

Stimson

Sources:

**Fragmentary Sketches
From the Late
Seventeenth Century**

**collected, edited, and annotated
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2016, Williston Highlands, FL**

CHAPTER I

STIMSON ORIGINS:

GEORGE STIMSON of Ipswich
and His Descendants

from *New England Families, Genealogical and Memorial: A Record of the Achievements of Her People in the Making of Commonwealths and the Founding of a Nation*, Volume 1, by William Richard Cutter, 1915.

(I) George Stimson, of whom no previous record can be found in New England, appears at Ipswich, Massachusetts, in 1668 [*sic*], and lived at Chebacco, parish of Ipswich. He was married there, July 22, 1676, as shown by the records of the Essex quarterly court, to Alice Phillips.* Children:

* ALICE ("Ales") PHILIPS was the daughter of Ensign HENRY PHILIPS (c.1614-1686) and MARY DWIGHT (1635-1685) of Dedham, Mass. In 1640, Deacon Philips began his service as a member of the Ancient & Honorable Artillery Company, and in 1672 he was elected as Representative to the Massachusetts General Court for Dedham. PDS

George, born August 17, 1677, died within a year; Richard, March 10, 1679; Elizabeth, January 11, 1681; Mercy, March 11, 1683, Alice, February 18, 1685; Sarah, June 14, 1691; George, mentioned below; Mary, March 4, 1696.

(II) George (2), son of George (I) and Alice (Phillips) Stimson, was born August 27, 1693, in Chebacco, and resided there until about 1737-38, when he moved to Hopkinton, Massachusetts. He married in Ipswich, January 16, 1724, Margaret Rust, born about 1694, daughter of Lieutenant Nathaniel and Joanna (Kinsman) Rust.* Children: George, mentioned below; John, born September 1, 1728; Nathaniel, April 26, 1730; Lucy, April 9, 1732; Jeremiah, baptized May 5, 1734; Mary, January 23, 1737; Alice recorded in Hopkinton after November 5,

*Lieutenant NATHANIEL RUST (1667-1711) was elected as Ipswich's Representative to the Massachusetts Legislature in 1690 and 1691. In 1695, he served as teacher for the first free school in Chebacco. JOANNA KINSMAN's father was Quartermaster ROBERT KINSMAN (1629-1712) who, while serving as selectman for Ipswich, was convicted in 1687 of resisting the Dominion's new revenue laws. He was temporarily stripped of office until the overthrow of Andros' government in the "Boston Revolt of 1689." PDS

1738; Sarah, between August 28 and 31, 1740; Nathaniel, baptized November 6, 1743; Ephraim, November 10, 1745; Samuel, October 4, 1747. The first six are recorded in Ipswich, the others in Hopkinton.

(III) George (3), eldest child of George (2) and Margaret (Rust) Stimson was born November 20, 1726, in Ipswich, and baptized there before the close of that month. As a boy he was removed with his parents to Hopkinton, where he probably passed his entire life, though his death is not recorded there. He married in Hopkinton, February 28, 1751, Abigail Clark, born July 10, 1732, recorded in Hopkinton, daughter of Isaac and Experience (Wilson) Clark, of Framingham and Hopkinton...^{*} Both were admitted to the Hopkinton church, April 5, 1752. Children: Jeremy, [*October 13,*

^{*} ISAAC CLARK (1707-1783) married EXPERIENCE WILSON (1705-1783) on August 7, 1729 in Newton, Mass. Isaac's father, JOHN Clark, served as Newton's selectman in 1722, and his maternal grandmother, THANKFUL ATHERTON (1644-1719), was the daughter of Major-General HUMPHREY ATHERTON (1607-1661), who served as Speaker of the Massachusetts House in 1654 and held the highest military rank in Colonial New England. PDS

1751]; Nabby, baptized February 25, 1753;
Experience, May 5, 1755; Henrietta,
December 12, 1756; Betty, April 25, 1762;
George, July 22, 1764; Ephraim, April 5,
1767; Henry Bowen, August 1, 1773;
William, July 17, 1774...

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from *Records and Files of the Quarterly
Courts of Essex County Massachusetts,*
Volume VI.

“Mr. Coxwell my kinde loue
remembred unto you this is to let you
understand that Thomas louell gave your
sonn a letter of aturney to fell a house and
little ground which he receiued thirtene
pound of it and I will take my oathe of it
that he said upon his death bed that he
receiued thirteen pound and that the said
thomas louell should be paid out of his goods
here but that the magistrates were gone to
cambridge else I would haue sent you a
deposition under there hands, and I would
intreat you to send me the biggest of the
lads with all speed else you must pay me for
his time. george Stimson. thus in hast I
rest your louing friend

Theodore Atkinson.*

* Autograph (*as noted in source*). This receipt, dated February, 2 1656, was given by Mordecai and Elizabeth Larcom to the executors of John Cogswell's estate. *PDS*

from *Records and Files of the Quarterly
Courts of Essex County, Massachusetts,*
Volume V.

Ipswich Quarterly Court [March] 1664

Mr. Daniell Epps complained against Stephen Godwin, George Stimson, John Beaver and John Palmer for stealing and killing two hogs, for breaking his house and stealing several goods and for threatening his servants and children if they discovered it. The jury found Stephen Godwin guilty of all three particulars in the indictment and George Stimson and John Bevoir guilty of the two former. They were all ordered to pay treble damages for theft, to be severely whipped and to allow their master more for loss of time, Stephen Godwin a month and the others a fortnight each and said Godwin to be bound to good behavior. John Palmer, because he confessed at first, was given liberty to redeem his whipping by paying a fine of 40s. Said Godwin was committed to prison, for want of security, for good behavior. Court ordered that upon security given for his departure out of this jurisdiction

by two members of this court, he was to be released from his sentence of imprisonment.*

Court adjourned to May 5.

*Mr. Epps, complaining of great wrongs done to him by his servants combined together in stealing his goods and threatening the younger persons, children and others with death, George Stimson appeared before Samuel Symonds, and confessed his having a hand in the business of the hogs which were killed, also in taking the provisions out of the rooms locked up to put them in by a way made purposely to steal them. Said George being committed to prison was bailed, his master and himself being bound in 40li. for his appearance at the next Ipswich court. Stephen Godwyn, another servant of that family, was committed to the next court.

John Befer, upon examination, said that he knew of the killing of his mistress' pigs and that Stephen and George killed and dressed the flesh but he did not help them. He was in the council, however, and partook in eating thereof. Also that John Palmer and

Stephen killed the second hog and he helped make the fire for it, that Stephen suggested to him breaking into the room wherein the house provisions were put under lock and key, that after Stephen had loosened the board, he helped to pull it up and himself, Stephen and Palmer went down and took cider, strong beer, pastry and cheese and all three of them went down several times through the place opened, and took sugar, plums, marmulet and butter. Also that Palmer, by putting his arm into a locked cubbard by means of a pin loose in the ledge, took out the key of the cellar. That there was some linen used, but what was washed and returned he did not know, yet he thought that one napkin was brought to be washed, and that he and Palmer did take powder and shot. That it was a usual thing to seek for and take the eggs from the family for themselves. Also that there was a young fat shote found dead where the hogs lay, that it was warm and that Stephen carried it about sixty rods from the house, lest his master should make them eat it. That there were plenty of victuals provided

for them always.

John Palmer, upon examination, said that Mary Bray, servant in the house, also partook with the others. He also heard Stephen threaten Bode, aged between ten and eleven years, that if he did tell of his doing, he would take him by the heels and knock out his brains. Also that all were afraid of Stephen.



from *Ipswich in the Massachusetts Bay Colony*, by Thomas Franklin Waters.
Ipswich Historical Society, 1905.

George Stimson. Impressed* Nov. 30 1675,
Major Appleton's Company,
Narragansett winter
campaign, Wounded in the
Fort Fight...†

...The short winter day was spent before the battle was done, and as the Indian fort was deemed an unsafe camp, the desperate alternative remained of marching back to the nearest settlement, full fifteen or sixteen miles, after night had fallen. Bearing their dead, and helping the wounded, the survivors struggled back. The

*In Colonial Massachusetts, prior criminal history often resulted in involuntarily impressment into military service. *PDS*

†King Philip's War (also known as "Metacom's War") impacted the life of every New Englander. At the war's conclusion, English colonists had successfully broken the resistance of Native American tribes in the region, and they did it without significant assistance from the mother country. This conflict, along with the witch trials at Salem, represented a transformative event in the collective memory of many generations of our ancestors. *PDS*

horrors of that night march pass imagination. Many of the wounded perished by the way, and the strongest were completely spent before a safe shelter was reached. Four of Major Appleton's soldiers were killed, Samuel Taylor of Ipswich, Isaac Ellery of Gloucester, Daniel Rolfe of Newbury and Samuel Tyler of Rowley. Eighteen were wounded, including John Denison, George Timson [*sic*], and Thomas Dow of Ipswich. (*Mass. Archives* book 68, leaf 104).*

from *Records and Files of the Quarterly Courts of Essex County Massachusetts*,
Volume VI.

* Other family members involved in the brutal "Great Narragansett Swamp Fight" include not only GEORGE STIMSON and RICHARD ADAMS (who was wounded, as well); but also Captain ISAAC JOHNSON, who died as the battle's first casualty, and Lieutenant HENRY BOWEN, who took over Johnson's command. Other ancestral combatants in King Philip's War include Captain JOHN GROUT of Sudbury, Lieutenant PETER FOLSOM, Lieutenant JAMES TROWBRIDGE, Lieutenant SAMUEL COLCORD, Cornet BENJAMIN KIMBALL, and Ensign JOHN CURTIS. PDS

Salem Quarterly Court [June] 1676

John Palmer, aged about thirty years, testified that Mr. Theodore Atkinson sold him to Mr. John Cogswell, jr., in London, for twelve years, and when he sent him to this country said Cogswell told him that he had paid for his passage, but upon arrival he understood that his master was dead and he was assigned to Mr. John Cogswell, sr., where he served part of the time until he was sold to Mr. Eps. Also that Elisabeth and Samuel Cogswell, then children, lived there at the same time, yet Elizabeth was competent to earn her own living and the boy was a sound, hale lad, both very ill-used as to diet and clothing, going very ragged and thin, barefooted and barelegged. There was a lad who came over in the ship with deponent named Georg Stimson, who said he was Mr. John Cogswell's servant and who came to Shebaco with them. Sworn, June 16, 1676, before Samll. Dalton, commissioner.

...George Stimson, aged about thirty-one years, deposed concerning his coming from England and that he lived here with

Mr. William Cogswell a quarter of a year and then went to Mr. Theodore Atkinson's in Boston but as to the terms, he knew not.

Sworn, June 24, 1676, before Daniel Denison.

.....

*William Thomsonn's complaint,
Sept. 25, 1676.*

George Stimsonn^{*}, aged thirty-two years, that being at John Cogswell's, he heard Hanna Doowning railing against William Thomsonn, calling him a black dog, a devil and a black devil, and vowed she would be the death of him. Deponent told her to have a care what she said for the law was costly. She answered that she did not care what she said.

...Ales Stimsonn, aged about twenty years, testified that Hanna Doowning called Thomsonn an ugly witch and if all the

^{*} Autograph (*noted in source*).

people in Chabako were like him it were no matter if the devil had them. She also sent word by deponent's husband, etc.

.....

1678

[Mar.

...Abram Fitts, jr. aged twenty-one years, testified that last January he was bringing logs to the saw mill, and saw, near John Burnam, jr.'s house, John Kindrick, his two boys, and George Stimson working out two trees into cooper's ware, etc.

James Burnam testified that he saw Kindrick and William Tomson fell the trees near his brother John Burnam's house, etc. Sworn in court.

CHAPTER II

NEW AMSTERDAM AND OLD NEW YORK:

LIEUTENANT DANIEL LITSCHOE (c.1615-1662)
and
ANNETJE CLAES CLAUSEN (d. c.1679)

*

ANNA LITSCHOE (1647-1730)
and
COLONEL WILLIAM PEARTREE (c.1643-1714)

*

FRANCES PEARTREE (b. c.1670)
and
CAPTAIN WILLIAM SMITH (c.1642-1714)



PLANNING
OF THE
NEW AMSTERDAM
1674

from *Manual for the Corporation of the City of New York for the Year 1849.* by D. T. Valentine.

The Early History of Some of the
Streets of New York.

Pearl Street.

This street was originally the water line of the East River.

1654.—The first wharf in this city was built by Daniel Litschoe, tavern-keeper, “on the strand.” It was near the foot of Broad Street...

.....

from “*Key to Castello Plan, the Iconography of Manhattan Island*” Nos. 9 and 9-A.

The tavern and grounds of Sergeant Daniel Litschoe, on the Strand, just inside the city wall, covered the site of the Eagle Building, at the south-west corner of Wall and Pearl Streets, and all the land on Wall Street as far west as the Sampson Building, at No. 65. The cutting through of Beaver

Street obliterated his entire water front, and the widening of Wall Street demolished the north wall of his garden and reduced its size.

Daniel Litschoe, sergeant in the service of the West India Company, was stationed at Parahyba, Brazil, when, about 1646, he married Anna Claes Croesens, the young widow of Jan Jansen Swaartveger. She had a little son, Hermanus, then three years old. The boy was born in the neighbouring province of Rio Grande do Norte (Natal), at the "Castel," or fort, there. Swaartveger, undoubtedly, was also a soldier. - *Min. of Orph. Court*, I: 216-220. For an account of Litschoe, at Parahyba, see *Cal. Hist. MSS., Dutch*, 48.

The sergeant must have been transferred to New Amsterdam soon after his marriage, for his only child, Anna, was baptised there, June 6, 1647 (*Baptisms in Dutch Ch., N. Y.*, 22), Martin Cregier standing godfather for her; at that time, Litschoe was still in the Company's employ (*Cal. Hist. MSS., Dutch*, 109), but, in the ensuing March, he is found among the

tavern-keepers of the town. - *Rec. N. Am.*, I: 8.

Litschoe bought his property here from Abraham Verplanck; after building his large house, he rented the smaller one to the north (very probably Adam Roelantsen's old home—see *Key to Map of Dutch Grants*) to Andries Jochemsen, May 13, 1651 (*Cal. Hist. MSS., Dutch*, 52), and sold it to Tryntje Scheerenburgh, June 22, 1653. - *Liber Deeds*, A: 7-8. For the history of the old house, which stood very close to the city gate, on the lot where the first guard-house was afterwards built, see *Chronology*, June 22, 1653.

After the wall was built, Litschoe bought two adjoining lots on the Cingel, June, 1656 (*ibid.*, A: 52), finished the improvements on his property, and kept an orderly tavern here until his death, which occurred between December 6, 1661—the date of his will—and April 6, 1662, when his widow was required to file an inventory of his property. - *Min. of Orph. Court*, I: 216-20. Mrs. Litschoe was still living here in July, 1677. - *M. C. C.*, I: 50.

Their daughter, Anna, married William Peartree, who was mayor of the city in 1703-07. -*M. C. C.*, VIII: 150. She and her husband released the homestead in 1706. -*Liber Deeds*, XXVI: 178. Her descendant, William Peartree Smith, retained some of the Wall Street lots until 1783. -*Ibid.*, LVI: 178.

from *Old Taverns of New York*, by W.
Harrison Bayles, 1915.

