

LITIGATION IN THE 1790S:
THE JOHN FRICK INHERITANCE

Controversy in Upper Bucks County, Pennsylvania

By

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John Frick of Milford Township, Bucks County, Pennsylvania wrote three wills: in 1785, 1788 and 1791. In the 1785 will his beneficiary was his wife, Salome. After her death, their estate was to go to the children of John's brother, Jacob Frick, a resident of Tredyffrin Township, Chester County, Pennsylvania. (John and Salome were childless.) The 1788 will also devised his estate to Salome. This document contained detailed instructions for the Frick's tenant farmer, David Shelly, to provide for Salome's material needs for the rest of her life. Following her death, David Shelly was to inherit the Fricks' estate. The 1791 will, which was written after Salome's death, also bequeathed John Frick's estate to David Shelly. On the same day that he signed his third will, John Frick sold his land, 149 acres and 50 perches, to David Shelly for 25 pounds and Shelly's promise to care for Frick in his old age.

After learning about the latter occurrences, John Frick's nieces and nephews removed John from his Milford Township farm to the Coventry Township, Chester County home of either his nephew, John Frick, or his niece, John and Hannah Frick Rinehart. The nieces and nephews, with John Rinehart as their spokesman, decided on two courses of action: first, they filed an Action of Ejectment to nullify the sale of the land to David Shelly and, second, after John Frick's death, they probated his first will forcing David Shelly to contest the first will by bringing in the third will. The nieces and nephews, it is believed, thought that John Frick was senile when he wrote his second and third wills and sold his land to Shelly. David Shelly apparently felt that the receipt of John Frick's inheritance was just compensation for taking care of the Fricks during their last years and that John Frick was of sound mind when he took those actions.

The remainder of this article, after a brief biographical sketch of John Frick, describes his three wills in detail, recounts the events that took place in the Bucks County Court of Common Pleas and the Office of the Register of Wills and relates the results of these proceedings. The events of both actions are presented in the order of their occurrence.

A German-Swiss, John Frick arrived at Philadelphia with his younger brother, Jacob, on September 18, 1733. John was 20 years of age and Jacob was 16. Probably indentured to pay for their journey across the Atlantic Ocean, John settled in Milford Township in northwestern Bucks County and Jacob in New Hanover Township, Philadelphia (today Montgomery) County near present-day Pottstown. John married Salome, and had no children. Jacob had two wives and 10 children. John was a turner by trade while Jacob became a wheelwright. The brothers eventually owned farms and both became German Baptists.(1)

In 1735 John and Salome were baptized into membership in the Great Swamp German Baptist Brethren Church located in upper Bucks

County. The minister, Abraham Duboy, died in 1748 and John Frick was called to be the church's unordained minister, a position he held for many years. Since the small congregation had no meeting house, services were usually held in the Fricks' home.(2)

John and Salome in 1750 purchased a 100 acre and 50 perch tract located along the west side of Old Bethlehem Pike at the southwestern edge of today's Zion Hill. The rectangular-shaped property was situated at the northwest corner of today's intersection of Grant Road and Old Bethlehem Pike.(3) In 1760 they bought 49 acres about 1.5 miles to the east in adjacent Richland Township.(4) The exact location of this property, by today's landmarks, has not been determined.

It is likely that John Frick took a young man named David Shelly as a turner apprentice. About 1788 Shelly married Asenath Rothrock, daughter of German Baptists John and Mary Kreiling Rothrock, and lived as tenant farmers on the 100 acre 50 perch Frick farm. The U.S. Census of 1790 showed that the Shellys were the parents of a daughter.(5)

John Frick wrote his Last Will and Testament on October 15, 1785. He bequeathed his estate to his wife, Salome. After Salome's death, her Executors were to sell the land, buildings and personal property and dispose of the proceeds as follows: gifts of 50 pounds each to the German Baptist congregations at Germantown (ten miles northwest of Philadelphia), near the Schuylkill River (Coventry) and at Conestoga (Lancaster County) for the use of the poor and needy; 25 pounds to widow Eva Demuth; 15 pounds to widow Elizabeth Greiling; and, 25 pounds to Henry Kuhn of Springfield Township. The remainder of his estate was to be equally divided by the children of his brother, Jacob. His Executors were Abraham Stout of Rockhill Township and Jacob Rothrock of Springfield Township. David Shelly and Daniel Harwick witnessed the signing of the will. John signed his name "Johannes Frick".(6)

