

THE SWEDISH ANCESTRY OF
MOSES JUSTUS OF SCHUYLER COUNTY, ILLINOIS

By
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Children of Hans Gustafsson (Justice) and His Wife Mary

Aside from the daughter Lydia (discussed above) and possible other daughters (unknown), Hans and Mary (?) Justice had the following sons, shown in the approximate order of their birth:

1. John Justice, born c. 1685, stated that he was "almost 80 and unable to support his family" when he petitioned the Frederick County MD court in November 1758, asking to be levy-free; the plea was denied.⁵⁶ His will of 18 October 1775, proved 22 October 1776 in Frederick County, left his entire estate to his wife Margaret for life, after which the estate was to be sold and the money distributed to the children equally: Jacob, Elizabeth wife of Robert Birchfield, John, Hans, Joseph and William. John, his eldest son, was named executor with Gabriel Isenburgh.⁵⁷

His wife may have been Margaret Lowder. The marriage of "John Eustis" to Margaret Lowder on 6 Jan. 1728 is recorded in the books of St. Peter's parish, Talbot County, Maryland.⁵⁸ John Justice moved to present Frederick County by November 1741 when the inhabitants near Pipe Creek and Monocacy petitioned for a road, and suggested John Justice as a candidate to lay out the same.⁵⁹ It is probable that he lived on "Justice's Delight."

"Justice's Delight", located east of the Monocacy River on what is now known as the Clemson branch of Sam's Creek, a tributary of Pipe Creek, near the present boundary of Carroll County, was surveyed for John Diggs on 3 July 1741

⁵⁶ Millard Milburn Rice, This Was The Life; Excerpts from the Judgment Records of Frederick County, Maryland, 1748-1765 (Frederick MD 1979), 187.

⁵⁷ Frederick Co. MD wills, A1:586-588, abstracted in Western Maryland Genealogy, 5:20 (1989).

⁵⁸ F. Edward Wright, Maryland Eastern Shore Vital Records, 1726-1750 (Silver Spring MD 1983), 65.

⁵⁹ Grace L. Tracey & John P. Dern, Pioneers of Old Monocacy (Baltimore 1987), 327.

as containing 250 acres.⁶⁰ On 1 October 1752, John Diggs of Baltimore County deeded 100 acres of "Justices Delight" (undoubtedly long occupied by the Justice family) to John Justice Senior of Frederick County, farmer, for a stated consideration of £30.⁶¹

In 1749 a petition was filed with the Frederick County court, signed by John Justice, Moses Justice, John Justice Jr. and others, citing the fact that a chapel was being built between the drafts of Lingamore and Sam's Creek and asking that a road be built to connect that area with roads to Annapolis and Frederick town.⁶² In 1756, several residents of the area, including John Justice Sr., John Justice Jr. and Joseph Justice, objected to the large territory then being served by the minister of All Saints' Parish in Frederick town and asked that the parish be divided.⁶³

Of John Justice's five sons, only one -- John Justice Jr. -- also obtained land in Frederick County. On 1 Sept. 1759, John Justice Jr. paid £15 to Joshua Owings of Baltimore County for 61 acres, part of "Joshua's Lott."⁶⁴ On 16 August 1762, John Justice Jr. paid £50 to Jonas Brown for 110 acres, part of "Resurvey of William's Neglect."⁶⁵ And on 18 June 1772, John Justice Sr. sold 13 acres of "Justices Delight" to John Justice Jr. for £5.⁶⁶

⁶⁰ Certificate of Survey, LG E:61, cited and mapped in Tracey & Dern, Pioneers of Old Monocacy, 100-01.

⁶¹ Frederick County deeds, B:664-666.

⁶² Frederick County Judgment Records, 1:135, cited in Tracey & Dern, Pioneers of Old Monocacy, 102-03.

⁶³ Tracey & Dern, Pioneers of Old Monocacy, 354.

⁶⁴ Frederick County deeds, F:833-834.

⁶⁵ Frederick County deeds, H:114-115.

⁶⁶ Frederick County deeds, P:220-21, P:226-27.

The will of the younger John Justice of Frederick County, farmer, "sick and weak of body," was signed 11 Dec. 1784. It left all of his lands to his wife Elizabeth for her life with directions that the lands be sold after her death and the proceeds divided between his five sons, share and share alike: John Justice, Jesse Justice, Griffith Justice, Aquilla Justice and Nicholas Justice. His personal estate, except for his wife's one-third share and specific items left to her, was to be divided equally among his five sons and his five daughters (Mary Sewell, Sarah Brasilton, Susannah Carmack, Margaret Justice and Catharine Justice). Jesse Justice was named executor.⁶⁷

Notwithstanding the fact that John Justice Sr. had five sons and his son John Justice Jr. also had five sons, the 1790 Frederick County census listed only the following:

	<u>Males 16+</u>	<u>Males 0-15</u>	<u>Females</u>
Griffith Justice (son of John Jr.)	2	3	4
Elizabeth Justice (widow of John Jr.)	0	0	2
Jesse Justice (son of John Jr.)	1	3	3
Margaret Justice (widow of John Sr.)	0	0	1
Aquila Justice (son of John Jr.)	1	2	2
Ezekial Justice (grandson of Moses)	1	0	1

Margaret Justice apparently died shortly thereafter, triggering the provision in John Justice Senior's will requiring the sale and distribution of his estate. On 13 Dec. 1794, **Jacob Justice of Rowan County NC** executed a deed in favor of John Clemson of Frederick County, conveying his one-sixth part of John Justice Sr.'s estate for £100.⁶⁸ Also on 13 Dec. 1794, **William Justice of Bedford County PA** executed a deed in favor of John Clemson for his 1/6 share, also for £100.⁶⁹

⁶⁷ Frederick County MD wills, GM2:283-285.

⁶⁸ Frederick County deeds, WR-13:5.

⁶⁹ Frederick County deeds, WR-13:5-6.