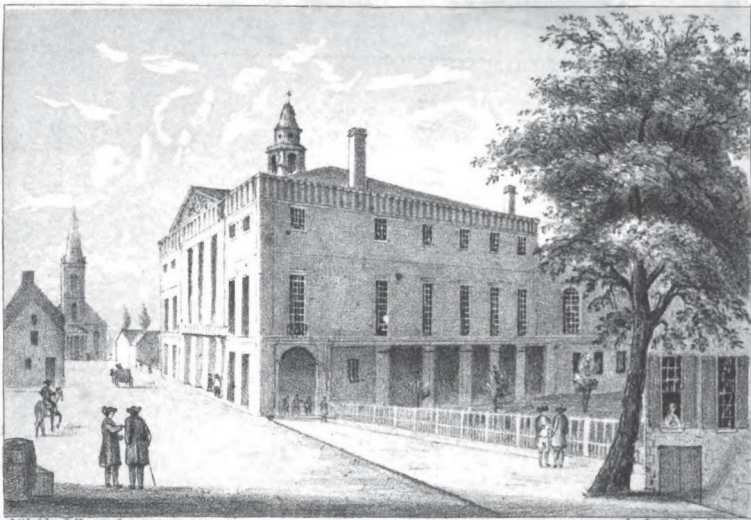
Some time previous to the year 1648 Daniel Litschoe established an inn on what is now Pearl Street in the outskirts of the town, which became the resort of the country people coming in from Long Island. Litschoe came out to New Amsterdam with the earliest settlers as ensign in the military service of the Dutch. He was with Stuyvesant at Beverwyck and on his order hauled down the lord's colors. He also went out with Stuyvesant in the expedition against the Swedes on the Delaware as

lieutenant.

The tavern seems to have been a good-sized building, for it is spoken of as "the great house," but this is to be taken as in comparison with its neighbors. It had at least a quarter of an acre of ground attached to it, and stood back some little distance from the street. A part of the lot is now covered by No. 125 Pearl Street. In the spring of 1651, Litschoe leased this house to Andries Jochemsen, who kept it as a tavern or ale house for many years and had lots of trouble with the authorities. He would tap on Sundays and after nine o'clock, and his house was the resort of disorderly persons. After keeping tavern for some years in a house which he had built just outside the city wall, Litschoe purchased a lot inside the wall between it and the house he had resided in some years before, and here he, and after his death in 1662, his wife, Annetje, kept a tavern for many years.

When Sir Henry Moody came from Virginia in 1660 to exchange ratifications of the treaty to regulate commerce between that colony and New Netherland he was

received with all the usual diplomatic honors. Two members of the council, under escort of halberdiers, were sent "to compliment him in his lodgings," and Moody, appearing in the fort, presented his credentials. He resided a considerable time at the house of Daniel Litschoe and when he left the city he failed to settle his score, for which his library left at the house was sold. More people came into the city over the river road from the Long Island ferry than from any other direction, and Litschoe's tavern near the city gate was an inviting resting place. It was one of the stations where fire-buckets were kept for use in cases of emergency.



Lith. by G. Hayward.

OLD CITY HALL, WALL ST.

*for D. T. Valentine's
Manual.*

from *New York City Mayors*, Volume 1, by
Ralph J. Caliendo, 2010.

Twenty-eighth Mayor 1703-1707
William Peartree
(d. 1713)

William Peartree, a West India and colonial merchant and trader, was appointed the twenty-eighth mayor of New York City on September 20, 1703. William Peartree was born in the West Indies. Peartree was active and efficient and had been somewhat fond of military life; he also was a fitting magistrate to superintend the fortifications rendered necessary by the pressure of war during his administration. He had a house and grounds on Beaver Street between New Street and Broadway, where he resided for a long time.

In 1703, the population of New York City was about 4,436 inhabitants. Elias Neau opened the first Anglican school for blacks. In 1712, Governor Hunter ordered that "all slaves would be sent to Neau's school" for religious instruction. The first

sewer, which was an open trench, was dug on Broad Street; it was later bricked over.

In 1704, Lord Cornbury appointed a commission to lay out Kings Highway from the river to Flatbush; another road branches off to Jamaica. Visiting New York City on December 7, Sara Knight writes the following:

The City of New York is a pleasant well compacted place, situated on a commodious River which is a fine harbour for shipping. The building brick generally very stately and high....The bricks in some of the houses are of divers coullers and laid in checkers, being glazed, look very agreeable....They are generally of the Church of England....there are also a Dutch and Divers Conventicles, as they call them, viz Baptists Quakers & C. They are not strict in keeping the Sabbath as in Boston....They are sociable to one another and courteous and civil to strangers....they have vendues very frequently and make their earings very well by their, for they treat with good liquor liberally, and the customers drink as liberally, and generally pay for't as

well....Their diversions in the winter is riding sleys about three or four miles out of town, where they have houses of entertainment at a place called the Bowery and some go to Friends' House who handsomely treat them.

In 1705, Reverend Aeneas Mackenzie founded St. Andrew's the first Anglican congregation on Staten Island. Their church in Richmondtown was built in 1712. Queen Anne granted Trinity Church the 215-acre "church farm," extending from Fulton Street to Christopher Street and from Broadway to the Hudson River.

William Peartree died in 1713, leaving one daughter who married William Smith, a colonial New York merchant.

from *Manual for the Corporation of the City of New York for 1853*, by D. T. Valentine.

WILLIAM PEARTREE,
Mayor in 1703-4-5-6.

Mr. Peartree, like several others of the principal men of those times, came to this city in the merchant service, and finding an opening here for profitable trade established himself as a merchant. He resided in Beaver street, north side, between New street and Broadway, where he had a large garden. He came hither from Jamaica, where he had been trading, and where he held a considerable property. His shipping business was principally between this port and the West India Islands. It was in the time of Mr. Peartree's mayoralty that fortifications were first erected at the Narrows, the principal incentive being the entrance of a French privateer within the harbor, which put the whole city in consternation.

In 1705, Col. Peartree, then Mayor, was intrusted with the command of an expedition, consisting of a brigantine and two sloops, fitted out by several of the principal shipping merchants of the city, to cruise after a certain French privateer which had been depredating upon merchant vessels bound for this port. Col. Peartree died in

1714, leaving no male descendants. His daughter Francis married William Smith, an eminent merchant.

He resided, at the time of his mayoralty, in Broadway; his family establishment being conducted in hospitable style. Himself, wife and child constituted the white portion of the establishment. Two male negroes, two female negroes and two negro children making up the household. In the time of his mayoralty, the city contained about 4,500 inhabitants.

from *Calendar of State Papers, Colonial Series, America and West Indies 1686-1688: Preserved in the Public Record Office.* Edited by the Hon. J. W. Fortescue, 1899.

1686

[Jan. 12.] 543. Minutes of Council of Jamaica. In consequence of lack of funds the military parties serving against the negroes were discharged. Order for every parish to

provide for its own security by its own party or guard. Order for payment of £31 4s. 0d. to T. Jennings for hire of his sloop. The petition of William Peartree for consideration on account of a wound received while pursuing the rebellious negroes. He was referred to the Justices and Vestry of St. Dorothy s and St. Thomas in the Vale. [*Col. Entry Bk.*, Vol. XXXVI., pp. 103-104.]

[Feb. 16.] 569. I. Deposition of Edward Goffe, commander of the pink Swallow. I sailed on 16 September last in company with Captain Peartree of the sloop Ann, having the Governor's passes, and his orders to sail to Santiago in Cuba to ask the release of Captain Chandler and others. Arriving at Santiago, and sending the Governor's letter ashore, I received an answer from the Governor of Santiago to leave the coast, and that he had no prisoners. Some of my boat's crew however declared that they saw Chandler at work in the wells of the Castle. Peartree and I returned to Jamaica with this answer, and a few days later sailed for the

Bay of Honduras. Coming off Trinidad, in Cuba, on the homeward voyage, we sent in a boat asking leave to wood and water, which was refused. I was therefore forced to go to the Cays, ten leagues from Trinidad, for water, whither the Governor of Trinidad sent two galleys out, one of forty and one of eighty-five men, the latter of which, as the master confesses, was present at the sack of New Providence. Both galleys came up to my ship's side, and without hailing poured in a volley, which killed two men and wounded five or six, and then making fast to my ship's side tried to board her. Having the sloop's crew on board we defended ourselves, and after about half an hour's engagement, there were about sixty Spanish pirates killed and thirty-eight wounded. The smaller galley managed to clear herself, but the larger we captured and brought into Jamaica.

569. II. Deposition of William Peartree and others in confirmation of the foregoing.

569. III. Deposition of Captain Edward Stanley of H.M.S. Bonito, as to his engagement with the captured galley in

November, 1684.

The whole sworn before John White. 15 Feb. 1686. Sealed and countersigned. Reg. Wilson. The whole 3 pp. Endorsed. Recd. 1 June 1686. [*Col. Papers*, Vol. LVII., No. 20.]

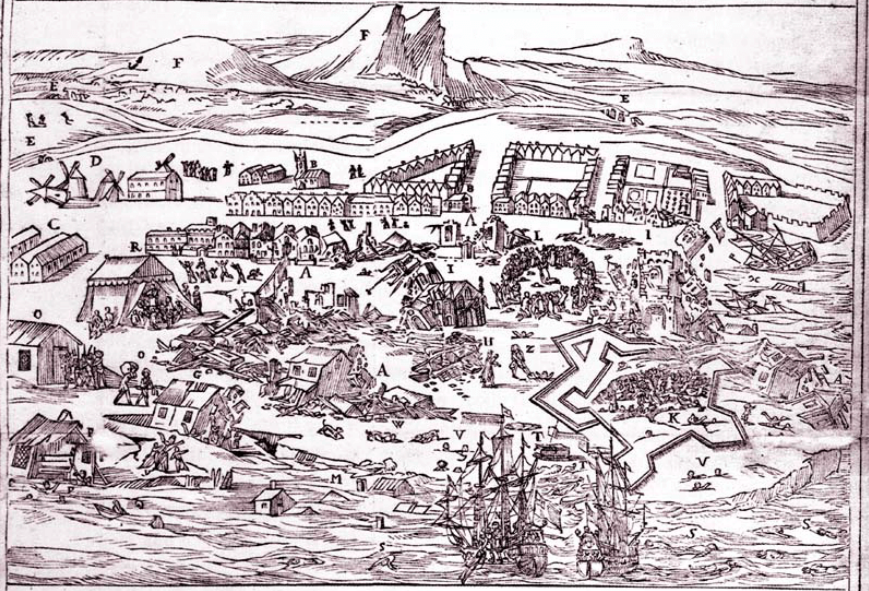
*

1,201. I. Copy of a letter from John Gyles at Petit Guavos to Captain William Peartree, at Port Royal, Jamaica, 6 August, 1696. There is a sloop, if not a brigantine, going down to the Cabaretas, and to Mr. Davis's, and all along them quarters. I was informed by a negro, who was one of Davis's, who says that there is an English Indian pilot going with them. The brigantine has at least ninety to one hundred men. I am also told by some here that this flag of truce is sent down with some gentlemen to see what condition the island is in, for they expect daily ten sail of men-of-war and two bomb-ketches, said to be for Jamaica. Certified copy. $\frac{1}{2}$ p.

A True and Perfect Relation of that most Sad and Terrible
EARTHQUAKE, at Port-Royal in JAMAICA,

Which happened on *Tuesday the 7th. of June, 1692.*

Where, in Two Minutes time the Town was Sunk under Ground, and Two Thousand Souls Perished: With the manner of it at Large, in a Letter from thence. Written by Captain Crocker: As also of the Earthquake which happen'd in *England, Holland, Flanders, France, Germany, Sicily, &c.* And in most Parts of *Europe*: On *Thursday the 8th of September.* Being a Dreadful Warning to the Sleepy World: Or, God's heavy Judgments shew'd on a Sinful People, as a Fore-runner of the Terrible Day of the Lord.



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from the 'Entry Book: January 1691, 1-15',
 in *Calendar of Treasury Books, Volume*
 9, 1689-1692, ed. William A Shaw
 (London, 1931).

Treasury order to the Customs
 Commissioners to observe (a) *infra*.

Prefixing: (a) Order of the King in Council,

dated Kensington, Jan. 1 inst., to permit the Rebecca sloop, William Peartree master, with six men belonging to Jamaica and two foreigners, to proceed on her voyage home thither without giving bond to return; the said sloop belonging wholly to Jamaica, where her owners do dwell; she being arrived in London lately with her said crew and being "not proper for the European trade, but chiefly for fetching provisions and going from one island to another in America." (*Out Letters Customs*) XII, p. 272.

from *Manual for the Corporation of the City of New York for 1853*, by D. T. Valentine.

[At a Common Council, held on
[Thursday, 19th day of October.
[A. D., 1703.

This day being the anniversary day of swearing the new Mayor, High Sheriff,

Alderman, Assistant Treasurer, High Constable, Petty Constable, &c. William Peartree, Esq., the new Mayor elect. (Philip French, Esq., the late mayor being absent,) attended by the Recorder, Alderman, Assistants, Assessors, Treasurer, Collectors, High Constable, Petty Constables, and other Officers of the said City, according to the usual formality, met at the City Hall, and from thence went to Fort Anne, and there waited upon his Excellency, the Captain General and Governor in Chiefe of this Province in Council, who caused to be administered to the said William Peartree, Esq., Mayor, and Ebenezer Willson, Esq. High Sheriff, the oaths appointed by act of parliament, to be taken instead of the oaths of allegiance and supremacy, and the test, the oath of abjuration, and also the oaths for the due execution of their respective offices, and accordingly delivered unto them their respective commissions. Whereupon the Mayor attended as aforesaid with the like formality, went to Trinity Church, where the Reverend Mr. William Vesey, the Rector thereof, after Divine Service. preached a

sermon suitable to the occasion, which done, they returned to the City Hall, where after the ringing of three bells, the commissions of the Mayor and High Sheriff were published, after which they all went up into the Court Chamber, where the new Mayor assumed the Chair, and by Mr. Recorder was presented with the charter and seals of the city, which done the aforesaid oaths, test, and abjuration oath, as also the oath for the due execution of their respective offices were administered to Jacobus V. Cortlandt, Esq., Alderman of the Dock Ward; John Hutchins, Esq., Alderman of the West Ward; David Provoost, Esq., Alderman of the North Ward, Jeremiah Tothil, Alderman of the East Ward, and Johannes Janson, Esq., Alderman of the South Ward. Bartholomew Laroux, Assistant of the West Ward; Benjamin Graneuil, Assistant of the East Ward, Abraham Ketletas, Assistant of the North Ward, and Egbert Hermanus, Assistant of the Out Ward, and John Yanhorne, Assistant of the Dock Ward, being absent...

from *Second Annual Report of the State Historian, State of New York.*
Transmitted to the Legislature February
22, 1897.

1705.

To chase Privateers from Sandy Hook.

Commission June 18. Col. William Peartree, to be commander of an expedition against a French privateer, infesting the coast near Sandy Hook. Capt. Francis Jones second in command same expedition.

Warrant to Col. William Peartree to take under his command for the above expedition the ship Elizabeth, Capt Jones; briganteen, Return, Capt Potter; sloop, Seafower, Capt. Cowley, sloop, Peartree, Capt Dunscomb.

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from *Second Annual Report of the State
Historian, State of New York.*
Transmitted to the Legislature February
22, 1897.

ROBERT HUNTER GOVERNOR OF NEW YORK
A List of the Officers belonging to the
Regiment of Militia in ye City of New York
June ye 26th 1710.

William Peartree Collonell
Robert Lurting Lev't Coll
David Provoost Major

1st Company
Richard Willett Capt
Paul Driolhett Lev't
John Vanhoorn Ensigne

3d Company
(—) P'olwell Capt
Johanis Jansen Lev't
Walten Thong Ensigne

2d Company
Benjamin Faneuil Capt
Michael Hawden Lev't
Isaac Stoutenburgh Ensigne

4th Company
Benjamin Aske Capt
Johanis Hardenbrook Lev't
Elias Bodinutt Ensign^{*}

^{*} *n.b.* ELIAS "Elie" BOUDINOT (1674-1719) is the grandfather of ELISHA BOUDINOT (1749-1819). He escaped Marans, France with his family after the revocation of the Edict of Nantes, and was a founding trustee of the first Huguenot church in New York. PDS

from *Journals of the Board of Trade and Plantations, Volume 2, February 1709 - March 1715*. Originally published by His Majesty's Stationery Office, London, 1925.