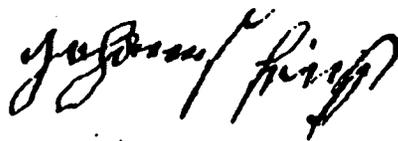
John wrote a second will on December 15, 1788. In it he described Salome's legacy in detail. She was to have 2 cows, the bed and bedstead, as much of the household furniture as she needed and the choice of living either in their house or in the upper back room of David Shelly's house (located on the Frick farm). Shelly was to deliver to Salome annually 10 bushels of wheat, 5 bushels of rye, 3 bushels of corn, 10 pounds of Hetshelt flax, 5 pounds of wool, 1 barrel of good cider, 4 bushels of potatoes, 2 bushels of turnips, hay sufficient for 2 cows, enough firewood, as many apples and pears as she needed and 6 pounds 10 shillings gold and silver coin. Shelly was also to provide room in the kitchen garden for Salome's use, feed her cows and do her sowing if she was unable and to pay the physician when she became sick.(7)

He bequeathed 5 shillings each to his siblings, Jacob, Henry, Hyry and Elizabeth, if they call for it (Jacob at that time resided in Tredyffrin Township, Chester County[8] and Henry, Hyry and Elizabeth probably lived in Switzerland)(9); 10 pounds each to widow Eva Demuth and her son, Samuel Demuth, two years after his decease; and, 10 pounds to widow Elizabeth Greiling three years after his death. If

Elizabeth is dead, her lame daughter is to receive the legacy.(10) John devised to David Shelly his two properties, the buildings on them and the personal property not bequeathed to Salome, provided that Shelly faithfully discharged the terms of the will. After Salome's death, David Shelly was to inherit Salome's estate. As Executors John appointed Jacob and David Rothrock. John also revoked his previous will. The signing was witnessed by John Beyl, Daniel Preis and John Rothrock.(11)

Salome Frick died between December 15, 1788, the date of John's second will, and May 16, 1791, the date of John's third will, in which Salome was not mentioned. Salome was probably buried in nearby Brecht Cemetery, which is no longer in existence.(12)

In his third and final will, dated May 16, 1791, John Frick gave cash gifts of 5 shillings each to his brothers, Jacob, Henry and Herry and his sister, Elizabeth, if they call for it; 10 pounds each to widow Eva Demuth and her son, Samuel Demuth, two years after his death; and, 10 pounds to widow Elizabeth Greiling three years after his de- cease. If Elizabeth Greiling is dead, the money was to go to her lame daughter. The remainder of his estate he gave to "my beloved friend, David Shelly, the son of Joseph Shelly". John named David and Isaac Rothrock as his Executors and revoked all previous wills. The signing was witnessed by John Beyl and George Rothrock. John signed his name "Johannes Frick".(13) (See below.)



On the same day, May 16, 1791, "John Frick, turner" sold to "David Shelly, turner" his two tracts of land totaling 149 acres and 50 perches for "the sum of 25 pounds in hard money and also the insur- ance for my supportance during my natural life, it being in full for the consideration in the above contract, I say received by me, Johannes Frick". The deed was witnessed by John Beyl and Johannes Rothrock be- fore Judge George Weicker of the Court of Common Pleas. The deed was recorded on May 21, 1791.(14)

It is not known when knowledge about John Frick's second and third wills and the sale of his land to David Shelly for 25 pounds (and the promise to care for John until he died) reached John's nieces and nephews. After they did, they decided to go to court to nullify the sale of their Uncle John's land to Shelly. They also transported John from Milford Township to Coventry where either his nephew, John Frick, or his niece, Hannah Frick Rinehart (Mrs. John), took care of him until his death in 1794. John Rinehart, a prominent German Bap- tist, became the advocate of John Frick's nieces and nephews, who had been eliminated as heirs by John's second and third wills.

John Rinehart's first action, it is believed, was to obtain the services of Attorney Thomas Ross of the law firm of Sargeant and Ross.

