

“On the Waters of McGowan’s Creek...”

A Brief History of the Hart’s Mill Ecovillage Land

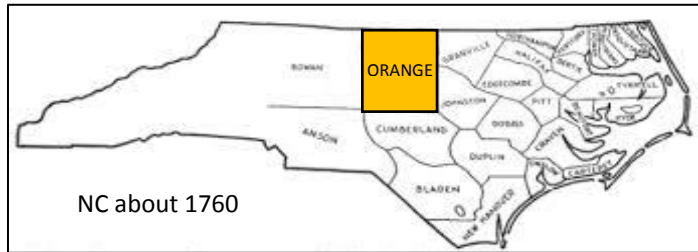
Paul Voss
July, 2016

“...history – not that which was, but that which abides, and which in the past contained and announced the future.”

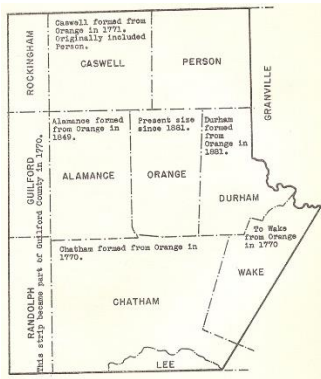
William Pascoe Watkins
International Co-operative Alliance, 1895-1970

BACKGROUND AND CONTEXT

We likely can never know what motivated Thomas Hart and his family to move from settled Hanover County, VA, to the wild and woolly unsettled parts of North Carolina in 1755. Restlessness? Troubles with neighbors or local officials? The lure of fresh opportunity? His father (also Thomas) had recently passed away when his mother, (Susanna Rice Hart), four brothers (Benjamin, Nathaniel, David & John) and sister (Keziah Ann) sold their Virginia property and moved to the recently-formed large colonial administrative jurisdiction called Orange County, NC. Thomas was age 24 – the eldest of the six siblings.



Orange County was named for the infant William V of Orange. His mother, Anne, was the daughter of King George II, the reigning monarch of England. At the time, the county was a considerably larger territory in the western reaches of the colony than it is today – almost ten times the current size. As surveyors pushed westward and the appeal of abundant lands for settlers grew, the county was created in 1752 from parts of existing Bladen, Granville, and Johnston counties to the east. From the somewhat ill-defined boundary dividing North Carolina and Virginia, it extended roughly half-way to the South Carolina boundary. Orange was later to be vastly diminished in size as other counties were created out of parts of the Orange territory: Chatham (1771), Caswell (1777) and Person (created out of Caswell in 1791), and Alamance (1849). Additional pieces of old Orange County were combined as yet new counties were

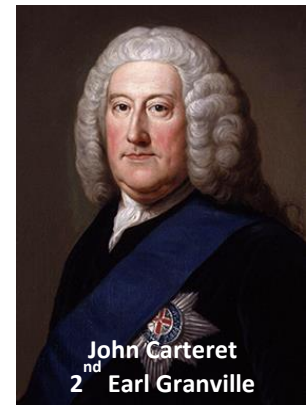


created. Guilford (1771), Randolph (1779), and Rockingham (1785) came into existence. In addition, parts of old Orange went to Wake (1771), Durham (1881) and Lee (1907).

While school history books may refer to this period as the “settlement of the New World”, there was nothing “new” about it, of course, save for the skin color of the European invaders and a dramatically different sense of land use and property rights. Land was to be sold and taxed. When Orange County was formed in the mid-18th century, there were several groups of Native People in the area, descendants of indigenous populations dating back 10,000 years or more. These were Siouan-speaking groups, and related to the Saponi, Tutelo, Eno and other Southeastern Siouan-languages bands. The indigenous peoples most closely identified with our land just west of Hillsborough today self-describe as the Occaneechi Band of the Saponi Nation. When the Hart family arrived in Orange County, most of the Tutelo-Saponi had already left the area, joining other indigenous nations as their numbers were diminished by warfare and disease. Some migrated north to seek protection of the Iroquois. Others retreated from the area to join the Catawba in the south.