Draught of Instruction for inquiring into the occasion of the heats &c.

Colonel Hunter attending, with Mr. Champante, in relation to the settling the Council of New Jersey, Colonel Hunter proposed that Mr. Lewis Morris be restored to his place in the said Council, from which he had been suspended by Colonel Ingoldsby, and that Mr. Thomas Gordon, of East New Jersey, and Mr. Thomas Gardner of West New Jersey be also added to the said Council, to fill up the vacancies there. Colonel Hunter further proposed that Colonel Peartree be removed from the Council at New York for having been concerned in illegal and unwarrantable proceedings, and that Mr. Staats and Mr. Walters be restored to their places in the said Council, from whence they had been

suspended by the Lord Cornbury.* These gentlemen being withdrawn, their lordships gave directions for preparing the draught of an additional instruction to Colonel Hunter for her Majesty's royal signature, directing him, upon his arrival in New Jersey, to inquire into the occasion of the heats and divisions in that province, and to transmit an account thereof to her Majesty, for her pleasure therein.

Mr. Rayner.
Character of Mr. Peartree.

Mr. Rayner attending, and being asked what he knew of the character of William Peartree, a member of the Council of New York (mentioned in yesterday's minutes), he said that he had observed, whilst he was at New York, that he did seldom attend the publick service at that Board; that he had seen a letter writ by young Mr. Bayard from New York, in October last, to Mr. Adderly

* Lord Cornbury's administration was fabulously corrupt. He can be found at the top of every list of worst English colonial governors. *PDS*

here, wherein it is said that the seamen, which had deserted from the *Tryton* and the *Lostaffe* at New York, did now, since those ships were come away, appear on board ships belonging to the said Peartree and to the Mayor of New York; and he promised to give their lordships an extract of the said letter.

from "America and West Indies: December 1709, 16-31," in *Calendar of State Papers Colonial, America and West Indies*, Volume 24, 1708-1709, ed. Cecil Headlam (London, 1922).

924. i. Council of Trade and Plantations to the Queen. We herewith present to your Majesty draughts of Instructions for Col. Hunter for the Governments of New York and New Jersey, which are to the same purpose as those given to the late Lord Lovelace. And whereas William Peartree, one of the present Council of New York, has been represented to us as a person unfit to

serve your Majesty in that station, particularly in regard of his not giving due attendance at that Board, that several men who deserted your Majesty's service from on board *Lowstoft* and *Triton's* prize, are there employed by the Mayor of New York, and by the said Peartree on board their vessells, contrary to the Act for encouragement of the Trade to America, and to the prejudice of your Majesty's service, we therefore humbly offer that he be left out of the said Council, and that Dr. Samuel Staats, of whom we have had a very good character, be constituted a Member in his stead; and there being a vacancy by the death of Thomas Wenham, we humbly offer that Robert Walters, of whom we have likewise had a good character, be constituted by your Majesty a Member of the said Council in his stead.

from *History of the City of New York*, by
David C. Valentine, 1853.

WILLIAM SMITH, a merchant,
established himself in this city about the year
1690, and married Francis, a daughter of
Colonel William Peartree. His dwelling was
situated on the west side of Broadway,
opposite the Bowling Green. He occupied
several prominent official stations in the
province, among others that of a member of
the provincial council.

from *The Proceedings in the Court of
Admiralty about the Shipp Cedar, and
the Privateers after their return from
the French forts in Acadia.*

*At a Court of Admiralty held in James Fort,
Monday the 13th day of April 1668
before noone.*

[Col'l Richard Nicolls, *Governor.*
[Col'l Francis Lovelace,

Present [Mr. Thomas Delavall,
[Mr. Ralph Whitfield,
[Mr. Matthias Nicolls.

Plaintiff. Captain Thomas Salter of Port Royall, in Jamaica, by Mr. Rider, Attorney for Samuel Moseley on the behalfe of the said Salter.

Defendants. William Smith. Abraham Keeling, Thomas Davis, Samuel Smith, Thomas Barnes, John Hayter. and Symon Jones, Master and Company of the Shipp Cedar, Captain Richard Morris being security for all the Defendants appearance (the Master excepted) brings them into Court.

At the first session of the Court, the Privateer's petition for a Court of Admiralty was read with the order thereupon.

So also was Captain Salter's letter of Attorney to Samuel Mosely to prosecute for him in general with the said Moseley's letter empowering Mr. Ryder to prosecute the matter depending.

Mr. Ryder puts in allegations from Captain Samuel Moseley Attorney of Captain Salter, against Wm. Smith and Company,

which were read, after which the articles between Captain Salter and the ship's company made at Port Royall were produced and read in Court, as also the agreement or articles made between Wm. Smith, Master and Abraham Keeling and Company at Campechie Bay.

Thomas Barnes excepts against his hand and scale in the articles made with Captain Salter. but his marke is proved by the like which he markes; he likewise objects that every one sett their seales as well as hands or markes, and that there are but 3 seales to the articles produced, and yet 18 names.

The allegation of Samuel Moseley, Attorney of Captain Thomas Salter, against Abraham Keeling reads:

Abraham Keeling mooves for security of Mr. Ryder for prosecution of him which was ordered, upon which the Court did likewise order that Abraham Keeling and the rest should give in security to stand to the judgment of the Court.

Upon the request of the Privateers that they might have forty-eight hours tyme allowed them to give in their answer to the

allegations exhibited against them, the Court doth give them tyme till Thursday mornin next at 10 o'clock.

Captain Richard Morris is admitted security for the same persons, he stood engaged for their appearance before untill the next sessions of the Court.

*

*At a Court of Admiralty held in James Fort,
Thursday, the 16th day of April, 1668,
before noone:*

Present, [Coll. RICHARD NICHOLS, *Gov.*
[Coll. FRANCIS LOVELACE,
[Mr. THOMAS DELAVALL,
[Mr. RALPH WHITFIELD,
[Mr. MATHIAS NICOLLS.

Captain THOMAS SALTER, *Plaintiff.*
WM. SMITH, MASTER & CO., *Defendants.*

Upon a motion made to the Court by the Defendants, Captain Morris was admitted their Attorney to lead for him.

William Smith Master puts in his

answer to Captain Salter's allegations by himselfe.

Upon Abraham Keeling's pleading for himselfe, divers things were objected against him, and the testimonyes of several persons upon oath produced in wryting a against him. viz: Luke Watson, Patrick Hayes, and Wm. Merritt's oaths, as to his common discourses against the Lawes and the Justice of the Government. Phil Johns and Ned Shackleton. as to their being threatened to be thrown overboard by him.

The Governor demands satisfaction for the abusive words and scandall of the Government, as also for the combination against Wm. Smith the Master.

Captain Morrison on the behalfe of the Privateers, objects against Mathew Salter's letter of Attorney to Moseley, and puts them upon the proof of it, but awhile after submits to the judgment of the Court who were well satisfied of the validity thereof.

Thomas Davis, Thomas Barnes, John Hayter, who swore at a Court in New Jersey, that the condition of their articles was under the penalty of £200; being

demanded how they came to take such a rash oath, the summe mentioned in the said articles being but £100.

They do all declare that they did confidently believe the summe to be £200, as the had sworne, and the rather or that Keeling showed them frequently a paper which he said was copy of the articles, wherein the said £200 was inserted, in which copy it was likewise mentioned that the said summe was to be forfeited if the Master should after they arrive at the first port refuse to deliver up the articles.

The Defendants not having brought their answer into Court in wryting, are ordered to bring it in on Saturday next at two of the clock, afternoone, Captain Morris refusing any longer to stand bayle for the Defendants, Mr. Delavall upon his own proposal is admitted bayle in his stead.

Abraham Keeling was excepted against by the Governor for his reviling and defaming the Government, so stands committed in the custody of the sheriff.

But upon further consideration it was ordered that the said Keeling should put in

good security to answer only to Captain Salter's allegations at the next Court of Admiralty, which if he cannot or doth not procure, then, that he remain a prisoner untill that tyme.

*

*At a Court of Admiralty held in James Fort,
Thursday, the 18th day of April, 1668,
afternoon:*

[Coll. RICHARD NICHOLS, *Gov.*
[Coll. FRANCIS LOVELACE,
Present, [Mr. THOMAS DELAVALL,
[Mr. RALPH WHITFIELD,
[Mr. MATHIAS NICOLLS.

A petition was resented to the Court from 5 of the Privateers, acknowledging their order and casting the sole fault and blame of their actings and miscarriages upon Keeling, and who was their sole instigator and director, and humbly throwing themselves together with their whole case upon the clemency of the Court.

The said 5 persons being required by the Court to take their oaths to what they say they were sworne.

Whereupon they declared and acknowledged their petition brought into Court to be their joint act.

Then being demanded by the Court how Keeling came to be of their company, they acknowledged that 3 of them went to Wm. Smith their master to treat with Keeling and Throgmorton to go along with them, they being in want of provisions and hands, and did propose equal shares to them of what loading they had, if they would supply them, to which they consented, came aboard where the articles were afterwards made.

The privateers answer to the allegations of Captain Salter in their petition is to be taken into consideration by the Court.

The allegations against Abraham Keeling being called upon for answer, he insists upon the agreement made with the company for an equal share with the rest and gives that in for his answer.

The 5 privateers are dismissed until

Monday, when they shall heare the determination of the Court. Abraham Keeling is committed back to the custody of the Sheriff untill further orders.

*

At a Court of Admiralty held in Fort James the 13th, 16th and 18th days of April, 1668.

THE SENTENCE AND DETERMINATION
OF THE COURT.

Upon a full hearing of the difference betweene Samuel Moseley of Boston, Marriner, as Attorney or Procurator of Captain Thomas Salter of Port Royall, in Jamaica. *Plaintiff*, and Wm. Smith, Abraham Keeling. Thomas Davis. Samuel Smith, Thomas Barnes John Hayter and Symon Jones. Master and Company heretofore belonging to the shipp Cedar, *Defendants*.

We find by the several examinations of the defendants taken at this first comeing into this port, and by what hath been here declared in Court, that the Defendants,

Wm. Smith, Master, and Abraham Keeling, Marriner; who had signed no articles to Captain Salter, as also Thomas Davis, Samuel Smith, Thomas Barnes, John Hayter, and Symon Jones, who had signed articles and conditions to and with Captain Salter, were not in any capacity to returne to Jamaica, according to their articles and conditions, but were really forced to this porte by contrary winds, want of provisions, sailes and rigging, and afterwards necessitated for their relief and subsistence, to ma e sale of your Campechie wood which was brought into this port by him and is now in question.

It appears likewise to this Court by the said articles made by the Defendants or parte of them with Captain Salter, (which are the sole strength of his plea.) that the said defendants were to have a proportion or share of whatsoever Campechie wood should be taken in that voyage, and that Captain Salter returned to Port Royall in the George laden with Campechie wood.

This Court doth therefore and hereupon judge and order that the said Campechie

wood now in controversy or question here, as aforesaid, or the product thereof, doth and shall remaine to the defendants proper use as the just proportion or share. of all that was taken in the said voyage from Port Royall, aforementioned, the sale whereof, by Wm. Smith. Master, and the whole company, is allowed by this Court they having acknowledged before the Court to have received satisfaction and payment for the same.

They do also order that the Indian brought in hither by the defendants as parte of their prize, shall be sold to defray the charges arisen on both sides upon that occasion.

But the Shipp Cedar now under arrest at the suite of Captain Salter, shall remaine or the use of the said Captain Salter, with the remainder of all such tackle, apparel, cannon or ammunition, as belonged to the said vessell when she came first into this port; the just debts of the said shipp being first deducted and paid, and all former pacts, contracts. articles or agreements at any tyme made, touching or concerning the disposall of

the said shipp Cedar, by or between the said defendants or any of them, either by sea or land and by this Court adjudged and declared void and of no effect to all intents and purposes whatsoever.

By the order of the Governor and Councill.

M. NICOLLS.

Feb. 20th, 1668.

*

*The Privateer's Petition to the Right
Honorable Richard Nicolle, Governor under
his Royall Highnesse the Duke of Yorke, of
all his Territories in America.*

The humble petition of Abraham Keeling, Thomas Barnes, Thomas Davis, Symon Jones, Samuel Smith and John Hayter.

HUMBLEY SHEWETH:

That your poore petitioners have since they came into this port, run through many difficulties both before and since they attended your Honour's Commission, but

now are almost driven to despaire by reason of the great troubles that unexpectedly are fallen upon them.

Your petitioners being every one of them in the first place under arrest at the suite of Mr. Delavall in an account of debt.

In their next, their vessel which they brought in hither with them, together with her furniture, attacht at the suite of Captain Salter; and at last they are all arrested at the said Salter's suite.

As to the first, your petitioners are both ready and willing to answer and make satisfaction as far as in them lyes for what is their due to pray.

For the other two, your petitioners being in a very mean and low condition, and having many and great enemyes, do humbly implore your Honour's reliefe, in particular that your Honour will be pleased to order a special Court of Admiralty according to customes of your Government, wherein your Honor will please to be present with some persons that are knowledged in the lawes and customs of the sea, and of such affairs. To hear and determine the

matters in difference between the plaintiff and your poore petitioners, the defendants, to whose wise determination they will readily submit.

And as in duty bound shall pray, &c.

*

The order upon the Petition.

Whereas, the petitioners stand arrested at the suite of Captain Salter to make their defence before the Court of Mayor and Aldermen in this City, and that the matter in difference relateth to the lawes of a Court of Admiralty, the Mayor and Aldermen are by these presents requested to suspend any proceedings in the case, as either to the hearing or determining the matter in controversy, only that the partyes arrested shall give security to the Court for their appearance before a Court of Admiralty, to answer the suite of Captain Salter when such a Court shall be called not exceeding six weeks after the date hereof.

Given under my hand this 2d day of

March, 1667, in Fort James.

R. NICOLLS.

*

Another Petition of the Privateers.

To the Right. Hon. Coll. RICHARD NICOLLS,
Coll. FRANCIS LOVELACE,
And the rest of the Hon'ble
Court of Admiralty.

*The humble Petition of Thomas Davis,
Thomas Barnes, John Heyter, Samuel
Smith and Symon Jones, in all humility
shew unto your Honours:*

That whereas it was ordered by this Honourable Court, that the petitioners should answer the allegations against us in wryting the next sitting of this Court, your poore petitioners do crave pardon of the Court for not obeying the order, by reason we are not at all knowing in such matters, and that Keeling should plead for us, we are in duty bound to pray for your Honours and

the Court's clemency in judging aright, that what was acted in the other Colony was by the instigation and false oath of Keeling to us in so often affirming that what he shewed us, was the same we had signed to, which was the occasion of the great fault and mistake in swearing so positive as we did, not out of an ill-will that we bore to the Master, Wm. Smith, but solely and wholly persuaded thereunto by the said Keeling upon several fair and large expressions he made to us, urging that if we did not do it we should all be ruined, and upon these reasons we cannot make choice of him to lead our case, but with all humble submission throw ourselves upon the mercy of this Honourable Court confessing ourselves to be guilty of what this Court hath alledged to us.

Therefore, your poore petitioners do most humbly pray your Honour to take into your consideration the sad and deplorable condition of your petitioners that they may be discharged from the arrest of Salter, for his pretence to the Campechie wood that was brought in by us, it being sold for our

subsistence, and with submission, we do conceive we have not had more than our just shares, but rather lesse if we had gone to Jamaica to make our dividend. And for what your petitioners do justly stand indebted to Captain Delavall, may be deducted out of the apparell and furniture that the Honorable Coll. Nicolls did furnish us withall, and out of his great goodness did afterwards give to us of the ship's company. And as to the Shipp Cedar, as she was when we brought her in, as also the Indian man, we do jointly and severally refer it to the judgment of this Honourable Court to determine whether it doth belong to Captain Salter or your petitioners, they earnestly requesting of your Honours that they may be relieved from these multitude of troubles. that through the false delusions of Keeling they are now ensnared and netangled in.