The location of Sargeant and Ross' offices was probably in Bucks County. Ross' initial move was to challenge the sale of John Frick's land to David Shelly by having Frick on May 1, 1792 lease the two properties to Richard Fenn for ten years. The next day, May 2, 1792, David Shelly countered this action by having his lessee, John Denn, "remove" Fenn from the two parcels.(15) (Richard Fenn and John Denn were fictitious names used in legal actions of this type.) The stage was now set for the Court to determine the rightful owner.

It took awhile, but on March 1, 1793 Attorney Thomas Ross filed an Action of Ejectment: Richard Fenn, Lessee of John Frick, Plaintiff v. John Denn, Lessee of David Shelly, Defendant in the Bucks County Court of Common Pleas in Newtown. The suit called for the ejectment of Denn and the payment of 100 pounds in damages.(16)

Eleven months passed before the first hearing took place. On February 6, 1794 Samuel Benezet(17), Prothonotary of the Bucks County Court of Common Pleas, issued subpoenas to Richard Jackson, Martin Urner, Jacob Landes and Elizabeth Greiling to appear in Court on May 5, 1794 to testify for the Plaintiff. The witnesses were to be fined 100 pounds for failing to appear. At the May 5th hearing, Benezet appointed five Referees, or any three of them, to recommend a settlement to the Court in this Matter of Variance. The Referees were Thomas Long, William Erwin, Gilbert Rodman, Col. Joseph Hart of Warwick and John Carr. They were to decide which party should be awarded the lands, set the price the party not awarded the lands should receive and award the Execution of Assurances and Releases by one party to the other.(18)

On May 8, 1794 subpoenas were issued by Benezet on behalf of the Referees to the following persons. They were to appear for the Plaintiff on July 28, 1794 at the Inn of John Rothrock.

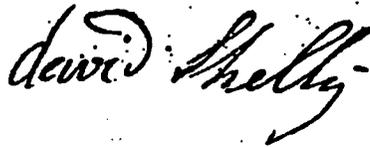
Michael Musselman	Martin Urner	Jacob Landes
Henry Wenich	William Hicks	Jacob Slypher
David Spinner	Jacob Rothrock	Daniel Cooper
John Stricker	Richard Jackson	David Rothrock
Abraham Stout	Elizabeth Greiling	Peter Zook
John Demuth	Jacob Harwick	

There is no record of what took place at the July 28th hearing.(19)

John Frick died on May 23, 1794 in Coventry Township, Chester County. He was 81 years old. At the time of his death he was living with either the family of his nephew, John and Catherine Grumbacher Frick, or the family of his niece, John and Hannah Frick Rinehart. John was buried in Brower (today Oak Grove) Cemetery located near the western edge of today's Parkerford, East Coventry Township. His brother, Jacob, was buried next to him in 1799.(20)

The month of July 1794 was a busy one for the Bucks County Register of Wills, as his office tried to obtain copies of John Frick's wills. On July 5th Deputy Register of Wills William Linton obtained a Court Order requiring George Greble and Jacob Ott to report to his office in Newtown on August 5th to testify as to what they knew about

John Frick's will. On July 28th the will dated October 15, 1785 (the first will) was received in the Register of Wills Office. On the same day Abraham Stout and Jacob Rothrock, Executors of this will, resigned from this responsibility. The next day, July 29th, David Shelly filed two letters with Register of Wills James Hanna asking him not to prove John Frick's will until he or his counsel was heard from and to require Jacob Rothrock to produce what Shelly said was the genuine Last Will and Testament of John Frick (the third will). He also asked Hanna to subpoena George Greble, who he said wrote it, and Jacob Ott, who he said witnessed it, to appear at Newtown on August 5th. Also on July 29, 1794 a civil action entitled Commonwealth v. Jacob Rothrock was filed by David Shelly ordering Jacob Rothrock to bring forward John Frick's third will. Subpoenas were issued to George Greble and Jacob Ott to affirm the will. This action was called a Same Day Caveat and was filed by David Shelly against John Frick's first will.(21) (An example of David Shelly's signature appears below.)



There is no record of what happened on August 5, 1794 in the Register of Wills Office. It is likely that John Frick's second and third wills were produced that day and that statements were taken from George Greble, Jacob Ott and Jacob Rothrock.

