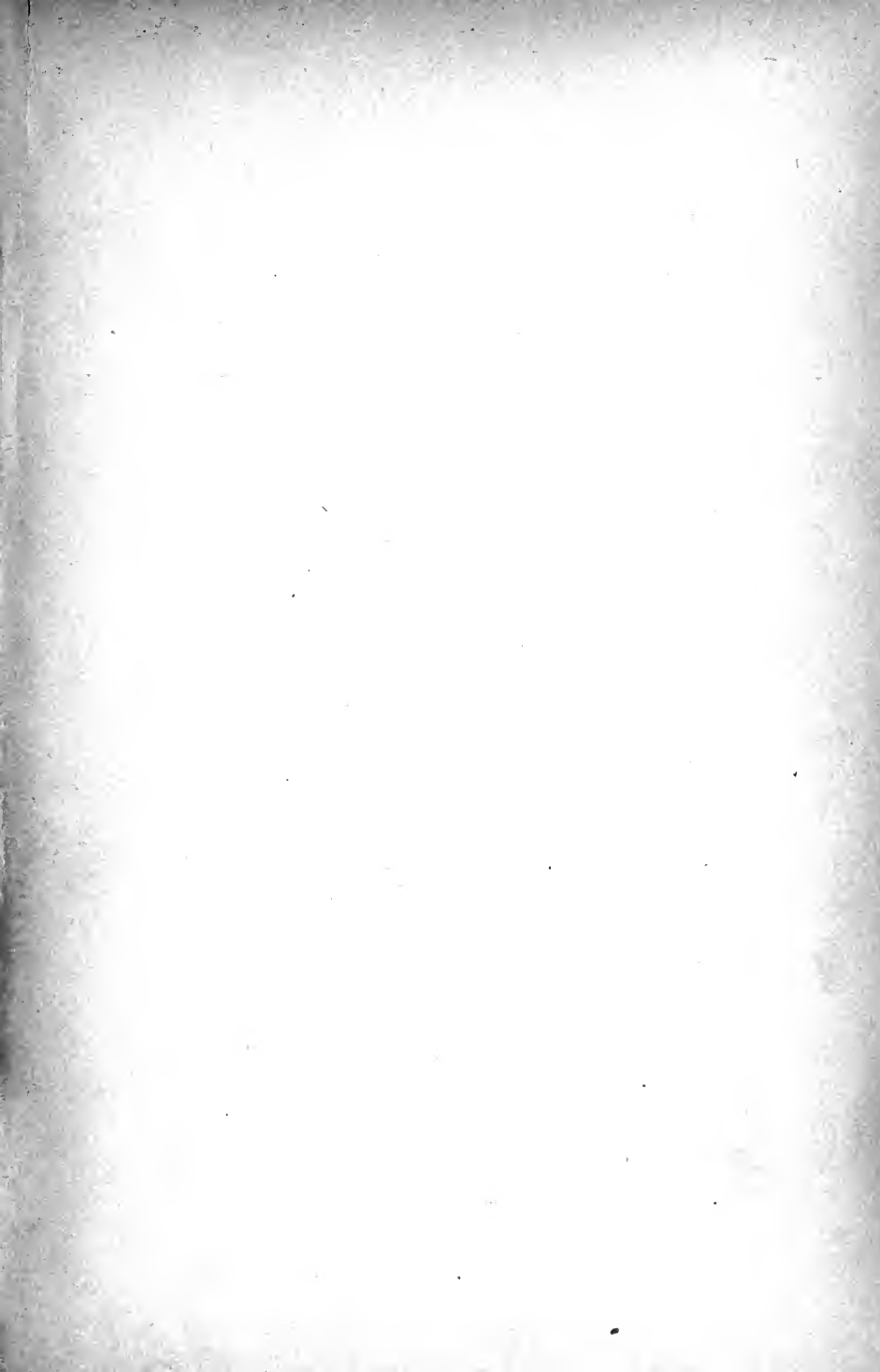


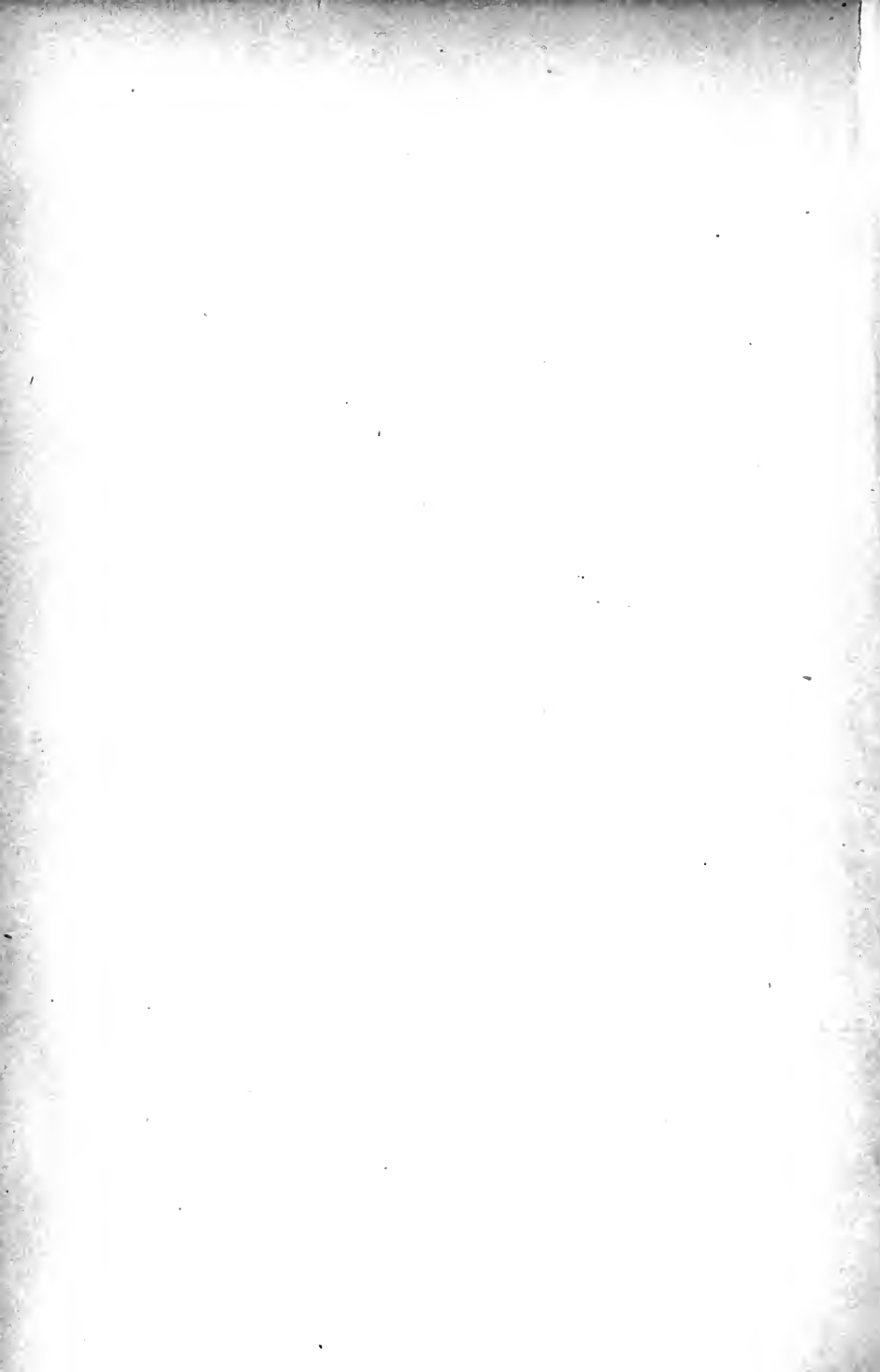
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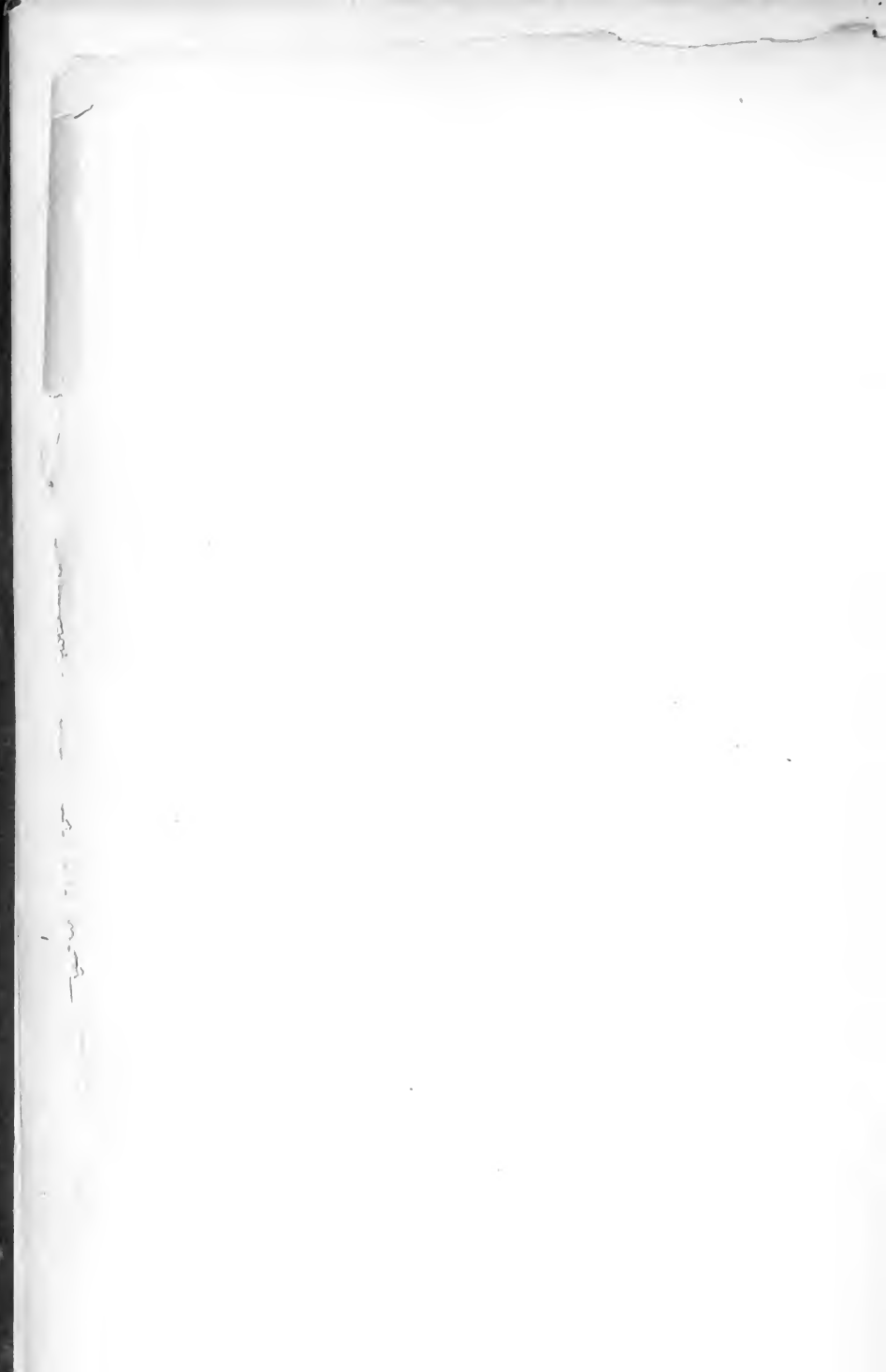


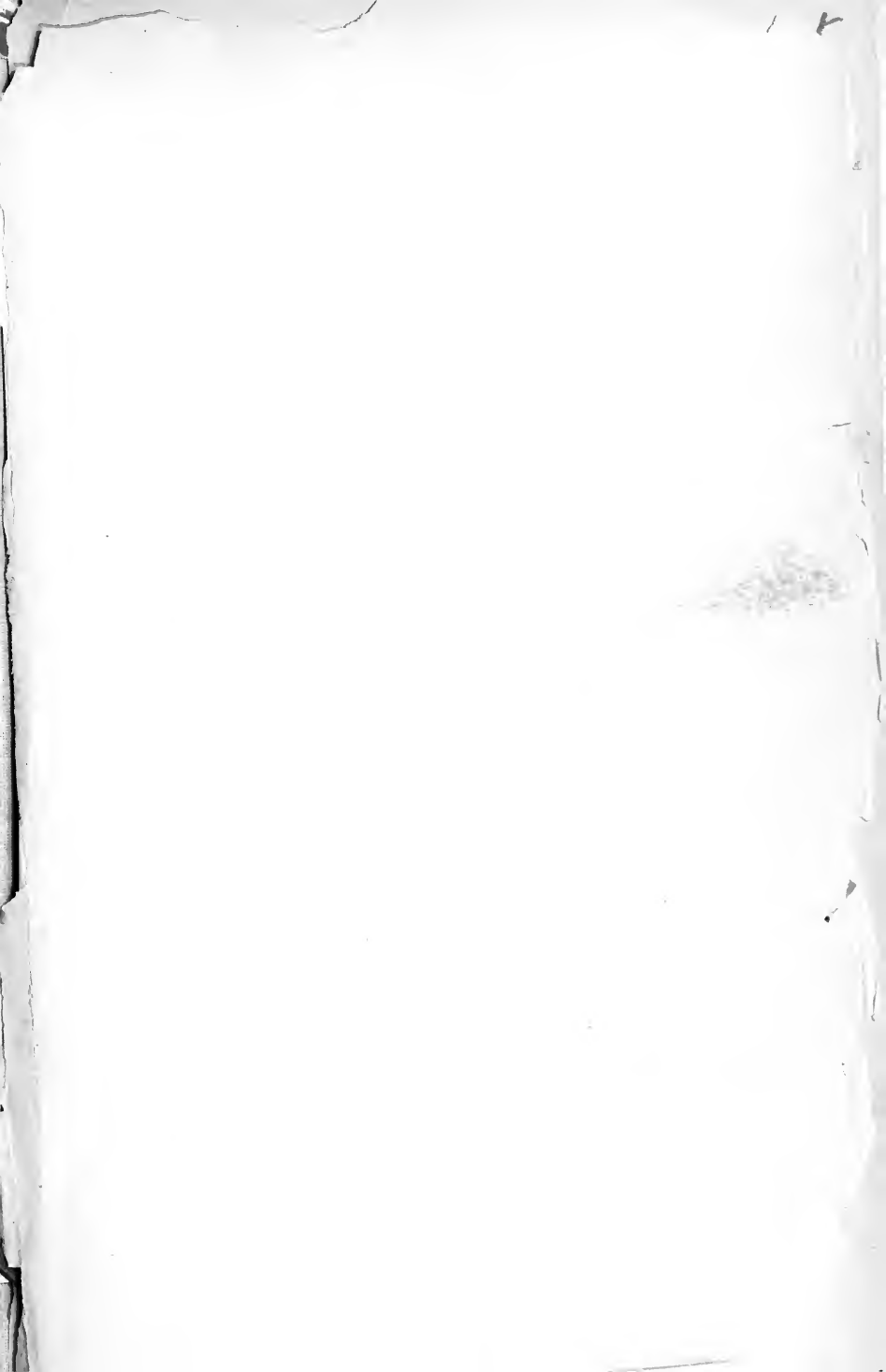


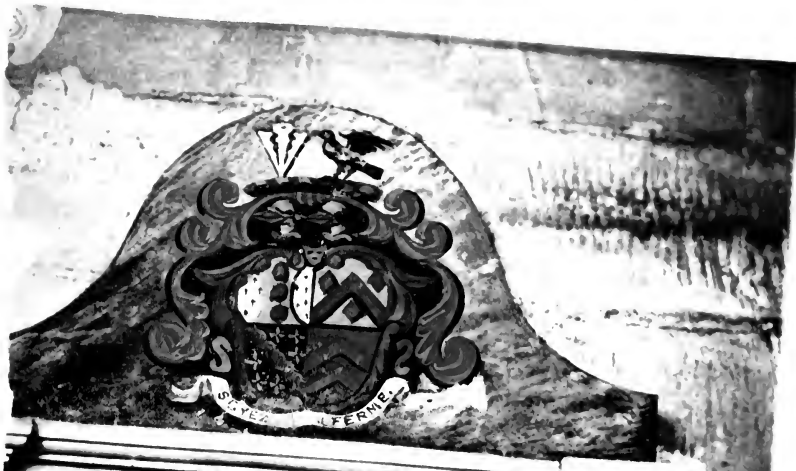
New York Colonial Tracts.