And as in duty bound they shall ever pray, &c.

SAMUEL SMITH.
JOHN HEYTER.
THOMAS DAVIS.
THOMAS BARNES.

SYMON JONES.

Received in Court, the 18th day of April,
1668—Fort James.

*

The Shipp and Company's Agreement.

Articles of Agreement made and concluded by and betwixt Wm. Smith. Commander of the good Shipp William now riding at anchor in the Bay of Campechie of the one parte, and Mr. Throgmorton, Thomas Barnes, Symon Jones, Samuel Smith, Thomas Davis, John Heyter, and Abraham Keeling of the other parte.

It is agreed and concluded by and betwixt the said William Smith and the aforesaid Company that each person as aforesaid shall have, hold, keep and possess. each man his proportionable parte or share, to have and to hold for one years and a day, according to the lawe of allowance of the good shipp, called the William, as aforesaid, and the aforesaid William Smith,

Commander of the aforesaid shipp or vessell, is to receive, keep, hold and possess according to the lawe of allowance, each parte or share of the aforesaid shipp or vessell.

It is further agreed by the aforesaid Commander and Company, that each particular person shall receive his equal proportionable parte or share of all such Campechie wood that is now in her, onely the aforesaid William Smith. Commander, is to receive two shares at the port of delivery.

It is further concluded on, that the said Commander and Company shall not make sale of their partes or shares of the aforesaid shipp or vessell William, except it be to one of the same company now belong in to her.

It is further agreed upon, that if any one of the said company shall leave the aforesaid shallop or vessell without the consent of the major parte of the company at his next port of delivery, shall leave his parte or share to the rest of the said company.

It is agreed on, that what prize or prizes shall be hereafter taken by the

aforesaid shipp or company, shall be equally shared, giving the master two shares.

The Second Article of Agreement.

Know all men by these presents. that we the undernamed persons do binde ourselfes severally and jointly in the penall sum of £100 each unto the other for the true performance of the within mentioned articles each unto the other in this our new intended voyage in the good shipp or vessell William; and upon the performance of the said articles. then this obligation to be void. otherwise to be in full force and virtue to be sued in any Court or Courts under the King of England's command, or in any Court or Courts where the English have commerce or trade; and for the true performance of the same, we have hereunto sett our hands and scales this 13th day of May, in the 14th yeare of the reigne of our Sovereigne Lord King Charles the 2nd, and in the yeare of our Lord God. 1667.

It is agreed before the signing and sealing, that the two shares of the vessell to

the Master is void, being in the first articles, and he is to have but one share, but is not to be dispossessed as Master of the vessel, without he will himselfe; so for the present there is but eight shares in the vessell.

WM. SMITH.
F. THROGMORTON.
THOS. BARNES.
SYMON JONES.
SAM'L SMITH.
THOS. DAVIS.
JOHN HEYTER.
ABM. KEELING.

CHAPTER III

COLONIAL VIRGINIA:

COLONEL THOMAS BALLARD (c.1630-1689)
and
ANNA THOMAS (d. 1687)

*

CATHARINE BALLARD (c.1670-1716)
and
MAJOR WILLIAM BUCKNER (c.1663-1716)

*

ELIZABETH BUCKNER (b. c.1698)
and
LT. COLONEL DRURY STITH (c.1695-1740)

from *The Majors and Their Marriages:
With Collateral Accounts of the Allied
Families of Aston, Ballard, Christian,
Dancy, Hartwell, Hubard, Macon,
Marable, Mason, Patteson, Piersey,
Seawell, Stephens, Waddill, and
Others*, by James Branch Cabell, 1915.

IT HAS SEEMED expedient to defer until this the giving of an account of the founder of the Ballard family in Virginia. As is the case with most families of distinction, the founder was by no means the least notable member thereof.

THOMAS BALLARD of James City county, born in 1630, was in all likelihood a son of the Henry Ballard who is named as a headright in Captain Christopher Calthropp's land-patent of 1,000 acres in Charles River county, dated 6 May 1636, and who himself patented fifty acres in Warwick county, 31 October 1642. There are divers other circumstances, here irrelevant, which indicate that Thomas Ballard had interests in Warwick, and was presumably born there.

It is certain, at all events, that he was

in 1652 clerk of York county, and retained this office for eleven years afterward. Ballard was thus already upon the road to preferment. To quote once more from Mr. Bruce's *Institutional History of Virginia*: "There are numerous indications that the clerks of the county courts were frequently men belonging to families of conspicuous influence. . . . As it was permissible to combine the office with other positions perhaps more lucrative, it was not considered even by men of good estates and of great political importance to be unworthy of their acceptance. It shows how far this combination of other offices with a clerkship was carried during the years preceding the Insurrection of 1676 that one man was allowed to perform, in addition to its duties, the duties of county surveyor, escheat master, and public notary, all places of decided profit. The office of clerk by itself must have been the source of a large income to the incumbents." At this time they were authorized to practise as attorneys in their respective courts—"and independently of these services, the fees which they were

permitted by Act of Assembly to charge for their ordinary duties as clerks assured them an ample return for their labor." For the clerk's fees at this time compare Hening, I, 266; and, as altered during Ballard's tenure of the office, I, 464.

On 16 July 1655 Thomas Ballard patented 1,000 acres in "Gloucester county, now called Kent", his tract lying east of the Mattapony river, bordering William Wyatt's land, and being due for the importation of twenty persons. He seems, however, never to have seated this land; and indeed, a marginal note is appended to the land-grant, "*This Pattent is relenqueshed for ye right to make good a pattent of 1,300 Acres of the said Ballard's Dated ye 6th: October 1658.*" He a little later, on 15 October 1657, patented 600 acres "on South Peanketanke", assigned to Ballard by Abraham Moon (who had patented the land 1 November 1634), but this tract Ballard sold shortly afterward to Major David Cant. He then patented, 6 October 1658, some 1,300 acres "on Whorecock swamp" in New Kent county, due for the importation of twenty-six

persons, and 290 acres in York, 13 January 1661; but these lands Ballard also sold, and, apparently in 1663, removed to James City county, where for the remainder of his life he made his home.

While a resident of York Ballard had married Anna, daughter of William Thomas of that county, this event taking place probably circa 1650, and at least as early as 1658, as is shown by a deed of gift by William Thomas, conveying to "Jane Hillier, wife of John Hillier"—daughter to Thomas's wife by an earlier marriage—a heifer, "named Tittymouse," wherein Thomas mentions his "son-in-law Thomas Ballard": the deed being dated 20 March 1658-9, and recorded in York 24 June 1659. There is also recorded in York a deed from Thomas Ballard and Anna Ballard, his wife, conveying to Matthew Hubbard the land Ballard patented in 1661; which deed Anna Ballard signed on 28 March 1662, her witnesses being John Hillier and Jane Hillier.

Thomas Ballard, then, removed to James City circa 1663, and was chosen to represent that county in the Virginia House

of Burgesses for the session beginning 5 June 1666 and proroged to 23 October 1666. He seems from the outset to have played no inconspicuous part in the Assembly. He was appointed, 31 October 1666, one of the "Committee to regulate the price of Ordinary Keepers", for in those days the rates charged by innkeepers was not a matter beyond the deliberation of the lower house. On 2 November Ballard was named one of the committee "to attend the Governor about a treaty with Maryland and the Incident Instructions", and, 6 November 1666, to "attend the Honourable Governor for drawing the Instruments for Wm Drum (*Drummond*), Governor of Carolina, and the Instructions for the Commissioners for Maryland, and to treat also with his Honour concerning his Satisfaction for the Silk presented to this Country by his Sacred Majesty." This marks almost the last gasp of the long-continued effort to make silk in Virginia profitably. On the same date Ballard was also one of the committee to attend the Governor "to request his Honour to consider some Hon'ble persons that might

be fit and would please to accept the Managing the Affairs of the Country in England."

In the same year Ballard was named a member of the Council by Sir William Berkeley, then Governor of Virginia, with whose turbulent fortunes all Ballard's future was henceforward linked. Ballard seems to have served only one term in the House of Burgesses, just now; but he remained a member of the Governor's Council for thirteen years.

It is difficult to overestimate the dignity of this position, and its importance justifies another (abridged) citation from Mr. Bruce.

"Members of the Governor's Council were invariably chosen from the wealthiest, most capable and most influential citizens of Virginia. This discrimination as to wealth did not have its origin in such a purely sentimental cause as the desire to maintain the extraordinary dignity of the office by choosing to fill it only men enjoying the highest consideration in the community; the care in selecting members of the Board

among persons of property was attributable to the very practical fact that the Councillor served both as naval officer and as collector of customs for the district in which he resided; that as such he had the custody of very large sums of money; and that unless he owned a competent estate, any default on his part would entail a permanent loss to the Colony. Should he, however, possess a large property, any deficit in his accounts could soon be covered by its sale."

"Wealthy and prominent both socially and politically as the citizen must be to become a member of the Council, his nomination to that office at once greatly enhanced his importance. Appointment to the Board was one of the surest means of trebling and quadrupling a fortune, owing to the large salaries of the numerous very lucrative offices that went with it. The Councillors constituted the Upper House of the General Assembly, and in the various powers exercised by them in that character closely resembled the English House of Lords; in association with the Governor, they formed the General Court, which

concentrated in itself the several jurisdictions of the Chancery, King's Bench, Common Pleas, Exchequer, Admiralty and Ecclesiastical Courts of England; they served as commanders-in-chief or colonels of their respective groups of counties, and as such possessed privileges closely analogous to those of the English Lords-Lieutenants; they acted as naval officers, and in that capacity were called on to enforce all laws passed by Parliament and the General Assembly for the advancement of trade and navigation, and as naval officers, they also entered and cleared all vessels; they were the collectors of the export duty of two shillings a hogshead and of all other duties of the like nature, such, for instance, as the one penny a pound imposed on tobacco shipped from Virginia to another English Colony in America; they were the farmers of the quitrents, which they obtained from the Auditor on very low bids; and they acted as escheators, an office very lucrative in itself and offering unusual opportunities for profitable investment."

"It is not going too far to say that the members of the Council appropriated to

themselves all those higher offices of the Colony which were attended with the largest salaries, or presented the most numerous chances for money-getting. They deliberately disregarded the fact that the concentration of these offices in so few hands brought about serious damage to the public interests whenever the Councillor was required by his incumbency of two separate positions to perform two sets of duties really in conflict with each other: a Councillor, for instance, was called upon to pass upon the correctness of his own accounts as collector; as collector, he was obliged, for his own enlightenment as a judge of the General Court, to inform himself of all violations of the Navigation Acts; as farmer of the quitrents, he practically owed the success of his bid to himself as Councillor; as escheator, who was a ministerial officer, he took and returned the inquisitions of escheats to himself as a judicial officer, and as such, passed upon points of law coming up in his own inquisitions. It is no cause for surprise that Bacon denounced the Councillors as 'sponges to suck up the public treasury', as

a 'powerful cabal' full of wiles for their own enrichment, and as traitors to the people in their greedy determination to appropriate to themselves all the official fat of the unhappy Colony."

So much for Thomas Ballard's new responsibilities and opportunities. Meanwhile, he was named as one of the Virginia Commissioners appointed by Berkeley to treat with the Commissioners of Maryland and Carolina on 8 November 1666, about the proposed scheme to force up the price of tobacco by refraining from planting any during the year 1667. The articles of agreement, binding all three colonies to raise no tobacco whatever during this twelve month, had been signed at James City, 12 July 1666, by all the commissioners save Ballard alone, who evidently had no faith in the makeshift. His scepticism was shared by the more powerful Lord Baltimore, then Governor of Maryland, who eventually persuaded the Privy Council to declare the agreement of no effect.

As a member of the Council, Ballard now made his home at Middle Plantation,

afterward Williamsburg, where he was living certainly as early as 1668; and where on 28 January 1674-5 he purchased from Thomas Ludwell a considerable tract of land, including, as has been said, all the ground whereon stands the present College of William and Mary. Ballard's home seems to have been just east of the College, at the western end of Francis Street.

In York, 24 April 1673, Thomas Ballard was appointed guardian of Anne Broomfield, the daughter of Mrs. Mary Marsh, deceased; and it is possible that this Mary Marsh was his sister. She had married, first, Thomas Broomfield, and, second, Joseph Croshaw (being his fifth wife), and, third, Clement Marsh.

The outbreak of Bacon's Rebellion, in 1676, found Ballard high in Governor Berkeley's grace and counsel. In 1673 he had been among the nine signers of the remarkable letter "on behalfe of Sr William Berkeley", sent by members of the Council to King Charles II, defending the Governor against responsibility for the recent captures of many merchantmen off the Virginia coasts

by the Dutch; and Berkeley, in a letter to Thomas Ludwell, dated 1 April 1676, when trouble with Bacon was plainly imminent, writes of "Coll: Bacon (cousin to the rebel), Mr Ballard, your brother (Philip Ludwell), and Mr Bray" as "al I have left to assist me."

It is impossible to give any intelligible account of Thomas Ballard without introducing therein some account of Bacon's Rebellion.* This miniature civil war was brought on, primarily, by troubles with the Indians, some of whom uncivilly objected to making a present of their native land to English men, and committed many murders on the frontiers of the settlements. Nathaniel Bacon, Junior, of Curles, in Henrico county, petitioned the Governor for a commission to fight against them, and, not receiving it, marched with a company of other malcontents up Roanoke river, attacked a camp of unprepared and hitherto friendly

* From among our own ancestors, Governor Berkeley also counted on the support of Colonel JOHN GEORGE (1603-1679), former burgess for Wight County in the Virginia House of Burgesses, and Major JOHN STITH (d. 1691), High Sheriff of Charles City County. PDS

Indians, killed a hundred and fifty of them, and returned home. The inhabitants of Henrico, at least, were so well pleased by this rather dubious exploit that they elected Bacon to represent them in the next Assembly, which convened at Jamestown 5 June 1676. Bacon came to take his seat, and was arrested for high treason; but his friends were powerful, and a conciliation was patched up, whereby Bacon professed repentance for his late violations of the law and implored forgiveness of the Governor, which formally was granted. In this arrangement Thomas Ballard was one of the prime movers; and he was among the members of the Council who endorsed Bacon's application for a pardon, dated 9 June 1676. Yet, in passing, Ballard had been explicitly denounced by Bacon in his proclamations, as the Governor's "wicked and pernicious Counsellor."

Very shortly, however, Bacon declared his life to be in danger if he remained in Jamestown, and fled by night to his home in Henrico. Here he gathered together five hundred adherents and at their head marched

back into Jamestown, unresisted. The Governor was for defying him even then, for all that Berkeley had scarcely a hundred men to back him against Bacon's half-thousand; but the Governor was overruled by the Council—Ballard being a leader in this also,—and, yielding to force, gave Bacon his long-sought commission to fight Indians. Ballard, for one, evidently thought they were well rid of Bacon on almost any terms. The English Commissioners, who afterward investigated this rebellion, record: "The Assembly also did passe orders to raise or presse 1,000 men, and to raise Provisions &c, for this intended service ag't the Indians, wherein severell of the councell and assembly members were concerne'd and acted in the promoting this designe, encouraging others to list themselves into Bacon's service, and particularly one BALLARD, who endeavoured to perswade some (who scrupled the Legality of Bacon's commission) that it was fairly and freely granted by the Governor, Councill and Burgesses, this Ballard being one of the councill, and of those that both tooke and administered Bacon's Oath." Of

the later clause an explanation will be made later.

