

31 May 1791 - Indenture of Mortgage - Thomas McCALL took out a Mortgage on his land in Tyrone Township.

This Indenture made between Thomas McCALL of Tyrone Twp., York (now Adams) Co., PA, yeoman, of the one part, and Michael HAHN of the Borough of York, York Co., PA, Esquire of the other part. "Whereas the said Thomas McCALL in and by a certain obligation or writing obligatory under his hand and seal, bearing even date with these presents, standeth bound unto the said Michael HAHN in the sum of one hundred pounds real specie of gold or silver lawful money of Pennsylvania conditioned for the payment of seventy pounds of like money aforesaid, on the thirty first day of May next ensuing the date hereof with lawful interest for the same from the date hereof, as in and by the said obligation and condition thereof, relation being thereunto had, more fully and at large appears. Now this Indenture witnesseth that the said Thomas McCALL for & in consideration of the aforesaid debt or sum of seventy pounds and for the better securing the payment thereof unto the said Michael HAHN, his Heirs, Executors, Administrators and Assigns in discharge of the said recited obligation and in consideration of the further sum of five shillings by the said Michael HAHN to the said Thomas McCALL in hand paid at the insealing and delivery of these presents the receipt whereof is hereby acknowledged Hath granted, bargained, sold, released and confirmed and by these presents Doth grant, bargain, sell, lease and confirm unto the said Michael HAHN and to his Heirs and Assigns the following Improvement and Tract of Land, Situate in Tyrone Township in the County of York aforesaid, Adjoining the Lands of Jacob FIDLER, William NEELY, Margaret ELLIOT [ELLIOT], Jackson NEELY & John McCALL, containing one hundred and eighty acres being part of a larger Tract of two hundred and twenty one acres and twenty perches of Land which in pursuance of two Warrants, the one bearing date [26 Apr 1743] was granted to a certain Ninnyan STEEL, and the other bearing date [12 Apr 1745] was granted unto a certain John MGAHY [McGAUGHY] and since by sundry endorsements and mesne conveyances became Vested in the said Thomas McCALL party hereto, whereon he the said Thomas McCALL now dwells. Together with all and singular the houses, out houses, building, barns, stables, gardens, orchards, improvements, ways, woods, waters, watercourses, rights, liberties, privileges, hereditaments and appurtenances whatsoever thereon to belonging or in aenaeus appertaining, and the reversions and remainders, rents, issues and profits thereof, To have and to hold the said Improvement, and Tract of Land, Hereditaments and premises hereby granted, or mentioned or intended so to be with the appurtenances unto the said Michael HAHN, his Heirs and Assigns forever, Provided always nevertheless, that if the said Thomas McCALL, his heirs, Executors, Administrators or Assigns shall and do well and truly pay, or cause to be paid unto the said Michael HAHN, his Heirs, Executors, Administrators or Assigns, the aforesaid Debt or Sum of seventy pounds lawful money as aforesaid on the day and time herein beforementioned and appointed for the payment thereof, with lawfull Interest for the same, according to the condition of the last recited obligation without Fraud or further delay, and without any deduction, defalcation [embezzlement] or abatement to be made of any thing for or in respect of any Taxes, Charges or Assessments whatsoever, that then and from thenceforth, as well this present Indenture as the Estate hereby granted & the said recited obligations shall cease, determine & become absolutely Void to all intents & purposes whatsoever any thing herein contained to the contrary in aenaeus notwithstanding, In Witness whereof the said parties to these presents, have hereunto interchangeably set their Hands and Seals, Dated the day and year above written. [Signed]: Thomas McCALL.
Sealed & Delivered in the presence of

[The following line was inserted at this point before the two witnesses actually signed the mortgage].

Note the words "one hundred & forty pounds" being wrote on a Rasure

[erasure?] before signing

Jno. MORRIS, _____? _____?

Be it remembered, that on [31 May 1791] before me the Subscriber, one of the Justices of the Court of Common Pleas for said County, personally came the above named Thomas McCALL the Mortgager above named and acknowledged the above Indenture of Mortgage to be his Act & Deed, and desire the same might be recorded according to Law, Witness my Hand and Seal the day and year aforesaid, Thos., FISHER? a true copy, compared with the original at York, [31 May 1791].
_? BARNITZ, Recorder.”

[Recorded in the left margin of the Deed Book]:

“We John & Jacob HAHN two of the Administrators of the Estate of Michael HAHN, Esq., deceased, the Mortgager in this mortgage do hereby Acknowledge that we have received the full Debt & Interest due on this Mortgage, and therefore discharge the same. Witness our hands this [10 Apr 1792]. Acknowledged before me _? BARNITZ & Recorded.”

[Source: York Co., PA Deed Book H:430-431].

Thomas McCALL sold his Tyrone Township tract on 06 Apr 1792. Four days later on 10 Apr 1792 Thomas paid off the above mortgage on the same tract.