Number II.

Voyage of George Clarke, Esq.,
to America.







TO THE MEMORY OF
GEORGE CLARKE OF HYDE ESQVIRE,
WHO WAS FORMERLY
LIEUTENANT GOVERNOR OF NEW YORK,
AND AFTERWARDS
BECAME RESIDENT IN THIS CITY.
HE DIED JANVARY XII, MDCCLX,
AGED LXXXIV YEARS
AND WAS INTERRED IN THIS CHAPEL

*A Photo
No. 49*

ct

VOYAGE

OF

George Clarke, Esq.,

TO

AMERICA.

WITH

Introduction and Notes,

By E. B. O'CALLAGHAN.



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602



ALBANY, N. Y. :
J. MUNSELL, 82 STATE ST.
1867.

*No.*_____

Edition, 100 Copies.



INTRODUCTION.

GEORGE CLARKE, whose Account of his first Voyage to *America* we find among the Manuscripts in the Secretary of State's Office, *Albany*, and now put into Print, filled several publick Offices in the Colony of *New York*, and was finally Lieutenant Governour of that Province from 1736 to 1743.

He was the Son of *George Clarke*, of *Swainswick*, *Somerfet-*

shire, England. Under the Head of *Swainswick*, in *Collinson's History of Somersetshire*, I, 154, 155, we find that five Bells hang in the Tower of the Church of St. Mary of that Place. On the 2d of these Bells is the following Inscription: "*George Clarke, Laurence Waldrun, John Nodes*, Churchwardens. R. P. 1664." On the 5th Bell, "These Bells were cast at the Charge of the Parish. *Bengeman Tanner Clarke, George Clarke, Laurence Waldrun, John Nodes*, Churchwardens. R. P. 1664."

There are various Inscriptions on

the Altar Steps of said Church, also, and among them the following :

“ Here lyeth the Body of *Elizabeth*, the Wife of *George Clarke*, who dyed the 7th Day of June 1670.”*

“ Here lyeth the Body of Mrs. *Beatrix Clarke*, Daughter of Mr. *George Clarke*, who departed this Life the 4th Day of July, 1690.”

We next find the following Entry in a Diary of contemporaneous

* If the Age of Lieutenant Governor *Clarke* at his Death, as indicated on his Monument, be correct, this cannot be his Mother. Possibly his Father might have contracted a second Marriage; as our *George Clarke* seems to have been born in 1676.

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Events; but must leave to the Reader to decide for himself whether the Gentleman of that Name mentioned in it, was connected with the Subject of this Notice :

“ On the 31 October 1682, Mr. *Edward Whitaker* (or the true Protestant Attorney, as some call him) was tried at the Kings Bench Bar by a substantiall Jury of the County of *Somerfett*, for speaking seditious and scandalous Words at the City of *Bath*, in the said County, about the latter End of July 1680; the Words were to this Effect; That

there was Talk of War and a Rebellion in the late Times, but he knew of none; 'tis true, there was a Warr by the Parliament and People in defence of their just Liberties; and that the late King was putt to Death by a judiciable Proceffe, and not murd'ed; and that the People had Right to a Parliament every Year, and they ought to fitt, whither called or not. This was fully proved by three Witneffes, viz, one *George Clark*, Esq. a Justice of the Peace of that County, Sir *James Long*, and an Alderman of the City of *Bath*,

who heard this Discourse in a publick Coffee House in that City: but the said *Whitaker* not appearing, nor any for him, the Inquest was taken by Default; so that the Jury, without stirring from the Barr, found him guilty.”

George Clarke, the Subject of this Memoir, was born in 1676. He had Genius, says *Smith*,* but no other than a Common School Education. He was in early Youth articled to an Attorney; and the next we learn of him is in 1701,

* *History of New York*, II, 40.

when he was a Resident of *Dublin*. Whilst there, he became involved in a Quarrel with a Merchant of that City named *Sabatier*, on whom he, with others, committed an Assault. The Case was eventually referred to Arbitration, to settle Damages, &c., and the Result was the following

A W A R D .

To all to Whome this Present writing of Award indented shall come, I *Daniell Wybrants* of the City of *Dublin*, Esq^r send Greeting.

WHEREAS diverse Controversies Quarrells and Disputes have been

had and moved & are now depending Between *Peter Sabatier*, of the Citty of *Dublin* Merch^t and *George Clarke* of the fame Citty Gent. for appeasing and determining whereof the said *Peter Sabatier* and *George Clarke* have submitted themselves and are severally become bound each to the other in the speciall sume of One hundred Pounds condicôned for the Performance fullfilling and keeping the Award Order Arbitrament finall End Determinacôn and Judgem^t of *Adam Swift* Esq^r and *Hans Hamilton* Gent. Arbitrators indifferently elected and

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chosen by the said *Peter Sabatier* and *George Clarke* to arbitrate award order judge and determine of and concerning all and all Manner of Actions and Causes of Actions Controversies Trespasses Damages and Demands whatsoever had brought prosecuted done suffer'd committed or depending between the said Parties or either of them soe as the said Arbitrators should make up their Award in writing under their Hands and Seals on or before the *Tenth* Day of this Instant *November* And if the said Arbitrators should not within the Time soe limited

make such their Award in y^e P^rmiffes then the said *Peter Sabatier* and *George Clarke* were severally by the said Bonds obliged to stand to performe fullfill and keep the Order Umpirage Determinacôn and Judgem^t of me the said *Daniell Wybrants* indifferently elected & chosen by y^e said Partyes as Umpire to end and determine the P^rmiffes soe as I the said Umpire should make and publish my Umpirage Determinacôn and Judgem^t in y^e P^rmiffes in writing under my Hand and Seale on or before the *fourteenth* Day of this Instant *November* as by

the said Recited Bond and Condition may appear. *And whereas* the said Arbitrators did not by y^e Time limited to them (by the said Recited Bond) make up such their Award in writing under their Hands and Seals as aforefaid, *Now therefore* know *Yee* that I the said Umpire taking upon me the Charge of y^e said Umpirage and having heard y^e Sayings and Allegations of each of y^e s^d Parties concerning the same and particularly about a Difference between the said Parties touching a pretended Assault and Battery committed by the said *George*

Clarke upon the said *Peter Sabatier* [doe make] this my Umpirage Determinacôn and Judgem^t in the Prmisses between the said Partyes in Difference in Manner and Forme following (that is to say) *ffirst*, I doe order adjudge and determine that all Accôns, Suites or Profecutions now depending between the said Partyes and in particular concerning the f^d pretended Assault and Battery shall cease and be noe further profecuted. *Secondly*, I doe order adjudge and determine that the said *George Clarke* shall on or before the *seventeenth* Day of this

Instant *November* pay or cause to be paid to y^e said *Peter Sabatier* the sume of *Three* Guineas in full Satisfacôn as well of y^e f^d p^rtended Assault and Battery and of all Trefpasse and Damages then comitted or pretended to be comitted as of all other Causes of Action Suites Debts and Damages whatsoever depending or which may be due to or had or commenced by the said *Peter Sabatier* against the said *George Clarke* for or by Reason of any Controversies or Quarrells between the said *Peter Sabatier* and *George Clarke* from the beginning

of the World untill the Day of the Date hereof. *Lastly*, I doe order adjudge and determine that the said *Peter Sabatier* shall on or before the said *eighteenth* Day of this Instant *November* seal and deliver to y^e said *George Clarke* a sufficient and Generall Release and discharge of and from all Accôns Causes of Accôns Suites Demands and Prosecutions whatsoever which may or might be brought or commenced by the said *Peter Sabatier* against the said *George Clarke* or any other Person or Persons concerned in the f^d p^rtended Assault (soe p^rtended to

be committed by the said *George Clarke* with some other Persons) for or by Reason or on Account of y^e said p^rtended Assault or for or by Reason of any Damage that was then done or Committed or p^rtended to be done or committed by the s^d *George Clarke* or by any or either of the other Persons that were in his Company att the Time of the s^d p^rtended Assault and of and from all other Causes of Accôns whatsoever from the beginning of y^e World untill the Day of the Date hereof. In Witness whereof I have hereunto put my Hand and Seale

and published y^e same the *ffour-*
teenth Day of *November* 1701.

DANIEL WYBRANTS.

Sealed and published
in the p^rfsence of
Ad. Vssber
Ar. Vssber

Agreeably to the above Award,
Mr. *Clarke* paid Mr. *Sabatier* the
three Guineas Damages, for which
he obtained a formal Receipt on
the 18th *November*. He practiced
at this Time as an Attorney or
Solicitor in *Dublin*, as appears by

fundry Bills of Cofts in his Hand-writing, in the Secretary's Office, which establish this Fact. One of them is as follows :

COURT OF CLAIMES.

My Lady STAPLETON.

| | |
|---|-----------|
| For waiting and attending on M ^r <i>Afgill</i> severall Times ab ^t y ^e Clayme, - | £0. 10. 0 |
| Copying it, - - - - - | 0. 10. 0 |
| Attending the Trustees on M ^r <i>Afgill's</i> mocôn to gett it received as proved to be signed and attending the Reg ^r to enter it,) | 0. 10. 0 |
| Paid Reg ^r for entring it, - - - | |
| ffor post Letters, - - - | 0. 1. 0 |
| for abbreviating y ^e Claime, - | 1. 0. 0 |

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Gave S^r *Stephen Rice* on hearing, £3. 14. 0
to S^r *Rich^d Levings** on hearing, 3. 14. 0

* Sir RICHARD LEVINGS of *Parwick, Kent*, afterwards of *Livingston, or High Park, Westmeath, Ireland*, had been Recorder and Member of Parliament for *Chester*. He was appointed Solicitor General in *Ireland* in 1690, and created afterwards a Knight; but was removed from the Solicitorship 1st *June*, 1695. He filled also the Office of Speaker of the House of Commons. *April* 30, 1699, he was appointed one of the seven Commissioners to take an Account of the forfeited Estates in *Ireland*, and *Jan.* 17, $\frac{1699}{1700}$, was sent to the Tower for aspersing four of his Brother Commissioners; but, on the Prorogation of Parliament (*April* 13), was released from his Imprisonment, having been previously allowed £500 out of the forfeited Estates. He acted, we presume, as one of the Commissioners in the above Case. *October* 26, 1704, he was created a Baronet of the Kingdom of *Ireland*, and reappointed Solicitor General; but on *September* 15, 1709, he was suspended, and *John Forster*, Esq., appointed in his Place. In 1711, he was appointed Attorney General, and in 1720, Chief Justice of the Court of

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Gave to M^r *Pyne** on hearing, - £1. 14. 0
to D^r *Coghill* for y^e Probat of }
Sir *Wm Stapleton's* Will, † } 3. 1. 8

Common Pleas, *Ireland*, and Privy Councillor. He was married twice, and died in 1724. The Baronetcy is still extant.

* We find RICHARD PYNE, Esq., appointed Chief Justice of the Common Pleas (*Ireland*), in 1694. He was succeeded by Chief Baron *Heley* 1st *June*, 1695, having been promoted to the Office of Chief Justice. He was created a Knight, and died *December*, 1709.

† Sir WILLIAM STAPLETON, Kt., of an ancient Family of *Tipperary*, was appointed, in 1667, Governor of the *Leeward Islands*, and created a Baronet 20th *December*, 1679. He married *Anne*, Daughter of Col. *Randolph Russel*, Governor of *Nevis*, and died *August* 3, 1686, when he was succeeded in his Office by Sir *Nathaniel Johnson*, and in his Title by his Son, Sir *William Stapleton* of *Nevis*, Bart., born 14th *November*, 1674, who married *Frances*, Daughter of Sir *James Russell*, and had two Sons; one of whom, *James Russell Stapleton*, was Colonel in the Guards.

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| | | |
|--|---|---------|
| Gave for drawing Breif of Claimes | } | £0.10.0 |
| 41 Sheets, - - - | | |
| for four Copyes, - - - | | 0.5.0 |
| for attending and instructing | } | 1.3.0 |
| 4 severall Councill sev'all | | |
| Times, - - - | | |
| for Attendance on hearing, - | | 0.6.0 |
| for Soll ab ^t S ^r <i>Wm</i> 's Will, - | | 0.10.0 |

Mr. *Clarke* had the good Fortune of having for his Uncle, *William Blathwaite*, of *St. Martins, London*,* a Gentleman who from his

* WILLIAM BLATHWAITE married, 23d *December*, 1686, *Mary Wynter*, of *Dyrham*, in the County of *Glocester*; he was appointed in the same Year Clerk of his Majesty's Council in Ordinary, and Auditor-General of the Revenues of the Plantations. *Feb.* 19, 168 $\frac{8}{9}$, he was sworn Clerk of the Privy Council, and held that Office also under Queen *Anne*; in 1690, he was Secretary of War, which

great Learning and Knowledge in modern Languages and Application to Business, was advanced to several publick Offices of Distinction. Through the Influence of this Relative, Mr. *Clarke* was appointed in

Office he filled until 1704. In 1692, he accompanied King *William* to *Flanders* as Secretary of State, and in that Capacity carried with him the Seals. He accompanied his Majesty again to *Flanders* in 1695, and to *Holland* in 1698. He represented the City of *Bath* in Parliament from 1690 to 1710; was Member of the Board of Trade from 1696 to 1710; was also Secretary of the Plantations, or Lords of Trade, until his Death, which occurred 26th *August*, 1717. It was reported at one Time, that the Crown intended to elevate him, as a Reward for his many and long Services, to the Earldom of *Bristol*. His Daughter and Heirefs married Sir *Richard Southwell*, whose Grandson succeeded to the Title of Lord *De Clifford*.

1703, on the Death of *Matthew Clarkson*, Secretary of the Province of *New York*, as appears by the following

COMMISSION.

ANNE, by the Grace of God of *England Scotland France and Ireland* Queen Defender of the Faith, &c.
 TO ALL to whome these Presents shall come Greeting KNOW YEE that we reposeing Especiall Trust and Confydence in the Fidelity Prudence & Circumspeccôn of our trusty and well beloved *George Clarke* of the County of *Sommersett* Esquire of our especiall Grace cer-

tain Knowledge and meer Mocôn have given and Granted and by these Prsents do give and Grant unto the f^d *George Clarke* the Office or Place of Secretary of our Colony of *New Yorke* in *America* in the Room of *Matthew Clarkson* Gentleman deceased and him the said *George Clarke* Secretary of *New York* in *America* wee do name make create ordain and constitute by these Prsents *To have bold* exercise and enjoy the f^d Office of Secretary of *New Yorke* unto him the f^d *George Clarke* by himself or his sufficient Deputy or Deputyes for

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whome he shall be answerable for and during our Pleasure and his Residence within our said Colony together with all and singular such and the like Fees Rights Powers Preheminences Perquisites Profitts and Advantages whatsoever as the said *Matthew Clarkson* for and Respect of the Execucôn of the sd Office or as any other of our Secretarys in any of our Plantacôns or Colonies in *America* now do or at any Time or Times heretofore have of Right taken received or Enjoyed for the Exercise of their said respective Offices And we do hereby

require and cōmand him the sd
George Clarke actually to reside
within our Colony of *New Yorke*
aforesd dureing the Time of his
being Secretary thereof and that
he be not absent thence without
our Lycence first had and obtained
in that behalfe *Provided* always that
if the said *George Clarke* shall be
absent from our said Colony for the
Space of Two Months att any one
Time (after he shall have Taken
upon himself the said Office and
been within our said Collony of
New Yorke) contrary to our Will
and Pleasure aforesaid then and in

such Case these our Letters Patents and every Thing therein contained shall cease determine and be void. *In Witness* whereof wee have caused these our Letters to be made Patents *Witnesse* our selfe att *Westminster* the Sixteenth Day of *March*, in the Second Year of Our Reigne
Pr bre de privato Sigillo

WRIGHTE.