Bacon now returned to Henrico, and was on the eve of going out a second time against the Indians, when news arrived that Berkeley was in Gloucester county endeavoring to raise forces wherewith to uphold his authority as Governor. This caused Bacon to give up his expedition, and to direct his march into Gloucester, where he found the harried Governor had fled to Accomac. Bacon, thus left supreme, summoned the leading men of the Colony to Middle Plantation, and there, 1 August 1676, made them swear to stand by him, even against soldiers sent from England. His next move was really to lead his troops against an unfriendly tribe of Indians—some Pamunkeys, whom he discovered and seems to have had little difficulty in killing off, in the recesses of the Dragon Swamp, in King and Queen county. He returned to the settlement, and found the Governor once more established at Jamestown.

Now the charge of having been among those who at Middle Plantation swore to

support Bacon against the Governor or, if need be, against troops sent from England, is elsewhere laid against Thomas Ballard. In "*A List of the names of those worthy persons, whose services and sufferings by the late Rebell Nathaniel Bacon, Junior, & his party, have been Reported to us most signal and Eminent, during the late unhappy troubles in Virginia*"—this list being drawn up by the aforementioned Commissioners—are enumerated "Col. THOMAS BALLARD & Lt-Col Edward Hill, both which (as wee have heard) lost considerable by the Rebell party. The first of whom, both took and gave Bacon's unlawfull Oath." It is, in fact, indisputable that, when Berkeley fled to Accomac, Ballard was captured by Bacon's men, when they assembled at Middle Plantation—where Ballard's home was, — and cheerfully took the oath required of him, without any very earnest intention of keeping it. At all events, the moment Berkeley returned to Jamestown, Ballard rejoined him.

Bacon made straight for Jamestown also, and, having arrived in "Paspahegh Old

Fields," across from the Island, found that Berkeley had fortified the isthmus on the Island side. Bacon caused his men to throw up some earth works, and fortified them, as is well known, under shelter of a pre-eminently unchivalrous trick, that peculiarly touched Ballard. For Bacon had somehow managed to capture the wives of the leading Councillors—"Madam Elizabeth Bacon, wife of (his cousin) Colonel Nathaniel Bacon, Senior; Madam Anna Ballard, wife of Colonel Thomas Ballard; Madam Angelica Bray, wife of Colonel James Bray; & Madam Elizabeth Page, wife of Colonel John Page"—dressed them in white aprons, and stationed them under guard on his breastworks, so that he might not be molested by shots from the opposing forces, commanded by these ladies' husbands, while Bacon was getting his cannon mounted to attack Jamestown.

After a brief engagement, wherein Berkeley's forces were worsted and William Hartwell, the captain of his personal bodyguard, was wounded, the Governor took ship and abandoned Jamestown; and

Bacon, as is notorious, then entered and burned the city. He had matters his own way for a few weeks. But by October he was dead, smitten by a mysterious and horrible disease, wherein his opponents did not hesitate to find the judgment of heaven. The Rebellion collapsed with its leader's death; and the followers of Berkeley exacted a prodigal retaliation from Bacon's former adherents.

It does not appear that Ballard showed any especial leniency; and, his convictions apart, Colonel Ballard had the purely personal grievance that, beside the discomfortable treatment of Ballard's wife already recorded, Bacon had just previous to the Rebellion bought lands and cattle from Colonel Ballard, for which Bacon had not paid anything save a promissory note for £500; and for which, now Bacon was dead and Bacon's estate was confiscated by the Crown, Ballard was not likely ever to get reparation. Ballard had thus been hurt both in pride and in pocket, when he sat as judge at the courts martial held 11 and 12 January 1676-7 "on board Captain John Martin's

shipp, in York River" and "att the house of James Bray, Esq" 20 January 1676-7—where they convicted and hanged out of hand Ballard's former fellow-commissioner, William Drummond,—and at Green Spring, the Governor's residence, 24 January 1676-7: and Ballard, with the other judges, voted death to all the adherents of Bacon they could lay hands on. He sat too at the courts held at Green Spring, 1, 3 and 15 March 1676-7, at which many other victims were either sent to the scaffold or heavily assessed. Curiously enough, he absented himself from the trial of Giles Bland on 8 March 1676-7. This can hardly have been by accident: and as Ballard sat at all the other trials, before and after, the conclusion is irresistible he had some personal reason for wishing to take no part in Bland's formal condemnation. It does not appear, on the other hand, that Ballard lifted a finger to save him.

Hard upon these "bloody assizes" followed the removal of Governor Berkeley from office, 27 April 1677. Ballard, in passing, was one of the witnesses to

Berkeley's will, dated 2 May 1676, but witnessed 20 March 1676-7, less than a month before the old knight's downfall. Berkeley left for England 5 May 1677, Colonel Herbert Jeffreys succeeding him as Governor: and now the three Commissioners—Jeffreys, with Colonel Francis Moryson and Sir John Berry,—set about investigating the causes of the recent disturbances. The counties sent in their several "grievances"; and there was no lack therein of lurid verbal delineation of the tyrannous conduct of Captain William Hartwell, who as has been said commanded Berkeley's bodyguard, and of the misdoings of the deposed Governor's chief adherents, Thomas Ballard, Philip Ludwell, Robert Beverley and Edward Hill. These men were presently, in consequence, at daggers drawn with the Commissioners: but in the meanwhile, hardly had the "grievances" been handed in, before the Commissioners were generally considered to have exceeded reasonable limits in meddling at all with Virginian affairs, so touchy had the settlers grown in matters affecting their

independence; and popular opinion, suddenly veering, now looked to Ballard and Ludwell and the others whom only yesterday popular opinion had stigmatized as Virginia's oppressors, to defend outraged colonial rights against un-warrantable English aggression.

Thus, as a result of the Commissioners' reports, the Lords of Trade and Plantation, on 10 February 1678-9, ordered Philip Ludwell and Thomas Ballard to be excluded from the Council, and this was done: but public dissatisfaction in Virginia speedily forced Lord Culpeper (who followed Jeffreys' successor Chicheley as Governor, in 1680) to re-instate Ludwell; and the people had meanwhile given Ballard the highest office in their power, by electing him burgess for James City county, for the session beginning 6 June 1680, and making him Speaker of the House. Ballard was re-elected burgess for the sessions of November 1682, 10 November 1683, 16 April 1684, 2 November 1685, and 20 October 1686; and was Speaker in 1680, 1682, 1683 and 1684.

He thus retired from public life, rather irrationally converted into a popular hero, at

what was then considered the ripe age of fifty-six; and of the remaining two years of his life appears no record. Colonel Thomas Ballard was buried in James City county, where he had long been a vestryman of Bruton parish, 24 March 1689.

In 1686 his ten-year-old claim against the forfeited estate of Nathaniel Bacon was taken up, and Ballard's case as creditor was represented to the King by the Council. No record exists as to whether or no Ballard was ever paid: but in the Virginia State Archives is still preserved Ballard's unreceipted bill and Bacon's uncanceled promissory note.

Ballard's first wife, Anna Thomas, had died some years before him, on 26 September 1678. He had evidently remarried, as in York was recorded, 24 July 1691, "An order ag't Mr Thomas Barbar, High Sheriff, is granted Mr Tho: Ballard, Assigne Alice Ballard, Ex'c'r'x of Coll: Tho: Ballard, Assigne Henry Waring, being for ye non-appearance of Jno Eaton." This suit was dismissed 24 September 1691, the case being dropped. The entry, in connection with the

hereinafter mentioned suit brought by William Ballard at the last-named court, would indicate that Colonel Ballard married, second, Alice, who survived him and acted as his executrix. By this second marriage there were no children.

Colonel Thomas Ballard and his first wife, Anna Thomas, had issue:

I. John Ballard, who settled in Nansemond county, where he patented 300 acres, 2 June 1673. It is stated on excellent authority that he died without issue before 1694: yet it would be interesting to know who were the Joseph, Elisha and Elias Ballard who patented 250 acres in Nansemond, 20 April 1694, and took out other land-grants in that county later.

II. Colonel Thomas Ballard of York, of whom an account has been given elsewhere...

III. Lydia Ballard, who married Thomas Harwood. He survived her, and married, second, Elizabeth, daughter of Thomas Read, and died in 1700, without issue by either marriage.

IV. Elizabeth Ballard, who married Ladd, and had, with other issue: James

Ladd of Charles City county, who married Judith Christian...

V. Martha Ballard, who married John Collier, but left no issue.

VI. William Ballard, of whom very little is known. He figured in the York records, shortly after his father's death, in a suit he brought against James Harrison, William Ballard being then described as "assignee of Benj : Goodrich, Attorney of Alice Ballard, Exorx Coll: Tho. Ballard, dec' ed": this suit, begun at a court held 24 September 1691, was dismissed at a court held 24 November 1691, the defendant making oath the ~~~~~~ debt had been paid through Jerome Ham.

VII. Francis Ballard, sub-sheriff of York in 1694, and sheriff of Elizabeth City county in 1705. He married Mary, daughter of Bertrand Servant, and died 12 March 1719, leaving issue: Francis Ballard; Servant Ballard; Frances Ballard; Mary Ballard; Lucy Ballard; and Anne Ballard.

*

THOMAS BALLARD OF YORK

THOMAS BALLARD was the second son of Colonel Thomas Ballard of James City county... The younger Thomas Ballard was, therefore, probably born in York county circa 1655, and reared at his father's home at Middle Plantation, which more lately became Williamsburg. That he eventually returned to York county was due to his parents' wise choice of his godfather in Major Robert Baldrey. Baldrey had come to Virginia in 1635, being then aged eighteen, had married, and had acquired a considerable plantation in York, where he was for years a justice of the peace. He married, as has been said, but had no children: and in his will, (dated 1 May 1668, recorded in York 30 December 1676), he bequeathed, with the exception of 130 acres left outright to Thomas Greene, a life interest in all the testator's property to his wife, Elizabeth, with reversion at her death to Baldrey's godson, Thomas Ballard. Baldrey's widow seems to have died before 1684, at latest, as in that year Thomas Ballard, Junior, removed to York and took

possession of his god father's estate. He was certainly still living in James City 28 March 1683-4, when he witnessed a power of attorney from John Suckell to Joseph Topping; but he was a member of the grand jury in York in November 1684.

He married about this time Katherine, daughter of John Hubbard of York (then deceased); the marriage must have taken place at all events before 9 May 1685, as Ballard and his wife were witnesses on that date to a deed given by Thomas and Sarah Aylett to Thomas Wade. Ballard's succinct power of attorney to represent Mrs. Aylett on this occasion is likewise preserved in the York records.

"COUZEN BALLARD—After my service to yo' rself and Lady, this is to request the favo' r of you in my behalfe to acknowledge the land to Mr Wade w' ch he hath bought of my husband, and this shall discharge me from any Right or tytle any more. I am yo' r Servant & Kinswoman—SARAH AYLETT."

Among the York records for these years is also to be found an entry which, omitted

here as without genealogical significance, affords a sufficiently vivid glimpse of the young couple's *menage* and the immemorial liability to have trouble with servants, common to all young couples...

The death of Thomas Ballard's older brother, John Ballard of Nansemond, without issue, and the death in 1689 of his father, Colonel Thomas Ballard of James City, had presently made Thomas Ballard the head of his prominent and wealthy family. He was appointed a justice of the peace for York, and retained that honorable position until his death: and figures extensively in the contemporaneous York records as the Foeffee in trust, with Joseph Ring, under the *Act for Ports*, passed by the Assembly in April 1691—through which important law Thomas Ballard became, with Ring, the founder of historic Yorktown.

The statement demands a word of explanation. In Virginia at this period there was nothing anywhere resembling a city, with the solitary exception of Jamestown; and it required some stretch of the conscience to describe Jamestown as anything more than

a village. The exigencies of their life, and in particular the fact that the colonists were for the most part dependent upon tobacco raising for their sustenance, tended inevitably toward the establishment instead of innumerable widely scattered plantations. There was no need of harbor towns, since each plantation adjoined a navigable stream; the planter shipped his tobacco and unloaded his foreign supplies at his own wharf; and such articles as were not imported from abroad were manufactured by his own servants on his own land. The authorities in England could not, however, view with equanimity the spectacle of a vast colony wherein, after nearly a century of existence, there was nowhere to be found a town; it was so un-English; and they had made numerous efforts, all unsuccessful, to remedy the defect.

By this *Act for Ports*—which nominally, and with a deal of beclouding verbiage, aimed merely to increase the facilities for storing and shipping tobacco—fifty acres were set aside in each county as a site for the county port. In York the Read

plantation was selected, and laid off into eightyfive lots. By the Feoffees (Ballard and Ring) these lots were granted to such persons as requested it, in fee simple, but "under such consideration, that such grantee, his heires and assignes shall within the space of four months next ensueing such grant, begin and without delay proceed to Build and finish on each halfe acre granted to him one good house, to containe twenty foot square at the least." The experiment, while it failed in most of the counties, proved in York a success, very largely through the number of mechanics who chanced to acquire lots there, whereon they set up shops; the Feoffees reserved for themselves two of the most desirable plots in numbers 16 and 10, fronting on the river; several persons had presently opened inns for the entertainment of visitors to the new town; and in the outcome Yorktown was in 1705 formally incorporated. Of its former glories there survives to-day only its admirable view of the river; but Thomas Ballard is entitled, none the less, to the credit of having had the chief part in the town's establishment.

Ballard meanwhile had been chosen to represent York county in the Virginia House of Burgesses for the sessions beginning 1 April 1692 and 2 March 1692-3. And in the last-mentioned year he had a hand in founding yet another famous and enduring institution, when Thomas Ballard sold to the trustees of the proposed College of William and Mary a tract of land, inherited from his father, whereon the college buildings were afterward erected, and stand to-day.

The original deed from Ballard was long preserved, but mysteriously disappeared from the college archives some twenty years ago. The first expense accounts of the college, from its opening in 1693 to April 1697, sent by Governor Andros to England and still to be seen there, contain under the heading *The College of William & Mary is D'r*, 1694 the item: "To CAPT THOMAS BALLARD, for 330 acres of land, whereon ye Colledge is built £170." The college has since sold, at various times, all save some thirty acres of this land, which, purchased for £110 by Colonel Thomas Ballard of James City in 1674-5, and sold for £170 by Captain

Thomas Ballard of York in 1693, was thus owned by the Ballards not quite twenty years.

In 1694 Captain Thomas Ballard was chosen High Sheriff of York. His commission, given in full in the York records, was dated 27 April 1694, and granted by Edmund Andros, who as has just been said, was then Governor of Virginia. In consequence, as is duly narrated likewise in the York records for the edification of posterity, "CAPT THO: BALLARD, aduceing his Ex' lly ye Governour's Comision to this Court appoynting him High Sherr: of this Countie this present year, which being accordingly sworne, entered into bond, with seecurity, for ye due p'formance of his Office therein according to Law." He selected his brother, probably his only surviving brother, as sub-sheriff; and "MR FRAUNCIS BALLARD, p. appoyntm't of ye High Sherr: was accordingly sworne sub. sherr: as afores' d."