Frustrated because one of the executors of John Justice Sr. (his son John Justice Jr.) was dead and the other executor Gabriel Isenburgh was elderly and refused to act, John Clemson brought a Chancery case against Gabriel Isenburgh, Hans Justice, Elizabeth Birchfield and William Justice seeking conveyance of parts of "Justices Delight" and "Resurvey on William's Neglect". Clemson claimed that he purchased the same from Gabriel Isenburgh, the surviving executor of John Justice Sr., deceased, and that Hans Justice, Elizabeth Birchfield and William Justice were children of the deceased. Notice of the lawsuit was published 15 Feb. 1797 in Frederick Town's newspaper, Rights of Man.⁷⁰

Other heirs countered with their own lawsuit. On 2 May 1796, Joseph Justice (son of John Justice Sr.), joined by the children of John Justice Jr. (John Justice, Jesse Justice, Griffith Justice, Aquila Justice, Nicholas Justice, Joseph Dodson and his wife Margaret, David Beckwith and his wife Susanna, David White and his wife Catharine, and Mary Braslit) filed their own Chancery case against Jacob Justice, Hance Justice, William Justice, Elizabeth Burchfield and Gabriel Isenburgh. The bill complained that Gabriel Isenburgh, the surviving executor, had not implemented the provisions of the will and that the other defendants "are not residents of this state." Gabriel Isenburgh's answer, filed in May 1797, complained that he had never wanted to be executor and that, because of his advanced age, should not be forced to act. Because the Justice family defendants lived out of state, the court on 18 February 1797 ordered that the plaintiffs publish notice of the suit for three successive weeks, prior to the last day of April, with

⁷⁰ F. Edward Wright, Western Maryland Newspaper Abstracts, 1786-1798 (Silver Spring MD 1985), 92-93.

notice that the defendants should appear in court "by the first Tuesday September next."⁷¹

The outcome of this litigation is uncertain. It seems probable that in the end John Clemson obtained the land he wanted (Clemson Branch of Sam's Creek and Clemsonville survive as place names on the map⁷²). But it establishes with a certainty that five of John Justice Sr.'s six children were still living in 1797 and were residing out of state.

William Justice's deed to Clemson establishes that he was living in Bedford County, Pennsylvania, in 1794. On 16 April 1810, letters of administration on the estate of William Justice, late of Dublin township, Bedford County, were issued to Robert Justice, presumably his son.⁷³

Jacob Justice's 1794 deed to Clemson establishes that he was then living in Rowan County, NC. In between, he left intermediate traces (which also identify his brother Hans Justice). On 23 October 1777, Hans Justice and his wife Mary and Jacob Justice and his wife Leddy were ordered by the Mecklenburg County NC court to appear the following January to render an account to Isaac Williams, executor of the estate of John Williams, of such parts of the estate which were supposed to be in their hands.⁷⁴ At the January

⁷¹ Maryland Chancery Court, unrecorded papers, No. 2877, Maryland State Archives. Notice of this second proceeding was duly published in Rights of Man, 19 Apr. 1797. Wright, Western Maryland Newspaper Abstracts, 1786-1798, 94.

⁷² Tracey & Derr, Pioneers of Old Monocacy, 100.

⁷³ James B. Whisler, Bedford County, Pa., Archives (1985), 1:1.

⁷⁴ Mecklenburg Co. VA court minutes.

1778 court they were acquitted.⁷⁵ Jacob Justice was in Rowan County by 28 Sept. 1784 when he witnessed a deed.⁷⁶

Hans Justice had received a land patent in Mecklenburg County, North Carolina, on 30 Jan. 1773 for 250 acres on the east side of Buffalo Creek, including his own improvement, adjoining John Pfifer, John Baker, John Armstrong and William Houston.⁷⁷ Hans Justice and Mary his wife sold this tract to Samuel Sewell for £1900, 13 March 1780.⁷⁸ On 15 Nov. 1784, Hance Justice was recorded as having entered 150 acres on the north side of Northwards Creek in Rowan County, including the fork of said creek and his own improvement.⁷⁹ On 5 Dec. 1785, Hance Justice was bondsman for the marriage of Lydia Justice, presumably his daughter, to Joseph Whaley.⁸⁰ In the 1790 census, Hance Justice was listed as a resident of Iredell County NC (formerly Rowan County) with two males over 16, one under 16 and two females in the household.

Joseph Justice, the other remaining son of John Justice Sr., was the first to appear in Rowan County. On 7 August 1778, he entered 100 acres, including his own improvement, on Buffalo Creek, adjoining the Wagon Road and Patience Dorsey.⁸¹ On 6 May 1779 Joseph Justice was a juror in Rowan

⁷⁵ Ibid. In July 1779, however, Hans Justice was ordered by the same court to appear at the October term to answer matters brought against him by Isaac Williams respecting the estate of John Williams.

⁷⁶ Rowan County NC deeds, 10:27.

⁷⁷ NC Land Patents, 22:225, #4412.

⁷⁸ Mecklenburg County NC deeds, 11:4.

⁷⁹ Richard A. Enochs, Rowan Co. NC Vacant Land Entries, 1778-89 (Indianapolis IN 1988), #2829, pp. 204-05.

⁸⁰ Brent Holcomb, Marriages of Rowan Co., NC, 420.

⁸¹ Enochs, supra, 97.

County.⁸² On 24 March 1784 Joseph Justice entered another 100 acres on the waters of Buffalo Creek adjoining his own line, Patience Dorsey, George Gibson, James Gibson and Samuel Sewell.⁸³ The 1800 census showed that he was still a resident of Rowan County.

The estate of John Justice Jr. in Frederick County MD also presented problems since it, too, was tied up for the life of his widow Elizabeth. In this case, no litigation was necessary. On 30 April 1792, Elizabeth Justice, widow, secured a lot in the town of Liberty, Frederick County, for £8.10 and an annual rent of 7½ shillings.⁸⁴ On 17 April 1792, Nicholas Justice of Bedford County PA sold his 1/5 inheritance rights to John Messler of Frederick County for £60.⁸⁵ Griffith Justice, also of Bedford County PA, sold his 1/5 to John Clemson for £80 on 7 May 1794.⁸⁶ Jesse Justice, still in Frederick County, did even better, selling his 1/5 to Enoch Umsted for £100 on 19 May 1794.⁸⁷ Aquila Justice, also still of Frederick County, sold his 1/5 to Abraham Pepple for £130 on 17 April 1794.⁸⁸ John Clemson got back in the act when he acquired the last remaining 1/5

⁸² Linn, Rowan County Court Records, 4:202.