It was after receiving this Appointment that Mr. *Clarke* set out for *America*, in Company with Mr. *Thomas Byerley*, the newly appointed Receiver General (a Sketch of whose Life we have added in a Note to

the Text), and arrived on the 7th of *July* in *Virginia*, whence he transmitted the Letter we now publish. He finally reached *New York* on 23d *July*, 1703, and was sworn into Office on the following Day.

The Office of Clerk of the Council had originally been intended, deemed and taken to be Part of and to belong to that of Secretary of the Province, and had so been enjoyed for several Years, until some of the Governors had at length separated it from that of Secretary; and it so remained detached previous to and for some Time after Mr.

Clarke's Arrival. But he succeeded in having it reannexed to the Office of Secretary, and was accordingly appointed Clerk of the Council on the 20th *February*, 170 $\frac{1}{2}$. (3 *Anne*). On the 18th *April* following he obtained Leave of Absence for one Year, and left *New York* in *May* or *June* for *England*, in Company with his former Fellow-Voyager, *Thomas Byerley*, who had, a few Weeks before, been suspended from his Office of Receiver-General. Mr. *Clarke's* Absence from the Province, however, was not as long as his Leave permitted ; for we

find him again at his Post in the following *September*.

Some Years afterwards he married *Anne Hyde*, a Lady of fine Accomplishments, and a distant Relation of that Branch of the Family, so highly distinguished by the famous Lord Chancellor *Clarendon*. She was the Daughter of *Edward Hyde*, Esq., of *Norbury* and *Hyde Hall*, *Cheshire*, and of *Catherine*, Daughter of *Alexander Rigby*, Esq., of *Leighton*. Mr. *Clarke*, subsequent to his marriage, took up his Residence on *Long Island*, where he purchased from *Thomas* and

Walter Dongan, of Staten Island, nearly one hundred Acres of Land on *Hempstead Plains*, on which he erected a rural Villa. Here he spent, with his Wife, Mrs. *Hyde*, her Mother, and his Children, a great Portion of his Time, leaving the Details of the Secretary's Office to be attended to by his Deputy. This Country Seat was called *Hyde Park* ;*

* *Hyde Park* is in the southwest Part of the Town of *North Hempstead*. It was afterwards the Property of *George Duncan Ludlow*, Justice of the Supreme Court of the Colony of *New York*, and was confiscated at the Revolution. It was occupied by *William Cobbett* in 1817, when it was destroyed by Fire. Mr. *Henry Onderdonk* informs me that the Property is now owned by Mr. *Kelsey*.

and here many of his Children were born.

It is not our intention to enter into a Detail of the public Events with which Mr. *Clarke's* Name is connected. These are already familiar to the Reader through the various Histories of *New York*, and the Documents relating thereto, published by the State. Our Purpose is, rather, with his personal and Family History.

After a wedded Life of more than a quarter of a Century, he was called on to mourn the Loss of his accomplished Lady, the Mother of

eight Children, whose Death and Burial are recorded in *Bradford's New York Gazette* of the 26th *May*, 1740, in the following Terms:

“ On *Monday* the 19th of this Instant *May*, depart (*sic*) this Life, in the 47th Year of her Age, the Lady of the honourable *George Clarke*, Esq; his Majesty's Lieutenant Governour of this Province: She was the eldest Daughter of the late honourable *Edward Hyde* Esq;*

* We find that *Edward Hyde*, Nephew of the Earl of *Rochester*, was appointed Governor of *North Carolina* in 1709; went to that Country in 1710, and died there of Yellow Fever 12th *September*, 1712. Was this the Gentleman mentioned in the above Notice?

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who descended from one of the most ancient Families in *England*: They were originally of the Principality of *Wales*, but settled at *Hyde* in *Cheshire* about one hundred Years before *William* the Conqueror came into *England*, which has ever since been the Seat of the Family. The two Noble Families of the *Clarendons* and *Rochesters* are descended from that of the *Hydes*, as was (*sic*) the late Queens, *Mary* and *Anne*, from the *Clarendons*. As for the Character of Mrs. *Clarke*, It may truly be said, that few or none equalled her; She was a most

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Affectionate, and (if I may be allowed the Expression) Dutiful Wife, a Tender and Indulgent Parent, a kind Mistress, and a sincere Friend; She was Charitable to all that were Objects of it, without Exception, and ever delighted in doing good Offices: She was a fine graceful Person, and a most agreeable Companion, and of that Sweetness and Calmness of Temper, that Nothing could ruffle it, or draw a hard Expression from her: She never fail'd attending on the Publick Worship of her Maker, when her Health would permit; and, perhaps, few

more punctual in the Duties of the Clofet; and indeed, she dyed with that Calmness, Serenity and Resignation, that shew'd her truly *Christian*. Her Loss is not only greatly lamented by her own Family, and those who had the Honour of being allyed to her, but as well by all who ever had the Pleasure of conversing with her, as the many who have felt her Bounty. On *Thursday* Evening she was Interred in a Vault in *Trinity Church*, with the Remains of her Mother, and the late Lady *Cornbury*, in the most handsome and decent Manner; her

Pall being supported by Part of his Majesty's Council for this Province, and some of the Members of the General Assembly, and attended by all the Ministers, and most of the Principal Inhabitants of the City (Minute Guns being fired from the Fort, and sundry Vessels in the Harbour, during the Solemnity) And as it was a Pleasure to Her in her Life, to feed the Hungry, so on the Day of her Funeral a Loaf of Bread was given to every Poor Person that would receive it."

After the Accession of Admiral *Clinton* to the Government in 1743,

Mr. *Clarke* took no further Part in public Affairs, and declined qualifying himself as Executive Councillor. He left *New York* the 14th of June, 1745, and proceeded to *Boston*, where he embarked with his Family for *England*, to take Possession of a handsome Estate in *Cheshire*, purchased with the Fortune he amassed in *America*; for though he had many Children, they made no Connexions in this Country.* He was taken Prisoner

* *Thompson's History of L. I.*, I, 182; II, 106, *Note*, states that *Samuel Clowes* married a Daughter of Lieutenant Governor *Clarke*. This is manifestly an Error.

by the French on the Passage, but was afterwards indemnified by Parliament for his Losses, and Captivity. He was, says *Smith*,* sensible, artful, active and cautious; had a perfect Command of his Temper, and was in his Address specious and civil. Nor was any Man better acquainted with the Colony and its Affairs. As a Crown Officer, he was careful not to lose the Favor of any Governor, and still more assiduous to please when he became second in the Council Board. By his Offices of Secretary,

* *History of New York*, II, 40, 82.

Clerk of the Council, Councillor, and Lieutenant Governor, he had many Advantages of inserting his own, or the Name of some other Person in Trust for him, in numerous Grants of Land; and his Estate, when he left *New York*, by the rise in the Value of his Property and the increased Population of the Colony, was estimated at One hundred thousand Pounds.

Upon returning, finally, to *England*, Lieutenant Governor *Clarke* took up his Residence at *Hyde*, but afterwards removed to the City of *Chester*, where he died 12th *Janu-*

ary, 1760, aged 84 Years. He was buried in the Cathedral of that City, in one of the Chapels of which a Tablet is erected to his Memory,* and was succeeded in his Estates by his eldest Son, *George Clarke*, who was commissioned Secretary of the Province of *New York*, 2d *March*, 1738, though he had left the Country the previous Year and never returned to *America*. This Gentleman died 11th *Nov.*, 1777. The following is a Copy of the

* A fac-simile of this Monument, for which we are indebted to *Tanner O. Clarke*, Esq., is prefixed to this Tract.

WILL OF GEORGE CLARKE,

ELDEST SON OF LIEUT. GOV. CLARKE.

This is the last Will and Testament of me *George Clarke* of *Hyde* in the County *Palatine* of *Chester*, Esquire.

First. I desire to be buried Privately in the next Church or Chapel to where I may happen to die and at as little Expence as possible. *And whereas* I have made several Purchases of Lands, Tenements and hereditaments in the Lordship of *Hyde* in the said County of *Chester* and also the Lordship of *Houghton*

in the County of *Lancaster*, Now I do hereby give, devise and bequeath all such Lands, Tenements and Hereditaments with the Appurtenances thereunto belonging which I have heretofore purchased as aforefaid or shall or may purchase in or near the faid Respective Lordships before mentioned unto my good Friend *Thomas Birch* of *Ardwick* and *Thomas Butterworth Bayley* of *Hope* in the County of *Lancaster*, Esquires, upon trust that they or the Survivor of them or the Executors or Administrators of such Survivor shall and may receive

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the neat yearly Rents and Profits of the said Estates and place the same out at Interest yearly on Landed Securities or vest the same in Parliamentary Funds until my Great Nephew *George Clarke* shall attain his Age of twenty one Years and from and after my said Great Nephew shall attain to his said Age of twenty one Years I give and devise the same Estates unto the same *George Clarke* and his Heirs and Assigns *And* in Case of his Death without Issue and before twenty one I give and devise the same Estates unto the said *Thomas*

Birch and *Thomas Butterworth Bayley* upon trust to receive the Rents and Profits thereof and place the same out at Interest yearly on landed Securities or vest the same in Parliamentary Funds until my Great Nephew *Edward Clarke* shall attain his Age of twenty one Years and from and after his attaining to the Age of twenty one then I give and devise the same Estates unto the said *Edward Clarke* his Heirs and Assigns *And* it is my Will and mind that my said Trustees or the Survivor of them or the Executors or Administrators of such Survivor

shall have Power to demise and lease the same Estates until such my Nephews who shall first take under their devise shall attain to the Age of twenty one Years for the best improved yearly Rent that can be got for the same and the yearly Rents arising therefrom shall accumulate and be paid to such of my Great Nephews who shall take under this Devise upon his attaining his Age of twenty one Years.

Item. I give to my Nephew *George Hyde Clarke* my Gin Horses and all the Implements now used or belonging to my Colliery in

1 *Introduction.*

Hyde, and I do direct my Executors hereafter named and appointed to sell all the Rest of my Stock, vizt: Hay, Corn, Straw, Horses, Cows, Calves, Sheep, Hogs and Poultry with the Carts, Ploughs, Harrows and all other Implements &c. belonging to my Farm towards Payment of my Debts.

Item. I give to my Friend Mr. *Robert Newton*, Attorney at Law in *Stockport*, one hundred Guineas as a Testimony of my Friendship and Regard.

Item. I give to my good and worthy Friend *George Burch* of

Garstang in the said County of *Lancaster* Esquire, two hundred Pounds to be paid him without Interest in two Years after my Decease.

Item. I give to my Great Niece *Jane Crispin*, Daughter of my Niece *Letitia Penelope Crispin* five hundred Pounds to be paid her without Interest when she shall attain the Age of twenty one Years or Day of Marriage, whichever shall first happen.

Item. I give to my Nephew in Law *William Sanford* of *Manchester* Esquire five hundred Pounds to be paid him as soon as it can be

conveniently raised from my late Brother's Estate of *Hyde* in the Island of *Jamaica*.

Item. I give and bequeath to my two Great Nephews *George* and *Edward Clarke*, Sons of my Nephew *George Hyde Clarke*, all my Lands in the Province of *New York* in *America* and to their Heirs and Affigns to take as Tenants in Common and not as joint Tenants. *And* I do also give to my Great Nephew *George Clarke* my Gold Watch, Chain Seals and Ring, to wear or dispose of the same as he may think most proper.

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Item. I give to my dear unhappy and much injured Niece Mrs. *Katherine Clarke*, Wife to my abandoned Profligate Nephew *George Hyde Clarke*, three hundred Pounds to enable her to come to *England* to see her Children.

Item. I give to the said *Thomas Birch* and *Thomas Butterworth Bayley* two thousand Pounds Interest for the use and behalf of my dear Niece *Mary Sanford*, Wife of the said *William Sanford*, which said Sum of two thousand Pounds I direct shall carry Interest after the Rate of five per cent from the

Time of my Death and such Interest to be payable to my said Niece *Mary Sanford* as hereafter mentioned. *And* I do hereby direct my Executors to pay unto the Hands of the said *Thomas Birch* and *Thomas Butterworth Bayley* the said Sum of two thousand Pounds immediately after my Decease or as soon afterwards as it can be conveniently raised from my said late Brother's Estate at *Hyde* in the said Island of *Jamaica* which said Estate is subject to the Payment of all my said late Brother's Debts; *And* I desire and request it of

the said *Thomas Birch* and *Thomas Butterworth Bayley* that as soon as they shall receive the said Sum of two thousand Pounds or any Part thereof that they put out the same or any Part thereof on good landed Security and pay the Interest arising therefrom yearly to my said Niece *Mary Sandford* during her Natural Life and for her own sole and separate Use not subject to Debts and Controul of her said Husband; *And* it is my Will that her Receipt for the said Interest shall be sufficient Discharge for the same with Power for her my said Niece *Mary*

Sanford to dispose of the said two thousand Pounds by Will to such Child or Children as she may have living at the Time of her Death, and for Default of such Issue I give the said Sum of two thousand Pounds to my said Great Nephew *Edward Clarke*.

I also give to my said Niece *Mary Sanford* all my Plate, China, Glasse, and household Linnen with all and singular the Furniture of my House including the Pictures, out Offices and Cellars with Liberty to remove from the Barn Yard, Folds, Shippars, Stables, Gardens

and Brewhouse whatever she or her Husband may choose for their own Use the Remainder to be sold towards Payment of my Debts.

Item. I give to my Nephew *Matthew Cock*, one of the Clerks in the Exchequer, a Bond of my Nephew *George Hyde Clarke* for two thousand Pounds payable in twelve Months after my Decease and immediately on that Event to give the said *George Hyde Clarke* Notice to pay the Money as soon as it shall become due; this Bond is dated the *fourteenth* Day of *September*

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One thousand, seven hundred, and seventy six.

Item. I give to my trusty and faithful Servants *John Ridley* my Steward and *Mary Burges* my Housekeeper One hundred Pounds each over and above what may be due and owing to them for Wages &c. to be paid them in twelve Months after my Decease. I also give to the said *John Ridley* and *Mary Burges* all my Shirts, Caps, Handkerchiefs, Thread, Gauze, Worsted and Silk Stockings to be equally divided between them Share

and Share alike, and to the said *John Ridley* I also give all the Rest of my wearing Apparel be they of what Sort or Kind soever.

I also give to *William Cockerton*, my Servant, if he shall be with me at the Time of my Death twenty Pounds and to all the Rest of my Servants who shall have lived with me the three last Years of my Life, I give five Pounds a Piece to be paid them in six Months after my Decease.

And Lastly, I give, devise and bequeath to my said Grand Nephew *Edward Clarke* all the Rest, Refi-

due and Remainder of my real and personal Estate whatsoever and wheresoever Goods, Chattels, Lands, Tenements and Hereditaments both in Possession and Reversion that I shall be possessed of or intitled unto at the Time of my Decease, subject nevertheless to all my Debts, Legacies and funeral Expences to have and enjoy the same to his own proper Use and Behoof, and to his Heirs, Executors, Administrators and Assigns forever, And in Case of the Death of my said Great Nephew *Edward Clarke* before his attaining his said Age of twenty

one Years and dying without Issue I give, devise and bequeath unto my said Great Nephew *George Clarke* his Heirs, Executors, Administrators and Assigns and in Case of the Death of the same *George Clarke* before his attainment of twenty one Years and without Issue then I give devise and bequeath the said Rest and Residue of my real and personal Estate subject and charged as aforesaid unto my said Nephew *Matthew Cock* and my said Niece *Letitia Penelope Crispin* and my said Niece *Mary Sanford* their Heirs,

Executors, Administrators and Assigns as Tenants in Common.

And I do hereby Constitute, ordain and appoint *Robert Crispin* of *Lincolns Inn* and *William Sanford* of *Manchester* Esquires Executors of this my last Will and Testament requesting one or both of them to administer and to act And I also Recommend it to them from Time to Time to call upon the Person or Persons who may take out Letters of Administration and act under my late Brother's Will for Money to pay my Debts, Legacies and Fu-

neral Expences. And I do hereby revoke and make void all former Wills by me at any Time heretofore made.

In witness whereof I the said *George Clarke* have set my Hand to these Presents written with my own Hand writing containing four Sides of Paper and to the Bottom of four Sides whereof I have set my Hand and to this last and fourth Page thereof have set my Hand and Seal this *thirtieth* Day of *November* in the Year of our Lord 1776.