The Governor by ordinary chose the sheriff, every year, from among the justices of each county, who filled the office in turn,

as it was not found equitable to impose its burdens on any one magistrate for more than a twelvemonth. Yet it was a very remunerative position. In consequence, the justice whose proper year it was to be sheriff would not infrequently cede his right to a fellow magistrate who chanced at the time to be financially embarrassed,—as when in 1665 the York justices unanimously requested that Colonel Ralph Langley be nominated sheriff of that county, out of his turn, on the grounds that he had recently lost his house by fire. Some of the sheriff's fees, as fixed by a law enacted in 1661-2, amounted to five pounds of tobacco for delivering a summons to court or for issuing a bond to keep the peace; ten pounds for every arrest he made, for every subpoena served, and for every commitment to prison or release therefrom; twelve pounds for impanelling a jury; and twenty for placing a culprit in the pillory or for whipping him. In serving an execution the sheriff worked on a commission basis, according to the amount of the judgment: if the latter was less than a hundred pounds of tobacco, his fee was ten

pounds; if between one hundred and five hundred, twenty pounds; if between five hundred and a thousand, forty pounds; and if more than a thousand, sixty pounds; and so on. These fees in a locality like seventeenth century Virginia, where everyone appears to have been more or less litigiously inclined, added up at the year's end to a tidy sum; and Captain Thomas Ballard, as will be seen, was ready enough to resume the office when his turn came about once more. Ballard returned to the House of Burgesses for the session of 1696-7, and again for the sessions of 28 September 1698, of 27 April 1699, and of 5 December 1700, which last was proroged to 30 May-14 August 1702. He was again High Sheriff of York in 1699; was for years one of the leading lawyers of Virginia, and was long an officer of the York militia, ranking as captain in 1693, and being commissioned lieutenant-colonel on 3 June 1699,—Edmund Jennings being then made colonel and commander-in-chief, and William Buckner, afterward Ballard's son-in-law, major. John Major, thus, married circa 1705 the daughter of one

of the Colony's most prominent men. John Major and his wife appear to have lived near her father's big plantation for some five years after their marriage, and then to have removed from York to Charles City county, just as Colonel Thomas Ballard was preparing, after seven years retirement, to return to the House of Burgesses. It is noticeable that Ballard's will, hereinafter given, drawn up in 1706, states that he was then "weak of body"; and he probably never recovered robust health, as for the ensuing four years, beyond occasionally sitting as justice of the peace, he seems to have held no public office. Now, however, he was elected to represent York county once more as burgess, for the session beginning 25 October 1710, but died in the preceding September. A note as to his death, will and descendants is given on page 71.

*

WHEREAS Mr THOMAS BALLARD, Jun'r, brought before us a woman serv't, named Katherine Phillips; and by his petition declareinge that She ran away from her Service, and did take Severall peeces of her Mistr's Linnen alonge with her; And yt he was att twenty shillings charge att ye least, besides loose of time in Lookeing after and bringing her whome Againe; and yt not long after the s'd Katherine Phillips did most wilfully and Mallishously Conveye some fire into her M'r's Trunck Amongst her Cloaths, (which did appear to be true by her owne Confession), & did there burne and Consume Soe much Silke and other fine Linnen, (to the value of fourteene pounds Ster.)—*Itt is therefore ordered* that the s'd Phillips serve her s'd Mast'r three years after her time by Indenture-to be expired, for the great loss and Damages her s'd Mast'r hath Sustained by her Evill and Mallishious Contriveances.

—YORK COUNTY RECORDS 24 January 1686-7

YORK COUNTY, February ye 9th 1690—
Received then of Capt James Archer the sum

of one hundred, eighty and two pounds and sixteen shillings sterl. and Nine thousand and three hundred and eightene pounds of tobacco and cask; being the full portion of my Wife Katherine, the Daughter of Mr John Hubbard, Dec' ed; & received pr me

THO: BALLARD

Teste: (*Signed*) E. Jennings, Peter Temple.
Recorded 25 May 1691.

—YORK COUNTY RECORDS

These two domestic items must be permitted to suffice, concerning Colonel Thomas Ballard of York, since the records of that county show that during the quarter-century between 1685 and 1710 hardly a court was held whereat he did not figure in a dozen cases, either on his own behalf, or in one of his multifarious official capacities, or as attorney for someone else. There is no beginning to pick from such a wealth of material; and besides, the curious will find fair copies of these records, as far as 1702, readily accessible at the Virginia State Library.

from *The Buckners of Virginia and the Allied Families of Strother and Ashby*, edited by William Armstrong Crozier, 1907.

JOHN BUCKNER OF GLOUCESTER COUNTY

THE earliest mention of the name of Buckner in Virginia is that of John Buckner, to whom was granted in 1667, a land patent of 194 acres in Gloucester County. In 1668 he was granted additional lands and from then on, to the time of his death, he was constantly adding to his landed estate.

John Buckner, who may be regarded as the head of the family in America, was a member in 1671 of the vestry of Petsworth Parish, Gloucester. It is evident that he soon became prominent in the civil affairs of the Colony, as he was a Member of the House of Burgesses in 1683, as well as being Clerk of Gloucester County.

It is certain that he was a man of progressive ideas, and his name will always be remembered in connection with the

introduction of the first printing press, which he was Instrumental in bringing to Virginia. His efforts in this line were not appreciated by the Council, as the following extract from the Minutes will show:

“*Feb. 21, 1683.* John Buckner was summoned before the Council for his presumption in printing the Acts of Assembly made in Nov. 1682, without a license.

He made answer, that he had given the printer orders to print nothing without the Governor's license, and had only struck off a couple of sheets for His Excellency's approbation.* The Board was satisfied therewith, but ordered Buckner and William Nuthead the printer, to enter into bond for £100, to print nothing further until the King's pleasure was known. Recorded Sept. 29, 1684.”

(Signed) NICHOLAS SPENCER, *Secretary.*

* The governor was, of course, Lord Berkeley, who famously commented: "But I thank God there are no free schools nor printing, and I hope we shall not have these for hundreds of years; for learning has brought disobedience and heresy, and sects into the world, and printing has divulged them and libels against the best government. God keep us from both." *PDS*

The following abstracts of letters, taken from the Fitzhugh MSS. and written by Col. William Fitzhugh to John Buckner, are of more than passing interest, and upon perusal, one must perforce agree with the gallant Colonel that a "dumb negro, who was bad at work, and worse at talking," was but a poor bargain.*

Dec' r 3rd, 1681.

Mr. John Buckner

Sir: I was intended the last general court to have waited on you, in order to have taken care for your payment what I am indebted to you, but in my going was straitened in time and my coming' home earnest to be here. I have now taken this opportunity by Mr. John Withers to send you bills of Major Robert Beverlys for £20, 5, 0, which I suppose before this time he has taken care with you about his promised payment in your hands at the passing of the bills. Esqr. Wormley likewise at the same time assured me that he would take care to

* Regarding Crozier's concept of a bargain, no comment. PDS

pay you £20 more upon my account, which I doubt not but before this he has done; what remains I will hereafter take care honestly to pay, but hope you will make me some abatement for your Dumb Negro that you sold me; had she been a new Negro, I must have blamed my fate not you; but one that you had two years, I must conclude you knew her qualities which is bad at work and worse at talking and took the opportunity of the softness of my Messenger to quit your hands of her. I will freely give you the £3, 5, 0 overplus of £20 that he gave for her to take her again and will get her conveyed to your hands or hope if my offer be not acceptable you will make me some abatement of so bad a bargain. * * * * *

Sir, Your Obdt.

WILLIAM FITZHUGH.

The next letter seems to indicate that John Buckner had met with some loss, either of a business or family nature. It may refer to the death of his wife, but its precise meaning, of course, we will probably never know.

March 14, 1686-7.

Mr. John Buckner

I three days since, received yours of the 7th of March last, and do as truly condole your present affliction and past losses therein mentioned, as I heartily thank you for your Kindness and trouble therein expressed both in the preventing Sir Roberts note and the return of the £3 bills inclosed. I wish both yourself and family perfect health and full recovery. Sr. the inclosed protest will speak its own business. I have been already so often troublesome to you, and yet continue, that I want expressions to beg pardon and have no other refuge left than to assure you if any of your business lies this way, I shall court all occasions to assure you, I am sincerely

Your servant

WILLIAM FITZHUGH.

Beyond fragmentary mention in the court records, we know but little of John Buckner*s life in Virginia. We gather that he was factor or attorney for various London

merchants, and that his business relations with the best families in the Colony were of an intimate and extensive nature. He was a large property holder as the following abstracts show:

Land Grants

Gloucester

Feb. 19, 1667. Mr. John Buckner, 194 acres in Gloucester County adjoining the plantation whereon he now resides, adjoining Mr. Bernard's and Mr. Talliaferro's land.

June 16, 1668. Mr. John Buckner and Mr. Thomas Vickers, 132 acres.

Feb. 19, 1669. Mr. John Vickers and Mr. John Buckner, 517 acres in Gloucester County. Philip Buckner a headright.

Oct. 12, 1669. Mr. John Buckner and Thomas Royston, 1000 acres. John Buckner a headright.

Sept 18, 1681. Mr. John Buckner, 300 acres in Petsworth Parish, Gloucester, lying between 200 acres surveyed for Mr. John Smith, April 1, 1665.

Dec 22, 1682. Mr. John Buckner and Major H. Whiting, 2673 acres.

Oct. 30, 1686. Mr. John Buckner and

Major Henry Whiting, 2400 acres in Gloucester County, on northmost river of Mabajack Bay, escheated and granted to Henry Warying, by order of General Court, Oct. 16, 1686, and by him assigned to Buckner and Whiting.

Rappahannock County

May 2, 1671. Mr. John Buckner and Mr. Thomas Royston, 2000 acres in Rappahannock County on south side of the Rappahannock River, and adjoining the land of Mr. Lawrence Smith in the freshes.

Sept 9, 1671. Mr. John Buckner, Mr. Robert Bryan, and Mr. Thomas Royston, 3533 acres in Rappahannock adjoining the land of John Prosser, called Golden Vale.

As Stated in a previous chapter, it is believed that John Buckner was married in England in 1661, and that his wife was Debora Ferrers of West Wickham, Bucks. It is quite likely that most of his children were born in Virginia, and as he was a vestryman of Petaworth Parish the records of their baptism would naturally be entered in the

Church Register of that parish. Only the vestry book in a very dilapidated condition remains, containing the vestry-meetings from 1677 to 1793, and it is from its worn and faded pages that we learn of the official position that John Buckner held in the church. In the Land Grants of Rappahannock County there is a grant to Mr. Richard Buckner, son of Mr. John Buckner. It is quite likely that Richard was the eldest son, for if he was born in 1662, he would be 20 years of age at the time of the grant, which was in 1682. John Buckner's son, John, Jr., obtained a grant in 1691, eleven years after his brother Richard, so he was presumably a younger brother...

...We find from the records that the known issue of John Buckner consisted of four sons and one daughter. They are treated under separate headings, and as the date of birth is conjectural, two of the sons, Richard and Thomas, are placed last, as their descendants are more numerous than those of William and John Buckner, Jr.

- Issue of John Buckner
- I. William Buckner.
 - II. John Buckner, Jr.
 - III. Richard Buckner.
 - IV. Thomas Buckner.
 - V. Elizabeth Buckner.

John Buckner, the immigrant died about 1695, for although we can find no will, there is an inventory of his estate recorded in Essex County under date of Feb. 10, 1695.

*

WILLIAM BUCKNER OF YORK COUNTY

WILLIAM BUCKNER, one of the sons of John Buckner, was for many years a prominent merchant of Yorktown, in addition to being an important man in the civil and military affairs of the Colony of Virginia. It is impossible to give the primogeniture of any of the sons of John Buckner. Neither has it been possible to ascertain with any degree of certainty

whether they were born in England or in Virginia. In the present history of the family, William Buckner has been placed first amongst the sons, for the reason that the direct male line ends with his own two sons, the descendants of his daughter Elizabeth being the only ones distinctly traceable.

From existing records, we learn that William Buckner was Deputy Surveyor for Stafford County in 1691, and a Justice of the Peace for York County in 1694. He was also an officer of Militia, for at a meeting of the Court of Claims for York, Oct. II, 1697, he is called Captain William Buckner, and in subsequent years is given the rank of Major. In the years 1698 and 1699 he was a member of the House of Burgesses, and during these sessions he took an active part in the revision of the laws of the Colony. He was a member of the Assembly in 1714, and from 1708 to 1716 held office as Deputy Surveyor-General for the College of William and Mary.

It is evident from the important positions that he held that he was a man of

superior attainments, and we can get some slight idea of his character from the fact, that he refused to take the prescribed oaths to King William and Queen Mary, alleging that he had previously taken the oath of allegiance to King James II.

The following entries from the first Order Book of Stafford County are of interest:

"At a Court held for the County of Stafford at the house of Mr. Thomas Elsey, November 14th, 1690. Present—Col. WM Fitzhugh, Mr. Samuel Haward, Capt. George Mason, Mr. John Withers, Mr. Edward Thomason, Mr. Wm. Buckner, and Mr. Matthew Thompson, Justices.

Buckner

vs.

Thomason.

Wm. Buckner, Attorney of Thomas Starke and Nicholas Haward, merchants in London, complains against Edward Thomason of this County, gentleman, in a plea of debt for that the said Edward Thomason stands indebted to the plaintiff in the qualification afsd the sum of Four

Hundred and Eighty pounds of tobacco as by the audit between Mrs. Mary Massey and the plaintiff will appear for which the plaintiff hath brought his action against the said Edward Thomason this cost of suit and etc."

"At a Court held for the County of Stafford at the house of Thomas Elsey, August 12th, 1691. Mr. Wm. Buckner, being by this Court desired to take the oaths appointed instead of the oaths of allegiance and supremacy and likewise the oath of a Justice of Peace for this County, he refused it alleging that whereas he had formerly taken the oaths of allegiance and supremacy to King James the Second, in this county cannot now, in his conscience think himself fairly discharged from the said oaths in the life of King James, and therefore humbly desires to be excused from his being obliged to take the said oaths until hereafter he may in his conscience be better satisfied concerning the same."

"At a Court held for Stafford County October, 7th, 1691. Ordered, that Mr. Wm. Buckner, Deputy Surveyor of this County,

shall on Thursday next, being the 15th of this inst, October, 1691, repair to the Malachy Peale Neck, being the place allotted by Act of Assembly for the towne and Port of this County, and shall then and there survey and lay out the said towne or Port according to law to the intent that all the gentlemen of, and all other of the inhabitants may take up such lots or lot as he and they desire, that the houses and Port may proceed and goe on effectually according to the true intent and meaning of the Act in that case made and provided, at the last session of the assembly held at James City."

"At a Court held for Stafford County, November, 11th, 1691. Wm. Buckner complains against Jonah Revet in a plea of debt for that is to say, that he stands indebted to the plaintiff in the sum of Four Hundred and Twenty pounds of tobacco due bill under hand and seal, wherefore the plaintiff brought his action against the said Revet the defendant and prays judgment against him for his said debt with costs. And the said Jonah Revet the defendant by Henry Merest his attorney, came into Court

and confessed judgment unto John Withers the then appointed attorney for the said Wm. Buckner for the said sum of Four Hundred and Twenty pounds of tobacco due as aforesaid."

In the York County records we find the following entry in regard to the building of a windmill:

"John Lewis, Esq., and Madam Elizabeth Lewis, wife of said John Lewis, Esq., sell to William Buckner one acre of land at a point near Yorktown, on York River, just below a small creek formerly known as Townshend's Creek, and sometimes it is called in ancient patents Martue's Creek, but now it is called Yorktown Creek, one chain and a half on the river bank, for a windmill, to enter if the mill is not kept up, to grind for the donors 12 bbls. of Indian corn without toll."

Dated July 16, 1711.

Major William Buckner is believed to have married Catherine Ballard. She may have been a daughter or sister of Col. Thomas Ballard of York County, who was

born 1630; died 1689. Col. Ballard was Clerk of York County for many years after 1652 was Burgess for James City, 1666, member of the Council in 1675, and Speaker of the House of Burgesses in 1680 and 1682. He was, also High Sheriff of York County.

Major William Buckner died at Yorktown, and his will was proved there May 1, 1716. He left three children, two sons and a daughter, the sons being under legal age at the time of their father's death.
Issue:

- I. William Buckner.
- II. John Buckner, Jr.
- III. Elizabeth Buckner.

I. Of the two sons of Major William Buckner, but little is known. William died young, leaving his share of the estate to his brother John. His will is in the York Court records. After a brief preamble, it reads—"I give unto my loving brother John Buckner all ye estate I die possessed of real and personal, and doe appoint my sd. loving brother my whole and sole exr. of this my last will and testament." Dated Dec. 17,

1722. In the parish register of St. Paul's, Stafford County (now King George), is the entry of death of a William Buckner under date of Nov. 14, 1729...