⁸³ Enochs, supra, 197.

⁸⁴ Frederick County deeds, WR-10:40-41.

⁸⁵ Frederick County deeds, WR-11:21-22. Nicholas Justice was living in Hopewell Township, Bedford Co. PA in 1800 with 9 persons in his household.

⁸⁶ Frederick County deeds, WR-12:435-436. Griffith Justice was living in Hopewell Township, Bedford Co. PA in 1800 with 10 persons in his household.

⁸⁷ Frederick County deeds, WR-12:436-437. Jesse Justice also moved to Bedford County PA by 1800 (8 in household), where he died in 1813. Pennsylvania Genealogical Magazine, 11:264, 267.

⁸⁸ Frederick County deeds, WR-12:546-547. Aquilla Justice also moved to Bedford County PA by 1800 (10 in his household). He moved to Pickaway County, Ohio, by 1810 and died 9 Sept. 1839 at the age of 76 in Parke County, Indiana. Harry M. Ball & Mrs. Palmer H. Cushman, Justice and Umstead Families of Frederick County, Maryland (No. Hollywood CA 1979), 16-43.

from John Justice III of Bedford County PA for £100 on 13 December 1794.⁸⁹

2. Paul Justice, born c. 1687, can be fit only into the family of Hans Gustafsson. Unlike his apparent brothers, he remained in Brandywine hundred, New Castle County, or else returned to that spot. The records of Holy Trinity (Old Swedes) Church report the burial of Paul Justice on 21 August 1759.⁹⁰

Holy Trinity Church records show the marriage of Paul Gustafsson and Karin (Catharine) Betheim on 4 February 1714.⁹¹ Paul and Karin Gustafsson's child Gustaf, six weeks old, was baptized by pastor Hesselius on 6 February 1715.⁹² At a Holy Trinity parish meeting held 9 July 1715, it was recorded: "The Church Councilmen over Brandywine were enjoined to have particular oversight of the disreputable Paul Gustafsson, that his conduct may be improved so that it may not be necessary for the Magistrate at New Castle to bind him to good behaviour. The pastor will himself take the trouble to go over to him if some good man will go with him to witness whether anything can be done with him or not."⁹³

Two further children of Paul and Karin were baptized at Holy Trinity: "Pål and Catharine Gustafs' child Peter, eight weeks old," was baptized 19 May 1717;⁹⁴ "Paul Kilpos

⁸⁹ Frederick County deeds, WR-13:4-5. John Justice III died in Pickaway County, Ohio, 8 Oct. 1821 in his 73rd year. Ball & Cushman, supra, 47.

⁹⁰ Courtland B. & Ruth L. Springer, "Burial Records, 1713-65, Holy Trinity (Old Swedes) Church," Delaware History, 5:202 (1953).

⁹¹ Holy Trinity Book 2:49.

⁹² Holy Trinity Book 2:53.

⁹³ Burr, Holy Trinity Records, 209. The New Castle Court records for this period have not been preserved, so it is impossible to determine the nature of Paul Justice's "disreputable conduct."

⁹⁴ Holy Trinity Book 2:79.

[i.e., Paul Gustafsson of Shellpot Creek, Brandywine hundred] and his wife Catharina's child Johan, born 3 May," was baptized 7 June 1719.⁹⁵ His first wife probably died soon thereafter. By the time of a 1754 church census, his wife was named Sarah.

The 1739 tax list for Brandywine hundred showed Paul Justason living in quite modest circumstances: his property was valued at only £20. A list of the members of Holy Trinity church in 1754 showed, as the last entry for the Second Ward of Brandywine hundred: Pål Gustafsson, farmer; his wife Sarah Gustafsson; and their children Elizabeth, Margret, Susannah, Sarah, Richard and Joseph Gustafsson. Both parents could speak and understand Swedish as did Joseph. Only Paul and Joseph could read Swedish. None partook of communion.⁹⁶ Joseph Justisson, 22 years old, died of pleurisy and was buried 8 December 1754.⁹⁷

Immediately preceding this Gustafsson entry was a listing for William Pålsson and his wife Cathrina. Baptism records identify her maiden name as Justus⁹⁸, undoubtedly a daughter of Paul Justice. In a similar church census dated 8 November 1764, her age was estimated as 40, indicating her birth about 1724.⁹⁹ In the same (1764) census, in the same Brandywine hundred neighborhood, are also listed Widow Justisson, aged 64 (Paul's widow) and Gustav Justisson, aged

⁹⁵ Holy Trinity Book 2:96.

⁹⁶ "A list of members of the Christina congregation with notes as to their knowledge of the Swedish and English languages and about those who communicate," dated 1754. Amundus Johnson Papers, Balch Institute, Philadelphia.

⁹⁷ Springer, "Burial Records," Delaware History, 5:200.

⁹⁸ Burr, Holy Trinity Records, 566.

⁹⁹ Richard H. Hulan and Peter S. Craig, Membership of Holy Trinity (Old Swedes) Church in Wilmington, Delaware-1764 (Wilmington 1985), #167.

"40"[he was in fact 49], with his wife Elizabeth, described as English.¹⁰⁰

Based on Holy Trinity church records, the family of Paul Justice may be reconstructed as follows:

i. Gustaf Justice, b. Dec. 1714, m. by 1764 (name of wife either Elizabeth or Mary), two daughters baptized at Holy Trinity Church, 1764 and 1770.

ii. Peter Justice, b. March 1717. Not further traced.

iii. John Justice, b. 3 May 1719. Not further traced.

iv. Catharine Justice, b. c. 1724, m. William Pålsson by 1751.

v. Elizabeth Justice, b. c. 1725, m. Richard Meneman 21 Jan. 1756.

vi. Margaret Justice, b. 1727, m. Edward King 21 May 1752, buried 16 Sept. 1754 at the age of 27.

vii. Susannah Justice, b. c. 1729, m. Jacob Stedham 9 May 1761; her will, dated 23 April 1803 in Brandywine hundred, was proved 28 Apr. 1803.

viii. Sarah Justice, b. 1731, living at home 1754; not further traced.

ix. Richard Justice, b. c. 1732, m. Anne Webster 6 Nov. 1758, residing 1800 in Brandywine hundred (9 in household).

x. Joseph Justice, b. 1734 (bpt. 20 April 1735 when over one year old), d. of pleurisy, 8 Dec. 1754.