GEO. CLARKE [L. S.]

lxiv *Introduction.*

Signed and sealed by the above-named *George Clarke*, and by him published and declared as and for his last Will and Testament in the Presence of us who have hereunto subscribed our Names as Witnesses thereunto in his Presence and at his Request and in the Presence of each other

MARY DENTON

THOMAS SIDEBOTHAM

JOHN WHITEHEAD.

The Probate is dated *London*, 6
December 1777.

Hyde Hall, in *Cheshire*, is now the Property of *Edward Hyde Clarke*, Esq., who is the Head of the Family.* It has not been inhabited for many Years, and has been allowed to go into utter Decay, in Consequence of the close Proximity of the manufacturing Town of *Hyde*, which is built on a large Portion of the Estate; what with the Factories and the Coal Mines, the whole Place has entirely changed its

* This Gentleman claims the extinct Peerage of *Belvidere* through his Mother, the Daughter of Gen. *Rochfort*, to whom it was offered by the King; but the General refused it, on the Plea that he was unable to support the Title.

Appearance and Character. What was once a beautiful Country Seat is no longer a Place of Retirement, and the Trout Stream in front of the House runs with Pollution, its Waters being of nearly every Color, owing to the offensive Discharges from the Factories. The splendid Estate in *Somersetshire* finally descended to *Edward Clarke*, who was its last Proprietor. This Gentleman was a great Friend of Mr. *Pitt*, and reputed to have been one of the richest Commoners in *England*. In his Support of the great Statesman, he spared not his Means,

and thus encumbered his Property, which has passed, in consequence, entirely out of the Hands of the Descendants of *George Clarke*, former Lieutenant Governor of the Colony of *New York*.

The *Swainswick* Estate in the Island of *Jamaica*, now belongs to *George Rochfort Clarke*, Esq. The *Hyde* Estate, also on that Island, late the Property of *Tanner O. Clarke*, Esq., was sold two or three Years ago, having become greatly depreciated in Value in Consequence of the Abolition of Slavery in the *British West Indies*.*

* Letter of *Tanner O. Clarke*, Esq.

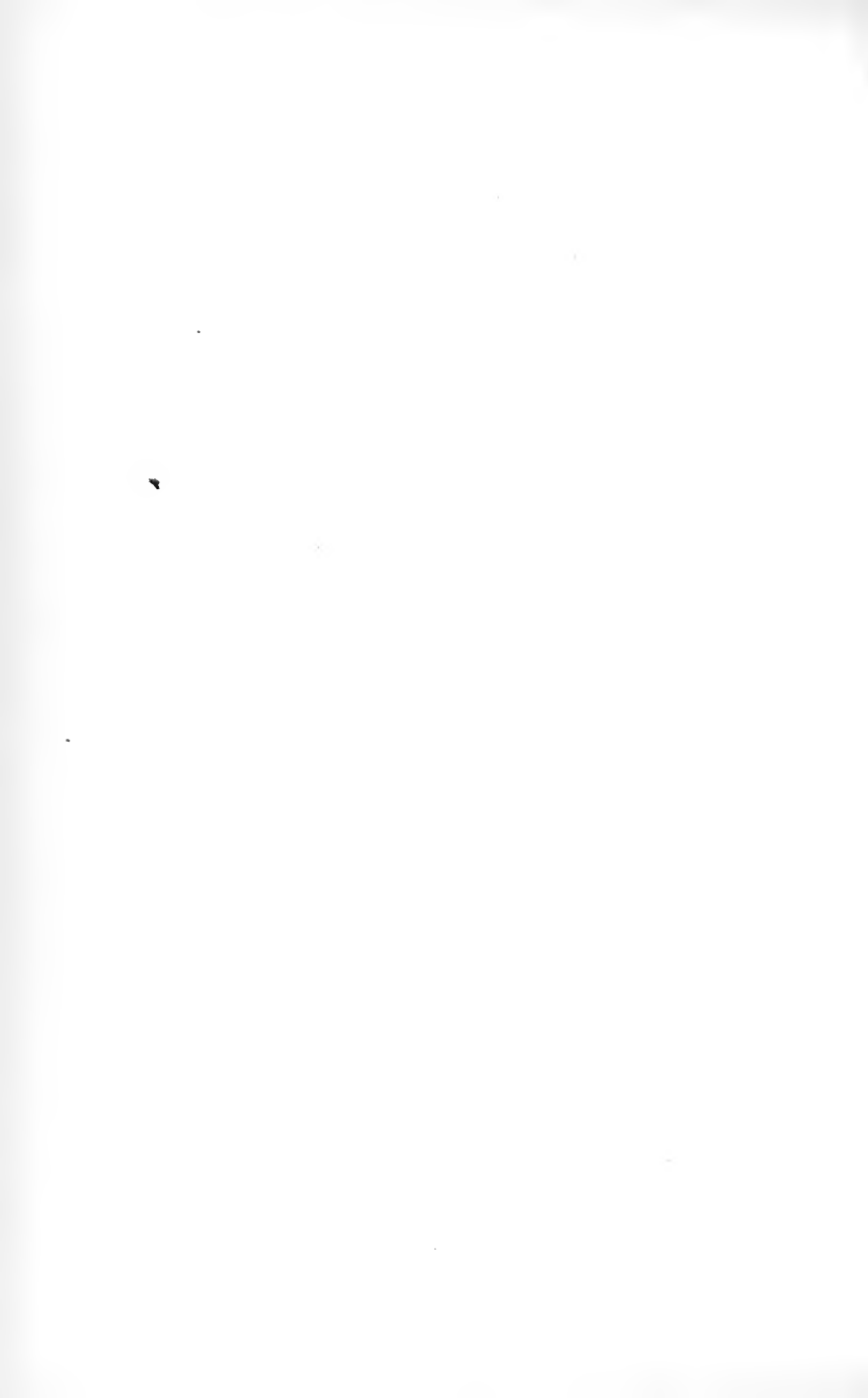
lxviii *Introduction.*

Since closing the preceding Introduction, we have been furnished with a Copy of the original Will of Lieut. Gov. *Clarke*. In order to render this Tract as complete as possible, that Instrument is printed in the Appendix.

GENEALOGY

OF THE

CLARKE FAMILY.





GENEALOGY

OF THE

Clarke Family.

I. **G**EOERGE CLARKE of Swainswick,
in the County Palatine of Chester,
Esq., m. — —, and had

II. **G**EOERGE, born in 1676; was appointed
Secretary of the Province of New York in
1703; Member of Executive Council in
1716, and Lieutenant Governor of that Pro-
vince in 1736; m. Anne, Dau. of Edward
Hyde, Esq., and Catharine Rigby. She was
born in 1693, and died in New York 19th
May, 1740, and was buried in Trinity Church.

lxxii *Clarke Genealogy.*

Previous to his becoming the Head of the Government, Mr. Clarke resided at Hempstead, L. I., but on the 27th September, 1738, he sold his Property there to Josiah Martin. It is described as consisting of 150 Acres, on the North Side of Hempstead Plains, near a Place called Success; 50 A. contiguous, being Part of 200 A. formerly belonging to the Earl of Lymerick; 75 A. on the North Side of the Plains, near Success; 25 A. adjoining the last mentioned Lot; 25 A. at Cow Bay and a Piece of Salt Meadow at Hungry Harbour Neck formerly belonging to Adriaen Underdonk. Furthermore, half of all the Common or undivided Lands in Hempstead formerly belonging to Thomas Robinson, and a 40 Sh. Patent Right of Commonage formerly owned by Thomas and Walter Dongan, together with 30 A. of the Plain Land granted to Mr. Clarke by a Vote of the Town 20 Jany 1726, and the Wind Mill built thereon by said Clarke. Finally a Platt or Hollow now or formerly full of Water adjoining the High-

Clarke Genealogy. lxxiii

way on Hempstead Plain.—*Deed Book*, 14: 13-22. Whilst administering the Government, he resided in Broadway, N. Y., where his Plate, Household Furniture and other Goods were sold by public Auction, July 2, 1745, shortly after his Departure for England, where he died January 12, 1760. His Children were :

- I. *George*, born in the City of New York in 1715 ; went to England in 1737, and was presented to the King at Hampton Court by Lord De la Warr, to whom he subsequently offered the Sum of one thousand Guineas, on Condition that Lieut. Gov. Clarke be appointed to succeed his Lordship as Governor of New York. On the 2d March, 1738, George Clarke, Jr., was appointed Secretary of the Province, and in August following Member of the Council, but he never returned to America. He was in the Commission of the Peace for the Counties of Chester and Lancaster, and resided at Hyde Hall,

lxxiv *Clarke Genealogy.*

Swainswick, where he d. unm. November 11, 1777, aged 62 Years.

2. EDWARD.
3. *Robert*; died unmarried in America. He boarded in New York at the Widow Scott's in 1732 or 1733.
4. *Mary*; went to School in New York to Mr. Brownell; learned to play on the Spinnet from Mr. Cook, and finally m. Ballard Beckford of Jamaica, W. I.
5. *Hyde*; was commissioned a Lieutenant in Captain Rumsfy's Independent Company of Foot, N. Y. January, 17 $\frac{3}{4}$ $\frac{9}{10}$; served as Lieutenant in Gov. Clinton's Company in 1743, and in the following January requested to be transferred to General Oglethorpe's Regiment, then raised in New York for Service in Georgia.
6. *Letitia* (or Anne); m. Joshua Horton of Yorkshire.
7. *Penelope*; born September, 1723; died unmarried, and was buried at Reading.
8. *Elizabeth*; baptized at Hempstead, L. I.,

Clarke Genealogy. lxxv

by the Rev. Robert Jenney, September 25, 1725; married Captain Cock of the British Army, and had

(a) *Matthew*; a Clerk in the Exchequer, in 1776.

(b) *Letitia Penelope*; m. Robert Crispin, of Lincoln's Inn.

2. EDWARD CLARKE; was born in 1716; commissioned a Lieutenant in Capt. Holland's Independent Company, stationed in New York, 22d February, 1731^o; Commissioner of Indian Affairs at Albany, 1738, and was presented with the Freedom of that City April 30, 1739; commanded a Company of Albany Provincials at the taking of Havana under Lord Albemarle in 1762, and for his Bravery was made a Major. On retiring from the Service he went to Jamaica, W. I., where he married Elizabeth Guthrie, Widow of William Williams, and of Philip Haughton, of said Island, whereby he acquired large Estates there; returned in 1772 to New York, whence he went to England, and died at

lxxvi *Clarke Genealogy.*

Buxton, Derbyshire, 6th September, 1776, aged 60 Years, and was buried at Stockport. He left,

9. GEORGE HYDE.

10. *Anne* ; died young.

9. GEORGE HYDE CLARKE ; m. Catherine, Dau. of — Huffey, Esq., of Ireland ; d. 5th July, 1824, and was buried at Denton, Lancashire, England. His Children were

11. GEORGE.

12. EDWARD.

11. GEORGE CLARKE ; was born at Hyde, in the County of Chester, 28th April, 1768. He came to New York in 1789, in order to be naturalized, and after residing there a Year was unexpectedly called abroad. On 8th February, 1791, the following Petition was presented on his Behalf,

“To the honourable the Senate and Assembly of the State of New York in Legislature convened.

“The Petition of George Clarke humbly sheweth,

Clarke Genealogy. lxxvii

“That your Petitioner was born in England, and is Great-grandson of George Clarke, formerly Lieutenant Governor of New York; that he resided in the City of New York for about a Year preceding the Month of October last, with Intention, at the End of two Years to have been naturalized under the Statute of the United States; that he was unexpectedly called abroad on important Business, but expects to return in the Course of the ensuing Summer; and as his Naturalization must now be unavoidably suspended, to the great Embarrassment of his Affairs, your Petitioner humbly prays that his Name may be inserted in the Bill now before the honourable the Legislature, to grant a similar Privilege of holding Lands within this State, notwithstanding the want of Naturalization, and your Petitioner shall ever pray.

“GEORGE CLARKE.

“By Goldsb. Banyar and Jas. Duane, his Attorneys.”

lxxviii *Clarke Genealogy.*

An Act was passed, accordingly, on the 22d March, 1791, allowing him to purchase Lands, or to hold any he might be entitled to by Descent within the State of New York, and to sell and dispose of the same as fully as if he were a natural born Citizen. He m. 1st Elizabeth, Dau. of Gen. Rochfort, County of Westmeath, Ireland, by whom he had,

13. *George Hyde*; lived some Time in Albany; declared his Intention to become an American Citizen 5th August, 1811. He was afterwards lost in the Ship Albion on his Return to England.
14. *Edward Hyde*; also declared his Intention to become an American Citizen 11th of August, 1811; m. 1st his Cousin Georgiana Catherine Theresa O'Moran 19th October, 1825, who died, without Issue, at Leamington 2d August, 1853; he m. 2dly, Maria Anne, Daughter of Thomas Wade, of Fairfield, County of Galway,

Clarke Genealogy. lxxix

Ireland, 20th December, 1855; is still living; no Children.

15. *George Rochfort*; m. 9th July, 1830, Elizabeth, Dau. of Rev. Henry Byron, Grandson of William 3d Lord Byron. She died 21st March, 1852. No Issue. He is still living.

16. *Catherine*; born 28th February, 1802; unm.; living in 1867.

17. *Elizabeth*; born 11th December, 1805; unm.; living in 1867.

The above mentioned George Clarke, after returning to America, resided some Years in Albany, and m. 2dly Anne Carey, Widow of Richard F. Cooper, of Cooperstown; removed to Springfield, Otsego County, N. Y., and died there at Hyde Hall, 11th November, 1835. The Children by this 2d Marriage were:

18. *George*; born 3d Aug., 1815; d. 5th Aug., 1815.

19. *Anne*; born 5th Dec., 1817; m. 15th May, 1831, Duncan C. Pell.

lxxx *Clarke Genealogy.*

20. GEORGE.

21. *Georgina*; born 28th April, 1824; died 28th April, 1825.

22. *Arthur*; born 24th June, 1826; died 13th November, 1826.

12. EDWARD CLARKE; born in England 28th November, 1770; m. 1st (at Marylebone) Anne Margaret, Daughter of General Prevost, who d. without Issue; 2d, Sara Rufs, 18th August, 1821, and d. 13th December, 1826, leaving

23. EDWARD.

24. *George Hamnet*; b. 7th February, 1824; died in Lahore, E. I., 19th June, 1850, unmarried.

25. TANNER OWEN.

20. GEORGE CLARKE, of Otsego County; born 7th July, 1822, took by Bequest from his Father, the whole of the Clarke Property in the State of New York. He m. —, Dau. of Dudley S. Gregory, of Jersey City, and had

26. *Maude*.

27. *George*.

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28. *Maria.*

29. *Katherine Blanche.*

23. EDWARD CLARKE ; born May, 1822 ;
m. Sarah Sage 17th November, 1840 ; d. in
Jamaica, W. I., March 1, 1845, leaving

30. *Edward* ; born 1841 ; living in 1867 ;
unmarried.

25. TANNER OWEN CLARKE, of Spring-
field, Otsego Co., N. Y. ; born 7th February,
1826 ; m. 19th August, 1851, Fanny Julia,
Daughter of Alfred Braithwaite, Esq., and
has

31. *Georgina Hyde* ; born 15th May, 1852.

32. *Edward Hyde* ; born 7th November, 1853.

33. *Rochfort Hyde* ; born 20th Sept., 1858.







LETTER.

THE favours I have rece^d
from You oblige me
to use all oppertunities
of returning my heartyest
thanks, and I should think
my selfe very happy if I could
add to them a small p^rsent of
the product of this Country
but to my sorrow I have seen
nothing yett that would be

A

acceptable wth you, You are sensible here is noe news nor any thing else to divert you wth a relation of in this Savage parte of the world and I cant tell how to parte wth you soe soon. Therefore I had much rather be laught at for a long impertinence then deny my selfe the satisfacôn I have in writing to my Dearest freind.