II. John Buckner, Jr., was a Justice of York County from 1729 to 1741, and Burgess in 1736. During the latter part of his life he resided in King George County, where he died about 1748.

The inventory of his estate was recorded in Stafford County Oct. 11, 1748. The total value of the personal property being £805. Not included in the appraisement were, "two negroes at Drury and Griffin Stith's; about 80 hogs in Stafford; seventeen silver spoons, and eighty volumes of books." His nephew, John Stith, was executor.

There is recorded in Northumberland County a deed from Griffin Stith, conveying certain land in York, which his uncle, John Buckner, had left to him in his will, which is stated to be on record in King George County. As the will books of King George—which was originally part of Stafford

County are missing, it is impossible to say if John Buckner left direct issue or not.

III. Elizabeth Buckner, daughter of William and Catherine (Ballard) Buckner, married Colonel Drury Stith of Brunswick County, who died in 1770. Colonel Stith, married secondly, Elizabeth, widow of Thomas Eldridge, by whom he had issue, Edmunds Stith, who died in 1789. Issue by first marriage:

- I. Griffin Stith, of whom presently.*
- II. Buckner Stith of Brunswick County.
(For issue see Stith Family.)
- III. John Stith, born March 20, 1724; died May 29, 1773, s. p.
- IV. Drury Stith, married Fanny Love.
- V. Bathurst Stith, born Sept. 19, 1729.
- VI. Thomas Stith, born Dec. 29, 1731.
He was a Burgess in 1771.
- VII. Dudley Stith. [*sic* Richard]
- VIII. Elizabeth Stith, born June 23,

* GRIFFIN STITH (1720-1784) became Clerk of Northampton County, Virginia in 1744, and served until his death in 1784. In 1774, he was a member of Northampton's revolutionary Committee of Observation. PDS

1754 [*sic*]; married (1st) Henry Fitzhugh of Fitzhughburg; (2d) Henry Fitzhugh of Bellair.

LIEUT.-COL. DRURY STITH (Drury, John) was probably born around 1695, and lived for some time in Prince George County; later in Brunswick County. 10th September, 1722, Robert Bolling, of Prince George County, and Anne, his wife, convey to "Drury Stith, Jr.," of said county, 892 acres of land on the north side of Sappony Creek, the consideration being 5 shillings and "the natural affection he bare unto the said Stith" (Prince George County, Book 1, p. 557). This expression implies close relationship and is therefore a valuable bit of evidence. Drury Stith appears to have acquired a very considerable amount of land. 21st November, 1724, "Mr. Drury Stith Jun'r" has surveyed for him 1,200 acres on Sappony Creek. And again, 11th February, 1725/6, "Capt. Drury Stith" has surveyed for him, including his old land, 3,496 acres (Prince

George County, Book I, pp. 816, 1025). A patent soon followed. 13th October, 1727, there is a patent for 3,596 acres on Sappony Creek, Prince George County, to Drury Stith, Jr., of the same county (Va. Land Patents, Book 13, p. 192). In this year his wife Elizabeth (Buckner) joins him in a deed. 5th June, 1727, Drury Stith, Junior of Prince George County, and Elizabeth his wife, give to Henry Harrison, of the county of Surry, Gent., a mortgage of 600 acres on Sappony Creek, part of a tract on which the said Drury lives, and which was conveyed to him by Robert Bolling of Prince George Conty, Gent, (Prince George County, Book I, p. 1027). In 1726, Drury Stith was a Justice of the county (*ibid.*, I, 940), and also in 1720 (*Va. Magazine*, XX., 90). In 1727, he was still captain (*Chamberlaine's Bristol Par.*, p. 35); but he was a colonel (or rather lieutenant-colonel) before 1735 (*ibid.* p. 83). The records of Brunswick County show that he produced his commission as Clerk of the county and qualified for the position at a court held 11th of May, 1732, and the same year he was the county surveyor, holding

both positions until his death (*Va. Magazine*, XIII., 281). He was also interested in copper mining, and Col. William Byrd, in his "History of the Dividing Line" (II., 3) gives a humorous account of Col. Drury Stith and his mine. The Brunswick records show that at a court held 6th June, 1740, an attachment obtained by Drury Stith, Gent. and Clement Read "abates by the death of the said Drury," and at this term Sterling Clack qualifies as clerk. At the court held 3^d July, 1740, letters of administration on the estate of Drury Stith, Gent., were granted to Drury Stith, Gent., who entered bond and qualified. Lieut.-Col. Drury Stith married about 1717, Elizabeth, daughter of Maj. William Buckner (d. 1716), of Yorktown (*WM. & MARY QUARTERLY*, VII., 57). They had issue (dates of birth from Bristol Parish Register):

APPENDIX I

WILLS AND TESTAMENTS:

from "Extracts from Dutch Documents Bound in a Book Labeled Original Records of Burgomasters and Orphan Masters. Surrogates. Names of Persons Who Divided Estates or Gave Security Therefore, after Death of Husband or Wife," in the *Yearbook of the Holland Society in New York, 1900.*

Thursday, Apr. 6, 1662.

Anneken Litsco, widow of Daniel Litsco, is ordered to deposit on Thursday, April 13, an inventory of the estate. Her maiden name was Anna Claas Croesens—they had made joint will Dec. 26, 1661. He was lieutenant of a company of civic guards at New Amsterdam. His wife had a son Hermanus Jansz Swaartveger, by a former husband named Jan Jansz Swaartveger. The son was about 19 years old and was born in the Castle of Rio Grande in Brazil,

now living at New Amsterdam studying medicine and surgery. They had a daughter Anna Litsco, about 14 years old.

Order.

Anneke Litsco, widow of Daniel Litsco, is herewith ordered by the Orphanmasters to appear before them next Thursday, April 13, bringing with her an inventory of the estate of her late husband. Done etc.

Pursuant to order of the Board of April 6 Anna Claas Croesens, widow of Daniel Litsco, produces the testament made by herself and husband, which is ordered recorded.

TESTAMENT.

In the name of the Lord, Amen! Know ye everybody, who may read this public instrument or hear it read, that on the 26th of December, 1661, at about 3 o. c. p. m., before me, *Mattheus de Vos*, Notary Public, appointed by the Hon^{ble} Director General and Council and residing at Amsterdam in New Netherland, and before

the witnesses, named below, personally appeared the worthy *Daniel Letsco*, Lieutenant of a Company of Burghers in this City, sick abed, and *Anna Claas Croesens*, his wife, to me, the Notary, well known as well in body and both in possession of their memory and reason, using them freely, as was apparent to us,—who considering human sickness and frailty, the certainty of death and its uncertain hour and not wishing to leave this world without testamentary dispositions have in the best manner, quite voluntarily made their testament and last will as follows: they first commend their immortal souls, when leaving their bodies, to the endless mercy of God, and their bodies to the earth by a Christian burial; they revoke and annul all former testaments and last wills, by them jointly or singly made and executed, not wishing, that anybody shall meddle therein in any way, but holding them with all points, clauses and legacies contained therein as powerless and of no value. Then as the testatrix has a son of her first marriage with *Jan Jansen Swaartveger*, called *Hermanus Jansen*

Swaartveger and born at Castel Rio Grande in Brazil, now about 19 years old and studying the art and practice of surgery here in this City, as the paternal estate, settled on him, has through troubles and misfortune at sea become mixed up with the property of the testators, which was not very important, as it has pleased the Lord to bless them here in this country with worldly goods, honestly acquired,—in coming to the disposition of their property, the testators devise to said *Hermanus Jansen*, in place of his paternal inheritance, as they herewith do, the sum of 400 fl. in good, strung wampum, which the survivor of them both shall be bound to pay him, when he comes of age or marries with their consent and considering, that said *Hermanus Jansen* has costed the testators already a good sum for learning surgery and will cost more, which they will and wish shall be taken by him as his legitimate child's share of his parents' property; they have made and constituted, as they hereby do, their daughter *Anna Litsco*, now about 14 years old, also heiress of 400 fl. of good, strung wampum, to be paid, as before, by

the survivor as her legitimate share, when she comes of age or marries with the consent of the survivor. Further out of the special love and affection, which they bear to each other, the testators reciprocally name and constitute the survivor universal heir of all property, movable and immovable, bonds and credits, linnen, woollen, gold and silver, coined and uncoined, clothing, household goods, nothing excepted, which the first dying may leave, who hereby empowers the survivor to do therewith, as he or she pleases, without interference or contradiction from anybody and without being obliged to give an account or inventory, but excluding all including their children under pain of losing, if they should oppose this testament and last will, especially excluding herewith the Orphans Chamber of this City or where testators might die and all others concerning the guardianship of their said children and the administration of their property for they do not wish, that these shall have any trouble about it. The testators further herewith authorize each other, that the survivor may elect as co-guardian of the

children, whom he or she pleases, and they substitute the said two children, *Hermanus Jansen Swaartveger* and *Anna Letsco* to inherit each one half of the estate, left by testators, to do therewith as with their own and if one of said children should die, while a minor, his or her aforesaid pre-legacy and legitimate hereditary share shall then devolve upon the survivor of them, at whose death, while a minor, it shall go to the survivor of the testators and if such minor child should die after the death of the surviving testator, his or her share is to go to the nearest blood relations of testatrix, then alive, for it is not desired, that the blood relations of him, the testator, shall have anything, because he has never received any kindness or help from them, although they might and could have done it ; they are hereby expressly excluded for good reasons the testators hereto moving. Finally the testators say, it is their last will, that in case they, jointly or singly, should change, increase or decrease the provisions, here made, by an instrument under their hand or hands, it shall be held to be of such force and value, as if it were included herein.

The testators declare the foregoing to be their reciprocal last will and they demand, that in every respect it shall be carried out strictly and inviolably either as testament, codicill, donation *causa mortis* among living or otherwise, as is done with a testament and last will, even though some solemnity, required by law, may not have been observed, herewith deprecating all rules, ordinances and laws, hindering and preventing the execution hereof. Done at testators' house in Amsterdam in N. N. in the presence of *Freryck Gysbertsen van den Bergh* and *Pieter Lauwerensen*, inhabitants of this City, called in as credible witnesses, who signed the record hereof with the testators and me, the Notary, on the date as aforesaid. Beneath stood: After comparison this copy is found to agree with the original.

Quod attestor.

MATTHEUS DE VOS, Notary Public.

from *Collections of the New York Historical Society for the Year 1894*, Abstracts of

Wills on File in the Surrogates Office,
City of New York. Vol. II.

In the name of God, Amen. I, Colonel WILLIAM PEARTREE, of New York, merchant, being weak of body. I leave to my wife Anna, all my house wherein I now dwell, with the ground and garden situate and being in Beaver street, in the West Ward of New York, to her and her heirs and assigns forever. And also all her wearing apparell, silk, linnen, and woolen, and all gold and jewels, gold rings, and all household goods. Also one half of all houses, lands and buildings in New York or Jamaica, in the West Indies. I leave the other half to my well beloved grand son, William Smith, son of William Smith, of New York, merchant, which he had by my daughter, Frances Peartree, when he is of age. I make my son in law, William Smith, and my grandson, William Smith, executors.

Dated January 27, 1713. Witnesses, Francis Sherman, Peter Jacobs, Gerett Kettletas, William Sharpas. Proved, August 9, 1714.

[NOTE.—Colonel William Peartree was Mayor of New York, 1703-1707. He was born in 1642. He married Anna, daughter of Daniel and Anna Litscho, who owned the corner lot bounded south by Pearl street, and east by Wall street. His grand son was known as William Peartree Smith.—W. S. P.]^{*}

.....

from *Collections of the New York Historical Society for the Year 1894*, Abstracts of Wills on File in the Surrogates Office, City of New York. Vol. III.

In the name of God, Amen. I, ANNA PEARTREE, of New York, widow, being weak in body. I leave to Catharine Pemberton, wife of Ebenezer Pemberton, Presbyterian preacher, and late Catharine Smith, widow of my grandson, William Smith, deceased, £50, to buy mourning for herself and her son, William Smith. I also leave her all the household stuff and linnen

^{*} William S. Pellertreau was the editor who prepared the extracts for the New York Historical Society. PDS

in the house where I now live. I leave to Anthony Carr, weaver, £20. To Mary Thompson, widow, £12. I give the sum of 30 shillings yearly for five years, to the Presbyterian Church or meeting, to which Mr. Pemberton belongs. I leave to each of my executors £50, as a reward for their care and trouble in performing this will. I leave to William Smith, son of my grand-son, William Smith, deceased, all that my dwelling house and lot of ground whereon I now live, and also my house and lot in Wall street, next to the house and ground of Mr. William Dugdale, with all the appurtenances. I direct that my divided share or portion of a certain tract of land which I have in company with Adolph Phillipse and Rip Van Dam, Esqs., in Ulster County, to be sold by my executors, and the proceeds put at interest for the benefit of said William Smith. If no division of the remainder be made within one year after my decease then I leave the same to Thomas Smith, Jr., of Orange County, Gent. I leave to the heirs of Hermanus Jansen Swartseger, deceased, all that my corner house in this city wherein

Joseph Webb now lives, if they come to this place within four years after my decease and prove themselves to be his heirs. But if none of them appear then I leave the same to the said William Smith, and my executors are to repair or rebuild the same at their discretion. If the said William Smith, son of my grand-son William Smith, deceased, should die before he is of age, then I leave the same to John Smith, son of Elizabeth Smith, widow. And if the said house shall not stand till the end of the four years, "it being already very ruinous," I direct my executors to build a small shop shed and let the same out, that it may not be useless. I leave to the said William Smith, two silver candlesticks, a silver snuffer and snuff-pan, and a silver chafing-dish, when he is of age, and I desire that he keep them in remembrance of me. My executors are to keep the house where I now live, and the house next to Mr. Dugdale's, in repair and let the same for the benefit of said William Smith, and to sell my plate for the same purpose. My executors, immediately after my decease, are to deliver up to Dr. John

Moone his bond to me, and I release him from the same. My negro, "Guy," is to be maintained out of my estate. I leave to the said William Smith all the rest of my estate. If he dies under age, then I leave to Ann Anderson, daughter of James Anderson, Presbyterian preacher, £100. To her brother, James Anderson, £50. To Daniel Waldron, son of Ruth Waldron, £50. To Samuel Heath, son of Samuel Heath, late Deputy Weigh master, £100. To the six children of Elizabeth Smith, widow, namely, John, Mary, Sarah, Anne, Martha, and Theodosia, £25 each. To Anthony Carr, £150. To Yencken Valik, widow, £25. To Catharine Pemberton, wife of Ebenezer Pemberton, £220. To Catharine Van Borsum, daughter of Egbert Van Borsum, £60. To the two children of Joseph Webb, John, and —, £65 each. To William Man, son of John Man, £40. To Cornelius Lodge, £75. These legacies are only to be paid if the said William Smith dies under age, and in that case I leave all the rest of my estate to his father, my son-in-law, William Smith,

merchant. My executors are to employ Abraham Lodge, for any business they may have occasion for. I appoint my son-in law, William Smith, and Matthew Clarkson and Ebenezer Pemberton, executors, "and they are to take particular care of the education and bringing up of the said William Smith, son of my grand-son, William Smith, deceased."

Dated November 16, 1730. Witnesses, Dorothy Shermer, William Carr, Edward Haytor. Proved, December 15, 1730.

[NOTE.—Anna Peartree was the widow of William Peartree, Esq., who was Mayor of New York, 1703-1707. She was born June, 1647, and was the daughter of Daniel and Anna Litscho, from whom she inherited a large lot on the south corner of Wall and Pearl streets. She had a daughter, Frances Peartree, who married William Smith, merchant. They had a son, William Smith, who died when a young man, leaving a young son who was known as William Peartree Smith, who is the heir in the above will. He lived in Elizabethtown, New Jersey,

and married Mary, daughter of William Bryant. The house where Anna Peartree lived was on the north side of Beaver street, between Broadway and New street. The house of William Dugdale, mentioned, is now No. 67 Wall street.—W. S. P.]