On August 6, 1794 John Rinehart, William Chapman and Josias Ferguson were appointed by James Hanna to be the Administrators of John Frick's estate. They were given until November 6, 1794 to complete the Inventory and Appraisal and until August 6, 1795 to complete the settling of the estate. Bond was set at 5,000 pounds.(22)

Prothonotary Benezet on August 7, 1794 issued subpoenas on behalf of the Referees to the following witnesses to appear for the Plaintiff at the Inn of John Rothrock on October 27th: Michael Musselman, Henry Wenich, David Spinner, John Stricker and Richard Jackson.(23)

The Inventory and Appraisal of the small amount of personal property John Frick had with him in Coventry Township at the time of his death was completed on October 11, 1794 by Simon Meredith and Jacob Langenecker. It was received and affirmed on October 19, 1794 by Chester County Justice of the Peace Jonathan Pugh. The Inventory and Appraisal consisted of personal items totaling 69 pounds, 7 shillings and 6 pence.(24)

On October 16, 1794 David Spinner and William Roberts submitted to the Register of Wills Office the Inventory and Appraisal of John Frick's Lower Milford (originally Milford and today Milford) Township possessions. It contained numerous items totaling 1,052 pounds, 12 shillings and 7 pence. The 149 acres and 50 perches were appraised at 800 pounds. David Shelly owed the estate 161 pounds for seven years back rent. At the time of his death, John held notes due him from

these persons: Stofel Ott £ 8.0.0; John Stoufer £ 7.7.0; Jacob Rothrock £ 20.0.0; Elias Bright £ 16.3.1; John Landis £ 4.0.0; and, Elizabeth Greiling £ 11.15.0. The Inventory and Appraisal was affirmed by Judge George Weicker.(25)

There is no record of what transpired at the Referees' meeting held on October 27, 1794. However, on October 29th the Referees rendered a unanimous Judgment for the Plaintiff as to the land and premises. Six pence in costs and 6 pence in damages were awarded to the Plaintiff. David Shelly was to convey to the heirs of John Frick in fee simple the lands John Frick sold to David Shelly on May 16, 1791. The Referees' Judgment was submitted to the Judges of the Court of Common Pleas for affirmation or rejection. John Rinehart agreed to pay the Court costs and the costs of the hearings held at John Rothrock's Inn (which came to £ 52.1.10).(26)

On November 4, 1794 David Shelly's Attorney, J. Sitgreaves, indicated that he would file objections to the Referees' Judgment and on November 25th the following Exceptions were submitted:

1. He said that the Referees should not have awarded the land to the Plaintiff without having discussed compensation to the Defendant.
2. He argued that the award was made on the principle of the insanity of John Frick at the time he sold the land to David Shelly even though an inquisition under a commission under the nature of "Aloril de Idio a Inquirendo" found John Frick to be of sound mind and understanding at the time.
3. He said that the Judgment was against law as the land was awarded to the Plaintiff from the Defendant and was contrary to John Frick's deed to David Shelly.
4. He said that the report was partial, unequal and not mutual since it ordered the Defendant to execute a deed to the land to representatives of John Frick without cancelling the bond given by Shelly to Frick for the same land.
5. Sitgreaves said that no judgment can be rendered to persons of uncertain description who are not parties to the suit.

David Shelly on that day swore to Samuel Benezet that the facts in the Exceptions were true.(27)

On February 4, 1795 Prothonotary Benezet issued subpoenas to Joseph Hart and John Carr to appear for the Plaintiff before the Justices to testify that day in the case of "Lessee of John Frick, Plaintiff v. David Shelle, Defendant". What took place during that hearing is not known.(28)

On February 5, 1795 subpoenas were issued by Benezet to William Erwin, Gilbert Rodman, Col. Joseph Hart and John Carr to appear for the Plaintiff at Court on May 4, 1795. There is no record of what

transpired at this proceeding. On May 7, 1795 subpoenas were issued to Gilbert Rodman, Col. Joseph Hart and John Carr to appear at 10:00 A.M., August 6, 1795 to testify in the case of "Richard Fenn, Lessee of John Frick, Plaintiff v. John Denn - David Shelle, Defendant". Once again there is no record of what took place at the hearing.(29)

The August 6, 1795 hearing in Common Pleas Court was, according to the documents in Case File 13888, the last event involving the Referees in the Action of Ejectment. Although there is no record in the file to confirm their action, it is probably accurate to conclude that on or about this date the Judges affirmed the Referees' Judgment for the Plaintiff.(30)