3. William Justice also must be a son of Hans; he fits nowhere else. His name appears only twice in Holy Trinity records: "Wiljam Justice and Elizabeth Wittin's illegitimate child, Isaac, born 28 July 1723," was baptized five years later, on 23 May 1728, with Jesper Walraven, Robert Robinson and Annika Robinson as sponsors.¹⁰¹ Then, "Wiljam Justice and Elizabeth Base [were] married 27 January [1729], with the Governor's license."¹⁰² Thereafter his name drops out of Holy Trinity Church records.¹⁰³

¹⁰⁰ Ibid., #165, #164.

¹⁰¹ Holy Trinity Book 2:187.

¹⁰² Holy Trinity Book 2:195.

¹⁰³ Maryland records show that a William Justice, a private in Captain Francis Ward's company during the French & Indian war, was in service from 9 October 1757 to 20 April 1758, when he died. T.J.C. Williams, History of Frederick County, Maryland (1910), 665. He could not be the son of John, Moses or Peter (all such William Justices were living after that date).

[Hance Justice. One researcher claims that Hans Gustafsson had a son named Hance who married Cathrina c. 1717 based on the birth of child recorded in 1718.¹⁰⁴ This is in error, arising from an incorrect reading of Holy Trinity Church records.¹⁰⁵]

4. Daniel Justice. A "probable" son, in this writer's judgment, is "Daniel Eaustace" who, "having some years since settled on a piece of land on the western branch of Brandywine," requested a grant of 65 acres from the Pennsylvania Board of Property on 17 Dec. 1734.¹⁰⁶ Tax records for Chester County reveal the presence of Daniel Justice or Justis in West Nottingham Township in 1726 and in West Caln Township 1729-1754.¹⁰⁷ The 1734 phonetic spelling of his name suggests Swedish extraction. His family, if any, has not been traced.

5. Peter Justice. The line of Peter Justice has been thoroughly researched by Jon Harlan Livezey, a descendant, who resides at 115 North Parke Street, Aberdeen MD 21001. His research,¹⁰⁸ confirmed in part by the research of this writer, shows that Peter Justice married Catharine Crew at St. Mary Anne's church on 28 Jan. 1731 [1730/31].¹⁰⁹ Peter Justice (with his brother Mounts) was in Captain Thomas

¹⁰⁴ Mrs. Harry H. Lane, "Hance Justice and His Descendants" (P.O. Box 11922, Ft. Lauderdale FL 33319, 7 May 1980), p.2.

¹⁰⁵ Burr, Holy Trinity Records, 244, reports "Hans Gustafsson and wife Catharina's child Catharina, born June 6th [1718], baptized June 15th." The original record shows that the father was Måns, not Hans, Gustafsson. Holy Trinity Book 2:85.

¹⁰⁶ Pennsylvania Archives, 3rd series, 1:48.

¹⁰⁷ Chester County Tax Records, Cope Collection, Historical Society of Pennsylvania, Philadelphia.

¹⁰⁸ Jon Harlan Livezey, "Descendants of Peter Justice of South Susquehanna Hundred, Cecil County, Maryland."

¹⁰⁹ Harrison, St. Mary Anne's records, 286.

Johnson's company of Cecil County militia in 1740.¹¹⁰ He was church warden of St. Mary Anne's on 15 April 1745 and 20 April 1747. His will, proved 3 February 1769, left his land to his sons subject to his wife's third for life.¹¹¹ The land presumably was the part of New Connaught Manor patented as "Justice" by his son Edward and grandson Peter Abrams, part of which is still in the family. His widow died in 1790. There were at least eight children, the births of the first four having been recorded in the register of St. Mary Anne's:

i. Miriam Justice, b. 18 Apr. 1731; m. William Thompson, d. between 1768 and 1776; by 1806 all of their children were said to have gone to western North Carolina.¹¹²

ii. John Justice, b. 4 June 1733, will dated 3 Feb. and proved 9 Apr. 1776 left his estate to his brothers Edward and William.¹¹³

iii. Peter Justice, b. 3 March 1735, not mentioned in his father's will or estate proceeding and presumably died young.

iv. Rebecca Justice, b. 25 July 1737, m. John Alexander, d. 1802; nine children.

v. Edward Justice, served in Cecil County militia company in 1776, died unmarried in 1786, leaving the family land "Justice" to the children of his four sisters.

vi. William Justice, died unmarried before 23 Nov. 1781 when his will (a joint will with Edward) was proved.¹¹⁴

¹¹⁰ Colonial Muster and Payrolls, Maryland State Archives, Box 1, folder 4, pp. 5, 9.

¹¹¹ Cecil County wills, BB2: 313.

¹¹² Chancery Court papers, Maryland State Archives, #96.

¹¹³ Cecil County wills, BB2:435.

¹¹⁴ Cecil County wills, DD4:54; EE5:117.

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25 January 1990

Moses Justice

Robert W. Barnes, Maryland Marriages 1634-1777
(Genealogical Publishing Co., Baltimore MD, 1975) reports at
page 101 the following two marriages of Moses Justice:

18 Aug. 1734, Ann Wilds
4 Sep. 1737, Sarah Morgan

His cited authority is page 278 of Lucy Harrison's 1891
copy of the records of St. Mary Ann's (North Elk) Parish,
which is a typewritten document at the Maryland Historical
Society.

That document reports on p. 278 the following three
successive entries:

I737, Sept. 4- Then Marryed Moses Justice to
Sarah Morgan.