LAND FOR SALE

Simply having a colony – indeed thirteen colonies – was not the driving force behind England’s claim on North America. The mother country wanted resources, of course, but more importantly, it wanted money from the sale of land and, immediately thereupon, tax revenues and other fees related to land ownership. To accomplish these goals, Charles II, in the Charter of Carolina (1663), granted land in Carolina to eight men (the “Lords Proprietors”) as a reward for their faithful support in his struggle to regain the throne of England from the Cromwells. These eight titled men, and “their heirs & assigns”, were identified by the Charter as “the true and absolute Lords Proprietors” of Carolina. Here “Carolina” meant all land from the southern border of the Virginia Colony to Florida and westward from the Atlantic shores to the Pacific Ocean. As if this were insufficient, the acquisitive Lords Proprietors appealed to the King to confer additional land north of Carolina as well. In 1665 an amendment was made to the Charter of Carolina “...to enlarge our said grant unto them.” Their task was to sell land and settle the western wilderness. The names and deeds of the Lords Proprietors are well recorded, but we mention only one here – Sir George Carteret (1610 – 1680) – because of the key role played by his grandson, John Carteret, 2nd Baronet Carteret (and later 2nd Earl of Granville) in granting land in our part of North Carolina.



The historical record doesn't really provide a convincing rationale, but by 1729, under increasing pressure to sell their rights in Carolina to the Crown, seven of the eight Proprietors (or their heirs) had relinquished their land interests in the Carolinas. The eighth Proprietor, John Carteret (grandson of Sir George) refused. He had inherited



from his grandfather the title "Earl Granville" and – who cares about titles when land is involved? – fully one-eighth of the large Carolina territory. Earl Granville was permitted to keep the territory provided he excused himself from politics and governance of the

colony. The so-called "Granville District" was later reduced in size and defined as a 60-mile wide strip of land in North Carolina – approximately the northern half of present-day State. Let's just say that Lord Granville had a great deal of land to sell to settlers – folks in the mid-18th century (like the Hart family) moving to North Carolina, principally from Virginia, Maryland and Pennsylvania. Lord Granville's power to grant (well... sell, actually) land was carried out by local agents, including Francis Corbin and Thomas Child both of whom contributed their name to the Orange County seat (Corbin Town, 1754 – 1759; Childsburgh, 1759 – 1766; renamed Hillsborough in 1766 after the Earl of Hillsborough, the British secretary of state for the colonies and a relative of Royal Governor William Tryon).

The process of patenting land (or obtaining a grant) was not complex, but was terribly sluggish given the nature of communication and transportation at the time, as well as the requirement that each patented parcel be surveyed. Anyone wishing to patent land submitted an application to a land office. The land officer then issued a warrant. The warrant was given to a surveyor who surveyed the land and sketched a plat map of the claim. Finally, the surveyed plat was filed in the land office. The time between application and issuance of the grant often took 3-4 years. It must have been a good time to be a surveyor – or a dutiful chain carrier.



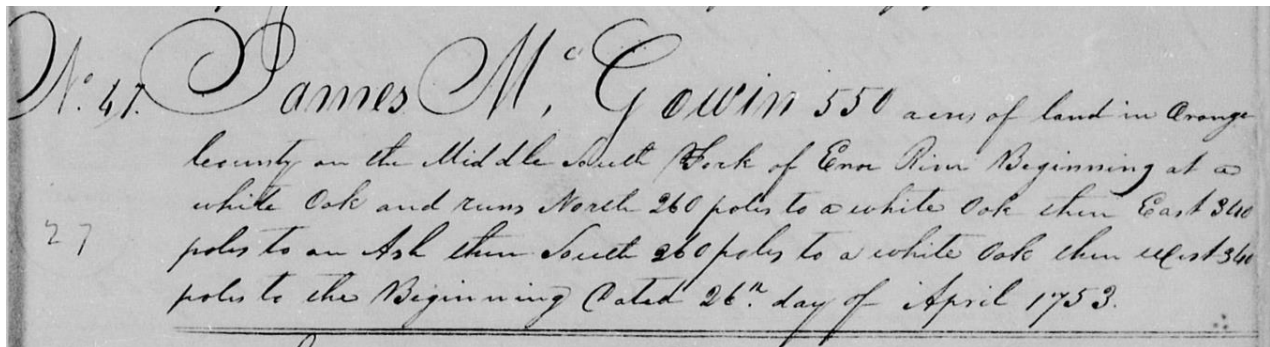
MEET THE HARTS

The pace of land grant activity swiftly accelerated in the 1760s, and the enterprising Hart brothers were among the enthusiastic applicants. Susanna Hart and her children initially settled in the northern reaches of Orange County (in what today is Caswell County) primarily on several tracts of land along Country Line Creek (a tributary of the Dan River) or Horsley Creek which feeds into Country Line Creek. The old deed books from the time list several dozen land transactions involving the Harts. Thomas Hart eventually was granted and/or purchased several tracts of land in the Piedmont (2,282