Similarly, there is no document in Probate File No. 2508 indicating that Register of Wills James Hanna had ruled in favor of John Frick's 1785 will. There is no doubt that he did, however, because the seals were cut from John's 1788 and 1791 wills while the seal on the 1785 will was left intact.(31)

Deputy Register of Wills William Linton on November 5, 1795, on behalf of Prothonotary Samuel Benezet, presented to John Rinehart a Bill of Costs and Court Costs totaling 43 pounds, 11 shillings and 3 pence for the Court Terms of February and May 1794 and February, May and August 1795. Expenses included serving subpoenas, mileage of witnesses at 2 pence per mile and the payment to witnesses of 2 shillings per diem.(32)

On February 3, 1796 John Rinehart reported to the Court that on January 25 and 27, 1796 he presented to David Shelly a Deed of Conveyance according to the Court's Judgment and that Shelly had refused to execute it. Rinehart's statement was affirmed in open Court by William Linton. On the same day, February 3, 1796, Attorney Thomas Ross filed a motion for "Rule on David Shelly" requiring Shelly to show cause why the Court should not issue an attachment against him for not executing the Deed of Conveyance. Ross' motion was accepted for the Court by William Linton, Deputy Register of Wills.(33)

Even though David Shelly had not signed the Deed of Conveyance, John Rinehart, acting as the heirs' agent with the authority of a Letter of Attorney signed by each of them, on March 1, 1796 sold the 49 acre Richland Township tract to George Eckerman of Lower Milford Township for 400 pounds. On March 7, 1796 Rinehart, again acting as agent for the heirs, sold the 100 acre and 50 perch Lower Milford Township farm to Samuel Harwick for 1,235 pounds. Both deeds identified the heirs as being John Rinehart and Hanna of Coventry Township; Elizabeth Crumbacher, widow of Abraham Crumbacher of Pipe Creek Hundred, Frederick County, Maryland; David Zubley and Susanna of Vincent Township (Chester County); John Nailor and Ann of Pikeland Township (Chester County); John Frick of Coventry Township; Nathaniel Jones and Christena of Tredyffrin Township; Nathaniel Miles and Mary of Catawissa Township, Northumberland County (Pa.); and, Rebecca Frick, spinster, of Tredyffrin Township. Both deeds indicated that John Rinehart, as the Administrator of John Frick's estate, was acting in conformance with Frick's 1785 will.(34)

On May 3, 1796 in Common Pleas Court John Rinehart, being duly affirmed, "saith that he served David Shelly with a copy of the above Rule of Court and at the same time showed him the above that the said service was more than two months ago and that he refused to execute a Deed of Conveyance agreeable to the Report and Jud't of the Court in the above action and still refuses to do it". Rinehart's statement was affirmed and subscribed before Prothonotary Francis Murray. The last notation in the file said: "In the case of Frick v. Shelle Rule. Rule made absolute and attachment awarded".(35)

David Shelly finally complied with the Court's Judgment and on May 30, 1796 sold the two tracts to John Frick's heirs for one shilling.(36)

On November 9, 1796 John Rinehart, Administrator of John Frick's estate, filed his Account with the Register of Wills Office at Newtown, Bucks County. The estate totaled 1,988 pounds, 13 shillings and 3 pence. Expenses totaled 932 pounds, 11 shillings and 1 pence. Items of interest among the expenses were 1 pound to Peter Rinehart (John's brother) for the coffin; 161 pounds to David Shelly for "Taking Care of the Ould People in the Time they Lived with him"; 50 pounds each to the Meetings at Germantown, Schuylkill and Conestoga; 25 pounds to Eve Demud; 15 pounds to Elizabeth Krilling; 411 pounds, 12 shillings and 11 pence to John Rinehart "as a Debt Due Him from the Deceased"; 7 shillings 6 pence to Dr. Van Leer; and 99 pounds, 8 shillings and 8 pence, the commission on 1,988 pounds, 13 shillings and 3 pence at 5 percent. The total due the eight heirs was 1,056 pounds, 2 shillings and 2 pence. On the same day Register of Wills James Hanna affirmed that, "This account (was) examined passed and filed".(37)

EPILOGUE

The author has been unable to uncover any evidence as to where the David Shelly family lived after the spring of 1796. His name does not appear in the U.S. Censuses for Lower Milford (later Milford) Township in 1800, 1810 and 1820. An examination of the census records for the nearby townships in Bucks, Montgomery and Northampton (later Lehigh) Counties also produced negative results.(38) David Shelly's name was not recorded on any Bucks County deeds after 1796(39) nor did his name appear in the Bucks County Estates (Probate) Index.(40) The author searched for the Shellys' graves to no avail in many of the local cemeteries.

