with Wager Lot 49 89.53 feet to the north side of Shenandoah Street.

The Deed from Kaplon to the State of West Virginia does not indicate the sum that Kaplon received for his property. Explanatory sheets prepared to accompany the Architectural Base Map of Harpers Ferry, Drawing No. NM-HF 2055, prepared by Henry C. Edwards and John T. Willett in 1955, suggest that West Virginia may have paid Abram Kaplon \$2,400 for Lo No. 48 and Bldg. 41.¹⁴

¹³ Deed of B. & S., December 19, 1953, Deed Book 199, p. 41.

¹⁴ See sheet 4 or 5.



October 10, 1835

Deed Book 101, p.107.

24th October 1908, plat.

Rough sketch.