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In the name of God, Amen. I, JANE HARRIS,* of New York, widow. "I direct that the lot or parcel of land which belongs to me in the Commons of the city near the Fresh water, and which is inclosed with a boarded fence, and has a dwelling house on part thereof, be divided into four lots of equal quantity. The lot with the house on it is to be for my son John, but if he die without heirs then to his sisters, Jane, wife of Gideon Lynsen, Catharine, wife of Ebenezer Pemberton, Elizabeth and Mary Harris." One lot to Catharine Pemberton

* JANE "Jannetje Nessepat" HARRIS (d. 1741) was WILLIAM PEARTREE SMITH's (1723-1801) grandmother, on his mother CATHERINE "Smith/Pemberton" HARRIS's (1705-1751) side (for more, see Mr. Pellertreau's note, next page).

for life, and then to her son, William Smith. One lot to my daughter Elizabeth, and another lot to my daughter, Mary Harris. I leave to my daughter Jane, wife of Gideon Lynsen, all that my dwelling house and lot on the north side of Stone street, between the house and ground of Elizabeth De Forrest on the west, and the ground of Rodrigo Pacheco on the east, to her for life, then to her children. Whereas my late husband, John Harris, by his will, August 29, 1730, left me two slaves, I give them to my daughters, Elizabeth and Mary. I make my good friends, David Abeel and Richard Ray, executors.

Witnesses, John Peter Zenger, Jesse De Forrest, Henry De Forrest. Proved, August 21, 1741. Richard Ray was then dead.

[NOTE.—The large lot divided into four lots, as above, is now a part of the City Hall Park, and bounded north by Chambers street, west by Broadway. The son, John Harris, died unmarried in 1766. The daughter, Mary Harris, also died unmarried. The only child of Catharine Pemberton was

William Peartree Smith, by her former husband, William Smith. He bought 10/12 from the other owners (including his own right) and sold it to the Mayor and Aldermen. The south part of the lot was sold by Jane Arden and Francis Arden, her husband, to Isaac Sears, February 3, 1770. Sears was the noted leader of the "Sons of Liberty" and on this lot the second Liberty pole was erected, after the first had been cut down by the British soldiers. This was opposite Murray street, and was bounded east by the Poorhouse. The whole was afterwards bought by the city. The house and lot on Stone street was formerly owned by Jasper Nessepot, and is now a part of the Produce Exchange. The French Huguenot church stood on the north end of this lot, next to Marketfield street, or "Petticoat Lane."—W. S. P.]

COLONEL THOMAS BALLARD of York, was among the magistrates who sat at a court held in York 24 June 1710: he did not

sit at the July court, nor after: but at a court held 5 October 1710, "Matthew Ballard, as executor of the last will and testament of Lt: Coll: THOS BALLARD, deceased, presenting a Certificate under the hand of Wm Barbar, Gent, for the said BALLARD's takeing up a runaway Indian Woman, & it appeareing by the sd Certificate that the sd Indian Woman was apprehended twenty miles distant from her Master's dwelling, it is ordered to be transmitted to the Assembly for allowance." This entry shows that Colonel Thomas Ballard was dead by October 1710; yet, rather curiously, his will, dated 26 September 1706, was not recorded until 18 June 1711.

On the same date Edward Powers, William Lee and Bassett Wagstaff were named to appraise the estate. Their inventory, returned and recorded 16 July 1711, amounts in all to £603, 12s, 8d. It includes eighteen negroes, six horses, fifty-one head of cattle, seventy ounces of plate, and "a parcell of Bookes, val'd at £2, 10s." The inventory is not unlike, in the general nature of its contents, the inventory of

William Major, previously given, although of course Colonel Ballard was by far the wealthier of the two.

Indeed, it should be borne in mind that Colonel Ballard was one of the wealthiest men of his time and neighborhood. For that reason his will is especially worthy of careful consideration, and a copy is in consequence appended.

IN THE NAME OF GOD, Amen: I, THOMAS BALLARD of the parish of — in the county of York, Gentlemen, being weak of body, but of Perfect mind & memory, thanks be to almighty God, do hereby Revoke all former wills & Testaments by me hitherto made, and make & ordain this my last will & Testament, in manner & form following, my Just debts being first paid—

Imp's, I freely resign up my pretious Soul into the hands of my most gracious redeemer & mercifull Saviour, on whom always I trust for Justification & Salvation, and my body for Xtian buriall according to the discretion of of (sic) my Executors hereafter named, in hope of a glorious

Resurrection: and as for my worldly Estate which God hath lent me, I dispose of as followeth:

Imp's, I give & devise the plantacon or tract of Land I now live on,—begining its bounds on York River, runing up the North west side of the Creek that parts it from the Land late of one Walner to a Spring called Oxespring, and from thence North west to the great Road, down to the marked white oake near the Road that devides it from the Land of Colo: Diggs, so from thence along the line of the said Diggs down to a pasetur on the River Side, & so along by the said River to the Corner where it begun,—unto my son Matthew & to the heirs of his body Lawfully begotten; and in case my said son Matthew dye without issue, I give it to my son Thomas & to the heirs of his body lawfully begotten; and if my son Thomas dye without issue, then I give it to my son Robert & to the heirs of his body lawfully begotten; and if Robert dye without issue, I give it to my son John & the heirs of his body lawfully begotten; and if he leave no issue, then to remain to my son William &

his heirs forever.

Item, I give & devise my tract of Land whereon one John Brookes now Lives,—beginning its bounds at the deviding line of one John Potter from the Land once of Major Robert Baldrey, & now mine, so down the main Road toward the said Colo: Diggs' to the aforementioned white oake, so from thence up into the woods along the said Diggs' line near South west, & so along my line bounding the land of Charles Colleir untill it come to the land of Thomas Jefferson, and along the said Jefferson's line to the main Road where it begun,—unto my son Thomas & to the heirs of his body; and if he, my son Thomas, dye without issue, then I give it to my son Robert & the heirs of his body; and if Robert dye without issue, then to my son John & the heirs of his body; and if John dye without issue, then to my son William & his heirs forever: and my will & meaning further is, if my tract of land above devised to my son Matthew shall descend or come to my son Thomas or his heirs, that then & from thenceforth the tract of Land herein-menconed to be devised to

my son Thomas shall be & remain unto my son William & the heirs of his body Lawfully begotten, anything above s'd to the Contrary notwithstanding.

Item, I give & devise the tract of Land on w' h I formerly dwelt,—and begining its bounds at the main Road & runing along the line of the abovenamed Potter to the head of a Swamp called White Marsh, so along the Swamp to the line of the Land late belonging to one Walners, and along the said Line to a Creek, and up the Same to the Spring called Oxespring, and thence Northwest to the great road that leads from Colo: Diggs' s to Williamsburgh, and thence up to Potter' s Corner where it begun,—to my son Robert & the heirs of his body Lawfully begotten; and if Robert dye without issue, then I give it to my son William & to his heirs forever.

Item, I give & devise unto my son John all my Land on the South side of the Swamp called Whitemarsh. to him & to his heirs forever.

Item, I give to my daughter Elizabeth, the wife of William Smith, twenty shillings

to buy her a Ring, I haveing given her her portion already in marryage.

Item, I give unto my daughter Anna, the wife of JOHN MAJOR, my negro Sue and the boy Larence, or fifteen pounds Sterling in Lieu of the said Larence, at the Choice of my Executors, to be delivered or paid within six months after my decease.

Item, I give unto my daughter Katherine Molotto Susanna & her Increase, twenty pounds Sterling, the negro boy Tom Puding, my Second best featherbed, Bedstead, bolster, Pillows, blankets, Sheets, Covering, Curtains, Vallena thereto appertaining, & the young horse now breaking called Ring.

Item, I give to my son Thomas Negro frank, four young cows & a Steer of four or five years old, a featherbed, bolster, Pillows, Blanketts, Sheets, Covering, & bedstead, three pewter dishes worth eighteen shillings, six plates, & four Cain Chairs, to be paid & delivered to him when he comes of age.

Item, I give to my son Robert negro Jane with her increase, ten pounds Sterling, three young Cows & a Steer of four years

old, to be paid & delivered to him when he comes of age.

Item, I give unto my son John negro Madge & her Increase, ten pounds Sterling, & three young Cows, to be delivered him when he comes of age.

Item, I give unto my son William negro Giles, Molatto Kate with her Increase, & ten pounds Sterling, to be delivered & paid when he comes of age.

Item, I give unto my daughter Mary my two Molattoes called Betty & Anne & their Increase, & a good featherbed performed as the beds above-mencioned; and my will further is, that if any of my said five Children dye before they come to the age of one & twenty years, & not marryed, that this & their portions be Equally divided amongst the survivors of them.

Item, I give to my three sons Robert, John & William, to every of them, a young horse, to be delivered when they come of age.

Item, my mind & will is, that my Exec' r shall have the Benefitt of the Labour of all the negroes & Molattos given to my

last named five Children, (Vizt:) To Thomas, Robert, John, William & Mary: he therefore to give & allow them a Sufficien & proper Maintenance & Educacon, the s'd Mary till She come to age or be married, and the boys till they come of age or be by him putt to Lawfull Callings, as apprentices, w' ch I hereby Impower him to doe.

Item, all the rest of my goods & Chattles not before given nor disposed of I give unto my son Matthew, whom I make & appoint whole & sole Exec' r of this my last will & Testament; and I hereby request my trusty & well beloved friends Mr Lawrence Smith & Major William Buckner to direct, assist & advise my said Exec' r in the Execution of this my will. In Witness & Confirmacon of all which I have here unto set my hand & seal, this 26th day of Septem' r 1706.

THOS: BALLARD (*Seal*)

Attested in the presence of the Testator: (*Signed*) Jer: Ham, John Brooke, Solomon Harmon (*the mark of*), Sam' l Seldon.

This will & Testam' t was presented in

Court by Matthew Ballard, the Exec'r therein named, who made Oath to it, and the same being proved by the Oaths of John Brook & Sam'l Selden, is admitted to Record; and on the mocon of the said Matthew, & his performing what is usuall in such Cases, Certificate is granted him for obtaining Probate thereof in due form. *Test, Phi: Lightfoot, C: Cur. Trudy Recorded.*



APPENDIX II
Sir Henry's Library

from *Lady Deborah Moody: A Discourse
Delivered Before the New York
Historical Society, May 1880, by James
Gerard.*

...The worldly affairs of Sir Henry, at about this time, seem to have been at a low ebb. The English patrimony at Garsden had doubtless been parted with at a sacrifice, on his departure from England; the farm at Swampscott had been sold at a great loss, and the Gravesende estate seems to have been sold, under pressure, to purchasers that were unable to pay the purchase-money. While sojourning at New Amsterdam, Sir Henry took lodgings with one Daniel Litschoe, an inn-keeper. Litschoe's inn was situated just by the Water-poort, or City water gate, near the present junction of Wall and Pearl Streets.

Litschoe was one of the early emigrants to New Amsterdam, and was a retired soldier, having been an ensign in the Dutch

army. His tavern was pleasantly situated on the waterside, on the outskirts of the town, in a rural position, overlooking the waters of the bay and the green hills of Breuckelen.

Before returning to Virginia, where he soon afterwards died, Sir Henry, who seems then to have been in great straits, left certain books in the hands of Daniel Litschoe in, security for the payment of his board and lodging. The catalogue of these books has come down to us. They are not only interesting, as connected with the subject of our memoir, but curious to the antiquarian, as showing what were the books then in vogue, forming part of the library of a cultivated man of the time.

The catalogue reads as follows: "A Latyn Bible, in folio—A written book, in folio, containing private matters of State—A written book, in folio, containing private matters of the king—Seventeen several books of devinite matters—A dictinaruis Latin & English— 15 several Latin & Italian books of divirs matters—A book, in folio, containing the voyage of Ferdinand Mendoz—A book in folio kalleth *Sylva Sylvarum*—A book in

quarto calleth *Bartas'* six days work of the Lord, translit in English by Josa. Sylvester—A book in quarto calleth the *Summe and substance of the conference which it pleased his excellent Majestie to have with the Lords, bishops, &c;, at Hampton Court, contracteth* by William Barlow—A book, in quarto, calleth *Ecclesiastica Interpretatio, or the Expositions upon the difficult and doubtful passages of the 7 Epistles, called Catholique, and the Revelation* collecteth by John Mayer — Eleven several books more, of divers substantis—The verification of his Fathers Knights' order, given by King James."

This catalogue is found in the notarial records of Solomon Lachair, one of the New Amsterdam notaries, under date of 1661.

Lachair testifies as follows: "That, at request of Daniel Litschoe, inn keeper, at his home, where was exhibited an obligation dated 20th Sept. 1661, written in English, and signed by the Bt. Sir Henry Moody, who died in Virginia, at the house of one Colonel Morrittson; and also a quantity of 50 written and printed books, which, the

requirent declared, were left in pledge with him and as security of his debt, by the above named Sir Henry Moody."

Lachair afterwards wrote to Col. Morrittson enclosing a notarial copy of the obligation in behalf of Litschoe, stating that he held the above obligation of Sir Henry for 320 guilders, to be paid in March next, at the *Manothans*—"Which money," Litschoe states, "I lent him, some part to keep his reputacion, and the other part he spent here in my house, where he did lodge with his man, Henry, and where for he did give me said obligation," and, the record states, "that the library of books was left as security for the debt, besides the verification of his father's Knights order given under the great seal of King James, whych he did esteem very much."

The letter asks the Colonel to pay the debt, to prevent a sale of the books, "at public outcry," particularly as some of them were of "private matters of the king." This letter was sent to Virginia with the catalogue of the books. Lachair, in his certificate, states that he kept one of Sir

Henry's books, temporarily, for his fees.

The next incident we find in the records is under date of April, 1662, when Daniel Litschoe having died, his widow, Annekin, is ordered by the Orphans' Court to bring with her into Court an inventory of her husband's estate. Litschoe's will, as proved, bore date on the 26th December, 1661, stating that he was then sick in bed and was Lieutenant of a Burgher Company.

Subsequently the widow requests by petition to be allowed to sell by the bailiff "some books, which she has, belonging to Sir Henry Moody, as, according to obligation, she has a claim on him for a considerable sum." The petition was granted.

These books then were doubtless sold. They were the last of the property of the Moody family...

APPENDIX III
Lines of Descent:

*Alice Bartlett Stimson (1921-1998), daughter of
Henry Bartlett Stimson (1884-1948), son of
Henry Albert Stimson (1842-1936), son of
Henry Clark Stimson (1813-1894), son of
Henry Bowen Stimson (1772-1851), son of
George Stimson (1726-1796), son of
George Stimson (b. 1693), son of
George Stimson (c. 1641-c. 1695) and
Alice Philips (b. c. 1650)*

*Alice Bartlett Stimson (1921-1998), daughter of
Henry Bartlett Stimson (1884-1948), son of
Henry Albert Stimson (1842-1936), son of
Julia Maria Zutterbury (1819-1908), daughter of
Catherine Boudinot (1781-1877), daughter of
Catherine Smith (1749-1797), daughter of
William Peartree Smith (1723-1801), son of
William Smith (1697-1723), son of
Frances Peartree (b. c. 1670), daughter of
William Peartree (c. 1643-1714) and
Anna Litschoe (1647-1730)*

Alice Bartlett Stimson (1921-1998), daughter of
Isabelle McBirney (1890-1979), daughter of
Hugh Johnston McBirney (1853-1926), son of
Isabella Marr Johnston (1828-1911), daughter of
Christopher Johnston (1800-1835), son of
Susannah Stith (1759-1838), daughter of
Griffin Stith (1720-1783), son of
Elizabeth Buckner (b. c. 1698-), daughter of
Catherine Ballard (c. 1670-1716), daughter of
Thomas Ballard (c. 1630-1689) and
Anna Thomas (d. 1687)