In his 1982 article Ken Hottle wrote that, "Mary (Kreiling) Rothrock (1728-1810) died in Mifflin Co., Pa.".(41) An examination of the U.S. Censuses for 1800-1830 of all of Mifflin County (located in central Pennsylvania) showed that by 1830 13 Rothrock and 2 Shelly families lived there. The two Shelly heads of households were named Henry and Michael.(42)

It appears that around 1800 the Great Swamp German Baptist Brethren Church had gone out of existence. Ken Hottle believed that after Minister John Frick's death, the membership either joined the local Mennonite churches, helped establish today's Church of the Brethren in Springfield Township, Bucks County or migrated westward to areas such as Mifflin County.(43)

Samuel Harwick, who in 1796 bought the 100 acre 50 perch John Frick farm from Frick's heirs, died intestate about 1826. Harwick's heirs sold the western half of the property to his son, John, and the eastern half to his daughter, Hannah, who married John Stauffer. (According to the author's memory, a small, south-flowing creek bisects much, if not all, of the former 100 acre 50 perch Frick property.) In 1831 the Stauffers sold their half to Samuel Landis. By 1860 both halves were owned by Jonathan Fretz, who purchased additional acreage along the farm's northern border. The western half of the farm, which probably contained the site of the former Frick residence, passed to descendants of Jonathan Fretz. In the 1980s the property, then known as the Spring Creek Farm, was owned by David and Lorena Fretz Short. The eastern half in the 1980s was the dairy farm of Isaac and Edna Geissinger.(44)

David Short told the author that Fretz family tradition said that sometime during the mid-1800s Jonathan Fretz demolished an old, one or two-story log house that stood about 200 feet northwest of the Fretz residence (the Short home in the 1980s).(45) This log structure may have been occupied by either the John Frick or David Shelly family in the 1700s.

ACKNOWLEDGMENTS

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Errors that may appear in the article are the sole responsibility of the author. The persons mentioned in the previous paragraph did not proofread the Epilogue.

ENDNOTES

1 Paul Sumner Frick, A History of the Frick Family, (Descendants of Jacob Frick, Swiss Immigrant to Pennsylvania on September 18, 1733), Volume I, 1970, pp. 16-116.

2 Martin Grove Brumbaugh, A History of the German Baptist Brethren in Europe and America, (Mount Morris, Ill.: Brethren Publishing House, 1899), pp. 296-297.

3 Patent Book A, Volume 15, p. 576, Pennsylvania State Archives, Harrisburg, Pa. John was referred to as "Hans Frick" in the deed. He paid 53 pounds, 2 shillings and 2 pence (£ 53.2.2) for the land.

4 Patent Book A, Volume 20, p. 308, Pennsylvania State Archives, Harrisburg, Pa. He was referred to as "John Frick" in this deed. Both parcels were purchased from Thomas and Richard Penn through their agent, Lt. Governor James Hamilton and were part of the large tract known as Richland Manor. John paid £ 49.0.0 for this tract.

5 Ken Hottle, "John Frick, Dunker of Greatswamp", Mennonite Family History, October 1982, pp. 24, 26. Mr. Hottle, who is now deceased, lived in Allentown, Pa. He had not located the case file containing the Action of Ejectment when he wrote this article.

6 Probate File No. 2508, Office of the Register of Wills, Bucks County Courthouse, Doylestown, Pa. 18901.

7 Ibid.

8 Frick, 1970, pp. 60, 90-92.

9 John Frick's second and third wills are the only known references to his siblings, Henry, Hyry or Herry and Elizabeth. That they probably lived in Switzerland is based on the family tradition that John and Jacob were born there and the supposition that John and Jacob were the only family members to emigrate.