A Voyage to *America* affords little of Curiosity att best and this that I have made nothing att all. However,

[that you may believe I am
 gott to New York] I ought
 tell you I left *London* the *first*
 day of *Aprill* last and the
 last man I took my Leave
 of was Dear W^m *Putley* who
 fate up wth me all night &
 in the morning fee me into
 the *Canterbury* stage Coach
 which being full of old Woe-
 men & Yeomen of *Kent*, I
 thought my ielfe happy in my
 Debauch over night, that it
 gave me an occasion of fleep-
 ing away a day w^{ch} other wife

would have infallably grafted the Spleen in me for the voyage.

The first night I gott to *Canterbury* where I mett wth M^r *Byerly** who went to *Deale*

* THOMAS BYERLEY was Brother of Col. Robert Byerley, of Goldborough, Yorkshire, Eng., who served under King William the Third, in Ireland, and commanded the Sixth Regiment of Dragoons 1689-1692. He afterwards was one of the Representatives of the above County in the House of Commons, of which Body he was a prominent Member. Through his Influence, it is supposed, that the Subject

two days before, but the Wind being Contrary returned to

of this Note received the Appointment of Receiver General of the Province, and Collector of the Port of New York, 26th *September*, 1702, at an annual Salary of £200 Sterling and Fees. Mr. Byerley arrived at New York, in Company with Mr. Clark, 29th *July*, 1703, and was sworn into Office on the following Day. Lord Cornbury, who was then at the Head of the Government, soon manifested ill Will towards him; for we find in 1704 that they transmitted Complaints to England, the one against the other, and Mr. Byerley was suspended from his Office 17th *April*, 1705. Hereupon, he returned

Canterbury for the Conveni-
ency of Entertainm^t. How-

to England, and laid his Case before Lord Godolphin, then Lord High Treasurer, who referred the Matter to the Commissioners of the Customs; and they reporting that the Petitioner had behaved himself according to his Duty in the Trust reposed in him, his Lordship, in a Letter to Lord Cornbury, dated 7th *January*, 170⁵/₆, stated that Mr. Byerley holding a Patent Office, should not have been suspended until the Cause had been communicated to the Treasury, and therefore ordered his Restoration; and as his Suspension had been declared illegal, his Salary, &c., during his Suspension, amounting

ever, the next Morning I thought it Convenient to give

to £438. 12. 4, was directed to be repaid by Mr. Peter Fauconier, who had filled the Office in Mr. Byerley's Absence. The latter entered again on his Duties 6th *February*, 1707, but the old Enmity entertained against him by Lord Cornbury revived; for on the 18th *October*, 1708, we find the following Minute of Council:

“ Mr Byerley having frequently refused to obey the Ord^s of the Gov in Councill thô often repeated to him & having been summoned to appear before this Board and askt if he could produce any authority orders or Directions from England to justifye himself in that his

my Ord^r that I had from the Admiralty to the Commander

disobedience & producing none but still continuing to disobey the orders of this Board & having refused & neglected to acco^t before the Board according to the Queen's Directions and having committed severall frauds in the management of the Revenue of this Province some whereof have manifestly appeared to this Board, his Ex^{ty} does therefore think fitt by vertue of the power & authority to him given by her ma'tie under the Broad Seal of England & Likewise in her maties Royall Instructions to his Ex^{ty}, to suspend the said Thomas Byerley from his office of Coll^r & Receiv^r Gen^l of this Province

of the Virginia Convoy for carrying me and my Serv^t,

till her matie's Pleasure shall be further known, and the said Thomas Byerley is accordingly suspended from the said office of Coll^r & receiv^r Gen^l of the Customs."

On the 25th of the same Month, a Petition was presented to the Council to oblige him to account for £1090. 16. 11 $\frac{3}{4}$ d, detained by him without any Warrant. A Bill was hereupon introduced into the Council for that Purpose, and having passed that Body was sent down to the Assembly. It failed, however, to become a Law, having only reached a second Reading in that House.

B

especially because I thought it adviseable to be as well ac-

Mr. Byerley now returned a second Time to England, and petitioned for Redress. His Petition was referred to Mr. Blathwayte, Auditor General for the Plantations, who reporting favorably upon it, Lord Lovelace, the new Governor, received Orders to restore him to his Office, which his Lordship accordingly did on 17th *January*, 170³. Lord Lovelace, dying soon after, was succeeded by Lt. Gov. Ingoldefby, who, it is charged, was so influenced by Lord Cornbury and his Party, that he issued a Writ *Ne exeat Provinciam* against Mr. Byerley. The latter having Notice thereof withdrew, and a Proclamation

quainted wth him as I could
before I Embarqued.

was issued 28th *May*, 1709, for his
Apprehension and he was thereupon
arrested. The Matter was settled
however, for we find Mr. Byerley soon
after again in the Execution of his
Office.

Governor Hunter commenced his
Administration in the following Year,
and Mr. Byerley seems now to have
had some Respite from Persecution.
Lord Cornbury had already been in-
structed to call Mr. Byerley to the
Council, but he declined obeying the
Order. Mr. Byerley therefore requested
that the Order should be repeated to
his Successor, as the Receiver General

Accordingly, I took a place in the Deale Coach in which

had always been a Member of that Body. He was accordingly summoned to the Council in 1711, and held a Seat in that Board until his Death. In 1713 he was appointed Member of the Council of New Jersey, and so continued for ten Years.

Soon after the Restoration to his Office, he instituted an Action in the Supreme Court of New York against Mr. Fauconier for the Recovery of £438. 12. 4, already mentioned, and obtained a Judgment for that Amount. Thereupon an Appeal was taken to the Governor and Council in 1715, who, by a Vote of 5 Ayes against 2

there were two mighty pretty
Ladys good humoured wthout

Noes, reverfed the Decifion of the Supreme Court, on the Ground that if Lord Cornbury had Power to fufpend Mr. Byerley, Mr. Fauconier had a Right to the Salary. Gov. Hunter and Mr. Byerley alone voted for affirming the Judgment of the Court below.

In Confequence either of a Change of Parties in England, or by Means of fome fpecial Influence, a Royal Commiffion was iffued on the 4th *January*, 1717, appointing James Dixon Receiver General and Collector of New York; and he was fworn into Office 26th *September* following. He retained

referve and every way agreable
 who very well made amends
 for the former days Company ;
 One of these Ladyes living att
 Deale I address'd my selfe to

the Office however only about a Year ;
 for on 14th *May*, 1718, another Royal
 Commission was issued in favour of Mr.
 Byerley, who was again sworn in as
 Receiver General, &c., 9th *September*
 of the same Year. He continued in
 Office until the 3d *August*, 1722, when
 he was succeeded by Archibald Ken-
 nedy. He was, however, a Member
 of the Council until his Death, which
 occurred towards the Close of the Year
 1725.

her being a stranger in the Town & wthall being informed it was soe full by reason of the fleet which lay there that lodgings were very scarce, & desired her to consider the Condiçôn of the distress'd and to recommend me to some house where I might gett a bed. She told me frankly she would doe what she could and in less than an hour after I came to *Deale* she sent to me to come to her Lodgings. As soon as I got thither she told

me that ſhe had ſent to all her acquaintance but could not prevail. However, if I would accept of ſuch a Room as her houſe afforded itt was at my ſervice.

You may imagine I was overjoy'd att this thinking it might be attended wth more happy Circumſtances, as indeed it proved afterwards for I ſpent a fortnight there wth more pleaſure then I could have Expected from ſoe ſlender an acquaintance.

About the middle of *Aprill* the Wind came ab^t faire and Capt. Symonds, who is the Gent I came over wth gave me a summonds to Embarque and I alas was forc't to leave my Mefidora wth much more regrett then if I had stay'd there a month longer for nothing is soe alluring as a new Amour nor soe Cloying as a stale Mistrefs.

In two days we gott to *St. Hellens* where we stay'd the remainder of that month, no-

thing happening worth observation all the while. The *ffirst* of *May* we weigh'd Anchor and the next day gott to *Plymouth* and lay by that day till some merch^tmen who wer to goe under our Convoy could gett out thence and joyn us; that night we fett fayle and ab^t four days after a very thick fog came and continu'd ab^t two or three days in which time we had loſt company of ab^t halfe our fleet and the heavyeſt faylors which I was

very well pleas'd wth because I thought we might make the better way.

The *Three* and *Twentyeth* we came to an anchor wth only eleven saile of merch^tmen (the rest w^{ch} were ab^t 30 being willing to make the best of their way) att *Fyall* an Island furrounded by severall others all belonging to the King of *Portugall* lying between 3 & 400 leagues from *England*. These Islands afford a great deal of very good wines and

brandyes and that that I see might be improved to a much greater advantage then it is but the people are so proud and Lazy that they'd sooner starve the[n] use industry. I the less wonder at it when I see how many *Irisb* (whose perticuler bent to lazines I have noe averfion to mencôn to you) they entertained among them. There are severall ffryarys and Convents in this Ifland which I vifited they being all in the

Town. I might confefs I was surprized to find them ſo well built and their Chappels eſpecially which were beautify'd and adorn'd very ſplendidly. Every thing elſe that I ſee in the Country, having the face of a miſerable Poverty but the Preiſts of theſe Countries have Keys to their Treafure which they open either by Promiſe of Salvation or by threats of damnation, and what would not a man give thoſe Holy Soul brokers for

their Abfolution? It feem'd very ftrange to me that the People fhould be fo bigotted to give fo profufely to thofe Religious Sinners and even to want common neceffaries them felves, I mean neceffaries for the Support of life, for as for thofe of the out fide, which are only a long toledo a Dagger and a Cloak, I fee not a Cobler nor Taylor in the Town that was not accoutred wth them and (bar-ring that moft of them had

noe shooes nor stockings) that might not by the formall stiffness of their gate been every one of them a Grandee or a Mountebank.

As by ye *first* of *June* the Commander had layd in wine for his Ships Company for his voyage home then we weigh'd Anchor and saild on our course very fortunately till the 25th when there came up a Storm of wind attended wth the most violent Thunder and lightning that any man on board had

ever seen & which if I had not been an Eye witness I could hardly have credited. It continued for 5 or 6 hours and towards the end the lightning increased in such a manner and came wth that fury y^t att once it carry'd away our foremast, went through the forecattle the boatswains Cabin and main Deck and splitt a vast peice of Timber between Decks they call the Manger Board and had not the Sails been wett by the

Rains that we had then it must have infallably fired the Ship. There were severall men disabled; some struck soe y^t they remained wthout motion for a considerable time, but every body by Mighty Providence escap'd wth Life.

This I thank God was the only danger we were in the whole Voyage. Our loss was repaired the next day well enough to go on our Voyage and the 7th of July we came to an Anchor in *Virginia*.

APPENDIX.



THE
Will of George Clarke,

LIEUTENANT GOVERNOR

Of the Province of New York.

I GEORGE CLARKE the Elder late Lieutenant Governor of the Province of *New York* in *America* and now of the City of *Chester* in *England* Esquire being of a sound and disposing mind memory and understanding do make this my last Will and Testament in manner following that is to say My desire is to be buried in a private manner

and that my debts and funeral expences shall be paid out of my personal estate. I give to and to the use of my Son *Edward Clarke* his heirs and assigns for ever All that my Tract of Land and Estate with the appurtenances situate lying and being in the County of *Albany* in the said Province of *New York* in *America* called *Sadaqueda* (near the *Mobocks* River) containing by estimation Six Thousand Acres of Land or thereabouts be the same more or less besides the usual allowance for ways And also all that my other Tract of Land and Estate with the appurtenances situate lying and being in the County of *Albany* aforesaid at or near to a place there

on the fourth side of the *Mohocks* River opposite to a certain Hill called *Toweriyonie* containing by estimation Ten Thousand Acres of Land or thereabouts be the same more or less besides the usual allowance for ways which said last mentioned Tract of Land was Granted by Letters Patent under the Seal of the Province of *New York* aforesaid bearing date on or about the Twenty eight day of *July* One Thousand Seven Hundred and Thirty Seven to *George Ingoldby* and others and by them conveyed to me and my heirs by Indentures of Lease and Release bearing date respectively on or about the first and second days of *August* One Thou-

and Seven Hundred and Thirty seven. I also give and devise unto and to the use of my said Son *Edward Clarke* and his heirs All those my six undivided parts (the whole into thirteen parts to be equally divided) of a certain other Tract of Land and Estate with the appurtenances situate lying and being in the said County of *Albany* on the Branch of the *Susquehanna* River the said Six undivided parts containing Six Thousand Acres of Land or thereabouts be the same more or less besides the usual allowance for ways And which same Six Thousand Acres of Land (with Seven Thousand Acres more) were granted by Letters Patent under the

feal of the Province of *New York* aforefaid bearing date on or about the eighteenth day of *Auguft* One Thoufand Seven Hundred and Forty One to *Charles Williams Richard Nicholls* and *William Jamiffon* and others And the faid Six Thoufand Acres were by the faid *Charles Williams Richard Nicholls* and *William Jamiffon* granted to me and my heirs by Indentures of Leafe and Re-leafe bearing date on or about the Nineteenth and Twentieth days of *Auguft* One Thoufand Seven Hundred and Forty one.

I alfo give and devife All other my Traçts of Land Lots Shares and parts thereof hereditaments and real eftate of any nature or Kind foever

in the faid Province of *New York* not hereinbefore difpofed of unto and to the ufe of my Son *George Clarke* his heirs and affigns for ever.

I alfo give and devife unto and to the ufe of my Sifter-in-law M^{rs} *Penelope Hyde* one clear yearly Rent or annual fum of Seventy Pounds of lawful money of *Great Britain* to be iffuing and payable out of my Manors or Lordfhips of *Hyde* in the County of *Chefter* and *Houghton* in the County of *Lancaster* in *England* and out of all my Meffuages tenements land and hereditaments in the faid feveral Counties of *Chefter* and *Lancaster* and to be paid to the faid M^{rs} *Penelope Hyde* and her affigns during her natural life (in

lien fatisfaction and difcharge of the annuity or yearly fum which I agreed to pay her for her life on my purchafing the faid Manors of *Hyde* and *Houghton* from her Brother *Edward Hyde* Efquire) by equal half yearly payments on the Twenty ninth day of *September* and the Twenty fifth day of *March* free and clear of and from all Parliamentary and other leys taxes charges and impositions whatfoever the firft of the faid payments to be made on fuch of the faid days as fhall happen next after my death.

I likewise give and devife unto my Executors and Executrix hereinafter named and the Survivors and Survivor of them and the Ex-

ecutors and Administrators of such Survivor the clear yearly Sum of Seventy Pounds of lawful money of *Great Britain* during the life of my Daughter *Penelope Clarke* (subject to the Proviso hereinafter mentioned concerning the same) free from all Parliamentary and other leys taxes charges and impositions whatsoever to be issuing and payable out of my said Manors or Lordships of *Hyde* and *Houghton* and out of all my said Messuages tenements lands and hereditaments in the said several Counties of *Chester* and *Lancaster* and to be paid to my said Executors and Executrix and the Survivors and Survivor of them and the Executors and Administrators of such

Survivor during the life of my said Daughter *Penelope Clarke* (subject to the said Proviso hereinafter mentioned) by two equally half yearly payments on the Twenty ninth day of *September* and the Twenty fifth day of *March* the first of said payments to be made on such of the said days as shall happen next after my death Upon Trust that they my said Executors and Executrix and the Survivors and Survivor of them and the Executors and Administrators of such Survivor do and shall lay out and apply the said last mentioned yearly Sum of Seventy Pounds to and for the use and benefit of my said Daughter *Penelope Clarke* at such time or times

in such manner and in such proportions as my said Executors and Executrix and the Survivors and Survivor of them and the Executors and Administrators of such survivor shall think proper (subject to the said Proviso hereinafter mentioned).