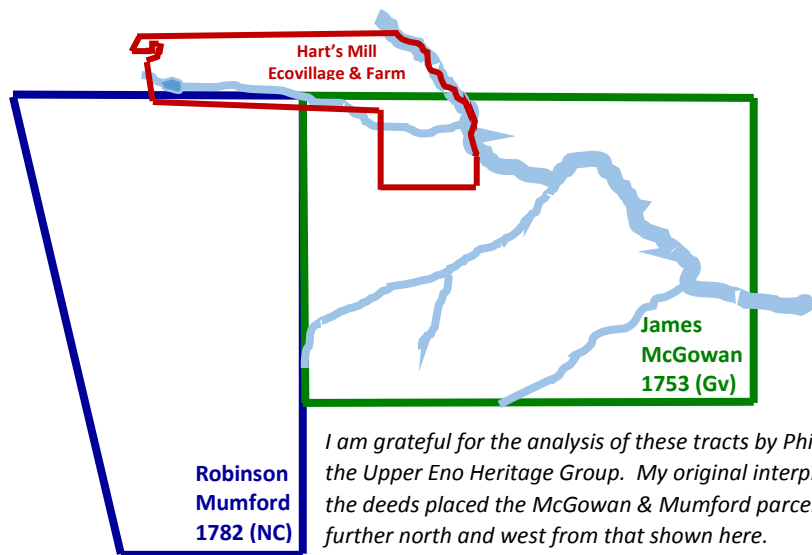
acres in patents alone) – including his eventual homestead (“Hartford”) adjacent to his Mill on the Eno River. He had acquired the mill in 1767 when former owner, Joseph Maddock and several members of Maddock’s Quaker gathering, quickly departed Orange County after falling out with Provincial Governor William Tryon.

The story of Thomas Hart and his brothers is rich and interesting. It will be saved for a companion piece and not much is said here. In this piece the focus is on the land.

OUR LAND: THE EARLY DAYS



Among the men receiving grants from Lord Granville was James McGowan. We don't know much about this Scotsman, but in 1753 he was granted 550 acres on the Middle South Fork of the Eno River – a tributary of the Eno we today know as McGowan's Creek. It is this early patent to Mr. McGowan on which the SE third of our land presently sits. Another portion of our land is part of a large parcel granted by the State of North Carolina several years later (1782) to physician, Robinson Mumford.



I am grateful for the analysis of these tracts by Phil Mace of the Upper Eno Heritage Group. My original interpretation of the deeds placed the McGowan & Mumford parcels slightly further north and west from that shown here.

The precise legacy of the Ennis parcel over the past 250 years may never be pieced together perfectly. The deeds recorded in the Hillsborough Register of Deeds Office usually describe the dimensions of a parcel (the metes and bounds), but not *where* the parcel is located. Occasionally neighboring parcels are identified by owner. Registrar, Mark Chilton, has made a career of, among other important things, creating little paper

parcels (to scale) and then trying to fit them on a map given the fragments of information in the deed record. Since the early deeds were rendered by hand, mistakes are common, misspellings routine, and splotches of spilled ink occasionally hide some of the information. Many of the deed transactions are practically unreadable. Some have been lost entirely. But there are some things we do know – or at least think we know.

WHO?!

*McGowan
To
Hart,* This Indenture made this 23^d Day of July in the year of our Lord one thousand seven hundred & seventy one between James McGowan & Elizabeth his wife of the County of Orange in the Province of North Carolina Planter of the one Part & Thomas Hart Esq of the County & Province afo^r of the other Part witnesseth that the s^d James McGowan & Elizabeth his wife for^t in consideration of one hundred & fifty Pounds Broc^t money to them in hand paid by the s^d Thomas Hart the Receipt whereof they do hereby acknowledge have granted bargained sold aliened released & Confirmed & by these Presents do grant bargain sell alien release & Confirm unto the s^d Thomas Hart his heirs & assigns forever a certain Tract or Parcel of Land & bounded as follows (to w^t) Beginning at the S. E. corner of James McGowan sen^r line running N 145° E to a white Oak at the head of a spring thence N 26° E to the North line of the s^d Tract of Land

In 1771, Thomas Hart (yes, *our* guy!) purchased 300 acres of the original James McGowan tract from William McGowan (James' son) and his wife Sarah. Some of those 300 acres include the southeastern portion of the Ennis parcel. The following year, James McGowan and his wife, Elizabeth, sell to Thomas Hart their remaining 250 acres. Thus, most (all?) of the original 550 acres of land in the original Granville grant to old Mr. McGowan is now owned by Thomas Hart. Hart is 42 years old at the time, is married to Susanna Gray (daughter of wealthy and politically influential Colonel John Gray) and is beginning to build a family. (He and Susanna ultimately have seven children.) He also is busy managing his mill on the Eno and the adjacent Hartford Plantation. He has served two terms as sheriff of Orange County (which means he is the county tax collector), has earned the deep and abiding enmity of the Regulators, and has been badly whipped (quite literally) in a skirmish with the increasingly furious and over-taxed farmers.