06 Apr 1792 - Unrecorded deed located in the ‘Unrecorded Deeds Box.’
[Source: REED File (#3051), at the York County (PA) Historical Society (which has since changed their name to ‘York County Heritage Trust’)]:

Thomas McCALL of Tyrone Township, York Co., PA, yeoman & Agnes his wife to Joseph MARSHALL, yeoman of the same for 551 lbs, 8s, 7p.

Ninian STEEL had obtained a Warrant (# S-357) from the PA Land Office at Philadelphia, 26 Apr 1743 for 100 acres near Conewago Creek and near Plum Run.

Ninial STEEL sold the now 159 acres 07 Jul 1745 to Wm. CARSON.
Bounds: Samuel CARSON on one side and John ALLISON on the other.

Wm. CARSON sold the 159 acres 29 May 1746 to John READ (also REID/REED).

John READ sold the 159 acres 16 Feb 1764 to Samuel McCALL and Thomas McCALL.

Samuel McCALL sold his equal share of the 159 acres 22 Sep 1769 to the said Thomas McCALL.

John McGAUGHY also obtained a Warrant (# M-431) for 50 acres from the Land Office dated at Philadelphia, 11 Apr 1745 for 50 acres adjoining Ninian STEEL and Frances ALLISON near Great Conewago Creek.

John McGAUGHY then assigned the above Warrant to Thomas McCALL.

1792 bounds: George FOX, Wm. & Jackson NEELEY [also NEELY], John ELLIOT, by John McCALL being the other part of said warranted land, Jacob FITTLER [also FITLER/FIDLER].

Metes & Bounds (note - a perch, pole, or rod is 16.5 feet long):
Beginning at a swamp oak tree, thence by land of George FOX, North fifty nine degrees East one hundred and twenty four perches and

five tenths of a perch to a white oak, thence by land of William and Jackson NEELEY,
S31E 111 perches to a post,
N59E 111.5 perches to a post, thence by John ELLIOT,
S28.45E 97.2 perches,
S59W 40 perches to a post, thence by land of John McCALL being the other part of said Warranted land the six following courses viz
N37.30W 32 perches to a post, thence
S81.30W 44.7 perches to a post, thence
S61.45W 56.4 perches to a white oak, thence
N60.15W 47 perches to a post, thence
S30.45W, 29.1 perches to a post, thence
S39W 41.7 perches to a post, thence by land of Jacob FITTLER,
N31W 154.4 perches to the place of Beginning, containing 165.75 acres.
[Note - the distance & direction (S28.45E 97.2 perches) was missing from the typed transcription of the unrecorded deed and the tract could not be plotted correctly, therefore the above distance & direction was taken from a Patent for the same tract by Peter FITLER dated 13 May 1818].

Both the 100 acre Warrant for Ninnyan STEEL and the 50 acre Warrant for John McGAUGHY actually contained larger amounts of land when the tracts were surveyed -- which was quite common in those days.

Ninnyan STEEL's Warrant was eventually split into 3 parts:

1. Thomas McCALL's part was later Patented by Peter FITLER. The Survey returned for that Patent contained 71 acres & 145 perches.
2. John McCALL's part was later Patented by Henry Myers. The Survey returned for that Patent contained 32 acres & 65 perches.
3. What was not owned by Thomas or John McCALL was later Patented by John BRAUGH. The Survey returned for that Patent contained 83 acres & 110 perches.

John McGAUGHY's Warrant was eventually split into 2 parts:

1. Thomas McCALL's part was later Patented by Peter FITLER. The Survey returned for that Patent contained 84 acres & 113 perches.
2. John McCALL's part was later Patented by Henry Myers. The Survey returned for that Patent contained 44 acres & 127 perches.

Thomas & John McCALL's adjacent tracts were located in the far lower part of Tyrone Township west of Plum Run and north of Conewago Creek. Oxford Road crosses both tracts. Drive southeast on Oxford Road to Diller Road which is on the right. Thomas McCALL's tract was about 400 feet south of Diller Road. Its possible to drive through both Thomas & John McCALL's old tracts by continuing southeast on Oxford Road to the intersection of Oak Grove Road near Oak Grove School.

Turn left (east) from Oxford Road onto Oak Grove Road and continue to Tape Worm Road (no kidding), to (possibly) drive along John McCALL's old property line, then Thomas McCALL's old line. Turn left (north) on Tape Worm Road and drive for about 1,500 feet until the road makes a sharp angle to the right -- to (possibly) drive on or near Thomas' old property line. Thomas' tract would have been to the west of Tape Worm Road.

The above directions are approximations derived from to scale plots or drafts of Thomas & John McCALL's tracts using Deed Plotter+ 4.0 and then overlaying the plots onto the USGS Hampton, PA 2,000 feet per inch Quadrangle map. Road names are from an Adams County, PA transportation map.