I also give and devise unto my said Executors and Executrix and the Survivors and Survivor of them and the Executors and Administrators of such Survivor during the life of my Daughter *Elizabeth* now the Wife of *Matthew Cocke* Esquire the clear Sum of Seventy Pounds a Year of lawful money of *Great Britain* (subject to the Proviso hereinafter mentioned concerning the same) free from all Parliamentary

and other leys and Taxes charges and impositions whatsoever to be issuing and payable out of my said Manors or Lordships of *Hyde* and *Houghton* and out of all my said Messuages tenements lands and hereditaments in the said several Counties of *Chester* and *Lancaster* and to be paid to my said Executors and Executrix and the Survivors and Survivor of them and the Executors and Administrators of such Survivor during the life of my said Daughter *Elizabeth* (subject to the said Proviso last mentioned) by two equal half yearly payments on the Twenty ninth day of *September* and the Twenty fifth day of *March* the first of the said payments to be made on

such of the said days as shall happen next after my death Upon Trust that they my said Executors and Executrix and the Survivors and Survivor of them and the Executors and Administrators of such Survivor do and shall pay and apply the said last mentioned yearly sum of Seventy Pounds to and for the sole and separate use of my said Daughter *Elizabeth* the Wife of the said *Matthew Cocks* during her life subject to the same proviso exclusive of the debts engagements or intermeddling of her present or any future Husband. And I do direct that the receipt or receipts of my said Daughter *Elizabeth* under her hand shall notwithstanding her present

or future Coverture be a sufficient discharge or discharges to my said Executors and Executrix and the Survivors and Survivor of them and the Executors and Administrators of such Survivor for so much thereof for which such receipt or receipts shall be given.

And in case the said yearly Rents or annual Sums of Seventy Pounds Seventy Pounds and Seventy Pounds or any of them or any part of any of them shall be behind or unpaid by the space of thirty days next over or after any of the said days hereinbefore appointed for payment thereof respectively Then and so often I do direct that it shall and may be lawful to and for my said

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Sister-in-law M^{rs} *Penelope Hyde* and her assigns And also to and for my said Executors and Executrix and the Survivors and Survivor of them and the Executors and Administrators of such Survivor respectively into and upon all and singular my said Manors messuages tenements lands hereditaments and premises out of which the said yearly Rents or annual Sums of Seventy Pounds, Seventy Pounds and Seventy Pounds are to be issuing and payable as aforesaid or into and upon any part or parts thereof to enter and distrain and the distress and distresses then and there found to take lead drive carry away and impound or otherwise to sell and dispose thereof

according to due course of law until she or they shall be respectively fully satisfied and paid the said several yearly rents or annual Sums of Seventy Pounds Seventy Pounds and Seventy Pounds and all arrears thereof and all costs charges and expences occasioned by non-payment thereof at the days and times in that behalf before mentioned. Provided always that in case the said several yearly Rents or annual sums of Seventy Pounds Seventy Pounds and Seventy Pounds or any of them or any part of any of them shall happen to be behind or unpaid by the space of Fifty days next over or after any of the said days whereon the same are

hereinbefore appointed to be paid as aforefaid Then and fo often it fhall and may be lawful to and for my faid Sifter-in-law M^{rs} *Penelope Hyde* and her affigns and to and for my faid Executors and Executrix and the Survivors and Survivor of them and the Executors and Administrators of fuch Survivor refpectively into and upon the faid Manors meffuages tenements lands and hereditaments out of which the faid Yearly or annual Sums of Seventy Pounds Seventy Pounds and Seventy Pounds are to be iffuing as aforefaid or into and upon any part thereof in the name of the whole to enter and the fame to have hold and enjoy and to receive and take

the Rents and Profits thereof or any part thereof until He, She or They shall be thereby or therewith or otherwise respectively fully satisfied and paid the several Yearly Rents or annual Sums of Seventy Pounds Seventy Pounds and Seventy Pounds and all arrears thereof. And also so much thereof as shall accrue or grow due during such time as He She or They shall continue in possession of the same premises after such entries as aforesaid. Together with such loss costs damages and expences as shall be occasioned by non payment of the same respective yearly Rents or annual Sums of Seventy Pounds Seventy Pounds and Seventy Pounds

at the days hereinbefore appointed for that purpose Provided always and I do hereby direct that in case my said Daughter *Penelope* shall sell or mortgage or shall procure my said Executors and Executrix or the Survivors or Survivor of them or the Executors or Administrators of such Survivor to sell or mortgage the said yearly Rent or annual sum of Seventy Pounds so given to or for her use as aforesaid or any part thereof that then and in such case the payment of the said yearly sum of Seventy Pounds and of every part thereof shall from and after the time of such sale or mortgage cease to be raised and paid and the person or persons who shall then be enti-

tled to my said Manors or Lordships messuages tenements lands and hereditaments out of which the said yearly Rent or annual sum of Seventy Pounds is to be issuing and payable as aforesaid shall hold and enjoy the same freed and discharged of and from the payment of the same yearly Rent or annual sum of Seventy Pounds and every part thereof anything herein before contained to the contrary notwithstanding Provided also and I do hereby direct that in case my said Daughter *Elizabeth* shall sell or mortgage or shall procure my said Executors and Executrix or the Survivors or Survivor of them or the Executors or Administrators of such Survivor to

fell or mortgage the said Yearly Rent or annual sum of Seventy Pounds so given to or for her use as aforesaid or any part thereof That then and in such case the payment of the same yearly sum of Seventy Pounds and of every part thereof shall from and after the time of such sale or mortgage cease to be raised and paid And the person or persons who shall then be intitled to my said Manors or Lordships messuages tenements lands and hereditaments out of which the same yearly Rent or annual sum of Seventy Pounds is to be issuing and payable as aforesaid shall hold and enjoy the same freed and discharged of and from the payment of the same

yearly Rent or annual sum of Seventy Pounds and every part thereof anything herein before contained to the contrary notwithstanding.

I also give and devise All those my Manors or Lordships of *Hyde* and *Houghton* aforesaid and all my Messuages tenements lands and hereditaments in the said several Counties of *Chester* and *Lancaster* (subject to the payment of the said several yearly Rents or annual sums of Seventy Pounds Seventy Pounds and Seventy Pounds and the remedies for the same as aforesaid) to and to the use of my Son *George Clarke* and his assigns for and during the term of his natural life without impeachment of waste.

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And from and after the determination of that estate Then I give and devise All the said Manors messuages lands tenements and hereditaments in the said several Counties of *Chester* and *Lancaster* (subject to the payment of the said several yearly Rents or annual sums of Seventy Pounds Seventy Pounds and Seventy Pounds and the remedies for the same as aforesaid) to and to the use of *Pusey Brooke* now or late of *Portsmouth* in the County of *Southampton* Esquire and *George Legb* of *High Legb* in the said County of *Chester* Esquire and their heirs during the life of my said Son *George Clarke* Upon Trust to support and preserve the con-

tingent use and estates hereinafter limited from being defeated or destroyed And for that purpose to make entries and bring actions as occasion shall require Yet nevertheless to permit and suffer my said Son *George Clarke* and his assigns to receive and take the Rents issues and profits of the said premises to his and their own use during his life. And from and after the decease of my said Son *George* Then I give all the said premises (subject as aforesaid) to and to the use of the first son of the body of my said son *George* lawfully to be begotten and of the heirs male of the body of such first son lawfully issuing And for default of such issue To

and to the use of the second third fourth and all and every other Son and Sons of the body of my said son *George* lawfully to be begotten severally and successively one after another as they and every of them shall be in seniority of age and priority of birth and of the several and respective heirs male of the body and bodies of all and every such second third fourth and all and every such other son and sons lawfully issuing the Elder of such sons and the heirs male of his body lawfully issuing being always preferred and to take before the younger of such sons and the heirs male of his and their body and bodies lawfully issuing.

And for default of such issue
Then I give all the said Premises
(subject as aforesaid) to and to the
use of my Son *Edward Clarke* and
his assigns for and during the term
of his natural life without im-
peachment of waste and from and
after the determination of that es-
tate Then to the use of the said
Pusey Brooke and *George Legh* and
their heirs during the life of my
said Son *Edward Clarke* Upon Trust
to support and preserve the contin-
gent uses and estates herein after
limited from being defeated or de-
stroyed And for that purpose to
make entries or bring actions as
occasion shall require Yet never-
theless to permit and suffer my said

Son *Edward* and his assigns to receive and take the Rents issues and profits of the said premises to his and their own use during his life.

And from and after the decease of my said Son *Edward*, Then I give all the said Premises (subject as aforesaid) to and to the use of *George Hyde Clarke* (Eldest Son of my said son *Edward*) and his assigns for and during the term of his natural life without impeachment of waste. And from and after the determination of that estate Then to the use of the said *Pufey Brooke* and *George Legb* and their heirs during the life of my said Grandson *George Hyde Clarke* Upon Trust to support and preserve the contingent

uses and estates hereinafter limited from being defeated or destroyed And for that purpose to make entries and bring actions as occasion shall require Yet nevertheless to permit and suffer my said Grandson *George Hyde Clarke* and his assigns to receive and take the Rents issues and profits of the said Premises to his and their own use and uses during his life.

And from and after the decease of my said Grandson *George Hyde Clarke* I give and devise all the said premises (subject as aforesaid) to and to the use of the first Son of the body of my said Grandson *George Hyde Clarke* lawfully to be begotten and of the heirs male of the

body of such son lawfully issuing. And for default of such issue to and to the use of the second Son of the Body of my said Grandson *George Hyde Clarke* lawfully to be begotten and of the Heirs male of the body of such second Son lawfully issuing And for default of such issue to and to the use of the third fourth fifth and all and every other son and sons of the body of my said Grandson *George Hyde Clarke* lawfully to be begotten severally and successively one after another as they and every of them shall be in seniority of age and priority of birth and of the several and respective heirs male of the body and bodies of all and every such third

fourth fifth and all and every such other son and sons lawfully issuing the Elder of such Sons and the heirs male of his body lawfully to be begotten being always preferred and to take before the Younger of such Sons and the Heirs male of his and their body and bodies lawfully issuing

And for default of such issue I give and devise all the said Premises (subject as aforesaid) to and to the use of the second Son of the body of my said Son *Edward* lawfully begotten or to be begotten and of the heirs male of the body of such second Son lawfully issuing And for default of such issue To and to the use of the third fourth

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fifth and all and every other son and sons of the body of my said son *Edward* lawfully begotten or to be begotten severally and successively one after another as they and every of them shall be in seniority of age and priority of birth and of the several and respective heirs male of the body and bodies of all and every such third fourth fifth and all and every such other son and sons lawfully issuing the Elder of such sons and the heirs male of his body lawfully issuing being always preferred and to take before the Younger of such sons and the heirs male of his and their body and bodies lawfully issuing.

And for default of such issue

Then I give all the said Premises (subject as aforesaid) to and to the use of all and every the Daughter and Daughters of the body of my said son *George Clarke* lawfully to be begotten to be equally divided between or amongst them if there be more than one share and share alike to take as Tenants in common and not as Joint Tenants and of the heirs of the several and respective body and bodies of all and every such daughter and daughters lawfully issuing And in case one or more of such Daughters shall happen to die without issue of her or their body or bodies lawfully to be begotten Then as to the share or shares of her or them so dying

without issue as aforesaid To and to the use of the survivors of them to be equally divided between or amongst them share and share alike to take as Tenants in common and not as Joint Tenants and of the several and respective heirs of their bodies lawfully issuing And in case all the said Daughters but one shall happen to die without issue of their bodies lawfully to be begotten or if there shall be but one such Daughter Then to and to the use of such surviving or only Daughter and of the heirs of her body lawfully issuing.

And for default of such issue Then I give all the said Premises (subject as aforesaid) To and to the

use of all and every the Daughter and daughters of the body of my said Grandson *George Hyde Clarke* lawfully to be begotten to be equally divided between and amongst them if there be more than one share and share alike to take as Tenants in Common and not as Joint Tenants and of the heirs of the several respective body and bodies of all and every such Daughter and Daughters lawfully issuing And in case one or more of such Daughters shall happen to die without issue of her or their body or bodies lawfully to be begotten Then as to the share or shares of her or them so dying without issue as aforesaid To and to the use of the Survivors of them

to be equally divided between or amongst them share and share alike to take as Tenants in Common and not as Joint Tenants and of the several and respective heirs of their bodies lawfully issuing And in case all the said daughters but one shall happen to die without issue of their bodies lawfully to be begotten or if there shall be but one such Daughter Then to and to the use of such surviving or only Daughter and of the heirs of her body lawfully issuing.

And for default of such issue Then I give and devise all the said Premises (subject as aforesaid) to and to the use of my Grandson *Ballard Beckford* and his assigns for

and during the term of his natural life without impeachment of waste And from and after the determination of that estate Then to the use of the said *Pusey Brooke* and *George Legb* and their heirs during the life of my said Grandson *Ballard Beckford* Upon Trust to support and preserve the contingent uses and estates hereinafter limited from being defeated or destroyed And for that purpose to make entries or bring actions as occasion shall require. Yet nevertheless to permit and suffer my said Grandson *Ballard Beckford* and his assigns to receive and take the Rents issues and profits of the said premises to his and their own use and uses during his life.

And from and after the decease of my said Grandson *Ballard Beckford* I give and devise all the said premises (subject as aforefaid) To and to the use of the first Son of the body of my said Grandson *Ballard Beckford* lawfully to be begotten and of the heirs male of the body of such first Son lawfully issuing And for default of such issue to and to the use of the second Son of the body of my said Grandson *Ballard Beckford* lawfully to be begotten and of the heirs male of the body of such second Son lawfully issuing And for default of such issue To and to the use of the third fourth fifth and all and every other Son and Sons of the body of my said

Grandson *Ballard Beckford* lawfully to be begotten severally and successively one after another as they and every of them shall be in seniority of Age and priority of Birth and of the several and respective heirs male and of the body and bodies of all and every such third fourth fifth and all and every such other Son and Sons lawfully issuing the Elder of such Sons and the heirs male of his body lawfully to be begotten being always preferred and to take before the Younger of such Sons and the heirs male of his and their body and bodies lawfully issuing.

And for default of such issue I give and devise all the said premises (subject as aforesaid) To and to the

use of my Grandson *Matthew Cocke* (Eldest Son of my said Daughter *Elizabeth*) and his assigns for and during the term of his natural life without impeachment of waste And from and after the determination of that estate Then to the use of the said *Pusey Brooke* and *George Legh* and their heirs during the life of my said Grandson *Matthew Cocke* Upon Trust to support and preserve the contingent uses and estates hereinafter limited from being defeated or destroyed and for that purpose to make entries and bring actions as occasion shall require Yet Nevertheless to permit and suffer my said Grandson *Matthew Cocke* and his assigns to receive and take the Rents

issues and profits of the said Premises to his and their own use and uses during his life. And from and after the decease of my said Grandson *Matthew Cocke* I give and devise all the said Premises (subject as aforesaid) To and to the use of the first son of the body of my said Grandson *Matthew Cocke* lawfully to be begotten and of the heirs male of the body of such first Son lawfully issuing. And for default of such issue To and to the use of the second son of the body of my said Grandson *Matthew Cocke* lawfully to be begotten and of the heirs male of the body of such second Son lawfully issuing. And for default of such issue To and to

the use of the third fourth fifth and all and every other Son and Sons of the body of my said Grandson *Matthew Cocke* lawfully to be begotten severally and successively one after another as they and every of them shall be in seniority of age and priority of birth and of the several and respective heirs male of the body and bodies of all and every such third fourth fifth and all and every such other Son and Sons lawfully issuing the Elder of such Sons and the heirs male of his body lawfully to be begotten being always preferred and to take before the Younger of such Sons and the heirs male of his and their body and bodies lawfully issuing. And

for default of such issue I give and devise all the said Premises (subject as aforesaid) To and to the use of the second Son of the body of my said Daughter *Elizabeth* lawfully begotten or to be begotten and of the heirs male of the body of such second Son lawfully issuing And for default of such issue To and to the use of the third fourth fifth and all and every other Son and Sons of the body of my said daughter *Elizabeth* lawfully begotten or to be begotten severally and successively one after another as they and every of them shall be in seniority of age and priority of birth and of the several and respective heirs male of the body and bodies of all and

every such third fourth fifth and all and every such other Son and Sons lawfully issuing The Elder of such sons and the heirs male of his body lawfully issuing being always preferred and to take before the Younger of such Sons and the heirs male of his and their body and bodies lawfully issuing.

And for default of such issue Then I give all the said Premises (subject as aforesaid) To and to the use of the right heirs of my said Son *Edward Clarke* for ever.