I734, Aug. 18- Then Marryed Moses Justice to
Ann Wilds.

I733, Nov. 10- Then was buryed Sarah Justice.

Today, with the assistance of Howard G. Henry of North
East MD (a trustee of the church), I arranged to have the
original removed from the bank vault so that we could
inspect it.

The "original" is a bound book of pages (not numbered),
entitled St. Mary Annes Parish Register, 1727-1799. Mr.
Henry explained that the pages had been loose and were
disintegrating when he arranged to have them laminated and
bound. All of the entries are in the same handwriting,
suggesting that they had been copied by someone in the 19th
century from earlier records. Portions of pages were
missing, particularly at the edges.

The three references to Moses Justice and his wives
appear on the back of the eighth sheet (i.e., p, 16) and are
as follows:

[---]1 September 4. Then Marryed Moses Justice to
Sarah Morgan.

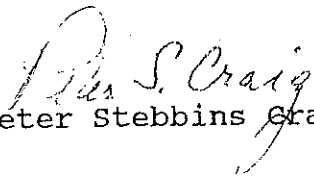
[---]4 August 18. Then Marryed Moses Justice to
Ann Wilds.

[---]3 November 10th. Then was buryed Sarah Justice.

On all three entries, the first three digits of the year are missing. Here one must accept Lucy Harrison's reading of a century ago.

The fourth digit of the year in which Moses Justice married Sarah Morgan is clearly a "1", not a "7". Mr. Henry agreed with my reading of this number. It should be noted that the tear on the edge of the page might arguably have removed the "flag" on the "7." However, we did not think so. The scribe of the document made the number "1" with a shorter stroke than he wrote the number "7" and the number "1" beside the Morgan marriage corresponded with other "1's" on the page in length and was not as deep as the "7's" on the page.

In addition, of course, the burial of Sarah Justice on 10 November 1733 would tend to confirm that Moses Justice's marriage to Sarah Morgan occurred prior to that date. In Frederick County records, the wife of Moses Justice is named Ann (or Anne) in numerous deeds.


Peter Stebbins Craig, J.D.

vii. Catharine Justice, m. Richard Abrams of South Susquehanna hundred, Cecil County, d. 1802; five children.

viii. Elizabeth Justice, m. Samuel Jones, had eight children before 1795.

6. Mounce/Moses Justice. From the records of St. Mary Anne's church in North East, Cecil County, Maryland, we learn that Måns Gustafsson/Mounce or Moses Justice married twice:¹¹⁵

1731, Sept. 4 - Then Married Moses Justice to Sarah Morgan.

1733, Nov. 10 - Then was buried Sarah Justice.

1734, Aug. 18 - Then Married Moses Justice to Ann Wilds.

In 1740 Mounts Justice (with his brother Peter) served in Captain Thomas Johnson's company of Cecil County militia.¹¹⁶ However, by 1749 he had followed his older brother John Justice to Frederick County. In that year his name appeared (with John Justice Sr. and John Justice Jr.) on a road petition.¹¹⁷ At the time, Maunce Justice was serving as constable for Pipe Creek hundred, being replaced in this position on 20 March 1749/50 by Richard Wells.¹¹⁸ On 6 February 1749/50, Mouns Justice was granted a warrant for 50 acres. Pursuant to this warrant, a 45-acre tract called "Hard Quarters" was surveyed for Mouns Justice on 3 May 1750, "beginning at a bounded black oak standing on the east side of a mountain near a heap of rocks near a small branch being a draught of Sam's Creek." The survey was examined and approved 9 August 1750 and a patent issued for "Hard

¹¹⁵ St. Mary Anne's Parish Register, 1727-1799, p. 16; Lucy Harrison's 1891 transcription at the Historical Society of Maryland (which erroneously dates the first marriage as "1737."

¹¹⁶ Colonial Muster and Payroll records, Maryland State Archives, Box 1, folder 4, pp. 5, 9.

¹¹⁷ Tracey & Dern, Pioneers of Old Monocacy, 103.

¹¹⁸ Rice, This Was The Life, 37.

Quarters" as thus surveyed. The patent was dated 3 May 1750.¹¹⁹

Other surveys in his neighborhood, of later relevance to his family, were soon to follow. On 7 Feb. 1750/1 "William's Neglect", 50 acres, was surveyed for Jonas Brown, beginning at a bounded white oak standing beside a kill about 40 yards from the head of a spring that falls immediately into a draught of Sam's Creek."¹²⁰ On 6 March 1753, "Hammond's Strife," sprawling broadly over 1230 acres, was surveyed for John Hammond.¹²¹

Mounts Justice was listed as a juror on the Frederick County court on 18 Nov. 1755.¹²² Three years later, Moses alias Mouns Justice of Frederick County, for £70, acquired 100 acres of "Hammond's Strife" from John Hammond, son and executor of Thomas John Hammond of Anne Arundel County MD.¹²³ This tract was then sold on 19 June 1759 by Moses Justice of Frederick County, farmer (who signed with his mark, "M"), with the consent of his wife Ann, to William Justice of Frederick County (no occupation shown), presumably their eldest son.¹²⁴

On 5 September 1760, neighbor Jonas Brown was issued a new patent for "Resurvey on William's Neglect," which expanded the original 50-acre tract to 615 acres, based on a resurvey of 25 March 1759.¹²⁵ On 16 August 1762, Jonas

¹¹⁹ Frederick County surveys, No. 1828. Patents, BY&GS #2:719.

¹²⁰ Frederick county surveys, No. 5184.

¹²¹ Frederick County surveys, No. 1800.

¹²² Rice, This Was The Life, 170.

¹²³ Frederick County deeds, F707-708.

¹²⁴ Frederick County deeds, F:731-32.

¹²⁵ Frederick County surveys, No. 4053.

