

# Bath High School Preservation Resources

A 501(c)(3) Non-Profit Organization

*We asked Susan Modlin for some insight on the history of title to the school property. She spiced up dry legal details with a bit of whimsy. It's so nice to be both informed and amused. Susan writes:*

God created the world at the beginning of infinity. The continents split and dinosaurs died. Around 20,000 years ago (some say as much as 80,000) the indigenous people we call Indians came across the Bearing Strait, which was still a land bridge from Siberia. They owned the Americas. Phoenicians may have landed around the time of the Caesars. Vikings came and went, but in 1492 Columbus (and Amerigo Vespucci) "discovered" America.

The English first came here under the reign of Elizabeth I, "The Lost Colony" and Jamestown. It gets muddled with the war with Spain and England's own revolution. King Charles II granted the Eight Lords Proprietors certain lands in America called "The Carolinas".

The Proprietors in turn granted lands to the several landowners and towns they established. Bath relieved its colonial charter in 1705 and held an "auction" type sale for parcels in Bath. This was the era when Bath was capital, Charles Eden was Governor, and Blackbeard owned the coast. May 20, 1775 by the Halifax Resolves, North Carolina declared its independence from England.

Property already granted was affirmed by the revolutionary era legislature, and again upon the ratification of the United States Constitution. Everyone is happy and prosperous until North Carolina seceded from the Union May 20, 1861, in "The War of Northern Aggression". Much land after the war reverted to the ownership of the government either by tax sales or escheat (French for abandonment).

The NC General Assembly, as part of The Public Law of 1911, ratified ownership of vacant land to The Town of Bath. In 1917, Bath subdivided its public lands, know as "Bath Town Commons" and held another sale. W. A. Woolard, then mayor of Bath, acquired two parcels-- No. 14 and half of No. 6 (Db194/Pg231)--containing 5 acres bounded by Black St. (now King St.), Bridge St. (Hwy92), Middle or Church St. (now Harding St.), and Craven St. He further subdivided the property into lots.

By deed dated 2/4/1920 (Db219/Pg142) Woolard conveyed the front 2 acres (+/-) 210 feet by 420 feet to the Town of Bath. It reads "This land is purchased by the people of Bath for the purpose of a public school site for the Town of Bath". Consideration paid was \$1700.00. There is no reversion clause. As an aside, "The People of Bath" raised the money to buy the land.

By deed dated 12/19/1923 (Db244/Pg396) Woolard conveyed the rear acre (+/-), 420 ft. by 124 ft. 8 in. to the Town of Bath with no restriction or reversion. Consideration paid was \$505.73. By Indenture dated 4/20/1925 (Db258/Pg62) the Town of Bath conveyed to the County Board of Education of Beaufort County "the property hereinafter described on which has been erected the school buildings now under direction and control of the party of the second part". Parcel 1 of this deed is the "Back Lot" and Parcel 2 is the "High School Lot", including the Gym and septic tank field. Reservation clause reads "upon the condition that the same shall be used for school purposes and it is hereby expressly provided that in the event the party of the second part shall hereafter for any reason discontinue the use of the said property for school purposes, that the fee-simple title to the said property shall forthwith revert to and become the property of the party of the first part, the said Town of Bath, and the party of the second part shall have no further right, title or interest therein, and the said party of the second part shall not have the right to in any manner sell or convey the said property or encumber the same."

**FACT vs. MYTH:**

The Brook's never owned the property. Both T. A. and Mollie Brooks signed the 1925 deed in their official capacity as Mayor and town commissioner. The land was never donated by anyone. The property was purchased at fair market value by "the people of Bath". Even if the property had been a gift, once given belonged to the beneficiary to do with as they pleased.

**IRONY OF HISTORY:**

In 1705 Bath owned the property; they sold it. In 1911 Bath got the property back; they sold it. In 1920/1923 Bath bought the property back for the third time; they gave it to the school board. NOW in 2005, 82 and 300 years later, they say they DON'T own it, DON'T want it as long as the school building remains, yet REFUSE to release it to an organization who seems to care more about historic preservation than "THE OLDEST TOWN IN NORTH CAROLINA" !!!!!!!

We all, as taxpayers, "The People of Bath", are the rightful owners of the property. It is time for the political entity of Bath to release their legal claims to the people who most want to utilize the property as it was intended.

Regards,  
Susan