Provided also and it is my Will and I do hereby direct that it shall and may be lawful to and for my said Sons *George Clarke* and *Edward Clarke* and also to and for my said

Grandsons *George Hyde Clarke Ballard Beckford* and *Matthew Cocke* from time to time and at all times during their respective lives when they shall severally be in possession of the said Premises in the said several Counties of *Chester* and *Lancaster* by virtue of the limitations herein before mentioned to make any Lease or Leases or grants of any part of the same premises or of any Mines of Coal or other Mines or Minerals being in upon or under any part of the said premises (subject to the payment of the several Annual Sums herein before by me given and the remedies for the same) To any person or persons for any term or number of Years not ex-

ceeding Twenty One years to take effect in possession and not in reversion so as upon every such lease or grant there be referred or made payable during the continuance thereof as much yearly Rent or Farm as can be reasonably had or obtained for the same to be incident and go along with the reversion of the said Premises so to be leased according to the limitations hereinbefore mentioned without taking any Sum or Sums of money or other thing by way of fine or Income for or in respect of such lease or grant and so as in every of the same leases or grants there be contained conditions of reentry for non-payment of the Rent or Farm

thereby reserved. And also in such Leases or grants as shall be made of the said Coal or other Mines or Minerals there be also contained conditions for making void the same for not carrying on or effectually working the said Mines or Minerals thereby leased or granted And so as the Lessees or Grantees to whom such leases or grants shall be made shall execute counterparts thereof.

Provided also and I do hereby further direct that it shall and may be lawful to and for my said Sons *George Clarke* and *Edward Clarke* and also to and for my said Grandsons *George Hyde Clarke Ballard Beckford* and *Matthew Cocke* when they shall severally be in possession

of the said Premises in the said several Counties of *Chester* and *Lancaster* by virtue of the limitations herein before mentioned to make any Lease or Leases (subject to the payment of the said annual Sums and the remedies for the same as aforesaid) in present possession but not in reversion of any part of the said premises in the said several Counties of *Chester* and *Lancaster* which are now or at my death shall be in lease for one or more Life or Lives or for any term or number of Years determinable upon one or more Life or Lives to any person or persons for one two or three life or lives or for any term or number of Years determinable

upon one two or three Life or Lives or for any absolute term of Years not exceeding twenty one Years so as upon every such lease there be reserved during the continuance thereof the present or accretioned Rents Boons services herriotts or more to be incident and go along with the reversion of the same Premises so to be leased according to the limitations hereinbefore mentioned and so as such lease or leases be not by any express words therein to be contained made dispunishable of waste and so as in every of the said last mentioned leases there be contained a clause of reentry for non-payment of the Rent thereby reserved and so as the Lessee or

Leffees to whom fuch leafe or leafes fhall be made fhall execute a counterpart or counterparts thereof.

Provided likewise and I do hereby further direct that it fhall and may be lawful to and for my faid Sons *George Clarke* and *Edward Clarke* and alfo to and for my faid Grandfons *George Hyde Clarke Ballard Beckford* and *Matthew Cocke* when they fhall feverally be in poffeffion of the faid refpective Manors meffuages tenements lands hereditaments and premifes in the faid feveral Counties of *Chefter* and *Lancaster* by virtue of the limitations hereinbefore mentioned (by and with the confent of the faid *Pufey Brooke* and *George Legh* or of the Survivor of them

or of the heirs or Assigns of such survivor) to grant in exchange any of the same Manors messuages tenements lands hereditaments and premises which they shall be so respectively in possession of as aforesaid to any person or persons whatsoever his or their heirs for any other Manors Messuages tenements lands hereditaments and premises of equal yearly value which said Manors Messuages tenements lands or hereditaments so to be had in exchange shall immediately after the same exchange shall be made as aforesaid be settled and conveyed to and for the same uses intents and purposes and under and subject to the like Provisoes Limitations powers and

agreements as the said Manors messuages tenements lands and hereditaments so to be granted in exchange are herein limited and declared.

And as for and concerning my personal estate my Will is that the same shall be disposed of as follows that is to say

I give to my Sister-in-law Mrs *Penelope Hyde* my Green worsted Damask Bed feather Bed Bedstead Blankets Quilts my Green worsted Damask Chairs and Window Curtains Toilet Dressing Table Dressing Glasses and Boxes and Two Turkey Carpets And I also give to her one pair of Silver Candle Sticks with my Crest thereupon and also

her Servants Bed Bedstead Blankets Quilts and four pair of Sheets and Pillow Cafes for herfelf and three pair of Sheets for her Servant and fuch of my table linen napkins towels and kitchen furniture as my faid Sifter-in-law fhall choofe.

I alfo give all my Piictures Plate Books Houfehold goods (except fuch as I have herein before given to my faid Sifter-in-law M^{rs} *Penelope Hyde*) Horfes Carts Carriages and Husbandry Wares Engines and other Utenfils belonging to my Coalworks in *Hyde* and *Houghton* aforefaid which I fhall be intituled unto at the time of my death unto and to the ufe of my faid Son *George Clarke* for ever.

And I do direct that the clear Sum of Fifty Pounds a Year of lawful Money of *Great Britain* free from all Parliamentary and other taxes and deductions whatsoever shall be paid and laid out by my Executors and Executrix and the Survivors and Survivor of them and the Executors and Administrators of such survivor out of my personal estate in or towards the maintenance of my Grand-daughter *Letitia Penelope Cocke* until she shall attain the Age of Sixteen Years if she and my said Sister-in-law *Mrs Penelope Hyde* and my said Daughters *Penelope* and *Elizabeth* shall all so long live. And I do also direct that from and after the time that my

faid Grand-daughter shall attain the age of Sixteen Years the clear sum of Sixty Pounds a Year of lawful Money of *Great Britain* free from all Parliamentary and other taxes and deductions whatsoever shall be paid and laid out by my Executors and Executrix and the Survivors and Survivor of them and the Executors and Administrators of such Survivor out of my personal estate in or towards the maintenance of my faid Grand-daughter *Letitia Penelope Cocke* until she shall marry with the consent of my faid Executors and Executrix or the Survivors or Survivor of them or the Executors or Administrators of such Survivor or until the death of my

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faid Grand-daughter which shall first happen if my faid Sister-in-law Mrs *Penelope Hyde* and my faid Daughters *Penelope* and *Elizabeth* shall all so long live. But in case any of them my faid Sister-in-law Mrs *Penelope Hyde* and my faid Daughters *Penelope* and *Elizabeth* shall happen to die in the life time of my faid Grand-daughter *Letitia Penelope Cocke* and before she shall marry with such consent as afore-said Then my Will is that from and after the death of any of them my faid Sister-in-law Mrs *Penelope Hyde* and my faid Daughters *Penelope* and *Elizabeth* the clear sum of Seventy Pounds a year of lawful money of *Great Britain* free from all Parlia-

mentary and other taxes and deductions shall be paid and laid out by my Executors and Executrix and the Survivors and Survivor of them and the Executors and Administrators of such Survivor out of my personal Estate in or towards the maintenance of my said Grand-Daughter *Letitia Penelope Cocke* (in lieu and stead of the said clear yearly Sum of Fifty Pounds or Sixty Pounds until her death or marriage with such consent as aforesaid which shall first happen the same several Yearly sums of Fifty Pounds Sixty Pounds or Seventy Pounds to be paid at such time and times in such manner and by such proportions as my said Executors

and Executrix and the Survivors or Survivor of them or the Executors or Administrators of such Survivor shall think proper But subject nevertheless to the following Proviso that is to say Provided always and I do hereby direct that in case my said Grand-daughter *Letitia Penelope Cocke* shall not be permitted to be brought up educated and maintained at such place or places and in such manner as my said Executors and Executrix and the Survivors and Survivor of them and the Executors and Administrators of such Survivor shall think fit Then I do direct that the said Yearly Sum of Fifty Pounds Sixty Pounds or Seventy Pounds or fo

much thereof respectively as shall become due during such time or times as my said Grand-daughter shall not be permitted to be brought up educated and maintained as aforesaid shall not be paid and laid out to or for the use and benefit of my said Grand-daughter in such manner as I have herein before given the same But shall go and be paid to and to the use of my said Son *George Clarke* his Executors Administrators and Assigns anything herein before contained to the contrary notwithstanding.

And I do also direct that the sum of Four Thousand Pounds of lawful money of *Great Britain* shall be paid by my Executors and

Executrix and the Survivors and Survivor of them and the Executors and Administrators of such Survivor out of my Personal Estate to and to the use of my said Granddaughter *Letitia Penelope Cocke* at her day of Marriage with the consent of my Executors and Executrix or of the Survivors or Survivor of them or of the Executors or Administrators of such Survivor if my said Son *George Clarke* shall be then dead. But if my said Son *George Clarke* shall be then living Then I do direct that the sum of Two Thousand Pounds only (part of the said Sum of Four Thousand Pounds) shall be paid to my said Granddaughter *Letitia Penelope Cocke* at

the day of her Marriage with such consent as aforefaid And that the Sum of Two Thousand Pounds (refidue of the faid fum of Four Thousand Pounds) fhall be paid to my faid Grand-daughter within Twelve Months next after the death of my faid Son *George Clarke* if ſhe be married with ſuch consent as aforefaid ſubje&t to the following Proviſo that is to ſay Provided always that if any other Daughter or Daughters upon the body of my faid Daughter *Elizabeth* begotten or to be begotten ſhall be living when my faid Grand-daughter *Letitia Penelope Cocke* ſhall attain the age of Twenty five Years or at the time ſhe would have attained that

age if she had lived so long Then I do direct that Two Thousand Pounds only (part of the said Sum of Four thousand Pounds) shall be paid to and to the use of my said Grand-daughter *Letitia Penelope Cocke* at her day of Marriage with such consent as aforesaid and the sum of Two thousand Pounds (residue of the said sum of Four thousand Pounds) shall be paid to and divided between or among such other Daughters of my said daughter *Elizabeth* (except my said Grand-daughter *Letitia Penelope Cocke*) as shall be living at the time that my said Grand-daughter *Letitia Penelope Cocke* shall attain the age of Twenty Five Years or at the time

that ſhe would have attained that age if ſhe had lived ſo long ſhare and ſhare alike if there be more than one at her or their reſpective day or days of marriage with the conſent of my Executors and Executrix or of the Survivors or Survivor of them or of the Executors or Adminiſtrators of ſuch Survivor if my ſaid Son *George Clarke* ſhall be then dead And if only one ſuch other daughter ſhall be living at the time that my ſaid Grand-daughter *Letitia Penelope Cocke* ſhall attain the age of Twenty Five or at the time that ſhe would have attained that age if ſhe had lived ſo long Then I direct that the ſaid laſt mentioned Two thouſand Pounds ſhall be paid to

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fuch other only daughter at her day
 of marriage with fuch confent as
 aforefaid if my faid Son *George* be
 then dead But if my faid Son *George*
Clarke fhall be then living Then I
 do direct that the faid laft mentioned
 Sum of Two thoufand Pounds fhall
 be paid to and divided between or
 amongft fuch daughters (except my
 faid Grand-daughter *Letitia Penelope*
Cocke) fhare and fhare alike if there
 be more than one within Twelve
 Months next after the death of my
 faid Son *George Clarke* and if there
 be but one fuch daughter Then
 wholly to fuch one daughter within
 twelve months next after the death
 of my faid Son *George* in cafe fuch
 daughter or daughters fhall be mar-

ried with such consent as aforesaid. Provided also that in case any of my said Grand-daughters (except my said Grand-daughter *Letitia Penelope Cocke*) shall die before they shall be married with such consent as aforesaid or shall marry without such consent as aforesaid That then the said last mentioned Two Thousand Pounds or the share or shares thereof hereby before directed to be paid to or to the use of such of them that shall die before they shall be married with such consent as aforesaid or that shall marry without such consent as aforesaid shall not be paid to them But her or their share or shares of the same Two Thousand Pounds shall go and

be paid to and to the use of the said *Letitia Penelope Cocke* and such of my said other Grand-daughters as shall marry with such consent as aforesaid equally between or amongst them share and share alike if there be more than one in manner following that is to say The share thereof of my said Grand-daughter *Letitia Penelope Cocke* shall be paid to her at her day of marriage with such consent as aforesaid if my said son *George Clarke* shall be then dead But if he shall be then living Then within twelve months next after his death if she be married with such consent as aforesaid. And the shares thereof of my said other Grand-daughters shall be paid to them at

such times and in such manner as I have hereinbefore given their respective shares of the same Two Thousand Pounds and if only my said Grand-daughter *Letitia Penelope Cocke* or one such other of my said Grand-daughters shall live to marry with such consent as aforesaid Then I give all the said last mentioned Two Thousand Pounds To and to the use of the said *Letitia Penelope Cocke* or of such other only Grand-daughter to be paid to her at her day of Marriage with such consent as aforesaid if my said Son *George Clarke* shall be then dead And if he shall then be living then within Twelve months next after his death Provided likewise and I do hereby

also direct that in case my said Grand-daughter *Letitia Penelope Cocke* shall marry without such consent as afore-said that then the said Annuity of Fifty Pounds Sixty Pounds or Seventy Pounds hereby before by me directed to be paid to or to her use shall from and immediately after such marriage cease and be no more paid And also that in case my said Grand-daughter *Letitia Penelope Cocke* shall marry without such consent as afore-said Then the said first mentioned Two thousand Pounds herein before by me directed to be paid to my said Grand-daughter *Letitia Penelope Cocke* at her day of marriage with such consent as afore-said shall not be paid to her

but shall go and be paid To and to the use of and divided between or amongst such of my other Grand-daughters as shall marry with such consent as aforesaid share and share alike if there be more than one at her or their day or days of marriage with such consent as aforesaid And if there shall be but one Then wholly to such one Grand-daughter at her day of marriage with such consent as aforesaid And it is my Will that no interest shall be paid to any of my said Grand-daughters for any part of the said sum of Four thousand Pounds until the said Sum of Four Thousand Pounds shall become payable to my said Grand-daughters respectively as aforesaid

And that no part of the said Four thousand Pounds shall vest in my said Grand-daughter *Letitia Penelope Cocke* or in any other of my said Grand-daughters so as to enable them to dispose thereof until they shall respectively marry with such consent as aforesaid At which times my Will is that the same shall vest in them respectively so as to enable them to dispose thereof But that if my said Grand-daughter *Letitia Penelope Cocke* and such other daughter or daughters begotten or to be begotten upon the body of my said Daughter *Elizabeth* shall all die before any of them shall be married with such consent as aforesaid Then and in such case I do direct that so

much of the said Four thousand Pounds as was to have been raised out of my personal estate shall go and be paid to and to the use of my said Son *George Clarke* his Executors Administrators and Assigns for ever And that so much thereof as was to have been raised out of my real Estate pursuant to the directions hereinafter mentioned In Case of a deficiency of my personal estate shall not be raised but sink into my said real estate for the benefit of the person or persons who shall be entitled to the same real Estate.

And as for and concerning all the rest and residue of my Goods Chattels Debts to me owing and

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personal estate of any nature or kind foever not herein before by me disposed of and that shall remain after payment of my debts funeral expences and legacies herein before mentioned or that I am or shall be in any wise intituled to or enabled to dispose of I do hereby give and bequeath the same and every part thereof unto and to the use of my said Son *George Clarke* for ever.

And my Will is and I do hereby also direct that if my personal estate by reason of losses or otherwise shall not be sufficient to pay and discharge the said yearly sum or annuity of Fifty Pounds Sixty Pounds or Seventy Pounds and also the said

Sum of Four Thousand Pounds hereinbefore by me given thereout upon the conditions before mentioned Then and in such case I do direct that such deficiency shall be chargeable upon and made good out of my said Manors Messuages tenements lands hereditaments and premises in the said several Counties of *Chester* and *Lancaster* in *England* but not so as to impeach or prejudice the raising and payment of the said several annual Sums of Seventy Pounds Seventy Pounds and Seventy Pounds herein before by me charged upon the same estates anything herein before contained to the contrary thereof in any wise notwithstanding.

And for the better securing the payment of the said annuity or yearly sum of Fifty Pounds Sixty Pounds or Seventy Pounds and also the said Sum of Four Thousand Pounds herein before by me directed to be paid out of my personal estate I do direct that my personal estate except my Goods and Chattels hereinbefore specifically bequeathed to my said Sister-in-law M^{rs} *Penelope Hyde* and my said Son *George Clarke* or so much thereof as shall be proper or necessary for that purpose shall from time to time be put out or continued at interest by my Executors and Executrix and the Survivors and Survivor of them and the Executors or Administrators

of such Survivor upon personal or other security or in the Public Funds.