In 1772, Thomas Hart sells the 250 acres earlier purchased from the McGowans to John Kitzmiller. (This is the land on the east side of McGowan's Creek and not the land on which the Ennis parcel sits.) Then, in 1782 Hart sells the remainder of his land west of McGowan's Creek to his neighbor to the west, Robinson Mumford. Mumford has also recently acquired, by grant, the land west of Hart's parcel. With these purchases, it

can be said with considerable confidence that the Ennis property now is located (at least partly) on a much larger tract (almost 1,000 acres) owned by Mumford.

ENTER THE MCCRACKINS

Or is it McCrackings? Or McCrackens? Or McCrackans? How can a name show up in the deeds with so many different renderings? Spelling problems aside, the story of land transactions involving the eventual Ennis parcel now turns a bit murky and can be traced only if one has a very high tolerance for uncertainty. It appears that Robinson Mumford sold part of his holdings to Peter Mallett in 1787, and Mallett sold the land to Thomas McCrackin in 1794. Mumford sells the northern portion (the portion containing the Ennis parcel) of his large holdings to George Horner in 1801 and, that same year, the southern part of his holdings to Samuel McCrackin. For the next 20 to 30 years various sales of land (lots of them!) in the area occur among and between the McCrackin clan.

By this time, Thomas Hart is no longer in Orange County although he still has land here. Perhaps sensing a shift in political winds, in 1780 Hart took his family to Hagerstown, MD where another son, Nathaniel Gray Smith Hart, was born in 1784. Jesse B. Benton, a young lawyer, confidant of Thomas Hart, and later the husband of Thomas Hart's niece, Nancy, is asked to keep an eye on the mill, now owned by The Reverend James Fraser. In December, Benton writes to Hart that the mill is suffering from neglect and that Fraser is in financial difficulty. Shortly thereafter, the Battle of Hart's Mill leaves Thomas Hart's property in ruin.

To complicate things enormously there exists a deed from 1800 disposing of several of Thomas Hart's parcels. Hart is in Hagerstown, MD, by now and the transfers are handled by his agent and Orange County sheriff, Samuel Turrentine. Among the parcels is a 250 acre tract that surely is the land deeded by Hart to John Kitzmiller in 1772. This latter parcel goes to Nancy Benton, Thomas's niece and widow of Jesse Benton. It all seems very confusing, but the story suggests that ownership of our land quite probably is linked eventually to Jesse and Nancy Benton's son – the famous senator from Missouri, Thomas Hart Benton (1782 – 1858) – and later to the senator's great nephew, the “regionalist” painter and muralist, Thomas Hart Benton (1889 – 1975).

In 1802, George Horner sells the land acquired the previous year from Mumford to Jonathan Lindley. The western portion of this land fully contains the Ennis property. Twelve years later in 1814, Lindley sells this western tract to John McCracken. John McCracken now owns the Ennis land and a bit more of the old Mumford holdings.

In 1836, John McCrackin sells this tract a John Hart (possibly a descendent of the original Hart family, but more probably a different Hart family). John Hart sells to Thomas P. Paul in 1837 and Thomas Paul sells to William Paul (his son) shortly thereafter. Names on deeds involving this land over the next few years again include or refer to several McCrackins, William Paul, Parks Paul, Annie Forrest, George Horner, Jonathan Lindley, John Lindley and another new name: Walter Shanklin. Walter Shanklin purchased a McCrackin parcel in 1893, and in 1904 William E. and Etta Paul (and others) sell a parcel to J. E. Shanklin.

Here's a description (including misspellings and punctuation in the original) of land deeded by William and Etta Paul to J.E. Shanklin in 1904:

"... a certain tract or parcel of land in Hillsboro Township Orange County North Carolina adjoining the lands of adjoining land of William Richmond and Sallie McCracken on East, on the North lands of Sallie McCracken John Miller and Thomas Tate, in the West by lands of David Miles, on South Pleasant Holt-Henderson Murray and lands formerly owned by Joseph Kinnion, this land being known as Thomas P. Pauls lands 120 acres more or less, one tract containing 60 acres more or less and 3 tracts of 20 acres each.."

