

Mss. Clark-Hite Papers. MICROFILMED

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.C593 Legal papers
176

Valentine Windle
v.
Rep. of Jost Hite et al.

52x41 1787

N. Mountain - 1600 Acres

Valentine Windle - agt Hite and others

607

Bill State - that he is proprietor of a tract of Land in this survey, that his father contracted with Jost Hite for 200 Acres. for the Comp^t. that a survey was made but not for the whole quantity contracted for, that he paid a set of Waggon wheels at the price of £10. and was to pay the balance when he got a title

The Answer - they are ignorant of the pretended claim - as well as of the other facts in the bill, except as to the allegations of the Waggon wheels, in manner as it is stated in their answer to Augustine Windles bill, that Comp^t and two others of the Windles under one title set up claims to parcels of Land without disclosing the quantity - that this concealment in case either of the three should turn out to be intitled to any Land, may be very injurious to the Deft. as they will not be able to discover, except by additional trouble, whether such person may not have artfully procured himself, of more Land than he pretends to claim

Christopher Windle 1726 - that Jost Hite received four pairs of Waggon wheels at the intended price of £10.0.0 - one half of which was to go to the price of Augustine Windles Land - and the other half to Valentine Windles Land

Christopher Windle 1737. That in the year 1737 - he with his father and two brothers; coming from the Northward called at the house of Jost Hite who was sitting at his door - that on his fathers asking saying he was looking for Land - the said Hite said he had Land for sale near Jacob Tunks, and that they might stay at Tunks and get some one to show the Land. that the witness his two brothers Valentine & Augustine with Tunks went to the N. Mountain Tract which they liked very well, that Tunk told them no body had any claim to it. that they returned to Tunks - and next day the witness and his father went to Hite. Philip Windle and his two brothers Augustine & Valentine - Windle went to Hite with their baggage to the said Tract of Land - that the said Philip Windle went to said Hite. that Hite asked how much Land he wanted - was willing to take. that P. Philip told him 200 for his son Augustine Windle - the same quantity for his son Valentine and 400 for his son Christopher Windle (the witness) - and that Hite said his price was £3. a hundred, that he would get the Land surveyed, and make them deeds as soon as he could, and then they should pay for it. that 4 Waggon wheels was sent Hite by Valentine Windle towards pay for his Land at £10. - and Augustine Windle also paid 4 Waggon wheels towards his Land - that in the year 1737 - Jost Hite came up with Col. Wood the surveyor and laid off the N. Mountain Tract into Lots. one of them was laid off for the witness. one for Ulrich Stoner. one for Thomas Little. one for George Sellers - one for Valentine Windle and one for John Beckman - and two more Lots which were not settled

Augustine Windle - That he heard his father Philip Windle apply to Hite for land
for the Wichem and his two brothers - and that Hite said they might have it at
£3.0.0 a hundred - and that the money was to be paid when the Deeds were
made - that 4 Wagon wheels at 10/- were paid by Valentine Windle that
frequent applications were made to Hite for a title, who promised to make
one, but he was prevented by Lord Fairfax - he is in possession of a tract
of Land claimed by Grants

Valentine Windle is a Wichem for Augustine Windle and Christopher
Windle

Valentine Windle has pro Deed

Probably that the wheels were paid by the old
man towards the whole purchase.

It appears that the purchase was in 1737 -
not in 1743.

No 20 N. Mountain

Valentine Windle

Virginia to wit

At a High Court of Chancery held at the Capitol
in the City of Richmond August the 5th 1790
In the case of Valentine Wendal in Possession of part of
the four thousand ~~and~~ six hundred Acres of Land, called the north
mountain tract, Which part is stated to have been sold by
Joist Hite to the father of Valentine Wendal and laid off for
him, and is included in a grant made by the Lord Proprietor to
Valentine Wendal as appeareth by the Report of ^{the} Commissioners
in the year one thousand seven hundred and seventy for the reasons
explained as grounds of decision in the case of Augustine Wendal
and from the testimony of witnesses, namely of George Sellar
examined before the Commissioners in the year, ~~in the year~~ one
thousand seven hundred and seventy and of Christopher Wendal
Mary Little, Lewis Stephens, and Jacob Pinker examined since in
the cases of Christian, ^{Cop} and others, and of John Feller & others, the
contract between Joist Hite and Philip Wendal father of
Valentine Wendal for the sale of part of the north mountain
tract by Joist Hite to Philip Wendal and that the part
thereof, which is in possession of Valentine Wendal was
intended by his father, and laid out by Joist Hite for him
appear to the Court to be proven and the value of forty
Shillings in four Waggon Wheels, part of the purchase money
appears to the Court by testimony of some of the same witnesses
to have been paid by Valentine Wendal to Joist Hite the
Court therefore is of opinion, that the said Valentine Wendal shall
within the first of the reservations contained in the Decree of the eighth day
of May in the year one thousand seven hundred and eighty six in the premises
case and doth adjudge Order & Decree, that the said Decree be not carried
into execution as to the land in possession of Valentine Wendal
and within the survey or so much of it as shall not exceed two
hundred Acres but that he be quieted in his possession
provid