And my Will is that the said personal estate so directed to be put out or continued at interest as aforesaid and the yearly interest and produce thereof shall subject to the raising and payment of the same Annuity or Yearly Sum of Fifty Pounds Sixty Pounds or Seventy Pounds and of the said sum of Four Thousand Pounds when the same shall become payable by virtue of this my Will as aforesaid go and be paid to or received by my said Son *George Clarke* his Executors Administrators and Assigns To and for his and their own proper use for ever And I do also direct that

my Executors and Executrix and the Survivors and Survivor of them and the Executors or Administrators of such Survivor or any of them shall not be chargeable with or accountable for any more moneys than they shall respectively actually receive nor with or for any loss which may happen to any part of the said Money so as the same shall happen without their wilful defaults nor the one of them for the other of them or for the acts deeds receipts or disbursements the one of the other but each of them only with and for his or her own acts deeds receipts and disbursements And also that they and each of them shall and may deduct and reimburse

themselves out of my said personal estate and the money arising therefrom all such costs charges damages and expences as they or any of them shall sustain or be put unto for or by reason or means of the Trust hereby reposed in them or in the management or execution thereof or anywise relating thereto.

And lastly I do hereby appoint my said Sons *George Clarke* and *Edward Clarke* and my said Sister-in-law M^{rs} *Penelope Hyde* Executors and Executrix of this my last Will and Testament hereby revoking all former Wills by me heretofore made.

In Witness whereof I have hereunto set my hand and seal the Ninth

day of February in the Year of Our Lord One Thousand Seven Hundred and Fifty Nine.

GEORGE CLARKE. [L. S.]

I Sir *Richard Grosvenor* Baronet Mayor and Chief Magistrate of the City of *Chester* in *England* do hereby certify that *John Cross* of the said City of *Chester* Gentleman *Ralph Leeke* of the same City Gentleman and *Edward Gastrell* of the same City Gentleman appearing this Nineteenth day of *May* in the Year of our Lord One Thousand Seven Hundred and Sixty before me in the said City of *Chester* severally made Oath as follows that is to say that they had severally looked upon

the writing contained in Four Skins of Parchment hereunto annexed purporting to be the last Will and Testament of *George Clarke* the Elder late Lieutenant Governor of the Province of *New York* in *America* and afterwards of the City of *Chester* in *England* Esquire lately deceased bearing date the Ninth day of *February* One Thousand Seven Hundred and Fifty Nine and that they were severally present as Witneses and did see the said *George Clarke* sign seal publish and declare the same Parchment writing as and for his last Will and Testament and that at the time he the said *George Clarke* so signed sealed published and declared the same

he was of sound mind memory and understanding as they the said *John Crofs Ralph Leeke* and *Edward Gastrell* verily believed and that the name *George Clarke* wrote on both side the Seal affixed to the said Parchment writing is the proper hand writing of the said *George Clarke* and that they the said *John Crofs Ralph Leeke* and *Edward Gastrell* did immediately after the said *George Clarke* had so signed sealed published and declared his said Will as aforefaid severally write their names upon the back of the said Will as Witneffes to the signing sealing publishing and declaring thereof in the sight and prefence of the said *George Clarke* and of

each other and that the names *John Cross Ralph Leeke Edward Gastrell* severally wrote on the back of the said Will as Witneses to the signing sealing publishing and declaring thereof by the said *George Clarke* are of the respective handwriting of them the said *John Cross Ralph Leeke* and *Edward Gastrill*.

In Testimony whereof I the said Sir *Richard Grosvenor* have hereunto set my hand and also the Public Seal of my said Office of Mayor the said Nineteenth day of *May* (N: S:) in the Year of Our Lord One Thousand Seven Hundred and Sixty.

RICHARD GROSVENOR [L. S.]
Mayor

I *Hugh Speed* of the City of *Chester* Gentleman Notary Public do hereby Certify that I was present when *John Cross Ralph Leeke* and *Edward Gastrell* named in the above Certificate made the Oath mentioned therein and that I did see Sir *Richard Grosvenor* Baronet Mayor of the said City of *Chester* subscribe his Name and put the seal of his office thereto.

In Witness whereof I have hereunto set my hand and Notarial Seal this Nineteenth day of *May* (N: S:) in the Year of our Lord One Thousand Seven Hundred and Sixty

HUGH SPEED

Public Notary

The Within writing contained in Four Skins of Parchment was signed sealed published and declared by the Testator *George Clarke* Esquire within named for and as his last Will and Testament in the presence of us and by us attested and subscribed in his presence

JOHN CROSS An Attorney in *Chester*.

RALPH LEEKE } Clerks to Mr. Lowe,
EDW^D GASTRELL } an Attorney in *Chester*.

19th day of *May* 1760 This is the Writing Contained in Four Skins of Parchment mentioned in my Certificate hereunto annexed.

RICHARD GROSVENOR

Mayor of *Chester*.

FINIS.



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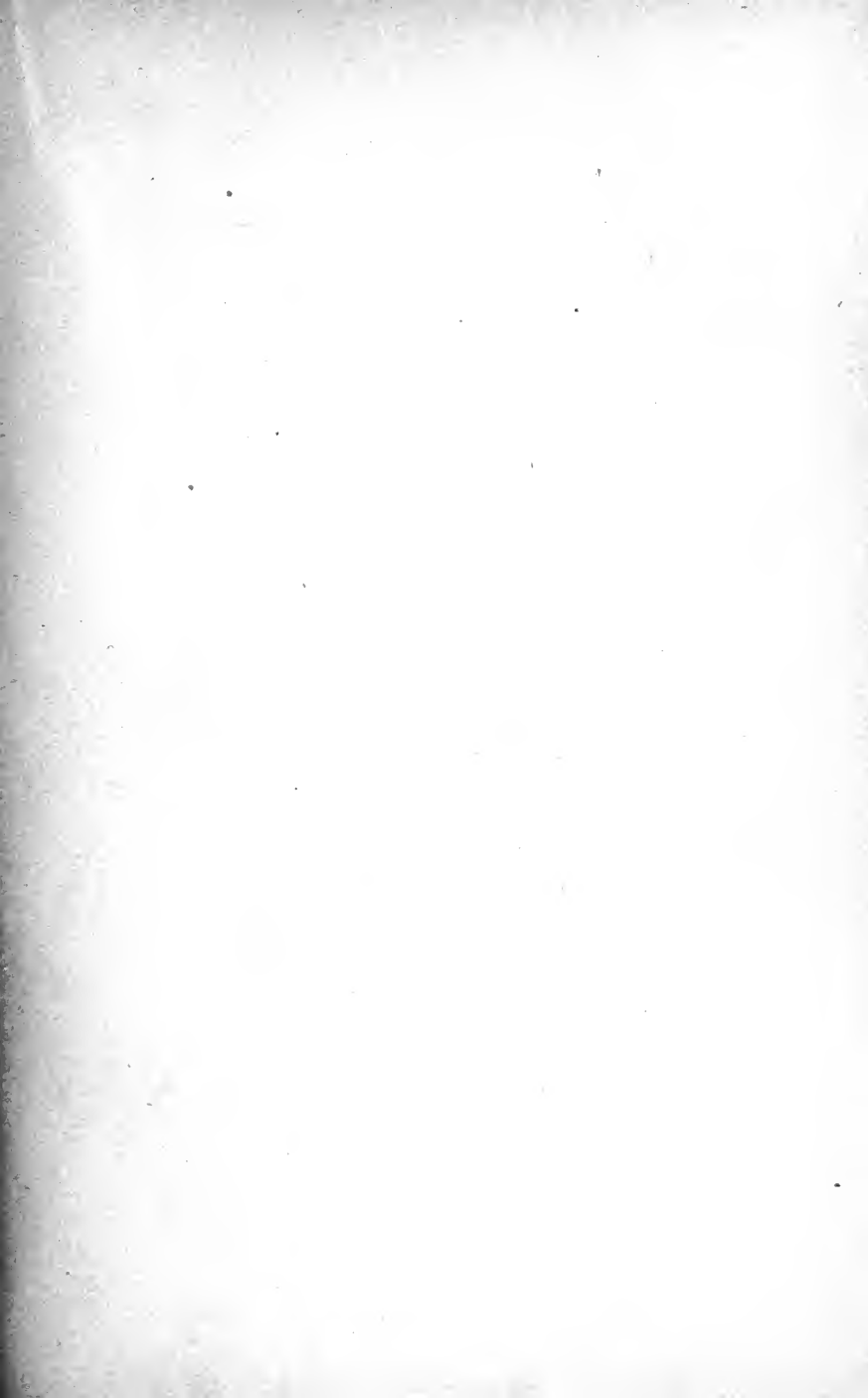
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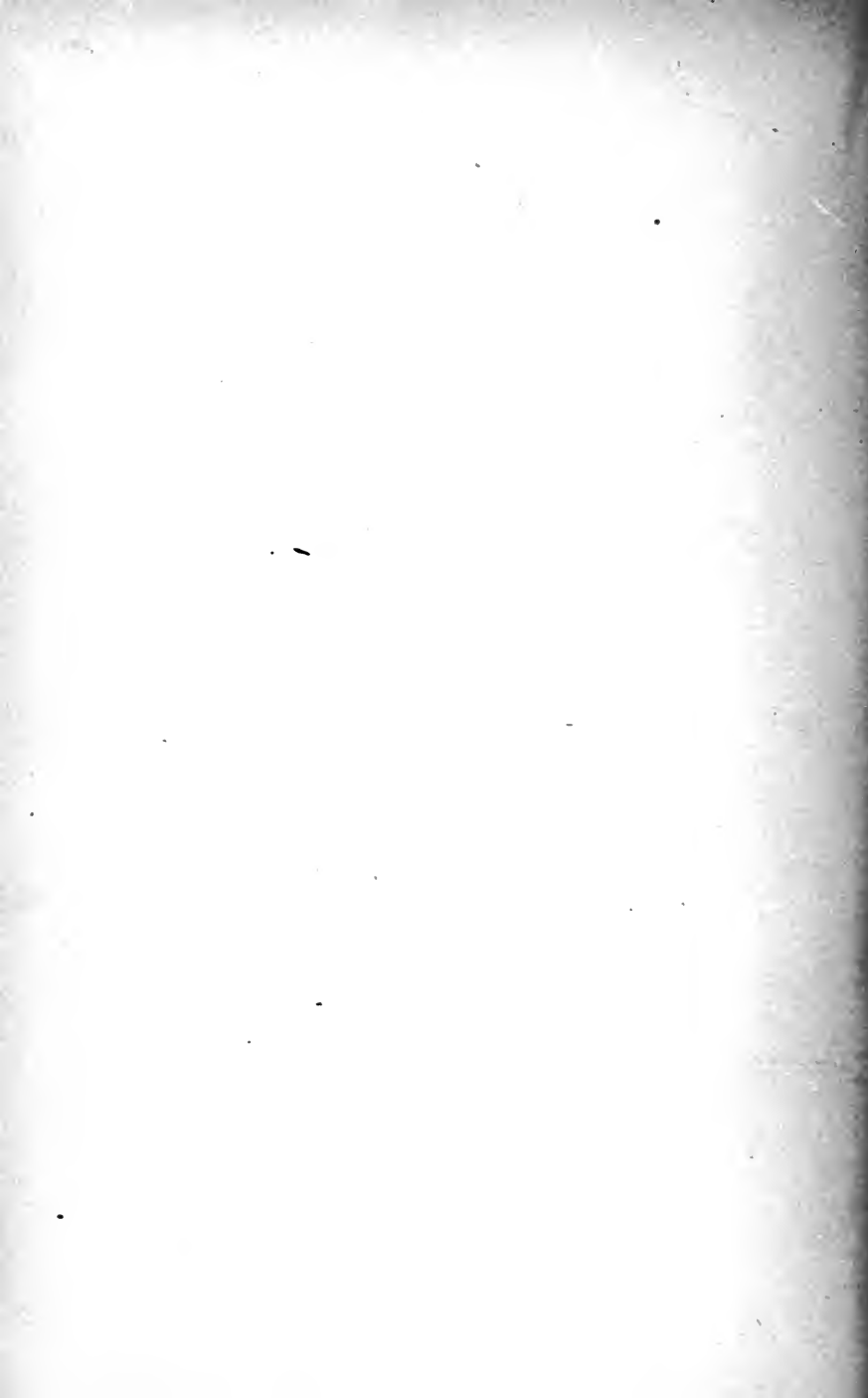
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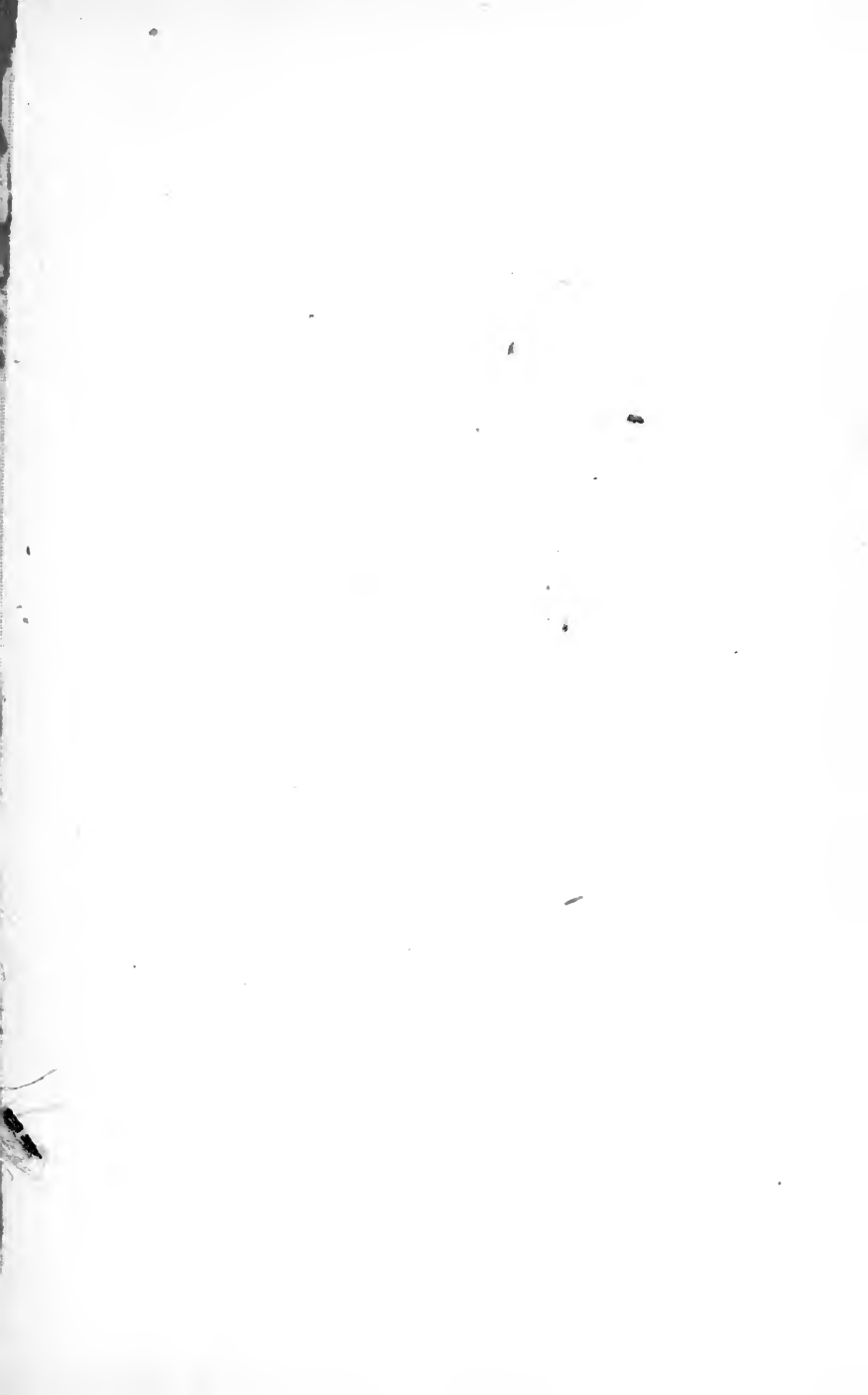
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