Two former residents of Tyrone Township in PA, John HUTTON and Jonathan LEECH, were neighbors of John McCALL in Washington Co., VA. Back in 1745, according to the above deed, John and Frances

ALLISON were adjoining neighbors of this tract. The above John McCALL, who was the son of Thomas McCALL, migrated to Washington Co., VA in the 1780s and acquired property in the Bakers Creek (now Hutton Creek) and McCall Gap area north of what is now Glade Spring. There were ALLISONs that were also adjoining neighbors of John McCALL in Washington Co., VA.

Peter FITLER [also FIDLER] acquired a Patent dated 13 May 1818 on Thomas' old tract above. A Survey dated 23 & 24 Oct 1819 was done prior to obtaining the Patent. The Survey included parts of Ninnyan STEEL's 26 Apr 1743 Warrant and John McGAUGHY's 11 Apr 1754 Warrant. Peter FITLER's Survey was for 156 acres, 98 perches and covered approximately the same land as Thomas McCALL's 165.75 acre tract above. The metes & bounds for Peter FITLER's Survey varied somewhat from Thomas McCALL's unrecorded deed metes & bounds, which is common in re-surveys, but the overall shape of the two Surveys are similar. The adjacent land owners of Peter FITLER in 1818 were his own adjacent tract on the south (which was the old tract that belonged to John McCALL), Daniel DEARDORF on the southeast, James ELLIOT on the east, John STEWART on the north, Jacob MYERS on a small section of the north boundary, Daniel SMITH on the northwest, and Jacob FITLER on the southwest.

The following were the Patent & Surveys for part of Ninnyan STEEL's 26 Apr 1743 Warrant # S-357 -- Peter FITLER, Patentee, survey return date was 30 May 1818 for 71 acres, 145 perches, (+6% allowance for roads & highways). Land Patent Book H15:472 (LDS microfilm # 1028871); Survey Books D12:158 (LDS microfilm # 1006325) and B3:81(LDS m/f # 1004596).

The following were the Patent & Surveys for part of John McGAUGHY's 11 Apr 1745 Warrant # M-431 -- Peter FITLER, Patentee, survey return date was 30 May 1818 for 84 acres, 113 perches, (+6% allowance for roads & highways). Land Patent Book H15:472; Survey Books D12:157 (LDS microfilm # 1006325) and A17:105 (LDS m/f # 1003557).

Land for both the above Patents added up to 156 acres, 98 perches which equals what Peter FITLER's Survey contained. (One acre = 160 (square) perches, poles, or rods).

John McCALL's Tyrone Township tract:

Henry MYERS obtained a Patent dated 29 Oct 1835 for 76 acres, 92 perches, (+6% allowance for roads & highways), on John McCALL's old tract. The tract was surveyed in pursuance of the same two Lancaster Co., PA Warrants as above for Ninnyan STEEL and John McGAUGHY. (York County was formed from Lancaster County in 1749 and Adams Co., was then formed from York County in 1800).

Metes & Bounds: Beginning at a stone thence South fifty six degrees West two hundred fifteen and six tenths to a stone,
N32.30W 66 perches to a black oak,
N57.15E 25.5 perches to a stone,
N36.45E 45.2 perches to a stone,
N28.15E 28.5 perches to a stone,
S63.30E 46.9 perches to a forked white oak,
N58.15E 56 perches to a stone,
N79.30E 44.9 perches to a stone,
S40.15E 31.9 perches to the Beginning. containing 76 acre, 92 perches.

Adjacent landowners in the Survey were: Jacob MYERS on the southeast, Daniel DEARDORF on the southeast and east of MYERS, Peter FIDLER on the north (Thomas McCALL's old tract), Jacob FIDLER on the west.

[Source: PA Land Patent Book H35:209 (LDS microfilm # 1028879).

Also see: PA Original Survey Book A17:103-104 (LDS m/f # 1003557)
for the Survey for the tract. (In PA, A Survey was usually required
(returned) in order to be issued a Patent and therefore one or more
Surveys are drawn into the Survey Books. The Patent usually includes
the metes and bounds written out in long hand)].

There was an additional Patent on Ninny an STEEL's Warrant that was
issued to John BAUGH/BROUGHT. BAUGH's Patent for 83 acres &
110 perches was for land that was never a part of the two McCALL tracts.
[Source: PA Land Patent Book H33:405 (LDS m/f # 1028879)].

25 Jun 1793 - York Co., PA Deed Book I:79-80:

Frederick SHALL to Peter SHALL, a tract of land in Tyrone Township.

Adjacent: Richard BROWN, Philip FIDDLER, Thomas McCALL, John
McNAUGHTON [also McNAUGHTEN], bank of Great Conewago Creek.

12 Apr 1794 - York Co., PA Deed Book I:177-179:

George MYER to John DITTO, a tract of land in Tyrone Township.

adjacent: Ludwich HARTMAN, Wm. DOUGLAS, Wm. COOPER,
Thomas McCALL, James ELLIOT.

*** E N D of McCALLs in Tyrone Township ***