provided within twenty one days after he shall have been served with a copy of this Decision he do pay or tender to the Plaintiffs in the principal case or unto him whom they shall authorize to demand and receive four pounds with Interest from the first day of January, in the year one thousand seven hundred and forty and the Costs expended by the said Plaintiffs on this occasion.

Costs 110 Rs 69 & 55.

A Copy

Teste Peter Tinsley 16th 6, 6

Blindace

or

Atter Lab

By Decree

Principal — £40.0

51 years Int 11m — 10.4.6

110 Rs Tobacco — 13.9

kin — 5.0.0

paid 9. cents £59.10.3

11/16 1795

11/16 1795 (Then assigned

the above £10.10.3 to the

Lord's Court

— — — — —

2-8-1787

Valentine Wendal deposes that in the Year of Our Lord 1737 coming from the Northward had call'd at the House of Jacob Hite and staying for about 2 hours the said Jacob Hite then setting at his door, this deponant's father Philip Wendal asked the said Jacob Hite if his name is Jacob Hite and the said Hite say'd it was his name. then the said Hite asked this deponant's father in his Presents when he was a going and from whence he came, and the said Philip Wendal saith from Pennsylvania and up as far as Old Jacob Funks hunting land, the said Hite then saith that he had land to sell and if they would stay a few days at the said Jacob Funks to test their Horses and that they the said Wendals should get some body to go and look out some land where they did live and accordingly they the said Christopher Wendal and Augustus Wendal and this deponant together with the said Jacob Funk did go and when they came to the land call'd North Mountain tract the said Jacob Funk asked this deponant whether he liked the land and this deponant say'd he did if he could give the said Funk told this deponant he might get it, and that no body had any claim to it, and the said Funk if you like it let us go it is late & with he might before we get to my house, and the next day they the said Philip Wendal Christopher Wendal Augustus Wendal and this deponant moved with their Wagon and Baggage to the above said tract and erected a Cabin, and after they had erected the said Cabin, the said Philip Wendal and this deponant went to the said Jacob Hite, and the said Hite asked the said Philip how much land he was willing to take the said Philip told the said Hite that 200 acres for Augustus Wendal and the Quantity for Valentine Wendal and four hundred acres for Christopher Wendal, and this deponant's father Philip Wendal asked the said Jacob Hite what he would take for a 100 acres, and he saith 30 was his Price ^{fourth} thereof. And the said Philip ^{fourth} asked how soon it was to be paid and the said Hite answered and saith that he would get the lands surveyed and make deeds for the same as soon as he could, and then to pay for the same the said Hite was about building his Mill, and broke down his Wagon wheels by meeting your deponant's father at the Chapel near Stagers Town the said Hite and asked him for four of his Wagon wheels which your deponant's father did grant and sent them down and this deponant did deliver the same to said Hite in part of the pay towards the said land at 10^s each and the same being entered on the said Hites Book, at the same time asked for four more. and the same being delivered to the said Hite by Augustus Wendal as part of pay towards the said land, and in the Fall of Year 1737 came the

said said title with the surveyor Colo. Wood and Jacob Mierwanger and did proceed
 to lay off the said North Main town tract into lots in this deponent helped to carry
 the Chain with George Sellers and Thomas Little which took turn about, that
 the same time said off following lots One for Christopher Wendal and
 One for Edwin Stoner and One for Thomas Little and One for George Sellers
 also One for this deponent and John Backmann, And this deponent further
 sayeth that Christopher Wendal had improved his said lots at the same
 time, And Edwin Stoner and Thomas Little George Sellers and this deponent
 and they did live on their respective lots within Families
 8th July 1787

Valentine Wendal
 In the said of
 Wendal &c
 No Moentown

8th

Days - 200 - for himself
 - 200 for Augustines
 - 400 - for Christopher
 - 1st day 48 Acres
 - Aug. says 250 for himself
 - 1st day 135
 - 1st day 200

Wood, Laid off lots in 1787.

Augustines