Brown executed two deeds with members of the Justice family: the first, for £50, conveyed 260 acres to Mounce Justice; the second, for £50, conveyed 110 acres to John Justice Jr.¹²⁶

By a deed dated and recorded on 2 May 1763, Mounce Justice, farmer, by his mark ("M") and with the consent of his wife Ann, for £41.15.0 Pennsylvania money, conveyed to Conrad Spoon, carpenter, 131 acres, part of "Resurvey on William's Neglect."¹²⁷ Claiming vacant land adjoining his part of this tract, Mouns Justice then sought and obtained a "Resurvey on part of William's Neglect," surveyed on 2 August 1763 for 256 acres.¹²⁸ Also claiming vacant land adjoining "Hard Quarters", Mouns Justice had this resurveyed 19 April 1762 and a new patent for "Resurvey of Hard Quarters" was issued 29 Sept. 1763 for 223 acres.¹²⁹

On 24 May 1766, six deeds were executed by Mounce and William Justice: Mounce Justice (by his mark "M"), with the consent of his wife Anne, conveyed [1] 100 acres of the "Resurvey of Hard Quarters" to William Justice for a stated consideration of £100;¹³⁰ [2] 19 acres of "Resurvey on part of William's Neglect" to Conrad Spoon, carpenter, for £7;¹³¹ [3] 3 acres of "Resurvey on part of William's Neglect" to Adam Solman, farmer, for £3;¹³² and [4] 100 acres of "Resurvey on part of William's Neglect" to Thomas Justice for a

¹²⁶ Frederick County deeds, H:113-114; H:114-115. John Justice Jr. was the nephew of Moses Justice and son of John Justice Sr.

¹²⁷ Frederick County deeds, H:400-401.

¹²⁸ Frederick county surveys, No. 3803; patents, BY & GC #28: 449-451.

¹²⁹ Frederick County surveys, No. 3491; patents, BY & GC #28: 512-514.

¹³⁰ Frederick County deeds, K:502-504.

¹³¹ Frederick County deeds, K:505-507.

¹³² Frederick County deeds, K:507-509.

stated consideration of £100 (but only £10 shown in acknowledgment).¹³³ On the same date, William Justice of Frederick County, farmer (by his signature), with the consent of his wife Rebecca, conveyed [1] 90 acres, part of "Hammond's Strife," to Jacob Houa[?] of Frederick County, weaver, for £105;¹³⁴ and [2] 10 acres, part of "Hammond's Strife," to Thomas Justice of Frederick County, farmer, for £10.¹³⁵

Minor adjustments were made among neighbors on 11 June 1768 when William Justice, with the consent of his wife Rebecca, conveyed 2½ acres (parts of resurveys on both "Hard Quarters" and "William's Neglect") to Conrad Spoon for £3½ and Conrad Spoon, now a farmer, with consent of his wife Catharine, conveyed 2 acres (part of "Resurvey on part of William's Neglect") to Adam Solman for £3½.¹³⁶

In 1770, however, both Mounce Justice and Thomas Justice sold their entire holdings. On 15 October 1770, Mounce Justice of Frederick County, farmer, by his mark ("M"), with consent of his wife Anne, sold 107 3/4 acres to Christian Light (parts of "Resurvey on Hard Quarters" and "Resurvey on part of William's Neglect") for £200.¹³⁷ Ten days later, Thomas Justice of Frederick County, farmer, signing with his signature, with consent of his wife Elizabeth, sold 100 acres (parts of "Resurvey on Hard Quarters" and "Resurvey of William's Neglect") plus 10 acres of "Hammond's Strife" to Henry Croweles for £135.¹³⁸ As will be shown below, both soon moved to North Carolina.

¹³³ Frederick County deeds, K:509-511.

¹³⁴ Frederick County deeds, K:511-513.

¹³⁵ Frederick County deeds, K:513-515.

¹³⁶ Frederick County deeds, L:342-343; L:342.

¹³⁷ Frederick County deeds, N:413-415.

¹³⁸ Frederick County deeds, N:422-423.

Almost a year later, on 20 June 1771, William Justice of Frederick County, farmer, again signing with his own signature, and with the consent of his wife Rebecca, sold 97½ acres (parts of "Resurvey on Hard Quarters" and "Resurvey on part of William's Neglect") to George Nouts for £55.3.0.¹³⁹ There is no evidence that he moved away. To the contrary, Frederick County Orphan's Court records show that in 1783, Ezekial Justice, 18 years old on 1 Jan. 1784 (and therefore born 1766), "son of Rebeckah Hattwell," was apprenticed to George Smith, blacksmith.¹⁴⁰ It would appear that in the interim William Justice had died and that his widow Rebecca had married again. It is likely that there were other children of William and Rebecca Justice.¹⁴¹

In 1771, Mounce Justice was shown as owing debts on the inventory of the Christian Landis estate in Mecklenburg County NC. A year later, both Thomas Justice and Daniel Justice (presumably a third son of Mounce) were shown as owing debts on the inventory of Valentine Weaver estate in Mecklenburg County NC.¹⁴²

On 19 May 1772, Mounce Justice received a land patent for 640 acres in Mecklenburg County NC on the long branch of Coldwater Creek, including his own improvement, adjoining Samuel Sewell.¹⁴³ On 17 November 1772, a marriage bond was issued to William Smith and Hannah Justis, with the consent

¹³⁹ Frederick County deeds, 0:419-20.

¹⁴⁰ Frederick County wills (which included orphan court records), GM-1:130-31.

¹⁴¹ See the various Justice marriages in Frederick County between 1785 and 1795, including one by Moses Justice, reported in Robert Barnes, Maryland Marriages 1778-1800 and Frederick Weiser, Frederick County Lutheran Marriages and Burials, which cannot be otherwise explained.

¹⁴² Records at Cannon Memorial Library, Concord NC.