10 Brumbaugh, 1899, p. 297. Among the members of the Great Swamp German Baptist Brethren congregation in 1770, according to the survey taken that year by Baptist historian Morgan Edwards, were Henry Kun (Kuhn), widow Crayling (Kreiling) and John Demud (Demuth) and wife (possibly, in 1788, widow Eva Demuth).

11 Probate File No. 2508.

12 By today's description, Brecht (Bright) Cemetery was located in western Springfield Township along both sides of West Cherry Road about one-third mile east of Old Bethlehem Pike. No tombstones or graves are visible today; just a small piece of unplowed land along the south side of the road.

13 Probate File No. 2508.

14 Deed Book 26, pp. 121-122, Bucks County Courthouse, Doylestown, Pa. 18901.

15 File No. 13888, Action of Ejectment, Richard Fenn, Lessee of John Frick, Plaintiff v. John Denn, lessee of David Shelly, Defendant, Bucks County Court of Common Pleas, Newtown, Pa. The numerous documents in this file range in date from the May Court Term of 1793 to the May Court Term of 1796. The file is located in the Spruance Library, Bucks County Historical Society, Pine Street, Doylestown, Pa. 18901.

16 Ibid.

17 Nowhere in any of the Court documents was Samuel Benezet's official title given. Frances W. Waite, Library Assistant at Spruance Library, in her research on Samuel Benezet and Francis Murray found in Battle's History of Bucks County, p. 683 that Samuel Benezet was a Prothonotary from 1795 to 1800 and Francis Murray in 1790 and 1792 in the Bucks County Court of Common Pleas. Webster's Universal Unabridged Dictionary, Volume II, 1936, p. 1325 defines prothonotary as follows: "In law, a chief clerk in the Court of Common Pleas and in the King's Bench; there were formerly three such officers in the former court, and one in the latter". (This office is rarely found in U. S. courts today although, according to Ms Waite, the Office of Prothonotary still exists in Bucks County.) It is concluded that Samuel Benezet and Francis Murray were Prothonotaries in the Bucks County Court of Common Pleas during the Frick v. Shelly Action of Ejectment.

George Weicker was the only person named in the records who was identified as a Judge in the Common Pleas Court. Weicker's name appeared at the bottom of the deed by which John Frick in 1791 sold his property to David Shelly.

18 File No. 13888.

19 Ibid.

20 Frick, 1970, pp. 98, 112, 115. There are no records that indicate when John Frick moved from Lower Milford Township, Bucks County to Coventry Township, Chester County. More than likely the move took place after he sold his property to David Shelly on May 16, 1791.

21 Probate File No. 2508.

22 Ibid. William Chapman was probably the Sheriff of Bucks County. On the cover of the Action of Ejectment dated March 1, 1793, it was recorded that "Wm. Chapman, Shff." served David Shelly with a notice of the law suit.

23 File No. 13888.

24 Probate File No. 2508.

- 25 Ibid.
- 26 File No. 13888. The amount of the Court costs for the hearings held at the Courthouse at Newtown appears on page 7.
- 27 File No. 13888.
- 28 Ibid.
- 29 Ibid.
- 30 Ibid.
- 31 Probate File No. 2508.
- 32 File No. 13888.
- 33 Ibid.
- 34 Deed Book 29, pp. 159-160, 155-157.
- 35 File No. 13888.
- 36 Deed Book 29, pp. 157-159.
- 37 Probate File No. 2508.
- 38 U.S. Census records on microfilm at LDS Family History Center, Mesa, Az.
- 39 Research by author, Office of the Recorder of Deeds, Bucks County Courthouse, Doylestown, Pa.
- 40 Spruance Library, Bucks County Historical Society, Doylestown, Pa., Bucks County Estates Index, p. 144. (Courtesy of Frances W. Waite, Library Assistant.)
- 41 Hottle, 1982, p. 27, Footnote 45.
- 42 U.S. Census records on microfilm at LDS Family History Center, Mesa, Az.
- 43 Hottle, 1982, p. 27.
- 44 Paul Summer Frick, The Former John Frick Farm, A Partial Title Search, (Arizona City, Az., 1984), pp. 1-7.
- 45 Conversation with David Emmett Short at Spring Creek Farm on July 1, 1983.