How fun. Sallie McCracken (note the new spelling) enters the picture. (I have failed to locate her in the confusing McCracken genealogy.) And take note of the Richmond name, recalling Richmond Road to our east, and Richmond neighbors to our northeast. (The late Bruce Richmond's parcel has recently been sold.) But, here's the important bit: this is an early description of the land that eventually came in the hands of Alana Ennis approximately 90 years later. The estimated size is a bit different from the current parcel, but there's no question about it being (approximately?) our land.

This parcel is sold in 1911 by Walter Shanklin to W. M. McCauley. Apparently over-extended, Mr. McCauley and his wife deed the property in 1917 to Central Loan & Trust (later to Commercial & Farmers Bank, Mebane, NC). From the bank it went to Mr. H. C. Cook of Philadelphia, PA, in 1918. The description of the land has change a little, but it clearly is the same tract:

"... a certain tract or parcel of land lying and being in the County of Orange, State of North Carolina Cheeks Township known as the J. M. Shanklin home tract bounded as follows: Beginning at a rock and pointers on McGowan's Creek, Sallie McCracken's corner, thence with her line S 85¼ deg W 13 chs & 2 lks to a rock, her corner and John Miller's, thence John Miller's and T. B. Tate's line S 85¼ W 3 chs 14 lks to rocks the NE Corner of Lot No. 2 of the Paul Land, thence with the line of No. 2 Lot S 12 chs to a rock thence with line of said lot S. 87 deg E 44 chs 31 lks to rocks

and pointers, corner of said Lot No 2, thence S. 20 chs 66 lks to a rock, formerly Joe P. Kenions tract, thence E 16 chs 70 lks to a rock, thence N. 8 chs to an Ash on McGowans Creek, thence up said Creek as it meanders to the first station, containing 111½ acres more or less.”

If consistency is important, it's not to be found here. Mr. Shanklin's middle initial has changed, Joe Kenions' name has a new spelling, and earlier reference to McCrackin has decidedly become McCracken. But it's clearly the same parcel – the parcel we're seeking to purchase this year.

The following year (1919), the Cooks yield up the parcel to attorneys B.F. Warren and W.Y. Malone. Probably not a good story. In 1935, the land is sold by Warren and Malone to a Mr. Robert A Wilkinson, but within months it is sold back to Malone. It then transfers in 1939 from Malone to S. Carl Forrest (recall our neighbors to the north?). In 1950 it is conveyed by S. Carl and Carrie Forrest to Osbor B. and Mossie S. Teague. The following year the land passes from the Teagues to Nathaniel and Catherine Suitt. Alana recalls from her childhood the Suitt family farming the land.

In 1962, the land is sold by the Suitts to Ruby Faye Settle and her husband Lee Settle, father of Alana Ennis. On March 15, 1991, the land is transferred from Ruby Faye Hurt to Alana M. Ennis. The parcel description in 1962 remarkably is mostly unchanged from the metes and bounds description of the parcel sold in 1911 by Shanklin to McCauley:

“Beginning at the rock and pointers on McGowan's Creek, Sallie McCracken's corner, thence with her line S 85¼° W 13 chs 62 lks to a rock, corner of said McCracken's and John Miller; thence with Miller's and Tate's line S 85¼° W 31 chs 14 lks to rocks, the NE corner of Lot No. 2 of the Paul lands; thence with line of said Lot S 12 chs to a rock; thence with lines of said Lot S 87° E 44 chs 31 lks to rocks and pointers, corner of Lot No. 2; thence S 20 chs 66 lks to a rock formerly Joe P. Kenion's tract; thence East 16 chs 70 lks to a rock; thence N 8 chs to an Ash tree on McGowan's Creek; thence up said creek as it meanders to the first station, containing 111 ½ acres, more or less. ... This is the identical tract of land conveyed to the Commercial & Farmers Bank by the Central Loan & Trust Co, and by said bank to H.C. Cook....” Among the owners of adjoining lands are Will Richmond & John Miller.

Today the beautiful Ennis land parcel sits in a mixed-race, mixed housing, low population-density area northwest of Efland in Cheeks Township. While details await further investigation of old census records we do know that past owners of this parcel include at least one African American family (the Suitts). Surely, further investigation of the area will bring to light additional details and stories.

ACKNOWLEDGMENTS:

I am indebted to Phil Mace of the Upper Eno Heritage Group for corrections to some of my early mistaken interpretations of deeds involving the land that today belongs to Alana Ennis. His knowledge of land parcels and history in our neighborhood is remarkably deep and detailed. I also appreciate my conversations with Mark Chilton, Orange County Register of Deeds. Alana Ennis approved an earlier draft of this document. Of course, I take full responsibility for any errors in this brief document

Images were created by me or found at various places on the Internet.