¹⁴³ North Carolina Abstracts of Land Patents 1765-177; Book 22, p. 47.

of Moses Justis.¹⁴⁴ On 9 May 1776, the inventory of Isaac Shinn's estate in Mecklenburg County showed debts owing by Moses Justis (£0.15.7), Thomas Justis (£4.10.5) and Hans Justis (£0.11.6), all for "sundries."¹⁴⁵

On 10 April 1778, Thomas Justice entered 300 acres on a draught of Coldwater Creek adjoining the south side of George Sawyer in Rowan County NC.¹⁴⁶ In the same year Thomas and Daniel Justice, together with their cousin Joseph Justice, were taxed in Captain Little's district of Rowan County.¹⁴⁷ On 7 August 1778 Thomas Justice was appointed constable in Rowan County in the place of James Hewet.¹⁴⁸

On 22 September 1779 Mounce Justice of Mecklenburg County NC (signing by his mark "M") sold to Owen Forrister of Rowan County NC, for £500, a tract of 200 acres on the waters of Irish Buffalo and the waters of the Long Branch as it runs into Coldwater, part of a tract taken up by the said Mounce Justus by patent dated 28 March 1772.¹⁴⁹ On 27 September 1779 Mounce Justice of Mecklenburg County NC (again signing by his mark "M") sold to Andrew McClenhan of Rowan County NC, for £800, a tract of 440 acres in Mecklenburg County on the Long branches of Coldwater, which land had been granted to said Mounce Justice by patent dated 28 March 1772.¹⁵⁰ Both deeds were recorded in October 1779.¹⁵¹

¹⁴⁴ Brent Holcomb, Marriages of Rowan Co., NC, 375.

¹⁴⁵ Records, Cannon Memorial Library, Concord NC.

¹⁴⁶ Enochs, Rowan County NC Vacant Land Entries, 231, #726.

¹⁴⁷ Linn, pp. 120-21.

¹⁴⁸ Jo Linn, Rowan County Court Records, 4:165.

¹⁴⁹ Mecklenburg County deeds, 10:385.

¹⁵⁰ Mecklenburg County deeds, 10:431.

¹⁵¹ Mecklenburg County court minutes.

This is the last discovered reference to Mounce Justice. Presumably, he spent his remaining days with one of his children.

Of those children, the identity of five are known:

i. William Justice, b. by 1738 (granted land by father in 1759), m. Rebecca (parents unknown) in Frederick County, d. after 1771, probably in Frederick County MD.

ii. Thomas Justice, b. by 1745 (granted land by father in 1766), m. Elizabeth (parents unknown) in Frederick County, residing in Rowan County NC in 1778; no further record.

iii. Daniel Justice, b. c. 1746, of whom further below.

iv. Hannah Justice, b. c. 1752, m. William Smith in Rowan County, 17 Nov. 1772, of whom further below.

v. Moses Justice, later Moses Justus, b. 1755, of whom further below.

With the coming of the Revolution, Moses Justice was quick to get involved. By his papers filed in support of his later Revolutionary War pension, he was born in Maryland in 1755 and thereafter moved to Mecklenburg County NC. In March 1775, he enlisted in Mecklenburg County under Captain John Fifer (Pfifer), Lieutenant Samuel Patton and Ensign William Houston and served for three months, marching about 100 miles to Cross Creek in North Carolina, where he was discharged. He again enlisted in Mecklenburg County in July 1775 for another three months under Captain Caleb Fifer (Pfifer) and Lt. William Houston, marched to the Cherokee Nation at the Valley towns, returned to Salisbury and was discharged there. In June 1780 he entered service for a third time, as a substitute in Captain Haven's company in the 3rd regiment, commanded by Col. Tinnen, General Lincoln commander-in-chief, marched to Stono twenty miles from Charleston, and was in a battle at Stono. He was discharged there, after serving three months. Shortly afterwards, he removed to Virginia and in February 1781 enlisted at New River in Montgomery County VA under captain James Newell,

Lt. William Graves and Ensign Richard Muse, Col. Preston commanding. He marched to Hawe River in North Carolina, below the Moravian towns, and had a skirmish with the British at Whitesell's Mill, where his group was defeated. Thereafter, they marched to Guilford Courthouse in North Carolina where he was discharged, having served three months.¹⁵²

After his fourth and final stint in the Revolution, Moses Justice and William Smith (his brother-in-law) obtained a grant on 16 Sept. 1782 for 400 acres on Walker's Creek, Montgomery County, Virginia, about six miles from the head (but not to extend over Harberson's Spring Branch).¹⁵³ In both 1781 and 1782, the Montgomery County Court recommended that Moses Justice be named a second lieutenant in Captain Ingle's company of militia.¹⁵⁴ On 8 May 1782 the same court acknowledged that Moses Justice was due payment for his military service in North Carolina.¹⁵⁵ On 27 July 1785 Moses Justice and Daniel Justice were members of a jury held in Montgomery County VA.¹⁵⁶ In 1787, however, only Daniel Justice was listed in the Montgomery County VA census, which listed Daniel Justice, aged over 21, as having no males in his household aged 16-20, but owning three horses and seven cattle.¹⁵⁷ Another tax list for Montgomery County VA, dated 18 Feb. 1790, again showed Daniel Justice,

¹⁵² Pension file of Moses Justus of Schuyler County, Illinois, No. S32351, National Archives, Washington, D.C.

¹⁵³ Mary B. Kegley and F.B. Kegley, Early Adventurers on the Western Waters, Vol. I: The New River of Virginia in Pioneer Days, pp. 59, 109.

¹⁵⁴ Lewis Preston Summers, Annals of Southwest Virginia, 1769-1800 (Abingdon VA 1929), 755, 775.

¹⁵⁵ Summers, Annals of Southwest Virginia, 771.

¹⁵⁶ Summers, Annals of Southwest Virginia, 793.

¹⁵⁷ Nellie Schreiner-Yantis & Florene Speakman Love, The 1787 Census of Virginia (Springfield VA 1987), 440. A William Smith was shown in the same tax list "B" for Montgomery County. Id., 442.

aged over 21, with no males 16-20, five horses, residing in the area of the South Fork and Mill Creek of Walker's Creek.¹⁵⁸

The following information on the family of Daniel Justice is provided by Paul C. Buchanan, 5504 Glenallan, Springfield VA 22151, one of his descendants, who has extensively studied the Justices of Tazewell County VA:¹⁵⁹

Daniel Justice remained in Southwest Virginia where, as a resident of Tazewell (formerly Montgomery) County, he wrote a will dated 12 Sept. 1825, proved 18 Dec. 1833.¹⁶⁰ His wife Elizabeth, identified on an 1801 deed,¹⁶¹ was not named in the will and apparently died before 1825. Their children, as named in the will and other records assembled by Mr. Buchanan, were:

1. **Mary Ann Justice** ("Betsy" in the will), born Nov. 1769, who married Michael Robinette in Montgomery County on 22 Aug. 1786.

2. **John Justice**, b. 7 Dec. 1771, d. 13 Dec. 1829 in Tazewell County, m. Mary Henderson (1777-1851); 12 children born between 1796 and 1821.

3. **Moses Justice**, b. c. 1773, m. Susanna Stump in Tazewell County, 11 Mar. 1803, moved to Ohio by 1818.

4. **George Justice**, m. Martha McFarlon, in Tazewell County 20 Jan. 1802, moved to Lee County VA in 1821.

5. **Daniel Justice, Jr.**, who moved to Ohio by 1820.

6. **Sally Justice**, never married, but had a son George Washington Thompson by James Thompson, who frequently

¹⁵⁸ 1789 Tax List B for Montgomery County, dated 18 Feb. 1790.

¹⁵⁹ Paul C. Buchanan, "Justice Families of Tazewell Co. Virginia, Born by 1850," Jan. 1990.

¹⁶⁰ Tazewell County VA wills, 2:218.

¹⁶¹ Tazewell County deeds, 1:30.

represented Tazewell County in the Virginia House of Burgesses, 1804-1817.

7. Elizabeth Justice, m. Hickman Compton in Tazewell County on 9 June 1812.

Moses Justus meanwhile had removed to eastern Tennessee. His initial grant was a patent issued by North Carolina, dated 17 Nov. 1790, for 250 acres in the Eastern District of Tennessee on Big Creek, "beginning on James Gaylings and Justice conditional line,"¹⁶² Moses Justice paid £25 for this land; Moses Justus of Knox County sold the same land for \$250 on 6 May 1794 to Miles Chapman.¹⁶³ By a deed dated 25 July 1796 Moses Justice "of Tennessee" purchased, for \$80, 200 acres in Knox County on a branch of Big Creek on the north side of the Holston River.¹⁶⁴ He held this but a short time, however. The Knox County court had issued a writ in July 1795 against Moses Justice for \$277.57 to satisfy a judgment by Abraham Ghormly. As Moses had no goods or chattels to be found, the land was sold by Sheriff Robert Houston at a public sale on 2 Nov. 1796, at which Benjamin White offered the highest bid -- sixteen dollars.¹⁶⁵

Moses undoubtedly had already moved on. In 1800 his name appeared on the Blount County TN tax list.¹⁶⁶ His continued migrations would not be over for a number of years. As Moses Justus himself stated in a document accompanying his later pension application (1832): "I was

¹⁶² Knox County TN Deeds, A-1:12, quoting Book A:10 (NC patent 86).

¹⁶³ Knox County deeds, A-1:304, quoting Book A:168.

¹⁶⁴ Knox County deeds, B-1:237-38, quoting Book B:120.

¹⁶⁵ Knox County Deeds, E-1:266-67, quoting Book E:134. The sheriff's deed to Benjamin White was not recorded until the July 1798 court.

¹⁶⁶ Mary Curtis, Early Tennessee Tax Lists.

living, at the time I [first] volunteered into the service, in the State of North Carolina, afterwards removed to Virginia, then moved to East Tennessee, then to West Tennessee, then to the State of Indiana, and then to Schuyler County in the State of Illinois, and then to McDonough County in the said State of Illinois where I now live."

The pension award to Moses Justus was issued on 14 August 1833. He was still living on 4 March 1845, when Moses Justice, old and infirm, again living in Schuyler County, named Erastus Wright as his attorney to receive for him the semi-annual pension payments from the government. His wife Mary, born August 1755, died in October 1841 and was buried in Old Ridgeville Cemetery, Browning township, Schuyler County, Illinois. Moses was buried by her side. Both were named Justus by their tombstones, the surname adopted by their seven known children, all born between 1780 and 1800:

1. Sarah Justus, b. c. 1780, m. David Wallace in Blount County TN, 23 Apr. 1798, moved to Schuyler County IL by 1830, d. in Ray County MO or Lee County IA.

2. Mary Justus, b. 20 March 1783, m. George Skiles in Blount County TN, 7 Jan. 1802, moved to Schuyler County IL by 1830, where she died 3 Nov. 1874.

3. Thomas Justus, b. 1787, m. Mary (Polly) Carr in Tennessee in 1810, lived in Schuyler County IL 1826-1850+ and died in St. Clair County MO in 1854.

4. James Justus, b. 1793-4, m. Catherine (Carr?), a resident of Schuyler County IL 1826-30, of Lee County IA in 1840, of Fannin County TX 1850-60, d. Fannin County TX after 1860.

5. George Washington Justus, b. 1795, m. Susan Bates, moved to Schuyler County IL, where he died in 1861.

6. John Justus, b. 10 Dec. 1797, Blount County TN, m. [1] Nancy Monk in Crawford County IN, 7 Dec. 1820, m. [2] Lavina Enfield in McDonough County IL, 9 June 1851, d. 21 Jan. 1882 in Schuyler County IL.

7. Rebecca Justus, b. c. 1799, Blount County TN, m. Samuel Monk in Crawford County IN, 7 Dec. 1819, d. in Schuyler County IL after 1830 and before 20 Sept. 1836 when her husband remarried Rosanna Fowler.¹⁶⁷

¹⁶⁷ The author is indebted to Janet K. Pease, Apartment 202, 10310 West 62nd Place, Arvada CO 80004, a descendant of Moses Justus of Schuyler County, Illinois, for providing data on the life of Moses Justus and comprehensive notes on Justice records in Virginia, North Carolina and Tennessee. Acknowledgments are also due Richard Enochs, 8221 Forsythia Court, Indianapolis IN 46219 and Joyce Justus Parris, 220 Northwest Ave., Swannanoa NC 28778, for their research assistance.